

CONSTITUTIONAL LAW 1

CONSTITUTIONAL INTERPRETATION

Case Digest: Francisco vs. House of Representatives

G.R. No. 160261 (November 10, 2003)

Facts

- **November 28, 2001:** The House of Representatives of the 12th Congress adopted the "Rules of Procedure in Impeachment Proceedings," which provided that impeachment is only "deemed initiated" upon a finding of sufficiency in substance by the Committee on Justice or a House vote.
- **July 22, 2002:** The House adopted a resolution to investigate the disbursement of the Judiciary Development Fund (JDF).
- **June 2, 2003:** Former President Joseph Estrada filed the **first impeachment complaint** against Chief Justice Hilario G. Davide, Jr. and seven Associate Justices.
- **August 5, 2003:** This first complaint was referred to the House Committee on Justice.
- **October 13, 2003:** The Committee ruled the first complaint was "sufficient in form".
- **October 22, 2003:** The Committee voted to dismiss the first complaint for being "insufficient in substance".
- **October 23, 2003:** A **second impeachment complaint** was filed by Representatives Gilberto Teodoro, Jr. and Felix William Fuentebella against Chief Justice Davide, specifically regarding the JDF.

- **October 28, 2003:** Various petitions were filed with the Supreme Court arguing the second complaint violated the constitutional one-year bar against multiple impeachment proceedings.

Issue

Whether the second impeachment complaint filed on October 23, 2003, violates the constitutional prohibition under Section 3(5), Article XI, which states that no impeachment proceedings shall be initiated against the same official more than once within a period of one year.

Ruling

Yes.

Explanation: The Supreme Court ruled that the term "initiate" means to file the complaint and take initial action on it. The Court rejected the House's "legal fiction" that a proceeding is only initiated at a later stage of the process. Under a proper constitutional interpretation, a proceeding is initiated when a **verified complaint is filed and referred to the Committee on Justice**. Since the first complaint was filed in June and referred in August 2003, any subsequent complaint filed against the same official before August 2004 is unconstitutional. Therefore, the second complaint filed in October 2003—only four months after the first—violates the one-year bar.

Doctrines

- "The judiciary is the final arbiter on the question whether or not a branch of government or any of its officials has acted without jurisdiction or in excess of jurisdiction, or so capriciously as to constitute an abuse of discretion amounting to excess of jurisdiction or lack of jurisdiction."
- "We look to the language of the document itself in our search for its meaning."
- "No impeachment proceedings shall be initiated against the same official more than once within a period of one year."

- "The initiation of impeachment proceedings starts with the filing of the complaint, and the vote of one-third of the House in a resolution of impeachment does not initiate the impeachment proceedings which was already initiated by the filing of a verified complaint under Section 3, paragraph (2), Article XI of the Constitution."
 - "Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government."
-

Bar Exam Type Question

Question: In July 2025, a verified impeachment complaint was filed against Chief Justice Hilario Davila by a group of citizens. The complaint was referred to the House Committee on Justice on August 15, 2025. On September 10, 2025, the Committee dismissed the complaint for being "insufficient in substance." On October 20, 2025, two members of the House of Representatives filed a second impeachment complaint against Chief Justice Davila, alleging different grounds. The House argues that since the first complaint was dismissed by the Committee and never reached the House plenary, no impeachment "proceeding" was ever truly initiated. Is the second impeachment complaint constitutionally valid?

Answer (RLAC Method):

Response (Yes/No): **No**, the second impeachment complaint is not constitutionally valid.

Legal Basis: Under **Section 3(5), Article XI of the 1987 Constitution**, "No impeachment proceedings shall be initiated against the same official more than once within a period of one year."

Application: In *Francisco vs. House of Representatives*, the Supreme Court held that "initiate" means the **filing of the verified complaint and its referral to the Committee on Justice**. In this case, the first proceeding was initiated on August 15, 2025, when the citizens' complaint was referred to the Committee. The second complaint, filed on October 20, 2025, falls within the one-year prohibitive period (August 2025 to August 2026). The fact that the first complaint did not reach the plenary is irrelevant, as the "initiation" occurred at the moment of filing and referral.

Conclusion: Therefore, the second impeachment complaint violates the constitutional one-year bar and is null and void.

Case Digest: Saguisag vs. Ochoa

G.R. No. 212426 (January 12, 2016)

Facts

- **March 14, 1947:** The Philippines and the U.S. entered into the Military Bases Agreement (MBA), allowing U.S. bases for 99 years.
- **August 30, 1951:** Both nations signed the Mutual Defense Treaty (MDT) to provide mutual assistance in case of an armed attack.
- **1987:** The new Philippine Constitution was ratified, including Article XVIII, Section 25, which prohibits foreign military bases, troops, or facilities except under a treaty concurred in by the Senate.
- **September 16, 1991:** The Philippine Senate rejected a proposed treaty that would have extended the U.S. military bases beyond their 1991 expiration.
- **February 10, 1998:** The Visiting Forces Agreement (VFA) was signed to regulate the treatment of U.S. personnel visiting the Philippines.
- **May 27, 1999:** The Philippine Senate concurred in the VFA as a treaty.

- **April 28, 2014:** Defense Secretary Voltaire Gazmin and U.S. Ambassador Philip Goldberg signed the **Enhanced Defense Cooperation Agreement (EDCA)**.
- **June 6, 2014:** President Benigno S. Aquino III ratified the EDCA as an **executive agreement**, rather than submitting it to the Senate for concurrence as a treaty.
- **June 2014:** The DFA and the U.S. Embassy exchanged notes confirming all internal requirements were met for EDCA to enter into force.
- **Petitions filed:** Petitioners challenged EDCA's constitutionality, arguing it must be in treaty form concurred in by the Senate because it involves foreign military bases, troops, and facilities.

Issue

Whether the President may enter into the EDCA as an executive agreement, or if it requires Senate concurrence as a treaty under Section 25, Article XVIII of the Constitution.

Ruling Yes.

Explanation: The Supreme Court ruled that the EDCA is a valid executive agreement. The Court held that while Article XVIII, Section 25 requires a treaty for the **initial entry** of foreign bases, troops, or facilities, the President may enter into executive agreements for "adjustments in detail" that implement existing treaties. Since the MDT and VFA were already concurred in by the Senate and established the framework for defense cooperation and the presence of U.S. troops, the EDCA merely implements these prior obligations by identifying "Agreed Locations" for their activities. The Court emphasized that EDCA does not allow permanent U.S. bases but rather provides for Philippine-owned facilities that U.S. forces may access rotationally.

Doctrines

- "We look to the language of the document itself in our search for its meaning."
- "The plain meaning of the Constitution prohibits the entry of foreign military bases, troops or facilities, except by way of a treaty concurred in by the Senate — a clear limitation on the President's dual role as defender of the State and as sole authority in foreign relations."
- "Executive agreements are generally intended to implement a treaty already enforced or to determine the details of the implementation thereof that do not affect the sovereignty of the State."
- "The primary consideration in the choice of the form of agreement is the parties' intent and desire to craft an international agreement in the form they so wish to further their respective interests."
- "The right of the President to enter into or ratify binding executive agreements has been confirmed by long practice."

Bar Exam Type Question

Question: In 2024, the Philippines and its long-time ally, the Republic of Libertania, entered into the "Strategic Defense Access Accord" (SDAA). This accord allows Libertanian forces to use specific "Security Zones" within Philippine military camps to store humanitarian equipment and conduct joint training. The SDAA was signed as an executive agreement by the President, who argued that it merely implements the 1955 Mutual Security Treaty and the 2005 Visiting Personnel Agreement, both of which were previously ratified by the Philippine Senate.

A group of citizens files a petition to nullify the SDAA, claiming it violates Section 25, Article XVIII of the Constitution because it allows the presence of foreign military facilities without a new treaty concurred in by the Senate. Is the SDAA constitutionally valid?

Answer (RLAC Method):

Response: Yes, the SDAA is constitutionally valid as an executive agreement.

Legal Basis: Under the doctrine established in *Saguisag v. Ochoa*, Section 25, Article XVIII of the 1987 Constitution applies to the **initial entry** of foreign military bases, troops, or facilities. However, the President has the authority to enter into executive agreements that provide "adjustments in detail" to implement existing laws or treaties already concurred in by the Senate.

Application: In this case, the SDAA does not authorize the first-time entry of foreign troops, as their presence was already permitted under the 1955 Mutual Security Treaty and the 2005 Visiting Personnel Agreement. The "Security Zones" are located within existing Philippine camps and serve to implement the goals of joint training and humanitarian assistance already established in the prior treaties. As such, the SDAA is a valid implementing executive agreement that does not require separate Senate concurrence.

Conclusion: Therefore, the SDAA does not violate the constitutional requirement for a treaty and is a valid exercise of executive power.

Case Digest: Civil Liberties Union vs. Executive Secretary

G.R. No. 83896 (February 22, 1991)

Facts

- **July 25, 1987:** President Corazon C. Aquino issued **Executive Order No. 284**. This order allowed members of the Cabinet, undersecretaries, and assistant secretaries to hold up to **two additional positions** in the government or government corporations and receive compensation for them.
- **August 9, 1988:** The Supreme Court consolidated two petitions (from the Civil Liberties Union and the Anti-Graft League) challenging the constitutionality of EO 284.

- **Petitioners' Argument:** They argued that the EO violated **Section 13, Article VII** of the 1987 Constitution, which contains a strict prohibition against the President's "official family" holding any other office or employment during their tenure.
- **Respondents' Argument:** The government argued that the Cabinet should be allowed the same exceptions as regular appointive officials under **Section 7, par. (2), Article IX-B**, which allows holding other offices if "allowed by law or by the primary functions of the position".

Issue

Whether Executive Order No. 284 is constitutional, specifically whether the strict prohibition for the Cabinet in Section 13, Article VII can be ignored in favor of the more relaxed rules for general government employees.

Ruling

No.

Explanation: The Supreme Court ruled that Executive Order No. 284 is unconstitutional because it attempts to create exceptions that the Constitution does not allow. The Court explained that the 1987 Constitution intentionally treats the President, Vice-President, and the Cabinet as a **"class by itself"** with much stricter rules to prevent the "scandalous" practice of officials holding dozens of jobs for extra pay, which was common in the past. While regular civil servants can hold other jobs if a law says so, the Cabinet can **only** hold other offices if the **Constitution itself** specifically mentions it (like the Vice-President being allowed to be a Cabinet member). The only exception is for **ex-officio positions** (jobs that are part of their main duty), provided they receive **no additional pay**.

Doctrines

- "A foolproof yardstick in constitutional construction is the intention underlying the provision under consideration."

- "The court must harmonize them, if practicable, and must lean in favor of a construction which will render every word operative, rather than one which may make the words idle and nugatory."
 - "Wherever the language used in the constitution is prohibitory, it is to be understood as intended to be a positive and unequivocal negation."
 - "The term ex-officio means 'from office; by virtue of office.'"
 - "An ex-officio member of a board is one who is a member by virtue of his title to a certain office, and without further warrant or appointment."
 - "The prohibition under Section 13, Article VII is not to be interpreted as covering positions held without additional compensation in ex-officio capacities as provided by law and as required by the primary functions of the concerned official's office."
-

Bar Exam Type Question

Question: In 2026, the President of the Philippines issues Executive Order No. 99, which permits the Secretary of Finance to serve as a Director in two state-owned development banks and receive a "representation allowance" of PHP 100,000 for each position. The Executive Secretary argues that this is valid under a general law that allows appointive officials to hold multiple positions if it serves the "primary functions" of their office. The **Human Rights Union** files a petition to nullify the EO, claiming it violates the strict prohibition against multiple offices for Cabinet members. Is Executive Order No. 99 constitutional?

Answer (RLAC Method):

Response: No, Executive Order No. 99 is unconstitutional.

Legal Basis: Under **Section 13, Article VII of the 1987 Constitution**, the President, Vice-President, and Members of the Cabinet shall not hold any other office or employment during their tenure "unless otherwise provided in this Constitution."

Application: Following the ruling in ***Civil Liberties Union vs. Executive Secretary***, the Supreme Court held that the strict prohibition for the Cabinet cannot be relaxed by a mere law or by the "primary functions" exception applicable to general civil servants under Article IX-B. While Cabinet members may hold *ex-officio* positions required by their primary duties, they are strictly prohibited from receiving **additional compensation** for such roles. In this case, EO 99 allows the Secretary to hold additional directorships and receive extra allowances, which directly contradicts the constitutional mandate.

Conclusion: Therefore, Executive Order No. 99 violates the absolute and stricter prohibition imposed on the President's official family and is null and void.

Case Digest: Nitafan vs. Commissioner of Internal Revenue

G.R. No. L-78780 (July 23, 1987)

Facts

- **February 1987:** The 1987 Constitution was ratified. Section 10, Article VIII provides that the salary of the Chief Justice, Associate Justices, and judges of lower courts "shall not be decreased" during their continuance in office.
- **June 4, 1987:** The Supreme Court *en banc* reaffirmed a directive to its Fiscal Management and Budget Office to continue deducting withholding taxes from the salaries of all members of the Judiciary.
- **1987 (undated):** Petitioners, who were presiding judges of the Regional Trial Court of Manila, filed a petition to prohibit the Commissioner of Internal Revenue and the Supreme Court's Financial Officer from deducting withholding taxes from their salaries.

- **Petitioners' Argument:** They argued that any tax withheld from their compensation constitutes a prohibited "decrease" or "diminution" of their salaries under the 1987 Constitution.
- **July 23, 1987:** The Supreme Court issued this Resolution to settle the judicial issue once and for all.

Issue

Whether the deduction of withholding taxes from the salaries of Justices and judges constitutes a prohibited "decrease" in salary under Section 10, Article VIII of the 1987 Constitution.

Ruling

No.

Explanation: The Supreme Court ruled that the salaries of members of the Judiciary are subject to general income tax. By reviewing the deliberations of the 1986 Constitutional Commission, the Court found that the framers specifically intended to delete any tax exemption for judges to "give substance to equality among the three branches of Government". Although the final text of the 1987 Constitution does not explicitly state that salaries are taxable (unlike the 1973 Constitution), the legislative intent was clear: the "non-decrease" clause was never meant to be an economic immunity from the common burden of taxation. Therefore, paying a general income tax applicable to all citizens does not violate the constitutional protection of judicial salaries.

Doctrines

- "The salaries of Justices and Judges are properly subject to a general income tax law applicable to all income earners and that the payment of such income tax by Justices and Judges does not fall within the constitutional protection against decrease of their salaries during their continuance in office."

- "The true intent of the framers of the 1987 Constitution, in adopting it, was to make the salaries of members of the Judiciary taxable."
- "The primary task in constitutional construction is to ascertain and thereafter assure the realization of the purpose of the framers and of the people in the adoption of the Constitution."
- "It is the fundamental principle of constitutional construction that the intent of the framers of the organic law and of the people adopting it should be given effect."
- "It may also be safely assumed that the people in ratifying the Constitution were guided mainly by the explanation offered by the framers."

Bar Exam Type Question

Question: Judge David Nicanor is a Regional Trial Court judge appointed in 2024. In 2026, the Bureau of Internal Revenue (BIR) issued a new circular increasing the withholding tax rates for all government employees, including members of the Judiciary. Judge Nicanor files a petition for prohibition, arguing that the increased tax deduction reduces his take-home pay, which violates Section 10, Article VIII of the 1987 Constitution stating that a judge's salary "shall not be decreased" during their continuance in office. He cites older 1950s jurisprudence (*Perfecto v. Meer*) which held that taxing a judge's salary is a form of diminution. Is Judge Nicanor's contention, correct?

Answer (RLAC Method):

Response: No, Judge Nicanor's contention is not correct.

Legal Basis: According to the ruling in *Nitafan v. Commissioner of Internal Revenue*, the salaries of Justices and judges are properly subject to a general income tax law applicable to all income earners. The Supreme Court clarified that the payment of such taxes does not fall within the constitutional protection against the "decrease" of judicial salaries provided in Section 10, Article VIII of the 1987 Constitution.

Application: The Supreme Court held that the intent of the 1987 Constitution's framers was to discard the old rulings in *Perfecto v. Meer* and *Endencia v. David*. The deliberations of the Constitutional Commission reveal a clear purpose to treat the Judiciary equally with other branches of government regarding tax burdens. A general tax increase that applies to all citizens is not a targeted "decrease" of a judge's salary intended to undermine judicial independence, but rather a shared duty of every citizen to support the government.

Conclusion: Therefore, the deduction of withholding taxes from Judge Nicanor's salary is constitutional and does not constitute a prohibited decrease in compensation.

Case Digest: J. M. Tuason & Co., Inc. vs. The Land Tenure Administration

G.R. No. L-21064 (June 30, 1970)

Facts

- **Prior to 1960:** The Philippine Congress enacted **Republic Act No. 2616**, which directed the government to expropriate the **Tatalon Estate** in Quezon City for resale to its occupants.
- **October 31, 1962:** In a separate case (*Cuatico v. Court of Appeals*), the Supreme Court addressed **Republic Act No. 3453**, which amended Section 4 of RA 2616 to prohibit owners from filing or continuing ejectment cases against occupants of the estate.
- **February 18, 1970:** The Supreme Court issued a decision **reversing** a lower court ruling that had declared RA 2616 unconstitutional. The Court upheld the law's validity based on social justice provisions.

- **March 31, 1970:** J. M. Tuason & Co., Inc. (the petitioner) filed a **Motion for Reconsideration**, arguing the law violated due process and equal protection.
- **May 27, 1970:** The Solicitor General filed a detailed opposition to the motion for reconsideration.
- **June 15, 1970:** The petitioner filed a rejoinder to the Solicitor General's opposition.
- **June 30, 1970:** The Supreme Court issued this resolution denying the motion for reconsideration.

Issue

Whether Republic Act No. 2616, which authorizes the expropriation of the Tatalon Estate, is unconstitutional due to inaccuracies in naming the owners and the prohibition of ejectment proceedings.

Ruling

Yes. (The Act itself is constitutional, though specific sections are not).

Explanation: The Supreme Court maintained that the law is constitutional because the **intent of the framers** of the Constitution was to allow the expropriation of large landed estates to promote **social justice**. The Court explained that a mere "inaccuracy" on the face of the law regarding who owns the property does not make the law void, as the government is constitutionally required to pay **just compensation only to the actual owner**. However, the Court reaffirmed that **Section 4** of the law (as amended by RA 3453) is **unconstitutional** because it prohibits an owner from exercising their right to file ejectment suits even when no expropriation case has actually started, which deprives the owner of their property rights without due process.

Doctrines

- "The intent of the framers of the Constitutional Convention, as shown not only by the specific provisions allowing the expropriation of landed estates, but also by the social justice provision as reflected in our decisions, save possibly Republic vs. Baylosis, preclude a favorable

action on the impassioned plea of petitioner for a reconsideration of our decision."

- "Section 4 of Republic Act No. 3453 which prohibits the filing of an ejectment proceeding, or the continuance of one that has already been commenced, even in the absence of expropriation proceedings offends our Constitution and, hence, is unenforceable."
 - "The government certainly would not pay to a party other than the owner the claim for just compensation which, under the Constitution, it is required to meet."
 - "Neither, then can any party who is not in that situation have any standing whatsoever."
-

Bar Exam Type Question

Question: In 2025, Congress passed "Republic Act No. 9000," ordering the mandatory expropriation of the "San Jose Estate" for distribution to landless tenants. The law erroneously listed "Alpha Corp" and "Beta Corp" as the owners, even though the estate is solely owned by **Gamma Properties, Inc.** Furthermore, Section 5 of the law states: *"Upon the effectivity of this Act, the owner is prohibited from filing any ejectment cases against current occupants, regardless of whether the Government has filed a formal expropriation case in court."*

Gamma Properties, Inc. challenges the law, claiming it is unconstitutional because (1) it misidentifies the owners, and (2) it prevents them from protecting their property through ejectment suits before the government even pays them. Is the law constitutional?

Answer (RLAC Method):

Response: Yes and No. The general mandate to expropriate the estate is constitutional, but the prohibition on ejectment suits is unconstitutional.

Legal Basis: Under the ruling in ***J. M. Tuason & Co., Inc. vs. Land Tenure Administration***, the state has the power to expropriate landed estates for

social justice. However, Section 4 of Article IV (Due Process) and the doctrine in the same case hold that an owner cannot be deprived of their dominical rights (such as filing ejectment suits) without due process or the actual initiation of expropriation proceedings and payment of just compensation.

Application: (1) The misidentification of the owner in the law does not invalidate the statute because the government's duty to pay just compensation is owed to the **actual owner** at the time of taking, regardless of the name in the text of the law. (2) However, Section 5 of the hypothetical law is void because, as held in *Tuason*, prohibiting ejectment suits in the absence of an actual expropriation proceeding "offends our Constitution" as it strips the owner of their rights without compensation.

Conclusion: Therefore, the expropriation of the San Jose Estate may proceed, but the provision prohibiting Gamma Properties, Inc. from filing ejectment suits before the start of the case is null and void.

SELF-EXECUTING PROVISIONS

Case Digest: Manila Prince Hotel vs. GSIS

G.R. No. 122156 (February 3, 1997)

Facts

- **December 8, 1986:** The Philippine Government, under Proclamation No. 50, launched a privatization program, which eventually led to the decision of the Government Service Insurance System (GSIS) to sell 30% to 51% of the shares of the Manila Hotel Corporation (MHC).
- **September 18, 1995:** A public bidding was held for the 51% shares. Only two bidders participated: **Manila Prince Hotel Corporation** (a Filipino corporation) offering P41.58 per share, and **Renong Berhad** (a Malaysian firm) offering P44.00 per share.

- **September 28, 1995:** Before the winning bidder was officially declared, Manila Prince Hotel sent a letter to GSIS **matching the bid price** of P44.00 per share offered by the Malaysian firm.
- **October 10, 1995:** Petitioner sent a manager's check for P33 million as bid security to match the Malaysian bid, but **GSIS refused to accept it**.
- **October 17, 1995:** Apprehensive that GSIS would finalize the sale to the Malaysian firm, Manila Prince Hotel filed a petition for prohibition and *mandamus* with the Supreme Court.
- **October 18, 1995:** The Supreme Court issued a **temporary restraining order** to stop the perfection of the sale to the foreign firm.

Issue

Whether Section 10, second paragraph, Article XII of the 1987 Constitution (the "Filipino First Policy") is a **self-executing provision** that can be enforced without the need for implementing legislation.

Ruling

Yes.

Explanation: The Supreme Court ruled that the constitutional mandate is a **"mandatory, positive command which is complete in itself"**. A provision is self-executing if it is complete and operative without supplementary legislation, or if it supplies a sufficient rule for the protection of the rights it grants. The Court held that the "Filipino First Policy" does not require a law to be put into operation; it is *per se* judicially enforceable. If constitutional provisions were treated as non-self-executing, the legislature would have the power to ignore or nullify the fundamental law by simply refusing to pass an implementing statute.

Doctrines

- "A provision which is complete in itself and becomes operative without the aid of supplementary or enabling legislation, or that which supplies sufficient rule by means of which the right it grants may be enjoyed or protected, is self-executing."
- "Unless it is expressly provided that a legislative act is necessary to enforce a constitutional mandate, the presumption now is that all provisions of the constitution are self-executing."
- "In case of doubt, the Constitution should be considered self-executing rather than non-self-executing."
- "If the constitutional provisions are treated as requiring legislation instead of self-executing, the legislature would have the power to ignore and practically nullify the mandate of the fundamental law."
- "Sec. 10, second par., Art. XII of the 1987 Constitution is a mandatory, positive command which is complete in itself and which needs no further guidelines or implementing laws or rules for its enforcement."

Bar Exam Type Question

Question: The State Pension Fund (SPF), a government-owned corporation, decided to sell 51% of the shares of the **Luzon Heritage Hotel**, a historic landmark in Manila. During the public bidding, **Luzon Prince Corporation** (a Filipino-owned company) submitted a bid of P50.00 per share, while **Berhad International** (a foreign entity) submitted a higher bid of P55.00 per share. Before SPF could award the shares to the foreign entity, Luzon Prince Corporation offered to match the P55.00 bid, invoking the "Filipino First Policy" under the Constitution.

SPF rejected the offer, arguing that Section 10, Article XII of the Constitution is merely a "statement of principle" and cannot be enforced because Congress has not yet passed a law specifically defining how the "preference" for Filipinos should be applied in hotel biddings. Is the contention of SPF correct?

Answer (RLAC Method):

Response: No, the contention of SPF is not correct.

Legal Basis: Under Section 10, Article XII of the 1987 Constitution, in the grant of rights, privileges, and concessions covering the national economy and patrimony, the State shall give preference to qualified Filipinos. According to *Manila Prince Hotel v. GSIS*, this provision is **self-executing** and does not require implementing legislation to be judicially enforceable.

Application: The Luzon Heritage Hotel, much like the Manila Hotel, is part of the national patrimony due to its historic and cultural significance. Since the provision is self-executing, it is a mandatory command that SPF, as an instrumentality of the State, must follow. When a qualified Filipino matches the highest bid of a foreign entity in a transaction involving national patrimony, the Filipino must be preferred. The absence of a specific law does not prevent the enforcement of this constitutional right.

Conclusion: Therefore, SPF is constitutionally mandated to accept the matching bid of Luzon Prince Corporation and award it the shares.

Case Digest: Pamatong vs. Commission on Elections

G.R. No. 161872 (April 13, 2004)

Facts

- **December 17, 2003:** Petitioner Rev. Elly Chavez Pamatong filed his **Certificate of Candidacy (COC)** for the office of the President.
- **January 11, 2004:** The COMELEC Law Department issued a study memorandum regarding the necessity of limiting candidates for national positions to avoid making a "mockery" of the election process.
- **January 15, 2004:** Petitioner moved for the reconsideration of the expected resolution regarding his candidacy.

- **January 17, 2004:** The COMELEC issued **Resolution No. 6558**, which refused to give due course to Pamatong's COC.
- **February 11, 2004:** The COMELEC issued **Omnibus Resolution No. 6604**, denying Pamatong's motion for reconsideration and declaring him a **nuisance candidate** who could not wage a nationwide campaign and lacked political party support.
- **Petition for Certiorari:** Pamatong challenged these resolutions before the Supreme Court, arguing they violated his constitutional right to **"equal access to opportunities for public service"** under Section 26, Article II of the 1987 Constitution.

Issue

Whether Section 26, Article II of the 1987 Constitution, which ensures "equal access to opportunities for public service," is a **self-executing provision** that grants a judicially enforceable right to run for public office.

Ruling
No.

Explanation: The Supreme Court held that there is no constitutional right to run for or hold public office; rather, it is a **privilege** subject to legal limitations. The Court clarified that the "equal access" provision is part of the "Declaration of Principles and State Policies" in Article II, which are **generally not self-executing**. These provisions are intended as guidelines for legislative or executive action rather than sources of positive, judicially enforceable rights. Therefore, the provision does not compel the State to accommodate every person who wishes to run for office, especially when doing so would result in logistical confusion and the waste of public funds.

Doctrines

- "The provisions under the Article [Article II] are generally considered not self-executing, and there is no plausible reason for according a different treatment to the 'equal access' provision."

- "Section 26, Article II of the Constitution neither bestows such a right nor elevates the privilege to the level of an enforceable right."
 - "The provision does not contain any judicially enforceable constitutional right but merely specifies a guideline for legislative or executive action."
 - "The disregard of the provision does not give rise to any cause of action before the courts."
 - "As long as the limitations apply to everybody equally without discrimination, however, the equal access clause is not violated."
-

Bar Exam Type Question

Question: In the 2028 National Elections, **Rev. Billy Pamatay**, a self-described "international lawyer," files his Certificate of Candidacy (COC) for President. The COMELEC, after a summary hearing, declares Pamatay a **nuisance candidate** because he has no platform, no party support, and lacks the financial capacity to wage a nationwide campaign. Pamatay files a petition with the Supreme Court, arguing that his disqualification violates his right to **"equal access to opportunities for public service"** under Section 26, Article II of the 1987 Constitution. He contends this provision is a self-executing mandate that allows any qualified citizen to run for the highest office in the land. Is Pamatay's contention correct?

Answer (RLAC Method):

Response: No, Pamatay's contention is not correct.

Legal Basis: Under the ruling in ***Pamatong vs. COMELEC***, Section 26, Article II of the 1987 Constitution is a **non-self-executing provision**. The Supreme Court has consistently held that the provisions under Article II are mere "Declaration of Principles and State Policies" that serve as guidelines for the government and do not create judicially enforceable rights.

Application: In this case, Pamatay claims a direct constitutional right to run for office based on the "equal access" clause. However, the Court has ruled that seeking public office is a **privilege**, not a right. The State has a compelling interest in ensuring orderly elections by excluding nuisance candidates who lack a *bona fide* intention or capability to run. As long as these limitations apply to everyone equally, they do not violate the Constitution.

Conclusion: Therefore, because the provision is not self-executing and the COMELEC's actions are a valid exercise of its mandate to ensure a credible election, Pamatay's petition must be denied.

Case Digest: Espina vs. Zamora

G.R. No. 143855 (September 21, 2010)

Facts

- **March 7, 2000:** President Joseph E. Estrada signed into law **Republic Act (R.A.) No. 8762**, also known as the **"Retail Trade Liberalization Act of 2000"**. This law repealed the old R.A. No. 1180, which had absolutely prohibited foreign nationals from engaging in the retail trade business in the Philippines.
- **March 7, 2000 onwards:** Under R.A. 8762, foreign investors were permitted to enter the retail market under four specific categories based on investment amounts, with larger investments (US\$7.5 million or more) allowed to be 100% foreign-owned.
- **October 11, 2000:** Several members of the House of Representatives, including **Gerardo S. Espina**, filed a petition with the Supreme Court challenging the constitutionality of the law.
- **October 2000:** Petitioners argued that R.A. 8762 violated the constitutional mandate for the State to develop a self-reliant and

independent national economy effectively controlled by Filipinos, as provided under **Article II** of the 1987 Constitution.

Issue

Whether the "Declaration of Principles and State Policies" under Article II of the 1987 Constitution are **self-executing provisions** that can be used to nullify a law in court.

Ruling

No.

Explanation: The Supreme Court ruled that the provisions in **Article II of the 1987 Constitution** are generally **not self-executing**. This means they are simply **guidelines** for the government to follow when making laws, rather than specific rules that can be enforced by a court to strike down a statute. The Court explained that a "legislative failure to pursue such policies cannot give rise to a cause of action". Furthermore, the Constitution gives **Congress the discretion** to decide which areas of investment should be reserved for Filipinos and which should be opened to foreigners based on the national interest.

Doctrines

- "The provisions of Article II of the 1987 Constitution, the declarations of principles and state policies, are not self-executing."
- "Legislative failure to pursue such policies cannot give rise to a cause of action in the courts."
- "While Section 19, Article II of the 1987 Constitution requires the development of a self-reliant and independent national economy effectively controlled by Filipino entrepreneurs, it does not impose a policy of Filipino monopoly of the economic environment."
- "The 1987 Constitution does not rule out the entry of foreign investments, goods, and services."

- "Section 10, Article XII of the 1987 Constitution gives Congress the discretion to reserve to Filipinos certain areas of investments upon the recommendation of the NEDA and when the national interest requires."
-

Bar Exam Type Question

Question: In 2026, the Philippine Congress passed the "National Agriculture Opening Act," which allows 100% foreign ownership in the local rice production sector. **Congressman Gerard Espino** files a petition with the Supreme Court to declare the law unconstitutional. He argues that the law violates **Section 19, Article II** of the 1987 Constitution, which mandates that the State "shall develop a self-reliant and independent national economy effectively controlled by Filipinos." He contends that this constitutional principle is a direct command that prohibits the legislature from handing control of the food supply to foreigners. Is the petition of Congressman Espino meritorious?

Answer (RLAC Method):

Response: No, the petition of Congressman Espino is not meritorious.

Legal Basis: According to the ruling in ***Espino vs. Zamora***, the provisions of **Article II of the 1987 Constitution** (Declaration of Principles and State Policies) are generally **not self-executing**. These principles serve as guidelines for legislative or executive action and do not, by themselves, provide a judicially enforceable cause of action to nullify a law.

Application: In this case, Congressman Espino is attempting to use a non-self-executing provision (Section 19, Article II) as the primary basis to strike down a statute. However, the Supreme Court has clarified that Article II does not impose a "Filipino monopoly" over the economy. Instead, **Section 10, Article XII** of the Constitution grants Congress the **discretion** to determine which investment areas to reserve for Filipinos and which to open to foreign

investors based on economic exigencies and national interest. Therefore, the decision to open the agriculture sector to foreigners is a matter of legislative wisdom that does not blatantly violate the Constitution.

Conclusion: Consequently, the law remains valid as the constitutional principles cited by the petitioner are not self-executing and do not provide a sufficient legal basis for judicial review.

Case Digest: Oposa vs. Factoran

G.R. No. 101083 (July 30, 1993)

Facts

- **March 2, 1990:** A group of minors, represented by their parents, served a final demand upon the Secretary of the Department of Environment and Natural Resources (DENR) to cancel all existing Timber License Agreements (TLAs) in the country and to stop issuing new ones.
- **1990 (Civil Case No. 90-777):** The minors filed a class suit against then-Secretary Fulgencio Factoran, Jr., alleging that the continued deforestation was violating their constitutional right to a balanced and healthful ecology and causing irreparable injury to their generation and generations yet unborn.
- **June 22, 1990:** Secretary Factoran filed a Motion to Dismiss, arguing that the plaintiffs had no cause of action and that the issue was a political question for the legislature or executive branch.
- **July 18, 1991:** The Regional Trial Court (RTC) granted the motion to dismiss, ruling that the complaint failed to state a specific legal right and that canceling TLAs would violate the non-impairment of contracts clause.

- **July 30, 1993:** The Supreme Court issued its decision on the petition for *certiorari* filed by the minors to set aside the dismissal.

Issue

Whether Section 16, Article II of the 1987 Constitution, which recognizes the right of the people to a balanced and healthful ecology, is a self-executing provision that creates a judicially enforceable right

Ruling

Yes.

Explanation: The Supreme Court ruled that the right to a balanced and healthful ecology is a fundamental legal right that is "solely incorporated in the fundamental law". Even though this right is located under the "Declaration of Principles and State Policies" and not the "Bill of Rights," it is considered no less important because it concerns "self-preservation and self-perpetuation". The Court explained that these basic rights are so fundamental that they "need not even be written in the Constitution for they are assumed to exist from the inception of humankind". By explicitly mentioning them in the Charter, the State is mandated to protect and advance them, making the provision self-executing and a sufficient basis for a cause of action.

Doctrines

- "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."
- "While the right to a balanced and healthful ecology is to be found under the Declaration of Principles and State Policies and not under the Bill of Rights, it does not follow that it is less important than any of the civil and political rights enumerated in the latter."
- "As a matter of fact, these basic rights need not even be written in the Constitution for they are assumed to exist from the inception of humankind."

- "Every generation has a responsibility to the next to preserve that rhythm and harmony for the full enjoyment of a balanced and healthful ecology."
- "The right to a balanced and healthful ecology carries with it the correlative duty to refrain from impairing the environment."
- "A timber license is not a contract within the purview of the due process clause; it is only a license or privilege, which can be validly withdrawn whenever dictated by public interest or public welfare as in this case."

Bar Exam Type Question

Question: In 2026, a group of children, represented by their parents, filed a petition against the Secretary of the Environment to stop the massive conversion of remaining mangrove forests into industrial economic zones. They argued that the destruction of these ecosystems violates their right to a "balanced and healthful ecology" under the Constitution. The government moved to dismiss the case, claiming that the "ecology" provision in Article II is merely a statement of state policy and not a self-executing right that can be the basis of a lawsuit. Is the government's contention correct?

Answer (RLAC Method):

Response: No, the government's contention is not correct.

Legal Basis: Under **Section 16, Article II of the 1987 Constitution**, the State is mandated to "protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature."

Application: According to the doctrine in *Oposa vs. Factoran*, this provision is self-executing. The Supreme Court held that while this right is found in the Declaration of Principles and State Policies, it is a fundamental right that predates all constitutions and is essential for self-preservation. Its inclusion in

the Constitution highlights its importance and imposes a solemn obligation on the State to protect it. Therefore, a violation of this right by the State or its agents gives rise to a judicially enforceable cause of action.

Conclusion: Consequently, the children have a valid cause of action, and the case should not be dismissed on the ground that the constitutional provision is non-self-executing.

Case Digest: Legaspi vs. Civil Service Commission

G.R. No. L-72119 (May 29, 1987)

Facts

- **Prior to May 1987:** Valentin L. Legaspi requested the Civil Service Commission (CSC) to provide information regarding the civil service eligibilities of Julian Sibonghanoy and Mariano Agas.
- **Circa 1987:** These two individuals were employed as sanitarians in the Health Department of Cebu City and had allegedly represented themselves as civil service eligibles who passed the required examinations.
- **1987:** The CSC denied Legaspi's request for information.
- **May 1987:** Legaspi filed a special civil action for *mandamus* against the CSC, claiming that his right to be informed is a fundamental right guaranteed by the Constitution,.
- **May 29, 1987:** The Supreme Court rendered its decision, ruling on the nature of the right to information and the standing of a citizen to invoke it,.

Issue

Whether the constitutional provision guaranteeing the right of the people to information on matters of public concern is a **self-executing provision** that can be enforced through *mandamus* without the need for implementing legislation.

Ruling

Yes.

Explanation: The Supreme Court ruled that the constitutional provisions regarding the right to information are self-executing. The Court explained that these provisions "supply the rules by means of which the right to information may be enjoyed" by both guaranteeing the right itself and mandating a specific duty for the government to provide access to information. Because the provision is complete in itself, the right can be asserted by the people immediately upon the ratification of the Constitution without needing any "ancillary act of the Legislature". While the Legislature may pass laws to set "reasonable conditions and limitations" on how this access is provided, the core right and duty are already "operative and enforceable" by the mere adoption of the Constitution.

Doctrines

- "These constitutional provisions are self-executing."
- "They supply the rules by means of which the right to information may be enjoyed (Cooley, A Treatise on the Constitutional Limitations 167) by guaranteeing the right and mandating the duty to afford access to sources of information."
- "Hence, the fundamental right therein recognized may be asserted by the people upon the ratification of the constitution without need for any ancillary act of the Legislature."
- "However, it cannot be overemphasized that whatever limitation may be prescribed by the Legislature, the right and the duty under Art. III Sec. 7 have become operative and enforceable by virtue of the adoption of the New Charter."
- "The incorporation in the Constitution of a guarantee of access to information of public concern is a recognition of the essentiality of the free flow of ideas and information in a democracy."

- "Public office being a public trust, it is the legitimate concern of citizens to ensure that government positions requiring civil service eligibility are occupied only by persons who are eligibles."
-

Bar Exam Type Question

Question: In 2026, **Victor Lagman**, a concerned citizen of Manila, wrote a letter to the **Personnel Management Board (PMB)** requesting a copy of the civil service eligibility records of two high-ranking city health inspectors, **Julio Sibayan** and **Mario Agoncillo**. Victor suspected that the two had misrepresented their qualifications. The PMB denied the request, arguing that: (1) Victor has no "actual interest" or "legal standing" because he is not a party to any case involving the inspectors; and (2) Section 7, Article III of the Constitution (Right to Information) is not self-executing and requires a specific law from Congress before citizens can demand such records. Victor files a petition for *mandamus* to compel the PMB to release the records. Should the petition be granted?

Answer (RLAC Method):

Response: Yes, the petition for *mandamus* should be granted.

Legal Basis: Under **Section 7, Article III of the 1987 Constitution**, the right of the people to information on matters of public concern shall be recognized,. According to the doctrine in ***Legaspi vs. Civil Service Commission***, this provision is **self-executing** and becomes operative and enforceable upon the ratification of the Constitution without the need for any ancillary act of the Legislature.

Application: In this case, the PMB's arguments are incorrect. First, regarding standing, the Supreme Court held that when the question involves a "public right" and the enforcement of a "public duty," the petitioner need only show that he is a **citizen** interested in the execution of the laws,. Second, the right to information is self-executing because it provides a sufficient rule for its

enjoyment by mandating the government's duty to afford access. Finally, the eligibility of public health inspectors is a matter of **public concern** because public office is a public trust, and citizens have a legitimate interest in ensuring that government positions are held by qualified individuals.

Conclusion: Therefore, because the provision is self-executing and Victor has the standing as a citizen to demand information on a matter of public concern, the PMB is duty-bound to disclose the records,.

1973 CONSTITUTION

Case Digest: Tolentino vs. Commission on Elections

G.R. No. L-34150 (October 16, 1971)

Facts

- **March 16, 1967:** The Congress of the Philippines, acting as a constituent assembly, passed Resolution No. 2 calling for a Constitutional Convention to propose amendments to the Constitution.
- **June 17, 1969:** Resolution No. 4 was passed, which modified the number of delegates for the upcoming convention.
- **November 10, 1970:** The election for the delegates to the 1971 Constitutional Convention was held under the authority of Republic Act 6132.
- **June 1, 1971:** The 1971 Constitutional Convention held its inaugural session.
- **September 28, 1971:** At approximately 3:30 AM, the Convention approved **Organic Resolution No. 1**, which proposed to amend

Section 1, Article V of the Constitution to lower the voting age from twenty-one to eighteen years.

- **September 28, 1971:** Convention President Diosdado Macapagal sent a letter to the Commission on Elections (COMELEC) requesting assistance in implementing the resolution for an advanced plebiscite.
- **September 30, 1971:** The COMELEC resolved to hold the plebiscite on November 8, 1971, to coincide with local elections, provided the Convention handled the printing and security of ballots.
- **October 1971:** Arturo M. Tolentino filed a petition for prohibition, arguing that the Convention had no power to call a separate plebiscite for a single amendment before completing its entire task.

Issue

Whether the 1971 Constitutional Convention can validly call for a separate plebiscite to ratify a single amendment (lowering the voting age) while the rest of its proposed constitutional reforms are still being drafted and considered.

Ruling

No.

Explanation: The Supreme Court ruled that under Section 1, Article XV of the Constitution, all amendments proposed by the same Convention must be submitted to the people in a **single "election" or plebiscite**. The Court explained that a constitution must be an "integrated and harmonious instrument," and submitting a single amendment piecemeal prevents voters from making an intelligent judgment. Without seeing the entire final draft, a voter cannot know how one change (like the voting age) relates to other new institutions or qualifications the Convention might later establish. Therefore, providing for a plebiscite before the Convention has finished its entire formulation of the new Charter is a violation of the constitutional mandate for a proper submission.

Doctrines

- "The issue whether or not a Resolution of Congress — acting as a constituent assembly — violates the Constitution is essentially justiciable not political, and, hence, subject to judicial review."
 - "Congress may propose amendments to the Constitution merely because the same explicitly grants such power."
 - "All the amendments to be proposed by the same Convention must be submitted to the people in a single 'election' or plebiscite."
 - "In order that a plebiscite for the ratification of an amendment to the Constitution may be validly held, it must provide the voter not only sufficient time but ample basis for an intelligent appraisal of the nature of the amendment per se as well as its relation to the other parts of the Constitution with which it has to form a harmonious whole."
 - "The Constitution does not contemplate in Section 1 of Article XV a plebiscite or 'election' wherein the people are in the dark as to frame of reference they can base their judgment on."
-

Bar Exam Type Question

Question: In 2026, a Constitutional Convention is convened to revise the 1987 Constitution. Early in its sessions, the Convention approves "Resolution No. 5," which seeks to lower the minimum age for elective local officials to 18 years. To gain public support, the Convention sets a plebiscite for this single amendment to take place in three months, while the Convention continues to deliberate on major changes to the form of government and the judicial system. **Arthur Valentin**, a concerned citizen, files a petition to stop the plebiscite, arguing that the Convention must finish all its proposed amendments before submitting them to the people for a single vote. The Convention argues that as a sovereign body, it has the discretion to submit amendments individually at any time. Is the Convention's argument correct?

Answer (RLAC Method):

Response: No, the Convention's argument is not correct.

Legal Basis: Under **Section 1, Article XV of the Constitution** (as interpreted in ***Tolentino vs. COMELEC***), amendments proposed by a constituent body must be submitted to the people in a single election or plebiscite.

Application: The Supreme Court has held that "piecemeal" submission of constitutional amendments is unconstitutional. The people must be able to vote on the amendments with a complete "frame of reference" to see how each part relates to the entire harmonious whole of the proposed Charter. In this case, because the Convention is still deliberating on other fundamental changes, the voters cannot intelligently determine the impact of lowering the age for local officials without knowing what the final structure of the government will look like.

Conclusion: Therefore, the separate plebiscite is null and void for failing to comply with the constitutional requirement of a single, comprehensive submission.

Case Digest: Javellana vs. Executive Secretary

G.R. No. L-36142 (March 31, 1973)

Facts

- **March 16, 1967:** The Philippine Congress passed Resolution No. 2, calling for a Constitutional Convention (ConCon) to propose amendments to the 1935 Constitution.
- **August 24, 1970:** Republic Act No. 6132 was approved to implement the convention and set delegate elections.

- **June 1, 1971:** The 1971 Constitutional Convention formally began its functions.
- **September 21, 1972:** President Ferdinand E. Marcos issued Proclamation No. 1081, placing the entire Philippines under **Martial Law**.
- **November 29, 1972:** The ConCon approved the "Proposed Constitution of the Republic of the Philippines".
- **November 30, 1972:** The President issued Presidential Decree (P.D.) No. 73, setting a plebiscite for January 15, 1973, to ratify the new Charter.
- **December 31, 1972:** P.D. No. 86 was issued, creating **Citizens' Assemblies** (Barangays) to be consulted on public issues.
- **January 5, 1973:** P.D. No. 86-A was issued, directing these Assemblies to conduct a referendum on several questions, including the approval of the new Constitution.
- **January 7, 1973:** General Order No. 20 was issued, **postponing** the January 15 plebiscite until further notice.
- **January 7, 1973:** P.D. No. 86-B was issued, specifically ordering that the initial referendum include the matter of the ratification of the new Constitution.
- **January 10 to 15, 1973:** Referendums were held in Citizens' Assemblies; voting was conducted mostly **a viva voce** (by raising hands) and included residents as young as 15 years old.
- **January 17, 1973:** President Marcos issued **Proclamation No. 1102**, certifying that the new Constitution had been ratified by an overwhelming majority of the Citizens' Assemblies and had come into effect.
- **January 20, 1973:** Josue Javellana filed a petition to restrain the implementation of the new Constitution, arguing it was not validly ratified under the 1935 Charter.

Issue

Whether the 1973 Constitution was validly ratified and is currently in force and effect.

Ruling

Yes.

Explanation: The Supreme Court ruled that the 1973 Constitution is in force and effect. Although a majority of the justices (six members) held that the Constitution was **not validly ratified** in accordance with the 1935 Constitution (which required a formal election by qualified voters), and the Court was divided on whether the people had truly accepted or acquiesced to it, the final result was that there were **not enough votes to declare that the new Constitution is not in force**. Consequently, the Court concluded that there was "no further judicial obstacle to the new Constitution being considered in force and effect".

Doctrines

- "The issue whether or not the revised Constitution drafted by the 1971 Constitutional Convention has been ratified in accordance with said Art. XV is a justiciable one and non-political in nature, and that it is not only subject to judicial inquiry, but, also, that it is the Court's bounden duty to decide such question".
 - "It is well settled that the matter of ratification of an amendment to the Constitution should be settled by applying the provisions of the Constitution in force at the time of the alleged ratification, or the old Constitution".
 - "This being the vote of the majority, there is no further judicial obstacle to the new Constitution being considered in force and effect".
-

Bar Exam Type Question

Question: In 1973, during a period of Martial Law, a new Constitution was drafted. Instead of a formal plebiscite using secret ballots, the President ordered the creation of "Citizens' Assemblies" where residents, including those aged 15 and above, were asked to vote on the new Charter by a show of hands. After the assemblies, the President issued a proclamation declaring the Constitution ratified. **Jayson Javelina**, a registered voter, filed a case to stop the implementation of the new Charter, arguing that it violated the 1935 Constitution's requirement for a formal election by qualified voters. The government argued that the people had already spoken through the assemblies. Is the new Constitution legally in force?

Answer (RLAC Method):

Response: Yes, the new Constitution is legally in force.

Legal Basis: According to the ruling in *Javellana vs. Executive Secretary*, while the ratification process through Citizens' Assemblies and *a viva voce* voting did not strictly comply with the formal requirements of the 1935 Constitution, the Supreme Court ultimately held that there was "**no further judicial obstacle** to the new Constitution being considered in force and effect."

Application: In the *Javellana* case, the Court found that the ratification process was procedurally irregular because it included unqualified voters (those under 21) and lacked the secrecy of the ballot. However, because the Court could not muster enough votes to categorically declare that the Constitution was **not** in force, the petitions were dismissed. This effectively recognized the 1973 Constitution as the operative fundamental law of the land.

Conclusion: Therefore, despite the procedural defects in its ratification, the new Constitution is considered effective and in force.

Case Digest: Mitra, Jr. vs. Commission on Elections

G.R. No. L-56503 (April 4, 1981)

Facts

- **January 17, 1973:** President Ferdinand Marcos issued **Proclamation No. 1102**, announcing the ratification and coming into effect of the 1973 Constitution based on results from Citizens' Assemblies.
- **March 31, 1973:** The Supreme Court decided *Javellana vs. Executive Secretary*, dismissing challenges to the 1973 Constitution and ruling there was "no further judicial obstacle" to its enforcement.
- **1973 to 1977:** A series of referendums were held (July 1973, February 1975, October 1976, and December 1977) where the people participated in votes under the new constitutional framework.
- **April 7, 1978:** National elections were held for the **Interim Batasang Pambansa** under the 1973 Constitution.
- **January 30, 1980:** Local government elections were conducted under the 1973 Constitution.
- **January 17, 1981:** Martial law was officially lifted in the Philippines.
- **1981:** Ramon Mitra, Jr. and other petitioners filed a petition for mandamus and prohibition, asserting that the 1973 Constitution was not in force and asking for a new plebiscite.
- **April 4, 1981:** The Supreme Court issued this decision dismissing the petition and upholding the 1973 Constitution.

Issue

Whether the 1973 Constitution is the valid fundamental law in force and effect in the Philippines.

Ruling

Yes.

Explanation: The Supreme Court ruled that the 1973 Constitution is the operative fundamental law. The Court emphasized that it is "**duty-bound to uphold and apply that Constitution**". While petitioners claimed it was never validly ratified, the Court noted that the people had clearly manifested their "**acquiescence in the present Constitution**" by participating in multiple referendums and elections held under its authority between 1973 and 1980. Consequently, the Court held that any argument to the contrary is an "**exercise in futility**".

Doctrines

- "This being the vote of the majority, there is no further judicial obstacle to the new Constitution being considered in force and effect."
 - "We sit as Court duty-bound to uphold and apply that Constitution."
 - "Once the fact of acceptance by the people of a new fundamental law is made evident, the judiciary is left with no choice but to accord it recognition."
 - "In the face of the above clearly manifested recognition of the force and effect of the present Constitution, by the people, including those in the opposition, it would seem that any argument to the contrary should be consigned to a well-merited limbo."
 - "To put it at its mildest, such an approach has the arresting charm of novelty – but nothing else."
-

Bar Exam Type Question

Question: In 1981, following the lifting of martial law, a group of former legislators led by **Rodrigo M. Binay** filed a petition before the Supreme Court. They argued that the 1935 Constitution should be considered restored because the 1973 Constitution was never validly ratified by a formal plebiscite as required by the old law. They contended that the "Citizens' Assemblies" used in 1973 were insufficient and that the Supreme Court in *Javellana* never actually affirmed the validity of the ratification. The government moved to

dismiss, citing the various referendums and national elections held under the 1973 Charter as proof of the people's acceptance. Is the 1973 Constitution the operative supreme law of the land?

Answer (RLAC Method):

Response: Yes, the 1973 Constitution is the operative supreme law of the land.

Legal Basis: According to the ruling in *Javellana vs. Executive Secretary*, as reaffirmed in *Mitra vs. Commission on Elections*, the Supreme Court held that there is "no further judicial obstacle to the new Constitution being considered in force and effect."

Application: The Supreme Court is duty-bound to uphold the 1973 Constitution as it has consistently applied it in numerous cases since 1973. Furthermore, the people have manifested their acquiescence to the 1973 Constitution through their participation in referendums in 1973, 1975, 1976, and 1977, as well as the 1978 and 1980 elections. The fact that the nation has recognized and operated under this Charter for years makes any claim for the restoration of the 1935 Constitution an "exercise in futility."

Conclusion: Therefore, the 1973 Constitution remains the valid fundamental law, and the petition to declare it otherwise must be dismissed.

Case Digest: Lawyers League For A Better Philippines vs. Aquino

G.R. Nos. 73748, 73972 & 73990 (May 22, 1986)

Facts

- **February 1986:** Following the EDSA Revolution, President Corazon C. Aquino assumed power as the President of the Philippines.
- **April 10, 1986:** The Supreme Court voted to dismiss petitions challenging the legitimacy of the Aquino government.
- **April 17, 1986:** Atty. Oliver Lozano, representing petitioners in two of the cases, attempted to withdraw the petitions to pursue the matter through extra-judicial methods.
- **May 22, 1986:** The Supreme Court issued its formal resolution dismissing the three petitions filed by the Lawyers League for a Better Philippines, the People's Crusade for Supremacy of the Constitution, and Councilor Clifton U. Ganay.

Issue

Whether the government of President Corazon C. Aquino is illegal because it was not established in accordance with the provisions of the **1973 Constitution**.

Ruling

No.

Explanation: The Supreme Court held that the petitions were without merit because the **legitimacy of the government is a political question**, not a legal one. The Court explained that the people of the Philippines are the sole judges of the government's legitimacy, and they have already made their judgment by accepting the Aquino administration. Because the government was in effective control of the country and had been recognized by the

community of nations, it was considered a **de jure government** in both fact and law.

Doctrines

- "For the legitimacy of the Aquino government is not a justiciable matter."
- "It belongs to the realm of politics where only the people of the Philippines are the judge."
- "And the people have made the judgement; they have accepted the government of President Corazon C. Aquino which is in effective control of the entire country so that it is not merely a De Facto government but is in fact and law a De Jure government."
- "Moreover, the community of nations has recognized the legitimacy of the present government."
- "All the eleven members of this Court, as reorganized, have sworn to uphold the fundamental law of the Republic under her government."

Bar Exam Type Question

Question: In 1986, a group of concerned citizens known as the **"Constitutionalists for Order"** filed a petition before the Supreme Court. They argued that the newly installed administration of **President Cora A. Quintos** was illegitimate because it took power through a popular revolution rather than the electoral and succession processes mandated by the **1973 Constitution**. They prayed for the Court to declare the administration illegal and restore the previous legal order. The government responded by stating that it was in full control of the country and had been recognized by foreign states.

Does the Supreme Court have the authority to rule on the legitimacy of the Quintos administration?

Answer (RLAC Method):

Response: No, the Supreme Court does not have the authority to rule on the matter.

Legal Basis: According to the ruling in *Lawyers League For A Better Philippines vs. Aquino*, the legitimacy of a government established outside the existing constitutional framework is a **non-justiciable political question**.

Application: The Court held that the determination of a government's legitimacy belongs to the **realm of politics**, where the people are the ultimate judge. Since the people have accepted the administration and it maintains effective control over the entire country, it is recognized as a **de jure government** in fact and in law. Furthermore, the recognition by the community of nations and the fact that the members of the reorganized Judiciary have sworn to uphold the law under that government confirms its legal status.

Conclusion: Therefore, the petition must be dismissed as it involves a political question beyond the Court's jurisdiction.

Case Digest: In Re: Saturnino V. Bermudez

G.R. No. L-76180 (October 24, 1986)

Facts

- **February 7, 1986:** A presidential and vice-presidential election was held in the Philippines.
- **Post-February 1986:** Following a period of political upheaval, the government of President Corazon C. Aquino took effective control of the country.
- **May 22, 1986:** The Supreme Court issued a Joint Resolution in several cases (G.R. No. 73748, etc.), dismissing challenges to the legitimacy

of the Aquino government, which some argued was not established pursuant to the **1973 Constitution**.

- **October 1986:** Petitioner Saturnino V. Bermudez, a lawyer, filed a petition for declaratory relief regarding Section 5, Article XVIII of the proposed 1986 Constitution (now the 1987 Constitution). This section extended the six-year term of the "incumbent President and Vice-President" to June 30, 1992.
- **October 24, 1986:** The Supreme Court issued its resolution on the petition.

Issue

Whether the "incumbent President and Vice-President" referred to in the transitory provisions of the proposed Constitution refers to Corazon C. Aquino and Salvador H. Laurel, or to the previously elected Ferdinand E. Marcos and Arturo M. Tolentino under the 1973 Constitution.

Ruling

Yes (The provision refers specifically to President Corazon C. Aquino and Vice-President Salvador H. Laurel).

Explanation: The Supreme Court dismissed the petition outright for lack of jurisdiction and lack of cause of action. The Court explained that it is a matter of "public record and common public knowledge" that the Constitutional Commission refers to President Corazon C. Aquino and Vice-President Salvador H. Laurel. Furthermore, the Court reiterated that the **legitimacy of the Aquino government is not a justiciable matter**; it is a political question decided by the people, who have accepted her government as a *de jure* government in fact and in law. Additionally, the Court noted that **incumbent Presidents are immune from suit** during their tenure.

Doctrines

- "This Court assumes no jurisdiction over petitions for declaratory relief."

- "Incumbent Presidents are immune from suit or from being brought to court during the period of their incumbency and tenure."
- "For the legitimacy of the Aquino government is not a justiciable matter."
- "It belongs to the realm of politics where only the people of the Philippines are the judge."
- "And the people have made the judgment; they have accepted the government of President Corazon C. Aquino which is in effective control of the entire country so that it is not merely a de facto government but in fact and law a de jure government."

Bar Exam Type Question

Question: In late 1986, following a revolutionary change in government that departed from the **1973 Constitution**, a petitioner, **Satur V. Mendoza**, filed a petition for declaratory relief with the Supreme Court. He sought a judicial declaration on whether the "incumbent President" mentioned in the newly drafted Constitution—whose term was being extended for synchronization purposes—referred to the current occupant of Malacañang, **President Cora A. Quintos**, or the former President who claimed the election was rigged. The petitioner argued the term was "vague."

The Solicitor General moved to dismiss the petition, arguing that the Court has no jurisdiction over declaratory relief and that the President is immune from suit. Should the petition be dismissed?

Answer (RLAC Method):

Response: Yes, the petition should be dismissed outright.

Legal Basis: Under the ruling in *In Re: Saturnino V. Bermudez*, the Supreme Court has no original jurisdiction over petitions for declaratory relief. Furthermore, incumbent Presidents are immune from suit or from being brought to court during their incumbency and tenure.

Application: In this case, the petitioner is asking the Court to interpret a provision that is already a matter of public record and common knowledge. The Court held that the "incumbent" refers to the president who is in effective control of the country and recognized by the community of nations. Moreover, the legitimacy of the current government is a **political question** already decided by the people through their acceptance and acquiescence, making it a *de jure* government.

Conclusion: Therefore, because the Court lacks jurisdiction and the matter involves a non-justiciable political question concerning a President immune from suit, the petition must be dismissed.

Case Digest: Republic vs. Sandiganbayan, Major General Josephus Q. Ramas and Elizabeth Dimaano

G.R. No. 104768 (July 21, 2003)

Facts

- **February 25, 1986:** The **EDSA Revolution** successfully overthrows the administration of President Ferdinand Marcos. President Corazon Aquino assumes power through a direct exercise of the will of the people, effectively abrogating the 1973 Constitution,,.
- **March 3, 1986:** A military raiding team, acting under a search warrant for "Illegal Possession of Firearms and Ammunition," searches the house of Elizabeth Dimaano,,.
- **March 3, 1986:** During the raid, officers seize items listed in the warrant (firearms) but also confiscate **₱2,870,000.00, US\$50,000.00**, jewelry, communications equipment, and land titles not mentioned in the warrant,,.

- **March 25, 1986:** President Aquino issues Proclamation No. 3 (the **Freedom Constitution**), which adopts the Bill of Rights of the 1973 Constitution *in toto*,.
- **July 27, 1987:** The AFP Anti-Graft Board concludes that the seized assets are unexplained wealth belonging to Major General Josephus Ramas, kept in the house of his alleged mistress, Dimaano,,.
- **August 1, 1987:** The Presidential Commission on Good Government (PCGG) files a **petition for forfeiture** against Ramas and Dimaano to recover the seized assets as ill-gotten wealth.
- **November 18, 1991:** The Sandiganbayan dismisses the case, ruling that the search was illegal and the items were seized without constitutional authority,.

Issue

Whether the Bill of Rights of the 1973 Constitution was operative during the "interregnum" (February 25 to March 24, 1986) such that Elizabeth Dimaano could invoke the right against unreasonable search and seizure,.

Ruling

No.

Explanation: The Supreme Court ruled that the **1973 Constitution was no longer in force** during the interregnum period following the successful EDSA Revolution,. Because a revolution nullifies the existing legal order, there was no municipal law higher than the directives of the revolutionary government at the time of the search on March 3, 1986,. Consequently, a person could not invoke an exclusionary right under a Bill of Rights that had already been abrogated. However, the Court clarified that while the 1973 Bill of Rights was not operative, the revolutionary government was still bound by **international law**, specifically the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which protect against arbitrary deprivation of property and interference with privacy,,.

Doctrines

- "The heroic action of the people was done in defiance of the provisions of the 1973 Constitution, as amended.",
- "The resulting government was indisputably a revolutionary government bound by no constitution or legal limitations except treaty obligations that the revolutionary government, as the de jure government in the Philippines, assumed under international law."
- "During the interregnum, a person could not invoke any exclusionary right under a Bill of Rights because there was neither a constitution nor a Bill of Rights during the interregnum."
- "The revolutionary government did not repudiate the Covenant or the Declaration in the same way it repudiated the 1973 Constitution."
- "The Provisional Constitution adopted verbatim the Bill of Rights of the 1973 Constitution."

Bar Exam Type Question

Question: On March 10, 1986, following the successful People Power Revolution but before the promulgation of the "Freedom Constitution," a military unit raided the home of **Elena Dimaculangan**, the suspected associate of a former general. The unit had a warrant to search for illegal explosives. However, upon finding several safes, they forced them open and discovered **P5 million in cash** and several luxury watches, which they seized as "ill-gotten wealth."

In 1988, the government filed a forfeiture case against Elena. Elena moved to suppress the evidence, arguing that the seizure of the cash and watches violated her right against unreasonable search and seizure under the Bill of Rights of the 1973 Constitution. Is Elena's contention that she can invoke the 1973 Bill of Rights correct?

Answer (RLAC Method):

Response: No, Elena's contention is not correct.

Legal Basis: Based on the doctrine in *Republic vs. Sandiganbayan (2003)*, the 1973 Constitution was abrogated by the successful EDSA Revolution on February 25, 1986. During the "interregnum" period before the adoption of the Provisional (Freedom) Constitution on March 25, 1986, the Bill of Rights of the 1973 Constitution was not operative,.

Application: The search occurred on March 10, 1986, which falls within the interregnum period. At this time, there was no municipal constitution or Bill of Rights in force to which Elena could appeal to exclude the evidence seized by the revolutionary government. While the government remained bound by international human rights treaties, the specific exclusionary right under the 1973 Charter could not be invoked as that legal order had been nullified,.

Conclusion: Therefore, Elena cannot rely on the 1973 Bill of Rights to suppress the evidence, as that Constitution was no longer the fundamental law of the land at the time of the search.

Case Digest: De Leon vs. Esguerra

G.R. No. L-78059 (August 31, 1987)

Facts

- **May 17, 1982:** Petitioner Alfredo M. De Leon was elected Barangay Captain, and other petitioners were elected as Councilmen of Barangay Dolores, Rizal, under the Barangay Election Act of 1982.
- **February 25, 1986:** Following the EDSA Revolution, the Provisional (Freedom) Constitution was established. Section 2, Article III provided that elective officials under the 1973 Constitution would continue in office until replaced by the government, provided such appointment was made within one year (by February 25, 1987).

- **February 2, 1987:** The 1987 Constitution was ratified by the Filipino people in a national plebiscite.
- **February 8, 1987:** Respondent OIC Governor Benjamin Esguerra signed Memoranda (antedated to December 1, 1986) designating successors to replace the petitioners.
- **February 9, 1987:** Petitioners received the Memoranda notifying them of their replacement.
- **February 11, 1987:** President Corazon Aquino issued Proclamation No. 58, officially announcing that the 1987 Constitution had been ratified and was in effect.
- **Petition Filed:** Petitioners argued that since the 1987 Constitution took effect on the day of the plebiscite (February 2), the Governor no longer had the authority to replace them on February 8.

Issue

Whether the 1987 Constitution took effect on the date of the plebiscite (February 2, 1987) or on the date its ratification was officially proclaimed (February 11, 1987).

Ruling

Yes (It took effect on February 2, 1987).

Explanation: The Supreme Court ruled that the 1987 Constitution took effect on February 2, 1987, the date the people cast their votes in the plebiscite. The Court explained that "ratification" is the act of voting by the people, while the subsequent canvass of votes and the President's proclamation are merely "mathematical confirmations" and "official confirmatory declarations" of an act already completed by the citizens. Consequently, on February 2, the Provisional Constitution was superseded. Because the OIC Governor's attempt to replace the petitioners occurred on February 8—after the 1987 Constitution had already taken effect—he no longer possessed the authority to do so under the old provisional rules.

Doctrines

- "This Constitution shall take effect immediately upon its ratification by a majority of the votes cast in a plebiscite held for the purpose and shall supersede all previous Constitutions."
- "The act of ratification is the act of voting by the people."
- "The canvass thereafter [of the votes] is merely the mathematical confirmation of what was done during the date of the plebiscite and the proclamation of the President is merely the official confirmatory declaration of an act which was actually done by the Filipino people in adopting the Constitution when they cast their votes on the date of the plebiscite."
- "All existing laws, decrees, executive orders, proclamations letters of instructions, and other executive issuances not inconsistent, with this Constitution shall remain operative until amended, repealed or revoked."

Bar Exam Type Question

Question: In 1982, **Alfonso De Lara** was elected Barangay Captain for a six-year term under the laws then in force. Following a change in government in 1986, a Provisional Constitution allowed the replacement of local officials until February 25, 1987. On **February 2, 1987**, a new Constitution was ratified in a nationwide plebiscite. On **February 9, 1987**, the OIC Governor issued an order replacing Alfonso with a new appointee, claiming that the 1987 Constitution would only become effective once the President officially proclaimed the results, which did not happen until February 11, 1987. Alfonso challenges his removal. Is Alfonso's removal valid?

Answer (RLAC Method):

Response: No, the removal of Alfonso De Lara is not valid.

Legal Basis: Under **Section 27, Article XVIII of the 1987 Constitution**, the Charter takes effect "immediately upon its ratification by a majority of the votes cast in a plebiscite held for the purpose."

Application: In ***De Leon vs. Esguerra***, the Supreme Court held that the effective date of the 1987 Constitution is **February 2, 1987**, the date the people voted for its ratification, not the date of the subsequent proclamation. On that date, the 1987 Constitution superseded the Provisional Constitution. Therefore, after February 2, 1987, the OIC Governor lost the temporary power to summarily replace elective officials. Since Alfonso was replaced on February 9, the order was issued without legal authority.

Conclusion: Therefore, the order replacing Alfonso is null and void, and he is entitled to remain in his position until the end of his legal term.

SUPREMACY OF THE CONSTITUTION AND DISTRIBUTION OF POWERS

Case Digest: Marbury v. Madison

5 U.S. (1 Cranch) 137 (1803)

Facts

- **February 1801:** The U.S. Congress passed an act concerning the District of Columbia, authorizing the President to appoint such number of "discreet persons" as justices of the peace for five-year terms.
- **March 1801 (Early):** Outgoing President John Adams nominated William Marbury and others for these positions; the Senate subsequently advised and consented to the appointments.

- **March 3, 1801:** President Adams signed the official commissions for the appointees, and the Seal of the United States was affixed to them by the Secretary of State.
- **March 4, 1801:** The new administration of Thomas Jefferson took office. James Madison, the incoming Secretary of State, found the signed and sealed commissions but refused to deliver them to Marbury and the other appointees.
- **December Term, 1801:** William Marbury moved the Supreme Court for a "rule to James Madison," requiring him to show cause why a writ of *mandamus* should not be issued to compel the delivery of his commission.

Issue

Whether the Supreme Court has the authority to issue a writ of *mandamus* to the Secretary of State under an act of Congress (the Judiciary Act of 1789) that expands the Court's original jurisdiction beyond what is defined in the Constitution.

Ruling

No.

Explanation: The Court held that the Constitution is the **superior, paramount law**. While Marbury had a vested legal right to his commission (as the President had completed the appointment by signing it), the Supreme Court could not grant the remedy he sought. Section 13 of the Judiciary Act of 1789, which authorized the Supreme Court to issue writs of *mandamus* to public officers in original actions, was found to be **unconstitutional**. The Constitution strictly limits the Supreme Court's **original jurisdiction** to specific cases (those involving ambassadors or states); in all other cases, its jurisdiction is **appellate**. Because Congress cannot alter the Constitution through an ordinary legislative act, the law conflicting with the Constitution is void, and the Court must follow the Constitution.

Doctrines

- "It is emphatically the duty of the Judicial Department to say what the law is."
 - "The Constitution is either a superior, paramount law, unchangeable by ordinary means, or it is on a level with ordinary legislative acts, and, like other acts, is alterable when the legislature shall please to alter it."
 - "A legislative act contrary to the Constitution is not law."
 - "If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply."
 - "The authority, therefore, given to the Supreme Court by the act establishing the judicial courts of the United States to issue writs of mandamus to public officers appears not to be warranted by the Constitution, and it becomes necessary to inquire whether a jurisdiction so conferred can be exercised."
-

Bar Exam Type Question

Question: In the final hours of his term, President **John Adamson** appointed **William Marburg** as a federal magistrate. The commission was duly signed by the President and sealed by the Secretary of State. However, the new Secretary of State, **James Madis**, refused to deliver the document. Marburg filed an original action for a writ of *mandamus* directly with the Supreme Court, relying on a specific provision of the **Judiciary Reform Act** passed by Congress, which grants the Supreme Court the power to issue such writs to executive officers in original proceedings. The Constitution, however, states that the Supreme Court shall have original jurisdiction only in cases affecting ambassadors or those where a State is a party. Should the Supreme Court grant the writ?

Answer (RLAC Method):

Response: No, the Supreme Court should not grant the writ.

Legal Basis: Under the principle of **Constitutional Supremacy**, the Constitution is the "superior, paramount law" of the land. Furthermore, the **Distribution of Powers** dictates that Congress cannot expand the original jurisdiction of the Supreme Court beyond the limits set by the Constitution, which restricts such jurisdiction to cases involving ambassadors, public ministers, and states.

Application: In this case, although Marburg has a legal right to his commission because the President performed the "last act" required (the signature), the law he is relying on to get a remedy from the Supreme Court is unconstitutional. The **Judiciary Reform Act** attempts to give the Supreme Court original jurisdiction over *mandamus* cases, which the Constitution does not permit. When an ordinary act of the legislature conflicts with the Constitution, the Court is duty-bound to "expound and interpret" the rule and must give effect to the Constitution over the void legislative act.

Conclusion: Therefore, the provision of the Judiciary Reform Act is void, and the Supreme Court lacks the jurisdiction to issue the writ in an original proceeding.

Case Digest: Endencia vs. David

G.R. No. L-6355-56 (August 31, 1953)

Facts

- **1950–1951:** Income taxes were collected from the salaries of Justice Pastor M. Endencia (Associate Justice of the Court of Appeals) and Justice Fernando Jugo (Associate Justice of the Supreme Court).
- **Prior to the enactment of R.A. 590:** The Supreme Court promulgated the case of *Perfecto vs. Meer*, which held that taxing the salary of a judicial officer is a prohibited diminution of such salary under Section 9, Article VIII of the 1935 Constitution,.

- **Post-Perfecto decision:** In response to the ruling in *Perfecto vs. Meer*, Congress enacted **Republic Act No. 590**.
- **Enactment of Section 13, R.A. No. 590:** This specific provision declared that no salary of a public officer shall be exempt from income tax and that such payment is "**not to be a diminution of his compensation fixed by the Constitution or by law**".
- **August 31, 1953:** The Supreme Court rendered its decision on the joint appeal of Justice Endencia and Justice Jugo, who sought a refund of the taxes collected.

Issue

Whether Congress may validly enact a law (Section 13 of R.A. No. 590) that interprets the Constitution to declare that taxing judicial salaries is not a diminution of compensation, effectively reversing a prior judicial interpretation.

Ruling

No.

Explanation: The Supreme Court ruled that Section 13 of Republic Act No. 590 is unconstitutional. Under the principle of **separation of powers**, the Legislative department has the power to make laws, but the **interpretation and application of the Constitution belong exclusively to the Judiciary**. By declaring in a statute that a tax is not a diminution of salary—after the Supreme Court had already interpreted the Constitution to mean the exact opposite—Congress invaded the province of the Judicial department. The Court emphasized that defining and interpreting the law is a judicial function, and the legislature cannot tie the hands of the courts by providing its own mandatory interpretation of the Constitution within a statute,.

Doctrines

- "Under our system of constitutional government, the Legislative department is assigned the power to make and enact laws. The Executive department is charged with the execution of carrying out of

the provisions of said laws. But the interpretation and application of said laws belong exclusively to the Judicial department."

- "Defining and interpreting the law is a judicial function and the legislative branch may not limit or restrict the power granted to the courts by the Constitution."
 - "This act of interpreting the Constitution or any part thereof by the Legislature is an invasion of the well-defined and established province and jurisdiction of the Judiciary."
 - "The legislature cannot, upon passing a law which violates a constitutional provision, validate it so as to prevent an attack thereon in the courts, *by a declaration that it shall be so construed as not to violate the constitutional inhibition.*"
 - "If the Legislature may declare what a law means, or what a specific portion of the Constitution means, especially after the courts have in actual case ascertain its meaning by interpretation and applied it in a decision, this would surely cause confusion and instability in judicial processes and court decisions."
-

Bar Exam Type Question

Question: In 2025, the Supreme Court ruled in a landmark case that a specific allowance provided to judges is part of their "compensation" and cannot be taxed because it would constitute a prohibited diminution of salary under the Constitution. Displeased with the loss of potential revenue, Congress immediately passes the "Tax Uniformity Act," which contains a provision stating: *"For all legal intents and purposes, the judicial allowance mentioned in recent court rulings shall be considered a taxable benefit and NOT a part of the 'compensation' protected by the Constitution; the payment of tax thereon shall not be deemed a diminution of salary."*

Justice Edencio, whose allowance was subsequently taxed, challenges the law. Congress argues that it has the plenary power to define what constitutes

taxable income and that its "legislative interpretation" of the Constitution must be respected. Is the "Tax Uniformity Act" constitutional?

Answer (RLAC Method):

Response: No, the provision in the "Tax Uniformity Act" is unconstitutional.

Legal Basis: Under the principle of **Separation of Powers** and the ruling in ***Endencia vs. David***, the power to interpret the Constitution and the laws belongs exclusively to the **Judiciary**. The Legislature cannot, by legislative fiat, perform a judicial function by defining the meaning of constitutional provisions, especially after the Supreme Court has already provided an interpretation in an actual case,.

Application: In this case, Congress is attempting to override a judicial interpretation of the "non-diminution" clause by inserting a mandatory definition into a statute. This constitutes a clear invasion of judicial power. While Congress may enact tax laws, it cannot validate a law that violates the Constitution by simply declaring that the law should be construed in a way that avoids the constitutional prohibition.

Conclusion: Therefore, the provision is null and void as it violates the distribution of powers and the supremacy of the Constitution as interpreted by the Supreme Court.

Case Digest: Francisco, Jr. vs. The House of Representatives

G.R. No. 160261 (November 10, 2003)

Facts

- **November 28, 2001:** The 12th Congress of the House of Representatives adopted the Rules of Procedure in Impeachment

Proceedings. These rules (Sections 16 and 17) provided that impeachment is only "deemed initiated" when the Committee on Justice finds a complaint sufficient in substance.

- **July 22, 2002:** The House directed the Committee on Justice to investigate the disbursement of the Judiciary Development Fund (JDF) by the Chief Justice.
- **June 2, 2003:** Former President Joseph Estrada filed a verified impeachment complaint (the **first complaint**) against Chief Justice Hilario G. Davide, Jr. and seven Associate Justices.
- **August 5, 2003:** The first impeachment complaint was officially referred to the House Committee on Justice.
- **October 13, 2003:** The House Committee on Justice ruled that the first complaint was "sufficient in form".
- **October 22, 2003:** The House Committee on Justice voted to dismiss the first complaint for being "insufficient in substance".
- **October 23, 2003:** Representatives Gilberto Teodoro, Jr. and Felix William Fuentebella filed a **second impeachment complaint** against Chief Justice Davide, supported by a resolution of endorsement from at least one-third of the House members.
- **October 2003:** Several petitions were filed with the Supreme Court arguing that the second complaint violated the constitutional one-year bar on initiating impeachment proceedings against the same official.

Issue

Whether the second impeachment complaint filed against the Chief Justice is unconstitutional for violating the one-year bar under Section 3(5), Article XI of the 1987 Constitution, and whether the House of Representatives' power to create its own rules allows it to define the term "initiate" differently from the Constitution.

Ruling

Yes (The second complaint is unconstitutional and the rules are void).

Explanation: The Supreme Court ruled that the second impeachment complaint is barred by the Constitution. Under **Section 3(5), Article XI**, no impeachment proceedings shall be **initiated** against the same official more than once within a period of one year. The Court clarified that "initiate" means the act of **filing the complaint and taking initial action on it** (such as referral to a committee). Since the first complaint was filed and referred in August 2003, the one-year period had not yet passed when the second complaint was filed in October 2003. The Court further held that while the House has the power to promulgate its own rules, these rules **cannot contravene the Constitution**. Sections 16 and 17 of the House Rules, which attempted to delay the meaning of "initiation" until a finding of substance, were declared unconstitutional for overriding the clear mandate of the fundamental law.

Doctrines

- "Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the government."
- "The Constitution is a definition of the powers of government."
- "When the judiciary mediates to allocate constitutional boundaries, it does not assert any superiority over the other departments; it does not in reality nullify or invalidate an act of the legislature, but only asserts the solemn and sacred obligation assigned to it by the Constitution to determine conflicting claims of authority under the Constitution and to establish for the parties in an actual controversy the rights which that instrument secures and guarantees to them."
- "The separation of powers is a fundamental principle in our system of government."
- "The Constitution has provided for an elaborate system of checks and balances to secure coordination in the workings of the various departments of the government."

- "No impeachment proceedings shall be initiated against the same official more than once within a period of one year."
 - "It is basic that all rules must not contravene the Constitution which is the fundamental law."
 - "The judiciary is the final arbiter on the question whether or not a branch of government or any of its officials has acted without jurisdiction or in excess of jurisdiction, or so capriciously as to constitute an abuse of discretion amounting to excess of jurisdiction or lack of jurisdiction."
-

Bar Exam Type Question

Question: In January 2024, a verified impeachment complaint was filed against **Chief Justice Henry D. Valdez** and was referred to the House Committee on Justice the following month. In March 2024, the Committee dismissed the complaint for being insufficient in substance. In May 2024, a group of legislators filed a new impeachment complaint against the Chief Justice based on newly discovered evidence of graft. The House of Representatives argues that the second complaint is valid because their internal "Impeachment Procedure Rules" state that an impeachment is only "initiated" once the Committee finds the complaint sufficient in substance. The **Legal Advocates Guild** files a petition before the Supreme Court to nullify the second complaint, citing the "one-year bar" rule. The House of Representatives challenges the Court's jurisdiction, asserting that impeachment is an "exclusive" political power of the Legislature and that the Judiciary cannot interfere with their internal rules. Is the second impeachment complaint constitutional?

Answer (RLAC Method):

Response: No, the second impeachment complaint is unconstitutional.

Legal Basis: Under **Section 3(5), Article XI of the 1987 Constitution**, no impeachment proceedings shall be initiated against the same official more

than once within a period of one year. According to the landmark case of ***Francisco vs. House of Representatives***, the term "initiate" refers to the filing of the complaint and its referral to the proper committee. Furthermore, under the principle of **Supremacy of the Constitution**, any internal rule of a co-equal branch that contravenes the fundamental law is null and void.

Application: The first complaint against Chief Justice Valdez was "initiated" in February 2024 when it was referred to the Committee on Justice. The filing of a second complaint in May 2024 clearly falls within the prohibited one-year window. The House's internal rule attempting to redefine "initiation" is unconstitutional because the Legislature cannot use its rule-making power to circumvent or alter constitutional limitations. The Supreme Court has the **duty of judicial review** to ensure that all branches of government, including the House in impeachment proceedings, stay within their constitutional boundaries.

Conclusion: Therefore, the second impeachment complaint is barred by the Constitution and is null and void.

Case Digest: Tañada vs. Cuenco

G.R. No. L-10520 (February 28, 1957)

Facts

- **November 1955:** General elections were held for the Senate. Pacita Madrigal Warns and seven others were proclaimed winners.
- **Post-Election 1955:** Petitioner Diosdado Macapagal, a Liberal Party candidate who lost, filed an election protest (Senate Electoral Case No. 4) against the eight winners before the Senate Electoral Tribunal (SET).
- **February 21, 1956:** The Senate deliberated on organizing the SET. Senator Sabido (Nacionalista Party) moved to give Senator Lorenzo

Tañada (Citizens Party) the "privilege" to nominate the three minority members. Tañada objected, asserting it was a constitutional "right," not a privilege.

- **February 22, 1956:** The Senate session continued.
- Senator Primicias nominated Senators Laurel, Lopez, and Primicias on behalf of the Nacionalista Party (the majority). The Senate elected them.
- Senator Tañada nominated himself on behalf of the Citizens Party (the second largest party). The Senate elected him.
- Senator Primicias, acting for the Committee on Rules, then nominated Senators Cuenco and Delgado (both Nacionalistas) to fill the remaining two seats reserved for the minority. Despite Tañada's objections that this violated the Constitution, the Senate approved the nominations.
- **Subsequently:** Tañada and Macapagal filed this petition to oust Cuenco and Delgado, arguing their election was null and void as they were not nominated by the party having the second largest number of votes.

Issue

Whether the Senate's election of two majority party Senators to the Senate Electoral Tribunal, upon nomination by the majority party rather than the minority party, is a justiciable controversy or a "political question" beyond judicial review.

Ruling

No (The election is not valid and the Court has jurisdiction).

Explanation: The Supreme Court ruled that it has the power and duty to inquire into the legality of the Senate's actions when they conflict with the Constitution. The Court explained that a "political question" refers to matters of policy or discretionary authority delegated to the legislative or executive branches. However, the organization of the Senate Electoral Tribunal is governed by Section 11, Article VI of the Constitution, which provides a specific, mandatory procedure: three members must be nominated by the

majority party and three by the second largest party. The Senate does not have "full discretionary authority" to ignore this method of selection. By electing two Nacionalista Senators who were not nominated by the Citizens Party (the second largest party), the Senate violated the constitutional "balance of power" intended to ensure an impartial tribunal.

Doctrines

- "Judicial power includes the authority to inquire into the legality of statutes enacted by the two Houses of Congress, and approved by the Executive, there can be no reason why the validity of an act of one of said Houses, like that of any other branch of the Government, may not be determined in the proper actions."
- "The term 'political question' connotes, in legal parlance, what it means in ordinary parlance, namely, a question of policy."
- "It refers to 'those questions which, under the Constitution, are to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the Legislature or executive branch of the Government.'"
- "The Senate is not clothed with 'full discretionary authority' in the choice of members of the Senate Electoral Tribunal."
- "The procedure prescribed in said provision for the selection of members of the Electoral Tribunals is vital to the role they are called upon to play. it constitutes the essence of said Tribunals."
- "Hence, compliance with said procedure is mandatory, and acts performed in violation thereof are null and void."

Bar Exam Type Question

Question: In the 2025 Senatorial Elections, the "Unity Party" (the majority) wins 23 seats, while the "Vigilance Party" (the minority) wins only 1 seat, held by **Senator Lorenzo T.** When the Senate organizes the Senate Electoral Tribunal (SET), the Unity Party nominates its three members. Senator Lorenzo T. nominates himself as the sole representative of the Vigilance

Party. To complete the nine-member tribunal, the Unity Party then nominates two more of its own members, **Senators Mariano C. and Francisco D.**, to fill the remaining minority seats, arguing that the Constitution requires a nine-member body and the minority party only has one senator available. Senator Lorenzo T. and a losing candidate, **Diosdado M.**, file a petition with the Supreme Court to oust the two additional Unity Party senators. The Senate argues that the organization of the SET is an internal "political question" and that the Court cannot interfere with the Distribution of Powers. Is the Senate's contention correct?

Answer (RLAC Method):

Response: No, the Senate's contention is not correct.

Legal Basis: Under **Section 11, Article VI of the Constitution**, the SET must be composed of nine members: three Justices and six members of the Senate. Of the six senators, three must be chosen "upon nomination of the party having the largest number of votes" and the other three "upon nomination of the party having the second largest number of votes therein." According to **Tañada vs. Cuenco**, this procedure is mandatory and vital to the "essence" of the tribunal, which is to maintain an equilibrium between parties.

Application: The Supreme Court held that the "political question" doctrine does not apply when the issue involves a violation of a specific constitutional mandate. The right to nominate the three minority seats belongs *exclusively* to the second largest party (the Vigilance Party). The majority party cannot usurp this right by nominating its own members to fill those seats, even if the minority party has only one senator. Doing so destroys the "balance of power" and the "decisive moderating role" of the Justices.

Conclusion: Therefore, the election of the two additional Unity Party senators is null and void for violating the supremacy of the Constitution and the mandatory distribution of power regarding SET nominations

Case Digest: Angara vs. Electoral Commission

G.R. No. 45081 (July 15, 1936)

Facts

- **September 17, 1935:** National elections were held where **Jose A. Angara** and **Pedro Ynsua** were among the candidates for the National Assembly for the first district of Tayabas.
- **October 7, 1935:** The provincial board of canvassers proclaimed Angara as the member-elect for having received the most votes.
- **November 15, 1935:** Angara took his oath of office.
- **December 3, 1935:** The National Assembly passed **Resolution No. 8**, which approved and confirmed the election of all members against whom no protest had been filed as of that date.
- **December 4 and 6, 1935:** The members of the Electoral Commission (three Justices and six Assemblymen) were respectively designated.
- **December 8, 1935:** Pedro Ynsua filed a **Motion of Protest** against Angara's election with the Electoral Commission.
- **December 9, 1935:** The Electoral Commission met for the first time and adopted a resolution fixing **December 9** as the final deadline for filing election protests.
- **December 20, 1935:** Angara filed a "Motion to Dismiss the Protest," arguing that the National Assembly's Dec. 3 resolution already confirmed his election and barred any further protests.
- **January 23, 1936:** The Electoral Commission denied Angara's motion, asserting it had the authority to set its own deadlines.
- **Supreme Court Action:** Angara filed a petition for a writ of prohibition to stop the Electoral Commission from hearing the protest, claiming the National Assembly has the primary power to regulate such proceedings.

Issue

Whether the Supreme Court has the jurisdiction to resolve a conflict between the National Assembly and the Electoral Commission regarding their respective constitutional powers.

Ruling

Yes.

Explanation: The Supreme Court ruled that it has the "solemn and sacred obligation" to determine the proper allocation of powers between different branches and agencies of the government. Under the principle of **judicial review**, the Judiciary serves as the final arbiter of the Constitution to ensure that no branch transcends the boundaries set by the fundamental law. In this case, because there was a direct conflict between the National Assembly (claiming its confirmation resolution was final) and the Electoral Commission (claiming the sole right to judge election contests), the Court had the duty to intervene and define the scope of their respective authorities.

Doctrines

- "The separation of powers is a fundamental principle in our system of government."
- "The Constitution has provided for an elaborate system of checks and balances to secure coordination in the workings of the various departments of the government."
- "In cases of conflict, the judicial department is the only constitutional organ which can be called upon to determine the proper allocation of powers between the several departments and among the integral or constituent units thereof."
- "The Constitution is a definition of the powers of government."
- "Judicial supremacy is but the power of judicial review in actual and appropriate cases and controversies, and is the power and duty to see that no one branch or agency of the government transcends the Constitution, which is the source of all authority."

- "The Electoral Commission shall be the sole judge of all contests relating to the election, returns and qualifications of the members of the National Assembly."
 - "It is basic that all rules must not contravene the Constitution which is the fundamental law."
-

Bar Exam Type Question

Question: In 2025, the House of Representatives passed a resolution confirming the election of all its members who did not have a pending protest as of December 1st. Two weeks later, the **House Electoral Tribunal (HET)**, a body created by the Constitution to be the "sole judge" of election contests, issued a rule stating that protests could be filed until December 20th. On December 15th, **Peter Insua** filed a protest against **Jose Agara**, whose election had already been "confirmed" by the House on December 1st. Agara filed a petition with the Supreme Court to stop the HET, arguing that the House's earlier resolution took precedence and that the Judiciary cannot interfere with the internal affairs of the Legislature. The House supports Agara, claiming the HET is merely an "instrumentality" of the House and must follow its resolutions. Does the Supreme Court have the power to settle this dispute?

Answer (RLAC Method):

Response: Yes, the Supreme Court has the power to settle this dispute.

Legal Basis: According to the landmark ruling in *Angara vs. Electoral Commission*, while the separation of powers is fundamental, the Constitution is the supreme law that defines the boundaries of government authority. The Judiciary is the final arbiter tasked with the duty of **judicial review** to allocate constitutional boundaries in cases of conflict between different agencies or branches.

Application: In this scenario, there is a clear conflict of authority between the House (Legislative) and the HET (a Constitutional body) regarding who has the power to set the deadline for election protests. The Court held that the Electoral Commission (or HET) is an **independent constitutional organ** and not a mere subordinate of the legislature. Since the Constitution grants the HET the "sole" power to judge all contests, this grant of power implies the authority to prescribe rules for its exercise, such as filing deadlines. The Court must intervene because, without a final arbiter, such conflicts would create a "void" in the constitutional system.

Conclusion: Therefore, the Supreme Court has jurisdiction over the subject matter and the parties to determine the extent of the constitutional grant of power and ensure the **supremacy of the Constitution**.

ADOPTION, AMENDMENT AND SUBMISSION OF AMENDMENTS

Case Digest: Gonzales vs. Commission on Elections

G.R. No. L-28196 (November 9, 1967)

Facts

- **March 16, 1967:** The Senate and the House of Representatives passed three major resolutions:
- **R.B.H. No. 1:** Proposed increasing the membership of the House of Representatives from 120 to 180.
- **R.B.H. No. 2:** Called for a constitutional convention to be held in 1971 to propose amendments to the Constitution.

- **R.B.H. No. 3:** Proposed allowing Senators and Congressmen to serve as delegates to the 1971 convention without losing their seats in Congress.
- **June 17, 1967:** Republic Act No. 4913 was approved. This law provided that the amendments proposed in R.B.H. Nos. 1 and 3 be submitted to the people for ratification during the **general elections** scheduled for November 14, 1967.
- **October 21, 1967:** Ramon A. Gonzales, a Filipino citizen and taxpayer, filed a petition for prohibition to stop the Commission on Elections (COMELEC) from enforcing R.A. No. 4913. He argued the law was unconstitutional.
- **October 31, 1967:** The Philippine Constitution Association (PHILCONSA) filed a similar petition, challenging both the resolutions and R.A. No. 4913.
- **Petitioners' Arguments:** They claimed that constitutional amendments must be submitted in a **special election** rather than a general election, that Congress cannot both propose amendments and call a convention at the same time, and that the current Congress was "unconstitutional" for failing to reapportion legislative districts.

Issue

Whether Congress, acting as a constituent assembly, may validly submit proposed constitutional amendments for ratification by the people in a general election rather than a special election.

Ruling

Yes.

Explanation: The Supreme Court dismissed the petitions and upheld the validity of Republic Act No. 4913. The Court ruled that Section 1, Article XV of the Constitution does not specify that the ratification must take place in a "special" election. The use of the word "election" without any qualification means Congress has the discretion to submit proposed amendments in either

a general or a special election. Furthermore, the Court held that the power of Congress to propose amendments and to call a constitutional convention are not mutually exclusive; it may exercise both powers simultaneously as the word "or" in the Constitution can be interpreted as "and" depending on the context.

Doctrines

- "The power to amend the Constitution or to propose amendments thereto is not included in the general grant of legislative powers to Congress."
- "Congress may propose amendments to the Constitution merely because the same explicitly grants such power."
- "The issue whether or not a Resolution of Congress — acting as a constituent assembly — violates the Constitution is essentially justiciable, not political, and, hence, subject to judicial review..."
- "There is in this provision nothing to indicate that the 'election' therein referred to is a 'special,' not a general, election."
- "The act of proposing amendments is distinct from — albeit related to — that of submitting the amendments to the people for their ratification; and that the 3/4 voting requirement applies only to the first step, not to the second one."
- "Since when proposing, as a constituent assembly, amendments to the Constitution, the members of Congress derive their authority from the Fundamental Law, it follows, necessarily, that they do not have the final say on whether or not their acts are within or beyond constitutional limits."

Bar Exam Type Question

Question: In March 2026, the Philippine Congress, acting as a constituent assembly, passed a resolution proposing to amend the Constitution to allow the President a second term. Simultaneously, Congress passed another resolution calling for a Constitutional Convention in 2029 to review all other

provisions of the Charter. To save on government costs, Congress enacted a law requiring that the proposed amendment regarding the presidential term be submitted to the people for ratification during the upcoming 2026 National and Local Elections.

Roman G., a taxpayer, filed a petition to stop the plebiscite, arguing that: (1) Constitutional amendments must be voted on in a special election to avoid being overshadowed by the "circus" of a general election; and (2) Congress cannot propose specific amendments while also calling for a general convention. Is Roman G. correct?

Answer (RLAC Method):

Response: No, Roman G. is not correct.

Legal Basis: Under **Section 1, Article XV of the Constitution** (as interpreted in **Gonzales vs. COMELEC**), amendments shall be valid when approved by a majority of the votes cast at "an election" at which the amendments are submitted to the people. The Supreme Court held that the Constitution does not qualify this as a "special" election; therefore, Congress has the discretion to hold the plebiscite simultaneously with a general election.

Application: The Court has established that there is no constitutional prohibition against submitting amendments during a general election, even if it is argued that political personalities might distract from the amendments. Additionally, Congress is not limited to a single alternative; it may propose specific amendments and call for a convention at the same time because these actions serve different purposes and the term "or" in the grant of power does not necessarily signify an exclusive choice.

Conclusion: Therefore, the law providing for the submission of the amendment during the general election is constitutional, and the simultaneous calling of a convention is a valid exercise of congressional power.

Case Digest: Lambino vs. Commission on Elections

G.R. No. 174153 (October 25, 2006)

Facts

- **February 15, 2006:** Petitioners Raul L. Lambino and Erico B. Aumentado (the Lambino Group) began gathering signatures for an initiative petition to change the 1987 Constitution.
- **August 25, 2006:** The Lambino Group filed a petition with the Commission on Elections (COMELEC) to hold a plebiscite to ratify their initiative. They claimed the support of 6,327,952 registered voters, meeting the required 12% nationwide and 3% per legislative district thresholds.
- **August 30, 2006:** The Lambino Group filed an **Amended Petition** with the COMELEC to correct "inaccurate" statements regarding the proposed Transitory Provisions. The proposal sought to shift the government from a **Bicameral-Presidential** system to a **Unicameral-Parliamentary** system.
- **August 31, 2006:** The COMELEC issued a Resolution **denying due course** to the petition. The COMELEC cited the ruling in *Santiago v. COMELEC*, which declared that Republic Act No. 6735 was inadequate to implement a people's initiative to amend the Constitution.
- **September 2006:** The Lambino Group filed a petition for *certiorari* and *mandamus* with the Supreme Court, arguing that the COMELEC committed grave abuse of discretion and that the *Santiago* ruling was not a binding precedent.

Issue

Whether the Lambino Group's initiative petition to shift the Philippine government to a unicameral-parliamentary system constitutes a valid **amendment** directly proposed by the people through initiative under Section 2, Article XVII of the Constitution.

Ruling No.

Explanation: The Supreme Court ruled that the initiative failed for two main reasons. First, it did not comply with the **"direct proposal"** requirement of the Constitution. For an initiative to be validly "directly proposed by the people," the signatories must be shown the **full text** of the proposed changes before they sign. In this case, the signature sheets only contained a general question and did not include the actual text of the 105 provisions being altered. Second, the proposed change was a **revision**, not an **amendment**. A people's initiative is limited by the Constitution to mere amendments. The Court held that shifting from a presidential to a parliamentary system and from a bicameral to a unicameral legislature radically overhauls the structure of government and the principle of separation of powers, which constitutes a revision that can only be done by Congress or a Constitutional Convention.

Doctrines

- "An amendment is 'directly proposed by the people through initiative upon a petition' only if the people sign on a petition that contains the full text of the proposed amendments."
- "The initiative power reserved by the people by amendment to the Constitution... applies only to the proposing and the adopting or rejecting of 'laws and amendments to the Constitution' and does not purport to extend to a constitutional revision."
- "Revision broadly implies a change that alters a basic principle in the constitution, like altering the principle of separation of powers or the system of checks-and-balances."
- "Quantitative test asks whether the proposed change is so extensive in its provisions as to change directly the 'substantial entirety' of the constitution by the deletion or alteration of numerous existing provisions."

- "Qualitative test inquires into the qualitative effects of the proposed change... whether the change will accomplish such far reaching changes in the nature of our basic governmental plan as to amount to a revision."
- "A shift from a Bicameral-Presidential to a Unicameral-Parliamentary system, involving the abolition of the Office of the President and the abolition of one chamber of Congress, is beyond doubt a revision, not a mere amendment."

Bar Exam Type Question

Question: In 2027, a group called "**Sigaw ng Masa**," led by **Atty. Ralph Lamberto**, launches a signature drive to change the 1987 Constitution. The group gathers 7 million signatures on sheets that ask the following: *"Do you approve of changing our current Presidential system to a Parliamentary system to ensure faster government action?"* The signature sheets do not contain the specific wording of the new articles or the list of provisions to be deleted.

After the signatures are verified, the group files a petition with the COMELEC to call a plebiscite. Opponents file a protest, arguing that the petition is invalid because it constitutes a revision of the Constitution and that the people did not see the actual text of the changes. Atty. Lamberto counters that the "will of the people" should prevail over technicalities. Should the COMELEC give due course to the petition?

Answer (RLAC Method):

Response: No, the COMELEC should not give due course to the petition.

Legal Basis: Under **Section 2, Article XVII of the 1987 Constitution**, the people may directly propose "amendments" to the Constitution through initiative. However, as established in ***Lambino vs. COMELEC***, an initiative is void if the signatories were not shown the full text of the proposed changes at

the time of signing. Furthermore, the Constitution restricts the power of initiative to "amendments" and excludes "revisions".

Application: In this case, the initiative is double-defective. First, it violates the "full text" rule because the signature sheets only contained a general summary and not the specific constitutional provisions being changed. This prevents the voters from making an informed and intelligent evaluation of the proposal. Second, the shift from a Presidential to a Parliamentary system is a **revision**, not an amendment, because it radically alters the basic structure of government, the separation of powers, and the system of checks and balances. Such a fundamental overhaul can only be proposed by Congress or a Constitutional Convention, not through a people's initiative.

Conclusion: Therefore, the petition is unconstitutional and must be dismissed as it exceeds the legal scope of a people's initiative and fails to follow the mandatory procedural requirements for a direct proposal

Case Digest: Sanidad vs. Commission on Elections

G.R. No. L-44640 (October 12, 1976)

Facts

- **September 2, 1976:** President Ferdinand E. Marcos issued **Presidential Decree (P.D.) No. 991**, calling for a national referendum on October 16, 1976, to resolve issues regarding martial law and the replacement of the interim National Assembly.
- **September 22, 1976:** The President issued **P.D. No. 1031**, amending the previous decree to provide for the manner of voting and canvassing of votes in the Citizens Assemblies ("barangays").
- **September 22, 1976:** On the same day, the President issued **P.D. No. 1033**, which contained the specific questions and proposed amendments to be submitted to the people, including the creation of an

interim Batasang Pambansa to replace the interim National Assembly.

- **September 27, 1976: Pablo C. Sanidad and Pablito V. Sanidad** filed a petition for prohibition to stop the referendum-plebiscite, arguing that the President lacked the constituent power to propose amendments.
- **September 30 to October 5, 1976:** Other petitioners, including **Vicente Guzman** and **Raul Gonzales**, filed separate suits challenging the constitutionality of the President's actions.

Issue

Whether the incumbent President of the Philippines has the power to exercise constituent power to propose amendments to the Constitution in the absence of the interim National Assembly.

Ruling

Yes.

Explanation: The Supreme Court ruled that because the **interim National Assembly had not been convened** (due to the people's expressed will in prior referendums), the President could validly exercise the constituent power to propose amendments. The Court explained that if the President has been legitimately discharging the legislative functions of the Assembly, he can likewise discharge its function to propose amendments, as this is an "adjunct" to his legislative power in a crisis government. To hold otherwise would leave the government in a "destructive vacuum" or stalemate during a time of crisis.

Doctrines

- "The amending process both as to proposal and ratification, raises a judicial question."
- "If the President has been legitimately discharging the legislative functions of the interim Assembly, there is no reason why he cannot validly discharge the function of that Assembly to propose

amendments to the Constitution, which is but adjunct, although peculiar, to its gross legislative power."

- "With the interim National Assembly not convened and only the Presidency and the Supreme Court in operation, the urges of absolute necessity render it imperative upon the President to act as agent for and in behalf of the people to propose amendments to the Constitution."
- "The constituent body or in the instant cases, the President, may fix the time within which the people may act."
- "Indeed, it may well be said that the amending process is a sovereign act, although the authority to initiate the same and the procedure to be followed reside somehow in a particular body."

Bar Exam Type Question

Question: In 1976, during a period of transition under the 1973 Constitution, the interim National Assembly had not yet been convened. **President Ferdie M.**, exercising legislative powers under a crisis government, issued a decree proposing several constitutional amendments, including the creation of a new legislative body. He scheduled a referendum-plebiscite for the people to ratify these changes. **Paul and Paulito S.**, two concerned taxpayers, filed a petition to stop the plebiscite, arguing that under the Constitution, only the National Assembly or a Constitutional Convention has the authority to propose amendments. They claimed that the President's act was a "unilateral move" that lacked legal basis.

Is the contention of Paul and Paulito S. correct?

Answer (RLAC Method):

Response: No, the contention of Paul and Paulito S. is not correct.

Legal Basis: According to the ruling in ***Sanidad vs. COMELEC***, while the power to propose amendments normally resides in the legislature, the incumbent President may exercise this constituent power during a transition

period if the legislative body (the interim National Assembly) has not been convened.

Application: In the *Sanidad* case, the Supreme Court held that in the absence of the interim National Assembly, the President acts as an **agent of the people**. Since the President was already legitimately exercising legislative functions to solve the nation's disturbances, the power to propose amendments was seen as an adjunct to that power. Furthermore, the Court noted that leaving the government without a way to amend the Charter would result in a "destructive vacuum" that would impede the transition back to normalcy.

Conclusion: Therefore, the President's proposal of amendments is constitutional as it was born out of absolute necessity and the people's sovereign will.

Case Digest: Planas vs. Commission on Elections

G.R. No. L-35925 (January 22, 1973)

Facts

- **March 16, 1967:** Congress passed Resolution No. 2 (later amended by Resolution No. 4 on June 17, 1969) calling for a Constitutional Convention to propose amendments to the 1935 Constitution.
- **August 24, 1970:** Republic Act No. 6132 was approved to implement the election of delegates for the Convention.
- **June 1, 1971:** The 1971 Constitutional Convention began its sessions.
- **September 21, 1972:** President Ferdinand Marcos issued Proclamation No. 1081, placing the Philippines under **Martial Law**.

- **November 29, 1972:** The Convention approved its **Proposed Constitution**.
- **November 30, 1972:** The President issued **Presidential Decree (P.D.) No. 73**, setting a plebiscite for January 15, 1973, and appropriating funds for the ratification of the new Charter.
- **December 7, 1972:** **Charito Planas** filed a petition (followed by several others) to enjoin the implementation of P.D. No. 73, arguing that the power to call a plebiscite and appropriate funds is lodged exclusively in Congress.
- **December 17, 1972:** The President temporarily suspended the effects of Martial Law to allow for free debate on the Proposed Constitution.
- **December 31, 1972:** The President issued **P.D. No. 86**, organizing **Citizens' Assemblies** to be consulted on public questions.
- **January 7, 1973:** The President issued General Order No. 20, **postponing the plebiscite** scheduled for January 15 and withdrawing the period for free debate.
- **January 10–15, 1973:** Voting took place in the Citizens' Assemblies regarding the new Constitution.
- **January 17, 1973:** While the Supreme Court was hearing arguments, the President signed **Proclamation No. 1102**, certifying that the new Constitution had been ratified by the Citizens' Assemblies.

Issue

Whether the 1971 Constitutional Convention had the authority to propose a completely new Constitution instead of merely individual amendments, and whether the validity of the President's decree calling for a plebiscite is a justiciable issue.

Ruling

Yes.

Explanation: The Supreme Court held that the issue of whether a Presidential Decree calling for a plebiscite is valid is **justiciable** (subject to

judicial review) because such a decree purports to have the force of legislation. Regarding the Convention's authority, the Court ruled that the Convention was **legally free** to propose any changes it deemed fit, including a whole new Charter. The Court reasoned that the Convention exercises sovereign powers delegated by the people and its proposals do not become law until the people themselves ratify them in an election. However, since the plebiscite under P.D. No. 73 was postponed and replaced by the process in Proclamation No. 1102, the specific question of P.D. 73's validity was deemed **moot and academic**.

Doctrines

- "Indeed, the contested decree purports to have the force and effect of a legislation, so that the issue on the validity thereof is manifestly a justiciable one, on the authority, not only of a long list of cases in which the Court has passed upon the constitutionality of statutes and/or acts of the Executive, but, also, of no less than that of Subdivision (1) of Section 2, Article VIII of the 1935 Constitution, which expressly provides for the authority of this Court to review cases involving said issue."
 - "It is my considered view that the Convention was legally free to postulate any amendment it may deem fit to propose — save perhaps what is or may be inconsistent with what is now known, particularly in international law, as *Jus Cogens* — not only because the Convention exercised sovereign powers delegated thereto by the people — although insofar only as the determination of the proposals to be made and formulated by said body is concerned — but, also, because said proposals cannot be valid as part of our Fundamental Law unless and until 'approved by the majority of the votes cast at an election at which' said proposals 'are submitted to the people for their ratification,' as provided in Section 1 of Art. XV of the 1935 Constitution."
 - "There is unanimity on the justiciable nature of the issue on the legality of Presidential Decree No. 73."
-

Bar Exam Type Question

Question: In 2026, during a period of national emergency, a Constitutional Convention drafts a new Constitution. President **Ferdie M.** issues a decree (P.D. No. 100) setting a date for a plebiscite and allocating ₱1 Billion for its conduct. **Clarita P.**, a taxpayer, files a petition with the Supreme Court to stop the plebiscite. She argues that: (1) The Convention only had the power to "amend" the existing Charter, not write a new one; and (2) The President cannot call a plebiscite or appropriate funds as these are legislative powers. The Solicitor General moves to dismiss, claiming the matter is a "political question." How should the Court rule?

Answer (RLAC Method):

Response: The Court should rule that the issues are **justiciable**, and that the Convention has the **authority** to propose a new Constitution, but may find the specific decree's validity moot if the plebiscite is postponed.

Legal Basis: Under the ruling in *Planas vs. COMELEC*, the Court held that a decree purporting to have the force of law is a **justiciable matter**, as the Court has the constitutional authority to review the validity of executive acts. Furthermore, the Court established that a Constitutional Convention is "legally free to postulate any amendment it may deem fit to propose," including a new Charter, because it exercises sovereign powers delegated by the people.

Application: Clarita's argument that the Convention exceeded its power fails because the Convention's role is to formulate proposals which only become binding upon ratification by the people. On the second point, the challenge is not a "political question" because it involves the interpretation of the President's legislative authority under the Constitution. However, if the President subsequently postpones the plebiscite or changes the method of ratification, the specific challenge to P.D. No. 100 becomes moot and academic.

Conclusion: Therefore, while the Court can review the President's decree, the Convention's act of proposing a new Constitution is valid, and the petition should be dismissed if the underlying plebiscite has been officially postponed.

Case Digest: Javellana vs. Executive Secretary

G.R. No. L-36142 (March 31, 1973)

Facts

- **March 16, 1967:** The Philippine Congress passed Resolution No. 2, calling for a Constitutional Convention to propose amendments to the 1935 Constitution.
- **August 24, 1970:** Republic Act No. 6132 was approved to implement the convention and set the election of delegates.
- **June 1, 1971:** The 1971 Constitutional Convention formally began its sessions.
- **September 21, 1972:** President Ferdinand E. Marcos issued Proclamation No. 1081, placing the entire Philippines under **Martial Law**.
- **November 29, 1972:** The Convention approved the "Proposed Constitution of the Republic of the Philippines".
- **November 30, 1972:** The President issued Presidential Decree (P.D.) No. 73, setting a formal plebiscite for January 15, 1973, to ratify the new Charter.
- **December 31, 1972:** P.D. No. 86 was issued, creating **Citizens' Assemblies** (Barangays) to be consulted on public issues.
- **January 7, 1973:** General Order No. 20 was issued, **postponing** the January 15 plebiscite. Simultaneously, P.D. No. 86-B was issued, ordering that the Citizens' Assemblies conduct a referendum on the ratification of the new Constitution.

- **January 10 to 15, 1973:** Referendums were held in Citizens' Assemblies; voting was conducted mostly **a viva voce** (by raising hands) and included residents as young as 15 years old.
- **January 17, 1973:** President Marcos issued **Proclamation No. 1102**, certifying that the new Constitution had been ratified by an overwhelming majority of the Citizens' Assemblies and had come into effect.
- **January 20, 1973:** Josue Javellana filed a petition to restrain the implementation of the new Constitution, arguing it was not validly ratified according to the requirements of the 1935 Constitution.

Issue

Whether the 1973 Constitution was validly ratified and is currently in force and effect despite the failure to hold a formal plebiscite as required by Article XV of the 1935 Constitution.

Ruling

Yes.

Explanation: The Supreme Court, through a complex series of votes, ultimately dismissed the petitions. While a majority of six justices held that the new Constitution was **not validly ratified** in accordance with the 1935 Constitution (which required a formal election by qualified voters), the final tally showed there were **not enough votes to declare that the new Constitution is not in force**. Consequently, the Court ruled that "this being the vote of the majority, there is no further judicial obstacle to the new Constitution being considered in force and effect".

Doctrines

- "The issue whether or not the revised Constitution drafted by the 1971 Constitutional Convention has been ratified in accordance with said Art. XV is a justiciable one and non-political in nature, and that it is not

only subject to judicial inquiry, but, also, that it is the Court's bounden duty to decide such question."

- "It is well settled that the matter of ratification of an amendment to the Constitution should be settled by applying the provisions of the Constitution in force at the time of the alleged ratification, or the old Constitution."
- "This being the vote of the majority, there is no further judicial obstacle to the new Constitution being considered in force and effect."
- "Every officer under a constitutional government must act according to law and subject to its restrictions, and every departure therefrom or disregard thereof must subject him to the restraining and controlling of the people, acting through the agency of the judiciary; for it must be remembered that the people act through courts, as well as through the executive or the Legislature."

Bar Exam Type Question

Question: In 1973, during a period of Martial Law, a new Constitution was drafted by a Constitutional Convention. Instead of holding a formal plebiscite with secret ballots as required by the 1935 Constitution, the President ordered the creation of "Citizens' Assemblies." In these assemblies, residents (including those aged 15 and above) voted on the new Charter by a show of hands. Shortly after, the President issued a proclamation declaring the Constitution ratified and in full effect. **Jayson Javelina**, a registered voter, filed a petition to stop the enforcement of the new Charter, arguing that it was never validly ratified. The government countered that the issue of ratification is a "political question" and that the people have already accepted the new law.

Is the new Constitution legally considered to be in force and effect?

Answer (RLAC Method):

Response: Yes, the new Constitution is considered to be in force and effect.

Legal Basis: According to the ruling in *Javellana vs. Executive Secretary*, the Supreme Court held that the question of whether a Constitution has been ratified in accordance with the existing fundamental law is a **justiciable issue** and not a political question. However, the Court also held that if there is no majority vote to declare that the new Constitution is **not in force**, it must be recognized as the operative law.

Application: In the *Javellana* case, although six out of ten justices believed that the ratification process in the Citizens' Assemblies did not strictly comply with Article XV of the 1935 Constitution, they could not reach a sufficient majority to categorically declare the 1973 Constitution invalid. Because the petitions were dismissed, the Court concluded that there was "no further judicial obstacle" to the 1973 Constitution being in force.

Conclusion: Therefore, despite the procedural irregularities in the submission and ratification of the amendments, the 1973 Constitution is legally in force and effect.

SOVEREIGNTY

Case Digest: Laurel vs. Misa

G.R. No. L-409 (January 30, 1947)

Facts

- **December 8, 1941 to September 2, 1945:** During the Japanese occupation of the Philippines, Anastacio Laurel, a Filipino citizen, allegedly adhered to the enemy and gave them aid and comfort.
- **Post-Liberation (1945):** Laurel was arrested and charged with treason under Article 114 of the Revised Penal Code.

- **1946:** Laurel filed a petition for *habeas corpus*, arguing that he could not be prosecuted for treason because the sovereignty of the legitimate government (the Commonwealth) was suspended during the occupation, and his allegiance to it was likewise suspended.
- **January 30, 1947:** The Supreme Court issued its resolution denying the petition.

Issue

Whether the military occupation of the Philippines by Japanese forces suspended the sovereignty of the legitimate government and the allegiance of Filipino citizens, thereby making them immune from prosecution for treason.

Ruling

No.

Explanation: The Supreme Court ruled that sovereignty is never suspended. Sovereignty remains vested in the legitimate government even if it is temporarily prevented from exercising its authority over its territory. The Court distinguished between **sovereignty itself** and the **exercise of the rights of sovereignty**; while the exercise of those rights may be suspended when an occupant takes control, the sovereignty itself continues to reside in the legitimate government and is not transferred to the occupier. Consequently, the allegiance of the inhabitants to their legitimate government also subsists, and a citizen can still commit treason by giving aid and comfort to the enemy during an occupation.

Doctrines

- "Considering that a citizen or subject owes, not a qualified and temporary, but an absolute and permanent allegiance, which consists in the obligation of fidelity and obedience to his government or sovereign..."
- "Considering that the absolute and permanent allegiance of the inhabitants of a territory occupied by the enemy of their legitimate government or sovereign is not abrogated or severed by the enemy

occupation, because the sovereignty of the government or sovereign *de jure* is not transferred thereby to the occupier..."

- "The sovereignty vested in the titular government (which is the supreme power which governs a body politic or society which constitute the state) must be distinguished from the exercise of the rights inherent thereto, and may be destroyed, or severed and transferred to another, but it cannot be suspended because the existence of sovereignty cannot be suspended without putting it out of existence or divesting the possessor thereof at least during the so-called period of suspension..."
- "Sovereignty resides in the people and all government authority emanates from them."
- "The question of sovereignty is 'a purely political question, the determination of which by the legislative and executive departments of any government conclusively binds the judges, as well as all other officers, citizens and subjects of the country.'"
- "Sovereignty is the very life of our people, and there is no such thing as 'suspended life.'"

Bar Exam Type Question

Question: During the invasion and subsequent three-year occupation of the Philippines by a foreign power, **Arthur Lorenzo**, a Filipino citizen, actively assisted the invading military by identifying the locations of local resistance groups. After the liberation of the country, Arthur was prosecuted for treason. He moved to quash the charges, arguing that because the Philippine government was in exile and unable to provide him with protection at the time of the occupation, his duty of allegiance was suspended. He further contended that the sovereignty of the Philippine State was suspended while the foreign power was in effective control of the archipelago. Is Arthur Lorenzo's contention correct?

Answer (RLAC Method):

Response: No, Arthur Lorenzo's contention is not correct.

Legal Basis: Under **Article 114 of the Revised Penal Code** and the doctrine established in ***Laurel vs. Misa***, a citizen owes an **absolute and permanent allegiance** to his government that is not abrogated or severed by enemy occupation.

Application: The Supreme Court has held that sovereignty remains vested in the legitimate government even during military occupation; it is only the **exercise** of sovereignty that is temporarily suspended. Since sovereignty is not transferred to the occupier, the inhabitant's duty of fidelity and obedience to their legitimate sovereign subsists. Arthur's claim that the lack of protection suspended his allegiance is untenable, as allegiance is an permanent bond essential for the survival of the state.

Conclusion: Therefore, Arthur remains liable for treason because his allegiance to the Philippines was never suspended during the period of occupation.

Case Digest: Province of North Cotabato vs. Government of the Republic of the Philippines Peace Panel on Ancestral Domain (GRP)

G.R. No. 183591 (October 14, 2008)

Facts

- **1996:** Formal peace negotiations begin between the Government of the Republic of the Philippines (GRP) and the Moro Islamic Liberation Front (MILF).
- **July 18, 1997:** The parties sign the Agreement on General Cessation of Hostilities.

- **August 27, 1998:** The General Framework of Agreement of Intent is signed.
- **1999 to Early 2000:** The MILF attacks several municipalities; in response, President Joseph Estrada declares an "all-out-war".
- **February 28, 2001:** President Gloria Macapagal-Arroyo issues **Executive Order No. 3**, defining the policy framework for the peace process and mandating community-based consultations.
- **June 20-22, 2001:** The Tripoli Agreement on Peace is signed, identifying three aspects for negotiation: Security, Rehabilitation, and Ancestral Domain.
- **2005:** Exploratory talks lead to the final crafting of a draft **Memorandum of Agreement on the Ancestral Domain (MOA-AD)**.
- **July 23, 2008:** The Province of North Cotabato files a petition for Mandamus and Prohibition, claiming they were not consulted on the MOA-AD, which would include their territories in a new "Bangsamoro Juridical Entity" (BJE).
- **August 4, 2008:** The Supreme Court issues a Temporary Restraining Order (TRO) enjoining the GRP from signing the MOA-AD.
- **August 5, 2008:** The date originally scheduled for the formal signing of the MOA-AD in Kuala Lumpur, Malaysia, which did not push through due to the Court's TRO.

Issue

Whether the GRP Peace Panel committed grave abuse of discretion and violated the principles of **national sovereignty and territorial integrity** by negotiating the MOA-AD, which creates an "associative relationship" between the Central Government and the BJE and guarantees constitutional amendments to accommodate the agreement.

Ruling

Yes.

Explanation: The Supreme Court declared the MOA-AD **unconstitutional**. The Court explained that the "associative relationship" envisioned between the Central Government and the BJE is a concept in international law where an "associate" state delegates certain responsibilities to a "principal" state while maintaining its own international status as a state. The Philippine Constitution does not recognize any such "associative" relationship, as it only recognizes one sovereign Philippine State and specific territorial subdivisions like provinces and autonomous regions. By guaranteeing that the Constitution would be amended to conform to the MOA-AD, the Executive branch usurped the **constituent powers** of Congress and the people, as the President can only recommend, but never guarantee, constitutional changes.

Doctrines

- "Sovereignty resides in the people and all government authority emanates from them."
 - "The Constitution, however, does not contemplate any state in this jurisdiction other than the Philippine State, much less does it provide for a transitory status that aims to prepare any part of Philippine territory for independence."
 - "Even assuming arguendo that the MOA-AD would not necessarily sever any portion of Philippine territory, the spirit animating it - which has betrayed itself by its use of the concept of association - runs counter to the national sovereignty and territorial integrity of the Republic."
 - "Establishing an associative relationship between the BJE and the Central Government is, for the reasons already discussed, a preparation for independence, or worse, an implicit acknowledgment of an independent status already prevailing."
 - "The grave abuse lies not in the fact that they considered, as a solution to the Moro Problem, the creation of a state within a state, but in their brazen willingness to guarantee that Congress and the sovereign Filipino people would give their imprimatur to their solution."
-

Bar Exam Type Question

Question: In 2026, the **Republic Peace Commission (RPC)** and a rebel group called the **Mindanao Freedom Force (MFF)** drafted an "Agreement on Ancestral Lands" (AAL). The AAL proposes the creation of a **Mindanao Regional Entity (MRE)**. The agreement describes the relationship between the Republic and the MRE as "associative," granting the MRE the power to establish its own trade missions abroad, manage all natural resources within its territory, and maintain its own internal security force. Crucially, the AAL contains a "Guarantee Clause" where the RPC commits that the Philippine Government shall effect all necessary amendments to the 1987 Constitution within 12 months to ensure the MRE's powers are fully recognized. The **Province of South Cotabato**, which was never consulted despite portions of its land being included in the MRE, files a petition to nullify the AAL. The Government argues the AAL is a mere "proposal" to achieve peace and is therefore not yet subject to judicial review. Is the AAL constitutional?

Answer (RLAC Method):

Response: No, the AAL is unconstitutional.

Legal Basis: Based on the ruling in ***Province of North Cotabato v. GRP***, the state cannot enter into an agreement that creates an "associative relationship" with a territorial subdivision because such a concept is unrecognized by the Constitution and implies a status of statehood or a preparation for independence. Furthermore, the Executive branch cannot **guarantee** constitutional amendments to a third party.

Application: In this case, the MRE's powers—such as foreign trade missions and independent resource management—approximate the status of an independent state. The "associative" label runs counter to **national sovereignty and territorial integrity** because the 1987 Constitution only allows for autonomous regions within the framework of national sovereignty. Additionally, the RPC committed grave abuse of discretion by guaranteeing constitutional changes. This usurps the **constituent powers** of Congress and

the people, who are the only ones authorized to amend the fundamental law. Finally, the failure to consult the affected local government units violates the **right to information** and the mandate for community-based peace processes.

Conclusion: Therefore, the AAL is null and void for being contrary to the Constitution and for the RPC's grave abuse of discretion in its negotiation.