

IV. JUDICIAL REVIEW AND STARE DECISIS

A. Power of Judicial Review upon Constitutional Questions

Judicial review is the power and duty of the courts to settle actual controversies involving demandable and enforceable rights and to determine if there has been a grave abuse of discretion on the part of any branch of government. It is a necessary concomitant of the power to hear and dispose of a case to ensure that no branch of government transcends the Constitution.

**The Four Requisites for Judicial Review:** As established in **Dumlao vs. COMELEC**, for the Court to exercise this power, the following must concur:

- 1. There must be an **actual case or controversy**.
- 2. The party raising the question must have **legal standing** (a personal and substantial interest).
- 3. The constitutional question must be raised at the **earliest opportunity**.
- 4. The resolution of the constitutional question must be **necessary to the decision** of the case (the *lis mota*).

**CASE DIGEST: PATRICIO DURLAO, ET AL. VS. COMMISSION ON ELECTIONS G.R. No. L-52245, January 22, 1980**

**FACTS:** Petitioners challenged the constitutionality of certain provisions of Batas Pambansa Blg. 51, 52, and 53 regarding disqualifications for local elective positions. Specifically, Dumlao assailed a provision that disqualified former elective officials over 65 who received retirement benefits from running for the same office, claiming it was targeted specifically at him. At the time of filing, no petition for disqualification had actually been filed against Dumlao before the COMELEC.

**ISSUES: WHETHER** the petition satisfies the requisites for the exercise of the power of judicial review.

**RULINGS: NO.** The Court ruled that the petition fell short of the procedural criteria. There was no actual controversy because Dumlao had not yet been adversely affected by the law, making his query a hypothetical request for an advisory opinion. Furthermore, the other petitioners lacked legal standing as they were not personally or directly injured by the provisions they attacked.

**DOCTRINE:** The person who impugns the validity of a statute must have a personal and substantial interest in the case such that he has sustained, or will sustain, direct injury as a result of its enforcement.

**RATIO DECIDENDI:** Judicial power is limited to the determination of actual cases and controversies. Courts must first ascertain whether an interpretation is fairly possible to sidestep the question of constitutionality, as invalidity is a measure of last resort.

B. Judicial Legislation

Judicial legislation occurs when a court goes beyond interpreting the law and begins to rewrite or "improve" it. While interpretation involves a narrow choice to carry out formulated policy, courts are generally prohibited from filling gaps that the legislature intentionally or carelessly left.

**CASE DIGEST: NATIONAL MARKETING CORPORATION VS. MIGUEL TECSON G.R. No. L-29131, August 27, 1969**

**FACTS:** Plaintiff NAMARCO filed an action to revive a judgment on December 21, 1965. The original judgment had become final on December 21, 1955. Article 13 of the Civil Code states that "years" are understood to be 365 days each. The respondent argued that because 1960 and 1964 were leap years, the 10-year prescriptive period actually expired on December 19, 1965, and thus the case was filed two days late.

**ISSUES: WHETHER** the Court can disregard the literal text of Article 13 to account for leap years without engaging in judicial legislation.

**RULINGS: NO.** The Court affirmed the dismissal of the complaint. It held that the language of Article 13 is explicit in defining a year as 365 days.

**DOCTRINE:** Courts cannot ignore or nullify a clear provision of law (like Art. 13) to conform to ordinary experience, as doing so would constitute judicial legislation and effectively repeal an act of Congress.

**RATIO DECIDENDI:** If public interest demands a change in how time is computed to be more realistic, this must be done through the legislative process, not by judicial decree.

**CASE DIGEST: PERFECTO S. FLORESCA, ET AL. VS. PHILEX MINING CORPORATION G.R. No. L-30642, April 30, 1985**

**FACTS:** Petitioners, heirs of employees who died in a mining accident, sought to recover damages under the Civil Code. The respondent argued that under the Workmen's Compensation Act, the remedy provided therein was exclusive and barred any other action under the Civil Code. A dissenting view argued that for the Court to allow the Civil Code action was to engage in judicial legislation by creating an exception not found in the statute.

**ISSUES: WHETHER** the Court, in allowing the action, is usurping the legislative function.

**RULINGS: NO.** The Court held that it was not legislating but merely giving effect to constitutional guarantees of social justice.

**DOCTRINE:** The myth that courts cannot legislate is exploded by **Article 9 of the Civil Code**, which mandates that no judge shall decline to render judgment by reason of the silence, obscurity, or insufficiency of the laws.

**RATIO DECIDENDI:** Interpretation which belongs to the courts belongs to their "peculiar and proper province" and does not change the law but conserves it. When a judge "fills the open spaces in the law" to avoid an un-Christian or dehumanizing result, they are performing a necessary judicial function.

**C. Void for Vagueness**

A statute is void for vagueness when it lacks comprehensible standards such that people of common intelligence must necessarily guess at its meaning and differ as to its application. Such laws violate due process because they fail to provide fair notice of what conduct to avoid and leave law enforcers with unbridled discretion.

**CASE DIGEST: THE PEOPLE OF THE PHILIPPINES VS. EUSEBIO NAZARIO G.R. No. L-44143, August 31, 1988**

**FACTS:** Nazario, a fishpond operator, was charged with failure to pay municipal taxes under a local ordinance. He argued that the ordinance was void for vagueness because it was unclear whether the tax applied to fishpond managers or owners and whether it applied to him since his fishpond was partly in another municipality.

**ISSUES: WHETHER** the tax ordinance is unconstitutional for being "perfectly vague".

**RULINGS: NO.** The Court held that the ordinance was fairly applicable. The standards, while not apparent on the face, were visible from the intent of the ordinance and were clarified by the fact that the defendant had been in operation for years and should have known his obligations.

**DOCTRINE:** To be declared void, an act must be **utterly vague on its face**, meaning it cannot be clarified by either a saving clause or by proper construction.

**RATIO DECIDENDI:** If a statute can be "saved" by construction or if its standard—though defectively phrased—can be understood through military or administrative practice, it will be upheld.

**CASE DIGEST: JOSEPH EJERCITO ESTRADA VS. SANDIGANBAYAN G.R. No. 148560, November 19, 2001**

**FACTS:** Former President Estrada was charged with Plunder under R.A. 7080. He challenged the law as unconstitutional, arguing that terms such as "combination," "series," and "pattern" were not defined, thus suffering from the vice of vagueness.

**ISSUES: WHETHER** the lack of statutory definitions for key terms renders the Plunder Law void for vagueness.

**RULINGS: NO.** The Court upheld the constitutionality of the law. It ruled that the terms used have ascertainable meanings through simple statutory construction.

**DOCTRINE:** "To doubt is to sustain". A statute is not rendered void merely because terms are not defined; Congress is not required to define every word so long as the legislative will can be gathered from the whole act.

**RATIO DECIDENDI:** Words are to be interpreted in their natural, plain, and ordinary acceptance. Recourse to legislative deliberations (the Bicameral Conference Committee) clarified that "series" meant a repetition of at least twice, removing any supposed ambiguity.

**D. Stare Decisis Et Non Quieta Movere**

The doctrine of **stare decisis** means that once a point of law has been established by the court, it will generally be followed by the same court and all lower courts in subsequent cases where the same legal issue is raised. It is a policy of the courts to stand by precedent and not disturb settled points to promote stability in the law.

**E. Article 8, Civil Code of the Philippines**

As requested, here is the text of **Article 8 of the Civil Code**:

**"Article 8. Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines."**

**F. Prospective Application of Judicial Precedents**

The interpretation of a law by the Supreme Court constitutes part of that law as of the date it was originally passed. However, when a doctrine is overruled and a new one is adopted, the new doctrine must be applied **prospectively** to protect parties who relied on the old doctrine in good faith.

**CASE DIGEST: THE PEOPLE OF THE PHILIPPINES VS. JOSE JABINAL G.R. No. L-30061, February 27, 1974**

**FACTS:** Jabinal was charged with illegal possession of a firearm in 1964. At that time, the prevailing doctrines (*Lucero* and *Macarandang*) held that a person acting as a "confidential agent" to a provincial governor was exempt from the firearm license requirement. However, while his case was pending, the Supreme Court in the 1967 *Mapa* case overruled those earlier doctrines, holding that no such exemption existed.

**ISSUES: WHETHER** the new doctrine in the *Mapa* case should be applied retroactively to convict Jabinal.

**RULINGS: NO.** The Court reversed the conviction and acquitted Jabinal.

**DOCTRINE:** When a doctrine of the Court is overruled and a different view is adopted, the new doctrine should be applied **prospectively** and should not apply to parties who had relied on the old doctrine and acted on the faith thereof.

**RATIO DECIDENDI:** This is especially true in criminal law, where it is necessary that the punishability of an act be reasonably foreseen for the guidance of society. To apply the change retroactively would be unfair to a citizen who followed the law as interpreted by the highest court at the time of the act.