

Title: MIRIAM DEFENSOR SANTIAGO ET AL. VS. COMMISSION ON ELECTIONS ET AL.

Facts:

Petitioners, Senator Miriam Defensor Santiago, Alexander Padilla, and Maria Isabel Ongpin, filed a special civil action for prohibition under Rule 65 of the Rules of Court against the Commission on Elections (COMELEC), Jesus Delfin, and the People’s Initiative for Reforms, Modernization and Action (PIRMA). The heart of the controversy was the right of the people to directly propose amendments to the Constitution through the system of initiative under Section 2 of Article XVII of the 1987 Constitution.

On December 6, 1996, private respondent Atty. Jesus S. Delfin filed a petition with the COMELEC to amend the Constitution to lift term limits of elective officials. The petition, yet unaccompanied by the required number of signatures, asked the COMELEC to order: 1) the fixing of time and dates for signature gathering; 2) the necessary publications; and 3) assistance from municipal election registrars for the signature stations.

The COMELEC entertained the petition, prompting petitioners to argue that there was no law yet passed by Congress to implement the system of initiative for constitutional amendment, that the exercise of such right would entail significant government expense, and that COMELEC Resolution No. 2300, which governed conduct of initiative on the Constitution and local laws, was ultra vires as it usurped legislative powers.

Issues:

1. Whether R.A. No. 6735, “The Initiative and Referendum Act,” includes provisions for constitutional initiatives;
2. Whether COMELEC Resolution No. 2300 is valid concerning initiatives on constitutional amendments;
3. Whether the proposal to lift term limits amounts to a revision or merely an amendment of the Constitution;
4. Whether the COMELEC can act on an initiative petition that does not have the required number of signatures;
5. Whether the Supreme Court can take cognizance of the petition despite the pendency of the Delfin Petition before the COMELEC.

Court’s Decision:

1. R.A. No. 6735 is inadequate and lacking in essential terms and conditions to cover the system of initiative on constitutional amendments.

2. COMELEC Resolution No. 2300 is void as it prescribed rules and regulations for constitutional initiatives without a valid delegation of legislative powers.
3. Although not necessary for the resolution of the case, the lifting of term limits is more in the nature of a revision rather than a mere amendment to the Constitution.
4. The COMELEC acted without jurisdiction or with grave abuse of discretion in entertaining the Delfin Petition, which lacked the required number of signatures to initiate the constitutional amendment process.
5. The court can take cognizance of the petition as there is no other plain, speedy, and adequate remedy in the ordinary course of law, and because the petition raises issues that are of transcendental importance to the public.

Doctrine:

The power to propose amendments to the Constitution through the system of initiative is not self-executory and requires implementing legislation. R.A. No. 6735 is insufficient to implement the initiative on constitutional amendments, and without the implementing legislation, the COMELEC has no jurisdiction to entertain petitions for such initiatives.

Historical Background:

The right to directly propose amendments to the Constitution via people's initiative was an innovation introduced by the 1987 Constitution, empowering the Filipino people with a novel mechanism to assert their sovereignty. This right was formalized after the 1986 EDSA Revolution as a means to directly participate in governance—a manifestation of the broader democratization efforts that followed the fall of the Marcos dictatorship.