

Title: Atty. Romulo B. Macalintal vs. Commission on Elections and Office of the President, et al.

Facts:

On October 10, 2022, President Ferdinand Romualdez Marcos, Jr. signed into law Republic Act No. (RA) 11935, which postponed the December 2022 Barangay and Sangguniang Kabataan Elections (BSKE) to the last Monday of October 2023. This law also allowed current barangay and Sangguniang Kabataan officials to remain in office until their successors were elected, subject to certain conditions.

Two separate petitions were subsequently filed challenging the constitutionality of RA 11935. The first, by Atty. Romulo B. Macalintal, argued that Congress has no power to postpone a scheduled election—a function that belongs to the COMELEC upon determination of serious causes under the Omnibus Election Code; that RA 11935 effectively extends the term of incumbents and amounts to congressional overreach; and that the law violates several constitutional principles and rights.

The second petition, filed by Attys. Alberto N. Hidalgo et al., maintained that while Congress has the power to fix the term of office for barangay officials, it does not have the power to postpone or suspend elections—a power that constitutionally resides with the COMELEC. They asserted that postponing the BSKE amounts to a violation of the electorate’s right to vote.

The Supreme Court consolidated both petitions for resolution. In defense of RA 11935, the Office of the Solicitor General (OSG) contended that Congress possesses plenary legislative power and authority over election matters, including setting election dates and postponements, and that the postponement of the BSKE does not infringe on the electorate’s right of suffrage.

Issues:

1. Whether RA 11935 is unconstitutional for usurping the power of COMELEC to postpone elections.
2. Whether RA 11935 unconstitutionally extends the term of barangay officials.
3. Whether RA 11935 violates other constitutional principles, including the right of suffrage.

Court’s Decision:

The Supreme Court held that RA 11935 unconstitutionally violates the freedom of suffrage for failing to satisfy the substantive due process requisites. The law appears to improperly

seek the realignment of the COMELEC's budget as a reason for the postponement. Realignment of national funds can constitutionally be allowed only among a given branch's or constitutional body's respective appropriations—not across branches or bodies. The law thus does not suitably provide a legitimate government interest and arbitrarily overreaches the people's exercise of the right of suffrage.

The Court ruled that the act of postponing the BSKE and proposing budget reallocation without constitutional authority amounted to grave abuse of discretion amounting to lack or excess of jurisdiction. The law is declared unconstitutional, re-establishing the operative status of the previously repealed law, RA 11462, which governs the BSKE.

Doctrine:

An unconstitutional law is null and void from its enactment and deemed never to have existed. The doctrine of operative fact can only be an exception and does not apply when there is a clear violation of the Constitution.

Class Notes:

1. Plenary Legislative Power: Congress has broad authority to enact laws on various matters unless expressly or impliedly limited by the Constitution.
2. Due Process and Substantive Due Process: The law must serve a legitimate government interest, and the means employed must be reasonably necessary and not unduly oppressive.
3. Operative Fact Doctrine: This serves as an exception to the general rule on unconstitutionality, wherein actions prior to a declaration of unconstitutionality may be recognized where it is no longer practical to undo their effects.

Historical Background:

RA 11935 is one of several instances in Philippine history where an election has been postponed. Understandably, the authority and process underlying such postponements have constitutional implications, particularly touching upon the right of suffrage and separation of powers.

Historically, postponement of elections, especially at local levels such as barangays, has been due to putatively practical considerations. Here, however, the stated purpose of the postponement — the realignment of appropriations for other executive needs — transgressed constitutional provisions delineating the separate powers of the branches of government, especially vis-à-vis the legislature's attempt to realign funds across branches, thereby colliding with the autonomy and administrative function of the COMELEC, as well

as infringing upon the people's fundamental right to elect their barangay leaders.