

Title: Zabal, Jacosalem, and Bandiola v. Duterte, Medialdea, and Año

Facts:

President Rodrigo R. Duterte, witnessing Boracay Island's devastation due to abuse, declared a need for its temporary closure to undergo rehabilitation. He branded the island as a cesspool during a February 2018 business forum. The closure was announced to be a maximum of six months, commencing on April 26, 2018. Police and military troops were deployed to the island, and guidelines for closure were disseminated by the Department of Interior and Local Government.

Petitioners Mark Anthony V. Zabal and Thiting Estoso Jacosalem, both residents reliant on Boracay's tourism, together with Odon S. Bandiola who frequents the island for business and leisure, challenged the legality of the island's closure on April 25, 2018. They sought immediate issuance of a Temporary Restraining Order (TRO) or Preliminary Injunction. They argued that the decline in tourist engagements severely affected their livelihoods and feared complete economic loss due to the upcoming closure. On April 26, 2018, President Duterte officially promulgated Proclamation No. 475, formally declaring Boracay in a state of calamity, and ordered a six-month closure, substantiating the earlier verbal declarations.

The Supreme Court required respondents to comment on the petition. Petitioners emphasized that the Proclamation represented an invalid exercise of legislative powers and infringed upon their constitutional rights to travel and due process, affecting their livelihood.

Respondents, on their part, contended that the President is immune from suit. They argued that the petition is inappropriate since the acts complained of (closure and rehabilitation) have already started, and that mandamus does not lie as they were performing a duty to protect the environment, not neglecting it.

Issues:

1. Whether the President acted within his constitutional powers in ordering the closure of Boracay for rehabilitation.
2. Whether the Proclamation No. 475 infringes on constitutional rights to travel and due process.
3. Whether the imposition of the closure of Boracay Island constituted an impermissible exercise of police power.
4. Whether the Proclamation unduly intrudes upon the autonomy of affected Local

Government Units (LGUs).

Court's Decision:

The Court dismissed the petition, finding Proclamation No. 475 constitutional.

Issue per Issue Analysis:

1. The President did not usurp legislative powers. The closure was within the ambit of powers vested to the executive branch and in compliance with the Philippine Disaster Risk Reduction and Management Act and other environmental laws.
2. The Proclamation No. 475 does not limit the right to travel in its essential sense because it only prohibits entry of tourists and non-residents to Boracay temporarily to facilitate its rehabilitation, and does not restrict petitioners' movement elsewhere.
3. The closure represents a valid police power measure. The state of calamity in Boracay and the need for rehabilitation and restoration measures justified the President's issuance of the Proclamation under the police power of the State.
4. The Proclamation did not unduly intrude upon LGU autonomy, as it is mandated by law to coordinate with them for disaster risk reduction and management. The environmental crisis in Boracay necessitates national intervention, beyond local capabilities.

Doctrine:

The right to travel is part of the liberty protected by the due process clause. This right, however, is not absolute and can be restricted for legitimate government interests such as public safety or public health, as interpreted in accordance with Section 6, Article III of the 1987 Constitution. Additionally, the police power of the State is inherent and does not require express constitutional grant. It can be exercised to promote public welfare, provided it does not infringe upon individual rights without due process.

Class Notes:

Key concepts include the right to travel, due process, police power, and the doctrine of necessity which implies that when a power is vested, all other powers essential to its exercise are also vested implicitly. The rights to life, liberty, and property are protected unless outweighed by compelling state interests that justify governmental action, subject to lawful means. In addressing environmental issues, the State may exercise its powers to protect public interests even if it restricts certain rights, but it must act within the constitutionally mandated procedures and existing laws.

Historical Background:

Environmental degradation and resulting social and economic effects prompted the Philippine government to take drastic steps to rehabilitate Boracay Island. It exposed the tensions between environmental conservation efforts of the government and the constitutional rights of individuals affected by such measures. The decision affirms the principle that individual rights can be curtailed for general welfare under the valid exercise of police power, provided due process is observed. The case underscores the challenges in balancing environmental conservation with economic and social rights, highlighting governance issues in disaster risk reduction and management.