

Title: Philippine Association of Service Exporters, Inc. v. Hon. Franklin M. Drilon et al.

Facts: The petitioner, Philippine Association of Service Exporters, Inc. (PASEI), an organization engaged in overseas workers' recruitment, challenged the constitutional validity of Department Order No. 1, Series of 1988, by the Department of Labor and Employment (DOLE), entitled "GUIDELINES GOVERNING THE TEMPORARY SUSPENSION OF DEPLOYMENT OF FILIPINO DOMESTIC AND HOUSEHOLD WORKERS." PASEI contended that the Order discriminated based on sex, as it only applied to domestic helpers and females with similar skills, violating the right to travel and was an invalid exercise of legislative power, as police power is legislative in character.

PASEI supplemented its petition by claiming the Order was passed without prior consultations, as required by Section 3, Article XIII, of the Constitution, and was a violation of the non-impairment clause.

The respondents, represented by the Solicitor General, informed the Supreme Court that the ban had been lifted in some countries. The validity of the "guidelines," as defended by the Solicitor General, was argued under the police power of the Philippine State.

Procedurally, PASEI filed a petition for certiorari and prohibition to contest the Order. The Solicitor General provided a Comment on behalf of respondents. Under the established judicial review process, the case eventually ascended to the Supreme Court, where the validity of the contested measure was examined in light of constitutional constraints and the state's protective policies for overseas workers.

Issues: The main issues considered by the Supreme Court were:

1. Whether the Department Order No. 1 represented an unconstitutional discrimination based on sex;
2. Whether the Order violated the right to travel;
3. Whether the Order constituted an invalid exercise of legislative power.

Court's Decision: The Supreme Court dismissed the petition, holding that:

1. The Order did not make an undue discrimination between sexes, as it met the criteria for valid classification under the Constitution.
2. The challenged Order's impact on the right to travel did not impair the right, as it fell under the scope of allowable restrictions on public safety, "as may be provided by law."
3. The Order was a valid exercise of the DOLE's rule-making power as granted by the Labor Code and did not constitute an unlawful delegation of legislative power.

Doctrine: The decision reiterates the doctrine that the exercise of police power by the state may interfere with personal liberty or property to promote general welfare. This power, however, must not be exercised arbitrarily or unreasonably. Moreover, the legitimacy of governmental action that restricts constitutional rights for the protection of “the comfort, safety, and welfare of society” is affirmed.

Class Notes:

- Police Power: an inherent and plenary power in the State to enact laws and regulations to protect public welfare.
- Equal Protection Clause: allows classifications if based on substantial distinctions, germane to the purposes of the law, not limited to present conditions and apply equally to all members of the class.
- Right to Travel: is not absolute and may be restricted for public safety, as provided by law.
- Delegation of Legislative Power: allowable when the legislative body grants rule-making powers to administrative agencies.

Historical Background: In the late 1980s, the Philippine government became increasingly concerned with the welfare of Overseas Filipino Workers (OFWs), particularly female domestic workers, who faced abuse and exploitation abroad. Department Order No. 1 was enacted as a protective measure by the DOLE following numerous reports of such maltreatment. The Philippine Supreme Court’s decision in this case reflects the socio-economic and political climate of the time, which necessitated state intervention to protect vulnerable Filipino workers overseas.