

Title:

Jesus Nicardo M. Falcis III v. Civil Registrar General

Facts:

Jesus Nicardo M. Falcis III, an openly homosexual individual, filed a pro se petition before the Supreme Court of the Philippines on May 18, 2015, seeking the declaration of the unconstitutionality of Articles 1, 2, 46(4), and 55(6) of the Family Code of the Philippines. Articles 1 and 2 define marriage as a special contract between a man and a woman, while Articles 46(4) and 55(6) list homosexuality and lesbianism as grounds for annulment and legal separation.

Falcis, citing several cases and separate opinions from previous decisions, argued that the Court has the power to declare national laws unconstitutional under its expanded jurisdiction if these laws demonstrate grave abuse of discretion. He claimed that his petition was directly affected by the aforementioned articles as these impinged on his right to marry, causing him personal injury as the current definition of marriage prohibited him from marrying a partner of the same sex in the Philippines. This discrimination, he argued, violated constitutional guarantees of due process and equal protection.

The petition bypassed lower courts and went directly to the Supreme Court for resolution. Falcis justified this direct action by stating the transcendental importance of the issues raised and the lack of necessity for factual issues to be tried. He pushed for the application of the strict scrutiny test for what he considered a discrimination against fundamental rights.

The petition caught the attention of various individuals and organizations. Several parties filed motions to intervene or to oppose the petition, presenting their various positions on the principles and implications tied to the definition of marriage.

Intervenors-oppositors argued against the petition, emphasizing the lack of jurisdiction of the Court to act upon the petition, absence of justiciability, and infringement upon the legislative prerogative to define marriage. They argued that granting the petition would amount to judicial legislation, violating the principle of separation of powers.

Petitioners-in-intervention, which included Falcis himself, Reverend Crescencio “Ceejay” Agbayani, Jr., Marlon Felipe, and Maria Arlyn “Sugar” Ibañez, claimed they were denied

marriage licenses, and based their standing on such denial and on the broader issues of discrimination that the LGBTQI+ community faced.

The Civil Registrar General argued that the definition of marriage is a policy issue for Congress to determine and that the Court should abstain from declaring such legislative policy unconstitutional.

Issues:

1. Whether the petition presents an actual case or controversy that involves a justiciable constitutional issue.
2. Whether petitioner Jesus Nicardo M. Falcis III has legal standing to file the case.
3. Whether the petition-in-intervention cures the procedural deficits of the original petition.
4. Whether the application of the doctrine of transcendental importance is warranted to bypass the lack of an actual case or controversy.

Substantive issues for determination, should the procedural hurdles be overcome, include:

1. Whether the right to marry and choose a marital partner is understood within the context of the right to life and liberty.
2. Whether the definition of marriage as exclusively between a man and a woman is a valid exercise of police power.
3. Whether restricting civil marriage to opposite-sex couples violates the equal protection clause of the constitution.
4. Whether denying same-sex couples the right to marry is a violation of their right to life and/or liberty without due process of law.
5. Whether sex-based conceptions of marriage infringe on religious freedom.
6. Whether a determination that Articles 1 and 2 of the Family Code are unconstitutional implies that Articles 46(4) and 55(6) are also unconstitutional.
7. Whether the parties are entitled to the reliefs prayed for.

Court's Decision:

The Court unanimously declined to grant the relief sought by the petitioner, choosing a path of caution with respect to the rights of sexual and gender minorities. The Court emphasized that legislation, not adjudication, is the ideal means of addressing the issues raised in the petition, as it allows for public deliberation necessary before judicial intervention. The Court held that the petition did not present a justiciable controversy and lacked the actual case or

controversy necessary for the exercise of judicial review. It pointed out that there was no demonstration of any actual denial of a marriage license or any act by the Civil Registrar General that would establish a direct injury to the petitioner. As a result, the Court highlighted the importance of the constitutional requirement that only actual cases should be entertained, warning against judicial overreach into policy matters best reserved for the legislature.

Doctrine:

The Court reiterated existing jurisprudence that a justiciable controversy necessitates a real, adversarial conflict over legal rights, and that the parties raising constitutional issues must demonstrate actual or direct injury as a result of a law or government action. Moreover, it underscored the principles of separation of powers and judicial restraint, which require the judiciary to refrain from deciding questions that are more appropriately dealt with by the political branches of government.

Class Notes:

- A petitioner must present an actual, justiciable controversy for the exercise of the Court's judicial power.
- Legal standing requires the demonstration of an actual injury traceable to the respondent's action.
- Transcendental importance does not replace the necessity for a justiciable case.
- The definition and regulation of marriage are traditionally considered within the legislative domain.
- Societal changes and movements underscore the importance of advocating within the legislative branch for policy reforms affecting marginalized groups, such as the LGBTQI+ community.
- The Court exercises judicial restraint and maintains respect for the doctrine of separation of powers in declining to resolve cases that lack justiciability.

Historical Background:

The LGBTQI+ community in the Philippines and around the world has suffered from discrimination and marginalization historically, and there has been an ongoing struggle for equality and recognition of their rights. The societal view of LGBTQI+ relationships and the gender binary has evolved over time, influenced by various cultural, religious, economic, and political factors. This case emerged against the backdrop of increasing advocacy for

non-discrimination and equality of LGBTQI+ individuals globally and locally, including efforts to pass legislation to protect their rights and recognize their relationships in the Philippines.