

Title: Gonzales v. Commission on Elections (1969)

Facts:

On March 16, 1967, the Philippine Senate and House of Representatives passed Joint Resolutions No. 1 and No. 3, proposing amendments to increase the membership of the House of Representatives from a maximum of 120 to 180 members (R.B.H. No. 1), and to authorize senators and House members to become delegates to a constitutional convention without forfeiting their respective seats in Congress (R.B.H. No. 3). Additionally, Joint Resolution No. 2 called for a convention to propose amendments to the Constitution, with delegates to be elected in the general elections of November 1971.

Subsequently, Congress passed a bill that, upon being approved by the President on June 17, 1967, became Republic Act No. 4913, providing for the submission of the proposed amendments to the people for approval during the general elections scheduled for November 14, 1967.

Ramon A. Gonzales, a Filipino citizen, taxpayer, and voter filed a petition (G.R. No. L-28196) on October 21, 1967, contesting the validity of Republic Act No. 4913 and seeking to restrain the Commission on Elections (COMELEC) from taking any action that would lead to the holding of the plebiscite. Simultaneously, the Philippine Constitution Association (PHILCONSA) filed a petition for review by certiorari of the COMELEC's resolution dismissing a substantially identical case, thus bringing the matter before the Supreme Court for joint decision on the legal issues involved.

Issues:

1. Whether the Supreme Court has jurisdiction to rule on the constitutionality of the amendments proposed by Congress and the related act of the Legislature.
2. Whether the Members of Congress who approved the proposed amendments are de facto officers, rendering the amendments proposed null and void.
3. Whether Congress may propose amendments and call for a constitutional convention at the same time.
4. Whether the proposed amendments may be submitted for ratification during a general election.
5. Whether the manner in which the proposed amendments are to be submitted satisfies the constitutional requirement for a proper submission to the people for their ratification.

Court's Decision:

The Supreme Court of the Philippines, in its decision penned by Chief Justice Concepcion, <sup>Digest)</sup> ruled as follows:

- The Court has jurisdiction to review the constitutionality of the amendments proposed by Congress, as the judicial department is the constitutional organ tasked with determining the proper allocation of power among the various branches of government.
- The Congress and its Members cannot be considered illegal or de facto merely because they failed to make a reapportionment within the prescribed three-year period after the last census. They acted within their constitutional authority when proposing amendments.
- Congress has the discretion to choose the method of proposing amendments, whether by Congress or a convention, and may adopt both methods concurrently, as the two approaches touched on different subject matters and timelines.
- Amendments to the Constitution may be submitted for ratification during a general election, as nothing in the Constitution limits the submission of such amendments only to a special election.
- Republic Act No. 4913 did not violate the spirit of the Constitution. The Court found no evidence that the measures outlined in the Act were manifestly inadequate to inform the electorate about the nature and implications of the proposed amendments, in comparison to previous methods of submitting amendments for ratification.

#### Doctrine:

- A proposal to amend the Constitution can be reviewed by the judiciary to determine whether the actions taken by the Legislature are constitutional.
- When proposing amendments, Congress acts not as members of the Legislature but as part of a constituent assembly, whose authority stems from the Constitution, thus subject to judicial scrutiny.
- The term "election" in the context of submitting constitutional amendments for ratification refers to a general election unless otherwise specified and does not necessitate a special election.

#### Class Notes:

- The judicial power to review legislative actions includes the power to determine constitutional allocations of authority across branches and to review acts of Congress acting as a constituent assembly proposing constitutional amendments.
- Constitutional provisions related to amendments (Article XV, Section 1) require a vote of three-fourths of all members of the Senate and House voting separately for proposal, and ratification by a majority of votes cast at an election where amendments are submitted to the people.

Historical Background:

The decision of the Court is a product of its historical period, characterized by a transition toward more active and comprehensive judicial interpretation of the Constitution in matters of constitutional amendments, amidst a growing awareness of the judiciary's role in guarding the Constitution's integrity against legislative overreach.