

****Title:** Dante V. Liban, Reynaldo M. Bernardo and Salvador M. Viari vs. Richard J. Gordon (G.R. No. 175352): The Philippine National Red Cross' Sui Generis Status and Constitutionality of its Creation******

****Facts:****

Dante V. Liban, Reynaldo M. Bernardo, and Salvador M. Viari filed a petition with the Supreme Court of the Philippines questioning the legality of Senator Richard J. Gordon holding the position of Chairman of the Board of Governors of the Philippine National Red Cross (PNRC), arguing it violates the constitutional prohibition against senators holding any other office or employment in the government during their term. The Supreme Court initially ruled that Gordon's role as chairman did not constitute a government office or a position in a government-owned or controlled corporation and thus did not contravene the constitutional restriction. Simultaneously, the Court declared certain sections of the PNRC Charter (RA No. 95, as amended) void, as they seemingly created the PNRC as a private corporation, which the Constitution prohibits. These decisions prompted motions for reconsideration from Gordon and the PNRC, arguing among other points, that the Court overreached by addressing the charter's constitutionality since the issue was not raised by the appellants.

****Issues:****

1. Whether the office of PNRC Chairman is a government office or a position in a government-owned or controlled corporation, considering the constitutional restrictions.
2. The constitutionality of the PNRC's creation through its charter in light of the constitutional provision against the creation of private corporations by special laws.

****Court's Decision:****

Upon reconsideration, the Supreme Court upheld its decision that Gordon's role did not violate constitutional prohibitions but recanted its declaration of the PNRC Charter's unconstitutionality. The Court recognized its earlier overreach in voiding the PNRC's charter provisions and acknowledged that the PNRC's formation and operations are uniquely positioned due to its international obligations under the Geneva Conventions. The Court ruled that the PNRC possesses a sui generis status—neither purely private nor public but an entity in a class of its own, fulfilling its role as an auxiliary to the government's humanitarian efforts in line with international commitments. Consequently, the Court modified its original decision, maintaining the PNRC's validity in its entirety.

****Doctrine:****

The Supreme Court established or reiterated the doctrine that an entity could have a sui generis status, reflecting a unique position that does not entirely align with conventional classifications of either purely private or purely government-owned corporations. This status particularly applies to organizations like the PNRC, which operates under international humanitarian law obligations and serves as an auxiliary to the government in humanitarian efforts, without losing its character of independence, neutrality, and impartiality.

****Class Notes:****

- The Philippine Constitution strictly prohibits the creation of private corporations by special laws, except for government-owned or controlled corporations.
- A sui generis status applies when an entity doesn't wholly fit into established legal categories due to unique characteristics or international obligations.
- The position of PNRC Chairman does not equate to a government office or employment, thereby not contravening the constitutional prohibition against senators holding other offices.

****Historical Background:****

The case showcases the intricacies of constitutional interpretation against the backdrop of international humanitarian commitments. Established by a legislative charter, the PNRC's unique role in the Philippines aligns with the Geneva Conventions' global objectives. The Supreme Court's decision underscores the importance of respecting these international obligations while adhering to constitutional principles, thereby enabling the PNRC to maintain its critical humanitarian functions within the bounds of Philippine law.