

Title: Francisco I. Chavez vs. Judicial and Bar Council, et al.

Facts:

The case originated from the vacancy left by the departure of Chief Justice Renato C. Corona from the Supreme Court on May 29, 2012. Subsequently, Francisco I. Chavez was nominated as a potential successor, prompting him to question the numerical composition of the Judicial and Bar Council (JBC). Chavez filed a petition asking the Supreme Court to resolve whether the Constitution permits more than one member of Congress to sit in the JBC and whether the practice of having two representatives from Congress, each with one vote, is constitutional.

The Court initially handed down a decision on July 17, 2012, declaring the current composition of the JBC unconstitutional and directing the JBC to reconstitute itself to include only one member from Congress. Following a motion for reconsideration filed by the respondents, represented by the Office of the Solicitor General, oral arguments were scheduled, and memoranda filed. The Court eventually denied the respondents' motion for reconsideration, affirming its original decision.

Issues:

1. Whether the Constitution allows more than one member of Congress to sit in the JBC.
2. Whether the practice of having two Congressional representatives in the JBC, each wielding one vote, violates the Constitution.

Court's Decision:

The Supreme Court maintained its original decision, concluding that the Constitution requires only one Congressional representative to be part of the JBC. It elaborated that the use of the singular form "a representative of Congress" in the Constitution implied the Framers' intent for a single legislative representative in the JBC. Additionally, adjustments recognizing bicameralism in other constitutional provisions suggested that any omission of such adjustments related to JBC representation was deliberate.

The Court rejected the argument that having only one representative from Congress in the JBC would be absurd due to its bicameral nature, stating that Congress was envisioned to participate in the JBC not as a legislative but a single body with a non-legislative role.

Doctrine:

This case reiterated the doctrine that the Constitution's language is deliberate and must be interpreted based on its clear wording unless there is ambiguity. Any act done in violation of

the Constitution, no matter the frequency of practice, remains void and cannot be the source of any authority. The principle of the operative fact doctrine applies as an exception, legitimizing actions taken before the declaration of unconstitutionality.

Class Notes:

- Interpretation of constitutional provisions proceeds from the presumption that the language used expresses the intent of the Framers.
- The doctrine of operative fact legitimizes acts performed based on a statute before it was declared unconstitutional, provided application does not result in unjust consequences.
- A bicameral legislature in the context of constitutional interpretation implies that adjustments for recognizing each chamber's distinct roles should be explicit unless intentionally omitted.
- When interpreting the Constitution, every word is presumed chosen for a specific purpose, and its plain meaning should generally be respected.

Historical Background:

The background to this case reflects the evolution of the Philippine Republic's judicial appointments process. Initially, judicial appointments were subject to legislative confirmation. Recognizing the need to insulate judicial appointments from political influence, the 1987 Constitution established the JBC to recommend appointees to the President, with representation from various stakeholders, including Congress. However, the Constitution's framing left the question of Congress' representation in the JBC ambiguous, leading to the dispute resolved in this case.