

Title:

Tañada vs. Tuvera: The Necessity of Publication for the Effectivity of Presidential Issuances

Facts:

This case involved a petition filed by Lorenzo M. Tañada, Abraham F. Sarmiento, and the Movement of Attorneys for Brotherhood, Integrity, and Nationalism, Inc. (MABINI), against several public officials. The petitioners, invoking the people's right to be informed on matters of public concern as guaranteed by the 1973 Philippine Constitution, sought a writ of mandamus compelling the respondents to publish various presidential decrees, letters of instructions, general orders, proclamations, executive orders, letter of implementation, and administrative orders. The comprehensive list included issuances ranging from Presidential Decrees Nos. 12 to 2147, among others.

Respondents argued for the petition's outright dismissal, claiming that the petitioners lacked legal standing as they were not "aggrieved parties" within the meaning of Rule 65 of the Rules of Court. They contended that since the presidential issuances in question specified their effectivity dates, publication in the Official Gazette was not indispensable.

The petition took a significant procedural journey before reaching the Supreme Court. Given its constitutional implications, particularly on the people's right to information and the due process clause concerning the effectivity of laws, the case was elevated directly to the Philippine Supreme Court. The Court was tasked with deciding on the necessity of publication for the presidential issuances to become effective and enforceable.

Issues:

1. Whether or not petitioners have legal standing to file the instant petition.
2. Whether or not publication in the Official Gazette is an indispensable requirement for the effectivity of laws where the laws themselves provide for their own effectivity dates.

Court's Decision:

1. ****On Legal Standing:**** The Court recognized the petitioners' legal standing, underscoring that when the act involves a public right and its object is to compel public duty, citizens need not show any specific interest.
2. ****On the Necessity of Publication:**** The Court ruled that publication in the Official Gazette is indeed an indispensable requirement for the effectivity of all presidential issuances "of a public nature" or "of general applicability." It held that laws to have any

binding effect must be published for public knowledge as this serves the basic tenets of due process.

Doctrine:

The Court established the doctrine that laws, to be valid and enforceable, must be published in the Official Gazette or otherwise effectively promulgated.

Class Notes:

- **Legal Standing in Public Rights Cases:** A citizen can bring a case involving a public right even without showing that he is personally affected, provided the objective is to compel the performance of a public duty.
- **Publication Requirement:** Article 2 of the Civil Code, as interpreted in this case, mandates that laws shall take effect after fifteen days following the completion of their publication in the Official Gazette, unless otherwise provided. This is integral to the right to due process.
- **Operative Fact Doctrine:** Acts done in reliance on unpublished laws before the Court's declaration in this case are recognized as "operative facts" with legal consequences that cannot be ignored or undone.

Historical Background:

This case epitomizes the tension between the Marcos administration's use of presidential decrees and letters of instructions to govern without immediate public dissemination of such laws, and the constitutional demand for transparency and public access to laws. The Supreme Court's decision in *Tañada vs. Tuvera* stands as a pivotal assertion of the principle that sovereignty resides in the people and that governmental powers are exercised for the benefit of the public, necessitating the publication of laws affecting them.