

Title: Blas F. Ople vs. Ruben D. Torres, et al.: Challenging the Validity of Administrative Order No. 308 - A Case on Privacy and Legislative Power

Facts:

Administrative Order No. 308, titled "Adoption of a National Computerized Identification Reference System," was issued by President Fidel V. Ramos on December 12, 1996. Its establishment aimed to provide Filipino citizens and foreign residents a facility to conveniently transact business with basic service and social security providers and other government instrumentalities, through a computerized system to properly and efficiently identify persons seeking basic services or social security, thereby reducing fraudulent transactions and misrepresentations.

Senator Blas F. Ople filed a petition on January 24, 1997, against respondents, then Executive Secretary Ruben Torres and heads of the mentioned government agencies, challenging the validity of A.O. No. 308 on constitutional grounds. He contended it was a usurpation of legislative power by the President and that it intruded on the citizenry's protected zone of privacy. A temporary restraining order against the implementation of A.O. No. 308 was issued by the Supreme Court on April 8, 1997. The respondents argued the petition did not present a justiciable case, the A.O. was issued within the executive and administrative powers of the President, and that funding could be sourced from the budgets of the concerned agencies while also stating it protected an individual's interest in privacy.

Issues:

1. Whether A.O. No. 308 required legislative enactment and was thus a usurpation of legislative power.
2. Whether A.O. No. 308 infringed upon the individual's right to privacy.

Court's Decision:

The Supreme Court granted the petition, ruling that A.O. No. 308 was indeed a usurpation of legislative power and that it impermissibly intruded upon the citizenry's protected zone of privacy.

1. Legislative Power: The Court held that A.O. No. 308 dealt with a subject that required a law due to its comprehensiveness, scope, and potential effects on the life and liberty of Filipino citizens and foreign residents. It establishes a system that goes far beyond mere administrative implementation, thus requiring legislative deliberation and authority.
2. Right to Privacy: The Court found that A.O. No. 308 failed to assure the protection of personal information, lacked safeguards and defined standards, which posed a significant

threat to an individual's right to privacy.

Doctrine:

The decision reiterated the doctrine that administrative power cannot be used to enact laws or measures that bear the characteristics of a law, specifically requiring legislative action. It also emphasized the fundamental right to privacy, stating that any governmental action intruding into this zone must be justified by a compelling state interest and narrowly drawn to prevent abuses.

Class Notes:

- Legislative power involves the authority to enact laws, alter, and repeal them; an administrative order cannot serve as a substitute for a legislative act especially when it encompasses areas affecting fundamental rights.
- The right to privacy is considered fundamental and protected by various provisions of the Constitution, but it can be subject to incursion, provided that the government action is justified by a compelling state interest and is narrowly drawn.

Historical Background:

The issuance and challenge to Administrative Order No. 308 highlighted the tension between administrative convenience and the protection of individual rights, encapsulating the struggle to balance the demands of governance with the maintenance of civil liberties in a rapidly digitizing world. It also underscored the delineation of powers among the branches of the Philippine government, particularly the limits of executive power in enacting measures affecting the fundamental rights of the people.