

Title:

****Pesigan vs. Angeles:**** The Retroactive Applicability of Executive Orders and the Importance of Publication for Enforceability

Facts:

On April 2, 1982, Anselmo L. Pesigan and Marcelino L. Pesigan, carabao dealers, were transporting 26 carabaos and one calf from Sipocot, Camarines Sur to Padre Garcia, Batangas. They possessed all necessary permits and health certificates as required by law, including the Revolutionary Administrative Code, Presidential Decree No. 533 (Anti-Cattle Rustling Law of 1974), a transport permit, and three certificates of inspection. However, upon reaching Basud, Camarines Norte, their carabaos were confiscated based on Executive Order No. 626-A, dated October 25, 1980, which prohibits the inter-provincial transport of carabaos and carabeef.

Despite the issuance of the executive order, its publication in the Official Gazette only took place on June 14, 1982, making the Pesigans argue that it should not be retroactively applied to penalize them for their actions prior to its publication. After confiscation, Dr. Bella S. Miranda distributed the carabaos among local farmers, as outlined in EO 626-A.

The Pesigans filed an action for replevin against Zenarosa and Dr. Miranda for the recovery of the carabaos and damages amounting to P92,000. The trial court, presided over by Judge Domingo Medina Angeles and later Judge Nicanor Oriño, dismissed the case for a lack of cause of action, leading the Pesigan to appeal directly to the Supreme Court under Rule 45 of the Rules of Court and section 25 of the Interim Rules, as well as pursuant to Republic Act No. 5440.

Issues:

1. Whether the compliance with the necessity of publication of Executive Order No. 626-A in the Official Gazette for it to be enforceable against individuals is required.
2. Whether individuals can be prosecuted for violations of law or regulations that have not been published.

Court's Decision:

The Supreme Court held that Executive Order No. 626-A should not be enforced against the Pesigans on April 2, 1982, as it had not yet been published in the Official Gazette, making it effectively not yet in force. The necessity of publication is rooted in the principle that laws must be published to inform the public of their contents and thus be binding. The Court

ordered the return of the carabaos to the Pesigans but denied the claim for damages as the respondents acted in good faith.

Doctrine:

The doctrine reiterated in this case is the requirement of publication of laws, executive orders, and regulations in the Official Gazette before these can be considered binding and enforceable against persons. The court also underscored the principle that laws or regulations providing for penalties must be published to apprise the public of their contents.

Class Notes:

- ****Necessity of Publication****: For any law, executive order, or penal regulation to be enforceable, it must be published in the Official Gazette or otherwise properly promulgated.
- ****Non-Retroactivity of Penal Laws****: Laws or regulations that prescribe penalties cannot be applied retroactively unless the offender explicitly benefits from their application.
- ****Good Faith Acts****: Individuals or officers acting in good faith under the provisions of unpublished laws or regulations may not necessarily be held liable for damages resultant from such acts.

Historical Background:

This case emphasizes the significance of the principle of due process as applied to the publication and enforcement of laws and executive orders in the Philippines. The decision reaffirms the essential role of transparency and knowledgeability of laws for the sake of fair governance and informed citizenry, a principle that is foundational in democratic societies.