

Title: Intellectual Property Association of the Philippines v. Hon. Paquito Ochoa, et al.

Facts:

The case originated when the Intellectual Property Office of the Philippines (IPOPHL) started considering the Philippines' accession to the Madrid Protocol, a centralized system for the international registration of trademarks, in 2004. Initially assessing it as premature without first enhancing its operations, the IPOPHL embarked on a series of reforms. Following a nationwide campaign for awareness and consultations with stakeholders, the IPOPHL recommended accession to the Department of Foreign Affairs (DFA) in September 2011. After review, the DFA endorsed the accession to the President, determining the Protocol as an executive agreement not requiring Senate concurrence. President Benigno S. Aquino III ratified the Madrid Protocol in March 2012, which entered into force in the Philippines in July 2012.

The Intellectual Property Association of the Philippines (IPAP) challenged the validity of this accession in the Supreme Court, arguing it required Senate concurrence as mandated by the Constitution. They further contended that the Madrid Protocol conflicted with the Intellectual Property Code of the Philippines, particularly on the requirement for a Philippine resident as a representative for foreign trademark applicants.

Issues:

1. Whether the IPAP has locus standi.
2. Whether the President's ratification of the Madrid Protocol without Senate concurrence is valid and constitutional.
3. Whether the Madrid Protocol conflicts with the Intellectual Property Code.

Court's Decision:

1. On IPAP's locus standi: The Court acknowledged IPAP's standing based on the transcendental importance of the case, despite asserting that the IPAP's claimed injury was speculative.
2. On the validity of the ratification: The Court declared the President's ratification constitutional, upholding DFA's determination of the Madrid Protocol as an executive agreement not requiring Senate concurrence.
3. On the conflict with the Intellectual Property Code: The Court found no conflict between the Madrid Protocol and the Code, stating that the Madrid Protocol's registration system does not infringe upon or amend the provisions of the local law.

Doctrine:

The Supreme Court reiterated the doctrine that the president has the authority to enter into executive agreements on matters not significantly changing national policy or involving the permanent interest of the state without needing Senate concurrence.

Class Notes:

- Executive agreements do not require Senate concurrence.
- The President has broad discretion in determining whether an international agreement is an executive agreement or a treaty.
- The legal standing in asserting a challenge can be granted based on the transcendental importance of the issue at hand.
- Trademark applications under the Madrid Protocol are still subject to substantive examination under the local law (Intellectual Property Code).

Historical Background:

The case underscores the ongoing debate between the executive's prerogative in foreign relations and the legislative's check on this power through the requirement of Senate concurrence on treaties. It demonstrates the broad discretion of the executive in determining international agreements' nature and reflects the judicial branch's restraint in interfering with executive determinations in foreign policy unless there is clear evidence of grave abuse of discretion.