

### Title: **\*\*Republic of the Philippines vs. Herminio Harry Roque, et al.\*\***

### Facts:

On July 17, 2007, Herminio Harry Roque, Moro Christian People’s Alliance, and others (hereinafter referred to as “private respondents”) filed a Petition for declaratory relief against the Republic of the Philippines, challenging the constitutionality of several provisions of Republic Act No. 9372 (the “Human Security Act of 2007”) on various grounds, including vagueness, infringement on privacy of communication, due process violations, and restrictions on travel, among others.

The petitioners moved to suspend proceedings, highlighting that similar challenges to the Act’s constitutionality were pending Supreme Court determination. The Regional Trial Court (RTC) of Quezon City granted this suspension on October 19, 2007.

Following the Supreme Court’s resolution of the similar challenges in the **\*\*Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council\*\*** case (the “Southern Hemisphere” cases) on October 5, 2010, without addressing the constitutionality of the act and dismissing the challenges on procedural grounds, the petitioners filed a motion to dismiss the RTC case on February 27, 2012. They argued that the private respondents failed to fulfill the requirements for declaratory relief and that the Supreme Court had already upheld RA 9372’s constitutionality.

The private respondents opposed, arguing that the requisites for declaratory relief were met and that the constitutionality of RA 9372 was yet to be resolved. The RTC denied the motion to dismiss, asserting that the Supreme Court had not passed upon the Act’s constitutionality and that the declaratory relief was appropriate, leading to the current petition.

### Issues:

1. Whether the Regional Trial Court (RTC) gravely abused its discretion in denying the motion to dismiss.
2. Whether the requirements for declaratory relief were met by private respondents.
3. Whether the Supreme Court had already resolved the constitutionality of RA 9372 in the Southern Hemisphere cases.

### Court’s Decision:

The Supreme Court granted the petition, reversing and setting aside the RTC Orders and dismissing the petition for declaratory relief. The Court clarified that the Southern Hemisphere cases did not address the constitutionality of RA 9372, thus, no grave abuse of

discretion occurred in RTC recognizing this fact. However, the RTC exceeded its jurisdiction by finding that the requisites for declaratory relief were met, particularly because there was no actual justiciable controversy or imminent threat shown by the respondents, among other unmet requirements for a declaratory relief action.

### ### Doctrine:

The Supreme Court reiterated the prerequisites for an action for declaratory relief and emphasized that a court or tribunal commits grave abuse of discretion when it acts in a capricious or whimsical manner, equivalent to lack of jurisdiction. Moreover, the case highlighted that challenges to the constitutionality of statutes, especially penal ones, require a closer examination of the actual existence of a justiciable controversy and the direct and personal interest of the challengers.

### ### Class Notes:

- Grave Abuse of Discretion: Actions so capricious or whimsical that they amount to lack of jurisdiction.
- Declaratory Relief Requirements: Must involve a deed, will, contract, statute, executive order, or ordinance where terms are doubtful, no breach yet occurred, an actual controversy exists, the issue is ripe for judicial determination, and no other adequate relief is available.
- Justiciable Controversy: An existing case or controversy suitable for judicial determination, not merely anticipatory or conjectural.
- Locus Standi in Constitutional Challenges: Requires a direct and personal injury or imminent threat thereof; general claims of interest as citizens or taxpayers are insufficient, especially in penal legislation cases.

### ### Historical Background:

This case underscores the judicial reluctance to engage in preemptive declarations on legislative acts' constitutionality without a concrete, justiciable controversy. It establishes clear boundaries on when courts can intervene in legislative matters, requiring a demonstrable impact on or threat to the parties involved, thereby reinforcing the principle of separation of powers among the branches of government.