

Title: Atty. Romulo B. Macalintal vs. Commission on Elections et al.

Facts: Atty. Romulo B. Macalintal, a Filipino lawyer, filed a petition for certiorari and prohibition, challenging certain provisions of Republic Act No. 9189, also known as “The Overseas Absentee Voting Act of 2003.” Macalintal, acting as a taxpayer and attorney, argued that these provisions were unconstitutional. His petition specifically targeted sections that dealt with the registration of immigrant or permanent resident voters, the authority of the COMELEC to proclaim winning candidates, and the creation of a Joint Congressional Oversight Committee to review, revise, amend, and approve the Implementing Rules and Regulations (IRR) formulated by the COMELEC.

The procedural journey began in the Philippine Supreme Court, bypassing lower courts due to the constitutional questions raised. Macalintal argued that the case represented a matter of transcendental significance, necessitating direct Supreme Court intervention. He raised concerns about the potential misuse of public funds and the interference of legislative and executive branches with the independence of the COMELEC. The respondents refrained from commenting on certain issues, while the Solicitor General defended the constitutionality of the challenged provisions, emphasizing the presumption of constitutionality in favor of legislative enactments and the broad powers of Congress to legislate on matters of absentee voting by qualified Filipinos abroad.

Issues: The Supreme Court tackled three main issues:

1. Whether Section 5(d) of R.A. 9189, allowing overseas voter registration for immigrants or permanent residents through an affidavit of intent to return, violates the residency requirement in the Constitution.
2. Whether Section 18.5 of R.A. 9189, empowering COMELEC to proclaim winning candidates, infringes on the constitutional mandate for Congress to canvass votes and proclaim the winners for presidential and vice-presidential elections.
3. Whether Congress, through the Joint Congressional Oversight Committee, can exercise power to review, revise, amend, and approve the IRR of COMELEC without violating its constitutional independence.

Court’s Decision:

1. The Court upheld the constitutionality of Section 5(d) of R.A. 9189, rationalizing that the requisite affidavit does not circumvent the constitutional residency requirement. Instead, it provides a mechanism for determining an overseas Filipino’s intent to return, thereby preserving their domicile in the Philippines.

2. The Court partially struck down Section 18.5 of R.A. 9189, limiting COMELEC's power to proclaiming winning candidates for national offices except for the President and Vice-President, as the latter's proclamation falls within Congress's exclusive jurisdiction as mandated by the Constitution.

3. The Court declared Sections 19, 25, and specific parts of Section 17.1 of R.A. 9189 unconstitutional to the extent that they allow legislative interference with COMELEC's rule-making authority, effectively infringing on its guaranteed constitutional independence.

Doctrine:

The Supreme Court established several doctrines:

- The presumption of constitutionality favors legislative enactments unless a clear and unequivocal breach of the Constitution is demonstrated.
- The implementation of absentee voting by qualified Filipinos abroad as mandated by the Constitution necessarily entails an understanding of domicile that does not strictly bind to physical residency.
- Congressional oversight that infringes on the independent rule-making power of constitutional commissions is unconstitutional.

Class Notes:

- The distinction between "residence" and "domicile" for election purposes, requiring both the intent to return to a fixed place (*animus manendi*) and the act of physical presence (*factum praesentiae*).
- The principle of interpreting the Constitution to include provisions accommodating evolving circumstances and the principle of separation of powers, particularly the importance of maintaining the independence of constitutional bodies like the COMELEC.
- Critical statutory provisions include Sections 1 and 2 of Article V (Suffrage), Section 4 of Article VII (Executive Department), and Section 1 of Article IX-A (Constitutional Commissions) of the 1987 Philippine Constitution.

Historical Background:

The case represents a pivotal moment in Philippine legal history, addressing the tension between accommodating overseas Filipinos' right to participate in national elections and adhering to the constitutional requirements of suffrage. It reflects the evolving nature of citizenship in a globalized world, where physical borders are increasingly irrelevant to the exercise of political rights. The decision underscores the Supreme Court's role in balancing these emerging realities against the strictures of the Constitution.