

****Title:** James Mirasol, Richard Santiago, and Luzon Motorcyclists Federation, Inc. vs. Department of Public Works and Highways and Toll Regulatory Board******

****Facts:****

The case emerged from the petition filed on January 10, 2001, by James Mirasol, Richard Santiago, and Luzon Motorcyclists Federation, Inc. against the Department of Public Works and Highways (DPWH) and Toll Regulatory Board (TRB), seeking to declare several Department Orders and Rules concerning limited access highways as either unconstitutional or inconsistent with Republic Act No. 2000 (RA 2000), known as the Limited Access Highway Act. The contested orders include DPWH's Department Order No. 74 (DO 74), Department Order No. 215 (DO 215), TRB's Revised Rules on Limited Access Facilities, Department Order No. 123 (DO 123), and Administrative Order No. 1 (AO 1).

Key events leading to the Supreme Court involved a favorable order from the Regional Trial Court (RTC) granting a preliminary injunction to prevent the enforcement of a motorcycle ban under said department orders. However, the RTC eventually dismissed the petition, declaring only DO 123 invalid for being violative of the equal protection clause. The Petitioners then moved for reconsideration, which was denied, prompting the filing of the petition for review on certiorari to the Supreme Court.

****Issues:****

1. Whether the RTC's decision dismissing the Petitioners' case is barred by res judicata.
2. Whether DO 74, DO 215, and the TRB regulations contravene RA 2000.
3. Whether AO 1 and DO 123 are unconstitutional.

****Court's Decision:****

1. ****Res Judicata:**** The Supreme Court clarified that the June 28, 2001, Order granting a preliminary injunction was not a final judgment on the merits that could invoke res judicata. Therefore, the RTC did not err in its later decision dismissing the petition.
2. ****Validity of DO 74, DO 215, and TRB Regulations in light of RA 2000:**** The Court determined that the DPWH and the TRB did not have the authority under RA 2000 to regulate, restrict, or prohibit access to limited access facilities as provided in DO 74, DO 215, and related TRB regulations. Such authority, as per the Court, properly belongs to the Department of Transportation and Communications (DOTC). Thus, these orders and

regulations were declared void.

3. ****Constitutionality of AO 1 and DO 123:**** The Court concluded that since the DPWH has no authority over such matters post-EO 546, DO 123 was void for lack of authority to promulgate it. Conversely, AO 1 was declared valid as it was issued under the appropriate authority of the Department of Public Works and Communications at the time.

****Doctrine:****

The decision reiterates that the police power of the State allows for the regulation of the use of public highways to ensure safety and order. However, such power must be exercised within the bounds of the law and by the proper authority. The DPWH cannot regulate, restrict, or prohibit access to limited access highways as such authority resides with the DOTC under the existing regulatory framework.

****Class Notes:****

- ***Police Power:** The State has the inherent authority to regulate the use of public roads to ensure safety and order. It involves restrictions that are reasonable and not oppressive.
- ***Limited Access Highway Act (RA 2000):** Provides for the designation of certain highways as limited access facilities but confers regulatory oversight to the DOTC post-EO 546, not the DPWH.
- ***Res Judicata:** For a decision to bar subsequent actions on the same matter, it must be a final judgment on the merits. Preliminary injunctions don't qualify.
- ***Equal Protection Clause:** Government regulations must apply uniformly to all persons under similar circumstances without favoritism or undue preference. Distinctions made must be reasonable, not arbitrary.

****Historical Background:****

The backdrop of this case involves the evolution of regulatory authority over highways and transportation in the Philippines, tracing from the Limited Access Highway Act (RA 2000) through various executive orders and departmental reorganizations. The controversy arises from the delineation of authority between the DPWH and DOTC in regulating access to limited access highways, with significant implications for policy, road safety, and the rights of motorcyclists. The decision underscores the importance of clear statutory mandates and

adherence to procedural authority in the implementation of public works and transportation regulations.