

Title: **Garcia vs. Commission on Elections, G.R. No. 111511, October 5, 1993**

Facts:

1. **Petitioner's Election:** Enrique T. Garcia was elected governor of Bataan in the May 11, 1992 elections.
2. **PRAC Formation:** On July 1, 1993, mayors, vice mayors, and members of the Sangguniang Bayan from twelve municipalities in Bataan met at the NPC compound in Bagac. At 12:30 A.M. of July 2, 1993, they constituted themselves as a Preparatory Recall Assembly (PRA), enacting Resolution No. 1 to initiate a recall election.
3. **Grounds for Recall:** The recall was on grounds of "loss of confidence." Eighty out of 146 members signed the resolution, with 74 signatures confirmed as genuine.
4. **Resolution Notice Issue:** Petitioners alleged that notices for the PRA meeting were selectively given to members likely to support the recall, violating due process.
5. **COMELEC Action:** On July 7, 1993, COMELEC dismissed a petition by Garcia challenging the recall resolution and scheduled recall elections for October 11, 1993.
6. **Supreme Court Proceedings:** Garcia sought certiorari and prohibition with a preliminary injunction, which led the Supreme Court to grant the petition, ruling that selective meeting notices violated due process. On September 22, 1993, the PRA reconvened and re-initiated the recall, followed by Garcia's supplemental petition citing constitutional grounds.
7. **Legal Issue:** Petitioner contended that section 70 of R.A. 7160, allowing PRA to initiate recall, was unconstitutional and violated equal protection.

Issues:

1. **Constitutionality of Section 70 of R.A. 7160:** Does allowing a Preparatory Recall Assembly (PRA) to initiate a recall election infringe upon the people's prerogative to directly initiate recall?
2. **Due Process:** Was the selective notification of PRA members in violation of due process?
3. **Equal Protection:** Does section 70 of R.A. 7160 give undue advantage to political majorities within the PRA at the expense of elected officials from minority parties?
4. **Validity of PRA Actions:** Does the action of the PRA in initiating a recall equate to a de facto recall of an official from office?

Court's Decision:

1. **Constitutionality of Section 70 of R.A. 7160:** The Court ruled that section 70 is constitutional. The Constitution empowers Congress to enact effective mechanisms for

recall, and PRA's initiation of recall elections is one such mechanism. The Constitution neither prescribes a single mode for recall initiation nor does it bar indirect initiation through representatives. The initiative by PRA is considered an exercise of people's power through their elected representatives.

2. **Due Process:** The Court found procedural violations in the initial PRA meeting due to selective notification, which violated due process protections. Due process implicates fairness, and failing to notify all members invalidated their actions.

3. **Equal Protection:** The Court held that the law's neutrality in composition and procedure does not inherently favor political majorities against minorities. Discrimination potential does not suffice to deem a law unconstitutional.

4. **De Facto Recall:** Resolving the initiation by PRA is not the recall itself; it merely starts the process, requiring validation through COMELEC and an election. Thus, a PRA resolution of recall is not the recall itself but an initiation that sets the stage for a potential recall election.

Doctrine:

- **Constitutional Presumption of Validity:** Laws are presumed constitutional unless there is a clear demonstration that they violate the Constitution.
- **Due Process Requirement:** Fair notice is an inviolable constitutional requirement.
- **Legislative Discretion:** Congress has broad discretion to determine the mechanisms of recall as long as they are effective.

Class Notes:

1. **Recall Initiation Modes:** R.A. 7160 provides two methods - through a preparatory recall assembly (PRA) or by registered voters.
 - **PRA Formation:** Comprises all mayors, vice-mayors, and Sanggunian members in the province.
2. **Due Process Principle:** Requires all PRA members to be notified to fulfill procedural fairness.
3. **Legislative Intentions:** Laws should reduce difficulties in initiating recall and cut down on expenses.
4. **Implications of PRA Actions:** A PRA resolution starts but does not complete the recall process; final determination rests on the electorate's judgment in an election.
5. **Constitutional Rights in Local Governance:** Local elective officials can be recalled only once per term and not within one year of assuming office or one year before regular elections (Sec. 74, R.A. 7160).

Historical Background:

- **Post-EDSA Political Reforms:** The 1987 Constitution institutionalized “people power,” inspired by the EDSA revolution. Congress was tasked with ensuring responsive governance mechanisms, reflecting in the Local Government Code’s effective exercise of recall, initiative, and referendum.
- **Legislation and Democracy:** The inclusion of recall mechanisms highlights a shift towards enhanced accountability for local officials, allowing people direct and indirect means to initiate recalls.