

Title: De Leon vs. Esguerra, G.R. No. 78059, August 31, 1987

Facts:

In the Barangay elections held on May 17, 1982, Alfredo M. De Leon was elected Barangay Captain and Angel S. Salamat, Mario C. Sta. Ana, Jose C. Tolentino, Rogelio J. De La Rosa, and Jose M. Resurreccion were elected Barangay Councilmen of Barangay Dolores, Taytay, Rizal under Batas Pambansa Blg. 222 (Barangay Election Act of 1982). Their terms were to last until June 7, 1988 or until successors were elected and qualified.

On February 9, 1987, De Leon received a memorandum signed by OIC Governor Benjamin Esguerra, dated December 1, 1986, designating Florentino G. Magno as Barangay Captain. The memorandum claimed to act under the authority of the Minister of Local Government. Similar memoranda were antedated to December 1, 1986, but signed on February 8, 1987, appointing Remigio M. Tigas, Ricardo Z. Lacanienta, Teodoro V. Medina, Roberto S. Paz, and Teresita L. Tolentino to the Barangay Council.

Procedurally, De Leon and his co-petitioners responded by filing an original action for Prohibition before the Supreme Court of the Philippines, seeking to stop these replacements, asserting that under the Barangay Election Act of 1982, their terms were for six years until June 7, 1988, and claiming that with the ratification of the 1987 Constitution on February 2, 1987, the OIC Governor no longer held authority to replace them.

Issues:

1. Whether the OIC Governor of Rizal had the authority to replace barangay officials after February 2, 1987, by designating successors.
2. Whether the replacement of petitioners and the designation of new officials on February 8, 1987, were lawful and valid.

Court's Decision:

The Supreme Court ruled in favor of the petitioners on both issues.

1. **\*\*First Issue\*\***: The Court decided that upon the ratification of the 1987 Constitution on February 2, 1987, the Provisional Constitution became inoperative. The Supreme Court interpreted Section 27, Article XVIII of the 1987 Constitution stating its immediate effectivity upon ratification. Since the 1987 Constitution was ratified on February 2, 1987, all previous constitutions, including the Provisional Constitution, were superseded on this date. Therefore, the respondent OIC Governor could no longer rely on Section 2, Article III of the Provisional Constitution to replace barangay officials since the authority derived

from the Provisional Constitution terminated with its supersession.

2. **Second Issue**: While the memoranda from Governor Esguerra antedated to December 1, 1986, seemed to fall within the permissible one-year period for replacing officials as per the Provisional Constitution, in reality, they were signed on February 8, 1987—after the new constitution had taken effect. The Court said that based on principles of justice, February 8, 1987, should be considered the effective date, which is beyond the Provisional Constitution's applicability due to the new Constitution's superseding effect from February 2, 1987. Thus, the designation made on February 8, 1987, was without legal force or authority.

**Doctrine:**

The Supreme Court established that upon ratification in a plebiscite, the new Constitution becomes immediately effective, superseding all previous constitutions. Therefore, the authority provided under the Provisional Constitution does not extend beyond its supersession. Additionally, the six-year term of barangay officials as provided under the Barangay Election Act of 1982 remains operative unless repealed or amended.

**Class Notes:**

- **Immediate Effectivity of Constitution**: Article XVIII, Section 27 of the 1987 Constitution mandates that the Constitution takes effect immediately upon ratification by majority vote in a plebiscite.
- **Security of Tenure**: Barangay officials elected under BP Blg. 222, with terms provided as six years, enjoy security of tenure until their successors are elected and qualified.
- **Superseded Authority**: Any authority derived from a previous constitution ceases once a new constitution is ratified and effective.

**Historical Background:**

Post-1986 People Power Revolution, the Philippines saw significant political restructuring, which included the provisional governance under President Corazon Aquino. The ratification of the 1987 Constitution marked the formal establishment of democratic institutions and legislative frameworks aimed at maintaining political order and autonomy at local levels, like barangays. This case embodies the transitional phase and interpretation disputes related to constitutional changes.