

Title:

****Occena vs. COMELEC****

Facts:

Petitioners Samuel Occena and Ramon A. Gonzales, both members of the Philippine Bar and former delegates to the 1971 Constitutional Convention, filed prohibition proceedings against the validity of three resolutions from the Interim Batasang Pambansa proposing constitutional amendments. They filed as taxpayers on March 6 and 12, 1981, respectively.

Petitions were based on the notion that the 1973 Constitution is not the fundamental law and challenged the validity of the amendments proposed by the Batasang Pambansa. Respondents included the Commission on Elections (COMELEC), the Commission on Audit, the National Treasurer, and the Director of Printing, among others.

On March 10 and 13, 1981, the Supreme Court required respondents to answer within ten days. Comments from respondents were filed, and oral arguments were heard on March 26, 1981. The cases were submitted for decision with the pertinent data amplification.

Issues:

1. ****Validity of the 1973 Constitution****: Whether the 1973 Constitution is the fundamental law of the land.
2. ****Power of the Interim Batasang Pambansa to Propose Amendments****: Whether the Interim Batasang Pambansa had the authority to propose constitutional amendments.
3. ****Nature and Extent of Proposed Amendments****: Whether the proposed amendments constituted an extensive revision rather than mere amendments.
4. ****Vote Requirement****: Whether the required number of votes to pass the amendments was met.
5. ****Proper Submission for Plebiscite****: Whether the submission of the amendments for plebiscite was in accordance with constitutional requirements, ensuring that the people were sufficiently informed.

Court's Decision:

1. ****Validity of the 1973 Constitution****:

The Court reinforced the validity of the 1973 Constitution, referencing the case *Javellana v. Executive Secretary* which concluded that the 1973 Constitution is in force and effect. The Court asserted its duty to apply and uphold this Constitution, negating the assertion that it was not fundamental law.

2. **Power of the Interim Batasang Pambansa**:

The Court affirmed that the Interim Batasang Pambansa legally had the power to propose amendments. This power was vested by the Transitory Provisions of the 1973 Constitution which likens the powers of the Interim Batasang Pambansa to those of the Interim National Assembly and the regular National Assembly.

3. **Nature and Extent of Amendments**:

The Court, following the precedent in *Del Rosario v. COMELEC*, ruled that proposals, whether amending or entirely overhauling the Constitution, are lawful as long as they are subject to ratification by the sovereign people. The changes proposed by Batasang Pambansa were considered within their authority.

4. **Vote Requirement**:

The Court clarified that only a majority vote was needed when the Batasang Pambansa acted as a constituent body, contrary to petitioners' assertion that a three-fourth majority was necessary. However, even if a three-fourth vote was required, the resolutions obtained votes well within that threshold:

- Resolution No. 1: 122 to 5
- Resolution No. 2: 147 to 5 with 1 abstention
- Resolution No. 3: 148 to 2 with 1 abstention

5. **Proper Submission for Plebiscite**:

The Court stated that the requirements for submission were met within the prescribed period. The Constitution mandates amendments to be ratified within three months from their approval. The plebiscite date was set for April 7, 1981, which was within 90 days from the resolutions' approval.

Doctrine:

1. **Finality and Validity of the 1973 Constitution**: The Supreme Court's affirmations are to be respected and followed, establishing that the 1973 Constitution is the fundamental law unless changed by the people.
2. **Legitimacy of Constituent Powers**: Both the Batasang Pambansa and the Interim National Assembly have the power to propose constitutional amendments, including extensive revisions, subject to ratification by the populace.
3. **Submission and Ratification Requirements**: The proposals must be submitted for plebiscite within three months of approval, ensuring that the people are adequately informed about the proposed amendments.

Class Notes:

- **Key Concepts**:

- Judicial affirmation of constitutional validity.
- Powers of legislative assemblies to propose constitutional amendments.
- Majority voting requirements in legislative actions.
- Procedures for submitting constitutional amendments for popular ratification.

- **Statutory Provisions**:

- **1973 Constitution**, including its Transitory Provisions.
- **Article XVI, Section 2**: Stipulates the ratification process of constitutional amendments.

- **Application**:

- Any constitutional changes proposed by legislative bodies must be presented to the public for ratification within a specified period, maintaining transparency and informed consent.

Historical Background:

This case occurred during the Marcos regime in the Philippines, a period marked by authoritarian rule, and several significant amendments to the Constitution were proposed to cement Marcos' hold on power. The Supreme Court's decision ensured that any attempt to question the constitutionality or force of the 1973 Constitution would need to follow the due process. It also underscored the role of legislative bodies in facilitating constitutional amendments while maintaining a system of checks and balances.