

**\*\*Title:\*\*** Llamas vs. Orbos, Supreme Court of the Philippines, En Banc, G.R. No. 98808, October 15, 1991

**\*\*Facts:\*\***

Petitioner Rodolfo D. Llamas, incumbent Vice-Governor of Tarlac, assumed the governorship following a decision by the Office of the President (OP) that suspended Governor Mariano Un Ocampo III for 90 days due to violations of the Anti-Graft and Corrupt Practices Act. The complaint was filed by Llamas and other Tarlac Board Members alleging Ocampo executed a Loan Agreement with Lingkod Tarlac Foundation, an entity where he held interests, without proper authorization, and the agreement was highly disadvantageous to the provincial government.

Ocampo contested the decision but the Department of Local Government (DLG) denied his appeal. The OP maintained the suspension. Ocampo moved for reconsideration but simultaneously accepted the suspension by turning over his office. Later, Ocampo reassumed office under the belief that the pending motion for reconsideration rendered the suspension non-executory.

Eventually, without ruling on the motion for reconsideration, the Executive Secretary granted Ocampo executive clemency, reducing the suspension period to the time already served.

**\*\*Issues:\*\***

1. Whether the President has the power to grant executive clemency in administrative cases.
2. Whether the exercise of executive clemency in administrative cases is subject to judicial review or constitutes a political question.
3. Whether there was grave abuse of discretion in granting executive clemency to Ocampo.

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

1. **\*\*Power of Executive Clemency:\*\***

- The Constitution grants the President the power to grant reprieves, commutations, and pardons after conviction by final judgment (Article VII, Section 19). The Court ruled that this power is not limited to criminal cases. The Constitution did not distinguish between criminal and administrative cases for clemency, hence it should not be so restricted. Historical practice and statutory provisions, such as P.D. 807 and the Administrative Code of 1987, support the President's authority in administrative matters.

2. **Judicial Review and Political Question:**

- Though the exercise of clemency is a discretionary power, it remains subject to judicial review to determine if the constitutional limits were overstepped. The Supreme Court has the constitutional mandate to review whether such powers were properly exercised.

3. **Grave Abuse of Discretion:**

- The Court found no grave abuse of discretion in the clemency granted. The President acted within her discretionary powers in modifying the suspension penalty as per circumstances presented, like the success of Ocampo's livelihood programs.

**Doctrine:**

The President of the Philippines has the constitutional authority to grant executive clemency in administrative cases, not limited to criminal matters, based on Article VII, Section 19 of the Philippine Constitution. Judicial review can be invoked to ensure the exercise of such power is within constitutional bounds.

**Class Notes:**

- **Clemency:** Can apply in both criminal and administrative matters.
- **Article VII, Section 19:** Basis for presidential clemency powers.
- **Judicial Review:** Focuses on ensuring laws and their applications are constitutionally compliant.
- **Ubi lex non distinguit, nec nos distinguere debemos:** Legal principle ensuring non-distinction where law doesn't distinguish.
- **Supervision and Control (Sec. 1, Book III, Administrative Code of 1987):** Authority to act directly and modify subordinate decisions.

**Historical Background:**

This case arose from the administrative reform efforts in local governance in the Philippines, focusing on the abuse of authority and anti-graft measures. It reflects the evolving scope of executive powers in the post-Martial Law era and the checks and balances in Philippine democracy. The Constitution expanded judicial review capabilities to include oversight against abuses of discretion by other branches of government. This case underlined the President's significant but reviewable discretion in administrative matters, indicative of the broader administrative attempts to curb corruption and ensure governmental accountability during the period preceding the 1991 Local Government Code's enactment.