

Title:

Liban v. Gordon, G.R. No. 175352, February 24, 2010

Facts:

Petitioners Dante V. Liban, Reynaldo M. Bernardo, and Salvador M. Viari, officers of the Quezon City Red Cross Chapter's Board of Directors, filed a petition seeking to declare Senator Richard J. Gordon as having forfeited his Senate seat. Gordon, during his incumbency as Senator, was elected Chairman of the Philippine National Red Cross (PNRC) Board of Governors on February 23, 2006. Petitioners alleged that Section 13, Article VI of the Philippine Constitution prohibits Senators from holding any other government office, arguing PNRC is a government-owned or controlled corporation (GOCC).

Procedural Posture:

- Petitioners filed a Petition to Declare Richard J. Gordon as Having Forfeited His Seat in the Senate in the Supreme Court.
- Respondent Gordon contested the petition's nature, arguing it should be treated as an action for quo warranto or declaratory relief, and raised issues of standing, jurisdiction, and timeliness.

Issues:

1. Whether the Philippine National Red Cross (PNRC) is a government-owned or controlled corporation (GOCC).
2. Whether Section 13, Article VI of the Philippine Constitution applies to Gordon, making him ineligible to be a Senator while serving as Chairman of the PNRC.
3. Whether the petitioners have standing to file the petition.

Court's Decision:

The Supreme Court dismissed the petition for lack of merit.

Issue 1: PNRC's Status as GOCC

****Resolution:****

The Court determined that the PNRC is not a government-owned or controlled corporation. Highlighting its independence, funding from private donations, autonomy from government control, and compliance with international Red Cross standards, the Court emphasized that PNRC must maintain its neutrality and autonomy, incompatible with being a GOCC.

Issue 2: Applicability of Section 13, Article VI

****Resolution:****

Since PNRC is not considered a GOCC or government office, Section 13, Article VI of the Constitution does not apply. Therefore, Gordon did not forfeit his Senate seat by accepting the Chairmanship of the PNRC Board of Governors.

Issue 3: Standing of Petitioners

Resolution:

The Court held that petitioners lacked standing to file the petition as described since it amounted to a quo warranto action, which could only be initiated by the government, or by an individual claiming entitlement to the contested office. Petitioners did not claim an entitlement to Gordon's Senate seat, therefore they lacked the appropriate standing. Additionally, the Court found no basis to treat the petition as a taxpayer's suit or declaratory relief.

Doctrine:

- **PNRC as Private Organization:** The PNRC is a private entity despite its public functions and its creation by a special charter.
- **Section 13, Article VI Non-Applicability:** The prohibition in the Constitution against Senators holding other offices does not extend to private organizations like PNRC.
- **Standing for Quo Warranto:** Only individuals claiming entitlement to the contested office or the government have standing for quo warranto petitions.

Class Notes:

- **PNRC Legal Status:** Despite its creation by RA 95, PNRC is private, highlighting the necessity of maintaining neutrality and autonomy for compliance with Red Cross standards.
- **Section 13, Article VI Application:** Focuses on whether the acceptor office is government-related; non-government roles, like the PNRC Chairmanship, are excluded.
- **Standing in Quo Warranto:** Reinforces that proper standing involves either direct claim to the office or initiation by the government.

Historical Background:

The case reflects a period in Philippine governance focused on ensuring that public officials adhere strictly to constitutional mandates concerning public office exclusivity, especially amidst growing concerns for public trust in governance structures. The decision underlines the judiciary's role in interpreting legal frameworks that seek to maintain organizational integrity and constitutional compliance while navigating complex interplays of private and public roles.