

****Title: Planas vs. Commission on Elections (1973)****

****Facts:****

On March 16, 1967, the Congress of the Philippines passed Resolution No. 2, later amended by Resolution No. 4 on June 17, 1969, calling for a Constitutional Convention to propose amendments to the Constitution of the Philippines. This led to the enactment of Republic Act No. 6132 on August 24, 1970, culminating in the election of delegates on November 10, 1970, and commencement of the Convention on June 1, 1971.

During the Convention, Martial Law was declared on September 21, 1972, by President Ferdinand Marcos under Proclamation No. 1081. The Convention proposed a new Constitution, which was approved on November 29, 1972. Subsequently, on November 30, 1972, President Marcos issued Presidential Decree No. 73, scheduling a plebiscite for January 15, 1973, to ratify this Proposed Constitution.

Petitions were promptly filed challenging the legality of this decree:

- On December 7, 1972, Charito Planas filed a case against the Commission on Elections (COMELEC), the Treasurer of the Philippines, and the Auditor General (G.R. No. L-35925), arguing the decree's unconstitutional nature.

- Similar petitions were filed by Pablo C. Sanidad on December 8, Gerardo Roxas and others on December 11, Eddie B. Monteclaro, Sedfrey A. Ordonez, Vidal Tan and others, Jose W. Diokno and Benigno S. Aquino Jr., Jacinto Jimenez, Raul M. Gonzales, and Ernesto Hidalgo subsequently filed similar petitions.

These cases were consolidated and set for expedited hearings on December 18 and 19, 1972.

Further complications arose with the establishment of Citizens Assemblies under Presidential Decree No. 86 on December 31, 1972, and Decree No. 86-A on January 5, 1973. Voting in these assemblies culminated by January 15, 1973. A motion for early decision filed by Vidal Tan and others inferred the possibility of proclamation of the proposed constitution's ratification based on these assemblies' votes, raising significant constitutional concerns.

On January 17, 1973, as the hearings continued, Proclamation No. 1102 was issued by President Marcos, declaring the ratification of the proposed Constitution based on the assemblies' voting results.

****Issues:****

1. Whether the authority to call a plebiscite and appropriate public funds for such purpose is vested exclusively in Congress.
2. Whether Presidential Decree No. 73, calling for a plebiscite for the ratification of the proposed Constitution, is valid.
3. Whether the establishment of Citizens Assemblies and the votes therein can substitute the plebiscite required under the 1935 Constitution.
4. Whether the ratification process via Citizens Assemblies under Proclamation No. 1102 is constitutionally valid.
5. Whether martial law affects the legitimacy of the ratification process.

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

1. ****Authority to Call a Plebiscite and Appropriate Funds:****
 - The Court unanimously held that determining the legality of Presidential Decree No. 73 is justiciable. Majority held that the calling of plebiscites and appropriation of funds are legislative functions, thus invalidating Presidential Decree No. 73. However, due to the postponement of the plebiscite, this issue was rendered moot and academic.
2. ****Validity of Presidential Decree No. 73:****
 - The Court did not decisively rule on this due to the mootness of the plebiscite cancellation.
3. ****Citizens Assemblies as Substitute to Plebiscite:****
 - The creation and voting in Citizen Assemblies did not follow the electoral processes stipulated in Article XV of the 1935 Constitution. Votes were cast by raising hands in assemblies, including unqualified voters (underage participants), conflicting with the constitutional requirements.
4. ****Constitutional Validity of Proclamation No. 1102:****
 - Opinions diverged:
 - A majority opined the issue wasn't raised in a procedural context for a direct resolution, hence did not rule on its validity.
 - Some justices argued the declaration bypassed constitutional provisions and lacked the framework of a constitutionally mandated plebiscite.
5. ****Effect of Martial Law:****
 - Majority (led by Justice Fernando) did not see martial law as inherently invalidating a plebiscite unless evidence showed actual suppression of free choice. Fernando opined that

martial law could compromise free electoral processes, hence deterring genuine submission required under the Constitution.

****Doctrine:****

- A proposed constitutional amendment must adhere strictly to procedures established by the current Constitution, specifically regarding a free election by qualified voters as mandated by Article XV of the 1935 Constitution.
- The Executive Branch lacks unilateral authority to call and fund a plebiscite without congressional approval.

****Class Notes:****

- Key elements and concepts include the requirement for legislative acts to call plebiscites, the necessity of public funds appropriations originating from Congress, the distinction between martial law implementations and fundamental constitutional procedures, and the system of checks and balances embodying sovereign will through due constitutional processes.
- Relevant statute: Article XV, 1935 Constitution - ****“Such amendments shall be valid as part of this Constitution when approved by a majority of the votes cast at an election at which the amendments are submitted to the people...”****

****Historical Background:****

The 1973 case emerged during a politically critical period marked by the declaration of Martial Law by President Ferdinand Marcos. This context added a layer of urgency and complexity to constitutional debates, primarily centered on preserving democratic processes amid exceptional rule. The Supreme Court faced unprecedented convergence of constitutional law, executive authority, and public socio-political engagement.