

****Title:****

Atty. Victor Aguinaldo vs. COMELEC, et al., G.R. No. _____, March 13, 2019

****Facts:****

On March 6, 2012, the Commission on Elections (COMELEC) promulgated Resolution No. 9371, which provided guidelines for the registration and voting of Persons Deprived of Liberty (PDL) in connection with the May 13, 2013 national and local elections and subsequent elections. The resolution defined eligible PDLs, established a Committee on PDL Voting, designated special polling places inside jails, and formed a Special Board of Election Inspectors.

Atty. Victor Aguinaldo petitioned to challenge the resolution, arguing that it failed to provide its own implementing rules and regulations, lacked prior public consultations, violated the equal protection clause by favoring PDL voters, and contained operational and logistical oversights. He sought a restraining order to prevent its application unless it was amended.

In response, the Office of the Solicitor General (OSG) filed a Comment on behalf of the respondents (COMELEC, Department of Justice, etc.), arguing that Aguinaldo's petition was procedurally flawed and the resolution's constitutionality remained presumed.

On April 19, 2016, the Court partially granted Aguinaldo's request, issuing a Temporary Restraining Order (TRO) preventing Resolution No. 9371 from applying to the 2016 local elections but allowing PDLs to vote in the national elections. In response, COMELEC issued Resolution No. 10113 on May 3, 2016, detailing the procedures for the counting and canvassing of PDL votes.

Later, the Commission on Human Rights (CHR) sought to intervene as amicus curiae, defending the resolution and emphasizing that denying PDLs the right to vote would affect their human rights.

The case proceeded with the anticipation of the 2022 national and local elections, but the Supreme Court decided to dispense with further comments from the listed PDL respondents.

****Issues:****

1. Whether Atty. Aguinaldo's petition meets the requisites for judicial review.
2. Whether Resolution No. 9371 violates the equal protection clause and other constitutional

provisions.

Court's Decision:

1. **Requisites for Judicial Review:**

- The Court found that Atty. Aguinaldo failed to establish an actual case or controversy, as required for judicial review. An actual case involves a conflict of legal rights with tangible facts demonstrating an alleged unconstitutionality. Aguinaldo did not present any personal, direct injury or diminished legal rights stemming from the resolution.
- Furthermore, Atty. Aguinaldo failed to establish his locus standi (legal standing). Simply stating his status as a "citizen, lawyer, and taxpayer" was inadequate without demonstrating a direct, personal stake or injury due to the resolution's enforcement.

2. **Constitutional Challenge:**

- Because the preconditions for judicial review were not satisfied, the Court did not delve into substantive issues regarding the equal protection clause and other constitutional challenges against Resolution No. 9371.

Doctrine:

- The requisites for the exercise of the Court's power of judicial review include the existence of an actual case or controversy, a substantial interest by the party raising the constitutional question, pleading at the earliest opportunity, and the constitutional question being the *lis mota* (crux) of the case.
- The principle of judicial review is strictly reserved for cases where these prerequisites are concretely met to avoid rendering advisory opinions on hypothetical or academic disputes.

Class Notes:

- **Judicial Review Requisites:** Existence of an actual controversy, personal and substantial interest, timely filed, *lis mota* as central issue (*Garcia v. Executive Secretary*).
- **Locus Standi:** Requires personal stake, substantial interest, or demonstration of an actual or imminent injury (*Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*).
- **Advisory Opinion Prohibition:** Courts must avoid hypothetical disputes and require a factual setting for determining constitutional breaches (*Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*).

Historical Background:

- The case highlights the evolving legal recognition and protection of the voting rights of

detainees in the Philippines. Resolution No. 9371 represents a progressive move to incorporate marginalized groups into the electoral process, aligning with international human rights principles. However, the debate on how such policies should be implemented without infringing on other legal principles demonstrates the complex interaction between legal reform and constitutional safeguards. This context reveals the judicial balancing act necessary as the legal framework adapts to expanded human rights norms.