

**\*\*Title:\*\*** Garcia vs. Commission on Elections and Sangguniang Bayan of Morong

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

The Sangguniang Bayan of Morong, Bataan, enacted Pambayang Kapasyahan Blg. 10, Serie 1993, agreeing to include Morong as part of the Subic Special Economic Zone (SSEZ) per Republic Act No. 7227. Petitioners, led by Gov. Enrique T. Garcia, moved to annul this resolution, proposing specific conditions for joining SSEZ.

- May 24, 1993: Petitioners filed a petition with the Sangguniang Bayan to annul the resolution.
- The Sangguniang Bayan did not act on the petition within 30 days.
- Petitioners initiated an effort to collect signatures for a local initiative to repeal the resolution.

Vice Mayor Edilberto M. de Leon wrote to COMELEC, requesting the denial of this initiative, arguing the issues raised were already addressed differently.

- July 6, 1993: COMELEC resolved to deny the petition, stating a resolution, not an ordinance, is not subject to an initiative.
- July 13, 1993: COMELEC further directed its Provincial Election Supervisor to hold off authenticating the signatures gathered.

Petitioners sought to set aside COMELEC's resolutions through a petition for certiorari and mandamus.

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

1. Whether Pambayang Kapasyahan Blg. 10, Serie 1993 of the Sangguniang Bayan of Morong is the proper subject of an initiative.
2. Whether the actions of COMELEC violated the petitioners' due process rights.

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

1. **\*\*Initiative Applicability:\*\***

- The Court held that local initiatives could cover resolutions, not just ordinances, based on Art VI, Sec. 32 of the Constitution, and R.A. 6735 which includes "local legislation" as a subject of initiative and referendum.
- The Local Government Code (R.A. 7160) does not limit initiatives to ordinances. Section 124 allows initiatives on any subject within the Sanggunians' power to enact.

2. **Due Process Violation:**

- Petitioners were denied due process as COMELEC acted on the Vice Mayor's petition without informing the petitioners, failing to give them an opportunity to be heard.

Therefore, the Court granted the petition, annulled COMELEC's resolutions, and affirmed the significance of people's initiative in local governance.

**Doctrine:**

- People's initiative applies not only to ordinances but also to resolutions of local government units.

- Administrative body decisions must observe due process, especially concerning initiatives reflecting the sovereign people's legislative power.

**Class Notes:**

**Elements/Concepts:**

1. **Initiative and Referendum:** Defined broadly under R.A. 6735 and the Constitution to include not just ordinances but also resolutions by local governments.

- **Statutory Provisions:** Sec. 32, Art. VI of the Constitution; R.A. 6735, Sec. 3(a); Local Government Code, Sec. 120 and 124.

2. **Due Process:** Administrative bodies must adhere to due process, ensuring stakeholding parties are informed and heard before decisions.

- **Statutory Provisions:** Relevant to the procedural fairness requirements under the Constitution and administrative law principles.

**Historical Background:**

The case arose in the context of post-Marcos era reforms where the 1987 Constitution sought to embed principles of people power and democratic participation, including legislative initiatives. The "people power" movement underscored the necessity of checks against legislative and governmental excesses, leading to enhanced provisions for initiatives and referenda in the new legal framework.

This case underscores the judiciary's role in safeguarding these participatory mechanisms as critical elements of democratic governance and decentralization envisaged in the post-authoritarian political landscape in the Philippines.