

Title: Atty. Romulo B. Macalintal vs. Presidential Electoral Tribunal, G.R. No. 191618

Facts:

Atty. Romulo B. Macalintal filed a petition challenging the constitutionality of the Presidential Electoral Tribunal (PET). He claimed his standing as a taxpayer and concerned citizen, and argued that the PET's creation was unconstitutional as Section 4, Article VII of the Filipino Constitution does not explicitly mandate its formation, and that it violates Section 12, Article VIII of the same. Macalintal invoked a Supreme Court decision regarding the Philippine Truth Commission to support his case, proposing that the Supreme Court lacks the authority to create the PET without legislative action, akin to the President's inability to create the PTC. Despite acting as counsel before the PET, Macalintal contended that he wasn't estopped from filing this challenge.

The Office of the Solicitor General (OSG) contested Macalintal's petition, asserting he lacked standing and emphasizing that the PET's constitution is backed by jurisdiction granted under paragraph 7, Section 4, Article VII of the Constitution. The OSG further argued Macalintal was estopped due to his prior involvement with the PET.

In its initial resolution on November 23, 2010, the Supreme Court dismissed Macalintal's petition. Macalintal moved for reconsideration, reiterating prior arguments and referencing the Court's ruling in *Biraogo v. Philippine Truth Commission*.

Issues:

1. Whether Atty. Romulo B. Macalintal has the legal standing to question the constitutionality of the PET.
2. Whether the prior involvement of Macalintal in proceedings before the PET estops him from challenging its constitutionality.
3. Whether the Supreme Court's creation of the PET is constitutional absent legislative action, as interpreted within Section 4, Article VII of the Constitution.
4. Whether the composition and functioning of PET violate Section 12, Article VIII of the Constitution, which proscribes judicial members from roles in any agency performing quasi-judicial or administrative functions.

Court's Decision:

1. Legal Standing: The Court upheld its earlier dismissal, reaffirming that Macalintal did not possess the requisite standing to question the PET. His taxpayer status and role as a concerned citizen were insufficient grounds given the inherent constitutional implications

and lack of direct, personal injury.

2. Estoppel: Despite Macalintal's role as counsel before the PET, the Supreme Court found no estoppel because such participation does not inherently preclude the right to challenge constitutional grounds, though it noted the argument as irrelevant given his lack of standing.

3. Constitutionality of PET Creation: The Court reaffirmed the PET's constitutionality, noting that Section 4, Article VII provides an implicit mandate for the Supreme Court to serve as the sole judge of contests related to presidential and vice-presidential elections. The discussions during the Constitutional Commission sufficiently supported this interpretation, rendering explicit legislative action unnecessary. The Court differentiated the PET's creation from the situation in the PTC case, given their different constitutional bases.

4. Alleged Violation of Section 12, Article VIII: The Court ruled that the PET does not perform quasi-judicial or administrative functions but functions judicially, supporting electoral adjudications specifically assigned under the Constitution. Thus, PET's constitution is exempt from the proscription under Section 12, Article VIII.

#### Doctrine:

The doctrine established affirms that the Supreme Court, through the PET, exercises judicial power as vested under Section 4, Article VII of the Constitution. This power includes determining election-related contests involving the President and Vice-President without requiring additional legislative enactment. The Court's decision reiterates that such specialized tribunals are essential and constitutional extensions of judicial power as defined by their fundamental law.

#### Class Notes:

- Judicial Power: Defined by Section 1, Article VIII, including the expanded definition under the 1987 Constitution.
- PET Composition: Supreme Court members, sitting en banc, exert exclusive jurisdictional authority.
- Doctrine of Necessary Implication: The grant of a constitutional right or responsibility implicitly provides for necessary measures to enforce such power.
- Separation of Powers: Judicial powers extend to electoral adjudications as they are deemed adversarial, justiciable matters.

#### Historical Background:

The case emphasizes historical constitutional provisions and discussions by the Constitutional Commission reflecting upon the need for judicial involvement in electoral contests. The PET, as conceptualized, carries forward a statutory role into a defined constitutional mandate, illustrating the evolution of electoral adjudication mechanisms in response to legal precedents and constitutional framers' insights, particularly through the former PET rulings and experiences such as the Roxas v. Lopez case.