

**SIMEON G. DEL ROSARIO, PETITIONER, VS. UBALDO CARBONELL,
JAIME N. FERRER, LINO PATAJO AND CESAR MIRAFLOR,
RESPONDENTS.**

G.R. No. L-32476. October 20, 1970

Ponente: MAKASIAR, J.

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MAKASIAR, J.:

This petition for declaratory relief was filed pursuant to Sec. 19 of R.A. No. 6132 by petitioner Simeon G. del Rosario against the National Treasurer as well as the Chairman and members of the Commission on Elections, praying that the entire R.A. No. 6132 be declared unconstitutional.

The Solicitor General filed his answer to the petition in behalf of respondents.

The petition does not contain sufficient averments as to the particular right of the petitioner that may be affected by any provision of the law. Assuming as true his allegation - which respondents specifically deny - that he is a temporary staff writer of the Weekly Nation Magazine, a permanent international Research Officer of the Southeast Asia Treaty Organization since October 5, 1957 and as such is on home leave and awaiting recall and re-instatement to his post in Bangkok, Thailand by the Department of Foreign Affairs, the same does not indicate that he is a prospective candidate or is a member of any political party or any civic, religious, professional, or labor organization whose rights may be impaired by Sec. 6(A), par. 5 and Sec. 8(a) of R.A. No. 6132, which he challenges as oppressive.

Because he assails the appropriation of twenty-nine million pesos in Sec. 21 of the law as simply a waste of public funds, because there is no time limit for the duration of the Constitutional Convention, which may dissipate its time in pointless discussion without reaching any consensus or conclusion and thus degenerate into a "Debating Club, Unlimited", his interest as a taxpayer on this score to contest the validity of the law may be sustained.

1. The charge of petitioner that Congress abdicated its power as a constituent body to propose amendments in favor of the Constitutional Convention, is refuted by Art. XV of the Constitution which authorizes Congress sitting as a Constituent Assembly either to propose amendments or to call a convention for the purpose. The choice of either alternative is solely committed to Congress, which cannot be inquired into nor interfered with by this Tribunal, the same being purely a political question.[1]

2. Likewise, whether there is necessity for amending the Constitution is also addressed to the wise judgment of Congress acting as a Constituent Assembly, against which the Court cannot pit its own judgment.

3. And whether the Constitutional Convention will only propose amendments to the Constitution or entirely overhaul the present Constitution and propose an entirely new Constitution based on an ideology foreign to the democratic system, is of no moment; because the same will be submitted to the people for ratification. Once ratified by the sovereign people, there can be no debate about the validity of the new Constitution.

4. The fact that the present Constitution may be revised and replaced with a new one by the Constitutional

Convention called in Resolutions Nos. 2 and 4 respectively of 1967 and 1969, because under Sec. 6(A), par. 5, of the law, a candidate may include a concise statement of his principal constitutional reforms, programs or policies, is no argument against the validity of the law because "amendment" includes the "revision" or total overhaul of the entire Constitution. At any rate, whether the Constitution is merely amended in part or revised or totally changed would become immaterial the moment the same is ratified by the sovereign people.

5. This Court, in a decision dated September 11, 1970 in the cases of *Imbong vs. Ferrer, et. al.* and *Gonzales vs. Ferrer, et. al.*, G.R. Nos. L-32432 and L-32443, held that neither R.A. No. 6132 nor its Sections 2, 5 and 8(a), paragraph one, can be declared unconstitutional.

6. This Court also sustained the validity of Sec. 4 and the second paragraph of Sec. 8(a) of R.A. No. 6132 in a decision dated September 9, 1970.[2]

7. Petitioner impugns the constitutionality of the title of R.A. No. 6132 as embracing more than one subject and is there-fore violative of paragraph 1, Sec. 21 of Art. VI of the Constitution, simply because it failed to include the phrase "TO PROPOSE AMENDMENTS TO THE CONSTITUTION OF THE PHILIPPINES."

The title of the law reads "An Act Implementing Resolution of Both Houses Numbered Two as Amended by Resolution of Both Houses Numbered Four of the Congress of the Philippines Calling for a Constitutional Convention, Providing for Proportional Representation Therein and Other Details Relating to the Election of Delegates to and the Holding of the Constitutional Convention, Repealing for the Purpose Republic Act Four Thousand Nine Hundred Fourteen, and for Other Purposes."

It is patent from the aforequoted title that the inclusion of the phrase "To propose amendments to the Constitution of the Philippines" is superfluous and therefore unnecessary; because the very title expressly states that the act implements Resolutions of Both Houses Nos. 2 and 4, respectively of 1967 and 1969, and both Resolutions Nos. 2 and 4 likewise categorically state in their titles that the Constitutional Convention called for therein is "to propose amendments to the Constitution of the Philippines", which phrase is reiterated in Sec. 1 of both Resolutions.

Moreover, the power to propose amendments to the Constitution is implicit in the call for the convention itself, whose *raison d'être* is to revise the present Constitution. Consequently, there is no fraud or surprise that is perpetrated by the questioned title on the legislature and the public, which is sought to be avoided by the constitutional requirement that only one subject shall be embraced in the bill which shall be expressed in the title thereof.

Furthermore, it is not required that the title of the bill be an index to the body of the act or be comprehensive in matters of detail. It is enough that it fairly indicates the general subject and reasonably covers all the provisions of the act so as not to mislead Congress or the people.[3] All the details provided for in R.A. No. 6132 are germane to and are comprehended by its title.

WHEREFORE, the prayer in the petition is hereby denied and R.A. No. 6132 is not unconstitutional. Without costs.

Reyes, J.B.L., Acting C.J., Dizon, Makalintal, and Ruiz Castro, JJ., concur.

Concepcion, C.J., on official leave.

Villamor, J., concurs in the result.

Fernando, J., concurs and dissents in accordance with his separate opinion in *Imbong v. Comelec*, L-32432 and *Gonzales v. Comelec*, L-32443.

Teehankee, J., concurs on Items 1 to 7, excluding Item 5, and dissents on said Item 5 in accordance with his separate opinion in *Badoy, Jr. vs. Ferrer*, L-32456 and L-32551, October 17, 1970.

Barredo, J., dissents insofar as Item 5 is concerned and concurs in all other respects.
Zaldivar, J., reserves his vote.

[1] Tañada, et. al. vs. Cuenco, et. al., L-10520, Feb. 28, 1957.

[2] Subido, et. al., petitioner, in re Validity of Sec. 4 and Sec. 8(a) par. 2, R.A. 6132, G.R. No. L-32436 and In the matter of the petition for Declaratory Relief re: Validity and Constitutionality of Sec. 4, R.A. 6132, Hon. Guardson Lood, Judge, CFI, Pasig, Rizal, petitioner, G.R. No. L-32439.

[3] Cordero, et. al. vs. Cabatuando, et. al., L-14542, Oct. 31, 1962; Ichong vs. Hernandez, L-7995, May 31, 1957.

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