ROMULO B. MACALINTAL, PETITIONER, VS. THE SENATE OF THE PHILIPPINES, THE HOUSE OF REPRESENTATIVES, THE OFFICE OF THE PRESIDENT THROUGH EXECUTIVE SECRETARY LUCAS P. BERSAMIN, AND...

G.R. Nos. E-02002, E-02010, E-02142, & E-02276. November 11, 2025

Ponente: LOPEZ, J., J.

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LOPEZ, J., J.:

This Court resolves the following consolidated Petitions[1] which assail the constitutionality of Republic Act No. 12232[2] titled "An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan and for Other Purposes" or portions of it pertaining to the postponement of the December 2025 Barangay and Sangguniang Kabataan elections (BSKE):

(1)

Petition for Certiorari and Prohibition with Prayer for the Immediate Issuance of a Status Quo Ante Order, Temporary Restraining Order, and/or Writ of Preliminary Injunction, Urgent Motion to Conduct Special Raffle[3] filed by Romulo B. Macalintal (Macalintal) docketed as G.R. No. E-02002, which impleads the Senate of the Philippines (Senate), the House of Representatives . (HoR), the Office of the President (OP), and the Commission on Elections (COMELEC) as respondents, and prays that Republic Act No. 12232 be declared unconstitutional (Macalintal Petition);

(2)

Petition for Certiorari and Prohibition with Urgent Prayer for Temporary Restraining Order, Motion for Special Raffle, Writ of Mandamus, Declaratory Relief & Preliminary Mandatory Injunction[4] filed by John Barry T. Tayam (Tayam) and docketed as G.R. No. E-02010, which impleads the COMELEC, President Ferdinand R. Marcos, Jr. (President Marcos Jr.), Senate President Francis Joseph G. Escudero, and Speaker of the HoR Ferdinand Martin G. Romualdez as respondents, and seeks to declare Republic Act No. 12232 unconstitutional (Tayam Petition);

(3)

Petition for Certiorari, Prohibition, and Mandamus (with Extremely Urgent Prayer for Temporary Restraining Order and/or Writ of Preliminary Mandatory Injunction, and with Equally Urgent Motion for Special Raffle)[5] filed by Mystro Yushi P. Fujii, Boyd Luis Antonio C. Tolentino, Jr., Louise Adrian F. Magat, Roberto A. Garcia, Jr., and Catherine Apple S. Arenas (Fujii et al.) docketed as G.R. No. E-02142, which impleads the OP, the Senate, the HoR, and the COMELEC as respondents and pray that Sections 2., 3, and 4 of Republic Act No. 12232 be declared unconstitutional (Fujii et al. Petition); and

(4)

Petition for Certiorari, Prohibition and Mandamus[6] with prayer for immediate issuance of mandator;

> temporary restraining order and preliminary injunction filed by Atty. Albert N. Hidalgo, Atty. Aluino O. Ala, Atty. John Vergel A. Eljera, Atty. Ana Rose D. Cinco, Atty. Kit Alden A. Bajado, and Mr. Nofredo Lagonoy, representing Youth for Transformative Leadership Movement (Hidalgo et al.) docketed as G.R. No. E-02276, which impleads the Executive Secretary, the Senate, the HoR, and the COMELEC as respondents and seeks to declare Sections 2 and 4 of Republic Act No. 12232 unconstitutional (Hidalgo et al. Petition).

The Court shall likewise resolve the Petition-In-Intervention with Opposition (To the Petition for Certiorari and Prohibition with Prayer for the Immediate Issuance of a Status Quo Ante Order, Temporary Restraining Order, and/or Writ of Preliminary Injunction, Urgent Motion to Conduct Special Raffle)[7] filed by the Liga ng mga Barangay sa Pilipinas (LNB) and Punong Barangays Maria Katrina Jessica G. Dy (Dy), Ma. Martina L. Gimenez, Robert J. De Lara, Elmo D. Ragandang, Allan V. Leuterio, Alexberto B. Ompoc, Romel P. Virtuzado, Michael P. Cailing, Francisco T. Longkiao, Eric T. Canoy, Tara Camille Lim Raffiñan, Renan P. Joromo, Celso B. Bugo, Francisco M. Laihee, Marlo L. Tabac, Moises R. Bartolome, Antonio C. Lamug, Modesto M. Arreola, Jr., Rey G. Tamundong, Rico F. Guzman, Cornelio D. De Gracia, Carlos T. Mondala, Norence A. Pascual, Rolly C. Salvador, Jojie A. Sarandi, Julie Ann T. Roque, Tirso B. Guieb, Berlinda C. Vallejos, Roden P. Mangaoil, Michael M. Matusalem, Villamor S. Galam, Jr., Frederick C. Sabado, Marlin U. Pascual, Timoteo V. Tolentino, Renante P. Jacinto, Cesar A. Corpuz, Efren L. Matias, Alfredo C. Nabugen, Joseph Harold Pimentel, Apolinario S. Parnacio, Jr. Feliciano A. Tolentino, Alexander D. Asuncion, Ericson P. Guray, Eddie L. Yaranon, Judith P. Lagmay, Cesar G. Florendo, Reynaldo V. Duguilan, Betty A. Ngipol, Martino V. Salas, Jr., Melchor R. Salum, and Virgo Cham-Ag (Dy et al.) (collectively, LNB et al.) which prays that they be allowed to intervene in G.R. No. E-02002 and that the Macalintal Petition be dismissed for lack of merit.

Facts

On August 13, 2025, President Marcos Jr. signed Republic Act No. 12232. Its salient features include: (1) the term of office of all elected barangay and sangguniang kabataan (BSK) officials shall be four years and no elective barangay official shall serve for more than three consecutive terms in the same position while no elective sangguniang kabataan (SK) official shall serve for more than one term in the same positions; (2) the next regular BSKE shall be held on the first Monday of November 2026 and every four years thereafter; (3) the term of office of the BSK officials elected after the passage of the law shall commence on the first day of December next following their election; and (4) all incumbent BSK officials shall remain in the office unless sooner removed or suspended for cause until their successors shall have been elected and qualified. The relevant portions of Republic Act No. 12232 provide:

> Section 1. Term of Office. — The term of office of all elected barangay and Sangguniang Kabataan officials shall be four (4) years. No elective barangay official shall serve for more than three (3) consecutive terms in the same position. No elective Sangguniang Kabataan official shall serve for more than one (1) term in the same position. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.
>
> Section 2. Date of Flection. — The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four (4) years thereafter.
>
> Section 3. Assumption of Office. — The term of office of barangay of official and members of the Sangguniang Kabataan elected after the effectivity of this Act shall commence on the first day of December next following their election.
>
> Section 4. Hold-Over. — All incumbent barangay officials and members of the Sangguniang Kabataan shall remain in the office unless sooner removed or suspended for cause until their successors shall have been elected and qualified.

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> Section 5. Transitory Provision. — Incumbent elective barangay officials serving their third consecutive term in the same position shall not be eligible to run for the same position in the November 2026 Barangay and Sangguniang Kabataan Elections.
>
> . . . .
>
> Section 9. Effectivity. — This Act shall take effect immediately upon its publication in the Official Gazette or in a newspaper of general circulation.

The Macalintal Petition

On August 15, 2025, Macalintal, in his capacity as a registered voter, a taxpayer, and a practicing lawyer,[8] filed his Petition arguing that Republic Act No. 12232 or at least the portions which pertain to the postponement of the December 2025 BSKE, 1s unconstitutional.[9] Macalintal submits as follows:

First, the challenged statute violates the guidelines set by this Court in Atty. Macalintal v. Commission on Elections,[10] as it postpones the December 2025 BSKE sans any legitimate government interest or objective.[11]

Second, Republic Act No. 12232 retroactively applies its term-lengthening provision to incumbent BSK officials in violation of the citizenry's right to suffrage and the equal protection clause.[12]

Third, it violates the "one subject-one title" rule under Article VI, Section 26(1)[13] of the Constitution since the postponement of the December 2025 BSKE and the extension of the tenure of the incumbent BSK officials are inconsistent or foreign to the general subject of the law.[14]

Macalintal reiterated the foregoing arguments in support of his prayer for the issuance of a Status Ouo Ante Order, Temporary Restraining Order (TRO), and/or Writ of Preliminary Injunction (WPI) to restrain the implementation of the impugned law and compel COMELEC to continue with its preparation for the December 2025 BSKE.[15]

On August 19, 2025, this Court issued a Resolution,[16] directing the respondents identified in the Macalintal Petition to file their respective comments.

The Tayam Petition

On August 15, 2025, Tayam, in his capacity as a citizen, a taxpayer, registered voter, an educator and a member of the youth sector,[17] filed his Petition praying that this Court declare Republic Act No. 12232 unconstitutional[18] anchored on the following grounds:

One, the impugned law violates the citizenry's right to vote, and the postponement lacks legitimate government interest or compelling reasons, such as a public emergency, and undermines the people's right to suffrage, contrary to the guidelines set by this Court in its ruling in Macalintal.[19]

Two, the law's postponement of the BSKE and the extension of incumbent BSK officials' terms of office violates the essence of a democratic government, which relies on genuine and periodic elections.[20]

Three, Republic Act No. 12232 violates the equal protection clause because the law limits the SK officials to a single term, which creates disparate treatment between different classes of local officials and unfairly affects the SK candidates, who would exceed the maximum age of 24 by the rescheduled election date versus those who are elected as 18 years old< who would have been eligible for re-election at the end of the 4 year term.[21]

Four, the law violates the "one subject, one rule" rule considering that while the title of the law does not mention of postponement of the BSKE, the body of the law postpones the BSKE from December 2025 to November

2026.[22]

Five, the postponement of the SK elections, from December 1, 2025 to November 2026, disenfranchises a specific demographic of youth, i.e., those who are already 24 years of age on December 1, 2025 and therefore, still eligible to file certificates of candidacy, but who will then be ineligible for the November 2026 BSKE because they will turn 25 years old in the interim and, therefore, would exceed the maximum age qualification.[23]

On August 28, 2025, this Court issued a Resolution,[24] directing the named respondents to file their respective comments on the Tayam Petition and order its consolidation with the Macalintal Petition.

The Fujii et al. Petition

On August 22, 2025, Fujii et al., acting in their capacity as registered voters,[25] filed their Petition which urges this Court to declare Sections 2, 3, and 4 of Republic Act No. 12232 unconstitutional, and to compel COMELEC to administer the December 2025 BSKE as previously scheduled or as soon as thereafter practicable.[26]

In support of the interim and ultimate reliefs that they prayed for, Fujii et al. argue that the retroactive application of the term-lengthening provision in Republic Act No. 12232 is merely an attempt to postpone the December 2025 BSKE and to circumvent the ruling of this Court in Macalintal.[27] They likewise argue that the postponement of the December 2025 .BSKE is a rider, which is not germane to the subject matter of the law.[28]

Further, Fujii et al. claim that the postponement of the BSKE disenfranchises youth voters and candidates in violation of their right to vote and to run for public office.[29] They also assert that the distinction between "term" and "tenure," which this Court discussed in Macalintal, is a mere legal fiction that allows the unconstitutional extension of term of the BSK officials[30] and that the holdover doctrine defeats the people's right to periodic elections.[31]

On August 28, 2025, this Court issued a Resolution,[32] ordering the respondents in Fujii et al. Petition to file their respective comments therein, as well as the consolidation of the said Petition with the Macalintal Petition.

The Petition-in-Intervention by the LNB et al.

On August 26, 2025, the LNB et al. filed their Motion to Admit Petition-In-Intervention with Opposition (To the Petition for Certiorari and Prohibition with Prayer for the Immediate Issuance of a Status Quo Ante Order, Temporary Restraining Order, and/or Writ of Preliminary Injunction, Urgent Motion to Conduct Special Raffle),[33] praying that they be allowed to intervene in G.R. No. E-02002[34] and seek for the dismissal of the Macalintal Petition.[35]

The LNB claim that they represent the interests of their member-barangays,[36] while the individual movants, who are punong barangays, aver that they filed the Petition-In-Intervention on behalf of their respective barangays.[37] They point out that their interest on the pending litigation pertains to the fact that if Republic Act No. 12232 is declared unconstitutional, the December 2025 BSKE will push through and the barangay officials elected during the 2023 BSKE will only serve in their respective offices for two years instead of three.[38] Moreover, they claim that allowing them to intervene in G.R. No. E-02002 will not unduly delay or prejudice the adjudication of rights of the original parties to the case, and that their rights can be fully protected in the present proceeding obviating any need to file a separate case.

LNB et al. contend that the Macalintal Petition, devoid of any merit, and must be dismissed. They posit that:

First, Republic Act No. 12232 is resumed valid and Macalintal failed to adduce any evidence that its provisions clearly breached the Constitution.[39]

Second, Congress enacted Republic Act No. 12232 pursuant to the provisions of the Constitution.[40] It is a term-setting law[41] and the postponement of the December 2025 BSKE is only incidental to the new term of the BSK officials.[42]

Third, considering that Republic Act No. 12232 is a term-setting law and not for postponement of elections, the guidelines in Macalintal should not be applied to determine its validity.[43] In any event, even if measured against the standards set in Macalintal, the assailed law will pass constitutional muster as there are valid grounds for the postponement of the December 2025 BSKE, i.e., fixing the new term of the BSK officials,[44] to ensure continued performance of the BSK for one more year in view of their multifarious responsibilities,[45] and to provide for the synchronization of the term of office of the BSK officials under Republic Act No. 9164[46] and the tenure of the BSK incumbents under Republic Act No. 11935.[47]

Fourth, Republic Act No. 12232 does not violate the right to suffrage as it only redefines the electoral cycle and the BSKE remain regular and periodic.[48]

Fifth, Republic Act No. 12232 is not given retroactive effect as evinced by the fact that it contains a hold-over provision which does not grant a new term to the incumbent BSK officials but only ensures the continuity of governance functions.[49]

Sixth, Republic Act No. 12232 does not violate the equal protection clause because the BSK officials are not similarly situated to other elective local officials which have fixed three-year terms.[50]

Seventh, the challenged statute does not violate the "one title-one subject" rule as all the provisions therein pertain to the same subject, i.e., the term of the BSK officials.[51]

Eight, the filing of the Macalintal Petition was premature since it was filed prior to the lapse of 15 days from the law's publication in Official Gazette or in a newspaper of general circulation.[52]

The LNB et al. likewise argue that there is no basis to grant the interim reliefs prayed for in the Macalintal Petition.[53]

On August 28, 2025, this Court issued a Resolution,[54] directing Macalintal, the Senate, the HoR, the OP, and the COMELEC to file their respective comments to the Petition-In-Intervention.

The Hidalgo et al. Petition

On September 3, 2025, Hidalgo et al., asserting their rights as lawyers, taxpayers, and voters,[55] filed their Petition praying that Section 2 and 4 of Republic Act No. 12232 be declared unconstitutional,[56] contending that these two provisions are riders,[57] violate the people's right to suffrage,[58] and also encroach on COMELEC's power to regulate matters. pertaining to the conduct of elections, which necessarily includes the power to suspend or postpone elections.[59]

The foregoing arguments were adopted by Hidalgo et al. to buttress their entitlement to the issuance of a TRO and WPI against the implementation of Sections 2 and 4 of Republic Act No. 12232.[60] They also argue that the issuance of a writ of preliminary mandatory injunction to compel COMELEC to proceed with its Calendar of Activities for the 2025 December BSKE is proper to ensure that the December 2025 BSKE will proceed as scheduled if this Court declares Sections 2 and 4 unconstitutional.[61]

On September 30, 2025, this Court issued a Resolution,[62] directing the respondents to comment on the Petition

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docketed as G.R. No. E-02276 and consolidating the Hidalgo et al. Petition with the Macalintal Petition.

The consolidated comment of the Office of the Solicitor General (OSG)

On September 9, 2025, the OSG filed its Consolidated Comment,[63] praying that the Macalintal, Tayam, and Fujii et al. Petitions be denied for lack of merit.[64]

Preliminarily, the OSG argues that President Marcos Jr., who was identified as a respondent in the Tayam Petition, should be dropped from the case as he enjoys immunity from suit.[65] It adds that the Petitions should be dismissed for violating the doctrine of hierarchy of courts,[66] According to the OSG the remedies of mandamus and declaratory relief are not proper.[67]

Anent the substantive issues, the OSG points out that since Republic Act No. 12232 is primarily a term-setting law, the guidelines set in Macalintal should not apply to determine whether the same is unconstitutional.[68] It also asserts that the impugned statute does not violate the equal protection clause since the BSK officials are not similarly situated as the other local elected officials.[69]

The OSG likewise avers that the term-setting provision was enacted in pursuit of a legitimate public purpose, i.e., mitigating typhoon risks, logistical issues, and decoupling the BSKE from the national and local elections.[70] It also insists that the consequences of the term-lengthening provision of the law, i.e., the one year postponement of the BSKE and the holdover of incumbent officials, to their elective positions, are the logical result of the primary intent of the law and do not violate the people's right to regular and periodic elections.[71]

The OSG asseverates that the challenged law does not violate the "one title-one subject" rule since all the provisions in Republic Act No. 12232 are related and germane to the subject matter of the law, i.e., fixing the term of the BSK officials.[72] It disputes the allegation that the change in the schedule of the BSK and the one-year term of the SK officials disenfranchised voters contending that it is within the plenary power of Congress to set the qualifications of who can run for elections and participate in the SK elections.[73] Finally, the OSG maintains that the applications for the issuance of injunctive reliefs are bereft of factual and legal basis.[74]

The comments to the Petition-In-Intervention

On September 9, 2025, the OSG filed its Manifestation in Lieu of Comment (on the Resolution dated August 28, 2025),[75] informing this Court that it has no objection to allowing the LNB et al. to intervene in the consolidated cases and that it will no longer file a comment on the Petition-In-Intervention.[76]

On September 8, 2025, Macalintal filed his Comment (on the Petition-In-Intervention in G.R. No. E-02002) with Reiterative Motion to Issue Status Quo Ante Order, Temporary Restraining Order, and/or Writ of Preliminary Injunction,[77] where he refuted the points raised in the Petition-In-Intervention,[78] and reiterated his prayer for the issuance of interim reliefs.[79]

On October 6, 2025, Macalintal filed an Urgent Omnibus Motion for Early Resolution of these Petitions and/or to Resolve Petitioner's Prayers for Injunctive Relief in view of. Supervening Events,[80] praying for the immediate resolution of the consolidated Petitions and/or his prayer for interim reliefs in view of the postponement of the October 13, 2025 Bangsamaro Autonomous Region in Muslim Mindanao and COMELEC's termination of its preparation for the 2025 BSKE.[81]

The comment on the Hidalgo et al. Petition

On October 21, 2025, the OSG filed its Comment (on the Petition dated September 1, 2025),[82] praying that the Hidalgo et al. Petition be denied for lack of merit.

The OSG argues that Republic Act No. 12232 does not infringe on the right of suffrage as it merely regulates the exercise of said right, consistent with the power of Congress to set the terms of office of barangay officials. Further, the OSG posits that Macalintal has already settled the issue that Congress has the power to postpone elections, including those at the barangay level. Thus, Republic Act No. 12232 does not encroach upon the power of COMELEC to regulate matters relating to the conduct of elections.[83]

Issues
This Court shall resolve the following issues:

First, whether the Liga ng mga Barangay sa Pilipinas and Punong Barangays Maria Katrina Jessica G. Dy, Ma. Martina L. Gimenez, Robert J. De Lara, Elmo D. Ragandang, Allan V. Leuterio, Alexberto B. Ompoc, Romel P. Virtuzado, Michael P. Cailing, Francisco T. Longkiao, Eric T. Canoy, Tara Camille Lim Raffiñan, Renan P. Joromo, Celso B. Hugo, Francisco M. Laihee, Marlo L. Tabac, Moises R. Bartolome, Antonio C. Lamug, Modesto M. Arreola, Jr., Rey G. Tamundong, Rico F. Guzman, Cornelio D. De Gracia, Carlos T. Mandala, Norence A. Pascual, Rolly C. Salvador, Jojie A. Sarandi, Julie Ann T. Roque, Tirso B. Guieb, Berlinda C. Vallejos, Roden P. Mangaoil, Michael M. Matusalem, Villamar S. Galam, Jr., Frederick C. Sabado, Marlin U. Pascual, Timoteo V. Tolentino, Renante P. Jacinto, Cesar A. Corpuz, Efren L. Matias, Alfredo C. Nabugen, Joseph Harold Pimentel, Apolinario S. Parnacio, Jr., Feliciano A. Tolentino, Alexander D. Asuncion, Ericson P. Guray, Eddie L. Yaranon, Judith P. Lagmay, Cesar G. Florendo, Reynaldo V. Duguilan, Betty A. Ngipol, Martino V. Salas, Jr., Melchor R. Salum, and Virgo Cham-Ag should be allowed to intervene in the present consolidated cases.

Second, procedural issues in the consolidated Petitions:

> (1)
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> Whether President Ferdinand R. Marcos, Jr. should be dropped as a respondent in the consolidated cases;
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> (2)
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> Whether the requisites for this Court's exercise of its power of judicial review are present; and
>
> (3)
>
> Whether Romulo B. Macalintal; John Barry T. Tayam; Mystro Yushi P. Fujii, Boyd Luis Antonio C. Tolentino, Jr., Louise Adrian F. Magat, Roberto A. Garcia, Jr., and Catherine Apple S. Arenas; and Atty. Albert N. Hidalgo, Atty. Aluino O. Ala, Atty. John Vergel A. Eljera, Atty. Ana Rose D. Cinco, Atty. Kit Alden A. Bajado, and the Youth for Leadership Movement violated the doctrine of hierarchy of courts.

Finally, whether Republic Act No. 12232 is unconstitutional.

This Court's Ruling
I
To justify their intervention in the consolidated cases, the LNB et al. claim that their principals, i.e., the barangays, have legal interest in the determination of whether Republic Act No. 12232 is unconstitutional. They argue if the December 2025 BSKE pushes through as scheduled, the barangay officials elected during the October

2023 BSKE will only serve in their respective offices for two years instead of the three years as mandated by the Republic Act No. 9164.[84]

The LNB et al. likewise aver that allowing them to intervene will not unduly delay or prejudice the adjudication of rights of the original parties to the case and their rights can be fully protected in the present proceedings, which obviates the necessity to institute a separate case.[85]

In Republic v. Rubin,[86] We discussed the nature of intervention as a remedy and the requisites for it to be granted by courts:

> Intervention is a remedy by which a third party, not originally impleaded in the proceedings, becomes a litigant therein to enable him or her to protect or preserve a right or interest which may be affected by such proceedings. It is, however, settled that intervention is not a matter of right; but is instead addressed to the sound discretion of the courts and can be secured only in accordance with the terms of the applicable statute or rule. Rule 19 of the Rules of Court reads:Sec. 1. Who may intervene. — A person who has a legal interest in the matter in litigation, or in the success of either of the parties, or an interest against both, or is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or of an officer thereof may, with leave of court, be allowed to intervene in the action. The court shall consider whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties, and whether or not the intervenor's rights may be fully protected in a separate proceeding.
>
> Sec. 2. Time to intervene. — The motion to intervene may be filed at any time before rendition of judgment by the trial court. A copy of the pleading-in-intervention shall be attached to the motion and served on the original parties.

What qualifies a person to intervene is his or her possession of a legal interest in the matter in litigation or in the success of either of the parties, or an interest against both; or when he or she is so situated as to be adversely affected by a distribution or other disposition of property in the custody of the court or an officer thereof As regards legal interest as qualifying factor, the Court has ruled that such interest must be of a direct and immediate character so that the intervenor will either gain or lose by the direct legal operation of the judgment. The interest must be actual and material, a concern which is more than mere curiosity, or academic or sentimental desire; it must not be indirect and contingent, indirect and remote, conjectural, consequential or collateral. As stated, however, notwithstanding the presence of a legal interest, permission to intervene is subject to the sound discretion of the court, the exercise of which is limited by considering whether or not the intervention will unduly delay or prejudice the adjudication of the rights of the original parties and whether or not the intervenor's rights may be fully protected in a separate proceeding.

In sum, to allow intervention, (a) it must be shown that the movant has legal interest in the matter in litigation, or is otherwise qualified; and (b) consideration must be given as to whether the adjudication of the rights of the original parties may be delayed or prejudiced, or whether the intervenor's rights may be protected in a separate proceeding or not. Both requirements must concur, as the first is not more important than the second.[87] (Emphasis supplied, citations omitted)

Applying the foregoing standard here, We find that LNB et al. failed to show that they have a right to intervene in the consolidated cases.

First, the individuals who filed the Petition-In-Intervention failed to prove that they were duly authorized by their purported principals to act on the latter's behalf. In Swedish Match Phils., Inc. v. The Treasurer of the City of Manila,[88] We held that:

> The power of a corporation to sue and be sued is lodged in the board of directors, which exercises its corporate

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> powers. It necessarily follows that an individual corporate officer cannot solely exercise any corporate power pertaining to the corporation without authority from the board of directors. Thus, physical acts of the corporation, like the signing of documents, can be performed only by natural persons duly authorized for the purpose by corporate by-laws or by a specific act of the board of directors.[89] (Citations omitted)

Further, We likewise ruled that "[w]hen the petitioner is a corporation, the certification should obviously be executed by a natural person to whom the power to execute such certification has been validly conferred by the corporate board of directors and/or duly authorized officers and agents"[90] and that generally, "[t]he petition is subject to dismissal if a certification was submitted unaccompanied by proof of the signatory's authority."[91]

Here, while the LNB resolution[92] appended to the Petition-In-Intervention shows that the LNB resolved to intervene in G.R. No. E-02002, there was no mention that it authorized its president, Dy, to execute the necessary certifications and to file the Petition-In-Intervention on its behalf.

Similarly, the barangay resolutions[93] attached to the Petition-In-Intervention shows that the respective barangay sanggunians resolved to intervene in G.R. No. E-02002, but made no mention that the barangays authorized their respective punong barangays to execute the required certifications and to file the Petition-In-Intervention on their behalf. Notably, in Brgy. Tongonan, Ormoc City v. Judge Buaya,[94] We emphasized that a natural person who files a suit on behalf of a barangay must be duly authorized by the barangay's council to file pleadings and execute the necessary certifications, i.e., verification and certification of non-forum shopping, on its behalf.[95]

Second, assuming arguendo that the barangay captains were duly authorized by the corporate entities that they claim to represent to file the Petition-In-Intervention, We still cannot countenance their participation in the consolidated cases due to their failure to prove that their principals have direct and immediate interest in the outcome of the present litigation.

In this case, LNB et al. claim that their barangays have an interest on the present litigation stressing that if the December 2025 BSKE will push through, the BSK officials elected during the October 2023 BSKE will only occupy their respective offices for two years instead of three.[96] However, to be allowed to intervene, an intervenor's interest must not be indirect and contingent, indirect and remote, conjectural, consequential or collateral[97] but must be "of a direct and immediate character"[98] such that the intervenor "will either gain or lose by the direct legal operation of the judgment."[99]

Here, We fail to see how the barangay officials elected during the October 2023 BSKE stand to gain or lose if Dy et al. and all other barangay officials elected during the October 2023 BSKE serve for only two years. While it is true that continuity can be desirable, it must be noted that regardless of whether the December 2025 BSKE pushes through or not, there will always be elected BSK officials in place, i.e., the incumbent officials in a holdover capacity or the newly-elected ones, to fulfill their roles and ensure the continuity of government functions and services. Verily, it cannot be said that the barangays have an interest in ensuring that Dy et al. and other barangay officials elected during the October 2023 BSKE will serve in their respective capacities for three years.

Third, even assuming that the Petition-In-Intervention was filed by Dy et al. in their individual capacities as punong barangays who were elected during the October 2023 BSKE, they still failed to show that they have direct and immediate interest in the outcome of the consolidated cases. Notably, a careful perusal review of the Petition-In-Intervention world show that Dy et al. themselves admitted that prior to being elected to their respective offices, they were fully aware that they will only serve for two years as punong barangays in light of the ruling of this Court in Macalintal.[100] Thus, it cannot be said that the holding of the December 2025 BSKE will in any way reduce or run counter to Dy et al.'s expected term in office.

More importantly, Dy et al. cannot say that they will stand to gain or lose if the December 2025 BSKE pushes

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through. Verily, public office is a public trust.[101] It is not a property right[102] and no one has a vested right to hold any public office,[103] much less a vested right to an expectancy of holding a public office.[104]

In fine, not only did Dy et al. fail to show that they were authorized by their respective principals to file the Petition-In-Intervention on their behalf, but they also failed to show that their respective barangays or themselves have a direct and immediate interest in the present litigation. Hence, there is no basis to allow LBP et al. to intervene in the present cases.

II
Procedural issues in the Consolidated Petitions

II (A)

President Marcos Jr. is identified as a respondent in the Tayam Petition.[105] However, it is settled that the President is immune from suit during their tenure in office.[106] We explain the reason for this in Prof David v. Pres. Macapagal-Arroyo, as follows:[107]

> Settled is the doctrine that the President, during his tenure of office or actual incumbency, may not be sued in any civil or criminal case, and there is no need to provide for it in the Constitution or law. It will degrade the dignity of the high office of the President, the Head of State, if he can be dragged into court litigations while serving as such. Furthermore, it is important that he be freed from any form of harassment, hindrance[,] or distraction to enable him to fully attend to the performance of his official duties and functions. Unlike the legislative and judicial branch, only one constitutes the executive branch and anything which impairs his usefulness in the discharge of the many great and important duties imposed upon him by the Constitution necessarily impairs the operation of the Government. However, this does not mean that the President is not accountable to anyone. Like any other official, he remains accountable to the people[,] but he may be removed from office only in the mode provided by law and that is by impeachment.[108] (Citations omitted).

Thus, this Court resolves to drop President Marcos Jr. as a respondent in these consolidated cases.

II (B)
This Court's power of judicial review is provided in Article VIII, Section 1 of the Constitution. It states:

> Section 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.
>
> Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

Hence, the power of judicial review includes the duty of the courts of justice not only "to settle actual controversies involving rights which are legally demandable and enforceable," but also "to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government." The former pertains to the judicial review in its traditional sense, while the latter is its expanded scope introduced in our present Constitution. In Sanota v. Bureau of Customs, it was explained:[109]

> The foregoing provision articulates the court's traditional and expanded powers of judicial review. Prior to the 1987 Constitution, judicial review is confined to the traditional concept of settling actual controversies involving legally demandable and enforceable rights. However, under the present Constitution, the expanded power of judicial review includes the power to enforce rights conferred by law and determine grave abuse of

> discretion by any government branch or instrumentality. Its scope was deliberately enlarged to prevent courts from seeking refuge behind the political question doctrine and turning a blind eye to abuses committed by the other branches of government.[110] (Citation omitted)

Regardless whether in its traditional or expanded jurisdiction, the Court cannot exercise its power of judicial review when the requisites for its exercise are not satisfied.[111] The settled rule in constitutional litigation is that no question involving the constitutionality or validity of a law or governmental act may be heard and decided by the Court unless the following requisites are satisfied: (1) there must be an actual case or controversy calling for the exercise of judicial power; (2) the person challenging the act must have the standing to question the validity of the subject act or issuance; (3) the question of constitutionality must be raised at the earliest opportunity; and (4) the issue of constitutionality must be the very lis mota of the case.[112]

Applying the foregoing, We find it proper to exercise judicial review in these consolidated cases.

First, "[b]asic in the exercise of judicial power—whether under the traditional or in the expanded setting—is the presence of an actual case or controversy."[113] This Court expounded on this in Kilusang Mayo Uno v. Hon. Aquino:[114]

> There is an actual case or controversy if there is a conflict of legal right, an opposite legal claims susceptible of judicial resolution. A petitioner bringing a case before this Court must establish that there is a legally demandable and enforceable right under the Constitution. There must be a real and substantial controversy, with definite and concrete issues involving the legal relations of the parties, and admitting of specific relief that courts can grant.
>
> This requirement goes into the nature of the judiciary as a co-equal branch of government. It is bound by the doctrine of separation of powers, and will not rule on any matter or cause the invalidation of any act, law, or regulation, if there is no actual or sufficiently imminent breach of or injury to a right. The courts interpret laws, but the ambiguities may only be clarified in the existence of an actual situation.[115] (Citations omitted)

We have further elucidated on the nature of an actual case or controversy, thusly:

> An actual case or controversy exists when there is a conflict of legal rights or an assertion of opposite legal claims, which can be resolved on the basis of existing law and jurisprudence. A justiciable controversy is distinguished from a hypothetical or abstract difference or dispute, in that the former involves a definite and concrete dispute touching on the legal relations of parties having adverse legal interests. A justiciable controversy admits of specific relief through a decree that is conclusive in character, whereas an opinion only advises what the law would be upon a hypothetical state of facts.[116] (Citation omitted)

"Thus, for an actual case or controversy to exist, the aggrieved party's rights must be fully established to be extant, due, and demandable vis-à-vis the other party's actions, which either violate or deny the said rights."[117]

However, in the Court's exercise of its expanded jurisdiction, the requirement of actual case or controversy is satisfied so long as there is a prima facie showing of grave abuse of discretion in the assailed governmental act.[118]

Here, there is clear contrariety of legal rights between Congress' innate power of the Congress to regulate elections arid the citizenry's exercise of their right to suffrage. More, petitioners' allegations sufficiently established a prima facie case that the assailed act violates the Constitution.

Second, locus standi or legal standing is the "right of appearance in a court of justice on a given question."[119] To be sure, the requirement of legal standing is imposed to ensure "that a party is seeking a concrete outcome or relief that may be granted by courts."[120]

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To determine if a person has legal standing in a public case, We generally apply the direct injury test.[121] A person who would assail the validity of a statute must have not only show that the law is invalid, but also that he has sustained or is in immediate or imminent danger of sustaining some direct injury as a result of its enforcement, and not merely that he suffers thereby in some indefinite way.[122] The foregoing notwithstanding, the Court have recognized cases brought by "non-traditional suitors" or those parties who were not personally injured by the operation of a law or any other government act,[123] provided they met any of the following requirements:

> 1.) For taxpayers, there must be a claim of illegal disbursement of public funds or that the tax measure is unconstitutional;
>
> 2.) For voters, there must be a showing of obvious interest in the validity of the election law in question;
>
> 3.) For concerned citizens, there must be a showing that the issues raised are of transcendental importance which must be settled early; and
>
> 4.) For legislators, there must be a claim that the official action complained of infringes their prerogatives as legislators.[124] (Citation omitted)

This Court has further simplified the standing requirement in the exercise of its expanded jurisdiction under the 1987 Constitution such that a party is considered to have locus standi by a mere prima facie showing that there is grave abuse of discretion in the assailed governmental act.[125]

Here, petitioners have shown that the postponement of the December 2025 BSKE is an actual and direct violation of their right to participate in the BSKE, or at the very least, is an imminent threat of violation of their right of suffrage. Moreover, petitioners' allegations, assuming to be true, are sufficient to establish that grave abuse of discretion attended the enactment of Republic Act No. 12232.

Third, the first petition challenging the validity of Republic Act No. 12232 was filed on August 15, 2025, or a mere two days after the challenged statute was signed into law. Hence, it cannot be gainsaid that the issue of constitutionality of Republic Act No. 12232 was raised at the first possible instance.

Fourth, the requirement of lis mota necessitates that the issue of constitutionality is the core of the controversy, that is, the case cannot be legally resolved unless the constitutional question is determined.[126] It is settled that "the Court will not pass upon a question of unconstitutionality, although properly presented, if the case can be disposed of on some other ground, such as the application of the statute or the general law."[127] This requirement is anchored on the principle that every law has in its favor the presumption of constitutionality; to justify its nullification, there must be a clear and unequivocal breach of the Constitution, and not one that is doubtful, speculative, or argumentative.[128]

Here, the principal relief prayed for by petitioners is the declaration of unconstitutionality of Republic Act No. 12232 or parts of it which pertain to the scheduling of the next BSKE in November 2026. This Court cannot resolve the consolidated cases on any other ground. Hence, the requirement of lis mota is complied with.

II (C)

This Court, the Court of Appeals, and the Regional Trial Courts have concurrent original jurisdiction over the petitions for certiorari, prohibition, mandamus, quo warranto and habeas corpus.[129] The same notwithstanding, the doctrine of hierarchy of courts provides that "recourse must first be made to the lower-ranked court exercising concurrent jurisdiction with a higher court."[130] Hence, a petition must first be brought before the lowest court with jurisdiction and then appealed until it reaches this Court. Concurrent jurisdiction does not give the party discretion on where to file a petition, as noncompliance with this requirement is a ground for dismissal.[131]

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Nevertheless, We have on occasion, allowed direct recourse to Us based on "special and important" reasons,[132] which includes:

> (1)
>
> when there are genuine issues of constitutionality that must be addressed at the most immediate time;
>
> (2)
>
> when the issues involved are of transcendental importance;
>
> (3)
>
> cases of first impression;
>
> (4)
>
> the constitutional issues raised are better decided by the Court;
>
> (5)
>
> exigency in certain situations;
>
> (6)
>
> the filed petition reviews the act of a constitutional organ;
>
> (7)
>
> when petitioners rightly claim that they had no other plain, speedy, and adequate remedy in the ordinary course of law that could free them from the injurious effects of respondents' acts in violation of their right to freedom of expression; and
>
> (8)
>
> the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy."[133]

We clarified in GIOS-SAMAR, Inc. v. Department of Transportation and Communications[134] that the presence of one or more of these special and important reasons is not the decisive factor whether We would exercise our original jurisdiction to issue extraordinary writs.[135] It is the nature of the question raised by the parties in these exceptions that enabled Us to take cognizance of the case considering that We are not a trier of facts. We can only allow direct recourse when the issue before Us involves a pure question of law. [136]

Here, whether Republic Act No. 12232 violated the right to suffrage and/or the equal protection clause not only present genuine issues of constitutionality, but they are also pure questions of law. "A question of law arises when there is doubt as to what the law is on a certain state of facts."[137] "For a question to be one of law, the same must not involve an examination of the probative value of the evidence presented by the litigants or any of them."[138] The resolution of the issue must rest solely on what the law provides on the given set of circumstances.

This Court can resolve whether Republic Act No. 12232 is unconstitutional without the need for presentation of any evidence. Hence, direct recourse to Us is justified.

III

Substantive Issues

Suffrage, representation, and elections in relation to the power of Congress

The right to suffrage, the principle of representation, and the conduct of elections constitute the foundational architecture through which popular sovereignty transforms from abstract principle into lived democratic reality. These three foundational blocks are at the very heart of Philippine democracy.

The first declared principle of the 1987 Constitution establishes the nation's bedrock premise. Article II, Section 1 of the 1987 Constitution provides that "[t]he Philippines is a democratic and republican State. Sovereignty resides in the people and all government authority emanates from them."[139] This principle 1s similarly reflected in the Preamble of the Constitution:

> We, the sovereign Filipino people, imploring the aid of Almighty God, in order to build a just and humane society and establish a Government that shall embody our ideals and aspirations, promote the common good, conserve and develop our patrimony, and secure to ourselves and our posterity the blessings of independence and democracy under the rule of law and a regime of truth, justice, freedom, love, equality, and peace, do ordain and promulgate this Constitution.[140] (Emphasis supplied)

Suffrage, representation, and elections form an inseparable triad that propels democratic governance: In short, they constitute the very essence of a representative government.

The right to suffrage embodies the principle that "sovereignty resides in the people."[141] Through suffrage, citizens exercise their most direct form of political power, transforming popular will into governmental action and holding officials accountable to the people themselves, the electorate. The importance of the right to suffrage is reflected in the framing of the 1987 Constitution itself. An entire article—Article V—of the Constitution is dedicated exclusively to suffrage, signaling its transcendent importance in the constitutional order. Suffrage represents a fundamental constitutional right that enables citizens to participate meaningfully in self-governance. This right serves as the foundation for all other democratic processes as without genuine suffrage, representative government becomes an empty formality, and popular sovereignty remains an unrealized ideal.

Representation then translates individual votes into collective governance. The Philippines is a republic. As discussed in Macalintal, citing the disquisition of then Associate Justice Isagani Cruz:

> A republic is a representative government, a government run by and for the people. It is not a pure democracy where the people govern themselves directly. The essence of republicanism is representation and renovation, the selection by the citizenry of a corps of public functionaries who derive their mandate from the people and act on their behalf, serving for a limited period only, after which they are replaced or retained, at the option of their principal. Obviously, a republican government is a responsible government whose officials hold and discharge their position as a public trust and shall, according to the Constitution, 'at all times be accountable to the people' they are sworn to serve. The purpose of a republican government it is almost needless to state, is the promotion of the common welfare according to the will of the people themselves.[142] (Emphasis supplied, citation omitted)

Thus, through free and fair elections, citizens select representatives who articulate their interests, enact laws on their behalf, and exercise governmental powers with legitimacy derived from popular consent.

Elections provide the institutional mechanism through which suffrage produces representation. Regular, periodic, honest, and orderly elections ensure continuous popular consent of the Filipino people. "The essence of democratic elections is to convert the collective will of the people into government."[143] Elections then is

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"democracy's metronome"—it is the recurring, predictable, and regular moment when sovereignty is most visibly exercised for the people's confirmation, reaffirmation, or redirection. It keeps steady time and ensures the rhythm of governance remains true.

In this light, the sovereign Filipino people, through the Constitution, entrusted Congress as the repository of legislative power. Article VI, Section 1 of the Constitution states:

> Section 1. The legislative power shall be vested in the Congress of the Philippines which shall consist of a Senate and a House of Representatives, except to the extent reserved to the people by the provision on initiative and referendum. (Emphasis supplied)

Legislative power is the authority, under the Constitution, to make laws, and to alter and repeal them.[144] Through the Constitution—the paramount expression of popular sovereignty and the people's foundational will—this power has been delegated to the Congress by the people as the ultimate source of governmental authority.[145]

The Constitution vests Congress with an expansive and far-reaching authority to legislate on matters affecting the country. This was explained in Kida v. Senate of the Philippines,[146] thus:

> The grant of legislative power to Congress is broad, general and comprehensive. The legislative body possesses plenary power for all purposes of civil government. Any power, deemed to be legislative by usage and tradition, is necessarily possessed by Congress, unless the Constitution has lodged it elsewhere. Except as limited by the Constitution, either expressly or impliedly, legislative power embraces all subjects and extends to all matters of general concern or common interest.[147] (Citations omitted)

Therefore, while Congress is vested with vast legislative authority, it is not absolute or unlimited. The Constitution itself serves as both the source and the boundary of congressional power and legislative authority. Where the Constitution expressly prohibits certain legislative actions, Congress is constrained and is necessarily bound to respect those limitations. Similarly, implied constitutional constraints, derived from the structure of government and. the separation of powers, also circumscribe legislative authority.

The broad and comprehensive nature of Congress's legislative power was further explained in Macalintal:

> Broad and plenary, the power of the Congress to legislate embraces the three inherent powers of the State: police power, eminent domain, and power of taxation. Of these three, police power has been described as "the most pervasive, the least limitable, and the most demanding of the three fundamental powers of the State" that it "virtually extends to all public needs."[148] (Emphasis supplied, citations omitted)

Thus, the Congress possesses extraordinarily expansive legislative authority that encompasses the State's three inherent powers, with police power being the most far-reaching and least restrictive among them, extending to virtually every matter of public concern.

Given the plenary nature of legislative power and the pervasive scope of police power in particular, Congress has the constitutional capacity to enact legislation on practically any subject matter that affects the public interest, public welfare, or the common good. Consequently, the practical limits on congressional power are found not in the range of subjects it may address, but rather in the constitutional restrictions that govern how such power must be exercised. At its core, unless the Constitution expressly or impliedly prohibits congressional action, the legislature possesses the power and competence to legislate on any issue that touches upon the general welfare of society.

This Court in Tawang Multi-Purpose Cooperative v. La Trinidad Water District,[149] is illustrative as to the nature of legislative power, particularly in relation to police power:

> Police power does not include the power to violate the Constitution. Police power is the plenary power vested in Congress to make laws not repugnant to the Constitution. This rule is basic.
>
> In Metropolitan Manila Development Authority v. Viron Transportation Co., Inc., the Court held that, "Police power is the plenary power vested in the legislature to make, ordain, and establish wholesome and reasonable laws, statutes and ordinances, not repugnant to the Constitution." In Carlos Superdrug Corp. v. Department of Social Welfare and Development, the Court held that, police power "is 'the power vested in the legislature by the constitution to make, ordain, and establish all manner of wholesome and reasonable laws, statutes, and ordinances x x x not repugnant to the constitution.'" In Metropolitan Manila Development Authority v. Garin, the Court held that, "police power, as an inherent attribute of sovereignty, is the power vested by the Constitution in the legislature to make, ordain, and establish all manner of wholesome and reasonable laws, statutes and ordinances x x x not repugnant to the Constitution."[150] (Emphasis supplied, citations omitted)

The qualifier "not repugnant to the Constitution" is crucial. This limitation reinforces the idea that while legislative power is plenary within its sphere, it cannot transgress constitutional boundaries.

The power to legislate in relation to the barangay elections

Given the broad and plenary power of the Congress that encompasses all matters of general concern and common interest, including those relating to elections,[151] it logically follows that its authority extends to fixing and prescribing the term of office of barangay officials.

Importantly, this power is not merely implied from the Congress's general, broad, and comprehensive legislative power, but is expressly and unequivocally vested in the legislature under Article X, Section 8 of the Constitution:

> Section 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.[152] (Emphasis supplied)

Clearly, Article X, Section 8 of the 1987 Constitution explicitly exempts barangay officials from the general three-year term limitation applicable to other elective local officials. Article X, Section 8 explicitly states that the term of barangay officials "shall be determined by law." This constitutional language unambiguously delegates authority to Congress to prescribe the term of office for barangay officials. In fact, this provision goes beyond mere permissiveness; it imposes both the power and the duty on Congress .to legislate on this matter. Thus, when read in conjunction with Congress's broad and plenary legislative authority, which encompasses all matters of general concern, including those affecting elections and the exercise of suffrage, the constitutional grant becomes even more pronounced.

The express textual commitment of this power to congressional determination, coupled with the legislature's inherent plenary authority over electoral matters, establishes that Congress possesses the discretion to fix, modify, and extend the term of office of barangay officials as circumstances and public welfare dictate.

Moreover, the doctrine of necessary implication supports the power of Congress, not just to set the term of office of barangay officials but to determine when the new term of office starts, provided that such determined period is reasonable and should not be unduly long from the time of the enactment of the law setting the new term of office.

The doctrine of necessary implication recognizes that what is implied in a statute is as much a part of it as what is expressed—every grant of power necessarily includes all incidental powers required to effectuate its purpose. Thus,

this Court in William Golangco Construction Corporation v. Philippine Commercial and International Bank (now BANCO DE ORO UNIBANK, INC.):[153]

> No statute can be enacted that can provide all the details involved in its application. There is always an omission that may not meet a particular situation. What is thought, at the time of enactment, to be an all-embracing legislation may be inadequate to provide for the unfolding of events of the future. So-called gaps in the law develop as the law is enforced. One of the rules of statutory construction used to fill in the gap is the doctrine of necessary implication. The doctrine states that what is implied in a statute is as much a part thereof as that which is expressed. Every statute is understood, by implication, to contain all such provisions as may be necessary to effectuate its object and purpose, or to make effective rights, powers, privileges[,] or jurisdiction which it grants, including all such collateral and subsidiary consequences as may be fairly and logically inferred from its terms. Ex necessitate legis. And every statutory grant of power, right[,] or privilege is deemed to include all incidental power, right or privilege. This is so because the greater includes the lesser, expressed in the maxim, in eo plus sit, simper inest et minus.[154] (Emphasis in the original, citation omitted)

Consistent with this doctrine, when Article X, Section 8 of the Constitution granted Congress the power to determine the term of office of barangay officials, this express grant necessarily carries with it; the power to determine when that determined term begins and when it ends. These temporal components are not severable from the power to set the term itself—they are integral, subsidiary elements that give meaning and effect to the express constitutional grant of authority.

The power to "determine the term" is the greater power, and pursuant to the maxim in eo plus sit, simper inest et minus, the greater includes the lesser. Within this greater power is necessarily embedded the lesser, incidental power to fix the commencement date of the term and establish the termination date of the term. This necessarily follows from the power to set the duration of the term—in this case a span of four years. To hold otherwise would render the express power to determine the term of barangay officials meaningless or impossible to give effect.

Therefore, when Section 3 of Republic Act No. 12232 set the beginning of the new term of office of the BSK officials in December 2026, it is merely the necessary exercise, in Congress's political wisdom, of an implied power that flows inescapably and unavoidably from the express grant of authority to determine the term itself, in accordance with the principle ex necessitate legis. This power is properly within its own, exclusive sphere. Thus, by operation of the doctrine of necessary implication, this temporal designation is as much a part of the legislative and political power of Congress as if it had been expressly enumerated by the Constitution itself, for without it, the express power would be rendered nugatory.

This determination of the start of the new term must also be read in line with Article IX (C), Section 9 of the 1987 Constitution, which reads:

> Section 9. Unless otherwise fixed by the Commission in special cases, the election period shall commence ninety days before the day of election and shall end thirty days thereafter.

Necessarily, to start this new term of office, an election must be held. The period given by the Constitution allows COMELEC to tally all the votes and proclaim the winning candidates. Considering that the assumption of office of an elected official necessarily starts within a set .period after the winners have already been determined and when the election period set to end, the election must necessarily fall within a date that is consistent with the election period and before the date of assumption into office of a winning candidate. Here, as the Congress determines the start of the new term of office of the winning BSK officials to be on December 2026, the election could be scheduled within a period where the election period is given sufficient leeway for COMELEC to be given the allowable time to tally all the votes and proclaim the winning candidates. This is the implication of fixing the period when the new term of office of the BSK officials shall commence, which in turn, necessarily

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flows from the power given by the Constitution to set the term of office of the BSK officials.<l before="" the="" date="" of="" assumption="" into="" office="" a="" winning="" candidate.="" here,="" as="" congress="" determines="" start="" new="" term="" bsk="" officials="" to="" be="" on="" december="" 2026,="" election="" could="" scheduled="" within="" period="" where="" is="" given="" sufficient="" leeway="" for="" comelec="" allowable="" time="" tally="" all="" votes="" and="" proclaim="" candidates.="" this="" implication="" fixing="" when="" shall="" commence,="" which="" in="" turn,="" necessarily="" flows="" from="" power="" by="" constitution="" set="" officials.

The nature of Republic Act No. 12232 in relation to Republic Act No. 11935

Petitioners argue that Republic Act No. 12232 runs afoul of the Macalintal guidelines in the determination of the validity of any future laws or rules postponing elections. To recall, in Macalintal, the validity of the postponement of the BSKE through Republic Act No. 11935 was examined. There, Republic Act No. 11935 was declared unconstitutional. As a consequence, Republic Act No. 9164 governed the previous BSKE. However, due to the operative fact doctrine, the elections pushed through and were subsequently held on October 2023. This Court then provided five-point criteria to serve as guidelines in the determination of the validity of any future laws or rules postponing elections, thus:

> To summarize, the following criteria shall serve as guidelines in the determination of the validity of any future laws or rules postponing elections:
>
> 1.
>
> The right of suffrage requires the holding of honest, genuine, regular, and periodic elections. Thus, postponement of the elections is the exception.
>
> 2.
>
> The postponement of the elections must be justified by reasons sufficiently important, substantial, or compelling under the circumstances:
>
> a.
>
> The postponement must be intended to guarantee the conduct of free, honest, orderly, and safe elections;
>
> b.
>
> The postponement must be intended to safeguard the electorate's right of suffrage;
>
> c.
>
> The postponement must be intended to safeguard other fundamental rights of the electorate; or
>
> d.
>
> Such other important, substantial, or compelling reasons that necessitate the postponement of the elections, i.e., necessitated by public emergency, but only if and to the extent strictly required by the exigencies of the situation.
>
> i.

> Reasons such as election fatigue, purported resulting divisiveness, shortness of existing term, and/or other superficial or farcical reasons, alone, may not serve as important, substantial, or compelling reasons to justify the postponement of the elections. To be sufficiently important, the reason for the postponement must primarily be justified by the need to safeguard the right of suffrage or other fundamental rights or required by a public emergency situation.
>
> 3.
>
> The electorate must still be guaranteed an effective opportunity to enjoy their right of suffrage without unreasonable restrictions notwithstanding the postponement of the elections.
>
> 4.
>
> The postponement of the elections is reasonably appropriate for the purpose of advancing sufficiently important, substantial, or compelling governmental reasons.
>
> a.
>
> The postponement of the elections must be based on genuine reasons and only on objective and reasonable criteria.
>
> b.
>
> The postponement must still guarantee that the elections will be held at regular periodic intervals that are not unduly long.
>
> i.
>
> The intervals must still ensure that the authority of the government continues to be based on the free expression of the will of the electorate.
>
> ii.
>
> Holding the postponed elections at a date so far remote from the original elections date may serve as badge of the unreasonableness of the interval that may render questionable the genuineness of the reasons for the postponement.
>
> c.
>
> The postponement of the elections is reasonably narrowly tailored only to the extent necessary to advance the government interest.
>
> 5.
>
> The postponement must not violate the Constitution or existing laws.[155]

Therefore, it becomes imperative to examine the provisions of Republic Act Nos. 12232 and 11935 to determine the applicability of the Macalintal guidelines.

Republic Act No. 12232, or An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan, and for Other Purposes provides the term of office for the BSK officials, the date of the elections, and their assumption of office as follows:

> Section 1. Term of Office. — The term of office of all elected barangay and Sangguniang Kabataan officials shall be four (4) years. No elective barangay official shall serve for more than three (3) consecutive terms in the same position. No elective Sangguniang Kabataan official shall serve for more than one (1) term in the same position. Voluntary renunciation of office for any length of time shall not be considered as an

> interruption in the continuity of service for the full term for which the elective official was elected.
>
> Section 2. Date of Election. — The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four (4) years thereafter.
>
> Section 3. Assumption of Office. — The term of office of barangay officials and members of the Sangguniang Kabataan elected after the effectivity of this Act shall commence on the first day of December next following their election.

On the other hand, Republic Act No. 11935, or An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended, Appropriating Funds Therefor, and for Other Purposes provides the term of office for the BSK officials and the date of the elections, thus:

> Section 1. Section 1 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:"Section 1. Date of Election. — There shall be synchronized barangay and sangguniang kabataan elections, which shall be held on the last Monday of October 2023 and every three (3) years thereafter."

Section 2. Section 4 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:

> "Section 4. Assumption of Office. — The term of office of the barangay and sangguniang kabataan officials elected under this Act shall commence at noon of November 30 next following their election."[156] (Emphasis supplied)

The differences between the two laws are clear.

One, Republic Act No. 12232 is titled "An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan, and for Other Purposes," while Republic Act No. 11935 is titled "An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended, Appropriating Funds Therefor, and for Other Purposes."

From a cursory reading, Republic Act No. 12232 shows that it is a term-setting law. Congress, through Republic Act No. 12232, as allowed by Article X, Section 8 of the Constitution, provides for new terms for all the BSK officials. Meanwhile, Republic Act No. 11935 is a postponement of the BSK elections to a later date by amending Republic Act No. 9164.

Two, Republic Act No. 12232 makes no mention of Republic Act No. 9164. On the contrary, Republic Act No. 11935 makes clear reference to Republic Act No. 9164, providing that it amends Republic Act No. 9164.

A survey of laws that has the objective of postponing the BSKE reveals that the root law makes ultimate reference to Republic Act No. 9164 or to laws that amend Republic Act No. 9164.

Republic Act

Title

Expressly Amends

Republic Act No. 9340 (2005)

An Act Amending Republic Act No. 9164, Resetting the Barangay and Sangguniang Kabataan Elections, and for Other Purposes

Republic Act No. 9164 (2002)

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Republic Act No. 10632 (2013)

An Act to Postpone the Sangguniang Kabataan Elections on October 28, 2013, Amending for the Purpose Republic Act No. 9340, and For Other Purposes

Republic Act No. 9340

Republic Act No. 9340 amends Republic Act No. 9164

Republic Act No. 10656 (2015)

An Act Postponing the Sangguniang Kabutaan Elections to the Last Monday of October 2016, Amending for the Purpose Republic Act No. 9164, as Amended, titled "An Act Providing for Synchronized Barangay and Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, Otherwise Known as the 'Local Government Code Of 1991', and For Other Purposes"

Republic Act No. 9164, as amended

Republic Act No. 10923 (2016)

An Act Postponing the October 2016 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as amended by Republic Act No. 9340 and Republic Act No. 10656, Prescribing Additional Rules Governing the Conduct of Barangay and Sangguniang Kabataan Elections and for Other Purposes

Republic Act No. 9164, as amended

Republic Act No. 10952 (2017)

An Act Postponing the October 2017 Barangay and Sangguniang Kabataaan Elections, Amending for the Purpose Republic Act No. 9164, as Amended by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10656, and Republic Act No. 10923, and for Other Purposes

Republic Act No. 9164, as amended

Republic Act No. 11462 (2019)

An Act Postponing the May 2020 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10656, Republic Act No. 10923 And Republic Act No. 10952, and for Other Purposes

Republic Act No. 9164, as amended

Republic Act No. 11935 (2022)

An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended, Appropriating Funds Therefor, and for Other Purposes

Republic Act No. 9164, as amended

It is apparent that the prior laws postponing the BSKE merely amended Republic Act No. 9164. Conversely, in Republic Act No. 12232, no express reference is made to Republic Act No. 9164.

Republic Act

Title

Expressly Amends

Republic Act No. 12232 (2025)

An Act Setting the Term of Office None (2025) of Barangay Officials and Members of the Sangguniang Kabataan, and for Other Purposes

None

Three, Republic Act No. 12232 provides for a four-year term for the BSK officials. In comparison, Republic Act No. 11935 does not provide for new terms for the BSK officials. The terms under Republic Act No. 11935 are still those provided for under Republic Act No. 9164. Section 2 of Republic Act No. 9164 provides:

> Section 2. Term of Office. The term of office of all barangay and sangguniang kabataan officials after the effectivity of this Act shall be three (3) years. No barangay elective official shall serve for more than three (3) consecutive terms in the same position: Provided, however, That the term of office shall be reckoned from the 1994 barangay elections. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

Aside from not amending Section 2 of Republic Act No. 9164, Republic Act No. 11935, Section 2 recognizes the term of office under Republic Act No. 9164 itself. Notably, Section 4 of Republic Act No. 9164 reads:

> Section 4. Assumption of Office. The term of office of the barangay and sangguniang kabataan officials elected under this Act shall commence on August 15, 2002. The term of office of the barangay and sangguniang kabataan officials elected in subsequent elections shall commence at noon of November 30 next following their election.

To emphasize, the foregoing provision contains the phrase "[t]erm of office of the barangay and sangguniang kabataan officials elected under this Act."[157] The phrase "under this Act" refers to Republic Act No. 9164. Thus, Republic Act No. 11935 upheld the terms of office of the BSK officials elected pursuant to the election schedule mandated by Republic Act No. 9164 and its amendments. This is different from the provisions of Republic Act No. 12232.

Furthermore, it must be noted for the SK officials, Republic Act No. 12232 contains a restriction not found under Republic Act No. 11935 or Republic Act No. 9164, as it states that no elective SK official shall serve for more than one term in the same position.

Concomitantly, as highlighted by this Court in Macalintal, under Republic Act No. 11935—and all other BSKE postponement laws—it is clear that none of these laws had amended the term of office originally provided under Republic Act No. 9164.[158]

Four, under Republic Act No. 12232, the interval for the date of the BSKE is every four years. Meanwhile, under Republic Act No. 11935, it is every three years.

Moreover, as observed by this Court in Macalintal, a survey of the laws that. had amended Republic Act No. 9164—the law that first provided for a synchronized BSKE—reveal that the BSKE "shall be held every three [3] years thereafter."[159]

A comparison of the two laws, as shown below, reveal marked differences between Republic Act No. 12232 and Republic Act No. 11935, which was declared unconstitutional in Macalintal.

Republic Act No. 12232

Republic Act No. 11935

Title

An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan, and for Other Purposes.

An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended, Appropriating Funds Therefor, and for Other Purposes.

Type of Law

New Law

Amendatory. Amends Republic Act No. 9164's provisions on the date of the election, without changing the term of office.

Term of Office

Section 1. Term of Office. — The term of office of all elected barangay and Sangguniang Kabataan officials shall be four (4) years. No elective barangay official shall serve for more than three (3) consecutive terms in the same position. No elective Sangguniang Kabataan official shall serve for more than one (1) term in the same position. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected. (Emphasis supplied)

Unchanged from Republic Act No. 9164.

Republic Act No. 9164 provides: Section 2. Term of Office. The term of office of all barangay and sangguniang kabataan officials after the effectivity of this Act shall be three (3) years. No barangay elective official shall serve for more than three (3) consecutive terms in the same position: Provided, however, That the term of office shall be reckoned from the 1994 barangay elections. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

Interval of Elections

Section 2. Date of Election. — The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four (4) years thereafter. (Emphasissupplied)

Section 1. Date of Election. — There shall be synchronized barangay and sangguniang kabataan elections, which shall be held on the last Monday of October 2023 and every three (3) years thereafter. (Emphasis supplied)

Therefore, as can be gleaned, it is clear that Republic Act No. 12232 is a term-setting law that is distinct from previous laws postponing the BSKEs.

Inapplicability of the Macalintal guidelines

Imperatively, this Court determines that given the crucial differences on the nature of Republic Act No. 12232 and Republic Act No. 11935, as well as other laws postponing the BSKE, the Macalintal guidelines do not apply in this case.

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Republic Act No. 12232 is, fundamentally, a term-setting law

The law speaks for itself. The determination of a law's fundamental character begins with its text. Every element of Republic Act No. 12232's structure, language, and organization demonstrates that it is fundamentally a term-setting law. A cursory reading of the title and provisions of Republic Act No. 12232 would reveal that the law sets the term of office of the elected BSK officials.

Correlatively, this Court is duty-bound to interpret and apply the law based on its plain meaning:

> It is the duty of the Court to apply the law the way it is worded. Basic is the rule of statutory construction that when the law is clear and unambiguous, the court is left with no alternative but to apply the same according to its clear language. The courts can only pronounce what the law is and what the rights of the parties thereunder are. Fidelity to such a task precludes construction or interpretation, unless application is impossible or inadequate without it. Thus, it is only when the law is ambiguous or of doubtful meaning may the court interpret or construe its true intent.
>
> Parenthetically, the "plain meaning rule" or verba legis in statutory construction enjoins that if the statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without interpretation. This rule of interpretation is in deference to the plenary power of Congress to make, alter and repeal laws as this power is an embodiment of the People's sovereign will. Accordingly, when the words of a statute are clear and unambiguous, courts cannot deviate from the text of the law and resort to interpretation lest they end up betraying their solemn duty to uphold the law and worse, violating the constitutional principle of separation of powers.[160] (Emphasis supplied, citation omitted)

Further, "[i]t is a settled rule of legal hermeneutics that if the language under consideration is plain, it is neither necessary nor permissible to resort to extrinsic aids, like the records of the constitutional convention, for its interpretation."[161]

This is in stark contrast with the language in Republic Act No. 11935.

First, the law is titled "An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended, Appropriating Funds Therefor, and for Other Purposes."

Second, the operative provision of Republic Act No. 11935 is temporal in nature. Section 1 of Republic Act No. 11935 provides: "Section 1. Date of Election. — There shall be synchronized barangay and sangguniang kabataan elections, which shall be held on the last Monday of October 2023 and every three [ ] years thereafter."[162] This language indicates mere changes on the date of elections while maintaining the existing three-year term structure. Clearly, the central focus of Republic Act No. 11935 is on when the election occurs, and not on term structure.

Also, by moving the elections to 2026, the Congress, through Section 2 of Republic Act No. 12232, honors and respects the intention and structure of Republic Act No. 9164, as amended, to provide for three-year terms. In this light, Republic Act No. 12232 harmonizes the term structures as provided for under Republic Act No. 9164, as amended, with the October 2023 BSKE as a reference point.

Therefore, Republic Act No. 12232 does not violate the Macalintal guidelines because it is fundamentally not envisaged under its scope. Republic Act No. 12232 is a term-setting law that falls squarely under Congress's express constitutional authority under Article X, Section 8 of the Constitution to "determine by law" the term of office of barangay officials. The law's central and animating purpose is establishing four-year terms for the BSK officials.

Moreover, We look at the primary purpose doctrine by analogy. The "primary purpose" doctrine is a well-established principle that looks beyond the formal classification of a statute to examine its primordial objective. This doctrine recognizes that laws frequently produce multiple effects—some intended as the main goal, others arising as necessary or predictable consequences. Many laws produce effects that are necessary to achieve their purpose but are not themselves the purpose. These implementation effects should not be confused with the law's predominant aim. Thus, the purpose of a law depends on identifying which effect constitutes the law's principal aim.

This doctrine is extensively applied in distinguishing between different exercises of inherent powers of the State. As articulated in by this Court in Chevron Philippines, Inc. (Formerly Caltex Phils., Inc.) v. Bases Conversion Development Authority:[163]

> In distinguishing tax and regulation as a form of police power, the determining factor is the purpose of the implemented measure. If the purpose is primarily to raise revenue, then it will be deemed a tax even though the measure results in some form of regulation. On the other hand, if the purpose is primarily to regulate, then it is deemed a regulation and an exercise of the police power of the state, even though incidentally, revenue is generated.[164] (Emphasis supplied)

This principle then establishes a clear framework: the legal nature of governmental action is determined by its primary objective, not by its secondary or incidental effects.

Applying the primary purpose doctrine to Republic Act No. 12232 reveals that, even assuming that Republic Act No. 12232 incidentally postpones the BSKE, what the law principally seeks to accomplish is controlling over the various effects that flow incidentally from that primary objective of term-setting.

Thus, Republic Act No. 12232's principal purpose is to exercise Congress's express constitutional authority under Article X, Section 8 by establishing a four-year term of office for barangay officials. In contrast, any adjustment in the timing of the BSK elections as a result of Republic Act No. 12232 represents not the law's purpose but rather its necessary implementation mechanism. The adjustment of election dates merely arises inevitably as a side effect of the term-setting provision; it is not an independent objective.

The Macalintal decision established certain guidelines that Congress must observe when enacting legislation to postpone elections. These guidelines address concerns specific to election postponement. However, these concerns arise precisely because election postponement laws have as their primary purpose the delay of elections. The guidelines were meant to respond to the inherent tension between the supposed need for occasional electoral delays and the constitutional imperative of regular democratic elections. They function as safeguards against abuse of the power to postpone elections.

However, since Republic Act No. 12232 is not primarily an election postponement law, the Macalintal guidelines become inapplicable. To apply the postponement-specific guidelines in Macalintal, to a term-setting law, would be akin to applying taxation requirements to a regulatory fee, or vice versa. The legal character of the measure determines which constitutional framework governs its validity.

Consequently, if the Macalintal guidelines were formulated to govern laws whose primary purpose is postponing elections, those guidelines should not apply to laws whose primary purpose is constitutional term-setting, even if it incidentally affects the date of elections.

Macalintal guidelines operated under a backdrop of laws that never changed the terms of the BSK officials

It must be underscored that in Macalintal, the Court acknowledged that "none of these laws had amended the term of office originally provided under [Republic Act No.] 9164 which, under Section 2 thereof, states that the 'term of office of all barangay and sangguniang kabataan officials after the effectivity of this Act shall be three [ ] years.'"[165] Also, because of the unchanged provisions on the term of office of the BSK officials as provided for under Republic Act No. 9164, "there can equally be gleaned a legislative intention to set a period of only three years within which the elected BSK officials shall serve and discharge the functions of their office."[166]

This Court in Macalintal provided a comprehensive table on the effect of the various postponement laws on the term of office of the BSK officials:

SCHEDULED ELECTIONS – HELD OR POSTPONED

LEGAL BASIS

TERM OF OFFICE PROVIDED UNDER THE LAW

July 2002 – Synchronized BSKE held

[Republic Act No.] 9164

Provided for a term of office of [three] years; subsequent BSKE shall be held on the last Monday of October every [three] years

2005 – Synchronized BSKE postponed

[Republic Act No.] 9340, amending [Republic Act No.] 9164

"Subsequent synchronized [BSKE] shall be held on the last Monday of October 2007 and every three [ ] years thereafter"

October 2007 – Synchronized BSKE held

October 2010 – Synchronized BSKE held

October 2013 [–] barangay election held, sangguniang kabataan election postponed

Postponed sangguniang kabataan election per [Republic Act No.] 10632

"Subsequent synchronized [BSKE] shall be held on the last Monday of October 2007 and every three [ ] years thereafter[ ]"

2014 [–] sangguniang kabataan election postponed

Postponed sangguniang kabataan per [Republic Act No. 110656

"Subsequent synchronized [BSKE] shall be held on the last Monday of October 2007 and every three [ ] years thereafter"

October 2016 [–] synchronized BSKE postponed to October 2017

[Republic Act No.] 10923

"Subsequent synchronized [BSKE] shall be held on the second Monday of May 2022 and every three [ ] years thereafter"

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October 2017 – synchronized BSKE postponed to May 2018

[Republic Act No.] 10952

"Subsequent synchronized [BSKE] shall be held on the second Monday of May 2022 and every three [ ] years thereafter"

May 2018 – Synchronized BSKE held

2020 Elections Synchronized BSKE postponed to December 5, 2022

[Republic Act No.] 11462

"Subsequent synchronized [BSKE] shall be held on the first Monday of December 2025 and every three [ ] years thereafter"

December 2022 – Synchronized BSKE postponed to October 2023

[Republic Act No.] 11935

"and every three years thereafter."[167]

Suffice it to say, the Macalintal guidelines must be understood within its specific historical and legal context. There was a clear and obvious pattern of election postponement laws that shared a singularly decisive characteristic: none of these postponement laws ever changed the term of office of the BSK officials. Further, as intimated earlier, every single postponement law shared the same characteristic of ultimately amending the date of the election under Republic Act No. 9164, without ever changing the term of office under Republic Act No. 9164. These postponement laws moved election dates without changing the underlying three-year term structure. Simply put, these laws, including the unconstitutional Republic Act No. 11935, were pure postponement laws—their sole function was to delay the BSKE.

Republic Act

Title

Operative Words

Republic Act No. 9340 (2005)

An Act Amending Republic Act No. 9164, Resetting the Barangay and Sangguniang Kabataan Elections, and for Other Purposes

"Resetting" the Elections

Republic Act No. 10632 (2013)

An Act to Postpone the Sangguniang Kabataan Elections on October 28, 2013, Amending for the Purpose Republic Act No. 9340, and for Other Purposes

"Postpone" the Elections

Republic Act No. 10656 (2016)

An Act Postponing the Sangguniang Kabataan Elections to the Last Monday of October 2016, Amending for the Purpose Republic Act No. 9164, as Amended, [titled] "An Act Providing for Synchronized Barangay and

Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, Otherwise Known as the 'Local Government Code Of 1991[,'] and For Other Purposes"

"Postponing" the Elections

Republic Act No. 10923 (2016)

An Act Postponing the October (2016) Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as amended by Republic Act No. 9340 and Republic Act No. 10656, Prescribing Additional Rules Governing the Conduct of Barangay and Sangguniang Kabataan Elections and for Other Purposes

"Postponing" the Elections

Republic Act No. 10952 (2017)

An Act Postponing the October 2017 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10656, and Republic Act No. 10923, and for Other Purposes

"Postponing" the Elections

Republic Act No. 11462 (2019)

An Act Postponing the May 2020 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended by Republic Act No. 9340, Republic Act No. 10632, Republic Act No. 10656, Republic Act No. 10923 And Republic Act No. 10952, and for Other Purposes

"Postponing" the Elections

Republic Act No. 11935 (2022)

An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended, Appropriating Funds Therefor, and for Other Purposes

"Postponing" the Elections

Republic Act No. 12232 (2025)

An Act Setting the Term of Office of the Barangay Officials and Members of the Sangguniang Kabataan, and for Other Purposes

"Setting" the Term of Office

Thus, the Macalintal guidelines presume a legal framework where postponement means delaying elections while keeping the existing three-year terms of office constant and unchanged. At that time, this Court did not yet contemplate the laws that would change the terms of office of the BSK as part of Congress's exercise of its constitutional authority. In other words, the Macalintal guidelines provide no authoritative guidance on term-setting laws such as Republic Act No. 12232.

The primary purpose of Republic Act No. 12232 is term-setting as decreed by the Constitution

To reiterate, Article X, Section 8 of the 1987 Constitution provides:

> Section 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

Verily, the constitutional provision is deliberately structured to treat barangay officials differently from other local officials. While the Constitution itself fixes three-year terms for most local officials, it explicitly delegates to Congress the authority to determine by law the term of office of barangay officials. This is not a discretionary grant of power that Congress may choose to exercise or ignore—it is an affirmative constitutional mandate requiring legislative action.

This express delegation creates a constitutional duty and corresponding power. The Constitution itself does not prescribe the term of office of barangay officials. The phrase "which shall be determined by law" is not merely permissive; it establishes the Congress as the sole authority competent to make said determination. When Congress exercises this power, it acts pursuant to a specific, enumerated constitutional commitment rather than relying on general plenary legislative power alone.

Article X, Section 8 of the Constitution represents a deliberate constitutional choice to vest in Congress—the representative legislative branch—the authority to determine barangay officials' term of office. This delegation reflects a constitutional judgment that term length involves policy considerations appropriately resolved through the legislative process. It reflects the political tension of balancing continuity against accountability, weighing administrative efficiency against democratic changes; considering local governance needs, and responding to changing circumstances.

When Congress exercises this express constitutional authority, it acts within its proper sphere.[168] An absurdity would arise if every law that incidentally affects election timing is automatically characterized as "election postponement" subject to the Macalintal guidelines. Such a scenario would constrain Congress's authority and mandate under Article X, Section 8 of the Constitution. This would create a constitutional paradox where the very act of fulfilling an express constitutional duty triggers restrictions designed for an entirely different type of legislative action. The Constitution cannot be read to simultaneously command Congress to determine barangay officials' terms while simultaneously subjecting every such determination to limitations meant for laws that merely delay elections for exigent circumstances. Such an interpretation would render Article X, Section 8's delegation of power to the Congress meaningless, as Congress could never meaningfully exercise its term-setting authority without running afoul of postponement-specific constraints that presume illegitimacy rather than constitutional obligation. If this was the case, the constitutional grant of authority to Congress would be effectively nullified by guidelines applicable to a fundamentally different category of legislation. Therefore, there must be a differentiated treatment for a term-setting law and those laws that can be properly characterized as postponement laws.

To summarize, Congress has the authority to determine the term of office of barangay officials, as explicitly stated in Article X, Section 8 of the Constitution. This power is further supported by Congress's broad legislative authority over electoral matters. The validity of laws postponing elections, such as Republic Act No. 11935, are determined by the Macalintal guidelines, which prioritize safeguarding the right of suffrage and other fundamental rights.

However, Republic Act No. 12232 is a term-setting law for the BSK officials, establishing a four-year term and prohibiting consecutive terms for the SK officials. This law differs from previous postponement laws, which amended Republic Act No. 9164 and maintained a three-year term for the BSK officials, moving the start of the three-year term after the date of the new election has been set following the postponement of previously

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scheduled election. The Macalintal guidelines, which apply to postponement laws, are therefore inapplicable to Republic Act No. 12232.

Republic Act No. 12232, unlike previous postponement laws, focuses on changing the term structure rather than delaying elections. This merely falls under the constitutional power and exercise of Congress to determine the term of the BSK officials. While the act incidentally adjusts election dates, its primary purpose is to set the term, not postpone elections.

No violation of "one-subject-one title" rule

Article VI, Section 26(1) of the Constitution provides:

> Section 26 (1). Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.

In Republic Act No. 12232, there is only subject embraced in the title of the law.

In applying the "one subject-one title" rule, this Court has consistently applied a liberal and flexible interpretation over a strict and technical interpretation:

> It is well-settled that the "one title-one subject" rule does not require the Congress to employ in the title of the enactment language of such precision as to mirror, fully index or catalogue all the contents and the minute details therein. The rule is sufficiently complied with if the title is comprehensive enough as to include the general object which the statute seeks to effect, and where, as here, the persons interested are informed of the nature, scope and consequences of the proposed law and its operation. Moreover, this Court has invariably adopted a liberal rather than technical construction of the rule "so as not to cripple or impede legislation."[169] (Emphasis supplied, citations omitted)

This Court explained the constitutional restriction of the "one subject-one title" rule in Fariñas v. The Executive Secretary:[170]

> The proscription is aimed against the evils of the so-called omnibus bills and log-rolling legislation as well as surreptitious and/or unconsidered encroaches. The provision merely calls for all parts of an act relating to its subject finding expression in its title.
>
> To determine whether there has been compliance with the constitutional requirement that the subject of an act shall be expressed in its title, the Court laid down the rule that —
>
> Constitutional provisions relating to the subject matter and titles of statutes should not be so narrowly construed as to cripple or impede the power of legislation. The requirement that the subject of an act shall be expressed in its title should receive a reasonable and not a technical construction. It is sufficient if the title be comprehensive enough reasonably to include the general object which a statute seeks to effect, without expressing each and every end and means necessary or convenient for the accomplishing of that object. Mere details need not be set forth. The title need not be an abstract or index of the Act.[171] (Emphasis supplied, citations omitted)

Further, the one-subject requirement under the Constitution is met "if all the parts of the statute are related, and are germane to the subject matter expressed in the title, or as long as they are not inconsistent with or foreign to the general subject and title."[172]

Republic Act No. 12232's single subject is prescribing a new term for Barangay and Sangguniang Kabataan

officials, which is precisely what the law's title states: "An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan, and for Other Purposes." The supposedly separate subjects contained in its provisions are actually necessary components of establishing this new, four-year term structure. They are not unrelated matters inappropriately "bundled" together.

No violation of the right to suffrage

Republic Act No. 12232, which establishes a four-year term for the BSK officials, does not infringe upon the constitutional right to suffrage. The law merely exercises Congress's express constitutional authority under Article X, Section 8, which provides that the term of barangay officials "shall be determined by law."

It would be absurd for the constitutional provision that simultaneously acts as an explicit delegation to Congress to determine the term at any reasonable length, to be a violation of the right to suffrage. When the Constitution. itself authorizes Congress to make this determination, the exercise of that express power cannot simultaneously violate the Constitution.

The right to suffrage guarantees that citizens will elect their officials through regular elections—it does not mandate any specific electoral frequency or term length for the BSK officials. If it did, the Constitution would have specified uniform terms for all officials rather than establishing six-year terms for the president and senators, three-year terms for representatives and local officials, and delegating the determination of barangay officials' terms to Congress.

Further, Republic Act No. 12232 does not abolish, suspend, or indefinitely postpone elections. It simply establishes that the BSKE will be held every four years instead of every three years. The elections remain regular, periodic, and certain. The electorate knows when the next election will occur, can hold officials accountable at definite intervals, and retains full democratic control over barangay governance. An election is "regular" if it occurs at fixed, predictable intervals established by law, regardless of whether those intervals are two, three, four, or five years. Imperatively, "elections must be held periodically and at regular intervals."[173]

Under the Republic Act No. 12232, the BSKE will continue to be conducted. Nothing about the democratic process is diminished except that these regular BSKE are set to occur every four years instead of every three. No citizen is deprived of any political right. The democratic character of barangay governance is fully preserved. The law remains to embody the goal of regular, periodic, and democratic elections.

No violation of equal protection clause

Petitioner in G.R. No. E-02002 alleges that Republic Act No. 12232 gives undue favor to the BSK officials as the hold-over only applies to the BSK officials.

However, there is no undue favor accorded to the BSK officials under Republic Act No. 12232. There is, therefore, no infringement of the equal protection clause.

Under Article X, Section 1 of the Constitution, it is true that barangays are one of the four basic political units:

> Section 1. The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and barangays. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided. (Emphasis supplied)

Correlatively, under Article X, Section 8, the term of elective local officials is three years:

> Section 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected. (Emphasis supplied)

Notably, the terms of barangay officials are left to the determination of Congress. Thus, as compared to provincial, city, and municipal elective officials whose terms are fixed under the Constitution, i.e., at three years, the term of the BSK officials depends on the exercise by Congress of its legislative authority. The Constitution itself already provides differentiated treatment. Ut magis valeat quam pereat. "The Constitution is to be interpreted as a whole."[174]

Congress, in exercising its discretion to provide for different terms and all incidental effects that flow from it, is not choosing to treat barangay officials differently. Congress is merely exercising its discretion because the Constitution expressly allows it. Any legislation governing barangay officials' terms may, by definition, necessarily deviate from the term of other local officials. Therefore, the mere fact that a law treats barangay officials differently cannot itself constitute "undue favor" or an equal protection violation when such differential treatment is constitutionally provided.

Under the Local Government Code, the barangay is "the primary planning and implementing unit of government policies, plans, programs, projects, and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled."[175]

Thus, substantial distinctions exist between barangays and other local government units that justify different regulatory treatment. The barangay serves as the most basic political unit and primary interface between government and citizens, involving smaller constituencies, more intimate community relationships, less complex administrative machinery, and different functions and powers than larger local government units. Simply put, the concept of barangay leaders is to serve as community "elders." It is the first and most direct line of service between the government and the people.

ACCORDINGLY, the consolidated Petitions are DENIED for lack of merit. The constitutionality of Republic Act No. 12232 is upheld.

SO ORDERED.

Gesmundo, C.J., Zalameda, Gaerlan, Rosario, Dimaampao, Marquez, and Villanueva, JJ., concur.
Leonen, SAJ., Kho, Jr., and Singh, JJ., see dissenting opinion.
Caguioa, J., see dissent.
Hernando[*] and Lazaro-Javier,[*] JJ., on official business.
Inting, J., I join in the dissent of J. Caguioa.

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[*] On official business

[1] Rollo (G.R. No. E-02002), pp. 3-41; rollo (G.R. No. E-02010), pp. 3-30; rollo (G.R. No. E-02142), pp. 3-50; rollo (G.R. No. E-02276), pp. 4-37.

[2] Approved on August 13, 2025.

[3] Rollo (G.R. No. E-02002), pp. 3-41.

[4] Rollo (G.R. No. E-02010), pp. 3-30.

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[5] Rollo (G.R. No. E-02142), pp. 3-50.

[6] Rollo (G.R. No. E-02276), pp. 4-37.

[7] Rollo (G.R. No. E-02002), pp. 65-165.

[8] Rollo (G.R. No. E-02002), p. 12.

[9] Id. at 32.

[10] 943 Phil. 212 (2023) [Per J. Kho, Jr., En Banc].

[11] Rollo (G.R. No. E-02002), pp. 15-24.

[12] Id. at 24-28.

[13] CONST., art. VI, sec. 26(1) states:

> Section 26. (1) Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.

[14] Rollo (G.R. No. E-02002), pp. 28-29.

[15] Id. at 29-31.

[16] Id. at 42-43.

[17] Rollo (G.R. No. E-02010), p. 6.

[18] Id. at 26.

[19] Id. at 13-16.

[20] Id. at 16-18.

[21] Id. at 18-19.

[22] Id. at 21-22.

[23] Id. at 22-25.

[24] Id. at 34.

[25] Rollo (G.R. No. E-02142), pp. 6-7.

[26] Id. at 30.

[27] Id. at 17-18.

[28] Id. at 18-20.

[29] Id. at 20-22.

[30] Id. at 22-24.

[31] Id. at 24-26.

[32] Id. at 51-52.

[33] Rollo (G.R. No. E-02002), pp. 51-64.

[34] Id. at 99.

[35] Id.

[36] Id. at 67.

[37] Id. at 67-72.

[38] Id. at 75.

[39] Id. at 76-77.

[40] Id. at 87-88.

[41] Id. at 88-89.

[42] Id. at 89-90.

[43] Id. at 92-93.

[44] Id. at 89-90.

[45] Id. at 90.

[46] An Act Providing for Synchronized Barangay and Sangguniang Kabataan Elections, Amending Republic Act No. 7160, as Amended, Otherwise Known as the 'Local Government Code Of 1991[,'] and For Other Purposes

[47] Rollo (G.R. No. E-02002), pp. 91-92; Republic Act No. 11935 (2022), An Act Postponing the December 2022 Barangay and Sangguniang Kabataan Elections, Amending for the Purpose Republic Act No. 9164, as Amended, Appropriating Funds Therefor, and for Other Purposes.

[48] Rollo (G.R. No. E-02002), pp. 90-91.

[49] Id. at 79-81.

[50] Id. at 81-85.

[51] Id. at 85-87.

[52] Id. at 93.

[53] Id. at 97-98.

[54] Id. at 514-515.

[55] Rollo (G.R. No. E-02276), pp. 15-16.

[56] Id. at 31.

[57] Id. at 17-19.

[58] Id. at 19-20.

[59] Id. at 20-23.

[60] Id. at 28.

[61] Id. at 28-29.

[62] Id. at 38.

[63] Rollo (G.R. No. E-02002), pp. 578-642.

[64] Id. at 631.

[65] Id. at 582-583.

[66] Id. at 583-588.

[67] Id. at 588-595.

[68] Id. at 595-599.

[69] Id. at 599-600.

[70] Id. at 600-605.

[71] Id. at 605-617.

[72] Id. at 617-622.

[73] Id. at 622-627.

[74] Id. at 627-631.

[75] Id. at 531-540.

[76] Id. at 533.

[77] Id. at 1225-1261.

[78] Id. at 1226-1252.

[79] Id. at 1252-1254.

[80] Id. at 1299-1309.

[81] Id. at 1300.

[82] Id. at 1310-1328.

[83] Id. at 1314-1319.

[84] Id. at 74-75.

[85] Id. at 75.

[86] 887 Phil. 600 (2020) [Per J. Lazaro-Javier, First Division].

[87] Id. at 611-612.

[88] 713 Phil. 240 (2013) [Per C.J. Sereno, First Division].

[89] Id. at 247.

[90] Mediserv, Inc. v. Court of Appeals (Special Former 13th Division), 631 Phil. 282, 294 (2010) [Per J. Villarama, Jr., First Division].

[91] Cosco Philippines Shipping, Inc. v. Kemper Insurance Co., 686 Phil. 327, 337 (2012) [Per J. Peralta, Third Division].

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[92] Rollo (G.R. No. E-02002), pp. 102-103.

[93] Id. at 166-319.

[94] 833 Phil. 723 (2018) [Per J. Tijam, First Division].

[95] Id. at 729-731.

[96] Rollo (G.R. No. E-02002), p. 75.

[97] Republic v. Sereno, 831 Phil. 271, 373 (2018) [Per J. Tijam, En Banc]. (Citation omitted)

[98] Republic v. Rubin, 887 Phil. 600, 612 (2020) [Per J. Lazaro-Javier, First Division]. (Emphasis supplied)

[99] Id. (Emphasis supplied)

[100] Rollo (G.R. No. E-02002), p. 75.

[101] CONST., art. XI, sec. 1.

[102] Civil Service Commission v. Javier, 570 Phil. 89, 114 (2008) [Per J. Austria-Martinez, En Banc]. (Citation omitted)

[103] Rep. Lagman v. Exec. Sec. Ochoa, 888 Phil. 434, 497 (2020) [Per J. Leonen, En Banc]. (Citation omitted)

[104] Commission on Elections v. Cruz, 620 Phil. 175, 200 (2009) [Per J. Brion, En Banc].

[105] Rollo (G.R. No. E-02010), p. 6.

[106] Colmenares v. President Duterte, 927 Phil. 777, 785-789 (2022) [Per J. J. Lopez, En Banc].

[107] 522 Phil. 705 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[108] Id. at 763-764.

[109] 952 Phil. 106 (2024) [Per J. J. Lopez, En Banc].

[110] Id. at 114-115.

[111] Private Hospitals Association of the Philippines v. Exec. Sec. Medialdea, 842 Phil. 747, 781 (2018) [Per J. Tijam, En Banc].

[112] Samahan ng mga Progresibong Kabataan v. Quezon City, 815 Phil. 1067, 1089-1090 (2017) [Per J. Perlas-Bernabe, En Banc]. (Citation omitted)

[113] Initiative for Dialogue and Empowerment Through Alternative Legal Services, Inc v. Senate of the Philippines, 942 Phil. 1, 32 (2023) [Per Acting C.J. Leonen, En Banc].

[114] 850 Phil. 1168 (2019) [Per J. Leonen, En Banc].

[115] Id. at 1188.

[116] Sec. Guingona, Jr. v. Court of Appeals, 354 Phil. 415, 426 (1998) [Per J. Panganiban, First Division].

[117] Legaspi v. Commission on Elections, 956 Phil. 962, 988 (2024) [Per J. Gaerlan, En Banc].

[118] Association of Medical Clinics for Overseas Workers, Inc. (4MCOW) v. GCC Approved Medical Centers Association, Inc., 802 Phil. 116, 141 (2016) [Per J. Brion, En Banc].

[119] Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority, 890 Phil. 944, 996 (2020) [Per J. Leonen, En Banc]. (Citation omitted)

[120] Falcis v. Civil Registrar General, 861 Phil. 388, 531 (2019) [Per J. Leonen, En Banc].

[121] Planters Products, Inc. v. Fertiphil Corporation, 572 Phil. 270, 288 (2008) [Per J. Reyes, R.T., Third Division].

[122] Ifurung v. Ombudrnwn Carpio Morales, 831 Phil. 135, 154 (2018) [Per J. Martires, En Banc].

[123] Bayan Muna Party-list Representatives Ocampo and Casiño v. President Macapagal-Arroyo, 943 Phil. 114, 121 (2023) [Per J. Gaerlan, En Banc].

[124] Ching v. Bonachita-Ricablanca, 887 Phil. 979, 993 (2020) [Per J. Delos Santos, Second Division].

[125] Association of Medical Clinics for Overseas Workers, Inc. (AMCOW) v. GCC Approved Medical Centers Association, Inc., 802 Phil. 116, 152 (20 I 6) [Per J. Brion, En Banc].

[126] Congressman Garcia v. The Executive Secretary, 602 Phil. 64, 82 (2009) [Per J. Brion, En Banc]. (Citation omitted)

[127] ANGKLA v. Commission on Elections, 884 Phil. 333, 394 (2020) [Per J. Lazaro-Javier, En Banc].

[128] Congressman Garcia v. The Executive Secretary, 602 Phil. 64, 82 (2009) [Per J. Brion, En Banc]. (Citation omitted)

[129] Rayos v. The City of Manila, 678 Phil. 952, 957 (2011) [Per J. Carpio, Second Division]. (Emphasis supplied, citation omitted)

[130] Bayyo Associalion, Inc. v. Secretary Tugade, 944 Phil. 316, 331 (2023) [Per J. Singh, En Banc].

[131] Kilusang Magbubikid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority, 890 Phil. 944, 986 (2020) [Per J. Leonen, En Banc]. (Citation omitted)

[132] Ferrer, Jr. v. Mayor Bautista, 762 Phil. 233, 247 (2015) [Per J. Peralta, En Banc].

[133] Province of Maguindanao del Norte v. Bureau of Local Government Finance, Regional Office No. XII, 942 Phil. 788, 797-798 (2023) [Per J. Lazaro-Javier, Second Division].

[134] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[135] Id. at 175.

[136] Id. at 175-177. (Citations omitted)

[137] Republic v. Caraig, 887 Phil. 827, 838 (2020) [Per J. Hernando, Second Division].

[138] Esperal v. Trompeta-Esperal, 885 Phil. 304, 312 (2020) [Per J. Inting, Second Division].

[139] CONST., art. II, sec. 1.

[140] CONST., Preamble.

[141] CONST., art. II, sec. 1.

[142] Atty. Macalintal v. Commission on Elections, 943 Phil. 212, 225 (2023) [Per J. Kho, Jr., En Banc].

[143] J. Lopez, J., Dissenting Opinion in Mangudadatu v. Commission on Elections, G.R. No. 260219 & 260231,

April 22, 2025 [Per J. Gaerlan, En Banc] at 16. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[144] League of Cities of the Phils. v. Commission on Elections, 658 Phil. 275, 297 (2011) [Per J. Bersamin, En Banc].

[145] J. Lopez, J., Dissenting Opinion in Mangudadatu v. Commission on Elections, G.R. No. 260219 & 260231, April 22, 2025 [Per J. Gaerlan, En Banc] at 16. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[146] 675 Phil. 316 (2011) [Per J. Brion, En Banc].

[147] Id. at 361.

[148] Atty. Macalintal v. Commission on Elections, 943 Phil. 212, 238 (2023) [Per J. Kho, Jr., En Banc].

[149] Tawang Multi-purpose Cooperative v. La Trinidad Water District, 661 Phil. 390 (2011) [Per J. Carpio, En Banc].

[150] Id. at 407.

[151] See Atty. Macalintal v. Commission on Elections, 943 Phil. 212, 242 (2023) [Per J. Kho, Jr.s, En Banc].

[152] CONST., art. X, sec. 8.

[153] G.R. No. 269981, April 2, 2025 [Per J. J. Lopez, Second Division].

[154] Id. at 15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[155] Atty. Macalintal v. Commission on Elections, 943 Phil. 212, 317-318 (2023) [Per J. Kho, Jr., En Banc].

[156] Republic Act No. 11935 (2022), secs. 1-2.

[157] Republic Act No. 9164 (2002), sec. 4. (Emphasis supplied)

[158] Atty. Macalinlal v. Commission on Elections, 943 Phil. 212, 305 (2023) [Per J. Kho, Jr., En Banc].

[159] Id. at 304-305.

[160] Vice President Duterte v. The House of Representatives, G.R. Nos. 278353 & 278359, July 25, 2025 [Per S.A.J. Leonen, En Banc] at 58. This pinpoint citation refers to the copy of the Decision uploaded to Supreme Court website.

[161] Hagedorn v. The House of Representatives, G.R. No. 275800, April 22, 2025 [Per J. Hernando, En Banc] at 15. This pinpoint citation refers to the copy of the Decision uploaded to Supreme Court website. (Citation omitted)

[162] Emphasis supplied.

[163] 645 Phil. 84 (2010) [Per J. Villarama, Jr., Third Division].

[164] Id. at 91-92.

[165] Atty. Macalintal v. Commission un Elections, 943 Phil. 212, 305 (2023) [Per J. Kho, Jr., En Banc]. (Emphasis supplied)

[166] Id. (Emphasis supplied)

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[167] Id. at 304-305.

[168] See Francisco, Jr. v. The House of Representatives, 460 Phil. 830, 882-883 (2003) [Per J. Carpio Morales, En Banc].

[169] Cawaling, Jr. v. Commission on Elections, 420 Phil. 524, 534 (2001) [Per J. Sandoval-Gutierrez, En Banc].

[170] 463 Phil. 179 (2003) [Per J. Callejo, Sr., En Banc].

[171] Id. at 198.

[172] Remman Enterprises, Inc v. Professional Regulatory Board of Real Estate Service, 726 Phil. 104, 116 (2014) [Per J. Villarama, Jr., En Banc]. (Emphasis supplied, citation omitted)

[173] Atty. Macalintal v. Commission on Elections, 943 Phil. 212, 232 (2023) [Per J. Kho, Jr., En Banc].

[174] Francisco, Jr. v. The House of Representatives, 460 Phil. 830, 886 (2003) [Per J. Carpio Morales, En Banc].

[175] LOCAL GOV'T. CODE, sec. 384.

DISSENTING OPINION
LEONEN, SAJ.:

I dissent. Republic Act No. 12232 insofar as it postpones the barangay and Sangguniang Kabataan elections indisputably affects the constitutional right to suffrage.

I reiterate my position in Macalintal v. Commission on Elections,[1] that the strict scrutiny test must be applied in reviewing the constitutionality of statutes that postpone elections.[2] In particular, "any legislative act that tends to impede, however lightly, the actual exercise of the right of suffrage and the State's concomitant obligation and duty to hold elections at regular intervals, must pass the strict scrutiny test[.]"[3]

There are three tests of judicial scrutiny that are used in evaluating statutes that are alleged to violate fundamental rights and freedoms or involve suspect classes. These tests have been succinctly summarized by this Court in Samahan ng mga Progresibong Kabataan v. Quezon City:[4]

> The strict scrutiny test applies when a classification either (i) interferes with the exercise of fundamental rights, including the basic liberties guaranteed under the Constitution, or (ii) burdens suspect classes. The intermediate scrutiny test applies when a classification does not involve suspect classes or fundamental rights, but requires heightened scrutiny, such. as in classifications based on gender and legitimacy. Lastly, the rational basis test applies to all other subjects not covered by the first two tests.[5] (Citations omitted)

The strict scrutiny test has been applied in evaluating laws that regulate fundamental rights and freedoms, such as speech, gender, and suffrage, among others.[6] The strict scrutiny test requires that there must be a compelling State interest and that the means employed to protect it is the least restrictive means, being narrowly tailored to achieve such interest:

> Strict scrutiny applies when what is at stake are fundamental freedoms or what is involved are suspect classifications. It requires that there be a compelling state interest and that the means employed to effect it are narrowly-tailored, actually—not only conceptually—being the least restrictive means for effecting the invoked interest. Here, it does not suffice that the government contemplated on the means available to it. Rather, it must show an active effort at demonstrating the inefficacy of all possible alternatives. Here, it is required to not only explore all possible avenues but to even debunk the viability of alternatives so as to ensure that its chosen course of action is the sole effective means. To the extent practicable, this must be supported by sound data

> gathering mechanisms.[7]

The right of suffrage is a fundamental constitutional right, by which the people participate in the electoral process by choosing the leaders of our country or of a specific political subdivision at periodic intervals. The importance of the right to vote in a democratic State such as ours cannot be overstated. As this Court held in Palatino v. Commission on Elections:[8]

> The right of suffrage lies at the heart of our constitutional democracy. The right of every Filipino to choose the leaders who will lead the country and participate, to the fullest extent possible, in every national and local election is so zealously guarded by the fundamental law that it devoted an entire article solely therefor[.]
>
> . . . .
>
> Preserving the sanctity of the right of suffrage ensures that the State derives its power from the consent of the governed. The paramount importance of this right is also a function of the State policy of people empowerment articulated in the constitutional declaration that sovereignty resides in the people and all government authority emanates from them, bolstered by the recognition of the vital role of the youth in nation-building and directive to the State to encourage their involvement in public and civic affairs.[9] (Citations omitted)

International agreements have also recognized the right of suffrage as an essential right of every person. Article 21 of the Universal Declaration of Human Rights states that "[t]he will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."[10] Likewise, Article 25 of the International Covenant on Civil and Political Rights enjoins that each citizen shall have the right "[t]o vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors[.]"[11]

The exercise of the right of suffrage also includes the exercise of one's freedom of expression. As this Court held in The Diocese of Bacolod v. Commission on Elections:[12]

> The right to suffrage not only includes the right to vote for one's chosen candidate, but also the right to vocalize that choice to the public in general, in the hope of influencing their votes. It may be said that in an election year, the right to vote necessarily includes the right to free speech and expression.[13]

The majority held that Republic Act No. 12232 is primarily a term-setting law that established a four-year term of office for barangay officials and that the postponement of the election is only incidental to the Legislature's exercise of its power under A1iicle X, Section 8 of the Constitution.[14] The majority also stated that Republic Act No. 12232 does not infringe upon the right of suffrage as it is simply an exercise of Congress's authority to determine the term of office of barangay officials. It further held that the barangay and Sangguniang Kabataan elections remain to be regular as the assailed law merely establishes that the elections are to be held every four years, instead of every three years.[15]

While it is true that Republic Act No. 12232 determines the term of office of barangay officials,[16] it is equally true that the same law also explicitly postpones the next regular barangay and Sangguniang Kabataan elections to a later date, i.e., the first Monday of November 2026.[17] Whether the postponement of the elections is incidental or primary, the effect is the same: Registered voters will have to wait another year to exercise their right to vote.

As I have stated in my separate opinion in Macalintal, there should be a reasonable expectation when the right to vote may be exercised because not knowing when one would be able to exercise their right of suffrage is almost equivalent to the restriction of such right.[18] In this case, the postponement of the elections frustrates the reasonable expectation of registered voters that they would be exercising their right of suffrage on the first

Monday of December 2025, as pronounced by this Court in Macalintal.[19]

There is no question that Congress is empowered to enact a law to determine the term of office of barangay officials. However, adjusting the date of the elections to a later date is a different matter. To reiterate, "the regulation of the means, manner, date, and time of elections directly affects the constitutional right to suffrage."[20] In this case, Republic Act No. 12232 indubitably impedes the exercise of the right to suffrage since it postpones the barangay and Sangguniang Kabataan elections.

Thus, considering that Republic Act No. 12232 affects the fundamental right of suffrage, I submit that the strict scrutiny test should be applied in determining the constitutionality of the assailed law.

To end, I emphasize that the postponement of elections cannot be taken lightly considering that the conduct of elections involves significant logistical preparations and disbursement of public funds. Its postponement, whether incidental or not, has considerable practical and legal consequences.

ACCORDINGLY, I vote to GRANT the consolidated Petitions.

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[1] 943 Phil. 212 (2023) [Per J. Kho, Jr., En Banc].

[2] J. Leonen, Separate Concurring Opinion in Macalintal v. Commission on Elections, 943 Phil. 212, 351 (2023) [Per J. Kho, Jr., En Banc].

[3] Id. at 355. (Emphasis supplied)

[4] 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

[5] Id. at 1113-1114.

[6] White Light Corporation v. City of Manila, 596 Phil. 444, 463 (2009) [Per J. Tinga, En Banc].

[7] J. Leonen, Separate Opinion in Samahan ng mga Progresibong Kabataan v. Quezon City, 815 Phil. 1067, 1147-1148 (2017) [Per J. Perlas-Bernabe, En Banc].

[8] 623 Phil. 159 (2009) [Per J. Carpio-Morales, En Banc].

[9] Id. at 164-165.

[10] Universal Declaration of Human Rights, December 10, 1948, available at https://www.un.org/en/about-us/universal-declaration-of-human-rights (last accessed November 3, 2025), art. 21. (Emphasis supplied)

[11] International Covenant on Civil and Political Rights, December 16, 1966, available at https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights (last accessed November 3, 2025), art. 25. (Emphasis supplied).

[12] 751 Phil. 301 (2015) [Per J. Leonen, En Banc].

[13] Id. at 332.

[14] Ponencia, pp. 46. CONST., act. X, sec. 8 states:

> ARTICLE X. Local Government.
>
> SECTION 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary

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> renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his service for the full term for which he was elected.

[15] Ponencia, pp. 48.

[16] Republic Act No. 12232 (2025), sec. 1 states:

> SECTION I. Term of Office. – The term of office of all elected barangay and Sangguniang Kabataan officials shall be four (4) years. No elective barangay official shall serve for more than three (3) consecutive terms in the same position. No elective Sangguniang Kabataan official shall serve for more than one (1) term in the same position. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

[17] Republic Act No. 12232 (2025), sec. 2 states:

> SECTION 2. Date of Election. – The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four (4) years thereafter.

[18] J. Leonen, Separate Concurring Opinion in Macalintal v. Commission on Elections, 943 Phil. 212, 359-360 (2023) [Per J. Kho, En Banc].

[19] Macalintal v. Commission on Elections, 943 Phil. 212, 319 (2023) [Per J. Kho, Jr., En Banc].

[20] J. Leonen, Separate Concurring Opinion in Macalintal v. Commission on Elections, 943 Phil. 212, 360 (2023) [Per J. Kho, Jr., En Banc].

DISSENTING OPINION
CAGUIOA, J.:

While Section 8, Article X of the Constitution[1] empowers Congress to determine by law the term of office of barangay and Sangguniang Kabataan (BSK) officials, it may not—under the guise of that power—exercise unfettered discretion to postpone the people's exercise of suffrage or prolong the term of incumbents who were elected for a definite and limited period.

Before the Court are consolidated petitions which challenge the constitutionality of Republic Act No. 12232[2] which: (i) sets the term of BSK officials at four years;[3] (ii) schedules the next BSK elections on the first Monday of November 2026 and every four years thereafter;[4] (iii) fixes the term of office of the BSK officials on the first day of December next following their election;[5] and (iv) provides for a hold-over of incumbent BSK officials unless sooner removed for cause.[6]

To recall, in Macalintal v. Commission on Elections[7] (Macalintal), the Court declared Republic Act No. 11935,[8] which postponed the 2022 BSK elections to October 2023, unconstitutional. Accordingly, the earlier law, Republic Act No. 11462,[9] which set the next synchronized barangay and SK elections on the first Monday of December 2025[10] remained the controlling statute.[11]

In light of the re-scheduling and hold-over provisions in Republic Act No. 12232, the petitions argue, among others, that Republic Act No. 12232 is unconstitutional because it effectively postpones the December 2025 BSK elections in violation of: (1) substantive due process, that is, without satisfying the standards for a valid postponement of elections as laid down in Macalintal; and (ii) the equal protection clause through the arbitrary extension of incumbents' terms and by disenfranchising a specific demographic of youth, i.e., those who would otherwise be qualified to run in 2025 but will no longer be qualified by 2026.[12]

The ponencia denies the consolidated petitions for lack of merit and upholds the constitutionality of Republic Act No. 12232.[13] In arriving at this conclusion, the ponencia characterized the assailed law as primarily a term-setting measure[14] enacted pursuant to Congress' express constitutional authority under Section 8, Article X of the Constitution, and therefore beyond the reach of the guidelines set forth in Macalintal.[15] The postponement of the December 2025 BSK elections was thus treated as merely a necessary effect of the legislature's exercise of its power to fix the term of office of BSK officials.[16]

I dissent. Respectfully, the ponencia's approach misconstrues both the nature of the law and the constitutional limits of legislative power.

I submit that the provisions on postponement and hold-over, though embedded within a term-setting statute, are distinct, separable, and independently subject to constitutional scrutiny. These provisions do not merely implement Congress' authority to fix the term of office of BSK officials. Rather, they defer the people's right to vote without any legitimate or compelling justification, and extend the mandates of incumbent officials beyond the authority conferred by the electorate—in violation of both substantive due process and the people's fundamental right of suffrage.

Embedding Postponement in a Term-Setting Law Does Not Place It Beyond Constitutional Scrutiny

As correctly recognized in the ponencia, "while legislative power is plenary within its sphere, it cannot transgress constitutional boundaries."[17] Regrettably, despite this, the ponencia skirts the review of the postponement and hold-over provisions of Republic Act No. 12232 by discussing:

> (i)
>
> the broad and plenary power of Congress that extends to fixing and prescribing the term of office of barangay officials[18] such that "when Section 3 of Republic Act No. 12232 set the beginning of the new term of office of the BSK officials in December 2026, it is merely the necessary exercise, in Congress' political wisdom, of an implied power that flows inescapably and unavoidably from the express grant of authority to determine the term itself;"[19]
>
> (ii)
>
> the difference in the nature of Republic Act No. 12232 as opposed to Republic Act No. 11935 which was struck down as unconstitutional in Macalintal and other previous laws postponing BSK elections;[20]
>
> (iii)
>
> a separate analysis of Republic Act No. 11232 which demonstrates that it is fundamentally a "term-setting law" and not an election postponement law;[21]
>
> (iv)
>
> that the Macalintal guidelines did not contemplate a law that changed the terms of BSK officials;[22] and
>
> (v)
>
> the analogous application of the "primary purpose doctrine" which supposedly justifies the conclusion that the Macalintal guidelines, which apply to postponement laws, are inapplicable to Republic Act No. 12232, a term-setting law.[23]

With due respect, these reasons cannot justify the Court's evasion of the constitutional questions squarely

presented by the assailed provisions. Neither the supposed necessity of election postponement as an incident of term-setting or the purported primary purpose of a law can render any of its provisions immune from constitutional scrutiny. Every legislative act and every component thereof—whatever its title, ultimate objective, or professed lofty nature may be—must yield to the higher commands of the Constitution.[24]

Republic Act No. 12232 contains a postponement measure

As a threshold matter, it bears emphasis that Sections 2, 3, and 4 of Republic Act No. 12232, by both text and effect, constitute a postponement scheme, viz.:

> SECTION 2. Date of Election. — The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four (4) years thereafter.
>
> SECTION 3. Assumption of Office. — The term of office of barangay official and members of the Sangguniang Kabataan elected after the effectivity of this Act shall commence on the first day of December next following their election.
>
> SECTION 4. Hold-Over. — All incumbent barangay officials and members of the Sangguniang Kabataan shall remain in the office unless sooner removed or suspended for cause until their successors shall have been elected and qualified.

Read together, these provisions clearly operate to defer the elections originally scheduled for December 2025 under Republic Act No. 11462 to November 2026. Section 2 is the operative clause of postponement; Section 3 aligns the commencement of the next BSK term with the deferred electoral schedule; and Section 4, explicitly couched as a hold-over provision, addresses the gap in governance created by the postponement.

Having established that these prov1s10ns amount to a postponement measure, the next inquiry turns to whether these may be treated separately from the law's other components and subjected to independent constitutional review.

On the separability of Republic Act No. 12232's provisions

To my mind, the reasonings of the ponencia proceed from a singular but central flawed premise: that the postponement and hold-over provisions of Republic Act No. 12232 are mere incidents of, and cannot be divorced from, the assailed law's term-setting provision. To this, I strongly disagree.

Time and again, the Court, in the faithful discharge of its duty to uphold the supremacy of the Constitution, has not hesitated to strike down portions of a statute that are inconsistent with the fundamental law while sustaining the remainder that may stand independently.

In ABAKADA GURO Party List v. Purisima,[25] the Court declared unconstitutional only Section 12 of Republic Act No. 9335, which creates a Joint Congressional Oversight Committee to approve the implementing rules and regulations of the law, for violating the principle of separation of powers.

In the landmark case of Imbong v. Ochoa,[26] although the constitutionality of the entire Republic Act No. 10354 or the Reproductive Health Law was also challenged, the Court took exception only to seven provisions of the law which it found unconstitutional for offending parental authority and conscientious objectors' religious beliefs, both of which are rights protected under the Constitution.

More recently, in the 2023 case of Albano v. Commission on Elections,[27] likewise penned by the esteemed ponente of this case, the Court declared as unconstitutional a singular phrase under Section 8 of Republic Act No. 7941 or the Party-List Act, i.e., the disqualification of "a person who has lost his bid for elective office in the immediately preceding election," for violating the equal protection clause.

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Indeed, the Court has long recognized that provisions that run counter to the Constitution can be individually struck down without invalidating the entire law. As early as 1913, in Barrameda v. Moir,[28] the Court laid the test for such exercise:

> The general rule is that where part of a statute is void, as repugnant to the Organic Law, while another part is valid, the valid portion, if separable from the invalid, may stand and be enforced. But in order to do this, the valid portion must be so far independent of the invalid portion that it is fair to presume that the Legislature would have enacted it by itself it they had supposed that they could not constitutionally enact the other ... Enough must remain to make a complete, intelligible, and valid statute, which carries out the legislative intent ... The void provisions must be eliminated without causing results affecting the main purpose of the Act in a manner contrary to the intention of the Legislature. The language used in the invalid part of a statute can have no legal force or efficacy for any purpose whatever, and what remains must express the legislative will independently of the void part, since the court has no power to legislate.[29] (Citations omitted; emphasis supplied)

Applying this standard, there can be no doubt that the postponement and hold-over provisions of Republic Act No. 12232 are severable from its term-setting clause. The establishment of a four-year term for BSK officials is complete and intelligible in itself and can be fully executed even without the deferment of the December 2025 elections.

Moreover, the text of the statute itself reflects the legislature's intent toward separability. In Tatad v. Secretary of the Department of Energy,[30] the Court affirmed that "the presence of a separability clause in a statute creates the presumption that the legislature intended separability, rather than complete nullity of the statute."[31] Here, Republic Act No. 12232 indeed contains an express separability clause reflecting the intent and capacity of Congress to independently enact the setting of the BSK officials' term to four years without necessarily postponing the polls:

> SECTION. 7. Separability Clause. – If any portion or provision of this Act is declared unconstitutional, the remainder of this Act or any provision not affected thereby shall remain in force and effect.

Additionally, separability is further evident in practice. On April 21, 2025, the Commission on Elections (COMELEC), consistent with Republic Act No. 11462, issued COMELEC Resolution No. 11132[32] providing for a detailed Calendar of Activities for the December 1, 2025 BSK elections. It set concrete periods for, among others: updating of voters' registration records, filing of applications for voters' registration, constituting the members of the electoral board and board of canvassers, and inspection of polling places. Based on the prescribed schedule, these preparatory activities had already been accomplished by the time Republic Act No. 12232 was enacted. When COMELEC officially halted its preparations on September 30, 2025[33] pursuant to Republic Act No. 12232, the only remaining major events in the Calendar of Activities were the filing of certificates of candidacy, followed by the campaign period and printing of ballots leading to the scheduled December 1, 2025 BSK elections.

Notably, despite suspending preparations, COMELEC decided that ongoing procurement should continue, expressly acknowledging that deferring procurement would entail even greater expense to the government on account of inflation.[34] This admission powerfully underscores that postponement was not essential to the orderly administration of elections and would, in fact, if fully implemented, be wasteful and inefficient. It is thus apparent that COMELEC was ready and equipped to conduct the December 1, 2025 BSK elections. Were it not for the passage of Republic Act No. 12232, the polls could have proceeded as scheduled.

Even from a purely practical perspective, elections could have taken place this 2025 without impairing Congress' power to fix future terms of office. The term-setting clause could—and, as I shall discuss below, should—operate

prospectively, such that those elected in 2025 would serve for four years instead of three, with the subsequent elections held in 2029. In other words, the legislative purpose of lengthening the term could have been fully achieved without deferring the people's exercise of their right to vote. This exposes the false necessity of the postponement scheme and confirms that it is not incidental to, but rather extraneous from the term-setting authority of Congress.

The postponement and hold-over provisions—being neither indispensable to, nor merely incidental to term-setting—are thus separably reviewable and may be annulled without impairing the remainder of the statute.

On the application of the primary purpose doctrine

Having established that the provisions of Republic Act No. 12232 are distinct and severable, I respectfully submit that the ponencia's invocation of the primary purpose doctrine, i.e., the principle that the legal nature of governmental action is determined by its primary objective rather than by its secondary or incidental effects[35] is wholly misplaced. A review of the cases applying this doctrine reveals that it operates only in cases involving the characterization of a single governmental act, and thus finds no relevance to the multiple, independent legislative acts embodied in the now assailed statute.

In the cited case of Chevron Philippines, Inc. v. Bases Conversion and Development Authority,[36] the main issue was whether the Clark Development Corporation (CDC) had the authority to impose royalty fees on petroleum fuel sold within the special economic zone. It was argued that the imposition of royalty fees for revenue generating purposes amounts to a tax, which the CDC had no power to impose. In assessing the validity of these fees, the Court reviewed the policy behind the imposition of the fees and determined that these fees form part of the regulatory framework to ensure "free flow or movement" of petroleum fuel to and from the economic zone. Applying the primary purpose doctrine, the Court found that the fees were primarily imposed "for regulatory purposes" and not for the generation of income or profits as the petitioner therein claims. Thus, the CDC validly imposed such fees pursuant to its general power of supervision and control over the movement of all supplies and equipment in the economic zone.

In another case, Angeles University Foundation v. City of Angeles,[37] the primary purpose doctrine was again applied in ruling that building permit fees charged by a local government unit are regulatory impositions, and not taxes, to which therein petitioner, a non-stock, non-profit educational foundation, is exempt.

These cases demonstrate that the primary purpose doctrine finds application only where a single governmental act could serve multiple purposes. The doctrine directs the Court to identify which of those purposes is primary, for it is the act's dominant purpose that determines the nature of the power exercised—whether it is the police power or power of taxation. Thus, although the singular assailed act, i.e., the imposition of a fee, was alleged to have both revenue and regulatory objectives, the Court's task was to determine its controlling character. This in turn resolves the question on whether the power may be validly exercised as well as its effect on the rights and obligations of the parties.

Again, that the ponencia characterizes the postponement of elections and the grant of hold-over authority as "various effects that flow incidentally from the primary objective of term-setting"[38] is where the error in its invocation of the primary purpose doctrine arises.

To be sure, Republic Act No. 12232 does not contemplate a singular governmental act with mere incidental effects. It embodies two distinct exercises of legislative power: (1) the fixing of a new term of office for BSK officials, and (2) the postponement of elections, from which the hold-over provision necessarily follows. Each draws authority from a different constitutional source and produces separate legal consequences.

Accordingly, the primary purpose doctrine—which presumes a single act pursued for multiple objectives—plainly does not apply here. What governs instead is the principle of separability, for the challenged provisions stand on their own and must therefore be examined independently as to their constitutionality.

To collapse these distinct exercises of power into a single "term-setting" measure is to commit a grave analytical error. It would permit Congress to evade judicial review by concealing constitutionally suspect provisions—such as an election postponement—within an otherwise valid statute. Such, regrettably, is the effect of the ponencia's reasoning.

The ponencia likewise warns that "an absurdity would arise if every law that incidentally affects election timing is automatically characterized as 'election postponement' subject to the Macalintal guidelines."[39] Suffice it to say, it is a greater absurdity to exempt postponement laws from judicial review simply because they are couched as term-setting measures.

It bears repeating: the fixing of terms does not require postponement of elections. Congress could have validly enacted a four-year term to apply prospectively to officials elected in the December 2025 BSK elections. That it chose instead to defer the elections exposes the law's true character: a postponement of elections embedded within a term-setting statute.

Postponement and Hold-Over Provisions of Republic Act No. 12232 are Unconstitutional

Sections 2, 3, and 4 of Republic Act No. 12232, which defer the 2025 BSK elections and prolong the mandates of incumbent officials, are unconstitutional for violating the guarantees of substantive due process and the right of suffrage.

On Substantive Due Process

I respectfully disagree with the ponencia's view that Republic Act No. 12232 "does not violate the Macalintal guidelines because it is fundamentally not envisaged under its scope."[40] The Macalintal guidelines explicitly apply to "any future laws or rules postponing elections."[41] It did not establish a new standard but only reaffirmed the substantive due process test—requiring that a measure (i) pursue a lawful subject and (ii) employ lawful means for its accomplishment[42]—within the specific context of election postponements.

While I maintain that the Macalintal framework should have been more precisely crafted under the lens of strict scrutiny, given that any postponement of elections necessarily impinges upon the fundamental right of suffrage,[43] it nonetheless remains the controlling standard. As the postponement provisions of Republic Act No. 12232 are separable, they must be examined under the Macalintal guidelines.

On the matter of a lawful subject, Macalintal requires that any postponement of elections should "be justified by reasons sufficiently important, substantial, or compelling under the circumstances."[44] Measured against this standard, the legislative record of Republic Act No. 12232 reveals no such sufficient justification.

In Senator Imee Marcos' sponsorship speech of Senate Bill No. 2816 (which, together with its House of Representatives counterpart, became Republic Act No. 12232),[45] she advanced three principal grounds for the postponement of the December 2025 BSK elections: (i) the cost of conducting the elections which she submits could instead be redirected to public projects of greater benefit; (ii) the anticipated administrative burden on COMELEC due to the concurrence of multiple elections in 2025; and (iii) the need to afford incumbent barangay officials additional time to complete their programs, given that they were elected only in October 2023 and will

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thus only serve for two years, viz.:

> SPONSORSHIP SPEECH OF SENATOR MARCOS
>
> In sponsoring Senate Bill No. 2816, Senator Marcos delivered the following speech:. . .
>
> Ngayon, kakampi naman natin ang Department of Budget and Management (DBM) at lahat ng ating economic managers sapagkat ang sabi nila, ang ginastos sa barangay elections noong nakaraang Oktubre ay umabot ng P18 billion at baka umabot ng P20 billion sa Disyembre ng 2025. Aba, kung ang perang ito ay itutok na lamang natin sa proyekto na talagang mapakikinabangan ng tao, higit na mas mabuti pa.
>
> Kakampi rin natin ang COMELEC sa usapin na ito. Ayaw rin nila ng barangay elections sa 2025 kasi magiging "super election year" na raw ang taon na susunod-may BARMM elections na kinakabahan sila sapagkat ito ang kauna-unahang historic BARMM elections, may mid-term elections na automated, at parang magiging piyesta na ang eleksiyon sa Mayo.
>
> Imbis na magkaroon ng patong-patong na eleksiyon, mas makabubuting bigyan ng sapat na panahon ang mga barangay na magampanan ang kanilang mga tungkulin at maipagpatuloy ang kanilang mga proyekto ng walang pag-aalala sa eleksiyon kada tatlong taon, at sa pagkakataong ito ay wala pang dalawang taon kasi nakaraang taon pa lamang ang eleksiyon, at noong sila ay umupo.[46] (Emphasis supplied)

The first justification—that the billions allotted for the elections could instead be redirected by Congress to projects purportedly of greater public benefit—collapses under both fact and law.

Under the 2025 General Appropriations Act (GAA), a total budget of PHP 11,591,989,000.00 was expressly allocated to COMELEC for the conduct of the 2025 BSK elections.[47] This alone belies the narrative that Congress intended to save public funds through postponing the elections.

Even granting that the GAA was enacted prior to the passage of Republic Act No. 12232, the first justification all the more crumbles. The Constitution mandates the automatic and regular release of COMELEC's approved annual appropriations, consistent with COMELEC's constitutionally guaranteed fiscal autonomy.[48] Once released, these funds are beyond the reach of congressional or executive realignment, being earmarked solely for the conduct of elections.[49] For the same reasons I elaborated in my Separate Opinion in Macalintal, any realignment of the appropriations for the 2025 BSK elections toward other objectives constitutes impermissible cross-border transfer of appropriations[50] proscribed under Section 25(5), Article VI of the Constitution.[51]

In fine, Congress cannot justify postponing the 2025 BSK election on the pretext of saving money that it had already allocated and has no lawful authority to reallocate.

The second and third justifications—to alleviate COMELEC's workload in a so-called "super election year" and to allow incumbents more time to serve considering their short tenure—likewise fail to persuade. These are precisely the kinds of reasons already anticipated and rejected by the Court in Macalintal. Item 2(d)(i) of the Macalintal guidelines is categorical:

> Reasons such as election fatigue, purported resulting divisiveness, shortness of existing term, and/or other superficial or farcical reasons, alone, may not serve as important, substantial, or compelling reasons to justify the postponement of the elections. To be sufficiently important, the reason for the postponement must primarily be justified by the need to safeguard the right of suffrage or other fundamental rights or required by a public emergency situation.[52] (Emphasis supplied)

Indeed, the second and third justifications merely repackaged "election fatigue" and "shortness of term" which the Court has declared as constitutionally infirm grounds for postponing elections. That Congress would nonetheless invoke these same rationales, now cloaked as a term-setting measure, reveals a disregard not only of judicial

precedents but of the Constitution itself.

In light of the foregoing, the postponement provisions of Republic Act No. 12232 fail the first requisite of substantive due process and must, on that ground alone, be struck down as unconstitutional.

On the Right of Suffrage; Legislative Appointment

The right of suffrage lies at the heart of our constitutional democracy.[53] It gives life to the very first principle proclaimed in our Constitution: that sovereignty resides in the people and all government authority emanates from them.[54] Indeed, preserving the sanctity of the right of suffrage ensures that the State derives its power from the consent of the governed.[55]

By deferring the people's vote and authorizing incumbents to remain in office beyond the period for which they were elected, Congress supplanted the sovereign will with its own. It vitiated the consent of the governed and arrogated unto itself the power to decide who shall continue to wield authority—a prerogative that the Constitution reserves to the people alone.

This is exemplified by the October 30, 2023 BSK elections, conducted under a clear understanding that those elected would serve only until noon of January 1, 2026. The Court, in Macalintal, was categorical:

> [T]he Court hereby declares [Republic Act No.] 11935 unconstitutional for (i) violating the right to due process of law, and accordingly, infringing the constitutional right of the Filipino people to suffrage, and (ii) having been enacted in patent grave abuse of discretion.
>
> Nonetheless, the Court recognizes the existence of the law as an operative fact which had consequences and effects that cannot be justifiably reversed, much less ignored. Thus, these pronouncements shall have the following effects:. . . .
>
> - The BSKE set on the last Monday of October 2023 pursuant to [Republic Act No.] 11935 shall proceed as scheduled;
>
> . . .
>
> - [T]he term of office of the sitting BSK officials shall he deemed to have ended on December 31, 2022, consistent with the provisions of [Republic Act No.] 11462;
>
> - The succeeding synchronized BSKE shall be held pursuant to the provisions of [Republic Act No.] 11462, that is, "on the first Monday of December 2025 and every three (3) years thereafter"[.][56] (Emphasis supplied)

Republic Act No. 11462, revived following the nullification of Republic Act No. 11935, is equally unambiguous: it set the subsequent BSK elections on the first Monday of December 2025;[57] and by necessary implication, fixed the term of office of BSK officials to end at noon of January l, 2026, coinciding with the start of the term of newly elected officials.[58]

Accordingly, in the 2023 BSK elections, the candidates ran, and the electorate voted, upon the settled premise that those elected will serve only until noon of January 1, 2026. This was the covenant between the people and their chosen representatives: authority is conferred only for a fixed term, and the people's consent must again be sought on the first Monday of December 2025.

By rescheduling the next BSK elections to November 2026, Congress unilaterally altered that mandate and extended incumbents' authority beyond the period for which consent had been granted.

To be sure, Section 8, Article X of the Constitution empowers Congress to prescribe the term of office of BSK

officials. This power, however, is prospective in character. It does not include the authority to prolong the term of incumbents. When Congress, by subsequent statute, lengthens the stay of sitting officials through election postponement, it does not "fix a term"—it extends an existing term and legislatively appoints.

A comparison of Republic Act No. 11462 and Republic Act No. 12232 makes this unmistakable:<l before="" the="" date="" of="" assumption="" into="" office="" a="" winning="" candidate.="" here,="" as="" congress="" determines="" start="" new="" term="" bsk="" officials="" to="" be="" on="" december="" 2026,="" election="" could="" scheduled="" within="" period="" where="" is="" given="" sufficient="" leeway="" for="" comelec="" allowable="" time="" tally="" all="" votes="" and="" proclaim="" candidates.="" this="" implication="" fixing="" when="" shall="" commence,="" which="" in="" turn,="" necessarily="" flows="" from="" power="" by="" constitution="" set="" officials.

- Republic Act No. 11462: synchronized BSK elections were to be held on the first Monday of December 2025, with those elected to assume office at noon of January 1, 2026.

- Republic Act No. 12232: resets the next elections to the first Monday of November 2026 and provides that those elected shall assume office only on December 1, 2026.

This creates an eleven-month gap—from noon of January 1 to November 30, 2026—during which no new term exists, yet the same officials continue to occupy office. In truth, that gap was filled not by continuity of service, but by an extension of term. The law thereby altered the very duration of the office to which the incumbents were elected and, under the guise of a hold-over, legislatively appointed them to the extended term.

On this note, the ponencia's assertion that the postponement provisions of Republic Act No. 12232 "[honor] and [respect] the intention and structure of Republic Act No. 9164, as amended, to provide for three-year terms" cannot stand.[59] As underscored in Macalintal, the term of the previous BSK officials ended in 2022. Thus, the sitting BSK officials already have a full three-year term from 2022 to 2025. It was only their tenure—not their term—that was interrupted by the unconstitutional postponement under Republic Act No. 11935.

From the foregoing, the postponement and hold-over provisions of Republic Act No. 12232 constitute both a term extension and a legislative appointment. Through Section 2, which postpones the 2025 elections, and Section 3, which resets the next assumption of office to December 2026, Congress effectively lengthened the incumbents' term to three years and eleven months. In turn, Section 4 on hold-over, completes this act through the legislative appointment of the same officials to the extended term.

Lest it be forgotten, the will of the people, expressed through the ballot, is the basis of all governmental authority.[60] Each day that an official remains in office beyond the term for which he or she was elected is a day of power exercised without renewed democratic consent. The challenged provisions of Republic Act No. 12232 thus subvert the people's right of suffrage—a violation that strikes at the very foundation of our democratic and republican government[61]—and must therefore be declared unconstitutional.

A Final Note

The Court, in Macalintal, drew a clear constitutional line against the repeated deferral of BSK elections. Republic Act No. 12232 crosses that line once more—not by force, but by finesse: cloaking postponement in the language of term-setting, and disguising legislative appointment as continuity. This quiet evasion, if left unrebuked, would reduce Macalintal to a mere warning, one that the legislature may swerve around at will. The Constitution demands clearer boundaries and a firmer hand.

Each time the legislature redraws that line to suit its convenience, sovereignty itself recedes. It falls to the Court to restore it—to affirm, once and for all, that the people's mandate cannot be deferred, distorted, or displaced. The

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ponencia is thus a retreat by the Court, and an act of subservience to the legislature, in violation of the Constitution.

For the foregoing reasons, I vote to PARTIALLY GRANT the consolidated petitions and to DECLARE UNCONSTITUTIONAL Sections 2, 3, and 4 of Republic Act No. 12232.

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[1] SECTION 8. The term of office of elective local officials, except barangay officials, which shall be determined by law, shall be three years and no such official shall serve for more than three consecutive terms. Voluntary renunciation of the office for any length of time shall not be considered as an interruption in the continuity of his [or her] service for the full term for which he [or she] was elected.

[2] AN ACT SETTING THE TERM OF OFFICE OF BARANGAY OFFICIALS AND THE MEMBERS OF THE SANGGUNIANG KABATAAN, AND FOR OTHER PURPOSES, August 13, 2025.

[3] Id., SECTION 1. Term of Office. — The term of office of all elected barangay and Sangguniang Kabataan officials shall be four (4) years. No elective barangay official shall serve for more than three (3) consecutive terms in the same position. No elective Sangguniang Kabataan official shall serve for more than one (1) term in the same position. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

[4] Id., SECTION 2. Date of Election. — The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four (4) years thereafter.

[5] Id., SECTION 3. Assumption of Office. — The term of office of barangay official and members of the Sangguniang Kabataan elected after the effectivity of this Act shall commence on the first day of December next following their election.

[6] Id., SECTION 4. Hold-Over. — All incumbent barangay officials and members of the Sangguniang Kabataan shall remain in the office unless sooner removed or suspended for cause until their successors shall have been elected and qualified.

[7] 943 Phil. 212 (2023) [Per J. Kho, Jr., En Banc].

[8] AN ACT POSTPONING THE DECEMBER 2022 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED, APPROPRIATING FUNDS THEREFOR, AND FOR OTHER PURPOSES, October 10, 2022.

[9] AN ACT POSTPONING THE MAY 2020 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, AMENDING FOR THE PURPOSE REPUBLIC ACT NO. 9164, AS AMENDED BY REPUBLIC ACT NO. 9340, REPUBLIC ACT NO. 10632, REPUBLIC ACT NO. 10656, REPUBLIC ACT NO. 10923 AND REPUBLIC ACT NO. 10952, AND FOR OTHER PURPOSES, December 3, 2019.

[10] Id., SECTION 1. Date of Election. — ... Subsequent synchronized barangay and sangguniang kabataan elections shall be held on the first Monday of December 2025 and every three (3) years thereafter. (Emphasis supplied)

[11] Macalintal v. Commission on Elections, supra note 7.

[12] Ponencia, p. 8.

[13] Id. at 50.

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[14] Id. at 38.

[15] Id. at 38-46.

[16] Id. at 40.

[17] Id. at 29.

[18] Id.

[19] Id. at 31. Emphasis supplied.

[20] Id. at 31-38.

[21] Id. at 38-41.

[22] Id. at 41-44.

[23] Id. at 44-46.

[24] See Manila Prince Hotel v. Government Service Insurance System, 335 Phil. 82, 101 (1997) [Per J. Bellosillo, Second Division]:

> Under the doctrine of constitutional supremacy, if a law or contract violates any norm of the constitution that law or contract whether promulgated by the legislative or by the executive branch or entered into by private persons for private purposes is null and void and without any force and effect. Thus, since the Constitution is the fundamental paramount and supreme law of the nation, it is deemed written in every statute and contract.

[25] 584 Phil. 246 (2008) [Per J. Corona, En Banc].

[26] 732 Phil. 1 (2014) [Per J. Mendoza, En Banc].

[27] 934 Phil. 343 (2023) [Per J. J. Lopez, En Banc].

[28] 25 Phil. 44 (1913) [Per J. Trent, En Banc].

[29] Id. at 47-48.

[30] 346 Phil. 321 (1997) [Per J. Puno, En Banc].

[31] Id. at 371.

[32] IMPLEMENTING RESOLUTION OF ARTICLE V, CALENDAR OF ACTIVITIES, OF COMELEC RESOLUTION NO. 10924 IN CONNECTION WITH THE 01 DECEMBER 2025 BARANGAY AND SANGGUNIANG KABATAAN ELECTIONS, accessed at https://bir-cdn.bir.gov.ph/BIR/pdf/Attachment%20A.pdf [last accessed on November 8, 2025].

[33] Ferdinand Patinio, Comelec stops BSKE preps except for procurement process, PHILIPPINE NEWS AGENCY, October 1, 2025 at https://www.pna.gov.ph/articles/1260015 [last accessed on November 8, 2025].

[34] Id.

[35] Ponencia, p. 40.

[36] 645 Phil. 84 (2010) [Per J. Villarama, Jr., Third Division].

[37] 689 Phil. 623 (2012) [Per J. Villarama, Jr., First Division].

[38] Ponencia, p. 41.

[39] Ponencia, p. 45.

[40] Id. at. 40.

[41] Macalintal v. Commission on Elections, supra note 7, at 317.

[42] See Venus Commercial Co., Inc. v. Department of Health, 916 Phil. 16, 43 (2021) [Per J. Lazaro-Javier, First Division].

[43] See J. Caguioa, Separate Opinion in Macalintal v. Commission on Elections, supra note 7, at 386-387. [Per J. Kho, Jr., En Banc].

[44] Macalintal v. Commission on Elections, supra note 7, at 317.

[45] Journal – Session No. 29, Senate, 19th Congress, Third Regular Session, (November 5, 2024), pp. 10-11, accessed at https://legacy.senate.gov.ph/lisdata/4601042051!.pdf [last accessed on November 8, 2025].

[46] Id. at 11-12.

[47] Official Gazette (December 30, 2024), p. 613, accessed at https://www.dbm.gov.ph/wp-content/uploads/GAA/GAA2025/VolumeIB/COMELEC/COMELEC.pdf.

[48] CONST., art. IX(A), sec. 5, which reads:

> <l before="" the="" date="" of="" assumption="" into="" office="" a="" winning="" candidate.="" here,="" as="" congress="" determines="" start="" new="" term="" bsk="" officials="" to="" be="" on="" december="" 2026,="" election="" could="" scheduled="" within="" period="" where="" is="" given="" sufficient="" leeway="" for="" comelec="" allowable="" time="" tally="" all="" votes="" and="" proclaim="" candidates.="" this="" implication="" fixing="" when="" shall="" commence,="" which="" in="" turn,="" necessarily="" flows="" from="" power="" by="" constitution="" set="" officials.
> SECTION 5. The Commission shall enjoy fiscal autonomy. Their approved annual appropriations shall be automatically and regularly released. (Emphasis supplied)

<l before="" the="" date="" of="" assumption="" into="" office="" a="" winning="" candidate.="" here,="" as="" congress="" determines="" start="" new="" term="" bsk="" officials="" to="" be="" on="" december="" 2026,="" election="" could="" scheduled="" within="" period="" where="" is="" given="" sufficient="" leeway="" for="" comelec="" allowable="" time="" tally="" all="" votes="" and="" proclaim="" candidates.="" this="" implication="" fixing="" when="" shall="" commence,="" which="" in="" turn,="" necessarily="" flows="" from="" power="" by="" constitution="" set="" officials.
See also CONST., art. IX(C), sec. 11, which reads:

> <l before="" the="" date="" of="" assumption="" into="" office="" a="" winning="" candidate.="" here,="" as="" congress="" determines="" start="" new="" term="" bsk="" officials="" to="" be="" on="" december="" 2026,="" election="" could="" scheduled="" within="" period="" where="" is="" given="" sufficient="" leeway="" for="" comelec="" allowable="" time="" tally="" all="" votes="" and="" proclaim="" candidates.="" this="" implication="" fixing="" when="" shall="" commence,="" which="" in="" turn,="" necessarily="" flows="" from="" power="" by="" constitution="" set="" officials.
> SECTION 11. Funds certified by the Commission as necessary to defray the expenses for holding regular and special elections, plebiscites, initiatives, referenda, and recalls, shall be provided in the regular or special appropriations and, once approved, shall be released automatically upon certification by the Chairman of the Commission. (Emphasis supplied)

<l before="" the="" date="" of="" assumption="" into="" office="" a="" winning="" candidate.="" here,="" as="" congress="" determines="" start="" new="" term="" bsk="" officials="" to="" be="" on="" december="

2026,="" election="" could="" scheduled="" within="" period="" where="" is="" given="" sufficient="" leeway="" for="" comelec="" allowable="" time="" tally="" all="" votes="" and="" proclaim="" candidates.="" this="" implication="" fixing="" when="" shall="" commence,="" which="" in="" turn,="" necessarily="" flows="" from="" power="" by="" constitution="" set="" officials.
[49] See J. Caguioa, Separate Opinion in Macalintal v. Commission on Elections, supra note 7 at 373-376.

[50] See Araullo v. Aquino III, G.R. 209287, 752 Phil. 716 (2014) [Per J. Bersamin, En Banc].

[51] (5) No law shall be passed authorizing any transfer of appropriations; however, the President, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the heads of Constitutional Commissions may, by law, be authorized to augment any item in the general appropriations law for their respective offices from savings in other items of their respective appropriations. (Emphasis supplied)

[52] Macalintal v. Commission on Elections, supra note 7, at 317.

[53] Palatino v. Commission on Elections, 623 Phil. 159, 164 (2009) [Per J. Carpio-Morales, En Banc].

[54] CONST., art. II, sec. 1.

[55] Macalintal v. Commission on Elections, supra note 7, at 225, 236-237.

[56] Macalintal v. Commission on Elections, supra note 7 at 318-319.

[57] Republic Act No. 11462, sec. 1.

[58] Id. at sec. 2, which reads:

> SECTION. 2. Section 4 of Republic Act No. 9164, as amended, is hereby further amended to read as follows:"SEC. 4. Assumption of Office. – The term of office of the barangay and sangguniang kabataan officials elected under this Act shall commence at noon of June 30 next following their election: Provided, however, That the term of office of the barangay and sangguniang kabataan officials elected in the December 5, 2022 elections and subsequently thereafter, shall commence at noon of January 1 next following their election." (Emphasis supplied)

[59] Ponencia, pp. 39-40.

[60] See UNIVERSAL DECLARATION OF HUMAN RIGHTS, art. 21.

[61] CONST., art. II, sec. 1.

DISSENTING OPINION
KHO, JR., J.:

Let us call a spade a spade.

When a law sets a new election date to a date later than that set under the existing law in order to provide a new term of office for public officials, then the former law postpones the election. There is here a distinction without difference.

At bar are consolidated petitions for certiorari and prohibition assailing the constitutionality of Republic Act No. (RA) 12232, entitled "An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan, and For Other Purposes," or portions thereof.

The facts are clear and straightforward.

On August 13, 2025, President Ferdinand R. Marcos, Jr. signed RA 12232, the salient portions of which read:

> Section 1. Term of Office. — The term of office of all elected barangay and Sangguniang Kabataan officials shall be four (4) years. No elective barangay official shall serve for more than three (3) consecutive terms in the same position. No elective Sangguniang Kabataan official shall serve for more than one (1) term in the same position. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.
>
> Section 2. Date of Election. — The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four (4) years thereafter.
>
> Section 3. Assumption of Office. — The term of office of barangay officials and members of the Sangguniang Kabataan elected after the effectivity of this Act shall commence on the first day of December next following their election.
>
> Section 4. Hold-Over. — All incumbent barangay officials and members of the Sangguniang Kabataan shall remain in office unless sooner removed or suspended for cause until their successors shall have been elected and qualified.
>
> Section 5. Transitory Provision. — Incumbent elective barangay officials serving their third consecutive term in the same position shall not be eligible to run for the same position in the November 2026 Barangay and Sangguniang Kabataan Elections.
>
> . . . . (Emphasis supplied)

On August 15, 2025 and thereafter, several petitions were filed (starting with the petition filed by Atty. Romulo Macalintal, docketed as G.R. No. E-02002) assailing the constitutionality of RA 12232 or Sections 2, 3, and 4 thereof. These petitions, totaling four in number, essentially raise the following arguments, among others:

> (i)
>
> RA 12232 or portions thereof violates the guidelines set in Macalintal v. Commission on Elections[1] as it postpones the December 2025 Barangay and Sangguniang Kabataan (BSK) elections sans legitimate government interest or objective or compelling reasons;[2]
>
> (ii)
>
> RA 12232 retroactively applies its term-lengthening provision to incumbent BSK officials in violation of the right to suffrage and equal protection clause;[3]
>
> (iii)
>
> RA 12232 violates the one-subject-one-title rule under Article VI, Section 26(1) of the Constitution since the postponement of the December 2025 BSK elections and the extension of the tenure of the incumbent BSK officials are inconsistent or foreign to the general subject of the law;[4]
>
> (iv)
>
> The law's postponement of the BSK elections and the extension of incumbent BSK officials' terms of office violates the essence of a democratic government, which relies on genuine and periodic elections. It also disenfranchises youth voters and candidates and violates their right to vote and to run for public office;[5]
>
> (v)
>
> RA 12232 violates the equal protection clause as the law limits the SK officials to a single term;[6] and
>
> (vi)

RA 12232 encroaches the Commission on Elections' (COMELEC) power to regulate matters pertaining to the conduct of elections, such as the power to suspend/postpone elections.[7]

Traversing these issues, the ponencia dismisses the petitions and upholds the constitutionality of RA 12232. The ponencia essentially reasons that: (a) RA 12232 merely sets a new term of office for BSK officials as well as the commencement of said term that need not therefore be subjected to the guidelines set in Macalintal v. COMELEC; (b) the guidelines set in Macalintal v. COMELEC applies to laws that postpone the BSK elections, similar to the invalidated RA 11935 postponing the December 2022 BSK elections, which RA 12232 is not; and (c) any ensuing postponement of the elections under RA 12232 is but a necessary consequence of the new term of office set by the law. These, according to the ponencia, fall well within the powers of the Congress to determine by law the term of office of BSK officials, including the commencement thereof.

I agree that the Congress has the plenary power to determine the term of office of BSK officials, as well as the commencement thereof, including the date of the elections. Not only does this plenary power springs from the organic law itself as it declares that the "term of office of ... barangay officials ... shall be determined by law."[8] It moreover springs from the Congress's broad, general, and comprehensive power to enact laws. As the Court emphasized in Macalintal v. COMELEC,[9] the Congress "possesses plenary power for all purposes of civil government"[10] and "[e]xcept as limited by the Constitution, either expressly or impliedly, legislative power embraces all subjects and extends to all matters of general concern or common interest."[11] With such broad and plenary power, it necessarily includes "all aspects affecting the elections and the exercise of the right of suffrage insofar as the framers had not specifically spelled out the parameters thereof in the Constitution."[12]

Nonetheless, I submit that the Congress' plenary power to legislate notwithstanding, the same is not without limitations as the same is precisely subject to express and implied constitutional limitations.

The express constitutional limitations to the Congress's plenary power to legislate are generally found in the Declaration of Principles and State Policies (Article II), and in the Bill of Rights (Article III).[13]

Primarily, the express limitations include the core constitutional principle, under Article II, Section 1 of the Constitution, that the Philippines is a democratic and republican state and that sovereignty resides in the people and all government authority emanates from them. This means that while our government is representative in form, ultimately the supreme power and authority resides in the body of the people, and for whom such authority is exercised.[14]

Another express limitation to the Congress's plenary power to legislate is the right of the people against deprivation of life, liberty, and property without due process of law and the equal protection of the laws under Article III, Section 1 of the Constitution. This is the principal yardstick by which the Congress's power to legislate and regulate is measured.[15]

Other express limitations are scattered throughout the Constitution. One of these is Article V of the Constitution which guarantees the right of suffrage. As a democratic and republican state, our governmental framework has for its cornerstone the electoral process through which government by consent is secured.[16] Through the exercise of our right of suffrage and participation in the electoral process, individual self-fulfillment to attain the truth is assured, participation by the people in social and political decision-making is secured, and balance between stability and change is maintained. Thus, not only is the right of suffrage an important political right; the very existence of the "right of suffrage is a threshold for the preservation and enjoyment of all other rights that it ought to be considered as one of the most sacred parts of the [C]onstitution."[17]

As preservative of all other rights therefore, it stands to reason that the right of suffrage is not only accorded its own Article under the Constitution, separate from the other fundamental rights; it is also protected in various

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international instruments. Given its character as a preservative of all rights, I submit that the right of suffrage cannot be curtailed unless expressly provided for in the Constitution. Article V, Section 1 of the Constitution in fact is emphatic as it guarantees all citizens to exercise the right of suffrage except only when expressly disqualified by law. Therefore, any act that attempts to curtail the exercise thereof must not only be met with meticulous scrutiny but also with cautious contempt.

A further limitation is found under Article VI, Section 26(1) of the Constitution, which requires that every bill to be passed by the Congress must embrace only one subject which must be expressed in the title thereof.

Meanwhile the implied limitations on the Congress's power are said to be found "in the evident purpose which was in view and the circumstances and historical events which led to the enactment of the particular provision as a part of organic law."[18]

Given the foregoing limitations, I submit that while the Congress has the plenary power to determine the term of office of BSK officials, including the commencement thereof: the exercise of the power by Congress under the present situation constitutes a violation of the due process clause under Article III, Section 1 of the Constitution.

More, the postponement of the elections violates the one-subject-one-title rule under Article VI, Section 26(1) of the Constitution.

Finally, I submit that the setting of the date of the election to a date later than the 1st Monday of December 2025 under existing laws is a postponement of the elections that violate Article V of the Constitution as it failed to comply with the guidelines set in Macalintal v. COMELEC.

Thus, I respectfully dissent.

These will be discussed in seriatim below.

RA 12232 fails to pass the due process test

First, I submit that RA 12232 failed to comply with the due process clause of the Constitution.

As earlier adverted to, one of the principal yardsticks against which the power of the State to legislate and regulate is measured is the due process clause found under Article III, Section 1 of the Constitution, which guarantees the right of the people against deprivation of "life, liberty, or property without due process of law. "The due process clause includes two related but distinct restrictions on government, namely: "procedural due process"—or the method or manner by which the law is enforced; and "substantive due process"—which requires that the law itself, not merely the procedures by which the law would be enforced, is fair, reasonable, and just and free from any arbitrariness and unreasonableness.[19]

Substantive due process requires the concurrence of two requisites. These are: (1) the interests of the public generally, as distinguished from those of a particular class, require the interference of the State, referred to as the lawful subject and (2) the means employed are reasonably necessary for the attainment of the object sought to be accomplished and not unduly arbitrary or oppressive upon individuals, referred to as the lawful method.[20]

In the determination of whether the two requisites of substantial due process exist, case law has developed three levels of scrutiny depending on the rights affected, including the level of constitutional protection accorded thereby and the degree of the law's interference with said rights, and the gravity of the governmental objective sought through the law. These are the strict scrutiny, the intermediate scrutiny, and the rational basis tests.[21]

Pervading these levels of scrutiny are the basic requirements of legitimate government interest or purpose and reasonable necessity of the means employed to attain the government interest. These requisites correspond to the lawful subject and lawful means requisites of the substantive aspect of the due process clause and therefore form the core of any valid legislative enactment. Regardless of the level of scrutiny employed, the absence of either or both requisites renders a statute unconstitutional for violation of the due process clause.[22]

ln this case, I find that no legitimate governmental interest was shown in postponing the date of the BSK elections to the 1st Monday of November 2026. Neither do I find any reasonable necessity for postponing the elections to a date later than that already set under existing laws.

For one, there is nothing in the law itself that state the reasons for the postponement of the elections to the 1st Monday of November 2026. In fact, neither House Bill No. 11287 nor Senate Bill No. 2816—that would become RA 12232—provide reasons for postponing the BSK elections to a later date. Given this obvious lack of reason, one can only speculate the necessity for postponing again the BSK elections especially considering that the Commission on Elections was all set to conduct the elections in December 2025.

Another, the deliberations of the House of Representatives and of the Senate—on their respective versions of the bill that would become RA 12232—likewise do not provide any legitimate reasons to set the BSK election to a date other than the first Monday of December 2025, the date set in RA 9164, as amended by RA 11462. In fact, the 1st Monday of November 2026, as provided under Section 2 of RA 12232, appears arbitrary considering that during said deliberations, the proposed commencement date of the term of office of the BSK officials were varied ranging from December 2027 to May or October 2029.[23]

Sections 2 and 3 of RA 12232 are riders that violate the one subject-one-title rule under Article VI, Section 26(1) of the Constitution

Second, the term of office is separate and distinct from the date of the elections. One is not the offshoot of the other.

Article VI, Section 26(1) of the Constitution provides that "[e]very bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof." The provision proscribes so called riders or provisions that have no relation to the subject matter or title of the bill and calls for all parts of an act relating to its subject finding expression in its title.[24] The purpose is to prevent the aggregation of incongruous measures by confining each act to one subject or object; to prevent surprise and inadvertence by requiring that subject or object to be expressed in the title. As Associate Justice Pedro Concepcion explained in detail in his Dissenting Opinion in The Government of the Philippine Islands v. The Hongkong and Shanghai Bank Corporation,[25] viz.:

> "The purpose of this legislative restriction, and the evils sought to be remedied thereby, are clearly stated by Sutherland in his valuable work on Statutory Construction. In section 111 he says that:" 'In the construction and application of this constitutional restriction the courts have kept steadily in view the correction of the mischief against which it was aimed. The object is to prevent the practice, which was common in all legislative bodies where no such restrictions existed, of embracing in the same bill incongruous matters having no relation to each other or to the subject specified in the title, by which measures were often adopted without attracting attention. Such distinct subjects represented diverse interests, and were combined in order to unite the members of the legislature who favor either in support of all. These combinations were corruptive of the legislature and dangerous to the State. Such omnibus bills sometimes included more than a hundred sections on as many different subjects, with a title appropriate to the first section, "and for other purposes."

> " 'The failure to indicate in the title of the bill the object intended to be accomplished by the legislation often resulted in members voting ignorantly for measures which they would not knowingly have approved; and not only were legislators thus misled, but the public also; so that legislative provisions were steadily pushed through in the closing hours of a session, which, having no merit to commend them, would have been made odious by popular discussion and remonstrance if their pendency had been seasonably announced. The constitutional clause under discussion is intended to correct these evils; to prevent such corrupting aggregations of incongruous measures, by confining each act to one subject or object; to prevent surprise and inadvertence by requiring that subject or object to be expressed in the title.'
>
> . . . .
>
> " 'The object sought to be accomplished and the mischief proposed to be remedied by this provision are well known. Legislative assemblies, for the dispatch of business, often pass bills by their titles only without requiring them to be read. A specious title sometimes covers legislation which, if its real character had been disclosed, would not have commanded assent. To prevent surprise and fraud on the legislature is one of the purposes this provision was intended to accomplish. Before the adoption of this provision the title of a statute was often no indication of its subject or contents'."[26] (Emphasis supplied)

Justice Concepcion further continued that the phrase "for other purposes" "expresses no specific purpose and imports indefinitely something different from that which precedes it in the title. It is, therefore, universally rejected as having no force or effect wherever, this constitutional restriction operates."[27]

Certainly, I recognize that the provision allows legislators some leeway in the crafting of legislation such that it is sufficient if the title is comprehensive enough reasonably to include the general object which a statute seeks to effect. As the Court explained in Saint Wealth, Ltd. V. Bureau of Internal Revenue[28] citing Fariñas v. Executive Secretary:[29]

> The proscription is aimed against the evils of the so-called omnibus bills and log-rolling legislation as well as surreptitious and/or unconsidered encroaches. The provision merely calls for all parts of an act relating to its subject finding expression in its title.
>
> To determine whether there has been compliance with the constitutional requirement that the subject of an act shall be expressed in its title, the Court laid down the rule that —Constitutional provisions relating to the subject matter and titles of statutes should not be so narrowly construed as to cripple or impede the power of legislation. The requirement that the subject of an act shall be expressed in its title should receive a reasonable and not a technical construction. It is sufficient if the title be comprehensive enough reasonably to include the general object which a statute seeks to effect, without expressing each and every end and means necessary or convenient for the accomplishing of that object. Mere details need not be set forth. The title need not be an abstract or index of the Act.[30] (Emphasis supplied)

The foregoing notwithstanding, I submit that all parts of the act must still have reasonable connection to the general object thereof such that one can reasonably and intelligently predict the provisions of the act just by reading the title. And any provision that cannot be reasonably and logically inferred from the title thereof are prohibited riders. As the Court held in Saint Wealth, Ltd., every provision in a bill must be germane or has some reasonable relation to the subject matter as expressed in the title thereof.[31]

In this case, the title of RA 12232 reads: "An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan, and For Other Purposes." A reading of the title suggests in no uncertain terms that the purpose thereof is to set the term of office of BSK officials and nothing more except those that can be reasonably predicted from the subject thereof. These usually predictable provisions include the ancillary provisions, such as the transitory provision, separability clause, repealing clause, and effectivity provision, that

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have inarguably reasonable supportive bearing to the subject matter of legislation.

Sections 2, 3, and 4 of RA 12232, however, are different matter altogether. To my mind, these provisions have no reasonable predictable bearing to the title of RA 12232, or to the setting of the term of office of the BSK officials. For one, term of office is different from the election date. The term of office is defined as "the time during which the officer may claim to hold the office as of right, and fixes the interval after which the several incumbents shall succeed one another."[32] The latter refers to the date when the election of the BSK officials will be held. The term of office may be any number of years during which the officer may hold office while the election date is the fixed date when the election of BSK officials shall be held.

The same distinction can be said with respect to the commencement date of the term of office of the elected BSK officials and the holding over of incumbent BSK officials until their successors shall have been elected and qualified. Together, I find that these two subjects, while reasonably related to each other, are distinct from the term of office of BSK officials. They cannot be reasonably predicted from the title of RA 12232 nor can they be considered ancillary to the term of office of BSK officials.

Another, RA 12232 effectively amends RA 9164, as amended by RA 11462. Under RA 9164, as amended by RA 11462, the election date is set on the first Monday of December 2025 and every three years thereafter. This means that under RA 11462, there shall be a BSK election every three years from the 2nd Monday of December 2025 which therefore implies that the term of office of BSK officials shall likewise be three years. Under RA 12232, the term of office of BSK officials shall be four years. Evidently, the four year-term under RA 12232 cannot be reconciled with the every-three-years election period under RA 11462. This apparent incongruity means that the RA 12232 intends to repeal altogether RA 9164, as amended, and not just set the term of office of BSK officials, yet the same is not reflected in the title thereof.

RA 12232 failed to comply with the guidelines set in Macalintal v. COMELEC

Finally, I submit that the setting of the date of the election to a date later than the 1st Monday of December 2025 under existing laws is a postponement of the elections that failed to comply with the guidelines set in Macalintal v. Comelec.

Under RA 9164, as amended by RA 11462, the BSK election shall be held on the first Monday of December 2025. Under RA 11232, the BSK elections is set to the first Monday of November 2026. Evidently, RA 11232 sets the date of the BSK elections to a date later than the first Monday of December 2025.

Regardless of how the ponencia wants to present it, RA 12232 is in essence a postponement of the BSK elections as it sets the election date to a date later than that provided under RA 9164, as amended by RA 11462. Notably, it can be observed that the Members of the House of .Representatives and the Senate generally understood this setting of a different election date to be a postponement of the elections and intended the elections to be so postponed to a later date.[33] As a postponement legislation, it must comply with the guidelines set by the Court in Macalintal v. COMELEC,[34] viz.:<l before="" the="" date="" of="" assumption="" into="" office="" a="" winning="" candidate.="" here,="" as="" congress="" determines="" start="" new="" term="" bsk="" officials="" to="" be="" on="" december="" 2026,="" election="" could="" scheduled="" within="" period="" where="" is="" given="" sufficient="" leeway="" for="" comelec="" allowable="" time="" tally="" all="" votes="" and="" proclaim="" candidates.="" this="" implication="" fixing="" when="" shall="" commence,="" which="" in="" turn,="" necessarily="" flows="" from="" power="" by="" constitution="" set="" officials.

- The right of suffrage requires the holding of honest, genuine, regular, and periodic elections. Thus, postponement of the elections is the exception.

- The postponement of the elections must be justified by reasons sufficiently important, substantial, or compelling under the circumstances:

- The postponement must be intended to guarantee the conduct of free, honest, orderly, and safe elections;

- The postponement must be intended to safeguard the electorate's right of suffrage;

- The postponement must be intended to safeguard other fundamental rights of the electorate; or

- Such other important, substantial, or compelling reasons that necessitate the postponement of the elections, i.e., necessitated by public emergency, but only if and to the extent strictly required by the exigencies of the situation.

- Reasons such as election fatigue, purported resulting divisiveness, shortness of existing term, and/or other superficial or farcical reasons, alone, may not serve as important, substantial, or compelling reasons to justify the postponement of the elections. To be sufficiently important, the reason for the postponement must primarily be justified by the need to safeguard the right of suffrage or other fundamental rights or required by a public emergency situation.

- The electorate must still be guaranteed an effective opportunity to enjoy their right of suffrage without unreasonable restrictions notwithstanding the postponement of the elections.

- The postponement of the elections is reasonably appropriate for the purpose of advancing sufficiently important, substantial, or compelling governmental reasons.

- The postponement of the elections must be based on genuine reasons and only on objective and reasonable criteria.

- The postponement must still guarantee that the elections will be held at regular periodic intervals that are not unduly long.

- The intervals must still ensure that the authority of the government continues to be based on the free expression of the will of the electorate.

- Holding the postponed elections at a date so far remote from the original elections date may serve as badge of the unreasonableness of the interval that may render questionable the genuineness of the reasons for the postponement.

- The postponement of the elections is reasonably narrowly tailored only to the extent necessary to advance the government interest.

- The postponement must not violate the Constitution or existing laws.[35]

To my mind, the postponement of the BSK elections under RA 12232 miserably failed to comply with the foregoing guidelines. First, as adverted to earlier, the postponement is not justified by reasons sufficiently important, substantial, or compelling under the circumstances. Second, the postponement does not appear to be reasonably appropriate for the purpose of advancing sufficiently important, substantial, or compelling governmental reasons. And third, the postponement violated the due process clause and Article VI, Section 26(1) of the Constitution.

ACCORDINGLY, I VOTE to GRANT the petitions and declare Republic Act No. 12232 UNCONSTITUTIONAL for violating the due process clause, Article VI, Section 26(1) of the Constitution, and

the guidelines set in Macalintal v. Comelec.

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[1] 943 Phil. 212, 317-318 (2023) [Per J. Kho, Jr., En Banc].

[2] See Petitions in G.R. Nos. E-02002, E-02010, & E-02142.

[3] See Petitions in G.R. Nos. E-02002 & E-02142.

[4] See Petitions in G.R. Nos. E-02002, E-02010, E-02142, & E-02276.

[5] See Petitions in G.R. No. E-02010 & E-02142.

[6] See Petition in G.R. No. E-02010.

[7] See Petition in G.R. No. E-02276.

[8] 1987 CONSTITUTION, Art. X, Sec. 8.

[9] 943 Phil. 212 (2023) [Per J. Kho, Jr., En Banc].

[10] Id. at 238.

[11] Id.

[12] Id. at 239.

[13] Id. at 253.

[14] Id. at 222.

[15] See id. at 254.

[16] Id. at 225.

[17] Id. at 226, citing the Dissenting Opinion of Associate Justice Reynato S. Puno in Tolentino v. COMELEC, 465 Phil. 385 (2004) [Per J. Carpio, En Banc].

[18] Id. at 253, citing Kida v. Senate of the Philippines, 675 Phil. 316, 361 (2011) [Per J. Brion, En Banc].

[19] Id. at 254.

[20] Id. at 255.

[21] Id.

[22] Id. at 255-256.

[23] See Senate Journal No. 35 dated December 9, 2024, pp. 59-65; Senate Journal No. 39 dated December 17, 2024, p. 61; and Senate Journal No. 41 dated January 14, 2025, p. 10-14. See also House Bill No. 11287 and Senate Bill No. 2186.

[24] See Saint Wealth, Ltd. V. Bureau of Internal Revenue, 918-B Phil. 1110, 1154-1157 (2021) [Per J. Gaerlan, En Banc].

[25] 66 Phil. 483 (1938) [Per J. Abad Santos, En Banc].

[26] See Dissenting Opinion of Associate Justice Pedro Concepcion citing Central Capiz v. Ramirez (40 Phil. 883, 889-891 [1920] [Per J. Johnson, First Division]), in The Government of the Philippine Islands v. The

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Hongkong and Shanghai Bank Corporation, id.

[27] Id.

[28] 918-B Phil. 1110, 1154-1157 (2021) [Per J. Gaerlan, En Banc].

[29] 463 Phil. 179, 198 (2003) [Per J. Callejo, Sr., En Banc].

[30] Saint Wealth, Ltd. V Bureau of Internal Revenue, 918-B Phil. 1110, 1154-1155 (2021) [Per J. Gaerlan, En Banc].

[31] Id. at 1155, citing Atitiw v. Zamora, 508 Phil. 321, 335 (2005) [Per J. Tinga, En Banc], viz:

> The rationale against inserting a rider in an appropriations bill under the specific appropriation clause embodied in Section 25(2), Article VI of the Constitution is similar to that of the "one subject in the title clause provided in Section 26(1) also of Article VI, which directs that every provision in a bill must be germane or has some reasonable relation to the subject matter as expressed in the title thereof. The unity or the subject matter of a bill is mandatory in order to prevent hodge-podge or log-rolling legislation, to avoid surprise or fraud upon the legislature, and to fairly appraise the people of the subjects of legislation that are being considered. (Emphasis in the original)

[32] Macalintal v. COMELEC, 943 Phil. 212, 308 (2023) [Per J. Kho, Jr., En Banc]. (Citation omitted)

[33] See 19th Congress, 3RS, v.3, R35, January 27, 2025 (Monday) p. 38-45; Senate Journal No. 34, December 4, 2024, pp. 7-10; and Senate Journal No. 35, December 9, 2024, pp. 59-65.

[34] Macalintal v. COMELEC, 943 Phil. 212 (2023) [Per J. Kho, Jr., En Banc].

[35] Id. at 317-318.

DISSENTING OPINION
SINGH, J.:

I dissent from the majority opinion on two points.

Firstly, as to the Petition-In-Intervention, filed by the Liga ng mga Barangay sa Pilipinas and Punong Barangays Maria Katrina Jessica G. Dy, Ma. Martina L. Gimenez, Robert J. De Lara, Elmo D. Ragandang, Allan V. Leuterio, Alexberto B. Ompoc, Romel P. Virtuzado, Michael P. Cailing, Francisco T. Longkiao, Eric T. Canoy, Tara Camille Lim Raffiñan, Renan P. Joromo, Celso B. Hugo, Francisco M. Laihee, Marlo L. Tabac, Moises R. Bartolome, Antonio C. Lamug, Modesto M. Arreola, Jr., Rey G. Tamundong, Rico F. Guzman, Cornelio D. De Gracia, Carlos T. Mondala, Norence A. Pascual, Rolly C. Salvador, Jojie A. Sarandi, Julie Ann T. Roque, Tirso B. Guieb, Berlinda C. Vallejos, Roden P. Mangaoil, Michael M. Matusalem, Villamor S. Galam, Jr., Frederick C. Sabado, Marlin U. Pascual, Timoteo V. Tolentino, Renante P. Jacinto, Cesar A. Corpuz, Efren L. Matias, Alfredo C. Nabugen, Joseph Harold Pimentel, Apolinario S. Parnacio, Jr., Feliciano A. Tolentino, Alexander D. Asuncion, Ericson P. Guray, Eddie L. Yaranon, Judith P. Lagmay, Cesar G. Florendo, Reynaldo V. Duguilan, Betty A. Ngipol, Martino V. Salas, Jr., Melchor R. Salum, and Virgo Cham-Ag (LNB, et al.). The ponencia denies the Petition-In-Intervention of LNB, et al. on the following grounds: (a) these individuals were not duly authorized by their respective principals to sue on their behalf; (b) there is no proof that the barangays, as local government units, have direct and immediate interest in the outcome of the case; and (c) there was also no showing that the particular individuals have any direct and immediate interest in the outcome of this particular litigation.

I respectfully disagree.

In their Petition-In-Intervention, LNB, et al. argue, among other things, that the legal issues to be resolved in this case touch on the issue of their terms of office, capacity to hold office, and eligibility to run for re-election.[1] As elected barangay officials, these concerns pointed out by LNB, et al. are matters that undeniably affect them. I submit that these assertions, therefore, sufficiently demonstrate a direct and immediate interest.

In contrast, the ponencia found direct and material interest in the standing of the rest of the petitioners, particularly lawyer Romulo Macalintal and the others, as taxpayers. Considering their official position, undeniably, the barangay officials will be among those primarily affected by the grant or denial of the Consolidated Petitions.

In any case, LNB et al. may also be granted the locus standi as voters, who show an obvious interest in the validity of the election law in question. On this basis, the Petition-In-Intervention should be allowed by the Court.

As the Court has explained in Macalintal vs. COMELEC (Macalintal):[2]

> In contrast with the traditional mode, the Court has relaxed the standing requirement in constitutional cases under the expanded mode by simply requiring a prima facie showing that the questioned governmental act violated the Constitution. Under our democratic and republican system of government, it is the sovereign Filipino nation who approved the Constitution and endowed it with authority. As such, any act that violates the Constitution effectively disputably shows an injury to the sovereign Filipino nation, who, collectively or individually, may therefore question the same before the courts. (Emphasis supplied)

On the substantive questions, I agree that Section 1 of Republic Act No. 12232, in setting the terms of office of the barangay and Sangguniang Kabataan (BSK) officials, is a valid and reasonable exercise of a constitutionally granted legislative discretion. Plainly, Article X, Section 8 of the 1986 Constitution empowers Congress to determine the terms of office of barangay officials by law. Thus, Section l of the law states that,

> Section 1. Term of Office. — The term of office of all elected barangay and Sangguniang Kabataan officials shall be four [ ] years. No elective barangay official shall serve for more than three [ ] consecutive terms in the same position. No elective Sangguniang Kabataan official shall serve for more than one [ ] term in the same position. Voluntary renunciation of office for any length of time shall not be considered as an interruption in the continuity of service for the full term for which the elective official was elected.

That being said, even if Republic Act No. 12232 is viewed as supposedly only a "term setting" law, it cannot be denied that it also has the ultimate effect of postponing the BSK elections (BSKE). Therefore, I humbly submit that the parameters for the postponement of elections set out by the Court in Macalintal apply.

It is a rule in statutory construction that every part of the statute must be interpreted with reference to the context, i.e., that every part of the statute must be considered together with the other parts, and kept subservient to the general intent of the whole enactment. Because the law must not be read in truncated parts, its provisions must be read in relation to the whole law. The statute's clauses and phrases must not, consequently, be taken as detached and isolated expressions, but the whole and every part thereof must be considered in fixing the meaning of any of its parts in order to produce a harmonious whole. Consistent with the fundamentals of statutory construction, all the words in the statute must be taken into consideration in order to ascertain its meaning.[3]

In this case, Republic Act No. 12232, entitled An Act Setting the Term of Office of Barangay Officials and Members of the Sangguniang Kabataan, and For Other Purposes, while bearing no mention of postponement in its provisions, still does in fact have the same effect of delaying the BSKE originally scheduled for December 2025 to November 2026.

Sections 2 to 4 of Republic Act No. 12232, reads:

> Section 2. Date of Election. — The next regular barangay and Sangguniang Kabataan elections shall be held on the first Monday of November 2026 and every four [ ] years thereafter.
>
> Section 3. Assumption of Office. — The term of office of barangay official and members of the Sangguniang Kabataan elected after the effectivity of this Act shall commence on the first day of December next following their election.
>
> Section 4. Hold-Over. — All incumbent barangay officials and members of the Sangguniang Kabataan shall remain in the office unless sooner removed or suspended for cause until their successors shall have been elected and qualified.

The ponencia argues that when Republic Act No. 12232 set the next BSKE in November 2026, or about one year from the originally scheduled BSKE of December 2025, the postponement is simply an effect, and not the primary purpose of the law. The ponencia's reasoning implies that the postponement caused by the law is not intentional, but only a "logical" effect, therefore, the law cannot be subject to the requirements under the Macalintal Guidelines, rationalizing that to do so would be to restrict the power of Congress to set the terms of offices of barangay and SK officials, and when this term of office begins or ends.

However, even if it is not its primary purpose nor the operative provision in the law's language, the resulting postponement of elections cannot be divorced from the rest of the text of Republic Act No. 12232. The postponement of any election must be strictly scrutinized, whatever the circumstances may be that purportedly justifies or causes a delay in the exercise of the people's right to suffrage. Macalintal must hold sway.

In Macalintal,[4] the Court provided a set of criteria to determine the validity of any future law or rule postponing elections, thus:

> To summarize, the following criteria shall serve as guidelines in the determination of the validity of any future laws or rules postponing elections:
>
> 1.
>
> The right of suffrage requires the holding of honest, genuine, regular, and periodic elections. Thus, postponement-of the elections is the exception.
>
> 2.
>
> The postponement of the elections must be justified by reasons sufficiently important, substantial, or compelling under the circumstances:
>
> a.
>
> The postponement must be intended to guarantee the conduct of free, honest, orderly, and safe elections;
>
> b.
>
> The postponement must be intended to safeguard the electorate's right of suffrage;
>
> c.
>
> The postponement must be intended to safeguard other fundamental rights of the electorate; or
>
> d.
>
> Such other important, substantial, or compelling reasons that necessitate the postponement of the elections, i.e., necessitated by public emergency, but only if and to the extent strictly required by the exigencies of the situation.

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i.

Reasons such as election fatigue, purported resulting divisiveness, shortness of existing term, and/or other superficial or farcical reasons, alone, may not serve as important, substantial, or compelling reasons to justify the postponement of the elections. To be sufficiently important, the reason for the postponement must primarily be justified by the need to safeguard the right of suffrage or other fundamental rights or required by a public emergency situation.

3.

The electorate must still be guaranteed an effective opportunity to enjoy their right of suffrage without unreasonable restrictions notwithstanding the postponement of the elections.

4.

The postponement of the elections is reasonably appropriate for the purpose of advancing sufficiently important, substantial, or compelling governmental reasons.

a.

The postponement of the elections must be based on genuine reasons and only on objective and reasonable criteria.

b.

The postponement must still guarantee that the elections will be held at regular periodic intervals that are not unduly long.

i.

The intervals must still ensure that the authority of the government continues to be based on the free expression of the will of the electorate.

ii.

Holding the postponed elections at a date so far remote from the original elections date may serve as badge of the unreasonableness of the interval that may render questionable the genuineness of the reasons for the postponement.

c.

The postponement of the elections is reasonably narrowly tailored only to the extent necessary to advance the government interest.

5.

The postponement must not violate the Constitution or existing laws. (Emphasis supplied)

In this case, while Republic Act No. 12232 purports to simply set the new terms of office of barangay officials, why do these new terms of office necessitate the postponement of the election in the first place? If there is indeed a perfectly justifiable reason to delay the BSKE, why does the postponement require 11 months? These questions underpin the same concern that the Court expressed in the Macalintal case: that the postponement of any election should be the exception, not the rule.

It is therefore self-defeating to adopt the ponencia's view that because it is not a law entitled as a "postponement," or for that matter, amendatory of Republic Act No. 9164, then the Macalintal Guidelines will not apply. It would then be so easy to defy these Guidelines and disregard the people's right to suffrage.

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There is also no clear justification in the law that provides a compelling reason for postponement, or the objective and reasonable criteria that led to the conclusion that the necessary period of postponement should be 11 months. In the Consolidated Comment of the Office of the Solicitor General, as summarized in the ponencia,[5] they offer the following reasons, which fail to persuade:

> The OSG likewise aver that the term-setting provision was enacted in pursuit of a legitimate public purpose, i.e., mitigating typhoon risks, logistical issues, and decoupling the BSKE from the national and local elections. It also insist that the consequences of the term-lengthening provision of the law, i.e., the one year postponement of the BSKE and the holdover of incumbent officials to their elective positions, was a logical result of the primary intent of the law and does not violate the people's right to regular and periodic elections. (Emphasis supplied; citations omitted)

I maintain my position in Macalintal. The standard of strict scrutiny should be applied in cases involving election postponements given how imperatively fundamental the right of suffrage is for any people who proclaim to live under the rule of democracy.[6]

In Republic Act No. 12232, because the next BSKE elections have been set in November 2026, the electorate, who rightly and legally expect an election in 2025, will have to wait for, at least, 11 months. Meanwhile, incumbent officials are also allowed to holdover power after December 2025 until at least November 2026. These effects are not merely incidental. Under strict scrutiny, the danger brought about by these incidents must be understood by projecting their effects to the logical conclusion: in the future, Congress may simply choose to defer, postpone and delay the people's right to suffrage in the guise of term-setting laws. This would also allow Congress to perpetuate political allies in power, beyond their constitutionally decreed terms. This is precisely the harm that the Court chose to defend against with the Macalintal Guidelines.

I believe that the time when the right to suffrage is exercised, which is necessarily the time when elections are statutorily to be held, is not a mere "incident" that can be made to stand apart from the "core" of the right to suffrage. Rather, it is part and parcel so as to be nearly indistinguishable from the right of suffrage itself, and it cannot be gainsaid that the unhampered, i.e., the timely, exercise of the right of suffrage is the very foundation of the democratic and republican character of our nation.[7]

At the very least, election postponements, particularly when hold-over provisions are employed, cannot be considered anything other than a direct infringement on the right of suffrage. And this must be always met with strict scrutiny.[8]

The reason for this is, to me, self-evident: when the right to vote is hampered by an election postponement, and "elective" officials remain in power beyond the limited mandate given to them by virtue of duly held democratic elections, this is a breach of the sacred contract whereby the people surrender, for a duration specifically limited in time, a portion of their sovereign power to the people they choose.[9]

Ultimately, it is the naked continuance in power of "elective" officials who no longer serve by explicit mandate of the people, however such continuance might be designated or attempted to be clothed with legality, that lies at the very heart of the claim of disenfranchisement.[10]

All told, Sections 2 and 4 of Republic Act No. 12232, which, for all intents and purposes, postponed the BSKE to November 2026 and set the date of assumption of office of winning candidates to December (of 2026) are constitutionally infirm. Even couched within a term-setting law, the postponement of elections must always be scrutinized with the same exacting standard. This case further clarifies that election postponement, if proven to be justified, must also be tailor-fit to the government interest that justifies it.

Therefore, absent any compelling State interest or reason, I respectfully submit that the BSKE originally scheduled for December 2025 must be held as scheduled, the new terms of offices notwithstanding.

Nevertheless, we have recognized in the past that certain operative facts may have already come to pass that would render it impossible, if not impracticable, for the COMELEC to conduct, in this case, the BSKE in December 2025. Following Macalintal, however, any postponement of the elections should be reasonably narrowly tailored only to the extent necessary.

Accordingly, I vote to PARTLY GRANT the Consolidated Petitions and to DECLARE UNCONSTITUTIONAL Sections 2 and 4 of Republic Act No. 12232.

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[1] The Petition-In-Intervention by LNB, et al. provides that:

> 57. As Punong Barangays who are members of the Liga representing the interest of all barangays, any issue on their term, schedule of the next elections, capacity to hold office, and eligibility to run for re-election, directly affects the Liga, and its members and officials. They cannot sit idly by and just wait for the decision of this Honorable Court. Their views must be ventilated, heard and put on record.
>
> The Movants-Intervenors' legal interest in this proceeding cannot be fully protected or addressed unless they are allowed to intervene and actively participate in the resolution of the issues pending before this Honorable Court.
>
> a. The Movants-Intervenors were duly elected on the strength of the unconstitutionality of Republic Act No. 11935.
>
> b. [Republic Act No.] 11935 having been declared unconstitutional, Punong Barangay-Movants-Intervenors were elected with a term of three [ ] years, which they are supposed to serve until October 2026, but will only occupy their positions until December 2025 if the scheduled elections will push through.
>
> c. If the BSK elections are held in December 2025, this would result to the Punong Barangays-Movants-Intervenors only serving their respective offices for two [ ] years. (Emphasis supplied)

[2] 943 Phil. 212 (2023) [Per J. Kho, Jr., En Banc].

[3] Philippine International Trading Corporation v. COA, 635 Phil. 447, 454 (2010) [Per J. Perez, En Banc].

[4] Id.

[5] Ponencia, p. 13.

[6] J. Singh, Separate Opinion in Macalintal v. COMELEC, 943 Phil. 212, 419 (2023).

[7] Id.

[8] Id.

[9] Id.

[10] Id.

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