

EULOGIO RODRIGUEZ, SR. ETC., ET AL., PETITIONERS, VS. VICENTE GELLA, ETC., ET AL., RESPONDENTS

G. R. No. L-6266. February 02, 1953

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/fb9f5f6c5f2a/>

PARAS, C.J.:

As a fitting foreword, it may be recalled that on a previous occasion, on August 26, 1949 to be exact, this court had already passed upon the status of Commonwealth Act No. 671, approved on December 16, 1941, "declaring a state of total emergency as a result of war involving the Philippines and authorizing the President to promulgate rules and regulations to meet such emergency." Five members held that the Act ceased to be operative in its totality, on May 25, 1946 (when the Congress met in regular session) according to Justices Ozaeta, Feria, Tuason and the writer, and on June 9, 1945 (when the Congress convened in special session) according to Chief Justice Moran. Justices Bengzon, Padilla, Montemayor, Reyes and Torres in effect concluded that the powers delegated to the President had been withdrawn as to matters already legislated upon by the Congress or on which the latter had demonstrated its readiness or ability to act. Executive Orders No. 62 (dated June 21, 1947) regulating house and lot rentals, No. 192 (dated December 24, 1948) regulating exports, Nos. 225 and 226 (dated June 15, 1949) the first appropriation funds for the operation of the Government from July 1, 1949 to June 30, 1950, and the second appropriating funds for election expenses in November, 1949, were therefore declared null and void for having been issued after Act No. 671 had lapsed and/or after the Congress had enacted legislation on the same subjects.[1]

More or less the same considerations that influenced our pronouncements of August 26, 1949 are and should be controlling in the case now before us, wherein the petitioners seek to invalidate Executive Orders Nos. 545 and 546 issued on November 10, 1952, the first appropriating the sum of P37,850,500 for urgent and essential public works, and the second setting aside the sum of P11,367,600 for relief in the provinces and cities visited by typhoons, floods, droughts, earthquakes, volcanic action and other calamities.

Section 26 of Article VI of the Constitution provides that "in times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy." Accordingly the National Assembly passed Commonwealth Act No. 671, declaring (in section 1) the national policy that "the existence of war between the United States and other countries of Europe and Asia, which involves the Philippines makes it necessary to invest the President with extraordinary powers in order to meet the resulting emergency," and (in section 2) authorizing the President, "during the existence of the emergency, to promulgate such rules and regulations as he may deem necessary to carry out the national policy declared in section 1."

As the Act was expressly in pursuance of the constitutional provision, it has to be assumed that the National Assembly intended it to be only for a limited period. If it be contended that the Act has not yet been duly repealed, and such step is necessary to a cessation of the emergency powers delegated to the President, the result would be obvious unconstitutionality, since it may never be repealed by the Congress, or if the latter ever attempts to do so,

the President may wield his veto. This eventuality has in fact taken place when the President disapproved House Bill No. 727, repealing all Emergency Powers Acts, The situation will make the Congress and the President or either as the principal authority to determine the indefinite duration of the delegation of legislative powers,—in palpable repugnance to the constitutional provision that any grant there-under must be for a limited period, necessarily to be fixed in the law itself and not dependent upon the arbitrary or elastic will of either the Congress or the President.

Although House Bill No. 727, had been vetoed by the President and did not thereby become a regular statute, it may at least be considered as a concurrent resolution of the Congress formally declaring the termination of the emergency powers. To contend that the Bill needed presidential acquiescence to produce effect, would lead to the anomalous, if not absurd, situation that, "while Congress might delegate its powers by a simple majority, it might not be able to recall them except by two-third vote. In other words, it would be easier for Congress to delegate its powers than to take them back. This is not right and is not, and ought not to be the law." [2]

Act No. 671 may be likened to an ordinary contract of agency, whereby the consent of the agent is necessary only in the sense that he cannot be compelled to accept the trust, in the same way that the principal cannot be forced to keep the relation in eternity or at the will of the agent. Neither can it be suggested that the agency created under the Act is coupled with interest.

The logical view consistent with constitutionality is to hold that the powers lasted only during the emergency resulting from the last world war which factually involved the Philippines when Act No. 671 was passed on December 16, 1941. That emergency, which naturally terminated upon the ending of the last world war, was contemplated by the members of the National Assembly on the foresight that the actual state of war could prevent it from holding its next regular session. This is confirmed by the following statement of President Quezon: "When it became evident that we were completely helpless against air attack and that it was most unlikely the Philippine Legislature would hold its next regular session which was to open on January 1, 1942, the National Assembly passed into history approving a resolution which reaffirmed the abiding faith of the Filipino people in, and their loyalty to, the United States. The Assembly also enacted a law granting the President of the Philippines all the powers that under the Philippine Constitution may be delegated to him in time of war." [3] When President Quezon said "in time of war", he undoubtedly meant such factual war as that then raging.

As early as July 26, 1948, the Congress categorically declared that "since liberation conditions have gradually returned to normal, but not so with regard to those who have suffered the ravages of war and who have not received any relief for the loss and destruction resulting therefrom," and that "the emergency created by the last war as regards these war sufferers being still existent, it is the declared policy of the state that as to them the debt moratorium should be continued in force in a modified form." [4] It is important to remember that Republic Act No. 342 in which this declaration was made bore the approval of the President. Indeed, the latter in his speech delivered on July 4, 1949, plainly proclaimed that "what emergencies it (the Republic) faces today are incidental passing rains artificially created by seasonal partisanship, very common among democracies but will disappear with the rains that follow the thunderclaps not later than November 8 of this year,"—an admission, that such emergencies not only are not total but are not the result of the last war as envisaged in Act No. 671.

If more is necessary to demonstrate the unmistakable stand of the legislative department on the alleged existence of emergency, reference may be had to House Bill No. 727, hereinbefore referred to, repealing all Emergency Powers Acts.

Moreover, section 26 of Article VI of the Constitution, in virtue of which Act No. 671 was passed, authorizes the delegation of powers by the Congress (1) in times of war or (2) other national emergency. The emergency

expressly spoken of in the title and in section 1 of the Act is one "in time of war," as distinguished from "other national emergency" that may arise as an after-effect of war or from natural causes such as widespread earthquakes, typhoons, floods, and the like. Certainly the typhoons that hit some provinces and cities in 1952 not only did not result from the last world war but were and could not have been contemplated by the legislators. At any rate, the Congress is available for necessary special sessions, and it cannot let the people down without somehow being answerable thereover.

As a matter of fact, the President, in returning to the Congress without his signature House Bill No. 727, did not invoke any emergency resulting from the last world war, but only called attention to an impending emergency that may be brought about by present complicated and troubled world conditions, and to the fact that our own soldiers are fighting and dying in Korea in defense of democracy and freedom and for the preservation of our Republic. The emergency thus feared cannot, however, be attributed to the war mentioned in Act No. 671 and fought between Germany and Japan on one side and the Allied Powers on the other; and indications are that in the next world war, if any, the communist countries will be aligned against the democracies. No departure can be made from the national policy declared in section 1 of Act No. 671. New powers may be granted as often as emergencies contemplated in the Constitution arise.

There is no point in the argument that the Philippines is still technically at war with Japan pending the ratification of the peace treaty. In the first place, Act No. 671 referred to a factual war. In the second place, the last world war was between the United States and Japan, the Philippines being involved only because it was then under American sovereignty. In the third place, the United States had already signed the peace treaty with Japan, and the Philippines has become an independent country since July 4, 1946.

It is pointed out that the passage of House Bill No. 727 is inconsistent with the claim that the emergency powers are non-existent. But, from the debates in the House, it is patent that the Bill had to be approved merely to remove all doubts, especially because this Court had hereto-fore failed, for lack of necessary majority, to declare Act No. 671 entirely inoperative.

Reliance is placed on the petition of about seventy Congressmen and Senators and on House Resolution No. 99, urging the President to release and appropriate funds for essential and urgent public works and for relief in the typhoon-stricken areas. It is enough to state, in reply, that the said petition and resolution cannot prevail over the force and effect of House Bill No. 727 formally passed by two chambers of the Congress. If faith can be accorded to the resolution of one house, there is more reason for accepting the solemn declaration of two houses.

Even under the theory of some members of this court that insofar as the Congress had shown its readiness or ability to act on a given matter, the emergency powers delegated to the President had been pro tanto withdrawn, Executive Orders Nos. 545 and 546 must be declared as having no legal anchorage. We can take judicial notice of the fact that the Congress has since liberation repeatedly been approving acts appropriating funds for the operation of the Government, public works, and many other purposes, with the result that as to such legislative task the Congress must be deemed to have long decided to assume the corresponding power itself and to withdraw the same from the President. If the President had ceased to have powers with regards to general appropriations, none can remain in respect of special appropriations; otherwise he may accomplish indirectly what he cannot do directly. Besides, it is significant that Act No. 671 expressly limited the power of the President to that of continuing "in force" appropriations which would lapse or otherwise become inoperative, so that, even assuming that the Act is still effective, it is doubtful whether the President can by executive orders make new appropriations. The specific power "to continue in force laws and appropriations which would lapse or otherwise become inoperative" is a limitation on the general power "to exercise such other powers as he may deem necessary to enable the Government to fulfill its responsibilities and to maintain and enforce its authority."

Indeed, to hold that although the Congress has, for about seven years since liberation, been normally functioning and legislating on every conceivable field, the President still has any residuary powers under the Act, would necessarily lead to confusion and overlapping, if not conflict.

Shelter may not be sought in the proposition that the President should be allowed to exercise emergency powers for the sake of speed and expediency in the interest and for the welfare of the people, because we have the Constitution, designed to establish a government under a regime of justice, liberty and democracy. In line with such primordial objective, our Government is democratic in form and based on the system of separation of powers. Unless and until changed or amended, we shall have to abide by the letter and spirit of the Constitution and be prepared to accept the consequences resulting from or inherent in disagreements between, inaction or even refusal of the legislative and executive departments. Much as it is imperative in some cases to have prompt official action, deadlocks in and slowness of democratic processes must be preferred to concentration of powers in any one man or group of men for obvious reasons. The framers of the Constitution, however, had the vision of and were careful in allowing delegation of legislative powers to the President for a limited period "in times of war or other national emergency." They had thus entrusted to the good judgment of the Congress the duty of coping with any national emergency by a more efficient procedure; but it alone must decide because emergency in itself cannot and should not create power. In our democracy the hope and survival of the nation lie in the wisdom and unselfish patriotism of all officials and in their faithful adherence to the Constitution.

Wherefore, Executive Orders Nos. 545 and 546 are hereby declared null and void, and the respondents are ordered to desist from appropriating, releasing, allotting, and expending the public funds set aside therein. So ordered, without costs.

Feria, Pablo, and Tuason, JJ., concur.

Bengzon, J., concurs in the result.

[1] Emergency Powers cases, decided on August 26, 1949, 45 Off. Gaz., pp. 4411-4478.

[2] Emergency Powers Cases, *supra*, opinion of Mr. Justice Tuason, quoting the following from Corwin, President: Office and Powers, 1948 ed., p. 160: "It is generally agreed that the maxim that the legislature may not delegate its powers signifies at the very least that the legislature may not abdicate its powers. Yet how, in view of the scope that legislative delegations take nowadays, is the line between delegation and abdication to be maintained? Only, I urge, by rendering the delegated powers recoverable without the consent of the delegate; * *

*,."

[3] The Good Fight, pp. 204-205.

[4] Sec. 1, Republic Act No. 342, approved on July 26, 1948.

CONCURRING

PADILLA, J.,

"All appropriation, revenue or tariff bills * * * shall originate exclusively in the House of Representatives, but the Senate may propose or concur with amendments." [1] "No money shall be paid out of the Treasury except in pursuance of an appropriation made by law." [2] The authority or power to appropriate government funds to be spent for public purposes is lodged exclusively in the Congress because it is purely and essentially a legislative

function. The legislative power to appropriate government funds for public purposes lodged exclusively in the Congress may, however, be delegated to the President "in times of war or other national emergency," "for a limited period and subject to such restrictions as it may prescribe," "to carry out a declared national policy." [3] This constitutional provision has no counterpart in the Constitution of the United States of America and in those patterned after it. Under this provision of the Constitution several emergency powers acts, notably Com. Acts Nos. 600 and 671, were passed. [4] Being a deviation from the principle of separation of powers the delegation of legislative powers authorized by the Constitution may validly be made only by adhering strictly to its spirit and letter. Pursuant thereto the legislative authority or power to be granted or delegated to the President by the Congress must be "in times of war or other national emergency" and "for a limited period and subject to such restrictions as it may prescribe," and the Congress has to pass a law for that purpose. The reason why the Constitution is silent on or does not provide for the manner the delegation of legislative powers may be withdrawn, revoked or ended, is because if it is for a limited period it lapses at the end of the period and because if the war or other national emergency which prompted it ceases the delegation of legislative powers ceases also ipso facto. A law which delegates such powers to the President for an indefinite period would be unconstitutional because it is against the express provision of the Constitution. It would be an abdication of legislative powers. If the law which delegates legislative powers does not fix or provide for a period of time within or during which the President may exercise them and there is dispute or doubt as to whether the national emergency which prompted the Congress to pass the law delegating legislative powers to the President continues or has ceased, such dispute or doubt may be determined in an appropriate case by the courts. Another way of terminating such delegation is by the Congress itself which made the delegation. To withdraw, terminate or revoke the delegation of legislative powers to the President a concurrent resolution would be sufficient. [1] The concurrence of the President is superfluous and unnecessary, for if it be required then the law which delegated legislative powers to him would suffer from a fatal defect, vice, or infirmity which would render such delegation unconstitutional for lack of time limitation prescribed and ordained by the Constitution.

It is claimed that just as the delegation of legislative powers to the President is to be made by means of a law which requires the concurrence of the President, so the withdrawal, termination or revocation of the legislative powers delegated to him must also be with his concurrence and approval. The reason for the requirement that a law be passed to make the delegation of legislative powers valid and effective is the fact that whereas the Congress may deem it wise and expedient to make the delegation, the President may hold a different view. In other words, he has to concur and accept the powers delegated to him by the Congress. But when it comes to withdrawal, termination or revocation of the legislative powers delegated to him his concurrence or consent is not necessary. The absence of constitutional provision on how it should be done and carried out is not due to an oversight or to an intention of the members of the Constitutional Convention to require the concurrence of the President to make the revocation valid and effective, because, as heretofore stated, if such concurrence be required to make the revocation valid and effective, the law which delegated legislative powers to the President would or might offend against the very provision of the Constitution which requires and ordains that such delegation be for a limited period of time only, and because the refusal to concur in by a President bent on or inclined to continue exercising legislative powers delegated to him would result in a delegation of legislative powers, at least during his incumbency or tenure of office, regardless of whether the reason or reasons for the giant of the authority to exercise such legislative powers have ceased to exist.

It is contended, however, that in withdrawing, terminating or revoking the legislative powers delegated, to the President the Congress did so by passing a bill evincing its intention to have his assent, which he refused to give, and for that reason the revocation of the legislative powers delegated to him was ineffective for lack of such concurrence. To determine what the Congress intended when it passed the bill repealing the Emergency Powers

Acts—the Senate approved it unanimously—form must give way to substance. If the contention that in passing the bill repealing the Emergency Powers Acts the Congress intended to have the concurrence of the President be upheld, such a construction would render the bill contradictory in itself, because in the explanatory notes of H. No. 692 introduced by Congressman Roy and H. No. 727 by Congressman Zosa, upon which the consolidated bill passed is based, it is declared "that war had long ended," that "the need for the grant of such unusual powers to the President has disappeared," and that for that reason the Congress repealed all Emergency Powers Acts. The Congress could not have meant or intended to subordinate its opinion or judgment that the war had ended and that the national emergency had ceased to exist to that of the President, the legislative and not the executive being the department of the Government exclusively clothed or vested with the authority and power to make such a declaration. In passing the bill the Congress committed a mistake in the matter of form but not of substance because the latter is there in the explanatory note of the bill passed by both houses, to wit: "that war had long ended," that "the need for the grant of such unusual powers to the President has disappeared," and that for that reason it repealed all the Emergency Powers Acts. After the Congress had made that declaration the President could no longer exercise the legislative powers delegated to him. It was a complete and absolute revocation of the delegation of such powers. His veto of the bill could not and did not have the effect of reviving or continuing the delegation of legislative powers which had been revoked by the Congress, the only constitutional body empowered and authorized to make the revocation.

For these reasons I am of the opinion that Executive Orders Nos. 545 and 546 which appropriate government funds for public works and relief for the victims of typhoons in some provinces of the Republic are of no validity and legal effect because the President no longer had the authority to issue such executive orders under the Emergency Powers Act which had been withdrawn or revoked by the Congress. The writ of prohibition prayed for should be granted.

BENGZON, J.:

I have signed the majority opinion. But I also agree to the above views of Mr. Justice Padilla.

Labrador, J., concurs.

CONCURRING

REYES, J.,

It being repugnant to the spirit of the Constitution to let Commonwealth Act No. 671 degenerate into a grant in perpetuity of legislative powers to the Executive, and taking House Bill No. 727, approved by the Congress but vetoed by the President, as a for-the-record pronouncement on the part of the legislative branch of the Government that the emergency which impelled it to delegate, through the said Commonwealth Act, legislative powers to the President had already ceased, so that there was no longer any need for the exercise of those delegated powers, and, lastly, considering that said Act does not have to be repealed by another Act because, as an emergency measure, it repeals itself with the cessation of the emergency, I concur in this opinion of Mr. Justice Padilla.

CONCURRING

JUGO, J.,

In addition to the reasons set forth by Chief Justice Paras and Associate Justice Padilla, I would like to make a few brief remarks:

Section 26 of Article VI of the Philippine Constitution provides as follows:

"In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy."

Section 1 of Commonwealth Act No. 671, which is entitled "An Act Declaring a State of Total Emergency as a Result of War Involving the Philippines and Authorizing the President to Promulgate Rules and Regulations to Meet such Emergency," reads as follows:

"The existence of war between the United States and other countries of Europe and Asia, which involves the Philippines, makes it necessary to invest the President with extraordinary powers in order to meet the resulting emergency."

Section 2 of said Commonwealth Act No. 671 invoking section 26, Article VI, of the Constitution above-quoted, authorized the President during the existence of the emergency caused by said war to promulgate rules and regulations, etc.

Executive Order No. 545, dated November 10, 1952, appropriating funds for urgent and essential public works, states in its preamble, in justification of said order, that the Congress in its last special session had failed to appropriate funds for the immediate repairs and reconstruction of certain public buildings and public works, damaged by the recent typhoons, floods, and other calamities.

Executive Order No. 546, dated November 10, 1952; also declares as its cause that the Congress had failed in its last special session to provide funds for relief to the victims of the recent typhoons, floods, draughts, earthquakes, etc.

It will be seen that the authority given by the Constitution to the Congress to delegate certain legislative powers to the President was for a limited time. This was naturally so, because an emergency cannot be of a long, unlimited or indefinite duration, for otherwise it would not be an emergency.

Commonwealth Act No. 671 was passed on December 16, 1941. Executive Orders Nos. 545 and 546 were issued on November 10, 1952; that is, almost eleven years from the date Commonwealth Act No. 671 was enacted. It is hard to conceive of an emergency which has lasted almost eleven years.

The emergency contemplated by Commonwealth Act No. 671 was not the same emergency invoked in said executive orders, for, whereas Commonwealth Act No. 671 refers to the emergency created by the existence of war between the United States and other countries of Europe involving the Philippines, the executive orders above-mentioned deal with the damages wrought by the recent typhoons, earthquakes, volcanic eruptions, etc., and the failure of the Congress to provide funds for the repairs and reconstruction of damaged buildings and public works and for the relief of the victims. The recent typhoons, earthquakes, volcanic eruptions, etc. and the failure of the Congress to provide for them have nothing to do with the war mentioned in said Commonwealth Act No. 671 and are not the consequences of said war.

For the foregoing reasons, I concur in the majority opinion.

CONCURRING and DISSENTING**MONTEMAYOR, J.,**

With the majority I agree that Executive Orders Nos. 545 and 546,—the first appropriating P37,850,500 for urgent and essential public works, the second appropriating P11,367,600 for relief—are invalid, for the same reasons given by me in my dissenting opinion in cases G. R. Nos. L-2044,[*] L-2756,[*] L-3054-56[*] commonly called the "Emergency Cases of 1949", namely, that the Legislature had already withdrawn from the realm of presidential legislation or regulation under the emergency powers delegated by Commonwealth Act No. 671, the power to appropriate funds for the expenses of the Government and for other purposes.

To me, however, the more important point involved in the present case is not the validity of the two executive orders but rather the question of whether or not Commonwealth Act No. 671 is still in force, and whether or not the Chief Executive still has emergency powers under said Act. And the parties herein, not excluding the Chief Executive and the Legislature, it is to be presumed, want this point definitely settled. So, I proposed to devote the considerations in this modest dissenting opinion to this matter. The majority opinion states that in the emergency cases of 1949, five members of this tribunal held that Commonwealth Act No. 671 ceased to be operative. To complete the record, I may add that Mr. Justice Reyes in his concurring and dissenting opinion held that Commonwealth Act 671 was still in force. Mr. Justice Padilia concurred in that opinion. With the concurrence of Mr. Justice Torres in my concurring and dissenting opinion I also held that Commonwealth Act 671 was still in force. Mr. Justice Bengzon in his dissenting opinion in those emergency cases said that although he was favorably impressed by the reasons set forth by Mr. Justice Reyes and Mr. Justice Montemayor, he preferred not to vote on that particular point—the existence or non-existence of the emergency powers of the President. So that even if we do not include Mr. Justice Bengzon, we can correctly say that four justices voted in those emergency cases in favor of the existence of emergency powers of the President.

In those emergency cases of 1949 I prepared a more or less extensive opinion in support of the theory that Commonwealth Act No. 671 was still in force. I wish to embody said opinion in the present opinion by reference, without prejudice to reproducing portions of the same.

I agree with the majority that Commonwealth Act 671 was to be in force only for a limited period of time, otherwise it would be unconstitutional; and that that limited period was coextensive with the existence of the emergency. But I emphatically disagree with the majority when it says:

"That emergency, which naturally terminated upon the ending of the last world war, was contemplated by the members of the National Assembly on the foresight that the actual state of war would prevent it from holding its next regular session."

As regards the majority's view that emergency powers were delegated by Commonwealth Act 671 because due to emergency the National Assembly would be unable to hold its regular session, I discussed and I hope I refuted this theory in my dissenting opinion in the 1949 emergency cases and I take the liberty of quoting a pertinent portion thereof:

"I believe that, as I already had occasion to state though incidentally, the real reason for the delegation of legislative powers to the Chief Executive is not only because the Legislature is unable to meet due to a national emergency but also because although it could and does actually meet, whether in regular or special session, it is not in a position and able to cope with the problems brought about by and arising from the emergency, problems which require urgent and immediate action. Certainly, one man can act more quickly and expeditiously than about one hundred members of the Legislature, especially when they are divided into

Legislative chambers. That is why in times of emergency, much as we in democratic countries dislike the system or idea of dictatorship, we hear of food dictator, fuel dictator, transportation dictator, civilian evacuation dictator, etc., where the functions which ordinarily belong to a council or board or to a legislative body, are entrusted under certain limitations to one single official or individual.

"Supposing that during a national emergency and while the Legislature is in session, the legislators woke up one morning to find that there was extreme scarcity of imported foods, fuel, building materials, equipment required in agriculture and industry, etc., because of a monopoly, hoarding, injurious speculations, manipulations, private controls and profiteering, or that there were wide spread lockouts and strikes paralyzing transportation, commerce and industry, or rampant espionage or sabotage endangering the very life and security of the nation. How much time would it take the legislature to enact the necessary legislation in order to cope with the situation and pass the necessary emergency measures?

"We are all familiar with the practice and routine of enacting laws. A bill is introduced in the Legislature; it is referred to the corresponding committee, it is studied by said committee, which in some cases holds public hearings; the committee discusses the bill and sometimes introduces amendments; if the bill is not killed in the committee or shelved, it is submitted to the chamber for study, discussion, and possible amendment by all the members; it is finally voted and if approved, it is sent to the other house where it undergoes the same process; and if it is finally approved, by both houses of Congress, it is submitted to the Chief Executive for his study and approval or veto. All this may consume weeks or months as a result of which, ordinarily, many bills finally approved by Congress could be sent to the President for approval or veto only after adjournment of the legislative session. And we should not overlook the fact that in some cases for lack of time or due to disagreement among the legislators or between the two houses of Congress, important pieces of legislations like the annual appropriation law for the fiscal year 1949-50, appropriation of funds for the elections to be held in November, 1949, contained in Executive Orders Nos. 225 and 226, involved in the present cases, and the proposed amendment to the Election Code etc., have not been passed by Congress in its last session ending last May, 1949, which session lasted one hundred days. If we were to rely on the ordinary process of legislation to meet a national emergency, by the time the necessary and needed law is passed, the situation sought to be remedied, or the problem sought to be solved may have become disastrous or ended in calamity or gone beyond legislations or any remedy. It would be too late. It would be like locking the stable door after the horse had been stolen.

"Now, for some retrospect, The Philippine National Assembly delegated its legislative powers because of the existence of a state of national emergency as early as the year 1939. During its second special session of that year, it promulgated the following laws: (Commonwealth Acts Nos. 494, 496, 498 and 500).

"At that time, September, 1939, the second world war was only in Europe, quite far from the Philippines and had just begun. There was then no likelihood of the Philippines being involved in the war. In fact, the Philippines did not get involved in the war until more than two years, in December, 1941. The National Assembly was then free to meet either in regular or special session to enact legislation to meet the emergency. In fact, it met in regular session in January, 1940 lasting 100 days and in January, 1941 for another regular session of 100 days, excluding the several special sessions held during those two years. And yet the Assembly delegated legislative powers to the President under section 26, Article VI of the Constitution. This is clear proof that, contrary to the theory of the majority opinion, the legislature delegated legislative powers to the President even when it could meet and it actually met several times.

"After passing the Acts just mentioned delegating legislative powers to the President, the Assembly in its fourth special session on August 19, 1940 repeated and reiterated this practice and policy by passing Commonwealth Act No. 600 delegating additional and more extensive legislative powers to the President in spite of the fact that the war was still far away in Europe and there was no danger or prospect of involving the Philippines, and the legislature was still free to meet as in fact it met again in regular session in January, 1941. During its regular session begun that month and year, instead of stopping or ending the legislative powers

delegated to the President, because according to the theory of the majority opinion, the Legislature was able to meet, the Assembly allowed them to continue by passing Commonwealth Act No. 620 which merely amended section 1 of Commonwealth Act No. 600. I repeat that all this, far from supporting the view of the majority that the legislature delegated legislative powers to the President only because it could not meet, fairly and squarely refutes said view."

As to the proposition in the majority opinion that the emergency terminated with the war, I am afraid the majority confuses war with emergency. They are two different and separate things and events. Even the Constitution (Article VI, section 26) which for purposes of reference is reproduced below, considers war and emergency as separate and distinct:

"SEC. 26. In times of war or other national emergency, the Congress may by law authorize the President, for a limited period and subject to such restrictions as it may prescribe, to promulgate rules and regulations to carry out a declared national policy."

There may be a national emergency without a war. And so, when on the occasion of a war, a national emergency ensues and is recognized and declared by Congress, said emergency may continue even if and when the war that started it is ended. War may and generally create an emergency, but the emergency thus created does not necessarily end with the war. A war may last only several weeks or months but with the use of the modern weapons of warfare it may cause such devastation, desolation and national suffering and collapse not only economically but socially and morally that the resulting emergency may last for years. A destructive flood, tornado, tidal wave or volcanic eruption may last only minutes or hours but the destruction that it leaves in its wake may take weeks, months or years to repair, and the emergency thereby created may last that long.

To bolster its contention the majority cites President Quezon's book "The Good Fight" pp. 204—205, wherein he speaks of the powers delegated to him under the Constitution in time of war. I am afraid the citation proves nothing. He merely said that the delegation was made in time of war. He did not say or mean that the powers thus delegated were to be exercised only during the war. The main thing to be considered and which calls for the exercise of the powers delegated is the emergency, not the war that merely started or caused it. Commonwealth Act 671 itself in its section 2 says that the President will exercise his emergency powers during the existence of the emergency. It does not say during the existence of the war.

President Quezon is hardly the authority that the majority should quote to support its theory that emergency powers are given to the Chief Executive just because due to the emergency, the Legislature is unable to meet. It was President Quezon who was given emergency powers as early as 1939 under Commonwealth Acts Nos. 494, 496, 498 and 500 when the war was still far away in Europe and we were not yet involved and the National Assembly could still meet and actually did meet several times in two years, 1940 and 1941, in regular and special sessions, and during those two years when the National Assembly was holding its sessions, he was exercising his emergency powers and enacting legislation by means of Executive Orders. Evidently, he did not see any incompatibility in the grant and exercise of emergency powers with the ability of the Legislature to meet and in actually holding sessions, this, all contrary to the majority's contention.

Hostilities incident to the last Pacific war have long ended since 1945; it does not however necessarily mean that the emergency resulting from said war has ceased and that the disruption of trade and dislocation of the economy of the country, the destruction of public and private property, the breakdown in honesty and morality and the collapse of peace and order, all resulting from that war have disappeared, and that everything has returned to normalcy. In support of its theory that the emergency has ceased the majority makes reference to Republic Act 342 wherein it is stated that conditions have gradually returned to normal. But this same law clearly says that the emergency created by the last war as regards war sufferers who have not received any relief for the loss or

destruction resulting from the war, still exists and so postpones payment of their debts or monetary obligations contracted before the war, for a period of eight (8) years from and after the settlement of their war damage claims by the United States-Philippine War Damage Commission. In other words, the Congress of the Philippines believes that at least as regards war sufferers, the emergency resulting from the last war still exists, and will exist not only up to the time that their war damage claims are paid but for a period of eight years thereafter. This hardly supports the majority's theory that everything is normal, and that there no longer is any emergency because the war has long ended.

In connection with this question of whether or not there is still an emergency resulting from the last war and whether or not things and conditions have returned to normal, I permit myself to reproduce a portion of my dissenting opinion in the 1949 emergency cases:

"The last and logical question that one will naturally ask is: has the emergency resulting from the war passed or does it still exist? This is a fair and decisive question inasmuch as the existence of the emergency is, in my opinion, the test and the only basis of the operation or cessation of Act 671. The existence or non-existence of the emergency resulting from the war is a question of fact. It is based on conditions obtaining among the people and in the country and perhaps even near and around it. It is a highly controversial question on which people may honestly differ. There are those who in all good faith believe and claim that conditions have returned to normal; that the people have now enough to eat, sometimes even more than they had before the war; that people nowadays especially in the cities are better nourished and clothed and transported and better compensated for their labor, and that the President himself in his speeches, chats and messages had assured the public that normal times have returned, that the problem of peace and order had been solved, that the finances of the Government and the national economy are sound, and that there is an adequate food supply. It is, therefore, claimed that there is no longer any emergency resulting from the war.

"On the other hand, it is asserted with equal vehemence in the opposite camp that conditions are still far from normal; that the picture painted by the President in cheerful and reassuring colors is based on over optimism and, as to be expected, calculated to show in bold relief the achievements of the administration, and so should be considered with some allowance; that we are now importing more rice than before the war for the reason that many rice farms are idle because of the farmers fear of or interference by dissidents; that the problem of peace and order is far from solved as shown by the frequent hold-ups, kidnappings, lootings and killings and organized banditry not only in Luzon but also in the Visayas and Mindanao; that whereas before the war, the Constabulary force consisting of only about 6,000 officers and men could provide complete protection to life and property and was adequate in all respects to enforce peace and order, now this Constabulary enlarged to about 20,000 men, provided with modern weapons and equipment and with the aid of thousands of civilian guards and of the Philippine Army and Air Force cannot solve the peace and order problem; that the dissidents who are well organized, armed and disciplined even attack and sack towns and sometimes openly defy and engage the armed Government forces; that as long as more than 100,000 firearms are loose and in the hands of irresponsible parties, not excluding the seemingly regular mysterious supply to them of additional firearms and ammunitions, there can be no peace and order; and as to the barrio folk in central Luzon and now, even in provinces bordering central Luzon whose parents and relatives had been killed by dissidents, whose women folk had been, outraged by the same elements, whose homes had been looted and burned and whose very lives had been subjected to constant terror and peril, compelling them to leave their homes and their farms and evacuate to and be concentrated in the poblaciones to live there in utter discomfort and privation, it is said that it would be difficult to convince these unfortunate people that normalcy has returned and that there is no longer emergency resulting from the war. To further support the claim of the existence of an emergency, the menace of communism not only at home, particularly in central Luzon but from abroad, especially China, is invoked. And it is asserted that all this is a result of the war."

To the above are those who claim and will add that since 1949 up to the present time, although rehabilitation

progressed substantially, there are still many people who have not achieved rehabilitation. The economy of the country is still far from what it was before the war. It is being bolstered temporarily by the millions of pesos being received by war veterans, their widows and children in the form of pensions or insurance; by the millions being spent by the Mutual Security Agency (MSA) in the Philippines to rehabilitate agriculture, industry, commerce, etc.; by the millions being sent here by the United States in Avar materials, equipment, etc. in relation with the United States military aid to the Philippines, and with the enforcement of the Import Control, Exchange Control and other laws all of a temporary nature intended to temper and minimize the financial and economic crisis which otherwise would overwhelm the country. The coastwise trade is being maintained with ships originally built for and used during the war, converted provisionally into interisland freight and passenger boats; and land transportation specially in the centers of population like Manila is operated in great measure with vehicles (used jeeps) obtained from the Surplus Property Commission. Everything is on a provisional basis. What will happen after these boats and motor vehicles wear out and become junk? Could they be readily replaced by their owners or operators? Sunken boats will clutter the harbors of the country particularly Manila Bay, constituting a menace to navigation. Squatters in great numbers are still a problem, claiming that they have nowhere to go to live. Government and private buildings, and churches are still in ruins, tenanted by squatters. Intrarajaros, the walled city, in the very City of Manila is a living example of non-rehabilitation, with the hundreds and thousands of owners of lots therein either financially unable to reconstruct or prohibited from rebuilding until the Government has completed its plan about its reconstruction.

The War Damage Commission has paid war damage claims, it is true, but only a portion of the amounts of the claims; and with prices as they are and the low purchasing power of the peso, complete rehabilitation of war sufferers and substantial repair of the war damage is impossible. The country is claiming reparations from Japan in the amount of eight (8) billion dollars. It is not known if Japan can or will ever pay them and when. That is why the Legislature in Republic Act 342 wisely postponed payment of debts and monetary obligations of sufferers, not up to the payment of their war damage claims, but eight years thereafter, realizing perhaps that the amounts paid for war damage claims are inadequate to achieve complete rehabilitation. So the Legislature says that as to these war sufferers, the emergency still exists. And who has not suffered damage during the last war?

We have not yet completely risen from the low level into which we had sunk during and immediately after the war, in public and private morality, decency, honesty and personal integrity as witnessed by the more or less rampant misappropriations and defalcations by public officials, corruption and malfeasance, bribery, ten percentage, guerrilla recognition and veterans benefits rackets, dynamite fishing, etc.

When the President makes his inspections, especially in the troubled areas, he is escorted by contingents of fully armed soldiers, sometimes with machine guns and tanks. High officials of the Government using low plate numbers on their cars, use high plate numbers called "security plate numbers" when traveling in the provinces to minimize the danger of hold-ups and attacks by dissidents who are said to be after high government officials. People are advised not to travel at night over certain provincial highways, even national roads.

Peace and order still leaves much to be desired. In 1949 when the emergency cases were decided, five justices held the opinion that there no longer was any emergency. But conditions of peace and order actually worsened thereafter. There was an uprising or rebellion in Batangas by Medrano and his men after November, 1949, and it is said that unable to cope with the uprising and bring the rebels to justice the Government was compelled to offer them amnesty. Since 1949 the HUKS and the communists became stronger, in fact became so strong that they actually threatened the existence of the Government which was forced to increase its army and wage campaigns not only in the field but also in centers of population where it was able to arrest and prosecute those whom it claims to be high officials of the POLITBURO. In Sulu the Government waged an intensive campaign against

Kamlon and his men spending several million pesos and losing quite a number of soldiers and officers, with no decisive result, and it was only after Kamlon and his men had been promised executive clemency that they surrendered to the authorities, stood trial, were convicted and promptly pardoned. Some of Kamlon's relatives with their followers are said to be still in the mountains and forests and refuse to surrender unless offered the same conditions. Not long ago several hundred Chinese said to be dangerous communists were rounded up in several towns and cities in the Philippines. About two or three weeks ago, according to the papers the army authorities said that up to that time they had through confiscation, capture, surrender and purchase, been able to collect about 40,000 loose firearms but that there still remained about 100,000 more to be accounted for. The other day the Provincial Commander of Lanao said that he is faced with the problem of eliminating or capturing ten outlaw bands in the province with about 700 followers. The hold-ups, massacres, raids and ambushes in different provinces, even near Manila have not ceased. As long as over 100,000 loose firearms are still in the hands of lawless or irresponsible persons, there can be no complete peace and order in the country. Before the war about 5,000 Constabulary soldiers and officers with an appropriation of about three million pesos was able to maintain peace and order throughout the country. The Armed Forces of the Philippines including the Constabulary of the country in 1949 numbered 37,000. Realizing that this number was unable to maintain peace and order it was increased substantially so that in 1952, it went up to 56,000 men and officers with an appropriation of over P151,000,000, an amount "by far larger than the appropriation for the Department of Public Schools which gives instruction and education to School children and students. With the help of thousands of temporary and special policemen, civilian guards and commandos the army and the constabulary are still battling dissidents, communists and bandits. Hundreds and thousands of families from central Luzon, particularly Pampanga are still marooned in Manila, Baguio and other centers of population, unable and afraid to return to their homes, and a number of them more fearless and optimistic, who thought that peace and order in central Luzon had been restored, returned to their homes there but were kidnapped and liquidated. Farmers harvesting rice in some barrios in central Luzon have to be guarded by the armed forces so as not to be molested by the dissidents. Only yesterday the papers carried the news that 14,000 soldiers and officers have started an intensive campaign in central and southern Luzon against lawless elements. All this, many people still honestly believe.

Considering all this, one may well doubt that peace and order in the country has gone back to normal, and that there is no longer any emergency. And this emergency clearly is the result of the last war. The HUKS movement was born during that war and the hundreds of thousands of loose firearms were also released and distributed indiscriminately during that war. Lawlessness and banditry always follow a war, and it takes several years thereafter to restore peace and order.

In the face of all the foregoing which many regard as facts and realities, the majority without any data in the form of evidence received at a hearing or trial, but based perhaps on judicial notice and personal knowledge and observation holds that everything has gone back to normal and that there no longer is any emergency.

Personally, I cannot say that the emergency resulting from the last war still exists, but neither am I prepared to say that it no longer exists. It is such a controversial question upon which people may and could honestly differ. There are authorities to the effect that the existence or non-existence of an emergency calling for the exercise of emergency powers is a political question which can be decided only by the political department, and that the courts are not called upon, neither are they authorized to pass upon the question. This was one of the views maintained in the concurring and dissenting opinion of Mr. Justice Alex. Reyes concurred in by Mr. Justice Padilla in the 1949 emergency cases. But assuming for a moment that this court had the authority to pass upon this point and to bind the executive and legislative departments with its finding, I believe that we have no data or evidence on which to base our finding. If the findings of courts on questions of fact are given authority or binding effect it is because those findings are based on facts established during the hearing by means of evidence adduced

by both parties who are given the right to present, cross-examine and impeach witnesses, object to questions and object to the admission of evidence in general. In the present case no such hearing or trial for the reception of evidence was ever had. Consequently, in my opinion we are not warranted in finding that there still exists or there no longer exists any emergency resulting from the last Pacific War.

It is the Legislature that granted or delegated the emergency powers or the Chief Executive to whom the delegation was made that decide whether or not the emergency continues. There has been lack of agreement between the two departments on this point since the last sessions of the Legislature. While the President up to a few weeks ago has been exercising his emergency powers which presupposes that in his opinion the emergency still existed, because Commonwealth Act 671 provides that he may exercise those powers only during the emergency, the Legislature has passed House Bill No. 727 in an attempt to withdraw said emergency powers on the theory that the emergency has ceased. To end and definitely settle this disagreement, we are called upon to render decision.

In my dissenting opinion in the 1919 emergency cases I held that the President still had the emergency powers delegated to him under Commonwealth Act 671. Three justices of this court held the same view as I did excluding one Justice who was favorably impressed with that view though he preferred not to vote directly upon it. Today, tho it seems in the tribunal, I am the lone dissenter on this proposition and so mine is reduced so to speak, to the "voice in the wilderness," I still maintain the same view, and there is reason to believe that there are many others who subscribe to the same opinion. The Legislature in passing during its last session House Bill No. 727 repealing the latest Commonwealth Acts including Commonwealth Act No. 671, delegating emergency powers to the Chief Executive, must have believed and been satisfied that the President still had those emergency powers otherwise, there would have been no need of going to all the trouble and the tedious process of approving a bill withdrawing said powers from him. There would have been no necessity for the Legislature to repeal a law which it believed to be no longer operative. There is no reason or point in withdrawing something that is not there or that no longer exists.

In previous sessions of the Legislature after Liberation there had been talk or move to enact legislation withdrawing said emergency powers but presumably the atmosphere was not favorable or the necessary votes to pass the corresponding measure was not available. It was in the last session of the Legislature that a bill was finally approved by both Houses of Congress. The Chief Executive, however, vetoed it and it was not repassed over his veto. In spite of this, did the Legislature succeed in withdrawing his emergency powers? The majority through a process of interpretation which to me, is strained and unwarranted, voted in the affirmative. I disagree. We should not forget that in House Bill No. 727 the Legislature was not only expressing its wish and desire to withdraw the emergency powers of the President. It wanted to repeal the law or laws delegating said emergency powers. A law can be repealed only by another law. Consequently, since House Bill No. 727 did not become a law because of the veto of the President, it could not repeal the law or laws which it sought to abrogate.

I agree with the majority and also with Mr. Justice Padilla that the emergency powers delegated to the President could be withdrawn by means of a mere concurrent resolution. It is true that to delegate emergency powers under section 26, Art. VI of the Constitution, a law is necessary. It is because the Constitution expressly says so. Moreover, it is not only convenient but equally necessary that a law should be passed for that purpose in whose approval the Chief Executive takes part, because after, all he is the one to whom the delegation is made and who would later exercise the powers so delegated. If he believes that there is no emergency or that even if there were, it is not of sufficient magnitude and seriousness as to call for the delegation and the exercise of emergency powers, he may veto the bill of delegation and that would be the end of it. It is far from likely that the bill would be repassed over his veto because it would be futile and pointless to make a delegation of powers to an unwilling

delegate who later would decline and refuse to exercise them. But if he approves the bill of delegation and it becomes a law then the delegation is complete, successful and effective for the exercise of the powers by the President would be assured. Not so with the withdrawal of the powers delegated. The Constitution does not say or require a law for such withdrawal and it may be withdrawn at any time even when the emergency which motivated said delegation still exists. In such a case, the Legislature is the sole judge as to the necessity and advisability of the continuance or cessation of the exercise of emergency powers by its delegate, the President.

But how did the Legislature go about this attempt to withdraw the President's emergency powers? It had the choice of approving a mere concurrent resolution or passing a bill. Both houses of the Legislature are graced with the presence of constitutional lawyers and legal luminaries for whom I have great respect. They must have known that a concurrent resolution was sufficient for the purpose. Atty. Recto, counsel for the petitioners and member of the Senate knew it and in his oral argument before this Tribunal, he said that the Legislature merely made a mistake because it could have just as well approved a concurrent resolution instead of passing a regular bill.

But to me, it is highly possible and not improbable that the Legislature knowing that it could withdraw the President's emergency powers by means of a concurrent resolution or by means of a law, deliberately and intentionally chose the latter for reasons of its own. The mistake committed by the Legislature if any was that perhaps it believed that the Chief Executive would not veto the bill; but veto it, he did and I am afraid the Legislature has to abide by the consequences. The Legislature knew that in passing the bill and in submitting it to the Chief Executive as required by the Constitution, it had to be approved by him either with his signature or by letting it become a law without any action on his part. He may also veto it. This was a hazard and a risk which the Legislature assumed and of which it must have been perfectly aware. But they were willing to take the risk. Another possible reason why the Legislature chose to pass a bill instead of a mere concurrent resolution was that it sought and wanted the intervention and participation of the Chief Executive himself in the withdrawal of the emergency powers so that he would also share in the credit and the responsibility for said withdrawal. If he approved the bill there would be complete understanding between the two departments of the Government, and no hard feelings. Another reason not entirely improbable is that the decision to withdraw the emergency powers from the Chief Executive was a compromise arrangement between the two parties in the Legislature. We must remember that our government is run on the basis of the party system. The President at present happens to be the head of one of the two major parties in the Legislature. His party is in the minority in the Senate by two or three votes but is in the majority by quite a number of votes in the lower house. It is not inconceivable that his party men in the two houses consented and agreed to have the emergency powers withdrawn provided that the Chief Executive consented to and approved of it. And so, they agreed to pass the bill for this purpose, but that they would not agree to a concurrent resolution where the Chief Executive would be ignored and his emergency powers summarily withdrawn without consultation and without his approval. This last view is in some measure supported and borne out by the attitude of the Legislature when House Bill No. 727 was vetoed. The members of Congress knew that the remedy was to override his veto if they wanted to. The Senate approved the bill unanimously and judging from that unanimity, at least in the upper house the 2/3 votes necessary to override the veto was available. But the fact is that the Legislature did not only fail to override the veto but it did not even make any attempt whatsoever to repass it over the President's veto. Added to this, it was a fact that, and this is by no means unimportant, in the month of September, 1952, that is, about two months after the veto of the bill, about sixty-seven Congressmen and two Senators filed a petition addressed to the President in which they not only recognized, the existence of his emergency powers but even asked him to exercise the same for the purpose of releasing funds for public works projects. Excluding the two Senators, the signers constituted more than the majority of the membership of the lower house. In other words, after the veto of the bill and after a failure whether intentionally or otherwise of the Legislative to override the veto, the majority of all the members of the

lower house believed that Congress failed to withdraw the President's emergency powers and consequently, believed that he still had those powers, and was even requested to exercise the same. And on November 8, 1952, the lower house of the Legislature passed Resolution No. 99 strongly urging the President to exercise his emergency powers and authorize the expenditure of funds for the relief to provinces visited by typhoons and floods and other calamities and for other urgent essential public works projects. This official action of the lower House shows that one of the two Houses of Congress officially believes that the emergency powers of the President had not been withdrawn. One view of this action or inaction of the Legislature on the veto was that it could not get the ? votes in both houses to override the veto because some members who voted in favor of House Bill No. 727, particularly members of the party of the Chief Executive did not from the very beginning want to withdraw the emergency powers without the President's consent. Another view is that the Legislature was convinced by the reasons adduced and given by the Chief Executive in vetoing the bill and so either approved the stand taken by him or acquiesced in it and took it in good grace and the matter rest, at least for the time being.

If the foregoing considerations on this point are true or could have been true, then there would absolutely be no reason or warrant for the majority's interpreting and considering House Bill No. 727 as a concurrent resolution sufficient to repeal the several laws mentioned in the bill and withdraw the emergency powers of the President. In effect, the majority decided to think for the Legislature and to do for the latter what it failed or perhaps did not want to do, namely, to withdraw the emergency powers by means of a concurrent resolution. I repeat that both houses of Congress with the legal talent and constitutional authorities, not only among its distinguished members but also among its legal experts and assistants, did neither wish nor intend to approve a mere concurrent resolution but deliberately and intentionally chose to pass a bill,—House Bill No. 727 with full realization of the possibilities and chances of its approval or rejection by the Chief Executive to whom it was submitted. Under these circumstances, the action of the majority in practically telling the Legislature what it should have done and in finally doing it for said Legislature in order to most easily achieve its purpose or wish might be regarded by some as not only unwarranted but officious and uncalled for.

In view of the foregoing reasons, I beg to disagree with the majority.

Petition for prohibition granted.

[1] Sec. 18, Art. VI, of the Constitution; see also sec. 19(1), sec. 20(2) (3), Art. VI, of the Constitution.

[2] Sec. 23(2), Art. VI, of the Constitution.

[3] Sec. 26, Art. VI, of the Constitution.

[4] Com. Acts Nos. 494, 496, 498, 499, 500, 600, 620 and 671.

[1] "In the current practice, concurrent resolution have been developed as a means of expressing fact, principles, opinions and purposes of the two houses." (2 Sutherland, Statutory Construction, 3d Ed., 265.)

[*] 84 Phil., 368.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.