

**JOKER P. ARROYO, EDCCEL C. LAGMAN, JOHN HENRY R. OSMEÑA,
WIGBERTO E. TAÑADA, AND RONALDO B. ZAMORA, PETITIONERS,
VS. JOSE DE VENECIA, RAUL DAZA, RODOLFO ALBANO, THE
EXECUTIVE SEC...**

G.R. No. 127255. June 26, 1998

Ponente: MENDOZA, J.

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MENDOZA, J.:

Petitioners seek a rehearing and reconsideration of the Court's decision dismissing their petition for certiorari and prohibition. Basically, their contention is that when the Majority Leader (Rep. Rodolfo Albano) moved for the approval of the conference committee report on the bill that became R.A. No. 8240, leading the Chair (Deputy Speaker Raul Daza) to ask if there was any objection to the motion, and Rep. Joker P. Arroyo asked, "What is that, Mr. Speaker?", the Chair allegedly ignored him and instead declared the report approved. Petitioners claim that the question "What is that, Mr. Speaker?" was a privileged question or a point of order which, under the rules of the House, has precedence over other matters, with the exception of motions to adjourn.

The contention has no merit. Rep. Arroyo did not have the floor. Without first drawing the attention of the Chair, he simply stood up and started talking. As a result, the Chair did not hear him and proceeded to ask if there were objections to the Majority Leader's motion. Hearing none, he declared the report approved. Rule XVI, §96 of the Rules of the House of Representatives provides:

§96. Manner of Addressing the Chair.- When a member desires to speak, he shall rise and respectfully address the Chair "Mr. Speaker."

The Rules of the Senate are even more emphatic. Rule XXVI, §59 says:

§59. Whenever a Senator wishes to speak, he shall rise and request the President or the Presiding Officer to allow him to have the floor which consent shall be necessary before he may proceed.

If various Senators wish to have the floor, the President or Presiding Officer shall recognize the one who first made the request.

Indeed, the transcript of the proceedings of November 21, 1996^[1] shows that after complaining that he was being "hurried" by the Majority Leader to finish his interpellation of the sponsor (Rep. Javier) of the conference committee report, Rep. Arroyo concluded and then sat down. However, when the Majority Leader moved for the approval of the conference committee report and the Chair asked if there was any objection to the motion, Rep. Arroyo stood up again and, without requesting to be recognized, asked, "What is that, Mr. Speaker?" Apparently, the Chair did not hear Rep. Arroyo since his attention was on the Majority Leader. Thus, he proceeded to ask if there was any objection and, hearing none, declared the report approved and brought down the gavel. At that point, Rep. Arroyo shouted, "No, no, no, wait a minute," and asked what the question was. Only after he had been told that the Chair had called for objection to the motion for approval of the report did Rep. Arroyo register his

objection. It is not, therefore, true that Rep. Arroyo was ignored. He was simply not heard because he had not first obtained recognition from the Chair.

Nor is it correct to say that the question (“What is that, Mr. Speaker?”) he was raising was a question of privilege or a point of order. Rule XX, §121 of the Rules of the House defines a question of privilege as follows —

SEC. 121. Definition. - Questions of privilege are those affecting the duties, conduct, rights, privileges, dignity, integrity or reputation of the House or of its members, collectively or individually.

while a point of order is defined as follows —

Points of order or questions of order are legislative devices used in requiring the House or any of its Members to observe its own rules and to follow regular or established parliamentary procedure. In effect, they are either objections to pending proceedings as violative of some of those rules or demands for immediate return to the aforementioned parliamentary procedure.[2]

Petitioners further charge that there was a disregard of Rule XIX, §112 and Rule XVII, §103 of the Rules of the House which require that the Chair should state a motion and ask for the individual votes of the members instead of merely asking whether there was any objection to the motion. As explained already in the decision in this case, the practice in cases involving the approval of a conference committee report is for the Chair simply to ask if there are objections to the motion for approval of the report. This practice is well-established and is as much a part of parliamentary law as the formal rules of the House. As then Majority Leader Arturo M. Tolentino explained in 1957 when this practice was questioned:

MR. TOLENTINO. The fact that nobody objects means a unanimous action of the House. Insofar as the matter of procedure is concerned, this has been a precedent since I came here seven years ago, and it has been the procedure in this House that if somebody objects, then a debate follows and after the debate, then the voting comes in.

. . . .

Mr. Speaker, a point of order was raised by the gentleman from Leyte, and I wonder what his attitude is now on his point of order. I should just like to state that I believe that we have had a substantial compliance with the Rules. The Rule invoked is not one that refers to statutory or constitutional requirement, and a substantial compliance, to my mind, is sufficient. When the Chair announces the vote by saying “Is there any objection?” and nobody objects, then the Chair announces “The bill is approved on second reading.” If there was any doubt as to the vote, any motion to divide would have been proper. So, if that motion is not presented, we assume that the House approves the measure. So I believe there is substantial compliance here, and if anybody wants a division of the House he can always ask for it, and the Chair can announce how many are in favor and how many are against.[3]

At all events, Rep. Arroyo could have asked for a reconsideration of the ruling of the Chair declaring the conference committee report approved. It is not true he was prevented from doing so. The session was suspended, obviously to settle the matter amicably. From all appearances, the misunderstanding was patched up during the nearly hour-long suspension because, after the session was resumed, Rep. Arroyo did not say anything anymore. As the Journal of November 21, 1996 of the House shows, the session was thereafter adjourned.

On the same day, the bill was signed by the Speaker of the House and the President of the Senate, and certified by the respective secretaries of both houses of Congress as having been finally passed. The following day, the bill was signed into law by the President of the Philippines.

Finally, petitioners take exception to the following statement in the decision that “The question of quorum cannot

be raised repeatedly — especially when the quorum is obviously present — for the purpose of delaying the business of the House.”[4] They contend that, following this ruling, even if only 10 members of the House remain in the session hall because the others have gone home, the quorum may not be questioned.

That was not the situation in this case, however. As noted in the decision, at 11:48 a.m. on November 21, 1996, Rep. Arroyo questioned the existence of a quorum, but after a roll call, it was found that there was one. After that, he announced he would again question the quorum, apparently to delay the voting on the conference report. Hence, the statement in the decision that the question of quorum cannot repeatedly be raised for the purpose of delaying the business of the House.

In sum, there is no basis for the charge that the approval of the conference committee report on what later became R.A. No. 8240 was railroaded through the House of Representatives. Nor is there any need for petitioners to invoke the power of this Court under Art. VIII, §1 of the Constitution to determine whether, in enacting R.A. No. 8240, the House of Representatives acted with grave abuse of discretion, since that is what we have precisely done, although the result of our review may not be what petitioners want. It should be added that, even if petitioners’ allegations are true, the disregard of the rules in this case would not affect the validity of R.A. No. 8240, the rules allegedly violated being merely internal rules of procedure of the House rather than constitutional requirements for the enactment of laws. It is well settled that a legislative act will not be declared invalid for non-compliance with internal rules.

WHEREFORE, the motion for rehearing and reconsideration is DENIED with FINALITY.

SO ORDERED.

Narvasa C.J., Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Kapunan, Martinez, Quisumbing, and Purisima, JJ., concur.

Vitug, J., I reiterate my separate (concurring) opinion promulgated with the decision.

Panganiban, J., former counsel of a party.

[1] Transcript, pp. 128-129, Supplemental Comment on Petition, Annex 3.

[2] INOCENCIO B. PAREJA, PARLIAMENTARY GUIDELINES: HOUSE OF REPRESENTATIVES 33 (1969).

[3] 4 CONG. REC., 413-414 (Feb. 15, 1957).

[4] Decision, pp. 18-19.

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