

AGRIPINO A. DE GUZMAN, JR., NARCISO M. ARABE, LETICIA T. ENDOMA, ARISTIDES A. RAMOS, PANCHE M. RIVERA, TERESITA A. DE CASTRO, CANDIDA C. HABANA, AZUCENA C. FALCON, MARIA LUZ P. ...

G.R. No. 129118. July 19, 2000

Ponente: PURISIMA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-129118/>

PURISIMA, J.:

At bar is a petition for certiorari and prohibition with urgent prayer for the issuance of a writ of preliminary injunction and temporary restraining order, assailing the validity of Section 44 of Republic Act No. 8189 (RA 8189) otherwise known as "The Voter's Registration Act of 1996".

RA 8189 was enacted on June 10, 1996 and approved by President Fidel V. Ramos on June 11, 1996. Section 44 thereof provides:

"SEC. 44. Reassignment of Election Officers. - No Election Officer shall hold office in a particular city or municipality for more than four (4) years. Any election officer who, either at the time of the approval of this Act or subsequent thereto, has served for at least four (4) years in a particular city or municipality shall automatically be reassigned by the Commission to a new station outside the original congressional district."

By virtue of the aforequoted provision of law, the Commission on Elections (COMELEC) promulgated Resolution Nos. 97-0002[1] and 97-0610[2] for the implementation thereof. Thereafter, the COMELEC issued several directives[3] reassigning the petitioners, who are either City or Municipal Election Officers, to different stations.

Aggrieved by the issuance of the aforesaid directives and resolutions, petitioners found their way to this Court via the present petition assailing the validity of Section 44 of RA 8189, contending that:

I

SECTION 44 OF REPUBLIC ACT NO. 8189 VIOLATES THE 'EQUAL PROTECTION CLAUSE' ENshrined IN THE CONSTITUTION;

II

SECTION 44 OF REPUBLIC ACT NO. 8189 VIOLATES THE CONSTITUTIONAL GUARANTEE ON SECURITY OF TENURE OF CIVIL SERVANTS;

III

SECTION 44 OF REPUBLIC ACT NO. 8189 CONSTITUTES A DEPRIVATION OF PROPERTY WITHOUT DUE PROCESS OF LAW;

IV

SECTION 44 OF REPUBLIC ACT NO. 8189 UNDERMINES THE CONSTITUTIONAL INDEPENDENCE OF COMELEC AND COMELEC'S CONSTITUTIONAL AUTHORITY TO NAME, DESIGNATE AND APPOINT AND THEN REASSIGN AND TRANSFER ITS VERY OWN OFFICIALS AND EMPLOYEES;

V

SECTION 44 OF REPUBLIC ACT NO. 8189 CONTRAVENES THE BASIC CONSTITUTIONAL PRECEPT [Article VI, SECTION 26(1), Phil. Constitution] THAT EVERY BILL PASSED BY CONGRESS SHALL EMBRACE ONLY ONE SUBJECT WHICH MUST BE EXPRESSED IN THE TITLE THEREOF; and

VI

SECTION 44 OF REPUBLIC ACT NO. 8189 IS VOID FOR FAILURE TO COMPLY WITH THE CONSTITUTIONAL REQUIREMENT [ARTICLE VI, SECTION 26 (2)] OF THREE READINGS ON SEPARATE DAYS AND DISTRIBUTION OF PRINTED COPIES IN ITS FINAL FORM THREE DAYS BEFORE ITS PASSAGE.

Petitioners' contentions revolve on the pivotal issue, whether Section 44 of RA 8189 is valid and constitutional.

The petition is barren of merit. Section 44 of RA 8189 enjoys the presumption of validity, and the Court discerns no ground to invalidate it.

Petitioners theorize that Section 44 of RA 8189 is violative of the "equal protection clause" of the 1987 Constitution because it singles out the City and Municipal Election Officers of the COMELEC as prohibited from holding office in the same city or municipality for more than four (4) years. They maintain that there is no substantial distinction between them and other COMELEC officials, and therefore, there is no valid classification to justify the objective of the provision of law under attack.

The Court is not persuaded by petitioners' arguments. The "equal protection clause" of the 1987 Constitution permits a valid classification under the following conditions:

1. The classification must rest on substantial distinctions;
2. The classification must be germane to the purpose of the law;
3. The classification must not be limited to existing conditions only; and
4. The classification must apply equally to all members of the same class.[4]

After a careful study, the ineluctable conclusion is that the classification under Section 44 of RA 8189 satisfies the aforestated requirements.

The singling out of election officers in order to "ensure the impartiality of election officials by preventing them from developing familiarity with the people of their place of assignment" does not violate the equal protection clause of the Constitution.

In *Lutz vs. Araneta*,^[5] it was held that "the legislature is not required by the Constitution to adhere to a policy of 'all or none'". This is so for underinclusiveness is not an argument against a valid classification. It may be true that all the other officers of COMELEC referred to by petitioners are exposed to the same evils sought to be addressed by the statute. However, in this case, it can be discerned that the legislature thought the noble purpose of the law would be sufficiently served by breaking an important link in the chain of corruption than by breaking up each and every link thereof. Verily, under Section 3(n) of RA 8189, election officers are the highest officials or authorized representatives of the COMELEC in a city or municipality. It is safe to say that without the complicity

of such officials, large scale anomalies in the registration of voters can hardly be carried out.

Moreover, to require the COMELEC to reassign all employees (connected with the registration of voters) who have served at least four years in a given city or municipality would entail a lot of administrative burden on the part of the COMELEC.

Neither does Section 44 of RA 8189 infringe the security of tenure of petitioners nor unduly deprive them of due process of law. As held in *Sta. Maria vs. Lopez*.^[6]

"xxx the rule that outlaws unconsented transfers as anathema to security of tenure applies only to an officer who is appointed - not merely assigned - to a particular station. Such a rule does not pr[o]scribe a transfer carried out under a specific statute that empowers the head of an agency to periodically reassign the employees and officers in order to improve the service of the agency. xxx" (*italics supplied*)

The guarantee of security of tenure under the Constitution is not a guarantee of perpetual employment. It only means that an employee cannot be dismissed (or transferred) from the service for causes other than those provided by law and after due process is accorded the employee. What it seeks to prevent is capricious exercise of the power to dismiss. But, where it is the law-making authority itself which furnishes the ground for the transfer of a class of employees, no such capriciousness can be raised for so long as the remedy proposed to cure a perceived evil is germane to the purposes of the law.

Untenable is petitioners' contention that Section 44 of RA 8189 undermines the authority of COMELEC to appoint its own officials and employees. As stressed upon by the Solicitor General, Section 44 establishes a guideline for the COMELEC to follow. Said section provides the criterion or basis for the reassignment or transfer of an election officer and does not deprive the COMELEC of its power to appoint, and maintain its authority over its officials and employees. As a matter of fact, the questioned COMELEC resolutions and directives illustrate that it is still the COMELEC which has the power to reassign and transfer its officials and employees. But as a government agency tasked with the implementation and enforcement of election laws, the COMELEC is duty bound to comply with the laws passed by Congress.

The independence of the COMELEC is not at issue here. There is no impairment or emasculation of its power to appoint its own officials and employees. In fact, Section 44 even strengthens the COMELEC's power of appointment, as the power to reassign or transfer is within its exclusive jurisdiction and domain.

Petitioners' contention that Section 44 has an isolated and different subject from that of RA 8189 and that the same is not expressed in the title of the law, is equally untenable.

The objectives of Section 26(1), Article VI of the 1987 Constitution, that "[e]very bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof", are:

1. To prevent hodge-podge or log-rolling legislation;
2. To prevent surprise or fraud upon the legislature by means of provisions in bills of which the titles gave no information, and which might therefore be overlooked and carelessly and unintentionally adopted; and
3. To fairly apprise the people, through such publication of legislative proceedings as is usually made, of the subjects of legislation that are being considered, in order that they may have opportunity of being heard thereon by petition or otherwise if they shall so desire.^[7]

Section 26(1) of Article VI of the 1987 Constitution is sufficiently complied with where, as in this case, the title is comprehensive enough to embrace the general objective it seeks to achieve, and if all the parts of the statute are related and germane to the subject matter embodied in the title or so long as the same are not inconsistent with or

foreign to the general subject and title.[8] Section 44 of RA 8189 is not isolated considering that it is related and germane to the subject matter stated in the title of the law. The title of RA 8189 is "The Voter's Registration Act of 1996" with a subject matter enunciated in the explanatory note as "AN ACT PROVIDING FOR A GENERAL REGISTRATION OF VOTERS, ADOPTING A SYSTEM OF CONTINUING REGISTRATION, PRESCRIBING THE PROCEDURES THEREOF AND AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR." Section 44, which provides for the reassignment of election officers, is relevant to the subject matter of registration as it seeks to ensure the integrity of the registration process by providing a guideline for the COMELEC to follow in the reassignment of election officers. It is not an alien provision but one which is related to the conduct and procedure of continuing registration of voters. In this regard, it bears stressing that the Constitution does not require Congress to employ in the title of an enactment, language of such precision as to mirror, fully index or catalogue, all the contents and the minute details therein.[9]

In determining the constitutionality of a statute dubbed as defectively titled, the presumption is in favor of its validity.[10]

As regards the issue raised by petitioners - whether Section 44 of RA 8189 was enacted in accordance with Section 26 (2), Article VI of the 1987 Constitution, petitioners have not convincingly shown grave abuse of discretion on the part of Congress. Respect due to co-equal departments of the government in matters entrusted to them by the Constitution, and the absence of a clear showing of grave abuse of discretion suffice to stay the judicial hand.[11]

WHEREFORE, the petition is DISMISSED; and the constitutionality and validity of Section 44 of RA 8189 UPHOLD. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Panganiban, Quisumbing, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

Pardo, J., no part.

[1] Annex "A" of Petition; Rollo, pp. 49-50.

[2] Annex "B" of Petition; Rollo, pp. 52-53.

[3] Annexes "C", "D" and "E" of Petition, pp. 58-101.

[4] The Conference of Maritime Manning Agencies, Inc. vs. Philippine Overseas Employment Administration, 243 SCRA 666, 677 citing: People vs. Cayat, 68 Phil. 12, 18 [1939].

[5] 98 Phil. 148, 153 (1955).

[6] 31 SCRA 637, 653 citing: Ibañez vs. Commission on Elections, L-26558, April 27, 1967, 19 SCRA 1002, 1012 and Section 12 of the Tax Code.

[7] Central Capiz vs. Ramirez, 40 Phil. 883, 891 citing: Cooley's Constitutional Limitations, p. 143.

[8] Tio vs. Videogram Regulatory Board, 151 SCRA 208, 213 citing: Sumulong vs. COMELEC, No. 48609, October 10, 1941, 73 Phil. 288 and Cordero vs. Hon. Cabatuando, et al., L-14542, October 31, 1962, 6 SCRA 418.

[9] Lidasan vs. Commission on Elections, 21 SCRA 496, 501.

[10] *Insular Lumber Co. vs. Court of Tax Appeals*, 104 SCRA 710, 717.

[11] *Tolentino vs. Secretary of Finance*, 249 SCRA 628, 646.

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.