

**RODOLFO C. FARIÑAS, MANUEL M. GARCIA, FRANCIS G. ESCUDERO,
AND AGAPITO A. AQUINO, AS MEMBERS OF THE HOUSE OF
REPRESENTATIVES AND ALSO AS TAXPAYERS, IN THEIR OWN
BEHALF AND IN RE...**

G.R. No. 147387. December 10, 2003

Ponente: CALLEJO, SR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-147387/>

CALLEJO, SR., J.:

Before the Court are two Petitions under Rule 65 of the Rules of Court, as amended, seeking to declare as unconstitutional Section 14 of Republic Act No. 9006 (The Fair Election Act), insofar as it expressly repeals Section 67 of Batas Pambansa Blg. 881 (The Omnibus Election Code) which provides:

SEC. 67. Candidates holding elective office. – Any elective official, whether national or local, running for any office other than the one which he is holding in a permanent capacity, except for President and Vice-President, shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy.

The petition for certiorari and prohibition in G.R. No. 147387 was filed by Rodolfo C. Fariñas, Manuel M. Garcia, Francis G. Escudero and Agapito A. Aquino. At the time of filing of the petition, the petitioners were members of the minority bloc in the House of Representatives. Impleaded as respondents are: the Executive Secretary, then Speaker of the House of Representatives Feliciano R. Belmonte, Jr., the Commission on Elections, the Secretary of the Department of the Interior and Local Government (DILG), the Secretary of the Senate and the Secretary General of the House of Representatives.

The petition for prohibition in G.R. No. 152161 was filed by Gerry A. Salapuddin, then also a member of the House of Representatives. Impleaded as respondent is the COMELEC.

Legislative History of Republic Act No. 9006

Rep. Act No. 9006, entitled "An Act to Enhance the Holding of Free, Orderly, Honest, Peaceful and Credible Elections through Fair Election Practices," is a consolidation of the following bills originating from the House of Representatives and the Senate, respectively:

House Bill (HB) No. 9000 entitled "AN ACT ALLOWING THE USE OF MASS MEDIA FOR ELECTION PROPAGANDA, AMENDING FOR THE PURPOSE BATAS PAMBANSA BILANG 881, OTHERWISE KNOWN AS THE 'OMNIBUS ELECTION CODE,' AS AMENDED, AND FOR OTHER PURPOSES;"[1]

...

Senate Bill (SB) No. 1742 entitled "AN ACT TO ENHANCE THE HOLDING OF FREE, ORDERLY, HONEST, PEACEFUL, AND CREDIBLE ELECTIONS THROUGH FAIR ELECTION PRACTICES."[2]

A Bicameral Conference Committee, composed of eight members of the Senate[3] and sixteen (16) members of the House of Representatives,[4] was formed to reconcile the conflicting provisions of the House and Senate

versions of the bill.

On November 29, 2000, the Bicameral Conference Committee submitted its Report,[5] signed by its members, recommending the approval of the bill as reconciled and approved by the conferees.

During the plenary session of the House of Representatives on February 5, 2001, Rep. Jacinto V. Paras proposed an amendment to the Bicameral Conference Committee Report. Rep. Didagen P. Dilangalen raised a point of order commenting that the House could no longer submit an amendment thereto. Rep. Sergio A.F. Apostol thereupon moved that the House return the report to the Bicameral Conference Committee in view of the proposed amendment thereto. Rep. Dilangalen expressed his objection to the proposal. However, upon viva voce voting, the majority of the House approved the return of the report to the Bicameral Conference Committee for proper action.[6]

In view of the proposed amendment, the House of Representatives elected anew its conferees[7] to the Bicameral Conference Committee.[8] Then again, for unclear reasons, upon the motion of Rep. Ignacio R. Bunye, the House elected another set of conferees[9] to the Bicameral Conference Committee.[10]

On February 7, 2001, during the plenary session of the House of Representatives, Rep. Bunye moved that the House consider the Bicameral Conference Committee Report on the contrasting provisions of HB No. 9000 and SB No. 1742. Rep. Dilangalen observed that the report had been recommitted to the Bicameral Conference Committee. The Chair responded that the Bicameral Conference Report was a new one, and was a result of the reconvening of a new Bicameral Conference Committee. Rep. Dilangalen then asked that he be given time to examine the new report. Upon motion of Rep. Apostol, the House deferred the approval of the report until the other members were given a copy thereof.[11]

After taking up other pending matters, the House proceeded to vote on the Bicameral Conference Committee Report on the disagreeing provisions of HB No. 9000 and SB No. 1742. The House approved the report with 125 affirmative votes, 3 negative votes and no abstention. In explaining their negative votes, Reps. Fariñas and Garcia expressed their belief that Section 14 thereof was a rider. Even Rep. Escudero, who voted in the affirmative, expressed his doubts on the constitutionality of Section 14. Prior to casting his vote, Rep. Dilangalen observed that no senator signed the Bicameral Conference Committee Report and asked if this procedure was regular.[12]

On the same day, the Senate likewise approved the Bicameral Conference Committee Report on the contrasting provisions of SB No. 1742 and HB No. 9000.

Thereafter, Rep. Act No. 9006 was duly signed by then Senate President Aquilino Pimentel, Jr. and then Speaker of the House of Representatives Feliciano R. Belmonte, Jr. and was duly certified by the Secretary of the Senate Lutgardo B. Barbo and the Secretary General of the House of Representatives Robert P. Nazareno as "the consolidation of House Bill No. 9000 and Senate Bill No. 1742," and "finally passed by both Houses on February 7, 2001."

President Gloria Macapagal-Arroyo signed Rep. Act No. 9006 into law on February 12, 2001.

The Petitioners' Case

The petitioners now come to the Court alleging in the main that Section 14 of Rep. Act No. 9006, insofar as it repeals Section 67 of the Omnibus Election Code, is unconstitutional for being in violation of Section 26(1), Article VI of the Constitution, requiring every law to have only one subject which should be expressed in its title.

According to the petitioners, the inclusion of Section 14 repealing Section 67 of the Omnibus Election Code in Rep. Act No. 9006 constitutes a proscribed rider. They point out the dissimilarity in the subject matter of Rep. Act

No. 9006, on the one hand, and Section 67 of the Omnibus Election Code, on the other. Rep. Act No. 9006 primarily deals with the lifting of the ban on the use of media for election propaganda and the elimination of unfair election practices, while Section 67 of the Omnibus Election Code imposes a limitation on elective officials who run for an office other than the one they are holding in a permanent capacity by considering them as ipso facto resigned therefrom upon filing of the certificate of candidacy. The repeal of Section 67 of the Omnibus Election Code is thus not embraced in the title, nor germane to the subject matter of Rep. Act No. 9006.

The petitioners also assert that Section 14 of Rep. Act No. 9006 violates the equal protection clause of the Constitution because it repeals Section 67 only of the Omnibus Election Code, leaving intact Section 66 thereof which imposes a similar limitation to appointive officials, thus:

SEC. 66. Candidates holding appointive office or position. – Any person holding a public appointive office or position, including active members of the Armed Forces of the Philippines, and officers and employees in government-owned or controlled corporations, shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy.

They contend that Section 14 of Rep. Act No. 9006 discriminates against appointive officials. By the repeal of Section 67, an elective official who runs for office other than the one which he is holding is no longer considered ipso facto resigned therefrom upon filing his certificate of candidacy. Elective officials continue in public office even as they campaign for reelection or election for another elective position. On the other hand, Section 66 has been retained; thus, the limitation on appointive officials remains - they are still considered ipso facto resigned from their offices upon the filing of their certificates of candidacy.

The petitioners assert that Rep. Act No. 9006 is null and void in its entirety as irregularities attended its enactment into law. The law, not only Section 14 thereof, should be declared null and void. Even Section 16 of the law which provides that "[t]his Act shall take effect upon its approval" is a violation of the due process clause of the Constitution, as well as jurisprudence, which require publication of the law before it becomes effective.

Finally, the petitioners maintain that Section 67 of the Omnibus Election Code is a good law; hence, should not have been repealed. The petitioners cited the ruling of the Court in *Dimaporo v. Mitra, Jr.*, [13] that Section 67 of the Omnibus Election Code is based on the constitutional mandate on the "Accountability of Public Officers:"[14]

Sec. 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

Consequently, the respondents Speaker and Secretary General of the House of Representatives acted with grave abuse of discretion amounting to excess or lack of jurisdiction for not considering those members of the House who ran for a seat in the Senate during the May 14, 2001 elections as ipso facto resigned therefrom, upon the filing of their respective certificates of candidacy.

The Respondents' Arguments

For their part, the respondents, through the Office of the Solicitor General, urge this Court to dismiss the petitions contending, preliminarily, that the petitioners have no legal standing to institute the present suit. Except for the fact that their negative votes were overruled by the majority of the members of the House of Representatives, the petitioners have not shown that they have suffered harm as a result of the passage of Rep. Act No. 9006. Neither do petitioners have any interest as taxpayers since the assailed statute does not involve the exercise by Congress of its taxing or spending power.

Invoking the "enrolled bill" doctrine, the respondents refute the petitioners' allegations that "irregularities"

attended the enactment of Rep. Act No. 9006. The signatures of the Senate President and the Speaker of the House, appearing on the bill and the certification signed by the respective Secretaries of both houses of Congress, constitute proof beyond cavil that the bill was duly enacted into law.

The respondents contend that Section 14 of Rep. Act No. 9006, as it repeals Section 67 of the Omnibus Election Code, is not a proscribed rider nor does it violate Section 26(1) of Article VI of the Constitution. The title of Rep. Act No. 9006, "An Act to Enhance the Holding of Free, Orderly, Honest, Peaceful and Credible Elections through Fair Election Practices," is so broad that it encompasses all the processes involved in an election exercise, including the filing of certificates of candidacy by elective officials.

They argue that the repeal of Section 67 is germane to the general subject of Rep. Act No. 9006 as expressed in its title as it eliminates the effect of prematurely terminating the term of an elective official by his filing of a certificate of candidacy for an office other than the one which he is permanently holding, such that he is no longer considered ipso facto resigned therefrom. The legislature, by including the repeal of Section 67 of the Omnibus Election Code in Rep. Act No. 9006, has deemed it fit to remove the "unfairness" of considering an elective official ipso facto resigned from his office upon the filing of his certificate of candidacy for another elective office. With the repeal of Section 67, all elective officials are now placed on equal footing as they are allowed to finish their respective terms even if they run for any office, whether the presidency, vice-presidency or other elective positions, other than the one they are holding in a permanent capacity.

The respondents assert that the repeal of Section 67 of the Omnibus Election Code need not be expressly stated in the title of Rep. Act No. 9006 as the legislature is not required to make the title of the act a complete index of its contents. It must be deemed sufficient that the title be comprehensive enough reasonably to include the general subject which the statute seeks to effect without expressing each and every means necessary for its accomplishment. Section 26(1) of Article VI of the Constitution merely calls for all the parts of an act relating to its subject to find expression in its title. Mere details need not be set forth.

According to the respondents, Section 14 of Rep. Act No. 9006, insofar as it repeals Section 67, leaving Section 66 of the Omnibus Election Code intact and effective, does not violate the equal protection clause of the Constitution. Section 67 pertains to elective officials while Section 66 pertains to appointive officials. A substantial distinction exists between these two sets of officials; elective officials occupy their office by virtue of their mandate based upon the popular will, while the appointive officials are not elected by popular will. The latter cannot, therefore, be similarly treated as the former. Equal protection simply requires that all persons or things similarly situated are treated alike, both as to rights conferred and responsibilities imposed.

Further, Section 16, or the "Effectivity" clause, of Rep. Act No. 9006 does not run afoul of the due process clause of the Constitution as it does not entail any arbitrary deprivation of life, liberty and property. Specifically, the section providing for penalties in cases of violations thereof presume that the formalities of the law would be observed, i.e., charges would first be filed, and the accused would be entitled to a hearing before judgment is rendered by a court having jurisdiction. In any case, the issue about lack of due process is premature as no one has, as yet, been charged with violation of Rep. Act No. 9006.

Finally, the respondents submit that the respondents Speaker and Secretary General of the House of Representatives did not commit grave abuse of discretion in not excluding from the Rolls those members thereof who ran for the Senate during the May 14, 2001 elections. These respondents merely complied with Rep. Act No. 9006, which enjoys the presumption of validity until declared otherwise by the Court.

The Court's Ruling

Before resolving the petitions on their merits, the Court shall first rule on the procedural issue raised by the respondents, i.e., whether the petitioners have the legal standing or locus standi to file the petitions at bar.

The petitions were filed by the petitioners in their capacities as members of the House of Representatives, and as taxpayers and registered voters.

Generally, a party who impugns the validity of a statute must have a personal and substantial interest in the case such that he has sustained, or will sustain, direct injury as a result of its enforcement.[15] The rationale for requiring a party who challenges the constitutionality of a statute to allege such a personal stake in the outcome of the controversy is "to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." [16]

However, being merely a matter of procedure, this Court, in several cases involving issues of "overarching significance to our society," [17] had adopted a liberal stance on standing. Thus, in *Tatad v. Secretary of the Department of Energy*, [18] this Court brushed aside the procedural requirement of standing, took cognizance of, and subsequently granted, the petitions separately filed by then Senator Francisco Tatad and several members of the House of Representatives assailing the constitutionality of Rep. Act No. 8180 (An Act Deregulating the Downstream Oil Industry and For Other Purposes).

The Court likewise took cognizance of the petition filed by then members of the House of Representatives which impugned as unconstitutional the validity of a provision of Rep. Act No. 6734 (Organic Act for the Autonomous Region in Muslim Mindanao) in *Chiongbian v. Orbos*. [19] Similarly, the Court took cognizance of the petition filed by then members of the Senate, joined by other petitioners, which challenged the validity of Rep. Act No. 7716 (Expanded Value Added Tax Law) in *Tolentino v. Secretary of Finance*. [20]

Members of Congress, such as the petitioners, were likewise allowed by this Court to challenge the validity of acts, decisions, rulings, or orders of various government agencies or instrumentalities in *Del Mar v. Philippine Amusement and Gaming Corporation*, [21] *Kilosbayan, Inc. v. Guingona, Jr.*, [22] *Philippine Constitution Association v. Enriquez*, [23] *Albano v. Reyes*, [24] and *Bagatsing v. Committee on Privatization*. [25]

Certainly, the principal issue posed by the petitions, i.e., whether Section 67 of the Omnibus Election Code, which this Court had declared in *Dimaporo* [26] as deriving its existence from the constitutional provision on accountability of public officers, has been validly repealed by Section 14 of Rep. Act No. 9006, is one of "overarching significance" that justifies this Court's adoption of a liberal stance vis-à-vis the procedural matter on standing. Moreover, with the national elections barely seven months away, it behooves the Court to confront the issue now and resolve the same forthrightly. The following pronouncement of the Court is quite apropos:

... All await the decision of this Court on the constitutional question. Considering, therefore, the importance which the instant case has assumed and to prevent multiplicity of suits, strong reasons of public policy demand that [its] constitutionality . . . be now resolved. It may likewise be added that the exceptional character of the situation that confronts us, the paramount public interest, and the undeniable necessity for a ruling, the national elections beings barely six months away, reinforce our stand. [27]

Every statute is presumed valid. [28] The presumption is that the legislature intended to enact a valid, sensible and just law and one which operates no further than may be necessary to effectuate the specific purpose of the law. [29]

It is equally well-established, however, that the courts, as guardians of the Constitution, have the inherent authority to determine whether a statute enacted by the legislature transcends the limit imposed by the fundamental law. [30] And where the acts of the other branches of government run afoul of the Constitution, it is

the judiciary's solemn and sacred duty to nullify the same.[31]

Proceeding from these guideposts, the Court shall now resolve the substantial issues raised by the petitions.

Section 14 of Rep. Act

No. 9006 Is Not a Rider[32]

At the core of the controversy is Section 14, the repealing clause of Rep. Act No. 9006, which provides:

Sec. 14. Sections 67 and 85 of the Omnibus Election Code (Batas Pambansa Blg. 881) and Sections 10 and 11 of Republic Act No. 6646 are hereby repealed. As a consequence, the first proviso in the third paragraph of Section 11 of Republic Act No. 8436 is rendered ineffective. All laws, presidential decrees, executive orders, rules and regulations, or any part thereof inconsistent with the provisions of this Act are hereby repealed or modified or amended accordingly.

The repealed provision, Section 67 of the Omnibus Election Code, quoted earlier, reads:

SEC. 67. Candidates holding elective office. – Any elective official, whether national or local, running for any office other than the one which he is holding in a permanent capacity, except for President and Vice-President, shall be considered ipso facto resigned from his office upon the filing of his certificate of candidacy.

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

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

The proscription is aimed against the evils of the so-called omnibus bills and log-rolling legislation as well as surreptitious and/or unconsidered encroachments. The provision merely calls for all parts of an act relating to its subject finding expression in its title.[33]

To determine whether there has been compliance with the constitutional requirement that the subject of an act shall be expressed in its title, the Court laid down the rule that –

Constitutional provisions relating to the subject matter and titles of statutes should not be so narrowly construed as to cripple or impede the power of legislation. The requirement that the subject of an act shall be expressed in its title should receive a reasonable and not a technical construction. It is sufficient if the title be comprehensive enough reasonably to include the general object which a statute seeks to effect, without expressing each and every end and means necessary or convenient for the accomplishing of that object. Mere details need not be set forth. The title need not be an abstract or index of the Act.[34]

The title of Rep. Act No. 9006 reads: "An Act to Enhance the Holding of Free, Orderly, Honest, Peaceful and Credible Elections through Fair Election Practices." Section 2 of the law provides not only the declaration of principles but also the objectives thereof:

Sec. 2. Declaration of Principles. – The State shall, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of media of communication or information to guarantee or ensure equal opportunity for public service, including access to media time and space, and the equitable right to reply, for public information campaigns and fora among candidates and assure free, orderly, honest, peaceful and credible elections.

The State shall ensure that bona fide candidates for any public office shall be free from any form of harassment and discrimination.[35]

The Court is convinced that the title and the objectives of Rep. Act No. 9006 are comprehensive enough to include the repeal of Section 67 of the Omnibus Election Code within its contemplation. To require that the said

repeal of Section 67 of the Code be expressed in the title is to insist that the title be a complete index of its content.[36]

The purported dissimilarity of Section 67 of the Omnibus Election Code, which imposes a limitation on elective officials who run for an office other than the one they are holding, to the other provisions of Rep. Act No. 9006, which deal with the lifting of the ban on the use of media for election propaganda, does not violate the "one subject-one title" rule. This Court has held that an act having a single general subject, indicated in the title, may contain any number of provisions, no matter how diverse they may be, so long as they are not inconsistent with or foreign to the general subject, and may be considered in furtherance of such subject by providing for the method and means of carrying out the general subject.[37]

The deliberations of the Bicameral Conference Committee on the particular matter are particularly instructive:

SEN. LEGARDA-LEVISTE:

Yes, Mr. Chairman, I just wanted to clarify.

So all we're looking for now is an appropriate title to make it broader so that it would cover this provision [referring to the repeal of Section 67 of the Omnibus Election Code], is that correct? That's all. Because I believe ...

THE CHAIRMAN (REP. SYJUCO):

We are looking for an appropriate coverage which will result in the nomenclature or title.

SEN. LEGARDA-LEVISTE:

Because I really do not believe that it is out of place. I think that even with the term "fair election practice," it really covers it, because as expressed by Senator Roco, those conditions inserted earlier seemed unfair and it is an election practice and, therefore, I think, I'm very comfortable with the title "Fair Election Practice" so that we can get over with these things so that we don't come back again until we find the title. I mean, it's one provision which I think is fair for everybody. It may seem like a limitation but this limitation actually provides for fairness in election practices as the title implies.

THE CHAIRMAN (REP. SYJUCO):

Yes.

SEN. LEGARDA-LEVISTE:

So I would want to beg the House contingent, let's get it over with. To me, ha, it's not a very touchy issue. For me, it's even a very correct provision. I feel very comfortable with it and it was voted in the Senate, at least, so I would like to appeal to the ... para matapos na, then we come back as a Bicam just for the title Is that what you're ...?

THE CHAIRMAN (REP. SYJUCO):

It's not the title per se, it's the coverage. So if you will just kindly bear with us. I'm happy that there is already one comfortable senator there among ... several of us were also comfortable with it. But it would be well that when we rise from this Bicam that we're all comfortable with it.

THE CHAIRMAN (SEN. ROCO):

Yes. Anyway, let's listen to Congressman Marcos.

REP. MARCOS:

Mr. Chairman, may I just make the observation that although it is true that the bulk of provisions deals with the area of propaganda and political advertising, the complete title is actually one that indulge full coverage. It says "An Act to enhance the holding of free, orderly, honest ... elections through fair election practices." But as you said, we will put that aside to discuss later one.

Secondly, I think the Declaration of Principles contained in Section 2, paragraph 2 is perfectly adequate in that it says that it shall ensure candidates for public office that may be free from any form of harassment and discrimination.

Surely this provision in Section 67 of the old Election Code of the existing Omnibus Election Code is a form of harassment or discrimination. And so I think that in the effort at leveling the playing field, we can cover this and it should not be considered a rider.

SEN. LEGARDA-LEVISTE:

I agree, Mr. Chairman. I think the Congresswoman from Ilocos had very clearly put it, that it is covered in the Declaration of Principles and in the objective of this bill. And therefore, I hope that the House contingent would agree to this so that we can finish it now. And it expressly provides for fair election practices because ...

THE CHAIRMAN (SEN. ROCO):

Yeah, I think what is on the table is that we are not disputing this, but we are looking for a title that is more generic so that then we have less of an objection on constitutionality. I think that's the theory. So, there is acceptance of this.

Maybe we should not call it na limitation on elected officials. Maybe we should say the special provision on elected officials. So how is that? Alam mo ito ...

REP. MARCOS:

I think we just change the Section 1, the short title.

THE CHAIRMAN (SEN. ROCO):

Also, Then we say - - on the short title of the Act, we say ...

REP. MARCOS:

What if we say fair election practices? Maybe that should be changed...

THE CHAIRMAN (SEN. ROCO):

O, sige, fine, fine. Let's a brainstorm. Equal...

REP. PADILLA:

Mr. Chairman, why don't we use "An Act rationalizing the holding of free, orderly, honest, peaceful and credible elections, amending for the purpose Batasang Pambansa known as the Omnibus Election Code?"

THE CHAIRMAN (SEN. ROCO):

Why don't we remove "fair" and then this shall be cited as Election Practices Act?"

REP. PICHAY:

That's not an election practice. That's a limitation.

THE CHAIRMAN (SEN. ROCO):

Ah - - - ayaw mo iyong practice. O, give me another noun.

REP. MARCOS:

The Fair Election.

THE CHAIRMAN (SEN. ROCO):

O, Fair Election Act.

REP. MACARAMBON:

Nagbi-brainstorm tayo dito, eh. How about if we change the title to enhance the holding of free, orderly, honest, peaceful and ensure equal opportunity for public service through fair election practices?

REP. PICHAY:

Fair election practices?

REP. MACARAMBON:

Yeah. To ensure equal opportunity for public service through fair ...

THE CHAIRMAN (SEN. ROCO):

Wala nang practices nga.

REP. PICHAY:

Wala nang practices.

THE CHAIRMAN (SEN. ROCO):

It shall be cited as Fair Election Act.

(Informal discussions)

REP. PICHAY:

Approve na iyan.

THE CHAIRMAN (SEN. ROCO):

Done. So, okay na iyon. The title will be "Fair Election Act."

The rest wala nang problema ano?

VOICES:

Wala na.

REP. MACARAMBON:

Wala na iyong practices?

THE CHAIRMAN (SEN. ROCO):

Wala na, wala na. Mahina tayo sa practice, eh.

O, wala na? We will clean up.

REP. MARCOS:

Title?

THE CHAIRMAN (SEN. ROCO):

The short title, "This Act ..."

THE CHAIRMAN (REP. SYJUCO):

You're back to your No. 21 already.

REP. MARCOS:

The full title, the same?

THE CHAIRMAN (SEN. ROCO):

Iyon na nga. The full title is "An Act to enhance the holding ..." That's the House version, eh, dahil pareho, hindi ba? Then the short title "This Act shall be known as the Fair Election Act." [38]

The legislators considered Section 67 of the Omnibus Election Code as a form of harassment or discrimination that had to be done away with and repealed. The executive department found cause with Congress when the President of the Philippines signed the measure into law. For sure, some sectors of society and in government may believe that the repeal of Section 67 is bad policy as it would encourage political adventurism. But policy matters are not the concern of the Court. Government policy is within the exclusive dominion of the political branches of the government.[39] It is not for this Court to look into the wisdom or propriety of legislative determination. Indeed, whether an enactment is wise or unwise, whether it is based on sound economic theory, whether it is the best means to achieve the desired results, whether, in short, the legislative discretion within its prescribed limits should be exercised in a particular manner are matters for the judgment of the legislature, and the serious conflict of opinions does not suffice to bring them within the range of judicial cognizance. [40] Congress is not precluded from repealing Section 67 by the ruling of the Court in *Dimaporo v. Mitra*[41] upholding the validity of the provision and by its pronouncement in the same case that the provision has a laudable purpose. Over time, Congress may find it imperative to repeal the law on its belief that the election process is thereby enhanced and the paramount objective of election laws - the fair, honest and orderly election of truly deserving members of Congress - is achieved.

Moreover, the avowed purpose of the constitutional directive that the subject of a bill should be embraced in its title is to apprise the legislators of the purposes, the nature and scope of its provisions, and prevent the enactment into law of matters which have not received the notice, action and study of the legislators and the public.[42] In this case, it cannot be claimed that the legislators were not apprised of the repeal of Section 67 of the Omnibus Election Code as the same was amply and comprehensively deliberated upon by the members of the House. In fact, the petitioners, as members of the House of Representatives, expressed their reservations regarding its validity prior to casting their votes. Undoubtedly, the legislators were aware of the existence of the provision repealing Section 67 of the Omnibus Election Code.

Section 14 of Rep. Act No. 9006
Is Not Violative of the Equal Protection
Clause of the Constitution[43]

The petitioners' contention, that the repeal of Section 67 of the Omnibus Election Code pertaining to elective officials gives undue benefit to such officials as against the appointive ones and violates the equal protection clause of the constitution, is tenuous.

The equal protection of the law clause in the Constitution is not absolute, but is subject to reasonable classification. If the groupings are characterized by substantial distinctions that make real differences, one class may be treated and regulated differently from the other.[44] The Court has explained the nature of the equal protection guarantee in this manner:

The equal protection of the law clause is against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality. It is not intended to prohibit legislation which is limited either in the object to which it is directed or by territory within which it is to operate. It does not demand absolute equality among residents; it merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced. The equal protection clause is not infringed by legislation which applies only to those persons falling within a specified class, if it applies alike to all persons within such class, and reasonable grounds exist for making a distinction between those who fall within such class and those who do not.[45]

Substantial distinctions clearly exist between elective officials and appointive officials. The former occupy their office by virtue of the mandate of the electorate. They are elected to an office for a definite term and may be removed therefrom only upon stringent conditions.[46] On the other hand, appointive officials hold their office by virtue of their designation thereto by an appointing authority. Some appointive officials hold their office in a permanent capacity and are entitled to security of tenure[47] while others serve at the pleasure of the appointing authority.[48]

Another substantial distinction between the two sets of officials is that under Section 55, Chapter 8, Title I, Subsection A. Civil Service Commission, Book V of the Administrative Code of 1987 (Executive Order No. 292), appointive officials, as officers and employees in the civil service, are strictly prohibited from engaging in any partisan political activity or take part in any election except to vote. Under the same provision, elective officials, or officers or employees holding political offices, are obviously expressly allowed to take part in political and electoral activities.[49]

By repealing Section 67 but retaining Section 66 of the Omnibus Election Code, the legislators deemed it proper to treat these two classes of officials differently with respect to the effect on their tenure in the office of the filing of the certificates of candidacy for any position other than those occupied by them. Again, it is not within the power of the Court to pass upon or look into the wisdom of this classification.

Since the classification justifying Section 14 of Rep. Act No. 9006, i.e., elected officials vis-a-vis appointive officials, is anchored upon material and significant distinctions and all the persons belonging under the same classification are similarly treated, the equal protection clause of the Constitution is, thus, not infringed.

The Enrolled Bill Doctrine Is Applicable In this Case

Not content with their plea for the nullification of Section 14 of Rep. Act No. 9006, the petitioners insist that the entire law should be nullified. They contend that irregularities attended the passage of the said law particularly in the House of Representatives catalogued thus:

- Creation of two (2) sets of BCC (Bicameral Conference Committee) members by the House during its session on February 5, 2001;
- No communication from the Senate for a conference on the compromise bill submitted by the BCC on November 29, 2000;
- The new Report submitted by the 2nd/3rd BCC was presented for approval on the floor without copies thereof being furnished the members;

- The 2[nd]/3[rd] BCC has no record of its proceedings, and the Report submitted by it was not signed by the Chairman (Sen. Roco) thereof as well as its senator-members at the time it was presented to and rammed for approval by the House;
- There was no meeting actually conducted by the 2[nd]/3[rd] BCC and that its alleged Report was instantly made and passed around for the signature of the BCC members;
- The Senate has no record of the creation of a 2[nd] BCC but only of the first one that convened on November 23, 2000;
- The "Effectivity" clauses of SB No. 1741 and HB No. 9000, as well as that of the compromise bill submitted by the BCC that convened on November 20, 2000, were couched in terms that comply with the publication required by the Civil Code and jurisprudence, to wit:

...

However, it was surreptitiously replaced in its final form as it appears in § 16, R.A. No. 9006, with the provision that "This Act shall take effect immediately upon its approval;"

- The copy of the compromise bill submitted by the 2[nd]/3[rd] BCC that was furnished the members during its consideration on February 7, 2001, did not have the same § 16 as it now appears in RA No. 9006, but § 16 of the compromise bill, HB 9000 and SB 1742, reasons for which no objection thereto was made;
- The alleged BCC Report presented to the House on February 7, 2001, did not "contain a detailed, sufficiently explicit statement of the changes in or amendments to the subject measure;" and
- The disappearance of the "Cayetano amendment," which is Section 12 of the compromise bill submitted by the BCC. In fact, this was the subject of the purported proposed amendment to the compromise bill of Member Paras as stated in paragraph 7 hereof. The said provision states, thusly:
Sec. 12. Limitation on Elected Officials. – Any elected official who runs for president and vice- president shall be considered ipso facto resigned from his office upon the filing of the certificate of candidacy.[50]

The petitioners, thus, urge the Court to go behind the enrolled copy of the bill. The Court is not persuaded. Under the "enrolled bill doctrine," the signing of a bill by the Speaker of the House and the Senate President and the certification of the Secretaries of both Houses of Congress that it was passed are conclusive of its due enactment. A review of cases[51] reveals the Court's consistent adherence to the rule. The Court finds no reason to deviate from the salutary rule in this case where the irregularities alleged by the petitioners mostly involved the internal rules of Congress, e.g., creation of the 2[nd] or 3[rd] Bicameral Conference Committee by the House. This Court is not the proper forum for the enforcement of these internal rules of Congress, whether House or Senate. Parliamentary rules are merely procedural and with their observance the courts have no concern.[52] Whatever doubts there may be as to the formal validity of Rep. Act No. 9006 must be resolved in its favor. The Court reiterates its ruling in *Arroyo v. De Venecia*,[53] viz.:

But the cases, both here and abroad, in varying forms of expression, all deny to the courts the power to inquire into allegations that, in enacting a law, a House of Congress failed to comply with its own rules, in the absence of showing that there was a violation of a constitutional provision or the rights of private individuals. In *Osmeña v. Pendatun*, it was held: "At any rate, courts have declared that 'the rules adopted by deliberative bodies are subject to revocation, modification or waiver at the pleasure of the body adopting them.' And it has been said that 'Parliamentary rules are merely procedural, and with their observance, the courts have no concern. They may be waived or disregarded by the legislative body.' Consequently, 'mere failure to conform to parliamentary usage will not invalidate the action (taken by a deliberative body) when the requisite number of members have agreed to a particular measure.'"

The Effectivity Clause Is Defective

Finally, the "Effectivity" clause (Section 16) of Rep. Act No. 9006 which provides that it "shall take effect immediately upon its approval," is defective. However, the same does not render the entire law invalid. In *Tañada v. Tuvera*,^[54] this Court laid down the rule:

... the clause "unless it is otherwise provided" refers to the date of effectivity and not to the requirement of publication itself, which cannot in any event be omitted. This clause does not mean that the legislator may make the law effective immediately upon approval, or on any other date without its previous publication.

Publication is indispensable in every case, but the legislature may in its discretion provide that the usual fifteen-period shall be shortened or extended....^[55]

Following Article 2 of the Civil Code^[56] and the doctrine enunciated in *Tañada*, Rep. Act No. 9006, notwithstanding its express statement, took effect fifteen days after its publication in the Official Gazette or a newspaper of general circulation.

In conclusion, it bears reiterating that one of the firmly entrenched principles in constitutional law is that the courts do not involve themselves with nor delve into the policy or wisdom of a statute. That is the exclusive concern of the legislative branch of the government. When the validity of a statute is challenged on constitutional grounds, the sole function of the court is to determine whether it transcends constitutional limitations or the limits of legislative power.^[57] No such transgression has been shown in this case.

WHEREFORE, the petitions are DISMISSED. No pronouncement as to costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, and Tinga, JJ., concur.

[1] Annex "A," Petition.

[2] Annex "B," *id.*

[3] Senators Raul S. Roco, Francisco S. Tatad, Vicente C. Sotto III, Gregorio B. Honasan, Robert S. Jaworski, Teresa Aquino-Oreta, Loren Legarda-Leviste and Sergio Osmeña III.

[4] Representatives Augusto L. Syjuco, Jr., Imee R. Marcos, Benasing O. Macarambon, Jr., Rodolfo C. Fariñas, Roseller L. Barinaga, Hussin U. Amin, Edmundo O. Reyes, Jr., Constantino G. Jaraula, Alipio Cirilo V. Badelles, Francis Joseph G. Escudero, Eleandro Jesus F. Madrona, Ernesto A. Nieva, Aniceto G. Saludo, Eduardo R. Gullas, Feliciano R. Belmonte, Jr., Sergio Antonio F. Apostol, Prospero A. Pichay, Jr. and Roy Padilla, Jr.

[5] Annex "C," Petition.

[6] Journal of the House of Representatives, Vol. 62, February 5, 2001, pp. 12-13.

[7] Representatives Edmundo O. Reyes, Jr., Jacinto V. Paras, Augusto "Boboy" Syjuco, Prospero A. Pichay, Jr., Carlos M. Padilla, Aniceto G. Saludo, Jr., Gerardo S. Espina, Ricardo V. Quintos and Isidro S. Rodriguez, Jr.

[8] See note 6.

[9] Representatives Carlos M. Padilla, Salvio B. Fortuno, Dante V. Liban, Roan I. Libarios, Nestor C. Ponce, Jr.,

Loretta Ann P. Rosales, Magtanggol T. Gunigundo and Edmundo O. Reyes, Jr.

[10] See note 6 at 20.

[11] Journal of the House of Representatives, Vol. 64, February 7, 2001, p. 29.

[12] Id. at 32-35.

[13] 202 SCRA 779 (1991).

[14] SECTION 1, ARTICLE XI, CONSTITUTION.

[15] People v. Vera, 65 Phil. 56 (1937).

[16] Baker v. Carr, 369 U.S. 186, 7 L.Ed.2d 633 (1962).

[17] Del Mar v. Philippine Amusement and Gaming Corporation, 346 SCRA 485 (2000); Carpio v. Executive Secretary, 206 SCRA 290 (1992); Osmeña v. Comelec, 199 SCRA 750 (1991); Basco v. PAGCOR, 197 SCRA 52 (1991); Guingona v. Carague, 196 SCRA 221 (1991); Civil Liberties Union v. Executive Secretary, 194 SCRA 317 (1991); Philconsa v. Gimenez, 15 SCRA 479 (1965).

[18] 281 SCRA 330 (1997).

[19] 245 SCRA 253 (1995).

[20] 235 SCRA 630 (1994).

[21] Supra.

[22] 232 SCRA 110 (1994).

[23] 235 SCRA 506 (1994).

[24] 175 SCRA 264 (1989).

[25] 246 SCRA 334 (1995).

[26] Supra.

[27] Gonzales v. Commission on Elections, 27 SCRA 835 (1969).

[28] Samson v. Aguirre, 315 SCRA 53 (1999).

[29] In re Guarina, 24 Phil. 37 (1913).

[30] Tatad v. Secretary of Department of Energy, supra.

[31] SECTION 1, ARTICLE VIII, CONSTITUTION reads:

Sec. 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion

amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

[32] A rider is a provision not germane to the subject matter of the bill. (*Alalayan v. NPC*, 24 SCRA 172 [1968]).

[33] *Alalayan v. NPC*, *supra*.

[34] *Cordero v. Cabatuando*, 6 SCRA 418 (1962).

[35] Underscoring ours.

[36] *Tolentino v. Secretary of Finance*, *supra*.

[37] *Tio v. Videogram Regulatory Board*, 151 SCRA 208 (1987).

[38] Records of the Bicameral Conference Committee on the Disagreeing Provisions of Senate Bill No. 1742 and House Bill No. 9000 (Committee on Electoral Reforms), November 23, 2000, pp. 95-99.

[39] *Valmonte v. Belmonte, Jr.*, 170 SCRA 256 (1989).

[40] *Bayside Fish Flour Co. v. Gentry*, 297 US 422, 80 L Ed 772 (1935). See also *Garcia v. Corona*, 321 SCRA 218 (1999); *Samson v. Aguirre*, 315 SCRA 54 (1999); *Victoriano v. Elizalde Rope Workers Union*, 59 SCRA 54 (1974); *Morfe v. Mutuc*, 22 SCRA 424 (1968).

[41] *Supra*.

[42] *Ichong v. Hernandez*, 101 Phil. 1155 (1957).

[43] No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws (SECTION 1, ARTICLE III, CONSTITUTION).

[44] *Tiu v. Court of Appeals*, 301 SCRA 278 (1999).

[45] *Ichong v. Hernandez*, *supra*, citing 2 Cooley, *Constitutional Limitations*, pp. 824-825.

[46] For example, under the Constitution, the grounds by which the tenure of the members of the House of Representatives and the Senate may be shortened may be summarized as follows:

a)

Sec. 16, Art. VI: Forfeiture of his seat by holding any other office or employment in the government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or subsidiaries;

b)

Sec. 16 (3), Art. VI: Expulsion as a disciplinary action for disorderly behavior;

c)

Sec. 17, Art. VI: Disqualification as determined by resolution of the appropriate Electoral Tribunal in an election contest; and

d)

Sec. 7, par. 2, Art. VI: Voluntary renunciation of office.

Further, under Sec. 2, Art. XI of the Constitution, the President and the Vice-President, along with other impeachable officers, may be removed from office "on impeachment for, and conviction of, culpable violation of

the Constitution, treason, bribery, graft and corruption, other high crimes, or betrayal of public trust."

[47] Section 46, Chapter 7, Title I, Subtitle A. Civil Service Commission, Book V of the 1987 Administrative Code provides, in part, that "No officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process." Further, Section 23, Rule XIV of the Omnibus Rules Implementing Book V of the 1987 Administrative Code enumerates the "grave offenses" which are grounds for dismissal upon the commission of first offense as follows: dishonesty, gross neglect of duty, gross misconduct, being notoriously undesirable, conviction of a crime involving moral turpitude, falsification of official document, physical or mental incapacity or disability due to vicious habits, among others.

[48] Officers and employees holding primarily confidential positions have terms of office which expire upon loss of confidence in them by the appointing authority. (*Hernandez v. Villegas*, 14 SCRA 544 [1965]).

[49] Section 55, Chapter 8, Title I Subsection A. Civil Service Commission, Book V of the Administrative Code of 1987 (Executive Order No. 292) reads in full:

Sec. 55. Political Activity. – No officer or employee in the Civil Service including members of the Armed Forces, shall engage, directly or indirectly, in any partisan political activity or take part in any election except to vote nor shall he use his official authority or influence to coerce the political activity of any other person or body. Nothing herein provided shall be understood to prevent any officer or employee from expressing his views on current political problems or issues, or from mentioning the names of his candidates for public office whom he supports: Provided, That public officers and employees holding political offices may take part in political and electoral activities but it shall be unlawful for them to solicit contributions from their subordinates or subject them to any of the acts involving subordinates prohibited in the Election Code.

[50] MEMORANDUM of the Petitioners in G.R. No. 147387, pp. 19-20.

[51] *Tolentino v. Secretary of Finance*, supra; *Morales v. Subido*, 27 SCRA 131 (1969); *Casco (Phil.) Inc. v. Gimenez*, 7 SCRA 347 (1963); *Mabanag v. Lopez Vito*, 78 Phil. 1 (1947).

[52] *Osmeña, Jr. v. Pendatun*, 109 Phil. 863 (1960).

[53] 277 SCRA 268 (1997).

[54] 146 SCRA 446 (1986).

[55] *Id.* at 452.

[56] Laws shall take effect after fifteen days following the completion of their publication in the Official Gazette, unless it is otherwise provided. This Code shall take effect one year after publication.

[57] See *Tatad v. Secretary of the Department of Energy*, supra; *Tañada v. Angara*, 272 SCRA 18 (1997); *Bondoc v. Pineda*, 201 SCRA 792 (1991); *Osmeña v. COMELEC*, 199 SCRA 750 (1991); *Luz Farms v. Secretary of the Department of Agrarian Reform*, 192 SCRA 51 (1990); *Gonzales v. COMELEC*, 21 SCRA 774 (1967).

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.