

**LEAGUE OF CITIES OF THE PHILIPPINES (LCP), REPRESENTED BY
LCP NATIONAL PRESIDENT JERRY P. TREÑAS; CITY OF CALBAYOG,
REPRESENTED BY MAYOR MEL SENEN S. SARMIENTO; AND JERRY P.
TRE...**

G.R. No. 176951. June 28, 2011

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

We hereby consider and resolve:- (a) the petitioners' Motion for Leave to File Motion for Reconsideration of the Resolution of 12 April 2011, attached to which is a Motion for Reconsideration of the Resolution dated 12 April 2011 dated April 29, 2011 (Motion For Reconsideration), praying that the resolution of April 12, 2011 be reconsidered and set aside; and (b) the respondents' Motion for Entry of Judgment dated May 9, 2011.

After thorough consideration of the incidents, we deny the Motion for Reconsideration and grant the Motion for Entry of Judgment.

As its prayer for relief shows, the Motion for Reconsideration seeks the reconsideration, reversal, or setting aside of the resolution of April 12, 2011.[1] In turn, the resolution of April 12, 2011 denied the petitioners' Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011).[2] Clearly, the Motion for Reconsideration is really a second motion for reconsideration in relation to the resolution dated February 15, 2011.[3]

Another indicium of its being a second motion for reconsideration is the fact that the Motion for Reconsideration raises issues entirely identical to those the petitioners already raised in their Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011). The following tabulation demonstrates the sameness of issues between the motions, to wit:

Motion for Reconsideration of April 29, 2011

Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011) dated March 8, 2011

I. With due respect, neither the Rules of Court nor jurisprudence allows the Honorable Court to take cognizance of Respondent Municipalities multiple motions. By doing so, the Honorable Court therefore acted contrary to the Rules of Court and its internal procedures.

II. The Resolution Contravenes The 1997 Rules Of Civil Procedure And Relevant Supreme Court Issuances.

II. Contrary to the ruling of the Honorable Court in the Assailed Resolution, the controversy involving the Sixteen (16) Cityhood laws had long been resolved with finality; thus, the principles of immutability of

judgment and res judicata are applicable and operate to deprive the Honorable Court of jurisdiction.

I. The Honorable Court Has No Jurisdiction To Promulgate The Resolution Of 15 February 2011, Because There is No Longer Any Actual Case Or Controversy To Settle. III. The Resolution Undermines The Judicial System In Its Disregard Of The Principles Of Res Judicata And The Doctrine of Immutability of Final Judgments.

III. Contrary to the Assailed Resolution of the Honorable Court, the sixteen (16) Cityhood laws neither repealed nor amended the Local Government Code. The Honorable Court committed an error when it failed to rule in the Assailed Resolution that the Sixteen (16) Cityhood Laws violated Article X, Sections 6 and 10 of the Constitution.

IV. The Resolution Erroneously Ruled That The Sixteen (16) Cityhood Bills Do Not Violate Article X, Sections 6 and 10 Of The 1987 Constitution. V. The Sixteen (16) Cityhood Laws Violate The Equal Protection Clause Of The Constitution And The Right Of Local Government Units To A Just Share In The National Taxes.

IV. With due respect, the constitutionality of R.A. 9009 is not an issue in this case. It was error on the part of the Honorable Court to consider the law arbitrary.

That Issue No. IV (i.e., the constitutionality of Republic Act No. 9009) appears in the Motion for Reconsideration but is not found in the Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011) is of no consequence, for the constitutionality of R.A. No. 9009 is neither relevant nor decisive in this case, the reference to said legislative enactment being only for purposes of discussion.

The Motion for Reconsideration, being a second motion for reconsideration, cannot be entertained. As to that, Section 2[4] of Rule 51 of the Rules of Court is unqualified. The Court has firmly held that a second motion for reconsideration is a prohibited pleading,[5] and only for extraordinarily persuasive reasons and only after an express leave has been first obtained may a second motion for reconsideration be entertained.[6] The restrictive policy against a second motion for reconsideration has been re-emphasized in the recently promulgated Internal Rules of the Supreme Court, whose Section 3, Rule 15 states:

Section 3. Second motion for reconsideration. - The Court shall not entertain a second motion for reconsideration, and any exception to this rule can only be granted in the higher interest of justice by the Court en banc upon a vote of at least two-thirds of its actual membership. There is reconsideration "in the higher interest of justice" when the assailed decision is not only legally erroneous, but is likewise patently unjust and potentially capable of causing unwarranted and irremediable injury or damage to the parties. A second motion for reconsideration can only be entertained before the ruling sought to be reconsidered becomes final by operation of law or by the Court's declaration.

In the Division, a vote of three Members shall be required to elevate a second motion for reconsideration to the Court En Banc.

We observe, too, that the prescription that a second motion for reconsideration "can only be entertained before the ruling sought to be reconsidered becomes final by operation of law or by the Court's declaration" even renders the denial of the petitioners' Motion for Reconsideration more compelling. As the resolution of April 12, 2011 bears out,[7] the ruling sought to be reconsidered became final by the Court's express declaration. Consequently, the denial of the Motion for Reconsideration is immediately warranted.

Still, the petitioners seem to contend that the Court had earlier entertained and granted the respondents' own second motion for reconsideration. There is no similarity between then and now, however, for the Court en banc itself unanimously declared in the resolution of June 2, 2009 that the respondents' second motion for

reconsideration was "no longer a prohibited pleading." [8] No similar declaration favors the petitioners' Motion for Reconsideration.

Finally, considering that the petitioners' Motion for Reconsideration merely rehashes the issues previously put forward, particularly in the Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011), the Court, having already passed upon such issues with finality, finds no need to discuss the issues again to avoid repetition and redundancy.

Accordingly, the finality of the resolutions upholding the constitutionality of the 16 Cityhood Laws now absolutely warrants the granting of respondents' Motion for Entry of Judgment.

WHEREFORE, the Court denies the petitioners' Motion for Leave to File Motion for Reconsideration of the Resolution of 12 April 2011 and the attached Motion for Reconsideration of the Resolution of 12 April 2011; grants the respondents' Motion for Entry of Judgment dated May 9, 2011; and directs the Clerk of Court to forthwith issue the Entry of Judgment in this case.

No further pleadings or submissions by any party shall be entertained.

SO ORDERED.

Corona, C.J., Velasco, Jr., Leonardo-De Castro, Abad, Perez, and Mendoza, JJ., concur.

Carpio, J., see dissenting opinion.

Brion, J., I maintain my dissent.

Peralta, J., I maintain my vote.

Del Castillo, J., no part.

Villarama, Jr., J., I join J. Carpio in his dissent.

Sereno, J., see dissenting opinion. I join main dissent of J. Carpio.

[1] The prayer for relief of the Motion for Reconsideration states:

WHEREFORE, Petitioners most respectfully pray that the Resolution dated 12 April 2011 be forthwith RECONSIDERED, REVERSED or SET ASIDE.

[2] The dispositive portion of the resolution of April 12, 2011 reads:

WHEREFORE, the Ad Cautelam Motion for Reconsideration (of the Decision dated 15 February 2011) is denied with finality.

SO ORDERED.

[3] The dispositive portion of the resolution of February 15, 2011 says:

WHEREFORE, the Motion for Reconsideration of the "Resolution" dated August 24, 2010, dated and filed on September 14, 2010 by respondents Municipality of Baybay, et al. is GRANTED. The Resolution dated August 24, 2010 is REVERSED and SET ASIDE. The Cityhood Laws--Republic Acts Nos. 9389, 9390, 9391, 9392, 9393, 9394, 9398, 9404, 9405, 9407, 9408, 9409, 9434, 9435, 9436, and 9491--are declared CONSTITUTIONAL.

SO ORDERED.

[4] Section 2. Second motion for reconsideration. - No second motion for reconsideration of a judgment or final resolution by the same party shall be entertained.

[5] Securities and Exchange Commission v. PICOP Resources, Inc., 566 SCRA 451 (2008); APO Fruits corporation v. Land Bank of the Philippines, G.R. No. 164195, April 5, 2011; Ortigas and Company Limited Partnership v. Velasco, 254 SCRA 234.

[6] Ortigas and Company Limited Partnership v. Velasco, *supra*.

[7] *Supra*, note 2.

[8] The resolution of June 2, 2009 pertinently declared:

xxx

In the present case, the Court voted on the second motion for reconsideration filed by the respondent cities. In effect, the Court allowed the filing of the second motion for reconsideration. Thus, the second motion for reconsideration was no longer a prohibited pleading. However, for lack of the required number of votes to overturn the 18 November 2009 Decision and 31 March 2009 Resolution, the Court denied the second motion for reconsideration in its 28 April 2009 Resolution.

xxx

DISSENTING OPINION**CARPIO, J.:**

The majority decision upheld the constitutionality of the Cityhood Laws because (1) of the pendency of the conversion bills during the 11[th] Congress; and (2) compliance with the requirements of the Local Government Code prior to its amendment by Republic Act No. 9009.

I reiterate my dissent.

I.

The Cityhood Laws violate Section 10, Article X of the Constitution.

Section 10, Article X of the 1987 Constitution provides:

No province, city, municipality, or barangay shall be created, divided, merged, abolished or its boundary substantially altered, except in accordance with the criteria established in the local government code and subject to approval by a majority of the votes cast in a plebiscite in the political units directly affected. (Emphasis supplied)

The Constitution is clear. The creation of local government units must follow the criteria established in the Local Government Code itself and not in any other law. There is only one Local Government Code.[1] To avoid discrimination and ensure uniformity and equality, the Constitution expressly requires Congress to stipulate in the Local Government Code itself all the criteria necessary for the creation of a city, including the conversion of a municipality into a city. Congress cannot write such criteria in any other law, like the Cityhood Laws.

Notably, each Cityhood Law provides in its Separability Clause that if any of its provisions is "inconsistent with the Local Government Code," the other consistent provisions "shall continue to be in full force and effect." The

clear and inescapable implication is that any provision in each Cityhood Law that is "inconsistent with the Local Government Code" has no force and effect - in short, void and ineffective. Each Cityhood Law expressly and unequivocally acknowledges the superiority of the Local Government Code, and that in case of conflict, the Local Government Code shall prevail over the Cityhood Law. The clear intent and express language of the Cityhood Laws is for these laws to conform to the Local Government Code and not the other way around.

Moreover, Congress, in providing in the Separability Clause that the Local Government Code shall prevail over the Cityhood Laws, treats the Cityhood Laws as separate and distinct from the Local Government Code. In other words, the Cityhood Laws do not form integral parts of the Local Government Code but are separate and distinct laws. There is therefore no question that the Cityhood Laws are laws other than the Local Government Code. As such, the Cityhood Laws cannot stipulate an exception from the requirements for the creation of cities, prescribed in the Local Government Code, without running afoul of the explicit mandate of Section 10, Article X of the 1987 Constitution.

Contrary to the faulty conclusion of the majority, the Cityhood Laws do not amend the Local Government Code. The Legislature never intended the Cityhood Laws to amend the Local Government Code. Nowhere in the plain language of the Cityhood Laws can this interpretation be discerned. Neither the title nor the body of the Cityhood Laws sustains such conclusion. Simply put, there is absolutely nothing in the Cityhood Laws to support the majority decision that the Cityhood Laws amended the Local Government Code.

II.

The Cityhood Laws violate the equal protection clause.

There is no substantial distinction between municipalities with pending cityhood bills in the 11[th] Congress and municipalities that did not have pending bills. The mere pendency of a cityhood bill in the 11[th] Congress is not a material difference to distinguish one municipality from another for the purpose of the income requirement. The pendency of a cityhood bill in the 11[th] Congress does not affect or determine the level of income of a municipality. Municipalities with pending cityhood bills in the 11[th] Congress might even have lower annual income than municipalities that did not have pending cityhood bills. In short, the classification criterion – mere pendency of a cityhood bill in the 11[th] Congress – is not rationally related to the purpose of the law which is to prevent fiscally non-viable municipalities from converting into cities.

The fact of pendency of a cityhood bill in the 11[th] Congress limits the exemption to a specific condition existing at the time of passage of RA 9009. That specific condition will never happen again. This violates the requirement that a valid classification must not be limited to existing conditions only.

In the same vein, the exemption provision in the Cityhood Laws gives the 16 municipalities a unique advantage based on an arbitrary date – the filing of their cityhood bills before the end of the 11[th] Congress - as against all other municipalities that want to convert into cities after the effectivity of RA 9009.

Further, limiting the exemption only to the 16 municipalities violates the requirement that the classification must apply to all similarly situated. Municipalities with the same income as the 16 respondent municipalities cannot convert into cities, while the 16 respondent municipalities can. Clearly, as worded the exemption provision found in the Cityhood Laws, even if it were written in Section 450 of the Local Government Code, is unconstitutional for violation of the equal protection clause.

III.

Respondent municipalities must comply with the P100 million income requirement under the prevailing LGC.

RA No. 9009 amended the Local Government Code precisely because the criteria in the old Local Government Code were no longer sufficient. In short, RA No. 9009 repealed the old income requirement of P20 million, a requirement that no longer exists in our statute books. Compliance with the old income requirement is compliance with a repealed, dead, and non-existent law - a totally useless, futile, and empty act. Worse, compliance with the old requirement is an outright violation of the Constitution which expressly commands that "no x x x city x x x shall be created x x x except in accordance with the criteria established in the local government code." Therefore, respondent municipalities in order to validly convert into cities must comply with the P100 million income requirement under the prevailing Local Government Code, as amended by RA 9009, and not with the old P20 million income requirement. Otherwise, such compliance with the old P20 million income requirement is void for being unconstitutional.

There must be strict compliance with the express command of the Constitution that "no city x x x shall be created x x x except in accordance with the criteria established in the local government code." Substantial compliance is insufficient because it will discriminate against all other cities that were created before and after the enactment of the Cityhood Laws in strict compliance with the criteria in the Local Government Code, as amended by RA No. 9009. The conversion of municipalities into new cities means an increase in the Internal Revenue Allotment of the former municipalities and a corresponding decrease in the Internal Revenue Allotment of all other existing cities. There must be strict, not only substantial, compliance with the constitutional requirement because the economic lifeline of existing cities may be seriously affected.

IV.

The increased income requirement of P100 million is neither arbitrary nor difficult to comply.

According to the majority, "the imposition of the income requirement of P100 million from local sources under R.A. No. 9009 was arbitrary. x x x no research or empirical data buttressed the figure. Nor was there proof that the proposal took into account the after-effects that were likely to arise."

This is glaring error.

The Legislature, in enacting RA No. 9009, is not required by the Constitution to show the courts data like inflation figures to support the increased income requirement. As long as the increased income requirement is not impossible to comply, such increase is a policy determination involving the wisdom of the law, which exclusively lies within the province of the Legislature. When the Legislature enacts laws increasing taxes, tax rates, or capital requirements for businesses, the Court cannot refuse to apply such laws on the ground that there is no economic justification for such increases. Economic, political or social justifications for the enactment of laws go into the wisdom of the law, outside the purview of judicial review. This Court cannot refuse to apply the law unless the law violates a specific provision of the Constitution. There is plainly nothing unconstitutional in increasing the income requirement from P20 million to P100 million because such increase does not violate any express or implied provision of the Constitution.

V.

Failure of 59 existing cities to post P100 million annual income does not render the P100 million income requirement difficult to comply.

Suffice it to state that there is no Constitutional or statutory requirement for the 59 existing cities to comply with the P100 million income requirement. Obviously, these cities were already cities prior to the amendment of the Local Government Code providing for the increased income requirement of P100 million. In other words, at the

time of their creation, these cities have complied with the criteria prescribed under the old Local Government Code for the creation of cities, and thus are not required to comply with the P100 million income requirement of the prevailing Local Government Code. It is utterly misplaced and grossly erroneous to cite the "non-compliance" by the 59 existing cities with the increased income requirement of P100 million to conclude that the P100 million income requirement is arbitrary and difficult to comply.

Moreover, as stated, the increased income requirement of P100 million is neither unconstitutional nor unlawful. Unless the P100 million income requirement violates a provision of the Constitution or a law, such requirement for the creation of a city must be strictly complied with. Any local government unit applying for cityhood, whether located in or outside the metropolis and whether within the National Capital Region or not, must meet the P100 million income requirement prescribed by the prevailing Local Government Code. There is absolutely nothing unconstitutional or unlawful if the P100 million income requirement is easily complied with by local government units within or near the National Capital Region. The majority's groundless and unfair discrimination against these metropolis-located local government units must necessarily fail.

VI.

The Cityhood Laws violate Section 6, Article X of the Constitution.

Uniform and non-discriminatory criteria as prescribed in the Local Government Code are essential to implement a fair and equitable distribution of national taxes to all local government units. Section 6, Article X of the Constitution provides:

Local government units shall have a just share, as determined by law, in the national taxes which shall be automatically released to them. (Emphasis supplied)

If the criteria in creating local government units are not uniform and discriminatory, there can be no fair and just distribution of the national taxes to local government units.

A city with an annual income of only P20 million, all other criteria being equal, should not receive the same share in national taxes as a city with an annual income of P100 million or more. The criteria of land area, population and income, as prescribed in Section 450 of the Local Government Code, must be strictly followed because such criteria, prescribed by law, are material in determining the "just share" of local government units in national taxes. Since the Cityhood Laws do not follow the income criterion in Section 450 of the Local Government Code, they prevent the fair and just distribution of the Internal Revenue Allotment in violation of Section 6, Article X of the Constitution.

As pointed out by petitioners, "respondent municipalities have a total population equivalent to that of Davao City only, or around 1.3 million people. Yet, the IRA that pertains to the 16 municipalities (P4,019,776,072) is more than double that for Davao City (P1,874,175,271). x x x As a result, the per capita IRA allotted for the individual denizen of Davao is even less than half of the average per capita IRA of the inhabitants of the sixteen (16) municipalities (P1,374.70 divided by P3,117.24)."

This indisputable fact vividly reveals the economic inequity that will inevitably result from the unjust allocation of the IRA as a consequence of the conversion of respondent municipalities into cities. Clearly, if the existing cities' share in the Internal Revenue Allotment is unreasonably reduced, it is possible, even expected, that these cities may have to lay-off workers and abandon projects, greatly hampering, or worse paralyzing, the delivery of much needed public services in their respective territorial jurisdictions.

VII.

Conclusion

The Constitution expressly requires Congress to stipulate in the Local Government Code itself all the criteria necessary for the creation of a city, including the conversion of a municipality into a city. To avoid discrimination and ensure uniformity and equality, such criteria cannot be embodied in any other law except the Local Government Code. In this case, the Cityhood Laws, which are unmistakably laws other than the Local Government Code, provide an exemption from the increased income requirement for the creation of cities under Section 450 of the Local Government Code, as amended by RA No. 9009. Clearly, the Cityhood Laws contravene the letter and intent of Section 10, Article X of the Constitution. In addition, the Cityhood Laws violate the equal protection clause and Section 6, Article X of the Constitution on the fair and equitable distribution of national taxes to all local government units. Without any doubt, the Cityhood Laws must be stricken down for being unconstitutional.

Accordingly, I vote to GRANT the motion for reconsideration of the League of Cities of the Philippines.

[1] Republic Act No. 7160, as amended.

DISSENTING OPINION

SERENO, J.:

"If changing judges changes laws,
it is not even clear what law is."

- Richard A. Posner[1]

I maintain my dissent that the sixteen Cityhood Laws are unconstitutional. In questioning the Court's latest Resolution,[2] petitioners have raised concerns over the "highly irregular and unprecedented" acts of entertaining several motions for reconsideration.[3] In response to these concerns, I wish to expound on the effects of the "flip-flopping" decisions on the Court's role in our democratic system and its decision-making process, in order that it may "serve to bulwark the fortifications of an orderly government of laws." [4]

Our system of democracy is committed irrevocably to a government of laws,[5] and not of men.[6] Laws give witness to society's moral values[7] and are the depositories of what the sovereign as a whole has agreed to uphold as the minimum standards of conduct that will govern relationships and transactions within that society. In a representative democracy, the Filipino people, through their elected representatives, deliberate, distill and make moral judgments, which are crystallized into written laws that are made public, accessible and binding to all.[8] Perhaps no characteristic of an organized and cohesive society is more fundamental than its erection and enforcement of a system of rules defining the various rights and duties of its members, enabling them to govern their affairs and definitively settle their differences in an orderly, predictable manner.[9]

Obedience to the rule of law forms the bedrock of our system of justice.[10] Once the sovereign people's "soft" moral choices are hardened through the constitutionally mandated legislative process,[11] statutory laws perform an equalizing function of imposing a knowable standard of conduct or behavior to which all members of society must conform to - a social contract which everyone regardless of class, sex or religion is bound.[12] Legislative enactments are ordinarily prospective and general in character insofar as they prescribe limitations on an individual's future conduct. Under the rule of law,[13] ordinary people can reasonably assume that another person's future conduct will be in observance of the laws and can conceivably expect that any deviation therefrom will be punished accordingly by responsible authorities. Thus, written constitutions and statutory laws allow citizens a minimum confidence in a world of uncertainty:

Through constitutionalism we placed limits on both our political institutions and ourselves, hoping that democracies, historically always turbulent, chaotic, and even despotic, might now become restrained, principled, thoughtful and just. So we bound ourselves over to a law that we made and promised to keep. And though a government of laws did not displace governance by men, it did mean that now men, democratic men, would try to live by their word.[14]

As man-made creations, however, laws are not always entirely encompassing, as future conditions may change - conditions that could not have been perceived or accounted for by the legislators. Actual situations may arise between two conflicting claims by specific parties with differing interpretations of the law. In those instances in which a gray area or an unintended gap exists in the implementation or execution of laws, the judicial department is charged with the duty of determining the limitations that the law places upon all actions of individuals.[15] Hence, the court's primary adjudicatory function is to mark the metes and bounds of the law in specific areas of application, as well as to pass judgment on the competing positions in a case properly brought before it.

The Court not only functions to adjudicate rights among the parties, but also serves the purpose of a supreme tribunal of last resort that establishes uniform rules of civil justice.[16] Jurisprudence "narrows the field of uncertainty"[17] in the application of an unclear area of the law. The certainty of judicial pronouncement lends respect for and adherence to the rule of law - "the idea that all citizens and all organs of government are bound by rules fixed in advance, which make it possible to foresee how the coercive powers of government will be used, whether in its own interests or in aid of citizens who call on them, in particular circumstances." [18] The Court's historic role of pronouncing what the law is between the parties[19] is the cornerstone of a government of laws, and not of men.[20] Justice Antonin Scalia of the United States Supreme Court expounded on the objectives of uniformity and predictability of judicial decisions, to wit:

This last point suggests another obvious advantage of establishing as soon as possible a clear, general principle of decision: predictability. Even in simpler times uncertainty has been regarded as incompatible with the Rule of Law. Rudimentary justice requires that those subject to the law must have the means of knowing what it prescribes. It is said that one of emperor Nero's nasty practices was to post his edicts high on the columns so that they would be harder to read and easier to transgress. As laws have become more numerous, and as people have become increasingly ready to punish their adversaries in the courts, we can less and less afford protracted uncertainty regarding what the law may mean. Predictability, or as Llewellyn put it, "reckonability," is a needful characteristic of any law worthy of the name. There are times when even a bad rule is better than no rule at all.[21] (Emphasis supplied)

Certainty and "reckonability" in the law are the major objectives of the legal system, and judicial decisions serve the important purpose of providing stability to the law and to the society governed by that law.[22] If we are to subscribe to Justice Oliver Wendell Holmes' theory of a bad man,[23] then law provides reasonable predictability in the consequences of one's actions relative to the law, if performed in a just and orderly society. As judicial decisions form part of the law of the land,[24] there is a strong public interest in stability and in the orderly conduct of our affairs, an end served by a consistent course of adjudication.[25] Thus, once a court has decided upon a rule of law, "that decision should continue to govern the same issues in subsequent stages" of the same case[26] and thus offers to the people some measure of conviction about the legal effects of their actions. In the absence of extraordinary circumstances, courts should be loathe to revisit prior decisions.[27]

In the instant case, the public confusion, sown by the pendulum swing of the Court's decisions, has yielded unpredictability in the judicial decision-making process and has spawned untold consequences upon the public's confidence in the enduring stability of the rule of law in our jurisdiction.

The Court has been entrusted by the sovereign with the duty of voicing out and sharpening with finality society's collective ideals in its written decisions. Yet, if cases are litigated in perpetuity, and judgments are clouded with

continuous uncertainty, the public's confidence in the stability of judicial precedents promulgated by the Court would be greatly diminished. In this case, the Court has reviewed and reconsidered, no less than five times already,[28] the constitutionality of the sixteen Cityhood Laws.[29] During this time, the public has been made to endure an inordinate degree of indecision that has disturbed the conduct of local government affairs with respect not only to the municipalities asking to become cities, but also with respect to cities genuinely fearful of the destruction of the standards for the creation of cities and the correlative diminution of the internal revenue allotments of existing cities. The Court's commitment to provide constant and steadfast rules on the creation of cities has been inevitably weakened by the "flip-flopping" in the case that has opened the doors to rabid criticisms of the Court's failure to abide by its own internal rules and, thus, diminishing reliance on the certainty of its decisions.

To be sure, the Court is not precluded from rectifying errors of judgment if blind and stubborn adherence to the doctrine of immutability[30] would involve the sacrifice of justice for technicality.[31] The Court has previously provided for exceptions to the rule on immutability of final judgments, as follows: (1) the correction of clerical errors;[32] (2) nunc pro tunc entries which cause no prejudice to any party;[33] (3) void judgments;[34] and (4) supervening events.[35] As exceptions to the general rule, their application to instances wherein a review of a final and executory decision is called are to be strictly construed.[36] No convincing argument or extraordinary circumstance has been raised to justify and support the application of any of these exceptions to warrant a reversal of the Court's First Decision. Reversing previous, final, and executory decisions are to be done only under severely limited circumstances. Although new and unforeseen circumstances may arise in the future to justify a review of an established legal principle in a separate and distinct case, the extension of a principle must be dealt with exceptionally and cautiously.

Undeniably, the Court in the past has overturned prior decisions even on a second or third motion for reconsideration and recalled entries of judgment on the ground of substantial interest of justice and special and compelling reasons.[37] The Court bows to "the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the judicial function." [38] Notable reversals in recent memory include the cases involving the request for extradition of Mark Jimenez,[39] the constitutionality of the Philippine Mining Act of 1995,[40] the land title covering the Piedad Estate in Quezon City,[41] the just compensation due to Apo Fruits Corporation,[42] and the "deemed resigned" provision for public appointive officials in the recent May 2010 election.[43] Although no prohibition exists that would prevent this Court from changing its mind in the light of compelling reasons and in the interest of substantial justice as abovedemonstrated, extreme retrospect and caution must accompany such review.

In the instant case, there is no substantial interest of justice or compelling reason that would warrant the reversal of the First Decision declaring the Cityhood Laws unconstitutional. There is no injustice in preventing the conversion of the sixteen municipalities into cities at this point in time. In fact, justice is more equitably dispensed by the stringent application of the current legislative criteria under the Local Government Code (LGC),[44] as amended by Republic Act No. 9009 (RA 9009), for creating cities without distinction or exception. It must be remembered that the declaration of unconstitutionality is not an absolute ban on these municipalities prohibiting them from pursuing cityhood in the future once they are able to achieve the PhP100,000,000 income requirement under RA 9009.[45] Alternatively, their congressional representatives can also press for another amendatory law of the LGC that would include an explicit exception to the income requirement for municipalities with pending cityhood bills prior to the enactment of RA 9009. The route purportedly chosen by Congress to indirectly amend the LGC through the exemption of annual income requirements in the Cityhood Laws is improper. If Congress believes that the minority's construction of its intention in increasing the annual income requirement is erroneous, then the legislature can show its disapproval by directly enacting amendatory legislation of the LGC. In both

cases, the remedy available to the sixteen municipalities is not with the Court, but with the legislature, which is constitutionally empowered to determine the standards for the creation of a local government unit. The reasoning and substantial justice arguments expounded to reverse the initial finding of the Court that the Cityhood Laws are unconstitutional are poorly founded.

The LGC is a distinctly normative law that regulates the legislative power to create cities and establishes the standards by which the power is exercised. Unlike other statutes that prohibit undesirable conduct of ordinary citizens and are ends by themselves, the LGC prescribes the means by which congressional power is to be exercised and local government units are brought into legal existence. Its purpose is to avoid the arbitrary and random creation of provinces, cities and municipalities. By encapsulating the criteria for cityhood in the LGC, Congress provided objective, equally applicable and fairly ascertainable standards and reduced the emphasis on currying political favor from its members to approvingly act on the proposed cityhood law. Otherwise, cities chartered under a previous Congress can be unmade, at a whim, by a subsequent Congress, regardless of its compliance with the LGC's requirements. Fairness and equity demand that the criteria established by the LGC be faithfully and strictly enforced, most especially by Congress whose power is the actual subject of legislative delimitation.

In granting it the power to fix the criteria for the creation of a city, the Constitution, of course, did not preclude Congress from revising the standards imposed under the LGC. Congress shall enjoy the freedom to reconsider the minimum standards under the LGC, if future circumstances call for it. However, the method of revising the criteria must be directly done through an amendatory law of the LGC (such as RA 9009), and not through the indirect route of creating cities and exempting their compliance with the established and prevailing standards. By indiscriminately carving out exemptions in the charter laws themselves, Congress enfeebled the normative function of the LGC on the legislative power to create cities. Taking the argument to the extreme, a single barangay now has the chance of being chartered as a component city without compliance with the income, territorial or population requirements under the LGC, for as long as enough Congressional support is mustered to push for its exemption - not in a general amendatory law, but through its own specific legislative charter. The selective disregard of the norms under the LGC in favor of some municipalities cannot be sanctioned in a system where the rule of law remains dominant. Unless prevented by the Court, Congress will now be emboldened to charter new cities wholesale and arbitrarily relax the stringent standards under the LGC, which it imposed on itself.

It must be emphasized that no inconsistency arises from the present minority's continued participation in the disposition of the second or subsequent motions for reconsideration of the parties with the avowed purpose of predictability of judicial pronouncements. The reiteration of the minority's position that the Cityhood Laws are unconstitutional is an expression that none of the "new" or rehashed arguments in the subsequent motions have merited a change in their stand and appreciation of the facts and the law. For the minority to abandon their involvement from the proceedings in a mechanical adherence to the rule that the second and subsequent motions for reconsideration are prohibited pleadings that do not warrant the Court's attention is to capitulate to the sixteen municipalities' abhorrent strategy of insistent prayer for review of re-hashed arguments, already passed on, repeatedly.

If stability in the Court's decisions^[46] is to be maintained, then parties should not be encouraged to tirelessly seek reexamination of determined principles and speculate on the fluctuation of the law with every change of its expounders.^[47] In *Clavano v. Housing and Land Use Regulatory Board*, the Court explained that:

"The tendency of the law," observes Justice Oliver Wendell Holmes, "must always be to narrow the field of uncertainty." And so was the judicial process conceived to bring about the just termination of legal disputes. The

mechanisms for this objective are manifold but the essential precept underlying them is the immutability of final and executory judgments.

This fundamental principle in part affirms our recognition of instances when disputes are inadequately presented before the courts and addresses situations when parties fail to unravel what they truly desire and thus fail to set forth all the claims which they want the courts to resolve. It is only when judgments have become final and executory, or even when already deemed satisfied, that our negligent litigants belatedly come forth to pray for more relief. The distilled wisdom and genius of the ages would tell us to reject their pleas, for the loss to litigants in particular and to society in general would in the long run be greater than the gain if courts and judges were clothed with power to revise their final decisions at will.[48] (Emphasis supplied)

Unlike that of the other two political branches whose mandates are regularly renewed through direct election, the Court's legitimacy must be painstakingly earned with every decision that puts voice to the cherished value judgments of the sovereign. The judicial function in an organized and cohesive society governed by the rule of law is placed in serious peril if the people cannot rely on the finality of court decisions to regulate their affairs. There is no reason for the Court to bend over backwards to accommodate the parties' requests for reconsideration, yet again, of the unconstitutionality of the sixteen Cityhood Laws as borne by the First Decision, especially if the result would lead to the fracturing of central tenets of the justice system. The people's sense of an orderly government will find it unacceptable if the Supreme Court, which is tasked to express enduring values through its judicial pronouncements, is founded on sand, easily shifting with the changing tides.

The legal process of creating cities - as enacted and later amended by the legislature, implemented by the executive, and interpreted by the judiciary - serves as the people's North Star: certain, stable and predictable. Absent the three branches' adherence to the rule of law, our society would denigrate into uncertainty, instability and even anarchy. Indeed, the law is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy and to observe the limitations it imposes upon the exercise of the authority that it gives.[49] No public officer is held to these highest of normative standards than those whose duties are to adjudicate the rights of the people and to articulate on enduring principles of law applicable to all.

As Justice Robert Jackson eloquently expressed,[50] the Supreme Court is not final because it is infallible; it is infallible because it is final. And because its decisions are final, even if faulty, there must be every energy expended to ensure that the faulty decisions are few and far between. The integrity of the judiciary rests not only upon the fact that it is able to administer justice, but also upon the perception and confidence of the community that the people who run the system have done justice.[51]

The determination of the correctness of a judicial decision turns on far more than its outcome.[52] Rather, it turns on whether its outcome evolved from principles of judicial methodology, since the judiciary's function is not to bring about some desired state of affairs, but to find objectively the right decision by adhering to the established general system of rules.[53]

What we are dealing with in this case is no longer limited to the question of constitutionality of Cityhood Laws; we are also confronted with the question of certainty and predictability in the decisions of the Court under a democratic system governed by law and rules and its ability to uphold the Constitution and normative legislation such as the LGC.

The public has unduly suffered from the repeated "flip-flopping" in this case, especially since it comes from the branch of government tasked to embody in a clear form enduring rules of civil justice that are to govern them. In expressing these truths, I echo the sentiment of a judicial colleague from a foreign jurisdiction who once said, "I

write these words, not as a jeremiad,[54] but in the belief that unless the courts adhere to the guidance of fixed principles, we will soon bring objective law to its sepulcher." [55]

[1] Posner, Richard A., *How Judges Think* (2008), at 1.

[2] Resolution dated 12 April 2011.

[3] Petitioners' Motion for Reconsideration dated 29 April 2011, para. 1.6, at 7.

[4] "In concluding this tedious and disagreeable task, may we not be permitted to express the hope that this decision may serve to bulwark the fortifications of an orderly government of laws and to protect individual liberty from illegal encroachment." (*Villavicencio v. Lukban*, G. R. No. 14639, 25 March 1919, 39 Phil. 778; emphasis supplied)

[5] Dissenting Opinion, *Justice Paras, Austria v. Amante*, G. R. No. L-959, 09 January 1948, 79 Phil. 780.

[6] "The Government of the Philippine Islands is essentially a Government of laws and not of men." (*In Re: Mulloch Dick*, G. R. No. 13862, 16 April 1918, 38 Phil. 41)

[7] "The laws enacted become expressions of public morality. As Justice Holmes put it, '(t)he law is the witness and deposit of our moral life.' 'In a liberal democracy, the law reflects social morality over a period of time.' Occasionally though, a disproportionate political influence might cause a law to be enacted at odds with public morality or legislature might fail to repeal laws embodying outdated traditional moral views. Law has also been defined as 'something men create in their best moments to protect themselves in their worst moments.' ... Law deals with the minimum standards of human conduct while morality is concerned with the maximum. ... Law also serves as 'a helpful starting point for thinking about a proper or ideal public morality for a society' in pursuit of moral progress." (*Estrada v. Escritor*, A.M. No. P-02-1651, 04 August 2003, 408 SCRA 1)

[8] "In a democracy, this common agreement on political and moral ideas is distilled in the public square. Where citizens are free, every opinion, every prejudice, every aspiration, and every moral discernment has access to the public square where people deliberate the order of their life together. Citizens are the bearers of opinion, including opinion shaped by, or espousing religious belief, and these citizens have equal access to the public square. In this representative democracy, the state is prohibited from determining which convictions and moral judgments may be proposed for public deliberation. Through a constitutionally designed process, the people deliberate and decide. Majority rule is a necessary principle in this democratic governance. Thus, when public deliberation on moral judgments is finally crystallized into law, the laws will largely reflect the beliefs and preferences of the majority, i.e., the mainstream or median groups." (*Estrada v. Escritor*, *id.*)

[9] *Boddie v. Connecticut*, 401 U.S. 371, 91 S.Ct. 780, 28 L.Ed.2d 113 (1971).

[10] *People v. Veneracion*, G. R. No. 119987-88, 12 October 1995, 319 Phil. 364.

[11] Constitution, Art. VI, Sec. 26 and 27.

[12] "For when any number of men have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body, which is only by the will and determination of the majority: for that which acts any community, being only the consent of the individuals of it, and it being necessary to that which is one body to move one way; it is necessary the body should move that way whither the greater force carries it, which is the consent of the majority: or else it is impossible it should act or continue one body, one community, which the consent of every individual that united into it, agreed that it should;

and so every one is bound by that consent to be concluded by the majority. And therefore we see, that in assemblies, empowered to act by positive laws, where no number is set by that positive law which empowers them, the act of the majority passes for the act of the whole, and of course determines, as having, by the law of nature and reason, the power of the whole." (Locke, John. Second Treatise on Civil Government, cited in footnote no. 47 of Chief Justice Reynato Puno's Concurring Opinion in *Province of North Cotabato v. GRP Peace Panel on Ancestral Domain*, 568 SCRA 402)

[13] The rule of law has likewise been described as "a defeasible entitlement of persons to have their behavior governed by laws that are publicly fixed in advance." (Stephen R. Munzer, *A Theory of Retroactive Legislation*, 61 *Tex. L. Rev.* 425 [1982] at 438)

[14] Separate Opinion, Justice Santiago Kapunan, *Estrada v. Desierto*, G. R. No. 146710-15 & 146738, 02 March 2001, 356 SCRA 108.

[15] Separate Opinion, Justice Reynato Puno in *IBP v. Zamora*, G. R. No. 141284, 15 August 2000, 338 SCRA 81.

[16] "... Laws are a dead letter without courts to expound and define their true meaning and operation. ... Their true import, as far as respects individuals, must, like all other laws, be ascertained by judicial determinations. To produce uniformity in these determinations, they ought to be submitted, in the last resort, to one supreme tribunal. ... There are endless diversities in the opinions of men. We often see not only different courts but the judges of the same court differing from each other. To avoid the confusion which would unavoidably result from the contradictory decisions of a number of independent judicatories, all nations have found it necessary to establish one court paramount to the rest, possessing a general superintendence, and authorized to settle and declare in the last resort a uniform rule of civil justice." (Alexander Hamilton, *Federalist Paper No. 22*; emphasis supplied)

[17] "Still, the tendency of the law must always be to narrow the field of uncertainty." (Justice Oliver Wendell Holmes, *The Common Law* at 53)

[18] J. D. Heydon, *Limits to the Powers of Ultimate Appellate Courts*, *L.Q.R.* 2006, 122 (JUL), 399-425, 404, citing *Planned Parenthood of South Eastern Pennsylvania v. Casey*, 505 U.S. 833, 854 (1992).

[19] *Abueva v. Wood*, G. R. No. 21327, 14 January 1924, 45 *Phil.* 612.

[20] Separate Opinion, Justice Reynato Puno in *IBP v. Zamora*, *supra*. Note 12.

[21] Justice Antonin Scalia, *The Rule of Law as a Law of Rules*, 56 *U. Chi. L. Rev.* 1175 (1989) at 1179.

[22] Dissenting Opinion, Justice Conchita Carpio-Morales, *La Bugal B'laan Tribal Association, et al., v. Ramos*, G. R. No. 127882, 01 February 2005.

[23] "If you want to know the law and nothing else, you must look at it as a bad man, who cares only for the material consequences which such knowledge enables him to predict, not as a good one, who finds his reasons for conduct, whether inside the law or outside of it, in the vaguer sanctions of conscience." (Justice Oliver Wendell Holmes, Jr., *The Path of the Law*, 10 *Harv. L. R.* 457 [1897])

[24] Judicial decisions applying or interpreting the laws or the Constitution shall form a part of the legal system of the Philippines. (Civil Code, Art. 8; *Floresca v. Philex Mining Corporation*, G. R. No. L-30642, 30 April 1985, 136 SCRA 141)

[25] Concurring Opinion, Justice John Paul Stevens, *Thornburgh v. American College of Obstetricians and Gynecologists*, 476 U.S. 747, 780-781, 106 S.Ct. 2169 (1986)

[26] *Jano Justice Systems, Inc., v. Burton*, F.Supp.2d, 2010 WL 2012941 (C.D.Ill.) (2010), citing *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 816, 108 S.Ct. 2166, 100 L.Ed.2d 811 (1988).

[27] *Jano Justice Systems, Inc., v. Burton*, id.

[28] In a little over three years, the Court's decisions in the instant case have swung like a pendulum from unconstitutionality to validity. Beginning with the First Decision dated 18 November 2008, the Court initially found the subject sixteen Cityhood Laws as unconstitutional, but reversed itself in the Second Decision dated 21 December 2009, where the laws were declared valid. However, the Court had a change of heart and reinstated its earlier finding of unconstitutionality in the Third Decision (SC Resolution dated 24 August 2010, penned by Justice Antonio Carpio), but less than a year later, it overturned the last ruling by again declaring the Cityhood Laws constitutional in the Fourth Decision (SC Resolution dated 15 February 2011, penned by Justice Lucas Bersamin). The Fifth Decision and latest Resolution of the Court denied with finality the *Ad Cautelam* Motion for Reconsideration and reiterated that the Cityhood Laws were constitutional (SC Resolution dated 12 April 2011 penned again by Justice Bersamin)

[29] The sixteen Cityhood Laws consist of Republic Acts Nos. 9389-94, 9398, 9404-05, 9407-09, 9434-36 and 9491.

[30] "A decision that has acquired finality becomes immutable and unalterable and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact or law and whether it will be made by the court that rendered it or by the highest court of the land." (*Labao v. Flores*, G. R. No. 187984, 15 November 2010, 634 SCRA 723, citing *Peña v. Government Service Insurance System*, G.R. No. 159520, 19 September 2006, 502 SCRA 383, 404)

[31] *Republic v. Ballocanag*, G. R. No. 163794, 28 November 2008, 572 SCRA 436, citing *Heirs of Maura So v. Obliosca*, G. R. No. 147082, 28 January 2008, 542 SCRA 406, 421-422.

[32] *FGU Insurance Corporation v. RTC of Makati*, G. R. No. 161282, 23 February 2011, citing *Villa v. GSIS*, G. R. No. 174642, 31 October 2009.

[33] "The object of a judgment *nunc pro tunc* is not the rendering of a new judgment and the ascertainment and determination of new rights, but is one placing in proper form on the record, the judgment that had been previously rendered, to make it speak the truth, so as to make it show what the judicial action really was, not to correct judicial errors, such as to render a judgment which the court ought to have rendered, in place of the one it did erroneously render, nor to supply nonaction by the court, however erroneous the judgment may have been." (*Mocorro v. Ramirez*, G. R. No. 178366, 28 July 2008, 560 SCRA 362, citing *Briones-Vasquez v. Court of Appeals*, 450 SCRA 482, 492 [2005])

[34] "Void judgments may be classified into two groups: those rendered by a court without jurisdiction to do so and those obtained by fraud or collusion." (*Legarda v. Court of Appeals*, G.R. No. 94457, 16 October 1997, 280 SCRA 642)

[35] "One of the exceptions to the principle of immutability of final judgments is the existence of supervening events. Supervening events refer to facts which transpire after judgment has become final and executory or to new circumstances which developed after the judgment has acquired finality, including matters which the parties were not aware of prior to or during the trial as they were not yet in existence at that time." (*Natalia Realty, Inc. v. Court of Appeals*, G. R. No. 126462, 12 November 2002, 391 SCRA 370)

[36] "Under the rules of statutory construction, exceptions, as a general rule, should be strictly but reasonably

construed." (Commissioner of Internal Revenue v. CA, G. R. No. 107135, 23 February 1999, 303 SCRA 508)

[37] "... In the past, however, we have recognized exceptions to this rule by reversing judgments and recalling their entries in the interest of substantial justice and where special and compelling reasons called for such actions."

"Notably, in *San Miguel Corporation v. National Labor Relations Commission*, *Galman v. Sandiganbayan*, *Philippine Consumers Foundation v. National Telecommunications Commission*, and *Republic v. de los Angeles*, we reversed our judgment on the second motion for reconsideration, while in *Vir-Jen Shipping and Marine Services v. National Labor Relations Commission*, we did so on a third motion for reconsideration. In *Cathay Pacific v. Romillo* and *Cosio v. de Rama*, we modified or amended our ruling on the second motion for reconsideration. More recently, in the cases of *Muñoz v. Court of Appeals*, *Tan Tiac Chiong v. Hon. Cosico*, *Manotok IV v. Barque*, and *Barnes v. Padilla*, we recalled entries of judgment after finding that doing so was in the interest of substantial justice." (*Apo Fruits Corporation v. Landbank of the Philippines*, G. R. No. 164195, 12 October 2010, 632 SCRA 727)

[38] Dissenting Opinion, Justice Louis Brandeis, *Burnet v. Coronado Oil & Gas, Co.*, 285 U.S. 393, 407-408 (1932).

[39] In *Secretary of Justice v. Lantion*, G. R. No. 139645, the Court first ordered the Secretary of Justice to furnish private respondent Mark Jimenez, copies of the extradition request and its supporting papers, and to give him a reasonable period within which to file his comment with supporting evidence. (Decision dated 18 January 2000) The Court subsequently reversed itself and declared that private respondent is bereft of the right to notice and hearing during the evaluation stage of the extradition process. (Decision 17 October 2000)

[40] In *La Bugal B'laan Tribal Association v. Ramos*, G. R. No. 127882, the Court first declared some of the provisions of Republic Act No. 7942 (Philippine Mining Act of 1995) unconstitutional and void (Decision dated 27 January 2004); but on a motion for reconsideration the ruling was later reversed and the mining law was declared constitutional (Resolution dated 01 December 2004).

[41] In *Heirs of Manotok v. Barque*, G. R. No. 162335 & 162605, the Court's First Division initially affirmed the cancellation of the Manotok title over the friar land and ordered that the title be reconstituted in favor of the Homer L. Barque, Sr. (Decision dated 12 December 2005) After the Decision was recalled and the case remanded to the Court of Appeals for reception of evidence (Resolution dated 18 December 2008), the Court en banc nullified the titles of Manotok and Barque and declared the land as legally belonging to the national government. (Decision dated 24 August 2010)

[42] In *Apo Fruits Corporation v. Landbank of the Philippines*, G. R. No. 164105, the Court's Third Division ordered Landbank to pay Apo Fruits Corporation and Hijo Plantation to pay P1,383,179,000 with 12% legal interest as just compensation for the two companies' expropriated lands. (Decision dated 06 February 2007) Landbank's motion for reconsideration was partially granted and the award of legal interest was deleted (Decision dated 19 December 2007 and 30 April 2008), which was affirmed by the Court en banc. (Decision dated 04 December 2009) However, the award of legal interest was reinstated later on. (Decision dated 12 October 2010)

[43] In *Quinto v. COMELEC*, G. R. No. 189698, the Court first declared unconstitutional the provision in the Omnibus Election Code, as amended by Republic Act No. 9369, considering public appointive officials as ipso facto resigned from the filing of their certificate of candidacy. (Decision 01 December 2009) The Court again reversed itself and declared the same provision as "not unconstitutional." (Resolution dated 22 February 2010)

[44] Republic Act No. 7160, Sec. 450.

[45] "Requisites for Creation. -- (a) A municipality or a cluster of barangays may be converted into a component city if it has a locally generated average annual income, as certified by the Department of Finance, of at least One hundred million pesos (P100,000,000.00) for the last two (2) consecutive years based on 2000 constant prices, and if it has either of the following requisites:

(i) a contiguous territory of at least one hundred (100) square kilometers, as certified by the Land Management Bureau; or

(ii) a population of not less than one hundred fifty thousand (150,000) inhabitants, as certified by the National Statistics Office.

... ..

(c) The average annual income shall include the income accruing to the general fund, exclusive of special funds, transfers, and non-recurring income." (RA 9009, Sec. 1, amending Sec. 450 of the LGC; emphasis supplied)

[46] Concurring Opinion, Justice Romeo Callejo, Sr., *Lambino v. COMELEC*, G. R. No. 174153, 25 October 2006, 505 SCRA 160, citing *London Street Tramways Co., Ltd. v. London County Council*, [1898] A.C. 375, in *COOLEY, A TREATISE ON THE CONSTITUTIONAL LIMITATIONS* 117-118.

[47] Concurring Opinion, Justice Romeo Callejo, Sr., *Lambino v. COMELEC*, *supra*.

[48] G.R. No. 143781, 27 February 2002, 378 SCRA 172.

[49] *U. S. v. Lee*, 106 US 196, 261 (1882)

[50] "Rightly or wrongly, the belief is widely held by the practicing profession that this Court no longer respects impersonal rules of law but is guided in these matters by personal impressions which from time to time may be shared by a majority of Justices. Whatever has been intended, this Court also has generated an impression in much of the judiciary that regard for precedents and authorities is obsolete, that words no longer mean what they have always meant to the profession, that the law knows no fixed principles. ..."

"... Whenever decisions of one court are reviewed by another, a percentage of them are reversed. That reflects a difference in outlook normally found between personnel comprising different courts. However, reversal by a higher court is not proof that justice is thereby better done. There is no doubt that if there were a super-Supreme Court, a substantial proportion of our reversals of state courts would also be reversed. We are not final because we are infallible, but we are infallible only because we are final." (Concurring Opinion of Justice Robert Jackson, *Brown v. Allen*, 344 U.S. 443 [1953]; emphasis supplied).

[51] *Spouses Sadik v. Casar*, A. M. No. MTJ-95-1053, 02 January 1997, 266 SCRA 1, citing *Talens-Dabon v. Arceo*, Administrative Matter No. RTJ-96-1336, 25 July 1996.

[52] Dissenting Opinion, Justice Conchita Carpio-Morales, *La Bugal B'laan Tribal Association, et al., v. Ramos*, G. R. No. 127882, 01 February 2005.

[53] Dissenting Opinion, Justice Conchita Carpio-Morales, *La Bugal B'laan Tribal Association, et al., v. Ramos*, *id.*

[54] A lamenting and denunciatory complaint; a doleful story; or a dolorous tirade. (Webster's Third New International Dictionary [Merriam Webster 1993] at 1213)

[55] Dissenting Opinion, Circuit Judge Tam, *In Re: Estate of Burrough*, 475 F. 2d 370, 154 U.S. App. D.C. 259 (1973).

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