

**CITY OF KORONADAL, REPRESENTED BY HON. ATTY. ELIORDO
OGENA, IN HIS CAPACITY AS MAYOR OF THE CITY OF KORONADAL,
SOUTH COTABATO AND CHAIR OF CITY TRANSPORT TERMINAL
REGULATORY BOA...**

G.R. No. 265769, August 12, 2025

Ponente: LOPEZ, J.

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LOPEZ, J.:

This Court resolves the Petition for Review on Certiorari[1] filed by City of Koronadal, represented by Hon. Atty. Eliordo Ogena, in his capacity as mayor of the City of Koronadal, South Cotabato, and chair of City Transport Terminal Regulatory Board (CTTRB), and Marloun C. Gumbao, in his capacity as city treasurer of the City of Koronadal, South Cotabato and member of the CTTRB (Koronadal City et al.), seeking to reverse and set aside the Decision[2] and Resolution[3] of the Court of Appeals (CA), which affirmed the Decision[4] and Order[5] of the Regional Trial Court (RTC). The RTC had granted the Complaint for injunction filed by Yellow Bus Lines, Inc. (Yellow Bus).

On March 30, 2004, the City of Koronadal became the Administrative Seat of Region XII by virtue of Executive Order No. 304, series of 2004. Consequently, all departments, bureaus, and offices of the national government were directed to transfer their regional seat of operations to Koronadal City.[6]

On July 2, 2008, the Regional Development Council No. XII issued Resolution No. 36, Series of 2008, approving the Developmental Framework Plan of Koronadal City. On August 1, 2008, the Sangguniang Panlungsod of Koronadal City approved and passed Ordinance No. 9, Series of 2018[7] (Ordinance), which created the City of Koronadal Integrated Transport Terminal Complex (CKITTC). The CKITTC was meant to provide efficient transportation facilities so as to reduce traffic congestion and pollution from vehicular emissions in the city's business center. It was also aimed at raising revenues for the operation of the City of Koronadal in delivering public services, and to promote general welfare. Subsequently, the CTTRB was created, with the City Mayor serving as its Chair and the City Treasurer, City Traffic Officer, among others, as its members.[8]

On October 1, 2018, the Ordinance was published in a newspaper of general circulation in the Region and took effect 15 days later.[9]

Yellow Bus, a duly franchised common carrier engaged in the land transportation business, has its own private terminal along the national highway of Koronadal City. It has final or transient routes and/or points of departure from Koronadal City. When the Ordinance was implemented on October 16, 2018, three checkpoints were set up on the national highway of Koronadal City, which were manned by traffic aides, security unit personnel, and tax enforcers. All buses belonging to Yellow Bus that were traveling along their franchised routes on the national highway were blocked at the checkpoints and rerouted to the CKITTC, where they were required to pay a terminal fee of PHP 70.00 for each entry.[10]

This prompted Yellow Bus to file a complaint for injunction with a preliminary prohibitory injunction and prayer for temporary restraining order against Koronadal City et al., arguing that the implementation of the Ordinance violated its right to use its own private terminal. Yellow Bus alleged that the use of its private terminal was duly accredited by the Land Transportation Franchising and Regulatory Board (LTFRB) and that it had been legally operating in full compliance with applicable rules and regulations. It averred that its latest accreditation was issued on September 5, 2018. It argued that since its private terminal was along its franchised routes along the national highway, it had the right to direct its buses to and from that terminal and load and unload passengers and cargo therein. Yellow Bus claimed that since the implementation of the Ordinance, it had paid a total of PHP 1,003,660.00 as terminal fees for the use of the CKITTC.[11]

Yellow Bus further contended that the diversion road conditions were narrow and had limited clearance. Some portions of the road were even destroyed due to buses and trucks passing over it, making it sometimes impassable. This caused incredible difficulty in maneuvering their buses and trucks, resulting in damage to the tires and rims of some of their vehicles. Accidental damage to the sides of their buses would also occur when two buses passed each other on the roads with limited clearance.[12] Finally, Yellow Bus averred that the additional travel time of a bus along the diversion routes was about 20 to 25 minutes longer than the usual travel time along the franchised route. More, their buses were made to park for 15 minutes before the terminal fee official cash tickets were issued. According to Yellow Bus, this affected the dispatching time interval of their buses, which was previously 5 to 10 minutes in their private terminal, to 40 to 45 minutes using the CKITTC.[13]

For its part, Koronadal City et al. countered that the business permit for Yellow Bus's use of its own private terminal was issued when it had no existing public terminal of its own. However, since Koronadal City has been designated as the region's administrative seat, it is required to establish a centralized transport terminal, as specified in the city's development framework. The enactment of the Ordinance was in the exercise of the local government unit's power to regulate the use of streets and traffic, as well as to promote the general welfare of its constituents and to raise revenues.[14]

Koronadal City et al. also argued that the CKITTC was established pursuant to Koronadal City's exercise of legislative and police power, as well as its power to tax and raise revenues. More, CKITTC was built in compliance with LTFRB guidelines. As such, the Ordinance applies to all public utility vehicles (PUVs), including Yellow Bus.[15]

Later, Yellow Bus filed a motion for judgment on the pleadings, which was given due course by the RTC in its December 27, 2019 Decision.[16] The RTC declared the implementation of the Ordinance premature and illegal as far as Yellow Bus is concerned, and it ordered the issuance of a writ of injunction directing Koronadal City et al. to cease and desist from further implementing the Ordinance insofar as Yellow Bus is concerned.

The RTC held that the Ordinance was not disseminated, posted, and recorded in accordance with Section 59(b)[17] par. 2 of the Local Government Code of 1991. It also held that, based on the wording of the Ordinance, the use of the CKITTC is not compulsory or mandatory, but instead, PUVs may only choose to utilize the facilities of the CKITTC, subject to terminal fees.[18] The RTC cited Article IV, Section 11 of the Ordinance,[19] which states:

ARTICLE IV

FEES AND OTHER CHARGES

Section 11. TERMINAL FEES

All PUVs utilizing the services of the terminal facilities shall pay the corresponding fees as prescribed hereunder and on a per entry basis:

a. Terminal Fees – ...

According to the RTC, based on this provision, terminal fees are chargeable only against those utilizing the services of the terminal facilities. It held that under the rule of exclusion, the payment of terminal fees is not intended for PUVs that do not use the services of the terminal facilities.[20]

The dispositive portion of the RTC Decision[21] states:

WHEREFORE, in view of all the foregoing considerations, judgment on the pleadings is hereby rendered as follows:

- Declaring the implementation of the subject Ordinance No. 9, Series of 2018 of the City of Koronadal, South Cotabato as premature and illegal insofar as plaintiff is concerned. This judgment therefore is specifically applicable to plaintiff only and to no other person or entity; and

- Ordering the issuance of a writ of injunction directing the City Mayor, the City Treasurer, the Chief Traffic Management Officer, all of the City of Koronadal, South Cotabato, Traffic Aides, Tax Enforcers, and all other persons acting under the respondents' authority, control and direction, to cease and desist from further implementing the said ordinance, insofar as plaintiff is concerned, including specifically the forcible rerouting of the plaintiff's buses to and from the public terminal of the City of Koronadal, South Cotabato from their franchised routes along the National Highway to and from the plaintiff's private terminal, their stoppage and prevention to pass through check points established by the respondents, and preventing or curtailing in any manner whatsoever the plaintiff's use, operation and maintenance of its said private terminal.

- No other pronouncements as to costs.

SO ORDERED.[22]

Koronadal City et al. filed a Motion for Reconsideration, which the RTC denied in its Order.[23] The RTC ruled that the Motion for Reconsideration was pro forma and a mere scrap of paper since it was not served at least three days prior to the hearing and was addressed only to the counsel and not to the party-litigants. Consequently, the filing of the Motion did not toll the period for filing an appeal.[24]

Koronadal City et al. then filed a Petition for Certiorari before the CA, arguing that the RTC committed grave abuse of discretion in ruling that its Motion for Reconsideration was pro forma.

In its Decision,[25] the CA partially affirmed the ruling of the RTC. The dispositive portion of the CA Decision states:

IN VIEW WHEREOF, the petition is GRANTED in so far as the Resolution dated February 24, 2020 of the Regional Trial Court, 11th Judicial Region, Branch 42, Koronadal City, South Cotabato in Civil Case No. 2316 denying petitioners motion for reconsideration is concerned

SO ORDERED.[26]

The CA disagreed with the RTC that City Koronadal et al.'s motion for reconsideration was pro forma, citing a liberal construction of the rules to effect substantial justice. The CA noted that while the Motion for Reconsideration was served less than three days after the hearing date and only to the Yellow Bus's counsel, the fact is that Yellow Bus was able to file its comment and opposition to the motion. Thus, Yellow Bus was not denied its day in court. The CA then treated City Koronadal et al.'s Petition for Certiorari as an appeal for the sake of substantial justice.[27]

On the merits, the CA affirmed the RTC's ruling. It adopted the RTC's holding that the Ordinance neither

prohibited the use of private terminals per se nor made the use of the CKITTC compulsory. The Ordinance only governed, regulated, prescribed, and supervised the operation and maintenance of the CKITTC so that all PUVs "utilizing the services of the terminal fees" would pay the corresponding fees. In this regard, Koronadal City et al.'s forcible re-routing of Yellow Bus's buses to the CKITTC was not a legal exercise of Koronadal City's police power and power to raise revenue.[28]

Koronadal City et al. filed a Motion for Reconsideration, which the CA denied in its November 15, 2022 Resolution.[29]

Hence, Koronadal City et al. filed this present Petition.

Petitioners argue that the Ordinance is a valid law, which is mandatory in nature and applicable to all PUVs in Koronadal City, including Yellow Bus. Koronadal City et al. cite the following provisions of the Ordinance:[30]

Section 4. SCOPE OF APPLICATION

The provisions of this Code shall govern, regulate, prescribe, and supervise the operation and maintenance of the City Transport Terminal, including but not limited to the following:

- a. All PUVs including but not limited to public utility buses[.]

Section 5. DEFINITION OF TERMS

For purposes of this Ordinance, the following words shall mean:

- Public Utility Vehicle (PUV) – means any motorized vehicle built and operated for the conveyance of persons or the transport of properties or goods subject to the pertinent government regulations purposely operated for commercial benefits or exchanges and for the use of the general public, such as but not limited to, buses[.][31]

Petitioners argue that the foregoing provisions are clear and unequivocal and that the framers did not intend to provide an exception or limit its application. The lawmakers' intent is for the ordinance to be imperative in nature and apply to respondent, as its vehicles are buses and, thus, within the coverage of the regulation. Petitioners contend that a contrary interpretation would give an undue advantage to wealthy PUVs and encourage them to circumvent the law to avoid being regulated by the local government unit. More, excluding respondent from the coverage of the Ordinance is a violation of the equal protection clause since it is not based on a valid and reasonable justification.[32]

Petitioners further argue that Koronadal City has the power to control and regulate the traffic and terminals within the city. They aver that matters concerning the establishment of a terminal are beyond the ambit of the LTFRB's authority and should be left within the regulatory power and wisdom of the local government in accordance with Section 458 of the Local Government Code of 1991. More, under the general welfare clause, local government units may prescribe regulations to protect their constituents' lives, health, and property and maintain peace and order within their respective territorial jurisdiction.[33]

Petitioners also contend that the CA erred in affirming the RTC's ruling that judgment on the pleadings was proper. They argue that the pleadings filed in the case presented ostensible issues that necessitate the presentation of evidence. Koronadal City et al. pointed out that they even raised questions on the validity of the documents presented by respondent and the requirements for subsequent compliance with the ordinance.[34]

Finally, petitioners argue that the failure to give notice to the Office of Solicitor General (OSG) is fatal to respondent's case, citing Rule 63, Section 3 of the Rules of Court.[35]

In its Comment,[36] respondent argues that the CA did not err in ruling that the Ordinance does not make the use of the CKITTC mandatory. Rather, it only governs, regulates, and prescribes the operation of the CKITTC, such that PUVs utilizing the terminal facilities' services shall pay the corresponding fees.[37]

Respondent also posits that there is no valid delegation of the local government unit's police power to the CTTRB. Thus, CTTRB cannot implement the rerouting of Yellow Bus's buses from their franchised route to the CKITTC.[38]

On the matter of giving notice to the OSG, respondent claims that it is not necessary in this case since it does not assail the validity of the Ordinance, but only its implementation against it.[39]

Finally, respondent contends that the RTC did not err in rendering a judgment on the pleadings. It insists that Koronadal City et al.'s denials in their Answer were general, not specific denials, warranting a judgment on the pleadings.[40]

Issue

The issue for this Court's resolution is whether the CA erred in affirming the RTC's grant of respondents' Complaint for injunction.

This Court's Ruling

The Petition is denied.

Preliminarily, this Court addresses petitioners' contention that the RTC's judgment on the pleadings was improper. Rule 34, Section 1 of the Rules of Court states:

SECTION 1. Judgment on the pleadings. – Where an answer fails to tender an issue, or otherwise admits the material allegations of the adverse party's pleading, the court may, on motion of that party, direct judgment on such pleading. However, in actions for declaration of nullity or annulment of marriage or for legal separation, the material facts alleged in the complaint shall always be proved.

This Court held that a judgment on the pleadings is proper if the answer failed to tender an issue, i.e., "it does not deny the material allegations in the complaint or admits said material allegations of the adverse party's pleadings by admitting the truthfulness thereof and/or omitting to deal with them at all[.]"[41]

In the present case, pertinent portions of petitioners' Answer[42] states:

- Defendants admit the portion of paragraph 1 of the complaint insofar as personal circumstances of the Plaintiff Yellow Bus Line, Inc., is concerned.
- Paragraph 2 of the Plaintiff's Complaint is admitted, with the qualification that being the instrumentality of the state serving as a general-purpose government for the effective governance of the inhabitants within its territorial jurisdiction, the present suit is a suit against the state, which could not be done without its consent;
- Defendants admit Paragraph 3 of the complaint but with emphasis that during those years where the Office of the City Mayor issued the Business Permit for the operation of the mentioned private terminal of the plaintiff, the City [has] no existing public terminal of its own; and since it has been the thrust of the City to provide all the basic services to its constituents, the City temporarily permits the plaintiff to operate its private terminal within the vicinity; It must be stressed, however, that the City of Koronadal was designated as Administrative Seat of Region XII. Correlative thereto, it is required to establish a Centralized Transport Terminal, as specified in the City's Developmental Framework. Consequently, consistent with the aforementioned Development Framework, the City of Koronadal established the City of Koronadal Integrated Transport Terminal Complex (hereafter referred to as Terminal, for brevity), an intermodal transport terminal, which to this [date] is being manned and operated by the City by virtue of an ordinance;

- Defendants specifically deny Paragraph 4 of the complaint for lack of knowledge sufficient to form a belief as to the truth or falsity thereof;

....

- Paragraphs 12 and 13 of the plaintiff's complaint are partly admitted insofar as the creation of the City Transport Terminal Regulatory Board (CTTRB); Other allegations are specifically denied by the defendants; the truth of the matter is alleged in the Special and Affirmative Defenses herein below [enumerated];

- Allegations in paragraphs 14-21 are vehemently denied by the defendants; on the contrary, the truth are those stated in the Special and Affirmative Defenses herein below elaborated;

....

- The subject Ordinance complied with the requirement of publication set by the Local Government Code and Article 2 of the New Civil Code which categorically states that "laws shall take effect after fifteen (15) days following the completion of their publication either in the Official Gazette, or in newspaper of general circulation[;]"

- The mentioned Ordinance was published on October 1, 2018 in Eagles Journal and in two conspicuous places in the City of Koronadal. Hence, it must be construed that it took effect on October 16, 2018, after 15 days following the completion of its publication and posting requirements. Attached hereto as Annex "4" is a copy of the Affidavit of Publication executed by publisher Elpedio B. Soriano, Jr. of Eagles Journal;

- Further, the filing requirement set forth by Section 3 of Chapter II, Book 7 of the Administrative Code of 1987 with the Office of the National Administrative Register (ONAR) in the University of the Philippines Law Center, as alleged by Plaintiffs, pertains to Administrative Issuances intended to enforce existing laws, not ordinances[.][43] (Emphasis in the original)

A review of petitioners' Answer would reveal that the petitioners practically admitted all the material allegations in respondent's Complaint. Petitioners failed to allege material facts that are contrary to those alleged by respondent. Petitioners only insisted on the validity of the Ordinance and its application to respondent. To be sure, this is not sufficient to controvert the material allegations in the Complaint. For failure of petitioners' Answer to tender an issue, the RTC's judgment on the pleadings was proper.

Next, this Court finds that petitioners' insistence that the failure to give notice to the OSG was fatal to respondents' case lacks merit. Rule 63 of the Rules of Court, including the requirement of notice to OSG under Section 3,[44] applies to petitions for declaratory relief and other similar remedies only. It does not apply to complaints for an injunction, such as the Complaint herein filed by respondent before the RTC. Indeed, it would have been improper for respondents to file a petition for declaratory relief, whose purpose is "to secure an authoritative statement regarding the rights and obligations of the parties thereunder [under a statute, deed, contract, etc.] to guide them in its enforcement or compliance[.]"[45] By its nature, a petition for declaratory relief must be filed before any breach. or violation of an obligation.[46] Here, respondent asserts that its buses were actually blocked from plying its usual route and were ordered to use the CKITTC on account of the Ordinance, in effect preventing it from using its private terminal. In other words, there is already an alleged violation or breach on the part of the petitioner that would have warranted the dismissal of a petition for declaratory relief.

On the merits, respondents averred in its Complaint for injunction against petitioners that the implementation of the ordinance violated and curtailed its right to use its private terminal. For its part, petitioners counter that it has the power to control and regulate traffic and terminals within the city pursuant to the general welfare clause and Section 458(5)(v) and (vi) of the Local Government Code, which states:

SECTION 458. Powers, Duties, Functions and Composition.(a) The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall: . . .

(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall: . . .

(v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;

(vi) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places[.]

For an injunction to prosper, two requisites must concur: "(1) there must be a right to be protected and (2) the acts against which the injunction is to be directed are violative of said right." [47]

With respect to the first element, there exists a right to be protected in the instant case. Respondent's ownership over its private terminal necessarily includes the right to acquire, use, and dispose of it, a right that is protected by no less than the Constitution.[48]

As regards the second element, petitioners argue that their act was a valid exercise of the local government unit's power to control and regulate the traffic and terminals within the city.

The police power of the State was statutorily delegated to local government units through the general welfare clause under Section 16[49] of the Local Government Code.[50] Pursuant to the general welfare clause, local government units are empowered to "prescribe regulations to protect the lives, health, and property of their constituents and maintain peace and order within their respective territorial jurisdictions." [51]

While police power has been recognized to be the least limitable governmental power,[52] it is nevertheless settled that its exercise must be reasonable and not oppressive.[53] Thus, a valid exercise of police power requires a lawful subject or objective and a lawful method of accomplishing the goal.[54]

Particularly, a local government unit's exercise of its police power requires the concurrence of two elements: "(1) the interests of the public generally, as distinguished from those of a particular class, require the interference of the State, and (2) the means employed are reasonably necessary for the attainment of the object sought to be accomplished and not unduly oppressive." [55] The first requirement is an aspect of the equal protection clause, while the second requirement is a component of due process.[56]

Here, petitioners admittedly attempted to address a public concern that calls for the interference of the local government unit. In *Luque v. Villegas*, [57] We held that any regulatory measure designed to relieve traffic congestion is premised on public welfare, traffic being a menace to public safety. Thus, regulation of vehicular traffic to promote the safety and convenience of the people using the thoroughfares is a proper subject for the exercise of police power.[58]

In *Legaspi v. City of Cebu*, [59] meanwhile, this Court ruled that the delegation of power to local government units under Section 458(5)(v) and (vi) [60] of the Local Government Code is a statutory manifestation of

Congress's intention to allow cities to address traffic congestion associated with development and progress, as they are directly familiar with the situations in their respective jurisdictions. We emphasized that local government units in this regard are given broad latitude to craft and implement their own traffic regulations, subject only to constitutional limitations and statutory safeguards.[61]

The first requirement of public interest is, therefore, complied with in the present case.

Regarding the second requirement, the question is whether the means employed by petitioners, i.e., compelling PUVs to utilize the CKITTC and proscribing private terminals, were reasonably necessary to achieve the proffered objective and not unduly oppressive to individuals. To put it differently, "it must be evident that no other alternative for the accomplishment of the purpose less intrusive of private rights can work." [62] Thus:

A reasonable relation must exist between the purposes of the police measure and the means employed for its accomplishment, for even under the guise of protecting the public interest, personal rights and those pertaining to private property will not be permitted to be arbitrarily invaded.[63] (Citation omitted)

Notably, this Court had previously held that local government units cannot, even in the exercise of police power, compel PUVs to utilize a public terminal and prevent them from using their private terminal in the absence of a clear showing of a reasonable necessity for it. In *Lucena Grand Central Terminal, Inc. v. JAC Liner, Inc.*, [64] this Court declared that Ordinance No. 1778 of the Sangguniang Panlungsod of Lucena City, declaring inoperable all terminals in the City of Lucena and mandating all buses, mini-buses, and out-of-town passenger jeepneys to avoid entering the city and to proceed to a common terminal for picking-up-and/or dropping off of their passengers, was overbreadth since it goes beyond what was necessary to solve the traffic problem. We ruled that while the Sangguniang Panlungsod identified the cause of traffic congestion in the city as the indiscriminate loading and unloading of passengers by buses in the city proper, it was not shown how the outright proscription against the existence of all terminals could be considered reasonably necessary to solve the traffic problem. This Court also highlighted that since the compulsory use of the common terminal would subject its users to fees, rentals, and charges, the measure is unduly oppressive.[65]

We echoed the same ruling in *Metro Manila Development Authority v. Viron Transportation, Inc.*, [66] where this Court invalidated Executive Order No. 179 that provided for the Greater Manila Transport System Project, which, in turn, adopted the recommendation of the Metro Manila Development Authority to decongest traffic by eliminating bus terminals located along major Metro Manila thoroughfares and creating mass transport terminal facilities. We ruled that the prohibition against the existence of private terminals cannot be considered reasonably necessary to ease traffic congestion in Metro Manila. It was highlighted that less intrusive measures, such as curbing the proliferation of "colorum" public utility vehicles and using the streets for parking and passenger pick-up points, might be more effective in easing the traffic situation. Similarly, the strict enforcement of traffic rules and the removal of obstructions from major thoroughfares are also important.[67]

Similarly, in this case, requiring all PUVs to utilize the CKITTC and abandon their private terminals cannot be considered as reasonably necessary to achieve the objective of alleviating traffic congestion and ensuring safety and order in the city's business center. On the contrary, this kind of measure is overbroad and disproportionate to the end sought to be accomplished. To stress, it was not shown that compelling PUVs to use the CKITTC is the only solution to the problem of traffic or safety concerns. In fact, petitioners did not allege, much less prove, that the city had explored and implemented other measures to solve the issue. As we have emphasized in *Lucena* and *MMDA*, there are other less invasive measures that can be resorted to mitigate, if not eliminate, the chronic traffic problem.

It should also be emphasized that the Ordinance itself, petitioners' supposed legal basis for its actions, did not

require the use of the CKITTC as mandatory for all PUVs operating within the City of Koronadal. As the CA correctly held, the ordinance only regulates the operation and maintenance of the CKITTC. Relevant provisions of the Ordinance[68] state:

Section 4. SCOPE OF APPLICATION

The provisions of this Code shall govern, regulate, prescribe and supervise the operation and maintenance of the City Transport Terminal, including but not limited to the following:

- All PUVs including but not limited to public utility buses, public utility jeepneys, public utility shuttles, public utility multi-cabs, except public utility tricycles with East, West, North, and South road destinations with final or transient routes and/or point of departures from the City of Koronadal;
- All lease holders, contractors and entities occupying specified spaces or stalls within the terminal; and
- All passengers/commuters using the City Transport Terminal.

Section 5. DEFINITION OF TERMS

For purposes of this Ordinance, the following words shall mean:

- Public Utility Vehicle (PUV) – means any motorized vehicle built and operated for the conveyance of persons or the transport of properties or goods subject to pertinent government regulations purposely operated for commercial benefits or exchanges and for the use of the general public such as, but not limited to, buses, jeepneys, multi-cabs, shuttle vans, tricycles or similar vehicles, with updated franchise/permit to operate issued by the City Government and responsible agencies.

....

Section 11. TERMINAL FEES

All PUVs utilizing the services of the terminal facilities shall pay the corresponding fees as prescribed hereunder and on a per entry basis:

- Terminal Fees – The schedule of terminal fees to be collected from the drivers/operators shall be the following:

Type of Vehicle

Rate

Bus

[PHP] 70.00 per entry

Shuttle Van

[PHP] 30.00 per entry

Jeepney

[PHP] 20.00 per entry

Multicab

[PHP] 15.00 per entry

Tricycle

[PHP] 10.00 per day

The PUV operator, driver or conductor shall secure the corresponding cash ticket and terminal gate pass from the designated office or the Ticket Booth in the terminal premises. Such cash ticket and gate pass shall be presented upon leaving the terminal premises and at checkpoints such as the Terminal Outpost and Center Post[.]

Section 19. GENERAL PROVISIONS

- Loading and unloading in non-specified areas shall be considered a violation.

....

Section 24. PENALTIES

Any person or persons who shall violate any provision of this Code, or who shall violate the rules and regulations promulgated under the authority of this ordinance, shall be fined administratively in a manner prescribed below[.]

As worded, Section 4 of the Ordinance speaks of its scope, and lists down the relevant actors and/or stakeholders in the operation of a public utility terminal, including PUVs, lease holders, contractors, and entities occupying specified spaces or stalls, and the passengers/commuters. However, there is nothing in that section that categorically requires all PUVs to utilize the CKITTC or prevents the use of existing private terminals. Meanwhile, Section 11 only mandates that all PUVs utilizing the services of the terminal facilities pay the corresponding fees, but does not require all PUVs operating within the city to avail such terminal services. Finally, Section 19, in relation to Section 24, imposes a penalty for loading and unloading in non-specified areas, but these non-specified areas are not defined in the Ordinance. The non-specified areas could very well refer to areas inside the CKITTC that are not designated for loading and unloading, and do not immediately mean areas or terminals other than the CKITTC.

Since there was no prohibition against the use of private terminals under the Ordinance, petitioners have no basis to block and order the rerouting of the buses of respondent to the CKITTC. The second element for the issuance of an injunction is thus present—the acts of petitioners sought to be enjoined are violative of respondent's right to use its property.

If only to emphasize, preventing respondent from using its private terminals and charging it for the use of the CKITTC are outright oppressive and confiscatory. It is a violation of respondent's property rights, which cannot be allowed under the guise of performing the local government unit's duty to its inhabitants under the general welfare clause. It bears stressing that due deference to the rights of the individual requires a more careful formulation of solutions to societal problems.[69] We reiterate our pronouncement in *City of Manila v. Laguio*:[70]

The police power granted to local government units must always be exercised with utmost observance of the rights of the people to due process and equal protection of the law. Such power cannot be exercised whimsically, arbitrarily or despotically as its exercise is subject to a qualification, limitation or restriction demanded by the respect and regard due to the prescription of the fundamental law, particularly those forming part of the Bill of Rights. Individual rights, it bears emphasis, may be adversely affected only to the extent that may fairly be required by the legitimate demands of public interest or public welfare. Due process requires the intrinsic validity of the law in interfering with the rights of the person to his life, liberty[,] and property.[71]

ACCORDINGLY, Petition for Review on Certiorari is DENIED. The March 16, 2022 Decision and the November 15, 2022 Resolution of the Court of Appeals in CA-G.R. SP No. 09771-MIN are AFFIRMED. The

Complaint for Injunction filed by respondent Yellow Bus Lines is GRANTED. A Writ of Injunction is issued enjoining petitioners City of Koronadal, the City Mayor, the City Treasurer, and the members of the City Transport Terminal. Regulatory Board from blocking and rerouting the buses of Yellow Bus Lines and requiring it to use the City of Koronadal Integrated Transport Terminal Complex.

SO ORDERED.

Gesmundo, C.J., Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, Dimaampao, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Leonen, SAJ., see separate opinion.

Singh,[*] J., on leave.

[*] On leave.

[1] Rollo, pp. 3-49.

[2] Id. at 51-65. The March 16, 2022 Decision in CA-G.R. SP No. 09771-MIN was penned by Associate Justice Anisah B. Amanodin-Umpa and concurred in by Associate Justices Loida S. Posadas-Kahulugan and Ana Marie T. Mas of the Special Twenty-First Division, Court of Appeals, Cagayan de Oro City.

[3] Id. at 67-69. The November 15, 2022 Resolution in CA-G.R. SP No. 09771-MIN was penned by Associate Justice Anisah B. Amanodin-Umpa and concurred in by Associate Justices Loida S. Posadas-Kahulugan and Ana Marie T. Mas of the Special Twenty-First Division, Court of Appeals, Cagayan de Oro City.

[4] Id. at 70-87. The December 27, 2019 Decision in Civil Case No. 2316 was penned by Presiding Judge Jordan H. Reyes of Branch 42, Regional Trial Court, City of Koronadal, South Cotabato.

[5] Id. at 88-90. The February 24, 2020 Resolution in Civil Case No. 2316 was penned by Presiding Judge Jordan H. Reyes of Branch 42, Regional Trial Court, City of Koronadal, South Cotabato.

[6] Id. at 52.

[7] Id. at 156-164.

[8] Id. at 52.

[9] Id.

[10] Id. at 53.

[11] Id.

[12] Id. at 53-54.

[13] Id. at 54.

[14] Id.

[15] Id. at 54-55.

[16] Id. at 70-87

[17] Section 59(b) – The secretary to the Sanggunian concerned shall cause the posting of an ordinance or resolution in the bulletin board at the entrance of the provincial capitol and the city, municipal, or Barangay hall

in at least two (2) conspicuous places in the local government unit concerned not later than five (5) days after approval thereof. The text of the ordinance or resolution shall be disseminated and posted in Filipino or English and in the language or dialect understood by the majority of the people in the local government unit concerned, and the secretary to the Sanggunian shall record such fact in a book kept for the purpose, stating the dates of approval and posting.

[18] Rollo, pp. 82-84.

[19] *Id.* at 160.

[20] *Id.* at 84.

[21] *Id.* at 70-87.

[22] *Id.* at 86-87.

[23] *Id.* at 88-90.

[24] *Id.* at 89.

[25] *Id.* at 51-65.

[26] *Id.* at 64.

[27] *Id.* at 59-60.

[28] *Id.* at 62-63.

[29] *Id.* at 67-69.

[30] *Id.* at 20-21.

[31] *Id.*

[32] *Id.* at 21-22.

[33] *Id.* at 24-30.

[34] *Id.* at 33-34.

[35] *Id.* at 34.

[36] *Id.* at 110-138.

[37] *Id.* at 122-125.

[38] *Id.* at 125-126.

[39] *Id.* at 126-127.

[40] *Id.* at 129-130.

[41] *Basbas v. Sayson*, 671 Phil. 662, 682 (2011) [Per J. Del Castillo, First Division], citing *Tan v. De La Vega*, 519 Phil. 515, 545 (2006) [Per J. Ynares-Santiago, First Division].

[42] Rollo, pp. 74-82.

[43] *Id.* at 74-79.

[44] SECTION 3. Notice on Solicitor General. – In any action which involves the validity of a statute, executive order or regulation, or any other governmental regulation, the Solicitor General shall be notified by the party assailing the same and shall be entitled to be heard upon such question.

[45] *Ferrer v. St. Mary's Publishing*, 945 Phil. 192, 201 (2023) [Per J. J. Lopez, Second Division], citing *Association of International Shipping Lines, Inc. v. Secretary of Finance*, 868 Phil. 582, 604 (2020) [Per J. Lazaro-Javier, First Division].

[46] *Department of Transportation v. Philippine Petroleum Sea Transport Association*, 837 Phil. 144, 163 (2018) [Per J. Velasco, Jr., En Banc].

[47] *Philippine Economic Zone Authority v. Carantes*, 635 Phil. 541, 548 (2010) [Per J. Villarama, Jr., Third Division], citing *City Government of Baguio v. Atty. Masweng*, 597 Phil. 668, 678 (2009) [Per J. Tinga Second Division].

[48] *Adiong v. COMELEC*, G.R. No. 103956, March 31, 1992 [Per J. Gutierrez, En Banc]. (Citation omitted)

[49] LOCAL GOV'T CODE, sec. 16, states:

SECTION 16. General Welfare. – Every local government unit shall exercise the powers expressly granted, those necessarily implied there from, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology; encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants.

[50] *Batangas CATV, Inc. v. Court of Appeals*, 482 Phil. 544, 561 (2004) [Per J. Sandoval-Gutierrez, En Banc], citing *U.S. v. Salaveria*, 39 Phil. 102, 109-110 (1918) [Per J. Malcolm, En Banc].

[51] *Id.* at 561.

[52] *JMM Promotion and Management, Inc. v. Court of Appeals*, 329 Phil. 87, 93-94 (1996) [J. Kapunan, First Division], citing *Smith, Bell & Co. v. Natividad*, 40 Phil. 136, 147 (1919) [Per J. Malcolm, En Banc].

[53] *Manila Memorial Park, Inc. v. Secretary of the Department of Social Welfare and Development*, 722 Phil. 538, 575 (2013) [Per J. Del Castillo, En Banc], citing *Mirasol v. Department of Public Works and Highways*, 523 Phil. 713, 747 (2006) [Per J. Carpio, En Banc].

[54] *Id.* at 575, citing *Association of Small Landowners in the Philippines, Inc. v. Secretary of Agrarian Reform*, 256 Phil. 777, 808-809 (1989) [Per J. Cruz, En Banc].

[55] *Parayno v. Jovellanos*, 527 Phil. 413, 421 (2006) [Per J. Corona, Second Division].

[56] *Id.*

[57] 141 Phil. 108 (1969) [Per J. Sanchez, En Banc].

[58] *Id.* at 124.

[59] 723 Phil. 90 (2013) [Per J. Bersamin, En Banc].

[60] LOCAL GOV'T CODE, sec. 458(5)(v) and (vi), states:

SECTION 458. Powers, Duties, Functions and Composition. — (a) The sangguniang panlungsod, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall: . . .

(5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:

. . . .

(v) Regulate the use of streets, avenues alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets and public places;

(vi) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places[.]

[61] *Legaspi v. Cebu City*, 723 Phil. 90, 106 (2013) [Per J. Bersamin, En Banc].

[62] *City of Manila v. Laguio, Jr.*, 495 Phil. 289, 313 (2005) [Per J. Tinga, En Banc].

[63] *Id.*

[64] 492 Phil. 314 (2005) [Per J. Carpio-Morales, En Banc].

[65] *Id.* at 325.

[66] 557 Phil. 121 (2007) [Per J. Carpio-Morales, En Banc].

[67] *Id.* at 149.

[68] *Rollo*, pp. 156-164.

[69] *Lucena Grand Central Terminal Inc. v. JAC Liner, Inc.*, 492 Phil. 314, 325 (2005) [Per J. Carpio Morales, En Banc].

[70] 495 Phil. 289 (2005) [Per J. Tinga, En Banc].

[71] *Id.* at 312.

SEPARATE OPINION

LEONEN, SAJ.:

As the Administrative Seat of Region XII,[1] the City of Koronadal was required to establish a centralized transport terminal, as specified in its Developmental Framework Plan.[2] Its Sangguniang Panlungsod passed Ordinance No. 9, series of 2018 (Ordinance), which created the City of Koronadal Integrated Transport Terminal Complex (CKITTC).[3]

Upon the implementation of the Ordinance, Yellow Bus Lines, Inc. (Yellow Bus Lines) claimed that its right to use its private terminal was violated. The company's buses that were traversing their franchised routes were

allegedly directed to the CKITTC where they were obliged to pay a terminal fee for each entry.[4] Their buses were also made to wait for 15 minutes before their official cash tickets were issued. Moreover, the diversion roads were narrow and had limited clearance that made it difficult for their vehicles to maneuver, causing damages to their tires and rims.[5]

The Regional Trial Court, among other things, issued a writ of injunction against the City of Koronadal for it to cease and desist from further implementing the Ordinance as far as Yellow Bus Lines is concerned.[6] It explained that based on the wording of the Ordinance, the use of the CKITTC was not mandatory. Instead, Public Utility Vehicles (PUVs) may only opt to use the terminal facilities, subject to fees.[7] Applying the rule of exclusion, the payment of terminal fees does not cover PUVs's nonuse of the facilities,[8] which is the case for Yellow Bus Lines.

The Court of Appeals upheld that the Ordinance neither barred the use of private terminals nor made the use of CKITTC mandatory. Rather, it only governed CKITTC's operation and maintenance such that all PUVs using its facilities would pay the corresponding fees. Therefore, forcibly rerouting the vehicles of Yellow Bus Lines to CKITTC was not a proper exercise of the city's police power and power to raise revenue.[9]

Ultimately, this Court ruled in favor of Yellow Bus Lines.[10] Prescinding the elements of issuing an injunction,[11] the Court acknowledged the existence of the company's constitutionally protected right to own its private terminal, which it has the right to acquire, use, and dispose of.[12] Since nothing in the Ordinance prohibits the use of private terminals, it found no basis to reroute the vehicles of Yellow Bus Lines hence, "the acts of petitioners sought to be enjoined are violative of [the company's] right to use its property." [13]

I concur.

There is nothing in the Ordinance making the use of CKITTC compulsory for all PUVs operating within the city.[14] Section 11 of the Ordinance, as correctly pointed out in the ponencia, only directs all PUVs using the terminal facilities to pay the prescribed fees, "but does not require all PUVs operating within the city to avail such terminal services[.]"[15] which is the case for Yellow Bus Lines since it has its own private terminal. As such, the issuance of a Writ of Injunction[16] in its favor is in order.

However, I expound on the test to determine the validity of the assailed Ordinance in case the issue of constitutionality is raised. Considering that no fundamental rights are involved, the rational basis test should be applied here.

I

"Ordinances are products of 'derivate legislative power' in that legislative power is delegated by the national legislature to local government units." [17] They enjoy the presumption of constitutionality and maintain their binding effect until judicially pronounced invalid.[18]

Notably, for an ordinance to be valid, it must be enacted within the local government unit's corporate powers and passed according to the prescribed procedures under the law.[19] It must also conform with the following substantive requirements:

- (1) must not contravene the Constitution or any statute; (2) must not be unfair or oppressive; (3) must not be partial or discriminatory; (4) must not prohibit but may regulate trade; (5) must be general and consistent with public policy; and (6) must not be unreasonable.[20] (Emphasis supplied)

Hence, an ordinance "must pass muster under the test of constitutionality and the test of consistency with the prevailing laws." [21] The first test recognizes the supremacy of the Constitution, while the second highlights the principle that "local government units are able to legislate only by virtue of their derivative legislative power, a

delegation of legislative power from the national legislature." [22]

The City of Koronadal claims that Ordinance No. 9, series of 2018 was passed in the exercise of its police power. [23] "Police power as an inherent attribute of sovereignty is the power to prescribe regulations to promote the health, morals, peace, education, good order or safety and general welfare of the people." [24]

As agencies of the state, local government units are granted police power to effectively fulfill their mandates. This delegation of police power [25] is espoused under the General Welfare clause of the Local Government Code which states:

Section 16. General Welfare. — Every local government unit shall exercise the powers expressly granted, those necessarily implied therefrom, as well as powers necessary, appropriate, or incidental for its efficient and effective governance, and those which are essential to the promotion of the general welfare. Within their respective territorial jurisdictions, local government units shall ensure and support, among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balance ecology, encourage and support the development of appropriate and self-reliant scientific and technological capabilities, improve public morals, enhance economic prosperity and social justice, promote full employment among their residents, maintain peace and order, and preserve the comfort and convenience of their inhabitants. [26]

No matter how far-reaching and comprehensive police power is, it remains "subordinate to the constitutional limitations thereon; and is subject to the limitation that its exercise must be reasonable and for the public good." [27] Pertinently, under Article III, Section 1 of the Constitution, "[n]o person shall be deprived of life, liberty or property without due process of law [.]" [28]

While there is no specific definition of due process, it provides for "a standard to which governmental action should conform in order that a deprivation of life, liberty or property, in each appropriate case, be valid." [29] It operates as a safeguard "against arbitrary regulation or seizure [that]... [e]ven corporations and partnerships are protected by the guaranty insofar as their property is concerned." [30]

The due process clause imposes two separate limits on government action: procedural due process and substantive due process. [31]

II

The government ought to observe certain procedures regarding due process before it deprives anyone of their life, liberty, or property. This encompasses the kind of notice and form of hearing that the government must provide in carrying out a certain action. [32]

Conversely, substantive due process delves on the existence of adequate reason for the government's action, [33] and the determination of compliance with which would depend on the rights infringed: [34]

As explained in *White Light Corp. v. City of Manila*: [35]

If due process were confined solely to its procedural aspects, there would arise absurd situation of arbitrary government action, provided the proper formalities are followed. Substantive due process completes the protection envisioned by the due process clause. It inquires whether the government has sufficient justification for depriving a person of life, liberty, or property.

The question of substantive due process, more so than most other fields of law, has reflected dynamism in progressive legal thought tied with the expanded acceptance of fundamental freedoms. Police power, traditionally awesome as it may be, is now confronted with a more rigorous level of analysis before it can be upheld. The vitality though of constitutional due process has not been predicated on the frequency with which

it has been utilized to achieve a liberal result for, after all, the libertarian ends should sometimes yield to the prerogatives of the State. Instead, the due process clause has acquired potency because of the sophisticated methodology that has emerged to determine the proper metes and bounds for its application.

....

The general test of the validity of an ordinance on substantive due process grounds is best tested when assessed with the evolved footnote 4 test laid down by the U.S. Supreme Court in *U.S. v. Carolene Products*. Footnote 4 of the *Carolene Products* case acknowledged that the judiciary would defer to the legislature unless there is a discrimination against a "discrete and insular" minority or infringement of a "fundamental right". Consequently, two standards of judicial review were established: strict scrutiny for laws dealing with freedom of the mind or restricting the political process, and the rational basis standard of review for economic legislation.

A third standard, denominated as heightened or immediate scrutiny, was later adopted by the US Supreme Court for evaluating classifications based on gender and legitimacy. Immediate scrutiny was adopted by the U.S. Supreme Court in *Craig*, after the Court declined to do so in *Reed v. Reed*. While the test may have first been articulated in equal protection analysis, it has in the United States since been applied in all substantive due process cases as well.

We ourselves have often applied the rational basis test mainly in analysis of equal protection challenges. Using the rational basis examination, laws or ordinances are upheld if they rationally further a legitimate governmental interest. Under intermediate review, governmental interest is extensively examined and the availability of less restrictive measures is considered. Applying strict scrutiny, the focus is on the presence of compelling, rather than substantial, governmental interest and on the absence of less restrictive means for achieving that interest.

In terms of judicial review of statutes or ordinances, strict scrutiny refers to the standard for determining the quality and the amount of governmental interest brought to justify the regulation of fundamental freedoms. Strict scrutiny is used today to test the validity of laws dealing with the regulation of speech, gender, or race as well as other fundamental rights as expansion from its earlier applications to equal protection. The United States Supreme Court has expanded the scope of strict scrutiny to protect fundamental rights such as suffrage, judicial access and interstate travel.[36] (Emphasis supplied, citations omitted)

Foundation for Economic Freedom v. Energy Regulatory Commission[37] expounded on the three tests that determine the compliance of a regulation on rights with substantive due process:

Under the rational basis test, regulations on rights are generally considered valid so long as there is a legitimate government interest that it rationally advances. Under the heightened scrutiny test, the regulation is deemed valid only after extensive examination of the governmental interest and consideration of the available less restrictive means of furthering it. Under the strict scrutiny test, there must be a compelling governmental interest, and there must be no other less restrictive means to it.[38] (Emphasis supplied, citations omitted)

My elucidations in *Samahan ng mga Progresibong Kabataan v. Quezon City*[39] are also telling:

The rational basis test requires only that there be a legitimate government interest and that there is a reasonable connection between it and the means employed to achieve it.

Intermediate review requires an important government interest. Here, it would suffice if government is able to demonstrate substantial connection between its interest and the means it employs. In accordance with *White Light*, "the availability of less restrictive measures [must have been] considered." This demands a conscientious effort at devising the least restrictive means for attaining its avowed interest. It is enough that the means employed is conceptually the least restrictive mechanism that the government may apply.

Strict scrutiny applies when what is at stake are fundamental freedoms or what is involved are suspect classifications. It requires that there be a compelling state interest and that the means employed to effect it are narrowly-tailored, actually — not only conceptually — being the least restrictive means for effecting the invoked interest. Here, it does not suffice that the government contemplated on the means available to it. Rather, it must show an active effort at demonstrating the inefficacy of all possible alternatives. Here, it is required to not only explore all possible avenues but to even debunk the viability of alternatives so as to ensure that its chosen course of action is the sole effective means. To the extent practicable, this must be supported by sound data gathering mechanisms.[40] (Emphasis supplied, citations omitted)

That the assailed Ordinance supposedly violated the right of Yellow Bus Lines to utilize its private terminal[41] neither demands a strict scrutiny test, nor a heightened or intermediate review. A lower threshold must be applied in determining its validity.

Considering that this case does not involve fundamental rights or suspect qualifications, examining the Ordinance under the rational basis test suffices. Thus, we uphold its constitutionality as long there is legitimate government interest, and a reasonable connection exists between government interest and the means employed to accomplish it.[42]

Here, the mandated creation of the CKITTC was part of the Development Framework Plan of the City of Koronadal as the Administrative Seat of Region XII. The CKITTC was not only meant to raise the city's revenue but also "to provide efficient transportation facilities so as to reduce traffic congestion and pollution from vehicular emissions in [its] business center." [43] Examined under the rational basis test, we uphold the validity of the assailed Ordinance creating the CKITTC and compelling covered PUVs to utilize it given that there is a "legitimate government interest that it rationally advances." [44]

At any rate, it is worth emphasizing that Yellow Bus Lines never raised the constitutionality of the Ordinance as an issue and was even explicit that it only assails "its implementation against it." [45] Hence, "[i]f the same is not raised in the pleadings, it usually follows that it may not be raised during the proceedings, and if not raised in the proceedings will therefore not be deliberated upon on appeal." [46]

ACCORDINGLY, I vote to DENY the Petition.

[1] Pursuant to Executive Order No. 304 (2004).

[2] Ponencia, pp. 3-4.

[3] Id. at 2.

[4] Id. at 2-3.

[5] Id. at 3.

[6] Id. at 5.

[7] Id. at 4.

[8] Id.

[9] Id. at 6.

[10] Id. at 17.

[11] Id. at 12. The requisites are: "(1) there must be a right to be protected and (2) the acts against which the

injunction is to be directed are violative of said right."

[12] Id.

[13] Id. at 17.

[14] Id. at 15.

[15] Id. at 16.

Section 11. TERMINAL FEES

All PUVs utilizing the services of the terminal facilities shall pay the corresponding fees as prescribed hereunder and on per entry basis:

a. Terminal Fees — The schedule of terminal fees to be collected from the drivers/operators shall be the following:

. . . .

The PUV operator, driver or conductor shall secure the corresponding cash ticket and terminal gate pass from the designated office or the Ticket Booth in the terminal premises. Such cash ticket and gate pass shall be presented upon leaving the terminal premises and at checkpoints such as the Terminal Outpost and Center Post[.]

[16] Id. at 17.

[17] J. Leonen, Concurring Opinion in *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1139 (2017) [Per J. Perlas-Bernabe, En Banc]. (Citations omitted)

[18] Id.

[19] *City of Manila v. Laguio, Jr.*, 495 Phil. 289, 307 (2005) [Per J. Tinga, En Banc].

[20] Id. at 307-308.

[21] Id. at 308.

[22] Id.

[23] Ponencia, p. 4.

[24] *Acebedo Optical Co., Inc. v. Court of Appeals*, 385 Phil. 956, 968 (2000) [Per J. Purisima, En Banc]. (Citation omitted)

[25] *City of Manila v. Laguio, Jr.*, 495 Phil. 289, 308-309 (2005) [Per J. Tinga, En Banc].

[26] Id. at 309.

[27] Id. (Citation omitted)

[28] Id. at 310. (Citation omitted)

[29] Id.

[30] *White light Corp. v. City of Manila*, 596 Phil. 444, 461 (2009) [Per J. Tinga, En Banc].

[31] *City of Manila v. Laguio, Jr.*, 495 Phil. 289, 311 (2005) [Per J. Tinga, En Banc].

[32] Id.

[33] Id.

[34] See *White light Corp. v. City of Manila*, 596 Phil. 444, 463 (2009) [Per J. Tinga, En Banc].

[35] 596 Phil. 444 (2009) [Per J. Tinga, En Banc].

[36] Id. at 461-463.

[37] 958 Phil. 1 (2024) [Per SAJ. Leonen, En Banc].

[38] Id. at 127.

[39] 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

[40] J. Leonen, Concurring Opinion in *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1147-1148 (2017) [Per J. Perlas-Bernabe, En Banc].

[41] Ponencia, p. 3

[42] *Chamber of Customs Brokers Inc. v. Commissioner of Customs*, 936 Phil. 372, 386 (2023) [Per J. Kho, Jr., Second Division].

[43] Ponencia, p. 2.

[44] *Foundation for Economic Freedom v. Energy Regulatory Commission*, 958 Phil. 1 (2024) [Per SAJ. Leonen, En Banc].

[45] Ponencia, p. 8. (Citation omitted)

[46] *XXX v. AAA*, 925 Phil. 19, 45 (2022) [Per J. Leonen, Second Division].

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