

**THE PRESIDENTIAL ANTI-DOLLAR SALTING TASK FORCE,
PETITIONER, VS. HONORABLE COURT OF APPEALS, HONORABLE
TEOFILO L. GUADIZ, JR., PRESIDING JUDGE, REGIONAL TRIAL
COURT, BRANCH 147,...**

G.R. No. 83578. March 16, 1989

Ponente: SARMIENTO, J.

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SARMIENTO, J.:

The petitioner, the Presidential Anti-Dollar Salting Task Force, the President's arm assigned to investigate and prosecute so-called "dollar-salting" activities in the country (per Presidential Decree No. 1936 as amended by Presidential Decree No. 2002), asks the Court to hold as null and void two Resolutions of the Court of Appeals, dated September 24, 1987[1] and May 20, 1988,[2] reversing its Decision, dated October 24, 1986.[3] The Decision set aside an Order, dated April 16, 1985, of the Regional Trial Court,[4] as well as its Order, dated August 21, 1985. The Resolution, dated September 24, 1987 disposed of, and granted, the private respondent Karamfil Import-Export Co., Inc.'s motion for reconsideration of the October 24, 1986 Decision; the Resolution dated May 20, 1988, in turn, denied the petitioner's own motion for reconsideration.

The facts are not in controversy. We quote:

On March 12, 1985, State Prosecutor Jose B. Rosales, who is assigned with the Presidential Anti-Dollar Salting Task Force hereinafter referred to as PADS Task Force for purposes of convenience, issued search warrants nos. 156, 157, 158, 159, 160 and 161 against the petitioners Karamfil Import-Export Co., Inc., P & B Enterprises Co., Inc., Philippine Veterans Corporation, Philippine Veterans Development Corporation, Philippine Construction Development Corporation, Philippine Lauan Industries Corporation, Intertrade Development (Alvin Aquino), Amelili U. Malaquiok Enterprises and Jaime P. Lucman Enterprises.

The application for the issuance of said search warrants was filed by Atty. Napoleon Gatmaytan of the Bureau of Customs who is a deputized member of the PADS Task Force. Attached to the said application is the affidavit of Josefin M. Castro who is an operative and investigator of the PADS Task Force. Said Josefin M. Castro is likewise the sole deponent in the purported deposition to support the application for the issuance of the six (6) search warrants involved in this case. The application filed by Atty. Gatmaytan, the affidavit and deposition of Josefin M. Castro are all dated March 12, 1985.[5]

Shortly thereafter, the private respondent (the petitioner below) went to the Regional Trial Court on a petition to enjoin the implementation of the search warrants in question.[6] On March 13, 1985, the trial court issued a temporary restraining order [effective "for a period of five (5) days notice"[7]] and set the case for hearing on March 18, 1985.

In disposing of the petition, the said court found the material issues to be:

- 1) Competency of this Court to act on petition filed by the petitioners;

- 2) Validity of the search warrants issued by respondent State Prosecutor;
- 3) Whether or not the petition has become moot and academic because all the search warrants sought to be quashed had already been implemented and executed.[8]

On April 16, 1985, the lower court issued the first of its challenged Orders, and held:

WHEREFORE, in view of all the foregoing, the Court hereby declares Search Warrant Nos. 156, 157, 158, 159, 160, and 161 to be null and void. Accordingly, the respondents are hereby ordered to return and surrender immediately all the personal properties and documents seized by them from the petitioners by virtue of the afore-mentioned search warrants.

SO ORDERED.[9]

On August 21, 1985, the trial court denied reconsideration.

On April 4, 1986, the Presidential Anti-Dollar Salting Task Force went to the respondent Court of Appeals to contest, on certiorari, the twin Order(s) of the lower court.

In ruling initially for the Task Force, the Appellate Court held:

Herein petitioner is a special quasi-judicial body with express powers enumerated under PD 1936 to prosecute foreign exchange violations defined and punished under P.D. No. 1883.

The petitioner, in exercising its quasi-judicial powers, ranks with the Regional Trial Courts, and the latter in the case at bar had no jurisdiction to declare the search warrants in question null and void.

Besides as correctly pointed out by the Assistant Solicitor General the decision of the Presidential Anti-Dollar Salting Task Force is appealable to the Office of the President.[10]

On November 12, 1986, Karamfil Import-Export Co., Inc. sought a reconsideration, on the question primarily of whether or not the Presidential Anti-Dollar Salting Task Force is "such other responsible officer" countenanced by the 1973 Constitution to issue warrants of search and seizure.

As we have indicated, the Court of Appeals, on Karamfil's motion, reversed itself and issued its Resolution, dated September 1987, and subsequently, its Resolution, dated May 20, 1988, denying the petitioner's motion for reconsideration.

In its petition to this Court, the petitioner alleges that in so issuing the Resolution(s) above-mentioned, the respondent Court of Appeals "committed grave abuse of discretion and/or acted in excess of its appellate jurisdiction,"[11] specifically:

- a) In deviating from the settled policy and rulings of the Supreme Court that no Regional Trial Courts may countermand or restrain the enforcement of lawful writs or decrees issued by a quasi-judicial body of equal and coordinate rank, like the PADS Task Force;
- b) For resorting to judicial legislation to arrive at its erroneous basis for reconsidering its previous Decision dated October 24, 1986 (see Annex "I") and thus promulgated the questioned Resolutions (Annexes "A" and "B"), which violated the constitutional doctrine on separation of powers;
- c) In not resolving directly the other important issues raised by the petitioner in its Petition in CA-G.R. No. 08622-SP despite the fact that petitioner has demonstrated sufficiently and convincingly that respondent RTC, in issuing the questioned Orders in Special Proceeding No. M-624 (see Annexes "C" and "D"), committed grave abuse of discretion and/or acted in excess of jurisdiction:

1. In ruling that (a) the description of the things to be seized as stated in the contested search warrant were too

general which allegedly render the search warrants null and void; (b) the applications for the contested search warrants actually charged two offenses in contravention of the 2nd paragraph, Section 3, Rule 126 of the Rules of Court; and (c) this case has not become moot and academic, even if the contested search warrants had already been fully implemented with positive results; and

2. In ruling that the petitioner PADS Task Force has not been granted under PD 1936 "judicial or quasi-judicial jurisdiction." [12]

We find, upon the foregoing facts, that the essential questions that confront us are -- (i) is the Presidential Anti-Dollar Salting Task Force a quasi-judicial body, and one co-equal in rank and standing with the Regional Trial Court, and accordingly, beyond the latter's jurisdiction; and (ii) may the said presidential body be said to be "such other responsible officer as may be authorized by law" to issue search warrants under the 1973 Constitution? -- questions we take up seriatim.*

In submitting that it is a quasi-judicial entity, the petitioner states that it is endowed with "express powers and functions under PD No. 1936, to prosecute foreign exchange violations as defined and punished under PD No. 1883." ¹³ "By the very nature of its express powers as conferred by the laws," so it is contended, "which are decidedly quasi-judicial or discretionary function, such as to conduct preliminary investigation on the charges of foreign exchange violations, issue search warrants or warrants of arrest, hold-departure orders, among others, and depending upon the evidence presented, to dismiss the charges or to file the corresponding Information in court (cf. Executive Order No. 934, PD No. 1936 and its Implementing Rules and Regulations effective August 26, 1984), petitioner exercises quasi-judicial power or the power of adjudication." ¹⁴

The Court of Appeals, in its Resolution now assailed, ¹⁵ was of the opinion that "[t]he grant of quasi-judicial powers to petitioner did not diminish the regular courts' judicial power of interpretation. The right to interpret a law and, if necessary to declare one unconstitutional, exclusively pertains to the judiciary. In assuming this function, courts do not proceed on the theory that the judiciary is superior to the two other coordinate branches of the government, but solely on the theory that they are required to declare the law in every case which come before them." ¹⁶

This Court finds the Appellate Court to be in error, since what the petitioner puts to question is the Regional Trial Court's act of assuming jurisdiction over the private respondent's petition below and its subsequent countermand of the Presidential Anti-Dollar Salting Task Force's orders of search and seizure, for the reason that the presidential body, as an entity (allegedly) coordinate and co-equal with the Regional Trial Court, was (is) not vested with such a jurisdiction. An examination of the Presidential Anti-Dollar Salting Task Force's petition shows indeed its recognition of judicial review (of the acts of Government) as a basic privilege of the courts. Its objection, precisely, is whether it is the Regional Trial Court, or the superior courts, that may undertake such a review.

Under the Judiciary Reorganization Act of 1980, ¹⁷ the Court of Appeals exercises:

(3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the provisions of this Act, and of subparagraph (1) of the third paragraph and subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948. ¹⁸

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Under the present Constitution, with respect to its provisions on Constitutional Commissions, it is provided, in

part that:

x x x Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof.¹⁹

On the other hand, Regional Trial Courts have exclusive original jurisdiction:

(6) In all cases not within the exclusive jurisdiction of any court, tribunal, person or body exercising judicial or quasi-judicial functions.²⁰

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Likewise:

x x x The Supreme Court may designate certain branches of the Regional Trial Court to handle exclusively criminal cases, juvenile and domestic relations cases, agrarian cases, urban land reform cases which do not fall under the jurisdiction of quasi-judicial bodies and agencies and/or such other special cases as the Supreme Court may determine in the interest of a speedy and efficient administration of justice.²¹

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Under our Resolution dated January 11, 1983.²²

x x x The appeals to the Intermediate Appellate Court [now, Court of Appeals] from quasi-judicial bodies shall continue to be governed by the provisions of Republic Act No. 5434 insofar as the same is not inconsistent with the provisions of B.P. Blg. 129.²³

The pertinent provisions of Republic Act No. 5434 are as follows:

SECTION 1. Appeals from specified agencies. - Any provision of existing law or Rule of Court to the contrary notwithstanding, parties aggrieved by a final ruling, award, order, decision, or judgment of the Court of Agrarian Relations; the Secretary of Labor under Section 7 of Republic Act Numbered Six hundred and two, also known as the "Minimum Wage Law"; the Department of Labor under Section 23 of Republic Act Numbered Eight hundred seventy-five, also known as the "Industrial Peace Act"; the Land Registration Commission; the Securities and Exchange Commission; the Social Security Commission; the Civil Aeronautics Board; the Patent Office and the Agricultural Inventions Board, may appeal therefrom to the Court of Appeals, within the period and in the manner herein provided, whether the appeal involves questions of fact, mixed questions of fact and law, or questions of law, or all three kinds of questions. From final judgments or decisions of the Court of Appeals, the aggrieved party may appeal by certiorari to the Supreme Court as provided in Rule 45 of the Rules of Court.²⁴

Because of subsequent amendments, including the abolition of various special courts,²⁵ jurisdiction over quasi-judicial bodies has to be consequently, determined by the corresponding amendatory statutes. Under the Labor Code, decisions and awards of the National Labor Relations Commission are final and executory, but, nevertheless, "reviewable by this Court through a petition for certiorari and not by way of appeal."²⁶

Under the Property Registration Decree, decisions of the Commission of Land Registration, en consulta, are appealable to the Court of Appeals.²⁷

The decisions of the Securities and Exchange Commission are likewise appealable to the Appellate Court,²⁸ and so are decisions of the Social Security Commission.²⁹

As a rule, where legislation provides for an appeal from decisions of certain administrative bodies to the Court of Appeals, it means that such bodies are co-equal with the Regional Trial Courts, in terms of rank and stature, and

logically, beyond the control of the latter.

As we have observed, the question is whether or not the Presidential Anti-Dollar Salting Task force is, in the first place, a quasi-judicial body, and one whose decisions may not be challenged before the regular courts, other than the higher tribunals -- the Court of Appeals and this Court.

A quasi-judicial body has been defined as "an organ of government other than a court and other than a legislature, which affects the rights of private parties through either adjudication or rule making."³⁰ The most common types of such bodies have been listed as follows:

- (1) Agencies created to function in situations wherein the government is offering some gratuity, grant, or special privilege, like the defunct Philippine Veterans Board, Board on Pensions for Veterans, and NARRA, and Philippine Veterans Administration.
- (2) Agencies set up to function in situations wherein the government is seeking to carry on certain government functions, like the Bureau of Immigration, the Bureau of Internal Revenue, the Board of Special Inquiry and Board of Commissioners, the Civil Service Commission, the Central Bank of the Philippines.
- (3) Agencies set up to function in situations wherein the government is performing some business service for the public, like the Bureau of Posts, the Postal Savings Bank, Metropolitan Waterworks & Sewerage Authority, Philippine National Railways, the Civil Aeronautics Administration.
- (4) Agencies set up to function in situations wherein the government is seeking to regulate business affected with public interest, like the Fiber Inspection Board, the Philippine Patent- Office, Office of the Insurance Commissioner.
- (5) Agencies set up to function in situations wherein the government is seeking under the police power to regulate private business and individuals, like the Securities & Exchange Commission, Board of Food Inspectors, the Board of Review for Moving Pictures, and the Professional Regulation Commission.
- (6) Agencies set up to function in situations wherein the government is seeking to adjust individual controversies because of some strong social policy involved, such as the National Labor Relations Commission, the Court of Agrarian Relations, the Regional Offices of the Ministry of Labor, the Social Security Commission, Bureau of Labor Standards, Women and Minors Bureau.³¹

As may be seen, it is the basic function of these bodies to adjudicate claims and/or to determine rights, and unless its decisions are seasonably appealed to the proper reviewing authorities, the same attain finality and become executory. A perusal of the Presidential Anti-Dollar Salting Task Force's organic act, Presidential Decree No. 1936, as amended by Presidential Decree No. 2002, convinces the Court that the Task Force was not meant to exercise quasi-judicial functions, that is, to try and decide claims and execute its judgments. As the President's arm called upon to combat the vice of "dollar-salting" or the blackmarketing and salting of foreign exchange,³² it is tasked alone by the Decree to handle the prosecution of such activities, but nothing more. We quote:

SECTION 1. Powers of the Presidential Anti-Dollar Salting Task Force. - The Presidential Anti-Dollar Salting Task Force, hereinafter referred to as Task Force, shall have the following powers and authority:

- a) Motu proprio or upon complaint, to investigate and prosecute all dollar salting activities, including the overvaluation of imports and the undervaluation of exports;
- b) To administer oaths, summon persons or issue subpoenas requiring the attendance and testimony of witnesses or the production of such books, papers, contracts, records, statements of accounts, agreements, and other as may be necessary in the conduct of investigation:

c) To appoint or designate experts, consultants, state prosecutors or fiscals, investigators and hearing officers to assist the Task Force in the discharge of its duties and responsibilities; gather data, information or documents; conduct hearings, receive evidence, both oral and documentary, in all cases involving violation of foreign exchange laws or regulations; and submit reports containing findings and recommendations for consideration of appropriate authorities;

d) To punish direct and indirect contempts with the appropriate penalties therefor under Rule 71 of the Rules of Court; and

To adopt such measures and take such actions as may be necessary to implement this Decree.

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"f. After due investigation but prior to the filing of the appropriate criminal charges with the fiscal's office or the courts as the case may be, to impose a fine and/or administrative sanctions as the circumstances warrant, upon any person found committing or to have committed acts constituting black-marketing or salting abroad of foreign exchange, provided said person voluntarily admits the facts and circumstances constituting the offense and presents proof that the foreign exchange retained abroad has already been brought into the country.

Thereafter, no further civil or criminal action may be instituted against said person before any other judicial regulatory or administrative body for violation of Presidential Decree No. 1883.

The amount of the fine shall be determined by the Chairman of the Presidential Anti-Dollar Salting Task Force and paid in Pesos taking into consideration the amount of foreign exchange retained abroad, the exchange rate differentials, uncollected taxes and duties thereon, undeclared profits, interest rates and such other relevant factors.

The fine shall be paid to the Task Force which shall retain Twenty percent (20%) thereof. The informer, if any, shall be entitled to Twenty percent (20%) of the fine. Should there be no informer, the Task Force shall be entitled to retain Forty percent (40%) of the fine and the balance shall accrue to the general funds of the National government. The amount of the fine to be retained by the Task Force shall form part of its Confidential Fund and be utilized for the operations of the Task force."³³

The Court sees nothing in the aforementioned provisions (except with respect to the Task Force's powers to issue search warrants) that will reveal a legislative intent to confer it with quasi-judicial responsibilities relative to offenses punished by Presidential Decree No. 1883. Its undertaking, as we said, is simply, to determine whether or not probable cause exists to current the filing of charges with the proper court, meaning to say, to conduct an inquiry preliminary to a judicial recourse, and to recommend action "of appropriate authorities". It is not unlike a fiscal's office that conducts a preliminary investigation to determine whether or not prima facie evidence exists to justify haling the respondent to court, and yet, while it makes that determination, it cannot be said to be acting as a quasi-court. For it is the courts, ultimately, that pass judgment on the accused, not the fiscal.

It is not unlike the Presidential Commission on Good Government either, the executive body appointed to investigate and prosecute cases involving "ill-gotten wealth". It had been vested with enormous powers, like the issuance of writs of sequestration, freeze orders, and similar processes, but that did not, on account thereof alone, make it a quasi-judicial entity as defined by recognized authorities. It cannot pronounce judgment of the accused's culpability, the jurisdiction to do which is exclusive upon the Sandiganbayan.³⁴

If the Presidential Anti-Dollar Salting Task Force is not, hence, a quasi-judicial body, it cannot be said to be co-equal or coordinate with the Regional Trial Court. There is nothing in its enabling statutes that would

demonstrate its standing at par with the said court.

In that respect, we do not find error in the respondent Court of Appeal's resolution sustaining the assumption of jurisdiction by the court a quo.

It will not do to say that the fact that the Presidential Task Force has been empowered to issue warrants of arrest, search, and seizure, makes it, ergo, a "semi-court". Precisely, it is the objection interposed by the private respondent whether or not it can under the 1973 Charter, issue such kinds of processes.

It must be observed that under the present Constitution, the powers of arrest and search are exclusive upon judges.³⁵ To that extent, the case has become moot and academic. Nevertheless, since the question has been specifically put to the Court, we find it unavoidable to resolve it as the final arbiter of legal controversies, pursuant to the provisions of the 1973 Constitution during whose regime the case was commenced.

Since the 1973 Constitution took force and effect and until it was so unceremoniously discarded in 1986, its provisions conferring the power to issue arrest and search warrants upon an officer, other than a judge, by fiat of legislation have been at best, controversial. In *Lim v. Ponce de Leon*,³⁶ a 1975 decision, this Court ruled that a fiscal has no authority to issue search warrants, but held in the same vein that, by virtue of the "responsible officer" clause of the 1973 Bill of Rights, "any lawful officer authorized by law can issue a search warrant or warrant of arrest."³⁷ Authorities, however, have continued to express reservations whether or not fiscals may, by statute, be given such a power.³⁸

Less than a year later, we promulgated *Collector of Customs v. Villaluz*,³⁹ in which we categorically averred: "[U]ntil now only the judge can issue the warrant of arrest."⁴⁰ "No law or presidential decree has been enacted or promulgated vesting the same authority in a particular responsible officer."⁴¹

Apparently, Villaluz had settled the debate, but the same question persisted following this Court's subsequent rulings upholding the President's alleged emergency arrest powers.⁴² [Mr. Justice Hugo Gutierrez would hold, however, that a Presidential Commitment Order (PCO) is (was) not a species of "arrest" in its technical sense, and that the (deposed) Chief Executive, in issuing one, does not do so in his capacity as a "responsible officer" under the 1973 Charter, but rather, as Commander-in-Chief of the Armed Forces in times of emergency, or in order to carry out the deportation of undesirable aliens.⁴³ In the distinguished Justice's opinion then, these are acts that can be done without need of judicial intervention because they are not, precisely, judicial but Presidential actions.]

In *Ponsica v. Ignalaga*,⁴⁴ however, we held that the mayor has been made a "responsible officer" by the Local Government Code,⁴⁵ but had ceased to be one with the approval of the 1987 Constitution according judges sole authority to issue arrest and search warrants. But in the same breath, we did not rule the grant under the Code unconstitutional based on the provisions of the former Constitution. We were agreed, though, that the "responsible officer" referred to by the fundamental law should be one capable of approximating "the cold neutrality of an impartial judge."⁴⁶

In striking down Presidential Decree No. 1936 the respondent Court relied on American jurisprudence, notably, *Katz v. United States*,⁴⁷ *Johnson v. United States*,⁴⁸ and *Coolidge v. New Hampshire*,⁴⁹ in which the American Supreme Court ruled that prosecutors (like the petitioner) cannot be given such powers because of their incapacity for a "detached scrutiny"⁵⁰ of the cases before them. We affirm the Appellate Court.

We agree that the Presidential Anti-Dollar Salting Task Force exercises, or was meant to exercise, prosecutorial powers, and on that ground, it cannot be said to be a neutral and detached "judge" to determine the existence of probable cause for purposes of arrest or search. Unlike a magistrate, a prosecutor is naturally interested in the success of his case. Although his office "is to see that justice is done and not necessarily to secure the conviction

of the person accused,"⁵¹ he stands, invariably, as the accused's adversary and his accuser. To permit him to issue search warrants and indeed, warrants of arrest, is to make him both judge and jury in his own right, when he is neither. That makes, to our mind and to that extent, Presidential Decree No. 1936 as amended by Presidential Decree No. 2002, unconstitutional.

It is our ruling, thus, that when the 1973 Constitution spoke of "responsible officer" to whom the authority to issue arrest and search warrants may be delegated by legislation, it did not furnish the legislator with the license to give that authority to whomsoever it pleased. It is to be noted that the Charter itself makes the qualification that the officer himself must be "responsible". We are not saying, of course, that the Presidential Anti-Dollar Salting Task Force (or any similar prosecutor) is or has been irresponsible in discharging its duty. Rather, we take "responsibility", as used by the Constitution, to mean not only skill and competence but more significantly, neutrality and independence comparable to the impartiality presumed of a judicial officer. A prosecutor can in no manner be said to be possessed of the latter qualities.

According to the Court of Appeals, the implied exclusion of prosecutors under the 1973 Constitution was founded on the requirements of due process, notably, the assurance to the respondent of an unbiased inquiry of the charges against him prior to the arrest of his person or seizure of his property. We add that the exclusion is also demanded by the principle of separation of powers on which our republican structure rests. Prosecutors exercise essentially an executive function (the petitioner itself is chaired by the Minister, now Secretary, of Trade and Industry), since under the Constitution, the President has pledged to execute the laws.⁵² As such, they cannot be made to issue judicial processes without unlawfully impinging the prerogative of the courts.

At any rate, *Ponsica v. Ignalaga* should foreclose all questions on the matter, although the Court hopes that this disposition has clarified a controversy that had generated often bitter debates and bickerings.

The Court joins the Government in its campaign against the scourge of "dollar-salting", a pernicious practice that has substantially drained the nation's coffers and has seriously threatened its economy. We recognize the menace it has posed (and continues to pose) unto the very stability of the country, the urgency for tough measures designed to contain if not eradicate it, and foremost, the need for cooperation from the citizenry in an all-out campaign. But while we support the State's efforts, we do so not at the expense of fundamental rights and liberties and constitutional safeguards against arbitrary and unreasonable acts of Government. If in the event that as a result of this ruling, we prove to be an "obstacle" to the vital endeavour of stamping out the blackmarketing of valuable foreign exchange, we do not relish it and certainly, do not mean it. The Constitution simply does not leave us much choice.

WHEREFORE, the petition is DISMISSED. No costs.

SO ORDERED.

Fernan, C.J., Narvasa, Gutierrez, Jr., Paras, Gancayco, Padilla, Bidin, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

Cruz, Feliciano, and Cortes, JJ., in the result.

Melencio-Herrera, J., no part, did not participate in the deliberations.

[1] Herrera, Manuel, J., Camilon and Magsino, JJ., Concurring.

[2] Herrera, Manuel, J., Bellosillo and Magsino, JJ., Concurring.

[3] Herrera, Manuel, J., Camilon and Magsino, JJ., Concurring.

[4] Guadiz, Teofilo, presiding Judge, Branch CXLVII, Makati, Metro Manila.

[5] Order, dated April 16, 1985, 1.

[6] Id.

[7] Id.

[8] Id., 2. Reference to "Court" is Regional Trial Court.

[9] Id., 9.

[10] Decision, dated October 24, 1986, 4-5.

[11] Petition, 6.

[12] Id., 7-9.

* We decide this case notwithstanding the private respondent's prayer for extension to file a memorandum. (The Solicitor General has asked that he be excused from filing one.) We do so since the pleadings on file with the Court have sufficiently shown the respective positions of the parties and since only questions of law are involved, questions we can already resolve without the aid of any more other pleading or paper.

13 Id., 15-16.

14 Id., 16.

15 Dated May 20, 1988.

16 Id., 2-3.

17 Batas Pambansa Blg. 129.

18 Supra, sec. 9, par. (3)

19 CONST. (1987), art. IX (B), sec. 7.

20 Supra, sec. 19, par. (6).

21 Supra, sec. 23.

22 RESOLUTION OF THE COURT EN BANC, DATED JANUARY 11, 1983, PROVIDING FOR THE INTERIM OR TRANSITIONAL RULES AND GUIDELINES RELATIVE TO THE IMPLEMENTATION OF THE JUDICIARY REORGANIZATION ACT OF 1981 (B.P. BLG. 129).

23 Supra, par. 22, subpar. (c).

24 Rep. Act No. 5434, sec. 1.

25 The Court of Agrarian Relations for instance, was abolished by Batas Blg. 129, sec. 44. The Labor Code, sec. 298, on the other hand, abolished the Court of Industrial Relations.

26 Asiaworld Publishing House, Inc. v. Ople, No. L-56398, July 23, 1987, 152 SCRA 219, 225.

27 Pres. Decree No. 1529, sec. 117; Rep. Act No. 5434, sec. 1, supra.

28 Batas Blg. 129, supra, sec. 9(3), amending Pres. Decree No. 902-A, sec. 6.

29 Supra.

30 GONZALES, AMINISTRATIVE LAW, A TEXT 13 (1979).

31 Id., 14-15.

32 See Pres. Decree No. 1883 as amended by Pres. Decree No. 2002.

33 Pres. Decree No. 1936, sec. 1; Pres. Decree No. 2002, supra, sec. 2; emphasis in original.

34 Presidential Commission on Good Government v. Peña, G.R. No. 77663, April 12, 1988; Feliciano, J., Concurring with qualifications. While the Regional Trial Courts may not take cognizance of cases involving the Commission, this is so because the various Executive Orders creating it specifically invested the Sandiganbayan of the jurisdiction, and not because it is co-equal with the said courts.

35 CONST. (1987), art. III, sec. 2.

36 No. L-22554, August 29, 1975, 66 SCRA 299.

37 Supra, 306, fn. 7; emphasis supplied.

38 BERNAS, THE 1973 PHILIPPINE CONSTITUTION A REVIEWER-PRIMER 37 (1981).

39 Nos. L-34038, 34243, 36376, 38688, 39525, 40031, June 18, 1976, 71 SCRA 356.

40 Supra, 380.

41 Supra.

42 See Cruz v. Gatan, No. L-44910, November 29, 1976, 74 SCRA 226 in which the Court sustained the Arrest, Search, and Seizure Order (ASSO) under General Order No. 2-A; Garcia-Padilla v. Enrile, No. L-61388, April 20, 1983, 121 SCRA 472 and Morales, Jr. v. Enrile, Nos. L-61016-7, April 26, 1983, 121 SCRA 538, in which we held valid Presidential Commitment Order(s) (PCOs) pursuant to Letters of Instructions Nos. 1125-A and 1211; and Garcia-Padilla v. Enrile, No. L-61388, July 19, 1985, 137 SCRA 647, in which we recognized the validity of Presidential Detention Action(s) (PDAs) per Presidential Decree Nos. 1877 and 1877-A.

43 Morales, Jr. v. Enrile, supra, 604. Gutierrez, Jr., J., Concurring.

44 No. L-72301, July 31, 1987, 152 SCRA 647.

45 Batas Pambansa Blg. 337, sec. 143, pars. (1), (3).

46 Ponsica v. Ignalaga, supra, 662.

47 389 US 347 (1967).

48 333 US 10 (1948).

49 403 US 433 (1971).

50 Resolution, dated September 24, 1987, id., 2.

51 Crespo v. Mogul, No. L-53373, June 30, 1987, 151 SCRA 462, 470.

52 CONST. (1987), art. VII, sec. 5.

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