

**REP. RAUL A. DAZA, PETITIONER, VS. REP. LUIS C. SINGSON AND
HON. RAOUL V. VICTORINO IN THE LATTER'S CAPACITY AS
SECRETARY OF THE COM-MISSION ON APPOINTMENTS,
RESPONDENTS.**

G.R. No. 86344. December 21, 1989

Ponente: CRUZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-86344/>

CRUZ, J.:

After the congressional elections of May 11, 1987, the House of Representatives proportionally apportioned its twelve seats in the Commission on Appointments among the several political parties represented in that chamber, including the Lakas ng Bansa, the PDP-Laban, the NP-Unido, the Liberal Party, and the KBL, in accordance with Article VI, Section 18, of the Constitution. Petitioner Raul A. Daza was among those chosen and was listed as a representative of the Liberal Party.[1]

On September 16, 1988, the Laban ng Demokratikong Pilipino was reorganized, resulting in a political realignment in the House of Representatives. Twenty four members of the Liberal Party formally resigned from that party and joined the LDP, thereby swelling its number to 159 and correspondingly reducing their former party to only 17 members.[2]

On the basis of this development, the House of Representatives revised its representation in the Commission on Appointments by withdrawing the seat occupied by the petitioner and giving this to the newly-formed LDP. On December 5, 1988, the chamber elected a new set of representatives consisting of the original members except the petitioner and including therein respondent Luis C. Singson as the additional member from the LDP.[3]

The petitioner came to this Court on January 13, 1989, to challenge his removal from the Commission on Appointments and the assumption of his seat by the respondent. Acting initially on his petition for prohibition and injunction with preliminary injunction, we issued a temporary restraining order that same day to prevent both the petitioner and the respondent from serving in the Commission on Appointments.[4]

Briefly stated, the contention of the petitioner is that he cannot be removed from the Commission on Appointments because his election thereto is permanent under the doctrine announced in *Cunanan v. Tan*.^[5] His claim is that the reorganization of the House representation in the said body is not based on a permanent political realignment because the LDP is not a duly registered political party and has not yet attained political stability.

For his part, the respondent argues that the question raised by the petitioner is political in nature and so beyond the jurisdiction of this Court. He also maintains that he has been improperly impleaded, the real party respondent being the House of Representatives which changed its representation in the Commission on Appointments and removed the petitioner. Finally, he stresses that nowhere in the Constitution is it required that the political party be registered to be entitled to proportional representation in the Commission on Appointments.

In addition to the pleadings filed by the parties, a Comment was submitted by the Solicitor General as amicus

curiae in compliance with an order from the Court.

At the core of this controversy is Article VI, Section 18, of the Constitution providing as follows:

Sec. 18. There shall be a Commission on Appointments consisting of the President of the Senate, as ex officio Chairman, twelve Senators and Twelve Members of the House of Representatives, elected by each House on the basis of proportional representation from the political parties and parties or organizations registered under the party-list system represented therein. The Chairman of the Commission shall not vote, except in case of a tie. The Commission shall act on all appointments submitted to it within thirty session days of the Congress from their submission. The Commission shall rule by a majority vote of all the Members.

Ruling first on the jurisdictional issue, we hold that, contrary to the respondent's assertion, the Court has the competence to act on the matter at bar. Our finding is that what is before us is not a discretionary act of the House of Representatives that may not be reviewed by us because it is political in nature. What is involved here is the legality, not the wisdom, of the act of that chamber in removing the petitioner from the Commission on Appointments. That is not a political question because, as Chief Justice Concepcion explained in *Tañada v. Cuenco*:^[6]

... the term "political question" connotes, in legal parlance, what it means in ordinary parlance, namely, a question of policy. In other words, x x x it refers "to those questions which, under the Constitution, are to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the Legislature or executive branch of the Government." It is concerned with issues dependent upon the wisdom, not legality, of a particular measure.

In the aforementioned case, the Court was asked by the petitioners therein to annul the election of two members of the Senate Electoral Tribunal of that chamber, on the ground that they had not been validly nominated. The Senate then consisted of 23 members from the Nacionalista Party and the petitioner as the lone member of the Citizens Party. Senator Lorenzo M. Tañada nominated only himself as the minority representative in the Tribunal, whereupon the majority elected Senators Mariano J. Cuenco and Francisco Delgado, from its own ranks, to complete the nine-man composition of the Tribunal as provided for in the 1935 Constitution. The petitioner came to this Court, contending that under Article VI, Section 11, of that Charter, the six legislative members of the Tribunal were to be chosen by the Senate, "three upon nomination of the party having the largest number of votes and three of the party having the second largest number of votes therein." As the majority party in the Senate, the Nacionalista Party could nominate only three members and could not also fill the other two seats pertaining to the minority.

By way of special and affirmative defenses, the respondents contended inter alia that the subject of the petition was an internal matter that only the Senate could resolve. The Court rejected this argument, holding that what was involved was not the wisdom of the Senate in choosing the respondents but the legality of the choice in light of the requirement of the Constitution. The petitioners were questioning the manner of filling the Tribunal, not the discretion of the Senate in doing so. The Court held that this was a justiciable and not a political question, thus:

Such is not the nature of the question for determination in the present case. Here, we are called upon to decide whether the election of Senators Cuenco and Delgado by the Senate, as members of the Senate Electoral Tribunal, upon nomination by Senator Primicias -- a member and spokesman of the party having the largest number of votes in the Senate -- on behalf of its Committee on Rules, contravenes the constitutional mandate that said members of the Senate Electoral Tribunal shall be chosen "upon nomination x x x of the party having the second largest number of votes" in the Senate, and hence, is null and void. The Senate is not clothed with "full discretionary authority" in the choice of members of the Senate Electoral Tribunal. The exercise of its power thereon is subject to constitutional limitations which are claimed to be mandatory in nature. It is clearly within the legitimate province of the judicial department to pass upon the validity of the proceeding in

connection therewith.

'x x x whether an election of public officers has been in accordance with law is for the judiciary. Moreover, where the legislative department has by statute prescribed election procedure in a given situation, the judiciary may determine whether a particular election has been in conformity with such statute, and, particularly, whether such statute has been applied in a way to deny or transgress on constitutional or statutory rights x x x.' (16 C.J.S., 439; *italics supplied*)

It is, therefore, our opinion that we have, not only jurisdiction but also the duty, to consider and determine the principal issue raised by the parties herein."

Although not specifically discussed, the same disposition was made in *Cunanan v. Tan* as it likewise involved the manner or legality of the organization of the Commission on Appointments, not the wisdom or discretion of the House in the choice of its representatives.

In the case now before us, the jurisdictional objection becomes even less tenable and decisive. The reason is that, even if we were to assume that the issue presented before us was political in nature, we would still not be precluded from resolving it under the expanded jurisdiction conferred upon us that now covers, in proper cases, even the political question. Article VII, Section 1, of the Constitution clearly provides:

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

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

The respondent's contention that he has been improperly impleaded is even less persuasive. While he may be technically correct in arguing that it is not he who caused the petitioner's removal, we feel that this objection is also not an insuperable obstacle to the resolution of this controversy. We may, for one thing, treat this proceeding as a petition for quo warranto as the petitioner is actually questioning the respondent's right to sit as a member of the Commission on Appointments. For another, we have held as early as in the *Emergency Powers Cases*[7] that where serious constitutional questions are involved, "the transcendental importance to the public of these cases demands that they be settled promptly and definitely, brushing aside, if we must, technicalities of procedure." The same policy has since then been consistently followed by the Court, as in *Gonzales v. Commission on Elections*,[8] where we held through Chief Justice Fernando:

In the course of the deliberations, a serious procedural objection was raised by five members of the Court. It is their view that respondent Commission on Elections not being sought to be restrained from performing any specific act, this suit cannot be characterized as other than a mere request for an advisory opinion. Such a view, from the remedial law standpoint, has much to recommend it. Nonetheless, a majority would affirm the original stand that under the circumstances, it could still rightfully be treated as a petition for prohibition.

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

It would appear undeniable, therefore, that before us is an appropriate invocation of our jurisdiction to prevent the enforcement of an alleged unconstitutional statute. We are left with no choice then; we must act on the

matter.

Coming now to the more crucial question, the Court notes that both the petitioner and the respondent are invoking the case of *Cunanan v. Tan* to support their respective positions. It is best, therefore, to make a quick review of that case for a proper disposition of this one.

In the election for the House of Representatives held in 1961, 72 seats were won by the Nacionalista Party, 29 by the Liberal Party and 1 by an independent. Accordingly, the representation of that chamber in the Commission on Appointments was apportioned to 8 members from the Nacionalista Party and 4 from the Liberal Party. Subsequently, 25 members of the Nacionalista Party, professing discontent over the House leadership, made common cause with the Liberal Party and formed what was called the Allied Majority to install a new Speaker and reorganize the chamber. Included in this reorganization was the House representation in the Commission on Appointments where three of the Nacionalista congressmen originally chosen were displaced by three of their party colleagues who had joined the Allied Majority.

Petitioner Carlos Cunanan's ad interim appointment as Deputy Administrator of the Reforestation Administration was rejected by the Commission on Appointments as thus reorganized and respondent Jorge Tan, Jr. was thereafter designated in his place. Cunanan then came to this Court, contending that the rejection of his appointment was null and void because the Commission itself was invalidly constituted.

The Court agreed. It noted that the Allied Majority was a merely temporary combination as the Nacionalista defectors had not disaffiliated from their party and permanently joined the new political group. Officially, they were still members of the Nacionalista Party. The reorganization of the Commission on Appointments was invalid because it was not based on the proportional representation of the political parties in the House of Representatives as required by the Constitution. The Court held:

x x x In other words, a shifting of votes at a given time, even if due to arrangements of a more or less temporary nature, like the one that has led to the formation of the so-called "Allied Majority," does not suffice to authorize a reorganization of the membership of the Commission for said House. Otherwise, the Commission on Appointments may have to be reorganized as often as votes shift from one side to another in the House. The framers of our Constitution could not have intended to thus place a constitutional organ, like the Commission on Appointments, at the mercy of each House of Congress.

The petitioner vigorously argues that the LDP is not the permanent political party contemplated in the Constitution because it has not been registered in accordance with Article IX-B, Section 2(5), in relation to the other provisions of the Constitution. He stresses that the so-called party has not yet achieved stability and suggests it might be no different from several other political groups that have died "a-bornin'," like the UNA, or have subsequently floundered, like the UNIDO.

The respondent also cites Cunanan but from a different viewpoint. According to him, that case expressly allows reorganization at any time to reflect changes in the political alignments in Congress, provided only that such changes are permanent. The creation of the LDP constituting the bulk of the former PDP-Laban and to which no less than 24 Liberal congressmen had transferred was a permanent change. That change fully justified his designation to the Commission on Appointments after the reduction of the LP representation therein. Thus, the Court held:

Upon the other hand, the constitutional provision to the effect that "there shall be a Commission on Appointments consisting of twelve (12) Senators and twelve (12) members of the House of Representatives elected by each House, respectively, on the basis of proportional REPRESENTATION OF THE POLITICAL PARTIES THEREIN," necessarily connotes the authority of each House of Congress to see to it that this

requirement is duly complied with. As a consequence, it may take appropriate measures, not only upon the initial organization of the Commission, but, also, subsequently thereto. If by reason of successful election protests against members of a House, or of their expulsion from the political party to which they belonged and/or of their affiliation with another political party, the ratio in the representation of the political parties in the House is materially changed, the House is clothed with authority to declare vacant the necessary number of seats in the Commission on Appointments held by members of said House belonging to the political party adversely affected by the change and then fill said vacancies in conformity with the Constitution.

In the course of the spirited debate on this matter between the petitioner and the respondent (who was supported by the Solicitor General) an important development has supervened to considerably simplify the present controversy.

The petitioner, to repeat, bases his argument heavily on the non-registration of the LDP which, he claims, has not provided the permanent political realignment to justify the questioned reorganization. As he insists:

(c) Assuming that the so-called new coalesced majority is actually the LDP itself, then the proposed reorganization is likewise illegal and ineffectual, because the LDP, not being a duly registered political party, is not entitled to the "rights and privileges granted by law to political parties" (Sec. 160, BP. No. 881), and therefore cannot legally claim the right to be considered in determining the required proportional representation of political parties in the House of Representatives.[9]

x x x

x x x the clear constitutional intent behind Section 18, Article VI, of the 1987 Constitution, is to give the right of representation in the Commission on Appointments only to political parties who are duly registered with the Comelec.[10]

On November 23, 1989, however, that argument boomeranged against the petitioner. On that date, the Commission on Elections in an en banc resolution affirmed the resolution of its First Division dated August 28, 1989, granting the petition of the LDP for registration as a political party.[11] This has taken the wind out of the sails of the petitioner, so to speak, and he must now limp to shore as best he can.

The petitioner's contention that, even if registered, the party must still pass the test of time to prove its permanence is not acceptable. Under this theory, a registered party obtaining the majority of the seats in the House of Representatives (or the Senate) would still not be entitled to representation in the Commission on Appointments as long as it was organized only recently and has not yet "aged." The Liberal Party itself would fall in such a category. That party was created in December 1945 by a faction of the Nacionalista Party that seceded therefrom to support Manuel A. Roxas's bid for the Presidency of the Philippines in the election held on April 23, 1946.[12] The Liberal Party won. At that time it was only four months old. Yet no question was raised as to its right to be represented in the Commission on Appointments and in the Electoral Tribunals by virtue of its status as the majority party in both chambers of the Congress.

The LDP has been in existence for more than one year now. It now has 157 members in the House of Representatives and 6 members in the Senate. Its titular head is no less than the President of the Philippines and its President is Senator Neptali A. Gonzales, who took over recently from Speaker Ramon V. Mitra. It is true that there have been, and there still are, some internal disagreements among its members, but these are to be expected in any political organization, especially if it is democratic in structure. In fact, even the monolithic Communist Party in a number of socialist states has undergone similar dissension, and even upheavals. But it surely cannot be considered still temporary because of such discord.

If the petitioner's argument were to be pursued, the 157 members of the LDP in the House of Representatives

would have to be denied representation in the Commission on Appointments and, for that matter, also the Electoral Tribunal. By the same token, the KBL, which the petitioner says is now "history only," should also be written off. The independents also cannot be represented because they belong to no political party. That would virtually leave the Liberal Party only - with all of its seventeen members - to claim all the twelve seats of the House of Representatives in the Commission on Appointments and the six legislative seats in the House Electoral Tribunal.

It is noteworthy that when with 41 members the Liberal Party was allotted two of the seats in the Commission on Appointments, it did not express any objection.[13] Inconsistently, the petitioner is now opposed to the withdrawal from it of one seat although its original number has been cut by more than half.

As for the other condition suggested by the petitioner, to wit, that the party must survive in a general congressional election, the LDP has doubtless also passed that test, if only vicariously. It may even be said that as it now commands the biggest following in the House of Representatives, the party has not only survived but in fact prevailed. At any rate, that test was never laid down in Cunanan.

To summarize, then, we hold, in view of the foregoing considerations, that the issue presented to us is justiciable rather than political, involving as it does the legality and not the wisdom of the act complained of, or the manner of filling the Commission on Appointments as prescribed by the Constitution. Even if the question were political in nature, it would still come within our powers of review under the expanded jurisdiction conferred upon us by Article VIII, Section 1, of the Constitution, which includes the authority to determine whether grave abuse of discretion amounting to excess or lack of jurisdiction has been committed by any branch or instrumentality of the government. As for the alleged technical flaw in the designation of the party respondent, assuming the existence of such a defect, the same may be brushed aside, conformably to existing doctrine, so that the important constitutional issue raised may be addressed. Lastly, we resolve that issue in favor of the authority of the House of Representatives to change its representation in the Commission on Appointments to reflect at any time the changes that may transpire in the political alignments of its membership. It is understood that such changes must be permanent and do not include the temporary alliances or factional divisions not involving severance of political loyalties or formal disaffiliation and permanent shifts of allegiance from one political party to another.

The Court would have preferred not to intervene in this matter, leaving it to be settled by the House of Representatives or the Commission on Appointments as the bodies directly involved. But as our jurisdiction has been invoked and, more importantly, because a constitutional stalemate had to be resolved, there was no alternative for us except to act, and to act decisively. In doing so, of course, we are not imposing our will upon the said agencies, or substituting our discretion for theirs, but merely discharging our sworn responsibility to interpret and apply the Constitution. That is a duty we do not evade, lest we ourselves betray our oath.

WHEREFORE, the petition is DISMISSED. The temporary restraining order dated January 13, 1989, is LIFTED. The Court holds that the respondent has been validly elected as a member of the Commission on Appointments and is entitled to assume his seat in that body pursuant to Article VI, Section 18, of the Constitution. No pronouncement as to costs.

SO ORDERED.

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

Sarmiento, J., no part, was the Secretary General of the L.P.

[1] Rollo, pp. 4 and 23.

[2] Ibid., p. 87.

[3] Id., pp. 7 and 34. Annex “F” of Petition.

[4] id., pp. 52-53.

[5] 5 SCRA 1.

[6] 103 Phil. 1051.

[7] Araneta v. Dinglasan, 84 Phil. 368; Rodriguez v. Gella, 92 Phil. 603.

[8] 21 SCRA 774.

[9] Petition, p. 12; Rollo, p. 12.

[10] Consolidated Reply, p. 11; Ibid., p. 163.

[11] SPP No. 88-001 (SPC No. 88-839).

[12] Renato Constantino, The Philippines: The Continuing Past, 1978 edition, pp. 181-187 & 188; Manuel Buenafe, Wartime Philippines, 1950 edition, p. 284.

[13] The other seat was given to Rep. Lorna Verano-Yap, who is now affiliated with the Liberal Party.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.