

KILUSAN SA PAGBABAGO NG INDUSTRIYA NG TRANSPORTASYON, INC. (KAPIT), PANGKALAHATANG SANGGUNIAN MANILA & #038; SUBURBS DRIVERS ASSOCIATION NATIONWIDE, INC. (PASANG MASDA), ALLIANCE OF T...*G.R. Nos. 261892, 262192, and 263752, June 03, 2026*

Ponente: ZALAMEDA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-nos-261892/>**ZALAMEDA, J.:**

Procedural rules are not suspended by mere prominence of the controversy presented. More so when it conce1ns the absence of the essential requisites of justiciability. The Court cannot act when its jurisdiction has not been properly invoked. Any pronouncement on the merits would be premature and advisory in nature. To rule on the substantive issues despite the procedural defects would be judicial overreach.

Before this Court are three consolidated petitions for certiorari and prohibition with prayers for injunctive relief, all seeking nullification of city ordinances implementing the No Contact Apprehension Policy (NCAP) in certain cities in Metro Manila (NCAP City Ordinances) for being in contravention of national statutes and violative of constitutionally protected rights:

- G.R. No. 261892: Petition[1] filed by petitioners Kilusan sa Pagbabago ng Industriya ng Transportasyon, Inc. (KAPIT), Pangkalahatang Sanggunian Manila & Suburbs Drivers Association Nationwide, Inc. (PASANG MASDA), Alliance of Transport Operators and Drivers Association of the Philippines (ALTODAP), and Alliance of Concerned Transport Organization (ACTO) (collectively, KAPIT et al.) against City of Manila, Quezon City, Valenzuela City, Parañaque City, Muntinlupa City, (collectively, respondent LGUs) and the Land Transportation Office (LTO);
- G.R. No. 262192: Petition[2] filed by petitioner Atty. Juman B. Paa (Atty. Paa) against respondents Sangguniang Panglungsod ng Maynila and Hon. Dr. Maria Sheilah Lacuna-Pangan, in her capacity as then incumbent mayor of City of Manila; and
- G.R. No. 263752: Petition[3] filed by petitioners Philippine National Taxi Operators Association, Manuel C. Cruz, and Jacqueline V. Serrano (collectively, PNTOA et al.) against respondent LGUs and the Metro Manila Development Authority (MMDA).

At first glance, the controversy at hand appears ground-breaking, far-reaching, and even intimidating. But courts decide cases based on jurisdiction, not on appearances. We cannot just disregard the requisite procedural stages and "skip to the good part," so to speak. We find that the Petitions are marred by fundamental procedural defects that preclude Us from exercising Our power of judicial review.

Antecedents

The MMDA sought to establish a technology-driven, no contact traffic enforcement system to shift from immediate physical apprehension to post-violation notification and adjudication.[4]

To this end, the Metro Manila Council (MMC) issued Resolutions,[5] including MMDA Resolution No. 16-01 (MMDA NCAP), to adopt and implement a "No Physical Contact Policy" for apprehension of traffic violators through the use of digital cameras. The move aimed to reduce traffic congestion and curb opportunities for corruption. The MMC later authorized the use of closed-circuit television (CCTV) cameras, digital imaging, and similar technologies to detect and document traffic violations along major roads in Metro Manila. It also prescribed detailed procedures for camera-based apprehension, including issuance of notices of violation, payment of fines, and the right of violators to contest the citation before the Traffic Adjudication Board or the MMDA Traffic Adjudication Division.[6]

Respondent LGUs subsequently promulgated and implemented the assailed NCAP City Ordinances, prompting the filing of three separate Petitions that We resolved to consolidate.[7] Prior to the filing of PNTOA et al.'s petition, it was manifested that the MMDA was not impleaded as a party to the Petitions and that none of the petitions assail the MMDA NCAP. The Court then resolved to order the inclusion of MMDA as a party and to require its comment.[8] Later, the Court also resolved to include QPAX Traffic Systems Incorporated (QPAX) as respondent in the consolidated cases.[9]

Arguments of the Parties

Assailing the legality of the NCAP as implemented by the MMDA and respondent LGUs, KAPIT et al. allege that the NCAP is contrary to Sections 29[10] in relation to 62[11] of Republic Act No. 4136 or the Land Transportation and Traffic Code, which contemplates face-to-face apprehension and imposes liability on erring driver, not registered owners. They further claim that the NCAP violates due process, as motorists are imposed penalties without immediate notice or opportunity to contest the violation at the time of recording, and face accumulated fines without prior notice. They contend that it disregards privacy and data protection rights, as there are inadequate safeguards for the collection and use of personal and vehicle data. Finally, they argue that the presumptive violator is automatically the registered vehicle owner, regardless of the actual driver.[12]

Specific to the City of Manila's NCAP ordinance, Atty. Paa avers that the ordinance violates his fundamental rights to due process and privacy, as well as his right against excessive fines and penalties. He alleges that he only discovered his four traffic violations in 2021 when he was refused registration of his motor vehicle in 2022. The total fines with penalties reached PHP 20,360.00. He observes that his address in the notices was incorrect, demonstrating how the NCAP system is error-prone, burdensome, and prejudicial to registered owners who may not be the actual drivers who committed the traffic violation.[13]

Echoing the first two petitions, PNTOA et al. argue that the NCAP City Ordinances are unconstitutional for violating the fundamental tenets of due process and Republic Act No. 4136. They posit that granting exclusive jurisdiction to hear and decide NCAP-related traffic violations to respondent LGUs' respective traffic adjudication boards contravenes both Batas Pambansa Blg. 129 and Article VIII, Sections 1 and 2 of the Constitution.[14] Markedly, PNTOA et al. declare that they previously filed a petition against Manila Traffic and Parking Bureau and the Manila Traffic Adjudication Board before Branch 16, Regional Trial Court of Manila assailing the city's NCAP implementation (RTC Manila case). The trial court suspended the resolution of their motion for Reconsideration in view of the filing of their Petition before this Court.[15]

In their respective comments, respondent LGUs move for the dismissal of the consolidated Petitions on procedural and substantive grounds.

Procedurally, respondent LGUs similarly cite failure to establish all the requirements for judicial review, specifically actual case or controversy and standing, as grounds for dismissal of the Petitions. They also contend that the petitions violate the doctrine of hierarchy of courts. The City of Manila further alleges forum shopping

against PASANG MASDA and ACTO, and failure to exhaust administrative remedies against Atty. Paa, Quezon City adds improper recourse as a ground stating that the Court is not a trier of facts.[16] The Office of the Solicitor General (OSG) also informed the Court that a Petition for Injunction[17] was previously filed by Malcolm Law Offices and petitioner KAPIT against the MMDA and the LTO, pending before Branch 57, Regional Trial Court of Makati City (RTC Makati Case), without disclosing said case in the Verification and Certification of Non-Forum Shopping attached to their Petition.[18]

On the merits, respondent LGUs are one in arguing that the NCAP is a valid exercise of police power. The LTO, through the OSG, maintains that the NCAP is a valid traffic enforcement mechanism that is consistent with the government's authority to regulate road use. Respondent LGUs assert that the NCAP, as implemented through a local ordinance, is a valid exercise of delegated police power under the Local Government Code. They submit that the NCAP operates to promote traffic discipline, efficient road use, and public safety. The MMDA reasons that the NCAP is a valid exercise of its traffic management and regulatory authority, supported by its charter and relevant laws, and implemented in coordination with LGUs. It states that the use of technology enhances enforcement and minimizes corruption and traffic disruption.[19]

Respondent LGUs also similarly counter that there is no violation of due process since registered owners are given the opportunity to contest the notice of violation and imposition of penalties before the appropriate adjudicatory body.[20]

Respondent LGUs and MMDA assert that the NCAP does not violate Republic Act No. 4136, as the law does not limit apprehension of traffic violators to face-to-face apprehension.[21]

The City of Manila and Quezon City further remark that the NCAP City Ordinances enjoy the presumption of constitutionality, which petitioners failed to overcome.[22] As to Atty. Paa, the City of Manila posits that submission of correct information is the duty of the registered owner and is not the burden of the local government.[23]

The MMDA also argues that the MMDA NCAP and the NCAP City Ordinances do not violate a motorist's right to privacy.[24]

Meanwhile, QPAX maintains that its role is limited to providing the infrastructure for traffic enforcement. The authority to apprehend, adjudicate, and penalize violators remains with government agencies and LGUs. QPAX further contends that the use of its automated detection systems reliably enhances traffic enforcement, and the NCAP framework has safeguards that ensure due process and accuracy in the identification and processing of violations.[25]

In response to QPAX, the LTO emphasize that they do not have privity of contract with QPAX. LTO adds that the information necessary to carry out the functions of public authorities lie outside the scope of the Data Privacy Act of 2012.[26]

Issuance and lifting the Temporary Restraining Order

On August 30, 2022, We issued a Temporary Restraining Order (TRO)[27] enjoining respondent LGUs, the LTO, and all parties acting for and on their behalf from implementing MMDA NCAP and NCAP City Ordinances until further orders from the Court. The LTO was likewise commanded to cease from providing motorist information to all LGUs enforcing the NCAP.[28]

The LTO and the MMDA thereafter manifested that the MMC adopted and approved the Single Ticketing System through MMDA Resolution No. 23-02, series of 2023 to harmonize existing national and local laws on traffic enforcement for the establishment of an effective transport and traffic management system in Metro Manila. On February 1, 2023, the MMC adopted and approved the establishment of the Metro Manila Traffic Code of 2023 (MMTC 2023). The MMDA, mindful of the operation of the August 30, 2022 TRO, limited the scope of their pilot testing of the Single ticketing system to physical or contact apprehensions. The MMTC 2023 provides a common definition of the traffic violations in the Single Ticketing System, as well as the Unified Ordinance Violation Receipt, which allows traffic violators to settle their penalties anywhere in Metro Manila. The Court was also informed that respondent LGUs enacted ordinances adopting the MMTC 2023. With the adoption of the MMTC 2023 and the subsequent passage of new ordinances by the respondent LGUs, the LTO and the MMDA submit that the Petitions may have been rendered moot.[29]

KAPIT et al. opposed the manifestation, arguing that their Petition is not rendered moot by the alleged supervening events.[30]

On May 8, 2025, the MMDA filed an Urgent Ex-Parte Motion for Partial Lifting of TRO (Motion to Lift TRO).[31] It emphasizes that none of the petitioners in the consolidated Petitions question the validity of the MMDA NCAP. It cites the existence of the MMTC 2023, the impending rehabilitation of EDSA, the volume of vehicles, and the limited deployment of MMDA and LGU traffic enforcers, along with the significant number of recorded traffic violations—numbering 833,097 from the issuance of the August 30, 2022 TRO to the end of April 2025—as reasons for the lifting of the TRO against the MMDA NCAP.

In the Resolution[32] dated May 20, 2025, We granted, among others, the MMDA's Motion to Lift TRO. The TRO is lifted only with respect to the circumferential[33] and radial[34] roads in Metro Manila, which are under the MMDA's traffic enforcement jurisdiction.

Atty. Paa moved for reconsideration of the lifting of the TRO as to the MMDA.[35]

For their part, respondent LGUs manifested that should the TRO be lifted for them, they can only implement the NCAP in the same manner as the MMDA, as they have adopted the MMTC 2023 in their respective jurisdictions.[36] Respondent LGUs later prayed that the TRO against them be lifted.[37]

Issues

The issues presented by the parties are summarized as follows:

I. Procedural Issues

- Whether the issues raised in the Petitions involve an actual and justiciable controversy;
- Whether petitioners have legal capacity to sue;
- Whether petitioners each have locus standi;
- Whether petitioners' direct resort to the Supreme Court is proper; and
- Whether petitioner KAPIT committed forum shopping in violation of Rule 7, Section 5 of the 2019 Amendments to the 1997 Rules of Civil Procedure.

II. Substantive Issues

- Whether the implementation of the NCAP is a valid exercise of police power;

- Whether the NCAP City Ordinances violate the constitutional right to privacy;
- Whether the NCAP City Ordinances violate the constitutional right against excessive fines and penalties;
- Whether the implementation of the NCAP City Ordinances is a valid exercise of local autonomy;
- Whether the NCAP City Ordinances violate the provisions of Republic Act No. 4136;
- Whether the payment of penalties for violations of the NCAP City Ordinances can be made a condition for the renewal of motor vehicle registration under Republic Act No. 4136;
- Whether the condition of payment of penalties before renewal of motor vehicle registrations violates the two-month prescriptive period for the violation of municipal ordinances under Act No. 3326;
- Whether the NCAP City Ordinances can be declared unconstitutional if the Court finds that their implementation violated specific provisions of the Data Privacy Act of 2012;
- Whether the operative fact doctrine shall apply if the NCAP is declared unconstitutional; and
- Whether the NCAP City Ordinances constitute a usurpation of legislative authority for expanding the coverage of traffic regulations under Republic Act No. 4136.[38]

Ruling of the Court

After a careful and thorough consideration of all the arguments that have been raised by the parties. We hold that the resolution of threshold issues, or preliminary questions that determine whether the Court may validly exercise its power of judicial review, is of paramount importance. These are not merely procedural technicalities but are jurisdictional in character defining both the powers and the constitutional boundaries of the Court.

The doctrine of constitutional avoidance directs the Court to refrain from resolving constitutional questions where a case may be disposed of on nonconstitutional grounds:

This Court's constitutional mandate does not include the duty to answer all of life's questions. No question, no matter how interesting or compelling, can be answered by this Court if it cannot be shown that there is an "actual and an antagonistic assertion of rights by one party against the other in a controversy wherein judicial intervention is unavoidable."

This Court does not issue advisory opinions. We do not act to satisfy academic questions or dabble in thought experiments. We do not decide hypothetical, feigned, or abstract disputes, or those collusively arranged by parties without real adverse interests. If this Court were to do otherwise and jump headlong into ruling on every matter brought before us, we may close off avenues for opportune, future litigation. We may forestall proper adjudication for when there are actual, concrete, adversarial positions, rather than mere conjectural posturing[.][39]

As act of constitutional fidelity, the Court thus confines itself to the disposition of threshold issues, which petitioners failed to hurdle. The consolidated Petitions are fraught with defects sufficient to warrant their dismissal without a discussion of the merits. We rule in this manner without prejudice to the invocation of the substantive and constitutional questions in a petition that adequately satisfies the requisites of judicial review.

I.

Actual case or controversy and mootness

The power of judicial review is anchored upon Article VIII, Section 1 of the Constitution, which articulates the traditional and expanded concepts of judicial power:

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.

Traditionally, judicial power is confined to settling actual controversies involving legally demandable and enforceable rights. Under this concept, "the judiciary involves itself with controversies brought about by rights, whether public or private, which are demandable and enforceable against another." [40]

On the other hand, the expanded scope of judicial power, i.e., the power to determine grave abuse of discretion by any government branch or instrumentality, was introduced in the present Constitution. [41] This was aimed to "prevent courts from seeking refuge behind the political question doctrine and turning a blind eye to abuses committed by the other branches of government." In *Francisco, Jr. v. House of Representatives*, [42] the Court recognized that this expanded jurisdiction was meant "[t]o ensure the potency of the power of judicial review to curb grave abuse of discretion by any branch or instrumentalities of the government." [43] Under this concept, the court "does not address the rights that a private party may demand of another party, whether public or private." [44] Rather, "it solely addresses the relationships of parties to any branch or instrumentality of the government, and the rights that a party may have against the latter in its exercise of discretion to the petitioning party's prejudice." [45]

In *Atty. Macalintal v. Commission on Elections*, [46] the Court further expounded that these concepts of judicial power may be sought in two situations, which entail distinct requirements for its exercise. The first is the constitutional situation—where the validity of an executive or legislative act, including those of constitutional bodies and administrative agencies, is challenged for being repugnant to the Constitution. The second is the non-constitutional situation—where no constitutional question is raised, but the Court nonetheless intervenes when a governmental act is attended by grave abuse of discretion amounting to lack or excess of jurisdiction.

Regardless of whether the Court acts pursuant to its traditional or expanded jurisdiction or whether the matter involves a constitutional question or otherwise, the existence of an actual case or controversy remains an absolute and indispensable prerequisite of judicial review. Simply put, there can be no judicial review without an actual case or controversy in view of the express constitutional command to only settle actual controversies and determine grave abuse of discretion. Too, this requirement proceeds from the time-honored principle of separation of powers of the three branches of government, which precludes the Judiciary from resolving hypothetical questions that will effectively render them an advisory body to the other political branches, instrumentality, or agency of the government. Thus, emphatically, where no genuine dispute exists between adversarial parties with real and substantial interests at stake, this Court is without jurisdiction to act. To do otherwise would be to transgress the constitutional boundaries of judicial power and to render an advisory opinion—a function this Court does not possess.

The existence of such a case or controversy is not presumed. It must be established through the petitioner's allegations, evaluated against Our basic procedural requisites as shaped by the requirements of standing (of the petitioners to lodge the case) and ripeness (of the controversy for adjudication). Mere allegation of grave abuse of discretion in the assailed governmental act would not suffice to satisfy the requirement of an actual case or

controversy. The kindred notion of ripeness also demands that the challenged governmental act have a direct adverse impact on the party seeking relief. More specifically, the precept of ripeness, at its core, is concerned with the timeliness of seeking judicial intervention—it relates to prematurity. Courts cannot act to preempt the actions of the parties.

In *Abakada Guro Partylist, Inc. v. Purisima*,^[47] We categorically ruled that "a constitutional question is ripe for adjudication when the governmental act being challenged has a direct and existing adverse effect on the individual challenging it."^[48] Verily, for a case to be considered ripe for adjudication, "the petitioner[s] must show a personal stake in the outcome of the case or an injury to [themselves] that can be redressed by a favorable decision of the Court."^[49] A conjectural or anticipatory dispute fails to meet the requisite standard, as it simply seeks the Court's advisory opinion regarding the applicable law in a hypothetical scenario.

Furthermore, also intrinsic to the requirement of an actual case or controversy is the separate concept of mootness. In contrast to the concept of prematurity, mootness relates to the belated or unnecessary judgment on the issues. Indeed, not only must the Court refrain from acting in preemption, it must also abstain from passing upon the merits of a case where legal relief is no longer necessary nor called for.

In *Peñafrancia Sugar Mill, Inc. v. Sugar Regulatory Administration*,^[50] We explained:

A case or issue is considered moot and academic when it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use. In such instance, there is no actual substantial relief which a petitioner would be entitled to, and which would be negated by the dismissal of the petition. Courts generally decline jurisdiction over such case or dismiss it on the ground of mootness. This is because the judgment will not serve any useful purpose or have any practical legal effect because, in the nature of things, it cannot be enforced.^[51] (Emphasis supplied).

Here, supervening circumstances have since arisen that materially transformed the regulatory milieu at the heart of these consolidated Petitions. The legal and factual terrains upon which the challenged NCAP City Ordinances once operated have been substantially altered, such that the scope and efficacy of said Ordinances can no longer be assessed within the framework originally presented by the petitioners. The issues tendered for this Court's resolution have been overtaken by such events, rendering them effectively moot and beyond the necessity of judicial determination.

It bears emphasis that the instant Petitions were instituted to assail the NCAP City Ordinances—measures that respondent LGUs had each independently enacted and enforced—on grounds of unconstitutionality and grave abuse of discretion. Upon the issuance by this Court of a TRO in August 2022, respondent LGUs uniformly suspended the operation of their respective NCAP City Ordinances in compliance with the Court's directive. The TRO likewise included the MMDA NCAP. Subsequently, the MMC issued the MMTC 2023, which aims "to harmonize the existing national and local laws on traffic enforcement to establish effective transport and traffic management in Metro Manila."^[52] Significantly, the MMTC 2023 features the following for the standardized observance of NCAP in Metro Manila:

- Institutionalization of a Uniform Traffic Adjudication System for traffic contests/protests in all LGUs in Metro Manila.

-

Provides for the procedure in filing contests before the Traffic Adjudication Board (TAB) and appeals in case of an unfavorable decision by the TAB.

-

Apprehended traffic violators now have 10 days from notice to settle the Notice of Violation or to file a protest.

-

Provision of prescription.

-

Procedure for issuance of notice of violation to the traffic violator or registered owner of the motor vehicle prior to tagging.

-

Introduction of "other modes" of serving of Notices of Violation, which now include personal service, registered mail or ordinary mail, private or government couriers, and through electronic mail.

- Procedure for tagging traffic violations in the LTO's Land Transportation Management System (LTMS).

- Clear guidelines on strict compliance with the Data Privacy Act of 2012 concerning all information/data collected from apprehended violators.

- List of common traffic violations covered by the MMTC 2023 which can be apprehended through NCAP.

- Uniform fines/penalties for traffic violations under the MMTC 2023 based on the median amount of the LGUs["], respondent MMDA's and respondent LTO's respective fines/penalty matrices.

- List of online payment platforms as well as partner banks where traffic violators may settle their traffic violation penalties/fines.

- Guidelines on the mandatory "authorization process" of all Information Technology systems that will be used in enforcing the various NCAP systems in Metro Manila.[53]

This was followed by the promulgation of MMDA Memorandum Circular No. 10, series of 2025, which provided guidelines for the NCAP implementation, incorporating the requirements and standards laid down in MMTC 2023.

Muntinlupa City, Parañaque City, Quezon City, and Valenzuela City then enacted ordinances adopting the MMTC 2023 parameters for their respective NCAP implementation. For its part, the City of Manila manifested that it also enacted an ordinance adopting the MMTC 2023, except the provision on the establishment of a Traffic Adjudication Board since its own Traffic Adjudication Board continues to perform its functions.

These developments have effectively rendered the decentralized and fragmented enforcement of the NCAP a legal nullity. Notably, respondent LGUs have not resumed independent implementation of the NCAP. On the contrary, they have subordinated their traffic regulations to the uniform standards prescribed by the MMDA. It necessarily follows that the Ordinances subject of the challenges have been, for all intents and purposes, functionally abrogated.

To engage in a resolution of the constitutional and legal challenges leveled against the assailed NCAP City Ordinances would be, at this juncture, a patently futile judicial exercise. Those Ordinances have been rendered *functus officio* by the subsequent enactments of the concerned LGUs, all of which have been calibrated in conformity with the MMTC 2023, which is not being challenged in these petitions or in any other forum. The jurisdiction of this Court in the present controversy extends no further than an assessment of the validity of those

already superseded measures. Any declaration of their unconstitutionality or their infirmity on account of grave abuse of discretion would produce neither legal nor practical effect of any moment. The superseding Ordinances, together with the MMTC 2023 upon which they were faithfully modeled, shall endure in full force and effect, untouched and unimpeached by such a pronouncement as they are not challenged in this forum. The relief sought, in fine, would be illusory.

Judicial restraint leads this Court to the dismissal of the Petitions without prejudice to future challenges should the modified implementation give rise to an actual justiciable case. Indeed, dismissal due to mootness, and mootness alone, is the only path consistent with Our long-standing commitment to decide only actual controversies.

In ruling so, We are mindful that the mootness principle is not an impenetrable shield. In the landmark case of *David v. Macapagal-Arroyo*,^[54] We recognized exceptions under which this Court may resolve an otherwise moot case: (a) there is a grave violation of the Constitution; (b) the exceptional character of the situation and the paramount public interest is involved; (c) the constitutional issue raised requires the formulation of controlling principles to guide the bench, the bar, and the public; and (d) the case is capable of repetition yet evading review.^[55] However, none of these exceptions adequately apply in these cases.

a.

Grave violation of the Constitution

Petitioners argue that the NCAP City Ordinances offend the constitutional rights to privacy, due process, and protection against excessive fines. To be sure, this Court would not lightly dismiss these concerns. These invoked rights are real, anchored in the Constitution, and worthy of judicial solicitude. Nonetheless, the crucial inquiry at this point is not whether these rights were violated under the superseded ordinances, but whether a ruling of this Court on the constitutionality of those now-defunct ordinances would still serve any constitutional purpose. As we have held in *Chavez v. Public Estates Authority*,^[56] the exception relating to the grave violation of the Constitution is animated by the Court's duty to prevent ongoing or threatened constitutional injury—not to issue retrospective declarations on ordinances that has already been removed from the legal order by the very acts of the respondents themselves.

On that score, it must be emphasized that the superseding ordinances and the MMTC 2023 are not matters presently before this Court. To rule on the constitutionality of the NCAP City Ordinances as now implemented under the new code would be to pass judgment on a legal instrument that has not been properly challenged, whose implementing rules have not been fully developed in the record, and against which petitioners have not directed their pleadings. This Court cannot, under the guise of the grave violation of the Constitution exception, expand the scope of the controversy beyond what the Petitions actually encompass. The exception requires that the constitutional violation be attributable to the very issuance under challenge—not to a successor instrument yet to be separately assailed, if at all.

b. Exceptional character and paramount public interest

This Court acknowledges that the NCAP is a novel regulatory measure in Our jurisdiction, and its enforcement is a legitimate matter of public interest. However, public interest is not sufficient to justify continued judicial action where the legal landscape has so fundamentally shifted that any pronouncement by this Court would be of no practical use. The exceptional character of the case and paramount public interest have never been taken by this Court as stand-alone licenses to give opinion on public welfare matters through decision or resolution. Such

considerations can never serve as bases for the exercise of judicial power. Our fundamental law is clear: judicial power may only be exercised when a real and subsisting controversy exists.[57] No invocation of exceptional circumstances or paramount public interest can confer upon this Court jurisdiction it does not possess. Compelling as these considerations may be, they can only supplement, and never substitute for, the threshold requirement of an actual case or controversy for the exercise of judicial power.

More, similar with the grave violation of the Constitution exception, a ruling simply premised on the exceptional character of the case and paramount public interest exception would create a dangerous doctrine of allowing the Court to render pronouncements on the superseded ordinances. The danger in this precedent is its practical effect of prejudging the validity or constitutionality of the MMTC 2023, which is the essence of the superseding ordinances, without it being properly challenged before the Court, without its implementing rules having been fully developed in the evidentiary record, and without the arguments specifically pertaining to it being heard.

Besides, the transcendental importance and/or public interest exception to the mootness principle is applicable only when the case involves interests of the general public, as distinguished from those of a particular class. David involved the chief executive's declaration of a state of national emergency with immediate consequences to any individual's civil liberties.[58] *Araullo v. President Aquino III*[59] involved the Disbursement Acceleration Program With direct and massive implications on public finance. *Belgica v. Executive Secretary Ochoa*[60] involved the Priority Development Fund which likewise has direct impact on the management of the public coffers. The recent case of *Ocampo v. President Macapagal-Arroyo*[61] involved the exploration of a portion of "South China Sea"[62] which our country considers to be part of its territory. We have previously held that the exploration, development, and utilization of the country's natural resources are matters vital to the public interest and the general welfare of the people. In contrast, the issues presented in these consolidated cases involve a particular class of public, i.e., the motorists.

c. Need to formulate controlling principles

Deviation from the mootness principle under this exception demands, not only an assertion of transcendental importance, but a showing that existing jurisprudence on the constitutional or legal issues presented is conceptually inadequate, not merely as applied in a given case, but fundamentally insufficient as a matter of doctrine. More than mere intellectual curiosity, there must be a genuine need for doctrinal guidance to sustain jurisdiction. Otherwise, the discharge of judicial power would be effectively reduced into an academic exercise, in plain contravention of the constitutional requirement of an actual case or controversy.[63]

Here, the constitutional rights to privacy, due process, and protection against excessive fines as asserted by petitioners are not unexplored terrain in Our jurisdiction. Over decades of adjudication, this Court has meticulously delineated the extent of the protection given by these constitutional guarantees.

Certainly, this Court has already laid down comprehensive doctrine on the right to privacy. In *Ople v. Torres*,[64] the Court En Banc declared the Administrative Order No. 308 or the "Adoption of a National Computerized Identification Reference System" unconstitutional because it facially violates the right to privacy. The Court sufficiently discussed the concept of the right to privacy vis-à-vis the zones of privacy; the use of "Biometrics Technology" and "computer application designs" to generate a Population Reference Number for every person who will be covered by the system; the possible abuse and misuse of the data gathered under the system; the capability of the computer to produce a dossier on individuals out of information given at different times and for varied purposes; and the need for adequate safeguards in implementing a system that collects personal details. In *Vivares v. St. Theresa's College*,[65] the Court further enriched our doctrinal landscape on privacy rights in the digital age, expounding on the evolution of the concept of privacy through time and the concept of reasonable

expectation of privacy given the nature of the online social network. In *Cadajas v. People*,^[66] We discussed the admissibility in a criminal prosecution of evidence which was taken from the social media.

It cannot be gainsaid that case law on substantial and procedural due process is likewise well-developed and readily applicable in labor cases, civil disputes, criminal prosecutions, and administrative or quasi-judicial proceedings. The landmark case of *Ang Tibay v. Court of Industrial Relations*^[67] enumerated the cardinal requirements of due process. Albeit formulated for a labor dispute, those requirements have been reproduced and refined to create a framework of guidelines for administrative, quasi-judicial, and judicial bodies alike. Additionally, the twin requirements of notice and opportunity to be heard are axiomatic.^[68] Notably, the instant Petitions offered no compelling justification for the Court to venture into establishing new due process doctrine/s.

Finally, the constitutional proscription is inapplicable to these cases. In any case, the constitutional provision^[69] on excessive fines is self-executing, and the principles governing it are well-entrenched in Our jurisprudence and supplemented by related legislations.^[70] Thus, there is likewise no significant doctrinal gap that would warrant this Court's intervention in a moot case.

d. Capable of repetition yet evading review.

This exception was not meant to be loosely and literally applied.^[71] We are not empowered to adjudicate constitutional questions of broad public relevance in a moot case simply because analogous issues might recur in future cases involving different parties. *Madrilejos v. Gatdula*^[72] explained that this exception requires a showing of "reasonable expectation"^[73] or "demonstrated probability"^[74] that the same controversy will recur between the same or similarly situated parties. A mere prediction or supposition that related constitutional questions might eventually be raised by anyone, anywhere, in some future proceeding would not suffice. In *David*, such demonstrated probability of repetition was satisfied by the "history of 'emergencies,'" which had attended then chief executive's administration since she assumed office.^[75] In *Belgica*, the Court found a reasonable expectation that the questioned Priority Development Assistance Fund or PDAF in the 2013 General Appropriations Act and its entailing constitutional challenges would re-emerge despite the passage of a PDAF-free budget for 2014 owing to the multifarious iterations of the pork barrel system throughout the course of the history. Too, the "the preparation and passage of the national budget is, by constitutional imprimatur, an affair of annual occurrence."^[76]

In the case of the NCAP, it is highly speculative, if not improbable, that petitioners or those similarly situated would be subjected to the same or similar LGU ordinances. To stress, the challenged ordinances were already superseded by new ones, which adopted the MMTC 2023. It is also notable that all LGU members of the MMC, not just respondent LGUs, acquiesced to the adoption of the uniform traffic code. Thus, at its current iteration, the enforcement of the NCAP now involves parameters and safeguards different from those in the questioned ordinances. A future challenge entails a new factual record. If petitioners believe that the new legal scheme perpetuates the same constitutional and legal infirmities, the proper remedy is a direct challenge to the MMTC 2023 and its implementing issuances. To be sure, the NCAP is a continuing regulatory regime that is capable is full of judicial review. At this point, however, any allegation of injury on grave constitutional violations remains speculative.

All told, the requirement of a justiciable controversy is not a mere creation of case law that this Court may freely discard. It is a constitutional command from which We source Our judicial power. Hence, judicial restraint in ruling upon moot cases remains to be the general rule. Courts must act with utmost care in recognizing and applying exceptions to the mootness doctrine lest We contradict the very grant of judicial power from which We derive Our jurisdiction.

II.

Legal standing and capacity to sue

The Court, in *Galicto v. President Aquino III*,^[77] defined locus standi or legal standing as follows:

Locus standi or legal standing has been defined as a personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged. The gist of the question on standing is whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions." This requirement of standing relates to the constitutional mandate that this Court settle only actual cases or controversies.

Thus, as a general rule, a party is allowed to "raise a constitutional question" when (1) he can show that he will personally suffer some actual or threatened injury because of the allegedly illegal conduct of the government; (2) the injury is fairly traceable to the challenged action; and (3) the injury is likely to be redressed by a favorable action.

Jurisprudence defines interest as "material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. By real interest is meant a present substantial interest, as distinguished from a mere expectancy or a future, contingent, subordinate, or consequential interest."^[78] (Emphasis in the original)

Here, only Atty. Paa could be considered to have sustained a personal and direct injury or be at risk of sustaining a direct injury from the implementation of the assailed City of Manila NCAP Ordinance. This is considering Atty. Paa's allegation that he was constrained to pay the fines with penalties as condition precedent for the registration of his vehicle for 2022-2023 without him being furnished with the notices of violation thereby prejudicing his right to due process.^[79]

The same is not true for KAPIT et al. who failed to show personal and direct injury arising from the implementation of the NCAP City Ordinances.

KAPIT et al. assert interest in this case as representative of their members who are public utility transport operators and drivers of public utility vehicles duly authorized by the Land Transportation Franchising and Regulatory Board (LTFRB).^[80]

Respondent LGUs and MMDA argue that KAPIT et al. neither alleged any actual or threatened injury directly upon them nor do they sufficiently demonstrate third-party standing. The MMDA adds that KAPIT et al. failed to establish the identity of their members and present their authority to bring suit for and on behalf of their members. Neither did they attach their certificates of incorporation to show that they have legal capacity to sue.^[81]

In their Memorandum, KAPIT et al. reiterate that they have legal capacity to sue as they are corporate entities duly incorporated under Philippine law. In support, they cite the provisions on de facto corporations under the Revised Corporation Code, and that even assuming that their charters were revoked, it does not mean the end of the juridical personality of the corporation. They also argue that they are not only filing the case for their constituency, but also for stakeholders, private operators, motorists, and the general public.^[82]

True, the Court has recognized instances for a liberal approach on the requirement of legal standing. As explained in *Initiatives for Dialogue and Empowerment through Alternative Legal Services, Inc. v. Senate*:^[83]

Yet, there are instances when this Court has adopted a liberal stance on the requirement of legal standing. We have taken cognizance of petitions involving matters of "critical significance" even if filed by parties who failed to establish their personal or substantial interest in the challenged acts: Like any rule, the rule on legal

standing has exceptions. This Court has taken cognizance of petitions filed by those who have no personal or substantial interest in the challenged governmental act but whose petitions nevertheless raise "constitutional issue[s] of critical significance." This Court summarized the requirements for granting legal standing to "non-traditional suitors" in *Funa v. Villar*, thus:

1.)

For taxpayers, there must be a claim of illegal disbursement of public funds or that the tax measure is unconstitutional;

2.)

For voters, there must be a showing of obvious interest in the validity of the election law in question;

3.)

For concerned citizens, there must be a showing that the issues raised are of transcendental importance[,] which must be settled early; and

4.)

For legislators, there must be a claim that the official action complained of infringes their prerogatives as [legislators].

Another exception is the concept of third-party standing. Under this concept, actions may be brought on behalf of third parties provided the following criteria are met: first, "the [party bringing suit] must have suffered an 'injury-in-fact,' thus giving [them] a 'sufficiently concrete interest' in the outcome of the issue in dispute"; second, "the party must have a close relation to the third party"; and third, "there must exist some hindrance to the third party's ability to protect [their] own interests".[84]

In relation to third-party standing, the discussion of the Court in *Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*,[85] is relevant insofar as *KAPIT et al.*, thus:

As declared at the outset, petitioners in this case do not have standing to bring this suit. As associations, they failed to establish who their members are and if these members allowed them to sue on their behalf. While alleging that they are composed of public utility bus operators who will be directly injured by the implementation of Department Order No. 118-12 and Memorandum Circular No. 2012-001, petitioners did not present any proof, such as board resolutions of their alleged members or their own articles of incorporation authorizing them to act as their members' representatives in suits involving their members' individual rights.

Some of the petitioners here are not even persons or entities authorized by law or by the Rules allowed to file a suit in court. As intervenor MMDA, sufficiently demonstrated, petitioners Provincial Bus Operators Association of the Philippines, Southern Luzon Bus Operators Association, Inc., and Inter City Bus Operators Association, Inc. had their certificates of incorporation revoked by the Securities and Exchange Commission for failure to submit the required general information sheets and financial statements for the years 1996 to 2003. With their certificates of incorporation revoked, petitioners Provincial Bus Operators Association of the Philippines, Southern Luzon Bus Operators Association, Inc., and Inter City Bus Operators Association, Inc. have no corporate existence. They have no capacity to exercise any corporate power, specifically, the power to sue in their respective corporate names.

Again, the reasons cited—the "far-reaching consequences" and "wide area of coverage and extent of effect" of Department Order No. 118-12 and Memorandum Circular No. 2012-001—are reasons not transcendent considering that most administrative issuances of the national government are of wide coverage. These reasons

are not special reasons for this Court to brush aside the requirement of legal standing.[86]

This Court finds that PASANG MASDA and ACTO lack the legal capacity to sue. As emphasized by the City of Manila, the two associations are not registered with the Securities and Exchange Commission.[87]

In relation to KAPIT and ALTODAP, the Court also finds that they lack third-party standing since they failed to identify their members and demonstrate that they were allowed by said members to sue on their behalf. Their belated claim that they are not only filing the case for their constituency, but also for stakeholders, private operators, motorists, and the general public, did not save their failure to establish their third-party standing.

III.

Exhaustion of administrative remedies and hierarchy of courts

Under the principle of exhaustion of administrative remedies, before one is allowed to seek intervention of the courts, one must first avail of all administrative-processes as a necessary pre-condition. *Samar II Electric Cooperative, Inc. v. Seludo, Jr.* further elucidates:[88]

The doctrine of exhaustion of administrative remedies is based on practical and legal reasons. The availment of administrative remedy entails lesser expenses and provides for a speedier disposition of controversies. Furthermore, the courts of justice, for reasons of comity and convenience, will shy away from a dispute until the system of administrative redress has been completed and complied with, so as to give the administrative agency concerned every opportunity to correct its error and dispose of the case.

True, the doctrines of primary jurisdiction and exhaustion of administrative remedies are subject to certain exceptions, to wit: (a) where there is estoppel on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively so small as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) where the application of the doctrine may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) where the issue of non-exhaustion of administrative remedies has been rendered moot; (j) where there is no other plain, speedy[,] and adequate remedy; (k) where strong public interest is involved; and (l) in quo warranto proceedings.[89]

Atty. Paa justified direct filing of his petition with the Court by claiming that it involves an issue of transcendental importance, emphasizing that the implementation of NCAP affects not only him but all motorists.[90]

The Court is not persuaded.

Here, Atty. Paa did not bother to show that he exhausted his administrative remedies to contest the alleged violation. Based on his allegations, Atty. Paa paid PHP 20,360.00 in penalties to facilitate the registration of the vehicle after failing to obtain a waiver of the penalties. Rather than contest his purported violation and penalties before the proper adjudication board, Atty. Paa went directly before this Court.[91] None of the exceptions was likewise proven to be applicable in this case.

Further, Atty. Paa did not provide sufficient justification for bypassing the Regional Trial Court or the Court of Appeals, which exercise concurrent jurisdiction over petitions for certiorari, prohibition, and mandamus. Thus, there is also a violation of the doctrine of hierarchy of courts.

The Court, in *Gios-Samar, Inc. v. Department of Transportation and Communications*,[92] expounded this

doctrine in this guise:

This doctrine of hierarchy of courts guides litigants as to the proper venue of appeals and/or the appropriate forum for the issuance of extraordinary writs. Thus, although this Court, the CA, and the RTC have concurrent original jurisdiction over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus, parties are directed, as a rule, to file their petitions before the lower-ranked court. Failure to comply is sufficient cause for the dismissal of the petition.[93]

While the doctrine admits of exceptions,[94] the Court clarified that to invoke any of these exceptions, petitioners must purely raise questions of law. The decisive factor is not the invocation of special and important reasons, but the nature of the question raised in the petition.[95]

Contrary to the claim of Atty. Paa,[96] his Petition did not raise purely questions of law. There are factual bases that must be established before the Court can definitively rule on the legal questions. As this Court is not a trier of facts, it is best that these are resolved by a court which can receive evidence. On this score, the Court exercises its discretion not to entertain his Petition in its first instance.

IV.

Forum shopping

Among the petitioners, KAPIT and PNTOA et al. have previously availed judicial processes before coming to this Court.

We have described forum-shopping as an instance "when a party avails of several judicial remedies in courts, simultaneously or successively, all substantially founded on the same transactions and the same essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court." [97]

Forum shopping, as a ground for dismissal of cases, can be committed in three ways: (1) by filing multiple cases based on the same cause of action and with the same prayer, the previous case not having been resolved yet (where the ground for dismissal is *litis pendentia*); (2) by filing multiple cases based on the same cause of action and with the same prayer, the previous case having been finally resolved (where the ground for dismissal is *res judicata*); and (3) by filing multiple cases based on the same cause of action but with different prayers (splitting of causes of action, where the ground for dismissal is also either *litis pendentia* or *res judicata*). [98]

The elements of forum shopping are (a) identity of the parties or at least such parties that represent the same interests in both actions; (b) identity of rights asserted and reliefs prayed for, the relief founded on the same facts; and (c) any judgment rendered in one action will amount to *res judicata* in the other action. [99]

A.

KAPIT did not commit forum shopping

To recap, Malcolm Law Offices, KAPIT's initial counsel in the present Petition, was the petitioner in the RTC Makati case. Although KAPIT was also a petitioner, it was subsequently declared unsuited and the case proceeded without KAPIT's involvement. The RTC Makati case questioned the MMDA's authority to issue the MMDA NCAP and the MMC's authority to approve it. Moreover, the MMDA NCAP was alleged to have violated the

provisions of Republic Act No. 4136. On the other hand, KAPIT et al. did not implead the MMDA as respondent in their present petition. The MMDA only became a party when this Court ordered it to file its comment. The assailed issuances in KAPIT's petition are the NCAP City Ordinances issued by respondent LGUs, not the MMDA NCAP.[100]

Considering that there is no identity of parties and no identity of issues between the present case and the RTC Makati case, We find that KAPIT did not commit forum shopping.

B.

PNTOA et al. are guilty of forum shopping

Denying that they committed forum shopping, PNTOA et al. assert that there is no identity of parties and relief sought. They aver that the respondents in the RTC Manila case are the Manila Traffic and Parking Bureau and the Manila Traffic Adjudication Board, who are not parties in the present petition. They point out that the RTC Manila case challenged the legality of the notices of violations issued by the City of Manila against PNTOA et al. They also submit that a decision in the present Petition will not necessarily result in res judicata in the RTC Manila case. Finally, they claim compliance in good faith as they disclosed the existence and status of the RTC Manila case and even attached full copies of their initiatory pleading as well as the pertinent order from the trial court.[101]

We examined PNTOA et al.'s petition in the RTC Manila case and found that they raised the following grounds:

Whether or not Section 3, Paragraph 4 of Ordinance No. 8676 of the City of Manila is invalid.

Whether or not the respondents have valid authority to hear and decide violations of traffic laws, rules and regulations as well as the violations of the City of Manila's traffic ordinances.

Whether or not the respondents have gravely abused their discretion amounting to lack of jurisdiction in holding registered owners/operators liable for NCAP if the actual driver of the apprehended vehicle has not paid the fines and penalties as contained in the Notice of Violation.[102]

These belie PNTOA et al.'s claim that they only questioned the legality of the notices of violation, as they also squarely challenged the jurisdiction of the City of Manila's Traffic Adjudication Board.

We find that there is an identity of interest between the parties in the two cases. The difference between the respondents, i.e., the City of Manila on one hand and the Manila Traffic and Parking Bureau and the Manila Traffic Adjudication Board on the other, in relation to the present issues is merely nominal. If We rule for the validity of the City of Manila's NCAP ordinances, the RTC Manila can no longer declare that the notices of violations are void.

There is also an identity of issues between the RTC Manila case and PNTOA et al.'s Petition before Us: the City of Manila's NCAP ordinance encroaches on the jurisdiction of the first level courts, and the application of the registered owner rule.

Indeed, PNTOA et al., declared the existence of the RTC Manila case in their Verification and Certification of Non-Forum Shopping.[103] However, mere disclosure of the pendency of the RTC Manila case does not preclude a finding of forum-shopping. The commission of forum shopping is distinct from the disclosure requirement.

Thus, as We dismiss PNTOA et al.'s Petition on the ground of forum shopping, the RTC Manila case is also dismissed. A finding of forum shopping results in summary dismissal of both the Petition before this Court and the related lower court case. This twin dismissal serves to uphold the proper administration of justice.[104]

Concluding Notes

We deem it necessary to emphasize, especially for the general public, that Our dismissal of the Petitions should not be taken to mean that the challenged framework is valid. Our dismissal of the Petitions is confined to the determination that petitioners failed to overcome threshold issues, and that the supervening adoption of a uniform regulatory framework has rendered the Petitions moot. There is no explicit determination regarding the prior issuances, nor a resolution of grievances based on specific facts.

However, in view of this Court's several discussions on these Petitions, We allow Ourselves to state that laws and ordinances enjoy the presumption of validity and constitutionality. Legislative and local enactments are approached with deference, mindful that they are products of the political branches acting within their respective spheres. Thus, anyone who assails their validity should be mindful of these presumptions, as well as the burden of clearly and convincingly showing the infirmity of the challenged issuances. Courts will not declare a law or ordinance unconstitutional unless there is a clear and unequivocal breach of the Constitution. Petitioners must overcome these presumptions by more than bare allegations or speculative claims.

In the same breath, We also declare that, in Our democracy, the end does not justify the means. No objective, no matter how laudable, justifies transgression of fundamental human rights. Thus, while the ends sought to be achieved by the government are geared toward progress, the pursuit of such advancement must always be tempered by respect for basic human liberties and the rule of law.

The dismissal of the consolidated Petitions for mootness, lack of standing, violation of exhaustion of administrative remedies and hierarchy of courts, and forum-shopping necessitate a reiteration of reminders to ensure proper invocation of this Court's power of judicial review in future cases, especially to those which may challenge traffic enforcement measures and similar regulatory schemes. Again, these reminders should not be construed as a ruling on the constitutionality of the assailed issuances.

A.

Judicial remedies are not to be employed as instruments of strategic redundancy

The orderly administration of justice requires candor, restraint, and adherence to procedural rules. The Court will not hesitate to impose the appropriate sanctions when there is a clear showing of forum-shopping, including the concealment of related cases, nominal difference of parties, or the splitting of causes of action.[105]

B.

A petitioner must demonstrate concrete and personal injury to claim standing

;

A petitioner must allege and establish a direct, personal, and substantial injury that is actual or imminent, and not merely speculative or generalized. Mere allegations of possible system errors and speculative effects of imposition of penalties are insufficient. Where notices or sanctions are already invoked, a petitioner must show

that such means of enforcement is no longer subject to an administrative or judicial contest.

C.

A petitioner must observe the doctrine of hierarchy of courts and exhaust administrative remedies when applicable

Any direct recourse to this Court is permitted only upon a showing of special and compelling reasons. When the issues involve factual questions, such as the application of a regulatory system, a petitioner must first seek relief from the proper first- or second-level courts or administrative bodies. Where the regulatory framework provides mechanisms to contest enforcement actions, such remedies must be availed of and completed prior to judicial action. A mere invocation of constitutional issues does not dispense with this requirement.

D.

A petition must present an actual and justiciable case

A petition must show that the challenged act has a direct and adverse effect on the petitioner. Any claim that is anchored on an anticipated or contingent harm may be dismissed as premature. The Court will not render advisory opinions, or pass upon the validity of policies in the abstract.

E.

Actions directly filed before this Court are confined to purely legal questions

Only petitions that raise pure questions of law may justify direct recourse. Such questions must be determinable from the face of the assailed issuances. When issues require reception of evidence, verification of facts, or evaluation of implementation procedures, such will be deemed as improper for resolution through direct filing with this Court.

F.

A petitioner must establish continuing justiciability in the face of supervening events

Where the challenged issuance has been modified, discontinued, or abandoned, a petitioner must demonstrate that a live controversy remains, or that the case falls within the recognized exceptions to mootness. The continued need for adjudication must be clearly and specifically shown. An unsubstantiated invocation of transcendental importance will not merit consideration. Similarly, without a concrete showing that the precise controversy is likely to recur as to the same parties and inherently incapable of timely judicial review, the exception to mootness for issues capable of repetition yet evading review does not apply.

Threshold grounds determined the disposal of the present Petitions. Far from being merely technical, these jurisdictional defects foreclose further any inquiry on the substantive issues. The Court refuses to act where its authority has not been properly invoked.

ACCORDINGLY, the Petitions for Certiorari and Prohibition in G.R. No. 261892 filed by Kilusan sa Pagbabago ng Industriya ng Transportasyon, Inc., Pangkalahatang Sanggunian Manila & Suburbs Drivers Association Nationwide, Inc., Alliance of Transport Operators and Drivers Association of the Philippines, and Alliance of Concerned Transport Organization; G.R. No. 262192 filed by Atty. Juman B. Paa; and G.R. No. 263752 filed by Philippine National Taxi Operators Association, Inc., Manuel C. Cruz, and Jacqueline V. Serrano are DISMISSED for being moot and for failure to satisfy the requisites of judicial review.

The Temporary Restraining Order issued on August 30, 2022 against the City of Manila, Quezon City, Valenzuela City, Parañaque City, Muntinlupa City, the Land Transportation Office, and all parties acting for and on their behalf, is LIFTED.

SO ORDERED.

Gesmundo, C.J., Caguioa, Inting, Marquez, Singh, and Villanueva, JJ., concur.

Leonen, SAJ., see separate concurring and dissenting.

Hernando, [*] J., on official business but left a vote.

Lazaro-Javier, J., with concurrence.

Gaerlan, [**] J., on leave but left a vote.

Rosario, J., I join the concurring and dissenting of J. Dimaampao.

Lopez, [**] J., on leave but left a vote.

Dimaampao, J., see concurring and dissenting opinion.

Kho, Jr., J., I join the concurring and dissenting opinion of Justice Dimaampao.

[*] On official business but left a vote.

[**] On leave but left their votes.

[1] Rollo (G.R. No. 261892), pp. 3-57. Petition for Certiorari and Prohibition under Rule 65 with Prayer for a Temporary Restraining Order (TRO) or Cease and Desist Order (CDO), Writ of Preliminary Injunction (WPI), and Other Injunctive Remedies dated August 2, 2022, assailing the following NCAP ordinances:

- Ordinance No. 8696, Amending the Title and Certain Provisions of Ordinance No. 8676, Entitled; "An Ordinance Implementing the NCAP of the City Amending for the Purpose Certain Sections of City Ordinance No. 8092 and Ordinance No. 8327, and for Other Purposes";
- Ordinance No. SP-3052, S-2021, An Ordinance Amending City Ordinance No. SP-2785, Series of 2018, Otherwise Known as the Quezon City Revised Traffic Management Code of 2018;
- Ordinance No. 572, Series of 2019, An Ordinance Amending Section 6 of Article III of Ordinance No. 19, Series of 2005 Otherwise Known as the "Land Transportation Code of Valenzuela City" and Adding Thereto a Chapter on "No Contact Apprehension Program" as Another Means to Implement the Traffic Code of the City;
- Ordinance No. 587, Series of 2019, An Ordinance Amending Section 3, Sections 140 and 141 of Article XXIV, Chapter VII of Ordinance No. 572; Series of 2019 Otherwise Known as the "No Contact Apprehension Program Ordinance of Valenzuela City";

- Ordinance No. 918, Series of 2021, An Ordinance Amending Section 6 of Chapter I, and Amending, Re-Organizing and Renumbering Sections 138 to 148 of Article XXXIII, XXIV, and XXV of Chapters VI and VII of Ordinance No. 19, Series of 2005, Otherwise Known as "The Land Transportation Code of the City of Valenzuela";
- Ordinance No. 19-31, Series of 2019, An Ordinance Further Amending Certain Provisions of City Ordinance No. 05-04 Series of 2004 Entitled "An Ordinance Enacting the Parañaque City Traffic Code Subject to Existing Laws and Applicable Rules and Regulations";
- Ordinance No. 17-06, Series of 2016, An Ordinance Amending Certain Provisions of City Ordinance No. 05-04 Series of 2004 Entitled "An Ordinance Enacting the Parañaque City Traffic Code Subject to Existing Laws and Applicable Rules and Regulations"; and
- Ordinance No. 2021-280, An Ordinance Implementing the No Contact Apprehension Program (NCAP) of the City of Muntinlupa, and for Other Purposes.

[2] Rollo (G.R. No. 262192), pp. 3-27. Petition for Certiorari and Prohibition under Rule 65 of the Rules of Court with Prayer for Issuance of TRO and WPI dated August 16, 2022, specifically challenging City of Manila's Ordinance No. 8676, An Ordinance Implementing the No Contact Apprehension Program (NCAP) of the City Amending for the Purpose Certain Sections of City Ordinance No. 8092 and Ordinance No. 8327 and for Other Purposes.

[3] Rollo (G.R. No. 263752), pp. 3-44. Petition for Certiorari and Prohibition under Rule 65 of the Rules of Court with Motion for Consolidation and Motion to Participate in the Scheduled Oral Arguments dated October 18, 2022, seeking to nullify the NCAP ordinances assailed in the other two petitions.

[4] Rollo (G.R. No. 261892), p. 2684.

[5] Id. at 527-531, 1621. The relevant resolutions are as follows:

- November 7, 2002: MMDA Resolution No. 02-49, Authorizing the MMDA to Adopt a "No Physical Contact Policy" in Apprehending Traffic Violators in Metro Manila Thru the Use of Digital Camera;
- January 21, 2009: MMDA Resolution No. 09-02, Prescribing the No Physical Contact Policy of MMDA in Apprehending Traffic Violators in Metro Manila Thru the Use and Recording of Digital Camera and/or New Technologies Used in Capturing Images on a Trial Basis for a Period of Ninety Days; and
- February 16, 2016: MMDA Resolution No. 16-01, Resolution Reimplementing the No-Physical Contact Apprehension of Traffic Violators.

[6] Id. at 527-531, 1621.

[7] Rollo (G.R. No. 262192), pp. 77-A-77-B, Rollo (G.R. No. 263752), pp.187-188. See Resolutions dated August 23, 2022 and November 29, 2022.

[8] Rollo (G.R. No. 261892), pp. 842-A-842-C; 897-900. See Resolutions dated September 20, 2022 and September 27, 2022.

[9] Rollo (G.R. No. 261892), pp. 3857-3859, See Resolution dated April 16, 2024.

[10] SECTION 29. Confiscation of driver's licenses.—Law enforcement and peace officers duly designated by the Commissioner shall, in apprehending any driver for Violations of this Act or of any regulations issued pursuant thereto, or of local traffic rules and regulations, confiscate the license of the driver concerned and issue a receipt prescribed and issued by the Commission therefor which shall authorize the driver to operate a motor vehicle for a

period not exceeding seventy-two hours from the time and date of issue of paid receipt. The period so fixed in the receipt shall not be extended, and shall become invalid thereafter. Failure of the driver to settle his case within fifteen days from the date of apprehension will cause suspension and revocation of his license.

[11] SECTION 62. No provincial board, city or municipal board or council shall enact or enforce any ordinance or resolution in conflict with the provisions of this Act, or prohibiting any deputy or agent of the Commission to enforce this Act within their respective territorial jurisdiction and the provisions of any charter to the contrary notwithstanding.

[12] Rollo (G.R. No. 261892), pp. 28-41.

[13] Rollo (G.R. No. 262192), pp. 6-23.

[14] Rollo (G.R. No. 263752), p. 19.

[15] Id. at 40-41.

[16] Rollo (G.R. No. 261892), pp. 391-462; 643-672; 843-881; 906-953; 1230-1286; 1413-1454. Rollo (G.R. No. 262192), pp. 598-642; 1543-1571.

[17] The case is docketed as Civil Case No. R-MKT-21-03772-CV.

[18] Rollo (G.R. No. 261892), pp. 842-A-842-C.

[19] Rollo (G.R. No. 261892), pp. 391-462; 643-667, 843-881; 906-946; 1230-1283; 1413-1454. Rollo (G.R. No. 262192), pp. 598-640; 1543-568.

[20] Id.

[21] Id.

[22] Rollo (G.R. No. 261892), pp. 391-462; 643-672.

[23] Rollo (G.R. No. 262192), pp. 598-640.

[24] Rollo (G.R. No. 261892), pp. 1230-1286.

[25] Id. at 3865-3966.

[26] Id. at 4122-4156.

[27] Rollo (G.R. No. 261892), pp. 359-363.

[28] Id. at 356-358.

[29] Id. at 3601-3614.

[30] Id. at 3753-3766.

[31] Id. at 4205-4218.

[32] Rollo (G.R. No. 261892), pp. 4265-4267.

[33] Id. at 4303, C1, Recto; C2, Mendoza and Pres. Quirino Ave., C3, Araneta Ave.; C4, EDSA; CS, CP Garcia, Katipunan Ave., Tandang Sora.

[34] Id. at 4303-4304. R1, Roxas Blvd.; R2, Taft Ave.; R3, South Superhighway; R4, Shaw Blvd.; R5, Ortigas

Ave.; R6, Magsaysay Blvd., Aurora Blvd.; R7, Quezon Ave., Commonwealth Ave.; R8, A. Bonifacio; R9 Rizal Ave.; R10, Del Pan, Marchos Highway, McArthur Highway.

[35] Rollo (G.R. No. 261892), pp. 4289-4310.

[36] *Id.* at 4320-4330.

[37] Supplemental Manifestation to the Joint Manifestation dated October 3, 2025 with Urgent Motion to Resolve dated February 5, 2026.

[38] Rollo (G.R. No. 261892), pp. 1189-1192; 1801-1808. See Advisory dated October 18, 2022 and Revised Advisory dated November 23, 2022.

[39] *Falcis III v. Civil Registrar General*, 861 Phil. 388, 438-439 (2019) [Per J. Leonen, En Banc]. (Citations omitted; emphasis supplied.)

[40] *Atty. Macalintal v. Commission on Elections*, 943 Phil. 212, 258 (2023) [Per J. Kho, Jr., En Banc].

[41] *Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority*, 890 Phil. 944, 983 (2020) [Per J. Leonen, En Banc].

[42] 460 Phil. 830 (2003) [Per J. Carpio-Morales, En Banc].

[43] *Id.* at 883.

[44] *Atty. Macalintal v. Commission on Elections*, 943 Phil. 212, 258 (2023) [Per J. Kho, Jr., En Banc].

[45] *Id.*

[46] *Id.*

[47] 584 Phil. 246 (2008) [Per J. Corona, En Banc].

[48] *Id.* at 266.

[49] *Id.*

[50] 728 Phil. 535 (2014) [Per J. Perlas-Bernabe, Second Division].

[51] *Id.* at 540.

[52] Rollo (G.R. No. 261892), p. 3605.

[53] *Id.* at 3604-3605.

[54] 522 Phil. 705 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[55] *Id.* at 754.

[56] 433 Phil. 506 (2002) [Per J. Carpio, En Banc].

[57] CONST., art. VIII, sec. 1.

[58] 522 Phil. 705 (2015) [Per J. Sandoval-Gutierrez, En Banc].

[59] 752 Phil. 716 (2014) [Per J. Bersamin, En Banc].

[60] 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, En Banc].

[61] 932 Phil. 753 (2023) [Per J. Gaerlan, En Banc].

[62] Id. at 768.

[63] See Atty. Calleja v. Executive Secretary Medialdea, 918-B Phil. 1, 219 (2021) [Per J. Carandang, En Banc]. Wherein the Court acknowledged that existing procedural rules may not be satisfactorily appropriate for the process of proscription of terrorist organization, associations, or groups or persons, if and when an application is filed therefor. Hence, consistent with its rule-making authority of the Court considers it an opportune time to formulate some guidelines to be observed in applying for a proscription order under Section 26 to guide the bench bar, and public. See also Ocampo v. President Macapagal-Arroyo, 932 Phil. 753 (2023) [Per J. Gaerlan, En Banc]. Wherein the Court opted not to evade its duty to resolve the novel issue of what constitutes exploration under CONST., art XII, sec. 2 for the guidance of the bench and the bar.

[64] 354 Phil. 948 (1998) [Per J. Puno, En Banc].

[65] 744 Phil. 451 (2014) [Per J. Velasco, Jr., Third Division].

[66] 915 Phil. 220 (2021) [Per J. J. Y. Lopez, En Banc].

[67] 69 Phil. 635 (1940) [Per J. Laurel, En Banc].

[68] See White Light Corporation v. City of Manila, 596 Phil. 444 (2009) [Per J. Tinga, En Banc]; Republic v. Sandiganbayan, 461 Phil. 598 (2003) [Per J. Corona, En Banc]; and Villarete v. Commission on Audit, 922 Phil. 743 (2022) [Per J. Leonen, En Banc].

[69] CONST., art. III, sec. 19(1).

[70] See Republic v. N. Dela Merced & Sons, Inc., 824 Phil. 87 (2018) [Per C. J. Sereno, First Division].

[71] See 863 Phil. 754, 791 (2019) [Per J. Jardeleza, En Banc].

[72] Id.

[73] Id. at 789-792.

[74] Id. at 792.

[75] See id.

[76] See id. at 793.

[77] 683 Phil. 141 (2012) [Per J. Brion, En Banc].

[78] Id. at 170-171.

[79] Rollo (G.R. No. 262192), p. 14.

[80] Id. at 15.

[81] Id. at 2691, 3114-3115.

[82] Rollo (G.R. No. 261892), pp. 3257-3263.

[83] 942 Phil. 1 (2023) [Per J. Leonen, En Banc].

[84] Id. at 42, citing Funa v. Chairman Villar, 686 Phil. 571, 586 (2012) [Per J. Velasco, Jr., En Banc] and Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment, 836 Phil. 205,

250-251 (2018) [Per J. Leonen, En Banc].

[85] 836 Phil. 205 (2018).

[86] *Id.* at 257-258.

[87] Rollo (G.R. No. 261892), p. 2795.

[88] 686 Phil. 786 (2012) [Per J. Peralta, Third Division].

[89] *Id.* at 797. (Citations omitted)

[90] Rollo (G.R. No. 262192), p. 3.

[91] *Id.* at 6-7.

[92] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[93] *Id.* at 166-167. (Citation omitted)

[94] See *Diocese of Bacolod v. Commission on Elections*, 751 Phil. 301 (2015) [Per J. Leonen, En Banc].

[95] *Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority*, 890 Phil. 944, 991 (2020) [Per J. Leonen, En Banc].

[96] Rollo (G.R. No. 262192), p. 1911.

[97] *Asia United Bank v. Goodland, Co., Inc.*, 660 Phil. 504, 514 (2011) [Per J. Del Castillo, First Division] cited in *Republic v. Sandiganbayan*, 947 Phil. 157, 195 (2023) [Per J. Zalameda, En Banc].

[98] *Pentacapital Investment Corporation v. Mahinay*, 637 Phil. 283, 309 (2010) [Per J. Nachura, Second Division] cited in *Republic v. Sandiganbayan*, 947 Phil. 157, 196 (2023) [Per J. Zalameda, En Banc].

[99] *Republic v. Sandiganbayan*, 947 Phil. 157, 196 (2023) [Per J. Zalameda, En Banc] citing *Santos Ventura Hocorma Foundation, Inc. v. Mabalacat Institute, Inc.*, 911 Phil. 301, 308 (2021) [Per J. Hernando, Second Division].

[100] Rollo (G.R. No. 261892), pp. 3269-3271.

[101] *Id.* at 3232-3234.

[102] Rollo, (G.R. No. 263752), p. 159.

[103] *Id.* at 40-41. The relevant portion reads:

7. We hereby disclose that we have commenced a Petition for Certiorari and Prohibition with prayer for Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction before the Regional Trial Court of Manila[,] Branch 16 with Case No. R-MNL-22-01122-SC.

8. The above petition was initially dismissed but is currently suspended in light of the trial court's decision to defer its resolution on our pending motion for reconsideration. The trial court's order to defer the proceedings was made as a judicial courtesy to the Honorable Supreme Court.

[104] See *Buan v. Lopez*, 229 Phil. 65 (1986) [Per J. Narvasa, First Division].

[105] RULES OF COURT, Rule 7, sec. 5, as amended by A.M. No. 19-10-20-SC, May 1, 2020.

CONCURRING AND DISSENTING OPINION

LEONEN, SAJ.:

I concur with the ponencia in dismissing the Petitions. The issuance of the Metro Manila Traffic Code of 2023 (MMTC 2023) and its subsequent adoption by respondent Local Government Units (LGUs) rendered moot the present Petitions.

However, certain issues in this case require more thorough discussion, albeit preliminary in character. I commend my esteemed colleague, Associate Justice Japar B. Dimaampao, for comprehensively discussing the threshold issues on judicial review and the substantive issues concerning the assailed No Contact Apprehension Policy (NCAP) Ordinances, several of which I concur with. As the original ponente of this case, Associate Justice Dimaampao, now in his Separate Opinion, offers rich insights into the validity, due process, and privacy concerns surrounding local ordinances on traffic management, on which local governments and the public in general, can reflect.

The present case is not limited to five city ordinances and the cameras installed at Metro Manila intersections. We are confronted with an evolving situation involving the apprehension of individuals through networks of sensors, databases, and machine-generated inferences, with private partners operating between regulation and the public. It is the beginning of jurisprudence concerning the extent of State power carried out through data, algorithms, and private intermediaries.

We are therefore presented with an opportunity to articulate our stance on the guiding values and principles for evaluating the Philippine government's—whether national or local—deployment of artificial intelligence (AI), especially in a field as sensitive as law enforcement. As one of the first AI cases before this Court, our pronouncement will define this Court's position on the use of AI not only in the judicial landscape but also in public services.

This case involves three consolidated Petitions for Certiorari and Prohibition^[1] assailing the validity of various ordinances issued by respondents Cities of Manila, Quezon, Valenzuela, Parañaque, and Muntinlupa (respondent LGUs). The assailed ordinances adopt and implement the NCAP in the jurisdiction of respondent LGUs.^[2]

In 2002, the Metro Manila Council issued MMDA Resolution No. 02-49, series of 2002, entitled "Authorizing the Metropolitan Manila Development Authority [MMDA] to [a]dopt a 'No Physical Contact Policy' in [a]pprehending [t]raffic [v]iolators in Metro Manila thru the use of [d]igital [c]amera[s]." ^[3]

After conducting several trial runs, the Metro Manila Council issued MMDA Resolution No. 16-01, series of 2016 reimplementing the NCAP.^[4] The resolution states, among others, that NCAP shall be implemented through "the use of CCTV, digital cameras[,] and/or other gadget[s] or technolog[ies] being used to capture video and images."^[5] These devices shall record or capture the image of the vehicle violating traffic laws, rules and regulations.^[6]

Following this, respondent LGUs enacted their respective NCAP Ordinances.^[7] The ordinances state, among others, how the LGUs will implement NCAP, including but not limited to entering into a Joint Venture Agreement (JVA) for the installation of "Traffic Enforcement Cameras."^[8]

Save for Muntinlupa City, respondent LGUs implemented their respective ordinances.^[9] In order to avail of the necessary technology to implement NCAP, respondent LGUs entered into a JVA with QPAX Traffic Systems Incorporated (QPAX).^[10]

Subsequently, several cases were filed before the Regional Trial Courts of Manila and Makati assailing the validity of respondent LGUs' NCAP Ordinances as well as MMDA Resolution No. 16-01.[11] During the pendency of the Regional Trial Court cases, petitioner KAPIT et al. filed before this Court a Petition for Certiorari and Prohibition praying, among others, that the NCAP Ordinances of respondent LGUs be declared null and void. The case was docketed as G.R. No. 261892.[12]

Petitioner Atty. Paa also submitted a Petition for Prohibition and Certiorari before this Court assailing the constitutionality of respondent City of Manila's NCAP Ordinance. The case was docketed as G.R. No. 262192.[13]

The third petition, docketed as G.R. No. 263752, was filed by petitioner Philippine National Taxi Operators Association (PNTOA) et al., which, like KAPIT et al., prays for a judgment declaring the NCAP Ordinances as unconstitutional.[14]

Meanwhile, on August 30, 2022, this Court issued a Temporary Restraining Order (TRO) enjoining the implementation of the assailed NCAP Ordinances as well that of the MMDA.[15]

During the pendency of this case, the MMDA adopted and implemented various undertakings relating to traffic management in Metro Manila. In 2023, the Metro Manila Council issued MMDA Resolution No. 23-03 adopting and approving a single ticketing system in Metro Manila.[16] It likewise instituted the Metro Manila Traffic Code of 2023 (MMTC 2023) which aims to "establish a more effective transport and traffic management system[] across Metro Manila"[17] by harmonizing "the existing and local traffic enforcement laws[.]"[18]

While it considers the single ticketing system as "a major step toward uniform traffic enforcement"[19] the MMDA acknowledged that it cannot solve the worsening traffic condition in Metro Manila by itself. It maintains that the primary reason for road congestion and vehicular accidents is the "motorists' blatant disregard of traffic rules and lack of discipline[.]"[20] Following this, the MMDA then filed an Urgent Ex-Parte Motion praying that this Court lift the TRO against the NCAP.[21]

On May 20, 2025, this Court resolved to grant the MMDA's prayer and lifted the TRO against its NCAP.[22] Days later, the MMDA proceeded to reimplement the NCAP.[23]

In the meantime, respondent LGUs filed a Joint Manifestation[24] informing this Court that the MMDA already issued Memorandum Circular No. 10, series of 2025 providing for the "guidelines for the NCAP[.]"[25] In the same manner, respondent LGUs notified this Court that they entered into a Memorandum of Agreement with MMDA and San Juan City wherein they "committed and obligated themselves to implement the NCAP in accordance with the MMTC 2023 and MMDA Memorandum Circular No. 10, series of 2025[.]"[26] They then asked this Court that in resolving the Petitions, it consider the foregoing submissions and development.[27]

The Petitions in the present case request this Court to test the validity of the assailed NCAP Ordinances' compliance with the Constitution. Essentially, the parties ask this Court to exercise its power of judicial review and determine whether respondent LGUs acted within their constitutional boundaries.

While rendered moot by supervening events, this case previously had elements of judicial review that are worth discussing. On the merits, the NCAP Ordinances in issue were valid, particularly their enactment, purposes, and observance of due process and the right to privacy. It is important to examine the fundamental concepts of AI and how they impact the right to privacy that the assailed issuances allegedly violated.

I

According to respondent LGUs, the controversy became moot when they adopted MMTC 2023 and MMDA

Memorandum Circular No. 10, series of 2025.

The ponencia agreed and dismissed the Petitions. It emphasized that since supervening events have overtaken the Petitions and changed the context of the assailed ordinances, the issues in this case have been rendered moot and require no judicial determination.[28] The ponencia then decreed that since the assailed ordinances have been functionally abrogated, resolving the constitutional and legal challenges surrounding these issuances would be a futile exercise of judicial review.[29]

I agree.

"A moot and academic case is one that ceases to present a justiciable controversy by virtue of supervening events, so that a declaration thereon would be of no practical use or value." [30] The rationale for the doctrine of mootness is for this Court to avoid ruling on academic or hypothetical issues, judicially utilize its limited resources, and ensure that the requisites of judicial review are present.

Here, the challenged NCAP Ordinances have been abandoned and the decentralized enforcement regime ceased with respondent LGUs' uniform adoption of MMTC 2023 and MMDA Memorandum Circular No. 10, series of 2025. Thus, if this Court were to issue a decision, it would be a hypothetical one, concerning an in existent framework that would not provide responsive relief.

It is clear from the Joint Manifestation [31] submitted by respondent LGUs that, "except for Muntinlupa City, which has yet to operationalize the NCAP, the [r]espondent Cities had implemented the NCAP in a manner substantially similar, if not identical, as that being implemented by the MMDA." [32]

Respondent LGUs committed to implement MMTC 2023, which the Metro Manila Council adopted through Joint Metro Manila Circular No. 01, series of 2023. These issuances provide for the institutionalization of a uniform traffic adjudication system for traffic contests/protests in all LGUs in Metro Manila, guidelines on compliance with the Data Privacy Act, among others, all of which were, in turn, incorporated in MMDA Memorandum Circular No. 10, series of 2025. [33]

The MMDA, respondent LGUs and the San Juan City Government also entered into a Memorandum of Agreement, committing themselves to implement MMTC 2023 and MMDA Memorandum Circular No. 10, series of 2025.

These issuances rendered moot or at least modified the nature of the issues raised in the present Petitions, particularly on violations to rights of privacy and due process, in relation to the registered owner rule.

This notwithstanding, this case is not limited to the validity of the assailed NCAP Ordinances. The issue on the manner of apprehension remains. We are yet to resolve the question of whether no contact apprehension is a valid mode of apprehending erring drivers under the current state of laws. This question persists despite respondent LGUs' adoption of the provision of MMTC 2023. This Court risks relinquishing our duty of judicial review when we do not examine, at least preliminarily, the legality of this issue.

I (A)

Article VIII, Section 1 of the Constitution 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 requisites for judicial review of a legislative act are "(1) an actual and appropriate case and controversy exists; (2) a personal and substantial interest of the party raising the constitutional question; (3) the exercise of judicial review is pleaded at the earliest opportunity; and (4) the constitutional question raised is the very *lis mota* of the case." [34]

On the first requisite, had the Petitions not been rendered moot by supervening events, they would have presented an actual case or controversy.

An "actual case or controversy ... involves a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute." [35] It exists "when there are actual facts to enable courts to intelligently adjudicate the issues" [36] or "when there is a clear and convincing showing of a contrariety of legal rights." [37]

Contrariety of legal rights in this context does not merely refer to incongruence of rights between the parties. It must be demonstrable, such that the party invoking this Court's power of judicial review shows how "the law is so contrary to their rights that there is no interpretation other than that there is a breach of rights." [38] The party must demonstrate that there is no other possible way to interpret the assailed provision of law as constitutional.

In addition to actual facts or contrariety of legal rights, the actual case requirement is likewise deemed satisfied "when the conditions for a facial challenge have been met." [39]

Universal Robina Corporation v. Department of Trade and Industry [40] outlines the three instances when facial review of a law is allowed: (1) in cases involving freedom of expression and its cognates, where a law creates a chilling effect on free speech by exerting prior restraint on free speech; and being overbroad; (2) when an egregious or imminent violation of fundamental rights is involved that judicial restraint would amount to a violation of such fundamental right; and (3) "when it involves a constitutional provision invoking emergency or urgent measures, and such review can potentially be rendered moot by the transitoriness of the emergency." [41]

Here, the issue falls under the second scenario, i.e., when a violation of fundamental rights is so egregious or so imminent that judicial restraint would lead to serious violations of fundamental rights.

The NCAP Ordinances were assailed for violating motorists' right to procedural and substantive due process since recorded traffic violations are presumably committed by the registered owners. Petitioners claim that rather than the prosecution proving that the registered owner committed the traffic violation, the burden of proof is shifted to the registered owner or alleged traffic violator. [42]

Petitioners insist that the assailed issuances failed to meet the requirements for a valid ordinance in contravening the provisions of the Constitution and existing statutes. [43] Petitioners likewise assert that the assailed ordinances violate their constitutionally guaranteed right to privacy since these issuances permit the processing of personal information by a private entity without complying with the limitations provided under the Data Privacy Act. [44] Additionally, petitioners maintain that respondent LGUs infringed upon the power of Congress to apportion the jurisdiction of courts when they granted their respective adjudication boards "exclusive jurisdiction' over all cases 'involving violations of traffic rules and regulations, including violations caught and recorded by the Traffic Enforcement Cameras within the City[.]'" [45]

Thus, had it not been for the supervening events rendering the challenges against NCAP Ordinances moot, the petitioners would have established an actual case or controversy.

Second, petitioners had legal standing or locus standi.

Legal standing refers to the "personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged." [46] This requirement ensures the presence of concrete adverseness "which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions [.]" [47]

Legal standing requires "the right of appearance to bring the matter in court for adjudication." [48] Generally, a party will only be allowed when they can demonstrate that (1) "[they]. . . personally suffered some actual or threatened injury because of the allegedly illegal conduct of the government;" [49] (2) the injury can reasonably be traced to the challenged conduct; and (3) the remedy being sought can rectify the injury suffered. [50]

A party must prove not only the existence of a personal stake but also that he or she can establish that interest. Bare allegation of injury and the potential relief from the remedy applied for will not suffice.

Legal standing is comparatively similar to the real party in interest requirement in civil cases. Under the Rules of Court, "[a] real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit." [51] The rule "is intended to bring before the court the party rightfully interested in the litigation so that only real controversies will be presented and the judgment, when entered, will be binding and conclusive[.]" [52]

Verily, in both constitutional and civil cases, the parties are required to demonstrate their personal stake or substantial interest in the case. This Court will not entertain cases involving self-serving allegations on injury and real controversies.

It must be stressed, however, that legal standing is not limited to the existence of personal stake. The requirement entails a responsibility on the part of the litigant to ensure that their case is both complete and compelling. This capability of a party to bring the suit is an aspect of the legal standing requirement which ensures that the Court would be able to properly rule on the issues presented.

As an example, this Court denied the petition in *Falcis v. Civil Registrar General*, [53] by reason of petitioner's "fail[ure] to represent his cause with even the barest competence and diligence," [54] thereby "betray[ing] the standards of legal practice." [55] We emphasized that "parties who come before this Court to intervene in a proceeding should be prepared to fully participate in all its stages, whenever this Court requires them to." [56]

The petitioners in G.R. Nos. 261892, 262192, and 263752 consist of motorist-lawyer and transport organizations who have been, and will continue to be, directly affected by the NCAP. Their standing rests on direct injury from the implementation of the NCAP Ordinances, given that it will affect their livelihood and use of motor vehicles.

Nonetheless, as for petitioners' respective ability to shoulder the navigation of the case's intricacies, the records are not exactly indicative of their capability to present the evidence, as well as lay down the corresponding arguments, that are needed for the nuanced and thorough resolution of all the issues of the case—specifically, the technical ones arising from the case's AI dimension.

This analysis, however, should not be interpreted as placing the Court beyond the reach of the citizenry. Rather, it is a means of addressing realities that now attend the adjudication of public interest cases because of this era's technological advances. This Court should not be forced to proceed with a record that does not contain all the evidence and arguments needed to answer all issues; otherwise, it runs the risk of having to produce its own materials and arguments, and then to stretch reading and discretion just to patch the analytical holes in the pursuit of a complete disposition of the case.

Third, the question of constitutionality was invoked at the earliest opportunity. Finally, the matter of constitutionality of the NCAP Ordinances, particularly on the validity of the ordinances and violations on due process and right to privacy, is the *lis mota* of the controversy.

II

The assailed NCAP Ordinances are valid.

Jurisprudence dictates that for an ordinance to be valid, its enactment must not only be within the corporate powers of the LGU but also be passed according to the prescribed procedure under the law. In addition, its provisions should also be: "(1) not contrary to the Constitution or any statute; (2) not unfair or oppressive; (3) not partial or discriminatory; (4) not prohibit but may regulate trade; (5) general and consistent with public policy; and (6) not unreasonable." [57]

Here, these NCAP Ordinances were enacted within the corporate powers of respondent LGUs under Sections 447 and 458 of the Local Government Code. Applying the presumption of regularity, they were also enacted according to the procedure outlined in the Local Government Code.

Further, respondent LGUs enacted their respective NCAP Ordinances as an exercise of their delegated legislative and police power. Police power, while primarily lodged with the national Legislature, may be delegated to the LGUs under the general welfare clause. [58]

The preamble clauses of these NCAP Ordinances provide that its purpose is traffic management, particularly enhancing the culture of traffic discipline among motorists, which is akin to promoting public order under Section 16 of the Local Government Code.

Thus, the NCAP Ordinances are not contrary to the Constitution, law, trade, reason, or public policy.

III

The first constitutional provision allegedly violated by the NCAP Ordinances is the right of every individual to due process.

Petitioners maintain that the adoption of the registered owner rule violates the constitutional right to due process as there is no law which makes registered owners liable for the acts of the erring drivers. [59]

Contrary to petitioners' arguments, the adoption of the registered owner rule does not automatically amount to a due process violation. The rule merely gives rise to a disputable presumption of liability, which the registered owner may overcome through a protest mechanism.

Erezo v. Jepte [60] elaborated on the use and rationale of the registered owner rule:

Defendant-appellant is the registered owner of a six-by-six truck... [W]hile [it] was being driven by Rodolfo..., it collided with a taxicab.... As [it] went off the street, it hit Ernesto [, who] suffered injuries, as a result of which he died. [Rodolfo] was prosecuted for homicide through reckless negligence.... [He] pleaded guilty and was sentenced to suffer imprisonment and to pay [Ernesto's] heirs...P3,000. As the amount of the judgment could not be enforced against him, plaintiff brought this action against the registered owner of the truck, the defendant-appellant....

....

The trial court held that as the defendant-appellant represented himself to be the owner of the truck and the Motor Vehicles Office, relying on his representation, registered the vehicles in his name, the Government and all persons affected by the representation had the right to rely on his declaration of ownership and registration....

[T]he defendant has prosecuted this appeal claiming that at the time of the accident the relation of employer and employee between the driver and defendant-appellant was not established, it having been proved at the trial that the owner of the truck was the Port Brokerage, of which defendant-appellant was merely a broker. We find no merit or justice in the above contention. In previous decisions, We already have held that the registered owner of a certificate of public convenience is liable to the public for the injuries or damages suffered by passengers or third persons caused by the operation of said, vehicle, even though the same had been transferred to a third person. (*Montoya vs. Ignacio*, 94 Phil., 182, 50 Off. Gaz., 108; *Roque vs. Malibay Transit Inc.*, G. R. No. L-8561, November 18, 1955; *Vda. de Medina vs. Cresencia*, 99 Phil., 506, 52 Off. Gaz., [10], 4606.) The principle upon which this doctrine is based is that in dealing with vehicles registered under the Public Service Law, the public has the right to assume or presume that the registered owner is the actual owner thereof for it would be difficult for the public to enforce the actions that they may have for injuries caused to them by the vehicles being negligently operated if the public should be required to prove who the actual owner is.... We do not imply by this doctrine, however, that the registered owner may not recover whatever amount he had paid by virtue of his liability to third persons from the person to whom he had actually sold, assigned or conveyed the vehicle.

Under the same principle the registered owner of any vehicle, even if not used for a public service, should primarily be responsible to the public or to third persons for injuries caused the latter while the vehicle is being driven on the highways or streets....

There is a presumption that the owner of the guilty vehicle is the defendant-appellant as he is the registered owner in the Motor Vehicles Office....

The Revised Motor Vehicles Law (Act No. 3992, as amended) provides that no vehicle may be used or operated, upon, any public highway unless the same is properly registered. It has been stated that the system of licensing and the requirement that each machine must carry a registration number, conspicuously displayed, is one of the precautions taken to reduce the danger of injury to pedestrians and other travellers from the careless management of automobiles, and to furnish a means of ascertaining the identity of persons violating the laws and ordinances, regulating the speed and operation of machines upon the highways (2 R. C. L. 1176). Not only are vehicles to be registered and that no motor vehicles are to be used or operated without being properly registered for the current year, but that dealers in motor vehicles shall furnish the Motor Vehicles Office a report showing the name and address of each purchaser of motor vehicle during the previous month and the manufacturer's serial number and motor number. (Section 5 [c], Act No. 3992, as amended.)

Registration is required...to permit the use and operation of the vehicle upon any public highway (section 5 [a], Act No. 3992, as amended). The main aim of motor vehicle registration is to identify the owner so that if any accident happens, or that any damage or injury is caused by the vehicle on the public highways, responsibility therefor can be fixed on a definite individual, the registered owner. Instances are numerous where vehicles running on public highways caused accidents or injuries to pedestrians or other vehicles without positive identification of the owner or drivers, or with very scant means of identification. It is to forestall these circumstances, so inconvenient or prejudicial to the public, that the motor vehicle registration is primarily ordained, in the interest of the determination of persons responsible for damages or injuries caused on public highways. "One of the principal purposes of motor vehicles legislation is identification of the vehicle and of the operator, in case of accident; and another is that the knowledge that means of detection are always available may act as a deterrent from lax observance of the law and of the rules of conservative and safe operation. Whatever purpose there may be in these statutes, it is subordinate at the last to the primary purpose of rendering it certain that the violator of the law or of the rules of safety shall not escape because of lack of means to discover him. The purpose of the statute is thwarted, and the displayed number becomes a 'snare and delusion,' if courts would entertain such defenses as that put forward by appellee in this case. No responsible person or corporation could be held liable for the most outrageous acts of negligence, if they should be allowed to place a 'middleman' between them and the public, and escape liability by the manner in which they

recompense their servants."

With the above policy in mind, ...should not the registered owner be allowed at the trial to prove who the actual and real owner is, and in accordance with such proof escape or evade responsibility and lay the same on the person actually owning the vehicle? We hold with the trial court that, the law does not allow him to do so; the law, with its aim and policy in mind, does not relieve him directly of the responsibility that the law fixes and places upon him as an incident or consequence of registration. Were a registered owner allowed to evade responsibility by proving who the supposed transferee or owner is, it would be easy for him, by collusion with others or otherwise, to escape said responsibility and transfer the same to an indefinite person, or to one who possesses no property with which to respond financially for the damage or injury done. A victim of recklessness on the public highways is usually without means to discover or identify the person actually causing the injury or damage. He has no means other than by a recourse to the registration in the Motor Vehicles Office to determine who is the owner. The protection that the law aims to extend to him would become illusory were the registered owner given the opportunity to escape liability by disproving his ownership. If the policy of the law is to be enforced and carried out, the registered owner should not be allowed to prove the contrary to the prejudice of the person injured, that is, to prove that a third person or another has become the owner, so that he may thereby be relieved of the responsibility to the injured person.

[But a] registered owner who has already sold or transferred a vehicle has the recourse to a third-party complaint, in the same action brought against him to recover for the damage or injury done, against the vendee or transferee of the vehicle[.][61] (Emphasis supplied, citation omitted)

Since then, the registered owner rule "has remained good law in this jurisdiction."[62]

Though the rule's primary purpose is the assignment of civil liability "[f]or damage or injuries arising out of negligence in the operation of a motor vehicle,"[63] there is nothing barring its utilization in the assignment of administrative liability for traffic violations. The bottom line, in either situation, is that "[i]n accordance with the law on compulsory motor vehicle registration . . . with respect to the public and third persons, the registered owner of a motor vehicle is directly and primarily responsible for the consequences of its operation[.]"[64]

As previously discussed, there is no violation of the aggrieved registered owner's right to due process considering that they may contest the subject rule's initial laying of liability.

"[T]he standards of due process in administrative proceedings allow certain latitude as long as fairness had been practiced[.]"[65] so much so that "[a]s long as the party was afforded the opportunity to defend his interests in due course, he was not denied due process."[66] As in *Philippine Mining Development Corp. v. Aguinaldo*: [67]

Time and again, this Court has laid down the principle that the essence of due process is to be heard, and, as applied to administrative proceedings, this means a fair and reasonable opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of. Administrative due process cannot be fully equated with due process in its strict judicial sense since a formal or trial-type hearing is not always necessary and technical rules of procedure are not strictly applied in the former. *Ledesma v. Court of Appeals* further elaborates on the well-established meaning of due process in administrative proceedings, viz.: Due process, as a constitutional precept, does not always and in all situations require a trial-type proceeding. Due process is satisfied when a person is notified of the charge against him and given an opportunity to explain or defend himself. In administrative proceedings, the filing of charges and giving reasonable opportunity for the person so charged to answer the accusations against him constitute the minimum requirements of due process. The essence of due process is simply to be heard, or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of.[68] (Citations omitted)

Prescott v. Bureau of Immigration[69] outlines the standards for administrative due process:

The right of the People to due process is enshrined under Article III, Section 1 of the 1987 Constitution, which states that "[n]o person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws." This right is guaranteed not only in judicial proceedings but also in administrative proceedings.

The observance of fairness in the conduct of any investigation is at the very heart of procedural due process. The essence of due process is the right to be heard. Specifically, in administrative proceedings, the respondent has the right to a fair and reasonable opportunity to explain his or her side, or an opportunity to seek a reconsideration of the action or ruling complained of. Administrative due process, however, is not identical to the due process required in judicial proceedings. For the latter requires a formal or trial-type hearing while the former does not strictly abide by technical rules of procedure.

In fine, as long as the parties are given the opportunity to be heard before judgment is rendered, the demands of due process are deemed sufficiently complied with. Conversely, a violation of the right to administrative due process occurs when a court or tribunal rules against a party without giving him or her the opportunity to be heard. The requirements of administrative due process are thoroughly laid out in the seminal case of *Ang Tibay v. Court of Industrial Relations*, viz.:

(1)

[T]he right to a hearing must be respected, which includes the right of the party interested or affected to present his [or her] own case and submit evidence in support thereof[;]

(2)

Not only must the party be given an opportunity to present his for her] case and to adduce evidence tending to establish the rights he [or she] asserts but the tribunal must consider the evidence presented[;]

(3)

There must be evidence to support the finding or conclusion of the tribunal;

(4)

Not only must there be evidence to support a finding or conclusion, but the evidence must be substantial. Substantial evidence is such relevant evidence as a reasonable mind would accept as adequate to support a conclusion[;]

(5)

The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;

(6)

The tribunal must act on its own independent consideration of the law and facts of the controversy and not simply accept the views of a subordinate in arriving at a decision; and

(7)

The decision should be rendered in a manner that the parties to the proceeding can know the various issues involved, and the reasons for the decision rendered.[70] (Emphasis in the original, citations omitted)

The above standards have been met for the NCAP. Respondent LGUs set forth the venues and procedures for questioning notices of violations.

Respondent Manila City's Ordinance No. 8676, series of 2020, lay down the following dispute mechanism:

SEC. 3 Implementation. –

....

- NCAP pertains to the sending of a Notice of Violation to the address of the registered owner of a vehicle based on the LTO database who commits the violations defined in this Ordinance as recorded by Traffic Enforcement Cameras, without the physical apprehension by a traffic enforcer.

....

- The City of Manila Traffic Adjudication board has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the Traffic Enforcement Cameras within the City[.]

....

SEC. 7. Penalty for Violation of the "No Contact Apprehension Program (NCAP)". – Registered owners of vehicles found violating the provisions under this Ordinance shall be liable in accordance with the fines enumerated below:

....

A Notice of Violation (NOV) shall be issued to registered owners of vehicles violating the Traffic Rules and Regulations stated in Section 127 of this Ordinance. Attached is the template of the Notice of Violation marked as "ANNEX A" to be issued to a traffic violator and shall form an integral part hereof. The Manila Traffic and Parking Bureau (MTPB) may change the design of the Notice of Violation from time to time as needed.[71] (Emphasis in the original)

As to respondent Parañaque City, its Ordinance No. 17-06, series of 2016 provides:

Section 2. Section 10, Article IV, prescribing the rule on Obedience to Traffic Control Signals is hereby amended by adding paragraph 3 which shall read as follows:

(3) A no contact traffic apprehension policy ("the Policy" for brevity) shall be strictly observed in all roads within the City of Parañaque.

(a)

The policy pertains to the sending of an Ordinance Violation Receipt (OVR) to the address of a registered owner of a vehicle that violates any provision of this Ordinance even without being apprehended by a traffic enforcer.

....

(k)

The OVR shall be appended to the Notice of Violation, and addressed to the registered owner of the vehicle of the Traffic Enforcement Camera Violator within seven (7) days from the date the Ordinance Violation occurred. Photographic evidence of such violation shall also be attached to the OVR. The Land Transportation Office (LTO) shall also be furnished with a copy of the said ticket and photographic evidence.

....

(n)

The PARAÑAQUE TRAFFIC ADJUDICATION BOARD (PTAB) is authorized to receive all complaints pertinent to the violations caught by the traffic enforcement cameras as indicated in the OVR

i.

Jurisdiction. The PTAB shall hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by traffic enforcement cameras, within the City of Parañaque. Such cases shall include:

a.

Complaints against the behavior of any employee assigned to or supervised by the PTMO;

b.

Complaints on the nature of infractions imputed to the violator; and

c.

Complaints on the penalties imposed

ii.

Composition. – The Chairman, Members, Secretariat and the Technical Working Group shall be appointed by the Mayor while the Chairman on the Committee on Public Order and Safety, Traffic Management and Illegal Drugs shall be the Vice-Chairman.

iii.

Procedure. – The PTAB shall formulate the procedure for filing cases and for the conduct of its proceedings, subject to the approval of the City Mayor. However, the PTAB must ensure that the complaint filed before it is in writing, signed by the complainant and duly notarized. No fee or charge shall be imposed for the filing of such complaint.

Pursuant to Section 124 of Ordinance No. 05-04, decisions of the PTAB shall be final.[72]

Ordinance No. 17-06 was latter amended by Parañaque City Ordinance No. 19-31, series of 2019, which read:

Section 2. Paragraph 3 (a) of Section 2 of City Ordinance No. 17-06 Series of 2016 is hereby amended and now read as follows:(a) The Policy pertains to the sending of a Notice of Violation (NOV) to the address of the registered owner of a vehicle that violates any provision of this ordinance even without being apprehended by a traffic enforcer.

Section 3. Paragraph 3 (k) of Section 2 of City Ordinance No. 17-06 Series of 2016 is hereby amended and now to read as follows:

"(k) The Notice of Violation shall be addressed and sent to the registered owner of the vehicle of the Traffic Enforcement Camera Violator. Photographic evidence of such violation shall also be attached to the Notice of Violation. The Land Transportation Office may also be furnished with a copy of the said Notice of Violation and photographic evidence."

Section 4. Paragraph 3 (n) of Section 2 of City Ordinance No. 17-06 Series of 2016 is hereby amended and is now to be read as follows:

(n) The Parañaque Traffic Adjudication Board (PTAB) is authorized to receive all complaints pertinent to the violations caught by the traffic enforcement cameras as indicated in the Notice of Violation.[73]

Meanwhile, Ordinance No. 918, series of 2021 of respondent Valenzuela City states:

SECTION 2. Sections 138 to 148 of Ordinance No. 19, Series of 2005, as amended, is hereby amended, reorganized and re-numbered as follows:"ARTICLE XXIII

PROCEDURE IN THE ENFORCEMENT OF PENALTIES

Section 138. Procedures in the Issuance of Ordinance Violation Receipt. Any person violating any provision of this Code and all traffic-related Ordinances of the City of Valenzuela shall be issued an Ordinance Violation Receipt (OVR). In cases of violation, a duly deputized traffic management officer shall confiscate the driver's license of the violator and shall issue the OVR that would serve as temporary driver's license valid for live (5) days from the date of issuance. OVR issued by other LGU within the Metropolitan Manila shall be honored by the apprehending officer.

Except when authorized or directed by law to immediately bring a person arrested for violation of any of the traffic laws before a Court, the following procedures shall be observed in the apprehension of any person found violating any provision of this Code:

In case of erring drivers of motor vehicles, the traffic enforcer or deputized agent shall demand presentation of the driver's license and registration of the motor vehicle. The apprehending officer shall then indicate the name and address of the driver, the license number and the issuing agency of the driver's license on the citation ticket. The name and the address of the registered owner and the registering agency of the vehicle, including the certificate of registration number shall likewise be indicated therein. The apprehending officer shall indicate the specific violation and furnish a copy of the citation ticket to the person apprehended. Provided, that if the violator has been apprehended by other LGU in Metropolitan Manila, the traffic enforcer shall confiscate the presented OVR and issue a new receipt that shall also indicate the city/municipality that made the first or second apprehension.

In the event that the apprehended person decides to contest his apprehension, he may file a protest with the Adjudication Board created by the City Mayor whose decision shall be final.

The TMO shall closely coordinate with the VCTO in the enforcement of provisions related to the franchising and regulations of tricycles and pedicabs, in which it has direct supervision.

Section 139. Failure to Obey Summon. Any person who fails to appear at the place and within the time specified in the summons issued to him by an officer upon his arrest for any violation herein cited shall be charged with a misdemeanour.

....

ARTICLE XXV

"NO CONTACT APPREHENSION PROGRAM"

....

Section 144. Implementation. –

....

- NCAP pertains to the sending of a Notice of Violation to the address of the registered owner of a vehicle based on the LTO database who commits the Violations defined in this Chapter as recorded by Traffic Enforcement Cameras, without the physical apprehension by a traffic enforcer.

....

- The Valenzuela City Traffic Violation Adjudication Committee has the exclusive jurisdiction to hear and

decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the Traffic Enforcement Cameras within the City. The Traffic Development Trust Liability Review and Approval Committee and two (2) members of the Sangguniang Panlungsod of the "No Contact Apprehension Program" (NCAP) on the other hand shall be responsible for the documentation and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.[74]

Similarly, under Ordinance No. 3052, series of 2021 of respondent Quezon City:

SECTION 6. The Quezon City Revised Traffic Management Code of 2018 Code is hereby amended to include an ARTTCLE XX-A, to read as follows:ARTICLE XX-A. NO CONTACT APPREHENSION PROGRAM

....

SECTION 2. IMPLEMENTATION – The City Government, on its own, or through a Joint Venture, Service Agreement, or other applicable node, shall implement the NCAP, which identifies and captures violations contemplated under this Ordinance through Traffic Enforcement Cameras, without the physical apprehension by a traffic enforcer, and the concomitant issuance of a Notice of Violation.

....

b.

The registered owners of the vehicles identified under the NCAP as violating this Ordinance shall be issued Notices of Violation to their registered addresses as found in the appropriate LTO database. Such registered owners shall be deemed as the violator of this Ordinance unless UOVR was properly issued to another person for the same violation.

....

SECTION 8. PROTEST ADJUDICATION – Notices of Violation may be protested under the same procedure provided for in Section 2, Article XXI of Quezon City Ordinance No. SP-2785, S-2018.

....

SECTION 11. RECEIPT OF NOTICE OF VIOLATION UNDER THE NCAP BY OWNERS OF VEHICLES REGISTERED IN QUEZON CITY. – All registered owners of vehicles with registered addresses within Quezon City as found in the appropriate LTO database shall receive their Notices of Violation within fourteen (14) working days from the commission of the traffic violation.[75]

Lastly, respondent Muntinlupa City Government's Ordinance No. 2021-280, series of 2021 also provides:

SECTION 4. Implementation –

....

b.

NCAP pertains to the sending of a notice of violation to the address of the registered owner of a vehicle based on the Land Transportation Office (LTO) database who commits the violations defined in this Ordinance as recorded by TECs without the physical apprehension by a traffic enforcer.

....

d.

The City of Muntinlupa Traffic Adjudication Board has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the TECS within the City. The Accounting Office on the other hand, shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.

....

SECTION 6. Penalty for Violation of "No Contact Apprehension Program (NCAP)" – Registered owners of vehicles found violating the provisions under this Ordinance shall be liable in accordance with the fines enumerated below:

....

A Notice of Violation (NOV) shall be issued to registered owners of vehicles violating the Traffic Rules and Regulations stated in Section 5 of this Ordinance within one (1) month from the date of violation. Attached is the template of the Notice of Violation marked as "ANNEX A" to be issued to a traffic violator and shall form an integral part hereof. The Muntinlupa Traffic Management Bureau (MTMB) may change the design of the Notice of Violation from time to time as needed.

The violator must settle the fines/penalty with 10 days from the receipt of the Notice of Violation. Otherwise, violation will be reported to the LTO and appropriate charges will be filled before the Office of the City Prosecutor/Court.[76]

Based on the foregoing, the assailed ordinances do not violate the constitutional right to due process given that protest mechanisms are made available for those who allegedly committed traffic violations.

While not an issue in this case, similar protest mechanisms have been provided under the MMTC 2023. Notably, a Traffic Adjudication Board (TAB) has been created before which apprehended traffic violators may contest their alleged traffic violation:

38. The Traffic Adjudication Board – There shall be a Traffic Adjudication Board (TAB) that will hear and decide complaints/contests/protests filed by contesting motorists apprehended for violating one or more traffic regulations and issued traffic tickets by the traffic enforcers.

a)

Prescription – A traffic violation may be contested by filing a complaint/contest/protest with the TAB within ten (10) working days from the time of apprehension, or the knowledge of the issuance of traffic citation, as the case may be. After the lapse of the said period, any complaint/contest/protest shall no longer be entertained and traffic citation shall be considered affirmed.

b)

Sufficient in Form and Substance – All complaint/contest/protest filed with the TAB shall be in writing, subscribed and sworn to by the complainant/contestant/protestant, and attaching therewith the documents/evidence relied upon in support of his/her claims. An un-notarized or unsworn written complaint/contest/protest may still be allowed provided that the protestant or his/her authorized representative shall personally subscribe and swear to such complaint/contest/protest before the designated hearing officer prior to the start of the hearing, otherwise the same shall be considered un-notarized or unsworn.

Any un-notarized or unsworn complaint/contest/protest shall not be entertained and shall be dismissed accordingly, without prejudice to the re-filing of the same upon compliance with all the formal requirements

for validity.

c)

Any complaint/contest/protest shall contain the following details:

i.

Complete name of the complainant/contestant/protestant, or his/her/its authorized representative;

ii.

Complete address of the complainant/contestant/protestant, or his/her/its authorized representative;

iii.

Official contract number of the complainant/contestant/protestant, or his/her/its authorized representative;

iv.

Date of the complaint/contest/protest;

v.

Date of apprehension;

vi.

Ultimate facts of the apprehension, including the ground for the complaint/contest/protest; and/or

vii.

The fact that the vehicle was impounded or not, if the driver's license was confiscated or not, whenever applicable.

Absence of any of the foregoing information on the complaint/contest/protest may constitute a ground for its dismissal, without prejudice to the re-filing of thereof after compliance with the said requirement/s.

d)

Summons – Upon filing of complaint/contest/protest, summons complainant/contestant/protestant and respondent containing the date and shall be issued to the time of the scheduled hearing.

e)

Hearing – It shall be the duty of the parties to appear on the scheduled hearing date.

Failure of the complainant/contestant/protestant to appear on the scheduled hearing date without justifiable ground shall cause the dismissal of the complaint/contest/protest for lack of interest, with prejudice to the re-filing of the same. The traffic citation shall be considered affirmed and the TAB.

Failure on the part of the respondent to appear in like manner shall cause the forfeiture of respondent's right to present evidence on his/her behalf or rebut the complainant's evidence, and the complaint shall be allowed to submit evidence ex parte. Thereafter, the case shall be resolved based solely on the evidence presented by complainant.

f)

Hearing proper – Hearings before the TAB shall be summary in nature, and akin to preliminary investigation proceedings in criminal cases. As such, trial-type preliminary investigation proceedings in proceedings are not

required and the hearing officer may resolve the case based solely photos and video footages, testimonies of the parties during the hearings as well as pleadings and evidence, documentary or otherwise, submitted by the parties or in the possession with TAB.

The Hearing Officer shall take note, in the minutes of the case, the substantial matters taken up during the hearing which shall be signed by the parties at the end of the hearing.

g)

Quantum of proof required – As in other administrative and quasi-judicial proceedings, the quantum of proof necessary is substantial evidence, or such amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.

h)

Burden of proof – is the duty of a party to present evidence on the facts in issue necessary to establish his or her claim or defense by the amount of evidence required by law.

i)

Resolution of the Contest – The Hearing Officer, after appreciation of all evidence submitted by the parties, shall resolve in writing citing the reasons therefor, to affirm or reconsider the citation. In case the citation is affirmed, the Hearing Officer shall mete out the proper fine and penalty corresponding to the traffic citation pursuant to applicable traffic laws, ordinance, rules and regulations. In case the citation is reconsidered, the Hearing Officer shall absolve the complainant/contestant/protestant from the traffic citation or cancel the entire traffic ticket altogether.

In appropriate cases where reconsideration of the issued violation is ruled but another violation was, nonetheless, established during the conduct of hearing and evaluation of the documents submitted, the Hearing Officer shall inform the complainant thereof. Thereafter, the complainant shall be accorded reasonable opportunity adduce evidence to refute the same and after which the Hearing Officer shall render a resolution imposing the citation corresponding to the violation committed.

j)

Appeal – An aggrieved party may file an appeal to the Office of the Chairman of the MMDA or its local counterpart within fifteen (15) working days from receipt of the resolution by TAB, otherwise, the resolution shall become final and executory.

The decision of the Office of the Chairman shall be final and executory, and no further appeal may be taken therefrom.[77] (Emphasis in the original)

Furthermore, Sections 3 and 4 of the MMDA Memorandum Circular No. 10, series of 2025 state:

Section 3. NOTICE OF VIOLATION. –

- The traffic enforcement cameras must be able to record and capture at least one (1) image and a video of the violation and the motor vehicle involved therein.
- The traffic enforcement cameras are linked to back-end system directly connected with the Land Transportation Office (LTO) system for the purpose of identifying the registered owners of the apprehended vehicles. The MMDA or the respective LGU may enter into Memorandum of Agreement with LTO for the purpose of providing information on the apprehended vehicle and identity of the registered owner.
- The captured images and video of the motor vehicle violating traffic laws, rules and regulations and policies must be reviewed and validated by a duly authorized or deputized traffic personnel prior to the issuance of a

Notice of Violation.

- The Notice of Violation (NOV) shall contain the following:

- Citation Number;

- Time and date of the violation;

- Exact place or location where the violation was committed;

- Name and address of the registered owner of the vehicle appearing in the LTO database;

- Traffic violation/s committed;

- Assessed fines and penalties;

- Image/s of the vehicle plate and the captured violation/s;

- The secured link or process to view the captured images and video;

- Vehicle plate, conduction sticker or MV file number;

- Vehicle year, make and model;

- Vehicle body type and classification;

- Signatures of the traffic personnel who accomplished the NOV and the Director III Traffic Discipline Office-Traffic Enforcement Group of the MMDA or his/her local counterpart; and

- Statement that the Notice of Violation may be protested with MMDA's Or the LGU's appropriate traffic adjudication body, whichever is applicable, within ten (10) working days from receipt thereof and that failure to file the same shall constitute a waiver to protest or contest the violation and the assessed fines.

- The NOV shall be issued within five (5) working days from the commission of the violation and must be immediately served thereafter at the address of the registered vehicle owner appearing in the LTO's Land Transportation Management System (LTMS) through personal service, registered or ordinary mail, authorized private or government couriers, or other appropriate modes of service, such as by electronic mail (e-mail) short message service (SMS).

- Personal service – whenever practicable, the Notice of Violation shall be served by handing the copy thereof to the person against whom it is addressed.

- Service by mail – shall be deemed valid when the Notice of Violation is delivered, tendered, or a copy thereof is left at the address of the registered owner of the vehicle.

- Substituted service – in the event that the Notice of Violation cannot be handed over, delivered, or tendered to the person against whom it is addressed, the Notice of Violation can be served by leaving a copy thereof at the address of the registered owner of the vehicle with some person of suitable age, discretion, and/or competence.

For this purpose, the MMDA and the LGUs shall secure the services of as many personnel as necessary to comply with this period.

f.

The following instances shall be deemed valid and sufficient service of the NOV upon the registered vehicle owner, subject to the issuance and execution of an Affidavit of Service:

- The person to whom the NOV was issued refuses to receive and sign the notice without any justifiable or lawful reason;
- The registered vehicle owner failed to notify or update the LTO on the change of his/her address;
- The registered vehicle owner provided a wrong or insufficient address to the LTO; and/or
- The registered vehicle owner has sold the vehicle but did not notify or update the LTO on the change of ownership.

Section 4. PROTEST/CONTEST OF NOTICE OF VIOLATION. – Within ten (10) working days from receipt of the NOV, the person against whom it was issued may file a contest/protest pursuant to Section 38 of the Metro Manila Traffic Code of 2023.[78]

In the same manner, the MO A between the LGUs and MMDA provides aggrieved parties with a procedure through which they may appeal the adverse decision of the TAB:

3. Contest/Protest and Appeal. Within ten (10) working days from receipt of the NOV, the person against whom it was issued may file a contest or protest to the Traffic Adjudication Board of the LGU concerned pursuant to Section 38 of the MMTC 2023. An aggrieved party may appeal the resolution of the Traffic Adjudication Board to either the Local Chief Executive of the respective LGU or to the Office of the Chairman of the MMDA, within fifteen (15) working days from receipt of the resolution. The decision rendered by either the Office of the Chairman of the MMDA or the Local Chief Executive, as applicable, shall be final and executory.[79]

IV

Another constitutional provision that the NCAP Ordinances purportedly violated is the prohibition against imposition of excessive fines. This prohibition is enshrined in Article III, Section 19 of the Constitution which provides that "[e]xcessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted."

In *Republic v. N. Dela Merced & Sons, Inc.*,^[80] this Court clarified that "[t]he constitutional prohibition on the imposition of excessive fines"^[81] only covers proceedings that are penal in nature and does not extend to administrative actions:^[82]

At the outset, Dela Merced & Sons' invocation of Article III, Section 19 (1) of the Constitution is erroneous. The constitutional prohibition on the imposition of excessive lines applies only to criminal prosecutions. In contrast, this case involves an administrative proceeding and, contrary to the supposition of Dela Merced & Sons, the fine imposed is not a criminal penalty. Hence, the proscription under Article III, Section 19 is inapplicable to this case.^[83]

Based on the foregoing, the issue of whether Article III, Section 19 was violated, requires prior determination of the nature of the NCAP Ordinances as being criminal or administrative.

I concur with the analysis of my esteemed colleague, Associate Justice Dimaampao, that the NCAP Ordinances are administrative in nature. The assailed ordinances did not create new violations but merely introduced a new modality of apprehending violators.^[84] The no contact apprehension policy introduced through the assailed ordinances equates to a new detection mechanism intended to be utilized by respondent LGUs.

As non-penal legislations, the NCAP Ordinances are not covered by the constitutional prohibition against the imposition of excessive fines.

Be that as it may, we are not precluded from reviewing the proportionality of the fines imposed by administrative agencies. In *Ferrer, Jr. v. Bautista*,^[85] this Court, while acknowledging the authority of LGUs "to impose and

collect such reasonable fees and charges for services rendered[,]"[86] proceeded to examine the reasonableness of the garbage fee imposed in Quezon City:

The general welfare clause is the delegation in statutory form of the police power of the State to LGUs. The provisions related thereto are liberally interpreted to give more powers to LGUs in accelerating economic development and upgrading the quality of life for the people in the community. Wide discretion is vested on the legislative authority to determine not only what the interests of the public require but also what measures are necessary for the protection of such interests since the Sanggunian is in the best position to determine the needs of its constituents.

One of the operative principles of decentralization is that, subject to the provisions of the LGC and national policies, the LGUs shall share with the national government the responsibility in the management and maintenance of ecological balance within their territorial jurisdiction. In this regard, cities are allowed to exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provision of the basic services and facilities which include, among others, solid waste disposal system or environmental management system and services or facilities related to general hygiene and sanitation. R.A. No. 9003, or the Ecological Solid Waste Management Act of 2000, affirms this authority as it expresses that the LGUs shall be primarily responsible for the implementation and enforcement of its provisions within their respective jurisdictions while establishing a cooperative effort among the national government, other local government units, non-government organizations, and the private sector.

Necessarily, LGUs are statutorily sanctioned to impose and collect such reasonable fees and charges for services rendered. "Charges" refer to pecuniary liability, as rents or fees against persons or property, while "Fee" means a charge fixed by law or ordinance for the regulation or inspection of a business or activity.

....

Nonetheless, although a special charge, tax, or assessment may be imposed by a municipal corporation, it must be reasonably commensurate to the cost of providing the garbage service. To pass judicial scrutiny, a regulatory fee must not produce revenue in excess of the cost of the regulation because such fee will be construed as an illegal tax when the revenue generated by the regulation exceeds the cost of the regulation.[87]

As with our approach in *Ferrer*, where there is substantial proof that the fines are no longer proportional to the State interest that they serve, this Court should carry out our duty of subjecting these administrative impositions to judicial scrutiny. In *Ferrer*, this Court found that the garbage fee imposed by Quezon City was unjust and inequitable given that respondents failed to consider certain factors in determining the appropriate garbage fee.

In the present case, not only are the NCAP fines within the limits provided under Section 458 of the Local Government Code but there is no showing of disproportionate burden to the affected individuals. However, with the issuance of MMTC 2023 and its subsequent adoption by respondent LGUs, we should pay attention to its distributive effects to our people.

While the imposition of uniform rates to traffic violations may appear just and equitable, in practice, these impositions would affect those with fewer resources. Drivers of jeepneys and other public utility vehicles will more likely suffer the effects of these impositions. It is a paradigm of systemic inequality which could raise equal protection concerns.

V

The next constitutional provision allegedly infringed by the NCAP is the right to privacy.

The definition and scope of this right is one that continues to evolve over time. However, it refers to the "right of an individual 'to be free from unwarranted publicity, or to live without unwarranted interference by the public in

matters in which the public is not necessarily concerned." [88]

The right to privacy, broad as it may be, is not, however, absolute. An individual's privacy may be lawfully transgressed when that person has no reasonable expectation of privacy. This is explained in a concurring opinion in *Office of the Court Administrator v. Reyes*: [89]

Nonetheless, the right to privacy is not absolute. A person's privacy may be lawfully transgressed upon a finding that there was no reasonable expectation of privacy in the person's act or conduct. The reasonableness of a person's expectation of privacy depends on a two-part test: (1) whether by his conduct, the individual has exhibited an expectation of privacy; and (2) whether this expectation is one that society recognizes as reasonable. The factual circumstances of the case determine the reasonableness of the expectation. However, other factors, such as customs, physical surroundings and practices of a particular activity, may serve to create or diminish this expectation.

In this day and age, mobile phones are no longer merely devices with which to make and answer calls, and send and receive SMS or MMS. Technological developments coupled with social, cultural, and economic changes have made it so that mobile phones now act as gateways to accessing the internet for information and social interaction; repositories of memories immortalized in photos and videos; portals for banking and financial transactions; and even portable workstations with computing power equivalent or better than much larger laptops and desktop computers.

Mobile phones now contain so much data that they are vectors of financial fraud, identity theft, and other misuses of personal information, including sensitive personal information. In consideration of the ever-evolving risks associated with retaining these data in a single device, mobile phone manufacturers and application developers have incorporated many technological measures into mobile phones for the purpose of keeping mobile phone data safe from the reach of unwanted and unscrupulous third parties. The use of measures such as data encryption, passwords, and other unique identity tokens, and multifactor authentication including biometrics and facial recognition, can be seen as mobile phone owners exhibiting that they do have an expectation of privacy in their mobile phones and their data. [90]

In the same manner, the right may be limited by the existence of a compelling State interest that is narrowly drawn. In *In re Issuance of a Writ of Habeas Corpus of Sabio v. Gordon* [91] this Court explained:

This goes to show that the right to privacy is not absolute where there is an overriding compelling state interest. In *Morfe v. Mutuc*, the Court, in line with *Whalen v. Roe*, employed the rational basis relationship test when it held that there was no infringement of the individual's right to privacy as the requirement to disclose information is for a valid purpose, i.e., to curtail and minimize the opportunities for official corruption, maintain a standard of honesty in public service, and promote morality in public administration. In *Valmonte v. Belmonte*, the Court remarked that as public figures, the Members of the former Batasang Pambansa enjoy a more limited right to privacy as compared to ordinary individuals, and their actions are subject to closer scrutiny. Taking this into consideration, the Court ruled that the right of the people to access information on matters of public concern prevails over the right to privacy of financial transactions. [92]

Tested against these standards, it appears that the assailed NCAP Ordinances, on their face, do not violate the right of individuals to privacy.

The assailed ordinances affect three different dimensions of privacy.

The first dimension pertains to license plates attached to every vehicle.

Under Section 18 of Republic Act No. 4136, or the "Land Transportation and Traffic Code," all motor vehicles are required to always display the license plates issued by the LTO. The license plates shall be "display[ed] in

conspicuous places, one in front and one in the rear"[93] of the vehicle. Given that the public display of license plates is a requirement imposed by law, an individual has no reasonable expectation of privacy over this information. As emphasized in *Sabio*, individuals "have no reasonable expectation of privacy over matters. . .[that] are of public concern and over which the people have the right to information." [94]

Additionally, helping law enforcement and ensuring that all vehicles are compliant with the safety requirements of the law, are compelling reasons to require public display of one's license plate.

The second dimension of privacy affected by the assailed NCAP Ordinances is the personal information involved in vehicle registration.

Section 5(a) of Republic Act No. 4136 states that "[n]o motor vehicle shall be used or operated on or upon any public highway of the Philippines unless the same is properly registered for the current year in accordance with the provisions of this Act." During the vehicle registration process, the LTO collects certain information, including the name and address of the vehicle owner, among others.

Under the assailed NCAP Ordinances, the personal information collected by the LTO is utilized by respondent LGUs to the extent of identifying the registered owner of the vehicle recorded to have committed the violation and sending out the NOV's to their address. Based on the provisions of the NCAP Ordinances, the exchange of data between government agencies involved as well as their private contractor is defined and circumscribed.

This observation is however limited to the facts as presented in this case. As the NCAP system and technological advancement continue to evolve, this Court may be presented with a case of alleged violation of the right to privacy in relation to the processing of one's personal information. The threat of unauthorized leaks or access, collection, modification, or destruction of personal information is a constant risk that jeopardizes the right to privacy of every individual concerned.

Retired Chief Justice Reynato S. Puno, in his speech "The Common Right to Privacy" elucidated the three "strands" of the right to privacy. These are: (1) locational privacy; (2) informational privacy; and (3) decisional privacy.[95] This was expounded on in a separate opinion in *Versosa v. People*: [96]

Locational privacy, also known as situational privacy, pertains to privacy that is felt in a physical space. It may be violated through an act of trespass or through an unlawful search. Meanwhile, informational privacy refers to one's right to control "the processing—i.e., acquisition, disclosure, and use—of personal information."

Decisional privacy, regarded as the most controversial among the three, refers to one's right "to make certain kinds of fundamental choices with respect to their personal and reproductive autonomy." It finds relevance in matters that involve one's reproductive health.[97] (Citations omitted)

Informational privacy is "[t]he right to control the collection, maintenance, use, and dissemination of data about oneself." [98] As its own strand of privacy, it covers the rights "not to have private information disclosed. . .and. . .to live freely without surveillance and intrusion." [99]

Informational privacy's disclosure aspect may conceptually be further divided. In my separate opinion in *Cadajas v. People*, [100] I emphasized:

Privacy scholars explain that the right to informational privacy, to a certain extent, requires "limitation on inspection, observation, and knowledge by others." Thus, it has the following aspects: (1) to keep inalienable information to themselves; (2) to prevent first disclosure; and (3) to prevent further dissemination in cease the information has already been disclosed. More recently, the European Union has paved the way for the fourth aspect — the right to be forgotten, or the right to prevent the storage of data.

As regards the first component of the right to informational privacy, a person has the right not to be exposed on the internet in matters involving one's private life, such as acts having no relation to public interest or concern. Closely related to the first component is the right to prevent first disclosure, allowing individuals to regulate the extent, time, and manner of disclosure, if at all, of their information. In case the data have been illegally disclosed, a person does not lose protection since they have the right to prevent their further dissemination. In some cases, one has the right to prevent the storage of their data, which gives one the right to be forgotten. Privacy scholars describe this right as "forced omission," or the process of making the information difficult to find on the internet.[101]

With the increasing utility and maximization of technological advancements in people's daily lives, including law enforcement, it must be ensured that the processing of the information relating to every driver, motorist, and registered owner of a vehicle remains inviolable and secure. Laws and rules have been enacted to create mechanisms that will safeguard people's personal information and, ultimately, their right to privacy. The need to ensure the protection of people's right to privacy cannot be understated. In the separate opinion in Cadajas:

While the ponente cited the *Spouses Hing v. Choachuy* framework in assessing violations of the right to privacy vis-à-vis one's expectation of privacy, the current technological developments require us to reexamine our doctrine. Thus, in *Subido Pagente Certeza Mendoza and Binay Law Offices v. Court of Appeals*, I cautioned the majority against the vulnerability of data and the necessity of redefining legitimate expectation of privacy in this digital age:

The truth is that most of today's digital data is vulnerable to one who is curious enough, exceedingly determined, skillful, and willing to deploy the necessary time and resources to make discovery of our most private information. Ubiquitous surveillance systems that ensure the integrity as well as increase confidence in the security of the data kept in a system are ever present. Copying or transferring digital data occurs likewise with phenomenal speed. Data shared in cyberspace also tends to be resilient and difficult to completely delete. Users of various digital platforms, including bank accounts, are not necessarily aware of these vulnerabilities.

Therefore, the concept of "legitimate expectation of privacy" as the framework for assessing whether personal information falls within the constitutionally protected penumbra needs to be carefully reconsidered. In my view, the protected spheres of privacy will make better sense when our jurisprudence in the appropriate cases makes clear how specific types of information relate to personal identity and why this is valuable to assure human dignity and a robust democracy in the context of a constitutional order.

The need to protect this fundamental right is more imperative given the rise of surveillance capitalism. Digital infrastructures and technological advancements are being used to aggregate people and their choices as data objects. This is made possible with the indiscriminate buying and selling of our personal data and other sensitive information without regard to the informational aspect of privacy. Big technology companies and small startup businesses have been optimizing this model to predict and clandestinely manipulate human behavior for monetary and other purposes. This impels us to recalibrate how we view the right to privacy in cyberspace and how we can protect the vulnerable.[102]

The concept of AI must also be discussed in this regard.

To recall, respondent LGUs implemented their respective NCAP systems by entering a JVA with QPAX. In its comment, QPAX describes the technology used for the NCAP system as follows:

34. The NCAP technology utilizes camera systems equipped with artificial intelligence (AI) and deep machine learning-based vehicle detection, which enable it to: (i) detect different types of violations, such as beating the red light, counter flow driving, yellow box violations, disregarding lane markings and traffic signs, speeding, pedestrian crossing violations, obstruction of pedestrian lanes, number coding violations, driving a motorcycle

without wearing a helmet, and driving in bicycle lanes; (ii) detect, classify and recognize vehicles, such as their model and brand, entering a multi-lane road setting; (iii) calculate traffic volume by vehicle classification; and (iv) detect pedestrians at intersections.

35. The technology is likewise equipped with an automatic name plate recognition, which enables it to recognize license plates and read the corresponding plate numbers.

36. However, despite these capabilities, respondent LGUs directed QPAX to focus on violation detection and name-plate recognition in implementing the NCAP.

....

37. It must be emphasized that the camera systems only detect violations that the respondent LGUs have defined, identified, and designated as violations under their respective NCAP Ordinances and the local traffic codes. Hence, although powered by AI, the cameras are programmed to only capture traffic violations defined, identified, and designated by respondent LGUs.

38. This is embodied in the Agreements, which state that respondent LGUs shall develop the Road Rules Violations Criteria, and that they have the sole, unilateral, and exclusive decision to ultimately issue a[] NOV. The Road Rules Violation Criteria developed by respondent LGUs constitute the parameters used by respondent LGUs' employees in determining whether a traffic violation was committed[.]

....

40. Furthermore, under the Agreements, it is only the authorized employee of each of the respondent LGUs who has the authority to review the data and authorize the issuance of a[] NOV. The authorized employee can be the Project Manager designated by the LGU, which in any case must be an employee of the LGU's respective Transportation or Traffic Management Office.

41. In other words, the technology itself DOES NOT independently or automatically detect and capture other violations that respondent LGUs have not designated as such under their respective NCAP Ordinances. Neither does the technology or any employee of QPAX have the authority to decide that a violation has been committed, be it preliminarily or otherwise.[103]

Based on the foregoing, it is necessary to carefully peel back the layers of technical concepts referenced above, so that, taken together, they can be understood in terms of how the NCAP may actually play out. The discussion must start with defining AI.

In terms of international instruments, AI has been defined in Article 2 of the Framework Convention on Artificial Intelligence and Human Rights, Democracy and the Rule of Law:[104]

Article 2 – Definition of artificial intelligence systems

For the purposes of this Convention, "artificial intelligence system" means a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations or decisions that may influence physical or virtual environments. Different artificial intelligence systems vary in their levels of autonomy and adaptiveness after deployment.

In our jurisdiction, the Philippine government, in COMELEC Resolution No. 11064[105] (September 17, 2024), has defined AI as:

"Artificial Intelligence Technology" refers to computer systems or machines that simulate human intelligence processes with focus on learning, reasoning problem solving, perception, use of language, and image manipulation influencing real or virtual environments.[106]

The Court's recently instituted Governance Framework on the Use of Human-Centered Augmented Intelligence in

the Philippine Judiciary[107] has similarly defined AI as follows:

Artificial intelligence (or AI system[108]) refers to any computational system designed for or [that] has the effect of processing data to perform tasks typically associated with human intelligence, including aspects of reasoning, learning, perception, prediction, planning, or control.[109] AI may be standalone systems or integrated in computer software, applications, or other tools.

Literature has also presented AI definitions which treat it as an entire discipline "concerned with the generation of software systems that provide functions, the execution of which requires what is typically referred to by the word intelligence." [110] From that perspective:

Artificial intelligence is a form of "intelligent computing" in that it relies on computer programs that can sense, reason, learn, act, and adapt much like humans do. It is "intelligent" because it emulates human cognition. It is "artificial" because it involves computational rather than biological information processing.[111] (Citations omitted)

Bearing in mind that we are not dealing with artificial general intelligence here, it is crucial to remember that AI does not, in fact, think the way a person does. In making use of algorithms to process data, AI can only approximate our cognition in various ways:

AI systems are often able to produce useful, intelligent results without intelligence. These systems do this largely through heuristics—by detecting patterns in data and using knowledge, rules, and information that have been specifically encoded by people into forms that can be processed by computers. Through these computational approximations, AI systems often can produce surprisingly good results on certain complex tasks that, when done by humans, require cognition. Notably, however, these AI systems do so by using computational mechanisms that do not resemble or match human thinking.[112] (Citations omitted)

Here, QPAX mentions an AI system that is tied to camera systems and was built upon deep learning, specifically to detect vehicles and pedestrians and read plate numbers. These details shift our discussion to an examination of the concepts of "algorithm," "machine learning," and "deep learning." Here, we piece together how AI for the NCAP—through one kind of approximation of human thinking called "computer vision"—may "see" and "recognize" vehicles, pedestrians, and license plates through cameras.

The term algorithm has been defined as "a procedure for solving a mathematical problem in a finite number of steps that frequently involves repetition of an operation and more broadly as a step-by-step procedure for solving a problem or accomplishing some end." [113] In the context of AI, this usually refers to "a computer code defining how to process data." [114] Thus:

[A]lgorithms tell a computer how to process inputs such as data to produce an output, such as a decision, prediction, or sorted list. Some algorithms are simple and fixed, while others "learn" patterns from data, as in machine learning.[115]

"Machine learning" and "deep learning" are defined as follows:

"Machine learning" (ML) is a more advanced form of AI that depends less on human programming and more on an algorithm's ability to use statistical methods and learn from data as it progresses. ML can either be "supervised" (human-trained) or "unsupervised," meaning that it is self-trained without human input.

....

A strong form of ML is "Deep Learning" (DL), which uses learning algorithms called artificial neural networks that are loosely inspired by the structure of the human brain. Artificial neurons are connected to one another in layers that rewire and edit themselves on the fly through "backpropagation" feedback loops. These emulate

neural pathways in the brain, which strengthen themselves each time they are used. This dynamic approach allows DL to find patterns in unstructured data, from which it models knowledge representation in a manner that resembles reasoning. With DL, developers input only basic rules (e.g., mathematical operations) and goals; the AI will figure out the steps necessary to implement them. This ability to adapt is what makes AI so powerful.[116] (Emphasis supplied)

Stated differently, machine learning entails "developing algorithms to improve the performance of procedures based on data or examples and without explicit programming"[117] while deep learning is "a technique . . . that can learn from massive amounts of data to provide effective solutions to a variety of machine learning problems." [118]

An AI system running algorithms through machine learning or deep learning is able to attain computer vision, a field of AI that "enables computers to see, identify, and understand visual information from images and videos, similar to how humans see and process this information. It uses machine learning to conduct tasks like recognizing objects, detecting faces, reading text, or tracking movement[.]"[119]

In general, computer vision unfolds in this way:

Computer vision can be pictured as the interaction between three broad processes, each working together and informing one another: recognition, reconstruction[,] and reorganization. Image recognition is all about identifying actions, objects, people, places[,] and writing in digital images or videos. Reconstruction derives the three-dimensional characteristics of those entities, while reorganization infers the relationships between the entities.

How computer vision works

Radiology imaging in pneumonia diagnosis is a common use case in computer vision. Radiologists have to carefully interpret chest X-rays, a process which can be error-prone and time-consuming due to the subtlety of pneumonia symptoms and their similarities with other lung conditions. A computer vision system can help.

There are multiple types of models and approaches for computer vision tasks, but the following hypothetical example illustrates a common workflow:

1. Data gathering

2. Preprocessing
3. Model selection
4. Model training

Data gathering

The first step is to collect the necessary visual data. Hospitals generate huge volumes of chest X-rays, which they can use to train a computer vision algorithm. Since the goal is for the algorithm to classify whether an X-ray image depicts pneumonia or not, hospitals will need to compile a dataset of chest X-ray scans and correctly label or annotate each scan as either normal or signifying pneumonia.

For other use cases, images and videos can come from sources such as cameras and sensors. Datasets like COCO, ImageNet and Open Images provide large collections of annotated images.

Preprocessing

An AI model is only as good as the data used to train it, which makes high-quality data crucial for computer vision. Preprocessing can help improve data quality through data cleaning and enhancements like adjusting brightness or contrast to sharpen images, as well as resizing and smoothing.

Datasets must also be sufficiently large and diverse enough for computer vision algorithms to produce accurate

results. Synthetic data generation and data augmentation can help expand the size and diversity of datasets. For instance, hospitals can use geometric transformations such as rotating chest X-ray images to the left or right or flipping images upside down to augment their data.

Model selection

Selecting the right machine learning model is crucial for optimizing efficiency and performance. Convolutional neural networks (CNNs) continue to be the primary deep learning model for image processing tasks, while recurrent neural networks (RNNs) are particularly suited for processing sequential data such as video frames.

However, advances in AI are powering a shift toward transformer models. For instance, a vision transformer (ViT) applies elements of a transformer-based language model to computer vision. ViTs process an image into patches and treat them as sequences, similar to tokens in a language transformer. The [ViT] then implements a self-attention mechanism across these patches to create a transformer-based representation of the input image. ViTs often match or exceed the performance of CNNs on computer vision tasks like image classification.

Model training

Once a model has been chosen, model training follows. The training stage involves running the model on training data specific to a computer vision task, measuring performance against ground truth and optimizing parameters to improve performance over time.

CNNs consist of three types of layers: a convolutional layer, a pooling layer[,] and a fully connected layer. The convolutional layer is where feature extraction happens. Feature extraction entails determining and capturing key visual attributes from raw image data, such as colors, edges, shapes[,] and textures. In the case of X-ray images with pneumonia, features to be extracted include asymmetric lung contours, bright regions that indicate inflammation or the presence of fluid (as opposed to dark, air-filled regions), clouded or opaque lung areas, and coarse or patchy textures. Feature extraction allows algorithms to distinguish significant relationships and patterns in visual data.

An X-ray image is treated as a matrix of pixel values. Another matrix of weights (parameters that control how much influence a given input feature has on the model's output) known as a filter or kernel is applied to an area of the X-ray image, with a dot product calculated between the input pixel values. The filter moves, or "convolves," across the image to extract features, and the entire process is known as a convolution. The final output from the series of dot products is called an activation map or a feature map. Each filter is tuned to respond to specific patterns, such as edges, shapes or textures, allowing the CNN to learn multiple visual features simultaneously.

The feature map is fed into a pooling layer to further reduce the map's size and compress its dimensions. Another filter sweeps through the entire input, taking the maximum or average values within a group of cells in the feature map. This retains the most essential features, allowing the model to focus its attention on them.

The act of moving across an image to extract features, reduce dimensions and produce a classification is known as a forward pass. After this forward pass, the model applies a loss function to calculate its error or the difference between its predicted classification and the true classification.

To minimize the loss function, backpropagation is employed. Backpropagation is a backward pass to compute the gradient of the loss function with respect to each weight. Then, the gradient descent technique is implemented to update model weights and optimize the model.

Finally, the fully connected layer conducts the task of classification based on the features extracted through the previous layers and their different filters. The CNN then generates its outputs, which are probabilities for each

class (in this case, normal vs. pneumonia). For the chest X-ray image classification task, this output will indicate either a normal scan or, if the likelihood passes a predetermined threshold, a scan positive for pneumonia.

Computer vision tasks

Computer vision algorithms can be trained on a wide range of tasks, some of which include:

- Image recognition
- Image classification
- Object detection
- Image segmentation
- Object tracking
- Scene understanding
- Facial recognition
- Pose estimation
- Optical character recognition . . .

. . . .

Image recognition

Image recognition is the broadest form of computer vision. It encompasses the identification of people, places, objects[,] and other entities in digital images and serves as the foundation for tasks like image classification, object detection[,] and image segmentation.

Image classification

Image classification is a core computer vision task that categorizes images into predefined groups or classes. It predicts the most fitting label for an image or objects within an image. The previously illustrated scenario of pneumonia diagnosis using chest X-rays is an example of image classification.

Object detection

Object detection aims to pinpoint where objects are in digital images. It melds two learning techniques: object localization and image classification.

Object localization identifies the location of specific objects in an image by drawing bounding boxes around them. Then, image classification distinguishes the category to which objects belong. In footage of road traffic, for example, computer vision apps can use object detection to not only classify vehicles but also locate them on the road.

Common CNN architectures for object detection include R-CNN (region-based convolutional neural network) and YOLO (you only look once). R-CNN implements two-stage detection by first determining regions bearing objects then running those regions through separate networks for classification and more exact localization. Meanwhile, YOLO conducts single-stage detection by blending localization and classification in a single network pass, making it swift enough for real-time object detection.

Object detection for videos usually applies transformer-based models and RNNs, particularly the long short-term

memory architecture.

Image segmentation

Image segmentation is a more precise, pixel-level version of object detection. It partitions a digital image into discrete groups of pixels known as image segments, then labels pixels according to their class or instance.

While object detection can classify multiple elements within an image and approximate each element's width and height, image segmentation discerns exact boundaries or shapes. This makes image segmentation valuable for delineating closely bunched objects with overlapping bounding boxes.

Image segmentation can be further subdivided into three task types:

- Semantic segmentation is the simplest type, assigning a semantic class—the specific category to which a given pixel might belong—to each pixel.
- Instance segmentation predicts the exact pixel-wise boundaries of each individual object instance in an image.
- Panoptic segmentation combines semantic and instance segmentation by determining the semantic classification of all pixels and differentiating each object instance in an image.

For instance, in an image of a city street, semantic segmentation might treat cars parked one in front of the other as one long car segment, while instance segmentation separates and determines the shape of each car.

Object tracking

Object tracking follows and traces an object as it moves across a sequence of video or image frames. It pinpoints and distinguishes the object in each frame and preserves the object's continuity during traversal.

Scene understanding

Scene understanding extends a step beyond object recognition, capturing a higher level of visual information. Upon identifying objects in an image, deep learning models predict connections between them, such as actions, events and interactions.

Graph neural networks (GNNs) can be used to represent the spatial relationships between objects in an image. In the traffic footage example, computer vision systems can infer that a taxi is moving in front of a car, a car is parked to the left of a taxi or a car is turning right.

Vision language models (VLMs) can also help with scene understanding. This pairing of large language models (LLMs) with vision transformers can recognize and classify objects within an image and provide contextual descriptions such as an object's position relative to other visual elements.

Facial recognition

Facial recognition applies image recognition to facial features. It captures the geometry of a face and spots key patterns like the distance between the eyes, the distance from forehead to chin, the contour of the nose and the shape of the lips.

Facial recognition can identify individuals in real time or in photos or videos. A popular example is biometric authentication through face recognition to unlock smartphones.

Pose estimation

Pose estimation gauges the spatial position of different body parts to recognize gestures and track body movements. For instance, pose estimation can aid in marking the orientation of a gamer's arms and hands during virtual reality gameplay. A more real-world example is NASA's computer vision software that provides robotic arm operators aboard the International Space Station with real-time pose estimation for precise grappling of targets.

Optical character recognition

Optical character recognition (OCR), also referred to as text recognition, extracts and converts text from images, scanned documents and other sources into a machine-readable format. As such, it helps automate the digitalization of handwritten text and paper records.

The OCR workflow follows these steps:

- Image acquisition converts the image or digital document into a black-and-white version, with light areas marked as background and dark areas marked as characters for recognition.
- Preprocessing removes extraneous pixels and can include deskewing to correct for the image being improperly aligned during scanning.
- Text recognition finds alphabetic letters, numeric digits or symbols, targeting one character at a time. It then identifies characters through pattern recognition, matching a character's font, scale[,] and shape to a template.

CNNs and transformer-based models are capable of more intelligent character recognition, extracting features such as curves, line intersections, loops[, | and the number of angled lines in a character. These algorithms are also capable of intelligent word recognition, distinguishing words instead of characters for faster processing.[120] (Citations omitted)

In relation to deep learning, as in the case of the AI system described by QPAX, computer vision may possibly proceed in this wise:

Taking the problem of object detection on a mobile robot as an example, we can compare the two types of algorithms for computer vision:

The traditional approach is to use well-established [computer vision (CV)] techniques such as feature descriptors ... for object detection. Before the emergence of [deep learning (DL)], a step called feature extraction was carried out for tasks such as image classification. Features are small "interesting", descriptive or informative patches in images. Several CV algorithms, such as edge detection, corner detection or threshold segmentation may be involved in this step. As many features as practicable are extracted from images and these features form a definition (known as a bag-of-words) of each object class. At the deployment stage, these definitions are searched for in other images. If a significant number of features from one bag-of-words are in another image, the image is classified as containing that specific object (i.e., chair, horse, etc.).

The difficulty with this traditional approach is that it is necessary to choose which features are important in each given image. As the number of classes to classify increases, feature extraction becomes more and more cumbersome. It is up to the CV engineer's judgment and a long trial and error process to decide which features best describe different classes of objects. Moreover, each feature definition requires dealing with a plethora of parameters, all of which must be line-tuned by the CV engineer.

DL introduced the concept of end-to-end learning where the machine is just given a dataset of images which have been annotated with what classes of object are present in each image. Thereby a DL model is 'trained' on the given data, where neural networks discover the underlying patterns in classes of images and automatically works out the most descriptive and salient features with respect to each specific class of object for each object.

It has been well-established that [deep neural networks (DNNs)] perform far better than traditional algorithms, albeit with trade-offs with respect to computing requirements and training time. With all the state-of-the-art approaches in CV employing this methodology, the workflow of the CV engineer has changed dramatically where the knowledge and expertise in extracting hand-crafted features has been replaced by knowledge and expertise in iterating through deep learning architectures[.]

....

The development of [convolutional neural networks (CNNs)] has had a tremendous influence in the field of CV in recent years and is responsible for a big jump in the ability to recognize objects. This burst in progress has been enabled by an increase in computing power, as well as an increase in the amount of data available for training neural networks[.]

CNNs make use of kernels (also known as filters), to detect features (e.g. edges) throughout an image. A kernel is just a matrix of values, called weights, which are trained to detect specific features. As their name indicates, the main idea behind the CNNs is to spatially convolve the kernel on a given input image check if the feature it is meant to detect is present. To provide a value representing how confident it is that a specific feature is present, a convolution operation is carried out by computing the dot product of the kernel and the input area where kernel is overlapped (the area of the original image the kernel is looking at is known as the receptive field).

To facilitate the learning of kernel weights, the convolution layer's output is summed with a bias term and then fed to a non-linear activation function. . . . Depending on the nature of data and classification tasks, these activation functions are selected accordingly[.]

....

To speed up the training process and reduce the amount of memory consumed by the network, the convolutional layer is often followed by a pooling layer to remove redundancy present in the input feature. For example, max pooling moves a window over the input and simply outputs the maximum value in that window effectively reducing to the important pixels in an image. . . . [D]eep CNNs may have several pairs of convolutional and pooling layers. Finally, a Fully Connected layer flattens the previous layer volume into a feature vector and then an output layer which computes the scores (confidence or probabilities) for the output classes/features through a dense network. This output is then passed to a regression function . . . which maps everything to a vector whose elements sum up to one.[121] (Citations omitted)

Having discussed how the NCAP's AI system may use cameras to monitor traffic, I expound on how it may be utilized in flagging traffic violations.

Going back to the QPAX's technology description, it must be noted that respondent LGUs are to shoulder the development of the Road Rules Violations Criteria based on their NCAP Ordinances and traffic codes. The Road Rules Violations Criteria must then be programmed into the AI system for it to have a machine-readable catalogue of traffic violations defined, identified, and designated by respondent LGUs themselves.

Related to this is the second kind of AI approximation of human thinking: knowledge representation and reasoning (as distinct, but related to, machine learning), where an AI system may be "taught" the traffic rules and, from there, "learn" what constitutes violations of those rules:

1. Machine Learning

Machine learning refers to a family of AI techniques that share some common characteristics. In essence, most machine-learning methods work by detecting useful patterns in large amounts of data. These systems can then apply these patterns in various tasks, such as driving a car or detecting fraud, in ways that often produce useful,

intelligent-seeming results. Machine learning is not one approach but rather refers to a broad category of computer techniques that share these features. Common machine-learning techniques that readers may have heard of include neural networks/deep learning, naive Bayes classifier, logistic regression, and random forests. Because machine learning is the predominant approach in AI today, I spend a little more time focused upon machine learning.

At the outset, it is important to clarify the meaning of the word learning in machine learning. Based upon the name, one might assume that these systems are learning in the way that humans do. But that is not the case. Rather, the word learning is used only as a rough metaphor for human learning. For instance, when humans learn, we often measure progress in a functional sense—whether a person is getting better at a particular task over time through experience. Similarly, we can roughly characterize machine-learning systems as functionally "learning" in the sense that they too can improve their performance on particular tasks over time. They do this by examining more data and looking for additional patterns. Importantly, the word learning does not imply that these systems are artificially replicating the higher-order neural systems found in human learning. Rather, these algorithms improve their performance by examining more data and detecting additional patterns in that data that assist in making better automated decisions.

Let us aim to get an intuitive sense as to how machine-learning systems use patterns in data to produce intelligent results. Consider a typical e-mail spam filter. Most e-mail software uses machine learning to automatically detect incoming spam e-mails (i.e., unwanted, unsolicited commercial e-mails) and divert them into a separate spam folder.

How does such a machine-learning system automatically identify spam? Often the key is to "train" the system by giving it multiple examples of spam e-mails and multiple examples of "wanted" emails. The machine-learning software can then detect patterns across these example e-mails that it can later use to determine the likelihood that a new incoming e-mail is either spam or wanted. For instance, when a new e-mail arrives, users are usually given the option to mark the e-mail as spam or not. Every time users mark an e-mail as spam, they are providing a training example for the system. This signals to the machine-learning software that this is a human-verified example of a spam e-mail that it should analyze for telltale patterns that might distinguish it from wanted e-mails.

What might such a useful pattern look like? One common approach simply uses word probabilities. In that technique, the system attempts to detect words and phrases that are more likely than average to appear in a spam e-mail. For instance, let's imagine that a user has marked 100 e-mails as spam. Say that the machine-learning algorithm examines all of these e-mails and keeps track of the rate at which certain words appear in spam e-mails versus wanted e-mails. Let's imagine that the system finds the following pattern: of e-mails that contain the word "free," 80% of those are spam e-mails, and only 20% of them are wanted e-mails (compared with a 5% spam-rate generally). The machine-learning algorithm has just detected a useful pattern—the presence of a particular word, "free," in an e-mail is a signal that this e-mail is much more likely than average (80% versus 5%) to be spam.

The machine-learning system can now use this pattern to make reasonable, automated decisions in spam-filtering going forward. The next time an e-mail comes in with the word "free" in it, the system is going to determine that this e-mail has a high probability of being spam and will automatically divert that e-mail to the spam folder. We can think of this as an intelligent result because this is roughly what a person would have done had he quickly scanned the e-mail, noticed words such as "free," and decided it was spam. In sum, in the above example, the system automatically learned, by looking for patterns among earlier spam e-mail data, that the word "free" is a statistical indicator that an incoming e-mail is likely spam.

As suggested, machine-learning systems are designed to learn and improve over time. How do they get better at identifying spam? By examining more data and looking for more useful signals of spam. For instance, imagine further that the user marks 100 additional e-mails as spam. By examining that trove of e-mails, the

software may learn a second correlation on its own: that e-mails originating from the country Belarus are much more likely to be spam than e-mails originating from elsewhere. The system has learned an additional signal for the likelihood of spam that should make its filtering better. With two signals—"free" and origination from Belarus—the e-mail system now has a better suite of spam-indicating patterns than it did before. When a future e-mail comes in with either the word "free" or origination from Belarus, the system will be able to mark it as spam with a high degree of probability.

This example illustrates a few points about machine learning more broadly. First, it shows how software can learn a useful pattern on its own without having a programmer explicitly program that pattern ahead of time. In our example, the software learned the rule that the presence of the word "free" was a likely indicator for spam on its own because its algorithm was specifically designed to identify words that are correlated with spam and calculate the associated probabilities. In other words, no programmer had to manually instruct the software that a word like "free" was a likely indicator of spam; rather, the machine-learning software determined it automatically by calculating the words most frequently associated with spam. Thus, machine-learning algorithms are, in some sense, able to program themselves because they have the capability of detecting useful decision rules on their own as they examine data and detect statistical outliers, rather than having those rules laid out for them explicitly, ahead of time, by human programmers.

Second, this example illustrates that the software was learning by improving its performance over time with more data. At first, the software had detected only one indicia of spam—the presence of the word "free", but over time it figured out another spam signal—e-mails originating from Belarus. In that way, the software acquired more heuristics by examining more data that made it better at automatically detecting spam e-mails than it was before. This illustrates how the "learning" in machine learning is merely a metaphor for human learning and does not involve replicating the higher-order brain and cognitive processes found in human learning, but rather, involves the detection of additional useful patterns with more data.

This example also helps us understand the limits of machine learning compared to human intelligence and Strong AI. When a human reads an e-mail and decides that it is spam, the person understands its words and their meaning by activating higher-order cognitive centers associated with language. This might happen very quickly, as a human decides whether, through meaning, that given e-mail is or is not spam. By contrast, in the machine-learning-based spam filter listed above, the system doesn't understand the meaning of words like "tree" or the concept of countries like Belarus, nor does it need to. Rather, the machine-learning system described above made its automated decisions based upon heuristics—the presence of statistically relevant signals like "free"—to make its intelligent-seeming decisions.

What is interesting, and perhaps amazing, is that these patterns and heuristics can sometimes produce intelligent results—the same results that a human would have come to had she read it—without underlying human-level cognition. This is a fascinating fact—that machines can use detected patterns to make useful decisions about certain complex things without understanding their underlying meaning or significance in the way a human might. This observation will be relevant once we examine machine learning applied in the legal context and will be helpful in understanding the limits of AI in law.

In sum, machine learning is currently the most significant and impactful approach to artificial intelligence. It underlies most of the major AI systems impacting society today, including autonomous vehicles, predictive analytics, fraud detection, and much of automation in medicine. It is important, however, to emphasize how dependent machine learning is upon the availability of data. The rise of machine learning has been fueled by a massive increase in the availability of data on the Internet, as more societal processes and institutions operate using computers with stored, networked data. Because effective machine learning typically depends upon large amounts of high-quality, structured, machine-processable data, machine-learning approaches often do not function well in environments where there is little data or poor-quality data. As will be discussed later, law is one of those domains where high-quality, machine-processable data is currently comparatively scarce except in

particular niches.

2. Rules, Logic, and Knowledge Representation

Let us now turn to the other major branch of AI: logical rules and knowledge representation. The goal behind this area of AI is to model real-world phenomena or processes in a form that computers can use, typically for the purposes of automation. Often this involves programmers providing a computer with a series of rules that represent the underlying logic and knowledge of whatever activity the programmers are trying to model and automate. Because the knowledge rules are deliberately presented in the language of the computer, this allows the computer to process them and deductively reason about them.

Knowledge representation has a long and distinguished history in the field of AI research and has contributed to many so-called expert systems. In an expert system, programmers in conjunction with experts in some field, such as medicine, aim to model that area of expertise in computer-understandable form. Typically, system designers try to translate the knowledge of experts into a series of formal rules and structures that a computer can process. Once created, such a medical-expert system might allow later users to make automated, expert-level diagnoses using the encoded knowledge (e.g., if a patient has symptoms X and Y, the expert system, using its rules, determines that it is likely medical condition Z).

A good example of a legal-expert system comes from tax-preparation software such as Turbo Tax. To create such a system, software developers, in consultation with tax attorneys and others experts in the personal income tax laws, translate the meaning and logic of tax provisions into a set of comparable formal rules that a computer can process.

Let us get an intuition as to what it actually means to "translate" a law into a computer rule. Imagine that there is a tax law that says that for every dollar of income that somebody makes over [USD] 91,000, she will be taxed at a marginal tax rate of 28%. A programmer can take the logic of this legal provision and translate it into an if-then computer rule that faithfully represents the meaning of the law (e.g., if income > [USD] 91,000, then tax rate = 28%). Once represented formally, the preparation software can use such a computer rule to analyze the income being reported by the filer and automatically apply the appropriate legal tax rate. The same can occur with many other translated tax provisions. Although this is an over simplified example, it illustrates the basic logic underlying the law-to-computer-rule translation process.

More broadly, these knowledge, logic, and rules-based AI methods involve a top-down approach to computation. This means that programmers must, ahead of time, explicitly provide the computer with all of its operating and decision rules. This is in contrast to the bottom-up machine-learning approach described earlier, where the computer algorithm organically determined its operating rules on its own.

There are a few points to note about these rules-based knowledge-representation systems. Although they have not made as large an impact as machine-learning systems, there is a power to this explicit, top-down knowledge representation. Once rules are represented in a computer-programming language, a computer can manipulate these rules in deductive chains to come to nonobvious conclusions about the world. These systems can combine facts about the world, using logical rules, to alert users about things that might be too difficult for a person to figure out on her own. Additionally, knowledge-based AI systems can harness the power of computing to reveal hard-to-detect details—such as contradictions—embedded in systems that a human would not be able to discern.

They can also engage in complex chains of computer reasoning that would be too difficult for a human to do. Take an example from the tax context. During the course of work, one might have a separate credit card used for business trips. The income tax code often treats business expenses different than personal expenses. The computer could be programmed with a rule indicating that expenses on a particular credit card should be marked as business expenses. Having programmed a rule about differential treatment for business expenses, the computer could automatically treat thousands of expenses differently using the tax-treatment rule. The

point is that knowledge and rules-based AI systems, in the right setting, can be very powerful tools. Knowledge-based expert systems and other policy-management systems are very widespread in the business world.

3. Hybrid AI Systems

The prior section indicated that there are, at a high level, two broad ways to program computer systems to do AI tasks. The first approach involves machine learning, where systems rely upon algorithms that detect patterns in data that can be harnessed to make intelligent decisions. The second approach involves knowledge representation and logic rules, in which explicit facts and rules about some activity are explicitly programmed into software, harnessing the knowledge of domain experts about how some system or activity operates. Both AI approaches can be effective depending on their own domain. This section examines various ways in which AI systems are actually combinations of multiple techniques.^a

Machine Learning/Knowledge Representation Hybrid Systems

One point to emphasize is that many modern AI systems are not fully machine-learning or knowledge-based systems but are instead hybrids of these two approaches. For example, self-driving cars operate using trained machine-learning systems that help them drive. The system learns to drive itself through a repeated training process by which it automatically infers appropriate driving behavior. However, a good deal of the behavior of the self-driving car also involves explicit rules and knowledge representation. In many autonomous vehicles projects, humans have hand-coded a series of rules, based upon the knowledge of driving, that represent generally appropriate behavior. For example, the behavior that one should generally stop at a stop sign is likely to be hand coded. In addition, human coders manually update features on maps, for example, identifying stop signs. So for an AI system as complex as a self-driving vehicle, it must rely upon a mix of AI technologies, including machine-learning models, as well as hand-coded knowledge-representation rules about the world. We can, therefore, think of it as a hybrid system. The larger point is that we need not think of AI systems as exclusively involving one approach or another, but rather often involves a mixture of the two.^[122] (Citations omitted)

Based on these, the AI system developed for the NCAP which makes use of a network of cameras may, through computer vision, detect vehicles and pedestrians, recognize road markings, and read stop lights and road signs. At the same time, making use of knowledge representation and reasoning, it may also be able to tell and decide that what it is "seeing" counts as a traffic violation.

From there, the AI system may be triggered to detect the license plate and read the plate number of errant vehicles, beginning its process of identification, which includes finding the name of its registered owner from the LTO's database. As explained by respondents Manila City Government and Parañaque Government:

[Excerpt from Respondent Manila City Government's Memorandum]

15.3 The NCAP technology provided by QPAX consists of traffic enforcement camera systems that automatically detect and capture traffic violations specified by the Manila City. The camera systems are equipped with [AI] and deep machine learning-based vehicle detection, which enable them to: (a) detect different types of violation[s] . . . ; (b) detect, classify and recognize vehicles, such as their model and brand, entering a multi-lane road setting; . . . and (d) detect pedestrians at intersections.

15.4 The camera systems are equipped with automatic name plate recognition that enables them to read the plate numbers. Despite these capabilities, Manila City has only directed QPAX to focus on violation detection and name-plate recognition for its NCAP in the meantime. There is no quantum computing or algorithm where the system recognizes past violations and profile the same vehicles for future apprehensions.

15.5 Manila City itself defines, identifies, and designates the violations to be detected and captured by the cameras. Thus, though powered by [AI] and machine learning, the cameras were programmed to only capture

the traffic violations defined, identified, and designated by the City. The only machine learning that has been adopted makes the cameras more accurate as more possible violations are detected.

15.6 The cameras themselves do not, on their own, detect and capture any other type of violations. In order for a camera to capture a violation, the intersection box, pedestrian crossing lane, stop bar, and lanes viewed by the camera are replicated in the system and programmed with detection lines on or along stop bars, yellow boxes, road markings, bike lanes, and pedestrian lanes.

15.7 Based on the parameters as programmed in the system, the camera will automatically detect a "possible" violation, as specified by and for approval of the City of Manila and records a 20-second, high-definition video (10 seconds before and 10 seconds after the point of detection) and pictures of the detected violation. The video and images of the detected violation are then automatically encrypted and transmitted to a central server via a secure network. The camera records all potential violations as programmed in the system, regardless of vehicle model, size, or type.

15.8 The following illustrates how the detection lines and parameters are set in the system to capture the violation defined by Manila City:

(image supposed to be here)

15.9 Manila City likewise specifies where the cameras are located, how the cameras are angled to cover all possible lanes, and when the cameras are activated or deactivated (e.g., when there are ongoing road repairs or defective traffic signals), within its jurisdiction. Cameras are angled in such a manner as to provide a complete view of the area so that nobody has to make assumptions when deciding whether a violation should generate an NOV.[123]

[Excerpt from Respondent Parañaque City's Memorandum]

10. As prescribed in the Assailed NCAP Ordinance, the LGU uses electric devices that automatically take high-speed, high resolution photos and videos of vehicles committing traffic violations. After the LGU reviews and approves the footages in order to confirm that traffic violations were indeed committed, [NOV] are then sent to the registered owners of vehicles, eliminating the need to physically apprehend violators. In order to do this, the LGUs refer to the Land Transportation Offices' ("LTO") database to determine who are the registered owners of the vehicles.

11. The traffic violations that can be the subject of the NCAP, which are defined, identified, and designated by RA 4137, the local traffic code and the Assailed NCAP Ordinance, are programmed in the system to be the violations that will be detected and captured by the cameras. Thus, though powered by [AI] and machine learning, the cameras were programmed to only capture the traffic violations defined, identified, and designated by the law and as directed by the LGU.

12. In order for a camera to capture a violation, the intersection box, pedestrian crossing lane, stop bar, and lanes viewed by the camera are replicated in the system and programmed with detection lines on or along stop bars, yellow boxes, road markings, bike lanes, and pedestrian lanes as shown below:

(image supposed to be here)

13. Based on the parameters as programmed in the system, the camera will automatically detect a "possible" violation. The system records a 20-second high-definition video (10 seconds before and 10 seconds after the point of detection) and pictures of the detected possible violation, which are then automatically encrypted and transmitted to respondent Parañaque City, for review and approval, in a central server via a secure network. The camera records all potential violations as programmed in the system, regardless of vehicle model, size[,] or type.

14. Respondent Paranaquc City likewise specified where the cameras will be located, how the cameras will be

angled to cover all possible lanes, and when the cameras will be activated or deactivated (e.g., when there are ongoing road repairs or defective traffic signals) in its jurisdiction.[124]

Despite the foregoing, it cannot be overemphasized how many details of the NCAP's AI system's inner workings remain uncertain.

These uncertainties behoove us to consider a third dimension of privacy as affected by the assailed NCAP Ordinances: informational privacy, specifically in terms of its surveillance aspect. These uncertainties create an unignorable opening for algorithmic opacity.

Algorithmic opacity, otherwise known as the black-boxing of AI systems, refers to a circumstance where "the decision-making processes of complex algorithms"[125] become "difficult[to] understand[] and interpret[],"[126] and its inner workings, in terms of its "numerous parameters and layers of computation,"[127] are rendered "opaque even to experts." [128]

This state of "near impossibil[ity] to subsequently trace how an algorithmic system produced a given output" is especially true for "algorithmic systems relying on forms of machine learning," which "do not operate according to a 'if a then' logic, but are discovering patterns in the underlying data in a more or less unsupervised manner." [129] The opacity is more intensified for AI systems with deep learning model:

The deep neural network is based on a mathematical model called the artificial neuron. While originally based on a simplistic model of the neurons in human and animal brains, the artificial neuron is not meant to be a computer-based simulation of a biological neuron. Instead, the goal of the artificial neuron is to achieve the same ability to learn from experience as with the biological neuron. Multi-layered networks of these interconnected artificial neurons were not possible until the mid-1980s, when a method of training such networks was rediscovered and further developed. Since then, the ability to connect layers of neural networks has yielded staggering results. What has emerged is the so-called "deep" architecture of artificial neurons, referred to as Deep Neural Networks, where several layers of interconnected neurons are used to progressively find patterns in data or to make logical or relational connections between data points. Deep networks of artificial neurons have been used to recognize images, even detecting cancer at levels of accuracy exceeding that of experienced doctors.

No single neuron in these networks encodes a distinct part of the decision-making process. The thousands or hundreds of thousands of neurons work together to arrive at a decision. A layer or cluster of neurons may encode some feature extracted from the data (e.g., an eye or an arm in a photograph), but often what is encoded will not be intelligible to human beings. The net result is akin to the way one "knows" how to ride a bike. Although one can explain the process descriptively or even provide detailed steps, that information is unlikely to help someone who has never ridden one before to balance on two wheels. One learns to ride a bike by attempting to do so over and over again and develops an intuitive understanding.

Because a neural network is learning from experience, its decision-making process is likewise intuitive. Its knowledge cannot in most cases be reduced to a set of instructions, nor can one in most cases point to any neuron or group of neurons to determine what the system found interesting or important. Its power comes from "connectionism," the notion that a large number of simple computational units can together perform computationally sophisticated tasks. The complexity of the large multi-layered networks of neurons is what gives rise to the Black Box Problem.[130]

The algorithmic opacity can appear as a legal black box, where "the opacity in fact comes from the propriety characteristics of statistical models or source codes, which are legally protected by relevant trade secret statutes," or as a technical black box, where "decisional rules emerge automatically in ways that no one—even the programmers—can adequately explain why and how certain decisions and determinations are made." [131]

Technical black-boxing can be a matter of code complexity and/or deployment scale. Burrell elaborates on these:

Opacity as intentional corporate or state secrecy

One argument in the emerging literature on the 'politics of algorithms' is that algorithmic opacity is a largely intentional form of self-protection by corporations intent on maintaining their trade secrets and competitive advantage. Yet this is not just about one search engine competing with another to keep their 'secret sauce' under wraps. It is also the case that dominant platforms and applications, particularly those that use algorithms for ranking, recommending, trending, and filtering, attract those who want to 'game' them as part of strategies for securing attention from the general public. The field of 'search engine optimization' does just this. An approach within machine learning called 'adversarial learning' deals specifically with these sorts of evolving strategies. Network security applications of machine learning deal explicitly with spam, scams, and fraud and remain opaque in order to be effective. Sandvig notes that this 'game of cat-and-mouse' makes it entirely unlikely that most algorithms will be (or necessarily should be) disclosed to the general public. That said, an obvious alternative to proprietary and closed algorithms is open source software. Successful business models have emerged out of the open source movement. There are options even in 'adversarial learning' such as the SpamAssassin spam filter for Apache.

On the other hand, Pasquale's more skeptical analysis proposes that the current extent of algorithmic opacity in many domains of application may not be justified and is instead a product of lax or lagging regulations. In his book *The Black Box Society: The Secret Algorithms that Control Money and Information* he argues that a kind of adversarial situation is indeed in play, one where the adversary is regulation itself. 'What if financiers keep their doings opaque on purpose, precisely to avoid or to confound regulation?' he asks. In reference to this, he defines 'opacity' as 'remediable incomprehensibility.'

The opacity of algorithms, according to Pasquale, could be attributed to willful self-protection by corporations in the name of competitive advantage, but this could also be a cover for a new form of concealing sidestepped regulations, the manipulation of consumers, and/or patterns of discrimination.

For this type of opacity, one proposed response is to make code available for scrutiny, through regulatory means if necessary. Underlying this particular explanation for algorithmic opacity is an assumption that if corporations were willing to expose the design of the algorithms they use, it would be possible to ascertain problems of consumer manipulation or regulatory violation by reading the code. Pasquale acknowledges that such measures could render algorithms ineffective though suggests that it may still be possible with the use of an independent, 'trusted auditor' who can maintain secrecy while serving the public interest. In the absence of access to the code, Sandvig et al. detail and compare several forms of algorithmic audit (carried out with or without corporate cooperation) as a possible response, a way of forcing the issue without requiring access to the code itself.

Opacity as technical illiteracy

This second level of opacity stems from an acknowledgement that, at present, writing (and reading) code and the design of algorithms is a specialized skill. It remains inaccessible to the majority of the population. Courses in software engineering emphasize the writing of clean, elegant, and intelligible code. While code is implemented in particular programming languages, such as C or Python, and the syntax of these languages must be learned, they are in certain ways quite different from human languages. For one, they adhere strictly to logical rules and require precision in spelling and grammar in order to be 'read' by the machine.

Good code does double-duty. It must be interpretable by humans (the original programmer or someone adding to or maintaining the code) as well as by the computational device. Writing for the computational device demands a special exactness, formality, and completeness that communication via human languages does not. The art and 'craft' of programming is partly about managing this mediating role and entails some well-known 'best practices' like choosing sensible variable names, including 'comments' (one-sided communication to

human programmers omitted when the code is compiled for the machine), and choosing the simpler code formulation, all things being equal.

Recent calls for greater diversity in STEM fields and for general efforts toward developing 'computational thinking' at all levels of education are relevant. Diakopoulos likewise suggests ways that journalists might play a valuable role in reverse engineering algorithms to inform the general public, but notes that this poses a challenge of 'human resource' development, one of developing code and computational literacy in journalists or others who wish to do this sort of examination. To address this form of opacity, widespread educational efforts would ideally make the public more knowledgeable about these mechanisms that impact their life opportunities and put them in a better position to directly evaluate and critique them.

Opacity as the way algorithms operate at the scale of application

Scholars have noted that algorithms (such as that underlying the Google search engine) are often multi-component systems built by teams producing an opacity that programmers who are 'insiders' to the algorithm must contend with as well. A call for code 'audits' (where this means reading the code) and the employment of 'auditors' may underestimate what this would entail as far as the number of hours required to untangle the logic of the code within a complicated software system. This valid critique is nevertheless non-specific about different classes of algorithms and their particular logics.

I further argue that there are certain challenges of scale and complexity that are distinctive to machine learning algorithms. These challenges relate not simply to total number of lines or pages of code, the number of team members on the engineering team, and the multitude of interlinkages between modules or subroutines. These are challenges not just of reading and comprehending code, but being able to understand the algorithm in action, operating on data. Though a machine learning algorithm can be implemented simply in such a way that its logic is almost fully comprehensible, in practice, such an instance is unlikely to be particularly useful. Machine learning models that prove useful (specifically, in terms of the 'accuracy' of classification) possess a degree of unavoidable complexity.

Machine learning in particular is often described as suffering from the 'curse of dimensionality'. In a 'Big Data' era, billions or trillions of data examples and thousands or tens of thousands of properties of the data (termed 'features' in machine learning) may be analyzed. The internal decision logic of the algorithm is altered as it 'learns' on training data. Handling a huge number especially of heterogeneous properties of data (i.e. not just words in spam email, but also email header info) adds complexity to the code. Machine learning techniques quickly face computational resource limits as they scale and may manage this, using techniques written into the code (such as 'principal component analysis') which add to its opacity. While datasets may be extremely large but possible to comprehend and code may be written with clarity, the interplay between the two in the mechanism of the algorithm is what yields the complexity (and thus opacity). Better understanding this complexity (and the barriers to overcoming the opacity it effects) is the concern of the following examples.[132] (Citations omitted)

The danger that should be considered in the present case is, primarily, the possibility of the technical black-boxing of the NCAP's AI system. Law enforcement agencies' efforts to make the NCAP AI system more accurate may amplify its complexities, and in that sense push its working closer to opacity rather than transparency:

[A]lgorithmic end-products of machine learning are often difficult to interpret, even by experts. The algorithms hopefully yield accurate outcomes, but an explanation in understandable terms as to why a specific decision is recommended cannot be supplied. The model is effectively a black box for all of us, laymen and experts alike. This is the problem of "interpretability" or "explainability" as it is called. Hence, the argument continues, such transparency delivers very little in terms of explanation. It can only yield technical clarifications about the classificatory accuracy of an algorithm, but it cannot clarify the reasons behind its particular recommendations.

What about the truth of this assertion? Classifiers, or decision trees, have always been ecisily interpre table. By

their very construction, any observer can go along the tree from top to bottom and have an inkling of how input variables influence the output. Gradually, however, the techniques involved have become ever more sophisticated. In the search for more accurate predictions "ensemble methods" have been developed; interpretability has suffered as a result. Let me present a few of these methods.

Boosting, as invented by Robert Shapire in the 1990s, is a technique for optimizing a particular classifier (say, a decision tree). One repeatedly calls the same algorithm on the training data, but these are altered ever so slightly. After each round, one inspects how well data points have been classified; those that were classified wrongly are given greater weights in the next round. After typically 25 to 50 rounds, one stops. The final classifier is obtained by the summation of all classifiers that have been produced, weighted by how well they actually performed in classifying the (weighted) data points. Such a summation effectively obfuscates interpretation.

Another technique for optimizing a classifier is bagging (short for bootstrap aggregating), as invented by Leo Breiman in 1994. The algorithm is called repeatedly, typically several hundreds of times, and each time applied to a fresh subsample (of fixed size) of the training set as a whole—with subsamples being drawn with replacement. In the end, all classifiers obtained vote on the outcome for each data point; so effectively, the majority vote of all classifiers together decides. No weights have to be calculated as in boosting. What happens, intuitively, is that random variations in the dataset cancel each other out, leading to more accurate classification. As with boosting, interpretability suffers.

In a subsequent development, bagging of classifiers has been modified by Tin Kam Ho. While repeatedly training the algorithm, introduce what has been named feature bagging: at each round do not involve all features of the training data, but select a fresh random subset of features from them (its size being a fixed number). As in the case of "normal" bagging, the majority vote decides the outcome. This "random subspace method" aims to contain the dominant influence of strong predictors. While this is again a summation method, interpretability is sacrificed once more.

So, in a nutshell, modern classifiers no longer employ just one single tree for classifying fresh data, which would allow easy interpretation. Instead, they use multiple trees, up to hundreds of them, in a summation procedure. Then, it is no longer feasible to pick any tree from the forest as being the most important one. As a result, the explanation of classification outcomes (which factors contributed most to a particular result?) is no longer a straightforward affair.

Next, consider neural networks. These have always been inscrutable by their very design. In them, a middle layer (or more than one of them) is inserted between input and output. The weights connecting input variables to the middle variables as well as those connecting the middle variables to the output variable are being adjusted in several iterations. The end model obtained displays all those weights, but cannot be interpreted as to how much the various input variables contribute to the outcome. A similar remark applies to [support vector machines (SVMs)]. This method focuses on the construction of a hyperplane separating the classes of the target variable (say, the +1's from the -1's). Whenever a linear solution is unfeasible, one applies the "kernel trick" that projects the training data into a higher dimensional space. Subsequently, in that space, a solution plane can be found in linear fashion, but interpretation of the parameters is a hard task.

Finally, it should be signaled that increasingly classifiers—as well as neural networks—in use are being updated dynamically. As new data pour in, the opportunity presents itself to update the classifiers or neural networks involved. With the increase in big data and computer power, this trend is inescapable. As a result, if interpretation is feasible at all, it is bound to change all the time.

In sum, the search for increasing accuracy pushes interpretability into the background[.][133] (Citations omitted)

Once technical black-boxing sets in on the NCAP's AI system, a threat is posed to informational privacy through

its surveillance aspect. Technical black-boxing may infringe on individuals' right to control the data that was surveilled from them, precisely by weakening their ability to understand how that data is taken and used.

Courts currently employ a two-fold test to determine whether a matter is covered by the right to privacy. *Integrated Bar of the Philippines v. Purisima*[134] teaches:

Further on informational privacy:

Informational privacy has two aspects: the right not to have private information disclosed, and the right to live freely without surveillance and intrusion. In determining whether or not a matter is entitled to the right to privacy, this Court has laid down a two-fold test. The first is a subjective test, where one claiming the right must have an actual or legitimate expectation of privacy over a certain matter. The second is an objective test, where his or her expectation of privacy must be one society is prepared to accept as objectively reasonable[.][135] (Emphasis supplied, citations omitted)

As the use of AI widens, there may now be a need to develop a third test for safeguarding the right to informational privacy—a balancing test, which takes into consideration the following factors: (1) developers' proprietary rights over their AI system; (2) individuals' right to control the data that was surveilled from them; and (3) the cybersecurity-based need to be cautious about publicizing the technical specificities of an AI system deployed by the government.

For example, within the jurisdiction of the European Union, there have been some development on "the method of striking a balance between trade secret protection and the protection of transparency interest," which point to the need to have "judges. . .achiev[e] such a balance in practice":[136]

Ensuring algorithmic transparency, in particular the right to explanation in automated decisions while protecting trade secrecy, requires a delicate balancing. As discussed above, the corresponding provisions in the [General Data Protection Regulation (GDPR)] and the Trade Secret Directive provide only general guidance. Investigating the relationship between trade secret and data protection under the GDPR, Gianclaudio Malgieri argues that the prevalence of one or the other legal regime, ie whether the right to explanation or the protection of trade secrecy prevails, should be determined on a case-by-case basis. This is in line with the way in which these potentially inconsistent legal regimes should operate. However, no statutory rule or judicial decisions provided an insight into how the case-by-case balancing act should be conducted, in particular identifying specific factors that might be considered in the analysis.

In a recent judgment, the Court of Justice of the European Union (CJEU) had the opportunity to consider this issue in the *Dun and Bradstreet (D&B) Austria* case. There, a mobile telephone operator refused to conclude or extend a mobile telephone contract which would have required a monthly payment of EUR 10 on the ground that, according to an automated credit assessment, carried out by D&B, the complainant CK did not have sufficient financial creditworthiness. D&B had not provided the complainant with sufficient explanations to enable her to understand how the prognosis on the probability of her future behaviour ('score') had been established other than stating that, to obtain the scoring, 'certain socio-demographic data concerning CK had been "given equal weighting"'.

Based on expert advice on the minimum information required to meet the obligation to provide meaningful information regarding the logic involved in the automated decision under the GDPR, the referring Administrative Court of Austria believed the following information to be necessary to satisfy the requirement 'meaningful information about the logic involved':

- the personal data concerning CK which have been processed in order to formulate a 'factor';
- the mathematical formula on which the calculation that led to the score at issue in the main proceedings is based;

- the specific value attributed to CK for each of the factors concerned;
- the precise intervals within which the same value is attributed to different data for the same factor (interval or discrete evaluation or index/land-register-based evaluation) and
- a list of scoring for the period covering the 6 months preceding and the 6 months following the establishment of CK's score, as obtained using the same calculation rule.

The referring court asked several questions in its preliminary reference, the most pertinent being the following: Can the tension between the right of access guaranteed by Article 15(1)(h) of the GDPR and the right to non-disclosure of a trade secret protected by [Directive 2016/943] be resolved by allowing the information to be disclosed as a trade secret within the meaning of [point 1 of Article 2 of Directive 2016/943] be disclosed to the authority or the court only, so that the authority or the court must independently verify whether it must be assumed that a trade secret within the meaning of (point 1 of Article 2 of Directive 2016/943] exists and whether the information provided by the controller within the meaning of Article 15(1) of the GDPR is accurate?

In this regard, it is interesting to observe that the referring court referred to article 9 of the Trade Secret Directive. Article 9, which pertains to the preservation of confidentiality of trade secrets in the course of legal proceedings, requires Member States to ensure that parties involved in legal proceedings related to the unlawful acquisition, use or disclosure of a trade secret, including lawyers, court officials, witnesses and experts, are prohibited from using or disclosing confidential trade secret accessed during the judicial proceeding. The provision does not apply to cases where unlawful acquisition, use or disclosure is not involved, for instance where the controversy relates to a data subject exercising their right, as in the case at hand. Therefore, it is unclear why the referring court mentioned article 9. Similarly, the CJEU did not express its view on the relevance of that provision. However, it concluded that although a balance must be struck between the right to access of the data subject and the rights or freedoms of others including trade secret, such a process should not lead to a full refusal to provide any information, as stated in recital 63 of the GDPR. It recognised that:

...in particular in so far as it contains personal data of third parties protected by that regulation or trade secrets, within the meaning of point 1 of Article 2 of Directive 2016/943. In that case too, that information must be disclosed to the competent supervisory authority or court, which must balance the rights and interests at issue with a view to determining the extent of the data subject's right of access to personal data concerning him or her. In that regard, it should be borne in mind that a Member State cannot definitively prescribe the result of a case-by-case balancing of the rights and interests at issue imposed by EU law[.]

Therefore, it is for the national courts to balance the rights of individuals in the case of [automated decision-making (ADM)] versus trade secret by considering proportionality on a case-by-case basis. This position has support in the reading of the GDPR provisions as well as the Trade Secret Directive. More importantly, it ought to be acknowledged that, fundamentally, the law in this area is reasonably workable with appropriate judicial interpretation.

Recent legislative developments also tend to do nothing more than provide a general principle in addressing the conflicting interests of algorithmic transparency and trade secrecy. For instance, the EU AI Act, and the now-withdrawn Draft AI Liability Directive, highlight the need for balancing the protection of individual rights and public interest to the disclosure of information on the one hand and the trade secret rights on the other, with relatively more detailed provisions. A caveat here would be that the EU AI Act covers a slightly broader notion of algorithmic transparency, which involves potential disclosure of information to entities involved in the application of the act rather than to individuals affected by an ADM. However, the general idea behind the prevailing rules under the EU AI Act, the GDPR and the AI Liability Directive remains that transparency and trade secrecy

require a balancing act.

Article 78 of the EU AI Act reiterates that legal or natural persons that engage in the application of the regulation must protect the confidentiality of information obtained in the relevant activities, including the trade secrets of the businesses, in accordance with article 5 of the Trade Secret Directive. Under article 5 of the directive, trade secret could be divulged for the following reasons:

(iv)

for exercising the right to freedom of expression and information as set out in the Charter, including respect for the freedom and pluralism of the media;

(iv)

for revealing misconduct, wrongdoing or illegal activity, provided that the respondent acted for the purpose of protecting the general public interest;

(iv)

disclosure by workers to their representatives as part of the legitimate exercise by those representatives of their functions in accordance with Union or national law, provided that such disclosure was necessary for that exercise and

(iv)

for the purpose of protecting a legitimate interest recognized by Union or national law

The EU AI Act therefore assumes that information protected by trade secrets can be disclosed for instance to regulatory entities or conformity assessment bodies obtaining technical documentation. Such information cannot be disclosed further, except under article 5 of the Trade Secret Directive. This provision is slightly different from article 3 of the AI Liability Directive, which allows a court, 'upon a duly reasoned request of a party or on their own initiative, to take specific measures necessary to preserve confidentiality when that evidence is used or referred to in legal proceedings'. Both the EU AI Act and the AI Liability Directive are based on the notion that the disclosure of information, including trade secrets, should be limited and proportionate to what is necessary, i.e., to risk assessment in the case of the AI Act or 'to support a potential claim or a claim for damages and the preservation to that which is necessary and proportionate to support such a claim for damages' in the case of the AI Liability Directive.[137] (Emphasis supplied, citations omitted)

Similar discussions have been made relating to the matter of balancing the trade-offs between AI systems' explainability (i.e., algorithmic transparency) and its security:

On one hand, transparency is essential for understanding AI behavior and building trust. On the other hand, making a model too transparent may reveal vulnerabilities that adversaries can exploit. Exposing too much information about how a system detects and responds to threats could give attackers an edge in evading detection. The core dilemma centers around ensuring robust security without compromising the explainability needed for effective human oversight and regulatory compliance.

....

A. Vulnerability of Explanations to Exploitation

One of the key challenges in creating explainable AI (XAI) systems is the potential vulnerability of explanations to exploitation. While transparency in decision-making is essential for building trust and ensuring

accountability, it can also provide attackers with insights into how a system operates. Once an adversary understands the logic behind AI decisions, they may craft more targeted and sophisticated attacks that exploit these weaknesses. For example, an attacker could manipulate the system's inputs in ways that circumvent detection, knowing how the AI model interprets certain features. This is a significant concern when developing AI systems for high-stakes environments like cybersecurity, where adversaries constantly seek to identify and exploit vulnerabilities.

B. Over-Simplification of Models

In the pursuit of explainability, AI models may be simplified to the point that their performance is compromised. Complex models, such as deep learning networks, are often more accurate at detecting intricate and subtle security threats, but they are difficult to explain. To make these models more interpretable, security teams may be tempted to reduce their complexity, making them easier to understand but less effective at identifying advanced or novel threats. Striking the right balance between simplicity and effectiveness is a significant challenge in designing XAI systems for cybersecurity.

C. Balancing Accuracy and Explainability

The fundamental trade-off between model accuracy and explainability is particularly pronounced in cybersecurity. More complex models, such as deep learning, typically deliver better security outcomes because they can process and learn from vast amounts of data, capturing intricate patterns that simpler models might miss. However, these models tend to be opaque, making it difficult to understand the rationale behind their decisions. In contrast, simpler models that prioritize explainability may lack the precision needed to detect sophisticated cyberattacks. This trade-off necessitates a careful evaluation of when and how to compromise between performance and interpretability, especially in cybersecurity contexts where both high accuracy and transparency are paramount.

V. The Trade-off Between Explainability and Security

A. Performance and Security Effectiveness

Less interpretable AI models, such as deep learning networks or ensemble methods, tend to provide superior security performance due to their ability to handle complex, high-dimensional data and identify nuanced patterns. However, these models come at the cost of transparency. Security teams may struggle to trust these models, particularly when they are unable to explain why certain decisions were made. Balancing high security performance with model interpretability is a challenge that cybersecurity experts face when deploying AI systems. While more transparent models may be easier to understand, they often fail to deliver the same level of security effectiveness as their more complex counterparts.

B. Explainability as a Double-Edged Sword

Providing too much transparency into the inner workings of an AI system can expose vulnerabilities that malicious actors can exploit. This concept, known as "adversarial interpretability," refers to the manipulation of system explanations by attackers to undermine the security of the model. For example, if an attacker understands how an AI system detects certain patterns, they might craft inputs that deceive the model into making incorrect decisions. Therefore, while explainability is necessary for trust and accountability, too much transparency could inadvertently compromise the system's security.

C. Impact of Reduced Security on Trust

When AI models prioritize explainability at the expense of security performance, the effectiveness of the system may be diminished, which can erode trust in the technology. Security professionals may become skeptical of systems that fail to detect sophisticated attacks or have higher false-positive rates. This decline in security performance could lead to a loss of confidence in AI-driven cybersecurity solutions, as organizations

may perceive them as insufficiently robust to protect against advanced threats. This trade-off highlights the delicate balance between maintaining transparency for trust and ensuring that security models are effective in defending against ever-evolving cyber threats.[138]

Taking into consideration these observations, and applying domestic laws and regulations, it is crucial to formulate standards that balance all three aspects and which would be able to withstand application to various cases involving AI.

VI

The NCAP Ordinances do not violate any statute.

The NCAP system is characterized as a detection mechanism intended to apprehend traffic violators, in addition to the usual face-to-face apprehension currently utilized by traffic enforcers. The adoption of a different mode of detection and capture does not contradict the provisions of Republic Act No. 4136, which require traffic enforcers to confiscate the licenses of traffic violators. The authority of LGUs to regulate traffic—specifically cities and municipalities—is broad enough to allow them to adopt the NCAP system.

Republic Act No. 4136 was enacted in 1964. It facilitated the creation of "the Land Transportation Commission (LTC), later renamed as Land Transportation Office (LTO)[,]" and likewise provided for its functions.[139] Under the law, the commission is authorized to arrest traffic violators and, in the course thereof, confiscate violators' driver's licenses. Sections 4 and 29 state:

SECTION 4. Creation of the Commission. — (a) There is created under the Department of Public Works and Communications an office which shall be designated and known as the Land Transportation Commission, composed of one Commissioner and one Deputy Commissioner, who shall be vested with the powers and duties hereafter specified. Whenever the word "Commission" is used in this Act, it shall be deemed to mean the Land Transportation Commission, and whenever the word "Commissioner" is used in this Act, it shall be taken to mean the Commissioner or Deputy Commissioner.

....

The Commissioner shall be responsible for the administration of this Act and shall have, in connection therewith, the following powers and duties, in addition to those mentioned elsewhere in this Act:

....

(5) The Commissioner of Land Transportation and his deputies are hereby authorized to make arrest for violations of the provisions of this Act in so far as motor vehicles are concerned; to issue subpoena and subpoena duces tecum to compel the appearance of motor vehicle operators and drivers and/or other persons or conductors; and to use all reasonable means within their powers to secure enforcement of the provisions of this Act.

SECTION 29. Confiscation of Driver's Licenses. — Law enforcement and peace officers duly designated by the Commissioner shall, in apprehending any driver for violations of this Act or of any regulations issued pursuant thereto, or of local traffic rules and regulations, confiscate the license of the driver concerned and issue a receipt prescribed and issued by the Commission therefor which shall authorize the driver to operate a motor vehicle for a period not exceeding seventy-two hours from the time and date of issue of said receipt. The period so fixed in the receipt shall not be extended, and shall become invalid thereafter. Failure of the driver to settle his case within fifteen days from the date of apprehension will cause suspension and revocation of his license.

As of today, Republic Act No. 4136 has been subject to several amendments.[140]

The Local Government Code, enacted in 1991, authorized cities and municipalities to regulate traffic on their respective streets and bridges. Sections 447 and 458 of the Local Government Code read:

SECTION 447. Powers, Duties, Functions and Compensation. —

(a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality 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: . . .

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

SECTION 458. Powers, Duties, Functions and Compensation. —

(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: . . .

(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 or encroachments and illegal constructions in public places;

At first glance, these provisions may be interpreted to mean that the authority of LGUs to regulate traffic within its jurisdiction is limited by the provisions of Republic Act No. 4136, in that LGUs cannot adopt a different mode of apprehension other than a face-to-face method. Especially since section 62 of this law states that "[n]o provincial board, city[,] or municipal board or council shall enact or enforce any ordinance or resolution in conflict with the provisions of this Act[.]"

However, being the "latest expression of the legislative will[,]"[141] the Local Government Code which provides LGUs a wider latitude in determining the means of regulating traffic within its jurisdiction should prevail over—or at least be considered supplementary to—the provisions of Section 62 of Republic Act No. 4136.

Accordingly, I am of the view that it is within the power of respondent LGUs to adopt the NCAP system.

VI (A)

Neither are the assailed issuances contrary to Act No. 3326.

The assailed NCAP Ordinances as currently worded are administrative in nature, and therefore beyond the ambit of Act No. 3326. As Associate Justice Dimaampao emphasized in his separate opinion, the periods of prescription in Act No. 3326 applies to cases involving fines imposed "as a criminal penalty for criminal acts punishable under special acts and municipal ordinances [.]"[142]

In a proper case involving challenges against the implementation of the NCAP system, this Court can revisit its

interpretation and extend the application of Act No. 3326 to fines, which are administrative in nature.

A FINAL NOTE

Sourcing honoraria from private sector partners—such as that stated under Section 144(5)[143] of Valenzuela City Ordinance No. 918, series of 2021—is a constitutionally questionable practice. As Associate Justice Dimaampao emphasized, it is a system which contravenes existing statutes,[144] particularly the provisions of Republic Act Nos. 6713[145] and 3019.[146] When a private sector partner determines or decides whether honoraria shall be given to a public official, the latter cannot be considered, in any meaningful sense, as independent of the private sector partner. Quite the opposite: it gives the impression that they are bound to the private sector partner.

ACCORDINGLY, I vote to DISMISS the Petitions, subject to the observations set out above.

[1] Ponencia, p. 3.

[2] Id. at 3-4.

[3] Rollo, p. 1231.

[4] Id.

[5] MMDA Resolution No. 16-01 (2016), sec. 2.1.

[6] MMDA Resolution No. 16-01 (2016), sec. 2.2.

[7] Ponencia, p. 5.

[8] Rollo, pp. 3487-3492. See Manila City Ordinance No. 8676 (2020), sec. 3; Quezon City Ordinance No. SP-3052 (2021), sec. 2; and Valenzuela City Ordinance No. 572 (2019), sec. 139 (1).

[9] J. Dimaampao, Concurring and Dissenting in G.R. Nos. 261892, 262192, and 263752, *KAPIT v. City of Manila* [Per J. Zalameda, En Banc] at 11.

[10] Rollo, p. 3498.

[11] Id. at 3092-3094, 3097-3098.

[12] Id. at 3-64, 3094.

[13] Id. at 3095.

[14] Id. at 3097.

[15] Ponencia, p. 8.

[16] Rollo, p. 4206.

[17] Id. at 4207.

[18] Id.

[19] Id.

[20] Id.

[21] Id. at 4209.

[22] Id. at 4265-4267.

[23] Id. at 4321.

[24] Id. at 4321-4330.

[25] Id. at 4323.

[26] Id.

[27] Id. at 4324.

[28] Ponencia, pp. 13-14.

[29] Id. at 15.

[30] Araullo v. Aquino III, 737 Phil. 457, 534 (2014) [Per J. Bersamin, En Banc]. (Citation omitted)

[31] Rollo, pp. 4320-4330.

[32] Id. at 4322.

[33] Id. at 4322-4323.

[34] Arceta v. Mangrobang, 476 Phil. 106, 113 (2004) [Per J. Quisumbing, En Banc].

[35] Universal Robina Corporation v. Department of Trade and Industry, 936 Phil. 17, 29 (2023) [Per SAJ. Leonen, En Banc].

[36] Id. at 28.

[37] Id. at 29.

[38] Mendoza v. Filipinos Shell Petroleum Corporation, 936 Phil. 538, 564 (2023) [Per SAJ. Leonen, En Banc].

[39] Initiatives for Dialogue and Empowerment through Alternative Legal Services, Inc. v. Senate, 942 Phil. 1, 34 (2023) [Per J. Leonen, En Banc].

[40] 936 Phil. 17 (2023) [Per SAJ. Leonen, En Banc].

[41] Id. at 30-32.

[42] Rollo, pp. 3274-3275.

[43] Id. at 3271-3272.

[44] Id. at 3278-3279.

[45] Id. at 3371-3372. (Emphasis in the original)

[46] Confederation For Unity, Recognition and Advancement of Government Employees v. Abad, 889 Phil. 699, 732 (2020) [Per J. Leonen, En Banc]. (Citations omitted)

[47] Id. (Citations omitted)

[48] Samahan ng tnga Progresibong Kabataan v. Quezon City, 815 Phil. 1067, 1091 (2017) [Per J. Perlas-Bernabe, En Banc].

- [49] *Lozano v. Nograles*, 607 Phil. 334, 342 (2009) [Per C.J. Puno, En Banc]. (Emphasis supplied, citations omitted)
- [50] *Lozano v. Nograles*, 607 Phil. 334, 342 (2009) [Per C.J. Puno, En Banc]. (Emphasis supplied, citations omitted)
- [51] RULES OF COURT, Rule 3, sec. 2.
- [52] *Mutilan v. Mutilan*, 870 Phil. 259, 280 (2020) [Per J. Leonen, Third Division], citing *Stronghold Insurance Co., Inc. v. Cuenca*, 705 Phil. 441, 455 (2013) [Per J. Bersamin, First Division].
- [53] 861 Phil. 388 (2019) [Per J. Leonen, En Banc].
- [54] *Id.* at 562.
- [55] *Id.*
- [56] *Id.*
- [57] *Ferrer, Jr. v. Bautista*, 762 Phil. 233, 262-263 (2015) [Per J. Peralta, En Banc]. (Citations omitted)
- [58] *Social Justice Society v. Atienza*, 568 Phil. 658, 700-701 (2008) [Per J. Corona, First Division].
- [59] *Ponencia*, pp. 5-7.
- [60] 102 Phil. 103 (1957) [Per J. Labrador, En Banc].
- [61] *Id.* at 105-110.
- [62] *Metro Manila Transit Corp. v. Cuevas*, 759 Phil. 286, 292 (2015) [Per J. Bersamin, First Division]. See also *Villanueva v. Coca-Cola Bottlers Phils., Inc.*, 957 Phil. 481, 497 (2024) [Per J. Inting, Third Division], where the Court referenced the registered owner rule by stating: "Relevantly, in situations mandating the registration of ownership of property, the Court has held that the main purpose of the law is the easy identification of the owner who can be held responsible for any accident, damage or injury caused by the property registered."
- [63] *PCI Leasing and Finance, Inc. v. UCPB General Insurance Co., Inc.*, 579 Phil. 418, 426 (2008) [Per J. Austria-Martinez, Third Division].
- [64] *Spouses Mangaron v. Hanna Via Design & Construction*, 863 Phil. 731, 736 (2019) [Per J. J. Reyes, Jr., Second Division]. (Citation omitted)
- [65] *Villa-Ignacio v. Barreras-Sulit*, 930 Phil. 84, 132 (2022) [Per J. Lazaro-Javier, Second Division]. (Citation omitted)
- [66] *Villa v. Commission on Audit*, G.R. No. 262500, May 20, 2025 [Per J. Kho, Jr., En Banc] at 6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.
- [67] 908 Phil. 740 (2021) [Per J. J.Y. Lopez, En Banc].
- [68] *Id.* at 760.
- [69] 949 Phil. 919 (2023) [Per J. Lazaro-Javier, En Banc].
- [70] *Id.* at 937-939.
- [71] *Rollo*, pp. 70-80. *City of Manila Ordinance No. 8676* (September 10, 2020), 2020 No Contact Apprehension Program Ordinance of the City of Manila.

[72] Id. at 143-145. Sangguniang Panlungsod City of Parañaque Ordinance No. 17-06 (April 20, 2017), An Ordinance Amending Provision of City Ordinance No. 05-04, Series of 2004 Entitled "An Ordinance Enacting the Parañaque City Traffic Code Subject to Existing Laws and Applicable Rules and Regulations."

[73] Id. at 137-138. Sangguniang Panlungsod City of Parañaque Ordinance No. 19-31 (December 6, 2019), An Ordinance Further Amending Provision of City Ordinance No. 05-04, Series of 2004 Entitled "An Ordinance Enacting the Parañaque City Traffic Code Subject to Existing Laws and Applicable Rules and Regulations."

[74] Id. at 114-120. City of Valenzuela Sangguniang Panlungsod Ordinance No. 918 (2021).

[75] Id. at 81-92. Quezon City Ordinance No. SP-3052, S-2021.

[76] Id. at 149-156. Pamahalaan Lungsod ng Muntinlupa Ordinance No. 2021-280 (2021), No Contact Apprehension Program Ordinance of the City of Muntinlupa.

[77] Id. at 3636-3638.

[78] Id. at 4367-4368.

[79] Id. at 4371.

[80] 824 Phil. 87 (2018) [Per C.J. Sereno, First Division].

[81] Id. at 102.

[82] Id.

[83] Id.

[84] J. Dimaampao, Concurring and Dissenting Opinion in G.R. Nos. 261892, 262192, and 263752, KAPIT v. City of Manila [Per J. Zalameda, En Banc] at 79, 114.

[85] 762 Phil. 233 (2015) [Per J. Peralta, En Banc].

[86] Id. at 281.

[87] Id. at 280-283.

[88] Cadajas v. People, 915 Phil. 220, 226-227 (2021) [Per J. J. Y. Lopez, En Banc].

[89] 948 Phil. 100 (2023) [Per Curiam, En Banc].

[90] SAJ. Leonen, Separate Concurring Opinion in Office of the Court Administrator v. Reyes, 948 Phil. 100, 155-156 (2023) [Per Curiam, En Banc].

[91] 535 Phil. 687 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[92] Id. at 716-717.

[93] Republic Act No. 4136 (1964), sec. 18.

[94] In re Issuance of a Writ of Habeas Corpus of Sabio v. Gordon, 535 Phil. 687, 716 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[95] J. Leonen, Concurring Opinion in Versoza v. People, 861 Phil. 230, 299 (2019) [Per Curiam, En Banc].

[96] 861 Phil. 230 (2019) [Per Curiam, En Banc].

[97] *Id.* at 299.

[98] *Ople v. Torres*, 354 Phil. 948, 979, fn. 62 (1998) [Per J. Puno, En Banc], citing Graeme Hancock, California's Privacy Act: Controlling Government's Use of Information?, 32 STANFORD LAW REVIEW 1001, 1001 (1980).

[99] *Disini, Jr. v. Secretary of Justice*, 727 Phil. 28, 132 (2014) [Per J. Abad, En Banc].

[100] 915 Phil. 220 (2021) [Per J. J. Y. Lopez, En Banc].

[101] SAJ. Leonen, Concurring and Dissenting Opinion in *Cadajas v. People*, 915 Phil. 220, 292-293 (2021) [Per J. J. Y. Lopez, En Banc].

[102] *Id.* at 294-296.

[103] *Rollo*, pp. 3873-3877.

[104] Council of Europe, The Framework Convention on Artificial Intelligence, <https://rm.coe.int/1680afae3c>. See also the Updated OECD Definition of an AI System (OECD Artificial Intelligence Papers No. 8, EXPLANATORY MEMORANDUM ON THE UPDATED OECD DEFINITION OF AN AI SYSTEM, March 2024, https://www.oecd.org/content/dam/oecd/en/publications/reports/2024/03/explanatory-memorandum-on-the-updated-oecd-definition-of-an-ai-system_3c815e51/623da898-en.pdf, which provides "more information on how AI systems are built and operate."

[105] Guidelines on the Use of Social Media, Artificial Intelligence, and Internet Technology, for Digital Election Campaign, and the Prohibition and Punishment of Its Misuse for Disinformation, and Misinformation, in Connection with the 2025 National and Local Elections and the BARMM Parliamentary Elections.

[106] COMELEC Resolution No. 11064 (September 17, 2024), art. 2(2).

[107] SC Administrative Matter No. 25-11-28-SC, February 18, 2026.

[108] SC Administrative Matter No. 25-11-28-SC, February 18, 2026, Part I, sec. c, citing Independent High-Level Expert Group on AI set up by the European Commission (2019), Ethics Guidelines for Trustworthy AI, p. 36, available at <https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai> (last accessed on June 5, 2026).

[109] UNESCO, Recommendation on the Ethics of Artificial Intelligence, available at <https://unesdoc.unesco.org/ark:/48223/pf0000381137> (last accessed on June 5, 2026).

[110] Wolfram Burgard, Artificial Intelligence: Key Technologies and Opportunities, CAMBRIDGE HANDBOOK OF RESPONSIBLE ARTIFICIAL INTELLIGENCE 1, 11 (2022).

[111] Karl Manheim & Lyric Kaplan, Artificial Intelligence: Risks to Privacy and Democracy, 21 YALE J.L. & TECH. 106, 113-114 (2019).

[112] Harry Surden, Artificial Intelligence and Law: An Overview, 35 GA. ST. U. L. Rti V, 1305, 1308 (2019).

[113] Paul W. Grimm, Maura R. Grossman and Gordon V. Cormack, Artificial Intelligence as Evidence, 19 Nw. J. TECH. & INTELL. PROP. 9, II n.2 (2021). (Citation omitted)

[114] European Parliamentary Research Service, Artificial Intelligence: How does it work, why does it matter, and what can we do about it?, VI, available at

[https://www.europarl.europa.eu/RegData/etudes/STUD/2020/641547/EPRS_STU\(2020\)641547_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2020/641547/EPRS_STU(2020)641547_EN.pdf) (last accessed on June 5, 2026).

[115] Stanford Institute for Human-Centered AI, What is an Algorithm?, available at <https://hai.stanford.edu/ai-definitions/what-is-an-algorithm> (last accessed on June 5, 2026).

[116] Karl Manheim & Lyric Kaplan, Artificial Intelligence: Risks to Privacy and Democracy, 21 YALE J.L. & TECH. 106, 114-115.

[117] Wolfram Burgard, Artificial Intelligence: Key Technologies and Opportunities, CAMBRIDGE HANDBOOK OF RESPONSIBLE ARTIFICIAL INTELLIGENCE 1, 13 (2022).

[118] Id. at 14.

[119] Stanford Institute for Human-Centered AI, What is Computer Vision?, available at <https://hai.stanford.edu/ai-definitions/what-is-computer-vision> (last accessed on June 5, 2026).

[120] Rina Diane Caballar & Cole Stryker, What is computer vision?, available at <https://www.ibm.com/think/topics/computer-vision> (last accessed on June 5, 2026). See also University of San Diego Online, What is Computer Vision? An Introduction, available at <https://onlinedegrees.sandiego.edu/introduction-to-computer-vision/> (last accessed on June 5, 2026).

[121] Niall O' Mahony et al., Deep Learning vs. Traditional Computer Vision, ADV. IN COMP. VISION PROCEEDINGS OF THE 2019 COMP. VISION CONF. 128, 130-132 (2019).

[122] Harry Surden, Artificial Intelligence and Law: An Overview, 35 GA. ST. U. L. REV. 1305, 1311-1320 (2019).

[123] Rollo, pp. 2774-2776.

[124] Id. at 2621-2623.

[125] Dimitrios Sargiotis, Ethical AI in information Technology: Navigating Bias, Privacy, Transparency, and Accountability, 5 ADV. MACH. LEAR. & ART, INTE. 1, 7 (2024).

[126] Id.

[127] Id.

[128] Id. (Citation omitted)

[129] Niklas Kossow, Svea Windwehr, & Matthew Jenkins, Algorithmic transparency and accountability, Transparency International Anti-Corruption Helpdesk Answer 8 (2021).

[130] Yavar Bathaee, The Artificial Intelligence Black Box and the Failure of Intent and Causation, 31 HARVARD J. OF L. & TECH. 889, 901-903 (2018).

[131] Liu Han-wei, Lin Ching-Fu, & Chen Yu-Jie, Beyond State v. Loomis: Artificial intelligence, government algorithmization and accountability, 27 INT'L. J. OF L. & INFO. TECH. 122, 128-130 (2019).

[132] Jenna Burrell, How the Machine "Thinks": Understanding Opacity in Machine Learning Algorithms, BIG DATA & SOCIETY 1, 3-5 (2016).

[133] Paul de Laat, Algorithmic Decision-Making Based on Machine Learning from Big Data: Can Transparency Restore Accountability?. 31 PHILOS. TECHNOL. 525, 536-538 (2018).

[134] 940 Phil. 589 (2023) [Per J. Leonen, En Banc].

[135] *Id.* at 630-631, See also *Disini, Jr. v. Secretary of Justice*, 727 Phil. 28, 132-133 (2014) [Per J. Abad, En Banc], where the Court stated:

In *Whalen v. Roe*, the United States Supreme Court classified privacy into two categories: decisional privacy and informational privacy. Decisional privacy involves the right to independence in making certain important decisions, while informational privacy refers to the interest in avoiding disclosure of personal matters. It is the latter right—the right to informational privacy—that those who oppose government collection or recording of traffic data in real-time seek to protect.

Informational privacy has two aspects: the right not to have private information disclosed, and the right to live freely without surveillance and intrusion. In determining whether or not a matter is entitled to the right to privacy, this Court has laid down a two-fold test. The first is a subjective test, where one claiming the right must have an actual or legitimate expectation of privacy over a certain matter. The second is an objective test, where his or her expectation of privacy must be one society is prepared to accept as objectively reasonable. (Citations omitted)

[136] *Asress Adimi Gikay, Trade secrecy in automated decisions: against the myth of irreconcilability and the imposition of patents*, 20 J. OF INTELL. PROF. LAW & PRACTICE 552, 555-556 (2025).

[137] *Id.*

[138] Luca Mia, *Evaluating the Trade-offs Between Explainability and Security in AI-Powered Cyber Defense* 2-6 (2020), available at <https://papers.ssrn.com/so13/Delivery.cfm/5140427.pdf?abstractid=5140427&mirid=1&type=2>.

[139] *Federation of Jeepney Operators and Drivers Association of the Philippines v. Government of Manila City*, 944 Phil. 81, 82 (2023) [Per J. Caguioa, En Banc].

[140] *Federation of Jeepney Operators and Drivers Association of the Philippines v. Government of Manila City*, 944 Phil. 81, 96-97 (2023) [Per J. Caguioa, En Banc].

[141] *Development Bank of the Phils, v. Court of Appeals*, 259 Phil. 1096, 1104 (1989) [Per J. Narvasa, En Banc].

[142] J. Dimaampao, *Concurring and Dissenting Opinion*, p. 170.

[143] *Valenzuela City Ordinance No. 918*, August 2, 2021, sec. 144 (5) states:

SECTION 144. Implementation. —

....

5. Monthly Honoraria shall be given to the members and secretariat of the abovementioned committees. For the purpose of this ordinance, the budget for the monthly honoraria shall come from the private sector partner.

[144] J. Dimaampao, *Concurring and Dissenting Opinion* in G.R. Nos. 261892, 262192, and 263752, *KAPIT v. City of Manila* [Per J. Zalameda, En Banc] at 169.

[145] Republic Act No. 6713 (1989), Code of Conduct and Ethical Standards for Public Officials and Employees.

[146] Republic Act No. 3019 (1960), Anti-Graft and Corrupt Practices Act.

SEPARATE OPINION

LAZARO-JAVIER, J.:

Aversion to technology is but a phase. "When the bicycle began to rise in popularity in the 1890s, many folks were wary of the harm this relatively new piece of transportation technology might wreak on society. Some tried to link the bicycle with an increase in cases of insanity, especially in women. Physicians also wrote about so-called "bicycle face," characterized by dark shadows under the eyes and a weary expression, warning female cyclists that such an activity was dangerous to their health." [1]

While a bicycle is a far cry from the use of high-speed cameras to apprehend traffic violators, resistance to change is but a phase that we, as a society, go through whenever something new comes along.

Central to this case is the nullification of: (1) Manila Ordinance No. 8676, Series of 2020; [2] (2) Quezon City Ordinance No. SP-3052, Series of 2021; [3] (3) Valenzuela City Ordinance No. 572, Series of 2019; [4] Ordinance No. 587, Series of 2019; [5] and Ordinance No. 918, Series of 2021; [6] (4) Parañaque City Ordinance No. 17-06, Series of 2016; [7] and (5) Muntinlupa City Ordinance No. 2021-280, Series of 2021 [8] (collectively referred to as the No Contact Apprehension [NCAP] ordinances). These ordinances paved the way for the installation of high-speed cameras under a Joint Venture Agreement (JVA) by the said local government units (LGUs) with QPax in their respective jurisdictions to apprehend traffic violators.

In G.R. No. 261892, Kilusan sa Pagbabago ng Industriya ng Transportasyon, Inc. (KAPIT), Pangkalahatang Sanggunian Manila & Suburbs Drivers Association Nationwide, Inc. (PASANG MASDA), Alliance of Transport Operators and Drivers Association of the Philippines (ALTODAP), and Alliance of Concerned Transport Organization (ACTO) (collectively KAPIT et al.) plead for the nullification of these NCAP ordinances, claiming the same are constitutionally infirm for transgressing several constitutionally-protected rights, i.e., the rights to procedural and substantive due process, to privacy, and against excessive fines.

On the other hand, Atty. Juman Paa (Atty. Paa), in G.R. No. 262192, only challenges the validity of Manila Ordinance No. 8676, Series of 2020, after being prevented from registering his vehicle with the Land Transportation Office (LTO) due to unpaid fines for four traffic violations without notice. These violations were captured by the NCAP system of the City of Manila.

Late to the billing is Philippine National Taxi Operators Association, Inc. (PNTOA) in G.R. No. 263752 whose petition was only included after the issuance of a temporary restraining order (TRO). Like KAPIT et al., PNTOA calls for the invalidity of the NCAP ordinances as the LGUs who passed them allegedly have no authority to do so, nor do they have the authority to hear and decide violations of traffic laws, rules, and regulations.

The ponencia dismissed the petitions for mootness, violation of the rule on forum-shopping, lack of locus standi, and the violation of the doctrine of hierarchy of courts.

While I concur in the result, I, however, maintain that a discussion on the validity of the NCAP ordinances is proper.

Generally, the courts will refrain from resolving constitutional questions when a case may be disposed of on procedural or other non-constitutional grounds. Jurisprudence, however, recognized these exceptions:

- (1) there is a grave violation of the Constitution;
- (2) the exceptional character of the situation and the paramount public interest is involved;
- (3) when [the] constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and

(4) the case is capable of repetition yet evading review.[9]

The present case falls within these exceptions, i.e., capable of repetition yet evading review and there is a necessity for the Court to formulate guidelines for the guidance of the bench, the bar, and the public.

Even if the assailed ordinances ceased to exist, it does not change the fact that the LGUs have the discretion and authority to issue ordinances of the same character. While the LGUs concerned adopted the Metro Manila Traffic Code of 2023 (MMTC 2023), there is nothing to stop them from issuing ordinances that deviate from the said Metropolitan Manila Development Authority (MMDA) issuance.

The assailed NCAP ordinances deal with the system of traffic enforcement that relies on surveillance technology, automated detection, remote issuance of notices, and the imposition of penalties without the traditional mode of on-site apprehension. Such regulatory mechanisms involve vital Constitutional-rights raised in the petitions, i.e., the rights to due process, privacy, equal protection, and property. They likewise entail serious concerns on the extent of the authority of LGUs. Surely, these are not trifles or mundane questions that may simply be brushed aside. These are questions that affect millions of motorists and commuters and bear directly upon the relationship between the citizen and the State.

Without clear safeguards, technologies introduced for traffic enforcement may inevitably become weapons of abuse.

Too, if the Court simply declines to define the constitutional parameters of these measures, citizens will be left with no recourse but to challenge the same provisions repeatedly each time they are re-enacted or re-issued. This creates the unnecessary cycle of recurring litigation and prolonged uncertainty for both the public and regulatory authorities. The Court must settle these issues once and for all. Judicial silence would do nothing but defer it.

More importantly, the capability of the issue to emerge again is even bolstered, not negated, by the issuance of MMTC 2023 itself. If the Court will not, at this time, dictate the limits of the digitized traffic enforcement, regulatory agencies will issue guidelines that may affect grave constitutional rights.

MMTC 2023, the evidence that digitized traffic enforcement, is still at the "experimental" stage. It is an evolving regulatory framework that public authorities remain prepared to revive, modify, or expand.

Hence, there is a compelling need for the Court to articulate controlling principles that will guide the bench, the bar, LGUs, and the public in the exercise and review of delegated police powers.

While I agree that the validity of MMTC 2023 should not be directly adjudged in the present petitions, this must not prevent the Court from issuing guidelines that clarify the constitutional standards that must govern measures of similar nature. What is essential is that the constitutionality of provisions commonly found in digitized enforcement regimes. In doing so, the Court does not decide matters not yet before it; but rather, it performs its duty to state the governing law so that future enactments may conform to constitutional requirements and future controversies may be resolved with greater certainty.

Thus, I submit that a full discussion on the validity of the assailed ordinances is both justified and necessary.

Petitioners in these three consolidated Petitions raise several arguments albeit, perceptibly, they may all be reduced into this singular issue: Are the NCAP ordinances valid?

It is a rudimentary principle of constitutional law that the power to enact laws is lodged with the Legislature under the principle of separation of powers.[10] But this is not without exceptions. For the general rule barring delegation of legislative powers is subject to the following recognized limitations or exceptions:

(1)

Delegation of tariff powers to the President under Section 28(2) of Article VI of the Constitution;

(2)

Delegation of emergency powers to the President under Section 23(2) of Article VI of the Constitution;

(3)

Delegation to the people at large;

(4)

Delegation to local governments; and

(5)

Delegation to administrative bodies.[11]

There is thus no question that respondent LGUs wield the authority to enact ordinances. The question merely lies on whether the NCAP ordinances were enacted pursuant to a valid exercise of such power. *Meralco v. Muntinlupa*[12] succinctly lays down the test of validity of ordinances, viz.:

Ferrer, Jr. v. Bautista enumerates the requirements for an ordinance to be valid, legally binding, and enforceable, to wit:

For an ordinance to be valid though, it must not only be within the corporate powers of the LGU to enact and must be passed according to the procedure prescribed by law, it should also conform to the following requirements: (1) not contrary to the Constitution or any statute; (2) not unfair or oppressive; (3) not partial or discriminatory; (4) not prohibit but may regulate trade; (5) general and consistent with public policy; and (6) not unreasonable.

Legaspi v. City of Cebu explains the two tests in determining the validity of an ordinance, i.e., the Formal Test and the Substantive Test. The Formal Test requires the determination of whether the ordinance was enacted within the corporate powers of the LGU, and whether the same was passed pursuant to the procedure laid down by law. Meanwhile, the Substantive Test primarily assesses the reasonableness and fairness of the ordinance and significantly its compliance with the Constitution and existing statutes.[13] (Emphasis supplied; citations omitted)

I humbly posit that the NCAP ordinances were validly enacted by the LGUs concerned.

LGUs are explicitly and directly empowered to enact ordinances on traffic rules and regulations and to impose penalties for traffic violations

It is an uncontested principle in political law that LGUs possess quasi-legislative power for, by immemorial practice, they have always been allowed to legislate on purely local matters.[14] Relevantly, Sections 447(5)(v-vi) and 458(5)(v-vi) of Republic Act No. 7160 (Local Government Code) state:[15]

SECTION 447. – Powers, Duties, Functions and Compensation. – (a) The Sangguniang Bayan, as the legislative body of the municipality, shall enact ordinances, approve resolution and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

....

(5) Approve ordinances which shall ensure the efficient and effective delivery of 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 the 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 the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places[.] (Emphasis supplied)

The law is unequivocal: respondent LGUs are empowered to enact ordinances to regulate traffic on all streets and avenues within their respective territories.

While *FEJODAP v. Government of Manila City*[16] may have ruled that the MMDA, by virtue of Republic Act No. 7924, has authority and rule-making powers relative to traffic management in Metro Manila, the Court still stated:

All things considered, the Court hereby abandons the pronouncements in *Garin*, and so holds that the MMDA possesses rule-making powers with regard specifically to traffic management in Metro Manila. To be clear, the Court maintains that *Bel-Air* was correct, in that the MMDA does not exercise police power or legislative power, unlike LGUs which are given ordinance powers by the LGC under its relevant sections. The Court only clarifies in this case that, as an exception therein, MMDA has the primary rule-making powers relating to traffic management in Metro Manila because Sections 5(e) and (f) of the MMDA Law specifically grants it such powers. The power of the LGUs to regulate the streets are valid only insofar as they pertain to "purely local matters " such as, but are not limited to determination of one-way streets, regulation of alleys and inner streets, prohibiting the putting up of encroachments and obstacles and authorizing the removal of such encroachments, etc. And even as that power continues to inhere in the LGUs, that power is circumscribed and limited by the regulations that may be issued by the MMDA.[17] (Emphasis supplied)

Clearly, *FEJODAP* recognizes the inherent authority of the LGUs insofar as "purely local matters" are concerned. More, *FEJODAP* likewise states that LGUs possess delegated legislative powers to enact regulations to promote the general welfare, of the people, with a caveat that they (LGUs) should act in conformity with the will of their principal (MMDA) when the regulations relate to traffic management in Metro Manila.[18]

Here, it is undisputed that the NCAP ordinances were passed by the LGUs for the general welfare of their respective cities and inhabitants. Likewise, there was no allegation that the NCAP ordinances violate any MMDA issuances or traffic rules and regulations. It was merely brought up that MMDA Resolution No. 16-01, the NCAP being implemented by MMDA, may be in conflict with the NCAP ordinances implemented by the LGUs. But in its Memorandum, the MMDA completely shut down this argument.

Verily, under the Formal Test, the NCAP ordinances were enacted within the corporate powers of the LGUs. With respect to the passage of the ordinances, petitioners never questioned how they were passed nor did they devote time to pursue this argument.

The NCAP ordinances are fair and reasonable

The Substantive Test primarily assesses the reasonableness and fairness of the ordinance and significantly its compliance with the Constitution and existing statutes. Further, *City of Manila v. Laguio, Jr.*[19] has long provided the substantive requirements in order to determine if the ordinance is valid, viz.:

"The tests of a valid ordinance are well established. A long line of decisions has held that for an ordinance to be valid, it must not only be within the corporate powers of the local government unit to enact and must be passed according to the procedure prescribed by law, it must also conform to 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]

The NCAP ordinances hurdled all the foregoing requisites.

First. In *Municipality of Biñan, Laguna v. Holiday Hills Stock & Breeding Farm Corp.*, [21] the Court held that the ordinances should be constitutional and uphold the principle of the supremacy of the Constitution. [22] The requirement that the enactment must not violate existing law stresses the precept that LGUs are able to legislate only by virtue of their derivative legislative power, a delegation of legislative power from the national Legislature. The delegate cannot be superior to the principal or exercise powers higher than those of the latter. As such, enactments of the LGUs are valid only when done in accordance with their delegated police power derived from the general welfare clause found in the Local Government Code. [23] In order to invoke the delegated police power to justify the enactment of an ordinance, two requisites must be established: (1) the interest of the public generally requires an interference with private rights; and (2) the means adopted must be reasonably necessary to accomplish the purpose and not be unduly oppressive upon individuals. [24] Otherwise put, police power must be exercised with the concurrence of a lawful subject and a lawful method.

These twin requisites for a lawful exercise of delegated legislative powers have been satisfied in this case. The LGUs involved properly justified the enactment of these ordinances as they were able to establish that the NCAP ordinances were in favor of the interests of the public since they directly address issues of public safety by ensuring that motorists adhere to the traffic regulations in place.

To this end, the NCAP ordinances put in place high-speed cameras to monitor traffic regulation violations in the roads and streets of Metro Manila round the clock. The effect is two-fold: first, efficient monitoring and capture of traffic rule violators; and second, to deter errant and haphazard behavior among motorists. To be sure, the measures enforced under the assailed ordinances are not unduly oppressive, but reasonably necessary to accomplish the purpose of the ordinances, considering especially, the now digital age we live in. Utilizing technology to achieve a purpose more efficiently and effectively is but logical. Thus, the first requisite is satisfied as the assailed ordinances are not in contravention with the Constitution or laws. Consequently, the ordinances are also deemed to have satisfied the requisites for a valid exercise of the delegated police power of an LGU.

Second. The NCAP ordinances are not unfair or oppressive. The fundamental principles of the Local Government Code were lifted verbatim from the provisions of Section 3, Presidential Decree No. 213, Series of 1973 which defined the following terms:

- Unjust means deficient injustice and fairness.
- Excessive means characterized by whatever is notably greater than what is moderate, reasonable, proper, usual, necessary and just.
- Oppressive means unreasonably burdensome, unjustly severe, or harsh.

- Confiscatory which amounts to undue seizure or forfeiture of private property in favor of the public treasury.

Thus, are the NCAP ordinances just and fair?

Fundamentally, petitioners framed the allegation in such a way that if implemented, the NCAP ordinances will be deficient in justice and fairness. In reality, what should have been asked is did the ordinances pass the general welfare clause?

Interestingly, Section 16 of the Local Government Code encourages and supports the development of appropriate and self-reliant scientific and technological capabilities:

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 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.

Indeed, by enacting an ordinance that specifically automates its traffic management within their respective jurisdictions, the LGUs are clearly following the mandates of the general welfare clause under the LGC. Given that LGUs are specifically encouraged to do so, petitioners are at a disadvantage as "police power grants a wide panoply of instruments through which the State, as *parens patriae*, gives effect to a host of its regulatory powers. We have held that the power to "regulate" means the power to protect, foster, promote, preserve, and control, with due regard for the interests, first and foremost, of the public, then of the utility and of its patrons." [25]

From my own understanding, the NCAP ordinances were clearly passed as a solution to the traffic problems of the LGUs in their respective jurisdictions with the following end goals: (1) To minimize human intervention in traffic enforcement, eliminating not only corruption but providing safeguard round the clock; (2) To beckon obedience, a culture of discipline which we, as a nation, desperately need especially on the road; and (3) To foster public safety as a primary concern to reduce traffic violations and accidents as well as a medium to respond to other untoward events.

The avowed objective of the NCAP ordinances is public welfare and safety to be achieved by means of regulating traffic with the use of high speed camera system. Is this really unfair or unjust?

I do not think so.

In *Zabal v. Duterte* [26] public welfare and safety is a paramount concern and within the scope of police power when the government ordered the temporary closure of Boracay, viz.:

Police power, amongst the three fundamental and inherent powers of the state, is the most pervasive and comprehensive, "it has been defined as the state authority to enact legislation that may interfere with personal liberty or property in order to promote general welfare." "As defined, it consists of (1) imposition or restraint upon liberty or property, (2) in order to foster the common good. It is not capable of exact definition but has been purposely, veiled in general terms to underscore its all-comprehensive embrace." The police power "finds no specific Constitutional grant for the plain reason that it does not owe its origin to the Charter" since "it is inborn in the very feet of statehood and sovereignty." It is said to be the "inherent and plenary power of the State which enables it to prohibit all things hurtful to the comfort, safety, and welfare of the society." Thus, police power constitutes an implied limitation on the Bill of Rights. After all, "the Bill of Rights itself does not

purport to be an absolute guaranty of individual rights and liberties. 'Even liberty itself, the greatest of all rights, is not unrestricted license to act according to one's will.' It is subject to the far more overriding demands and requirements of the greater number."

"Expansive and extensive as its reach may be, police power is not a force without limits." "It has to be exercised within bounds – lawful ends through lawful means, i.e., that the interests of the public generally, as distinguished from that of a particular class, require its exercise, and that the means employed are reasonably necessary for the accomplishment of the purpose while not being unduly oppressive upon individuals."

That the assailed governmental measure in this case is within the scope of police power cannot be disputed. Verily, the statutes from which the said measure draws authority and the constitutional provisions which serve as its framework are primarily concerned with the environment and health, safety, and well-being of the people, the promotion and securing of which are clearly legitimate objectives of governmental efforts and regulations. The motivating factor in the issuance of Proclamation No. 475 is without a doubt the interest of the public in general. The only question now is whether the means employed are reasonably necessary for the accomplishment of the purpose and not unduly oppressive upon individuals.

The pressing need to implement urgent measures to rehabilitate Boracay is beyond cavil from the factual milieu that precipitated the President's issuance of Proclamation No. 475. This necessity is even made more critical and insistent by what the Court said in *Oposa v. Hon. Factoran, Jr.* in regard the rights to a balanced and healthful ecology and to health, which rights are likewise integral concerns in this case. *Oposa* warned that unless the rights to a balanced and healthful ecology and to health are given continuing importance and the State assumes its solemn obligation to preserve and protect them, the time will come that nothing will be left not only for this generation but for the generations to come as well. It further taught that the right to a balanced and healthful ecology carries with it the correlative duty to refrain from impairing the environment.[27] (Emphasis supplied; citation omitted)

Traffic is indeed a perennial albatross to Metro Manila with a whole subset of problems we do not need to elaborate. Surely, the imagined fears arising from the implementation of the NCAP should be inconsequential relative to what the NCAP can do for the LGUs and the people in general. Indeed, the price we pay for a better road management is instilled discipline through the eye of a high-speed camera.

In *Krieger v. City of Rochester*,^[28] "red light camera laws" or red light cameras which snap pictures of motorists who beat the red light were specifically enacted in furtherance of public safety as a legitimate government interest, viz.:

1. Clear Proof of a Legitimate Government Interest.

The entire record presented to the Court provides more than ample justification for the red light camera laws.^[29]

The record is replete with proof that the red light camera laws were enacted in furtherance of public safety. As to V & TL § 1111-b, and its justification, the Sponsor's Memorandum states that:

Disregarding red lights and other traffic control devices is the leading cause of urban crashes, representing almost half of the total number of crashes according to the Insurance Institute for Highway Safety (IIHS). The IIHS estimates that the economic impact is \$7 billion each year in medical costs, time off work, insurance rate increases, and property damage. An Insurance Research Council study of a national sample of automobile crash injury claims found that about 75 percent of the crashes occurred in urban areas. Given the toll that motor vehicle crashes exact upon individuals, families, and society, this bill provides the City of Rochester with authorization to establish a red light camera, demonstration program aimed at reducing intersection crashes caused by red light violations within the City.

....

Taken together, both the state and City laws must stand as well-reasoned acts intended to advance the legitimate governmental interest in safeguarding public safety and welfare, and Plaintiff fails to prove beyond a reasonable doubt otherwise.[30] Stated differently, it cannot be said that either the state or City laws were wholly without any reasonable basis at all.[31]

In fact, increasing public safety through improved surveillance and enforcement of red light violations was approved as a rational basis for sustaining the City of Springfield, Missouri's red light camera program.[32] This Court finds Mills' holding persuasive and concludes that a similar outcome is warranted in the case at bar.

This Court finds unpersuasive Plaintiffs contention that the public safety purpose must be totally disregarded because the red light cameras are not making driving safer[—]a fact which Defendant hotly disputes. Even taking as true Plaintiffs argument that the cameras are proving to be ineffective, such an outcome is irrelevant and cannot be used to retroactively invalidate the legislative intent. The soundness of legislative intent must be assessed against the facts known at the time the legislative body acted, not as they presently stand. New York law expressly directs courts to construe a statute and legislative intent not "when the courts are called on to Interpret it, but, as of the time it took effect." [33] As a result of this legal principle, Plaintiffs protests about the usefulness of the red light program to negate the previous intent are unavailing. Rather, it is more appropriately a lobbying consideration against extending the laws past their December 1, 2014, expiration dates. In other words, the current statistics do not undo the pre-existing good faith with which both legislative bodies acted. (Emphasis supplied)

In any case, the violators of the aforementioned ordinances are afforded due process, i.e., they are given notices of violations, to which they are afforded the opportunity to protest within a certain number of days. The license to operate a motor vehicle is not a property right, but a privilege granted by law, which may be suspended or revoked by the State in the exercise of its police power. Verily, such privilege may validly be subjected to any condition as the State deems fit in the exercise of its least limitable police power.

Third. As held by the Court in *Department of Trade and Industry v. Steelasia Manufacturing Corp.*, citing *Biraugo v. The Philippine Truth Commission*, [34] equal protection simply requires that all persons or things similarly situated should be treated alike, both as to rights conferred and responsibilities imposed. It requires public bodies and institutions to treat similarly situated individuals in a similar manner. [35]

Here, it cannot be said that the NCAP ordinances are partial or discriminatory as they seek to address issues affecting the general population. These ordinances regulate the privilege given to motorists indiscriminately. In other words, a motorist that violates an ordinance of the LGU is punished regardless if they are a resident of such LGU. Thus, the ordinances are neither partial to specific class nor do they discriminate against or single out violators.

Fourth. Are the NCAP ordinances unreasonable? Are they excessive, characterized by whatever is notably greater than what is moderate, reasonable, proper, usual, necessary and just? Are they oppressive, unreasonably burdensome, unjustly severe, or harsh? Are they confiscatory?

No, they are merely regulatory. In *Behm v. City of Cedar Rapids*, [36] it was ruled that the automated traffic enforcement (ATE) system (their NCAP) ordinance which enforces speed limits and rake in a lot of dollars, as a matter of law, is not inherently irrational. Making unlawful behavior costly is not irrational and there is a fair likelihood that the owner of the vehicle was either the driver or the driver was a family member of the owner. There is no law mandating the government to act, in an optimum manner in order to satisfy substantive due process. While there is continued high number of violations, it does not make it irrational or arbitrary to continue to maintain the system. After all, without the ATE system to deter violations, the number of speeders might have

been even higher. And so it is here in the Philippines.

Clearly, there was no undue restraint placed upon any party under the NCAP ordinance to exercise his or her privilege to operate motor vehicles in public roads. On the contrary, the NCAP ordinances merely regulate traffic by providing penalties to violators, as it has always been before the NCAP, in order to ensure the safety of both life and property of the people residing in the vicinity of each LGU.

Fifth. The NCAP ordinances are a means to improve on current regulations in order to protect these third persons involved. By providing a modern system to enforce these traffic regulations, the assailed ordinances are consistent with the public policy of maintaining road safety, thereby protecting the lives and properties of the general population of each LGU.

Finally, it is not unreasonable for the LGUs concerned to use technology to address the gap in monitoring traffic violations and accidents on the road. In the interest of advancing the public policy which the assailed ordinances implement, it cannot be gainsaid that the automated system would provide a more efficient manner in enforcing the traffic regulations of each LGU by limiting human error. Additionally, the enactment of the NCAP ordinances cannot be said to be unreasonable since the traffic violations or offenses these ordinances seek to regulate and eventually eradicate are already provided by the Traffic Codes of each LGU concerned. The assailed ordinances only provide a modern way of regulating traffic in keeping up with technological advancements.

Clearly, therefore, the NCAP ordinances satisfied all the substantive requirements of a valid ordinance.

For our part, the MMDA has successfully implemented the NCAP for 10 years when they modernized our traffic system. The NCAP system has been widely used in the United States of America, Singapore, South Korea, India, Malaysia and other countries. The LGUs have been using the NCAP for several years now. And its objective is public safety, nothing more, nothing less.

Petitioners merely raise operational guidelines and enforcement rules encapsulated under their supposed right to due process: (1) KAPIT claims there is no law allowing registered owners of motor vehicles to be made liable for acts of the driver; and (2) Atty. Paa submits that it was incumbent upon the City of Manila to ensure that the Notice of Violation was received personally by the registered owner.

An old adage among lawyers says "If you have the facts on your side, pound the facts; if you have the law on your side, pound the law; if you have neither the facts nor the law, pound the table."^[37] Here, petitioners' recriminations are about the implementation of the ordinances. It does not have anything to do with, the authority of the LGUs to pass the NCAP ordinances.

They only raise fear, something which we cannot quantify, much less give credence to for the purpose of invalidating the NCAP ordinances. As Krieger^[38] stated, state statutes, as well as municipal enactments, are conferred an "exceedingly strong presumption of constitutionality" Unconstitutionality on due process grounds "must be demonstrated beyond a reasonable doubt and only as a last resort should courts strike down legislation on the ground of unconstitutionality," viz.:

Plaintiff's facial challenge to the red light camera laws falters as he failed to prove its unconstitutionality.

State statutes, as well as municipal enactments, are conferred an "exceedingly strong presumption of constitutionality."^[39] While this heavy presumption is rebuttable, unconstitutionality on due process grounds "must be demonstrated beyond a reasonable doubt and only as a last resort should courts strike down legislation on the ground of unconstitutionality."^[40] To overcome the exceedingly strong presumption, a plaintiff must prove beyond a reasonable doubt that the contested law does not have a rational relationship to a legitimate government interest.^[41] A law passes due process muster when it "is adopted for a legitimate

governmental purpose and there is a 'reasonable relation between the end sought to be achieved by the regulation and the means used to achieve that end.'"[42] "Legitimate governmental goals are those which in some way promote the public health, safety, morals, or general welfare." [43]

Further, it is also presumed that the legislative body investigated and found a need for the law and, if any known or assumed facts justify the law, a court's power of inquiry ends.[44] In other words, "a facial challenge must fail where the statute has a "plainly legitimate sweep,"[45] Thus, and in order for a plaintiff to succeed on the rational relationship issue, he or she has the "burden of showing that no reasonable basis at all existed for the challenged" law.[46]

Moreover, if the validity of a legislative act is even "fairly debatable, the legislative judgment must be allowed to control." [47] This is true because "it is up to legislatures, not courts, to decide on the wisdom and utility of legislation." [48] Accordingly, a law that has been carefully studied, prepared, and considered will not be disturbed.[49]

Verily, there is no ounce of doubt that the NCAP ordinances are fair, just, and therefore, valid. I could only surmise that this constitutional challenge is simply a knee jerk resistance to change, without any legal justification. Indeed, the NCAP ordinances satisfy the Substantive Test as the same are reasonable and fair, and significantly comply with the Constitution and existing statutes.

NCAP ordinances do not infringe on the right to privacy

Petitioners claim that the NCAP Ordinances continuously violate the people's right to privacy since the processing of personal and sensitive information is conducted by the private contractor "that is allowed to access the motor vehicle ownership data of LTO, without the LTO being a party to the JVA and without apparent limitations to the access granted to the private entity."

Petitioners' argument is untenable.

The sacrosanct nature of the right to privacy cannot be overemphasized. It is defined as "the right to be free from unwarranted exploitation of one's person or from intrusion into one's private activities in such a way as to cause humiliation to a person's ordinary sensibilities." [50] It is the right of an individual "to be free from unwarranted, publicity, or to live without unwarranted interference by the public in matters in which the public is not necessarily concerned." [51] Simply put, the right to privacy is "the right to be let alone" [52] and "is the beginning of all freedoms" [53]—a primordial right so fundamental in nature that the Constitution saw it fit to embrace such right within its protective mantle. Thus, the Bill of Rights guarantees the people's right to privacy and protects them against the State's abuse of power. Even so, the right to privacy is far from absolute, and necessarily yields in favor of an overriding compelling state interest.[54]

Over the course of time, especially in view our now digital age, the concept of privacy has been evolved, I speak, in particular, of the speech of the learned former Chief Justice Reynato S. Puno, *The Common Right to Privacy*, where he discussed three strands of privacy: first, locational or situational privacy; second, informational privacy; and third, decisional privacy. Since his delivery of this outstanding piece, the Court fully embraced these concepts in its discussions of this fundamental right.

For purposes of this discussion, however, I focus on informational privacy, which is what is relevant to the issue at hand. The right to informational privacy has the following aspects: (1) to keep inalienable information to themselves; (2) to prevent first disclosure; and (3) to prevent further dissemination in case the information has

already been disclosed; and (4) the right to be forgotten or the right to prevent the storage of data. In other words, informational privacy requires "limitation on inspection, observation, and knowledge by others." [55]

This informational privacy is essentially what petitioners invoke vis-à-vis Republic Act No. 10173 or the Data Privacy Act of 2012 (Data Privacy Act), the specific law which, among others, lays down the criteria for lawful processing of personal information. Under the Data Privacy Act, "personal information" refers to "any information whether recorded in a material form or not, from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an individual." [56] By this standard, the information, i.e., full names, vehicle plate numbers, addresses, etc., collected, stored, and utilized by the LTO, which it subsequently shared with the MMDA and the LGUs, clearly constitutes personal information.

Further, Section 4 of the Data Privacy Act clearly delineates its scope, which notably covers government institutions, like the LTO and LGUs, and private entities alike:

SECTION 4. Scope. – This Act applies to the processing of all types of personal information and to any natural and juridical person involved in personal information processing including those personal information controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines, or those who maintain an office, branch or agency in the Philippines subject to the immediately succeeding paragraph: Provided, That the requirements of Section 5 [57] are complied with.

Section 4, however, excludes from the Data Privacy Act's coverage certain information which notably includes "information necessary in order to carry out the functions, of public authority, and the processing of personal data for the performance by the independent, central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions." [58]

PSEI v. Secretary of Finance, [59] citing retired Senior Associate Justice Estela M. Perlas-Bernabe, explained that Section 4(e) of the Data Privacy Act, by using the word "necessary" contemplates "a deliberate incorporation, if not implicit acknowledgment, of the second prong of the strict scrutiny analysis—that is, that the personal data sought by the State must be acquired through 'narrowly tailored' means[,] which are only necessary to accomplish the regulatory agencies' given mandate." Thus, for the exception under Section 4(e) to apply, there must be a clear showing of necessity in collecting the subject information. [60]

In fine, Section 4(e) automatically applies the strict scrutiny test in determining whether the collection, processing, and storage of information by government institutions is lawful, so as to exempt the same from the Data Privacy Act. The strict scrutiny test requires that the government action: (1) is necessary to achieve a compelling State interest; and (2) is the least restrictive means to protect such interest or the means chosen is narrowly tailored to accomplish the interest. [61]

There is no question that protection of the general welfare of the people and improvement of public safety, which the NCAP ordinances seek to achieve, is a compelling state interest. Therefore, the first requisite is undoubtedly satisfied. I further posit that the NCAP ordinances, insofar as the LGUs and their private partner were made privy to LTO's database, also meet the second requisite.

It is evident that the pieces of information collected by the LTO, i.e., a person's citizenship, residence address, contact number, and plate number of the vehicle he or she owns, fall perfectly within the exception under Section 4(e) of the Data Privacy Act. It is not difficult to imagine that the LTO would be incapable of fulfilling its licensing and regulatory functions under Section 4 of Republic Act No. 4136 or the Land Transportation and Traffic Code, without these pertinent pieces of information; otherwise, the LTO would be incapable of identifying traffic violators and subsequently rendering them accountable. Hence, the collection of these pieces of

information is "necessary" to accomplish LTO's mandate under its charter. For the same reason, the collection and processing thereof is likewise indispensable for the LGUs to exercise their statutory power under the Local Government Code to regulate traffic in all streets within their respective territories.

To be sure, the processing of these personal information is not an undue burden on the citizenry, but is rather a reasonable exercise by the State of its regulatory power. Notably, Krieger[62] discussed the right to privacy vis-à-vis "red light camera laws" and merely found minimal invasion of privacy which these NCAP ordinances, as implemented, maintain as well. It even goes to state that it is less invasive as the traditional policing methods, viz.:

The red light camera laws comport with the Matthews test.[63]

As to the first factor, the private interest, Plaintiff is certainly not claiming that he has a right to disobey traffic control devices whether a citation is issued via electronic means or through the traditional methods of a police officer. Advancements in technology over the past decade have created opportunities for better public safety techniques, and are readily becoming the new norm in society. Additionally, the Legislature went to great lengths to design the red light program to be a minimal invasion into privacy by prohibiting photographs of the "driver, the passengers, or the contents of the vehicle." [64] Further, the modest \$50 penalty is not so substantial as to infringe upon a person's private property rights.

....

Finally, this Court finds that the red light camera program is less invasive than the traditional policing methods which involve a much more substantial interference with one's privacy and liberty interests.[65] In a traditional traffic stop by a police officer, the officer will generally request from the driver proof of registration and insurance, and often inquires of the driver whether the driver knows why the officer stopped them, whether they are in a hurry, as well as other possible inquiries. Said stops also provide the officer with an opportunity to view into the vehicle for items and contents in plain site. The City's red light camera, program avoids all of this interference; thus, this Court finds the program to be much less intrusive. (Emphases supplied)

Nevertheless, as discussed in Krieger, the NCAP as implemented is minimally invasive, and even less invasive to one's privacy as the traditional policing methods. What petitioners are really objecting to is not novel since what the NCAP ordinances do is simply replace the traffic enforcers with a high-speed camera. It does not change, the way traffic rules and regulations are enforced. It just changes the means and method of such enforcement.

In any case, in my view, the people's right to privacy is sufficiently protected through the regime of the Single Ticketing System through the MMDA Resolution No. 23-02 s. 2023 and the adoption of MMTC 2023 which aims to "harmonize the existing national and local laws on traffic enforcement to establish effective transport and traffic management in Metro Manila." The subject regime bore these salient features:

- a. Institutionalization of a Uniform Traffic Adjudication System for traffic contests/protests in all LGUs in Metro Manila.
- b. Procedure for tagging traffic violations in the LTO's Land Transportation Management System (LMTS).
- c. Clear guidelines on strict compliance with the Data Privacy Act of 2012 concerning all information/data collected from apprehended violators.
- d. List of common traffic violations covered by the MMTC 2023 which can be apprehended through NCAP.
- e. Uniform fines/penalties for traffic violations under the MMTC 2023 based on the median amount of the LGUs. respondent MMDA's and respondent LTO's respective fines/penalties matrices.
- f. List of online payment platforms as well as partner banks where traffic violators may settle their traffic

violation fines/penalties.

g. Guidelines on the mandatory "authorization process" of all Information Technology systems that will be used in enforcing the various NCAP systems in Metro Manila.

The one thing that needs to be fxnetuned in relation to Metro Manila's traffic regime is the synchronous enforcement of the MMDA's regulations and the individual ordinances and traffic schemes of the LGUs comprising this region. We should be mindful of the need for efficiency and eliminate oppressiveness in these traffic measures, to make the LGU's own schemes not only consistent with MMDA's regulations but also non-duplicative in the enforcement of these regimes. To illustrate, a single infraction of counterflow driving, penalized in several LGU traffic codes, should not be punished twice by both the MMDA and the LGU where the infraction took place. Further, a busted motor vehicle taillight traversing from the south to the north of Metro Manila could be breaching every LGU traffic code it passes through, plus the MMDA's traffic regulation. In this instance, this infraction should not be punished by every LGU it passes through and the MMDA. It suffices for traffic enforcement purposes that only one traffic regime ought to bear upon this single infraction.

This is the idea behind the creation of Metro Manila as an entity separate and distinct from the LGUs.

On another note, the provisions of the JVA relate to specific concerns of data processing. This activity requires special knowledge, experience and services of an administrative tribunal like the National Privacy Commission insofar as the minimum requirements under the Data Privacy Act are concerned. There is indeed a clear line between the issue of constitutionality of the right to privacy and the minimum requirements under the Data Privacy Act. The Court can deliberate on its constitutionality without delving into the specific provisions of the JVA. The technical nature of the review of data processing encapsulated An the JVA is better addressed by the National Privacy Commission.

The NCAP ordinances do not transgress the right against excessive fines and penalties

Article III, Section 19(1) of the 1987 Constitution ordains, "Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted." Petitioners invoke this Constitutional provision in averring that the fines imposed by the NCAP ordinances are unduly excessive, hence, constitutionally infirm.

Here, NCAP ordinances do not transgress the right against excessive fines and penalties.

Foremost, the Court has settled that the right against excessive fines applies only to criminal prosecutions,[66] which apprehensions under the NCAP ordinances are not. For these are clearly administrative cases within the cognizance of the LGUs and even administrative bodies like the LTO and the MMDA.

Even assuming arguendo that this Constitutional provision is applicable, *People v. Dela Cruz*[67] succinctly explained the scope of this restriction, viz.:

The Constitution directs that "Excessive fines shall not be imposed, nor cruel and unusual punishment inflicted." The prohibition of cruel and unusual punishments is generally aimed at the form or character of the punishment rather than its severity in respect of duration or amount, and apply to punishment which never existed in America of which public sentiment has regarded as cruel or obsolete (15 Am. Jur., p. 172), for instance those inflicted at the whipping post, or in the pillory, burning at the stake, breaking on the wheel, disemboweling, and the like (15 Am. Jur., supra, Note 34 L.R.A. p. 561). Fine and imprisonment would not thus be within the prohibition.

However, there are respectable authorities holding that the inhibition applies as well to punishments that although not cruel or unusual in nature, may be so severe as to fall within the fundamental restriction. (15 Am. Jur., p. 178.) These authorities explain, nevertheless, that to justify a court's declaration of conflict with the Constitution, the prison term must be so disproportionate to the offense committed as to shock the moral sense of all reasonable men as to what is right and proper under the circumstances (lb.)[68] (Emphasis supplied)

I submit that the proper standard in determining whether fines are unreasonably excessive is if the same are "so disproportionate to the offense committed as to shock the moral sense of all reasonable persons as to what is right and proper under the circumstances." Perusing the table of fines prescribed by the NCAP ordinances, the the same are not so disquieting as to be considered excessive, especially because they fall perfectly within the range of fines allowed under the LGC.

The NCAP ordinances did not violate petitioners' right to due process

I also see no rights issue with regard to the registered owner rule. The NCAP ordinances provided a clear mechanism which outlines the manner and means of contestation. This procedural necessity is illustrated by the traffic regime in Valenzuela City, which ought to be deemed included in the MMDA's and every other LGU's respective traffic regimes.

JVA agreement between LGUs and QPax was executed in good faith before the FEJODAP ruling

After QPax was impleaded to address concerns pertaining to an alleged ostensible violation of due process, data privacy issues and ultimately, the validity of JVA, the ponente chose to defer to the expertise and wisdom of the National Privacy Commission on privacy issues. More since the evaluation of JVA provisions is inextricably linked to the determination of factual questions. Prudence dictates that the Court confine its attention to legal issues that it could exhaustively decide, not only to avoid foreclosing any legal remedies but to prevent res judicata to set in as well. To rule on the validity of the JVA, whether on privacy issues, revenue sharing or otherwise, is speculative and raises genuine questions of fact that require submission of concrete evidence.

As for the application of the FEJODAP ruling here, UCPB v. Spouses Uy[69] ordained that the principle of stare decisis only applies to final decisions of the Court:

Stare Decisis applies only to cases decided by the Supreme Court

As above-mentioned, respondents bewail the reliance of the CA on O'Halloran arguing that it was not a binding precedent since it was not issued by this Court. In *De Mesa v. Pepsi-Cola Products Phils. Inc.*, the Court explained that the doctrine of stare decisis deems decisions of this Court binding on the lower courts, to wit:

The principle of stare decisis et non quieta movere is entrenched in Article 8 of the Civil Code, to wit:

. . . .

It enjoins adherence to judicial precedents. It requires our courts to follow a rule already established in a final decision of the Supreme Court. That decision becomes a judicial precedent to be followed in subsequent cases by all courts in the land. The doctrine of stare decisis is based on the principle that once a question of law has been examined and decided, it should be deemed settled and closed to further argument.[70] (Emphases

supplied)

The principle of stare decisis contemplates prospective application. FEJODAP was promulgated on July 11, 2023 during the pendency of the present cases. The JVA between the LGUs and QPax has been entered into and implemented way before FEJODAP.

In *Ting v. Velez-Ting*,^[71] the interpretation or construction of a law by courts constitutes a part of the law as of the date the statute is enacted, but when a different view is adopted, this new doctrine will have to be applied prospectively in favor of parties who have relied on the old doctrine in good faith, in accordance therewith under the familiar rule of "*lex prospicit, non respicit*"^[72] Thus, to apply the FEJODAP ruling here and now will not only violate the prospective application of the principle of stare decisis but will result in inequity to the parties to the JVA. Its retroactive application to a contract which has been entered into in good faith violates the tenets of justice and fair play.

The operative fact doctrine also precludes the willy-nilly application of new rules to olden situations compliant with the old rules. This doctrine applies to sustain the validity of the JVA, In *FDCP v. CHRC*,^[73] the operative fact doctrine recognizes the existence and validity of a legal provision prior to its being declared as unconstitutional and hence, legitimizes otherwise invalid acts done pursuant thereto because of considerations of practicality and fairness. In this regard, certain acts done pursuant to a legal provision which was just recently declared as unconstitutional by the Court cannot be anymore undone because not only would it be highly impractical to do so, but more so, unfair to those who have relied on the said legal provision prior to the time it was struck down.^[74] Verily, should the Court strike down the JVA on grounds of violation of the right to privacy or inequitable revenue sharing, considerations of practicality and fairness dictate that the effects of the JVA be recognized and respected insofar as they involve the rights of the parties which in the meantime have already accrued.

FOR THESE REASONS, I CONCUR only as to the result. I, however, maintain that a discussion on the merits is necessary as the issues raised herein are capable of repetition yet evading review. Moreover, the limits of digitized traffic enforcement must necessarily be discussed for the guidance of the bench, the bar, and the public.

[1] Discover Magazine, available at <https://www.discovermagazine.com/technology/theres-more-to-technophobia-than-the-fear-of-technology> (last accessed on February 21, 2024).

[2] City of Manila Ordinance No. 8676 (October 12, 2020), 2020 No Contact Apprehension Program Ordinance of the City of Manila.

[3] Quezon City Government Ordinance No. SP-3052 (2021), An Ordinance Amending City Ordinance No. SP-2785, S-2018, otherwise known as the Quezon City Revised Traffic Management Code of 2018.

[4] Valenzuela City Ordinance No. 572 (June 24, 2019), An Ordinance amending Section 6 of Article III of Ordinance No. 19, Series of 2005 otherwise known as the "Land Transportation Code of Valenzuela City" and adding thereto a Chapter on "No Contact Apprehension Program" as another means to Implement the Traffic Code of the City.

[5] Valenzuela City Ordinance No. 587 (2019), An Ordinance amending Section 3, Sections 140 and 141 or Article XXIV Chapter VII of Ordinance No. 572, Series of 2019 otherwise known as the "No Contact Apprehension Program Ordinance of Valenzuela City.

[6] Valenzuela City Ordinance No. 918 (2021), An Ordinance amending Section 6 of Chapter 1, and amending, reorganizing, and renumbering of Sections 138 to 148 of Article XXXIII, XXXIV, and XXV of Chapters VI and VII of Ordinance No. 19, Series of 2005 otherwise known as the "Land Transportation Code of the City of Valenzuela."

[7] Parañaque City Ordinance No. 17-06 (2016), An Ordinance amending certain provisions of City Ordinance No. 05-04, Series of 2004 entitled "An Ordinance enacting the Parañaque City Traffic Code subject to existing laws and applicable rules and Regulations.

[8] Muntinlupa City Ordinance No. 2021-280 (2021) An Act Implementing the No Contact Apprehension PROGRAM (NCAP) of the City of Muntinlupa and for other purposes.

[9] David v. Arroyo, 522 Phil. 705, 754 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[10] Province of Pampanga v. Executive Secretary, 893 Phil. 277 (2021) [Per J. Leonen, En Banc].

[11] Abakada Guro Parly List v. Pimentel, Jr., 506 Phil. 1, 108 (2005) [Per Austria-Martinez, En Banc].

[12] 896 Phil. 137 (2021) [Per J. Hernando, En Banc] citing Ferrer, Jr. v. Bautista, 762 Phil. 233 (2015) [Per J. Peralta, En Banc] and Legaspi v. City of Cebu, 723 Phil. 90 (2013) [Per J. Bersamin, En Banc].

[13] Id. at 145.

[14] See Belgica v. Ochoa, 721 Phil. 416, 546 (2013) [Per J. Perias-Bernabe, En Banc].

[15] Except for their respective reference to municipality and city, the wording of the provisions are identical. We thus cite only Section 447(5)(v-vi) for brevity.

[16] 944 Phil. 81 (2023) [Per J. Caguioa, En Banc].

[17] Id. at 123-124.

[18] Id.

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

[20] Id. at 307-308.

[21] Municipality of Biñan, Laguna v. Holiday Hills Stock & Breeding Farm Corp., 930 Phil. 912 (2022) [Per J. J. Lopez, Second Division].

[22] Id. at 916.

[23] Id. at 925.

[24] Id. at 918.

[25] BCDA v. City Government of Baguio City, G.R. No. 192694, 936 Phil. 783, 813 (2023) [Per SAJ Leonen, Second Division].

[26] 846 Phil. 743 (2019) [Per J. Del Castillo, En Banc].

[27] Id. at 799-801.

[28] Krieger v. City of Rochester (2013) NY Slip Op 23437 Decided on November 1, 2013 Supreme Court, Monroe County Odorisi, J. Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431, <https://law.justia.com/cases/new-york/other-courts/2013/2013-ny-slip-op-23437.html>, last accessed on February

22, 2024.

[29] Id. See *Travelers Prop. Cas. Co. of Am. v. Nassau County Traffic and Parking Violations Agency*, 34 Misc 3d 844, 846 (Nassau Co Sup Ct 2011).

[30] Id. See *Pharm. Mfrs. Ass'n*, 54 NY2d at 494; *Lighthouse Shores Inc.*, 41 NY2d at 11; *Repicci*, 96 AD2d at 727; *Wegman's Food Markets, Inc.*, 76 AD2d at 98.

[31] Id. See *Lighthouse Shores, Inc.*, 41 NY2d at 12; *Vecchio*, 143 AD2d at 1003.

[32] Id. See *Mills v. City of Springfield, Mo.*, 2010 WL 3526208 (VVD Mo 09-03-10) (dismissing federal claims against red light camera program).

[33] Id. Statutes Law § 93. See also *Spencer v. Bd of Ed. of City of Schenectady*, 39 AD2d 399, 402 (3d Dept 1972) ("it is the intention of the Legislature at the time the various statutes took effect that controls"), *aff'd*, 31 NY2d 810.

[34] 890 Phil. 238, (2020) [Per J. Lazaro-Javier, Second Division] citing *Biraugo v. The Philippine Truth Commission*, 651 Phil. 374, 458-459 (2010) [Per J. Mendoza, En Banc].

[35] Id. at 270.

[36] *Myron Dennis Behm, et al. v. City of Cedar Rapids, et al.*, In the Supreme Court of Iowa, No. 16-1031, January 25, 2019.

[37] Pound the Table by Martin A. Davis, Jr., (2007) at Thomas B, Fordham Institute, Advancing Educational Excellence <<https://fordhaminstitute.org/national/commentary/pound-table>> Accessed on February 20, 2024.

[38] *Krieger v. City of Rochester* (2013) NY Slip Op 23437 Decided on November 1, 2013 Supreme Court, Monroe County Odorisi, J. Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. <https://law.justia.com/cases/new-york/other-courts/2013/2013-ny-slip-op-23437.html>, last accessed on February 22, 2024.

[39] Id. *Lighthouse Shores Inc. v. Islip*, 41 NY2d 7, 11 (1976) (upholding constitutionality of a municipal ordinance) (emphasis added). See also *Arrowsmith v. City of Rochester*, 309 AD2d 1201 (4th Dept 2003) (affirming denial of due process challenge to City Charter provision); *State v. Enrique T.*, 93 AD3d 158, 167 (1st Dept 2012) ("[f]acial invalidation is an extraordinary remedy and generally is disfavored"), *lv dismissed*, 18 NY3d 976.

[40] Id. *Lighthouse Shores Inc.*, 41 NY2d at 11 (emphasis added). See also *Repicci v. Sharpe*, 96 AD2d 727 (4th Dept 1983); *Application of Ventura*, 108 Misc 2d 281, 285 (Monroe Co Sup Ct 1981).

[41] Id. See *Pharm. Mfrs. Ass'n v. Whalen*, 54 NY2d 486, 494 (1981); *Wegman's Food Markets, Inc. v. State*, 76 AD2d 95, 98 (4th Dept 1980) ("as long as the Legislature selects means which are reasonably calculated to serve a proper governmental purpose, the requirements of due process are satisfied").

[42] Id. *Asian Americans for Equality v. Koch*, 71 NY2d 121, 131-132 (1988).

[43] Id. *Marcus Assoc. Inc. v. Town of Huntington*, 45 NY2d 501, 506-507 (1978). See also *Brockport Sweden Prop. Owners Ass'n v. Vil. of Brockport*, 81 AD3d 1416, 1418 (4th Dept 2011).

[44] Id. See *Lighthouse Shores, Inc.*, 41 NY2d at 11-12; *In re City of Rochester*, 90 AD3d 1480, 1483 (4th Dept 2011) (rejecting constitutional challenge to City's Local Law), *reargument denied*, 93 AD3d 1257 (2012), *appeal dismissed*, 19 NY3d 937.

[45] *Id.* *Washington State Grange v. Washington State Republican Party*, 552 US 442, 449 (2008).

[46] *Id.* *Lighthouse Shores, Inc.*, 41 NY2d at 12 (citing *Van Berkel v. Power*, 16 NY2d 37, 40 (1965)). See also *Vecchio v. Griffin*, 143 AD2d 1003 (2d Dept 1988) (condoning local law as it was reasonably related to its legitimate stated purposes of preventing unsafe driving conditions).

[47] *Id.* *Kravetz v. Plenge*, 84 AD2d 422, 428 (4th Dept 1982). See also *Town of N. Hempstead v. Exxon Corp.*, 53 NY2d 747, 749 (1981).

[48] *Id.* *Minnesota v. Clover Leaf Creamery Co.*, 449 US 456, 469 (1981). See also Statutes Law § 73 ("[t]he courts in construing statutes should avoid judicial legislation; they do not sit in review of the discretion of the Legislature or determine the expediency, wisdom, or propriety of its action on matters within its powers"); *Rosenthal v. Hartnett*, 36 NY2d 269, 273 (1975); and *Foster v. Smith*, 52 AD2d 1088, 1090 (4th Dept 1976).

[49] *Id.* See *Asian Americans for Equality*, 72 NY2d at 131-132; *Laird v. Town of Montezuma*, 191 AD2d 986 (4th Dept 1993).

[50] *Id.*, citing *Social Justice Society v. Dangerous Drugs Board*, 591 Phil. 393 (2008) [Per J. Velasco, Jr., En Banc].

[51] *Id.*, citing Tolentino, Arturo M., *Commentaries and Jurisprudence on the Civil Code of the Philippines* (1990), Volume I, p. 108.

[52] *Id.*, citing *Ople v. Torres*, 354 Phil. 948, 970 (1998) [Per J. Puno, En Banc].

[53] *Morfe v. Mutuc*, G.R. No. L-20387, January 31, 1968 [Per J. Fernando, En Banc].

[54] *Gamboa v. Chan*, 691 Phil. 602, 414 (2012) [Per J. Sereno, En Banc].

[55] See *Cadajas v. People*, 915 Phil. 220, 228-229 (2021) [Per J. J. Lopez, En Banc], citing the Separate Concurring Opinion of Associate Justice Marvic Mario Victor F. Leonen.

[56] Republic Act. No. 10173, Section 3(g).

[57] On Protection Afforded to Journalists and Their Sources.

[58] Republic Act No. 10173, Section 4(e).

[59] 924 Phil. 615 (2022) [Per J. Hernando, En Banc].

[60] *Id.* at 647-648.

[61] *SPARK v. Quezon City*, 815 Phil. 1067; 1115-1116 (2017) [Per J. Perlas-Bernabe, En Banc].

[62] *Krieger v. City of Rochester* (2013) NY Slip Op 23437 Decided on November 1, 2013 Supreme Court, Monroe County Odorisi, J. Published by New York State Law Reporting Bureau pursuant to Judiciary Law § 431. <https://law.justia.com/cases/new-york/other-courts/2013/2013-ny-slip-op-23437.html>, last accessed on February 22, 2024.

[63] *Id.* See e.g. *Idris*, 552 F3d at 567-568 (red light camera program did not infringe upon due process rights).

[64] *Id.* V & TL § 1111-b (a) (2). Actions undertaken on a public street are not cloaked in constitutional privacy rights. See e.g. *Young v. City of Kansas City, Mo.*, 2011 VVL 5983351 (WD Mo 11-29-11) (rejecting the claim that traffic enforcement cameras violated one's right to privacy).

[65] *Id.* See *Young*, 201 1 WL 5983351.

[66] Republic v. N. Dela Merced & Sons, Inc., 824 Phil. 87, 102 (2018) [Per C.J. Sereno, First Division].

[67] 92 Phil. 906 (1953) [Per J. Bengzon, En Banc].

[68] Id. at 908.

[69] 823 Phil. 284 (2018) [Per J. Martires, Third Division].

[70] Id. at 294-295.

[71] 601 Phil. 676, (2009) [Per J. Nachura, Third Division].

[72] Id. at 690.

[73] 865 Phil. 384 (2019) [Per J. Perlas-Bernabe, En Banc].

[74] Id. at 394-395.

CONCURRING AND DISSENTING OPINION

DIMAAMPAO, J.:

I concur in the ponencia insofar as it effectively permits the respondent local government units (LGUs) of the City of Manila, Muntinlupa City, Parañaque City, Quezon City, and Valenzuela City (respondent LGUs) to implement the No Contact Apprehension Policy (NCAP) through their respective ordinances. The Court's refusal to strike down the NCAP Ordinances, as identified, below, necessarily means that no constitutional or legal infirmity attends their adoption. Simply put, the NCAP is here to stay and destined to cut a wide swath!

This, however, is the full extent of ray concurrence. With due respect, I register my strong and unwavering dissent from the majority's conclusion that the controversy has been rendered moot and academic by supervening events. This cannot be further from the truth — how can the resolution of the present controversy be of no practical value when ordinances on NCAP are being continuously implemented?

As will be explained at length below, the relevant legal landscape readily demonstrates that treating a controversy of this novelty, magnitude, and continuing public consequence as bereft of "any useful purpose" or "practical legal effect" is nothing but a juris prudential aberration. At the outset, however, I deem it necessary to underscore certain basic propositions and realities that directly undermine the majority's mootness theory. These points immediately establish why the Court remains duty-bound to resolve, on the merits, the issues painstakingly raised and fully argued by the litigants before the Court, and whose answers the public has long awaited, viz.:

- The legal framework against which the validity of NCAP Ordinances must be tested remains the same today as it was in 2022. The relevant laws, including the Local Government Code (LGC), have not been repealed or substantially altered in the interim;
- The respondent LGUs have not abolished their respective NCAP systems. On the contrary, they have manifested before the Court their intention to continue implementing them; and
- The concerns of thousands of motorists regarding the validity of fines imposed under the NCAP Ordinances are neither illusory nor theoretical. They are real, concrete, and continuing.

I endeavor to explicate.

One. The controversy surrounding the NCAP Ordinances are not moot because, contrary to the ponencia's view, there is no "substantial alteration" in the "legal and factual terrains upon which the challenged ordinances once operated."

To recall, in the Revised Advisory dated November 23, 2022, the Court identified certain issues that the parties were enjoined to discuss in the instant proceedings. Among others, these include:

- Issues relating to the Bill of Rights, such as:
 - whether the implementation of the NCAP is a valid exercise of police power;
 - whether the assailed Ordinances meet the requisites for the validity of ordinances as established by jurisprudence;
 - Whether the right to procedural and substantive due process is violated; and
 - Whether the NCAP can validly apply the registered-owner rule.
 - Whether the NCAP Ordinances violate the constitutional right to privacy.
 - Whether the NCAP Ordinances violate the constitutional right against excessive fines and penalties.
- Issues relating to the authority of LGUs, such as:
 - Whether the implementation of the NCAP Ordinances is a valid exercise of local autonomy;
 - Whether the LGUs can establish their respective schedules of fines and penalties;
 - Whether the implementation of the NCAP can be done through Joint Venture Agreements (JVAs) or service agreements between LGUs and private entities;
 - Whether the fees paid by motorists to the LGUs can be transferred, to private contractors; and
 - Whether the NCAP Ordinances may validly grant honoraria to the members of the committees created for the purpose of enforcing the NCAP.
- Issues relating to the violation of other statutes, such as:
 - Republic Act No. 4136, or the Land Transportation and Traffic Code;
 - Republic Act No. No. 10173, also known as the Data Privacy Act of 2012; and
 - Act No. 3326, otherwise known as An Act to Establish Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances and to Provide When Prescription Shall Begin to Run.
- Issues relating to the effect of declaration of unconstitutionality of NCAP, such as the application of the operative fact doctrine and the determination of whether there was usurpation of legislative authority by the respondent LGUs.

Evidently, the resolution of these issues entails an analysis of constitutional principles and statutory provisions that have not undergone any substantial amendment. During the years that this case remained pending before the Court, the legal framework governing the validity of NCAP Ordinances remained essentially unchanged. Whether the instant legal dispute was decided in 2022 or in 2026, the Court would still be called upon to examine the same Section 16 of the Local Government Code in determining whether the respondent LGUs validly exercised local autonomy and police power in enacting their respective NCAP. To insist that the legal landscape has been fundamentally transformed would be tantamount to suggesting that the delegated legislative authority of LGUs to

regulate traffic has, in the interim, been altogether extinguished. That proposition has no legal footing.

The foregoing enumeration is not a mere catalog of abstract legal questions. These are substantial constitutional and statutory issues that a declaration of mootness conveniently sidesteps. They are also the very issues that this Opinion endeavors to address. Indeed, there is no dearth of arguments upon which the Court could have arrived at a definitive ruling, especially considering the time, effort, and institutional resources already expended, including the conduct of oral arguments. At the very least, this Opinion refuses to render nugatory both the efforts undertaken to settle this controversy and the public expectation that the Court would squarely answer the constitutional questions presented.

Two. The controversy surrounding the NCAP Ordinances are not moot because the respondent LGUs themselves manifested that they would continue exercising their own respective delegated authorities to regulate traffic, albeit consistent with the MMDA's NCAP system, viz.:

3. It is likewise respectfully submitted that except for Muntinlupa City, which has yet to operational ize the NCAP, the Respondent Cities had implemented the NCAP in a manner substantially similar, if not identical, as that being implemented by the MMDA. For instance, all violations identified were properly reviewed by the respective traffic personnel of the Respondent Cities prior to the corresponding issuance of Notices of Violations ("NOVs"), and all violators issued with NOVs were afforded the opportunity to contest the same before the respective traffic adjudication bodies of the Respondent Cities.

4. It is further respectfully submitted that should the TRO be lifted for all the Respondents, the Respondent Cities, as well as the other Metro Manila Local Government Units ("LGUs"), can only implement the NCAP in this allowed manner as the Metro-Manila Council had adopted Joint Metro Manila Traffic Circular No. 01, series of 2023, which established the Metro Manila Traffic Code of 2023 ("MMTC").

....

6. Furthermore, the MMDA, Respondent Cities, and, the San Juan City Government have jointly entered into a Memorandum of Agreement, wherein the same have committed, and obligated themselves to implement the NCAP in accordance with the MMTC and MMDA Memorandum Circular No. 10, series of 2025, which was signed separately by the parties from 29 August 2025 to 02 October 2025.[1] (Underscoring and emphasis supplied)

The fact that respondent LGUs intend to implement their own NCAP Systems is buttressed by the whereas clauses of the Memorandum of Agreement with MMDA, the sixth provision thereof reads thusly:

WHEREAS, in view of the successful reimplementation of the NCAP by the MMDA, the undersigned LGUs in Metro Manila have committed to implement their NCAP in accordance with the MMTC 2023 and the MMDA Memorandum Circular No. 10, Series of 2025 in the event that the TRO against their NCAP has been lifted;[2] (Emphasis supplied)

These submissions unmistakably show that the respondent LGUs' NCAP systems remain firmly in place. In fact, respondent LGUs also submitted their Supplemental Manifestation providing the Court with copies of their Ordinances "updating their respective local traffic codes" which reflect the adoption of the MMTC,[3] and thereafter beseeched the Court to finally resolve instant case "in order for a better and unified traffic management for Metro Manila." [4] Hence, there was never a point in time between the institution of these Petitions and the present resolution when the respondent LGUs: (1) were stripped off of their power to enact their respective NCAP systems; or (2) attempted to formally abolish the adoption thereof.

Three. The controversy surrounding the NCAP Ordinances are not moot because countless Filipinos await the status of the validity of the fines incurred pursuant to their implementation.

in respondent LGUs' Supplemental Manifestation, the data disclose that: (1) there were 833,097 recorded traffic violations from August 30, 2022 until the end of April 2025; and (2) from January to March 2025, the recorded traffic violations were well above the 9,500 average monthly traffic violations prior to the NCAP's suspension as it hit more than 10,000 violations each month.[5]

To my mind, these figures underscore that the present controversy is not merely an academic undertaking. The resolution of the NCAP controversy would have a direct effect on the public, as it would explain to them that the fines that they have to pay are legitimate impositions. A contrary decision, as what was done by the ponencia, leaves room for uncertainty relating to the status of previous traffic violations, as well as the enforceability – moving forward – of the fines already incurred. Indeed, to suggest that there is nothing more to resolve at this point, or that any relief sought has become "illusory," trivializes the pecuniary concerns of all the individual motorists awaiting the resolution of this controversy.

Lest it be misunderstood, a declaration that NCAP Ordinances are constitutional would still require the settlement of the fines that have been incurred pursuant to the implementation thereof. Nonetheless, such result would have been anchored on the recognition that the concerns raised are real from the beginning and deserve a definitive answer from the Court.

At this juncture, I would also like to highlight that the present case presents the perfect opportunity to discuss whether judicial imprimatur may be stamped to the adoption of a novel piece of technology to better regulate traffic in Metro Manila. Some of the most monumental products of technological development that were born out of necessity include the light bulb, the car, and the computer. Time has been a testament to the fundamental truth that technology, when used and intended to be used in a suitable manner, can forever change and drastically improve the way that people live their lives.

Invariably, developments in jurisprudence are a by-product of the pressing need to resolve challenging and controversial disputes opportunely presented in cases that leave an indelible mark in Philippine history.

The Court is supposed to rise to the occasion as it is confronted with the task of providing a conclusion to novel legal issues and striking a delicate balance between government power and individual rights, albeit this time, in the context of an initiative to institutionalize a groundbreaking technology that purportedly aims to advance the greater good of the public. It should not shirk from its responsibility to settle this dichotomy, no matter how polarizing it may seem.

In the main, the primordial duty of the Court in the case at bench is to pass upon the validity of five city ordinances that introduce a new modality to apprehend traffic violators. These local legislations are being impugned for their purported transgression of specific provisions of the Bill of Rights and ostensible contravention of certain statutes. Similar to the past, the Court should be guided by a dynamic interpretation of the Constitution — that is, legislation will not be struck down unless it is clearly and patently in violation of fundamental legal precepts.[6]

In addressing the numerous issues in the present conundrum, the Court can fasten the foundation of its analysis on the cardinal rule in statutory construction that statutory provisions control the implementing rules and regulations (IRR) which may be issued pursuant thereto.[7] The validity of a law should not be made to depend on the validity of its implementing rules.[8] The instant constitutional challenge provided the Court, at least through this Opinion, an opportunity to expound on the logical and necessary extension of this rule – that more so, the validity of legislative issuances, such as the assailed ordinances, cannot be made dependent on the potential errors of, and abuse by, the personnel tasked with their implementation. As the Court held in the early case of *Angara v. Electoral Commission*,[9] "the possibility of abuse is not an argument against the concession of the power as there

is no power that is not susceptible of abuse." [10]

Even as the Court remains steadfast in its duty to safeguard the Constitution, it must constantly remind – and be reminded – that "each constitutional organ working within its own particular sphere of discretionary action must be deemed to be animated with the same zeal and honesty in accomplishing the great ends for which they were created by the sovereign will." [11] *Garcia v. Commission on Elections* [12] teaches that there is no reason not to extend the same courtesy and conviction to our public officials –

To deny power simply because it can be abused by the grantee is to render government powerless and no people need an impotent government. There is no democratic government that can operate on the basis of fear and distrust of its officials, especially those elected by the people themselves. On the contrary, all our laws assume that our officials, whether appointed or elected, will act in good faith and will regularly perform the duties of their office. Such a presumption follows the solemn oath that they took after assumption of office, to faithfully execute all our laws. [13]

The instant consolidated petitions raise a common thread of issues relating to the validity and/or constitutionality of the No Contact Apprehension Policy (NCAP) that are instituted through the issuance of various city ordinances.

As earlier intimated, this Opinion is put forth to resolve the issues on the merits.

The first case, docketed as G.R. No. 261892, is a Petition for Certiorari and Prohibition (with Urgent Application for Temporary Restraining Order/Cease and Desist Order, Writ of Preliminary Injunction, and Other Injunctive Reliefs) [14] filed on August 2, 2022 by four transport groups, namely: Kilusan sa Pagbabago ng Industriya ng Transportasyon, Inc. (KAPIT), Pangkalahatang Sanggunian Manila & Suburbs Drivers Association Nationwide, Inc. (PASANG MASDA), Alliance of Transport Operators and Drivers Association of the Philippines (ALTODAP), and Alliance of Concerned Transport Organization (ACTO), hereinafter collectively referred to as "KAPIT et al.," in representation of transportation organizations, public utility vehicle (PUV) operators, drivers, transport workers, and all motorists in the Philippines. They essentially seek to nullify and permanently enjoin the local government units (LGUs) of the City of Manila, Muntinlupa City, Parañaque City, Quezon City, and Valenzuela City, hereinafter referred to as "respondent LGUs," from implementing NCAP through their respective ordinances. The Land Transportation Office (LTO) was also impleaded in the Petition.

The second case, docketed as G.R. No. 262192, is a Petition for Prohibition and Certiorari (Rule 65) with prayer for issuance of a Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction [15] lodged on August 16, 2022 by Atty. Juman B. Paa, hereinafter referred to as "Atty. Paa," against the Sangguniang Panlungsod of the City of Manila and Maria Sheilah "Honey" Lacuna-Pangan in her capacity as the incumbent Mayor of the City of Manila, challenging the constitutionality of City of Manila Ordinance No. 8676, Series of 2020.

Finally, the third case, docketed as G.R. No. 263752, is a Petition for Certiorari and Prohibition (with a Motion for Consolidation and Motion to Participate in the Scheduled Oral Arguments) [16] filed on October 26, 2022 by Philippine National Taxi Operators Association, Inc. (PNTOA), Manuel C. Cruz, and Jacqueline V. Serrano, hereinafter collectively referred to as "PNTOA et al.," against respondent LGUs and the Metro Manila Development Authority (MMDA), which likewise calls to fore the validity of the five ordinances implementing the NCAP.

A diegesis of the case follows.

In 2002, the Metro Manila Council sanctioned the MMDA to adopt plans to implement a "No Physical Contact

Policy," or commonly referred to as "NCAP," in apprehending traffic violators in Metro Manila using high speed cameras.[17] The following year, the guidelines for the implementation of the NCAP were laid out in MMDA Memorandum Circular No. 5.[18]

From January 2009 to January 2010, several NCAP trial runs were prescribed by the MMDA.[19]

Thereafter, the NCAP was permanently reinstated on February 16, 2016, through MMDA Resolution No. 16-01, s. 2016[20] (MMDA Resolution 16-01). The system was promulgated to inculcate discipline in drivers and motorists on national roads in Metro Manila to prevent disruption of traffic flow and preclude corruption of traffic enforcers. The said Resolution aimed to introduce technologies that would further improve and to strengthen traffic management and operations in Metro Manila and alert violators through the use of closed-circuit television (CCTV) installed in strategic areas.[21] This issuance was duly published on March 27, 2016 in the Philippine Star, and a certified true copy thereof was filed with the University of the Philippines Law Center – Office of the National Administrative Register on May 24, 2016.[22]

In the interim, respondent LGUs followed suit by enacting ordinances that adopt and implement NCAP in their respective jurisdictions, namely:

- Ordinance No. 8676 Series of 2020 of the City of Manila entitled, "AN ORDINANCE IMPLEMENTING THE NO CONTACT APPREHENSION PROGRAM (NCAP) OF THE CITY AMENDING FOR THE PURPOSE CERTAIN SECTIONS OF CITY ORDINANCE NO. 8092 AND ORDINANCE NO. 8327 AND FOR OTHER PURPOSE;"[23]

- Ordinance No. SP-3052 Series of 2021 of Quezon City entitled, "AN ORDINANCE AMENDING CITY ORDINANCE NO. SP-2785, SERIES OF 2018 OTHERWISE KNOWN AS THE QUEZON CITY REVISED TRAFFIC MANAGEMENT CODE OF 2018;"[24]

- Ordinance No. 572 Series of 2019 of Valenzuela City entitled, "AN ORDINANCE AMENDING SECTION 6 OF ARTICLE III OF ORDINANCE NO. 19, SERIES OF 2005 OTHERWISE KNOWN AS THE 'LAND TRANSPORTATION CODE OF VALENZUELA CITY' AND ADDING THERETO A CHAPTER ON 'NO CONTACT APPREHENSION PROGRAM' AS ANOTHER MEANS TO IMPLEMENT THE TRAFFIC CODE OF THE CITY;"[25]

- Ordinance No. 587 Series of 2019 of Valenzuela City entitled "AN ORDINANCE AMENDING SECTION 3, SECTIONS 140 AND 141 OF ARTICLE XXIV CHAPTER VII OF ORDINANCE NO. 572, SERIES OF 2019 OTHERWISE KNOWN AS THE 'NO CONTACT APPREHENSION PROGRAM ORDINANCE OF VALENZUELA CITY;"[26]

- Ordinance No. 918 Series of 2021 of Valenzuela City entitled "AN ORDINANCE AMENDING SECTION 6 OF CHAPTER 1, AND AMENDING, REORGANIZING AND RENUMBERING SECTIONS 138 TO 148 OF ARTICLE XXXIII, XXXIV, AND XXV OF CHAPTERS VI AND VII OF ORDINANCE NO. 19, SERIES OF 2005 OTHERWISE KNOWN AS THE 'LAND TRANSPORTATION CODE OF THE CITY OF VALENZUELA;"[27]

- Ordinance No. 17-06 Series of 2016 of Parañaque City entitled "AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CITY ORDINANCE NO. 05-04, SERIES OF 2004 ENTITLED 'AN ORDINANCE ENACTING THE PARAÑAQUE CITY TRAFFIC CODE SUBJECT TO EXISTING LAWS AND APPLICABLE RULES AND REGULATIONS;"[28] and

- Ordinance No. 2021-280 Series of 2021 of Muntinlupa City entitled "AN [sic] IMPLEMENTING THE NO CONTACT APPREHENSION PROGRAM (NCAP) OF THE CITY OF MUNTINLUPA AND FOR OTHER PURPOSES."[29]

The foregoing ordinances are hereinafter referred to as the "NCAP Ordinances" and synthesized as follows:

The City of Manila enacted Ordinance No. 8092, otherwise known as the "Traffic Code of Manila" on December 14, 2004. On February 10, 2017, subsequent to the passage of MMDA Resolution No. 16-01, the City of Manila entered into a Memorandum of Agreement (MOA) with the LTO to electronically connect the former's Non-Contact Apprehension System with the latter's database for purposes of motor vehicle and driver's license verification and/or creation of alarm system to ensure the effective implementation of its mandated functions.[30] Thereafter, on September 21, 2020, the Sangguniang Panlungsod of the City of Manila introduced "another way of enforcing traffic rules and regulations"[31] and enacted Ordinance No. 8676 or "An Ordinance Implementing the No Contact Apprehension Program (NCAP) of the City Amending for the Purpose Certain Sections of City Ordinance No. 8092 and Ordinance No. 8327 and for other Purpose," which the City Mayor approved on October 12, 2020.[32] This was further amended by Ordinance No. 8696.[33]

For Quezon City, it adopted the NCAP in 2014 with the enactment of City Ordinance SP-2373 series of 2014, which amended Quezon City's old traffic code. Thereafter, in 2018, the Sangguniang Panlungsod enacted Ordinance No. SP-2785 series of 2018 or the Quezon City Revised Traffic Management Code of 2018, as amended by Ordinance No. SP-3052 series of 2021, to implement the NCAP after a series of public consultations to address the concerns of stakeholders. After the enactment of the ordinance, the Quezon City Government conducted a dry run for the NCAP from October 11, 2021 until November 24, 2021 to acclimatize motorists to the system. Eventually, the NCAP in several areas of Quezon City went into full swing from July 1, 2022 until August 30, 2022.[34]

For its part, Parañaque City amended certain provisions of City Ordinance No. 05-04 series of 2004 entitled "An Ordinance Enacting the Parañaque City Traffic Code, Subject to Existing Laws and Applicable Rules and Regulations," and issued City Ordinance No. 17-06 to implement the NCAP within its territorial jurisdiction. Following its enactment, Parañaque City specified the location of the cameras within the city.[35]

As for Valenzuela City, it enacted Ordinance No. 572, Series of 2019 on June 24, 2019 for the NCAP implementation within its territorial jurisdiction, which was later on amended by Ordinance No. 578, series of 2019. Thereafter, on August 2, 2021, Ordinance No. 918, Series of 2021, amended the Valenzuela Land Transportation Code. The aforementioned ordinances comprised the NCAP implementation of Valenzuela City.[36]

Finally, in response to the increasing road traffic situation, Muntinlupa City passed Ordinance No. 2021-280, providing for its own NCAP, with the objective of enforcing traffic rules and regulations through the operation of a no contact apprehension electronic system. However, Muntinlupa City avouches that it never implemented its NCAP Ordinance as the implementing rules and regulations pertinent thereto have yet to be issued.[37]

Each of the respondent LGUs was able to avail of the technology for the NCAP by entering into a joint venture agreement (JVA) with a private sector partner, i.e., QPAX.[38]

Thereafter, several cases were filed separately to assail the validity of the respective NCAP Ordinances, of respondents LGUs, as well as MMDA Resolution No. 16-01, which is the NCAP implemented by MMDA:

In November 2021, Malcolm Law Offices and herein petitioner KAPIT jointly filed a Petition for Injunction[39] against MMDA and LTO before the Regional Trial Court (RTC) of Makati, seeking to declare MMDA Resolution 16-01 null and void. This case, entitled *Malcolm Law Offices v. Metro Manila Development Authority and Land Transportation Office* and docketed as Civil Case No. R-MKT-21-03772-CV (RTC-Makati case),[40] was raffled to, and is still pending with, the RTC Makati, Branch 57.[41]

In February 2022, PNTOA et al. filed a Petition for Certiorari and Prohibition before the RTC Manila against the Manila Traffic and Parking Bureau and the Manila Traffic Adjudication Board, seeking to enjoin the implementation of NCAP in the City of Manila. The case was raffled to Branch 16 and docketed as Case No. R-MNL-22-01.122-SC (RTC-Manila case). In its Resolution dated July 11, 2022, the RTC Manila dismissed the petition and upheld the validity of the NCAP ordinance of Manila City. Undeterred, PNTOA et al. filed a Motion for Reconsideration, which is still pending to date.[42]

While these two aforecited, cases remain unsettled, the present consolidated Petitions were sequentially filed before the Court.

As earlier adumbrated, the actions before this Court began with the filing of KAPIT'et al.'s Petition for Certiorari and Prohibition. Notably, a perusal of their submissions reveals that they are represented by Malcolm Law Offices, which was also a party to the RTC-Makati case.[43]

On August 9, 2022, respondent LGUs and the LTO were directed to file their respective comments on the KAPIT et al. Petition within a non-extendible period often days from notice,[44] to which they complied.

Atty. Paa then followed suit with the submission of his Petition for Prohibition and Certiorari on August 17, 2022, after he was purportedly prevented from registering his vehicle with the LTO due to unpaid fines for four traffic violations without notice. Avowedly, Atty. Paa was not notified of such violations, which were captured by the NCAP system of the City of Manila.[45]

As it happened, the Court issued a Temporary Restraining Order (TRO) on August 30, 2022, enjoining the respondent LGUs, as well as the MMDA, from implementing the NCAP Ordinances and MMDA Resolution No. 16-01.[46] On even date, G.R. Nos. 261892 and 262192 were likewise consolidated and the petitions were set for oral arguments.[47]

Upon instruction of the Court, the MMDA, on November 2, 2022, filed its Consolidated Comment[48] on the Petitions of KAPIT et al. and Atty. Paa.

Prior to the preliminary conference on November 8, 2022, PNTOA et al. lodged its Petition[49] imploring the Court to permit its participation. Significantly, while the existence of the RTC-Manila case was divulged, PNTOA et al. maintained that no forum shopping was committed.[50]

Thenceforth, the Oral Arguments on the three petitions were held on December 6, 2022 and January 24, 2023. Upon its conclusion, the Court directed the parties to submit their respective memoranda, to which they all complied with.[51]

Ensuingly, the MMDA manifested that the Metro Manila Council had already adopted and approved the "Single Ticketing System" through the MMDA Resolution No. 23-02 s. 2023, and consequently, the "Joint Metro Manila Traffic Circular No. 01, Series of 2023," establishing the Metro Manila Traffic G6de of 2023 (MMTC 2023).[52] In actual fact, the MMTC 2023 was already .adopted by Muntinlupa City, Parañaque City, Quezon City, and Valenzuela City through the enactment of subsequent ordinances.[53] The City of Mapila, for its part, explained that it likewise followed the same course of action, except insofar as the provisions of MMTC 2023 respecting the establishment of a Traffic Adjudication Board (TAB), since its own TAB continues to perform its functions.

In its Resolution dated April 16, 2024,[54] the Court required QPAX required to file a Comment, which the latter did on May 21, 2024.[55] Thereafter, heeding the directives of the Court, LTO also submitted its Reply on August 13, 2024.[56]

At the center of judicial crosshairs are legal issues that delve into the constitutionality of respondent LGUs' NCAP

Ordinances. After a perspicacious study of the cases and guided by its previous Advisory outlining the issues relevant to the resolution thereof, the Court truncates the issues as follows:

I.

Did the petitioners commit forum shopping?

II.

Were the requisites of judicial review satisfied?

A. Is there an actual case or controversy?

1. Did the petitioners violate the doctrine of exhaustion of administrative remedies?
2. Are the petitions already moot and academic?

B. Do the petitioners have locus standi?

C. Was the constitutional challenge raised at the earliest opportunity?

D. Is the constitutional question the lis mota of the case?

III.

Was the doctrine of hierarchy of courts violated?

IV.

Was the enactment of the NCAP Ordinances by respondent LGUs a valid exercise of local autonomy?

V.

Are the NCAP Ordinances criminal or administrative in nature?

VI.

Do the NCAP Ordinances satisfy the jurisprudential test of a valid ordinance?

A. Do the NCAP Ordinances violate specific provisions of the Bill of Rights?

1. Do the NCAP Ordinances violate the right to procedural and substantive due process?
i. May the registered owner rule be adopted in the NCAP Ordinances?
2. Do the NCAP Ordinances violate the right to privacy?
3. Do the NCAP Ordinances violate the fight against excessive fines?

B. Do the NCAP Ordinances contravene national laws?

1. Do the NCAP Ordinances contravene Republic Act No. 4136?
2. Do the NCAP Ordinances contravene specific provisions of the LGC?
 - i. May the implementation of the NCAP Ordinances be done through Joint Venture Agreements (JVAs) or service agreements between LGUs and private entities?
 - ii. May fees paid by motorists to the LGUs be transferred to private contractors?
 - iii. May the NCAP Ordinances grant honoraria to the members of the committees created for the purpose of enforcing the NCAP?

3. Do the NCAP Ordinances contravene Act No. 3326?

The Court shall endeavor to thresh out the issues in seriatim incipiently with the procedural intricacies attending the present controversy.

I. PNTOA et al. are guilty of forum shopping.

At the outset, the Court finds it fitting to tread on respondents MMDA, LTO,[57] City of Manila.[58] and City of Valenzuela's[59] shared view that the Petitions of KAPIT et al. and PNTOA et al., are dismissible in view of the commission of forum shopping.

It is jurisprudentially settled that forum shopping is committed when a party repeatedly avails of several simultaneous or successive judicial remedies in different courts, all substantially founded on the same transactions, essential facts and circumstances, and all raising substantially the same issues either pending in or already resolved adversely by some other court.[60]

The case of *Sec. De Lima v. City of Manila*[61] elucidates that such act can be done in three ways, viz.:

[F]irst, in case of *litis pendentia* or the filing of multiple cases with the same cause of action and seeking the same relief, in which the previous case remains pending; second, in case of *res judicata*, or the filing of multiple cases involving similar cause of action and relief, in which the previous case has been resolved; and last, in case of splitting of causes of action or the filing of multiple cases involving different reliefs although based on the same cause of action, where the ground for dismissal is either *litis pendentia* or *res judicata*.

Proceeding from jurisprudential rulings, forum shopping is present when the elements of *litis pendentia* are present or when a final judgment in one case will amount to *res judicata* in another, as there is (a) identity of parties or where the parties represent the same interests in both actions, (b) identity of rights, or causes of actions, and (c) identity of relief sought in the cases that are pending.[62] (Citations omitted.)

Forum shopping is a clear act of malpractice, as the litigants trifle with the courts and abuse their processes.[63] "Unscrupulous party litigants, taking advantage of a variety of competent tribunals, may repeatedly try their luck in several different fora until a favorable result is reached." [64] Consequently, two competent tribunals may eventually render two separate and contradictory decisions.[65]

To avoid any resultant confusion, this Court sternly prohibits forum shopping and strictly adheres to such rules, and any violation thereof results in the dismissal of a case.[66] On this score, the Court promulgated Administrative Circulars No. 28-91 and No. 04-94, which are now embodied as Section 5,[67] Rule 7 of the Rules of Court.[68] This provision, which was slightly amended by A.M. No. 19-10-20-SC,[69] entitled "2019 Amendments to the 1997 Rules of Civil Procedure," now reads:

Section 5. Certification against forum, shopping. — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he or she has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his or her knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he or she should thereafter learn that the same or similar action or claim has been filed or is pending, he or she shall report that fact within five (5) calendar days therefrom to the court wherein his or her aforesaid complaint or initiatory pleading has been filed.

The authorization of the affiant to act on behalf of a party, whether in the form of a secretary's certificate or a special power of attorney, should be attached to the pleading.

Failure to comply with the foregoing requirements shall not be curable by mere amendment of the complaint or other initiatory pleading but shall be cause for the dismissal of the case without prejudice, unless otherwise provided, upon motion and after hearing. The submission of a false certification or non-compliance with any of the undertakings therein shall constitute indirect contempt of court, without prejudice to the corresponding administrative and criminal actions. If the acts of the party or his or her counsel clearly constitute willful and deliberate forum shopping, the same shall be ground for summary dismissal with prejudice and shall constitute direct contempt, as well as a cause for administrative sanctions.

At this point, however, it must be emphasized that, though written in the same provision, the proscription against forum shopping is different from the disclosure requirement imposed under the above provision.[70] In *Spouses Ong v. Court of Appeals*,^[71] the Court explained the difference in the imposable sanctions and the manner of their enforcement in the event of a violation of these requirements, to wit:

The distinction between the prohibition against forum shopping and the certification requirement should by now be too elementary to be misunderstood. To reiterate, compliance with the certification against forum shopping is separate from and independent of the avoidance of the act of forum shopping itself. There is a difference in the treatment between failure to comply with the certification requirement and violation of the prohibition against forum shopping not only in terms of imposable sanctions but also in the manner of enforcing them. The former constitutes sufficient cause for the dismissal without prejudice of the complaint or initiatory pleading upon motion and after hearing, while the latter is a ground for summary dismissal thereof and for direct contempt. The rule expressly requires that a certification against forum shopping should be attached to or filed simultaneously with the complaint or other initiatory pleading regardless of whether forum shopping had in fact been committed.^[72] (Underscoring supplied; citations omitted.)

The foregoing disquisition demonstrates why the mere proper execution of a certification against non-forum shopping does not automatically absolve a party who has otherwise committed the act of forum shopping.^[73] Ultimately, these are two different requirements that all litigants are bound to observe. Thus, in ascertaining if the prohibition against the act of forum shopping was violated, the primordial consideration is whether the filing of the actions would actually result in the very evil that the rule on forum shopping seeks to prevent, i.e., the rendition of conflicting decisions by different tribunals.^[74]

Parenthetically, aside from the sanctions highlighted in *Spouses Ong v. Court of Appeals*,^[75] case law also instructs that the penalty upon a finding of forum shopping is the summary dismissal not only of the petition pending before this Court, but also of the other case pending before a lower court. This twin termination serves as a punitive measure to those who trifle with the orderly administration of justice.^[76]

KAPIT et al. did not commit forum shopping

Respondents aver that the KAPIT et al.'s Petition should be dismissed for violation of the rules on forum shopping. In particular, the former fault the latter for failing "to disclose the pendency of the petition for injunction KAPIT filed together with their erstwhile co-petitioner and counsel of record, MALCOLM Law Offices, before RTC-Makati, challenging the validity of MMDA Resolution No. 16-01."^[77] While respondents in the RTC-Makati case and the present dispute are not identical, "there is, however, clear identity of the causes of action – the validity of the NCAP as the needed traffic management system in addition to the traditional onsite traffic apprehension of traffic violators."^[78]

In response thereto, KAPIT et al. assert, inter alia, that despite the prior institution of the RTC-Makati case, the filing of their Petition before the Court cannot be classified as forum shopping. Apparently, What is being assailed

in the lower court is "the very authority of the MMDA as an administrative body, to issue the assailed Resolution No. 16-01, and the authority of the Metro Manila Council, to approve the same is challenged, aside from said Resolution 16-01 contravening the provision of Republic Act No. 4136." [79] Meanwhile, KAPIT et al.'s instant Petition only questions the assailed NCAP Ordinances' contravention of national laws, e.g., Republic Act No. 4136, and not the respondent LGUs' authority to pass the same. [80]

Petitioner KAPIT et. al.'s assertion holds water.

As earlier explicated, the existence of forum shopping presupposes that there is: (a) identity of parties or where the parties represent the same interests in both actions; (b) identity of rights or causes of actions; and (c) identity of relief sought in the cases that are pending. [81] In the case at bench, these requisites are all wanting.

As correctly pointed out by KAPIT et al., the RTC-Makati case takes issue with the ostensible authority of MMDA to pass MMDA Resolution No. 16-01, as well as the validity of certain provisions thereof. While the legality of NCAP as a traffic management system was likewise called to fore in the petition for injunction filed before the RTC Makati, [82] it bears stressing that MMDA Resolution No. 16-01 is a result of the exercise of MMDA's authority under Republic Act No. 7924, [83] which serves as Charter of the MMDA.

In contrast, the present controversy is necessarily related to the exercise of local autonomy, and by extension the provisions of Republic Act No. 7160, otherwise known as the Local Government Code. [84] Still and all, the Court disagrees with KAPIT et al.'s earlier postulation that its Petition is confined to the NCAP Ordinances' contravention of national laws and not the respondent LGUs' authority to pass the same. [85] This is easily belied by its own disputation that the implementation of the NCAP Ordinances is an invalid exercise of local autonomy since these should be "inferior and subordinate to the laws of the state." [86]

The above differentiation finds textual mooring in the respective whereas clauses of MMDA Resolution No. 16-01 and the NCAP Ordinances. The former expressly recognizes that it was implemented pursuant to the provisions of Republic Act No. 7924, thus:

WHEREAS, Section 5(e) of [Republic Act No.] 7924 mandates the MMDA to set policies concerning traffic in Metro Manila, coordinate and regulate the implementation of all programs' and projects concerning traffic management specifically pertaining to enforcement, engineering and education;

....

NOW, THEREFORE, be it resolved as it is hereby resolved, pursuant to Section 6 of Republic Act No. 7924, that the Council hereby re-implements the No Physical Contact Apprehension of Traffic Violators through the Use of CCTV, Digital Camera and/or New Technologies Used in Capturing Images. [87] (Emphasis in the original)

The NCAP Ordinances, on the other hand, rely on the provisions of the LGC as legal bases for their enactment and implementation. For instance, the Whereas clauses of the City of Manila's NCAP Ordinance include the following:

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991, provides that: 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, . . . preserve the comfort and convenience of their inhabitants."

WHEREAS, Section 458 (5) (vi) of the same Code empowers the city, through an ordinance, to regulate traffic

in all streets and bridges within the city territory [..][88]

Quite discernibly, the NCAP implemented by MMDA is a separate and distinct traffic management system from that enacted and enforced pursuant to the impugned NCAP Ordinances. As respondents MMDA and LTO themselves admit, "the MMDA does not implement the [NCAP Ordinances] of respondent LGUs, and vice versa,"[89] Consequently, the separate actions now pending before the RTC-Makati and the Court are different from each other. Whereas the RTC-Makati case involves a determination of the validity of MMDA Resolution No. 16-01 vis-à-vis the limits of the powers conferred to MMDA under Republic Act No. 7924, KAPIT et al.'s Petition before the Court demands the scrutiny of constitutional and statutory principles relating to local autonomy and respondent LGUs' delegated police power on the issue of traffic management.

The eventual decision by the RTC-Makati would therefore have no effect on the constitutionality of the NCAP Ordinances, and vice versa. This conclusion holds true even though there are similar questions in the two actions relating to the supposed violation of certain constitutional rights of individuals, such as the right to due process.

To be sure, the requisites of forum shopping are unmistakably absent in this case insofar as KAPIT et al. are concerned.

One. The parties in the RTC-Makati case and the present Petition do not represent the same interests considering that each controversy involves a different set of issuances, arising out of a separate and distinct legal bases. Hence, in the RTC-Makati case, the parties' interest, as mentioned, is to test the validity of the MMDA Resolution No. 16-01 vis-à-vis the provisions of Republic Act No. 7924. Meanwhile, the litigants in the instant Petition beseech the Court to establish the validity or invalidity of the NCAP Ordinances vis-à-vis the Local Government Code. Relatedly, the participation of KAPIT and MMDA in both actions do not detract from such finding. Suffice it to say that the controlling factor is not the similarity in the parties per se but rather their interests in reference to the two cases.[90]

Moreover, constitutional cases, such as the RTC-Makati case and the present controversy, are public actions where a preliminary question regarding the litigant's interest in reference to the constitutional question that is subject of the action, must be determined.[91] Given that the primordial constitutional questions presented in the two actions relate to two different sets of laws, it also follows that the parties interests in these two cases are likewise dissimilar.

Two. As highlighted above, the absence of the second element, i.e., the identity of rights or causes of actions, can be inferred from the fact that the purported violations arise from two NCAPs which were enacted by separate bodies, and which operate independently of each other. Assuming that constitutional rights have been transgressed, such violations would have been perpetuated by different entities.

Three. The two cases ultimately seek different remedies. Succinctly, the RTC-Makati case and KAPIT et al.'s Petition respectively pray for the invalidation of MMDA Resolution No. 16-01 and the NCAP Ordinances alone, without even explicitly referring to the other NCAP in the reliefs sought for in their petitions.[92]

While it may be ratiocinated that since both MMDA Resolution No. 16-01 and the NCAP Ordinances implement a similar traffic management system, the Court may accord the invalidation of MMDA Resolution No. 16-01 as a "just and equitable relief." Perceivably, this postulation is an oversimplification of the legal frameworks involved and deliberately overlooks the strict requirements of constitutional, litigation.

In *Planters Products, Inc. v. Fertiphil Corporation*,[93] the Court decreed that it could engage in the judicial review of the constitutionality of official acts provided that (a) such issue was properly raised, and presented in the case; and (b) its resolution is necessary to a determination of the case, i.e., the issue of constitutionality must

be the very *lis mota* presented.[94]

The Court will be eschewing these two requisites should it decide to examine, much more sweepingly declare as invalid MMDA Resolution No. 16-01. Moreover, the challenges relating to the NCAP Ordinances may be resolved without delving into the constitutionality of the said issuance. The following annunciation of the Court in *Tan v. Bausch & Lomb Inc.*[95] is apropos:

We have ruled time and again that the constitutionality or validity of laws, orders, or such other rules with the force of law cannot be attacked collaterally. There is a legal presumption of validity of these laws and rules. Unless a law or rule is annulled in a direct proceeding, the legal presumption of its validity stands.[96]

The Court is also mindful of its recent ruling in the case of *Federation of Jeepney Operators and Drivers Association of The Philippines (FEJODAP) v. City of Manila*[97] (FEJODAP case), where it declared null and void the respective provisions of the Traffic Management Codes of the LGUs in Metro Manila, including herein respondent LGUs, which provided for the issuance of a traffic violation ticket to erring drivers denominated as "Ordinance Violation Receipt" (OVR).[98] In the said case, the Court held that the Congress intended "to lodge in the MMDA all the rule-making powers relative to traffic management in Metro Manila" and resultingly, Section 5 (e) and (f)[99] of Republic Act No. 7924 "have primacy" over 447(5)(v-vi)[100] and 458(5)(v-vi)[101] of the Local Government Code." [102]

This verdict, nonetheless; does not have the effect of making the two NCAPs inseparable in such a way that a ruling in one case would serve as *res judicata* on the other, in the first place, even assuming that the Court declares that the NCAP Ordinances are inconsistent with the MMDA Charter and must therefore be voided pursuant to the FEJODAP case,[103] the same would not automatically translate to the dismissal of the constitutional challenges against MMDA Resolution No. 16-01 – and for that reason, the relevant provisions of MMTC 2023 and MMDA Memorandum Circular No. 10, Series of 2025. At the risk of being repetitive, the constitutionality of the latter issuances are not the *lis mota* of the present controversy.

More importantly, even, the Court acknowledged in the FEJODAP case that the Local Government Code still "empower[s] the cities and the lone municipality in Metro Manila to regulate traffic, albeit only to the extent that they do not conflict with the regulations issued by MMDA." [104] In this regard, there appears to be no inconsistency, much less any contradiction, between the two NCAPs. As the Court will likewise later expound, the absence of any-conflict between the NCAP Ordinances and MMDA Resolution No. 16-01 emanates from the fact that, unlike the installation and administration of a single ticketing system, which necessarily implies that the LGUs must completely follow the MMDA's efforts lest there would be violation of the concept of a unitary system, the institution of an NCAP System would have to rely on the administration of each of the LGUs.

In synthesis, KAPIT et al.'s Petition before the Court cannot be sanctioned for stating in their Certification of Non-Forum Shopping that there was no application¹ or proceeding pending before the lower courts which involve the same issues as the present controversy. KAPIT did not violate either the proscription against forum shopping or the disclosure requirement imposed under Section 5, Rule 7 of the Rules of Court, as amended.

In contrast, PNTOA et al. are guilty of forum shopping.

In the Verification and Certification of Non-Forum Shopping attached to its Petition for Certiorari, PNTOA et al. made the following disclosure:

7. We hereby disclose that we have commenced a Petition for Certiorari and Prohibition with Prayer for Issuance of a Temporary Restraining Order and/or Writ of Preliminary injunction before the Regional Trial Court of Manila Branch 16 with Case No. R-MNL-22-01122-SC.

8. The above petition was initially dismissed but is currently suspended in light of the trial court's decision to defer its resolution on our pending motion for reconsideration. The trial court's order to defer the proceedings was made as a judicial courtesy to the Supreme Court.[105] (Emphasis supplied);

Respondents bewail that PNTOA et al.'s Petition before the Court and before Branch 16 of the RTC of Manila satisfy all the requisites of forum shopping, with respondents MMDA and LTO even presenting a side-by-side comparison of the parties, issues, arguments, and prayers in the two petitions to prove such point.[106] Moreover, they postulate that PNTOA et al. cannot avoid the consequences of the commission of forum shopping through the mere disclosure of the pendency of the RTC-Manila case.[107]

Respondents' postulation carries weight and conviction.

In *Montes v. Court of Appeals (Sixth Division)*, [108] the Court held that the filing of a special civil action before the Court during the pendency of a motion for reconsideration involving the same relief constitutes forum shopping, ratiocinating in this wise:

In the case at bar, when Montes filed the petition for prohibition against the suspension order on 19 July 2000, his motion for reconsideration of the dismissal of his petition for certiorari was still pending before the appellate court. In fact, in a Resolution 26 dated 22 June 2000, the Court of Appeals directed the Ombudsman to file his comment indicating that Montes' motion for reconsideration has not been fully resolved.

Montes' petition for certiorari prayed, among others, that the appellate court issue an order "restraining the Honorable Secretary, Department of Science and Technology from implementing the Order dated 02 March 2000." Montes' motion for reconsideration likewise prayed that "(t)he implementation of the suspension for one year from the service without pay of the herein petitioner be restrained (subject of the assailed OMB Decision and Order)." In the present petition, Montes prays that "(a)n order be issued to restrain the Honorable Secretary, DOST from implementing the Suspension Order on the herein petitioner."

Clearly, the relief sought from the appellate court is the same as the relief prayed for in the present petition — that is, that an order be issued restraining the DOST Secretary from implementing the Ombudsman's Order. In filing the instant petition without awaiting the resolution of his pending motion before the appellate court, Montes asked for simultaneous remedies in two different fora. This act is censurable and serves as a ground for the dismissal of the instant case with prejudice.[109] (Emphasis supplied)

The similarities in the factual antecedents of PNTOA et al.'s Petition and in *Montes v. Court of Appeals* [110] are evident. Both cases involve the filing of an original action before the Court during the pendency of a motion for reconsideration with the lower court. Accordingly, a finding that the reliefs sought for in the RTC-Manila case and PNTOA et al.'s Petition are similar, would confirm that PNTOA et al. engaged in forum shopping.

Incidentally, it is non momentum est that it disclosed the pendency of the RTC-Manila case in Its Certification of Non-Forum Shopping. To reiterate, the commission of the proscribed act and the breach of the disclosure requirement under Section 5, Rule 7 of the Rules of Court, as amended, are two different violations whose distinctions are "too elementary to be misunderstood." [111]

PNTOA et al., however, avouch that there is no violation in this case, propounding that:

37. First, there is clearly no identity of parties since the named defendants in the RTC case are only the [Manila Traffic and Parking Bureau (MTPB)] and [Manila Traffic Adjudication Board (MTAB)], both of which are agencies within the City of Manila, to the exclusion of the other live Respondents in this case.

38. Second, there is absolutely no identity of relief prayed for, as the RTC case was limited to the legality of the Notices of Violation ("NOV") issued by the City of Manila against the Petitioners, and not an action to annul the subject NCAP ordinances and resolution of the respondent cities and the MMDA.

39. Third, a decision in the instant suit will not necessarily result in *res judicata* with respect to the RTC case. This is so as the instant petition raises only questions of law, pertaining to the constitutionality of the assailed ordinances and resolution.

40. In comparison, the RTC case involves both questions of law and questions of fact, which delve on the existence and legality of the alleged actions of both the MTPB and MTAB. As such, a resolution of the constitutional issues raised in this Petition will not automatically resolve all the issues in the RTC case, as the factual questions shall be deemed to persist despite the resolution of the legal issues.[112]

This reasoning is out on a limb.

A comparative analysis of the two cases shows identity, not just in the relief sought, but also in the parties and rights or causes of action involved:

It is axiomatic that with respect to the element of identity of parties, *res judicata* does not require absolute, but only substantial, identity of parties. This substantial identity, in turn, exists "when there is a community of interest between a party in the first case and a party in the second case, even if the latter was not impleaded in the first case." [113] The test to determine substantial identity of interest would be to see whether the success or failure of one party materially affects the other. [114]

Here, the City of Manila was impleaded by PNTOA et al. in the two petitions. The question now is whether the addition of other respondent LGUs to its Petition before the Court negates the presence of substantial identity of parties in the two proceedings.

The Court answers in the negative.

In *Cruz v. Court of Appeals*, [115] the Court held that the mere "addition or elimination of some parties" in the subsequent action is not enough to circumvent the prohibition, since the "community of interest" is the standard in determining the existence of substantial identity of parties, viz.:

The principle of *res judicata* may not be evaded by the mere expedient of including an additional party to the first and second action. Only substantial identity is necessary to warrant the application of *res judicata*. The addition or elimination of some parties does not alter the situation. There is substantial identity of parties when there is a community of interest between a party in the first case and a party in the second case albeit the latter was not impleaded in the first case. [116]

In the present case, the "community of interest" between the parties in the two cases is palpable – the petitioners and respondents in both the RTC-Manila case and the present controversy are concerned with the authority of an LGU to enact an NCAP System. Using the test formulated by the Court in *Pryce Corp. v. China Banking Corp.*, [117] the "success or failure" of either the petitioners or respondents in the present dispute materially affects the determination of the RTC-Manila case, and vice versa. All of the assailed NCAP Ordinances, after all, rely on the same legal basis for their enactment and implementation, i.e., the Local Government Code. Consequently, should the Court declare the NCAP Ordinances to be valid, the RTC Manila can no longer declare Manila's NCAP Ordinance, in particular, to be unconstitutional, lest the issuance of two conflicting decisions should be sanctioned. Plain as day, this is precisely what the proscription on forum shopping seeks to avoid. [118]

Significantly, this also illustrates the difference between the circumstances of the respective petitions of *KAPIT et al.* and *PNTOA et al.* Unlike in *PNTOA et al.*, the decision of the RTC Makati, which relates to the validity of MMDA Resolution No. 16-01, will not be materially affected by the Court's pronouncement herein.

At any rate, even on the argument that the LGUs themselves are separate and distinct entities from one another and therefore implement NCAP Systems that likewise operate independently from each other, *PNTOA et al.*'s

Petition would suffer the same fate.

For one, the inclusion of respondent City of Manila in both proceedings, for the same purpose of defending its own NCAP, undoubtedly establishes "community of interest" between the parties in RTC-Manila case and the instant Petition and is hence fatal to PNTOA's cause. The mere addition of the other respondent LGUs before the Court would not alter or dilute the City of Manila's interest from that of the RTC-Manila case, as it would still be defending, its, NCAP Ordinance in both cases. Again, this is different from the situation of KAPIT wherein the MMDA, although impleaded in both cases, is defending the validity of MMDA Resolution No. 16-01 in one proceeding and that of the NCAP Ordinances in the other.

For another, the disposition that there is no identity of parties since more LGUs were impleaded in the Petition before the Court reeks of absurdity. By this logic, PNTOA et al., in assailing the five NCAP Ordinances, could have done the same in a seemingly piecemeal fashion. For instance, before going to the Court, it could have first filed another case before the Court of Appeals (CA) subsequent to the institution of the RTC-Manila case as long as such succeeding action would implead an LGU other than the City of Manila. Thereafter, it can file the present Petition as long as they include as respondent yet another LGU which was not impleaded in the proceedings before the RTC Manila and the CA.

Without a doubt, the mere inclusion of other LGUs in the instant case would not remove the situation from the ambit of forum shopping.

With the foregoing discourse, it is ineluctable that the second and third requisites of forum shopping are likewise present considering that both actions visibly challenge the enactment and implementation of an NCAP by an LGU. The Court could not agree with PNTOA et al.'s claim that the RTC-Manila case is confined to the legality of the NOV and did not seek to invalidate the City of Manila's NCAP Ordinance.[119] As astutely pointed out by the respondents,[120] a perusal of the petition before the RTC Manila would reveal that, similar to the instant case, PNTOA et al. mainly take issue with the purported encroachment of the NCAP Ordinances upon the jurisdiction of the first level courts in violation of both the Constitution and Batas Pambansa Blg. 129.[121] Moreover, it does not escape the Court's attention that PNTOA et al. also took exception to the application of the registered owner rule in both cases.[122] Accordingly, its petition before the RTC Manila implores the said lower court to consider the following reliefs:

37. Hence, on the basis of the foregoing premises, it is respectfully submitted that:37.1 SECTION 3, PARAGRAPH 4 OF ORDINANCE NO. 8676 OF THE CITY OF MANILA IS AGAINST THE PROVISION OF BATAS PAMBANSA BILANG 129 (BP129), AND THE REVISED RULES ON SUMMARY PROCEDURE.37.1.1. it is an elementary rule that a law enacted by the legislative department as in the very case of Batas Pambansa Bilang 129 prevails over an ordinance enacted by a local legislative council like Ordinance No. 8676 of the City of Manila.

37.1.2. [Batas Pambansa Bilang] 129 categorically state[s] that the MTC has the exclusive original jurisdiction to try and hear violations of traffic laws, rules and regulations as well as ordinances. The subject City of Manila Ordinance cannot prevail over this provision[]

37.2 THE RESPONDENTS HAVE NO VALID AUTHORITY TO HEAR AND DECIDE VIOLATIONS OF TRAFFIC LAWS, RULES AND REGULATIONS AS WELL AS THE VIOLATIONS OF THE CITY OF MANILA'S TRAFFIC ORDINANCES.

37.3 THE RESPONDENTS HAVE GRAVELY ABUSED THEIR DISCRETION IN HOLDING THE REGISTERED OWNER/OPERATOR LIABLE IF THE ACTUAL DRIVER OF THE APPREHENDED VEHICLE HAS NOT PAID THE FINES AND PENALTIES WITHIN TEN (10) DAYS AFTER THE

SUBMISSION BY THE REGISTERED OWNER/OPERATOR OF THE OBJECTION TO THE NOTICE OF VIOLATION AND THE AFFIDAVIT OF THE DRIVER.

37.3.1. The respondents in applying this statement in its determination of liability,, arrogated upon itself what was a judicial function which is reserved only to a regular court. It applied the principle of vicarious and/or subsidiary liability which can only be applied to a civil and criminal cases or proceedings, respectively, by a regular court exercising judicial function, and power.

37.3.2. What is worse is the fact that the said adjudication board assumed quasi-judicial or administrative adjudicatory function or power relative to the cases involving violations of traffic laws, rules and regulations as well as traffic ordinances. Such power has no basis in fact and in law.

37.3.3. And finally, in continuously exercising said quasi-judicial or administrative power and arrogating upon, itself judicial power in adjudicating traffic violations and by applying the principle of employer's liability with his employee in its determination of liability, the board gravely abused its discretion amounting, to lack and/or in excess of jurisdiction.[123] (Emphasis and underscoring in the original.)

If any, PNTOA et al.'s representation that its sole issue in the RTC-Manila case is the legality of the NOV is inaccurate considering that they effectively sought the invalidation of the relevant portions of the City of Manila's NCAP Ordinance. To reiterate, these arguments are similar to those raised in the present petition before the, Court. Understandably, the identity in the reliefs sought in both actions would also then be incontrovertible since they seek the invalidation of specific provisions of the NCAP Ordinances.[124]

Ineludibly, the Court holds and so rules that forum shopping was committed by PNTOA. Perforce, the Court hereby dismisses the Petition of PNTOA et al. and refrains from taking cognizance of the issues raised therein. Moreover, in fealty to prevailing case law[125] which holds that the cases simultaneously filed must be terminated as a "punitive measure to those who trifle with the orderly administration of justice," the dismissal of the RTC-Manila case is likewise in order.[126]

II. The requisites of judicial review have been complied with.

Section 1, Article VIII of the Constitution reads:

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.

In *Calleja v. Executive Secretary*,[127] the Court explained that the characterization of judicial power in the second paragraph of Section 1, Article VIII speaks of two essential components.[128] The first is known as its traditional scope, which has existed since the Court was established, while the second is what is referred to as its expanded judicial power.[129]

This development of the courts' expanded, judicial power arose from the use and abuse of the political question doctrine during the martial law era under former President Ferdinand Marcos.[130] In *Francisco, Jr. v. House of Representatives*,[131] the Court quoted the sponsorship speech of its proponent, former Chief Justice and Constitutional Commissioner Roberto Concepcion, to explain the underpinnings of such development and to

underscore that courts are now duty-bound to pass upon issues that involve grave abuse of discretion amounting to lack or excess of jurisdiction by any branch, agency, or instrumentality of government.[132] The pertinent portions read:

The next provision is new in our constitutional law. I will read it first and explain. 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.

Fellow Members of this Commission, this is actually a product of our experience during martial law. As a matter of fact, it has some antecedents in the past, but the role of the judiciary during the deposed regime was marred, considerably by the circumstance that in a number of cases against the government, which then had no legal defense at all, the solicitor general set up the defense of political question and got away with it. As a consequence, certain principles concerning particularly the writ of habeas corpus, that is, the authority of courts to order the release of political detainees, and other matters related to the operation and effect of martial law failed because the government set up the defense of political question. And the Supreme Court said: "Well, since it is political, we have no authority to pass upon it." The Committee on the Judiciary feels that this was not a proper solution of the questions involved. It did not merely request curial encroachment upon the rights of the people, but it, in effect, encouraged further violations thereof during the martial law regime[.]

....

Briefly stated courts of justice determine the limits of power of the agencies and offices of the government as well as those of its officers. In other words, the judiciary is the final arbiter on the question whether or not a branch of government or any of its officials has acted without jurisdiction or in excess of jurisdiction, or so capriciously as to constitute an abuse of discretion amounting to excess of jurisdiction or lack of jurisdiction. This is not only a judicial power but a duty to pass judgment on matters of this nature.

This is the background of paragraph 2 of Section 1, which means that the courts cannot hereafter evade the duty to settle matters of this nature, by claiming that such matters constitute a political question.[133] (Citations omitted.)

Where the question of constitutionality of a governmental action is raised, the judicial power which the courts exercise is likewise identified as the power of judicial review, which is the power to review the constitutionality of the actions of other branches of government.[134] As illuminated through the above excerpt from the constitutional deliberations, the Court's expanded jurisdiction was meant to ensure the potency of the power of judicial review.[135] "The expansion of this power has made the political question doctrine "no longer the insurmountable obstacle to the exercise of judicial power or the impenetrable shield that protects executive and legislative actions, from judicial inquiry or review.""[136]

The present controversy implores the Court to exercise its expanded judicial power, considering that the Petitions of KAPIT et al. and Atty. Paa essentially ascribe grave abuse of discretion amounting to lack or excess of jurisdiction to the respondent LGUs in the exercise of legislative acts, i.e., the enactment of the NCAP Ordinances.[137] Verily, the ultimate issue animating this constitutional challenge are the perceived brazen violations of laws and flagrant disregard of rights committed by the respondent LGUs.[138]

Upon this point, it is also worth mentioning that the petitions for certiorari and prohibition, which were the procedural vehicles used by KAPIT et al. and Atty. Paa, are the "appropriate remedies to raise constitutional issues and to review and/or prohibit or nullify the acts of legislative and executive officials,"[139] The case of *Araullo v. Aquino III*,[140] is instructive:

[T]he writ of certiorari or prohibition may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to set right, undo and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or Instrumentality of the Government, even if the latter does not exercise judicial, quasi-judicial or ministerial functions. This application is expressly authorized by the text of the second paragraph of Section 1 [of Article VIII of the Constitution].[141]

The Court, however, is quick to caution that the power of judicial review must be exercised sparingly, for it otherwise runs the risk of unwittingly over encroaching the boundaries allocated by none other than the Constitution. As explained in *Saguisag v. Ochoa*,[142]

This moderating power, however, must be exercised carefully and only if it cannot be completely avoided. We stress that our Constitution is so incisively designed that it identifies the spheres of expertise within which the different branches of government shall function and the questions of policy that they shall resolve. Since the power of judicial review involves the delicate exercise of examining the validity or constitutionality of an act of a coequal branch of government, this Court must continually exercise restraint to avoid the risk of supplanting the wisdom of the constitutionally appointed actor with that of its own.[143]

Thus, before the Court may exercise, this moderating power, it is primal that the following exacting requisites must first be satisfied: (1) an actual and appropriate case and controversy exists; (2) a personal and substantial interest of the party raising the constitutional question; (3) the exercise of judicial review is pleaded at the earliest opportunity; and (4) the constitutional question raised is the very *lis mota* of the case.[144]

t

The Petitions of KAPIT et al. and Atty. Paa satisfy these requisites.

A. There is an actual case or controversy.

"Most important in this list of requisites is the existence of an actual case or controversy. In every exercise of judicial power, whether in the traditional or expanded sense, this is an absolute necessity."[145]

An actual case or controversy exists when there is "a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical, or abstract difference or dispute."[146] The controversy must be real and substantial, with definite and concrete issues involving the legal relations of the parties and admitting of specific relief that courts can grant.[147]

The existence of the first requisite depends on the allegations pleaded.[148] They must show an active antagonistic assertion of a legal right, on the one hand, and a denial thereof on the other; that is, it must concern a real and not a merely theoretical question or issue.[149] After all, the Court neither issues advisory opinions nor resolve mere academic questions, abstract quandaries, hypothetical or feigned problems, or mental exercises, no matter how challenging or interesting they may be.[150]

The Court has consistently strengthened the view that when it is called to exercise its expanded jurisdiction, this requirement is simplified "by merely requiring a *prima facie* showing of grave abuse of discretion in the assailed governmental act." [151] Thus, in *Inmates of the New Bilibid Prison v. Sec. De Lima*, [152] the Court echoed the pronouncement in *Pimentel, Jr. v. Hon. Aguirre* [153] holding that the mere enactment of the questioned law without any other overt act is enough to proclaim that the dispute has ripened into a judicial controversy, thus:

There is an actual case or controversy in the case at bar because there is a contrariety of legal rights that can be interpreted and enforced on the basis of existing law and jurisprudence. Respondents stand for the prospective application of the grant of GCTA, TASTM, and STAL while petitioners and intervenors view that such provision violates the Constitution and Article 22 of the RPC. The legal issue posed is ripe for adjudication as the challenged regulation has a direct-adverse effect on petitioners and those detained and convicted prisoner

who are similarly situated. There exists an immediate and/or threatened injury and they have sustained or are immediately in danger of sustaining direct injury as a result of the act complained of. In fact, while the case is pending, petitioners are languishing in jail. If their assertion proved to be true, their illegal confinement or detention in the mean time is 'oppressive. With the prisoners' continued incarceration, any delay in resolving the case would cause them great prejudice. Justice demands that they be released soonest, if not on time.

There is no need to wait and see the actual organization and. operation of the MSEC. Petitioners Edago, et al., correctly invoked Our ruling in *Pimentel, Jr. v. Hon. Aguirre*. There, We dismissed the novel theory that people should wait for the implementing evil to befall on them before they could question acts that are illegal or unconstitutional, and held that "[by] the mere enactment of the questioned law or the approval of the challenged action, the dispute is said to have ripened into a judicial controversy even without any other overt act." Similar to *Pimentel, Jr.*, the real issue in this case is whether, the Constitution and the RFC are contravened by Section 4, Rule 1 of the IRR, not whether they are violated by the acts implementing it. Concrete acts are not necessary to render the present controversy ripe, An actual case may exist even in the absence of tangible instances when the assailed IRR has actually And adversely affected petitioners. The mere issuance of the subject IRR has led to the ripening of a judicial controversy even without any other overt act. If this Court cannot await the adverse consequences of the law in order to consider the controversy actual and ripe for judicial intervention, the same can be said for an IRR. Here, petitioners need not wait for the creation of the MSEC and be individually rejected in their applications. They do not need to actually apply for the revised credits, considering that such application would be an exercise in futility in view of respondents' insistence that the law should be prospectively applied. If the assailed provision is indeed unconstitutional and illegal, there is no better time than the present action to settle such question once and for all.[154] (Emphasis supplied)

Simply put, "when an act of a branch of government is seriously alleged to have intruded the Constitution, it becomes not only the right but in fact the duty of the judiciary to settle the dispute." [155] In doing so, it merely performs its constitutional duties.[156]

In the determination of whether there is an actual case or controversy, there are two concepts that must be taken into consideration which highlight the importance of timing in the exercise of judicial review.[157]

The first is the concept of ripeness which relates to the premature filing of a case.[158] Thus, in order that a case may already be considered ripe for adjudication, "it is a prerequisite that something, has then been accomplished or performed by either branch before a court may come into the picture, and the petitioner must allege the existence of an immediate or threatened injury to himself as a result of the challenged action." [159]

In connection with acts of administrative agencies, ripeness is ensured under the doctrine of exhaustion of administrative remedies.[160] Along this grain, the Court made this edifying pronouncement:

Courts may only take cognizance of a case or controversy if the petitioner has exhausted all remedies available to it under the law. The doctrine ensures that the administrative agency exercised its power to its full extent, including its authority to correct or reconsider its actions. It would, thus, be premature for courts to take cognizance; of the case prior to the exhaustion of remedies, not to mention it would violate the principle of separation of powers.[161]

The second concept is "mootness" which pertains to a belated, or unnecessary judgment on the issues.[162] An issue that was once ripe for adjudication, becomes moot and academic when an event supervenes in such a way that a judgment over the same is rendered unnecessary and superfluous. Consequently, the Court will no longer resolve the same as it merely presents a hypothetical problem.[163]

In the present case, KAPIT et al. profess that the NCAP Ordinances infringe rights that are guaranteed by the Constitution. In particular, they bemoan that: (1) the rights to substantive and procedural due process are violated

since the ordinance presumes that the registered owner is the traffic violator, without specifying in the Notice of Violation (NOV) the procedure on how the said owner can actually point to the actual driver in answering the violation;[164] (2) there is a continuous violation of the right to privacy since the processing of personal and sensitive information is conducted by the private contractor "that is allowed to access to the motor vehicle ownership data of Respondent LTO, without the LTO being a party to the Joint Venture Agreement and without apparent limitations to the access granted to the said private entity;"[165] and (3) the right against excessive fines and penalties is breached because respondent LGUs even give 60% to 70% of the revenues collected to the private contractor.[166]

Meanwhile, Atty. Paa claims that he already suffered actual damages as he was fined pursuant to the Manila City Ordinance, and was made to pay the same before being allowed to register his vehicle.[167]

On the other end of the spectrum, respondents fight tooth and nail for the validity of the NCAP Ordinances. Succinctly, they include the following ratiocinations in controverting the disputations of KAPIT et al.: (1) the NOVs are not arbitrarily sent to motorist as they are accompanied by the image or video of the violation, and even provide a dispute mechanism to contest the same;[168] (2) the installation of CCTV cameras only provides information on the vehicles passing the thoroughfares and is limited to the salutary purpose of enhancing road safety and management;[169] and (3) the schedule of penalties provided are well within the limits provided under the Local Government Code.[170] Strikingly, with, respect to Atty. Paa's Petition, it is only respondent City of Manila which takes the position that the requirement of actual case and controversy, is lacking on the ground that the injury was not substantial, as evidenced by the fact that he was even able to register his vehicle.[171] Rivetingly, respondents Valenzuela City and Quezon City concede that his Petition satisfies such requisite.[172]

What is undeniable from the backdrop created by their respective submissions is the fact that the parties advanced antagonistic positions, which are centered on the denial of several constitutional rights supposedly brought about by the enactment and implementation of the NCAP Ordinances. There is thus "a contrariety of legal rights, that can be interpreted and enforced on the basis of existing law and jurisprudence," which admits of specific relief that this Court can grant, i.e., a declaration of whether the NCAP Ordinances are constitutional or must be struck down.

To be sure, the satisfaction of this first requisite is simplified by merely requiring a prima facie showing of grave abuse of discretion in the assailed governmental act.[173] Aside from the ostensible violation of constitutional rights, KAPIT et al. also anchor the present challenge on the NCAP Ordinances' apparent conflict with prevailing laws, such as Section 130 (d)[174] of the Local Government Code and Section 29[175] of Republic Act No. 4136.[176]

Consistent with *Inmates of the New Bilibid Prison v. De Lima*,[177] the justiciable issue of whether constitutional rights are infringed by the NCAP Ordinances already exists. KAPIT et al. need not "await the adverse consequences of the law in order to consider the controversy actual and ripe for judicial intervention." [178] The fact that all. of the NCAP Ordinances are already enacted means that the respondent LGUs are already legally empowered to perform any of the acts therein, thereby proving that there exists an immediate and/or threatened injury against petitioners, or that they are immediately in danger of sustaining direct injury as a result of the act complained of. These fears are not solely predicated on any fear of abuse in the implementation of the law making the controversy speculative in nature but rather, on the actual provisions of the impugned issuances.

Additionally, except for respondent Muntinlupa City,[179] respondents did not deny the fact that the assailed issuances have already been implemented. In point of fact, it is undisputed from the records that Petitioner Paa was made to pay the fines provided under the NCAP Ordinance of respondent City of Manila. To the Court's,

mind, this accentuates the attendance of concrete facts and real injury that necessitate the immediate resolution of the issues presented.

1. The petitioners did not violate the doctrine of exhaustion of administrative remedies in assailing the NCAP Ordinances before the Court.

To reiterate, the ripeness of a case is ensured under the doctrine of exhaustion of administrative remedies,[180] which makes imperative a prior resort to the administrative authorities in cases falling under their jurisdiction "to allow them to carry out their functions and discharge their responsibilities within the specialized areas of their competence." [181] The rationale is obvious. It entails lesser expenses and provides, for the speedier resolution of controversies.[182] "Comity and convenience also impel courts of justice to shy away from a dispute until the system of administrative redress has been completed." [183]

Corollary to the doctrine of exhaustion of administrative remedies is the doctrine of primary jurisdiction, which precludes courts from resolving a controversy when it involves a question which is within the jurisdiction of the administrative tribunal prior to the resolution of that question by the administrative tribunal, and which demands the exercise of sound administrative discretion requiring the special knowledge, experience and services of the administrative tribunal to determine technical and intricate matters of fact.[184]

These two concepts, albeit related, were differentiated by the Court in the case of *Colmenares v. Energy Regulatory Commission*. [185] Verily, the doctrine of primary jurisdiction applies when both the court and the regulatory agency have the jurisdiction to take cognizance of the case. "When there are pending issues that require the special knowledge or technical expertise of the regulatory body, the doctrine works in such a manner that court action is deferred pending the action of the administrative tribunal despite the fact that the court has jurisdiction to act on the case." [186] Meanwhile, the exhaustion of administrative remedies applies where a claim is cognizable in the first instance by an administrative agency alone. Thus, as a general rule, Recourse through court action cannot prosper until all the remedies have been exhausted at the administrative level.[187]

However, these two principles are not inflexible and, in fact, admit of several exceptions where the rationale of the doctrine has been defeated,[188] viz.:

True, the doctrines of primary jurisdiction and exhaustion of administrative remedies are subject to certain exceptions, to wit: (a) where there is estoppel on the part of the party invoking the doctrine; (b) where the challenged administrative act is patently illegal, amounting to lack of jurisdiction; (c) where there is unreasonable delay or official inaction that will irretrievably prejudice the complainant; (d) where the amount involved is relatively so small as to make the rule impractical and oppressive; (e) where the question involved is purely legal and will ultimately have to be decided by the courts of justice; (f) where judicial intervention is urgent; (g) where the application of the doctrine may cause great and irreparable damage; (h) where the controverted acts violate due process; (i) where the issue of non-exhaustion of administrative remedies has been rendered moot; (j) where there is no other plain, speedy and adequate remedy; (k) where strong public interest is involved; and (l) in quo warranto proceedings.[189] (Emphasis supplied.)

In the present case, respondents, particularly the City of Manila[190] and Valenzuela City[191] bewail that the Petitions of KAPIT et al. and Atty. Paa derogate from the doctrine of exhaustion of administrative remedies. Considering that the "primary ground"[192] raised by petitioners relates to the violations of the provisions of Republic Act No. 10173,[193] otherwise known as the Data Privacy Act of 2012, they assert that the instant case should have first been instituted before the National Privacy Commission pursuant to Section 7(b) of the said law,

which states:

SEC. 7. Functions of the National Privacy Commission. – To administer and implement the provisions of this Act, and to monitor and ensure compliance of the country with international standards set for data protection, there is hereby created an independent body to be known as the National Privacy Commission, which shall have the following functions:

....

(b) Receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and, in cases it deems appropriate, publicize any such report: Provided, That in resolving any complaint or investigation (except where amicable settlement is reached by the parties), the Commission shall act as a collegial body. For this purpose, the Commission may be given access to personal information that is subject of any complaint and to collect the information necessary to perform its functions under this Act;

Au contraire, petitioners asseverate that the main issue in the present controversy is the constitutionality of the impugned NCAP Ordinances, which fall squarely under the jurisdiction of the courts. Since the controversy is legal in nature, it can be classified as an exception to the doctrine of exhaustion of administrative remedies.[194] Petitioners' asseveration passes judicial muster.

It cannot be emphasized enough that the issues submitted for resolution by the Court relate to the NCAP Ordinances' infringement of constitutional rights and inconsistencies with other national laws. A controversy relating to the validity of a law clearly falls within the exceptions to the doctrines of primary jurisdiction and exhaustion of administrative remedies.[195] The question involved is thus purely legal and will ultimately have to be decided by the courts of justice. Moreover, petitioners likewise put forth the perceived arbitrariness in the process of sending out NOVs, thereby alleging that the "controverted acts violate due process," which in turn is an exception by and of itself under jurisprudence.[196] Finally, these averments, when further conflated with the accusation of unfettered access of personal information, highlight the urgency of judicial intervention in resolving this dispute. The Court, after all, has the duty of safeguarding the rights enshrined under the Constitution. Incidentally, these were the same considerations which led the Court to issue a TRO temporarily suspending the implementation of NCAP.

Nonetheless, in recognizing the constitutionality of the NCAP Ordinances as the crux of the instant case, the Court must also be careful in dealing with matters that are actually separate and distinct from the points of contention that must be resolved herein. After all, in view of the novelty of the controversy involved, as well as the different arguments and perspectives advanced by the parties herein both during the course of the Oral Arguments and in their respective submissions, several questions that are seemingly related to the main legal issues in this controversy — but which the Court cannot and should not exhaustively resolve herein — have been introduced and briefly passed upon, if only to provide a complete picture and a better understanding of the dispute. These include matters which incontrovertibly require special knowledge, experience, and services of an administrative tribunal, and which the Court is now barred from deliberating pursuant to the doctrines of primary jurisdiction and exhaustion of administrative remedies. For instance, this Court, at this point, must defer to the wisdom of concerned administrative agencies with respect to the provisions under the JVA relating to specific concerns such as data processing and revenue sharing. Compared to the courts, administrative agencies are undoubtedly in a "better position to pass judgment"[197] over such technical and intricate matters of fact.

In this regard, it is plain as day that the National Privacy Commission, whose mandate includes the monitoring and settlement of complaints relating to the security and technical measures that meet the minimum standard of

protection,[198] would be able to exhaustively address the issue of whether the respective prestations of both the respondent LGUs and QPAX under the JVA are compliant with requirements under the Data Privacy Act. For reference, Section VI of the JVA between Valencuela City and QPAX enumerates the obligations of the parties in the operation of the NCAP, viz.:

VI. OBLIGATIONS AND FUNCTIONS OF THE PARTIES

Under a Joint Venture arrangement contemplated in this Agreement, all the functions, obligations and responsibilities of each Party shall be jointly undertaken based on the proportion of each Party's contribution. However, certain functions shall be principally performed by each Party as specified herein.

6.1 Designated Approaches

QPAX is hereby obligated to install and operate the No Contact Apprehension Program in at least five (5) Designated Approaches during the Term of this Agreement. Additional Designated Approaches may be installed and operated by QPAX, pursuant to the terms of this Agreement, upon the mutual agreement of the Parties.

6.2 Designated Approaches

QPAX shall:

- (a) Install, test, and activate all Equipment, including hardware and software, at the Designated Approaches, as may be necessary to give effect to the No Contact Apprehension Program;
- (b) Use reasonable commercial efforts to install the foregoing at the Designated Approaches in accordance with the schedule to be agreed upon by the City and QPAX. The City hereby agrees that such schedule is subject to conditions, events, and circumstances beyond the control of QPAX, including but not limited to fortuitous events and acts of god, and is therefore not guaranteed;
- (c) Appoints the QPAX Project Manager and project implementation team;
- (d) Develop and submit to the City for approval, construction, and installation specifications in reasonable detail for the Designated Approaches, including but not limited to specifications for all radar sensors, pavement loops, electrical connections and traffic control connections, as required; and
- (e) Develop Enforcement Documentation for approval by the City, which approval shall not be unreasonably withheld; and
- (f) Assist the City in developing the Road Rules Violation Criteria.

6.3 City Installation Obligations.

The City shall:

- (a) Appoint the Project Manager;
- (b) Use reasonable commercial efforts to install the foregoing at the Designated Approaches in accordance with the schedule to be agreed upon by the City and QPAX. The City hereby agrees that such schedule is subject to conditions, events, and circumstances beyond the control of QPAX, including but not limited to fortuitous events and acts of god, and is therefore not guaranteed;
- (c) Appoints the QPAX Project Manager and project implementation team;
- (d) Develop and submit to the City for approval, construction, and installation specifications in reasonable detail for the Designated Approaches, including but not limited to specifications for all radar sensors, pavement loops, electrical connections and traffic control connections, as required; and

(e) Develop Enforcement Documentation for approval by the City, which approval shall not be unreasonably withheld; and

(f) Assist the City in developing the Road Rules Violation Criteria.

(g) Provide every first business day of every month, for the Term of this Agreement, a report to QPAX detailing the City's collection of Fines of the previous month, and such other information as QPAX may reasonably request and lawfully obtain;

(h) To give assistance to QPAX in securing all necessary electrical and telephone services to the Designated Approches;

(i) Allow QPAX to utilize at no cost existing conduit space, as may be necessary to implement the No Contact Apprehension Program.

6.4 Maintenance.

(a) QPAX shall repair and maintain all of the Equipment at its sole cost;

(b) QPAX shall inspect the Equipment and functionality of the QPAX System at each Designated Approach on a regular basis;

(c) QPAX shall promptly repair any material malfunction of any part of the QPAX System. A material malfunction is one that prevents the QPAX System, it its entirety or in a specific Designated Approach, from operating normally.

(d) In the event that the quality of images suitable for the Authorized Employee to identify Violations cannot be reasonably obtained without the use of flash units, QPAX shall provide and install such flash units;

6.5 Violation Processing.

During the Operational Period, Violations shall be processed as follows:

(a) All Violations Data shall be stored in the QPAX System;

(b) The QPAX System shall process such Violations Data into a format capable of review by the Authorized Employee via the QPAX System;

(c) QPAX shall provide the Authorized Employee with access to the QPAX System for the purposes of reviewing the pre-processed Violations Data, within ten (10) business days of gathering such Violations Data from the relevant Designated Approach;

(d) The City shall, within two (2) business days of receiving access to pre-processed Violations Data from a Designated Approach provided by QPAX pursuant to Section 5.5(c): (i) cause the Authorized Employee to review such Violations Data, (ii) determine whether a Notice of Violation will be issued with respect to each Violation captured within such Violation Data, and (in) transmit each determination in the form of an Electronic Signature to QPAX, using the software or other applications or procedures provided by QPAX or the QPAX System for such purpose;

(e) QPAX hereby acknowledges and agrees that the decision to issue a Notice of Violation shall be the sole, unilateral, and exclusive decision of the Officer-in-Charge or head of the Public Order and Safety Group (POSG) or his duly authorized employees, and shall be made the latter's sole discretion (a "Notice of Violation Decision"), and in no event shall QPAX have the ability or authorization to make a Notice of Violation Decision;

(f) With respect to each Authorized Violation, QPAX shall print such Authorized Violation and mail to the

Violator a Notice of Violation, via registered mail with return card as soon as possible.

(g) The City shall pursue collection of all Fines assessed in connection with Authorized Violations using all practical and legal means;

(h) The City shall maintain detailed and accurate records of the collection of Fines assessed in connection with each Authorized Violation;

(i) QPAX shall provide a toll-free telephone number staffed with knowledgeable personnel for the purposes of answering citizen inquiries and responding to citizen complaints;

(j) QPAX shall provide the Valenzuela City Transportation Office with four (4) workstations, including new, internet-ready personal computers, and compatible software/programming for the purpose of reviewing and processing Violations. QPAX shall provide updated equipment and software for the work stations, as necessary and at its expense.

(k) QPAX may generate, and/or may permit the Authorized Employee to generate, monthly reports using the QPAX System in a format, and containing such data, as QPAX and the City shall mutually agree upon, and in no event less often than once every calendar month and, in respect of any given month, no later than the fifteenth (15th) day of the month following such month to which the report refers to (the "Standard Report").^[199]

In testing the validity of the JVA, these individual undertakings must be thoroughly evaluated, among others, vis-à-vis the various security measures required under the Data Privacy Act. These safeguards include "reasonable and appropriate organizational, physical, and technical security measures for the protection of personal data,"^[200] which are enumerated in the various sections of the IRR of the said law. Rule VI, Section 28, for example, identifies the technical security measures that must be adopted by a party in an agreement relating to the processing of data. Thus:

Section 28. Guidelines for Technical Security Measures. Where appropriate, personal information controllers and personal information processors shall adopt and establish the following technical security measures:
a. A security policy with respect to the processing of personal data;

b. Safeguards to protect their computer network against accidental, unlawful or unauthorized usage, any interference which will affect data integrity or hinder the functioning or availability of the system, and unauthorized access through an electronic network;

c. The ability to ensure and maintain the confidentiality, integrity, availability, and resilience of their processing systems and services;

d. Regular monitoring for security breaches, and a process both for identifying and accessing reasonably foreseeable vulnerabilities in their computer networks, and for taking preventive, corrective, and mitigating action against security incidents that can lead to a personal data breach;

e. The ability to restore the availability and access to personal data in a timely manner in the event of a physical or technical incident;

f. A process for regularly testing, assessing, and evaluating the effectiveness of security measures;

g. Encryption of personal data during storage and while in transit, authentication process, and other technical security measures that control and limit access.

Significantly, in the determination of the appropriate level of security, the NPC must likewise take into account a multitude of other factors, such as the nature of the personal data that requires protection, the risks posed by the processing, the size of the organization and complexity of its operations, current data privacy best practices, and

the cost of security implementation.[201]

Parenthetically, aside from the technical nature of the review of data processing provisions encapsulated in the JVA, the Court is also not unaware that there are other data processing agreements[202] intimately related to the JVA that spell out in more detail the parties' obligations in the sharing and processing of personal information. This added layer of complexity in the analysis buttresses the view that these concerns must be adjudged as separate and distinct from the issue of the constitutionality of the NCAP Ordinances.

To be clear, the foregoing disquisition should not be interpreted to mean that the Court must now altogether avoid any deliberation that involves the right to privacy. Instead, this acknowledges that there is a nuance between the analysis of: (1) whether the constitutional right to privacy is being infringed; and (2) whether the minimum requirements under the Data Privacy Act have been observed. As will be shown below, the Court can exhaustively discuss the former issue as this entails the reiteration of case law elucidating a well-settled legal precept, i.e., the concept of reasonable expectation of privacy.

By parity of reasoning, the same can be said on issues relating to the excessiveness of the transfer and sharing of fees with QPAX under the JVAs, which is another arduous undertaking that requires the expertise of the Commission on Audit (COA), being the government's guardian of public funds vested with broad powers over all accounts pertaining to government revenues and expenditures and the use of public funds and property.

Again, for reference, the provision on revenue sharing in the aforementioned JVA between Valenzuela City and QPAX states:

VI. PROJECT COST/JOINT VENTURE SHARING

7.1. Project Cost. The total upfront capital cost of the No Contact Apprehension Program is estimated to be Forty Five Million Seven Hundred, Ninety-Seven Thousand Five Hundred Philippine Pesos (P45,797,500.00), the funding of which shall be the sole responsibility of QPAX.

The City is not expected to contribute money/capital to the Project. No direct or indirect government guarantee is needed or sought from the City by the PSP.

7.2. Participation in the Joint Venture. In consideration of the respective contributions to the No Contact Apprehension Program of the City and QPAX, the parties agree that they shall share in the proceeds from the revenues generated by the No Contact Apprehension Program.

7.3 The City shall pay to QPAX an amount equal to seventy percent (70%) of the total aggregate value of Fines, inclusive of Value Added Tax (VAT), collected by the City or agent of the City resulting from the No Contact Apprehension Program (the "QPAX Share").

7.4 All revenues collected by the City in relation to the implementation of the No Contact Apprehension Program shall be deposited in a Dedicated Trust Bank Account which shall be distinct and separate from the City's General Fund or any other bank account. The City shall not and will not commingle the revenue from the No Contact Apprehension Program with the City's General Fund or any other funds. In case of omission and/or mistake by the City, it will automatically return to the said Trust Bank Account the commingled revenue from the General Fund or other account within five (5) days from notice thereof.

7.5 The City shall instruct the bank where the Trust Bank Account is located to automatically remit QPAX's share of 70% of all lines collected, every 16th and 1st day of the month. The payment made on the 16th day will be for the period covering collections from the 1st to the 15th of the same month while the remittances made on the 1st day of the month will cover the collections made between the 16th and last day of the previous month. If the payment cannot be made during the 16th and 1st day of the month, the bank

will execute the remittance of the next banking day after the 16[th] and 1[st] day of the month.

7.6 Any dispute between the Parties in connection with determining the amount of QPAX Share shall be definitively settled by the binding decision of a reputable, independent auditor as may be assigned upon mutual agreement by the parties.[203]

Quite palpably, the assessment of the validity of the foregoing provisions demands an examination of whether the same effectively permits the disbursement of irregular, excessive, or extravagant public funds, which determination cannot be had by looking alone at the percentage of the share given to QPAX. Indeed, this undertaking requires the use of, among others, different accounting and financial methods and techniques that are not "within the usual area of knowledge, experience and expertise of most judges but within the special competence of COA auditors and accountants." [204] The ruling in *Commission on Audit v. Ferrer* [205] where the Court acknowledged that the principle of primary jurisdiction applies to COA with respect to the use of government funds, cannot be any clearer. Thus:

Verily, the Constitution and law bestow primary jurisdiction on the examination and audit of government accounts to the COA. As one of the three (3) independent constitutional commissions, COA has the power to define the scope of its audit and examination, and to establish the techniques and methods required therefor. It also has the power to promulgate accounting and auditing rules and regulations, including those for the prevention and disallowance of irregular, unnecessary, excessive, extravagant, or unconscionable expenditures or uses of government funds and properties.

In *Euro-Med Laboratories, Phil. Inc. v. Province of Batangas*, this Court ruled that when the issue involves compliance with applicable auditing laws and rules on procurement, such matters are not within the usual area of knowledge, experience and expertise of most judges but within the special competence of COA auditors and accountants. [206] (Citation omitted.)

In sum, consistent with the doctrines of exhaustion of administrative remedies and primary jurisdiction, the Court maintains that the NCAP Ordinances and the JVA are two different issuances that require the conduct of proceedings that are independent of each other. As such, the Court is constrained to concentrate its attention on deciding the NCAP Ordinances' purported constitutional and legal violations — which, to reiterate, is a purely legal issue that will ultimately have to be decided by the courts of justice. Moreover, aside from the fact that an analysis of the provisions of the JVA inevitably requires the application of specialized knowledge and expertise with which administrative agencies are equipped, the Court would likewise be compelled to deal with factual questions in the first instance, which is outside the province of a certiorari proceeding. This constitutes another procedural hurdle that warrants the delimitation of the issue solely to the validity of the assailed issuances.

2. The petitions are not moot and academic.

In the final attempt to wrest away the consolidated cases from the Court's reach for lack of an actual case or controversy, respondents accentuate the approval of the Single Ticketing System through the MMDA Resolution No. 23-02 s. 2023 and the adoption of MMTTC 2023 which aims to "harmonize the existing national and local laws on traffic enforcement to establish effective transport and traffic management in Metro Manila." [207] Among its significant features are the following:

a. Institutionalization of a Uniform Traffic Adjudication System for traffic contests/protests in all LGUs in Metro Manila.

....

b. Procedure for tagging traffic violations in the LTO's Land Transportation Management System (LMTS).

- c. Clear guidelines on strict compliance with the Data Privacy Act of 2012 concerning all information/data collected from apprehended violators.
- d. List of common traffic violations covered by the MMTC 2023 which can be apprehended through NCAP.
- e. Uniform fines/penalties for traffic violations under the MMTC 2023 based on the median amount of the LGUs, respondent MMDA's and respondent LTO's respective fines/penalties matrices.
- f. List of online payment platforms as-well as partner banks where traffic violators may settle their traffic violation fines/penalties.
- g. Guidelines on the mandatory "authorization process" of all Information Technology systems that will be used in enforcing the various NCAP systems in Metro Manila.[208]

For respondents, the passage of the MMTC 2023 and subsequent ordinances adopting the same already mooted the present dispute.[209] Implicit in this position, of course, is the fact that the assailed NCAP Ordinances are no longer controlling considering that respondents LGUs have, as earlier mentioned, all enacted subsequent ordinances adopting the provisions of MMTC 2023.

The Court refuses to pander to respondents' theory.

To recall, a case becomes "moot and academic" when it no longer presents a justiciable controversy due to supervening events, so that a declaration thereon would be of no practical use or value.[210]

This principle, however, is not a "magical formula that automatically dissuades the courts from resolving a controversy." [211] A case, otherwise moot and academic, will be decided in any of the following instances:

[F]irst, there is a grave violation of the Constitution; second, the exceptional character of the situation and the paramount public interest is involved; third, when constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and fourth, the case is capable of repetition yet evading review.[212]

The Court rules and so holds that all these exceptions obtain in the present cases.

Petitioners decry a grave violation of the Constitution arising from the transgression of several rights provided under the Bill of Rights. Expound pending violations Likewise, in view of the novelty of the constitutional issues raised and the effect of their resolution, there is no question that the case is of an exceptional character and involves paramount public interest. The Court's resolution of the present issues can easily be justified by the first two exceptions.

Anent the third and fourth exceptions, the Court finds that the illuminating discourse in *Belgica v. Ochoa*[213] is apropos:

The Court also finds the third exception to be applicable largely due to the practical need for a definitive ruling on the system's constitutionality. As disclosed during the Oral Arguments, the CoA Chairperson estimates that thousands of notices of disallowances will be issued by her office in connection with the findings made In the CoA Report. In this relation. Associate Justice Marvic Mario Victor F. Leonen (Justice Leonen) pointed out that all of these would eventually find their way to the courts. Accordingly, there is a compelling need to formulate controlling principles relative to the issues raised herein in order to guide the bench, the bar, and the public, not just for the expeditious resolution of the anticipated disallowance cases, but more importantly, so that the government may be guided on how public funds should be utilized in accordance with constitutional principles.

Finally, the application of the fourth exception is called for by the recognition that the preparation and passage

of the national budget is, by constitutional imprimatur, an affair of annual occurrence. The relevance of the issues before the Court does not cease with the passage of a "PDAF-free budget for 2014." The evolution of the "Pork Barrel System," by its multifarious iterations throughout the course of history, lends a semblance of truth to petitioners' claim that "the same dog will just resurface wearing a different collar." In *Sanlakas v. Executive Secretary*, the government had already backtracked on a previous course of action yet the Court used the "capable of repetition but evading review" exception in order "[t]o prevent similar questions from re-emerging." The situation similarly holds true to these cases. Indeed, the myriad of issues underlying the manner in which certain public funds are spent, if not resolved at this most opportune time, are capable of repetition and hence, must not evade judicial review.[214] (Emphasis in the original; citations omitted.)

In the same vein, in *International Service for the Acquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia, (Philippines)*,[215] the Court identified the two factors to be considered before a case is characterized as one capable of repetition yet evading review, namely: (1) the challenged action was in its duration too short to be fully litigated prior to its cessation or expiration; and (2) there was a reasonable expectation that the same complaining party would be subjected to the same action.[216]

Applying the foregoing doctrinal polestars in the present controversy, it becomes irrefutable that the third and fourth exceptions are likewise availing. Similar to *Belgica v. Ochoa*,[217] there is a "practical need for a definitive ruling" on whether respondent LGUs can validly enact ordinances that adopt NCAP as a mode apprehending traffic violators since, among others, controversies arising from the enactment by other LGUs of a similar system would undoubtedly "find their way to the [Court]." Accordingly, there is a "compelling need to formulate controlling principles relative to the issues raised herein in order to guide the bench, the bar, and the public." [218]

Moreover, the pertinence of the fourth exception cannot be underscored enough considering that the aforementioned elements in *International Service for the Acquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines)*[219] are both present. Indeed, there is no better proof that the questions related to the assailed NCAP Ordinances would re-emerge other than the fact that the respective NCAP systems of the LGUs was not really abolished but were essentially updated.

Nary a doubt, avoiding the determination of whether the NCAP Ordinances are constitutional solely because they have been updated sets a dangerous jurisprudential precedent. It indicates that the Court's exercise of its expanded judicial power, i.e., the determination of 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, during the pendency of a constitutional case is subordinate to the parties' discretion. In such case, the simple act of updating the assailed issuance would be sufficient to preclude the Court from passing upon important legal precepts, notwithstanding the fact that the crux of the controversy remains, albeit in a different iteration.

In fine, though the assailed NCAP Ordinances have already been effectively repealed or modified through the passage of ordinances adopting the MMTC 2023, the Court remains duty-bound to resolve the assailed NCAP Ordinances.

B. The requisite of locus standi is satisfied.

The concept of locus standi or legal standing has been defined by the Court in *Integrated Bar of the Phils. v. Zamora*,[220] to wit:

"Legal standing" or locus standi has been defined" as a personal and substantial interest in the case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged. The term "interest" means a material interest, an interest in issue affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest. The gist of the question of standing is

whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions.[221] (Citations omitted.)

In the context of assailing the validity of a governmental act, imposing such requirement guarantees the Court with the presentation of meticulous arguments that could only arise from an actual opposition from the parties. As the Court held in *Fariñas v. Executive Secretary*,[222] this "assure[s] that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." [223]

By the same token, the Court has consistently recognized that since constitutional cases are often public actions in which the relief sought is likely to affect other persons, a preliminary question relating to the interest in the constitutional question raised must first be traversed.[224] In this regard, so-called "non-traditional suitors" become pertinent. In *Falcis v. Civil Registrar General*,[225] the Court explained that even such kind of litigants must allege injury:

Even for exceptional suits filed by taxpayers, legislators, or concerned citizens, this Court has noted that the party must claim some kind of injury-in-fact. For concerned citizens, it is an allegation that the continuing enforcement of a law or any government act has denied the party some right or privilege to which they are entitled, or that the party will be subjected to some burden or penalty because of the law or act being complained of. For taxpayers, they must show "sufficient interest in preventing the illegal expenditure of money raised by taxation[.]" Legislators, meanwhile, must show that some government act infringes on the prerogatives of their office. Third-party suits must likewise be brought by litigants who have "sufficiently concrete interest" in the outcome of the dispute.[226] (Citations omitted.)

With respect to third-party suits, the case of *White Light Corp. v. City of Manila*[227] is doctrinal. There, the Court reverberated the "three important criteria" under American jurisprudence that should be shown for such suit to prosper, namely: (1) the litigant must have suffered an 'injury-in-fact', thus giving him or her a "sufficiently concrete interest" in the outcome of the issue in dispute; (2) the litigant must have a close relation to the third party; and (3) there must exist some hindrance to the third party's ability to protect his or her own interests.[228]

KAPIT et al. posit that they have a personal stake in the controversy considering that their members "are PUV operators, drivers and transport workers, who have directly suffered from arbitrary and unjust no contact apprehensions pursuant to the assailed Ordinances." Moreover, they aver that they are not filing on behalf of their constituency, "but on behalf of all motorists." [229] In any event, they avow that that the concept of locus standi is a mere procedural technicality which may be relaxed when the case is of transcendental importance.[230]

Atty. Paa, for his part, asseverates that he had already suffered direct injury when he was "compelled to pay the exorbitant fees and interests without regarded his right to be informed and to be heard." [231]

In response thereto, however, respondents submit several counter arguments against KAPIT et al.'s legal standing. For one, they question the legal capacity to sue of petitioners PASANG Masda and ACTO as unregistered associations who lack such capacity under prevailing jurisprudence.[232] For another, they cite the case of *Senator Pangilinan v. Cayetano*[233] and underscore that KAPIT et al. failed to "state any special reason why their allegedly injured members may not file the case themselves." [234] With respect to Atty. Paa, respondent City of Manila propounds that his injury is due to his own negligence for "failing to make the necessary corrections to his address in the records of the LTO." [235]

Petitioners' disputations are partly meritorious.

Before touching upon the question of locus standi, the Court shall prefatorily address whether respondents

PASANG Masda and ACTO have the requisite legal capacity to sue in the first place.

In *Association of Flood Victims v. COMELEC*[236] the Court held that an unincorporated association cannot file a case under either its own name or on behalf of its members; the members themselves must be impleaded in the petition, viz.:

Petitioner Association of Flood Victims is an unincorporated association not endowed with a distinct personality of its own. An unincorporated association, in the absence of an enabling law, has no juridical personality and thus, cannot sue in the name of the association. Such unincorporated association is not a legal entity distinct from its members. If an association, like petitioner Association of Flood victims, has no juridical personality, then all members of the association must be made parties in the civil action.[237]

This ruling was reiterated in subsequent cases such as *Samahan ng mga Progresibong Kabataan and Fr. Aquino v. Commission on Audit*.[238]

After a punctilious study of the records, the Court holds that respondents' averment that PASANG Masda and ACTO lack the legal capacity to sue is well-founded. Along this grain, respondent City of Manila submitted documentary evidence showing that the two associations were not registered with the Securities and Exchange Commission.[239] The records divulge that PASANG Masda and ACTO were not able to controvert this evidence, which means that respondents' postulation remain uncontested.

In the same vein, the Court finds that petitioner KAPIT et al.'s invocation of the third-party doctrine must fail.

Respondents' observation that the third element of third-party standing, i.e., there must exist some hindrance to the third party's ability to protect his or her own interests, is on point. Petitioners miserably failed to identify, much less substantiate, any supposed hindrance that prevents "PUV operators, drivers[,] and transport workers" from instituting the present proceeding themselves. In *Falcis III v. Civil Registrar General*[240] and in *National Federation of Hog Farmers, Inc. v. Board of Investments*,[241] this Court refused to recognize third-party standing as the organizations therein tendered "nothing more than a bare allegation" regarding the presence of the third requisite.

The foregoing disquisition notwithstanding, all is not lost for KAPIT et al. Time and again, the Court has consistently recognized that the concept of locus standi is a matter of procedure to which the Court has invariably adopted a liberal stance.[242] In *Sps. Imbong, et al. vs. Hon. Ochoa, Jr., et al.*,[243] the Court cited cases wherein such technicality was brushed off, thus:

In *Coconut Oil Refiners Association, Inc. v. Torres*, the Court held that in cases of paramount importance where serious constitutional questions are involved, the standing requirement may be relaxed and a suit may be allowed to prosper even where there is no direct injury to the party claiming the right of judicial review. In the first Emergency Powers Cases, ordinary citizens and taxpayers were allowed to question the constitutionality of several executive orders although they had only an indirect and general interest shared in common with the public.[244] (Citations omitted.)

It bears emphasis, that even in the case of *Samahan ng mga Progresibong Kabataan v. Quezon City*[245] which similarly involved an unincorporated entity, the controversy was still taken cognizance of by the Court in view of its transcendental importance, thusly:

These notwithstanding, this Court finds it proper to relax the standing requirement insofar as all the petitioners are concerned, in view of the transcendental importance of the issues involved in this case. "In a number of cases, this Court has taken a liberal stance towards the requirement of legal standing, especially when paramount interest is involved. Indeed, when those who challenge the official act are able to craft an issue of

transcendental significance to the people, the Court may exercise its sound discretion and take cognizance of the suit. It may do so in spite of the inability of the petitioners to show that they have been personally injured by the operation of a law or any other government act."

This is a case of first impression in which the constitutionality of juvenile curfew ordinances is placed under judicial review. Not only is this Court asked to determine the impact of these issuances on the right of parents to rear their children and the right of minors to travel, it is also requested to determine the extent of the State's authority to regulate these rights in the interest of general welfare. Accordingly, this case is of overarching significance to the public, which, therefore, impels a relaxation of procedural rules, including, among others, the standing requirement.[246] (Emphasis supplied)

Perceivably, the constitutionality of the oppugned NCAP Ordinances is also a case of first impression. Aside from imploring the Court to resolve supposed transgressions of the Bill of Rights from the enactment of such novel system, it is likewise called upon to settle questions impinging on the local autonomy of LGUs. There is no gainsaying that whatever verdict the Court reaches on the issues would have an immeasurable impact on the public and the formulation and development of traffic regulations not only in Metro Manila but in the entire country. Accordingly, the standing requirement must perforce be relaxed.

On the other hand, Atty. Paa discernibly satisfies the legal standing requirement. It is not difficult to grasp that his interest is anchored on his experience of being apprehended under the NCAP Ordinance of respondent City of Manila. There can be no serious dissent that he has established a concrete interest in the outcome of the case. At any rate, even assuming his injury was not substantial and was even his own doing, the transcendental importance of the case would likewise apply in his Petition as it likewise involves the legality of the NCAP.

C. The constitutional challenge was raised at the earliest opportunity.

As a general rule, the question of constitutionality must be raised at the earliest opportunity so that if such is not raised in the pleadings, the same may not be raised during trial; in turn, it will not be considered on appeal.[247] In this regard, the earliest opportunity to raise a constitutional issue is to raise it in the pleadings before a competent court that can resolve the same.[248] The Court, however, is quick to remind that this does not mean elevating the matter directly with it.[249]

Succinctly, since the Petitions challenging the NCAP Ordinances were directly filed with this Court, this requisite may be considered complied with because the constitutional issue is raised at the first instance.[250]

D. The issue of constitutionality is the *lis mota* of the case.

In the recent case of *ACT Teachers Rep. Tinio v. President Duterte*,[251] the Court explained the requisite of *lis mota* in this wise:

The final requisite dictates that "[t]he Court will not pass upon a constitutional question although properly presented by the record if the case can be disposed of on some other ground such as the application of a statute or general law." This requirement is rooted on two constitutional principles: the principle of deference and the principle of reasonable caution in striking down an act by a co-equal political branch of government. Consequently, "to justify its nullification, there must be a clear and unequivocal breach of the Constitution and not one that is doubtful, speculative, or argumentative." [252]

There can be no quibbling that this requisite is complied with given that the instant Petitions assert that assailed NCAP Ordinances are legally infirm for contravening the Constitution and several laws. Without a nary of doubt, the issue of the constitutionality of these issuances is the very *lis mota* of the present cases.

All told, the Petitions satisfied the four requisites of judicial review.

III. Petitioners' direct recourse to the Court did not violate the doctrine of hierarchy of courts.

Having established that the cases at bench satisfy the requisites of judicial review, it is now incumbent upon the Court to ascertain if the Petitions of KAPIT et al. and Atty. Paa suffer from the final procedural barrier whose violation may warrant their outright dismissal. This issue relates to the propriety of seeking direct refuge before the Court and is known as the doctrine of hierarchy of courts.

The doctrine of hierarchy of courts guides litigants on the proper venue of appeals and/or the appropriate forum for the issuance of extraordinary writs.[253] Although the Court, the CA, and the RTCs have concurrent original jurisdiction over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus pursuant to Section 5(1), Article VIII of the Constitution[254] and Sections 9(1)[255] and 21(1)[256] of Batas Pambansa Bilang 129,[257] parties are directed, as a rule, to file their petitions before the lower-ranked court, lest their petition be dismissed outright.[258] "This allows the Court to function as a court of last resort so that it can 'satisfactorily perform the functions assigned to it by the fundamental charter and immemorial tradition.'"[259]

The practical advantages of the doctrine cannot be discounted, and the Court, in a catena of cases, has consistently recognized the value of its implementation.

In the case of *The Diocese of Bacolod v. COMELEC*[260] the Court elaborated that the doctrine allows the Court to have time to deal with the more fundamental tasks assigned to it by the Constitution as it is shielded from having to deal with causes that are also well within the competence of the lower courts.[261] In the oft-cited case of *Gios-Samar, Inc. v. Department of Transportation and Communications*,[262] the Court recognized that strict adherence to the doctrine also proceeds from due process considerations, since the immediate filing with the Court deprives litigants of the opportunity to completely pursue or defend their causes of actions in the context of a full blown trial.[263] In *Province of Maguindanao Del Norte v. Bureau of Local Government Finance, Regional Office No. XII*[264] the Court also underscored the practical benefit of preventing inevitable and resultant delay in the adjudication of cases which often have to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as the court better equipped to resolve factual questions.[265]

Thence, it is not surprising that the Court has unwaveringly pronounced that its strict observance is not just "mere policy" but rather a "constitutional imperative." [266]

It is also jurisprudentially settled, however, that the doctrine of hierarchy of courts is not an iron-clad rule and that, in the presence of compelling reasons, the Court retains full discretionary power to assume jurisdiction over special civil actions for certiorari filed directly with it.[267] The "special and important" reasons that would justify a direct recourse to the Court have been identified as follows:

First, a direct resort to this court is allowed when there are genuine issues of constitutionality that must be addressed at the most immediate time.

[Second] is when the issues involved are of transcendental importance.

Third, cases of first impression warrant a direct resort to this court.

Fourth, the constitutional issues raised are better decided by this court.

Fifth, the time element presented in this case cannot be ignored.

Sixth, the filed petition reviews the act of a constitutional organ.

Seventh, [when] petitioners rightly, claim that they had no other plain, speedy, and adequate remedy in the

ordinary course of law that could free them from the injurious effects of respondents' acts in violation of their right to freedom of expression.

Eighth, [when] the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy." [268] (Citations omitted.)

Nonetheless, *Gios-Samar, Inc.* [269] further shed light on the correct appreciation of these exceptions. In determining whether the direct recourse to this Court shall be allowed, the decisive factor is not the presence of any of the above "special and important reasons," but rather the nature of the question raised by the parties. [270] At their core, the questions that must be raised directly before the Court are those that are legal in nature. Consequently, when the question presented requires the determination of a factual issue indispensable to the resolution of the legal issue, the same will not be resolved regardless of the allegation or invocation of compelling reasons; instead, it must first be brought to the trial courts. [271]

Notably, in the process of determining whether the issues are legal in nature, the Court goes back to the rudimentary doctrine that the characterization of a particular issue is dependent on whether the court is called to ascertain the weight, credence, and probative value of the evidence presented. [272] As differentiated in *Velayo-Fong v. Spouses Velayo*: [273]

A question of law arises when there is doubt as to what the law is on a certain state of facts, while there is a question of fact when the doubt arises as to the truth or falsity of the alleged facts. For a question to be one of law, the panic must not involve an examination of the probative value of the evidence presented by the litigants or any of them. The resolution of the issue must rest solely on what the law provides on the given set of circumstances. Once it is clear that the issue invites a review of the evidence presented, the question posed is one of fact. Thus, the test of whether a question is one of law or of fact is not the appellation given to such question by the party raising the same; rather, it is whether the appellate court can determine the issue raised without reviewing or evaluating the evidence, in which case, it is a question of law; otherwise it is a question of fact. [274]

Significantly, the task of characterizing the question is best left to the appellate court, and all doubts as to the correctness of such conclusion will be resolved in favor of the said tribunal. [275]

After a perspicuous evaluation of the issues presented, the Court finds and so holds that it can take cognizance of the subject Petitions.

The Petitions of *KAPIT et al.* and *Atty. Paa* invoke the expanded jurisdiction of the Court as they are principally anchored on the claim that the NCAP Ordinances institute a system that violates certain fundamental rights found under the Bill of Rights and breach national statutes. Adding to the complexity of the controversy, these issuances are an initiative to institutionalize a novel and groundbreaking technology in Metro Manila that aims to better regulate traffic on our roads – a system which may well be adopted and replicated in the entire country in the future. It is therefore beyond dispute that several of the "special and important" reasons, namely the first, [276] second, [277] third, [278] fourth [279] and eighth [280] exceptions mentioned in *The Diocese of Bacolod v. Commission on Elections*, [281] justify a direct recourse to the Court.

More importantly, stripped of any embellishment, the Court is implored to answer the legal question of whether the NCAP Ordinances violate the Constitution and relevant national laws. In doing so, the primordial approach of the Court would be to examine the text of these ordinances and test whether the relevant provisions, as worded, present a breach of legal precepts that assume primacy by virtue of the fact that they are provided by the Constitution and national laws. To the Court's mind, this inquiry is a legal – and, in fact, constitutional – problem,

which it is not only empowered, but also duty-bound, to resolve in these proceedings.

This is consistent with the Court's appreciation of the doctrine of hierarchy of courts in recent cases decided after *Gios-Samar*,^[282] which applied the teachings of the Court therein.

In *Campa, Jr. v. Judge Paras*,^[283] the Court was confronted with the issue of whether the constitutional right to a speedy disposition of cases was violated. This entailed the determination of the relevant factors, namely, the length and reason for the delay, the degree of assertion of the said right, and the prejudice resulting from the ensuing delay. Nonetheless, the Court held that it would be "counterproductive, nay, illogical for petitioners to go through a full-blown trial and wait for an adverse ruling before they may be allowed to assert their right to speedy disposition of their cases."^[284] A considered scrutiny of the case would show that the key in resolving the case was the application of well-settled jurisprudence on the matter.

A similar approach was employed in *Ocampo v. Macapagal-Arroyo*.^[285] There, the Court characterized the determination of the validity of the Joint Marine Seismic Undertaking (JMSU) as a legal question that may be raised directly before it since the issue may be answered even without the need for presentation of evidence, to wit:

Here, the issue of whether the JMSU violated Section 2, Article XII of the 1987 Constitution not only presents a genuine issue of constitutionality, but also involves a question of law. A question of law exists when there is doubt or controversy as to what the law is on a certain state of facts, and there is a question of fact when the doubt or difference arises as to the truth or falsehood of facts, or when the query necessarily invites calibration of the whole evidence considering mainly the credibility of witnesses, existence and relevancy of specific surrounding circumstances, their relation to each other and to the whole and probabilities of the situation. Unlike a question of fact, no examination of the probative value of the evidence would be necessary to resolve a question of law.

We could resolve the question on the legality of the JMSU without the need for presentation of evidence. Thus, the direct recourse to Us is justified.^[286] (Citation omitted.)

Finally, in *Tinio* the Court, after reminding the public of the teachings of *GIOS Samar*, held that direct recourse was justified considering that the resolution of the Petitions therein "[was] not thrust on determination of facts, as the challenges to the constitutionality of the TRAIN Act were resolved through the application of well-settled constitutional principles."^[287]

These cases do not undermine the doctrine espoused in *Gios-Samar*, as they merely show that the Court may still pass upon controversies whose resolution may be arrived at through the application of well-settled constitutional or legal principles.^[288] "[W]hen there are no factual questions — or when there are extant factual issues but they are not material to the constitutional — issue that direct recourse to this Court under Section 5, Article VIII of the Constitution may be permitted."^[289] To use the words of the Court in *GIOS-SAMAR, Inc.*,^[290] the factual questions in such cases are not "indispensable to the resolution" of the controversy. Appositely, the exercise of determining whether there are factual questions was never removed from the courts, and as mentioned, any doubts regarding the correctness of such conclusion will be resolved in favor of the said tribunal.^[291]

In conjunction with the foregoing disquisitions, *Calleja vs. Executive Secretary*^[292] ordains that the Court may, "in its sound discretion" further delimit issues that are purely legal in nature and refrain from adjudicating all other issues "that are too speculative and raise genuine questions of fact that require the submission of concrete evidence."^[293] Taking cue from this jurisprudential teaching, the Court likewise strictly limits itself to the resolution of the constitutionality of the assailed NCAP Ordinances and refrains from pander to concerns that disguise themselves as relevant in the resolution of the case but are, in point of fact, beyond the confines of what

the court can resolve in these proceedings.

A faithful adherence to such approach thus prevents the Court from fully diving into the technical issues connected to data processing and revenue sharing. As earlier mentioned, resolving these will ultimately compel the Court to deal with concepts relating to an entire system of data processing, such as the transfer, storage, sharing, and use of information, relating to the personal information of motorists, and the irregularity of the use of government funds and properties, both of which are not proper in these proceedings.

These issues cannot be properly resolved without dealing with factual considerations.

The case of *Suplico v. NEDA*[294] is instructive. Here, the Court recognized that an attempt to invalidate the ZTE Supply Contract after raising issues, such as whether the Philippine government has actually earmarked public funds for disbursement under the said contract and whether the Build-Operate-and-Transfer Law was transgressed, require prior factual findings made by any lower court. Thus:

It is simply impossible for this Court "to annul, and set aside the award of the ZTE-DOTC Broadband Deal" without any evidence to support a prior factual finding pointing to any violation of law that could lead to such annulment order. For sure, the Supreme Court is not the proper venue for this factual matter to be threshed out.

Thirdly, petitioner *Suplico* in G.R. No. 178830 prayed that this Court order "public respondents to forthwith comply with pertinent provisions of law regarding procurement of government ICT contracts and public bidding for the NBN contract." It would be too presumptuous on the part of the Court to summarily-Compel public respondents to comply with pertinent provisions of law regarding procurement of government infrastructure projects without any factual basis or prior determination of very particular violations committed by specific government officials of the executive branch. For the Court to do so would amount to a breach of the norms of comity among co-equal branches of government. A perceived error cannot be corrected by committing another error. Without proper evidence, the Court cannot just presume that the executive did not comply with procurement laws. Should the Court allow itself to fall into this trap, it would plainly commit grave error itself.[295] (Emphasis in the original)

Notably, the same reasoning applies in the present case. *KAPIT et al.*, for instance, argues that the JVA with QPAX does not contain any of the security requirements in the processing of data, rendering the same unprincipled and careless.[296] Meanwhile, anent the issue on revenue sharing, petitioners advance the posture that the percentage given to QPAX should be characterized as an excessive line, viz.:

131. As shown under the Joint Venture Agreements between the Respondent LGUs and their private contractor, the fact that the LGUs give 60% to 70% of the revenues collected to their private contractor and the LGUs only retain 30% to 40% thereof, shows that under NCAP, the fines imposed are excessive, since the only reason for the increase in fines is to pay a larger share of collected revenues to the private contractor.[297]

Upon the foregoing consideration, the Court, taking guidance from *Calleja vs. Executive Secretary*[298] and *Suplico v. NEDA*,[299] deems it prudent to avoid tackling these particular issues, in which a factual determination is indispensable, in the instant proceedings. This is to avoid presumptuously ruling on the legality of a contract sans any factual basis. Instead, the Court confines itself to the resolution of legal issues that do not require any submission and evaluation of concrete evidence.

In addition, the Court, in so doing, also avoids unwittingly and unnecessarily foreclosing legal remedies that would allow a complete and exhaustive resolution of the, validity of the JVA. These avenues, e.g., the filing of the appropriate action with the NPC, would otherwise be barred by the principle of *res judicata* or *litis pendentia*, should the Court hereby decide on the legality of the JVA, despite the unavailability of all relevant factual considerations. Indeed, the Court had illuminated that a previous ruling on the validity of a contract may preclude

the filing of another case seeking to assail the legality of the same agreement. Thus:

The two other elements are likewise satisfied. There is an identity of rights asserted and reliefs prayed for in the two cases, with the reliefs being founded on the same set of facts. In both cases, the parties Claim their supposed right as owners of the subject properties. They all anchor their claim of ownership on the deeds of absolute sale which they had executed, and the law applicable thereto. They assert their respective rights, with Spouses Medado as buyers and the heirs as sellers, based on the same set of facts that involve the deeds of sale's contents and their validity. Both actions necessarily involve a ruling on the validity of the same contract as against the same parties. Thus, the identity of the two cases is such as would render the decision in the rescission case *res judicata* in the injunction case, and vice versa.

It does not even matter that one action is for the enforcement of the parties' agreements, while the other action is for the rescission thereof. In the similar case of *Victronics Computers, Inc. v. RTC, Branch 63, Makati*, we discussed: Civil Case No. 91-2069 actually involves an action for specific performance; it thus upholds the contract and assumes its validity. Civil Case No. 91-2192, on the other hand is for the nullification of the contract on the grounds of fraud and vitiated consent. While ostensibly the cause of action in one is opposite to that in the other, in the final analysis, what is being determined is the validity of the contract. . . . Thus, the identity of rights asserted cannot be disputed. Howsoever viewed, it is beyond cavil that regardless of the decision that would be promulgated in Civil Case No. 91-2069, the same would constitute *res judicata* on Civil Case No. 91-2192 and vice versa.[300] (Emphasis supplied, citations omitted)

From the foregoing, the Court holds that the present Petitions do not contravene the doctrine of hierarchy of courts.

Having threshed out the procedural intricacies gyrating through the present cases, this Court shall now come to grips with the substantive issues presented by the two Petitions.

IV. Respondent LGUs enacted the NCAP Ordinances as an exercise of their delegated legislative power to manage traffic.

Prior to determining the intrinsic validity of the provisions of the NCAP Ordinances, which necessitates the Court to chiefly discern whether its provisions unlawfully dampen constitutional rights, and breach national laws, an examination of the authority of respondent LGUs to enact the assailed ordinances vis-à-vis recent case laws is imperative. Veritably, if the Court ascertains that the respondent LGUs do not have such power in the first place, then it can already strike down the NCAP Ordinances on such ground.

Petitioners asseverate that national legislation is required for the institution of NCAP. Thusly, respondent LGUs exceeded their constitutionally and legally allocated limits in the passage of these ordinances.

A local government is defined as a "political subdivision of a nation or state which is constituted by law and has substantial control of local affairs." [301] Under the Local Government Code, it is referred to as a "body politic and corporate," and as such it is endowed with powers as a political subdivision of the National Government and as a corporate entity representing the inhabitants of its territory.[302] In *Bagabuyo v. Commission on Elections*, [303] the Court explained the import of such characterization in the following prose—

As a political subdivision, a local government unit is an "instrumentality of the state in carrying out the functions of government." As a corporate entity with a distinct and separate juridical personality from the State, it exercises special functions for the sole benefit of its constituents. It acts as "an agency of the community in the administration of local affairs" and the mediums through which the people act in their

corporate capacity on local concerns.[304]

In the Philippines, these are the provinces, cities, municipalities, and barangays.[305]

Despite the grant of powers to LGUs, the Court is quick to remind that LGUs are not sovereign within the state or an "imperium in imperio." [306] In a unitary system of government such as ours, LGUs can only be an intra sovereign subdivision of one sovereign nation; it can only mean a measure of decentralization of the function of government.[307] LGUs are thus mere agents vested with what is called the power of subordinate legislation.[308]

Consistently, the Local Government Code, which was enacted pursuant to the specific mandate of Article X, Section 3[309] of the 1987 Constitution and its requirements of decentralization,[310] delineates the specific parameters and limitations to be complied with by LGUs in the exercise of delegated powers with the view of making them a fully functioning subdivision of the State subject to the constitutional and statutory limitations.[311] Anent the delegation of police power in particular, the pertinent provision is Section 16 of the said law, known as the general welfare clause. The provision reads:

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 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.

In *Mosqueda v. Pilipino Banana Growers & Exporters Association, Inc.*, [312] the Court explained that Section 16 comprehends two branches of delegated powers, namely: the general legislative power and the police power proper. The former pertains to the delegated power which enables the local legislative body to enact ordinances and make regulations that are not repugnant to law and which must be exercised to effectuate and discharge the powers and duties legally conferred to the said body.[313] The latter, meanwhile, authorizes the LGU to enact ordinances necessary and proper for health and safety, prosperity, morals, peace, good order, comfort, and convenience, and the protection of property of its constituents.[314]

Relatedly, Section 458 Local Government Code expressly vests the sangguniang panlungsod, as the legislative body of the city, with the authority "to enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of [the Local Government Code], and in the proper exercise of the corporate powers of the city as provided for under Section 22 [thereof]." Significantly, one of the specific matters which may be the subject of legislation by the LGU is the regulation of traffic within its territorial jurisdiction. Section 458 (a)(5)(v) and (vi) of the same Code reads:

Section 458. Powers, Duties, Functions and Compensation. — (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 municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality 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 the 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; provide for the lighting, cleaning and sprinkling of streets and public places;

(vi)

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

Pcirenthetically, a similar provision for municipalities can be found under the Local Government Code. Section 447 thereof states:

Section 447. Powers, Duties, Functions and Compensation. — (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper excrdse of the corporate powers of the municipality as provided far 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 the operation or 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; provide for the lighting, cleaning and sprinkling of streets and public places;

(vi)

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

Quite palpably, the regulation of traffic is the specific power and function that is relevant in the present controversy. The Whereas clauses of Muntinlupa City NCAP Ordinance state:

WHEREAS, Section 16 of Republic Act 7160, otherwise known as the Local Government Code of 1991,

provides that: "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 insure and support, among other things, . . . preserve the comfort and convenience of their inhabitants."

WHEREAS, Section 458 (5) (vi), empowers the city, through an ordinance, to regulate traffic in all streets, and bridges within the city territory [.] "[315]

In *Legaspi v. City of Cebu*, [316] the Court recognized that cities are vested with legislative power to enact traffic rules and regulations expressly by Section, 458 [317] of the Local Government Code and also generally by virtue of the general welfare clause embodied in Section 16 [318] of the same law. [319] Put differently, the Congress desired to leave to the cities themselves the task of confronting the problem of traffic congestions associated with development and progress because they were directly familiar with the situations in their respective jurisdictions [320]—

Indeed, the LGUs would be in the best position to craft their traffic codes because of their familiarity with the conditions peculiar to their communities. With the broad latitude in regard allowed to the LGUs of the cities, their traffic regulations must be held valid and effective unless they infringed the constitutional limitations and statutory safeguards. [321]

At this juncture, the Court deems it proper to discuss one such statutory limitation that has become more pronounced under recent case law. Strikingly, this is an issue that specifically affects the traffic situation of LGUs comprising Metro Manila, which includes herein respondents. After all, the authority to manage traffic takes on a different dimension, when the territories of these local governments are involved.

On March 1, 1995, Congress passed Republic Act No. 7924, which is a law that declared Metropolitan Manila as a "special development and administrative region," [322] to wit:

SECTION 1. Declaration of Policy. — It is hereby declared to be the policy of the State to treat Metropolitan Manila as a special development and administrative region and certain basic services affecting or involving Metro Manila as metro-wide services more efficiently and effectively planned, supervised and coordinated by a development authority as created herein, without prejudice to the autonomy of the affected local government units.

Pursuant to this policy, Metropolitan Manila, as a public corporation created under Presidential Decree No. 824, embracing the cities of Caloocan, Manila Mandaluyong, Makati, Pasay, Pasig, Quezon, and Muntinlupa, and the municipalities of Las Piñas, Malabon, Marikina, Navotas, Parañaque, Pateros, San Juan, Tagig, and Valenzuela, is hereby constituted into a special development and administrative region subject to direct supervision of the President of the Philippines.

Under Section 2 thereof, the MMDA was created with the mandate of performing the "planning, monitoring and coordinative functions, and in the process[,] exercise regulatory and supervisory authority over the delivery of metro-wide services within Metro Manila." This, of course, was "without diminution of the autonomy of the local government units concerning purely local matters." [323] In *Metropolitan Manila Development Authority v. Bel-Air Village Association*, [324] the Court enunciated that the concept of "metro-wide services" refers to those which transcend local political boundaries or entail huge services that could not be covered by an individual LGU in Metro Manila, viz.:

"Metro-wide services" are those "services which have metro-wide impact and transcend local political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by the individual local government units comprising Metro Manila." There are seven (7) basic metro-wide services,

and the scope of these services cover the following: (1) development planning; (2) transport and traffic management; (3) solid.waste disposal and management; (4) flood control and sewerage management; (5) urban renewal, zoning and land use planning, and shelter services; (6) health and sanitation, urban protection and pollution control; and (7) public safety.[325]

This was reiterated in the recent case of *Republic v. Maria Basa Express Jeepney Operators and Drivers Association, Inc.*,[326] where the Court once more had occasion to underscore that the MMDA was created to provide basic services affecting or involving Metro Manila, which was intended as a special development and administrative, region.[327] The provision of such services is perceived to have "metro-wide impact," which includes transport and traffic management services.[328] To this end, the MMDA is authorized, among other things, to set the policies concerning traffic in Metro Manila,[329] coordinate and regulate the implementation of all programs and projects concerning traffic management,[330] and fix, impose, and collect fines and penalties for all kinds of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic rules and regulations, the provisions of Republic Act No. 4136 and Presidential Decree No. 1605 to the contrary notwithstanding.[331]

With respect to traffic management, in particular, its Charter mandates the MMDA to exercise the powers and perform the following functions:

SECTION 5. Functions and Powers of the Metropolitan Manila Development Authority. – The MMDA shall:

....

(e) The MMDA shall set the policies concerning traffic in Metro Manila, and shall coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, engineering and education. Upon request, it shall be extended assistance and cooperation, including but not limited to, assignment of personnel, by all other government agencies and offices concerned;

(f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, the provisions of [Republic Act No.] 4136 and [Presidential Decree No.] 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose;

Corollary thereto, the MMDA exercises its powers through the Metro Manila Council, which is presently composed of the mayors of the component cities and the lone municipality of Metro Manila, the president of the Metro Manila Vice-Mayors' League and the president of the Metro Manila Councilors' League.[332] The Council is headed by a Chairman who is appointed by the President and vested with the rank of cabinet member.[333] By virtue of its nature as the MMDA's policy-making body, the said Council is empowered to promulgate rules and regulations and set policies and standards for metro-wide application governing the delivery of basic services, prescribe and collect service and regulatory fees, and impose and collect fines and penalties. In crafting such policies, rules and regulations, the Council coordinates with various stakeholders and relevant offices with overlapping functions in order to provide uniform and consistent measures.[334] This is readily apparent from Section 9 of Republic Act No. 7924, which provides in part:

Institutional Linkages of the MMDA. — The MMDA shall, in carrying out its functions, consult, coordinate and work closely with the LGUs, the National Economic and Development Authority (NEDA) and other national government agencies mentioned in Section 4 hereof, and accredited people's organisations (POs),

nongovernmental organizations (NGOs), and the private sector operating in Metro Manila.

....

The implementation of the MMDA's plans, programs, and projects shall be undertaken by the LGUs, the concerned national government agencies, the POs, NGOs and the private sector and the MMDA itself where appropriate. For this purpose, the MMDA may enter into contracts, memoranda of agreement and other cooperative arrangements with these bodies for the delivery of the required services within Metropolitan Manila.[335]

Section 13, Rule V of the IRR of Republic Act No. 7924 breathes life into the aforementioned legal provision, thusly:

Policy Guidelines — The Authority shall, in the implementation and delivery of basic metro-wide services in Metropolitan Manila, consult, coordinate and work closely with the local government units, the national government agencies; accredited people's organizations [POs], non-governmental organizations [NGOs] and the private sector operating in Metropolitan Manila. The parties involved may thereafter enter into the desired memorandum of agreement.

Where the cities or municipalities in Metropolitan Manila, by virtue of the provisions of the Local Government Code [Republic Act No. 7160] or individual city charters are invested with and are exercising or discharging similar or identical powers or functions, the Authority, shall in observance of the policy of local autonomy, consult with local chief executives concerned in order to identify the areas for the delivery of metro-wide services.

Thereafter, the Authority shall conclude, upon prior authorization or concurrence of the Sanggunian concerned, the appropriate agreements, and when necessary and proper, the LGUs shall amend or repeal existing local ordinances on the matter.

The linkages or relationship between and among the Authority, the NGAs and LGUs herein indicated may be amended as conditions warrant, through the mutual agreement of parties concerned.[336]

At the risk of being repetitive, it is clear from the foregoing that the law and its IRR do not derogate from the observance of the policy of local autonomy. From the last paragraph of Section 13, Rule V, the LGUs are empowered to conclude mutual agreements with the MMDA over the course of their relationship. In, addition, when there is similarity in the powers or functions exercised, the MMDA must consult with the local chief executives of Metro Manila "in order to identify the areas for the delivery of metro-wide services."

As heretofore adumbrated, the Court, in the recent FEJODAP case,[337] illuminated on the intersection of the powers of the MMDA and the LGUs of Metro Manila on matters relating to traffic management, particularly in the context of issuing traffic violation tickets to drivers violating traffic regulations. Invalidating provisions of the Traffic Management Codes of the LGUs of Metro Manila that empowered each of them to issue OVRs to erring drivers and motorists, the Court ratiocinated thusly:[338]

Thus, despite the power granted by Sections 447(5)(v-vi) and 458(5)(v-vi) of the [Local Government Code] to the Sangguniang Bayan of the municipalities and the Sangguniang Panlungsod of the cities, respectively, to "[a]pprove ordinances... to ... (v) [r]egulate the use of streets... [and] (vi) [r]egulate traffic on all streets and bridges..." this power does not exist for the cities and the lone municipality in Metro Manila because of Sections 5(e) and (f) of the MMDA Law.

The inescapable conclusion, therefore, is that Sections 5(e) and 5(f) of the MMDA Law have primacy over 447(5)(v-vi) and 458(5)(v-vi) of the [Local Government Code] in that the latter provisions empower the cities and the lone municipality in Metro Manila to regulate traffic only to the extent that they do not conflict With

the regulations issued by the MMDA. From the foregoing, the Court thus construes Sections 5(e) and 5(f) of the MMDA Law, being the later expression of legislative will, as partially impliedly modifying the aforementioned sections of the [Local Government Code].[339]

Evidently, the FEJODAP case, is the controlling doctrine as regards traffic management in Metro Manila. Thus, as things currently stand, the MMDA has the primary rule-making powers relating to such matter. In turn, the LGUs comprising Metro Manila cannot enact ordinances which are inconsistent, with any MMDA issuance on such subject matter.[340]

As pointed out by justice Amy Lazaro-Javier during the deliberations, the FEJODAP case recognizes the inherent authority of the LGUs insofar as "purely local matters" are concerned and that LGUs possess delegated legislative powers to enact regulations to promote the general welfare of the people, with a caveat that they should act in conformity with the will of their principal, i.e., MMDA, when the regulations relate to traffic management in Metro Manila.[341]

In the present case, the Court finds no inconsistency between the assailed NCAP Ordinances and MMDA Resolution No. 16-01, which is the NCAP being implemented by the MMDA at the time relevant to the case. On this score, the MMDA itself, in its Memorandum, acknowledges the power of respondent LGUs to regulate traffic in their respective localities, viz.:

116. Without a doubt, LGUs have the power to regulate traffic in their locality, LGUs are allowed to pass local legislation involving traffic violations as long as they do not conflict with national legislation. LGUs have broad latitude in crafting traffic rules and regulations because of their familiarity with the conditions of their localities. Any restrictions brought about by regulations, of local governments addressing traffic congestions are valid exercises of police power.[342]

The following exchange between Solicitor General Menardo Guevarra (Solicitor General Guevarra), on behalf of the respondents, and Associate Justice Alfredo Benjamin S. Caguioa (Justice Caguioa) during the Oral Arguments is also telling, viz.:

ASSOCIATE JUSTICE CAGUIOA:

Good afternoon. All of the city ordinances here are dated 2019 and after. Do I understand therefore that they have the imprimatur of MMDA?

SOLICITOR GENERAL GUEVARRA:

With respect to the NCAP ordinances, Your Honor, I do not think that approval by the MMDA is a requisite for the validity of the ordinance.

ASSOCIATE JUSTICE CAGUIOA:

Yes. I am not talking about the validity, Counsel. I am saying that it all started with the MMDA implementing the NCAP, correct?

SOLICITOR GENERAL GUEVARRA:

Yes, Your Honor.

ASSOCIATE JUSTICE CAGUIOA:

And then, the LGUs followed soon, correct?

SOLICITOR GENERAL GUEVARRA:

Yes, Your Honor.

ASSOCIATE JUSTICE CAGUIOA:

And the MMDA has never taken issue with any of these ordinances, is that correct?

SOLICITOR GENERAL GUEVARRA:

I am not aware of any objection on the part of the MMDA, Your Honor.

ASSOCIATE JUSTICE CAGUIOA:

So, can I ask the others, the lawyers for the LGUs? Have you ever heard of the MMDA complaining about your Ordinances?

ATTY. DIZON:

No, your Honor.

ASSOCIATE JUSTICE CAGUIOA:

Therefore, can I make the rational conclusion that all of these ordinances have the imprimatur of the MMDA?

SOLICITOR GENERAL GUEVARRA:

To the extent that there was no objection on the part of the MMDA, then, that we may considered [sic] as an imprimatur.[343]

Invariably, Section 1 Lot MMDA Resolution No. 16-01 explains why it can operate alongside the assailed NCAP Ordinances. It expressly confines its coverage to "major thoroughfares in Metro Manila especially on EDSA and C5." [344] To use the words of Justice Caguioa during the deliberations of this case, the NCAP Ordinances "were established to be with the MMDA's imprimatur." Significantly, during the pendency of these cases, respondent LGUs have manifested that they "have committed and obligated themselves to implement the NCAP in accordance with the MMTC 2023 and MMDA Memorandum Circular No. 10, series of 2025." [345] Nary a doubt, this development eliminates any issue against the NCAP System that respondent LGUs would be implementing moving forward, and fortifies the dynamic between the MMDA and its member LGUs with respect to traffic management.

Indeed, the simultaneous operation of the two NCAP Systems, i.e., the MMDA's and the respondent LGUs', only animates the provisions of the MMDA Charter and its IRR. To stress, these require the MMDA to consult with the local chief executives of Metro Manila, when there is similarity in the powers or functions exercised "in order to identify the areas for the delivery of metro-wide services."

The FEJODAP case [346] brought to fore the inconsistency between the assailed OVR Ordinances and MMDA Resolution No. 12-02, which adopted a uniform ticketing system and established a system of interconnectivity among government instrumentalities involved in the transport and traffic management in Metro Manila. The simultaneous existence and operation of the OVR Ordinances alongside MMDA Resolution No. 12-02 already defeats the goal of having a single ticketing system envisioned under Section 5(f) of Republic Act No. 7924. In contrast, given the costs and resources to institute and operate a technological infrastructure as complex and expansive as the NCAP system, it is not difficult to see why the participation of respondent LGUs becomes necessary, if not indispensable.

In light of the foregoing, the Court holds that the assailed NCAP Ordinances have been duly enacted pursuant to the delegated police power of respondent LGUs.

V. The NCAP Ordinances are administrative, not criminal, in nature.

The issue anent the true nature, of the NCAP Ordinances is critical in selecting the proper standard and identifying, the relevant principles and concepts with which their validity will be tested.

Both petitioners KAPIT el al. and Atty. Paa profess that the proceedings under the NCAP Ordinances are

administrative in character.[347] Respondents Quezon City and Valenzuela City share this view, positing that the fines under the NCAP Ordinances are administrative in nature.[348] Meanwhile, respondents LTO, City of Manila, and Muntinlupa City maintain that the NCAP Ordinances are actually regulatory measures.[349]

Republic Act No. 4136,[350] on the Land Transportation and Traffic Code, governs the "registration and operation of motor vehicles and the licensing of owners, dealers, conductors, drivers, and similar matters." [351] Section 29 thereof dictates the general procedure in dealing with a traffic violation, which is not the arrest of the offender but the confiscation of the driver's license of the latter,[352] viz.:

Confiscation of Driver's Licenses. – Law enforcement and peace officers duly designated by the Commissioner shall, in apprehending any driver for violations of this Act or of any regulations issued pursuant thereto, or of local traffic rules and regulations, confiscate the license of the driver concerned and issue a receipt prescribed and issued by the Commission therefor which shall authorize the driver to operate a motor vehicle for a period not exceeding seventy-two hours from the time and date of issue of said receipt. The period so fixed in the receipt shall not be extended, and shall become invalid thereafter. Failure of the driver to settle his case within fifteen days from the date of apprehension will cause suspension and revocation of his license.

Subsequently, Executive Order No. 266[353] created the Law Enforcement Service and the Traffic Adjudication Service within what is now known as the LTO. Under this issuance, the Traffic Adjudication Service is empowered to hear and decide cases involving violations of laws, rules and regulations governing land transportation and to impose fines and/or penalties therefor; provided that violations resulting in damage to property and/or physical injuries or violations constituting offenses punishable under the Revised Penal Code or other penal laws shall be under the jurisdiction of the regular courts.[354]

Through the Administrative Code of 1987,[355] local governments are treated as agencies of the Government, viz.:

SECTION 2. General Terms Defined. – Unless the specific words of the text, or the context as a whole, or a particular statute, shall require a different meaning:

....

(4) Agency of the Government refers to any of the various units of the Government, including a department, bureau, office, instrumentality, or government-owned or controlled corporation, or a local government or a distinct unit therein. (Emphasis supplied)

To recall, the Local Government Code specifically granted cities and municipalities, through their local legislative bodies, the power to enact ordinances concerning traffic management under Sections 458 and 447, respectively.

On the other hand, the MMDA, is mandated to "fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, the provisions of Republic Act No. 4136 and Presidential Decree No. 1605 to the contrary notwithstanding."

In this light, it is clear that LGUs in Metro Manila are administrative agencies vested with authority to formulate rules concerning traffic management, so long as they are aligned with the MMDA's general policies.[356] This authority would necessarily encompass the system of apprehending traffic violators.

As previously explicated at length, the NCAP Ordinances[357] were promulgated consistent with the prevailing policy of the MMDA on no-contact apprehension, i.e., MMDA Resolution No. 16-01. A careful reading of these ordinances reveals that the NCAP is primarily a supplemental method of catching errant motorists for traffic violations without the need for physical contact on the part of traffic enforcers deployed by the LGUs. Viewed

through the lens of its basic purpose, the Court concludes that the fines corresponding to the Violations covered by the NCAP Ordinances are administrative rather than penal in character.

As will be set out below, the traffic violations covered by the NCAP Ordinances promulgated by the respondent LGUs are punishable by fines.

Section 7 of Manila Ordinance No. 8676,[358] as amended,[359] provides for the penalties for violation of NCAP, viz.:

Section 7, Penalty for Violation of "No Contact Apprehension Program (NCAP)"

Registered owners of vehicles found violating the provisions under this Ordinance shall be liable in accordance with the fines enumerated below:

CODE

TYPE OF OFFENSE/VIOLATION

FINES & PENALTIES

Counter Flow Driving

Section 5

(1)

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5

(2)

Disobedience to Traffic Control Signals and Signs

1st offense

PHP 2,000.00

2nd offense

3,000.00

3rd offense

4,000.00

Section 5

(3)

Obstruction of the Pedestrian Lane

1st offense

PHP 2,000.00

2nd offense

3,000.00

3rd offense

4,000.00

Section 5

(4)

Driving over a Yellow Box

1st offense

PHP 2,000.00

2nd offense

3,000.00

3rd offense

4,000.00

Section 5

(5)

Over Speeding

1st offense

PHP 2,000.00

2nd offense

3,000.00

3rd offense

4,000.00

Section 5

(6)

Reckless Driving

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5

(7)

Failure to Wear the Prescribed Seat Belt Device

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5

(8)

Failure to Use Motorcycle Helmets

1st offense

PHP 2,000.00

2nd offense

3,000.00

3rd offense

4,000.00

Section 5

(9)

Anti-Distracted Driving

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5

(10)

Driving an Unregistered Vehicle

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5

(11)

Failure to attach or improper
attachment/tampering of authorized vehicle
license plate and/or third plate sticker

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5

(12)

Disregarding Lane Markings

1st offense

PHP 2000.00

2nd offense

3,000.00

3rd offense

4,000.00

Meanwhile, Section 6 of Muntinlupa Ordinance No. 2021-280[360] reads:

SECTION 6. Penalty for Violation of "No Contact Apprehension Program (NCAP)" – Registered owners of vehicles found violating the provisions under this Ordinance shall be liable in accordance with the fines enumerated below:

CODE

TYPE OF OFFENSE/VIOLATION

FINES & PENALTIES

Counter Flow Driving

Section 5 (1)

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (2)

Disobedience to Traffic Control Signals and Signs

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (3)

Obstruction of the Pedestrian Lane

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (4)

Driving over a Yellow Box

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (5)

Over Speeding

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (6)

Reckless Driving

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (7)

Failure to Wear the Prescribed Seat Belt Device

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (8)

Failure to Use Motorcycle Helmets

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (9)

Anti-Distracted Driving

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (10)

Driving an Unregistered Vehicle

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (11)

Failure to attach or improper
attachment/tampering of authorized
vehicle license plate and/or third plate sticker

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 5 (12)

Disregarding Lane Markings

1st offense

PHP 3,000.00

2nd offense

4,000.00

3rd offense

5,000.00

Section 3 of the Parañaque City Ordinance No. SP 17-06,[361] as amended,[362] provides:

Section 6. Section 3 of City Ordinance No. 17-06 Series of 2016 is hereby amended and is now to be read as follows:"Section 3. Registered owners of vehicles found violating the traffic rules and regulations under the No Contact Apprehension Policy shall be fined according to the gravity of offense:

VIOLATIONS

FINES

1. Reckless Driving such as, but not limited to:

- Beating the Red Light, which includes turning left or right or making a U-turn while the signal light is red
- Illegal Change of lanes
- Illegal counter-flowing
- Failure to keep right of solid double yellow lanes
- Failure to keep right of solid single white or solid single yellow line

2. Unregistered vehicle

3. Out of route PUV/PUB

4. Driving on one-way streets PHP 3,000.00

5. Violation of pedestrian crossing

6. Staying on yellow box

7. Illegal parking

8. Obstructing roads by motor vehicles

9. Disobedience to signs

10. No safety helmet for motorcycle rides including passengers

11. No use of seatbelts

12. All other traffic violations of the Traffic Code of the City of Parañaque PHP 1,500.00

Section 8 of Quezon City Ordinance No. SP-3052[363] sets out the following gradation of lines and penalties:

SECTION 8. Article XXV of the Quezon City Revised Traffic Management Code of 2018 is hereby amended in its entirety as follows:

ARTICLE XXV – UPDATED FINES AND PENALTIES

SECTIONAL "PENALTY FOR VIOLATIONS ON GENERAL DRIVING RULES, DISOBEDIENCE TO TRAFFIC CONTROL SIGNALS AND SIGNS, AND CARELESS AND DANGEROUS DRIVING – Violations on General Driving Rules, Disobedience to Traffic Control Signals and Signs, and Careless and Dangerous Driving shall warrant the following fines:

1. Disobedience to Traffic Control Signals and Signs

1st offense-PHP 2,000.00

2nd offense-PHP 3,000.00

3rd offense-PHP 4,000.00

2. Obstructing Pedestrian Lanes

1st offense-PHP 2,000.00

2nd offense-PHP 3,000.00

3rd offense-PHP 4,000.00

3. Counter Flow Driving

1st offense-PHP 2,000.00

2nd offense-PHP 3,000.00

3rd offense-PHP 4,000.00

4. Violating Speed Limit

1st offense-PHP 2,000.00

2nd offense-PHP 3,000.00

3rd offense-PHP 4,000.00

5. Driving Over a Yellow Box

1st offense-PHP 3,000.00

2nd offense-PHP 4,000.00

3rd offense-PHP 5,000.00

6. Reckless Driving

1st offense-PHP 3,000.00

2nd offense-PHP 4,000.00

3rd offense-PHP 5,000.00

7. Erection and Interference with Traffic Control Items

PHP 2,000.00

8. Disregarding Lane Markings

PHP 500.00

9. Violation of other General Driving Rules

PHP 500.00

Finally, Valenzuela City Ordinance No. 572, Series of 2019,[364] as amended,[365] sanctions the collection of

the following fines:

TRAFFIC VIOLATIONS THAT CAN BE IMPLEMENTED EITHER BY THE NO CONTACT APPREHENSION PROGRAM AND THE ENFORCERS OF THE TRAFFIC MANAGEMENT DIVISION

VIOLATIONS

PENALTY IMPOSED FOR NCAP

PENALTY IMPOSED BY POSG-TMD ENFORCERS

Counter Flow

[PHP] 3,000.00

[PHP] 2,000.00

Disregarding Traffic Signs

These includes [sic]:

- Passing through red light
- Making Illegal Turns
- Violation of Loading and Unloading in prohibited zones;
- Illegal change of lanes
- Not using headlights, signal lights or having defective break lights
- Driving over a Yellow Box
- Driving through Roundabouts and Rotondas
- Driving in Bicycle Lanes
- Disregarding Lane Markings
- Violation of No U-turn sign
- Violation of No Left Turn or No Right Turn

1[st] Offense

[PHP] 2,000.00

2[nd] Offense

[PHP] 2,500.00

3[rd] Offense and SUCCEEDING OFFENSES

[PHP] 3,000.00

500.00

Obstruction of the Pedestrian Lane

1[st] Offense

[PHP] 2,000.00

2[nd] Offense

[PHP] 2,500.00

3[rd] Offense and SUCCEEDING OFFENSES

[PHP] 3,000.00

PHP 500.00

Over Speeding

PHP 3,000.00

PHP 1,000.00

Anti-Distracted Driving

PHP 3,000.00

Driving an unregistered vehicle

PHP 3,000.00

500.00

Failure to attach or improper attachment/tampering of authorized motor vehicle license plate and/or third plate sticker

PHP 3,000.00

PHP 1,000.00

Trip Cutting/Cutting Trip

1[st] Offense

[PHP] 3,000.00

2[nd] Offense

[PHP] 4,000.00

3[rd] Offense and SUCCEEDING OFFENSES

[PHP] 5,000.00

PHP 2,500.00

Illegal Display of Signboard PHP 3,000.00 PHP 500.00

Tricycle ban on the Highway PHP 1,000.00 PHP 500.00

Pedicab ban on the Highway PHP 500.00 PHP 500.00

Truck ban

1[st] Offense

[PHP] 1,000.00

2[nd] Offense

[PHP] 3,000.00

3[rd] Offense and SUCCEEDING OFFENSES

[PHP] 5,000.00

SP ORDINANCE NO. 113, SERIES OF 2014

Violation of Anti-Spillage Measures

PHP 3,000.00

SP ORDINANCE NO. 47, SERIES OF 2009

Reckless Driving

1[st] Offense

[PHP] 2,000.00

2[nd] Offense

[PHP] 2,500.00

3[rd] Offense and SUCCEEDING OFFENSES

[PHP] 3,000.00

Driving vehicles on the sidewalk or beyond the road edge line

1[st] Offense

[PHP] 2,000.00

2[nd] Offense

[PHP] 2,500.00

3[rd] Offense and SUCCEEDING OFFENSES

[PHP] 3,000.00

PHP 1,000.00

In *De Guzman v. Hon. Subido*,^[366] the Court recognized that there are certain violations of municipal regulations which do not amount to criminal offenses, thusly:

There are other federal decisions which state that prosecutions to enforce penalties for violations of municipal ordinances are not criminal prosecutions and the offenses against these ordinances are not criminal cases[.]

We do not go so far as to sustain the arguments that only violations of statutes enacted by the national legislature can give rise to "crimes" or "a criminal record" as these terms are used in our law on local governments or the law of public officers. However, we take cognizance of the distinction in the law of municipal, corporations which distinguishes between acts not essentially criminal relating to municipal regulations for the promotion of peace, good order, health, safety, and comfort of residents and acts intrinsically punishable as public offenses. . . . A penalty imposed for the breach of a municipal regulation is not necessarily an exercise of the sovereign authority, to define crimes and provide for their punishment, delegated to a local government. In many cases, the penalty is merely intended not to render the ordinance inoperative or useless.

The phrase "criminal record" governing qualifications for appointments could not have been intended by the legislature to automatically cover every violation of a municipal or city ordinance carrying a sanction of a nominal fine to enforce it. A violation of a municipal ordinance to qualify as a "crime" must involve at least a certain degree of evil doing, immoral conduct, corruption, malice, or want of principles reasonably related to the requirements of the public office.^[367] (Emphasis supplied; citations omitted.)

In the recent case of *Maynilad Water Services, Inc. v. Secretary of the Department of Environment and Natural*

Resources,[368] the Court had occasion to emphasize that administrative penalties aim to compel, obedience with the provisions of a regulatory law so as to secure public order and policy.[369]

Here, it cannot be gainsaid that the fines enforced by the NCAP ordinances are meant to protect general welfare and improve public safety by ensuring that motorists follow existing traffic regulations.[370] Stated otherwise, the issuances keep existing road rules from being obsolete. As a result, these fines are administrative penalties imposable upon erring parties without need of criminal prosecution.[371]

Besides, if traffic violations covered by the NCAP Ordinances were to be characterized as criminal, then errant drivers must be afforded certain fundamental rights by constitutional fiat.[372] One of these is the right to be informed of the nature and cause of accusation against him or her, which comes to life during arraignment.[373] Inevitably all traffic violators under the NCAP regime would have to be arraigned. From all indications, the law did not contemplate such an absurd scenario, for it would clog the dockets of the trial courts, before which the process of arraignment occurs.

Having established that the NCAP Ordinances are administrative and not criminal in nature, the Court now proceeds to rule on their validity.

VI. The NCAP Ordinances satisfy the jurisprudential requisites for a valid ordinance.

A. The NCAP Ordinances do not infringe constitutional rights.

It is an elementary principle that laws, including ordinances, are presumed valid.[374] This necessarily flows from the separate presumption of constitutionality, as follows:

The presumption of validity is a corollary of the presumption of constitutionality, a legal theory of common-law origin developed by courts to deal with cases challenging the constitutionality of statutes. The presumption of constitutionality, in its most basic sense, only means that courts, in passing upon the validity of a law, will afford some deference to the statute and charge the party assailing it with the burden of showing that the act is incompatible with the constitution. The doctrine comes into operation when a party comes to court praying that a law be set aside for being unconstitutional. In effect, it places a heavy burden on the act's assailant to prove invalidity beyond reasonable doubt; it commands the clearest showing of a constitutional infraction. Accordingly, before a law may be struck down as unconstitutional, courts must be certain that there exists a clear and unequivocal breach of the constitution, and not one that is speculative or argumentative. To doubt, it has been said, is to sustain.[375]

This presumption may only be set aside when the invalidity or unreasonableness appears on the face of the ordinance or is established by proper evidence.[376]

It is primal that for an ordinance to be valid, it must not only be within the corporate powers of the concerned LGU to enact but must also be passed in accordance with the procedure prescribed by law. Elsewise stated, to be considered as a valid police power measure, an ordinance must pass a two-pronged test: the formal, i.e., whether the ordinance was enacted within the corporate powers of the LGU, and whether it was passed in accordance with the procedure prescribed by law; and the substantive, i.e., involving inherent merit, like the conformity of the ordinance with the limitations under the Constitution and the statutes, as well as with the requirements of fairness and reason, and its consistency with public policy.[377]

The Court shall first zero in on the substantive test. It is ingrained in this jurisdiction that an ordinance must pass muster under the test of constitutionality and the test of consistency with the prevailing laws. Otherwise, it is void. In this regard, jurisprudence has consistently held that, in order that its substantive validity be upheld, the ordinance must:

(1) not contravene the Constitution or any statute; (2) not be unfair or oppressive; (3) not be partial or discriminatory; (4) not prohibit, but may regulate trade; (5) be general and consistent with public policy; and (6) not be unreasonable.[378]

Fundamentally, ordinances should uphold the principle of the supremacy of the Constitution.[379] Likewise, the requirement that the enactment must not violate existing law stresses the precept that LGUs are able to legislate only by virtue of their derivative legislative power, a delegation of legislative power from the national legislature. The delegate cannot be superior to the principal or exercise powers higher than those of the latter.[380]

KAPIT et al. and Atty. Paa collectively bewail that the NCAP ordinances contravene the constitutional right to due process. In particular, KAPIT et al. maintains that there is no law allowing registered owners of motor vehicles to be made liable for the acts of the driver,[381] while Atty. Paa submits that it was incumbent upon the City of Manila to ensure that the NOV was received personally by the registered owner.[382] They also avouch that the assailed issuances violate not only the Constitution but also national laws such as Republic Act No. 4136 or the Land Transportation and Traffic Code, insofar as they target the registered owner of the motor vehicle and not the actual driver thereof at the time of apprehension.[383]

Contrariwise, respondents assert that the NCAP Ordinances only touch upon a property right. Under the rational basis test, there must be a reasonable relation between the means employed by the law and the legitimate government interest sought to be advanced. To respondents, the rational basis test has been satisfied in the cases at bench.[384] Moreover, the NCAP Ordinances are in harmony with prevailing national laws. Specifically, on the alleged infringement of Republic Act No. 4136, respondents maintain that the text thereof does not foreclose the possibility of adopting measures to catch traffic violators other than the face-to-face method of apprehension.[385]

Noticeably, the constitutional challenge advanced, by KAPIT et al. and Atty. Paa against the NCAP Ordinances can be essentially divided into two issues. The first relates to the question of whether the NCAP Ordinances infringed on provisions of the Constitution, particularly the rights accorded by Article III thereof. The second is the determination of whether these issuances contravene certain national laws. The Court shall traverse these issues in *seriatim*.

As mentioned at the outset, the Court, in deciding the multiple issues involved presented, is guided by the rule that the validity of the NCAP Ordinances cannot be reversed on the mere fact that those who are implementing the same have committed errors, or abuses, otherwise the validity of a legislative issuance be made dependent on an arbitrary standard. Assuredly, the proper approach in resolving the same would be to confine the examination and assessment to the text of the NCAP Ordinances. Lest this approach be misconstrued, the Court hastens to clarify that this does not mean that the erring personnel should get off scot-free, in any case, the proper actions to remedy such a situation would be the filing of the appropriate criminal, civil, or administrative cases, instead of a petition to invalidate a law or ordinance.

1. The NCAP Ordinances do not violate the right to substantive or procedural due process.

In determining the constitutionality of an issuance vis-à-vis the right to due process, the concept of police power comes to the fore. This Court had previously shed light on this inherent power of the State, viz.:

In particular, police power is regarded as "the most essential, insistent and the least limitable of powers, extending as it does 'to all the great public needs.'" It is unquestionably the power vested in the legislature by

the constitution to make ordain, and establish all manner of wholesome and reasonable laws, statutes and ordinances, either with penalties or without, not repugnant to the constitution, as they shall judge to be for the good and welfare of the commonwealth, and of the subject of the same." According to Cooley: "[The police power] embraces the whole system of internal regulation by which the state seeks not only to preserve the public order and to prevent offences against itself, but also to establish for the intercourse of citizens with citizens, those rules of good manners and good neighborhood which are calculated to prevent the conflict of rights and to insure to each the uninterrupted enjoyment of his own, so far as it is reasonably consistent with the right enjoyment of rights by others.[386]

The interplay between these two seemingly opposite interests, which may be said to be reflective of the straggle between government authority and individual liberty, has been expounded in the case of *White Light Corp. v. City of Manila*,[387] thusly:

The due process guaranty has traditionally been interpreted as imposing two related but distinct restrictions on government, "procedural due process" and "substantive due process." Procedural due process refers to the procedures that the government must follow before it deprives a person of life, liberty, or property. Procedural due process concerns itself with government action adhering to the established process when it makes an intrusion into the private sphere. Examples range from the form of notice given to the level, of formality of a hearing.

If due process were confined solely to its procedural aspects, there would arise [an] 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, moreso 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.[388]

White Light Corp. is particularly relevant as it also expounds on the applicable standards of judicial review of legislation, including ordinances —

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 U.S. 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.[389] (Citations omitted)

On this note, the Court has applied the strict scrutiny test to ascertain the quality and the amount of governmental interest advanced by a statute or ordinance that regulates fundamental freedoms.[390] Under the said review, the assailed act will pass muster only if the government shows (1) a compelling state interest justifying the

suppression of speech; and (2) that the law is narrowly-tailored to further such state interest.[391] Contrary to respondents' view, the Court must employ such approach in this case considering that, under prevailing case law, regulations alleged to be violative of the right to privacy, such as the NCAP Ordinances, must be subjected to strict scrutiny.[392]

There is no violation of the right to substantive due process.

It bears emphasis that the general welfare clause under Section 16[393] of the Local Government Code is a delegation of legislative power by the State and is composed of two branches, namely, the general legislative power and the police power proper.[394] As such, the provisions related thereto are liberally interpreted to give more powers to LGUs in accelerating economic development and upgrading the quality of life for the people in the community. Wide discretion invested on the legislative authority to determine not only what the interests of the public require but also what measures are necessary for protection of such interests since the Sanggunian is in the best position to determine the needs of its constituents.[395]

Though broad and far-reaching, it is important to accentuate that police power is subordinate to constitutional limitations and is subject to the requirement that its exercise must be reasonable and for the public good.[396] LGUs must perforce establish the following requisites to successfully invoke police power first, the interests of the public generally – as distinguished from those of a particular class – require an interference with private rights; and second, the means adopted must be reasonably necessary to accomplish the purpose and not be unduly oppressive upon individuals.[397] Simply put, there must be a concurrence of a lawful subject, and a lawful method; lacking any of such requisites, the measure shall be struck down as an arbitrary intrusion into private rights and a violation of the due process clause.[398]

To put it differently, substantive due process requires that a valid ordinance must have a sufficient justification for the Government's action. This means that in exercising police power, the LGU must not arbitrarily, whimsically, or despotically enact the ordinance regardless of its salutary purpose. So long as the ordinance realistically serves a legitimate public purpose, and it employs means that are reasonably necessary to achieve that purpose without unduly oppressing the individuals regulated, the ordinance must survive a due process challenge.[399]

Here, the respondent LGUs, in the exercise of their power under the general welfare clause, crafted their respective NCAP Ordinances, all of which contain, similarly worded purposes, as follows:

City of Manila

Ordinance No. 8676, s. 2020, as amended[400].

PREAMBLE

....

WHEREAS, in order to enhance the culture of traffic discipline among motorists, the City of Manila will implement a "No Contact Apprehension Program" which will provide another way of enforcing traffic rules and regulations by operating a 24-hour no contact apprehension program which is intended to instill a round-the-clock obedience to traffic ordinances and rules;

....

SEC. 2. Declared Policy. – It is the policy of the City to adopt a systematic, uniform and transparent "No

Contact Apprehension Program" (NCAP) for brevity which shall:

- instill discipline among motorists by apprehending traffic violators through state-of-the-art, evidenced-based and comprehensive technology;
- Protect the general welfare of the people and improve public safety by ensuring motorists follow road rules and regulations; and
- Encourage public participation cooperation and self-regulation among the motoring public through the proper education of motor vehicle owners and drivers.

Muntinlupa City

Ordinance No. 2021-280, s. 2021[401]:

WHEREAS, in order to enhance the culture of traffic discipline among motorists, the City of Muntinlupa will implement the NCAP which will provide another way of enforcing traffic rules and regulations by operating a 24-hour no contact apprehension program which is intended to instill a round-the-clock obedience to traffic ordinances and rules;

. . . .

SECTION 2. Declared Policy – It is the policy of the City to adopt a systematic, uniform and transparent NCAP which shall:

- Instill discipline among motorists by apprehending traffic violators through state-of-the-art, evidence-based and comprehensive technology;
- Protect the general welfare of the people and improve public safety by ensuring motorists follow road rules and regulations; and
- Encourage public participation, cooperation and self-regulation among the motoring public through the proper education of motor vehicle owners and drivers[.]

Parañaque City

Ordinance No. 17-06, s. 2016[402]:

WHEREAS, in order to create a culture, of traffic discipline among motorists not influenced by the visibility of traffic enforcers on the road but by reason of the operation of an effective 24-hour no contact apprehension program, the City of Parañaque will implement said no contact apprehension program, the City of Parañaque will implement said no contact apprehension program wherein the registered owner shall be accountable for traffic violations committed in the City's roads;

WHEREAS, in order to effectively promote and enforce said culture of traffic discipline among motorists and accountability of owners of motor vehicles plying the streets and roads of the City of Parañaque, in the instance that the apprehended driver is not the registered owner of the vehicles used when the traffic violation was committed, the registered owner shall be solidarily liable to the penalty/ies imposed by the PTMO (Parañaque Traffic Management Office) against the driver violating the traffic rules and regulations mentioned herein in consonance with the principle of quasi-delict based on Article 2170 of the Civil Code of the Philippines, as amended[.]

Quezon City

Ordinance No. SP-3052, s. 2021[403]:

WHEREAS, in order to enhance the culture of traffic discipline among motorists, Quezon City will implement a No Contact Apprehension Program which shall provide another method of enforcing traffic rules and regulations by operating a 24-hour no contact apprehension program to instill a round-the-clock obedience to traffic rules and regulations;

....

SECTION 6. The Quezon City Revised Traffic Management Code of 2018 Code is hereby amended to include an ARTICLE XX-A, to read as follows:

ARTICLE XX-A. NO CONTACT APPREHENSION PROGRAM

"SECTION 1. DECLARATION OF POLICY – Quezon City adopts a systematic uniform and transparent "No Contact Apprehension Program" (NCAP) which shall: a) instill discipline among motorists by apprehending traffic violators through state-of-the-art, evidence-based, and comprehensive technology; b) protect the general welfare of the people and improve public safety by ensuring motorists follow road rules and regulations; and c) Encourage public participation, cooperation and self-regulation among the motoring public through the proper education of motor vehicle owners and drivers[.]

Valenzuela City

Ordinance No. 918. s. 2021[404]:

....

SECTION 2. Sections 138 to 148 of Ordinance No. 19, Series of 2005, as amended, is (sic) hereby amended, reorganized and re-numbered as follows:

....

ARTICLE XXV

"NO CONTACT APPREHENSION PROGRAM"

Sec. 143. Policies. It is the policy of the City to adopt a systematic, uniform and transparent "No Contact Apprehension Program ("NCAP" for brevity) which shall:

- Instill discipline among motorists by apprehending traffic violators through state-of-the-art, evidence-based and comprehensive technology;
- Protect the general welfare of the people and improve public safety by ensuring that motorists shall follow road rules and regulations; and
- Encourage participation, cooperation and self-regulation among the motoring public through the proper education of motor vehicle owners and drivers.

To the trained eye, the above-cited provisions from the questioned issuances are tied by a common thread, i.e., they all aim to instill discipline among motorists as well as improve public safety by ensuring adherence to traffic rules and regulations. In this regard, that traffic congestion is a public, not merely a private, concern, cannot be gainsaid.[405]

Moreover, it is ineludible that the lofty goals of the questioned ordinances are geared towards the attainment of general welfare. On this score, the law is a legitimate exercise of police power if it has general welfare for its object.[406] After all, the government may enact legislation that may interfere with personal liberty, property, lawful businesses and occupations to promote the general welfare.[407]

It must be emphasized that public welfare lies at the bottom of any regulatory measure designed to relieve the congestion of traffic which is, to say the least, a menace to public safety. As such, measures calculated to promote the safety and convenience of the people using the thoroughfares by the regulation of vehicular traffic present a proper subject for the exercise of police power.[408]

Still and all, the interference must be reasonable and not arbitrary. And to forestall arbitrariness, the methods or means used to protect public health, morals, safety, or welfare must have a reasonable relation to the end in view.[409]

In these consolidated cases, the Court holds that the means adopted by the MMDA and respondent LGUs are reasonably necessary to attain the objectives stated in the assailed issuances.

To be sure, it is important to point out that a license to operate a motor vehicle is not a property right, but a privilege granted by the state, which may be suspended or revoked by the state in the exercise of its police power, in the interest of the public safety and welfare, subject to the procedural due process requirements.[410]

This principle was reverberated in *State ex. Rel. Sullivan*[411] where it was recognized that the legislative power to regulate travel over the highways and thoroughfares of the state for the general welfare is extensive. It held that legislative power may be exercised in any reasonable manner to conserve the safety of travelers and pedestrians. Since motor vehicles are instruments of potential danger, their registration and the licensing of their operators have been required almost from their first appearance. The right to operate them in public places is not a natural and unrestrained right but a privilege subject to reasonable regulation, under the police power, in the interest of public safety and welfare. The power to license imports further power to withhold or to revoke such license upon noncompliance with prescribed conditions.

In *Commonwealth v. Fun*,[412] the Pennsylvania Supreme Court characterized automobiles as vehicles of great speed and power that constitute an element of danger to persons and property when used upon the highways. It professed that even if carefully operated, an automobile remains a dangerous instrumentality. Moreso, when operated by careless or incompetent persons, it becomes an engine of destruction. Thus, it decreed that:

The Legislature in the exercise of the police power of the commonwealth, not only may, but must, prescribe how and by whom motor vehicles shall be operated on the highways. One of the primary purposes of a system of general regulation of the subject matter . . . is to insure the competency of the operator of motor vehicles. Such a general law is manifestly directed to the promotion of public safety and is well within the police power.[413]

In the efforts to achieve their declared objectives, the repugnant Ordinances promulgated by respondent LGUs embody the following mechanics:

City of Manila

Ordinance No. 8676, s, 2020, as amended[414]:

SEC. 3. Implementation. –

- The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras in intersections and motorways within the City. The "Traffic Enforcement

Camera" are electric devices that automatically take high[-]speed; high[-]resolution photos and videos of vehicle[s] committing the Violations defined in this Chapter.

- NCAP pertains to the sending of a Notice of Violation to the address of the registered owner of a vehicle based on the LTO database who commits the Violations defined in this Ordinance as recorded by Traffic Enforcement Cameras, without the physical apprehension by a traffic enforcer.

- The City shall create a "Motor Vehicle Registration Alert System" (MVRAS) wherein it will link up with the Land Transportation Office, (LTO) to access the said agency's database of information of vehicles caught by the NCAP. In relation to implementation of the NCAP, the City and LTO may enter into Memorandum of Agreement wherein it will state that, among others, the LTO will provide Information to the City for the purpose of identifying the owners of apprehended vehicles. In addition, all integral to the NCAP is the ability of the City to give instructions to the LTO to put an alarm on the registration of the vehicle and the driver's license of a violator should the violator fails [sic] to pay the corresponding fine/penalties subject to the conditions mentioned below.

- The City of Manila Traffic Adjudication Board has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the Traffic Enforcement Cameras within the City. The Trust Fund Review and Approval Committee of the "No Contact Apprehension Program" (NCAP), on the other hand, shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.

- A monthly Honoraria shall be given to the members and secretariat of the above[-]mentioned committees to be determined by Traffic Management Committee and shall be taken exclusively from the NCAP Trust Fund of the City.

....

SEC. 7. Penalty for Violation of "No Contact Apprehension Program (NCAP)". – Registered owners of vehicles found violating the provisions under this Ordinance shall be liable in accordance with the fines enumerated below:

....

In case of multiple violations, whereby the traffic violator was apprehended by the traffic enforcers and was also caught on camera by NCAP of a totally different traffic violation, or violation of another ordinance, the corresponding penalties for the violation committed shall accordingly be imposed by the traffic enforcer and NCAP. In case the traffic violator was apprehended by both the NCAP and the traffic enforcer but of the same offense, the latter's apprehension shall prevail over NCAP.

A Notice of Violation (NOV) shall be issued to registered owners of vehicles violating the Traffic Rules and Regulations stated in Section 5 of this Ordinance. Attached is the template of the Notice of Violation marked as "ANNEX A" to be issued to a traffic violator and shall form an integral part hereof. The Manila Traffic and Parking Bureau (MTPB) may change the design of the Notice of Violation from time to time as needed.

Muntinlupa City

Ordinance No. 2021-280:[415]

SECTION 4. Implementation –

- The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras (TECs) in intersections and motorways within the City. The TECs are electric

devices that automatically take high[-]speed, high[-]resolution photos and videos of vehicle[s] committing the violations defined in this chapter.

- NCAP pertains to the sending of a notice of violation to the address of the registered owner of a vehicle based on the Land Transportation Office (LTO) database who commits the violations defined in this Ordinance as recorded by TECs without the physical apprehension by a traffic enforcer.

- The City shall create a Motor Vehicle Registration Alert System (MVRAS) wherein it will link up with the LTO to access the said agency's database of information of vehicles caught by the NCAP. In relation to implementation of the NCAP, the City and LTO may enter into Memorandum of Agreement wherein it will state that, among others, the LTO will provide information to the City for the purpose of identifying the owners of apprehended vehicles. In addition, integral to the NCAP is the ability of the City to give instructions to the LTO to put an alarm on the registration of the vehicle and the driver's license of a violator should the violator fail to pay the corresponding fine/penalties subject to the conditions mentioned below.

- The City of Muntinlupa Traffic Adjudication Board has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the TECs within the City. The Accounting Office on the other hand, shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.

- A monthly Honoraria shall be given to the members and secretariat of the City of Muntinlupa Traffic Adjudication Board amounting to [PHP] 2,000.00 for every hearing conducted subject to the availability of funds.

....

SECTION 6. Penalty for Violation of "No Contact Apprehension Program (NCAP)" – Registered owners of vehicles found violating the provisions under this Ordinance shall be liable in accordance with the fines enumerated below:

....

In case of multiple violations, whereby the traffic violator was apprehended by the traffic enforcers and was also caught on camera by NCAP of a totally different traffic violation, or violation of another ordinance, the corresponding penalties for the violation committed shall accordingly be imposed by the traffic enforcer and NCAP. In case the traffic violator was apprehended by both the NCAP and the traffic enforcer but of the same offense, the latter's apprehension shall prevail over NCAP.

A Notice of Violation (NOV) shall be issued to registered owners of vehicles violating the Traffic Rules and Regulations stated in Section 5 of this Ordinance within one (1) month from the date of violation. Attached is the template of the Notice of Violation marked as "ANNEX A" to be issued to a traffic violator and shall form an integral part hereof. The Muntinlupa Traffic Management Bureau (MTMB) may change the design of the Notice of Violation from time to time as needed.

The violator must settle the fines/penalty within 10 days, from the receipt of the Notice of Violation. Otherwise, violation will be reported to the LTO and appropriate charges will be filed (sic) before the Office of the City Prosecutor/Court.

Parañaque City

Ordinance No. 17-06, s. 2016[416]:

Section 2. Section 10, Article IV, prescribing the rule on Obedience to Traffic Control Signals is hereby

amended by adding paragraph 3 which shall read as follows:

(3)

A no contact traffic apprehension policy ("the Policy" for brevity) shall be strictly observed in all roads within the City of Parañaque.

(a)

The Policy pertains to the sending of an Ordinance Violation Receipt, (OVR) to the address of the registered owner of a vehicle that violates any provision of this Ordinance even without being apprehended by a traffic enforcer.

(b)

The City Government shall cause the installation of Traffic Enforcement Cameras in intersections and motorways within the City of Parañaque. The "Traffic Enforcement Cameras" are electronic devices that automatically take high[-]speed, high[-]resolution photos of vehicles that will beat a red light or enter a "yellow box" after a traffic light has turned, be over the speed limit, make wrong turns, travel against the flow of traffic, violate Section 85 of the Traffic Code (also known as the truck ban), encroach upon or stay on a pedestrian lane near an intersection, or commit other violations of the Traffic Code. Speed cameras are devices used to measure the speed of moving objects;

(c)

Only Traffic Enforcement Cameras and speed cameras conforming to internationally accepted, standards such as those already being successfully used and tested in the US, Canada, Europe, Australia, and other foreign countries shall be installed within the City of Parañaque;

(d)

The Traffic Enforcement Camera system and speed cameras to be installed within the City of Parañaque, shall continuously monitor the traffic situation in the intersections or in any other areas where they shall be operated on a 24/7 basis. Any vehicle entering the intersection after the traffic light has turned red shall automatically trigger the Traffic Enforcement.Cameras. On the other hand, speed cameras would then automatically take pictures of vehicles moving beyond the maximum speed limit. The driver and the vehicle that enters an intersection after the traffic light located thereon has turned red, or breaks the speed limit, makes wrong turns, travels against the flow of traffic, violates the truck ban, swerves, travels out of line, or commits other violations of the Revised Traffic Code, shall be known henceforth as a "Traffic Enforcement Camera Violator";

(e)

A series of photographs and video images showing the Traffic Enforcement Camera Violator prior to the violation as well as the vehicle's progression through the intersection or on any road covered by a Traffic Enforcement Camera or speed camera shall be recorded and shall be accepted as evidence of such violation. The PTMO shall keep records of such violations for at least two (2) years but cases against the registered owners of Traffic Enforcement Camera Violators should be filed within two (2) years from the date of the commission of the said offense. The PTMO's records shall be provided to the Philippine National Police (PNP) or to the National Bureau of Investigation (NBI) in relation to any criminal investigation where such evidence may be needed;

(f)

The Traffic Enforcement Cameras and speed cameras shall be calibrated in such a way that they will record the

license plate of the Traffic Enforcement Camera Violator as well as the date, time of day, and the time elapsed when the said violation was committed;

(g)

The PTMO and/or the City Engineering Office may install traffic lights and clearly mark legible stop lines and "yellow boxes" in all intersections that will be equipped with Traffic Enforcement Cameras, as well as other traffic signs where the Traffic Enforcement Cameras and speed cameras shall be installed or situated;

(h)

The yellow warning sign of traffic lights to be installed on the said intersections shall be set at least three (3) seconds before the signal light turns red. Traffic signs shall be placed in strategic areas within the City of Parañaque advising motorist (sic) of the city-wide coverage of the Traffic Enforcement Camera and speed cameras system;

(i)

A motorist who drives past the stop line before the traffic control signal applicable to him turns red is not a Traffic Enforcement Camera Violator;

(j)

Where expressly allowed by a traffic sign to turn right anytime with care, a motorist, after executing a complete stop, may drive his vehicle and enter the intersection and turn right with care even if the traffic signals applicable to him has turned red;

(k)

The OVR shall be appended to the Notice of Violation, and addressed to the registered owner of the vehicle of the Traffic Enforcement Camera Violator within seven (7) days from the date the Ordinance Violation occurred. Photographic evidence of such violation shall also be attached to the OVR. The Land Transportation Office (LTO) shall also be furnished with a copy of the said ticket and photographic evidence.

(l)

The filing and safe-keeping of these records shall be in compliance with all the pertinent laws, rules and regulations.

(m)

The "MOTOR VEHICLE REGISTRATION ALERT (MVRA)" System – The City Government of Parañaque shall link up with the Land Transportation Office (LTO) in the implementation of its "Motor Vehicle Registration Alert (MVRA)" system and remit to the said agency its share in all revenue generated therefrom. Such shares shall be transmitted by the City Government of Parañaque to the LTO before the end of every fiscal year; provided that the details of the income sharing scheme as well as the manner by which the MVRA shall be implemented shall be embodied in a Memorandum of Agreement duly executed by and between the LTO and the City Government of Parañaque, in accordance with law. The provisions of the said Memorandum of Agreement shall be deemed an integral part of this Ordinance.

(n)

The PARAÑAQUE TRAFFIC ADJUDICATION BOARD (PTAB) is authorized to receive all complaints pertinent to the violations caught by the traffic enforcement cameras as indicated in the OVR

i.

Jurisdiction. The PTAB shall hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by traffic enforcement cameras, within the City of Parañaque. Such cases shall include:

a.

Complaints against the behavior of any employee assigned to or supervised by the PTMO;

b.

Complaints on the nature of infractions imputed to the violator; and

c.

Complaints on the penalties imposed

ii.

Composition. – The Chairman, Members, Secretariat and the Technical Working Group shall be appointed by the Mayor while the Chairman on the Committee on Public Order and Safety, Traffic Management and Illegal Drugs shall be the Vice-Chairman.

iii.

Procedure. – The PTAB shall formulate the procedure for filing cases and for the conduct of its proceedings, subject to the approval of the City Mayor. However, the PTAB must ensure that the complaint filed before it is in writing, signed by the complainant and duly notarized. No fee or charge shall be imposed for the filing of such complaint.

Pursuant to Section 124 of Ordinance No. 05-04, decisions of the PTAB shall be final.

iv.

Honoraria. – The Chairman, Vice-Chairman, Members, Secretariat and the Technical Working Group shall be entitled to a monthly honorarium at a rate to be determined by the City Mayor, to be sourced from the Traffic Development Trust Fund under Section 130 of Ordinance No. 05-04.

Quezon City

Ordinance No. 3052, s. 2021[417]:

SECTION 6. The Quezon City Revises Traffic Management Code of 2018 Code [sic] is hereby amended to include an ARTICLE XX-A, to read as follows:

ARTICLE XX-A. NO CONTACT APPREHENSION PROGRAM

....

SECTION 2. IMPLEMENTATION – The City Government, on its own, or through a Joint Venture, Service Agreement, or other applicable mode, shall implement the NCAP, which identifies and captures violations contemplated, under this Ordinance through Traffic Enforcement Cameras, without the physical apprehension

by a traffic enforcer, and the concomitant issuance of a Notice of Violation.

a.

The aforementioned Traffic Enforcement Cameras, which shall be devices that automatically take high speed, high-resolution videos of vehicles committing the violations contemplated under this Ordinance, shall be installed over roads and intersections of Quezon City.

b.

The registered owners of the vehicles identified under the NCAP as violating this Ordinance shall be issued Notices of Violation to their registered addresses as found in the appropriate LTO database.

Such registered owners shall be deemed as the violator of this Ordinance unless a UOVR was properly issued to another person for the same violation.

c.

The City Government shall create a "Motor Vehicle Registration Alert System (MVRAS) which it shall link with the LTO, to access the said agency's database of Motor Vehicles for use with the NCAP. The City Government shall enter into an agreement with the LTO for the provision of services and information to the NCAP, for the purpose of:

i.

Identifying the registered owners, and their addresses, of Motor Vehicles identified as committing the violations contemplated under this Ordinance;

ii.

Notifying the LTO to issue an alert to prevent the registration of the subject Motor Vehicle or the issuance of a Driver's license to the registered owner thereof, until the corresponding fine and/or penalty has been paid or the violation has been resolved under this Ordinance; and

iii.

Such other matters as may be relevant for the implementation of the NCAP.

....

SECTION 6. MULTIPLE VIOLATIONS – In case of multiple violations wherein the violator was apprehended by traffic enforcers for different violations other than the violations/identified and captured under the NCAP, the corresponding penalties for each violation committed shall be imposed accordingly. In case the violator was apprehended or captured by both the traffic enforcers and the NCAP but for the same violation, the traffic enforcer's apprehension shall prevail over the NCAP.

....

SECTION 8. PROTEST ADJUDICATION – Notices of Violation may be protested under the same procedure provided for in Section 2, Article XXI of Quezon City Ordinance No. SP-2775, S-2018.

SECTION 7. Section 8 of Article XXI of the Quezon City Revised Traffic Management Code of 2018 is hereby amended to read as follows:

"SECTION 8. PENALTY –

- Any violation of the provisions of this Ordinance shall be penalized with fines indicated in Article XXV hereof.
- Where the violator is not a driver, and not identified or captured under the NCAP, a written notice or citation to the offending party shall be issued by the deputized traffic enforcer.
- In the case of a violator apprehended by traffic enforcers, the violator shall have five (5) days from the date of the violation within which to redeem his license, which shall only be released upon presentation of the UOVR and proof of payment and/or fulfillment of the appropriate fines and/or appropriate penalties. An additional surcharge of five percent (5%) of the fine shall be imposed upon the failure to pay the fine within the subject period, and an additional surcharge of five percent (5%) of the fine shall be imposed each month thereafter until full payment of the fine and surcharge.
- In the case of a violation identified and captured through the NCAP, the violator or the registered owner of the Motor Vehicle shall have thirty (30) days from receipt of the Notice of Violation within which to pay the appropriate fine. An additional surcharge of five percent (5%) of the fine shall be imposed upon the failure to pay the fine within the subject period, and an additional surcharge of five percent (5%) of the fine shall be imposed each month thereafter until full payment of the fine and surcharge.

....

SECTION 11. RECEIPT OF NOTICE OF VIOLATION UNDER THE NCAP BY OWNERS OF VEHICLES REGISTERED IN QUEZON CITY. – All registered owners of vehicles with registered addresses within Quezon City as found in the appropriate LTO database shall receive their Notices of Violation within fourteen (14) working days from the commission of the traffic violation.

Valenzuela City

Ordinance No. 918, s. 2021[418]:

SECTION 2. Sections 138 to 148 of Ordinance No. 19, Series of 2005, as amended, is (sic) hereby amended, reorganized and re-numbered as follows:. . .

ARTICLE XXV

"NO CONTACT APPREHENSION PROGRAM"

....

Section 144. Implementation. –

- The City Government on its own or through a joint venture or service agreement shall cause the installation of Traffic Enforcement Cameras in intersections and motorways within the City. The "Traffic Enforcement Cameras" are electronic devices that automatically take high[-]speed, high[-]resolution photos and videos of vehicles committing the Violations defined in this Chapter.
- NCAP pertains to the sending of a Notice of Violation to the address of the registered owner of a vehicle based on the LTO database who commits the Violations defined in this Chapter as recorded by Traffic Enforcement Cameras, without the physical apprehension by a traffic enforcer.
- The City shall create a "Motor Vehicle Registration Alert System" (MVRAS) which will link up with the Land Transportation Office (LTO) to access the said agency's database of information of vehicles caught by the NCAP. In, relation to the implementation of the NCAP, the City and LTO may enter into a Memorandum of Agreement wherein it will state, among. Others, that the LTO will provide information to the City for the

purpose of identifying the owners of apprehended vehicles. In addition, integral to the NCAP, is the ability of the City to instruct the LTO to flag the registration of the vehicle and the driver's license of a violator should the violator fails [sic] to pay the corresponding line/penalties subject to the conditions mentioned below.

- The Valenzuela City Traffic Violation Adjudication Committee has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the Traffic Enforcement Cameras within the City. The Traffic Development Trust Liability Review and Approval Committee and two (2) members of the Sangguniang Panlungsod of the "No Contact Apprehension Program" (NCAP) on the other hand shall be responsible for the documentation and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.

- Monthly Honoraria shall be given to the members and secretariat of the above[-]mentioned committees. For the purpose of this ordinance, the budget for the monthly honoraria shall come from the private sector partner.

....

Section 146. Penalty for Violation of "No Contact Apprehension Program (NCAP)" and Traffic Violations being implemented by the Traffic Management Division and other enforcers of the Public Order and Safety Group (POSG)."

- Registered owners of vehicles found violating the NCAP shall be liable for administrative penalty in the amount stated in the table of violations listed in this Ordinance.

- In case of multiple violations, where the traffic violator was apprehended by the traffic enforcers and also caught on camera by NCAP of a totally different traffic violation or violation of another ordinance, the violator shall be liable to both penalties imposed to the said traffic violations.

- In case the traffic violator was apprehend (sic) by both the NCAP and the traffic enforcer for the same offense, the latter's apprehension shall prevail over NCAP. Attached is the template of the Notice of Violation to be issued to the traffic violator marked as "ANNEX A" and forms an integral part hereof. The Traffic Management Division (TMD) may change the design of the Notice of Violation from time to time as needed.

- The traffic violations listed below can be implemented either by the NCAP and/or TMD.

....

- The definitions, traffic rules and regulations for the No Contact Apprehension Program (NCAP) is hereby adopted by the Public Order and Safety Group (POSG) and the Traffic Management Division for an effective and harmonized implementation of the above[-]mentioned traffic violations. Any Traffic violations which shall be implemented by the Traffic Management Division (TMD) not mentioned in this ordinance shall be governed by Ordinance No. 19, Series of 2005 and other existing ordinances of Valenzuela City.

- In all cases, the traffic enforcers shall have the authority to confiscate y the driver's license of erring motorists who violated the above[-]mentioned traffic rules and regulations.

- The above listed violations are not exclusive. It [sic] may be subject to additional traffic related violations as may be enacted by law, an Ordinance or an Executive Order issued by the Local Chief Executive.

In a nutshell, the following are the common components of the NCAP Ordinances adopted by the respondent LGUs:

First, Videos or images of the vehicle violating traffic laws, rules, and regulations are captured through CCTV, digital cameras, and/or other devices or technology being used to capture videos and images.

Second. The information collected is intended to be cross-referenced with the records of the LTO to identify the registered owner of the subject vehicle, through the creation of a Motor Vehicle Registration Alert System (MVRAS). For this purpose, the NCAP Ordinances allow the creation of a linkage between each respondent LGU and the LTO.

Third. An NOV[419] is sent to the registered owner of the subject vehicle, informing them that they have the option to either lodge a protest or settle the imposed fine within a fixed period from receipt of the said notice. This finds a textual hook in the NOV issued by Valenzuela City which provides:

HINDI AKO ANG NAGMANEHO NG SASAKYAN

Kung hindi ikaw ang nagmamaneho ng nahuling sasakyan, magsumite ng objection gamit ang Appeal Form, Affidavit at driver's license ng drayber, at kopya ng Notice of Violation sa Valenzuela City Traffic Violation Adjudication Committee (VCTVAC), Ground Floor, City External Services Office, MacArthur Highway, Dalandanan, Valenzuela City. Siguraduhing naka-notaryo ang Appeal Form at Affidavit. Magkakaroon ang drayber ng limang (5) araw mula sa pagtanggap ng VCTVAC ng kanyang Affidavit upang bayaran ang multa. Kung hindi mabayaran ng drayber ang multa, ang rehistradong may-ari ng sasakyan ay maaaring habulin sa pagbayad ng multa.

NAIBENTA NA ANG SASAKYAN

Kung hindi na ikaw ang may-ari ng sasakyan, magsumite ng objection gamit ang Appeal Form, Deed of Sale ng sasakyan, Affidavit at driver's license ng may-ari ng sasakyan, at kopya ng Notice of Violation sa Valenzuela City Traffic Violation Adjudication Committee (VCTVAC), Ground Floor, City External Services Office, MacArthur Highway, Dalandanan, Valenzuela City. Siguraduhing naka-notaryo ang Appeal Form at Affidavit. Kung hindi mabayaran ng nasabing may-ari ng sasakyan ang multa, ang jehistradong may-ari ng sasakyan ay maaaring habulin sa pagbayad ng multa.

EMERGENCY VEHICLE

Kung ikaw ay lumabag sa batas trapiko dahil nagparaya sa isang emergency vehicle kagaya ng ambulansya, bumbero o pulis, o dahil sa emergency, magsumite ng objection gamit ang Appeal Form at patunay ng emergency sa Valenzuela City Traffic Violation Adjudication Committee (VCTVAC), Ground Floor, City External Services Office, MacArthur Highway, Dalandanan, Valenzuela City. Siguraduhing naka-notaryo ang Appeal Form.

NANAKAW ANG INYONG SASAKYAN

Kung ang inyong sasakyan ay nanakaw, magsumite ng objection gamit ang Appeal Form at ang inyong report sa Philippine National Police or Land Transportation Office sa Valenzuela City Traffic Violation Adjudication Committee (VCTVAC), Ground Floor, City External Services Office, MacArthur Highway, Dalandanan, Valenzuela City. Siguraduhing naka-notaryo ang Appeal Form.

MAY IBANG REKLAMO

Kung hindi ikaw sang-ayon sa Notice of Violation at nais magreklamo, magsumite ng objection gamit ang Appeal Form sa Valenzuela City Traffic Violation Adjudication Committee (VCTVAC), Ground Floor, City External Services Office, MacArthur Highway, Dalandanan, Valenzuela City. Siguraduhing naka-notaryo ang Appeal Form[.][420]

Fourth. If the registered owner fails to act upon the NOV, the subject vehicle's plate number shall be submitted to the LTO for inclusion in its Alarm List.

Admittedly, the implementation of the NICAP is a new technology so disruptive that it has a huge potential to jar the public and send waves of uneasiness and apprehension. Whilst other countries, especially across Europe, have

already successfully rolled out and implemented their NCAP for years now, the Philippines, particularly the LGUs of Metro Manila, is still at a groundbreaking stage.[421]

The foregoing notwithstanding, the NCAP Ordinances may be said to mainly introduce a new modality of capturing errant motorists, wherein traffic management authorities of the respondent LGUs utilize existing technologies instead of actual enforcers on the spot. Indeed, the term "NCAP", as defined under the NCAP/Ordinances means "the systematic program whereby the City shall apprehend traffic violators through state-of-the-art, evidence-based and comprehensive technology without the need of a physical contact to traffic enforcers." [422] In actuality, the traffic violations incorporated in these ordinances are already existing by virtue of the Traffic Codes of the respondent LGUs.

Be that as it may, the NCAP Ordinances of the City of Manila,[423] Quezon City,[424] Valenzuela City,[425] and Muntinlupa City[426] ordain that in cases where a traffic violator was apprehended by both a traffic enforcer and the NCAP system for the same offense, the former shall prevail. In the same vein, Parañaque City's Resolution No. 18-05, series of 2018, which appears to be the IRR[427] of its NCAP Ordinance,[428] provides that the NCAP shall apply so long as the "Traffic Violator has not been apprehended by any traffic enforcer for the same violation." Tested in this crucible, it is indubitable that the NCAP system merely supplements the prevailing face-to-face apprehension system, in that a motorist can only be fined once for the same violation even if caught by both the NCAP system and a traffic enforcer.

In this day and age where there are simply too many vehicles and not enough set of human eyes to enforce our traffic laws, it is evidently not unreasonable for the respondent LGUs to use technology to address the gap in monitoring traffic violations and accidents on the roads. To limit the mode of apprehension to face-face, as put forth by the petitioners, where traffic enforcers manually apprehend traffic violators who are caught in the act of violating traffic rules, would unjustifiably clip the LGUs' power to efficiently enforce laws in their respective jurisdictions in the manner they deem proper. On this score, the introduction of the NCAP system as a mode of apprehension has proven to be instrumental in addressing the gap in monitoring traffic violations and accidents, further supporting the validity of the means adopted by the respondent LGUs. Thus:

ASSOCIATE JUSTICE J.XOPEZ:

Now, let's go to substantive due process. Probably we have to define what is substantive due process. In this case, there must be a reasonable end and the reasonable means for a reasonable purpose. Now the purpose was to create a more orderly traffic situation in the City of Manila, is this correct?

ATTY.PAA:

Yes, Your Honor.

ASSOCIATE JUSTICE J. LOPEZ:

And some of the figures given-by Justice Singh say that 91% of traffic violations previously committed were down to, I don't know how many percent but it was greatly reduced. Don't you think the purpose was achieved in a way?

ATTY. PAA:

I think, Your Honor. . .

ASSOCIATE JUSTICE J. LOPEZ:

Or do you want to go back to the older times where there will be 91% violation on the streets and I'm not trying to generalize everybody but I think corruption is prevalent in the streets in the City of Manila committed by some police enforcers[.].[429]

Because of the exigencies of rapidly changing times, LGUs are undoubtedly given the discretion to adopt or

experiment with different measures to promote the general welfare, like the implementation of the NCAP Ordinances. To stress, no new traffic offenses were introduced by the assailed issuances; the NCAP system is merely an alternative mode of enforcing our already existing traffic laws. Since time immemorial, reckless driving, over speeding, counter flow driving, among others, are already considered traffic violations with equivalent penalties.

From the foregoing, it would be hard pressed to argue against the reasonableness of the imposition of NCAP, considering that it is a novel approach adopted by LGUs to improve traffic conditions within their territorial jurisdictions.

Moreover, as the Court will now discuss, the challenges on specific provisions of the NCAP likewise lack merit.

i. The respondent LGUs may validly adopt the registered owner rule in the NCAP Ordinances.

One of the provisions of the NCAP Ordinances on which petitioners took exception to relates to the application of the registered owner rule in the determination of liability for the traffic violation.

KAPIT et al. postulate that the NCAP Ordinances violate due process because registered owners are made liable for the acts of the actual driver of the vehicle at the time of apprehension. They posit that the questioned ordinances created, sans any basis in statute and or jurisprudence, "a presumption of liability against a motor vehicle's registered owner in case of failure to identify the erring driver, even if the traffic violation committed is personal to the erring driver."^[430] Meanwhile, Atty. Paa avers that punishing the registered owner, who may not be the actual violator, runs afoul of the objective of the challenged Manila Ordinance to "instill discipline" among motorists because the City of Manila apparently disregards the true identity of the traffic violator as the ordinance penalizes the registered owners of vehicles. He also submits that the rule is "applicable only for quasi delict cases in order to determine the actual perpetrator of the accident and for the purpose of determining the liability as to civil aspect of the case."^[431] Simply put, the application of such rule in traffic violations is devoid of any legal mooring. Incidentally, this could lead to a "dangerous situation" where the government agency would be lax in apprehending the actual violator.^[432]

For their part, respondents avouch that the application of the rule in traffic violations is not without any rhyme or reason. The presumption that the registered owner is the driver at the time of the violation is based on the logical connection between vehicle ownership and operation.^[433] The moment the registered owner allows another to use his vehicle, an agency is already created.^[434] The application of the rule also reinforces the registered owner's legal duty to responsibly monitor the proper operation of his vehicle.^[435] At any rate, this is merely a disputable presumption, which can be overcome by the presentation of contrary evidence.^[436] Finally, addressing petitioners' concern on the purported absence of any legal bases of the application of the rule in traffic violations, the OSG, on behalf of respondent LGUs, advances the thesis that the rationale in *Erezo v. Jepte*,^[437] also applies to violations of traffic laws and ordinances.^[438]

The petitioners are grasping at straws.

The issue posed anent holding the registered owner liable in case of accidents or mishaps involving motor vehicles is not novel.

The historical underpinnings for holding the registered owner liable for damages caused by the operation of his/her motor vehicle can be traced to the principle behind motor vehicle registration, as demystified in *Erezo v.*

Jepte,[439]—

The main aim of motor vehicle registration is to identify the owner so that if any accident happens, or that any damage or injury is caused by the vehicle on the public highways, responsibility therefor can be fixed on a definite individual, the registered owner. Instances are numerous where vehicles running on public highways caused accidents or injuries to pedestrians or other vehicles without positive identification of the owner or drivers, or with very scant means of identification. It is to forestall these circumstances, so inconvenient or prejudicial to the public, that the motor vehicle registration is primarily ordained, in the interest of the determination of persons responsible for damages or injuries caused on public highways.[440] (Emphasis supplied.)

Apparently, what is sought to be prevented is the avoidance of liability in case of accidents to the detriment of the public.[441] The liability for an accident thus becomes definite and fixed as against a specific person, so that the victim would not have to go through the rigorous and tedious task of trying to identify the owner or driver of the concerned vehicle for indemnification.[442]

While one is generally held responsible only for his/her own act or omission,[443] the same is not an iron-clad rule,[444] Notably, one of the sources of an obligation is a law.[445] In *Equitable Leasing Corporation v. Suyom*,[446] it was decreed that in so far as third persons are concerned, the registered owner of the motor vehicle is the employer of the negligent driver, and the actual employer is considered merely as an agent of such owner. In that case, a tractor registered in the name of Equitable Leasing Corporation figured in an accident, killing and seriously injuring several persons. Denying any liability therefor, Equitable maintained that it cannot be held liable for damages because the tractor had already been sold to Ecatine Corporation at the time of the accident and the negligent driver was not its employee but of Ecatine.[447]

In upholding the liability of Equitable, being the registered owner of the tractor, this Court, declared that "regardless of sales made of a motor vehicle, the registered owner is the lawful operator insofar as the public and third persons are concerned; consequently, it is directly and primarily responsible for the consequences of its operation." The Court further enunciated that "[i]n contemplation of law, the owner/operator of record is the employer of the driver, the actual operator and employer being considered, as merely its agent." [448]

The imputed liability is a disputable presumption that operates in favor of the public, and the burden rests upon the registered owner to overcome the statutory presumption. A disputable presumption has been defined as a specie of evidence that may be accepted and acted on when there is no other evidence to uphold the contention for which it stands, or one which may be overcome by other evidence.[449] Moreover, Section 3, Rule 131 of the Rules of Court states that a disputable presumption is satisfactory if uncontradicted and not overcome by other evidence. In the case of *Spouses Surtida v. Rural Bank of Malinao (Albay), Inc.*, [450] the effect of disputable presumption was explicated in this wise:

A presumption may operate against an adversary who has not introduced proof to rebut it. The effect of a legal presumption upon a burden of proof is to create the necessity of presenting evidence unless rebutted.[451]

It is settled that unless overcome by contrary evidence, the disputable presumption stands.

An examination of the NCAP Ordinances divulges that their respective provisions imposing the registered owner rule do not undermine the foregoing legal and jurisprudential precepts.

The general public policy involved in motor vehicle registration is the protection of innocent third persons who may have no means of identifying public road malefactors and, therefore, would find it difficult—if not impossible—to seek redress for damages they may sustain in accidents resulting in deaths, injuries and other damages. By fixing the person held primarily and directly liable for the damages sustained by victims of road

mishaps, the law ensures that relief will always be available to them. To identify the person primarily and directly responsible for the damages would also prevent a situation where a registered owner of a motor vehicle can easily escape liability by passing on the blame to another who may have no means to answer for the damages caused, thereby defeating the claims of victims of road accidents.[452]

By parity of reasoning, if registered owners of motor vehicles involved in road accidents are disputably presumed liable for the damage and/or injury caused, the same rings true for motor vehicles caught violating traffic laws. The following exchange between Associate Justice Ramon Paul Hernando and Solicitor General Guevarra encapsulates this point:

ASSOCIATE JUSTICE HERNANDO:

Thank you. Regarding your proposition about expanding the concept of Erez, the Registered Owner Rule, initiated in the 1957 case of Erez, So, you are saying that the Court, you are urging the Court to also apply the Registered Owner Rule to administrative violations of the traffic code?

SOLICITOR GENERAL GUEVARRA:

Yes, Your Honor. Upon the theory that if this particular disputable presumption can be applied to very serious situations where injuries to persons or damages to property are involved, then with more reason that it can be applied to lesser situations like simple violations of traffic ordinances.

ASSOCIATE JUSTICE HERNANDO:

Under the Registered Owner Rule, the registered owner is the one primarily and directly liable for any liability without of course, without prejudice to his or her recourse against the real violators, so the one who was actually driving the vehicle at the time of the accident. But we should not follow your proposition if it should involve a public utility. Because under the kabit system . . . the franchise holder allows someone else to operate a vehicle under his or her franchise. And under the kabit system, the courts do not allow any recourse between these two because they are in *pari delicto*. So, the law will leave them where they are. They cannot come to Court because of unclean hands. So, that is what I would also like to say in terms of qualifying. I'm open, fully open to your proposition that we could extend, the concept of Registered Owner Rule to administrative violations involving our traffic code. Thank you. General Guevarra.

SOLICITOR GENERAL GUEVARRA:

Thank You, Your Honor.[453]

Evidently, this inference is not far removed from the logic behind the application of the registered owner rule in quasi-delict cases; it, in point of fact, fully breathes life into the purpose of motor vehicle registration, i.e., to preempt a situation where no one could be held liable for a traffic violation or an accident. This interpretation is consistent with the strong public policy of maintaining road safety, thereby reinforcing the aim of the state to promote the responsible operation of motor vehicles by its authorized citizens.

To this Court's mind, it is but reasonable to attach liability to the registered owner in the implementation of the NCAP. For one, he or she is in the best position to identify the actual driver of the subject vehicle at the time of apprehension. For another, the assailed issuances provide a protest mechanism by which the registered owner could contest purported offenses captured by the NCAP system, This not only impels registered owners of vehicles to update their motor vehicle registration, but it also encourages the responsible use thereof, in line with the stated objectives of the NCAP ordinances to promote discipline and self-regulation among motorists and motor vehicle owners alike, Elsewise stated, it merely ensures adherence to the duties usually attached to. the privilege of vehicle ownership.

To further elaborate on the protest mechanism, the Court shall assay the relevant provisions of the NCAP Ordinances which afford the registered owner the opportunity to disclaim liability for the traffic violation, as in

other civil cases.

First Nowhere in the NCAP ordinances is the registered owner made conclusively liable for a traffic violation. A perusal of the subject ordinances reveals that procedures were laid down to contest an NOV to establish that, inter alia, the motor vehicle was stolen, or the registered owner was not the actual driver of the motor vehicle, at the time the traffic violation was digitally captured.

Second. The registered owner of the motor vehicle is not left without any recourse against the actual driver (and/or the latter's employer) as regards the amount he may be required to pay as damages for the injury caused to another under the NOV and applicable civil law principles.

True it is that it may be inconvenient for the registered owner of the motor vehicle, but it is equally true that this inconvenience cannot outweigh the dictates of public policy being advanced by the NCAP Ordinances, i.e., the protection of innocent persons who may be victims of reckless drivers and irresponsible motor vehicle owners.

Lest it be misconstrued as being out of touch, the Court is not unmindful that motor vehicles are used or operated not only by the registered owners thereof but by persons trusted by them. To be sure, these motor vehicles are driven, on a regular, intermittent, or random basis, by hired drivers, family members, PUV drivers, or even friends. Regardless of the purpose for which these drivers were allowed to operate the motor vehicles, a principal-agent relationship is created; it is the registered owner of the motor vehicle who chooses the person who will operate the motor vehicle, thus justifying the application of the registered owner rule. In essence, the NCAP Ordinances merely oblige the registered owner to entrust his motor vehicle only to a responsible driver.

Apropos are the following revealing statements elicited from Atty. Paa during the Oral Arguments:

ASSOCIATE JUSTICE DIMAAMPAO: Now, again, on the issue of this application of the Registered-Owner Rule that is *Erezo vs Jepte* as correctly cited by Solicitor General Guevarra. Let's analyze this along the requirements of substantive due process. I would like to focus on the presence of lawful means considering that lawful purpose which is accountability for a traffic violation is evident. Is my understanding correct, that you were the one driving your car when the traffic violations were committed?

ATTY.PAA:

Definite... Maybe, your Honor, it is because sometimes, I.. [Interrupted]

ASSOCIATE JUSTICE DIMAAMPAO:

You answer. Were you the one driving your car when the alleged violation was committed?

ATTY.PAA:

Yes, your Honor. But because those four [4] times of violation, your Honor, I cannot remember because in one year[,] I traverse that place around 200 days in the morning and 200 times in the evening, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

In such instance or instances there is no issue at all with the Registered-Owner Rule, correct?

ATTY. PAA:

In my case Your Honor, it may be.

ASSOCIATE JUSTICE DIMAAMPAO:

Can you explain?

ATTY. PAA:

Your Honor, sometimes I let somebody to [sic] drive for me, your Honor. So if the basis, is the Registered-Owner Rule and there is a traffic violation[,] it should be the driver who committed the violation. It is not the owner of the vehicle because in the first place[,] I have no personal knowledge about the commission

on the facts, [sic] how he committed, the traffic violation.

ASSOCIATE JUSTICE DIMAAMPAO:

Let us dig further to examine the reasonableness of the Registered-Owner Rule as a means of implementing the NCAP Ordinances. Do you lend, your car to strangers, Atty. Paa?

ATTY. PAA:

Sometimes they borrow my car, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

Of course, in that sense, you only lend your car to someone of whom you have some level of trust?

ATTY. PAA:

Yes.

ASSOCIATE JUSTICE DIMAAMPAO:

When you lend your car to someone you know, is there a risk that same person would figure in an accident?

ATTY. PAA:

Yes, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

How about traffic violation?

ATTY. PAA:

I always informing [sic], the person. Your Honor, about the... this not to commit any traffic violation. Your Honor. [sic]

ASSOCIATE JUSTICE DIMAAMPAO:

When you allow another person to drive your car, you already know that there are risks that accompany such an arrangement which involve violation of a traffic regulation correct?

ATTY. PAA:

Yes, Your Honor, but it is based on his an [sic] overt act, your Honor, for committing that. So, he should be liable and not me, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

Let me move on to another question. Would it not be possible that in certain instances, the Local Government Unit would have knowledge but you, yourself would not have any idea as to who is driving your car?

ATTY. PAA:

Yes, they do not have any idea, your Honor, because usually they captured the CCTV footage at the back, your Honor, at the back of the car. So, instead of putting the CCTV at the back[,] they have to put or place it on the front [sic] so that they can definitely identify the driver who committed the violation. So, that is unreasonable, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

Basically, we can lend our cars, to anyone since we have no law prohibiting a car owner from allowing another person to drive his or her car, correct?

ATTY. PAA:

Yes, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

So, as a general proposition do you agree that, in view of multiple issuances of instances of borrowing and

lending, would be almost impossible for the Local Government Unit to determine the identity of the person driving your car at a particular time?

ATTY. PAA:

They can identify. Your Honor, because according to them, they installed the state-of-the-art camera. So, how come that they cannot identify the driver of the motor vehicle. Your Honor?

ASSOCIATE JUSTICE DIMAAMPAO:

Would you agree then that commonsense dictates that the Local Government Unit would necessarily have to rely on the registration of a vehicle in imputing liability and accountability in cases of traffic infractions?

ATTY. PAA:

They are not allowed to do such law, Your Honor, in that particular regard because it is so hard on the part of the owner of the motor vehicle. For example, if the one who committed the crime, Your Honor, using the motor vehicle is the driver or somebody. So, you are imputing the liability, criminal liability to the owner. So, that is unfair, Your Honor.[454]

The foregoing discourse only alludes to the irrefutable reality that it is the registered owner himself, and not the LGUs, who has reasonable control over his or her own car. Stated otherwise, he or she is the person who is in the best position to identify the driver of the vehicle who committed a traffic violation. Atty. Paa's disputation that this would be "hard on the part of the owner of the motor vehicle" will simply not fly if juxtaposed with the rationale behind the adoption of the registered owner rule. So, too, he erroneously harps on the purported imputation of criminal liability, considering that, as earlier discerned by this Court, the fine imposed under the NCAP Ordinances are only administrative in nature.

As a final point on this matter, it is settled that respondent LGUs have a "broad discretion" to craft and enact ordinances in the manner that they deem proper by virtue of their delegated legislative power under the Local Government Code to regulate traffic within their respective territorial jurisdictions. Accordingly, the determination of the applicability of the registered owner rule to the implementation of the NCAP Ordinances falls within the ambit of this delegated authority. Thusly, the Court shall refuse to strike down an LGU's exercise of such power unless the same infringes constitutional limitations or statutory, safeguards.

Petitioners' failure to prove that the NCAP Ordinances transgressed boundaries by adopting the registered owner rule sticks out like a sore thumb. They proffered nothing but the unsubstantiated view that the principle should be limited to quasi-delicts. Tellingly, even during the Oral Arguments, Atty. Paa acknowledged the absence of such limitation under the Local Government Code, viz.:

ASSOCIATE JUSTICE DIMAAMPAO:

May I ask again. Thank you. Atty. Paa, Okay, let us go to substantive due process, if a procedural due process requires Notice and Hearing then, substantive due process essentially requires the presence of both lawful purpose and lawful means, correct?

ATTY. PAA:

Yes, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

Can the Local Government Units [LGU][,] in the exercise of their delegated legislative powers[,], enact a law that adopts the Registered-Owner Rule as mentioned by Solicitor General Guevarra? It's really the similar case on Registered-Owner Rule as it was promulgated on September 29, 1957, 102 Philippine Reports page 103. What does such rule dictate?

ATTY. PAA:

The Registered-Owner Rule, your Honor, as far as I know[,] that is applicable for [sic] the quasi-delict case. In case that there is an accident for hit and run and you cannot find and you have no evidence who the driver is. Under the Registered-Owner Rule, they may subpoena the owner of the vehicle to determine who is the actual, wrong-doer of the crime, your Honor, under quasi-delict but in this case, your Honor, it should not be applicable under the substantive law due process, your Honor, because it contravenes the law particularly the registration shall be affected under the Registered-Owner Rule that he is required to pay the violation or fees and not the driver who committed the violation.

ASSOCIATE JUSTICE DIMAAMPAO:

This is what the Supreme Court said, "Registered owner of a vehicle[,] even if not used for a public service[,] shall be primarily responsible to the public or to third persons for injuries caused to the latter while the vehicle is driven on the highways or streets.["] Is there any legal provision which confines to Congress the power to enact such a law incorporating such Registered-Owner Rule?

ATTY. PAA:

It contravenes, your Honor, the law regarding the application of the Registered-Owner Rule, your Honor. By confiscatory.

ASSOCIATE JUSTICE DIMAAMPAO:

Is there any express prohibition under the Local Government Code regarding the adoption of the Registered-Owner Rule?

ATTY. PAA:

As far as I know, your Honor, I find nothing, your Honor, to Registered-Owner Rule.[455] (Emphasis supplied)

Obviously, there is a practical purpose and an important justification for the application of such doctrine to traffic violations. Whence, respondents LGUs' exercise of discretion¹ oil tills particular matter is not tainted with any arbitrariness.

There is no violation of the right to procedural due process.

KAPIT et al. aver that while the NOV provides that the registered, owner can pin the liability to the actual driver of the vehicle at the time of the supposed violation, such procedure cannot be found within the four corners of the Ordinances in question.[456] Upon the other hand, Atty. Paa maintains that the NCAP Ordinance of the City of Manila does not adhere to the notice and hearing requirements of procedural due process.[457]

As for respondents, they avow that the dispute or protest mechanisms involving the issuance of the NOV satisfy the notice and hearing requisites of due process.[458] Squarely addressing Atty. Paa's position, respondent City of Manila submits that it is not incumbent upon the local government to search for registered owners who have provided wrong addresses to ensure personal receipt of the NOV's. Conversely, it is the registered owners who have the duty to update their records with the LTO under Section 25 of Republic Act No. 4136.[459]

Petitioners' averments could hardly sway.

Atty. Paa himself conceded that his quandary involves the implementation of the NCAP Ordinance of the City of Manila rather than its very provisions, thusly:

ATTY. PAA:

Good, afternoon, your Honor. With regard to procedural due process in the application of the NCAP, your Honor, the ordinance expanded its jurisdiction and even usurp [sic] authority of the LTO. So, even the registered owner, your Honor, should not be penalized but it should be the driver. So, by issuance of notice of violation directly to the registered owner of the vehicle, your Honor, and he was required to pay for the penalties if uncontested, that is a violation of due process, your Honor, and be penalized the driver [sic], not the motor-vehicle owner, your Honor. So, there must be notice as well as the right to be heard of his case and to present evidence, your Honor, to the actual perpetrator or detractors, Your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

In your petition docketed as G.R. No. 262192, you emphasized that the notice of violation was sent to the wrong address and you did not have any opportunity to lodge or file a protest against the violation, this being so, the problem, is not with the law, it is with the implementation of the law, correct?

ATTY. PAA:

Yes, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

Can the Court declare a law unconstitutional not because of inherently defective provisions but on account of an isolated instance of erroneous implementation?

ATTY. PAA:

Regarding the erroneous address, your Honor, the City of Manila can even refer if the registered owner has a driver's license definitely, Your Honor...

ASSOCIATE JUSTICE DIMAAMPAO:

[Y]ou answer the question categorically. Can the Court declare a law not because of its inherently defective, provisions but on account of an isolated, erroneous implementation of the law?

ATTY. PAA:

Yes, your honor, it can, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

Would that not set a dangerous precedent where the validity of the law is dependent on the acts or mistakes of government employees?

ATTY. PAA:

Yes, your Honor.

ASSOCIATE JUSTICE DIMAAMPAO:

What do you think is the appropriate remedy under that [sic] circumstances?

ATTY. PAA:

In the first place, your Honor, if there's an ordinance, there must be parameters or guidelines they need to follow, your Honor, but in this case, is totally defective because there is no such procedure in case of the erroneous address, your Honor, so it can be declared unconstitutional because of violation of due process, the procedural due process in particular.

ASSOCIATE JUSTICE DIMAAMPAO:

Can you not file an administrative complaint against the erring government employees?

ATTY. PAA:

Your Honor, definitely I have the intention to file an administrative case against them, your Honor.[460] (Emphasis supplied)

On this point, *Samahan ng mga Progresibong Kabataan v. Quezon City (SPARK Case)*[461] is illuminating. Much like Atty. Paa, the petitioners in the SPARK Case questioned the adequacy of the implementing mechanisms of the Curfew Ordinances promulgated by the respondents therein. To this end, the following disquisition is quite instructive:

Essentially, petitioners only bewail the lack of enforcement parameters to guide the local authorities in the proper apprehension of suspected, curfew offenders. They do not assert any confusion as to what conduct the subject ordinances prohibit or not prohibit but only point to the ordinances' lack of enforcement guidelines. The mechanisms related to the implementation of the Curfew Ordinances are, however, matters of policy that are best left for the political branches of government to resolve. Verily, the objective of curbing unbridled enforcement is not the sole consideration in a void for vagueness analysis; rather, petitioners must show that this perceived danger of unbridled enforcement stems from an ambiguous provision in the law that allows enforcement authorities to second-guess if a particular conduct is prohibited or not prohibited. In this regard, that ambiguous provision of law contravenes due process because agents of the government cannot reasonably decipher what conduct the law permits and/or forbids.[462] (Emphasis supplied.)

As in the SPARK Case, Atty. Paa was unable to point out any ambiguity in the text of the NCAP Ordinance of the City of Manila. On the contrary, Section 5 of Manila Ordinance No. 8676[463] laid down the particular acts covered by the NCAP, such as counter flow driving and disobedience to traffic control signals and signs.

Moreover, the records show that the registered owner of the subject vehicle is afforded an opportunity to contest the traffic violation before a request for alert is sent to the LTO. In *Legaspi v. City of Cebu, et al.*[464] the Court ruled that the lack of a trial-type hearing, prior to the clamping of a vehicle under the questioned ordinance therein does not constitute a breach of procedural due process, for giving the transgressors the chance to reverse the apprehensions through a timely-protest could equally satisfy the need for a hearing.[465] By parity of reasoning, the protest mechanism embodied in the NCAP ordinances satisfies due process requirements as it sufficiently allows the registered owner to contest, his supposed liability for traffic violations.

2.

The NCAP Ordinances do not violate the right to privacy.

In *Cadajas v. People*,[466] the Court defined the right to privacy as follows:

The right to privacy is defined as "the right to be free from unwarranted exploitation of one's person or from

intrusion into one's private activities in such a way as to cause humiliation to a person's ordinary sensibilities." It is the right of an individual "to be free from unwarranted publicity, or to live without unwarranted interference by the public in matters in which the public is not necessarily concerned." Simply put the right to privacy is "the right to be let alone."^[467] (Citations omitted)

Consistent thereto, there exists in our jurisdiction certain zones of privacy, in which any form of intrusion is impermissible unless excused by law and in accordance with customary legal process.^[468] These are identified and protected under the Constitution and our laws. As elucidated in the case of *Ople v. Torres*:^[469]

Indeed, if we extend our judicial gaze we will find, that the right of privacy is recognized and enshrined in several provisions of our Constitution. It is expressly recognized in Section 3(1) of the Bill of Rights: "Sec. 3. (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law."

Other facets of the right to privacy are protected in various provisions of the Bill of Rights, viz:

Sec. 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Sec. 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

....

Sec. 6. The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

....

Sec. 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

....

Sec. 17. No person shall be compelled to be a witness against himself."

Zones of privacy are likewise recognized and protected in our laws. The Civil Code provides that "[e]very person shall respect the dignity, personality, privacy and peace of mind of his neighbors and other persons" and punishes as actionable torts several acts by a person of meddling and prying into the privacy of another. It also holds a public officer or employee or any private individual liable for damages for any violation of the rights and liberties of another person, and recognizes the privacy of letters and other private communications. The Revised Penal Code makes a crime the violation of secrets by an officer, the revelation of trade and industrial secrets, and trespass to dwelling. Invasion of privacy is an offense in special laws like the Anti-Wiretapping Law, the Secrecy of Bank Deposits Act and the Intellectual Property Code. The Rules of Court on privileged communication likewise recognize the privacy of certain information.^[470]

Case law has also started recognizing that the right to privacy has evolved over time and, as such, must be sensitive to the many nuances that are tied to the appreciation of such right. One such concept relates to the fact that the right to privacy has different aspects that must be distinguished from each other. In *Disini, Jr. v. Secretary*

of Justice[471] the Court, citing the US case of *Whalen v. Roe*[472] classified privacy into decisional privacy, which is the right to independence in making certain important decisions, and informational privacy, or the interest in avoiding disclosure of personal matters.[473] In *Vivares v. St. Theresa's College*[474] the Court acknowledged three "strands," adding to the first two the concept of locational or situational privacy, which refers to the privacy that is felt in physical space, such as that which may be violated by trespass and unwarranted search and seizure.[475] Parenthetically, of the three, it is crystal clear based on the examination of the pleadings and analysis of the issues raised that the strand of informational privacy assumes prominence in this case.

The recognition of its value notwithstanding, the Court has consistently reminded that the security accorded to the right to privacy is not absolute. Hence, intrusions into such rights are not completely prohibited and may be permitted upon passing strict scrutiny by the Court, viz.:

In no uncertain terms, we also underscore that the right to privacy does not bar all incursions into individual privacy. The right is not intended to stifle scientific and technological advancements that enhance public service and the common good. It merely requires that the law be narrowly focused and a compelling interest justify such intrusions. Intrusions into the right must be accompanied by proper safeguards and well-defined standards to prevent unconstitutional invasions. We reiterate that any law or order that invades individual privacy will be subjected by this Court to strict scrutiny.[476] (Citations omitted.)

Case law illustrates that the Court has adopted a two-tiered approach in evaluating a claim for violation of the right to privacy. In *Sabio v. Gordon*,[477] the Court instructs that in such case, it must determine whether a person has exhibited a reasonable expectation of privacy and, if so, whether that expectation has been violated by unreasonable government intrusion.[478] Consequently, the two questions that must be answered are: (1) Did the individuals claiming the violation of the right to privacy exhibit a reasonable expectation of privacy? And (2) Did the government violate such expectation?[479]

In answering the first question, *Ople v. Torre*[480] crystallizes another two-part test that must be undertaken by the Court. Thus, "the reasonableness of a person's expectation of privacy depends on... (1) whether by his conduct, the individual has exhibited an expectation of privacy; and (2) whether this expectation is one that society recognizes as reasonable." [481] Notably, in *Disini, Jr. v. Secretary of Justice*,[482] the Court referred to such assessment as the subjective and objective tests respectively and applied the same in determining whether or not there was a breach of informational privacy.[483]

On the other hand, with respect to the purported violation coming from the government, the State must show that the regulation not only serves a compelling interest, but is also narrowly drawn in order to prevent abuses.[484] This is known as the strict scrutiny test.[485] In the recent case of *Philippine Stock Exchange, Inc. v. Secretary of Finance*,[486] the Court had the occasion to draw a connection between the strict scrutiny test and the provisions of the Data Privacy Act, particularly Section 4(e) thereof. It elucidated that, in order to be exempted from the ambit of the said law, the qualifications relating to the specific exemption must be satisfied. In this sense, the Data Privacy Act assures that the regulation implemented is narrowly drawn. Thus:

Section 4 of the Data Privacy Act exempts from its coverage information necessary to carry out public functions:Section 4. Scope. This Act applies to the processing of all types of personal information and to any natural and juridical person involved in personal information processing including those personal information controllers and processors who, although not found or established in the Philippines, use equipment that are located in the Philippines, or those who maintain an office, branch or agency in the Philippines subject to the immediately succeeding paragraph: Provided, That the requirements of Section 5 are complied with.

This Act does not apply to the following:

....

(e) Information necessary in order to carry out the functions of public authority which includes the processing of personal data for the performance by the independent central monetary authority and law enforcement and regulatory agencies of their constitutionally and statutorily mandated functions. Nothing in this Act shall be construed as to have amended or repealed Republic Act No. 1405, otherwise known as the Secrecy of Bank Deposits Act; Republic Act No. 6426, otherwise known as the Foreign Currency Deposit Act; and Republic Act No. 9510, otherwise known as the Credit Information System Act (CISA);

....

The creation of a taxpayer database for "establishing simulation, model, formulating analytical framework for policy analysis, and institutionalizing appropriate enforcement activities" is purportedly to ensure the effective assessment and collection of national taxes.

Section 4(e), however, explicitly uses the word "necessary" to describe the information to be used for the performance of functions of public authority in order for the processing to be outside the purview of the law. Retired Senior Associate Justice Estela M. Perlas-Bernabe, during previous deliberations of the Court on the instant case, aptly described the term "necessary" in the provision as "a deliberate incorporation, if not implicit acknowledgment, of the second prong of the strict scrutiny analysis — that is, that the personal data sought by the State must be acquired through 'narrowly tailored' means[,] which are only necessary to accomplish the regulatory agencies' given mandate." The Data Privacy Act can then be viewed as a mode of implementation of the second requirement of the strict scrutiny test. With this, the State cannot just use the exception of performance of mandated functions under the Data Privacy Act to carry out actions that abridge the right to privacy; there must be a showing of necessity.[487]

Atty. Paa posits that respondent City of Manila's implementation of the NCAP Ordinances violates the right to privacy, particularly the strand of informational privacy.[488] Specifically, Manila's NCAP committed "two acts of privacy breach," namely:

- a. The illegal processing or encoding of the plate number of a vehicle in the website of the City of Manila. Once a plate number is typed therein, the website will show relevant information about the vehicle such as the number of violations involving said vehicle. This is tantamount to maligning the data subject, particularly the registered owner of the vehicle.
- b. The failure to provide reliable safety security features to confirm and validate that the person accessing the same is the data subject. The NOV issued by the City of Manila provides a filename (Violation of Number) and PIN but there is no assurance that those security features, especially when the NOV is lost or misplaced, cannot be used by other persons who might access the data and video to the detriment of the data subject.[489]

For their part, KAPIT et al. bemoan that the right to information privacy of registered owners of vehicles is violated since as data subjects, they are "not made aware that it is QPAX and/or other private contractors, and not the LTO, that is processing the personal information data." [490] Moreover, such arrangement with a private entity is without any apparent limitation. "Clearly, this illegal arrangement precludes [the] right of individual's to preclude information about themselves." [491]

Respondents refute this position averring that the use of vehicles on public highways entails a reduced expectation of privacy.[492] In point of fact, "a registered owner of a motor vehicle cannot claim an expectation of privacy in relation to its operation since the state's regulation of its use has been recognized since time immemorial." [493] Moreover, the NCAP serves the salutary purpose of enhancing road safety and management and does not have the goal of collecting surveillance information, as it only collects information about the vehicle and not any data that

describes a particular person.[494] Finally, Section 4(e) of the Data Privacy Act states that it does not apply to information necessary in order to carry out the functions of public authority, such as the regulation of traffic.[495]

After a perustration of the records, the Court finds merit in respondents' refutation.

The Court reverberates its earlier pronouncement that mechanisms related to the implementation of an ordinance are "matters of policy that are best left for the political branches of government to resolve." [496] Quite discernibly, the challenges against the NCAP Ordinances with respect to right to privacy are again anchored on fears relating to their implementation, to wit:

ASSOCIATE JUSTICE DIMAAMPAO:

I would like to clarify your legal theory with respect to the violation of the right to privacy. Is the issue related to specific provisions of the assailed Ordinances or the implementation?

ATTY. PAA:

I think, your Honor, it's on the Ordinances itself [sic] as well as the implementation because the Ordinances, your Honor, it provides on how to secure the data. They will link directly with the LTO using the service provider.

ASSOCIATE JUSTICE DIMAAMPAO:

Having said that the issue may relate to specific provisions as well as implementation, can you point out specific provisions? You are assailing the Ordinance of Manila.

ATTY. PAA:

I cannot. [Interrupted].

ASSOCIATE JUSTICE DIMAAMPAO:

I can assume you have read that. Can you point out the specific provisions therein as well as the implementation that may involve the right to privacy?

ATTY. PAA:

I cannot specify in particular, Your Honor, a particular section but as far as I remember, it is the implementation of the NCAP; they will provide the motor vehicle alert-system. In the alert system, Your Honor, they collect data from the LTO. The LTO will provide, will allow them, to access the database. So in that case, Your Honor, they committed a violation of the right to privacy for not securing our consent as a motor vehicle owner, Your Honor.[497]

Parenthetically, the Motor Vehicle Registration Alert System (MVRAS) adverted to by Atty. Paa, which is supposedly part of the "implementation" of the NCAP Ordinances, is a separate and distinct issuance that must be fully threshed out in the proper proceeding where questions of fact relating to matters such as data processing may be properly raised. The MVRAS is not similar to the "implementing rules and regulations" which are supposed to fill in the details of the NCAP Ordinances and which are issued by the local offices specifically tasked for their formulation. The Parañaque City NCAP Ordinance, for instance, states:

Section 4. IMPEMENTING RULES AND REGULATIONS – Upon consultation with the stakeholders, the City Traffic Management Office shall formulate the applicable implementing rules and regulations of this Ordinance within (90) ninety days after its effectivity subject to the approval of the Sangguniang Panlungsod.[498]

A similar provision is found in the NCAP Ordinances of the City of Manila,[499] Muntinlupa City,[500] Quezon City,[501] and Valenzuela City.[502]

An example of the IRR enacted pursuant to such mandate, in turn, is the earlier mentioned Resolution No. 18-05, series of 2018 of Parañaque City, entitled "A RESOLUTION ADOPTING THE IMPLEMENTING RULES AND REGULATIONS (IRR) OF ORDINANCE NO. 05-05, SERIES OF 2004 ENTITLED 'AN ORDINANCE ENACTING THE PARAÑAQUE CITY TRAFFIC CODE SUBJECT TO EXISTING LAWS AND APPLICABLE RULES AND REGULATIONS.'"[503]

In contrast, the MVRAS takes the form of a "Memorandum of Agreement" with LTO, which means that the same is an agreement governing the rights and liabilities not of the public but of the contracting parties. Such differentiation between the MVRAS and the IRR finds support in the case of *Sta. Rita v. Court of Appeals*,[504] where the Court ratiocinated as follows—

Respondent appellate court correctly upheld the validity of the Memorandum of Agreement entered into between the DOLE and the SSS. Upon the one hand, contrary to the trial court's finding, the Memorandum of Agreement was approved by the Social Security Commission per the Commission's Resolution No. 437, dated 14 July 1988. Upon the other hand, the Memorandum of Agreement is not a rule or regulation enacted by the Commission in the exercise of the latter's quasi-legislative authority under Section 4 (a) of [Republic Act] No. 1161, as amended, which reads as follows:"SECTION 4. Powers and Duties of the Commission. — For the attainment of its main objectives as set forth in section two hereof, the Commission shall have the following powers and duties:

(a) To adopt, amend and rescind, subject to the approval of the President, such rules and regulations as may be necessary to carry out the provisions and purposes of this Act[.]"

What the Memorandum of Agreement did was to record the understanding between the SSS on the one hand and the DOLE on the other hand that the latter would include among the provisions of the Standard Contract of Employment required in case of overseas employment, a stipulation providing for coverage of the Filipino seafarer by the SSS. The Memorandum of Agreement is not an implementing rule or regulation of the Social Security Commission which, under Section 4(a) above quoted, is subject to the approval of the President. Indeed, as a matter of strict law, the participation of the SSS in the establishment by the DOLE of a uniform stipulation in the Standard Contract of Employment for Filipino seafarers was not necessary; the Memorandum of Agreement related simply to the administrative convenience of the two (2) agencies of government.[505]

Consequently, Atty. Paa's apprehensions on how the City of Manila's website "will show relevant information about the vehicle" once a plate number is typed in or on the purported failure to provide reliable safety security features to confirm that only the data subject can access can look into the violation[506] are ultimately misplaced. These issues are tied to either the MVRAS or the JVA and may only be resolved through the application of the expertise of the proper administrative agency, i.e., the National Privacy Commission. Such concerns, even if true, would not provide sufficient basis to invalidate the NCAP Ordinances but may only give rise to the possible administrative or criminal sanctions to the erring officials or employees.

Ironically, even if the Court were to consider Atty. Paa's arguments relating to the absence of safeguards in the provisions of the NCAP Ordinances, his postulation is blown to smithereens by his own assertions. Verily, such claim is belied by the fact that, as he himself admits, the "NOV issued by the City of Manila provides a filename and PIN,"[507] which are evidently an attempt on the part of the respondent LGUs to limit data access to the traffic violator. That the NOV, when lost or misplaced, may be used by "other persons who might access the data and video to the detriment of the data subject"[508] is a concern that does not even relate to the supposed absence of safeguards on the law but is rather a logical fallacy that implores the Court to invalidate a provision on the

basis of a scenario imagined by Atty. Paa. Indeed, this argument is too speculative to warrant any consideration by the Court.

With the overall approach adopted in deciding the present controversy, the Court refuses to deviate from the examination of the text of the NCAP Ordinances themselves, as the very issuances that are presently being assailed.

Anent the portions of the assailed NCAP Ordinances relating to the processing of data state, their relevant provisions show that the NCAP Ordinances of the City of Manila,[509] Muntinlupa City,[510] Parañaque City,[511] Quezon City,[512] and Valenzuela City[513] are all similar in that they provide for the setting up of "Traffic Enforcement Cameras" that take "high-speed, high-resolution photos and videos of vehicles committing the violations." Thereafter, the LGU is authorized to enter into an agreement with the LTO whereby the latter provides the former information, such as the name and address of the registered vehicle owner, for the purpose of identifying the owners of apprehended vehicles.

Indubitably, the NCAP Ordinances deal with "personal information," which is defined under Section 3(g) of the Data Privacy Act as "any information from which the identity of an individual is apparent or can be reasonably and directly ascertained by the entity holding the information, or when put together with other information would directly and certainly identify an Individual." Similar to information such as a person's citizenship, residence address, or contact number,[514] the plate number of a vehicle is unquestionably considered as personal information.

Nonetheless, an analysis of these provisions establishes that the NCAP Ordinances satisfy the two-tiered framework formulated in *Sabio v. Gordon*.^[515]

The vehicle's plate number and the personal information necessary for the registration of a vehicle may be reasonably processed for the specific purposes provided under the NCAP Ordinances.

As earlier explicated, the determination of the first test in *Sabio v. Gordon*^[516] i.e., whether a matter is entitled to the right to privacy, necessitates the conduct of another two-pronged test, namely: (1) subjective test, which answers whether the one claiming the right must have an actual or legitimate expectation of privacy over a certain matter; and (2) objective test, which looks into whether society is prepared to accept such expectation as objectively reasonable.^[517] In *Disini, Jr. v. Secretary of Justice*^[518] however, the Court expounded on how this framework should be applied in the context of its relation to a particular person, but vis-à-vis a "large segment of the population." Thus:

Since the validity of the cybercrime law is being challenged, not in relation to its application to a particular person or group, petitioners' challenge to Section 12 applies to all information and communications technology (ICT) users, meaning the large segment of the population who use all sorts of electronic devices to communicate with one another. Consequently, the expectation of privacy is to be measured from the general public's point of view. Without reasonable expectation of privacy, the right to it would have no basis in fact.^[519] (Emphasis supplied.)

Utilizing the same yardstick in the present case, the Court holds that the respondent LGUs' processing of a vehicle's plate number and the personal information relating to the registration of a vehicle, in the specific context of the operation and implementation of the NCAP Ordinances, does not offend the expectation of privacy with respect to such data. These are the two sets of information that are being collected in this arrangement. The first kind of personal information, i.e., the vehicle's plate number, is processed pursuant to the provisions which authorize the set-up of electric devices that automatically take high-speed, high-resolution photos and videos of vehicle committing the violations. On the other hand, the second group, i.e., the personal information necessary

for the registration of vehicles assume relevance vis-à-vis the provisions that empower the respondent LGUs to link up with the LTO for the establishment of the MVRAS.

In the first place, the use of plate numbers is regulated by law. Under Section 17[520] of Republic Act No. 4136, the Land Transportation Commission is mandated to cause the preparation and issuance of number plates to registered vehicle owners. Section 18 explicitly requires that these shall be displayed at all times in the front and the rear of the vehicle, viz.:

Use of Number Plates. — At all times, every motor vehicle shall display in conspicuous places, one in front and one in the rear thereof, the said number plates.

The number plates shall be kept clean and cared for, and shall be firmly affixed to the motor vehicle in such a manner as will make it entirely visible and always legible.

Except in the case of dealers number plates which may be used successively on various motor vehicles in stock, no person shall transfer number plates from one motor vehicle to another.

No dealer's number plate shall be used on any motor vehicle after said vehicle has been sold and delivered to a purchaser, and no dealer shall allow such dealer's number plates to be used on any motor vehicle after its sale and delivery to a purchaser.

This was reiterated in Section 6 of LTO Memorandum Circular No. VPT-2013-1772,[521] entitled "Motor Vehicle License Plates Standardization Program," which states:

License plates shall be attached to the front and rear of the motor vehicle. No other license plate, plate cover, frame or any similar accessory may be attached to and/or around the motor vehicle license plate.

In case of loss, dilapidation or change of classification, the registered owner of the motor vehicle shall apply for duplicate, replacement or change classification of plates in accordance with existing rules and subject to the payment of the corresponding fees.

The failure to comply with the above provisions, in turn, shall be punishable by law.[522]

The applicable regulations governing the use of number plates remove any doubt that a vehicle's plate number, which as mentioned is the information being captured by the traffic enforcement cameras installed pursuant to the NCAP Ordinances, is not meant to be kept confidential. On the contrary, there is an express requirement that these must be both standardized and conspicuous. The reason for this is obvious — the use of standardized license plates "aid[s] law enforcement, improve[s] the motor vehicle registration database and enhance[s] the institutional capability of the government." [523] In fact, the relevant provisions show that this information originated not from the data subject but rather the Land Transportation Commission. Verily, there can be no reasonable expectation of privacy over matters that are of public concern.[524]

On the other hand, the reduced expectation of privacy relating to personal information needed to register a vehicle, such as the name and address of the owner, can be seen from the fact that, in the first place, these are already sourced from the LTO. These data have already been collected by the government for the purpose, inter alia, of "preserving and making easily available such documents and records to public officers and private persons properly and legitimately interested therein." [525]

In *Kilusang Mayo Uno v. Director-General*, [526] the Court declared that the disclosure of data for the Unified ID System under Executive Order No. 420 did not constitute a violation of the right to since the 14 personal data [527] that were collected "are routine for ID purposes, data that cannot possibly embarrass or humiliate anyone." [528] This holds true for vehicle's plate number and the personal information previously collected for the

registration of a vehicle. Certainly, the collection of these information for the particular purpose of implementing and achieving the objective of the NCAP, does not in any way operate to embarrass or humiliate the data subject.

Atty. Paa asseverates that respondent City of Manila's implementation of the NCAP Ordinances violates the right to privacy, particularly the strand of informational privacy.[529] Specifically, Manila's NCAP committed "two acts of privacy breach," namely:

- a. The illegal processing or encoding of the plate number of a vehicle in the website of the City of Manila. Once a plate number is typed therein, the website will show relevant information about the vehicle such as the number of violations involving said vehicle. This is tantamount to maligning the data subject, particularly the registered owner of the vehicle.
- b. The failure to provide reliable safety security features to confirm and validate that the person accessing the same is the data subject. The NOV issued by the City of Manila, provides a filename (Violation of Number) and PIN but there is no assurance that those security features, especially when the NOV is lost or misplaced, cannot be used by other persons who might access the data and video to the detriment of the data subject.[530]

Considering the absence of any reasonable expectation with respect to the personal information processed in the operation of the NCAP System, the theory that the NCAP Ordinances violate the right to privacy has no leg to stand on.

There was no unreasonable government intrusion.

At any rate, an analysis of whether the NCAP Ordinances may be classified as an unreasonable government intrusion would yield a similar verdict. This second requisite is also satisfied.

As earlier discussed, the case of *Ople v. Torres*[531] teaches that in order to pass the second prong, the government's intrusion must serve a compelling interest and be narrowly drawn in order to prevent abuses.[532]

In relation to the requirement that the intrusion is narrowly drawn, the case of *Philippine Stock Exchange, Inc. v. Secretary of Finance*,[533] in turn, ordains that such requirement is satisfied by Section 4(e) of the Data Privacy Act. Section 5 of the IRR also clarifies that, notwithstanding the existence of "special cases" such as the abovementioned Section 4(e), "the non-applicability of the Act or these Rules do not extend to personal information controllers or personal information processors, who remain subject to the requirements of implementing security measures for personal data protection." Moreover, it mandates that the processing of the information provided in such special cases "shall be exempted from the requirements of the [Data Privacy Act] only to the minimum extent necessary to achieve the specific purpose, function, or activity." Accordingly, such exception:

- Applies only to the minimum extent of collection, access, use, disclosure, or other processing necessary to the purpose, function, or activity concerned. The processing for a regulatory function must be in accordance with a constitutional or statutory mandate, and strictly adheres to all required substantive and procedural processes; and
- Only the specified information is outside the scope of the DPA. The public authority remains subject to its obligations as a personal information controller (PIC) under the DPA of implementing security measures to protect personal data, upholding the rights of data subjects, and adhering to data privacy principles.[534]

These requirements have been complied with by the NCAP Ordinances.

In the present case, the respondent LGUs' authority to issue these assailed Ordinances is anchored on none other than the Local Government Code. The various provisions of the said law, such as Sections 16,[535] 17 (a) and (b)(4)(i)[536] and 458(a)(5)(vi)[537] empower legislative body of these cities to enact measures relating to the

regulation of traffic within their respective territorial jurisdictions, provided that these are consistent with the regulations of the MMDA. Corollary thereto, the existence of a compelling state interest is also crystal clear. For sure, the objectives in the adoption of such system, namely: instilling discipline among motorists by apprehending traffic violators through state-of-the-art, evidence-based and comprehensive technology; protecting the general welfare of the people and improving public safety by ensuring a round-the-clock obedience to traffic ordinance and rules; and encouraging public participation, cooperation and self-regulation among the motoring public through the proper education of motor vehicle owners and drivers are compelling interests which the respondent LGUs can pursue.[538]

On the other hand, the fact that, based on the textual analysis of the NCAP Ordinances, the personal information that the traffic enforcement cameras collect are limited to the plate numbers of the vehicles which committed traffic violations, and – after entering into an agreement with the LTO – personal information that was obtained when the owner registered his vehicle, establishes that the processing of data that is limited to those that are absolutely necessary to bring the state objectives being pursued to fruition. Along this grain, the Court holds that these are not more than what is necessary to achieve the compelling state interest envisioned in the enactment and implementation of the NCAP Ordinances. As such, the NCAP Ordinances does not in any way state that the collected information will be made available to the public.

Upon these considerations, it cannot be gainsaid that there is no unreasonable government intrusion through the enactment of the NCAP Ordinances. The right to privacy is perforce not violated.

3.

The NCAP Ordinances do not violate the right against excessive fines.

Delving now into the issue of excessiveness of the imposable lines and penalties, petitioners essentially decry that the NCAP Ordinances violate the constitutional right against excessive lines and penalties warranting the declaration of their invalidity.[539]

Specifically, petitioners cash in on Section 19, Article III of the Constitution which states, inter alia, that "[e]xcessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. . ." The invalidity arising from the violation of the constitutional proscription stems, inter alia, from the fact that the lines under the assailed Ordinances are higher than those imposed by the LTO.[540]

Respondents, for their part, claim that such arguments are misplaced considering that Section 19 (1), Article III only applies to criminal prosecutions.[541] In any case, the penalties imposed by the NCAP Ordinances cannot be regarded as excessive as these are within the limits provided under the Local Government Code.[542]

Petitioners' thesis fails to persuade.

For one, the constitutional prohibition on the imposition of excessive fines, as correctly pointed out by respondents, applies only to criminal prosecutions.[543]

The case of *Republic v. N. Dela Merced & Sons, Inc.*[544] enunciated this doctrinal polestar—

The constitutional, prohibition on the imposition of excessive fines applies only to criminal prosecutions. In contrast, this case involves an administrative proceeding and, contrary to the supposition of *Dela Merced & Sons*, the fine imposed is not a criminal penalty. Hence, the proscription under Article III, Section 19 is inapplicable to this case.[545]

As exhaustively discussed, the violations committed herein are administrative in nature. Thus, the consequent fine imposed is not a criminal penalty; the constitutional proscription under Section 19, Article III finds no relevance in this discussion.

For another, in order that a penalty to be considered obnoxious insofar as the Constitution is concerned, it needs to be more than merely being harsh, excessive, out of proportion, or severe. The penalty must be flagrantly and plainly oppressive or so disproportionate to the offense committed as to shock the moral sense of all reasonable persons as to what is right and proper under the circumstances to come under the prohibition.^[546] Guided by these legal and jurisprudential poles, the lines under the NCAP Ordinances hardly satisfy the exacting standards for them to be considered excessive and oppressive. Besides, petitioners merely proffered unsubstantiated assertions unworthy to strike down the penalty/fine as unconstitutional for being excessive.

More importantly, the LGUs are empowered, by the Local Government Code to enact and approve ordinances and impose lines and penalties for violations thereof. Article III, Section 458(a)(iii) is explicit:

Article Three: The Sangguniang Panlungsod

....

Section 458: – Powers, Duties, Functions and Compensation. – (a) The Sangguniang Panlungsod, as the legislative body of the city, shall enact ordinances, approved resolutions, and appropriate funds for the general welfare of the city and its inhabitants pursuant to section 16 of this Code and in the exercise of the corporate powers of the city as provided for under section 22 of this Code, and shall: . . .

(iii). Approve ordinances imposing a fine not exceeding Five Thousand Pesos ([PHP] 5,000.00) or an imprisonment for a period not exceeding one (1) year, or both in the discretion of the court, for the violation of a city ordinance;

A judicial scrutiny of the schedule of fines under the NCAP Ordinances, as adumbrated above, reveals, that the penalty and/or fines imposed by the LGUs do not exceed the threshold provided by law and are, in fact, well within the parameters set by the Local Government Code. It would be difficult, nay baseless, to characterize these amounts as excessive and severe.

Parenthetically, even under the recently enacted. Ticketing Traffic Violation System, or commonly referred to as the new single ticketing system (STS),^[547] the fines^[548] provided therein did not exceed the amount stipulated by the Local Government Code.

In *Republic v. Maria Basa Express Jeepney Operators and Drivers Association, Inc.*,^[549] the constitutionality of Joint Administrative Order No. 2014-01 and Department Order No. 2008-39, which impose penalties and fines for violations of land transportation laws by motor vehicles, was challenged. There, the Court recognized the already pernicious nature of the road, necessitating for the State, pursuant to its police power devolving unto its agencies, to place reasonable restrictions in the form of higher fees and stricter penalties upon the operation of motor vehicles, as in this case.

Thence, petitioners' protestation that the NCAP ordinances violate the constitutional right against excessive fines and penalties is bereft of factual and legal mooring.

B.

The NCAP Ordinances are not inconsistent with national laws.

Considering that the Court has already evaluated the validity of the NCAP Ordinances vis-à-vis relevant laws, such as the Data Privacy Act and even Republic Act No. 7924, what remains to be addressed are KAPIT et al. and Atty. Paa's asseverations in relation to Republic Act No. 4136, the Local Government Code, and Act. No. 3326.

1.

The NCAP Ordinances are consistent with the provisions of Republic Act No. 4136.

In particular, they contend that under Republic Act No. 4136, traffic violation can only be committed by a driver and as a consequence thereof, the driver's license of the offending driver should be confiscated. It is their stance that NCAP entirely circumvents this process by directly targeting the registered, owner. They maintain that Section 29 of Republic Act No. 4136 does not allow other modes of apprehension other than face-to-face. Otherwise put, petitioners KAPIT et. al. and Atty. Paa avow that as presently worded, the law only contemplates face-to-face apprehension of drivers; thus, a law is required to allow, no-contact apprehension.[550] Whence, the settlement of fines under the NCAP ordinances cannot be imposed as a condition to the renewal of motor vehicle registration.[551]

Their contentions are unpersuasive.

One. It is ingrained in this jurisdiction that what is not expressly or impliedly prohibited by law may be done, except, when the act is contrary to morals, customs, and public order.[552]

Here, by virtue of Section 29 of Republic Act No. 4136, the commission of a traffic violation merely warrants the confiscation of the offender's driver's license and the issuance of a traffic violation receipt.[553] It does not explicitly proscribe other modes of apprehension apart from face-to-face contact, a fact which, petitioners conceded to during the Oral Arguments, viz.:

ASSOCIATE JUSTICE DIMAAMPAO: Does the language of the statute clearly exclude other modes of apprehension?

ATTY. ARUGAY: It does not, your Honor.[554]

Appositely, Section 4(d)(5), Article III, Chapter I of Republic Act No. 4136 empowers the Commissioner of Land Transportation (now the Assistant Secretary of the LTO) to "use all reasonable means within their powers to secure enforcement of the provisions of [the] Act." Plain as day, the law does not foreclose a no-contact approach in apprehending errant motorists.

By the same token, Republic Act No. 4136 does not outrightly forbid the settlement of administrative fines prior to the renewal of motor vehicle registration. It makes known to the public that the payment for the application for registration of a motor vehicle should be "sufficient as required by law." [555] Perforce, respondent LGUs are not prohibited from alerting the LTO about motor vehicles apprehended via their respective NCAP ordinances, since the said alert can only affect, the registration of such vehicles after the traffic violation has been properly disputed or resolved. This would certainly aid the LTO in performing its inundate of achieving road safety by ensuring the road worthiness of these motor vehicles and the competence of drivers prescribed by Republic Act No. 4136.[556]

Quite discernibly, there is no imputation that the NCAP ordinances are contrary to morals, customs, and public order. Thus, such measures can be treated as sanctioned by law.

Two. In the FEJODAP Case, the Court pronounced in no uncertain terms that local government units have authority to enact ordinances appurtenant to traffic management, viz. –

Contrary to the petitioners claim, the assailed Ordinances were not enacted in violation of the LTO Law. As previously mentioned, the LTO Law has undergone numerous amendments through the years via the enactment of EO Nos. 546, 1011, and 125. EO Nos. 546 and 1011 were issued under the authority given the President by Presidential Decree No. 1416 – a law to reorganize the national government, while Executive Order No. 125 itself is considered law as it was issued under the auspices of the Freedom Constitution when the President exercised legislative powers.

These subsequent enactments, as discussed, did not specifically grant the LTO the power to confiscate licenses and issue receipts. This, along with the fact that the LOCAL GOVERNMENT CODE, a subsequent law, granted cities and municipalities the power to enact ordinances which regulate traffic and the use of streets, leads the Court to rule that the assailed Ordinances were not invalidly enacted as they were issued under the authority of a valid delegation of legislative power through the Local Government Code. Between the LTO and the LGUs, therefore, it is the latter who has the power to enact ordinances relating to traffic – and to enforce the same – in their respective territorial jurisdictions. Thus, as respondents pointed out, the assailed Ordinances are valid as the LGUs were explicitly granted by the Local Government Code, a statute duly enacted by the Legislature, the power to approve the same. The respondents thus correctly argued, and the CA consequently correctly held, that the assailed Ordinances and the common provision therein cannot be struck down for being in violation of the LTO Law.[557] (Emphasis supplied; citations omitted)

As above adumbrated, respondent LGUs are not precluded by Section 29 of Republic Act No. 4136 from adopting reasonable measures to enforce the said statute, including the no-contact apprehension modality. Necessarily, the delegated legislative power under the Local Government Code allows them to approve the NCAP Ordinances, especially since they are consistent with the policy of the MMDA.

All told, the impugned issuances are not violative of the terms of Republic Act No. 4136.

2.

The NCAP Ordinances do not violate the provisions of the Local Government Code.

At this juncture, the Court finds it fitting to tackle issues on local autonomy that are still unaddressed. To be sure, since the Court already ruled that the subject matter of the NCAP Ordinances, i.e., the regulation of traffic within their respective territorial jurisdiction, is part of the delegated legislative power of respondent LGUs, petitioners' remaining arguments may be properly considered as ostensible breaches of specific provisions of the Local Government Code. The said law, after all, outlines the parameters and limitations that must be complied in the LGU's exercise of its delegated powers.[558]

KAPIT et. al bemoan that respondent LGUs exceeded their authority since the NCAP Ordinances (1) permit the implementation of the program through a JVA, which is a "patent violation, of the non-delegation of governmental powers;"[559] (2) allow the transfer of fees, which were collected from the implementation of NCAP, from the respondent LGUs to private contractors, thereby allowing the illegal use of public funds for private interests;[560] and (3) grant honoraria to members of the committees created under the said Ordinances, which perpetuate, a "conflict of interest" because such funds are actually sourced from the apprehension of traffic

violators.[561] Atty. Paa, for his part, raises similar concerns and takes exception to the creation of a Trust Fund which is separate from the General Fund and whose sole purpose is to act as a source for the monthly honoraria. For him, this is a manifestation that the LGU "entered into a proprietary contract with a private entity to perform governmental function intended for profit and nothing more." [562]

Respondents proffer a contrary view anchored on an LGU's duty and power to deliver basic services, which make the distinction between governmental and proprietary functions unnecessary.[563] In this regard, the participation of the private sector in the delivery of basic services through a JVA is expressly allowed under the Local Government Code and in Department of Interior and Local Government Memorandum Circular No. 2016-120.[564] Anent the purported transfer of public money to private individuals, the fines collected go straight to a Special Trust Fund and are only used for the implementation of the NCAP.[565] The City of Manila established their NCAP Trust Fund "specifically to finance the necessary expenses for the implementation of the NCAP, including the payments for the infrastructure provided and services rendered by a private, contractor in case of a joint venture or service agreement." [566] Finally, the grant of honoraria is sanctioned by applicable regulations and by jurisprudence subject to budgetary limitations on personal services.[567]

Essentially, the Court is tasked to determine the validity of: (1) implementing the NCAP Ordinances through a JVA; (2) the transfer of the fines collected from the respondent LGUs to private contractors; and (3) the grant of honoraria to members of the committees under the NCAP Ordinances. The pertinent provisions of the NCAP Ordinances relating to these issues read:

City of Manila

Ordinance No. 8676, s. 2020, as amended[568]:

SEC. 3, Implementation. –

1. The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras in intersections and motorways within the City. The "Traffic Enforcement Camera" are electric devices that automatically take high[-]speed, high[-]resolution photos and videos of vehicle[s] committing the Violations defined in this Chapter.

....

4. The City of Manila Traffic Adjudication Board has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the Traffic Enforcement Cameras within the City. The Trust Fund Review and Approval Committee of the "No Contact Apprehension Program" (NCAP), on the other hand, shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws.

5. A monthly Honoraria shall be given to the members and secretariat of the above[-]mentioned committees to be determined by Traffic Management Committee and shall be taken exclusively from the NCAP Trust Fund of the City.

....

Sec. 9. No Contact Apprehension Program Trust Fund. – There is hereby created a "No Contact Apprehension Program Trust Fund". The fines collected by the City for violation of traffic laws under the Program shall be placed in the said Trust Fund which is separate and distinct from the General Trust Fund of the City and all other Trust Funds made for other purposes. Such Trust Fund shall have its own bank account to which the City has access to for the implementation of the NCAP by the City on its own, or through a Joint Venture

Agreement, to be determined by the City."

Muntinlupa City

Ordinance No. 2021-280[569]:

SEC. 4. Implementation. –

a, The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras (TECs) in inter sections and motorways within the City. The TECs are electric devices that automatically take high speed, high resolution photos and videos of vehicle[s] committing the violations defined in this chapter.

....

d. The City of Muntinlupa Traffic Adjudication Board has the exclusive jurisdiction to hear and decide cases involving violations of all traffic rules and regulations, including violations caught and recorded by the TECs within the City, The Accounting Office on the other hand, shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and, regulations of the Commission on Audit and other applicable laws.

e. A monthly Honoraria shall be given to the members and secretariat of the City of Muntinlupa Traffic Adjudication Board amounting to [PHP] 2,000.00 for every hearing conducted subject to the availability of funds.

....

SECTION 8. No Contact Apprehension Program Trust Fund. – There is hereby created a "No Contact Apprehension Program Trust Fund". The fines collected by the City for violation of traffic laws under the Program shall be placed in the said Trust Fund which is separate and distinct from the General Trust Fund of the City and all other Trust Funds made for other purposes. Such Trust Fund shall have its own bank account to which the City has access to for the implementation of the NCAP by the City."

Twenty-Five Percent (25%) of the fines collected shall be transferred on a monthly basis to the Muntinlupa Traffic Management Bureau Trust Fund (MTMBTF) to augment the expenses for traffic operation such as but not limited to the procurement of traffic engineering device/equipment, traffic signs, traffic signal.

Parañaque City

Ordinance No. 17-06, s. 2016,[570] as amended by Ordinance No. 19-31, s. 2019[571]:

"SECTION 5. Paragraph 3 subparagraph (iv) of Section 2 of City Ordinance No. 17-06. Series of 2016 is hereby amended and is now to be read as follows:

(iv) Honoraria. – The Chairman, Vice-Chairman, Members, Secretariat and the Technical Working Group shall be entitled to a monthly honorarium at a rate to be determined by the City Mayor, to be sourced from the share of the City in the revenue generated in the implementation [] of the "No Contact Apprehension Policy".

....

SECTION 7. Section 5 of City Ordinance No. 17-06 Series of 2016 is hereby amended and is now to be read as follows:

"Section 5. TRUST FUND – The proceeds of the fines/penalties collected for violation of this ordinance shall be placed in a Trust Fund. The following guidelines shall be imposed:

a) The City Treasurer is hereby authorized to create and establish a Trust Fund wherein the fines/penalties

collected by the TPMO in its implementation of the "No Contact Apprehension Policy" will be deposited;

b) Said Trust Fund shall have its own bank account and shall be separate and distinct from the General Fund of the City and all other Trust Funds made for other purposes and shall be called the "Traffic Development Trust Fund";

c) All deposits placed in the said Trust Fund shall be exclusively used for purposes related to the efficient and effective implementation of the "No Contact Apprehension Policy" of the City, which includes, among others, the purchase of:

1. Radio and communication devices and equipment;
2. Traffic signages, markers, reflectors, paint or any system of signs;
3. Barricades, barriers, cones, posts or any traffic and safety devices;
4. Electronic or digital instruments;
5. Vehicles and uniforms.

Quezon City

Ordinance No. 3052, s. 2021[572]:

SECTION 6. The Quezon City Revised Traffic Management Code of 2018 Code [sic] is hereby amended to include an ARTICLE XX-A, to read as follows:

ARTICLE XX-A. NO CONTACT APPREHENSION PROGRAM

....

SECTION 2. IMPLEMENTATION – The City Government, on its own, or through a Joint Venture, Service Agreement, or other applicable mode, shall implement the NCAP, which identifies and captures violations contemplated under this Ordinance through Traffic Enforcement Cameras, without the physical apprehension by a traffic enforcer, and the concomitant issuance of a Notice of Violation.

....

SECTION 4. NCAP TRUST FUND. – The fines, and their applicable surcharges and interest, collected by the City Government for violations identified and captured through the NCAP shall be placed in a "No Contact Apprehension Program Trust Fund" (NCAP Trust Fund) which shall be separate and distinct from the Traffic Development Trust Fund, the City General Fund, and all other Trust Funds made for other purposes. The NCAP Trust Fund shall have its own bank account to which the City Government has access for the implementation of the NCAP by the City Government, on its own, or through a Joint Venture, Service Agreement, or other applicable mode.

SECTION 5. TRUST FUND COMMITTEE – The City Mayor shall create an NCAP Trust Fund Review and Approval Committee which shall be responsible for the documentations and liquidations of the proceeds of the NCAP Trust Fund, subject to applicable rules and regulations of the Commission on Audit and other applicable laws. Monthly honoraria may be given to the members and secretariat of the NCAP Trust Fund Review and Approval Committee, as may be determined by the City Mayor.

Valenzuela City

Ordinance No. 918, s. 2021[573]:

SECTION 2. Sections 138 to 148 of Ordinance No. 19, Series of 2005, as amended, is (sic) hereby amended, reorganized and re-numbered as follows:

....

ARTICLE XXV

"NO CONTACT APPREHENSION PROGRAM"

....

Section 144. Implementation. –

1. The City Government on its own or through a joint venture or service agreement shall cause the installation of Traffic Enforcement Cameras in intersections and motorways within the City. The "Traffic Enforcement Cameras" are electronic devices that automatically take high speed, high resolution photos and videos of vehicles committing the Violations defined in this Chapter.

....

5. Monthly Honoraria shall be given to the members and secretariat of the above[-]mentioned committees. For the purpose of this ordinance, the budget for the monthly honoraria shall come from the private sector partner.

....

Section 148. No Contact Apprehension Program Trust Fund

The fines collected by the City Government for violations of traffic laws under the Program shall be placed in the "No Contact Apprehension Program Trust Fund" which is separate and distinct from the General Fund of the City and all other Trust Funds made for other purposes. Such Trust Fund shall have its own bank account to which the City Treasurer has access to for the implementation of the Program by the City Government, on its own, or through a Joint Venture or Service Agreement, to be determined, by the City.

In answering the legal questions posed, the Court once more emphasizes that the NCAP Ordinances cannot be invalidated based on the mere possibility of irregularities in their implementation. Appropriately, the remedy against such abuses would be the filing of the appropriate actions against the erring personnel. Unfortunately, an examination of petitioners' submissions reveals that their challenges relating to the Local Government Code are again predicated on their concerns relating to irregularities in the implementation of the NCAP Ordinances. They also bewail possible abuses in the JVA with QPAX, which cannot be properly resolved in these proceedings.[574] Ineluctably, these arguments will not persuade the Court to rule in petitioners' favor.

Perforce, an assessment of the aforecited sections of the NCAP Ordinances would not support any finding of inconsistency, much less contradiction, with the Local Government Code.

i. Respondent LGUs are expressly permitted to deliver basic services through a JVA with a private entity.

Similar to the framework utilized in the determination of the validity of the provisions relating to the registered owner rule, the Court is again guided by the dictum that their delegated legislative power under the Local Government Code grants LGUs wide discretion to pass ordinances in the manner they deem appropriate. Hence, the Court will uphold the impugned provisions unless there is a. showing that these contravene specific provisions of the Code.

Viewed from such lens, the Court finds no legal infirmities against the provisions of the NCAP Ordinances which give respondent LGUs the option to enforce such program through a JVA or Service Agreement with a private entity. Invariably, respondents even perspicaciously identified several provisions under the Local Government Code that serve as a legal bases for the entry into such agreements. Section 3(1), for instance, states that the

"participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development. Moreover, under Article 62 of Rule XIII of the Local Government Code's IRR, LGUs encourage the participation of various groups, including the private sector, in carrying out its plans, programs, projects, or activities, such as the delivery of basic services, to wit:

RULE XIII

Local Government Relations With People's Organizations,
Nongovernmental Organizations, and the Private Sector

ARTICLE 62. Role of People's Organizations, Nongovernmental Organizations and the Private Sector. —

LGUs shall promote the establishment and operation of people's organizations, NGOs, and the private sector, to make them active partners in the pursuit of local autonomy. For this purpose, people's organizations, NGOs, and the private sector shall be directly involved in the following plans, programs, projects, or activities of LGUs:(a) Local special bodies;

(b) Delivery of basic services and facilities;

(c) Joint ventures and cooperative programs or undertakings;

(d) Financial and other forms of assistance;

(e) Preferential treatment for organizations and cooperatives of marginal fishermen;

(f) Preferential treatment for cooperatives development; and

(g) Financing, construction, maintenance, operation, and management of infrastructure projects.

Likewise, Article 66 of the Local Government Code IRR expressly authorizes LGUs to enter into joint ventures for such purpose, thusly:

Joint Ventures and Cooperative Programs or Undertakings. — LGUs may enter into joint ventures and such other cooperative arrangements with people's organizations, NGOs or the private sector, to engage in the delivery of certain basic services; capability-building and livelihood projects; develop local enterprises designed to improve productivity and income; diversify agriculture; spur rural industrialization; promote ecological balance; and enhance the economic and social well-being of the people.

Upon the foregoing legal backdrop, the enumeration under the NCAP Ordinances of the various options' available to the respondent LGUs for the implementation of the program, i.e., on their own or through a Joint Venture or Service Agreement, can hardly be considered in excess of their delegated legislative power. Verily, these textual provisions simply accord them the choice to enter into a JVA. with a private entity in setting up the necessary technological infrastructure for the project. This is consistent with the Local Government Code's policy of encouraging private sector participation. Thus, the Court holds that addressing KAPIT et al.'s assertion that the implementation of the NCAP Ordinances is an undue delegation of governmental power is inappropriate under these proceedings since they necessarily implore the Court to impermissibly look at the provisions of the JVA itself.

At this juncture, the Court echoes the sentiment of Justice Caguioa that respondent LGUs must always be mindful when entering into contracts and ensure that private partners do not profit unconscionably from the delivery of basic services. Indeed, while it is not prohibited for providers who enter into a contract with the government to make some profit in recognition of the investment they put into the subject matter of the contract, they must keep in mind that the very same subject matter is public service. The government enters into these contracts ultimately to render some service of the public, which, in this case, is ensuring road safety and compliance with traffic rules.

ii. The fines collected pursuant to the NCAP Ordinances are utilized for a public purpose.

A cursory reading of the provisions relating to the NCAP Trust Funds reveals that assailing the same on the ground that the fines "accrue to the interests of a private equity" is tangential as it conveniently overlooks the movement of such funds.

Plainly, the NCAP Ordinances state that the fines pursuant thereto "shall be placed in the said Trust Fund which is separate and distinct from the General Trust Fund of the City and all other Trust Funds made for other purposes." [575] The "NCAP Trust Fund" was created specifically "to finance the necessary expenses for the implementation of the NCAP, including the payments for the infrastructure provided and services rendered by a private contractor in case of a joint venture or service agreement." [576]

It is thus unsurprising that the Muntinlupa City NCAP Ordinance declares that twenty-five percent (25%) of the fines collected from the implementation of the NCAP "shall be transferred on a monthly basis to the Muntinlupa Traffic Management Bureau Trust Fund to augment the expenses for traffic operation such as but not limited to the procurement of traffic engineering device/equipment, traffic signs, traffic signal." [577] More tellingly, the Parañaque City Ordinance avows that all deposits placed under its NCAP Trust Fund shall be "exclusively used for purposes related to the efficient and effective implementation" of its NCAP, which includes, among others, the purchase of various items such as radio and communication devices and equipment. [578] In obeisance to Section 305(e) of the Local Government Code, [579] the NCAP Trust Fund would thus be used solely for the specific purpose for which it was established.

The following explanation of the City of Manila is also illuminating:

373. Under the law, as well as in practice, the fees paid by traffic violators and revenues generated by the City of Manila from the NCAP are not, strictly speaking, transferred to any private contractors. 373.1. Any monies received by any private contractor from the Manila City NCAP Trust Fund is actually a contractual payment, called "service fees," for services rendered for the implementation of the NCAP including, but not limited to, providing the City of Manila with all the infrastructures to develop, maintain, and operate the NCAP systems without any cost to the City of Manila.

373.2. These infrastructures include the purchase, installation, configuration, maintenance, repair, upgrade, and activation of traffic enforcement cameras, radar sensors, poles, computers, printers, and software, electricity, and internet connection, among others.

373.3. Hence, the fact that the Manila City NCAP Trust Fund is the source of payments to the private contractor does not make the monies paid thereto detract from their nature as contractual payments.

373.4. How the City of Manila sources its payments to the private contractor is a question involving the wisdom of its Sangguniang Panglungsod. [580]

The Court, however, clarifies that under the NCAP Ordinances, it is only the respondent LGUs, without the participation of the private entity, that are allowed to access to funds under the NCAP Trust Fund. Under COA Circular No. 2020-004, [581] entitled "Prescribing the Government Accounting Manual for Local Government Units," LGUs must comply with certain internal procedures relating, inter alia, to the utilization [582] and disbursement [583] of funds under a Trust Fund as defined under the Local Government Code. [584]

Apparently, the NCAP Ordinances are devoid of any provision that the fines collected pursuant to the NCAP Ordinances are primarily intended for the benefit of a private entity. If at all, the transfer of such funds would be a contractual payment for the services rendered that a private entity renders for the implementation of the NCAP.

iii. The grant of honoraria under the NCAP Ordinances is valid. Nonetheless, it is indispensable that: (i) such disbursements would be subject to applicable rules and regulations; and (ii) these funds would not be sourced from a private entity.

As a final straw, petitioners impugn the provisions, of the NCAP Ordinances that grant honoraria to the personnel involved in their implementation.[585] This supposedly fosters a "conflict of interest" because such disbursements will come from the money collected from the apprehension of traffic violators.

Petitioners' polemics are partly meritorious.

Prefatorily, the LGUs are endowed with the power to fix the compensation of their officials and employees. Such function of salary determination includes any increase or adjustment and is lodged in the sanggunian concerned.[586] This finds a statutory mooring in Sections 81 and 454 of the Local Government Code, which provide:

SECTION 81. Compensation of Local Officials and Employees. — The compensation of local officials and personnel shall be determined by the sanggunian concerned: Provided, That the increase in compensation of elective local officials shall take effect only after the terms of office of those approving such increase shall have expired: Provided, further, That the increase in compensation of the appointive officials and employees shall take effect as provided in the ordinance authorizing such increase: Provided, however, That said, increases shall not exceed the limitations on budgetary allocations for personal services provided under Title Five, Book II of this Code: Provided, finally, That such compensation may be based upon the pertinent provisions of Republic Act Number Sixty-Seven Fifty-Eight (R.A. No. 6758), otherwise known as the "Compensation and Position Classification Act of 1989".

SECTION 454. Officials of the City Government.

. . . .

(e) Elective and appointive city officials shall receive such compensation, allowances, and other emoluments as may be determined by law or ordinance, subject to the budgetary limitations on personal services prescribed under Title Five, Book II of this Code: Provided, That no increase in compensation of the mayor, vice-mayor and sangguniang panlungsod members shall take effect until after the expiration of the full term of the said local officials approving such increase.

As regards the grant of honoraria, in particular, the sangguniang panlungsod are also empowered, under Section 458 of the Local Government Code, to approve ordinances authorizing the grant of honorarium "to any qualified official or employee designated to fill a temporary vacancy in a concurrent capacity, at the rate authorized by law."

Under Department of Budget and Management (DBM) Circular No. 2007-2, entitled "Guidelines on the Grant of Honoraria Due to Assignment in Government Special Projects,"[587] an honorarium is defined as "a form of compensation given as a token of appreciation or reward for gratuitous service on account of one's broad and superior knowledge or expertise in a specific field for which, going by custom, tradition or property, no fixed price is set." In *Santiago v. Commission on Audit*[588] the Court elucidated that the term "honorarium" refers to "something given not as a matter of obligation but in appreciation for services rendered, a voluntary donation in consideration of services which admit of no compensation in money."

Discernibly, an honorarium is separate and distinct from the compensation or salary of a personnel considering that such grant is given not as a matter of obligation but rather out of appreciation. Indeed, it is given to

government personnel performing activities or discharging duties in addition to, or over and above their regular functions may be granted honoraria.[589]

This is fleshed out in Section 4.1 of DBM Circular No. 2007-2 which states that an honoraria may be given to government personnel "who are on part-time assignment on a special project which entails rendition of work in addition to or over and above their regular workload." [590] A special project, in turn, is defined as follows:

A special project is a duly authorized inter-office or intra-office undertaking of a composite group of government officials and employees which is not among the regular and permanent functions of their respective agencies. Such undertaking may be locally-funded or foreign-assisted, is reform-oriented or developmental in nature, and is contributory to the improvement of service delivery and enhancement of the performance of the core functions of an agency or member agencies.[591]

A perusal of the individual NCAP Ordinances, except that of Quezon City which appears to be devoid of any provision on honoraria, reveals the necessity of passing upon the grant to two separate committees. While each of these issuances authorize the giving of honoraria to their respective Traffic Adjudication Board, the NCAP Ordinances of the City of Manila and Valenzuela City likewise permit such disbursement to the members and secretariat of their respective committees that are tasked to review and approve the NCAP.

Rivetingly, the pertinent portions of the NCAP Ordinances authorize the release of honoraria as follows:

- Under the City of Manila NCAP Ordinance, a monthly honoraria, to be determined by Traffic Management Committee, is given to the members and secretariat of its TAB and its Trust Fund Review and Approval Committee.[592]
- Pursuant to the Muntinlupa City NCAP Ordinance, a "monthly" honoraria is granted to the members and secretariat of its TAB. The provision, however, incongruently states that this grant amounts to PHP 2,000.00 for every hearing conducted, but the same subject to the availability of funds.[593]
- The Parañaque City NCAP Ordinance states that the Chairman, Vice-Chairman, Members, Secretariat and the Technical Working Group (TWO) of its TAB shall be entitled to a monthly honorarium at a rate to be determined by the City Mayor.[594]
- Finally, the Valenzuela City NCAP Ordinance authorizes the grant of a monthly honoraria, which must "come from" the private sector, to the members and secretariat of its TAB and its Traffic Development Trust Liability Review and Approval Committee.[595]

Considering that, under prevailing jurisprudence, an honoraria is given for a "special project," which may include the rendition of work in addition to the personnel's regular workload in a temporary vacancy in a concurrent capacity, at the rate authorized by law pursuant to the Local Government Code, the nature of the task of the TAB and the review and approval committees becomes determinative.

As may be gleaned from the pertinent provisions of the NCAP Ordinances of the City of Manila, Muntinlupa City, Parañaque City, and Valenzuela City, the TAB was created to exercise "exclusive jurisdiction" to hear and decide cases involving violations of all traffic rules and regulations, including those that are caught pursuant to the NCAP. Thus, it is quite clear that the NCAP Ordinances are precisely the issuances which created the TABs. The pertinent portion of the Parañaque City Ordinance provides not just for functions and duties of the Parañaque Traffic Adjudication Board (PTAB), but also its composition, to wit:

- (n) The PARAÑAQUE TRAFFIC ADJUDICATION BOARD (PTAB) is authorized to receive all complaints pertinent to the violations caught by the traffic enforcement cameras as indicated in the OVR
- Jurisdiction. The PTAB shall hear and decide cases involving violations of all traffic rules and regulations,

including violations caught and recorded by traffic enforcement cameras, within the City of Parañaque. Such cases shall include:

- Complaints against the behavior of any employee assigned to or supervised by the PTMO;
 - Complaints on the nature of infractions imputed to the violator; and
 - Complaints on the penalties imposed
- XL Composition. – The Chairman, Members, Secretariat and the Technical Working Group shall be appointed by the Mayor while the Chairman on the Committee on Public Order and Safety, Traffic Management and Illegal Drugs shall be the Vice-Chairman.[596]

Meanwhile, the Trust Fund Review and Approval Committee of the City of Manila and the Traffic Development Trust Liability Review and Approval Committee of Valenzuela City, shall be responsible for the documentations and liquidation of the proceeds of the Trust Fund subject to applicable rules and regulations of the Commission on Audit and other applicable laws."[597]

With this discourse, it would be hard pressed to characterize the honoraria granted to both committees as an "appreciation" or "reward" for a "special project" given that the work being compensated under the NCAP Ordinances appears to be the very reason for their creation. In the absence of any other showing of the functions of the TAB and the Review and Approval committees, and on the above premise that these two committees were created by none other than the NCAP Ordinances, the adjudication of cases involving violations of all traffic rules and regulations, and the documentation and liquidation of the proceeds of the Trust Fund, are the only duties which they are assigned to perform. Undeniably, these tasks cannot be characterized as a "special project" which must be appreciated through the endowment of an honoraria. The case of *Ngalob v. Commission on Audit*,[598] made the edifying discourse:

Here, petitioners cite DBM Circular No. 2007-2 and DBM Circular No. 2007-510 as authorization to grant incentives to their employees and officials for a special project that was allegedly undertaken. They argue that the mandate to pursue social preparation in the CAR for regional autonomy is a special project because it is not a part of the RDC-CAR's regular and permanent functions, entitling its officials and employees to additional incentives. They also claim that the grant was in accordance with the guidelines set forth in these circulars.

Petitioners are mistaken. The general averment of "pursuing social preparation of the CAR into an autonomous region" does not suffice to prove that a "project" was undertaken to warrant disbursements for the payment of honoraria. Paragraph 2.2 of DBM Circular No. 2007-2 defines a "special project" as "a duly authorized inter-office or intra-office undertaking of a composite group of government officials and employees which is not among the regular and permanent functions of their respective agencies. Such undertaking . . . is reform-oriented or developmental in nature, and is contributory to the improvement of service delivery and enhancement of the performance of the core functions of an agency or member agencies." Conformably, under the Administrative Code of 1987, a "project" is defined as "a component of a program covering a homogenous group of activities that results in the accomplishment of an identifiable output, while a "program" refers to the functions and activities necessary for the performance of a major purpose for which a government agency is established." Paragraph 4.3 of DBM Circular No. 2007-2 is explicit in requiring that, a special project plan should be "prepared in consultation with all personnel assigned to a project and approved by the department/agency/lead agency head," containing the following:

- title of the project;
- objectives of the project, including the benefits to be derived therefrom;
- outputs or deliverables per project component;

- project timetable;
- skills and expertise required;
- personnel assigned to the project and the duties and responsibilities of each;
- expected deliverables per personnel assigned to the project per project component at specified timeframes; and
- cost by project component, including the estimated cost for honoraria for each personnel based on man-hours to be spent in the project beyond the regular work hours; personnel efficiency should be a prime consideration in determining the man-hours required.[599] (Citations omitted, emphasis in the original.)

This notwithstanding, Sections 81 and 454 of the Local Government Code, empower the LGUs to set or increase the compensation of local officials and personnel through the grant of compensation/allowances, and other emoluments. Accordingly, nomenclature aside, the grant of such "honoraria" under the NCAP Ordinances may not necessarily be devoid of any legal basis. Depending on the existence of other issuances relating to the compensation of the affected local officials and personnel, these "honoraria" may be considered as either their actual "compensation, allowance, or emolument," or an increase thereof. At any rate, the determination of such salary is an act which the respondent LGUs have the legal authority to do. Hence, these provisions are not necessarily tainted with any illegality.

Nonetheless, consistent with the earlier discussion relating to the limitations that must be observed in the present controversy, the validity of the specific amounts to be disbursed would have to be determined in the proper proceedings, particularly before the COA. The said agency, after all, is the instrumentality endowed with enough latitude to determine, prevent and disallow irregular, unnecessary, excessive, extravagant or unconscionable expenditures of government funds.[600]

To the Court's mind, petitioners' disposition relating to the supposed "conflict of interest" is more apparent than real. The grant of such compensation under the NCAP Ordinances would not be unbridled as it would have to be scrutinized by COA, which, in turn, would be guided by the limitations set under law and jurisprudence. In particular, any increase or addition in the salary of a local official or employee would ineludibly have to comply with the thresholds set by the Local Government Code, foremost of which being Section 325 (a) which reads:

General Limitations. — The use of the provincial, city, and municipal funds shall be subject to the following limitations:(a) The total appropriations, whether annual or supplemental, for personal services of a local government unit for one (1) fiscal year shall not exceed forty-five percent (45%) in the case of first to third class provinces, cities and municipalities, and fifty-five percent (55%) in the ease of fourth class or lower, of the total annual income from, regular sources realized in the next preceding fiscal year. The appropriations for salaries, wages, representation and transportation allowances of officials and employees of the public utilities and economic enterprises owned, operated, and maintained by the local government unit concerned shall not be included in the annual budget or in the computation of the maximum amount for personal services. The appropriations for the personal services of such economic enterprises shall be charged to their respective budgets;

Moreover, the Court's previous pronouncements relating to the rule against double compensation also come to fore should the honoraria be considered as an additional compensation to the personnel of the TABs. In *Veloso v. Commission on Audit*,[601] the Court echoed the rationale behind such constitutional proscription, viz.:

The purpose of the prohibition against additional or double compensation is best expressed in *Peralta v. Auditor General*, to wit: This is to manifest a commitment to the fundamental principle that a public office is a public trust. It is expected of a government official or employee that he keeps uppermost in mind the demands

of public welfare. He is there to render public service. He is of course entitled to be rewarded for the performance of the functions entrusted to him, but that should not be the overriding consideration. The intrusion of the thought of private gain should be unwelcome. The temptation to further personal ends, public employment as a means for the acquisition of wealth, is to be resisted. That at least is the idea. There is then to be an awareness on the part of the officer or employee of the government that he is to receive only such compensation as may be fixed by law. With such a realization, he is expected not to avail himself of devious or circuitous means to increase the remuneration attached to his position. (Emphasis in the original, citations omitted.)[602]

In the aforementioned case, the Court essentially affirmed the ruling of the COA in disallowing the disbursement of the City of Manila's funds for the Exemplary Public Service Award, which includes the grant of retirement and gratuity pay remuneration equivalent to the actual time served in the position for three consecutive terms of its elective local officials who have been elected for three consecutive terms in the same position. The Court ratiocinated in this sapience:

As clearly explained by the Court in *Yap v. Commission on Audit*, the disbursement of public funds, salaries and benefits of government officers and employees should be granted to compensate them for valuable public services rendered., and the salaries or benefits paid to such officers or employees must be commensurate with services rendered. In the same vein, additional allowances and benefits must be shown to be necessary or relevant to the fulfillment of the official duties and functions of the government officers and employees. Without this limitation, government officers and employees may be paid enormous sums without limit or without justification necessary other than that such sums are being paid to someone employed by the government. Public funds are the property of the people and must be used prudently at all times with a view to prevent dissipation and waste.[603] (Citations omitted; underscoring supplied.)

In *Oriondo v. Commission on Audit*,[604] the Court held that the prohibition against double compensation applies vis-à-vis the performance of service by virtue of an ex-officio position—

Finally, petitioners knew fully well that they serve in Corregidor Foundation, Inc. by reason of their office in the Philippine Tourism Authority. It is also undisputed that petitioners, as officers and personnel of the Philippine Tourism Authority, already received honoraria and cash gifts. Considering that this Court pronounced as early as 1991 in *Civil Liberties Union v. The Executive Secretary* that an ex-officio position is "actually and in legal contemplation part of the principal office," receiving another set of honoraria and cash gift for rendering services to the Corregidor Foundation, Inc. would be tantamount to payment of additional compensation proscribed in Article IX-B, Section 8 of the Constitution. These circumstances negate any claim of good faith.[605] (Emphasis supplied)

From the foregoing, the Court refuses to pander to petitioners' postulation that the grant of honoraria under the NCAP Ordinances must be declared void in view of the "conflict of interest" that they purportedly establish. Suffice it to say that there are law and rules and regulations that regulate the grant of such amount to the relevant personnel.

Still and all, the Court deems it proper at this point to strike down, for being constitutionally infirm, a portion of the provision on honoraria of the Valenzuela City's NCAP Ordinance. In particular, the said provision states that "[m]onthly Honoraria shall be given to the members and secretariat of the above-mentioned committees. For the purpose of this ordinance, the budget for the monthly honoraria shall come from the private sector partner." [606] Irrefragably, the provision explicitly implies that the private sector will provide the honoraria of the officials and employees implementing its NCAP Ordinance.

In sooth, such rule violates the jurisprudential requirement that an ordinance, in order to be valid, must be consistent with public policy.[607] It does not strain credulity that the institution of such arrangement creates an

appearance of impropriety of public officials and employees being beholden to the private sector. This is antithetical to the constitutional precept that public office is a public trust,[608] which is crystallized in our laws relating to the integrity of public officials.

Under Republic Act No. 6713,[609] also known as the Code of Conduct and Ethical Standards for Public Officials and Employees, it is the avowed policy of the State to promote a high standard of ethics in public service. "Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest"[610] Hence, under Section 7 thereof, a prohibited act or transaction which a public official or employee may commit is the solicitation or acceptance of gifts —

SECTION 7. Prohibited Acts and Transactions. — In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

....

(d) Solicitation or acceptance of gifts. — Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

In *Malicse-Hilaria v. Reyes*,[611] the Court held that the elements of Section 7(d) of Republic Act No. 6713 are (1) the accused is a public official or employee; (2) he or she solicited or accepted any loan or anything of monetary value from any person; and (3) the act was done in the course of the accused's official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his office.[612] The acceptance of honoraria from the private sector by the relevant personnel pursuant to the NCAP Ordinances would easily satisfy the elements of such unlawful act.

Withal, the subject provision infringes the declared state policy of Republic Act No. 3019,[613] otherwise known as the Anti-Graft and Corrupt Practices Act. In line with the principle that a public office is a public trust, the law endeavors "to repress certain acts of public officers and private persons alike which constitute graft or corrupt practices or which may lead thereto." [614] Similar to Republic Act No. 6713, Republic Act No. 3019 has a provision which prohibits the receipt of any benefit by a public officer in his official capacity has to intervene under the law. Section 3(b) thereof states:

SECTION 3. Corrupt practices of public officers. — In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

....

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction¹ between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law.

The elements of the above-quoted offense are summed up in *Chang v. People*,[615] as follows: (1) the offender is a public officer (2) who requested or received a gift, a present, a share, a percentage, or a benefit (3) on behalf of the offender or any other person (4) in connection with a contract or transaction with the government (5) in which the public officer, in an official capacity under the law, has the right to intervene. Again, the acceptance of honoraria under the NCAP Ordinances would give rise to the presence of these requisites.

In *Magtajas v. Pryce Properties Corp., Inc.*,^[616] the Court invalidated ordinances which prohibited the operation of gambling casino in the City of Cagayan de Oro since they repressed the "character and force...as well as the public policy expressed" in Presidential Decree No. 1869, which created the PAGCOR and which allowed the playing of certain games of chance despite the prohibition of gambling in general.^[617] By parity of reasoning, the Court is thus constrained to declare the sentence, "For the purpose of this ordinance, the budget for the monthly honoraria shall come from the private sector partner," under the NCAP Ordinance of Valenzuela City as invalid for disregarding the public policy enshrined under the statutes relating to the standards and integrity of public officials such as Republic Act Nos. 6713 and 3019. Unmistakably, an arrangement which institutionalizes the practice of obtaining the salary of public personnel from the private sector is an affront to the public policy that aims to protect the integrity of public service.

3. The NCAP Ordinances do not breach Act No. 3326.

In the last analysis, the Court is called upon to rule whether the NCAP Ordinances are repugnant to Act No. 3326,^[618] which states:

SECTION 1. Violations penalized by special acts shall, unless otherwise provided in such acts, prescribe in accordance with the following rules: (a) after a year for offences punished only by a fine or by imprisonment for not more than one month, or both; (b) after four years for those punished by imprisonment for more than one month, but less than two years; (c) after eight years for those punished by imprisonment for two years or more, but less than six years; and (d) after twelve years for any other offence punished by imprisonment for six years or more, except the crime of treason, which shall prescribe after twenty years. Violations penalized by municipal ordinances shall prescribe after two months.

SECTION 2. Prescription shall begin to run from the day of the commission of the violation of the law, and if the same be not known at the time, from the discovery thereof and the institution of judicial proceedings for its investigation and punishment.

The prescription shall be interrupted when proceedings are instituted against the guilty person, and shall begin to run again if the proceedings are dismissed for reasons not constituting jeopardy.

SECTION 3. For the purposes of this Act, special acts shall be acts defining and penalizing violations of the law not included in the Penal Code.^[619]

KAPIT et al. postulate that the condition barring the registered owner from renewing his/her motor vehicle registration sans payment/settlement of NCAP related fine/s and/or penalties associated with his/her motor vehicle is violative of the prescriptive period under Act No. 3326.

To bolster its stance, KAPIT et al. avow that the policy failed to consider the fact that in reality, the address of the registered owner listed with the LTO may not be necessarily updated and therefore incorrect. Consequently, the citation issued under the NCAP will not be served at all upon the registered owner of the vehicle or will only be discovered during the renewal of the registration of the motor vehicle after a considerable length of time had already lapsed since the date of the traffic violation. Moreover, it avers that "[s]uch unreasonable condition imposed on the registered owner . . . should not have escaped the attention of local government units . . . considering the fact that violations of municipal ordinances such as traffic laws[,] prescribe after two months, thereby enabling[,] the unlawful circumvention of the statutory prescriptive period for traffic offenses."^[620]

Petitioner's avowal fades into thin air.

To begin with, it does not escape the Court's attention that this is yet another example of petitioners trying to nullify the law on account of errors or irregularities in its implementation, which is an approach that is shown to be fundamentally flawed.

Be that as it may, the imposition of fine by the LGUs against the erring motorists must be understood to be in the concept of an administrative sanction, not a fine in the nature of criminal penalty as contemplated in the Revised Penal Code. The fine is imposed not so much on exacting penalty for the violation committed, but the need to stress upon the motorists to desist from wanton and deliberate disregard of our existing traffic laws. It is an administrative penalty which the LGUs are empowered to impose under the Local Government Code in the exercise of their police power upon erring motorists.

KAPIT et al.'s reliance on the listed prescriptive periods under Act No. 3326 is misplaced considering that the fine it assails was imposed as an administrative sanction. A circumspect scrutiny of the wordings used in Act No. 3326 reveals that the prescriptive periods listed therein presupposes the imposition of fine and/or imprisonment as a criminal penalty for criminal acts punishable under special acts and municipal ordinances as it uses the phrase ". . . from the discovery thereof and the institution of judicial proceedings for its investigation and punishment." [621] This being so, the imposition of an administrative sanction does not require a prior full blown trial on the merits of the case in court before the offender can be adjudged liable.

KAPIT et al. would like to impress upon this Court that the government, particularly LTO and the LGUs in this instance, should treat the registered owners of vehicles with kid gloves. Registration of a motor vehicle demands a level of responsibility as registered owners are expected to conduct their affairs with enough diligence to know what is feasible and sensible. Perusing KAPIT et al.'s arguments, nothing therein appears to place responsibility on the registered owner of a motor vehicle in updating his records with the LTO or the LGU. They effectively advocate that it should be the government that should do such work for them. Regrettably, respondent KAPIT et al. is out of touch with reality.

It goes without saying that respondent LGUs cannot be expected to ask each and every registered owner if the addresses on record are updated so that they can send a citation thereto in case a traffic violation is tagged on their respective motor vehicles. Considering that the license to operate a motor vehicle is but a privilege granted by the State, which may be suspended or revoked in the exercise of its police power. [622] KAPIT et al. should know that this privilege comes at a cost—that of giving up a little bit of convenience in order to inform the government of one's change in address. The Government is heavily burdened as it is. The law does not require the impossible to be done. *Nemo tenetur ad impossibile*.

If for whatever reason the registered owner fails or refuses to do his part, he/she should not be allowed to benefit from his own fault. The registered owner cannot evade administrative liability by the mere ruse of concealing his current address or deliberately failing to disclose the same. Thus, service of the citation on registered owner's address on record should be deemed sufficient notice to him/her for purposes of timely contesting the traffic citation.

A FINAL CADENCE

The public interest involved in this case is quite apparent. Road safety is one of the most concerning matters that must be addressed in this country. The Court is not oblivious, to news of road accidents involving reckless drivers running roughshod over our traffic laws simply because no one is "looking." The Court recognizes, that one of the primordial goals of the NCAP Ordinances is to promote public safety by instilling discipline among Filipino drivers. As with any other laws and ordinances with the effect of grazing upon the rights of private individuals, however, it is not far-fetched that the NCAP Ordinances and the NCAP per se may face an understandable public

resistance during their groundbreaking phase. The present Petitions are a clear proof of such remonstrance.

At all events, in order for LGUs to reach their utmost potential in becoming effective partners of the national government in realizing societal progress, this Court must be ready to ward off unwarranted obstacles that shackle the valid exercise of their authority. These include challenges that are disingenuously anchored on apparent protection of liberties but which are, in truth, fears relating to the erroneous implementation of its ordinances. The Court has mustered its resolve to crystallize such postulation in this case. Relatedly, the exercise of police power has always been purposely veiled in general terms to underscore its comprehensiveness in meeting all exigencies and giving enough leeway for the government to respond and adapt to the current zeitgeist—the coalescence of technology and digitalization in the delivery of services for the people.

Indubitably, the impugned ordinances are reasonably devised to protect the public from abusive motorists and from the evils and physical dangers usually involved in motor carrier operation. To this end, the respondent LGUs, in exercising a delegated legislative and police power, have conformed to the standards set out by the law. The Court can only aspire that with the effective and valid implementation of the NCAP, Filipinos will eventually realize that the state and its agents are merely pursuing their best interests. As the bestselling author Robin Sharma epigrammatically quipped, "All change is hard at first, messy in the middle and gorgeous in the end."^[623]

In epitome, the Court discerns no cogent justification to continuously restrain the implementation of the NCAP Ordinances. Accordingly, consistent with the Court's Resolution dated May 20, 2025 lifting the TRO against MMDA Resolution No. 16-01, the TRO on the implementation of the NCAP Ordinances is likewise lifted. Notably, the Court no longer sees any need to resolve pending issues relating to the said provisional relief considering that the NCAP Ordinances are already declared constitutional herein.

THE FOREGOING DISQUISITIONS CONSIDERED, I vote to PARTLY GRANT the Petitions in G.R. No. 261892 filed by Kilusan sa Pagbabago ng Industriya ng Transportasyon, Inc., Pangkalahatang Sanggunian Manila & Suburbs Drivers Association Nationwide, Inc., Alliance of Transport Operators and Drivers Association of the Philippines, and Alliance of Concerned Transport Organization against the City of Manila, Muntinlupa City, Parañaque City, Valenzuela City, and the Land Transportation Office, and G.R. No. 262192 filed by Atty. Juman B. Paa against the Sangguniang Panglungsod of the City of Manila and Maria Sheilah "Honey" Lacuna-Pangan in her capacity of the incumbent Mayor of the City of Manila and SUBMIT that the Court should:

- DISMISS the Petition in G.R. No. 263752 filed by Philippine National Taxi Operators Association, Inc., Manuel C. Cruz, and Jacqueline V. Serrano against the City of Manila, Muntinlupa City, Parañaque City, Valenzuela City, and the Metropolitan Development Authority on the ground of forum shopping. The Regional Trial Court of Manila, Branch 16 is DIRECTED to DISMISS Case No. R-MNL-22-01122-SC and to DESIST from conducting further proceedings in connection therewith in accordance with this Decision.
- DECLARE as UNCONSTITUTIONAL the sentence "For the purpose of this ordinance, the budget for the monthly honoraria shall come from the private sector partner" found in Paragraph 5 of Valenzuela City Ordinance No. 918, s. 2021 for being contrary to public policy.
- DISMISS Petitions in G.R. No. 261892 and G.R. No. 262192 for want of merit, except as to the declaration of unconstitutionality of the aforesaid ordinance in item 2.
- LIFT the Temporary Restraining Order issued by the Court on August 30, 2022, which enjoined the respondent LGUs and MMDA from implementing the NCAP Ordinances and MMDA Resolution No. 16-01.

[1] Respondent LGU's Joint Manifestation dated October 3, 2025, pp. 3-5.

- [2] See Annex 3, Respondent LGU's Joint Manifestation dated October 3, 2025, pp. 3-5.
- [3] Respondent LGU's Supplemental Manifestation with Urgent Motion to Resolve dated February 5, 2026, pp. 1-2.
- [4] Id. at 8.
- [5] Respondent LGU's Supplemental Manifestation with Urgent Motion to Resolve dated February 5, 2026, p. 8 Id.
- [6] See *Kida, et al. v. Senate of the Philippines et al.*, 675 Phil. 316, 366 (2011) [Per J. Brion, En Banc].
- [7] See *Phil. International Trading Corp. v. COA*, 461 Phil. 737, 750 (2003) [Per J. Ynares-Santiago, En Banc].
- [8] Id. at 750.
- [9] 63 Phil. 139 (1936) [Per J. Laurel, En Banc].
- [10] See id. at 177.
- [11] Id. at 178.
- [12] 297 Phil. 1034 (1993) [Per J. Puno, En Banc].
- [13] Id. at 1057.
- [14] Rollo (G.R. No. 261892), pp. 3-64.
- [15] Rollo (G.R. No. 262192) pp. 3-27.
- [16] Rollo (G.R. No. 263752) pp. 3-43.
- [17] See MMDA Resolution No. 02-49, Series of 2002.
- [18] See MMDA Memorandum Circular No. 05, Series of 2003 ("Implementing Guidelines for MMDA Resolution No. 02-49, Series of 2002 Entitled "Authorizing The Metropolitan Manila Development Authority To Adopt A "No Physical Contact Policy" In Apprehending Traffic Violators In Metro Manila Thru The Use Of Digital Camera").
- [19] See MMDA Resolution Nos. 09-02, 09-07, and 10-02.
- [20] Rollo (G.R. No. 261892), pp. 527-531.
- [21] MMDA Resolution No. 16-10, p. 1.
- [22] See rollo (G.R. No. 261892), p. 3092, par. 15; OSG Memorandum, p. 9.
- [23] See rollo (G.R. No. 263752), pp. 49-59.
- [24] Id. at 60-72.
- [25] See rollo (G.R. No. 263752), pp. 81-92.
- [26] Id. at 73-80.
- [27] Id. at 93-115.
- [28] Id. at 122-126.

[29] Id. at. 127-138.

[30] See rollo (G.R. No. 261892), p. 2769; Memorandum of the City of Manila, p. 10.

[31] See Whereas Clause of Manila NCAP Ordinance.

[32] See rollo (G.R. No. 261892), p. 2770; Memorandum of the City of Manila, p. 11.

[33] Id.

[34] Id. at 5-8, see Quezon City Memorandum.

[35] Id. at 2619-2622; see also Parañaque City Memorandum, pp. 2-5.

[36] Id. at 2964-2967; see also Valenzuela City Memorandum, pp. 2-5.

[37] See rollo (G.R. No. 261892), pp. 2684-2685; see also Muntinlupa City Comment, pp. 2-3.

[38] See Parañaque City Memorandum, pp. 2-5; City of Manila Memorandum, p. 12, par. 14.1; Quezon City Memorandum, p. 6, par. 23; Valenzuela City Memorandum, pp. 26-28.

[39] See rollo (G.R. No. 261892), pp. 3092-3094; OSG Memorandum, pp. 9-11.

[40] Id.; see also KAPIT Memorandum p. 54.

[41] Id. at 3092-3094; see also OSG Memorandum, pp. 9-11.

[42] Id. at 3097-3098.

[43] Id. at 3094-3095.

[44] Rollo (G.R. No. 261892) pp. 325-326.

[45] Id. at 12-13; and 3095-3096.

[46] Id. at 356-363.

[47] Id.

[48] See id. at 3092-3094; OSG Memorandum, pp. 9-11.

[49] Rollo (G.R. No. 263752) pp. 3-43.

[50] See rollo (G.R. No. 261892), pp. 3097-3098; OSG Memorandum, pp. 14-15.

[51] Id. at 2492 -2495.

[52] Rollo (G.R. No. 261892).

[53] Id.

[54] Id. at 3859-A.

[55] Id. at 3865-3966.

[56] Id. at 3106-3110.

[57] Rollo (G.R. No. 261892), pp. 3106-3110.

[58] Id. at 2823-2827.

[59] Id. at 2984-2988.

[60] See *Fontana Development Corp. v. Vukasinovic*, 795 Phil. 913, 920 (2016) [Per J. Velasco, Third Division].

[61] 842 Phil. 407 (2018) [Per J. A. Reyes, Jr., Second Division].

[62] Id. at 435-436.

[63] See *Montes v. Court of Appeals (Sixth Division)*, 523 Phil. 98, 106 (2006) [Per J. Tinga, Third Division].

[64] *Dy v. Mandy Commodities, Inc.*, 611 Phil. 74, 85 (2009) [Per J. Chico-Nazario, Third Division].

[65] See id. at 84.

[66] Id.

[67] SEC. 5. Certification against forum, shopping. — The plaintiff or principal party shall certify under oath in the complaint or other initiatory pleading asserting a claim for relief, or in a sworn certification annexed thereto and simultaneously filed therewith: (a) that he has not theretofore commenced any action or filed any claim involving the same issues in any court, tribunal or quasi-judicial agency and, to the best of his knowledge, no such other action or claim is pending therein; (b) if there is such other pending action or claim, a complete statement of the present status thereof; and (c) if he should thereafter learn that the same or similar action or claim has been tiled or is pending, he shall report that fact within five (5) days therefrom to the court wherein his aforesaid complaint or initiatory pleading has been filed.

[68] See *Dy v. Mandy Commodities, Inc.*, 611 Phil. 74, 85 (2009) [Per J. Chico-Nazario, Third Division].

[69] Effective May 1, 2020.

[70] See *Banco De Oro Unibank, Inc. v. International Copra Export Corp.*, 901 Phil. 88 (2021) [Per J. Leonen, Third Division].

[71] 433 Phil. 490 (2002) [Per J. Bellosillo, Second Division].

[72] Id. at 501-502.

[73] See *Sec. De Lima v. City of Manila*, 842 Phil. 407 (2018) [Per J. A. Reyes, Jr., Second Division].

[74] See id. at 437.

[75] 433 Phil. 490 (2002) [Per J. Bellosillo, Second Division].

[76] See *Fontana Development Corp. v. Vukasinovic*, 795 Phil. 913, 923 (2016) [Per J. Velasco, Third Division].

[77] *Rollo* (G.R. No. 261892), p. 3107.

[78] Id.

[79] Id. at 3270-3271.

[80] Id. at 3271.

[81] See *Sec. De Lima v. City of Manila*, 842 Phil. 407, 436 (2018) [Per J. A. Reyes, Jr., Second Division].

[82] *Rollo* (G.R. No. 261892), p. 3107.

[83] Republic Act No. 7924 (1995), An Act Creating The Metropolitan Manila Development Authority, Defining Its Powers And Functions, Providing Funds Therefor, And For Other Purposes.

[84] Approved on October 10, 1991.

[85] Rollo (G.R. No. 261892), pp. 3270-3271.

[86] Id. at 3286.

[87] Id. at 801-802.

[88] Id. at 71.

[89] Id. at 3092.

[90] See *Cruz v. Court of Appeals* [Second Division], 517 Phil. 572 (2006) [Per J. Chico-Nazario, First Division].

[91] *Province of North Cotabato et al., v. Gov't of the Rep. of the Phils. Peace Panel on Ancestral Domain (GRP), et al.*, 589 Phil. 387, 486 (2008) [Per J. Carpio Morales, En Banc].

[92] Rollo (G.R. No. 261892), pp. 45-47 and 795-796.

[93] 572 Phil. 270 (2008) [Per J. Reyes, R., Third Division].

[94] Id. at 273.

[95] 514 Phil. 307 (2005) [Per J. Corona, Third Division].

[96] Id. at 316.

[97] 944 Phil. 81 (2023) [Per J. Caguioa, En Banc].

[98] Id. at 131-133.

[99] SECTION 5. Functions and Powers of the Metropolitan Manila Development Authority. — The MMDA shall:

....

(e) The MMDA shall set the policies concerning traffic in Metro Manila, and shall coordinate and regulate the implementation of ail programs and projects concerning traffic management, specifically pertaining to enforcement, engineering and education. Upon request, it shall be extended assistance and cooperation, including but not limited to, assignment of personnel, by all other government agencies and offices concerned;

(1) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, the provisions of [Republic Act No.] 4136 and [Presidential Decree No.] 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose[.]

[100] SECTION 447. Powers, Duties, Functions and Compensation. — (a) The sangguniang bayan, as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality 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 the 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; provide for the lighting, cleaning and sprinkling of streets and public places;

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

[101] SECTION 458. Powers, Duties, Functions and Compensation. — (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 the 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 or encroachments and illegal constructions in public places[.]

[102] See *Federation of Jeepney Operators and Drivers Association of The Philippines (FEJODAP) v. City of Manila*, 944 Phil. 81 (2023) [Per J. Caguioa, En Banc].

[103] *Id.*

[104] *Id.* at 122-123.

[105] *Rollo* (G.R. No. 263752), pp. 40-41.

[106] *Id.* at 1160-1161.

[107] *Rollo* (G.R. No. 263752), pp. 1161-1162.

[108] 523 Phil. 98 (2006) [Per J. Tinga, Third Division].

[109] *Id.* at 106-107.

[110] *Id.*

- [111] See *Sps. Ong v. Court of Appeals*, 433 Phil. 490, 501 (2002), [Per J. Bellosillo, Second Division].
- [112] *Rollo* (G.R. No. 261892), p. 3349.
- [113] See *Pryce Corporation v. China Banking Corporation*, 727 Phil. 1, 12 (2014) [Per J. Leonen, En Banc].
- [114] *Id.* at 12.
- [115] 517 Phil. 572 (2006) [Per J. Chico-Nazario, First Division].
- [116] *Id.* at 584.
- [117] 727 Phil. 1 (2014) [Per J. Leonen, En Banc].
- [118] See *Dy v. Mandy Commodities, Inc.*, 611 Phil. 74, 84-85 (2009) [Per J. Chico-Nazario, Third Division].
- [119] *Rollo* (G.R. No. 261892), p. 3349.
- [120] *Rollo* (G.R. No. 263752), pp. 1160-1161.
- [121] *Batas Pambansa Blg. 129* (1981). The Judiciary Reorganization Act of 1980.
- [122] *Rollo* (G.R. No. 263752) pp. 32-34 and 160-161.
- [123] *Rollo* (G.R. No. 263752) pp. 162-163.
- [124] *Id.* at 37 and 164.
- [125] See *Fontana Development Corp. v. Vukasinovic*, 795 Phil. 913, 920 (2016) [Per J. Velasco, Third Division] and *Buan v. Lopez, Jr.*, 229 Phil. 65 (1986) [Per J. Narvasa, First Division].
- [126] See *Fontana Development Corp. v. Vukasinovic*, 795 Phil. 913, 923-924 (2016) [Per J. Velasco, Third Division].
- [127] *Atty. Calleja v. Executive Secretary Medialdea*, 918-B Phil. 1 (2021) [Per J. Carandang, En Banc].
- [128] See *id.* at 50.
- [129] *Id.* at 50-54.
- [130] See *Kilusang Mayo Uno, et al. vs. Hon. Aquino, et al.*, 850 Phil. 1168 (2019) [Per J. Leonen, En Banc].
- [131] 460 Phil. 830 (2003) [Per J. Carpio Morales, En Banc].
- [132] *Id.* at 903-905.
- [133] *Id.* at 905-908.
- [134] See *Association of Medical Clinics for Overseas Workers, Inc. v. GCC Approved Medical Centers Association, Inc.*, 802 Phil. 116 (2016) [Per J. Brion, En Banc].
- [135] *Id.* at 137.
- [136] *Saguisag, et al. vs. Exec. Sec. Ochoa, et al.*, 777 Phil. 280, 347 (2016) [Per C.J. Sereno, En Banc]. (Citation omitted.)
- [137] *Rollo* (G.R. No. 261892), pp. 3255-3256 and *rollo* (G.R. No. 262192), p. 1894.
- [138] *Id.*

- [139] See *Araullo, et al. vs. President Benigno S.C. Aquino III, et al.*, 737 Phil. 457, 531 (2014) [Per J. Bersamin, En Banc].
- [140] 737 Phil. 457 (2014) [Per J. Bersamin, En Banc].
- [141] *Id.* at 531.
- [142] *Saguisag, et al vs. Exec. Sec. Ochoa, et al.*, 777 Phil. 281 (2016) [Per CJ Sereno, En Banc].
- [143] *Id.* at 282.
- [144] See *Atty. Calleja v. Executive Secretary Medialdea*, 918-B Phil. 1, 54-55 (2021) [Per J. Carandang, En Banc].
- [145] *Kilusang Mayo Uno, et al. vs. Hon. Aquino, et al.*, 850 Phil. 1168 (2019) [Per J. Leonen, En Banc].
- [146] See *Samahan ng mga Progresibong Kabataan, et al. v. Quezon City et al.*, 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].
- [147] See *Kilusang Mayo Uno, et al. v. Hon. Aquino, et al.*, 850 Phil. 1168 (2019) [Per J. Leonen, En Banc].
- [148] *Id.* at 1189.
- [149] See *Information Technology Foundation of the Phils. v. COMELEC*, 499.Phil. 281, 286 (2005) [Per J. Panganiban, En Banc].
- [150] See *Atty. Calleja v. Executive Secretary Medialdea*, 918-B Phil. 1, 56 (2021) [Per J. Carandang, En Banc].
- [151] See *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1070 (2017) [Per J. Perlas-Bernabe, En Banc].
- [152] 854 Phil. 675 (2019) [Per J. Peralta, En Banc].
- [153] 391 Phil. 84 (2000) [Per J. Panganiban, En Banc].
- [154] *Inmates of the New Bilibid Prison vs. Sec. De Lima, et al.*, 854 Phil. 675, 694-695 (2019) [Per J. Peralta, En Banc].
- [155] *Francisco, Jr. v. Toll Regulatory Board et al.*, 648 Phil. 54, 87 (2010) [Per J. Velasco, Jr., En Banc].
- [156] *Id.* at 87.
- [157] See *Maunlad Homes, Inc. v. Union Bank of the Philippines*, 867 Phil. 334 (2019) [Per J. Inting, Second Division].
- [158] See *id.* at 335.
- [159] See *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1090 (2017) [Per J. Perlas-Bernabe, En Banc].
- [160] *Kilusang Mayo Uno, et al. vs. Hon. Aquino, et al.*, 850 Phil. 1168, 1192 (2019) [Per J. Leonen, En Banc].
- [161] *Id.* at 1192.
- [162] See *Maunlad Homes, Inc. v. Union Bank of the Philippines*, 867 Phil. 334, (2019) [Per J. Inting, Second Division].

[163] Id. at 335.

[164] Rollo (G.R. No. 261892), pp. 3274-3275.

[165] Id. at 3278-3285.

[166] Id. at 3285-3286.

[167] Rollo (G.R. No. 262192), pp. 1904-1905.

[168] Rollo (G.R. No. 261892), p. 3148.

[169] Id. at 3162-3163.

[170] Id.

[171] Id. at 2794-2795.

[172] Rollo (G.R. No. 261892), p. 3406 pp. 2971-2972.

[173] See *Samahan ng mga Progresibong Kabataan v. Quezon City*, 815 Phil. 1067, 1070 (2017) [Per J. Perlas-Bernabe, En Banc].

[174] SECTION 130. Fundamental Principles. — The following fundamental principles shall govern the exercise of the taxing and other revenue-raising powers of local government units:

....

(d) The revenue collected pursuant to the provisions of this Code shall inure solely to the benefit of, and be subject to the disposition by, the local government unit levying the tax, fee, charge or other imposition unless otherwise specifically provided herein[.]

[175] Confiscation of Driver's Licenses. — Law enforcement and peace officers duly, designated by the Commissioner shall, in apprehending any driver for violations of this Act or of any regulations issued pursuant thereto, or of local traffic rules and regulations, confiscate the license of the driver concerned and issue a receipt prescribed and issued by the Commission therefor which shall authorize the driver to operate a motor vehicle for a period not exceeding seventy-two hours from the time and date of issue of said receipt. The period so fixed in the receipt shall not be extended, and shall become invalid thereafter. Failure of the driver to settle his case within fifteen days from the date of apprehension will cause suspension and revocation of his license.

[176] Rollo, (G.R. No. 261892), pp. 3287-3289 and 3297-3300.

[177] 854 Phil. 675 (2019) [Per J. Peralta, En Banc].

[178] See *Inmates of the New Bilibid Prison v. Sec. De Lima*, 854 Phil. 675 (2019) [Per J. Peralta, En Banc].

[179] Rollo (G.R. No. 261892), p. 2685.

[180] See *Kilusang Mayo Uno v. Aquino III*, 850 Phil. 1168, 1192 (2019) [Per. J. Leonen, En Banc].

[181] See *Morcal v. Laviña*, 512 Phil. 864, 868-869 (2005) [Per J. Quisumbing, First Division].

[182] *Addition Hills Mandaluyong Civic & Social Organization, Inc. v. Megaworld Properties & Holdings, Inc.*, 686 Phil. 76 (2012) [Per J. Leonardo De Castro, First Division].

[183] Id. at 81.

- [184] Rep. of the Phils, v. Lacap, 546 Phil. 87, 97 (2007) [Per Austria Martinez, Third Division].
- [185] Bayan Muna Representatives Colmenares and Zarate v. Energy Regulatory Commission, 909 Phil. 138 (2021) [Per J. J. Lopez, En Banc].
- [186] Id. at 149.
- [187] Id. at 151.
- [188] See The Roman Catholic Bishop of Malolos, Inc. v. Heirs of Mariano Marcos, 874 Phil. 481, 482 (2020) [Per J. Caguioa, First Division].
- [189] Id. at 496.
- [190] See rollo (G.R. No. 261892), pp. 2820-2821.
- [191] Id. at 2982-2984.
- [192] Id. at 2982.
- [193] Approved on August 15, 2012.
- [194] Rollo (G.R. No. 261892), pp. 3267-3268; rollo (G.R. No. 262192), p. 1911.
- [195] See Department of Finance v. Dela Cruz, Jr., 767 Phil. 611 (2015) [Per J. Carpio, Second Division].
- [196] See The Roman Catholic Bishop of Malolos, Inc. v. Heirs of Marcos, 874 Phil. 481, 482 (2020) [Per J. Caguioa, First Division].
- [197] See Nagel v. Board of Commissioners, Bureau of Immigration, 948 Phil. 539 (2020) [Per J. Kho, Jr., Second Division].
- [198] See Republic Act No. 10173 (2012), sec. 7, Data Privacy Act.
- [199] See rollo, G.R. No. 262192, pp. 1892-1910.
- [200] Implementing Rules and Regulations of Republic Act No. 10173 (2012) Rule VI, sec. 25.
- [201] Implementing Rules and Regulations of Republic Act No. 10173 (2012) Rule VI, sec. 29.
- [202] See rollo, pp. 3437-3456, Data Processing Agreement between Quezon City and QPAX.
- [203] Id.
- [204] Id.
- [205] 890 Phil. 1031 (2020) [Per J. Zalameda, En Banc].
- [206] Id. at 1031-1032.
- [207] Rollo (G.R. No. 261892), p. 3605.
- [208] Rollo (G.R. No. 261892), pp. 3604-3605.
- [209] Id. at 3607.
- [210] See Prof. David v. Pres. Macapagal-Arroyo, 522 Phil. 705, 753 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[211] Id. at 754.

[212] Id.

[213] 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, En Banc].

[214] Id. at 524-525.

[215] 791 Phil. 243 (2016) [Per J. Perlas-Bernabe, En Banc].

[216] Id. at 273.

[217] 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, En Banc].

[218] Id. at 522.

[219] *International Service for the Acquisition of Agri-Biotech Applications, Inc. v. Greenpeace Southeast Asia (Philippines)*, 791 Phil. 243 (2016) [Per J. Perlas-Bernabe, En Banc].

[220] 392 Phil. 618 (2000) [Per J. Kapunan, En Banc].

[221] Id. at 632-633.

[222] 463 Phil. 179 (2003) [Per J. Callejo Sr., En Banc].

[223] Id. at 195.

[224] *ACT Teachers Rep. Tinio v. President Duterte*, 934 Phil. 212 (2023) [Per J. Dimaampao, En Banc].

[225] 861 Phil. 388 (2019) [Per J. Leonen, En Banc].

[226] Id. at 396.

[227] 596 Phil. 444 (2009) [Per J. Tinga, En Banc].

[228] Id. at 456.

[229] *Rollo* (G.R. No. 261892), p. 3262.

[230] Id.

[231] *Rollo* (G.R. No. 262192), p. 1907.

[232] *Rollo* (G.R. No. 261892), pp. 2795-2801 and 3115.

[233] 898 Phil. 522 (2021) [Per J. Leonen, En Banc].

[234] *Rollo* (G.R. No. 261892), p. 3114.

[235] Id. at 2807.

[236] 740 Phil. 472 (2014) [Per Acting C.J. Carpio, En Banc].

[237] Id. at 479.

[238] 888 Phil. 640 (2020) [Per J. Leonen, En Banc].

[239] *Rollo* (G.R. No. 261892), pp. 578-589 and pp. 2798-2801.

[240] 861 Phil. 388 (2019) [Per J. Leonen, En Banc].

[241] 875 Phil. 172 (2020) [Per J. Leonen, En Banc].

[242] *Bayan Muna v. Romulo*, 656 Phil. 246 (2011) [Per J. VeJasco Jr., En Banc].

[243] 732 Phil. 1 (2014) [Per J. Mendoza, En Banc].

[244] *Id.* at 128.

[245] 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

[246] See *Samahan ng mga Progresihong Kabataan, et al. v. Quezon City, et al.*, 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

[247] See *Venus Commercial Co., Inc. v. Department of Health*, 916 Phil. 16 (2021) [Per J. Lazaro-Javier, First Division].

[248] *Id.* at 35.

[249] See *Calleja v. Executive Secretary*, 918 Phil. 1 (2021) [Per J. Carandang, En Banc].

[250] *Id.*

[251] 934 Phil. 212 (2023) [Per J. Dimaampao, En Banc].

[252] *Id.* at 226.

[253] *Province of Maguindanao Del Norte v. Bureau of Local Government Finance, Regional Office No. XII*, 942 Phil. 788 (2023) [Per J. Lazaro-Javier, Second Division].

[254] SECTION 5. The Supreme Court shall have the following powers:

(1) Exercise original jurisdiction over cases affecting ambassadors, other public ministers and consuls, and over petitions for certiorari, prohibition, mandamus, quo warranto, and habeas corpus.

[255] SECTION 9. Jurisdiction. — The Intermediate Appellate Court shall exercise:

(1) Original jurisdiction to issue writs of mandamus, prohibition, certiorari, habeas corpus, and quo warranto, and auxiliary writs or processes, whether or not in aid of its appellate jurisdiction;

[256] SECTION 21. Original Jurisdiction in Other Cases. — Regional Trial Courts shall exercise original jurisdiction:

(1) In the issuance of writs of certiorari, prohibition, mandamus, quo warranto, habeas corpus and injunction which may be enforced in any part of their respective regions;

[257] The Judiciary Reorganization Act of 1980, Approved on August 14, 1981.

[258] See *Province of Maguindanao Del Norte v. Bureau of Local Government Finance, Regional Office No. XII*, 942 Phil. 788 (2023) [Per J. Lazaro-Javier, Second Division].

[259] *Abines v. Secretary Duque III*, 929 Phil. 828 (2022) [Per Acting CJ Leonen, En Banc]. (Citation omitted)

[260] 751 Phil. 301 (2015) [Per J. Leonen, En Banc].

[261] *Id.* at 328.

[262] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[263] *Id.* at 136.

[264] 942 Phil. 788 (2023) [Per J. Lazaro-Javier, Second Division].

[265] Id. at 797.

[266] See GIOS-SAMAR, Inc. v. Dept. of Transportation and Communications, et al., 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[267] The Diocese of Bacolod, et. al. vs. COMELEC, et al., 751 Phil. 301, 330 (2015) [Per J. Leonen, En Banc].

[268] Id. at 331-335.

[269] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[270] Id. at 175.

[271] Id. at 187.

[272] Leoncio, et al v. Vera, et al., 569 Phil. 512 (2008) [Per J. Nachura, Third Division].

[273] Velayo-Fong v. Spouses Velayo, 539 Phil. 377 (2006) [Per J. Austria-Martinez, First Division].

.

[274] Id. at 386-387.

[275] See China Road v. Court of Appeals, 401 Phil. 590, 599 (2000) [Per J. Bellosillo, Second Division].

[276] First, a direct resort to this court is allowed when there are genuine issues of constitutionality that must be addressed at the most immediate time.

[277] Second is when the issues involved are of transcendental importance.

[278] Third, cases of first impression warrant a direct resort to this court.

[279] Fourth, the constitutional issues raised are better decided by this court.

[280] Eighth, [when] the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy."

[281] 751 Phil. 301 (2015) [Per J. Leonen, En Banc].

[282] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

[283] 907 Phil. 584 (2021) [Per J. Lazaro-Javier, Second Division].

[284] Id. at 591.

[285] 932 Phil. 753 (2023) [Per J. Gaerlan, En Banc].

[286] Id. at 764.

[287] Id. at 274.

[288] See ACT Teachers Rep. Tinio v. President Duterte, 934 Phil. 212, 274 (2023) [Per J. Dimaampao, En Banc].

[289] See Calleja v. Executive Secretary, 918-B Phil. 1 (2021) [Per J. Carandang, En Banc].

[290] 849 Phil. 120 (2019) [Per J. Jardeleza, En Banc].

- [291] See *China Road v. Court of Appeals*, 401 Phil. 590, 599 (2000).
- [292] 918-B Phil. 1 (2021) [Per J. Carandang, En Banc].
- [293] *Id.* at 696.
- [294] 580 Phil. 301 (2008) [Per J. Reyes, R., En Banc].
- [295] *Id.* at 327.
- [296] See rollo, KAPIT Memorandum, pp. 63-66.
- [297] *Id.*, KAPIT Memorandum, p. 69.
- [298] 918-B Phil. 1 (2021) [Per J. Carandang, En Banc].
- [299] 580 Phil. 301 (2008) Per J. Reyes, R., En Banc].
- [300] *Medado v. Heirs of Consing*, 681 Phil. 536 (2012) [Per J. Reyes, Second Division].
- [301] See *Metropolitan Manila Development Authority v. Bel-Air Village Association, Inc.*, 385 Phil. 586 (2000) [Per J. Puno, First Division].
- [302] *Id.* at 602.
- [303] 593 Phil. 301 (2008) [Per J. Brion, En Banc].
- [304] *Id.* at 697-698.
- [305] See *id.* at 680.
- [306] See *Basco v. Philippine Amusements and Gaming Corp.*, 274 Phil. 323 (991) [Per J. Paras, En Banc].
- [307] *Id.* at 341.
- [308] See *Ferrer, Jr. v. Bautista*, 762 Phil. 233, 265 (2015) [Per J. Peralta, En Banc].
- [309] The Congress shall enact a local government code which shall provide for a more responsive and accountable local government structure instituted through a system of decentralization with effective mechanisms of recall, initiative, and, referendum, allocate among the different local government units their powers, responsibilities, and resources, and provide for the qualifications, election, appointment and removal, term, salaries, powers and functions and duties of local officials, and all other matters relating to the organization and operation of the local units.
- [310] See *Demaala v. Commission on Audit*, 754 Phil. 28 (2015) [Per J. Leonen, En Banc].
- [311] See *Legaspi v. City of Cebu*, 723 Phil. 90 (2013) [Per J. Bersamin, En Banc].
- [312] 793 Phil. 17 (2016) [Per J. Bersamin, En Banc].
- [313] *Id.* at 55-56.
- [314] *Id.*
- [315] Rollo.
- [316] 723 Phil. 90 (2013) [Per J. Bersamin, En Banc].
- [317] 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 basis 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.

[318] 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 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.

[319] See *Legaspi v. City of Cebu*, 720 Phil. 90 (2013) [Per J. Bersamin, En Banc].

[320] *Id.* at 106.

[321] *Id.*

[322] See *Metropolitan Manila Development Authority v. Bel-Air Village, Association, Inc.*, 385 Phil. 586 (2000) [Per J. Puno, First Division].

[323] See Republic Act No. 7924, sec. 2, An Act Creating The Metropolitan Manila Development Authority, Defining its Powers And Function, Providing Funds Therefor And Other Purposes.

[324] 385 Phil. 586 (2000) [Per J. Puno, First Division].

[325] *Id.*

[326] G.R. Nos. 206486 and 212604, August 16, 2022.

[327] See Republic Act No. 7924, sec. 1.

[328] G.R. Nos. 206486 and 212604, August 16, 2022.

[329] Republic Act No. 7924, sec. 5(e).

[330] Id.

[331] See Republic Act No. 7924 (1995), sec. 5(f) An Act Creating the Metropolitan Manila Development Authority, Defining its Powers And Function, Providing Funds Therefor And Other Purposes.

[332] See Republic Act No. 7924, sec. 4. See also MMDA Resolution No. 10-01.

[333] Metropolitan Manila Development Authority v. Bel-Air Village Association, Inc., 385 Phil. 586-622 (2000) [Per J. Puno, First Division].

[334] See Republic v. Maria Basa Express Jeepney Operators and Drivers Association, Inc., 928 Phil. 182 (2022) [Per J. J. Lopez, En Banc].

[335] Emphasis supplied.

[336] Emphasis supplied.

[337] Federation of Jeepney Operators and Drivers Association of the Philippines v. Government of Manila City, 944 Phil. 81 (2023) [Per J. Caguioa, En Banc].

[338] Id.

[339] Id. at 122-123.

[340] Id. at 123.

[341] Id.

[342] Rollo (G.R. No. 261892), pp. 3127-3128.

[343] TSN pp. 116-118, Oral Argument, January 24, 2023.

[344] Rollo (G.R. No. 261892), p. 802.

[345] Joint Manifestation dated October 3, 2025.

[346] Federation of Jeepney Operators and Drivers Association of the Philippines v. Government of Manila City, 944 Phil. 81 (2023) [Per J. Caguioa, En Banc].

[347] Rollo (G.R. No. 261892) pp. 2587, 3275 and 2587.

[348] Id. at 3021 and 3420-3421.

[349] Id. at 2741, 2860-2862, and 3127-3135.

[350] Republic Act No. 4136 (1964), Land Transportation and Traffic Code.

[351] Republic Act No. 4136 (1964), sec. 2.

[352] See Luz v. People, 683 Phil. 399, 406 (2012) [Per J. Sereno, Second Division].

[353] Executive Order No. 266 (1987), Providing For Two Service Unite In The Office Of The Assistant Secretary For Land Transportation In The Department Of Transportation And Communications, Defining The

Powers And Functions Thereof And Other Purposes.

[354] See Executive Order No. 266 (1987), sec. 3(a). (Emphasis supplied)

[355] Executive Order No. 292 (1987). The Administrative Code of 1987.

[356] See *Pantaleon v. MMDA*, 890 Phil. 453, 406 (2020) [Per J. Leonen, En Banc].

[357] See Manila Ordinance No. 8676, Section 4(D); Muntinlupa City Ordinance No. 2021-280, Section 5(d); Parañaque City Traffic Code; Article IV, Section 10, paragraph 3, as amended by Ordinance No. 19-31, s. 2019; Quezon City Traffic Management Code of 2018. Article XX-A, Section 2, as amended by Ordinance No. SP-3052, s. 2021; and Valenzuela City Ordinance No. 572, s. 2019, Section 3(a).

[358] See rollo (G.R. No. 261892), pp. 77-78.

[359] Manila Ordinance No. 8696. See rollo (G.R. No. 261892), pp. 67-68.

[360] See rollo (G.R. No. 261892), pp. 155-156.

[361] See *id.* at 146.

[362] Parañaque City Ordinance No. 19-31. Series of 2019, *Id.* at 138-139.

[363] *Id.* at 87.

[364] See rollo (G.R. No. 263752), p. 77.

[365] Valenzuela City Ordinance No. 918, s. 2021. See rollo (G.R. No. 261892), pp. 126-128.

[366] 205 Phil. 373 (1983) [Per J. Gutierrez, Jr., First Division].

[367] *Id.* at 378-379.

[368] 926 Phil. 1 (2022) [Per J. Hernando, En Banc].

[369] *Id.* at 22.

[370] See Manila Ordinance No. 8676, Section 2; Muntinlupa City Ordinance No. 2021-280, Section 5(d); Parañaque City Ordinance No. 17-06, s. 2016, Whereas Clauses; Quezon City Revised Traffic Management Code of 2018, Article XX-A, Section 1, as amended by Ordinance No. SP-3052, s. 2021; and The Land Transportation Code of Valenzuela City. Article XXIV, Section 138, as amended by Ordinance No. 572, s. 2019.

[371] See *Atty. Francisco v. Del Castillo*, 910 Phil. 291, 311 (2021) [Per J. J. Lopez, En Banc].

[372] CONST., art. III, sec. 14(1).

[373] See *Remolano v. People of the Philippines*, 912 Phil. 931, 939 (2021) [Per J. Lazaro-Javier, First Division].

[374] See *Municipality of San Mateo, Isabela v. Smart Communications, Inc.*, 905 Phil. 260, 269 (2021) [Per J. Zalameda, First Division]. (Citations omitted)

[375] *Id.* at 271.

[376] *Id.* at 269.

[377] See *Mosqueda v. Pilipino Banana Growers & Exporters Assn., Inc.*, 793 Phil. 17, 54 (2016) [Per J. Bersamin, En Banc].

[378] See *Municipality of San Mateo, Isabela v. Smart Communications, Inc.*, 905 Phil. 260, 269 (2021) [Per J. Zalameda, First Division].

[379] See *Ferrrer v. Mayor Bautista*, 762 Phil. 233, 263 (2015) [Per J. Peralta, En Banc].

[380] See *Office of the Ombudsman v. Gatchalian*, 896 Phil. 578, 598 (2021) [Per J. Zalameda, First Division].

[381] *Rollo* (G.R. No. 261892), p. 3274.

[382] *Id.* at 2585.

[383] *Id.* at 2602 and 3299.

[384] *Id.* at 2648-2650, 2724-2727, 2850, 3013-3015, and 3140-3142.

[385] *Id.* at 2641-2646, 2706-2712, 2923, 2990-3000, 3177-3180, and 3416-3419.

[386] See *Legaspi v. City of Cebu*, 723 Phil. 90, 103-104 (2013) [Per J. Bersamin, En Banc].

[387] 596 Phil. 444 (2009) [Per J. Tinga, En Banc].

[388] *Id.* at 461-462.

[389] *Id.* at 462.

[390] *Id.* at 463.

[391] See *Disini, Jr. v. Secretary of Justice*, 727 Phil. 28, 130 (2014) [Per. J. Abad, En Banc].

[392] See *Philippine Stock Exchange, Inc. v. Secretary of Finance*, 2022 [For J. Hernando, En Banc].

[393] 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 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.

[394] See *Mosqueda v. Pilipino Banana Growers & Exporters Association, Inc.*, 793 Phil. 17, 55 (2016) [Per J. Bersamin, En Banc].

[395] See *Ferrer, Jr. v. Bautista*, 762 Phil. 233, 280 (2015) [Per J. Peralta, En Banc].

[396] *Id.* at 275.

[397] See *Municipality of Biñan, Laguna v. Holiday Hills Stock & Breeding Farm Corporation*, 2022 [Per J. J. Lopez, Second Division]. (Citations omitted)

[398] See *Republic v. Maria Basa Express Jeepney Operators and Drivers Association, Inc.*, G.R. Nos. 206486, 212604, 212682 and 212800, August 16, 2022 [Per J. J. Lopez, En Banc]. (Citations omitted)

[399] See *Mosqueda v. Pilipino Banana Growers & Exporters Association, Inc.*, 793 Phil. 17, 59 (2016) [Per J. Bersamin, En Banc].

[400] *Rollo* (G.R. No. 261892), p. 71.

[401] Id. at 149.

[402] Id. at 143.

[403] Id. at 81-83.

[404] Id. at 119.

[405] See *Lucena Grand Central Terminal, Inc. v. Jac Liner, Inc.*, 492 Phil. 314, 322 (2005) [Per J. Carpio-Morales, En Banc].

[406] See *Venus Commercial Co., Inc. v. The Department of Health*, (2021) [Per J. Lazaro-Javier, First Division].

[407] See *Social Justice Society v. Chevron Philippines, Inc.*, 568 Phil. 658, 703-704 (2008) [Per J. Corona, First Division].

[408] See *MMDA v. Viron Transportation, Co., Inc.*, 557 Phil. 121, 147 (2007) [Per J. Carpio-Morales, En Banc].

[409] See *Social Justice Society, et al. v. Chevron Philippines, Inc., et al.*, 568 Phil. 658, 704 (2008) [Per J. Corona, First Division]. (Citations omitted)

[410] See *MMDA v. Garin*, 496 Phil. 82, 89-90 (2005) [Per J. Chico-Nazario, Second Division]. (Citations omitted)

[411] 63 P. 2d 653, 108 ALR 1156, 1159.

[412] 323 Pa. 390, 186 A, 65 (108 ALR 1161).

[413] Id.

[414] Rollo (G.R. No. 261892), pp. 72 and 77-78.

[415] Id. at 149-150 and 155-156.

[416] Id. at 144-145. Amended by Ordinance No. 19-31, s. 2019.

[417] Rollo (G.R. No. 261892), pp. 84-86.

[418] Rollo (G.R. No. 261892), pp. 119-120 and 125-132.

[419] See rollo (G.R. No. 261892), pp. 1052 (Valenzuela City), 2135-2136 (Quezon City), 2181-2182 (City of Manila), and 2224-2225 (Parañaque City).

[420] See rollo (G.R. No. 261892), p. 1052.

[421] Traffic Law Enforcement across the EU, European Transport Safety Council, https://etsc.eu/wp-content/uploads/Traffic_Law_Enforcement_in_the_EU.pdf (last accessed on December 4, 2023)

[422] See rollo (G.R. No. 261892), p. 7383, 115, and 151.

[423] Manila Ordinance No. 8676, Section 7.

[424] Quezon City Revised Traffic Management Code of 2018, Article XX-A, Section 6, as amended by Ordinance No. SP-3052, s. 2021.

[425] The Land Transportation Code of Valenzuela City, Article XXIV, Section 141, as amended by Ordinance No. 572, s. 2019.

- [426] Muntinlupa City Ordinance No. 2021-280, Section 6.
- [427] Parañaque City Resolution No. 18-05, s. 2018, Rule 3, Section 6.
- [428] Parañaque City Ordinance No. 17-06, s. 2016.
- [429] TSN p. 41, Oral Arguments, January 24, 2023.
- [430] See rollo (G.R. No. 261892).
- [431] Id.
- [432] Id.
- [433] Id.
- [434] Id. at 46.
- [435] Id.
- [436] See rollo (G.R. No. 261892), OSG Memorandum, par. 199.
- [437] G.R. No. L-9605, 102 Phil. 103-110 (1957) [Per J. Labrador].
- [438] See rollo (G.R. No. 261892), QC Memorandum, par. 56.
- [439] G.R. No. L-9605, 102 Phil. 103-110 (1957) [Per J. Labrador].
- [440] Id. at 108.
- [441] See *Spouses Mangaron v. Hanna Via Design & Construction*, 863 Phil. 731 (2019) [Per J. Reyes, Second Division].
- [442] Id.
- [443] CIVIL CODE, art. 2176.
- [444] CIVIL CODE, art. 2180.
- [445] CIVIL CODE, art. 1157.
- [446] 437 Phil. 244, 252 (2002) [Per J. Panganiban, Third Division].
- [447] Id.
- [448] Id. at 255.
- [449] *Magsaysay Maritime Corp. v. Heirs of Buenaflor*, G.R. No. 227447, June 23, 2020.
- [450] 540 Phil. 502 (2006).
- [451] Id. at 514.
- [452] See *Filcar Transport Services v. Espinas*, 688 Phil. 430-442 (2012) [Per J. Brion, Second Division].
- [453] TSN p. 99, Oral Arguments dated January 24, 2023.
- [454] TSN pp. 60-65, Oral Arguments, December 6, 2022. (Emphasis supplied)
- [455] Id.

[456] Rollo (G.R. No. 261892), p 3275.

[457] Id. at 2586.

[458] Id. at pp. 2646-2648, 2718-2723, 2856-2858, 3010-3013, 3147-3149, and 3410-3411.

[459] Id. at 2858.

[460] TSN, Oral Arguments, December 6, 2022, pp. 54-56.

[461] 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

[462] Id. at 1095-1096.

[463] Rollo (G.R. No. 261892), pp. 74-77.

[464] See *Legaspi v. City of Cebu, et al.*, 723 Phil. 90 (2013) [Per J. Bersamin, En Banc].

[465] Id. at 12.

[466] 915 Phil. 220 (2021) [Per J. Lopez, En Banc].

[467] Id. at 226-227.

[468] *Sabio v. Gordon*, 504 Phil. 704 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[469] 354 Phil. 948 (1998) [Per J. Puno, En Banc].

[470] Id.

[471] 727 Phil. 28 (2014) [Per J. Abad, En Banc].

[472] 429 U.S. 589 (1977).

[473] See *Disini v. Secretary of Justice*, 727 Phil. 28 (2014) [Per J. Abad, En Banc].

[474] 744 Phil. 451 (2014) [Per J. Velasco, Jr., Third Division].

[475] Id. citing Chief Justice Reynato S. Puno's speech, entitled *The Common "Right to Privacy."*

[476] *Ople v. Torres*, 354 Phil. 948 (1998) [Per J. Puno, En Banc].

[477] 504 Phil. 704 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[478] See *id.*; See also *Disini, Jr. v. Secretary of Justice*, 727 Phil. 28 (2014) [Per J. Abad, En Banc].

[479] See *Sabio v. Gordon*, 504 Phil. 704 (2006) [Per J. Sandoval-Gutierrez, En Banc].

[480] G.R. No. 127685, July 23, 1998.

[481] Id.

[482] 727 Phil. 28 (2014) [Per J. Abad, En Banc].

[483] G.R. Nos. 203335, 203299, 203306, 203359, 203378, 203391, 203407, 203440, 203453, 203454, 203469, 203501, 203509, 203515 & 203518, February 18, 2014.

[484] See *Ople v. Torres*, G.R. No. 127685, July 23, 1998.

[485] Id.

[486] 924 Phil. 615 (2022) [Per J. Hernando, En Banc].

[487] Id.

[488] Rollo (G.R. No. 262192), pp. 1925-1929.

[489] Rollo (G.R. No. 262192), p. 1926.

[490] Rollo (G.R. No. 261892), pp. 3282-3283.

[491] Id. at 3284.

[492] Id. at 3161-3162.

[493] Id. at 2364.

[494] Id. at 3162.

[495] Id. at 3411-3413.

[496] See *Samahan ng mga Progresibong Kabataan, et al. v. Quezon City et al.*, 815 Phil. 1067 (2017) [Per J. Perlas-Bernabe, En Banc].

[497] See TSN, Oral Arguments, December 6, 2022, pp. 67-68.

[498] Rollo (G.R. No. 261892), p. 146.

[499] SEC. 10. Implementing Rules and Regulations. – Upon consultation with the stakeholders, the City Legal Office and the Manila Traffic and Parking Bureau (MTPB) may, if necessary, formulate the applicable implementing rules and regulations of this Ordinance.

[500] SECTION 9. Implementing Rules and Regulations. – The City Legal Office and the Muntinlupa Traffic Management Bureau (MTMB) will formulate the applicable implementing rules and regulations of this Ordinance within 90 days from the passage of this Ordinance.

[501] SECTION 6. The Quezon City Revised Traffic Management Code of 2018 Code [sic] is hereby amended to include an ARTICLE XX-A to read as follows:

"ARTICLE XX-A. NO CONTACT APPREHENSION PROGRAM

. . . .

SECTION 9. NCAP IMPLEMENTING RULES – The Lead Agency and the City Legal Department may, if necessary, formulate the necessary rules and regulations for the implementation of the NCAP under this Ordinance."

[502] Section 152. Implementing Rules and regulations. – There is hereby created a Committee to be composed of the Chair of the Committee on Public Utilities and Facilities, and the Committee on Ordinances and Legal Matters of the Sanggunian, the Head of Community Affairs Office, the Head of the Traffic Management Office, a representative from the Office of the City Mayor and one (1) representative from tricycle operators and drivers association, to draft the Implementing Rules and Regulations (IRR) and serve as the Oversight Committee of this Code[.] The Committee shall submit to the City Mayor and the Sanggunian, [t]he IRR thirty (30) days upon approval of this Code.

[503] Rollo (G.R. No. 262192), pp. 1123-1134.

[504] 317 Phil. 578 (1995) [Per J. Feliciano, Third Division].

[505] Id.

[506] Rollo (G.R. No. 262192), p. 1926.

[507] Id.

[508] Id.

[509] 1. The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras in intersections and motorways within the City. The "Traffic Enforcement Cameras" are electric devices that automatically take high speed, high resolution photos and videos of vehicle committing the Violations defined in this Chapter.

....

3. The City shall create a "Motor Vehicle Registration Alert System" (MVRAS) wherein it will link up with the Land Transportation Office (LTO) to access the said agency's database of information of vehicles caught by the NCAP. In relation to implementation of the NCAP, the City and LTO may enter into Memorandum of Agreement wherein it will state that, among others, the LTO will provide information to the City for the purpose of identifying the owners of apprehended vehicles. In addition, all integral to the NCAP is the ability of the City to give instructions to the LTO to put an alarm on the registration of the vehicle and the driver's license of a violator should the violator [fail] to pay the corresponding fine/penalties subject to the conditions mentioned below.

[510] SECTION 4. Implementation –

a. The City Government on its own or through a Joint Venture or Service Agreement shall cause the installation of Traffic Enforcement Cameras (TECs) in intersections and motorways within the City. The TECs are electric devices that automatically take high[-]speed, high[-]resolution photos and videos of vehicle committing the Violations defined in this Chapter.

....

c. The City shall create a Motor Vehicle Registration Alert System (MVRAS) wherein it will link up with the LTO to access the said agency's database of information of vehicles caught by the NCAP. In relation to implementation of the NCAP, the City and LTO may enter into Memorandum of Agreement wherein it will state that, among others, the LTO will provide information to the City for the purpose of identifying the owners of apprehended vehicles. In addition, integral to the NCAP is the ability of the City to give instructions to the LTO to put an alarm on the registration of the vehicle and the driver's license of a violator should the-violator fail to pay the corresponding fine/penalties subject to the conditions mentioned below.

[511] Section 2. Section 10, Article IV, prescribing the rule on Obedience to Traffic Control Signals is hereby amended by adding paragraph 3 which shall read as follows:

3. A no contact traffic apprehension policy (the "Policy" for brevity) shall be strictly observed in all roads within the City of Parañaque.

....

c. Only Traffic Enforcement Cameras and speed cameras conforming to internationally accepted standards such as those already being successfully used and tested in the US, Canada, Europe, Australia, and other foreign countries shall be installed within the City of Parañaque;

....

(e) A series of photographs and video images showing the Traffic Enforcement Camera Violator prior to the violation as well as the vehicle's progression through the intersection on any road covered by the traffic Enforcement Camera or speed camera shall be recorded and shall be accepted as evidence of such violation. The PTMO shall keep records of such violations for at least two (2) years but cases against the registered owner of the Traffic Enforcement Camera Violators shall be filed within two (2) years from the date of the commission of the said offense. The PTMO record shall be provided to the Philippine National Police (PNP) or to the National Bureau of Investigation (NBI) in relation to any criminal investigation where such evidence may be needed;

(f) The Traffic Enforcement Cameras shall be calibrated in such a way that they will record the license plates of the Traffic Enforcement Camera Violator as well as the date, time of day, and time elapsed when the said violation was committed;

....

(l) the filing and safe-keeping of these records shall be in compliance with all the pertinent laws, rules and regulations[;]

(m) The "MOTOR VEHICLE REGISTRATION ALERT MVRA" System – The City Government of Parañaque shall link up with the Land Transportation Office (LTO) in the implementation of its "Motor [V]ehicle Registration Alert (MVRA)[]" system and remit to the said agency its share in all revenues generated therefrom. Such share shall be transmitted by the City Government of Parañaque to the LTO before the end of every fiscal year; provided, that the details of the income sharing scheme as well as the manner by which the MVRA shall be implemented shall be embodied in a Memorandum of Agreement duly executed by and between the LTO and the City Government of Parañaque, in accordance with law. The provision of the said Memorandum of Agreement shall be deemed an integral part of the Ordinance.

[512] SECTION 2. IMPLEMENTATION – The City Government, on its own, or through a Joint Venture, Service Agreement, or other applicable mode, shall implement the NCAP, which identifies and captures violations contemplated under this Ordinance through Traffic Enforcement Cameras, without the physical apprehension of a traffic enforce[^] and the concomitant issuance of a Notice of Violation.

a.

The aforementioned Traffic Enforcement Cameras, which shall be devices that automatically take high-speed, high-resolution videos of vehicles committing the violations contemplated under this Ordinance, shall be installed over roads and intersections of Quezon City.

....

c.

The City Government shall create a "Motor Vehicle Registration Alert System[]" (MVRAS) which shall link with the LTO, to access the said agency's database of Motor Vehicles for use with the NCAP. The City Government shall enter into an agreement with the LTO for the provision of services and information to the NCAP, for the purpose of:

(i)

Identifying the registered owners, and their addresses, of Motor Vehicles identified as committing the violations contemplated under this Ordinance;

(ii)

Notifying the LTO to issue an alert to prevent the registration of the subject Motor Vehicle or the issuance of a Driver's License to the registered owner thereof, until the corresponding fine and/or penalty has been paid of the violation has been resolved under this Ordinance; and

(iii)

Such other matters as may be relevant for the implementation of the NCAP.

[513] Sec. 139. Implementation.

1.

The City Government on its own or through a joint venture or service agreement shall cause the installation of Traffic Enforcement Cameras (TECs) in intersections and motorways within the City. The "Traffic Enforcement Cameras" are electronic devices that automatically take high speed, high resolution photos and videos of vehicle committing the Violations defined in this Chapter.

....

3.

The City shall create a "Motor Vehicle Registration Alert System" (MVRAS) wherein it will link up with the Land Transportation Office (LTO) to access the said agency's database of information of vehicles caught by the NCAP. In relation to implementation of the NCAP, the City and LTO may enter into Memorandum of Agreement wherein it will state that, among others, the LTO will provide information to the City for the purpose of identifying the owners of apprehended vehicles. In addition, all (sic) integral to the NCAP is the ability of the City to give instructions to the LTO to put an alarm on the registration of the vehicle and the driver's license of a violator should the violator fail[] to pay the corresponding fine/penalties subject to the conditions mentioned below.

[514] See *Disini, Jr. v. Secretary of Justice*, 727 Phil. 28 (2014) [Per J. Abad, En Banc].

[515] G.R. Nos. 174340, 174318 & 174177, October 17, 2006.

[516] *Id.*

[517] *Disini, Jr. v. Secretary of Justice*, 727 Phil. 28 (2014) [Per J. Abad, En Banc].

[518] *Id.*

[519] *Id.*

[520] Number Plates, Preparation and Issuance of. — (a) The Commissioner shall cause number plates to be prepared and issued to owners of motor vehicles and trailers registered under this Act, charging a fee of four pesos for each pair including the numerals indicating the year of registry: Provided, however, That in case no number plates are available, the Commissioner or his deputies may issue, without charge, a written permit temporarily authorizing the operation of any motor vehicles with other means of identification: Provided, further, That all motor vehicles exempted from payment of registration fees, motor vehicles for hire, and privately-owned motor vehicles shall bear plates so designed and painted with different colors to distinguish one class from another: Provided, furthermore, That the plates of motor vehicles exempted from payment of registration fees shall be permanently assigned to such motor vehicles during their entire lifetime while exempted from payment of the fees: And, provided, finally, That the owner thereof shall return such plates to the Land Transportation

Commission within a period of seven working days after such owner has lost his exemption privilege or has transferred the vehicle to a non-exempt owner.

[521] Dated July 1, 2013.

[522] See Section 56(d) of Republic Act No. 4136 which states:

SECTION 56. Penalty for Violation. — The following penalties shall be imposed for violations of this Act:

....

(d) Driving a motor vehicle with delinquent, suspended or invalid registration, or without registration or without the proper license plate for the current year, three hundred pesos fine.

[523] See last Whereas Clause of LTO Memorandum Circular No. VPT-2013-1772.

[524] See *Sabio v. Gordon*, G.R. Nos. 174340, 174318 & 174177, October 17, 2006.

[525] See Republic Act No. 4136 (1964), sec. 4(d).

[526] G.R. Nos. 167798 & 167930, April 19, 2006.

[527] Section 3. Data requirement for the unified ID system — The data to be collected and recorded by the participating agencies shall be limited to the following:

- Name
- Home Address
- Sex
- Picture
- Signature
- Date of Birth
- Place of Birth
- Marital Status
- Names of Parents
- Height
- Weight
- Two index fingers and two thumbmarks
- Any prominent distinguishing features like moles and others
- Tax Identification Number (TIN)

Provided that a corresponding ID number issued by the participating agency and a common reference number shall form part of the stored ID data and, together with at least the first five items listed above, including the print of the right thumbmark, or any of the fingerprints as collected and stored, shall appear on the face or back of the ID card for visual verification purposes.

[528] 521 Phil. 732 (2006) [Per J. Carpio, En Banc].

[529] *Rollo* (G.R. No. 262192), pp. 1925-1929.

[530] *Id.* at 1926.

[531] 354 Phil. 948 (1998) [Per J. Puno, En Banc].

[532] *Id.* at 982-983.

[533] 924 Phil. 615 (2022) [Per J. Hernando, En Banc].

[534] See Privacy Policy Office Advisory Opinion No. 2020-015 dated February 24, 2020.

[535] 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 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.

[536] Section 17. Basic Services and Facilities. –

(a) Local government units, shall endeavor to be self-reliant and shall continue exercising the powers and discharging the duties and functions currently vested upon them. They shall also discharge the functions and responsibilities of national agencies and offices devolved to them pursuant to this Code. Local government units shall likewise exercise such other powers and discharge such other functions and responsibilities as are necessary, appropriate, or incidental to efficient and effective provisions of the basic services and facilities enumerated herein.

(b) Such basic services and facilities include, but are not limited to, the following:

(4) For a City:

All the services and facilities of the municipality and province, and in addition thereto, the following: (i) Adequate communication and transportation facilities;

[537] Powers, Duties, Functions and Compensation.

(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:

....

(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;

[538] Rollo (G.R. No. 261892), p. 71.

[539] Rollo (G.R. No. 261892), KAPIT Petition p. 69, paragraph nos. 129-130.

[540] See *id.*, Atty. Paa's Memorandum par. 124.

[541] See *id.* at 82, OSG Memorandum and at 108, City of Manila Memorandum.

[542] See *id.* at 82, OSG Memorandum.

[543] *Republic v. N. Dela Merced & Sons, Inc.*, 824 Phil. 27 (2018) [Per C.J. Sereno, First Division].

[544] *Id.*

[545] *Id.* at (Emphasis supplied).

[546] See *Spouses Lim v. People*, 438 Phil. 749-756 (2002) [Per J. Corona, En Banc].

[547] The STS involves the harmonization of existing laws on traffic enforcement and management in Metro Manila, which includes standardizing the fines and penalties for common traffic violations and providing interconnectivity among government instrumentalities involved in transport and traffic management. The STS is institutionalized through the establishment of the Metro Manila Traffic Code of 2023, which was approved and adopted by the Metro Manila Council on February 1, 2023. It further expressly stated that NCAP is included under the STS.

[548] Single ticketing system traffic violations and fines:

- Disregarding traffic signs – PHP 1,000
- Illegal parking (attended) – PHP 1,000
- Illegal parking (unattended) – PHP 2,000
- Number coding scheme violation – PHP 500
- Truck ban – PHP 3,000
- Light truck ban – PHP 2,000
- Reckless driving – PHP 1,000 (first offense), PHP 2,000 (second offense), PHP 2,000 with seminar (third and subsequent offenses)
- Tricycle ban – PHP 500
- Obstruction – PHP 1,000
- Dress code for motorcycles – PHP 500 (first offense), PHP 750 (second offense), PHP 1,000 (third and subsequent offenses)
- Overloading – PHP 1,000
- Defective motor vehicle accessories – PHP 1,000
- Unauthorized modifications – PHP 2,000
- Arrogance/discourteous conduct – P500
- Loading and unloading in prohibited zones – PHP 1,000
- Illegal counterflow – PHP 2,000 (first offense), PHP 5,000 (second and subsequent offenses)
- Over speeding – PHP 1,000

- Failure to use seatbelt – PHP 1,000
- Failure to use child restraint system (CRS) – PHP 1,000 (first offense), PHP 2,000 (second offense), PHP 5,000 (third and subsequent offenses)
- Use of substandard CRS – PHP 1,000 (first offense), PHP 3,000 (second offense), PHP 5,000 (third and subsequent offenses)
- No motorcycle helmet – PHP 1,500 (first offense), PHP 3,000 (second offense), PHP 5,000 (third offense), PHP 10,000 (fourth and subsequent offenses)
- Use of helmet with no ICC markings – PHP 3,000 (first offense), PHP 5,000 (second and subsequent offenses)
- Violation of Children's Safety on Motorcycles Act – PHP 3,000 (first offense), PHP 5,000 (second offense), PHP 10,000 (third and subsequent offenses)

[549] 928 Phil. 182 (2022) [Per J. J Lopez, En Banc].

[550] Rollo (G.R. No. 261892), pp. 2602-2603 and 3299-3304.

[551] Id. at 2603 and 3304-3305.

[552] See *Knights of Rizal v. DMCI Homes Inc., et al.*, 809 Phil. 453, 522 (2017) [Per J. Carpio, En Banc]. (Citations omitted).

[553] See *People v. Estolano*, 886 Phil. 904 (2020) [Per J. Carandang, Third Division].

[554] See TSN, Oral Arguments on December 6, 2022, p. 70.

[555] See Republic Act No. 4136, Chapter II, Article I; Section 6.

[556] See *LTO v. City of Butuan*, 379 Phil. 887, 901 (2000) [Per J. Vitug, Third Division].

[557] 944 Phil. 81 (2023) [Per J. Caguioa, En Banc].

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

[559] Rollo (G.R. No. 261892), p. 3291.

[560] Id. at 3293-3294.

[561] Id. at 3296.

[562] Rollo (G.R. No. 261892), pp. 1924-1925.

[563] Rollo (G.R. No. 261892), p. 3171.

[564] Id. at 2661, 2738-2739, 2879, 3173 and 3422.

[565] Id. at 3175-3176.

[566] Id. at 2884.

[567] Id. at 3176 and 2886-2887.

[568] Rollo (G.R. No. 261892), pp. 72 and 77-78.

[569] Id. at 149-150 and 157.

[570] Rollo (G.R. No. 261892), pp. 138-139.

[571] Id. at 143-147.

[572] Rollo (G.R. No. 261892), pp. 84-85.

[573] Rollo (G.R. No. 261892), pp. 119-120 and 133.

[574] See rollo (G.R. No. 261891), pp. 3290-3291.

[575] See rollo (G.R. No. 261892), p. 79.

[576] Id. at 2884.

[577] Rollo (G.R. No. 261892), p. 157.

[578] Id. at 146.

[579] SECTION 305. Fundamental Principles. — The financial affairs, transactions, and operations of local government units shall be governed by the following fundamental principles:

....

(e) Trust funds in the local treasury shall not be paid out except in fulfillment of the purpose for which the trust was created or the funds received;

[580] Rollo (G.R. No. 261892), pp. 2884-2885.

[581] Dated January 31, 2020.

[582] SECTION 123. Fund Utilization Request and Status. — Utilization of trust receipts for implementation of projects shall be covered and monitored using a Fund Utilization Request and Status (FURS). FURS shall be prepared by the requisitioning office administering the trust receipts and the Local Accountant shall certify as to availability of funds per accounting records. FURS shall be posted in the Registry of Special Trust Fund.

[583] SECTION 136. Disbursement Procedures. — Disbursement procedures including the reports to be submitted by the accountable officer concerned are the same as those for the General Fund.

[584] SECTION 309. Special Funds. — There shall be maintained in every provincial, city, or municipal treasury the following special funds:

....

(b)

Trust funds shall consist of private and public monies which have officially come into the possession of the local government or of a local government official as trustee, agent or administrator, or which have been received as a guaranty for the fulfillment of some obligation. A trust fund shall only be used for the specific purpose for which it was created or for which it came into the possession of the local government unit.

[585] Rollo (G.R. No. 261892), p. 3296.

[586] See *Rajas v. Office of the Ombudsman*, 888 Phil. 868 (2020) [Per J. Caguioa, First Division].

[587] Dated October 1, 2007.

[588] 276 Phil. 127 (1991) [Per J. Cruz, En Banc].

[589] See COA Circular No. 001-12 (2012), Prescribing the Revised Guidelines and Documentary Requirements for Common Government Transactions.

[590] DBM Circular No. 2007-2 (2007). sec. 4.1., Guidelines on the Grant of Honoraria Due to Assignment in Government Special Projects.

[591] See *id.* at sec. 2.2.

[592] Rollo (G.R. No. 261892), p. 72.

[593] Rollo (G.R. No. 261892), p. 150.

[594] *Id.* at 138.

[595] *Id.* at 120.

[596] Rollo (G.R. No. 261892), p. 145.

[597] *Id.* at 72 and 120.

[598] 892 Phil. 849 (2021) [Per J. Lopez, En Banc].

[599] *Id.* at 856-857.

[600] See *Veloso v. Commission on Audit*, 672 Phil. 419 (2011) [Per J. Peralta, En Banc].

[601] *Id.*

[602] See *Veloso v. Commission on Audit*, 672 Phil. 419 (2011) [Per J. Peralta, En Banc].

[603] *Id.*

[604] 852 Phil. 633 (2019) [Per J. Leonen, En Banc].

[605] *Id.* at 673-674.

[606] Rollo (G.R. No. 261892), p. 120. (Emphasis supplied).

[607] See *Municipality of San Mateo, Isabela v. Smart Communications, Inc.*, 905 Phil. 260 (2021) [Per J. Zalameda, First Division].

[608] See CONST., art. xi, sec. 2.

[609] Approved February 20, 1989.

[610] Republic Act No. 6713 (1989), Code of Conduct and Ethical Standards for Public Officials and Employees.

[611] 915 Phil. 743 (2021) [Per J. Carandang, Third Division].

[612] *Id.* at 756.

[613] Approved on August 17, 1960.

[614] Republic Act No. 3019 (1960), sec. 5. (Emphasis supplied)

[615] 528 Phil. 740 (2006).

[616] *Mayor Magtajas v. Pryce Properties Corp. Inc.*, 304 Phil. 428 (1994) [Per J. Cruz, En Banc].

[617] *Id.* at 448.

[618] Act No. 3326 (1926). Periods of Prescription for Violations Penalized by Special Acts and Municipal Ordinances.

[619] Id.

[620] See rollo (G.R. No. 261892) KAPIT Memorandum, pp. 92, 94.

[621] See Act. No. 3326, sec. 2.

[622] See Metropolitan Manila Dev't. Authority v Garin, 496 Phil. 82, 89 (2005) [Per J. Chico-Nazario, Second Division].

[623] ROBIN S. SHARMA, THE 5 AM CLUB 33 (1st 1996).

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.