G.R. No. 215746 — ANG NARS Party-List, represented by Congresswoman LEAH PRIMITIVA G. SAMACO-PAQUIZ, and PUBLIC SERVICES LABOR INDEPENDENT CONFEDERATION (PSLINK), represented by its Secretary General ANNIE E. GERON, *petitioner*, ***versus*** **THE EXECUTIVE SECRETARY, THE SECRETARY OF BUDGET and MANAGEMENT, and THE SECRETARY OF HEALTH,** *respondents*.

Promulgated:

October 8, 2019

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CONCURRING AND DISSENTING OPINION

CAGUIOA, *J.*:

I concur in the result but express my vehement disagreement on certain pronouncements in the *ponencia*. In particular, I write this Separate Opinion in respect of the *ponencia*'s pronouncements regarding the classification of joint resolutions that I believe are egregiously erroneous and to which I strongly disagree.

While the *ponencia* resolves to deny the Petition, it also goes beyond the issues and unwarrantedly declares that Joint Resolution (J.R.) No. 4[1] is not a law, and therefore cannot amend[2] Republic Act No. (R.A.) 9173 or the Philippine Nursing Act of 2002. Thus, even as I concur with the denial of the Petition on the basis of separation of powers, I strongly disagree with the pronouncement that a joint resolution is not a law. Such broad and hasty pronouncement has far-reaching consequences that would be felt even beyond the instant case and would needlessly affect the status and validity of all joint resolutions as well as the issuances made to depend on them.

I submit that J.R. No. 4 ***is*** a law — and it amended[3] R.A. 9173 and other laws, as provided therein.

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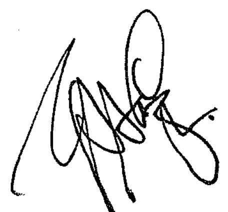
1 Joint Resolution Authorizing the President of the Philippines to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government, and For Other Purposes, approved June 17, 2009.

2 *Ponencia,* p. 29.

3 J.R. No. 4, paragraph 16 provides as follows:

> (16) Amendment of Existing Laws — The provisions of all laws, decrees, executive orders, corporate charters, rules, regulations, circulars, approvals and other issuances or parts thereof that are inconsistent with the provisions of this Joint Resolution such as, but not limited to, Republic Act No. 4670, Republic Act No. 7160, Republic Act No. 7305, Republic Act No. 8439, Republic Act No. 8551, Executive Order No. 107 dated June 10, 1999, Republic Act No. 9286, Republic Act No. 9166, **Republic Act No. 9173** and Republic Act No. 9433 **are hereby amended.**
>
> All provisions of laws, executive orders, corporate charters, implementing rules and regulations prescribing salary grades for government officials and employees other than those in Section 8 of Republic Act No. 6758 **are hereby repealed**. (Emphasis supplied)



Brief Restatement of the Facts

The Petition here assails only the validity of Section 6[4] of Executive Order No. (E.O.) 811,[5] with a prayer for the Court to compel the implementation of Section 32[6] of R.A. 9173.

To recall, Section 32 of R.A. 9173 fixes the minimum base pay of government nurses at Salary Grade (SG) 15. Subsequently, J.R. No. 4 was issued authorizing the President of the Philippines "to Modify the Compensation and Position Classification System of Civilian Personnel and the Base Pay Schedule of Military and Uniformed Personnel in the Government, and For Other Purposes." Pursuant to this, E.O. 811 was issued, Section 6 of which fixes the salary grade of government nurses (specifically those occupying Nurse I positions) to SG 11.

Petitioners raise only the following issues:

(i) Whether respondents committed grave abuse of discretion and exceeded the authority granted by J.R. No. 4 when they downgraded the salary grade for government nurses in E.O. 811;

(ii) Whether J.R. No. 4 amended Section 32 of R.A. 9173; and

(iii) Whether respondents committed grave abuse of discretion in asserting that the entry level for government nurses should only be SG 11 and disregarding the provisions of R.A. 9173.

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4 SECTION 6. *Changes in Position Titles and Salary Grade Assignments of Certain Positions.* —
The position titles and salary grade assignments of the entry levels of the following positions are hereby modified:

Position Title	Salary Grade From	To
Teacher I	10	11
Nurse I	10	11
Medical Officer I	14	16
Accountant I	11	12
[Legal Officer I] Attorney I	[14]	16

The DBM, in coordination with the Civil Service Commission (CSC), shall review the other levels of the above-listed positions and other classes of positions to determine their appropriate levels, and to allocate them to their proper salary grades.

Accordingly, the DBM, in coordination with the CSC, shall update the Index of Occupational Services, Occupational Groups, Classes, and Salary Grades, in accordance with organizational, technological, professional and other developments.

5 First Tranche of Modified Salary Schedule of Civilian Personnel and Base Pay Schedule of Military and Uniformed Personnel, dated June 17, 2009.

6 Section 32. *Salary.* — In order to enhance the general welfare, commitment to service and professionalism of nurses, the minimum base pay of nurses working in the public health institutions shall not be lower than salary grade 15 prescribed under Republic Act No. 6758, otherwise known as the "Compensation and Classification Act of 1989": *Provided,* That for nurses working in local government units, adjustments to their salaries shall be in accordance with Section 10 of the said law.

Doctrine of Separation of Powers

I am in full accord with the *ponencia* denying the petitioners' prayer to compel Congress to make appropriations to fund the salary increase of government nurses under Section 32 of R.A. 9173, when it held that the Court cannot compel Congress to appropriate funds because the power to appropriate is not wielded by the Court as it is lodged solely in Congress.[7]

As an adjunct to the principle of separation of powers,[8] our constitutional order dictates that legislative power is vested exclusively in the Congress of the Philippines.[9] Part and parcel of legislative power is the power to appropriate, which involves (a) the setting apart by law of a certain sum from the public revenue for (b) a specified purpose.[10]

By constitutional design, the power to appropriate must be exercised only through legislation, *i.e.*, an appropriation law.[11] This is made clear from Section 29 (1), Article VI of the Constitution which states that "[n]o money shall be paid out of the Treasury except in pursuance of an appropriation made by law."

Therefore, as correctly explained by the *ponencia*, the Court cannot grant the petitioners' prayer to compel Congress to set apart a certain sum from the public revenue to fund Section 32 of R.A. 9173 as the power to appropriate belongs solely and exclusively to Congress.

J.R. No. 4 is a law

Despite its ultimate ruling, however, the *ponencia* still proceeded to discuss its view that J.R. No. 4 is not a law; hence, it did not amend R.A. 9173. I disagree with the *ponencia's* classification of J.R. No. 4. Contrary to the *ponencia's* assertion, it is my view that **J.R. No. 4 is a law, as it went through the constitutionally mandated process of passing proposed legislation into law.** This mandated process of law making is outlined in Sections 26 and 27, Article VI of the 1987 Constitution which provide:

> SECTION 26. (1) Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.
>
> (2) No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its Members three days before its passage, except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be

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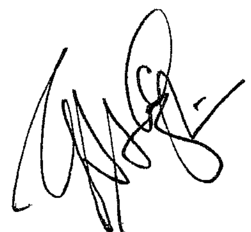
7 *Ponencia*, p. 40.
8 *Belgica vs. Executive Secretary*, 721 Phil. 416. 545 (2013).
9 CONSTITUTION, Art. VI, Sec. 1.
10 *See* CONSTITUTION, Art. VI, Sec. 25.
11 *See* CONSTITUTION, Art. VI, Sec. 25.



taken immediately thereafter, and the *yeas* and *nays* entered in the Journal.

SECTION 27. (1) Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same, he shall sign it; otherwise, he shall veto it and return the same with his objections to the House where it originated, which shall enter the objections at large in its Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of all the Members of such House shall agree to pass the bill, it shall be sent, together with the objections, to the other House by which it shall likewise be reconsidered, and if approved by two-thirds of all the Members of that House, it shall become a law. In all such cases, the votes of each House shall be determined by *yeas* or *nays*, and the names of the Members voting for or against shall be entered in its Journal. The President shall communicate his veto of any bill to the House where it originated within thirty days after the date of receipt thereof; otherwise, it shall become a law as if he had signed it.

(2) The President shall have the power to veto any particular item or items in an appropriation, revenue, or tariff bill, but the veto shall not affect the item or items to which he does not object.

Thus, the Constitution requires the following before a proposed legislation becomes a law:

1) The proposed legislation must undergo three readings;
2) Unless the President certifies the proposed measure as urgent, these three readings must be done on separate days, and printed copies thereof in its final form must be distributed to its Members three days before its passage; and
3) It must be presented to the President for his signature or veto.

As an aspect of due process, an additional requirement is that the proposed measure must be published — even as it was already signed by the President — so that the citizens may be made aware of its existence before it becomes a law.[12]

An examination of the congressional records as to how J.R. No. 4 was passed reveals that it went through all of the foregoing constitutional requirements.

Before J.R. No. 4 became a law during the 14th Congress, it was the consolidated version of Senate J.R. No. (S.J.R.) 26[13] and House J.R. No. (H.J.R.) 36.[14] Interestingly, both S.J.R. 26 and H.J.R. 36 were actually

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[12] *See* Separate Concurring Opinion with Qualification of Chief Justice Enrique Fernando in *Tañada v. Tuvera*, 220 Phil. 422 (1985).

[13] Legislative History of Senate Joint Resolution No. 26 during the 14th Congress (under All Information tab), available at <http://senate.gov.ph/lis/bill_res.aspx?congress=14&q=SJR-26> (last accessed September 18, 2019).

[14] Legislative History of House Joint Resolution No. 36 (HJR0036) during the 14th Congress (under the link for History), available at <http://www.congress.gov.ph/legis/> and <http://senate.gov.ph/lis/bill_

consolidated versions of several resolutions and ***bills*** filed by members of Congress, to wit:

S.J.R. 26	On May 26, 2009, S.J.R. 26 was prepared and submitted jointly by the Senate Committee(s) on FINANCE and CIVIL SERVICE AND GOVERNMENT REORGANIZATION with Senator(s) ENRILE, LACSON, LEGARDA, TRILLANES IV, HONASAN II, REVILLA JR., VILLAR and ANGARA as author(s) per **Committee Report No. 457**, recommending its approval in substitution of **Senate Joint Resolution No. 23, Senate Bill Nos. 42, 1653, 1792, 2140 and 2420, Senate Resolution Nos. 477 and 543, and House Bill No. 3819.**
H.J.R. 36	On May 5, 2009, H.J.R. 36 was prepared and submitted jointly by the House Committee on Appropriations per **Committee Report No. 01992**, recommending its approval in substitution of **House Joint Resolution No. 24, House Bill Nos. 183, 479, 1071, 1197, 3619, 3885, 4355, 4380, 4734, 4991, 5213, 5218 and 5571.**

Then, S.J.R. 26 and H.J.R. 36 underwent separate processes in the Senate and the House, as illustrated below:

Legislative Process	**S.J.R. 26**	**H.J.R. 36**
1st Reading	May 26, 2009	May 6, 2009
Certified as Urgent	May 27, 2009	May 12, 2009
Sponsorship on 2nd Reading	May 26, 2009	May 12, 2009
Interpellation & Amendments	May 26-27, 2009	May 12, 13, 18, 20, 2009
Approval on 2nd Reading	May 27, 2009	May 20, 2009
Approval on 3rd Reading	May 27, 2009	May 20, 2009

res.aspx?congress=14&q=HJR-36> (last accessed September 18, 2019).

Adoption of Conference Committee Report (*i.e.*, the consolidated version of S.J.R. 26 and H.J.R. 36)	June 2, 2009	June 2, 2009
Signed by the President	June 17, 2009	

As can be gleaned above, S.J.R. 26 and H.J.R. 36 underwent three separate readings, although the second and third readings were done on the same day because both joint resolutions were certified as urgent by the President. On the third reading, printed copies of their final form were distributed to the members of Congress. Subsequently, S.J.R. 26 and H.J.R. 36 were consolidated after the Conference Committee Meeting and the consolidated version was adopted by both Houses. This consolidated version was approved and signed into law by then President Gloria Macapagal-Arroyo on June 17, 2009. [15]

Without doubt, J.R. No. 4 underwent the same legislative process under the Constitution to become a law: it was approved by both Houses of Congress after three readings, and thereafter approved by the President. Indubitably, J.R. No. 4 is a law.

In addition, Article 2 of the New Civil Code provides that "[l]aws shall take effect after fifteen days following the completion of their publication in the Official Gazette, unless it is otherwise provided." It must be noted that, similar to other laws, J.R. No. 4 complied with the aforementioned requirement for the effectivity of a law. It was published in the Manila Times on June 20, 2009 and in Volume 105, No. 34 of the Official Gazette on August 24, 2009.[16]

Given that J.R. No. 4, like any other bill, satisfied all the requirements for a bill to become a law — (1) approval by both Houses of Congress after three readings, (2) approval by the President, and (3) publication in the Official Gazette — it is thus, in truth and in fact, a law.

In this regard, the *ponencia* stated that J.R. No. 4 cannot take effect without an amendatory law. According to the *ponencia,* the revisions prescribed in J.R. No. 4 are not authorized by an existing law; hence, an amendatory law is needed to implement the provisions in J.R. No. 4. The *ponencia* then discussed the Opinion of Associate Justice Marvic M.V.F. Leonen (Justice Leonen) in *Cawad v. Abad*[17] (*Cawad*), to wit:

> In his Concurring and Dissenting Opinion in *Cawad v. Abad*, Justice

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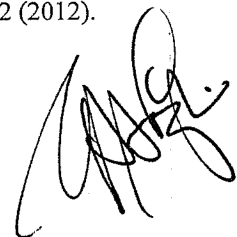
[15] Separate Opinion of Chief Justice Renato C. Corona in *Galicto v. Aquino III*, 683 Phil. 141, 192 (2012).
[16] *Galicto v. Aquino III*, supra.
[17] 764 Phil. 705 (2015).



Leonen expressed the opinion that "(t)he validity of Joint Resolution No. 4 was suspect because it revised several laws and was passed by Congress in a manner not provided by the Constitution." Justice Leonen added:

> Joint resolutions are not sufficient to notify the public that a statute is being passed or amended. As in this case, the amendment to a significant empowering provision in Republic Act No. 7305 was done through a joint resolution. The general public will be misled when it attempts to understand the state of the law since it will also have to comb through joint resolutions in order to ensure that published Republic Acts have not been amended.[18] (Emphasis omitted)

In essence, the *ponencia* cites Justice Leonen's Opinion in *Cawad* to supposedly show that J.R. No. 4 "is questionable because generally, joint resolutions are not sufficient to give notice to the general public that a statute is being passed or amended. As a consequence of this alleged defect, the general public will purportedly be misled as to the current status of certain laws."[19]

I disagree with the *ponencia's* premise. I quote the following submission of the recently retired Associate Justice Francis H. Jardeleza (Justice Jardeleza) on the matter which I adopt:

> Foremost, the citation [of Justice Leonen's Opinion in *Cawad*] does not offer any legal basis for its assertion. It brings to mind, however, the act of publication as a requirement of due process. While our Constitution does not textually prescribe the requisite of publication, *Tañada v. Tuvera* (*Tañada*) teaches, thus:
>
> x x x x
>
> As applied to the facts of this case, *Tañada's* only requirement is for Joint Resolution No. 4 to be published. Needless to state, it has been determined that Joint Resolution No. 4 had been published in the Manila Times on June 20, 2009, and in Volume 105, No. 34 of the Official Gazette on August 24, 2009. On this point, clearly, the citation is already irrelevant.
>
> Second, the *ponencia's* citation unwittingly creates an issue on publication (an extraneous issue as far as this case is concerned, as explained), which is not peculiar or unique to joint resolutions. In other words, the rules and principles on publication adverted to are the very same requirement as in bills. As in joint resolutions, one has to "comb through" bills which may include amendatory bills in order to "ensure that published Republic Acts have not been amended." I therefore see no cogent reason why, all of a sudden, there is a phantom problem of the general public being purportedly misled as far as publication of joint resolutions is concerned.
>
> Finally, I fail to see the necessity for the citation also because (for obvious reasons) the point it asserts was not adopted by the Court in *Cawad,* interestingly moreover, neither did the *ponente* himself join in concurrence on this point.

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18 *Ponencia*, p. 30.

19 Submission of Associate Justice Francis Jardeleza during the deliberations, p. 11.

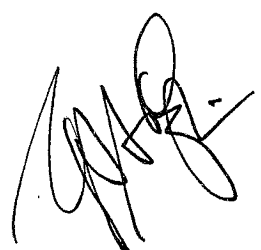
To reiterate, the only legitimate legal question for Our consideration is whether Joint Resolution No. 4, before it attains the status of a law, has followed the textual constitutional law making prerequisites. This case is not about the manner on how bills, or joint resolutions, for that matter, should be published. To me, the citation is immaterial to the real issue that this Court has to resolve.[20]

J.R. No. 4 expressly repealed Section 32, R.A. 9173

That J.R. No. 4 was intended by Congress to be the **law** that responds to the need for an updated compensation and classification system for government employees is evident in its Whereas Clauses, to wit:

> **WHEREAS**, Section 5, Article IX-B of the Philippine Constitution states that Congress shall provide for the standardization of compensation of government officials and employees, including those in government-owned or -controlled corporations with original charters, taking into account the nature of the responsibilities pertaining to and the qualifications for their positions;
>
> **WHEREAS**, Republic Act No. 6758 prescribes a revised Compensation and Position Classification System for civilian personnel in accordance with the above-cited constitutional provision and anchored on the basic principle of equal pay for substantially equal work;
>
> **WHEREAS**, Joint Resolution No. 01 of the Senate and the House of Representatives approved by the President of the Philippines on March 7, 1994, urged the latter to revise the then existing Compensation and Position Classification System for civilian personnel and base pay of military and uniformed personnel, to provide adequate incentives to public servants and to improve the quality of public services;
>
> **WHEREAS**, the present Compensation and Position Classification System has to be revised further to update the same, to further encourage excellent performance and productivity, and to clearly distinguish differences in levels of responsibility and accountability among government officials and employees;
>
> **WHEREAS**, the current structure of the Salary Schedule causes the overlapping of salaries between salary grades, thereby resulting to salary inequities between positions;
>
> **WHEREAS**, the grant of benefits to selected professions under special laws undermines the compensation standardization and equal protection of the law clauses in the Constitution, distorts the standardized compensation scheme and breeds demoralization among other government personnel;
>
> x x x Now, therefore, be it:

[20] Id. at 11-12.



> *Resolved by the Senate and the House of Representatives in Congress assembled,* To authorize the President of the Philippines to modify the existing Compensation and Position Classification System of civilian personnel and Base Pay Schedule of military and uniformed personnel and to initially implement the same effective July 1, 2009 and in the case of local government units (LGUs) to take effect January 1, 2010.

The first four of the Whereas Clauses quoted above show that Congress, in enacting J.R. No. 4, was conscious of its power and duty under the Constitution to provide for the standardization of compensation of government officials and employees. Cognizant of both its duty and the need to update the Compensation and Position Classification System (CPCS) to make the compensation of government employees at par with market level and to likewise respond to inflation since the last time the CPCS was updated, both houses passed J.R. No. 4 which clearly mandated the President to update the CPCS.[21]

Moreover, the last two of the Whereas Clauses quoted above show the recognition of both Houses of distortions and inequities in the CPCS that had been caused, in part, by special laws. These clauses, therefore, put into context J.R. No. 4's repealing clause, which states:

> (16) Amendment of Existing Laws — The provisions of all laws, decrees, executive orders, corporate charters, rules, regulations, circulars, approvals and other issuances or parts thereof that are inconsistent with the provisions of this Joint Resolution such as, but not limited to, Republic Act No. 4670, Republic Act No. 7160, Republic Act No. 7305, Republic Act No. 8439, Republic Act No. 8551, Executive Order No. 107 dated June 10, 1999, Republic Act No. 9286, Republic Act No. 9166, **Republic Act No. 9173** and Republic Act No. 9433 **are hereby amended**.
>
> All provisions of laws, executive orders, corporate charters, implementing rules and regulations prescribing salary grades for government officials and employees other than those in Section 8 of Republic Act No. 6758 **are hereby repealed**. (Emphasis supplied)

The foregoing is an ***express repeal*** of a law — one that was made by the legislature to correct the wage distortion created by R.A. 9173. As demonstrated by the Office of the Solicitor General (OSG), R.A. 9173 created the anomalous scenario wherein "a Nurse 1 would have a benchmark pay of Salary Grade 15 while a doctor designated as Medical Officer I would only have a benchmark pay of Salary Grade 14."[22]

It is likewise clear that the Congress intended J.R. No. 4 to repeal

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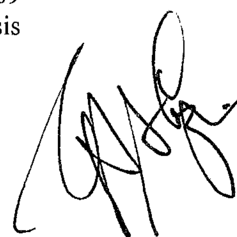
[21] J.R. No. 4, paragraph 17 (iv). *See also* the first resolution in the Whereas Clauses, which states:
Resolved by the Senate and the House of Representatives in Congress assembled, **To authorize the President of the Philippines to modify the existing Compensation and Position Classification System of civilian personnel** and Base Pay Schedule of military and uniformed personnel and to initially implement the same effective July 1, 2009 and in the case of local government units (LGUs) to take effect January 1, 2010. (Emphasis supplied)

[22] *Ponencia*, p. 8.



Section 32 of R.A. 9173. This is manifested by the fact that Congress refused the proposed amendments to include in J.R. No. 4 a provision maintaining the salary grade assigned to nurses under R.A. 9173.[23] Furthermore, after the passage of J.R. No. 4, the Senate and the House proposed measures to upgrade the salary grade of government nurses from SG 11 to SG 15 through the following bills: (1) H.B. No. 178[24] and (2) S.B. No. 2688.[25] If it was not the intention of Congress to repeal R.A. 9173, it would not have found the need to propose the upgrading of the salary of government nurses through the aforementioned bills.[26] Thus, without a doubt, the Congress indeed intended to repeal R.A. 9173 through J.R. No. 4.

Certainly, the legislature has more than sufficient leeway to pass curative or remedial legislation to correct "mistakes" in previous laws it enacted in the past. This is the essence of legislative power being ***plenary*** in nature — every Congress duly constituted may enact laws that it deems, in the exercise of its wisdom, responsive to the needs of the times. This is also the reason why "[i]t is a basic precept that among the implied substantive limitations on the legislative powers is the prohibition against the passage of irrepealable laws. Irrepealable laws deprive succeeding legislatures of the fundamental best senses *carte blanche* in crafting laws appropriate to the operative milieu."[27]

Section 32 of R.A. 9173 is surely not an irrepealable provision. It is thus reasonable to conclude, given the foregoing, that J.R. No. 4 repealed Section 32 of R.A. 9173 insofar as it prescribes a salary grade for Nurse I.

Therefore, with J.R. No. 4 being a law, there is no ground to assail the President's act of modifying the salary grade for government nurses through the issuance of E.O. 811, considering that J.R. No. 4 repealed R.A. 9173 and validly delegated to the President the power to standardize government salary and to approve the periodic revision of the Salary Schedule and Wage Schedule. This delegation is valid[28] considering that J.R. No. 4 is *complete* as it sets forth the policy to be carried out, *i.e.*, to update the compensation and classification system, make it more effective in motivating government personnel, invigorate public service, and ensure reforms in the system are instituted. Further, J.R. No. 4, the delegating law, contains *adequate guidelines or limitations* that map out the boundaries of the delegate's

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[23] *Rollo*, p. 114.

[24] An Act Upgrading the Minimum Salary of Government Nurses from Salary Grade 11 to 15, dated August 5, 2013.

[25] An Act Upgrading the Minimum Salary of Government Nurses from Salary Grade 11 to 15, dated March 11, 2015.

[26] *Rollo*, pp. 114-115.

[27] *The City of Davao, et. al. v. The Regional Trial Court, Branch XII, Davao City, et. Al.*, 504 Phil. 543, 558 (2005).

[28] See *Abakada Guro Party List v. Purisima*, 584 Phil. 246, 272 (2008) —***A law is complete* when it sets forth therein the policy** *to be executed, carried out or implemented by the delegate.* ***It lays down a sufficient standard* when it provides adequate guidelines or limitations in the law** *to map out the boundaries of the delegate's authority and prevent the delegation from running riot. To be sufficient, the standard must specify the limits of the delegate's authority, announce the legislative policy and identify the conditions under which it is to be implemented.* (Emphasis and underscoring supplied)

authority and prevent the delegation from running riot.

Notably, J.R. No. 4 is not the first law which delegated to the President the power to standardize government salary and to approve the periodic revision of the Salary Schedule and Wage Schedule.

Presidential Decree No. (P.D.) 985 or The Budgetary Reform Decree on Compensation and Position Classification of 1976 states that the Salary Schedule and the Wage Schedule shall be revised periodically <u>subject to the approval of the President</u>, in relation to (a) the level of salaries and wages and employee benefits currently prevailing in private industry for comparable work, (b) changes in the basic work week or (c) changes in the Minimum Wage Law.[29] R.A. 6758 or the Compensation and Position Classification Act of 1989 acknowledges the delegated power of the President through P.D. 985.[30] Verily, P.D. 985 and R.A. 6758, along with J.R. No. 4, were cited as the legal bases for the delegation to the President of the power to standardize government salary in E.O. 201 series of 2016 on *Modifying the Salary Schedule for Civilian Government Personnel and Authorizing the Grant of Additional Benefits for Both Civilian and Military and Uniformed Personnel.* <u>Therefore, the President's delegated power to standardize government salary and approve the periodic revision of the Salary Schedule and Wage Schedule is well-founded in law.</u>

The ponencia's classification of J.R. No. 4

Despite the foregoing, and despite dismissing the instant Petition on the basis of separation of powers, the *ponencia* continued to discuss at length how the passage of J.R. No. 4 did not have the effect of amending Section 32 of R.A. 9173 as only a *bill* can become a law.

In short, even if J.R. No. 4 underwent the constitutionally mandated process for law making, as demonstrated above, <u>the *ponencia* still holds that it is not a law simply because it was not named a "bill" at its inception.</u>

In declaring that J.R. No. 4 cannot amend R.A. 9173, the *ponencia* reasoned as follows:

> Under the Constitution, **only a bill can become a law**. Before a bill can become a law, it must pass three readings on separate days, unless the President certifies its enactment is urgent. x x x
>
> x x x x
>
> The Senate Rules of Procedure enumerates the types of legislation

[29] P.D. 985, Sec. 13.
[30] *See* R.A. 6758. Secs. 15 and 2.

as follows:

x x x x

1. Bills

These are general measures, which if passed upon, may become laws. x x x The vast majority of legislative proposals – recommendations dealing with the economy, increasing penalties for certain crimes, regulation on commerce and trade, etc., are drafted in the form of bills. They also include budgetary appropriations of the government and many others. When passed by both chambers in identical form and signed by the President or repassed by Congress over a presidential veto, they become laws.

2. Joint Resolutions

A joint resolution, like a bill, requires the approval of both houses and the signature of the President. It has the force and effect of a law if approved. There is no real difference between a bill and a joint resolution. The latter generally is used when dealing with a single item or issue, such as a continuing or emergency appropriation bill. Joint resolutions are also used for proposing amendments to the Constitution.

x x x x

The Senate's definition of a Joint Resolution states that it is no different from a bill. However, <u>under Section 26 (2), Article VI of the 1987 Constitution, only a bill can be enacted into law after following certain requirements expressly prescribed in the Constitution. A joint resolution is not a bill, and its passage does not enact the joint resolution into a law even if it follows the requirements expressly prescribed in the Constitution for enacting a bill into a law.</u>

x x x x

x x x **[N]either the Rules of the Senate nor the Rules of the House of Representatives can amend the Constitution which recognizes that only a bill can become a law.**[31] (Emphasis in the original, underscoring supplied)

As gleaned above, the *ponencia's* main basis for declaring that J.R. No. 4 cannot amend R.A. 9173 is Section 26 (2), Article VI of the Constitution which only mentioned the term "bill." For reference, the constitutional provision is again reproduced below:

SECTION 26. x x x

(2) **No <u>bill</u> passed by either House shall become a law unless** it has passed three readings on separate days, and printed copies thereof in its final form

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[31] *Ponencia*, pp. 13-16.

> have been distributed to its Members three days before its passage, except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the *yeas* and *nays* entered in the Journal. (Emphasis and underscoring supplied)

To reiterate, the *ponencia* posits the view that a joint resolution cannot have the force and effect of a law because, under the Constitution, only a *bill* can become a law. This position is unsound from a close examination of the concept of a bill.

Concepts on Legislation

As discussed earlier, a bill is characterized under our Constitution as a piece of legislation that becomes law after undergoing the legislative process, *i.e.*, having undergone three readings on separate days, with printed copies thereof in its final form distributed to the members of Congress three days before its passage,[32] and after having been approved by the President of the Philippines through his signature or through inaction.[33]

The Official Gazette describes bills as laws in the making, passing into law "when they are approved by both houses and the President."[34]

On the other hand, the Senate defines bills as "general measures, which if passed upon, may become laws. x x x When passed by both chambers in identical form and signed by the President or repassed by Congress over a presidential veto, they become laws."[35]

What is made clear from the foregoing is that the essential characteristic of a bill is **not** its appellation or designation as such. Rather, the defining feature of a bill is that **it is a proposed legislation slated to undergo the legislative process of becoming a law**, which, under the Constitution, refers to its passage through three readings on separate days, with printed copies thereof in its final form distributed to the members of Congress three days before its passage, and approval by the President of the Philippines.

Hence, **regardless of nomenclature, any piece of proposed legislation that is poised to undertake the process mandated by the Constitution for the passage of laws partakes the nature of a bill** — that ***becomes a law*** after completing the legislative process.

Such is the case when it comes to joint resolutions. Even if they are not

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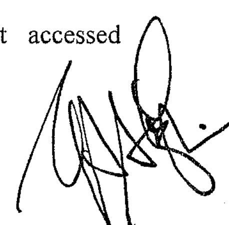
32 CONSTITUTION, Art. VI, Sec. 26 (2).

33 CONSTITUTION, Art. VI, Sec. 27 (1).

34 The Legislative Branch. Available at <https://www.officialgazette.gov.ph/about/gov/the-legislative-branch/> (Last accessed November 2, 2018).

35 Legislative Process. Available at <https://www.senate.gov.ph/about/legpro.asp> (Last accessed November 2, 2018).



called a "*bill,*" joint resolutions, as used and treated by Congress, are pieces of proposed legislation **that go through the same legislative process** that bills undergo to become law.

Simply stated, as they both involve the same process of legislation, *bills* and *joint resolutions* have **no real distinction aside from nomenclature**.

The Senate explains that a joint resolution undergoes the approval of both Houses of Congress and the signature of the President, which is the exact analogous process undertaken by a bill to become law. As emphasized by the Senate, there is **"no real difference"** between a bill and a joint resolution.[36] The difference between the two is more apparent than real. A *joint resolution* is generally used when dealing with a single item or issue, such as a continuing or emergency appropriations bill. *Joint resolutions* are also used for proposing amendments to the Constitution. Aside from that, there is no other distinguishing feature that separates a bill and a joint resolution.[37]

The House of Representatives (House) has adopted a similar characterization of joint resolutions as the Senate. According to the House, joint resolutions go through the **"same process"** undertaken by bills.[38]

Additionally, the Philippine Congress' concept of joint resolutions is equivalent to the United States (U.S.) Senate's characterization of joint resolutions, *i.e.*, a piece of legislation that requires the approval of both chambers and is submitted (just as a bill) to the president for possible signature into law.[39]

Examining the legislative process under the Rules of Congress

When comparing pieces of legislation designated as *bills* and *joint resolutions*, a familiar saying comes to mind — *if it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.* To repeat, joint resolutions also pass through the exact same legislative process undertaken by "bills;" thus, there is no substantial difference that distinguishes the two, aside from their appellation.

In asserting that a joint resolution is not a bill, the *ponencia* postulates that the passage of joint resolutions may not necessarily follow the prescribed constitutional procedure of enacting bills. The basis cited by the *ponencia* is Section 68 of the Rules of the Senate which states that "no bill shall be passed

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[36] Types of Legislation. Available at <https://www.senate.gov.ph/about/legpro.asp> (Last accessed November 2, 2018).
[37] Id.
[38] Legislative Information. Available at <http://www.congress.gov.ph/legisinfo/> (Last accessed November 2, 2018).
[39] Bills and Resolutions. Available at <https://www.senate.gov/reference/glossary_term/joint_resolution.htm> (Last accessed September 18, 2019).

by the Senate unless it has passed three (3) readings on separate days." According to the *ponencia*, since Section 68 does not mention joint resolutions, then joint resolutions do not necessarily pass through three readings on separate days.[40]

With due respect, the assumption is false.

The quoted portion of Section 68 of the Rules of the Senate should not be read in isolation. Rules, such as statutes, must be construed as to harmonize and give effect to all its provisions whenever possible. Stated differently, every meaning to be given to each word or phrase must be ascertained from the context of the body of the rule or statute since such word or phrase is always used in association with other words or phrases and its meaning may be modified or restricted by the latter.[41]

Reading the Rules of the Senate in their totality, it is crystal clear that legislative proposals termed as *joint resolutions*, just like the ones referred to as *bills*, similarly undergo three readings on three separate days. They are thus, for all intents and purposes, the same.

Under Section 64, Rule XXIII of the 2016 Rules of the Senate, it is clearly stated that prior to their final approval, both **"bills <u>and joint resolutions</u> shall be read at least three times."**[42]

Further, in the 2016 Rules of the Senate, the rule providing for three readings on three separate days, including Section 68, are found under Rule XXIII on the "*Reading Of Bills <u>And Joint Resolutions</u>*,"[43] making it emphatically clear that the rules on the three separate reading days apply as well to pieces of legislation designated or termed as *joint resolutions*.

Furthermore, under Section 71, Rule XXV of the Rules of the Senate, in the consideration of **<u>both bills and joint resolutions</u>**, the procedure for the consideration, debate, and reading of such legislative proposals are the same:

> SECTION. 71. The Senate shall adopt the following procedure in the consideration of bills <u>and joint resolutions</u>:[44]

Also, under Rule XVI of the 2016 Rules of the Senate on Calendars, it specifically states that the Senate shall have "[a] '<u>Calendar for Third Reading</u>' in which shall be included <u>all bills and joint resolutions approved on second reading</u>."[45] In fact, under Rule XVIII on the Senate's Order of Business, it

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[40] *Ponencia*, pp. 15.

[41] *Blay v. Baña,* G.R. No. 232189, March 7, 2018, available at <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/63981>.

[42] 2016 RULES OF THE SENATE; emphasis and underscoring supplied. The rules and provisions on the passage of joint resolutions into laws have been consistently inculcated in previous versions of the Rules of the Senate.

[43] Underscoring supplied.

[44] Underscoring supplied.

[45] Underscoring supplied.

specifically states that the Third Reading of joint resolutions is included in the Order of Business prepared by the Secretary of the Senate.[46] This further solidifies the fact that a joint resolution, just like a bill, undergoes three readings, wherein a separate day for its Third Reading, after undergoing Second Reading, is included in the calendar of the Senate.

A holistic reading of the Rules of the Senate further reveals that there are no material differences as to the other procedural rules on the passage of "*bills*" and "*joint resolutions*."

For instance, in case the Senate and the House disagree on a provision in any proposed joint resolution, the differences shall also be settled by a bicameral conference committee, just as in the case of bills.[47]

In addition, similar to bills, no joint resolution reported out by a committee within 10 days prior to the closing of the ordinary session shall be considered unless it be with the express consent of a majority of the Senators present.[48]

Moreover, under the Rules of the Senate, just like bills, a joint resolution filed as a substitute or a consolidated version previously certified by the President pursuant to Section 26 (2), Article VI of the Constitution shall likewise be certified for it to be considered for immediate enactment by the Senate.[49]

As regards the rules on voting, both joint resolutions and bills similarly require nominal voting.[50]

It is also important to note that under the Rules of the Senate, an appropriation, revenue or tax measure may also be proposed through a joint resolution.[51] This is particularly significant, considering that under the Constitution, public funds shall be paid out of the Treasury pursuant only to **an appropriation made by law**. The fact that Congress enacts joint resolutions that contain appropriations makes it clear that joint resolutions are treated by Congress as *laws in the making*.

Likewise, equally important is the fact that under the **Rules of the House of Representatives** (Rules of the House), joint resolutions also pass through the same legislative process as bills.[52]

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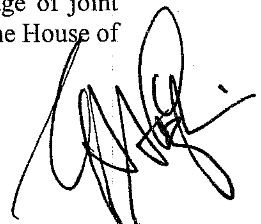
46 2016 RULES OF THE SENATE, Rule XVIII, Sec. 49 (j).
47 Id. at Rule XII, Sec. 35.
48 Id. at Rule XXII, Sec. 62.
49 Id. at Rule XXIII, Sec. 68.
50 Id. at Rule XLI, Sec. 115.
51 Id. at Rule XI, Sec. 26.
52 2016 RULES OF THE HOUSE OF REPRESENTATIVES. The rules and provisions on the passage of joint resolutions into laws have been consistently inculcated in previous versions of the Rules of the House of Representatives.



Under the Rules of the House, the rules of procedure on the passage of proposed legislation, including its filing, deliberation, the conduct of three readings on three separate days, approval, the holding of bicameral conference committees, and enrollment, apply to **both** bills and joint resolutions.[53] Under Section 67 of the Rules of the House, it unequivocally states that joint resolutions "shall be subject to the **same procedure** as bills regarding introduction, reference to the appropriate committee, and consideration x x x."[54]

In fact, under the Rules of the House, it overtly states that:

> no bill or **joint resolution shall become law** unless it passes three (3) readings on separate days and printed copies thereof in its final form are distributed to the Members three (3) days before its passage except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency.[55]

The *ponencia* goes on to state that the veto power of the President applies only to bills, not to joint resolutions. Thus, if a joint resolution is given the effect of, and treated as a law, Congress will be taking away the veto power of the President since the Constitution only provides for the President's veto power over a bill.[56] This contention is egregiously wrong. Joint resolutions are still subject to the veto power of the President and both chambers of Congress recognize this.

In the enumeration of instances when voting shall be nominal, the Rules of the Senate indicates "bills or joint resolutions vetoed by the President of the Philippines"[57] Likewise, the Rules of the House explicitly states that "[e]very bill or joint resolution passed by Congress shall be presented to the President for approval. If the President approves the bill or joint resolution, the President shall sign it; otherwise, the President shall veto it and return the same to the House together with the specific objections."[58] Also, the Rules of the House also provides the same procedure for vetoed bills *and* joint resolutions.[59]

In this regard, and with the permission of Justice Jardeleza, I quote anew his views made during the deliberations, thus:

> x x x The *ponencia's* statement precedes from the misguided premise that a particular joint resolution is *automatically* treated as a law; *without* undergoing first the constitutional prerequisites of presentment [to the President] and bicameral requirement. Again, the sense is that any measure, regardless of the nomenclature, *provided* it passes the standards of these constitutional prerequisites, attains the status of a law.

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53 Id. at Rule X.
54 Emphasis and underscoring supplied.
55 2016 RULES OF THE HOUSE OF REPRESENTATIVES, Rule X, Sec. 58.
56 *Rollo*, p. 18.
57 2016 RULES OF THE SENATE, Rule XLI, Sec. 115. Underscoring supplied.
58 2016 RULES OF THE HOUSE OF REPRESENTATIVES, Rule X, Sec. 65. Underscoring supplied.
59 Id. at Rule X, Sec. 66.

> Accordingly, the more sensible reading of the constitutional law making process should be that the presentment requirement *already* includes, and gives due regard to, the veto power of the president. The presentment to the president of all pending measures, in fact, ensures that his veto power is preserved, and is not pre-empted. Having this in mind, there can never be an instance when joint resolutions obliterate the veto power of the President. Verily, the purpose of the presentment requirement as part of the law making averts the *ponencia*'s argument. More, the net practical effect of the overdrawn statement haphazardly covers any and all situations; adversely affecting even those where the constitutional standards have been complied with.
>
> Finally, in this case, the Congress, nor the Executive branch, do not claim that Joint Resolution No. 4 is beyond the reach of a presidential veto. Precisely, the very reason why Joint Resolution No. 4 had undergone the law making prerequisites of presentment and bicameral requirement is to ensure that these constitutional standards are not bypassed or circumvented.[60]

In sum, both the Senate and the House treat, for all intents and purposes, joint resolutions the same as bills which are capable of being passed into law.

In relation to the discussion above, the *ponencia* states that:

> Under the theory of Justice Caguioa, whether a joint resolution can become a law or not depends on the procedure prescribed by the Senate or House, which procedure may vary from one Congress to another, or may even change during the same Congress. Under this theory, if both the House and the Senate adopt the same procedures as provided in the Constitution for enactment of a bill into law, then a joint resolution can become a law. However, if either the Senate or the House does not adopt the same procedure as provided in the Constitution, then a joint resolution cannot become a law. In short, it is the sole discretion of either the Senate or the House whether a joint resolution can become a law or not.[61]

This is a gross misreading of the arguments I have raised.

Indeed, if a joint resolution undergoes the constitutionally mandated legislative process, then it can be passed into law. Conversely, if it does not follow the required legislative process, it cannot be considered as a law. <u>In the same manner</u>, a bill can only be passed into law if it follows the required legislative process under the Constitution, and if it does not undergo such procedure, it also does not become law. **This legislative process is defined by the Constitution — not by the Rules of the House or the Senate, as these rules merely reflect such procedure**. I have never asserted otherwise. Hence, even if Congress changes its Rules in the future, it still remains true that *any* legislative measure can be passed into law *only if* it undergoes the required legislative process <u>under the Constitution</u>. To illustrate, if Congress amends its Rules to state that a bill or joint resolution should undergo only one reading, then a bill or joint resolution that undergoes such process would

60 Submission of Associate Justice Francis Jardeleza during the deliberations, p.10.
61 *Ponencia*, p. 26.

not be validly enacted into law as the Constitution requires three readings on three separate days. Verily, the litmus test for a valid law, whether it be called a "bill" or a "joint resolution," is always the Constitution, and not the Rules of Congress.

The Constitution does not preclude the passage into law of "joint resolutions"

The *ponencia* maintains that even if the Rules of Congress provide that joint resolutions may be passed into law as they are synonymous to bills, joint resolutions still cannot attain the status and force of law because Section 26 (2), Article VI[62] of the Constitution supposedly provides that only "*bills*" can become law.

I submit that the Constitution does not preclude the passage into law of "*joint resolutions*." **A different interpretation — the *ponencia*'s interpretation — simply puts undue premium on form, instead of substance.**

First and foremost, it must be emphasized that there is nothing in Section 26 (2), Article VI of the Constitution, or any of the constitutional provisions mentioning bills for that matter, that disallows the passage into law of joint resolutions. What Section 26 (2), Article VI merely provides is that "bills will be transformed into law after undergoing three readings on separate days, and printed copies thereof in its final form have been distributed to its members three days before its passage." The Constitution does not state that only pieces of draft legislation named "*bills*" can exclusively be transformed into law.

In any case, as previously discussed, joint resolutions share the essential characteristics of bills. There are no significant and material differences as to the two pieces of legislation aside from their appellation. Hence, to distinguish and set apart "*bills*" and "*joint resolutions*" based solely on their appellation is totally unwarranted.

Further, a review of the history of the constitutional provision on the passage of laws reveals that it is not the intent of the Constitution to preclude the passage of joint resolutions into law.

Section 26 (2), Article VI of the present Constitution is essentially a carry-over of Section 12 (2), Article VI of the 1935 Constitution, which stated:

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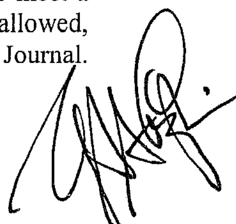
[62] SECTION 26. (1) Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.

(2) No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its Members three days before its passage, except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency. Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the yeas and nays entered in the Journal.



> No bill shall be passed or become a law unless it shall have been printed and copies thereof in its final form furnished the Members at least three calendar days prior to its passage by the National Assembly, except when the President shall have certified to the necessity of its immediate enactment. Upon the last reading of a bill no amendment thereof shall be allowed, and the question upon its final passage shall be taken immediately thereafter, and the *yeas* and *nays* entered on the Journal.

It must be noted that the original proposed draft of this provision recommended by the 1934-1935 Constitutional Convention Committee on Legislative Power stated that joint resolutions would become law after undergoing the legislative process:

> Every bill **or joint resolution** which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President; if he approves the same, he shall sign it, but if not, he shall return it with his objections to the House in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered and if approved by two-thirds of that House, it shall become a law. In all such cases, the votes of both Houses shall be determined by *yeas* and *nays*, and the names of the members voting for and against shall be entered on the Journal. If any bill shall not be returned by the President as herein provided within twenty days (Sundays excepted) after it shall have been presented to him, the same shall become a law in like manner as if he had signed it, unless the National Legislature by adjournment prevents its return, in which case it shall become a law unless vetoed by the President within twenty days after adjournment.[63]

The article on the Legislative Department of the 1935 Constitution, which was reproduced from the report of the Committee on Legislative Power, was largely based on and inspired by The Philippine Autonomy Act or the Jones Law of 1916.[64] Section 19 (a) of the Jones Law stated that joint resolutions would become law after having passed both houses:

> (a) *Legislative journal and the veto power*. —That each house of the Legislature shall keep a journal of its proceedings and, from time to time, publish the same; and the yeas and nays of the members of either house, on any question, shall, upon demand of one-fifth of those present, be entered on the journal, and every bill **and joint resolution** which shall have passed both houses shall, before it becomes a law, be presented to the Governor-General. If he approve[s] the same, he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which shall enter the objections at large on its journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members elected to that house shall agree to pass the same, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of all the members elected to that house it shall be sent to the Governor-General, who, in case he shall then not approve, shall transmit the

63 Journal No. 47, Vol. III, CONSTITUTIONAL CONVENTION RECORD 164 (September 24, 1934). Emphasis and underscoring supplied.

64 JOSE M. ARUEGO, THE FRAMING OF THE PHILIPPINE CONSTITUTION 229 (1949).

> same to the President of the United States. The vote of each house shall be by the yeas and nays, and the names of the members voting for and against shall be entered on the journal. If the President of the United States approve the same, he shall sign it and it shall become a law. If he shall not approve the same, he shall return it to the Governor-General, so stating, and it shall not become a law: *Provided,* That if any bill or joint resolution shall not be returned by the Governor-General as herein provided within twenty days (Sundays excepted) after it shall have been presented to him the same shall become a law in like manner as if he had signed it, unless the Legislature by adjournment prevent its return, in which case it shall become a law unless vetoed by the Governor-General within thirty days after adjournment: *Provided, further,* That the President of the United States shall approve or disapprove an act submitted to him under the provisions of this section within six months from and after its enactment and submission for its approval; and if not approved within such time, it shall become a law the same as if it had been specifically approved.[65]

If the original proposed provisions of the 1934-1935 Constitutional Convention on the passage of laws, as well as the provision of the Jones Law, from which the 1935 Constitution provisions on the legislature were derived, both encompass joint resolutions, why did the final version of the provision contained in the 1935 Constitution, *i.e.*, Section 12 (2), leave out joint resolutions? Did the 1934-1935 Constitutional Convention have the intention of disallowing the passage into law of joint resolutions?

A careful review of the records of the 1934-1935 Constitutional Convention reveals that this is not the case.

On October 22, 1934, after several weeks of debate, the Constitutional Convention decided to do away with the proposed bicameral legislature and adopt a <u>unicameral</u> legislative system.[66] Hence, the sub-committee adopted modifications to the proposed provisions on the legislature reflecting the Constitutional Convention's decision to adopt a unicameral system. Consequently, the phrase "and joint resolution" was deleted from the draft 1935 Constitution, **not because joint resolutions cannot become law, but because <u>there are no joint resolutions under a unicameral legislature.</u>**

A review of the Constitutional Convention's session on December 7, 1934 is enlightening. Delegate Carin introduced a proposed amendment to delete "and joint resolutions" from the draft 1935 Constitution to reflect the unicameral system envisioned by the Constitutional Convention. As the inclusion of "joint resolutions" in the draft Constitution was deemed a mere **<u>clerical error</u>**, considering the unicameral system adopted by the Constitutional Convention, the proposed amendment was adopted:

> EL SECRETARIO: Enmienda Carin-Nepomuceno
>
> (R):

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[65] Emphasis and underscoring supplied.
[66] Supra note 64 at 229.

> **En la pagina 17, linea 4, suprimanse las palabras "and joint resolutions." [On page 17, Line 4, delete the words "and joint resolutions."]**
>
> SR. NEPOMUCENO: Creo que se puede aceptar la enmienda. [I think you can accept the amendment.]
>
> SR. ROXAS: **Es un error de clerical y aceptamos. [It's a clerical error and we accept (the amendment).]**
>
> EL PRESIDENTE: ¿Hay alguna objecion por parte de la Asamblea? (Silencio.) La Mesa no oye ninguna. Aprobada. [Any objections on the part of the assembly? (Silence.) The table does not hear any. Approved.] [67]

To stress, the solitary reason why the mention of joint resolutions was deleted from the passage of laws provision of the 1935 Constitution, which was eventually carried over to the 1987 Constitution, was **not** because joint resolutions cannot become law; **"joint resolutions" was omitted only because it was deemed a clerical error** in light of the 1934-1935 Constitutional Convention's decision to adopt a unicameral legislature system. To emphasize, the Constitutional Convention's real intention was to adopt the Jones Law provision on the passage of laws, which included joint resolutions. **The only difference was that the 1935 Constitution envisioned a unicameral system while the Jones Law contemplated a bicameral system.**[68]

The fact that the provision on the passage of laws under the 1935 Constitution omitted the mention of joint resolutions solely due to the Constitutional Convention's adoption of the unicameral system was confirmed in the speech of then Delegate (later on former President) Jose P. Laurel on the draft 1935 Constitution:

> For those of us who favor the unicameral system, the adoption of this system [referring to the requirement of printing and distribution of printed copies of bills among members of the National Assembly at least three calendar days prior to the final passage by the National Assembly and the President] in the draft is a decided advantage on the grounds already advanced by the proponents of the measure and in the interest of simplicity, economy, and efficient of the government.[69]

The Court has previously held that in construing the law, the courts are not always to be hedged by the literal meaning of its language. The spirit and intendment thereof, must prevail over the letter, especially where adherence to the latter would result in absurdity. A Constitutional provision should be construed so as to give it effective operation; it is the spirit of the provision which should prevail over the letter thereof.[70]

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67 Journal No. 103, Vol. VII, CONSTITUTIONAL CONVENTION RECORD 200 (December 7, 1934); emphasis supplied. Translation provided through <http://www.spanishdict.com>.

68 Supra note 64 at 357.

69 Journal No. 85, Vol. V, CONSTITUTIONAL CONVENTION RECORD 339 (November 13, 1934).

70 *Co v. Electoral Tribunal of the House of Representatives*, 276 Phil. 758, 783 (1991).

To forbid the passage into law of joint resolutions is not only an extremely restrictive and literal interpretation of Section 26 (2), Article VI of the present Constitution that goes against the spirit and intent of the Constitution, it would lead to an absurdity when a joint resolution, even if it is in every respect a "bill," would not have the status, force, and effect of law just because it is not called a "bill."

The *ponencia*, however, maintains that even if the term "joint resolution" was deleted from the 1935 Constitution only as a clerical error, the same does not distract from the fact that "joint resolution" was not included in the final version approved by the Constitutional Convention.[71]

To clarify, the point of delving into the records of the 1934-1935 Constitutional Convention is merely to point out that the non-inclusion of "joint resolutions" in the said constitutional provision was not borne out of any exclusionary intent on the part of the framers to discount the passage of joint resolutions into law. The point missed by the *ponencia* is that the framers of the Constitution *never* intended to prohibit the passage of joint resolutions into law. A careful analysis of the deliberations of the Constitutional Convention leads to the rejection of the *ponencia*'s erroneous theory that the Constitution truly intended to preclude the passage of joint resolutions into law. As regards the *ponencia*'s assertion that "no one ever complained about, or pointed out, this alleged 'clerical error'" ever since the passage of the 1935 Constitution,"[72] this may be because no one has seriously questioned or doubted that joint resolutions can be passed into law.

To reiterate, the discussion on the history of the constitutional provision on the passage of laws is included merely to support the main premise and to establish the fact that *it was not the intent of the framers of the Constitution to preclude the passage of joint resolutions into law*. In any case, it should be emphasized that **even without referring to the historical origins of the constitutional provision on the passage of bills,** it is still the logical conclusion that joint resolutions, like bills, can be treated as law so long as they undergo the constitutionally mandated process for the passage of laws.

Treatment of joint resolutions under jurisprudence

It is likewise noteworthy that the Court has already recognized a joint resolution as having the status of law.

In *National Electrification Administration v. Commission on Audit*,[73] which was penned by the *ponente* of the present case, the Court recognized that Joint Resolution No. 01, Series of 1994 was passed by Congress and

[71] *Ponencia*, pp. 22-23.
[72] Id. at 22.
[73] 427 Phil. 464 (2002).

approved by the President, having the effect of adjusting the salary schedule of all officials and employees of the government, as well as providing that the new salary schedule would be implemented within four years beginning in 1994. In no equivocal terms, the Court in the aforesaid case referred to Joint Resolution No. 1 as the "Salary Standardization <u>Law</u> II."[74] The Court also held that the Executive Order being questioned therein, *i.e.*, E.O. 389, was "issued on authority and <u>within the confines of the law</u>,"[75] referring to Joint Resolution No. 01.

Similarly, and more specific to this case, in *Development Bank of the Philippines v. Commission on Audit*,[76] the Court referred to J.R. No. 4 as the "Salary Standardization <u>Law</u> III."[77] J.R. No. 4 would not have been given such nomenclature if it were not considered a law.

The lack of any substantial difference between a bill and a joint resolution had also been noted by the late Chief Justice Renato C. Corona in his Separate Opinion in *Galicto v. Aquino III*,[78] wherein he observed that a joint resolution, similar to a bill, is likewise required to be enrolled, examined, undergo three readings, signed by the presiding officer of each House, and approved by the President:

> Under the Rules of both the Senate and the House of Representatives, a joint resolution, like a bill, is required to be enrolled, examined, undergo three readings and signed by the presiding officer of each House. A joint resolution, like a bill, is also presented to the President for approval. There is no real difference between a bill and a joint resolution. A joint resolution also satisfies the two requisites before a bill becomes law — approval by both Houses of Congress after three readings and approval by the President. **Thus, a joint resolution, upon approval by the President, is law**. Even the Rules of the House of Representatives acknowledge this: x x x.[79] (Emphasis supplied)

Considering the foregoing reasons, and contrary to the postulation made in the *ponencia*, a piece of legislation designated as a "*joint resolution*," **<u>being similar to a bill in *all* respects aside from its appellation</u>**, becomes a law as well after it goes through the constitutionally mandated process for the passage of laws.

A Review of the General Appropriations Act

Even if it is assumed, for the sake of argument, that J.R. No. 4 *itself* is not a law, the conclusion that J.R. No. 4 and E.O. 811 have effectively repealed R.A. 9173 would remain the same.

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[74] Underscoring supplied.
[75] Id. at 480. Underscoring supplied.
[76] G.R. No. 210838, July 3, 2018, available at <http://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/64358>.
[77] Underscoring supplied.
[78] Supra note 15.
[79] Id. at 191.

Part XLVI of R.A. 9524 or the General Appropriations Act (GAA) of 2009 on the Miscellaneous Personnel Benefits Fund (MPBF) furnishes the legal basis, sought by the *ponencia*, for the President's issuance of E.O. 811 which, in turn, sets the compensation of SG 11 for the "Nurse 1" position. The Special Provision on the MPBF in the GAA of 2009 states:

Special Provision

1. Use of Funds for Payment of Other Personnel Benefits. The amount authorized herein for payment of other personnel benefits shall be used for:

x x x x

(b) **Salary adjustment** and associated benefits and such other benefits as may be **authorized by law or by the President of the Philippines.** (Emphasis and underscoting supplied)

It must be pointed out that the GAA of 2009 was approved on March 12, 2009, while J.R. No. 4 and E.O. 811 were approved subsequently, or on June 17, 2009.

The recognition by Congress in Special Provision No. 1 of the MPBF that salary adjustments could only be made by law or by the President through the exercise of his statutorily delegated powers, taken together with the subsequent reenactments of the provision which specifically identified J.R. No. 4 as authorizing salary increases, shows that Congress itself considers J.R. No. 4 a law. The inevitable import of the GAAs that funded the salary adjustments in J.R. No. 4 is that Congress considers J.R. No. 4 a law, implemented by the Executive through E.O. 811.

More importantly, the GAAs of subsequent years repleaded — and continued to replead and refer to — J.R. No. 4. Thus, even if it were to be conceded that J.R. No. 4 was not a law for it was not originally a "*bill*," **its provisions *inarguably* became law** from the moment these GAAs were passed into law. The relevant portions of the GAAs of 2010, 2011, and 2012 stated:

REPUBLIC ACT NO. 9970 (GAA of 2010)[80]

XLIV. Miscellaneous Personnel Benefits Fund

Special Provision(s)

1. Use of Funds for Payment of Other Personnel Benefits. The amount appropriated herein for payment of other personnel benefits shall be used for:

(a) Deficiencies in authorized salaries, bonuses, allowances,

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[80] Approved January 1, 2010.

associated premiums and other similar personnel benefits for National Government employees.

(b) Requirement for the first tranche implementation of the salary increases authorized under Senate and House of Representatives Joint Resolution No. 4, s. 2009, as implemented by E.O. No. 811, s. 2009

(i) Full year requirement for those covered by salary increases effective July 1, 2009.

(ii) For newly-elected President, Vice-President and Members of the Congress effective July 1, 2010.

(c) Requirement for the second tranche implementation of the salary increases authorized under Senate and House of Representatives Joint Resolution No. 4, s. 2009. (Underscoring supplied)

REPUBLIC ACT NO. 10147 (GAA of 2011)[81]

XLII. MISCELLANEOUS PERSONNEL BENEFITS FUND

Special Provision(s)

1. Use of Funds for Payment of Other Personnel Benefits. The amount appropriated herein for payment of other personnel benefits shall be used for:

(a) Deficiencies in authorized salaries, bonuses, allowances, associated premiums and other similar personnel benefits for National Government Employees: PROVIDED, That payment of benefits chargeable against agency savings may only be made from this Fund once it has been determined that said benefits can not be accomodated (sic) within the agency savings.

(b) Full-year requirement for the second tranche implementation of the salary increases authorized under Senate and House of Representatives Joint Resolution No. 4, s. 2009, as implemented by E.O. No. 900, s. 2010.

(c) Requirement for the third tranche implementation of the salary increases authorized under Senate and House of Representatives Joint Resolution No. 4.

(d) Requirement for the grant of Productivity Enhancement Incentive authorized under Senate and House of Representative Joint Resolution No. 4.(Underscoring supplied)

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[81] Approved December 27, 2010.

REPUBLIC ACT NO. 10155 (GAA of 2012)[82]

XLII. MISCELLANEOUS PERSONNEL BENEFITS FUND

Special Provision(s)

x x x x

3. Use of Funds for Payment of Other Personnel Benefits. The amount appropriated herein for payment of other personnel benefits shall be used for:

(a) Deficiencies in authorized salaries, bonuses, allowances, associated premiums and other similar personnel benefits for National Government employees: PROVIDED, That payment of benefits chargeable against agency savings may only be made from this Fund once it has been determined that said benefits can not be accommodated within the agency savings; PROVIDED, FURTHER, That the amount of One Hundred Eighty Nine Million One Hundred Nine Thousand Pesos (P189,109,000) shall cover the increase in government counterpart contribution provided under PHILHEALTH Circular No. 01, s. 2005 and which shall be effective beginning January 1, 2012: PROVIDED, FURTHERMORE, That the amount of Two Billion Five Hundred Million One Hundred Eighty Eight Thousand Pesos (P2,500,188,000) shall be used for the first year amortization payments of the principal and interest covering prior years' deficiencies in the restructured premium contributions of DepEd and ARMM-DepEd from July 1997 to December 2010 due to the GSIS, which shall be released only upon the execution of a MOA among DBM, DepEd and GSIS, and the approval of the President of the Philippines of such release.

(b) Salary increases authorized under Senate and House of Representatives Joint Resolution No. 4, s. 2009, as follows:

b.1 Full-Year requirement for the third tranche salary increase as implemented by E.O. No. 40, s. 2011; and
b.2 Requirement for the fourth tranche salary increase authorized under the foregoing Joint Resolution. (Underscoring supplied)

From the foregoing, the inescapable conclusion is that the provisions of both J.R. No. 4 and E.O. 811 have attained the status of law by the enactment of the above GAAs. It is therefore immaterial whether J.R. No. 4 is in itself a law, **although I maintain my position, as earlier discussed, that it is a law for having undergone three readings on separate days before the approval of both houses of Congress**.

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[82] Approved December 15, 2011.

Very Important Considerations

As I have mentioned earlier, the effect of the *ponencia*'s pronouncement that a joint resolution is not a law will be felt even beyond the confines of the instant petition. To illustrate, below are examples of recent joint resolutions passed by Congress:

1. J.R. No. 1: *Extending the Validity of Appropriations under the Calamity Fund and Quick Response Fund* (December 26, 2013);

2. J.R. No. 2: *Increasing the FY 2011 Corporate Operating Budget of NPC from P7,575,184,000.00 to P13,968,602,000.00* (December 23, 2011); and

3. J.R. No. 3: *Appropriating P5 Million to Implement the Treaty on the Transfer of Sentenced Persons between the Republic of the Philippines and the Kingdom of Spain, and for Other Purposes* (May 4, 2009).

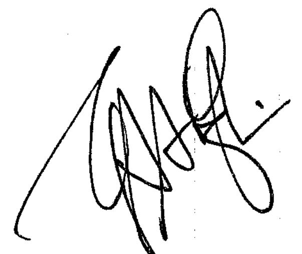
In relation to this, Section 29 (1), Article VI of the Constitution provides that: "[n]o money shall be paid out of the Treasury except in pursuance of an **appropriation made by law**."[83] If the ruling of the *ponencia* is followed, then the cited joint resolutions would be struck down as unconstitutional since a joint resolution is supposedly not a law.

Also, another joint resolution that may be affected by the *ponencia*'s pronouncements is J.R. No. 3, *Extending the Period for Filing of Claims for Reparation of Human Rights Violations Victims under R.A. No. 10368* (February 17, 2015). In consideration of the huge number of applicants who filed their claims for reparation under R.A. 10368, the Senate and the House resolved to extend the period for filing of claims under said law for another period of six months from November 10, 2014, or until May 2015, to ensure that the goals and objectives of the law are fully achieved. Again, if the Court were to abide by the *ponencia*'s ruling that a joint resolution cannot amend a law, then J.R. No. 3 would also be considered invalid.

Additionally, it should be emphasized that J.R. No. 4 is not unique as there are other joint resolutions passed by Congress that deal with salary adjustments. Some of these are:

1. J.R. No. 1: *Authorizing the Increase in Base Pay of Military and Uniformed Personnel in the Government, and for Other Purposes* (January 1, 2018); and

[83] Emphasis and underscoring supplied.



2. J.R. No. 5: *Increasing the Daily Subsistence Allowance in the AFP, PNP, BFP, BJMP, PNPA, PCG and NAMRIA* (March 27, 2015).

In relation to this, there are other issuances that are dependent on joint resolutions, one of which, as discussed earlier, is E.O. 201. Under said executive order, the salaries of all civilian personnel have been increased, with the fourth tranche being recently implemented. As mentioned earlier, one of the cited legal bases for the delegation to the President to standardize government salary in E.O. 201 is J.R. No. 4.

With the *ponencia*'s pronouncement, the status and validity of these cited joint resolutions, and the issuances dependent on them, would be put into question. By this erroneous decision, the Court has unwittingly opened a *Pandora's box* of inadvertent complications.

On this note, I would like to point out that the constitutionality of J.R. No. 4 has never been raised as an issue by the parties as in fact, the issues presented assume that J.R. No. 4 is valid. The issue raised by the petitioners is whether the respondents, in issuing E.O. 11, exceeded the authority granted by J.R. No. 4.[84] This being said, I share the following pronouncement made by Justice Jardeleza:

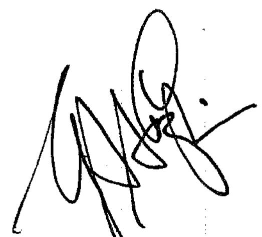
> [Sections 4 (2) and 5 (2)(a), Article VIII of the Constitution] recognize the constitutional imperative that an issue of constitutionality should be raised in order for the Court to exercise its power of judicial review. As worded, the provisions clearly specify that the constitutional issue _should be involved_ in actual controversies, and _should be put in question_ in appropriate cases. These textual signifiers are indispensable conditions for the exercise of judicial review. Here, the petition does not involve, nor does it put in issue, the validity of Joint Resolution No. 4. Within this context, *ponencia*'s proposed disposition on Joint Resolution No. 4 is unwarranted.
>
> More, the lack of any constitutional issue is not a benign matter touching only upon this Court's jurisdiction. The more detrimental effect befell, regrettably, on the right to due process of public respondents. Since no constitutional issue was raised against Joint Resolution No. 4, no opportunity arose where public respondents could have defended and argued for the validity of these issuances. x x x
>
> **As it stands today, the most inimical consequence of the *ponencia's* ruling is that it has stripped off Joint Resolution No. 4 the effect, purpose, and nature that the Congress and the Executive intended it to possess, despite the lack of opportunity of public respondents to defend its validity.**[85] (Emphasis supplied)

[84] Submission of Associate Justice Francis Jardeleza during the deliberations, p.13.
[85] Id. at 14.

A Point of Clarification

Before concluding this Opinion, I wish to clarify the following statements made in the *ponencia* that are attributed to me:

> **Justice Alfredo Benjamin S. Caguioa asserts that the Philippine Congress' concept of joint resolution is equivalent to the United States Senate's characterization of joint resolutions as a piece of legislation that requires the approval of both chambers and is submitted to the president for possible signature as a law. Justice Caguioa declares:**
>
> > **Additionally, the Philippine Congress' concept of joint resolution is equivalent to the United States Senate's characterization of joint resolutions, *i.e.*, a piece of legislation that "requires the approval of both chambers and is submitted (just as a bill) to the president for possible signature into law.**
>
> Such interpretation by the United States is in accordance with the U.S. Constitution where an "Order, Resolution or Vote" may be enacted into law. We cannot adopt the U.S. Senate's characterization of joint resolutions even if we follow the same procedure in enacting a bill into law.
>
> *First,* what we are applying here is the Philippine Constitution, not the U.S. Constitution. x x x The language of the 1987 Constitution is plain, simple and clear: a bill can be enacted into law, and the same Constitution does not mention any other act or measure that can be enacted into law. There is no need for interpretation here but only application of the *Verba Legis* rule.
>
> *Second,* granting that the 1935, 1973, and 1987 Philippine Constitutions have borrowed from the U.S. Constitution the basic system of government with three co-equal branches, our Constitutions have never adopted wholesale or verbatim the U.S. Constitution. x x x Our Constitutions have never included the phrase "Order, Resolution or Vote" that appears in the U.S. Constitution. Applying the principle of *Expressio Unius Est Exclusio Alterius,* the correct interpretation, if interpretation is required, is that our Constitutions recognize that only a bill can be enacted into law. The Court has explained this principle:
>
> x x x x
>
> **This principle particularly applies because a contrary interpretation will result in an absurdity.**
>
> *Third,* inserting by interpretation to our 1987 Constitution the phrase "Order, Resolution or Vote" in the U.S. Constitution will result in an absurdity. If a joint resolution can be enacted into law under the 1987 Constitution by simply following the procedure for enacting a bill into law, then an "Order x x x or Vote" can also be enacted into law by following the same procedure. An "Order x x x or Vote" being enacted into law by our Congress is as strange as it is absurd.



> *Fourth,* applying in this jurisdiction by interpretation express provisions in the U.S. Constitution that do not appear in our Constitutions, including our present 1987 Constitution, sets an extremely dangerous precedent.[86] (Emphasis supplied)

To clarify, the citation made in this Opinion about the characterization of joint resolutions by the U.S. Senate is only to show that both the U.S. and Philippine Congresses treat joint resolutions as pieces of legislations that can be enacted into law just like bills. I do not espouse the view discussed by the *ponencia* that the phrase "Order, Resolution or Vote" in the U.S. Constitution should be inserted by interpretation into our Constitution. My position that a joint resolution can also be enacted into law if it follows the constitutionally mandated procedure in passing a law is not borne by an interpretation following the U.S. Constitution. As I have explained in this Opinion, such position has been reached through a study of *our* Constitution, laws, Congressional rules, and jurisprudence, in addition to the application of the basic principles of logic.

Be that as it may, I also acknowledge Justice Jardeleza's position that the principle of separation of powers that underlies the law making prerequisites (*i.e.*, the bicameral requirement and the presentment requirement) in the U.S. Constitution is equally true in this jurisdiction.[87] He explained:

> The third clause of the aforecited Article I, Section 7 of the US Constitution[88] x x x is the counterpart provision which the *ponencia* refers to as lacking in our Constitution. The *ponencia* posits that the absence of this counter provision on "resolutions" in our Constitution explains why joint resolutions cannot become law.
>
> I reiterate my disagreement with the proposition. As mentioned, Justice Caguioa has already given us the understandable reason for the non-inclusion of "joint resolutions" in our Constitution. To add to it, I refer again to [*Immigration and Naturalization Service v. Chadha, et al.*, 462 U.S. 919 (1983)], where the US Supreme Court had the opportunity to discuss the origin and reason of this third clause. *Chadha* explains, thus:
>
> x x x x
>
> This statement of concern cited in *Chadha* stresses that the third clause of the counter provision *simply ensures* that the presentment requirement, as part of the law-making prerequisites in the US, is complied with, *regardless* of the terminology or synonym used — be it bill, an order, a resolution, or a vote. Verily, the reason for the third clause was not meant to define, much less restrict, the only measures that can undergo the legislative process. The reason for this emphasis is easily perceivable.

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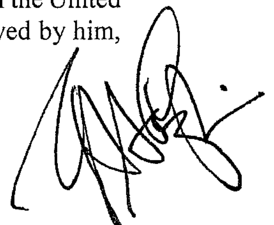
86 *Ponencia*, pp. 20-22.

87 Submission of Associate Justice Francis Jardeleza during the deliberations, p.6.

88 "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, x x x."



> As explained, the foundation of the law-making prerequisites, *i.e.*, bicameral and presentment requirements, is the principle of separation of powers. The President's participation in the legislative process was to protect the Executive Branch from Congress and to protect the whole people from improvident laws. The division of the Congress into two distinct bodies assures that the legislative power would be exercised only after opportunity for full study and debate in separate settings. The law-making process therefore, is constitutionally designed to halt any blatant disregard or slightest indifference to this principle. Precisely, the third clause of Article I, Section 7 of the US Constitution was added to guard against any attempt to undermine the essence of these law-making prerequisites.
>
> This is the reason why I take exception to the position that *just because* our Constitution does not have a counter provision on "resolutions" means that they cannot become law; *even if* these resolutions will have complied with the law-making prerequisites as set forth in the Constitution. Again, the *core* of the constitutional design of law-making is to maintain inviolate the underlying principle of separation of powers. The constant aspiration is to ensure that specific powers constitutionally vested in the respective branches of the government are not eroded. In my sense, this aspiration is achieved so long as a particular measure — may it be a bill, joint resolution, order, or any of their synonyms — complies with the bicameral requirement and the presentment requirement before they attain the status of a law. To concede to the *ponencia's* position effectively accords unnecessary premium to form, at the expense of the higher value of these constitutional principles.[89]

Summary of points

In sum, I agree with the *ponencia* in ruling that the Court cannot compel Congress to appropriate funds because, following the doctrine of separation of powers, the power to appropriate is lodged solely in Congress. However, I cannot agree with the *ponencia*'s pronouncement that a joint resolution cannot become a law. As I have discussed at length, J.R. No. 4 ***is*** a law which amended certain provisions of R.A. 9173.

Like bills, joint resolutions undergo the same legislative process mandated by the Constitution for the passage of laws. Moreover, a holistic reading of the Rules of both the House and the Senate reveals that joint resolutions undergo the same legislative process as bills and they are treated the same in all material respects. As they both involve the same process of legislation, bills and joint resolutions have no material distinction other than nomenclature.

Contrary to the *ponencia*'s interpretation, our Constitution does not preclude the passage into law of joint resolutions. Otherwise stated, our Constitution does not state that only pieces of draft legislation named "bills" can exclusively be transformed into law. What is clear is that joint resolutions share the essential characteristics of bills — to distinguish between the two based solely on their appellation is totally unwarranted. Furthermore, a review

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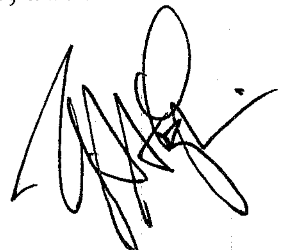
[89] Submission of Associate Justice Francis Jardeleza during the deliberations, pp. 7-8.



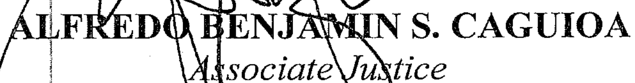
of the history of the constitutional provision in question reveals that it was not the intent of the framers to preclude the passage of joint resolutions into law.

Nonetheless, resort to the historical origins of the subject constitutional provision is unnecessary. As repeatedly pointed out, bills and joint resolutions undergo the same constitutionally mandated legislative process for the passage of laws. Since J.R. No. 4 satisfied all the constitutional requirements to become a law, in addition to it having been published in the Official Gazette pursuant to Article 2 of the Civil Code, then the inevitable conclusion is that J.R. No. 4 is a law.

Indeed, J.R. No. 4 was intended by Congress to be the law that responds to the need for an updated compensation and classification system for government employees. The legislature's power being plenary, it has more than sufficient leeway to pass curative or remedial legislation to correct "mistakes" in previous laws. Hence, J.R. No. 4 successfully repealed Sec. 32 of R.A. 9173 insofar as it prescribes a salary grade for Nurse I.

Additionally, the recognition by Congress in the GAAs that salary adjustments could only be made by law or by the President, taken together with the subsequent reenactments of the provisions which specifically identified J.R. No. 4 as authorizing salary increases, show that Congress itself considers J.R. No. 4 as a law. Thus, even conceding that J.R. No. 4 is not a law, the fact that it had been continuously repleaded in subsequent GAAs had the effect of giving it the status of law the moment that the GAAs themselves were passed into law.

Lastly, I reiterate my concern that a pronouncement that a joint resolution of Congress that is approved by the President is not a law will have far-reaching consequences and implications that go beyond what is necessary to resolve the instant petition.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

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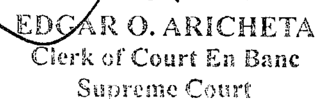

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Clerk of Court En Banc
Supreme Court