

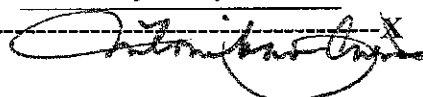
EN BANC

G.R. No. 236118 – ACT TEACHERS REPRESENTATIVE ANTONIO TINIO, ET AL., Petitioner v. PRESIDENT RODRIGO ROA DUTERTE, ET AL., Respondent.

G.R. No. 236295 – LABAN KONSYUMER INC., ET AL., Petitioner, v. EXECUTIVE SECRETARY SALVADOR C. MEDIALDEA, ET AL., Respondent.

Promulgated:
January 24, 2023

X-----



SEPARATE OPINION

LEONEN, J.:

I concur in the result. The Petitions must be dismissed for lack of an actual case and violation of the doctrine of hierarchy of courts.

I

Article VIII, Section 1 of the Constitution requires the presence of an actual case or controversy for the exercise of this Court's judicial power:

ARTICLE VIII
Judicial Department

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

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

An aspect of judicial power is the competence to determine the constitutionality or validity of a treaty, international or executive agreement, law, presidential decree, ordinance or regulation.¹ However, the general rule is that this Court will decide on the constitutionality of a statute only if "it is directly and necessarily involved in a justiciable controversy and is essential

¹ CONST., art. VIII, sec. 5.

to the protection of the rights of the parties concerned.”² The crucial requirement for justiciability is the presence of an actual case or controversy.

In *Pangilinan v. Cayetano*,³ this Court discussed judicial power in its traditional and expanded scope and emphasized the essentiality of an actual case or justiciable controversy in both cases:

Separation of powers is fundamental in our legal system. The Constitution delineated the powers among the legislative, executive, and judicial branches of the government, with each having autonomy and supremacy within its own sphere. This is moderated by a system of checks and balances “carefully calibrated by the Constitution to temper the official acts” of each branch.

Among the three branches, the judiciary was designated as the arbiter in allocating constitutional boundaries. Judicial power is defined in Article VIII, Section 1 of the Constitution as:

....

A plain reading of the Constitution identifies two instances when judicial power is exercised: (1) in *settling actual controversies* involving rights which are legally demandable and enforceable; and (2) in determining *whether or not there has been a grave abuse of discretion* amounting to a lack or excess of jurisdiction on the part of any branch or instrumentality of the government.

In justifying judicial review in its traditional sense, Justice Jose P. Laurel in *Angara v. Electoral Commission* underscored that when this Court allocates constitutional boundaries, it neither asserts supremacy nor annuls the legislature's acts. It simply carries out the obligations that the Constitution imposed upon it to determine conflicting claims and to establish the parties' rights in an actual controversy:

....

The latter conception of judicial power that jurisprudence refers to as the “expanded *certiorari* jurisdiction” was an innovation of the 1987 Constitution:

This situation changed after 1987 when the new Constitution “expanded” the scope of judicial power[.]

....

In *Francisco v. The House of Representatives*, we recognized that this expanded jurisdiction was meant “to ensure the potency of the power of judicial review to curb grave abuse of discretion by ‘any branch or instrumentalities of government.’” Thus, the second paragraph of Article

² *Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*, 836 Phil. 205, 244 (2018) [Per J. Leonen, *En Banc*].

³ *Pangilinan v. Cayetano*, G.R. Nos. 238875, 239483 & 240954, March 16, 2021 [Per J. Leonen, *En Banc*].

VIII, Section 1 engraves, for the first time in its history, into black letter law the “expanded *certiorari* jurisdiction” of this Court, whose nature and purpose had been provided in the sponsorship speech of its proponent, former Chief Justice Constitutional Commissioner Roberto Concepcion.

....

Tañada v. Angara characterized this not only as a power, but as a duty ordained by the Constitution:

It is an innovation in our political law. As explained by former Chief Justice Roberto Concepcion, “the judiciary is the final arbiter on the question of whether or not a branch of government or any of its officials has acted without jurisdiction or in excess of jurisdiction or so capriciously as to constitute an abuse of discretion amounting to excess of jurisdiction. *This is not only a judicial power but a duty to pass judgment on matters of this nature.*”

As this Court has repeatedly and firmly emphasized in many cases, it will not shirk, digress from or abandon its sacred duty and authority to uphold the Constitution in matters that involve grave abuse of discretion brought before it in appropriate cases, committed by any officer, agency, instrumentality or department of the government.

Despite its expansion, judicial review has its limits. In deciding matters involving grave abuse of discretion, courts cannot brush aside the requisite of an actual case or controversy. The clause articulating expanded *certiorari* jurisdiction requires a *prima facie* showing of grave abuse of discretion in the assailed governmental act which, in essence, is the actual case or controversy. Thus, “even now, under the regime of the textually broadened power of judicial review articulated in Article VIII, Section 1 of the 1987 Constitution, the requirement of an actual case or controversy is not dispensed with.”⁴ (Emphasis supplied, citations omitted)

The constitutional component of an actual case or controversy is rooted in the doctrine of separation of powers⁵ and the consequent deferential respect accorded by the judiciary to coordinate branches of the government. The legislative and executive branches are presumed to have enacted the law within constitutional limitations. The rationale for the presumption of constitutionality of the law is elucidated in *People v. Vera*:⁶

Under a doctrine peculiarly American, it is the office and duty of the judiciary to enforce the Constitution. This court, by clear implication from the provisions of section 2, subsection 1, and section 10, of Article VIII of the Constitution, may declare an act of the national legislature invalid because in conflict with the fundamental law. It will not shirk from its sworn duty to enforce the Constitution. And, in clear cases, it will not hesitate to

⁴ *Id.*

⁵ *Kilusang Mayo Uno v. Aquino III*, 850 Phil. 1168, 1188 (2019) [Per J. Leonen, *En Banc*].

⁶ 65 Phil. 56 (1937) [Per J. Laurel, First Division].

give effect to the supreme law by setting aside a statute in conflict therewith. This is the essence of judicial duty.

This court is not unmindful of the fundamental criteria in cases of this nature that all reasonable doubts should be resolved in favor of the constitutionality of a statute. An act of the legislature approved by the executive, is presumed to be within constitutional limitations. *The responsibility of upholding the Constitution rests not on the courts alone but on the legislature as well. "The question of the validity of every statute is first determined by the legislative department of the government itself." And a statute finally comes before the courts sustained by the sanction of the executive. The members of the Legislature and the Chief Executive have taken an oath to support the Constitution and it must be presumed that they have been true to this oath and that in enacting and sanctioning a particular law they did not intend to violate the Constitution.* The courts cannot but cautiously exercise its power to overturn the solemn declarations of two of the three grand departments of the government. Then, there is that peculiar political philosophy which bids the judiciary to reflect the wisdom of the people as expressed through an elective Legislature and an elective Chief Executive. It follows, therefore, that the courts will not set aside a law as violative of the Constitution except in a clear case. This is a proposition too plain to require a citation of authorities.⁷ (Emphasis supplied, citations omitted)

The courts must avoid delving into the wisdom, justice, or expediency of legislative or executive acts. In *Angara v. Electoral Commission*:⁸

[T]his power of judicial review is limited to actual cases and controversies to be exercised after full opportunity of argument by the parties, and limited further to the constitutional question raised or the very *lis mota* presented. Any attempt at abstraction could only lead to dialectics and barren legal questions and to sterile conclusions unrelated to actualities. Narrowed as its function is in this manner, the judiciary does not pass upon questions of wisdom, justice or expediency of legislation. More than that, courts accord the presumption of constitutionality to legislative enactments, not only because the legislature is presumed to abide by the Constitution but also because the judiciary in the determination of actual cases and controversies must reflect the wisdom and justice of the people as expressed through their representatives in the executive and legislative departments of the government.⁹

Canonical is the rule that this Court cannot exercise its power of judicial review without an actual case. It is not enough that the law has been passed or is in effect. To rule on the constitutionality of provisions in the law without an actual case amounts to a ruling on the wisdom of the policy imposed by the legislature on the subject matter of the law.¹⁰

⁷ *Id.* at 95.

⁸ 63 Phil. 139 (1936) [Per J. Laurel, *En Banc*].

⁹ *Id.* at 158–159.

¹⁰ *Falcis v. Civil Registrar General*, 861 Phil. 388, 440 (2019) [Per J. Leonen, *En Banc*].

The actual case or controversy requirement is satisfied when the case presents conflicting or opposite legal rights that may be settled in a judicial proceeding. In *David v. Macapagal-Arroyo*:¹¹

An actual case or controversy involves a conflict of legal right, an opposite legal claim susceptible of judicial resolution. It is “definite and concrete, touching the legal relations of parties having adverse legal interest”; a real and substantial controversy admitting of specific relief.¹² (Citation omitted)

The issues presented must be “ripe for adjudication,”¹³ and the challenged act must have had a “direct, concrete and adverse effect on the petitioner.”¹⁴ The conflicting legal rights must be real and concrete, not merely hypothetical or anticipatory, lest this Court's decision amount to an advisory opinion.¹⁵

When this Court's expanded *certiorari* jurisdiction is invoked to assail the constitutionality of a statute, the actual case or controversy requirement is satisfied by at least a *prima facie* showing of grave abuse of discretion in the assailed governmental act.¹⁶

[G]rave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. Mere abuse of discretion is not enough. It must be *grave* abuse of discretion as when the power is exercised in an arbitrary or despotic manner by reason of passion or personal hostility, and must be so patent and so gross as to amount to an evasion of a positive duty or to a virtual refusal to perform the duty enjoined or to act at all in contemplation of law.¹⁷

Here, petitioners-legislators in G.R. No. 236118 anchor their constitutional challenge on the alleged lack of quorum when the Bicameral Conference Committee Report on House Bill No. 5636 and Senate Bill No. 1592 were ratified in the House. They aver that since the Bills were not properly passed in Congress, President Duterte's act of signing the same into law was tainted with grave abuse of discretion.

I submit that petitioners failed to show a *prima facie* case of grave abuse of discretion. There is no assertion of a legal right or a legal claim that is susceptible to judicial resolution.

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

¹² *Id.* at 753.

¹³ *Kilusang Mayo Uno v. Aquino III*, 850 Phil. 1168, 1191 (2019) [Per J. Leonen, *En Banc*].

¹⁴ *Id.*

¹⁵ *Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*, 836 Phil. 205, 245 (2018) [Per J. Leonen, *En Banc*].

¹⁶ *Pangilinan v. Cayetano*, G.R. Nos. 238875, 239483 & 240954, March 16, 2021 [Per J. Leonen, *En Banc*].

¹⁷ *Tañada v. Angara*, 338 Phil. 546, 604 (1997) [Per J. Panganiban, *En Banc*].

The *ponencia* finds that House Journal No. 48 explicitly showed a quorum at the start of the December 13, 2017 session of the House (where the Bicameral Conference Committee Report was ratified),¹⁸ and that prior to ratification no objection on the lack of a quorum was raised.¹⁹ It further discerns that the issue raised by the petitioners ultimately pertains to matters affecting the internal rules of the House of Representatives, the formulation and implementation of which is within the exclusive realm of the House and beyond the reach of this Court.²⁰

Parenthetically, the *ponencia* holds that “both the enrolled bill and Journal No. 48 do not mention any infirmity in the passage of the law.”²¹ Thus, applying the doctrines on the binding force of legislative journals²² and the enrolled bill,²³ the presumption of due passage of the law remains.

Furthermore, petitioner’s allegations that the irregular passage of the law in Congress taints the President’s approval with grave abuse of discretion is a legal conclusion that utterly fails to meet an actual case.

On the other hand, the petitioners in G.R. No. 236295, as consumers, assail the constitutionality of the TRAIN Law additionally on the ground that the imposition of excise taxes on diesel, coal, LPG and kerosene are “confiscatory, baseless, discriminatory, and violative of the right of the people to due process of law and equal protection of the laws.”²⁴

Again, petitioners failed to present actual facts, and merely presented generalizations on the supposed effect of the imposition of excise taxes. They were unable to demonstrate concretely how the challenged provisions adversely affected them as to warrant a judicial review. Mere allegations of injury or economic hardship without factual foundation will not suffice.

In *Tolentino v. Secretary of Finance*,²⁵ the claims that Republic Act No. 7716 or the Expanded Value Added Tax Law is regressive, oppressive, confiscatory and that it violates due process and equal protection of the laws were held to be premature without a factual foundation.²⁶ On motion for reconsideration, this Court held that broad claims of constitutional violations without concrete, factual foundation cannot be resolved without an actual case. This Court held that its duty to determine the presence or absence of

¹⁸ *Ponencia*, pp. 19–20.

¹⁹ *Id.* at 20.

²⁰ *Id.* at 22–25.

²¹ *Id.* at 29.

²² *Philippine Judges Association v. Prado*, 298 Phil. 502, 511 (1993) [Per J. Cruz, *En Banc*].

²³ In *Tolentino v. Secretary of Finance*, 305 Phil. 686, 752–753 (1994) [Per J. Mendoza, *En Banc*], the rule is that an enrolled copy of a bill is conclusive not only of its provisions but also of its due enactment.

²⁴ *Ponencia*, p. 4.

²⁵ 305 Phil. 686, 752–753 (1994) [Per J. Mendoza, *En Banc*].

²⁶ *Id.* at 770.

grave abuse of discretion on the part of a branch or instrumentality of government can only arise if an actual case or controversy is before it.

The problem with CREBA's petition is that it presents broad claims of constitutional violations by tendering issues not at retail but at wholesale and in the abstract. There is no fully developed record which can impart to adjudication the impact of actuality. There is no factual foundation to show in the *concrete* the application of the law to *actual contracts* and exemplify its effect on property rights. For the fact is that petitioner's members have not even been assessed the VAT. Petitioner's case is not made concrete by a series of hypothetical questions asked which are no different from those dealt with in advisory opinions.

The difficulty confronting petitioner is thus apparent. He alleges arbitrariness. A mere allegation, as here, does not suffice. There must be a factual foundation of such unconstitutional taint. Considering that petitioner here would condemn such a provision as void on its face, he has not made out a case. This is merely to adhere to the authoritative doctrine that where the due process and equal protection clauses are invoked, considering that they are not fixed rules but rather broad standards, there is a need for proof of such persuasive character as would lead to such a conclusion. Absent such a showing, the presumption of validity must prevail.

.....

Adjudication of these broad claims must await the development of a concrete case. It may be that postponement of adjudication would result in a multiplicity of suits. This need not be the case, however. Enforcement of the law may give rise to such a case. A test case, provided it is an actual case and not an abstract or hypothetical one, may thus be presented.

Nor is hardship to taxpayers alone an adequate justification for adjudicating abstract issues. Otherwise, adjudication would be no different from the giving of advisory opinion that does not really settle legal issues.²⁷ (Citations omitted)

Without an actual case or controversy, the petitions do not provide a justification for this Court to rule upon the constitutionality of the TRAIN Law. To do so would be an unnecessary encroachment on the policy-making powers of the legislative and executive bodies.

Consistently, this Court has refused to make constitutional adjudications that do not involve actual cases.

²⁷ *Tolentino v. Secretary of Finance (Resolution)*, 319 Phil. 755, 798-799 (1995) [Per J. Mendoza, *En Banc*].

In *Falcis v. Civil Registrar General*,²⁸ this Court declined to resolve the petition challenging the constitutionality of certain provisions in the Family Code for failing to present an actual case, among other grounds:

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

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

....

As this Court makes "final and binding construction[s] of law[.]" our opinions cannot be mere counsel for unreal conflicts conjured by enterprising minds. Judicial decisions, as part of the legal system, bind actual persons, places, and things. Rulings based on hypothetical situations weaken the immense power of judicial review.

....

It is not enough that laws or regulations have been passed or are in effect when their constitutionality is questioned. The judiciary interprets and applies the law. "It does not formulate public policy, which is the province of the legislative and executive branches of government." Thus, it does not — by the mere existence of a law or regulation — embark on an exercise that may render laws or regulations inefficacious.

Lest the exercise of its power amount to a ruling on the wisdom of the policy imposed by Congress on the subject matter of the law, the judiciary does not arrogate unto itself the rule-making prerogative by a swift determination that a rule ought not exist. There must be an actual case, "a contrast of legal rights that can be interpreted and enforced on the basis of existing law and jurisprudence."²⁹ (Citations omitted)

In *Private Hospitals Association of the Philippines, Inc. v. Medialdea*³⁰ this Court similarly declined to take cognizance of the petition for lack of an actual case and legal standing of the petitioner. It held:

The allegations set forth in the petition failed to meet the requirement of a *prima facie* showing of grave abuse of discretion on the part of the Congress relative to the provisions of R.A. No. 10932. While

²⁸ *Falcis III v. Civil Registrar General*, G.R. No. 217910, September 3, 2019 [Per J. Leonen, *En Banc*].

²⁹ *Id.*

³⁰ 842 Phil. 747 (2018) [Per J. Tijam, *En Banc*].

R.A. No. 10932 and its implementing rules are accomplished acts of a co-equal branch of the government, the petition is unfortunately bereft of any allegation that petitioner, nor any of its members, had thereby suffered an actual or direct injury as a result of a discretion gravely abused. In the absence of an actual and direct injury, any pronouncement by the Court would be purely advisory or sheer legal opinion, in view of the mere hypothetical scenarios, which the instant petition presents.

The challenged law also enjoys the presumption of constitutionality which the Court, at the first instance, cannot disturb in the absence of a *prima facie* showing of grave abuse of discretion and, upon delving into the merits, in the absence of a clearest showing that there was indeed an infraction of the Constitution. If the Court were to invalidate the questioned law on the basis of conjectures and suppositions, then it would be unduly treading questions of policy and wisdom not only of the legislature that passed it, but also of the executive which approved it.³¹ (Citations omitted)

In *National Federation of Hog Farmers, Inc. v. Board of Investments*,³² this Court refused to adjudicate on the constitutional line demarcating Filipino citizens' privileges from those of foreigners, absent an actual case. We reiterated:

A conflict must be justiciable for this Court to take cognizance of it. Otherwise, our decision will be nothing more than an advisory opinion on a legislative or executive action, which "is inconsistent with our role as final arbiter and adjudicator and weakens the entire system of the Rule of Law."³³ (Citation omitted)

In *Southern Hemisphere Engagement Network, Inc. v. Anti-Terrorism Council*,³⁴ this Court declined to rule on the constitutionality of Republic Act No. 9372, or the Human Security Act of 2007, for lack of actual facts. It held that the possibility of abuse in its implementation is not enough.

The Court is not unaware that a reasonable certainty of the occurrence of a *perceived threat* to any constitutional interest suffices to provide a basis for mounting a constitutional challenge. This, however, is qualified by the requirement that there must be **sufficient facts** to enable the Court to intelligently adjudicate the issues.

....

Petitioners' obscure allegations of sporadic "surveillance" and supposedly being tagged as "communist fronts" in no way approximate a credible threat of prosecution. From these allegations, the Court is being lured to render an *advisory opinion*, which is not its function.

Without any justiciable controversy, the petitions have become pleas for declaratory relief, over which the Court has no original jurisdiction.

³¹ *Id.* at 783–784.

³² G.R. No. 205835, June 23, 2020 [Per J. Leonen, *En Banc*].

³³ *Id.*

³⁴ 646 Phil. 452 (2010) [Per J. Carpio Morales, *En Banc*].

Then again, declaratory actions characterized by “double contingency,” where both the activity the petitioners intend to undertake and the anticipated reaction to it of a public official are merely theorized, lie beyond judicial review for lack of ripeness.

The possibility of abuse in the implementation of RA 9372 does not avail to take the present petitions out of the realm of the surreal and merely imagined. Such possibility is not peculiar to RA 9372 since the exercise of any power granted by law may be abused. Allegations of abuse must be anchored on real events before courts may step in to settle actual controversies involving rights which are legally demandable and enforceable.³⁵ (Emphasis in the original, citations omitted)

In *Republic v. Roque*,³⁶ this Court dismissed the declaratory relief petitions that again challenged the provisions of the Human Security Act for failure to “demonstrate how [respondents] are left to sustain or are in immediate danger to sustain some direct injury as a result of the enforcement of the assailed provisions of RA 9372.”³⁷ Therein, there was no showing that the remarks addressed by certain government officials to the general public tended towards any prosecutorial or governmental action, under RA 9372, against the respondents.

In *Pangilinan*, this Court restrained from declaring a diplomatic act unconstitutional without a proper justiciable controversy, emphasizing that:

We reiterate that courts may only rule on an actual case. This Court has no jurisdiction to rule on matters that are abstract, hypothetical, or merely potential. Petitioners’ fear that the President may unilaterally withdraw from other treaties has not transpired and cannot be taken cognizance of by this Court in this case. We have the duty to determine when we should stay our hand, and refuse to rule on cases where the issues are speculative and theoretical, and consequently, not justiciable.

Legislative and executive powers impel the concerned branches of government into assuming a more proactive role in our constitutional order. Judicial power, on the other hand, limits this Court into taking a passive stance. Such is the consequence of separation of powers. Until an actual case is brought before us by the proper parties at the opportune time, where the constitutional question is the very *lis mota*, we cannot act on an issue, no matter how much it agonizes us.³⁸ (Citation omitted)

There are narrow instances when this Court may review the constitutionality of a statute despite the lack of an actual case. In *Parcon-Song v. Parcon*,³⁹ this Court held that a constitutional issue may still be resolved when there is a violation of the right to free expression and its

³⁵ *Id.* at 481–483.

³⁶ 718 Phil. 294 (2013) [Per J. Perlas-Bernabe, *En Banc*].

³⁷ *Id.* at 305.

³⁸ *Pangilinan v. Cayetano*, G.R. Nos. 238875, 239483 & 240954, March 16, 2021 [Per J. Leonen, *En Banc*].

³⁹ G.R. No. 199582, July 7, 2020 [Per J. Leonen, *En Banc*].

cognates, or when it involves violations of fundamental constitutional rights that are demonstrably egregious:

There are exceptions, namely: (a) when a facial review of the statute is allowed, as in cases of actual or clearly imminent violation of the sovereign rights to free expression and its cognate rights; or (b) when there is a clear and convincing showing that a fundamental constitutional right has been actually violated in the application of a statute, which are of transcendental interest. The violation must be so demonstrably and urgently egregious that it outweighs a reasonable policy of deference in such specific instance. The facts constituting that violation must either be uncontested or established on trial. The basis for ruling on the constitutional issue must also be clearly alleged and traversed by the parties. Otherwise, this Court will not take cognizance of the constitutional issue, let alone rule on it.⁴⁰

This case, however, is no exception.

II

Further, petitioners' direct recourse to this Court is improper.

There are factual issues underlying the petitioners' arguments on the unconstitutionality of the TRAIN Law that must be fully threshed out for the proper disposition of the case. These factual issues pertaining to the existence of a quorum, the alleged oppressive, confiscatory, and anti-poor effects of the excise tax provision on oil products require the presentation of evidence that must be evaluated and weighed by the proper court.

This Court is not a trier of facts. "[T]he initial reception and appreciation of evidence are functions that [the] Court cannot perform. These are functions best left to the [lower] courts."⁴¹

In *GIOS-SAMAR, Inc. v. Department of Transportation and Communication*,⁴² this Court has emphasized, for the guidance of the bench and the bar, that:

[W]hen a question before the Court involves determination of a factual issue indispensable to the resolution of the legal issue, the Court will refuse to resolve the question regardless of the allegation or invocation of compelling reasons, such as the transcendental or paramount importance of the case. Such question must first be brought before the proper trial courts or the CA, both of which are specially equipped to try and resolve factual questions.⁴³

⁴⁰ *Id.*

⁴¹ *Aala v. Uy*, 803 Phil. 36, 59 (2017) [Per J. Leonen, *En Banc*].

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

⁴³ *Id.* at 187.

“Transcendental importance” of the constitutional issue raised, by itself, does not justify direct resort to this Court. The doctrine of respect for hierarchy of courts is not a matter of mere policy but a constitutional imperative given the structure of our judicial system and the requirements of due process. Since the Court generally does not receive evidence and resolve factual questions at the first instance, parties who directly file their petitions before it risk having their cases resolved on disputed or incomplete facts. As such, they are deprived the opportunity to have a complete, final and definitive resolution of their controversy. The Court explained in *GIOS-SAMAR*:

Under the present Rules of Court, which governs our judicial proceedings, warring factual allegations of parties are settled through presentation of evidence. Evidence is the means of ascertaining, in a judicial proceeding, the truth respecting a matter of fact. As earlier demonstrated, the Court cannot accept evidence *in the first instance*. By directly filing a case before the Court, litigants necessarily deprive themselves of the opportunity to completely pursue or defend their causes of actions. Their right to due process is effectively undermined by their own doing.

Objective justice also requires the ascertainment of all relevant facts before the Court can rule on the issue brought before it. Our pronouncement in *Republic v. Sandiganbayan* is enlightening:

The resolution of controversies is, as everyone knows, the *raison d'etre* of courts. This essential function is accomplished by *first*, the ascertainment of all the material and relevant facts from the pleadings and from the evidence adduced by the parties, and *second*, after that determination of the facts has been completed, by the application of the law thereto to the end that the controversy may be settled authoritatively, definitely and finally.

It is for this reason that a substantial part of the adjective law in this jurisdiction is occupied with assuring that all the facts are indeed presented to the Court; for obviously, to the extent that adjudication is made on the basis of incomplete facts, to that extent there is faultiness in the approximation of objective justice. It is thus the obligation of lawyers no less than of judges to see that this objective is attained; that is to say, that there [be] no suppression, obscuration, misrepresentation or distortion of the facts; and that no party be unaware of any fact material and relevant to the action, or surprised by any factual detail suddenly brought to his attention during the trial.⁴⁴ (Emphasis in the original, citations omitted)

⁴⁴ *Id.* at 181–182.

Thus, more than the “special and important reasons” invoked to justify direct resort to the Court, the questions raised by the parties must be purely legal in nature before the Court may exercise judicial review.

We take this opportunity to clarify that the presence of one or more of the so-called “special and important reasons” is not the decisive factor considered by the Court in deciding whether to permit the invocation, at the first instance, of its original jurisdiction over the issuance of extraordinary writs. **Rather, it is the *nature* of the question raised by the parties in those “exceptions” that enabled us to allow the direct action before us.**

....

An examination of the cases wherein this Court used “transcendental importance” of the constitutional issue raised to excuse violation of the principle of hierarchy of courts would show that resolution of factual issues was not necessary for the resolution of the constitutional issue/s. . . **In all these cases, there were no disputed facts and the issues involved were ones of law.**

....

To be clear, the transcendental importance doctrine does not clothe us with the power to tackle factual questions and play the role of a trial court. The only circumstance when we may take cognizance of a case *in the first instance*, despite the presence of factual issues, is in the exercise of our constitutionally-expressed task to review the sufficiency of the factual basis of the President’s proclamation of martial law under Section 18, Article VII of the 1987 Constitution. The case before us does not fall under this exception.⁴⁵ (Emphasis in the original, citations omitted)

Considering the factual questions involved in this case, we should stay our hand in strict adherence to the doctrine of respect for hierarchy of courts.

ACCORDINGLY, I vote to DISMISS the Petitions.



MARVIC M.V.F. LEONEN
Senior Associate Justice

⁴⁵ *Id.* at 175–178.