



Republic of the Philippines
Supreme Court
Manila

EN BANC

HENRY R. GIRON,

Petitioner,

G.R. No. 188179

Present:

— versus —

COMMISSION ON ELECTIONS,

Respondent,

SERENO, *CJ*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,*
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, *JJ*.

**ALMARIO E. FRANCISCO,
FEDERICO S. JONG JR., and
RICARDO L. BAES JR.,**

Petitioners-in-Intervention.

Promulgated:

JANUARY 22, 2013

X ----- X

DECISION

SERENO, *CJ*:

Before the Court is a special civil action for certiorari and prohibition assailing the constitutionality of Section 12 (*Substitution of Candidates*) and Section 14 (*Repealing Clause*) of Republic Act No. (R.A.) 9006, otherwise known as the Fair Election Act. The present Petition also seeks to prohibit the Commission on Elections (COMELEC) from further implementing the aforesaid sections of the Fair Election Act, on the ground that these

* On wellness leave.

provisions would enable elective officials to gain campaign advantage and allow them to disburse public funds from the time they file their certificates of candidacy until after the elections.

On the one hand, petitioner Henry R. Giron (Giron) asserts that the insertion of Sections 12 and 14 in the Fair Election Act violates Section 26(1), Article VI of the 1987 Constitution, which specifically requires: “Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.” Petitioner avers that these provisions are unrelated to the main subject of the Fair Election Act: the lifting of the political ad ban. Section 12 refers to the treatment of the votes cast for substituted candidates after the official ballots have been printed, while Section 14 pertains to the repeal of Section 67 (*Candidates holding elective office*) of *Batas Pambansa Blg. 881*, otherwise known as the Omnibus Election Code. Section 67 of this law concerns the *ipso facto* resignation of elective officials immediately after they file their respective certificates of candidacy for an office other than that which they are currently holding in a permanent capacity.

On the other hand, respondent Jose Melo, then chairperson of the COMELEC, opposes the Petition and argues *inter alia* that this Court has already resolved the matter in *Fariñas v. Executive Secretary*.¹

Almario E. Francisco, Federico S. Jong Jr., and Ricardo L. Baes Jr. filed their respective petitions-in-intervention,² which essentially reiterated the ratiocinations of Giron.

Issue

Whether or not the inclusion of Sections 12 and 14 in the Fair Election Act violates Section 26(1), Article VI of the 1987 Constitution, or the “one subject-one title” rule.

Ruling

It is a well-settled rule that courts are to adopt a liberal interpretation in favor of the constitutionality of a legislation,³ as Congress is deemed to have enacted a valid, sensible, and just law.⁴ Because of this strong presumption, the one who asserts the invalidity of a law has to prove that there is a clear, unmistakable, and unequivocal breach of the Constitution; otherwise, the petition must fail.⁵

¹ G.R. Nos. 147387 & 152161, 10 December 2003, 417 SCRA 503.

² *Rollo*, pp. 258, 370, & 562.

³ *Samson v. Aguirre*, 373 Phil. 669, 674 (1999).

⁴ *Id.* (citing *Victoriano v. Elizalde Rope Workers’ Union*, G.R. No. L-25246, 12 September 1974, 59 SCRA 54); and *BANAT Party-list v. Commission on Elections*, G.R. No. 177508, 7 August 2009, 595 SCRA 477.

⁵ *BANAT Party-list v. Commission on Elections*, *supra*; and *Samson v. Aguirre*, *supra* note 3.

After a thorough review of the arguments raised, we find that petitioner and petitioners-in-intervention were unable to present a compelling reason that would surpass the strong presumption of validity and constitutionality in favor of the Fair Election Act. They have not put forward any gripping justification to reverse our ruling in *Fariñas*, in which we have already ruled that the title and the objectives of R.A. 9006 are comprehensive enough to include subjects other than the lifting of the ban on the use of media for election propaganda. Below is a reproduction of our exhaustive exposition on the matter in the 10 December 2003 *En Banc* Decision:⁶

At the core of the controversy is Section 14, the repealing clause of Rep. Act No. 9006, which provides:

[SECTION 14. *Repealing Clause.* —] Sections 67 and 85 of the Omnibus Election Code (Batas Pambansa Blg. 881) and Sections 10 and 11 of Republic Act No. 6646 are hereby repealed. As a consequence, the first *proviso* in the third paragraph of Section 11 of Republic Act No. 8436 is rendered ineffective. All laws, presidential decrees, executive orders, rules and regulations, or any part thereof inconsistent with the provisions of this Act are hereby repealed or modified or amended accordingly.

The repealed provision, Section 67 of the Omnibus Election Code, quoted earlier, reads:

[SECTION 67]. *Candidates holding elective office.* — Any elective official, whether national or local, running for any office other than the one which he is holding in a permanent capacity, except for President and Vice-President, shall be considered *ipso facto* resigned from his office upon the filing of his certificate of candidacy.

X X X X

The proscription [under Section 26(1), Article VI of the Constitution] is aimed against the evils of the so-called omnibus bills and log-rolling legislation as well as surreptitious and/or unconsidered encroachments. The provision merely calls for all parts of an act relating to its subject finding expression in its title.

To determine whether there has been compliance with the constitutional requirement that the subject of an act shall be expressed in its title, the Court laid down the rule that —

Constitutional provisions relating to the subject matter and titles of statutes should not be so narrowly construed as to cripple or impede the power of legislation. The requirement that the subject of an act shall be expressed in its title should receive a reasonable and not

⁶ *Fariñas v. Executive Secretary*, supra note 1, at 518-525.

a technical construction. **It is sufficient if the title be comprehensive enough reasonably to include the general object which a statute seeks to effect, without expressing each and every end and means necessary or convenient for the accomplishing of that object.** Mere details need not be set forth. The title need not be an abstract or index of the Act.

The title of Rep. Act No. 9006 reads: “An Act to Enhance the Holding of Free, Orderly, Honest, Peaceful and Credible Elections through Fair Election Practices.” Section 2 of the law provides not only the declaration of principles but also the objectives thereof:

Sec. 2. Declaration of Principles. — The State shall, during the election period, supervise or regulate the enjoyment or utilization of all franchises or permits for the operation of media of communication or information to guarantee or ensure equal opportunity for public service, including access to media time and space, and the equitable right to reply, for public information campaigns and fora among candidates and **assure free, orderly, honest, peaceful and credible elections.**

The State shall ensure that bona fide candidates for any public office shall be free from any form of harassment and discrimination.

The Court is convinced that the title and the objectives of Rep. Act No. 9006 are comprehensive enough to include the repeal of Section 67 of the Omnibus Election Code within its contemplation. To require that the said repeal of Section 67 of the Code be expressed in the title is to insist that the title be a complete index of its content.

The purported dissimilarity of Section 67 of the Omnibus Election Code, which imposes a limitation on elective officials who run for an office other than the one they are holding, to the other provisions of Rep. Act No. 9006, which deal with the lifting of the ban on the use of media for election propaganda, does not violate the “one subject-one title” rule. This Court has held that **an act having a single general subject, indicated in the title, may contain any number of provisions, no matter how diverse they may be, so long as they are not inconsistent with or foreign to the general subject, and may be considered in furtherance of such subject by providing for the method and means of carrying out the general subject.**

X X X X

Moreover, the avowed purpose of the constitutional directive that the subject of a bill should be embraced in its title is to apprise the legislators of the purposes, the nature and scope of its provisions, and prevent the enactment into law of matters which have not received the notice, action and study of the legislators and the public. In this case, **it cannot be claimed that the legislators were not apprised of the repeal of Section 67 of the Omnibus Election Code as the same**

was amply and comprehensively deliberated upon by the members of the House. (Emphases supplied and citations omitted)

The reasoning behind *Fariñas* similarly applies to the claim of unconstitutionality with respect to Section 12 of the Fair Election Act. The questioned provision reads:

SECTION 12. *Substitution of Candidates.* — In case of valid substitutions after the official ballots have been printed, the votes cast for the substituted candidates shall be considered as stray votes but shall not invalidate the whole ballot. For this purpose, the official ballots shall provide spaces where the voters may write the name of the substitute candidates if they are voting for the latter: *Provided, however,* That if the substitute candidate is of the same family name, this provision shall not apply.

To give a contextual background, we observe that Congress consciously looked for a more generic title in order to express the thrust of the law. Below is an excerpt from the Bicameral Conference Committee deliberations:⁷

CHAIRMAN SYJUCO. x x x x. First of all, we will need to answer when we get back to our own chamber **what it is that there seems to be a rider here that does not seem to be pertinent or relevant to the...germane to the spirit.** And in fact that title and the **purpose for this very Act -It is an Act to enhance the holding of free, orderly, honest, peaceful, and credible elections through fair election practices.**

It is the opinion of many of us in the House that this should be the subject of another legislation rather than a rider “*kuno*” on legislation that is...that refers totally to a different subject matter. So that’s one. x x x x

CHAIRMAN SYJUCO. Okay. May we jump a little ahead of ourselves, *no*. But I think it’s necessary to get a little ahead so that we can be enlightened as to how this will fit, these particular things will fit into the whole pie, *no*. **So, what sort of title then would emanate so as to accommodate a subject matter which under the present title or the proposed titles or the title from the House or the title from the Senate would seem to be more appropriately the subject of another legislation?**

May I draw on the experience of the Chairman for this, please?

CHAIRMAN ROCO. **Yes. We really studied that very carefully and we weighed, and that’s why we recommended as a last thing was fair election practices, and we combed in fact the laws. It becomes fair election practices. We went through all the different laws *pa kung meron pa kaming maii-spot na unfairness para ipapasok pa, pero wala***

⁷ Transcript of the deliberations of the Bicameral Conference Committee on the Disagreeing Provisions of Senate Bill No. 1742 and House Bill No. 9000 (Committee on Suffrage & Electoral Reforms jointly with the Committee on Public Information), 23 November 2000, pp. 70-85.

na eh. The unfairness were in the opportunity *lang* to run and then you're disqualified when you run for something else. *Ngayon* we restrict it only for President and Vice President. You forfeit...it's the reverse really of the present law. x x x x.

CHAIRMAN SYJUCO. Okay. **So do you believe, Mr. Chairman, that we can find an appropriate title for this so that it will not stick out like a sword and seem to be inappropriate as part of the whole body?**

CHAIRMAN ROCO. **Will you feel comfortable with fair election practices?** *Baka okey na* because it's really fair *na*. x x x x.

CHAIRMAN SYJUCO. **So if the scope can be widened so as to cover this as well, then it should be all right.**

SEN. LEGARDA-LEVISTE. Yes, Mr. Chairman. I just wanted to clarify. **So all we're looking for now is appropriate title to make it broader so that it would cover this provision.** Is that correct?

CHAIRMAN SYJUCO. **We're looking for an appropriate coverage which will result in the nomenclature.**

SEN. LEGARDA-LEVISTE. Because I really do not believe that it is out-of-place. I think that even with the term FAIR ELECTION PRACTICE it really covers it. Because as expressed by Sen. Roco, **those conditions stated earlier seemed unfair and it is an election practice** and therefore, I think I'm very comfortable with the title FAIR ELECTION PRACTICE so that we can get over with these things so that we don't come back again until we find the title. I mean it's one provision which I think is fair for everybody. It may seem like a limitation but this limitation actually provides for fairness in election practices as the title implies. x x x x.

CHAIRPERSON MARCOS. Mr. Chairman, may I just make the observation that **although it is true that the bulk of provisions deals with the area of propaganda and political advertising, the complete title is actually one that indulge full coverage.** It says, AN ACT TO ENHANCE THE HOLDING OF FREE, ORDERLY, HONEST, etcetera ELECTIONS through fair election practices. But as we said we will put that aside to discuss later on.

Secondly, I think the declaration of principles contained in Section 2, paragraph 2, is perfectly adequate and that it says that it shall ensure candidates for public office that be free from any form of harassment and discrimination. Surely, this provision in Section 67 of the old Election Code of the existing Omnibus Election Code is a form of harassment or discrimination. And so I think that in the effort at leveling the playing field, we can cover this and it should not be considered a rider. x x x x.

CHAIRMAN ROCO. Yeah, I think what is on the table is that we are not disputing this but **we are looking for a title that is more generic so that then we have less x x x of an objection on constitutionality. I think that's the theory. So, there is acceptance of this.** Maybe we should not call it *nga* limitation on elected officials. Maybe we should say, special provision on elected officials. So, how is that? Now, also, then we say... On the short title of the Act, we say... (unfinished) x x x x.

CHAIRMAN ROCO. It's done. So, okay *na iyun*. The title will be FAIR ELECTION ACT. The rest are *wala nang problema, ano? Wala na. Wala na.* (Italics and boldface supplied)

What the above discussion tells us is that Congress did not limit the law to the lifting of the political ad ban. After combing through various laws, they found other election practices that they considered inequitable. Some of these practices included the appreciation of the votes cast in case of a late substitution of candidates and the *ipso facto* resignation of certain elective officials upon the filing of their certificates of candidacy. Thus, to "level the playing field," Congress fashioned a law that would address what they determined were unfair election practices; hence, the birth of the Fair Election Act.

After a careful analysis of the foregoing, we find that the assailed Section 12 (*Substitution of Candidates*) and Section 14 (*Repealing Clause*) are indeed germane to the subject expressed in the title of R.A. 9006: An Act to Enhance the Holding of Free, Orderly, Honest, Peaceful and Credible Elections through Fair Election Practices. The title was worded broadly enough to include the measures embodied in the assailed sections. Consequently, we dismiss the Petition and the petitions-in-intervention for failure to establish a clear breach of the Constitution.

On a final note, we observe that petitioner and petitioners-in-intervention raise various arguments that we deem are matters of policy. Whether or not those ratiocinations are valid, we reiterate that the power of this Court is limited to the interpretation of the law. Judicial power does not include the determination of the wisdom, fairness, soundness, or expediency of a statute. Otherwise, the Court may be accused of engaging in judicial legislation. As it is Congress that is empowered by the Constitution to determine state policies and to enact laws, we feel that petitioner's reasoning would be best addressed by the legislature.

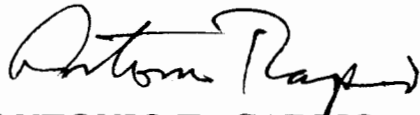
WHEREFORE, the Petition is hereby **DISMISSED**.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice

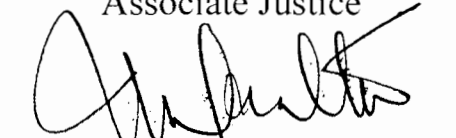
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice



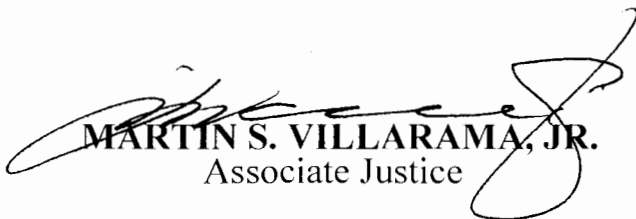
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



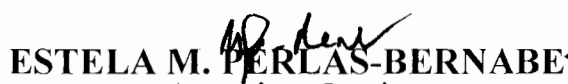
MARIANO C. DEL CASTILLO
Associate Justice



MARTIN S. VILLARAMA, JR.
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice



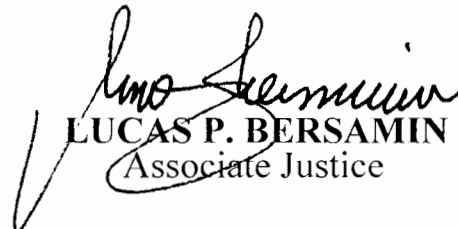
ESTELA M. PERLAS-BERNABE
Associate Justice



PRESBITERO J. VELASCO, JR.
Associate Justice

(On wellness leave)

ARTURO D. BRION
Associate Justice



LUCAS P. BERSAMIN
Associate Justice



ROBERTO A. ABAD
Associate Justice



JOSE PORTUGAL PEREZ
Associate Justice




BIENVENIDO L. REYES
Associate Justice



MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



MARIA LOURDES P. A. SERENO
Chief Justice