Republic of the Philippines
Supreme Court
Manila

EN BANC

KABATAAN PARTY-LIST, REPRESENTED BY REPRESENTATIVE JAMES MARK TERRY L. RIDON AND MARJOHARA S. TUCAY; SARAH JANE I. ELAGO, PRESIDENT OF THE NATIONAL UNION OF STUDENTS OF THE PHILIPPINES; VENCER MARI E. CRISOSTOMO, CHAIRPERSON OF THE ANAKBAYAN; MARC LINO J. ABILA, NATIONAL PRESIDENT OF THE COLLEGE EDITORS GUILD OF THE PHILIPPINES; EINSTEIN Z. RECEDES, DEPUTY SECRETARY-GENERAL OF ANAKBAYAN; CHARISSE BERNADINE I. BAÑEZ, CHAIRPERSON OF THE LEAGUE OF FILIPINO STUDENTS; ARLENE CLARISSE Y. JULVE, MEMBER OF ALYANSA NG MGA GRUPONG HALIGI NG AGHAM AT TEKNOLOHIYA PARA SA MAMAMAYAN (AGHAM); and SINING MARIA ROSA L. MARFORI, Petitioners,	**G.R. No. 221318** Present: SERENO, *C.J.*, CARPIO, VELASCO, JR., LEONARDO-DE CASTRO, BRION, PERALTA, BERSAMIN, DEL CASTILLO, VILLARAMA, JR., PEREZ, MENDOZA, REYES, PERLAS-BERNABE, LEONEN, and JARDELEZA, *JJ.* Promulgated: December 16, 2015

- versus -

COMMISSION ON ELECTIONS,
                    Respondent.

x--x

D E C I S I O N

PERLAS-BERNABE, *J*.:

Rights beget responsibilities; progress begets change.

Before the Court is a petition for *certiorari* and prohibition[1] filed by herein petitioners *Kabataan* Party-List, represented by Representative James Mark Terry L. Ridon and National President Marjohara S. Tucay; Sarah Jane I. Elago, President of the National Union of Students of the Philippines; Vencer Mari E. Crisostomo and Einstein Z. Recedes, Chairperson and Deputy Secretary-General of *Anakbayan*, respectively; Marc Lino J. Abila, National President of the College Editors Guild of the Philippines; Charisse Bernadine I. Bañez, Chairperson of the League of Filipino Students; Arlene Clarisse Y. Julve, member of *Alyansa ng mga Grupong Haligi ng Agham at Teknolohiya para sa Mamamayan* (AGHAM); and Sining Maria Rosa L. Marfori (petitioners) assailing the constitutionality of Republic Act No. (RA) 10367, entitled "An Act Providing for Mandatory Biometrics Voter Registration,"[2] as well as respondent Commission on Elections' (COMELEC) Resolution Nos. 9721,[3] 9863,[4] and 10013,[5] all related thereto.

The Facts

On February 15, 2013, President Benigno S. Aquino III signed into law RA 10367, which is a consolidation of House Bill No. 3469 and Senate Bill No. 1030, passed by the House of Representatives and the Senate on December 11, 2012 and December 12, 2012,[6] respectively. Essentially, RA 10367 mandates the COMELEC to implement a mandatory biometrics registration system for new voters[7] in order to establish a clean, complete, permanent, and updated list of voters through the adoption of biometric

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[1]   With application for the issuance of a Writ of Preliminary Injunction and/or Temporary Restraining Order. *Rollo*, pp. 3-34.

[2]   Approved on February 15, 2013.

[3]   Entitled "Rules and Regulations Implementing Republic Act 10367, Otherwise Known as 'An Act Providing for Mandatory Biometrics Voter Registration,'" signed by then Chairman Sixto S. Brillantes, Jr., and Commissioners Lucenito N. Tagle, Elias R. Yusoph, Christian Robert S. Lim, Maria Gracia Cielo M. Padaca, Al A. Parreño, and Luie Tito F. Guia on June 26, 2013. *Rollo*, pp. 45-49.

[4]   Entitled "In the Matter of 1) Amending Sections 28 and 38 of Resolution No. 9853, Dated February 19, 2013 and 2) Guidelines on Deactivation of Voters Registration Records," dated April 1, 2014. Id. at 50-54.

[5]   Entitled "In the Matter of Deactivating the Registration Records of Voters Without Biometrics Data in the Voters' Registration System for Failure to Validate Pursuant to Republic Act No. 10367," signed by Chairman Juan Andres D. Bautista, and Commissioners Christian Robert S. Lim, Al A. Parreño, Luie Tito F. Guia, Arthur D. Lim, Ma. Rowena Amelia V. Guanzon, and Sheriff M. Abas. Id. at 55-58.

[6]   Id. at 13.

[7]   See Section 10 of RA 10367.

technology.[8] RA 10367 was duly published on February 22, 2013,[9] and took effect fifteen (15) days after.[10]

RA 10367 likewise directs that "**[r]egistered voters whose biometrics have not been captured shall submit themselves for validation**."[11] "**Voters who fail to submit for validation** on or before the last day of filing of application for registration for purposes of the May 2016 [E]lections **shall be deactivated** x x x."[12] Nonetheless, voters may have their records reactivated after the May 2016 Elections, provided that they comply with the procedure found in Section 28[13] of RA 8189,[14] also known as "The Voter's Registration Act of 1996."[15]

On June 26, 2013, the COMELEC issued **Resolution No. 9721**[16] which serves as the implementing rules and regulations of RA 10367, thus, prescribing the procedure for validation,[17] deactivation,[18] and reactivation of voters' registration records (VRRs).[19] Among others, the said Resolution provides that: (*a*) "**[t]he registration records of voters without biometrics data who failed to submit for validation on or before the last day of filing of applications for registration for the purpose of the May 9, 2016 National and Local Elections shall be deactivated** in the last [Election Registration Board (ERB)] hearing to be conducted prior to said elections";[20] (*b*) "[t]he following registered voters shall have their biometrics data validated: [(1)] Those who **do not have BIOMETRICS data** appearing in the Voter['s] Registration System (VRS); and [(2)] Those who have **incomplete BIOMETRICS data** appearing in the

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8   See Section 1 of RA 10367.

9   RA 10367 was published in the February 22, 2013 issues of the Manila Bulletin and the Philippine Star.

10   See Section 15 of RA 10367.

11   See Section 3 of RA 10367; emphasis supplied.

12   See Section 7 of RA 10367; emphases supplied.

13   Section 28. Reactivation of Registration. – Any voter whose registration has been deactivated pursuant to the preceding Section may file with the Election Officer a sworn application for reactivation of his registration in the form of an affidavit stating that the grounds for the deactivation no longer exist any time but not later than one hundred twenty (120) days before a regular election and ninety (90) days before a special election.

         The Election Officer shall submit said application to the Election Registration Board for appropriate action.

         In case the application is approved, the Election Officer shall retrieve the registration record from the inactive file and include the same in the corresponding precinct book of voters. Local heads or representatives of political parties shall be properly notified on approved applications.

14   Entitled "AN ACT PROVIDING FOR A GENERAL REGISTRATION OF VOTERS, ADOPTING A SYSTEM OF CONTINUING REGISTRATION, PRESCRIBING THE PROCEDURES THEREOF AND AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR" (approved on June 11, 1996).

15   See Section 8 of RA 10367.

16   *Rollo*, pp. 45-49.

17   See Section 6 of Resolution No. 9721; id. at 47-48.

18   See Section 8 of Resolution No. 9721; id.

19   See Section 9 of Resolution No. 9721; id.

20   See Section 8 of Resolution No. 9721; id., emphasis supplied.

VRS";[21] (*c*) "[d]eactivated voters shall not be allowed to vote";[22] and (*d*) "[d]eactivation x x x **shall comply with the requirements on posting, ERB hearing and service of individual notices to the deactivated voters.**"[23] Resolution No. 9721 further states that, as of the last day of registration and validation for the 2013 Elections on October 31, 2012, a total of 9,018,256 registered voters were without biometrics data.[24] Accordingly, all Election Officers (EOs) were directed to "**conduct [an] information campaign on the conduct of validation**."[25]

On July 1, 2013, the COMELEC, pursuant to the aforesaid Resolution, commenced the mandatory biometric system of registration. To make biometric registration convenient and accessible to the voting public, aside from the COMELEC offices in every local government unit, it likewise established satellite registration offices in barangays and malls.[26]

On April 1, 2014, the COMELEC issued **Resolution No. 9863**[27] which amended certain portions[28] of Resolution No. 9853[29] dated February 19, 2014, by stating that ERBs shall deactivate the VRRs of those who "failed to submit for validation despite notice **on or before October 31, 2015**," and that the "[d]eactivation for cases falling under this ground shall be made during the **November 16, 2015** Board hearing."[30]

A month later, or in May 2014, the COMELEC launched the *NoBio-NoBoto* **public information campaign** which ran concurrently with the period of continuing registration.[31]

On November 3, 2015, the COMELEC issued **Resolution No. 10013**[32] which provides for the "procedures in the deactivation of [VRRs] who do not have biometrics data in the [VRS] after the October 31, 2015 deadline of registration and validation."[33] Among others, the said Resolution directed the EOs to: (*a*) "**[p]ost the lists of voters without biometrics data** in the bulletin boards of the City/Municipal hall, Office of the Election Officer and in the barangay hall along with the notice of ERB hearing;" and

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21 See Section 2 of Resolution No. 9721; id. at 45-46, emphases supplied.
22 See Section 8 of Resolution No. 9721; id. at 48, emphasis supplied.
23 See Section 8 of Resolution No. 9721; id., emphasis supplied.
24 See second Whereas clause of Resolution No. 9721; id. at 45.
25 See Section 12 of Resolution No. 9721; id. at 49, emphasis supplied.
26 See id. at 79.
27 Id. at 50-54.
28 Particularly amending Sections 28 and 38 of COMELEC Resolution No. 9853, see id. at 78.
29 Entitled "RULES AND REGULATIONS ON THE RESUMPTION OF THE SYSTEM OF CONTINUING REGISTRATION OF VOTERS, VALIDATION AND UPDATING OF REGISTRATION RECORDS FOR THE MAY 9, 2016 SYNCHRONIZED NATIONAL, LOCAL AND ARMM REGIONAL ELECTIONS AND OTHER REGISTRATION POLICIES," signed by then Chairman Sixto S. Brillantes, Jr., and Commissioners Lucenito N. Tagle, Elias R. Yusoph, Christian Robert S. Lim, Maria Gracia Cielo M. Padaca, Al A. Parreño, and Luie Tito F. Guia.
30 See Item B (2a) (7) of Resolution No. 9863; *rollo*, p. 53.
31 See id. at 71.
32 Id. at 55-58.
33 See id. at 56.

(*b*) "[s]end **individual notices to the affected voters** included in the generated list of voters without biometrics data."[34] It also provides that "[a]ny **opposition/objection** to the deactivation of records shall be filed not later than November 9, 2015 in accordance with the period prescribed in Section 4,[35] [Chapter I,] Resolution No. 9853."[36] During the ERB hearing, which proceedings are summary in nature,[37] "the ERBs shall, based on the list of voters without biometrics data, order the deactivation of registration records on the ground of 'failure to validate.'"[38] Thereafter, EOs were required to "[s]end individual notices to the deactivated voters within five (5) days from the last day of ERB hearing."[39] Moreover, Resolution No. 10013 clarified that the "[r]egistration records of voters with **incomplete biometrics data and those corrupted data (biometrics) in the database shall not be deactivated and be allowed to vote** in the May 9, 2016 Synchronized National, Local and [Autonomous Region on Muslim Mindanao (ARMM)] Regional Elections."[40]

On November 25, 2015, herein petitioners filed the instant petition with application for temporary restraining order (TRO) and/or writ of preliminary mandatory injunction (WPI) assailing the constitutionality of the biometrics validation requirement imposed under RA 10367, as well as COMELEC Resolution Nos. 9721, 9863, and 10013, all related thereto. They contend that: (*a*) biometrics validation rises to the level of an additional, substantial qualification where there is penalty of deactivation;[41] (*b*) biometrics deactivation is not the disqualification by law contemplated

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34 See Items A (3) and (4) of Resolution No. 10013; id. at 57.
35 Section 4. Hearing and approval/disapproval of applications. – The applications shall be heard by the Election Registration Board (Board) at the [Office of the Election Officer (OEO)], in accordance with the following schedule:

Period to file applications	Last day to post Notice of Hearing with Lists of Applicant	Last day to file opposition to applications	Hearing and Approval/ Disapproval of applications
May 6 to June 30, 2014	July 7, 2014	July 14, 2014	July 21, 2014
July 1 to September 30, 2014	October 6, 2014	October 13, 2014	October 20, 2014
October 1 to December 20, 2014	January 5, 2015	January 12, 2015	January 19, 2015
January 5 to March 31, 2015	April 6, 2015	April 13, 2015	April 20, 2015
April 1 to June 30, 2015	July 6, 2015	July 13, 2015	July 20, 2015
July 1 to September 30, 2015	October 5, 2015	October 12, 2015	October 19, 2015
October 1 to 31, 2015	November 4, 2015	November 9, 2015	November 16, 2015

If the last day to post notice, file oppositions and hearing for approval/disapproval falls on a holiday or a non-working day, the same shall be done on the next working day.
36 See Item A (5) of Resolution No. 10013; id. at 57.
37 See Item B (3) of Resolution No. 10013; id.
38 See Item B (1) of Resolution No. 10013; id.
39 See Item C (4) of Resolution No. 10013; id. at 58.
40 See Item A (2) of Resolution No. 10013; id. at 57.
41 See id. at 19-20.

by the 1987 Constitution;[42] (*c*) biometrics validation gravely violates the Constitution, considering that, applying the strict scrutiny test, it is not poised with a compelling reason for state regulation and hence, an unreasonable deprivation of the right to suffrage;[43] (*d*) voters to be deactivated are not afforded due process;[44] and (*e*) poor experience with biometrics should serve as warning against exacting adherence to the system.[45] Albeit already subject of a prior petition[46] filed before this Court, petitioners also raise herein the argument that deactivation by November 16, 2015 would result in the premature termination of the registration period contrary to Section 8[47] of RA 8189.[48] Ultimately, petitioners pray that this Court declare RA 10367, as well as COMELEC Resolution Nos. 9721, 9863, and 10013, unconstitutional and that the COMELEC be commanded to desist from deactivating registered voters without biometric information, to reinstate voters who are compliant with the requisites of RA 8189 but have already been delisted, and to extend the system of continuing registration and capture of biometric information of voters until January 8, 2016.[49]

On December 1, 2015, the Court required the COMELEC to file its comment to the petition. Meanwhile, it issued a TRO requiring the COMELEC to desist from deactivating the registration records of voters without biometric information, pending resolution of the case at hand.[50]

On December 7, 2015, COMELEC Chairman Juan Andres D. Bautista, through a letter[51] addressed to the Court *En Banc*, urgently appealed for the immediate lifting of the above-mentioned TRO, stating that the COMELEC is set to finalize the Project of Precincts (POP) on December 15, 2015, and that the TRO issued in this case has the effect of including the 2.4 Million deactivated voters in the list of voters, which, in turn, would require revisions to the POP and consequently, adversely affect the timelines of all other interrelated preparatory activities to the prejudice of the successful implementation of the Automated Election System (AES) for the 2016 Elections.[52]

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[42]   See id. at 20-21.
[43]   See id. at 22-24.
[44]   See id. at 26-28.
[45]   See id. at 28-31.
[46]   Filed by the same parties against the COMELEC on October 29, 2015 docketed as **G.R. No. 220918**; *rollo*, p. 7.
[47]   Section 8. System of Continuing Registration of Voters. – The personal filing of application of registration of voters shall be conducted daily in the office of the Election Officer during regular office hours. No registration shall, however, be conducted during the period starting one hundred twenty (120) days before a regular election and ninety (90) days before a special election.
[48]   *Rollo*, p. 12.
[49]   Id. at 33.
[50]   See TRO and Notice of Resolution dated December 1, 2015; id. at 70-A to 70-D.
[51]   Id. at 71-75.
[52]   See id. at 74-75.

On December 11, 2015, the COMELEC, through the Office of the Solicitor General, filed its comment[53] to the instant petition. On even date, petitioners filed a manifestation[54] asking the Court to continue the TRO against the deactivation of voters without biometric information.[55]

With no further pleadings required of the parties, the case was submitted for resolution.

The Issue Before the Court

The core issue in this case is whether or not RA 10367, as well as COMELEC Resolution Nos. 9721, 9863, and 10013, all related thereto, are unconstitutional.

The Ruling of the Court

The petition is bereft of merit.

I.

At the outset, the Court passes upon the procedural objections raised in this case. In particular, the COMELEC claims that petitioners: (*a*) failed to implead the Congress, the Office of the President, and the ERB which it purports are indispensable parties to the case;[56] (*b*) did not have the legal standing to institute the instant petition;[57] and (*c*) erroneously availed of *certiorari* and prohibition as a mode of questioning the constitutionality of RA 10367 and the assailed COMELEC Resolutions.[58]

The submissions do not hold.

Recognizing that the petition is hinged on an important constitutional issue pertaining to the right of suffrage, the Court views the matter as one of transcendental public importance and of compelling significance. Consequently, it deems it proper to brush aside the foregoing procedural barriers and instead, resolve the case on its merits. As resonated in the case of *Pabillo v. COMELEC*,[59] citing *Capalla v. COMELEC*[60] and *Guingona, Jr. v. COMELEC*:[61]

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53 See Consolidated Comment and Manifestation *Ad Cautelam*; id. at 77-101.
54 See id. at 102-109.
55 Id. at 108.
56 Id. at 81-83.
57 Id. at 83-84.
58 Id. at 84-85.
59 See G.R. Nos. 216098 and 216562, April 21, 2015.
60 G.R. Nos. 201112, 201121, 201127, and 201413, June 13, 2012, 673 SCRA 1, 47-48.
61 634 Phil. 516, 529 (2010).

> There can be no doubt that the coming 10 May 2010 [in this case, the May 2016] elections is a matter of great public concern. On election day, the country's registered voters will come out to exercise the sacred right of suffrage. Not only is it an exercise that ensures the preservation of our democracy, the coming elections also embodies our people's last ounce of hope for a better future. It is the final opportunity, patiently awaited by our people, for the peaceful transition of power to the next chosen leaders of our country. **If there is anything capable of directly affecting the lives of ordinary Filipinos so as to come within the ambit of a public concern, it is the coming elections**, [x x x.]
>
> Thus, in view of the compelling significance and transcending public importance of the issues raised by petitioners, the technicalities raised by respondents should not be allowed to stand in the way, if the ends of justice would not be subserved by a rigid adherence to the rules of procedure. (Emphasis and underscoring supplied)

Furthermore, the issue on whether or not the policy on biometrics validation, as provided under RA 10367 and fleshed out in the assailed COMELEC Resolutions, should be upheld is one that demands immediate adjudication in view of the critical preparatory activities that are currently being undertaken by the COMELEC with regard to the impending May 2016 Elections. Thus, it would best subserve the ends of justice to settle this controversy not only in order to enlighten the citizenry, but also so as not to stymy the operations of a co-constitutional body. As pronounced in *Roque, Jr. v. COMELEC*:[62]

> [T]he bottom line is that the Court may except a particular case from the operations of its rules when the demands of justice so require. Put a bit differently, rules of procedure are merely tools designed to facilitate the attainment of justice. Accordingly, technicalities and procedural barriers should not be allowed to stand in the way, if the ends of justice would not be subserved by a rigid adherence to the rules of procedure.[63]

That being said, the Court now proceeds to resolve the substantive issues in this case.

II.

Essentially, the present petition is a constitutional challenge against the biometrics validation requirement imposed under RA 10367, including COMELEC Resolution Nos. 9721, 9863, and 10013. As non-compliance with the same results in the penalty of deactivation, petitioners posit that it has risen to the level of an unconstitutional substantive requirement in the exercise of the right of suffrage.[64] They submit that the statutory requirement

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[62]   615 Phil. 149 (2009).
[63]   Id. at 200.
[64]   *Rollo*, p. 19.

of biometric validation is no different from the unconstitutional requirement of literacy and property because mere non-validation already absolutely curtails the exercise of the right of suffrage through deactivation.[65] Further, they advance the argument that deactivation is not the disqualification by law contemplated as a valid limitation to the exercise of suffrage under the 1987 Constitution.[66]

The contestation is untenable.

As early as the 1936 case of *The People of the Philippine Islands v. Corral*,[67] it has been recognized that "[t]he right to vote is not a natural right but is **a right created by law. Suffrage is a privilege granted by the State to such persons or classes as are most likely to exercise it for the public good**. In the early stages of the evolution of the representative system of government, the exercise of the right of suffrage was limited to a small portion of the inhabitants. But with the spread of democratic ideas, the enjoyment of the franchise in the modern states has come to embrace the mass of the audit classes of persons are excluded from the franchise."[68]

Section 1, Article V of the 1987 Constitution delineates the current parameters for the exercise of suffrage:

> Section 1. Suffrage may be exercised by all citizens of the Philippines not otherwise disqualified by law, who are at least eighteen years of age, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months immediately preceding the election. No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage.

Dissecting the provision, one must meet the following qualifications in order to exercise the right of suffrage: *first*, he must be a Filipino citizen; *second*, he must not be disqualified by law; and *third*, he must have resided in the Philippines for at least one (1) year and in the place wherein he proposes to vote for at least six (6) months immediately preceding the election.

The second item more prominently reflects the franchised nature of the right of suffrage. The State may therefore regulate said right by imposing statutory disqualifications, with the restriction, however, that the same do not amount to, as per the second sentence of the provision, a "literacy, property or other substantive requirement." Based on its genesis, it may be gleaned that the limitation is geared towards the elimination of irrelevant standards that are purely based on socio-economic considerations that have

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[65]   Id. at 20.
[66]   Id. at 20-21.
[67]   62 Phil. 945, 948 (1936).
[68]   See id.

no bearing on the right of a citizen to intelligently cast his vote and to further the public good.

To contextualize, the first Philippine Election Law, Act No. 1582, which took effect on January 15, 1907, mandated that only men who were at least twenty-three (23) years old and "comprised within one of the following three classes" were allowed to vote: (*a*) those who prior to the 13th of August, 1898, held the office of municipal captain, *governadorcillo*, *alcalde*, *lieutenant*, *cabeza de barangay*, or member of any *ayuntamiento*; (*b*) those who own real property to the value of ₱500.00, or who annually pay ₱30.00 or more of the established taxes; and (*c*) those, who speak, read, and write English or Spanish.

When the 1935 Constitution was adopted, the minimum voting age was lowered to twenty-one (21) and the foregoing class qualification and property requirements were removed.[69] However, the literacy requirement was retained and only men who were able to read and write were given the right to vote.[70] It also made women's right to vote dependent on a plebiscite held for such purpose.[71]

During the 1971 Constitutional Convention, the delegates decided to remove the literacy and property requirements to broaden the political base and discontinue the exclusion of millions of citizens from the political systems:[72]

Sponsorship Speech of Delegate Manglapus

DELEGATE MANGLAPUS: Mr. President, the draft proposal, the subject matter of Report No. 11 contains amendments that are designed to improve Article V on suffrage and to broaden the electoral base of our country. The three main points that are taken up in this draft which will be developed in the sponsorship speeches that will follow might need explanatory remarks. x x x.

x x x x

(2) The present requirement, reading and writing, is eliminated and instead a provision is introduced which says, "**No literacy, property, or other substantive**

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[69] Section 1. Suffrage may be exercised by male citizens of the Philippines not otherwise disqualified by law, who are twenty-one years of age or over and are **able to read and write**, and who shall have resided in the Philippines for one year and in the municipality wherein they propose to vote for at least six months preceding the election. The National Assembly shall extend the right of suffrage to women, if in a plebiscite which shall be held for that purpose within two years after the adoption of this Constitution, not less than three hundred thousand women possessing the necessary qualifications shall vote affirmatively on the question. (Emphasis supplied)

[70] Id.

[71] Id.

[72] Journal of the 1971 Constitutional Convention, Session No. 116, February 25, 1972, pp. 13-14.

requirement shall be imposed on the exercise of suffrage;"

x x x x

The draft before us is in keeping with the trend towards the broadening of the electoral base already begun with the lowering of the voting age to 18, and it is in keeping further with the Committee's desire to discontinue the alienation and exclusion of millions of citizens from the political system and from participation in the political life of the country. The requirement of literacy for voting is eliminated for it is noted that there are very few countries left in the world where literacy remains a condition for voting. There is no Southeast Asian country that imposes this requirement. The United States Supreme Court only a few months ago declared unconstitutional any state law that would continue to impose this requirement for voting.

x x x x

It is to be noted that all those who testified before the Committee **favoured the elimination of the literacy requirement**. It must be stressed that those witnesses represented all levels of society x x x.

Sponsorship Speech of Delegate Ordoñez

x x x in the process, as we evolve, many and more of our people were left to the sidelines because they could no longer participate in the process of government simply because their ability to read and write had become inadequate. This, however, did not mean that they were no longer responsive to the demands of the times, that they were unsensible to what was happening among them. And so in the process as years went on, conscious efforts were made to liberate, to free these persons who were formerly entitled in the course of election by means of whittling away the requirements for the exercise of the right to vote. **First of all, was the property requirement.** There were times in the English constitutional history that it was common to say as an answer to a question, "Who are entitled to vote?" that the following cannot vote - - criminals, paupers, members of the House of Lords. They were landed together at the same figurative category.

Eventually, with the wisdom of the times, property requirement was eliminated but the last remaining vestige which bound the members of the community to ignorance, which was the persistence of this requirement of literacy remained. And this is again preserved in our Constitution, in our Election Code, which provides that those who cannot prepare their ballots themselves shall not be qualified to vote.

x x x x

Unless you remove this literacy test, the cultural minorities, the underprivileged, the urban guerrillas will forever be outcasts of our society, irresponsive of what is happening. And if this condition were to continue, my friends, we cannot fully claim that we have representative democracy. Let us reverse the cycle. Let us eliminate the social imbalance by granting to these persons who are very responsible

the right to participate in the choice of the persons who are to make their laws for them. (Emphases supplied)

As clarified on interpellation, the phrase "other substantive requirement" carries the same tack as the other standards alienating particular classes based on socio-economic considerations irrelevant to suffrage, such as the payment of taxes. Moreover, as particularly noted and as will be later elaborated on, the phrase did not contemplate any restriction on procedural requirements, such as that of registration:

> DELEGATE DE LOS REYES: On page 2, Line 3, the following appears:
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> > "For other substantive requirement, no literacy[,] property, or other substantive requirement shall be imposed on the exercise of suffrage."
>
> **just what is contemplated in the phrase, "substantive requirement?"**
>
> DELEGATE OCCEÑA: I can answer that, but it belongs to the sphere of someone else in the Committee. We use this term as distinguished from procedural requirements. **For instance, the law cannot come in and say that those who should be allowed to vote should have paid certain taxes.** That would be a substantial requirement in addition to what is provided for in the Constitution. **But the law can step in as far as certain procedural requirements are concerned like requiring registration, and also step in as far as these classifications are concerned.**[73] (Emphases supplied)

As it finally turned out, the imposition of literacy, property, or other substantive requirement was proscribed and the following provision on suffrage was adopted[74] in the 1973 Constitution:

> Section 1. Suffrage shall be exercised by citizens of the Philippines not otherwise disqualified by law, who are eighteen years of age or over, and who shall have resided in the Philippines for at least one year and in the place wherein they propose to vote for at least six months preceding the election. **No literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage**. The Batasang Pambansa shall provide a system for the purpose of securing the secrecy and sanctity of the vote. (Emphasis supplied)

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[73] Journal of the 1971 Constitutional Convention, Session No. 116, February 25, 1972, p. 52.
[74] After a voting of 40 in favor, 2 against, and 1 abstention, the Commission approved the exclusion of literacy requirements from the limitations. (See Deliberations of the Constitutional Commission, dated July 22, 1986, Vol. II, p.101.)

After deliberating on and eventually, striking down a proposal to exclude literacy requirements from the limitation,[75] the exact provision prohibiting the imposition of "**literacy, property, or other substantive requirement[s]**" in the 1973 Constitution was fully adopted in the 1987 Constitution.

Along the contours of this limitation then, Congress, pursuant to Section 118 of Batas Pambansa Bilang 881, or the Omnibus Election Code, among others, imposed the following legal disqualifications:

> Section 118. Disqualifications. – The following shall be disqualified from voting:
>
> (a) Any person who has been sentenced by final judgment to suffer imprisonment for not less than one year, such disability not having been removed by plenary pardon or granted amnesty: Provided, however, That any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of five years after service of sentence.
>
> (b) Any person who has been adjudged by final judgment by competent court or tribunal of having committed any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security, unless restored to his full civil and political rights in accordance with law: Provided, That he shall regain his right to vote automatically upon expiration of five years after service of sentence.
>
> (c) Insane or incompetent persons as declared by competent authority.

A "qualification" is loosely defined as "the possession of qualities, properties (such as fitness or capacity) inherently or legally necessary to make one eligible for a position or office, or to perform a public duty or function."[76]

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[75]   The 1987 Constitution retained the proscription on the imposition of literacy, property, or other substantive requirements, but during the deliberations, Commissioner Rama, proposed the restoration of the literacy requirement on the argument that for a strong electoral system, what was needed was not number, but intelligence of voters. He also pointed out that illiterates were manipulated by unscrupulous politicians and that their participation in the elections is inherently flawed because they cannot keep their votes secret as they need to be assisted in casting their votes. (See Deliberations of the Constitutional Commission, dated July 19, 1986, Vol. II, pp.8-9.)

This proposition, however, was opposed by the majority, including Commissioner Bernas on the reason that reading and writing were not the only vehicles to acquire information and that the right of suffrage should not be held back from those who are unfortunate as to be unable to read and write. He further stated that illiteracy shows government's neglect of education and disenfranchising the illiterate would only aggravate the illiteracy because their voices will not be heard. (See Deliberations of the Constitutional Commission, dated July 19, 1986, Vol. II, pp.15-16.)

[76]   Black's Law Dictionary, 8th Ed., p. 1275.

Properly speaking, the concept of a "qualification", at least insofar as the discourse on suffrage is concerned, should be distinguished from the concept of "registration", which is jurisprudentially regarded as only the means by which a person's qualifications to vote is determined. In *Yra v. Abaño*,[77] citing *Meffert v. Brown*,[78] it was stated that "[t]he act of registering is only one step towards voting, and it is not one of the elements that makes the citizen a qualified voter [and] one may be a qualified voter without exercising the right to vote."[79] In said case, this Court definitively characterized registration as a form of regulation and not as a qualification for the right of suffrage:

> **Registration regulates the exercise of the right of suffrage. It is not a qualification for such right.**[80] (Emphasis supplied)

As a form of regulation, compliance with the registration procedure is dutifully enjoined. Section 115 of the Omnibus Election Code provides:

> Section 115. *Necessity of Registration.* - **In order that a qualified elector may vote in any election, plebiscite or referendum, he must be registered** in the permanent list of voters for the city or municipality in which he resides. (Emphasis supplied)

Thus, although one is deemed to be a "qualified elector," he must nonetheless still comply with the registration procedure in order to vote.

As the deliberations on the 1973 Constitution made clear, registration is a mere procedural requirement which does not fall under the limitation that "[n]o literacy, property, or other substantive requirement shall be imposed on the exercise of suffrage." This was echoed in *AKBAYAN-Youth v. COMELEC*[81] (*AKBAYAN-Youth*), wherein the Court pronounced that the process of registration is a **procedural limitation** on the right to vote. Albeit procedural, the right of a citizen to vote nevertheless remains conditioned upon it:

> Needless to say, the exercise of the right of suffrage, as in the enjoyment of all other rights, is subject to existing substantive and procedural requirements embodied in our Constitution, statute books and other repositories of law. Thus, as to the substantive aspect, Section 1, Article V of the Constitution provides:
>
>   x x x x
>
> **As to the procedural limitation, the right of a citizen to vote is necessarily conditioned upon certain procedural requirements he must undergo: among others, the process of registration.** Specifically,

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[77]   52 Phil. 380 (1928).
[78]   132 Ky. 201; 116 S.W. 779; 1909 Ky. LEXIS 133.
[79]   *Yra v. Abaño*, supra note 77, at 384.
[80]   Id. at 385.
[81]   407 Phil. 618 (2001).

a citizen in order to be qualified to exercise his right to vote, in addition to the minimum requirements set by the fundamental charter, is obliged by law to register, at present, under the provisions of Republic Act No. 8189, otherwise known as the Voters Registration Act of 1996.[82] (Emphasis and underscoring supplied)

RA 8189 primarily governs the process of registration. It defines "registration" as "the act of accomplishing and filing of a sworn application for registration by a qualified voter before the election officer of the city or municipality wherein he resides and including the same in the book of registered voters upon approval by the [ERB]."[83] As stated in Section 2 thereof, RA 8189 was passed in order "to systematize the present method of registration in order to establish a clean, complete, permanent and updated list of voters."

To complement RA 8189 in light of the advances in modern technology, RA 10367, or the assailed Biometrics Law, was signed into law in February 2013. It built on the policy considerations behind RA 8189 as it institutionalized biometrics validation as part of the registration process:

> Section 1. Declaration of Policy. – It is the policy of the State to establish a clean, complete, permanent and updated list of voters through the adoption of biometric technology.

"*Biometrics* refers to a quantitative analysis that provides a positive identification of an individual such as voice, photograph, fingerprint, signature, iris, and/or such other identifiable features."[84]

Sections 3 and 10 of RA 10367 respectively require registered and new voters to submit themselves for biometrics validation:

> Section 3. Who Shall Submit for Validation. – Registered voters whose biometrics have not been captured shall submit themselves for validation.

> Section 10. Mandatory Biometrics Registration. – The Commission shall implement a mandatory biometrics registration system for new voters.

Under Section 2 (d) of RA 10367, "*validation*" is defined as "the process of taking the biometrics of registered voters whose biometrics have not yet been captured."

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[82]   Id. at 635-636.
[83]   Section 3 (a), RA 8189.
[84]   Section 2 (b), RA 10367.

The consequence of non-compliance is "*deactivation*," which "refers to the removal of the registration record of the registered voter from the corresponding precinct book of voters for failure to comply with the validation process as required by [RA 10367]."[85] Section 7 states:

> Section 7. Deactivation. – **Voters who fail to submit for validation** on or before the last day of filing of application for registration for purposes of the May 2016 elections **shall be deactivated** pursuant to this Act. (Emphases supplied)

Notably, the penalty of deactivation, as well as the requirement of validation, **neutrally applies to all voters**. Thus, petitioners' argument that the law creates artificial class of voters[86] is more imagined than real. There is no favor accorded to an "obedient group." If anything, non-compliance by the "disobedient" only rightfully results into prescribed consequences. Surely, this is beyond the intended mantle of the equal protection of the laws, which only works "against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality."[87]

It should also be pointed out that deactivation is not novel to RA 10367. RA 8189 already provides for certain grounds for deactivation, of which not only the disqualifications under the Constitution or the Omnibus Election are listed.

> Section 27. Deactivation of Registration. The board shall deactivate the registration and remove the registration records of the following persons from the corresponding precinct book of voters and place the same, properly marked and dated in indelible ink, in the inactive file after entering the cause or causes of deactivation:
>
> a) Any person who has been sentenced by final judgment to suffer imprisonment for not less than one (1) year, such disability not having been removed by plenary pardon or amnesty: Provided, however, That any person disqualified to vote under this paragraph shall automatically reacquire the right to vote upon expiration of five (5) years after service of sentence as certified by the clerks of courts of the Municipal/Municipal Circuit/Metropolitan/Regional Trial Courts and the *Sandiganbayan*;
>
> b) Any person who has been adjudged by final judgment by a competent court or tribunal of having caused/committed any crime involving disloyalty to the duly constituted government such as rebellion, sedition, violation of the anti-subversion and firearms laws, or any crime against national security, unless restored to his full civil and political rights in accordance with law; Provided, That he shall regain his right to vote automatically upon expiration of five (5) years after service of sentence;
>
> c) Any person declared by competent authority to be insane or incompetent unless such disqualification has been subsequently removed

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[85] Section 2 (e), RA 10367.
[86] *Rollo*, pp. 22-23.
[87] See *Ichong v. Hernandez*, 101 Phil. 1155, 1164 (1957).

by a declaration of a proper authority that such person is no longer insane or incompetent;

d) Any person who did not vote in the two (2) successive preceding regular elections as shown by their voting records. For this purpose, regular elections do not include the *Sangguniang Kabataan* (SK) elections;

e) Any person whose registration has been ordered excluded by the Court; and

f) Any person who has lost his Filipino citizenship.

For this purpose, the clerks of court for the Municipal/Municipal Circuit/Metropolitan/Regional Trial Courts and the *Sandiganbayan* shall furnish the Election Officer of the city or municipality concerned at the end of each month a certified list of persons who are disqualified under paragraph (a) hereof, with their addresses. The Commission may request a certified list of persons who have lost their Filipino Citizenship or declared as insane or incompetent with their addresses from other government agencies.

The Election Officer shall post in the bulletin board of his office a certified list of those persons whose registration were deactivated and the reasons therefor, and furnish copies thereof to the local heads of political parties, the national central file, provincial file, and the voter concerned.

With these considerations in mind, petitioners' claim that biometrics validation imposed under RA 10367, and implemented under COMELEC Resolution Nos. 9721, 9863, and 10013, must perforce fail. To reiterate, this requirement is not a "qualification" to the exercise of the right of suffrage, but a mere aspect of the registration procedure, of which the State has the right to reasonably regulate. It was institutionalized conformant to the limitations of the 1987 Constitution and is a mere complement to the existing Voter's Registration Act of 1996. Petitioners would do well to be reminded of this Court's pronouncement in *AKBAYAN-Youth*, wherein it was held that:

> [T]he act of registration is an indispensable precondition to the right of suffrage. For registration is part and parcel of the right to vote and an indispensable element in the election process. Thus, contrary to petitioners' argument, registration cannot and should not be denigrated to the lowly stature of a mere statutory requirement. **Proceeding from the significance of registration as a necessary requisite to the right to vote, the State undoubtedly, in the exercise of its inherent police power, may then enact laws to safeguard and regulate the act of voter's registration for the ultimate purpose of conducting honest, orderly and peaceful election**, to the incidental yet generally important end, that even pre-election activities could be performed by the duly constituted authorities in a realistic and orderly manner - one which is not indifferent and so far removed from the pressing order of the day and the prevalent circumstances of the times.[88] (Emphasis and underscoring supplied)

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[88]   *Akbayan-Youth v. COMELEC*, Supra note 81, at 636.

Thus, unless it is shown that a registration requirement rises to the level of a literacy, property or other substantive requirement as contemplated by the Framers of the Constitution – that is, one which propagates a socio-economic standard which is bereft of any rational basis to a person's ability to intelligently cast his vote and to further the public good – the same cannot be struck down as unconstitutional, as in this case.

III.

For another, petitioners assert that biometrics validation gravely violates the Constitution, considering that, applying the strict scrutiny test, it is not poised with a compelling reason for state regulation and hence, an unreasonable deprivation of the right to suffrage.[89] They cite the case of *White Light Corp. v. City of Manila*[90] (*White Light*), wherein the Court stated that the scope of the strict scrutiny test covers the protection of the right of suffrage.[91]

Contrary to petitioners' assertion, the regulation passes the strict scrutiny test.

In terms of judicial review of statutes or ordinances, strict scrutiny refers to the standard for determining the quality and the amount of governmental interest brought to justify the regulation of fundamental freedoms. Strict scrutiny is used today to test the validity of laws dealing with the regulation of speech, gender, or race as well as other fundamental rights as expansion from its earlier applications to equal protection.[92] As pointed out by petitioners, the United States Supreme Court has expanded the scope of strict scrutiny to protect fundamental rights such as suffrage, judicial access, and interstate travel.[93]

Applying strict scrutiny, the focus is **on the presence of compelling, rather than substantial, governmental interest** and **on the absence of less restrictive means for achieving that interest**,[94] and the burden befalls upon the State to prove the same.[95]

In this case, respondents have shown that the biometrics validation requirement under RA 10367 advances a compelling state interest. It was precisely designed to facilitate the conduct of orderly, honest, and credible

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[89] *Rollo*, pp. 22-24.
[90] 596 Phil. 444 (2009).
[91] Id. at 463.
[92] Id.
[93] Id.
[94] Id.
[95] See Concurring Opinion of Justice Teresita J. Leonardo-De Castro in *Garcia v. Drilon*, G.R. No. 179267, June 25, 2013, 699 SCRA 352, 450. See also Separate Concurring Opinion of Chief Justice Reynato S. Puno in *Ang Ladlad LGBT Party v. COMELEC*, 632 Phil. 32, 106 (2010).

elections by containing – if not eliminating, the perennial problem of having flying voters, as well as dead and multiple registrants. According to the sponsorship speech of Senator Aquilino L. Pimentel III, the objective of the law was to cleanse the national voter registry so as to eliminate electoral fraud and ensure that the results of the elections were truly reflective of the genuine will of the people.[96] The foregoing consideration is unquestionably a compelling state interest.

Also, it was shown that the regulation is the least restrictive means for achieving the above-said interest. Section 6[97] of Resolution No. 9721 sets the procedure for biometrics validation, whereby the registered voter is only required to: (*a*) personally appear before the Office of the Election Officer; (*b*) present a competent evidence of identity; and (*c*) have his photo, signature, and fingerprints recorded. It is, in effect, a manner of updating one's registration for those already registered under RA 8189, or a first-time registration for new registrants. The re-registration process is amply justified by the fact that the government is adopting a novel technology like biometrics in order to address the bane of electoral fraud that has enduringly plagued the electoral exercises in this country. While registrants may be inconvenienced by waiting in long lines or by not being accommodated on certain days due to heavy volume of work, these are typical burdens of voting that are remedied by bureaucratic improvements to be implemented by the COMELEC as an administrative institution. By and large, the COMELEC has not turned a blind eye to these realities. It has tried to

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[96] See Sponsorship Speech of Senator Aquilino L. Pimentel III in Senate Bill 1030. Records of the Senate, Vol. III, No. 26, October 16, 2012, p. 64.

[97] Section 6. Procedure for validation.
a. The voter shall personally appear before the OEO/satellite office.
b. Based on the list of voters without or with incomplete biometrics, the EO shall conduct an initial interview on the personal circumstances and in order to establish the identity of the voter shall require him to present any of the following documents:
  1. Current employees identification card (ID), with the signature of the employer or authorized representative;
  2. Postal ID;
  3. Students ID or library card, signed by the school authority;
  4. Senior Citizens ID;
  5. Drivers license;
  6. NBI/PNP clearance;
  7. Passport;
  8. SSS/GSIS ID;
  9. Integrated Bar of the Philippines (IBP) ID;
  10. License issued by the Professional Regulatory Commission (PRC) and;
  11. Any other valid ID.
c. The identity of the voter having been established, the EO shall verify in the database his record whether he has no/incomplete BIOMETRICS data. If the applicant has no or incomplete BIOMETRICS data, the EO shall record in the logbook the following data: 1) date and time; 2) the name of the voter; and 3) VRR number. After which, the EO shall direct the voter to the VRM Operator. The VRM Operator shall:
  1. Click "Select File", then click " Other Application" then click "List of Records."
  2. Type the last name and/or first name and/or maternal name in the space provided and click SEARCH button.
  3. Right-click in the record of the voter and select VALIDATION from the list of application type.
  4. Click on the BIOMETRICS tab.
  5. Capture the photo, signature and fingerprints of the voter.
  6. Save the record.
d. The voter shall be instructed to affix his signature in the logbook. (See *rollo*, pp. 47-48.)

account for the exigencies by holding continuous registration as early as May 6, 2014 until October 31, 2015, or for over a period of 18 months. To make the validation process as convenient as possible, the COMELEC even went to the extent of setting up off-site and satellite biometrics registration in shopping malls and conducted the same on Sundays.[98] Moreover, it deserves mentioning that RA 10367 and Resolution No. 9721 did not mandate registered voters to submit themselves to validation every time there is an election. In fact, it only required the voter to undergo the validation process one (1) time, which shall remain effective in succeeding elections, provided that he remains an active voter. To add, the failure to validate did not preclude deactivated voters from exercising their right to vote in the succeeding elections. To rectify such status, they could still apply for reactivation[99] following the procedure laid down in Section 28[100] of RA 8189.

That being said, the assailed regulation on the right to suffrage was sufficiently justified as it was indeed narrowly tailored to achieve the compelling state interest of establishing a clean, complete, permanent and updated list of voters, and was demonstrably the least restrictive means in promoting that interest.[101]

IV.

Petitioners further aver that RA 10367 and the COMELEC Resolution Nos. 9721, 9863, and 10013 violate the tenets of procedural due process because of the short periods of time between hearings and notice, and the summary nature of the deactivation proceedings.[102]

Petitioners are mistaken.

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[98]   Id. at 71-75.
[99]   Section 8 of RA 10367 reads:
        Section 8. Reactivation. – Those deactivated under the preceding section may apply for reactivation after the May 2016 elections following the procedure provided in Section 28 of Republic Act No. 8189.
[100]   Section 28 of RA 8189 reads:
        Section 28. Reactivation of Registration. – Any voter whose registration has been deactivated pursuant to the preceding Section may file with the Election Officer a sworn application for reactivation of his registration in the form of an affidavit stating that the grounds for the deactivation no longer exist any time but not later than one hundred twenty (120) days before a regular election and ninety (90) days before a special election.
        The Election Officer shall submit said application to the Election Registration Board for appropriate action.
        In case the application is approved, the Election Officer shall retrieve the registration record from the inactive file and include the same in the corresponding precinct book of voters. Local heads or representatives of political parties shall be properly notified on approved applications.
[101]   See *Social Weather Stations, Inc. v. COMELEC*, G.R. No. 208062, April 7, 2015.
[102]   See *Rollo*, pp. 26-28.

At the outset, it should be pointed out that the COMELEC, through Resolution No. 10013, had directed EOs to: (*a*) "[p]ost the lists of voters without biometrics data in the bulletin boards of the City/Municipal hall, Office of the Election Officer and in the barangay hall along with the notice of ERB hearing;" and (*b*) "[s]end individual notices to the affected voters included in the generated list of voters without biometrics data."[103] The same Resolution also accords concerned individuals the opportunity to file their opposition/objection to the deactivation of VRRs not later than November 9, 2015 in accordance with the period prescribed in Section 4,[104] Chapter I, Resolution No. 9853. Meanwhile, Resolution Nos. 9721 and 9863 respectively state that "[d]eactivation x x x shall comply with the requirements on posting, ERB hearing and service of individual notices to the deactivated voters,"[105] and that the "[d]eactivation for cases falling under this ground shall be made during the November 16, 2015 Board hearing."[106] While the proceedings are summary in nature, the urgency of finalizing the voters' list for the upcoming May 2016 Elections calls for swift and immediate action on the deactivation of VRRs of voters who fail to comply with the mandate of RA 10367. After all, in the preparation for the May 2016 National and Local Elections, time is of the essence. The summary nature of the proceedings does not depart from the fact that petitioners were given the opportunity to be heard.

Relatedly, it deserves emphasis that the public has been sufficiently informed of the implementation of RA 10367 and its deactivation feature. RA 10367 was duly published as early as February 22, 2013,[107] and took

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[103]   Se Item A (3) and (5) of Resolution No. 10013; id. at 57.
[104]   Section 4. Hearing and approval/disapproval of applications. – The applications shall be heard by the Election Registration Board (Board) at the [Office of the Election Officer (OEO)], in accordance with the following schedule:

Period to file applications	Last day to post Notice of Hearing with Lists of Applicant	Last day to file opposition to applications	Hearing and Approval/ Disapproval of applications
May 6 to June 30, 2014	July 7, 2014	July 14, 2014	July 21, 2014
July 1 to September 30, 2014	October 6, 2014	October 13, 2014	October 20, 2014
October 1 to December 20, 2014	January 5, 2015	January 12, 2015	January 19, 2015
January 5 to March 31, 2015	April 6, 2015	April 13, 2015	April 20, 2015
April 1 to June 30, 2015	July 6, 2015	July 13, 2015	July 20, 2015
July 1 to September 30, 2015	October 5, 2015	October 12, 2015	October 19, 2015
October 1 to 31, 2015	November 4, 2015	November 9, 2015	November 16, 2015

    If the last day to post notice, file oppositions and hearing for approval/disapproval falls on a holiday or a non-working day, the same shall be done on the next working day.
[105]   See Section 8 of Resolution No. 9721; *rollo*, p. 48.
[106]   See Item B (2) (a.7) of Resolution No. 9863; id. at 53.
[107]   RA 10367 was published in the February 22, 2013 issues of Manila Bulletin and Philippine Star.

effect fifteen (15) days after.[108] Accordingly, dating to the day of its publications, all are bound to know the terms of its provisions, including the consequences of non-compliance. As implemented, the process of biometrics validation commenced on July 1, 2013, or approximately two and a half (2½) years before the October 31, 2015 deadline. To add, the COMELEC conducted a massive public information campaign, *i.e.*, *NoBio-NoBoto*, from May 2014 until October 31, 2015, or a period of eighteen (18) months, whereby voters were reminded to update and validate their registration records. On top of that, the COMELEC exerted efforts to make the validation process more convenient for the public as it enlisted the assistance of malls across Metro Manila to serve as satellite registration centers and declared Sundays as working days for COMELEC offices within the National Capital Region and in highly urbanized cities.[109] Considering these steps, the Court finds that the public has been sufficiently apprised of the implementation of RA 10367, and its penalty of deactivation in case of failure to comply. Thus, there was no violation of procedural due process.

<div align="center">V.</div>

Petitioners aver that the poor experience of other countries – *i.e.*, Guatemala, Britain, Côte d'Ivoire, Uganda, and Kenya – in implementing biometrics registration should serve as warning in adhering to the system. They highlighted the inherent difficulties in launching the same such as environmental and geographical challenges, lack of training and skills, mechanical breakdown, and the need for re-registration. They even admitted that while biometrics may address electoral fraud caused by multiple registrants, it does not, however, solve other election-related problems such as vote-buying and source-code manipulation.[110]

Aside from treading on mere speculation, the insinuations are improper. Clearly, petitioners' submissions principally assail the wisdom of the legislature in adopting the biometrics registration system in curbing electoral fraud. In this relation, it is significant to point out that questions relating to the wisdom, morality, or practicability of statutes are policy matters that should not be addressed to the judiciary. As elucidated in the case of *Fariñas v. The Executive Secretary*:[111]

> **[P]olicy matters are not the concern of the Court**. Government policy is within the exclusive dominion of the political branches of the government. **It is not for this Court to look into the wisdom or propriety of legislative determination**. Indeed, whether an enactment is wise or unwise, whether it is based on sound economic theory, whether it is the best means to achieve the desired results, whether, in short, the legislative discretion within its prescribed limits should be exercised in a particular

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[108]   See Section 15 of RA 10367.
[109]   *Rollo*, p. 79.
[110]   Id. at 28-31.
[111]   See 463 Phil. 179 (2003).

manner are matters for the judgment of the legislature, and the serious conflict of opinions does not suffice to bring them within the range of judicial cognizance.[112] (Emphases and underscoring supplied)

In the exercise of its legislative power, Congress has a wide latitude of discretion to enact laws, such as RA 10367, to combat electoral fraud which, in this case, was through the establishment of an updated voter registry. In making such choices to achieve its desired result, Congress has necessarily sifted through the policy's wisdom, which this Court has no authority to review, much less reverse.[113] Whether RA 10367 was wise or unwise, or was the best means in curtailing electoral fraud is a question that does not present a justiciable issue cognizable by the courts. Indeed, the reason behind the legislature's choice of adopting biometrics registration notwithstanding the experience of foreign countries, the difficulties in its implementation, or its concomitant failure to address equally pressing election problems, is essentially a policy question and, hence, beyond the pale of judicial scrutiny.

VI.

Finally, petitioners' proffer that Resolution No. 9863 which fixed the deadline for validation on October 31, 2015 violates Section 8 of RA 8189 which states:

> Section 8. System of Continuing Registration of Voters. – The personal filing of application of registration of voters shall be conducted daily in the office of the Election Officer during regular office hours. **No registration shall, however, be conducted during the period starting one hundred twenty (120) days before a regular election and ninety (90) days before a special election**. (Emphasis added.)

The position is, once more, wrong.

Aside from committing forum shopping by raising this issue despite already being subject of a prior petition filed before this Court, *i.e.*, G.R. No. 220918,[114] petitioners fail to consider that the 120- and 90-day periods stated therein refer to the prohibitive period beyond which voter registration may no longer be conducted. As already resolved in this Court's Resolution dated December 8, 2015 in G.R. No. 220918, the subject provision does not mandate COMELEC to conduct voter registration up to such time; rather, it only provides a period which may not be reduced, but may be extended depending on the administrative necessities and other exigencies.[115] Verily, as the constitutional body tasked to enforce and implement election laws, the COMELEC has the power to promulgate the necessary rules and regulations

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[112] Id. at 204.
[113] See *Magtajas v. Pryce Properties Corporation,* G.R. No. 111097, July 20, 1994, 234 SCRA 255, 268.
[114] Entitled "*Kabataan Partylist v. COMELEC.*"
[115] See Notice of Resolution in *Kabataan Partylist v. COMELEC*, G.R. No. 220918, December 8, 2015, citing *AKLAT v. COMELEC*, 471 Phil. 730, 738 (2004).

to fulfil its mandate.[116] Perforce, this power includes the determination of the periods to accomplish certain pre-election acts,[117] such as voter registration.

At this conclusory juncture, this Court reiterates that voter registration does not begin and end with the filing of applications which, in reality, is just the initial phase that must be followed by the approval of applications by the ERB.[118] Thereafter, the process of filing petitions for inclusion and exclusion follows. These steps are necessary for the generation of the final list of voters which, in turn, is a pre-requisite for the preparation and completion of the Project of Precincts (POP) that is vital for the actual elections. The POP contains the number of registered voters in each precinct and clustered precinct, the names of the barangays, municipalities, cities, provinces, legislative districts, and regions included in the precincts, and the names and locations of polling centers where each precinct and clustered precinct are assigned.[119] The POP is necessary to determine the total number of boards of election inspectors to be constituted, the allocation of forms and supplies to be procured for the election day, the number of vote counting machines and other paraphernalia to be deployed, and the budget needed. More importantly, the POP will be used as the basis for the finalization of the Election Management System (EMS) which generates the templates of the official ballots and determines the voting jurisdiction of legislative districts, cities, municipalities, and provinces.[120] The EMS determines the configuration of the canvassing and consolidation system for each voting jurisdiction. Accordingly, as the constitutional body specifically charged with the enforcement and administration of all laws and regulations relative to the conduct of an election, plebiscite, initiative, referendum, and recall,[121] the COMELEC should be given sufficient leeway in accounting for the exigencies of the upcoming elections. In fine, its measures therefor should be respected, unless it is clearly shown that the same are devoid of any reasonable justification.

WHEREFORE, the petition is **DISMISSED** due to lack of merit. The temporary restraining order issued by this Court on December 1, 2015 is consequently **DISSOLVED.**

SO ORDERED.

ESTELA M. PERLAS-BERNABE
Associate Justice

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[116]   Id.
[117]   Id.
[118]   See Notice of Resolution in *Kabataan Party-List v. COMELEC*, G.R. No. 220918, December 8, 2015.
[119]   See *rollo*, p. 72.
[120]   See id. at 73.
[121]   See Section 2 (1), Article IX-C of the 1987 Constitution.
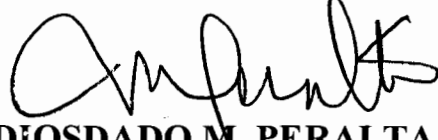
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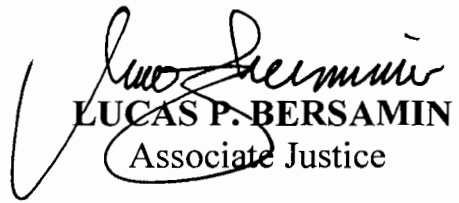
MARIA LOURDES P. A. SERENO
Chief Justice

ANTONIO T. CARPIO
Associate Justice
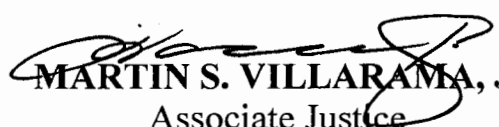
PRESBITERO J. VELASCO, JR.
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

ARTURO D. BRION
Associate Justice

DIOSDADO M. PERALTA
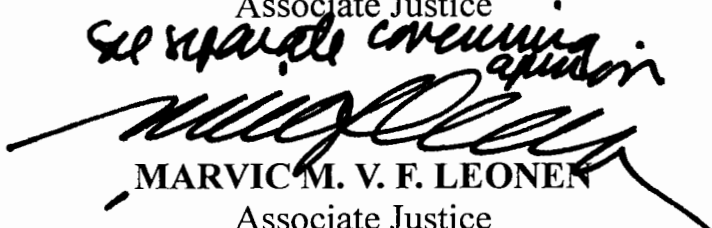Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

MARVIC M. V. F. LEONEN
Associate Justice
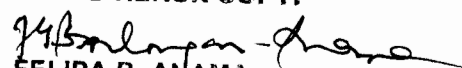
FRANCIS H. JARDELEZA
Associate Justice

CERTIFICATION

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