EN BANC

[G.R. No. 240873, September 03, 2019]

SOLICITOR GENERAL JOSE C. CALIDA, MILAGROS O. CALIDA, JOSEF CALIDA, MICHELLE CALIDA, AND MARK JOREL CALIDA, PETITIONERS, VS. SENATOR ANTONIO "SONNY" TRILLANES IV, THE COMMITTEE ON ACCOUNTABILITY OF PUBLIC OFFICERS AND INVESTIGATIONS (BLUE RIBBON COMMITTEE), AND THE COMMITTEE ON CIVIL SERVICE, GOVERNMENT REORGANIZATION, AND PROFESSIONAL REGULATION, RESPONDENTS.

RESOLUTION

LEONEN, J.:

A case becomes moot when it may no longer be the subject of judicial review, as there is no conflict of legal rights which would entail judicial resolution.

This Court resolves a Petition for Certiorari and Prohibition[1] filed by Solicitor General Jose C. Calida (Calida), Milagros O. Calida, Josef Calida, Michelle Calida, and Mark Jorel Calida. They pray that Antonio Trillanes IV (Trillanes), then a sitting senator, be permanently prohibited from conducting a legislative inquiry into their alleged conflict of interest on government contracts awarded to their security services company. They also pray for the issuance of a temporary restraining order or writ of preliminary injunction.[2]

Petitioners claim that Proposed Senate Resolution No. 760[3] does not contain any intended legislation. Instead, it merely calls for an investigation on any conflict of interest regarding the award of government contracts to Vigilant Investigative and Security Agency, Inc., a company owned by petitioner Calida and his family.[4] They likewise claim that respondent Trillanes acted without authority in issuing invitations to the resource persons, as the invitations were sent out without the Senate body's approval of the proposed resolution.[5]

Furthermore, petitioners insist that the investigation is clearly intended merely to target and humiliate them.[6] Thus, they pray that respondent Trillanes, as the chair of the Senate Committee on Civil Service, Government Reorganization, and Professional Regulation (Committee on Civil Service), be prohibited from conducting a legislative inquiry against them.[7]

On August 16, 2018,[8] this Court directed respondent Trillanes to comment on the Petition.

In his Comment/Opposition,[9] respondent Trillanes denies that the scheduled hearing was without Senate authority or that he acted on his own. He points out

that Proposed Senate Resolution No. 760 underwent first reading and was formally and officially referred by Senate President Vicente C. Sotto III, with the concurrence of the Senate Body, to the Committee on Civil Service as primary committee, and the Senate Committee on the Accountability of Public Officers and Investigations (Blue Ribbon Committee) as secondary committee. Thus, he stresses that the invitations extended to petitioners were sent in his official capacity as Committee on Civil Service chair.[10]

Additionally, respondent Trillanes states that on August 7, 2018, upon Senator Miguel Zubiri's (Senator Zubiri) motion and without objection from the Senate body, Proposed Senate Resolution No. 760 was referred to the Committee on Rules for study. The following day, again upon Senator Zubiri's motion and without objection, the Senate body approved the change of referral of Proposed Senate Resolution No. 760 from the Committee on Rules to the Blue Ribbon Committee as primary committee, and Committee on Civil Service as secondary committee.[11]

Respondent Trillanes asserts that with the formal change of referral, the task of initiating the investigations for Proposed Senate Resolution No. 760 fell to the Blue Ribbon Committee. Thus, he stresses, the initial hearing conducted by the Committee on Civil Service was considered *functus officio* and the scheduled hearing sought to be restrained has been rendered moot by supervening events.[12]

In any case, respondent Trillanes emphasizes that petitioners "were never under any legal compulsion to attend"[13] the committee hearing. He points out that they were issued mere invitations, not subpoenas.[14]

Finally, respondent Trillanes underscores that the Senate's power and authority to conduct investigations in aid of legislation are provided in the Constitution.[15] He asserts that this issue is a political question, which is outside this Court's jurisdiction.[16]

On August 31, 2018, petitioners filed a Supplemental Petition[17] where they impleaded the Blue Ribbon Committee and Committee on Civil Service. They prayed that these committees also be enjoined from conducting joint hearings on Proposed Senate Resolution No. 760.[18]

In a September 4, 2018 Resolution,[19] this Court directed petitioners to reply to respondent Trillanes' Comment.

In their Reply,[20] petitioners reiterate that respondent Trillanes lacked the authority to issue the August 1, 2018 invitation because the Senate, as a body, had not yet approved Proposed Senate Resolution No. 760.[21] They emphasize that the proposed resolution itself was unconstitutional as it lacked legislative intent.[22]

In an October 9, 2018 Resolution,[23] this Court directed the parties to file their respective memoranda. Both parties complied.[24]

The sole issue for this Court's resolution is whether or not respondents, then Senator Antonio "Sonny" Trillanes IV, the Committee on Accountability of Public

Officers and Investigations, and the Committee on Civil Service, Government Reorganization, and Professional Regulation, should be enjoined from conducting hearings in aid of legislation over Proposed Senate Resolution No. 760.

The Petition has no merit.

I

The legislative power to conduct investigations in aid of legislation is conferred by Article VI, Section 21 of the 1987 Constitution, which provides:

> SECTION 21. The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.

While this power is not found in the present Constitution's precursors, this Court in *Arnault v. Nazareno*[25] clarified that such power did not need textual grant as it was implied and essential to the legislative function:

> Although there is no provision in the Constitution expressly investing either House of Congress with power to make investigations and exact testimony to the end that it may exercise its legislative functions advisedly and effectively, such power is so far incidental to the legislative function as to be implied. In other words, the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change; and where the legislative body does not itself possess the requisite information—which is not infrequently true—recourse must be had to others who do possess it. Experience has shown that mere requests for such information are often unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion is essential to obtain what is needed.[26] (Citation omitted)

Nonetheless, despite the constitutional grant, the power of both the House of Representatives and the Senate to conduct investigations in aid of legislation is not absolute. Citing *Watkins v. United States*,[27] this Court in *Bengzon, Jr. v. Senate Blue Ribbon Committee*[28] emphasized that "[n]o inquiry is an end itself[.]"[29] It explained that an investigation in aid of legislation must comply with the rules of procedure of each House of Congress, and must not violate the individual rights enshrined in the Bill of Rights.[30]

In *Neri v. Senate Committee on Accountability of Public Officers and Investigations*,[31] this Court explained further that a legislative inquiry must prove to be in aid of legislation and not for other purposes, pronouncing that "Congress is neither a law enforcement nor a trial agency."[32] It declared:

> No matter how noble the intentions of respondent Committees are, they cannot assume the power reposed upon our prosecutorial bodies and courts. The determination of who is/are liable for a crime or illegal

> activity, the investigation of the role played by each official, the determination of who should be haled to court for prosecution and the task of coming up with conclusions and finding of facts regarding anomalies, especially the determination of criminal guilt, are not functions of the Senate. Congress is neither a law enforcement nor a trial agency. Moreover, it bears stressing that no inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress, *i.e.*, legislation. Investigations conducted solely to gather incriminatory evidence and "punish" those investigated are indefensible. There is no Congressional power to expose for the sake of exposure.[33] (Citation omitted)

Additionally, legislative inquiry must respect the individual rights of the persons invited to or affected by the legislative inquiry or investigation. Hence, the power of legislative inquiry must be carefully balanced with the private rights of those affected. A person's right against self-incrimination[34] and to due process[35] cannot be swept aside in favor of the purported public need of a legislative inquiry.

It must be stressed that persons invited to appear before a legislative inquiry do so as resource persons and not as accused in a criminal proceeding. Thus, they should be accorded respect and courtesy since they were under no compulsion to accept the invitation extended before them, yet they did so anyway. Their accommodation of a request should not in any way be repaid with insinuations.

The basic rules of decorum and decency must govern any undertaking done in one's official capacity as an agent of the State, in tacit recognition of one's role as a public servant.

However, the deportment and decorum of the members of any constitutional organ, such as both Houses of Congress during a legislative inquiry, are beyond the judicial realm. All this Court can do is exercise its own power with care and wisdom, acting in a manner befitting its dignified status as public servant and never weaponizing shame under the guise of a public hearing.

II

This Court's power of judicial review is limited to an actual case and controversy.[36] An actual case and controversy exists when there is a conflict of legal rights or opposite legal claims capable of judicial resolution and a specific relief.[37] The controversy must be real and substantial, and must require a specific relief that courts can grant.[38]

A case becomes moot when it loses its justiciability, as there is no longer a conflict of legal rights which would entail judicial review. This Court is precluded from ruling on moot cases where no justiciable controversy exists.

However, exceptions do exist. *David v. Macapagal-Arroyo*[39] enumerated the circumstances when this Court may still rule on issues that are otherwise moot:

> Courts will decide cases, otherwise moot and academic, if: *first*, there is a grave violation of the Constitution; *second*, the exceptional character of