

EN BANC

[G.R. No. 180055, July 31, 2009]

FRANKLIN M. DRILON AS PRESIDENT AND IN REPRESENTATION OF THE LIBERAL PARTY OF THE PHILIPPINES (LP), AND HON. JOSEPH EMILIO A. ABAYA, HON. WAHAB M. AKBAR, HON. MARIA EVITA R. ARAGO, HON. PROCESSO J. ALCALA, HON. ROZZANO RUFINO BIAZON, HON. MARY MITZI CAJAYON, HON. FREDENIL H. CASTRO, HON. GLENN ANG CHONG, HON. SOLOMON R. CHUNGALAO, HON. PAUL RUIZ DAZA, HON. ANTONIO A. DEL ROSARIO, HON. CECILIA S. LUNA, HON. MANUEL M. MAMBA, HON. HERMILANDO I. MANDANAS, HON. ALVIN SANDOVAL, HON. LORENZO R. TAÑADA III, HON. REYNALDO S. UY, HON. ALFONSO V. UMALI JR., HON. LIWAYWAY VINZONS-CHATO, PETITIONERS, VS. HON. JOSE DE VENECIA JR. IN HIS OFFICIAL CAPACITY AS SPEAKER OF THE HOUSE OF REPRESENTATIVES; HON. ARTHUR D. DEFENSOR, SR., IN HIS OFFICIAL CAPACITY AS MAJORITY FLOOR LEADER OF THE HOUSE OF REPRESENTATIVES, HON. MANUEL B. VILLAR, IN HIS OFFICIAL CAPACITY AS EX-OFFICIO CHAIRMAN OF THE COMMISSION ON APPOINTMENTS, ATTY. MA. GEMMA D. ASPIRAS, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE COMMISSION ON APPOINTMENTS, HON. PROSPERO C. NOGRALES, HON. EDGARDO C. ZIALCITA, HON. ABDULLAH D. DIMAPORO, HON. JOSE CARLOS V. LACSON, HON. EILEEN R. ERMITA-BUHAIN, HON. JOSE V. YAP, HON. RODOLFO T. ALBANO III, HON. EDUARDO R. GULLAS, HON. CONRADO M. ESTRELLA III, HON. RODOLFO "OMPONG" PLAZA, HON. EMMYLOU J. TALIÑO-MENDOZA AND HON. EMMANUEL JOEL J. VILLANUEVA, IN THEIR INDIVIDUAL OFFICIAL CAPACITIES AS "ELECTED" MEMBERS OF THE COMMISSION ON APPOINTMENTS, RESPONDENTS.

[G.R. NO. 183055]

SENATOR MA. ANA CONSUELO A.S. MADRIGAL, PETITIONER, VS. SENATOR MANUEL VILLAR IN HIS CAPACITY AS SENATE PRESIDENT AND EX-OFFICIO CHAIRMAN OF THE COMMISSION ON APPOINTMENTS, REPRESENTATIVE PROSPERO NOGRALES IN HIS CAPACITY AS THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE COMMISSION ON APPOINTMENTS, RESPONDENTS.

D E C I S I O N

CARPIO MORALES, J.:

In August 2007, the Senate and the House of Representatives elected their respective contingents to the Commission on Appointments (CA).

The contingent in the Senate to the CA was composed of the following senators with their respective political parties:

**Sen. Maria Ana Consuelo A.S.PDP-Laban
Madrigal**

Sen. Joker Arroyo	KAMPI
Sen. Alan Peter Cayetano	Lakas-CMD
Sen. Panfilo Lacson	UNO
Sen. Jinggoy Ejercito Estrada	PMP
Sen. Juan Ponce Enrile	PMP
Sen. Loren Legarda	NPC
Sen. Richard Gordon	Lakas-CMD
Sen. Mar Roxas	LP
Sen. Lito Lapid	Lakas-CMD
Sen. Miriam Defensor-Santiago	PRP

The members of the contingent of the House of Representatives in the CA and their respective political parties were as follows:

Rep. Prospero C. Nograles	Lakas-CMD
Rep. Eduardo C. Zialcita	Lakas-CMD
Rep. Abdullah D. Dimaporo	Lakas-CMD
Rep. Jose Carlos V. Lacson	Lakas-CMD
Rep. Eileen R. Ermita-Buhain	Lakas-CMD
Rep. Jose V. Yap	Lakas-CMD
Rep. Rodolfo T. Albano III	KAMPI
Rep. Eduardo R. Gullas	KAMPI
Rep. Rodolfo "Ompong" G. Plaza	NPC
Rep. Conrado M. Estrella	NPC
Rep. Emmylou J. Taliño-Mendoza	NP
Rep. Emmanuel Joel Villanueva	J.CIBAC Party List

In the second week of August 2007, petitioners in the *first* petition, G.R. No. 180055, went to respondent then Speaker Jose de Venecia to ask for one seat for the Liberal Party in the CA. Speaker Jose de Venecia merely said that he would study their demand.^[1]

During the session of the House of Representatives on September 3, 2007, petitioner in the *first* petition, Representative Tañada, requested from the House of Representatives leadership^[2] one seat in the CA for the Liberal Party.^[3] To his request, Representative Neptali Gonzales II^[4] begged the indulgence of the Liberal Party "to allow the Legal Department to make a study on the matter."^[5]

In a separate move, Representative Tañada, by letter of September 10, 2007, requested the Secretary General of the House of Representatives the reconstitution

of the House contingent in the CA to include one seat for the Liberal Party in compliance with the provision of Section 18, Article VI of the Constitution.^[6] Representative Tañada also brought the matter to the attention of then Speaker De Venecia, reiterating the position that since there were at least 20 members of the Liberal Party in the 14th Congress, the party should be represented in the CA.^[7]

As of October 15, 2007, however, no report or recommendation was proffered by the Legal Department, drawing Representative Tañada to request a report or recommendation on the matter within three days.^[8]

In reply, Atty. Grace Andres of the Legal Affairs Bureau of the House of Representatives informed Representative Tañada that the department was constrained to withhold the release of its legal opinion because the handling lawyer was directed to secure documents necessary to establish some of the members' party affiliations.^[9]

Hence spawned the filing on October 31, 2007 of the *first* petition by petitioner former Senator Franklin M. Drilon (in representation of the Liberal Party), *et al.*, for prohibition, mandamus, and *quo warranto* with prayer for the issuance of writ of preliminary injunction and temporary restraining order, against then Speaker De Venecia, Representative Arthur Defensor, Sr. in his capacity as Majority Floor Leader of the House of Representatives, Senator Manuel B. Villar in his capacity as *ex officio* chairman of the CA, Atty. Ma. Gemma D. Aspiras in her capacity as Secretary of the CA, and the individual members of the House of Representatives contingent to the CA.^[10] The petition in G.R. No. 180055 raises the following issues:

a. *WHETHER THE LIBERAL PARTY WITH AT LEAST TWENTY (20) MEMBERS WHO SIGNED HEREIN AS PETITIONERS, IS CONSTITUTIONALLY ENTITLED TO ONE (1) SEAT IN THE COMMISSION ON APPOINTMENTS.*

b. *WHETHER THE HOUSE OF REPRESENTATIVES' RESPONDENTS HAVE COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK OR EXCESS OF JURISDICTION IN CONSTITUTING THE COMMISSION ON APPOINTMENTS IN CONTRAVENTION OF THE REQUIRED PROPORTIONAL CONSTITUTION BY DEPRIVING THE LIBERAL PARTY OF ITS CONSTITUTIONAL ENTITLEMENT TO ONE (1) SEAT THEREIN.*

c. *WHETHER AS A RESULT OF THE GRAVE ABUSE OF DISCRETION COMMITTED BY THE HOUSE OF REPRESENTATIVES RESPONDENTS, THE WRITS PRAYED FOR IN THIS PETITION BE ISSUED NULLIFYING THE CURRENT COMPOSITION OF THE COMMISSION ON APPOINTMENTS, RESTRAINING THE CURRENT HOUSE OF REPRESENTATIVE MEMBERS FROM SITTING AND PARTICIPATING IN THE PROCEEDINGS OF THE COMMISSION ON APPOINTMENTS, OUSTING THE AFFECTED RESPONDENTS WHO USURPED, INTRUDED INTO AND UNLAWFULLY HELD POSITIONS IN THE COMMISSION ON APPOINTMENTS AND REQUIRING THE RESPONDENTS TO RECONSTITUTE AND/OR REELECT THE MEMBERS OF SAID COMMISSION.*^[11] (Italics in the original)

And it prays that this Court:

- a. Immediately upon the filing of the instant Petition, issue a Temporary Restraining Order and/or a Writ of Preliminary Prohibitory and Mandatory Injunction, enjoining all Respondents and all persons under their direction, authority, supervision, and control from further proceeding with their actions relating to the illegal and unconstitutional constitution of the Commission on Appointments and to the unlawful exercise of its members' functions, contrary to the rule on proportional representation of political parties with respect to the House of Representatives contingent in the said Commission;
- b. After careful consideration of the merits of the case, render judgment making the injunction permanent and ordering Respondents and all persons under their direction, authority, supervision, and control;

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- c. Declare Respondents' action in not allotting one (1) seat to Petitioners null and void for being a direct violation of Section 18, Article VI of the Constitution;
- d. Declare the proceedings of the Commission on Appointments null and void, insofar as they violate the rule on proportional representation of political parties in said Commission;
- e. Oust the affected respondents, whoever they are, who usurped, intruded into and have unlawfully held positions in the Commission on Appointments and
- f. Require Respondents to alter, reorganize, reconstitute and reconfigure the composition of the Commission on Appointments in accordance with proportional representation based on the actual numbers of members belonging to duly accredited and registered political parties who were elected into office during the last May 14, 2007 Elections by, at the very least, respecting and allowing Congressman Alfonso V. Umali, Jr. as the duly nominated Commission on Appointments member of the Liberal Party of the Philippines to sit therein as such.^[12]

Respondents Senator Villar and CA Secretary Aspiras filed their Comment^[13] on December 6, 2007, moving for the dismissal of the petition on these grounds:

I. THE POWER TO ELECT MEMBERS TO THE COMMISSION ON APPOINTMENTS BELONGS TO EACH HOUSE OF CONGRESS PURSUANT TO THE CONSTITUTION. AS SUCH, THE PETITION

IS NOT DIRECTED AT THE HEREIN RESPONDENTS.

- II. THE CONSTITUTION DOES NOT REQUIRE THAT THE COMMISSION MUST HAVE COMPLETE MEMBERSHIP IN ORDER THAT IT CAN FUNCTION. WHAT THE CONSTITUTION REQUIRES IS THAT THERE MUST AT LEAST BE A MAJORITY OF ALL THE MEMBERS OF THE COMMISSION FOR IT TO VALIDLY CONDUCT ITS PROCEEDINGS AND TRANSACT ITS BUSINESS.**^[14] (Emphasis in the original)

Then Speaker De Venecia and Representative Defensor filed their Comment and Opposition^[15] on February 18, 2008, moving too for the dismissal of the petition on these grounds:

- I. THE ACTS COMPLAINED OF DO NOT CONSTITUTE GRAVE ABUSE OF DISCRETION THAT WILL JUSTIFY THE GRANT OF THE EXTRAORDINARY WRIT OF MANDAMUS.**^[16]
- II. THE LIBERAL PARTY DOES NOT POSSESS THE REQUISITE NUMBER OF MEMBERS THAT WOULD ENTITLE THE PARTY TO A SEAT IN THE COMMISSION ON APPOINTMENTS. IT IS, THEREFORE, NOT THE PROPER PARTY TO INSTITUTE THE INSTANT PETITION FOR QUO WARRANTO.**^[17]
- III. THE PETITIONERS FAILED TO EXHAUST THE REMEDIES AVAILABLE TO THEM.**^[18]
- IV. THE CONFLICTING CLAIMS OF THE PARTIES AS TO THE AFFILIATION OF THE MEMBERS NEED TO BE SETTLED IN A TRIAL.**^[19] (Emphasis in the original)

Meantime, Senator Ma. Ana Consuelo A.S. Madrigal of PDP-Laban, by separate letters of April 17, 2008 to Senator Villar and Speaker Prospero Nograles, claimed that the composition of the Senate contingent in the CA violated the constitutional requirement of proportional representation for the following reasons:

1. PMP has two representatives in the CA although it only has two members in the Senate and thus [is] entitled only to one (1) seat.
2. KAMPI has only one (1) member in the Senate and thus is not entitled to a CA seat and yet it is represented in the CA.
3. PRP has only one (1) member in the Senate and thus is not entitled to a CA seat and yet it is represented in the CA.
4. If Senators Richard Gordon and Pilar Juliana Cayetano are Independents, then Sen. Gordon cannot be a member of the CA as Independents cannot be represented in the CA even though there