

EN BANC

[G.R. No. 160031, December 18, 2008]

SOCIAL JUSTICE SOCIETY (SJS), PETITIONER, VS. HON. JOSE D. LINA, IN HIS CAPACITY AS SECRETARY OF THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT (DILG), LIPA CITY MAYOR HON. VILMA SANTOS-RECTO, PAMPANGA PROVINCIAL GOVERNOR HON. LITO LAPID, AND PARAÑAQUE CITY MAYOR HON. JOEY MARQUEZ, RESPONDENTS.

DECISION

NACHURA, J.:

Assailed in this Rule 45 petition are the June 30, 2003^[1] and the September 12, 2003^[2] Orders of the Regional Trial Court (RTC) of Manila, Branch 14 in Civil Case No. 02-104585.

Filed with the trial court on September 12, 2002, by petitioner Social Justice Society, a registered political party, with the trial court was a petition for declaratory relief against the then Secretary of the Department of Interior and Local Government (DILG), respondent Jose D. Lina,^[3] praying for Presented for resolution in its petition is the proper construction of Section 90 of Republic Act (R.A.) No. 7160, which provides that:

SEC. 90. *Practice of Profession.*—

(a) All governors, city and municipal mayors are prohibited from practicing their profession or engaging in any occupation other than the exercise of their functions as local chief executives.

(b) *Sanggunian* members may practice their professions, engage in any occupation, or teach in schools except during session hours: *Provided*, That *sanggunian* members who are members of the Bar shall not:

- (1) Appear as counsel before any court in any civil case wherein a local government unit or any office, agency, or instrumentality of the government is the adverse party;
- (2) Appear as counsel in any criminal case wherein an officer or employee of the national or local government is accused of an offense committed in relation to his office;
- (3) Collect any fee for their appearance in administrative proceedings involving the local government unit of which he is an official; and

(4) Use property and personnel of the Government except when the *sanggunian* member concerned is defending the interest of the Government.

(c) Doctors of medicine may practice their profession even during official hours of work only on occasions of emergency: *Provided*, That the officials concerned do not derive monetary compensation therefrom. [Underscoring supplied.]

Based on the said provision, specifically paragraph (a) thereof, petitioner posited that actors who were elected as governors, city and municipal mayors were disallowed by law to appear in movies and television programs as one of the characters therein, for this would give them undue advantage over their political opponents, and would considerably reduce the time that they must devote to their constituents.^[4]

To strengthen its point, petitioner later amended its petition to implead as additional respondents then Lipa City Mayor Vilma Santos, then Pampanga Provincial Governor Lito Lapid, and then Parañaque City Mayor Joey Marquez.^[5]

Summing up the arguments of the other respondents in their respective pleadings, the DILG, through the Office of the Solicitor General (OSG), moved for the dismissal of the petition on the grounds that: (1) petitioner has no legal standing to file the petition, because it is not a "person whose rights are affected" by the statute; (2) it is not the real party-in-interest; (3) there is no judicial controversy; (4) there is no need for construction of the subject provision; (5) there is already a breach of the statute as alleged in the petition itself; and (6) declaratory relief is not the proper remedy.^[6]

In the assailed June 30, 2003 Order,^[7] the trial court, sustaining the arguments of the DILG, dismissed the petition for declaratory relief. It further denied, in the September 12, 2003 Order,^[8] petitioner's motion for reconsideration.

Dissatisfied, petitioner filed the instant petition for review on *certiorari* before this Court on the following grounds:

I.

THE REGIONAL TRIAL COURT SERIOUSLY ERRED IN DISMISSING PETITIONER'S PETITION FOR DECLARATORY RELIEF ON PURELY TECHNICAL GROUNDS.

II.

THE REGIONAL TRIAL COURT SERIOUSLY ERRED IN NOT RESOLVING THE ISSUE RAISED IN THE PETITION FOR DECLARATORY RELIEF.^[9]

Petitioner contends that it, a registered political party composed of citizens, established to relentlessly pursue social justice in the Philippines, and allowed to field candidates in the elections, has the legal interest and the right to be informed and enlightened, on whether or not their public officials, who are paid out of public funds, can, during their tenure, lawfully appear as heroes or villains in movies, or