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[G.R. No. 143374, September 30, 2005]

NESTOR G. ATITIW, AS TAXPAYER, LAWYER AND IN HIS CAPACITY AS CHIEF EXECUTIVE OF THE CORDILLERA BODONG ADMINISTRATION (CBA) AND AS MEMBER OF THE CORDILLERA EXECUTIVE BOARD (CEB), CORDILLERA ADMINISTRATIVE REGION (CAR); MAYLENE D. GAYO, AS TAXPAYER, LAWYER AND IN HER CAPACITY AS LEGAL OFFICER OF THE CORDILLERA EXECUTIVE BOARD (CEB), CORDILLERA ADMINISTRATIVE REGION (CAR); FLORENCIO KIGIS, AS TASXPAYER AND HIS CAPACITY AS MEMBER OF THE CORDILLERA REGIONAL ASSEMBLY (CRA)., CORDILLERA ADMINISTRATIVE REGION (CAR), AND MODESTO SAGUDANG, AS TAXPAYER AND HIS CAPACITY AS MEMBER OF THE CORDILLERA BODONG ADMINISTRATION (CBA) AND CHIEF, CORDILLERA PEOPLE'S LIBERATION ARMY (CPLA), PETITIONERS, VS. RONALDO B. ZAMORA, IN HIS CAPACITY AS SECRETARY OF THE DEPARTMENT OF BUGGET AND MANAGEMENT (DBM), OFFICE OF THE PRESIDENT, MALACAÑANG; MANILA; AND THE REPUBLIC OF THE PHILIPPINES, THROUGH THE OFFICE OF THE SOLICITOR GENERAL AS COUNSEL OF THE REPUBLIC, IN ITS CAPACITY AS A PUBLIC CORPORATION THAT ENTERED INTO CONTRACT WITH THE CBA-CPLA, RESPONDENTS.

D E C I S I O N

TINGA, J.:

PROLOGUE

The ethnographic diversity of the Filipino people is a source of national pride, enriching as it has, our nation's culture. Nonetheless, it has likewise been the source, on occasion, of political discomfort. The inherent right of peoples to maintain their traditional way of life has not always met a welcome response from the entrenched majority. The perceived discriminatory treatment of cultural minorities has in turn engendered unrest.

The restoration of democracy, with the resultant promulgation of the 1987 Constitution, has allowed more room for creative solutions that accord the utmost respect to the rights and traditions of cultural minorities. Regional autonomy is one of the preferred solutions in the Constitution, and one which the Court has been all too willing to affirm or defer to. It is a solution long dreamed of by ethnic minorities around the world, and its growing acceptance in the international realm is but a further step in the evolution of world civilizations towards the humane, democratic ideal.

There is a certain element of tragedy in the present petition, as it arises from the failure to this day to vitalize the dream of local autonomy of the Cordillera people. It might seem to some that the Court will compound the tragedy by denying, as it

does, the present petition. Yet there are fundamental prerogatives that have to be upheld, particularly the powers of Congress over the national purse and to legislate, both of which it exercises in representation of the sovereign people. Neither the goal of regional autonomy nor the unique status of the Cordillera people cannot hinder the rule of law and the Constitution.

THE PETITION

Petitioners Nestor G. Atitiw, Maylene D. Gayo, Florencio Kigis, and Modesto Sagudang have brought to this Court the instant petition for prohibition, *mandamus,* and declaratory relief as taxpayers and officers and members of the various units of the Cordillera Administrative Region (CAR). They seek, among others, the declaration of nullity of paragraph 1 of the *Special Provisions* of Republic Act No. 8760, otherwise known as the General Appropriations Act (GAA) of 2000, directing that the appropriation for the CAR shall be spent to wind up its activities and pay the separation and retirement benefits of all affected officials and employees.

The 2000 GAA appropriated a total of P18,379,000.00 for the CAR's general administration and support services for that year, in contrast to the annual appropriation of P36,000,000.00 in the previous years.

Named respondents are the Executive Secretary, the Secretary of the Department of Budget and Management (DBM), and the Republic of the Philippines.

While the petition is based on Rule 65 of the Rules of Court in regard to prohibition and *mandamus,* petitioners also ask for the issuance of a writ of preliminary injunction and/or temporary restraining order to enjoin respondents from implementing the questioned provision and a writ of preliminary mandatory injunction commanding the Executive Secretary and the DBM to source out funds for the immediate resumption of operations of the CAR pending consideration of the petition. As the 2000 GAA has long been implemented, the application for the issuance of a writ of preliminary injunction and/or temporary restraining order is already moot and academic. Nonetheless, the Court shall pass upon the constitutional issues raised in this petition.

FACTS

A brief historical account of the CAR is in order.

When President Corazon Aquino assumed the presidency after the EDSA people power revolt, she was confronted with the insurgency in the Cordilleras, a problem of long standing which dates back to the martial rule of then President Marcos. Thus, her government initiated a series of peace talks with the Cordillera People's Liberation Army (CPLA) and the Cordillera Bodong Administration (CBA), both headed by Fr. Conrado Balweg. The dialogues between the representatives of the government and the CPLA centered on the establishment of an autonomous government in the Cordilleras and culminated in the forging of a *Joint Memorandum of Agreement* on September 13, 1986, whereby the Armed Forces of the Philippines and the CPLA had agreed to end hostilities.

On February 2, 1987, the Filipino people ratified the 1987 Philippine Constitution. Section 15, Article X[1] thereof ordains the creation of autonomous regions in Muslim Mindanao and in the Cordilleras while Section 18, Article X[2] thereof

mandates the congressional enactment of the organic acts for each of the autonomous regions.

After the cessation of hostilities, the dialogues went on and these paved the way for the signing on March 27, 1987 of a *Joint Statement of the Government Panel and the Cordillera Panel,* enjoining the drafting of an executive order to authorize the creation of a policy-making and administrative body for the Cordilleras and to conduct studies on the drafting of an organic act for the autonomous region. Thus, by virtue of her residual legislative powers under the Freedom Constitution, President Aquino promulgated Executive Order (E.O.) No. 220 on July 15, 1987, creating the CAR, which is the interim and preparatory body tasked, among others, to administer the affairs of government in the Cordilleras composed of the provinces of Abra, Benguet, Ifugao, Kalinga-Apayao and Mountain Province and the City of Baguio.

Pursuant to the 1987 Constitution, on October 23, 1989, Congress enacted Republic Act No. 6766 entitled *An Act Providing for an Organic Act for the Cordillera Autonomous Region.* On January 30, 1990, a plebiscite was held wherein the people of the aforementioned provinces and city cast their votes on the ratification of the Organic Act. The plebiscite results showed, however, that the creation of an autonomous region was approved by a majority of votes in the Ifugao province only and overwhelmingly rejected in the rest of the region. In *Ordillo v. Commission on Elections*[3] the Court ruled that the sole province of Ifugao cannot validly constitute the Cordillera Autonomous Region and upheld the disapproval of the Organic Act by the people of the region. In said case, the Court also declared E.O. No. 220 to be still in force and effect until properly repealed or amended.

On February 15, 2000, President Estrada signed into law the 2000 GAA which includes the assailed *Special Provisions.*

On July 20, 2000, President Estrada issued E.O. No. 270, which extended the implementation of the winding up of operations of the CAR.[4] He extended the period further to March 31, 2001 by virtue of E.O. No. 328 which he issued on December 27, 2000.[5]

ISSUES

The instant petition raises the following remolded issues:

1. WHETHER THE ASSAILED SPECIAL PROVISIONS IN R. A. NO. 8760 (2000 GAA) IS A RIDER AND AS SUCH IS UNCONSTITUTIONAL;

2. WHETHER THE PHILIPPINE GOVERNMENT, THROUGH CONGRESS, CAN UNILATERALLY AMEND/REPEAL E.O. No. 220;

3. WHETHER THE REPUBLIC SHOULD BE ORDERED TO HONOR ITS COMMITMENTS AS SPELLED OUT IN E.O. No. 220.[6]

THE COURT'S RULING The petition is bereft of merit.

The lead appropriation item for the CAR in the 2000 GAA reads in part:

XXX. AUTONOMOUS REGIONS

A. CORDILLERA ADMINISTRATIVE REGION (PROPER)

> For general administration and support services, support to operation, and operation, as indicated hereunder P18,379,000
>
> New Appropriations, by Program/Project
>
> . . . .

Right after the appropriation item are the following Special Provisions, thus:

> *Special Provisions*

1. *Use of the Fund. The amounts herein appropriated shall be used to wind up the activities and operations of the Cordillera Administrative Region, including the payment of separation and retirement benefits of all affected officials and employees; PROVIDED, That any deficiency in the amount for the payment of terminal leave and retirement gratuity benefits shall be taken from the Miscellaneous Personnel Benefits Fund.*

2. Appropriations for Programs and Specific Activities. The amounts herein appropriated for the programs of the agency shall be used specifically for the following activities in the indicated amounts and conditions: . . .[7]

Petitioners argue that the above-quoted paragraph 1 of the *Special Provisions* is a prohibited rider which contravenes Section 25(2), Article VI of the Constitution, which reads:

SEC. 25 (2) No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.

It is a jurisprudential axiom that respect for the inherent and stated powers and prerogatives of the law-making body, as well as faithful adherence to the principle of separation of powers, requires that its enactments be accorded the presumption of constitutionality. Thus, in any challenge to the constitutionality of a statute, the burden of clearly and unequivocally proving its unconstitutionality always rests upon the challenger. Conversely, failure to so prove will necessarily defeat the challenge.[8] The instant petition falls short of the requirement necessary to overturn the presumption of constitutionality which the questioned provision enjoys.

A rider is a provision which is alien to or not germane to the subject or purpose of the bill in which it is incorporated. There are two provisions in the 1987 Constitution which expressly prohibit riders. These are provisions in Article VI of the Constitution, namely Section 25(2) and Section 26(1), which

> Sec. 25. ...
>
> ... ...
>
> (2) No provision or enactment shall be embraced in the general appropriations bill unless it relates specifically to some particular

> appropriation therein. Any such provision or enactment shall be limited in its operation to the appropriation to which it relates.
>
> Sec. 26. ...
>
> ... ...
>
> (1) Every bill passed by the Congress shall embrace only one subject which shall be expressed in the title thereof.

The rationale against inserting a rider in an appropriations bill under the specific appropriation clause embodied in Section 25(2), Article VI of the Constitution is similar to that of the "one subject in the title" clause provided in Section 26(1) also of Article VI, which directs that every provision in a bill must be germane or has some reasonable relation to the subject matter as expressed in the title thereof. The unity of the subject matter of a bill is mandatory in order to prevent hodge-podge or log▼rolling legislation, to avoid surprise or fraud upon the legislature, and to fairly appraise the people of the subjects of legislation that are being considered.[9]

An appropriations bill, however, covers a broader range of subject matter and therefore includes more details compared to an ordinary bill. As a matter of fact, the title of an appropriations bill cannot be any broader as it is since it is not feasible to come out with a title that embraces all the details included in an appropriations bill. This is not to sanction, however, the insertion of provisions or clauses which do not have any relation to appropriations found therein. Thus, Section 25(2), Article VI lays down a germaneness standard akin to that prescribed in Section 26(1).

Compliance with the requirement under Section 25(2), Article VI of the Constitution is mandatory. However, the rule should not be construed so strictly as to tie the hands of Congress in providing budgetary policies in the appropriations bill.

The subsection simply requires that all the provisions in a general appropriations bill are either appropriation items or non-appropriation items which relate specifically to appropriation items. Thus, provisions or clauses that do not directly appropriate funds are deemed appurtenant in a general appropriations bill when they specify certain conditions and restrictions in the manner by which the funds to which they relate have to be spent.

In *Gonzales v. Macaraig, Jr.,*[10] the Court struck down Section 55 and Section 16 of the appropriations acts for the fiscal years 1989 and 1990, respectively, because they were not provisions in the budgetary sense of the term. Both sections disallowed the use of savings from appropriations authorized for other purposes to augment any item of appropriation which was reduced or disapproved by Congress. The Court explained therein:

> Explicit is the requirement that a provision in the *Appropriations Bill* should relate specifically to some "particular appropriation" therein. The challenged "provisions" fall short of this requirement. Firstly, the vetoed "provisions" do not relate to any particular or distinctive appropriation. They apply generally to all items disapproved or reduced by Congress in the Appropriations Bill. Secondly, the disapproved or reduced items are nowhere to be found on the face of the Bill. To discover them, resort will have to be made to the original recommendation made by the President and to the source indicated by petitioners themselves,.... Thirdly, the vetoed Sections are more of an expression of Congressional policy in