

PUNO, J. concurring and dissenting opinion

I join the ground-breaking ponencia of our esteemed colleague, Mr. Justice Davide insofar as it orders the COMELEC to dismiss the Delfin petition. I regret, however, I cannot share the view that R.A. No. 6735 and COMELEC Resolution No. 2300 are legally defective and cannot implement the people's initiative to amend the Constitution. I likewise submit that the petition with respect to the Pedrosas has no leg to stand on and should be dismissed. With due respect:

I

First, I submit that R.A. No. 6735 sufficiently implements the right of the people to initiate amendments to the Constitution thru initiative. Our effort to discover the meaning of R.A. No. 6735 should start with the search of the **intent** of our lawmakers. A knowledge of this **intent** is critical for **the intent of the legislature is the law** and the controlling factor in its interpretation.^[1] Stated otherwise, **intent** is the essence of the law, the spirit which gives life to its enactment.^[2]

Significantly, the **majority decision concedes** that ". . . R.A. No. 6735 was **intended** to cover initiative to propose amendments to the Constitution." It ought to be so for this **intent is crystal clear from the history of the law** which was a consolidation of House Bill No. 21505^[3] and Senate Bill No. 17.^[4] Senate Bill No. 17 was entitled "An Act Providing for a System of Initiative and Referendum and the Exception Therefrom, **Whereby People in Local Government Units Can Directly Propose and Enact Resolutions and Ordinances or Approve or Reject any Ordinance or Resolution Passed by the Local Legislative Body.**" Beyond doubt, Senate Bill No. 17 did not include people's initiative to propose amendments to the Constitution. In checkered contrast, House Bill No. 21505^[5] expressly included people's initiative to amend the Constitution. Congressman (now Senator) Raul Roco emphasized in his sponsorship remarks.^[6]

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"SPONSORSHIP REMARKS OF MR. ROCO

"At the outset, Mr. Roco provided the following backgrounder on the constitutional basis of the proposed measure.

"1. As cited in Vera vs. Avelino (1946), the presidential system which was introduced by the 1935 Constitution saw the application of the principle of separation of powers.

"2. While under the parliamentary system of the 1973 Constitution the principle remained applicable, the 1981 amendments to the Constitution of 1973 ensured presidential dominance over the Batasang Pambansa.

"Constitutional history then saw the shifting and sharing of legislative powers between the Legislature and the Executive departments. Transcending changes in the exercise of legislative power is the declaration in the Philippine Constitution that the Philippines is a republican state where sovereignty resides in the people and all sovereignty emanates from them.

"3. Under the 1987 Constitution, the lawmaking power is still preserved in Congress; however, to institutionalize direct action of the people as exemplified in the 1986 Revolution, the Constitution recognizes the power of the people, through the system of initiative and referendum.

"As cited in Section 1, Article VI of the 1987 Constitution, Congress does not have plenary powers since reserve powers are given to the people expressly. Section 32 of the same Article mandates

Congress to pass at the soonest possible time, a bill on referendum and initiative, and to share its legislative powers with the people.

"Section 2, Article XVII of the 1987 Constitution, on the other hand, vests in the people the power to directly propose amendments to the Constitution through initiative, upon petition of at least 12 percent of the total number of registered voters.

"Stating that House Bill No. 21505 is the Committee's response to the duty imposed on Congress to implement the exercise by the people of the right to initiative and referendum, Mr. Roco recalled the beginnings of the system of initiative and referendum under Philippine Law. He cited Section 99 of the Local Government Code which vests in the barangay assembly the power to initiate legislative processes, decide the holding of plebiscite and hear reports of the Sangguniang Barangay, all of which are variations of the power of initiative and referendum. He added that the holding of barangay plebiscites and referendum are likewise provided in Sections 100 and 101 of the same Code.

"Thereupon, for the sake of brevity, Mr. Roco moved that pertinent quotation on the subject which he will later submit to the Secretary of the House be incorporated as part of his sponsorship speech.

"He then cited examples of initiative and referendum similar to those contained in the instant Bill among which are the constitutions of states in the United States which recognize the right of registered voters to initiate the enactment of any statute or to project any existing law or parts thereof in a referendum. These states, he said, are Alaska, Alabama, Montana, Massachusetts, Dakota, Oklahoma, Oregon, and practically all other states.

"Mr. Roco explained that in certain American states, the kind of laws to which initiative and referendum apply is also without limitation, except for emergency measures, which are likewise incorporated in House Bill No. 21505. He added that the procedure provided by the Bill from the filing of the petition, the requirements of a certain percentage of supporters to present a proposition, to the submission to electors are substantially similar to the provisions in American laws. Although an infant in Philippine political structure, the system of initiative and referendum, he said, is a tried and tested system in other jurisdictions, and the Bill is patterned after American experience.

"He further explained that the bill has only 12 sections, and recalled that the Constitutional Commissioners saw the system of the initiative and referendum as an instrument which can be used should the legislature show itself to be indifferent to the needs of the people. This is the reason, he claimed, why now is an opportune time to pass the Bill even as he noted the felt necessity of the times to pass laws which are necessary to safeguard individual rights and liberties.

"At this juncture, Mr. Roco explained the process of initiative and referendum as advocated in House Bill NO. 21505. He stated that:

"1. Initiative means that the people, on their own political judgment, submit a Bill for the consideration of the general electorate.

"2. **The instant Bill provides three kinds of initiative, namely; the initiative to amend the Constitution once every five years; the initiative to amend statutes approved by Congress; and the initiative to amend local ordinances.**

"3. **The instant Bill gives a definite procedure and allows the Commission on Elections (COMELEC) to define rules and regulations on the power of initiative.**

"4. Referendum means that the legislators seek the consent of the people on measures that they have

approved.

"5. Under Section 4 of the Bill the people can initiate a referendum which is a mode of plebiscite by presenting a petition therefor, but under certain limitations, such as the signing of said petition by at least 10 percent of the total of registered voters at which every legislative district is represented by at least three percent of the registered voters thereof. Within 30 days after receipt of the petition, the COMELEC shall determine the sufficiency of the petition, publish the same, and set the date of the referendum within 45 to 90-day period.

"6. When the matter under referendum or initiative is approved by the required number of votes, it shall become effective 15 days following the completion of its publication in the **Official Gazette**.

"In concluding his sponsorship remarks, Mr. Roco stressed that the Members cannot ignore the people's call for initiative and referendum and urged the Body to approve House Bill No. 21505.

"At this juncture, Mr. Roco also requested that the prepared text of his speech together with the footnotes be reproduced as part of the Congressional Records."

The same sentiment as to the bill's intent to implement people's initiative to amend the Constitution was stressed by then Congressman (now Secretary of Agriculture) Salvador Escudero III in his sponsorship remarks, viz:^[7]

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SPONSORSHIP REMARKS OF MR. ESCUDERO

"Mr. Escudero first pointed out that the people have been clamoring for a truly popular democracy ever since, especially in the so-called parliament of the streets. A substantial segment of the population feels, he said, that the form of democracy is there, but not the reality or substance of it because of the increasingly elitist approach of their representatives to the country's problem.

"Whereupon, **Mr. Escudero pointed out that the Constitution has provided a means whereby the people can exercise the reserved power of initiative to propose amendments to the Constitution**, and requested that Sections 1 and 32, Article VI; Section 3, Article X; and Section 2, Article XVII of the Constitution be made part of his sponsorship remarks.

"Mr. Escudero also stressed that an implementing law is needed for the aforesaid Constitutional provisions. While the enactment of the Bill will give way to strong competition among cause-oriented and sectoral groups, he continued, it will hasten the politization of the citizenry, aid the government in forming an enlightened public opinion, and produce more responsive legislation. The passage of the Bill will also give street parliamentarians the opportunity to articulate their ideas in a democratic forum, he added.

"Mr. Escudero stated that he and Mr. Roco hoped for the early approval of the Bill so that it can be initially used for the Agrarian Reform Law. He said that the passage of House Bill No. 21505 will show that the Members can set aside their personal and political consideration for the greater good of the people."

The disagreeing provisions in Senate Bill No. 17 and House Bill No. 21505 were threshed out in a Bicameral Conference Committee.^[8] In the meeting of the Committee on June 6, 1989,^[9] **the members agreed that the two (2) bills should be consolidated and that the consolidated version should include people's initiative to amend the Constitution as contemplated by House Bill No. 21505.** The transcript of the meeting states:

"x x x

"CHAIRMAN GONZALES. But at any rate, as I have said, because this is new in our political system, the Senate decided on a more cautious approach and limiting it only to the local government units because even with that stage where . . . at least this has been quite popular, ano? It has been attempted on a national basis. Alright. There has not been a single attempt. Now, so, kami limitado doon. And, second, we consider also that it is only fair that the local legislative body should be given a chance to adopt the legislation bill proposed, right? Iyong sinasabing indirect system of initiative. If after all, the local legislative assembly or body is willing to adopt it in full or in toto, there ought to be any reason for initiative, ano for initiative. And, number 3, we feel that there should be some limitation on the frequency with which it should be applied. Number 4, na the people, thru initiative, cannot enact any ordinance that is beyond the scope of authority of the local legislative body, otherwise, my God, mag-aassume sila ng power that is broader and greater than the grant of legislative power to the Sanggunians. And Number 5, because of that, then a proposition which has been the result of a successful initiative can only carry the force and effect of an ordinance and therefore that should not deprive the court of its jurisdiction to declare it null and void for want of authority. Ha, di ba? I mean it is beyond powers of local government units to enact. Iyon ang main essence namin, so we concentrated on that. And that is why . . . **so ang sa inyo naman includes iyon sa Constitution, amendment to the Constitution eh . . . national laws.** Sa amin, if you insist on that, alright, although we feel na it will in effect become a dead statute. Alright, and we can agree, we can agree. So ang mangyayari dito, and magiging basic nito, let us not discuss anymore kung alin and magiging basic bill, ano, whether it is the Senate Bill or whether it is the House bill. Logically it should be ours sapagkat una iyong sa amin, eh. It is one of the first bills approved by the Senate kaya ang number niyan, makikita mo, 17, eh. Huwag na nating pagusapan. **Now, if you insist, really iyong features ng national at saka constitutional, okay. _____ gagawin na natin na consolidation of both bills.**

HON. ROCO. Yes, we shall consolidate.

CHAIRMAN GONZALES. Consolidation of the Senate and House Bill No. so and so."^[10]

When the consolidated bill was presented to the House for approval, then Congressman Roco upon interpellation by Congressman Rodolfo Albano, again confirmed that it covered people's initiative to amend the Constitution. The record of the House Representative states:^[11]

"x x x

"THE SPEAKER PRO TEMPORE. The Gentleman from Camarines Sur is recognized.

" **MR. ROCO. On the Conference Committee Report on the disagreeing provisions between Senate Bill No. 21505 which refers to the system providing for the initiative and referendum, fundamentally, Mr. Speaker, we consolidated the Senate and the House versions, so both versions are totally intact in the bill. The Senators ironically provided for local initiative and referendum and the House Representatives correctly provided for initiative and referendum on the Constitution and on national legislation.**

"I move that we approve the consolidated bill.

"MR. ALBANO. Mr. Speaker.

THE SPEAKER PRO TEMPORE. What is the pleasure of the Minority Floor Leader?

"MR. ALBANO. Will the distinguished sponsor answer just a few questions?

"THE SPEAKER PRO TEMPORE. The Gentlemen will please proceed.

"**MR. ALBANO. I heard the sponsor say that the only difference in the two bills was that in the Senate**

version there was a provision for local initiative and referendum, whereas the House version has none.

"MR. ROCO. In fact, the Senate version provide purely for local initiative and referendum, whereas in the House version, we provided purely for national and constitutional legislation.

"MR. ALBANO. Is it our understanding, therefore, that the two provisions were incorporated?

"MR. ROCO. Yes, Mr. Speaker.

"MR. ALBANO. So that we will now have a complete initiative and referendum both in the constitutional amendment and national legislation.

"MR. ROCO. That is correct.

"MR. ALBANO. And provincial as well as municipal resolutions?"

"MR. ROCO. Down to barangay, Mr. Speaker.

"MR. ALBANO. And this initiative and referendum is in consonance with the provision of the Constitution whereby it mandates this Congress to enact the enabling law, so that we shall have a system which can be done every five years. Is it five years in the provision of the Constitution?

"MR. ROCO. That is correct, Mr. Speaker. For constitutional amendments in the 1987 Constitution, it is every five years.

"MR. ALBANO. For every five years, Mr. Speaker?

"MR. ROCO. Within five years, we cannot have multiple initiatives and referenda.

"MR. ALBANO. Therefore, basically, there was no substantial difference between the two versions?

"MR. ROCO. The gaps in our bill were filled by the Senate which, as I said earlier, ironically was about local, provincial and municipal legislation.

"MR. ALBANO. And the two bills were consolidated?

"MR. ROCO. Yes, Mr. Speaker.

"MR ALBANO. Thank you, Mr. Speaker.

APPROVAL OF C.C.R.
ON S.B. NO. 17 AND H.B. NO. 21505
(The Initiative and Referendum Act)

"THE SPEAKER PRO TEMPORE. There was a motion to approve this consolidated bill on Senate Bill No. 17 and House Bill No. 21505.

Is there any objection? (Silence) The Chair hears none; the motion is approved."

Since it is crystalline that the intent of R.A. No. 6735 is to implement the people's initiative to amend the Constitution, it is our bounden duty to interpret the law as it was intended by the legislature. We have ruled that once intent is ascertained, it must be enforced even if it may not be consistent with the strict letter of the law and this ruling is as old as the mountain. We have also held that where a law is susceptible of more than one interpretation, that interpretation which will

most tend to effectuate the manifest intent of the legislature will be adopted.^[12]

The **text** of R.A. No. 6735 should therefore be **reasonably construed** to effectuate its intent to implement the people's initiative to amend the Constitution. To be sure, we need not torture the text of said law to reach the conclusion that it implements people's initiative to amend the Constitution. R.A. No. 6735 is replete with references to this prerogative of the people.

First, the **policy statement** declares:

"Sec. 2. Statement of Policy. -- The power of the people under a system of initiative and referendum to directly propose, enact, approve or reject, in whole or in part, the **Constitution**, laws, ordinances, or resolutions passed by any legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed." (emphasis supplied)

Second, the law defines "initiative" as "**the power of the people to propose amendments to the Constitution** or to propose and enact legislations **through an election called for the purpose**," and "plebiscite" as "the electoral process by which an **initiative on the Constitution** is approved or rejected by the people."

Third, the law provides the requirements for a petition for initiative to amend the Constitution. Section 5(b) states that "(a) petition for an initiative on the 1987 Constitution must have at least twelve per centum (12%) of the total number of registered voters as signatories, of which every legislative district must be represented by at least three per centum (3%) of the registered voters therein." It also states that "(i) initiative on the Constitution may be exercised only after five (5) years from the ratification of the 1987 Constitution and only once every five (5) years thereafter."

Finally, R.A. No. 6735 fixes the effectivity date of the amendment. Section 9(b) states that "(t)he proposition in an initiative on the Constitution approved by a majority of the votes cast in the plebiscite shall become effective as to the day of the plebiscite."

It is unfortunate that the majority decision resorts to a **strained** interpretation of R.A. No. 6735 to defeat its intent which it itself **concedes** is to implement people's initiative to propose amendments to the Constitution. Thus, it laments that the word "Constitution" is neither germane nor relevant to the policy thrust of section 2 and that the statute's subtitling is not accurate. **These lapses are to be expected for laws are not always written in impeccable English. Rightly, the Constitution does not require our legislators to be word-smiths with the ability to write bills with poetic commas like Jose Garcia Villa or in lyrical prose like Winston Churchill.** But it has always been our good policy not to refuse to effectuate the intent of a law on the ground that it is badly written. As the distinguished Vicente Francisco^[13] reminds us: "Many laws contain words which have not been used accurately. But the use of inapt or inaccurate language or words, will not vitiate the statute if the legislative intention can be ascertained. The same is equally true with reference to awkward, slovenly, or ungrammatical expressions, that is, such expressions and words will be construed as carrying the meaning the legislature intended that they bear, although such a construction necessitates a departure from the literal meaning of the words used."

In the same vein, the argument that R.A. No. 7535 does not include people's initiative to amend the Constitution simply because it lacks a sub-title on the subject should be given the weight of helium. Again, the hoary rule in statutory construction is that headings prefixed to titles, chapters and sections of a statute may be consulted in aid of interpretation, but inferences drawn therefrom are entitled to very little weight, and they can never control the plain terms of the enacting clauses.^[14]

All said, it is difficult to agree with the majority decision that refuses to enforce the manifest

intent or spirit of R.A. No. 6735 to implement the people's initiative to amend the Constitution. It blatantly disregards the rule cast in concrete that the letter of the law must yield to its spirit for the letter of the law is its body but its spirit is its soul.^[15]

II

COMELEC Resolution No. 2300,^[16] promulgated under the stewardship of Commissioner Haydee Yorac, then its Acting Chairman, spelled out the **procedure** on how to exercise the people's initiative to amend the Constitution. This is in accord with the delegated power granted by section 20 of R.A. No. 6735 to the COMELEC which expressly states: "The Commission is hereby empowered to promulgate such rules and regulations as may be necessary to carry out the purposes of this Act." By no means can this delegation of power be assailed as infirmed. In the benchmark case of **Pelaez v. Auditor General**,^[17] this Court, thru former Chief Justice Roberto Concepcion laid down the **test** to determine whether there is undue delegation of legislative power, viz:

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"Although Congress may delegate to another branch of the Government the power to fill details in the execution, enforcement or administration of a law, it is essential, to forestall a violation of the principle of separation of powers, that said law: (a) be **complete** in itself - it must set forth therein the policy to be executed, carried out or implemented by the delegate - and (b) to fix a **standard** - the limits of which are sufficiently determinate or determinable - to which the delegate must conform in the performance of his functions. Indeed, without a statutory declaration of policy, which is the essence of every law, and, without the aforementioned standard, there would be no means to determine, with reasonable certainty, whether the delegate has acted within or beyond the scope of his authority. Hence, he could thereby arrogate upon himself the power, not only to make the law, but, also - and this is worse - to unmake it, by adopting measures inconsistent with the end sought to be attained by the Act of Congress, thus nullifying the principle of separation of powers and the system of checks and balances, and, consequently, undermining the very foundation of our republican system.

Section 68 of the Revised Administrative Code does not meet these well-settled requirements for a valid delegation of the power to fix the details in the enforcement of a law. It does not enunciate any policy to be carried out or implemented by the President. Neither does it give a standard sufficiently precise to avoid the evil effects above referred to."

R.A. No. 6735 sufficiently states the **policy** and the **standards** to guide the COMELEC in promulgating the law's implementing rules and regulations of the law. As aforesaid, section 2 spells out the **policy of the law**; viz: "The power of the people under a system of initiative and referendum to directly propose, enact, approve or reject, in whole or in part, the **Constitution**, laws, ordinances, or resolutions passed by any legislative body upon compliance with the requirements of this Act is hereby affirmed, recognized and guaranteed." Spread out all over R.A. No. 6735 are the **standards** to canalize the delegated power to the COMELEC to promulgate rules and regulations from overflowing. Thus, the law states the number of signatures necessary to start a people's initiative,^[18] directs how initiative proceeding is commenced,^[19] what the COMELEC should do upon filing of the petition for initiative,^[20] how a proposition is approved,^[21] when a plebiscite may be held,^[22] when the amendment takes effect^[23] and what matters may not be the subject of any initiative.^[24] By any measure, these standards are adequate.

Former Justice Isagani A. Cruz, similarly elucidated that "a sufficient standard is intended to map out the boundaries of the delegates' authority by defining the legislative policy and indicating the circumstances under which it is to be pursued and effected. The **purpose** of the sufficient standard is to prevent a **total transference of legislative power** from the lawmaking body to the

delegate."^[25] In enacting R.A. No. 6735, it cannot be said that Congress **totally transferred its power to enact the law** implementing people's initiative to COMELEC. A close look at COMELEC Resolution No. 2300 will show that it merely provided the **procedure** to effectuate the policy of R.A. No. 6735 giving life to the people's initiative to amend the Constitution. The debates^[26] in the Constitutional Commission make it clear that the rules of procedure to enforce the people's initiative can be delegated, thus:

"MR. ROMULO. Under Commissioner Davide's amendment, it is possible for the legislature to set forth certain procedures to carry out the initiative. . . ?

MR. DAVIDE. It can.

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MR. ROMULO. But the Commissioner's amendment does not prevent the legislature from asking another body to set the proposition in proper form.

MR. DAVIDE. The Commissioner is correct. In other words, the implementation of this particular right would be subject to legislation, provided the legislature cannot determine anymore the percentage of the requirement.

MR. DAVIDE. **As long as it will not destroy the substantive right to initiate.** In other words, none of the **procedures** to be proposed by the legislative body must diminish or impair the right conceded here.

MR. ROMULO. In that provision of the Constitution **can the procedures which I have discussed be legislated?**

MR. DAVIDE. Yes."

In his book, **The Intent of the 1986 Constitution Writers**,^[27] Father Bernas likewise affirmed: "In response to questions of Commissioner Romulo, Davide explained the extent of the power of the legislature over the process: it could for instance, prescribe the `proper form before (the amendment) is submitted to the people,' it could authorize another body to check the proper form. It could also authorize the COMELEC, for instance, to check the authenticity of the signatures of petitioners. **Davide concluded: `As long as it will not destroy the substantive right to initiate. In other words, none of the procedures to be proposed by the legislative body must diminish or impair the right conceded here.'**" Quite clearly, the prohibition against the legislature is to impair the **substantive** right of the people to initiate amendments to the Constitution. It is not, however, prohibited from legislating the **procedure** to enforce the people's right of initiative or to delegate it to another body like the COMELEC with proper standard.

A survey of our case law will show that this Court has prudentially refrained from invalidating administrative rules on the ground of lack of adequate legislative standard to guide their promulgation. As aptly perceived by former Justice Cruz, "even if the law itself does not expressly pinpoint the standard, **the courts will bend backward** to locate the same elsewhere in order to spare the statute, if it can, from constitutional infirmity."^[28] He cited the ruling in *Hirabayashi v. United States*,^[29] viz:

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"It is true that the Act **does not in terms establish a particular standard** to which orders of the military commander are to conform, or require findings to be made as a prerequisite to any order. But the Executive Order, the Proclamations and the statute are not to be read in isolation from each other. They were parts of a

single program and must be judged as such. The Act of March 21, 1942, was an adoption by Congress of the Executive Order and of the Proclamations. The Proclamations themselves followed a standard authorized by the Executive Order - the necessity of protecting military resources in the designated areas against espionage and sabotage."

In the case at bar, the policy and the standards are bright-lined in R.A. No. 6735. A 20-20 look at the law cannot miss them. They were not written by our legislators in invisible ink. The policy and standards can also be found in no less than section 2, Article XVII of the Constitution on Amendments or Revisions. There is thus no reason to hold that the standards provided for in R.A. No. 6735 are insufficient for in other cases we have upheld as adequate more general standards such as "simplicity and dignity,"^[30] "public interest,"^[31] "public welfare,"^[32] "interest of law and order,"^[33] "justice and equity,"^[34] "adequate and efficient instruction,"^[35] "public safety,"^[36] "public policy",^[37] "greater national interest",^[38] "protect the local consumer by stabilizing and subsidizing domestic pump rates",^[39] and "promote simplicity, economy and efficiency in government."^[40] **A due regard and respect to the legislature, a co-equal and coordinate branch of government, should counsel this Court to refrain from refusing to effectuate laws unless they are clearly unconstitutional.**

III

It is also respectfully submitted that **the petition should be dismissed with respect to the Pedrosas.** The inclusion of the Pedrosas in the petition is utterly baseless. The records show that the case at bar started when respondent Delfin **alone and by himself** filed with the COMELEC a Petition to Amend the Constitution to Lift Term Limits of Elective Officials by People's Initiative. **The Pedrosas did not join the petition.** It was Senator Roco who moved to intervene and was allowed to do so by the COMELEC. The petition was heard and before the COMELEC could resolve the Delfin petition, the case at bar was filed by the petitioners with this Court. Petitioners sued the COMELEC, Jesus Delfin, **Alberto Pedrosa and Carmen Pedrosa in their capacities as founding members of the People's Initiative for Reform, Modernization and Action (PIRMA).** The suit is an original action for prohibition with prayer for temporary restraining order and/or writ of preliminary injunction.

The petition on its face states no cause of action against the Pedrosas. The only **allegation** against the Pedrosas is that they are founding members of the **PIRMA** which proposes to undertake the signature drive for people's initiative to amend the Constitution. Strangely, the **PIRMA** itself as an organization was not impleaded as a respondent. Petitioners then prayed that we order the Pedrosas "x x x to desist from conducting a signature drive for a people's initiative to amend the Constitution." On December 19, 1996, we temporarily enjoined the Pedrosas "x x x from conducting a signature drive for people's initiative to amend the Constitution." It is not enough for the majority to lift the temporary restraining order against the Pedrosas. It should dismiss the petition and all motions for contempt against them without equivocation.

One need not draw a picture to impart the proposition that in soliciting signatures to start a people's initiative to amend the Constitution the Pedrosas are not engaged in any criminal act. Their solicitation of signatures is a right guaranteed in black and white by section 2 of Article XVII of the Constitution which provides that "x x x amendments to this Constitution may likewise be directly proposed by the people through initiative. . ." This right springs from the principle proclaimed in section 1, Article II of the Constitution that in a democratic and republican state "sovereignty resides in the people and all government authority emanates from them." **The Pedrosas are part of the people and their voice is part of the voice of the people. They may constitute but a particle of our sovereignty but no power can trivialize them for sovereignty is indivisible.**

But this is not all. Section 16 of Article XIII of the Constitution provides: "The **right of the people** and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making **shall not be abridged**. The State shall by law, facilitate the establishment of adequate consultation mechanisms." This is another novel provision of the 1987 Constitution strengthening the sinews of the sovereignty of our people. **In soliciting signatures to amend the Constitution, the Pedrosas are participating in the political decision-making process of our people. The Constitution says their right cannot be abridged without any ifs and buts. We cannot put a question mark on their right.**

Over and above these new provisions, **the Pedrosas' campaign to amend the Constitution is an exercise of their freedom of speech and expression and their right to petition the government for redress of grievances.** We have memorialized this universal right in all our fundamental laws from the Malolos Constitution to the 1987 Constitution. We have iterated and reiterated in our rulings that freedom of speech is a preferred right, the matrix of other important rights of our people. Undeniably, freedom of speech enervates the essence of the democratic creed of think and let think. For this reason, the Constitution encourages speech even if it protects the speechless.

It is thus evident that the right of the Pedrosas to solicit signatures to start a people's initiative to amend the Constitution does not depend on any law, much less on R.A. No. 6735 or COMELEC Resolution No. 2300. No law, no Constitution can chain the people to an undesirable status quo. To be sure, there are no irrevocable laws just as there are no irrevocable Constitution. Change is the predicate of progress and we should not fear change. Mankind has long recognized the truism that the only constant in life is change and so should the majority.

IV

In a stream of cases, this Court has rhapsodized people power as expanded in the 1987 Constitution. On October 5, 1993, we observed that people's might is no longer a myth but an article of faith in our Constitution.^[41] On September 30, 1994, we postulated that people power can be trusted to check excesses of government and that any effort to trivialize the effectiveness of people's initiatives ought to be rejected.^[42] On September 26, 1996, we pledged that "x x x this Court as a matter of policy and doctrine will exert every effort to nurture, protect and promote their legitimate exercise."^[43] Just a few days ago, or on March 11, 1997, by a unanimous decision,^[44] we allowed a recall election in Caloocan City involving the mayor and ordered that he submits his right to continue in office to the judgment of the tribunal of the people. Thus far, we have succeeded in transforming people power from an opaque abstraction to a robust reality. **The Constitution calls us to encourage people empowerment to blossom in full. The Court cannot halt any and all signature campaigns to amend the Constitution without setting back the flowering of people empowerment. More important, the Court cannot seal the lips of people who are pro-change but not those who are anti-change without converting the debate on charter change into a sterile talkaton. Democracy is enlivened by a dialogue and not by a monologue for in a democracy nobody can claim any infallibility.**

^[1] Agpalo, *Statutory Construction*, 1986 ed., p. 38, citing, *inter alia*, *US v. Tamparong* 31 Phil. 321; *Hernani v. Export Control Committee*, 100 Phil. 973; *People v. Purisima*, 86 SCRA 542.

^[2] *Ibid.*, citing *Torres v. Limjap*, 56 Phil. 141.

^[3] Prepared and sponsored by the House Committee on Suffrage and Electoral Reforms on the basis of H.B. No. 497 introduced by Congressman Raul Roco, Raul del Mar and Narciso Monfort and H.B. No. 988 introduced by Congressman Salvador Escudero.

- [4] Introduced by Senators Neptali Gonzales, Alberto Romulo, Aquilino Pimentel, Jr., and Jose Lina, Jr.
- [5] It was entitled "An Act Providing a System of Initiative and Referendum and Appropriating Funds therefor.
- [6] Journal No. 85, February 14 1989, p. 121.
- [7] *Ibid.*
- [8] The Senate Committee was chaired by Senator Neptali Gonzales with Senators Agapito Aquino and John Osmeña as members. The House Committee was chaired by Congressman Magdaleno M. Palacol with Congressman Raul Roco, Salvador H. Escudero III and Joaquin Chipeco, Jr., as members.
- [9] Held at Constanca Room, Ciudad Fernandina, Greenhills, San Juan, Metro Manila.
- [10] See Compliance sybnutted by intervenor Roco dated January 28, 1997.
- [11] Record No. 137, June 8, 1989, pp. 960-961.
- [12] Agpalo, *op cit.*, p. 38 citing US v. Toribio, 15 Phil. 7 (1910); US v. Navarro, 19 Phil. 134 (1911).
- [13] Francisco, Statutory Construction, 3rd ed., (1968), pp. 145-146 citing Crawford, Statutory Construction pp.337-338.
- [14] Black, Handbook on the Constructin and Interpretation of the Laws (2nd ed), pp. 258-259. See also Commissioner of Custom v. Relunia, 105 Phil 875 (1959); People v. Yabut, 58 Phil 499 (1933).
- [15] Alcantara, Statutes, 1990 ed., p. 26 citing Dwarris on Statutes, p. 237.
- [16] Entitled In re: Rules and Regulations Governing the Conduct of Initiative on the Constitution, and Initiative and Referendum on National and Local Laws and promulgated on January 16, 1991 by COMELEC with Commissioner Haydee B. Yorac as Acting Chairperson and Commissioners Alfredo E. Abueg, Jr., Leopoldo L. Africa, Andres R. Flores, Dario C. Rama and Magdara B. Dimaampao.
- [17] 15 SCRA 569.
- [18] Sec. 5(b), R.A. No. 6735.
- [19] Sec. 5(b), R.A. No. 6735.
- [20] Sec. 7, R.A. No. 6735.
- [21] Sec. 9(b), R.A. No. 6735.
- [22] Sec. 8, R.A. No. 6735 in relation to Sec. 4, Art. XVII of the Constitution.
- [23] Sec. 9(b), R.A. No. 6735.
- [24] Sec. 10, R.A. No. 6735.
- [25] Cruz, Philippine Political Law, 1995 Ed., p.98.
- [26] See July 8, 1986 Debates of the Concom, p. 399.
- [27] 1995 ed., p. 1207.
- [28] Cruz, *op cit.*, p.99.
- [29] 320 US 99.
- [30] Balbuena v. Secretary of Education, 110 Phil. 150 (1910)
- [31] People v. Rosenthal, 68 Phil 328 (1939).
- [32] Calalang v. Williams, 70 Phil 726 (1940).
- [33] Rubi v. Provincial Board of Mindoro, 39 Phil. 669 (1919).

- [\[34\]](#) International Hardwood v. Pangil Federation of Labor, 70 Phil. 602 (1940).
- [\[35\]](#) Phil. Association of Colleges and Universities v. Secretary of Education, 97 Phil 806 (1955).
- [\[36\]](#) Edu v. Ericta, 35 SCRA 481 (1990); Agustin v. Edu, 88 SCRA 195 (1979).
- [\[37\]](#) Pepsi Cola Bottling Co. vs. Municipality of Tanawan Leyte, 69 SCRA 460 (1976).
- [\[38\]](#) Maceda v. Macaraig, 197 SCRA 771 (1991).
- [\[39\]](#) Osmeña vs. Orbos, 220 SCRA 703 (1993).
- [\[40\]](#) Chiongbian v. Orbos, 245 SCRA 253 (1995).
- [\[41\]](#) Garcia v. COMELEC, *et al.*, G.R. No. 111511, October 5, 1993.
- [\[42\]](#) Garcia, *et al.* v. COMELEC, *et al.*, G.R. No. 111230, September 26, 1996.
- [\[43\]](#) Subic Bay Metropolitan Authority v. COMELEC, *et al.*, G.R. No. 125416, September 26, 1996.
- [\[44\]](#) Malonzo vs. COMELEC, *et al.*, G.R. No. 127066, March 11, 1997.