



**Republic of the Philippines
Supreme Court
Manila**

EN BANC

**REPRESENTATIVE TEDDY
BRAWNER BAGUILAT, JR.,
REPRESENTATIVE EDCEL C.
LAGMAN, REPRESENTATIVE
RAUL A. DAZA,
REPRESENTATIVE EDGAR R.
ERICE, REPRESENTATIVE
EMMANUEL A. BILLONES,
REPRESENTATIVE
TOMASITO S. VILLARIN, and
REPRESENTATIVE GARY C.
ALEJANO,**

Petitioners,

- versus -

**SPEAKER PANTALEON D.
ALVAREZ, MAJORITY
LEADER RODOLFO C.
FARIÑAS, and
REPRESENTATIVE DANILO
E. SUAREZ,**

Respondents.

G.R. No. 227757

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,
DEL CASTILLO,
MENDOZA,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
MARTIRES,
TIJAM, and
REYES, JR. *JJ.*

Promulgated:

July 25, 2017

Perlas-Bernabe

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DECISION

PERLAS-BERNABE, J.:

Before the Court is a petition for *mandamus*¹ filed by petitioners Representatives Teddy Brawner Baguilat, Jr., (Rep. Baguilat), Edcel C.

¹ *Rollo*, Vol. I, pp. 3-51.

Lagman (Rep. Lagman), Raul A. Daza, Edgar R. Erice, Emmanuel A. Billones, Tomasito S. Villarin, and Gary C. Alejano (collectively, petitioners), all members of the House of Representatives, essentially praying that respondents Speaker Pantaleon D. Alvarez (Speaker Alvarez), Majority Leader Rodolfo C. Fariñas (Rep. Fariñas), and Representative Danilo E. Suarez (Rep. Suarez; collectively, respondents), also members of the House of Representatives, be compelled to recognize: (a) Rep. Baguilat as the Minority Leader of the 17th Congress of the House of Representatives; and (b) petitioners as the legitimate members of the Minority.

The Facts

The petition alleges that prior to the opening of the 17th Congress on July 25, 2016, several news articles surfaced about Rep. Suarez's announcement that he sought the adoption or anointment of President Rodrigo Roa Duterte's Administration as the "Minority Leader" to lead a "cooperative minority" in the House of Representatives (or the House), and even purportedly encamped himself in Davao shortly after the May 2016 Elections to get the endorsement of President Duterte and the majority partisans. The petition further claims that to ensure Rep. Suarez's election as the Minority Leader, the supermajority coalition in the House allegedly "lent" Rep. Suarez some of its members to feign membership in the Minority, and thereafter, vote for him as the Minority Leader.²

On July 25, 2016, which was prior to the election of the Speaker of the House of Representatives, then-Acting Floor Leader Rep. Fariñas and Rep. Jose Atienza (Rep. Atienza) had an interchange before the Plenary, wherein the latter elicited the following from the former: **(a) all those who vote for the winning Speaker shall belong to the Majority and those who vote for the other candidates shall belong to the Minority; (b) those who abstain from voting shall likewise be considered part of the Minority; and (c) the Minority Leader shall be elected by the members of the Minority.**³ Thereafter, the Elections for the Speakership were held, "[w]ith 252 Members voting for [Speaker] Alvarez, eight [(8)] voting for Rep. Baguilat, seven [(7)] voting for Rep. Suarez, 21 abstaining and one [(1)] registering a no vote,"⁴ thus, resulting in Speaker Alvarez being the duly elected Speaker of the House of Representatives of the 17th Congress.

² Id. at 12. See also id. at 57-63.

³ Id. at 13-14.

⁴ Id. at 14.

Petitioners hoped that as a “long-standing tradition” of the House – where the candidate who garnered the second (2nd)-highest number of votes for Speakership automatically becomes the Minority Leader – Rep. Baguilat would be declared and recognized as the Minority Leader. However, despite numerous follow-ups from respondents, Rep. Baguilat was never recognized as such.⁵

On August 1, 2016, one of the “abstentionists,” Representative Harlin Neil Abayon, III (Rep. Abayon), manifested before the Plenary that on July 27, 2016, those who did not vote for Speaker Alvarez (including the 21 “abstentionists”) convened and elected Rep. Suarez as the Minority Leader.⁶ Thereafter, on August 15, 2016, Rep. (now, Majority Leader) Fariñas moved for the recognition of Rep. Suarez as the Minority Leader. This was opposed by Rep. Lagman essentially on the ground that various “irregularities” attended Rep. Suarez’s election as Minority Leader, particularly: (a) that Rep. Suarez was a member of the Majority as he voted for Speaker Alvarez, and that his “transfer” to the Minority was irregular; and (b) that the “abstentionists” who constituted the bulk of votes in favor of Rep. Suarez’s election as Minority Leader are supposed to be considered independent members of the House, and thus, irregularly deemed as part of the Minority.⁷ However, Rep. Lagman’s opposition was overruled, and consequently, Rep. Suarez was officially recognized as the House Minority Leader.

Thus, petitioners filed the instant petition for *mandamus*, insisting that Rep. Baguilat should be recognized as the Minority Leader in light of: (a) the “long-standing tradition” in the House where the candidate who garnered the second (2nd)-highest number of votes for Speakership automatically becomes the Minority Leader; and (b) the irregularities attending Rep. Suarez’s election to said Minority Leader position.

For his part, Rep. Suarez maintains that the election of Minority Leader is an internal matter to the House of Representatives. Thus, absent any finding of violation of the Constitution or grave abuse of discretion, the Court cannot interfere with such internal matters of a coequal branch of the government.⁸ In the same vein, the Office of the Solicitor General (OSG), on behalf of Speaker Alvarez and Majority Leader Fariñas contends, *inter alia*, that the election of Minority Leader is within the exclusive realm of the House of Representatives, which the Court cannot intrude in pursuant to the principle of separation of powers, as well as the political question doctrine. Similarly, the OSG argues that the recognition of Rep. Suarez as the House

⁵ See *id.* at 14-15.

⁶ *Id.* at 17.

⁷ *Id.* at 22.

⁸ See portions Rep. Suarez’s Comment dated January 17, 2017; *id.* at 222-231.

Minority Leader was not tainted with any violation of the Constitution or grave abuse of discretion and, thus, must be sustained.⁹

The Issue Before the Court

The essential issue for resolution is whether or not respondents may be compelled via a writ of *mandamus* to recognize: (a) Rep. Baguilat as the Minority Leader of the House of Representatives; and (b) petitioners as the only legitimate members of the House Minority.

The Court's Ruling

The petition is without merit.

“*Mandamus* is defined as a writ commanding a tribunal, corporation, board or person to do the act required to be done when it or he unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust or station, or unlawfully excludes another from the use and enjoyment of a right or office or which such other is entitled, there being no other plain, speedy, and adequate remedy in the ordinary course of law.”¹⁰ In *Special People, Inc. Foundation v. Canda*,¹¹ the Court explained that the peremptory writ of *mandamus* is an extraordinary remedy that is issued only in extreme necessity, and the ordinary course of procedure is powerless to afford an adequate and speedy relief **to one who has a clear legal right to the performance of the act to be compelled.**¹²

After a judicious study of this case, the Court finds that petitioners have no clear legal right to the reliefs sought. Records disclose that prior to the Speakership Election held on July 25, 2016, then-Acting Floor Leader Rep. Fariñas responded to a parliamentary inquiry from Rep. Atienza as to who would elect the Minority Leader of the House of Representatives. Rep. Fariñas then articulated that: **(a) all those who vote for the winning Speaker shall belong to the Majority and those who vote for other candidates shall belong to the Minority; (b) those who abstain from voting shall likewise be considered part of the Minority; and (c) the Minority Leader shall be elected by the members of the Minority.**¹³ Thereafter, the election of the Speaker of the House proceeded **without any**

⁹ See portions of the OSG's Comment dated February 15, 2017; *rollo*, Vol. II, pp. 738-739 and 747-755.

¹⁰ *Systems Plus Computer College of Caloocan City v. Local Government of Caloocan City*, 455 Phil. 956, 962 (2003), citing Section 3, Rule 65 of the Rules of Court.

¹¹ 701 Phil. 365 (2013).

¹² See *id.* at 386.

¹³ *Rollo*, Vol. I, pp. 13-14.

objection from any member of Congress, including herein petitioners. Notably, the election of the Speaker of the House is the essential and formative step conducted at the first regular session of the 17th Congress to determine the constituency of the Majority and Minority (and later on, their respective leaders), considering that the Majority would be comprised of those who voted for the winning Speaker and the Minority of those who did not. The unobjectioned procession of the House at this juncture is reflected in its Journal No. 1 dated July 25, 2016,¹⁴ which, based on case law, is conclusive¹⁵ as to what transpired in Congress:

PARLIAMENTARY INQUIRY OF REP. ATIENZA

Recognized by the Chair, Rep. Atienza inquired as to who would elect the Minority Leader of the House of Representatives.

REMARKS OF REP. FARIÑAS

In reply, Rep. Fariñas referred to Section 8 of the Rules of the house on membership to the Majority and the Minority. He explained that the Members who voted for the winning candidate for the Speaker shall constitute the Majority and shall elect from among themselves the Majority Leader, while those who voted against the winning Speaker or did not vote at all shall belong to the Minority and would thereafter elect their Minority Leader.

NOMINAL VOTING ON THE NOMINEES FOR SPEAKER OF THE HOUSE

Thereafter, on motion of Rep. Fariñas, ***there being no objection***, the Members proceeded to the election of the Speaker of the House of Representatives. The Presiding Officer then directed Deputy Secretary General Adasa to call the Roll for nominal voting for the Speaker of the House and requested each Member to state the name of the candidate he or she will vote for.

The result of the voting was as follows:

For Rep. Pantaleon D. Alvarez:

x x x x

For Rep. Teddy Brawner Baguilat Jr.

x x x x

For Rep. Danilo E. Suarez

x x x x

¹⁴ I JOURNAL, HOUSE 17th Congress 1st Session 16-17 (July 25, 2016).

¹⁵ “The Journal is regarded as conclusive with respect to matters that are required by the Constitution to be recorded therein. With respect to other matters, in the absence of evidence to the contrary, the Journals have also been accorded conclusive effect.” (*Arroyo v. De Venecia*, 343 Phil. 42, 74 [1997]).

Abstained

x x x x

With 252 Members voting for Rep. Alvarez (P.), eight voting for Rep. Baguilat, seven voting for Rep. Suarez, 21 abstaining and one registering a no vote, the Presiding Officer declared Rep. Alvarez (P.) as the duly elected Speaker of the House of Representatives for the 17th Congress.

COMMITTEE ON NOTIFICATION

On motion of Rep. Fariñas, there being no objection, the Body constituted a committee composed of the following Members to notify Rep. Alvarez (P.) of his election as Speaker of the House of Representatives and to escort the Speaker-elect to the rostrum for his oath-taking: Reps. Eric D. Singson, Mercedes K. Alvarez, Fredenil “Fred” H. Castro, Raneo “Ranie” E. Abu, Lucy T. Gomez, Nancy A. Catamco, Elenita Milagros “Eileen” Ermita-Buhain, Rose Marie “Baby” J. Arenas, Mylene J. Garcia-Albano, Gwendolyn F. Garcia, Marlyn L. Primicias-Agabas, Emmeline Aglipay-Villar, Sarah Jane I. Elago and Victoria Isabel G. Noel.

SUSPENSION OF SESSION

The Presiding Officer *motu proprio* suspended the session at 12:43 p.m.¹⁶

After Speaker Alvarez took his oath of office, he administered the oath of office to all Members of the House of the 17th Congress.¹⁷ On the same day, the Deputy Speakers, and other officers of the House (among others, the Majority Leader) were elected and all took their respective oaths of office.¹⁸

During his privilege speech delivered on July 26, 2016, which was a full day after all the above-mentioned proceedings had already been commenced and completed, Rep. Lagman questioned Rep. Fariñas’ interpretation of the Rules.¹⁹ Aside from the belated timing of Rep. Lagman’s query, Rep. Suarez aptly points out that the Journal for that session does not indicate any motion made, seconded and carried to correct the entry in the Journal of the previous session (July 25, 2016) pertinent to

¹⁶ See *rollo*, Vol. I, pp. 266-269; italics, underscoring, and emphasis supplied.

¹⁷ See *id.* at 113 (dorsal portion). See also I JOURNAL, HOUSE 17th Congress 1st Session 21 (July 25, 2016).

¹⁸ See *rollo*, p. 113 (dorsal portion)-114. See also I JOURNAL, HOUSE 17th Congress 1st Session 21-22 (July 25, 2016).

¹⁹ See *rollo*, pp. 14-15 and 125-126. See also I JOURNAL, HOUSE 17th Congress 1st Session 78-79 (July 25, 2016).

any recording error that may have been made, as to indicate that in fact, a protest or objection was raised.²⁰

Logically speaking, the foregoing circumstances would show that the House of Representatives had effectively adopted Rep. Fariñas' proposal anent the new rules regarding the membership of the Minority, as well as the process of determining who the Minority Leader would be. More significantly, this demonstrates the House's deviation from the "legal bases" of petitioners' claim for entitlement to the reliefs sought before this Court, namely: (a) the "long-standing tradition" of automatically awarding the Minority Leadership to the second placer in the Speakership Elections, *i.e.*, Rep. Baguilat; and (b) the rule²¹ that those who abstained in the Speakership Elections should be deemed as independent Members of the House of Representatives, and thus, they could not have voted for a Minority Leader in the person of Rep. Suarez.²² As will be explained hereunder, the deviation

²⁰ See portions in Rep. Suarez's Comment dated January 17, 2017; *id.* at 452.

²¹ Section 8, Rule II of the Rules of the House of Representatives, 16th Congress (December 10, 2014) reads:

Section 8. *The Majority and the Minority.* – Members who vote for the winning candidate for Speaker shall constitute the Majority in the House and they shall elect from among themselves the Majority Leader. The Majority Leader may be changed, at any time, by a majority vote of all the Majority Members.

The Minority Leader shall be elected by the Members of the Minority and can be changed, at any time, by a majority vote of all the Minority Members.

The Majority and Minority shall elect such number of Deputy Majority and Minority Leaders as the rules provide.

A Member may transfer from the Majority to the Minority, or vice versa, at any time: *Provided, That:*

- a. The concerned Member submits a written request to transfer to the Majority or Minority, through the Majority or Minority Leaders, as the case may be. The Secretary General shall be furnished a copy of the request to transfer;
- b. The Majority or Minority, as the case may be, accepts the concerned Member in writing; and
- c. The Speaker shall be furnished by the Majority or the Minority Leaders, as the case may be, a copy of the acceptance in writing of the concerned Member.

In case the Majority or the Minority declines such request to transfer, the concerned Member shall be considered an independent Member of the House.

In any case, whether or not the request to transfer is accepted, all committee assignments and memberships given the concerned Member by the Majority or Minority, as the case may be, shall be automatically forfeited.

Members who choose not to align themselves with the Majority or the Minority shall be considered as independent Members of the House. They may, however, choose to join the Majority or Minority upon written request to and approval thereof by the Majority or Minority, as the case may be.

²² See *rollo*, Vol. I, pp. 34-42.

by the Lower House from the aforesaid rules is not averse to the Constitution.

Section 16 (1), Article VI of the 1987 Constitution reads:

Section 16. (1) The Senate shall elect its President and the House of Representatives, its Speaker, by a majority vote of all its respective Members.

Each house shall choose such other officers as it may deem necessary.

Under this provision, the Speaker of the House of Representatives shall be elected by a majority vote of its entire membership. Said provision also states that the House of Representatives may decide to have officers other than the Speaker, and that the method and manner as to how these officers are chosen is something within its sole control.²³ In the case of *Defensor-Santiago v. Guingona*,²⁴ which involved a dispute on the rightful Senate Minority Leader during the 11th Congress (1998-2001), this Court observed that “[w]hile the Constitution is explicit on the manner of electing x x x [a Speaker of the House of Representative,] it is, however, dead silent on the manner of selecting the other officers [of the Lower House]. All that the Charter says is that ‘[e]ach House shall choose such other officers as it may deem necessary.’ [As such], the method of choosing who will be such other officers is merely a derivative of the exercise of the prerogative conferred by the aforementioned constitutional provision. Therefore, such method must be prescribed by the [House of Representatives] itself, not by [the] Court.”²⁵

Corollary thereto, Section 16 (3), Article VI²⁶ of the Constitution vests in the House of Representatives the sole authority to, *inter alia*, “determine the rules of its proceedings.” These “legislative rules, unlike statutory laws, do not have the imprints of permanence and obligatoriness during their effectivity. In fact, they ‘are subject to revocation, modification or waiver at the pleasure of the body adopting them.’ Being merely matters of procedure, their observance are of no concern to the courts, for said rules

²³ See Bernas, Joaquin. THE 1987 CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY. 2003 Edition, pp. 711-712.

²⁴ *Defensor-Santiago v. Guingona*, 359 Phil. 276 (1998).

²⁵ *Id.* at 299.

²⁶ Section 16 (3), Article VI of the 1987 Constitution reads:

SECTION 16. x x x.

x x x x

(3) Each House may determine the rules of its proceedings, punish its Members for disorderly behavior, and, with the concurrence of two-thirds of all its Members, suspend or expel a Member. A penalty of suspension, when imposed, shall not exceed sixty days.

may be waived or disregarded by the legislative body at will, upon the concurrence of a majority [of the House of Representatives].”²⁷ Hence, as a general rule, “[t]his Court has no authority to interfere and unilaterally intrude into that exclusive realm, without running afoul of [C]onstitutional principles that it is bound to protect and uphold x x x. Constitutional respect and a becoming regard for the sovereign acts of a coequal branch prevents the Court from prying into the internal workings of the [House of Representatives].”²⁸

Of course, as in any general rule, there lies an exception. While the Court in taking jurisdiction over petitions questioning an act of the political departments of government, will not review the wisdom, merits or propriety of such action, it will, however, strike it down on the ground of grave abuse of discretion.²⁹ This stems from the expanded concept of judicial power, which, under Section 1, Article VIII of the 1987 Constitution, expressly “includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.” Case law decrees that “[t]he foregoing text emphasizes the judicial department’s duty and power to strike down grave abuse of discretion on the part of any branch or instrumentality of government including Congress. It is an innovation in our political law. As explained by former Chief Justice Roberto Concepcion:³⁰

[T]he judiciary is the final arbiter on the question of whether or not a branch of government or any of its officials has acted without jurisdiction or in excess of jurisdiction or so capriciously as to constitute an abuse of discretion amounting to excess of jurisdiction. This is not only a judicial power but a duty to pass judgment on matters of this nature.³¹

Accordingly, this Court “will not shirk, digress from or abandon its sacred duty and authority to uphold the Constitution in matters that involve grave abuse of discretion brought before it in appropriate cases, committed by any officer, agency, instrumentality or department of the government.”³²

However, as may be gleaned from the circumstances as to how the House had conducted the questioned proceedings and its apparent deviation from its traditional rules, the Court is hard-pressed to find any attending grave abuse of discretion which would warrant its intrusion in this case. By

²⁷ *Defensor-Santiago v. Guingona*, supra note 24, at 300.

²⁸ See id. at 301.

²⁹ See id. at 294, citing *Tañada v. Angara*, 338 Phil. 546, 575 (1997).

³⁰ *Tañada v. Angara*, id. at 574-575.

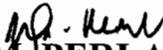
³¹ Id.

³² Id. at 575.

and large, this case concerns an internal matter of a coequal, political branch of government which, absent any showing of grave abuse of discretion, cannot be judicially interfered with. To rule otherwise would not only embroil this Court in the realm of politics, but also lead to its own breach of the separation of powers doctrine.³³ Verily, “[i]t would be an unwarranted invasion of the prerogative of a coequal department for this Court either to set aside a legislative action as void [only] because [it] thinks [that] the House has disregarded its own rules of procedure, or to allow those defeated in the political arena to seek a rematch in the judicial forum when petitioners can find their remedy in that department itself.”³⁴

WHEREFORE, the petition is **DISMISSED**.

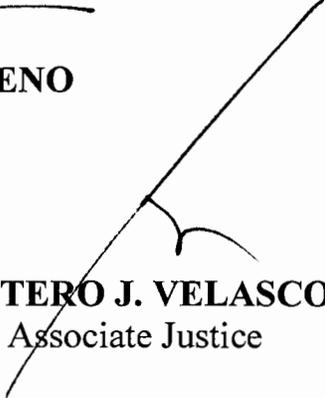
SO ORDERED.


ESTELA M. PERLAS-BERNABE
 Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
 Chief Justice


ANTONIO T. CARPIO
 Associate Justice

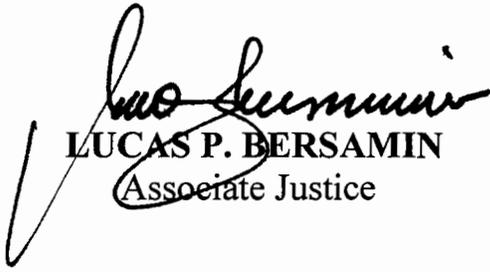

PRESBITERO J. VELASCO, JR.
 Associate Justice


TERESITA J. LEONARDO-DE CASTRO
 Associate Justice


DIOSDADO M. PERALTA
 Associate Justice

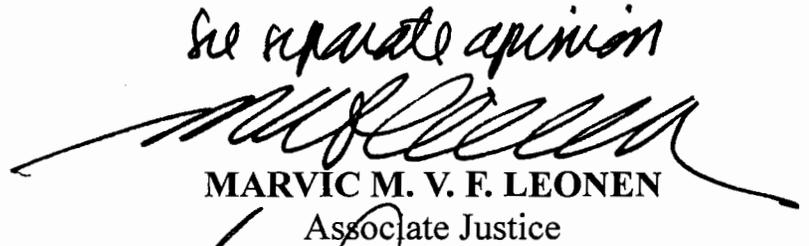
³³ See *Santiago v. Guingona*, supra note 24, at 301.

³⁴ Id. at 295, citing *Arroyo v. De Venecia*, 343 Phil. 42, 74 (1997).

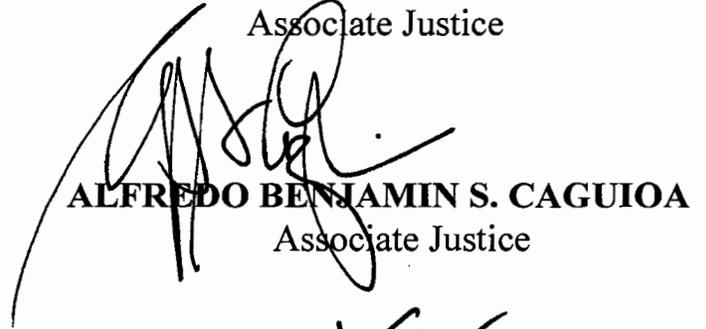

LUCAS P. BERSAMIN
 Associate Justice


MARIANO C. DEL CASTILLO
 Associate Justice


JOSE CATRAL MENDOZA
 Associate Justice

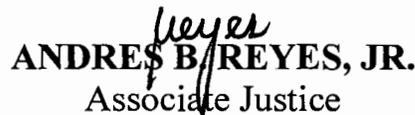
See separate opinion

MARVIC M. V. F. LEONEN
 Associate Justice


FRANCIS H. JARDELEZA
 Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice


SAMUEL R. MARTIRES
 Associate Justice

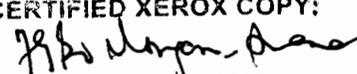

NOEL GIMENEZ TIJAM
 Associate Justice


ANDRES B. REYES, JR.
 Associate Justice

CERTIFICATION

I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


MARIA LOURDES P. A. SERENO
 Chief Justice

CERTIFIED XEROX COPY:

FELIPA B. ANAMA
 CLERK OF COURT, EN BANC
 SUPREME COURT