

EN BANC

G.R. No. 274778 - AQUILINO PIMENTEL III, et al., Petitioners, **ATTY. JOSE SONNY MATULA, et al.,** Petitioners-in-Intervention, v. **HOUSE OF REPRESENTATIVES, represented by the Speaker FERDINAND MARTIN ROMUALDEZ, et al.,** Respondents.

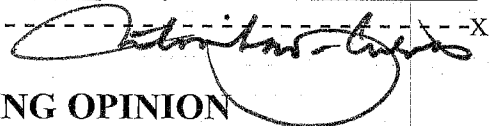
G.R. No. 275405 – BAYAN MUNA CHAIRMAN NERI COLMENARES, et al., Petitioners, v. **PRESIDENT FERDINAND ROMUALDEZ MARCOS, et al.,** Respondents.

G.R. No. 276233 – 1SAMBAYAN COALITION, et al., Petitioners, v. **HOUSE OF REPRESENTATIVES, et al.,** Respondents.

Promulgated:

December 3, 2025

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SEPARATE CONCURRING OPINION

INTING, J.:

I concur in the *ponencia* which comprehensively discusses the basis for partly granting the petitions. I share the sentiments of my esteemed colleagues that the right to health of every Filipino is of paramount importance.

I write this opinion to briefly discuss Article VI, Section 26 (2) of the 1987 Constitution that provides:

ARTICLE VI
The Legislative Department

SECTION 26. ...

(2) No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its Members three days before its passage, *except when the President certifies to the necessity of its immediate enactment to meet a public calamity or emergency.* Upon the last reading of a bill, no amendment thereto shall be allowed, and the vote thereon shall be taken immediately thereafter, and the *yeas* and *nays* entered in the Journal.¹

I agree with the *ponencia* that President Ferdinand R. Marcos, Jr. did not gravely abuse his discretion in certifying House Bill No. 8980 as urgent.

¹ CONSTITUTION (1987), art. VI, sec. 26(2). (Emphasis supplied)



The point of contention of petitioners Bayan Muna Chairman Neri Colmenares et al. is that there was no public calamity or emergency that necessitated the certification of House Bill No. 8980 as urgent. To resolve this, it is imperative to determine what constitutes an emergency.

Section 3(r) of Republic Act No. 10121² entitled the Philippine Disaster Risk Reduction and Management Act of 2010, defines an emergency as an “unforeseen or sudden occurrence, especially danger, demanding immediate action.” And in the context of Article VI, Section 23³ of the 1987 Constitution, the Court stated that emergency, as a generic term, “connotes the existence of conditions suddenly intensifying the degree of existing danger to life or well-being beyond that which is accepted as normal.”⁴ But with respect to Article VI, Section 26 (2) of the 1987 Constitution, law and jurisprudence do not provide a specific definition of emergency.

Nonetheless, the Court, in *Tolentino v. Secretary of Finance*,⁵ addressed the argument that a “growing budget deficit” does not qualify as an emergency:

It is noteworthy that no member of the Senate saw fit to controvert the reality of the factual basis of the certification. To the contrary, by passing S. No. 1630 on second and third readings on March 24, 1994, the Senate accepted the President’s certification. Should such certification be now reviewed by this Court, especially when no evidence has been shown that, because S. No. 1630 was taken up on second and third readings on the same day, the members of the Senate were deprived of the time needed for the study of a vital piece of legislation?

The sufficiency of the factual basis of the suspension of the writ of habeas corpus or declaration of martial law under Art. VII, § 18, or the existence of a national emergency justifying the delegation of extraordinary powers to the President under Art. VI, § 23(2), is subject to judicial review because basic rights of individuals may be at hazard. But the factual basis of presidential certification of bills, which involves doing away with procedural requirements designed to insure that bills are duly considered by members of Congress, certainly should elicit a different standard of review.⁶

² Approved on May 27, 2010.

³ SECTION 23. (1) The Congress, by a vote of two-thirds of both Houses in joint session assembled, voting separately, shall have the sole power to declare the existence of a state of war.

(2) In times of war or other national emergency, the Congress may, by law, authorize the President, for a limited period and subject to such restrictions as it may prescribe, to exercise powers necessary and proper to carry out a declared national policy. Unless sooner withdrawn by resolution of the Congress, such powers shall cease upon the next adjournment thereof.

⁴ *David v. Macapagal-Arroyo*, 522 Phil.705, 790 (2006).

⁵ 305 Phil. 686 (1994).

⁶ *Id.* at 746.



And in ruling on the motions for reconsideration in the same case, the Court stated as follows:

Petitioners further contend that a “growing budget deficit” is not an emergency, especially in a country like the Philippines where budget deficit is a chronic condition. Even if this were the case, an enormous budget deficit does not make the need for R.A. No. 7716 any less urgent or the situation calling for its enactment any less an emergency.⁷

The Court respected the assessment of the Senate that the passage of the bill was indeed urgent and found that it did not commit grave abuse of discretion.

In *Abas Kida v. Senate of the Philippines*,⁸ the Court reiterated its ruling in *Tolentino* in finding that there was no grave abuse of discretion in upholding the immediate enactment of Republic Act No. 10153, entitled “An Act Providing for the Synchronization of the Elections in the Autonomous Region in Muslim Mindanao (ARMM) with the National and Local Elections and for Other Purposes.”

The Court similarly upheld the certification of then President Rodrigo R. Duterte that the immediate enactment of Republic Act No. 11479 or the Anti-Terrorism Act of 2020 was necessary in *Calleja v. Executive Secretary*.⁹ The Court explained:

Therefore, the President’s exercise of the power to issue such certification is one that should be accorded with due deference. As such, the Court must refrain from intruding into such matter through the exercise of its judicial power in the absence of grave abuse of discretion, considering that the passage of laws is essentially an affair that falls within the purview of the political branches of government.¹⁰

As can be seen, the Court respects the assessment of its co-equal branches as to the necessity of the immediate passage of a law. After all, they are in a better position to make such determination, having access to a wealth of information. I therefore agree with the *ponencia* that the terms public calamity or emergency should not be restricted to those physical in nature or to fortuitous events. It is my humble view that a restrictive interpretation of Article VI, Section 26 (2) of the 1987 Constitution may unduly stifle the President and the Congress in serving the people.

⁷ *Tolentino v. Secretary of Finance*, 319 Phil.755, 781(1995).

⁸ 675 Phil. 316 (2011).

⁹ 918-B Phil. 1 (2021).

¹⁰ *Id.* at 270.

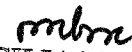
Nonetheless, this does not mean that the Court is a mere rubber stamp of its co-equal branches. It shall not hesitate to perform its sworn duty to call them out when they act with grave abuse of discretion. However, this is not the case here.

The certification of House Bill No. 8980 as urgent does not constitute grave abuse of discretion. The decision to ensure that the government is able to sufficiently respond to the current needs of our nation hardly qualifies as arbitrary, capricious, or a despotic exercise of judgment. Hence, there is no reason to declare the act in question unconstitutional.



HENRI JEAN PAUL B. INTING
Associate Justice

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MARIA CECILIA M. CAPUNPON
Deputy Clerk of Court and
Executive Officer
OCC-En Banc, Supreme Court