



Republic of the Philippines
Supreme Court
Manila

EN BANC

ERNESTO S. ABINES, JR., ATTY.
GLENN CHONG, MARK ANTHONY
LOPEZ, MARY JEAN Q. REYES, DR.
RICHARD T. MATA, MARY
CATHERINE DIAZ BINAG, ETHEL
PINEDA GARCIA, KRIZETTE
LAURETA CHU, JONATHAN A.
MORALES, LORRAINE MARIE
BADOY-PARTOSA, ROSE BEATRIX
L. CRUZ-ANGELES, AERON S.
PEÑA, NELSON U. GUZMANOS,
ELIZABETH JOIE CRUZ, SUZANNE
BATALLA, KESTER JOHN TAN,
GEORGE AHMED G.
PAGLINAWAN,

Petitioners,

G.R. No. 278101

Members:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
GAERLAN,
ROSARIO,*
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,
KHO, JR.,
SINGH,** and
VILLANUEVA, JJ.

-versus-

HOUSE OF REPRESENTATIVES
represented by its Speaker
REPRESENTATIVE FERDINAND
MARTIN G. ROMUALDEZ,
REPRESENTATIVE ROBERT ACE S.
BARBERS AND THE HOUSE OF
REPRESENTATIVES JOINT
COMMITTEE CONSISTING OF
THE COMMITTEES ON PUBLIC
ORDER AND SAFETY,

Promulgated:

July 8, 2025

* On wellness leave.

** On leave.

**TECHNOLOGY, AND PUBLIC
INFORMATION** represented by their
Chairmen, **REPRESENTATIVES
DAN S. FERNANDEZ, TOBIAS M.
TIANGCO, and JOSE S. AQUINO II,**
Respondents.

X-----X

DECISION

LAZARO-JAVIER, J.:

The Case

This Petition for *Certiorari* and Prohibition (with Urgent Prayer for the Issuance of a Temporary Restraining Order and Writ of Preliminary Injunction)¹ under Rule 65 of the Rules of Court imputes grave abuse of discretion amounting to lack or excess of jurisdiction against respondents Representative Robert Ace S. Barbers (Rep. Barbers), the House of Representatives, and its Joint Committee consisting of the Committees on Public Order and Safety, Information and Communications Technology, and Public Information (House Tri-Committee) for inviting petitioners, who previously criticized certain public officials, as resource speakers in a joint inquiry before the House of Representatives, in alleged violation of petitioners' constitutionally protected right to freedom of speech, of expression, and of the press.

Antecedents

On December 4, 2024, during his privilege speech before the plenary session of the House of Representatives, Rep. Barbers characterized a group of individuals as "trolls" and "malicious vloggers"² expressing his concerns about online misinformation and coordinated attacks against public officials.³ He vowed to take action against those who disregard the law and called for accountability and justice for the victims of online harassment.⁴

In the same session, Assistant Majority Leader Representative Bryan Revilla moved to refer the speech to the Committee on Rules for appropriate

¹ *Rollo*, pp. 3–28.

² *Id.* at 6.

³ *Id.* at 359.

⁴ *Id.* at 6.

action. The motion was approved by House Deputy Speaker Representative Grace Kristine Singson-Meehan.⁵

On December 16, 2024, Rep. Barbers delivered before the plenary session of the House of Representatives another privilege speech on fighting fake news and propaganda which were purportedly being peddled by China to defend its encroachment into Philippine waters and aggressions against Filipino fisherfolk and Philippine vessels.⁶ He again referred to “paid trolls and vloggers” whom he alleged were being paid out from revenue of illegal drugs and Philippine Offshore Gaming Operators (POGO). He ascribed to these “paid trolls and vloggers” the spread of fake news and propaganda in favor of China.⁷

During the same session, Assistant Majority Leader Representative Adrian Jay Advincula moved to refer the speech to the Committee on Rules for appropriate action. The motion was approved by House Deputy Speaker Vincent Franco Frasco.⁸

On December 18, 2024, Representatives Aurelio “Dong” D. Gonzales, Jr., David “Jay-Jay” C. Suarez, Manuel Jose “Mannix” M. Dalipe, Marcelino C. Libanan, Rep. Barbers, Bienvenido M. Abante, Jr., and Joseph Stephen “Caraps” S. Paduano filed House Resolution No. 2147,⁹ authorizing the House Tri-Committee to conduct a joint inquiry in aid of legislation on the rampant posting of false and malicious content on social media platforms.¹⁰ The same was adopted by the House of Representatives as House Resolution No. 286.¹¹

On January 28, 2025, petitioner Rose Beatrix L. Cruz-Angeles (Cruz-Angeles) received a letter from the House Tri-Committee referring to the privilege speeches of Rep. Barbers and inviting her to attend a joint inquiry to be held on February 5, 2025.¹²

Petitioners Ernesto S. Abines, Jr. (Abines), Atty. Glenn Chong (Chong), Mark Anthony Lopez (Lopez), Mary Jean Q. Reyes (Reyes), Dr. Richard T. Mata (Mata), Mary Catherine Diaz Binag (Binag), Ethel Pineda Garcia (Garcia), Krizette Laureta Chu (Chu), Jonathan A. Morales (Morales),

⁵ *Id.* at 359.

⁶ *Id.* at 360.

⁷ *Id.* at 6.

⁸ *Id.* at 360.

⁹ *Id.*

¹⁰ *Id.* at 6.

¹¹ Titled, “Resolution Authorizing the Committees on Public Order and Safety, Information and Communications Technology, and Public Information to Conduct a Joint Inquiry, In Aid of Legislation, on the Rampant Posting of False and Malicious Content in Social Media Platforms, while Safeguarding Freedom of Speech and Ensuring Digital Safety.”

¹² *Id.* at 7.

Lorraine Marie Badoy-Partosa (Badoy-Partosa), Aeron S. Peña (Peña), Nelson U. Guzmanos (Guzmanos), Elizabeth Joie Cruz (Cruz), Suzanne Batalla (Batalla), Kester John Tan (Tan), and George Ahmed G. Paglinawan (Paglinawan; collectively, Abines et al.) received the same invitation.¹³

On February 4, 2025, the House Tri-Committee conducted its organizational meeting, approved the Ground Rules on the Conduct of Joint Committee Meetings, and held its initial deliberation on the two privilege speeches of Rep. Barbers.¹⁴ On even date, Abines et al. filed the present Petition.

On February 5, 2025, the House Tri-Committee conducted the scheduled joint inquiry. Only three of the 41 invited resource speakers appeared. Several of those who failed to attend submitted excuse letters in which some attributed their absence to receiving the invitation on short notice, being out of town, or abroad. Others challenged the legality of the inquiry, arguing that the same violated their right to free speech.¹⁵

The House Tri-Committee issued show cause orders to petitioners Abines, Lopez, Mata, Garcia, Chu, Cruz-Angeles, Peña, Cruz, and Batalla, directing them to submit written explanations within 48 hours from receipt and show cause why they should not be cited in contempt under the Rules Governing Inquiries in Aid of Legislation of the House of Representatives.¹⁶

Under letter dated February 16, 2025, the House Tri-Committee again invited the absentee resource speakers, including Abines et al., to attend the hearing scheduled on February 18, 2025.¹⁷

On February 18, 2025, the House Tri-Committee held its second hearing and approved a motion to extend the inquiry pursuant to Section 15 of the Rules Governing Inquiries in Aid of Legislation of the House of Representatives.¹⁸ During the second hearing, the House Tri-Committee resolved to re-issue show cause orders that were unserved to the resource persons concerned and directed the House Sergeant-at-Arms to coordinate with the Philippine National Police (PNP) for proper service of the said show cause orders. The House Tri-Committee also resolved to issue subpoena *ad testificandum* to resource persons who were previously issued show cause orders. Upon motion of Representative Ramon Rodrigo Gutierrez, the hearing was suspended.¹⁹

¹³ *Id.* at 7.

¹⁴ *Id.* at 360–361.

¹⁵ *Id.* at 361.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.* at 362.

The House Tri-Committee held its third hearing on March 21, 2025, with petitioners Lopez, Reyes, Mata, Garcia, Chu, Peña, Cruz, and Paglinawan in attendance. During the said hearing, the House Tri-Committee again resolved to issue subpoena *ad testificandum* to resource persons who were previously issued show cause orders but were still unable to attend the third hearing, including petitioners Abines, Chong, Binag, Morales, Badoy-Partosa, Batalla, and Tan.²⁰

On April 8, 2025, the House Tri-Committee held its fourth hearing, during which, it resolved anew to issue subpoena *ad testificandum* to resource persons who were unable to attend the hearing, including petitioner Abines.²¹

The Present Petition

Abines et al. now seek affirmative relief, praying for the issuance of extraordinary writs of *certiorari* and prohibition upon finding that respondents House of Representatives and the House Tri-Committee gravely abused their discretion by threatening Abines et al.'s free exercise of speech, of expression, and of the press; and permanently enjoining respondents from requiring them (Abines et al.) to attend inquiries in aid of legislation pursuant to House Resolution No. 286 and all other inquiries where the subject matter is the content of their social media posts, and committing all other acts that imperil or threaten to imperil the exercise of the right to free speech and freedom of expression.²²

Abines et al. also prayed for the issuance of a temporary restraining order (TRO) and/or writ of preliminary prohibitory injunction against respondents House of Representatives and the House Tri-Committee to enjoin them from further threatening their exercise of freedom of speech, of expression, and of the press, including inviting them to attend inquiries in aid of legislation relevant to the privilege speeches of Rep. Barbers.²³

Procedurally, they argue that the requirements for judicial review are present. *First*, their right to freedom of speech and expression and the right of the people to information on matters of public concern were violated by the House of Representatives and House Tri-Committee's attempts to regulate the content of their online posts, thereby perpetuating a chilling effect.²⁴

²⁰ See https://www.youtube.com/watch?v=jFot_sqjEiA (last accessed April 25, 2025).

²¹ See https://www.youtube.com/watch?v=SoE2mblyT1E&ab_channel=INQUIRER.net (last accessed April 22, 2025).

²² *Id.* at 22.

²³ *Id.* at 21–22.

²⁴ *Id.* at 9–10.

Second, the controversy is ripe for adjudication since there is already a chilling effect brought about by the House of Representatives and House Tri-Committee's invitation to attend inquiries in aid of legislation.²⁵

Third, Abines et al. have legal standing to sue since they were tagged as "trolls," "malicious vloggers," and "*Bagong Makapili*" while their posts, which were the subject of the inquiries, were characterized as "harmful," thus, violating their constitutional right to freedom of speech, of expression, and of the press.²⁶

Finally, they contend that their direct recourse to the Court does not violate the hierarchy of courts given the urgency and the nature of the issues involved,²⁷ which are of transcendental importance. They maintain that there is no other plain, speedy, and adequate remedy that would grant them full relief.²⁸

On the merits, Abines et al. contend that Rep. Barbers acted in an arbitrary and despotic manner when he claimed to be the target of the criticisms of vloggers whom he tagged as "malicious vloggers" and "trolls,"²⁹ while the House of Representatives conducted an inquiry in aid of legislation with the aim of regulating the content of their posts.³⁰

Consequently, Abines et al. assert that there was a resulting chilling effect on free speech, especially since the House Tri-Committee humiliated, insulted, ridiculed, cited in contempt, and detained invited resource speakers within and without the premises of the House.³¹ Abines et al. claim that the intention of the House of Representatives and the House Tri-Committee is to silence them³² and the chilling effect of their actions constitutes prior restraint on free expression. Thus, the acts of Rep. Barbers, the House of Representatives, and the House Tri-Committee must be struck down as unconstitutional.³³

Under Resolution³⁴ dated February 11, 2025, the House of Representatives and the House Tri-Committee were required to file their comment on the Petition.

²⁵ *Id.* at 11.

²⁶ *Id.* at 13.

²⁷ *Id.*

²⁸ *Id.* at 14–15.

²⁹ *Id.* at 16.

³⁰ *Id.* at 17.

³¹ *Id.* at 17–18.

³² *Id.* at 20.

³³ *Id.* at 18.

³⁴ *Id.* at 96–97.

In its Comment,³⁵ the Office of the Solicitor General (OSG), on behalf of Rep. Barbers, the House of Representatives, and the House Tri-Committee ripostes that the Petition is procedurally defective, and hence, dismissible. *First*, there is no actual case or controversy since Rep. Barbers' statements in his privilege speeches do not constitute threats or restrictions against Abines et al.'s freedom of expression. Rep. Barbers' statements during his privilege speeches were mere expressions of frustration and concerns on the proliferation of fake news,³⁶ and that Abines et al.'s fears were unfounded conjectures, especially since no law has been passed affecting their freedom of speech.³⁷

Second, the case is not ripe for adjudication since the matters raised by Abines et al. are merely conjectural or anticipatory in the absence of a law enacted by Congress.³⁸ To be sure, the House Tri-Committee has not even decided whether it would recommend the passage of a law regulating the exercise of freedom of expression. Nothing thus prevents Abines et al. from expressing their criticisms and grievances against the government.³⁹

Third, Abines et al. have no legal standing to file the petition since they have not sustained any direct injury arising from the acts of Rep. Barbers, the House of Representatives, and the House Tri-Committee.⁴⁰

Finally, the Petition contravenes the doctrine of hierarchy of courts since Abines et al. failed to prove that the Petition involves issues of transcendental importance. Notably, Abines et al. did not provide any evidence of chilling effect or how their rights were violated.⁴¹

At any rate, the assailed acts of Rep. Barbers, the House of Representatives, and the House Tri-Committee are political questions since the matters that could be the subject of a privilege speech rest solely on the legislator's preference and political judgment,⁴² while the exercise of the power to conduct legislative inquiry rests exclusively within the discretion of Congress.⁴³

More, the OSG counters that no grave abuse of discretion was committed since the inquiry by the House Tri-Committee is a valid exercise of the power of the House or its committees to conduct inquiries in aid of legislation under Section 21, Article VI of the Constitution, including inviting

³⁵ *Id.* at 355–411.

³⁶ *Id.* at 366–367.

³⁷ *Id.* at 367.

³⁸ *Id.* at 368.

³⁹ *Id.* at 369.

⁴⁰ *Id.* at 370.

⁴¹ *Id.* at 372.

⁴² *Id.* at 374.

⁴³ *Id.* at 376.

resource speakers therefor. House Resolution No. 286 merely aims to address the rampant posting of false and malicious content on social media platforms.⁴⁴ Such joint inquiry adheres to the House of Representatives' duly published rules of procedure⁴⁵ and, per House Resolution No. 286, there is a guarantee to "[e]nsure all proposed measures align [sic] with constitutional guarantees of freedom of speech" and "prevent any undue censorship" during the scheduled hearings.⁴⁶

As for Rep. Barbers' privilege speeches, the same are protected by parliamentary immunity. To be sure, his privilege speeches merely addressed legitimate public policy matters, aiming to promote social media accountability.⁴⁷ The complaints against his speeches are thus non-justiciable.⁴⁸ Finally, the actions of the House of Representatives and the House Tri-Committee impose no prior restraint and create no chilling effect since they are not official government restrictions or acts that require permission before publication.⁴⁹ The perceived chilling effect lacks any showing of specific and concrete evidence of systemic abuse and could only possibly pertain to legislators pressing for answers on serious matters, which is a normal part of legislative inquiries.⁵⁰

To be sure, unlike in *Chavez v. Garcia*,⁵¹ there were no official warnings carrying the threat of prosecution and regulatory action made against Abines et al. which would warrant a finding that a chilling effect has resulted from the invitations to legislative inquiries.⁵²

On the other hand, when the House of Representatives cited in contempt the absentee resource speakers, it was merely exercising its authority to ensure that those summoned before it provide the necessary information to support the passage of effective laws.⁵³

Contrary to Abines et al.'s assertions, the clear and present danger test does not apply to the circumstances at hand. They were not identified by Rep. Barbers as the vloggers responsible for malicious and harmful content, nor were their social media accounts pinpointed as the sources of malicious content. In his privilege speeches, Rep. Barbers only expressed a general concern on the proliferation of cybercrimes.⁵⁴ In any case, not all kinds of

⁴⁴ *Id.* at 378–379.

⁴⁵ *Id.* at 379.

⁴⁶ *Id.* at 381.

⁴⁷ *Id.* at 383.

⁴⁸ *Id.* at 385.

⁴⁹ *Id.* at 388.

⁵⁰ *Id.* at 390.

⁵¹ 783 Phil. 562 (2016) [Per J. Brion, Second Division].

⁵² *Rollo*, p. 391.

⁵³ *Id.* at 393–394.

⁵⁴ *Id.* at 396.

speech enjoy protection, such as speech that may be considered harmful and injurious to society, which are valid subjects of regulation.⁵⁵

As for Abines et al.'s averment that they were being prosecuted for being adherents of a certain political belief, such claim is unsupported by the record. They were invited because of their prominence and involvement in the subject matter of the inquiry, i.e., the creation and dissemination of online content.⁵⁶ In any case, regulating harmful speech, particularly false and misleading online content, is perfectly within the realm of the police power of Congress.⁵⁷

Issues

First, does the Petition satisfy the requisites of judicial review?

Second, was the right to freedom of expression of Abines et al. unduly infringed when they were invited as resource speakers to the legislative inquiries on fake news?

Our Ruling

The Petition must fail.

Under the Constitution, the Supreme Court is “the last bulwark to which the Filipino people may repair to obtain relief for their grievances or protection of their rights when these are trampled upon.”⁵⁸ Thus, it shall stand as the formidable guardian of the rights of the people, as guaranteed and protected by the Constitution, against any and all acts that threaten to breach such rights.

To fulfill this mandate, Section 1, Article VIII of the Constitution vests in the courts a sacred duty and a mighty power to provide redress for wrongs committed and curb abuses of power even within the government, viz.:

ARTICLE VIII

SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and

⁵⁵ *Id.* at 397.

⁵⁶ *Id.* at 399.

⁵⁷ *Id.* at 401.

⁵⁸ *In Re: Vicente Sotto for Contempt of Court*, 82 Phil. 595, 602 (1949) [Per J. Feria, *En Banc*].

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.

By inscribing in the Constitution for the first time this expanded power of judicial review, such power has ceased to become discretionary on the part of the Court and has become a duty which it cannot rightfully renege on. *Francisco, Jr. v. The House of Representatives*⁵⁹ aptly explains:

The major difference between the judicial power of the Philippine Supreme Court and that of the U.S. Supreme Court is that while the power of judicial review is only *impliedly* granted to the U.S. Supreme Court and is discretionary in nature, that granted to the Philippine Supreme Court and lower courts, as *expressly provided for in the Constitution*, is not just a power but also a *duty*, and it was *given an expanded definition* to include the power to correct any grave abuse of discretion on the part of any government branch or instrumentality.⁶⁰ (Emphasis in the original)

The scope of judicial review was deliberately enlarged to prevent courts from seeking refuge behind the political question doctrine and turning a blind eye to abuses by the other branches of government.⁶¹ This expanded power of judicial review, however, is not a magic incantation which automatically triggers the exercise of such power by the Court especially when to do so would palpably transgress the fundamental doctrine of separation of powers.

Before the Court may exercise its power of expanded judicial review, there are requisites that must be complied with to spare unnecessary interference or invalidation by the judicial branch of the actions rendered by its co-equal branches of government.⁶² These requisites are: (1) an actual and appropriate case and controversy exists; (2) a personal and substantial interest of the party raising the constitutional question; (3) the exercise of judicial review is pleaded at the earliest opportunity; and (4) the constitutional question raised is the very *lis mota* of the case.⁶³ Otherwise, the Court has no recourse but to dismiss the petition.

Unfortunately, the Petition of Abines et al. fails to meet all the foregoing requisites, warranting its outright dismissal.

The Petition does not raise any actual case or controversy since the conduct of legislative inquiries is absolutely within the

⁵⁹ 460 Phil. 830 (2003) [Per J. Carpio Morales, *En Banc*].

⁶⁰ *Id.* at 889–890.

⁶¹ *Kilusang Magbubukid ng Pilipinas v. Aurora Pacific Economic Zone and Freeport Authority*, 890 Phil. 944, 982–983 (2020) [Per J. Leonen, *En Banc*].

⁶² *Id.* at 996.

⁶³ *Arceta v. Mangrobang*, 476 Phil. 106, 113 (2004) [Per J. Quisumbing, *En Banc*].

constitutional power of Congress and was in accordance with its Rules

The existence of an actual case or controversy is a necessary condition precedent to the Court's exercise of its power of adjudication. "An actual case or controversy exists when there is a conflict of legal rights or an assertion of opposite legal claims between the parties that is susceptible or ripe for judicial resolution."⁶⁴ This requisite carries "the assurance that "courts will not intrude into areas committed to the other branches of the government" pursuant to the principle of separation of powers."⁶⁵

These areas include government measures or questions falling within the prerogative of the people in their sovereign capacity or the full discretionary authority granted to the legislative or executive branch of the government. Questions involving such matters are political questions which involve the wisdom, not the legality, of a particular measure. Under the political question doctrine, such matters do not present an actual case or controversy.⁶⁶

A. Rep. Barbers' privilege speeches are covered by parliamentary immunity, hence, non-justiciable

Here, one of the issues raised by Abines et al. is the delivery by Rep. Barbers of his privilege speeches before the plenary sessions of the House of Representatives, wherein he referred to a certain group of individuals as "malicious vloggers," "trolls," and peddlers of false information online.⁶⁷ They assail his speeches for being arbitrary, despotic, and violative of their right to freedom of expression. On the other hand, the OSG maintains that Rep. Barbers' privilege speeches may not be the lawful subject of any questioning due to parliamentary immunity.

Indeed, parliamentary immunity is a privilege accorded by Section 11, Article VI of the Constitution to members of the Congress, viz.:

SECTION 11. A Senator or Member of the House of Representatives shall, in all offenses punishable by not more than six years imprisonment, be privileged from arrest while the Congress is in session. *No Member shall be questioned nor be held liable in any other place for any speech or debate in the Congress or in any committee thereof.* (Emphasis supplied)

⁶⁴ *Lim Bio Hian v. Lim Eng Tian*, 823 Phil. 12, 16–17 (2018) [Per J. Martires, Third Division].

⁶⁵ *Macalintal v. Commission on Elections*, 943 Phil. 212, 270 (2023) [Per J. Kho, Jr., *En Banc*].

⁶⁶ *Id.*

⁶⁷ *Rollo*, p. 16.

As early as *Osmeña v. Pendatun*,⁶⁸ the Court erased any doubt on the efficacy of this privilege in shielding legislators from any questions or liabilities arising from their privilege speeches spoken in Congress or its Committees, although they may be questioned or disciplined thereon, if warranted, by Congress itself, to wit:

Section 15, Article VI of our [then 1935] Constitution provides that “for any speech or debate” in Congress, the Senators or Members of the House of Representatives “shall not be questioned in any other place.” This section was taken or is a copy of sec. 6, clause 1 of Art. 1 of the Constitution of the United States. In that country, *the provision has always been understood to mean that although exempt from prosecution or civil actions for their words uttered in Congress, the members of Congress may, nevertheless, be questioned in Congress itself. Observe that “they shall not be questioned in any other place” than Congress.*⁶⁹ (Emphasis supplied)

This is because the freedom of legislators to speak their minds and concerns sits at the very heart of Congress’ power and function to address prevailing issues in society through the enactment of relevant laws. *Osmeña* explains:

Our Constitution enshrines parliamentary immunity which is a fundamental privilege cherished in every legislative assembly of the democratic world. *As old as the English Parliament, its purpose “is to enable and encourage a representative of the public to discharge his public trust with firmness and success” for “it is indispensably necessary that he should enjoy the fullest liberty of speech, and that he should be protected from the resentment of every one, however powerful, to whom the exercise of that liberty may occasion offense.”* Such immunity has come to this country from the practices of Parliament as construed and applied by the Congress of the United States. Its extent and application remain no longer in doubt in so far as related to the question before us. *It guarantees the legislator complete freedom of expression without fear of being made responsible in criminal or civil actions before the courts or any other forum outside of the Congressional Hall.* But it does not protect him from responsibility before the legislative body itself whenever his words and conduct are considered by the latter disorderly or unbecoming a member thereof.⁷⁰ (Emphasis supplied)

Meanwhile, *Trillanes v. Judge Castillo-Marigomen*⁷¹ citing *Jimenez v. Cabangbang*⁷² delineated when parliamentary immunity applies, i.e., the “speech or debate” covered by the immunity refers to utterances made by members of the Congress in the performance of their official functions, such as speeches delivered, statements made, or votes cast in the halls of Congress while the same is in session as well as bills introduced in Congress, whether the same is in session or not, and other acts performed by members of the

⁶⁸ 109 Phil. 863 (1960) [Per J. Bengzon, *En Banc*].

⁶⁹ *Id.* at 868.

⁷⁰ *Id.* at 868–869.

⁷¹ 828 Phil. 336, 356–357 (2018) [Per J. Tijam, First Division].

⁷² 124 Phil. 296, 298 (1966) [Per J. Concepcion, *En Banc*].

Congress, either within or without the premises housing the offices of Congress, in the official discharge of their duties as members thereof and of Congressional Committees duly authorized to perform its functions as such at the time of the performance of the acts in question.

Here, it is undisputed that Rep. Barbers delivered his assailed privilege speeches in his official capacity as a Member of the House of Representatives and during the plenary sessions of the lower house. Equally important, Rep. Barbers' privilege speeches were delivered in the context of exposing a prevailing social ill, i.e., the deliberate propagation of misinformation which victimizes not only public officials, but also ordinary citizens. While he surmised that there was a link between these perpetrators and POGOs as well as drug syndicates, he emphasized that malicious speech is not protected by the Constitution and that defamation, slander, and insults are punishable by law. These offenses, however, remained unabated due to lack of active intervention, suppression, and prosecution of culprits.⁷³

Recognizing the dangers outlined by Rep. Barbers in his privilege speech, the House of Representatives resolved to adopt House Resolution Nos. 286/2147,⁷⁴ which authorize the conduct of a joint inquiry in aid of legislation on the rampant posting of false and malicious content on social media while upholding freedom of speech and digital safety.

Verily, just as Abines et al. are indubitably guaranteed their right to freedom of expression by Section 4, Article III⁷⁵ of the Constitution, Rep. Barbers, too, is guaranteed the same right, if not a more robust protection, under Section 11, Article VI of the Constitution when he spoke in his capacity as a lawmaker before Congress. This is an exercise of his constitutional prerogative as a Member of the House of Representatives that this Court may not touch upon without blatantly transgressing the primordial doctrine of separation of powers.

Thus, in *Pobre v. Defensor-Santiago*,⁷⁶ the Court refrained from exercising its authority to discipline a member of the Bar, then an incumbent Senator, who blatantly insulted and demeaned the Court during her speech before the Senate, finding that such speech is protected by the constitutional provision on parliamentary immunity:

This Court is aware of the need and has in fact been in the forefront in upholding the institution of parliamentary immunity and promotion of free speech. Neither has the Court lost sight of the importance of the legislative and oversight functions of the Congress that enable this

⁷³ *Rollo*, Annex A, p. 39. (Journal No. 27, House, 19th Congress, 3rd Regular Session, (December 4, 2024).

⁷⁴ *Id.*, Annex C, pp. 93–94. (House Resolution Nos. 286/2147 (2024), 19th Congress, 3rd Regular Session.

⁷⁵ Section 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

⁷⁶ 613 Phil. 352 (2009) [Per J. Velasco, Jr., Third Division].

representative body to look diligently into every affair of government, investigate and denounce anomalies, and talk about how the country and its citizens are being served. *Courts do not interfere with the legislature or its members in the manner they perform their functions in the legislative floor or in committee rooms. Any claim of an unworthy purpose or of the falsity and mala fides of the statement uttered by the member of the Congress does not destroy the privilege. The disciplinary authority of the assembly and the voters, not the courts, can properly discourage or correct such abuses committed in the name of parliamentary immunity.*⁷⁷ (Emphasis and underscoring supplied, citations omitted)

As such, insofar as Rep. Barbers' privilege speeches are concerned, the Court stands in deference to the long-standing protection of parliamentary immunity which has brought the issue involving Rep. Barbers' utterances beyond the realm of justiciable controversy.

B. The conduct of House inquiries in aid of legislation was in accordance with the limitations under prevailing jurisprudence

Too, Abines et al. aver that the House of Representatives is working towards the enactment of measures that aim to regulate the content of social media posts which violate the mandate of the Constitution against legislation abridging the freedom of speech, of expression, or of the press.⁷⁸ Owing to this prohibition, they aver that the House of Representatives "has no business conducting an inquiry in aid of legislation for the purpose of enacting the same legislative measures that are proscribed by the Constitution."⁷⁹

The House of Representatives moved to wield its power of inquiry which was expressly endowed to the legislative body in Article VI, Section 21 of the Constitution:

SECTION 21. The Senate or the House of Representatives or any of its respective committees may conduct inquiries in aid of legislation in accordance with its duly published rules of procedure. The rights of persons appearing in or affected by such inquiries shall be respected.

The power of inquiry of Congress long precedes the present Constitution. In the landmark case of *Arnault v. Nazareno*,⁸⁰ The Court recognized the power of inquiry as an essential measure to enable the Congress to effectively exercise its legislative functions, viz.:

A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislations is intended to

⁷⁷ *Id.* at 359–360.

⁷⁸ *Rollo*, p. 14.

⁷⁹ *Id.* at 15.

⁸⁰ 87 Phil. 29 (1950) [Per J. Ozaeta, *En Banc*].

affect or change; and where the legislative body does not itself possess the requisite information — which is not frequently true — recourse must be had to others who do possess it. Experience has shown that mere requests for such information are often unavailing, and also that information which is volunteered is not always accurate or complete; so some means of compulsion is essential to obtain what is needed.⁸¹

Such power being an inherent component of the power of Congress to legislate,⁸² the determination by either chamber of Congress, or by any of its committees, of the necessity to conduct an inquiry in aid of legislation is a political question which falls outside the scope of the Court's jurisdiction. On this score, the Court has held:⁸³

The "limitation on the power of judicial review to actual cases and controversies" carries the assurance that "the courts will not intrude into areas committed to the other branches of government." Essentially, the foregoing limitation is a restatement of the political question doctrine which, under the classic formulation of Baker v. Carr, applies when there is found, among others, "a textually demonstrable constitutional commitment of the issue to a coordinate political department," "a lack of judicially discoverable and manageable standards for resolving it" or "the impossibility of deciding without an initial policy determination of a kind clearly for non-judicial discretion."

.....

Suffice it to state that the issues raised before the Court do not present political but legal questions which are within its province to resolve. A political question refers to "those questions which, under the Constitution, are to be decided by the people in their sovereign capacity, or in regard to which full discretionary authority has been delegated to the Legislature or executive branch of the Government. *It is concerned with issues dependent upon the wisdom, not legality, of a particular measure.*"⁸⁴ (Emphasis supplied, citations omitted)

The presence of such a political issue, however, does not preclude the Court from all forms of judicial review. In *Senate v. Ermita*,⁸⁵ the Court ordained:

As evidenced by the American experience during the so-called "McCarthy era," however, the right of Congress to conduct inquiries in aid of legislation is, in theory, no less susceptible to abuse than executive or judicial power. It may thus be subjected to judicial review pursuant to the Court's certiorari powers under Section 1, Article VIII of the Constitution.

⁸¹ *Id.* at 45.

⁸² *Senate of the Philippines v. Executive Secretary Medialdea*, 924 Phil. 814, 829 (2022) [Per J. Lazaro-Javier, *En Banc*] citing *Senate v. Ermita*, 522 Phil. 1, 33–34 (2006) [Per J. Carpio Morales, *En Banc*].

⁸³ *Belgica v. Ochoa*, 721 Phil. 416 (2013) [Per J. Perlas-Bernabe, *En Banc*].

⁸⁴ *Id.* at 525–526.

⁸⁵ *Senate of the Philippines v. Exec. Sec. Ermita*, 522 Phil. 1. (2006) [Per J. Carpio Morales, *En Banc*].

For one, as noted in *Bengzon v. Senate Blue Ribbon Committee*, the inquiry itself might not properly be in aid of legislation, and thus beyond the constitutional power of Congress. Such inquiry could not usurp judicial functions. Parenthetically, one possible way for Congress to avoid such a result as occurred in *Bengzon* is to indicate in its invitations to the public officials concerned, or to any person for that matter, the possible needed statute which prompted the need for the inquiry. Given such statement in its invitations, along with the usual indication of the subject of inquiry and the questions relative to and in furtherance thereof, there would be less room for speculation on the part of the person invited on whether the inquiry is in aid of legislation.

Section 21, Article VI likewise establishes crucial safeguards that proscribe the legislative power of inquiry. The provision requires that the inquiry be done in accordance with the Senate or House's duly published rules of procedure, necessarily implying the constitutional infirmity of an inquiry conducted without duly published rules of procedure. Section 21 also mandates that the rights of persons appearing in or affected by such inquiries be respected, an imposition that obligates Congress to adhere to the guarantees in the Bill of Rights.

These abuses are, of course, remediable before the courts, upon the proper suit filed by the persons affected, even if they belong to the executive branch. Nonetheless, there may be exceptional circumstances, none appearing to obtain at present, wherein a clear pattern of abuse of the legislative power of inquiry might be established, resulting in palpable violations of the rights guaranteed to members of the executive department under the Bill of Rights.⁸⁶ (Emphasis supplied, citations omitted)

In the exercise of the power of inquiry, therefore, the Congress or any of its committees is bound by the following limitations: *first*, the inquiry must be “in aid of legislation;” *second*, the inquiry must be conducted in accordance with its duly published rules of procedure; and *third*, “[t]he rights of persons appearing in or affected by such inquiries shall be respected.”⁸⁷

Notably, Abines et al. neither pleaded nor proved any violation of the foregoing limitations. At any rate, based on the submissions of Abines et al. and the OSG, the Court finds that compliance with the specified limitations has been maintained thus far.

First. In *Bengzon Jr. v. Senate Blue Ribbon Committee*,⁸⁸ following the privilege speech of then Senate Minority Floor Leader Juan Ponce Enrile, the Senate Blue Ribbon Committee undertook an investigation to look into a possible violation of Republic Act No. 3019.⁸⁹ The inquiry was then challenged for having been conducted without a valid legislative purpose. The

⁸⁶ *Id.* at 35–36.

⁸⁷ *Ong v. Senate of the Philippines*, 938 Phil. 929, 949 (2023) [Per J. Inting, *En Banc*].

⁸⁸ 280 Phil. 829, 844–845 (1991) [Per J. Padilla, *En Banc*].

⁸⁹ Otherwise known as the Anti-Graft and Corrupt Practices Act.

Court found that the true purpose of the inquiry pertained to a matter that properly fell within the jurisdiction of the Sandiganbayan.⁹⁰

Verily, the speech of Senator Enrile contained no suggestion of contemplated legislation; he merely called upon the Senate to look into a possible violation of Sec. 5 of RA No. 3019, otherwise known as “The Anti-Graft and Corrupt Practices Act.” In other words, the purpose of the inquiry to be conducted by respondent Blue Ribbon Committee was to find out whether or not the relatives of President Aquino, particularly Mr. Ricardo Lopa, had violated the law in connection with the alleged sale of the 36 or 39 corporations belonging to Benjamin “Kokoy” Romualdez to the Lopa Group. There appears to be, therefore, no intended legislation involved.

....

It appears, therefore, that the contemplated inquiry by respondent Committee is not really “in aid of legislation” because it is not related to a purpose within the jurisdiction of Congress, since the aim of the investigation is to find out whether or not the relatives of the President or Mr. Ricardo Lopa had violated Section 5 of RA No. 3019, the “Anti-Graft and Corrupt Practices Act,” a matter that appears more within the province of the courts rather than of the legislature.⁹¹

Thus, when the inquiry pertains to matters that do not fall within the jurisdiction of Congress, it cannot be considered “in aid of legislation.” Unlike in *Bengzon, Jr.*, the proper regulation against the proliferation of false information online is a subject matter that falls within the sole jurisdiction of the legislative department pursuant to its inherent police power. Settled is the rule that “the legislature has the broad and extensive power to regulate *all matters* which in its discretion are for the common good of the people, including *the maintenance of peace and order* and the protection of life and liberty, which the Constitution deems indispensable for the enjoyment by all people of the blessing of democracy.”⁹²

In the exercise of its discretion, the House of Representatives saw it fit to conduct a legislative inquiry to ascertain the vital measures to be enacted to curb the dangers brought by the dissemination of false or deceptive narratives to maintain peace and order in society. The dangers of the proliferation of false information and narratives are not difficult to imagine, and the need to address this issue most promptly is truly imperative. Allowing the unregulated dissemination of erroneous facts will ultimately degrade trust among the people and threaten the stability and reliability of day-to-day transactions.

Notably, under House Resolution No. 286, the parameters of the joint inquiry specifically require that: (1) all proposed measures be aligned with

⁹⁰ *Bengzon v. Senate Blue Ribbon Committee*, 280 Phil. 829 (1991) [Per J. Padilla, *En Banc*].

⁹¹ *Id.* at 845–847.

⁹² *Macalintal v. Commission on Elections*, 943 Phil. 212, 238–239 (2023) [Per J. Kho, Jr., *En Banc*].

constitutional guarantees of freedom of speech and expression, and prevent any undue censorship; (2) gaps in legislation be identified to address the challenges posed by emerging technologies and harmful online content; (3) transparency and accountability mechanisms for social media platforms be improved; and (4) measures be recommended to address cybercrimes arising from false and malicious online content.⁹³

As the inquiry is still underway, no measure has been proposed by the House Tri-Committee at this time. Nevertheless, it is clear from the privilege speeches of Rep. Barbers as well as the last three parameters of House Resolution No. 286 that the inquiry was conducted for the purpose of enabling the Congress to effectively carry out its constitutionally mandated functions.

Second. Petitioners do not dispute that the inquiries were scheduled and held in accordance with the House of Representatives' and the House Tri-Committee's duly published rules of procedure. Compliance with the second limitation is thus not in issue.

Third. Contrary to Abines et al.'s assertions, their rights as resource persons were duly guaranteed and protected during the proceedings. The 19th Congress of the Philippines published its Rules of Procedure Governing Inquiries in Aid of Legislation. Sections 9 and 10 thereof enumerate the rights and duties of the witness and persons affected by the hearing, thus:

Section 9. Rights and Duties of Witnesses. — The rights of witnesses including their right against self-incrimination shall be respected. Witnesses who are not government officials summoned by the committee shall be entitled, upon their request and subject to the approval of the Speaker, to reasonable transportation expenses and such other amounts as may be deemed necessary for their stay in Metro Manila.

Witnesses shall testify under oath to be administered by the Chairperson or by any other person authorized by law.

A witness shall be limited to giving information relevant and germane to the subject matter under investigation. The committee shall rule upon the admissibility of any testimony or information presented by a witness. Privileged communications shall be respected.

Any witness desiring to deliver or present a prepared or written statement before the committee shall file a copy of such statement, under oath, with the secretary of the committee within forty-eight (48) hours before the hearing at which the statement is to be delivered or presented.

Such statements or portions thereof that are relevant and germane to the subject of the investigation may, at the conclusion of the testimony of the witness, and upon approval by a majority vote of the Members of the

⁹³ *Rollo*, pp. 93–94. (House Resolution Nos. 286 [2024]), 19th Congress, 3rd Regular Session.

committee, a quorum being present, be inserted into the official transcript of the proceedings.

A witness shall be allowed to request for and be granted postponement of the appearance before the committee or subcommittee on grounds that render such witness physically unable to attend the inquiry or investigation: Provided, That the fact of physical inability to attend the inquiry or investigation is supported by appropriate medical or other certification as may be required by the committee or sub-committee, and: Provided further, That no witness shall be granted more than two (2) postponements of appearance before the committee without justifiable cause.

Section 10. Rights and Duties of Persons Affected by a Hearing. —

Where applicable, any person named in a public hearing or in the released record of testimonies given in executive sessions, who has not been previously so named shall, within a reasonable time thereafter, be notified of such fact by registered letter, return receipt requested, to the address of such person last known to the committee. The notice shall include:

- a. a statement that the person has been so named;
- b. date and place of hearing where the person was named;
- c. name of the person who testified; and
- d. information that a copy of the *Rules of Procedure Governing Inquiries in Aid of Legislation* is available for the perusal of such person in the house.

Any person so notified who believes that one's character or reputation was adversely affected may, within seven (7) days after receipt of said notice:

- a. communicate with the secretary of the committee; and/or
- b. request to appear in person before the committee in public session and give testimony, at the expense of the concerned person.

Any person testifying under the foregoing provisions shall be accorded the same privileges as any other witness appearing before the committee, and may be questioned concerning any matter relevant and germane to the subject of the investigation.

As an additional safeguard, Section 13 of the Rules allows witnesses to be represented by counsel who shall advise them of their rights:

Section 13. Appearance of Counsel. — The person at whose instance the inquiry was initiated may be represented by counsel.

A witness shall be informed by the committee or sub-committee of the right to be represented by counsel. When informed by a witness of the desire to be represented by counsel or when such witness requests to be represented by counsel, the committee or sub-committee may provide a counsel de officio or allow such witness to choose own counsel and be assisted by the same.

The participation of counsel for the witness during the hearing and while the witness is testifying shall be limited to advising on the legal rights of said witness.

Counsel for a witness shall conduct oneself in a professional manner and shall observe proper decorum. Otherwise, upon a majority vote of the Members present, there being a quorum, such counsel shall be subject to contempt or to such other disciplinary action that may include censure and removal from the room where the hearing is being conducted.

A counsel ordered removed from the room where the hearing is being conducted may, upon such counsel's request, be allowed to remain in the room as an observer. The counsel shall sit in the place reserved for the general public and shall have no participation in the proceedings.

In cases where a counsel for a witness is ordered removed from the room, the witness shall be given reasonable time as may be determined by the committee to secure the services of another counsel. Should the witness deliberately or capriciously fail or refuse to obtain the services of another counsel, a counsel de officio may be provided to the witness by the committee within a reasonable time. Thereafter, the hearing shall continue and the testimony of such witness shall be heard.

In recognition of these rights, the Court, in *Ong v. Senate of the Philippines*,⁹⁴ emphasized that resource persons must be accorded their constitutional right to due process and their rights against unreasonable seizures in the conduct of a legislative inquiry, viz.:

As stated earlier, while the Committee satisfied the first and second constitutional limitations of its power to conduct the subject inquiry in aid of legislation, *it failed to accord petitioners their rights* in the conduct of its proceedings, more in the exercise of its contempt power. These rights refer to no other than those enshrined under the Bill of Rights, more particularly to the right to due process and the right against unreasonable seizures under Sections 1 and 2, Article III of the 1987 Constitution, viz.:

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

SECTION 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.⁹⁵

⁹⁴ 938 Phil. 929 (2023) [Per J. Inting, *En Banc*].

⁹⁵ *Id.* at 956.

In fact, in the same case, the Court provided additional guidelines on when a testimony may be considered as “testifying evasively” in order to further secure the rights of a resource person:

As keenly observed by Senior Associate Justice Marvic M.V.F. Leonen, even inconsistent answers were equated by the Committee with “testifying evasively.” As he aptly pointed out, “[w]hether a witness genuinely did not know or did not recall the answer, or was evasive in answering a question is largely a matter of judgment or opinion.” He further pointed out that “falsely or evasively” should be understood as “false” which means “not genuine, intentionally untrue, adjusted or made so as to deceive, intended or tending to mislead, not true, based on mistaken ideas, inconsistent with the facts.” This determination requires “an assessment of the totality of the evidence presented to determine whether a witness speaks truthfully or merely trying to evade answering the question directly.” Surely, this determination could not have been made on the basis of his testimony given in the hearing of September 10, 2021 alone.⁹⁶

To date, Abines et al. have not alleged that they were deprived of their rights to due process and against self-incrimination during the legislative inquiries. Even their apprehensions against alleged violations of their freedom of expression are assuaged by assurances both in the invitations sent to them and House Resolution No. 286 that they will “[e]nsure all proposed measures align [sic] with constitutional guarantees of freedom of speech” and “prevent any undue censorship” during the scheduled hearings.⁹⁷

Indeed, we find no reason to interfere with the power of Congress to summon resource persons, as the foregoing constitutional guarantees embodied in the Rules of Procedure Governing Inquiries in Aid of Legislation belie the unwarranted fears of Abines et al. To rule otherwise would severely curtail and diminish the power of the Congress to conduct legislative inquiries, as anyone could easily defy and ignore the summons the House of Representatives issued because of “possible violations” of their rights should they attend the same.

Abines et al. have no legal standing to sue

Closely related to the mandate that the Court settles only actual cases or controversies is the requirement that the matter must be raised by one with legal standing.⁹⁸

⁹⁶ *Id.* at 973–974.

⁹⁷ *Rollo*, p. 381.

⁹⁸ *Private Hospitals Association of the Philippines, Inc. v. Medialdea*, 842 Phil. 747, 784 (2018) [Per J. Tijam, *En Banc*].

Legal standing refers to the personal and substantial interest in the case such that the party has sustained, or will sustain, direct injury as a result of the assailed governmental act. The term “interest” refers to a material interest, an interest in issue affected by the decree, as distinguished from mere interest in the question involved, or a mere incidental interest.⁹⁹ Hence, generally, parties shall be allowed to raise constitutional questions only when: *first*, they can show that they will personally suffer some actual or threatened injury due the allegedly illegal conduct of the government; *second*, the injury is fairly traceable to the challenged actions; and *third*, the injury is likely to be redressed by a favorable action.¹⁰⁰

Thus, even for exceptional suits filed by taxpayers and concerned citizens, said parties must claim some kind of injury-in-fact. For concerned citizens, an allegation must be made that the continuing enforcement of the assailed government act has denied them some right or privilege to which they are entitled or that they will be subjected to some burden or penalty. For taxpayers, they must show sufficient interest in preventing the illegal expenditure of money raised by taxation.¹⁰¹

Abines et al. claim standing as citizens and taxpayers whose fundamental rights to free speech, of expression, and of the press were violated and threatened to be further violated. Particularly, they assert that: *first*, the threats made against them, together with the fact that an invitation was extended for them to attend the joint inquiry, created a chilling effect on the exercise of their freedom of speech and of expression; and *second*, the joint inquiry is aimed at crafting legislation that abridge the said rights.¹⁰² On the other hand, the OSG maintains that Abines et al. have not sustained or will not sustain direct injury as the assailed acts clearly do not have any legal effect on their freedom of speech and expression.¹⁰³

Indeed, Abines et al. failed to establish that they have sustained or will sustain any direct injury from the assailed acts of respondents.

First. Abines et al. merely inferred that they were the malicious vloggers alluded to by Rep. Barbers in his privilege speeches, which were, to reiterate, protected by parliamentary immunity. In any case, the Court fails to see how these speeches resulted in any direct injury to Abines et al., especially because Rep. Barbers did not name any specific individual whom he characterized as one of the “trolls” and “malicious vloggers” in his speeches.

⁹⁹ *Integrated Bar of the Philippines v. Zamora*, 392 Phil 618, 633 (2000) [Per J. Kapunan, *En Banc*].

¹⁰⁰ *Tolentino v. COMELEC*, 465 Phil 385, 402 (2004) [Per J. Carpio, *En Banc*].

¹⁰¹ *Falcis v. Civil Registrar General*, 861 Phil. 388, 533 (2019) [Per J. Leonen, *En Banc*].

¹⁰² *Rollo*, p. 13.

¹⁰³ *Id.* at 370.

Neither does the mere fact that Abines et al. were invited as resource persons pose any immediate threat of direct injury. The power to conduct inquiries in aid of legislation necessarily includes the power to compel the attendance of resource persons.¹⁰⁴ As such, the mere invitation to attend legislative inquiries does not violate any right, and thus, cannot be the source of direct injury as to confer Abines et al. with legal standing.

Notably, Abines et al. did not even allege that the House of Representatives or the House Tri-Committee failed to adhere to the constitutional limitations to its power of inquiry. They merely surmised that the invitation alone created a chilling effect on their rights to speech and expression, as resource speakers in recent legislative inquiries have been “easily cited in contempt, embarrassed, and made to suffer detention.” In this regard, the Court ought to refrain from entertaining their unsubstantiated apprehensions.

Second. The claim that the legislative inquiry is aimed at legislation which will curtail their freedom of speech and of expression is pure conjecture. In *Falcis v. Civil Registrar General*,¹⁰⁵ the Court held that the mere passage of the Family Code and its “normative impact” cannot be the source of petitioner’s direct injury. In said case, the Court discussed that the asserted injury must also be sufficiently linked to its imputed cause, i.e., the assailed government act, thus:

Petitioner presents no proof at all of the immediate, inextricable danger that the Family Code poses to him. His assertions of injury cannot, without sufficient proof, be directly linked to the imputed cause, the existence of the Family Code. His fixation on how the Family Code is the definitive cause of his inability to find a partner is plainly non sequitur.

Similarly, anticipation of harm is not equivalent to direct injury. Petitioner fails to show how the Family Code is the proximate cause of his alleged deprivations. His mere allegation that this injury comes from “the law’s normative impact” is insufficient to establish the connection between the Family Code and his alleged injury.

*If the mere passage of a law does not create an actual case or controversy, neither can it be a source of direct injury to establish legal standing. This Court is not duty bound to find facts on petitioner’s behalf just so he can support his claims.*¹⁰⁶ (Emphasis supplied)

This principle applies with even greater weight in the present case, as the House is evidently still in the process of determining the proper measures to address the purported proliferation of false and malicious content on social media platforms. In fact, the House Tri-Committee has not even recommended the enactment of a law on the matter. In the absence of any bill filed, let alone

¹⁰⁴ See *Arnault v. Nazareno*, 87 Phil. 29, 35 (1950) [Per J. Ozaeta, *En Banc*].

¹⁰⁵ 861 Phil. 388 (2019) [Per J. Leonen, *En Banc*].

¹⁰⁶ *Id.* at 535.

legislation enacted, the assertion that direct injury will be sustained is nothing but speculation. A legislative measure that has yet to materialize certainly cannot be the source of any direct injury.

In sum, Abines et al. failed to establish that they have suffered any direct injury or that they will suffer any injury from the assailed acts. Accordingly, they have no legal standing to sue.

Direct resort to the Court is unwarranted

While the Court, the Court of Appeals, and the Regional Trial Courts have concurrent original jurisdiction over petitions for *certiorari* and prohibition, the doctrine of hierarchy of courts mandates that recourse must first be made to the lower-ranked court exercising concurrent jurisdiction with a higher court.¹⁰⁷ *GIOS-SAMAR, Inc. v. Dept. of Transportation and Communications*¹⁰⁸ explained that the doctrine operates to: (1) prevent inordinate demands upon the Court's time and attention which are better devoted to those matters within its exclusive jurisdiction; (2) prevent further overcrowding of the Court's docket; and (3) prevent the inevitable and resultant delay, intended or otherwise, in the adjudication of cases which often have to be remanded or referred to the lower court as the proper forum under the rules of procedure, or as the court better equipped to resolve factual questions.¹⁰⁹

The doctrine of hierarchy of courts, however, is not an iron-clad rule. Thus, *The Diocese of Bacolod v. COMELEC*¹¹⁰ enumerated the instances when direct resort to the Court is allowed, namely: (a) when there are genuine issues of constitutionality that must be addressed at the most immediate time; (b) when the issues involved are of transcendental importance; (c) in cases of first impression; (d) the constitutional issues raised are better decided by the Supreme Court; (e) the time element or exigency in certain situations; (f) the filed petition reviews an act of a constitutional organ; (g) when there is no other plain, speedy, and adequate remedy in the ordinary course of law; (h) the petition includes questions that are dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy.¹¹¹

¹⁰⁷ *Evangelista v. Philippine Amusement and Gaming Corporation*, 941 Phil. 342, 362 (2023) [Per J. Lopez, J., *En Banc*].

¹⁰⁸ 849 Phil. 120 (2019) [Per J. Jardeleza, *En Banc*].

¹⁰⁹ *Id.* at 182–183.

¹¹⁰ 751 Phil. 301 (2015) [Per J. Leonen, *En Banc*].

¹¹¹ *Id.* at 331–335.

Relevant to the second instance, i.e., when the issues involved are of transcendental importance, there must be a clear or imminent threat to fundamental constitutional rights which would warrant the invocation of relief from the Court.¹¹²

In *GIOS-SAMAR*,¹¹³ the Court held that it is not the mere invocation of any of the foregoing instances which triggers the exception to the doctrine of hierarchy of courts, but the fact that only questions of law, not of fact, must be involved. The Court is not a trier of facts and is not equipped to receive and evaluate evidence at the first instance.¹¹⁴

Unfortunately for Abines et al., they failed to demonstrate the presence of compelling reasons to necessitate the immediate action of the Court. More, their allegation that the acts of Rep. Barbers, the House of Representatives, and the House Tri-Committee perpetuated a chilling effect is a question of fact necessitating the evaluation of evidence. Thus, the non-observance of the doctrine of hierarchy of courts further warrants the dismissal of the petition.

There is no violation of Abines et al.'s freedom of speech

At any rate, Abines et al.'s claim that their right to freedom of expression has been violated is without merit.

Article III, Section 4 of the Constitution guarantees the freedom of speech, of expression, and of the press, recognizing these facets of freedom as pillars of a democratic society, viz.:

SECTION 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Freedom of expression does not only cover a person's right to say freely what is thought freely, it likewise evinces the polity's freedom from psychological insecurity.¹¹⁵ In a quote attributed to Benjamin Franklin, "without freedom of thought, there can be no such thing as wisdom; and no such thing as public liberty, without freedom of speech; which is the right of every man, as far as by it, he does not hurt or control the right of another: and this is the only check it ought to suffer, and the only bounds it ought to know." It "constitutes one of the essential foundations of a democratic society, and

¹¹² See *The Diocese of Bacolod v. Commission on Elections*, 751 Phil. 301, 332 (2015) [Per J. Leonen, *En Banc*].

¹¹³ 849 Phil. 120, 152 (2019) [Per J. Jardeleza, *En Banc*].

¹¹⁴ *Id.* at 149–150.

¹¹⁵ *Guinguing v. Court of Appeals*, 508 Phil. 193, 197 (2005) [Per J. Tinga, Second Division].

this freedom applies not only to those that are favorably received but also to those that *offend, shock, or disturb*. Any restriction imposed in this sphere must be proportionate to the legitimate aim pursued.”¹¹⁶

Freedom of expression involves: (1) freedom from prior restraint; and (2) freedom from subsequent punishment.¹¹⁷ In addition to these two, freedom of the press also encompasses: (1) freedom of access to information; and (2) freedom of circulation.¹¹⁸

Freedom from prior restraint is freedom from government censorship of publications, whatever the form of censorship, and regardless of whether it is wielded by the executive, legislative or judicial branch of the government. The forms of restraint on speech can be either *content-neutral* or *content-based*. A *content-neutral* regulation is merely concerned with the incidents of the speech, or one that merely controls the time, place or manner, and under well-defined standards. A *content-based* restraint or censorship, on the other hand, is based on the subject matter of the utterance or speech.¹¹⁹

Here, Abines et al. invoke their right to freedom of expression as a ground for the Court to permanently enjoin respondents from mandating them to attend inquiries in aid of legislation where the subject matter is the content of social media posts.

We are not persuaded.

The mere act of inviting Abines et al. as resource persons to an inquiry in aid of legislation did not violate their freedom of expression, as it had no relation *at all* to their exercise of free speech. It did not, at the very least, regulate the content of their speech or its incidents. More important, it was a mandate from Congress to aid them in crafting sound legislation, not an act to punish them for alleged proliferation of “*fake news*” in social media. In other words, the issuance of summons is a matter of procedure to effectively exercise the power of Congress to conduct its legislative inquiry. It was neither a punitive measure in relation to free speech nor an attempt to suppress it.

Since the questioned conduct did not curtail or regulate Abines et al.’s freedom of expression, the perceived *chilling* effect had no leg to stand on. There was no restraint on the freedom of expression that could trigger its application.

¹¹⁶ *Ang Ladlad LGBT Party v. COMELEC*, 632 Phil. 32, 80 (2010) [Per J. Del Castillo, *En Banc*].

¹¹⁷ *Ranada v. Office of the President*, 943 Phil. 164, 189 (2023) [Per J. Singh, *En Banc*].

¹¹⁸ *Chavez v. Gonzales*, 569 Phil. 155, 202 (2008) [Per CJ Puno, *En Banc*].

¹¹⁹ *Id.* at 204–205.

Too, We cannot prohibit Congress from inviting resource persons to legislative inquiries solely because the subject matter involves speech. Congress has the power to regulate certain forms of speech, as some forms are not protected by the Constitution, e.g. those which bring about a general disorder that threaten the State with a clear and present danger¹²⁰ or when the utterances involved are “no essential part of any exposition of ideas, and are of such slight social value as a step of truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.”¹²¹ Surely, Congress can enact laws to penalize unprotected speech. *Disini, Jr. v. Secretary of Justice*¹²² pronounced:

All penal laws, like the cybercrime law, have of course an inherent chilling effect, an in terrorem effect or the fear of possible prosecution that hangs on the heads of citizens who are minded to step beyond the boundaries of what is proper. *But to prevent the State from legislating criminal laws because they instill such kind of fear is to render the state powerless in addressing and penalizing socially harmful conduct.* Here, the chilling effect that results in paralysis is an illusion since Section 4(a)(3) clearly describes the evil that it seeks to punish and creates no tendency to intimidate the free exercise of one’s constitutional rights.¹²³ (Emphasis supplied)

To repeat, since there is neither a law nor a bill, the present action is premature.

At any rate, the concern of Abines et al. does not lie in the mandate to attend the legislative inquiry, but rather in a privilege speech in which they were allegedly labeled as “trolls” and “malicious vloggers.” Again, the subject privilege speech did not attempt to suppress or regulate speech, nor did it punish them. The criticisms allegedly directed at Abines et al., made in response or as a reaction to their own criticisms of respondents, cannot, by any stretch of the imagination, be considered as a prohibition or regulation on speech. The representative who delivered the privilege speech was, after all, merely exercising his freedom of expression.

It does not escape the Court, however, that there were instances during the hearings wherein the manner of inquisition by some Members of the House of the Representatives may have appeared unduly harsh or derogatory, in effect, demeaning some of the invited resource speakers.

Under Section 16(3), Article VI of the Constitution, the power to discipline its members for any unparliamentary act is exclusively vested in Congress, viz.:

¹²⁰ *Movie and Television Review and Classification Board v. ABC Development Corp.*, 925 Phil. 83, 94 (2022) [Per J. Hernando, First Division].

¹²¹ *Soriano v. Laguardia*, 605 Phil. 43, 96-97 2009 [Per J. Velasco, Jr., *En Banc*].

¹²² 727 Phil. 28 (2014) [Per J. Abad, *En Banc*].

¹²³ *Id.* at 100.

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."

This notwithstanding, albeit it is not the province of the Court to chastise or in any way discipline Members of Congress, we find it *apropos*, in line with our mandate as guardians of people's rights, to remind that resource speakers are not only guaranteed their constitutional rights during inquiries in aid of legislation. They also deserve a reasonable expectation that the legislators conducting the inquiries will accord them courtesy and respect befitting that of any dignified human being. Our reminder in *Calida v. Trillanes IV*¹²⁴ rings ever clearer:

Additionally, legislative inquiry must respect the individual rights of the persons invited to or affected by the legislative inquiry or investigation. Hence, the power of legislative inquiry must be carefully balanced with the private rights of those affected. A person's right against self-incrimination and to due process cannot be swept aside in favor of the purported public need of a legislative inquiry.

It must be stressed that persons invited to appear before a legislative inquiry do so as resource persons and not as accused in a criminal proceeding. Thus, they should be accorded respect and courtesy since they were under no compulsion to accept the invitation extended before them, yet they did so anyway. Their accommodation of a request should not in any way be repaid with insinuations.

*The basic rules of decorum and decency must govern any undertaking done in one's official capacity as an agent of the State, in tacit recognition of one's role as a public servant.*¹²⁵ (Emphasis supplied)

So must it be. For the proper and effective performance of its mandate, Congress or any of its committees, must acquire critical information to facilitate the enactment of policies that best serve the intended objective, i.e., to combat the persistent diffusion of deceptive content which seeks to undermine transactions, communications, and even individual identities. Certainly, the legislative branch cannot be expected to remain idle in light of such a substantial threat, particularly when they are expressly mandated to formulate measures to counteract the same. Though the power of inquiry is broad and indispensable, it must be wielded within constitutionally-prescribed limitations. In so doing, the Congress or any of its committees are able to fulfill their objectives in service of the Filipino people, ensuring that their efforts and resources are neither squandered nor misdirected.

¹²⁴ 861 Phil. 656 (2019) [Per J. Leonen, *En Banc*].

¹²⁵ *Id.* at 663–664.

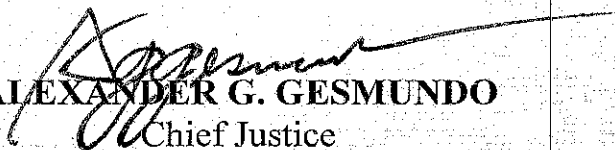
ACCORDINGLY, the Petition is DISMISSED.

SO ORDERED.

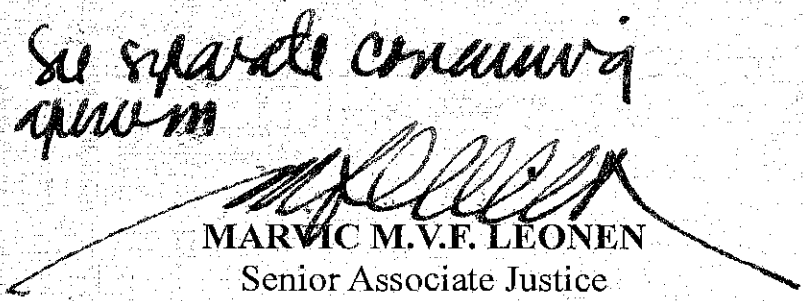


AMY C. LAZARO-JAVIER
Associate Justice

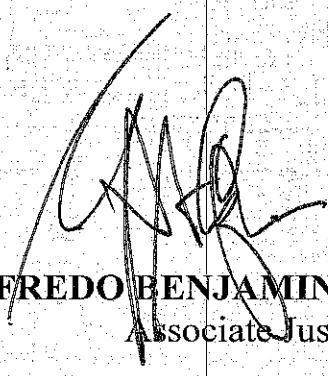
WE CONCUR:



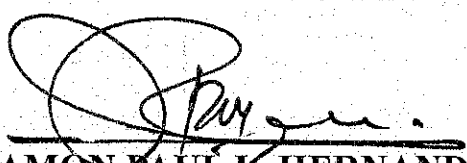
ALEXANDER G. GESMUNDO
Chief Justice



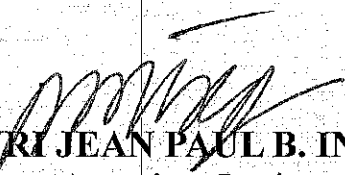
MARVIC M.V.F. LEONEN
Senior Associate Justice



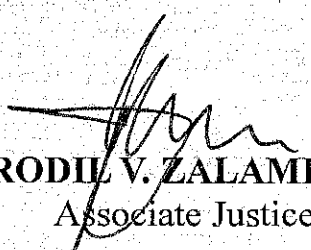
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



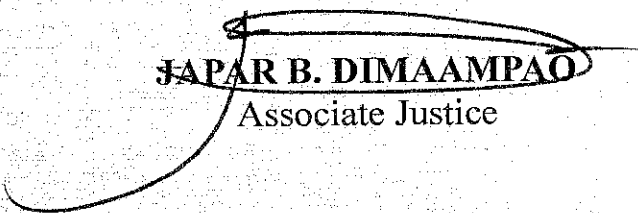
RODIL V. ZALAMEDA
Associate Justice

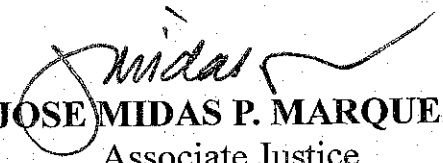


SAMUEL H. GAERLAN
Associate Justice

(on wellness leave)
RICARDO R. ROSARIO
Associate Justice

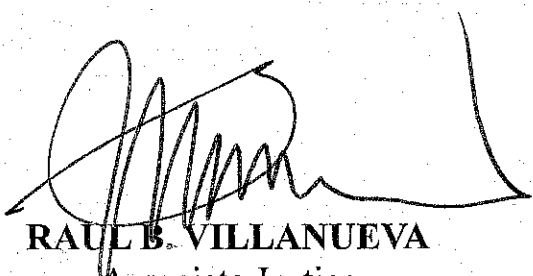

JOSE P. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

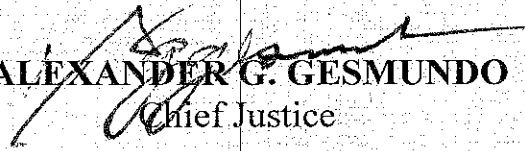

ANTONIO T. KHO, JR.
Associate Justice

(on leave)
MARIA FILOMENA D. SINGH
Associate Justice


RAUL B. VILLANUEVA
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution, 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's *En Banc*.


ALEXANDER G. GESMUNDO
Chief Justice

11