

EN BANC

G.R. No. 278101 – 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, v. 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, INFORMATION AND COMMUNICATIONS TECHNOLOGY, AND PUBLIC INFORMATION, represented by their Chairmen, REPRESENTATIVES DAN S. FERNANDEZ, TOBIAS M. TIANGCO, and JOSE S. AQUINO II, Respondents.

Promulgated:

July 8, 2025

X

SEPARATE CONCURRING OPINION

LEONEN, S.A.J.:

I concur with the *ponencia*. However, I write to also emphasize that the Petition presents no actual case or controversy as it has been rendered moot by the conclusion of the House Tri-Committee's inquiry.

I

Article VI, Section 21 of the Constitution provides the power of the legislative to conduct investigations in aid of legislation:

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 in or affected by such inquiries shall be respected.

As provided in the provision, the limitations to the legislative power of inquiry are as follows: (1) it must be conducted "in aid of legislation[;]" (2) it must be conducted in accordance with the published rules of the chamber or

committee conducting the inquiry; and (3) the rights of persons appearing in or affected by such inquiries shall be respected.¹

The provision also provides for a broad definition of legislative inquiry. It is not required that a statute be enacted as a result of such inquiry as a wide discretion is given to Congress in conducting them.² “So long as the inquiry can be related to a matter vested by the Constitution in Congress or any of its chambers, the inquiry is deemed to be in aid of legislation.”³

However, the Court elaborated in *Neri v. Senate Committee on Accountability of Public Officers and Investigations*⁴ that the inquiry should have no other purpose other than “in aid of legislation.”

No matter how noble the intentions of respondent Committees are, they cannot assume the power reposed upon our prosecutorial bodies and courts. The determination of who is/are liable for a crime or illegal activity, the investigation of the role played by each official, the determination of who should be haled to court for prosecution and the task of coming up with conclusions and finding of facts regarding anomalies, especially the determination of criminal guilt, are not functions of the Senate. Congress is neither a law enforcement nor a trial agency. Moreover, it bears stressing that no inquiry is an end in itself; it must be related to, and in furtherance of, a legitimate task of the Congress, i.e. legislation. Investigations conducted solely to gather incriminatory evidence and “punish” those investigated are indefensible. There is no Congressional power to expose for the sake of exposure.⁵ (Citation omitted)

Moreover, the legislative power of inquiry is subject to the limitations placed by the Constitution, particularly in the Bill of Rights.⁶ The Court further discussed in *Calida v. Trillanes*:⁷

[L]egislative 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

¹ J. Leonen, Concurring and Dissenting Opinion in *Senate of the Philippines v. Executive Secretary Medialdea*, 924 Phil. 314, 842 (2022) [Per J. Lazaro-Javier, *En Banc*], citing *Garcillano v. House of Representatives*, 595 Phil. 775, 797 (2008) [Per J. Nachura, *En Banc*].

² *Id.* at 843.

³ *Id.* (Citation omitted).

⁴ 586 Phil. 135 (2008) [Per J. Leonardo-De Castro, *En Banc*].

⁵ *Id.* at 189.

⁶ *In the Matter of the Petition for Issuance of Writ of Habeas Corpus of Sabio v. Gordon*, 535 Phil. 687, 714 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].

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

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. However, the deportment and decorum of the members of any constitutional organ, such as both Houses of Congress during a legislative inquiry, are beyond the judicial realm. All this Court can do is exercise its own power with care and wisdom, acting in a manner befitting its dignified status as public servant and never weaponizing shame under the guise of a public hearing.⁸ (Citations omitted)

In this case, the legislative inquiry was done pursuant to the rampant posting of false and malicious content in social media platforms.⁹ I concur with the *ponencia* that the inquiry was conducted with a valid legislative purpose, i.e., “the proper regulation against the proliferation of false information online.”¹⁰

Disinformation is different from misinformation. In my view, disinformation is the public and malicious dissemination of information which people know to be false. There are contexts and conditions when this should not be given the mantle of protection of free expression since it contributes no value which is constitutionally protected. Meanwhile, misinformation is “false information that is not intended by the author to cause harm.”¹¹

The purpose of the legislative inquiry on disinformation becomes even more relevant with the development of the internet and rampant use of social media, as discussed in *Re: Statements Made by Badoy Allegedly Threatening Judge Magdoza-Malagar*:¹²

Before the internet, sources of information were limited to traditional media, such as print and broadcast, making it the “most powerful vehicle of opinion on public questions.” Aware of the power it yielded and the responsibility that went alongside its influence, it behooved the press to adhere to the high ethical standards for the profession. This assured audiences that the contents of traditional media were carefully studied and verified, reducing the risk of incorrect information.

In one fell swoop, the internet and rampant social media usage tore down the traditional barriers that ensured the accuracy of published material.

By merely having access to social media, private individuals could publish their thoughts without need of self-policing or adhering to the ethical standards required of the press. As a result, content could be created and

⁸ *Id.* at 663–664.

⁹ *Ponencia*, p. 4.

¹⁰ *Id.* at 17.

¹¹ RACHEL E. KHAN AND YVONNE T. CHUA, COUNTERING DISINFORMATION TOOLS AND INITIATIVES IN THE PHILIPPINES, BACKGROUND PAPER, INTERNATIONAL MEDIA SUPPORT, 6 (2023).

¹² 946 Phil. 1 (2023) [Per J. Leonen, *En Banc*].

shared with abandon, purely for clout or for “likes,” and even in disregard of the truth. Worse, its audience is so wide, certainly way above that of traditional media, unconstrained by physical reach. This has inevitably led to a glut in disseminated information, a large part of which is disinformation—the “verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm” on the internet.”¹³ (Citations omitted)

Nonetheless, if Congress gravely abused its exercise of legislative inquiry power, it may still be subjected to judicial review under Article VIII, Section 1 of the Constitution.

Here, petitioners invoke the *certiorari* powers of the Court and claim that respondents committed grave abuse of discretion amounting to lack of or excess of jurisdiction in inviting petitioners as resource speakers in a joint inquiry before the House of Representatives. Petitioners claim that this is in violation of their right to freedom of speech, of expression, and of the press.¹⁴ Petitioners pray that respondents be enjoined 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 Representative Robert Ace Barbers.¹⁵

II

I concur with the *ponencia* that the Petition does not raise any actual case or controversy. I only differ as to the reason for such since the case has become moot by virtue of the conclusion of the House Tri-Committee’s joint inquiry.

The power of judicial review is limited to an actual case or controversy. “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.”¹⁶ There must be a controversy that is real and substantial which requires “a specific relief that courts can grant.”¹⁷

In *Republic of the Philippines v. Moldex Realty, Inc.*,¹⁸ the Court explained the concept of mootness:

A case becomes moot and academic when, by virtue of supervening events, the conflicting issue that may be resolved by the court ceases to

¹³ *Id.* at 25–26.

¹⁴ *Ponencia*, p. 6.

¹⁵ *Id.*

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

¹⁷ *Calida v. Trillanes*, 861 Phil. 656, 665 (2019) [Per J. Leonen, *En Banc*]. (Citation omitted)

¹⁸ 780 Phil. 553 (2016) [Per J. Leonen, Second Division].

exist. There is no longer any justiciable controversy that may be resolved by the court. This court refuses to render advisory opinions and resolve issues that would provide no practical use or value. Thus, courts generally “decline jurisdiction over such case or dismiss it on ground of mootness.”¹⁹ (Citations omitted)

However, there are recognized exceptions to this rule. In *David v. Macapagal-Arroyo*,²⁰ the Court enumerated the circumstances when the court can take cognizance of moot and academic cases:

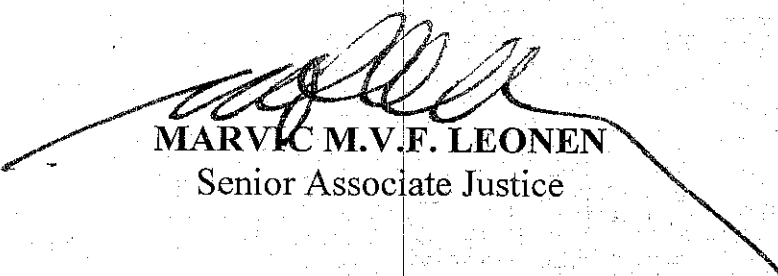
Courts will decide cases, otherwise moot and academic, if: first, there is a grave violation of the Constitution; second, the exceptional character of the situation and the paramount public interest is involved; third, when constitutional issue raised requires formulation of controlling principles to guide the bench, the bar, and the public; and fourth, the case is capable of repetition yet evading review.²¹ (Citations omitted)

None of the exceptions exist in this case.

The Court may take judicial notice that on June 5, 2025,²² the House Tri-Committee, composed of the Committees on Public Order and Safety, Information and Communications Technology, and Public Information, concluded its public hearings on the proliferation of fake news and rampant posting of false and malicious content in social media platforms. Five days later, the Tri-Committee submitted a report with its findings and recommendations.²³

With the conclusion of the inquiry, the case has become moot as “the conflicting issue that may be resolved by the court cease[d] to exist.”²⁴ Consequently, petitioners’ prayer for the Court to permanently prohibit respondents from conducting an investigation on disinformation and inviting them as resource persons have also been rendered moot.

ACCORDINGLY, I vote to **DISMISS** the Petition.



MARVIC M.V.F. LEONEN
Senior Associate Justice

¹⁹ *Id.* at 560.

²⁰ 522 Phil. 705 (2006) [Per J. Sandoval-Gutierrez, *En Banc*].

²¹ *Id.* at 754.

²² House of Representatives Committee Report No. 1498 (2025), 19th Congress, Third Regular Session, Committee on Public Order and Safety, Information and Communications Technology, and Public Information, *available at* https://docs.congress.hrep.online/legisdocs/first_19/CR01498.pdf (last accessed August 13, 2025).

²³ *Id.* at 1 of the portable document format of the Introduction to the Committee Report.

²⁴ *Republic of the Philippines v. Moldex Realty, Inc.*, 780 Phil. 553, 560 (2016) [Per J. Leonen, Second Division]. (Citation omitted)