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Republic of the Philippines
SUPREME COURT
Manila

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LEAGUE OF LOCAL PLANNING
AND DEVELOPMENT
COORDINATORS OF THE
PHILIPPINES INC,

Petitioner,

G.R. No.231367
CERTIORARI AND PROHIBITION
WITH APPLICATION FOR A
TEMPORARY RESTRAINING ORDER
AND/ OR PRELIMINARY INJUNCTION

-VS-

The Congress of the Philippines and
The Honorable Office of the Executive
Secretary as represented by the
Office of the Solicitor General of the Republic of the Philippines.

Respondents.

X.....X

AMENDED PETITION FOR CERTIORARI AND PROHIBITION
With Application for a Temporary Restraining Order and/or
Preliminary Injunction.

Petitioner, by counsel, respectfully state:

I. **Preliminary Statement.**

“The strength of the Constitution lies in the will of the people to defend it.”

--Thomas Edison

Petitioner does not invoke the jurisdiction of this Honorable Court for the purpose of asking it to make a judgment on the wisdom of the President and the Congress of the Republic of the Philippines in signing and approving the R.A. No. 10587 or An Act Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled “Law Regulating the Environmental Planning Profession In the Philippines” and for Other Purposes. For petitioner is aware and do agree that rightfully so, this Honorable Court would have no power to perform that function as it clearly declared in a case that came before this present one where it stated, in part:

xxx...this Court will not review the wisdom of the decision of the President and the Senate in enlisting the country into the WTO, or pass upon the merits of trade liberalization as a policy espoused by said international body. Neither will it rule on the propriety of the government's economic policy of reducing/removing tariffs, taxes, subsidies, quantitative restrictions, and other import/trade barriers. **Rather, it will only exercise its constitutional duty “to determine whether or not there had been a grave abuse of discretion amounting to lack or excess of jurisdiction” on the part of the Senate.** (X) **[emphasis ours]**

This petition seeks only to nullify the provisions or wordings affecting the League specifically in Sec 4 par a, the paragraph “also known as urban and regional planning, city planning, town and country planning and/or human settlement planning” Sec 5 in so far as it

overlaps the functions of the Local Development Officer under Section 476 of the Local government Code and Sec 37 Transitory Provisions of R.A. NO. 10587

II. Nature and Purpose of the Petition

This is a Petition, under Rule 65 of the Rules of Court, for certiorari and prohibition, with an application for the issuance of a temporary restraining order and/or a preliminary injunction. Submitting a controversy presenting clear questions of law and in the absence of any other plain, speedy and adequate remedy under the ordinary course of law, petitioner now presents this case before Court.

It is respectfully submitted that the abovementioned provisions of the R.A. No.10587, violates multiple provisions of the 1987 Philippine Constitution: 1) Article III, section 1, first and second Paragraphs; 2): Article II, section 18. 3) Article VII, section 3 first paragraph and second paragraph as it diminishes if not abolishes the position of the Development Planning Officer despite no clear intent to repeal or amend the position under Art. VI Section 476 of the Local Government Code .Through the writ of certiorari, it is humbly sought that judgment be rendered annulling, for having been executed in grave abuse of discretion, the Philippine Congress' ratification to R.A. No. 10587.

A special civil action for PROHIBITION is also presented before this Court to enjoin the implementation of the abovementioned provisions of R.A. No. 10587 by any of the branches of the Philippine government, its authorized representatives, and any and all persons who may act under their control and supervision in matters related to the implementation of the above-mentioned provisions R.A. No 10587. Prohibition is also hereby sought against the implementation and enforcement of said abovementioned provisions R.A. No 10587 through the appropriate,

release and utilize and utilization of public funds, the assignment and/or appointment of public officials and employees, and the use of any other property of the State for this same purpose.

Petitioner also comes before this Court with an application for a Temporary Restraining Order and/or Preliminary Injunction to enjoin respondents from performing any and all acts relation to the questioned provisions of R.A. No. 10587

IV. Parties

Petitioner

Petitioner is a nonstock-nonprofit organization of Incumbent Local Planners in Various Cities and Municipalities in the entire stretch of the Philippine Archipelago, though, counsel, its principal office address is located in the Office of the City Planning and Development Coordinator, City of Marikina. The said group of Local Planning and Coordinators is herein known as League of Local Planning and Development Coordinators of the Philippines, Inc. (LLPDCPI for Brevity) and herein is represented in this Petition by its President, Mano H. Nillos and its Secretary General, Tomas C. Aguilar. The Original copy of the Board Resolution and Secretary's Certificate is here to attach in Annexes "A", series to "A-1".

Respondent

- a. Public Respondent, Congress of the Philippines and The Honorable Office of the Executive Secretary under Hon. Executive Secretary Salvador Medialdea are being sued in their official capacity as the offices that created the said law in so far as the former is concerned while the latter was given the mandate "to directly assist the president in the management of affairs of the government as well as to direct the operations of the Executive office, and ultimately the office who oversees the faithful execution of R.A. No. 10587. These offices are represented by the Office of the Solicitor General. Summons and other

legal processes can be served c/o The Office of the Solicitor General Makati City Philippines ”

V. Statement of Facts

1. During the 15th Congress, Senate Bill No. 3138 was Sponsored and co-authored by Members of the Philippine Senate, Hon. Loren B. Legarda and Hon. Antonio F. Trillanes, certified machine copy of the instant document is here to attach as Annex “B”, series to “B-4” hereof.¹
2. In the Second Regular Session of the 15th Congress in 2012, Senate Bill No. 3138 was jointly prepared and submitted by the committee (s) on Civil Service and Government Reorganization and Finance together with Senator(s) Hon. Loren B. Legarda and Hon. Antonio F. Trillanes on 28 February 2012.²
3. Senate Bill No.3138 is entitled An Act Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled “Law Regulating the Environmental Planning Profession in the Philippines” and for other purposes.³
4. On the same day, of 28 February 2012, the committee report was calendared for ordinary business, sponsored by Honorable Senator Antonio F. Trillanes IV, transferred from the Calendar for Ordinary Business to the Calendar for Special Order. Then the Sponsorship Speech of Senator Antonio F. Trillanes IV as well as the Co-sponsorship speech of Senator Loren B. Legarda were heard in the 4 corners of the Halls of Senate Plenary, all events transpired in one day.⁴
5. From March of 2012 all the way through January 29, 2013, nothing was heard about Senate Bill No. 3138 and said proposed measure was already forgotten by the Senate Collegial Body tasked of enacting it into law.⁵

¹ Legislative History of senate Bill 3138 or environmental Planning Act of 2012 <http://senate.gov.ph/lis/bill-res.aspx?congress=15&q=SBN-3138>

² Id

³ Id

⁴ Id

⁵ Id

6. 30 January 2013, then was the time when Senate Bill No. 3138 was considered by the Senate, several events transpired and it seems that the passage thereof into laws was hurried without even considering that there are several existing local planners scattered all through-out the entire Philippine Archipelago and which precious job as any other jobs is now under consideration. The period of interpellation was closed, period of committee amendments transpired, the period of committee amendments was closed, the period of individual amendments was closed and said bill was approved by the Senate during the second reading with amendments, said events altogether happened as mentioned in one day.
7. On the following day, 31 January 2013, printed copies were distributed to the Senators.
8. In the month of February 2013, there were two notable events that happened, and to wit: The approval of Senate Bill No. 3138 on third reading, 04 February 2013; and the House of Representatives adopted Senate Bill No. 3138 as an amendment to House Bill No. 4692 of February 05, 2013. Meaning, no proceeding was ever conducted in the lower house of congress, except, the adoption by the house of said Senate Bill.
9. 04 March 2013, enrolled copies of the consolidated version of Senate Bill No. 3138 and House Bill No. 4692 were received by the Senate already and signed by the Speaker of the House of Representatives and by the Secretary General.
10. On March 29 2013, enrolled copies of the consolidated version of Senate Bill No. 3138 and House Bill No. 4692 were received by the Senate already and signed by the Speaker of the House of Representatives and by the Secretary General.
11. On March 30 2013, enrolled copies of the consolidated version of Senate Bill No. 3138 and House Bill No. 4692 were sent to the office of the President of the Philippines, through PLLO, for signature and approval of His Excellency, President Benigno S. Aquino III.

12. 27 May 2013, enrolled copies of the consolidated version of Senate Bill No. 3138 and House Bill No. 4692 were finally approved and signed into law by the President of the Philippines, His Excellency President Benigno S. Aquino III and became Republic Act No. 10587.
13. On February 04, 2013, Senate Bill No. 3138 or the Environmental Planning Act of 2012 garnered the affirmative votes of 12 during the third and final reading. Though one of them did not vote, there is an implied presumption that she- Senator Loren B. Legarda, voted in favor of approval of the said bill.
14. Those who voted in favor of Senate Bill No, 3138 are the following Senators: Hon. Juan Ponce Enrile, Hon. Jinggoy Ejercito Estrada, Hon. Vicente C. Sotto III, Hon. Edgardo Angara, Hon. Pia S. Cayetano, Hon. Francis G. Escudero, Hon. Teofisto Guingona III, Hon. Gregorio B. Honasan, Hon. Panfilo M. Lacson, Hon. Manuel M. Lapid, Hon. Ferdinand R. Marcos Jr., Hon. Sergio R. Osmeña III, Hon. Aquilino Pimentel III, Hon. Ralph G. Recto, Hon. Ramon Revilla Jr., Hon. Antonio Fuentes Trillanes IV, Hon. Manny Villar, and Hon. Loren B. Legarda.
15. Nothing in the minutes that any of the LLPDCPI members, who are the real and true stakeholders and who will be unduly affected by the passage of R.A. No. 10587, was invited in any committee or subcommittee of the Senate in the process of enacting the law in order to be heard because of the anticipation that he/ she might be deprived of his/her property, the same is his/her ever precious livelihood in the Government as Local Planner.
16. Instead, the Senate only invited the Philippine Institute of Environmental Planners (PIEP), who according to Sabiniano M. Perez, in misrepresentation, during the joint committee hearing of Committee on Civil Service and Government Reorganization and Committee on Ways and Means Committee and Finance on 08 March 2011, that PIEP is the only one organization of Environmental Planners in the Philippines. The tenor of conversation between Senator Honasan and Mr. Perez speaks:

Sen. Honasan. Mr. Chairman? Atty. Perez or Mr. Puzon, whoever can answer this. How many associations or organizations of environmental planning groups are there in the country?

Mr. Perez. Honorable Senator, we have only one association which is the Philippine Institute of Environmental Planners.⁶

Certified Machine Copies of the minutes of the said hearing are here to attach as Annexs "C", series to "C-71" of this Petition.

VI. Table of Contents

Annex	Particulars
1. A	Board Resolution No. 2016-001 Authorizing the Secretary General and the President to institute the instant petition
2. B, series to B-4	Legislative History of Environmental Planning set sometime in 2012
3. C, series to C-71	Minutes of Joint Committee Hearing by Committee of Civil Service, Committee on Reorganization and Committee on Ways and Means

⁶ Joint Committee Hearing on Civil Service and Government Reorganization with Committee on Ways and Means and Finance P40, March 8, 2011, 1:51 P.M.

VI. Grounds for Granting the Petition

The R.A. No. 10587 or An Act Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession in the Philippines" and for Other Purposes, violates several constitutional provisions and the act of the Congress in giving its concurrence to such a law must be rendered null and void. The issues are as follows:

1. Whether Respondents committed grave abuse of discretion in granting their votes of concurrence in R.A. No. 10587 or An act Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession in the Philippines" and for Other Purposes specifically **Sec 4 par a, the paragraph "also known as urban and regional planning, city planning, town and country planning and/or human settlement planning" Sec 5 in so far as it overlaps the functions of the Local Development Officer under Section 476 of the Local government Code and Sec 37 Transitory Provisions of R.A. NO. 10587** violated several constitutional provisions or not?
2. Whether **Sec 4 par a, the paragraph "also known as urban and regional planning, city planning, town and country planning and/or human settlement planning" Sec 5 in so far as it overlaps the functions of the Local Development Officer under Section 476 of the Local Government Code and Sec 37 Transitory Provisions of R.A. NO. 10587** or An Act Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession in the Philippines" and for Other Purposes violates the following articles of the 1987 Constitution or not:

- a. Article III, section 1, first and second Paragraphs- due process clause and equal protection of the law clause;
- b. Article II, section 18 first and second paragraph- The State affirmation that labor as a primary social economic force. That state duty to protect the rights of workers and promote their welfare;
- c. Article XIII, section 3 first paragraph and second paragraph- the state duty to afford full protection to labor and the right of the labor to tenurial security;

V. Discussion

Procedural Issues

A. This Honorable Court has jurisdiction to take cognizance of the instant case.

1. The jurisdiction and power of the Supreme Court, pursuant to Article VIII, section 1 of the 1987 Constitution, are hereby invoked because of an actual case or a justiciable controversy created at the exact point of time when the Senate of the Philippines cast twelve votes in concurrence with R.A. No. 10587 or An Act Regulating the practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession in the Philippines" and for Other Purposes, and which was subsequently adopted by the then Speaker of the House of Representatives; but challenged and objected against by local planning and development coordinators' sector because of its economic threats and multiple assaults on the Constitution. The Constitution has defined judicial power to include the power "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;

2. Petitioner comes before this Honorable Court in order for the latter to act pursuant to its power in relation to the delimitation of constitutional boundaries, which lies squarely within its jurisdiction.⁷
3. While Petitioner is aware of the principle of hierarchy of courts, they here now manifest that raising only pure questions of law and asserting R. A. No. 10587 is unconstitutional on several grounds, are reasons for this Honorable Court to exempt this petition from the applicant of the mentioned principle.
4. As recently as June 21, 2007, the Supreme Court ruled that:
The general rule is that this Court shall exercise only appellate jurisdiction over cases involving the constitutionality of a statute, treaty or regulation, except in circumstances. Where the Court believes that resolving the issue of constitutionality of law or regulation at the first instance is of paramount importance and immediately affects the social, economic and moral well-being of the people.⁸
5. Instrumentalities and branches of the government, including the legislature, are bound by the limits set by the Constitution, and in cases of infidelity to the strictures thereof, the Judiciary is duty-bound to make a determination. This Honorable Court has previously held:
When the Judiciary mediates to allocate constitutional boundaries, it does not assert any superiority over the other departments, but only asserts the solemn and sacred obligation entrusted to it by the constitution to determine conflicting claims of authority under the Constitution and to establish for the parties in an actual controversy the rights which the instrument secures and guarantees to them.⁹
6. The Supreme Court has also had the opportunity to rule in a long march of cases that it is "well" within, the power of and jurisdiction of the Court to inquire whether the Congress thru the Senate or its

⁷ See *Francisco v. HOR*, G.R.No. 160261, 10 November 2003, citing *Bengzon v. Blue ribbon Committee* G.R. No. 89914, 20 November 1991,776.

⁸ *Moldex Realty v. HLURB* G.R. No. 149719 JUNE 21, 2007.

⁹ *In re Wenceslao Laureta* G.R. No.68635 12 March 1987.

officials and House of Representatives committed a violation of the Constitution or gravely abused their discretion in the exercise of their functions and prerogatives.”¹⁰

7. In the case of *Angara v. Electoral Commission*, the Supreme Court ruled that it has the power to take cognizance of a petition for prohibition questioning an act of the Electoral Commission, a body falling under the Legislature. In so ruling, this Court held that:

But in the main, the Constitution has blocked out with deft strokes and bold lines, allotment of power to the executive, the Legislative and the judicial departments of the government. The overlapping and interlacing of functions and duties between the several departments, however, sometimes makes it hard to say just where the one leaves off and the other begins. In times of social disquietude or political excitement, the great landmarks of the Constitution are apt to be forgotten or marred, if not entirely obliterated. In cases of conflict, the judicial department is the only constitutional organ which can be called upon to determine the proper allocation of powers between the several departments and among the integral or constituent units thereof.

8. In a more recent case, the Supreme Court also ruled that it has the power to determine whether or not the Senate Committees on Accountability and Public Officers and Investigations, Trade and Commerce, and National Defense and Security acted with grave abuse of discretion.¹¹
9. This present case does not involve political questions. Petitioner asserts that R.A. No. 10587 is unconstitutional and consequently, the Senate's act of concurrence likewise of the House of Representative's adoption thereof must be annulled. This case is anchored, among others, on rights thus violated but the same rights

¹⁰ Bernas, S.J. THE CONSTITUTION OF THE REPUBLIC OF THE PHILIPPINES: A COMMENTARY. 2003 edition, p.920 quoting *Santiago v. Guingona*, G.R.No. 134577, November 18, 1998.

¹¹ *Romulo Neri v. Senate Committee on Accountability and Public Officers and Investigation*, et al. GR No.180643 March 25, 200

should not have been violated; including the right of the local planning and development coordinators to due process when they are about to be terminated to their employment as the same is their property rights, their rights to equal protection of the law, their rights to be considered by the state as a primary social economic force. And whereby their rights can be protected by the state and promote their welfare, their rights to afford full protection the state and the same protects likewise their rights to tenurial security.

10. Furthermore, this Court has had the opportunity to rule that “even if we were to assume that the issue presented xxx was political in nature, we would still not be precluded from resolving it under the expanded jurisdiction conferred upon (the Supreme Court) that now covers, in proper cases, even the political question.”¹²

11. Here and again, petitioner assert that this case is not for the purpose of questioning the wisdom, or lack thereof, on the part of the President in applying the law crafted by the congress herein otherwise known as R.A. No. 10587 all throughout of the Island and Islets within the Philippine territorial jurisdiction and the judgment positive or negative, of the Senate in casting a vote of concurrence and the act of adoption thereof the House of Representatives.

12. Instead, this Petition questions the whimsical, arbitrary, baseless, illogic, and unreasonable action on the part of the Senate of the Republic of the Philippines to concur on R.A. No. 10587 as well as the act of the House of Representatives on adopting the said law that they know as clearly unconstitutional; a stand that petitioner will prove as indeed so in the course of the petition.

¹² IBID., CITING DAZA V. SINGSONG G.R. NO. 86344, 21 DECEMBER 1989, 180 SCRA 496

13. Verily, it cannot be more clear that this Honorable Court is clothed with the power and authority to make a determination as to whether the Congress of the Philippines---albeit an independent and co-equal branch of government- acted with grave abuse of discretion. Acts of the legislature, as in acts of all government branches and instrumentalities, must always be made to pass through the crucible of Constitutional scrutiny. And we are filing this petition for there being no more appeal, plain and speedy remedy under the ordinary course of the law and the action of the congress is amounting violation of the constitutional due process of the law.

Substantive Issues

B. Petitioner has a legal standing to bring the instant suit.

1. Standing, or locus standi, is capacity of a party to bring suit in court. State laws define standing. At the heart of these statutes is the requirement that plaintiffs have sustained or will sustain direct injury or harm and that this harm is redressable.
2. The Supreme Court had the Occasion on deciding and explaining what locus standi is all about. "*Locus standi*" is defined as a right of appearance in a court of justice x xx on a given question. In private suits, standing is governed by the real-parties-in interest rule found in Section 2, Rule 3 of the 1997 Rules of Civil Procedure which provides that every action must be prosecuted or defended in the name of the real party in interest rule found in Section 2, Rule 3 of the 1997 rules of Civil Procedure which provides that every action must be prosecuted or defended in the name of the realty party in interest. According, the real-party-in interest is the party who stands to be benefited or injured by the judgment in the suit or the party entitled to

the avails Of the suit. Succinctly put, the plaintiffs standing is based on their own right to the relief sought”.

3. In this case, petitioner assert serious and multiple constitutional violations found in the plain text of R.A. No. 10587 for it lacks protection to those who are existing local planning and development coordinators now working in various municipalities, cities and provinces all over the Philippines and in effect their property rights or right to employment will be deprived from them without due process, said local planners will likewise be deprived of their rights to equal protection of the law, they will suffer deprivation of their rights to constitutional recognition by the state as a primary social economic force. And as such, their protected rights and their welfare are now under assault, they will be deprived of their right to be afforded full protection by the state and lastly, their rights to tenurial security are at stake. Said fundamental rights are all cherished and protected by the 1987 Philippine Constitution. And now therefore, it is nothing but proper to say that the petitioner will be directly benefited or prejudiced by the avails of the instant suit, thus said petitioner has the standing to bring the instant suit for it is a real party in interest.
4. Petitioner also brings this case before this Honorable Court as an organization composed of local planning and development coordinators in the Philippines who filled positions in existing local governments in the country; in municipal, city and provincial level. The said organization can be more identified under the name of League of Local Planning and Development Coordinators of the Philippines, Incorporated (or LLPDCPI).
5. Even on the assumption that Petitioner may not meet the traditional requirements for standing, it is hereby asserted that such technicality may be set aside by the Court in view of the importance of the issues involved. A long line of cases can show that this Court has, on several occasions, dismissed posturing to the effect that certain petitioners were not proper parties and ruled that the transcendental

importance to the public of these cases demands that they be settled promptly and definitely, brushing aside technicalities of procedure.¹³

14. While in one case decided by the Supreme Court, it was said that employment is within the term a property right that can only be divested from the employee by the employer after full compliance of due process, said the Supreme Court, **“A profession, trade or calling is a property right within the meaning of our constitutional guarantees. One cannot be deprived of the right to work and the right to make a living because these rights are property rights,** the arbitrary and unwarranted deprivation of which normally constitutes an actionable wrong.” (Emphasis supplied)
15. Clearly, while and during the crafting of the law under consideration, it is imperative that the petitioner or any member thereof should have been at least notified and given an opportunity to be heard since law is a type of a legislative fiat that could divest members of the petitioner of their right to their employments or at least increase the burden thereof, said the Supreme Court in one case, “when, upon the other hand, the administrative rule goes beyond merely providing for the means that can facilitate or render less cumbersome the implementation of the law and substantially increase the burden of those govern, it behoves the agency to accord at least to those directly affected a chance to be heard and, thereafter, to e duly informed, before the issuance is given the force and affect of law ”¹⁴
16. On the other hand, due process demands notice and hearing to those who are affected by the passage of law, authority on the matter states, “Notice – An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present

¹³ See *Araneta v. Dinglasan*, G.R. No. L-2044, August 26, 1949, 84 Phil 368 (and its companion cases *Araneta v. Angeles*, G.R. L-2756, *Rodriguez v. Tesorero de Filipinas*, G.R. No. L-3054; *Guerrero v. Commissioner of Customs*, G.R. No. L-3055; and *Barredo v. Commission on Elections*, G.R. No. L-3056).

¹⁴ *BPI Leasing Corporation v. CA*, 416 Scra 4.

their objections. This may include an obligation, upon learning that an attempt at notice has failed, to take “reasonable follow-up measures that may be available. The notice must be sufficient to enable the recipient to determine what is being proposed and what he must do to prevent the deprivation of his interest. Ordinarily, service of the notice must be reasonably structured to assure that the person to whom it is directed receives it. Such notice, however, need not describe the legal procedures necessary to protect one’s interest if such procedures are otherwise set out in published, generally available public sources. Hearing. “[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest.” This right is a “basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment ...” Thus, the notice of hearing and the opportunity to be heard “must be granted at a meaningful time and in a meaningful manner.

17. As mentioned, opportunity to be heard while and during R.A. No. 10587 was being crafted is a mandatory requirement as it does not only increase the burden of employment of members of the petitioner or they are in effect being removed from their service, but also, due process requires that opportunity to be heard must not only to ensure an abstract fair play to the individual, it must also be accorded however in order to protect their use and possession of property from arbitrary encroachment.

18. Section 31 of R.A. No. 10587 provides:

SEC. 31. Unlawful Practices Under this Act. –

It shall be unlawful for any person or group of persons to:

- (a) offer or render planning services as defined in Section 4 or within the scope of Section 5 of this Act when he/she is not a registered and licensed environmental planner;
- (b) cause, induce , encourage or coerce the preparation of or implementation any plan that is not signed by a registered and licensed environmental planner, when such plan is so required by this Act to be signed by a registered and licensed environmental planner;
- (c) amend, revise, duplicate or make copies of plans, designs, programs and other documents prepared, signed and sealed by a registered and licensed environmental planner without his/her explicit and written consent; and
- (d) Sign his/her name, affix his/her seal or use any other method of signature on plans, specifications or other documents not actually prepared by him/her.

19. It is indubitable, that there will be a constructive dismissal from service of existing local planners in cities, municipalities and provinces should the law will be fully implemented because all works cited by section 31 of R.A. No. 10587 were previously performed and pertaining to them. Under the law they can no longer perform said law for doing so will bring them under the pain of penalty.

20. R.A. No. 10587 is a piece of legislation that appears to be an exercise by the congress of its plenary, most pervasive and limitless police power or the so called the power to regulate. Said the Supreme Court in litany of cases, "in order to determine whether or not the exercise of police power is valid or invalid requires the concurrence of the following: (a) The subject matter of the law must be lawful, which means that public interest, as distinguished from those of a particular interest requires the interference of the State. (b) The means employed

to attain the purpose of the law must be reasonably necessary and not unduly oppressive upon individuals.”¹⁵

21. It appeared, from the very plain text of R.A. No.10587 that it has no provision adopting those who are existing local planners who are members of the Petitioner. Likewise, they were or anyone of them who is a real and true stakeholder and who will be unduly affected by the passage of the instant law was never notified or given of at least a momentary time to be express his concern for surely, his economic need might be at stake or he would be in danger of losing his job.
22. In propos thereto, local planners sitting in cities, municipalities and provinces offices might be possible targets of whims and caprices of local elective officials for they will be clearly rendered valueless.
23. In reality, 5th and 6th class municipalities are usually under men. Including in those municipalities where there are security issues, and local planners who really want to take the board examinations would take an undue hardship for they are far away from cities where the usual review are being conducted. Ultimately, it will be the public in the territorial jurisdiction of Local Government Units who will be in the losing end for service for competent local planners will be drained due to the absence of Environmental Planners who were able to hurdle the Board Examinations.
24. The bill of rights is the sanctuary of protection for all persons, citizens or non-citizens, against any and all kinds of abuses of power and authority by the government, or any of its officials and employees, or even against unwarranted violation of such rights by any other person.

¹⁵ NTC v. Philippine Veterans Bank, 192 SCRA 257

In other words, the Bill of Rights serves not only as a limitation but also a deterrent to further violations of fundamental liberties which are the essence of constitutional democracy. As against the wide latitude of power and authority of the government, the Bill of Rights serves as leverage, a countervailing shield which the people can have against which the people can have against any form of injustice. (Political Law Reviewer, Rolando A. Suarez, p.152)

25. In the absence of implementing legislation, the guarantees in the Bill of Rights are self-implementing. (Id)
26. The powers of government such as but not limited to: (a) police power, (b) power of eminent domain, and (c) power of taxation. (Id)
27. While it is true that it is the welfare of the public in general as distinguished from specific class will be sub served by the Congress exercise of the police power of the state, it is equally true however, that if the exercise of police power or any other powers enumerated under the constitution, the said use thereof will be invalid for their exercise is detrimental to the fabric of public moral in which the valid exercise thereof depends.
28. Clear under the premises therefore, that because R.A. No.10587 or An Act Regulating the Practice of Environmental Planning, Repealing for the purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession in the Philippines" and for other Purposes has been executed against the due process clause, it is therefore void for it cannot stand the strictest test of constitutional scrutiny.

**B. SEC.4 PAR A, WITH REGARDS TO THE PARAGRAPH
“ALSO KNOWN AS URBAN AND REGIONAL PLANNING, CITY
PLANNING, TOWN AND COUNTRY PLANNING AND/OR HUMAN
SETTLEMENT PLANNING”
SEC 5 IN SO FAR AS IT OVERLAPS THE FUNCTIONS OF THE LOCAL
DEVELOPMENT OFFICER UNDER SECTION476
OF THE LOCAL GOVERNMENT CODE AND
SEC 37 TRANSITORY PROVISIONS OF R.A. NO. 10587
IS VOID FOR ITVIOLATES EQUAL PROTECTION OFTHE LAW
AND FURTHER DIMINISHES IF NOT REPEAL INDIRECTLY THE
POSITION OF PLANNING OFFICER.**

**29. Under Sections 1-3 of PRESIDENTIAL DECREE No. 1308 March 2,
1978 to wit:**

**Section 1.Title. This Decree shall be known as the "Law Regulating the
Environmental Planning Profession in the Philippines."**

Section 2.Definition of Terms.

**(a) Environmental planning refers to activities concerned with the
management and development of land, as well as the preservation,
conservation, and rehabilitation of the human environment.**

**(b) The Term "environmental planner", as used in this Decree, refers
to a person engaged in the practice of environmental planning and
duly registered with the Board of Environmental Planning in the
Manner herein provided.**

**Section 3.Scope of Practice. The practice of environmental planning,
within the meaning and intent of this Decree shall embrace, inter alia,**

professional services in the form of technical consultation, plan preparation, and/or implementation involving the following:

(a) Development of a community, town, city, or region;

(b) Development of a site for a particular need such as housing, centers for activities concerned with research, education, culture, recreation, or government, industrial estates, agriculture, and water resources, including creating a spatial arrangements of buildings, utilities and communication routes;

(c) Land use and zoning plans for the management and development preservation, conservation, rehabilitation, and control of the environment; and

(d) Pre-investment, pre-feasibility, and feasibility studies.

Provided the title, definition and scope of practice of what an Environmental Planner should be. However under R.A. No. 10587 this scope of the term of what an environmental planner was expanded to include the paragraph," also known as "urban and regional planning, city planning, town and country planning and/or human settlement planning,

By doing so, it overlapped, diminishes if not indirectly repeal the position of the Planning and Development Officer as provided under Sec. 476 Article Six of RA 7160 or the Local Government Code of 1991 which provides to wit:

Sec. 476. Qualifications, Power and Duties.-(a) No person shall be appointed planning and development coordinator unless he is a citizen of the Philippines, a resident of the local government unit concerned, of good moral character, a holder of a college degree preferably in urban planning, development studies, economics, public administration or any related course from a recognized college or university, and a first grade civil service eligible or equivalent. He must have acquired experience in

development planning or in related field for at least five(50 years in the case of the provincial or city planning and development coordinator, and three(3) years in the case of municipal planning and development coordinator.

The appointment of a planning and development coordinator shall be mandatory for provincial, city and municipal governments.

Under par. B of the same provision provides

(b) The planning and development coordinator shall take charge of the planning and development office and shall:

(1) Formulate integrated economic, social, physical, and other development plans and policies for consideration of the local government development council;

(2) Conduct continuing studies, researches, and training programs necessary to evolve plans and programs for implementation;

(3) Integrate and coordinate all sectoral plans and studies undertaken by the different functional groups or agencies;

(4) Monitor and evaluate the implementation of the different development programs, projects, and activities in the local government unit concerned in accordance with the approved development plan;

(5) Prepare comprehensive plans and other development planning documents for the consideration of the local development council;

(6) Analyze the income and expenditure patterns, and formulate and recommend fiscal plans and policies for consideration of the finance committee of the local government unit concerned as provided under Title Five, Book II of this Code;

(7) Promote people participation in development planning within the local government unit concerned;

(8) Exercise supervision and control over the Secretariat of the local development council; and (c) Exercise such other powers and perform such other functions and duties as may be prescribed by law or ordinance.

The provision under said law overlaps with the enumerated functions under Sec 5 of R.A. No. 10587 specifically

Section 5 of R.A. No. 10587 so provides the coverage of practice of environmental planning within the meaning of the said law, and to wit:

SEC. 5. Scope of Practice. – The practice of environmental planning, within the meaning and intent of this Act, shall embrace the following:

(a) Providing professional services in the form of technical consultation, rendering of technical advice, plan preparation, capacity building and monitoring and evaluation of implementation involving the following:

1. National, regional or local development and/or physical framework and comprehensive land-use plans;
2. Zoning and related ordinances, codes and other legal issuances for the development and management, preservation, conservation, rehabilitation, regulation and control of the environment, including all land, water, air, and natural resources.

3. Planning and development of a barangay, municipality, city, province, region or any portion or combination thereof; and
4. Development of a site for a particular need or special purpose, such as economic or ecological zones; tourism development zones; and housing and other estate development projects, including the creation of any other spatial arrangement of buildings, utilities, transport and communications;

(b) In relation to any of the activities enumerated in paragraph (a) above, preparing the following studies:

1. Pre-feasibility, feasibility and other related concerns;
2. Environmental assessments; and
3. Institutional, administrative or legal systems;

(c) Curriculum and syllabi development in licensure examinations for environmental planners and teaching in academic institutions and conducting review courses in environmental planning;

(d) Serving as expert witness, resource person, lecturer, juror or arbitrator in hearings, competitions, exhibitions and other public fora; conduct of hearings, competitions, exhibits and other public fora;

(e) Ensuring compliance with environmental laws including the acquisition of regulatory permits.

5. Republic Act No. 10587, authored by Senator Antonio Trillanes, essentially requires local planning and development coordinators to take and pass the Environmental Planning Licensure Examination in order to be appointed as Planning and Development Coordinators.
6. It becomes a "condition sine qua non" qualification for a local government unit to appoint only Certified Environmental Planners to the position of Planning and Development Officer, despite not required by Sec 476.Art. Six of the Local Government Code of 1991;
7. This is clear under SEC. 37. *Transitory Provisions*. Of RA No. 10587 to wit:
 - (a) Within a period of three (3) years from the effectivity of this Act, local government units may continue to issue appointments to persons who are not registered and licensed environmental planners for the **positions of national or local planning and development coordinators, or chiefs of local planning and development offices**, only on a temporary status or acting capacity.
8. Thus beyond the period prescribed by RA No. 10587, the concept of a Planning and Development Coordinator under the context of Sec 476 Art. Six of the Local Government Code and the appointment of such by the Local Chief Executive ceases to exist;
9. For all intents and purposes, such creates an indirect repeal of the position of Planning and Development Coordinator under Sec. 476 Article Six of the Local Government Code of 1991 and the position supplanted by the Environmental Planner under RA 10587;

10. Despite RA 10587 having an all encompassing, repealing clause under Sec 42 to wit:

Sec. 42. Repealing Clause - Presidential Decree No. 1308 is hereby repealed. All other laws, order, rules and regulation or resolutions or parts thereof inconsistent with the provision of this Act are hereby repealed or amended accordingly;

11. The law however did not consider the effect of indirectly repealing Sec. 476 Art. Six of the Local Government Code and assuming the intention is actually to repeal such provision it could not just be indirectly repealed thru a sweeping repealing clause;

12. In Secretary of Finance v. Ilarde, G.R. No. 121782, May 9, 2005, 458 SCRA 218, 233, citing Recaa, Jr. v. Court of Appeals, G.R. No. 123850, January 5, 2001, 349 SCRA 24, 33 the Supreme Court stated to wit:

Laws are presumed to be passed with deliberation and full knowledge of all laws existing on the subject. Hence, a law cannot be deemed repealed unless it is clearly manifest that the legislature intended it. The failure to add a specific repealing clause indicates that the intent was not to repeal any existing law, unless an irreconcilable inconsistency and repugnancy exist in the terms of the new and old laws.

13. While it is true that the league recognizes the need to professionalize local planners, the questioned provisions of the law is an affront to the tenure of most of the incumbent local planners/members of LLPDCPI whose average age is fifty four (54) years and whose average length of government service is sixteen (16) years. As such, most of the local planners have been performing their mandated functions for many years now and have profound knowledge and experience relevant to

environmental planning to include preparation/updating of Comprehensive Development Plan and Local Climate Change Adaptation Program;

14. The transcript of deliberations leading to the passage of subject Republic Act (copy of which was obtained by the league from the Senate) revealed that the officers or representatives of LLPDCPI were not even consulted thereto.
15. The lack of notice and opportunity to comment on the then proposed law effectively denied the league of due process and which is utterly inequitable considering any of its members or anyone who holds local planning position is the most affected by the law's implementation.
16. Local planners in the older bracket (some of whom have Masteral or Doctorate degree) are wary that if they fail to hurdle the Environmental Planning Licensure Examination while their younger subordinates do, they would be placed in a compromising situation as the former would be constrained to relinquish the authority to sign documents in favour of the latter.
17. There are Planning Offices in some far-flung local government units with very few staff. The absence of a Certified Environmental Planning in the future (being a possible scenario) would result in an enormous backlog of documents to the detriment of their constituents. The LLPDCPI believes that the passage of R.A. No. 10587 was bereft of in-depth study and research as the foregoing scenario was not given due consideration.

18. The law also strips the local chief executives of the authority and privilege to appoint the Planning Officers of their choice if and when there is no available Certified Environmental Planner within their respective areas of jurisdiction.

19. Petitioner, a united union or group of local planners all over the Philippines under the common name of **League of Local Planning and Development Coordinators in the Philippines, Incorporated**, in various venues, asserted and here now continue to assert that:

A. LOCAL PLANNERS IN THE
PHILIPPINES SHOULD HAVE
BEEN NOTIFIED PRIOR AND
HEARD DURING THE PROCESS
OF ENACTING R.A. No. 10587
BECAUSE THEIR INCLUSION
IN THE SAID LAW THAT
PERTAINS _____ TO
ENVIRONMENTAL PLANNERS
WOULD SURELY AFFECT
THEIR _____ RESPECTIVE
EMPLOYMENTS

20. The 1987 Philippines Constitution in Article III, Section 1 first paragraph thereof provides a safeguard against unlawful deprivation of property, and to wit:

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, XXX XXXXXX.

The Professional Regulatory Board, subject to approval of the Professional Regulation Commission, may add to, or exclude from, this section any activity or act of professional practice, or revise it as the need arises to conform to changes and new developments brought about by the latest trends in environmental planning; and

(f) Perform other acts or conduct other activities that may be determined by the Board, subject to approval by the Professional Regulation Commission in light of the trend of the practice of the profession.

21. It prohibited however the local planners throughout the entire Philippines, who are not able of passing the Board Examinations as mentioned by law, to providing professional services (mentioned in paragraph "a" of section 5, R.A. No. 10587 as they are Environmental Planning Activities) in the form of technical consultation, rendering of technical advice, plan preparation, capacity building and monitoring and evaluation of implementation involving the following:

1. National, regional or local development and/or physical framework and comprehensive land-use plans;
2. Zoning and related ordinances, codes and other legal issuances for the development and management, preservation, conservation, rehabilitation, regulation and control of the environment, including all land, water, air and natural resources;
3. Planning and development of a barangay, municipality, city, province, region or any portion or combination thereof; and

4. Development of a site for a particular need or special purpose, such as economic or ecological zones; tourism development zones; and housing and other estate development projects, including the creation of any other spatial arrangement of buildings, utilities, transport and communications;

(b) In relation to any of the activities enumerated in paragraph (a) above, preparing the following studies;

1. Pre-feasibility, feasibility and other related concerns;
2. Environmental assessments; and

22. It follows therefore, that all local planners who have been previously performing any of the abovementioned task since time immemorial but failed however to pass the required board examination will be unduly stricken out of their service or they are considered as constructively dismissed because though they are not actually removed from office, they are performing their task no more. Be it noted, that not furnishing them jobs that they previously performed will be tantamount to dismissal from service. Said local planners cannot perform said tasks because they are not local planners in the very eyes of the law.

23. While on the other hand, R.A. No. 9646 or otherwise known as the Real Estate Service Act of the Philippines, in its Section 20, those existing positions in the assessors' office were respected by the said law as those without license but serving the government for a long period of time of at least 5 or 10 years were given their chances to be licensed without need of any examinations, the immediately mentioned law provided:

Section 20. Registration Without Examination, -

Upon application and payment of the required fees, the following shall be registered, and shall be issued by the Board and the Commission a certificate of registration and a

professional identification card without taking the prescribed examination:

(a) Those who, on the date of the effectivity of this Act, are already licensed as real estate brokers, real estate appraisers or real estate consultants by the Department of Trade and Industry (DTI) by virtue of Ministry Order No. 39, as amended: *Provided*, That they are in active practice as real estate brokers, real estate appraisers and real estate consultants, and have undertaken relevant CPE to the satisfaction of the Board;

(b) Assessors and appraisers who, on the date of the effectivity of this Act, hold permanent appointments and are performing actual appraisal and assessment functions for the last five (5) years, have passed the Real Property Assessing Officer (RPAO) examination conducted and administered by the Civil Service Commission (CSC) in coordination with the Department of Finance (DOF), and have undertaken relevant CPE to the satisfaction of the Board; and

(c) Assessors and appraisers who, on the date of the effectivity of this Act, hold permanent appointments and have at least ten (10) years actual experience in real property appraisal or assessment and have completed at least one hundred twenty (120) hours of accredited training on real property appraisal conducted by national or international appraisal organizations or institutions/entities recognized by the Board and relevant CPE to the satisfaction of the Board.

Those falling under categories (b) and (c) shall register with the Board after they shall have complied with the requirements for registration as real estate appraisers: *Provided*, That those seeking to be licensed to a new credential level shall be required to take the pertinent licensure examination.

Those so exempt under the aforementioned categories shall file their application within two (2) years from the effectivity of this Act:

Provided, That the renewal of the professional identification card is subject to the provisions of Section 17 hereof.

24. And those existing Assessors who will or will not be licensed will never be removed nor will their jobs vary as they were because this can be observed from the very plain text of R.A. No. 9646. This is tantamount to tenurial observance upon respective jobs of local planners by lawmakers who crafted the law in order to respect the constitutional due process of the law and tenurial security. The same law stated in Section 30:

Section 30. *Positions in Government Requiring the Services of Registered and Licensed Real Estate Service Practitioners.* – Within three (3) years from the effectivity of this Act, all existing and new positions in the national and local governments, whether career, permanent, temporary or contractual, and primarily requiring the services of any real estate service practitioner, shall be filled only by registered and licensed real estate service practitioners.

All incumbent assessors holding permanent appointments shall continue to perform their functions without need for re appointment and without diminution of status, rank and salary grade, and shall enjoy security of tenure. However they may not be promoted to a higher position until they meet the qualification requirements of that higher position as herein prescribed. Nothing in this Act shall be construed to reduce any benefit, interest, or right enjoyed by the incumbents at the time of the enactment of this Act. The appointing authority shall exercise his power to appoint the assessors in accordance with the provisions of this Act only when a vacancy occurs.
[Emphasis Ours]

25. Article III, Section 1 of the 1987 Philippine Constitution provides:
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. Underlining Supplied

26. The Supreme Court in litany of cases explained the equal protection of the law clause under Article III, Section 1, said the Supreme Court, "the equal protection of the law clause is against undue favor and individual or class privilege, as well as hostile discrimination or the oppression of inequality. It is not intended to prohibit legislation, which is limited either in the object to which it is directed or by territory within which is to operate. It does not demand absolute equality among residents; it merely requires that all persons shall be treated alike, under like circumstances and conditions both as to privileges conferred and liabilities enforced. The equal protection clause is not infringed by legislation which applies only to those persons falling within a specified class, if it applies alike to all persons within such class, and reasonable grounds exists for making a distinction between those who fall within such class and those who do not. (2 Cooley, Constitutional Limitations, 824-825.)"¹⁶

27. Further, the Supreme Court explained in its decision, "the Fariñas ruling on the equal protection challenge stands on solid ground even if re-examined. To start with, the equal protection clause does not require the universal application of the laws to all persons or things without distinction. In law what it simply requires is equality among equals as determined according to a valid classification.

The test developed by jurisprudence here and yonder is that of reasonableness which has four requisites: (1) The classification rests on substantial distinction; (2) It is germane to the purposes of the law; (3) It is not limited to existing conditions only; and (4) It applies equally to all member of the same class." Crala¹³¹

¹⁶ G.R. No. L-7995, May 31, 1957, LAO H. ICHONG, in his own behalf and in behalf of other alien residents, corporations and partnerships adversely affected. By Republic Act No. 1180, petitioner, vs. JAIME HERNANDEZ, Secretary of Finance, and MARCELINO SARMIENTO, City Treasurer of Manila, respondents.

28. Clear therefore, that the absence of certain provision upholding the existence of jobs of local planners enjoyed by them even before the passage of R.A. No. 10587 or An Act Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession In the Philippines" and for Other Purposes vis-à-vis the presence of provisions in R.A. No. 9646 maintaining Assessors to their respective function whether they are licensed or not would clearly produce discrimination on the part of the Congress in passing R.A. No. 10587 being that there was no valid classification based on substantial distinction between local planners on one hand and assessors on the other hand. R.A. No. 10587 henceforth is void for it was executed in violation of equal protection of the law.

C. THE ENACTMENT OF R.A. NO.
10587 SPECIFICALLY
THE QUESTIONED PROVISIONS
DEPRIVED MEMBERS OF
LLPDCPI OF THEIR CONSTITUTIONAL
RIGHTS TO BE FULLY PROTECTED
AS TO THEIR JOBS AND THEIR
WELFARE WILL THEREBY BE
UNDULY COMPROMISED AS
MEMBERS OF THE SO CALLED
SOCIAL ECONOMIC FORCE

29. The State affirms, in the 1987 Philippine Constitution, that labor as a primary social economic force. That state duty to protect the rights of workers and promote their welfare;¹⁷

¹⁷ Article II, section 18 first and second paragraph, 1987 Philippine Constitution

30. In the implementation the immediately preceding proviso in the Constitution affirming that labor is a primary social economic force the government came-up with Tripartite Industrial Council whereby the whereas clause thereof speaks of the need to require the employees affected by the national policies and legislation to participate in decision and policy- making bodies of the government, it was said, “An Act Strengthening Tripartism, Amending for the purpose Article 275 of Presidential Decree No. 442, As amended, otherwise known as the “Labor Code of the Philippines” which prescribed the representation of workers and employers in decision and policy – making bodies of the government and institutionalize the National Tripartite Industrial Peace Council (TIPC) for such peace”. [Emphasis Ours]¹⁸
31. It is very clear therefore, that those Government Employees unduly affected by passage of R.A. No. 10587 or an Act Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled “Law Regulating the Environmental Planning Profession In the Philippines” and for Other Purposes, should have been given their opportunity to be heard and attended the hearing in the committee Level of the Senate prior to the passage of said law.
32. By the above theses henceforth, the right, of the local planners who are actual holders of offices in various local government units, to due process was violated by the Senate when it enacted R.A. No. 10587 requiring the presence of those already licensed Environmental planners BUT NOT those who are not yet holding the requisite license but actually holding offices as a matter of their daily sustenance or jobs.
33. Likewise, in another Administrative Resolution, it was said in the whereas clause thereof, “the State affirms labor as a primary social

¹⁸ Resolution No. 6, Series of 2013, Signed by Rosalinda Baldoz (Secretary of Department of Labor and Employment)

economic force and shall promote the welfare of workers. XXX XXX
XXX. Granting a year-end Gratuity benefits to these workers (to
workers covered by JO and COS) is a well deserved recognition of
their hard work.¹⁹

34. It can be inferred that the State in affirming that labor as a primary social economic force and in the promotion of their welfare so protects with reverence and so much compassion to the working force. If this kind of care and protection will be accorded to the Job Order and Contract of Service Employees and not in favor of local planners, surely, there will be disparity of treatment to two classes of Government Employees not based on substantial distinction that runs counter to the guarantee of the constitution that there will be equal protection of the law to all classes of government employees.
35. It is the duty of the state to afford full protection to labor and the right of the labor to tenurial security.²⁰
36. The Supreme Court in interpreting the said Constitutional tenurial security once said, "Accordingly, except as limited by special law, an employer is free to regulate, according to his own judgement and discretion, all aspects of employment, including hiring, work assignments, working methods, time, place and manner of work, tools to be used, processes to be followed, supervision of workers, working regulations, transfer of employees, worker supervision, layoff of workers and the discipline, dismissal and recall of workers. As a general proposition,

an employer has free reign over every aspect of its business, including the dismissal of his employees as long as the exercise of its management prerogative is done reasonably, in good faith, and in a manner not otherwise

¹⁹ Administrative Order No. 02, dated January 31, 2017, signed by Executive Secretary Salvador Medialdea

²⁰ Article XII, section 3 first paragraph and second of 1987 Philippine Constitution

intended to defeat or circumvent the rights of workers”.

[Emphasis Ours]

37. It must be remembered, that the Constitutional security applies to both public and private employment. The Government cannot set guidelines or policies affecting the employment of thousands of local planners all over the Philippines undermining the reasonableness of policies it endeavored to implement, likewise, it is required by Constitutional tenurial security clause that the policies of the Government must not defeat or circumvent the main purpose thereof as it is the Principle of Social Justice the requires it. If a law, like R.A. No. 10587, that violates or runs counter the very purpose of security of tenure under the constitution, must be stricken down for the same is null and void because it was promulgated against the constitution.

38. The then Chief Justice Andred dela Rosa Narvasa in deciding five (5) special civil actions jointly in so far as the issue of constitutionality of Republic Act No. 6715, effective March 21, 1989, in so far as it declares vacant “all positions of the Commissioners, Executive Labor Arbiters and Labor Arbiters of the National Labor Relations Commission,” and operates to remove the incumbents upon the appointment and qualification of their successors. The law is entitled, “AN ACT TO EXTEND PROTECTION TO LABOR, STRENGTHEN THE CONTITUTIONAL RIGHTS OF WORKERS TO SELF-ORGANIZATION, COLLECTIVE BARGAINING AND PEACEFUL CONCERTED ACTIVITIES, FOSTER INDUSTRIAL PEACE AND HARMONY, PROMOTE THE PREFERENTIAL USE OF VOLUNTARILY MODES OF SETTLING LABOR DIPUTES AND RE-ORGANIZETHE NATIONAL LABOR RELATIONS COMMISSION, AMENDING PRESIDENTIAL DECREE NO. 441, AS AMENDED, OTHERWISE KNOWN AS THE LABOR CODE OF THE PHILIPPINES, APPROPRIATING FUNDS THEREFOR AND FOR OTHER PURPOSES.”

The provision directly dealing with the reorganization of the National Labor Relations Commission is Section 35. It reads as follows:

Sec. 35. *Equity of the Incumbent.* – Incumbent career officials and rank-and- file employees of the National Labor Relations Commission not otherwise affected by the Act shall continue to hold office without need of reappointment. However, consistent with the need to professionalize the higher levels of officialdom invested with adjudicatory powers and functions, and to upgrade their qualifications, ranks, and salaries or emoluments, *all positions of the Commissioners, Executive Labor Arbiters and Labor Arbiters of the present National Labor Relations Commission are hereby declared vacant.* However, subject officials shall continue to temporarily discharge their duties and functions until their successors shall have been duly appointed and qualified.

The first of these five consolidated cases was filed by Labor Arbiter Jovencio Ll. Mayor on March 8, 1989. In the year that followed, eight other officers of the Commission, as initiators of their own separate actions or as intervenors, joined Mayor in the attempt to invalidate the reorganization and to be reinstated to their positions in the Government service. XXXX XXX XXX.

In the pronouncement of the Supreme Court penned by Chief Justice Narvasa held that, “1. *In G.R. No. 91547, and G.R. No. 91730*, the removal of petitioners Rosario G. Encarnacion, Daniel M. Lucas, Jr., Ceferino E. Dulay, and Conrado Maglaya as Commissioners of the NLRC is ruled unconstitutional and void; however, to avoid displacement of any of the incumbent Commissioners now serving, it not appearing that any of them is unfit or has given cause for removal, and conformably to the alternative prayer of the petitioners themselves, it is ORDERED that said petitioners be paid all salaries, benefits and emoluments accruing to them for the unexpired portions of their six-year terms and allowed to enjoy retirement benefits under applicable laws, pursuant to RA No. 910 and this Court’s Resolution in *Ortiz vs. Commission on Elections*, G.R. No. 79857 , 161 SCRA 812;

1. This disposition does not involve or apply to respondent Hon. Bartolome Carale, who replaced the Secretary of Labor as ex

officio Chairman of the NLRC pursuant to RA 6715, none of the petitioners having been affected or in any manner prejudiced by his appointment and incumbency as such;

2. In G.R. No. 90044, the removal of petitioners Pascual Y. Reyes and petitioners-in-intervention Eugenio L. Sagmit, Jr. as NLRC Executive Directors and Deputy Executive Director, respectively, is likewise declared unconstitutional and void, and they are ordered reinstated as Executive Clerk and Deputy Executive Clerk, respectively, unless they opt for retirement, in either case with full back salaries, emoluments and benefits from the date of their removal to that of their reinstatement; and
3. In G.R. Nos. 87211, and 94518, petitioners-intervenors Lourdes A. Sales and Ricardo Olarez and petitioners Rolando D. Gambito, having also been illegally removed as Labor Arbiters, are ordered reinstated to said positions with full back salaries, emoluments and benefits from the dates of their removal up to the time they are reinstated.

No pronouncement as to costs.²¹

39. It only means henceforth, that members of the LLPDCPI cannot or shall never be just be placed in corners of their offices while their old functions are being undertaken by new breeds of local planners and development coordinators, and who are licensed by the Professional Regulations Commission, because the same would tantamount to constructive dismissal from service. Such constructive dismissal cannot just be allowed for it is unconstitutional or termination from employment without due

²¹ MAYOR vs. HON. CATALINO MACARAIG et. al., G.R. No. 87211, March 5, 1991. REYES vs. HON. FRANKLIN DRILON, G.R. No. 90044, March 5, 1991. DULAY, et. al vs. MACARAIG, et. al., G.R. No. 91547, March 5, 1991. MAGLAYA vs. MACARAEG, et. al., G.R. No. 91730, March 5, 1991. GAMBITO vs. THE SECRETARY OF THE LABOR AND EMPLOYMENT, et. al., G.R. No. 94518, March 5, 1991.

processes of the law it not appearing that any of them is unfit or has given cause for removal.

40. Taking all violations committed by the Congress through its Senate, summing them altogether, to be specific, violations of the Constitutional Due Process Clause and Equal Protection of the Law Clause, R.A. No. 10587 likewise violated the commitment of the State that it affirms that labor as a primary social economic force. That state duty to protect the rights of workers and promote their welfare and it also deprived the labor of right to full protection and the right of the labor to tenorial security. Evidently, the violation committed by the congress went into the very essence of constitutional democracy in grave abuse of discretion.

41. R.A. No. 10587 will not only strip local planners all over the country of their sources of sustenance but also will bring illegitimacy to what has been long considered legal and legitimate.

PRAYER

In view of all of the foregoing, it is respectfully prayed that:

1. Upon filing of the present Petition, a Temporary Restraining Order and/or Preliminary Injunction be immediately issued directing respondents and all other persons under their control from committing any further act in relation to implementation of R.A. No. 10587; be it by way of legislative issuances or such other related acts;
2. That all Respondents be prevented from performing all acts that could in any way prejudice or that could be detrimental to any member of the Petitioner in order for the Executive Arms of the government to perform the final acts to make the law in question final and binding for all intents and purposes;
3. The WRIT OF CERTIORARI issue to annul and declare invalid and unconstitutional the R.A. No. 10587 or otherwise known as An Act

Regulating the Practice of Environmental Planning, Repealing for the Purpose, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession In The Philippines" and for Other Purposes;

4. The WRIT OF PROHIBITION issue to enjoin the implementation of sec 4 par.a specifically the paragraph," also known as "urban and regional planning, city planning, town and country planning and/or human settlement planning,"Sec. 5 in so far as it overlaps the functions of the Local Development Officer under Section 476 of the Local government Code and Sec 37 Transitory Provisions of **R.A. NO. 10587** or otherwise known as An Act Regulating the Practice of Environment Planning, Repealing for the Purposes, Presidential Decree Numbered One Thousand Three Hundred and Eight, Entitled "Law Regulating the Environmental Planning Profession in the Philippines" and for Other Purposes.

5. Because the issues involved in this case are of transcendental importance, petitioners also hereby pray that this case be heard *en banc* and that it be immediately set for oral arguments.

Petitioners also respectfully pray for other and further relief that may be deemed just and equitable under the premises.

Iloilo City for Manila, January ^{17 8} , 2018.

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