815 Phil. 954

EN BANC

[G.R. No. 197146, August 08, 2017]

HON. MICHAEL L. RAMA, IN HIS CAPACITY AS MAYOR OF CEBU CITY; METROPOLITAN CEBU WATER DISTRICT (MCWD), REPRESENTED BY ITS GENERAL MANAGER, ARMANDO PAREDES; THE BOARD OF DIRECTORS OF MCWD, REPRESENTED BY ITS CHAIR, ELIGIO A. PACANA; JOEL MARI S. YU, IN HIS CAPACITY AS MEMBER OF THE MCWD BOARD; THE HONORABLE TOMAS R. OSMEÑA, IN HIS CAPACITY AS CONGRESSIONAL REPRESENTATIVE OF THE SOUTH DISTRICT, CEBU CITY, PETITIONERS, VS. HON. GILBERT P. MOISES, IN HIS CAPACITY AS PRESIDING JUDGE OF THE REGIONAL TRIAL COURT, BRANCH 18, CEBU CITY; AND HON. GWENDOLYN F. GARCIA, IN HER CAPACITY AS GOVERNOR OF THE PROVINCE OF CEBU, RESPONDENTS.

R E S O L U T I O N

BERSAMIN, J.:

For resolution is the motion for reconsideration filed by the respondents vis-a-vis the decision promulgated on December 6, 2016[1] annulling and setting aside the decision rendered on November 16, 2010[2] by the Regional Trial Court (RTC), Branch 18, in Cebu City in Civil Case No. CEB-34459; and declaring Section 3(b) of Presidential Decree No. 198 unconstitutional to the extent that the provision applied to highly urbanized cities like Cebu City as well as to component cities with charters expressly providing for their voters not eligible to vote for the officials of the provinces to which they belong, and for being in violation of the express policy of the 1987 Constitution on local autonomy, among others.

The respondents claim that the petitioners have disregarded the principle of hierarchy of courts, and have resorted to the wrong remedy in assailing the decision of the RTC.[3] They explain that under the principle of hierarchy of courts, the petitioners should have filed their petition in the Court of Appeals instead of in this Court, which is a court of last resort. They also insist that the petitioners have no *locus standi* inasmuch as they - being officials of Cebu City - will never sustain direct injury from the application of Section 3(b) of P.D. 198.[4]

We deny the motion for reconsideration.

The policy on the hierarchy of courts is not to be regarded as an iron-clad rule. In *The Diocese of Bacolod v. Commission on Elections*[5] and *Querubin v. Commission on Elections*,[6] the Court has enumerated the various specific instances when direct resort to the Court may be allowed, to wit: **(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) cases of first impression; (d) when the constitutional issues raised are best decided by this Court; (e) when the time element presented in this case cannot be ignored; (f) when the petition reviews the act of a constitutional organ; (g) when there is no other plain, speedy, and adequate remedy in the ordinary course of law; (h) when public welfare and the advancement of public policy so dictates, or when demanded by the broader interest of justice; (i) when the orders complained of are patent nullities; and G) when appeal is considered as clearly an inappropriate remedy.

This case falls under two of the aforestated exceptions considering that the validity or constitutionality of P.D. No. 198 a statute or decree, or a provision thereof is being challenged. Moreover, the Court has full discretionary power to take cognizance of and assume jurisdiction over the special civil actions for *certiorari* and *mandamus* filed directly with it for exceptionally compelling reasons or when warranted by the nature of the issues that are clearly and specifically raised in the petition.[7]

While this Court has often insisted on the strict application of the principle of hierarchy of courts in numerous cases, the application has not been absolute. When the issues involve the constitutionality of a statute or law, or when the issues involved are those of transcendental importance, procedural technicalities should yield in accordance with the well-entrenched principle that rules of procedure are not inflexible tools designed to hinder or delay, but rather to facilitate and promote the administration of justice.[8] And while it is true that laws are presumed to be constitutional, that presumption is not by any means conclusive and in fact may be rebutted. Indeed, if there be a clear showing of their invalidity, and of the need to declare them so, then "will be the time to make the hammer fall, and heavily, 11 to recall Justice Laurel's trenchant warning. Stated otherwise, courts should not follow the path of least resistance by simply presuming the constitutionality of a law when it is questioned.[9]

The standing of the petitioners to bring this suit is also being challenged on the basis that they would not suffer any direct injury from the enforcement of the assailed law.

The challenge is unworthy of consideration. In *Imbong v. Ochoa, Jr.*,[10] the Court, citing *Coconut Oil Refiners Association, Inc. v. Torres*,[11] has held that the standing requirement may be relaxed in cases of paramount importance where serious constitutional questions are involved, and a suit may be allowed to prosper even where there is no direct injury to the party claiming the right of judicial review.[12] Moreover, the Court has held that a party's standing before the Court is a procedural technicality that it may, in the exercise of its discretion, set aside in view of the importance of the issues raised.[13]

All the other issues raised by the respondent in the motion for reconsideration were already resolved and sufficiently discussed in the assailed decision.

WHEREFORE, the Court **DENIES** the motion for reconsideration for its lack of merit.

SO ORDERED.

Sereno, C. J., Velasco, Jr., Peralta, Mendoza, Perlas-Bernabe, Leonen, Caguioa, Martires, Tijam, and *Reyes, Jr., JJ.*, concur.
Carpio, J., I join the dissent of Justice Brion in the main case.
Leonardo-De Castro, J., Please see my dissenting opinion.
Del Castillo, J., I maintain my vote joining the dissent of J. Brion in the main case.
Jardeleza, J., I maintain my vote joining the dissent of J. Brion in the case main.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on August 8, 2017 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on November 22, 2017 at 1:30 p.m.

Very truly yours,

(SGD)
FELIPA G.
BORLONGAN-
ANAMA
Clerk of Court

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[1] *Rollo*, pp. 503-522.

[2] Id. at 73-80.

[3] Id. at 576-580; penned by Judge Gilbert P. Moises.

[4] Id. at 568.

[5] G.R. No. 205728, January 21, 2015, 747 SCRA 1, 45-49.

[6] G.R. No. 218787, December 8, 2015, 776 SCRA 715, 754-755.

[7] *Department of Foreign Affairs v. Falcon*, G.R. No. 176657, September 1, 2010, 629 SCRA 644, 669.

[8] *Jaworski v. Philippine Amusement and Gaming Corporation*, G.R. No. 144463, January 14, 2004, 419 SCRA 317, 323-324.

[9] *Ynot v. Intermediate Appellate Court*, No. L-74457, March 20, 1987, 148 SCRA 659, 666.

[10] G.R. Nos. 204819, 204934, 204957, 204988, 205003, 205043, 205138, 205478, 205491, 205720, 206355, 207111, 207172, & 207563, April 8, 2014, 721