

THIRD DIVISION

[G.R. No. 166923, November 26, 2014]

PHILIPPINE MIGRANTS RIGHTS WATCH, INC., ON ITS OWN BEHALF AND ON BEHALF OF ITS MEMBER-OVERSEAS FILIPINO WORKERS, JESUS REYES AND RODOLFO MACOROL, PETITIONERS, VS. OVERSEAS WORKERS WELFARE ADMINISTRATION AND ITS BOARD OF TRUSTEES COMPOSED OF HON. PATRICIA A. STO. TOMAS, VIRGILIO R. ANGELO, MANUEL G. IMSON, THE SECRETARY OF FOREIGN AFFAIRS, REPRESENTED BY UNDERSECRETARY JOSE S. BRILLANTES, ROSALINDA BALDOZ, THE SECRETARY OF BUDGET AND MANAGEMENT, REPRESENTED BY ASSISTANT SECRETARY EDUARDO P. OPIDA, MINA C. FIGUEROA, VICTORINO F. BALAIS, CAROLINE R. ROGGE, GREGORIO S. OCA, CORAZON P. CARSOLO AND VIRGINIA J. PASALO, RESPONDENTS.

D E C I S I O N

PERALTA, J.:

Before the Court is a petition for review under Rule 45 of the Rules of Court seeking to reverse and set aside the Orders dated August 31, 2004^[1] and January 14, 2005^[2] of the Regional Trial Court (RTC) of Pasay City, Branch CXI (111), in Civil Case No. 04-0077 dismissing the same for lack of jurisdiction.

The antecedent facts are as follows:

On September 19, 2003, respondent Overseas Workers Welfare Administration (OWWA) issued Board Resolution No. 038^[3] entitled the *OWWA Omnibus Policies* to provide guidelines on matters concerning OWWA membership and its coverage, collection of contributions, and availment of benefits.

On February 18, 2004, petitioners Philippine Migrants Rights Watch, Inc., on behalf of its member-overseas Filipino workers, together with Jesus P. Reyes and Rodolfo B. Macorol, returned overseas Filipino workers, filed a Complaint^[4] before the RTC of Pasay City seeking to annul the Omnibus Policies, specifically Sections 4, 5, 6, 7, and 8 of Article II, Sections 5(C) (H) of Article III, and Articles IV, V, VI, VII, VIII, the pertinent portions of which provide:

Article II
OWWA Mandate

x x x x

Section 7. Clientele. **The clients of OWWA are its member-OFWs.**

Article III
Organization and Management

x x x x

Section 5. Board Proceedings. The Board proceedings shall be guided by the following rules:

x x x x

c.) Attendance of Proxies. The Board members **may designate their permanent alternate** in writing subject to the acceptance of the Board. The designated alternate shall have voting rights. His decision shall be deemed the decision of his principal.

The Alternate cannot further delegate such representation. However, in the event that the member and his permanent alternate are absent, any representative sent shall be on observer status.

x x x x

h.) Records Management and Archiving of Board Documents. The Board Secretary shall ensure a thorough recording of all proceedings during a Board meeting. The minutes of the previous meeting shall be made available for approval during the scheduled Board Meeting. The Minutes of the Meeting shall basically contain the attendance, business arising from the minutes, major agreements reached, corresponding resolutions, and other items noted or discussed, and instructions issued by the Board. All minutes, tapes, and other documents pertaining to the business of the Board shall be kept and archived pursuant to standard records management systems and procedures. **The minutes, transcripts and tapes are classified confidential and are not for public circulation unless otherwise authorized by the Board/Administrator.**

Article IV
MEMBERSHIP

Section 1. Membership. Membership in OWWA may be obtained in two ways:

(a) **By enrollment upon processing of contract at the POEA;** and

(b) **By voluntary registration of OFWs at job-sites overseas.**

Section 2. Proof of Membership. **All members shall be issued Official Receipt upon payment of contribution. They shall likewise be issued an OWWA E-Card.**

POEA and OWWA are required to maintain database of member-OFWs and to update this regularly.

Section 3. Effectivity of Membership. **OWWA membership, either through the compulsory or voluntary coverages, shall be effective upon payment of membership contribution until expiration of the employment contract.**

In case of voluntary members who register on-site, membership coverage shall not exceed two (2) years.

Section 4. Renewal of Membership. **Membership shall be renewed upon payment of contribution on contract renewal/issuance of new contract. In the case of voluntary membership, coverage shall be renewed upon payment of contribution.**

Article V COLLECTION POLICY

Section 1. Legal Basis for Collection of Membership Contribution. Letter of Instructions (LOI) No. 537 mandates the **compulsory payment of OWWA membership contribution in the amount of US\$25.00 or its equivalent.**

x x x x

Section 3. Frequency of Membership Collection. **The membership contribution shall be collected on a per contract basis.**

x x x x

Article VIII BENEFITS AND SERVICES

Section 1. Guiding Principle. In pursuance of its mandate, it shall deliver social insurance benefits, loan assistance, education and training, social services and family welfare assistance subject to the qualification requirements and availability of OWWA funds. All benefits and services shall be over and above the provisions of the employment contract, offer of employers, or the laws of the receiving country.

Section 2. Benefits and Services **for OWWA Members.** For a US\$25.00 membership contribution, an OWWA member shall be entitled to the following benefits and services: x x x^[5]

According to petitioners, respondents acted with grave abuse of discretion amounting to lack or excess of jurisdiction in issuing the Omnibus Policies, the provisions of which are contrary to the Constitution and its enabling laws. Petitioners alleged that the OWWA was created by law to provide welfare services to all Filipino overseas contract workers, without limiting the same to member-contributors only. However, because of the passage of the Omnibus Policies, the OWWA benefits shall be available only to those overseas contract workers who have paid their monetary contribution on a per contract basis. It imposed on the overseas workers the compulsory payment of OWWA membership contribution in the amount of

US\$25.00, which was originally collected from their employers. This, petitioners contend, is violative of the Equal Protection Clause of the Constitution for it created a distinction between Filipino overseas workers who contributed to the OWWA Fund and those who have not. Moreover, petitioners likewise assailed as invalid the provisions which allow the OWWA Board members to designate their proxies to vote in their stead in the Board meetings as well as those which classify the minutes, transcripts, and other documents of the OWWA as confidential and cannot be publicly circulated without authorization from the Board.

Respondents countered that the assailed Omnibus Policies do not violate the equal protection clause for the same is germane to the purpose of the law, which requires registration and documentation of overseas workers for their protections from exploitation in foreign countries. Moreover, the prescribed membership fees chargeable to the employers had long been implemented pursuant to Letter of Instructions (LOI) No. 537 signed by then President Ferdinand E. Marcos on May 1, 1977, which was formalized by the issuance of Presidential Decree (PD) No. 1694 on May 1, 1980, as amended by PD No. 1809 issued on January 16, 1981, creating the Welfare Fund for Overseas Workers (hereinafter referred to as the "Welfund"). According to respondents, these issuances expressly instructed the collection of fees for the promotion of Filipino overseas workers' interests. Hence, there was no undue implementation of the law. Furthermore, the Omnibus Policies do not violate petitioners' right to free access to information as the approved minutes and official resolutions of the OWWA were made available upon legitimate request by the public, pursuant to OWWA Resolution No. 006, Series of 2004.

On August 31, 2004, the RTC promulgated its Order dismissing the complaint for lack of jurisdiction. According to the lower court, the determination of constitutionality of the assailed resolution rests, not within its jurisdiction, but within the jurisdiction of this Court. As such, it ruled that the appropriate remedy to annul and set aside the subject issuance was a special civil action for *certiorari* under Rule 65 of the Rules of Court. Thus, for reasons of law, comity and convenience, the lower court held that it could not arrogate unto itself the authority to resolve the constitutionality of the administrative act.

On February 18, 2005, petitioners filed the instant petition essentially invoking the following argument:

I.

THE REGIONAL TRIAL COURT COMMITTED REVERSIBLE ERROR OF LAW IN DISMISSING CIVIL CASE NO. 04-0077 ON THE GROUND OF LACK OF JURISDICTION FOR REGIONAL TRIAL COURTS HAVE ORIGINAL JURISDICTION TO HEAR AND DECIDE CASES INVOLVING THE CONSTITUTIONALITY OR VALIDITY OF ADMINISTRATIVE RULES AND REGULATIONS.

Petitioners fault the RTC for abruptly dismissing their complaint for lack of jurisdiction when it is well established in law and jurisprudence that Regional Trial Courts have jurisdiction over cases involving the constitutionality or legality of administrative rules and regulations, such as the Omnibus Policies promulgated by respondents herein. The reliance on our ruling in *Fortich v. Corona*, petitioners posit, is misplaced for the same involves a resolution issued by the Office of the President