

EN BANC

[G.R. NO. 167798, April 19, 2006]

KILUSANG MAYO UNO, NATIONAL FEDERATION OF LABOR UNIONS-KILUSANG MAYO UNO (NAFLU-KMU), JOSELITO V. USTAREZ, EMILIA P. DAPULANG, SALVADOR T. CARRANZA, MARTIN T. CUSTODIO, JR. AND ROQUE M. TAN, PETITIONERS, VS. THE DIRECTOR-GENERAL, NATIONAL ECONOMIC DEVELOPMENT AUTHORITY, AND THE SECRETARY, DEPARTMENT OF BUDGET AND MANAGEMENT, RESPONDENTS.

[G.R. NO. 167930]

BAYAN MUNA REPRESENTATIVES SATUR C. OCAMPO, TEODORO A. CASIÑO, AND JOEL G. VIRADOR, PRESENT: GABRIELA WOMEN'S PARTY REPRESENTATIVE LIZA L. MAZA, ANAKPAWIS REPRESENTATIVES RAFAEL V. MARIANO AND CRISPIN B. BELTRAN, REP. FRANCIS G. ESCUDERO, REP. EDUARDO C. ZIALCITA, REP. LORENZO R. TAÑADA III, DR. CAROL PAGADUAN-ARAUULLO AND RENATO M. REYES, JR. OF BAYAN, MARIE HILAO-ENRIQUEZ OF KARAPATAN, ANTONIO L. TINIO OF ACT, FERDINAND GAITE OF COURAGE, GIOVANNI A. TAPANGOF AGHAM, WILFREDO MARBELLA OF KMP, LANA LINABAN OF GABRIELA, AMADO GAT INCIONG, RENATO CONSTANTINO, JR., DEAN PACIFICO H. AGABIN, SHARON R. DUREMDES OF THE NATIONAL COUNCIL OF CHURCHES IN THE PHILIPPINES, AND BRO. EDMUNDO L. FERNANDEZ (FSC) OF THE ASSOCIATION OF MAJOR RELIGIOUS SUPERIORS OF THE PHILIPPINES (AMRSP), PETITIONERS, VS. EDUARDO ERMITA, IN HIS CAPACITY AS EXECUTIVE SECRETARY, ROMULO NERI, IN HIS CAPACITY AS DIRECTOR-GENERAL OF THE NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY (NEDA) AND THE ADMINISTRATOR OF THE NATIONAL STATISTICS OFFICE (NSO), RESPONDENTS.

D E C I S I O N

CARPIO, J.:

This case involves two consolidated petitions for certiorari, prohibition, and mandamus under Rule 65 of the Rules of Court, seeking the nullification of Executive Order No. 420 (EO 420) on the ground that it is unconstitutional.

EO 420, issued by President Gloria Macapagal-Arroyo on 13 April 2005, reads:

REQUIRING ALL GOVERNMENT AGENCIES AND GOVERNMENT-OWNED AND CONTROLLED CORPORATIONS TO STREAMLINE AND HARMONIZE THEIR IDENTIFICATION (ID) SYSTEMS, AND

**AUTHORIZING FOR SUCH PURPOSE THE DIRECTOR-GENERAL,
NATIONAL ECONOMIC AND DEVELOPMENT AUTHORITY TO
IMPLEMENT THE SAME, AND FOR OTHER PURPOSES**

WHEREAS, good governance is a major thrust of this Administration;

WHEREAS, the existing multiple identification systems in government have created unnecessary and costly redundancies and higher costs to government, while making it inconvenient for individuals to be holding several identification cards;

WHEREAS, there is urgent need to streamline and integrate the processes and issuance of identification cards in government to reduce costs and to provide greater convenience for those transacting business with government;

WHEREAS, a unified identification system will facilitate private businesses, enhance the integrity and reliability of government-issued identification cards in private transactions, and prevent violations of laws involving false names and identities.

NOW, THEREFORE, I, GLORIA MACAPAGAL-ARROYO, President of the Republic of the Philippines by virtue of the powers vested in me by law, do hereby direct the following:

Section 1. Adoption of a unified multi-purpose identification (ID) system for government. - All government agencies, including government-owned and controlled corporations, are hereby directed to adopt a unified multi-purpose ID system to ensure the attainment of the following objectives:

- a. To reduce costs and thereby lessen the financial burden on both the government and the public brought about by the use of multiple ID cards and the maintenance of redundant database containing the same or related information;
- b. To ensure greater convenience for those transacting business with the government and those availing of government services;
- c. To facilitate private businesses and promote the wider use of the unified ID card as provided under this executive order;
- d. To enhance the integrity and reliability of government-issued ID cards; and
- e. To facilitate access to and delivery of quality and effective government service.

Section 2. Coverage - All government agencies and government-owned and controlled corporations issuing ID cards to their members or constituents shall be covered by this executive order.

Section 3. Data requirement for the unified ID system - The data to be collected and recorded by the participating agencies shall be limited to the following:

Name
Home Address
Sex
Picture
Signature
Date of Birth
Place of Birth
Marital Status
Names of Parents
Height
Weight
Two index fingers and two thumbmarks
Any prominent distinguishing features like moles and others
Tax Identification Number (TIN)

Provided that a corresponding ID number issued by the participating agency and a common reference number shall form part of the stored ID data and, together with at least the first five items listed above, including the print of the right thumbmark, or any of the fingerprints as collected and stored, shall appear on the face or back of the ID card for visual verification purposes.

Section 4. Authorizing the Director-General, National Economic and Development Authority, to Harmonize All Government Identification Systems. - The Director-General, National Economic Development Authority, is hereby authorized to streamline and harmonize all government ID systems.

Section 5. Functions and responsibilities of the Director-General, National Economic and Development Authority. - In addition to his organic functions and responsibilities, the Director-General, National Economic and Development Authority, shall have the following functions and responsibilities:

- a. Adopts within sixty (60) days from the effectivity of this executive order a unified government ID system containing only such data and features, as indicated in Section 3 above, to validity establish the identity of the card holder:
- b. Enter into agreements with local governments, through their respective leagues of governors or mayors, the Commission on Elections (COMELEC), and with other branches or instrumentalities of the government, for the purpose of ensuring government-wide adoption of and support to this effort to streamline the ID systems in government;
- c. Call on any other government agency or institution, or create sub-committees or technical working groups, to provide such assistance

as may be necessary or required for the effective performance of its functions; and

- d. Promulgate such rules or regulations as may be necessary in pursuance of the objectives of this executive order.

Section 6. *Safeguards.* - The Director-General, National Economic and Development Authority, and the pertinent agencies shall adopt such safeguard as may be necessary and adequate to ensure that the right to privacy of an individual takes precedence over efficient public service delivery. Such safeguards shall, as a minimum, include the following:

- a. The data to be recorded and stored, which shall be used only for purposes of establishing the identity of a person, shall be limited to those specified in Section 3 of this executive order;
- b. In no case shall the collection or compilation of other data in violation of a person's right to privacy shall be allowed or tolerated under this order;
- c. Stringent systems of access control to data in the identification system shall be instituted;
- d. Data collected and stored for this purpose shall be kept and treated as strictly confidential and a personal or written authorization of the Owner shall be required for access and disclosure of data;
- e. The identification card to be issued shall be protected by advanced security features and cryptographic technology; and
- f. A written request by the Owner of the identification card shall be required for any correction or revision of relevant data, or under such conditions as the participating agency issuing the identification card shall prescribe.

Section 7. *Funding.* - Such funds as may be recommended by the Department of Budget and Management shall be provided to carry out the objectives of this executive order.

Section 8. *Repealing clause.* - All executive orders or issuances, or portions thereof, which are inconsistent with this executive order, are hereby revoked, amended or modified accordingly.

Section 9. *Effectivity.* - This executive order shall take effect fifteen (15) days after its publication in two (2) newspapers of general circulation.

DONE in the City of Manila, this 13th day of April, in the year of Our Lord, Two Thousand and Five.

Thus, under EO 420, the President directs all government agencies and government-owned and controlled corporations to adopt a uniform data collection and format for their existing identification (ID) systems.

Petitioners in G.R. No. 167798 allege that EO 420 is unconstitutional because it constitutes usurpation of legislative functions by the executive branch of the government. Furthermore, they allege that EO 420 infringes on the citizen's right to privacy.^[1]

Petitioners in G.R. No. 167930 allege that EO 420 is void based on the following grounds:

1. EO 420 is contrary to law. It completely disregards and violates the decision of this Honorable Court in *Ople v. Torres et al.*, G.R. No. 127685, July 23, 1998. It also violates RA 8282 otherwise known as the Social Security Act of 1997.
2. The Executive has usurped the legislative power of Congress as she has no power to issue EO 420. Furthermore, the implementation of the EO will use public funds not appropriated by Congress for that purpose.
3. EO 420 violates the constitutional provisions on the right to privacy
 - (i) It allows access to personal confidential data without the owner's consent.
 - (ii) EO 420 is vague and without adequate safeguards or penalties for any violation of its provisions.
 - (iii) There are no compelling reasons that will legitimize the necessity of EO 420.
4. Granting without conceding that the President may issue EO 420, the Executive Order was issued without public hearing.
5. EO 420 violates the Constitutional provision on equal protection of laws and results in the discriminatory treatment of and penalizes those without ID.^[2]

Issues

Essentially, the petitions raise two issues. *First*, petitioners claim that EO 420 is a usurpation of legislative power by the President. *Second*, petitioners claim that EO 420 infringes on the citizen's right to privacy.

Respondents question the legal standing of petitioners and the ripeness of the petitions. Even assuming that petitioners are bereft of legal standing, the Court considers the issues raised under the circumstances of paramount public concern or of transcendental significance to the people. The petitions also present a justiciable controversy ripe for judicial determination because all government entities currently issuing identification cards are mandated to implement EO 420, which petitioners claim is patently unconstitutional. Hence, the Court takes cognizance of the petitions.

The Court's Ruling