

G. R. No. 175368 - LEAGUE OF PROVINCES OF THE PHILIPPINES v. DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND HON. ANGELO T. REYES, in his capacity as Secretary of DENR

Promulgated:

APRIL 11, 2013



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CONCURRING OPINION

SERENO, CJ:

I concur in the result. However, there appears to be a need to address the issue of whether petitioner League of Provinces of the Philippines has legal standing to assail the constitutionality of the subject laws.

Petitioner is a duly organized league of local governments incorporated under Republic Act No. 7610, otherwise known as the Local Government Code. It claims that it is composed of 81 local governments, including the province of Bulacan. It further claims that the instant case is a collective action of all provinces – in that, a favorable ruling will not only benefit the province of Bulacan, but also all the other provinces and local governments.

The *ponencia* upheld petitioner's legal standing to file this petition because the latter is tasked, under Section 504 of the Local Government Code, to promote local autonomy at the provincial level, adopt measures for the promotion of the welfare of all provinces and its officials and employees, and exercise such other powers and perform such duties and functions as the league may prescribe for the welfare of the provinces.

I concur that the League has legal standing to assail the constitutionality of the subject laws.

A divergent position had been advanced by Justice Marvic M.V.F. Leonen. He says that, “[i]n case of a **citizen's suit**, the ‘interest of the person assailing the constitutionality of a statute must be direct and personal. He must be able to show, not only that the law is invalid, but also that he has sustained or is in immediate danger of sustaining some **direct injury** as a result of its enforcement, and not merely that he **suffers thereby in some indefinite way.**”¹ He further claims that, “[A]s an organization that represents all provinces, it did not suffer an **actual injury** or an **injury**

¹ Emphases supplied.

in fact, resulting from the implementation of the subject provisions.”² He, therefore, concludes that the League has no standing to assail the constitutionality of the subject laws.

A public action is a suit brought to vindicate a right belonging to the public *qua* public. Based on present jurisprudence, except in cases involving issues of transcendental importance,³ it can only be brought by the proper representative of the public – one who has standing. Generally, the one who has standing is the one who suffered or immediately stands to suffer actual injury or injury in fact.⁴ Injury in fact means damage that is distinct from those suffered by the public.⁵ This is different from legal injury or injury in law, which results from a violation of a right belonging to a person.⁶

The divergent position appears to confuse the general requirement for standing with standing in citizens’ suits. The latter normally presupposes that there is no one who suffered injury in fact. Therefore, any citizen is allowed to bring the suit to vindicate the public’s right. Instructive are the pronouncements of this Court in the seminal case of *Severino v. Governor-General*:⁷

It is true, as we have stated, that **the right which he seeks, to enforce is not greater or different from that of any other qualified elector** in the municipality of Silay. It is also true that the injury which he would suffer in case he fails **to obtain the relief sought would not be greater or different from that of the other electors; but he is seeking to enforce a public right as distinguished from a private right. The real party in interest is the public**, or the qualified electors of the town of Silay. Each elector has the same right and would suffer the same injury. Each elector stands on the same basis with reference to maintaining a petition to determine whether or not the relief sought by the relator should be granted.

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We are therefore of the opinion that the weight of authority supports the proposition that **the relator is a proper party to proceedings of this character when a public right is sought to be enforced**. If the general rule in America were otherwise, we think that it would not be applicable to the case at bar for the reason “that it is always dangerous to apply a general rule to a particular case without keeping in

² Emphases supplied.

³ *David v. Arroyo*, G.R. Nos. 171396, 171409, 171485, 171483, 171400, 171489, 171424, 03 May 2006 citing *Araneta v. Dinglasan*, 84 Phil. 368 (1949); *Aquino v. Comelec*, G.R. No. L-No. 40004, 31 January 1975, 62 SCRA 275; *Chavez v. Public Estates Authority*, G.R. No. 133250, 09 July 2002, 384 SCRA 152; *Bagong Alyansang Makabayan v. Zamora*, G.R. Nos. 138570, 138572, 138587, 138680, 138698, 10 October 2000, 342 SCRA 449; *Lim v. Executive Secretary*, G.R. No. 151445, 11 April 2002, 380 SCRA 739.

⁴ *Association of Data Processing Service Organizations, Inc. v. Camp*, 397 U.S. 150 (1970).

⁵ Dissenting Opinion, *J. Puno, Kilosbayan, Inc. v. Guingona, Jr.*, G.R. No. 113375, 05 May 1994.

⁶ *BPI Express Card Corp. v. Court of Appeals*, G.R. No. 120639, 25 September 1998.

⁷ 16 Phil. 366 (1910).

mind the reason for the rule, because, if under the particular circumstances the reason for the rule does not exist, the rule itself is not applicable and reliance upon the rule may well lead to error.”

No reason exists in the case at bar for applying the general rule insisted upon by counsel for the respondent. The circumstances which surround this case are different from those in the United States, inasmuch as **if the relator is not a proper party to these proceedings no other person could be**, as we have seen that it is not the duty of the law officer of the Government to appear and represent the people in cases of this character. (Emphasis supplied)

Also, the divergent position appears to confuse public actions with class suits (a species of private action) when it stated that “[p]rovinces do not have a common or general interest on matters related to mining that the League of Provinces can represent.” Under Section 12 of Rule 3 of the Rules of Court, “common or general interest” is a requirement in class suits. It is not a requirement for standing in public actions.

Finally, the divergent position also appears to confuse the general requirement for standing and standing in citizens’ suits, with organizational or associational standing. The latter does not require an association to suffer injury in fact. The question is whether such organization can bring a suit on behalf of its members who have suffered the injury in fact. In short, can the representatives of the public be themselves represented in a suit.

In this jurisdiction, we have acknowledged the standing of associations to sue on behalf of their members. In *Executive Secretary v. Court of Appeals*,⁸ we held that:

The modern view is that an association has standing to complain of injuries to its members. This view fuses the legal identity of an association with that of its members. An association has standing to file suit for its workers despite its lack of direct interest if its members are affected by the action. An organization has standing to assert the concerns of its constituents.

Thus, based on jurisprudence, the League has legal standing to question the constitutionality of the subject laws, not only in behalf of the province of Bulacan, but also its other members.

Apart from jurisprudence, the League is also vested with statutory standing. The League of Provinces’ primary purpose is clear from the provisions of the Local Government Code, viz:

⁸ G.R. No. 131719, 25 May 2004. See also *Kilusang Mayo Uno Labor Center v. Garcia*, G.R. No. 115381, 23 December 1994; *Holy Spirit Homeowners Association v. Defensor*, G.R. No. 163980, 03 August 2006.

SEC. 502. *Purpose of Organization.* - There shall be an organization of all provinces to be known as the League of Provinces for **the primary purpose of ventilating, articulating and crystallizing issues affecting provincial and metropolitan political subdivision government administration, and securing, through proper and legal means, solutions thereto.** For this purpose, the Metropolitan Manila Area and any metropolitan political subdivision shall be considered as separate provincial units of the league. (Emphasis supplied)

This purpose is further amplified by the grant to it of certain powers, functions and duties, which are, *viz*:

SEC. 504. *Powers, Functions and Duties of the League of Provinces.* - The league of provinces shall:

(a) Assist the national government in the formulation and implementation of the policies, programs and projects affecting provinces as a whole;

(b) Promote local autonomy at the provincial level;

(c) Adopt measures for the promotion of the welfare of all provinces and its officials and employees;

(d) Encourage peoples participation in local government administration in order to promote united and concerted action for the attainment of countrywide development goals;

(e) Supplement the efforts of the national government in creating opportunities for gainful employment within the province;

(f) Give priority to programs designed for the total development of the provinces in consonance with the policies, programs and projects of the national government;

(g) Serve as a forum for crystallizing and expressing ideas, seeking the necessary assistance of the national government and providing the private sector avenues for cooperation in the promotion of the welfare of the provinces; and

(h) Exercise such other powers and perform such other duties and functions as the league may prescribe for the welfare of the provinces and metropolitan political subdivisions.⁹ (Emphasis supplied)

In *League of Cities of the Philippines v. COMELEC*,¹⁰ this Court upheld the League of Cities' standing of the basis of Section 499 of the Local Government Code which tasks it with the "primary purpose of ventilating, articulating and crystallizing issues affecting city government administration and securing, through proper and legal means, solutions thereto."

⁹ Local Government Code.

¹⁰ G.R. No. 176951, 18 November 2008.

Other instances of statutory standing can be found in: (1) the Constitution, which allows any citizen to challenge “the sufficiency of the factual basis of the proclamation of martial law or the suspension of the privilege of the writ or the extension thereof;”¹¹ (2) the Administrative Code wherein “[a]ny party aggrieved or adversely affected by an agency decision may seek judicial review;”¹² (3) the Civil Code which provides that “[i]f a civil action is brought by reason of the maintenance of a public nuisance, such action shall be commenced by the city or municipal mayor,”¹³ and (4) the Rules of Procedure in Environmental Cases by which “[a]ny Filipino citizen in representation of others, including minors or generations yet unborn, may file an action to enforce rights or obligations under environmental laws.”¹⁴

All told, to adopt the divergent position will destabilize jurisprudence and is tantamount to ignoring the clear mandate of law.



MARIA LOURDES P. A. SERENO
Chief Justice

¹¹ Sec. 18, Article VII, 1987 Constitution.

¹² Sec. 25(2), Chapter 4, Book VII.

¹³ Article 701.

¹⁴ Section 5, A.M. No. 09-6-8-SC.