



Republic of the Philippines  
Supreme Court  
Manila

THIRD DIVISION

**PHILIPPINE MIGRANTS G.R. No. 166923**  
**RIGHTS WATCH, INC., on its own**  
**behalf and on behalf of its member-**  
**overseas Filipino workers, JESUS**  
**REYES and RODOLFO**  
**MACOROL,**  
Petitioners,

- versus -

**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. CARSOLA and VIRGINIA J.**  
**PASALO,**

Respondents.

Present:

**VELASCO, JR., J.,** Chairperson,  
**PERALTA,**  
**VILLARAMA, JR.,**  
**REYES, and**  
**JARDELEZA, JJ.**

Promulgated:

November 26, 2014

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## DECISION

### 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<sup>1</sup> and January 14, 2005<sup>2</sup> 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<sup>3</sup> 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<sup>4</sup> 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

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<sup>1</sup> Penned by Judge Porfirio G. Macaraeg; Annex “A” to Petition, *rollo*, pp. 32-39.

<sup>2</sup> Annex “B” to petition, *id.* at 40-41.

<sup>3</sup> *Rollo*, pp. 102-106.

<sup>4</sup> *Id.* at 113-141.

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<sup>5</sup>

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

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<sup>5</sup>

Emphasis supplied.

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 in the exercise of its *quasi-judicial* functions. Hence, the special civil action for *certiorari* under Rule 65 of the Rules of Court is not the appropriate remedy in the instant case.

In their Comment, respondents counter that petitioners, in filing the instant action with this Court, committed serious procedural error for violating the doctrine of judicial hierarchy of courts. According to respondents, petitioners should have first filed an appeal before the Court of Appeals (CA), pursuant to Section 2(a), Rule 41 of the Rules of Court.<sup>6</sup> Respondents further reiterated the validity of the subject Omnibus Policies.

We rule in favor of petitioners.

Section 2(c), Rule 41 of the Rules of Court provides that the mode of appeal in all cases involving only questions of law shall be by petition for review on *certiorari* to the Supreme Court in accordance with Rule 45.<sup>7</sup>

Time and again, this Court has distinguished cases involving pure questions of law from those of pure questions of fact in the following manner:

A question of fact exists when a doubt or difference arises as to the truth or falsity of alleged facts. If the query requires a re-evaluation of the credibility of witnesses or the existence or relevance of surrounding circumstances and their relation to each other, the issue in that query is factual. On the other hand, there is a question of law when the doubt or difference arises as to what the law is on certain state of facts and which does not call for an existence of the probative value of the evidence

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<sup>6</sup> Section 2(a) of the Rules of Court provide:  
Sec. 2. Modes of appeal.

(a) *Ordinary appeal*. - The appeal to the Court of Appeals in cases decided by the Regional Trial Court in the exercise of its original jurisdiction shall be taken by filing a notice of appeal with the court which rendered the judgment or final order appealed from and serving a copy thereof upon the adverse party. No record on appeal shall be required except in special proceedings and other cases of multiple or separate appeals where the law or these Rules so require. In such cases, the record on appeal shall be filed and served in like manner.

<sup>7</sup> *Sevilleno v. Carilo*, G.R. No. 146454, September 14, 2007, 533 SCRA 385, 388, citing *Macawiwili Gold Mining and Development Co., Inc. v. Court of Appeals*, G.R. No. 115104, October 12, 1998; Section 2(c), Rule 41 of the Rules of Court provides:

(c) Appeal by *certiorari* – In all cases where only questions of law are raised or involved, the appeal shall be to the Supreme Court by petition for review on *certiorari* in accordance with Rule 45.

presented by the parties-litigants. In a case involving a question of law, the resolution of the issue rests solely on what the law provides on the given set of circumstances.<sup>8</sup>

In the present petition, the appeal interposed by petitioners stems from the Orders of the RTC dismissing their complaint for lack of jurisdiction. The issue raised herein is one of jurisdiction over the subject matter, specifically, whether or not the RTC has jurisdiction over petitioners' complaint challenging the constitutionality of the Omnibus Policies issued by respondents.

Jurisdiction is the right to act or the power and authority to hear and determine a case.<sup>9</sup> It is conferred only by the Constitution or by statute.<sup>10</sup> The question as to whether or not the dismissal by the lower court for lack of jurisdiction is proper involves the determination of whether, admitting the facts alleged in the complaint to be true, the trial court has jurisdiction over the same in light of the laws governing jurisdiction.<sup>11</sup> As such, jurisdiction is neither a question of fact or of fact and law but a matter of law. For this reason, We have consistently held that a court's jurisdiction over the subject matter of a case is a question of law,<sup>12</sup> and have, in fact, affirmed dismissals by the CA of appeals brought to them involving pure questions of law.<sup>13</sup> Considering that only questions of law was raised in this petition, direct resort to this Court is proper.<sup>14</sup>

We cannot, therefore, give credence to the lower court's contention that the appropriate remedy to annul and set aside the issuance subject of this case is a special civil action for *certiorari* under Rule 65 of the Rules of Court. *Certiorari*, as a special civil action, is available only if: (1) it is directed against a tribunal, board, or officer exercising *judicial or quasi-judicial functions*; (2) the tribunal, board, or officer acted without or in excess of jurisdiction or with grave abuse of discretion amounting to lack or excess of jurisdiction; and (3) there is no appeal nor any plain, speedy, and adequate remedy in the ordinary course of law.<sup>15</sup>

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<sup>8</sup> *First Bancorp, Inc. v. Honorable Court of Appeals and Jane Thomas Lightner*, 525 Phil. 309, 326 (2006).

<sup>9</sup> *Gomez v. Montalban*, G.R. No. 174414, March 14, 2008 548 SCRA 693, citing *Municipality of Kananga v. Judge Madrona*, 450 Phil. 392, 396 (2003).

<sup>10</sup> *Sevilleno v. Carilo*, *supra* note 6, citing *De Jesus v. Garcia*, 125 Phil. 955 (1967).

<sup>11</sup> *Victorias Milling Co. Inc. v. Intermediate Appellate Court*, G.R. No. L-66880, August 2, 1991.

<sup>12</sup> *Municipality of Pateros v. Court of Appeals*, G.R. No. 157714, June 16, 2009, 589 SCRA 130, 139 (2009).

<sup>13</sup> *Badillo, et. al. v. Court of Appeals, et. al.*, G.R. No. 131903, June 26, 2008, 555 SCRA 435, 451.; *Sevilleno v. Carillo*, *supra* note 7.

<sup>14</sup> *Gomez v. Montalban*, *supra* note 8, citing *Bukidnon Doctors' Hospital, Inc. v. Metropolitan Bank and Trust Co.*, 501 Phil. 516, 527 (2005).

<sup>15</sup> *Metropolitan Bank and Trust Company, Inc. v. National Wages and Productivity Commission and Regional Tripartite Wages and Productivity Board – Region II*, 543 Phil. 319, 328 (2007).

In this case, respondents did not act in any judicial or quasi-judicial capacity in issuing the assailed resolution. They were not called upon to adjudicate the rights of contending parties to exercise, in any manner, discretion of a judicial nature. Instead, their issuance of the challenged resolution was done in the exercise of their quasi-legislative and administrative functions within the confines of the granting law. Hence, contrary to the lower court's contention, *certiorari* is not the proper remedy in the instant case.

As to whether the RTC has jurisdiction over the subject matter involved in this case, it is settled in law and jurisprudence that the RTC has jurisdiction to resolve the constitutionality of a statute, presidential decree, executive order, or administrative regulation, as recognized in Section 2(a), Article VIII of the 1987 Constitution, which provides:

SECTION 5. The Supreme Court shall have the following powers:

x x x x

(2) **Review, revise, reverse, modify, or affirm on appeal or certiorari**, as the law or the Rules of Court may provide **final judgments and orders of lower courts** in:

(a) All cases in which the **constitutionality or validity** of any treaty, international or executive agreement, law, presidential decree, proclamation, order, instruction, **ordinance, or regulation** is in question.<sup>16</sup>

In view of the foregoing provision, the jurisdiction of regular courts involving the validity or constitutionality of a rule or regulation cannot be denied. We have had several occasions wherein We affirmed the power of the RTC to take cognizance of actions assailing a specific rule or set of rules promulgated by administrative bodies for the power of judicial review is vested by the Constitution not only in this Court but in all Regional Trial Courts.<sup>17</sup> It was, therefore, erroneous for the RTC to abruptly dismiss the complaint filed by petitioners on the basis of lack of jurisdiction since said court clearly had the power to take cognizance of the same. In so doing, the lower court failed to ascertain factual issues necessary to determine whether the subject issuance is, indeed, invalid and violative of the Constitution.

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<sup>16</sup> 1987 Philippine Constitution, Art. VIII, Sec. 2(a). (Emphasis ours)

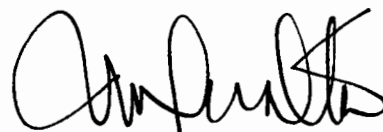
<sup>17</sup> *Equi-Asia Placement, Inc. v. Department of Foreign Affairs, et al.*, G.R. No. 152214, September 19, 2006, citing *Smart Communications, Inc. (SMART) v. National Telecommunications Commission (NTC)*, 456 Phil. 145, 146 (2003); *Ongsuco v. Hon. Malones*, G.R. No. 182065, citing *J. M. Tuason and Co., Inc. v. Court of Appeals*, 113 Phil. 673, 681 (1961), *Ynot v. Intermediate Appellate Court*, 232 Phil. 615, 621 (1987), *Commissioner of Internal Revenue v. Santos*, 343 Phil. 411, 427 (1997); *Commissioner of Customs v. Hypermix Feeds Corporation*, 664 SCRA 666 (2012); *Planters Products, Inc. v. Fertiphil Corporation*, G. R. No. 166006, 572 Phil. 270 (2008).



Considering the settled rule that this Court is not a trier of facts,<sup>18</sup> a remand of this case to the RTC for the proper determination of the merits of the complaint is just and proper.

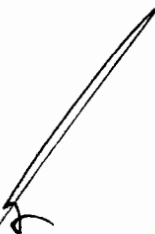
**WHEREFORE**, premises considered, the instant petition is **GRANTED**. The Orders of the Regional Trial Court, dated August 31, 2004 and January 14, 2005, in Civil Case No. 04-0077, are **REVERSED** and **SET ASIDE**. This case is hereby **REMANDED** to the Regional Trial Court, Branch CXI (111), Pasay City, for further proceedings.

**SO ORDERED.**



**DIOSDADO M. PERALTA**  
Associate Justice


**WE CONCUR:**



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson



**MARTIN S. VILLARAMA, JR.**  
Associate Justice



**BIENVENIDO L. REYES**  
Associate Justice



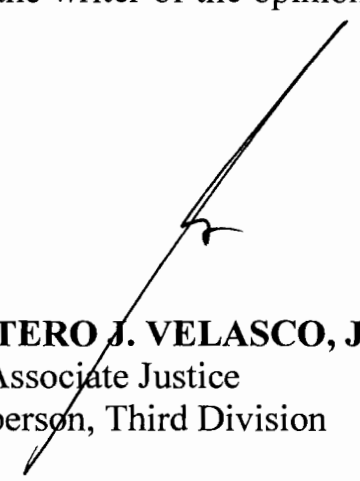
**FRANCIS H. JARDELEZA**  
Associate Justice

<sup>18</sup>

*Far East Bank & Trust Co. v. Court of Appeals*, 326. Phil. 15, 18. (1996).

**ATTESTATION**

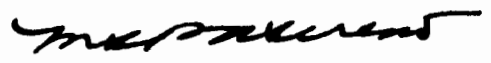
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Chairperson, Third Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



**MARIA LOURDES P. A. SERENO**  
Chief Justice