

REPUBLIC OF THE PHILIPPINES
SUPREME COURT
MANILA

ATTY. HOWARD M. CALLEJA,
ATTY. JOSEPH PETER J. CALLEJA,
Members of U.P. Law Class 1975,
namely: JOSE P.O. ALILING IV,
AUGUSTO H. BACULIO,
EDGARDO R. BALBIN, MOISES B.
BOQUIA, ANTONIO T. CARPIO,
MANUEL C. CASES, JR., RICHARD
J. GORDON, OSCAR L. KARAAAN,
BENJAMIN L. KALAW, LUCAS C.
LICERIO, TOMAS N. PRADO,
ELIZER A. ODULIO, OSCAR M.
ORBOS, AURORA A. SANTIAGO,
EMILY SIBULO-HAYUDINI,
CONRAD D. SORIANO, AND JOSE
B. TOMIMBANG, ATTY. LYNETTE
ANN I. PIÑON, FATHER
FLAVIANO L. VILLANUEVA, SVD,
FATHER ALBERT E. ALEJO, S.J.,
FATHER ROBERT P. REYES,
FATHER CHRISTIAN BUENAFE, O.
CARM., FATHER JOSELITO S.
SARABIA, C.M., NAPOLEON L.
SIONGKO, AGNIESZKA SUNGA,
MARYBETH ANN ODO,
GLORINETTE MARIE ABUNDO,
SARAH KATRINA MARALIT,
JULIAN PETER ALVINA, KYLE
LIVEN DAVE ANDRINO,
ANTONINA CONCEPCION,
ARAMAINE BALON, FRANCES
ARANDIA, CHARMAE
MARAVILLA, CAMILLE ANN
CEDO, FRENCH VIVIENNE T.
TEMPLONUEVO, JANYN
MARIELLA MONTEALEGRE,
ALYSSA MARI BALANGUE,
MARIA ANGELA PADILLA,
GERALDINE BRACEROS,
DIAZMEAN KYLA G. SOTELO,

270157

MAE HELOISE LISACA, MARY
GRACE DOMINGUEZ, ERYN LAYE
DELA CRUZ, JOEL REMENTILLA,
JOSE TOPACIO, and GILLIAN AIA
CAPILI,

Petitioners,

-versus-

G. R. No. _____
*For: Special Civil Action for
Certiorari and Mandamus
with Urgent Prayer for a
Temporary Restraining Order
or Writ of Preliminary
Injunction*

VICE-PRESIDENT SARA Z.
DUTERTE, THE OFFICE OF THE
EXECUTIVE SECRETARY,
REPRESENTED BY HON. LUCAS
P. BERSAMIN, THE SENATE OF
THE PHILIPPINES,
REPRESENTED BY HON. JUAN
MIGUEL ZUBIRI, THE HOUSE
OF REPRESENTATIVES,
REPRESENTED BY HON.
MARTIN G. ROMUALDEZ, THE
DEPARTMENT OF EDUCATION,
REPRESENTED BY
UNDERSECRETARY FOR
FINANCE ANNALYN M.
SEVILLA, THE DEPARTMENT
OF BUDGET AND
MANAGEMENT, REPRESENTED
BY HON. AMENAH F.
PANGANDAMAN, THE
DEPARTMENT OF INTERIOR
AND LOCAL GOVERNMENT,
REPRESENTED BY HON.
BENJAMIN C. ABALOS, JR., THE
GOVERNANCE COMMISSION
FOR GOCCs, REPRESENTED BY
HON. MARIUS F. CORPUS AND

HON. MARIUS F. CORPUS AND
THE COMMISSION ON AUDIT,
REPRESENTED BY HON.
GAMALIEL ASIS CORDOBA,
Respondents.

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**PETITION FOR CERTIORARI AND
MANDAMUS**

*(With Urgent Prayer for the Issuance of a
Temporary Restraining Order or Writ of Preliminary Injunction)*

Petitioners, **ATTY. HOWARD M. CALLEJA, ATTY. JOSEPH PETER J. CALLEJA, Members of U.P. Law Class 1975, namely: JOSE P.O. ALILING IV, ET. AL.,** by counsel, and unto the Honorable Court, most respectfully state:

PREFATORY STATEMENT

“The role of the Constitution cannot be overlooked. It is through the Constitution that the fundamental powers of government are established, limited and defined, and by which these powers are distributed among several branches in the government.

The Constitution is the basic and paramount law to which all other laws must conform and to which all persons, including the highest officials of the land, must defer.

Constitutional doctrines must remain steadfast no matter what may be the tides of time. It cannot be simply made to sway and accommodate the call of situations much more tailor itself to the whims and caprices of government and the people who run it.”¹

¹ *Biraogo vs. The Philippine Truth Commission of 2020*, G.R. No. 192935, 7 December 2010. (Emphasis Supplied)

The free and democratic Philippine spirit is one interlaced with scars of hard-fought battles both won and endured. We stand a nation 117 million strong, built on the foundation of generations before us who fought tooth-and-nail in the pursuit of a free Philippines; and it is now thrust upon our generation to take up this proud lineage of pursuit and heed the call of our weary and beaten motherland to realize a transparent and corrupt-free government.

In this never-ending battle, we face today the challenge for unity and cooperation among our people. The Office of the President and the Office of the Vice President, and other government offices' refusal to disclose the nature and purpose of the Confidential and Intelligence Funds to the general public is a step backward. It sows distrust and further widens the division between the public and public offices. The country is being divided because government officials do not live by the principle that a public office is a public trust.

Public office is a public trust. All government officials and employees must at all times be accountable to the people, serve them with **utmost responsibility, integrity, loyalty and efficiency** act with patriotism and justice, and lead modest lives. This constitutional mandate should always be in the minds of all public servants to guide them in their actions during their entire tenure in the government service.²

As stated by this Honorable Court in *Sereno vs. CTRM*³, "In a democratic society like ours, the free exchange of information is necessary, and can be possible only if the people are provided the proper information on matters that affect them."

Hence, Petitioners most humbly come before this Honorable Court, armed with Section 28, Article II of the 1987 Constitution or the right of the people for "full public disclosure of all transactions involving public interest" and Section 7, Article III of the 1987 Constitution or "the right of the people to information on matters of public concern" to **question the constitutionality of the Confidential Funds, whose present disbursement and implementation run contrary to transparent and honest governance.**

This Honorable Court, in exercising its expanded power of judicial review, must protect the taxes of the people against capricious

² *City of Mayor of Zamboanga vs. Court of Appeals and Eustaquio C. Agana*, G.R. No. 80270, 27 February 1990.

³ G.R. No. 175210, 1 February 2016.

and whimsical spending of several organs of the state, thus, requiring Respondents to disclose to the public the purpose for which the Confidential funds- which are people's money- have been spent.

II. NATURE OF THE PETITION

1. This is a *Petition for Certiorari and Mandamus with Urgent Prayer for a Temporary Restraining Order or a Writ of Preliminary Injunction* (hereinafter referred to as "**Petition**") under Article VIII, Sections 1, 4(2), 5(1) of the 1987 Constitution, and Sections 1 and 3 of Rule 65 of the Rules of Court, as amended, respectfully praying for the following remedies:

(a) **Nullification of Executive Order No. 2 (S. 2016)** (hereinafter referred to as "**E.O. 2**")⁴ and the **Joint Circular No. 2015-01 for being repugnant to the 1987 Philippine Constitution;**

(b) **Prohibition on the Respondents or any person, entity, member, officer, employee, representative or agent acting singly or collectively with them, from enforcing the above-mentioned sections of Joint Circular No. 2015-01 and Executive Order No. 2 (S. 2016); and**

(c) **Issuance of a Temporary Restraining Order, Writ of Preliminary Injunction and/or Mandamus to prevent any irreparable injury to Petitioners due to the infringement of their Constitutional rights.**

2. Petitioners further respectfully invoke the jurisdiction of the Honorable Court pursuant to Sections 4(2) and 5(1)(a) of Article VIII of the 1987 Constitution, and submit that direct recourse thereto is justified due to the following reasons: *first*, the **seriousness and novelty of the issues involved;** and *second*, said issues involve **matters of transcendental importance.**

3. Petitioners further state that there is no appeal, or any plain, speedy, and adequate remedy in the ordinary course of law.

⁴ A copy of Executive Order No. 2 (S.2016) is attached hereto as Annex "A".

Therefore, the instant Petition is cognizable under the Honorable Court's power of judicial review set forth in Article VIII, Section 4(2) and Section 5 (2)(a) of the 1987 Constitution, and Sections 1 and 3 under Rule 65 of the 1997 Rules of Civil Procedure, as amended.

III. THE PARTIES

4. Petitioners, **ATTY. HOWARD M. CALLEJA, ATTY. JOSEPH PETER J. CALLEJA, Members of U.P. Law Class 1975, namely: ATTYS. JOSE P.O. ALILING IV, AUGUSTO H. BACULIO, EDGARDO R. BALBIN, MOISES B. BOQUIA, JUSTICE ANTONIO T. CARPIO (Ret.), MANUEL C. CASES, JR., RICHARD J. GORDON, OSCAR L. KARAAN, BENJAMIN L. KALAW, LUCAS C. LICERIO, TOMAS N. PRADO, ELIZER A. ODULIO, OSCAR M. ORBOS, AURORA A. SANTIAGO, EMILY SIBULO-HAYUDINI, CONRAD D. SORIANO, JOSE B. TOMIMBANG, ATTY. JOSE MANUEL TADEO "CHEL" I. DIOKNO, and ATTY. LYNETTE ANN I. PIÑON** are all of legal age, Filipinos, single/married, filed the present Petition in their capacity as concerned Filipino citizens, members of the Integrated Bar of the Philippines, and tax payers. They may be served with summons, notices and other processes of the Honorable Court through their undersigned counsel at Unit 2904-C, West Tower, PSE Centre, Exchange Road, Ortigas Center, Pasig City, 1605.

5. Petitioners, **FATHER FLAVIANO L. VILLANUEVA, S.V.D., FATHER ALBERT E. ALEJO, S.J., FATHER ROBERT P. REYES, FATHER CHRISTIAN BUENAFE, O. CARM., and FATHER JOSELITO S. SARABIA, C.M.** are of legal age, Filipino clergymen/priests, single, filed the present Petition in their capacity as concerned Filipino tax payers and citizens. They may be served with summons, notices and other processes of the Honorable Court through their undersigned counsel at Unit 2904-C, West Tower, PSE Centre, Exchange Road, Ortigas Center, Pasig City, 1605.

6. Petitioners, **AGNIESZKA SUNGA, MARYBETH ANN ODO, GLORINETTE MARIE ABUNDO, SARAH KATRINA MARALIT, JULIAN PETER ALVINA, KYLE LIVEN DAVE ANDRINO, ANTONINA CONCEPCION, ARAMAINE BALON, FRANCES ARANDIA, CHARMAE MARAVILLA, CAMILLE ANN CEDO, FRENCH VIVIENNE T. TEMPLONUEVO, JANYN**

MARIELLA MONTEALEGRE, ALYSSA MARI BALANGUE, MARIA ANGELA PADILLA, GERALDINE BRACEROS, DIAZMEAN KYLA G. SOTELO, MAE HELOISE LISACA, MARY GRACE DOMINGUEZ, ERYN LAYE DELA CRUZ, JOEL REMENTILLA, JOSE TOPACIO, GILLIAN AIA CAPILI are all of legal age, Filipino, single. They are law students and tax payers of the Philippines. They institute the present action as concerned Filipino citizens. They may be served with summons, notices and other processes of the Honorable Court through their undersigned counsel at Unit 2904-C, West Tower, PSE Centre, Exchange Road, Ortigas Center, Pasig City, 1605.

7. Respondents are all public officers who are responsible for allocation, release and disbursement of the Confidential-Intelligence Funds and for the implementation of Joint Circular No. 2015-01 and E.O. 2 (S. 2016), which provide the guidelines in the disbursements and liquidation of Confidential Funds. Respondents are being sued in their official capacities and they may be served with summons, notices and other processes of the Honorable Court through the following addresses:

VICE-PRESIDENT SARA Z. DUTERTE

Office of the Vice President
Republic of the Philippines
11th Floor, Robinson's Cybergate Plaza,
EDSA, corner Pioneer St., Mandaluyong City

HON. LUCAS P. BERSAMIN

Executive Secretary,
Office of the President of the Philippines,
Malacañang Palace, Manila 1000

HON. ANNALYN M. SEVILLA

Undersecretary, Department of Education - Finance
2nd Floor Department of Education Building, DepEd Meralco
Avenue, Pasig, 1605 Metro Manila

HON. JUAN MIGUEL F. ZUBIRI

Senate President
The Philippine Senate
GSIS Building, Financial Center,
Diokno Blvd., Pasay City

HON. MARTIN G. ROMUALDEZ

Office of the Speaker
House of Representatives
Batasan Hills, Batasan Complex
Quezon City

HON. AMENAH F. PANGANDAMAN

Secretary, Department of Budget and Management
Boncodin Hall, General Solano St.,
San Miguel, Manila

ATTY. BENJAMIN C. ABALOS, JR.

Secretary, Department of Interior and Local Government
DILG NAPOLCOM Center EDSA corner
Quezon Avenue, Quezon City.

ATTY. MARIUS P. CORPUS

Chairperson, Governance Commission for GOCCs
3/F BDO Paseo Towers (Formerly Citibank Centre),
Paseo de Roxas Avenue, Makati City

CHAIRPERSON GAMALIEL ASIS CORDOBA

Office of the Chairperson
Commission on Audit
Commonwealth Avenue, Quezon City

IV.
STATEMENT OF FACTS

8. "Parliamentary courtesy" was the straw that broke the camel's back that sparked the Confidential Funds controversy. Confidential funds refer to the lump-sum amount provided in the General Appropriations Act for National Government Agencies, in appropriation ordinances for local government units, and in the corporate operating budgets ("COBs") for government owned and controlled corporations, for their confidential expenses.

9. Confidential funds are for confidential expenses related to surveillance activities in civilian government agencies that are intended to support their mandate or operations. On the other hand, intelligence funds are for intelligence expenses related to information

gathering activities of uniformed and military personnel and intelligence practitioners that have direct impact on national security.

10. In August 2023, the House of Representatives' Appropriations Committee terminated - as quick as lightning bolt - the deliberations on the Office of the Vice President's ("OVP") proposed budget for 2024 amounting to **TWO BILLION THREE HUNDRED EIGHTY FIVE MILLION PESOS (Php2.385 Billion)**.

11. By sheer motion, Senior Deputy Majority Leader and Ilocos Norte First District Representative Sandro Marcos ("Marcos") moved to end the deliberations early, as if the 2.385 billion-peso proposed budget of the OVP were private funds.

12. "Parliamentary courtesy" was the reason cited by Marcos - a phrase that sounded like magical incantation that provided safe passage of Vice President Sara Duterte ("VP Sara") from the rigors of questioning of the minority bloc. After all, public funds' allocation, disbursement and/or spending were the issue, thus, deserved the highest scrutiny before they may be allocated and disbursed.

13. Marcos wished to stick to the "long standing tradition" by giving the OVP the "parliamentary courtesy" it purportedly deserved. Twenty-one (21) members of the House Panel voted in favor of Marcos' motion.

14. Only three (3) lawmakers from the Makabayan bloc objected to the same calling for further discussion. They demanded that VP Sara should justify her office's proposed budget, particularly the One Hundred Twenty Five Million Peso (Php125 Million) Confidential Funds that her office allegedly spent in less than twenty (20) days.

15. Opposition lawmaker and ACT Teachers' Partylist Representative Francisca "France" Castro argued that VP Sara's office is not entitled to Confidential Funds because there was no allotment of the same in the General Appropriations Act (GAA) and as such - spending Confidential Funds was unauthorized or unlawful under the Constitution.

16. VP Sara, however, said the budget would go to the planned and identified events, activities, and projects of her office. She claimed there was nothing irregular or unauthorized about its spending and

that the required liquidation and accomplishment reports were submitted to proper oversight agencies for liquidation.

17. VP Sara has accused opposition lawmakers of “rabid vilification” of Confidential Funds under her office that purportedly proved their “lack of respect” to the Filipino people.

18. "These incessant malicious attacks betray the Makabayan bloc's lack of respect for the Filipinos being served by OVP and their inability to appreciate OVP's involvement in the fight against insurgency, terrorism, and social inequality," VP Sara said in the Budget Committee Hearing in September 2023.⁵

19. President Ferdinand Marcos, Jr., on the other hand, had requested for Confidential and Intelligence Funds amounting to 4.5 billion, on top of the VP Sara's request.

20. A Joint Circular No. 2015-01⁶ among the Commission on Audit (COA), Department of Budget and Management (DBM), Department of the Interior and Local Government, Governance Commission for Government-Owned and Controlled Corporations (GCG) and the Department of National Defense purportedly laid down the guidelines and the reportorial requirements on Confidential and Intelligence Funds.

21. According to Paragraph 4.8 of the said circular, confidential funds can only be used for the following expenses:

- a). Purchase of information necessary for the formulation and implementation of program, activities and projects relevant to national security and peace and order;
- b). Rental of transport vehicle related to confidential activities;
- c). Rentals and the incidental expenses related to the maintenance of safehouses;
- d). Purchase or rental of supplies, materials and equipment for confidential operations that cannot be done through

⁵ <https://newsinfo.inquirer.net/1825011/vp-sara-dodges-light-on-controversial-cf>

⁶ 8 January 2015. A copy of the Joint Circular No. 2015-01 is attached hereto as Annex "B".

regular procedures without compromising the information gathering activity concerned;

e). Payment of rewards to informers;

f). [Uncovering and preventing] illegal activities that pose a clear and present danger to agency personnel or property, or other facilities and resources under the agency protection, done in coordination with appropriate law enforcement agencies.

22. Meanwhile, intelligence funds can only be used for the following expenses:

a). Intelligence and counterintelligence activities that have direct impact on national security; and

b). Special projects and case operation plans as approved by the head of agency involving covert or semi-covert **psychological, internal security** operation, and peace and order activities, as well as programs, projects and campaigns against lawlessness and lawless elements involving intelligence activities.

23. Confidential and intelligence funds cannot be used for:

a). Salaries, wages, overtime, additional compensation, allowance or other fringe benefits of officials and employees who are employed by the government in whatever capacity or elected officials, except when authorized by law;

b). Representation, consultancy fees or entertainment expenses;

c). Construction or acquisition of buildings or housing structures.⁷

⁷ *Ibid*, 4.10.

24. For several years, national government agencies and departments such as the Department of Education (DepEd) could access Confidential and Intelligence funds through the GAA, the national budget passed by Congress by law.

25. The 2015 Joint Circular⁸ provided that the auditing of Confidential Funds is left to national agencies and local governments to submit their disbursements of Confidential Funds - **but not subject to full public disclosure.**

26. On 23 September 2023, Albay First District Representative Edcel Lagman revealed a letter allegedly written by VP Sara asking the DBM to transfer or release the 125-Million-Peso from the contingent fund of the Office of the President (OP) to OVP.

27. According to the lawmaker, the transfer from the OP to the OVP was a violation of the Constitution since Section 25 (5), Article VI of the Constitution prohibits the transfer of funds except with respect to constitutional officers like the President relative to savings for augmentation of any deficient allocation in their officers.⁹

28. Thus, any transfer from the OP to another office, such as the OVP, is repugnant to the Constitution, Cong. Lagman said.

29. The lawmaker also averred there is only valid transfer if there are savings. In said transfer, the amount was 125 Million Pesos - more than the purported savings of the OP amounting to only 50 million pesos.

30. Without any appropriation under the GAA, no government office or agency may increase its allotted fund by asking money from another government branch or body. Thus, the release of the amount to the OVP was unconstitutional and contrary to law. All these events have led to the filing of the present Petition.

31. On 16 October 2023, Petitioner, through counsel, sent a Demand Letter¹⁰ requesting for herein Respondents copies of the official records, documents, and papers related to disbursements and

⁸ *Supra* note 6, 1.0.

⁹ <https://www.rappler.com/nation/drilon-says-op-violated-constitution-transfer-confidential-funds-office-vice-president/>

¹⁰ Copies of the demand letters sent to the Respondents are attached hereto as Annex "C and series".

liquidation of the Confidential Funds of the OP and OVP, and other government offices since 2022.

32. Respondents have failed and/or denied Petitioners any official record, document, and/or paper related to disbursements and liquidation of the Confidential-Intelligence Funds since 2022 as of filing of this Petition.

33. Respondents failure to respond to Petitioners' request is a violation of Section 5 (a) of the Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713 or "R.A. 6713") which provides the timeframe within which public officials must reply to letter requests of the public. Under Section 5(a) of RA No. 6713, it is the duty of public officials to act promptly on letters and requests within 15 working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public.

34. Hence, this Petition for Certiorari and Mandamus with Prayers for Temporary Restraining Order or Writ of Preliminary Injunction is filed against herein Respondents.

V. ARGUMENTS

A.

**THE HONORABLE COURT SHOULD EXERCISE ITS
POWER OF JUDICIAL REVIEW BECAUSE:**

- i. The Petition meets the jurisdictional requirements for judicial review:**
 - a. There is an actual case or controversy;**
 - b. Petitioners are concerned citizens that have legal standing;**
 - c. The question of constitutionality is raised at the earliest opportunity; and**

d. The issue of constitutionality is the very *lis mota* of the case.

ii. The issues in the Petition are of transcendental importance.

iii. A Petition for Certiorari is the proper remedy to challenge the constitutionality of the Confidential-Intelligence Funds.

B.

ALLOCATION, RELEASE AND/OR DISBURSEMENT
OF THE CONFIDENTIAL FUNDS IS
UNCONSTITUTIONAL BECAUSE:

i. It violates Section 28, Article II of the 1987 Constitution which provides: "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full disclosure of all its transactions involving public interest."

ii. It violates Section 7, Article III of the 1987 Constitution which provides: "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

iii. Executive Order No. 2 (S. 2016) and Joint Circular No. 2015-01 of the Commission on Audit, the Department of Budget and Management, Department of Interior and Local Government, Government Owned and Controlled Corporations and the Department of National Defense are void *ab initio* being a usurpation of legislative power.

C.
THE ISSUANCE OF A TEMPORARY RESTRAINING
ORDER OR WRIT OF PRELIMINARY INJUNCTION
AND/OR MANDAMUS IS PROPER.

IV.
DISCUSSION

A.
THE HONORABLE COURT SHOULD EXERCISE ITS
POWER OF JUDICIAL REVIEW BECAUSE:

*i. The Petition meets the
jurisdictional requirements for
judicial review.*

35. The prevailing rule in constitutional litigation is that no question involving the constitutionality or validity of a law or governmental act may be heard and decided by the Supreme Court unless there is compliance with the legal requisites for judicial review, namely:

- a. There must be an **actual case or controversy** calling for the exercise of judicial power;
- b. The person challenging the act must have the **standing to question the validity** of the subject act or issuance;
- c. The question of constitutionality must be **raised at the earliest opportunity**; and
- d. The issue of constitutionality must be the very *lis mota* of the case.¹¹

36. All the foregoing elements satisfied in this Petition.

¹¹ *Francisco, Jr. vs. House of Representatives*, G.R. No. 160261, 10 November 2003, citing *Angara vs. Electoral Commission*, 63 Phil. 139 (1936).

a. **The Petition involves an actual case or controversy.**

37. The case at hand involves is an actual justiciable case and controversy.

38. In the case of *Alliance of Non-Life Insurance Workers of the Philippines vs. Hon. Leandro R. Mendoza*¹², the Honorable Supreme Court stated:

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As a rule, "the constitutionality of a statute will be passed on only if and to the extent that, it is directly and necessarily involved in a justiciable controversy and is essential to the protection of the rights of the parties concerned." A controversy is said to be justiciable if: first, there is an actual case or controversy involving legal rights that are capable of judicial determination; second, the parties raising the issue must have standing or locus standi to raise the constitutional issue; third, the constitutionality must be raised at the earliest opportunity; and fourth, resolving the constitutionality must be essential to the disposition of the case.

An actual case or controversy is "one which involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution." A case is justiciable if the issues presented are "definite and concrete, touching on the legal relations of parties having adverse legal interests." The conflict must be ripe for judicial determination, not conjectural or anticipatory; otherwise, this Court's decision will amount to an advisory opinion concerning legislative or executive action.

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¹² G.R. No. 206159, 26 August 2020.

39. On 17 October 2023, Petitioners sent a demand letter to Respondents requesting to provide copies within seven (7) days from receipt, of the official records, documents, and papers related to disbursements and liquidations of the Confidential Funds since 2022, based on the policy of full public disclosure and the right of the people to information.

40. On 31 October 2023, Counsel for Petitioners received a Reply from the Office of the Vice President stating, among others, that the requested documents **“are covered by the exceptions to the right of access to information”** citing Executive Order No. 2 (S. 2016) and Joint Circular No. 2015-01. The same was the response sent by the Office of the President in its letter dated 10 November 2023 saying confidential funds are not subject to full public disclosure.¹³ In denying the request of Petitioners for copies of official records, documents, and papers related to disbursements and liquidation of the Confidential Funds, the OVP replied:

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Kindly note that the requested documents are covered by the exceptions to the right of access to information.

In this regard, the Office is constrained **TO DENY your request for copies of official records, documents and papers.** Nonetheless, please note that Confidential funds are subject to audit by the Commission on Audit as provided under Joint Circular No. 2015-01. This Office has complied with the reportorial requirements as provided under the said Circular. (*Emphasis supplied*)

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41. With the Reply of the OVP stating its reasons, there is already an actual case or controversy. In the case of *Express Telecommunications Co., Inc. vs. AZ Communications, Inc.*¹⁴, the Supreme Court ruled that there is an actual case or controversy **“when the case presents conflicting or opposing legal rights that may be resolved by the court in a judicial proceeding.”** Thus, it is of no question that the issues are already ripe and justiciable.

¹³ Kindly see the attached Reply by the Office of the President and Office of the Vice President marked as **Annex “D-Series”**.

¹⁴ G.R. No. 196902, 13 July 2020. (*Emphasis supplied*)

b. **Petitioners are taxpayers that have legal standing.**

42. Petitioners have legal standing as they are taxpayers and concerned citizens to assail the non-disclosure of the disbursements and liquidation of the Confidential Funds of the involved government agencies or offices.

43. The exercise of procedural leniency on *locus standi* in the face of constitutional issues is not a novel concept. The Honorable Court in the case of *Samahan ng mga Progresibong Kabataan (SPARK) vs. Quezon City*¹⁵ stated as follows:

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In a number of cases, this Court has taken a liberal stance towards the requirement of legal standing, especially when paramount interest is involved. **Indeed, when those who challenge the official act are able to craft an issue of transcendental significance to the people, the Court may exercise its sound discretion and take cognizance of the suit.** It may do so in spite of the inability of the petitioners to show that they have been personally injured by the operation of a law or any other government act.

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44. In the case of *Funa vs. The Chairman, Commission on Audit, Reynaldo A. Villar*¹⁶, the Supreme Court provides further enlightenment on legal standing which provides:

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To have legal standing, therefore, a suitor must show that he has sustained or will sustain a "direct injury" as a result of a government action, or have a "material interest" in the issue affected by the challenged official act. **However, the Court has time and again acted liberally on the locus standi requirements and has accorded certain individuals, not otherwise directly injured, or**

¹⁵ G.R. No. 225442, 8 August 2017, citing *Saguisag vs. Ochoa, Jr.* (Emphasis supplied)

¹⁶ G.R. No. 192791, 24 April 2012. (Emphasis supplied)

with material interest affected, by a Government act, standing to sue provided a constitutional issue of critical significance is at stake. The rule on locus standi is after all a mere procedural technicality in relation to which the Court, in a catena of cases involving a subject of transcendental import, has waived, or relaxed, thus allowing non-traditional plaintiffs, such as concerned citizens, taxpayers, voters or legislators, to sue in the public interest, albeit they may not have been personally injured by the operation of a law or any other government act. In David, the Court laid out the bare minimum norm before the so-called "non-traditional suitors" may be extended standing to sue, thus:

- 1.) For taxpayers, there must be a claim of illegal disbursement of public funds or that the tax measure is unconstitutional;
- 2.) For voters, there must be a showing of obvious interest in the validity of the election law in question;
- 3.) For concerned citizens, there must be a showing that the issues raised are of transcendental importance which must be settled early; and
- 4.) For legislators, there must be a claim that the official action complained of infringes their prerogatives as legislators.

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45. In this current case, Petitioners base their *locus standi* to file such petition as taxpayers and concerned citizens.

Locus standi as taxpayers

46. To gain more comprehensive understanding of taxpayers' suit, let us draw from this Honorable Court's wisdom in the case of *Public Interest Center, Inc. vs. Honorable Vicente Q. Roxas*¹⁷, where it stated that:

¹⁷ G.R. No. 125509, 31 January 2007.

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In the case of taxpayers' suits, the party suing as a taxpayer must prove that he has sufficient interest in preventing the illegal expenditure of money raised by taxation. Thus, taxpayers have been allowed to sue where there is a claim that public funds are illegally disbursed or that public money is being deflected to any improper purpose, or that public funds are wasted through the enforcement of an invalid or unconstitutional law.

More particularly, the taxpayer must establish that he has a personal and substantial interest in the case and that he has sustained or will sustain direct injury as a result of its enforcement or that he stands to be benefited or injured by the judgment in the case, or is entitled to the avails of the suit.

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47. The non-disclosure and the refusal to release the official records, documents, and papers related to disbursements and liquidation of the Confidential Funds of the OP and OVP by Respondents, despite lawful demand sent justified Petitioners' *locus standi* as tax payers.

48. Confidential Funds are billions of pesos from people's taxes, thus, any transaction therewith is public in nature. Non-disclosure is against the Constitutional rights of the Petitioners to "full public disclosure" and "to information on matters of public concern".

49. Even more concerning is that, Confidential Funds are subject to strict limitations in its application yet tax payers have no confirmation whether their taxes have indeed been used for a public purpose. This is a clear violation of their constitutional right. Every Filipino has the right to know where their taxes went. It is their money; thus, they have the right to know how and where it is spent by the very officials the people have elected.

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50. Given the premises, particularly the nature of Confidential Funds, Petitioners are vested with *locus standi* as taxpayers to bring forth this suit.

c. The question of constitutionality is raised at the earliest opportunity.

51. The instant Petition is filed at the earliest possible time. In *Arceta vs. Hon. Mangrobang*¹⁸, the Honorable Court clarified the meaning of earliest possible opportunity. The Court said:

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“Earliest opportunity means that the question of unconstitutionality of the act in question should have been immediately raised in the proceedings in the court below.”

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52. Having been recently publicly discovered during the deliberations on the OVP’s 2024 proposed budget held in August 2023, the allocation, release/disbursement of the Confidential funds may now be challenged in Court *via* a Petition for *Certiorari* for violating several provisions of the Constitution.

53. On Petitioners, through counsel, likewise received the Reply of the OVP dated 23 October 2023 denying their request for copies of official records, documents and papers pertaining to confidential funds. Hence, the instant Petition is timely lodged.

d. The issue of constitutionality is the very *lis mota* of this case.

54. *Lis mota* literally means “the cause of the suit or action”. This means that the resolution of the issue should be unavoidably necessary to the decision of the case.¹⁹

55. Applying it in the case at bar, the present Petition is filed by Petitioners before the Honorable Court to precisely correct the clear

¹⁸ G.R. No. 152895, 15 June 2004.

¹⁹ *Luz Farms vs. Secretary of Agrarian Reform*, G.R. No. 86889, 4 December 1990.

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and unequivocal breach of the Constitution for failure of Respondents to provide information to the public on how the Confidential Funds are used and/or spent by said government offices. The nondisclosure of Respondents – by failing or denying to produce copies of official records, documents and papers – constitutes the *lis mota* of the case.

56. In the case of *Garcia vs. The Executive Secretary*,²⁰ the Honorable Court explained that the constitutional issue must be the *lis mota* of the case and that its determination is paramount to the resolution of the case:

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Lis Mota – the fourth requirement to satisfy before this Court will undertake judicial review – means that the Court will not pass upon a question of unconstitutionality, although properly presented, if the case can be disposed of on some other ground, such as the application of the statute or the general law. The petitioner must be able to show that the case cannot be legally resolved unless the constitutional question raised is determined.

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57. The *Garcia* case also clarified the purpose of the requirement, to wit:

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This requirement is based on the rule that every law has in its favor the presumption of constitutionality; to **justify its nullification, there must be a clear and unequivocal breach of the Constitution**, and not one that is doubtful, speculative, or argumentative.²¹

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58. Following the above-mentioned jurisprudence, Petitioners humbly reiterate that the constitutional issues involved will be best resolved only by the Honorable Court, and cannot be disposed of on some other ground.

²⁰ G.R. No. 157584, 2 April 2009.

²¹ *Ibid.*

59. All the foregoing considered, Petitioners respectfully submit that the requisites for judicial review have been satisfied in this case. Thus, the Court may properly exercise its power of judicial inquiry pursuant to Article VIII, Section 1, paragraph 2, Sections 4(2) and 5 (1) of the 1987 Constitution and through Rule 65, Section 1 of the 1997 Rules of Civil Procedure, as amended.

ii. The issues in this Petition are of transcendental importance.

60. The case at bar is one of transcendental importance.

61. In the case of *Imbong vs. Ochoa*,²² the Honorable Supreme Court stated on the matter:

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Notwithstanding, the Court leans on the doctrine that "the rule on standing is a matter of procedure, hence, can be relaxed for non-traditional plaintiffs like ordinary citizens, taxpayers, and legislators when the public interest so requires, such as when the matter is of transcendental importance, of overreaching significance to society, or of paramount public interest.

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62. In this case, the Honorable Supreme Court held that transcendental importance was met given the fact that the Reproductive Health Law "drastically affects the constitutional provisions on the right to life and health, the freedom of religion and expression and other constitutional rights."

63. In the same vein, Respondents caused the disbursement of large amounts of public funds and had refused to disclose the purposes for the same in direct violation of Section 28, Article II of the 1987 Constitution, which provides: "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full disclosure of all its transactions involving public interest.

64. The non-disclosure likewise violates Section 7, Article III of the 1987 Constitution which provides: "The right of the people to

²² G.R. No. 204819, 08 April 2014.

information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.”

65. These two provisions are the pillars of honest and transparent governance. The two (2) provisions are the safeguard of the people against abusive and corrupt officials of the state who are willing to pocket their money without accountability. Given the constitutional rights at stake, it is without question that the issues in the case at bar are of transcendental and paramount importance affecting the constitutional rights of the Petitioners and every Filipino.

iii. A Petition for Certiorari is the proper remedy to challenge the constitutionality of allocation, release and/or disbursement of the confidential funds.

66. The Honorable Court ruled in *Rappler, Inc. vs. Andres D. Bautista*²³ that the remedy of *certiorari* is a proper remedy if the urgency to resolve the issue is apparent. The Court should not be prevented from having the issue resolved especially if it will shed enlightenment and guidance for every citizen.

67. With that, a writ of *certiorari* may be issued to correct errors of jurisdiction committed not only by a tribunal, corporation, board or officer exercising judicial, quasi-judicial or ministerial functions but also to set right, **undo and restrain any act of grave abuse of discretion amounting to lack or excess of jurisdiction by any branch or instrumentality of the Government, even if the latter does not exercise judicial quasi-judicial or ministerial functions.**

68. Petitioners respectfully invoke said ruling of the Honorable Court, through the extraordinary remedy of *certiorari*, to declare *void ab initio* the issuance of E.O. No. 2 (S. 2016) and Joint Circular No. 2015-01 by several offices under the Executive Branch which provided the alleged justification to exempt Confidential Funds from full public disclosure. These guidelines in the disbursements and

²³ G.R. No. 222702, 5 April 2016. (Emphasis supplied)

liquidation of Confidential Funds are unconstitutional as they are a usurpation of legislative power by the Executive Branch, as there is no valid delegation of legislative power.

69. To reiterate, the Executive Branch which issued E.O. No. 2 (S. 2016) and the Joint Circular were not delegated of any legislative power by the Congress to create guidelines on the disbursement and liquidation of the Confidential Funds, and as result threatened Petitioners' and the public's right to information on matters of public concern and violated the "full disclosure" mandate of the Constitution.

B.

**ALLOCATION, RELEASE AND/OR DISBURSEMENT
OF THE CONFIDENTIAL FUNDS IS
UNCONSTITUTIONAL BECAUSE:**

i. It violates Section 28, Article II of the 1987 Constitution which provides: "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full disclosure of all its transactions involving public interest."

ii. It violates Section 7, Article III of the 1987 Constitution which provides: "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

iii. Executive Order No. 2 (S. 2016) and Joint Circular No. 2015-01 of the Commission on Audit, the Department of Budget and Management, Department of Interior and Local Government, Government Owned and Controlled Corporations and the Department of National Defense are void *ab initio* being a usurpation of legislative power.

i. It violates Section 28, Article II of the 1987 Constitution which provides: "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full disclosure of all its transactions involving public interest."

70. Section 28, Article II of the 1987 Constitution provides: "Subject to reasonable conditions prescribed by law, the State adopts and implements a policy of full public disclosure of all its transactions involving public interest."

71. The Constitution adopts a policy of full disclosure of all government transactions involving public interest. In the case of *Mario Jose E. Sereno, et al. vs. Committee on Trade and Related Matters (CTRM) of the National Economic and Development Authority (NEDA), et al.*²⁴, the Supreme Court ruled that "the constitutional guarantee of the right of information on matters of public concern enunciated in Section 7 of Article III of the 1987 Constitution complements the State's policy-making as well as in the operations of the Government, and at safeguarding the exercise by the people of the freedom of expression. The Supreme Court likewise ruled, **"in a democratic society like ours, the free exchange of information is necessary, and can be possible only if the people are provided the proper information on matters that affect them"**.²⁵

72. A cursory reading of Section 28, Article II of the 1987 Constitution provides that the general rule is "full public disclosure of all government transactions involving public interest." The exemption is "subject to reasonable conditions prescribed by law", allowing for limited or no public disclosure of specific government transactions involving public interest.

73. Respondents failed to provide Petitioners copies of official record, document, and/or paper related to disbursements and liquidation of the Confidential Funds since 2022 despite Petitioners' demand.

²⁴ G.R. No. 175210, 1 February 2016.

²⁵ Emphasis supplied.

74. There is no reason for Respondents to deny Petitioners of their requested documents pertaining to the Confidential Funds because at present, there is **NO LAW** that exempts full public disclosure of all government transactions that involve taxpayers' matter. Hence, the general rule of public disclosure must apply.

75. All government transactions involving Confidential Funds are official, government acts that require public disclosure. The funds are public in nature as they are taxes of the people, thus, must be spent only for public purpose.

76. In the case of *Planters Products, Inc. vs. Fertiophil Corporation*²⁶, this Court ruled that an inherent limitation on the power of taxation is public purpose. The Court said, "**Taxes are exacted only for a public purpose. They cannot be used for purely private purposes or for the exclusive benefit of private persons.**"

77. Furthermore, the Constitutional Commission Deliberations of the 1987 Philippine Constitution on Section 25 (5) of Article VI covering discretionary funds, reveals that **the framers of the Constitution specifically avoided the scenario where the use of "discretionary" or similar funds would be a "subtle way of stealing people's money"**, to enumerate:

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MR. DAVIDE. This is an amendment of Commissioners Nolleto, Sarmiento and Guingona. Insert a new paragraph on page 8, between lines 20 and 21 to read as follows: "(6) DISCRETIONARY FUNDS APPROPRIATED FOR PARTICULAR OFFICIALS SHALL BE DISBURSED ONLY FOR PUBLIC PURPOSES TO BE SUPPORTED BY APPROPRIATE VOUCHERS AND SUBJECT TO SUCH GUIDELINES AS MAY BE PRESCRIBED BY LAW."

MR. NOLLEDO. I would like to explain the amendment, Madam President.

THE PRESIDENT. Commissioner Nolleto will please proceed.

²⁶ G.R. No. 166006, 14 March 2008. (Emphasis supplied)

MR NOLLEDO. The purpose is not to destroy but merely to regulate the disbursements to avoid abuse of discretion in the use of discretionary funds.

The word "discretionary" in relation to public funds is an anathema to the public, and it is high time that this Constitutional Commission adopt a rule that will effectively regulate the disbursements of discretionary funds.

Government officials who discharge their duties upon the tinkle of silver or the dazzle of gold have subtle ways of stealing people's money. And one of these ways is through so-called discretionary funds. So let this Constitutional Commission take a bold stand on this question and, to my mind, our proposed amendment is a step in the right direction.

Thank you, Madam President.

THE PRESIDENT. Is there any objection to his proposed amendment of Commissioners Nollado, Sarmiento and Guingona which has been accepted by the Committee inserting a new paragraph after Section 25 (5)? (*Silence*) The Chair hears none; the amendment is approved.²⁷

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78. Here, it is clear that the framers of the Constitution took a bold and clear stand in protecting people's money from corrupt government officials. Transparency is and has always been the foundation of good and honest governance.

79. The reason for this is simple. The power to tax exists for the general welfare; hence, implicit in its power is the limitation that it should be used only for a public purpose. It would be a robbery for the State to tax its citizens and use the funds generated for a private purpose or any purpose not intended therefor. As an old United

²⁷ *The 1987 Philippine Constitution, Constitutional Deliberations* on Sec. 25 (5) Art. VI, page 164, July 23, 1986. (Emphasis supplied)

States case bluntly put it: "To lay with one hand, the power of the government on the property of the citizen, and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes, is nonetheless a robbery because it is done under the forms of law and is called taxation."²⁸

80. By refusing to show or provide Petitioners records and documents pertaining as to how Confidential Funds are used, as official acts of government, Respondents have violated the "full disclosure" mandate of the Constitution, without any law exempting the same.

81. Thus, the general rule, that is, Confidential Funds are subject to "full disclosure" of their disbursement liquidation shall apply there being no law, as stated in the Constitution, that limits or exempts public disclosure from the Petitioners. As citizens of the Republic of the Philippines and tax payers, Petitioners have every right to demand full disclosure of such funds, consistent to the 1987 Constitution.

82. Section 1, Article XI of the Constitution likewise provides that a public office is a public trust and public officers must at all times be accountable to the people. This provision applies particularly to expenditures of public funds which come from taxes paid by the people. **Public officers are trustees of public funds that belong to the people and must be held accountable to the people at all times.**

83. Reasonable limitations on "full public disclosure" of matters of public interest and on the people's right to information on matters of public concern must not breach this constitutional requirement of accountability of public officers to the people "at all times."

ii. It violates Section 7, Article III of the 1987 Constitution which provides: "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and

²⁸ Bernas, J., *The 1987 Constitution of the Republic of the Philippines: A Commentary*, 1996 ed., p. 714.

papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."

84. Section 7, Article III of the 1987 Constitution provides: "The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents, and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law."²⁹

85. This provision likewise provides the general rule that every citizen has a right to information on matters of public concern such as the right to access to official records, documents and/or paper related to disbursements and liquidation of Confidential Funds.

86. This constitutional law provision, the same with Section 28, Article II, are self-executory provisions that do not need any local legislation to take effect.

87. Section 3 of the Executive Order No. 2, s. 2016, otherwise known as "Operationalizing in the Executive Branch the People's Constitutional Right to Information and the State Policies to full Public disclosure and transparency in the public service and providing guidelines therefor" provides that "every Filipino shall have access to information, official records, public records and to documents and papers pertaining to official acts, transactions or decisions, as well as to government research data used as basis for policy development."³⁰

88. Section 6 of the same Executive Order likewise provides that "There shall be a legal presumption in favor of access to information, public records and official records. No request for information shall be denied unless it clearly falls under any of the exceptions listed in the inventory or updated inventory of exceptions

²⁹ Emphasis supplied.

³⁰ Emphasis supplied.

circularized by the Office of the President provided in the preceding section."³¹

89. The Department of Justice (DOJ) and the Office of the Solicitor General (OSG) provide the Inventory of Exceptions to the Executive Order No. 2, s. 2016, to enumerate:

a). Information covered by Executive privilege which covers Presidential conversations, correspondence, and discussions in closed-door Cabinet meetings and Matters covered by deliberative process privilege;

b). Privileged information relating to national security, defense or international relations, such as information, record, or document that must be kept secret in the interest of national defense or security; Diplomatic negotiations and other information required to be kept secret in the conduct of foreign affairs; and Patent applications;

c). Information concerning law enforcement and protection of public and personal safety such as Investigation records compiled for law enforcement purposes or information which if written would:

i). interfere with enforcement proceedings;

ii). deprive a person of a right to a fair trial or an impartial adjudication;

iii). disclose the identity of a confidential source; or

iv). unjustifiably disclose investigative techniques and procedures.

This would also include: (a) Informer's privilege or the privilege of the Government not to disclose the identity of a person or persons who furnish

³¹ Emphasis supplied.

information of violations of law; (b) When disclosure of information would put the life and safety of an individual in imminent danger; (c) Any information given by informants leading to the recovery of carnapped vehicles and apprehension of the persons charged with carnapping; and (d) All proceedings involving application for admission into the Witness Protection Program.

90. There is no law that exempts full public disclosure and the people's right to have access to information, official records, public records and to documents and papers pertaining to the Confidential Funds. Significantly, there is no showing that OVP's conduct falls under any of the exceptions provided for under the aforementioned EO or any relevant laws. Thus, Respondents violated Section 28, Article II of the 1987 Constitution, by citing Executive Order No. 2, S. 2016.

iii. Executive Order No. 2 (S. 2016) and Joint Circular No. 2015-01 of the Commission on Audit, the Department of Budget and Management, Department of Interior and Local Government, Government Owned and Controlled Corporations and the Department of National Defense are void ab initio being a usurpation of legislative power.

91. Several offices under the Executive Branch issued Joint Circular No. 2015-01 that provides guidelines in the disbursements and liquidation of Confidential Funds. The same circular is used by the OVP to justify its nondisclosure of public funds saying the OVP has "faithfully" complied with the said Circular.

92. The OVP likewise cited E.O. 2 (S. 2016) which purportedly exempted the Confidential Funds from the people's right of access to information.

93. However, Joint Circular No. 2015-01 and EO No. 2 (S. 2016) are unconstitutional because they are not laws passed by Congress. They have no force of law. Specifically, the joint circular is simply a guideline. The Rationale of Joint Circular No. 2015-01 provides:

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The herein Joint Circular of the Department of Budget and Management (DBM), Department of the Interior and Local Government (DILG), Department of National Defense (DND), Governance Commission for GOCC(GCG) and the Commission on Audit (COA) **provides for the guidelines on the entitlement, release, use, reporting, and audit of Confidential Funds (CF) and Intelligence Funds (IF).** (*Emphasis supplied*)

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94. Likewise, E.O. No. 2 (S. 2016) is not a law which is what is expressly required by the Constitution to impose reasonable limitations on the people's right to "full public disclosure" and to "information on matters of public concern." An executive order is a directive by the president, hence, an act of the Executive branch of government.

95. In the case of *Knights of Rizal vs. DMCI Homes, Inc., et al.*³², the Supreme Court, speaking through the wisdom of former Senior Associate Justice Antonio T. Carpio ruled that "**A guide simply sets a direction 'or gives an instruction' to be followed**".³³

96. In the same vein, the Joint Circular and E.O. 2 (S. 2016) are not in a nature of law where Congress delegated its power to exempt the OVP from full public disclosure and the people's right to information of official records, documents and papers relating to the disbursements and liquidation of Confidential Funds.

97. Section 28, Article II and Section 7, Article III of the 1987 Constitution are clear. The only exemption to "full public discourse" and "the right to information on matters of public concern" is when there is a law the provides reasonable guidelines and parameters for the exemption. These parameters are essential for valid delegation of legislative power following the Complete Test and the Sufficient

³² G.R. No. 213948, 18 April 2017.

³³ Emphasis supplied.

Standard Test. Since there is no law that exempts the Office of the Vice President from full public disclosure and the right to information of every citizen to official records, documents and papers relating to the disbursements and liquidation of Confidential Funds, the GENERAL RULE APPLIES.

98. There is no other way of interpreting these constitutional provisions other than the "Plain meaning rule" or "*verba legis*" wherein the words in the Constitution are clear and thus, construction of the same is not necessary.

99. In the case of *H. Villarica Pawnshop, et al. vs. Social Security Commission et. al.*³⁴, the "plain meaning rule" or *verba legis* in statutory construction enjoins that if the statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without interpretation.

100. Congress did not enact a law delegating legislative power to the Executive Branch or to the COA, the DBM, DILG, GOCCs, and the DND. Hence, the Joint Circular is unconstitutional and *void ab initio*.

101. The Executive Branch cannot interpret and use the Joint Circular and E.O. 2 (S. 2016) as "law" to regulate the disbursement and to justify the exemption on "full public disclosure" and "the right to information of every citizen" of the Confidential Funds. To do so is a violation of the Doctrine of Separation of Powers.

102. In the case of *Jose A. Angara vs. The Electoral Commission, et al.*³⁵, "**The separation of powers is a fundamental principle in our system of government. It obtains not through express provision but by actual division in our Constitution.** Each department of the government has exclusive cognizance of matters within its jurisdiction, and is supreme within its own sphere."³⁶

103. Congress may not abdicate but only delegate its powers through law to the Executive Branch only through valid delegation of legislative powers. Here, there is no such delegation of legislative power with respect to the disbursement and liquidation of Confidential Funds. Any usurpation of legislative power by the Executive Branch is a violation of the Constitution, thus, *void ab initio*.

³⁴ G.R. No. 228087, 24 January 2018.

³⁵ G.R. No. L-45081, 15 July 1936.

³⁶ Emphasis supplied.

Neither may the Joint Circular may be ratified because it is void *ab initio*.

104. The reference to Joint Circular No. 2015-01 in the 2022 GAA did not make the Joint Circular a law when Section 85 of the GAA stated, "Implementation of this Section shall be subject to COA-DBM-DILG-GCG-DND J.C. No. 2015-01 dated January 8, 2015 and such other guidelines issued thereon."

105. *Firstly*, neither did the text of the guidelines found in Joint Circular No. 2015-01 and EO No. 2 (S. 2016) pass three readings in Congress, a constitutional requirement for a bill to become law. *Secondly*, joint circulars issued by COA and departments and offices of the Executive branch can be amended at any time by COA and the departments and offices that issued these joint circulars. The same can be said to an executive order. However, a law cannot be amended by COA and the departments and offices under the Executive Branch. *Thirdly*, when Section 85 stated that the section shall be implemented in accordance with Joint Circular No. 2015-01 and "such other guidelines issued thereon," Section 85 was obviously referring to implementing guidelines that are issued by executive departments and offices from time to time. Such implementing guidelines must conform to the Constitution and existing laws, and cannot supplant the Constitution or existing laws.

106. To preserve the validity of E.O. No. 2 (S. 2016) and Joint Circular No. 2015-01, they must be interpreted merely as an "executive exercise" by the COA of its constitutional power under Section 2(2), Article IX of the Constitution to define the scope of its audit. However, the Joint Circular cannot be interpreted as the law specified in Section 28, Article II and Section 7, Article III of the Constitution requiring Congress to enact a law should it desire to provide exceptions to the general rule prescribed by the Constitution for "full public disclosure" and for the "right of the people to information" on matters of public interest.

107. In the case of *Ang Nars Party-list vs. The Executive Secretary, et al.*³⁷, this Honorable Court has put an end to the issue whether joint circulars are the same as laws contemplated under the 1987 Constitution. They are not. This Honorable Court ruled:

³⁷ G.R. No. 215746, 8 October 2019. (Emphasis supplied)

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The Constitution unequivocally and mandatorily prescribes how a law is enacted, by expressly providing: "No bill passed by either House shall become a law unless it has passed three readings on separate days, and printed copies thereof in its final form have been distributed to its Members three days before its passage x x x." Congress has no power to amend this constitutional provision to transform, at the discretion of Congress, a joint resolution into a law by merely following the procedure prescribed by the Constitution for the enactment of a bill into a law. **The procedure for the enactment of a law cannot be made to depend on the vagaries of every Congress.** (*Emphasis supplied*)

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C.

THE ISSUANCE OF A TEMPORARY RESTRAINING ORDER AND WRIT OF PRELIMINARY INJUNCTION AND/OR MANDAMUS IS PROPER.

108. Petitioners respectfully move for the issuance of a TRO and WPI and/or other injunctive remedies under the following provisions of Rule 58, Sections 1 and 3 of the Rules of Court in order to stop the enforcement of Joint Circular No. 2015-01 and E.O. No. 2 (S. 2016);

Section 1. Preliminary injunction defined; classes. — A preliminary injunction is an order granted at any stage of an action or proceeding prior to the judgment or final order, requiring a party or a court, agency or a person to refrain from a particular act or acts. It may also require the performance of a particular act or acts, in which case it shall be known as a preliminary mandatory injunction. (1a)

Section 2. *Who may grant preliminary injunction.* — A preliminary injunction may be granted by the court where the action or proceeding is pending. If the action or proceeding is pending in the Court of Appeals or in the Supreme Court, it may be issued by said court or any member thereof.

Section 3. *Grounds for issuance of preliminary injunction.* — A preliminary injunction may be granted when it is established:

(a) That the applicant is entitled to the relief demanded, and the whole or part of such relief consists in restraining the commission or continuance of the act or acts complained of, or in requiring the performance of an act or acts either for a limited period or perpetually;

(b) That the commission, continuance or non-performance of the act or acts complained of during the litigation would probably work injustice to the applicant; or

(c) That a party, court, agency or a person is doing, threatening, or is attempting to do, or is procuring or suffering to be done some act or acts probably in violation of the rights of the applicant respecting the subject of the action or proceeding, and tending to render the judgment ineffectual.

109. In further support for the application of injunctive relief, Petitioners refer to *Australian Professional Realty, Inc., et.al. vs. Municipality Padre Garcia, Batangas Province*³⁸, where the Honorable Court ruled that a TRO may be availed of if irreparable injury or a grave injustice may result, thus:

xxx

A writ of preliminary injunction and a TRO are injunctive reliefs and preservative remedies for the protection of **substantive rights and interests**. An application for the issuance of a writ of preliminary injunction and/or TRO may be

³⁸ G.R No. 183367, 14 March 2012. (Emphasis supplied)

granted upon the filing of a verified application showing facts entitling the applicant to the relief demanded.

Essential to granting the injunctive relief is the existence of an urgent necessity for the writ in order to prevent serious damage. A TRO issues only if the matter is of such extreme urgency that grave injustice and irreparable injury would arise unless it is issued immediately. Under Section 5, Rule 58 of the Rule of Court, a TRO may be issued only if it appears from the facts shown by affidavits or by the verified application that great or irreparable injury would be inflicted on the applicant before the writ of preliminary injunction could be heard.

Thus, to be entitled to the injunctive writ, petitioners must show that (1) there exists a clear and unmistakable right to be protected; (2) this right is directly threatened by an act sought to be enjoined; (3) the invasion of the right is material and substantial; and (4) there is an urgent and paramount necessity for the writ to prevent serious and irreparable damage.

xxx

110. In accordance with the foregoing provisions and pronouncement, Petitioners assert that the essential elements for the issuance of a TRO and WPI and/or other injunctive remedies are present in this Petition due to the following grounds:

110.1 *First*, Petitioners have a clear legal right to raise the constitutional issues posed by the enforcement of Joint Circular 2015-01 and E.O. No. 2 (S. 2016) they being concerned citizens who have the right and legal standing to raise matters of transcendental importance;

110.2 *Second*, Joint Circular 2015-01 and E.O. No. 2 (S. 2016) threaten the basic constitutional right of people to information on matters of public interest;

110.3 *Third*, the enforcement of Joint Circular 2501-01 and E.O. No. 2 (S. 2016) contain provisions that are repugnant and perilous to the constitutional rights of every citizen, neither did said provisions present compelling state interests nor show that the least intrusive means were undertaken in order to serve the alleged state purpose; and

110.4 *Finally*, there is an urgent and paramount necessity to prevent further damage as the effectivity and implementation of Joint Circular 2501-01 and E.O. No. 2 (S. 2016) will materially and substantially prejudice basic constitutional rights and may result to the permanent contraction of civil and political liberties.

111. Furthermore, Section 3, Rule 65 of the Rules of Court provides for when a Petition for *Mandamus* may be filed, to wit:

Section 3. *Petition for mandamus.* – When any tribunal, corporation, board, officer or person unlawfully neglects the performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, or unlawfully excludes another from the use and enjoyment of a right or office to which such other is entitled, and there is no other plain, speedy and adequate remedy in the ordinary course of law, the person aggrieved thereby may file a verified petition in the proper court, alleging the facts with certainty and praying that judgment be rendered commanding the respondent, immediately or at some other time to be specified by the court, to do the act required to be done to protect the rights of the petitioner, and to pay the damages sustained by the petitioner by reason of the wrongful acts of the respondent.

The petition shall also contain a sworn certification of non-forum shopping as provided in the third paragraph of section 3, Rule 46.³⁹

³⁹ Emphasis supplied.

112. The present Petition shows that Petitioners are entitled to the Writ of *Mandamus* and that Respondents' actions exhibit an unlawful neglect of performance of an act which the law specifically enjoins as a duty resulting from an office, trust, or station, thus, an unlawful act because it denies the public from the use and enjoyment of their right to information on matters of public interest to which they are entitled and there is no other plain, speedy and adequate remedy in the ordinary course of law.

113. Petitioners seek this Honorable Court's succor due to the extreme urgency and importance of the issues involved and its consequences. Given that there is no exception provided by law, the failure of Respondents to provide records, documents, reports and other information on how the Confidential Funds are used violates the constitutional right of Petitioners to "full public disclosure" and "right to information on matters of public interest".

114. Here, there is a legal duty for Respondents to provide a report on how the Confidential Funds are used and/or disbursed. Hence, *Mandamus* should lie.

115. All told, Petitioners respectfully pray that the Honorable Court will remain steadfast and unwavering in protecting the Filipino people's fundamental rights by declaring null and void E.O. No. 2 (S. 2016) and Joint Circular No. 2015-01 for being repugnant to the 1987 Philippine Constitution as well as issue a Temporary Restraining Order, Writ of Preliminary Injunction and/or *Mandamus* to prevent any irreparable injury to Petitioners due to the infringement of their Constitutional rights.

PRAYER

WHEREFORE, premises considered, Petitioners ATTY. HOWARD M. CALLEJA, ATTY. JOSEPH PETER J. CALLEJA, Members of U.P. Law Class 1975, namely: JOSE P.O. ALILING IV, ET. AL., respectfully pray that judgment be rendered by this Honorable Supreme Court:

1. **GIVING DUE COURSE** to the instant *Petition for Certiorari and Mandamus with Urgent Prayer for a Temporary Restraining Order or Writ of Preliminary Injunction*;

2. **DECLARING** null and void Joint Circular No. 2015-01 and Executive Order No. 2 (S. 2016), issued on November 2016; Section 3, Rule IV, Rules Implementing the Code of Conduct and Ethical Standards for Public Officials and Employees, for being repugnant to the 1987 Philippine Constitution;
3. **PROHIBITING** all Respondents or any person, entity, member, officer, employee, representative or agent acting singly or collectively with them, from enforcing the above-mentioned sections of Joint Circular No. 2015-01 and E.O. No. 2 (S. 2016); and
4. **ISSUANCE** of a Temporary Restraining Order, Writ of Preliminary Injunction and/or Mandamus to prevent any irreparable injury to Petitioners due to the infringement of their Constitutional rights.
5. **DIRECTING** Vice President Sara Z. Duterte, the Senate of the Philippines, the House of Representatives and the Commission on Audit to furnish the Petitioners with the report of expenses and liquidation of the Vice-President's 2022 confidential funds in compliance with the "Full Public Disclosure" requirements and the "People's Right to Information on Matters of Public Concern" under the Constitution.

Other reliefs just and equitable under the circumstances are likewise prayed for.

Pasig City for the City of Manila, Philippines, 15 November 2023.

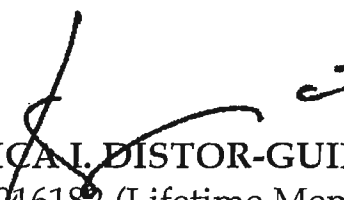
CALLEJA LAW OFFICE
Counsel for Petitioners
Unit 2904-C, West Tower, PSE Centre,
Exchange Road, Ortigas Center,
Pasig City, 1605
Tel. Nos. 633.6113/635.2307
Email: callejalaw@callejalaw.com
callejalaw@gmail.com

By:



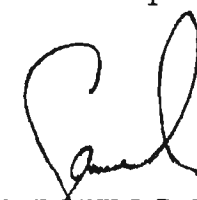
HOWARD M. CADLEJA

IBP No. 285108 / 01.11.2023 / Albay
PTR No. 0173272 / 01.10.2023 / Pasig City
Roll of Attorneys No. 39488
MCLE Exemption No. VII-Acadoo5143
Date of Compliance: February 20, 2023
Valid until 14 April 2025



KATRIN JESSICA I. DISTOR-GUINIGUNDO

IBP No. 016182 (Lifetime Member)
PTR No. 0173289 / 01-10-2023 / Quezon City
Roll of Attorneys No. 68305
MCLE Compliance No. VII-0022405
Valid until April 14, 2025



SAMUEL JOHN S. BERNARDO

PTR No. 12263900; 01/03/2023; Las Piñas City
IBP No. 277268; 01/09/2023; PPLM Chapter
Roll of Attorney No. 73506
MCLE Compliance No. VII - 0008314
Valid until April 14, 2025



JAKEY M. FAJARDO

IBP No. 289818, 289819/01.18.2023/Quezon City
PTR No. 0173280 / 01.10.2023 /Pasig City
Roll of Attorneys No. 68933
MCLE Compliance No. VII-0028459
Valid until April 14, 2025



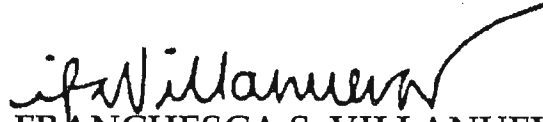
ARMY P. SANTOS

IBP No. 285103 / 01.11.2023 / Makati

PTR No. 0173288 / 01.10.2023 / Pasig City

Roll of Attorneys No. 76785

MCLE Compliance (Exempt-New Bar Passer)



INNA FRANCHESCA S. VILLANUEVA

IBP No. 286365 / 01.12.2023 / RSM

PTR No. 0173285 / 01.10.2023 / Pasig City

Roll of Attorneys No. 80160

MCLE Compliance (Exempt - New Bar Passer)



MATTHEW KELBY R. UY

PTR No. 0173698; 05/05/2023; Pasig City

IBP No. 335682; 05/04/2023; RSM Chapter

Roll of Attorney No. 87747

MCLE Compliance (Exempt-New Bar Passer)



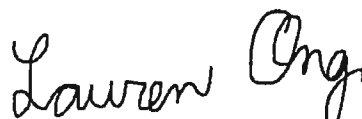
MARY SARAH D. GOBOLE

IBP No. 212277; 05-17-2023; Bulacan Chapter

PTR No. 1248615; 08-22-2022; /Bocaue, Bulacan

Roll of Attorneys No. 79418

MCLE Compliance (Admitted to the Bar in 2022)



LAUREN ISABEL S. ONG

IBP No. 279232 / 1.09.2023 / Quezon City

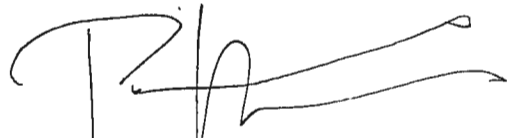
PTR No. 0173142 / 3.20.23 / Pasig City

Roll of Attorneys No. 76185

MCLE Compliance (Exempt-New Bar Passer)

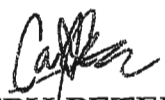


CARLO DIAMOND SALIAN
IBP No. 337662 / 05.04.2023 / PPLM
PTR No. 0173699 / 05.05.23 / Pasig City
Roll of Attorneys No. 87298
MCLE Compliance (Exempt-New Bar Passer)




SIMPLICIO PIO I. MATHAY III
IBP No. 359418 / 09.07.2023 / Quezon City
PTR No. 0173410 / 09.11.2023 / Pasig City
Roll of Attorneys No. 88099
MCLE Compliance (Exempt-New Bar Passer)

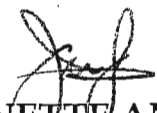
Collaborating counsel:



JOSEPH PETER J. CALLEJA
Roll of Attorneys No. 69334
IBP Lifetime No. 016668; Quezon City
PTR No. 8535922; 04 January 2022; Makati City
MCLE Compliance No. VII-0018929; 14 April 2025



COLLEEN I. CALLEJA
Roll of Attorneys No. 62385
IBP Lifetime No. 013586; Quezon City
PTR No. 2557582; 03 February 2022; Quezon City
MCLE Compliance No. VII - 0018932;
14 April 2025



LYNETTE ANN I. PIÑON
Roll of Attorneys No. 86980
IBP No. 337061;
May 04, 2023, Quezon City
PTR No. 4773037; June 01, 2023,
Quezon City
MCLE Compliance (Exempt-New Bar Passer)

Copy furnished:

ROBINSON'S ERMITA P.O.
NOV. 15, 2023

VICE-PRESIDENT SARA Z. DUTERTE
Office of the Vice President
Republic of the Philippines
11th Floor, Robinson's Cybergate Plaza,
EDSA, corner Pioneer St, Mandaluyong City

RE 807 533 606 22

HON. LUCAS P. BERSAMIN
Executive Secretary,
Office of the President of the Philippines,
Malacañang Palace, Manila 1000

RE 807 532 990 22

HON. ANNALYN M. SEVILLA
Undersecretary, Department of Education - Finance
2nd Floor Department of Education Building, DepEd Meralco
Avenue, Pasig, 1605 Metro Manila

RE 807 532 986 22

HON. JUAN MIGUEL F. ZUBIRI
Senate President
The Philippine Senate
GSIS Building, Financial Center,
Diokno Blvd., Pasay City

RE 807 532 972 22

HON. MARTIN G. ROMUALDEZ
Office of the Speaker
House of Representatives
Batasan Hills, Batasan Complex
Quezon City

RE 807 532 969 22

HON. AMENAH F. PANGANDAMAN
Secretary, Department of Budget and Management
Boncodin Hall, General Solano St.,
San Miguel, Manila

RE 807 532 955 22

ATTY. BENJAMIN C. ABALOS, JR.
Secretary, Department of Interior and Local Government
DILG NAPOLCOM Center EDSA corner

RE 807 532 941 2

Quezon Avenue, Quezon City.

ATTY. MARIUS P. CORPUS

Chairperson, Governance Commission for GOCCs
3/F BDO Paseo Towers (Formerly Citibank Centre),
Paseo de Roxas Avenue, Makati City

RE 807 (32 93822

CHAIRPERSON GAMALIEL ASIS CORDOBA

Office of the Chairperson
Commission on Audit
Commonwealth Avenue, Quezon City

RE 807 (33 62422

EXPLANATION

*(Pursuant to Section 11, Rule 13 of the
1997 Rules of Civil Procedure, as amended)*

The foregoing *Petition* is served to the foregoing addressees by registered mail and/or accredited express courier due to time constraint, distance, and lack of manpower to effect personal service.

Army P. Santos
ARMY P. SANTOS

REPUBLIC OF THE PHILIPPINES)

CITY OF MANILA)

VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING

We, ATTY. HOWARD M. CALLEJA, ATTY. JOSEPH PETER J. CALLEJA, ATTY. LYNETTE ANN I. PIÑON, FATHER FLAVIANO L. VILLANUEVA, SVD, FATHER ALBERT E. ALEJO, S.J., FATHER ROBERT P. REYES, FATHER CHRISTIAN BUENAFE, O. CARM., FATHER JOSELITO S. SARABIA, C.M., and NAPOLEON L. SIONGKO all of legal age, Filipino, married/single, and with address c/o Calleja Law Office, 2904C, West Tower, PSE Center, Exchange Road, Ortigas Center, Pasig City, hereby depose and say that:

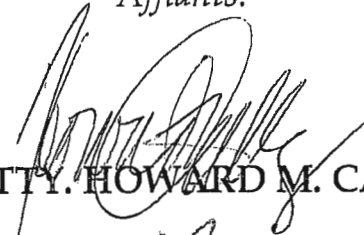
1. We are the Petitioners in the above-entitled case.
2. We have caused the preparation of the instant *Petition for Certiorari and Mandamus* filed with the Supreme Court of the Philippines.
3. That we have read and understood the contents thereof and that the same are true and correct of our own personal knowledge and/or based on authentic documents.
4. That factual allegations in the foregoing *Petition* have evidentiary support or, if specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. The aforementioned *Petition* is not being filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
6. We further attest that we have not therefore commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and to the best of our knowledge, no such other action or claim is pending; and

7. If we should hereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five (5) days therefrom to this Honorable Court.


In witness whereof, I have hereunto set my hand this ___ day of

NOV 14 2023, 2023 in CITY OF MANILA City.

Affiants:



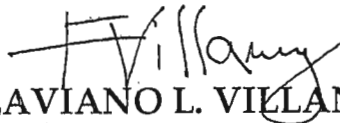
ATTY. HOWARD M. CALLEJA



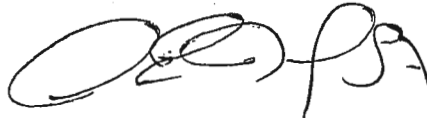
ATTY. JOSEPH PETER J. CALLEJA



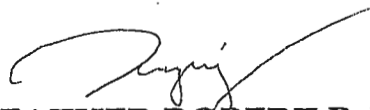
ATTY. LYNETTE ANN I. PIÑON



FATHER FLAVIANO L. VILLANUEVA, S.V.D.



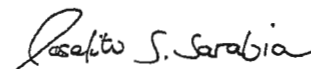
FATHER ALBERT E. ALEJO, S.J.



FATHER ROBERT P. REYES



FATHER CHRISTIAN BUENAFE, O. CARM.



FATHER JOSELITO S. SARABIA, C.M.

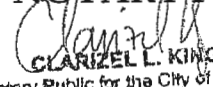


NAPOLEON L. SIONGKO

SUBSCRIBED AND SWORN to before me this ___ day of
NOV 14 2023 2023, affiant exhibiting to me their
_____ as competent evidence of their
identity

Doc. No. 177 ;
Page No. 37 ;
Book No. XVII ;
Series of 2023.

NOTARY PUBLIC



CLARIZELL L. KING

Notary Public for the City of Manila
Commission No. 2022-021
until 31 December 2023
PTR No. 0681555; 01/01/2023 - Manila
IBP Lifetime No. 015389; 09/09/2018 - PPLM
Roll No. 06581
MCLE Compliance No. VII-0004028; 07/15/2021
1/G Tytana Plaza Bldg.
611 V. Tytana Street, Binondo, Manila

NAME	VALID I.D.	EXPIRY DATE
HOWARD M. CALLEJA	PASSPORT NO. P5996918A	10-FEB-2028
JOSEPH PETER J. CALLEJA	ROLL NO. 69334	
LYNETTE ANN PINON	ROLL NO. 86980	
FLAVIANO L. VILLANUEVA, SVD		
ALBERT E. ALEJO, SJ	PASSPORT NO. P4946342B	25-FEB-2030
ROBERT REYES		
CHRISTIAN BUENAFE, O. CARM.	PASSPORT NO. P9139520B	08-MAR-2032
JOSELITO S. SARABIA, CM	PRC NO. 0000383	8/21/2026
NAPOLEON L. SIONGCO	LTO ID NO. N04-88-092061	2032/12/01

REPUBLIC OF THE PHILIPPINES)
CITY OF MANILA)

VERIFICATION AND CERTIFICATION AGAINST FORUM SHOPPING

We, the Members of U.P. Law Class 1975, namely: JOSE P.O. ALILING IV, AUGUSTO H. BACULIO, EDGARDO R. BALBIN, MOISES B. BOQUIA, ANTONIO T. CARPIO, MANUEL C. CASES, JR., RICHARD J. GORDON, OSCAR L. KARAAAN, BENJAMIN L. KALAW, LUCAS C. LICERIO, TOMAS N. PRADO, ELIZER A. ODULIO, OSCAR M. ORBOS, AURORA A. SANTIAGO, EMILY SIBULO-HAYUDINI, CONRAD D. SORIANO, AND JOSE B. TOMIMBANG, all of legal age, Filipino, married/single, and with address c/o Calleja Law Office, 2904C, West Tower, PSE Center, Exchange Road, Ortigas Center, Pasig City, hereby depose and say that:

1. We are the Petitioners in the above-entitled case.
2. We have caused the preparation of the instant *Petition for Certiorari and Mandamus* filed with the Supreme Court of the Philippines.
3. That we have read and understood the contents thereof and that the same are true and correct of our own personal knowledge and/or based on authentic documents.
4. That factual allegations in the foregoing *Petition* have evidentiary support or, if specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. The aforementioned *Petition* is not being filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
6. We further attest that we have not therefore commenced any action or filed any claim involving the same issues in any court, tribunal, or quasi-judicial agency, and to the best of our knowledge, no such other action or claim is pending; and

7. If we should hereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five (5) days therefrom to this Honorable Court.

In witness whereof, we have hereunto set our hand this 13th day of November 2023 in CITY OF MANILA City.


Affiants:



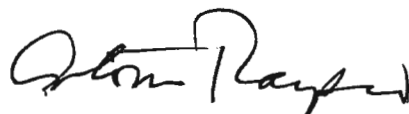
JOSE P.O. ALILING, IV
Senior ID: 17760
Place Issued : QC

AUGUSTO H. BACULIO
Senior ID: _____
Place Issued : _____

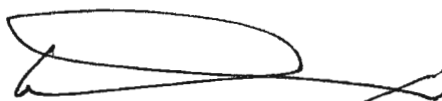
EDGARDO R. BALBIN
Senior ID: _____
Place Issued : _____



MOISES B. BOQUIA
Senior ID: 55559
Place Issued : _____



ANTONIO T. CARPIO
Senior ID: 39780
Place Issued : Makati City



MANUEL C. CASES, JR.
Senior ID: 2827
Place Issued : _____

RICHARD J. GORDON

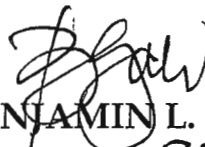
Senior ID: _____

Place Issued : _____

OSCAR L. KARAAN

Senior ID: _____

Place Issued : _____



BENJAMIN L. KALAW

Senior ID: 79208

Place Issued : PARAQUE



LUCAS C. LICERIO

Senior ID: 94327

Place Issued : Quezon City



TOMAS N. PRADO

Senior ID: 19231

Place Issued : Quezon City



ELIZER A. ODULIO

Senior ID: 102827

Place Issued : Moricon City

OSCAR M. ORBOS

Senior ID: _____

Place Issued : _____

AURORA A. SANTIAGO

Senior ID: _____

Place Issued : _____


EMILY SIBULO-HAYUDINI

Senior ID: 44261

Place Issued : Manila City

CONRAD D. SORIANO

Senior ID: _____

Place Issued : _____


JOSE B. TOMIMBANG

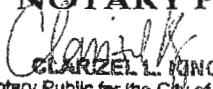
Senior ID: 92958

Place Issued : MANILA CITY

SUBSCRIBED AND SWORN to before me this 18th day of November 2023, affiants exhibiting to me their Senior Citizen's ID as competent evidence of their identity.

Doc. No. 178 ;
Page No. 37 ;
Book No. XVI ;
Series of 2023.

NOTARY PUBLIC


CLARZEL L. TING

Notary Public for the City of Manila

Commission No. 2022-021

until 31 December 2023

PTR No. 0861555; 01/04/2023 - Manila

IBP Lifetime No. 015098; 06/09/2018 - PPLM

Roll No. 66561

MCLE Compliance No. VII-0004028; 07/15/2021

L/G Tytana Plaza Bldg.

611 V. Tytana Street, Binondo, Manila

VERIFICATION AND
CERTIFICATION AGAINST FORUM SHOPPING

We, AGNIESZKA SUNGA, MARYBETH ANN ODO, GLORIETTE MARIE ABUNDO, SARAH KATRINA MARALIT, JULIAN PETER ALVINA, KYLE LIVEN DAVE ANDRINO, ANTONINA CONCEPCION, ARAMAINE BALON, FRANCES ARANDIA, CHARMAE MARAVILLA, CAMILLE ANN CEDO, FRENCH VIVIENNE T. TEMPLONUEVO, JANYN MARIELLA MONTEALEGRE, ALYSSA MARI BALANGUE, MARIA ANGELA PADILLA, GERALDINE BRACEROS, DIAZMEAN KYLA G. SOTELO, MAE HELOISE LISACA, MARY GRACE DOMINGUEZ, ERYN LAYE DELA CRUZ, JOEL REMENTILLA, JOSE TOPACIO, and GILLIAN AIA CAPILI, all of legal age, Filipino, married/single, and with address c/o Calleja Law Office, 2904C, West Tower, PSE Center, Exchange Road, Ortigas Center, Pasig City, hereby depose and say that :

1. We are the Petitioners in the above-entitled case.
2. We have caused the preparation of the instant *Petition for Certiorari and Mandamus* filed with the Supreme Court of the Philippines.
3. That we have read and understood the contents thereof and that the same are true and correct of our own personal knowledge and/or based on authentic documents.
4. That factual allegations in the foregoing *Petition* have evidentiary support or, if specifically identified, will likewise have evidentiary support after a reasonable opportunity for discovery;
5. The aforementioned *Petition* is not being filed to harass, cause unnecessary delay, or needlessly increase the cost of litigation; and
6. We further attest that we have not therefore commenced any action or filed any claim involving the same issues in any court,

tribunal, or quasi-judicial agency, and to the best of our knowledge, no such other action or claim is pending; and

7. If we should hereafter learn that the same or similar action or claim has been filed or is pending, we shall report that fact within five (5) days therefrom to this Honorable Court.

In witness whereof, I have hereunto set my hand this __ day of

NOV 14 2023, 2023 in CITY OF MANILA City.

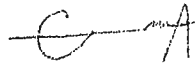
Affiants:



AGNIESZKA SUNGA



MARYBETH ANN ODO



GLORIETTE MARIE ABUNDO



SARAH KATRINA MARALIT




JULIAN PETER ALVINA



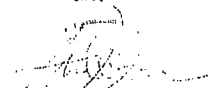
KYLE LIVEN DAVE ANDRINO



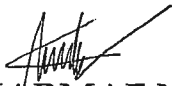
ANTONINA CONCEPCION



ARAMAINE BALON



FRANCES ARANDIA



CHARMAE MARAVILLA


CAMILLE ANN CEDO


FRENCH VIVIENNE T. TEMPLONUEVO


JANYN MARIELLA MONTEALEGRE

ALYSSA MARI BALANGUE


MARIA ANGELA PADILLA


GERALDINE BRACEROS


DIAZMEAN KYLA G. SOTELO


MAE HELOISE LISACA


MARY GRACE DOMINGUEZ


ERYN LAYE DELA CRUZ


JOEL REMENTILLA


JOSE TOPACIO


GILLIAN AIA CAPILI

SUBSCRIBED AND SWORN to before me this ____ day of
NOV 14 2023 2023, affiant exhibiting to me their
_____ as competent evidence of their
identity.

Doc. No. 176 ;
Page No. 37 ;
Book No. XVII ;
Series of 2023.

NOTARY PUBLIC

Clarzel L. King
CLARZEL L. KING

Notary Public for the City of Manila
Commission No. 2022-021
until 31 December 2023

PTR No. 0861555; 01/04/2023 – Manila
IBP Lifetime No. 015083; 06/09/2016 – PPLM
Roll No. 84531

MCLE Compliance No. VII-0064022; 07/15/2021
LJC Tylana Plaza Bldg.
611 V. Tylana Street, Bonondo, Manila

NAME	VALID I.D.	EXPIRY DATE
AGNIESZKA SUNGA	TIN NO. 502-026-199-000	
MARYBETH ANN ODO	LTO ID NO. M02-005269	2025/11/07
CLORIETTE MARIE ABUNDO	LTO ID NO. D37-22-301991	2027/02/20
SARAH KATRINA MARALIT	LTO ID NO. N26-11-025785	2032/04/08
JULIAN PETER ALVINA	PWD ID NO. 13-7601-010- 21981	
KYLE LIVEN DAVE ANDRIANO	PASSPORT NO. P5716277A	21-JAN-2028
ANTONINA CONCEPCION	LTO ID NO. N04-14-023512	2032/10/27
ARAMAINE BALON	LTO ID NO. N26-19-034431	2024/01/26
FRANCES ARANDIA	LTO ID NO. D37-22-301991	2027/02/20
CHARMAE MARAVILLA	PASSPORT NO. P7173412A	14-MAY-2028
CAMILLE ANN CEDO	LTO ID NO. N26-19-016054	2023/10/24
FRENCH VIVIENNE T. TEMPLONUEVO	POSTAL ID NO. D94190257239	
JANYN MAREILLA MONTEALEGRE	PASSPORT NO. P1515666B	24-APR-2029
ALYSSA MARI BALANGUE	PASSPORT NO. P4807921C	25-JUL-2033
MARIA ANGELA PADILLA	LTO ID NO. N02-17-028118	2026/10/18
GERALDINE BRACEROS	NATIONAL ID NO. 2175- 6374-1547-6942	
DIAZMEAN KYLA G. SOTELO	PASSPORT NO. P4074821C	08-MAY-233
MAE HELOISE LISACA	NATIONAL ID NO. 4582- 9037-4819-4254	
MARY GRACE DOMINGUEZ	POSTAL ID NO. PRN D84210483344	12-OCT-2024
ERYN LAYE DELA CRUZ	ID NO. 2022-01318	
JOEL REMENTILLA	PRC ID NO. 0094198	02/13/2025
JOSE TOPACIOA	PASSPORT NO. P5802455C	23-OCT-2033
GILLIAN ALA CAPIJI	PASSPORT NO. P1320918C	14-AUG-2032

REPUBLIC OF THE PHILIPPINES)
PASIG CITY) S.S.

AFFIDAVIT OF SERVICE

I, JESUS DELA CRUZ, of legal age, Filipino, married, Liaison Officer of Calleja Law Office, with office address at Unit 2904-C West Tower, Philippine Stock Exchange Centre, Exchange Road, Ortigas Center, Pasig City, hereby depose and state that:

That on November 15, 2023, I served a copy of the following:

NATURE OF PLEADING

PETITION FOR CERTIORARI AND MANDAMUS

(With Urgent Prayer for the Issuance of a Temporary Restraining Order or Writ of Preliminary Injunction)

in the entitled G.R. No. _____ entitled ATTY. HOWARD M. CALLEJA, ATTY. JOSEPH PETER J. CALLEJA, Members of U.P. Law Class 1975, namely; JOSE P.O. ALILING IV, AUGUSTO H. BACULIO, EDGARDO R. BALBIN, MOISES B. BOQUIA, ANTONIO T. CARPIO, MANUEL C. CASES, JR., RICHARD J. GORDON, OSCAR L. KARAAN, BENJAMIN L. KALAW, LUCAS C. LICERIO, TOMAS N. PRADO, ELIZER A. ODULIO, OSCAR M. ORBOS, AURORA A. SANTIAGO, EMILY SIBULO-HAYUDINI, CONRAD D. SORIANO, AND, JOSE B. TOMIMBANG, LYNETTE ANN I. PIÑON, FATHER FLAVIANO L. VILLANUEVA, SVD, FATHER FLAVIANO ALBERTE. ALEJO, S.J., FATHER ROBERT P. REYES, FATHER CHRISTIAN BUENAFE, O. CARM., FATHER JOSELITO S. SARABIA, C.M., NAPOLEON L. SIONGKO, AGNIESZKA SUNGA, MARYBETH ANN ODO, GLORINETTE MARIE ABUNDO, SARAH KATRINA MARALIT, JULIAN PETER ALVINA, KYLE LIVEN DAVE ANDRINO, ANTONINA CONCEPCION, ARAMAINE BALON, FRNACES ARANDIA, CHARMAE MARAVILLA, CAMILLE ANN CEDO, FRENCH VIVIENNE T. TEMPLONUEVO, JANYNMARIELLA MONTEALEGRE, ALYSSA MARI BALANGUE, MARIA ANGELA PADILLA, GERALDINE BARCEROS, DIAZMEAN KYLA G. SOTELO, MAE HELOISE LISACA, MARY GRACE DOMINGUEZ, ERYN LAYE DELA CRUZ, JOEL REMENTILLA, JOSE TOPACIO, AND GILLIAN AIA CAPILI versus VICE-PRESIDENT SARA Z. DUTERTE, THE OFFICE OF THE EXECUTIVE SECRETARY, REPRESENTED BY HON. LUCAS P. BERSAMIN, THE SENATE OF THE PHILIPPINES, REPRESENTATIVE BY HON. MIGUEL ZUBIRI, THE HOUSE OF REPRESENTATIVES, REPRESENTED BY HON. MARTIN G. ROMUALDEZ, THE DEPARTMENT OF EDUCATION, REPRESENTED BY UNDERSECRETARY FOR FINANCE ANNALYN M. SEVILLA, THE DEPARTMENT OF BUDGET AND MANAGEMENT, REPRESENTED BY HON. AMENAH F. PANGANDAMAN, THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, REPRESENTED BY HON. BENJAMIN C. ABALOS, JR., THE GOVERNANCE COMMISSION FOR GOCCs, REPRESENTED BY HON. MARIUS F. CORPUS AND THE COMMISSION ON AUDIT, REPRESENTED BY HON. GAMALIEL ASIS CORDOBA, pursuant to Sections 3, 4, 5 and 10, Rule 13 of the Rules of Court, as follows:

By registered mail:

VICE-PRESIDENT SARA Z. DUTERTE
Office of the Vice President
Republic of the Philippines
11th Floor, Robinson's Cybergate Plaza,
EDSA, corner Pioneer St, Mandaluyong
City

HON. LUCAS P. BERSAMIN
Executive Secretary,
Office of the President of the
Philippines,
Malacañang Palace, Manila 1000

HON. ANNALYN M. SEVILLA
Undersecretary, Department of
Education - Finance
2nd Floor Department of Education
Building, DepEd Meralco Avenue, Pasig,
1605 Metro Manila

HON. JUAN MIGUEL F. ZUBIRI
Senate President
The Philippine Senate
GSIS Building, Financial Center,
Diokno Blvd., Pasay City

HON. MARTIN G. ROMUALDEZ
Office of the Speaker
House of Representatives
Batasan Hills, Batasan Complex
Quezon City

HON. AMENAH F. PANGANDAMAN
Secretary, Department of Budget and
Management
Boncodin Hall, General Solano St.,
San Miguel, Manila

ATTY. BENJAMIN C. ABALOS, JR.
Secretary, Department of Interior and
Local Government
DILG NAPOLCOM Center EDSA corner
Quezon Avenue, Quezon City.

by depositing on November 15, 2023 one
copy of pleadings thru Postal Office, as
evidenced by Tracking Nos. **ROBINSON'S**
P.O.

ERMITA

RF 807 533 006 ZZ

RF 807 532 990 ZZ

RF 807 532 966 ZZ

RF 807 532 972 ZZ

RF 607 532 969 ZZ

RF 607 532 955 ZZ

RF 607 532 941 ZZ

