Republic of the Philippines
Supreme Court
Baguio

EN BANC

SEN. ANTONIO "SONNY" F. TRILLANES IV,
Petitioner,

-versus-

HON. SALVADOR C. MEDIALDEA in his capacity as Executive Secretary, HON. DELFIN N. LORENZANA, in his capacity as Secretary of National Defense, HON. EDUARDO M. AÑO, in his capacity as Secretary of Interior and Local Government, HON. MENARDO I. GUEVARRA, in his capacity as Secretary of Justice, GEN. CARLITO G. GALVEZ, JR., in his capacity as Chief of Staff, Armed Forces of the Philippines, P/DIR. GEN OSCAR D. ALBAYALDE, in his capacity as Chief of the Philippine National Police and all persons acting for and in their behalf an/or under their direction,
Respondents.

G.R. No. 241494

x---x

PEOPLE OF THE PHILIPPINES,
Petitioner,

-versus-

SEN. ANTONIO F. TRILLANES IV,
Respondent.

G.R. No. 256660

x--------------------------------------x

PEOPLE OF THE PHILIPPINES,
Petitioner,

- versus -

SEN. ANTONIO F. TRILLANES IV,
Respondent.

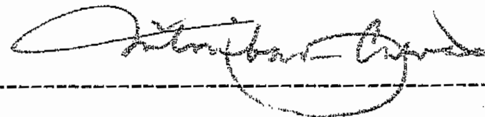
x--------------------------------------x

G.R. No. 256078

Present:
GESMUNDO, *C.J.*,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.
GAERLAN,
ROSARIO,
LOPEZ, J.
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, *JJ.*

Promulgated:

April 3, 2024



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D E C I S I O N

SINGH, *J.*:

These consolidated cases require the Court to determine the limits of presidential power weighed against the protections granted under the Bill of Rights. In resolving this issue, the Court, as it is sworn to do, anchors its ruling on the Constitution and the supremacy of the rule of law.

The Court affirms the value of procedural rules in enforcing and protecting the fundamental right to due process and the equal protection of the laws. Indeed, the duty of governing a country requires the exercise of great powers. In the government's zeal to perform its duty, there can be a risk to take certain laws and rules lightly upon the belief that these are minor irregularities justified by the importance of the task at hand. Nonetheless, no intention, no matter how lofty, warrants a violation of fundamental freedoms and of cornerstone public policies that help keep our system of justice alive.

In these consolidated cases, the Court upholds the Constitution and reaffirms that no one, not even the President, is above the law.

The Facts

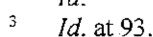
Former Senator Antonio F. Trillanes IV (**Trillanes**) is a former active member of the Armed Forces of the Philippines (**AFP**), particularly the Philippine Navy, with the rank of Lieutenant Senior Grade.[1]

On July 27, 2003, Trillanes led a group of armed soldiers known as the Magdalo Group and took over the Oakwood Premier Apartments in Makati City. This event has been since known as the Oakwood Mutiny. Because of his acts, Trillanes, along with the other members of the Magdalo Group involved in the Oakwood Mutiny, were charged with the crime of *Coup d'etat* under Article 134-A of the Revised Penal Code (**RPC**). The case was filed before Branch 148 (**Branch 148**), Regional Trial Court (**RTC**) of Makati City, and docketed as Criminal Case No. 03-2784, titled *People of the Philippines v. Antonio F. Trillanes, IV, et al.* (the ***Coup d'etat* Case**).[2]

During the pendency of the *Coup d'etat* Case, Trillanes won a Senate seat in the 2007 elections.

On November 29, 2007, during a hearing in the *Coup d'etat* Case before Branch 148, Trillanes and the other members of the Magdalo Group walked out of the court and proceeded to take over the Manila Peninsula Hotel. Trillanes and the Magdalo Group called for the ouster of then President Gloria Macapagal-Arroyo. This event is now known as the Manila Peninsula Incident.[3]

Police authorities attempted to serve a warrant of arrest for direct contempt issued by Branch 148, but Trillanes and his group refused to receive



[1] *Rollo* (G.R. No. 256660), p. 92.
[2] *Id.*
[3] *Id.* at 93.

it. Thus, the police were eventually forced to break into the hotel to arrest Trillanes and his group.[4]

Because of the Manila Peninsula Incident, Trillanes, among others, was subsequently charged with Rebellion in 2007. The case was filed before Branch 150 (**Branch 150**), RTC Makati City, and docketed as Criminal Case No. 07-3126, titled *People of the Philippines v. Sen. Antonio F. Trillanes IV, et al.*[5] (the **Rebellion Case**).[6]

On November 24, 2010, former President Benigno S. Aquino, III (**President Aquino**) issued Proclamation No. 75, Series of 2010 (**Proclamation No. 75**).[7] Proclamation No. 75 granted amnesty to all active and former personnel of the AFP and the Philippine National Police (**PNP**), and their supporters, who have or may have committed crimes punishable under the RPC, the Articles of War, or other laws, in connection with the Oakwood Mutiny, the Marines Stand-Off, and the Manila Peninsula Incident.[8]

Section 1 of Proclamation No. 75 provided:

> SECTION 1. *Grant of Amnesty.* – Amnesty is hereby granted to all active and former personnel of the AFP and PNP as well as their supporters who have or may have committed crimes punishable under the Revised Penal Code, the Articles of War or other laws in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Manila Peninsula Incident who shall apply therefor; Provided that amnesty shall not cover rape, acts of torture, crimes against chastity and other crimes committed for personal ends.

Proclamation No. 75 also stated that the concerned AFP and PNP personnel and their supporters may apply for amnesty with the "*ad hoc* committee Department of National Defense"[9] within a period of 90 days following the date of publication of Proclamation No. 75.[10] The *ad hoc* committee of the Department of National Defense (**DND**) was tasked with receiving and processing applications – including oppositions thereto, if any – for amnesty, pursuant to this Proclamation and determining whether the applicants are entitled to amnesty pursuant to this Proclamation. The DND's

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[4] *Id.* at 93.
[5] *Id.* at 55.
[6] *Rollo* (G.R. No. 256078), p. 89.
[7] Proclamation No. 75 (2010) Granting Amnesty To Active And Former Personnel Of The Armed Forces Of The Philippine, Philippine National Police And Their Supporters Who May Have Committed Crimes Punishable Under The Revised Penal Code, The Articles Of War And Other Laws In Connection With The Oakwood Mutiny, The Marines Stand-Off And The Manila Peninsula Incident.
[8] Proclamation No. 75 (2010), sec. 1.
[9] Proclamation No. 75 (2010), sec. 2.
[10] Proclamation No. 75 (2010), sec. 3.

final decision as to an amnesty application is appealable to the Office of the President.[11]

Proclamation No. 75 further states:

> SEC 4. *Effects.* –
>
> (a) Amnesty pursuant to this proclamation shall extinguish any criminal liability for acts committed in connection, incident or related to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Peninsula Manila Hotel Incident without prejudice to the grantee's civil liability for injuries or damages caused to private persons.
>
> (b) Except as provided below, the grant of amnesty shall effect the restoration of civil and political rights or entitlement of grantees that may have been suspended, lost or adversely affected by virtue of any executive, administrative or criminal action or proceedings against the grantee in connection with the subject incidents, including criminal conviction or any form, if any.

In accordance with Article VII, Section 19 of the Constitution,[12] the House of Representatives and the Senate of the Philippines, on December 13, 2010 and December 14, 2010, respectively, adopted Concurrent Resolution No. 4[13] and concurred with Proclamation No. 75. Concurrent Resolution No. 4 included the following recommendation:

> *Resolved, further*, That both Houses of Congress adopt the following recommendation to the President of the Philippines for inclusion in the implementing rules and regulations of the Amnesty Proclamation:
>
> (a) No application for amnesty shall be given due course without the applicant admitting his guilt or criminal culpability of any or all of the subject incidents in writing expressed in the application;[14]

On December 15, 2010, DND Secretary Voltaire Gazmin (**Sec. Gazmin**) issued Department Order No. 320 (**DO No. 320**),[15] which created the DND *Ad Hoc* Amnesty Committee (the **Committee**). DO No. 320 tasked the Committee to perform the following: (1) receive and process applications for amnesty including oppositions thereto; (2) determine whether the applicants are entitled to amnesty under Proclamation No. 75; (3) adopt its

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[11] Proclamation No. 75 (2010), sec. 2.

[12] CONST., art. VII, sec. 19 provides:
Section 19. Except in cases of impeachment, or as otherwise provided in this Constitution, the President may grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction by final judgment.
He shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress.

[13] *Rollo* (G.R. No. 241494), pp. 44-47.

[14] *Id.* at 46.

[15] *Rollo* (G.R. No. 256660), pp. 162-163.

rules and procedure for the effective implementation of the amnesty program; and (4) submit its recommendations to the DND Secretary for approval.[16]

In the meantime, Branch 148, through its Order,[17] dated December 16, 2010, suspended the promulgation of judgment in the *Coup d'etat* Case in view of the issuance of Proclamation No. 75. This Order also required Trillanes to submit a copy of his application form for amnesty on or before January 22, 2010.[18]

On December 21, 2010, the Committee promulgated the Department of National Defense Amnesty Committee Circular No. 1 entitled the *Rules of Procedure of the DND Ad Hoc Amnesty Committee for the Implementation of Presidential Proclamation No. 75* (**Committee Rules of Procedure**).[19]

The relevant portions of the Committee Rules of Procedure state:

> SEC 5. *Application Forms*—Applicants for amnesty under Proclamation No. 75, shall fill up the official application form as attached herein. Official application forms can be obtained through the *Ad Hoc* Amnesty Committee thru its Secretariat in the address as provided below and can be downloaded from the official DND website, specifically www.dnd.gov.ph and the official AFP website, namely www.afp.mil.ph.
>
> Certified true copies of any civilian and/or military court decisions and/or resolutions of pertinent cases involving the applicant's involvement/participation in any of the subject incidents shall be attached to the application.
>
> SEC 6. *Where to apply; Period of availment.*—Sworn applications for the grant of amnesty shall be personally filed by the applicant with the DND *Ad Hoc* Amnesty Committee thru its Secretariat, within a period of ninety (90) days following the date of the publication of Proclamation No. 75 in two (2) newspapers of general circulation as concurred in by a majority vote of all members of Congress. Applications filed beyond the foregoing period shall no longer be entertained by the Committee.
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> ....
>
> SEC 8. *Official Register of Applicants; Periodic Posting and Publication.*—The Committee shall maintain an official register of applicants for amnesty within the period of availment as specified under Section 6 of these Rules. The Committee shall ensure accessibility of the official register to any interested party.
>
> The Committee shall periodically cause the posting of the updated official register in the following location: AFP Commissioned Officers Club Bulletin Board and the Department of National Defense Bulletin

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[16] *Id.*
[17] *Rollo* (G.R. No. 256660), pp. 178-182; penned by Judge Oscar B. Pimentel of Branch 148, Makati City.
[18] *Id.* at 181.
[19] *Id.* at 166–169.

Board (lobby), and shall cause the publication of said updated official register at the aforementioned DND and AFP website. The Committee shall cause the inclusion of the name of any application in the updated official register within three (3) days from filing of the subject application.

SEC. 9. *Opposition.*—Within fifteen (15) days from the posting of the name of an applicant in the locations mentioned in Section 8 hereof of the publication of the applicant's name in the DND and AFP website, whichever comes later, any person may file a sworn opposition to the application or amnesty.

SEC. 10. *Determination of qualifications of applicants under the Amnesty Program.*—Upon receipt of the sworn application of any applicant and any sworn opposition thereto, the Committee shall immediately proceed to calendar the same for deliberation or for clarificatory hearing, if deemed necessary. The Committee shall forthwith act on the same with dispatch as provided for in Section 3 of Proclamation No. 75.

SEC. 11. *Deliberations by the Committee; Admission of Participation and Guilt.*—The Committee may, in the presence of a quorum, conduct deliberations or any other investigative proceedings to clarify or resolve issues. A majority of all the members constitutes a quorum to conduct official proceedings. All decisions of the Committee shall be approved by a majority vote of all the members.

No application shall be approved without an express admission by the applicant of actual involvement/participation in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and/or the November 29, 2007 Peninsula Manila Hotel Incident and that such involvement/ participation constituted a violation of the 1987 Constitution, criminal laws and the Articles of War, as indicated in the application form. No application shall likewise be approved without a recantation of all previous statements, if any, that are inconsistent with such express admission of actual involvement/participation and guilt.

....

SEC. 14. *Secretariat*—The Deputy Chief of Staff for Personnel, J1, AFP, shall provide and create a Secretariat to provide administrative assistance to the Committee in receiving and processing of applications for amnesty and any opposition thereto and the recording of minutes, reception of evidence and other documents presented during deliberations and hearings.

SEC. 15. *Submission to the Secretary of National Defense.*—The Committee shall submit its recommendations to the Secretary of National Defense for approval within fifteen (15) days from receipt of all documentary requirements and/or from termination of the proceedings as the case may be.

....

SEC. 17. *Appeal.*—The final decision or determination of the Department of National Defense shall be appealable to the Office of the President by any party to the application within 10 days from notice of the

> **WHEREAS**, at the time Proclamation No. 75, Series of 2010 was issued former LTSG Antonio Trillanes IV, O-11797 PN, was facing trial for a non-bailable offense of coup d e'tat in Criminal Case No. 03-2784 pending with the Regional Trial Court, Makati City, Branch 148;
>
> **WHEREAS**, at the time Proclamation No. 75, Series of 2010 was issued former LTSG Antonio Trillanes, IV, O-11797 PN, was also facing trial before the Military Tribunal for Mutiny or Sedition, Conduct Unbecoming an Officer and Gentlemen, and all disorders and neglects to the prejudice of good order and military discipline, and all conduct of a nature to bring discredit upon the military service defined and penalized under Commonwealth Act No. 408, as Amended, otherwise known as the Articles of War;
>
> **WHEREAS**, former LTSG Antonio Trillanes IV, O-11797 PN, a grantee under Proclamation No. 75, did not file an Official Amnesty Application Form as per the Certification dated August 30, 2018 issued by Lt. Col. Thea Joan N. Andrade, Chief Discipline, Law and Order Division of the Office of the Deputy Chief of Staff for Personnel, J1 stating that "there is no available copy of his application for amnesty in the records";
>
> **WHEREAS**, former LTSG Antonio Trillanes IV, O-11797 PN, never expressed his guilt for the crimes that were committed on occasion of the Oakwood Mutiny and Peninsula Manila Hotel Siege, stating that "they were not admitting guilt to the mutiny and coup d'etat charges lodged against them both in the civil and military courts" and "I would like to qualify that we did not admit to the charge of coup d'etat or anything *na i-finile sa amin kasi we believe na hindi iyon and nararapat na i-charge sa amin*,"
>
> **WHEREAS**, despite former LTSG Trillanes IV's failure to apply for amnesty and refusal to admit his guilt, his name was nonetheless included among those granted amnesty pursuant to DND Ad Hoc Commitee Resolution No 2 approved by former Secretary of National Defense Voltaire T. Gazmin; [31] (Emphasis in the original; citations omitted)

Based on the foregoing, Section 1 of Proclamation No. 572 stated:

> SEC 1. The grant of amnesty to former LTSG Antonio Trillanes IV under Proclamation No. 75 is declared void *ab initio* because he did not comply with the minimum requirements to qualify under the Amnesty Proclamation.

Further, Section 2 of Proclamation No. 572 provided:

> SEC 2. Effects.
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> 1. As a consequence, the Department of Justice and Court Martial of the Armed Forces of the Philippines are ordered to pursue all criminal and administrative cases filed against former LTSG Antonio Trillanes in relation to the Oakwood Mutiny and the Manila Peninsula Incident.

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[31] *Id.* at 1–2.

> 2. The Armed Forces of the Philippines and the Philippine National Police are ordered to employ all lawful means to apprehend former LTSG Antonio Trillanes so that he can be recommitted to the detention facility where he had been incarcerated for him to stand trial for the crimes he is charged with.[32]

On September 4, 2018, Trillanes alleged that about 40 officers and members of the PNP and/or the Criminal Investigation and Detection Group (**CIDG**), as well as officers of the AFP, went to the Senate Building in Roxas Boulevard, Pasay City, to arrest him pursuant to Proclamation No. 572.[33]

Meanwhile, on the same date, the Department of Justice (**DOJ**) filed a Very Urgent *Ex-Parte* Omnibus Motion for Issuance of Hold Departure Order and Alias Warrant of Arrest Against Accused Antonio F. Trillanes IV (**Omnibus Motion in the *Coup d'etat* Case**),[34] dated September 4, 2018, before Branch 148 in the *Coup d'etat* Case.

The DOJ also filed a similar motion, captioned a Very Urgent *Ex-Parte* Omnibus Motion for the Issuance of a Hold Departure Order (HDO) and Warrant of Arrest (**Omnibus Motion in the Rebellion Case**),[35] dated September 6, 2018, before Branch 150 in the Rebellion Case.

While the foregoing motions were pending before Branch 148 and Branch 150, Trillanes filed a Petition for *Certiorari*, Prohibition, and Injunction (***Certiorari* Petition**),[36] dated September 5, 2018, before the Court, assailing the validity of Proclamation No. 572. Trillanes impleaded the following as respondents: Salvador Medialdea in his official capacity as Executive Secretary of the Executive Department, Delfin N. Lorenzana in his official capacity as Secretary of the National Defense, Eduardo M. Año in his official capacity as Secretary of the Department of Interior and Local Government, Menardo I. Guevarra in his official capacity as Secretary of the Department of Justice, Carlito G. Galvez, Jr. in his official capacity as Chief of the Armed Forces of the Philippines, Oscar Albayalde in his official capacity as Chief of the Philippine National Police, and Roel B. Obusan in his official capacity as Chief of the Criminal Investigation and Detection Group (collectively, **the respondents**).[37] This was docketed as G.R. No. 241494.

The *Certiorari* Petition included a prayer for the issuance of a writ of preliminary injunction and/or temporary restraining order. The Court denied this prayer in the Resolution (**Injunction Resolution**), dated September 11,

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[32] *Id.* at 3.
[33] *Rollo* (G.R. No. 241494), p. 15.
[34] *Rollo* (G.R. No. 256660), pp. 194–196.
[35] *Rollo* (G.R. No. 256078), pp. 172–175.
[36] *Rollo* (G.R. No. 241494), pp. 3–39.
[37] *Id.* at 8–9.

2018. The Court ruled that the preliminary issues of whether Trillanes filed an application for amnesty and whether he admitted his guilt for the crimes subject of the amnesty are factual in nature.[38] Thus, the Court said:

> Only a trial court, and in certain cases, the Court of Appeals, are trier of facts. Hence, it is appropriate that the Makati RTCs should be given leeway in exercising their concurrent jurisdiction to hear and resolve the pleadings/motions filed by the parties as regards the legality of Proclamation No. 572, Series of 2018.[39]

Further, the Court took judicial notice of President Duterte's pronouncement that Trillanes will not be apprehended, detained, or taken into custody unless a warrant of arrest has been issued by the trial court. Thus, the Court concluded that there is no extreme and urgent necessity for the Court to issue any injunctive relief.[40]

During the pendency of this case, Branch 148 conducted an evidentiary hearing on the DOJ's Omnibus Motion in the *Coup d'etat* Case where both the prosecution and Trillanes presented their evidence.

In its Order (**Branch 148 Assailed Order**),[41] dated October 22, 2018, Branch 148 denied the Omnibus Motion in the *Coup d'etat* Case and concluded that Trillanes filed "his amnesty application in the prescribed form in which he also admitted guilt for his participation in the Oakwood Mutiny, among others, and in which he further recanted all previous statements that he may have made contrary to said admission."[42]

Branch 148 also ruled on the question of whether Proclamation No. 572 was invalid as the issue was directly raised in Trillanes' pleadings before the trial court. It ultimately found that Proclamation No. 572 was valid, but that Trillanes was entitled to amnesty because he complied with the requirements under Proclamation No. 75.

The dispositive portion of the Branch 148 Assailed Order states:

> **WHEREFORE**, premises considered, the prosecution's Very Urgent Ex-Parte Omnibus Motion for the Issuance of a Hold Departure Order and Alias Warrant of Arrest against accused Antonio F. Trillanes IV is **DENIED DUE COURSE**.
>
> **SO ORDERED**.[43] (Emphasis in the original)

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[38] *Id.* at 80.
[39] *Id.*
[40] *Id.*
[41] *Rollo* (G.R. No. 256660), pp. 241–272; penned by Presiding Judge Andres Bartolome Soriano.
[42] *Id.* at 272.
[43] *Id.*

Trillanes and the prosecution both filed their motions for partial reconsideration, which Branch 148 both denied in its Joint Order (**Joint Order**),[44] dated November 22, 2018.

The People, represented by the Office of the Solicitor General (**OSG**), filed a Petition for *Certiorari*,[45] under Rule 65 of the Rules of Court seeking the reversal of the Branch 148 Assailed Order and the Joint Order before the Court of Appeals (**CA**). This case was docketed as CA-G.R. SP No. 159217 (***Coup d'etat* Appeal**).

The CA denied the People's Petition for *Certiorari* in its Decision (**CA Decision in the *Coup d'etat* Appeal**),[46] dated May 31, 2021. In particular, while the CA concluded that Proclamation No. 572 is valid,[47] it also ruled that Branch 148 correctly denied the Omnibus Motion in the *Coup d'etat* Case because the prosecution failed to prove that Trillanes did not submit an amnesty application form and that he did not admit guilt. Moreover, the CA agreed with Branch 148 that Trillanes satisfactorily proved that he complied with the requirements under Proclamation No. 75.[48]

The dispositive portion of the CA Decision in the *Coup d'etat* Appeal states:

> **WHEREFORE**, premises considered, the instant Petition is **DISMISSED**. Accordingly, the Order dated October 22, 2018 and the Joint Order dated November 22, 2018 issued by public respondent Honorable Presiding Judge Andres Bartolome Soriano of the Regional Trial Court of Makati City, Branch 148 in Crim. Case No. 03-2784 are hereby **SUSTAINED**.
>
> **SO ORDERED**.[49] (Emphasis in the original)

The People filed a Petition for Review with Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction and to Set the Case for Oral Argument (**Petition in the *Coup d'etat* Case**),[50] dated June 15, 2021, under Rule 45 of the Rules of Court, before the Court, assailing the CA Decision in the *Coup d'etat* Appeal. This was docketed as G.R. No. 256660, titled *People of the Philippines v. Antonio F. Trillanes IV.*

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44 *Rollo* (G.R. No. 241494), p. 56; penned by Presiding Judge Andres Bartolome Soriano.
45 *Rollo* (G.R. No. 256660), p. 23.
46 Id. at 91-157. Penned by Associate Justice Edwin D. Sorongon and concurred in by Associate Justices Perpetua Susana T. Atal-Paño and Raymond Reynold R. Lauigan of the Special 11th Division, Manila.
47 *Id.* at 123–133.
48 *Id.* at 133–156.
49 *Id.* at 156.
50 *Id.* at 13–87.

Meanwhile, Branch 150 also acted on the Omnibus Motion in the Rebellion Case. Notably, it conducted a summary hearing, and not a full-blown evidentiary hearing, where it allowed the parties to submit affidavits and other documentary evidence.[51]

In its Order (**Assailed Order in the Rebellion Case**), [52] dated November 25, 2018, Branch 150 granted the Omnibus Motion in the Rebellion Case.

While Branch 150, like Branch 148, concluded that Proclamation No. 572 did not violate Trillanes' constitutional rights,[53] its own appreciation of the case led it to rule that Trillanes did not submit an amnesty application form and did not admit his guilt as required under Proclamation No. 75.[54]

Branch 150 gave credence to the Certification, dated August 30, 2018, issued by Thea Joan Andrade (**Andrade**) of the DND's Law and Order Division, which stated that Trillanes was granted amnesty under Proclamation No. 75 and that "[h]owever, there is no copy of his application for amnesty in the records."[55] According to Branch 150, this Certification confirmed the prosecution's claim that Trillanes did not apply for amnesty.[56] Given this, Branch 150 ruled that since Trillanes failed to establish the existence of the application form for amnesty, it will not give credence to other pieces of evidence he presented in an attempt to prove his claim that he complied with the requirements for the grant of amnesty under Proclamation No. 75.[57]

Consequently, Branch 150 declared that its previous Dismissal Order in the Rebellion Case is void *ab initio*. Branch 150 explained:

> With the revocation of the amnesty granted to Sen. Trillanes the resulting consequence is that the Order issued on September 7, 2011 dismissing the case for rebellion becomes void *ab initio*. Proclamation No. 572 series of 2018 was precisely issued to rectify the erroneous grant of amnesty to accused Trillanes due to his failure to comply with the basic minimum requirements of filing his application and the admission stated in the said application of his guilt of the crimes covered by the amnesty. Accused Trillanes failed to prove his allegation of filing his application and which contained express admission of his guilt. Records show that the court relied on the certificate of amnesty attached to the motion to dismiss filed by Sen. Trillanes which resulted to the issuance of the order of dismissal on September 7, 2011. When the order of dismissal was granted on September 7, 2011, there was as yet no proclamation no. 572 series of 2018 revoking the amnesty granted to Sen. Trillanes pursuant to Proclamation No. 75 series

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51 *Rollo* (G.R. No. 256078), p. 231.
52 *Id.* at 219–240; penned by Judge Elmo M. Alameda
53 *Id.* at 239.
54 *Id.*
55 *Id.* at 232.
56 *Id.*
57 *Id.* at 235.

> of 2010. A cursory examination of the omnibus motion filed by the prosecution to issue warrant of arrest and hold departure order against Sen. Trillanes reveals that it raised valid grounds that require factual determination of the issues in order to arrive at a just resolution, so that none of the parties would be deprived of due process x x x.
>
> The order dated September 7, 2011 being a void order, it has no legal and binding effect, force or efficacy for any purpose. In contemplation of law, the order dated September 7, 2011 is non-existent and therefore cannot attain finality and the doctrine of immutability of judgment cannot apply. x x x.
>
> x x x x
>
> While as a rule, the order of dismissal issued by this court on September 7, 2011 may be annulled through an independent action, nevertheless in contemplation of law, it is non-existent and therefore, it is not even necessary for the state to take any steps to vacate or avoid a void judgment or order.[58]

The dispositive portion of the Branch 150 Assailed Order states:

> WHEREFORE, in view of the above disquisition, the prosecution's Omnibus Motion dated September 7, 2018 for issuance of Warrant of Arrest and Hold Departure Order against Sen. Antonio F. Trillanes IV is granted. Bail for temporary liberty of the accused is fixed at Php200,000.00 per Order dated January 16, 2010.
>
> SO ORDERED.[59]

Branch 150 also denied Trillanes' motion for reconsideration in its Order,[60] dated December 18, 2018.

Trillanes filed a Petition for *Certiorari*, Prohibition, and/or Injunction,[61] dated March 7, 2019, under Rule 65 of the Rules of Court before the CA. This was docketed as CA-G.R. SP No. 159811 **(the Rebellion Appeal)**.

The CA denied Trillanes' prayer for the issuance of a temporary restraining order and/or a writ of preliminary injunction in its Resolution,[62] dated March 18, 2019.

In the Decision (**CA Decision in the Rebellion Appeal**),[63] dated March 1, 2021, the CA granted Trillanes' Petition. Similar to the CA's ruling in the

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58 *Id.* at 237–238.
59 *Id.* at 240.
60 *Id.* at 241–246.
61 *Id.* at 247–307.
62 *Id.* at 312–314.
63 *Id.* at 83–147. Penned by Associate Justice Apolinario D. Bruselas, Jr. and concurred in by Associate Justices Marie Christine Azcarraga-Jacob and Angelene Mary W. Quimpo-Sale.

Coup d'etat Appeal, the CA ruled in this case that Proclamation No. 572 is valid and did not violate Trillanes' constitutional right to due process and equal protection of the laws, and against bills of attainder, *ex post facto* laws, and double jeopardy.[64]

However, the CA disagreed with Branch 150's ruling that it could validly reopen the Rebellion Case upon the People's Omnibus Motion.

The CA ruled that if the Dismissal Order in the Rebellion Case became void because of the revocation of Trillanes' amnesty, the People's proper remedy to initiate the process of prosecuting Trillanes was not to file a mere motion before Branch 150. The Dismissal Order in the Rebellion Case should have been assailed through the appropriate independent action under the Rules of Court or through a collateral attack in another case where the issue of the voidness of the order is raised as an issue. For the CA, parties cannot be allowed to reopen a case that has long become final, executory, and immutable through a mere motion filed before the same court that rendered the decision.[65]

Further, the CA stated that the issue of whether the Dismissal Order in the Rebellion Case is void requires an "inquiry into the factual basis of Proclamation No. 572, that is, the compliance or non-compliance of the petitioner with the requirements of Proclamation No. 75."[66]

The CA also added:

> Although we have debunked the Omnibus Motion theory of attacking the alleged void judgment or order, we emphasize that, whether or not the Omnibus Motion be resolved in a summary proceeding or in the course of a regular trial, the petitioner must be given an ample opportunity to present, within a reasonable time, all the evidence that he may desire to introduce because after all, his situation is not an ordinary one. He has been granted amnesty about a decade earlier and by reason of which the rebellion charge against him was dismissed in 2011, only to have the rug pulled from under his feet because of a purported non-compliance with the conditions of the amnesty that was processed so many years earlier.
>
> ....
>
> To the Court, the denial of the petitioner's request to be given reasonable opportunity to adduce evidence and present testimonies of his witnesses deprived him of procedural due process. Further, assuming that the respondent trial court had the jurisdiction to nullify its own Order of 07 September 2011 on the basis of the Omnibus Motion, a proposition we have shown to be untenable, it committed grave abuse of discretion when it

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64 *Id.* at 125–131.
65 *Id.* at 134–143.
66 *Id.* at 143.

tackled the Omnibus Motion cursorily, giving the petitioner no opportunity to fully present his evidence.[67]

Having found that Branch 150 acted with grave abuse of discretion, the CA granted Trillanes' Petition. The dispositive portion of the CA Decision in the Rebellion Appeal provides:

> **WHEREFORE**, the petition is **GRANTED**. The assailed Orders of 25 September and 18 December 2018, having been issued by the respondent court that no longer had jurisdiction on a dismissed criminal action and that acted with grave abuse of discretion, are **SET ASIDE** and **VACATED.**
>
> **IT IS SO ORDERED.**[68] (Emphasis in the original)

The People filed its Petition for Review with prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction and Motion to Set the Case for Oral Argument (**Petition in the Rebellion Case**),[69] dated March 24, 2021, before the Court. This was docketed as G.R. No. 256078.

The Court consolidated G.R. Nos. 241494, 256660, and 256078.

The Consolidated Cases

G.R. No. 241494

In his Petition, Trillanes raises the following arguments:

First, President Duterte and the respondents acted with grave abuse of discretion amounting to lack or excess of jurisdiction in issuing Proclamation No. 572. According to Trillanes, the issuance of Proclamation No. 572 contradicts the prevailing jurisprudence that an amnesty granted to a person completely abolishes and extinguishes his criminal liability. Thus, President Duterte and the respondents erred in ordering the DOJ and the AFP to pursue all criminal and administrative cases against him arising from his participation in the Oakwood Mutiny and the Manila Peninsula Incident.[70]

Second, Proclamation No. 572 is unlawful because it directed the AFP and the PNP to arrest Trillanes when, at the time it was issued, there was no existing warrant, lawful cause, or pending case against him which would

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67 *Id.* at 143–144.
68 *Id.* at 146–147.
69 *Id.* at 31–84.
70 *Rollo* (G.R. No. 241494), pp. 19-22.

justify such an arrest.[71] Thus, Proclamation No. 572 violates the Constitutional proscription against unreasonable warrantless arrests.[72]

Third, Proclamation No. 572 violated Trillanes' constitutional right to due process as it ordered his arrest without any trial or proceeding.[73]

Fourth, Proclamation No. 572 also violated Trillanes' constitutional right to the equal protection of the laws because it specifically singled out and targeted him as the sole subject of the proclamation.[74]

Fifth, the unilateral withdrawal of the amnesty granted to Trillanes' violates Article VII, Section 19 of the Constitution, which established that the power to grant amnesty is a shared power between the Executive and the Legislature. As the grant of amnesty requires the concurrence of both houses of Congress, Trillanes asserts that its revocation also requires the same concurrence.[75]

Sixth, Proclamation No. 572, which ordered the revival of cases against Trillanes which were already dismissed, violates his Constitutional right against double jeopardy.[76]

Finally, Trillanes insists that the factual basis for the issuance of Proclamation No. 572, i.e., that he did not submit his application form for amnesty and admit his guilt, is false. He asserts that he submitted the application form and admitted his guilt as established by numerous pieces of evidence.[77]

In their Comment,[78] dated September 24, 2018, the respondents put forth the following arguments:

First, the *Certiorari* Petition suffers from several fatal procedural defects which warrant its dismissal. Specifically, it raises questions of fact that should first be resolved by the trial court or the CA. Moreover, Trillanes violated the doctrine of hierarchy of courts when he filed the *Certiorari* Petition directly before the Court.[79]

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71 *Id.* at 23–24.
72 *Id.* at 24.
73 *Id.* at 24–25.
74 *Id.* at 25–26.
75 *Id.* at 29.
76 *Id.* at 29–31.
77 *Id.* at 31–32.
78 *Id.* at 82–160.
79 *Id.* at 100–102.

In addition, the *Certiorari* Petition's notarial certificate is defective because it does not indicate the address of the notary public. Further, the respondents also allege that Trillanes could not have appeared before the notary because he was detained in the Senate Building and there is no record of the notary entering the Senate Building on the date that the Verification and Certification of Non-Forum Shopping was notarized. The respondents also pointed out that the integrity of the notary was doubtful.[80]

Second, Proclamation No. 75 imposed a suspensive condition to the grant of amnesty. The respondents insist that Trillanes clearly failed to meet these suspensive conditions as he did not submit an application form and did not admit his guilt. Thus, the amnesty granted to him is void and Proclamation No. 572 properly revoked it.[81]

Third, the question of whether President Duterte validly issued Proclamation No. 572 is a political question beyond the reach of the Court's judicial review.[82]

Fourth, the respondents argue that the *Certiorari* Petition is an offshoot of the *Coup d'etat* Case and the Rebellion Case. The courts that heard these cases have yet to reacquire jurisdiction over the person of Trillanes as he has not been arrested and he has not voluntarily surrendered. Thus, as the courts have not acquired jurisdiction over Trillanes, he cannot ask for judicial relief.[83]

Fifth, Trillanes committed forum shopping when he filed the *Certiorari* Petition before the Court despite the pendency of the Omnibus Motions in the Rebellion and *Coup d'etat* cases. The respondents averred that the prayer in the *Certiorari* Petition and the relief prayed for in the two Omnibus Motions in the Rebellion and *Coup d'etat* cases all involve the validity of Proclamation No. 572.[84]

The respondents also assail the validity of Proclamation No. 75. They argue that Proclamation No. 75 unduly delegated the power to grant amnesty to the Committee. According to the respondents, this cannot be done because the power of clemency is an exclusively executive function which must be exercised by the President himself. It cannot be exercised by any other person, agency, or committee.[85]

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80 *Id.* at 96–107.
81 *Id.* 121–126.
82 *Id.* at 107–109.
83 *Id.* at 109–111.
84 *Id.* at 111–113.
85 *Id.* at 113–122.

Moreover, the respondents defend the validity of Proclamation No. 572. They allege the following:

First, the respondents insist that Trillanes did not submit an application form for amnesty and did not admit his guilt. The respondents emphasize that the Certification issued by Andrade confirm that a copy of the application form does not exist in the record. The respondents also point to alleged public statements which Trillanes made where he purportedly asserted that he did not commit any of the crimes for which he was charged. Since Proclamation No. 572 correctly revoked the amnesty granted to Trillanes, the criminal cases against him subsist.[86]

Second, the respondents refute Trillanes' allegation that Proclamation No. 572 violated his constitutional rights. The respondents highlight that Proclamation No. 572 categorically stated that the AFP and the PNP should "employ lawful means to arrest" Trillanes. This meant that the "law enforcement agencies were allowed to proceed with the arrest of petitioner pursuant to a valid warrant that may be issued by the trial courts."[87]

Finally, the respondents assert that President Duterte acted in line with his constitutional duty to ensure that all laws are faithfully executed when he issued Proclamation No. 572. In revoking the amnesty granted by the Committee, President Duterte was simply exercising his power of control to correct the error of an executive department. Moreover, the respondents argue that the congressional concurrence is not required for the revocation of an amnesty because the Constitution does not require it.[88]

Trillanes filed a Reply,[89] dated November 6, 2018, where he refuted the respondents' arguments.

G.R. No. 256078

In the Rebellion Petition, the People raise the following arguments:

First, the CA erred when it concluded that the Dismissal Order in the Rebellion Case could not be set aside through a mere motion. The People argues that the Dismissal Order in the Rebellion Case is a void order because it suffered from an infirmity, i.e., that Trillanes did not actually comply with the requirements for a grant of amnesty under Proclamation No. 75. Since the Dismissal Order is a void judgment, it did not become final, executory, and

[86] *Id.* at 122–126.
[87] *Id.* at 137.
[88] *Id.* at 141–143.
[89] *Id.* at 297–377.

immutable and could thus be assailed at any time, and even through a collateral attack.[90]

Second, Branch 150 acted pursuant to the inherent powers of the court to amend and control its processes and orders to make them conform to law and justice.[91]

Third, Branch 150 did not err when it conducted a summary hearing, and not a full blown hearing, in order to resolve the Omnibus Motion in the Rebellion Case. The People highlighted that in issuing a warrant of arrest and a hold departure order, which are the reliefs prayed for in the motion, there is no legal requirement that the court must conduct a full evidentiary hearing. The manner of the conduct of the litigation is within the trial court's sound discretion. More importantly, the People asserts that Branch 150 gave Trillanes ample opportunity to plead his case.[92]

Finally, the People refutes the CA's conclusion that the correct remedy to revive the case against Trillanes was not to file a motion before Branch 150, but to file a petition for relief under Rule 38 of the Rules of Court, a petition for annulment of judgment under Rule 47, or a special civil action for *certiorari* under Rule 65.[93]

Trillanes, on the other hand, argues the following:

First, the Dismissal Order in the Rebellion Case is final, executory, and immutable. Thus, this Order can no longer be amended, let alone revoked. A party seeking to assail such a final, executory, and immutable order should file a petition for annulment of judgment under Rule 47 of the Rules of Court or a petition for *certiorari* under Rule 65. A party can also attack the validity of an order in another action where it is invoked if the assailed order is void on its face. Here, Trillanes alleges that the Dismissal Order in the Rebellion Case is not void on its face. Thus, the CA correctly concluded that Branch 150 erroneously reopened the Dismissal Order in the Rebellion Case on the People's mere motion.[94]

Second, the inherent power of the courts to amend and control its processes and orders to conform to law and justice cannot be invoked to justify Branch 150's ruling. Even assuming that the People is correct that the Dismissal Order in the Rebellion Case is void, procedural rules provide for

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[90] *Rollo* (G.R. No. 256078), pp. 40-56.
[91] *Id.* at 56–58.
[92] *Id.* at 59.
[93] *Id.* at 61–64.
[94] *Id.* at 899–910.

the correct remedy to assail such an order. It cannot be done by merely filing a motion in the same case years after the order became final.[95]

Finally, Branch 150 acted with grave abuse of discretion when it deprived Trillanes the opportunity to present witnesses and secure evidence. By insisting on a mere summary hearing, Branch 150 deprived Trillanes of due process.[96]

G.R. No. 256660

The People, in the Petition in the *Coup d'etat* Case, argue:

First, the CA incorrectly concluded that there were no factual bases for the revocation of Trillanes' amnesty. In this regard, the People took the view that the CA should have applied the Best Evidence Rule (now the Original Document Rule). The People assert that the Best Evidence Rule applies in this case because the issue involves the contents of the application form for amnesty and not just its existence. In particular, one of the issues in the case was whether Trillanes admitted guilt. This would have been ascertained if the trial court and the CA were able to examine the contents of the application form. Thus, it cannot be said that the contents of the missing application form was not a controlling issue in the case.[97]

Given this, the People insists that Branch 148 and the CA should not have allowed the admission of and should not have given credence to secondary evidence to establish that Trillanes filed an application form for amnesty and admitted his guilt.[98]

Second, even if Trillanes did file an amnesty application form, the general admission of guilt in the said form did not suffice to meet the constitutional requirement that an applicant for amnesty must admit guilt for the specific crime charged.[99]

Third, the CA was wrong in its conclusion that the Dismissal Order in the *Coup d'etat* Case is final and immutable. According to the People, this order is void and thus never became final.[100]

Fourth, the People avers that a court may modify a judgment even after it has become executory, "whenever circumstances transpire rendering its

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[95] *Id.* at 920.
[96] *Id.* at 923–926.
[97] *Rollo* (G.R. No. 256660), pp. 30–35.
[98] *Id.* at 36–39.
[99] *Id.* at 35.
[100] *Id.*

execution unjust and inequitable, as where certain facts and circumstances justifying or requiring such modification or alteration transpired after the judgment has become final and executory.[101] Here, the issuance of Proclamation No. 572 compelled the DOJ to file the Omnibus Motion in the *Coup d'etat* Case, otherwise the State would have been deprived of the right to prosecute Trillanes.[102]

Fifth, the CA should not have ruled that the grant of amnesty in favor of Trillanes is a matter of judicial notice. The CA used this as basis for its conclusion that Branch 148 correctly took judicial notice of the grant of amnesty and dismissed the *Coup d'etat* charge against Trillanes. For the People, judicial notice of an act requires that the act is valid. Here, the grant of amnesty in favor of Trillanes is not a valid act because he did not comply with the requirements for amnesty under Proclamation No. 75.[103]

Finally, the People claim that the CA erroneously ruled that Trillanes should benefit from the acquittal of his co-accused in the *Coup d'etat* Case in accordance with the Rules on Criminal Procedure, Section 11(a). The People insists that this rule applies to a co-accused who is convicted in the trial court but did not file an appeal. It finds no application in the case of Trillanes where the charge was dismissed and, thus, was never convicted.[104]

On the other hand, Trillanes makes the following arguments:

First, the CA and Branch 148 correctly concluded that there is no factual basis for the revocation of Trillanes' amnesty. The burden of proof in the case lies with the People, which sought to revive a case seven years after it became final, executory, and immutable. In the hearing before Branch 148, the prosecution utterly failed to prove its claim that Trillanes did not file an application form for amnesty and that he did not admit guilt. In fact, not a single witness or piece of evidence for the prosecution showed that he did not file an amnesty application form and did not admit his guilt. On the contrary, the evidence on record, including the prosecution's evidence, establish that he did, in fact, file an amnesty application form and admitted his guilt for his participation in the Oakwood Mutiny and the Manila Peninsula Incident.[105]

In this regard, Trillanes argues that the factual findings of the trial court, when affirmed by the appellate court, are entitled to great weight. Moreover, he also asserts that Branch 148's and the CA's conclusion that the Best Evidence Rule does not apply here is correct because the contents of the amnesty application form is not the subject of the inquiry. More importantly,

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[101] *Id.* at 45.
[102] *Id.* at 47.
[103] *Id.* at 49–50.
[104] *Id.* at 51–55.
[105] *Id.* at 975–985.

the best evidence that Trillanes did file an application for amnesty and admitted his guilt is the Certificate of Amnesty.[106]

Second, given the prosecution's failure to establish the factual basis for the revocation of Trillanes' amnesty, the Dismissal Order in the *Coup d'etat* Case remains valid and continues to be final and immutable. Similarly, the amnesty granted to Trillanes is valid and effective. Thus, the CA and Branch 148 did not err in dismissing the DOJ's Omnibus Motion in the *Coup d'etat* Case.[107]

Third, the CA was correct in its view that the grant of amnesty in favor of Trillanes is an official act of which the courts can take judicial notice.[108]

Finally, Trillanes should benefit from the CA's acquittal of his co-accused in the *Coup d'etat* Case. This is consistent with Section 11(a), Rule 122 of the Rules of Criminal Procedure, which states that an appeal taken by one or more several accused will not affect those that did not appeal except when the judgment of the appellate court is favorable and applicable to the latter. He emphasizes that the CA's bases for acquitting his co-accused is that two of the elements of the crime of *Coup d'etat* did not exist. These conclusions should benefit Trillanes.[109]

The Issues

The issues for the Court's resolution in these consolidated cases are:

<u>In G.R. No. 241494</u>

1. First, whether the *Certiorari* Petition should be dismissed on the ground of forum shopping;

2. Second, whether the *Certiorari* Petition should be dismissed because of defects in its notarization;

3. Third, whether Trillanes violated the doctrine of hierarchy of courts when he filed the *Certiorari* Petition directly with the Court;

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[106] *Id.* at 1011–1019.
[107] *Id.* at 985–997.
[108] *Id.* at 997–999.
[109] *Id.* at 999–1003.

4. Fourth, whether Proclamation No. 75 is unconstitutional because it delegated to the DND the President's power to grant amnesty; and

5. Finally, whether Proclamation No. 572 is unconstitutional.

In G.R. No. 256660

1. Whether the CA correctly ruled that Branch 148 did not act with grave abuse of discretion when it denied the Omnibus Motion in the *Coup d'etat* Case.

In G.R. No. 256078

1. Whether the CA correctly ruled that Branch 150 acted with grave abuse of discretion when it denied the Omnibus Motion in the Rebellion Case.

The Ruling of the Court

G.R. No. 241494

The Court first resolves the procedural issues.

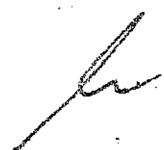
Procedural Issues

Trillanes did not commit forum shopping

The meaning of forum shopping is well established. In *Top Rate Construction & General Services, Inc. v. Paxton Development Corporation,*[110] the Court explained:

> FORUM SHOPPING is committed by a party who institutes two or more suits in different courts, either simultaneously or successively, in order to ask the courts to rule on the same or related causes or to grant the same or substantially the same reliefs, on the supposition that one or the other court would make a favorable disposition or increase a party's chances of obtaining a favorable decision or action.[111]

[110] 457 Phil. 740 (2003) [Per J. Bellosillo].
[111] *Id.* at 747–748.



Further, in *City of Taguig v. City of Makati*,[112] the Court ruled:

> Ultimately, what is truly important to consider in determining whether forum-shopping exists or not is the vexation caused the courts and parties-litigant by a party who asks different courts and/or administrative agencies to rule on the same or related causes and/or to grant the same or substantially the same reliefs, in **the process creating the possibility of conflicting decisions being rendered by the different fora upon the same issue.**[113] (Emphasis supplied; citation omitted)

The test to ascertain if forum shopping exists is whether in two or more cases, there is identity of parties, rights, causes of action, and reliefs sought.[114] With respect specifically to *litis pendentia*, it exists when the following elements concur: (a) identity of the parties in the two actions; (b) substantial identity in the causes of action and in the reliefs sought by the parties; and (c) the identity between the two actions should be such that any judgment that may be rendered in one case, regardless of which party is successful, would amount to *res judicata* in the other.[115]

Here, Trillanes impleaded the respondents, in their official capacities, and sought to have Proclamation No. 572 declared invalid and unconstitutional. On the other hand, the matters then pending in Branch 148 and Branch 150 pertained to the Omnibus Motions filed by the People, through the DOJ, to issue warrants of arrest and HDOs against Trillanes. In his comments on these motions, Trillanes asked for the denial of the Omnibus Motions. He assailed the legal and factual bases of the Omnibus Motions and prayed that the trial courts deny the issuance of warrants of arrest and HDO i.e., that he has been granted amnesty and that the dismissals of the Rebellion and *Coup d'etat* Cases have become final and immutable. He did not raise in his comments the issue of the unconstitutionality of Proclamation No. 572. Trillanes filed the *Certiorari* Petition for the specific purpose of having Proclamation No. 572 declared unconstitutional and to bar Branch 150 and Branch 148 from hearing and granting the Omnibus Motions.

Clearly, the issues raised and the reliefs sought in G.R. No. 241494 and the Rebellion and *Coup d'etat* Cases are dissimilar.

While it is true that the issue of the validity, which would include the legality and constitutionality, of Proclamation No. 572 was eventually litigated before Branch 148 and Branch 150 (and eventually, in the appeals before the CA), this only arose because of the Court's Injunction Resolution where it directed that "it is appropriate that the Makati RTCs should be given

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[112] 787 Phil. 367 (2016) [Per J. Leonen, Second Division].
[113] *Id.* at 388.
[114] *Id.* at 387.
[115] *Umale v. Canoga Park Development Corporation*, 669 Phil 427, 434 (2011) [Per J. Brion, Second Division].

leeway in exercising their concurrent jurisdiction to hear and resolve the pleadings/motions filed by the parties as regards the legality of Proclamation No. 572, Series of 2018."[116] With this directive, the Court allowed the parties to fully litigate the issue as to the validity of Proclamation No. 572 in the lower courts.

It cannot be said that Trillanes committed forum shopping by filing this *Certiorari* Petition during the pendency of the Omnibus Motions in the trial courts precisely because he did not deliberately raise the same issues in multiple fora with the intent of obtaining a favorable ruling in, at least, one of these fora at the risk of having several courts making contradictory rulings.

Thus, the primary purpose of forum shopping, which is to prevent the possibility of having various courts render conflicting decisions on the same issue, is obviated by the consolidation of G.R. No. 241494 and the appeals in the Rebellion and *Coup d'etat* Cases. By allowing the lower courts to fully thresh out the issues and then consolidating these cases with G.R. No. 241494, the Court is now prepared to resolve the question as to the validity of Proclamation No. 572.

Trillanes did not violate the doctrine of hierarchy of courts

The Court clarified and reiterated the doctrine of hierarchy of courts in *GIOS-Samar, Inc. v. DOT.*[117] In that case, the Court held:

> This doctrine of hierarchy of courts guides litigants as to the proper venue of appeals and/or the appropriate forum for the issuance of extraordinary writs. Thus, although this Court, the CA, and the RTC have concurrent original jurisdiction over petitions for *certiorari*, prohibition, *mandamus*, *quo warranto*, and *habeas corpus*, parties are directed, as a rule, to file their petitions before the lower-ranked court. Failure to comply is sufficient cause for the dismissal of the petition.[118] (Citations omitted)

The doctrine of hierarchy of courts is not a mere policy, it is a "constitutional imperative given (1) the structure of our judicial system and (2) the requirements of due process."[119] There are, however, recognized specific and narrow exceptions to this doctrine when a litigant may be allowed to resort directly to the Court upon allegation of "serious and important

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[116] *Rollo* (G.R. No. 241494), p. 80.
[117] 849 Phil. 120 (2019) [Per J. Jardeleza, *En Banc*].
[118] *Id.* at 166–167.
[119] *Id.* at 331–335.

reasons." In *The Diocese of Bacolod, et al. v. COMELEC*,[120] the Court enumerated these exceptions:

> (1) when there are genuine issues of constitutionality that must be addressed at the most immediate time;
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> (2) when the issues involved are of transcendental importance;
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> (3) cases of first impression;
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> (4) the constitutional issues raised are better decided by the Court;
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> (5) exigency in certain situations;
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> (6) the filed petition reviews the act of a constitutional organ;
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> (7) when petitioners rightly claim that they had no other plain, speedy, and adequate remedy in the ordinary course of law that could free them from the injurious effects of respondents' acts in violation of their right to freedom of expression; [and]
>
> (8) the petition includes questions that are "dictated by public welfare and the advancement of public policy, or demanded by the broader interest of justice, or the orders complained of were found to be patent nullities, or the appeal was considered as clearly an inappropriate remedy."[121] (Citations omitted)

In *GIOS-Samar*, the Court added:

> A careful examination of the jurisprudential bases of the foregoing exceptions would reveal a common denominator – the issues for resolution of the Court are purely legal. Similarly, the Court in Diocese decided to allow direct recourse in said case because, just like *Angara*, what was involved was the resolution of a question of law, namely, whether the limitation on the size of the tarpaulin in question violated the right to free speech of the Bacolod Bishop.
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> We take this opportunity to clarify that the presence of one or more of the so-called 'special and important reasons' is "not the decisive factor considered by the Court in deciding whether to permit invocation, at the first instance, of its original jurisdiction over the issuance of extraordinary writs. **Rather, it is the *nature* of the question raised by the parties in those 'exceptions' that enabled us to allow the direct action before us.**"[122] (Emphasis in the original; citations omitted)

In G.R. No. 241494, the main issue presented for the Court's resolution is whether Proclamation No. 572 violates Trillanes' constitutional right to due process, the equal protection of the laws, and against double jeopardy, *ex post facto* laws, bill of attainders, and warrantless arrests. The case also raises as

120 751 Phil. 301 (2015) [Per J. Leonen, *En Banc*].
121 *Id.*
122 849 Phil. 120, 173-175 (2019) [Per J. Jardeleza, *En Banc*].

an issue whether a President may revoke the amnesty granted by his predecessor and whether the declaration of the purported invalidity of a prior grant of amnesty should fall within the authority of the President or within the jurisdiction of courts. These are patently legal questions. Moreover, the issues raised in the case are novel questions making this a case of first impression. The task of ascertaining the metes and bounds of presidential power and the judiciary's jurisdiction over the validity of presidential proclamations is a duty that the Court can best perform.

While Trillanes also asserts that Proclamation No. 572 erroneously asserts that he did not comply with the requirements for the grant of amnesty under Proclamation No. 75, the Court need not resolve this question to adjudicate the constitutional questions raised. Nor does the Court need a presentation of evidence to adjudicate the main dispute presented before it.[123]

More importantly, by allowing the lower courts to first resolve the factual questions in the Rebellion and *Coup d'etat* Cases, all the relevant issues which require resolution in this case are now ripe for adjudication.

Minor defects in the notarial certificate of the Verification and Certification against Forum Shopping do not warrant the dismissal of the Petition

The respondents assert that the *Certiorari* Petition should be dismissed because of defects in the notarization of the Verification and Certification Against Forum Shopping because (a) the notarial certificate does not indicate the address of the notary public and (b) Trillanes purportedly did not appear before the notary public.

The Court cannot sustain the respondents' arguments.

As to the issue of the absence of the address of the notary public in the notarial certificate, the rule is settled that this is a minor flaw that would not justify the dismissal of a petition. The requirement that the notary public must indicate his office address in the notarial certificate is imposed by the 2004 Rules on Notarial Practice.[124] While failure to comply with this requirement could expose a notary public to administrative liability, it is not, however, fatal to a petition.[125]

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[123] See *Bayan-Muna, et al. v. Macapagal-Arroyo, et al.*, G.R. No. 182734, (2023) [Per J. Gaerlan, *En Banc*].
[124] Rules of Notarial Practice (2004), Rule VIII, Sec. 2 (c).
[125] Rules of Notarial Practice (2004), Rule XI.

Further, as to the respondents' allegation that Trillanes did not appear before the notary public, the Court reiterates that there is a "presumption that official duty has been regularly performed with respect to the jurat."[126] While this is a disputable presumption, only clear and convincing evidence can overcome it.[127] Here, the respondents' claims (that Trillanes could not have appeared before the notary because he was in the Senate Building and that there were allegedly no records showing that the notary public ever entered the building) rely on mere suppositions and conjectures, which is far from proof.

The validity of Proclamation No. 572 is not a political question

The Court disagrees with the respondents' assertion that the question of whether Proclamation No. 572 was validly issued is a political question.

Whenever the argument is raised that an issue presented before the Court is a political question, the determination of the validity of such a claim must be tested by a proper appreciation of the interplay between the political question doctrine and the Court's expanded jurisdiction under Article VIII, Section 1 of the Constitution.

In *Tañada and Macapagal v. Cuenco, et al.*,[128] the Court explained that a question is "political, and not judicial" when it pertains to a "matter which is to be exercised by the people in their primary political capacity" or a matter that "has been specifically delegated to some other department or particular officer of the government, with discretionary power to act."[129] Whenever a question is determined to be political, the Court is expected to "act with deference."[130] The Court will not invalidate the act of another governmental entity where the ultimate issue is political in nature.

The 1987 Constitution, however, expanded the power of judicial review and effectively limited the resort to the political question doctrine. Article VIII, Section 1 of the Constitution states:

> SEC. 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.
>
> Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and **to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the**

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[126] *Cong. Torres-Gomez v. Codilla, Jr.*, 684 Phil. 632, 643 (2012) [Per J. Sereno, *En Banc*].
[127] *Id.*
[128] 103 Phil. 1051 (1957) [Per J. Concepcion].
[129] *Id.* at 1067.
[130] *The Diocese of Bacolod v. COMELEC*, 751 Phil. 301, 337-338. (2015) [Per J. Leonen, *En Banc*].

> **part of any branch or instrumentality of the Government.** (Emphasis supplied)

This provision granted the judiciary the power to determine whether or not another branch or instrumentality of the government acted with grave abuse of discretion and, if so, to nullify such act. Operationally, this means that while an act may fall within the exclusive power of a branch or instrumentality of the government, the courts are nonetheless empowered to determine if such a power was exercised with grave abuse of discretion. In *Marcos v. Manglapus*,[131] the Court said:

> The present Constitution limits resort to the political question doctrine and broadens the scope of judicial inquiry to areas which the Court, under previous constitutions, would have normally left to the political departments to decide.[132]

Similarly, in *Bengzon, Jr. v. Senate Blue Ribbon Committee*,[133] the Court said:

> The "allocation of constitutional boundaries" is a task that this Court must perform under the Constitution. Moreover, as held in a recent case, "(t)he political question doctrine neither interposes an obstacle to judicial determination of the rival claims. **The jurisdiction to delimit constitutional boundaries has been given to this Court.** It cannot abdicate that obligation mandated by the 1987 Constitution, although said provision by no means does away with the applicability of the principle in appropriate cases."[134] (Emphasis supplied; citations omitted)

Thus, while the Constitution did not completely erase the political question doctrine, it nonetheless affirmed that the judiciary has the power and the duty to determine the "proper allocation of constitutional boundaries." **Simply stated, where the question pertains to whether a branch or instrumentality of the government is constitutionally empowered to perform an act and whether such acts were done within the limits defined by the Constitution, courts have the power to resolve the case.** The political question doctrine cannot be invoked to deprive the courts of jurisdiction. In *Francisco, Jr. v. The House of Representatives*,[135] the Court categorically said:

> In our jurisdiction, the determination of a truly political question from a non-justiciable political question lies in the answer to the question of **whether there are constitutionally imposed limits on powers or functions conferred upon political bodies. If there are, then our courts are duty-bound to examine whether the branch or instrumentality of**

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[131] 258 Phil. 479 (1989) [Per J. Cortes, *En Banc*].

[132] *Id.* at 506.

[133] 280 Phil. 829 (1991) [Per J Padilla, *En Banc*].

[134] *Id.* at 840.

[135] 460 Phil. 830 (2003) [Per Carpio Morales, *En Banc*].

> **the government properly acted within such limits.** [136] (Emphasis supplied)

The fundamental rights guaranteed under Article III of the Constitution function as "constitutionally imposed limits on powers or functions conferred upon political bodies."[137] In *Diocese of Bacolod,*[138] the Court held:

> The concept of a political question, however, **never precludes judicial review when the act of a constitutional organ infringes upon a fundamental individual or collective right.**[139]
>
> ....
>
> In this case, the Bill of Rights gives the utmost deference to the right to free speech. Any instance that this right may be abridged demands judicial scrutiny. It does not fall squarely into any doubt that a political question brings.[140] (Emphasis supplied)

In this case, Trillanes raises questions pertaining to the limits imposed on the power of the President to grant an amnesty and to revoke it. The Court is asked to ascertain if Proclamation No. 572 violates the Bill of Rights. Whether Proclamation No. 572 exceeded these constitutional limits and whether it was issued with grave abuse of discretion are the ultimate questions for the Court to resolve. These are not political questions. These are clearly justiciable questions within the ambit of the Court's jurisdiction.

Moreover, the validity of a presidential proclamation is precisely within the jurisdiction of the Court, as provided in Article VIII, Section 5 (c) of the Constitution, which states that the Court shall have the power to review, revise, reverse, modify, or affirm on appeal or *certiorari,* at the law or the Rules of Court may provide, final judgments, and orders of lower courts in all cases in which the constitutionality or validity of a proclamation is in question.

To be sure, this is not the first time that the Court has taken cognizance of a case relating to executive clemency and the grant of amnesty.

To illustrate, *Llamas v. Orbos*[141] resolved the question of whether the President can grant executive clemency in administrative cases. In determining whether the question is political in nature, the Court said:

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[136] *Id.* at 912.
[137] *Id.*
[138] 751 Phil. 301 (2015) Per J. Leonen, *En Banc*].
[139] *The Diocese of Bacolod, et al. v. COMELEC, et al.*, 751 Phil. 301, 338 (2015) [Per J. Leonen, *En Banc*].
[140] *Id.* at 338–342.
[141] 279 Phil. 920 (1991) [Per J. Paras, *En Banc*].

> While it is true that courts cannot inquire into the manner in which the President's discretionary powers are exercised or into the wisdom for its exercise, **it is also a settled rule that when the issue involved concerns the validity of such discretionary powers or whether said powers are within the limits prescribed by the Constitution, We will not decline to exercise our power of judicial review**. And such review does not constitute a modification or correction of the act of the President, nor does it constitute interference with the functions of the President.
>
> ....
>
> Here, we are called upon to decide whether under the Constitution the President may grant executive clemency in administrative cases. **We must not overlook the fact that the exercise by the President of her power of executive clemency is subject to constitutional limitations. We will merely check whether the particular measure in question has been in accordance with law. In so doing, We will not concern ourselves with the reasons or motives which actuated the President as such is clearly beyond our power of judicial review.**[142] (Emphasis supplied)

In *People v. Sadava*,[143] the Court affirmed the ruling of the trial court which refused to dismiss a criminal case based on its finding that the accused claiming the benefits of a grant of amnesty under Proclamation No. 76 did not comply with the condition that all ammunitions must be surrendered and that the crime for which he was being prosecuted was included in the crimes subject of the amnesty. Similarly, in *People v. Orobia*,[144] the Court ruled that the trial court correctly concluded that the accused is not entitled to the benefits of the amnesty granted under Proclamation No. 76, as implemented through the DOJ Circular No. 27, because the accused did not accomplish the certificate required under paragraph 2 of Circular No. 27. The Court also held that the accused failed to establish that he was a member of the Hukbalahap organization or of any subversive society, as membership in such an organization was one of the conditions for the grant of amnesty.[145]

Of particular relevance is the case of *Macaga-an v. People*,[146] involving Presidential Decree No. 1082 (**PD 1082**), which granted amnesty to leaders, members, supporters, and sympathizers of the Moro National Liberation Front and the Bangsa Moro Army and other anti-government groups with similar motivations and aims, who committed acts penalized by existing laws in furtherance of their resistance to the duly constituted authorities. Here, the Court ruled that the crimes committed by the accused, who claimed that they were granted amnesty by the Amnesty Commission created under PD 1082, were not in furtherance of resistance to the duly constituted authorities. The Court said:

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[142] *Id.* at 934–936.
[143] 93 Phil. 1011 (1953) [Per C.J. Paras].
[144] 90 Phil. 396 (1951) [Per J. Jugo].
[145] *Id.*
[146] 236 Phil. 462 (1987) [Per J. Feliciano, Third Division].

> The instant case therefore presents the issue of what effect, if any, may be given to supposed acts of the former President which were in conflict with or in violation of decrees issued by that same former President. **So viewed, this Court has no alternative save to declare that the supposed acts of the former President done in 1985 in clear conflict with the restrictions embodied in the very decrees promulgated by that same former President, cannot be given any legal effect.** It may be supposed that the former President could have validly amended Presidential Decrees Nos. 1082 and 1182 so as to wipe away the restrictions and limitations in fact found in those decrees. But the former President did not so amend his own decrees and he must be held to the terms and conditions that he himself had promulgated in the exercise of legislative power.
>
> It may be — we do not completely discount the possibility — that the former President did in fact act in contravention of the decrees here involved by granting the amnesty claimed by petitioners, and that by such acts, he may indeed have aroused expectations (however unjustified under the terms of existing law) in the minds of the petitioners. If such be the case, then the appropriate recourse of the petitioners is not to this Court, nor to any other court, but rather to the Executive Department of the government.[147] (Emphasis supplied)

Clearly, the interpretation of a presidential issuance granting amnesty and the question of whether an amnesty was validly granted are justiciable questions.

More specifically, whether an amnesty previously granted should be considered void because the grantee failed to comply with the requirements under the proclamation granting amnesty is a question susceptible of judicial determination. It involves conflicting legal rights (a "contrariety of legal rights" as defined by the Court in *Universal Robina Corporation v. Department of Trade and Industry*[148] and *Executive Secretary v. Pilipinas Shell Petroleum*[149]) and the assertion of opposite legal claims that can be settled by the application of the relevant laws.

To be clear, in resolving the issues raised in G.R. No. 241494, the Court cannot and will not delve into the wisdom animating the issuance of Proclamation No. 572. Neither will the Court supplant the judgment of the Executive. The Court's task here is only to determine whether the limits prescribed by the Constitution have been upheld.

Substantive Issues

The parties in this case raise substantive issues which, in essence, pertain to two questions – whether Proclamation No. 75 is invalid because former President Aquino unduly delegated his constitutional power to grant

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147 *Id.*

148 G.R. No. 203353, February 14, 2023.

149 G.R. No. 209216, February 21, 2023.

amnesty to the DND and the Committee, and whether Proclamation No. 572 is unconstitutional.

Proclamation No. 75 is valid; it did not unduly delegate the President's power to grant amnesty to the DND and the Committee

The Court will first resolve the issue as to the validity of Proclamation No. 75.

Article VII, Section 19 of the Constitution vests the power to grant amnesty to the President subject to concurrence of a majority of all the members of the Senate and the House of Representatives. Section 19 states as follows:

> SEC. 19. Except in cases of impeachment, or as otherwise provided in this Constitution, the President may grant reprieves, commutations and pardons, and remit fines and forfeitures, after conviction by final judgment.
>
> **He shall also have the power to grant amnesty with the concurrence of a majority of all the Members of the Congress.** (Emphasis supplied)

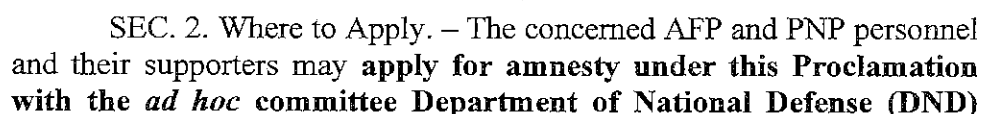
Former President Aquino issued Proclamation No. 75 in accordance with his power to grant amnesty under Article VIII, Section 19, of the Constitution. Proclamation No. 75 set out the precise parameters of this grant. In particular, Proclamation No. 75, Section 1 provides:

> SEC. 1. Grant of Amnesty. – Amnesty is hereby granted to all active and former personnel of the AFP and PNP as well as their supporters who have or may have committed crimes punishable under the Revised Penal Code, the Articles of War or other laws in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and the November 29, 2007 Manila Peninsula Incident who shall apply therefor; Provided that amnesty shall not cover rape, acts of torture, crimes against chastity and other crimes committed for personal ends.

The People assail the validity of Proclamation No. 75 because it purportedly unduly delegated the power to grant amnesty to the DND and the Committee. The Court disagrees.

Proclamation No. 75, Section 2 states:

> SEC. 2. Where to Apply. – The concerned AFP and PNP personnel and their supporters may **apply for amnesty under this Proclamation with the *ad hoc* committee Department of National Defense (DND)**



> **which is hereby tasked with receiving and processing applications – including oppositions thereto, if any – for amnesty pursuant to this proclamation and determining whether the applicants are entitled to amnesty pursuant to this proclamation.** The final decisions or determination of the DND shall be **appealable to the Office of the President by any party to the application**. The decision, however, shall be immediately executory even if appealed. (Emphasis supplied)

In addition, the Committee Rules of Procedure, which detail the procedure for the processing of amnesty applications, reads:

> SEC. 2. Functions of the Department of National Defense Amnesty Committee.— The **Department of National Defense *Ad Hoc* Amnesty Committee (hereinafter referred to as the "Committee") shall be tasked to receive and process applications, including oppositions thereto**, if any, and issue recommendations to the Secretary of National Defense regarding its determination whether the applicants are entitled to amnesty under Presidential Proclamation No. 75.
>
> ....
>
> SEC. 15. Submission to the Secretary of National Defense.—**The Committee shall submit its recommendations to the Secretary of National Defense for approval** within fifteen (15) days from receipt of all documentary requirements and/or from termination of the proceedings as the case may be.
>
> ....
>
> SEC. 17. Appeal.—The **final decision or determination of the Department of National Defense shall be appealable to the Office of the President** by any party to the application within 10 days from notice of the decision. The decision, however, shall be immediately executory even if appealed. (Emphasis supplied)

The foregoing shows that there was no undue delegation of the power to grant amnesty to the Committee and the DND. Proclamation No. 75 is the operative act which granted amnesty to a specific class of people. In particular, Proclamation No. 75 granted amnesty to active and former personnel of the AFP and the PNP as well as their supporters who have or may have committed crimes punishable under the RPC, the Articles of War or other laws in connection with, in relation or incident to the Oakwood Mutiny, the Marines Stand-Off, and the Manila Peninsula Incident.

The tasks given to the Committee and to the Secretary of National Defense were only to receive applications for amnesty and ascertain if (a) the applicants fall within the class of people to whom the amnesty was granted and (b) the applicants complied with the requirements prescribed under Proclamation No. 75. Under Proclamation No. 75 and the Committee Rules of Procedure, if the Committee confirms items (a) and (b), the Committee must recommend that the applicant be granted a certificate of

amnesty and the Secretary of National Defense must approve this recommendation. **They do not exercise any discretion on the matter. Stated more simply, the Committee and the Secretary of National Defense did not grant the amnesty but only handled the task of implementing the administrative details of claiming the amnesty already granted by former President Aquino.**

Moreover, the respondents' argument ignores the fact that the Secretary of National Defense, in approving the Committee's recommendation and issuing the certificate of amnesty, acts as an *alter ego* of the President. Thus, when former President Aquino ordered the DND to perform the administrative task of processing amnesty applications, the Secretary of National Defense was acting on behalf of the President. In the eyes of the law, and under the doctrine of qualified political agency, the acts of the Secretary of National Defense, "performed and promulgated in the regular course of business are, unless, disapproved or reprobated by the Chief Executive, presumptively the acts of the Chief Executive."[150]

The doctrine of qualified political agency recognizes the necessity of allowing the President to delegate the performance of certain tasks in the exercise of his or her constitutional powers because the President cannot be expected to perform the multifarious functions of the Executive.[151] Certainly, the President cannot be expected to personally receive all applications for amnesty, process them, and then issue the certificates of amnesty, especially in this case where there were a total of 277 amnesty grantees.[152]

Given the foregoing, President Aquino did not unlawfully delegate his constitutional power to grant amnesty to the Secretary of National Defense and the Committee.

The President cannot revoke an amnesty grant without concurrence from Congress

Article VII, Section 19 of the Constitution specifically requires that the President can only grant amnesty with the concurrence of Congress. Significantly, the same provision is silent as to whether an amnesty may be revoked and whether the President can do so without congressional concurrence.

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150 *Villena v. Secretary of Interior*, 67 Phil. 451, 463 (1939) [Per J. Laurel].

151 *Atty. Manalang-Demigilla v. Trade and Investment Development Corporation of the Philippines*, 705 Phil. 331, 347-348 (2013) [Per J. Bersamin, *En Banc*].

152 *Rollo* (G.R. No. 256660), p. 246.

That the President may grant amnesty and that such grant must be with legislative concurrence have been enshrined as early as in the 1935 Constitution.

Article VII, Section 11 (6) of the 1935 Constitution states:

> SEC. 11 (6) The President shall have the power to grant reprieves, commutations, and pardons, and remit fines and forfeitures, after conviction, for all offenses, except in cases of impeachment, upon such conditions and with such restrictions and limitations as he may deem proper to impose. He shall have the power to grant amnesty with the concurrence of the National Assembly.

This was also adopted in the 1973 Constitution. Specifically, Article VII, Section 11 of the 1973 Constitution reads:

> SEC. 11. The President may, except in cases of impeachment, grant reprieves, commutations and pardons, remit fines and forfeitures and, with the concurrence of the Batasang Pambansa, grant amnesty.

Notwithstanding several constitutional changes, these two elements have always remained – that the President has the power to grant amnesty and that it must be exercised with the concurrence of the legislature.

Similarly, our definition of amnesty as well as its purpose have been consistent throughout our history. Amnesty connotes the "general pardon to rebels for their treason and other high political offenses, or the forgiveness which one sovereign grants the subjects of another, who have offended by some breach of the law of nations."[153] It is granted to "classes of persons or communities who may be guilty of political offenses, generally before or after the institution of the criminal prosecution and sometimes after conviction."[154]

In this country, amnesty has been historically granted to groups of people who have committed crimes with political color. This is true as well in the present case where Proclamation No. 572 was granted to those who were involved in the Oakwood Mutiny, the Marines Stand-Off and the Manila Peninsula Incident.

The effects of amnesty are also unique. Amnesty "looks backward and abolishes and puts into oblivion the offense itself, it so overlooks and obliterates the offense with which he is charged that the person released by amnesty stands before the law precisely as though he had committed no

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[153] *Villa v. Allen*, 2 Phil. 436 (1903) [Per J. Cooper].

[154] *Barrioquinto v. Fernandez*, 82 Phil. 642, 647 (1949) [Per J. Feria].

offense."[155] A grant of amnesty has the force of law and the grantee stands in the eyes of the law as if they committed no crime.[156] Thus, when compared to the President's general pardoning power, the effects of amnesty appear far reaching as it erases the crime itself and the grantee is considered to not have committed the crime at all.

Amnesty, thus, serves not only as a means to grant reprieve from the full force of our criminal laws, it also, and more importantly, functions as a political tool in peace negotiations with rebel or secessionist groups and in bringing those who took arms against the government back into the fold.

Because of the unique nature of amnesty, in that it is a political tool which, when used, effectively grants an exemption from the application of our criminal laws to certain groups of people to achieve a legitimate political end, it is but logical that its grant requires the act of both the Executive and the Legislative branches. The grant of amnesty involves policy choices which require the confluence of the determinations of these two branches of the Government.

The requirement that a grant of amnesty must be the act of both the Executive and the Legislative branches also functions as a check and balance. It ensures that amnesty is granted not because of the personal motivations of any one person and that the grant of amnesty is not co-opted for the personal political pursuits of one person or group.

To be sure, there is no doubt that an amnesty can be revoked for legitimate grounds. Specifically, where a grant of amnesty is subject to conditions, and those conditions are not met, then such grant may be revoked. As will be explained further in this *ponencia*, such revocation, however, must comply with the Constitution and any specific procedure laid out in the grant of amnesty itself or in related rules issued for that purpose.

More importantly, the Court rules that the revocation of a grant of amnesty must be with the concurrence of the Legislature. Indeed, this is not particularly stated in Article VII, Section 19 of the Constitution. However, in interpreting Section 19, the Court is guided by the importance of giving life to the checks and balance function of requiring both the Executive and the Legislature to act in the grant of amnesty and by the principle that a Constitutional provision must not be interpreted in a manner that will render nugatory its very purpose.

Allowing the President to revoke a grant of amnesty without the concurrence of the Legislature renders futile the participation of the

[155] *Id.*
[156] *Id.* at 648.

Legislature in its grant. To illustrate, the President could, for whatever personal reasons, change his or her mind as to the propriety of granting amnesty. While the Legislature may still be of the view that such grant was necessary and proper, as reflected in its prior concurrence, the President possessing the sole power to revoke a grant of amnesty can simply do so and in the process utterly disregard the Legislature's own political determination and policy choice on the matter. Moreover, the President may disagree with a prior administration's grant of amnesty and opt to revoke it, without allowing the Legislature, which had precisely concurred in the grant, a chance to participate in the decision-making process.

A system where the President has a free reign in revoking an amnesty grant renders such grant precarious and unreliable. Such a system removes an important check in the exercise of this power, which may ultimately render amnesty an ineffective political tool.

This case is a prime example of the importance of requiring the concurrence of Legislature before a grant of amnesty may be revoked. Legislative concurrence serves as a check on both the procedure followed in, and the motivations propelling, the revocation of an amnesty grant. Legislative concurrence ensures that the power to revoke an amnesty grant cannot be held by the President as a sword of Damocles against amnesty grantees.

Proclamation No. 572 is unconstitutional; while the Court agrees with the People that it did not violate Trillanes' constitutional right against warrantless arrests and bills of attainder, the Court rules that it did violate his constitutional rights against ex post facto laws and double jeopardy, and to due process and the equal protection of the laws

The Court agrees with the People's view that Proclamation No. 572 did not violate Trillanes' constitutional right against unreasonable arrests and bills of attainder. However, the Court finds that Proclamation No. 572 violated Trillanes' constitutional right against *ex post facto* laws and double jeopardy, and to due process and the equal protection of the laws. The issuance of Proclamation No. 572 constitutes grave abuse of discretion.

A. <u>No violation of Trillanes' right against unreasonable warrantless arrests</u>

Article III, Section 2 of the Constitution enshrines the constitutional right against unreasonable searches and seizures. Section 2 provides:

> SEC. 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

This constitutional provision mandates that an arrest can only be carried out on the strength of a judicial warrant issued after a finding of the existence of probable cause. In the absence of a warrant, an arrest is generally considered unreasonable within the meaning of Section 2, save for a narrow set of exceptions.

Trillanes alleges that his constitutional right against unreasonable arrests was violated by Proclamation No. 572 which purportedly ordered his arrest without a warrant, let alone any legal basis considering that the Rebellion and *Coup d'etat* Cases had already been dismissed seven years prior to the issuance of Proclamation No. 572. He further claims that on the strength of Proclamation No. 572, the respondents attempted to arrest him by sending members of the AFP and the PNP to the Senate Building.[157]

The relevant provisions of Proclamation No. 572 read:

> SEC. 2. Effects.
>
> 1. As a consequence, **the Department of Justice and Court Martial of the Armed Forces of the Philippines are ordered to pursue all criminal and administrative cases filed against former LTSG Antonio Trillanes** in relation to the Oakwood Mutiny and the Manila Peninsula Incident.
>
> 2. The **Armed Forces of the Philippines and the Philippine National Police are ordered to employ all lawful means** to apprehend former LTSG Antonio Trillanes so that he can be recommitted to the detention facility where he had been incarcerated for him to stand trial for the crimes he is charged with. (Emphasis supplied)

To be very clear, a presidential proclamation cannot be the basis for a valid warrantless arrest. Thus, any proclamation or executive issuance which directs the arrest of a person without a warrant is unconstitutional. However, in this case, the Court does not find any statement in the foregoing provisions which could be interpreted to mean that former President Duterte expressly ordered the AFP and the PNP to arrest Trillanes without a warrant.

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[157] *Rollo* (G.R. No. 241494), pp. 15–16.

In the interpretation of statutes and government issuances, it is axiomatic that the text being interpreted must be construed as a whole and not based on isolated provisions or statements.[158] Moreover, in cases where the text sought to be interpreted is capable of two constructions, the interpretation which is consistent with the law should be adopted.

Here, while Proclamation No. 572 did order the apprehension of Trillanes, this is qualified by a specific instruction to "employ all lawful means." This belies Trillanes' allegation that Proclamation No. 572 ordered his unlawful arrest. Moreover, Section 2(2) of Proclamation No. 572 should be read together with Section 2(1) which categorically ordered the DOJ and the Court Martial of the AFP to pursue all criminal and administrative cases against Trillanes. All these provisions, when construed together, show that Proclamation No. 572 tasked the DOJ, the PNP, and the AFP to proceed to prosecute Trillanes for criminal cases and administrative cases arising from the Oakwood Mutiny and the Manila Peninsula Incident and in this pursuit, to employ lawful means to arrest him to ensure that he is made to stand trial for his purported violations of the law.

To reiterate, where a text is capable of two constructions, one which would make it contravene the law and one which would make it valid and legal, the latter construction should be adopted.[159] The Court interprets Proclamation No. 572 to mean that the directive to the AFP and the PNP to arrest Trillanes was qualified by the instruction that the arrest should be by lawful means, that is, upon the issuance of a warrant of arrest by a court of law, in any of the cases filed against him.

The Court takes note of Trillanes' allegation that members of the AFP and the PNP attempted to arrest him without a warrant on the same day that Proclamation No. 572 was published. The Court, however, finds no support for the assertion that it was Proclamation No. 572 which specifically ordered the PNP and the AFP to arrest Trillanes without a warrant, as its language demonstrates otherwise, as discussed.

B. <u>No violation of Trillanes' constitutional right against bills of attainder</u>

Article III, Section 22 of the Constitution prohibits the enactment of *ex post facto* laws and bills of attainder.

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[158] *Fort Bonifacio Dev't. Corp. V. Commissioner of Internal Revenue*, 617 Phil. 358, 366-367 (2009) [Per J. Leonardo-De Castro, *En Banc*].

[159] See *San Miguel Corp. v. Avelino*, 178 Phil. 47, 53 (1979) [Per J. Fernando, Second Division].

A bill of attainder is a "legislative act which inflicts punishment on individuals or members of a particular group without a judicial trial."[160] In *Misolas v. Panga*,[161] the Court explained:

> Essential to a bill of attainder are a specification of certain individuals or a group of individuals, the imposition of a punishment, penal or otherwise, and the lack of judicial trial. This last element, the total lack of court intervention in the finding of guilt and the determination of the actual penalty to be imposed, is the most essential.[162]

Proclamation No. 572 does not impose punishment on a specific group of people without judicial trial. To reiterate, Proclamation No. 572 only declared as void the prior issuance of a certificate of amnesty in favor of Trillanes. On this ground, it directed the DOJ, the AFP, and the PNP to prosecute Trillanes and arrest him to stand for trial through lawful means. Thus, it does not impose a penalty upon Trillanes without any judicial trial. Instead, Proclamation No. 572 intends to remove a hurdle to Trillanes criminal prosecution by declaring as void his amnesty. This, in turn, would allow the People to revive the criminal cases filed against Trillanes so that he may be held for trial. As such, Proclamation No. 572 does not penalize Trillanes without any judicial trial. What it intended to do was to remove the blocks preventing the People from proceeding with Trillanes' criminal prosecution so that he may be adjudged guilty by the courts after due trial.

C. Violation of Trillanes' constitutional right against *ex post facto* laws.

While Proclamation No. 572 does not violate Trillanes' constitutional right against bills of attainder, it does, however, violate his constitutional right against *ex post facto* laws.

An *ex post facto* law is defined as:

> A law passed after the occurrence of a fact or commission of an act, which retrospectively changes the legal consequences or relations of such fact or deed.... It is a law which provides for the infliction of punishment upon a person for an act done which, when it was committed, was innocent; a law which aggravates a crime or makes it greater than when it was committed; a law that changes the punishment or inflicts a greater punishment than the law annexed to the crime when it was committed; a law that changes the rules of evidence and receives less or different testimony than was required at the time of the commission of the offense in order to convict the offender; **a law which, assuming to regulate civil rights and remedies only, in effect imposes a penalty or the deprivation of a right which, when done, was lawful; a law which deprives persons accused of crime of some lawful protection to which they have become**

160 *People v. Ferrer*, 150-C Phil. 551 (1972) [Per J. Castro, *En Banc*].
161 260 Phil. 702 (1990) [Per J. Cortes, *En Banc*].
162 *Id.*

> **entitled, such as the protection of a former conviction or acquittal, or of the proclamation of amnesty; every law which, in relation to the offense or its consequences, alters the situation of a person to his disadvantage.**[163] (Emphasis supplied; citations omitted)

The prohibition against *ex post facto* laws is generally aimed against the retrospectivity of penal laws.[164] However, the Court has applied this constitutional prohibition in a case where the legislation challenged is not strictly penal in nature where its patent effect amounts to an *ex post facto* law. In particular, in *Republic v. Eugenio*,[165] the law resolved the question of whether the proscription against *ex post facto* laws applies to Section 11 of Republic Act No. 9160 or the *Anti-Money Laundering Act* (**AMLA**),[166] a "provision which does not provide for a penal sanction but which merely authorizes the inspection of suspect accounts and deposits." The Court ruled in the affirmative. In making this ruling, the Court explained –

> Prior to the enactment of the AMLA, the fact that bank accounts or deposits were involved in activities later on enumerated in Section 3 of the law did not, by itself, remove such accounts from the shelter of absolute confidentiality. Prior to the AMLA, in order that bank accounts could be examined, there was need to secure either the written permission of the depositor or a court order authorizing such examination, assuming that they were involved in cases of bribery or dereliction of duty of public officials, or in a case where the money deposited or invested was itself the subject matter of the litigation. The passage of the AMLA stripped another layer off the rule on absolute confidentiality that provided a measure of lawful protection to the account holder. For that reason, the application of the bank inquiry order as a means of inquiring into records of transactions entered into prior to the passage of the AMLA would be constitutionally infirm, offensive as it is to the *ex post facto* clause.

Thus, while Section 11[167] of the AMLA was not a penal law, the Court ruled that it violated the constitutional prohibition against *ex post facto* laws because it removed a layer of protection for account holders which existed prior to the enactment of the law.

The Court draws parallels between *Republic* and this case. Specifically, while it is true that Proclamation No. 572 is not a penal law, it nonetheless strips Trillanes of a lawful protection against criminal prosecution to which he has become entitled. The ultimate effect of Proclamation No. 572 is clear – it would allow the continuation of Trillanes' criminal prosecution and would

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[163] *People v. Sandiganbayan*, 286 Phil. 347 (1992) [Per J. Griño-Aquino, *En Banc*].

[164] *Presidential Ad Hoc-Fact Finding Committee on Behest Loans v. Desierto*, 572 Phil. 71, 87 (2008) [Per J. Nachura, *En Banc*].

[165] 569 Phil. 98 (2008) [Per J. Tinga, Second Division]

[166] Anti-Money Laundering Act of 2001.

[167] Sec. 11. Authority to Inquire into Bank Deposits. — Notwithstanding the provisions of Republic Act No. 1405, as amended; Republic Act No. 6426, as amended; Republic Act No. 8791, and other laws, the AMLC may inquire into or examine any particular deposit or investment with any banking institution or non-bank financial institution upon order of any competent court in cases of violation of this Act when it has been established that there is probable cause that the deposits or investments involved are in any way related to a money laundering offense: Provided, That this provision shall not apply to deposits and investments made prior to the effectivity of this Act.

prevent him from invoking his amnesty, over which he already has a vested right, almost a decade after its grant.

That Proclamation No. 572 is not a penal statute is no justification for exempting it from the constitutional proscription against *ex post facto* laws. The Bill of Rights enshrines protections in favor of the individual against the State.[168] The prohibition preventing the State from unlawfully and retroactively stripping a person of a lawful protection, such as a grant of amnesty, must apply equally to all branches of government, including the Executive. As Associate Justice Alfredo Benjamin Caguioa aptly observed during the deliberations in these consolidated cases, if a law cannot be allowed to deprive an accused of a lawful protection to which they have become entitled, then a presidential proclamation must similarly be barred from doing so.

D. Violation of Trillanes constitutional right against double jeopardy

Article III, Section 21 of the Constitution prohibits any person from being put twice in jeopardy for the same offense. The right against double jeopardy prohibits the prosecution of a person of a crime of which he or she has already been acquitted or convicted. Often described as *res judicata* in prison grey, the purpose of the right against double jeopardy is to "set the effects of the first prosecution forever at rest, assuring the accused that he shall not thereafter be subjected to the danger and anxiety of a second charge against him for the same offense."[169]

For a person to be able to invoke this constitutional protection against double jeopardy, the following elements must concur: (1) a valid information sufficient in form and substance to sustain a conviction of the crime charged; (2) a court of competent jurisdiction; (3) the accused has been arraigned and had pleaded; and (4) the accused was convicted or acquitted or the case was dismissed without his express consent.[170]

As to the fourth element, the general rule is that for double jeopardy to attach, the accused must have been acquitted or convicted in the first case or the case was dismissed without his or her consent. Jurisprudence, however, has recognized exceptions to the requirement that the dismissal must have been without the consent of the accused.

In *Bangayan v. Bangayan*,[171] the Court said:

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[168] See *People v. Marti*, 271 Phil. 51 (1991) [Per J. Bidin, Third Division].
[169] *Caes v. Intermediate Appellate Court*, 258-A Phil 620 (1989) [Per J. Cruz, First Division].
[170] Rules of Court, rule 117, Sec. 7.
[171] 675 Phil. 656 (2011), [Per J. Mendoza, Second Division].

> However, jurisprudence allows for certain exceptions when the dismissal is considered final even if it was made on motion of the accused, to wit:
>
> (1) Where the dismissal is based on a demurrer to evidence filed by the accused after the prosecution has rested, which has the effect of a judgment on the merits and operates as an acquittal.
>
> (2) Where the dismissal is made, also on motion of the accused, because of the denial of his right to a speedy trial which is in effect a failure to prosecute.[172] (Citations omitted)

In *Caes v. Intermediate Appellate Court*,[173] the Court explained that in instances where a criminal case is dismissed based on a demurrer to evidence filed by the accused, double jeopardy attaches because the dismissal of the case is a judgment on the merits and operates as an acquittal.[174]

Further, a dismissal on motion of the accused on the ground of violation of the right to speedy trial also operates as first jeopardy barring the accused's prosecution for a second time. This is because such a dismissal is not truly a "dismissal" but ought to be considered as an acquittal as it was rendered due to the violation of an accused's constitutional right to speedy trial.[175]

Thus, double jeopardy attaches in these instances, notwithstanding the fact that the dismissal was with the consent of or even upon the instance of the accused, **because the dismissal is a complete resolution of the case and is tantamount to an acquittal.**

Where an accused moves for the dismissal of a criminal case on the ground that he or she has been granted amnesty, the Court rules that double jeopardy applies. This is another exception in the same category as a dismissal by reason of a demurrer to evidence or on the ground of violation of the accused's constitutional right to speedy trial.

Here, the nature of an amnesty is relevant. In *Barraquinto, et al. v. Fernandez*,[176] the Court ruled:

> [A]mnesty looks backward and abolishes and puts into oblivion the offense itself, it so overlooks and obliterates the offense with which he is charged; that the person released by amnesty stands before the law precisely as though he had committed no offense. Amnesty is a public act of which the court should take judicial notice. Thus, the right to the benefits of amnesty, once established by the evidence presented, either by the complainant or prosecution or by the defense, can not be waived, because it is of public

[172] *Id.* at 667.
[173] *Id.*
[174] 258-A Phil. 620 (1989) [Per J. Cruz, First Division].
[175] *People v. Cloribel*, 11 SCRA 805 (1964) [Per J. Regala, *En Banc*].
[176] 82 Phil. 642 (1949) [Per J. Feria].

> interest that a person who is regarded by the Amnesty Proclamation, which has the force of law, not only as innocent, for he stands in the eyes of the law as if he had never committed any punishable offense because of the amnesty...[177]

In this regard, under Article 89 of the Revised Penal Code, the grant of amnesty totally extinguishes criminal liability and may be invoked to seek the quashal of an Information or the dismissal of the criminal case.[178] Thus, the dismissal of a criminal case on the ground that the accused was granted amnesty is a complete resolution of the case. It affirms that the accused can no longer be prosecuted not because he is proven innocent, but because he is deemed to not have committed any offense. In such cases, the dismissal of the case must bar a second prosecution for the same offense if the amnesty is to be given its full effect and if the grantee is to be allowed to enjoy the complete benefits of a grant of amnesty.

Thus, in seeking the revival of the criminal cases despite their dismissal because of the amnesty granted in Trillanes' favor, the People violated Trillanes' constitutional right against double jeopardy.

To be sure, the People's argument is that there can be no double jeopardy when the first dismissal was never valid as it was issued on the basis of a void grant of amnesty. As will be discussed more extensively below, there is a set procedure and reglementary periods that should have been complied with in assailing the validity of the amnesty grant to Trillanes. The People utterly disregarded this procedure. In addition, at any event, and as will be explained in this *ponencia*, there is no factual basis for the People's position that the grant of amnesty to Trillanes is void.

E. Violation of Trillanes' constitutional right to due process

Proclamation No. 75 provides the procedure for the processing of applications for amnesty. This includes the procedure to oppose an amnesty application and to appeal an amnesty decision to the Office of the President.

Section 2 of Proclamation No. 75 states:

> SEC. 2. Where to Apply. – The concerned AFP and PNP personnel and their supporters may apply for amnesty under this Proclamation with the ad hoc committee Department of National Defense (DND) which is hereby tasked **with receiving and processing applications – including oppositions thereto, if any – for amnesty pursuant to this proclamation and determining whether the applicants are entitled to amnesty**

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177 *Id.* at 649.

178 See *People v. Nanadiego*, 261 Phil. 953 (1990) [Per J. Bidin, Third Division].

> **pursuant to this proclamation. The final decisions or determination of the DND shall be appealable to the Office of the President by any party to the application.** The decision, however, shall be immediately executory even if appealed. (Emphasis supplied)

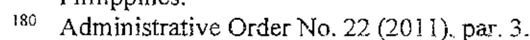
Further, the Committee Rules of Procedure, which the Committee promulgated pursuant to Proclamation No. 75, provide:

> SEC. 9. *Opposition.*—Within fifteen (15) days from the posting of the name of an applicant in the locations mentioned in Section 8 hereof of the publication of the applicant's name in the DND and AFP website, whichever comes later, any person may file a sworn opposition to the application or amnesty.
>
> ....
>
> SEC. 17. *Appeal.*—The final decision or determination of the Department of National Defense shall be **appealable to the Office of the President by any party to the application within 10 days from notice of the decision**. The decision, however, shall be immediately executory even if appealed. (Emphasis supplied)

Proclamation No. 75 and the Committee Rules of Procedure are clear. Any opposition to an application for amnesty must be raised before the Committee within 15 days from the posting of the names of the applicants. Moreover, a party who disagrees with the decision of the DND as to an amnesty application has the option of filing an appeal before the Office of the President within 10 days from receipt of the decision.

In this regard, Administrative Order No. 22, Series of 2011[179] (**AO No. 22**) prescribes the procedure for appeals to the Office of the President.[180] The relevant provisions of AO No. 22 state:

> SEC. 1. Period to appeal. **Unless otherwise provided by special law, an appeal to the Office of the President shall be taken within fifteen (15) days from notice of the aggrieved party** of the decision/resolution/order appealed from, or of the denial, in part or in whole, of a motion for reconsideration duly filed in accordance with the governing law of the department or agency concerned.
>
> ....
>
> SEC. 14. Finality of decision. Decisions/resolutions/orders of the Office of the President shall, except as otherwise provided for by special laws, become final after the lapse of fifteen (15) days from receipt of a copy thereof by the parties, unless a motion for reconsideration thereof is filed



[179] Prescribing Rules And Regulations Governing Appeals To The Office Of The President Of The Philippines.

[180] Administrative Order No. 22 (2011), par. 3.

> within such period. Only one motion for reconsideration by any one party shall be allowed and entertained, save in exceptionally meritorious cases.
>
> ....
>
> SEC. 19. Application of Rules of Court. The Rules of Court shall apply in a suppletory character whenever practicable and convenient. (Emphasis supplied)

Thus, any party seeking the reversal of the decision of the DND on an application for amnesty has the remedy of filing an appeal before the Office of the President within 10 days from notice.

The procedure and periods provided in Proclamation No. 75, Committee Rules of Procedure, and AO No. 22 are significant because they establish when a decision of the DND and the Office of the President becomes final and executory.

As regards the decision of the DND on an application for amnesty, this becomes final if no appeal is filed before the Office of the President within ten days from receipt of the decision. At this point, the decision can no longer be revoked, revised, reversed, or altered.

In this case, the decision of the DND granting amnesty to Trillanes became final, executory, and immutable after the period to appeal prescribed. At that point, the DND no longer had jurisdiction to review, reverse, revise, revoke, or alter the grant of amnesty. Trillanes, in turn, was entitled to rely on the finality and immutability of the grant of amnesty.

Seven years after the grant of Trillanes' amnesty on January 21, 2011, the dismissal of the Rebellion and *Coup d'etat* Cases on September 7, 2011 and September 21, 2011 respectively, and the finality of the DND's decision granting amnesty, former President Duterte issued Proclamation No. 572 which declared this amnesty void.

The respondents assert that former President Duterte had the power to do this because as President at the time, he had the power of control over all executive departments. Thus, the respondents argue that when former President Duterte issued Proclamation No. 572, he was merely correcting the error of the DND, over which he has control.

There is no question that the President has control over all the executive departments, bureaus, and offices.[181] The power of control means "the power of an officer to alter or modify or nullify or set aside what a subordinate officer

[181] CONST, art. VII, sec. 17.

had done in the performance of his duties and to substitute the judgment of the former for that of the latter."[182] Thus, the President may reverse the decision of a subordinate and substitute his judgment. However, while it is true that the President has the power of control over the executive departments, bureaus, and offices, including the DND, this power of control necessarily operates within the parameters set by the Constitution and the law. In other words, while the President can correct a perceived error of any of his subordinates' subject of his power of control, the President cannot use his powers in a manner that will contravene the law.

The President's exercise of his power of control cannot violate the set of rules laid out to ensure the correctness of decisions pertaining to the grant of amnesty and the finality of this grant. The President, in the guise of rectifying alleged errors in the decisions of a subordinate, cannot upend fundamental principles guaranteeing that decisions must become final and immutable at some definite point. The President, in pursuit of ensuring that no purported void decision is enforced, cannot disregard due process.

The Court highlights that Proclamation No. 75, the Committee Rules of Procedure, and AO No. 22 determine when a decision of the DND on an amnesty application becomes final. In the absence of an appeal to the Office of the President, the amnesty decision becomes final ten days from receipt. **These rules not only define when a decision becomes final, it also allows an amnesty grantee the right to rely on the effectivity of the amnesty and to the reasonable expectation that once the decision becomes final and immutable, his or her amnesty can no longer be disturbed.** These rules are fundamental to a grantee's right to due process in that it lays out the procedure for ensuring that an amnesty application is processed correctly, that the decision on the amnesty application is arrived at after a fairly rigorous procedure, and that the decision becomes final and immutable.

The Court explained in *Young v. Court of Appeals*:[183]

> Once a decision becomes final and executory, it is removed from the power and jurisdiction of the court which rendered it to further alter or amend it, much less revoke it. **This doctrine of finality of judgment is grounded on fundamental considerations of public policy and sound practice that at the risk of occasional error, the judgments of the courts must become final at some definite date fixed by law. To allow courts to amend final judgments will result in endless litigation.** [184] (Emphasis supplied; citations omitted)

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[182] *Department of Energy v. Court of Tax Appeals*, G.R. No. 260912, August 17, 2022 [Per J. Singh, Third Division].

[183] 281 Phil. 645 (1991) [Per J. Davide, Third Division].

[184] *Id.* at 662.

The importance of the rule that a decision must become final, immutable, and unalterable at a particular point cannot be gainsaid. The Court has ruled that it must be upheld even at the risk of occasionally having decisions that are erroneous. In *Reinsurance Company of the Orient, Inc. v. Court of Appeals*,[185] the Court reiterated that all litigation must come to an end, "however unjust the result or error may appear. Otherwise, litigation would become even more intolerable than the wrong or justice it is designed to correct."[186] As confirmed by the Court in *Engr. Liwanag v. Commission on Audit*,[187] this doctrine applies equally to quasi-judicial agencies such as the DND and the Committee acting as an amnesty processing and adjudication board under Proclamation No. 75.

That decisions must, at some point, become final and immutable is a cornerstone of any system for the adjudication of rights. Parties who bring their case before the government so that the government may rule on their rights and duties must be able to rely on the fact that any decision rendered by the government will become final and can no longer be disturbed. This is the very purpose why people agree to submit their cases before the government – so that the government may definitively determine their rights and obligations under the law. **If decisions could be altered at any time and if the governmental body making the decisions is allowed to change its mind whenever it feels the need to do so, the system itself will fail as there would never be any real and definitive resolution of issues. In such a system, parties cannot trust that a government's pronouncement will remain true and thus can be relied upon. A system where the government is free to alter and disturb its rulings at any time is a system that is bound to fail.**

The Court holds that not even the President can disregard a final and immutable decision. Allowing the President to revoke a decision that has become final nearly a decade ago will make our system of adjudication of rights unstable. When a President can at any time decide that a decision of a subordinate quasi-judicial agency, much less a court of law, can be revoked regardless of whether the applicable rules provide that such a decision has become final and immutable, quasi-judicial agencies under the Executive Branch and courts of law will lose their credibility and reliability. An interpretation of the presidential power of control which would authorize a President to alter decisions even when they have become final will destroy the very purpose for which quasi-judicial agencies and regular courts were created to adjudicate specific issues. Parties will know no certainty and their rights will be at the mercy of a President who is free to change his mind and overturn them at any time.

The Court rules that this holds true even in instances where the President's ground for revoking a decision is because such decision was

[185] 275 Phil. 20 (1991) [Per J. Feliciano, Third Division].
[186] *Id.* at 39-40.
[187] 858 Phil. 865 (2019) [Per J. Bersamin, *En Banc*].

purportedly erroneously made or issued. The doctrine of finality and immutability of judgments must be respected even at the risk of occasional error because the importance of ensuring that decisions become final at some defined point is a linchpin of any settlement mechanism. No government entity or government official, let alone the President, may override this fundamental principle.

Where the decision of a subordinate agency or officer is sought to be revoked because it is allegedly void, the lapse of the period to appeal it bars a President from unilaterally declaring the decision revoked by invoking his power of control. Procedural rules lay out the process for challenging void decisions and resisting the execution of such decisions. As the Court held in *Imperial v. Judge Armes*,[188] "[w]hile a void judgment is no judgment at all in legal contemplation, any action to challenge it must be done through the correct remedy and filed before the appropriate tribunal."[189] No government entity or official, let alone the President, can ignore these procedural rules.

A President who disregards the rules determining when the decision of a quasi-judicial agency becomes final and executory violates the due process right of the person in whose favor the decision was rendered and acts with grave abuse of discretion.

The right to due process is enshrined in Article III, Section 1 of the Constitution:

> Section 1. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws.

In *Associated Communications & Wireless Services, Ltd. v. Dumlao*,[190] the Court explained that in order to invoke the protection of Article III, Section 1 of the Constitution:

> [t]wo conditions must concur, namely, that there is a deprivation and that such deprivation is done without proper observance of due process. When one speaks of due process of law, a distinction must be made between matters of procedure and matters of substance. In essence, procedural due process "refers to the method or manner by which the law is enforced," while substantive due process "requires that the law itself, not merely the procedures by which the law would be enforced, is fair, reasonable, and just."[191] (Citations omitted)

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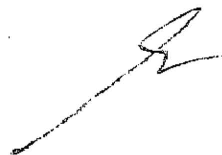
[188] 804 Phil. 439 (2017) [Per J.Jardeleza, Third Division].
[189] *Id.* at 445.
[190] 440 Phil. 787 (2002) [Per J. Carpio, First Division].
[191] *Id.* at 804.



The Constitutional right to due process is a "constitutional safeguard against any arbitrariness on the part of the Government, and serves as a protection essential to every inhabitant of the country."[192] In *Ablong v. Commission on Audit*,[193] the Court held:

> Any government act that militates against the ordinary norms of justice or fair play is considered an infraction of the great guaranty of due process; and this is true whether the denial involves violation merely of the procedure prescribed by the law or affects the very validity of the law itself.[194] (Citation omitted)

In this case, Trillanes stands to be deprived of the benefits of the amnesty through the issuance of Proclamation No. 572. As stated earlier, Proclamation No. 572 was issued in disregard of the procedural rules dictating how amnesty decisions of the DND can be challenged and when such decisions become final. Proclamation No. 572 was also issued in disregard of the rules setting out how purportedly void decisions, where the appeal period has already lapsed, should be assailed. In disregarding the applicable procedural rules in order to deprive Trillanes of the benefits granted by his amnesty, Proclamation No. 572 violated his constitutional right to procedural due process. In the revocation of his amnesty, Trillanes was not given the process that was due him.

The Court emphasizes that the constitutional right to due process is a safeguard against government abuse. It is a guarantee against government action that violates "the ordinary norms of justice or fair play." In this case, the deprivation of Trillanes' right to due process is underscored by the fact that procedural rules were disregarded in order to revoke an amnesty that was granted almost a decade ago. Through all those years, Trillanes had the right to expect that the grant of amnesty, which had become final and immutable, could no longer be disturbed. And yet, the amnesty was revoked without any warning or notice.

The Court also notes that the procedure leading to the issuance of Proclamation No. 572 brooks too many questions. It appears that the government had decided to look specifically for Trillanes' amnesty application form, seven years after the grant of amnesty became final, without, it appears, any reasonable ground for doing so. The President then proceeded to issue Proclamation No. 572 without notice to Trillanes of the issue and without granting him the opportunity to be heard.

To be sure, there is no existing set of rules prescribing that notice and hearing is required before an amnesty may be revoked. Nonetheless, it is fundamental that in administrative proceedings, the essence of due process is

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[192] *Engr. Liwanag v. Commission on Audit*, 858 Phil. 865, 883 (2019) [Per C.J. Bersamin].
[193] 879 Phil 121 (2020) [Per J, Reyes Jr., *En Banc*].
[194] *Id.* at 131.

notice and hearing. Considering that it had been seven years since Trillanes was granted amnesty, that the amnesty had been fully enforced and the pending criminal cases against him had been long dismissed, that the ground for revoking his amnesty was factual in nature and thus could have been explained had Trillanes been given the opportunity to do so, and that the amnesty was about to be revoked way beyond the allowable period for reversing the decision of the DND under the applicable rules, justice, and fair play required that Trillanes should have been given notice and the opportunity to be heard.

A ruling that would allow the President to revoke decisions that have long become final without even as much as a notice to the party in whose favor it was issued would set a dangerous precedent. It could open the floodgates for the Executive to review and reverse any decision rendered by the office or those of his or her subordinates, regardless of the time that has lapsed since its finality, on the pretext that the President is simply exercising the power of control. Uncertainty in the finality of the decisions of the government can be a sinister tool for oppression. In a system where the President is free to review and reverse decisions unprompted, without notice, and even when such decisions have become final for years, there can be no peace and stability. The people will always be at the mercy of the President. That is not the kind of government that this country has strived to build and aspires to perfect. That is not what a democratic government represents.

As Proclamation No. 572 violated Trillanes' constitutional right to due process, the Court cannot but declare it void.

F. Violation of Trillanes' constitutional right to the equal protection of the laws

Article III, Section 3 of the Constitution also enshrines the constitutional right to the equal protection of the laws.

In *Philippine Judges Association v. Prado, et al.*,[195] the Court explained that the equal protection of the laws is embraced in the concept of due process, "as every unfair discrimination offends the requirements of justice and fair play."[196] However, it was embodied in a separate clause "to provide for a more specific guaranty against any form of undue favoritism or hostility from the government."[197]

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[195] 298 Phil. 502 (1993) [Per J. Cruz, *En Banc*].
[196] *Id.* at 512.
[197] *Id.*

The equal protection clause requires that all persons or things similarly situated should be treated alike, both as to rights conferred and responsibilities imposed.[198] It ensures that all persons are protected from intentional and arbitrary discrimination whether by the express terms of a statute or by its improper execution.[199] The protection extended by the equal protection clause applies against all official state actions and covers all departments of the government, including the executive departments.[200]

This constitutional right, however, does not require absolute equality. It only demands equality among equals. It permits of classification provided that such classification is reasonable. In *Biraogo v. The Phil. Truth Commission of 2010*,[201] the Court ruled:

> For a classification to meet the requirements of constitutionality, it must include or embrace all persons who naturally belong to the class. 'The classification will be regarded as invalid if all the members of the class are not similarly treated, both as to rights conferred and obligations imposed. It is not necessary that the classification be made with absolute symmetry, in the sense that the members of the class should possess the same characteristics in equal degree. Substantial similarity will suffice; and as long as this is achieved, all those covered by the classification are to be treated equally. The mere fact that an individual belonging to a class differs from the other members, as long as that class is substantially distinguishable from all others, does not justify the non-application of the law to him.
>
> The classification must not be based on existing circumstances only, or so constituted as to preclude addition to the number included in the class. **It must be of such a nature as to embrace all those who may thereafter be in similar circumstances and conditions. It must not leave out or 'underinclude' those that should otherwise fall into a certain classification.**[202] (Emphasis supplied; citations omitted)

In this regard, the mere under-inclusiveness of a law or executive issuance does not necessarily render it invalid. In *Biraogo*, the Court further explained:

> It has been written that a regulation challenged under the equal protection clause is not devoid of a rational predicate simply because it happens to be incomplete. In several instances, the underinclusiveness was not considered a valid reason to strike down a law or regulation where the purpose can be attained in future legislations or regulations. These cases refer to the 'step by step' process. 'With regard to equal protection claims, a legislature does not run the risk of losing the entire remedial scheme simply because it fails,

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198 *Ichong v. Hernandez*, 101 Phil. 1155 (1957) [Per J. Labrador].

199 *Biraogo v. The Philippine Truth Commission of 2010*, 651 Phil. 374, 458 (2010) [Per J. Mendoza, *En Banc*].

200 *Id.* at 459.

201 *Id.*

202 *Id.* at 459-460.

> through inadvertence or otherwise, to cover every evil that might conceivably have been attacked.'[203] (Citations omitted)

In *Biraogo*, however, the Court found that the under-inclusiveness of the assailed executive order rendered it unconstitutional. In this case, which involved the constitutionality of the creation of the Philippine Truth Commission, the Court found that there was no inadvertence in specifying the acts of graft and corruption of President Macapagal-Arroyo's administration as the sole subject of the Philippine Truth Commission's duties. Instead, the Court found that this constituted deliberate and intentional discrimination. The Court said:

> The public needs to be enlightened why Executive Order No. 1 chooses to limit the scope of the intended investigation to the previous administration only. The OSG ventures to opine that 'to include other past administrations, at this point, may unnecessarily overburden the commission and lead it to lose its effectiveness.' The reason given is specious. It is without doubt irrelevant to the legitimate and noble objective of the PTC to stamp out or 'end corruption and the evil it breeds.'
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> ....
>
> Laws that do not conform to the Constitution should be stricken down for being unconstitutional. While the thrust of the PTC is specific, that is, for investigation of acts of graft and corruption, Executive Order No. 1, to survive, must be read together with the provisions of the Constitution. To exclude the earlier administrations in the guise of "substantial distinctions" would only confirm the petitioners' lament that the subject executive order is only an "adventure in partisan hostility." In the case of *US v. Cyprian*, it was written: **"A rather limited number of such classifications have routinely been held or assumed to be arbitrary; those include: race, national origin, gender, political activity or membership in a political party, union activity or membership in a labor union, or more generally the exercise of first amendment rights."**[204] (Emphasis supplied; citations omitted)

Similarly, in *Mosqueda v. Pilipino Banana Growers & Exporters Assn., Inc.*,[205] the Court concluded that the drastic under-inclusiveness of the assailed law rendered it unconstitutional for violating the equal protection of the laws. The Court held:

> The occurrence of pesticide drift is not limited to aerial spraying but results from the conduct of any mode of pesticide application. Even manual spraying or truck-mounted boom spraying produces drift that may bring about the same inconvenience, discomfort and alleged health risks to the community and to the environment. A ban against aerial spraying does not weed out the harm that the ordinance seeks to achieve. In the process, the ordinance suffers from being 'underinclusive' because the classification

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[203] *Id.* at 465.
[204] *Id.* at 463–464.
[205] 793 Phil. 17 (2016) [Per J. Bersamin, *En Banc*].

> does not include all individuals tainted with the same mischief that the law seeks to eliminate. **A classification that is drastically underinclusive with respect to the purpose or end appears as an irrational means to the legislative end because it poorly serves the intended purpose of the law.**
>
> ....
>
> **A substantially overinclusive or underinclusive classification tends to undercut the governmental claim that the classification serves legitimate political ends.**[206] (Emphases supplied; citations omitted)

The foregoing leads the Court to conclude that Proclamation No. 572 also violated Trillanes' constitutional right to the equal protection of the laws.

It is clear and undeniable, from the very language of Proclamation No. 572, that it was issued specifically for the purpose of declaring void the grant of amnesty to Trillanes despite the fact that the Secretary of National Defense issued numerous other certificates of amnesty to applicants under Proclamation No. 75. There were, in fact, 277 amnesty grantees under Proclamation No. 572. Since the intent to single out Trillanes is patent and manifest, there must be a showing that this classification is reasonable.

The respondents argue that while Proclamation No. 572 applies only to Trillanes, it is a valid classification because the grounds for declaring the grant of his amnesty as void are personal to him, i.e., that he did not file an application form for amnesty and that he did not admit guilt.[207] Significantly, the CA in the CA Decisions in the Rebellion and *Coup d'etat* Cases ruled that the mere under-inclusiveness of Proclamation No. 572 does not render it void because the President can issue a similar proclamation in the future should it find that the other amnesty grantees also did not comply with the requirements for the grant of such amnesty.

The factual findings of Branch 148, as affirmed by the CA, and which the People did not deny, show that there was a total of 277 amnesty grantees under Proclamation No. 572 whose application forms could no longer be located. This notwithstanding, only Trillanes' certificate of amnesty was declared void. This glaring under-inclusiveness undercuts the respondent's claim that Proclamation No. 572 was based on a reasonable classification. **If Proclamation No. 572 was issued with the intent of correcting the purported error of the Committee and the Secretary of National Defense, every one of the 277 amnesty grantees whose application forms could not be located should have been covered by Proclamation No. 572 or of some other proclamation declaring their certificates of amnesty void. There is**

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[206] *Id.* at 73–77.

[207] *Rollo* (G.R. No. 241494), pp. 133–136.

no reasonable distinction between Trillanes and all the other amnesty grantees, or at least none was shown.

As to the CA's view that the President could still issue a similar proclamation in the future to cover any other grantee who did not comply with the amnesty requirements, the Court reiterates its ruling in *Biraogo:*

> The Court is not convinced. Although Section 17 allows the President the discretion to expand the scope of investigations of the PTC so as to include the acts of graft and corruption committed in other past administrations, **it does not guarantee that they would be covered in the future. Such expanded mandate of the commission will still depend on the whim and caprice of the President. If he would decide not to include them, the section would then be meaningless. This will only fortify the fears of the petitioners that the Executive Order No. 1 was 'crafted to tailor-fit the prosecution of officials and personalities of the Arroyo administration.**[208] (Emphasis supplied)

Whether the other amnesty grantees whose application forms were similarly not located by the DND will be the subject of any future proclamation depends solely on the discretion of the President. Meanwhile, the fact remains that, of all the 277 amnesty grantees, only Trillanes was singled out to be the subject of Proclamation No. 572. This is purposeful and intentional discrimination.

This deliberate singling out of Trillanes is underscored by the fact that there is no explanation as to why the government specifically sought for a copy of his amnesty application form. There is no explanation as to what triggered this process and whether there was any justifiable reason to reopen the issue almost a decade after the certificate of amnesty was issued. In *Biraogo*, the Court said, "[t]he public need to be enlightened why Executive Order No. 1 chooses to limit the investigation to the previous administration only." The same reasoning applies in this case, there should be a valid justification for the decision to reexamine the application for amnesty of Trillanes, and no other grantee. There is no such explanation in this case.

This, considered along with the fact that Trillanes was not even notified that the government was apparently reviewing his amnesty application, let alone given an opportunity to explain any alleged irregularity, highlights the arbitrariness of the issuance of Proclamation No. 572.

When the machinery of the government is brought to bear down on an individual in this way, fealty to the Constitution and the laws guards against governmental abuse. In situations like this, the value of the Bill of Rights

[208] *Biraogo v. The Phil. Truth Commission of* 2010, 651 Phil 374, 466 (2010) [Per J. Mendoza, *En Banc*].

becomes even more starkly clear. It is often an individual's last line of defense against the awesome powers of the State. **In the government's zeal to carry out its duties, there may be instances where it may attempt to explain a disregard of fundamental rights as miniscule, justifiable, or even necessary. Yet even the loftiest of intentions cannot justify a breach of the Constitution. The rule of law is the people's ultimate protection against abuse.**

Thus, the Court upholds the rule of law and declares Proclamation No. 572 void for violating Trillanes' constitutional right to the equal protection of the laws.

The nullity of Proclamation No. 572 also determines the main issue in the Rebellion and *Coup d'etat* Petitions. Since Proclamation No. 572 is void and has no force and effect, it cannot be the basis for the issuance of a warrant of arrest or HDO against Trillanes, let alone for the revival of the Rebellion and *Coup d'etat* Cases. Nonetheless, the Court proceeds to rule on the issues in these cases to completely resolve the cases brought before it.

<u>G.R. No. 256660</u>

This is a Rule 45 petition where the People argues that the CA erred when it ruled that Branch 148 did not act with grave abuse of discretion when it denied the Omnibus Motion in the *Coup d'etat* Case. The Court agrees with the CA on this point.

Grave abuse of discretion amounting to lack or excess of jurisdiction pertains to errors of jurisdiction and not mere errors of judgment. It is defined as an act that –

> denotes capricious, arbitrary[,] and whimsical exercise of power. The abuse of discretion must be patent and gross as to amount to an evasion of positive duty or to a virtual refusal to perform a duty enjoined by law, as not to act at all in contemplation of law, or where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.[209]

Thus, where grave abuse of discretion is invoked as a basis to reverse a decision, the party invoking it must meet a high bar. It is not mere error that would warrant a review and reversal of a decision. No court will rule that a lower court acted with grave abuse of discretion simply because of a disagreement as to how the evidence should have been appreciated or how the law should have been applied. Grave abuse of discretion connotes an error

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[209] *G & S Transport Corporation v. Court of Appeals*, 432 Phil. 7, 22 (2002) [Per J. Bersillo, Second Division], citing *Filinvest Credit Corp. v. Intermediate Appellate Court*, 248 Phil. 394, 401-402 (1988) [Per J. Sarmiento, Second Division] and *Litton Mills, Inc. v. Galleon Trader, Inc.*, 246 Phil. 503, 509-510 (1988) [Per J. Padilla, Second Division].

more serious than that. It pertains to arbitrariness, capriciousness, and a deliberate misuse of power.

The Court agrees with the CA that Branch 148 did not act with grave abuse. On the contrary, as will be discussed more extensively below, Branch 148 acted in accord with the applicable law, rules, and jurisprudence.

The Best Evidence Rule does not apply in this case

The Court agrees with Branch 148 that the Best Evidence Rule (now the Original Document Rule) does not apply to Trillanes' amnesty application form. Thus, it correctly allowed the presentation of secondary evidence to prove the existence of the amnesty application form and the fact that Trillanes submitted it to the Committee.

Rule 130, Section 3 of the Revised Rules of Court, as revised, provides:

> SEC 3. *Original document must be produced; exceptions.* - **When the subject of inquiry is the contents of a document, writing, recording, photograph or other record, no evidence is admissible other than the original document itself**, except in the following cases:
>
> (a) When the original is lost or destroyed, or cannot be produced in court, without bad faith on the part of the offeror;
>
> (b) When the original is in the custody or under the control of the party against whom the evidence is offered, and the latter fails to produce it after reasonable notice, or the original cannot be obtained by local judicial processes or procedures;
>
> (c) When the original consists of numerous accounts or other documents which cannot be examined in court without great loss of time and the fact sought to be established from them is only the general result of the whole;
>
> (d) When the original is a public record in the custody of a public officer or is recorded in a public office; and
>
> (e) When the original is not closely-related to a controlling issue. (Emphasis supplied)

In *Heirs of Margarita Prodon v. Heirs of Maximo Alvarez and Valentina Clave*,[210] the Court explained that the Best Evidence Rule applies "only when the terms of a written document are the subject of the inquiry."[211] Thus, where the issue in the case does not pertain to the terms of a written document but "concerns external facts, such as the existence, execution or

[210] 717 Phil. 54, 57 (2013) [Per J. Bersamin, First Division].
[211] *Id.* at 57.

delivery of the writing, without reference to its terms, the Best Evidence Rule cannot be invoked."[212] In such a case, secondary evidence can be presented and admitted "even without accounting for the original."[213]

In this case, the main subject of inquiry pertains to the existence of the amnesty application form and the fact of its submission to the Committee. The contents of the amnesty application form are not in issue.

The People argues that the contents of the amnesty application form are the subject of inquiry in this case because it is purportedly where Trillanes' admission of guilt is contained. Thus, the People asserts that the contents of the amnesty application form must be examined so as to confirm if Trillanes indeed admitted guilt.

Contrary to the People's argument, the contents of the amnesty application form are not only not in issue, it has already been admitted by the parties. To be clear, the parties agree that there is a standard format for the amnesty application form. There are no allegations in the case that Trillanes may have used an entirely different format. **In this regard, it is significant to note that a sample amnesty application form is a common exhibit of both Trillanes and the DOJ during the trial before Branch 148.**[214] **Clearly then, the contents of the amnesty application form are not in dispute here.**

As the Best Evidence Rule does not apply, Branch 148 correctly allowed the introduction of secondary evidence to establish the existence of the amnesty application form and Trillanes' submission of the form to the Committee.

Trillanes submitted an amnesty application form

The factual findings of the trial court, when affirmed by the CA, are generally binding on the Court.[215] Moreover, a Rule 45 petition brought before the Court pertains only to questions of law. The Court is not a trier of facts and will not reexamine the trial court's factual findings and appreciation of the evidence subject to a specific set of exceptions. No such exceptions are present in this case.

In any event, the Court agrees with Branch 148's conclusion, as affirmed by the CA, that Trillanes did submit his amnesty application form

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212 *Id.* at 67.
213 *Id.*
214 *Rollo* (G.R. No. 256660), p. 270.
215 *Bautista v. Spouses Balolong*, 879 Phil 53, 63 (2020) [Per J. Delos Santos, Second Division].

and admitted his guilt for his involvement in the Oakwood Mutiny and the Manila Peninsula Incident. The Court further agrees with Branch 148's and the CA's conclusion that the DOJ's evidence failed to prove that Trillanes did not comply with the requirements under Proclamation No. 75 and Concurrent Resolution No. 4. In truth, the only fact that the DOJ was able to prove was that Trillanes' amnesty application form could not be located. This is not tantamount to the conclusion that no such amnesty application form was filed at all.

That Trillanes did, in fact, fill out an amnesty application form and submitted it to the Committee which then processed it and recommended its approval to the Secretary of National Defense who, in turn, approved it, is best evidenced by the Certificate of Amnesty itself. The Certificate of Amnesty, signed by Secretary Gazmin, categorically states that Trillanes:

> was granted AMNESTY on January 21, 2011 for his participation/involvement in the July 27, 2003 Oakwood Mutiny and November 29, 2007 Peninsula Manila Hotel Siege in Makati City, pursuant to the provisions of Presidential Proclamation No. 75 issued on November 24, 2010 by His Excellency, President Benigno S. Aquino III.[216]

Under the Committee Rules of Procedure, the Committee reviews an application for amnesty to ascertain if the applicant is qualified to enjoy the benefits of the amnesty granted under Proclamation No. 75. The Committee will then recommend either the approval or denial of the application to the Secretary of National Defense. If the amnesty application is approved, the Secretary of National Defense will issue a certificate of amnesty.

In addition, Trillanes also presented Resolution No. 2 issued by the Committee which listed the persons who applied for amnesty on January 2, 2011. This list included Trillanes.[217] This is also supported by Secretary Gazmin's letter to former President Aquino, dated January 25, 2011, which stated that there were a number of applicants who applied for amnesty and whose applications were granted.[218]

The Committee and the Secretary of National Defense, in processing amnesty applications, are entitled to the presumption of regularity in the performance of their official functions. The DOJ did not overcome this presumption. To repeat, the DOJ's evidence only established that Trillanes' amnesty application form could no longer be found in the DND's records. The overwhelming evidence consisting of official documents, however, convincingly show that Trillanes complied with the requirements to be entitled to amnesty under Proclamation No. 75.

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[216] *Rollo* (G.R. No. 241494), p. 53.
[217] *Rollo* (G.R. No. 256660), pp. 184-186.
[218] *Id.* at 188.

Considering that the Certificate of Amnesty is the official document which confirms an applicant's entitlement to the benefits of the amnesty granted by Proclamation No. 75, it is adequate evidence to establish that Trillanes complied with all the requirements. In the absence of clear and convincing proof to the contrary, this is entitled to the presumption that it was regularly and validly issued. That Trillanes' amnesty application form could no longer be located in the DND's records, **along with the application forms of all the other 276 amnesty grantees,**[219] does not affect the validity of the Certificate of Amnesty, particularly in this case where, to repeat, the DOJ was only able to establish that it no longer exists in the records and not that Trillanes never submitted it.

The Court further agrees with the CA and Branch 148 that Trillanes' inability to submit a copy of the amnesty application form is justifiable. As the CA held:

> At this juncture, the Court, in concurrence with public respondent, finds that the reason for the non-presentation of the original copy of the application form was justifiable. Per. Col. Berbigal's testimony, it was duly established that all the applicants including herein private respondent were only given one (1) copy each of the said application form. This single application form once accomplished was then submitted to the Secretariat for processing. Hence, the applicant-grantees including herein private respondent naturally had no personal or receiving copy.
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> ....
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> *Lastly*, absent any proof to the contrary and for the reasons already stated, no bad faith can be attributed to private respondent for his failure to present the original or even at least a copy of the said application form. The Court concurs with public respondent that such application form may also be considered as a record in the custody of a public officer or is recorded in a public office, which in this case was established to have been actually filed by private respondent with the Secretariat and the Committee. It is unfortunate, however, that this document was apparently lost and/or made unavailable while in the custody of the said public officer or office through no fault on the part of private respondent after the lapse of about seven (7) years from the time of its actual filing. Lamentable as it is, since this entire controversy is anchored on the purported inexistence of this application form, it would be certainly unfair, however, if private respondent or any other applicant-grantee for that matter would be allowed to suffer the consequences of the negligence or inefficiency of said public officer or office.[220]

Moreover, that Trillanes did submit an amnesty application form which also contains his admission of guilt, is also corroborated by the testimony not only of Trillanes' witnesses, but also by one of the DOJ's own witnesses.

[219] *Rollo* (G.R. No. 256660), p. 266.
[220] *Rollo* (G.R. No. 256660), pp. 143-144.

In particular, Col. Josefa C. Berbigal, head of the Secretariat of the Committee, testified that she personally received Trillanes' amnesty application form, examined it to ensure that it was properly filled out, directed Trillanes to read the portion of the application where he admitted his guilt and administered the oath to him attesting to the completeness and truthfulness of the information stated in the amnesty application form.[221]

This is corroborated by the testimony of Col. Honorario S. Azcueta, the Chairman of the Committee, who stated that he personally deliberated on Trillanes' amnesty application and assessed that Trillanes' amnesty application form fully complied with the requirements under Proclamation No. 75.[222]

Dominador Rull, Jr. and Emmanuel Tirador also testified that they were present and personally witnessed Trillanes file his amnesty application form on January 5, 2011.[223]

Further, the prosecution's own witness, GMA News Report Mark Dallan Mereuñas, confirmed in open court that he saw Trillanes file his amnesty application form. He testified:

Q: Sir, this article that you wrote, can you kindly read the opening statement that you made?

A: (Witness reading)
"*We are man enough to admit that we have broken the rules.*"

Q: Please continue

A: "*These were the words of former Navy Lt. Senior Grade and incumbent Senator Antonio Trillanes IV after he availed of the government amnesty on Wednesday, along with the other Magdalo soldiers.*"

Q: Go ahead.

A: "*Trillanes said they filled out an application form and signed sections that state they were agreeing to their "general admission of guilt" that they violated military rules and the Revised Penal Code (RPC).*"

Q: So, during the proceedings when Senator Trillanes applied for amnesty, you were there all along? Correct?

A: Yes, sir.

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221 *Id.* at 261.
222 *Id.*
223 *Id.*

Q:	**And you actually witnessed him applying for amnesty?**
A:	**Yes, sir.**
Q:	**Because the prosecution here are saying that he did not apply for amnesty. So do you affirm and confirm before this Honorable Court that he did apply for amnesty?**
A:	**I was there, sir, to cover the filing of the application.**
Q:	**And you saw him filing the application for amnesty?**
A:	**Yes, sir.**
Q:	**Did you see him reading part of the application form and swearing to it? Did you witness that?**
A:	**Yes, sir.**
Q:	**So, I think there is no dispute that Senator Trillanes, per your recollection, actually applied for amnesty. Is that correct?**
A:	**Yes, sir.**
Q:	**And you saw him submit the amnesty application form to the members of the Secretariat of the Amnesty Committee. Correct?**
A:	**Yes, sir.**[224] (Emphasis in the original)

Branch 148's appreciation of the credibility and weight of the testimonies of these witnesses is binding on the Court as the trial court was in the best position to observe their demeanor.[225]

Given the foregoing, the Court affirms the CA's and Branch 148's ruling that Trillanes did submit his amnesty application form.

Trillanes admitted guilt for violations of the RPC, the Articles of War, and other laws, arising from his involvement in the Oakwood Mutiny and the Manila Peninsula Incident

The People argues that even if Trillanes filed an amnesty application form, the general admission of guilt included in the application form is not the admission of guilt required by the Constitution to entitle him to the benefits of amnesty. According to the People, the admission of guilt must be for the specific crime charged.[226]

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[224] *Rollo* (G.R. No. 256660), pp. 262-263.
[225] See *Madrid v. Court of Appeals*, 388 Phil. 366 (2000) [Per J. Mendoza, Second Division].
[226] *Rollo* (G.R. No. 256660), p. 235.

The Constitution itself does not expressly require an admission of guilt before a person may be entitled to amnesty. In the early amnesty cases resolved by the Court, the rule was that admission of guilt was not necessary. However, in *Vera v. People of the Philippines* (***Vera***),[227] the Court clarified that an admission of guilt is a pre-requisite to avail of the benefits of an amnesty. In *Vera*, the Court reversed the ruling in earlier cases that an admission of guilt is not a condition precedent to qualify for amnesty. The Court said:

> But the said cases have been superseded and deemed over-ruled by the subsequent cases of People vs. Llanita, et al. (L-2082, April 26, 1950, 86 Phil. 219) and People vs. Guillermo, et al. (L-2188, May 19, 1950, 86 Phil. 395), wherein we held that —
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> > It is rank inconsistency for appellant to justify an act, or seek forgiveness for an act which, according to him, he has not committed. *Amnesty presupposes the commission of a crime, and when an accused maintains that he has not committed a crime, he cannot have any use for amnesty.* Where an amnesty proclamation imposes certain conditions, as in this case, it is incumbent upon the accused to prove the existence of such conditions. *The invocation of amnesty is in the nature of a plea of confession and avoidance, which means that the pleader admits the allegations against him but disclaims liability therefor on account of intervening facts which, if proved, would bring the crime charged within the scope of the amnesty proclamation.*[228] (Emphasis in the original)

An applicant for amnesty must admit that he or she committed the act subject of the amnesty and that this act is a crime for which he or she would have been held liable. Because the grant of amnesty often pertains to a class of people who committed a particular category of crimes, it is not always necessary that the admission of guilt must pertain to a specific crime for which an amnesty applicant is being charged. It is even possible that no crime has been charged yet it would make the admission of guilt to one specific crime impossible. The Court rules that it is sufficient that (a) an applicant for amnesty admits that he or she committed the acts which are or may be penalized by law and which are subject of the grant of amnesty and (b) that these acts are criminal in nature for which he or she would be held liable without an amnesty.

In this case, Concurrent Resolution No. 4 recommended to President Aquino the inclusion of a requirement that an applicant for amnesty must admit guilt. Concurrent Resolution No. 4 stated:

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[227] 117 Phil. 170 (1963) [Per J. Barrera].
[228] *Id.* at 174–175.

> *Resolved, further,* That both Houses of Congress adopt the following recommendation to the President of the Philippines for inclusion in the implementing rules and regulations of the Amnesty Proclamation:
>
> (b) No application for amnesty shall be given due course without the applicant admitting his guilt or criminal culpability of any or all of the subject incidents in writing expressed in the application;

Pursuant to this, the Committee Rules of Procedure provided in Section 11:

> SEC. 11. *Deliberations by the Committee; Admission of Participation and Guilt.*—The Committee may, in the presence of a quorum conduct deliberations or any other investigative proceedings to clarify or resolve issues. A majority of all the members constitutes a quorum to conduct official proceedings. All decisions of the Committee shall be approved by a majority vote of all the members.
>
> No application shall be approved without an **express admission by the applicant of actual involvement/participation in connection with, in relation or incident to the July 27, 2003 Oakwood Mutiny, the February 2006 Marines Stand-Off and/or the November 29, 2007 Peninsula Manila Hotel Incident** and that **such involvement/ participation constituted a violation of the 1987 Constitution, criminal laws and the Articles of War, as indicated in the application form.** No application shall likewise be approved without a **recantation of all previous statements, if any, that are inconsistent with such express admission of actual involvement/participation and guilt.** (Emphasis supplied)

The recommendation in Concurrent Resolution No. 4 and the requirements provided in the Committee Rules of Procedure operationalize the requirement in jurisprudence that the admission of guilt is a condition precedent to qualify for amnesty. In particular, an applicant for amnesty under Proclamation No. 75 must admit his or her involvement or participation in three specific incidents: the Oakwood Mutiny, the February 2006 Marines Stand-Off, and the Manila Peninsula Incident. Moreover, an applicant must also admit that such involvement or participation is a violation of the Constitution, criminal laws, and the Articles of War.

In this case, the evidence on record show that Trillanes admitted that he participated in the Oakwood Mutiny and the Manila Peninsula Incident and that his participation constituted a violation of the Constitution, the RPC, and the Articles of War. In particular, the statement provided in the application form states:

> I acknowledge that my involvement/participation in the subject incidents constituted a violation of the 1987 Constitution, criminal laws and the Articles of War. I hereby recant my previous statements that are

contrary, if any, to this express admission of involvement/participation and guilt.[229]

This statement in the amnesty application form, which, as established in this case, was duly filled out by Trillanes, complies with the requirement that an amnesty applicant must admit his or her guilt. It is therefore clear that Trillanes complied with all the requirements to qualify for amnesty under Proclamation No. 75.

Because of the factual findings of Branch 148, as affirmed by the CA and by the Court, that Trillanes submitted an amnesty application form and admitted his guilt, the inevitable conclusion is that there was no factual basis for the issuance of a Proclamation No. 572.

Thus, in addition to the unconstitutionality of Proclamation No. 572, its lack of factual basis justifies the denial of the Omnibus Motion in the *Coup d'etat* Case.

To reiterate, Proclamation No. 572 is void and has no force and effect. It cannot be the basis for the issuance of a warrant of arrest or an HDO against Trillanes. Nor can it serve as basis to reopen the *Coup d'etat* Case against Trillanes. This case was dismissed through the Dismissal Order in the *Coup d'etat* Case which has become final, executory, and immutable.

The Dismissal Order in the Coup d'etat Case is final and immutable

The Dismissal Order in the *Coup d'etat* Case issued by Branch 148 became final and executory in 2011. A final and executory decision is immutable.[230] It cannot be altered, modified, reversed, let alone reopened.[231]

The People argues that the Dismissal Order in *the Coup d'etat* Case never attained finality because it is a void decision considering that Trillanes was purportedly not qualified for amnesty. Therefore, the said Order had no force and effect and could be disregarded at any time.

In *Imperial v. Judge Armes*,[232] the Court defined void judgments, thus:

> A void judgment is no judgment at all in legal contemplation. In *Cañero v. University of the Philippines* we held that-

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[229] *Rollo* (G.R. No. 241494), p. 65.
[230] See *Teodoro v. Court of Appeals*, 437 Phil. 336 (2002) [Per J. Ynares-Santiago].
[231] *Id.* at 346.
[232] 804 Phil. 439 (2017) [Per J. Jardeleza, Third Division].

> ....A void judgment is not entitled to the respect accorded to a valid judgment,but may be entirely disregarded or declared inoperative by any tribunal in which effect is sought to be given to it. It has no legal or binding effect or efficacy for any purpose or at any place. It cannot affect, impair or create rights. It is not entitled to enforcement and is, ordinarily, no protection to those who seek to enforce. In other words, a void judgment is regarded as a nullity, and the situation is the same as it would be if there was no judgment." ...
>
> **A judgment rendered without jurisdiction is a void judgment. This want of jurisdiction may pertain to lack of jurisdiction over the subject matter or over the person of one of the parties.**
>
> **A void judgment may also arise from the tribunal's act constituting grave abuse of discretion amounting to lack or excess of jurisdiction.**[233] (Emphasis supplied; citations omitted)

A judgment is considered void where it was issued by a court without jurisdiction over the subject matter or over the person of one of the parties or where the court acted with grave abuse of discretion. This should be distinguished from a wrong judgment, or one that is based on an erroneous application of the law or appreciation of the evidence on record. A mere erroneous judgment, when rendered by a court that has jurisdiction and does not act with grave abuse, is not a void judgment. A wrong judgment is not a void judgment.[234]

As held by the Court in *Davao ACF Bus Lines v. Ang*:[235]

> When a court exercises its jurisdiction, an error committed while so engaged does not deprive it of the jurisdiction being exercised when the error was committed. Otherwise, every error committed by a court would deprive it of its jurisdiction and every erroneous judgment would be a void judgment. This cannot be allowed.
>
> The administration of justice would not survive such a rule.[236]

The Court cannot overemphasize that once a judgment attains finality, it becomes immutable and unalterable. It cannot be modified, let alone reversed, even if the modification or reversal is intended to correct a perceived erroneous conclusion of law or fact. The doctrine of immutability of judgments is rooted on public policy that, "at the risk of occasional errors, judgments become final at some definite point in time."[237]

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233 *Id.* at 458-459.
234 *Davao ACF Bus Lines v. Ang*, 850 Phil. 778, 784–787 (2019) [Per J. Caguioa, Second Division].
235 *Id.*
236 *Id.* at 785.
237 *Id.* at 786.

Here, Branch 148 certainly had jurisdiction over the subject matter of the case and over the parties when it issued the Dismissal Order in the *Coup d'etat* Case. It also did not act with grave abuse of discretion considering that it simply gave effect to the certificate of amnesty granted to Trillanes, pursuant to Proclamation No. 75.

Even assuming that the People were correct that Trillanes did not comply with the requirements to qualify for amnesty, Branch 148's Dismissal Order in the *Coup d'etat* Case would have only been erroneous but not void. As the dismissal was not assailed within the period provided in the rules, it necessarily became final and executory and thus, immutable. It can no longer be modified or reversed.

The Court recognizes that there are exceptions to the doctrine of immutability of judgments, such as when there is a need to correct clerical errors,[238] in the case of *nunc pro tunc* entries which cause no prejudice to any party,[239] and when the existence of a supervening cause or event would render the enforcement of a final and executory judgment unjust and inequitable.[240] It would have been possible for the People to argue that the alleged discovery of Trillanes' non-compliance with the requirements to qualify for amnesty was a supervening event which would make the execution of the Dismissal Order in the *Coup d'etat* Case unjust and inequitable. However, as the Court has already ruled, there is no basis for this allegation and Branch 148, as affirmed by the CA, was correct in its factual conclusion that Trillanes submitted his amnesty application form and admitted his guilt.

Branch 148, therefore, properly dismissed the Omnibus Motion in the *Coup d'etat* Case. The Court affirms the Assailed CA Decision in the *Coup d'etat* Case on this issue.

G.R. No. 256078

This Rule 45 Petition filed by the People challenges the CA's ruling that Branch 150 acted with grave abuse of discretion when it granted the DOJ's Omnibus Motion in the Rebellion Case.

In the Assailed CA Decision in the Rebellion Case, the CA concluded that Branch 150 committed grave abuse of discretion when it reopened the Rebellion Case by granting the DOJ's Omnibus Motion, despite the fact that the Dismissal Order in the Rebellion Case is final and immutable and did not

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[238] See *FGU Insurance Corp. v. RTC of Makati City, Br. 66*, 659 Phil. 117, 123 (2011) [Per J. Mendoza, Second Division].
[239] *Libongcogon, et al. v. PHIMCO Industries, Inc.*, 736 Phil. 643, 655 (2014) [Per J. Brion, Second Division].
[240] *Id.* at 657.

grant Trillanes adequate opportunity to be heard.[241] The Court agrees with the CA.

It is undisputed that at the time the DOJ filed the Omnibus Motion in the Rebellion Case, the Dismissal Order had been final and fully executed since 2011. The People alleges that the Dismissal Order in the Rebellion Case never became final because it is purportedly void. The Court's ruling in G.R. No. 256660 also applies in this case.

The People asserts in this case that the Dismissal Order in the Rebellion Case is void because Branch 150, in ordering the dismissal of the Rebellion Case against Trillanes, acted with grave abuse of discretion. The People's argument, therefore, is that Branch 150 acted capriciously, whimsically, and arbitrarily when it dismissed the Rebellion Case. However, the People also admitted in the Reply,[242] dated August 1, 2021, filed before the Court that Trillanes' "failure to comply with the basic requirements of Proclamation No. 75 was not a situation contemplated by the RTC of Makati, Branch 150 in dismissing the criminal case against him a few years back."[243]

Branch 150 properly dismissed the Rebellion Case in 2011 on the strength of the certificate of amnesty issued to Trillanes under Proclamation No. 75. The trial court was correct to give force and effect to the amnesty granted to Trillanes and to presume that official duties were regularly performed in the processing of Trillanes' amnesty application. At that point, there was no reason for Branch 150 to refuse the dismissal of the case.

As in the Dismissal Order in the *Coup d'etat* Case, even assuming that the People is correct in claiming that Trillanes did not comply with the requirements to qualify for amnesty, the Dismissal Order in the Rebellion Case would have only been erroneous, but not void. The Order would have nonetheless remained final and immutable. In such a case, the People could have argued that the Dismissal Order in the Rebellion case cannot be enforced because of supervening events, i.e., the discovery that Trillanes did not file his amnesty application and did not admit guilt. However, that is not the case here where it has already been duly established that Trillanes did in fact submit an amnesty application form and made an admission of guilt.

The Court also agrees with the CA's ruling that Branch 150 acted with grave abuse of discretion when it granted the DOJ's Omnibus Motion in the Rebellion Case, and thus reopened the Rebellion case, without giving Trillanes adequate opportunity to present evidence. It is established that "when there is a denial of due process, there is grave abuse of discretion and

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[241] *Rollo* (G.R. No. 256078), p. 144.
[242] *Id.* at 1104–1144.
[243] *Id* at 1105.

the writ of *certiorari* is proper."[244] In refusing to give Trillanes a meaningful opportunity to be heard, Branch 150 violated his right to due process.

In resolving the DOJ's Omnibus Motion in the Rebellion Case, Branch 150 was confronted with the same factual issue raised in the *Coup d'etat* Case in Branch 148. Branch 150, however, did not conduct a complete evidentiary hearing, despite Trillanes' request, and opted to conduct a summary hearing and to allow the parties to submit their affidavits and documentary evidence.

To be sure, there is no specific rule requiring the conduct of a full evidentiary hearing in resolving the Omnibus Motion in the Rebellion Case. Nonetheless, given the circumstances of this case, due process demanded the conduct of an evidentiary hearing.

First, the ultimate issue presented before Branch 150 was factual. This means that in resolving the dispute, Branch 150 had to determine what facts were duly established by the parties through the presentation of evidence. The presentation of relevant, admissible, and credible evidence is the tool provided in our procedural rules for parties to prove their factual claims. Within the context of the right to procedural due process, the opportunity to present evidence to establish a party's factual allegations is the process that is due.

This is particularly highlighted in this case where the evidence consisted of documents which required proper identification and authentication, as well as testimonies which should have been subjected to cross-examination. While Branch 150 did allow the parties to submit their witness affidavits and documentary evidence, none of the witnesses were presented in court to identify their affidavits and to face cross-examination. None of the documentary evidence submitted were identified and authenticated. Thus, none of these pieces of evidence were even admissible. This means that while Branch 150 went through the motion of accepting the parties' evidentiary submissions supposedly to accord them due process, it, in truth, did not give the parties, and particularly Trillanes, an adequate opportunity to be heard. Due process requires a meaningful opportunity to be heard and not just the semblance of a hearing.

Second, it is undisputed here that the Rebellion Case was dismissed in 2011, or nearly a decade before the filing of the DOJ's Omnibus Motion. The Dismissal Order in the Rebellion Case was final and immutable. The DOJ's Omnibus Motion sought to reopen this dismissed case and compel Trillanes to stand trial despite the issuance of an amnesty through a decision that similarly became final and immutable in 2011.

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[244] *Zagada v. Civil Service Commission*, 290 Phil. 535 (1992) [Per J. Campos Jr., *En Banc*].

If Trillanes were to lose the benefits of the amnesty granted to him based on the DOJ's claim that he did not comply with the requirements under Proclamation No. 75, fair play mandated that Trillanes should be accorded a sufficient opportunity to present his case. That Branch 150 could so easily disregard the doctrine of immutability of judgments without granting Trillanes' request for an evidentiary hearing and with no adequate explanation, convinces the Court that Trillanes was deprived of due process in this case. The Court agrees with the statement in the Assailed CA Decision in the Rebellion Case:

> We are therefore of the view that the peculiar circumstances of the case necessitate a full, evidentiary hearing. Ordinarily, judges would have the prosecutor's report and supporting documents readily available to aid in the determination of probable cause in issuing a warrant of arrest, but the ordinary circumstance does not obtain here. The matters alleged in the Omnibus Motion, especially those relating to the factual bases of Proclamation No. 572, refer to documents and evidence not readily available to the respondent court. The novelty of the issues presented also warranted a closer and deeper inquiry. Fundamentally, providing the parties the opportunity to present their evidence is essential before the respondent court can reasonably determine the novel issues and factual matters that were raised.
>
> We take the opportunity at this point to observe that: The summary hearing approach taken by the respondent court stands in stark contrast to the hearing in-full-measure approach of the RTC of Makati – Branch 148, that also tackled a similar Omnibus Motion in the *coup d'etat* case. In both the RTC of Makati – Branch 150 (respondent court herein) and Branch 148, the same questions of facts were asked: Did the petitioner apply for amnesty? Did he admit his guilt? Did he comply with all requirements? Proclamation No. 572 posited in the negative, thus the revocation of the amnesty. Because of the factual premise that the petitioner's rebellion and *coup d'etat* cases have been dismissed by the courts, no less, more than seven years earlier, a proper judicial inquiry became a necessity.[245]

Thus, given the foregoing, the Court rules that Branch 150 acted with grave abuse of discretion when it reopened the Rebellion Case without granting Trillanes a meaningful opportunity to present his case. The Court, therefore, affirms the CA's Decision nullifying the Assailed Decision in the Rebellion Case.

The Court further deems it necessary to clarify that its ruling in G.R. No. 256660 that Trillanes submitted an amnesty application form and admitted his guilt operate as *res judicata* by conclusiveness of judgment as to this issue.[246] As such, the issue of whether Trillanes complied with the requirements for the grant of amnesty under Proclamation No. 75, can no

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[245] *Rollo* (G.R. No. 256078), pp. 144–145.

[246] *Tala Realty Services Corp., Inc. v. Banco Filipino Savings & Mortgage Bank*, 788 Phil. 19, 30 (2016) [Per J. Jardeleza, Third Division].

longer be relitigated whether in the Rebellion Case, or any other case that may be filed on this issue.

Conclusion

The development of the rule of law in this country has been influenced, in no small measure, by the people who have served as President. The history of our constitutional law, specifically, is replete with stories about Presidents testing the parameters of their power. Many of the Court's most important decisions grappled with the limits of presidential power and how it must be reconciled with the people's fundamental rights. Indeed, the awesome powers of the Chief Executive are necessary in our political system. But these same powers make the position of President highly susceptible to abuse. Nonetheless, throughout history, whenever the Court is called to determine whether a President has gone beyond the limits of his or her power or whether the exercise of such powers is justified by the evil sought to be thwarted, the Constitution and the law have always been our guide.

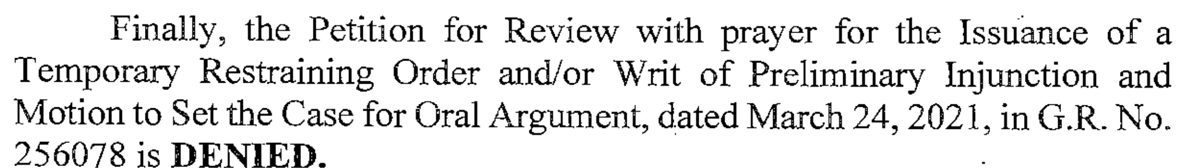
In resolving the important questions that have defined our political and constitutional history, the Court has always found its mooring in the rule of law. This case is no different. The Constitution vests important powers in the great branches of the government, but also places sensible limits on these powers to protect the individual from the State. These limits are operationalized in our procedural rules, which emphasize the right to be informed, the right to be heard, and the right to obtain a resolution of their issues not only expeditiously but also with finality and certainty.

Thus, in determining questions of power and right, the Constitution and the rule of law are our anchor and our rudder. The duty of this Court is to ensure that it remains ever true.

ACCORDINGLY, the Petition for *Certiorari,* Prohibition, and Injunction, dated September 5, 2018 filed by petitioner Antonio F. Trillanes IV in G.R. No. 241494 is **GRANTED.** Proclamation No. 572 is declared **VOID.**

Further, the Petition for Review with Prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction and Set the Case for Oral Argument, dated June 15, 2021 filed by the People in G.R. No. 256660 is **DENIED.**

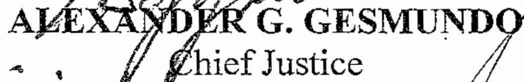
Finally, the Petition for Review with prayer for the Issuance of a Temporary Restraining Order and/or Writ of Preliminary Injunction and Motion to Set the Case for Oral Argument, dated March 24, 2021, in G.R. No. 256078 is **DENIED.**



SO ORDERED.

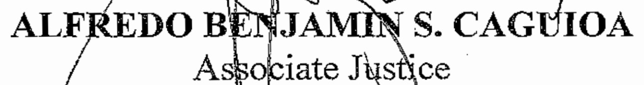
MARIA FILOMENA D. SINGH
Associate Justice

WE CONCUR:

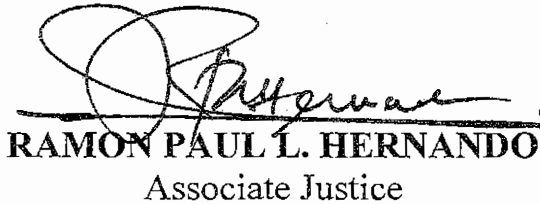


ALEXANDER G. GESMUNDO
Chief Justice

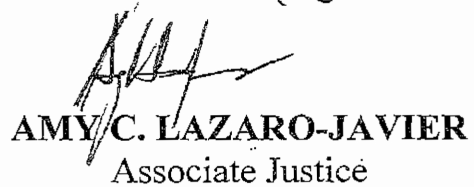
MARVIC M.V.F. LEONEN
Senior Associate Justice



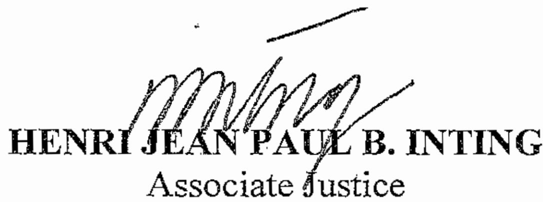
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



RAMON PAUL L. HERNANDO
Associate Justice

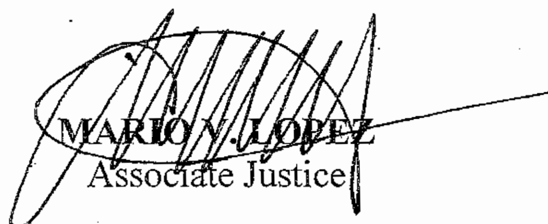


AMY C. LAZARO-JAVIER
Associate Justice



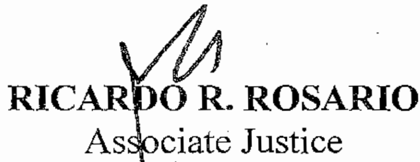
HENRI JEAN PAUL B. INTING
Associate Justice

RODIL V. ZALAMEDA
Associate Justice



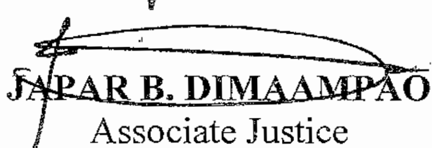
MARIO V. LOPEZ
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

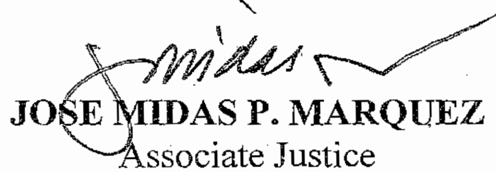


RICARDO R. ROSARIO
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice

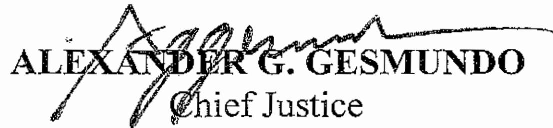


JOSE MIDAS P. MARQUEZ
Associate Justice

ANTONIO T. KHO, JR.
Associate Justice

CERTIFICATION

Pursuant to Article VIII, Section 13, of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the cases were assigned to the writer of the opinion of the Court.



ALEXANDER G. GESMUNDO
Chief Justice