

Republic of the Philippines
Supreme Court
Manila

EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated **JUNE 30, 2020** which reads as follows:

“**G.R. No. 216870 (Islamic Da’wah Council of the Philippines, Inc., represented by its President, Abdul Rahman R.T. Linzag v. Office of the Executive Secretary of the Office of the President of the Philippines, herein represented by Hon. Paquito N. Ochoa, Jr., Executive Secretary, National Commission on Muslim Filipinos (NCMF), herein represented by its Executive Director/Secretary, Yasmin Busran-Lao, Department of Agriculture, herein represented by its Secretary, Proceso J. Alcala, and the National Meat Inspection Service (NMIS), herein represented by its Director, Dra. Minda Manantan).** – For the Court’s consideration is a Petition¹ for Injunction, Prohibition, and Declaration of Nullity and Unconstitutionality of Section 8(h) of Republic Act No. (RA) 9997² with Prayer for the Issuance of Temporary Restraining Order filed by Islamic Da’wah Council of the Philippines, represented by its President, Atty. Abdul Rahman R.T. Linzag (petitioner) against the Office of the Executive Secretary of the Office of the President, then represented by Executive Secretary Paquito N. Ochoa, Jr., the National Commission on Muslim Filipinos (NCMF), represented by its Executive Director/Secretary Yasmin Busran-Lao, the Department of Agriculture, represented by then Secretary Proceso J. Alcala, and the National Meat Inspection Service, represented by Director, Dra. Minda Manantan (respondents).

Petitioner questions the constitutionality of Section 8(h) of RA 9997 for alleged violation of the constitutional provisions on the separation of Church and State and the freedom of religion. Likewise, petitioner asserts that the provision is in contravention of the doctrine laid down by the Court in the case of *Islamic Da’wah Council of the Phils., Inc. v. Off. of the Exec. Secretary, (Islamic Da’wah)*³ which declared the nullity of Executive Order No. (EO) 46 granting the Office of Muslim Affairs (OMA) the exclusive power and function to issue *Halal* Certificates.

¹Rollo, pp. 3-23.

²An Act Creating the National Commission on Muslim Filipinos Defining its Powers, Functions and Responsibilities and Appropriating Funds Therefor and For Other Purposes.

³453 Phil. 440 (2003).

The Antecedents

On October 26, 2001, the Office of the Executive Secretary issued EO 46 authorizing the OMA to issue *Halal* Certificates to applicants. Petitioner opposed the implementation of EO 46. Petitioner filed a petition before the Court praying for the declaration of nullity of EO 46 and prohibition of the Office of the Executive Secretary and the OMA from implementing the Order. In its Decision dated July 9, 2003 in *Islamic Da'wah*, the Court granted the petition and nullified EO 46 for intruding with petitioner's right to religious freedom. The dispositive portion of the Court Decision reads:

WHEREFORE, the petition is *GRANTED*. Executive Order 46, s. 2001, is hereby declared *NULL AND VOID*. Consequently, respondents are prohibited from enforcing the same.

SO ORDERED.⁴

On February 18, 2010, former President Gloria Macapagal-Arroyo signed into law RA 9997, otherwise known as the "National Commission on Muslim Filipinos Act of 2009." RA 9997 abolished the OMA and created the NCMF. Unlike the OMA, the NCMF can no longer issue *Halal* Certificates to applicants. Instead, the NCMF shall accredit *halal*-certifying entities or bodies for the utmost benefit of Filipino Muslims.⁵ In other words, the NCMF is only authorized to determine which body or entity shall be accredited to make *halal* certifications.

On February 8, 2015, or after almost five years from the passage of RA 9997, petitioner filed the petition before the Court, alleging that: (1) Section 8(h) of RA 9997 violates the principles of the separation of Church and State and religious freedom; (2) Section 8(h) of RA 9997 contravenes the earlier decision of the Court in *Islamic Da'wah* that nullified EO 46; (3) since the passage of RA 9997, NCMF started harassing the *halal* certified and accredited manufacturing companies to secure certifications from their accredited certifying bodies; (4) the NCMF created a *halal* logo which does not show any authorship of responsibilities for the organization; (5) NCMF cannot be a member of World *Halal* Council for the reason that the Philippines is not a Muslim country and in which *Halal* Certification should only be within the authority of Islamic Religious Group qualified to validate *halal* products; and (6) the implementation of the subject provision of RA 9997 would definitely put an end to the ongoing accepted valid *halal* certification and accreditation programs for the Philippine Export to Muslim Countries being initiated by the petitioner.

⁴*Id.* at 458.

⁵Section 8(h) of Republic Act No. (RA) 9997.

In a Resolution⁶ dated March 17, 2015, the Court required respondents to file their comment on the petition.

On June 22, 2015, respondents through the Office of the Solicitor General (OSG) filed their Comment.⁷ Respondents argued that: (1) petitioner failed to overcome the presumption of constitutionality of Section 8(h) of RA 9997; (2) the implementation of RA 9997 is a valid exercise of police power; (3) Section 8(h) of RA 9997 does not violate the earlier case of *Islamic Da'wah*; and (4) petitioner's act of directly resorting to the Court *via* the instant petition violates the doctrine of hierarchy of courts.

On October 6, 2015, petitioner filed a Reply to respondents' Comment.⁸ In its reply, petitioner asserted that the presumption of constitutionality of every law is a disputable presumption which can be rebutted by competent evidence. Petitioner also maintained that Section 8(h) of RA 9997 violates the principles of separation of Church and State and religious freedom.

The Issues

The issues in the present controversy are:

Whether Section 8(h) of RA 9997 violates religious freedom and the principles of separation of Church and State; and

Whether Section 8(h) of RA 9997 contravenes the Decision of this Court in *Islamic Da'wah*.⁹

The Court's Ruling

The Court rules to dismiss the petition for having been rendered moot.

The assailed Section 8(h) of RA 9997 provides:

Section 8. *Powers and functions.* — To accomplish its mandate, the Commission shall have the following powers and functions:

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(h) Promote and develop the Philippine Halal Industry and accredit halal-certifying entities/bodies for the utmost benefit of Muslim Filipinos and in partnership or cooperation with appropriate agencies, individuals and institutions here and abroad;

⁶*Rollo*, pp. 83-84.

⁷*Id.* at 134-157.

⁸*Id.* at 185-201.

⁹*Supra* note 3.

On May 16, 2016, then President Benigno S. Aquino signed RA 10817¹⁰ or the “Philippine *Halal* Export Development and Promotion Act of 2016.” RA 10817 removed the accreditation of certification bodies from the NCMF and transferred it to the Philippine Accreditation Bureau (PAB). RA 10817 dissolved the Philippine *Halal* Promotion, Development and Accreditation Board under the NCMF. Under RA 10817, the PAB now has the power to grant or deny accreditation of *halal* certification bodies as well as to suspend or withdraw such accreditation. Hence:

SECTION 9. *Accreditation of Halal Certification Bodies.* — As the agency mandated to handle the accreditation of certification bodies, inspection bodies, and testing and calibration laboratories, the Philippine Accreditation Bureau (PAB) is hereby empowered to: (a) formulate accreditation policies and guidelines which shall govern the accreditation of Halal certification bodies; and (b) grant or deny accreditation of Halal certification bodies and suspend or withdraw such accreditation in accordance with established policies and guidelines.

In the formulation of accreditation policies and guidelines, and in the performance of its accreditation function, the PAB shall consult and, when necessary, collaborate with the *Halal* Board, its member agencies, and Halal industry stakeholders.

X X X

SECTION 19. *Transitory Provisions.* — The Philippine Halal Promotion, Development and Accreditation Board, under the NCMF, is hereby dissolved. All Halal promotion and development records of the Board shall be transferred to the Halal Board, while accreditation records shall be transferred to the PAB.

The enactment of RA 10817 rendered the petition before us moot.

A case or an issue is rendered moot and academic when “it ceases to present a justiciable controversy by virtue of supervening events, so that an adjudication of the case or a declaration on the issue would be of no practical value or use.”¹¹ In such cases, there is no substantial actual relief that petitioner would be entitled to and would be negated by the dismissal of the petition.¹² The Court will generally abstain from expressing its opinion in a case where no legal relief is needed or called for.¹³

The general rule is subject to exceptions. There are instances when the Court will decide a case that is otherwise moot and academic when: (1) there is a grave violation of the Constitution; (2) the situation is of exceptional character and paramount public interest is involved; (3) the constitutional issue raised requires a formulation of controlling principles to

¹⁰An Act Instituting the Philippine *Halal* Export Development and Promotion Program, Creating for the Purpose the Philippine *Halal* Export Development and Promotion Board, and For Other Purposes.

¹¹*Peñafrancia Sugar Mill, Inc. v. Sugar Regulatory Administration*, 728 Phil. 535, 540 (2014).

¹²*Id.*


¹³*Ilusorio v. Baguio Country Club Corporation, et al.*, 738 Phil. 135, 140 (2014), citing *Korea Exchange Bank v. Judge Gonzales*, 520 Phil. 690, 701 (2006).

guide the bench, the bar, and the public; and (4) the case is capable of repetition yet evading review.¹⁴ The case before us does not fall under the exceptions.

In this case, the supervening event is the enactment of RA 10817 which dissolved the Philippine *Halal* Promotion, Development and Accreditation Board, taking away the accreditation of *halal*-certifying bodies from the NCMF. Section 9 of RA 10817 now gives PAB the power to grant or deny accreditation of *Halal* certification bodies and suspend or withdraw such accreditation. While a constitutional question has been raised by petitioner, the Court cannot rule on whether Section 8(h) of RA 9997 has violated the Constitutional provisions on the separation of Church and State and the freedom of religion. Any discourse on the issue will have an impact on Section 9 of RA 10817, a provision that not only enjoys the presumption of constitutionality, but is also not in question before the Court at this time.

WHEREFORE, the petition is **DISMISSED** for being moot.” (61)

Very truly yours,


EDGAR O. ARICHETA
Clerk of Court

¹⁴*Stradcom Corp. v. Judge Laqui, et al.*, 685 Phil. 37, 48 (2012), citing *Province of North Cotabato, et al. v. Gov't of the Rep. of the Phils. Peace Panel on Ancestral Domain (GRP), et al.*, 589 Phil. 387, 490 (2008).

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