

**Republic of the Philippines
SUPREME COURT
Manila**

**ACT TEACHERS REP. ANTONIO
TINIO, BAYAN MUNA REP.
PARTY-LIST REP. CARLOS
ISAGANI ZARATE, AND
ANAKPAWIS REP. PARTY-LIST
ARIEL “KA AYIK” CASILAO,**

Petitioners,

G.R. No. _____

- versus -

**PRESIDENT RODRIGO ROA
DUTERTE, HOUSE OF
REPRESENTATIVES SPEAKER
PANTALEON ALVAREZ,
DEPUTY SPEAKER RANEO ABU,
MAJORITY LEADER RODOLFO
FARINAS, AND DEPUTY
MAJORITY LEADER REP.
ARTHUR DEFENSOR, JR.,**

Respondents.

**PETITION FOR CERTIORARI
With Prayer for Injunction and Temporary Restraining Order**

Prefatory

On the night of December 13, 2017, at the last three minutes of the session of the House of Representatives, the Congress leadership succeeded in “ratifying” the Tax Reform for Advancement and Inclusion or TRAIN. A highly unpopular, widely contested bill for it belies its name in more ways than one, TRAIN nevertheless rammed through major procedural requirements set by the Rules of the Lower House, and by no less than the fundamental law of the land—the 1987 Constitution.

It was a priority legislation, and the current administration under President Rodrigo Duterte has made no secret of its intention to pass it for immediate implementation in 2018—as soon as possible.¹ “Possible,” it turned out, does not mean possible or allowable under constitutional law or its companion rules issued by the Lower Chamber, but possible under the unwritten law of *sagasa* and *ratsada*, the Rule of the Railroad. So, on those last three minutes, before the time remaining on that final session day runs out on them, Respondents drove their runaway TRAIN past all procedural barriers set by their own House Rules, and worse, set by the Constitution to which they have sworn to faithfully adhere.

What were left lying lifeless and broken among the tracks run by TRAIN were the duties, rights, and privileges of the Members of Congress and their constituents who have been opposing the measure for the additional tax burdens it would have the people bear, the higher cost of living it will cause especially for the poor and impoverished. By ramming through the invalid ratification of the TRAIN, Respondents foreclosed the final opportunity of the people, through their elected Representatives, to raise their vote against the bill and for tax justice, violating too the basic rules of transparency and decency.

The invalid ratification occurred at an unholy hour—unholy not only because of the lateness of the time, but also because the ratification occurred under appalling, reprehensible circumstances. The bogus ratification was slipped through when the Members, especially its leadership, were *not* attending the session in Congress but outside its halls, with some even partying at a five-star hotel. It was a case of a fictitious congressional act without the Members of Congress themselves.

It was unholy because additional, heavier taxes that will burden the people were treacherously slipped through while most of them were sleeping or resting, with the people in the Visayas, Bicol, Caraga, and Northern Mindanao regions even being battered by heavy floods, rains, and landslides brought by an incoming tropical storm. Figuratively as well, the Filipino people have for so long been battered by the social hurricane of severe income inequality, with the vast majority at the poor, losing end.

It was unholy because what was illegally slipped past constitutional barriers was a grand deception. Indeed, because of TRAIN, individual taxpayers such as the everyday worker, teacher, or professional will see from their payslips and ITRs that the significant increases in their take-home pay. But the total package illegally ratified and enacted as RA 10963 makes its effects felt past the four corners of the people’s payslips, spilling over into

¹ As reflected in the President’s 2017 State of the Nation Address (<http://www.interaksyon.com/read-pres-rodriigo-dutertes-2nd-state-of-the-nation-address/>) and declaration of TRAIN as priority legislation (<http://www.dof.gov.ph/taxreform/index.php/2017/09/22/dof-thanks-angara-committee-for-endorsing-train-for-senate-ok/>).

their daily lives in the form of higher costs of food, water, electricity, everything. It will be felt by those who do not even *have* payslips, by the farmer or fisher who have to contend with higher costs of production, and even by the unsalaried like a student or simple commuter.

Indeed, taxes are considered as the figurative lifeblood of the government. But taxes should never be at the cost of the literal lives of the people. This should hold more true in a country such as ours, where an overwhelming majority of the population are poor. Before the Congress passes and the President enacts tax measures, which mean diminution of the finances of the people either directly as levies or indirectly as passed-on charges, the Constitution mandates them to comply with the procedural and substantive requirements it sets, as implemented by their Rules.

For all these, Petitioners on behalf of the people cannot allow that such a law rammed through under such circumstances to be implemented, and worse, to their damage. They plead that this Honorable Court, being the final arbiter on all constitutional matters, restrain the runaway TRAIN and stop it dead on its tracks.

THE PETITION

1. This is a Petition for Certiorari and Prohibition brought under Rule 65 of the Rules of Civil Procedure to strike down and declare as unconstitutional the Tax Reform for Advancement and Inclusion (TRAIN) for having been passed by Congress and enacted by the President in violation of the 1987 Constitution and the Rules of the House of Representatives.²

2. Petitioners seek the writs of certiorari and prohibition on the ground that **there was grave abuse of discretion on the part of the Respondent House leaders when they had the TRAIN Bicameral Conference Committee (BCC) Report³ ratified despite the glaring lack of quorum and several other violations of the Constitution and the House Rules insofar as it implements the Constitution.** The former provides in its Section 16 (2) of Article VI:

A majority of each House shall constitute a quorum to do business x x x

while the latter implements this constitutional directive in several provisions to be later discussed.

² Attached as Annex A. Also uploaded at the official website of the House of Representatives at <http://www.congress.gov.ph/download/docs/hrep.house.rules.pdf>.

³ Annex B.

3. The TRAIN BCC Report contained the reconciliation of the Lower House's and the Senate's versions of the TRAIN which they separately approved as House Bill 5636 and Senate Bill 1592, respectively.

4. The violations are clearly proven by the official video recording of the December 13, 2017 session as live-streamed on that date and posted afterwards in the official website of the House of Representatives.

5. There being no valid ratification of the BCC Report, **there was also grave abuse of discretion on the part of the President as he signed a document which is not a "bill passed by Congress" and, therefore, has no effect as a bill subject to his approval under Section 27 (1) of Article VI of the 1987 Constitution** which provides:

Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same he shall sign it x x x⁴

6. Petitioners thus humbly pray that the Honorable Court issue a judgment:

- a. declaring Republic Act 10963 as unconstitutional and therefore void and without effect and
- b. prohibiting and enjoining respondents from the implementation of Republic Act 10963.

7. There is no plain, speedy, and adequate remedy in the ordinary course of law for Petitioners but to avail of the instant Petition. The TRAIN was signed by the President on December 19, 2017. Hence, all avenues for any remedy in the Congress and the President are now closed.

8. Furthermore, according to its Section 87, the TRAIN is effective starting January 1, 2018. Gas stations, retail and other stores, and various establishments announced their implementation of its VAT and excise tax provisions on Day One of the new year. The effects will also soon be felt, due to the inevitable inflation of basic commodities and services. Indeed, no remedy other than the writs of certiorari and prohibition from the Honorable Court is sufficient and immediate enough to stop the implementation of the unconstitutional TRAIN.

9. Considering that the assailed acts of the Respondents and the unconstitutional TRAIN itself have transcendental implications to the people, Petitioners invoke the power of the Honorable Supreme Court under Section 1 of Article VIII of the Constitution.

10. For all the foregoing, the Petitioners further ask that the Honorable Court issue a temporary restraining order and/or preliminary

⁴ Emphasis supplied

injunction against Republic Act 10963, which, though enacted against the procedural safeguards set by the Constitution and the Rules set by the House of Representatives to implement said safeguards, are causing and will continue to cause grave injustice and irreparable violation of the Constitution and the rights of the people.

THE PARTIES

11. Petitioners are ACT TEACHERS REPRESENTATIVE ANTONIO TINIO, BAYAN MUNA PARTY-LIST REPRESENTATIVE CARLOS ISAGANI ZARATE, and ANAKPAWIS PARTY-LIST REPRESENTATIVE ARIEL “KA AYIK” CASILAO.

12. They, along with ACT Teachers Representative France Castro, Gabriela Women’s Party Representatives Emmi De Jesus and Arlene Brosas, and Kabataan Party-List Representative Sarah Jane Elago, comprise the Makabayan bloc of progressive party-lists in the House of Representatives in the Seventeenth Congress. Petitioners were among the few Members of the House still present on the plenary session hall on the night that the ratification of TRAIN was railroad. Rep. Tinio and Rep. Zarate themselves were the ones raising repeated objections to the violation of House Rules, but they were not recognized, nay, they were ignored.

13. Petitioners may be served notices and other processes of this Court at Room 511, South Wing Building, Room 210, North Wing Building, and Room 608, South Wing Building, respectively, all at the House of Representatives, Batasan Hills, Quezon City.

14. Petitioners bring the vital issues to the Court on the basis of their standing as Members of the House of Representatives. They fulfill their duties as direct representatives of the people, particularly of the poor and marginalized sectors, by participating throughout the entire legislative process, among others. Inside the Lower House, this process culminates in either the adoption of the Senate version of a bill or the ratification of the bicameral conference committee report, as the case may be.

15. In this Petition, they cite not only the repeated violations to their rights and privileges as Members of the House committed on that night. They also cite the graver violation of the rights of the people whom they directly represent against the deprivation of life or property without due process of law and against the implementation of laws passed and enacted in violation of the safeguards set by the Constitution.

16. In the case of TRAIN, Petitioners have participated in its deliberations from the very beginning, they being principal authors of bills seeking lower personal income taxes (PIT) and other measures seeking to

amend the National Internal Revenue Code. They have made their objections to TRAIN on various grounds, chief of which is its largely regressive nature.

17. On the last session day of 2017, Petitioners exercised their duties and rights as representatives of the people—their fellow citizens and taxpayers—under the Constitution, law, and rules with respect to TRAIN. Or, they *tried* to do so—but Respondents deliberately refused to recognize such exercise when they railroaded the TRAIN that night. Petitioners therefore have sustained direct injury due to the actions of Respondents assailed herein.

18. Petitioners likewise bring suit as citizens and taxpayers who will bear the detrimental effects of TRAIN which is an unconstitutional law.

19. Where petitioners in a suit represent the public in general, they may assert public rights as a predicate for challenging an illegal or unconstitutional executive or legislative action.⁵

20. Thus, lawmakers are allowed to question the validity of any official action which, to their mind, infringes on their prerogatives as legislators.⁶ Indeed, legislators have a legal standing to see to it that the prerogatives, powers and privileges vested by the Constitution in their office remain inviolate. It has been recognized that a member of the Legislature has the requisite personality to bring a suit where a constitutional issue is raised.⁷

21. Petitioners would like to stress the transcendental public importance and far-reaching implications of the issues they present in this Petition. The economic standing of millions of Filipinos is affected by the current administration's centerpiece law purportedly for taxation reform, alleged in this Petition as passed and enacted in violation of the Constitution.

22. RESPONDENT RODRIGO ROA DUTERTE, the President of the Republic of the Philippines, is the one who signed into law Republic Act 10963, a document invalidly ratified by the Lower House. Said document does not have the force and effect of a bill subject to enactment under the 1987 Constitution and the resulting law is therefore likewise null and unconstitutional.

⁵ *Maria Carolina Araullo, et al. v. Benigno Simeon Aquino, et al.*, G.R. No. 209287, July 1, 2014

⁶ *Senate of the Philippines v. Ermita*, G.R. No. 169777, April 20, 2006, 488 SCRA 1, 35; and *Francisco v. House of Representatives*, 460 Phil. 830, 842 (2003), citing *Pimentel Jr., v. Executive Secretary*, G.R. No. 158088, July 6, 2005, 462 SCRA 623, 631-632.

⁷ See for instance, *Gonzales v. Macaraig*, G.R. No. 87636, November 19, 1990, citing *Tolentino v. COMELEC*, G.R. No. L-34150, 16 October 1961, 41 SCRA 702.

23. He may be served notices and other processes of this Court at the Malacañang Complex, J.P. Laurel Street, San Miguel, Manila.

24. RESPONDENT REP. PANTALEON ALVAREZ is the Speaker of the House of Representatives while RESPONDENT REP. RODOLFO FARINAS is its Majority Leader. Their designated Presiding Officer and Acting Floor Leader for the December 13, 2017 session, respectively, were RESPONDENTS REP. RANEO ABU and REP. ARTHUR DEFENSOR, JR..

25. They may be served notices and other processes of this Court at the Office of the Speaker, Rooms 217-218, South Wing Building; at Room 415, South Wing Annex; at Room 204, North Wing Building; and at Room 306, North Wing Building, respectively, all at the House of Representatives, Batasan Hills, Quezon City.

THE ISSUES

26. This Petition focuses on **whether the Respondent House leaders committed grave abuse of discretion in ratifying the Bicameral Conference Committee Report despite obvious and repeated violations of the 1987 Constitution and the pertinent provisions of the House Rules which implement the Constitution with regard to the procedure in the passage of bills.**

27. The consequent issue is **whether Respondent President Duterte committed grave abuse of discretion in enacting into law a bill which was not passed in accordance with the Constitution and the Rules of the House of Representatives.**

THE FACTS

28. Petitioners and the rest of the Makabayan bloc are principal authors of House Bill 57 and House Bill 333, both entitled *An Act Restructuring the Income Brackets and Rates of Tax Imposed on Taxable Income of Individuals, Amending for the Purpose Sections 24, 32, 33, 34 and 35 of the 1997 National Internal Revenue Code of the Philippines.*⁸

29. These bills sought to correct the unjust income tax system in the country by lowering personal income taxes, restructuring the previous tax brackets to exempt low-income taxpayers, addressing the “income bracket creep” due to nominal salary and wage increases since the last adjustment in 1986, among others. They also proposed for the mandatory and automatic

⁸ Annexes C-1 and C-2.

adjustment every three years of the brackets to the current Consumer Price Index.

30. House Bill 333 was a refiled measure from the previous Sixteenth Congress principally authored by Petitioner Zarate and co-authored by the Makabayan bloc representatives.

31. These proposals were consolidated into Rep. Dakila Carlo Cua and Rep. Joey Salceda's House Bill 5636, which embodied the Duterte administration's proposal for "Package 1," or the first phase of its so-called tax reform. However, House Bill 5636 included proposals for new excise taxes on several petroleum products as well as increases in current rates on others, expansion of the VAT with the lifting of various exemptions and privileges for zero-rating and tax credits, and new excise taxes on sugar-sweetened beverages, among others. All these, the Makabayan bloc assessed, will negate the benefits of the lowering of the personal income taxes which they sought.

32. This prompted Petitioners and the rest of Makabayan bloc to withdraw their support for House Bill 5636, filing their respective withdrawals of co-authorship, interpellating the measure during the period of sponsorship and debates, and casting their votes against it during its Second Reading and Third Reading.

33. The plenary approved House Bill 5636 on Third Reading on May 31, 2017. After marathon hearings, the bicameral conference committee approved it on December 11. However, this was before reports of events which resulted to delays in the bicameral committee approval were aired, including insertions alleged by the members of the House panel.⁹

34. These insertions are provisions absent in the version approved by the Lower House, namely, excise taxes on minerals, coals, and cosmetic products.

35. At around 10:45 in the evening of December 13, 2017, Session #48 of the Second Regular Session of the 17th Congress, Respondent Defensor, the designated Acting Floor Leader for that session day, announced the receipt by the House of the Bicameral Conference Committee Report for the TRAIN and moved for its ratification.

36. The following are the events on the floor during the last three minutes of the session in question:

REP. DEFENSOR (as Acting Floor Leader): Mr. Speaker, we are in receipt of the Bicameral Conference Committee Report

⁹ *Solons won't let Senate ram through TRAIN 'insertions'*, Business Mirror, November 29, 2017, <https://businessmirror.com.ph/solons-wont-let-senate-ram-through-train-insertions/>

on the disagreeing provisions of House Bill No. 5636 and Senate Bill No. 1592 on the Tax Reform for Acceleration and Inclusion or TRAIN. In accordance with the Rules, **I move that we ratify the said Bicameral Conference Committee Report.**

REP. TINIO: Uh, **objection, Mr. Speaker...**

REP. ABU (as Presiding Officer): The Secretary General is hereby directed to read the title...uh, read the transmitted report. *[Gavel.]*

REP. TINIO: Mr. Speaker...

THE SECRETARY GENERAL: House Bill No. 5636, *AN ACT AMENDING SECTIONS 5, 6, 24, 25, 27, 31, 32, 33, 34, 51, 52, 56, 57, 58, 74, 79, 84, 86, 90, 91, 97, 99, 100, 101, 106, 107, 108, 109, 110, 112, 114, 116, 127, 128, 129, 145, 148, 149, 151, 155, 171, 174, 175, 177, 178, 179, 180, 181, 182, 183, 186, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 232, 236, 237, 249, 254, 264, 269, AND 288; CREATING NEW SECTIONS 51-A, 148-A, 150-A, 150-B, 237-A, 264-A, 264-B, AND 265-A; AND REPEALING SECTIONS 35, 62, AND 89; ALL UNDER REPUBLIC ACT NO. 8424, OTHERWISE KNOWN AS THE NATIONAL INTERNAL REVENUE CODE OF 1997, AS AMENDED, AND FOR OTHER PURPOSES.*

REP. TINIO: **Mr. Speaker—***[Interrupted.]*

REP. ABU: Majority Leader.

REP. TINIO: **—I question the quorum. There is no quorum, Mr. Speaker—***[Interrupted.]*

REP. DEFENSOR: In accordance with our Rules, **I move that we ratify the said Bicameral Conference Committee Report.**

REP. ABU: **Any objection?**

REP. ZARATE: **Objection! Objection!—***[Interrupted.]*

REP. TINIO: **Objection!—***[Interrupted.]*

REP. ABU: **There is none, the motion is—**

REP. ZARATE AND REP. TINIO: **Objection!—***[Interrupted.]*

REP. ABU: —**approved.** [*Gavel.*]

REP. TINIO: Mr. Speaker, objection!—[*Interrupted.*]

REP. ABU: Majority Leader?

REP. ZARATE: Objection, Mr. Speaker!—[*Interrupted.*]

REP. DEFENSOR: Mr. Speaker, I move to adjourn until—

REP. TINIO: Objection, Mr.—

REP. DEFENSOR: —January 15, 2018.

REP. TINIO: —Speaker!—

REP. ABU: Session is adjourned until January 15, 2018.—

REP. TINIO: —There is no quorum!

REP. ABU: [*Gavel.*] Session’s adjourned. [*Stands.*]

REP. TINIO: Mr. Speaker, *malinaw po ang nangyari. Walang quorum...* [*Microphones off.*]

37. The above is a transcription of the last three minutes of the video recording of Session #48, which was live-streamed on December 13, 2017 and later posted at the official website of the House and its official YouTube channel.¹⁰ A clip of the pertinent portion of the session is attached as Annex D.

38. The video clearly shows a nearly empty session hall, with only Petitioners, Respondents Defensor and Abu, and a few other Members present. Petitioner Tinio, in his press statement immediately after the session, assessed that there were “barely 10 people on the floor” while Respondent Farinas, in several news reports, admitted that he himself was not present.¹¹ While the plenary session hall has 295 seats for the district and party-list representatives (including the Speaker’s rostrum), only around 10 of them were occupied that night.

10 <http://www.congress.gov.ph/streaming/?id=171> and <https://youtu.be/AeQADE-IZSk>, respectively. Last accessed on January 5, 2018.

11 *Tax reform bill ratification ‘invalid’ – militant solons*, Inquirer.net, December 14, 2017. <http://newsinfo.inquirer.net/952327/breaking-news-tax-reform-train-tax-reform-for-acceleration-and-inclusion-house-of-representatives-antonio-tinio-carlos-zarate-ratification>

39. The lack of quorum is also evident in the photograph of the near-empty session hall taken by Petitioner Tinio from Podium No. 5 soon after the BCC Report was ratified.¹²

40. We pray for the Court to take judicial notice of an event which occurred simultaneously with the invalid ratification, which, aside from the lateness of the hour, could explain the lack of warm bodies on the floor: the Christmas party of the PDP Laban. Officially dubbed as a “benefit dinner for Marawi City,” the event at the posh Sofitel Philippine Plaza in Pasay City was attended by over 1,000 PDP members, including the heads of the ruling supermajority of Congress such as Respondent President Duterte, Respondent Alvarez, and other Members of the Lower House.

41. Two things are also obvious from the video: *First*, Rep. Tinio and Rep. Zarate were clearly addressing the Speaker and clearly raising their repeated objections, while Respondent Abu as Presiding Officer just deliberately ignored them. From the announcement of the receipt of BCC Report until the moment that the microphones were turned off, Petitioners Tinio and Zarate were at different podia, saying (and later on shouting) “Objection” and “Mr. Speaker,” pursuant to the House Rules.

42. *Second*, despite all these, Respondents Abu and Defensor refused to recognize the Petitioners and give them the floor. Petitioners and Respondents ended up speaking simultaneously, with the ignored objections of the former dismissed by the clearly erroneous and deceitful “there is none” and adjournment of the latter.

43. As of this filing, Petitioners cannot yet produce the two documents required by the Constitution as proof of proceedings of the House:¹³ the Journal and the Congressional Record, which are the summarized and verbatim accounts, respectively, of the December 13, 2017 session. There is yet no Journal until its approval in plenary session at the next session day, January 15, 2018, while the Congressional Record is not yet posted at the website of the House of Representatives or made available by its Publication and Editorial Service as of this filing.¹⁴

44. In any case, the Journal and Congressional Record are not the only sources of evidence of the events that led to the assailed ratification of the TRAIN. The Rules of the House provides:

The House shall administer a system for **complete and unedited audio and visual broadcasting, recording, and live streaming through the internet of the proceedings of the**

¹² Attached as Annex E.

¹³ Section 16 (4) of Article VI, as implemented by Section 18 (g) of Rule VI and Section 141 of Rule XX of the Rules of the House of Representatives.

¹⁴ Petitioners have requested from the House of Representatives Legislative Operations Department for a transcript of the session on January 8, 2018 (Annex F).

House. The system shall include the distribution of such broadcasts and recordings to news media, for the storage of audio and video recordings of the proceedings x x x¹⁵

45. Petitioners Rep. Tinio and Rep. Zarate publicly assailed the invalid ratification immediately after the session through interviews and press releases that night and the day after. Petitioner Rep. Tinio issued the following press statement:

ACT Teachers Rep. Antonio Tinio on the invalid ratification of TRAIN by the House of Representatives:

Tonight's ratification of the TRAIN by the House of Representatives was a total farce and travesty of so-called representative democracy. With barely 10 people on the floor and despite my very clear objections due to obvious lack of quorum, the presiding officer and majority floor leader proceeded to adopt the final report of the tax reform bill's bicameral conference committee, copies of which were not even on hand. Since there was no quorum and no actual vote was taken, the alleged ratification is clearly invalid. The brazen railroading of this TRAIN wreck on the poor exposes yet again the blatant disregard of the Duterte administration and its Supermajority in Congress for even the most minimal standards of democracy.

46. He added the following statement soon after:

Nasaan ba kamo ang mga kinatawan? Nasa Xmas party ng PDP-Laban sa Sofitel ang karamihan, kasama mismo si Du30. Ganyan sa Kongreso—may boto kahit walang tao, nagpa-party sa 5-star hotel habang nagpapataw ng pahirap na mga buwis sa mamamayan.

47. For his part, Petitioner Zarate issued this statement:

Bayan Muna Rep. Carlos Isagani Zarate assailed the “patent railroading by the lower house of the Tax Reform for Acceleration and Inclusion (TRAIN) bill despite the clear absence of a quorum and our strong objections on the floor late Wednesday night.”

“There were only about less than twenty (20) members of the House present when the wrecker TRAIN was railroaded for ratification late Wednesday night,” Rep. Zarate said.

¹⁵ Section 149 (a) of Rule XXII. Emphasis supplied.

“This is a blatant violation of our rules,” he added, citing Rule X, Sec. 63 of the House on Conference Committee Reports, which states that: “x x x A conference committee report shall be ratified by a majority vote of the Members of the House present, there being a quorum.”

“Obviously the run-away train that would wreak havoc on our people with new burdensome taxes was not validly ratified and legally infirm,” said the progressive solon.

“We are now studying all our options, including legal, to question and stop this railroaded anti-people tax reform package,” ended Rep. Zarate.###

48. The two Petitioners assailed as early as that time that what actually happened in the Lower House was not how its own Rules mandates the conduct of business in general and the ratification of a bicameral conference committee report in particular should be done.

49. What happened in the Lower House was also very different than what happened in the Senate when it ratified the same BCC Report. As can be seen in the official video recording of the Senate’s session on the same day,¹⁶ the consideration of the BCC Report ran (1) from its introduction by the floor leader, (2) an explanation by the bill’s sponsor of the salient provisions and changes made by the bicameral conference committee, (3) a motion made by the floor leader for ratification, (4) the voting *viva voce* then nominal voting upon motion, (5) the declaration of the results of the voting (16 in favor and 4 against) and approval of the BCC Report, (6) until the explanation of votes. The Senate’s ratification took an hour and forty-two minutes, as opposed to the three minutes in the Lower House.

50. The Respondent President signed the TRAIN six days later, on December 19. Republic Act 10963 was later posted at the website of the Official Gazette.

51. What bears repeating is the opposition to TRAIN of Petitioners, along with the rest of the progressive Makabayan bloc, based on substantive grounds. This forms the underlying reason for Petitioners’ insistence that night for their objections to be heard, recognized, and ruled on in accordance with the Constitution and the House Rules, and for their plea now for the Honorable Court to declare that RA 10963 is a product of a document “ratified” by the House when it was in no position to validly ratify.

¹⁶ Live-streamed on December 13, 2017 and posted afterwards at the official website and YouTube channel of the Senate (<https://www.youtube.com/watch?v=muhRpSKtrgE>). Last accessed on January 5, 2018. Pertinent portion of the video recording is attached to this Petition as Annex G.

52. Their opposition to TRAIN can be captured in their Explanations of No Vote to House Bill 5636 during its Third Reading on May 31, 2017. The Congressional Record of the proceedings of the House on said date is attached as Annex H.¹⁷

ARGUMENTS

A. There was grave abuse of discretion on the part of the Respondent leaders of the House of Representatives when they ratified the TRAIN Bicameral Conference Committee Report

53. The Respondents secured the ratification of the TRAIN BCC Report despite the obvious and utter lack of a quorum and because of their repeated major violations of the Rules of the House of Representatives.

There was an utter lack of quorum when the Lower House ratified the TRAIN BCC Report on the night of December 13, 2017

54. Jurisprudence has defined “quorum” as that number of members of a body which, when legally assembled in their proper places, will enable the body to transact its proper business, or that number which makes a lawful body and gives it power to pass upon a law or ordinance or do any valid act.

55. “Majority” when required to constitute a quorum, means the number greater than half or more than half of any total.¹⁸ It is a mathematical concept referring to more than one-half.

56. Section 16 (2) of Article VI of the Constitution provides:

A majority of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent Members in such manner, and under such penalties, as such House may provide.¹⁹

57. This provision shows that a majority is both a (1) mandate and (2) general rule prior to the conduct of business by each House.

¹⁷ The Explanations of Rep. France Castro, Rep. Sarah Elago, and Rep. Emmi De Jesus are recorded in pages 17 to 19; while those of Rep. Tinio and Rep. Zarate are in pages 20 and 21.

¹⁸ *Manuel E. Zamora v. Governor Jose R. Caballero, et al.*, G.R. No. 147767, January 14, 2004

¹⁹ Emphasis supplied

58. It is a mandate considering the use of the mandatory word “shall” and the nature of the Houses of Congress as collegial bodies within the democratic setup of our government. As such body, the House of Representatives, which is made up of direct representatives of the people, needs to conduct its business with the greatest compliance with the requirements of democratic representation—the widest possible participation in law-making of the people through their elected district and party-list representatives.

59. The quorum is also the basic procedural hurdle to ensure that the House acts with the collective will of the body, and not just that of one Member, or few Members, or a select group only.

60. It is only with respect to the two Houses of Congress that the mandate for a quorum prior to the conduct of business is constitutionally expressed. This means that the Constitution places great import on the democratic processes of the Houses, to ensure that before each House as a body gives its consent to a measure, all issues are fully ventilated with the greatest participation of its members—the people’s representatives. This is more emphasized in the case of the Lower House, as it is made up of the direct representatives of the people.

61. Petitioners also submit that the Constitution is not just giving a description of what a quorum is (that it is a “majority of each House”). When they ratified the fundamental law, the people could not have expressed that “a majority of each House shall constitute a quorum to do business” and intended it to be an empty statement, especially since elsewhere in the fundamental law, they also ascribed to the principles of democracy and their direct representation by their district and party-list representatives.

62. All provisions of the fundamental law should be given life and effect, as no useless provision or one without any purpose at all could have been intended to be made part of, or incorporated in, the law.²⁰ Hence, the Constitution, through Section 16 (2) of Article VI, mandates the Houses to comply with the quorum requirement before they can do any legislative business, that is, act as congressional bodies.

63. The House Rules echoes and strengthens this in Section 75 of Rule XI, when it went further to mandate that “The House shall not transact business without a quorum.”

64. Furthermore, the quorum requirement is a general rule which should be applied except in cases falling under strictly construed exceptions either stated in the Constitution or the House Rules.

²⁰ *Dionisio Malacora and Lucia Marabulas v. Court of Appeals, et al.*, G.R. No. L-51042, September 30, 1982

65. **The passage of laws is the primary business of the House as one of the Chambers of Congress. To do that business, the Constitution mandates that the Lower House, first and foremost, must have a quorum.** Simply put, quorum is a constitutional requirement for the enactment of laws. A House that lacks a quorum, with a sparse attendance at that, Petitioners submit, is a House that is in no position and has no power to act as a legislative body. It cannot validly and honestly consider a measure, at whatever stage it may be, and it cannot validly decide on a matter by voting.

66. To give flesh to the general procedure in legislation set by the Constitution, the House of Representatives adopted its Rules. Relevant to this Petition are Sections 75 and 76 of Rule XI on quorum and Section 63 of Rule X, which provides that “A conference committee report shall be ratified by a majority vote of the Members of the House present, there being a quorum.”

67. Section 75 and 76 of the House Rules, which implement the constitutional mandate on quorum, states:

Section 75. Quorum. - **A majority of all the Members of the House shall constitute a quorum. The House shall not transact business without a quorum.** A Member who questions the existence of a quorum shall not leave the session hall until the question is resolved or acted upon, otherwise, the question shall be deemed abandoned.

Section 76. Absence of Quorum. - In the absence of a quorum after the roll call, the Members present may compel the attendance of absent Members.

In all calls of the House, the doors shall be closed. Except those who are excused from attendance in accordance with Section 71 hereof, the absent Members, by order of a majority of those present, shall be sent for and arrested wherever they may be found and conducted to the session hall in custody in order to secure their attendance at the session. The order shall be executed by the Sergeant-at-Arms and by such officers as the Speaker may designate. After the presence of the Members arrested is secured at the session hall, the Speaker shall determine the conditions for their discharge. Members who voluntarily appear shall be admitted immediately to the session hall and shall report to the Secretary General to have their presence recorded.²¹

21 Emphasis supplied

68. Such is the importance of a quorum to the workings of the House that, among others, (1) the Member questioning its existence is accorded the duty to “not leave the session hall until the question is resolved or acted upon” and (2) the Members present are granted the authority to order the arrest of those absent and secure their attendance.

69. The Members are further mandated to “be present in all sessions of the House unless prevented from doing so by sickness or other unavoidable circumstances duly reported to the House through the Secretary General.”²²

70. In committee meetings, quorum is required by the House Rules in the following cases:

- a. Section 37 of Rule X—the general rule—on the conduct of business in regular and special meetings,
- b. Section 39 of Rule X on the approval of committee reports, and
- c. Section 48 of Rule X on the disposition of bills or resolutions previously filed in the immediately preceding Congress.

71. In plenary sessions, quorum is required in the following:

- a. Section 1 of Rule I and Section 11 of Rule III on the election of the officers of the House;
- b. Section 13 of Rule III on the declaration of a vacancy in the positions of any of the officers of the House except the Speaker;
- c. Section 63 of Rule X on the majority vote to ratify conference committee reports;
- d. Section 75 of Rule XI—the general rule—on the conduct of business;
- e. Section 109 of Rule XIII on the majority vote to decide appeals from the ruling of the Chair;
- f. Sections 112 and 114 of Rule XIV on the two-thirds vote requirement (1) for the suspension of House Rules for the passage of a measure and (2) for the actual passage of a measure;
- g. Sections 115 and 116 of Rule XV on *viva voce* voting and nominal voting, respectively; and
- h. Section 138 of Rule XVIII mandating that the Committee of the Whole House shall conduct business only when there is a quorum, with the chairperson directed to report the lack thereof and ask for a suspension of the proceedings.

²² Section 71 of Rule XI

72. Thus, this Honorable Court, in the case of *Zamora v. Caballero, et al.* declared as null and void the resolutions passed by the Sangguniang Panlalawigan of Compostela Valley, for lack of quorum. It held:

A sanggunian is a collegial body. **Legislation, which is the principal function and duty of the sanggunian, requires the participation of all its members so that they may not only represent the interests of their respective constituents but also help in the making of decisions by voting upon every question put upon the body. The acts of only a part of the Sanggunian done outside the parameters of the legal provisions aforementioned are legally infirm, highly questionable and are, more importantly, null and void.** And all such acts cannot be given binding force and effect for **they are considered unofficial acts done during an unauthorized session.**²³

73. **In the case of ratification of conference committee reports, a quorum is the first hurdle to be taken prior to a majority vote.**

74. As can be seen in the video recording of the December 13, 2017 session of the Lower House, **this hurdle was not met. There was utterly no quorum when the TRAIN BCC Report was opened for consideration and later “ratified.”**

75. The lack of quorum is also evident in the photograph of the near-empty session hall taken by Petitioner Tinio from Podium No. 5 which affords a clear view of almost the entire session hall.

76. The absence of around 280 out of the total 295 Members of the House cannot be explained away by the exceptions accepted by the House Rules. It could not be said that a sufficient number of Members for a quorum are “deemed present” though they are physically not in the session hall. It was nearly 11 in the evening and there were no meetings of record at that date and time of any of the Committees of the House, the Commission on Appointments, or the House of Representatives Electoral Tribunal.²⁴

77. In the effort to secure compliance with the Constitution’s mandates on quorum and enactment only of bills validly passed by Congress, Petitioners Tinio and Zarate immediately addressed the Speaker and questioned the lack of quorum, repeatedly shouting “Objection!” This is pursuant to Section 89 of Rule XII, with the appropriate response being the Speaker’s recognition of the Member or Members who rose pursuant to Section 90.

23 G.R. No. 147767 January 14, 2004

24 Section 71 of Rule XI. Emphasis supplied.

78. However, Respondent Abu as the Presiding Officer did not recognize—they in fact even ignored—Petitioners. Neither did Respondent Defensor as Acting Floor Leader point out to the Presiding Officer that there are two Members who rose and wish to take the floor.

79. There having been no quorum during the last three minutes of its December 13, 2017 session, the House of Representatives cannot legitimately and validly conduct any business, much less validly ratify the TRAIN BCC Report. Respondent House leaders therefore committed grave abuse of discretion when they disregarded the Constitution and the implementing House Rules with regard to the basic and prejudicial requisite of quorum.

The Respondent House leaders declared the TRAIN BCC Report ratified without a vote being called and taken

80. Section 63 of Rule X which provides for the formal and procedural requirements in the consideration of conference committee reports, states in its last paragraph:

A conference committee report shall be **ratified by a majority vote of the Members of the House present, there being a quorum.**

81. On top of the utter lack of the requisite quorum, **the second equally important requirement—the majority vote—was also not met. A vote, whether *viva voce* or nominal, was not taken.** There was not even a motion coming from the Acting Floor Leader, or anyone else in the floor, to call for a vote. Respondent Defensor might have said, “I move that we ratify,” but he and Respondent Abu stopped there, despite the express mandate in Section 63.

82. It should be noted that any voting could not have mustered the approval of more than 10 or 20 Members for the TRAIN, considering that Section 81 states that the obligation to vote falls only upon “every Member present.”²⁵

83. The procedure of the “ratification” of TRAIN is very different from the procedure taken in the ratification done in the previous Congresses. On September 14, 2015, during the Sixteenth Congress, the Lower House ratified two conference committee reports:

RATIFICATION OF CONF. CTTEE. RPT.
ON H.B. NO. 4147 AND S.B. NO. 2280

REP. BONDOC. Mr. Speaker, Your Honor, **we are in receipt of the Conference Committee Report** on the disagreeing

²⁵ Of Rule XI, on voting. Emphasis supplied.

provisions of House Bill No. 4147 and Senate Bill No. 2280, which seek to rationalize and strengthen the probation system. **May I ask that the Secretary General be directed to read only the titles** of the measures.

THE DEPUTY SPEAKER (Rep.Apostol). Is there any objection? *(Silence)* The Chair hears none; the motion is approved. The Secretary General is directed to read only the titles of the measures.

With the permission of the Body, and since copies of the Conference Committee Report have been previously distributed, the Secretary General read only the titles of the measures without prejudice to inserting the text of the report in the Congressional Record.

THE SECRETARY GENERAL. House Bill No. 4147, entitled: AN ACT RATIONALIZING AND STRENGTHENING THE PROBATION SYSTEM, AMENDING FOR THE PURPOSE THE PERTINENT PROVISIONS OF PRESIDENTIAL DECREE NO. 968, OTHERWISE KNOWN AS THE “PROBATION LAW OF 1976”, AS AMENDED; and Senate Bill No. 2280, entitled: ANACTAMENDING PRESIDENTIAL DECREE NO. 968, OTHERWISE KNOWN AS THE “PROBATION LAW OF 1976”, AS AMENDED.

REP. BONDOC. Mr. Speaker, in accordance with our Rules, **I move that we ratify the said Conference Committee Report.**

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Apostol). **As many as are in favor of approving the Conference Committee Report, please say aye.**

SEVERAL MEMBERS. Aye.

THE DEPUTY SPEAKER (Rep. Apostol). **As many as are against, please say nay. (Silence) The Chair hears none; the motion is approved. The Conference Committee Report on House Bill No. 4147 and Senate Bill No. 2280 is hereby ratified.**

The Dep. Majority Leader is recognized.

RATIFICATION OF CONF. COMM. RPT.

ON H.B. NO. 5217 AND S.B. NO. 2752

REP. BONDOC. Mr. Speaker, **we are in receipt** of the Conference Committee Report reconciling the disagreeing provisions of House Bill No. 5217 and Senate Bill No. 2752. **May I ask that the Secretary General be directed to read only the titles** of the measures.

THE DEPUTY SPEAKER (Rep. Apostol). Is there any objection? *(Silence)* The Chair hears none; the motion is approved.*

The Secretary General is directed to read only the titles of the measures.

With the permission of the Body, and since copies of the Conference Committee Report have been previously distributed, the Secretary General read only the titles of the measures without prejudice to inserting the text of the report in the *Congressional* *Record.*

THE SECRETARY GENERAL. House Bill No. 5217, entitled: AN ACT GOVERNING THE ACCREDITATION OF MICRO-ENTERPRISE DEVELOPMENT INSTITUTIONS; and Senate Bill No. 2752, entitled: AN ACT STRENGTHENING NON-GOVERNMENT ORGANIZATIONS (NGOs) ENGAGED IN MICROFINANCE ACTIVITIES FOR THE POOR.

REP. BONDOC. Mr. Speaker, in accordance with our Rules, **I move that we ratify** the said Conference Committee Report

VIVA VOCE VOTING

THE DEPUTY SPEAKER (Rep. Apostol). **As many as are in favor of approving the Conference Committee Report, please say aye.**

SEVERAL MEMBERS. Aye.

THE DEPUTY SPEAKER (Rep. Apostol). **As many as are against, please say nay. (Silence) The Chair hears none; the motion is approved. The Conference Committee Report on House Bill No. 5217 and Senate Bill No. 2752 is hereby ratified.**²⁶

84. The Congressional Record bearing these ratifications is attached as Annex I.²⁷

26 Emphases supplied

27 Pages 17 to 18

85. It should be noted from the above that the consideration of the conference committee report typically takes several steps:

- a. announcement by the floor leader of the receipt of the House of the report;
- b. reading of the title of the bill;
- c. statement of the motion for ratification from the floor leader;
- d. actual voting where the Speaker says “As many as are in favor, (*as the question may be*) say ‘aye’” and “As many as are opposed, (*as the question may be*) say ‘nay’”;²⁸
- e. announcement by the Speaker of results which, in *viva voce* voting, is usually just a statement that he or she hears no negative vote; and
- f. declaration of approval of the motion and of ratification of the report.

86. With the TRAIN BCC Report, the House skipped the vital fourth and fifth steps, that is, without the actual vote.

87. Again, the House ratification was also very different from what happened in the Senate. As can be seen in the official video recording of the Senate’s session on the same day, the consideration of the BCC Report ran from its introduction by the floor leader, an explanation of the salient provisions and changes made by the bill’s sponsor, a motion by the floor leader for ratification, the voting by the Senators *viva voce* then nominal voting upon motion, the declaration of the results of the voting and approval of the BCC Report, until the explanation of votes.

88. Petitioners stress that **the Rules violated are not mere internal rules of the House. The requirements of a quorum and approval of bills are constitutional mandates or requirements, as previously discussed.**

89. It may be said that Section 75 on quorum and Section 63 on the approval of bicameral conference reports are subject to revocation, modification or waiver at the pleasure of the Lower House. However, the fact remains that, on December 13, 2017, Section 75 and Section 63 were neither revoked, modified, nor waived by the Lower House. And certainly, Section 16 (2) of Article VI of the Constitution is not subject to the revocation, modification or waiver at the pleasure of the Lower House.

90. Second, as previously averred, Petitioners are not the only ones injured by the various and repeated violations committed by the Respondents. The Lower House did not operate inside a vacuum that night when they invalidly ratified TRAIN with only a handful of Members present, and what it ratified will have, and is already having, in fact, detrimental consequences to the lives of millions of Filipinos and a

28 Section 115 of Rule XV for the Seventeenth Congress

disastrous impact to Philippine economy. When Petitioners repeatedly shouted “Objection!” and “*walang quorum*” but to no avail, they were also carrying the objections of their constituents—especially the poor and marginalized—both as regards the violation of procedural rules and the largely regressive nature of TRAIN.

a. TRAIN’s new excise taxes on petroleum products and sugar-sweetened beverages, and its broader VAT will ultimately be borne by the people, especially the poor and low-income earners.

b. These sectors of our society will have zero and minimal benefits from the lowering of income taxes, because they are already exempt to begin with (in the case of minimum wage earners and those in informal work of earning low or erratic incomes) or whatever additional take-home pay they will have will not be enough for the higher cost of living. However, they will be the ones who will bear the heaviest burden. They will not be able to afford the higher prices that these new taxes will cause, or will be able to only minimally offset these higher prices with what little additional finances they will get from the lowered PIT.

c. Petitioners have also objected to TRAIN for it holds hostage the passage of lowered income taxes to the condition that heavier consumption taxes will be introduced on a broad, if not the entire range of goods and services consumed by the public. As they have articulated both inside and outside Congress, TRAIN is a *bigay-bawi* measure—it will provide economic relief for taxpayers, which relief government will only take back from the public in the form of regressive indirect taxes.

d. While there will be a significant lowering of personal income taxes, with some taxpayers previously subject to PIT will be exempt starting 2018, government will recoup those lost revenues by slapping excise taxes on petroleum products and sugar-sweetened beverages, among others, resulting to price hikes affecting a broad range of goods and services.

e. Products such as diesel and bunker fuel, untaxed prior to TRAIN, will be taxed at P2.50 per liter in 2018, P4.50 in 2019, and P6 in 2020. Liquefied petroleum gas used by majority of Filipino households will be taxed at P1 per kilogram, increasing to P2 in 2019, and to P3 in 2020. The tax on kerosene starts at P3, going up to P4 in 2019, and to P5 in 2020.

f. Other petrol products widely used by all households in the country such as gasoline will now be slapped with increased excise taxes. From the current rate of P4.35 per liter, gasoline excise will

increase by 61% in 2018, with further increases up to P10 per liter in 2020.

g. Furthermore, on top of the excise taxes on these products will be the 12% VAT to which they are already subject. All these will inevitably cause a domino effect—inflation affecting the tiniest sari-sari store to the biggest commercial establishment as well as their customers, fare increases from the smallest *habal-habal* and *bangka* to the biggest shipping or airlines, and rate increases in power and other utilities, to name just a few.

h. Government will also recoup lost revenues with the lifting of exemptions from the VAT, and the removal of VAT zero-rating and VAT credit privileges. In total, this further broadening of VAT coverage affects 54 goods and services and transactions of several public and private entities (including state universities and colleges and several government agencies).²⁹ Notable among these is the lifting of tax incentives on some activities involving petroleum products and the lifting of exemption from VAT on transactions with public health implications such as (1) orphan drugs and orphan products used for the treatment and management of rare diseases and (2) traditional and alternative health care products like herbal medicinal plants. Just as in the case of excise tax on petrol, the broadened VAT will result to passed-on charges in the affected transactions, which will eventually burden end consumers with higher prices and service rates.

i. Also of note is the excise tax of coal—the dominant fuel in the energy mix of the country (accounting for an average of 50%) as prescribed by the Department of Energy. The additional indirect tax of P50 per metric ton this 2018, P100 per metric ton in 2019, and P150 per metric ton in 2020 will undoubtedly lead to increased costs in the production and distribution of power, which costs will ultimately be passed on to the consuming public.

j. Of further note is the fact that TRAIN's excise taxes and VAT are, for the most part, imposed on salient products and activities on the energy sector, which is considered as the backbone of the economy.

k. To reiterate, the combined effect of excise taxes on petroleum products, coal, and sugar-sweetened beverages, among others, and the further expansion of VAT—indirect taxes all—will lead to the crumbling of the purchasing power of millions of Filipinos.

l. Other economic experts have projected higher inflation, and at faster rates, for 2018 as a result of TRAIN. Inflation rate is reported

29 Section 86 of Republic Act 10963

to “pick up to 3.5-4 percent this year from 3.2 percent last year,” with about 0.6 percent attributed to the new taxes. While these projections may be downplayed as “not a worry” or “in line with expectations,”³⁰ it is undeniable that a single peso, even a single cent, in additional prices, will mean additional burdens for the people to bear, especially those who will only have at most P300 in cash transfers to offset this inflation.

m. All these support the study taken by independent economic think tank IBON, which published statistics pointing the anti-poor nature of TRAIN. It noted the following, among others:

- i. i. TRAIN’s *bawi* will be greater than its *bigay*, since the revenue loss of P139 billion due to the lowering of PIT is sought to be “offset” by VAT expansion and the excise taxes on oil, sugar-sweetened beverages, and automobiles, which will result to a total of P1,743.1 billion projected additional revenues and
- ii. ii. The first to sixth income deciles representing the poorest 13.8 million families (with average monthly incomes ranging from P5,106 to P19,335) stand to lose around P807 to P3,794 per year.³¹

91. Congress must pass every bill, resolution, joint resolution, and all other measures in strict accordance with the substantive and procedural requirements set by the Constitution and the Rules of both Houses.

92. In this case, **valid ratification by the Lower House of the TRAIN BCC report is all the more important considering the nature of TRAIN as a taxation measure that could originate only from the House of Representatives.** It is a centerpiece taxation measure, in fact, since it contains significant amendments to the personal income tax, excise tax, and the value-added tax systems, as well as introduces new taxes in vital services and commodities where there were previously none.

93. The origination clause in our Constitution, Section 24 of Article VI, provides that all revenue bills, among others, “shall originate exclusively in the House of Representatives.” Although the Constitution further provides for the power of the Senate to propose and concur with amendments, the Lower House in its House Rules still asserts its special authority as the sole source or “originator” of revenue bills even at the late stage of the bicameral conference.

94. Section 62 of Rule X provides:

30 DOE: Power rate hike due to TRAIN felt by summer, Philippine Daily Inquirer, January 06, 2018, <https://business.inquirer.net/243642/doe-power-rate-hike-due-train-felt-summer>

31 Hindi Totoong Maka-mahirap ang TRAIN ni Duterte, IBON Foundation. <http://ibon.org/2017/10/hindi-totoong-maka-mahirap-ang-train-ni-duterte/>

In cases where the House does not agree with the Senate on any amendment to any House bill or joint resolution, or where the Senate has approved a similar bill to a House-approved bill, and these measures have conflicting provisions, differences may be settled by conference committees composed of representatives from both chambers.

In resolving the differences between the two measures, the House panel shall, as much as possible, adhere to and support the House bill or joint resolution. If the differences with the Senate bill or joint resolution are so substantial that they materially impair the House bill or joint resolution, the panel shall report such fact to the House for the latter's appropriate action. x x x³²

95. The second paragraph applies in cases where the Lower House does not agree with or “adopt” the Senate version of a bill or resolution and a bicameral conference committee is constituted. In such cases, the House panel is directed to adhere to and support the House version and to report to the House any material impairment thereto, and such directive is more emphasized where the bill concerned is a revenue or tax bill or any other measure falling under the origination clause.

96. Petitioners note that there are no similar directives to the Senate panel under the Rules of the Senate.

97. Petitioners also note, for the Court's attention, the public and widely reported differences between the Lower House and the Senate panels during the bicameral conferences, a likely result of the operation of this provision. This led to the delay of the completion of the conference and eventually, to the delay in and the rush of the printing and signing of the BCC Report so that its ratification by the Lower House on its last session day on December 13 could be secured.

98. A valid ratification, therefore, by the Lower House of the TRAIN BCC report is vital prior to the passage of the TRAIN bill by Congress and its presentment to the President.

99. The above premises considered, there was invalid ratification by the House of Representatives of the TRAIN. Petitioners plead that the Honorable Court declare, from the obvious lack of quorum and other violations of the Constitution and House Rules on the procedure of approval and enactment of laws, that the document that was signed by the President on December 19 was not a bill that was duly enacted by Congress.

32 Emphasis supplied

B. There was grave abuse of discretion on the part of Respondent President when he enacted the TRAIN bill which was not passed by Congress

The Respondent President signed TRAIN into law without the presentment to him of a bill validly passed by Congress

100. Section 27 (1) of Article VII of the Constitution provides:

Every bill passed by the Congress shall, before it becomes a law, be presented to the President. If he approves the same he shall sign it x x x³³

101. From a reading of Section 27 (1) of Article VII of the Constitution, one could readily see that what could be the only subject of a valid presentment is a “bill passed by the Congress,” that is, a bill that successfully went through all the procedural requirements of the Constitution, law, and rules.

102. The lack of a valid ratification, especially of a revenue measure by the House of Representatives which is its sole originator, could by no means result to a valid “bill passed by the Congress.” Such a document could have no force and effect of a bill that could be presented to and signed by the President.

103. There having been no valid ratification of the TRAIN BCC Report, there was consequently no valid presentment to the President of a bill for his enactment. No matter how many times he signs the BCC Report, he could not, in the eyes of the Constitution, enact such an invalidly ratified document into law. Respondent President therefore committed grave abuse of discretion when he signed RA 10963.

104. Petitioners submit that a violation of the Constitution and the implementing Rules of the House on the passage of bills, including the procedures past the approval on third reading by both Houses of Congress (such as either the adoption of the Senate version or ratification of the bicameral conference committee reports), is a case of the Congress making a law without the approval of or contrary to the will of its Members. A violation of Section 27 (1) of the 1987 Constitution, on the other hand, is a case of the president making a law without the approval or contrary to the will of Congress.

105. Considering that both happened with respect to TRAIN, Republic Act 10963 is unconstitutional and therefore null and should have no effect.

33 Emphasis supplied

C. Arguments in support of the prayer for injunction and restraining order

106. In support of the prayer for injunction and restraining order, the paragraphs pertinent thereto, including Paragraphs 5 to 10, are hereby repleaded.

CLOSING

107. For the longest time, Filipino people have been demanding for tax justice. They have been calling for lower personal income taxes and the easing, if not removal, of regressive impositions such as value-added tax and excise taxes which result to the sky-high prices and inflation in the goods and services they consume and use. Tax justice is an overture towards equity, in a country where the rich are just getting richer, and the poor poorer through the years.

108. They echoed these demands through their direct representatives in Congress with the filing by the latter of bills embodying lower income taxes and by their steadfast struggle inside the halls of Congress against the imposition of additional regressive taxes. Through their Representatives who exhaust all available venues and procedure possible under the Constitution, law, and rules, they fight against indirect taxes, that is, regressive taxes which the Court has long acknowledged as the “anti-thesis of progressive taxation.”³⁴

109. When these demands are swept aside, along with the Constitution, law, and rules upon which they rely and faithfully comply, there is no avenue left save for this Honorable Court. Petitioners plead now for the Court not to allow a law further expanding oppressive taxes which are antithetical to a constitutional mandate, especially when such law was “passed” by Congress when it was in no position to pass it, then signed by the President when he had no authority to sign it.

PRAYER

The foregoing considered, Petitioners pray:

³⁴ *ABAKADA GURO Party-List, et al. v. The Honorable Executive Secretary Eduardo Ermita*, G.R. No. 168056, September 1, 2005

1. That the Honorable Court strike down as unconstitutional the signed Tax Reform for Advancement and Inclusion for having been ratified by the House of Representatives and enacted by the President in violation of the Rules of the House of Representatives and the 1987 Constitution and

2. That it issue a restraining order against the implementation of the signed TRAIN.

Other reliefs just and equitable under the premises are also prayed for.

Quezon City for Manila; January 10, 2017.

NATIONAL UNION OF PEOPLES' LAWYERS

3/F Erythrina Building
No. 1 Matatag corner Maaralin Streets
Central District, Quezon City
Telefax No. (632) 920-6660
nupl2007@gmail.com

By:

NERI J. COLMENARES

IBP LR No. 010437- Quezon City
PTR No. 5566289C- 1/4/18- Quezon City
Roll of Attorneys No. 43060
MCLE Exemption No. - 002613- 4/14/2019

EDRE U. OLALIA

IBP No.021329-1/5/18-RSM
PTR No. 5566292C- 1/4/18- Quezon City
Roll of Attorneys No. 36971
MCLE Compliance No. V-0019457 - 04/22/2016

EPHRAIM B. CORTEZ

IBP No. 021330 - 1/5/18 – Isabela
PTR No. 5566291C- 1/4/18- Quezon City
Roll of Attorneys No. 41366
MCLE Compliance No. V-0019328 - 04/22/2016

JULIAN F. OLIVA, JR.

IBP No.021331-1/5/18- RSM
PTR No. 5566290C- 1/4/18- Quezon City
Roll of Attorneys No. 35870
MCLE Compliance No. V-0019459 – 04/22/2016

MARIA CRISTINA P. YAMBOT

IBP No. 021333- 1/5/18- Rizal
PTR NO. 6945399A/1-09-17/Rizal
Roll of Attorneys No. 59700
MCLE Compliance No. V – 0016653/04-04-16

MINERVA F. LOPEZ

IBP LR No. 011325 - 01/04/13- Pangasinan
PTR No. 5522919C-01/03/18- Quezon City
Roll of Attorneys No. 60637
MCLE Compliance No. V -0016666/04-04-16

MANEEKA ASISTOL SARZA

IBP LR No. 011274- 12/17/2012
PTR No. 4750577C- 6/8/17
Roll of Attorneys No. 57897
MCLE Compliance Number V-0022570/07-01-16

KATHERINE A. PANGUBAN

IBP No. 020933 – 01/04/18 – Manila IV
PTR No. 5521596 – 01/04/18 – Quezon City
Roll of Attorneys No. 65486
Admitted to the Bar June 2016

And:

PUBLIC INTEREST LAW CENTER
4/F Kaija Bldg. 7836 Makati Ave.
corner Valdez St., Makati City
(632) 899-3439; Telfax No. (632) 899-3416
publicinterestlawcenter@gmail.com

By:

RACHEL F. PASTORES

IBP No. 1058429; 01/06/17; Makati
PTR No. 5912911; 01/06/17; Makati
Roll No. 39818
MCLE Compliance
Number V-0021820; 05-31-16

AMYLYN B. SATO

IBP No. 1058430; 01/06/17; Q.C.
PTR No. 3807061; 01/06/17; Q.C.
Roll No. 50389
MCLE Compliance
Number V-0019528; 04-13-16

CARLOS MONTEMAYOR, JR.

IBP No. 1058431; 01/06/17; Q.C.
PTR No. 3807062; 01/06/17; Q.C.
Roll No. 61085
MCLE Compliance
No. V – 0020404; 04-28-16

MARIA KRISTINA C. CONTI

IBP Lifetime No. 012641; Batangas
PTR No. 380763; 01/06/17; Q.C.
Roll No. 63574
MCLE Compliance
No. V – 0019325; 04-22-16

Copies furnished:

OFFICE OF THE SOLICITOR GENERAL

134 Amorsolo St., Legaspi Village,
Makati City 1229

PRESIDENT RODRIGO ROA DUTERTE

Malacañang Palace,
Mendiola, Manila, 1005

SPEAKER PANTALEON ALVAREZ

Rooms 217-218, South Wing Building
House of Representatives
Batasan Hills, Quezon City

MAJORITY LEADER RODOLFO FARINAS

Room 415, South Wing Annex
House of Representatives
Batasan Hills, Quezon City

DEPUTY SPEAKER RANEO ABU

Room 204, North Wing Building
House of Representatives
Batasan Hills, Quezon City

REP. ARTHUR DEFENSOR, JR.

Room 306, North Wing Building
House of Representatives
Batasan Hills, Quezon City

**EXPLANATION FOR SERVICE
THROUGH REGISTERED MAIL**

The service of copies of the instant Petition is made through registered mail due to personnel and distance constraints. Pursuant to Rule 13, Section 11 of the Rules of Court.

MANEEKA ASISTOL SARZA