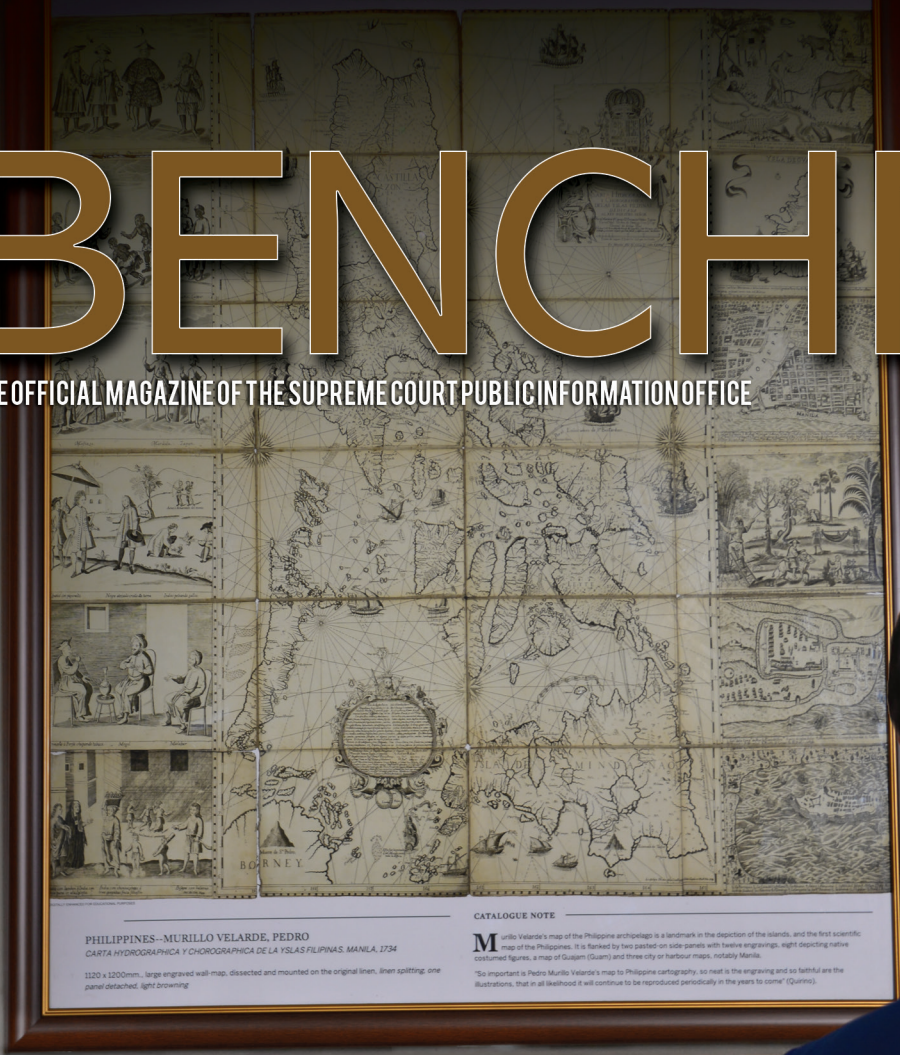


# BENCHMARK

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Senior Associate Justice  
Antonio T. Carpio

Jurist  
& Patriot



## EDITOR'S

# Note

The first time I met Justice Tony Carpio was in January 2019 when I, as the new Chief of the Public Information Office (PIO), made a courtesy call on him in his office. It was a very short meeting. Perhaps I would say it was not even a meeting. It was more of a monologue, for after having said my name and position, there was silence. I was expecting a brief exchange of pleasantries. However, I was wrong. Justice Tony was just sitting in front of his computer with his poker-face smile. The last phrase may

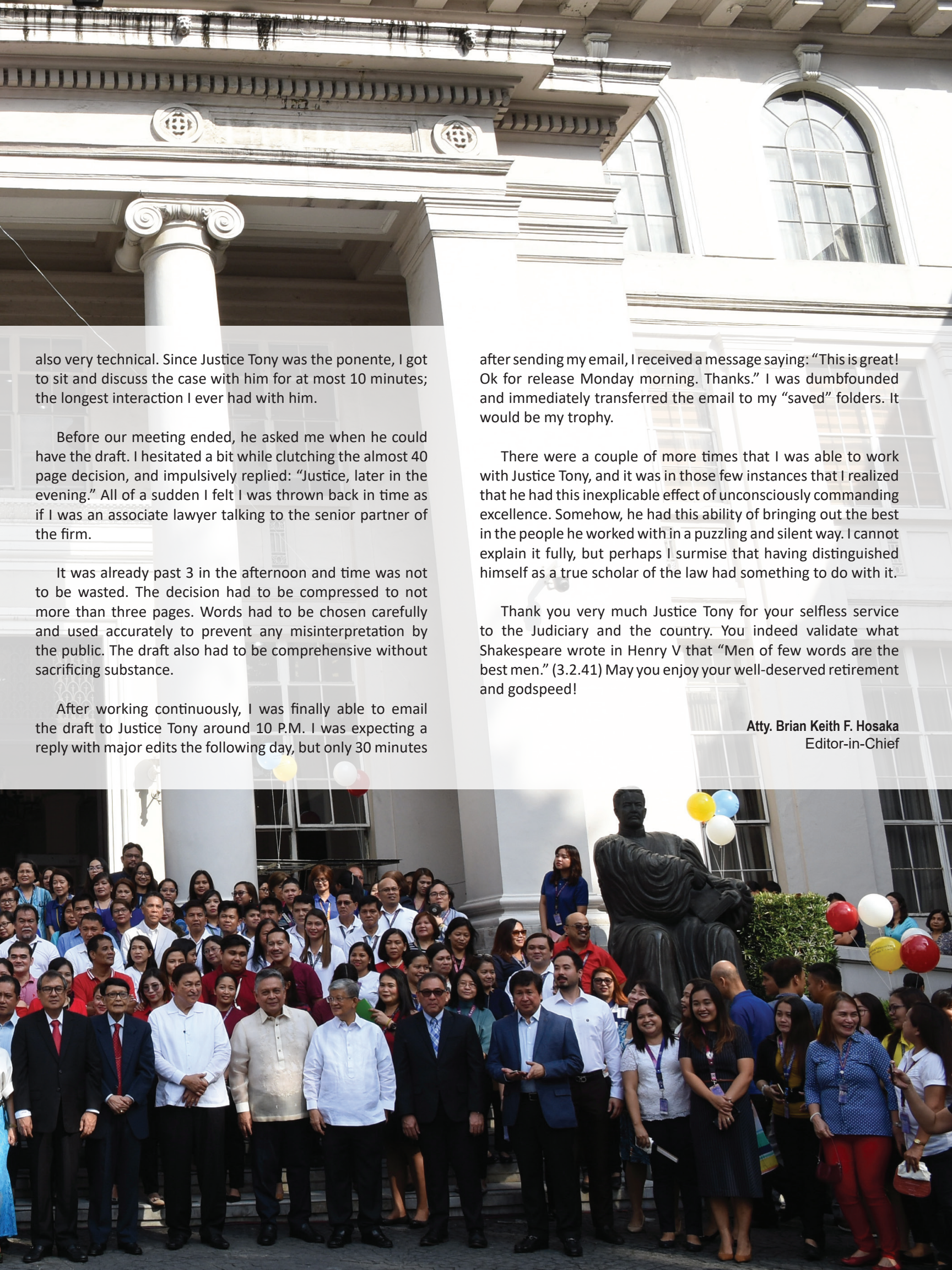
seem to be an oxymoron, but that is how I would describe Justice Tony's smile at that moment. Several more seconds of awkward silence later, I knew it was time for me to leave.

As I was walking back to the PIO, I could not help but be amazed with what had just occurred. As a former law practitioner for 20 years, I heard stories about Justice Tony from classmates who worked in his law firm. They all said that he was a man of very few words and would speak only with deliberate purpose. Somehow, my first meeting with Justice Tony confirmed it.

As months passed from that initial meeting, I would encounter more of Justice Tony because of work. Eventually, my initial impression of him would change. I began to realize that he was more impassioned whenever work was involved and especially when public interest was at stake.

I remember in May 2019, I was called after an En Banc meeting, and was asked to draft an official announcement for the Court. It was about a decision which was not only long but





also very technical. Since Justice Tony was the ponente, I got to sit and discuss the case with him for at most 10 minutes; the longest interaction I ever had with him.

Before our meeting ended, he asked me when he could have the draft. I hesitated a bit while clutching the almost 40 page decision, and impulsively replied: "Justice, later in the evening." All of a sudden I felt I was thrown back in time as if I was an associate lawyer talking to the senior partner of the firm.

It was already past 3 in the afternoon and time was not to be wasted. The decision had to be compressed to not more than three pages. Words had to be chosen carefully and used accurately to prevent any misinterpretation by the public. The draft also had to be comprehensive without sacrificing substance.

After working continuously, I was finally able to email the draft to Justice Tony around 10 P.M. I was expecting a reply with major edits the following day, but only 30 minutes

after sending my email, I received a message saying: "This is great! Ok for release Monday morning. Thanks." I was dumbfounded and immediately transferred the email to my "saved" folders. It would be my trophy.

There were a couple of more times that I was able to work with Justice Tony, and it was in those few instances that I realized that he had this inexplicable effect of unconsciously commanding excellence. Somehow, he had this ability of bringing out the best in the people he worked with in a puzzling and silent way. I cannot explain it fully, but perhaps I surmise that having distinguished himself as a true scholar of the law had something to do with it.

Thank you very much Justice Tony for your selfless service to the Judiciary and the country. You indeed validate what Shakespeare wrote in Henry V that "Men of few words are the best men." (3.2.41) May you enjoy your well-deserved retirement and godspeed!

**Atty. Brian Keith F. Hosaka**  
Editor-in-Chief

# SELECT DECISIONS AND DISSENTS OF JUSTICE ANTONIO T. CARPIO

By Atty. Rosalinda E. Beltran-Kawada

Senior Associate Justice Antonio Tirol Carpio leaves the Judiciary with a legacy of 935 full-length decisions, 79 dissenting opinions, 30 concurring opinions, 13 separate opinions, and four concurring and dissenting opinions in his 18 years as a High Court magistrate.

Below are a select few cases of utmost importance which have had the most impact on Philippine jurisprudence.

## DECISIONS

### 1. *Chavez v. Public Estates Authority and Amari Coastal Bay Development Corporation*, G.R. No. 133250, 9 July 2002

The Court ruled that the constitutional right to information embodied in the twin sections of Section 28, Article II and Section 7, Article III of the 1987 Constitution includes official information on on-going negotiations before a final contract. Thus, the Court compelled the Public Estates Authority (PEA) to disclose all facts on PEA's then on-going renegotiations with Amari to reclaim portions of Manila Bay, and to enjoin PEA from signing a new agreement with Amari involving such reclamation.

*Section 7, Article III of the Constitution explains the people's right to information on matters of public concern.*

*The State policy of full transparency in all transactions involving public interest reinforces the people's right to information on matters of public concern. This State policy is expressed in Section 28, Article II of the Constitution.*

*These twin provisions of the Constitution seek to promote the transparency in policy-making and in the operations of the government, as well as provide the people sufficient information to exercise effectively other constitutional rights. These twin provisions are essential to the exercise of freedom of expression. If the government does not disclose official acts, transactions and decisions to citizens, whatever citizens say, even if expressed without any restraint, will be speculative and amount to nothing. These twin provisions are also essential to hold public officials "at all times...accountable to the people," for unless citizens have the proper information, they cannot hold public officials accountable for anything. Armed with the right information, citizens can participate in public discussions leading to the formulation of government policies and their effective implementation. An informed citizenry is essential to the existence and proper functioning of any democracy.*

### 2. *Republic of the Philippines v. Sandiganbayan*, G.R. No. 104768, 21 July 2003

The Court resolved the issue of jurisdiction to investigate reports of unexplained wealth prior to the issuance by President Corazon C. Aquino on 28 February 1986 of Executive Order No. 1 (EO No.

1) creating the Presidential Commission on Good Government (PCGG). The Court ruled that the proper government agencies, and not the PCGG, have jurisdiction to investigate and prosecute forfeiture petitions not falling under EO No. 1. The Court held that the preliminary investigation of unexplained wealth amassed on or before 25 February 1986 falls under the jurisdiction of the Ombudsman, while the authority to file the forfeiture petition should be done by the Solicitor General.

An important corollary issue is whether the revolutionary government was bound by the Bill of Rights of the 1973 Constitution during the *interregnum*, *i.e.*, after the actual and effective take-over of power by the revolutionary government up to 24 March 1986 or the date immediately before the adoption of the Provisional Constitution.

*The EDSA Revolution took place on 23-25 February 1986. As succinctly stated in President Aquino's Proclamation No. 3 dated 25 March 1986, the EDSA Revolution was "done in defiance of the provisions of the 1973 Constitution." The resulting government was indisputably a revolutionary government bound by no constitution or legal limitations except treaty obligations that the revolutionary government, as the de jure government in the Philippines, assumed under international law.*

*We hold that the Bill of Rights under the 1973 Constitution was not operative during the interregnum. However, we rule that the protection accorded to individuals under the Covenant and the Declaration remained in effect during the interregnum.*

*During the interregnum, the directives and orders of the revolutionary government were the supreme law because no constitution limited the extent and scope of such directives and orders. With the abrogation of the 1973 Constitution by the successful revolution, there was no municipal law higher than the directives and orders of the revolutionary government. Thus, during the interregnum, a person could not invoke any exclusionary right under a Bill of Rights because there was neither a constitution nor a Bill of Rights during the interregnum.*

Despite the absence of Constitutional provisions found in the Bill of Rights of the 1973 Constitution during the interregnum, the Court ruled that our citizens enjoy the same rights by virtue of the Philippines' treaty obligations under international law.

*The revolutionary government, after installing itself as the de jure government, assumed responsibility for the State's good faith compliance with the Covenant to which the Philippines is a signatory. Article 2(1) of the Covenant requires each signatory State "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant." Under Article 17(1) of the Covenant, the revolutionary government had the duty to insure that "[n]o one*



<https://www.google.com/search?q=murillo+map&rlz=L13IKIToLANWnM>

shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence.”

The Declaration, to which the Philippines is also a signatory, provides in its Article 17(2) that “[n]o one shall be arbitrarily deprived of his property.” Although the signatories to the Declaration did not intend it as a legally binding document, being only a declaration, the Court has interpreted the Declaration as part of the generally accepted principles of international law and binding on the State. Thus, the revolutionary government was also obligated under international law to observe the rights of individuals under the Declaration.

The revolutionary government did not repudiate the Covenant or the Declaration during the interregnum. Whether the revolutionary government could have repudiated all its obligations under the Covenant or the Declaration is another matter and is not the issue here. Suffice it to say that the Court considers the Declaration as part of customary international law, and that Filipinos as human beings are proper subjects of the rules of international law laid down in the Covenant. The fact is the revolutionary government

did not repudiate the Covenant or the Declaration in the same way it repudiated the 1973 Constitution. As the *de jure* government, the revolutionary government could not escape responsibility for the State’s good faith compliance with its treaty obligations under international law.

### 3. Feliciano v. Commission on Audit, G.R. No. 147402, 14 January 2004

The Court upheld the jurisdiction of the Commission on Audit (COA) over the Leyte Metropolitan Water District (LMWD). In its ruling, the Court classified LMWD as a government-owned and controlled corporation with an original charter and, therefore, was subject to the audit jurisdiction of the COA.

The Constitution vests in the COA audit jurisdiction over “government-owned and controlled corporations with original charters,” as well as “government-owned or controlled corporations” without original charters. GOCCs with original charters are subject to COA pre-audit, while GOCCs without original charters are subject to COA post-audit. GOCCs without original charters

refer to corporations created under the Corporation Code but are owned or controlled by the government. The nature or purpose of the corporation is not material in determining COAs audit jurisdiction. Neither is the manner of creation of a corporation, whether under a general or special law.

#### 4. *Sonza v. ABS-CBN Broadcasting Corporation*, G.R. No. 138051, 20 June 2004

This is a case of first impression, where the Court's First Division held that a radio and television program host is an independent contractor, not an employee of the broadcast station, since ABS-CBN did not exercise control over the means and methods of Sonza's performance in radio and television.

*Individuals with special skills, expertise or talent enjoy the freedom to offer their services as independent contractors. The right to life and livelihood guarantees this freedom to contract as independent contractors. The right of labor to security of tenure cannot operate to deprive an individual, possessed with special skills, expertise and talent, of his right to contract as an independent contractor. An individual like an artist or talent has a right to render his services without any one controlling the means and methods by which he performs his art or craft. This Court will not interpret the right of labor to security of tenure to compel artists and talents to render their services only as employees. If radio and television program hosts can render their services only as employees, the station owners and managers can dictate to the radio and television hosts what they say in their shows. This is not conducive to freedom of the press.*

#### 5. *Manila International Airport Authority v. Court of Appeals*, G.R. No. 155650, 20 July 2006

The Court held that the Airport Lands and Buildings of Manila International Airport Authority (MIAA) are exempt from real estate tax imposed by local governments, due to the following reasons: (1) First, MIAA is not a government-owned or controlled corporation but an instrumentality of the National Government and thus exempt from local taxation; and (2) the real properties of MIAA are owned by the Republic of the Philippines and thus, exempt from real estate tax.

*There is no dispute that a government-owned or controlled corporation is not exempt from real estate tax. However, MIAA is not a government-owned or controlled corporation. A government-owned or controlled corporation must be "organized as a stock or non-stock corporation." MIAA is not organized as a stock or non-stock corporation. MIAA is not a stock corporation because it has no capital stock divided into shares. MIAA has no stockholders or voting shares. x x x MIAA is also not a non-stock corporation because it has no members.*

*The Airport Lands and Buildings of MIAA, which its Charter calls the "principal airport of the Philippines for both international and domestic air traffic," are properties of public dominion because they are intended for public use. As properties of public dominion, they indisputably belong to the State or the Republic of the Philippines. x x x Section 234(a) of the Local Government Code exempts from real estate tax any "[r]eal property owned by the Republic of the Philippines."*

#### 6. *Rufino v. Endrigo*, G.R. Nos. 139554 and 139565, 21 July 2006

In *Rufino v. Endrigo*, the Court declared as unconstitutional Section 6(b) and (c) of Presidential Decree No. 15, as amended, insofar as it authorized the remaining trustees to fill by election vacancies in

the Board of Trustees of the Cultural Center of the Philippines. The Court held that Section 6(b) and (c) of PD No. 15 runs afoul with the President's power of control under Section 17, Article VII of the 1987 Constitution and makes the CCP a self-perpetuating entity, virtually outside the control of the President.

*x x x the President sits at the apex of the Executive branch, and exercises "control of all the executive departments, bureaus, and offices." There can be no instance under the Constitution where an officer of the Executive branch is outside the control of the President. The Executive branch is unitary since there is only one President vested with executive power exercising control over the entire Executive branch. Any office in the Executive branch that is not under the control of the President is a lost command whose existence is without any legal or constitutional basis.*

*The Legislature cannot validly enact a law that puts a government office in the Executive branch outside the control of the President in the guise of insulating that office from politics or making it independent. If the office is part of the Executive branch, it must remain subject to the control of the President. Otherwise, the Legislature can deprive the President of his constitutional power of control over "all the executive x x x offices." If the Legislature can do this with the Executive branch, then the Legislature can also deal a similar blow to the Judicial branch by enacting a law putting decisions of certain lower courts beyond the review power of the Supreme Court. This will destroy the system of checks and balances finely structured in the 1987 Constitution among the Executive, Legislative, and Judicial branches.*

*The CCP is part of the Executive branch. No law can cut off the President's control over the CCP in the guise of insulating the CCP from the President's influence. By stating that the "President shall have control of all the executive x x x offices," the 1987 Constitution empowers the President **not only to influence but even to control** all offices in the Executive branch, including the CCP. **Control is far greater than, and subsumes, influence.***

#### 7. *Lambino v. Commission on Elections*, G.R. No. 174153, 25 October 2006

The Supreme Court dismissed the initiative petition filed by the Lambino group, because it miserably failed to comply with the basic requirements of the Constitution for conducting a people's initiative. Contrary to its claim that their initiative is the "people's voice," the Lambino group unabashedly stated in ULAP Resolution No. 2006-02, in the verification of their petition with the COMELEC, that "ULAP maintains its unqualified support to the agenda of Her Excellency President Gloria Macapagal-Arroyo for constitutional reforms." Because the Lambino group admitted that their "people's" initiative is an "**unqualified support to the agenda**" of the incumbent President to change the Constitution, this Court held that:

*The Constitution, as the fundamental law of the land, deserves the utmost respect and obedience of all the citizens of this nation. No one can trivialize the Constitution by cavalierly amending or revising it in blatant violation of the clearly specified modes of amendment and revision laid down in the Constitution itself.*

*To allow such change in the fundamental law is to set adrift the Constitution in uncharted waters, to be tossed and turned by every dominant political group of the day. If this Court allows today a cavalier change in the Constitution outside the constitutionally prescribed modes, tomorrow the new dominant political group that comes will demand its own set of changes in the same cavalier and unconstitutional fashion. A revolving-door constitution does not augur well for the rule of law in this country.*

This Court cannot betray its primordial duty to defend and protect the Constitution. The Constitution, which embodies the people's sovereign will, is the bible of this Court. **This Court exists to defend and protect the Constitution.** To allow this constitutionally infirm initiative, propelled by deceptively gathered signatures, to alter basic principles in the Constitution is to allow a desecration of the Constitution. To allow such alteration and desecration is to lose this Court's *raison d'être*.

**8. Barangay Association for National Advancement and Transparency (BANAT) v. COMELEC, G.R. No. 179271, 21 April 2009**

In these two consolidated cases, petitioners were party-list candidates in the 14 May 2007 party-list elections. Petitioners questioned the Commission on Elections' (COMELEC) use of the *Veterans* formula for being violative of the Constitution and of R.A. No. 7941. The Court revisited the *Veterans* formula because of its mathematical interpretation of the terms "two percent threshold" and "proportional representation."

*We therefore strike down the two percent threshold only in relation to the distribution of the additional seats as found in the second clause of Section 11(b) of R.A. No. 7941. The two percent threshold presents an unwarranted obstacle to the full implementation of Section 5(2), Article VI of the Constitution and prevents the attainment of "the broadest possible representation of party, sectoral or group interests in the House of Representatives."*

*In determining the allocation of seats for party-list representatives under Section 11 of R.A. No. 7941, the following procedure shall be observed:*

1. *The parties, organizations, and coalitions shall be ranked from the highest to the lowest based on the number of votes they garnered during the elections.*

2. *The parties, organizations, and coalitions receiving at least two percent (2%) of the total votes cast for the party-list system shall be entitled to one guaranteed seat each.*

3. *Those garnering sufficient number of votes, according to the ranking in paragraph 1, shall be entitled to additional seats in proportion to their total number of votes until all the additional seats are allocated.*

4. *Each party, organization, or coalition shall be entitled to not more than three (3) seats.*

*In computing the additional seats, the guaranteed seats shall no longer be included because they have already been allocated, at one seat each, to every two-percenter. Thus, the remaining available seats for allocation as "additional seats" are the maximum seats reserved under the Party List System less the guaranteed seats. Fractional seats are disregarded in the absence of a provision in R.A. No. 7941 allowing for a rounding off of fractional seats.*

The vote to revise the *Veterans* formula in the allocation of party-list seats was 15-0.

The main opinion also declared that major political parties are not prohibited from participating in the party-list system.

*Neither the Constitution nor R.A. No. 7941 prohibits major political parties from participating in the party-list system. On the contrary, the framers of the Constitution clearly intended the major political parties to participate in party-list elections through their sectoral wings. In fact, the members of the Constitutional*

*Commission voted down, 19-22, any permanent sectoral seats, and in the alternative the reservation of the party-list system to the sectoral groups. In defining a "party" that participates in party-list elections as either "a political party or a sectoral party," R.A. No. 7941 also clearly intended that major political parties will participate in the party-list elections. Excluding the major political parties in party-list elections is manifestly against the Constitution, the intent of the Constitutional Commission, and R.A. No. 7941. This Court cannot engage in socio-political engineering and judicially legislate the exclusion of major political parties from the party-list elections in patent violation of the Constitution and the law.*

The Court decided, by a vote of 8-7, to continue the *Veterans* ruling disallowing major political parties from directly or indirectly participating in the party-list elections. The exclusion of political parties from party-list elections was later rectified in the consolidated cases of *Atong Paglaum, Inc. v. COMELEC* (G.R. No. 203766, 2 April 2013).

In a Resolution dated 8 July 2009, the Court addressed the questions raised by intervenors.

*To summarize, there are four parameters in a Philippine-style party-list election system:*

1. *Twenty percent of the total number of the membership of the House of Representatives is the maximum number of seats available to party-list organizations, such that there is automatically one party-list seat for every four existing legislative districts.*

2. *Garnering two percent of the total votes cast in the party-list elections guarantees a party-list organization one seat. The guaranteed seats shall be distributed in a first round of seat allocation to parties receiving at least two percent of the total party-list votes.*

3. *The additional seats, that is, the remaining seats after allocation of the guaranteed seats, shall be distributed to the party-list organizations including those that received less than two percent of the total votes. The continued operation of the two percent threshold as it applies to the allocation of the additional seats is now unconstitutional because this threshold mathematically and physically prevents the filling up of the available party-list seats. The additional seats shall be distributed to the parties in a second round of seat allocation according to the two-step procedure laid down in the Decision of 21 April 2009 as clarified in this Resolution.*

4. *The three-seat cap is constitutional. The three-seat cap is intended by the Legislature to prevent any party from dominating the party-list system. There is no violation of the Constitution because the 1987 Constitution does not require absolute proportionality for the party-list system. The well-settled rule is that courts will not question the wisdom of the Legislature as long as it is not violative of the Constitution.*

*These four parameters allow the mathematical and practical fulfillment of the Constitutional provision that party-list representatives shall comprise twenty percent of the members of the House of Representatives. At the same time, these four parameters uphold as much as possible the Party-List Act, striking down only that provision of the Party-List Act that could not be reconciled anymore with the 1987 Constitution.*

**9. Strategic Alliance Development Corporation v. Radstock Securities Limited, G.R. No. 178158, 4 December 2009**

This case involves the Compromise Agreement between Philippine National Construction Corporation (PNCC), a

government agency, and Radstock, a foreign corporation, whereby PNCC agreed to pay Radstock, Marubeni's assignee, P6.185 billion in full settlement of PNCC's guarantee of CDCP Mining's (former name of PNCC) debt from Marubeni allegedly totaling more than P17 billion. PNCC agreed to (1) assign to a Radstock-designated third party assignee its rights and interests to the listed PNCC real properties; (2) issue to Radstock or its assignee common shares of PNCC's capital stock comprising 20% of PNCC's outstanding capital stock; and (3) assign to Radstock or its assignee 50% of PNCC's 6% share, for the next 27 years, in the gross toll revenues of the Manila North Tollways Corporation.

*This case is an anatomy of a P6.185 billion pillage of the public coffers that ranks among one of the most brazen and hideous in the history of this country. This case answers the questions why our Government perennially runs out of funds to provide basic services to our people, why the great masses of the Filipino people wallow in poverty, and why a very select few amass unimaginable wealth at the expense of the Filipino people.*

The Court held that (1) the PNCC Board has no power to compromise the P6.185 Marubeni loans, Congress alone has this power; (2) PNCC's toll fees are public funds; (3) Radstock is disqualified to own lands in the Philippines; (4) there must be public bidding to dispose of government properties; and (5) PNCC must follow the rules on preference of credit.

The Court *En Banc* declared void *ab initio* (1) PNCC Board Resolutions admitting liability for the Marubeni loans for causing undue injury to the Government and giving unwarranted benefits to a private party, constituting a corrupt practice and unlawful act, and (2) the Compromise Agreement between PNCC and Radstock for being contrary to the Constitution and pertinent laws.

*This Court is not, and should never be, a rubber stamp for litigants hankering to pocket public funds for their selfish private gain. This Court is the ultimate guardian of the public interest, the last bulwark against those who seek to plunder the public coffers. This Court cannot, and must never, bring itself down to the level of legitimizing violations of the Constitution, existing laws or public policy.*

**10. Prof. Magallona v. Hon. Ermita, G.R. No. 187167, 16 August 2011**

The Court upheld the constitutionality of Republic Act No. 9522, amending Republic Act No. 3046, also known as *The Baselines Law*, defining the archipelagic baselines of the Philippines and classifying the baseline regime of nearby territories. The Court also ruled that the *Baselines Law* is compliant with the terms of the United Nations Convention on the Law of the Sea (UNCLOS III).

*In fact, the demarcation of the baselines enables the Philippines to delimit its exclusive economic zone, reserving solely to the Philippines the exploitation of all living and non-living resources within such zone. Such a maritime delineation binds the international community since the delineation is in strict observance of UNCLOS III. If the maritime delineation is contrary to the UNCLOS III, the international community will of course reject it and will refuse to be bound by it.*

*UNCLOS III favors States with a long coastline like the Philippines. UNCLOS III creates a sui generis maritime space – the exclusive economic zone – in waters previously part of the high seas. UNCLOS III grants new rights to coastal States to exclusively exploit the resources found within this zone up to 200 nautical*

*miles. UNCLOS III, however, preserves the traditional freedom of navigation of other States that attached to this zone beyond the territorial sea before UNCLOS III.*

*x x x Absent an UNCLOS III compliant baselines law, an archipelagic State like the Philippines will find itself devoid of internationally acceptable baselines from where the breadth of its maritime zones and continental shelf is measured. This is recipe for a two-fronted disaster: first, it sends an open invitation to the seafaring powers to freely enter and exploit the resources in the waters and submarine areas around our archipelago; and second, it weakens the country's case in any international dispute over maritime space. These are consequences Congress wisely avoided.*

*The enactment of UNCLOS III compliant baselines law for the Philippine archipelago and adjacent areas, as embodied in RA 9522, allows an internationally-recognized delimitation of the breadth of the Philippines' maritime zones and continental shelf. RA 9522 is therefore a most vital step on the part of the Philippines in safeguarding its maritime zones, consistent with the Constitution and our national interest.*

**11. Aratea v. Commission on Elections, G.R. No. 195229, 9 October 2012**

The Court affirmed the COMELEC's ruling that a Mayor who was elected and served for more than three consecutive terms for the same position made a false material representation of his eligibility. This false material representation of eligibility falls under the provisions in Section 78 of the *Omnibus Election Code*. The certificate of candidacy is thus void *ab initio*. The ineligible candidate is never a candidate at all, and the votes cast for the ineligible candidate are stray votes. With a vote of 11-3, the Court's ruling had the effect of declaring the "second placer" as winner of the mayoralty election and barring the proclaimed Vice Mayor from succeeding and occupying the vacant Mayor's seat.

*In a certificate of candidacy, the candidate is asked to certify under oath his eligibility, and thus qualification, to the office he seeks election. Even though the certificate of candidacy does not specifically ask the candidate for the number of terms elected and served in an elective position, such fact is material in determining a candidate's eligibility, and thus qualification for the office. Election to and service of the same local elective position for three consecutive terms renders a candidate ineligible from running for the same position in the succeeding elections. Lonzanida misrepresented his eligibility because he knew full well that he had been elected, and had served, as mayor of San Antonio, Zambales for more than three consecutive terms yet he still certified that he was eligible to run for mayor for the next succeeding term. Thus, Lonzanida's representation that he was eligible for the office that he sought election constitutes false material representation as to his qualification or eligibility for the office.*

*x x x x*

*A cancelled certificate of candidacy void ab initio cannot give rise to a valid candidacy, and much less to valid votes.*

*x x x x*

*Lonzanida's certificate of candidacy was cancelled because he was ineligible or not qualified to run for Mayor. Whether his certificate of candidacy is cancelled before or after the elections is immaterial because the cancellation on such ground means he was never a candidate from the very beginning, his certificate of candidacy being void ab initio. There was only one qualified*

candidate for Mayor in the May 2010 elections - Antipolo, who therefore received the highest number of votes.

## 12. Commissioner of Internal Revenue v. San Roque Power Corporation, G.R. No. 187485, 12 February 2013

These three consolidated cases involve the determination of the proper periods for filing a judicial claim for a tax refund or tax credit of input tax, as well as the proper interpretation of the term “excess” input VAT. The ponencia interpreted the tax law according to its clear, plain, and unequivocal language. After filing an administrative claim with the Bureau of Internal Revenue, claimants must comply with the 120-day waiting period before filing a judicial claim with the Court of Tax Appeals (CTA). Compliance with the 120-day waiting period is mandatory and jurisdictional.

*San Roque’s failure to comply with the 120-day mandatory period renders its petition for review with the CTA void. Article 5 of the Civil Code provides, “Acts executed against provisions of mandatory or prohibitory laws shall be void, except when the law itself authorizes their validity.” San Roque’s void petition for review cannot be legitimized by the CTA or this Court because Article 5 of the Civil Code states that such void petition cannot be legitimized “except when the law itself authorizes [its] validity.” There is no law authorizing the petition’s validity.*

*It is hornbook doctrine that a person committing a void act contrary to a mandatory provision of law cannot claim or acquire any right from his void act. A right cannot spring in favor of a person from his own void or illegal act. This doctrine is repeated in Article 2254 of the Civil Code, which states, “No vested or acquired right can arise from acts or omissions which are against the law or which infringe upon the rights of others.” For violating a mandatory provision of law in filing its petition with the CTA, San Roque cannot claim any right arising from such void petition. Thus, San Roque’s petition with the CTA is a mere scrap of paper.*

*This Court cannot brush aside the grave issue of the mandatory and jurisdictional nature of the 120-day period just because the Commissioner merely asserts that the case was prematurely filed with the CTA and does not question the entitlement of San Roque to the refund. The mere fact that a taxpayer has undisputed excess input VAT, or that the tax was admittedly illegally, erroneously or excessively collected from him, does not entitle him as a matter of right to a tax refund or credit. Strict compliance with the mandatory and jurisdictional conditions prescribed by law to claim such tax refund or credit is essential and necessary for such claim to prosper. **Well-settled is the rule that tax refunds or credits, just like tax exemptions, are strictly construed against the taxpayer.** The burden is on the taxpayer to show that he has strictly complied with the conditions for the grant of the tax refund or credit.*

*This Court cannot disregard mandatory and jurisdictional conditions mandated by law simply because the Commissioner chose not to contest the numerical correctness of the claim for tax refund or credit of the taxpayer. Non-compliance with mandatory periods, non-observance of prescriptive periods, and non-adherence to exhaustion of administrative remedies **bar** a taxpayer’s claim for tax refund or credit, whether or not the Commissioner questions the numerical correctness of the claim of the taxpayer. This Court should not establish the precedent that non-compliance with mandatory and jurisdictional conditions can be excused if the claim is otherwise meritorious, particularly in claims for tax refunds or credit. Such precedent will render meaningless compliance with mandatory and jurisdictional requirements, for then every tax refund case will have to be decided on the numerical correctness of the amounts claimed, regardless of non-compliance with mandatory and jurisdictional conditions.*

The ponencia also referred to the clear language of the law when it stated that the law grants the taxpayer a 30-day period to appeal to the CTA the decision or inaction of the Commissioner of Internal Revenue.

*This law is clear, plain, and unequivocal. Following the well-settled verba legis doctrine, this law should be applied exactly as worded since it is clear, plain, and unequivocal. As this law states, the taxpayer may, if he wishes, appeal the decision of the Commissioner to the CTA within 30 days from receipt of the Commissioner’s decision, or if the Commissioner does not act on the taxpayer’s claim within the 120-day period, the taxpayer may appeal to the CTA within 30 days from the expiration of the 120-day period.*

The ponencia enumerated the reasons why the 30-day period to appeal to the CTA need not be within the two-year prescriptive period to apply for a tax refund or tax credit.

*There are three compelling reasons why the 30-day period need not necessarily fall within the two-year prescriptive period, as long as the administrative claim is filed within the two-year prescriptive period.*

*First, Section 112(A) clearly, plainly, and unequivocally provides that the taxpayer “may, within two (2) years after the close of the taxable quarter when the sales were made, apply for the issuance of a tax credit certificate or refund of the creditable input tax due or paid to such sales.” In short, the law states that the taxpayer may apply with the Commissioner for a refund or credit “within two (2) years,” which means at anytime within two years. Thus, the application for refund or credit may be filed by the taxpayer with the Commissioner on the last day of the two-year prescriptive period and it will still strictly comply with the law. The two-year prescriptive period is a grace period in favor of the taxpayer and he can avail of the full period before his right to apply for a tax refund or credit is barred by prescription.*

*Second, Section 112(C) provides that the Commissioner shall decide the application for refund or credit “within one hundred twenty (120) days from the date of submission of complete documents in support of the application filed in accordance with Subsection (A).” The reference in Section 112(C) of the submission of documents “in support of the application filed in accordance with Subsection A” means that the application in Section 112(A) is the administrative claim that the Commissioner must decide within the 120-day period. In short, the two-year prescriptive period in Section 112(A) refers to the period within which the taxpayer can file an administrative claim for tax refund or credit. Stated otherwise, the two-year prescriptive period does not refer to the filing of the judicial claim with the CTA but to the filing of the administrative claim with the Commissioner. As held in Aichi, the “phrase ‘within two years x x x apply for the issuance of a tax credit or refund’ refers to applications for refund/credit with the CIR and not to appeals made to the CTA.”*

*Third, if the 30-day period, or any part of it, is required to fall within the two-year prescriptive period (equivalent to 730 days), then the taxpayer must file his administrative claim for refund or credit within the first 610 days of the two-year prescriptive period. Otherwise, the filing of the administrative claim beyond the first 610 days will result in the appeal to the CTA being filed beyond the two-year prescriptive period. Thus, if the taxpayer files his administrative claim on the 611th day, the Commissioner, with his 120-day period, will have until the 731st day to decide the claim. If the Commissioner decides only on the 731st day, or does not decide at all, the taxpayer can no longer file his judicial claim with the*

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# "THIS COURT CANNOT BETRAY ITS PRIMORDIAL DUTY TO DEFEND AND PROTECT THE CONSTITUTION. THE CONSTITUTION, WHICH EMBODIES THE PEOPLE'S SOVEREIGN WILL, IS THE BIBLE OF THIS COURT."

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CTA because the two-year prescriptive period (equivalent to 730 days) has lapsed. The 30-day period granted by law to the taxpayer to file an appeal before the CTA becomes utterly useless, even if the taxpayer complied with the law by filing his administrative claim within the two-year prescriptive period.

The theory that the 30-day period must fall within the two-year prescriptive period adds a condition that is not found in the law. It results in truncating 120 days from the 730 days that the law grants the taxpayer for filing his administrative claim with the Commissioner. This Court cannot interpret a law to defeat, wholly or even partly, a remedy that the law expressly grants in clear, plain, and unequivocal language.

Section 112(A) and (C) must be interpreted according to its clear, plain, and unequivocal language. The taxpayer can file his administrative claim for refund or credit at anytime within the two-year prescriptive period. If he files his claim on the last day of the two-year prescriptive period, his claim is still filed on time. The Commissioner will have 120 days from such filing to decide the claim. If the Commissioner decides the claim on the 120th day, or does not decide it on that day, the taxpayer still has 30 days to file his judicial claim with the CTA. This is not only the plain meaning but also the only logical interpretation of Section 112(A) and (C).

The ponencia again referred to the clear language of the law when it stated that excess input VAT under Section 110(B) and Section 112(A) of the Tax Code are not in the nature of excessively collected taxes under Section 229.

Under Section 110(B), a taxpayer can apply his input VAT only against his output VAT. The only exception is when the taxpayer is expressly "zero-rated or effectively zero-rated" under the law, like companies generating power through renewable sources of energy. Thus, a **non** zero-rated VAT-registered taxpayer who has no output VAT because he has no sales cannot claim a tax refund or credit of his unused input VAT under the VAT System. Even if the taxpayer has sales but his input VAT exceeds his output VAT, he cannot seek a tax refund or credit of his "excess" input VAT under the VAT System. **He can only carry-over and apply his "excess" input VAT against his future output VAT.** If such "excess" input VAT is an "excessively" collected tax, the taxpayer should be able to seek a refund or credit for such "excess" input VAT whether or not he has output VAT. The VAT System does not allow such refund or credit. Such "excess" input VAT is not an "excessively" collected tax under Section 229. The "excess" input VAT is a correctly and properly collected tax. However, such "excess" input VAT can be applied against the output VAT because the VAT is a tax imposed only on the value added by the taxpayer. If the input VAT is in fact "excessively" collected under Section 229, then it is the person legally liable to pay the input VAT, not the person to whom the tax was passed on as part of the purchase price and claiming credit for the input VAT under the VAT System, who can file the judicial claim under Section 229.

Any suggestion that the "excess" input VAT under the VAT System is an "excessively" collected tax under Section 229 may lead taxpayers to file a claim for refund or credit for such "excess" input VAT under Section 229 as an ordinary tax refund or credit outside of the VAT System. Under Section 229, mere payment of a tax beyond what is legally due can be claimed as a refund or credit. There is no requirement under Section 229 for an output VAT or subsequent sale of goods, properties, or services using materials subject to input VAT.

From the plain text of Section 229, it is clear that what can be refunded or credited is a tax that is "erroneously, x x x illegally, x x x excessively or **in any manner wrongfully** collected." In short, there must be a **wrongful payment** because what is paid, or part of it, is not legally due. As the Court held in *Mirant*, Section 229 should "**apply only to instances of erroneous payment or illegal collection of internal revenue taxes.**" Erroneous or wrongful payment includes excessive payment because **they all refer to payment of taxes not legally due.** Under the VAT System, there is no claim or issue that the "excess" input VAT is "excessively or in any manner wrongfully collected." In fact, if the "excess" input VAT is an "excessively" collected tax under Section 229, then the taxpayer claiming to apply such "excessively" collected input VAT to offset his output VAT may have no legal basis to make such offsetting. The person legally liable to pay the input VAT can claim a refund or credit for such "excessively" collected tax, and thus there will no longer be any "excess" input VAT. This will upend the present VAT System as we know it.

## 13. *Knights of Rizal v. DMCI Homes, Inc.*, G.R. No. 213948, 25 April 2017

The Court denied a petition filed by the Knights of Rizal (KOR) to stop the construction of *Torre de Manila*, the 49-storey condominium project of DMCI Homes, Inc. located near the Rizal Park. KOR argued that the building will ruin the sightline or vista of the Rizal Monument, a declared National Cultural Treasure.

In this case, there is no allegation or proof that the *Torre de Manila* project is "contrary to morals, customs, and public order" or that it brings harm, danger, or hazard to the community. On the contrary, the City of Manila has determined that DMCI-PDI complied with the standards set under the pertinent laws and local ordinances to construct its *Torre de Manila* project.

There is one fact that is crystal clear in this case. There is no law prohibiting the construction of the *Torre de Manila* due to its effect on the **background** "view, vista, sightline, or setting" of the Rizal Monument.

In this case, there can be no determination by this Court that the City of Manila had been negligent or remiss in its duty under Ordinance No. 8119 considering that this determination will involve questions of fact. DMCI-PDI had been issued the proper permits and had secured all approvals and licenses months before the actual construction began. Even the KOR could not point to any law that respondent City of Manila had violated and could only point to declarations of policies by the NHCP and the Venice Charter which do not constitute clear legal bases for the issuance of a writ of mandamus.

## 14. *Alyansa Para sa Bagong Pilipinas, Inc. (ABP) v. Energy Regulatory Commission*, G.R. No. 227670, 3 May 2019

The outcome of this case affects all consumers of electricity in the Philippines for the next two decades. The Court ruled that the Energy Regulatory Commission did not have the authority to postpone the requirement of Competitive Selection Process

(CSP) without the Department of Energy's approval. Hence, the 90 Power Supply Agreements submitted after the effectivity of the requirement of CSP on or after 30 June 2015 cannot serve as basis to pass on the power cost to consumers.

*The issuance of the ERC Clarificatory Resolution was attended with grave abuse of discretion amounting to lack or excess of jurisdiction for the following reasons:*

(1) Postponing the effectivity of CSP from 30 June 2015 to 7 November 2015, and again postponing the effectivity of CSP from 7 November 2015 to 30 April 2016, or a total of 305 days, allowed DUs nationwide to avoid the mandatory CSP;

(2) Postponing the effectivity of CSP effectively freezes for at least 20 years the DOE-mandated CSP to the great prejudice of the public. The purpose of CSP is to compel DUs to purchase their electric power at a transparent, reasonable, and least-cost basis, since this cost is entirely passed on to consumers. The ERC's postponement unconscionably placed this public purpose in deep freeze for at least 20 years.

Indisputably, the ERC committed grave abuse of discretion amounting to lack or excess of jurisdiction when the ERC postponed the effectivity of CSP. The postponement effectively prevented for at least 20 years the enforcement of a mechanism intended to ensure "transparent and reasonable prices in a regime of free and fair competition," as mandated by law under EPIRA, a mechanism implemented in the 2015 DOE Circular which took effect on 30 June 2015.

In short, in the absence of CSP, there is no transparency in the purchase by DUs of electric power, and thus there is no assurance of the reasonableness of the power rates charged to consumers. As a consequence, all PSA applications submitted to the ERC on or after 30 June 2015 should be deemed not submitted and should be made to comply with CSP.

#### **15. *Lara's Gift and Decors, Inc. v. Midtown Industrial Sales, Inc.*, G.R. No. 225433, 28 August 2019**

The Court, in an *En Banc* Decision, modified for clarity and uniformity the guidelines on the imposition of interest as provided in *Eastern Shipping Lines, Inc. v. Court of Appeals*, and modified by *Nacar v. Gallery Frames*. The Court emphasized that if the rate of interest is stipulated, provided it is not excessive and unconscionable, such stipulated interest and not the legal interest shall be applied until full payment of the obligation. The Court also clarified that Article 2209 of the Civil Code is applicable only to loans or forbearance of money, goods or credit which arise out of "obligations consisting in the payment of a sum of money, and the debtor incurs in delay," and thus where there is a debtor-creditor relationship. On the other hand, Articles 2210 and 2211 refer to obligations that do not involve the payment of a sum of money and there is no debtor-creditor relationship. Moreover, the payment of interest in Article 2209 is mandatory, while the payment of interest in Articles 2210 and 2211 is discretionary on the court. The legal interest referred to in Article 2209 of the Civil Code is now 6% per annum or as may be fixed by the Monetary Board of the Bangko Sentral ng Pilipinas pursuant to the Usury Law, as amended by PD 116. The Court modified the guidelines on the imposition of interest as provided in the *Eastern Shipping Lines* and *Nacar*, as follows:

*With regard to an award of interest in the concept of actual and compensatory damages, the rate of interest, as well as the accrual thereof, is imposed, as follows:*

1. When the obligation is breached, and it consists in the payment of a sum of money, i.e., a loan or forbearance of money,

*goods, credits or judgments, the interest due shall be that which is stipulated by the parties in writing, provided it is not excessive and unconscionable, which, in the absence of a stipulated reckoning date, shall be computed from default, i.e., from extrajudicial or judicial demand in accordance with Article 1169 of the Civil Code, UNTIL FULL PAYMENT, without compounding any interest unless compounded interest is expressly stipulated by the parties, by law or regulation. Interest due on the principal amount accruing as of judicial demand shall SEPARATELY earn legal interest at the prevailing rate prescribed by the Bangko Sentral ng Pilipinas, from the time of judicial demand UNTIL FULL PAYMENT.*

2. In the absence of stipulated interest, in a loan or forbearance of money, goods, credits or judgments, the rate of interest on the principal amount shall be the prevailing legal interest prescribed by the Bangko Sentral ng Pilipinas, which shall be computed from default, i.e., from extrajudicial or judicial demand in accordance with Article 1169 of the Civil Code, UNTIL FULL PAYMENT, without compounding any interest unless compounded interest is expressly stipulated by law or regulation. Interest due on the principal amount accruing as of judicial demand shall SEPARATELY earn legal interest at the prevailing rate prescribed by the Bangko Sentral ng Pilipinas, from the time of judicial demand UNTIL FULL PAYMENT.

3. When the obligation, not constituting a loan or forbearance of money, goods, credits or judgments, is breached, an interest on the amount of damages awarded may be imposed in the discretion of the court at the prevailing legal interest prescribed by the Bangko Sentral ng Pilipinas, pursuant to Articles 2210 and 2011 of the Civil Code. No interest, however, shall be adjudged on unliquidated claims or damages until the demand can be established with reasonable certainty. Accordingly, where the amount of the claim or damages is established with reasonable certainty, the prevailing legal interest shall begin to run from the time the claim is made extrajudicially or judicially (Art. 1169, Civil Code) UNTIL FULL PAYMENT, but when such certainty cannot be so reasonably established at the time the demand is made, the interest shall begin to run only from the date of the judgment of the trial court (at which time the quantification of damages may be deemed to have been reasonably ascertained) UNTIL FULL PAYMENT. The actual base for the computation of the interest shall, in any case, be on the principal amount finally adjudged, without compounding any interest unless compounded interest is expressly stipulated by law or regulation.

#### **DISSENTING OPINIONS**

##### **1. *MVRS Publication, Inc. v. Mars Laconsay*, G.R. No. 135306, 28 January 2003**

The Court granted the petition and dismissed the complaint of Islamic Da'Wah Council of the Philippines for lack of cause of action. The majority of the Court ruled that the publication made by MVRS Publication Inc. partook of constitutionally protected speech. Justice Carpio dissented and voted that the statements by MVRS Publication Inc. did not enjoy constitutional protection.

*The blatant profanity contained in the newspaper article in question is not the speech that is protected by the constitutional guarantee of freedom of expression. Words that heap extreme profanity, intended merely to incite hostility, hatred or violence, have no social value and do not enjoy constitutional protection. As explained by the United States Supreme Court in the landmark case of *Chaplinsky v. New Hampshire*:*

*Allowing the broadest scope to the language and purpose of the Fourteenth Amendment, it is well understood that the right of*

free speech is not absolute at all times and under all circumstances. There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which has never been thought to raise any Constitutional problem. These include the lewd and obscene, the profane, the libelous, and the insulting or 'fighting' words — those which by their very utterance inflict injury or tend to incite an immediate breach of the peace. It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. Resort to epithets or personal abuse is not in any proper sense communication of information or opinion safeguarded by the Constitution, and its punishment as a criminal act would raise no question under that instrument.

**2. Tecson v. Commission on Elections, G.R. No. 161434, 3 March 2004**

The Court held that, while the totality of the evidence may not establish conclusively that respondent Fernando Poe, Jr. (FPJ) is a natural-born citizen of the Philippines, the evidence on hand still would preponderate in his favor. Hence, the Court ruled that the evidence on record was enough to hold that FPJ cannot be held guilty of having made a material misrepresentation in his certificate of candidacy in violation of Section 78, in relation to Section 74, of the Omnibus Election Code. Justice Carpio dissented from the majority opinion.

*Citizenship, being a matter of public and State interest, cannot be conferred on an illegitimate child of an alien mother on the mere say so of the putative Filipino father. The State has a right to examine the veracity of the claim of paternity. Otherwise, the grant of Philippine citizenship to an illegitimate child of an alien mother is left to the sole discretion of the putative Filipino father.*

*The rationale behind requiring that only natural-born citizens may hold certain high public offices is to insure that the holders of these high public offices grew up knowing they were at birth citizens of the Philippines. In their formative years they knew they owed from birth their allegiance to the Philippines. In case any other country claims their allegiance, they would be faithful and loyal to the Philippines of which they were citizens from birth. This is particularly true to the President who is the commander-in-chief of the armed forces. The President of the Philippines must owe, from birth, allegiance to the Philippines and must have grown up knowing that he was a citizen of the Philippines at birth. The constitutional definition of a natural-born Philippine citizen would lose its meaning and efficacy if one who was at birth recognized by law as an alien were declared forty years later a natural-born Philippine citizen just because his alleged Filipino father subsequently admitted his paternity.*

*In conclusion, private respondent Fernando Poe, Jr. is not a natural-born Philippine citizen since there is no showing that his alleged Filipino father Allan F. Poe acknowledged him at birth. The Constitution defines a natural-born citizen as a Philippine citizen "from birth without having to perform any act to acquire or perfect" his Philippine citizenship. Private respondent Fernando Poe, Jr. does not meet this citizenship qualification.*

**3. La Bugal-B'laan Tribal Association, Inc. v. Ramos, G.R. No. 127882, 1 December 2004**

In *La Bugal-B'laan Tribal Association, Inc. v. Ramos*, the majority of the Court upheld the constitutionality of the *Philippine Mining Law* and its Implementing Rules and Regulations insofar as they

relate to financial and technical agreements as well as the subject Financial and Technical Assistance Agreement (FTAA). Justice Carpio dissented, arguing that Sections 3(aq), 39, and 80, the second paragraph of Section 81, the proviso in Section 84, and the first proviso in Section 112 of the *Philippine Mining Law* violate Section 2, Article XII of the 1987 Constitution because, in essence, they waive the State's ownership rights under the Constitution over mineral resources and abdicate the State's constitutional duty to control and supervise fully the exploitation of mineral resources.

*If we follow Sections 39, 80, 81, 84 and 112 of RA 7942, the State will receive only 2% excise tax as its "total share" from the gold that is extracted.*

*Is this fair to the State and the Filipino people, many of whom live below the poverty line? Is this what the 1987 Constitution mandates when it says that (a) the State must conserve and develop the nation's patrimony, (b) the State owns all the natural resources, (c) the State must exercise full control and supervision over the exploitation of its natural resources, and (d) FTAA's must make real contributions to the national economy and the general welfare?*

*How this Court decides the present case will determine largely whether our country will remain poor, or whether we can progress as a nation. Based on NEDA's estimates, the total mineral wealth of the nation is P47 trillion, or US\$840 billion. This is 15 times more than our US\$56 billion foreign debt. Can this Court in conscience agree that the State will receive only 2% of the P47 trillion mineral wealth of the nation?*

*In **Miners Association**, this Court ruled that the 1987 Constitution has abandoned the old system of "license, concession or lease" and instead installed full State control and supervision over the exploitation of natural resources. No amount of dire warnings or media publicity should intimidate this Court into resurrecting the old and discredited system that has caused the denudation of almost all of the nation's virgin forests without any visible benefit to the Filipino people.*

*The framers of the 1987 Constitution have wisely instituted the new system to prevent a repeat of the denudation of our forestlands that did not even make any real contribution to the economic growth of the nation. This Court must do its solemn duty to uphold the intent and letter of the Constitution and, in the words of the Preamble of the 1987 Constitution, "conserve and develop our patrimony" for the benefit of the Filipino people.*

*This Court cannot trivialize the Filipino people's right to be the primary beneficiary of the nation's mineral resources by ruling that the phrase "among other things" is sufficient to insure that FTAA's will "make real contributions to the economic growth and general welfare of the country." This Court cannot tell the Filipino people that the phrase "among other things" is sufficient to "preserve and develop the national patrimony." This Court cannot tell the Filipino people that the phrase "among other things" means that they will receive the bulk of mining revenues.*

*This Court cannot tell the Filipino people that Congress deliberately used the phrase "among other things" to guarantee that the Filipino people will receive their equitable share from mining revenues of foreign contractors. This Court cannot tell the Filipino people that with the phrase "among other things," this Court has protected the national interest as mandated by the 1987 Constitution.*

**4. *Manotok IV v. Heirs of Barque*, G.R. Nos. 162335 and 162605, 12 December 2005, 24 August 2010, 6 March 2012**

In *Manotok v. Barque*, the Court granted the administrative reconstitution of Transfer Certificate of Title (TCT) No. 210177 filed by the Heirs of Barque based on the owner's duplicate certificate of title, real estate tax receipts, and tax declaration presented by respondents. Respondents alleged that the original copy of the Transfer Certificate of Title issued in the name of their father was destroyed in the fire that gutted the Quezon City Hall, including the Office of the Register of Deeds of Quezon City, in 1988. The Court ruled that since respondents presented the owner's duplicate certificate of title, there is no need to require the submission of the plan and technical description of the property or to deny the petition on the ground that the plan appears to be spurious.

Justice Carpio dissented on the ground that the Court deprived petitioner of their immensely valuable property, worth billions of pesos, without due process of law.

*The reconstitution of a certificate of title is far from being a ministerial act. In an administrative reconstitution, the petitioner must submit the owner's or co-owner's duplicate of the certificate of title as required by Section 3 of RA 26 and paragraph 4 of LRA Circular No. 13.*

*However, the submission of the source documents does not mean that the reconstituting officer must forthwith grant the petition for reconstitution. It does not also mean that the reconstituting officer must confine himself with the owner's or co-owner's duplicate of the certificate of title. In accordance with paragraph 8 of LRA Circular No. 13, the reconstituting officer or the Register of Deeds shall issue an order of reconstitution only after appropriate verification which means that he must be convinced that the certificate of title is genuine and not spurious. Thus, the reconstituting officer must go beyond the owner's or co-owner's duplicate certificate of title to determine whether the title is genuine. The process of verification allows the reconstituting officer to countercheck with other government agencies to determine the validity of the title to be reconstituted.*

*When Atty. Bustos requested for a copy of Fls-3168-D, he was not only exercising caution but more importantly, it was part of the verification process under paragraph 8 of LRA Circular No. 13. The Heirs of Barque filed the petition for reconstitution only in 1996, eight years after the alleged destruction of the original TCT in 1988. The reconstituting officer should not be blamed for verifying if he should grant the petition for reconstitution. Paragraph 8 of LRA Circular No. 13 mandates that Atty. Bustos shall issue an order of reconstitution only after appropriate verification.*

*The LRA exceeded its jurisdiction when it declared that *Manotok, et al.*'s title is sham and spurious. The LRA itself acknowledged that only the RTC could declare a title fraudulently reconstituted. By ruling on the validity of *Manotok, et al.*'s title, the LRA assumed the function of the RTC. The LRA also preempted whatever decision the RTC may render on the matter.*

*The Register of Deeds, the LRA and the Court of Appeals have **no jurisdiction** to act on the petition for reconstitution filed by the Heirs of Barque in view of the existing Torrens title of *Manotok, et al.* No court, much less an administrative body, can entertain a petition for reconstitution of lost or destroyed title if the land is already covered by a Torrens title in the name of another party, unless there is a final judgment first cancelling such Torrens title. The only exception is when the Torrens title has been issued for less than one year, which is not the situation in the present cases.*

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**"THIS COURT IS THE ULTIMATE GUARDIAN  
OF THE PUBLIC INTEREST, THE LAST BULWARK  
AGAINST THOSE WHO SEEK  
TO PLUNDER THE PUBLIC COFFERS."**

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The Court later set aside its Decision, recalled the Entry of Judgment, and remanded the consolidated cases to the Court of Appeals for the reception of evidence on whether the Manotoks can trace their claim of title to a valid alienation by the Government of Lot No. 823 of the Piedad Estates, which was a friar land. The Court ruled that the Lot No. 823 of the Piedad Estate belongs to the National Government, without prejudice to the institution of reversion proceedings by the State through the Office of the Solicitor General. Justice Carpio maintained his dissent.

*Under Section 12, it is only the Director of Land who signs the Sales Certificate. The Sales Certificate operates as a contract to sell which, under the law, the Director of Lands is authorized to sign and thus bind the Government as seller of the friar land. This transaction is a sale of private property because friar lands are patrimonial properties of the Government. In short, the law expressly authorizes the Director of Lands to sell private or patrimonial property of Government under a contract to sell. On the other hand, under Section 18, the Secretary signs the Deed of Conveyance because the Secretary must approve the sale made initially by the Director of Lands. The Deed of Conveyance operates as a deed of absolute sale which the Secretary signs upon full payment of the purchase price. The Deed of Conveyance, when presented, is authority for the Register of Deeds to issue a new title to the buyer as provided in Section 122 of the Land Registration Act.*

*Thus, the Court has held that in cases of sale of friar lands, the only recognized resolutive condition is non-payment of the full purchase price. Pursuant to Section 12 of Act No. 1120, "**upon payment of the last installment together with all accrued interest[,] the Government will convey to [the] settler and occupant the said land so held by him by proper instrument of conveyance, which shall be issued and become effective in the manner provided in section one hundred and twenty-two of the Land Registration Act.**" Once it is shown that the full purchase price had been paid, the issuance of the proper certificate of conveyance necessarily follows. There is nothing more that is required to be done as the title already passes to the purchaser.*

*The Court has ruled that equitable and beneficial title to the friar land passes to the purchaser from the time the first installment is paid and a certificate of sale is issued. When the purchaser finally pays the final installment on the purchase price and is given a deed of conveyance and a certificate of title, the title, at least in equity, **retroacts** to the time he first occupied the land, paid the first installment and was issued the corresponding certificate of sale. The sequence then is that a certificate of sale is issued upon payment of the first installment. Upon payment of the final installment, the deed of conveyance is issued.*

*It is the Deed of Conveyance that must bear the signature of the Secretary of Interior/Agriculture because it*

**is only when the final installment is paid that the Secretary can approve the sale, the purchase price having been fully paid.** This is why DENR Memorandum Order No. 16-05 refers only to the Deed of Conveyance, and not to the Sale Certificate, as the document that is "deemed signed" by the Secretary. **In short, Section 18 of Act No. 1120 which states that "(n)o xxx sale xxx shall be valid until approved by the Secretary of Interior" refers to the approval by the Secretary of the Deed of Conveyance.**

The Court resolved the case, for the third time, on the motions for reconsideration filed by the parties. Again, Justice Carpio dissented.

**x x x (T)he former DENR Secretary states in his Affidavit that all the deeds examined by LMB personnel on file with the LMB, CENRO and the National Archives do not have the signature of the Secretary of the Interior or the Secretary of Agriculture and Natural Resources. To repeat, former DENR Secretary Defensor states that upon examination, all deeds of conveyance involving friar lands did not have the signature of the Secretary.**

Hence, DENR Memorandum Order No. 16-05 was issued precisely to "remove doubts or dispel objections as to the validity of all Torrens transfer certificates of title issued over friar lands, where such doubts or objections arise either from the lack of signature of then Secretary of the Interior or the Secretary of Agriculture and Natural Resources on the deed of conveyance that have led to the issuance of said titles, or because of the loss or unavailability of such deeds or of the records from which the Secretary's signature or approval may be verified." **DENR Memorandum Order No. 16-05 was not limited to the Banilad Estate but applied to all friar lands in the Philippines because all deeds of conveyance, regardless of where located, did not have the signature of the Secretary.**

x x x x

Whether the friar lands registry book is still available in the LMB or properly turned over to the regional offices remains unclear. With the statutorily prescribed record-keeping of sales of friar lands apparently in dis array, it behooves on the courts to be more judicious in settling conflicting claims over friar lands. Titles with serious flaws must still be carefully scrutinized in each case. Thus, we find that the approach in Alonso remains as the more rational and prudent course than the wholesale ratification introduced by MO 16-05.

I reiterate that the Manotoks should not be punished if the documents leading to the issuance of TCT No. 22813 could no longer be found in the files of the government office, considering that these were pre-war documents and considering further the lack of proper preservation of documents in some government offices. The Certificate of Sale to the original assignors is not on file with the LMB for reasons that could not be attributed to the Manotoks' fault. While the Court must exercise prudence in settling claims over friar lands, it should not set aside documents which establish the existence of Sale Certificate No. 1054 considering that these documents were sourced from the National Archives and, as earlier stated, these documents have the same evidentiary value as public documents from government offices. Again, more than half of Metro Manila used to be part of friar lands. If the torrens titles

to these former friar lands are declared void because their current owners could not present the original certificates of sale, or because the original certificates of sale or deeds of conveyance do not bear the signature of the Secretary, then hundreds of thousands, if not millions, of landowners would be rendered homeless or propertyless by the majority decision.

**5. League of Cities of the Philippines v. Commission on Elections, G.R. No. 176951, 21 December 2009, 15 February 2011, 12 April 2011, 28 June 2011**

The Court reversed itself three times in this case.

On 18 November 2008, voting 6-5, the Court *En Banc*, speaking through Justice Carpio, struck down the 16 cityhood bills, which lapsed into law, containing a common provision exempting the 16 municipalities from the P100 million income requirement in the *Local Government Code*, as amended by R.A. No. 9009.

On 21 December 2009, the Court upheld the cityhood laws, reversed the 18 November 2008 Decision, and set aside three of its subsequent incidental orders issued after 18 November 2008.

On 31 March 2009, the Supreme Court *En Banc*, again by a majority vote, denied the respondents' first motion for reconsideration. On 28 April 2009, the Supreme Court *En Banc*, by a split vote, denied the respondents' second motion for reconsideration. Accordingly, the 18 November 2008 Decision became final and executory and was recorded, in due course, in the Book of Entries of Judgments on 21 May 2009.

However, after the finality of the 18 November 2008 Decision and without any exceptional and compelling reason, the Court *En Banc* unprecedentedly reversed the 18 November 2008 Decision by upholding the constitutionality of the Cityhood Laws in the Decision of 21 December 2009.

On 24 August 2010, the Court reversed itself again and reinstated the 18 November 2008 decision.

On 15 February 2011, the 16 municipalities became cities again after the Court made a third reversal. In his Dissenting Opinion, Justice Carpio wrote:

As I have consistently opined, which opinion is concurred in by the majority members of this Court in the reinstated Decision of 18 November 2008 and in the assailed Resolution of 24 August 2010, the 16 Cityhood Laws are unconstitutional.

x x x x

I repeat, Section 10, Article X of the Constitution expressly provides that "no x xx city shall be created x xx except in accordance with the criteria established in the local government code." This provision can only be interpreted in one way, that is, all the criteria for the creation of cities must be embodied exclusively in the *Local Government Code*. In this case, the Cityhood Laws, which are unmistakably laws other than the *Local Government Code*, provided an exemption from the increased income requirement for the creation of cities under Section 450 of the *Local Government Code*, as amended by RA 9009. Clearly, the Cityhood Laws contravene the letter and intent of Section 10, Article X of the Constitution.

# Jurist & Patriot

by Atty. Janice May R. Erni-Manongdo

**A**t an event, several lawyers were overheard having a light-hearted conversation about their former boss. They were playing a game of sorts. They were trying to outdo each other on who had exchanged the most words with “ATC” in the years they had worked together.

Indeed, “ATC” has a reputation for being a man of few words. Even-tempered, mild-mannered, reserved. Justice Antonio Tirol Carpio’s reputation for stoicism precedes him.

Yet to say that Justice Carpio is “a man of few words” is not entirely accurate. After all, his lengthy *ponencias*, opinions, and dissents, his speeches and lectures, and his own 265-page book evidently show that he has plenty to say.

Anyone who has ever heard of Justice Carpio would know that he has the right words when they matter. No one who meets him would ever equate his silence for meekness. And when words were not enough, Justice Carpio made sure his actions would reverberate louder and its effects would echo for years to come.

## EARLY YEARS

Justice Carpio was born in Davao City on October 26, 1949. His parents were both public servants. His father Bernardo, also a lawyer, was a regional director of the Bureau of Internal Revenue

in Davao City. His mother, Sol, was a superintendent of the then Department of Education, Culture and Sports.

By all accounts, his was a privileged upbringing. His family lived a comfortable life while he attended the Ateneo de Davao University in elementary and high school. Nonetheless, and perhaps owing to his own parents’ work ethic, Justice Carpio is no stranger to hard work.

In college, Justice Carpio made his way to the Ateneo de Manila University, where he earned his Economics degree. He was also editor-in-chief of *The Guidon*, the school paper. He subsequently took up Law at the University of the Philippines. There, he distinguished himself in academics and in his extra-curricular activities.

He served both as Managing Editor of the *Philippine Collegian* and as Chairperson of the Editorial Board of the *Philippine Law Journal* – coveted positions in the two most prestigious publications at the State University. He graduated valedictorian and *cum laude* in 1975. He ranked sixth in the Bar Exams that same year.



It was also in UP where he would meet his wife, Ruth Nguyen, with whom he has two children, Audrey and Ronald.

Justice Carpio's years at ADMU and UP were marked by the First Quarter Storm and eventual declaration of Martial Law. His experiences as a student leader would shape Justice Carpio's world view and his actions later in life.

## THE LAWYER

After passing the Bar Exams, Justice Carpio started his professional career, honing his skills in private practice before eventually setting his sights on putting up his own law firm.

The young lawyer also started serving the government in various capacities. He was a member of the Technology Transfer Board of the Department of Trade and Industry (DTI) from 1978 to 1979 and then served as Special Representative of the DTI for textile negotiations from 1980 to 1981.

In 1980, he founded the Carpio Villaraza and Cruz Law Office, which will go on to be one of the leading law firms in the country. He also became a professorial lecturer in his *alma mater*, the UP College of Law, teaching taxation, corporation law, and negotiable instruments law.

In the early '90s, he found himself exchanging views on the state of the country and ideas on how to solve its myriad problems with the group of Fidel Ramos, then eyeing a run for the presidency. Ramos eventually ran for president and won.

Justice Carpio was then drafted into full-time government service by Ramos himself, appointing him Chief Presidential Legal Counsel. Once again, Justice Carpio will make his mark that will leave a legacy to be felt long after he had left Malacañang.

As Chief Presidential Legal Counsel, Justice Carpio identified problem areas where the Executive branch could provide relief without having to go through the long tedious process of having Congress pass a law.

He worked to break the monopoly in the telecommunications and shipping industries and to institute major reforms in the civil aviation and the insurance sectors, crafting the executive orders to make these happen. As a member of the UP Board of Regents from 1993-1998, Justice Carpio was one of those who pushed for the creation of UP Mindanao in his hometown of Davao City.

Towards the end of Ramos' term, however, talk was rife that certain groups wanted to push for constitutional amendments to allow the president to run for another term. Justice Carpio voiced his opposition to such a move.

Justice Carpio was a law student when the Supreme Court decided the infamous *Javellana v. Executive Secretary* case. In that case, the Court upheld the ratification of the 1973 Constitution despite the glaring failure to comply with the process for constitutional amendments outlined in the 1935 Constitution.

Because of his experience, Justice Carpio was wary of using underhanded or extra constitutional means to amend the Constitution, especially where the object was to extend the term of the incumbent. He stood firm in his belief despite the pressure to simply keep silent and leave the proponents to make the push. This

led him to resign from the government and go back to his private law practice.

Nevertheless, in 1998, President Ramos awarded Justice Carpio the *Presidential Medal of Merit* for his "distinguished and exemplary service" to the Republic.

## THE JURIST

In 2001, Justice Carpio was appointed to the Supreme Court by then President Gloria Macapagal Arroyo, becoming one of the youngest to ever be named magistrate of the High Court.

As expected, his appointment was met by its fair share of critics. His tenure, however, would prove that his place in the High Court is well-deserved.

### *On the Bench*

Writing the Court's decision striking down the people's initiative to amend the Constitution in *Lambino v. Commission on Elections*,<sup>1</sup> Justice Carpio wrote: "[t]he Constitution, which embodies the people's sovereign will, is the bible of this Court." Justice Carpio often says that the Constitution is his "north star" and that is consistently displayed in his *ponencias* and opinions.

Justice Carpio's writings are celebrated for their depth, breadth, and clarity. In his 18 years in the High Court, Justice Carpio penned 935 full blown decisions, 79 dissenting opinions, 30 concurring opinions, 13 separate opinions, and four concurring and dissenting opinions.

Justice Carpio is always clear on the direction that his *ponencia* or opinion needs to go. He gives precise instructions to his legal staff – including the exact provisions of the Constitution or law and the applicable jurisprudence. They know that each decision will go through several drafts; that each issue will be carefully analyzed, every point clarified until they are crystal clear, every argument polished to flawlessness, and all will be meticulously backed by law and jurisprudence. He will accept no less.

In writing his opinions, Justice Carpio prefers *plain* speaking. *Plain* in the sense that he uses stark and unambiguous language instead of flowery rhetoric; but plain also in the sense of being straightforward and unequivocal. He will not mince words when forceful language is needed.

Justice Carpio is likewise leaving the Court with no backlog, an impressive feat considering the sheer volume of cases that each Justice is tasked with handling.

### *E-library*

Within the first two years of his appointment, Justice Carpio already made an indelible mark in the Judiciary. In his interactions with judges and court personnel, he learned that the Judiciary was lagging behind on technology. Most trial courts did not have internet access to aid in researching for their decisions. Not only that, even the hard copies of decisions and the *Philippine Reports* took years to get to the judges. He deemed this unacceptable and a major hindrance in the proper dispensation of justice.

Known to be a *techie*, Justice Carpio had been using his own version of a digital library containing all the laws and decisions from 1901 on his personal computer when he was in private practice. It had a search engine that allowed full-text search and retrieval. Upon learning the challenges faced by judges, he realized

that the same digital library would be the answer. He volunteered to set it up for the Supreme Court. In only eight months and at minimal cost, the Supreme Court was able to launch its *E-library*, the first web-based, full-text search and retrieval electronic library in the Philippines, and one of the first of its kind in Asia. At present, the *E-library* can be accessed via the Supreme Court website. The Court also sends compact disc copies to judges in courts without internet access.

### *Longest Acting Chief Justice*

As the most senior member of the Court since 2010, Justice Carpio had to step into the role of leading the Judiciary as Acting Chief Justice several times in his incumbency in the Court.

In May 2012, after the impeachment of Chief Justice Renato C. Corona, Justice Carpio took the mantle of leadership, pursuant to Section 12<sup>2</sup> of Republic Act No. 296, as amended. He held the post until the appointment of Maria Lourdes Sereno as Chief Justice on August 25, 2012.

Justice Carpio took on the role again from March 1, 2018 to August 28, 2018, during the leave of absence and eventual removal from office of Sereno; from October 11, 2018 to November 28, 2018, following the retirement of Chief Justice Teresita J. Leonardo De Castro; and upon retirement of Chief Justice Lucas P. Bersamin on October 18, 2019 until October 22, 2019.

As his colleagues in the Court *En Banc* noted, when it was needed the most, Justice Carpio took the helm of the Court “comfortably and without hesitation” and in the process “provide[d] stability for the institution”. Even without being formally conferred the title, they acknowledged him as the “leader for the Judiciary.”<sup>3</sup>

This was echoed by retired Associate Justice Arturo D. Brion when he said, “He was the senior justice whom we usually looked up to, to lead and show the way in the significant pauses that signified indecision, or in the heated debates that spoke of a badly divided court. That was how he ably led.”<sup>4</sup>

## THE ADVOCATE

Maybe destiny indeed has other grand plans for Justice Carpio. It continually threw hints of what Justice Carpio calls as China’s “creeping invasion” of the South China Sea into his way until his natural protectiveness of the country’s interests started him on the well-worn path he now treads.

In January 1995, China occupied Mischief Reef. As then Chief Presidential Legal Counsel, Justice Carpio was one of the officials working behind the scenes to stem the turmoil that the event had wrought on the country’s national security.

Justice Carpio, together with former National Security Adviser Jose Almonte, laid down plans to construct lighthouses on Scarborough Shoal to strengthen our claim and establish our presence in the area at the least cost to the government. Other members of the cabinet, however, were not sold on the idea, believing the act will only antagonize China; and the plans were cancelled.

Years later, in August 2011, Justice Carpio would pen the decision in *Magallona v. Ermita*<sup>5</sup> where the Court upheld Republic Act No. 9522, the country’s amended *Baselines Law*. The law laid down the country’s archipelagic baselines and maritime delineations to

comply with the provisions of the United Nations Convention on the Law of the Sea (UNCLOS).

Perhaps with his experience in 1995 rekindled, Justice Carpio wrote in the Court’s majority opinion in *Magallona*:

Absent an UNCLOS III compliant baselines law, an archipelagic State like the Philippines will find itself devoid of internationally acceptable baselines from where the breadth of its maritime zones and continental shelf is measured. **This is recipe for a two-fronted disaster: first, it ends an open invitation to the seafaring powers to freely enter and exploit the resources in the waters and submarine areas around our archipelago; and second, it weakens the country’s case in any international dispute over Philippine maritime space.**

A few months after, Justice Carpio delivered the speech *The Rule of Law as the Great Equalizer* at the Ateneo de Davao University College of Law, which would turn out to be the first of hundreds of lectures discussing the South China Sea issue.

His was the proverbial voice in the wilderness at that time, sounding the alarm long before the issue exploded into the world’s consciousness. He kept up with the movements in the South China Sea, doing research on his own time, and accumulating an extensive collection of maps that would serve as the country’s evidence in the proceedings before the Permanent Court of Arbitration at The Hague.

The rapid progression of the dispute in the South China Sea needed swift and decisive action by the Philippine government, and Justice Carpio’s arsenal of experience, research, maps, and novel ideas would prove to be what the country needed to take the right courses of action. His contribution to the Philippines’ victory against China at The Hague is immeasurable.

Justice Carpio has also greatly contributed to educating the country and the world, about the issues in the South China Sea and how it affects everyone. He has presented the country’s perspective on the dispute before numerous groups and institutions in the country and abroad.

In 2017, Justice Carpio wrote *The South China Sea Dispute: Philippine Sovereign Rights and Jurisdiction in the West Philippine Sea*, an e-book that he has made available to be downloaded for free. The e-book has also been translated to Japanese and is in the process of being translated to more languages, including in Filipino.

## THE CHAMPION FOR PHILIPPINE SOVEREIGNTY

On October 26, 2019, Justice Carpio retires from the Court as one of the longest serving associate justices to date and, certainly, one of its most accomplished.

While the country might have missed out when Justice Carpio was not appointed Chief Justice, it never lost the true champion for its interests and sovereignty. After he retires from the institution that he served so faithfully for 18 years, Justice Carpio will continue with his advocacy to fight for Philippine sovereign rights in the West Philippine Sea. He may be laying down his judicial pen, but thankfully, Justice Carpio will continue to make his words count and speak for the country when it matters.

<sup>2</sup> Section 12. *Vacancy in office of Chief Justice.* - In case of a vacancy in the office of Chief Justice of the Supreme Court or of his inability to perform the duties and powers of his office, they shall devolve upon the Associate Justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every Associate Justice who succeeds to the office of Chief Justice.

<sup>3</sup> *Plaque of Recognition from the Supreme Court En Banc*

<sup>4</sup> Brion, Arturo D., *Thank you, SA Justice Antonio Carpio!*, *The Manila Bulletin*, 02 October 2019

<sup>5</sup> G.R. No. 187167, August 16, 2011.

# TRIBUTES TO

## SENIOR ASSOCIATE JUSTICE ANTONIO T. CARPIO

Compiled by Tiffany Ines C. Atendido-Beltran

**Those who had the privilege of working closely with Senior Associate Justice Antonio T. Carpio have written tributes on the occasion of his 70<sup>th</sup> birthday and retirement from the Judiciary.**

It will not come as a surprise to me if by now, Hon. Senior Associate Justice Carpio—or Chief Tony, to us who have had the privilege of being in close quarters with him—is starting to feel uncomfortable with all the attention and accolades given him in light of his pending retirement from government service. After all, we all know that Chief Tony himself, being the humble, man of few words that he is, has requested that the Court dispense with the formalities of the traditional Special *En Banc* Session held in honor of retiring Justices of the Supreme Court. This goes to show just how undemanding and reserved the honoree of today’s event is.

But the truth is that no matter how much Chief Tony tries to leave the Supreme Court without pomp and fanfare, a person of his significance and prominence cannot and will not just unceremoniously fade away into retirement. Not when he has served his country for close to four decades with dignity and honor. Not when his intelligence and wisdom shine like beacons of light which guide the legal community. Not when he has guided and led the Supreme Court through some of the Court’s most trying times. Not when he consistently chooses principle over ambition. Not when he constantly puts the welfare of the nation and the spirit of the Constitution above everything else. And most certainly not when his love for the employees of the Judiciary, especially for the members of his staff, is surpassed only by the respect and love that they all have for him.

And so, inasmuch as Chief Tony is extremely averse to attention, it is my hope that he will excuse us all for shining the spotlight on him as we collectively recognize his many achievements and virtues, for it has become seldom that a person of his magnitude and dignity graces the realm of public service.

To say that Chief Tony is a paragon for us, his colleagues in the Supreme Court, to emulate is an inexcusable understatement; for Chief Tony is a role model not only for Justices and judges, and not just for employees of the courts, but for every Filipino. He personifies the soul of the Judiciary, nourishing as he did the ideals and the spirit of the law through his genuine concern for the integrity of the courts and the independence of the country. Chief Tony’s mere presence commands respect, for he is silent, but not meek; and he is humble, but never timid. A man of few words, Chief Tony expresses his approval not through words, but through his actions. Seldom will one hear him articulate his appreciation, so when he does, one should know that Chief Tony is coming from a place of respect and encouragement.

On a personal note, I vividly recall that when I was appointed Justice of the Supreme Court close to 11 years ago, I received from Chief Tony a book about the Supreme Court of the United States of America. I took that welcome gift as his message to me as to the things that I would encounter

as a member of the Supreme Court of the Philippines. Chief Tony also told me, by way of advice, that it would take time for a newly appointed Justice such as I was to know and have a proficient grasp of the inner workings of the Court. I specifically remember him telling me that it would take at least three years for a new Justice to be acculturated to the Supreme Court and to adjust to the demands that the work would entail. These nuggets of wisdom that he imparted to me ultimately proved to be true.

I will never forget what I consider to be Chief Tony’s words of approval regarding my work as his colleague. After I gave a presentation on the topic of the role of law schools in the speedy disposition of cases during the *Legal Education Summit* held in July of this year, Chief Tony told me: “*Bilib na ako talaga.*” For me, it meant that he appreciated what I have done for the Court. I consider that an unprecedented feat on my part—four words comprising a singular stamp of approval which truly mattered, all because it came from Chief Tony.

I wish to thank Honorable Associate Justice Antonio T. Carpio for the untarnished years of public service, for the professional camaraderie, and for the personal ties that we shared. I say with all my heart that it has truly been an honor and a privilege to have worked with you. Enjoy your well-deserved retirement.

Godspeed, Chief Tony. *Maraming salamat sa lahat na ginawa mo para sa bayan.*

**Hon. Diosdado M. Peralta**  
*Chief Justice, Supreme Court of the Philippines*

Few jurists have earned the kind of respect and admiration that Senior Associate Justice Antonio T. Carpio enjoys from members of the Supreme Court and the legal community. While he considers “independence, not brilliance” as the most important qualification of a judge, nonetheless, Justice Tony is as brilliant as he is independent. His brilliance illumines our judicial path much like a north star – steady, secure, reassuring. He is a solid anchor; a firm, and impenetrable rock; an immovable tower of strength that holds the Court together when it truly matters.

I had been a recipient of Justice Tony’s gracious mentoring at the time of my appointment, and of his continuous guidance and encouragement over the years. To me, he is an unfailing beacon; the single, most important standard against which I try to measure myself. While we were not always in agreement on certain issues, his affirmation of my crucial ponencias, *i.e.*, the abandonment of the condonation doctrine, and the unconstitutionality of the Priority Development Assistance Fund,



provided the impetus to defend my position with utmost determination. I consider it unparalleled honor to be viewed together with Justice Tony as being tough on officials charged with plunder and corruption, which is a testament to our judicial independence and fearlessness.

One of the lessons from Justice Tony that has impacted my life and my judicial decisions is to “*follow the rule of law but also to seek and aspire for the rule of justice whenever there is a gap between the rule of law and the rule of justice.*” I have always believed that only God can dispense true and perfect justice, but that men, as administrators of justice, should never cease to aspire for – and work towards – the closest approximation of God’s justice by upholding the spirit of the law. Justice Tony is one such man. He is *sui generis*. A tough act to follow.

I join the vast majority who claim without fear of contradiction that Justice Tony is the best Chief Justice that this country should have had. With his expertise, stability, and institutional knowledge and memory, Justice Tony could so easily have claimed a renewed glory for the High Court. But it is not to be so. By law, Justice Tony mandatorily retires from government service. But God has looked down upon him with favor, and blessed him with general and widespread adulation far beyond any earthly position can ever bring him.

Justice Tony, it is my deepest regret to see you leave the Judiciary. We will never be the same without you. However, I rest on the hope that, as you embark on this new journey, you will find the desire to help mold future jurists par excellence who will live out your brand of extraordinary leadership. May the good Lord richly reward you for your generosity of spirit.

**Hon. Estela M. Perlas-Bernabe**  
Senior Associate Justice, Supreme Court of the Philippines

#### On Senior Associate Justice Antonio T. Carpio

My first encounter with Senior Associate Justice Antonio T. Carpio was as my professor sometime in 1985 in two of my commercial law classes. Back then, our class was near unanimous in our assessment that he was one of the more brilliant and articulate professors who knew his subject matter and was generous to impart many of the various perspectives he had on the text of the law as well as the jurisprudence that it generated.

I am fortunate to later on have the privilege to work with him for several years as a colleague in the Supreme Court. My regard for him did not diminish. It gave me a better insight to his compassion, his humanity, his professionalism and his abiding regard for others. He was the quintessential senior leader of the Court who would provide its stability during times of doubt or crisis.

I shared many of his points of view rarely dissenting to any of his *ponencias*. In many instances prior to his retirement, we found ourselves on the same side: often dissenting to a substantial majority. His opinions are always awaited even among his colleagues. For those who were junior to him, we certainly measured ours against his, with his as a better standard.

Senior Associate Justice Antonio T. Carpio will not only be remembered for his writings. He will certainly be remembered for the kind of statesmanly bearing he introduced to the Court. Our memories of our encounters with him will certainly find their way in many of our deliberations.

In brief, Senior Associate Justice Antonio T. Carpio has paved the way through his leadership to show us what can truly be called a Justice’s Justice. He will be remembered as much as he will be missed.

**Hon. Marvic M.V.F. Leonen**  
Associate Justice, Supreme Court of the Philippines

Senior Associate Justice Antonio T. Carpio is the mold of a Supreme Court Justice that any Associate Justice aspires to in terms of professionalism and credibility.

My respect for the Senior Justice began when he served as a very effective Chief Presidential Legal Counsel, especially when I assumed the same post some twenty odd years later when he was already serving in the Court. His tenure as Chief Presidential Legal Counsel and the outcomes subsequent to the administration he served showed me how much more a Chief Executive can accomplish with sound and capable legal advice.

Upon his appointment to the Judiciary, he slowly built his credibility as a magistrate by being impartial and firm in his opinions. I admired his independence as he remained consistent in his judicial philosophy even in political cases.

When I joined the Court in 2016, he was already Senior Associate Justice and led the Court in his own unique way. He generously mentored newly-appointed Justices in the ways of the Court. For me, in particular, he has set the standard by example as to the level of professionalism required to earn credibility among our colleagues.

I also admired how his firm position on certain questions of law backed by his reputation for consistency held its sway; oftentimes determinative of the outcome. His persuasiveness was a product of his credibility; he need not do more. And for the times that he stood alone, I admired that the Senior Associate Justice was not afraid to be his own man and to stand upon his opinion whether or not it is shared by others.

As a junior Associate Justice, you know you're in for a lesson in intensive study and persuasion if you happened to find yourself having to propound or defend an opinion different from that of the Senior Associate Justice. Which was where I have found myself more times than I can count.

The Senior Associate Justice and I have found ourselves on opposite sides on a lot of cases but were allies in the same amount of cases as well. No matter his stand on a legal issue, I admire that he is always firm and consistent in his position. I have Senior Associate Justice then to thank for the opportunity early in my judicial career to be honed by going head-to-head with a magistrate as seasoned as he, and have greatly benefitted from our numerous and passionate differences in opinion because it has inspired me to consistently go the extra mile in terms of research, preparation, and argumentation.

While we were not given the opportunity to have him as the Chief Justice, Senior Associate Justice Carpio's legacy is an indelible and irreplaceable part of the history of the Philippine Judiciary.

Senior Justice Tony, thank you for imparting your knowledge and I hope you continue with your advocacies. Congratulations on your retirement and good luck on your future endeavors.

**Hon. Alfredo Benjamin S. Caguioa**  
*Associate Justice, Supreme Court of the Philippines*

A legal luminary, an exemplar of excellence, and a champion of the courts, these monikers succinctly capture in words the life of service which Justice Antonio T. Carpio has dedicated to the legal profession.

Since my appointment to the Supreme Court in 2017, I have had the great honor to have served alongside Justice Tony on the same bench for a little over two years now. In that short time, I have witnessed first-hand his outstanding leadership and stalwart commitment to advocacies which seek to improve the country as a whole. Among these advocacies was his passion to introduce judicial reforms aimed at enhancing the overall administration of justice.

I remember our discussions which date back to my days in the Court of Appeals which centered around courts adopting computerized case management systems in order to actively track pending cases. I also recall how we adopted policies which saved the courts millions in information technology systems, seeing as we were both on the committee on computerization. Justice Tony always believed that judicial reform was one of the keys to a well-functioning judiciary, and that it was too important to fail. On this, I could not agree more.

Indeed, the judiciary is faced with many questions: how to exhibit judicial independence in light of tremendous external pressures, how to modernize the Philippine legal landscape while maintaining absolute loyalty to the Constitution, how to uphold an individual's personal rights while promoting nationalistic interests -- none of which have easy answers to them. These problems will continue to challenge the judiciary even after Justice Tony's retirement. However, the courts can always look to his many *ponencias* and opinions, some of which include the most scholarly and inspired analysis of our laws, in order to be guided accordingly.

Justice Tony, I extend to you my sincerest gratitude for your unyielding spirit of independence, patriotism, and passion for the law. Thank you for defining an era of the Supreme Court.

*Very truly yours,*  
**Hon. Andres B. Reyes, Jr.**  
*Associate Justice, Supreme Court of the Philippines*

It is a great privilege to have worked with Justice Antonio T. Carpio. The wisdom of his *ponencias* will be eternally carved in our legal system. His incisive analyses will have a profound influence on future generations.

But his legacy goes beyond his invaluable contribution to the Supreme Court. He has enhanced the dignity of this Court with the numerous jurisprudential doctrines he had established. He has set a high standard among his colleagues, and he has exhibited the formality and restraint befitting the honor of his position. His focus and discipline is matched only by his erudition and insight. His decisions and resolutions have shown to the people that he has sincerely employed the values of hard work and diligence. Truly, his dedication to the institution he has served has earned him the respect and esteem of all.

His retirement is only the beginning of a new chapter. I have no doubt that the excellence and brilliance he has demonstrated with this Court will resonate in his future endeavors and advocacies.

Eighteen years ago, Justice Carpio was appointed to the judiciary with much fervor and vigor for public service. Today, that fervor still passionately burns in the service of the Filipino People.

**Hon. Alexander G. Gesmundo**  
*Associate Justice, Supreme Court of the Philippines*

When I was appointed to this Court in August 2018, there was absolutely no doubt in my mind and in my heart that Senior Associate Justice Antonio T. Carpio should be the one to administer my oath of office. It is a singular honor to have taken my oath before Justice Tony, not only because he was the longest serving Supreme Court justice at that time – he was appointed to this Court when he was only 52 years old – but also because of the profound respect held for him by his colleagues in the bench, by scholars and academicians, and all court employees.

Justice Tony has become something of a symbol for this Court and for our country, whether he welcomes the idea or not. His advocacy for the protection and preservation of Philippine territorial and maritime sovereignty, particularly in the West Philippine Sea, had thrust him – a



very private person – into the limelight. The call for respect, not just for international law and UNCLOS, but for actual historical facts could not have come from a more reasonable, credible and intelligent voice. Justice Tony is certainly not anti-China; he is pro-Filipino, pro-truth and pro-rule of law.

The remarkable thing about Justice Tony is his dispassionate manner in discussing Philippine sovereignty rights over the West Philippine Sea. He has long been known for his poker face and expression-less demeanor, causing many to wonder what makes him tick. For this reason perhaps, there is no one best suited to discuss such a touchy subject as calmly and authoritatively, without losing an ounce of judicial composure.

As a measure of Justice Tony's stature in and out of the judiciary, it is not unheard of to hear people remark that he is the best Chief Justice that our country never had – certainly not in derogation of other appointees, but as *paglalambing* – for lack of a better way to approximate the esteem and gratitude of his colleagues and countrymen. As an Acting Chief Justice, his prompt action on personnel and administrative matters demonstrated his depth of experience with the Court, his institutional memory and his concern for employees.

We, in the bench, always welcomed Justice Tony's carefully considered opinions that are unerringly backed by meticulous research and flawless reasoning. He certainly chooses his battles by not sweating the small stuff and always with an eye for what deserves the Court's attention.

Justice Tony's intellectual stature as a magistrate was clearly foreshadowed by his academic accomplishments. Not only did he graduate valedictorian and cum laude at the UP College of Law, he also placed sixth in the 1975 bar examinations. In other jurisdictions, a higher premium is placed, not on topping the bar examinations, but in editorship of a highly regarded law journal. Justice Tony is the complete package, considering he also served as Chairman of the Editorial Board of the Philippine Law Journal of the UP College of Law.

We all know that leadership is not all about titles. When people allow you to influence their lives and cause them to work towards a shared vision, leadership happens. Justice Tony has certainly been a thought leader and an inspiration. He was the articulate and steady voice that people needed at a challenging time in our country's history, for which

he has earned his countrymen's gratitude. He has shown all of us that leadership is not about control and giving orders, but so much more.

Justice Tony, in the discharge of my duties, I shall always be mindful of my oath of office which you administered. I am very proud and honoured to have been colleagues with you in this Court. May God continuously bless you, for I am certain that retirement will not be the end for the legal luminary that you are. Thank you for your leadership and your service.

**Hon. Jose C. Reyes, Jr.**  
*Associate Justice, Supreme Court of the Philippines*

During these times when nationalism seems to have gasped its last and died, Justice Carpio ignores the *Do Not Resuscitate*, slams a charged defibrillator on it, and with a mighty push ignites a new life on our failing national pride. He is practically a hero of the West Philippine Sea, a staunch defender of the entire archipelago, and in this continuing fight for territorial sovereignty Justice Carpio shows no signs of conceding even an inch until it is won.

The *Associate Justice* position in the Supreme Court has never been occupied with so much zeal and compassion for the country like how Justice Carpio did. While privately he is a man of few words, his *ponencias*, which are selective, calibrated, and deliberate in every sentence, speak volumes and reflect a highly developed intellect. His track record as a magistrate is unquestionably solid, deserving of everyone's utmost regard and respect. He is the Chief Justice we never had; the Judiciary's *The One That Got Away*. Not that such titles are necessary to validate his eminence. The absence of a *Chief Justice* prefix before his name does not and will not diminish his distinction.

With a grateful heart, I join in the celebration of Justice Carpio's career and its culmination. It is an immense honor and humble privilege to have been his colleague. We all owe Justice Carpio the highest recognition there is, not through mere accolades or honorary titles, but with brave and impassive love of country, as he is an exemplary reminder of what it truly means to be a Filipino.

**Hon. Ramon Paul L. Hernando**  
*Associate Justice, Supreme Court of the Philippines*

I was fortunate enough to have known Justice Tony beyond his black robes. He was my law school nemesis in the University of the Philippines, Diliman. He graduated valedictorian of our class and I graduated salutatorian. Since our Malcolm days, Justice Tony's brilliant mind and enigmatic personality were readily apparent. It was clear then that he would have an outstanding career in the legal profession.

To those who did not know him, Justice Tony may be seen as stern, intimidating, aloof, and a formal authoritarian. But during his 18 years in the Supreme Court, he had earned the highest esteem from his colleagues and the Court's personnel for his quiet dignity, his clement disposition, his ardent commitment to justice, his constant fairness, and his civility. In countless times, Justice Tony was the Court's solid rock. He was a strong, reliable and steadfast pillar who brought stability to the entire judiciary.

Justice Tony is a quintessential scholar and a highly-respected jurist. His mastery of law is indisputable. He had a commendable grasp of legal principles across a wide spectrum of the law. His profound understanding of the case, combined with his vast experience and working knowledge of the law, were reflected in very sound judicial decisions. His writings and opinions had become canonical.

Justice Tony dispensed justice not only with great efficiency but also with integrity, honor and patriotism. He was always adamant in his stand, and unwavering in his convictions. He never compromised his moral courage. He possessed judicial temperament as he carried out the functions of his office.

Justice Tony has been steadfast in defending our country's maritime rights and entitlements in the South China Sea. He aims to devote the remainder of his years to patriotic service, educating the public and promoting our national interest.

Justice Tony, you have accomplished so much that is worthy of recognition and gratitude. To have worked with you in the Court is a memory I will fondly treasure. I am happy to have been your colleague and comrade. Tony, I wish you all the best and I will surely miss working with you.

**Hon. Rosmari D. Carandang**

*Associate Justice, Supreme Court of the Philippines*

### **The Larger than life Persona of Senior Associate Justice Antonio T. Carpio**

No matter how delicately I gather my thoughts for this message, I will only end up very much like tearing several typescripts off Da Vinci's *Codex Leicester*. I say this because this man's brilliance, courage, and patriotism will never be enough to sum up even a portion of himself. If an era has come to an end, it has come on his retirement day.

Chief Tony and I go a long way back – though I was but a speck in his wide vista and larger than life persona.

In 1992, Chief Tony was the Chief Presidential Legal Counsel. He gave honor and prestige to this position which only legends are made of. I was then an Assistant Solicitor General at the Office of the Solicitor General. We worked together on important government cases and initiatives, and from this collaboration, I learned first-hand how incisive his mind was in piercing issues and weaving solutions to the challenges facing the nation back then. In this capacity, Chief Tony was my *de facto* Solicitor General and a mentor during my early years as Assistant Solicitor General.

Chief Tony's persona and work style as the President's Chief Legal Counsel have been consistent with his persona and work style as a member and leader of the Court. He is an avid listener. He measures every word his colleague speaks. His silence is sincere, his senses incisive and keen. His body

of work speaks for itself-deep, profoundly brilliant, and uncompromising. Either take him for what he says or leave him alone. I would not wish to rattle sabers with him when I have not prepared for a million years!

A greatly esteemed leader, Chief Tony has been my one and only and my first ever Chairperson in the Second Division. He is generous in sharing his wisdom, advice, and guidance. He is my support network in the Court. Having him around has had the effect of giving me a comforting sense of security that nothing wrong would ever befall me. I am simply so blessed to have him at the helm of the Second Division where I got my first bountiful learning experiences as a jurist on Padre Faura.

My initial seven months in the Court have been productive, meaningful, and happy chiefly because of the Second Division headed by him and with Justice Telly, Justice Ben, and Justice Joey as members, and during the last month or two including Justice Rodil minus Justice Telly who in the meantime had moved to the First Division as working chair. My adjustment period with the Court has been smooth, nay, unimpeded and greatly because of Chief Tony's presence and mentoring. Having had the privilege of knowing a great thinker like him has made me grow by leaps and bounds.

I am a living witness to Chief Tony's passionate and tenacious voice in and out of the Court. His writings and speeches are always crisp, simple, and seamless; the embodiments of effective legal writing, yet, gripping and forceful. For all his brilliance and exceptional talent though, his persona is brighter with his humility. He is formal but not tight. He is a warm presence who does not make anyone feel alienated. He also has a funny self that comes out from time to time as the need arises. But wit naturally laces his sense of humor all the time.

Chief Tony is a highly revered leader in the Court. He is decisive, confident, focused, but always fair and respectful. He is a swift implementer. He is aptly described as a thorough worker, a deeply admired member of the Court, quiet, uncompromising, and a true patriot in these days of international uncertainties. He has been a supportive and inspiring boss to his staff, an excellent leader, and still, an excellent follower among us in the Court.

For those who have had the chance to know him beyond his rich professional career, Chief Tony is a loving spouse to his darling Ruth, a doting father to his children, and a caring *lolo* to his grandchildren. For a super-lawyer, his family is his human spot.

I have to admit that as Chief Tony's days in the Court draw to new beginnings, separation anxiety is gripping me. I am simply comforted by the thought that I have been so fortunate to have been mentored by Chief Tony up close. I realize though that even the best of the paved trails must come to an end.

In *The Last of the Mohicans*, James Fenimore Cooper wrote: "Your young white, who gathers his learning from books and can measure what he knows by the page, may conceit that his knowledge, like his legs, outruns that of his fathers', but, where experience is the master, the scholar is made to know the value of years, and respects them accordingly." I will miss the experience Chief Tony has brought to the Court and has generously shared with each of us, especially myself. As I also grow in knowledge immersed in books and jurisprudence, I also hope to advance in wisdom brought by the mix of theory and practice. In knowledge there is power, but only wisdom is liberty.

**CONGRATULATIONS Chief Tony!** You have made it through the sunshine and the rain. Here is where the story ends, and the legend and fun begin.

**Hon. Amy C. Lazaro-Javier**

*Associate Justice, Supreme Court of the Philippines*



My fellow Davaoeño and fellow alumnus of Ateneo de Davao (grade school and high school), Senior Associate Justice Antonio T. Carpio has had a storied career in the Supreme Court. As one of the youngest appointees to the Court, his eighteen-year tenure as a magistrate is marked by excellence and brilliance in the performance of his judicial duties. For almost two decades, his decisions and opinions helped shaped the constitutional law landscape in Philippine jurisprudence as he has so generously shared of his God-given talents.

He actively and unreservedly participated and contributed in some of the most notable cases and defining moments of the Court. Jurisprudence is all the richer because of his lasting contributions. The general public has looked to him to explain or expound on difficult or complex constitutional law issues confronting our nation at various times. Perhaps he will be best remembered for his strict adherence and fealty to constitutional supremacy as well as his staunch defense and unwavering promotion of respect for the Rule of Law. This became more pronounced when he championed national sovereignty in the ongoing territorial dispute among State-claimants in the West Philippine Sea, by calling for, and tirelessly advocating a peaceful and just resolution thereof.

During the Court's deliberations, he impressed me as a seasoned and accomplished jurist with a deep knowledge of the law, a superb grasp of the issues in any given case, and an admirable consistency in espousing his position or point of view. He exhibited a cool and respectful demeanor in interpellating his colleagues, always striving for that difficult and delicate balance, when confronted with the strict application of the law and the practical effects of such application to the parties or litigants, in order to achieve the ends of justice.

As he hangs the judicial robe, I wish to express my heartfelt congratulations on his exemplary career in the Court. I have been both fortunate and privileged to have served with him in the Court albeit for a brief period of time, as I was appointed to the High Court just a few months before his retirement. I thank him for warmly congratulating and welcoming me upon my appointment. And I deeply appreciate the short but fruitful judicial experience in serving with him in the Court.

I wish him good health as he enjoys his well-deserved retirement as well as more blessed and joyous times with his family and loved ones. May our Good Lord's favor and blessings be always be upon him, his family and loved ones, and may he find and achieve continuing fulfilment and success in all his future endeavors.

**Hon. Henri Jean Paul B. Inting**  
Associate Justice, Supreme Court of the Philippines

Senior Associate Justice Antonio T. Carpio is a shining beacon in the Philippine judicial system. Through his *opus vitae*, he has cemented a place for himself in the pantheon of legal luminaries.

For sure, I am not alone in my admiration. He is esteemed for his brilliant mind. He is profoundly respected for his unflinching stand against the Chinese government whom he has unceasingly taken to task for its bullying in the South China Sea. And while he may be stern and serious in countenance, since my appointment to the Court, I have come to know him as very amiable and friendly; not at all easily ruffled by good-natured ribbing from his colleagues and able to dish out a subtle punch of his own.

As a jurist, Justice Carpio's name is carved in stone. He is known for his scholarly *ponencias* and stirring dissents. Like all students of the law, I read his opinions with the expectation of learning from his systematic analysis of the issues and interpretation of the law. His opinions are very thorough, well-argued, and solidly anchored on relevant legal principles.

At the High Court, I have had the privilege and the pleasure of working closely with him as a colleague and as the Chairman of the Second Division. The short time that we have worked together has been a rich learning experience. Justice Carpio is our able leader, firmly but gently guiding our discussions and deliberations. The members appreciate how he allows each of us to set the direction for our cases while facilitating a robust and open discussion for opposing views.

Justice Carpio is generous with his time and wisdom, a priceless gift to junior members such as myself who have much to learn from his vast experience and intricate knowledge of law and jurisprudence. Even in the instances when I disagree with him, I listen because I know his opinions will yield valuable insights and perspectives. And I greatly admire the strength of his convictions when defending his position, whether alone or with the minority.

As much a blue eagle as a fighting maroon, Justice Carpio is a true *man for others* who has ably served the Court and country with *honor and excellence*. He leaves behind a formidable legacy that will continue to light our way through the judicial system for many years to come, well beyond his retirement from the Judiciary.

**Hon. Rodil V. Zalameda**  
Associate Justice, Supreme Court of the Philippines

# STAFF

## Tributes

Compiled by Tiffany Ines Atendido-Beltran

**F**or almost two decades in the Supreme Court, these men and women worked alongside one of the most popular and well-loved Justices of the High Court. They sent their messages of well wishes to *Benchmark* on the occasion of Senior Associate Justice Antonio T. Carpio's retirement.

I guess it's separation anxiety, having been with JATC since October 2001 and his Judicial Staff Head for almost two decades (until March 2019).

Thank you, "Tatay," as we fondly call him, for the trust and confidence you have bestowed on me. He seldom corrects me but I have learned to be even more careful and precise and to anticipate and try to "read his mind" ....*nakakahiya kung magkamali*, 'coz he doesn't get mad, he would merely ask a simple question and I would only tell myself: "Why did I not think of that?"

He said "whatever you do, wherever you go...there is one element that will define you as a person...and that is your personal integrity."

Thank you, JATC!

*Maria Teresa B. Sibulo*  
Judicial Staff Head (until March 2019),  
currently Deputy Clerk of Court – First Division

History is our ultimate judge.

As our nation continues to struggle with poverty and corruption, Justice Carpio tirelessly penned *ponencias* and opinions strongly opposing and ruling against some of the grandest evils committed against our people. His firm stand on various issues of national importance speaks volumes of his unquestionable commitment to uphold the law, and to safeguard the rights of Filipinos and preserve our nation's resources. His words in *Lambino*, among others, demonstrate his faithfulness to the fundamental law and his views in *PEA-Amari*, *La Bugal*, *Gamboa*, *Radstock*, and *Alyansa*, to name a few, clearly exhibit his unnerving devotion to protect what is constitutionally reserved to our people.

His nationalism is definitely not confined to his writings within the august halls of this Court, but is deeply rooted within him. Proof of this is Justice Carpio's personal advocacy. He, together with other fearless souls, bravely took the helm in

defending our sovereign rights in the West Philippine Sea, paving the way for a historic victory against China. His exhaustive research not only displays his remarkable knowledge of the complexities involved in the West Philippine Sea dispute, but also highlights his sheer determination to fight for what is ours.

Justice Carpio may be retiring as a member of the Highest Court, but his timeless words and outstanding work to vigorously defend our rights and our nation will certainly live on.

A nationalist and a patriot Justice Carpio truly is. History will no doubt attest to this.

*Eleanor S. Francisco-Anunciacion*  
Deputy Secretary, Senate Electoral Tribunal

Justice Carpio puts his heart in all his endeavors, whether he is arguing for his position in a case, giving his inputs for a project, or defending our country's sovereign rights over the West Philippine Sea. He strives for excellence and expects excellence in return. Justice Carpio gives attention to details and explains his stand on issues to his legal staff precisely and meticulously. He is so thorough when he clarifies his points to us that when we read his *ponencias* and opinions, we can at times actually hear his voice.

Justice Carpio's passion for the law finds deeper meaning when we look at his contribution to Constitutional jurisprudence. Throughout his eighteen years of service in the Supreme Court, Justice Carpio is guided by the Constitution which, as he admitted, is his north star. His love and respect for the Constitution translates into his *ponencias* and opinions which will have a great impact to our jurisprudence long after he leaves the Court.

Justice Carpio's commitment to the Constitution and the rule of law is equaled only by his devotion to our country. Some people may scoff at him for saying that the nation's sovereignty and sovereign rights are far more important than any position. We, his staff, saw how he started his advocacy years ago when no member of the media would cover him. He used his own resources to raise awareness on the issues. He shared with us his dream that someday, our youth will look with pride at the 1734 Velarde-Bagay-Suarez Map and continue the seemingly quixotic battle that



Photos courtesy of Atty. Janice R. May Erni-Manongdo



Photos courtesy of Atty. Janice R. May Erni-Manongdo

his generation may not be able to finish. Choosing his country over himself, without any hesitation, made him the bigger person in our eyes.

**Rosalinda E. Beltran-Kawada**  
Judicial Staff Head

An indefatigable public servant, Justice Carpio is hardly ever absent in the Supreme Court. The only times that Justice Carpio missed sessions were when he's on wellness or official leave. And even during his wellness or official leave, he still found time to work as evidenced by the emails he sent to his law clerks (me included) about revisions and other instructions on drafts of decisions or opinions.

Justice Carpio hardly ever gets sick (any virus would not dare disrupt his hectic work schedule), and when he does, he still manages to go to the office to work. We know for a fact that during a recent check-up, he still worked on drafts on his iPad.

I am very privileged and blessed to have worked as a law clerk for Justice Carpio, whose work ethic, combined with his superior intellectual, analytical, and decision-making skills makes him one of the best Justices the Supreme Court ever had.

**Maria Luz A. Cabegin**  
Court Attorney VI

A cursory reading of Justice Carpio's decisions and opinions may lead to the hasty conclusion that he leans towards a positivist interpretation of the law, that is, one should only look at what is written in the rules and statutes, then apply what is written to the facts at hand. A more diligent reading, however, will reveal Justice Carpio's mastery at radical reform.

As a radical reformist, Justice Carpio has consistently sought to understand the connections between and among various issues, identify and locate the source of the obstructions which brought about the issues, and use the law as a tool to carve out paths through and around the obstructions. The issues have ranged from the mundane (e.g., the delegation of authority to approve judiciary employees' requests for travel, effectively reducing the number of papers that he needs to sign whenever he is designated as Acting Chief Justice), to the pro-consumer (e.g., the issuance of an Executive Order mandating interconnection among telecommunications companies which paved the way for a multiplayer industry, and the decision compelling the auction of power supply contracts which are expected to lower electricity costs for consumers and to bring about savings amounting to billions of pesos), to the

clever (e.g., framing the South China Sea dispute as a maritime entitlement issue).

I did not keep track of the number of times when Justice Carpio earned the majority vote (and the consequent *ponente* duties) on his written reflections that were initially prepared as dissenting opinions. On the surface, a majority vote meant that Justice Carpio treats the entire office staff to *meryenda*. What is not immediately obvious is that the assigned law clerk extends engagement on the issue and enjoys a virtual ringside seat to yet another battle between legal gladiators. My officemates and I count ourselves exceedingly grateful to be granted an ear for our suggestions, and access to analyze these battles as they unfold with every receipt of a pleading or of a revised version of a reflection. We are apprentices to Justice Carpio's diligence in dissecting and examining arguments, and in formulating strategies to support his proposed reforms. His strategies and reforms are deceptively simple, but their effects are extensive and intergenerational. His staff are enriched by the daily exposure to his example, and the Filipino people will continue to benefit from his expertise long after his retirement.

**Nelda Ethel P. Torio**  
Court Attorney VI

"The most important qualification of a judge is independence, not brilliance," Justice Carpio was once quoted as saying to a former associate.

While Justice Carpio is also known for his brilliance, it is his independence that has been a hallmark in his 18 years in the Supreme Court. Justice Carpio's independence has always shone through – especially at some of the country's most trying moments.

Justice Carpio never flinches at standing alone or with a small minority. Whatever side of the debate he may be, his opinion will always be firmly rooted in the Constitution and the law. He does not hesitate to call out a wrong – whether a majority opinion that he believes misapplied the law or a world power using its might to cow the country into submission, and even when it will cast him out of the good graces of the powers-that-be. He is neither swayed by popular opinion nor is he compelled by ambition to turn away from his solemn oath to defend the rule of law.

For Justice Carpio, his independence is but an exercise of his patriotic duty.

**Janice May R. Erni-Manongdo**  
Court Attorney VI

Justice Carpio is a kind-hearted and thoughtful person. As a teacher and mentor, Justice Carpio imparts knowledge and skills that helped hone my decision writing and critical thinking abilities. As a leader and boss, Justice Carpio is well-loved and respected by his staff for being mild-mannered, considerate, and generous. In the numerous times he was designated Chief Justice, in an acting capacity, Justice Carpio made swift decisions, particularly in declaring early dismissals or suspending work during hazardous weather conditions for the safety and welfare not only of the SC and court employees affected but the entire judiciary as well. Truly, a kind heart knows no bounds. Justice Carpio's tender and helpful nature will stay with us, always.

**Marinela M. Ilas-Panganiban**  
Court Attorney VI

January 16, 2012 - It was the first day of the impeachment case against the late Chief Justice Corona when I started my employment with Senior Associate Justice Antonio Tirol Carpio,

and what I have observed since then until now can be summarized in the word, **CONSISTENT**, which is also an apt acronym for the things he stands for and his ideals and qualities that define him – Constitution, Opinions, Nation, Sensitive, Integrity, Supportive, Techie, Economist, Notable, Truth.

As a Supreme Court Justice, Justice Carpio is consistent in using the Constitution – the rule of law – as guidepost in his Opinions. He consistently puts our Nation’s interests first, being Sensitive to what the real issues of our society are. As a boss, he consistently gives prime importance to Integrity and Supports us in endeavors that sharpen our skills. As someone I look up to, he is consistently more Techie than any one of us in our office, an expert Economist with a judicial mind and a Notable person who sticks and perseveres for the Truth. He was consistently not chosen as Chief Justice, but he remains consistent, then and now, as a true magistrate should be.

**Maria Kristina R. Santos-Bagaporo**  
*Court Attorney VI*

As a member of his staff, I have always been baffled to find that some people consider Justice Carpio as someone who is always serious, dignified, and solemn. While I acknowledge that he exudes a certain level of gravitas in all aspects of his life – professional and personal – I have also seen him relaxed, light-hearted, and sometimes even funny. In these candid moments, I appreciated the level of awareness he had of the world. Because of his image as a magistrate, people tend to see him as a person only immersed and focused in the legal world, but his knowledge runs much deeper than law and jurisprudence. He is always on top of local and international current events, the latest development in technology, and the newest discoveries in maps, even art, music, and history. He is conversant in any topic under the sun, and he shares little pockets of knowledge with us, maybe hoping one day we pass this on to others.

Awareness also extends to his work, and it reflects in his consciousness and mindfulness in the way he performs his duties. I have seen this aspect of awareness extend in two ways – (1) awareness of the legal background or sources needed for drafting decisions; and (2) awareness of the effect a decision or resolution may have on jurisprudence, and sometimes, to people beyond the parties to the case – the Philippine society.

Many times, while discussing drafts or cases, he would cite provisions from memory or sometimes quote jurisprudence, complete with case title, date and (my favorite part) *ponente*. I cannot completely understand how he keeps up with everything, but it shows how aware he is of the latest laws and jurisprudence.

While I am in awe of his awareness of the law, his awareness of the effects of the decisions of the Court have on society left a greater impact on me. It showed me how much he values his duties as a member of the Supreme Court, and how much he cares about bringing justice to the Filipino people.

**Christina R. Fernandez**  
*Former Court Attorney VI*

As a member of the Supreme Court, Senior Associate Justice Antonio T. Carpio swore to a consecrated duty to uphold the Constitution and the rule of law. In his 18 years of service to the Court, Justice Carpio played a critical role in protecting the Constitution that defines Philippine democracy. Being an *originalist*, Justice Carpio inspires both lawyers and jurists to a strict adherence to the

provisions of the Constitution, firmly following the Constitution's letter and intent. His *ponencias* and opinions have markedly shaped the legal landscape of the Philippines and will prove beneficial to the future of the country. Justice Carpio's departure from the Court brings him a well-deserved retirement, but regrettably for the nation, signals the end of an esteemed career of dedicated public service to the Court and to the country. Thank you, Justice Carpio, for dutifully serving the Filipino people.

**Marlon Iñigo T. Tronqued**  
*Court Attorney VI*

When Senior Associate Justice Antonio T. Carpio spearheaded the fight against China in The Hague, I did not realize the magnitude of his role and the many repercussions it will bring years later. Today, three years after, he is still facing many backlashes from Chinese officials and even from our own government authorities simply because he defended the rule of law. He was fearless then; he is until now. The bully that is China does not scare him because he has done what every brave Filipino would do in this situation: protect our own.

Months leading up to his retirement, a photo of him circulated on the web, with this statement from him: “I don’t think I would want to change anything. I think I have done the best I could in every situation. I don’t think I could have done better.” Only a fearless man can say these words with utmost certainty. Only a fearless man can rest well after retiring knowing he had done his job for his country. Only Justice Carpio is the brave exception to the fearsome and flinching faces of our government.

**Sarah Lilliana Z. Sarmiento**  
*Court Attorney VI*

Encapsulating into words my experience working for Senior Associate Justice Antonio T. Carpio is undoubtedly a great feat. Personally, I have looked up to Justice Carpio since I was a freshman law student. Throughout Justice Carpio’s extensive and distinguished career, he has always been firm about insulating bias and prejudice from the Judiciary. In truth, Justice Carpio’s *ponencias* and separate opinions significantly illustrate not only his vast brilliance of the law but also his unwavering stance to do what is right and just. Truly, it has been the greatest privilege of my legal career to have worked for such a remarkable man.

Notably, Justice Carpio is known not only for his unparalleled intellect but also for his zeal towards the preservation and the furtherance of the rule of law. His unwavering and resolute commitment to uphold the rule of law, steadfastly encouraging and promoting awareness of the supremacy of the law through his work, is indubitably commendable and inspiring. His outstanding career has clearly brought about the protection as well as the promotion of the basic rights and fundamental liberties of the Filipino people. Evidently, Justice Carpio is a true patriot and advocate of the rule of law. Given all these, I am eternally grateful to Justice Carpio and I sincerely wish him all the best in his future endeavors.

**Anna Teresita A. Marcelo**  
*Court Attorney VI*

In *Ocampo v. Enriquez*, G.R. No. 225973, 8 November 2016, the Supreme Court of the Philippines had to grapple, and understandably so, with the definition of the word “hero”, or *bayani* in Filipino. After all, how does one justify the burial of a former dictator in a national shrine named *Libingan ng mga Bayani*? While this issue proved to

be polarizing, the personal crusade of Senior Associate Antonio T. Carpio to promote and protect the sovereign rights of the Philippines in the West Philippine Sea united the nation. Indeed, Justice Carpio will always be remembered not only as the best Chief Justice the Supreme Court never had but should have, but more importantly as the modern day *Pinoy* superhero embodying Rizal's brilliance and Bonifacio's valor at the same time. Perhaps, the definition of hero by Merriam-Webster Dictionary cannot be more apt - "an object of extreme admiration and devotion: IDOL." In the eyes of the Filipino people, Justice Carpio is a true "LODI".

**Neil B. Nucup**  
*Former Court Attorney V*

There are many good things to say about Justice Carpio. I fear that my words will barely scratch the surface of what I really want to say. Justice Carpio is a true gentleman because he always has good intentions in all that he does. He possesses charisma and is a standout wherever he goes. People are drawn to him like a "rock star." He does not mind requests for selfies and agrees to them without hesitation. Despite his stature, at the end of meetings in his chambers or of courtesy calls, he accompanies his visitors to the doors of our office and sometimes even up until the elevator doors. His moral character is unquestionable. He listens even to contrary opinions. When he speaks about any topic, he is always very interesting to listen to. He is honest and is very authentic in his ways. He is always cool even if he is under a lot of pressure.

My hat's off to the real gentleman of the Court, JUSTICE ANTONIO T. CARPIO!

**Angelita C. Lauchengco**  
*Chief Judicial Staff Officer, Presidential Electoral Tribunal*

Distinguished, dignified, and virtuous. "Honorable Chief Justice" is the title Antonio Tirol Carpio so well deserves. We cannot thank you enough for your service, Sir.

**Natalie Marilyn O. Calumpong**  
*Supervising Judicial Staff Officer, Presidential Electoral Tribunal*

An exceedingly rare Filipino who prioritizes the well-being of his countrymen.

**Emiliano Allan L. Coscolluela**  
*Judicial Staff Officer V, Presidential Electoral Tribunal*

**PRAISEWORTHY** is how I describe Senior Associate Justice Antonio T. Carpio. Even if he was bypassed three (3) times for the position of Chief Justice of the Supreme Court, he stood his ground, and focused on his job.

Justice Carpio realized early on that the biggest problem in the Judiciary are clogged dockets arising from delays in trials and in deciding cases. So it was Justice Carpio who pushed for the full implementation of the Computerized Case Management system so that the public can easily access the status of their cases by simply going to the website of the court.

At present, Senior Associate Justice Antonio T. Carpio is busy pursuing his advocacy which is increasing awareness for our claim on the West Philippine Sea by giving lectures to various institutions here and abroad.

Even if is forever the second Senior Associate Justice in the court is still No.1 in my heart and mind. He is an honorable person, worthy of our pride and praise. *Mabuhay po kayo*, Senior Associate Justice Antonio T. Carpio! We will not forget the things you have done for your fellowmen and for our country.

**Rowena M. Diaz**  
*Legislative Staff Officer VI, Senate Electoral Tribunal*

People say "youth has no age." That is how I can describe my boss, Senior Associate Justice Antonio Carpio. He always wears decent and yet groovy fashionable clothes. His demeanor is always unruffled, and his features are well-preserved. His youthful exuberance knows no age.

**Maria Richie T. Guansing**  
*Legislative Staff Employee II, Senate Electoral Tribunal*

Justice Carpio applies "*Meliora Eligo*" in his life, that is why he is an extraordinary person.

**Emiliano Allan N. Coscolluela, Jr.**  
*Legislative Staff Assistant II, Senate Electoral Tribunal*

Justice Carpio is no ordinary man when it comes to IT stuff. His knowledge is not limited to installing printer drivers or entering an IP address for internet settings. His IT knowledge goes beyond those things that he is the computer geek in the office. He can be counted upon to know about the latest Apple gadget and he would also probably be the first person to have it on hand. He is a pundit about network security. He can effectively administer the security of his online accounts (like email) to such a degree that he would know if there are threats or attempts of hacking. To sum things up, Justice Carpio swiftly adapts to technological advancements and that's what makes him a tech-savvy Justice.

**Ronnie C. Dela Cruz**  
*Executive Assistant III*

Justice Carpio is a brilliant jurist. Justice Carpio is one of the best, if not the best, opinion writers of the Court. Aside from his landmark decisions, he has a knack for "stealing" a case from the original *ponente*. More often than not, when he dissents from a case, he will become the *ponente* of that case. *Ika nga, "Mang-aagaw ng kaso si Justice. Ganun po siya kahusay sumulat."* He is exceptional in interpreting the Constitution.

**Roberto A. Samson**  
*Executive Assistant II*

It has been a pleasure working with you, Your Honor. Please accept my sincerest thanks and appreciation for all your support and motivation at work.

May all the years ahead bring you great joy and relaxation.

I wish you all the best on your retirement. Godspeed.

**Joan G. Altamia**  
*Legislative Staff Assistant II*



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