



Republic of the Philippines

Supreme Court

Baguio City

Public Information Office

PRESS BRIEFING

8 April 2014

The **Supreme Court En Banc**, in its summer session in Baguio City today, acted on the following matters, among others, in its AGENDA:

| G.R. NO. 211567 (PROGUN [Peaceful Responsible Owners of Guns], petitioner, v. The Philippine National Police, respondent. |

Petitioner, in its petition dated March 21, 2014, seeks a writ of certiorari, prohibition, and mandamus as well as a the issuance of a temporary restraining order and/or writ of preliminary injunction. The Court required respondent PNP to comment on the petition on the merits and granted the application for a TRO effective immediately and until further orders. The TRO restrains the PNP from:

- a) centralizing all firearms applications and renewals at the Headquarters, Camp Crame, Quezon City, and ordering that PNP continue to accept, process and approve licensing and renewals thereof in all PNP regional offices and ordering the reinstatement of all PNP CSG SATO and FESAGS satellite offices, and previously accredited testing centers for drug, neuro psych and medical clinics in the regions and NCR for purposes of firearms licensing requirements;
- b) utilizing any courier services for deliveries of approved firearms license cards, and
- c) implementing and enforcing the “waiver and consent” requirement for licensing and registration of firearms, allowing the respondent PNP’s personnel to enter gun applicant’s residence and dwelling for inspection, pursuant to sec. 9 of RA 10591 and Rule 3, sec. 9 of the IRR.

Respondent has been directed to comment on the merits of the petition which challenges Rule 3, sec. 9.6 of the IRR and the last sentence of sec. 9 of RA 10591 which provides for inspection rights for police to enter the dwellings and residence of licensed gun owners as unconstitutional for being in violation of Article III, sec. 2 of the 1987 Constitution; further, the petition seeks to have the PNP’s centralization of registration policy declared null and void.

| G.R. NOS. 211437-38 (Senator Ramon “Bong” Revilla, Jr., petitioner, v. Office of the Ombudsman, et al.)|

The Court *en banc* accepted the referral of this case from the Third Division.

Acting on the Urgent Motion (To Resolve Application for Temporary Restraining Order and/or Writ of Preliminary Injunction) dated April 3, 2014, the Court directed respondents to submit their respective Memorandum in relation to merits and the issue of the propriety and need for issuing the TRO applied for.

The oral argument previously scheduled by the Third Division on April 22, 2014 has been cancelled.

| **G.R. NO. 204819 (James M. Imbong and Lovely-Ann C. Imbong, et al., petitioners, v. Hon. Paquito N. Ochoa, Jr., et al.) | G.R. NO. 204934 (Alliance for the Family Foundation, Philippines, Inc, et al., petitioners, v. Hon. Paquito N. Ochoa, et al., respondents) | G.R. NO. 204957 (Task Force for Family and Life Visayas Inc., et al., petitioners, v. Hon. Paquito N. Ochoa, et al., respondents) | G.R. NO. 204988 (Serve Life Cagayan de Oro City, Inc., et al., petitioners, v. Office of the President, et al., respondents) | G.R. NO. 205003 (Expedito Bugarin Jr., petitioner, v. Office of the President, et al., respondents) | G.R. NO. 205043 (Eduardo B. Olaguer, et al., petitioners, v. DOH Secretary Enrique Ona, et al., respondents) | G.R. NO. 205138 (Philippine Alliance of XSeminarists, Inc., et al., petitioners, v. Hon. Paquito N. Ochoa, Jr., respondents) | G.R. NO. 205478 (Reynaldo J. Echavez, M.D., et al., petitioners, v. Hon. Paquito N. Ochoa, Jr., respondents) | G.R. NO. 205491 (Spouses Francisco S. Tatad and Maria Fenny C. Tatad, petitioners, v. Office of the President, respondent) | G.R. NO. 205720 (Pro-Life Philippines Foundation, Inc., et al., petitioners, v. Office of the President, et al., respondents) | G.R. NO. 206355 (Millennium Saint Foundation Inc., et al., petitioners, v. Office of the President, et al., respondents) | G.R. NO. 207111 (John Walter B. Juat, et al., petitioners, v. Hon. Paquito N. Ochoa, Jr., et al., respondents) | G.R. NO. 207172 (Couples for Christ Foundation, Inc., et al., petitioners, v. Hon. Paquito N. Ochoa, Jr., et al., respondents) | G.R. NO. 207563 (Almarim Centi Tillah, et al., petitioners, v. Hon. Paquito N. Ochoa, Jr., et al., respondents) |**

The Court, after a scrutiny of the various arguments and contentions of the parties in the foregoing consolidated cases consisting of 14 petitions challenging its constitutionality and 2 interventions to uphold its constitutionality, unanimously held that **Republic Act No. 10354** is **NOT UNCONSTITUTIONAL**¹ based on the grounds raised, *except* with respect to the following items, to wit:

- a) **Section 7**, and the corresponding provision in the RH-IRR insofar as they: (a) require private health facilities and non-maternity specialty hospitals and hospitals owned and operated by a religious group to refer patients, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health facility which is conveniently accessible; and (b) allow minor-parents or minors who have suffered a miscarriage access to modern methods of family planning without written consent from their parents or guardian/s;
- b) **Section 23(a)(1) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof**, insofar as it punishes any health care provider who fails or refuses to disseminate information regarding programs and services on reproductive health regardless of his or her religious beliefs.
- c) **Section 23(a)(2)(i) and the corresponding provision in the RH-IRR** insofar as they allow a married individual, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to undergo reproductive health procedures without the consent of the spouse;

¹ The formulation that uses the double negative is peculiar to constitutional adjudication and is premised on the presumption that all laws are presumed to be constitutional and the burden of showing that a law is unconstitutional is on the petitioner. Failing that burden, the declaration is in the double negative—“not unconstitutional.” To assert that it is “constitutional” would presume that the law operates on a starting point of unconstitutionality, which is not the situation.

- d) **Section 23(a)(3) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof**, insofar as they punish any health care provider who fails and/or refuses to refer a patient not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health care service provider within the same facility or one which is conveniently accessible regardless of his or religious beliefs;
- e) **Section 23(b) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof**, insofar as they punish any public officer who refuses to support reproductive health programs or shall do any act that hinders the full implementation of a reproductive health program, regardless of his or her religious beliefs.
- f) **Section 17 and the corresponding provision in the RH-IRR** regarding the rendering of pro-bono reproductive health service, insofar as they affect the conscientious objector in securing PhilHealth accreditation.
- g) **Section 3.01(a) and (j) of the RH-IRR** insofar as it uses the qualifier “primarily” for contravening sec. 4(a) of the RH Law and violating section 12, Article II of the Constitution.
- h) **Section 23(a)(2)(ii)** insofar as it penalizes a health service provider who will require parental consent from the minor in not emergency or serious situations,

which are declared **UNCONSTITUTIONAL**.

On these items, the Court took separate votes, with the following results:

Provision	Unconstitutional	Not Unconstitutional
1) Section 7, and the corresponding provision in the RH-IRR insofar as they: (a) require private health facilities and non-maternity specialty hospitals and hospitals owned and operated by a religious group to refer patients, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health facility which is conveniently accessible; and	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J.	Sereno, CJ; Reyes, J. Perlas-Bernabe, J. Leonen, J.
(b) allow minor-parents or minors who have suffered a miscarriage access to modern methods of family planning without written consent from their parents or guardian/s;	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J.	Sereno, CJ; Reyes, J. Perlas-Bernabe, J. Leonen, J.
2) Section 23(a)(1) and the corresponding provision in the RH-IRR,	Mendoza, J., ponente; Carpio, SAJ,	Sereno, CJ; Del Castillo, J. Reyes, J.

Provision	Unconstitutional	Not Unconstitutional
xxx, insofar as it punishes any health care provider who fails or refuses to disseminate information regarding programs and services on reproductive health regardless of his or her religious beliefs.	Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Abad, J. Villarama, J. Perez, J.	Perlas-Bernabe, J. Leonen, J.
“...particularly section 5.24 thereof, insofar as it punishes any health care provider who fails or refuses to disseminate information regarding programs and services on reproductive health regardless of his or her religious beliefs.”	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J. Perlas-Bernabe, J.	Sereno, CJ; Reyes, J., Leonen, J.
3) Section 23(a)(2)(i) and the corresponding provision in the RH-IRR insofar as they allow a married individual, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to undergo reproductive health procedures without the consent of the spouse;	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J.	Sereno, CJ; Reyes, J. Perlas-Bernabe, J. Leonen, J.
4) Section 23(a)(3) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof, insofar as they punish any health care provider who fails and/or refuses to refer a patient not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health care service provider within the same facility or one which is conveniently accessible regardless of his or religious beliefs;	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J.	Sereno, CJ; Reyes, J. Perlas-Bernabe, J. Leonen, J.

Provision	Unconstitutional	Not Unconstitutional
5) Section 23(b) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof, insofar as they punish any public officer who refuses to support reproductive health programs or shall do any act that hinders the full implementation of a reproductive health program, regardless of his or her religious beliefs.	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Abad, J. Villarama, J. Perez, J.	Sereno, CJ; Del Castillo, J. Reyes, J. Perlas-Bernabe, J. Leonen, J.
6) Section 17 and the corresponding provision in the RH-IRR regarding the rendering of pro-bono reproductive health service, insofar as they affect the conscientious objector in securing PhilHealth accreditation.	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J.	Sereno, CJ; Reyes, J. Perlas-Bernabe, J. Leonen, J.
7) Section 3.01(a) and (j) of the RH-IRR insofar as it uses the qualifier “primarily” for contravening sec. 4(a) of the RH Law and violating section 12, Article II of the Constitution.	Mendoza, J., ponente; Sereno, CJ. Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J. Reyes, J. Perlas-Bernabe, J.	Leonen, J.
8) Section 23(a)(2)(ii) insofar as it penalizes a health service provider who will require parental consent from the minor in not emergency or serious situations.	Mendoza, J., ponente; Carpio, SAJ, Velasco, J. De Castro, J. Brion, J. Peralta, J. Bersamin, J. Del Castillo, J. Abad, J. Villarama, J. Perez, J.	Sereno, CJ. Reyes, J. Perlas-Bernabe, J. Leonen, J.

Provision	Unconstitutional	Not Unconstitutional

The Opinion of the Court was written by Associate Justice Jose Catral Mendoza, with the following submitting separate Concurring and Dissenting Opinions: (a) The Chief Justice Maria Lourdes P.A. Sereno (*Pagsang-ayon at Pagsalungat*; her opinion is written entirely in Filipino); (b) Senior Associate Justice Antonio T. Carpio, (c) Associate Justice Teresita J. Leonardo-De Castro; (d) Associate Justice Arturo D. Brion; (e) Associate Justice Mariano C. Del Castillo; (f) Associate Justice Roberto A. Abad; (g) Associate Justice Bienvenido L. Reyes; (h) Associate Justice Estela M. Perlas-Bernabe; and (i) Associate Justice Marvic M.V.F. Leonen.

The dispositive portion of the Decision reads:

WHEREFORE, the petitions are PARTIALLY GRANTED.

Accordingly, the Court declares R.A. No. 10354 as NOT UNCONSTITUTIONAL except with respect to the following provisions which are declared UNCONSTITUTIONAL:

- 1) Section 7, and the corresponding provision in the RH-IRR insofar as they: (a) require private health facilities and non-maternity specialty hospitals and hospitals owned and operated by a religious group to refer patients, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health facility which is conveniently accessible; and (b) allow minor-parents or minors who have suffered a miscarriage access to modern methods of family planning without written consent from their parents or guardian/s;
- 2) Section 23(a)(1) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof, insofar as it punishes any health care provider who fails or refuses to disseminate information regarding programs and services on reproductive health regardless of his or her religious beliefs.
- 3) Section 23(a)(2)(i) and the corresponding provision in the RH-IRR insofar as they allow a married individual, not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to undergo reproductive health procedures without the consent of the spouse;
- 4) Section 23(a)(3) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof, insofar as they punish any health care provider who fails and/or refuses to refer a patient not in an emergency or life-threatening case, as defined under Republic Act No. 8344, to another health care service provider within the same facility or one which is conveniently accessible regardless of his or religious beliefs;
- 5) Section 23(b) and the corresponding provision in the RH-IRR, particularly section 5.24 thereof, insofar as they punish any public officer who refuses to support reproductive health programs or shall do any act that hinders the full implementation of a reproductive health program, regardless of his or her religious beliefs.
- 6) Section 17 and the corresponding provision in the RH-IRR regarding the rendering of pro-bono reproductive health service, insofar as they affect the conscientious objector in securing PhilHealth accreditation.
- 7) Section 3.01(a) and (j) of the RH-IRR insofar as it uses the qualifier “primarily” for contravening sec. 4(a) of the RH Law and violating section 12, Article II of the Constitution.

- 8) Section 23(a)(2)(ii) insofar as it penalizes a health service provider who will require parental consent from the minor in not emergency or serious situations.

A summary of the reasoning of the Court will be released by email within the day. ###
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