

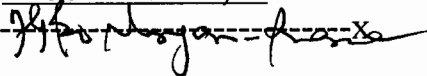
EN BANC

G.R. No. 221318 – KABATAAN PARTY-LIST, REPRESENTED BY REPRESENTATIVE JAMES MARK TERRY L. RIDON AND MARJOHARA S. TUCAY; SARAH JANE I. ELAGO, PRESIDENT OF THE NATIONAL UNION OF STUDENTS OF THE PHILIPPINES, VENCER MARI E. CRISOSTOMO, CHAIRPERSON OF THE ANAKBAYAN; MARC LINO J. ABILA, NATIONAL PRESIDENT OF THE COLLEGE EDITORS GUILD OF THE PHILIPPINES; EINSTEIN Z. RECEDES, DEPUTY SECRETARY-GENERAL OF ANAKBAYAN; CHARISSE BERNADINE I. BAÑEZ, CHAIRPERSON OF THE LEAGUE OF FILIPINO STUDENTS; ARLENE CLARISSE Y. JULVE, MEMBER OF ALYANSA NG MGA GRUPONG HALIGI NG AGHAM AT TEKNOLOHIYA PARA SA MAMAMAYAN (AGHAM); and SINING MARIA ROSA L. MARFORI, Petitioners, v. THE COMMISSION ON ELECTIONS, Respondent.

Promulgated:

December 16, 2015

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CONCURRING OPINION

LEONEN, J.:

I concur.

Republic Act No. 10367¹ is a valid regulation that assists in the identification of a person for purposes of ensuring that the right to vote is exercised only by that person. It is also a measure to purge the voters list of spurious names or ghost voters.

Viewed this way, Republic Act No. 10367 is not a burden on the right of suffrage; rather, it enhances this fundamental right. It provides mechanisms to ensure the identity of the voter, prevent multiple votes for a single individual, and deter the casting of ballots in the names of persons who do not actually exist or who, at the time of the elections, are already deceased.

The requirement of biometric registration, therefore, is not an additional qualification but rather a means to ensure and protect the identity

¹ Entitled "An Act Providing for Mandatory Biometrics Voter Registration." The law was approved on February 15, 2013.



of the voter. Names are deactivated because these do not correspond to real persons. Thus, there is no disqualification in as much as fictitious names or names of the deceased do not represent real persons. A ghost cannot be disqualified because it does not exist.

Finally, petitioners failed to establish the actual and concrete facts that entitle them standing to question the constitutionality of the law and the Commission on Elections' implementing regulations. I agree with the ponencia that constitutional objections should be presented with more rigor than broad political advocacies. The experiences of other emerging economies cited in the Petition may be instructive for context,² but they are certainly insufficient by themselves for this court to veto political acts of Congress, the President, and the Commission on Elections in the guise of judicial review. This court is more circumspect. We attend to legal arguments grounded on the actual controversies substantially and materially experienced by a petitioner. We do not have license to be moved solely by the passion of advocacy.

The vigilance of petitioners is to be commended except that it comes too late. The law was passed in 2013 and implemented shortly thereafter.³ On May 2014, the "No Bio, No Boto" public information campaign was launched together with the period of continuing registration.⁴ There was sufficient time for people to comply, and notices appear to have been sufficient. If there were those whose biometric information was incomplete, a remedy was provided. For those who did not act early enough, their registration can still be accommodated in future elections. For the names delisted because these do not correspond to live persons, any amount of information will not result in a solution. Their names deserve to be deactivated.

ACCORDINGLY, I vote to **DISMISS** the Petition and **DISSOLVE** the temporary restraining order.



MARVIC M.V.F. LEONEN
Associate Justice

² See Decision, p. 22.

³ Decision, p. 4. See Republic Act No. 10367.

⁴ See Commission on Elections Resolution No. 9863, Item B (2a) (7) of Resolution No. 9863; Decision p. 4.