



Republic of the Philippines
Supreme Court
Manila

EN BANC

FEDERATION OF JEEPNEY
OPERATORS AND DRIVERS
ASSOCIATION OF THE
PHILIPPINES (FEJODAP),
ALLIANCE OF CONCERNED
TRANSPORT OPERATORS
(ACTO), ALLIANCE OF
TRANSPORT OPERATORS
AND DRIVERS ASSOCIATION
OF THE PHILIPPINES
(ALTODAP),
PANGKALAHATANG
SANGGUNIAN MANILA AND
SUBURBS DRIVERS
ASSOCIATION, INC.
(PASANG-MASDA), METRO
MANILA BUS OPERATORS
ASSOCIATION (MMBOA),
PAGKAKAISA NG MGA
SAMAHAN NG TSUPER AND
OPERATOR NATIONWIDE
(PISTON), MAKATI JEEPNEY
OPERATORS AND DRIVERS
ALLIANCE, INC. (MJODA),
INTEGRATED METRO BUS
OPERATORS ASSOCIATION
(IMBOA), NORTHEAST
MANILA BUS OPERATORS
GROUP (NEMBOG),
NATIONAL TRANS-
WORKERS UNION (NTU), AND
PROVINCIAL BUS
OPERATORS ASSOCIATION
OF THE PHILIPPINES
(PBOAP),

Petitioners,

G.R. No. 209479

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,*
DIMAAMPAO,
MARQUEZ,
KHO, JR., and
SINGH, JJ.

Promulgated:

July 11, 2023

* No part.

- versus -

GOVERNMENT OF MANILA
CITY, QUEZON CITY,
VALENZUELA CITY,
CALOOCAN CITY, SAN JUAN,
NAVOTAS, LAS PIÑAS,
TAGUIG, PASAY CITY,
PARAÑAQUE CITY,
MUNTINLIPA CITY,
MANDALUYONG CITY,
MAKATI CITY, PASIG CITY,
PATEROS, METROPOLITAN
MANILA DEVELOPMENT
AUTHORITY (MMDA), LAND
TRANSPORTATION OFFICE
(LTO) AND THE
DEPARTMENT OF
TRANSPORTATION AND
COMMUNICATIONS (DOTC),
Respondents.

X-----X

DECISION

CAGUIOA, J.:

Before the Court is a Petition for Review on *Certiorari* under Rule 45 (With Prayer for Issuance of a Writ of Preliminary Injunction and/or Temporary Restraining Order)¹ (Petition) assailing the Decision² dated December 7, 2012 and Resolution³ dated October 3, 2013 issued by the Sixth Division of the Court of Appeals (CA) in CA-G.R. SP No. 97308.

Facts

On June 20, 1964, Congress enacted Republic Act No. 4136, otherwise known as the “Land Transportation and Traffic Code,” (LTO Law) which created the Land Transportation Commission (LTC), later renamed as Land Transportation Office (LTO). Pursuant to its creation, Congress vested on the

¹ *Rollo* pp. 3–29.

² *Id.* at 1023–1038. Penned by Associate Justice Edwin D. Sorongon, and concurred in by Associate Justices Hakim S. Abdulwahid and Marlene Gonzales-Sison, Sixth Division, Court of Appeals.

³ *Id.* at 32–35.



LTC, now LTO, several powers and functions, pertinent of which are as follows:

SECTION 4. *Creation of Commission.* — . . .

. . . .

The Commissioner shall be responsible for the administration of this Act and shall have, in connection therewith, the following powers and duties, in addition to those mentioned elsewhere in this Act:

. . . .

- 5) The Commissioner of Land Transportation and his [or her] deputies are hereby authorized to make arrest for violations of the provisions of this Act in so far as motor vehicles are concerned; to issue *subpoena* and *subpoena duces tecum* to compel the appearance of motor vehicle operators and drivers and/or other persons or conductors; and to use all reasonable means within their powers to secure enforcement of the provisions of this Act.
- 6) The Commissioner of Land Transportation or his [or her] deputies may at any time examine and inspect any motor vehicle to determine whether such motor vehicle is registered, or is unsightly, unsafe, overloaded, improperly marked or equipped, or otherwise unfit to be operated because of possible excessive damage to highways, bridges and/or culverts.
- 7) The Philippine Constabulary and the city and municipal police forces are hereby given the authority and the primary responsibility and duty to prevent violations of this Act, and to carry out the police provisions hereof within their respective jurisdictions: *Provided*, That all apprehensions made shall be submitted for final disposition to the Commissioner and his [or her] deputies within twenty-four hours from the date of apprehension.

. . . .

CHAPTER III
Operation of Motor Vehicle

ARTICLE I
License to Drive Motor Vehicles

. . . .

SECTION 29. *Confiscation of Driver's Licenses.* — Law enforcement and peace officers duly designated by the Commissioner shall, in apprehending any driver for violations of this Act or of any regulations issued pursuant thereto, or of local traffic rules and regulations, confiscate the license of the driver concerned and issue a receipt prescribed and issued by the Commission therefor which shall authorize the driver to operate a motor vehicle for a period not exceeding seventy-two hours from the time



and date of issue of said receipt. The period so fixed in the receipt shall not be extended, and shall become invalid thereafter. Failure of the driver to settle his [or her] case within fifteen days from the date of apprehension will cause suspension and revocation of his [or her] license.

In addition to the foregoing provisions which petitioners invoke, they reference as well Section 62 of the same law, which provides:

ARTICLE III
Final Provisions

SECTION 62. No provincial board, city or municipal board or council shall enact or enforce any ordinance or resolution in conflict with the provisions of this Act, or prohibiting any deputy or agent of the Commission to enforce this Act within their respective territorial jurisdiction and the provisions of any charter to the contrary notwithstanding.

On July 23, 1979, through Executive Order No. 546, the LTC was renamed Bureau of Land Transportation, and was placed under the then Ministry of Transportation and Communications.⁴

On March 20, 1985, Executive Order No. 1011 was issued, abolishing in the process the then Bureau of Land Transportation. A new LTC was created and absorbed the powers and functions of the Bureau of Land Transportation and the then Bureau of Transportation which was similarly abolished. Executive Order No. 1011 did not specifically provide for the LTC's power to confiscate licenses and issue receipts for violations, although it granted the same a general power to "implement and enforce laws and policies on land transportation."⁵

Subsequently, on January 30, 1987, the LTC was again abolished through EO 125,⁶ and its functions were transferred to the Bureau of Land Transportation. Similar to Executive Order No. 1011, and Executive Order No. 125 did not specifically grant the Bureau of Land Transportation the power to confiscate licenses and issue receipts. However, it granted the said bureau the general power to "[e]stablish and prescribe the corresponding rules and regulations for the enforcement of laws governing land transportation, including the penalties for violation thereof, and for the deputation of appropriate law enforcement agencies in pursuance thereof."⁷ The Bureau of Land Transportation was later on renamed as Land Transportation Office or LTO.

On October 10, 1991, RA 7160, otherwise known as the Local Government Code of 1991 (LGC) was approved, and took effect on January 1, 1992. The LGC defined and enumerated the powers, duties, and functions common to legislative bodies of the various local government units, to wit:

⁴ Executive Order No. 546 (1979), sec. 10.

⁵ Executive Order No. 1011 (1985), sec. 5(b)(3).

⁶ Executive Order No. 125 (1987), sec. 17.

⁷ *Id.* at sec. 13(e).



SECTION 447. *Powers, Duties, Functions and Compensation.* —

(a) The [*sangguniang bayan*], as the legislative body of the municipality, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the municipality and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the municipality as provided for under Section 22 of this Code, and shall:

....

- 5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:

....

- (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; provide for the lighting, cleaning and sprinkling of streets and public places;

- (vi) Regulate traffic on all streets and bridges, prohibit the putting up of encroachments or obstacles thereon, and, when necessary in the interest of public welfare, authorize the removal of encroachments and illegal constructions in public places;

....

SECTION 458. *Powers, Duties, Functions and Compensation.* —

(a) The *sangguniang panlungsod*, as the legislative body of the city, shall enact ordinances, approve resolutions and appropriate funds for the general welfare of the city and its inhabitants pursuant to Section 16 of this Code and in the proper exercise of the corporate powers of the city as provided for under Section 22 of this Code, and shall:

....



- (5) Approve ordinances which shall ensure the efficient and effective delivery of the basic services and facilities as provided for under Section 17 of this Code, and in addition to said services and facilities, shall:

....

- (v) Regulate the use of streets, avenues, alleys, sidewalks, bridges, parks and other public places and approve the construction, improvement, repair and maintenance of the same; establish bus and vehicle stops and terminals or regulate the use of the same by privately-owned vehicles which serve the public; regulate garages and the operation of conveyances for hire; designate stands to be occupied by public vehicles when not in use; regulate the putting up of signs, signposts, awnings and awning posts on the streets; and provide for the lighting, cleaning and sprinkling of streets; and public places;
- (vi) Regulate traffic on all streets and bridges; prohibit encroachments or obstacles thereon, and when necessary in the interest of public welfare, authorize the removal or encroachments and illegal constructions in public places.

Subsequently, or on March 1, 1995, Congress enacted Republic Act No. 7924, "An Act Creating The Metropolitan Manila Development Authority, Defining Its Powers and Functions, Providing Funds Therefor, and Other Purposes" (MMDA Law); Section 5(f) of said law places upon the Metropolitan Manila Development Authority (MMDA) the duty to:

SECTION 5. *Functions and Powers of the Metro Manila Development Authority.* — The MMDA shall:

....

- (f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, the provisions of [Republic Act No.] 4136 and [Presidential Decree No.] 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and



regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose[.]

In 2003, 2004, and 2005, the legislative bodies of the respondent local government units (LGUs) of Metro Manila, acting separately, passed the following Ordinances:

Ordinance No. 2003-89 series of 2003 of Makati City titled "AN ORDINANCE ENACTING THE MAKATI CITY TRAFFIC CODE SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS."

Ordinance No. 103 series of 2003 of Taguig titled "AN ORDINANCE ESTABLISHING THE TRAFFIC MANAGEMENT CODE OF THE MUNICIPALITY OF TAGUIG."

Ordinance No. 05-04 series of 2004 of Parañaque City titled "AN ORDINANCE ENACTING THE PARAÑAQUE CITY TRAFFIC CODE SUBJECT TO EXISITING LAWS AND APPLICABLE RULES AND REGULATIONS."

Ordinance No. 2916 series of 2004 of Pasay City titled "AN ORDINANCE ADOPTING A TRAFFIC MANAGEMENT CODE OF PASAY CITY."

Ordinance No. SP-1444 series of 2004 of Quezon City titled "AN ORDINANCE CREATING THE TRAFFIC MANAGEMENT CODE OF QUEZON CITY."

Ordinance No. 37 series of 2004 of San Juan titled "MUNICIPAL ORDINANCE KNOWN AND CITED AS THE MANAGEMENT CODE OF THE MUNICIPALITY OF SAN JUAN, METRO MANILA."

Ordinance No. 2004-14 series of 2004 of Navotas titled "TRAFFIC MANAGEMENT CODE OF THE MUNICIPALITY OF NAVOTAS, METRO MANILA."

Ordinance No. 652-04 series of 2004 of Las Piñas titled "LAS PIÑAS TRAFFIC CODE."



Ordinance No. 01 series of 2004 of Pasig City titled "AN ORDINANCE ENACTING THE 2004 TRAFFIC MANAGEMENT CODE OF THE CITY OF PASIG."

Ordinance No. 04-022 series of 2005 of Muntinlupa City titled "AN ORDINANCE ENACTING THE MUNTINLUPA CITY TRAFFIC CODE, SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS."

Ordinance No. 358 series of 2005 of the City of Mandaluyong titled "THE TRAFFIC MANAGEMENT CODE OF THE CITY OF MANDALUYONG."

Ordinance No. 019 series of 2005 of Valenzuela City titled "AN ORDINANCE ENACTING THE LAND TRANSPORTATION CODE OF THE CITY OF VALENZUELA."

Ordinance No. 0391 series of 2005 of Caloocan City titled "AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE NEW TRAFFIC MANAGEMENT CODE OF CALOOCAN CITY."

Ordinance No. 8092 series of 2005 of the City of Manila titled "AN ORDINANCE REVISING THE TRAFFIC CODE OF THE CITY OF MANILA BY AMENDING CHAPTER 121 OF THE COMPILATION OF THE ORDINANCES OF THE CITY OF MANILA AND FOR OTHER PURPOSES."

Ordinance No. 2005-19 series of 2005 of Pateros titled "ORDINANCE APPROVING THE TRAFFIC MANAGEMENT CODE OF THE MUNICIPALITY OF PATEROS, PROVIDING PENALTIES FOR VIOLATORS AND FOR OTHER LEGAL PURPOSES."

Each of the foregoing Ordinances provides for the issuance of a traffic violation ticket to erring drivers denominated as "Ordinance Violation Receipt" (OVR). The Ordinances have a common provision, which reads:

Procedure in the Issuance of Ordinance Violation Receipt (OVR) – Any person violating any provision of this Ordinance or any Ordinance of the City shall be issued an Ordinance Violation Receipt (OVR). In case of violation of the Traffic Management Code, a duly deputized traffic enforcement officer shall confiscate the driver's license and the issued receipt shall serve as Temporary Driver's License for five (5) working days from date of issuance. Ordinance Violation Receipt (OVR) issued by the



local government [Unit] in Metropolitan Manila shall be honored or respected by the apprehending traffic enforcer.⁸ (*Italics supplied*)

On December 21, 2006, the Federation of Jeepney Operators and Drivers Association of the Philippines (FEJODAP), Alliance of Concerned Transport Operators (ACTO), Alliance of Transport Operators and Drivers Association of the Philippines (ALTODAP), with Pangkalahatang Sangguniang Manila and Suburbs Drivers Association, Inc. (PASANG-MASDA), Metro Manila Bus Operators Association (MMBOA), Pagkakaisa ng mga Samahan ng Tsuper at Operator Nationwide (PISTON), Makati Jeepney Operators and Drivers Alliance, Inc. (MJODA), Integrated Metro Bus Operators Association (IMBOA), Northeast Manila Bus Operators Group (NEMBOG), National Transworkers Union (NTU), and Provincial Bus Operators Association of the Philippines (PBOAP) (collectively, petitioners), all of them transport organizations duly registered under the laws of the Republic of the Philippines and which members are either public utility transport operators and/or drivers of public utility vehicles duly authorized by the Land Transportation Franchising and Regulatory Board, filed before the CA a Petition for Injunction and *Mandamus* against respondents LGUs, and the MMDA, the LTO, and the Department of Transportation and Communications (DOTC), seeking the nullification of the OVR provision in the aforementioned Ordinances.

Petitioners claimed that the OVR provision, which authorizes respondent LGUs to confiscate licenses and issue OVRs to erring drivers, violates Sections 29 and 62 of the LTO Law which grants the LTO authority to confiscate driver's licenses and issue a prescribed receipt for violations of said law or of any regulations issued pursuant thereto or of local traffic rules and regulations, and Section 5(f) of the MMDA Law, authorizing the MMDA to "install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations . . . and confiscate and suspend or revoke driver's licenses in the enforcement of such traffic laws and regulations."⁹

Petitioners also prayed for the issuance of a Writ of *Mandamus* directing the MMDA to immediately draw up, install, and administer a single ticketing system for all traffic violations in Metro Manila in compliance with Section 5(f) of the MMDA Law.¹⁰

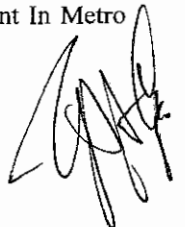
Meanwhile, on January 26, 2012, during the pendency of the case before the CA, respondent MMDA, through the Metro Manila Council (MMC), issued Resolution No. 12-02, series of 2012¹¹ (MMDA Resolution

⁸ *Rollo*, p. 10, Petition.

⁹ *Id.* at 1025.

¹⁰ *Id.*

¹¹ Titled "Adopting A Uniform Ticketing System And The Establishment Of A System of Interconnectivity Among Government Instrumentalities Involved In The Transport And Traffic Management In Metro Manila."



No. 12-02) adopting a uniform ticketing system and establishing a system of interconnectivity among government instrumentalities involved in the transport and traffic management in Metro Manila.

Ruling of the CA

On December 17, 2012, the CA rendered the assailed Decision,¹² the dispositive portion of which reads:

WHEREFORE, in view of the foregoing premises, the Petition for Injunction and Mandamus is hereby **DENIED** for lack of merit. Accordingly, the assailed subject Ordinances of the different Local Government comprising the Metropolitan Manila are declared **LEGAL** and **CONSTITUTIONAL**.

SO ORDERED.¹³

The CA ruled that there is no conflict between the MMDA Law and the LGC because each of the said laws has their specific boundaries — the MMDA Law governs the delivery of metro-wide services whereas the LGC embodies the authority of respondent LGUs to enact the assailed ordinances as a necessary effect of the delegation by Congress of its lawmaking power. The CA further held that, since the Court in *MMDA v. Garin*¹⁴ (*Garin*) did not declare Section 5(f) of the MMDA Law unconstitutional, it is very much still a good law waiting to be enforced and utilized for the benefit of the general public. The CA, however, did not rule on the issue of whether the OVR being issued by respondent LGUs was in violation of the single ticketing system because, as admitted by the parties, no single ticketing system had at that time been drawn.

The CA also rejected petitioners' contention that the assailed Ordinances conflict with Sections 29 and 62 of the LTO Law. According to the CA, the LGC did not expressly repeal Sections 29 and 62 of the LTO Law because only the aspect of traffic management was transferred to the LGUs and not the entire powers of the LTO.

As regards the prayer for *mandamus*, the CA ruled that petitioners failed to provide strong evidence of neglect on the part of the MMDA in the enforcement of its duty to draw up a single ticketing system. They failed to show that MMDA absolutely abdicated its duty to install a single ticketing system as provided under Section 5(f) of the MMDA Law.

Petitioners moved for reconsideration, but the same was denied by the CA in its Resolution¹⁵ dated October 3, 2013.

¹² *Supra* note 2.

¹³ *Id.* at 1038.

¹⁴ 496 Phil. 82 (2005) [Per J. Chico-Nazario, Second Division].

¹⁵ *Supra* note 3.



Hence, this Petition.

Petitioners argue that Section 29 of the LTO Law is explicit as to the power of the LTO to confiscate licenses and issue traffic violation receipts; and while, admittedly, LGUs were authorized by the LGC to regulate traffic within their respective territorial jurisdictions, they cannot usurp the power that is legislatively vested in the LTO. Petitioners insist that the assailed Ordinances must yield to the LTO Law.

Petitioners further contend that the issuance of Executive Order No. 712, series of 2008¹⁶ and MMDA Resolution No. 12-02 show the clear legislative intent to have a single ticketing system installed by the MMDA. According to petitioners, the implementation of a single ticketing system by the MMDA will address the confusion, disorder, and prejudice to motorists caused by the variance of traffic tickets and corresponding fines and penalties separately imposed by respondent LGUs, the LTO, and the MMDA.

Moreover, petitioners assert that while MMDA Resolution No. 12-02 intends to implement a Uniform Ordinance Violation Receipt (UOVR), it did not invalidate the OVRs issued by respondent LGUs, which practically defeats the objective of a single ticketing system. In other words, allowing respondent LGUs to continue issuing OVRs renders nugatory MMDA Resolution No. 12-02 and undermines the single ticketing system implemented by the MMDA.

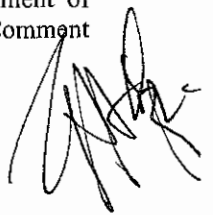
Accordingly, petitioners pray that the Court: (1) annul and set aside the assailed Decision and Resolution of the CA; (2) declare unconstitutional, null and void the OVR provision of the assailed Ordinances, or, in the alternative, striking down said provision from the subject Ordinances; and (3) issue a permanent injunction against respondent LGUs enjoining them from implementing the OVR.

Respondent LGUs, on the other hand, argue that: (1) they are vested by law with the power to regulate traffic within their respective territorial jurisdictions and legislate ordinances pertinent thereto; (2) the MMDA has no authority to impose upon respondent LGUs a single ticketing system because, as enunciated by the Court in the cases of *Garin* and *MMDA v. Bel-Air*¹⁷ (*Bel-Air*), the MMDA is clothed only with administrative powers and not police power, nor legislative power; and (3) consequently, petitioners are not entitled to the issuance of a TRO and/or writ of Preliminary Injunction against the implementation of the OVR provision.¹⁸

¹⁶ Titled "Directing The Immediate Review Of Existing Orders, Rules And Regulations Issued By Local Government Units Concerning Public Transportation, Including The Grant Of Franchises To Tricycles, Establishment And Operation Of Transport Terminals, Authority To Issue Traffic Citation Tickets, And Unilateral Rerouting Schemes Of Public Utility Vehicles, And For Other Purposes," March 11, 2008.

¹⁷ 385 Phil. 586 (2000) [Per J. Puno, First Division].

¹⁸ See *Rollo* pp. 1107–1120 (Comment of respondent Caloocan City); 1130–1138 (Comment of respondent Las Piñas City); 1140–1145 (Comment of respondent City of Manila); 1149–1161 (Comment of respondent Taguig City); 1173–1178 (Comment of respondent Parañaque City); 1181–1191 (Comment



However, respondents MMDA, LTO, and DOTC do not share the views of respondent LGUs. They maintain that: (1) by the express mandate of the MMDA Law, the authority to set traffic policies and to install a single ticketing system in Metro Manila is vested with the MMDA;¹⁹ (2) the MMDA Law, a later and special enactment of Congress, prevails over the LGC in regard to the formulation of traffic policies and installation of a single ticketing system;²⁰ and (3) respondent LGUs, in the exercise of their delegated powers, cannot pass ordinances that would contravene an existing statute enacted by Congress.²¹

Issues

1. Whether the CA erred in declaring the assailed Ordinances as valid;
2. Whether the CA erred in ruling that respondent LGUs have the right to issue OVRs; and
3. Whether MMDA Resolution No. 12-02 is rendered nugatory by the continued implementation of the assailed Ordinances with regard to the issuance of the OVR.

The Court's Ruling

The Court holds that **the CA erred** in declaring as valid the common provision in the questioned Ordinances, and in ruling that the respondent LGUs have the right to issue OVRs.

The present petition has actual case or controversy

At the outset, it is worth pointing out that the case presents an actual case or controversy. "An actual case or controversy is one that involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution."²² The requirement of actual case or controversy necessitates that:

[t]he controversy must be justiciable — definite and concrete, touching on the legal relations of parties having adverse legal interests. In other words, the pleadings must show an active antagonistic assertion of a legal right, on the one hand, and a denial thereof on the other; that is, it must concern a real and not a merely theoretical question or issue. There ought to be an actual

of respondent San Juan City); 1198–1208 (Comment of respondent Quezon City); 1210–1215 (Comment of respondent Makati City).

¹⁹ *Id.* at 1229–1238, Comment of respondents MMDA, LTO, and DOTC filed through the OSG.

²⁰ *Id.* at 1238–1239.

²¹ *Id.* at 1239–1241.

²² *Garcia v. Executive Secretary*, 602 Phil. 64, 74 (2009) [Per J. Brion, *En Banc*].



and substantial controversy admitting of specific relief through a decree conclusive in nature, as distinguished from an opinion advising what the law would be upon a hypothetical state of facts.²³

In this case, there is a clear assertion of opposite legal claims susceptible of judicial resolution, shown primarily by the antagonistic assertions of power to regulate traffic in Metro Manila by respondent LGUs, on the one hand, and by respondents MMDA, LTO, and DOTC on the other.

The conflict of legal rights is also susceptible of judicial resolution, as the controversy could be terminated through a “specific relief that courts can grant.”²⁴ The reason for this is that “[i]n cases of conflict, the judicial department is the only constitutional organ which can be called upon to determine the proper allocation of powers between the several departments [of the government] and among the integral or constituent units thereof.”²⁵ The Court, therefore, not only has the power, but it has, in fact, the duty to decide the case at bar.

***The assailed Ordinances were not
enacted in violation of the LTO
Law***

As previously mentioned, petitioners assail the validity of the Ordinances for allegedly being contrary to existing statutes. Specifically, petitioners contend that the Ordinances are invalid for running afoul of Sections 29 and 62 of the LTO Law and Section 5(f) of the MMDA Law.

To reiterate Sections 29 and 62 of the LTO Law:

CHAPTER III
Operation of Motor Vehicle

ARTICLE I
License to Drive Motor Vehicles

....

SECTION 29. *Confiscation of Driver's Licenses.* — Law enforcement and peace officers duly designated by the Commissioner shall, in apprehending any driver for violations of this Act or of any regulations issued pursuant thereto, or of local traffic rules and regulations, confiscate the license of the driver concerned and issue a receipt prescribed and issued by the Commission therefor which shall authorize the driver to operate a motor vehicle for a period not exceeding seventy-two hours from the time and date of issue of said receipt. The period so fixed in the receipt shall not be extended, and shall become invalid thereafter. Failure of the driver to

²³ *Information Technology Foundation of the Philippines v. Commission on Elections*, 499 Phil. 281, 304–305 (2005) [Per J. Panganiban, *En Banc*].

²⁴ *Kilusang Mayo Uno v. Aquino III*, 850 Phil. 1168, 1188 (2019) [Per J. Leonen, *En Banc*].

²⁵ *Angara v. Electoral Commission*, 63 Phil. 139, 157 (1936) [Per J. Laurel, *En Banc*].



settle his [or her] case within fifteen days from the date of apprehension will cause suspension and revocation of his [or her] license.

....

ARTICLE III
Final Provisions

SECTION 62. No provincial board, city or municipal board or council shall enact or enforce any ordinance or resolution in conflict with the provisions of this Act, or prohibiting any deputy or agent of the Commission to enforce this Act within their respective territorial jurisdiction and the provisions of any charter to the contrary notwithstanding. (Emphasis and underscoring supplied)

On the other hand, Section 5(f) of the MMDA Law provides:

SECTION 5. *Functions and Powers of the Metro Manila Development Authority.* — The MMDA shall:

....

- (f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, the provisions of RA 4136 and PD 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose. (Emphasis and underscoring supplied)

According to petitioners' theory, Section 29 of the LTO Law explicitly vests on the LTO the power to confiscate licenses and to issue receipts for traffic violations.²⁶ In addition, they assert that the assailed Ordinances render nugatory the mandate of the MMDA to install and administer a single ticketing system. Thus, in accordance with the principle that a valid ordinance must not contravene a statute,²⁷ the assailed Ordinances are invalid as the LGUs arrogated upon themselves the said power through the issuance of the OVRs.

²⁶ Rollo, p. 13, Petition.

²⁷ See *Primicias v. Municipality of Urdaneta*, 182 Phil. 42, 46 (1979) [Per J. De Castro, En Banc].



Petitioners also add that the “variance of traffic tickets issued by the LTO, the MMDA, and the LGUs causes confusion and conflict among the three bodies. The traffic tickets issued by the LTO and the MMDA are not recognized by the LGUs, and vice versa.”²⁸ They further point out that to allow the LGUs to still have powers to confiscate licenses would be arbitrary and unduly oppressive to them, as they would be subjected to “double penalty.”²⁹ This is due to the fact that the MMDA does not recognize the OVRs issued by the LGUs as a temporary ticket, and hence, if they get apprehended by the MMDA after their licenses were already confiscated by the traffic enforcers of the LGUs, they would likewise be found guilty of “driving without license” on top of the violation they committed.

The argument is unmeritorious.

Contrary to petitioners’ claim, the assailed Ordinances were not enacted in violation of the LTO Law. As previously mentioned, the LTO Law has undergone numerous amendments through the years via the enactment of Executive Order Nos. 546, 1011, and 125. Executive Order Nos. 546 and 1011 were issued under the authority given the President by Presidential Decree No. 1416³⁰ — a law — to reorganize the national government,³¹ while Executive Order No. 125 itself is considered law as it was issued under the auspices of the Freedom Constitution when the President exercised legislative powers.

These subsequent enactments, as discussed, did not specifically grant the LTO the power to confiscate licenses and issue receipts. This, along with the fact that the LGC, a subsequent law, granted cities and municipalities the power to enact ordinances which regulate traffic and the use of streets,³² leads the Court to rule that the assailed Ordinances were not invalidly enacted as they were issued under the authority of a valid delegation of legislative power through the LGC. Between the LTO and respondent LGUs, therefore, it is the latter who have the power to enact ordinances relating to traffic — and to enforce the same — in their respective territorial jurisdictions. Thus, as respondents pointed out, the assailed Ordinances are valid as respondent LGUs were explicitly granted by the LGC, a statute duly enacted by the Legislature, the said power to approve the same. Respondents thus correctly argued, and the CA consequently correctly held, that the assailed Ordinances

²⁸ *Rollo*, p. 11, Petition.

²⁹ *Id.* at 19.

³⁰ Titled “Granting Continuing Authority of the President of the Philippines to Reorganize the National Government,” June 9, 1978.

³¹ Specifically, it gave the President the power to: a) group, coordinate, consolidate, or integrate departments, bureaus, offices, agencies, instrumentalities, and functions of the government; b) Abolish departments, offices, agencies, or functions which may not be necessary, or create those which are necessary, for the efficient conduct of government functions services, and activities; c) Transfer functions, appropriations, equipment, properties, records, and personnel from one department, bureau, office, agency, or instrumentality to another; d) Create, classify, combine, split, and abolish positions; and e) Standardize salaries, materials, and equipment.

³² See LOCAL GOVERNMENT CODE, secs. 447(5)(v-vi) and 458(5)(v-vi).



and the common provision therein cannot be struck down for being in violation of the LTO Law.

But while it is untenable to hold that the assailed Ordinances are invalid for violating the LTO Law, they are nonetheless invalid for being in violation of the MMDA Law.

History and powers of the MMDA

Recognizing the need to treat Metro Manila as a special development and administrative region, Republic Act No. 7924, or the MMDA Law, was enacted and the MMDA was accordingly created to provide metro-wide services to the area, without prejudice to the autonomy of the affected LGUs.³³ The MMDA Law provided that the MMDA should provide “those services which have metro-wide impact and transcend local political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by the individual local government units comprising Metropolitan Manila.”³⁴ The services to be offered by the MMDA include:

- (a) Development planning which includes the preparation of medium and long-term development plans; the development, evaluation and packaging of projects; investments programming; and coordination and monitoring of plan, program and project implementation.
- (b) **Transport and traffic management which include the formulation, coordination, and monitoring of policies, standards, programs and projects to rationalize the existing transport operations, infrastructure requirements, the use of thoroughfares, and promotion of safe and convenient movement of persons and goods; provision for the mass transport system and the institution of a system to regulate road users; administration and implementation of all traffic enforcement operations, traffic engineering services and traffic education programs, including the institution of a single ticketing system in Metropolitan Manila.**
- (c) Solid waste disposal and management which include formulation and implementation of policies, standards, programs and projects for proper and sanitary waste disposal. It shall likewise include the establishment and operation of sanitary land fill and related facilities and the implementation of other alternative programs intended to reduce, reuse and recycle solid waste.
- (d) Flood control and sewerage management which include the formulation and implementation of policies, standards, programs and projects for an integrated flood control, drainage and sewerage system.
- (e) Urban renewal, zoning, and land use planning, and shelter services which include the formulation, adoption and implementation of policies,

³³ Republic Act No. 7924 (1995), sec. 1.

³⁴ *Id.* at sec. 3.



standards, rules and regulations, programs and projects to rationalize and optimize urban land use and provide direction to urban growth and expansion, the rehabilitation and development of slum and blighted areas, the development of shelter and housing facilities and the provision of necessary social services thereof.

- (f) Health and sanitation, urban protection and pollution control which include the formulation and implementation of policies, rules and regulations, standards, programs and projects for the promotion and safeguarding of the health and sanitation of the region and for the enhancement of ecological balance and the prevention, control and abatement of environmental pollution.
- (g) Public safety which includes the formulation and implementation of programs and policies and procedures to achieve public safety, especially preparedness for preventive or rescue operations during times of calamities and disasters such as conflagrations, earthquakes, flood and tidal waves, and coordination and mobilization of resources and the implementation of contingency plans for the rehabilitation and relief operations in coordination with national agencies concerned.³⁵ (Emphasis and underscoring supplied)

As can be gleaned from the above, one of the functions assigned to the MMDA is “transport and traffic management” which includes the “administration and implementation of all traffic enforcement operations . . . including the institution of a single ticketing system in Metropolitan Manila.” In this connection, the MMDA was granted the following powers:

SECTION 5. *Functions and Powers of the Metro Manila Development Authority.* — The MMDA shall:

....

- (e) [S]hall set the policies concerning traffic in Metro Manila, and shall coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, engineering and education. Upon request, it shall be extended assistance and cooperation, including but not limited to, assignment of personnel, by all other government agencies and offices concerned;
- (f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, *the provisions of RA 4136 and PD 1605 to the contrary notwithstanding.* For this purpose, the Authority shall

³⁵ *Id.* at sec. 3.



enforce all traffic laws and regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose. (Emphasis, underscoring, and italics supplied)

Thus, the enactment of the MMDA Law shows a clear legislative intent to bestow upon the MMDA both the *power* to set the policies concerning traffic in Metro Manila, and the *duty* to coordinate and regulate the implementation of all programs and projects concerning traffic management.³⁶ Specifically, the MMDA was given the task of installing and administering a “single ticketing system” and to **fix, impose, and collect** fines and penalties for **all** kinds of violations of traffic rules and regulations, and **confiscate and suspend or revoke drivers’ licenses** in the enforcement of such traffic laws and regulations.³⁷ Section 5(f) of the MMDA Law specifically mentions that it applies, “the provisions of RA 4136 . . . to the contrary notwithstanding.” Thus, as between the MMDA and the LTO, it is the MMDA which can exercise these powers.

In response to the said mandate, the MMDA issued Resolution No. 12-02 on January 26, 2012 where it created a Technical Working Group that was tasked to study the uniform ticketing system and which would submit a corresponding recommendation to the Metro Manila Council. This led to the signing of the Joint Metro Traffic Circular No. 12-01 titled “Guidelines on the Implementation of the Uniform Ticketing System in Metro Manila” (Joint Circular). The Joint Circular provides:

JOINT METRO TRAFFIC CIRCULAR NO. 12-01

TO : *All Traffic Heads and Operatives of Local Government Units of Metro Manila, Metropolitan Manila Development Authority, Land Transportation Office*

SUBJECT: *Guidelines on the Implementation of the Uniform Ticketing System in Metro Manila*

1.0 *Rationale*

The Land Transportation Office (LTO) issues Temporary Operator’s Permit (TOP), Metropolitan Manila Development Authority issues Traffic Violation Receipt (TVR), and LGUs issue their respective Ordinance Violation Receipt (OVR) for traffic violations. Moreover, the TOP, TVR, and OVRs are being issued with varying fines and penalties for the same traffic violation, and under different procedure in apprehension, payment of fine, and redemption of license/plate. This multiple-ticketing system and uncoordinated implementation of traffic laws result to confusion

³⁶ *Id.* at sec. 5(e).

³⁷ *Id.* at sec. 5(f).



of the driving public and loss of money and productive hours, and if left unattended may create chaos to the detriment of the public in general.

To address this predicament, the Metro Manila Council, by virtue of Section 5 (f) of Republic Act No. 7924, enacted MMDA Resolution No. 12-02 on January 26, 2012, adopting a Uniform Ticketing System within the Metro Manila using a uniform ticket and ticketing system, aimed at harmonizing the existing national and local laws on traffic enforcement and for the prevention of confusion among private and public motorists.

2.0 Purpose

To prescribe the guidelines for the implementation of the *Uniform Ticketing System* adopted by the Metro Manila Council under MMDA Resolution No. 12-02, "Adopting a Uniform Ticketing System and the Establishment of a System of Interconnectivity among Government Instrumentalities involved in the Transport and Traffic Management in Metro Manila".

3.0 Coverage

This Joint Circular shall cover the implementation of the Uniform Ticketing System within the jurisdiction of the sixteen (16) cities and one (1) municipality in Metro Manila and the Metro Manila Development Authority (MMDA) and Land Transportation Office (LTO).

4.0 Guidelines

4.1 *Uniform Ordinance Violation Receipt.* — The Uniform Ticketing System shall be implemented using a Uniform Ticket called Uniform Ordinance Violation Receipt (UOVR). The UOVR contains: the MMDA, LTO and 17 LGU logos; MMDA and LGU-specific serial numbers; and common security features to avoid the use or proliferation of fake tickets, commonly termed as "*palipad*" or "*talahib*". The UOVR shall be recognized by MMDA, LTO and all LGU traffic operatives as a valid traffic citation receipt and temporary driver's license, if issued by an LGU.

4.2 *Area of Jurisdiction.* — The MMDA and LGUs have existing arrangements on the areas of jurisdiction and this will continue to be effective.

4.3 *Payment of Fines from Apprehensions.* — The payment of fines shall be made directly to the LGU for apprehensions made within its jurisdiction and to MMDA for apprehensions within its jurisdiction.

4.4 *Harmonization of all Traffic Law, Rules, Regulations and Ordinances and Adoption of the Uniform Metro Manila Traffic Code.* — All traffic issuances shall be reviewed and revised for the adoption of a Uniform Metro Manila Traffic Code.



4.5 Adoption of a Uniform Scheme of: Apprehension; Payment of Fines; Redemption of Driver's License or License Plate; Impoundment; and Filing of Civil, Criminal and Administrative Cases. — There shall be uniform scheme of apprehension, payment of fines, redemption of driver's license or license plate, impoundment, and filing of cases in Metro Manila.

5.0 Validity of Existing OVR and TVR Inventories

All existing OVR and TVR inventories shall be deemed null and void. All traffic operatives in Metro Manila shall hereafter use the UOVR.

6.0 Oversight Committee

6.1 A Joint Oversight Committee (JOC) is hereby created to oversee the implementation of the Uniform Ticketing System.

6.2 The JOC shall report to the Metro Manila Council and the Metro Manila Mayors the status of the implementation of the Uniform Ticketing System.

6.3 All Traffic Heads of the 16 cities and 1 municipality of Metro Manila, representatives of MMDA and LTO shall be members of the JOC.

6.4 The Assistant General Management for Operations of MMDA shall serve as the Chairman of the Committee.

7.0 Separability Clause

If any of the provisions of this Joint Circular is declared unconstitutional or invalid for whatever reason, the same shall not affect the validity of other provisions not declared unconstitutional or invalid.

8.0 Repealing Clause

The provisions of any Circular, Order, local ordinances and other issuances, which are inconsistent with this Circular, are hereby rescinded, repealed and/or modified accordingly.

9.0 Miscellaneous

In order to effectively carry out and achieve the goals of the Uniform Ticketing System, the MMDA Chairman is hereby authorized to issue further Guidelines as may be necessary in its implementation.

10.0 Effectivity

This Circular shall take effect immediately upon signing.

Under the Joint Circular, the Uniform Ticketing System shall be implemented within the 16 cities and one municipality in Metro Manila. Through the Uniform Ticketing System, traffic violators shall be issued a



UOVR which shall be recognized by the MMDA, the LTO and all LGU traffic operatives as a valid traffic citation receipt and temporary driver's license.³⁸

Respondents Cities of Caloocan,³⁹ Mandaluyong,⁴⁰ Navotas,⁴¹ Parañaque,⁴² Quezon,⁴³ and Valenzuela⁴⁴ question the validity of the Joint Circular because the MMDA supposedly does not have legislative power, as held in the cases of *Bel-Air* and *Garin*. Respondent City of Manila adds that “the MMDA cannot legally enact an ordinance imposing a single ticketing system within Metro Manila for its function according to the Supreme Court is only [a]dministrative in nature.”⁴⁵ Respondents Cities of Caloocan⁴⁶ and Taguig⁴⁷ further argue that the implementation of the single ticketing system subject of MMDA Resolution No. 12-02 and the Joint Circular “must be authorized by a valid law, or ordinance, or regulation arising from a legitimate source” for it to be valid. Respondent Parañaque City additionally avers that the MMDA was not created as a political unit — and was instead created as a *mere* development authority — hence it does not possess the power to enact an “ordinance” to provide for a single ticketing system.⁴⁸

It should be noted that on June 15, 2021, the Court asked the parties in this case to manifest any supervening events or any changes in positions they may have taken in this case. In response, all of the parties which responded expressed that there have been no changes in the positions they have taken in this case, although some of the LGUs which responded, namely the cities of Mandaluyong,⁴⁹ San Juan,⁵⁰ Manila,⁵¹ Taguig,⁵² Pasig,⁵³ and Parañaque⁵⁴ confirmed that they have been implementing the single ticketing system since 2012 in accordance with Resolution No. 12-02 and the Joint Circular. The cities of San Juan, Pasig, Parañaque, and Taguig noted, however, that while they have been implementing the single ticketing system, the fines, penalties, and surcharges continuously differ because the LGUs are still implementing their local ordinances in the exercise of their local autonomy.

Meanwhile, Caloocan City⁵⁵ manifested that it still follows its own traffic ordinance and that it issues its own OVR to persons or entities found to

³⁸ Joint Metro Traffic Circular No. 12-01, sec. 4.1

³⁹ *Rollo*, pp. 1110–1113, Comment of respondent Caloocan City.

⁴⁰ *Id.* at 1301, Comment of respondent City of Mandaluyong.

⁴¹ *Id.* at 1332, Compliance and Comment of respondent Navotas City.

⁴² *Id.* at 1175–1176, Comment of respondent Parañaque City.

⁴³ *Id.* at 1203, Comment of respondent Quezon City.

⁴⁴ *Id.* at 1351, Comment and/or Opposition of respondent Valenzuela City.

⁴⁵ *Id.* at 1141, Comment of respondent City of Manila.

⁴⁶ *Id.* at 1110, Comment of respondent Caloocan City.

⁴⁷ *Id.* at 1151–1153, Comment of respondent Taguig City.

⁴⁸ *Id.* at 1175, Comment of respondent Parañaque City.

⁴⁹ *Id.* at 1503–1510, Manifestation and Compliance of respondent City of Mandaluyong.

⁵⁰ *Id.* at 1515–1524, Manifestation and Compliance of respondent San Juan City.

⁵¹ *Id.* at 1526–1530, Compliance of respondent City of Manila.

⁵² *Id.* at 1567–1576, Manifestation and Compliance of respondent Taguig City.

⁵³ *Id.* at 1671–1675, Manifestation and Compliance of respondent Pasig City.

⁵⁴ *Id.* at 1682–1690, Compliance of respondent Parañaque City.

⁵⁵ *Id.* at 1577–1588, Compliance of respondent Caloocan City.



have violated any provision of the ordinance.⁵⁶ Caloocan City also reiterated its positions that:

- a) Ordinance No. 0391 s[.] 2005 is not in contravention with Sec. 5(f) of RA 7924 and Secs. 29 & 62 of RA 4136 citing the provision on Local Autonomy stated in the Local Government Code and the valid delegation of legislative authority by Congress to City Councils;
- b) License to operate a motor vehicle is not a right but a mere privilege which may be regulated or withheld in the exercise of police power;
- c) As to the issue that the Ordinance is in conflict with the RA 7924 otherwise known as 'AN ACT CREATING METROPOLITAN MANILA DEVELOPMENT AUTHORITY, ITS POWERS AND FUNCTIONS, PROVIDING FUNDING THEREFOR AND FOR OTHER PURPOSES' we find light in the ruling laid down in the cases of MMDA versus Bel-Air Village Association (328 SCRA 836) and MMDA versus Dante O. Garin (G.R. No. 130230, April 15, 2005) wherein the Supreme Court ruled that MMDA functions are all administrative in nature. [Republic Act No.] 7924 does not grant MMDA with police nor legislative power.

Thus, MMDA may only implement traffic rules through a valid law, ordinance or regulation arising from a legitimate source. In Caloocan City, the valid law is the New Traffic Management Code of Caloocan (Ordinance No. 0391 s. 2005)[.]⁵⁷

On the other hand, respondents MMDA, LTO, and DOTC, through the OSG, merely manifested that the single ticketing system had been in place since 2012.⁵⁸

The Court now rules on the issue of the validity of the local ordinances *vis-à-vis* the MMDA Law.

Respondent LGUs' reliance on *Bel-Air* is misplaced, as the facts and issues presented therein do not fall squarely with the case at bar. In *Bel-Air*, the MMDA sought to open Neptune Street, a *private road* inside Bel-Air Village, to public vehicular traffic believing that it had the authority to do so under the MMDA Law. The MMDA believed that it had the power to open Neptune Street because the MMDA Law granted it the authority to "rationalize the use of roads and/or thoroughfares for the safe and convenient movement of persons."⁵⁹

The Court held that the MMDA did not have the power to open Neptune street to the public as it did not possess police power nor legislative powers. Without an enabling ordinance enacted by Makati City, the Court held that

⁵⁶ *Id.* at 1578.

⁵⁷ *Id.* at 1579–1580.

⁵⁸ *Id.* at 1692–1696, Compliance of respondents MMDA, LTO, and DOTC, filed through the OSG.

⁵⁹ *MMDA v. Bel-Air*, *supra* note 17, at 610. See also Republic Act No. 7924 (1995), sec. 3(b).



the MMDA's attempt to open Neptune Street to the public was invalid. The Court opined that "[t]here is no syllable in R.A. No. 7924 that grants the MMDA police power, let alone legislative power. Even the Metro Manila Council has not been delegated any legislative power."⁶⁰

It must be pointed out, however, that it was necessary for the Court in *Bel-Air* to delve into whether the MMDA possesses police power or legislative power as the MMDA attempted to impose *burdens on private property* in the said case. It bears stressing that police power is the "power of the state to promote public welfare by restraining and regulating the use of liberty and property."⁶¹ Stated differently, "in the exercise of police power, a property right is impaired by regulation, or the use of property is merely prohibited, regulated or restricted to promote public welfare."⁶² Involving as it did the imposition of burdens or limitations on the use of private property, the Court in *Bel-Air* needed to answer — and it did, in the negative — the question of whether the MMDA had police power, in light of the absence of a law or ordinance authorizing it to open a private road to the public.

The same factual circumstances, however, do not apply in the present case.

The question involved in this case is merely who between the MMDA and the LGUs has the right (1) to issue receipts for traffic violations and (2) to confiscate the licenses of the erring drivers. Unlike in the case of *Bel-Air*, there is no potential burden or limitation to be imposed on any private property. As held in the case of *Garin*, a case cited by respondent LGUs themselves, "a license to operate a motor vehicle *is a privilege* that the state may withhold in the exercise of its police power."⁶³ If at all, the "burden" is imposed on the licensees themselves like herein petitioners — who are at risk of having their licenses confiscated — who filed this case not to question the basis for confiscating their licenses *per se*, but only sought to clarify which government entity is empowered under the law to do so.

Respondents LGUs' reliance on the Court's pronouncement in *Garin* that the MMDA's exercise of "the power to confiscate and suspend or revoke driver's licenses *without need of any other legislative enactment . . .* is an unauthorized exercise of police power"⁶⁴ is also untenable as a closer reading of the ruling in *Garin* reveals that this pronouncement was merely *obiter dictum*. In *Land Bank of the Philippines v. Suntay*,⁶⁵ the Court explained an *obiter dictum* in this wise:

⁶⁰ *MMDA v. Bel-Air*, *id.* at 607.

⁶¹ *Didipio Earth-Savers Multi-Purpose Association v. Gozun*, 520 Phil. 457, 476 (2006) [Per J. Chico-Nazario, First Division].

⁶² *Manila Memorial Park, Inc. v. Secretary of the Department of Social Welfare and Development*, 722 Phil. 538, 576 (2013) [Per J. Del Castillo, *En Banc*].

⁶³ *MMDA v. Garin*, *supra* note 14, at 89.

⁶⁴ *Id.* at 94. Italics supplied.

⁶⁵ 678 Phil. 879 (2011) [Per J. Bersamin, First Division].



An *obiter dictum* has been defined as an opinion expressed by a court upon some question of law that is *not necessary* in the determination of the case before the court. It is a remark made, or opinion expressed, by a judge, in his [or her] decision upon a cause *by the way*, that is, *incidentally* or *collaterally*, and not directly upon the question before him [or her], or upon a point not necessarily involved in the determination of the cause, or introduced by way of illustration, or analogy or argument. It does not embody the resolution or determination of the court, and is made without argument, or full consideration of the point. It lacks the force of an adjudication, being a mere expression of an opinion with no binding force for purposes of *res judicata*.⁶⁶ (Italics in the original)

In *Garin*, a traffic violation receipt was issued by the MMDA to Dante O. Garin (Garin), and his driver's license was confiscated, for illegally parking at a street in the City of Manila. Garin wrote a letter to the MMDA requesting the return of his license, but his request went unheeded. Garin thus filed a complaint "contending that, in the absence of any implementing rules and regulations, Sec. 5(f) of Rep. Act No. 7924 grants the MMDA unbridled discretion to deprive erring motorists of their licenses, pre-empting a judicial determination of the validity of the deprivation, thereby violating the due process clause of the Constitution."⁶⁷ Garin further contended that "the provision violates the constitutional prohibition against undue delegation of legislative authority, allowing as it does the MMDA to fix and impose unspecified — and therefore unlimited — fines and other penalties on erring motorists."⁶⁸ Branch 60, Regional Trial Court of Parañaque ruled that "[t]he summary confiscation of a driver's license without first giving the driver an opportunity to be heard; depriving him of a property right (driver's license) without [due process] cannot be justified by any legislation (and is) hence unconstitutional."⁶⁹

Thus, the issue presented before the Court in *Garin* was a *question of due process*: that is, at a time when there were as yet no implementing rules and regulations issued by the MMDA, whether a driver's license may be summarily confiscated without a judicial proceeding instituted for the purpose. In this regard, it is significant to note that the Court in *Garin* recognized that subsequent events had already made the issue moot and academic:

Meanwhile, on 12 August 2004, the MMDA, through its Chairman Bayani Fernando, implemented Memorandum Circular No. 04, Series of 2004, outlining the procedures for the use of the Metropolitan Traffic Ticket (MTT) scheme. Under the circular, erring motorists are issued an MTT, which can be paid at any Metrobank branch. Traffic enforcers may no longer confiscate drivers' licenses as a matter of course in cases of traffic violations. All motorists with unredeemed TVRs were given seven days from the date of implementation of the new system to pay their fines and redeem their license or vehicle plates.

⁶⁶ *Id.* at 913–914.

⁶⁷ *MMDA v. Garin*, *supra* note 14, at 86.

⁶⁸ *Id.*

⁶⁹ *Id.* at 88.

It would seem, therefore, that insofar as the absence of a *prima facie* case to enjoin the petitioner from confiscating drivers' licenses is concerned, recent events have overtaken the Court's need to decide this case, which has been rendered moot and academic by the implementation of Memorandum Circular No. 04, Series of 2004.⁷⁰ (Emphasis and underscoring supplied)

Despite this recognition, the Court unfortunately still went on to rule that the MMDA possesses neither police power nor legislative power. Relying on the case of *Bel-Air*, the Court in *Garin* ruled that the MMDA may only *enforce* traffic laws or ordinances passed by LGUs, but may not itself *enact* such rules:

Thus, where there is a traffic law or regulation validly enacted by the legislature or those agencies to whom legislative powers have been delegated (the City of Manila in this case), the petitioner is not precluded — and in fact is duty-bound — to confiscate and suspend or revoke drivers' licenses in the exercise of its mandate of transport and traffic management, as well as the administration and implementation of all traffic enforcement operations, traffic engineering services and traffic education programs.

This is consistent with our ruling in *Bel-Air* that the MMDA is a development authority created for the purpose of laying down policies and coordinating with the various national government agencies, people's organizations, non-governmental organizations and the private sector, which may *enforce*, but not *enact*, ordinances.⁷¹ (Italics in the original)

The pronouncement of the Court relied upon by respondent LGUs is, therefore, *obiter dictum* as the Court decided the case (1) when the issue was not presented by the parties, as shown above, and (2) the issue, if at all raised, had become *functus officio* and therefore moot, in violation of the rule that courts should decide actual cases and controversies, and not to render advisory opinions.⁷²

The above interpretation of the import of the cases of *Bel-Air* and *Garin* is consistent with the Court *En Banc*'s recent ruling in *Pantaleon v. MMDA*⁷³ (*Pantaleon*), which dealt with the MMDA's implementation of the number coding scheme. According to *Pantaleon*:

Bel Air, *Viron* and *Trackworks* involved the outright deprivation of private property under the pretext of traffic regulation and promotion of safe and convenient movement of motorists. On the other hand, *Garin* was mooted by supervening events.

In the present case, there is no outright deprivation of property but merely a restriction [— through the number coding scheme] in the operation

⁷⁰ *Id.* at 88–89.

⁷¹ *Id.* at 95.

⁷² See *Ticzon v. Video Post Manila*, 389 Phil. 20, 23 (2000) [Per J. Panganiban, Third Division].

⁷³ 890 Phil. 453 (2020) [Per J. Leonen, *En Banc*].



of public utility buses along the major roads of Metro Manila through the number coding scheme.⁷⁴

In any event, even if the pronouncements in *Garin* are to be considered binding — and hence, that the principle of *stare decisis* applies — the Court now holds that the same are nevertheless incorrect and must perforce be abandoned.

It is well-settled that the principle of *stare decisis* is not absolute. It is likewise not a principle that mandates blind adherence to precedents.⁷⁵ A doctrine or rule laid down, which has been followed for years, no matter how sound it may be, if found to be contrary to law, must be abandoned.⁷⁶ In *Carpio-Morales v. Court of Appeals*,⁷⁷ for instance, the Court did not hesitate to abandon the “condonation doctrine” despite its applicability having been reaffirmed by the Court numerous times in the five decades prior to its abandonment, especially after finding that the doctrine had no statutory anchor. In the said case, the Court explained:

Therefore, the ultimate analysis is on whether or not the condonation doctrine, as espoused in *Pascual*, and carried over in numerous cases after, can be held up against prevailing legal norms. **Note that the doctrine of *stare decisis* does not preclude this Court from revisiting existing doctrine.** As adjudged in the case of *Belgica*, the *stare decisis* rule should not operate when there are powerful countervailing considerations against its application. In other words, *stare decisis* becomes an intractable rule only when circumstances exist to preclude reversal of standing precedent. As the Ombudsman correctly points out, jurisprudence, after all, is not a rigid, a temporal abstraction; it is an organic creature that develops and devolves along with the society within which it thrives. In the words of a recent US Supreme Court Decision, “[w]hat we can decide, we can undecide.”⁷⁸ (Emphasis supplied, citations omitted)

Further, the principle of *stare decisis* does not and should not apply when there is conflict between the precedent and the law.⁷⁹ The duty of this Court is to forsake and abandon any doctrine or rule found to be in violation of the law in force.⁸⁰

Thus, assuming that *Garin* is a valid precedent, the same must now be abandoned for it was error to apply the principles enunciated in *Bel-Air* therein when, as illustrated, the factual circumstances were different. To reiterate, *Bel-Air* dealt with the imposition of burdens and limitations on private property — which concededly the MMDA could not do — whereas *Garin* dealt with the general power of the MMDA regarding traffic management in

⁷⁴ *Id.* at 484.

⁷⁵ *Tan Chong v. Secretary of Labor*, 79 Phil. 249, 257 (1947) [Per J. Padilla, First Division].

⁷⁶ *Id.*

⁷⁷ 772 Phil. 672 (2015) [Per J. Perlas-Bernabe, *En Banc*].

⁷⁸ *Id.* at 759–760.

⁷⁹ *Tan Chong v. Secretary of Labor*, *supra* note 75.

⁸⁰ *Id.*

Metro Manila. The actions of the MMDA subject of *Garin* were different from that in *Bel-Air*, in that traffic management and enforcement of traffic rules are explicitly within the domain of the MMDA's powers as laid down in the MMDA Law.

That the MMDA has the power to set policies, fix, and impose penalties, and to enforce the same is fully supported by the text of the MMDA Law, which is quoted anew for emphasis:

SECTION 3. *Scope of MMDA Services.* — Metro-wide services under the jurisdiction of the MMDA are those services which have metro-wide impact and transcend local political boundaries or entail huge expenditures such that it would not be viable for said services to be provided by the individual local government units (LGUs) comprising Metropolitan Manila. These services shall include:

- (a) Development planning which includes the preparation of medium and long-term development plans; the development, evaluation and packaging of projects; investments programming; and coordination and monitoring of plan, program and project implementation.
- (b) Transport and traffic management which include the formulation, coordination, and monitoring of policies, standards, programs and projects to rationalize the existing transport operations, infrastructure requirements, the use of thoroughfares, and promotion of safe and convenient movement of persons and goods; provision for the mass transport system and the institution of a system to regulate road users; administration and implementation of all traffic enforcement operations, traffic engineering services and traffic education programs, including the institution of a single ticketing system in Metropolitan Manila.

....

SECTION 5. *Functions and Powers of the Metro Manila Development Authority.* — The MMDA shall:

....

- (e) [S]et the policies concerning traffic in Metro Manila, and shall coordinate and regulate the implementation of all programs and projects concerning traffic management, specifically pertaining to enforcement, engineering and education. Upon request, it shall be extended assistance and cooperation, including but not limited to, assignment of personnel, by all other government agencies and offices concerned;



- (f) Install and administer a single ticketing system, fix, impose and collect fines and penalties for all kinds of violations of traffic rules and regulations, whether moving or non-moving in nature, and confiscate and suspend or revoke drivers' licenses in the enforcement of such traffic laws and regulations, the provisions of RA 4136 and PD 1605 to the contrary notwithstanding. For this purpose, the Authority shall enforce all traffic laws and regulations in Metro Manila, through its traffic operation center, and may deputize members of the PNP, traffic enforcers of local government units, duly licensed security guards, or members of non-governmental organizations to whom may be delegated certain authority, subject to such conditions and requirements as the Authority may impose; (Emphasis and underscoring supplied)

From the letter of the statute alone, the legislative intent is already clear that the MMDA should be the central policymaking body in Metro Manila on matters relating to traffic management, and the entity charged with the enforcement of the same policies. The law is replete with provisions granting the MMDA rule-making powers, such as the power to “formulate policies, standards, and programs” and “fix, impose, and collect fines and penalties for all kinds of violations of traffic rules and regulations.” The law is thus clear and unambiguous. As the Court held in *Pantaleon*, “Republic Act No. 7924 clearly confers upon the MMDA, through the Metro Manila Council, the power to issue regulations that provide for a system to regulate traffic in the major thoroughfares of Metro Manila for the safety and convenience of the public.”⁸¹

The elementary rule in statutory construction is that when the words and phrases of the statute are clear and unequivocal, their meaning must be determined from the language employed and the statute must be taken to mean exactly what it says.⁸² *Verba legis non est recedendum*, or, from the words of a statute there should be no departure.⁸³ The rule is derived from the maxim *index animo sermo est* — meaning, speech is the index of intention — which rests on the valid presumption that the words employed by the legislature in a statute correctly express its intent by the use of such words as are found in the statute.⁸⁴ Bearing in mind that the first and fundamental duty of the Court is to apply the law,⁸⁵ then the Court must thus see to it that the mandate of the clear letter of the law is obeyed.⁸⁶

⁸¹ *Pantaleon v. MMDA*, *supra* note 73, at 485.

⁸² *Baranda v. Gustilo*, 248 Phil. 205, 219 (1988) [Per J. Gutierrez, Jr., Third Division].

⁸³ *Social Security Commission v. Favila*, 662 Phil. 25, 39 (2011) [Per J. Del Castillo, First Division].

⁸⁴ *Id.*

⁸⁵ See *Rizal Commercial Banking Corp. v. Intermediate Appellate Court*, 378 Phil. 10, 22 (1999) [Per J. Melo, *En Banc*].

⁸⁶ *Id.*, citing *Chartered Bank Employees Association v. Ople*, 222 Phil. 570 (1985) [Per J. Gutierrez, Jr., *En Banc*].

Beyond the letter of the MMDA Law, the legislative deliberations also reveal the intent to lodge in the MMDA all the rule-making powers relative to traffic management in Metro Manila. The deliberations of the Committee on Local Government on House Bill No. 14170/11116, the progenitor of the MMDA Law, reveal that indeed the intent of the legislature was for the MMDA to have rule-making powers in relation to traffic management in Metro Manila:

COMMITTEE ON LOCAL GOVERNMENT

(October 27, 1994)

THE CHAIRMAN (Feliciano M. Belmonte, Jr.): Ang point kasi ni Mayor Mathay is that, the number one problem of Metro Manila that is toothless to address the number one problem of the metropolis, then it might be perceived as being toothless in other areas as well. I think that is what the Mayor is saying here, because he was quite adamant about this single ticketing system eh. So we see that it is not just a single ticketing system, but just a whole lot of other provisions here.⁸⁷

....

THE CHAIRMAN[:]: Mayor Mathay has recommended the addition of two sub-sections here – 5-e and 5-f. 5-e – do you have a copy there? Pakibasa mo nga iyong tungkol sa traffic.

MR. CAYTON[:]: Ito ba iyong “install and administer”?

THE CHAIRMAN[:]: Yes. Yes, oo.

MR. CAYTON[:]: Have you read that?

THE CHAIRMAN[:]: What do you think of that? What is the rationale for that?

MR. CAYTON: I think he just simply wants to make it clear that it will be the MMDA that will issue the laws, rules, and regulations throughout Metro Manila as a change from today’s situation that...

THE CHAIRMAN: Which is...?

MR. CAYTON[:]: ... Well, it is not coordinated in the sense that rules and regulations and ordinances come in different forms. There is no one body that will adopt a singular system of...

THE CHAIRMAN[:]: So, you are in fact in favor of that?

⁸⁷ *Rollo*, p. 1232, Comment of respondents MMDA, LTO, and DOTC, filed through the OSG, citing Deliberations of the Committee on Local Government, House of Representatives, Congress of the Philippines, November 10, 1993.



MR. CAYTON[:] Sir – I am.

THE CHAIRMAN[:] You're in favor?

MR. CAYTON[:] Yes, sir.

.....

HON. BUNYE[:] Mr. Chairman, actually most of the amendments are clarificatory in nature. They did not change the sense of the provisions to which they relate. They nearly clarified and made very clear exactly what the MMDA can do because there were some vagueness in the original text. The new provisions that is placed here is on page 4, “d) coordinate and monitor the implementation of such plan, [”] “e) with respect to traffic. [”] Traffic is the number 1 problem in MMDA, in the Metro Manila region today, Your Honor, and one of the reasons is everybody is a driver here and nobody is really calling the shots. So, here we have this new provisions (sic) “e” with respect to the power of the MMDA concerning traffic, and secondly, the installation and administration of a single ticketing system. You will find, Your Honor, that the different component LGUs have their own rules and respective penalties with respect to ticketing and it creates havoc among those who are subject to these rules. So these are the two new items that have been placed. All the others are really by way of clarifying the authority of the MMA. For instance, where the MMA originally, where the original text merely says to set down policies, we have made it clear here that it can also lay down rules and regulations to implement those policies. I think that is necessary, otherwise, we are going to perpetuate the ambiguities that exist now with respect to the powers of the present MMA. So those are the provisions, Your Honor. This is not yet a perfect document, but if we ever wanted to come out in this session, it should come out of this committee already.

THE CHAIRMAN[:] Okay, on this particular paragraph, letter “f”, on “confiscate and suspend or revoke driver’s licenses in the enforcement of traffic laws and regulations...”, I think, Mr. Cayton, you had a Supreme Court case where a case was filed against the MMA, where questioning the powers, for the MMA to confiscate licenses.

HON. BELMONTE[:] Well, that may very well be so, Your Honor, because it’s not clear in the present laws. We want to clarify it now, it will be put in a law, and the Supreme Court will have to yield to this law. Right now[,] we don’t know what the powers of the MMA are, and that’s a source of our problems.

THE CHAIRMAN[:] Okay, I think this was already studied by the technical group. There would be no legal impediment, Mr. Cayton, in case we give the MMDA the power to confiscate, revoke licenses of drivers.

MR. CAYTON[:] We don’t foresee any such problem, Mr. Chairman. In fact, this will only give life to what has already been implied under P.D. 1605, where even the Justice Department opined that in the



Metro Manila Authority, it would be the MMC then who should implement such laws within this region. And under that same 'P.D. delineated the powers of the MMC then and the LTO, LTO being on the national level and as on the... only on the Metropolitan region.

THE CHAIRMAN[:] Because it says here, "shall set up rules and regulations on fines and penalties".

MR. CAYTON[:] Mr. Chairman, because of the ambiguity as the Chairman of this committee said, it was unclear whether the MMA, then MMC could really undertake such rules and regulations. **This became more apparent after 1986 when there was more power given to the local units, and because of the ambiguity, there was no such central system of coordination then existing.** It was rather difficult to impose a uniform system throughout the region, this bill is trying to correct.

THE CHAIRMAN[:] Okay, is there objection on this amendment?

HON. LOPEZ[:] Mr. Chairman, I don't think there's an objection. In fact[,] I ask that we now go to the previous question. There is a pending motion for approving this bill which I seconded.

THE CHAIRMAN[:] Yeah, but we have to go over the suggested revision. I think that this was already approved before, but it was reconsidered in view that there are proposals, setup, to make the MMA stronger. Okay, so if there is no objection on paragraph "f"... And then next is paragraph "b", under Section 6. It shall approve metro-wide plans, programs and projects and issue ordinances or resolutions deem (*sic*) by the MMDA to carry out the purposes of this act. Do you have the powers? Does the MMDA... because that takes to form a local government unit, a political subdivision.

HON. BELMONTE[:] Yes, I believe so, Your Honor. When we say that it has the policies, it's very clear that those policies must be followed. Otherwise, what's the use of empowering it to come out with policies. Now, the policies maybe in the form of a resolution or it maybe in the form of an ordinance. The term "ordinance" in this case really gives it more teeth, Your Honor. Otherwise we are going to see a situation where you have the power to adopt the policy but you cannot really make it stick as in the case now, and I think here is Chairman Bunye. I think he will agree that is, the case now. You've got the power to set a policy, the body wants to follow your policy, then we say let's call it an ordinance and see if they will not follow it.

THE CHAIRMAN[:] That's very nice, I like that. However, there is a constitutional impediment. You are making MMDA as a political subdivision. The creation of the MMDA would be subject to a plebiscite. That is what I'm trying to avoid. I've been trying to avoid this kind of predicament. Under the Constitution, it states "if it is a political subdivision, once it is created it has to be subject to a plebiscite. I'm trying to make this as administrative. That's why we place the Chairman as a cabinet rank.



HON. BELMONTE[:] All right, Mr. Chairman, okay what you are saying there is...

THE CHAIRMAN[:] In setting up ordinances, is a political exercise. Believe me.

HON. LOPEZ[:] Mr. Chairman, it can be changed into issuances of rules and regulations. That would be... its shall also be enforced...

HON. BELMONTE[:] Okay, I will...

HON. LOPEZ: And you can also say that violation of such rule, you impose a sanction. But you know, ordinance has a different legal connotation.

HON. BELMONTE[:] All right, I defer to that opinion, Your Honor.

THE CHAIRMAN[:] So, instead of ordinances, say rules and regulations.

HON. BELMONTE[:] Or resolutions. Actually, they are actually considering resolutions now.

THE CHAIRMAN[:]Rules and resolution.

HON. BELMONTE[:] Rules and regulations and resolutions.⁸⁸
(Emphasis and underscoring supplied)

From the foregoing, it is indisputable that the legislative intent was to lodge in the MMDA **all the rule-making powers relative to traffic management in Metro Manila.**

This grant of rule-making powers to administrative agencies is not novel. The Court has long recognized that due to the growing complexity of human activities, some delegation of legislative power in the form of administrative rule-making is not just allowable, but is even necessary. As early as 1988, in the case of *Eastern Shipping Lines, Inc. v. Philippine Overseas Employment Administration*,⁸⁹ the Court already made the following observations:

The principle of non-delegation of powers is applicable to all the three major powers of the Government but is especially important in the case of the legislative power because of the many instances when its delegation is permitted. The occasions are rare when executive or judicial powers have to be delegated by the authorities to which they legally pertain. **In the case of the legislative power, however, such occasions have become more and more frequent, if not necessary. This had led to the**

⁸⁸ *Id.* at 1233–1237.

⁸⁹ 248 Phil. 762 (1988) [Per J. Cruz, First Division].



observation that the delegation of legislative power has become the rule and its non-delegation the exception.

The reason is the increasing complexity of the task of government and the growing inability of the legislature to cope directly with the myriad problems demanding its attention. The growth of society has ramified its activities and created peculiar and sophisticated problems that the legislature cannot be expected reasonably to comprehend. Specialization even in legislation has become necessary. To many of the problems attendant upon present-day undertakings, the legislature may not have the competence to provide the required direct and efficacious, not to say, specific solutions. These solutions may, however, be expected from its delegates, who are supposed to be experts in the particular fields assigned to them.

The reasons given above for the delegation of legislative powers in general are particularly applicable to administrative bodies. **With the proliferation of specialized activities and their attendant peculiar problems, the national legislature has found it more and more necessary to entrust to administrative agencies the authority to issue rules to carry out the general provisions of the statute. This is called the "power of subordinate legislation."**

With this power, **administrative bodies may implement the broad policies laid down in a statute by "filling in" the details which the Congress may not have the opportunity or competence to provide.** This is effected by their promulgation of what are known as supplementary regulations, such as the implementing rules issued by the Department of Labor on the new Labor Code. These regulations have the force and effect of law.⁹⁰ (Emphasis and underscoring supplied)

For the grant of rule-making powers to be constitutional, jurisprudence provides that the delegation must be complete, and there is a standard laid down by which the administrative agency concerned determines the metes and bounds of its powers. In *Edu v. Ericita*,⁹¹ the Court said:

To avoid the taint of unlawful delegation, there must be a standard, which implies at the very least that the legislature itself determines matters of principle and lays down fundamental policy. Otherwise, the charge of complete abdication may be hard to repel. A standard thus defines legislative policy, marks its limits, maps out its boundaries and specifies the public agency to apply it. It indicates the circumstances under which the legislative command is to be effected. It is the criterion by which legislative purpose may be carried out.⁹²

The standards set for subordinate legislation in the exercise of rule-making authority by an administrative agency are necessarily broad and highly abstract.⁹³

⁹⁰ *Id.* at 772-773.

⁹¹ 146 Phil. 469 (1970) [Per J. Fernando, *En Banc*].

⁹² *Id.* at 486.

⁹³ *See Tablarin v. Gutierrez*, 236 Phil. 768, 780 (1987) [Per J. Feliciano, *En Banc*].



A review of jurisprudence reveals that the Court has found the following, despite being broad principles, to be sufficient standards to constitute a valid delegation of legislative power: “the standardization and regulation of medical education,”⁹⁴ “safe transit upon the roads,”⁹⁵ “public welfare,”⁹⁶ “interest of law and order,”⁹⁷ “public interest,”⁹⁸ “public convenience and welfare,”⁹⁹ and “promote simplicity, economy and efficiency.”¹⁰⁰

In the present case, the Court finds the standard of efficiency and effectiveness in the delivery of metro-wide services found in Section 1¹⁰¹ of the MMDA Law as a sufficient standard to constitute a valid delegation.

Thus, despite the power granted by Sections 447(5)(v-vi) and 458(5)(v-vi) of the LGC to the *Sangguniang Bayan* of the municipalities and the *Sangguniang Panlungsod* of the cities, respectively, to “[a]pprove ordinances . . . to . . . (v) [r]egulate the use of streets . . . [and] (vi) [r]egulate traffic on all streets and bridges,” this power does not exist for the cities and the lone municipality in Metro Manila because of Sections 5(e) and (f) of the MMDA Law.

The inescapable conclusion, therefore, is that Sections 5(e) and 5(f) of the MMDA Law have primacy over Sections 447(5)(v-vi) and 458(5)(v-vi) of the LGC in that the latter provisions empower the cities and the lone municipality in Metro Manila to regulate traffic only to the extent that they do not conflict with the regulations issued by the MMDA. From the foregoing, the Court thus construes **Sections 5(e) and 5(f) of the MMDA Law, being the later expression of legislative will, as partially impliedly modifying the aforementioned sections of the LGC.**

⁹⁴ *Id.* at 781.

⁹⁵ *Edu v. Ericta*, *supra* note 91, at 486.

⁹⁶ *Municipality of Cardona v. Municipality of Binangonan*, 36 Phil. 547, 548 (1917) [Per J. Moreland, *En Banc*].

⁹⁷ *Rubi v. Provincial Board of Mindoro*, 39 Phil. 660, 702 (1919) [Per J. Malcolm, *En Banc*].

⁹⁸ *People v. Rosenthal*, 68 Phil. 328, 341–342 (1939) [Per J. Laurel, First Division].

⁹⁹ *Calalang v. Williams*, 70 Phil. 726, 733 (1940) [Per J. Laurel, First Division].

¹⁰⁰ *Cervantes v. Auditor General*, 91 Phil. 359, 364 (1952) [Per J. Reyes, *En Banc*].

¹⁰¹ Republic Act No. 7924 (1995), sec. 1 provides:

SECTION 1. *Declaration of Policy.* — It is hereby declared to be the policy of the State to **treat Metropolitan Manila as a special development and administrative region and certain basic services affecting or involving Metro Manila as metro-wide services more efficiently and effectively planned, supervised and coordinated by a development authority as created herein**, without prejudice to the autonomy of the affected local government units.

Pursuant to this policy, Metropolitan Manila, as a public corporation created under Presidential Decree No. 824, embracing the cities of Caloocan, Manila, Mandaluyong, Makati, Pasay, Pasig, Quezon, and Muntinlupa, and the municipalities of Las Piñas, Malabon, Marikina, Navotas, Parañaque, Pateros, San Juan, [Taguig], and Valenzuela, is hereby constituted into a special development and administrative region subject to direct supervision of the President of the Philippines.

***Invalidity of the common provision
in the assailed Ordinances for being
contrary to existing law***

The Court does not lose sight of the fact that the MMDA Law created the MMDA “without prejudice to the autonomy of the affected local government units.”¹⁰² It is clear from the same law, however, that the MMDA shall perform its functions “without diminution of the autonomy of the local government units concerning **purely local matters**.”¹⁰³ And, in this regard, the Court observes that the legislature, in the exercise of its wisdom, deemed traffic management as a matter that transcends local political boundaries,¹⁰⁴ thereby taking the same out of the matters over which the LGUs in Metro Manila have exclusive authority.

All things considered, the Court hereby abandons the pronouncements in *Garin*, and so holds that the MMDA possesses rule-making powers with regard specifically to **traffic management in Metro Manila**. To be clear, the Court maintains that *Bel-Air* was correct, in that the MMDA does not exercise police power or legislative power, unlike LGUs which are given ordinance powers by the LGC under its relevant sections. The Court only clarifies in this case that, as an exception therein, the MMDA has the **primary** rule-making powers relating to traffic management **in Metro Manila** because Sections 5(e) and (f) of the MMDA Law specifically grant it such powers. The power of the LGUs to regulate the streets are valid only insofar as they pertain to “purely local matters” such as, but are not limited to, determination of one-way streets, regulation of alleys and inner streets, prohibiting the putting up of encroachments and obstacles, and authorizing the removal of such encroachments, *etc.* And even as that power continues to inhere in the LGUs, that power is circumscribed and limited by the regulations that may be issued by the MMDA.

Furthermore, the Court holds that the MMDA has exclusive authority to enforce traffic laws, rules and regulations, and **declares that the LGUs in Metro Manila may participate in such functions only when their traffic enforcers are deputized by the MMDA, in consonance with Section 5(f) of the MMDA Law**. That this should be the relationship between the MMDA and the LGUs is further confirmed by the Implementing Rules and Regulations of the MMDA Law.¹⁰⁵ Section 20 of which provides:

SECTION 20. *Linkage with DOTC and DPWH on Transport and Traffic.* — **The Authority shall undertake transport and traffic management and enforcement operation in Metropolitan Manila in coordination with the Department of Transportation and Communications. It shall formulate a uniform set of rules and regulations for traffic in**

¹⁰² *Id.*

¹⁰³ *Id.* at sec. 2. Emphasis supplied.

¹⁰⁴ *Id.* at sec. 3, in relation to sec. 3(b).

¹⁰⁵ Rules and Regulations Implementing Republic Act No. 7924, The Law Creating The Metropolitan Manila Development Authority, May 9, 1996.



Metropolitan [M]anila and establish any regulation thereof, in coordination with DOTC and DPWH and in consultation with all other agencies concerned.

It shall deputize LGU traffic enforcers, duly licensed security guards, members of the Philippine National Police and non-governmental organizations and personnel of national agencies concerned to implement a single ticketing system.

The Authority shall likewise formulate standards for route capacity and volume of motor vehicles for main thoroughfares.

The Land Transportation Franchising and Regulatory Board of the DOTC shall evaluate, approve and [issue] franchise applications using the standards on route measured capacity, and prescribe and regulate transportation routes and areas of operation of public land transportation of public land transportation services, pursuant to the Metro Manila transport plan.

The Land Transportation Office of the DOTC shall be responsible for the registration of motor vehicles and licensing of drivers, conductors and dealers.

The DPWH may effect the gradual transfer of the operation, maintenance and improvement of the Traffic Engineering Center facilities to the Authority, subject to mutual agreement of the parties concerned. (Emphasis and underscoring supplied)

Well-established is the rule that for an ordinance to be valid, the following requisites must be met: the ordinance (i) must not contravene the Constitution or any statute; (ii) must not be unfair or oppressive; (iii) must not be partial or discriminatory; (iv) must not prohibit, but may regulate trade; (v) must be general and consistent with public policy; and (vi) must not be unreasonable.¹⁰⁶

Having established that the common provision of the assailed Ordinances is inconsistent with the MMDA Law, the said provision accordingly fails to hurdle the test as laid down above. Consequently, the common provision found in each of the Ordinances of the LGUs in Metro Manila shall unavoidably be considered stricken off and deemed inoperative.

While the Court recognizes that LGUs possess delegated legislative powers, and thus may enact regulations to promote the general welfare of the people,¹⁰⁷ the fact remains that as agents of the State, it is incumbent upon them to act in conformity to the will of their principal.¹⁰⁸ Necessarily,

¹⁰⁶ See *Social Justice Society (SJS) v. Atienza, Jr.*, 568 Phil. 658, 699–700 (2008) [Per J. Corona, First Division].

¹⁰⁷ See LOCAL GOVERNMENT CODE, sec. 16,

¹⁰⁸ *City of Batangas v. Philippine Shell Petroleum Corporation*, 810 Phil. 566, 584 (2017) [Per J. Caguioa, First Division].



therefore, ordinances enacted pursuant to the general welfare clause of the LGC may not subvert the State's will by contradicting national statutes.¹⁰⁹ As held by the Court in the case of *Magtajas v. Pryce Properties*:¹¹⁰

The rationale of the requirement that the ordinances should not contravene a statute is obvious. Municipal governments are only agents of the national government. Local councils exercise only delegated legislative powers conferred on them by Congress as the national lawmaking body. The delegate cannot be superior to the principal or exercise powers higher than those of the latter. It is a heresy to suggest that the local government units can undo the acts of Congress, from which they have derived their power in the first place, and negate by mere ordinance the mandate of the statute.

Municipal corporations owe their origin to, and derive their powers and rights wholly from the legislature. It breathes into them the breath of life, without which they cannot exist. As it creates, so it may destroy. As it may destroy, it may abridge and control. Unless there is some constitutional limitation on the right, the legislature might, by a single act, and if we can suppose it capable of so great a folly and so great a wrong, sweep from existence all of the municipal corporations in the State, and the corporation could not prevent it. We know of no limitation on the right so far as to the corporation themselves are concerned. They are, so to phrase it, the mere tenants at will of the legislature.

This basic relationship between the national legislature and the local government units has not been enfeebled by the new provisions in the Constitution strengthening the policy of local autonomy. Without meaning to detract from that policy, we here confirm that Congress retains control of the local government units although in significantly reduced degree now than under our previous Constitutions. The power to create still includes the power to destroy. The power to grant still includes the power to withhold or recall. True, there are certain notable innovations in the Constitution, like the direct conferment on the local government units of the power to tax, which cannot now be withdrawn by mere statute. By and large, however, the national legislature is still the principal of the local government units, which cannot defy its will or modify or violate it.¹¹¹ (Citations omitted)

It bears stressing that the policy of ensuring the autonomy of local governments was not intended to create an *imperium in imperio* and install intra-sovereign political subdivisions independent of the sovereign state.¹¹² As agents of the State, LGUs should bear in mind that the police power devolved to them by law must be, at all times, exercised in a manner consistent with the will of their principal.¹¹³

¹⁰⁹ *Id.*

¹¹⁰ 304 Phil. 428 (1994) [Per J. Cruz, *En Banc*].

¹¹¹ *Id.* at 446-447.

¹¹² *City of Batangas v. Philippine Shell Petroleum Corporation*, *supra* note 108, at 569.

¹¹³ *Id.*



Enforcement of the Single Ticketing System

Finally, considering that the MMDA Law lodged in the MMDA both the duty and the power to install and administer a single ticketing system,¹¹⁴ the Court hereby directs respondent LGUs, particularly those who have not manifested that they have been complying with the Joint Circular, (1) to desist from continuing to implement the common provision in the Ordinances in their respective territorial jurisdictions, and (2) to bar their respective traffic enforcers from issuing OVRs and from confiscating the driver's licenses of erring motorists, unless they have been deputized by the MMDA.

It bears emphasis that the MMDA has already issued the Joint Circular implementing the single ticketing system in Metro Manila. It was issued bearing in mind precisely the predicament that petitioners faced in this case. As the Joint Circular itself states:

1.0 Rationale

The Land Transportation Office (LTO) issues Temporary Operator's Permit (TOP), Metropolitan Manila Development Authority issues Traffic Violation Receipt (TVR), and LGUs issue their respective Ordinance Violation Receipt (OVR) for traffic violations. Moreover, the TOP, TVR, and OVRs are being issued with varying fines and penalties for the same traffic violation, and under different procedure in apprehension, payment of fine, and redemption of license/plate. This multiple-ticketing system and uncoordinated implementation of traffic laws result to confusion of the driving public and loss of money and productive hours, and if left unattended may create chaos to the detriment of the public in general.

To address this predicament, the Metro Manila Council, by virtue of Section 5(f) of Republic Act No. 7924, enacted MMDA Resolution No. 12-02 on January 26, 2012, adopting a Uniform Ticketing System within the Metro Manila using a uniform ticket and ticketing system, aimed at harmonizing the existing national and local laws on traffic enforcement and for the prevention of confusion among private and public motorists.

As a necessary consequence of the foregoing discussion on the MMDA possessing the necessary powers to implement the single ticketing system as provided for by the MMDA Law, the Court so holds that the Joint Circular is valid and must thus be implemented with full force and effect so as to accomplish the intent of the legislature in enacting the MMDA Law. As the CA held in its Decision, which was made prior to the issuance of the Joint Circular, "Section 5(f) of RA [7924] is very much still a good law waiting to be enforced and utilized."¹¹⁵ The Joint Circular was precisely enacted to enforce the MMDA Law, and must accordingly be fully implemented.

¹¹⁴ Republic Act No. 7924 (1995), sec. 5(f).

¹¹⁵ *Rollo*, p. 1035.

At this juncture, the Court takes judicial notice¹¹⁶ as well that the MMC has recently adopted MMDA Resolution No. 23-02, or the “Metro Manila Traffic Code” (Code), which not only reiterated the implementation of the single ticketing system through the use of the UOVRs¹¹⁷ but also explicitly provided for the interoperability of citation tickets issued within Metro Manila.¹¹⁸ Notably, apart from providing for the single ticketing system, the Code also provided standard penalties for most traffic violations, such as disregarding traffic signs,¹¹⁹ illegal parking,¹²⁰ violation of the number coding scheme,¹²¹ reckless driving,¹²² illegal counterflow,¹²³ and overspeeding,¹²⁴ to name a few. The adoption of the Code confirms that the Court’s disquisition in this Decision is the correct interpretation of the MMDA Law’s provisions.

While it was argued during the deliberations of this case that the adoption of the Code has rendered the issue in this case moot due to this supervening event,¹²⁵ this is not so. The adoption of the Code does not render the issue academic as the Code did not repeal the provisions in the respective ordinances of the LGUs pertaining to the issuance of OVRs.¹²⁶ In fact, the Code merely “encouraged” the LGUs to adopt “this Code through a legislation by their respective *Sanggunian* and ensure that all traffic laws, rules and regulations inconsistent with this Code are amended in accordance

¹¹⁶ RULES OF EVIDENCE, Rule 129, sec. 1, provides:

SECTION 1. *Judicial Notice, When Mandatory.* — A court shall take judicial notice, without the introduction of evidence, of the existence and territorial extent of states, their political history, forms of government and symbols of nationality, the law of nations, the admiralty and maritime courts of the world and their seals, the political constitution and history of the Philippines, official acts of the legislative, executive and judicial departments of the National Government of the Philippines, the laws of nature, the measure of time, and the geographical divisions.

¹¹⁷ See METRO MANILA TRAFFIC CODE, sec. 31, which provides:

... *Unified Ordinance Violation Receipt (UOVR)* — The Uniform Ticketing System shall be implemented using a Uniform Ticket called Uniform Ordinance Violation Receipt (UOVR) for physical apprehension. The UOVR contains the following features: the MMDA, LTO and 17 LGU logos, MMDA and LGUs specific and distinctive serial numbers; and common security features to avoid the use or proliferation of fake tickets, commonly termed as “*palipad*” or “*talahib*”. The UOVR shall be recognized by MMDA, LTO and all LGUs’ deputized or authorized traffic personnel as a valid traffic citation receipt and temporary driver’s license within Metro Manila pursuant to Section 34 of this Code.

¹¹⁸ See *id.* at sec. 34, which provides:

... *Interoperability of Citation Tickets within Metro Manila* — The operability of the citation ticket, as a temporary license, within the jurisdictional bounds of Metro Manila while operating a motor vehicle in cases the Driver’s License is confiscated, or upon citation of continuing traffic violations; or violations that transcend the territorial jurisdictions shall be recognized and acknowledged by the MMDA, LGUs in Metro Manila and LTO notwithstanding who effected the apprehension or issued the citation ticket within ten (10) working days from the issuance thereof.

¹¹⁹ *Id.* at sec. 10.

¹²⁰ *Id.* at sec. 11.

¹²¹ *Id.* at sec. 12.

¹²² *Id.* at sec. 15.

¹²³ *Id.* at sec. 24.

¹²⁴ *Id.* at sec. 25.

¹²⁵ Dissent of Associate Justice Amy C. Lazaro-Javier, p. 2.

¹²⁶ METRO MANILA TRAFFIC CODE, sec. 55. *Repealing Clause* — All rules, issuances and regulations or parts thereof promulgated through the Metro Manila Council that are inconsistent with this Code are hereby repealed or modified accordingly.

herewith.”¹²⁷ It is thus clear that even with the passage of the Code, and following its language in the final provisions, the MMDA and the LGUs still operate on the understanding that the LGUs’ ordinances remain supreme even in matters pertaining to traffic which, as discussed, is not the intent of the MMDA Law.

All told, the Court thus declares as invalid the common provision in the said traffic codes or ordinances of the LGUs in Metro Manila empowering each of them to issue OVRs to erring drivers and motorists. The other provisions of the traffic codes or ordinances remain valid and unaffected by this Decision.

Final Word

The Court is not unmindful of the mandate of the State to ensure the autonomy of local governments.¹²⁸ While the Court acknowledges the importance of local autonomy, the Court similarly recognizes that its primordial duty is to apply the law as it is written. To do otherwise — even if another interpretation is more logical or wise — would be an encroachment upon legislative prerogatives to define the wisdom of the laws.¹²⁹ Such would be a case of judicial legislation — an act which the Court could not, and must not, do.

In this connection, the Court also finds that the autonomy of the LGUs will not be unduly undermined by the ruling in this case, as their interests are amply protected by the very structure of the MMDA as established by the MMDA Law. With the exception of the MMDA Chairperson who is appointed by the President, the membership of the MMC — which is the governing board and policy making body of the MMDA — is composed of all the mayors of the 16 cities and the lone municipality in Metro Manila, as well as the Presidents of the Metro Manila Vice-Mayors League and the Metro Manila Councilors League. While the national government has representatives in the MMC, these representatives sit as non-voting members.

This structure breathes life to the avowed objectives of the MMDA Law which is to promote efficiency, cohesion, harmony, and order, in the delivery of metro-wide services such as traffic management in Metro Manila — without undermining local autonomy, as its decisions are reached through a governing body composed primarily of the local chief executives themselves.

ACCORDINIGLY, premises considered, the Petition for Review on *Certiorari* is hereby **GRANTED**. The Decision dated December 7, 2012 and Resolution dated October 3, 2013 of the Court of Appeals in CA-G.R. SP No. 97308 are **REVERSED** and **SET ASIDE**.

¹²⁷ *Id.* at sec. 54.

¹²⁸ CONST., art. II, sec. 25 and art. X, sec. 2.

¹²⁹ *Rizal Commercial Banking Corp. v. Intermediate Appellate Court*, *supra* note 85.



The following provisions — and only the following — are henceforth declared **NULL** and **VOID**:

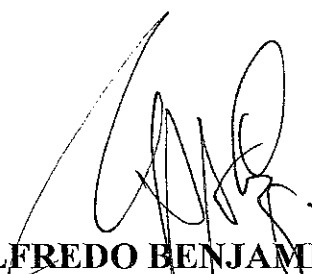
1. Section 124 of Ordinance No. 2003-89 series of 2003 of Makati City titled “AN ORDINANCE ENACTING THE MAKATI CITY TRAFFIC CODE SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS;”
2. Section 124 of Ordinance No. 103 series of 2003 of Taguig titled “AN ORDINANCE ESTABLISHING THE TRAFFIC MANAGEMENT CODE OF THE MUNICIPALITY OF TAGUIG;”
3. Section 124 of Ordinance No. 05-04 series of 2004 of Parañaque City titled “AN ORDINANCE ENACTING THE PARAÑAQUE CITY TRAFFIC CODE SUBJECT TO EXISITING LAWS AND APPLICABLE RULES AND REGULATIONS.”
4. Section 124 of Ordinance No. 2916 series of 2004 of Pasay City titled “AN ORDINANCE ADOPTING A TRAFFIC MANAGEMENT CODE OF PASAY CITY;”
5. Section 124 of Ordinance No. SP-1444 series of 2004 of Quezon City titled “AN ORDINANCE CREATING THE TRAFFIC MANAGEMENT CODE OF QUEZON CITY;”
6. Section 124 of Ordinance No. 37 series of 2004 of San Juan titled “MUNICIPAL ORDINANCE KNOWN AND CITED AS THE MANAGEMENT CODE OF THE MUNICIPALITY OF SAN JUAN, METRO MANILA;”
7. Section 123 of Ordinance No. 2004-14 series of 2004 of Navotas titled “TRAFFIC MANAGEMENT CODE OF THE MUNICIPALITY OF NAVOTAS, METRO MANILA;”
8. Section 120 of Ordinance No. 652-04 series of 2004 of Las Piñas titled “LAS PIÑAS TRAFFIC CODE;”
9. Section 124 of Ordinance No. 01 series of 2004 of Pasig City titled “AN ORDINANCE ENACTING THE 2004 TRAFFIC MANAGEMENT CODE OF THE CITY OF PASIG;”



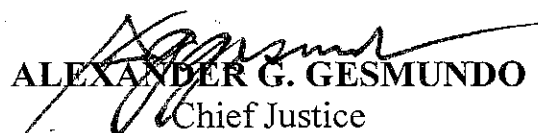
10. Section 124 of Ordinance No. 04-022 series of 2005 of Muntinlupa City titled "AN ORDINANCE ENACTING THE MUNTINLUPA CITY TRAFFIC CODE, SUBJECT TO ALL LAWS AND EXISTING LEGAL RULES AND REGULATIONS;"
11. Section 145 of Ordinance No. 358 series of 2005 of Mandaluyong City titled "THE TRAFFIC MANAGEMENT CODE OF THE CITY OF MANDALUYONG;"
12. Section 138 of Ordinance No. 019 series of 2005 of Valenzuela titled "AN ORDINANCE ENACTING THE LAND TRANSPORTATION CODE OF THE CITY OF VALENZUELA;"
13. Section 129 of Ordinance No. 0391 series of 2005 of Caloocan City titled "AN ORDINANCE PROVIDING FOR THE ADOPTION OF THE NEW TRAFFIC MANAGEMENT CODE OF CALOOCAN CITY;"
14. Section 124 of Ordinance No. 8092 series of 2005 of the City of Manila titled "ORDINANCE REVISING THE TRAFFIC CODE OF THE CITY OF MANILA BY AMENDING CHAPTER 121 OF THE COMPILATION OF THE ORDINANCES OF THE CITY OF MANILA AND FOR OTHER PURPOSES;" and
15. Section 124 of Ordinance No. 2005-19 series of 2005 of Pateros titled "ORDINANCE APPROVING THE TRAFFIC MANAGEMENT CODE OF THE MUNICIPALITY OF PATEROS, PROVIDING PENALTIES FOR VIOLATORS AND FOR OTHER LEGAL PURPOSES."

A permanent injunction is hereby issued to enjoin respondent local government units from: (1) further issuing Ordinance Violation Receipts; and (2) confiscating licenses through their own traffic enforcers, unless they are deputized by the Metropolitan Manila Development Authority.

SO ORDERED.


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


WE CONCUR:



ALEXANDER G. GESMUNDO
Chief Justice

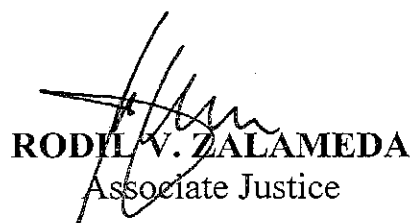
see separate concurring


MARVIC M.V.F. LEONEN
Associate Justice

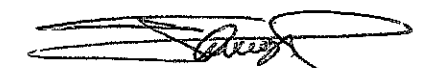

RAMON PAUL L. HERNANDO
Associate Justice

Please See Dissent

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice

(No part)

JHOSEP Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

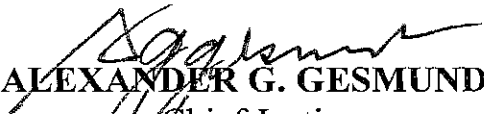

JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.



ALEXANDER G. GESMUNDO
Chief Justice