

Open Letter to Solicitor General Estelito P. Mendoza, Minister of Justice Ricardo C. Puno, and Presidential Assistant for Legal Affairs Manuel M. Lazaro – Re: PCO Cases and Lansang Doctrine

Alan F. Paguia

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TAG(S): *LANSANG V. GARCIA*, *PADILLA V. ENRILE*, *MORALES V. ENRILE*,
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The Author, then on his sophomore year in the Ateneo Law School, writes the Solicitor General, Minister of Justice, and Presidential Assistant for Legal Affairs to clarify the issue of whether the *Morales* case effectively reinstated the doctrine of the *Lansang* case—i.e. that the President’s power to suspend the privilege of the writ of *habeas corpus* is subject to judicial inquiry. Invoking Article X of the Constitution, Paguia asserts that *Morales*, decided six days after the *Padilla* case which reversed *Lansang*, effectively re-established the latter. Following the wording of the constitutional provisions, the 8-vote or 5-vote requirements (mistakenly referred to by the mentioned officials in maintaining the opposite view) should only be applied for the purpose of rendering a valid decision. Neither should be applied in the sense of reversing a prior doctrine. The Constitution is explicit: the reversal must be made by the Court “*sitting en banc*.” Therefore, where the Court renders a valid decision *en banc*, as in *Morales* where more than eight concurrences was reached (including qualified concurrences), reversal occurs as a matter of law. Taking the contrary view would lead to absurd results.