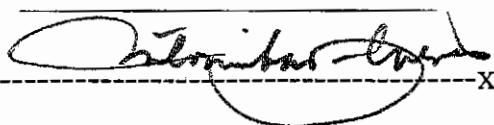


EN BANC

G.R. No. 209479 (FEDERATION OF JEEPNEY OPERATORS AND DRIVERS ASSOCIATION OF THE PHILIPPINES [FEJODAP], ALLIANCE OF TRANSPORT OPERATORS AND DRIVERS ASSOCIATION OF THE PHILIPPINES [ALTODAP], and ALLIANCE OF CONCERNED TRANSPORT OPERATORS [ACTO], et al., Petitioners v. GOVERNMENT OF MANILA CITY, QUEZON CITY, VALENZUELA CITY, CALOOCAN CITY, SAN JUAN, NAVOTAS, LAS PIÑAS, TAGUIG, PASAY CITY, PARAÑAQUE CITY, MUNTINLUPA CITY, MANDALUYONG CITY, MAKATI CITY, PASIG CITY, PATEROS, METROPOLITAN MANILA DEVELOPMENT AUTHORITY [MMDA], LAND TRANSPORTATION OFFICE [LTO] and THE DEPARTMENT OF TRANSPORTATION AND COMMUNICATION [DOTC]), Respondents).

Promulgated:

July 11, 2023



X-----

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DISSENT

LAZARO-JAVIER, J.:

The *Majority Decision*, penned by my highly esteemed senior colleague, Justice Alfredo Benjamin S. Caguioa, struck down the assailed common provisions of the respective ordinances of the respondent local government units (LGUs) as void for allegedly contravening Republic Act No. 7924 or the Metropolitan Manila Development Authority (MMDA) Law. It ordained that the MMDA Law clearly bestowed upon the MMDA *rule-making power* with respect to the regulation of traffic in Metro Manila, citing as basis Sections 3(b), 5(e) and (f), and the deliberations of the Committee on Local Government on House Bill No. 14170/11116. Accordingly, the MMDA Law, being the later enactment, *impliedly modified* Sections 447(5)(v-vi) and 458(5)(v-vi) of the Local Government Code (LGC). Consequently, the common provisions of the assailed ordinances are void for being inconsistent with the MMDA Law.

I respectfully disagree with the conclusions drawn by the *Majority Decision vis-à-vis* the nature of the powers lodged with the MMDA as regards traffic regulation in Metro Manila. For it is my humble view that the MMDA is, and has always been, a mere administrative coordinating body *sans any*



ordinance-making power. Notably, this view is strongly supported, reiterated, and espoused by a handful of landmark jurisprudence¹ on the matter.

I elucidate.

First. The *Majority Decision* itself took judicial notice that the Metro Manila Council (MMC) has already adopted MMDA Resolution No. 23-02 or the “Metro Manila Traffic Code,” which provided for the unified ticketing system throughout Metro Manila. Too, it now standardized the penalties for most traffic violations in the area.

To recall, petitioners themselves admitted that “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 respondents LGUs, LTO, and MMDA.”²

Too, their allegation that “allowing respondent LGUs to continue issuing OVRs renders nugatory MMDA Resolution No. 12-02 and undermines the single ticketing system implemented by MMDA,”³ has been duly addressed by the Metro Manila Traffic Code which explicitly provides for the inter-operability of citation tickets issued within Metro Manila.

It is all clear, therefore, that the present controversy, as well as the dilemma of confusion bewailed by petitioners, has already become *moot* due to this supervening event. A case is moot when a supervening event has terminated the legal issue between the parties such that the Court is left with nothing more to resolve. It can no longer grant any relief or enforce any right and anything it says on the matter will have no practical use or value.⁴

Accordingly, the Petition may already be dismissed on this score alone. Even so, my view remains the same even considering the merits of the case. Consider the following points:

Second. The delineation between the roles and powers of respondent LGUs and the MMDA has always been clear. There was never any confusion

¹ See *Metropolitan Manila Development Authority v. Bel-Air Village Association*, 385 Phil. 586 (2000) [Per J. Puno, First Division], *Metropolitan Manila Development Authority v. Garin*, 496 Phil. 82 (2005) [Per J. Chico-Nazario, Second Division], *Metropolitan Manila Development Authority v. Trackworks Rail Transit Advertising, Vending and Promotions, Inc.*, 623 Phil. 236 (2009) [Per J. Bersamin, First Division], *Gancayco v. City Government of Quezon City*, 674 Phil. 637 (2011) [Per J. Sereno, *En Banc*], *Francisco, Jr. v. Hon. Fernando*, 537 Phil. 391 (2006) [Per J. Carpio, *En Banc*], *Picardal v. People*, 854 Phil. 575 (2019) [Per J. Caguioa, Second Division], and *Pantaleon v. Metropolitan Manila Development Authority*, G.R. No. 194335, November 17, 2020 [Per J. Leonen, *En Banc*].

² *Majority Decision*, pp. 9–10.

³ *Id.* at 10.

⁴ See *Express Telecommunications Co., Inc. v. AZ Communications, Inc.*, G.R. No. 196902, July 13, 2020 [Per J. Leonen, Third Division].

nor is there any confusion now. This is glaringly apparent from the face of the relevant statutes and even the deliberations of the Congress. Allow me to demonstrate:

LGUs are explicitly and directly empowered to enact ordinances on traffic rules and regulations and impose penalties for traffic violations

It is a settled principle in political law that LGUs possess quasi-legislative power for, by immemorial practice, they have always been allowed to legislate on purely local matters.⁵ Relevantly, Sections 447(5)(v-vi) and 458(5)(v-vi) of the LGC state:⁶

SECTION 447. – Powers, Duties, Functions and Compensation. – (a) The Sangguniang Bayan, as the legislative body of the municipality, **shall enact ordinances**, approve resolution 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: x x x

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

(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 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; x x x (Emphases supplied)

The law is *unequivocal*: respondent LGUs are empowered to enact ordinances to regulate traffic on all streets and avenues within their respective

⁵ See *Belgica v. Ochoa*, 721 Phil. 416, 546 (2013) [Per J. Perlas-Bernabe, *En Banc*].

⁶ Except for their respective reference to municipality and city, the wording of the provisions are identical. We thus cite only Section 447(5)(v-vi) for brevity.

territories. We cannot say the same for MMDA, with due respect, contrary to what the *Majority Decision* endorsed.

The MMDA is only empowered to enact rules and regulations to coordinate, implement, and enforce already existing traffic laws and regulations

The *Majority Decision* cited Section 3(b) and Section 5(e) and (f) of the MMDA Law as well as pertinent Congressional deliberations to justify that “the legislative intent was to lodge in the MMDA the entire rule-making power relative to traffic management in Metro Manila”, seemingly to the exclusion of LGUs.

With due respect, I beg to differ.

The cited authorities in the *Majority Decision* in truth only affirm the MMDA’s functions as *purely coordinative*. Meaning, any rule-making power lodged upon it, if any, is limited *solely* to harmonize, coordinate, and unify the implementation of any traffic law, ordinance, or regulation *already existing and in place*. They do not, in any explicit or implied terms, deprive the LGUs of their quasi-legislative power vis-à-vis traffic regulation and transfer the same to the MMDA.

I examine the *Majority Decision*’s cited authorities *in seriatim*. In doing so, I am guided by the rule in statutory construction that “[t]he statute’s clauses and phrases must *not be taken as detached and isolated expressions*, but the whole and every part thereof must be considered in fixing the meaning of any of its parts in order to produce a harmonious whole.”⁷

One. Section 3(b) of the MMDA Law states:

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:** x x x

(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;

⁷ See *Philippine International Trading Corporation v. COA*, 635 Phil. 447, 454 (2010) [Per J. Perez, *En Banc*].

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**. (Emphases and underscoring supplied)

The *Majority Decision* construed the meaning of this provision as one granting the MMDA with rule-making powers, such as the power to “formulate policies, standards, and programs.”⁸ With due respect, however, “policies, standards, and programs” are not “rules and regulations.” They are not self-executing but are *mere aids or guides* to legislative bodies, like the local legislative councils of the LGUs, in enacting traffic ordinances, much like the nature of Article II of the Constitution.⁹

More, reading the provision as a whole, MMDA’s “traffic management” function appears to be purely administrative. If the entire phrase is to be read completely, it states that “the formulation, *coordination* and monitoring of policies, standards, programs and projects” is for the purpose of rationalizing existing transport operations, among others. “To rationalize” means to “make (a company, process, or industry) more efficient, especially by dispensing with superfluous personnel or equipment.”¹⁰ It includes “*administration and implementation* of all traffic enforcement operations...including the institution of a single ticketing system in the Metropolitan Area.” To be sure, this interpretation is consistent with the very purpose of the MMDA, which is, to repeat, coordinative and policy-making.

Two. Section 5(e) and (f) of the MMDA Law reads:

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

(e) The MMDA shall 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 extend 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

⁸ Majority Decision, p. 26.

⁹ See *Tondo Medical Center v. CA*, 554 Phil. 609 (2007) [Per J. Chico-Nazario, *En Banc*].

¹⁰ Oxford Languages.

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; (Emphases and underscoring supplied)

I adopt my earlier stance with respect to this provision. The *Majority Decision* particularly anchored its argument on the phrase in Section 5(f), which states, “fix, impose, and collect fines and penalties for all kinds of violations of traffic rules and regulations” as to mean that MMDA has rule-making power akin to the LGUs’ traffic ordinance-making power because it can, *by itself*, impose sanctions for violation of traffic rules.

The provision, however, must be read as a whole. Remarkably, it starts with “install and administer a single ticketing system.” Notably, under Section 3(b), the installation of a single ticketing system is part of the MMDA’s services to *administer and implement* all traffic enforcement operations in Metro Manila. Simply put, it is also purely administrative in nature.

As for the phrase used by the *Majority Decision*, i.e., “fix, impose, and collect fines and penalties for all kinds of violations of traffic rules and regulations,” there can be no reason why it was attached and lumped with the power to install a single ticketing system other than that MMDA is empowered to “fix, impose, and collect fines and penalties” for all kinds of traffic violations *precisely* to, again, coordinate, harmonize, and unify different existing traffic rules by *replacing* the varying fines and penalties under different traffic laws, ordinances, and regulations with a *uniform* set of fines and penalties under the single ticketing system.

Last. In fact, this interpretation is affirmed by the very portion of the deliberations of the Committee on Local Government on House Bill No. 14170/11116, quoted by the *Majority Decision* itself, *viz.*:

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.

x x x

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.** (Emphases and underscoring supplied)

As shown, Section 5(e) and (f) were inserted to make clear that MMDA's purpose is to quell the havoc wreaked by the different rules and penalties sanctioned by the respondent LGUs, through a central system of coordination under a single ticketing system.

Third. I humbly opine that the legislative intent from the onset was clear: MMDA was *never intended* to wield legislative powers in the same way LGUs do. Rather, any rule-making powers that were granted to it is limited in scope for purposes only of implementing the policy of the MMDA Law. This much can be gleaned from the deliberations of the Congress, *viz.* :

THE CHAIRMAN: That's correct. But it is considered to be a political subdivision. What is the meaning of a political subdivision? Meaning to say, that it has its own government, it has its own political personality, it has the power to tax, and all governmental powers: police power and everything. All right. **Authority is different; because it does not have its own government. It is only a council, it is an organization of political subdivision, powers, no, which is not imbued with any political power.**

If you go over Section 6, where the powers and functions of the Metro Manila Development Authority, **it is purely coordinative.** And it provides here that **the council is policy-making.** All right.

Under the Constitution is a Metropolitan Authority with coordinative power. Meaning to say, **it coordinates all of the different basic services** which have to be delivered to the constituency. All right.

There is now a problem. Each local government unit is given its respective... as a political subdivision. Kalookan has its powers, as provided for and protected and guaranteed by the Constitution. All right, the exercise. However, in the exercise of that power, it might be deleterious and disadvantageous to other local government units. **So, we are forming an authority where all of these will be members and then set up a policy in order that the basic services can be effectively coordinated.** All right.

Of course, we cannot deny that the MMDA has to survive. We have to provide some funds, resources. But it does not possess any political power. We do not elect the Governor. We do not have the power to tax. As a matter of fact, I was trying to intimate to the author that it must have the power to sue and be sued because it coordinates. All right. **It coordinates practically all these basic services so that the flow and the distribution of the basic services will be continuous. Like traffic,** we cannot deny that. It's before our eyes. Sewerage, flood control, water system, peace and order, we cannot deny these. It's right on our face. We have to look for a solution. What would be the right solution? All right, **we envision that there should be a coordinating agency and it is called an authority.** All right, if you do not want to call it an authority, it's alright. We may call it a council or maybe a management agency.

x x x

THE CHAIRMAN: Yeah, but we have to go over the suggested revision. I think this was already approved before, but it was reconsidered in view of the proposals, set-up, **to make the MMDA stronger.** Okay, so if there is no objection to 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 deemed necessary by the MMDA to carry out the purposes of this Act.**" Do you have the powers? Does the MMDA ... because **that takes the form of a local government unit, a political subdivision.**

HON. [Feliciano] 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 may be in the form of a resolution or it may be 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 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 this MMDA 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

[Handwritten mark]

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, it is a political exercise. Believe me.**

HON. [Elias] LOPEZ: Mr. Chairman, **it can be changed into issuances of rules and regulations.** That would be ... it 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 resolutions.

HON. BELMONTE: **Rules, regulations and resolutions.**"
(Emphases and underscoring supplied)

The clear import of the deliberations is that MMDA was expressly *never* intended to be a political subdivision much less exercise *any power* of a political subdivision, including usurping the traffic rule-making power of respondent LGUs; otherwise, the Congress could have simply created an autonomous region, with its corresponding local government, to govern Metro Manila. In fact, this legislative intent, as shown by the afore-quoted deliberations, is obvious in the MMDA Law itself.

I focus on Section 6(b) referred in the deliberations, in relation to Sections 1 and 2 of the MMDA Law, to wit:

SECTION 6. *Functions of the Metro Manila Council.* – x x x

(b) It shall approve metro-wide plans, programs and projects **and issue rules and regulations** deemed necessary by the MMDA to **carry out the purposes of this Act.** x x x

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. x x x

SECTION 2. *Creation of the Metropolitan Manila Development Authority.* – The affairs of Metropolitan Manila shall be administered by the Metropolitan Manila Authority, herein after referred to as the MMDA, to replace the Metro Manila Authority (MMA) organized under Executive Order No. 392, series of 1990.

The MMDA shall perform **planning, monitoring and coordinative functions**, and in the process exercise regulatory and supervisory authority over the delivery of metro-wide services within Metro Manila **without diminution of the autonomy of the local government units** concerning purely local matters. (Emphases and underscoring supplied)

In fine, while the MMC is empowered to issue rules and regulations and resolutions, the same must only be to carry out the purposes of the MMDA Law, which, according to Sections 1 and 2, are to develop a more efficiently and effectively planned, supervised, and *coordinated* delivery of basic services within Metro Manila. In other words, the MMDA may issue rules, regulations, and resolutions but only to allow it to be able to enforce the coordination policies and programs it prepared.

Fourth. The key word here is *coordination*. “Coordination” means the process of organizing people or groups so that they work together properly and well: the harmonious functioning of parts for effective results.¹¹ If the MMDA Law is to be construed the way the *Majority Decision* espoused, i.e., all rule-making power is now lodged in the MMDA to the exclusion of the component LGUs, what else is left for MMDA to coordinate?

Lastly. Implied repeal is frowned upon in this jurisdiction. It is not favored, unless it is manifest that the legislative authority so intended or unless it convincingly and unambiguously demonstrated that the subject laws or orders are clearly repugnant and patently inconsistent that they cannot co-exist. This is because the legislative authority is presumed to know the existing law so that if repeal is intended, the proper step is to express it.¹²

This is precisely why when faced with two seemingly inconsistent pieces of legislation, the first step is to harmonize their provisions, not to immediately strike down one or the other as repealed. Here, there is room for harmony. The two pieces of legislation at hand are not repugnant nor patently inconsistent. In fact, they have been co-existing for more than two decades


¹¹ Merriam-Webster Dictionary.

¹² See *United Harbor Pilots' Association of the Philippines, Inc. v. Association of International Shipping Lines, Inc.*, 440 Phil. 188 (2002) [Per J. Sandoval-Gutierrez, *En Banc*].

now under the aegis of the present interpretation of the MMDA Law. Besides, we need not go to extreme lengths to settle a dispute that has, anyway, become moot.

More important, to declare that the MMDA Law has impliedly modified the LGC with respect to the component LGUs is absolutely *contrary* to the unequivocal intent of the law. Repeatedly, our quotations of the Congressional deliberations emphasized how the legislators took pains to protect the autonomy of the LGUs. The Court is in no position, pursuant to the primordial doctrine of separation of powers, to ordain otherwise. Our function is merely to apply the law and interpret it *in accordance*, not *contrary to*, the clear legislative intent.

ALL TOLD, I respectfully reiterate my dissent. Accordingly, I vote to dismiss the Petition on the ground of mootness. Alternatively, I vote to uphold the power of the component LGUs to issue ordinances regulating traffic within their respective territorial jurisdictions subject only to the coordinative functions, authority, and policies of the MMDA.


AMY C. LAZARO-JAVIER
Associate Justice