

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

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SEPARATE CONCURRING OPINION

LEONEN, J.:

Petitioners are a group of transport organizations with public utility transport operators and/or drivers of public utility vehicles for their members.¹ They filed before the Court of Appeals a Petition for Injunction and Mandamus seeking to: (1) enjoin respondent local government units from implementing their ordinance violation receipt system, and (2) compel respondent Metropolitan Manila Development Authority (MMDA) to enforce the single ticketing system² under Republic Act No. 7924.³

While the case was pending before the Court of Appeals, the MMDA “issued Resolution No. 12-02, Series of 2012 (MMDA Resolution 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.”⁴

Subsequently, the Court of Appeals rendered its assailed decision dismissing the Petition for Injunction and Mandamus. It rejected petitioners’

¹ Ponencia, pp. 7–8.

² Rollo, p. 12.

³ An Act Creating the Metropolitan Manila Development Authority, Defining Its Powers and Functions, Providing Funding therefor and for other Purposes.

⁴ Ponencia, p. 8.

stance as to the conflict between the Local Government Code and Republic Act No. 4136.⁵ It further decreed that there is no clash between the Local Government Code and Republic Act No. 7924 as their provisions contain specific boundaries of their powers. No pronouncement was, however made concerning the issue of whether the local government units' ordinance violation receipt violated the single ticketing system under the Republic Act No. 7924.⁶

Petitioners then filed the present Petition for Review before this Court.

Essentially, the parties argue on the validity of the ordinance violation receipt provisions in the various ordinances⁷ issued by respondent local government units. These provisions authorize local government traffic enforcers to issue traffic violation receipts and confiscate driver's licenses within their territorial jurisdictions. They read:

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

The parties also question the MMDA issuances adopting a single ticketing system for Metro Manila.⁹

⁵ An Act to Compile the Laws Relative to Land Transportation and Traffic Rules, to Create a Land Transportation Commission and for Other Purposes.

⁶ *Ponencia*, pp. 8–9.

⁷ Makati City Ordinance No. 2003-89, Series of 2003, An Ordinance Enacting the Makati City Traffic Code, Subject to All Laws and Existing Legal Rules and Regulations; Taguig Ordinance No. 103, Series of 2003, An Ordinance Establishing the Traffic Management Code of the Municipality of Taguig; Parañaque Ordinance No. 2916, Series of 2004, An Ordinance Enacting the Parañaque City Traffic Code Subject to Existing Laws and Applicable Rules and Regulations; Quezon City Ordinance No. SP-1444, Series of 2004, An Ordinance Creating the Traffic Management Code of Quezon City; San Juan Ordinance No. 37, Series of 2004, Municipal Ordinance Known and Cited as the Management Code of the Municipality of San Juan, Metro Manila; Navotas Ordinance No. 2004-14, Series of 2004, Traffic Management Code of the Municipality of Navotas, Metro Manila; Las Piñas Ordinance No. 652-04 Series of 2004, Las Piñas Traffic Code; Pasig City Ordinance No. 01, Series of 2004, An Ordinance Enacting the 2004 Traffic Management Code of the City of Pasig; Muntinlupa City Ordinance No. 04-022, Series of 2005, An Ordinance Enacting the Muntinlupa City Traffic Code, Subject to All Laws and Existing Legal Rules and Regulations; Mandaluyong City Ordinance No. 358, Series of 2005, The Traffic Management Code of the City of Mandaluyong; Valenzuela Ordinance No. 019, Series of 2005, An Ordinance Enacting the Land Transportation Code of the City of Valenzuela; Caloocan City Ordinance No. 0391, Series of 2005, An Ordinance Providing for the Adoption of the New Traffic Management Code of Caloocan City; City of Manila Ordinance No. 8092, Series of 2005; Pateros Ordinance No. 2005-19, Series of 2005, 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; Pateros Ordinance No. 2005-13, Series of 2005, Traffic Management Code of the Municipality of Pateros.

⁸ *Ponencia*, p. 7.

⁹ MMDA Resolution No. 12-02, Series of 2012, Establishing A Motorcycle Lane Along Epifanio Delos Santos Avenue (EDSA); Joint Metro Traffic Circular No. 01-12, Guidelines on the Implementation of

This case thus invites this Court to rule on the respective powers of the MMDA and local government units to regulate traffic and set traffic policies within their jurisdictions.

I concur with the *ponencia's* resolution of the issues in this case. Nonetheless, I take this opportunity to raise a few points on the requirement of an actual case or controversy for judicial review, and the power of the MMDA in relation to local government units.

I

Article VIII, Section 1 of the 1987 Constitution provides for this Court's power of judicial review. It states:

SECTION 1. The judicial power shall be vested in one Supreme Court and in such lower courts as may be established by law.

Judicial power includes the duty of the courts of justice to settle actual controversies involving rights which are legally demandable and enforceable, and to determine whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government.

As most powers conferred by the 1987 Constitution, this Court's power of judicial review is not without limitation.¹⁰ Its exercise necessitates the existence of four exacting requisites:

... first, there is an actual case or controversy involving legal rights that are capable of judicial determination; second, the parties raising the issue must have standing or *locus standi* to raise the constitutional issue; third, the constitutionality must be raised at the earliest opportunity; and fourth, resolving the constitutionality must be essential to the disposition of the case.¹¹ (Citation omitted)

The Constitution demands the presence of an actual case or controversy. It means "a conflict of legal rights, an assertion of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute."¹²

By reason of this requirement, the party bringing the case must not

the Uniform Ticketing System in Metro Manila.

¹⁰ *Senate of the Phils. v. Ermita*, 522 Phil. 1, 27 (2006) [Per J. Carpio-Morales, *En Banc*].

¹¹ *The Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*, 836 Phil. 205, 244 (2018) [Per J. Leonen, *En Banc*].

¹² *Philippine Constitution Association v. Philippine Government*, 801 Phil. 472, 485–486 (2016) [Per J. Carpio, *En Banc*].

only establish an act by another that opposes or conflicts with their legally demandable and enforceable right but should also show that the relief they seek is a matter that courts may address.¹³

In *Provincial Bus Operators Association of the Philippines v. Department of Labor and Employment*,¹⁴ this Court further elaborated on the requirement of an actual case or controversy:

An actual case or controversy is “one which involves a conflict of legal rights, an assertion of opposite legal claims susceptible of judicial resolution.” A case is justiciable if the issues presented are “definite and concrete, touching on the legal relations of parties having adverse legal interests.” The conflict must be ripe for judicial determination, not conjectural or anticipatory; otherwise, this Court’s decision will amount to an advisory opinion concerning legislative or executive action. In the classic words of *Angara v. Electoral Commission*:

[T]his power of judicial review is limited to actual cases and controversies to be exercised after full opportunity of argument by the parties, and limited further to the constitutional question raised or the very *lis mota* presented. Any attempt at abstraction could only lead to dialectics and barren legal questions and to sterile conclusions unrelated to actualities. Narrowed as its function is in this manner, the judiciary does not pass upon questions of wisdom, justice or expediency of legislation. More than that, courts accord the presumption of constitutionality to legislative enactments, not only because the legislature is presumed to abide by the Constitution but also because the judiciary in the determination of actual cases and controversies must reflect the wisdom and justice of the people as expressed through their representatives in the executive and legislative departments of the governments.

Even the expanded jurisdiction of this Court under Article VIII, Section 1 does not provide license to provide advisory opinions. An advisory opinion is one where the factual setting is conjectural or hypothetical. In such cases, the conflict will not have sufficient concreteness or adversariness so as to constrain the discretion of this Court. After all, legal arguments from concretely lived facts are chosen narrowly by the parties. Those who bring theoretical cases will have no such limits. They can argue up to the level of absurdity. They will bind the future parties who may have more motives to choose specific legal arguments. In other words, for there to be a real conflict between the parties, *there must exist actual facts from which courts can properly determine whether there has been a breach of constitutional text*.¹⁵ (Emphasis in the original, citations omitted)

¹³ *Kilusang Mayo Uno v. Aquino III*, 850 Phil. 1168, 1191 (2019) [Per J. Leonen, *En Banc*].

¹⁴ 836 Phil. 205 (2018) [Per J. Leonen, *En Banc*].

¹⁵ *Id.* at 244–246.

*Kilusang Mayo Uno v. Aquino III*¹⁶ explained the significance of this requisite:

This requirement goes into the nature of the judiciary as a co-equal branch of government. It is bound by the doctrine of separation of powers, and will not rule on any matter or cause the invalidation of any act, law, or regulation, if there is no actual or sufficiently imminent breach of or injury to a right. The courts interpret laws, but the ambiguities may only be clarified in the existence of an actual situation.¹⁷

In my concurring opinion in *Council of Teachers and Staff of Colleges and Universities of the Philippines v. Secretary of Education*,¹⁸ I explained that:

The other rationale for requiring an actual case or controversy is to avoid rendering merely advisory opinions on legislative or executive acts. Article 8 of the Civil Code states that judicial decisions interpreting the laws and the Constitution are part of the legal system. It is the courts' duty "to make a final and binding construction of law." Absent an actual case or controversy, courts merely answer legal questions with no actual effect on any person, place, or thing affecting the import of its issuances.¹⁹ (Citation omitted)

I (A)

The recent case of *Universal Robina Corporation v. Department of Trade and Industry*²⁰ further clarified the concept of actual case or controversy.

In *Universal*, this Court decreed that aside from proof of actual facts, a case also presents an actual controversy "when there is a clear and convincing showing of a contrariety of legal rights".²¹

An actual case or controversy exists when there are actual facts to enable courts to intelligently adjudicate the issues.

There is also an actual case and controversy when there is a clear and convincing showing of a contrariety of legal rights. In *Belgica v. Ochoa*, this Court explained:

Jurisprudence provides that an actual case or controversy is one which "involves a conflict of legal rights, an assertion

¹⁶ 850 Phil. 1168 (2019) [Per J. Leonen, *En Banc*].

¹⁷ *Id.* at 1188.

¹⁸ J. Leonen, Concurring Opinion in *Council of Teachers and Staff of Colleges and Universities of the Philippines v. Secretary of Education*, 841 Phil. 724 (2018) [Per J. Caguioa, *En Banc*].

¹⁹ *Id.* at 864.

²⁰ G.R. No. 203353, February 14, 2023 [Per J. Leonen, *En Banc*].

²¹ *Id.*, citing *Province of North Cotabato v. Government of the Republic of the Philippines Peace Panel on Ancestral Domain*, 589 Phil. 387, 481 (2008) [Per J. Carpio Morales, *En Banc*].

of opposite legal claims, susceptible of judicial resolution as distinguished from a hypothetical or abstract difference or dispute.” In other words, “[t]here must be a contrariety of legal rights that can be interpreted and enforced on the basis of existing law and jurisprudence.”

In *Calleja v. Executive Secretary*, this Court explained that a contrariety of legal rights is one:

. . . that can be interpreted and enforced on the basis of existing law and jurisprudence. Corollary thereto, the case must not be moot or academic, or based on extra-legal or other similar considerations not cognizable by a court of justice. All these are in line with the well-settled rule that this Court does not issue advisory opinions, nor does it resolve mere academic questions, abstract quandaries, hypothetical or feigned problems, or mental exercises, no matter how challenging or interesting they may be. Instead, case law requires that there is ample showing of *prima facie* grave abuse of discretion in the assailed governmental act in the context of actual, not merely theoretical, facts.²² (Citations omitted)

*Executive Secretary v. Pilipinas Shell Petroleum Corp.*²³ echoed this pronouncement and further provided guidelines on how clear and convincing contrariety of rights may be established:

Thus, in asserting a contrariety of legal rights, merely alleging an incongruence of rights between the parties is not enough. The party availing of the remedy must demonstrate that the law is so contrary to their rights that there is no interpretation other than that there is a factual breach of rights. No demonstrable contrariety of legal rights exists when there are possible ways to interpret the provision of a statute, regulation, or ordinance that will save its constitutionality. In other words, the party must show that the only possible way to interpret the provision is one that is unconstitutional. Moreover, the party must show that the case cannot be legally settled until the constitutional issue is resolved, that is, that it is the very *lis mota* of the case, and therefore, ripe for adjudication.²⁴ (Citation omitted)

In this case, I find the facts presented by the parties to be sufficient to satisfy the requirement of an actual case or controversy.

Petitioners insist that while local government units are authorized to issue ordinances to regulate traffic, this power does not include confiscating driver’s licenses or issuing ordinance violation receipts. They claim that the authority to issue traffic tickets falls on the Land Transportation Office as stated under Republic Act No. 4136. They then assert that allowing

²² *Id.*

²³ G.R. No. 209216 [Per J. Leonen, *En Banc*].

²⁴ *Id.*

respondent local government units to continue issuing ordinance violation receipts would constitute a direct contravention of an act of Congress, particularly Republic Act No. 4136.²⁵

Evidently, petitioners' assertions clearly and convincingly establish a contrariety of rights. Their allegations demonstrate that there can be no other interpretation of the assailed ordinances that will save their constitutionality.

II

As to the merits, the *ponencia* ruled that the MMDA's issuances providing for the single ticketing system prevail over the local government ordinances.²⁶

The *ponencia* discussed that Republic Act No. 7924 authorizes the MMDA to create and enforce all policies relating to traffic management in Metro Manila.²⁷ This power is expressly provided in the law, and the intent to delegate it to the MMDA is further revealed in legislative deliberations.²⁸ As the later expression of legislative will,²⁹ the *ponencia* held that Republic Act No. 7924 partly modified the provisions of the Local Government Code on the local government units' power to regulate traffic.³⁰

In addition, the *ponencia* deemed traffic management as a matter that transcends local political boundaries and, therefore outside the exclusive authority of local government units.³¹

I agree with the *ponencia's* disposition.

As a recognition of the State's declared policy of treating "Metropolitan Manila as a special development and administrative region[,]” Republic Act No. 7924 created the MMDA to administer effective and efficient delivery of basic metro-wide services in Metro Manila.³²

²⁵ *Rollo*, 14–16.

²⁶ *Ponencia*, p. 36.

²⁷ *Id.* at 26.

²⁸ *Id.* at 32.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.* at 33.

³² Republic Act No. 7924 (1995), secs. 1, 2 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.

SECTION 2. *Creation of the Metropolitan Manila Development Authority.* — The affairs of Metropolitan Manila shall be administered by the Metropolitan Manila Development Authority,

Under the law, the MMDA is tasked to “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[.]”³³ However, this power of the MMDA is subject to the condition that its exercise shall be without diminution of the autonomy of the local government units concerning purely local matters.³⁴

I concur with the *ponencia* that traffic management is a matter that cannot be categorized as purely local. It is a concern that “transcends local political boundaries”³⁵ and is within the jurisdiction of the MMDA.

To be sure, this interpretation is recognized by the definition of metro-wide services as defined under Section 3 of Republic Act No. 7924:

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:

....

(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.

This is further reinforced by the functions and powers of the MMDA, which include the authority to set policies concerning traffic in Metro Manila, to install and administer a single ticketing system, and to fix, impose, and collect fines and penalties for traffic violations. Section 5 of the Republic Act No. 7924 provides:

hereinafter 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.

³³ Republic Act No. 7924 (1995), sec. 2.

³⁴ Republic Act No. 7924 (1995), sec. 2.

³⁵ *Ponencia*, p. 33.

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

....

(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 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[.]

Considering that traffic management is not classified as a purely local matter, but is a metro-wide concern, it is the MMDA who has jurisdiction over it. Furthermore, Republic Act No. 7924 is a special law and a later enactment than the Local Government Code. Thus, in case of conflict between its provisions, Republic Act No. 7924 prevails.³⁶

This Court has recognized the MMDA's regulatory powers over traffic in Metro Manila in *Pantaleon v. Metro Manila Development Authority*.³⁷ Local government units do not necessarily lose their jurisdiction but must nonetheless align their ordinances with the MMDA's policies:

The jurisdiction of the Metro Manila Development Authority was conferred by law to address common problems involving basic services that transcended local boundaries. Particularly, it was tasked to coordinate these basic services so that their flow and distribution will be continuous. Pursuant to this function, the Metro Manila Development Authority through its Council is expressly authorized to issue binding rules and regulations pertaining to traffic management.

However, Section 2 of Republic Act No. 7924 provides that the Metro Manila Development Authority's exercise of its powers is "without

³⁶ *Pantaleon v. Metro Manila Development Authority*, 890 Phil. 453, 489 (2020) [Per J. Leonen, *En Banc*].

³⁷ *Id.*

diminution of the autonomy of the local government units concerning purely local matters.” This means that the Metro Manila Development Authority has the right to regulate traffic in Metro Manila, subject to the jurisdiction of local government units to enact ordinances aligned with the Metro Manila Development Authority’s general policies.

Petitioners’ contention that a legislative enactment from the respective local government units is necessary to uphold the implementation of the Metro Manila Development Authority issuances is untenable. Metro Manila Development Authority Resolution No. 10-16 was approved by the Metro Manila Council, which is composed of the heads of the local government units comprising Metro Manila. Hence, the local government units are presumed to support and adopt the reimplementa-tion of the number coding scheme to public utility buses plying their respective territorial jurisdictions, unless they release an issuance to the contrary.³⁸

III

The ponencia also addressed the cited cases of *Metropolitan Manila Development Authority v. Bel-Air Village Association, Inc.*³⁹ and *Metropolitan Manila Development Authority v. Garin*.⁴⁰

It held that *Bel-Air* does not apply because the facts and issues differ from this case.⁴¹ In *Bel-Air*, this Court ruled that the MMDA was not delegated police or legislative power to impose burdens or limitations on the use of private property. Thus, it had no authority to open a private road to public vehicular traffic⁴² This case does not involve the exercise of this power.⁴³

As to *Garin*, the ponencia ruled as *obiter dictum* this Court’s pronouncement that “the power to confiscate and suspend or revoke driver’s licenses without [the] need of any other legislative enactment. . . is an unauthorized exercise of police power.”⁴⁴ It further discussed that the issue raised in *Garin* pertains to the lack of due process in confiscating licenses from motorists.⁴⁵ Even assuming *Garin* is binding, the ponencia opines that the doctrine ought to be abandoned, considering there is a conflict between *Garin* and the express authority in Republic Act No. 7924 of the MMDA to set and enforce traffic policies and penalties.⁴⁶

I agree.

³⁸ *Id.* at 489–490.

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

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

⁴¹ *Ponencia*, p. 21.

⁴² *Id.*

⁴³ *Id.* at 22.

⁴⁴ *Id.*

⁴⁵ *Id.* at 23.

⁴⁶ *Id.* at 25.

In *Pantaleon*, this Court explained that these cases do not limit the MMDA's power to issue resolutions or circulars to regulate traffic in Metro Manila where there is no outright deprivation of private property:

Petitioners invoke the cases of *MMDA v. Bel-Air Village Association, Inc.*, *MMDA v. Viron Transportation Co., Inc.*, *MMDA v. Garin* and *MMDA v. Trackworks Rail Transit Advertising, Vending and Promotions, Inc.*, to support its position that the Metropolitan Manila Development Authority has no authority to issue the resolution and circular.

These are not squarely on point with the present case.

In *MMDA v. Bel-Air Village Association, Inc.*, the Metro Manila Development Authority claimed that it had the authority to open to public traffic a subdivision street owned by the Bel-Air Village Association, Inc. and to cause the demolition of the village's perimeter wall because it is an agent of the State endowed with police power in the delivery of basic services in Metro Manila. From this, the Metro Manila Development Authority argued that there was no need for the City of Makati to enact an ordinance opening Neptune Street to the public.

Tracing the legislative history of Republic Act No. 7924, this Court concluded that the Metro Manila Development Authority is neither a local government unit nor a public corporation endowed with legislative power, and, unlike its predecessor, the Metro Manila Commission, it had no power to enact ordinances for the welfare of the community. Thus, in the absence of an ordinance from the City of Makati, its own order to open the street was invalid. It is in the sense that this Court stated that Republic Act No. 7924 did not grant the Metro Manila Development Authority with police power, let alone legislative power, and that all its functions are administrative in nature.

In *MMDA v. Garin*, respondent was issued a traffic violation receipt and his driver's license was confiscated for parking illegally along Gandara Street, Binondo, Manila. Garin questioned the validity of Section 5 (f) of Republic Act No. 7924. He contended that the provision violated the constitutional prohibition against undue delegation of legislative authority, because it allowed the Metro Manila Development Authority to fix and impose unspecified — and therefore unlimited — fines and other penalties on erring motorists.

While the case was pending in this Court, the Metro Manila Development Authority implemented Memorandum Circular No. 04, Series of 2004 proscribing traffic enforcers from confiscating licenses in traffic violations. Consequently, this Court held that, insofar as the absence of a *prima facie* case to enjoin the petitioner from confiscating drivers' licenses is concerned, the case was mooted by the implementation of MMDA Memorandum Circular No. 04, series of 2004.

However, citing *Bel-Air*, this Court further stated in *Garin* that the Metro Manila Development Authority has no legislative power and that Section 5 (f) merely grants it the duty to enforce existing traffic laws, rules and regulations enacted by the legislature or those agencies with delegated

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legislative powers. This *obiter dictum* in *Garin* is erroneous. It contravenes Section 5 of Republic Act No. 7924, which expressly grants the Metro Manila Development Authority or its Council the power to promulgate administrative rules and regulations in the implementation of its functions, which include traffic management and instituting a system for road users. Even *Bel-Air* recognizes the delegated rule-making power of the Metro Manila Council.

MMDA v. Viron Transportation Co., Inc arose from the issuance of Executive Order No. 179 by former President Arroyo, declaring as operational the Greater Manila Transport System Project and designating the Metro Manila Development Authority as the implementing agency. The Project aimed to decongest traffic by eliminating the bus terminals located along major Metro Manila thoroughfares and providing common mass transport terminal facilities. Pursuant to the Executive Order, the Metro Manila Development Authority issued Resolution No. 03-07 expressing full support for the immediate implementation of the Project.

This Court held that although the President had the authority to order the implementation of the Project, the designation of the Metro Manila Development Authority as the implementing agency for the Project was *ultra vires* for lack of legal basis. This Court held that the Department of Transportation and Communication is, by law, the primary implementing and administrative entity in the promotion, development and regulation of networks of transportation. Hence, it is the Department of Transportation and Communication, not the Metro Manila Development Authority, which had the power to administer the transportation project. This Court further ruled that the elimination of bus terminals did not satisfy the standards of a valid police power measure and was contrary to the provisions of the Public Service Act.

In *MMDA v. Trackworks Rail Transit Advertising, Vending and Promotions, Inc.*, this Court held that MMDA had no power on its own to dismantle the billboards, signages and other advertising media installed by Trackworks in the structures of the Metro Rail Transit 3. Citing *Bel-Air*, *Garin* and *Viron*, this Court reiterated that the Metro Manila Development Authority's powers were limited to formulation, coordination, regulation, implementation, preparation, management, monitoring, setting of policies, installing a system, and administration. Nothing in Republic Act No. 7924 granted it police power, let alone legislative power.

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

Furthermore, Republic Act No. 7924 clearly confers upon the Metro Manila Development Authority, 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.⁴⁷ (Citations omitted)

⁴⁷ *Pantaleon v. Metro Manila Development Authority*, 890 Phil. 453, 481–485 (2020) [Per J. Leonen, *En Banc*].

There is no outright deprivation of private property in this case. The issue here involves determining whether the imposition of traffic violation receipts should be integrated under the single ticketing system formulated by the MMDA or under the power of the local government units if committed within their respective jurisdictions.

In the absence of an outright deprivation of private property thus, this Court should hesitate to restrict the power of the MMDA to perform its mandates provided under Republic Act No. 7924.

Accordingly, I vote to **GRANT** the Petition.



MARVIC M.V.F. LEONEN
Senior Associate Justice