**Digest – G.R. No. 225442**

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| G.R. Number | G.R. No. 225442 |
| Date of Trial | August 8, 2017 |
| Court Level | Supreme Court |
| Division | En Banc |
| Is En Banc | Yes |
| Petitioners | Samahan Ng Mga Progresibong Kabataan (Spark),\* Joanne Rose Sace Lim, John Arvin Navarro Buenaagua, Ronel Baccutan, Mark Leo Delos Reyes, And Clarissa Joyce Villegas, Minor, For Herself And As Represented By Her Father, Julian Villegas, Jr., Petitioners |
| Respondents | Quezon City, As Represented By Mayor Herbert Bautista, City Of Manila, As Represented By Mayor Joseph Estrada, And Navotas City, As Represented By Mayor John Rey Tiangco, , Respondents, |
| Ponente | Perlas-Bernabe J. |

**FACTS**

President Rodrigo Roa Duterte initiated a campaign for a nationwide curfew for minors.  
 Local governments in Metro Manila, including Navotas City, City of Manila, and Quezon City, began strictly implementing curfew ordinances through police operations known as "Oplan Rody."  
 Navotas City implemented Pambayang Ordinansa Blg. 99-02, dated August 26, 1999, as amended by Pambayang Ordinansa Blg. 2002-13, dated June 6, 2002, establishing a curfew for individuals under eighteen years of age.  
 The City of Manila implemented Ordinance No. 8046, dated October 14, 2002, establishing "Barangay Curfew Hours" from 10: 00 P.M. to 4: 00 A.M. for children and youths below eighteen years of age, prescribing penalties.  
 Quezon City implemented Ordinance No. SP-2301, Series of 2014, dated July 31, 2014, setting disciplinary hours for minors from 10: 00 P.M. to 5: 00 A.M., with penalties for parents/guardians.  
 Samahan ng mga Progresibong Kabataan (SPARK) filed a petition challenging the constitutionality of the Curfew Ordinances.  
 Petitioners argue the Curfew Ordinances result in arbitrary and discriminatory enforcement, are overbroad, and deprive minors of liberty and travel without due process.  
 Petitioners further contend the Curfew Ordinances deprive parents of their right to rear their children without due process.  
 Petitioners assert the Manila Ordinance contravenes RA 9344, as amended by RA 10630.  
 Petitioners claim the Curfew Ordinances lack clear standards for law enforcers to determine the age of alleged curfew violators.  
 Petitioners argue the lists of exemptions in the Curfew Ordinances do not cover the breadth of legitimate activities for minors at night.  
 Petitioners contend the Curfew Ordinances fail the strict scrutiny test.  
 Petitioners claim the Manila Ordinance imposes penalties on minors in violation of RA 9344.  
 Petitioners suggest alternative measures like street lighting, CCTV installation, and visible patrols as less restrictive means.  
 Petitioners propose mandatory parental counseling and education seminars as more reasonable sanctions.

**ISSUES**

The primary issue before the Court concerns the constitutionality of the Curfew Ordinances.

**RULINGS**

The petition is partly granted.  
 The Court will address the procedural issues, specifically the propriety of certiorari and prohibition, direct resort to the Court, and the lack of actual controversy and standing.  
 Certiorari and prohibition are allowed as remedies to assail the constitutionality of legislative and executive enactments.  
 The doctrine of hierarchy of courts requires recourse to lower-ranked courts exercising concurrent jurisdiction, but direct invocation of the Supreme Court's jurisdiction is allowed for special and important reasons.  
 The requisites for judicial review are (a) an actual case or controversy, (b) standing, (c) raising the constitutionality issue at the earliest opportunity, and (d) the issue of constitutionality being the lis mota of the case.  
 An actual case or controversy involves a conflict of legal rights susceptible to judicial resolution.  
 The requirement of an actual case or controversy is simplified by merely requiring a prima facie showing of grave abuse of discretion.  
 The case is ripe for adjudication because the Curfew Ordinances were being implemented until a TRO was issued.  
 Locus standi requires a personal and substantial interest in the case, sustaining or being in immediate danger of sustaining direct injury.  
 Clarissa Joyce Villegas has standing to raise the issue of a minor's right to travel.  
 The Court relaxed the standing requirement due to the transcendental importance of the issues involved.  
 The Court will address the argument that the Curfew Ordinances are void for vagueness.  
 A statute is void for vagueness if it lacks comprehensible standards, violating due process.  
 Petitioners’ invocation of the void for vagueness doctrine is improper because they do not properly identify any provision in any of the Curfew Ordinances, which fails to provide fair warning.  
 The mechanisms related to the implementation of the Curfew Ordinances are matters of policy that are best left for the political branches of government to resolve.  
 RA 9344, as amended, provides guidance for determining a child's age, and should be read in conjunction with the Curfew Ordinances.  
 The Curfew Ordinances are not void for vagueness.  
 The State recognizes the natural and primary right and duty of parents in the rearing of the youth for civic efficiency and the development of moral character.  
 The rearing of children for civic efficiency and the development of their moral character are characterized not only as parental rights, but also as parental duties.  
 State authority is complementary to parental supervision, with the State acting as parens patriae in protecting minors.  
 The Curfew Ordinances apply only when minors are not accompanied by their parents, recognizing parental authority.  
 The Curfew Ordinances should not be declared unconstitutional for violating the parents' right to rear their children.  
 The Court rejects petitioners' invocation of the overbreadth doctrine because there is no transgression of their rights to free speech.  
 The Court will examine the assailed regulations under the strict scrutiny test.  
 The right to travel is recognized and guaranteed as a fundamental right.  
 The State may impose limitations on the exercise of this right in the interest of national security, public safety, or public health, as provided by law.  
 The purposes of the Curfew Ordinances serve the interest of public safety.  
 Article 139 of PD 603 authorizes local government units to set curfew hours for children.  
 Minors possess constitutional rights, but their exercise is not co-extensive with those of adults and is subject to regulation.  
 The Court recognizes that minors do possess and enjoy constitutional rights, but the exercise of these rights is not co-extensive as those of adults.  
 The strict scrutiny test applies because the right to travel is a fundamental right.  
 The government has the burden of proving that the classification (1) is necessary to achieve a compelling State interest, and (i1) is the least restrictive means to protect such interest or the means chosen is narrowly tailored to accomplish the interest.  
 Compelling State interests include constitutionally declared policies, such as children's welfare and the State's mandate to protect and care for them as parenspatriae.  
 The ultimate objective of the Curfew Ordinances is to keep unsupervised minors during the late hours of night time off of public areas, so as to reduce - if not totally eliminate - their exposure to potential harm, and to insulate them against criminal pressure and influences which may even include themselves.  
 A compelling State interest exists for the enactment and enforcement of the Curfew Ordinances.  
 While rights may be restricted, the restrictions must be minimal or only to the extent necessary to achieve the purpose or to address the State's compelling interest.  
 Only the Quezon City Ordinance meets the discussed requirement of the test, while the Manila and Navotas Ordinances do not.  
 The Manila Ordinance cites only four (4) exemptions from the coverage of the curfew.  
 The Navotas Ordinance provides more exceptions.  
 The Navotas Ordinance and, to a greater extent, the Manila Ordinance still do not account for the reasonable exercise of the minors' rights of association, free exercise of religion, rights to peaceably assemble, and of free expression, among others.  
 The Manila and Navotas Ordinances should be completely stricken down since their exceptions are inadequate to ensure protection of the above-mentioned fundamental rights.  
 The Quezon City Ordinance stands in stark contrast to the first two (2) ordinances as it sufficiently safeguards the minors' constitutional rights.  
 The Quezon City Ordinance sufficiently safeguards the minors' constitutional rights.  
 Parental permission is implicitly considered as an exception found in Section 4, item (a) of the Quezon City Ordinance.  
 The curfew imposed under the Quezon City Ordinance is reasonably justified with its narrowly drawn exceptions and hence, constitutional.  
 The Court will further discuss the validity of the Manila Ordinance's penal provisions in relation to RA 9344, as amended.  
 The Quezon City Ordinance does not impose any penalty on the minors.  
 The Navotas Ordinance requires the minor, along with his or her parent/s or guardian/s, to render social civic duty and community service.  
 The Manila Ordinance imposed various sanctions to the minor based on the age and frequency of violations.  
 Local governments could validly impose on minors these sanctions - i.e., ( a ) community . service; ( b ) reprimand and admonition; ( c ) fine; and ( d ) imprisonment.  
 Sections 57 and 57-A of RA 9344, as amended, prohibit the imposition of penalties on minors for status offenses such as curfew violations.  
 Instead, what they prohibit is the imposition of penalties on minors for violations of these regulations.  
 Section 57-A thereof empowers local governments to adopt appropriate intervention programs, such as community-based programs recognized under Section 54 of the same law.  
 Requiring the minor to perform community service is a valid form of intervention program.  
 The sanction of admonition imposed by the City of Manila is likewise consistent with Sections 57 and 57-A of RA 9344.  
 A different conclusion, however, is reached with regard to reprimand and fines and/or imprisonment imposed by the City of Manila on the minor.  
 Thus, for imposing the sanctions of reprimand, fine, and/or imprisonment on minors for curfew violations, portions of Section 4 of the Manila Ordinance directly and irreconcilably conflict with the clear language of Section 57-A of RA 9344, as amended, and hence, invalid.  
 The impositions of community service programs and admonition on the minors are allowed as they do not constitute penalties.  
 While all three Curfew Ordinances have passed the first prong of the strict scrutiny test, only the Quezon City Ordinance has passed the second prong.  
 The Manila and Navotas Ordinances are declared unconstitutional and thus, null and void, while the Quezon City Ordinance is declared as constitutional and thus, valid in accordance with this Decision.  
 For another, the Court has determined that the Manila Ordinance's penal provisions imposing reprimand and fines/imprisonment on minors conflict with Section 57-A of RA 9344, as amended.  
 The petition is PARTLY GRANTED.  
 Ordinance No. 8046, issued by the local government of the City of Manila, and Pambayang Ordinansa Blg. No. 99-02, as amended by Pambayang Ordinansa Blg . 2002-13 issued by the local government of Navotas City, are declared UNCONSTITUTIONAL and, thus, NULL and VOID.  
 Ordinance No. SP-2301, Series of 2014, issued by the local government of the Quezon City is declared CONSTITUTIONAL and, thus, VALID in accordance with this Decision.