



Equal Protection

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Equal Protection

- Equal protection requires that all persons or thing similarly situated should be treated alike, both as to rights conferred and responsibilities imposed.
- Similar subjects should not be treated differently, so as to give undue favor to some and unjustly discriminate against others.
- **Does not** require absolute equality.
- Available to all natural and juridical persons. But for the latter, it only applies to their properties.
- It applies to Filipino citizens and aliens. However, by constitutional reservation, certain rights are enjoyable only by citizens, such as the right to vote, hold public office, and exploit natural resources.

Valid Classification

- Does not require the universal applications of laws. In fact, such a case might even result in unequal protection.
- What the Constitution requires is equality among equals. Hence, the Constitution allows reasonable classification.
- Requisites of a valid classification:
 - Must be based on substantial distinction.
 - Must be germane to the purpose of the law.
 - Must not be limited to the existing conditions.
 - Must apply to all members of the same class.

Substantial Distinction

- The distinction must be **substantial**. Superficial differences do not make for a valid classification.
- For instance, the law cannot validly distinguish on the basis of the person's attire, of color of vehicles, or the texture of the person's complexion. Discrimination against the ugly in favor of the beautiful is usually not allowed.
- Instances of substantial distinctions:
 - *Quinto v. COMELEC*, G.R. No. 189698, February 22, 2010 – there is reasonable distinction between appointive and elective officials with respect to the “deemed resigned” provision under the Omnibus Election Code.
 - *Garcia v. Drilon*, G.R. No. 179267, June 25, 2013 – petitioner contended that gender alone is not enough basis to deprive the husband/father of the remedies under R.A. 9262 or the Anti-VAWC Act. The Supreme Court ruled that R.A. 9262 is based on a valid classification. It did not violate the equal protection clause by favoring women over men as victims of violence and abuse because the unequal power relationship between women and men, the fact that women are more likely than men to be victims of violence, and the widespread gender bias and prejudice against women all make for real differences justifying the classification under the law.

Substantial Distinction (con't)

- Instances where there was no valid distinction:
 - *Biraogo v. The Philippine Truth Commission*, G.R. No. 192935, December 10, 2010 – the Supreme Court declared invalid former President Benigno Aquino's Executive Order No. 1 on thus Truth Commission against former President Gloria Macapagal-Arroyo for being violative of equal protection. The intent to single out the previous administration is plain, patent, and manifest. Not to include past administrations similarly situated constitutes arbitrariness which the equal protection clause cannot sanction.
 - *Ang Ladlad LGBT Party v. COMELEC*, G.R. No. 190582, April 8, 2010 – the COMELEC dismissed the petition of Ang Ladlad to register as a political party for the purpose of participating in the party-list elections on *moral grounds*. The Supreme Court reversed it, saying that no law exists to criminalize homosexual behavior or expressions. The LGBT community have the same interest in participating in the party-list system on the same basis as other party-lists representing marginalized and under-represented sectors similarly situated.

Notable Case – Yrasuegui v. Philippine Airlines (2008)

- This case involves an overweight international flight steward who was dismissed because of his failure to adhere to the weight standards of the airline company.
- To make his claim more believable, petitioner invokes the equal protection clause guaranty of the Constitution. However, in the absence of governmental interference, the liberties guaranteed by the Constitution cannot be invoked. Put differently, the Bill of Rights is not meant to be invoked against acts of private individuals. Private actions, no matter how egregious, cannot violate the equal protection guarantee.
- That an obese cabin attendant occupies more space than a slim one is an unquestionable fact which courts can judicially recognize without introduction of evidence. It would also be absurd to require airline companies to reconfigure the aircraft in order to widen the aisles and exit doors just to accommodate overweight cabin attendants like petitioner.

Notable Case – Yrasuegui v. Philippine Airlines (2008) (con't)

- The biggest problem with an overweight cabin attendant is the possibility of impeding passengers from evacuating the aircraft, should the occasion call for it. The job of a cabin attendant during emergencies is to speedily get the passengers out of the aircraft safely. Being overweight necessarily impedes mobility. Indeed, in an emergency situation, seconds are what cabin attendants are dealing with, not minutes. Three lost seconds can translate into three lost lives. Evacuation might slow down just because a wide-bodied cabin attendant is blocking the narrow aisles. These possibilities are not remote.
- Indeed, except for pointing out the names of the supposed overweight cabin attendants, petitioner miserably failed to indicate their respective ideal weights; weights over their ideal weights; the periods they were allowed to fly despite their being overweight; the particular flights assigned to them; the discriminating treatment they got from PAL; and other relevant data that could have adequately established a case of discriminatory treatment by PAL. In the words of the CA, "PAL really had no substantial case of discrimination to meet." (*Yresuegui v. Philippine Airlines, Inc.*, G.R. No. 168081, October 17, 2008)

Notable Case – Halagueña v. Philippine Airlines (2023)

- A stipulation in the Collective Bargaining Agreement providing for the compulsory retirement of female cabin attendants at 55 years old and male cabin attendants at 60 years old, lacks basis, discriminates against women, and is void for being contrary to law and public policy.
- Article II, Section 14 of the 1987 Constitution mandates the State to actively "ensure the fundamental equality before the law of women and men." Unlike the equal protection provision under Article III, Section 1, Article II, Section 14 requires the State to actively engage and promote gender equality.
- Article II, Section 14 of the 1987 Constitution provides that the State . . . shall ensure the fundamental equality before the law or women and men. Contrasted with Article III, Section 1 of the 1987 Constitution's statement that no person shall . . . be denied the equal protection of the laws, Article II, Section 14 exhorts the State to "ensure." This does not only mean that the Philippines shall not countenance nor lend legal recognition and approbation to measures that discriminate on the basis of one's being male or female. It imposes an obligation to actively engage in securing the fundamental equality of men and women. (*Halagueña v. Philippine Airlines, Inc.*, G.R. No. 243259, January 10, 2023)

Germane to the Purpose of the Law

- The distinction or classification must be relevant to the law's objective.
- For instance, the accepted difference in physical stamina between men and woman will justify the prohibition of the latter from employment as miners or in other heavy or strenuous work.
- However, the law cannot provide for a lower passing average for woman in the bar exams because physical strength is not the test for admission to the legal profession.
- *Garcia v. Drilon* – the distinction between men and woman was found to be germane to the purpose of R.A. 9262, which is to address violence committed against woman and children.

Not limited to existing conditions

- The classification must be enforced not only for the present but as long as the problem sought to be corrected continues to exist.
- *Garcia v. Drilon* – the Supreme Court declared that the application of R.A. 9262 is not limited to the existing conditions when it was promulgated, but to future conditions as well, for as long as the safety and security of women and their children are threatened by violence and abuse.

Applicability to Members of the Same Class

- Substantial, and not absolute, similarity will suffice. It is not necessary that the classification be made with absolute symmetry, in the sense that members of the class should possess the same characteristics in equal degree.
- *Garcia v. Drilon* – R.A. 9262 applies to all women and children similar situated.
- For instance, a sterile woman would still be entitled to the benefits of a law protecting the reproductive functions of her sex, such as Republic Act No. 10354 or The Responsible Parenthood and Reproductive Health Act of 2012. Her inability to bear children does not make her any less a woman.
- Another, a Filipino citizen born and raised abroad still has the right to own real property in the Philippines, even if it is demonstrated that he is a stranger in his own land.



Thank you and study well