

Tañada v. Tuvera, 146 SCRA 446 (1986)

Facts:

Due process was invoked by petitioners in demanding the disclosure of a number of presidential decrees which they claimed had not been published as required by law. The gov't argued that while publication was necessary as a rule, it was not so when it was "otherwise provided," as when the decrees themselves declared that they were to become effective immediately upon their approval. In the decision of this case on Apr 24, 1985, the Court affirmed the necessity for the publication of some of these decrees, orders respondents to publish in the Official Gazette all unpublished presidential issuances which are of general application, and unless so published, they shall have no binding force and effect.

Petitioners moved for reconsideration/clarification of that decision. They ask the following questions: 1) What is meant by "law of public nature" or "general applicability;" 2) Must a distinction be made between laws of general applicability and laws which are not;" 3) What is meant by "publication;" 4) Where is the publication to be made;" and 5) When is the publication to be made?" Petitioners suggest that there should be no distinction between laws of general applicability and those which are not; that publication means complete publication; and that the publication must be made forthwith in the Official Gazette.

Issue:

Whether the publication of all laws and decrees is a requirement of due process

Held:

Yes. Publication is indispensable in every case, but the legislature may in its discretion provide that the usual 15-day period shall be shortened or extended. It is not correct to say that under the disputed clause, publication may be dispensed with altogether. The reason is that such omission would offend due process insofar as it would deny the public knowledge of the laws that are supposed to govern the legislature could validly provide that a law is effective immediately upon its approval notwithstanding the lack of publication, it is not unlikely that persons not aware of it would be prejudiced as a result and they would be so not because of a failure to comply with but simply because they did not know of its existence. Significantly, this is not true only of penal laws as is commonly supposed. One can think of many non-penal measures, like a law on prescription, which must also be communicated to the persons they may affect before they can begin to operate.

The conclusive presumption that every person knows the law, which of course presupposes that the law has been published if the presumption is to have any legal justification at all. It is no less important to remember that Sec. 6, Bill of Rights recognizes "the right of the people to information on matters of public concern," and this certainly applies to, among others, and indeed especially, the legislative enactments of the government.

The term "laws" should refer to all laws and not only to those of general application, for strictly speaking all laws relate to the people in general albeit there are some that do not apply to them directly. An example is a law granting citizenship to a particular individual, like a relative of Pres Marcos who was decreed instant naturalization. It surely cannot be said that such a law does not affect the public although it unquestionably does not apply directly to all the people. The subject of such law is a matter of public interest which any member of the body politic may question in the political forums or, if he is a proper party, even in the courts of justice. In fact, a law without any bearing on the public would be invalid as an intrusion of privacy or as class legislation or as an *ultra vires* act of the legislature. To be valid, the law

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The Constitution and the Courts: Supplemental notes on the Constitution of the United States, contained in volumes I and II, and index, 1924 Research in Accounting Regulation Gary John Previts, Robert K. Eskew, Larry Parker, 1990 **Supplement. Changes effected in the General statutes of 1878 by the General laws of 1879, 1881, 1881 Extra, 1883, 1885, and 1887, arranged by H.J. Horn, Esq., with annotations and a general index by the editorial staff of the National Reporter System** Minnesota, 1888 Subject Guide to Children's Books in Print 1997 Bowker Editorial Staff, R R Bowker Publishing, 1996-09 *The Quarterly Digest of Pennsylvania Decisions Supplementary to Pepper and Lewis' Digest of Decisions* Pennsylvania, 1928 **Multi-Party Dispute Resolution, Democracy and Decision-Making** Carrie Menkel-Meadow, 2017-05-15

The articles selected for this volume draw on game theory political science psychology sociology and anthropology to consider how the process of dispute resolution is altered challenged and made more complex by the presence of multiple parties and or multiple issues The volume explores issues of coalition formation defection collaboration commitments voting practices and joint decision making in settings of increasing human complexity Also included are examples of concrete uses of deliberative democracy processes taken from new applications of complex dispute resolution theory and practice The selected essays represent the latest theoretical advances and challenges in the field and demonstrate attempts to use dispute resolution theory in a wide variety of settings such as political decision making and policy formation regulatory matters environmental disputes healthcare community disputes constitutional formation and in many other controversial issues in the polity *Supplemental Digest of Decisions Under the Interstate Commerce Act* Herbert Confield Lust, 1928 *West's Federal Supplement*, 1997 **Books in Print**, 1994 **Schwartz v. City of Flint, 426 MICH 295 (1986)**, 1986 70806 **American Politics**, 1989

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