

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City



SEVENTEENTH CONGRESS
Second Regular Session

HOUSE RESOLUTION NO. 1726

**Introduced by Representatives ARNOLFO A. TEVES, JR., MANUEL T. SAGARBARRIA
and JOCELYN S. LIMKAICHONG**

**RESOLUTION URGING THE SUPREME COURT TO REVISIT THE PROSPECTIVE
RULLING ABANDONING THE AGUINALDO DOCTRINE**

WHEREAS, in the case of *Conchita Carpio Morales vs. Jejomar Binay* (G.R. Nos. 217126-27, 10 November 2015) the court abandoned the Condonation Doctrine, which is the product of American Jurisprudence, since it has no legal basis and described as “barren of legal anchorage;”

WHEREAS, the Court was correct in recognizing the true nature of the Condonation Doctrine as an aberration and a legal nullity. However, the Supreme Court decided to partially void its effect by letting its application remain for past cases and nullifying its effect only **prospectively**.

WHEREAS, in this case the ruling should not let its application remain for past cases and nullify its effect prospectively. Naturally, the said act should therefore be null and void and without legal effect since it violates the Constitution. Furthermore, the Court did not justify the prospective application based on the doctrine of “operative fact” since the doctrine applies to legislative and executive acts which are subsequently invalidated by the Courts. The Condonation Doctrine is neither the act of Congress or the President;

WHEREAS, the Court, in adopting the Condonation Doctrine, went beyond merely ruling on the facts of existing law and jurisprudence as it engaged in *judicial legislation* which is forbidden by the tripartite division of powers among the three departments of government, the executive, the legislative, and the judicial;

WHEREAS, it is high time for the Supreme Court to abandon the **prospective ruling** of the Condonation Doctrine since it is a *judicial legislation*;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED, That, the Supreme Court revisit the said doctrine and its prospective ruling which serves no other purpose than to protect corrupt public officials and hindering the promotion of good governance and public accountability;

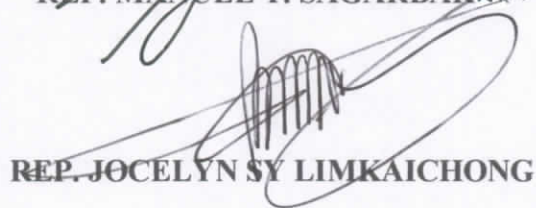
Adopted,



REP. ARNOLFO A. TEVES, JR.



REP. MANUEL T. SAGARBARRIA



REP. JOCELYN SY LIMKAICHONG