

Sample Petition for Certiorari and Prohibition with Prayer for Temporary Restraining Order (TRO) and/or Writ of Preliminary Injunction tailored to challenge Executive Order No. 47, s. 2026:

REPUBLIC OF THE PHILIPPINES
REGIONAL TRIAL COURT
____ Judicial Region
Branch ____
La Trinidad, Benguet

[NAME OF PETITIONER],
Petitioner,

-versus-

RODERICK AWINGAN, in his capacity as Municipal Mayor of La Trinidad, Benguet,
Respondent.

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SPECIAL CIVIL ACTION FOR CERTIORARI AND PROHIBITION
(WITH URGENT PRAYER FOR TEMPORARY RESTRAINING ORDER AND/OR WRIT OF
PRELIMINARY INJUNCTION)

Petitioner, through counsel, respectfully alleges:

I. PREFATORY STATEMENT

This Petition seeks to nullify Executive Order No. 47, series of 2026, issued by Respondent, for being unconstitutional, ultra vires, and issued with grave abuse of discretion amounting to lack or excess of jurisdiction.

The assailed Executive Order imposes a blanket prohibition on the sale, service, delivery, and consumption of alcoholic beverages during Holy Week, justified primarily on religious grounds,

thereby violating the non-establishment clause, due process, and equal protection guarantees of the 1987 Constitution.

II. PARTIES

1. Petitioner is a Filipino citizen/business owner (e.g., restaurant/bar operator) in La Trinidad, Benguet, directly affected by the assailed Executive Order, suffering actual and imminent injury.

2. Respondent Roderick Awingan is the Municipal Mayor of La Trinidad, Benguet, who issued Executive Order No. 47, s. 2026 in his official capacity.

III. FACTS OF THE CASE

3. On or about April 2, 2026, Respondent issued Executive Order No. 47, s. 2026, imposing a four (4)-day liquor ban from Maundy Thursday to Easter Sunday.

4. The Order prohibits:

- Sale
- Serving
- Delivery
- Consumption of alcoholic beverages in public places

5. The stated justification of the Order is to:

«“allow residents and visitors to peacefully commemorate the death and resurrection of Jesus Christ.”»

6. The Order further threatens revocation or suspension of business permits and possible administrative, civil, or criminal sanctions.

7. Petitioner, whose business depends on lawful sale of alcoholic beverages, stands to suffer substantial financial losses and regulatory penalties.

IV. ISSUES

A. WHETHER RESPONDENT ACTED WITH GRAVE ABUSE OF DISCRETION IN ISSUING THE EXECUTIVE ORDER;

B. WHETHER THE EXECUTIVE ORDER VIOLATES THE NON-ESTABLISHMENT CLAUSE;

C. WHETHER THE EXECUTIVE ORDER VIOLATES DUE PROCESS AND EQUAL PROTECTION;

D. WHETHER THE EXECUTIVE ORDER IS ULTRA VIRES FOR LACK OF LEGISLATIVE BASIS.

V. ARGUMENTS

A. THE EXECUTIVE ORDER VIOLATES THE NON-ESTABLISHMENT CLAUSE

8. Article III, Section 5 of the 1987 Constitution provides:

«No law shall be made respecting an establishment of religion...»

9. The assailed Executive Order explicitly invokes Christian religious observance as its primary basis.

10. By coercively restricting lawful commercial and personal activity to conform to a religious event, Respondent effectively imposes a religious standard upon the public, including non-Christians.

11. Jurisprudence holds that while the State may accommodate religion, it cannot compel conformity thereto.

B. THE EXECUTIVE ORDER IS AN INVALID EXERCISE OF POLICE POWER

12. While local governments possess police power under Section 16 of the Local Government Code, such power must satisfy the requisites of:

- lawful subject; and
- lawful means.

13. The assailed measure is overbroad and oppressive, as it:

- imposes a blanket prohibition;
- lacks tailoring to actual public safety risks;
- regulates even lawful, non-disruptive conduct.

14. In jurisprudence, regulations that unnecessarily interfere with lawful businesses are unconstitutional.

C. THE EXECUTIVE ORDER VIOLATES SUBSTANTIVE DUE PROCESS

15. The Constitution guarantees that no person shall be deprived of property without due process of law.

16. The liquor ban arbitrarily interferes with:

- lawful trade
- contractual relations
- business operations

17. There is no sufficient factual basis showing that a total prohibition is necessary to achieve public safety objectives.

D. THE EXECUTIVE ORDER VIOLATES EQUAL PROTECTION

18. The Order effectively privileges one religious tradition over others.

19. It imposes restrictions tied exclusively to a Christian observance, without analogous measures for other religions.

20. This constitutes class legislation, violating equal protection guarantees.

E. THE EXECUTIVE ORDER IS ULTRA VIRES

21. The power to regulate businesses and impose penalties lies with the Sangguniang Bayan, not solely with the Mayor.

22. There is no showing of an enabling ordinance authorizing:

- a total liquor ban;
- imposition of penalties such as permit revocation.

23. Respondent therefore acted beyond his authority, rendering the Order void.

F. THERE IS GRAVE ABUSE OF DISCRETION

24. Grave abuse exists where an act is:

- arbitrary
- despotic
- done in a capricious manner

25. Respondent's reliance on religious justification and imposition of sweeping restrictions demonstrates capricious and unconstitutional exercise of power.

VI. URGENCY FOR INJUNCTIVE RELIEF

26. The Executive Order is immediately enforceable, causing:

- irreparable financial injury
- disruption of lawful businesses

27. Petitioner has no plain, speedy, and adequate remedy in the ordinary course of law.

28. There is a clear and unmistakable right that must be protected.

VII. PRAYER

WHEREFORE, premises considered, Petitioner respectfully prays that this Honorable Court:

1. ISSUE a Temporary Restraining Order (TRO) immediately enjoining enforcement of Executive Order No. 47, s. 2026;
2. After hearing, ISSUE a Writ of Preliminary Injunction;
3. DECLARE Executive Order No. 47, s. 2026 NULL AND VOID for being unconstitutional and issued with grave abuse of discretion;
4. PERMANENTLY ENJOIN Respondent from enforcing the same;
5. Grant such other reliefs as are just and equitable.

Respectfully submitted.

[City], Philippines, [Date]

[Counsel Name]
Counsel for Petitioner

VERIFICATION AND CERTIFICATION

(Attach standard Verification and Certification Against Forum Shopping)

AFFIDAVIT OF MERIT

(Attach supporting affidavit detailing business losses and injury)