



Office of the Constitutional Court

www.constitutionalcourt.or.th

Facebook: www.facebook.com/constitutionalcourt.thai
E-mail: pr_constitutionalcourt@gmail.com



Press Release No. 11/2019

Wednesday 26th June B.E. 2562 (A.D. 2019)

The Constitutional Court convenes and considers a case whereby the President of the House of Representatives has submitted two petitions to the Constitutional Court for a ruling under section 82 of the Constitution. The issue to be considered by the Constitutional Court is whether or not the membership of 41 Members of the House of Representatives be terminated under section 101(6) in conjunction with section 98(3) of the Constitution.

It was found from the petitions and supporting documents attached that Members of the House of Representatives, being a number not less than one-tenth of the total number of existing Members, filed the requests to the President of the House of Representatives, the petitioner, to forward the requests to the Constitutional Court for a ruling on whether or not the membership of 41 Members of the House of Representatives, the respondents, be terminated under section 82 paragraph one of the Constitution. It was contended that those 41 Members of the House of Representatives, being owners or shareholders of newspaper or mass media businesses resulted in the termination of the respondents' membership of the House of Representatives under section 101(6) in conjunction with section 98(3) of the Constitution.

The Constitutional Court is of the opinion as follow: Section 98(3) of the Constitution stated that a person who is “being the owner of, or a shareholder in any newspaper or mass media business” is not eligible to run for an election as a Member of the House of Representatives. It is not just merely an intention or a will to engage in such newspaper or mass media business. Although a person being a shareholder in partnerships or companies whose objectives are for such business is sufficient to be a ground of the petition, the objectives of the partnerships or companies, owned or their share held by the

41 respondents, shall be reviewed by the Constitutional Court whether or not they aim at operating in any newspaper or mass media business prior to accepting the petitions for further consideration. Upon the review of the petitioner's supporting documents, it is appeared that the registrations of a juristic person certified by Department of Business Development, Ministry of Commerce issued to partnerships or companies of Mr. Sarttra Sripan (the fourteenth respondent), Mr. Surasak Chingnawan (the sixteenth respondent), Miss Parin Pooncharoen (the thirteenth respondent), Ms. Pareena Kraikupt (the twentieth respondent), Mr. Chaiwut Thanakamanusorn (the twenty-sixth respondent) and Mr. Chakkrapan Pornnimit (the twenty-seventh respondent) are according to the first petition (the Case Number 12/2562 (A.D. 2019)), including Mr. Korn Chatikavanij (the second respondent), Mr. Pramuan Pongthawaradej (the third respondent) and Mr. Akkaradet Wongpitakrote (the eighth respondent) are according to the second petition (the Case Number 13/2562 (A.D. 2019)). The said certifications of a juristic person's registrations indicate the details of objectives in similar directions that "to engage in trading of papers, stationeries, textbooks, printed forms, books, learning - aid equipment, equipment for being used in photography and cinematography, calculators, printers, printing accessories, publications, newspapers, document cabinets and office supplies, communication devices, computers including appliances and parts of aforementioned products." These company's objectives are not related to newspapers or mass media operations that can cause termination of the nine respondents' membership of the House of Representatives as prescribed under section 101(6) in conjunction with section 98(3) of the Constitution. The Constitutional Court thus orders the petitions against those nine respondents to not be admitted. As for the petitions against the remaining 32 respondents, the Constitutional Court orders the admission of the petitions for trial and ruling pursuant to section 82 paragraph one in conjunction with section 7(5) of the Organic Act on Procedures of the Constitutional Court, B.E. 2561 (A.D. 2018). The Constitutional Court also notifies the petitioner of the orders together with sending copies of the petitions to the remaining 32 respondents. The remaining 32 respondents shall have fifteen days, after receiving the copy of the petitions, to submit reply statements to the Constitutional Court.

As for the request against the 32 respondents to be ceased from performing their duties, section 82 paragraph two of the Constitution provided the preliminary condition that "there is reasonable ground to make a case for a respondent as filed against". However, with regards to this case, the petitioner did not appoint a committee to investigate the case.

The petitioner presented only a certificate of partnerships or a detailed description of companies' objectives together with a copy of the list of shareholders. There was no other evidence such as a form for the partnerships' business operations (a form sor-sor-chor. 1) and a submission form of the companies' or partnerships' financial statements to reveal from what type of business operations the income was derived. As the type of businesses operated by respondents is unclear, the Court needs to conduct further inquiry. Since there is no dubious cause against the 32 respondents, the order to cease 32 respondents from performing their duties does not comply with the required condition at this stage.

On the other hand, in the previous case whereby the Election Commission requested to have Mr. Thanathorn Juangroongruangkit, a respondent, be considered for having his membership been terminated (the Case Number 10/2562 (A.D. 2019)), the fact had already been uncovered from the investigation conducted by the Election Commission before the petition was submitted to the Constitutional Court. It was stated clearly in the petition's supporting documents: the form sor-sor-chor. 1, what products or services the business operates, which are newspapers business, printing house, publishing books, printing books for distribution; and the submission form of the company's financial statements of Mr. Thanathorn Juangroongruangkit, the respondent, submitted to the Department of Business Development B.E. 2554 – 2558 (A.D. 2011 – 2015) revealed clearly that the sources of income were from selling magazines and from advertising services. Therefore, in that case, there were reasonable grounds to suspect that Mr. Thanathorn Juangroongruangkit, the respondent, did in according to the allegation. The Constitutional Court, thus, ordered that he stopped to perform his duty until a decision shall be made by the Constitutional Court in accordance with section 82 paragraph two of the Constitution.
