

96 Phil. 316

[**G.R. No. L-7481. December 23, 1954**]

UNIVERSITY OF THE EAST, PETITIONER-APPELLEE, VS. THE CITY OF MANILA AND ALEJO AQUINO, ETC., RESPONDENTS-APPELLANTS.

D E C I S I O N

JUGO, J.:

On September 4, 1953, the University of the East, petitioner-appellee, filed with the City Engineer of Manila an application for a permit to construct a four-story high school building on its lot on Gastambide Street, Sampaloc, Manila, submitting the plans and specifications prepared by its architect, in conformity with the provisions of Zonification Ordinance No. 2830, as amended by Ordinance No. 2906 of the City of Manila, but not in conformity with the requirements of the Zoning Regulations adopted and promulgated by the National Planning Commission on March 18, 1953. Section 43, paragraph (c) of said Zoning Regulations provides that there shall be a minimum depth of six meters for the front yard, five meters wide for side yards, and a minimum depth of six meters for the rear yard. The City Engineer notified the petitioner-appellee to prepare plans and specifications in conformity with the Zoning Regulations. As the petitioner-appellee failed to amend its plans and specification as required, the City Engineer refused to issue the permit. The petitioner-appellee brought an action for mandamus in the Court of First Instance of Manila to compel him to do so. Honorable Judge Rafael Amparo of said court rendered a decision declaring the Zonification Regulations of the National Planning Board null and void, and ordered the City Engineer to issue the permit.

The City of Manila and the City Engineer appealed from this decision to this Court. In their

brief they make the following:

ASSIGNMENT OF ERRORS

“I. The lower court erred in declaring that the Zoning Regulations adopted and promulgated by the National Planning Commission on March 18, 1953, are null and void; and

“II. The lower court erred in ordering the respondent-appellants to issue the corresponding permit for the construction of a high school building on Gastambide Street in accordance with the plans and specifications submitted by the petitioner-appellee which are not in conformity with the said Zoning Regulations.”

The theory of the respondent-appellants is set forth in their brief, as follows:

“According to the lower court, ‘there can be no question that Executive Order No. 98, series of 1946, was promulgated in accordance with the emergency powers of the President.’ We subscribe to this. As a matter of fact, it is our own contention, for said Executive Order No. 98 was promulgated by the President on March 11, 1946, that is more than two months before the Congress convened in regular session for the first time after the last war. We also subscribe to the opinion of the lower court to the effect that ‘when the President, acting under Republic Act No. 422, merged into one single body the National Urban Planning Commission, the Capital City Planning Commission, and the Real Property Board, the power and authority of the President were limited to consolidating the powers, duties and functions of said bodies for purposes of economy.’ * * *.”

The respondents-appellants further explain that when then President Quirino issued Order No. 367, he acted under the authority of Republic Act No. 422 and in consolidating the National Urban Planning Commission and the National Planning Commission he thereby transferred the powers

conferred on the former Commission by Executive Order No. 98 to the latter.

But section 7 of Executive Order No. 98 provides as follows:

“Legal Status of Zoning Regulations.—(a)

Any resolution of the Commission adopting zoning regulations for any urban area or any part thereof, or amending or repealing any zoning regulation, shall be filed with the President of the legislative body having jurisdiction over the area affected by said resolution. Unless said legislative body shall disapprove such resolution by a three-fourths vote within thirty (30) days from the date of filing it shall thereupon take effect and shall supersede any similar regulations of said urban area or any part thereof effective at the date such regulation takes effect. Disapproval of any such resolution shall not be effective unless it is filed with the Chairman of the Commission together with a statement in writing giving the reasons for such disapproval.”

And Section 4, Executive Order No. 367 reads as follows:

“Building Code.—The National Planning

Commission shall draft uniform regulations for the construction, repair and alteration of buildings, which shall be known and cited as the Building Code. Such regulations shall set the minimum performance standards for building materials and methods of construction for the purpose of preventing building collapse and accidents, minimizing fire hazards, insuring sanitary and healthful living conditions, and, in general, promoting public safety and welfare. The Building Code, or any proposed amendment thereof, shall be submitted to the local legislative bodies concerned for adoption in the form of ordinances, and shall take effect in the same manner as zoning or subdivision regulations. The Building Code shall be administered and enforced by the local officials concerned.”

The Municipal Board of Manila is the local legislative body of said City.

It is a fact, however, as alleged in Paragraph VIII of the petition presented by the petitioner-appellee to the lower court and not denied by the respondents-appellants:

“That not only have said ‘Zoning Regulations for the City of Manila’ (Annex ‘C’ hereof) not been adopted as a city ordinance by the Municipal Board in accordance with Section 17 of Republic Act No. 409, *supra*, but said Municipal Board of the City of Manila even protested against said zoning regulations, as promulgated by the National Planning Commission, and recommended that, considering the far-reaching effects of said regulations on property owners and other persons engaged in construction, public hearing should first be conducted whereat the public and persons interested might express their views on the matter, before final action thereon would be taken by said Municipal Board;”.

Consequently, the above-mentioned zoning regulations having been rejected by the Municipal Board of the City of Manila are of no force and effect, as one of the essential requisites prescribed by Executive Orders Nos. 98 and 367 has not been complied with.

Moreover, the issuance of such zoning regulations which affect very important and valuable property rights throughout the whole country, cannot be delegated to an administrative commission without specific standards and limitations to guide the commission in the exercise of the wide discretion granted to it. In the case of *people versus Vera* (65 Phil., 56, 116), this Court said:

“* * *. The rules governing delegation of legislative power to administrative and executive officers are applicable or are at least indicative of the rule which should be here adopted. An examination of a variety of cases on delegation of power to administrative bodies will show the *ratio decidendi* is at

variance but, it can be broadly asserted that the rationale revolves around the presence or absence of a standard or rule of action—or the sufficiency thereof—in the statute, to aid the delegate in exercising the granted discretion. In some cases, it is held that the standard is sufficient; in others that it is insufficient; and in still others that it is entirely lacking. As a rule, an act of the legislature is incomplete and hence invalid if it does not lay down any rule or definite standard by which the administrative officer or board may be guided in the exercise of the discretionary powers delegated to it. * * *.”

In view of the foregoing, the judgment appealed from is affirmed, with costs against the appellants.

Paras, C.J., Bengzon, Montemayor, Reyes, A., Concepcion, and Reyes, J.B.L., JJ., concur
