

Title: Hon. Jejomar C. Binay and the Municipality of Makati v. Hon. Eufemio Domingo and the Commission on Audit

Facts:

The Municipality of Makati, through its council, approved Resolution No. 60 on September 27, 1988, which established a Burial Assistance Program that would provide a financial aid of five hundred pesos (P500.00) to families of deceased residents who had a gross family income not exceeding two thousand pesos (P2,000.00) per month. This financial assistance was intended to be sourced from unappropriated available funds within the municipal treasury.

After Metro Manila Commission's approval, the municipal secretary authorized a disbursement fund of four hundred thousand pesos (P400,000.00) to implement the program. When the resolution was referred to the Commission on Audit (COA) for audit allowance, COA preliminary findings disapproved of the resolution, leading to the disallowance of fund disbursement. Petitioners sought reconsideration, but COA in its Decision No. 1159, denied the requests, citing that the measure lacked a substantial relation to the public welfare and that it should benefit the whole or majority of inhabitants, not just a few individuals.

Persistent in its advocacy, the Makati Municipal Council passed Resolution No. 243, reaffirming its initial resolution (No. 60). However, COA's prior decision halted the assistance program, compelling the petitioners, represented by Mayor Jejomar Binay, to file a special civil action of certiorari, arguing that COA's decision was void and seeking to continue the Burial Assistance Program.

Issues:

1. Whether Resolution No. 60 (and the re-enacted Resolution No. 243) of the Municipality of Makati is a valid exercise of police power under the general welfare clause.

Court's Decision:

The Philippine Supreme Court ruled in favor of the petitioners, finding that the Burial Assistance Program established by Resolution No. 60 was indeed a valid exercise of the Municipality of Makati's police power under the general welfare clause. The Court held that the program was a legitimate response to the social conditions of Makati and that its aim to aid bereaved families of modest means fit within the objectives of promoting the general welfare. The Court also dismissed COA's assertion that public programs must benefit the

majority, highlighting that legislation targeting specific vulnerable groups aligns with the state policies on social welfare, prosperity, and human dignity enshrined in the Philippines Constitution.

Doctrine:

The case reaffirmed the scope of municipal police power under the general welfare clause, underscoring that local government units may enact ordinances to effectively perform governmental functions necessary to promote health, safety, and general welfare. It was held that support for the poor is an accepted exercise of police power, aligned with the principles of social justice, and does not need to benefit a majority to be considered for the public good.

Class Notes:

Key Concepts:

- **Police Power:** The authority of a government to enact regulations to promote health, morals, peace, education, order, or safety and general welfare.
- **General Welfare Clause:** Enables municipal governments to enact ordinances necessary for the health, safety, comfort, and welfare of the community.
- **Public Purpose:** Government expenditures must benefit the public, not necessarily a majority, and may target specific vulnerable populations for social justice.
- **Judicial Review of Administrative Action:** The power of courts to review and, if necessary, nullify actions or decisions made by administrative agencies.

Historical Background:

This case reflects the policies of the Philippine government during the late 20th century towards social welfare legislation, illustrating a move towards recognizing the government's role in addressing the plight of the poor and underprivileged, consistent with the socio-political landscape pushing for social reform and equitable governance. It showcases the balancing act between the implementation of welfare programs at the local level and the scrutiny of expenditures by national oversight bodies like COA, within the contours of Constitutional mandates and directives on social justice and public service.