

****Title:**** *The People of the Philippines vs. Hon. Maximo A. Maceren et al.* (Validity of Executive Regulation on Electro Fishing)

****Facts:****

On March 7, 1969, Jose Buenaventura, Godofredo Reyes, Benjamin Reyes, Nazario Aquino, and Carlito del Rosario were charged in the municipal court of Sta. Cruz, Laguna, with violating Fisheries Administrative Order No. 84-1 by engaging in electro fishing in Barrio San Pablo Norte, Sta. Cruz. The court quashed the complaint upon the accused's motion. The prosecution's appeal led to the Court of First Instance (CFI) of Laguna affirming the municipal court's dismissal. The prosecution then appealed to the Supreme Court under Republic Act No. 5440.

The CFI held that electro fishing could not be penalized because it did not use "obnoxious or poisonous substance" as per section 11 of the Fisheries Law, arguing electric current is not a substance but a form of energy. The CFI also stated that since electro fishing was not explicitly prohibited by law, it could not be deemed unlawful by executive and judicial entities.

The case was brought into legal contemplation due to differing interpretations of what constitutes an "obnoxious or poisonous substance" under the Fisheries Law. Further scrutiny also involves whether the Secretary of Agriculture and Natural Resources and the Commissioner of Fisheries could enact a regulation, such as Fisheries Administrative Orders Nos. 84 and 84-1, to penalize electro fishing in the absence of explicit statutory prohibition.

****Issues:****

1. Whether electro fishing falls under the prohibition of using "obnoxious or poisonous substance" in fishing as contemplated by the Fisheries Law.
2. Whether the Secretary of Agriculture and Natural Resources and the Commissioner of Fisheries have the authority to promulgate regulations penalizing electro fishing, given its absence in the Fisheries Law's explicit prohibitions.

****Court's Decision:****

The Supreme Court ruled that the Secretary of Agriculture and Natural Resources and the Commissioner of Fisheries exceeded their authority by issuing Fisheries Administrative Orders Nos. 84 and 84-1 to penalize electro fishing. It was determined that since the

Fisheries Law does not expressly ban electro fishing, these officials were powerless to penalize it through executive regulation alone. The Supreme Court also held that the appellate jurisdiction was improperly vested with the CFI of Laguna, thus setting aside its decision and affirming the municipal court's order of dismissal.

****Doctrine:****

The case established that executive officials and administrative agencies must operate within the scope of authority expressly or implicitly granted by law. They cannot extend, modify, or introduce new prohibitions that the law itself does not expressly address. Legislative power, including the authority to declare acts as criminal offenses and prescribe penalties, cannot be delegated to executive agencies or officials beyond what is clearly stipulated in the law.

****Class Notes:****

- ****Principle of Non-Delegation of Legislative Powers:**** The power to declare what constitutes a crime and prescribe penalties cannot be delegated beyond explicit statutory limits.
- ****Scope of Administrative Rule-Making:**** Executive regulations must be within the bounds of the law and cannot extend or modify legal prohibitions or penalties not expressly stated in the law.
- ****Legislation and Regulation Distinction:**** Administrative bodies can enforce and flesh out statutory requirements but cannot create new prohibitions or penalties outside of statutory authority.
- ****Statutory Interpretation:**** Penal statutes are strictly construed, and any ambiguity or silence on a matter within a law indicates a lack of prohibition or penalization for that matter.

****Historical Background:****

This case reflects the jurisdictional and interpretative challenges that arise when executive agencies seek to address gaps or emerging issues within existing legislative frameworks through regulation. It underscores the judiciary's role in delineating the boundaries of legislative delegation, administrative authority, and the precise application of law. It emerges within a broader discourse on the regulation of fishing practices, environmental conservation, and sustainable resource management in the Philippines, showcasing the tension between legislative intention and administrative initiative.