

Title:

****Achilles C. Berces, Sr. vs. Hon. Executive Secretary Teofisto T. Guingona, Jr., Chief Presidential Legal Counsel Antonio Carpio, and Mayor Naomi C. Corral of Tiwi, Albay****

Facts:

Achilles C. Berces, Sr. filed two administrative cases against Mayor Naomi C. Corral of Tiwi, Albay, before the Sangguniang Panlalawigan of Albay.

1. ****Administrative Case No. 02-92****: Berces charged Mayor Corral with abuse of authority and/or oppression for not paying accrued leave benefits amounting to P36,779.02.
2. ****Administrative Case No. 05-92****: Berces accused Mayor Corral of dishonesty and abuse of authority. The Mayor allegedly installed a water pipeline for her private residence and medical clinic, operational costs of which were borne by the municipality.

On July 1, 1993, the Sangguniang Panlalawigan ruled:

- In Administrative Case No. 02-92, it ordered Mayor Corral to pay Berces the accrued leave benefits and suspended her from office for two months.
- In Administrative Case No. 05-92, it suspended her for three additional months and ordered partial reimbursement for water and electric bills.

Mayor Corral appealed to the Office of the President, requesting a stay on the execution of the suspension. On July 28, 1993, the Office of the President granted the stay of execution citing Section 68 of Republic Act No. 7160 and Administrative Order No. 18. Berces' motion for reconsideration was denied on September 13, 1990.

Subsequently, Berces filed a petition for certiorari and prohibition with the Supreme Court, asserting that RA No. 7160 mandated the decision's immediate execution, conflicting with Administrative Order No. 18.

Issues:

1. Whether RA No. 7160 repealed Administrative Order No. 18, thereby removing the authority of the Office of the President to stay execution of the Sangguniang Panlalawigan's decision pending appeal.
2. Whether the stay of execution order by the Office of the President was valid.

Court's Decision:

The Supreme Court held that:

1. **RA No. 7160 does not repeal Administrative Order No. 18 by implication**: The Court observed that for an implied repeal to occur, there must be an irreconcilable inconsistency between the new law (RA 7160) and the prior law (Administrative Order No. 18). The provisions of Section 68 of RA 7160 and Section 6 of Administrative Order No. 18 could be harmonized. The execution pending appeal provision in Section 68 of RA 7160 did not explicitly prohibit the Office of the President from staying the execution of a decision.

2. **Validity of the Stay of Execution**: The Court ruled that the term “shall” in the context of section 68 could be interpreted as directory rather than mandatory. The Office of the President has discretion to order a stay of execution to prevent disruption in public service. The Court found the stay of execution justified to prevent potential prejudice to public interest.

Thus, the petition by Berces was dismissed.

Doctrine:

The case established that:

- **Implied Repeal**: Repeal by implication is not favored without a substantial conflict between new and old laws. Sequential laws can coexist if they can be harmonized.
- **Interpretation of “Shall”**: The term “shall” can be read as either mandatory or directory depending on the context and legislative intention.
- **Discretionary Power**: Reviewing authorities retain discretionary power to stay execution of administrative decisions to serve public interest.

Class Notes:

1. **Implied Repeal**: Not favored and requires substantial conflict (Phil. American Management Co. v. PAMEA; Iloilo Palay & Corn Planters Assoc. v. Feliciano)
2. **Statutory Interpretation**: “Shall” can be interpreted contextually (De Mesa v. Mencias).
3. **Discretionary Stay of Execution**: Reviewing authorities retain power unless explicitly curtailed by legislation (Section 68 of RA 7160, Section 6 of Adm. Order 18).
4. **Administrative Appeals**: Guided by specific provisions and overarching legislative intents (RA 7160 & Adm. Order 18).

Historical Background:

During the early 1990s, governance reform via decentralization was emphasized in the Philippines, as reflected in the Local Government Code (RA 7160). This case captures the

tension between local governmental autonomy and administrative oversight by higher executive powers, illustrating the judicial effort to ensure a balance between immediate justice and overall public interest continuity.