

ILOILO PALAY AND CORN PLANTERS ASSOCIATION, INC., ET AL., PETITIONERS, VS. HON. JOSE Y. FELICIANO, ET AL., RESPONDENTS.

G. R. No. L-24022. March 30, 1965

Ponente: BAUTISTA ANGELO, J.

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BAUTISTA ANGELO, J.:

On December 26, 1964, Jose Y. Feliciano, Chairman and General Manager of the Rice and Corn Administration, wrote the President of the Philippines urging the immediate importation of 595,400 metric tons of rice, thru a government agency which the President may designate, pursuant to the recommendation of the National Economic Council as embodied in its Resolution No. 70, series of 1964.

On December 27, 1964, the President submitted said letter to his cabinet for consideration and on December 28, 1964, the cabinet approved the needed importation. On January 4, 1965, the President designated the Rice and Corn Administration as the government agency authorized to undertake the importation pursuant to which Chairman Jose Y. Feliciano announced an invitation to bid for said importation and set the bidding for February 1, 1965.

Considering that said importation is contrary to Republic Act 3452 which prohibits the government from importing rice and that there is no law appropriating funds to finance the same, the Iloilo Palay and Corn Planters Association, Inc., together with Ramon A. Gonzales, in his capacity as taxpayer, filed the instant petition before this Court seeking to restrain Jose Y. Feliciano, in his capacity as Chairman and General Manager of the Rice and Corn Administration, from conducting the bid scheduled on the date abovementioned, and from doing any other act that may result in the contemplated importation until further orders of this Court. For reasons that do not clearly appear, the Secretary of Foreign Affairs and the Auditor General were made co-respondents.

Pending decision on the merits, petitioners prayed for the issuance of a writ of preliminary injunction, which, in due course, this Court granted upon petitioners' filing a bond in the amount of P50,000.00. This bond having been filed, the writ was issued on February 10, 1965.

Respondents, in their answer, do not dispute the essential allegations of the petition though they adduced reasons which justify the importation sought to be made. They anchor the validity of the importation on the provisions of Republic Act 2207 which, in their opinion, still stand.

It is petitioners' contention that the importation in question being undertaken by the government even if there is a certification by the National Economic Council that there is a shortage in the local supply of rice of such gravity as to constitute a national emergency, is illegal because the same is prohibited by Republic Act 3452 which, in its Section 10, provides that the importation of rice and corn is only left to private parties upon payment of the corresponding taxes. They claim that the Rice and Corn Administration, or any other government agency, is prohibited from doing so.

It is true that the section above adverted to leaves the importation of rice and corn exclusively to private parties

thereby prohibiting from doing so the Rice and Corn Administration or any other government agency, but from this it does not follow that at present there is no law which permits the government to undertake the importation of rice into the Philippines. And this we say because, in our opinion, the provision of Republic Act 2207 on the matter still stands. We refer to Section 2 of said Act wherein, among other things, it provides that should there be an existing or imminent shortage in the local supply of rice of such gravity as to constitute a national emergency, and this is certified by the National Economic Council, the President of the Philippines may authorize such importation thru any government agency that he may designate. Here there is no dispute that the National Economic Council has certified that there is such shortage present which, because of its gravity, constitutes a national emergency, and acting in pursuance thereof the President lost no time in authorizing, after consulting his cabinet, the General Manager of the Rice and Corn Administration to immediately undertake the needed importation in order to stave off the impending emergency. We find, therefore, no plausible reason why the disputed importation should be prevented as petitioners now desire.

The contention that Republic Act 2207 has already been repealed by Republic Act 3452 is untenable in the light of the divergent provisions obtaining in said two laws. Admittedly, Section 16 of Republic Act 3452 contains a repealing clause which provides: "All laws or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly." The question may now be asked: what is the nature of this repealing clause? It is certainly not an express repealing clause because it fails to identify or designate the Act or Acts that are intended to be repealed [Sutherland, Statutory Construction, (1943) Vol. 1, p. 467]. Rather, it is a clause which predicates the intended repeal upon the condition that a substantial conflict must be found in existing and prior Acts. Such being the case, the presumption against implied repeals and the rule against strict construction regarding implied repeals apply *ex proprio vigore*. Indeed, the legislature is presumed to know the existing laws so that, if a repeal is intended, the proper step is to so express it [Continental Insurance Co. vs. Simpson, 8 F (2d 439; Weber vs. Bailey, 151 Ore. 2188, 51 P (2d) 832; State vs. Jackson, 120 W. Va. 521, 199 S.E. 876]. The failure to add a specific repealing clause indicates that the intent was not to repeal any existing law (Crawford, Construction of Statute, 1940 ed., p. 631), unless an irreconcilable inconsistency and repugnancy exist in the terms of the new and old laws. Here there is no such inconsistency.

To begin with, the two laws, although with a common objective, refer to different methods applicable to different circumstances. Thus, the total banning of importation under normal conditions as provided for in Republic Act 2207 is one step to achieve the rice and corn sufficiency program of the Administration. The philosophy behind the banning is that any importation of rice during a period of sufficiency or even of a minor shortage will unduly compete with the local producers and depress the local price which may discourage them from raising said crop. On the other hand, a price support program and a partial ban of rice importation as embodied in Republic Act 3452 is another step adopted to attend the sufficiency program. While the two laws are geared towards the same ultimate objective, their methods of approach are different—one is by a total ban of rice importation and the other by a partial ban, the same being applicable only to the government during normal period.

There is another area where the two laws find a common point of reconciliation: the normalcy of the time underlying both laws. Thus, with respect to the matter of importation Republic Act 2207 covers three different situations: (1) when the local produce of rice is sufficient to supply local consumption; (2) when the local produce falls short of the supply but the shortage is not enough to constitute a national emergency; and (3) when the shortage on the local supply of rice is of such gravity as to constitute a national emergency. Under the first two situations, no importation is allowed whether by the government or by private sector. However, in the case of the third situation, the law authorizes importation by the government.

Republic Act 3452, on the other hand, deals only with situations 1 and 2, but not with 3. Nowhere in said law can

we discern that it covers importation where the shortage in the local supply is of such gravity as to constitute a national emergency. In short, Republic Act 2 only authorizes importation during normal times, when there is a shortage in the local supply of such gravity as to constitute a national emergency, we have to turn to Republic Act 2207. These two laws, therefore, are not inconsistent and so implied repeal does not ensue.

On view that Republic Act 3452 merely contemplates importation during normal times is bolstered by a consideration of the discussion that took place in Congress of House Bill No- 11511 which was presented in answer to the request of the Chief Executive that he be given and by power to import rice in the Philippines. On this matter, we quote the following views of Senators Padilla and Almendras:

"SENATOR PADILLA: But under Republic Act No. 3452 there is a proviso in Sec. 10 thereof that the Rice and Corn Administration or any government agency is hereby prohibited from importing rice and corn.

SENATOR ALMENDRAS: That is under normal conditions.

SENATOR PADILLA: 'Provided further', it says, 'that the importation of rice, and corn is left to private parties upon payment of the corresponding tax.' So therefore, the position of the Committee as expressed by the distinguished sponsor, is that Sec. 10 of Republic Act No. 3452 is applicable under normal conditions.

SENATOR ALMENDRAS: Yes." (Senate Debate, June 10, 1964)

Much stress is laid on the content of Section 12 of Republic Act 3452 which gives to the President authority to declare a rice and corn emergency any time he deems necessary in the public interest and, during the emergency, to conduct raids, seizure and confiscation of rice and corn hoarded in any private warehouse or bodega subject to constitutional limitations, to support the claim that said Act also bans importation on the part of the government even in case of an emergency. The contention is predicated on a misinterpretation of the importation meaning of said provision. Note that the section refers to an emergency where there is an artificial shortage because of the apparent hoarding undertaken by certain unscrupulous dealers or businessmen, and not to an actual serious shortage of the commodity because, if latter exists, there is really nothing to raid, seize or confiscate, because the situation creates a real national emergency. Congress by no means could have intended under such a situation to deprive the government of its right to import to stave off hunger and starvation. Congress knows that such remedy is worthless as there is no rice to be found in the Philippines. Seizure of rice is only of value in fighting hoarding and profiteering, but such remedy cannot produce the rice needed to solve the emergency. If there is really insufficient rice stocked in the private warehouses and bodegas such confiscatory step cannot remedy an actual emergency, in which case we have to turn to Republic Act 2207.

The two laws can therefore be construed as harmonious parts of the legislative expression of its policy to promote a rice and corn program. And if this can be done, as we have shown, it is the duty of this Court to adopt such interpretation that would give effect to both laws. Conversely, in order to effect a repeal by implication, the latter statute must be irreconcilably inconsistent and repugnant to the prior existing law [United States vs. Greathouse, 166 U.S. 601, 41 L. Ed., 1130; In re Phoenix Hotel Co., 13 F. Supp. 229; Hammond vs. McDonald, 32 Cal. App. 187, 89 P (2d) 407; Sutherland Statutory Construction, supra, p. 462). The old and the new laws must be absolutely incompatible (Compania General de Tabacos vs. Collector of Customs, 46 Phil. 8). A mere difference in the terms and provisions of the statutes is not sufficient to create a repugnancy between them. There must be such a positive repugnancy between the provisions of the old and the new statutes that they cannot be made to reconcile and stand together (Crawford Construction of Statute, supra, p. 631). The clearest case possible must first be made before the inference of implied repeal may be drawn [Nagano vs. McGrath, 187 F (2d) 759]. Inconsistency is never presumed.

Republic Act 3848 entitled "An Act Providing for the Importation of Rice During the Calendar Year Nineteen

Hundred Sixty-Four in the Event of Shortage in Local Supply" cannot be given any nullifying value, as it is pretended, simply because Section 6 thereof provides that mentality of the Government shall be allowed to purchase "except as provided in this Act, no other agency or instrumentality of the Government shall be allowed to purchase rice from abroad." The reason is that it is a mere temporary law effective only for a specific year. As its title reads, it is merely an authority to import rice during the year 1964. The same, therefore, is now *functus officio* at least on the matter of importation.

Neither can petitioners successfully pretend that as Section 4 thereof provides that pending prosecutions for any violation of Republic Acts 2207 and 3452 shall in no way be affected by said Act 3848 the implication is that the aforesaid Acts have already been repealed. That provision is merely a safeguard placed therein in order that the prosecutions already undertaken may not be defeated with the enactment of Republic Act 3848 because the latter provides for penal provisions which call for lesser penalty-. The intention is to except them from the rule that penal statutes can be given retroactive effect if favorable to the accused.

To further bolster our view that Republic Act 2207 has not been impliedly repealed by Republic Act 3452, we wish to briefly quote hereunder the views expressed by some senators during the discussion of House Bill 11511 already mentioned above. It should be here repeated that said bill was presented to accede to the request of the President for a stand-by power to import in case of emergency in view of the uncertainty of the law, but that during the discussion thereof it was strongly asserted and apparently upheld that such request for authority was not necessary because Republic Act 2207 was still in force. It is probably for this reason that said bill, after having been approved by the Senate, was killed in the conference committee that considered it. These views, while not binding, are of persuasive authority and throw light on the issue relative to the effectivity of Republic Act 2207.

"SENATOR LIWAG: * * * Now Mr. Chairman, is it the sense of the Committee that in case of emergency, in case of an impending shortage, we can import rice under the provisions of R.A. No. 2207?

SENATOR ALMENDRAS: Yes, that is what we mean, your Honor, in this paragraph (c) Section 2 page 2, that when we say 'under the provisions of existing law, we are referring to R.A. No. 2207.

"* * * * *

Senator Padilla: I notice, Mr. Senator, that Section 2 paragraph (c) of the amendment by substitution reads:

'Importation of rice and/or corn .should be resorted to only in cases of extreme and under the provisions of existing laws.'

I suppose that the existing laws referred to are Republic Act No. 2207 and Republic Act No. 3452. Does this section in the proposed bill be substitution recognize the continued existence of the pertinent provisions of Republic Act No. 2207 and Republic Act No. 3452 on rice importation?

SENATOR ALMENDRAS: Yes, that is the reason, Your Honor, why we struck out the stand-by power on the part of the President to import rice.

SENATOR ALMENDRAS: The position of your Committee, Your Honor, because of the existing law—that is, Republic Act No. 3452 and Republic Act No. 2207—that is the reason your Committee eliminated that .stand-by power of the President to import rice. Because you know, Your Honor, what is the use of that stand-by power, inasmuch as under Republic Act No. 3152 and Republic Act No. 2207 the President can designate any government agency to import rice

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SENATOR PADILLA: Well, it is good to make that clear because in the decision of the Supreme Court, as I said, there was no clear cut holding as to the possible co-existence or implied repeal between these two Acts.

SENATOR ALMENDRAS: Yes, Your Honor, but the gentleman from Nueva Ecija, Senator Liwag, informed me that Republic Act No. 2207 has never been repealed.

SENATOR PADILLA: Well, I also concur with that view, but we want to make that clear * * *.

SENATOR PADILLA: 'Provided, further.' it says. 'That the importation of rice and corn is left to private parties upon payment ' the corresponding taxes.' So, therefore, the position of the Committee, as expressed by the distinguished sponsor, is that Sec. 10 of Republic Act No. 3452 is applicable under normal conditions.

SENATOR ALMENDRAS: Yes.

SENATOR PADILLA: So, both provisions of law are in existence.

SENATOR ALMENDRAS: Yes.

SENATOR PADILLA: One is not repealed by the other.

* * * * *

SENATOR TOLENTINO: Mr. President, there are two views already expressed on whether Republic Act No. 2207 has been repealed by Republic Act No. 3452. One view sustains the theory that there has been a repeal of Republic Act No. 2207 by Republic Act No. 3452 insofar as rice importation is concerned. The other view is that there is no repeal. The Supreme Court does not state clearly which side prevails. I take the view that the two laws can be reconciled * * *.

Now, Mr. President, reading those two provisos together, I maintain that they are not totally repugnant to each other, that it is possible for them to stand together except on certain points: First, is importation in case of a national emergency certified by the National Economic Council permissible? By reading the two provisos together I would say yes because there is nothing in the proviso contained in Republic Act No. 3452 which would be inconsistent with importation during a shortage amounting to a national emergency."

Another circumstance that strengthens our view is that when said House Bill No. 11511 was finally approved by the Senate, it carried a clause which expressly repeals, among others, Republic Act No. 2207 (Section 14), but which bill, as already said, was later killed in the conference committee. This attitude clearly reveals that Congress preferred to fall back on Republic Act 2207 with regard to future importations.

Anent the point raised relative to the lack of necessary appropriation to finance the importation in question, suffice it to state that under Republic Act 663 the National Rice and Corn Corporation is authorized to borrow, raise and secure the money that may be necessary to carry out its objectives. We refer to Section 3(e) of said Act which empowers said corporation to secure money and to encumber any property it has as a guaranty, and Republic Act 3452, which creates the Rice and Corn Administration, transferred its functions and powers to the latter, including the power to borrow money under Section 3(e). This provision gives the RCA enough power with which to finance the importation in question.

Wherefore, petition is dismissed. The writ of preliminary injunction by this Court is hereby dissolved. Costs against petitioners.

Paredes, Regala, Makalintal, Bengzon, J. P., and Zaldivar, JJ., concur.

DISSENTING OPINION

Reyes, J. B. L., Jr.,

It is regrettable that in their effort to uphold the Government's power to import rice, under Section 2 of Republic Act 2207, the majority opinion seems to have overlooked that the repeal of statutes is primarily a matter of legislative intention; and that on its face, Republic Act No. 3452 was plainly intended to supersede the prior law, Republic Act No. 2207.

The specific issue, in brief, is whether the extraordinary emergency power to import rice and corn, granted to the president by Section 2 of Republic Act 2207, may still be considered as subsisting at present, notwithstanding the terms of Section 10 of the subsequent Republic Act No. 3452.

For convenience, we present in parallel columns the specific provisions of the respective acts:

Rep. Act No. 2207

Rep. Act. No. 3452

(1959)

(1962)

'SEC. 2. Prohibition

"SEC. 10. * * * Provided, that

It shall be unlawful for any

the Rice and Corn Administra-

person, association, corporation

tion or any other government

or government agency to import

agency is hereby prohibited from

rice and corn into any point in

importing rice and corn: Pro-

the Philippines: Provided, how-

vided further, that the impor-

ever, That should there be an tation of rice and corn is left

existing or imminent shortage in to private jmrtea upon payment

the local supply of the above- of the corresponding taxes."

mentioned commodities of such (Italics supplied)

gravity as to constitute a na-

tional emergency, upon certifica-

tion to this effect by the National Economic Council, based on the studies of the Office of Statistical Coordination of said body, the President of the Philippines may authorize the importation of these commodities, through any government agency that he may designate, in such quantities as the National Economic Council may determine necessary to cover the shortage, subject to the taxes, duties and/or special charges as now provided by law: Provided, further. That contracts for such importation shall be only on straight-sales basis, and awarded only after a public bidding, with sealed bids." (Italics supplied)

It is apparent at first sight that the two provisions contradict each other. First, in policy: because under Republic Act No. 2207, the general rule is that no person or entity, public or private, shall import rice and corn; while under the later Act, Republic No. 3452, the importation of rice and corn is left to private parties, with no restriction other than the payment of taxes. Second, in procedure: under Republic Act 2207, the President, in case of emergency, may import rice and corn in quantities certified by the National Economic Council as necessary, through any government agency that he may designate; while by Act 3452, any government agency is prohibited from importing rice and corn, said prohibition being express, absolute, total, and unconditional. Not only this. but violation of the prohibition is sanctioned by a P10,000 fine and imprisonment for not more than 5 years (sec. 15, Act 3452).

We can not see how the majority opinion can contend that the presidential power to make importations of rice and corn still subsists, in view of the unqualified terms of Republic Act 3452. If any government agency is prohibited from importing rice and corn by the later law, and the violation of the prohibition is penalized by fine and imprisonment, in what manner can the President make the importation? He can not do so directly, since Act 2207 specifically requires that it be done "through any government agency". How, then, may he import?

It is unnecessary to resort to legal gymnastics in order to realize why this must be so. Suffice it to note that the

Administration's power to import rice in certified emergencies under Act 2207 was but a mere corollary to the total ban on rice and corn imports under that Act, and the existence of such exceptional import power necessarily depended on the continuation of that total prohibition.

Section 2 of Republic Act No. 2207 clearly shows how intimate was this dependence between the emergency importing authority granted to the government and the maintenance of the normal non-import policy.

"SEC. 2, Prohibition: It shall be unlawful for any person, association, corporation or government agency to import rice and corn into any point in the Philippines; Provided, however, that should there be an existing or imminent shortage in the local supply of the above-mentioned commodities, of such gravity as to constitute a national emergency, upon certification to this effect by the National Economic Council, based on the studies of the Office of Statistical Coordination of said body, the President of the Philippines may authorize the importation of these commodities, through any government agency that he may designate, in such Quantities as the National Economic Council may determine necessary to cover the shortage, subject to taxes, duties and/or special charges as now provided by law; provided, further, that contracts for such importation shall be only on straight sales basis, and awarded only after a public bidding, with sealed bids." (Italics Supplied)

So closely linked were the policy and the emergency import power that the latter was not even set apart in a section. Therefore, repeal of the absolute ban on imports, prescribed in the opening portion of the section quoted, necessarily entails the disappearance of the emergency power to import rice and corn established by the later part of the same legal provision. Where the basic rule disappears, the exceptions thereto must necessarily cease to operate, since the exception becomes automatically *functus officio* for lack of basis.

The total banning of cereal imports logically under Act 2207, meant that whenever the domestic crop became insufficient to satisfy the demand for rice and corn, the latter had to be brought from outside to fill the gap; and the legislature decided (in Act 2207) that it should be done through governmental agencies. But under Republic Act 3452, the total prohibition to import disappeared, and private parties were authorized to bring in the cereals at any time; hence, the exceptional importing power of the Government lost all reason for its existence, because the private imports allowed by Act 3452 were contemplated and intended to make up the difference between demand and supply, without necessity of government intervention. In truth, the expression in Section 10 of Act 3452—

"Sec. 10. * * * Provided, That the Rice and Corn Administration or any other government agency is hereby prohibited from importing rice and corn: Provided, further, That the importation of rice and corn is left to private parties upon payment of the corresponding taxes." (Italics supplied)

can only mean that the Administration must desist from importing, and leave to private parties the task of bringing such cereals from without in order to make up whatever shortages in production should occur.

That only private parties, and not the government, can import the cereals finds confirmation in the legislative journals. In the Congressional Record, No. 48, March 30, 1962, page 1360, containing the transcript of the Senate debates on the bill that later became Republic Act No. 3452, the following appears:

"CUENCO AMENDMENT.

"Mr. CUENCO. Mr. Speaker, on page 3, line 16, change the period (.) to colon: and add the following: PROVIDED, THAT THE RICE AND CORN ADMINISTRATION OR ANY OTHER GOVERNMENT AGENCY IS HEREBY PROHIBITED FROM IMPORTING RICE AND CORN: PROVIDED, FURTHER, THAT THE IMPORTATION OF RICE AND CORN IS LEFT TO PRIVATE PARTIES UPON PAYMENT OF THE CORRESPONDING TAXES.

"Mr. OCAMPO. Suppose there is a calamity, "Mr. Speaker.

"Mr. CUENCO. Leave that to private parties.

"Mr. OCAMPO. Accepted, Mr. Speaker.

"The Speaker. Is there any objection? (After a pause.) The Chair does not hear any. The amendment is approved." (Congressional Record, No. 48, March 30, 1962 p. 1360)

The Senate Journal, No. 59, May 8, 1962, also contains the following illuminating remarks:

"SENATOR LEDESMA. So it is on the understanding then, Your Honor, that we could proceed with the discussion.

"Your Honor, House Bill No. 339, as I have already stated, specifically provides that appointment of personnel should be in accordance with the Civil Service Law as well as with the WAPCO. It seems to me that this provision is very laudable and very, very Reasonable. The second important feature in this proposed measure is that it prohibits importation by the government. I think this should be clarified in the sense that, at the same time, it allows importation by private parties but with the payment of the corresponding duties. Or rather, under House Bill No. 339, the general policy which is being set in the proposed measure is that the government should not resort to importation but that importation of the cereal is open at all times to any citizen of this country so long as he pays the corresponding duties and other taxes which are imposed by our government." (Senate Journal, No. 59, May 8, 1962)

It is thus clear that if section 16 of Republic Act 3452, Providing that—

"All laws or parts thereof inconsistent with the provisions of this Act are hereby repealed or modified accordingly",

intended to refer to any preceding statute at all, it must have referred to Republic Act No. 2207. Hence, the Presidential power to import no longer exists.

In arguing in favor of the Government's power to import even now, the majority opinion avers that Republic Act No. 3452 is designed to apply only to normal times and conditions. "This is plainly absurd, for in normal times, when production equals consumption, no importation will be authorized, for none will be required.

The majority opinion stresses that Republic Act 3452 does not repeal Act 2207 in express terms. Granting arguendo that this was true, despite the express prohibition of government imports in section 10 of the later Act, yet it does not elucidate why the legislature found it necessary, or expedient, to enact an entirely different law, instead of merely providing for the amendment of the prior statute (R. A- 2207). If both laws were designed to attain the same end, rice and corn sufficiency for our country, and only a change of method was intended, why enact two statutes not only unconnected with each other, but actually contradictory?

That the two laws are inconsistent with each other can not be gainsaid. Under Act 2207, no person or entity, public or private, could import rice or corn, since under Section 2 thereof "it shall be unlawful for any person, association, corporation or government entity to import rice and corn"; while under Act 3452, on the contrary, "importation of rice and corn is left to private parties" (sec. 10) at any time, with no other restriction than the payment of taxes. How can it be said that the two laws, with so diametrically opposite philosophies, were intended to co-exist?

Because the two laws covering the same field are plainly incompatible with each other (since private importation of rice and corn can not, at the same time, be unlawful under Act 2207 and lawful under Act 3452), it is inescapable to conclude that the later statute (3452) is, and must have been intended to revise, supersede, and replace the former law (Act 2207). The established rule in this jurisdiction in such a case is that—

"While as a general rule, implied repeal of a former statute by a later one is not favored, yet if the later Act covers the whole subject of the earlier one and is clearly intended as a substitute-it will operate similarly as a

repeal of the earlier act (Posadas vs. National City Hank of New York, 250 U.S. 497, 80 Law Ed. 351)" (quoted and applied in In re Guzman, 73 Phil. 52).

In the same case, the Supreme Court of the Philippines adopted the American doctrine that in such a revision of the law, whatever is excluded is discarded and repealed (Re Guzman supra, at pp. 52-53).[1]

"It has been held that 'where the legislature frames a new statute upon a certain subject-matter, and the legislative intention appears from the latter statute to be to frame a new scheme in relation to such subject-matter and make a revision of the whole subject, there is in effect a legislative declaration, that whatever is embraced in the new statute shall prevail, and that whatever is excluded is discarded' (People vs. Thornton, 186 Ill., 162, 173, 57 N. E. 841.)

"And an author says: 'So where there are two statutes on the same subject, passed at different date, and it is plain from the frame-work and substance of the last that it was intended cover the whole subject, and to be a complete and perfect statement or provision in itself, the last must be held to be a legislative declaration that whatever is embraced in it shall prevail and whatever is excluded is discarded and repealed.'"

Or, as more tersely put in Madison vs. Southern Wisconsin R. Co., 10 A. L. R. 910, at page 915:

"6. A subsequent statute, evidently intended as a substitute for one revised, operates as a repeal of the latter without any express words to that effect; and so any distinct provision of the old law, not incorporated into the later one, is to be deemed to have been intentionally annulled. Smith, Stat. Constr. sec. 784; Bartlett vs. Kimp, 12 Mass. 537, 7 Am. Dec. 99."

This rule, expressly adopted by this very Supreme Court, utterly destroys the contention of the majority opinion that because the Government's power under Republic Act 2207, to make imports of rice and corn in case of certified emergency, is nowhere expressly repealed by Republic Act 3452, such power must be still deemed to exist. No such power can now exist for the reason that the Act conferring it was totally and unconditionally superseded and repealed by Act 3452. The contradictory philosophies of both acts testify to that effect.

The majority also avers that Republic Act No. 345 does not contemplate situations where the shortage in local supply is of such gravity as to constitute a national emergency. It also asserts that Act 3452 refers only to artificial shortages through hoarding, and does not cover natural shortages where the rice and corn crops do not suffice to meet the demands of consumption. Unfortunately, the opposite of these assertions is precisely true. Thus,

Section 1 of Act 3-152 provides: "The Government shall engage in the purchase of these basic foods from tenants, farmers, growers producers and landowners in the Philippines * * * and whenever circumstances brought about by any cause, natural, or artificial should so require, (the Government) shall sell and dispose these commodities to the consumers * * *"

Section 3 of Act 3452 "With a view to regulating the supply of rice and corn throughout the country, the Administration is authorized to accumulate stocks as a national reserve in such quantities as it may deem proper and necessary to meet any contingencies. * * *"

Section 12, Act 3452—"The President of the Philippines is hereby authorized to declare a rice and corn emergency any time he deems necessary in the public interest. During the emergency period, the Rice and Corn Administration, upon the direction of the President, shall, subject to constitutional limitation, conduct raids, seizures, and confiscation of rice and corn hoarded in any private warehouse or bodega: Provided, That the Rice and Corn Administration shall pay such confiscated rice and corn at the prevailing consumer's price of the Rice and Corn Administration." (Italics supplied)

Certainly the words used by the statute, "any cause, natural or artificial", "any contingencies", "rice and corn emergency" are broad enough to cover all contingencies, natural deficiency due to insufficient production, as well

as artificial shortages due to hoarding. The terms employed exempt the legislature from the accusation that it still has left some emergency unprovided for. What it did the Government was the power to import rice and corn whenever it so chooses; instead, the law expressly Prescribed "that the Rice and Corn Administration or any government agency is hereby prohibited from importing rice and corn" (sec. 10, R.A. 3452), a command that, as previously observed, squarely contradicts and vacates the Permission to import previously granted under Republic Act 2207. The Government, therefore, may not now bring in rice and corn from abroad, unless special legislative authorization is first obtained, as was done for 1964 by Republic Act No. 3848.

The very fact that the Administration went to and obtained' from the legislature permission to import 300,000 metric tons of rice during the calendar year 1964 (Rep. 3848), and made use of that permission, is the best proof that the Executive felt that its former power under Republic Act No. 2207 no longer existed after the age of Republic Act No. 3452. Such action places the Administration in estoppel to assert the contrary. Why should it seek authority to make importation during 19(54 if it still possessed that granted by Republic Act 2207?

Note that, in consenting to the Government's importing '500,000. tons of rice in IDG!, the Legislature ohm more reaffirmed the prohibition of further government imports in section (i of the enabling law, Republic Act No. 15848:

"SEC. 6. — Except as provided in this Act, no other agency or instrumentality of the Government shall be allowed to purchase rice from abroad." (Italics supplied)

which is virtual repetition of the restraint imposed by Republic Act '1',52. In addition, the law imposed the further condition that the importation be made only upon two-thirds vote of the National Economic Council, where Republic Act 2207 specified no particular majority.

The main opinion seeks to minimize the effect of these reiterated prohibitions by claiming that said section 6 was intended to operate only for 1961. If that had been the intention, then section 6 was; absolutely unnecessary, because the authority given by Act 15818 was a limitation in itself, as it only permitted the importation of 300,000 metric tons for the calendar year 1964. Under such a grant, any excess beyond the quantity fixed, and any import after 1964, were automatically forbidden. The enactment of section G of Act 3848, therefore, was an actual reassert ion of the policy of outlawing Government imports, as declared in Republic Act 3152. If anything it meant that to import rice now, the Executive must first obtain an enabling law.

Moreover, the financing by the Government of " foreign purchases of rice would violate the Constitution restraint against paying money out of the Treasury, "except in pursuance of an appropriation made by law" (Art. VI, sec. 23, par. 3), and no law making such appropriation has been enacted. Under the Revised Administrative Code, sections 606 and 607, no contract involving the expenditure of public funds can be made without previous-appropriation therefor, duly certified by the Auditor General. Nor can these inhibitions be evaded by the ruse of causing a Government agency to borrow the funds required for the purpose, considering that any and all government agencies are flatly forbidden to import rice (Republic Act JM52, sec. 10), and the borrowing of funds to finance importation is essential for the execution thereof.

Finally, we see, no point in the quotations from statements made in the Senate during the deliberations on House Bill No. 11511. That bill never became law, and is not before the Court. The statements quoted are not binding, this Court having the exclusive prerogative -of construing the legislative enactments.

The effect in the majority decision is, after the legislature had expressly prohibited government agencies to import rice and corn, and after the law-making body refused to pass the bill (House I.ill No. 11511) granting the Executive a .standby authority to import, a decision of this Court now reverses this clear policy of the Legislature, and hands the Executive a blanket power to do what the laws have expressly forbidden.

Bengzon, C. J., Conception, Barrera, and Dizon, JJ., concur.

Petition dismissed.

[1] Rule reiterated in *Joaquin vs. Navarro*, 81 Phil. 373; *In re Resaba*, 95 Phil. 247; *Beysa vs. Court of First Instance*, 52 Off. Gaz No. 7, p. 3572.

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