

IGNACIO LLANCO, PETITIONER AND APPELLEE, VS. HON. MANUEL DE LA FUENTE, ETC., ET AL., RESPONDENTS AND APPELLANTS.

G.R. No. L-5748. January 02, 1953

Ponente: PARAS, C.J.

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PARAS, C.J.:

This is an appeal from the decision of the Court of First Instance of Manila the dispositive part of which reads as follows:

"Wherefore, the petition for certiorari and mandamus filed by Ignacio Llanco is hereby granted, declaring all proceedings taken by the respondents in the suspension and discharge of the petitioner to be null and void, and ordering the respondents Mayor, Chief of Police, and Presiding Officer of the Police Summary Court of the City of Manila, or their successors, to reinstate the said petitioner Ignacio Llanco as patrolman in the Manila Police Department and to pay him his salary at the rate of P135 a month from July 6, 1951, when he was illegally discharged from the service, until his reinstatement as patrolman in the Police Department of the City of Manila."

The petitioner-appellee, a member of the Manila Police Department, was dismissed from the service by the respondent Mayor on June 26, 1951, on recommendation of the summary court of the Manila Police Department which conducted the investigation of certain administrative charges against the appellee. The main issue raised in the present appeal is whether, as held by the lower court, section 22 of Republic Act No. 409, known as the Revised Charter of the City of Manila, had been repealed by Republic Act No. 557 which provides that charges against members of city police shall be preferred by the City Mayor and investigated by the Municipal Board. In G.R. No. L-5009, *Manuel vs. de la Fuente, et al.*, decided on November 29, 1952, we already held that Republic Act No. 557 has repealed or modified section 22 of Republic Act No. 409, insofar as the power of investigation of members of the Manila Police Department is concerned. In said case we found that the Municipal Board has been granted the exclusive power to investigate, with the Mayor being conferred only the power to prefer charges against any member of the city police, although the Mayor, for the purpose of determining whether he should exercise the power of suspension conferred upon him by Republic Act No. 557, may conduct his own investigation, but this inquiry cannot replace the investigation required to be conducted by the Municipal Board which should form the basis for final administrative action or decision by said Board appealable to the Commissioner of Civil Service. The investigation conducted by the summary court of the Manila Police Department in the case at bar and the removal based thereon not being in conformity with the provisions of Republic Act No. 557, the same must be held — as in the case of *Manuel vs. de la Fuente, et al.*, supra — to be of no force and effect.

Counsel for the appellant has intimated — though not raised in respondents' answer in the court below — that Republic Act No. 557 would be rendered unconstitutional if construed as repealing section 22 of Republic Act No. 409, because while its title speaks of "the suspension or removal of members of the provincial governor, city mayor or municipal mayor," the body of the Act vests the same power in the provincial board and municipal or

city council, in violation of section 21 of Article VI of the Constitution providing that no bill which may be enacted into law shall embody more than one subject which shall be expressed in the title of the bill. From a reading of Republic Act No. 557, however, it is plain that the provincial governor, city mayor and municipal mayor are conferred the power of suspension conformably to the provisions thereof, and although the Act vests the power of investigation in the provincial board and municipal or city council, it does not provide that the power or removal is in said bodies. Hence, it cannot be argued that the subject as expressed in the title is not the same as that embodied in the body of the Act.

Wherefore, the appealed decision is hereby affirmed and it is so ordered without costs.

Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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