

BENJAMIN RABUCO, VENANCIO G. GUIRNALDA, LEODEGARIO ALOBA, ELEUTERIO IBANES, ROGELIO ARAGONES, ASENCIO ABANCO, BENEDICTO BAUTISTA, MAXIMO AQUINO, PAULINA DALUMIAS, NENITA RAMOS, ...

G.R. No. L-24661. February 28, 1974

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The Court herein upholds the constitutionality of Republic Act 3120 on the strength of the established doctrine that the subdivision of communal land of the State (although titled in the name of the municipal corporation) and conveyance of the resulting subdivision lots by sale on installment basis to bona fide occupants by Congressional authorization and disposition does not constitute infringements of the due process clause or the eminent domain provisions of the Constitution but operates simply as a manifestation of the legislature's right of control and power to deal with State property.

The origin and background of the cases at bar which deal with the decisive issue of constitutionality of Republic Act 3120 enacted on June 17, 1961, as raised by respondent mayor of Manila in resisting petitioners' pleas that respondent mayor not only lacks the authority to demolish their houses or eject them as tenants and bona fide occupants of a parcel of land in San Andres, Malate[2] but is also expressly prohibited from doing so by section 2 of the Act, may be summarized from the Court of Appeals[3] certification of resolution of May 31, 1965 as follows:

Case L-24916 involves petitioners' appeal to the Court of Appeals[4] from the decision of the Manila court of first instance dismissing their petition for injunction and mandamus to enjoin the demolition of their houses and their ejectment from the public lots in question and to direct respondent administrator of the Land Authority (now the Secretary of Agrarian Reform) to implement the provisions of Republic Act 3120 of the subdivision and sale on installment basis of the subdivided lots to them as the tenants and bona fide occupants thereof, and instead ordering their ejectment.

Case L-24915 involves petitioners' independent petition for injunction filed directly with the Court of Appeals on January 29, 1965[5] to forestall the demolition overnight of their houses pursuant to the order of demolition set for January 30, 1965 at 8 a.m. issued by respondents city officials pending the elevation of their appeal. The appellate court gave due course thereto and issued the writ of preliminary injunction as prayed for.

The two cases were ordered "consolidated into one" since they were "unavoidably interlaced." "The appellate court, finding that the constitutionality of Republic Act 3120 was "dominant and inextricable issue in the appeal" over which it had no jurisdiction and that the trial court incorrectly "sidetracked" the issue, thereafter certified the said cases to this Court, as follows:

"The validity of Republic Act 3120 which was seasonably posed in issue in the court below was sidetracked by

the trial court, thus:

'The constitutionality of Republic Act No. 3120 need not be passed upon as the principal question in issue is whether the houses of the petitioners are public nuisances, which the court resolved in the affirmative. As a matter of fact even if the petitioners were already the owners of the land on which their respected houses are erected, the respondent city officials could cause the removal thereof as they were constructed in violation of city ordinances and constitutes public nuisance.'

"It is significant to note, however, that what is sought by the respondent City Mayor and City Engineer of Manila is not only the demolition of the petitioners' houses in the premises in controversy, but their ejectment as well. Moreover, Republic Act 3120 does intend not only the dismissal of the ejectment proceedings against the petitioners from the land in controversy upon their motion, but as well that any demolition order issued against them shall also have to be dismissed. The law says:

'Upon approval of this Act no ejectment proceedings against any tenants or bona fide occupant shall be instituted and any proceedings against any such tenant or bona fide occupant shall be dismissed upon motion of the defendant. Provided, That any demolition order directed against any tenant or bona fide occupant thereof, shall be dismissed.' (Sec. 2, R.A. 3120)

"Indeed, the petitioners-appellants, who contended in the court below that it was not necessary to decide on the validity or constitutionality of the law, now asseverate that 'Republic Act No. 3120 expressly prohibits ejectment and demolition of petitioners' home.' The petitioners' argument in their appeal to this Court runs as follows:

'1. Petitioners-appellants are entitled to the remedies of injunction and mandamus, being vested with lawful possession over Lot 21-B, Block 610, granted by law, Republic Act No. 3120.

'2. Civil Case No. 56092 has not been barred by any prior judgment, as wrongly claimed by respondents-appellees.

'3. Ejectment and demolition against petitioners-appellants is unlawful and clearly prohibited by Republic Act No. 3120.'

"The defense of the respondent Mayor and City Engineer of Manila to arguments 2 and 3 is the invalidity of the said Republic Act 3120 for being in violation of the Constitutional prohibition against the deprivation of property without due process of law and without just compensation. So that even if argument 2 interposed by the petitioners-appellants should be rejected, still they may claim a right, by virtue of the aforesaid provisions of Republic Act 3120, to continued possession and occupation of the premises and the lifting of the order of demolition issued against them. The constitutionality of the said Republic Act 3120, therefore, becomes the dominant and inextricable issue of the appeal."

Case L-24661 for the continuation and maintenance of the writ of preliminary injunction previously issued by the Court of Appeals for preservation of the status quo was filed by petitioners directly with this Court on June 21, 1965, pending transmittal of the records of Cases L-24915 and L-24916 to this Court as certified by the Court of Appeals which declared itself without jurisdiction over the principal and decisive issue of constitutionality of Republic Act 3120.

The Court gave due course thereto and on August 17, 1965 issued upon a P1,000.—bond the writ of preliminary injunction as prayed for enjoining respondents "from demolishing and/or continuing to demolish the houses of herein petitioners situated in Lot No. 21-B, Block No. 610 of the Cadastral Survey of the City of Manila, or from performing any act constituting an interference in or disturbance of their present possession."

The records of two cases certified by the appellate court, L-24915 and L-24916, were eventually forwarded to this

Court which per its resolution of August 24, 1965 ordered that they be docketed and be considered together with case L-24661.

In the early morning of April 19, 1970, a large fire of undetermined origin gutted the Malate area including the lot on which petitioners had built their homes and dwellings. Respondents city officials then took over the lot and kept petitioners from reconstructing or repairing their burned dwellings. At petitioners' instance, the Court issued on June 17, 1970 a temporary restraining order enjoining respondents city officials "from performing any act constituting an interference in or disturbance of herein petitioners' possession of Lot No. 21-B, Block No. 610, of the Cadastral Survey of the City of Manila" as safeguarded them under the Court's subsisting preliminary injunction of August 17, 1965.

The "dominant and inextricable issue" at bar, as correctly perceived by the appellate court is the constitutionality of Republic Act 3120 whereby Congress converted the lot in question together with another lot in San Andres, Malate "which are reserved as communal property" into "disposable or alienable lands of the State to be placed under the administration and disposal of the Land Tenure Administration" for subdivision into small lots not exceeding 120 square meters per lot for sale on installment basis to the tenants or bona fide occupants thereof[6] and expressly prohibited ejectment and demolition of petitioners' homes under section 2 of the Act as quoted in the appellate court's certification resolution, *supra*.

The incidental issue seized upon by the trial court as a main issue for "sidetracking" the decisive issue of constitutionality, to wit, that petitioners' houses as they stood at the time of its judgment in 1965 "were constructed in violation of city ordinances and constituted public nuisances" whose removal could be ordered "even if petitioners were already the owners of the land on which their respective houses are erected" has become moot with the burning down of the petitioners' houses in the fire of April 19, 1970.

If the Act is invalid and unconstitutional for constituting deprivation of property without due process of law and without just compensation as contended by respondents city officials, then the trial court's refusal to enjoin ejectment and demolition of petitioners' houses may be upheld. Otherwise, petitioners' right under the Act to continued possession and occupation of the premises and to the lifting and dismissal of the order of demolition issued against them must be enforced and the trial court's judgment must be set aside.

Respondents city officials' contention that the Act must be stricken down as unconstitutional for depriving the city of Manila of the lots in question and providing for their sale in subdivided small lots to bona fide occupants or tenants without payment of just compensation is untenable and without basis, since the lots in question are manifestly owned by the city in its public and governmental capacity and are therefore public property over which Congress had absolute control as distinguished from patrimonial property owned by it in its private or proprietary capacity of which it could not be deprived without due process and without just compensation.[7]

Here, Republic Act 3120 expressly declared that the properties were "reserved as communal property" and ordered their conversion into "disposable and alienable lands of the State" for sale in small lots to the bona fide occupants thereof. It is established doctrine that the act of classifying State property calls for the exercise of wide discretionary legislative power which will not be interfered with by the courts.

The case of *Salas vs. Jarencio*[8] wherein the Court upheld the constitutionality of Republic Act 4118 whereby Congress in identical terms as in Republic Act 3120 likewise converted another city lot (Lot 1-B-2-B of Block 557, of the cadastral survey of Manila also in Malate) which was reserved as communal property into disposable land of the State for resale in small lots by the Land Tenure Administration to the bona fide occupants is controlling in the case at bar.

The Court therein reaffirmed the established general rule that "regardless of the source or classification of land in the possession of a municipality, excepting those acquired with its own funds in its private or corporate capacity, such property is held trust for the State for the benefit of its inhabitants, whether it be for governmental or proprietary purposes. It holds such lands subject to the paramount power of the legislature to dispose of the same, for after all it owes its creation to it as an agent for the performance of a part of its public work, the municipality being but a subdivision or instrumentality thereof for purposes of local administration. Accordingly, the legal situation is the same as if the State itself holds the property and puts it to a different use"[9] and stressed that "the property, as has been previously shown, was not acquired by the City of Manila with its own funds in its private or proprietary capacity. That it has in its name a registered title is not questioned, but this title should be deemed to be held in trust for the State as the land covered thereby was part of the territory of the City of Manila granted by the sovereign upon its creation."[10]

There as here, the Court holds that the Acts in question (Republic Acts 4118 in *Salas* and Republic Act 3120 in the case at bar) were intended to implement the social justice policy of the Constitution and the government program of land for the landless and that they were not "intended to expropriate the property involved but merely to confirm its character as communal land of the State and to make it available for disposition by the National Government: x x x The subdivision of the land and conveyance of the resulting subdivision lots to the occupants by Congressional authorization does not operate as an exercise of the power of eminent domain without just compensation in violation of Section 1, subsection (2) Article III of the Constitution,[11] but simply as a manifestation of its right and power to deal with state property."[12]

Since the challenge of respondents city officials against the constitutionality of Republic Act 3120 must fail as the City was not deprived thereby of anything it owns by acquisition with its private or corporate funds either under the due process clause or under the eminent domain provisions of the Constitution, the provisions of said Act must be enforced and petitioners are entitled to the injunction as prayed for implementing the Act's prohibition against their ejection and demolition of their houses.

WHEREFORE, the appealed decision of the lower court (in Case No. L-24916) is hereby set aside, and the preliminary injunction heretofore issued on August 17, 1965 is hereby made permanent. The respondent Secretary of Agrarian Reform as successor agency of the Land Tenure Administration may now proceed with the due implementation of Republic Act 3120 in accordance with its terms and provisions. No costs.

Makalintal, C.J., Zaldivar, Castro, Barredo, Makasiar, Antonio, Esguerra, Muñoz Palma, and Aquino, JJ., concur.
Fernando, J., see concurring opinion.
Fernandez, J., took no part.

[1] Substitution of respondents was made as per the Court's resolution of July 26, 1973 granting petitioners' motion for such substitution.

[2] Lot 21-B, Block 610 of the cadastral survey of the City of Manila with an area of 10,198, square meters described as located in the San Andres Playground. The Act also makes the same disposition of another lot known as Lot 82 of Block 573, with which petitioners are not involved.

[3] Third Division then composed of Castro, Capistrano & Villamor, JJ.

[4] Docketed as CA-G.R. No. 35453.

[5] Docketed as CA-G.R. No. 35269.

[6] Section 1 of the Act thus provides: "Section 1. Lot 62 of Block 573 and Lot 21-B of Block 610 of the cadastral survey of the City of Manila, all situated in the District of Malate, City of Manila, which are reserved as communal property are hereby converted into disposable or alienable lands of the State, to be placed under the administration and disposal of the Land Tenure Administration. The Land Tenure Administration shall subdivide the property into small lots, none of which shall exceed one hundred and twenty square meters in area, fix the price of each lot and sell the same on installment basis to the tenants or bona fide occupants thereof and to individuals, in the order mentioned: Provided, That no down payment shall be required to tenants or bona fide occupants who cannot afford to pay such down payment: Provided, further, That no person can purchase more than one lot: Provided, further, That if the tenant or bona fide occupant of any given lot is not able to purchase the same, he shall be given a lease from month to month until such time that he is able to purchase the lot: Provided, further, That in the event of lease, the rentals which may be charged shall not exceed eight per cent per annum of the assessed valuation of the property leased: Provided, finally, That in fixing the price of each lot, the cost of subdivision and survey shall not be included."

[7] *Prov. of Zamboanga del Norte vs. City of Zamboanga*, 22 SCRA 1334 (1968). Cf. *Nawasa* cases where the municipality's waterworks system was held patrimonial property of the municipality that established it, of which it cannot be deprived except by the exercise of eminent domain with the payment of full compensation as held in *Mun. of Paete vs. Nawasa*, 33 SCRA 122 (May 29, 1970) and cases cited; *Mun. of Compostela, Cebu vs. Nawasa*, 18 SCRA 988 (1966); and *City of Baguio vs. Nawasa*, 106 Phil. 144 (1959).

[8] 46 SCRA 734 (1972), per Esguerra, J.

[9] *Idem*, at page 747, emphasis added.

[10] *Idem*, at page 750.

[11] Reproduced in Art. IV, section 2 of the 1973 Constitution.

[12] 46 SCRA at pages 751-752, emphasis added.

CONCURRING OPINION

FERNANDO, J.:

It is undoubted that the opinion of the Court penned by Justice Teehankee, with his customary lucidity and thoroughness, is in accordance with our past decisions on the matter. Reflection on the innovation introduced by the present Constitution on local government, did, however, give rise to doubts on my part as to the continuing authoritativeness of *Province of Zamboanga del Norte vs. City of Zamboanga*^[1] and *Salas vs. Jarencio*,^[2] the two principal opinions relied upon, both of which decisions were promulgated before the effectivity of the new fundamental law. Hence this separate opinion setting forth the reasons why I join the rest of my brethren.

1. In the declaration of principles and state policies^[3] it is specifically provided: "The State shall guarantee and promote the autonomy of local government units, especially the barrio, to ensure their fullest development as self-reliant communities."^[4] What was succinctly expressed therein was made more definite in the article on local government.^[5] Its first section reads: "The territorial and political subdivisions of the Philippines are the provinces, cities, municipalities, and barrios."^[6] Then comes this provision: "The National Assembly shall enact a local government code which may not thereafter be amended except by a majority vote of all its Members, defining a more responsive and accountable local government structure with an effective system of recall, allocating among the different local government units their powers, responsibilities, and resources, and providing

for the qualifications, election and removal, term, salaries, powers, functions, and duties of local officials, and all other matters relating to the organization and operation of the local units. However, any change in the existing form of local government shall not take effect until ratified by a majority of the votes cast in a plebiscite called for the purpose." [7] After which there is this limitation on the power of local government: "No province, city, municipality, or barrio may be created, divided, merged, abolished, or its boundary substantially altered, except in accordance with the criteria established in the local government code, and subject to the approval by majority of the votes cast in a plebiscite in the unit or units affected." [8] The autonomy of cities and municipalities is guaranteed in these words: "(1) Provinces with respect to component cities and municipalities, and cities and municipalities with respect to component barrios, shall ensure that the acts of their component units are within the scope of their assigned powers and functions. Highly urbanized cities, as determined by standards established in the local government code, shall be independent of the province." [9] Then comes the last section: "Each local government unit shall have the power to create its own sources of revenue and to levy taxes, subject to such limitations as may be provided by law." [10]

The objective is thus crystal-clear and well-defined. The goal is the fullest autonomy to local government units consistent with the basic theory of a unitary, not a federal, polity. It is the hope that thereby they will attain "their fullest development as self-reliant communities." [11] It is more than just the expression of an aspiration as attested by one of the articles of the Constitution devoted to such a subject. [12] It was not so under the 1935 charter. On this point, all that appeared therein was: "The President shall *** exercise general supervision over all local governments as may be provided by law ***." [13] According to Justice Laurel in *Planas vs. Gil*, [14] "the deliberations of the Constitutional Convention show that the grant of the supervisory authority to the Chief Executive in this regard was in the nature of a compromise resulting from the conflict of views in that body, mainly between the historical view which recognizes the right of local self-government * * * and the legal theory which sanctions the possession by the state of absolute control over local governments. ***. The result was the recognition of the power of supervision and all its implications and the rejection of what otherwise would be an imperium in imperio to the detriment of a strong national government." [15] For the above provision starts with the vesting of control in the President "of all the executive departments, bureaus, or offices," distinguished from "general supervision over all local governments as may be provided by law." [16] The difference in wording is highly significant. So it was stressed by the then Justice, later Chief Justice, Concepcion in *Pelaez vs. Auditor General*: [17] "The power of control under this provision implies the right of the President to interfere in the exercise of such discretion as may be vested by law in the officers of the executive departments, bureaus, or offices of the national government, as well as to act in lieu of such officers. This power is denied by the Constitution to the Executive, insofar as local governments are concerned. With respect to the latter, the fundamental law permits him to wield no more authority than that of checking whether said local governments or the officers thereof perform their duties as provided by statutory enactments. Hence, the President cannot interfere with local governments, so long as the same or its officers act within the scope of their authority. He may not enact an ordinance which the municipal council has failed or refused to pass, even if it had thereby violated a duty imposed thereto by law, although he may see to it that the corresponding provincial officials take appropriate disciplinary action therefor. Neither may he vote, set aside or annul an ordinance passed by said council within the scope of its jurisdiction, no matter how patently unwise it may be. He may not even suspend an elective official of a regular municipality or take any disciplinary action against him, except on appeal from a decision of the corresponding provincial board." [18]

2. So it was that under the 1935 Constitution, the national government when acting through the executive had only such general supervisory authority as was provided by statute. There was no restriction, however, on the legislative body to create or to abolish local government units. What was more, the powers vested in them could

be expanded or diminished depending on the will of Congress. It could hardly be assumed therefore that under the previous charter, they could justifiably lay claim to real autonomy. For so long as the legislation itself took care of delineating the matters that were appropriately within the scope of their competence, there could be no objection to its validity. No constitutional problem arose. Things have changed radically. We start with the declared principle of the State guaranteeing and promoting the autonomy of local government units.[19] We have likewise noted the earnestness of the framers as to the attainment of such declared objective as set forth in the specific article[20] on the matter. It is made obligatory on the National Assembly to enact a local government code. What is more, unlike the general run of statutes, it cannot be amended except by a majority vote of all its members. It is made to include "a more responsive and accountable local government structure with an effective system of recall," with an expressed reference to "qualifications, election and removal, term, salaries, powers, functions, and duties of local officials, [as well as] all other matters relating to the organization and operation of the local units." [21] Mention is likewise made of the "powers, responsibilities, and resources," [22] items that are identified with local autonomy. As if that were not enough, the last sentence of this particular provision reads: "However, any change in the existing form of local government shall not take effect until ratified by a majority of the votes cast in plebiscite called for the purpose." [23] To the extent that the last section requires that the creation, division, merger, abolition or alteration of a boundary of a province, city, municipality, or barrio, must be in accordance with the criteria established in the local government code and subject to the approval by a majority of the votes cast in a plebiscite in such unit or units, the adherence to the basic principle of local self-government is quite clear. [24] Equally significant is the stress on the competence of a province, city, municipality or barrio "to create its own sources of revenue and to levy taxes subject to such limitations as may be provided by law." [25] The care and circumspection with which the framers saw to the enjoyment of real local self-government not only in terms of administration but also in terms of resources is thus manifest. Their intent is unmistakable. Unlike the case under the 1935 Constitution, there is thus a clear manifestation of the presumption now in favor of a local government unit. It is a well-nigh complete departure from what was. Nor should it be ignored that a highly urbanized city "shall be independent" not only of the national government but also of a province. [26] Would it not follow then that under the present dispensation, the moment property is transferred to it by the national government, its control over the same should be as extensive and as broad as possible. Considerations of the above nature gave rise to doubts on my part as to the decisions in the Zamboanga del Norte and Salas cases still retaining unimpaired their doctrinal force. Would this be a case then of Republic Act No. 3120 being rendered inoperative by virtue of its repugnancy to the present Constitution? [27]

3. Nonetheless, such doubts were set at rest by two considerations. The opinion of Justice Teehankee makes reference to the ratio decidendi of Salas vs. Jarencio as to the trust character impressed on communal property of a municipal corporation, even if already titled. As set forth in the opinion: "The Court [in Salas vs. Jarencio] reaffirmed the established general rule that 'regardless of the source of classification of land in the possession of a municipality, excepting those acquired with its own funds in its private or corporate capacity, such property is held in trust for the State for the benefit of its inhabitants, whether it be for governmental or proprietary purposes. It holds such lands subject to the paramount power of the legislature to dispose of the same, for after all it owes its creation to it as an agent for the performance of a part of its public work, the municipality being but a subdivision or instrumentality thereof for purposes of local administration. Accordingly, the legal situation is the same as if the State itself holds the property and puts it to a different use' and stressed that 'the property, as has been previously shown, was not acquired by the City of Manila with its own funds in its private or proprietary capacity. That it has in its name a registered title is not questioned, but this title should be deemed to be held in trust for the State as the land covered thereby was part of the territory of the City of Manila granted by the sovereign upon its creation.'" [28]

This is a doctrine which to my mind is unaffected by the grant of extensive local autonomy under the present Constitution. Its basis is the regalian doctrine. It is my view that under the Constitution, as was the case under the 1935 charter, the holding of a municipal corporation as a unit of the state does not impair the plenary power of the national government exercising dominical rights to dispose of it in a manner it sees fit, subject to applicable constitutional limitations as to the citizenship of the grantee. As excerpt from *Lee Hong Hock vs. David*[29] is relevant: "As there are overtones indicative of skepticism, if not of outright rejection, of the well-known distinction in public law between the government authority possessed by the state which is appropriately embraced in the concept of sovereignty, and its capacity to own or acquire property, it is not inappropriate to pursue the matter further. The former comes under the heading of imperium and the latter of dominium. The use of this term is appropriate with reference to lands held by the state in its proprietary character. In such capacity, it may provide for the exploitation and use of lands and other natural resources, including their disposition, except as limited by the Constitution. Dean Pound did speak of the confusion that existed during the medieval era between such two concepts, but did note the existence of *res publicae* as a corollary to dominium. As far as the Philippines was concerned, there was a recognition by Justice Holmes in *Carino vs. Insular Government*, a case of Philippine origin, that 'Spain in its earlier decrees embodied the universal feudal theory that all lands were held from the Crown ***.' That was a manifestation of the concept of *jura regalia*, which was adopted by the present Constitution, ownership however being vested in the state as such rather than the head thereof." [30]

4. Much more compelling is the reliance on the opinion of Justice Teehankee on the even more fundamental principle of social justice, which was given further stress and a wider scope in the present Constitution. According to the opinion of the Court: "There as here, the Court holds that the Acts in question (Republic Act 4118 in *Salas* and Republic Act 3120 in the case at bar) were intended to implement the social justice policy of the Constitution and the government program of land for the landless and that they were not 'intended to expropriate the property involved but merely to confirm its character as communal land of the State and to make it available for disposition by the National Government: *** The subdivision of the land and conveyance of the resulting subdivision lots to the occupants by Congressional authorization does not operate as an exercise of the power of eminent domain without just compensation in violation of Section 1, subsection (2), Article III of the Constitution, but simply as a manifestation of its right and power to deal with state property.'" [31] It is true of course, that a local government unit, if expressly authorized by statute, could make use of its property in the same manner. It does appear, however, that there was no such grant of authority. Moreover, the national government is not only in a better position to make a reality of the social justice principle but also is subject to less pressure on the part of the affluent, at least where the distribution of state property is concerned. It is thus a more efficient instrument than a province, city or municipality to attain this highly desirable goal. In an economy essentially based on capitalism, where the power of concentrated wealth cannot be underestimated, the countervailing force exerted by a strong national government sensitive to the needs of our countrymen, deeply mired in the morass of poverty, the disinherited of fortune, can make itself much more effectively felt. If only for that cogent reason then, I am prepared to ignore whatever doubts or misgivings I did entertain at the outset.

Hence this concurrence.

[1] L-24440, March 28, 1968, 22 SCRA 1334.

[2] L-29788, August 30, 1972, 46 SCRA 734.

[3] Article II of the Constitution.

[4] Section 10 of Article II.

- [5] Article XI.
- [6] Section 1 of Article XI.
- [7] Section 2 of Article XI.
- [8] Section 3 of Article XI.
- [9] Section 4 of Article XI.
- [10] Section 5 of Article XI.
- [11] Section 10 of Article II of the Constitution.
- [12] Article XI
- [13] Article VII, Section 10, par. 1 of the 1935 Constitution.
- [14] 67 Phil. 62 (1939).
- [15] Ibid, 78.
- [16] Section 10, par. 1 of Article VII of the 1935 Constitution reads in full: "The President shall have control of all the executive department, bureaus, or offices, exercise general supervision over all local governments as may be provided by law, and take care that all laws be faithfully executed."
- [17] L-23825, December 24, 1965, 15 SCRA 569.
- [18] Ibid, 582-583.
- [19] Cf. Section 10 of Article II.
- [20] Cf. Article XI.
- [21] Cf. Section 2 of Article XI.
- [22] Ibid.
- [23] Ibid.
- [24] Cf. Section 3 of Article XI.
- [25] Cf. Section 5 of Article XI.
- [26] Cf. Section 4 of Article XI.
- [27] Cf. *People vs. Linsangan*, 62 Phil. 646 (1935); *De los Santos vs. Mallare*, 87 Phil. 289 (1950); *Martinez vs. Morfe*, L-34022, March 24, 1972, 44 SCRA 22.
- [28] Opinion of Justice Teehankee, 9.
- [29] L-30389, December 27, 1972, 48 SCRA 372.
- [30] Ibid, 377.
- [31] Opinion of Justice Teehankee, 9.

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