

LEONARDO ALCANTARA, AS DEPUTY REGISTER OF DEEDS OF BATANGAS, PETITIONER, VS. HON. JUAN PONCE ENRILE, AS SECRETARY OF JUSTICE; GREGORIO BILOG, JR., AS COMMISSIONER OF LAND REGIST...

G.R. No. L-30914. January 28, 1980

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

In this Certiorari and Mandamus suit, petitioner, Leonardo Alcantara, Deputy Register of Deeds of Batangas, seeks to compel respondent public officials to adjust his salary from P6,798.00 to P12,000.00 per annum, effective June 1, 1969.

There is no dispute as to the salient facts. Petitioner had worked in the Office of the Register of Deeds of Batangas since November 4, 1939. Beginning July 1, 1960, he became the Deputy Register of Deeds of Batangas with an annual compensation of P6,798.00. He is a second grade and special deputy assessor eligible.[1]

Republic Act No. 3674, which took effect on June 22, 1963, and which amended section 192 (b) of the Revised Administrative Code, provided that "from time to time but not oftener than once every three years the rates of salary of the Registers of Deeds, except in the City of Manila, shall be revised and fixed by the Secretary of Justice" in accordance with a prescribed schedule based on the "yearly average collections for the last three years immediately preceding the year in which the revision is made" and that in any case the salary of a Register of Deeds and that of his Deputy "shall not be lower than those of the lowest department head and assistant department head of the corresponding province or city by more than one thousand two hundred pesos per annum."

Pursuant to said Republic Act No. 3674 and Republic Act No. 4477, which classified the province of Batangas as a first class province on the basis of income, respondent Secretary of Justice issued Administrative Order No. 215, dated May 28, 1969, readjusting the salaries of all Registers of Deeds and their Deputies effective June 1, 1969. Under that Order, the salary of a Deputy Register of Deeds was adjusted to P12,000.00 per annum.[2] The correctness of the amount, as adjusted, is not disputed.

However, respondent Commissioner of Land Registration, by letter dated June 1, 1969, informed petitioner that pursuant to Republic Act No. 3674 and Administrative Order No. 215 of the Department of Justice, his salary as Deputy Register of Deeds of Batangas will be P7,200.00 per annum effective June 1, 1969, instead of the adjusted salary of P12,000.00 per annum under said Administrative Order.

Respondent Commissioner then referred petitioner's case to respondent Secretary of Justice. The latter, in an Opinion dated July 25, 1969, ruled that pursuant to Section 9 of the Civil Service Law,[3] petitioner is not entitled to a salary exceeding P7,200.00 per annum, which is the maximum rate for his second grade eligibility.[4]

Hence, the present Petition.

The principal issue presented is whether or not petitioner's salary, as Deputy Register of Deeds of Batangas, may be adjusted to P12,000.00 per annum in accordance with Republic Act No. 3674 and Administrative Order No. 215 of the Secretary of Justice despite the fact that petitioner is only a second grade eligible and under Section 9 of Republic Act No. 2260, as amended, the maximum salary rate for second grade eligibility is only P7,200.00 per annum.

We rule in the affirmative.

The reason behind the passage of R.A. No. 3674 has been expounded thus:

"It was in 1954 or fully eight years ago when the salaries of the registers of deeds were given readjustments along with other officials like fiscals, the justices of the peace, clerks of court and other officers of the Department of Justice. Since then the fiscals, the justices of the peace and the clerks of court have had their salaries raised or updated no less than two times in accordance with the exigencies of the times. But the registers of deeds' scale of salaries have remained static except with the skimpy few pesos awarded them by the WAPCO. Needless to say these public servants have reason to feel discriminated against in spite of the very much increased collections they have made for services rendered arising from increased volume of work.

"The present measure seeks not only to lessen the yawning gap between the salary of the Commissioner and his immediate subordinates, the registers of deeds, but also to update the salaries of the latter to reasonable levels in keeping with their increased incomes for services rendered and increased volume of work which has more or less trebled.

"The passage of this bill is, therefore, a matter of simple justice."[5]

There can be no clearer pronouncement as above stated of the lawmakers' intent to single out for increased compensation incumbent Registers of Deeds and their Deputies in recognition of their services and increased revenue collections.

In denying petitioner the beneficial effects of the law, respondent Secretary of Justice invoked the salary limitation for civil service eligibilities provided for by Section 9 of Republic Act No. 2260, as amended by Republic Act No. 4380.[6]

It is noteworthy, however, that in reply to a letter of petitioner's counsel, the Director of Classification and Compensation himself, who is the head of the Wage and Classification Office (WAPCO), which under said Section 9 of Republic Act No. 2260, as amended, is charged with the responsibility for the classification of positions in the Civil Service and the standardization of salaries for the group or groups of positions to be classified subject to the salary limitations therein provided, stated in his 1st Indorsement dated July 31, 1969, to the Commissioner of Land Registration that "the position of Deputy Register of Deeds is considered exempt from the Classification and Pay Plans of the National Government by virtue of RA No. 3674." [7] The implication is that petitioner is entitled to the adjusted salary of P12,000.00 and that section 9 of the Civil Service Law does not apply to his case. Stated otherwise, the salary ceiling provided for in section 9 of the Civil Service Law applies only to second grade eligibles holding WAPCO classified positions.

In fine, the legal merits of the Opinion rendered by the Secretary of Justice, notwithstanding, we deem it more in consonance with substantial justice to grant petitioner, who has been in the government service for forty years, the maximum adjusted salary for his position under Republic Act No. 3674 and Administrative Order No. 215, dated May 28, 1969. Particularly so, considering that respondent Commissioner adjusted the salary of the Second Deputy Register of Deeds of Batangas, who is lower in rank than petitioner, from P5,400.00 to P10,800.00 per annum, which is much higher than petitioner's adjusted salary of P7,200.00 per annum.

The granting of the writs of certiorari, prohibition and mandamus, like that of the petition for relief, is within the sound discretion of the courts, to be exercised on equitable grounds 'where necessary to prevent a substantial wrong, or to do substantial justice.'"[8]

WHEREFORE, the Opinion of the Secretary of Justice, dated July 25, 1969, is hereby set aside. The Writ of Mandamus prayed for is granted and respondent Commissioner of Land Registration hereby commanded to adjust the salary of petitioner Leonardo Alcantara, Deputy Register of Deeds of Batangas, from P6,798.00 to P12,000.00 per annum, effective June 1, 1969.

SO ORDERED.

Teehankee, (Chairman), Fernandez, Guerrero, and De Castro, JJ., concur.
Makasiar, J., no part.

[1] Petition, p. 2.

[2] Petition, pp. 11-12

[3] "Sec. 9. Wage and Position Classification Office. - The Wage and Position Classification Office shall be responsible for the classification of positions in the civil service and shall standardize the salaries of the group or groups of positions to be classified: Provided: That the range of minimum and maximum salaries allowable for civil service eligibilities shall be:

Eligibilities Minimum Maximum

x x x

x x x

x x x

Second Grade

P2,400

P7,200

x x x

x x x

x x x

(R. A. No. 2260, as amended by R.A. 4380).

[4] Petition, pp. 18-22.

[5] Explanatory note to House Bill No. 1941, 5th Congress (1962), cited on pp. 8-9, Memorandum for the Petitioner.

[6] *supra*.

[7] Petition, p. 17.

[8] *De Jesus vs. Domingo*, 34 SCRA 647, 654 (1970), citing 14 C.J.S. 137-139; 55 C.J.S. 25-26; 29-30; 73 C.J.S. 18; and *Felismino vs. Gloria*, 47 Phil. 967, 969 (1924).

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