

MANILA LETTER CARRIERS' ASSOCIATION, PETITIONER, VS. THE HONORABLE AUDITOR GENERAL, RESPONDENT.

G.R. No. L-14020. May 31, 1960

Ponente: GUTIERREZ DAVID, J.

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GUTIERREZ DAVID, J.:

On March 1, 1958, the Manila Letter Carriers' Association, an organization of letter carriers employed in the Bureau of Posts in the City of Manila, thru counsel, filed with the Auditor General a claim for post allowance of P0.50 per day for each of its members. The claim was based on the provision of Item No. 563, section 1 of Republic Act No. 1800, the general appropriation act for the fiscal year 1957-1958, which provides as follows:

"Section 1. Appropriation of funds.—The following sums, or so much thereof as may be necessary, are appropriated out of any funds of the Philippine Treasury not otherwise appropriated for the operation of the Government of the Republic of the Philippines * * *:

* * * * *

"563. For post allowance of letter-carriers and special delivery messengers in Manila at P0.50 each daily..... P60,000.00"

In his first indorsement of March 18, 1958, the respondent Auditor General referred the claim to the Budget Commissioner, with a request for comment and recommendation. Complying with the request, the latter, under a second indorsement dated May 19, 1958, reiterated his opinion on the query previously raised by the Acting Director of Posts on the same matter. The question raised by that official was whether or not letter-carriers and special delivery messengers in Manila are entitled to payment of both the allowance authorized in Republic Act No. 1631 and Republic Act No. 1800. Upon said query, the Budget Commissioner said:

"Republic Act No. 1631 mentions only letter-carriers as entitled to an allowance of P1.00 a day. On the other hand, Republic Act No. 1800 provides for daily 'post allowance' of P0.50 for both letter-carriers and special delivery messengers in Manila. In accordance with the legal maxim of 'inclusio unius exclusio alterius est,' it is believed that under Republic Act No. 1631 special delivery messengers are not entitled to receive the allowance provided therein.

"As to the letter-carriers, the daily allowance of P1.00 has been provided in Republic Act No. 1631 in consideration of their daily heavy-work load and the high cost of living in the City. The post allowance of P0.50 for them was included in the President's 1958 Budget for the same consideration in the absence of a special law granting a similar allowance. It is not expressly provided and it has not been intended that said allowance of P0.50 shall be granted in addition to any similar allowance that might be authorized by special law. The President's Budget was submitted to the Congress on February 11, 1957. Republic Act No. 1631 was approved by the Congress in the latter part of April, 1957, and it does not provide that the allowance of P1.00 authorized therein is an additional allowance. Under the circumstances, there being no clear indication that both amounts must be paid, this Office believes that the letter-carriers should be paid only the allowance of P1.00 provided in Republic Act No. 1631."

Expressing his concurrence in the aforesaid indorsement of the Budget Commissioner, the Auditor General denied petitioner's claim. From that denial, the petitioner brought the case to this Court thru the present petition for review.

Republic Act No. 1631, on the basis of which the denial of petitioner's claim is justified, is an act increasing to two hundred the number of letter carriers in the City of Manila and granting them an allowance of P1.00 each per day. To carry out its provisions, the sum of P90,000.00 or so much thereof as may be necessary was appropriated in section 2 thereof, the last paragraph of which also provides that "such sums as thereafter may be needed for the same purpose shall be included in the ANNUAL GENERAL APPROPRIATIONS ACT." The Act, which originated in the House of Representatives, was finally passed by Congress in the latter part of April, 1957 and made effective June 20, 1957.

It is not here pretended that the Act just referred to above has been superseded by the provision of Item No. 563, section 1 of Republic Act No. 1800 on the theory that the latter Act, being the latest expression of the legislative will, must prevail and override the earlier. Indeed, repeal by implication is not favored and while the General Appropriation Act, Republic Act No. 1800, which is general in character, is the later enactment, Republic Act No. 1631 is a special legislation on the same subject matter. The only question to be determined as raised by the parties is whether or not the letter carriers in Manila are entitled to receive the P0.50 daily post allowance authorized in Republic Act No. 1800 in addition to the P1.00 allowance now being paid them under Republic Act No. 1631.

It will be observed that the provisions of the two laws herein involved refer to the same subject or matter of allowance and it is not disputed that the allowance granted in both mean the same thing. Both statutes should, therefore, be made to harmonize and stand together, if that can be done by any fair and reasonable interpretation. There is, however, an apparent conflict in the amount of the allowance granted, and while special delivery messengers are not granted daily allowance of P1.00 under Republic Act No. 1631, they are given P0.50 daily post allowance under Republic Act No. 1800. Considering the circumstances surrounding the passage of the two laws in question, we are constrained to hold that their provisions relating to the allowance for letter carriers in Manila were not really designed to remain equally in force. As stated in the indorsement of the Budget Commissioner, with whom the respondent Auditor General concurred, the P0.50 daily post allowance for each of the letter carriers in Manila was included in the President's proposed budget for the fiscal year from July 1, 1957 to June 30, 1958 due to the absence at that time of any law granting a similar allowance. The proposed budget, it will be noted, was submitted to Congress on February 11, 1957, or months before the approval and passage of Republic Act No. 1631. As approved and passed into law, the said budget did not provide, and we do not think it was ever intended, that the P0.50 allowance authorized in Item No. 563 thereof was an additional allowance. In this connection, it is significant and enlightening to note that the General Appropriations Act for the following fiscal years passed by Congress in subsequent sessions appropriated—pursuant to the second paragraph of section 2 of Republic Act No. 1631 providing that "Such sums as thereafter may be needed for the same purpose shall be included in the Annual General Appropriations Act"—the sum of P150,000.00, or so much thereof as may be necessary "for post allowance of letter carriers and special delivery messengers in Manila at P1 and P. 50 each daily, respectively." (Italics supplied; see Item No. 920, Rep. Act No. 2080; Item No. 992, Rep. Act No. 2300.) These later enactments show that the obvious policy and intent of legislature was not to grant to letter carriers in Manila the P0.50 daily post allowance provided for in Republic Act No. 1800 in addition, to the one peso allowance now being paid them under Republic Act No. 1631.

In view of the foregoing, the denial of petitioner's claim by the Auditor General is affirmed, with costs.

Paras, C. J., Bengzon, Montemayor, Bautista Angelo, Labrador, Concepcion, and Barrera, JJ., concur.

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