

**F. REYES CABIGAO, IN HIS CAPACITY AS VICE-MAYOR AND
PRESIDING OFFICER OF THE MUNICIPAL BOARD, MANILA, JOSE
BRILLIANTES, APOLONIO V. GENER, MARTIN ISIDRO, MANUEL S.
ISIP, DANILO ...**

G.R. No. L-31463. August 31, 1970

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

The issue in this original action of Mandamus is whether or not the enactment on September 12, 1967 of the Decentralization Act of 1967 (Republic Act No. 5185) has eliminated the need of respondent city mayor's approval of the 1969-1970 budget ordinance of Manila as enacted by petitioners-members of the Municipal Board of Manila.

Petitioners base their affirmative contention on the provisions of section 11, paragraph III of the Decentralization Act, which read:

“SEC. 11. ACTIONS OF PROVINCIAL, MUNICIPAL AND CITY OFFICIALS OR PROVINCIAL BOARDS DECLARED IMMEDIATELY EFFECTIVE.

X X X X

“III. The provincial, city and municipal budgets shall become effective upon the approval of the same by the respective provincial boards, city councils or municipal boards of municipalities, if the same were approved in compliance with the provisions of Republic Act Numbered Twenty-two hundred and sixty four, and for this purpose the provisions of Republic Act Numbered Forty-four hundred and seventy-seven inconsistent with the provisions of this section or of Republic Act Numbered Twenty-two hundred and sixty-four are hereby repealed or modified accordingly.”[1]

They argue that the elimination from the above-quoted provision of the Decentralization Act of the phrase "with the approval of the City Mayor", used in Section 1 of the Local Autonomy Act (Republic Act No. 2264) referring to the city or municipal mayor's approval of the budget, denotes the intent of Congress to shift the power of approval of the budget from the mayors to the municipal boards.

Respondents, in turn, uphold the city mayor's power of approval over the city budget, asserting that the same is expressly provided for in section 17 of the Revised Charter of the City of Manila (Republic Act No. 409, as amended by Republic Act No. 1571) and recognized in section 1 of the Local Autonomy Act. They maintain that the true legislative intent of the above-quoted provisions of Section 11 (III) of the Decentralization Act, in accordance with the very title of the Act (granting further autonomous powers to local governments), its declaration of policy (section 2) and the heading of the section, was to remove the need of further action or approval by any official of the national government for the effectivity of the budget ordinances of local governments. Respondent mayor further states that he was constrained to veto the budget as approved by

petitioner board, because it failed to comply with the requirements of section 1 of the Local Autonomy Act that the budget should not exceed the city's estimated tax receipts and income for the ensuing year and should provide for the city's statutory and current obligations, and instead appropriated a lop-sided amount of some P78 million for salaries and wages alone which was almost double the available amount certified for the purpose.

It is obvious that the legislative intent in enacting the disputed provisions of section 11 (III) of the Decentralization Act is susceptible of two sharply conflicting interpretations. The Court is not prepared to accept petitioners' theory that the power of respondent city mayor to approve the city budget pursuant to the provisions of Republic Act No. 409, as amended, and of Republic Act No. 2264, has been abrogated and repealed by the above-quoted provisions of section 11, paragraph III of Republic Act No. 5185, for the following principal considerations:

1. Respondent mayor may not be divested of his power of approval over the city budget by mere implication. Petitioners' interpretation would abrogate the whole legislative process of cities and municipalities in enacting their budgets as provided for in the various city charters and in the Revised Administrative Code, and recognized in section 1 of the Local Autonomy Act by giving undue emphasis and importance to the lapse in phraseology of Section 11 (III) of the Decentralization Act which omitted reference to the approval by the city mayor or municipal mayor of the city or municipal budgets as required by existing laws;
2. The omitted reference to the mayor's approval of the budget should not be so construed as to result in a radical unsettling and reversal of the existing legislative procedure in the enactment of budget ordinances. More so is this true in the case at bar, since the revised charter of the City of Manila is a special law while the Decentralization Act is a general law and deeply rooted in this jurisdiction is the doctrine that "a general law does not repeal or modify a previous special law on a specific subject included in the general law, unless the intent is manifest";[2]
3. The total thrust and policy of the entire Decentralization Act is to grant further autonomous powers to local governments and section 11 precisely indicates in its heading that it refers to "(A)ctions of provincial, municipal and city officials or provincial boards (which are) declared immediately effective, "without the need of approval or direction from any official of the national government. It is not reasonable to conclude that Congress sought through paragraph III of said section to extremely shift the approval of the budget from the mayors of chartered cities, municipalities or municipal districts to their respective councils, particularly when the express amendatory clause amending pertinent sections of city charters, as contained in the immediately following paragraph IV of the same section 11, clearly limited the extent thereof as follows:

"IV. The pertinent sections of the charters of cities are hereby amended so as to declare the actions of city officials, or city boards of councils similar to those actions enumerated above effective without the need of approval or direction from any official of the national government." (Sec. 11, R. A. 5185, emphasis supplied.)

4. Construing the present conflict against petitioners' contention is more in accordance with the principle of check and balance between the executive and legislative arms of government, whether national or local. Militating against the assumption of absolute power by the municipal board over the city budget is the power granted to the board in the city charter of Manila of overriding the veto exercised by the mayor by a two-thirds vote under the terms provided in section 17 of the charter; and
5. While it is certainly within the authority of Congress to abrogate the veto power over the budget conferred by it on the mayor, it is generally accepted that "where the veto power is conferred, it may not be taken away except by express legislative enactment or by clear inference from statute" and not by mere implication.[3] There is need therefore for an express and unambiguous pronouncement of Congress, rather than an inconclusive inference from the mere omission of a phrase, as in the case at bar, to declare abrogated the mayor's power of approval and veto

over the budget.

ACCORDINGLY, the Court has resolved to deny the writ prayed for and to dismiss the petition.

Concepcion, C.J., Reyes, J.B.L., Dizon, Makalintal, Zaldivar, Castro, Fernando, Barredo, Villamor, and Makasiar, JJ., concur.

[1] Emphasis copied from petition.

[2] Laquian vs. Baltazar, 31 SCRA 552 (Feb. 18, 1970) and cases cited.

[3] 5 McQuillin, Mun. Corporations, 3rd Ed., 232-233.

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