

**FLAVIANO MEJIA, TEOFILO P. GUADIZ, RUPERTO Z. TANDOC AND
POLICRONIO DE VENECIA, PETITIONERS, VS. PEDRO U. BALOLONG,
RICARDO VILLAMIL, TORIBIO QUIMOSING AND CRISOLOGO
ZARATE, RES...**

G.R. No. L-1925. September 16, 1948

Ponente: FERIA, J.

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FERIA, J.:

This is an action of quo warranto instituted by the petitioners, Flaviano Mejia, Teofilo P. Guadiz, Ruperto Z. Tandoc and Policronio de Venecia against the respondents, Pedro U. Balolong, Ricardo Villamil, Toribio Quimosing and Crisologo Zarate on the ground that the appointments of the latter by the President as councilors of the City of Dagupan were null and void, and therefore they are unlawfully holding their offices, and that the former are entitled to said offices because they were elected as such in the general election for provincial, municipal, and city officials on November, 1947.

The petitioners in this case presented their certificates of candidacy for councilors of the City of Dagupan and were elected as such on the general election for provincial and municipal officials held on November 11, 1947, in conformity with the provision of the Election Code. The four respondents have also presented their certificates of candidacy for councilors of Dagupan and were defeated; but the President of the Philippines on December 30, 1947, appointed the respondents as councilors of the City of Dagupan, in lieu of the petitioners elected as such in said general election.

Under sections 7 and 11 of Act No. 170, the Mayor of the City of Dagupan shall be appointed by the President of the Philippines, and the municipal or city councilors thereof shall be elected during every general election for provincial, municipal officers in accordance with the Election Code. Section 7 of the Revised Election Code prescribes that on the second Tuesday of November, 1947, and on the same date every four years thereafter a regular election shall be held to elect the officials who will occupy all elective provincial, city and municipal offices throughout the Philippines. And, according to section 88 of the same Act No. 170, "the city government provided for in this charter shall be organized on such a date as may. be fixed by the President of the Philippines and upon the qualification of the City Mayor and the appointment or election of the members of the Municipal Board. Pending the next general election for provincial and municipal officials, the offices of the members of the Municipal Board shall be filled by appointment of the President of the Philippines, with the consent of the Commission on Appointments."

The validity of the appointment of the respondents as councilors of the City of Dagupan by the President of the Philippines depends upon whether the City of Dagupan was created and came into existence on June 20, 1947, the date Act No. 170 became effective, or on January 1 1948, when the city government was organized by Executive Order No. 96. If the first, it is obvious that the "next general election" referred to in section 11 in connection with section 88, of Act No. 170 above quoted, when the members of the Municipal Council of the City of Dagupan

were to be elected, was that held on November 11, 1947, and the President had no power to appoint the herein respondents. Because the offices of the members of the Municipal Board of the City of Dagupan could be filled by appointment of the President, with the consent of the Commission on Appointments, only if the date for the organization of the city government were fixed pending or before the next general election for provincial and municipal officials according to the above quoted provisions of section 88 of Act No. 170. After said general election they shall be filled by the persons elected as such.

Section 2 of Act No. 170, which became effective upon its approval on June 20, 1947, provides that:

"SEC. 2. Territory of Dagupan City.—The City of Dagupan, which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Dagupan, in the Province of Pangasinan.

"The President of the Philippines may, by executive order, increase the territory of the City of Dagupan by adding thereto such contiguous barrios or municipalities as may be necessary and desirable in the public interest." (*Italics ours.*)

It is evident that the City of Dagupan created by said Act came into existence as a legal entity or a public corporation upon the approval of Act No. 170, on June 20, 1947; because a statute which, like Act No. 170, is to take effect upon its approval, is operative from the exact instance upon its approval or becoming a law. The fact that by Executive Order No. 96 promulgated in October 1947, the President of the Philippines added the municipality of Calasiao "to the City of Dagupan" as expressly stated in said Executive Order, is a recognition that the city was already created and in existence then, because the President is only authorized to increase the territory of the City and not of the Municipality of Dagupan. But as a city is a public corporation or a juridical entity, and as such can not operate or transact business by itself but through its agents or officers, it was necessary that the government of the city be organized, that is, that the officials thereof be appointed or elected in order that it may act or transact business as such public corporation or city.

The date of the organization of the city government of Dagupan which the President is authorized to fix by the provisions of section 88, is not and can not be the date of the creation of the city, not only because, as we have stated, the City of Dagupan came into existence on the same date June 20 in which Act No. 170 creating the said city became effective, but because what was to be organized, according to said section 88, is the city government, and not the city as an entity, and the word "organize" means "to prepare [the city] for transaction of business, as assembly, by choosing officers, committees, etc." (Funk and Wagnall College Standard Dictionary.) It is obvious that to create a public corporation or city is one thing and to organize the government thereof is another. A public corporation is created and comes into existence from the moment the law or charter that creates it becomes effective, and in case of a private corporation it comes into existence as a juridical entity from the time the articles of incorporation thereof is registered in the proper bureau or office in accordance with law. But a public as well as a private corporation cannot act or transact business before the governing body thereof is organized or the officers who shall act for or in their representation have been chosen either by appointment or election. The organization of the government of a city presupposes necessarily the previous existence of the city at the time its government is organized, because no officials of the city may be appointed or elected before the city has come into existence.

Undoubtedly, the contention of the respondents that the next general election referred to in sections 11 and 88, in which the members of the Municipal Board of the City of Dagupan shall be elected, was not the one held on November 11, 1947, because the City of Dagupan had not then been organized, but the next general election in 1951, is predicated upon the erroneous assumption that January 1 of 1948 fixed by Executive Order No. 115 as the date for the organization of the city government of Dagupan was the date of the creation of said city or when it came into existence, and is apparently supported by the erroneous and confusing wording of the said Executive Order No. 115 which uses the phrase "organization of the City of Dagupan, instead of "organization of the city

government of Dagupan" as expressly provided in said section 88 of Act No. 170.

The territory of the City of Dagupan is fixed by section 2 of Act No. 170, as comprising the territory of the old municipality of Dagupan. Although the President is authorized by the same section to increase the territory of the city by adding to it such contiguous territory as he may designate, the exercise of such authority by the President would not and could not affect the existence of the city, nor the organization of its government. If a new territory is annexed to the City of Dagupan in time before the election the inhabitants thereof may vote for the councilors of the city. Otherwise or if the annexation takes place after the election, the inhabitants of the territory so annexed shall come under the jurisdiction of the government of said city, although they had not voted for the members of the council thereof. There is nothing in the record to show that the inhabitants of the Municipality of Calasiao annexed in October 1947 to the City of Da2gupan had voted for the councilors of the city during the general election in November 1947; but whether they had voted or not is immaterial for the reasons above stated, and because said municipality was segregated from the City of Dagupan by Executive Order No. 115 on December 1947, and the government of said city was organized on January 1, 1948.

Since the election of the members of the Municipal Board of the City of Dagupan created on June 20, 1947, was to take and took place at the general election held on November 11, 1947, and the President of the Philippines was empowered by section 88 to appoint those members only if the organization of the city government had taken place pending or before the said election, it necessarily follows that the appointments of the respondents effected on December 30, 1947, are null and void.

In view of all the foregoing, the four respondents shall be ousted and altogether excluded from the position of councilor of the City of Dagupan which they are now unlawfully holding, and that the four petitioners elected by popular vote during the general election on November 11, 1947, be placed in possession of those offices. It is so ordered with costs against the respondents.

Moran, C. J., Perfecto, Briones, Padilla, and Tuason, JJ., concur.

DISSENTING

PARAS, J,

Section 2 of Republic Act No. 170 provides that "the City of Dagupan, which is hereby created, shall comprise the present territorial jurisdiction of the municipality of Dagupan, in the Province of Pangasinan," and that "the President of the Philippines may, by executive order, increase the territory of the City of Dagupan by adding thereto such contiguous barrios or municipalities as may be necessary and desirable in the public interest." Upon the other hand, section 88 of the Act provides as follows: "The City government provided for in this Chapter shall be organized on such a date as may be fixed by the President of the Philippines and upon the qualification of the City Mayor and the appointment or election of the members of the Municipal Board. Pending the next general election for provincial and municipal officials, the offices of the members of the municipal board shall be filled by appointment of the President of the Philippines, with the consent of the Commission on Appointments."

It is noteworthy that section 88 is entitled "Change of government"- and falls under Article XV in turn entitled "Transitory provisions." It may, therefore, be considered as the enabling provisions of the Charter of the City of Dagupan. In other words, the municipality of Dagupan was to assume its legal transformation into a city only on compliance with the conditions set forth in section 88 of Republic Act No. 170. Which conditions were complied with when the President of the Philippines in his Executive Order No. 96, later superseded by Executive Order

No. 115, fixed "the first of January, nineteen hundred and forty-eight, as the date for the organization of the City of Dagupan and qualification of the City Mayor and members of the Municipal Board appointed in accordance with section 88 of Republic Act No. 170." Section 2, which merely delimits the territorial jurisdiction of the City of Dagupan, should be construed in relation to section 88. If, as contended by the petitioners, the City of Dagupan came into existence on June 20, 1947, when Act No. 170 was approved, section 88 should logically have been eliminated or should have provided, to suit petitioners' theory, that "the City government shall be organized upon the qualification of the City Mayor and the election of the members of the Municipal Board at the next general election." The lawmakers well knew that a general election was to be held on the second Tuesday of November, 1947. And yet, in section 88, the President of the Philippines is empowered to fill by appointment the offices of the members of the Municipal Board pending the next general election, and this power was undoubtedly inserted to enable the City of Dagupan to have even an appointive governing body between the date of the organization of the City government as fixed by the President and the general election to be held after said date. In our opinion, therefore, the government of the City of Dagupan must be deemed to have been formally organized—which also completed the juridical existence of the City of Dagupan as a political division—only on January 1, 1948, the date fixed in Executive Order No. 96 which was subsequently superseded by Executive Order No. 115.

Even accepting petitioners' contention that the creation of the City of Dagupan on June 20, 1947 (when Act No. 170 was approved) is one thing, and the organization of its government on January 1, 1948, by proper executive order is another thing, the fact remains that section 88 expressly empowers the President to fix the date of the organization of said city government and to appoint the members of the municipal board pending the next general election, which can only mean the election following the date fixed by the President. In view of the specific provisions of section 88 of Act No. 170, section 10 of the Revised Election Code which lays down the general rule as to the filling of elective offices in a new political division, invoked by the petitioners, has no application.

As the petitioners were elected in the general elections held on November 11, 1947, their right to hold office pertained to the old municipality of Dagupan or its government, and therefore did not subsist upon the organization of the government of the City of Dagupan on January 1, 1948. As a matter of fact, although in Executive Order No. 96 the President decreed that "upon the organization of the City of Dagupan, the municipality of Calasiao shall be joined to, and made an integral part of, said City," the voters in Calasiao did not vote, in the elections held on November 11, 1947, as electors of the City of Dagupan; the petitioners neither campaigned nor obtained votes in Calasiao, and the electors of Dagupan voted for a mayor and a vice-mayor, all of which conclusively show that for all legal purposes Dagupan, which (under the theory of the petitioners) would have included Calasiao under said Executive Order No. 96, was not yet considered as having become a City on November 11, 1947.

The enabling provisions of section 88 find practical analogy in Act No. 3117 passed by the Philippine Legislature in 1923 which provided, in section 1, that "the Province of Leyte is hereby divided into two provinces completely independent from each other, which shall be denominated Oriental Leyte and Occidental Leyte, respectively, and the Governor-General is hereby authorized to designate by executive order the date on which the division herein provided for is to take effect, which shall in no case be prior to the year nineteen hundred and twenty-four." For all we know, the Governor-General never issued such executive order. Will any one now dare allege that two provinces in Leyte had in fact been created or organized by the mere passage of Act No. 3117? In the case at bar, suppose the President did not issue Executive Orders Nos. 96 and 115, may it be pretended that the City of Dagupan has ever become a complete political entity?

Comparison is made to a private corporation which, it is argued, becomes a juridical entity from the time its articles of incorporation is registered. It should, however, be remembered that the Corporation Law requires the

names of the directors who are to serve until their successors are elected and qualified as provided in the by laws, to be inserted in the articles of incorporation, with the result that even in the case of private corporations, the existence of a governing body arises simultaneously with the act of registration.

Wherefore, it is my view that the respondents, who were appointed on December 30, 1947, in accordance with section 88 of Act No. 170, have a legal right to sit and act as members of the Municipal Board of the City of Dagupan until the next general elections. Whether or not this result bespeaks good politics is a question addressed to the political department, and not to the courts.

PABLO, M.:

Concurro con esta disidencia.

RESOLUTION

FERIA, J.:

The motion for reconsideration and the dissenting opinions are predicated on an erroneous premise or confusion of the creation or existence of a municipal corporation, be it called city or municipality, with the functioning thereof through the officers provided or designated by law to represent or act for said corporation.

If the coming into existence of a juridical entity, such as a city or municipality, and the organization of the government thereof and appointment or election of its officers are one and the same thing, it would not have been necessary for section 2168 of the Administrative Code to provide as a legal fiction that "Where provision is made for the creation or organization of a new municipality, it shall come into existence as a separate corporate body upon the qualification of the president, vice-president, and a majority of the councilors, unless some other time be fixed therefor by law." And the law could not fix some other time for its coming into existence, different from the organization of its government or appointment and qualification of its officers.

That Congress has expressly fixed the date for the creation or coming into existence of the City of Dagupan in the Republic Act No. 170, that is the date said Act became effective or was approved on June 20, 1947, is evident. Because section 1 of said Act provides that "The City of Dagupan which is hereby created shall comprise the present territorial jurisdiction of Dagupan, Pangasinan," and according to section 90 of the same Act, shall take effect upon its approval on June 20 of 1947. (*Italics ours.*) And because the President is not authorized to create the City of Dagupan, but only to fix, by Proclamation, the organization of the government of the City and appoint the officers thereof, the Mayor and the members of the city council, if the government of the City is organized before the next general elections for provincial and municipal officials on November 1947, in which the councilors of the City were to be elected, or appoint only the Mayor if the organization is made after the said elections. The government of the city could not be organized and its officers appointed or elected before the city had been created or come into existence, for it would be absurd to elect or appoint the officers of a public or private corporation or any other entity which does not yet exist.

A juridical institution or entity cannot act as such, but it may exist, before the officers provided by law to represent and act in its behalf or representation had been appointed or elected. A court of justice or a municipal corporation exists or comes into existence from the moment the law creating or establishing it becomes in force or effective, but it can not act as such court or municipal corporation before the judge to preside the former, or the municipal officers have been elected or appointed and have qualified. So the City of Dagupan comprising the territory of the Municipality of Dagupan came into existence from the date Act No. 170, which created it was

approved and became effective, although it could not act or function as such city before the government thereof had been organized or the city officers had been elected or appointed and had qualified.

After Act No. 170 which created the City of Dagupan took effect, and before the organization of the government of the City of Dagupan, the political subdivision which comprises the territory of the Municipality of Dagupan has continued to act as a municipality, because the government of the city had not yet been organized and the officers thereof appointed or elected. The conversion of that municipality into a city by the above mentioned Act No. 170 did not make ipso facto the acts of the elected officers the said municipality acts of the City of Dagupan, because the latter can only act as a city through the city officers designated by law after they have been appointed or elected and have qualified. In the meantime luring the period of transition the Municipality of Dagupan had to act or function temporarily as such; otherwise there would be chaos or no government at all within the boundaries of the territory. The status of the Municipality of Dagupan may be likened to that of a public officer who can not abandon his office although his successor has already been appointed, and has to continue in office, whatever the length of time of the interregnum, until his successor qualifies or takes possession of the office.

We can not take into consideration and discuss the contention in the motion for reconsideration that during the last general election for municipal officers, there were also candidates for the position of Mayor, Vice-Mayor or councilors of the Municipality of Dagupan, because there was no allegation to that effect in the verified pleading of the parties, petition of the petitioners and answer of the respondents, evidencing such fact. It was mentioned for the first time in the memorandum filed by the respondents. This Court can not predicate its conclusion on facts not alleged and admitted in the pleadings or proven during the hearing of the case. But even assuming it to be true, the erroneous filing of such certificates of candidacy can not change the law or vitiate the election of the petitioners as councilors of the City of Dagupan. The only fact that appears in the petition and can be considered as true because not denied but admitted in the answer, is that the petitioners have presented their certificates of candidacy as candidates for the positions of councilors of the City of Dagupan.

The ease of the City of Dansalan is a very different from the case at bar. The City of Dagupan was created directly by Act No. 170, which provides in its section 2 that the city is thereby created, and therefore became a city from the date the said Act took effect or approved on June 20, 1947. While Act No. 592 does not contain, expressly or impliedly, similar provision as it only provides for the charter of the City of Dansalan, which would come into existence only upon the organization of the government of the city by the appointment of the City Mayor and the majority of the members of the city council by the President, because the law creating it does not provide otherwise, that is, it does not fix the time of its creation different from that of the organization of its government or appointment and election of its officers, as in the case at bar. Section 2168 of the Administrative Code, applicable by analogy, provides that "Where provision is made for the creation or organization of a new municipality, it shall come into existence as a separate corporate body upon the qualification of the president, vice-president, and a majority of the councilors, unless some other time be fixed therefor by law." (Italics ours.)

Having come to the conclusion that the City of Dagupan was created and came into existence on June 20, 1947, it follows that the phrase "pending the next general elections for provincial and municipal officials" in section 88 of Act No. 170, must be construed to refer to the general election for provincial and municipal officials in November 1947, which was the next one after the creation or coming into existence of the City of Dagupan on June 20, 1947, and not to any general election for provincial or municipal officials after the organization of the government of the City of Dagupan by Presidential Proclamation, for the following reasons:

First, because section 11 of said Act No. 170 expressly provides that the "municipal councilors of the City of Dagupan shall be elected during every general election for provincial and municipal officials in accordance with the Election Code," and according to section 7 of the Election Code, "When a new political division is created, the

inhabitants of which are entitled to participate in the elections, the elective officers thereof shall, unless otherwise provided, be chosen at the next general election" (*Italics ours*). And there is nothing in Act No. 170 which provides otherwise. On the contrary said Act follows the general provision of section 7 of the Election Code, with the modification that the President is authorized only to appoint the elective officers pending the election, and not to order a special election of such officers, taking into consideration the short time intervening between the creation of the City on June 20, and the election of its officers in November, 1947, and their qualification on January 1, 1948.

Secondly, section 88 of Act No. 170, provides that the city government of Dagupan "shall be organized on such a date as may be fixed by the President of the Philippines, and upon qualification of the city mayor and the appointment or election of the members of the municipal board." To hold that the next general elections to which the law refers are those to be held after the date of the organization of the City Government, set by the President, would make the alternative provision "or election of the members of the municipal board," nugatory or superfluous, because on the date set for the organization of the Government of the City of Dagupan, there would never be members of the Municipal Board elected.

And, finally, because to construe that the next general election for provincial or municipal officers, refers to the general election next or after the organization of the government of the City by Presidential Proclamation, would be to grant the latter discretion to defeat the purpose of the law or the creation of the City of Dagupan by Congress, because as Act No. 170 does not fix the time within which, the President should proclaim the organization of the government of the City, the President may never fix the date of such organization, which is untenable. Motion for reconsideration is denied.

Moran, C. J., Perfecto, Briones, Tuason, and Reyes, JJ., concur.

PARAS, J.:

I dissent.

PABLO, M.:

Concurro con esta disidencia.

OZABTA, J.:

I vote to grant respondents' motion for reconsideration so that the court may re-examine its decision herein and rectify what I consider an erroneous construction of the statute involved.

The case hinges on whether the city of Dagupan came into existence as a public corporation or political entity upon the approval of its charter (Republic Act No. 170) on June 20, 1947, or upon the organization of the city government and the qualification of its officers on January 1, 1948, as fixed by Executive Order No. 96 (later superseded by Executive Order No. 115) by virtue of section 88 of the charter.

By a vote of six to two, the court held in effect that the former municipality of Dagupan, Pangasinan, ipso facto became a city—that is to say, a political entity separate from and independent of the province of Pangasinan—by the mere approval of Republic Act No. 170, on the ground that said Act took effect upon its approval on June 20, 1947. I think that conclusion is erroneous and fraught with absurd consequences, as I shall presently endeavor to demonstrate:

A city as a municipal corporation cannot be said to exist until and unless it is organized and enabled to exercise the powers and prerogatives conferred upon it by its charter. And since those powers and prerogatives can only be exercised by its officers and agents, it is patent that the corporation cannot be said to have come to life until said

officers and agents have been appointed or elected and have duly qualified. It is futile, as the majority opinion attempts, to distinguish between the "organization of the city of Dagupan" and the "organization of the city government of Dagupan," as if a city could be organized without organizing its government. The city of Dagupan was a mere geographical expression and did not become a political entity until its government was organized and inaugurated by appointing its officers and installing them in office. The majority opinion itself says that "as a city is a public corporation or a juridical entity, and as such can not operate or transact business by itself but through its agents or officers, it was necessary that the government of the city be organized, that is, that the officials thereof be appointed or elected in order that it may act or transact business as such public corporation or city." Yet the opinion adds that "the date of the organization of the city government of Dagupan which the President is authorized to fix by the provisions of section 88 is not and can not be the date of the creation of the city, not only because * * * the city of Dagupan came into existence on the same date, June 20, on which Act No. 170 creating said city became effective, but because what was to be organized, according to said section 88, is the city government, and not the city as an entity * * *." The error lies in the false assumption that there can be a city without a city government; that the mere enactment of a city charter ipso facto converts the territory comprised within the city limits into a living political entity. We say such assumption is false because a city cannot come into existence as a political entity independent from the province of which it formerly formed part unless these two indispensable steps are taken: first, it must be created by law and, second, its government must be organized according to that law. These two steps have to be taken successively. They cannot be taken simultaneously because in order to appoint or elect officers the law authorizing such appointment or election must first be approved. When that law says that it shall take effect upon its approval, it simply means that once it is approved the second step may be taken and the city government thus organized shall function in accordance with the provisions of that law.

To say that a city can exist as a political entity without a city government is just as absurd as to say that an automobile can function without an engine. The approval of the charter of the city of Dagupan by the Congress with the transitory provision in section 88 providing for the organization of the city government by the President of the Philippines on such date as he may fix, may properly be likened to the manufacture of the body of an automobile; and the selection and inauguration of the officers of the city, to the selection and installation of the engine of the automobile. Just as the manufactured vehicle did not become an automobile until its engine was properly installed, the city of Dagupan did not become a political entity until its government was organized and its officers installed in office.

2. The opinion of the majority that the municipality of Dagupan was ipso facto converted into the city of Dagupan on June 20, 1947, by the mere approval and the taking effect on that date of Republic Act No. 170, necessarily implies that the municipality of Dagupan became a city, or a political entity independent of the province of Pangasinan, on said date. Such a result, however, is utterly unacceptable, not to say absurd, for no one will contend that the municipal mayor and municipal councilors of the municipality of Dagupan who were holding office as such on and before June 20, 1947, ipso facto became city mayor and city councilors of the city of Dagupan on said date—and hence free from any supervision or intervention whatsoever by the provincial governor and provincial board of Pangasinan—by the mere approval of Republic Act No. 170. In reality, as everybody knows, Dagupan continued to be a municipality and a part of the, province of Pangasinan, and its officers were subject to the supervision of the provincial governor and the provincial board, until the government of the city of Dagupan was inaugurated on January 1, 1948.

Under section 2188 of the Revised Administrative Code, the provincial governor has supervisory authority over municipal officers. Section 2232 of the same Code requires the municipal secretary to forward to the provincial board a correct copy of each resolution and ordinance passed at a session of the municipal council within

thirty-six hours after such session; and section 2233 authorizes the provincial board to declare invalid any such resolution or ordinance, and "the effect of such action shall be to annul the resolution or ordinance in question." Suppose that between June 20 and December 31, 1947, the municipal council of Dagupan passed an ordinance which, under section 2233, the provincial board declared invalid. May the city of Dagupan now insist on enforcing said ordinance on the ground that in accordance with the decision of this court in this case the provincial board of Pangasinan no longer had any jurisdiction to annul said ordinance because Dagupan had become a city and independent of the province when said ordinance was approved by the municipal council? Moreover, following the decision of this court, Dagupan may claim from the province of Pangasinan all the land taxes collected in Dagupan corresponding to the period from June 20 to December 31, 1947, on the ground that during said period it was independent from the province. The absurdity of such claims makes patent the absurdity of the decision on which they are based.

3. The case of the city of Dansalan cited by the respondents is also in point. Commonwealth Act No. 592, which was approved and took effect on August 19, 1940, created the city of Dansalan out of the territory comprised within the boundaries and limits of the municipality of Dansalan (sections 1, 2, and 3). Section 4 provided that "the President of the Philippines shall appoint, with the consent of the Commission on Appointments of the National

Assembly, the mayor, the vice-mayor, the city secretary, the members of the city council, the city health officer, the city engineer, the chief of police, the city treasurer, the city assessor, and the city attorney, and he may remove at pleasure any of them"; and section 33, entitled "Change of government," provided that "the City Government provided for in this Charter shall be organized immediately after the appointment and qualifications of the city mayor and a majority of the members of the city council." Nevertheless, the President has not appointed said officers, and the city government of Dansalan has never been organized, with the result that Dansalan has up to this date continued to be a municipality and a part of the province of Lanao. Following the decision of this court in this case the municipality of Dansalan may now consider itself a city and proclaim its independence from the province of Lanao.

What a serious political turmoil the decision of this court in this case would entail!

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