

**ANTONIO H. NOBLEJAS, AS COMMISSIONER OF LAND
REGISTRATION, PETITIONER, VS. CLAUDIO TEEHANKEE, AS
SECRETARY OF JUSTICE, AND RAFAEL SALAS, AS EXECUTIVE
SECRETARY, RESPONDENTS.**

G.R. No. L-28790. April 29, 1968

Ponente: REYES, J.B.L., Acting C.J.

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REYES, J.B.L., Acting C.J.:

Petition for a writ of prohibition with preliminary injunction to restrain the Secretary of Justice from investigating the official actuations of the Commissioner of Land Registration, and to declare inoperative his suspension by the Executive Secretary pending investigation.

The facts are not in dispute. Petitioner Antonio H. Noblejas is the duly appointed, confirmed and qualified Commissioner of Land Registration, a position created by Republic Act No. 1151. By the terms of section 2 of said Act, the said Commissioner is declared “entitled to the same compensation, emoluments and privileges as those of a Judge of the Court of First Instance.” The appropriation laws (Rep. Acts 4642, 4856 and 5170) in the item setting forth the salary of said officer, use the following expression:

“1. One Land Registration Commissioner, with the rank and privileges of district judge -P19,000.00.”

On March 7, 1968, respondent Secretary of Justice coursed to the petitioner a letter requiring him to explain in writing not later than March 9, 1968 why no disciplinary action should be taken against petitioner for “approving or recommending approval of subdivision, consolidation and consolidation-subdivision plans covering areas greatly in excess of the areas covered by the original titles.” Noblejas answered and apprised the Secretary of Justice that, as he enjoyed the rank, privileges, emoluments and compensation of a Judge of the Court of First Instance, he could only be suspended and investigated in the same manner as a Judge of the Courts of First Instance, and, therefore, the papers relative to his case should be submitted to the Supreme Court, for action thereon conformably to section 61 of the Judiciary Act (R.Á. No. 296) and Revised Rule 140 of the Rules of Court.

On March 17, 1968, petitioner Noblejas received a communication signed by the Executive Secretary, “by authority of the President”, whereby, based on “finding that a prima facie case exists against you for gross negligence and conduct prejudicial to the public interest”, petitioner was “hereby suspended, upon receipt hereof, pending investigation of the above charges.”

On March 18, 1968, petitioner applied to this Court, reiterating the contentions advanced in his letter to the Secretary of Justice, claiming lack of jurisdiction and abuse of discretion, and praying for restraining writs. In their answer respondents admit the facts but deny that petitioner, as Land Registration Commissioner, exercises judicial functions, or that the petitioner may be considered a Judge of First Instance within the purview of the Judiciary Act and Revised Rules of Court 140; that the function of investigating charges against public officers is

administrative or executive in nature; that the Legislature may not charge the judiciary with non-judicial functions or duties except when reasonably incidental to the fulfillment of judicial duties, as it would be in violation of the principle of the separation of powers.

Thus, the stark issue before this Court is whether the Commissioner of Land Registration may only be investigated by the Supreme Court, in view of the conferment upon him by the Statutes heretofore mentioned (Rep. Act 1151 and Appropriation Laws) of the rank and privileges of a Judge of the Court of First Instance.

First to militate against petitioner's stand is the fact that section 67 of the Judiciary Act providing for investigation, suspension or removal of Judges, specifically recites that "No District Judge shall be separated or removed from office by the President of the Philippines unless sufficient cause shall exist in the judgment of the Supreme Court . . ." and it is nowhere claimed, much less shown, that the Commissioner of Land Registration is a District Judge, or in fact a member of the Judiciary at all.

In the second place, petitioner's theory that the grant of "privileges of a Judge of First Instance" includes by implication the right to be investigated only by the Supreme Court and to be suspended or removed upon its recommendation, would necessarily result in the same right being possessed by a variety of executive officials upon whom the Legislature had indiscriminately conferred the same privileges. These favoured officers include (a) the Judicial Superintendent of the Department of Justice (Judiciary Act, sec. 42); (b) the Assistant Solicitors General, seven in number (Rep. Act No. 4360); (c) the City Fiscal of Quezon City (R.A. No. 4495); (d) the City Fiscal of Manila (R.A. No. 4631) and (e) the Securities and Exchange Commissioner (R.A. No. 5050, s. 2). To adopt petitioner's theory, therefore, would mean placing upon the Supreme Court the duty of investigating and disciplining all these officials whose functions are plainly executive, and the consequent curtailment by mere implication from the Legislative grant, of the President's power to discipline and remove administrative officials who are presidential appointees, and which the Constitution expressly place under the President's supervision and control (Constitution, Art. VII, sec 10[1]):

Incidentally, petitioner's stand would also lead to the conclusion that the Solicitor General, another appointee of the President could not be removed by the latter, since the Appropriation Acts confer upon the Solicitor General the rank and privileges of a Justice of the Court of Appeals, and these Justices are only removable by the Legislature, . through the process of impeachment (Judiciary Act, sec. 24, par. 2).

In our opinion, such unusual corollaries could not have been intended by the Legislature when it granted these executive officials the rank and privileges of Judges of First Instance. This conclusion gains strength when account is taken of the fact that in the case of the Judges of the Court of Agrarian Relations and those of the Court of Tax Appeals, the organic statutes of said bodies (Republic Act 1206, as amended by Act 1409; Rep. Act No. 1125) expressly provide that they are to be removed from office for the same causes and in the same manner provided by law for Judges of First Instance", or "members of the judiciary of appellate rank." The same is true of Judges of the Court of Agrarian Relations (Comm. Act No. 103) and of the Commissioner of Public Service (Public Service Act, Sec. 3). It is thereby shown that where the legislative design is to make the suspension or removal procedure prescribed for Judges of First Instance applicable to other officers, provision to that effect is made in plain and unequivocal language.

But the more fundamental objection to the stand of petitioner Noblejas is that, if the Legislature had really intended to include in the general grant of "privileges" or "rank and privileges of Judges of the Court of First Instance" the right to be investigated by the Supreme Court, and to be suspended or removed only upon recommendation of that Court, then such grant of privileges would be unconstitutional, since it would violate the fundamental doctrine of separation of powers, by charging this court with the administrative function of

supervisory control over executive officials, and simultaneously reducing pro tanto the control of the Chief Executive over such officials.

Justice Cardozo ruled in *In re Richardson et al., Connolly vs. Scudder* (247 N.Y. 401, 160 N.E. 655), saying:

“There is no inherent power in the Executive or Legislature to charge the judiciary with administrative functions except when-reasonably incidental to the fulfillment of judicial duties.”

The United States Supreme Court said in *Federal Radio Commission vs. General Electric Co., et al.*, 281 U.S. 469, 74 Law, Ed., 972, -

“But this court cannot be invested with jurisdiction of that character, whether for purposes of review or otherwise. It was brought into being by the judiciary article of the Constitution, is invested with judicial power only and can have no jurisdiction other than of cases and controversies falling within the classes enumerated in that article. It cannot give decisions which are merely advisory nor can it exercise or participate in the exercise of functions which are essentially legislative or administrative. *Keller v. Potomac Electric Power Co.* supra (261 U.S. 444, 67 L. ed. 736, 43 Sup. Ct. Rep. 445) and cases cited; *Postum Cereal Co. vs. California Fig. Nut Co.* supra (272 U.S. 700 701, 71 L.ed. 481, 47 Sup. Ct. Rep. 284); *Liberty Warehouse Co. v. Grannis*, 273 U.S. 70, 74, 71 L. ed. 541, 544, 47 Sup. Ct. Rep. 282; *Willing v. Chicago Auditorium Asso.* 277 U.S. 274, 289, 72 L. ed. 880, 884, 48 Sup. Ct. Rep. 507; *Ex parte Bakelite Corp.* 279 U.S. 438, 449, 73 L. ed. 789, 793, 49 Sup. Ct. Rep. 411. (*Federal Radio Commission v. General Electric Company*, 281 U.S. 469, 74 L. ed. 972) (Italics supplied)

In this spirit, it has been held that the Supreme Court of the Philippines and its members should not and can not be required to exercise any power or to perform any trust or to assume any duty not pertaining to or connected with the administration of judicial functions; and a law requiring the Supreme Court to arbitrate disputes between public utilities was pronounced void in *Manila Electric Co. vs. Pasay Transportation Co.* (57 Phil. 600).

Petitioner Noblejas seeks to differentiate his case from that of other executive officials by claiming that under Section 4 of Republic Act No. 1151, he is endowed with judicial functions. The section invoked runs as follows:

“Sec. 4. - Reference of doubtful matters to Commissioner of Land Registration. - When the Register of Deeds is in doubt with regard to the proper step to be taken or memorandum to be made in pursuance of any deed, mortgage, or other instrument presented to him for registration, or where any party in interest does not agree with the Register of Deeds with reference to any such matter, the question shall be submitted to the Commissioner of Land Registration either upon the certification of the Register of Deeds, stating the question upon which he is in doubt, or upon the suggestion in writing by the party in interest; and thereupon the Commissioner, after consideration of the matter shown by the records certified to him, and in case of registered lands, after notice to the parties and hearing, shall enter an order prescribing the step to be taken or memorandum to be made. His decision in such cases shall be conclusive and binding upon all Registers of deeds: Provided, further, That when a party in interest disagrees with the ruling or resolution of the Commissioner and the issue involves a question of law, said decision may be appealed to the Supreme Court within thirty days from and after receipt of the notice thereof.”

Serious doubt may well be entertained as to whether the resolution of a consulta by a Register of Deeds is a judicial function, as contrasted with administrative process. It will be noted that by specific provision of the section, the decision of the Land Registration Commissioner “shall be conclusive and binding upon all Registers of Deeds” alone, and not upon other parties. This limitation^[1] in effect identifies the resolutions of the Land Registration Commissioner with those of any other bureau director, whose resolutions or orders bind his subordinates alone. That the Commissioner's resolutions are appealable does not prove that they are not administrative: any bureau director's ruling is likewise appealable to the corresponding department head.

But even granting that the resolution of consultas by the Register of Deeds should constitute a judicial (or more properly quasi judicial) function, analysis of the powers and duties of the Land Registration Commissioner under Republic Act No. 1151, sections 3 and 4, will show that the resolution of consultas are but a minimal portion of his administrative or executive functions and merely incidental to the latter.

Conformably to the well-known principle of statutory construction that statutes should be given, whenever possible, a meaning that will not bring them in conflict with the Constitution,[2] We are constrained to rule that the grant by Republic Act 1151 to the Commissioner of Land Registration of the “same privileges as those of a Judge of the Court of First Instance” did not include, and was not intended to include, the right to demand investigation by the Supreme Court, and to be suspended or removed only upon that Court's recommendation; for otherwise, the said grant of privileges would be violative of the Constitution and be null and void. Consequently, the investigation and suspension of the aforementioned Commissioner pursuant to sections 32 and 34 of the Civil Service Law (R.A. 2260) are neither abuses of discretion nor acts in excess of jurisdiction.

WHEREFORE, the writs of prohibition and injunction applied for are denied, and the petition is ordered dismissed. No costs.

Dizon, Makalintal, Bengzon, J.P., Zaldivar, Sanchez, Ruiz Castro, Angeles and Fernando, JJ., concur.

Petition dismissed

[1] That did not exist when formerly consultas were resolved by the fourth branch of the Court of First Instance of Manila. (Cf. Adm. Code, e, sec. 200)

[2] Teehankee vs. Rovira, 75 Phil , 634; People vs. Zeta, 98 Phil. 147; Alba vs. Evangelista, 100 Phil. 683

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