

THE GOVERNMENT OF THE PHILIPPINE ISLANDS, EX REL. THE MUNICIPALITY OF CARDONA, PLAINTIFF, VS. THE MUNICIPALITY OF BINAÑGONAN ET AL., DEFENDANTS.

G.R. No. 10202. March 27, 1917

Ponente: MORELAND, J.

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MORELAND, J.:

The plaintiff amended his complaint in this action after a demurrer thereto had been sustained. No new or additional facts have been alleged and the case stands precisely where it stood before the amended complaint was filed. A demurrer having been offered to the amended complaint, that also must be sustained.

The plaintiff still insists with great vigor that section 1 of Act No. 1748; entitled "An Act authorizing the adjustment of provincial and municipal boundaries and authorizing the change of capitals of provinces and subprovinces, as may be necessary from time to time to serve the public convenience and interest," is in violation of the Act of Congress of July 1, 1902, in that it delegates legislative powers to the Governor-General, whereas the Act of Congress referred to lodges those powers in the Philippine Legislature.

Section 1 of the Act referred to provides in substance that, whenever in the judgment of the Governor-General the public welfare requires, he may, by executive order, enlarge, contract, or otherwise change the boundary of any province, subprovince, municipality, or township or other political subdivision, or separate any such subdivision into such portions as may be required, merge any of such subdivisions with another, divide any province into one or more subdivisions as may be required, name any new subdivision so created, change the seat of government within any subdivision existing or created thereunder, to such place therein as the public interests require, and shall fix in such executive order the date when the change, merger, separation or other action shall take effect. The section also provides that whenever the Governor-General creates a new political subdivision he shall appoint such officers for the new subdivision with such powers and duties as may be required by the existing provisions of law applicable to the case and fix their salaries; and that such appointees shall hold office until their successors are appointed or elected and qualify. Successors to the elective offices shall be elected at the next general election following such appointment.

The contention of the plaintiff is not well founded. The delegation of the power referred to on the Governor-General does not involve an abdication of legislative functions on the part of the legislature with regard to the particular subject-matter with which it authorizes the Governor-General to deal. It is simply a transference of certain details with respect to provinces, municipalities, and townships, many of them newly created, and all of them subject to more or less rapid change both in development and centers of population, the proper regulation of which might require not only prompt action but action of such a detailed character as not to permit the legislative body, as such, to take it efficiently. We find no provision of the Act applicable so far as it touches this case which is in violation of the Act of Congress of July 1, 1902.

The demurrer is sustained and the complaint is finally dismissed, with costs. So ordered.

Torres, Carson, Trent, and Araullo, JJ., concur.

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