

**RAUL A. GALAROSA, IN HIS CAPACITY AS THE INCUMBENT
PRESIDENT AND REPRESENTATIVE OF THE ASSOCIATION OF
BARANGAY CAPTAINS OF THE MUNICIPALITY OF SORSOGON,
SORSOGON, PETITIONER, V...**

G.R. No. 109455. November 11, 1993

Ponente: DAVIDE, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-109455/>

DAVIDE, JR., J.:

At the hub of the present controversy is Section 494 of Republic Act No. 7160, otherwise known as the Local Government Code of 1991, which provides as follows:

“SECTION 494. Ex Officio Membership in Sanggunians. -- The duly elected presidents of the liga [ng mga barangay] at the municipal, city and provincial levels, including the component cities and municipalities of Metropolitan Manila, shall serve as ex-officio members of the sangguniang bayan, sangguniang panglungsod, and sangguniang panlalawigan, respectively. They shall serve as such only during their term of office as presidents of the liga chapters, which in no case shall be beyond the term of office of the sanggunian concerned.”

Petitioner Raul A. Galarosa (hereinafter GALAROSA) is the incumbent president of the katipunang bayan or Association of Barangay Councils (ABC)[1] of the municipality of Sorsogon, province of Sorsogon, and was appointed as a member of the Sangguniang Bayan (SB) of Sorsogon pursuant to Executive Order No. 342 in relation to Section 146 of Batas Pambansa Blg. 337, the quondam local government code. The salient issue in this case is whether or not GALAROSA can continue to serve as a member of the SB beyond 30 June 1992, the date when the term of office of the elective members of the SB of Sorsogon expired. The respondent Judge ruled that GALAROSA could not; GALAROSA thinks otherwise and asks us to set aside the decision of the court a quo.

In August 1992, private respondent Rodolfo Lasay (hereinafter LASAY), the incumbent barangay captain of barangay Gimaloto of the municipality of Sorsogon and an aspirant for the position of president of the ABC of the said municipality, filed with the court a quo against the public respondent SB of Sorsogon a petition for declaratory relief and injunction with a prayer for the issuance of a temporary restraining order. LASAY sought the determination by the court of the “appropriate, proper interpretation of the Provision of Sec. 494 of Republic Act No. 7160” and of “whether or not the President of the Association of Barangay Captains can continue holding office despite the termination of the Terms of Office of the Sangguniang Bayan of Sorsogon on June 30, 1992.”[2] He posited the theory that the term of office of GALAROSA as an ex officio member of the SB of Sorsogon is coterminous with that of the said SB which expired on 30 June 1992; hence, there was a need for the new election of an ABC representative. He further alleged that during its session, the SB of Sorsogon accepted and recognized the participation of GALAROSA over his (LASAY’s) protest allegedly on the basis of the memorandum of the Department of Interior and Local Government (DILG) allowing the ABC presidents elected before 30 June 1992 to continue in office until the election of new ones. LASAY then prayed for the issuance of a temporary restraining order enjoining the SB of Sorsogon from recognizing GALAROSA as an ex officio

member thereof and from allowing him to participate in its deliberations, for the holding in abeyance of GALAROSA'S salaries, and, after hearing, for a judgment "embodying the literal interpretation of Sec. 494 of the New Local Government Code to the effect that the term of office of the ex officio membership to the Sangguniang Bayan of the President of [the] ABC should in no case be beyond the term of office of said Sangguniang Bayan." The case was docketed as Civil Case No. 5755.

In its Answer,[3] the SB of Sorsogon, represented by the Provincial Prosecutor, asked for the dismissal of the petition because (a) LASAY "has no legal right to file the" petition or the petition "is based on pure speculative rights," and (b) the petition is premature since the resolution of the issues raised may still be the subject of rules and regulations to implement Section 494 of the Code.

On 9 September 1992, the trial court, per respondent Judge Eudario B. Valencia, issued a temporary restraining order directing the SB of Sorsogon "to desist from recognizing the participation of the old Ex Officio membership of the President of the Association of Barangay Captains and to hold in abeyance the taking and/or payment of salaries from the Municipal Government of Sorsogon relative thereto." [4] It set the hearing on the application for a writ of preliminary injunction on 22 September 1992. On the latter date, the court heard LASAY and the SB of Sorsogon. It then issued an order granting the parties thirty days within which to file their memoranda in support of their respective positions, after which both the incident on the preliminary injunction and the merits of the case shall be deemed submitted for decision. [5]

On 22 October 1992, the respondent Judge issued an order granting the application for the issuance of a writ of preliminary injunction upon the filing of a bond of P40,000.00. [6]

On 26 January 1993, GALAROSA filed with the court a quo an Appearance with Motion to Annul Injunction Order. [7] He prayed therein that the 22 October 1992 Order be annulled, that the SB of Sorsogon be directed to recognize his participation as an ex officio member thereof, that he be allowed to enjoy all the benefits and emoluments of the office, and that his appearance be noted.

On 26 February 1993, the respondent Judge issued an order noting the above pleading of GALAROSA and directing LASAY to file his "comment and/or opposition thereto" within five days from receipt of a copy of the said order, after which "the incident shall be deemed submitted for resolution." [8]

The trial court never resolved that "incident."

On 24 March 1993, the respondent Judge handed down a decision [9] in favor of LASAY, the adjudicatory portion of which reads as follows:

"WHEREFORE, in the light of all the foregoing considerations, judgment is hereby rendered:

- (1) Declaring the incumbent President of the Association of Barangay Captains of Sorsogon as without any further right or legal basis to continue in office as ex-officio member of the present Sangguniang Bayan of Sorsogon pursuant to and conformably with Section 494 of Republic Act No. 7160; and
- (2) Ordering the respondent Sangguniang Bayan of Sorsogon to cease and desist from recognizing the participation of the old ex-officio membership of the President of the Association of Barangay Captains of the town of Sorsogon."

In holding for LASAY, the respondent Judge rejected the claims of the SB of Sorsogon that (1) pursuant to DILG Memorandum Circular No. 92-38 dated 29 June 1992, Section 494 of the Local Government Code was reconciled with Article 210(d)(3), Rule XXIX of the Rules and Regulations Implementing the said Code which provides that incumbent ABC presidents shall continue to serve as ex officio members of their respective sanggunians unless

sooner removed for cause or the new officers shall have been elected and qualified; (2) LASAY is not the proper party in interest and even if he is, he did not exhaust all available administrative remedies; and (3) what is involved is a political question which is beyond the province of the trial court. As to the first, the respondent Judge ruled that Article 210 of the Rules and Regulations does not expressly provide that the term of office of the ABC presidents as ex officio members of the SB shall go beyond the term of the SB concerned; since the term of the sanggunian concerned expired on 30 June 1992, it stands to follow that the ex officio membership of the liga president in the said sanggunian, by express mandate of law, likewise ended on the said date. As to the exhaustion of administrative remedies, the respondent Judge ruled that it is not applicable since the issue involved is “purely a legal one.” He rejected the “political question” issue by stating that the interpretation of laws, rules, and regulations is a judicial function and prerogative. Furthermore, he invoked Section 1, Article VIII of the 1987 Constitution on the scope of judicial review. The respondent Judge did not squarely tackle the issue regarding the locus standi of LASAY, although he described LASAY as “the incumbent Barangay Captain of Gimaloto ... a declared aspirant for President of the [ABC] ... as well as being a taxpayer claiming direct interest to complain, protest and seek the proper relief.”

Unable to accept the decision, GALAROSA filed this petition which we have decided to treat as one for certiorari under Rule 65. He submits therein that:

“THE RESPONDENT JUDGE ERRED WHEN HE RULED THAT THE PETITIONER, DESPITE HIS INCUMBENCY AS THE REPRESENTATIVE OF THE ASSOCIATION OF BARANGAY COUNCILS OF THE MUNICIPALITY OF SORSOGON, HAS NO LONGER ANY LEGAL BASIS OR RIGHT TO HIS EX-OFFICIO MEMBERSHIP IN THE SANGGUNIANG BAYAN OF THE MUNICIPALITY OF SORSOGON.”

We required the respondents to comment on the petition, and on 3 June 1993 we issued a temporary restraining order directing the respondent Judge to cease and desist from implementing and effecting the challenged decision.

In his comment, LASAY states that GALAROSA, not being a party to the case before the trial court, has no right to file the instant petition. LASAY argues that although GALAROSA had filed a motion for intervention, that pleading was not acted upon by the trial court. As to the merits of the petition, he asks that we sustain the challenged decision because it is in accord with existing jurisprudence and the principles of statutory construction; he also avers that Memorandum Circular No. 92-38 of the DILG, which is relied upon by GALAROSA, violates and contravenes the clear mandate of Section 494 of the Code which provides that in no case shall the membership of the ex officio members of the SB extend beyond the term of the SB concerned, which ended on 30 June 1992. GALAROSA filed a Reply to this Comment to which LASAY filed a Rejoinder. Not to be outdone, the former filed a Sur-rejoinder.

On 14 July 1993, the Office of the Solicitor General filed its comment. While not explicitly saying so, it asks us to grant the petition and to set aside the challenged decision because the respondent Judge should have dismissed the action on the following grounds: (a) LASAY failed to present a justiciable controversy since he is not an ABC president but a mere aspirant thereto, or, otherwise stated, his right to an ex officio membership in the SB is purely anticipatory; (b) not being an ABC president, LASAY is not a proper party to assail the ex officio membership of GALAROSA; and (c) the latter, who was to be directly affected by the petition of LASAY, was not named a party-respondent; in view of this “non-joinder of proper part[y],” respondent Judge should have dismissed the petition outright pursuant to Section 5, Rule 64 of the Revised Rules of Court.

We resolved to give due course to the petition and required the parties to submit their respective memoranda, which they subsequently complied with.

Before proceeding to the main issue, we will address some collateral issues which the parties have raised, to wit: (a) the legal personality of LASAY to file the petition for declaratory relief and injunction with the trial court, (b) the absence of a justiciable controversy, (c) the non-joinder of an indispensable party in the said petition, and (d) the precipitateness of the trial court's decision.

It must be stressed that the petition filed by LASAY with the trial court is one for declaratory relief and injunction and not solely for the former. The latter can be either prohibitory or mandatory in character. LASAY sought to enjoin the SB of Sorsogon from recognizing GALAROSA as an ex officio member of the SB and from allowing him to participate in its deliberations, and to direct it to hold in abeyance the payment of GALAROSA's salaries. LASAY brought the action in his capacity as a barangay captain who is seeking the presidency of the ABC of Sorsogon and in his capacity as a taxpayer. This Court agrees with GALAROSA and the Office of the Solicitor General that with respect to the first, LASAY does not have the legal standing to institute the action for he is a mere aspirant to the presidency of the ABC and his right thereto is a mere expectancy. We do rule, however, that as a taxpayer he has a sufficient legal standing, because the injunction he prayed for is founded on what he believed to be an illegal disbursement of public funds of his municipal government. In this jurisdiction, the strict rule relative to the determination of real parties in interest has been sufficiently relaxed to allow a taxpayer to bring an action to restrain the unlawful disbursement of public funds.[10]

We also hold that the requisites for an action for declaratory relief were present, namely: (a) that there is a justiciable controversy, (b) that the controversy is between persons whose interests are adverse, (c) that the party seeking the relief has a legal interest in the controversy, and (d) that the issue invoked is ripe for judicial determination.[11] The controversy is whether GALAROSA can continue to serve as a member of the SB after 30 June 1992. LASAY, as a taxpayer, has the locus standi to have it resolved because a decision against GALAROSA would mean that he is not entitled to receive his salary and other benefits as a member of the SB and any such payment to him beyond 30 June 1992 would be illegal.

Nonetheless, the form and nature of the action filed by LASAY required the inclusion of GALAROSA as an adverse party. It is his right to his office that is challenged and he is the person who would be directly affected by any decision therein. No final determination of an action can be had unless he is joined therein. He is, therefore, an indispensable party. Under Section 7, Rule 3 of the Revised Rules of Court, the joinder of indispensable parties is compulsory; consequently, no action can proceed unless they are joined.[12] The absence of an indispensable party in a case renders ineffectual all the proceedings subsequent to the filing of the complaint including the judgment.[13] LASAY should have been required to implead GALAROSA and should he fail to do so, the petition should be dismissed.[14] GALAROSA in fact sought to intervene in the case by filing on 26 January 1993 an "Appearance with Motion to Annul the Injunction Order." Unfortunately, after it was noted and LASAY was directed to file his "comment and/or opposition thereto" after which the incident would be submitted for resolution, the respondent Judge, for reasons known only to him, never did resolve it. Then, with undue and precipitate haste, he rendered the challenged decision on 24 March 1993. That decision must be set aside for having been rendered with grave abuse of discretion amounting to lack of jurisdiction since an indispensable party, GALAROSA, was not effectively impleaded and recognized as a party in the case and given the opportunity to file a responsive pleading.

A remand of this case to the trial court for further proceedings consistent with the above disquisition would be the natural course of action to follow. However, considering that the principal issue posed is purely legal and the pleadings of the parties have exhaustively discussed the main issue and all collateral matters, the controversy could be forthwith resolved on the basis thereof. The remand of the case to the trial court would only delay the final disposition of the case and would not serve the public interest, especially here where our decision would

affect all ABC presidents throughout the country. We have consistently ruled that the remand of a case to a lower court for the reception of evidence is not necessary if this Court can already resolve the dispute on the basis of the records before it.[15]

We shall then take up the core issue.

Section 494 of the Local Government Code of 1991 provides for the ex officio membership in the respective sanggunians of the duly elected presidents of the liga at the municipal, city and provincial levels, including the component cities and municipalities of Metropolitan Manila. The liga referred to therein is the liga ng mga barangay. Section 491 of the Code provides for its creation and purpose:

“SECTION 491. Purpose of organization. -- There shall be an organization of all barangays to be known as the Liga ng mga Barangay for the primary purpose of determining the representation of the liga in the sanggunians and for ventilating, articulating and crystallizing issues affecting barangay government administration and securing, through proper and legal means, solutions thereto.”

Every barangay is represented in the liga ng mga barangay by the punong barangay, or in his absence or incapacity, by a sanggunian member duly elected for the purpose among its members.[16] The principal aim of the liga ng mga barangay is to promote the development of barangays and secure the general welfare of their inhabitants.[17]

The forerunner of the liga ng mga barangay is the katipunan ng mga barangay under Section 108 of B.P. Blg. 337, which was known as the katipunang bayan in municipalities, katipunang panglungsod in cities, katipunang panlalawigan in provinces, and katipunan ng mga barangay on the national level. Each barangay therein was represented by the punong barangay. The katipunang bayan was also referred to as the Association of Barangay Councils or ABC for short. Pursuant to the first paragraph of Section 146 of B.P. Blg. 337, the president of the said organization was among the members of the sangguniang bayan -- the legislative body of the municipality -- subject, however, to appointment by the President of the Philippines. Under Section 110(3) thereof, the term of office of all officers of the katipunang bayan, including its president, was to be governed by “the by-laws of the organization, without prejudice, however, to their term of office as member of the sanggunian to which they may be correspondingly appointed.” Section 25 of the By-Laws of the Katipunan ng mga Barangay[18] provides that “the term of office of all officers of the katipunan at all levels shall be from the date of their elections until the next katipunan elections following general barangay elections, subject to the limitations of Section 4 and the succeeding sections hereof.”[19]

On 7 March 1988, then President Corazon C. Aquino issued Memorandum Circular No. 51 providing for policy guidelines on the representation of certain sectors, including the president of the katipunang bayan, in the legislative bodies of local governments. Then on 28 November 1988 she issued E.O. No. 342 delegating to the Secretary of Local Government the power to appoint certain local offices under certain sections, including Section 146(1) of B.P. Blg. 337. Thereafter, appointments of the presidents of the katipunang bayan as members of the sangguniang bayan were made by the Secretary of Local Government.

Immediately prior to the passage of the Local Government Code of 1991, the katipunang bayan or ABC in a municipality was composed of the barangay captains who were elected in the barangay elections of 28 March 1989 held pursuant to R.A. No. 6679. In the case at bar, it is presumed that GALAROSA was an elected punong barangay in the municipality of Sorsogon and was later elected president of the ABC of Sorsogon.

On 7 April 1989, the Department of Local Government issued Circular No. 89-09 providing for the reorganization of the katipunan ng mga barangays in all levels and prescribing the guidelines for the election of their officers.

Guideline 2.2 thereof on terms of office reads:

“The terms of office of all officers of the katipunan at all levels shall be from the date of their election until their successors shall have been duly elected and qualified, without prejudice, however, to the terms of their appointments as member of the sanggunian, to which they may be correspondingly appointed.”

Accordingly, the president of the katipunang bayan became, after an appointment extended by the President through the Secretary of the Department of Local Government, a member of the first sangguniang bayan organized under the 1987 Constitution following the local elections held on 18 January 1988. That GALAROSA was extended such an appointment is not disputed.

The Local Government Code of 1991 does not explicitly provide that upon its effectivity the katipunan ng mga barangay under B.P. Blg. 337 automatically became the liga ng mga barangay under the Local Government Code and that the president of the ABC automatically became the president of the liga whose term as ex officio member of the first sangguniang bayan under the 1987 Constitution is coterminous with that of the other regular members of the SB or until 30 June 1992 pursuant to Section 494 of the Local Government Code in relation to Section 2, Article XVIII of the 1987 Constitution^[20] and Section 5 of R.A. No. 6636.^[21] Absent such explicitness and considering (1) that the opening clause of Section 491 is expressed in the future tense such that the liga can only be deemed to exist upon the effectivity of the Local Government Code of 1991 and (2) that Section 494 speaks of “duly elected presidents of the liga” thereby clearly implying an election after the organization of the liga, the conclusion to be drawn is that the legislature never intended that Section 494 would apply to the incumbent presidents of the katipunang bayan.

In short, there is no indication at all that Section 491 and Section 494 should be given retroactive effect to adversely affect the presidents of the ABC. They should thus be applied prospectively. There is a substantive rationale for this. The Local Government Code significantly altered the previous law and rules relative to the membership of the presidents of the katipunang bayan or the ABC. In the first place, a prior appointment by the President, as required under Section 110(3) of B.P. Blg. 337 or by him through the Secretary of Interior and Local Government pursuant to E.O. No. 342, is no longer necessary. It may be pointed out that B.P. Blg. 337 has been expressly repealed under paragraph (a), Section 534 of the Local Government Code of 1991. Accordingly, E.O. No. 342 is likewise deemed repealed either as a consequence thereof or under paragraph (f) of the said section which repeals, inter alia, executive orders inconsistent with any provisions of the said Code. In the second place, Section 494 specifically provides that the term of office of the liga presidents shall in no case go “beyond the term of office of the sanggunian concerned.” Consequently, the expiration of their terms of office as ex officio members of the sanggunian concerned coincides with the expiration of the term of office of the regular members thereof. The section, however, does not fix the specific duration of their term as liga president. This is left to the by-laws of the liga pursuant to Article 211(g) of the Rules and Regulations Implementing the Local Government Code (IRR for brevity). It may be recalled that under R.A. No. 6679, the term of office of the punong barangay elected in the 28 March 1989 election for barangay officials was five years commencing on 1 May 1989 and ending on 31 May 1994. It also provides that the next regular election of barangay officials shall be on the second Monday of May 1994 and on the same day every five years thereafter and that their term of office shall begin on the first day of June following their election and until their successors shall have been elected and qualified. On the other hand, Section 43(c) of the Local Government Code of 1991 fixes the term of elective barangay officials at three years which, insofar as those first elected under it are concerned, shall begin “after the regular election x x x on the second Monday of May 1994.”

Nonetheless, notwithstanding the prospective character of Section 494 of the Local Government Code of 1991, the fact remains that the presidents of the katipunang bayan or ABC who were appointed as members of the

sangguniang bayan by the President through the Secretary of Local Government by virtue of E.O. No. 342 were appointed to the sangguniang bayan whose regular members were elected in the 18 January 1988 local elections and whose term expired on 30 June 1992. It is to be presumed that they could not have been appointed for a term beyond that of the sangguniang bayan. This is evident from both Section 110(3) of B.P. Blg. 337 and Circular No. 89-09 of the Department of Local Government which respectively provide that the term of office of the ABC presidents therein determined is “without prejudice to their term of office as member of the sanggunian to which they may be accordingly appointed” and “without prejudice however, to the terms on [sic] their appointments as member of the sanggunian, to which they may be correspondingly appointed.” Accordingly, while ABC presidents could remain as such after 30 June 1992 because their term of office as ABC presidents have not yet ended, their term of office as members of the sangguniang bayan had expired.

There is, however, no law which prohibits them from holding over as members of the sangguniang bayan. On the contrary, the aforementioned IRR, prepared and issued by the Oversight Committee upon specific mandate of Section 533 of the Local Government Code, expressly recognizes and grants that hold-over authority to ABC presidents. Pertinent portions of paragraphs (d) and (f), Article 210 of the IRR read as follows:

“ART. 210. Liga ng mga barangay. --

x x x

(d) Ex officio membership in the sanggunian --

x x x

(3) The incumbent presidents of the municipal, city, and provincial chapters of the liga shall continue to serve as ex officio members of the sanggunian concerned until the expiration of their term of office, unless sooner revoked for cause.

x x x

(f) Organizational structure -?

(1) x x x Pending election of the presidents of the municipal, city, provincial, and metropolitan chapters of the liga, the incumbent presidents of the association of barangay councils in the municipality, city, province, and Metropolitan Manila shall continue to act as presidents of the corresponding liga chapters under this Rule.”

This was further elaborated in an unnumbered Circular of the DILG dated 15 June 1992 on the subject “Clarifying the Term of Office of Liga Chapter Presidents (ABC) as Members of the Sanggunian” which reads:

“In order to clarify issues arising from various interpretations of pertinent provisions of the Local Government Code of 1991 and the Implementing Rules and Regulations relative to the term of office of the Liga chapter presidents as members of the sanggunian, the following guidelines are hereby issued.

1. The incumbent presidents of the ABC at the municipal, city, province and Metropolitan Manila shall continued [sic] to act as presidents of the corresponding Liga chapters.
2. To ensure continued representation of the barangay in the sanggunian, they shall continue to serve as ex-officio members of the sanggunian concerned, unless sooner removed for cause, pending the election of the first set of officials of the national Liga and local chapters.
3. The election of the first set of officials of the national Liga and local chapters shall be within six (6) months (not to go beyond March 9, 1993) from ratification by the National Liga and its constitution and by-laws.
4. The ratification of the Liga Constitution and by-laws shall be within six (6) months (not to go beyond

September 9, 1992) from the promulgation of the Implementing Rules and Regulation (IRR) of the Local Government Code on March 9, 1992.”

And on 29 June 1992, the DILG issued Memorandum Circular No. 92--38 which reads as follows:

“In view of the numerous issues and concerns reaching this Department requesting for a clarificatory ruling regarding the term of office of the incumbent ABC Presidents as ex-officio members of the respective sanggunian pending the reorganization and election of the new liga chapter, the following guidelines are hereby promulgated for the guidance and reference of all concerned:

Section 494, Local Government Code of 1991 (RA 7160)

The duly elected presidents of the liga at the municipal, city and provincial levels, including the component cities and municipalities of Metropolitan Manila, shall serve as ex-officio members of the sanggun-iang bayan, sangguniang panglungsod, [and] sangguniang panlalawigan, respectively. They shall serve as such only during their term of office as presidents of the liga chapters which in no case shall be beyond the term of office of the sanggunian concerned.

Article 210 (d)(3), Rule XXIX of the IRR

The incumbent presidents of the municipal, city and provincial chapters of the Liga shall continue to serve as ex officio members of the sanggunian concerned until the expiration of their term of office, unless sooner removed for cause.

The aforequoted provisions of the Code and its IRR clearly provide that upon the cessation from office of the elective sanggunian members, these ex-officio members shall likewise cease to hold office upon the election and qualification of their successors since they cannot serve beyond the end of the term of office of the elective members (See *Laspinas vs. Santos*, G.R. No. 83520, June 23, 1988; *Cadungon vs. Singuat-Guerra*, G.R. No. 85884, March 9, 1989).

Be that as it may, following the generally accepted principle that laws shall have prospective effect unless the contrary is expressly provided (Section 19, Chapter 5, Introductory Provisions, Administrative Code of 1987), the applicability of the aforequoted provisions does not contemplate of the incumbent sanggunian members, appointive or elective.

This principle is buttressed by Article 210 (f), Rule XXIX of the IRR which declares, in part, that ‘pending election of the presidents of the municipal, city, provincial, and metropolitan chapters of the liga, the incumbent presidents of the association of barangay councils in the municipality, city, province, and Metropolitan Manila shall continue to act as presidents of the corresponding liga chapters under this Rule.’

x x x

The application of the hold-over doctrine in both the aforementioned provisions of the IRR and the issuances of the DILG should be upheld. The rule is settled that unless “holding over be expressly or impliedly prohibited, the incumbent may continue to hold over until some one else is elected and qualified to assume the office.”[22] This rule is demanded by the “most obvious requirements of public policy, for without it there must frequently be cases where, from a failure to elect or a refusal or neglect to qualify, the office would be vacant and the public service entirely suspended.”[23] Otherwise stated, the purpose is to prevent a hiatus in the government pending the time when the successor may be chosen and inducted into office.[24] Section 494 of the Local Government Code could not have been intended to allow a gap in the representation of the barangays, through the presidents of the ABC, in the sanggunian. Since the term of office of the punong barangays elected in the 28 March 1989 election and the term of office of the presidents of the ABC have not yet expired and taking into account the

special role conferred upon and the broader powers and functions invested in the barangays by the Code as a basic political unit, as a primary planning and implementing unit of government policies in the community, and as a forum wherein the collective views of the people may be expressed and considered and where disputes may be amicably settled,[25] it would be in harmony with sound logic to infer that the Code never intended to deprive the barangays of their representation in the sangguniang bayan during the interregnum when the liga has yet to be formally organized with the election of its officers.

Besides, the promulgation of the IRR by the Oversight Committee and the pertinent issuances of the DILG are in the nature of executive construction and are thus entitled to great weight and respect by the Court,[26] especially that of the former since the composition of the Oversight Committee includes six Members of the Congress of the Philippines -- three Senators, one of whom was the Chairman of the Senate Committee on Local Government, and three Congressmen, one of whom was the Chairman of the House Committee on Local Government -- who are presumed to know the intent of the law.

We therefore hold that GALAROSA, as president of the ABC of Sorsogon, can legally and validly hold over as a member of the sangguniang bayan of Sorsogon, Sorsogon, until the election of the first set of officers of the liga ng mga barangay, unless he is sooner removed for cause.

WHEREFORE, judgment is hereby rendered REVERSING and SETTING ASIDE the Decision of the respondent Judge in Civil Case No. 5575 of Branch 52 of the Regional Trial Court of Sorsogon, Sorsogon.

Costs against private respondent Rodolfo Lasay.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Romero, Nocon, Bellosillo, Melo, Quiason, Puno, and Vitug, JJ., concur.

[1] The appropriate name under Section 108 of B.P. Blg. 337, the old Local Government Code, is katipunang bayan. Circular No. 89-09 of the Department of Local Government, dated 7 April 1989, used the name Association of Barangay Councils or ABC for short. Some quarters also refer to it as Association of Barangay Captains, probably because the councils are represented by barangay captains.

[2] Annex "B" of Petition.

[3] Annex "C" of Petition.

[4] Annex "E" of Petition.

[5] Annex "F" of Petition.

[6] Annex "G" of Petition. The writ was never issued as LASAY failed to put up the required bond.

[7] Annex "I" of Petition.

[8] Annex "J" of Petition.

[9] Annex "A" of Petition.

[10] Pascual vs. Secretary of Public Works, 110 Phil. 331 [1960]; Gonzales vs. Hechanova, 9 SCRA 230 [1963]; Gonzales vs. COMELEC, 27 SCRA 835 [1969]; City Council of Cebu City vs. Cuizon, 47 SCRA 325 [1972].

[11] International Hardwood and Veneer Company of the Philippines vs. University of the Philippines, 200 SCRA

554 [1991].

[12] REGALADO, F.D., Remedial Law Compendium, vol. 1, 5th Revised ed., 56.

[13] Espiritu vs. Court of Appeals, 58 SCRA 195 [1974].

[14] Cortez vs. Avila, 101 Phil. 205 [1957]; National Development Co. vs. Court of Appeals, 211 SCRA 422 [1992].

[15] Dimayuga vs. Philippine Commercial & Industrial Bank, 200 SCRA 143 [1991]; Board of Liquidators vs. Zulueta, 115 SCRA 548 [1982]; Quisumbing vs. Court of Appeals, 122 SCRA 703 [1983].

[16] Section 492, Local Government Code of 1991.

[17] PIMENTEL, JR., A.Q., The Local Government Code of 1991, the Key to National Development, 1993 ed., 552.

[18] Ratified on 20 March 1985 during the 5th National ABC Convention.

[19] Section 4 refers to representation in the katipunang bayan, katipunan panglungsod, katipunan panlalawigan, katipunan Pampook and the Pambansang Katipunan ng mga Barangay. The succeeding sections refer to removal and suspension, and resignation.

[20] Said Section 2 reads in part: "The Senators, Members of the House of Representatives, and the local officials first elected under this Constitution shall serve until noon of June 30, 1992."

[21] Said Section 5 provides in part: "Local officials duly elected shall assume office at noon on the second day of February 1988 and shall serve until noon of June 30, 1992."

[22] MECHEM, F.R., A Treatise On The Law of Public Offices and Officers, § 397 (1890).

[23] Id.

[24] 63 AM. JUR. 2D Public Officers and Employees § 160 (1972).

[25] Section 384, Local Government Code of 1991.

[26] Grapilon vs. Municipal Council of Carigara, Leyte, 2 SCRA 103 [1961]; Tan vs. Municipality of Pagbilao, Quezon, 7 SCRA 887 [1963]; University of the Philippines vs. Court of Appeals, 37 SCRA 64 [1971]; Cagayan Valley Enterprises, Inc. vs. Court of Appeals, 179 SCRA 218 [1989].

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.