

ROBERTO A. MIGUEL, PETITIONER, VS. COURT OF APPEALS AND BONIFACIO M. RILLON, RESPONDENTS.

G.R. No. 111749. February 23, 1994

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-111749/>

QUIASON, J.:

This is a petition for review on certiorari under Rule 45 of the Revised Rules of Court, with a prayer for preliminary injunction or temporary restraining order, to set aside the decision of the Court of Appeals in CA-G.R. SP No. 31272. On the allegation that private respondent was trying to enforce the said decision notwithstanding the timely appeal of petitioner (Petition, pars. 8.1 - 8.5), we issued a temporary restraining order.

We grant the petition and reverse the decision of the Court of Appeals.

I

On November 3, 1989, petitioner was elected President of the Katipunang Panlungsod ng mga Barangay ng Quezon City (KPB-QC), an association composed of the heads of barangays and created under the old Local Government Code, B.P. Blg. 337. As president, petitioner automatically became the sectoral representative of the barangays to the Sangguniang Panlungsod of Quezon City. The election of petitioner was held pursuant to the KPB-QC Constitution and By-Laws and was for a term of two years or until November 3, 1991.

On January 1, 1992, the Local Government Code of 1991 (1991 Code) took effect. The law created the Liga ng mga Barangay (Liga), which took the place of the Pambansang Katipunan ng mga Barangay created by the old Local Government Code. Under Section 492 of the 1991 Code, the Liga shall have city chapters, the presidents of which shall be elected from the punong barangays in the cities. Thus, there is in Quezon City, a chapter of the Liga, the Liga-QC, which replaced the KPB-QC. Also, under Section 494, the president of the Liga-QC is an ex officio member of the Sanggunian.

Pursuant to the Rules and Regulations Implementing the Local Government Code of 1991 (RRI), the incumbent presidents of the associations of barangay councils elected under the old Code shall continue to act as presidents of the corresponding Liga chapters pending the election of the presidents under the 1991 Code (Rule XXIX, Article 210[f][1]).

Petitioner therefore continued to perform his duties as president of the Liga-QC and to sit as ex officio member of the Sangguniang Panlungsod of Quezon City.

On April 2, 1993, petitioner received a notice of meeting of the "general assembly" issued by the "Ad-Hoc Committee, Barangay Captains and Barangay Officials." The meeting, scheduled that same day at 3:00 P.M. at the Jade Valley Restaurant in Quezon City, was to take up the following matters:

1. Presentation of newly installed Barangay Captains as members of the Liga;
2. Financial status of the Liga;

3. Status of all ABC (Association of Barangay Councils) programs, projects and activities;

4. Other matters.

Petitioner sent a letter to the Barangay Operations Center of Quezon City, with instructions to transmit it to the Ad-Hoc Committee. In his letter, petitioner objected to the holding of the meeting stating "that the Board of Directors of the LIGA NG MGA BARANGAY, Quezon City Chapter did not create an AD-HOC Committee for the purpose of calling this meeting. NEITHER did the Board of Directors authorize you to form the said AD-HOC Committee" (Rollo, p. 7).

Brushing aside the letter, the Ad-Hoc Committee proceeded with the meeting and elected a new set of directors and officers of the Liga-QC with private respondent as the president. The election was purportedly conducted under the old constitution and by-laws of the KPB--QC.

Upon learning of the election of private respondent at the April 2, 1993 meeting, the Board of Directors of the Liga-QC adopted a resolution dated April 13, 1993 declaring the proceedings of the said meeting null and void.

On April 5, 1993, private respondent took his oath of office as president of the Liga-QC and he informed the Sangguniang Panlungsod of his election.

On April 20, 1993, petitioner filed an action against private respondent and 17 other barangay captains of Quezon City with the Regional Trial Court, Branch 106, Quezon City, for damages, with prayer for preliminary injunction or temporary restraining order (Civil Case No. Q-93-15623). The action was based on the alleged usurpation of authority or official functions and misconduct in office of the defendants. On April 21, 1993, the Regional Trial Court issued a temporary restraining order.

On May 3, 1993, private respondent tried to attend the regular session of the Sangguniang Panlungsod of Quezon City but the presiding officer, Vice-Mayor Charito Planas, ordered him to leave the session hall, ruling that his name was not among those listed in the roll of persons allowed to attend the session.

On May 6, 1993, the Regional Trial Court, Branch 106, Quezon City issued a writ of preliminary injunction ordering private respondent and his co-defendants to cease and desist from assuming the positions to which they claim to have been elected on April 2, 1993.

To stop the Regional Trial Court from hearing further Civil Case No. Q-93-15623, private respondent filed with the Supreme Court a petition for quo warranto and prohibition, with preliminary injunction, which was referred to the Court of Appeals for disposition on June 14, 1993. The petition was docketed in the Court of Appeals as CA-G.R. SP No. 31272.

On September 2, 1993, the Court of Appeals rendered a decision giving due course to the petition for quo warranto and holding:

"1. The election held last April 2, 1993 is hereby declared legal and valid. Petitioner Bonifacio M. Rillon is declared as the validly and duly elected president of the Liga ng mga Barangay-Q.C. Chapter;

2. Private respondent Roberto A. Miguel is enjoined from continuing to represent the Quezon City barangays in the City Council of Quezon City and from disturbing petitioner in his functions as president of the Liga ng mga Barangay-Q.C. Chapter;

3. The Quezon City Council is hereby ordered to accept petitioner Rillon as ex officio member of said Council, and is enjoined from recognizing private respondent Miguel to sit as ex officio member thereof;

4. The incumbent judge of the Regional Trial Court of Quezon City, Branch 106, is enjoined from continuing

to hear Civil Case No. Q--93-15623" (Rollo, p. 43).

II

Petitioner now comes to us claiming that the Court of Appeals erred when it declared as valid the election held by the general assembly on April 2, 1993 where private respondent was elected president of the Liga-QC.

It may facilitate the understanding of the issues raised by petitioner if we bear in mind that he is holding two elective positions. These positions are: first, as head of a barangay and second, as president of the association of barangays in Quezon City or the Liga-Q.C.

Under Section 43 of the 1991 Code, the term of office of barangay officials elected prior to the adoption of the said Code was extended up to the second Monday of May 1994.

While the 1991 Code abolished the Pambansang Katipunan ng mga Barangay and created the Liga, it is silent with respect to the extension of the term of office of the presidents of the chapters of the Pambansang Katipunan ng mga Barangay, who were elected under the old Local Government Code.

The lacuna, however, was filled up by the RRI which was issued by the Oversight Committee created under Section 533 of the Code.

The Oversight Committee was composed of the Executive Secretary as Chairman, three members of the Senate, three members of the House of Representatives, three Department Secretaries and one representative each from the League of Provinces, League of Cities, League of Municipalities and Liga ng mga Barangay.

Article 210(f)(1) of Rule XXIX of the RRI provides that "[p]ending election of the presidents of the municipal, city, provincial, and metropolitan chapters of the Liga, the incumbent presidents of the association of the barangay councils in the municipality, city, province and Metropolitan Manila shall continue to act as presidents of the corresponding liga chapters"; while Article 210(d)(3) of Rule XXIX provides that 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."

There is no question that petitioner, even after the effectivity of the 1991 Code, continued to be a barangay official, as well as the president of the Liga-QC and an ex officio member of the Sangguniang Panlungsod of Quezon City. The main issue is the validity of the election by the Ad-Hoc Committee on April 2, 1993 of private respondent in place of petitioner as president of the Liga-QC.

Before the election of private respondent as president of the Liga-QC can be upheld, Rule XXIX issued by the Oversight Committee and the opinions of the Department of Interior and Local Government (DILG) on the matter have to be nullified first. There is no valid basis to do so.

Under the RRI, the election of the first set of officers of the national and local chapters of the Liga cannot be held unless a constitution and by-laws for the Liga is first adopted and ratified by the barangay national assembly (Rule XXIX, Art. 210[g][3]). The said constitution and by-laws was to be drafted by the committee created under Article 210(f)(2) of the RRI.

Article 210(g)(3) of Rule XXIX provides:

"Election of the first set of officers of the national liga and local chapters shall be held in accordance with the duly adopted constitution and by-laws within six (6) months from ratification by the barangay national assembly."

Article 210(f)(2) of Rule XXIX empowered the incumbent members of the board of the Pambansang Katipunan ng mga Barangay, who continue to be presidents of their respective chapters of the Liga to which they belong, to "constitute a committee to exercise the powers and duties of the national Liga and draft or amend the constitution and by-laws of the national Liga to conform to the provisions of this Rule."

Inasmuch as no constitution and by-laws had been drafted by the committee and ratified by the barangay national assembly when the Ad-Hoc Committee met on April 2, 1992, the said meeting and the elections conducted therein were invalid.

The Department of Interior and Local Government in Opinion No. 171, series of 1992, opined that until and unless the constitution and by-laws of the national Liga had been adopted and ratified as required by the RRI, there could be no legal basis for the holding of elections for a Liga chapter, and its incumbent president should continue as ex officio members of the sanggunian.

This opinion was reiterated in Opinion No. 220, s. 1992; Opinion No. 223, s. 1992; Opinion No. 249, s. 1992; Opinion No. 329, s. 1992; and Opinion No. 35, s. 1993.

The pertinent issuances of the DILG are in the nature of executive construction and are entitled to great weight and respect by the Court (*Galarosa v. Valencia*, G.R. No. 109455, November 11, 1993).

Petitioner had even sought the opinion of the DILG with respect to the validity of the election of a new set of officers of the Liga-QC prior to the adoption of the new uniform constitution and by-laws. He was informed by the Department Legal Counsel in a letter dated January 20, 1993 that: "Premises considered, it is our view that any reorganization and election of officers of the Liga ng mga Barangay would be premature and not be in accordance with law" (Rollo, p. 64).

Private respondent argues that the RRI cannot require the prior adoption of a uniform constitution and by-laws before an election in the Liga chapters can be held because such a condition is not required by the 1991 Code. He says that a rule cannot amend or modify a law (Rollo, pp. 108--109).

There is neither any conflict between Rule XXIX and the 1991 Code nor any violation by said rule of the standards set by said law. It cannot be said that the Rule has exceeded the sphere of delegated authority or expanded the statute, the grounds available to set aside an administrative rule (Cooper, *The Lawyer and Administrative Agencies*, 1957 ed., p. 289; Schwartz, *Administrative Law*, 1976 ed., p. 157).

The authority given to the Oversight Committee was to adopt the appropriate rules and regulations necessary "for the efficient and effective administration of any and all provisions of [the] Code, thereby ensuring compliance with the principles of local authority as defined under the Constitution." One of the problems addressed by the Oversight Committee was the need for an orderly transfer of powers and functions from the old associations of barangays to the Liga chapters. It is to attain this objective that the RRI required that the election of the Liga chapters be conducted under a uniform constitution and by-laws. Considering that there are more than 1,600 chapters of the Liga, the alternative to the adoption of the uniform constitution and by-laws is chaos.

It is also private respondent's stance that Section 507 of the 1991 Code contemplates more than one constitution and by-laws, including the existing constitutions and by-laws of the associations of barangay units adopted under the old Local Government Code and "not one or a uniform constitution and by-laws as Rule XXIX, Article 210, subsection (g) of the Rules and Regulations prescribes" (Rollo, p. 108). This argument overlooks the fact that Section 507 dealt with all the different leagues of local government units covered in Title Six, Book III of the Code, while Article 210(g) of the RRI referred only to the Liga ng mga Barangay.

Section 507, Article 5 entitled "Provisions Common to all Leagues" reads as follows:

"Constitution and By-laws of the liga and the leagues. - All other matters not herein otherwise provided for effecting the internal organization of the leagues of local government units shall be governed by their respective constitution and by-laws, which are hereby made suppletory to the provision of this Chapter: Provided, that said constitution and by-laws should always conform to the provisions of the Constitution and existing laws" (Underlining supplied).

Included in the list of leagues of local government units in Title Six, Book III of the Code, are: Liga ng Mga Barangay, which is the league involved in the instant petition; League of Municipalities; League of Cities; League of Provinces; and the League of Local Elective Officials.

Furthermore, private respondent claims that assuming that Article 210(g)(3) of the RRI is valid, it cannot be given retroactive effect and that whatever uniform constitution and by-laws adopted thereunder should be given force and effect only after the barangay elections of May 1994. It is a cause of concern to private respondent that the officials entrusted to formulate and adopt the uniform constitution and by-laws are "de facto officers, if not usurpers" who were elected under the old Local Government Code (Rollo, p. 109).

The apprehension that the adoption of the uniform constitution and by-laws may be deliberately delayed was allayed when the Liga ng mga Barangay held its First National Congress and General Assembly on December 5 to 7, 1993 and ratified its Constitution and By-laws (DILG Memorandum Circular, November 8, 1993).

The questioned Rule operates prospectively to apply to elections to be held after the adoption of the uniform constitution and by-laws. Besides, the candidates for election as presidents of the Liga chapters have no vested right to demand that their election be governed by the constitution and by-laws under the old Local Government Code.

In his Motion to Cite Respondent Rillon In Contempt, petitioner claims that the locks to his office were changed by respondent, thus interfering with the discharge of his duties, and that after his office was forcibly opened by the city officials, they discovered that several pieces of equipment were missing. Petitioner should address his complaint to the appropriate city officials.

WHEREFORE, the petition is GRANTED. The decision of the Court of Appeals in CA-G.R. SP No. 31272 is REVERSED. No pronouncement as to costs.

SO ORDERED.

Cruz, Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

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.