

**CONRADO B. RODRIGO, JR., ALEJANDRO A. FACUNDO AND
REYNALDO G. MEJICA, PETITIONERS, VS. THE HONORABLE
SANDIGANBAYAN (FIRST DIVISION), OMBUDSMAN AND PEOPLE OF
THE PHILIPPINES, RES...**

G.R. No. 125498. July 02, 1999

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

In our Decision dated 18 February 1999, we upheld the jurisdiction of the Sandiganbayan over petitioners thus:

Petitioner mayor's position having been classified as Grade 27 in accordance with R.A. No. 6758, and having been charged with violation of Section 3 (e) of R.A. No. 3019, petitioner is subject to the jurisdiction of the Sandiganbayan, as defined by Section 4 a. of P.D. No. 1606, as amended by Section 2 of R.A. No. 7975. By virtue of the same Section 4 a., as amended, his co-accused are also subject to the Anti-Graft Court's jurisdiction.

We noted that while Section 4 a. of P.D. No. 1606, as amended, did not expressly include the position of Municipal Mayor as among those within the Sandiganbayan's exclusive and original jurisdiction, such position is embraced in the catch-all provision, Section 4 a. (5).

The Compensation and Position Classification Act of 1989,[1] however, does not specify the Grade accorded the position of Municipal Mayor. Instead, Section 9 of said law provides:

SEC. 9. Salary Grade Assignments for Other Positions. - For positions below the Officials mentioned under Section 8 hereof and their equivalent, whether in the National Government, local government units, government-owned or controlled corporations or financial institutions, the Department of Budget and Management is hereby directed to prepare the Index of Occupational Services to be guided by the Benchmark Position Schedule prescribed hereunder and the following factors: (1) the education and experience required to perform the duties and responsibilities of the position; (2) the nature and complexity of the work to be performed; (3) the kind of supervision received; (4) mental and/or physical strain required in the completion of the work; (5) nature and extent of internal and external relationships; (6) kind of supervision exercised; (7) decision-making responsibility; (8) responsibility for accuracy of records and reports; (9) accountability for funds, properties and equipment; and (10) hardship, hazard and personal risk involved in the job.

Benchmark Position Schedule

Position Title

Salary Grade

Laborer I

1

Messenger

2

Clerk I

3

Driver I

3

Stenographer I

4

Mechanic I

4

Carpenter II

5

Electrician II

6

Secretary I

7

Bookkeeper

8

Administrative Assistant

8

Education Research Assistant I

9

Cashier I

10

Nurse I

10

Teacher I

10

Agrarian Reform Program Technologist

10

Budget Officer I

11

Chemist I

11

Agriculturist I

11

Social Welfare Officer I

11

Engineer I

12

Veterinarian I

13

Legal Officer I

14

Administrative Officer II

15

Dentist II

16

Postmaster IV

17

Forester III

18

Associate Professor I

19

Rural Health Physician

20

In no case shall the salary of the chairman, president, general manager or administrator, and the board of directors of government-owned or controlled corporations, and financial institutions exceed Salary Grade 30: Provided, That the President may, in truly exceptional cases, approve higher compensation for the aforesaid officials.

In accordance with the above Section and that of Section 6[2] of the same law, the Department of Budget and Management (DBM) prepared the Index of Occupational Services, Position Titles and Salary Grades where the position of Municipal Mayor was assigned Salary Grade 27.

Petitioners now move for a reconsideration of our decision, contending that the authority of the DBM was limited to the "preparation" of the Index of Occupational Services, Position Titles and Salary Grades. A new law adopting said Index, petitioners argue, is required for such Index to have the force of law. It is also alleged that the authority conferred upon the DBM constitutes an undue delegation of the legislative powers resulting in the executive branch, through the DBM, determining the jurisdiction of the Sandiganbayan.

Petitioners overlook Section 444 (d) of the Local Government Code,[3] which provides:

The municipal mayor shall receive a minimum monthly compensation corresponding to Salary Grade twenty-seven (27) as prescribed under R.A. No. 6758 and the implementing guidelines issued pursuant thereto. (Underscoring supplied.)

The above provision is confirmatory of the Salary Grade assigned by the DBM to Municipal Mayors, and should thus lay the matter of the Sandiganbayan's jurisdiction over petitioner Mayor to rest.

In any event, we find unmeritorious petitioners' contention that a new law adopting the Index of Occupational Services, Position Titles and Salary Grades is necessary for it to have legal effect. To accord merit to petitioners' argument would render superfluous the above-quoted Section 9. If Congress intended the Index to be, in petitioners' words, "a mere preparatory step," it could have simply required the DBM to submit a proposed Index before enacting R.A. No. 6758, and incorporated therein such a proposal.

The implications of petitioner's theory would likewise result in absurdity for it would mean that every time the DBM assigns a position to its proper grade, Congress would have to enact a law adopting such allocation. Such a construction would be contrary to Section 17 (a) of Presidential Decree No. 985, as amended by Section 14, R.A. No. 6758, which authorizes the DBM to administer and revise the Compensation and Position Classification System as necessary.

The reason Congress delegated the administration of the System to the DBM is precisely to relieve itself of this cumbersome task, leaving to the DBM the preparation of the Index to "fill in the details." Indeed, this is the very rationale for the delegation of powers by the legislature to administrative agencies. With their specialized knowledge, administrative agencies are more up to tasks involving their expertise.

xxx. To many of the problems attendant upon present-day undertakings, the legislature may not have the competence to provide the required direct and efficacious, not to say, specific solutions. These solutions may, however, be expected from its delegates, who are supposed to be experts in the particular fields assigned to them. With this power, administrative bodies may implement the broad policies laid down in a statute by "filling in" the details which the Congress may not have the opportunity or competence to provide.[4]

Through delegation, Congress may devote more time to address other pressing matters. Moreover, Congress may be slow to act on matters requiring continuous decision. Thus, Professor Jaffe's observations, quoted by then Chief Justice Enrique M. Fernando in *Trade Unions of the Philippines and Allied Services (TUPAS-WFTU) vs. Ople*,^[5] is even more appropriate today:

xxx. Power should be delegated where there is agreement that a task must be performed and it cannot be effectively performed by the legislature without the assistance of a delegate or without an expenditure of time so great as to lead to the neglect of equally important business. Delegation is most commonly indicated where the relations to be regulated are highly technical or where their regulation requires a course of continuous decision.

With the growing complexity of modern life, the multiplication of the subjects of governmental regulation, and the increased difficulty of administering the laws, there is a constantly growing tendency toward the delegation of

greater powers by the legislature, and toward the approval of the practice by the courts.[6]

It must be clarified that what Congress delegated to the DBM is the administration of the Compensation and Position Classification System, and, with it the, assignment of Salary Grades - not the determination of the jurisdiction of the Sandiganbayan. When the DBM assigns a position a certain Salary Grade, it does so pursuant to its authority under R.A. No. 6758. That by such allocation the official comes under the exclusive and original jurisdiction of the Sandiganbayan is only incidental to the exercise of such authority.

R.A. No. 6758 is not an undue delegation of legislative powers. The rule is that what has been delegated, cannot be delegated, or as expressed in a Latin maxim: *potestats delegata non delegari potest*. [7] This doctrine is based on the ethical principle that such a delegated power constitutes not only a right but a duty to be performed by the delegate by the instrumentality of his own judgment acting immediately upon the matter of legislation and not through the intervening mind of another. [8] Congress however may delegate to another branch of the Government the power to fill in the details in the execution, enforcement or administration of a law for the reasons stated above. Nevertheless, it is essential, to forestall a violation of the principle of separation of powers, that said law: (a) be complete in itself - it must set forth therein the policy to be executed, carried out or implemented by the delegate- and (b) fix a standard - the limits of which are sufficiently determinate or determinable - to which the delegate must conform in the performance of his functions. [9]

R.A. No. 6758 is complete in itself. It sets forth the policy to be carried out or implemented by the delegate, the DBM in this case, in Section 2 thereof:

SEC. 2. Statement of Policy. - It is hereby declared the policy of the State to provide equal pay for substantially equal work and to base differences in pay upon substantive differences in duties and responsibilities, and qualification requirements of the positions. xxx.

R.A. No. 6758 fixes a standard and the limits of such standards are sufficiently determinate or determinable. Particularly with regard to the assignment of Salary Grades for positions below those in Section 8, Section 9 provides the standards which should guide the DBM in preparing the Index of Occupational Services. These are (a) the Benchmark Position Schedule prescribed in Section 9 and (b) the ten (10) factors enumerated therein.

Finally, petitioners claim that the inclusion of Municipal Mayors within the jurisdiction of the Sandiganbayan would be inconvenient since the witnesses in their case would come from Baguio City and San Nicolas, Pangasinan. This, according to petitioners, would defeat one of the purposes of R.A. No. 7975, that is, the convenience of the accused.

The legislature has nevertheless chosen the mode and standard by which to implement its intent, and courts have no choice but to apply it. Congress has willed that positions with Grade 27 and above shall come within the jurisdiction of the Sandiganbayan and this Court is duty-bound to obey the congressional will.

IN VIEW OF THE FOREGOING, the Court Resolved to DENY the Motion for Reconsideration. This denial is FINAL.

Davide, Jr., C.J., (Chairman), Melo, Pardo, and Ynares-Santiago, JJ., concur.

[1] Republic Act No. 6758.

[2] SEC. 6. Index of Occupational Services, Position Titles and Salary Grades of the Compensation and Position Classification System.- All positions in the government covered under Section 4 hereof shall be allocated to their proper position titles and salary grades in accordance with the Index of Occupational Services, Position Titles and

Salary Grades of the Compensation and Position Classification System which shall be prepared by the DBM.

[3] Republic Act No. 7160, which took effect on January 1, 1992.

[4] Eastern Shipping Lines, Inc. vs. POEA, 166 SCRA 533 (1988).

[5] 137 SCRA 108 (1985).

[6] Pangasinan Transportation Co., Inc. vs. The Public Service Commission, 70 Phil. 221 (1940).

[7] Santiago vs. Commission on Elections, 270 SCRA 106 (1997).

[8] United States vs. Barrias, 11 Phil. 327 (1908).

[9] Pelaez vs. Auditor General, 15 SCRA 569 (1965).

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