

THE NATIONAL LIGA NG MGA BARANGAY, REPRESENTED BY ALEX L. DAVID IN HIS CAPACITY AS NATIONAL PRESIDENT AND FOR HIS OWN PERSON, PRESIDENT ALEX L. DAVID, PETITIONERS, VS. HON. VICT...*G.R. No. 130775. September 27, 2004*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-130775/>**TINGA, J.:**

At bottom, the present petition inquires into the essential nature of the Liga ng mga Barangay and questions the extent of the power of Secretary of the Department of Interior and Local Government (DILG), as alter ego of the President. More immediately, the petition disputes the validity of the appointment of the DILG as the interim caretaker of the Liga ng mga Barangay.

On 11 June 1997, private respondent Manuel A. Rayos [as petitioner therein], Punong Barangay of Barangay 52, District II, Zone 5, District II, Caloocan City, filed a petition for prohibition and mandamus, with prayer for a writ of preliminary injunction and/or temporary restraining order and damages before the Regional Trial Court (RTC) of Caloocan,[1] alleging that respondent therein Alex L. David [now petitioner], Punong Barangay of Barangay 77, Zone 7, Caloocan City and then president of the Liga Chapter of Caloocan City and of the Liga ng mga Barangay National Chapter, committed certain irregularities in the notice, venue and conduct of the proposed synchronized Liga ng mga Barangay elections in 1997. According to the petition, the irregularities consisted of the following: (1) the publication of the notice in the Manila Bulletin but without notifying in writing the individual punong barangays of Caloocan City;[2] (2) the Notice of Meeting dated 08 June 1997 for the Liga Chapter of Caloocan City did not specify whether the meeting scheduled on 14 June 1997 was to be held at 8:00 a.m. or 8:00 p.m., and worse, the meeting was to be held in Lingayen, Pangasinan;[3] and (3) the deadline for the filing of the Certificates of Candidacy having been set at 5:00 p.m. of the third “day prior to the above election day”, or on 11 June 1997,[4] Rayos failed to meet said deadline since he was not able to obtain a certified true copy of the COMELEC Certificate of Canvas and Proclamation of Winning Candidate, which were needed to be a delegate, to vote and be voted for in the Liga election. On 13 June 1997, the Executive Judge issued a temporary restraining order (TRO), effective for seventy-two (72) hours, enjoining the holding of the general membership and election meeting of Liga Chapter of Caloocan City on 14 June 1975.[5]

However, the TRO was allegedly not properly served on herein petitioner David, and so the election for the officers of the Liga-Caloocan was held as scheduled.[6] Petitioner David was proclaimed President of the Liga-Caloocan, and thereafter took his oath and assumed the position of ex-officio member of the Sangguniang Panlungsod of Caloocan.

On 17 July 1997, respondent Rayos filed a second petition, this time for quo warranto, mandamus and prohibition, with prayer for a writ of preliminary injunction and/or temporary restraining order and damages, against David, Nancy Quimpo, Presiding Officer of the Sangguniang Panlungsod of Caloocan City, and Secretary Barbers.[7] Rayos alleged that he was elected President of the Liga Caloocan Chapter in the elections held on 14 June 1997 by the members of the Caloocan Chapter pursuant to their Resolution/Petition No. 001-97.[8] On 18 July 1997,

the presiding judge granted the TRO, enjoining therein respondents David, Quimpo and Secretary Barbers from proceeding with the synchronized elections for the Provincial and Metropolitan Chapters of the Liga scheduled on 19 July 1997, but only for the purpose of maintaining the status quo and effective for a period not exceeding seventy-two (72) hours.[9]

Eventually, on 18 July 1997, at petitioner David's instance, Special Civil Action (SCA) No. C-512 pending before Branch 126 was consolidated with SCA No. C-508 pending before Branch 124.[10]

Before the consolidation of the cases, on 25 July 1997, the DILG through respondent Secretary Barbers, filed in SCA No. C-512 an Urgent Motion,[11] invoking the President's power of general supervision over all local government units and seeking the following reliefs:

WHEREFORE, in the interest of the much-needed delivery of basic services to the people, the maintenance of public order and to further protect the interests of the forty-one thousand barangays all over the country, herein respondent respectfully prays:

a)

That the Department of the Interior and Local Government (DILG), pursuant to its delegated power of general supervision, be appointed as the Interim Caretaker to manage and administer the affairs of the Liga, until such time that the new set of National Liga Officers shall have been duly elected and assumed office; ...[12]

The prayer for injunctive reliefs was anchored on the following grounds: (1) the DILG Secretary exercises the power of general supervision over all government units by virtue of Administrative Order No. 267 dated 18 February 1992; (2) the Liga ng mga Barangay is a government organization; (3) undue interference by some local elective officials during the Municipal and City Chapter elections of the Liga ng mga Barangay; (4) improper issuance of confirmations of the elected Liga Chapter officers by petitioner David and the National Liga Board; (5) the need for the DILG to provide remedies measured in view of the confusion and chaos sweeping the Liga ng mga Barangay and the incapacity of the National Liga Board to address the problems properly.

On 31 July 1997, petitioner David opposed the DILG's Urgent Motion, claiming that the DILG, being a respondent in the case, is not allowed to seek any sanction against a co-respondent like David, such as by filing a cross-claim, without first seeking leave of court.[13] He also alleged that the DILG's request to be appointed interim caretaker constitutes undue interference in the internal affairs of the Liga, since the Liga is not subject to DILG control and supervision.[14]

Three (3) days after filing its Urgent Motion, on 28 July 1997, and before it was acted upon by the lower court, the DILG through then Undersecretary Manuel Sanchez, issued Memorandum Circular No. 97-176.[15] It cited the reported violations of the Liga ng mga Barangay Constitution and By-Laws by David and "widespread chaos and confusion" among local government officials as to who were the qualified ex-officio Liga members in their respective sangunians.[16] Pending the appointment of the DILG "as the Interim Caretaker of the Liga ng mga Barangay by the court and until the officers and board members of the national Liga Chapter have been elected and have assumed office," the Memorandum Circular directed all provincial governors, vice governors, city mayors, city vice mayors, members of the sangguniang panlalawigan and panlungsod, DILG regional directors and other concerned officers, as follows:

- All concerned are directed not to recognize and/or honor any Liga Presidents of the Provincial and Metropolitan Chapters as ex-officio members of the sanggunian concerned until further notice from the Courts or this Department;
- All concerned are directed to disregard any pronouncement and/or directive issued by Mr. Alex David on any

issue or matter relating to the affairs of the Liga ng mga Barangay until further notice from the Courts or this Department.[17]

On 04 August 1997, public respondent Judge Victoria Isabel A. Paredes issued the assailed order,[18] the pertinent portions of which read, thus:

The authority of the DILG to exercise general supervisory jurisdiction over local government units, including the different leagues created under the Local Government Code of 1991 (RA 7160) finds basis in Administrative Order No. 267 dated February 18, 1992. Specifically, Section 1 (a) of the said Administrative Order provides a broad premise for the supervisory power of the DILG. Administratively, the DILG's supervision has been tacitly recognized by the local barangays, municipalities, cities and provinces as shown by the evidences presented by respondent David himself (See Annexes "A" to "C"). The fact that the DILG has sought to refer the matters therein to the National Liga Board/Directorate does not ipso facto mean that it has lost jurisdiction to act directly therein. Jurisdiction is conferred by law and cannot be claimed or lost through agreements or inaction by individuals. What respondent David may term as "interference" should caretakership be allowed, this Court would rather view as a necessary and desirable corollary to the exercise of supervision.[19]

Political motivations must not preclude, hamper, or obstruct the delivery of basic services and the perquisites of public service. In this case, the fact of confusion arising from conflicting appointments, non-action, and uninformed or wavering decisions of the incumbent National Liga Board/Directorate, having been satisfactorily established, cannot simply be brushed aside as being politically motivated or arising therefrom. It is incumbent, therefore, that the DILG exercise a more active role in the supervision of the affairs and operations of the National Liga Board/ Directorate at least until such time that the regular National Liga Board/Directorate may have been elected, qualified and assumed office.[20]

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WHEREFORE, premises considered, the Urgent Motion of the DILG for appointment as interim caretaker, until such time that the regularly elected National Liga Board of Directors shall have qualified and assumed office, to manage and administer the affairs of the National Liga Board, is hereby GRANTED.[21]

On 11 August 1997, petitioner David filed an urgent motion for the reconsideration of the assailed order and to declare respondent Secretary Barbers in contempt of Court.[22] David claimed that the 04 August 1997 order divested the duly elected members of the Board of Directors of the Liga National Directorate of their positions without due process of law. He also wanted Secretary Barbers declared in contempt for having issued, through his Undersecretary, Memorandum Circular No. 97-176, even before respondent judge issued the questioned order, in mockery of the justice system. He implied that Secretary Barbers knew about respondent judge's questioned order even before it was promulgated.[23]

On 11 August 1997, the DILG issued Memorandum Circular No. 97-193,[24] providing supplemental guidelines for the 1997 synchronized elections of the provincial and metropolitan chapters and for the election of the national chapter of the Liga ng mga Barangay. The Memorandum Circular set the synchronized elections for the provincial and metropolitan chapters on 23 August 1997 and for the national chapter on 06 September 1997.

On 12 August 1997, the DILG issued a Certificate of Appointment[25] in favor of respondent Rayos as president of the Liga ng mga Barangay of Caloocan City. The appointment purportedly served as Rayos's "legal basis for ex-officio membership in the Sangguniang Panlungsod of Caloocan City" and "to qualify and participate in the forthcoming National Chapter Election of the Liga ng mga Barangay." [26]

On 23 August 1997, the DILG conducted the synchronized elections of Provincial and Metropolitan Liga Chapters. Thereafter, on 06 September 1997, the National Liga Chapter held its election of officers and board of

directors, wherein James Marty L. Lim was elected as President of the National Liga.[27]

On 01 October 1997, public respondent judge denied David's motion for reconsideration,[28] ruling that there was no factual or legal basis to reconsider the appointment of the DILG as interim caretaker of the National Liga Board and to cite Secretary Barbers in contempt of court.[29]

On 10 October 1997, petitioners filed the instant Petition for Certiorari[30] under Rule 65 of the Rules of Court, seeking to annul public respondent judge's orders of 04 August 1997 and 01 October 1997. They dispute the latter's opinion on the power of supervision of the President under the Constitution, through the DILG over local governments, which is the same as that of the DILG's as shown by its application of the power on the Liga ng mga Barangay. Specifically, they claim that the public respondent judge's designation of the DILG as interim caretaker and the acts which the DILG sought to implement pursuant to its designation as such are beyond the scope of the Chief Executive's power of supervision.

To support the petition, petitioners argue that under Administrative Order No. 267, Series of 1992, the power of general supervision of the President over local government units does not apply to the Liga and its various chapters precisely because the Liga is not a local government unit, contrary to the stance of the respondents.[31]

Section 507 of the Local Government Code (Republic Act No. 7160)[32] provides that the Liga shall be governed by its own Constitution and By-laws. Petitioners posit that the duly elected officers and directors of the National Liga elected in 1994 had a vested right to their positions and could only be removed therefrom for cause by affirmative vote of two-thirds (2/3) of the entire membership pursuant to the Liga Constitution and By-Laws, and not by mere issuances of the DILG, even if bolstered by the dubious authorization of respondent judge.[33] Thus, petitioners claim that the questioned order divested the then incumbent officers and directors of the Liga of their right to their respective offices without due process of law.

Assuming the Liga could be subsumed under the term "local governments," over which the President, through the DILG Secretary, has the power of supervision,[34] petitioners point out that still there is no legal or constitutional basis for the appointment of the DILG as interim caretaker.[35] They stress that the actions contemplated by the DILG as interim caretaker go beyond supervision, as what it had sought and obtained was authority to alter, modify, nullify or set aside the actions of the Liga Board of Directors and even to substitute its judgment over that of the latter — which are all clearly one of control.[36] Petitioners question the appointment of Rayos as Liga-Caloocan President since at that time petitioner David was occupying that position which was still the subject of the quo warranto proceedings Rayos himself had instituted.[37] Petitioners likewise claim that DILG Memorandum Circular No. 97-193, providing supplemental guidelines for the synchronized elections of the Liga, replaced the implementing rules adopted by the Liga pursuant to its Constitution and By-laws.[38] In fact, even before its appointment as interim caretaker, DILG specifically enjoined all heads of government units from recognizing petitioner David and/or honoring any of his pronouncements relating to the Liga.[39]

Petitioners rely on decision in *Taule v. Santos*,[40] which, they claim, already passed upon the "extent of authority of the then Secretary of Local Government over the katipunan ng mga barangay or the barangay councils," as it specifically ruled that the "Secretary [of Local Government] has no authority to pass upon the validity or regularity of the election of officers of the katipunan." [41]

For his part, respondent Rayos avers that since the Secretary of the DILG supervises the acts of local officials by ensuring that they act within the scope of their prescribed powers and functions and since members of the various leagues, such as the Liga in this case, are themselves officials of local government units, it follows that the Liga members are subject to the power of supervision of the DILG.[42] He adds that as the DILG's management and administration of the Liga affairs was limited only to the conduct of the elections, its actions were consistent with

its rule-making power and power of supervision under existing laws.[43] He asserts that in assailing the appointment of the DILG as interim caretaker, petitioners failed to cite any provision of positive law in support of their stance. Thus, he adds, “if a law is silent, obscure or insufficient, a judge may apply a rule he sees fit to resolve the issue, as long as the rule chosen is in harmony with general interest, order, morals and public policy,”[44] in consonance with Article 9 of the Civil Code.[45]

On the other hand, it is quite significant that the Solicitor General has shared petitioners’ position. He states that the DILG’s act of managing and administering the affairs of the National Liga Board are not merely acts of supervision but plain manifestations of control and direct takeover of the functions of the National Liga Board,[46] going beyond the limits of the power of general supervision of the President over local governments.[47] Moreover, while the Liga may be deemed a government organization, it is not strictly a local government unit over which the DILG has supervisory power.[48]

Meanwhile, on 24 September 1998, James Marty L. Lim, the newly elected President of the National Liga, filed a Motion for Leave to File Comment in Intervention,[49] with his Comment in Intervention attached,[50] invoking the validity of the DILG’s actions relative to the conduct of the Liga elections.[51] In addition, he sought the dismissal of the instant petition on the following grounds: (1) the issue of validity or invalidity of the questioned order has been rendered moot and academic by the election of Liga officers; (2) the turn-over of the administration and management of Liga affairs to the Liga officers; and (3) the recognition and acceptance by the members of the Liga nationwide.[52]

In the interim, another petition, this time for Prohibition with Prayer for a Temporary Restraining Order, [53] was filed by several presidents of Liga Chapters, praying that this Court declare the DILG Secretary and Undersecretary are not vested with any constitutional or legal power to exercise control or even supervision over the National Liga ng mga Barangay, nor to take over the functions of its officers or suspend its constitution; and declare void any and all acts committed by respondents therein in connection with their caretakership of the Liga.[54] The petition was consolidated with G.R. No. 130775, but it was eventually dismissed because the petitioners failed to submit an affidavit of service and proof of service of the petition.[55]

Meanwhile, on 01 December 1998, petitioner David died and was substituted by his legal representatives.[56]

Petitioners have raised a number of issues.[57] Integrated and simplified, these issues boil down to the question of whether or not respondent Judge acted with grave abuse of discretion in appointing the DILG as interim caretaker to administer and manage the affairs of the National Liga Board, per its order dated 04 August 1997.[58] In turn, the resolution of the question of grave abuse of discretion entails a couple of definitive issues, namely: (1) whether the Liga ng mga Barangay is a government organization that is subject to the DILG Secretary’s power of supervision over local governments as the alter ego of the President, and (2) whether the respondent Judge’s designation of the DILG as interim caretaker of the Liga has invested the DILG with control over the Liga and whether DILG Memorandum Circular No. 97-176, issued before it was designated as such interim caretaker, and DILG Memorandum Circular No. 97-193 and other acts which the DILG made in its capacity as interim caretaker of the Liga, involve supervision or control of the Liga.

However, the Court should first address the question of mootness which intervenor Lim raised because, according to him, during the pendency of the present petition a general election was held; the new set of officers and directors had assumed their positions; and that supervening events the DILG had turned-over the management and administration of the Liga to new Liga officers and directors.[59] Respondent Rayos has joined him in this regard.[60] Forthwith, the Court declares that these supervening events have not rendered the instant petition moot, nor removed it from the jurisdiction of this Court.

This case transcends the elections ordered and conducted by the DILG as interim caretaker of the Liga and the Liga officers and directors who were elected to replace petitioner David and the former officers. At the core of the petition is the validity of the DILG's "caretakership" of the Liga and the official acts of the DILG as such caretaker which exceeded the bounds of supervision and were exercise of control. At stake in this case is the realization of the constitutionally ensconced principle of local government autonomy;^[61] the statutory objective to enhance the capabilities of barangays and municipalities "by providing them opportunities to participate actively in the implementation of national programs and projects;"^[62] and the promotion of the avowed aim to ensure the independence and non-partisanship of the Liga ng mga Barangay. The mantle of local autonomy would be eviscerated and remain an empty buzzword if unconstitutional, illegal and unwarranted intrusions in the affairs of the local governments are tolerated and left unchecked.

Indeed, it is the declared policy of the State that its territorial and political subdivisions should enjoy genuine meaningful local autonomy to enable them to attain their fullest development as self-reliant communities and make them more effective partners in the attainment of national goals.^[63] In the case of *De Leon v. Esguerra*,^[64] the Court ruled that even barangays are meant to possess genuine and meaningful local autonomy so that they may develop fully as self-reliant communities.^[65]

Furthermore, well-entrenched is the rule that courts will decide a question otherwise moot and academic if it is "capable of repetition, yet evading review."^[66] For the question of whether the DILG may validly be appointed as interim caretaker, or assume a similar position and perform acts pursuant thereto, is likely to resurrect again, and yet the question may not be decided before the actual assumption, or the termination of said assumption even.

So too, dismissing the petition on the ground of mootness could lead to the wrong impression that the challenged order and issuances are valid. Verily, that does not appear to be the correct conclusion to make since by applying opposite precedents to the issues the outcome points to invalidating the assailed order and memorandum circulars.

The resolution of the issues of whether the Liga ng mga Barangay is subject to DILG supervision, and whether the questioned "caretakership" order of the respondent judge and the challenged issuances and acts of the DILG constitute control in derogation of the Constitution, necessitates a brief overview of the barangay, as the lowest LGU, and the Liga, as a vehicle of governance and coordination.

As the basic political unit, the barangay serves as the primary planning and implementing unit of government policies, plans, programs, projects and activities in the community, and as a forum wherein the collective views of the people may be expressed, crystallized and considered, and where disputes may be amicably settled.^[67]

On the other hand, the Liga ng mga Barangay^[68] is the organization of all barangays, the primary purpose of which is the determination of the representation of the Liga in the sanggunians, and the ventilation, articulation, and crystallization of issues affecting barangay government administration and securing solutions thereto, through proper and legal means.^[69] The Liga ng mga Barangay shall have chapters at the municipal, city and provincial and metropolitan political subdivision levels.^[70] The municipal and city chapters of the Liga are composed of the barangay representatives from the municipality or city concerned. The presidents of the municipal and city chapters of the Liga form the provincial or metropolitan political subdivision chapters of the Liga. The presidents of the chapters of the Liga in highly urbanized cities, provinces and the Metro Manila area and other metropolitan political subdivisions constitute the National Liga ng mga Barangay.^[71]

As conceptualized in the Local Government Code, the barangay is positioned to influence and direct the development of the entire country. This was heralded by the adoption of the bottom-to-top approach process of development which requires the development plans of the barangay to be considered in the development plans of the municipality, city or province,^[72] whose plans in turn are to be taken into account by the central

government[73] in its plans for the development of the entire country.[74] The Liga is the vehicle assigned to make this new development approach materialize and produce results.

The presidents of the Liga at the municipal, city and provincial levels, automatically become ex-officio members of the Sangguniang Bayan, Sangguniang Panlungsod 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.[75]

The Liga ng mga Barangay has one principal aim, namely: to promote the development of barangays and secure the general welfare of their inhabitants.[76] In line with this, the Liga is granted the following functions and duties:

a)

Give priority to programs designed for the total development of the barangays and in consonance with the policies, programs and projects of the national government;

b)

Assist in the education of barangay residents for people's participation in local government administration in order to promote untied and concerted action to achieve country-wide development goals;

c)

Supplement the efforts of government in creating gainful employment within the barangay;

d)

Adopt measures to promote the welfare of barangay officials;

e)

Serve as forum of the barangays in order to forge linkages with government and non-governmental organizations and thereby promote the social, economic and political well-being of the barangays; and

f)

Exercise such other powers and perform such other duties and functions which will bring about stronger ties between barangays and promote the welfare of the barangay inhabitants.[77]

The Ligas are primarily governed by the provisions of the Local Government Code. However, they are empowered to make their own constitution and by-laws to govern their operations. Sec. 507 of the Code provides:

Sec. 507. Constitution and By-Laws of the Liga and the Leagues. - All other matters not herein otherwise provided for affecting 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 shall always conform to the provision of the Constitution and

existing laws.

Pursuant to the Local Government Code, the Liga ng mga Barangay adopted its own Constitution and By-Laws. It provides that the corporate powers of the Liga, expressed or implied, shall be vested in the board of directors of each level of the Liga which shall:

- a) Have jurisdiction over all officers, directors and committees of the said Liga; including the power of appointment, assignment and delegation;
- b) Have general management of the business, property, and funds of said Liga;
- c) Prepare and approve a budget showing anticipated receipts and expenditures for the year, including the plans or schemes for funding purposes; and
- d) Have the power to suspend or remove from office any officer or member of the said board on grounds cited and in the manner provided in hereinafter provisions.[78]

The National Liga Board of Directors promulgated the rules for the conduct of its Liga's general elections.[79] And, as early as 28 April 1997, the Liga National Chapter had already scheduled its general elections on 14 June 1997.[80]

The controlling provision on the issues at hand is Section 4, Article X of the Constitution, which reads in part:

Sec. The President of the Philippines shall exercise general supervision over local governments.

The 1935, 1973 and 1987 Constitutions uniformly differentiate the President's power of supervision over local governments and his power of control of the executive departments bureaus and offices.[81] Similar to the counterpart provisions in the earlier Constitutions, the provision in the 1987 Constitution provision has been interpreted to exclude the power of control.[82]

In the early case of *Mondano v. Silvosa, et al.*,[83] this Court defined supervision as "overseeing, or the power or authority of an officer to see that subordinate officers perform their duties, and to take such action as prescribed by law to compel his subordinates to perform their duties. Control, on the other hand, means the power of an officer to alter or modify or nullify or set aside what a subordinate officer had done in the performance of his duties and to substitute the judgment of the former for that of the latter.[84] In *Taule v. Santos*,[85] the Court held that the Constitution permits the President to wield no more authority than that of checking whether a local government or its officers perform their duties as provided by statutory enactments.[86] Supervisory power, when contrasted with control, is the power of mere oversight over an inferior body; it does not include any restraining authority over such body.[87]

The case of *Drilon v. Lim*[88] clearly defined the extent of supervisory power, thus:

...The supervisor or superintendent merely sees to it that the rules are followed, but he himself does not lay down such rules, nor does he have the discretion to modify or replace them. If the rules are not observed, he may order the work done or re-done but only to conform to the prescribed rules. He may not prescribe his own manner for the doing of the act. He has no judgment on this matter except to see that the rules are followed...[89]

In Section 4, Article X of the Constitution applicable to the Liga ng mga Barangay? Otherwise put, is the Liga legally susceptible to DILG suspension?

This question was resolved in *Bito-Onon v. Fernandez*,[90] where the Court ruled that the President's power of the general supervision, as exercised therein by the DILG Secretary as his alter ego, extends to the Liga ng mga

Barangay.

Does the President's power of general supervision extend to the liga ng mga barangay, which is not a local government unit?

We rule in the affirmative. In Opinion No. 41, Series of 1995, the Department of Justice ruled that the liga ng mga barangay is a government organization, being an association, federation, league or union created by law or by authority of law, whose members are either appointed or elected government officials. The Local Government Code defines the liga ng mga barangay as an organization of all barangays 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.[91]

The rationale for making the Liga subject to DILG supervision is quite evident, whether from the perspectives of logic or of practicality. The Liga is an aggroupment of barangays which are in turn represented therein by their respective punong barangays. The representatives of the Liga sit in an ex officio capacity at the municipal, city and provincial sanggunians. As such, they enjoy all the powers and discharge all the functions of regular municipal councilors, city councilors or provincial board members, as the case may be. Thus, the Liga is the vehicle through which the barangay participates in the enactment of ordinances and formulation of policies at all the legislative local levels higher than the sangguniang barangay, at the same time serving as the mechanism for the bottom-to-top approach of development.

In the case at bar, even before the respondent Judge designated the DILG as interim caretaker of the Liga, on 28 July 1997, it issued Memorandum Circular No. 97-176, directing local government officials not to recognize David as the National Liga President and his pronouncements relating to the affairs of the Liga. Not only was the action premature, it even smacked of superciliousness and injudiciousness. The DILG is the topmost government agency which maintains coordination with, and exercises supervision over local government units and its multi-level leagues. As such, it should be forthright, circumspect and supportive in its dealings with the Ligas especially the Liga ng mga Barangay. The indispensable role played by the latter in the development of the barangays and the promotion of the welfare of the inhabitants thereof deserve no less than the full support and respect of the other agencies of government. As the Court held in the case of *San Juan v. Civil Service Commission*,[92] our national officials should not only comply with the constitutional provisions on local autonomy but should also appreciate the spirit of liberty upon which these provisions are based.[93]

When the respondent judge eventually appointed the DILG as interim caretaker to manage and administer the affairs of the Liga, she effectively removed the management from the National Liga Board and vested control of the Liga on the DILG. Even a cursory glance at the DILG's prayer for appointment as interim caretaker of the Liga "to manage and administer the affairs of the Liga, until such time that the new set of National Liga officers shall have been duly elected and assumed office" reveals that what the DILG wanted was to take control over the Liga. Even if said "caretakership" was contemplated to last for a limited time, or only until a new set of officers assume office, the fact remains that it was a conferment of control in derogation of the Constitution.

With his Department already appointed as interim caretaker of the Liga, Secretary Barbers nullified the results of the Liga elections and promulgated DILG Memorandum Circular No. 97-193 dated 11 August 1997, where he laid down the supplemental guidelines for the 1997 synchronized elections of the provincial and metropolitan chapters and for the election of the national chapter of the Liga ng mga Barangay; scheduled dates for the new provincial, metropolitan and national chapter elections; and appointed respondent Rayos as president of Liga-Calooan Chapter.

These acts of the DILG went beyond the sphere of general supervision and constituted direct interference with the

political affairs, not only of the Liga, but more importantly, of the barangay as an institution. The election of Liga officers is part of the Liga's internal organization, for which the latter has already provided guidelines. In succession, the DILG assumed stewardship and jurisdiction over the Liga affairs, issued supplemental guidelines for the election, and nullified the effects of the Liga-conducted elections. Clearly, what the DILG wielded was the power of control which even the President does not have.

Furthermore, the DILG assumed control when it appointed respondent Rayos as president of the Liga-Caloocan Chapter prior to the newly scheduled general Liga elections, although petitioner David's term had not yet expired. The DILG substituted its choice, who was Rayos, over the choice of majority of the punong barangay of Caloocan, who was the incumbent President, petitioner David. The latter was elected and had in fact been sitting as an ex-officio member of the sangguniang panlungsod in accordance with the Liga Constitution and By-Laws. Yet, the DILG extended the appointment to respondent Rayos although it was aware that the position was the subject of a quo warranto proceeding instituted by Rayos himself, thereby preempting the outcome of that case. It was bad enough that the DILG assumed the power of control, it was worse when it made use of the power with evident bias and partiality.

As the entity exercising supervision over the Liga ng mga Barangay, the DILG's authority over the Liga is limited to seeing to it that the rules are followed, but it cannot lay down such rules itself, nor does it have the discretion to modify or replace them. In this particular case, the most that the DILG could do was review the acts of the incumbent officers of the Liga in the conduct of the elections to determine if they committed any violation of the Liga's Constitution and By-laws and its implementing rules. If the National Liga Board and its officers had violated Liga rules, the DILG should have ordered the Liga to conduct another election in accordance with the Liga's own rules, but not in obeisance to DILG-dictated guidelines. Neither had the DILG the authority to remove the incumbent officers of the Liga and replace them, even temporarily, with unelected Liga officers.

Like the local government units, the Liga ng mga Barangay is not subject to control by the Chief Executive or his alter ego.

In the Bito-Onon[94] case, this Court held that DILG Memorandum Circular No. 97-193, insofar as it authorized the filing of a petition for review of the decision of the Board of Election Supervisors (BES) with the regular courts in a post-proclamation electoral protest, involved the exercise of control as it in effect amended the guidelines already promulgated by the Liga. The decision reads in part:

xxx. Officers in control, lay down the rules in the doing of an act. If they are not followed, it is discretionary on his part to order the act undone or redone by his subordinate or he may even decide to do it himself. Supervision does not cover such authority. Supervising officers merely see to it that the rules are followed, but he himself does not lay down such rules, nor does he have the discretion to modify or replace them. If the rules are not observed, he may order the work done or re-done to conform for to the prescribed rules. He cannot prescribe his own manner the doing of the act.

x x x

xxx. The amendment of the GUIDELINES is more than an exercise of the power of supervision but is an exercise of the power of control, which the President does not have over the LIGA. Although the DILG is given the power to prescribe rules, regulations and other issuances, the Administrative Code limits its authority to merely "monitoring compliance by local government units of such issuances. To monitor means to "watch, observe or check" and is compatible with the power of supervision of the DILG Secretary over local governments, which is limited to checking whether the local government unit concerned or the officers thereof perform their duties as per statutory enactments. Besides, any doubt as to the power of the DILG Secretary to interfere with local affairs should be resolved in favor of the greater autonomy of the local government.[95]

In Taule,[96] the Court ruled that the Secretary of Local Government had no authority to pass upon the validity or regularity of the election of officers of katipunan ng mga barangay or barangay councils. In that case, a protest was lodged before the Secretary of Local Government regarding several irregularities in, and seeking the nullification of, the election of officers of the Federation of Associations of Barangay Councils (FABC) of Catanduanes. Then Local Government Secretary Luis Santos issued a resolution nullifying the election of officers and ordered a new one to be conducted. The Court ruled:

Construing the constitutional limitation on the power of general supervision of the President over local governments, We hold that respondent Secretary has no authority to pass upon the validity or regularity of the officers of the katipunan. To allow respondent Secretary to do so will give him more power than the law or the Constitution grants. It will in effect give him control over local government officials for it will permit him to interfere in a purely democratic and non-partisan activity aimed at strengthening the barangay as the basic component of local governments so that the ultimate goal of fullest autonomy may be achieved. In fact, his order that the new elections to be conducted be presided by the Regional Director is a clear and direct interference by the Department with the political affairs of the barangays which is not permitted by the limitation of presidential power to general supervision over local governments.[97]

All given, the Court is convinced that the assailed order was issued with grave abuse of discretion while the acts of the respondent Secretary, including DILG Memorandum Circulars No. 97-176 and No. 97-193, are unconstitutional and ultra vires, as they all entailed the conferment or exercise of control — a power which is denied by the Constitution even to the President.

WHEREFORE, the Petition is GRANTED. The Order of the Regional Trial Court dated 04 August 1997 is SET ASIDE for having been issued with grave abuse of discretion amounting to lack or excess of jurisdiction. DILG Memorandum Circulars No. 97-176 and No. 97-193, are declared VOID for being unconstitutional and ultra vires.

No pronouncements as to costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.
Chico-Nazario, J., on leave.

[1] Rollo, p. 43. The petition was docketed as Special Civil Action No. C-508, raffled to Branch 124 of the RTC of Caloocan.

[2] Id. at 44.

[3] Id. at 45.

[4] Ibid.

[5] Id. at 50. Both the presiding judge of Branch 124, and pairing judge were on official leave, thus the Petition was referred to the Executive Judge, Bayani S. Rivera.

[6] Id. at 58.

[7] Id. at 52-61, the petition was docketed as Special Civil Action No. C-512 and raffled to Branch 126 of the RTC-Caloocan presided by Judge Luisito C. Sardillo.

[8] Id. at 71-74.

[9] Id. at 106.

[10] Id. at 10.

[11] Id. at 116-119.

[12] Id. at 118.

[13] Id. at 123-124.

[14] Id. at 125.

[15] Id. at 140-140-A.

[16] Id. at 140-A.

[17] Ibid.

[18] Id. at 35-38.

[19] Id. at 37.

[20] Id. at 37-38.

[21] Id. at 38.

[22] Id. at 13; RTC Records, pp. 285-297.

[23] Id. at 294.

[24] Rollo, pp. 134-139.

[25] Id. at 133.

[26] Ibid. at 133.

[27] Id. at 346-347.

[28] Id. at 39-42.

[29] Id. at 40-A.

[30] Id. at 2-33.

[31] Id. at 17-18.

[32] Sec. 507. Constitution and By-Laws of the Liga and the Leagues. - All other matters not herein otherwise provided for affecting the internal organization of the leagues of local government units shall be governed by their respective constitution and by-laws which are hereby made supplementary to the provision of this Chapter: Provided, that said Constitution and By-laws shall always conform to the provisions of the Constitution and existing laws.

[33] Rollo, p. 19.

[34] Constitution, Art. X, Sec. 4. "The President of the Philippines shall exercise general supervision over local governments."

[35] Rollo, p. 20.

[36] Id. at 24.

[37] Ibid. at 24.

[38] Id. at 25.

[39] Ibid.

[40] G.R. No. 90336, 12 August 1991, 200 SCRA 512.

[41] Rollo, pp. 2-3, citing *Taule v. Santos*, at pp. 515, 522.

[42] Id. at 484-485.

[43] Id. at 487.

[44] Id. at 488.

[45] Art. 9. No judge or court shall decline to render judgment by reason of the silence, obscurity or insufficiency of the laws.

[46] Rollo, p. 253.

[47] Id. at 254.

[48] Id. at 254.

[49] Id. at 336-340.

[50] Id. at 341-399.

[51] Id. at 359.

[52] Id. at 360.

[53] Entitled “*Leandro Yangot, Bonifacio Lacwasan and Bony Tacio v. DILG Secretary Robert Barbers and DILG Undersecretary Manuel Sanchez*” docketed as G.R. No. 131939.

[54] G.R. No. 131939, Rollo, p. 9.

[55] Id. at 315, G.R. No. 130775.

[56] Id. at 410.

[57] Rollo, pp. 13-14; pp. 513-514.

[58] See Rollo, p. 433.

[59] Rollo, p. 360.

[60] Id. at 496-497.

[61] CONST., Art. II, Sec. 25.

[62] Local Government Code, Sec.3 (9). Also Secs. 3(h)(k) & (l):

(h) There shall be a continuing mechanism to enhance local autonomy not only by legislative enabling acts but also by administrative and organizational reforms;

(k) The realization of local autonomy shall be facilitated through improved coordination of national government policies and programs and extension of adequate technical and material assistance to less developed and deserving

local government units;

(l) The participation of the private sector in local governance, particularly in the delivery of basic services, shall be encouraged to ensure the viability of local autonomy as an alternative strategy for sustainable development;

[63] Section 2, Local Government Code.

[64] No. L-78059, 31 August 1987, 153 SCRA 602.

[65] Supra note 59 at 606.

[66] Alunan III v. Mirasol, G.R. No. 108399, 31 July 1997, 276 SCRA 501, 509-510, cited in SANLAKAS v. Executive Secretary, et al. G.R. Nos. 159085, 159103, 159185, 159196, 3 February 2004; Viola v. Alunan III, G.R. No. 115844, 15 August 1997, 277 SCRA 409,416.

[67] Section 384, Local Government Code.

[68] 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 katipunan bayan in municipalities, katipunang panglungsod in cities, katipunang panlalawigan in provinces, and katipunang 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. 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, p. 739, 227 SCRA, as indicated Galarosa v. Valencia, G.R. No. 109455, November 11, 1993, 227 SCRA 728, 729.

[69] Section 491, Local Government Code.

[70] Section 492, Local Government Code.

[71] Ibid.

[72] See Sec. 106, Local Government Code.

[73] See Sec. 114, Local Government Code.

[74] Pimentel, Jr., A.Q., The Barangay and the Local Government Code, p. vi.

[75] Section 494 of the Local Government Code.

[76] Galarosa v. Valencia, supra note 68; citing Pimentel, Jr., A.Q., The Local Government Code of 1991, The Key to National Development, p. 552 (1993).

[77] Section 495 of the Local Government Code.

[78] Rollo, p. 387.

[79] Implementing Rules and Guidelines for the 1997 General Elections of the Liga ng mga Barangay Officers and Directors, Rollo, pp. 101-194.

[80] Rollo, p. 101.

[81] See 1935 Const., Art. IV, Sec. 10; 1973 Const., Art. VIII, Sec. 10; 1987 Const., Art. VII, Sec. 17 and Art. X, Sec. 4.

[82] Pimentel, Jr. v. Aguirre, G.R. No. 132988, 19 July 2000, 336 SCRA 201.

- [83] No. L-7708, 97 Phil. 143, (1995).
- [84] Id. at 148.
- [85] G.R. No. 90336, 12 August 1991, 200 SCRA 512.
- [86] Id. at 522.
- [87] Id. at 522, citing *Hebron v. Reyes*, 104 Phil. 175 (1958).
- [88] G.R. No. 112497, 4 August 1994, 235 SCRA 135, 137.
- [89] Id. at 142.
- [90] G.R. No. 139813, 31 January 2001; 350 SCRA 732.
- [91] Id. at 738.
- [92] G.R. No. 92299, 19 April 1991, 196 SCRA 69, 80.
- [93] Ibid.
- [94] Supra note 86.
- [95] Id. at 740.
- [96] Supra note 81.
- [97] *Taule v. Santos*, p. 522.

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