

**JOSE AYSON AND PEDRO IGNACIO, PLAINTIFFS AND APPELLANTS,
VS. THE PROVINCIAL BOARD OF RIZAL AND THE MUNICIPAL
COUNCIL OF NAVOTAS, DEFENDANTS AND APPELLEES.**

G.R. No. 14019. July 26, 1919

Ponente: MALCOLM, J.

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MALCOLM, J.:

The sole assignment of error on which appellants rest their case is that section 2270 of the Administrative Code of 1916, now section 2324 of the Administrative Code of 1917, is invalid.

On September 17, 1916, the municipal council of Navotas, Rizal, adopted, its ordinance No. 13, section 2 of which provided that "all owners and proprietors of the industry known as fishing, with nets denominated 'cuakit' and 'pantukos' before engaging in fishing in the bay of this jurisdiction within three leagues from the shore-line of this municipality, are obliged to provide themselves with a license issued by this municipal government, after payment of a fee of P50 annually, payable every three months." At that time, section 2270 of the Administrative Code of 1916 was in force. Said section, authority for the enactment of such an ordinance as that passed by the municipal council, reads as follows:

"Where a municipal council has not granted the exclusive privilege of fishery in municipal waters, it may impose a license tax upon the privilege of taking fish in such waters with nets, traps, or other fishing tackle; but no such license shall confer an exclusive right of fishery."

The argument of appellants intended to demonstrate their thesis that this section is invalid is truly remarkable. In substance, they say that since the use of the public waters has been covered by provisions of the Civil Code, and the Spanish Law of Waters of August 3, 1866, the Legislature is without power to change these provisions. No organic law prohibits the Philippine Legislature from amending or repealing any portion of Philippine law, especially that relied upon by appellants, appearing in articles 344 and 425 of the Civil Code, and in the Law of Waters. The public waters are for the use of the citizens under such restrictions as the state, pursuant to its police power, shall see fit to impose.

Appellant further contends that section 2270 of the Administrative Code of 1916, now section 2324 of the existing Administrative Code, is unconstitutional because the Administrative Code embraces more than one subject. It would, certainly, require much more convincing argument than that now presented, for us to nullify either the Administrative Code of 1916, or its successor of the following year, because of its noncompliance with the organic law. As a matter of fact, the argument is absolutely untenable.

When the Administrative Code of 1916 went into effect, the Philippine Bill was controlling. Paragraph 17, section 5, of this Act of Congress, provided "that no private or local bill which may be enacted into law shall embrace more than one subject, and that subject shall be expressed in the title of the bill." But the Administrative Code of 1916 is neither a private nor a local bill. The Administrative Code of 1917 has for its title, "An Act amending the Administrative Code/" When this code went into effect, paragraph 17, section 3 of the Act of Congress of August

29, 1916, was controlling. This paragraph provides "that no bill which may be enacted into law shall embrace more than one subject and that subject shall be expressed in the title of the bill." That restrictive provision of the Jones Law might be broad enough to include the Administrative Code of 1917. Nevertheless, in this instance, it could have no disastrous effect, since it is a general rule that proper codifications and revisions of the statutes do not offend against the constitutional provision. The Administrative Code last in point of time was merely a revision of the previous Administrative Code enacted for the purpose of adapting it to the Jones Law and the Reorganization Act. Finally, the very denomination "Code" is sufficient to put one on his guard, while in an Administrative Code one should naturally expect to find provision made for municipal government.

We hold section 2270 of the Administrative Code of 1916, now section 2324 of the Administrative Code of 1917, to be valid.

The judgment of the Court of First Instance of Rizal of September 11, 1917, denying the petition for a preliminary injunction and absolving the defendants from the complaint without special findings as-to costs, is affirmed, with costs of this instance against the appellants. So ordered.

Arellano, C.J., Torres, Johnson, Araullo, Street, Avanceña, and Moir, JJ., concur.

Judgment affirmed.

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