

PATRICIO M. MIGUEL, PETITIONER AND APPELLEE, VS. JOSE C. ZULUETA AND RICARDO TANCINCO, RESPONDENTS AND APPELLANTS.

G.R. No. 19869. April 30, 1966

Ponente: BARRERA, J.

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BARRERA, J.:

Directed by the Court of First Instance of Iloilo in its decision of March 29, 1962, in the mandamus proceeding instituted by Patricio Miguel, a taxpayer and resident of the City of Iloilo, to cause the erasure or removal from the frontage of the provincial building of the name "President Garcia Hall" and to place thereon the name "Provincial Capitol of Iloilo", as contemplated by Resolution No. 91, series of 1961, of the provincial board, therein respondents provincial governor and district engineer filed the present appeal, claiming that the lower court erred in not dismissing the case for lack of cause of action and in not declaring that the name "President Garcia Hall", is for the session hall of the provincial building of Iloilo and does not refer to the building itself.

The facts of this case are not disputed. On March 9, 1961, the provincial board of Iloilo passed Resolution No. 91 (Exh. 1), authorizing the provincial governor, respondent-appellant Jose C. Zulueta, to name the seat of the provincial government of Iloilo and its session hall. Pursuant therewith, the provincial governor issued Executive Order No. 3-z, series of 1961, reading as follows:

"By virtue of the powers vested in me by law, I, Jose C. Zulueta, Governor of the Province of Iloilo, Republic of the Philippines, in conformity with the authority granted me by the Honorable Provincial Board under Resolution No. 91, series of 1961, dated March 9, 1961, do hereby name the renovated Session Hall as "President Garcia Hall". The name is to be placed at the back portion of the aforesaid Session Hall facing Iznart Street, Iloilo City.

"The District Engineer is hereby requested to implement this order.

"* * * * *." (Exh. 2)

On the same date, he also allegedly issued Executive Order No. 4-z, series of 1961, which reads:

"By virtue of the powers vested in me by law, I, JOSE C. ZULUETA, Governor of the Province of Iloilo, Republic of the Philippines, in conformity with the authority granted to me by the Honorable Provincial Board under Resolution No. 91, series of 1961, dated March 9, 1961. do hereby name the Provincial Building of Iloilo as Provincial Capitol of Iloilo". The name should be placed in the front post of the said building at the entrance facing Iznart St., Iloilo City.

"The District Engineer is hereby requested to implement this order.

"* * * * *." (Exh. 3)

Thereafter, the sign "President Garcia Hall" appeared at the facade of the provincial building allegedly pursuant to

Executive Order No. 3-z; whereas the directive, as contained in Executive Order No. 4-z was not carried out.

On April 5, 1961, Patricio Miguel instituted mandamus proceedings in the lower court, alleging that the naming of the provincial building after a living person is not only prohibited by law, but is also prejudicial to his rights, dignity, and self-respect as a taxpayer and a law-abiding citizen. Notwithstanding the respondents' protestations that petitioner has no clear legal right to the remedy being sought, the lower court granted the petition as heretofore stated, for the reason that the placing of the name "President Garcia Hall" at the facade of the provincial building constitutes a violation of Republic Act 1059. The court, in part, said:

"* * *. It is a fact known to everybody in Iloilo and confirmed in the testimony of the petitioner, Patricio Miguel, that 'Iloilo Provincial Building' appeared on the facade of the building at the very place where 'President Garcia Hall' now appears inscribed as shown in Exhibit B. There is no mistaking the fact that the name obliterated was substituted with the name President Garcia Hall. As may be seen in Exhibit B it cannot be mistaken that 'President Garcia Hall' appears in a prominent space in the facade of the building which at first glance reveals and portrays the name of the said building. Especially so because it occupies the very place where the previous name Iloilo Provincial Building was inscribed. By virtue of Exhibit 2, the respondent Governor Jose C. Zulueta named the renovated session hall as President Garcia Hall. According to Executive Order, Exhibit 2, the name should be placed at the back portion of the session hall facing Iznart Street, Iloilo City. The other respondent, the District Engineer, implementing this executive order obliterated the original name placed on the facade which is Iloilo Provincial Building and placed in its stead President Garcia Hall. There is no mistaking the fact that the name of the Provincial Building was substituted with President Garcia Hall as seen in Exhibit B."

There seems to be no question that the naming of the session hall of the provincial building as "President Garcia Hall" does not violate Republic Act 1059 which prohibits the naming of "sitios, barrios, municipalities, cities, provinces, streets, highways, avenues, bridges, and other public thoroughfares, parks, plazas, public schools, public buildings, piers, government air-crafts and vessels, and other public institutions after living persons." As a matter of fact, it is evident that the case was decided by the lower court not on the basis of the legality or illegality of Executive Order No. 3-z, s-1961 nor of Resolution No. 91 but on the implementation of the same. In other words, it is the placing of the name "President Garcia Hall" at the facade of the building and on the same spot where the name "Iloilo Provincial Building" originally appeared that the lower court declared to be violative of the law.

It is true, as counsel for respondents argue, that there is no rule or regulation requiring the name of the session hall to be placed inside the hall itself. But there could also be no reason why the name of such hall would be placed, not in the said hall itself, but at the exterior and facade of the edifice, if it were not intended to give the impression that the name refers to the building and not to just one of its rooms. It is true, there are no fixed standards for the naming of public buildings. Although ordinarily it may be accomplished by the observance of certain formalities, such as the enactment of resolutions, or the performance of certain rites, the putting of a name on the building itself is an indication of the intention of the proper authorities to have such building designated or called by that name. As correctly held by the lower court, therefore, the putting of the sign "President Garcia Hall" on the frontage or facade of the seat of the provincial government is contrary to Republic Act 1059.

As respondents, specifically, the Provincial Governor, are in duty bound not only to observe, but even to enforce the law, they may properly be compelled by mandamus to remove or rectify an unlawful act if to do so is within their official competence, at the instance of a taxpayer. As established by the preponderance of authority, where the question is one of public right and the object of the mandamus is to procure the enforcement of a public duty which, in this case, is the observance of the law, the relator need not show that he has any legal or special interest in the result of the proceeding. It is sufficient that he is interested as a citizen in having the laws executed and the

duty in question enforced, [1] even though he may have no exclusive right or interest to be protected. [2]

Wherefore, the decision appealed from is hereby affirmed, with costs against the appellants. So ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.

[1] Benitez vs. Paredes, 52 Phil. 1, 13-14.

[2] 35 Am. Jur. Sec. 320; pp. 73-74.

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