

ZACARIAS DE SADUESTE, PLAINTIFF AND APPELLANT, VS. THE MUNICIPALITY OF SURIGAO, DEFENDANT AND APPELLEE.

G.R. No. 47380. June 27, 1941

Ponente: MORAN, J.

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MORAN, J.:

The material facts of the present case are contained in the stipulation of the parties.

Pursuant to the provisions of section 1916 of the Revised Administrative Code, as amended by Acts Nos. 3257 and 3978, plaintiff, Zacarias D. Sadueste, as district engineer for the Province of Surigao, was, on March 10, 1936, designated by the Director of Public Works as sanitary and waterworks engineer for the same province, the designation to Take-effect on January 1, 1936, with an additional compensation of not more than P60 a month payable from the income of the waterworks system under his supervision. On April 20, 1936, the provincial board of Surigao, by resolution, approved the designation. From January 1, 1936 to March 30, 1939, plaintiff rendered services to the defendant municipality in his capacity as sanitary and waterworks engineer. The municipal council of the defendant municipality having failed to provide the necessary appropriation for his services in the aggregate sum of P2,338.06, plaintiff instituted an action for its recovery with claim for damages in the amount of P300. The complaint was dismissed, the trial court holding that the provision of law (sec. 1916 of the Rev. Adm. Code, as amended by Acts Nos. 3257 and 3978) authorizing such additional compensation has been repealed by section 17 of Act No. 4187, otherwise known as the General Appropriation Act for 1936. From this judgment of dismissal plaintiff took the present appeal.

The last paragraph of section 1916 of the Administrative Code, as amended, provides:

"Upon designation of the Director of Public Works, a district engineer may be allowed additional compensation with the approval of the provincial board not to exceed sixty pesos per month to be paid from the income of the waterworks systems supervised by him for services rendered in his capacity as sanitary and waterworks engineer."

Section 17 of Act No. 4187 reads:

"Abolition of additional compensation.—Any existing act, rule or order to the contrary notwithstanding, no full time officer or employee of the government shall hereafter receive directly or indirectly any kind of additional or extra compensation or salary including per diems and bonuses from any fund of the government, its dependencies, and semi-government entities or boards created by law, except (a) officers serving as chairmen or members of boards of entities and enterprises organized, operated, owned or controlled by the Government, who may be paid per diems for each meeting actually attended or when on official travel; (b) auditors and accountants; (c) provincial and municipal treasurers and their employees; (d) employees serving as observers of the Weather Bureau; and (e) those authorized to receive extra or additional compensation by virtue of the provisions of this Act. This section is hereby made permanent legislation."

The last provision was repeated verbatim in Act No. 4231, which was the Appropriation Act for the year 1936.

It is contended, however, that section 17 of Act No. 4187 is unconstitutional, it being offensive to Article 3 of the Jones Law, which 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." (This is substantially re-enacted in the Philippine Constitution as Art. VI, sec. 12, par. 1, and later as Art. VI, sec. 21, of the amended Constitution.) It is not necessary to pass upon the constitutional question raised for the reason that under Article XI, section 3, of the Philippine Constitution, "no officer or employee of the Government shall receive additional or double compensation unless specifically authorized by law." (*Italics ours.*) There being no law by which the appellant is specifically authorized to receive additional compensation for his services as Sanitary and Waterworks Engineer, his claim therefor must fail.

The authority granted in the last paragraph of section 1916 of the Revised Administrative Code is a general authority given to all district engineers. The authority required by the Constitution to receive double or additional compensation is a specific authority given to a particular employee or officer of the Government because of peculiar or exceptional reasons warranting the payment of extra or additional compensation. The purpose of the Constitution is to prohibit generally payment of additional or double compensation except in individual instances where the payment of such additional compensation appears to be not only just but necessary.

Judgment is affirmed, with costs against appellant.

Avanceña, C. J., Diaz, Laurel, and Horrilleno, JJ., concur.

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