

NAPOLEON E. SANCIANGCO, PETITIONER, VS. THE HONORABLE JOSE A. ROÑO, MINISTER, MINISTRY OF LOCAL GOVERNMENT; THE SANGGUNIANG PANLUNGSOD OF OZAMIZ CITY; THE HONORABLE BENJAMIN A. ...

G.R. No. 68709. July 19, 1985

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

The sole issue for determination in this Petition for Certiorari, Prohibition and Mandamus with Preliminary Injunction and/or Restraining Order is whether or not an appointive member of the Sangguniang Panlungsod, who ran for the position of Mambabatas Pambansa in the elections of May 14, 1984, should be considered as resigned or on forced leave of absence upon the filing of his Certificate of Candidacy.

The resolution of the controversy hinges on the construction to be given to Section 13 of Batas Pambansa Blg. 697, which provides as follows:

Sec. 13. Effects of filing of certificate of candidacy.

(1) Any person holding a public appointive office or position, including active officers and members of the Armed Forces of the Philippines and the Integrated National Police, as well as officials and employees of government-owned and government-controlled corporations and their subsidiaries, shall ipso facto cease in office or position as of the time he filed his certificate of candidacy: Provided, however, That the Prime Minister, the Deputy Prime Minister, the Members of the Cabinet, and the Deputy Ministers shall continue in the offices they presently hold notwithstanding the filing of their certificates of candidacy.

(2) Governors, mayors, members of the various sanggunians or barangay officials shall, upon filing certificate of candidacy be considered on forced leave of absence from office. (Bold ours)

Petitioner was elected Barangay Captain of Barangay Sta. Cruz, Ozamiz City, in the May 17, 1982 Barangay elections. Later, he was elected President of the Association of Barangay Councils (ABC) of Ozamiz City by the Board of Directors of the said Association. As the President of the Association, petitioner was appointed by the President of the Philippines as a member of the City's Sangguniang Panlungsod.

On March 27, 1984, petitioner filed his Certificate of Candidacy for the May 14, 1984 Batasan Pambansa elections for Misamis Occidental under the banner of the Mindanao Alliance. He was not successful in the said election.

Invoking Section 13(2), Article 5 of Batas Pambansa Blg. 697 (supra), petitioner informed respondent Vice-Mayor Benjamin A. Fuentes, Presiding Officer of the Sangguniang Panlungsod, that he was resuming his duties as member of that body. The matter was elevated to respondent Minister of Local Government Jose A. Roño, who ruled that since petitioner is an appointive official, he is deemed to have resigned from his appointive position upon the filing of his Certificate of Candidacy.

Petitioner impugns said ruling on the ground that since Section 13(2) of Batas Pambansa Blg. 697 makes no distinction between elective and appointive officials, the legislative intent is clear that even appointive Barangay officials are deemed also covered by the said provision.

There is no question that petitioner holds a public appointive position. He was appointed by the President as a member of the City's Sangguniang Panlungsod by virtue of his having been elected President of the Association of Barangay Councils. This was pursuant to Section 3, paragraph 1 of Batas Pambansa Blg. 51 (An Act Providing for the elective or Appointive Positions in Various Local Governments and for Other Purposes), which provides that:

"Sec. 3. Cities. — There shall be in each city such elective local officials as provided in their respective charters, including the city mayor, the city vice-mayor, and the elective members of the sangguniang panglungsod, all of whom shall be elected by the qualified voters in the city. In addition thereto, there shall be appointive sangguniang panglungsod members consisting of the president of the city association of barangay councils, the president of the city federation of the kabataang barangay, and one representative each from the agricultural and industrial labor sectors who shall be appointed by the President (Prime Minister) whenever, as determined by the sangguniang panglungsod, said sectors are of sufficient number in the city to warrant representation. (Underscoring ours)

The appointive character of petitioner's position was reiterated in Section 173 of the Local Government Code (B.P. Blg. 337), reading as follows:

"Sec. 173. Composition and Compensation. — (1) the sangguniang panlungsod, as the legislative body of the city, shall be composed of the vice-mayor, as presiding officer, the elected sangguniang panlungsod members, and the members who may be appointed by the President of the Philippines consisting of the presidents of the Katipunan panlungsod ng mga barangay and the Kabataang barangay city federation." (Emphasis supplied)

Since petitioner is unquestionably an appointive member of the Sangguniang Panlungsod of Ozamiz City, he is deemed to have ipso facto ceased to be such member when he filed his certificate of candidacy for the May 14, 1984 Batasan elections.

Petitioner avers, however, that the fact that he is merely an appointive member of the Sangguniang Panlungsod of Ozamiz City "is really of no moment since subsection 2, Section 13, B.P. 697, makes no distinction between elective and appointive officials, and at any rate, legislative intent makes clear that appointive officials are deemed covered by the provision."

Although it may be that Section 13(2), B.P. Blg. 697, admits of more than one construction, taking into consideration the nature of the positions of the officials enumerated therein, namely, governors, mayors, members of the various sanggunians or barangay officials, the legislative intent to distinguish between elective positions in section 13(2), as contrasted to appointive positions in section 13(1) under the all-encompassing clause reading "any person holding public appointive office or position," is clear. It is a rule of statutory construction that "when the language of a particular section of a statute admits of more than one construction, that construction which gives effect to the evident purpose and object sought to be attained by the enactment of the statute as a whole, must be followed."^[1] A statute's clauses and phrases should not be taken as detached and isolated expressions, but the whole and every part thereof must be considered in fixing the meaning of any of its parts.^[2]

The legislative intent to cover public appointive officials in subsection (1), and officials mentioned in subsection (2) which should be construed to refer to local elective officials, can be gleaned from the proceedings of the Batasan Pambansa recorded as follows:

"Mr. Valdez. x x x May I go to paragraph 2 of Sec. 16, Mr. Speaker w/c says:

'Any local elective officials, including an elected barangay official shall ipso facto cease in his office or position as at the time he filed his certificate of candidacy, unless otherwise provided by law.' (later amended and is now Subsection 2 of sec. 13)

Now, do the words 'local elective official' refer to the office or to an incumbent who has been elected, not appointed?

Mr. Albano. Paragraph 2 covers elective official; paragraph 1 covers appointive officials. So, if he is an appointive local official, he would fall under paragraph (1) because it says: 'Any person holding appointive office or position'. It does not distinguish if it is appointive or elective position.

Mr. Valdez. In other words, Mr. Speaker, do I get the distinguished sponsor correctly that an appointed mayor but holding an elective position is not within the comprehension of this section or this paragraph?

Mr. Albano.

No, Mr. Speaker, that would refer to paragraph 2. What maybe the Gentleman's contemplation is: Suppose a person is appointed to the position of a mayor, will he be covered under paragraph 1 and should he cease to hold office upon filing his Certificate of Candidacy?

Mr. Valdez. Yes.

Mr. Albano. I would say, yes, he would fall under paragraph 1. But if he is an elective local official he would fall under paragraph 2.

Mr. Valdez. In other words, this is a description of the mode and manner by which the occupant is brought to the office.

Mr. Albano. Yes.

Mr. Valdez. not the description of the office itself.

Mr. Albano.

No, Mr. Speaker.

Mr. Valdez.

I see

Now, we come to the other portion which refers to elected barangay official. Why is it that the provision isolates the nature of the official of the barangay who had been elected, not appointed, is he supposed to be within the purview of paragraph 2?

Mr. Albano. No. Mr. Speaker, I will call the Gentle-man's attention to paragraph 1: 'Any person holding a public appointive office or position x x x' I presume and I assume that the office in the barangay council is still contemplated in the words 'appointive office.'

Mr. Valdez. Under paragraph 1?

Mr. Albano. Yes, Mr. Speaker."^[3] (Emphasis supplied)

Nor do we perceive any violation of the equal protection clause, as petitioner contends, since Section 13 of B.P. Blg. 697 applies alike to all persons subject to such legislation under like circumstances and conditions. Neither can petitioner justifiably contend that he was removed from office without due process of law since it was of his own choice that he ran for a seat in the Batasan Pambansa. The consequence that followed his unsuccessful attempt at the elections arose from law.

It goes without saying that although petitioner, by filing his certificate of candidacy for the Batasan Pambansa ceased, ipso facto, to be an appointive member of the Sangguniang Panlungsod, he remains an elective Barangay Captain from which position he may be considered as having been on "forced leave of absence." He also continues as President of the Association of Barangay Councils but will need a re-appointment by the President, as member of the Sangguniang Panlungsod of Ozamiz City as the law speaks of "members who may be appointed by the President."

WHEREFORE, finding no grave abuse of discretion on the part of respondent officials, the Writs prayed for are denied, and this Petition is hereby ordered dismissed. No costs.

SO ORDERED.

Fernando, C.J., Makasiar, Abad Santos, Plana, Escolin, Relova, Gutierrez, Jr., De La Fuente, Cuevas, and Alampay, JJ., concur.

Teehankee, J., see separate dissenting opinion.

Aquino and Concepcion, Jr., JJ., no part.

[1] U.S. vs. Navarro, et al., 19 Phil. 134 (1911).

[2] Commissioner of Customs vs. Esso Standard Eastern, Inc., 66 SCRA 113 (1975).

[3] p. 399, Record of the Batasan, Vol. 4, 1983--1984, February 9, 1984 proceeding.

DISSENTING OPINION

TEEHANKEE, J.:

There is no question petitioner is an elected barangay official. He was elected barangay captain of his barangay. He was furthermore elected President of the Association of Barangay Councils (ABC) of Ozamis City, and as such, he was entitled to be appointed, ex-officio, as he was in fact appointed by the President as member of the sangguniang panglungsod. The appointment became functus officio upon its exercise and petitioner's assumption of the office.

Under Section 13(2) of B.P. Blg. 697 governing the 1984 election for the Batasan Pambansa, petitioner as member of the said sanggunian should be considered as having gone "on forced leave of absence from office" upon his filing of his certificate of candidacy and running (unsuccessfully) for a seat to the Batasan Pambansa, like similarly situated governors and mayors. The letter and spirit of the Act support petitioner's position. As the decision itself points out, he rightfully remains as barangay captain and president of the ABC. As president of the ABC, petitioner should be held as merely having been on forced leave of absence from the ex officio position of sangguniang member to which he held an appointment. He has correctly submitted that the law makes no distinction between elective or appointive sanggunian members. The basic position of barangay captain and ABC president held by him are essentially elective. He cannot fall under Section 13(1) of the Act which refers to purely appointive officials, including active officers and members of the Armed Forces of the Philippines and officials and employees of government-owned and-controlled corporations, under the statutory construction rule of *noscitur a sociis*.

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