

MUNICIPALITY OF MALOLOS, PETITIONER, VS. LIBANGANG MALOLOS, INC. REPRESENTED BY CEFERINO TIONGSON, PHILIPPINE GAMEFOWL COMMISSION, RESPONDENTS.

G.R. No. 78592. August 11, 1988

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

Acting on the Manifestation and Motion for Clarification filed by the Solicitor general for public respondent, the Philippine Gamefowl Commission, the Court clarifies, that as stated in the Hee Acusar case (146 SCRA 294), the power of review and supervision given said Commission should not be equated with control. For clarity, therefore, the dispositive portion of the Decision is amended to read as follows:

"AMENDED DECISION

"In this Petition for Review on Certiorari, petitioner, the Municipality of Malolos, seeks to reverse the Decision of respondent Court of Appeals[*] in CA-G.R. SP No. 09686 entitled 'Philippine Gamefowl Commission, et al., vs. Hon. Felipe M. Villajuan, Jr., et al.,' holding that the Trial Court has no jurisdiction over the present controversy and that the authority of municipal authorities to issue licenses for cockpits is not absolute but subject to control by the Philippine Gamefowl Commission (hereinafter, the PGC, for brevity).

"Private respondent, Libangang Malolos, Inc. (Libangang, for short) has been operating the Malolos Cockpit Arena at Sitio Canlapan, Barangay Sto. Rosario, Malolos, Bulacan, since 1914.

"Before the expiration of its license, Libangang sought its renewal for 1985 but the Acting Mayor of Malolos denied renewal predicated on Sangguniang Bayan Resolutions Nos. 6 & 9 disallowing its operation since it was within a prohibited area.

"Because of the non-renewal, and pursuant to Section 4 of P.D. No. 1802-A,[1] Libangang, on January 22, 1985, filed with the Philippine Gamefowl Commission (PGC) a complaint, docketed as Case No. 59, entitled 'Malolos Libangang Cockpit vs. Municipal Mayor of Malolos' seeking a review of the action taken by the Mayor and the Council. Libangang also sought authority to resume operations pending hearing on the merits of the case.

"In a Resolution, dated January 31, 1985, PGC allowed Libangang to resume operation.

"By reason thereof, on February 2, 1985, petitioner Municipality filed a Petition for Certiorari and Prohibition with the Regional Trial Court, Branch XV, Malolos, Bulacan (Civil Case No. 7973-M) (simply, the Injunction Case) entitled 'Municipality of Malolos, etc., vs. Libangang Malolos, Inc., et al., to restrain and enjoin the operation of the Malolos Cockpit Arena and to declare that PGC has no jurisdiction to order resumption of its operation.

"On February 22, 1985, PGC filed a Motion to Dismiss the Injunction Case on the ground that, under Sec. 9(3) of Batas Pambansa Blg. 129, exclusive appellate Jurisdiction to review orders of quasi-judicial agencies,

instrumentalities, boards or commissions is vested in the Court of Appeals.

"After hearing, the RTC, through Judge Manuel E. Yuzon, issued an Order, dated August 20, 1985, dismissing the Injunction Case for lack of merit and for want of Jurisdiction.

"Petitioner Municipality filed a Motion for Reconsideration. This time, RTC Judge Felipe Villajuan, Jr., granted reconsideration in an Order dated January 28, 1986, amended motu proprio on February 5, 1986, by setting aside the previous Order of his predecessor, Judge Yuzon; issuing a Writ of Preliminary Injunction; and directing Libangang to desist from operating its cockpit pending trial of the case.

"Undaunted, on September 23, 1986, PGC and Libangang filed with the Court of Appeals a Petition to annul the Orders issued by RTC Judge Villajuan, Jr.

"On January 12, 1987, the Court of Appeals rendered the questioned Decision reversing the Orders of RTC Judge Villajuan, Jr., dissolving the Writ of Preliminary Injunction, and ruling that:

'Whether or not both PGC and the court a quo had concurrent jurisdictions, we hold the view that PGC's earlier assumption of jurisdiction precludes the authority of respondent Court to entertain the case filed by the Acting Mayor. We hold further that the Acting Mayor should have immediately resisted the complaint filed by Libangang against him before the PGC and there awaited final determination of their controversy. For we agree with the contention of petitioners that the court below has no jurisdiction over the PGC and the subject matter of this case.'

"A motion to reconsider was denied by the Court of Appeals, which opined:

'x x x while the case of Hee Accusar (146 SCRA 294) may affirmatively resolve the second issue raised in the case at bar in favor of respondents, the first and basic issue of jurisdiction due to the pendency of Case No. 59 before the PGC remains as a formidable deterrent for Us to reconsider Our decision herein'.

"The issues addressed for resolution are: (1) whether or not the RTC has jurisdiction to review the Orders of the Philippine Gamefowl Commission, and (2) whether or not the Municipal Mayor's authority to issue a license to operate a cockpit is subject to review and supervision by said Commission.

"1) No reversible error was committed by respondent Appellate Court in ruling that the RTC has no jurisdiction over the case, the same being lodged with the Court of Appeals pursuant mainly to BP Blg. 129.

'Sec. 9. Jurisdiction. - The Intermediate Appellate Court shall exercise:

x x x

'(3) Exclusive appellate jurisdiction over all final judgments, decisions, resolutions, orders or awards of Regional Trial Courts and quasi-judicial agencies, instrumentalities, boards or commissions, except those falling within the appellate jurisdiction of the Supreme Court in accordance with the Constitution, the provisions of this Act, and of subparagraph (1) of the third paragraph and Subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948.' (B.P. Blg. 129)

"This is reiterated in the Interim Rules of Court promulgated on January 11, 1983:

'16. Cases reviewable by the Intermediate Appellate Court. - The Intermediate Appellate Court may review final decisions, orders, awards or resolutions of regional trial courts and of all quasi-judicial bodies except the Commission on Elections, the Commission on Audit, the Sandiganbayan, and decisions issued under the Labor Code of the Philippines and by the Central Board of Assessment Appeals.'

"Similarly, Rule VIII of the Rules of Procedure of the Philippine Gamefowl Commission provides:

'Section 1. Appeals from the Commission. Parties aggrieved by ruling, award, order, decision or judgment of the Philippine Gamefowl Commission, may appeal therefrom to the Intermediate Appellate Court, within the period and in the manner hereto provided, whether the appeal involves questions of fact and law, or questions of law, or all three kinds of questions. From final judgment or decision of the Intermediate Appellate Court the aggrieved party may appeal by certiorari to the Supreme Court as provided in Rule 45 of the Rules of Court.'

"The fact that the Order of Judge Villajuan, Jr. is not final is not decisive of the issue. The PGC being statutorily at par with the RTC, applying by analogy the rule that a Court has no power to interfere by injunction with the judgments or decrees of a Court of concurrent or coordinate jurisdiction (*Hacbang vs. Leyte Autobus Co., Inc.*, No. L-17907, May 20, 1963, 8 SCRA 103) so also must it be held that the RTC has no jurisdiction over the PGC and the subject matter of this controversy.

"2) In respect of the second issue, however, we are constrained to reverse the Appellate Court, which held that the power of city and municipal mayors to grant a license to operate a cockpit is subject to review and supervision by the PGC. That question has been jurisprudentially settled in *Philippine Gamefowl Commission and Hee Acusar vs. IAC, et al.*, Nos. L-72969-70, December 17, 1986, 146 SCRA 294, and reiterated in *Deang vs. IAC*, G.R. No. 71313, promulgated on September 24, 1987. After comparing the powers vested, respectively, in the Philippine Gamefowl Commission and the city and municipal officials under applicable laws, namely, P.D. No. 1802, [2] P.D. No. 1802-A [3] and the Local Government Code, [4] this Court speaking through Mr. Justice Isagani A. Cruz, held in the *Hee Acusar* case:

'A study of the above-cited powers shows that it is the municipal mayor with the authorization of the Sangguniang Bayan that has the primary power to issue licenses for the operation of ordinary cockpits. Even the regulation of cockpits is vested in the municipal officials, subject only to the guidelines laid down by the Philippine Gamefowl Commission. Its power to license is limited only to international derbies and does not extend to ordinary cockpits. Over the latter kind of cockpits, it has the power not of control but only of review and supervision.' (on pp. 299-300).

"It is thus clear that the PGC cannot substitute its own discretion for the discretion exercised by the municipal authorities in determining the applicant to which a permit or license to operate a cockpit should be issued (*ibid.*).

"Reliance by the Appellate Court and the Solicitor General on Section 4, P.D. No. 1802-A providing that:

'Section 4. City and Municipal Mayors with the concurrence of their respective 'Sanggunians' shall have the authority to license and regulate regular cockfighting pursuant to the rules and regulations promulgated by the Commission and subject to its review and supervision.'

is misplaced, 'review and supervision' having their own peculiar meanings and not being synonymous with control, as elucidated on in the Hee Acusar case, supra, as follows:

'As thus defined, the power of supervision does not allow the supervisor to annul the acts of the subordinate, for that comes under the power of control. What it can do only is to see to it that the subordinate performs his duties in accordance with law. The power of review is exercised to determine whether it is necessary to correct the acts of the subordinate. If such correction is necessary, it must be done by the authority exercising control over the subordinate or through the instrumentality of the courts of justice, unless the subordinate motu proprio corrects himself after his error is called to his attention by the official exercising the power of supervision and review over him.' (at p. 300)

"Neither can the PGC derive its authority to issue the order authorizing the resumption of the operation of the Libang Cockpit from Sec. 2, Rule IX of the Rules of Procedure of the PGC, reading:

'Section 2. Temporary operation or closure The Commission may grant a temporary operation or closure of a cockpit, at any stage of the proceedings, except on appeal, when a party clearly shows any substantial evidence that there is a clear violation of the cockfighting laws and the rules and regulations promulgated by the Commission, and/or to maintain the status quo between or among the parties'

"The foregoing clearly relates to temporary operation or closure upon violation of cockfighting laws and of the rules and regulations of the Commission, but not in respect of a license or permit to operate, the grant of which, as heretofore stated, appertains to the local authorities.

"WHEREFORE, the judgment under review is hereby REVERSED in so far as it holds that the power of City and Municipal Mayors to grant a license to operate a cockpit is subject to control by the Philippine Gamefowl Commission, but AFFIRMED as regards the ruling that the Regional Trial Court has, no Jurisdiction over the Philippine Gamefowl Commission and the subject matter of this case.

SO ORDERED."

Paras, Padilla, and Sarmiento, JJ., concur.

[*] Penned by Justice Segundino C. Chua and concurred in by Justices Carolina C. Griño-Aquino and Nathanael P. de Pano, Jr.

[1] 'Sec. 4. City and Municipal Mayors with the concurrence of their respective 'Sanggunians' shall have the authority to license and regulate regular cockfighting pursuant to the rules and regulations promulgated by the Commission and subject to its review and supervision.'

[2] Sec. 2. Powers and Functions of the Commission.- The Commission shall have this following powers, functions and duties:

a) Promulgate and enforce rules and regulations relative to the holding of cockfight derbies and cockfights in the Philippines including the frequency, sites, conduct and operation of such derbies and cockfights;

'b) Issue licenses for the holding of international derbies;

x x x x x

'd) Fix and periodically revise whenever necessary subject to the approval of the Ministry of Finance, the rates of license fees and other levies that may be imposed on local derbies and cockfights and international cockfight derbies, cockpit personnel and employees;

'e) To promulgate rules and regulations relative to the holding, methods, procedures, operations and conduct of cockfighting in general as well as accreditation of cockpit personnel and association of cockpit owners, operators and lessees, to elevate the standard of cockfighting;

x x x x x '

[3] SECTION 1. Section 4 of Presidential Decree No. 1802 is hereby amended to read as follows:

'Sec. 4. City and Municipal Mayors with the concurrence of their respective "Sanggunians" shall have the authority to license and regulate regular cockfighting pursuant to the rules and regulations promulgated by the Commission and subject to its review and supervision.'

[4] 'Sec. 141. Powers and Duties. - (1) The mayor shall be the chief executive of the municipal government and shall exercise such powers, duties and functions as provided in this Code and other laws.

(2) He shall: x x x x x

(k) Grant licenses and permits in accordance with existing laws or municipal ordinances and revoke them for violation of the conditions upon which they have been granted;

x x x x x

'Sec. 149. Powers and Duties. - (1) The sangguniang bayan shall:

x x x x x

(oo) Regulate cockpits, cockfighting and the keeping or training of gamecocks, subject to existing guidelines promulgated by the Philippine Gamefowl Commission.

x x x x x '

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