

****Title:**** Municipal Council of Lemery, Batangas vs. Provincial Board of Batangas, Vicente Noble, and Modesto Castillo

****Facts:****

In February 1931, the Municipal Council of Lemery, Batangas, passed Resolution No. 18, which sought to abolish the position of porter (janitor) for the Justice of the Peace and consolidate it with the position of the messenger for the offices of the municipal president and municipal secretary. This consolidation would result in the current messenger, Leon Marquez, receiving a slight increase in salary to perform additional duties. The council argued that this would save the municipality money.

The Provincial Board of Batangas received and reviewed a copy of this resolution, as required under Section 2232 of the Administrative Code. The Provincial Board subsequently disapproved Resolution No. 18 through its own Resolution No. 289. They argued, among other things, that the janitor (porter) position provided essential and trustworthy service, supporting the operations of the Justice of the Peace's office. The Board indicated that combining the duties with the role of the messenger might impede the efficient functioning of the justice's office.

The Municipal Council of Lemery appealed the Provincial Board's disapproval to the Chief of the Executive Bureau under Section 2235 of the Administrative Code, but the appeal was denied. A request for reconsideration also yielded negative results.

Subsequently, the Provincial Governor Vicente Noble issued a communication ordering the Municipal Council of Lemery to comply with the resolution within twenty days, failing which administrative action would ensue. In response, the Municipal Council of Lemery filed a petition and obtained a preliminary injunction to prevent the execution of the Provincial Board's disapproval and the ensuing administrative action.

****Issues:****

1. Whether the Provincial Board of Batangas exercised judicial or quasi-judicial functions in disapproving the Municipal Council's resolution.
2. Whether the Provincial Board exceeded its jurisdiction and powers by disapproving the Municipal Council's resolution.
3. Whether the Municipal Council of Lemery had any other plain, speedy, and adequate administrative remedy available.

****Court's Decision:****

1. **Exercise of Judicial or Quasi-Judicial Functions:**

The Supreme Court held that in disapproving municipal resolutions or ordinances, provincial boards perform a quasi-judicial function. The court emphasized the nature of the act, which involves making determinations of legality—a fundamentally judicial function.

2. **Excess of Jurisdiction and Powers:**

The Court found that the Municipal Council of Lemery acted within its legislative powers when it decided to abolish the porter position and consolidate it with the messenger position. The Court stated that Section 212 of the Administrative Code mandates municipalities to provide janitor service but does not stipulate exclusive or full-time service provision. The municipal council has the power to legislate what it deems necessary for janitor services and if, upon execution, the Justice of the Peace found the service inadequate, he could request further adjustments.

By disapproving Resolution No. 18 not because it was illegal but because it did not conform to the Board's interpretation of adequate service, the Provincial Board of Batangas exceeded its quasi-judicial powers. Consequently, Resolution No. 289 was declared null and void.

3. **Availability of Administrative Remedy:**

The court concluded that there was no other plain, speedy, and adequate remedy available to the Municipal Council along administrative channels. The right to appeal decisions of the Chief of the Executive Bureau to the Secretary of the Interior was not provided for by law.

Doctrine:

- The review of municipal resolutions or ordinances by provincial boards is a quasi-judicial function.
- Decisions by provincial boards must specifically determine whether the municipal council's actions exceed the legal powers conferred upon it.
- The sufficiency and service scope of municipal staff provisions fall within municipal council's legislative discretion, subject to posterior review based on adequacy by the proper officials.

Class Notes:

- **Certiorari versus Prohibition:** Understand the distinctions based on procedural goals—Certiorari for reviewing actions already taken and Prohibition for preventing ongoing/future excesses of jurisdiction.

- **Quasi-judicial Functions**: Identification of actions taken by non-judicial bodies that require determining legality.
- **Municipal Powers vs Provincial Oversight**: Examine where municipal autonomy is upheld versus higher administrative review—focus on sections 212, 217, and 226 of the Administrative Code.
- **Sections of Significance**:
 - **SEC. 217, Code of Civil Procedure**: Defines certiorari proceedings.
 - **SEC. 226, Code of Civil Procedure**: Outlines when prohibition proceedings are appropriate.
 - **SEC. 2233, Administrative Code**: Details the provincial board’s role in passing on the legality of municipal acts.
 - **SEC. 2235, Administrative Code**: Provides for appeals from municipal to provincial boards and the Chief of the Executive Bureau.
 - **SEC. 212, Administrative Code**: Relates to the service provisions, including janitorial, councils must provide for judicial offices.

Historical Context:

This case occurs during the American colonial period where changes, transitional governance practices, and supervision structures were present. The case illustrates the mechanisms of administrative control within the Philippine local government hierarchy at the time, reflecting a detailed interplay of municipal autonomy and provincial (colonial) oversight with an emphasis on judicial functions in administrative law.