

See Res. no. 96 - C.S. (May 26/54)
to

EXCERPT FROM THE MINUTES OF THE SPECIAL SESSION HELD BY
THE MUNICIPAL BOARD OF ORMOC CITY, PHILIPPINES, IN ITS
SESSION HALL ON MARCH 30, 1954



PRESENT:
Hon. City Mayor Roberto B. Almaden..Presiding Officer
Hon. Guillermo T. Parrilla.....City Councilor
" Esteban C. Conejos....." "
" Jorge S. Tan....." "
" Usualdo F. Laguitan....." "
" Teotimo Ocubillo....." "
" Alvaro I. Gutierrez....." "
" Emilio C. Penserga....." "

ABSENT:

Hon. Teofilo S. Tan.....City Councilor

RESOLUTION NO. 61

WHEREAS, Councilor Esteban C. Conejos made an inquiry from the Presiding Officer as to the result of his study about the appointment of barrio lieutenants of all the barrios of Ormoc City;

WHEREAS, the Presiding Officer informed Councilor Esteban C. Conejos and all the members of the Board present that Republic Act No. 179, otherwise known as the Charter of the City of Ormoc provides an authority granting the City Mayor the power of appointing city officials and employees not otherwise appointed by the President of the Philippines; and that in the same Charter, there is no power given to the Members of the Municipal Board to appoint any employee or official in the City Government;

WHEREAS, Councilor Teotimo Ocubillo manifested that it is true that the City Mayor has the power to appoint officials and employees of the city government not otherwise provided by law and that the power of appointing barrio lieutenants is not within the power of the City Mayor as the Revised Administrative Code, as amended, so provides for the appointment of same;

WHEREAS, the Presiding Officer informed the Hon. Members of the Board that a communication seeking legal opinion as to who has the authority to appoint barrio lieutenants has already been sent to the Secretary of Justice, Manila;

NOW THEREFORE, the Board, on motion of Councilor Alvaro I. Gutierrez, seconded by Councilors Jorge S. Tan and Teotimo Ocubillo;

BE IT RESOLVED, as is hereby resolved, to respectfully request the Hon. City Mayor, Ormoc City not to change the barrio lieutenants appointed by the City Councilors pending the arrival of the decision of the Secretary of Justice;

RESOLVED FINALLY, to furnish copy of this resolution each to the Hon. City Mayor; City Treasurer; City Auditor; all of Ormoc City.

I HEREBY CERTIFY to the correctness of the above-quoted resolution.

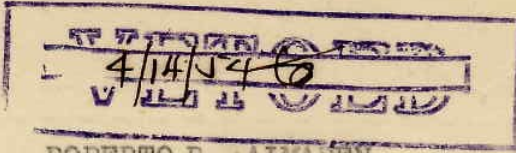
Ramon Bantasan
RAMON BANTASAN
Secretary

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(Res. No. 61, s. 1954, cont'd)

APPROVED:



ROBERTO B. ALMADEN
Actg. City Mayor
Presiding Officer

ATTESTED:

EDILBERTO S. MAGLASANG
Secretary to the City Mayor

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DEMO COPY

Republic of the Philippines
OFFICE OF THE CITY MAYOR
—o—
Ormoc City

V E T O

VETO ON RESOLUTION NO. 61, CURRENT SERIES,
OF THE HONORABLE MUNICIPAL BOARD, ORMOC
CITY, PURSUANT TO SECTION 14, ART. III
OF REPUBLIC ACT NO. 179.

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Pursuant to the provisions of Section 14, Art. III, of Republic Act No. 179, otherwise known as the Charter of Ormoc City, I veto, as it is hereby vetoed, Res. No. 61, current series, of the Honorable Municipal Board, Ormoc City, on the following grounds, to wit:

The subject matter in issue, as embodied in Res. No. 61, passed by the Honorable Municipal Board of Ormoc City on March 30, 1954, is to maintain a status quo of barrio lieutenants appointed by the City Councilors pending the arrival of the decision of the Secretary of Justice. This is predicated on two contending theories as to where the power to appoint barrio lieutenants lies, that is, whether the City Mayor or the City Councilors has the power to appoint said barrio lieutenants.

After careful perusal of the specific as well as the general powers and duties of the City Mayor and those of the City Councilors as provided for in the Charter creating Ormoc City, otherwise known as Republic Act No. 179, as amended, the following are observed:

1. With respect to specific powers.— In accordance with Section 10, Art. II, Rep. Act No. 179, the Mayor has the power to appoint a secretary to the Mayor; pursuant to the provisions of Art. III, Section 13 of same Act the Municipal Board has the power to appoint a secretary of the Board.

2. With respect to general powers.— In accordance with the provisions of Section 9, Art. II, Rep. Act No. 179, the Mayor, among others, has the power (a) to comply with and enforce and give the necessary orders for the faithful enforcement and execution of the laws and ordinances in effect within the jurisdiction of the city; and (b) to perform such other duties and exercise such other executive powers as maybe prescribed by law for ordinances.

Par. 2 of Section 19, Art. IV of Rep. Act No. 179, also states: "All other officers and employees of the city whose appointments is not otherwise provided for by law shall be appointed by the Mayor upon the recommendation of the corresponding city department head in accordance with the Civil Service Law and they shall be suspended or removed in accordance with said law."

The general powers and duties of the Board are expressly enumerated by section 15, Art. III of Rep. Act No. 179.

Aside from the foregoing provisions of Rep. Act No. 179, otherwise known as the Charter of Ormoc City, the Municipal Board hastily claimed that it has the power to appoint barrio lieutenants in accordance with Section 2218 of the Revised Administrative Code, as amended.

(Veto on Res. No. 61, cs, of the Hon. Mpl. Board, cont'd)

Resolving the issue thus presented in accordance with the provisions of the Charter creating Ormoc City, particularly those cited herein it can be clearly noted that the Mayor and not the Municipal Board or any member thereof is given the general power to appoint all other officers and employees of the city whose appointments is not otherwise provided for by same Charter as stated in Par. 2, Sec. 19, Art. IV of Rep. Act. No. 179. This being the case, in the absence of provisions of this Charter to the contrary, the Mayor has also by analogy the power to appoint barrio lieutenants.

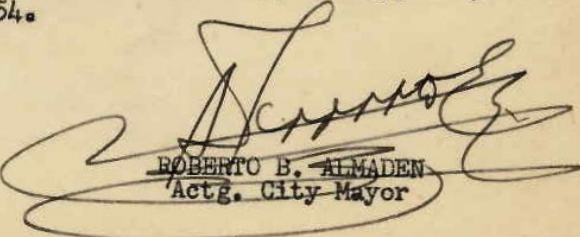
Section 2218 of the Revised Administrative Code, as amended, which pertains to appointment of lieutenants and substitute lieutenants by Councilors, the same being a municipal law applicable only to regularly organized municipalities does not apply to chartered cities such as Ormoc City because the latter is specifically governed by the law or Act creating the same.

It is a principle of law that statutes are construed in accordance with, or based from, the intention of the law-making body adopting or which adopted them. Were it the intention of legislature to lodge upon the Municipal Board of Ormoc City the power to appoint barrio lieutenants it would have said so in the Charter or at most in general terms such as those powers conferred upon the Mayor to appoint expressly stated in Section 19, Art. IV of Rep. Act No. 179.

Again, it may be said that Ormoc after having been elevated to the status of a chartered city with a specific law governing the same it is humiliating to think that it should be brought back to its former status as a municipality governed by the laws affecting the same.

IN VIEW OF ALL THE FOREGOING, and for the reasons hereinabove stated, without the least intention to hurt the feelings of the distinguished and honorable members of the Municipal Board and motivated only by the honest belief that the maintenance of the status quo position of barrio lieutenants is repugnant to the legitimate powers of the Mayor to appoint said officers or employees of the city, and that the continuance in office of the barrio lieutenants no longer within the confidence of the city executive would hamper his duties to the enforcement and execution of the laws in effect within the jurisdiction of the city which is enimical to public order and safety, the same resolution is hereby vetoed.

DONE IN THE CITY HALL, Ormoc City, Philippines, on this 14th day of April, 1954.


ROBERTO B. ALMADEN
Actg. City Mayor