

Title:

****Villegas vs. Subido: A Question of Appointing Authority in City Governance****

Facts:

The conflict centers around the appointment of the Assistant City Treasurer of Manila. After the retirement of Felino Fineza on May 31, 1968, Secretary of Finance Eduardo Z. Romualdez authorized Jose R. Gloria to assume the duties of Assistant City Treasurer effective June 1, 1968. Contrarily, on June 17, 1968, Manila Mayor Antonio J. Villegas issued Administrative Order No. 40, instructing Gloria to desist from his duties, arguing that Romualdez lacked the authority for such a designation. On January 1, 1969, Mayor Villegas appointed Manuel D. Lapid, a chief within the City Treasurer's office, as Assistant City Treasurer. This appointment was disapproved by Civil Service Commissioner Abelardo Subido on February 14, 1969, referring to a Justice Secretary opinion stating the role is appointed as per the Revised Administrative Code, not the Decentralization Law (Republic Act No. 5185).

Mayor Villegas and Lapid filed a petition for prohibition, quo warranto, and mandamus on February 25, 1969, aiming to challenge the legality of Gloria's appointment and secure Lapid's appointment validation. This petition reached the Supreme Court following the dismissal of their case by the lower court.

Issues:

1. Whether the power to appoint the Assistant City Treasurer of Manila is vested in the Mayor of Manila, by virtue of the Decentralization Act, despite the Charter of the City of Manila expressly vesting this authority in the President of the Philippines.
2. Whether the provision in the Decentralization Act implicitly repealed the explicit appointment power given to the President under the Manila Charter.
3. The legal distinction between "employees" subject to mayoral appointment under the Decentralization Act and "officers" such as the Assistant City Treasurer.

Court's Decision:

The Supreme Court affirmed the lower court's decision, reasoning that the specific provisions of the Manila Charter, granting the President the power of appointment for the Assistant City Treasurer, remain controlling. The Court highlighted that the Decentralization Act does not implicitly repeal or modify this authority due to the principle that repeals by implication are not favored without clear legislative intent. Additionally, the Court clarified the legal distinction between "employees" and "officers," categorizing the

Assistant City Treasurer as an officer not subject to mayoral appointment under the Decentralization Act.

Doctrine:

The Supreme Court reiterated the doctrines that:

1. Repeals by implication are not favored and will not be declared unless there is a clear and manifest intent by the legislature.
2. Specific provisions of a statute prevail over general enactments within the same or subsequent laws, especially without explicit legislative intent to repeal.
3. The distinction between “officers” and “employees” in the context of appointment authority under Republic Act No. 5185.

Class Notes:

- ****Legal Distinctions****: Understanding the difference between “officers” and “employees” is crucial, as this categorization affects appointment authority.
- ****Statutory Interpretation****: The principle that specific statutory provisions take precedence over general ones, and that implied repeals require clear legislative intent, is key in legal interpretation.
- ****Manila Charter vs. Decentralization Act****: The case underscores the precedence of specific enabling law (Manila Charter) provisions over general laws (Decentralization Act) in the absence of explicit repeal.

Historical Background:

This case highlights the tensions and clarifications needed regarding the allocation of appointing authorities in the context of increasing local autonomy through legislation in the Philippines. The references to the Decentralization Act of 1967 (Republic Act No. 5185) and the Manila Charter (Republic Act No. 409) illustrate the legislative efforts towards decentralization, balanced against the preservation of certain national controls.