

FIRST DIVISION

[G.R. No. 222450, July 07, 2020]

MIGUEL LUIS R. VILLAFUERTE, GOVERNOR OF THE PROVINCE OF CAMARINES SUR, FORTUNATO PENA, VICE-GOVERNOR OF THE PROVINCE OF CAMARINES SUR, ATTY. AMADOR L. SIMANDO, WARREN SEÑAR, GILMAR S. PACAMARRA, EMMANUEL H. NOBLE, GIOVANNI SEÑAR, RUDITO ESPIRITU, JR., JORGE BENGUA, FABIO FIGURACION, NELSON JULIA, MEMBERS OF THE SANGGUANING PANLALAWIGAN OF CAMARINES SUR, PETITIONERS, VS. CONSTANTINO H. CORDIAL, JR., MAYOR OF CARAMOAN, CAMARINES SUR AND IRENE R. BREIS, VICE-MAYOR OF CARAMOAN, CAMARINES SUR, RESPONDENTS.

DECISION

REYES, J. JR., J.:

Before the Court is a Petition for Review on *certiorari*,^[1] assailing the Decision^[2] dated January 13, 2015 and the Order^[3] dated December 15, 2015 of the Regional Trial Court (RTC) of San Jose, Camarines Sur, Branch 30 which annulled the Orders dated October 28, 2014^[4] and December 12, 2014,^[5] and the Resolution^[6] dated December 16, 2014 of the *Sanguaning Panlalawigan* of Camarines Sur which denied the Motion to Dismiss filed by Mayor Constantino H. Cordial, Jr. and Vice-Mayor Irene R. Breis (respondents) on the ground of lack of jurisdiction.

The Relevant Antecedents

On July 18, 2014, respondents, as incumbent officials of Caramoan, Camarines Sur, were administratively charged with Grave Misconduct, Dishonesty, and Conduct Prejudicial to the Best Interest of Service docketed as Administrative Case No. 003-2014 by Chief of Task Force *Sagip Kalikasan* Fermin M. Mabulo (Mabulo), Municipal Councilors Eduardo B. Bonita and Lydia Obias, and former Municipal Councilor Romeo Marto. The complaint was lodged before the *Sanguaning Panlalawigan* of Camarines Sur, through its Special Committee on Administrative Cases (Special Committee) headed by Atty. Amador Simando.^[7]

In said Complaint,^[8] it was alleged that the respondents, through the *Sangguniang Bayan* of Caramoan, Camarines Sur, passed Resolution No. 48 which requested for the removal of Task Force *Sagip Kalikasan* in the entire Municipality of Caramoan, Camarines Sur without the conduct of deliberation. Prior to said incident, the Task Force *Sagip Kalikasan* conducted an inspection in *Barangay Gata*, Caramoan, Camarines Sur because of reported mining activities. Upon inspection, the team found 30 people engaged in illegal mining activities, holes where minerals were being extracted, and machinery and equipment for mining and extraction. The Chief

of the Task Force, Mabulo, asked those involved if they had the necessary permits; and as they failed to show him any, he asked them to cease from operating.

However, days after the inspection, the aforementioned Resolution was passed by the *Sangguniang Bayan* of Caramoan, Camarines Sur.^[9]

In response to the Complaint, respondents filed a Motion for Extension to File Answer.^[10] However, instead of filing their Answer, respondents filed a Motion to Dismiss,^[11] assailing the jurisdiction of the Special Committee, as well as its Rules of Procedure on the Investigation of Administrative and Disciplinary Cases against Elected Municipal Officials as embodied in Resolution No. 13, Series of 2013 (Resolution No. 13-2013) for lack of publication.

In an Order^[12] dated October 28, 2014, the *Sangguniang Panlalawigan* dismissed the motion for lack of merit. The *Sangguniang Panlalawigan* maintained that the publication was duly complied with as Resolution No. 151, Series of 2013, which incorporated Resolution No. 13-2013, was duly published.

Respondents filed a Motion for Reconsideration (MR) asserting that with the publication of the Rules of Procedure only on October 9, 16 and 23, 2014, it became effective only on November 8, 2014, the 16th day following its publication as held in the case of *Tañada v. Tuvera*,^[13] interpreting the Article 2 of the Civil Code of the Philippines.^[14]

Said MR was denied in an Order^[15] dated December 12, 2014. The *Sangguniang Panlalawigan* of Camarines Sur maintained that the publication requirement anent ordinances and resolutions of local government units was governed by the Local Government Code, and not by the Civil Code as pronounced in *Tañada*.

Corollary, the *Sangguniang Panlalawigan* of Camarines Sur issued a Resolution^[16] dated December 16, 2014, recommending that respondents be placed under preventive suspension for a period of 60 days.

Aggrieved by the turn of events, respondents filed a petition for *certiorari* and prohibition with prayer for the issuance of Temporary Restraining Order, Preliminary Injunction, and Prohibitory Injunction before the RTC.

In their Petition,^[17] respondents insisted, among others, that the Rules of Procedure as embodied in Resolution No. 13-2013 must be published; and failure to observe such requirement not only rendered said Resolution ineffective, but likewise removed the jurisdiction of the *Sangguniang Panlalawigan* of Camarines Sur over the proceedings.

In a Decision^[18] dated January 13, 2015, the RTC construed that the lack of publication of the Rules of Procedure embodied in Resolution No. 13-2013 stripped off the *Sangguniang Panlalawigan* of Camarines Sur of jurisdiction over the conduct of the administrative hearing against respondents.

The Issue

Essentially, the issue in this case is whether or not the non-publication of Resolution No. 13-2013 divested the *Sangguning Panlalawigan* of Camarines Sur of jurisdiction over the proceedings of the case.

The Court's Ruling

Notably, petitioners resorted to the Court *via* a Petition for Review on *certiorari* in assailing the ruling of the RTC.

In the issuances of the extraordinary writs of *certiorari*, prohibition, *mandamus*, *quo warranto*, and *habeas corpus*, the Court, the CA, and the RTC share original and concurrent jurisdiction. However, in accordance with the doctrine of hierarchy of courts, the parties are mandated to initially file their petitions before lower rank courts. As imprinted in the case of *Gios-Samar, Inc. v. Department of Transportation and Communications*,^[19] the Court expounded on this constitutional imperative by emphasizing the structure of our judicial system — the trial courts decide on questions of fact and law in the first instance; the intermediate courts resolve both questions of fact and law; and the Court generally decides only questions of law.

As a constitutional mechanism, the doctrine of hierarchy of courts is established to enable the Court to concentrate on its constitutional tasks, guided by the judicial compass in disposing of matters without need for factual determination.

In a rare instance, the Constitution itself mandates the exercise of judicial power over a case even with the existence of factual issues. Such sole exception is stated in Section 18, Article VII of the Constitution, that is, when the matter involved is the review of sufficiency of factual basis of the President's proclamation of martial law and the suspension of the privilege of the writ of *habeas corpus*.

Although several exceptions were carved out from the general rule of the observance of hierarchy of courts, the nature of the question raised by the parties shall be one of law. In other words, resort to the Court is permitted only when the issues are purely legal.

Likewise relevant is Section 4, Rule 41 of the Rules of Court, which allows direct resort to the Court from the RTC *via* a petition for review on *certiorari* under Rule 45 of said Rules when the issues raised are questions of law.

In this case, petitioners assail the ruling of the RTC in maintaining that Resolution No. 13-2013 requires publication; and that the absence of such publication stripped off the *Sangguning Panlalawigan* of jurisdiction over the case. Clearly, the determination of the publication requirement is a question of law.

On this note, the Court likewise deems it proper to discuss the rule on the exhaustion of administrative remedies.

It is notable that respondents sought relief from the RTC to nullify the action of the *Sangguning Panlalawigan* of Camarines Sur. Instead of filing an appeal before the

Office of the President,^[20] which is the available remedy to respondents under Republic Act No. 7160 or the Local Government Code of 1991 (LGC), they filed a petition for *certiorari* and prohibition. As raised by the petitioners in their Memoranda/Comments before the RTC,^[21] respondents failed to exhaust administrative remedies.

The thrust of the rule on exhaustion of administrative remedies is that the courts must allow administrative agencies to carry out their functions and discharge their responsibilities within the specialized areas of their respective competence.^[22] Generally, relief to the courts of justice is not sanctioned when the law provides for remedies against the action of an administrative board, body, or officer.^[23] The availability of such remedy prevents the petitioners from resorting to a petition for *certiorari* and prohibition, being extraordinary remedies.

However, exceptions to this rule allow the deviation from such procedural rule. Among which is when the question raised is purely legal in nature, as in this case.

The Court now resolves.

Ignorantia juris non excusat. That every person is presumed to know the law is a conclusive presumption. However, before one may be bound by a law, he must be fully and categorically informed of its contents.^[24] For this purpose, the Civil Code clearly mandates the publication of "laws":

ART. 2. Laws shall take effect after fifteen days following the completion of their publication in the Official Gazette, unless it is otherwise provided. This Code shall take effect one year after such publication.

This is fundamentally the essence of due process.

The significance of publication is illuminated in the 1985 landmark case of *Tañada v. Tuvera*.^[25] The Court, speaking through Justice Escolin, emphasized that laws of "public nature" or of "general applicability" must be published. In the 1986 *Tañada*^[26] case, the Court resolved petitioners' MR, seeking clarification as to the scope of "law of public nature" or "general applicability," among others. The Court, thus, definitively expounded that "laws" should refer to *all* laws. After all, a law which has no impact on the public is considered invalid for several reasons, *e.g.*, intrusion of privacy or *ultra vires* act of the legislature.^[27] Thus, an indirect effect of a particular law to the public does not necessarily call for the dispensability of the publication requirement.

Therefore, the Court was forthright in stating that "all statutes, including those of local application and private laws, shall be published as a condition for their effectivity."^[28]

However, the Court clarified that "interpretative regulations and those merely internal in nature, that is, regulating only the personnel of the administrative agency and not the public" and "letters of instruction issued by administrative superiors