

## EN BANC

[ G.R. No. 130775, September 27, 2004 ]

**THE NATIONAL LIGA NG MGA BARANGAY, REPRESENTED BY ALEX L. DAVID IN HIS CAPACITY AS NATIONAL PRESIDENT AND FOR HIS OWN PERSON, PRESIDENT ALEX L. DAVID, PETITIONERS, VS. HON. VICTORIA ISABEL A. PAREDES, PRESIDING JUDGE, REGIONAL TRIAL COURT, BRANCH 124, CALOOCAN CITY, AND THE DEPARTMENT OF INTERIOR AND LOCAL GOVERNMENT, REPRESENTED THE HON. SECRETARY ROBERT Z. BARBERS AND MANUEL A. RAYOS, RESPONDENTS.**

[G.R. No. 131939]

**LEANDRO YANGOT, BONIFACIO LACWASAN AND BONY TACIO, PETITIONERS, VS. DILG SECRETARY ROBERT Z. BARBERS AND DILG UNDERSECRETARY MANUEL SANCHEZ, RESPONDENTS.**

## DECISION

**TINGA, J,:**

At bottom, the present petition inquires into the essential nature of the *Liga ng mga Barangay* and questions the extent of the power of Secretary of the Department of Interior and Local Government (DILG), as *alter ego* of the President. More immediately, the petition disputes the validity of the appointment of the DILG as the *interim caretaker* of the *Liga ng mga Barangay*.

On 11 June 1997, private respondent Manuel A. Rayos [as petitioner therein], *Punong Barangay* of *Barangay* 52, District II, Zone 5, District II, Caloocan City, filed a petition for prohibition and mandamus, with prayer for a writ of preliminary injunction and/or temporary restraining order and damages before the Regional Trial Court (RTC) of Caloocan,<sup>[1]</sup> alleging that respondent therein Alex L. David [now petitioner], *Punong Barangay* of *Barangay* 77, Zone 7, Caloocan City and then president of the *Liga* Chapter of Caloocan City and of the *Liga ng mga Barangay* National Chapter, committed certain irregularities in the notice, venue and conduct of the proposed synchronized *Liga ng mga Barangay* elections in 1997. According to the petition, the irregularities consisted of the following: (1) the publication of the notice in the *Manila Bulletin* but without notifying in writing the individual *punong barangays* of Caloocan City;<sup>[2]</sup> (2) the Notice of Meeting dated 08 June 1997 for the *Liga* Chapter of Caloocan City did not specify whether the meeting scheduled on 14 June 1997 was to be held at 8:00 a.m. or 8:00 p.m., and worse, the meeting was to be held in Lingayen, Pangasinan;<sup>[3]</sup> and (3) the deadline for the filing of the Certificates of Candidacy having been set at 5:00 p.m. of the third "day prior to the above election day", or on 11 June 1997,<sup>[4]</sup> Rayos failed to meet said deadline since he was not able to obtain a certified true copy of the COMELEC Certificate of Canvas and Proclamation of Winning Candidate, which were needed to be a delegate, to

vote and be voted for in the *Liga* election. On 13 June 1997, the Executive Judge issued a temporary restraining order (TRO), effective for seventy-two (72) hours, enjoining the holding of the general membership and election meeting of *Liga* Chapter of Caloocan City on 14 June 1975.<sup>[5]</sup>

However, the TRO was allegedly not properly served on herein petitioner David, and so the election for the officers of the *Liga*-Caloocan was held as scheduled.<sup>[6]</sup> Petitioner David was proclaimed President of the *Liga*-Caloocan, and thereafter took his oath and assumed the position of *ex-officio* member of the *Sangguniang Panlungsod* of Caloocan.

On 17 July 1997, respondent Rayos filed a second petition, this time for *quo warranto*, mandamus and prohibition, with prayer for a writ of preliminary injunction and/or temporary restraining order and damages, against David, Nancy Quimpo, Presiding Officer of the *Sangguniang Panlungsod* of Caloocan City, and Secretary Barbers.<sup>[7]</sup> Rayos alleged that he was elected President of the *Liga* Caloocan Chapter in the elections held on 14 June 1997 by the members of the Caloocan Chapter pursuant to their Resolution/Petition No. 001-97.<sup>[8]</sup> On 18 July 1997, the presiding judge granted the TRO, enjoining therein respondents David, Quimpo and Secretary Barbers from proceeding with the synchronized elections for the Provincial and Metropolitan Chapters of the *Liga* scheduled on 19 July 1997, but only for the purpose of maintaining the *status quo* and effective for a period not exceeding seventy-two (72) hours.<sup>[9]</sup>

Eventually, on 18 July 1997, at petitioner David's instance, Special Civil Action (SCA) No. C-512 pending before Branch 126 was consolidated with SCA No. C-508 pending before Branch 124.<sup>[10]</sup>

Before the consolidation of the cases, on 25 July 1997, the DILG through respondent Secretary Barbers, filed in SCA No. C-512 an *Urgent Motion*,<sup>[11]</sup> invoking the President's power of general supervision over all local government units and seeking the following reliefs:

WHEREFORE, in the interest of the much-needed delivery of basic services to the people, the maintenance of public order and to further protect the interests of the forty-one thousand barangays all over the country, herein respondent respectfully prays:

- a) That the Department of the Interior and Local Government (DILG), pursuant to its delegated power of general supervision, be appointed as the Interim Caretaker to manage and administer the affairs of the *Liga*, until such time that the new set of National *Liga* Officers shall have been duly elected and assumed office; ...<sup>[12]</sup>

The prayer for injunctive reliefs was anchored on the following grounds: (1) the DILG Secretary exercises the power of general supervision over all government units by virtue of Administrative Order No. 267 dated 18 February 1992; (2) the *Liga ng mga Barangay* is a government organization; (3) undue interference by some local elective officials during the Municipal and City Chapter elections of the

*Liga ng mga Barangay*; (4) improper issuance of confirmations of the elected *Liga* Chapter officers by petitioner David and the National *Liga* Board; (5) the need for the DILG to provide remedies measured in view of the confusion and chaos sweeping the *Liga ng mga Barangay* and the incapacity of the National *Liga* Board to address the problems properly.

On 31 July 1997, petitioner David opposed the DILG's *Urgent Motion*, claiming that the DILG, being a respondent in the case, is not allowed to seek any sanction against a co-respondent like David, such as by filing a cross-claim, without first seeking leave of court.<sup>[13]</sup> He also alleged that the DILG's request to be appointed interim caretaker constitutes undue interference in the internal affairs of the *Liga*, since the *Liga* is not subject to DILG control and supervision.<sup>[14]</sup>

Three (3) days after filing its *Urgent Motion*, on 28 July 1997, and before it was acted upon by the lower court, the DILG through then Undersecretary Manuel Sanchez, issued Memorandum Circular No. 97-176.<sup>[15]</sup> It cited the reported violations of the *Liga ng mga Barangay* Constitution and By-Laws by David and "widespread chaos and confusion" among local government officials as to who were the qualified ex-officio *Liga* members in their respective *sanggunians*.<sup>[16]</sup> Pending the appointment of the DILG "as the *Interim Caretaker* of the *Liga ng mga Barangay* by the court and until the officers and board members of the national *Liga* Chapter have been elected and have assumed office," the Memorandum Circular directed all provincial governors, vice governors, city mayors, city vice mayors, members of the *sangguniang panlalawigan* and *panlungsod*, DILG regional directors and other concerned officers, as follows:

1. All concerned are directed not to recognize and/or honor any *Liga* Presidents of the Provincial and Metropolitan Chapters as ex-officio members of the *sanggunian* concerned until further notice from the Courts or this Department;
2. All concerned are directed to disregard any pronouncement and/or directive issued by Mr. Alex David on any issue or matter relating to the affairs of the *Liga ng mga Barangay* until further notice from the Courts or this Department.<sup>[17]</sup>

On 04 August 1997, public respondent Judge Victoria Isabel A. Paredes issued the assailed order,<sup>[18]</sup> the pertinent portions of which read, thus:

The authority of the DILG to exercise general supervisory jurisdiction over local government units, including the different leagues created under the Local Government Code of 1991 (RA 7160) finds basis in Administrative Order No. 267 dated February 18, 1992. Specifically, Section 1 (a) of the said Administrative Order provides a broad premise for the supervisory power of the DILG. Administratively, the DILG's supervision has been tacitly recognized by the local barangays, municipalities, cities and provinces as shown by the evidences presented by respondent David himself (See Annexes "A" to "C"). The fact that the DILG has sought to refer the matters therein to the National *Liga* Board/Directorate does not *ipso facto* mean that it has lost jurisdiction to act directly therein. Jurisdiction is conferred by law and cannot be

claimed or lost through agreements or inaction by individuals. What respondent David may term as “interference” should caretakership be allowed, this Court would rather view as a necessary and desirable corollary to the exercise of supervision.<sup>[19]</sup>

Political motivations must not preclude, hamper, or obstruct the delivery of basic services and the perquisites of public service. In this case, the fact of confusion arising from conflicting appointments, non-action, and uninformed or wavering decisions of the incumbent National Liga Board/Directorate, having been satisfactorily established, cannot simply be brushed aside as being politically motivated or arising therefrom. It is incumbent, therefore, that the DILG exercise a more active role in the supervision of the affairs and operations of the National Liga Board/Directorate at least until such time that the regular National Liga Board/Directorate may have been elected, qualified and assumed office.<sup>[20]</sup>

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WHEREFORE, premises considered, the Urgent Motion of the DILG for appointment as interim caretaker, until such time that the regularly elected National Liga Board of Directors shall have qualified and assumed office, to manage and administer the affairs of the National Liga Board, is hereby GRANTED.<sup>[21]</sup>

On 11 August 1997, petitioner David filed an urgent motion for the reconsideration of the assailed order and to declare respondent Secretary Barbers in contempt of Court.<sup>[22]</sup> David claimed that the 04 August 1997 order divested the duly elected members of the Board of Directors of the *Liga* National Directorate of their positions without due process of law. He also wanted Secretary Barbers declared in contempt for having issued, through his Undersecretary, Memorandum Circular No. 97-176, even before respondent judge issued the questioned order, in mockery of the justice system. He implied that Secretary Barbers knew about respondent judge’s questioned order even before it was promulgated.<sup>[23]</sup>

On 11 August 1997, the DILG issued Memorandum Circular No. 97-193,<sup>[24]</sup> providing supplemental guidelines for the 1997 synchronized elections of the provincial and metropolitan chapters and for the election of the national chapter of the *Liga ng mga Barangay*. The Memorandum Circular set the synchronized elections for the provincial and metropolitan chapters on 23 August 1997 and for the national chapter on 06 September 1997.

On 12 August 1997, the DILG issued a Certificate of Appointment<sup>[25]</sup> in favor of respondent Rayos as president of the *Liga ng mga Barangay* of Caloocan City. The appointment purportedly served as Rayos’s “legal basis for *ex-officio* membership in the *Sangguniang Panlungsod* of Caloocan City” and “to qualify and participate in the forthcoming National Chapter Election of the *Liga ng mga Barangay*.”<sup>[26]</sup>

On 23 August 1997, the DILG conducted the synchronized elections of Provincial and Metropolitan *Liga* Chapters. Thereafter, on 06 September 1997, the National *Liga* Chapter held its election of officers and board of directors, wherein James Marty L.

Lim was elected as President of the National *Liga*.<sup>[27]</sup>

On 01 October 1997, public respondent judge denied David's motion for reconsideration,<sup>[28]</sup> ruling that there was no factual or legal basis to reconsider the appointment of the DILG as interim caretaker of the National *Liga* Board and to cite Secretary Barbers in contempt of court.<sup>[29]</sup>

On 10 October 1997, petitioners filed the instant *Petition for Certiorari*<sup>[30]</sup> under Rule 65 of the Rules of Court, seeking to annul public respondent judge's orders of 04 August 1997 and 01 October 1997. They dispute the latter's opinion on the power of supervision of the President under the Constitution, through the DILG over local governments, which is the same as that of the DILG's as shown by its application of the power on the *Liga ng mga Barangay*. Specifically, they claim that the public respondent judge's designation of the DILG as interim caretaker and the acts which the DILG sought to implement pursuant to its designation as such are beyond the scope of the Chief Executive's power of supervision.

To support the petition, petitioners argue that under Administrative Order No. 267, Series of 1992, the power of general supervision of the President over local government units does not apply to the *Liga* and its various chapters precisely because the *Liga* is not a local government unit, contrary to the stance of the respondents.<sup>[31]</sup>

Section 507 of the Local Government Code (Republic Act No. 7160)<sup>[32]</sup> provides that the *Liga* shall be governed by its own Constitution and By-laws. Petitioners posit that the duly elected officers and directors of the National *Liga* elected in 1994 had a vested right to their positions and could only be removed therefrom for cause by affirmative vote of two-thirds (2/3) of the entire membership pursuant to the *Liga* Constitution and By-Laws, and not by mere issuances of the DILG, even if bolstered by the dubious authorization of respondent judge.<sup>[33]</sup> Thus, petitioners claim that the questioned order divested the then incumbent officers and directors of the *Liga* of their right to their respective offices without due process of law.

Assuming the *Liga* could be subsumed under the term "local governments," over which the President, through the DILG Secretary, has the power of supervision,<sup>[34]</sup> petitioners point out that still there is no legal or constitutional basis for the appointment of the DILG as interim caretaker.<sup>[35]</sup> They stress that the actions contemplated by the DILG as interim caretaker go beyond supervision, as what it had sought and obtained was authority to alter, modify, nullify or set aside the actions of the *Liga* Board of Directors and even to substitute its judgment over that of the latter — which are all clearly one of control.<sup>[36]</sup> Petitioners question the appointment of Rayos as *Liga*-Caloocan President since at that time petitioner David was occupying that position which was still the subject of the *quo warranto* proceedings Rayos himself had instituted.<sup>[37]</sup> Petitioners likewise claim that DILG Memorandum Circular No. 97-193, providing supplemental guidelines for the synchronized elections of the *Liga*, replaced the implementing rules adopted by the *Liga* pursuant to its Constitution and By-laws.<sup>[38]</sup> In fact, even before its appointment as interim caretaker, DILG specifically enjoined all heads of government units from recognizing petitioner David and/or honoring any of his