Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

MIGUEL LUIS R. VILLAFUERTE, Governor of the Province of Camarines Sur, FORTUNATO PEÑA, 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 *Sangguniang Panlalawigan* of Camarines Sur, Petitioners, - versus - **CONSTANTINO H. CORDIAL, Jr., Mayor of Caramoan, Camarines Sur and IRENE R. BREIS, Vice-Mayor of Caramoan, Camarines Sur,** Respondents.	**G.R. No. 222450** **Present:** PERALTA, *C.J., Chairperson,* CAGUIOA, *Working Chairperson,* REYES, J. JR., LAZARO-JAVIER, and LOPEZ, *JJ.* **Promulgated:** JUL 07 2020

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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

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1 *Rollo*, pp. 3-30.

2 Penned by Judge Noel D. Paulite; id. at 31-39.

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 *Sangguniang 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 *Sangguniang 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

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4 Id. at 86.
5 Id. at 95-97.
6 Id. at 98-103.
7 Id. at 32.
8 Id. at 66-76.
9 Id. at 70.
10 Id. at 77-78.
11 Id. at 79-84.

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 *Sangguaning Panlalawigan* dismissed the motion for lack of merit. The *Sangguaning 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 *Sangguaning 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 *Sangguaning Panlalawigan* of Camarines Sur over the proceedings.

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12 Supra note 4.
13 G.R. No. L-63915, April 24, 1985.
14 *Rollo*, p. 95.
15 Supra note 5.
16 Supra note 6.
17 *Rollo*, pp. 52-67.

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 *Sangguaning 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 *Sangguniang 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*.

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18 Supra note 2.

19 G.R. No. 217158, March 12, 2019.

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 *Sangguniang 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 *Sangguniang 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.

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20 Sec. 67. *Administrative Appeals.* – Decisions in administrative cases may, within thirty (30) days from receipt thereof, be appealed to the following:
(a) The *sangguniang panlalawigan*, in the case of decisions of the *sangguniang panlungsod* of component cities and the sangguniang bayan; and
(b) The Office of the President, in the case of decisions of the *sangguniang panlalawigan* and the *sangguniang panlungsod* of highly urbanized cities and independent component cities. Decisions of the Office of the President shall be final and executory.

21 *Rollo*, p. 34.

22 *See The Iloilo City Zoning Board of Adjustment and Appeals v. Gegato-Abecia Funeral Homes, Inc.*, 462 Phil. 803 (2003).

23 Id.

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 relative to guidelines to be followed by their

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24 Supra note 13.
25 Id.
26 *Tañada v. Tuvera*, G.R. No. L-63915, December 29, 1986.
27 Id.
28 Id.

subordinates in the performance of their duties" need not be published. Interpretative regulations are merely annotative; and internal rules are directly related to the conduct of government personnel, and not the public in general.

On a different plane, however, are municipal ordinances which are not covered by the Civil Code, but by the LGC.

On this note, the nature of municipal ordinances or resolutions which require publication is embodied in Sections 59, 188, and 511 of the LGC:

> **SEC. 59. Effectivity of Ordinances or Resolutions.**
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> x x x x
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> (c) The gist of all ordinances with penal sanctions shall be published in a newspaper of general circulation within the province where the local legislative body concerned belongs. In the absence of any newspaper of general circulation within the province, posting of such ordinances shall be made in all municipalities and cities of the province where the Sanggunian of origin is situated.
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> (d) In the case of highly urbanized cities, the main features of the ordinance or resolution duly enacted or adopted shall, in addition to being posted, be published once in a local newspaper of general circulation within the city: Provided, That in the absence thereof the ordinance or resolution shall be published in any newspaper of general circulation.
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> x x x x
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> **SEC. 188. Publication of Tax ordinances and Revenue Measures.** – Within ten (10) days after their approval, certified true copies of all provincial, city, and municipal tax ordinances or revenue shall be published in full for three (3) consecutive days in a newspaper of local circulation: Provided, however, That in provinces, cities and municipalities where there are no newspapers of local circulation, the same may be posted in at least two (2) conspicuous and publicly accessible places.
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> x x x x
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> **SEC. 511. Posting and Publication of Ordinances with Penal Sanctions.** – (a) ordinances with penal sanctions shall be posted at prominent places in the provincial capitol, city, municipal or Barangay hall, as the case may be, for a minimum period of three (3) consecutive weeks. Such ordinances shall also be published in a newspaper of general circulation, where available, within the territorial jurisdiction of the local government unit concerned, except in the case of Barangay ordinances. Unless otherwise provided therein, said ordinances shall take effect on the

> day following its publication, or at the end of the period of posting, whichever occurs later.
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> (b) Any public officer or employee who violates an ordinance may be meted administrative disciplinary action, without prejudice to the filing of the appropriate civil or criminal action.
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> (c) The secretary to the Sanggunian concerned shall transmit official copies of such ordinances to the chief executive officer of the Official Gazette within seven (7) days following the approval of the said ordinance for publication purposes. The Official Gazette may publish ordinances with penal sanctions for archival and reference purposes.

In the instant case, what was being assailed is Resolution No. 13-2013, which provides for the rules of procedure concerning the conduct of investigation against municipal officials in said province, issued by the *Sangguniang Panlalawigan* of Camarines Sur. Clearly, it is neither penal in nature as it does not provide for any sanction or punishment nor a tax measure. It is merely interpretative of Title II, Chapter 4 of the LGC, which outlines the procedure when a disciplinary action is instituted against an elective local official. Based on the foregoing, Resolution No. 13-2013 need not be published.

Also, it bears stressing that the RTC erroneously concluded that the element of publication is an essential element of the *Sangguniang Panlalawigan* of Camarines Sur's jurisdiction over the proceedings of the case.

The publication requirement on laws accomplishes the constitutional mandate of due process. In the 1985 and 1986 *Tañada* cases, the Court explained that the object of Article 2 of the Civil Code is to give notice to the public of the laws to allow them to properly conduct themselves as citizens. That omission of publication of laws is tantamount to denying the public of knowledge and information of the laws that govern it; hence, a violation of due process. Effectivity of laws, thus, depends on their publication. Without such notice and publication, the conclusive presumption cannot apply.

Jurisdiction over the subject matter, on the other hand, is conferred by law and is determined by the allegations in the complaint.[29]

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29 *See Concorde Condominium, Inc. v. Baculio*, 781 Phil. 174 (2016).

Sections 61 and 62[30] of the LGC, as well as Sections 125 and 126[31] of its Implementing Rules and Regulations or Administrative Order No. 270, provide that the *Sangguniang Panlalawigan* of Camarines Sur has jurisdiction over complaints filed against any erring municipal official within its jurisdiction. Upon the filing of said complaint, the *Sangguniang Panlalawigan* shall require the filing of the respondent's verified answer. Investigation shall ensue accordingly.

In this case, the allegations in the Complaint[32] filed by Mabulo, *et al.* against the respondents, as local municipal officials of Caramoan, Camarines Sur, vested the *Sangguniang Panlalawigan* of Camarines Sur of jurisdiction over the case.

As it is, the RTC failed to discern the import of the publication requirement. Publication or lack of it is relevant in determining the observance of due process.

WHEREFORE, premises considered, the instant petition is hereby **GRANTED.** Accordingly, the Decision dated January 13, 2015 and the Order dated December 15, 2015 of the Regional Trial Court of San Jose, Camarines Sur, Branch 30 are **REVERSED** and **SET ASIDE.**

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30 Sec. 61. *Form and Filing of Administrative Complaints.* – A verified complaint against any erring local elective official shall be prepared as follows:
x x x x
(b) A complaint against any elective official of a municipality shall be filed before the Sangguniang Panlalawigan whose decision may be appealed to the Office of the President; and
x x x x
Sec. 62. *Notice of Hearing.*- (a) Within seven (7) days after the administrative complaint is filed, the Office of the President or the sanggunian concerned, as the case may be, shall require the respondent to submit his verified answer within fifteen (15) days from receipt thereof, and commence the investigation of the case within ten (10) days after receipt of such answer of the respondent.

31 Art. 125. *Form and Filing of Administrative Complaints.* — A verified complaint against any erring elective local official shall be prepared and filed as follows:
x x x x
b) Against any elective official of a municipality, before the *sangguniang panlalawigan* whose decision may be appealed to the Office of the President.
x x x x
Art. 126. *Hearings.* — (a) Within seven (7) days after the administrative complaint is filed, the Office of the President or the *sanggunian concerned*, as the case may be, shall require the respondent to submit his verified answer within fifteen (15) days from receipt thereof, and commence the investigation of the case within ten (10) days after receipt of such answer of the respondent.

32 *Rollo*, pp. 68-76.

The Orders dated October 28, 2014 and December 12, 2014, and the Resolution dated December 16, 2014 issued by the *Sangguniang Panlalawigan* of Camarines Sur are hereby **REINSTATED.**

SO ORDERED.

JOSE C. REYES, JR.
Associate Justice

WE CONCUR:

DIOSDADO M. PERALTA
Chief Justice
Chairperson

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Working Chairperson

AMY C. LAZARO-JAVIER
Associate Justice

MARIO V. LOPEZ
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

DIOSDADO M. PERALTA
Chief Justice