Supreme Court E-Library

EN BANC

[G.R. No. 80391. February 28, 1989]

SULTAN ALIMBUSAR P. LIMBONA, *petitioner, vs.* **CONTE MANGELIN, SALIC ALI, SALINDATO ALI, PILIMPINAS CONDING, ACMAD TOMAWIS, GERRY TOMAWIS, JESUS ORTIZ, ANTONIO DELA FUENTE, DIEGO PALOMARES, JR., RAKIL DAGALANGIT, and BIMBO SINSUAT**, *respondents.*

SYLLABUS

1. ADMINISTRATIVE LAW; AUTONOMOUS REGIONS OF MINDANAO UNDER P.D. 1618; SANGGUNIANG PAMPOOK; EXPULSION OF MEMBER; INVALID FOR LACK OF DUE PROCESS. — We hold that the expulsion in question is of no force and effect. In the first place, there is no showing that the Sanggunian had conducted an investigation and whether or not the petitioner had been heard in his defense, assuming that there was an investigation, or otherwise given the opportunity to do so. On the other hand, what appears in the records is an admission by the Assembly (at least, the respondents) that "since November, 1987 up to this writing, the petitioner has not set foot at the Sangguniang Pampook." To be sure, the private respondents aver that "[t]he Assemblymen, in a conciliatory gesture, wanted him to come to Cotabato City," but that was "so that their differences could be threshed out and settled." Certainly, that avowed wanting or desire to thresh out and settle, no matter how conciliatory it may be, cannot be a substitute for the notice and hearing contemplated by law. While we have held that due process, as the term is known in administrative law, does not absolutely require notice and that a party need only be given the opportunity to be heard, it does not appear herein that the petitioner had, to begin with, been made aware that he had in fact stood charged of graft and corruption before his colleagues. It cannot be said therefore that he was accorded any opportunity to rebut their accusations. As it stands, then, the charges now levelled amount to mere accusations that cannot warrant expulsion.

Supreme Court E-Library

2. ID.; ID.; ID.; ID.; NOT JUSTIFIED; NO ONE SHOULD BE PUNISHED FOR SEEKING REDRESS IN THE COURT. — The resolution appears strongly to be a bare act of vendetta by the other Assemblymen against the petitioner arising from what the former perceive to be obduracy on the part of the latter. Indeed, it (the resolution) speaks of "a case [having been filed] [by the petitioner] before the Supreme Court . . . on question which should have been resolved within the confines of the Assembly — an act which some members claimed unnecessarily and unduly assails their integrity and character as representative of the people," an act that cannot possibly justify expulsion. Access to judicial remedies is guaranteed by the Constitution, and, unless the recourse amounts to malicious prosecution, no one may be punished for seeking redress in the courts.

***3. ID.; ID.; ID.; POWER TO DISCIPLINE ITS MEMBERS; SUBJECT* TO JUDICIAL REVIEW IN CASE OF GRAVE ABUSE OF DISCRETION.** — Reinstatement is in order with the caution that should the past acts of the petitioner indeed warrant his removal, the Assembly is enjoined, should it still be so minded, to commence proper proceedings therefor in line with the most elementary requirements of due process. And while it is within the discretion of the members of the Sanggunian to punish their erring colleagues, their acts are nonetheless subject to the moderating hand of this Court in the event that such discretion is exercised with grave abuse.

4. ID.; ID.; EXTENT OF SELF-GOVERNMENT GRANTED THERETO. — The autonomous governments of Mindanao were organized in Regions IX and XII by Presidential Decree No. 1618 promulgated on July 25, 1979. Among other things, the Decree established "internal autonomy" in the two regions "[w]ithin the framework of the national sovereignty and territorial integrity of the Republic of the Philippines and its Constitution," "with legislative and executive machinery to exercise the powers and responsibilities" specified therein. It requires the autonomous regional governments to "undertake all internal administrative matters for the respective regions," except to "act on matters which are within the jurisdiction and competence of the National Government," "which include, but are not limited to, the following: (1) National defense and security; (2) Foreign relations; (3) Foreign trade; (4) Currency, monetary affairs, foreign exchange, banking and quasi-banking, and external

Supreme Court E-Library

borrowing; (5) Disposition, exploration, development, exploitation or utilization of all natural resources; (6) Air and sea transport; (7) Postal matters and telecommunications; (8) Customs and quarantine; (9) Immigration and deportation; (10) Citizenship and naturalization; (11) National economic, social and educational planning; and (12) General auditing." In relation to the central government, it provides that "[t]he President shall have the power of general supervision and control over the Autonomous Regions x x x." An examination of the very Presidential Decree creating the autonomous governments of Mindanao persuades us that they were never meant to exercise autonomy in the second sense, that is, in which the central government commits an act of self-immolation. Presidential Decree No. 1618, in the first place, mandates that "[t]he President shall have the power of general supervision and control over Autonomous Regions." In the second place, the Sangguniang Pampook, their legislative arm, is made to discharge chiefly administrative services.

5. ID.; LOCAL AUTONOMY; DECENTRALIZATION OF ADMINISTRATION DISTINGUISHED FROM DECENTRALIZATION OF POWER. — Autonomy is either decentralization of administration or decentralization of power. There is decentralization of administration when the central government delegates administrative powers to political subdivisions in order to broaden the base of government power and in the process to make local governments "more responsive and accountable," and "ensure their fullest development as self-reliant communities and make them more effective partners in the pursuit of national development and social progress." At the same time, it relieves the central government of the burden of managing local affairs and enables it to concentrate on national concerns. The President exercises "general supervision" over them, but only to "ensure that local affairs are administered according to law." He has no control over their acts in the sense that he can substitute their judgments with his own. Decentralization of power, on the other hand, involves an abdication of political power in the favor of local government units declared to be autonomous. In that case, the autonomous government is free to chart its own destiny and shape its future with minimum intervention from central authorities. According to a constitutional author, decentralization of power amounts to "self-immolation," since in that event, the autonomous

Supreme Court E-Library

government becomes accountable not to the central authorities but to its constituency.

6. **ID.; LOCAL GOVERNMENT UNITS UNDER THE 1987 CONSTITUTION.** — Under the 1987 Constitution, local government units enjoy autonomy in these two senses, thus: Section 1. The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and *barangays*. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided. Sec. 2. The territorial and political subdivisions shall enjoy local autonomy x x x Sec. 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines. An autonomous government that enjoys autonomy of the latter category is subject alone to the decree of the organic act creating it and accepted principles on the effects and limits of "autonomy." On the other hand, an autonomous government of the former class is, as we noted, under the supervision of the national government acting through the President (and the Department of Local Government).

7. **ID.; AUTONOMOUS REGIONS OF MINDANAO UNDER P.D. 1618; SANGGUNIANG PAMPOOK; "RECESS" CALLED BY THE SPEAKER HELD AS VALID.** — It is true that under Section 31 of the Region XII Sanggunian Rules, "[s]essions shall not be suspended or adjourned except by direction of the Sangguniang Pampook," but it provides likewise that "the Speaker may, on [*sic*] his discretion, declare a recess of short intervals." Of course, there is disagreement between the protagonists as to whether or not the recess called by the petitioner effective November 1 through 15, 1987 is the "recess of short intervals" referred to; the petitioner says that it is while the respondents insist that, to all intents and purposes, it was an adjournment and that "recess" as used by their Rules only refers to "a recess when arguments get heated up so that protagonists in a debate can talk things out informally and obviate dissension [*sic*] and disunity." The Court agrees with the respondents on this regard, since clearly, the Rules speak

Supreme Court E-Library

of "short intervals." Secondly, the Court likewise agrees that the Speaker could not have validly called a recess since the Assembly had yet to convene on November 1, the date session opens under the same Rules. Hence, there can be no recess to speak of that could possibly interrupt any session. But while this opinion is in accord with the respondents' own, we still invalidate the twin sessions in question, since at the time the petitioner called the "recess," it was not a settled matter whether or not he could do so. In the second place, the invitation tendered by the Committee on Muslim Affairs of the House of Representatives provided a plausible reason for the intermission sought. Thirdly, assuming that a valid recess could not be called, it does not appear that the respondents called his attention to this mistake. What appears is that instead, they opened the sessions themselves behind his back in an apparent act of mutiny. Under the circumstances, we find equity on his side. For this reason, we uphold the "recess" called on the ground of good faith.

APPEARANCES OF COUNSEL

Ambrosio Padilla, Mempin & Reyes Law Offices for petitioner.
Makabangkit B. Lanto for respondents.

D E C I S I O N

SARMIENTO, *J.*:

The acts of the Sangguniang Pampook of Region XII are assailed in this petition. The antecedent facts are as follows:

1. On September 24, 1986, petitioner Sultan Alimbusar Limbona was appointed as a member of the Sangguniang Pampook, Regional Autonomous Government, Region XII, representing Lanao del Sur.

2. On March 12, 1987 petitioner was elected Speaker of the Regional Legislative Assembly or Batasang Pampook of Central Mindanao (Assembly for brevity).

3. Said Assembly is composed of eighteen (18) members. Two of said members, respondents Acmad Tomawis and Rakil Dagalangit, filed on March 23, 1987 with the Commission on Elections their

Supreme Court E-Library

respective certificates of candidacy in the May 11, 1987 congressional elections for the district of Lanao del Sur but they later withdrew from the aforesaid election and thereafter resumed again their positions as members of the Assembly.

4. On October 21, 1987 Congressman Datu Guimid Matalam, Chairman of the Committee on Muslim Affairs of the House of Representatives, invited Mr. Xavier Razul, Pampook Speaker of Region XI, Zamboanga City and the petitioner in his capacity as Speaker of the Assembly, Region XII, in a letter which reads:

> The Committee on Muslim Affairs will undertake consultations and dialogues with local government officials, civic, religious organizations and traditional leaders on the recent and present political developments and other issues affecting Regions IX and XII.
>
> The result of the conference, consultations and dialogues would hopefully chart the autonomous governments of the two regions as envisioned and may prod the President to constitute immediately the Regional Consultative Commission as mandated by the Commission.
>
> *You are requested to invite some members of the Pampook* Assembly of your respective assembly on November 1 to 15, 1987, with venue at the Congress of the Philippines.
>
> Your presence, unstinted support and cooperation is (sic) indispensable.

5. Consistent with the said invitation, petitioner sent a telegram to Acting Secretary Johnny Alimbuyao of the Assembly to wire all Assemblymen that there shall be no session in November as "our presence in the house committee hearing of Congress take (sic) precedence over any pending business in *batasang pampook* x x x."

6. In compliance with the aforesaid instruction of the petitioner, Acting Secretary Alimbuyao sent to the members of the Assembly the following telegram:

> TRANSMITTING FOR YOUR INFORMATION AND GUIDANCE TELEGRAM RECEIVED FROM *SPEAKER LIMBONA QUOTE CONGRESSMAN JIMMY MATALAM* CHAIRMAN OF THE HOUSE COMMITTEE ON MUSLIM AFFAIRS REQUESTED ME TO ASSIST SAID COMMITTEE IN THE DISCUSSION OF THE PROPOSED AUTONOMY

Supreme Court E-Library

ORGANIC *NOV. 1ST TO 15*. HENCE WIRE ALL ASSEMBLYMEN THAT THERE SHALL BE *NO SESSION IN NOVEMBER* AS OUR PRESENCE IN THE HOUSE COMMITTEE HEARING OF CONGRESS TAKE PRECEDENCE OVER ANY PENDING BUSINESS IN BATASANG PAMPOOK OF MATALAM FOLLOWS UNQUOTE REGARDS.

7. On November 2, 1987, the Assembly held session in defiance of petitioner's advice, with the following assemblymen present:

1. Sali, Salic
2. Conding, Pilipinas (sic)
3. Dagalangit, Rakil
4. Dela Fuente, Antonio
5. Mangelen, Conte
6. Ortiz, Jesus
7. Palomares, Diego
8. Sinsuat, Bimbo
9. Tomawis, Acmad
10. Tomawis, Jerry

After declaring the presence of a quorum, the Speaker Pro-Tempore was authorized to preside in the session. On Motion to declare the seat of the Speaker vacant, all Assemblymen in attendance voted in the affirmative, hence, the chair declared said seat of the Speaker vacant.

8. On November 5, 1987, the session of the Assembly resumed with the following Assemblymen present:

1. Mangelen Conte — Presiding Officer
2. Ali Salic
3. Ali Salindatu
4. Aratuc, Malik
5. Cajelo, Rene
6. Conding, Pilipinas (sic)
7. Dagalangit, Rakil
8. Dela Fuente, Antonio
9. Ortiz, Jesus
10. Palamares, Diego
11. Quijano, Jesus
12. Sinsuat, Bimbo
13. Tomawis, Acmad
14. Tomawis, Jerry

Supreme Court E-Library

An excerpt from the debates and proceeding of said session reads:

> HON. DAGALANGIT: Mr. Speaker, Honorable Members of the House, with the presence of our colleagues who have come to attend the session today, I move to call the names of the new comers in order for them to cast their votes on the *previous motion* to declare the position of the Speaker vacant. But before doing so, I move also that the designation of the Speaker Pro Tempore as the Presiding Officer and Mr. Johnny Evangelista as Acting Secretary in the session last November 2, 1987 be reconfirmed in today's session.
>
> HON. SALIC ALI: I second the motions.
>
> PRESIDING OFFICER: Any comment or objections on the two motions presented? The chair hears none and the said motions are approved. x x x
>
> Twelve (12) members voted in favor of the motion to declare the seat of the Speaker vacant; one abstained and none voted against.[1]

Accordingly, the petitioner prays for judgment as follows:

> WHEREFORE, petitioner respectfully prays that —
>
> (a) This Petition be given due course;
>
> (b) Pending hearing, a restraining order or writ of preliminary injunction be issued enjoining respondents from proceeding with their session to be held on November 5, 1987, and on any day thereafter;
>
> (c) After hearing, judgment be rendered declaring the proceedings held by respondents of their session on November 2, 1987 as null and void;
>
> (d) Holding the election of petitioner as Speaker of said Legislative Assembly or Batasan Pampook, Region XII held on March 12, 1987 valid and subsisting, and
>
> (e) Making the injunction permanent.

Petitioner likewise prays for such other relief as may be just and equitable.[2]

---

[1] *Rollo*, 115-120; italics in the original.

[2] *Id.*, 6-7.

Supreme Court E-Library

Pending further proceedings, this Court, on January 19, 1988, received a resolution filed by the Sangguniang Pampook "EXPELLING ALIMBUSAR P. LIMBONA FROM MEMBERSHIP OF THE SANGGUNIANG PAMPOOK, AUTONOMOUS REGION XII,"[3] on the grounds, among other things, that the petitioner "had caused to be prepared and signed by him paying [*sic*] the salaries and emoluments of Odin Abdula, who was considered resigned after filing his Certificate of Candidacy for Congressmen for the First District of Maguindanao in the last May 11, elections . . . and nothing in the record of the Assembly will show that any request for reinstatement by Abdula was ever made . . ."[4] and that "such action of Mr. Limbona in paying Abdula his salaries and emoluments without authority from the Assembly . . . constituted a usurpation of the power of the Assembly,"[5] that the petitioner "had recently caused withdrawal of so much amount of cash from the Assembly resulting to the non-payment of the salaries and emoluments of some Assembly [sic],"[6] and that he had "filed a case before the Supreme Court against some members of Assembly on question which should have been resolved within the confines of the Assembly,"[7] for which the respondents now submit that the petition had become "moot and academic."[8]

The first question, evidently, is whether or not the expulsion of the petitioner (pending litigation) has made the case moot and academic.

We do not agree that the case has been rendered moot and academic by reason simply of the expulsion resolution so issued. For, if the petitioner's expulsion was done purposely to make

---

[3] *Id.*, 134-135.

[4] *Id.*, 134.

[5] *Id.*

[6] *Id.*, 135.

[7] *Id.*

[8] *Id.*, 142.

Supreme Court E-Library

this petition moot and academic, and to preempt the Court, it will not make it academic.

On the ground of the immutable principle of due process alone, we hold that the expulsion in question is of no force and effect. In the first place, there is no showing that the Sanggunian had conducted an investigation and whether or not the petitioner had been heard in his defense, assuming that there was an investigation, or otherwise given the opportunity to do so. On the other hand, what appears in the records is an admission by the Assembly (at least, the respondents) that "since November, 1987 up to this writing, the petitioner has not set foot at the Sangguniang Pampook."[9] To be sure, the private respondents aver that "[t]he Assemblymen, in a conciliatory gesture, wanted him to come to Cotabato City,"[10] but that was "so that their differences could be threshed out and settled."[11] Certainly, that avowed wanting or desire to thresh out and settle, no matter how conciliatory it may be cannot be a substitute for the notice and hearing contemplated by law.

While we have held that due process, as the term is known in administrative law, does not absolutely require notice and that a party need only be given the opportunity to be heard,[12] it does not appear herein that the petitioner had, to begin with, been made aware that he had in fact stood charged of graft and corruption before his colleagues. It cannot be said therefore that he was accorded any opportunity to rebut their accusations. As it stands, then, the charges now levelled amount to mere accusations that cannot warrant expulsion.

In the second place, the resolution appears strongly to be a bare act of vendetta by the other Assemblymen against the petitioner arising from what the former perceive to be obduracy

---

[9] *Id.*, 141.

[10] *Id.*

[11] *Id.*

[12] *Var-Orient Shipping Co., Inc. v. Achacoso*, G.R. No. 81805, May 31, 1988.

Supreme Court E-Library

on the part of the latter. Indeed, it (the resolution) speaks of "a case [having been filed] [by the petitioner] before the Supreme Court . . . on question which should have been resolved within the confines of the Assembly — an act which some members claimed unnecessarily and unduly assails their integrity and character as representative of the people,"[13] an act that cannot possibly justify expulsion. Access to judicial remedies is guaranteed by the Constitution,[14] and, unless the recourse amounts to malicious prosecution, no one may be punished for seeking redress in the courts.

We therefore order reinstatement, with the caution that should the past acts of the petitioner indeed warrant his removal, the Assembly is enjoined, should it still be so minded, to commence proper proceedings therefor in line with the most elementary requirements of due process. And while it is within the discretion of the members of the Sanggunian to punish their erring colleagues, their acts are nonetheless subject to the moderating hand of this Court in the event that such discretion is exercised with grave abuse.

It is, to be sure, said that precisely because the Sangguniang Pampook(s) are "autonomous," the courts may not rightfully intervene in their affairs, much less strike down their acts. We come, therefore, to the second issue: Are the so-called autonomous governments of Mindanao, as they are now constituted, subject to the jurisdiction of the national courts? In other words, what is the extent of self-government given to the two autonomous governments of Region IX and XII?

The autonomous governments of Mindanao were organized in Regions IX and XII by Presidential Decree No. 1618[15] promulgated on July 25, 1979. Among other things, the Decree

---

[13] *Id.*, 135.

[14] See CONST. (1987), Art. III, Sec. 11.

[15] IMPLEMENTING THE ORGANIZATION OF THE SANGGUNIANG PAMPOOK AND THE LUPONG TAGAPAGPAGANAP NG POOK IN REGION IX AND REGION XII AND FOR OTHER PURPOSES.

Supreme Court E-Library

established "internal autonomy"[16] in the two regions "[w]ithin the framework of the national sovereignty and territorial integrity of the Republic of the Philippines and its Constitution,"[17] "with legislative and executive machinery to exercise the powers and responsibilities"[18] specified therein.

It requires the autonomous regional governments to "undertake all internal administrative matters for the respective regions,"[19] except to "act on matters which are within the jurisdiction and competence of the National Government,"[20] "which include, but are not limited to, the following:

(1) National defense and security;
(2) Foreign relations;
(3) Foreign trade;
(4) Currency, monetary affairs, foreign exchange, banking and quasi-banking, and external borrowing;
(5) Disposition, exploration, development, exploitation or utilization of all natural resources;
(6) Air and sea transport;
(7) Postal matters and telecommunications;
(8) Customs and quarantine;
(9) Immigration and deportation;
(10) Citizenship and naturalization;
(11) National economic, social and educational planning; and
(12) General auditing."[21]

In relation to the central government, it provides that "[t]he President shall have the power of general supervision and control over the Autonomous Regions x x x."[22]

---

[16] Pres. Decree No. 1618, Sec. 3.

[17] *Supra.*

[18] *Supra.*

[19] *Supra*, Sec. 4.

[20] *Supra.*

[21] *Supra.*

[22] *Supra*, Sec. 35(a).

Supreme Court E-Library

Now, autonomy is either decentralization of administration or decentralization of power. There is decentralization of administration when the central government delegates administrative powers to political subdivisions in order to broaden the base of government power and in the process to make local governments "more responsive and accountable,"[23] and "ensure their fullest development as self-reliant communities and make them more effective partners in the pursuit of national development and social progress."[24] At the same time, it relieves the central government of the burden of managing local affairs and enables it to concentrate on national concerns. The President exercises "general supervision"[25] over them, but only to "ensure that local affairs are administered according to law."[26] He has no control over their acts in the sense that he can substitute their judgments with his own.[27]

Decentralization of power, on the other hand, involves an abdication of political power in the favor of local governments units declared to be autonomous. In that case, the autonomous government is free to chart its own destiny and shape its future with minimum intervention from central authorities. According to a constitutional author, decentralization of power amounts to "self-immolation," since in that event, the autonomous government becomes accountable not to the central authorities but to its constituency.[28]

But the question of whether or not the grant of autonomy to Muslim Mindanao under the 1987 Constitution involves, truly, an effort to decentralize power rather than mere administration

---

[23] CONST. (1973), Art. XI, Sec. 1; also CONST. (1987), *supra*, Art X, Sec. 3.

[24] Batas Blg. 337, Sec. 2.

[25] CONST. (1987), *supra*, Art. X, Sec. 4; Batas Blg. 337, *supra*, Sec. 14.

[26] Batas Blg. 337, *supra*; *Hebron v. Reyes*, 104 Phil. 175 (1958).

[27] *Hebron v. Reyes*, *supra*.

[28] Bernas, Joaquin. "Brewing storm over autonomy," *The Manila Chronicle*, pp. 4-5.

Supreme Court E-Library

is a question foreign to this petition, since what is involved herein is a local government unit constituted prior to the ratification of the present Constitution. Hence, the Court will not resolve that controversy now, in this case, since no controversy in fact exists. We will resolve it at the proper time and in the proper case.

Under the 1987 Constitution, local government units enjoy autonomy in these two senses, thus:

> Section 1. The territorial and political subdivisions of the Republic of the Philippines are the provinces, cities, municipalities, and *barangays*. There shall be autonomous regions in Muslim Mindanao and the Cordilleras as hereinafter provided.[29]
>
> Sec. 2. The territorial and political subdivisions shall enjoy local autonomy.[30]
>
> xxx xxx xxx
>
> Sec. 15. There shall be created autonomous regions in Muslim Mindanao and in the Cordilleras consisting of provinces, cities, municipalities, and geographical areas sharing common and distinctive historical and cultural heritage, economic and social structures, and other relevant characteristics within the framework of this Constitution and the national sovereignty as well as territorial integrity of the Republic of the Philippines.[31]

An autonomous government that enjoys autonomy of the latter category [CONST. (1987), Art. X, Sec. 15] is subject alone to the decree of the organic act creating it and accepted principles on the effects and limits of "autonomy." On the other hand, an autonomous government of the former class is, as we noted, under the supervision of the national government acting through the President (and the Department of Local Government).[32] If the Sangguniang Pampook (of Region XII),

---

[29] CONST. (1987), *supra*, Art. X, Sec. 1.

[30] *Supra*, Sec. 2.

[31] *Supra*, Sec. 15.

[32] Batas Blg. 337, *supra*, Sec. 14.

Supreme Court E-Library

then, is autonomous in the latter sense, its acts are, debatably, beyond the domain of this Court in perhaps the same way that the *internal* acts, say, of the Congress of the Philippines are beyond our jurisdiction. But if it is autonomous in the former category only, it comes unarguably under our jurisdiction.

An examination of the very Presidential Decree creating the autonomous governments of Mindanao persuades us that *they were never meant to exercise autonomy in the second* sense, that is, in which the central government commits an act of self-immolation. Presidential Decree No. 1618, in the first place, mandates that "[t]he President shall have the power of general supervision and control over Autonomous Regions."[33] In the second place, the Sangguniang Pampook, their legislative arm, is made to discharge chiefly administrative services, thus:

SEC. 7. *Powers of the Sangguniang Pampook.* — The Sangguniang Pampook shall exercise local legislative powers over *regional affairs within the framework of national development plans*, policies and goals, in the following areas:

(1) Organization of regional administrative system;

(2) Economic, social and cultural development of the *Autonomous Region;*

(3) Agricultural, commercial and industrial programs for the Autonomous Region;

(4) Infrastructure development for the Autonomous Region;

(5) Urban and rural planning for the Autonomous Region;

(6) Taxation and other revenue-raising measures as provided for in this Decree;

(7) Maintenance, operation and administration of schools established by the Autonomous Region;

(8) Establishment, operation and maintenance of health, welfare and other social services, programs and facilities;

---

[33] Pres. Decree No. 1618. *Supra*, Sec. 35 (b). Whether or not it is constitutional for the President to exercise control over the Sanggunians is another question.

Supreme Court E-Library

(9) Preservation and development of customs, traditions languages and culture indigenous to the Autonomous Region; and

(10) Such other matters as may be authorized by law, including the enactment of such measures as may be necessary for the promotion of the general welfare of the people in the Autonomous Region.

The President shall exercise such powers as may be necessary to assure that enactment and acts of the Sangguniang Pampook and the Lupong Tagapagpaganap ng Pook are in compliance with this Decree, national legislation, policies, plans and programs.

The Sangguniang Pampook shall maintain liaison with the Batasang Pambansa.[34]

Hence, we assume jurisdiction. And if we can make an inquiry in the validity of the expulsion in question, with more reason can we review the petitioner's removal as Speaker.

Briefly, the petitioner assails the legality of his ouster as Speaker on the grounds that: (1) the Sanggunian, in convening on November 2 and 5, 1987 (for the sole purpose of declaring the office of the Speaker vacant), did so in violation of the Rules of the Sangguniang Pampook since the Assembly was then on recess; and (2) assuming that it was valid, his ouster was ineffective nevertheless for lack of quorum.

Upon the facts presented, we hold that the November 2 and 5, 1987 sessions were invalid. It is true that under Section 31 of the Region XII Sanggunian Rules, "[s]essions shall not be suspended or adjourned except by direction of the Sangguniang Pampook,"[35] but it provides likewise that "the Speaker may, on [sic] his discretion, declare a recess of "short intervals."[36] Of course, there is disagreement between the protagonists as to whether or not the recess called by the petitioner effective November 1 through 15, 1987 is the "recess of short intervals"

---

[34] *Supra*, Sec. 7.

[35] *Rollo, id.*, 122.

[36] *Id.*

Supreme Court E-Library

referred to; the petitioner says that it is while the respondents insist that, to all intents and purposes, it was an adjournment and that "recess" as used by their Rules only refers to "a recess when arguments get heated up so that protagonists in a debate can talk things out informally and obviate dissension [sic] and disunity."[37] The Court agrees with the respondents on this regard, since clearly, the Rules speak of "short intervals." Secondly, the Court likewise agrees that the Speaker could not have validly called a recess since the Assembly had yet to convene on November 1, the date session opens under the same Rules.[38] Hence, there can be no recess to speak of that could possibly interrupt any session. But while this opinion is in accord with the respondents' own, we still invalidate the twin sessions in question, since at the time the petitioner called the "recess," it was not a settled matter whether or not he could do so. In the second place, the invitation tendered by the Committee on Muslim Affairs of the House of Representatives provided a plausible reason for the intermission sought. Thirdly, assuming that a valid recess could not be called, it does not appear that the respondents called his attention to this mistake. What appears is that instead, they opened the sessions themselves behind his back in an apparent act of mutiny. Under the circumstances, we find equity on his side. For this reason, we uphold the "recess" called on the ground of good faith.

It does not appear to us, moreover, that the petitioner had resorted to the aforesaid "recess" in order to forestall the Assembly from bringing about his ouster. This is not apparent from the pleadings before us. We are convinced that the invitation was what precipitated it.

In holding that the "recess" in question is valid, we are not to be taken as establishing a precedent, since, as we said, a recess can not be validly declared without a session having been first opened. In upholding the petitioner herein, we are not giving him a *carte blanche* to order recesses in the future

---

[37] *Id.*, 145-146.

[38] *Id.*, 121.

Supreme Court E-Library

in violation of the Rules, or otherwise to prevent the lawful meetings thereof.

Neither are we, by this disposition, discouraging the Sanggunian from reorganizing itself pursuant to its lawful prerogatives. Certainly, it can do so at the proper time. In the event that the petitioner should initiate obstructive moves, the Court is certain that it is armed with enough coercive remedies to thwart them.[39]

In view hereof, we find no need in dwelling on the issue of quorum.

WHEREFORE, premises considered, the petition is GRANTED. The Sangguniang Pampook, Region XII, is ENJOINED to (1) REINSTATE the petitioner as Member, Sangguniang Pampook, Region XII; and (2) REINSTATE him as Speaker thereof. No costs.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Bidin, Cortes, Griño-Aquino, Medialdea, and *Regalado, JJ.*, concur.

Padilla, J., no part in the deliberations.

---

[39] See *Avelino v. Cuenco*, 83 Phil. 17 (1949).