MUNICIPAL CORPORATIONS, ELECTION LAW, AND PUBLIC OFFICERS

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The 1964 decisions of the Supreme Court have not attempted any fresh departure from previous rulings. On the contrary, unperturbed by the fluidity of the basis of its decision in Merrera v. Liwag[1]—which upheld then President Garcia's appointments so long as they were not included in the "scramble" for positions in Malacañang towards the end of 1961—the Supreme Court reiterated said ruling in at least two cases. The Court's pronouncement in the cited case may not partake the stability of decisions anchored on legal principles but insofar as it sought refuge in equity and justice to deserving appointees, the Court has demonstrated its role as dispenser of justice and fairness.

MUNICIPAL CORPORATIONS

A municipal corporation is a body corporate and politic, uniting the people and land within a prescribed boundary, established under and by virtue of a sovereign act of legislation for the purpose of local government.[2] Among the powers granted by law to municipal corporations is the power of taxation. This is not inherent but delegated.[3]

Tax is illegal when not provided by charter

Since the power of the municipal corporation to tax is a delegated power, such power when granted must be strictly construed.[4] In the case of *Golden Ribbon Lumber Company, Inc. v. City of Butuan*,[5] the municipal board passed an ordinance which sought to impose a tax on sawn, manufactured and/or produced lumber in the city. The amount of tax was computed on the basis of the total number of board feet of lumber turned out by lumber mills. Appealing from the decision of the lower court which declared the ordinance void on the ground that the power granted to the city under its charter is the imposition of a privilege tax for the operation of lumber mills and which does not include sale tax on manufactured lumber, appellants contended that the questioned tax is a privilege tax

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* Member, Student Editorial Board, *Philippine Law Journal*, 1964-65.

1 G.R. No. L-20079, September 30, 1963.

2 I COOLEY, MUNICIPAL CORPORATIONS (1914) 14.

3 SINCO & CORTES, PHILIPPINE LAW ON LOCAL GOVERNMENTS (1955) 92.

4 Medina v. City of Baguio, 48 O.G. No. 11, 4769.

5 G.R. No. L-18534, December 24, 1964.

as the ordinance was already amended. Upholding the lower court's finding that the tax was *actually* a sale tax and therefore *unauthorized* by the city charter, the Court ruled that "the character or nature of a tax is determined not by the title of the act or ordinance imposing it but by its operation, practical results and incidents." [6] The Court went further by saying: "The amendatory ordinances did not change the nature of the tax imposed by the original. Ordinance No. 9 simply changed the title of the latter so as to make it read as a tax on the produce of lumber mills." Moreover, as the tax levied was virtually one on "forest products" since manufactured or sawn lumber is so considered by the National Internal Revenue Code, the tax is illegal because municipal corporations are prohibited from imposing charges or taxes of such nature under Commonwealth Act No. 472 and Republic Act No. 2264.

MUNICIPAL OFFICERS AND EMPLOYEES

A municipal officer is one who holds a position of trust or responsibility in the municipal government with defined powers, duties and privileges. A municipal employee is one who discharges municipal duties of a ministerial character or performs his functions under the direction of a superior.[7]

The Revised Administrative Code provides for the causes and procedure for administrative actions against municipal officials. By express provision of law, the provincial governor receives and investigates complaints against municipal officers [8] while the trial of any municipal officer is conducted by the provincial board.[9]

Board proceedings void for lack of quorum

When a municipal officer against whom complaints have been filed is convicted by the board, his suspension may continue even after the lapse of his preventive suspension of thirty days.[10] And as a rule, a municipal officer is not entitled to receive salary during his suspension.[11] But is conviction by a provincial board acting without a quorum valid? This issue was raised in the case of *Sarandi v. Espino*.[12] Petitioner Sarandi, elected mayor of Maddela, Nueva Vizcaya, was suspended for thirty days by the governor after a verified complaint for misconduct, oppression, abuse of authority and

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[6] Dawson v. Distilleries, 255 U.S. 288, 65 L. ed. 638; Ass. of Customs Brokers Inc. et al. v. Municipal Board et al., G.R. No. L-4376, May 22, 1953.
[7] SINCO & CORTES, *op. cit.*, 94.
[8] Section 2188, REVISED ADMINISTRATIVE CODE.
[9] Section 2189, REVISED ADMINISTRATIVE CODE.
[10] *Ibid.*
[11] Sections 2079 and 2192, REVISED ADMINISTRATIVE CODE.
[12] G.R. No. L-20822, December 23, 1964.

maladministration was filed against him. After the lapse of thirty days, he tried to assume office and later tried to draw his salary which was denied. The right of the petitioner was dependent upon whether the proceedings of the board that convicted him were valid. The Court ruled that "although the Revised Administrative Code provides that suspension may continue in case of conviction, the decision and the hearing held by the provincial board then consisted of no more than Mrs. Espino, as acting governor, and the provincial treasurer . . . Inasmuch as the presence of three members shall constitute a quorum for the transaction of the board (sec. 5, Republic Act No. 2264) it results that the board has no quorum and that accordingly said hearing and decision are null and void for want of authority thereafter." In which case, petitioner shall receive his salary from the time he should have been reinstated after the preventive suspension of thirty days.

Effect of individual opinions of the board

Do two individual opinions of the provincial board exonerating a municipal officer have any binding effect? In the case of *Bongcawil v. Provincial Board of Lanao del Norte,*[13] the Court answered petitioner's reliance on the individually prepared opinions of two members of the provincial board exonerating him by deciding that "the contention of petitioner that after the case was submitted for decision to the former provincial board its members had written their individual decisions . . . and as a consequence, said decision should be given binding force and effect cannot be entertained for the most that can be said is that said decisions were merely drafts prepared by individual members. . . ." and the Court, *implying the possibility* of upholding petitioner's contention, continued ". . . but that the same had not yet been finally acted upon by the board itself. At least, petitioner has not been able to show any resolution of the former provincial board adopting any of said decisions as its own as is the usual procedure . . ."

Mayor's duty to suspend under Republic Act 557 mandatory

The duty of the mayor to suspend a member of the police force who has been charged of a felony in court is mandatory. This is the ruling of the court in the case of *Dizon v. Dollete.*[14] Construing sec. 4 of Republic Act No. 557, the Court declared: "The mandatory character of the provision is made more manifest by the fact that the law in the same breath considers the interest of the accused who

[13] G.R. No. L-20368, February 28, 1964.
[14] G.R. No. L-19838, June 30, 1964.

may later be found innocent—by entitling him to payment of the entire salary he failed to receive during his suspension."

Upon the assumption that the aforecited provision of Republic Act No. 557 is discretionary on the part of the mayor, respondent contended that his refusal did not amount to a neglect of duty as would justify the governor's act of suspending him pursuant to sec. 2188 of the Revised Administrative Code. The Court overthrew this argument by declaring that "respondent's manifest refusal to suspend for him to comply with Republic Act No. 557 coupled with the warning of disciplinary action should he refuse to obey the orders, amounted to a clear neglect of duty . . . acts which undoubtedly involve or affect his official integrity."

When reinstatement void

The validity of the reinstatement of a chief of police (who was dismissed by the municipal council) in contravention of the decisions of the Civil Service which affirmed the action taken by said municipal council was squarely presented in the case of *Morata v. Court of Appeals.*[15] The Court ruled that petitioner's reinstatement was void. Said the Court: "Even then his reinstatement was null and void because the decision considers him suspended from the date of suspension and so reinstating him on January 1, 1960 contravened the decision." The retroactivity of his suspension was valid because retroactivity itself was provided for in the decision of the Civil Service that considered him as suspended *continuously* from the date of his suspension.

Neither is the person appointed while petitioner was suspended entitled to the office because such appointment was void *ab initio* since the position was not yet vacant, the decision of the Civil Service not having been handed down until after a year of the new appointment.

Mayor of Manila has power to dismiss

In the case of *Villamor v. Lacson,*[16] the Court ruled that the mayor of Manila, who found eleven employees of the Department of General Services guilty of violation of office regulations was justified in dismissing said employees as a disciplinary penalty. The Court ruled that "respondent mayor had the authority to dismiss the petitioners who had been found guilty of violation of office regulations . . . The fact that the Office of the President modified the decision from dismissal to separation . . . did not bring the punish-

[15] G.R. No. L-18978, May 25, 1964.
[16] G.R. No. L-15945, November 28, 1964.

ment within the purview of a preventive suspension which would be governed by sec. 395 of the Revised Administrative Code. The fallacy of petitioner's argument springs from their assumption that the modified decision had converted the penalty to that of suspension." It would have been otherwise, the Court observed, if it was shown that the suspension was *unjustified* or that the employees are *innocent*. In effect, in this case, the Court has ruled that the limitation as to the length of preventive suspension is definitely not applicable when it is a case of dismissal for a valid cause.

PUBLIC OFFICERS

SCOPE OF THE CIVIL SERVICE LAW

Article II, section 3 of the Civil Service Law [17] provides that "the Philippine Civil Service shall embrace all branches, subdivisions and instrumentalities of the government, including government-owned or controlled corporations, and appointments therein, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination."

Position of deputy governor is confidential

The true nature of the position of deputy governor—an appointive office—was the core of the Court's pronouncement in the case of *Arrieta v. Bellos* [18] which denied petitioner the right to continue in said position after he was relieved by the newly-elected governor.

The Court said that "it seems obvious that as the only duties assigned to the deputy governor are those inherent or pertaining to the office of the provincial governor which the latter, in the interest of the service may deem proper to delegate, such deputy governor must have the confidence of the provincial governor. He is actually the eyes and ears of said executive." In answer to petitioner's contention that every appointment implies confidence, the Court ruled that "true, every appointment implies confidence but is this of an ordinary kind, limited to trust in the deputy governor's ability? It is primarily close intimacy which insures freedom of intercourse without embarrassment from misgivings of betrayal of personal trust or confidental matters of state." [19]

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[17] Republic Act No. 2260.
[18] G.R. No. L-17162, October 31, 1964.
[19] De los Santos v. Mallare, 48 O.G., 1787.

PREVENTIVE SUSPENSION UNDER CIVIL SERVICE LAW

Section 35 of the Civil Service Law gives the President of the Philippines the power to suspend officers appointed by him and the Court has ruled that such suspension should not be indefinite as would be unreasonable under the circumstances.[20]

Preventive suspension must be reasonable

Reiterating the ruling in the Garcia case[21] the Court in the case of *Faypon v. Mariño*[22] resolved to grant petitioner the injunction prayed for because the period of suspension has become unreasonable—3½ months. However, the case was dismissed by the Court because petitioner's term of office having expired without his being reappointed, the issue presented has become moot and academic.

President has authority to investigate

In the case of *Rodriguez v. Diaz*,[23] petitioner contended that respondent has no jurisdiction to investigate certain actuations of petitioner in his capacity as acting General Manager of the NARIC on the ground "that under sec. 9(a) of Republic Act No. 663, it is the board of directors that can appoint the General Manager and under sec. 6(b) of the same law it is only the board that can discipline him."

The Court ruled however that the President has, and this petitioner recognized, control and supervision over him. As such, the President has authority to order an investigation. Petitioner claims the investigation was done for the purpose of removing him. The Court said that "petitioner cannot claim that his investigation is for the purpose of removing him for, having already been relieved, the purpose of the investigation is merely to gather facts that may aid the President in finding out why the NARIC failed to attain its objectives . . . His investigation is therefore not punitive but merely an inquiry . . . The President may authorize the appointment of an investigator of petitioner in his capacity as acting General Manager even if under the law the authority to appoint him and discipline him belongs to the NARIC board of directors."

APPOINTMENT OF PUBLIC OFFICERS

Repercussions of the Merrera v. Liwag ruling

After the Supreme Court made exception in the case of Merrera v. Liwag to the effect that those not included in the "scramble" for

[20] Garcia v. Executive Secretary et al., G.R. No. L-19748, September 13, 1962.

[21] Note 20.

[22] G.R. No. L-20304, October 30, 1964.

[23] G.R. No. L-19553, February 29, 1964.

positions in Malacañang after December 13, 1961 have valid appointments, other cases questioning the validity of President Garcia's appointments came up before the Court. In the case of *Gillera v. Fernandez*,[24] petitioner was granted an *ad interim* appointment as member of the Board of Pharmaceutical Examiners to fill an existing vacancy. By virtue of President Macapagal's celebrated Administrative Order No. 2, she was informed of the withdrawal of her appointment. The Solicitor-General contended that petitioner's right to the position was not by virtue of the *ad interim* appointment because it was deemed revoked but by virtue of her later appointment which was to last until after the release of the result of the pharmaceutical examination in 1962. Hence, after the release, respondent's appointment was valid as petitioner's services were deemed terminated already. The Court, however, found for petitioner whose *ad interim* appointment was duly confirmed by the Commission on Appointments and that she was qualified and her appointment "not one of those mass *ad interim* appointments issued in a single night . . ."

In the case of *Quimsing v. Tajanlangit*,[25] the ruling in Merrera v. Liwag was reiterated. However, to the credit of petitioner, his *ad interim* appointment was bolstered by the fact that *prior* to his appointment, he already occupied the position of chief of police in an acting capacity. As his appointment was also dependent on whether it was confirmed by the Commission on Appointments, the Court interpreted the following pertinent provisions of the revised rules of said Commission:

> "Section 21. . . . Any motion to reconsider the vote on any appointment may be laid on the table, and this shall be a final disposition of such motion.
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> "Section 22. Notice of confirmation or disapproval of an appointment shall not be sent to the President of the Philippines before the termination of the period for its (sic) or while a motion for reconsideration is pending."

in this manner, considering that Senator Puyat moved for a reconsideration of petitioner's appointment: "In other words, no further action need be taken by the Commission thereon. It is as if no motion for reconsideration was filed at all.

"It has been established here that . . . notice of the confirmation of Quimsing's appointment was delivered to Malacañang. The action by the Commission on Appointments supports the conclusion that the laying of a motion for reconsideration on the table does

[24] G.R. No. L-20741, January 31, 1964.
[25] G.R. No. L-19981, February 29, 1964.

not have the effect of withholding the effectivity of the confirmation. In fact, it is a recognition that the appointment was confirmed."

Appointment before December 13, 1961 not invalid

Still on the subject of the "midnight appointments," it is very clear that appointments made or *presumed* to have been made prior to or on December 13, 1961 are not covered by President Macapagal's Administrative Order No. 2 and therefore valid. This is the ruling in the case of *Jorge v. Mayor* [26] where petitioner filed a special civil action of mandamus and quo warranto to have him declared as the legally appointed and qualified Director of Lands. Petitioner's appointment was dated December 13, 1961. The Court observed that "petitioner's appointment . . . is presumed made before the close of office hours. The appointment therefore was not included in nor intended to be covered by Administrative Order No. 2 and the same stands unrevoked . . . Said appointment could not be said to have been made hurriedly as to render it doubtful, in fact such appointment was the only one made on that day."

But the respondent interposed the argument that petitioner acquiesced to his being demoted to the position of Acting Director. The Court, however, found that petitioner protested his demotion and if he did not manifest a hostile attitude, it "was merely evidence of that courtesy and 'delicadeza' to be expected of a man in high position who does not wish to obstruct the function of his office."

TERMINATION OF TENURE OR OFFICE

The employees of the government, whether in the classified or unclassified service, are protected by the Constitution in such a way that they can be removed only for cause.[27] The philosophy behind this constitutional protection was expressed by the Court in the *Jorge* case [28] when the Court in upholding petitioner's right to his position observed: "If anyone is entitled to the protection of the Civil Service provisions of the Constitution, particularly those against removals without lawful cause, it must be the officers who, like the petitioner, entered the Civil Service in their youth, bent on making a career out of it, gave it the best years of their lives and grew gray in the hope and expectation that they would eventually attain the upper reaches and levels of the official hierarchy."

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[26] G.R. No. L-21776, February 28, 1964.
[27] Lacson v. Roque, 49 O.G. No. 1, 93.
[28] Note 26.

"Acting" position is terminable at will

In the previously discussed case of *Rodriguez v. Diaz*,[29] the Court said that an acting position is precarious and the holder can be relieved at any time without hearing and without cause by the appointing authority.

Temporary and emergency positions belong to the same class.[30] In the case of *Serrano v. NSDB*,[31] petitioners, who were accorded mostly temporary and emergency employment in the rice research project of the NSDB, lost their positions when the NSDB, pursuant to its discretionary power to continue or discontinue a scientific projetc., discontinued said projcct on the ground that it was not anymore necessary. The petitioners continued working and later claimed compensation. The Court ruled that the termination of their employment was valid. Said the Court: "Assuming arguendo that the project in question needs to be continued as contended, it does not follow that appellants cannot be replaced . . . for some were mostly emergency and temporary employees or laborers. They cannot claim a definite tenure behind which they can shield to continue office."

Expiration of tenure is not dismissal

In the case of *PLASLU v. Court of Industrial Relations*,[32] petitioner was appointed medical director of the CEPOC for a specified period of 3 months—the appointment being temporary because of petitioner's lack of civil service eligibility. After one renewal, the said appointment of petitioner was not renewed and since the position was left vacant in the plantilla of the CEPOC, it was deemed abolished. Among other requisites specified by the CIR decision which petitioner has to meet before being entitled to a permanent status is the presence of the intention to hire petitioner for permanent position. This was absent according to the Court because petitioner lacked civil service eligibility. Contending that the expiration of his 3-month employment without renewal constituted dismissal, the Court ruled that "although the position of medical director was itself permanent, the appointee's incumbency was temporary and ceased automatically at the time designated."[33] Neither could the petitioner claim civil service eligibility by virtue of Republic Act No. 1080 which considers medical board examinations equivalent to

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[29] Note 23.

[30] Austria v. Amante, 79 Phil. 780; Castro v. Solidum, G.R. No. L-7750, June 30, 1955; Mendez v. Ganzon, G.R. No. L-10423, April 12, 1957.

[31] G.R. No. L-19349, March 31, 1964.

[32] G.R. No. L-17950, August 31, 1964.

[33] Cuadra v. Cordova, G.R. No. L-11632, April 21, 1958.

first-grade regular civil service examination because petitioner failed to file a verified application for the benefits of the law. This failure, according to the law itself, is fatal to the application.

REINSTATEMENT

Effect of removal without cause

By resolution of the Court denying respondent's motion for reconsideration claiming that petitioners should not be reinstated because they are not civil service eligibles, the Court ruled in the case of *Urgello v. Osmeña*,[34] that "petitioners though not civil service eligibles were members of the GSIS, which fact shows the permanent character of their tenure. It does not appear that their appointments were temporary; their separation was not based on that ground but on the abolition of their positions in bad faith and solely for the purpose of removing them."

REVOCATION OF APPOINTMENT

Revocation does not affect prior rights

"It is true that a temporary appointment may be withdrawn at any time. The Secretary of Agriculture and Natural Resources . . . who is the appointing authority, did not actually withdraw or cancel the questioned appointment. Instead, he appointed the petitioner-appellee as Provincial Rural Clubs Agent of Agusan. If this latter appointment may constitute an implied revocation of the previous one, nevertheless, it would not alter the fact that the petitioner-appellee was illegally deprived of his right to that office. Indeed he has his rights under the first appointment until it was revoked." This is the ruling in the case of *Tulawie v. Provincial Agriculturist of Sulu*[35] where petitioner was deemed entitled to the emoluments of his office for six months from the time he took oath.

PREFERENCE IN APPOINTMENT

Preference must be exercised within specified period

Petitioners are war veterans who were given temporary promotional appointments as municipal policemen in 1953. They were later removed by the newly-elected mayor. Petitioners contend that as war veterans, they must have preference over those who are to replace them by virtue of the preference accorded them under Republic Act No. 65 (as amended) and Republic Act No. 1363. The Court

[34] G.R. No. L-14908, February 28, 1964.
[35] G.R. No. L-18945, July 31, 1964.

ruled that the 3-year period of preference given to war veterans expired in 1946 and therefore, having been appointed only in 1953, petitioners cannot anymore claim preference. Neither could they invoke Republic Act No. 1363 "because they were not certified as such veterans"—which certification from the proper body is expressly required by law before one can claim the benefits of said law. This is the ruling of the Court in the case of *Francisco v. Court of Appeals*.[36]

GRATUITY

Gratuity is given to those who have not yet received any

In the case of *San Diego v. Auditor General*,[37] petitioner, a retired army officer, received a lump sum gratuity upon his retirement. At the time that he was re-employed as purchasing officer of the PHILCUSA, Republic Act No. 803 became effective giving some servicemen the right to choose between increased lump sum gratuity and a lifetime monthly pension retroactive to date of severance from service. The Auditor General withheld his pension corresponding to his employment in the PHILCUSA unless he refunded his PHILCUSA salary.

Petitioner contended that the prohibition under Commonwealth Act 246 with respect to "a person receiving a life pension, annuity from the government . . . and reappointed to any position the appropriation of the salary of which is provided from funds of the said Commonwealth . . ." to receive another gratuity covers a case where the person re-entering is *actually* receiving pension and not one who has *already* received pension. This semantic distinction offered by the petitioner did not impress the Court which decided that the purpose of the law was to prevent compensation to any official for the same period of time. Citing a precedent,[38] the Court said: "Pension or gratuity is granted by government to the officers and employees in recognition of past services . . . To sustain petitioner's theory that he could receive the full compensation provided for the position upon re-entering the service of the government and keep the lump sum gratuity which he had received, because he has already spent it all and because he is not receiving a life pension . . . would be contrary to the above quoted provision of Commonwealth Act 246."

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[36] G.R. No. L-1928, December 29, 1964.
[37] G.R. No. L-15460, January 31, 1964.
[38] Peralta v. Auditor General, G.R. No. L-8480, March 29, 1957.

ELECTION LAW

GROUNDS FOR RECOUNTING OF VOTES

Section 163 of the Revised Election Code,[39] provides that "in case it appears to the provincial board of canvassers that another copy or other authentic copies of the statement from an election precinct submitted to the board give to a candidate a different number of votes and the difference affects the result of the election, the Court of First Instance of the province, upon motion of the board or of any candidate affected, may proceed to recount the votes cast in the precinct for the sole purpose of determining which is the true statement . . ." Section 168 of the same law provides that ". . . In case of contradictions between copies of the same statements, the procedure provided in section one hundred and sixty-three . . . shall be followed."

Discrepancy must be between same copies of election return

In the case of *Rosca v. Alikpala*[40] a special civil action for a recount of votes on the ground that there was a discrepancy between the election return and the tally board was denied by the lower court. Upholding the decision of the trial court, the Court, citing the doctrine established in the Parlade and Samson cases[41] ruled: "the discrepancy between the election return and certificate given to watchers is not a ground for recount . . ." Furthermore, the Court made the definitive ruling that "Section 163 and 168 refer to differences between statements . . . and another copy or authentic copies thereof . . ."[42] Petitioners contended however that the tally board should be considered in determining discrepancy. The Court, deciding on the value of tally boards, declared that the tally boards were not signed by the inspectors and they are not public documents. Therefore, since the discrepancy supposedly appearing in the tally boards and copies of certificates of votes given to watchers were not *authentic* copies of the election return, such discrepancy does not fall under the *kind* of discrepancy which can be considered a ground for a judicial recount of votes.

The same issue was presented in the case of *Lawsin v. Escalona*[43] and the Court said that "discrepancy means a variance between copies of the statement of the election returns presented

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[39] Republic Act No. 180 (as amended).
[40] G.R. No. L-22088, June 30, 1964.
[41] G.R. No. L-16259, December 29, 1959 and G.R. No. L-16286, January 30, 1960, respectively.
[42] Lim v. Maglanoc, G.R. No. L-16566, August 31, 1961.
[43] G.R. No. L-22540, July 31, 1964.

by the local treasurers to the respective board of canvassers . . ." The Court, in this case, took occasion to state that "a judicial recount of votes under section 163 is a special authority conferred on the Court and must be restrictively construed so as not to extend to other cases that may, more or less, bear some resemblance to the situation described in said section . . ."

Re-opening of ballots discretionary upon court

When all members of the board of election inspectors including the poll clerk are unanimous that there was a mistake in their entry in the election returns regarding the number of votes garnered by each candidate, the court may allow the correction, after satisfactory evidence, without the need for a recount of votes. The power of the court to order a recounting of votes is discretionary. This is the ruling in *Tangco v. Alejandro.*[44]

Section 154 of the election code construed

Section 154 of the Revised Election Code provides that "after the announcement of the result of the election in the polling place, the board of inspectors shall not make any alteration or amendment in any of its statements, unless it be so ordered by a competent court." In the case of *Astillas v. Asuncion,*[45] the Court construed said section in that 1) it authorizes merely a *summary* proceeding, taken before the proclamation of the results of the election;[46] 2) it does not allow the exercise of the judicial power therein provided for, except when there is *unanimity* among members of the corresponding board of inspectors;[47] 3) it confers judicial discretion to exercise or not to exercise said power;[48] 4) it does not permit an appeal from the action taken by said court.[49]

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[44] G.R. No. L-22342, March 31, 1964.
[45] G.R. No. L-22246, February 29, 1964.
[46] Aguilar v. Navarro, 55 Phil. 898.
[47] Benitez v. Parades, 52 Phil. 1.
[48] Board v. Bongabong, 55 Phil. 914.
[49] *Ibid.*