

"FLYING SESSIONS"

Republic of the Philippines
DEPARTMENT OF JUSTICE
Manila

5th Indorsement
December 13, 1946

Respectfully returned to the Honorable, the Secretary of the Interior, Manila.

Opinion is requested on whether the request made in Resolution No. 106 of the municipal Council of Argao, Cebu, for authority to hold council meetings or "flying sessions" in different barrios within the jurisdiction of the municipality comes within the purview of Section 2220 of the Revised Administrative Code, which provides, among other things, that "the municipal council shall prescribe the time and place of holding its meeting."

In thus requiring the council to prescribe the time and "place" of holding its meetings, the manifest intention of the legislature is to limit the designation to only one place, the purpose being to appraise the people of the place fixed for the meetings, so that they may attend the same whenever they should so desire. "All acts done at another than the usual place bear the stamp of contrivancy, secrecy and fraud and the court will suspect an improper motive." (Glover, Mun. Corp., 152.) Where such place has been fixed, a municipal council may not legally meet at other places, except in cases of necessity or emergency. (2 McQuillin, Municipal Corporations, 532-533.) The intention to limit the holding of council meetings to a determinate place is further deducible from the provision requiring the municipal secretary, as clerk of the municipal council, to "keep his office in the building where the municipal council meets, or at same place convenient thereto, as the council shall direct" (Sec. 2212[c], Rev. Adm. Code).

The "flying sessions," if authorized, would make it difficult for the people in general to know at what particular place the council would meet on a given

date, with the result that those who may be desirous to attend the meeting would, in effect, be deprived of the opportunity to do so.

With reference to the purpose stated in the resolution, i.e., "to bring the government closer to the people", it may be noted that the same is amply taken care of by the provision of Section 2219-1/2 of the Revised Administrative Code, which provides that each barrio, or rural subdivision with a barrio lieutenant, shall have a Rural Council, which is empowered, among other things, to submit to the municipal council such suggestions or recommendations as it may see fit for improvements in their place or for the welfare of the inhabitants thereof.

Wherefore, the query above propounded is answered in the negative.

(SGD.) ROMAN OZAETA
Secretary of Justice

PRONUNCIAMENTOS

SERGIO OSMENA—*Ours is a government by law; the splendour of its majesty must never be dimmed in our land.*

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EMILIO JACINTO—*I believe, and do firmly believe, that the prosperity of a people depends upon the people itself. A people, that knows and esteems reason and observes as its rule of conduct, goodness and dignity in all its acts, will not place itself at the mercy of any tyrant, or submit to force or fraud, or become a tool of the haughty and abominable prevaricator who rules from the heights of power.*

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TRINIDAD H. PARDO DE TAVERA—*Through education, we may be sure of awakening the spirit of work, of tolerance, of peace, of economy, and of respect for the law,—of everything which makes life possible in liberal and democratic institutions, which are not inimical to but in consonance with, the ideals of liberty and democracy.*