Freeing Our Towns From Imperial Manila's Mandates

Two Basic Decisions for Towns in High Court's October Grist

October, 1927, should be a red-letter month to all men in the Philippines whose business it is as public officials of the towns and provinces to make and enforce ordinances and acts; for two decisions have come down from the supreme court tending to make such officials more independent in their positions from interference by Manila—imperial Manila—who would too often rather ruin than fail to rule.

In the first case, 27209, Andres M. Gabriel effected a legal agreement with the municipal authorities of Angeles, Pampanga, in the form authorities of Angeles, Pampanga, in the form a construction of the co

But there were objectors, which is all right, of course; and to quiet their protests and clarify Gabriel's rights the council stated officially "that the site selected * * * for his steam engine is outside the radius or square designated * * * in resolution 237, series of 1906."

But the objectors kept on. "We'll go to Manila with this," they said. And they went to Manila, where the usual license with local affairs was taken. The assistant executive secretary proceeded to rule that although the mill (already built and operating, the reader cone. The town had grown since the zone was defined and the zone "row includes the lot in question, and to all intents and purposes it impliedly comes within the purview of the prohibition." "This office (so distant from the scene of conflict) fails to see sufficient and good reasons why the municipal council granted his rice mill within the población, which constitutes, when in operation, a menace and a nuisance to the neighborhood."

After this effusion, the courts had their innings, when the provincial board of Pampanga, following the executive ruling, annulled Gabriel's license and an appeal to the executive bureau itself failed because some of the councilmen apparently got cold feet. The necessary twothirds vote was not obtained. (Ought such a majority be required by the law? Why not a simple majority, which is enough to enact an ordinance or repeal one?)

The courts saw the question in a new light altogether, the high court saying through Mr. Justice George A. Malcolm, sustained by the whole bench:

"The only ground upon which a provincial board may declare any municipal resolution, ordinance, or order invalid is when such resolution, ordinance, or order is 'beyond the powers conferred upon the council or president (mayor) making the same. Absolutely no other ground is recognized by law."

No more of the decision is quoted, because it is desired for this essential part to stand out clear, and be caught by the intelligence of all to whom these presents come. The council had all along proceeded within its rights under the law, its duty indeed, and the court thought "it is time to deal a blow against higher usurpation because the council had been always to the council the council to proceed with a council to proceed with a council to proceed with a council to proceed with the council proceed with the council proceed with the council proceed within the council part of the council proceed within the council part of the council proceed within the council part of the counci

proceedings to Gabriel's pocket was P6,000. His investment in the mill is P29,000, including the cost of installation. The data are quoted from his letter in reply to inquiry. The Journal admires his civic spirit and determination. It believes the decision will eventually reveal many more men of his type, and the type of the officials who saw him through his difficulty.

The court was of the opinion that politics entered into the protest, but if these little affairs are confined to the communities where they arise and the courts are just and independent, the best man usually wins and social growth occurs. Everything, of course, hinges upon the courts.

"The courts should not adopt a policy of petty picking at municipal officials who are attempting to perform their duties, and so, through judicial interference, unduly embarrass municipal administration."

Such decisions are most encouraging. It goes without saying that the perty authority of the towns would sometimes endeavor to inject favoritism and partiality into legislation, but the courts, where they may be enjoined from such action, remain as the constitutional remedy. When men realize that the little offices actually carry power that may not be infringed by Manila, better men, on the average, will permit their names to go before the people in the town elec-

Vice-President John W. Haussermann, who is also vice-president of the Benguet Consolidated Mining Company, has returned to Manila together with Walter Beam, president of the mining company. The company has some new



Andres Gabriel and His Rice Mill (Right Fore-Ground), Angeles, Pampanga.

The other case arose in Zamboanga, Mindanao, and involved the considerable license revenue collected by the town from the sale of liquor in addition to the insular taxes imposed, the licensee alleging double taxation. Facts were agreed upon by the parties to the suit, and the court ruled on the point "whether or not the ordinance in question should be placed under the power to license and held void, or under the power to license and held valid. "In the broadest possible manner, the municipal councils within the confines of Mindanao and Sulu are given power over the sale of intoxicating liquors."

Executive intervention from Manila was not directly involved, nevertheless the decision, sustaining the lower court's, that the ordinance regulatory of the liquor traffic was valid and the high license fees legal, will be a guidepost to restrain Manila from its wonted intervention in matters remote from the field or the interest of the general government—better called the general public administration. "The municipal "The municipal authorities," says the court, Mr. Justice Malcolm also penning this decision, attempting, under the power to license, to regu-late the sale of liquors. If under ordinances thus enacted incidental revenue should accrue, it would not undermine the validity or the local provisions. * * * The ordinance * * * concerns the sale of liquois, which should be classified as a nonuseful business. It will also be recalled that the licenses are not only intended for the strictly related power to regulate but might extend so far as to prohibit.

ore on E level assaying \$1,041 to the ton and approximating \$500,000 in total value. On paper got it 800,000 tons running \$25,000 to the ton but this proved to be an exaggeration. No has the company resorted to barbed-wire entanglements to protect the gold, going only so far as to have guards. Mining continues its progress in the Benguet district and the Consolidated has the lion's share thus far.

Director Samuel F. Gaches, president of H. E. Heacock Company, who recently returned with Mrs. Gaches to Manila, speaks encouragingly of the 1 un of business in the United States, the big market for surplus products from this tertiory. Cotton is up, for one thing, creating vast buying power over a large section of the southern states.

MONEY IN CIRCULATION

September 24: P142,445,024—Philippine coins P21,272,531; treasury certificates P91,456,388; banknotes P29,716,105.

Government Reserves: Gold Standard Fund, Manila P6,838,842, New York P16,512,540; Treasury Certificate Fund, Manila P22,081,281, New York P69,375,107; Total P114,807,771.

Combined bank resources, total, P225,422,719. Demand deposits, P66,567,786; time deposits