

Activities Of The Local Governments And Their Officials

Minutes of the Convention of Governors and City Mayors held at the
Mansion House, Baguio City on May 5-6, 1949
Continued from November

No. 24

WHEREAS, the Honorables, Manuel Cuenco, Governor of Cebu, Jose U del Callego, Governor of Camarines Sur, and Nicanor Roxas, Mayor Quezon City have during their incumbency as herein given manifested able leadership and shown deep concern and interest for the upliftment and welfare of the people of not only the political subdivision which they lead and represent but of the whole nation as well;

WHEREAS, in the interest of the people and the country such officials should not only serve the country in their present positions but they should be elevated to higher ones with more powers and greater responsibilities wherein they could serve better the interest and welfare of the people and country,

NOW, THEREFORE, the Conference of Provincial Governors and City Mayors, in convention assembled in the city of Baguio, with the foregoing considerations, has

Upon motion of Governor Jongko of Agusan

RESOLVED, as it is hereby resolved, to endorse the Candidacies of Governor Manuel Cuenco of Cebu, Governor Jose U. del Gallego of Camarines Sur, and Mayor Nicanor Roxas of Quezon City, for Senators of the Liberal Party in the forthcoming election of elective National Officials on November 8, 1949:

RESOLVED FURTHER, to forward this resolution to His Excellency the President of the Philippines and the Executive Committee of the Liberal Party, strongly recommending the candidacies of Honorables, Manuel Cuenco, Jose U del Gallego and Nicanor Roxas, for Senators in the forthcoming election on November 8, 1949, furnishing copies hereof to the President and Secretary of the Liberal Party, Manila, for their information.

Carried unanimously.

No. 25

WHEREAS, Article VI, Section 2 of the Constitution provides that the Senate, which constitutes the upper House of Congress, shall be composed of twenty-four Senators who shall be chosen at large by the qualified electors of the Philippines, as may be provided by law;

WHEREAS, while such procedure of choosing Members of the Senate may be advantageous in the sense that it helps in the building of National figures who may succeed to the highest Magistracy of the land, yet in a democratic government as ours, such a method of choosing representatives of the people is sometimes inconsistent in the sense that there is unequal distribution of representation in the Senate, two or three Senators being elected from a single province while so many other provinces are not represented;

WHEREAS, the procedure being adopted before the adoption of our Constitution, that of choosing Members of the Senate by districts proves a better way in keeping with the democratic principle of equal representation of the people in the legislative branch of the government than the present procedure of choosing Senators at large,

The Conference of Provincial Governors and City Mayors in Convention assembled in the City of Baguio, has

Upon motion of Governor Escudero of Sorsogon and seconded by Governor Ysalina of Misamis Oriental,

RESOLVED, as it is hereby resolved, to request the Congress of the Philippines, to amend Article VI, Section 2, of the Constitution, in the sense that instead of choosing Members of the Senate at large they should be selected by districts to effect equal representation in the upper House of Congress.

RESOLVED FURTHER, to forward copies of this resolution to both Houses of Congress thru their respective Secretaries, for their information and favorable consideration.

Carried unanimously.

No. 26

WHEREAS, the present practice of subjecting government owned cars on official duties to the payment of toll fees in certain toll bridges or ferries is quite embarrassing aside from causing unnecessary delay on the part of the traveling official;

WHEREAS, the amount spent by government-owned cars in the payment of such toll fees is borne by the office, bureau, province, city, municipality or government agency or entity to which the traveling official belongs and not from his personal money;

WHEREAS, such being the case as above cited, it would be more appropriate for toll collectors to just note in their record books the number of the car and the station of the official making the trip;

NOW, THEREFORE, the Conference of Provincial Governors and City Mayors in Convention assembled in the City of Baguio, has

of Zamboanga, unanimously

RESOLVED, as it is hereby resolved, to request the Honorables, the Secretaries of Public Works and Communications, Finance and Interior, to exempt all Government owned cars traveling

Upon motion of Governor Garrovillo on official business from paying toll gates fees in all toll bridges and ferries including those under the revolving fund.

RESOLVED FURTHER, to forward copies of this resolution to the Honorable, the Secretary of Public Works and Communications, the Honorable, the Secretary of Finance and the Honorable, the Secretary of the Interior, Manila, for their information and approval.

No. 27

WHEREAS, one of the main objectives of the present administration is to bring the government nearer to the people and to keep and strengthen their faith in the same;

WHEREAS, to properly attain this end it is necessary that the people should be afforded a fair knowledge of what is going on in the government and what the government is doing for their welfare;

NOW, THEREFORE, The Confer-

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ence of Provincial Governors and City Mayors in convention assembled in the City of Baguio, with the foregoing considerations, has

Upon motion of Mayor Roxas of Quezon City, unanimously.

RESOLVED, as it is hereby resolved, to request all Department Secretaries and Heads of Government Agencies and Instrumentalities to issue circulars pertaining to the activities of their respective departments, offices, agencies and instrumentalities for the dissemination of the people;

RESOLVED FURTHER, to forward this resolution to His Excellency, the President of the Philippines, furnishing copies hereof to all Department Secretaries, Bureau Directors, and Heads of all Government, Agencies and Instrumentalities, Manila, for their information and appropriate action.

No. 28

WHEREAS, the occasional holding of National Carnival and Exposition is one way of promoting trade, commerce and industry, through the display therein of the various produce of the different regions of the country;

WHEREAS, it is also through the holding of National Carnival and Exposition that the people could obtain first hand knowledge of things produced in the different regions of the country;

WHEREAS, the last National Carnival and Exposition was held before the war;

NOW, THEREFORE, in view of the foregoing considerations, the Conference of Governors and City Mayors in convention, has

Upon motion of Mayor Roxas

RESOLVED, as it is hereby resolved, to request the Government Enterprise Council to hold yearly National Carnival and Exposition, the same to be sponsored by the Department of Commerce and Industry on a lot in Quezon City offered free of charge by Mayor Nicanor Roxas, with a view to promoting trade, commerce and industry.

RESOLVED FURTHER, to forward this resolution to the Government Enterprise Council, thru its Chairman, Manila, for its information and approval, furnishing copies hereof to the Honorable, the Secretary of Commerce and Industry, Manila, and Mayor Ni-

We are not aware of any law authorizing the municipal council to appropriate municipals funds for the purpose stated above. In this connection, attention is invited to section 2288 of the Administrative Code which provides as follows:

"Use of municipal funds.—Except as allowed by law, municipal funds shall be devoted exclusively to local public purposes."

Taxation is the taking away of private property for public use. In the instant case, a portion of the taxes collected from the inhabitants of the municipality of Loon is being appropriated by the municipal council as relief aid to the four widows of Cabilao Island. This cannot be done because the "rule is well established, and supported by numerous well considered cases that municipal corporations have only such powers as are expressly granted in their charters or are necessary to carry into effect the powers so granted. It is a rule of public utility, and courts should recognize and enforce it as a safeguard against the tendency of municipalities to embark in enterprises not germane to the objects for which they are incorporated." (Dailey v. City of New Haven, 60 Wis. 314). "Taxation is the absolute conversion of private property to public use, and its validity rests on the use. In legislative grants of the power to municipal corporations, the public use must appear. The legislature can delegate the power to tax; and the validity of the delegation rests on the public purpose. Were this otherwise, as was said at bar, municipal taxation might well become municipal plunders." (Attorney General v. Claire, 37 Wis. 436). Public use "must be for the benefit and advantage of all the public and in which all have a right to share." (Smith v. Smythe, 197 N.Y. 457, 463; 90 1121; 44 Corpus Juris, p. 1109).

What is a local purpose? "The term 'local purpose'*** means a purpose the benefit of which is confined to a particular locality or limited district. A local purpose has reference to the citizens or interest of a particular locality." (Words and Phrases Judicially Construed). "A municipal council can-

not expend public funds for any purpose it may desire; in expending money municipalities are rigidly restricted to the purposes authorized by law. * * *. A municipal corporation cannot expend its funds for private purposes, or make appropriations for donations." (44 Corpus Juris, pp. 1108, 1109).

In view of the foregoing, our answer to the question is in the negative, it appearing that the sum of ₱100.00 voted by the Municipal Council of Loon in its Resolution No. 86, series of 1937, as relief aid to the four widows of Cabilao Island, Loon, whose husbands died at sea in the typhoon of November 17, 1937, is not for a local public purpose or public use, and hence, not within the powers of the municipality to grant.—11th Ind., Sept. 22, 1938, of Aud. Gen. to Sec. of the Int.; G. A. O. File 120.

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home. I have only my parents, but my country has many sons besides myself who are able to take my place and are already taking my place successfully.

I desire, furthermore, to let those who deny our patriotism, see that we know how to die for our duty and for our convictions. What matters death if one dies for what he loves, for his motherland, and the beings he adores.

If I supposed that I was the only fulcrum of the policy of the Philippines, and if I were convinced that my fellow countrymen would utilize my services, perhaps I should hesitate to take this step; but there are still others who can, with advantage, take my place.

I have always loved my poor motherland, and am sure I shall love her to the last moment, even though perhaps men are unjust to me; and my future, my life, my joys, all have been sacrificed for my love of her. Whatever my fate may be, I shall die blessing her and longing for the dawn of her redemption.

Publish these letters after my death.—Jose Rizal. (Reprint from PANORAMA, Vol II, No. 12.

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canor Roxas of Quezon City, for their information.

Carried unanimously.