

WHEN MOTION FOR INTERVENTION NOT PROPER

From the particular facts and circumstances of the case at bar, we are satisfied that the respondent judge has not abused his discretion in denying petitioner's motion to intervene. We agree with the holding of the respondent court that since movant Ivor Robart Dayton Gibson appears to be only one of several re-insurers of the risks and liabilities assumed by Malayan Insurance Co., Inc., it is highly probable that the other re-insurers may likewise intervene. The record shows that aside from the petitions there are 63 others syndicate members of Lloyds, 26 companies in the "I.L.U." group holding a 34.705% reinsurance interest and the 2 "other companies" holding the balance of the reinsurances—as listed in annex "A", sun-rejoinder to Lepanto's rejoinder, pp. 136-138, Records. The high probability that there are other re-insurers like the petitioners herein that may likewise intervene if the latter's motion is granted is not an arbitrary assumption of the court. Considering petitioner's assertion that he will have the opportunity to show, among others, that the losses and damages purportedly sustained by Lepanto occurred not from the perils of the seas but from the perils of the ships; that Lepanto is not the real party in interest; that it has no cause of action; and neither has it complied with its obligations under the policy which makes the filing of the complaint premature if petitioner is allowed to intervene, we hold that there is good and sufficient basis for the court a quo to declare that the trial between Lepanto and Malayan would definitely be disrupted and would certainly unduly delay the proceedings between the parties especially at the stage where Lepanto had already rested its case and that the issue would also be compounded as more parties and more matters will have to be litigated. In other words, the court's discretion is justified and reasonable. (Ivor Robert Dayton Gibson v. Revilla, G.R. No. L-41432, July 30, 1979)

RECENT LEGISLATIONS

Compiled by:

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ANDRES B. SORIANO, LI. B. '83

POLITICAL LAW

Presidential Decree 1627

amends Sec. 8 of Batas Pambansa Blg. 20, entitled "An Act Providing for the Organization of the Sangguniang Pampook in each of Regions 9 and 12 x x x." Formerly, the Sangguniang Pampook were supposed to initially convene upon the call of the President (Prime Minister) within 60 days from the proclamation of a majority of the members of the Sangguniang Pampook. By virtue of the amendatory Decree, the Sangguniang Pampook shall now initially convene upon call of the President (Prime Minister) on such a date as he may deem proper and expedient.
Done July 6, 1979.
(75 O. G. 6244)

Batas Pambansa Blg. 39

known as the "Foreign Agents Act of 1979" and enacted for reasons of national security, it regulates the activities of foreign agents and requires them to register and to disclose their political activities in the Philippines. The term **foreign agent**, under the Act includes "any person who acts or agrees to act as political consultant, public rela-

tions counsel, publicity agent, information representative, or as agent, servant, representative or attorney for a foreign principal or for any domestic organization subsidized directly or indirectly in whole or in part by a foreign principal," but excludes any "duly accredited diplomatic or consular officer of a foreign country or official of the United Nations and its agencies and of other international organizations recognized by the Republic of the Philippines while engaged in activities within the scope of their legitimate functions as such officers or a bona fide member or employee of a foreign press service or news organization while engaged in activities within the scope of his legitimate functions as such."*

Approved and took effect September 7, 1979.
(75 O.G. 7514)

POLITICAL LAW/REMEDIAL LAW

Presidential Decree 1629

amends P.D. 1486, creating a Special Court to be known as "Sandiganbayan," as revised by P.D. 1606. The Decree deletes the 2nd paragraph of P.D. 1606 which requires a certification by the Investigating Prosecutor of a prima facie case before the Court shall entertain the criminal information or complaint.

Done July 18, 1979.
(75 O.G. 6249)

* For the Rules and Regulations issued by the Ministry of Justice to implement the provisions of the Act, see 75 O.G. 8288 et seq.

SOCIAL LEGISLATION

Presidential Decree 1640

freezes the prices of lands in Metropolitan Manila at current market value determined in accordance with P.D. 76, as amended, and other laws. The Decree invokes the Constitutional provision that "the State shall promote social justice to ensure the dignity, welfare, and security of all the people. Towards this end, the State shall regulate the acquisition, ownership, use, enjoyment, and disposition of private property, and equitably diffuse property ownership and profits" and is pursuant to P.D. 1517 which proclaimed urban land reform. P.D. 1640 provides that in case of violation thereof, the penalty provided for under Sec. 21 of P.D. 1517 shall attach.

Done September 21, 1979 and took effect immediately.
(75 O.G. 9273)

TAXATION

Presidential Decree 1628

amends the 2nd paragraph of Sec. 104 and modifies the rates of duty of certain imported articles provided for under P.D. 1464, otherwise known as the "Tariff and Customs Code of 1978".

Done July 11, 1979.
(75 O.G. 6245)

Batas Pambansa Blg. 36

imposes an energy tax on the monthly power consumption of residential customers of electric power utilities. The energy tax is not allowed as a deduction for income tax purposes.**

Approved and took effect September 7, 1979.
(75 O.G. 7506)

** For Revenue Regulations No. 9-79, prescribing the rules for the implementation of the energy tax on electric power consumption, see 75 O.G. 8674 et seq.

Batas Pambansa Blg. 37

amends Sections 34, 45, 51 and 72 of the National Internal Revenue Code of 1977 as amended, by subjecting to the final tax capital gains derived from the sale or other dispositions of real property. ***

Approved and took effect September 7, 1979.
(75 O.G. 7508)

Batas Pambansa Blg. 38

consolidates the provisions on travel tax by amending certain Sections of PD 1138 as amended.

Approved and took effect September 7, 1979.
(75 O.G. 7511)

Batas Pambansa Blg. 41

further amends Sections 30 (on expenses, losses, and deductibility of certain payments), 36 (on inventories), 37 (on rentals and royalties), 45 (on individual returns), 53 and 54 (on taxes withheld at source), 86, 153 (on specific tax on naphtha, gasoline and other like products), 187 (on the definition of "real estate broker") and 196 of the National Internal Revenue Code of 1977, as amended.

Approved and took effect Sept. 7, 1979.
(75 O.G. 7520)

*** For Revenue Regulations No. 8-79, implementing Sec. 34(h) of the National Internal Revenue Code of 1977, as amended by B.P. 37, see 75 O.G. 9365 et seq.

MINISTER OF JUSTICE

Compiled by:

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AND

IMELDA D. BAGAMASBAD, LI. B. '81

ADMINISTRATIVE LAW

CASE: Members of the Sanguniang Bayan are not exempt from the operation of Section 2176 of the Revised Administrative Code, in view of the categorical and unambiguous prohibition contained in said provision forbidding municipal officers from holding a pecuniary interest, direct or indirect, in any cockpit. In effect, this provision makes every violation of Sec. 2176 an offense. If a group of persons were to be exempted from the operation of Section 2176 by an administrative or implementing agency, it would be tantamount to a condonation of the act of said group which is deemed an offense under the penal provisions of section 2176 and/or a determination that the act in question shall not constitute an offense. This is not within the prerogative of an administrative or implementing agency. (Opinion 156, 12 November 1979)

CASE: Presidential Decree No. 1603 does not curtail the power of the Minister of Finance to issue rules and regulations pursuant to Section 326 of the National Internal Revenue Code. Presidential Decree No. 1603 is a general conferment of authority on every ministry, bureau, or office to promulgate rules and regulations pertaining to their respective agency. The general grant of power must give way to the specific grant in the National Internal Revenue Code. (Opinion 139, 23 October 1979)