

G.R. No. L-5856

[G.R. No. L-5856. December 29, 1953]

MARCELINO A. BUSACAY, PLAINTIFF AND APPELLANT, VS. ANTONIO F. BUENAVENTURA, IN HIS CAPACITY AS PROVINCIAL TREASURER OF PANGASINAN, OR HIS SUCCESSOR IN OFFICE, AND ALFREDO MURAO, DEFENDANTS AND APPELLEES.

R E S O L U T I O N

TUASON, J.:

In his motion for reconsideration appellant asks that the court positively declare that he is entitled to the payment of back salaries in order that he “may take the necessary administrative remedy” for their collection.

It is a universal principle that judgments must be responsive to the issues presented by the pleadings. (49 C. J. S., 117.) As there can be no issues between plaintiff or defendant and a stranger to the case, no judgment can be rendered for or against one who has not been impleaded. (41 C. J. S., 117.) In fact, not only is there no issue between plaintiff or defendant and a person not a party to an action, but the court has absolutely no jurisdiction of his person.

The objection would not disappear if the declaration here sought were to be used merely to persuade the proper authorities to pay the appellant his claim. It is also an unvarying rule of courts to refrain from making any adjudication the enforcement of which would be left to the discretion or will of the debtor, or any pronouncement which would affect the rights of parties who have not had their day in court. Any declaration holding any officials of the Government liable for the payment of appellant’s salary for the time he was kept out of the position of toll collector would be unfair as prejudging any suit that

might be brought against them in case they refuse.

The prayer that, in the alternative, "The defendant Provincial Treasurer be condemned to pay from his own private funds as exemplary damages to the plaintiff" the appellant's salary "during the period of the latter's legal suspension or dismissal" was amply discussed in our decision. We find no reason for altering our conclusion that the Provincial Treasurer cannot be held liable. There is no proof that he acted in bad faith, as charged.

Wherefore, the motion for reconsideration is denied.

Paras, C. J., Pablo, Bengzon, Padilla, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.
