

### Title:

**\*\*Nessia v. Fermin and Municipality of Victorias: A Study of Obstructed Bureaucratic Process and the Right to Judicial Relief\*\***

### Facts:

Jose V. Nessia, the Deputy Municipal Assessor of Victorias, Negros Occidental, sought reimbursement for travel and food expenses incurred during the performance of his duties. His claim was substantiated through vouchers submitted for approval. However, Jesus M. Fermin, the Mayor of Victorias, allegedly refused to act upon these vouchers. This inaction was purportedly due to Nessia's defiance of Fermin's directive to all municipal officials to register and vote in Victorias for the 1980 local elections. Fermin argued that the claims exceeded budget appropriations. The Municipality of Victorias echoed Fermin's defense and blamed Nessia for not providing a justification for the overspending nor amending his vouchers accordingly.

At the trial court, Nessia won the case, with the judgment asserting that Fermin maliciously failed to process the vouchers. Upon appeal by both Nessia and Fermin, the Court of Appeals reversed the decision, citing a lack of cause of action due to perceived evidence of Fermin acting on the vouchers rather than neglecting them. This led Nessia to escalate the matter to the Supreme Court under Rule 45.

### Issues:

1. The validity of Fermin's refusal to process the claim vouchers and its legal implications under Article 27 of the Civil Code.
2. Whether the Court of Appeals erred in reversing the trial court's decision which had become final and executory against the Municipality of Victorias due to its non-appeal.
3. The applicability of Fermin's defense regarding lack of budget appropriations.

### Court's Decision:

The Supreme Court granted Nessia's petition, reinstating the trial court's decision favorable to Nessia. It was emphasized that the trial court's findings, particularly on the receipt and subsequent inaction on the vouchers by Fermin, were more credible than the appellate court's conclusions drawn solely from the case records.

The Court dissected the issues meticulously:

- It clarified that refusal to process the vouchers falls under unjust inaction, making Fermin liable under Article 27 of the Civil Code for causing material loss to Nessia.

- It found no merit in Fermin's defense related to budget appropriations, noting that while a mayor cannot be compelled to approve vouchers exceeding budget limits, they can still be held responsible for malicious inaction.
- The Court also ruled that the decision of the Court of Appeals erroneously granted affirmative relief to the Municipality of Victorias, which did not appeal the trial court's decision.

### ### Doctrine:

This case reaffirms the principle that public officials are obliged to act expeditiously on matters before them, under the risk of facing liability for damages under Article 27 of the Civil Code for malicious refusal or neglect to perform official duties.

### ### Class Notes:

- **Article 27, Civil Code**: Provides judicial relief for those suffering material or moral loss due to a public servant's refusal or neglect to perform an official duty without just cause.
- **Malicious Inaction vs. Disapproval**: The case distinguishes between refusal to approve claims (which may be challenged) and inaction on them, underscoring that unjust inaction can result in liability.
- **Role of Affirmative Relief**: This case clarifies that an appellee who has not appealed cannot obtain affirmative relief beyond what was granted in the court below.

### ### Historical Background:

The case contextualizes the dynamics of bureaucratic processes within local government units, illustrating how political motivations and personal vendettas can obstruct the administrative machinery, to the detriment of public servants like Nessia. It underscores the Philippine judiciary's role in addressing such bureaucratic impasses and ensuring public officials are held accountable for arbitrary or malicious conduct.