

****Title**:** Eduardo de los Santos vs. Gil R. Mallare, et al.

****Facts**:**

Eduardo de los Santos was appointed as the City Engineer of Baguio on July 16, 1946, confirmed by the Commission on Appointments on August 6, and officially began duties on August 23 of the same year. On June 1, 1950, Gil R. Mallare was granted an ad interim appointment to the same position by the President, resulting in the Department of Public Works and Communication directing de los Santos to assume a different assignment on June 3. De los Santos contested his removal, refusing to vacate the office. When local government officials recognized Mallare as the legitimate City Engineer and facilitated his salary payments according to the role, de los Santos initiated a quo warranto action against Mallare and the involved city officials, alleging the illegality of both his removal and Mallare's appointment.

****Procedural Posture**:**

De los Santos pursued legal action, specifically an original action of quo warranto, on the grounds that his removal from office was unconstitutional. This case thrust itself into the judicial system, finding its resolution hinges on an interpretation of both constitutional provisions and specific laws relevant to civil service and the authority enshrined within specific executive positions.

****Issues**:**

1. Whether Section 2545 of the Revised Administrative Code, allowing the President to remove at pleasure any appointed city officials, conflicts with Article XII of the Constitution which states no officer or employee in the Civil Service shall be removed or suspended except for cause as provided by law.
2. Whether the protection under Article XII of the Constitution extends to employees in the unclassified as well as classified civil service.
3. Whether the position of City Engineer is included under the protective umbrella of the Civil Service provisions of the Constitution.

****Court's Decision**:**

The Supreme Court declared the provision in Section 2545 of the Revised Administrative Code, authorizing the President to remove officers at will, as incompatible with the constitutional safeguard that no civil service officer or employee can be removed except for cause. Consequently, such a provision ceases to apply post the Constitution's effectivity, rendering the removal of de los Santos and the appointment of Mallare as invalid respecting

the rights and benefits attached to the office of City Engineer. The Court further solidified the interpretation that protections afforded by the Civil Service Constitutional provisions broadly encompass both classified and unclassified services, thereby including the position of City Engineer.

****Doctrine**:**

1. Civil Service Protection: Officers and employees in both the unclassified and classified service are shielded by the Constitutional provision that mandates removal only for cause, marking an expansive reading of civil service protections.
2. Interpretation of Constitutional Repeal: When a legislative provision conflicts directly with the Constitution, it is as though it has been repealed from the time the Constitution comes into effect, requiring no express judicial declaration to eliminate its force.

****Class Notes**:**

- Civil Service Coverage: Includes both classified and unclassified positions unless specifically exempted, meaning nearly all government positions are protected against removal without cause.
- Removal "For Cause": Legal and policy causes recognized as sufficient for removal, not merely at the discretion of the appointing power.
- Technical Positions and Civil Service: Not all technical positions are exempt from civil service protections; the exemption applies only to positions that are "policy-determining, primarily confidential or highly technical in nature."

****Historical Background**:**

The adjudication context of this case delves into the post-World War II era of the Philippines, a time of significant institutional reforms and constitutional changes. The conflict arises at the intersection of legacy laws from the American colonial administration (the Revised Administrative Code) and the newly sovereign Philippines' 1935 Constitution. This period was marked by efforts to solidify democratic institutions and principles, notably through the protection of civil service positions from political interference. The inclusion and robust interpretation of civil service protection in this case illustrate the early Republic's dedication to governance principles that prioritize merit, security of tenure, and the depoliticization of public service.