

Title: Sevilla vs. Court of Appeals and Santos

Facts:

- Generoso R. Sevilla began his government service in 1949 and held the position of Assistant City Engineer of Palayan City until May 2, 1981, when President Ferdinand E. Marcos designated him as Acting City Engineer of Cabanatuan City.
- Sevilla continued as Acting City Engineer until February 1986, when the EDSA Revolution led to significant changes in the civil service.
- On August 18, 1986, OIC Mayor Cesar Vergara appointed Nerito L. Santos as City Engineer of Cabanatuan City, and Santos assumed the position on August 28, 1986.
- On August 28, Sevilla, who was on leave, was informed of Santos' appointment through a memorandum received by Anita de Guzman, an administrative officer at the DPWH office in Cabanatuan City.
- On November 14, 1986, Minister Rogaciano Mercado designated Sevilla as Acting District Engineer of Pasay City, but he was removed by DPWH Secretary Jesus Jayme on February 3, 1987, prompting his return to Cabanatuan City.
- Finding his position occupied by Santos, Sevilla filed a petition for quo warranto on March 27, 1987, which was later amended to include a petition for mandamus against the new OIC Mayor Evangelina Vergara.
- The Regional Trial Court dismissed the mandamus petition but ruled in favor of Sevilla in the quo warranto petition on January 29, 1988, ordering the reinstatement of Sevilla and payment for his leave.
- Santos appealed to the Court of Appeals (CA-G.R. SP No. 14489), which on May 31, 1989, invalidated the RTC's decision, dismissing Sevilla's complaint on grounds that Sevilla had voluntarily surrendered his office by accepting another position in Pasay City.

Issues:

1. Whether an acting appointee has standing to bring a quo warranto action against a permanently appointed officer.
2. Whether engaging another office affects the standing of an acting appointee in contesting the original position.
3. Whether the OIC mayor had the authority to replace Sevilla with Santos.

Court's Decision:

- ****Standing in Quo Warranto Action:**** The Supreme Court ruled that Sevilla did not have legal standing to bring a quo warranto action as his position as Acting City Engineer was temporary and ceased upon the valid appointment of Nerito Santos. An "acting"

appointment does not bestow security of tenure or a permanent position, thus rendering Sevilla's claim void.

- **Acceptance of Another Office:** The Court held that by accepting the position of Acting District Engineer of Pasay City, Sevilla effectively relinquished any claim to his former position as Acting City Engineer of Cabanatuan City, as established in the ruling in *Austria vs. Amante*.

- **Authority of OIC Mayor:** The Court confirmed that the OIC Mayor's appointment of Santos was valid, being duly confirmed by the Minister of Public Works and Highways and approved by the Civil Service Commission. The appointment was legal and binding given the discretionary nature of appointment by the appointing authority.

Doctrine:

- **Designation vs. Appointment:** The Court elaborated on the distinction between appointment and designation, underlining that a designation is not an appointment and does not confer permanent status or security of tenure.

- **Discretion of Appointing Authority:** It reiterated that the power of appointment is discretionary and generally not subject to judicial control, emphasizing the administrative nature of such decisions.

Class Notes:

- **Quo Warranto Action:** To file a quo warranto action, one must claim a legal entitlement to the public office in question (Sec. 6, Rule 66, Rules of Court).

- **Temporary Appointments:** Temporary or acting positions do not confer security of tenure and can be revoked upon the appointment of a permanent official (*Austria vs. Amante*).

- **Distinction of Terms:** Key distinction between designation (imposition of additional duties without security of tenure) and appointment (confers security of tenure unless specified otherwise).

Historical Background:

- **Post-EDSA Civil Service Overhaul:** The EDSA Revolution led to the reconstitution and reform of many government positions and offices, often replacing officials appointed during the Marcos regime with new appointees aligned with the new administration's reformist agenda. This case underscores the legal ramifications of these transitional appointments and their subsequent contests.