

****Title:**** Alquizola, Sr. v. Ocol, 372 Phil. 150

****Facts:****

- In the 12th May 1997 barangay elections, Ramon Alquizola, Sr. was elected as Punong Barangay of Barangay Tubod, Iligan City.
- Gallardo Ocol, Camilo Penaco, Saturnino Mendoza, Rafael Ardiente, Vicente Caseres, Ricardo Zosa III, and Sirad Umpa were appointees of the previous punong barangay. Ocol and Penaco held positions as barangay treasurer and barangay secretary respectively, with the others serving as barangay utility workers.
- Following the elections, Alquizola terminated the services of the respondents and appointed co-petitioners Marissa C. Doromal and Adelo Seco as barangay treasurer and secretary, respectively. He submitted these appointments to the Sangguniang Barangay for approval.
- The Sangguniang Barangay rejected Alquizola's appointments.
- Respondents filed a complaint for quo warranto, mandamus and prohibition with the Regional Trial Court (RTC) of Lanao Del Norte, alleging their dismissals were invalid as they lacked the Sangguniang Barangay's approval.
- The RTC ruled in favor of the respondents, ordering Alquizola to cease and desist from dismissing them, highlighting that such dismissal required the Sangguniang Barangay's approval.
- Alquizola's motion for reconsideration was denied.

****Issues:****

1. Whether the Punong Barangay can unilaterally terminate the services of appointive barangay officials without the concurrence of the majority of the Sangguniang Barangay.
2. Interpretation of "replace" under Section 389(b)(5) of the Local Government Code and its requirements for removing appointive officers.

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

- The Supreme Court affirmed the decision of the RTC, denying the petition.
- ****Issue 1:**** The Court found that the power to appoint includes the power to remove, but

this must be exercised with the concurrence of the majority of the Sangguniang Barangay members. Thus, the unilateral termination by the punong barangay was unjustified.

- **Issue 2:** The Court elaborated that “replace” as used in Section 389(b)(5) encompasses the process of removal or the vacation of an appointive position, which must be succeeded by a replacement approved by a majority of the Sangguniang Barangay.

The Court stressed that the punong barangay does not have absolute authority to replace appointive officials unilaterally, aligning with the statutory requirement for a synchronized decision-making process between the punong barangay and Sangguniang Barangay majority.

Doctrine:

- The power of appointment inherently includes the power of removal, yet such power must be executed conjointly with a majority approval from the Sangguniang Barangay to effectuate any appointment or dismissal.

Class Notes:

- **Key Elements:**

- Local Government Code interpretation.
- Conjunctive authority between punong barangay and Sangguniang Barangay.
- Statutory requirement for the removal or replacement of appointive officials.

- **Critical Provisions:**

- Section 389(b)(5), Section 394 and Section 395 of the Local Government Code of the Philippines.

- **Application:**

- Appointment and removal power of a punong barangay is not absolute and requires majority concurrence from the Sangguniang Barangay.

Historical Background:

- This case is rooted in the interpretation and application of the Local Government Code of the Philippines, specifically focusing on the organizational and administrative authority

within local barangays post-1991 Code reforms which aimed to decentralize and democratize local government units in the Philippines.