

****Title:**** Lacson v. Roque, et al. (92 Phil. 456)

****Facts:****

On October 20, 1952, Arsenio H. Lacson, the Mayor of Manila, criticized a court decision acquitting Deputy Chief of Police Celestino C. Juan of malversation charges. In a radio broadcast, Lacson derogatorily attacked the competence of the trial judge, Judge Montesa. The remarks prompted discussions among judges about whether Lacson's statements constituted contempt. Judge Montesa requested that a special prosecutor be assigned to handle a criminal libel charge against Lacson.

Procedural History:

1. Special Administrative Order No. 235 was issued by the Secretary of Justice authorizing Solicitor Martiniano P. Vivo to assist in the investigation and prosecution of the libel case against Lacson.
2. On October 30, 1952, a complaint for libel was filed by Judge Montesa, supported by Assistant Fiscal Concepcion and Solicitor Vivo, in the Court of First Instance of Manila.
3. On October 31, 1952, Lacson received a letter from the President of the Philippines suspending him from office pending the resolution of the libel case, citing a policy to suspend officials charged with offenses involving moral turpitude.
4. Lacson filed for prohibition to contest the legality of his suspension, claiming procedural improprieties and lack of statutory authority for his suspension.

****Issues:****

1. Whether the President of the Philippines had the authority to suspend Lacson, the elected Mayor of Manila, based on an ongoing criminal prosecution for libel.
2. Whether the suspension without administrative charges being filed or an administrative hearing violated procedural due process.

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

1. ****Authority to Suspend:****

- The Supreme Court held that the President did not have authority to suspend an elected official like the Mayor of Manila under the general administrative code, which only provided for removal for cause like disloyalty, not suspension for libel.
- Since Manila's charter did not elaborate on removal or suspension specifically for the

mayor, the power referenced could not be stretched beyond statutory or established common law rules.

2. **Procedural Due Process:**

- The Court found that the suspension was procedurally flawed as there were no administrative charges or investigations conducted prior to the suspension.
- Relying on an unimplemented policy to suspend officials charged with offenses involving moral turpitude without charges or an opportunity to be heard was inadequate and contrary to principles of due process.

Doctrine:

- A constitutionally elective local official cannot be removed or suspended without clear statutory authority defining the grounds and the process to be followed.
- The power to suspend is incidental to the power to remove and must conform to legal procedures and causes detailed within the law governing the official's conduct.

Class Notes:

- **Key Concepts:**

- Suspension vs. removal;
- Legal grounds for disciplinary actions for public officers;
- Administrative due process;
- Distinction between administrative disciplinary proceedings and criminal proceedings.

- **Statutes:**

- Revised Administrative Code, Section 64(b): Removal for cause conformably with the law.
- Manila Charter (Republic Act No. 409): Tenure "unless sooner removed."

- **Application to Case:**

- The President's supervisory powers do not include undefined discretion to suspend or remove local officials without statutory provisions.
- Suspension pending criminal prosecution must align with procedural fairness and prescribed legal grounds.

Historical Background:

The case took place in post-war Philippines, during a time when the country was rebuilding its governance framework. The constitutional emphasis on separation of powers and the independence of local government sought to balance political accountability and administrative integrity. Lacson's case underscored tensions between executive authority

and local autonomy, probing the limits of presidential control over elective positions within the reconstructed democratic order.