

**ARMANDO ESPERANZA, PETITIONER, VS. ANDRES CASTILLO, IN HIS
OFFICIAL CAPACITY AS GOVERNOR OF THE CENTRAL BANK;
ZENON V. SEBASTIAN, BIENVENIDO D. RUIZ, EMILIANO A. TAN
CHICO, IN T...**

G.R. No. L-21810. April 30, 1966

Ponente: CONCEPCION, J.

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CONCEPCION, J.:

This is an appeal from a decision of the Court of First Instance of Manila, dismissing the petition for certiorari filed by herein appellant, Armando Esperanza.

The latter was, on December 29, 1953 appointed janitor-messenger of the Central Bank and had performed his duties as such thereafter. On October 13 and 27, 1961, he received from Mario P. Marcos, as officer-in-charge of the Central Bank[1] two (2) letters referring to him (Esperanza) several official communications from other officers of the government imputing to him dishonesty and violation of regulations and requiring him to show cause why disciplinary action should not be taken against him. No explanation having been forthcoming from Esperanza within the period given him therefor, on November 9, 1961, Mr. Marcos formally charged him with dishonesty and violation of regulations, as set forth in the aforementioned communications. Soon thereafter, or on November 24, 1963, Mr. Marcos designated Zenon B. Sebastian, as chairman, and Bienvenido D. Ruiz and Emilio A. Tan Chico, as members of a committee to investigate the charges against Esperanza, who was suspended on December 18, 1961. On the same date, he moved to dismiss the administrative complaint against him upon the ground that the same was not sworn to by complainant Marcos. This motion having been denied by said committee, Esperanza sought a reconsideration, to no avail. Esperanza appealed to the Commissioner of Civil Service, who sustained the action taken by the committee. As the Commissioner of Civil Service refused to reconsider his view thereon, Esperanza instituted the present action for certiorari with preliminary injunction against the Central Bank Governor, the chairman and members of said investigating committee and the Commissioner of Civil Service, with the result stated in the opening paragraph of this decision.

Petitioner-appellant maintains that the administrative proceeding against him should be quashed because the formal complaint filed by Mario P. Marcos, as officer-in-charge of the Central Bank, is not sworn to and because, although, as such officer-in-charge, he had all the authority of the Central Bank Governor, insofar, at least, as the administrative charges against the petitioner are concerned, the Governor of the Central Bank, petitioner claims, does not perform the role of a department head.

The first issue has been adversely decided by this Court in several cases, particularly, in *Bautista vs. Negado*, 108 Phil., 283 (May 26, 1960), *Castillo vs. Bayona*, 106 Phil., 1121 (January 30, 1960), and *Pastoriza vs. Division Superintendent of Schools*, 106 Phil., 216 (September 23, 1959), in which we held that an administrative complaint filed by the head of a department or office, pursuant to Executive Order No. 370, series of 1941,[2] need not be sworn to, despite the proviso in Section 32 of Republic Act No. 2260, to the effect that "no complaint

against a civil service official or employee shall be given due course unless the same is in writing and subscribed and sworn to by the complainant."

In connection with the operation of said Executive Order No. 370 and the authority to create committees to investigate administrative charges under Section 79(c) of the Revised Administrative Code,[3] it is urged, however, that the Central Bank Governor—and, hence, the officer-in-charge of the Central Bank—is not a department head, insofar as the Bank is concerned, because this role, petitioner alleges, is vested by law in the Monetary Board. In support of this pretense, petitioner cites *Castillo vs. Bayona*, supra, in which we upheld the authority of the Monetary Board to create such an investigating committee, upon the ground that said Board "may be regarded as a department head" as regards the Central Bank. Our decision in said case does not necessarily negate, however, that the Governor of the Central Bank is, in fact or in effect, its department head. Indeed, the charter of the Central Bank (Republic Act No. 265) explicitly provides[4] that the "Governor of the Central Bank shall be the principal representative of the Monetary Board and of the Bank", and that[5] he "shall be the chief executive of the Central Bank", with authority, inter alia "to direct and supervise the operations and internal administration" of the Bank. It is obvious that, whereas the functions of the Monetary Board may be compared to those of the Board of Directors of a corporation, the role of the Governor of the Central Bank may, in turn, be likened to that of president and general manager of such corporation, with the duties and responsibilities of a department head of the government. In fact, the Governor's duty to direct and supervise the operations and internal administration of the bank logically entails the power to prefer charges against erring officials of the Bank and to see to it that said charges are properly investigated, this being an intrinsic element of the internal administration of said institution.

Wherefore, the decision appealed from is hereby affirmed, with costs against the petitioner. It is so ordered.

Bengzon, C.J., Bautista Angelo, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., Zaldivar, and Sanchez, JJ., concur.

[1] By resolution No. 1440 of the Monetary Board, dated September 1, 1961, in view of the trip abroad of the then Acting Governor of the Central Bank, Dr. Andres V. Castillo.

[2] Section 1 of which provides that "administrative proceedings may be commenced against a government officer or employee by the head or chief of a bureau or office concerned motu proprio or upon complaint of any person which shall be subscribed under oath by the complainant: Provided, That if a complaint is not or cannot be sworn to by the complainant the head or chief of the bureau or office concerned may, in his discretion, take action thereon if the public interest or the special circumstances of the case so warrant."

[3] Which provides, in part, that: "The Department Head may order the investigation of any act or conduct of any person in the service of any bureau or office under his Department and in connection therewith may appoint a committee or designate an official or person who shall conduct such investigations, and such committee, official or person may summon witnesses by subpoena and subpoena duces tecum, administer oath, and take testimony relevant to the investigation".

[4] In Section 17, thereof.

[5] In Section 16(c).

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