

JOSE L. GONZALES, APPELLEE VS. SECRETARY OF EDUCATION ET AL., APPELLANTS.

G.R. No. L-18496. July 30, 1962

Ponente: DIZON, J.

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DIZON, J.:

Appeal taken by the Director of Public Schools and Alfredo Pineda from the following decision of the Court of first Instance of Iloilo:

"Wherefore, judgment is hereby rendered declaring petitioner Jose Gonzales to be the incumbent principal of the Iloilo Vocational School. Respondent Alfredo Pineda is restrained from occupying and assuming the said position. The writ of preliminary injunction against him is hereby made permanent. The Director of Public Schools is hereby restrained from implementing the appointment or designation of said Alfredo Pineda to the position of principal of Iloilo Vocational School, As regards the Secretary of Education, the petition is dismissed. No pronouncement as to costs."

On October 1, 1954, Jose L. Gonzales, a senior teacher civil service eligible, was appointed Principal of the Lambunao High School established in the municipality of Lambunao, Iloilo, with an annual compensation of P3,390.00. Pursuant to Republic Act No. 1595 approved on June 16, 1956, the Lambunao High School was converted into a Regional Vocational High School under the name of Iloilo Vocational High School and began functioning as such on July 1, 1957.

On February 18, 1959, Gonzales received a letter from the Secretary of Education appointing him as Head of the Related Subjects Department of the Bureau of Public School with compensation at the rate of P3,300.00 per annum effective July 1, 1957. He also received a copy of a letter of the Director of Public Schools addressed to respondent Alfredo Pineda, at the time Principal of the Samar Trade School, appointing him as Principal of the Iloilo Vocational School. When Pineda came to assume the office of Principal of the latter school on February 18, 1959, Gonzales refused to yield the same to him, and on February 19, 1959 he sent a written protest (Exhibit 10) against Pineda's appointment as well as against his own appointment as Head of the Related Subjects Department, addressed to the Superintendent of the Iloilo School of Arts and Trades, who forwarded it without undue delay to the Director of Public Schools by a second indorsement dated February 25, 1959. Without waiting for any action on his protest—in fact even before said protest could be forwarded and submitted to the Director of Public Schools—Gonzales, on the 23rd of the same month, filed the present petition for prohibition with preliminary injunction in the Court of First Instance of Iloilo to restrain the Secretary of Education and the Director of Public Schools from giving effect to the appointment of Alfredo Pineda as Principal of the Iloilo Vocational School, and to recover damages. After due trial, the lower court rendered the appealed judgment.

Upon the facts set forth above—which are not disputed—we are of the opinion and so hold that, as appellants claim, the lower court erred in not holding that the present action was instituted prematurely.

Appellant Pineda and appellee Gonzales are employees of the Executive Department of the Government. The

Lambunao High School was a general and provincial high school, while the Iloilo Vocational High School, as its very name indicates, is a vocational and national institution. Upon enactment of Republic Act 1695 on June 16, 1956, the Department of Education took steps to implement its provisions construing them as, in effect, having abolished the Lambunao High School, establishing in its stead the Iloilo Vocational High School.

On the other hand, there can be no question that the Department of Education was the one called upon to implement the provisions of the statute mentioned heretofore. If the action taken by it was wrong, the aggrieved party was undoubtedly entitled to seek relief. It is the rule in this jurisdiction, however, that when, in accordance with law, a plain, speedy and adequate remedy is accorded to the aggrieved party within the Executive Department of the Government to which He belongs, the courts will not interfere until that remedy has been resorted to and exhausted (*Lamb vs. Phipps*, 22 Phil., 456, 492), this meaning that the aggrieved party must not merely initiate the prescribed administrative procedures to obtain relief, but must pursue them to their appropriate conclusion before seeking judicial intervention (*Aircraft, etc. vs. Hirsch, et al.*, 331 U.S. 752),

The facts of this case disclose that appellee initiated appropriate administrative procedures to obtain relief from the orders that he considered prejudicial to his rights by means of his first indorsement dated February 19, 1959, addressed to the Superintendent of the Iloilo School of Arts and Trades. This protest was forwarded by the latter to the Director of Public Schools on February 25, of the same year, but even before this date appellee instituted the present action. It is, therefore, clear that he did not give his superior officers any opportunity to reconsider the questioned orders before seeking judicial intervention. The rule of exhaustion of appropriate remedies before resorting to the courts to seek relief appears to be of stronger application to the present case where, according to the record, appellant Pineda and the superior officers of appellee did not appear to have exerted any undue pressure upon him to compel him to yield and give up the position in question.

Wherefore, the decision appealed from is reserved, with the result that the present action is dismissed, with costs.

Bengzon, C. J., Padilla, Labrador, Concepcion, Barrera, Paredes, Regala, and Makalintal, JJ., concur.

Judgment reversed.

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