

MANUEL M. AGUILA, PETITIONER, VS. REMIGIO CASTRO AND MAYOR JOSE T. FORTUS, RESPONDENTS.

G. R. No. L-23778. December 24, 1965

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/54dbc86a5277/>

CONCEPCION, J.:

This is an original action for quo warranto, to test the title of respondent Remigio Castro to the office of the chief of police of Ibaan, Batangas, which petitioner

Manuel Aguila claims, and, also, for mandamus, against Jose T. Fortus, as Mayor of said municipality, to compel him to order the payment to Aguila, as such chief of police, of back salaries from July 3, 1964 up to the present, as well as for damages against both respondents.

It appears that petitioner has a third grade civil service eligibility, which is not sufficient for a permanent appointment as chief of police; that on April 16, 1954, he was appointed chief of police of Ibaan, Batangas; and that on January 1, 1960 he was exempted a probational appointment to the same office—presumably with an increase in pay—which appointment was authorized by the Commissioner of Civil Service as temporary, "to continue until replaced by a civil service eligible but not beyond three (3) months" from said date, "pursuant to Sec. 24 (d) of Republic Act No. 2260." Similar appointments were extended in his favor and approved in the same manner by the Commissioner of Civil Service, on March 31, June 22 and July 1, 1960. On November 29, 1962 another appointment, to the same office in his favor, with promotion in pay, was attested by the provincial treasurer, "in pursuance of sec. 24 (d) of said Republic Act," as deputy of the Commissioner of Civil Service. A last promotional appointment to the same office, extended in petitioner's favor on August 1, 1963, was authorized by the provincial treasurer "as temporary to continue until replaced by an appropriate civil service eligible anytime in pursuance of section 24(d) of the same Act of Congress.

Petitioner was on sick leave from January to June 30, 1964. On June 25, 1964, he received a letter of respondent Jose T. Fortus, stating that, effective at the close of business hours of June 30, 1964, his (petitioner's) services were being terminated, because his third grade civil service eligibility was not appropriate for a regular Vermane appointment as chief of police. In fact, respondent Castro who had been municipal treasurer of Ibaan for seven had on June 16, 1964, been extended an appointment said office, effective on July 1, 1964, on which date Castro assumed the duties thereof. Hence, on November 1964, petitioner instituted the present action against Castro and mayor Fortus, upon the ground that Castro's "aforementioned appointment is null and void, because, up to the present, the position of chief of police of Ibaan is not vacant.

This contention is based upon the theory that, although up to November 29, 1962, Aguila held said office in a temporary capacity, the appointment extended in his favor on the date last mentioned was permanent in nature and had been approved by the provincial treasurer, an representative of the Commissioner of Civil Service. It should be noted, however, that attestations by provincial treasurers, acting on behalf of the Commissioner of Civil Service, pursuant to Section 20 of Republic Act No. 2260, are subject to revision of said Commissioner within

180 days from receipt of said appointments by him, to whom the appointments should be forwarded by the provincial treasurers, within ten (10) days from the attestation made by the latter, for review by the former, and that said appointment in favor of the petitioner had not been so forwarded to the Commissioner of Civil Service. As a consequence, petitioner has not as yet acquired the status of permanent chief of police of Ibaan, which he now claims by reason of said appointment of November 29, 1962, inasmuch as the same is still subject to review by the Commissioner of Civil Service, and the latter should not and cannot approve it as a permanent appointment, owing to petitioner's lack of appropriate civil service eligibility.

In fact, on August 1, 1963, a promotional appointment in favor of Aguila, to take effect on July 1, 1963, was authorized by the provincial treasurer "as temporary until replaced by an appropriate civil service eligible, any time in pursuance of Sec. 21 (d) of Republic Act No. 2260". Since this was the appointment under which he held the office when his services were terminated by the mayor in June, 1964, it follows that petitioner was then merely a temporary chief of police and that, as such, he could be removed from office at any time (*Tolentino vs. Torres*, 96 Phil. 522; 51 Off. Gaz., 753; *Pineda vs. Velez*, L-5859, October 31, 1956; *Cayabyab vs. Cayabyab*, 101 Phil. 681; *University of the Philippines vs. CIR*, 107 Phil. 848; *Quitiquit vs. Villacorta*, 107 Phil. 1060; *Mortero vs. Castellanes*, 108 Phil. 744; *Toboada vs. Municipality of Badian*, L-14604, May 31, 1961; *Mendenilla vs. Onandia*, L-17803, June 30, 1962).

It is argued that, like petitioner herein, respondent Castro had not passed the civil service examinations for chief of police, and that, accordingly, there is no reason why said respondent should have preference over petitioner. It should be noted, however, that, whereas Aguila is merely a third grade civil service eligible, Castro is a second grade civil service eligible, he having passed the civil service examinations held therefor. Besides, Castro is a World War II veteran, he having been inducted on March, 1, 1943, with the rank of first Lieutenant into the military service of the FAIT, from which he was honorably discharged on September 10, 1945. Again, Castro's appointment by the mayor of Ibaan was, on July 11, 1964, duly confirmed and approved by the municipal council of Ibaan, as provided in Section 1 of Republic Act No. 1551, whereas no such action appears to have been taken in connection with Aguila's appointment of November 29, 1962, which, accordingly did not acquire full force and effect.

Wherefore, the petition herein must be, as it is hereby dismissed and the writ prayed for denied, with costs against petitioner Manuel M. Aguila. It is so ordered.

Bengzon, C. J., Bautista Angelo, Dizon, Regala, Makalintal, Bengzon, J. P. and Zaldivar, JJ., concur.

Petition dismissed.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.