

**JOSE OSCAR M. SALAZAR, HENRY R. YASUL, JOSE E. IGTANLOC,
APOLI-NARIO ROLDAN, RAMON A. ABENIR, JR., ALFREDO P.
HILARIO, RUSTICO ICAMI-NA AND CONSTANCIO LEGASPI,
PETITIONERS, VS. ...**

G.R. No. L-27121. July 21, 1967

Ponente: RUIZ CASTRO, J.

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RUIZ CASTRO, J.:

Asserting a vested right to, and security of tenure in, the office of election registrar in the respective municipalities of Aklan province to which they were assigned, the petitioners Jose Oscar M. Salazar (Kalibo), Henry R. Yasul (Banga), Jose E. Igtanloc (Numancia), Apolinario Roldan (Makato), Ramon A. Abenir, Jr. (Nabas), Alfredo P. Hilario (Kalibo), Rustico Icamina (New Washington), and Constancio G. Legaspi (Balete) invoke our jurisdiction, in effect, to nullify new appointments extended by the respondent Commission on Elections (COMELEC) to the respondents Theodore Formaran, Diomedes Tejada, Ruben T. Mobo, Ismael Iligan, Telias Tefalla, Eduardo Avelino and Ursino Tabañar as permanent election registrars, respectively, of the municipalities of Kalibo, Banga, Numancia, Makato, Ibajay, Altavas and Madalag, all of Aklan, in place of the petitioners originally detailed thereat. Upon bond duly filed and approved, we granted the petitioners' ancillary prayer for preliminary injunctive relief.

The basic facts are not complicated. On various dates in 1964, the petitioners were extended by the COMELEC appointments as "Election Registrar in the Commission on Elections", corresponding to items provided in the then current appropriations act for municipal election registrars. Their appointments were certified by the Civil Service Commission. The petitioners duly qualified, and were thereafter, by proper directives, detailed to the municipalities of Aklan province heretofore enumerated. They accordingly served thereat until, in December, 1966, the COMELEC - conformably to Republic Act 4730 which required that "every election registrar shall be appointed to a specific city, municipality or municipal district" - extended appointments to the private-party respondents as permanent election registrars for specifically named municipalities, thereby replacing the petitioners who were previously detailed thereat and who themselves were extended appointments as permanent election registrars of other specifically named municipalities. The petitioners challenge this last move of the COMELEC as violative of their constitutionally guaranteed right to security of tenure. The gravamen of their thesis in this respect is that –

"While the appointments of herein petitioners did not specify their assignments, the directives for them to assume office in the municipalities where they are assigned at present, confirmed the permanency of their appointments as Election Registrars in their respective municipalities. Therefore, the subsequent appointments extended by the respondent COMELEC and approved by respondent Subido, in favor of the other respondents, are illegal and void, since said appointments will have the effect of removing and ousting herein petitioners from office as Election Registrars and/or nullifying their right to the various municipalities of their assignment;" (paragraph 18, Petition).

The petitioners' pose cannot be sustained. In *Ibañez, et al. vs. Commission on Elections, et al.*, G.R.L-26558, April 27, 1967, we resolved the same issue upon the basis of facts similar to those in the case at bar, in the following language:

"* * * And the respective appointees were entitled only to such security of tenure as the appointment papers concerned actually conferred - not in that of any place to which they may have been subsequently assigned. * *
* As things stand, in default of any particular station stated in their respective appointments, no security of tenure can be asserted by the petitioners on the basis of the mere assignments which were given to them. A contrary rule will erase altogether the demarcation line we have repeatedly drawn between appointment and assignment as two distinct concepts in the law of public officers."

The petitioners herein are in exactly the same position as the petitioners in the *Ibañez* case *aforecited*, against whom this Court rendered verdict.

ACCORDINGLY, the petition is dismissed, and the writ of preliminary injunction heretofore issued is dissolved, at petitioners' cost.

Reyes, JBL, Makalintal, Bengzon, Zaldivar, Sanchez, Angeles, and Fernando, JJ., concur.
Concepcion, C.J., and Dizon, J., did not take part.

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