

FELICISIMO B. SERRANO, ET AL., PLAINTIFFS AND APPELLANTS VS. THE NATIONAL SCIENCE DEVELOPMENT BOARD, ET AL., DEFENDANTS AND APPELLEES.

G.R. No. L-19349. March 31, 1964

Ponente: BAUTISTA ANGELO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/5f60ddf4e944/>

BAUTISTA ANGELO, J.:

In order to promote scientific, engineering and technological research, invention and development, the National Science Board was created under Republic Act 1606. This Board was charged with undertaking studies or investigations to acquire or discover new knowledge, principle, process or information relating to science, engineering or technology. The Board could originate researches and undertake special research projects. To carry out its objectives, the Board created the Rice Research and Development Project No. 2.10 charged with the function of undertaking researches in order to improve the rice industry. Felicisimo Serrano of the Bureau of Plant Industry was appointed director of said Project 2.10 and to work under him were likewise appointed some emergency or temporary employees or laborers to serve as such only up to December 31, 1959.

With the enactment on June 13, 1958 of Republic Act 2067, otherwise known as the Science Act of 1958, the National Science Board was abolished and in its place the National Science Development Board was created charged with practically the same functions as the former. Under Section 30 of Republic Act 2067, the projects already initiated by the National Science Board were placed under the National Science Development Board, among them the Rice Research and Development Project No. 2.10.

By resolution adopted on August 13, 1959, the National Science Development Board resolved to discontinue the Rice Research and Development Project 2.10 after December 31, 1959 on the ground that said project had already passed the research stage and was ready to pursue activities on commercial basis which is the responsibility of the Department of Agriculture Seed Board. Director Serrano was notified of this resolution on August 30, 1959. Serrano asked for reconsideration of the Board's decision, but this decision was reiterated in a letter sent to Serrano on November 18, 1959. Despite, however, of the notice given to Serrano to stop working after December 31, 1959, the latter refused to recognize the decision of the National Science Development Board and instead he and his men continued to work in the project even thereafter, claiming that the Board had no power to terminate the project because it had not yet accomplished its objective of improving the rice industry on a permanent basis. Since the Board refused to recognize the work done by Serrano and his men after December 31, 1959, they commenced the present action before the Municipal Court of Manila to recover their salaries and wages for work performed after said date, and damages.

The municipal court dismissed the complaint for lack of merit, and when the case was taken on appeal to the Court of First Instance of Manila, it met the same fate. This is an appeal from the decision of dismissal of the court a quo.

The National Science Development Board, as already stated, was created by the Science Act of 1958 as the

highest scientific agency in the country. It is vested with broad powers and functions which are discretionary in nature, among them to formulate and coordinate the (scientific policies and programs of the government. It is likewise empowered to review and analyze existing projects or those that were initiated by its predecessor, the National Science Board. Due to financial limitations, it was given the power to establish a system of priorities for scientific and technological projects.

In discharging its functions having in view the overall objective of the law of its creation, the National Science Development Board, after reviewing and analyzing the research projects it has inherited, might find that some of them are no longer necessary because their objective has already been accomplished, or because they have failed to realize the purpose for which they were established for some cogent reasons, and as a necessary consequence it might take the step that might be appropriate on the matter. In this task, the Board should possess the necessary power and discretion to review, continue, or terminate any of the projects already initiated, as otherwise it may fail in its mission. Under this view it cannot then be contended, as appellants now contend, that the Board has no other alternative, nor discretion, to act on those projects than to continue them indefinitely simply because Section 30 of the Science Act of 1958 provides that "projects already initiated under the National Science Board shall be continued under the National Science Development Board." This is the most sensible view, for to uphold the contrary would lead to absurd results. That provision only evinces an intent to continue the projects already initiated by the previous Board instead of starting new ones to save money and effort without negating the power to terminate those that may be found to be unnecessary. This is the situation obtaining here. The new Board found Project No. 2.10 to have reached the commercial stage, the only thing remaining being its implementation by the Department of Agriculture Seed Board.

Assuming arguendo that the project in question needs to be continued as contended it does not follow that appellants cannot be changed or replaced in the discretion of the Board for some were merely designated to act therein while others were mere emergency or temporary employees or laborers. They cannot therefore claim a definite tenure behind which they can shield to continue in office. Their position is precarious and can be terminated at will even without cause.[1]

Much stress is laid on the note sent by former President Garcia to the then Chairman of the National Science Development Board stating that the project of Mr. Serrano should be continued and the payment of his personnel should be expedited, which appellants consider as a directive which the Board could not ignore. But the note can at most have a persuasive effect and not as a directive that may nullify the Board's resolution of August 13, 1959 to terminate the services of appellants. If the Board ignored such directive that is its responsibility to the President. The resolution flows from the authority conferred upon it by the Science Act of 1958.

Appellants' claim for payment of their salaries and wages on equitable grounds reserve our sympathy, but our hands are tied by the fact that they rendered the service in defiance of the resolution of the National Science Development Board. He who claims equity must come with clean hands.

The decision appealed from is affirmed. No costs.

Padilla, Labrador, Concepcion, Reyes, J. B. L., Barrera, Paredes, Dizon, and Regala, JJ., concur.
Bengzon, C.J., and Makalintal, J., took no part.

[1]Austria vs. Amante, 79 Phil., 780; Castro v. Solidum, L-7750, June 30, 1955; Mendez v. Ganson, et al., L-10483, April 12, 1957; Jose v. Rodriguez, et al. v. Ignacio Santos Diaz, et al. L-19553, February 29, 1964.

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.