

RAYMUNDO V. ADLE, PLAINTIFF-APPELLANT, VS. MUNICIPALITY OF LA CASTELLANA, ET AL., DEFENDANTS-APPELLEES.

G.R. No. L-23922. June 30, 1969

Ponente: TEEHANKEE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/76501eb54a60/>

TEEHANKEE, J.:

Originally elevated to the Court of Appeals, this case was certified to this Court as the issues involve purely questions of law.

The Court of Appeals in its Resolution, adopted the defendants-appellees' counter-statement of facts as a fair reproduction of the findings of the trial court, substantially in conformity with appellant's statement of facts as follows:

"The plaintiff Raymundo Adle passed the Civil Service Examinations as shown by his civil service rating dated August 20, 1949 (Exh. 'A', plaintiff), by virtue of which he was extended an appointment as Sergeant of Police on April 1, 1951 (Exh. '13', defendants). This appointment was submitted to and bears approval by the Executive Secretary, but bears a notation by the Bureau of Civil Service as 'temporary pending report from the Government Service Insurance System as to the appointee's physical and medical examination' (Exh. '13', defendants).

"During this time there were two positions of sergeant of police in the municipality of La Castellana, one occupied by the plaintiff Raymundo Adle and one occupied by Teodoro Atesora, the latter was also appointed on April 1, 1951 (Exh. '15', defendants). The names of Raymundo Adle and Teodoro Atesora as Sergeants of Police also appear in the plantilla of personnel and annual budget for 1951-1952 (Exhs. '14', '14-A' and '14-B', defendants).

"That on November 24, 1951, the plaintiff Raymundo Adle was charged with several other co-accused in the Court of First Instance of Negros Occidental for the crime of murder in Crim. Case No. 3220, 'People vs. Rafael Lacson, et al.', by virtue of which he was suspended on the same date, November 24, 1951. In the interim, during the period of his suspension, the municipal council of La Castellana, in its Resolution No. 39, series of 1951, dated August 16, 1952, reduced the 47 existing positions in the municipal force of La Castellana to 28, one of which is the position of a sergeant of police so that instead of 2 sergeants of police, only one sergeant remained (Exh. '6', defendants Annex 'A', Record on Appeal pp. 8-9).

"The reason for the reduction of the police force and the abolition of the positions was to implement the minimum wage law in favor of the remaining employees. This reduction of the positions was likewise approved by the Secretary of Finance in its letter dated November 18, 1952 (Exh. '7', defendant). After the reduction and abolition of the positions of the members of the police force of La Castellana on August 16, 1952 the lone position of sergeant of police was occupied by Teodoro Atesora who continued occupying the same position until June 21, 1953, when Sergeant Atesora was demoted to patrolman (Exh. '16', defendants).

"Subsequently thereafter, the position of sergeant of police was occupied by Ramon Hechanova by virtue of his appointment dated August 26, 1954 (Exh. '18', defendants; Exh. 'O', plaintiff). Later Hechanova re-signed

and the position of sergeant of police is presently occupied by Teodoro Atesora who was reappointed to the same position. It appears further from the record that plaintiff Raymundo Adle was acquitted in the aforesaid Crim. Case No. 3220 in a decision rendered by the Supreme Court on February 15, 1961.

"Plaintiff presented a voucher for the payment of his back salaries from the date of his suspension on November 24, 1951 to the date of his acquittal on February 15, 1961, which claim was transmitted by the municipal treasurer to the Provincial Auditor on July 21, 1961 (Exh. '2', defendants), requesting for appropriate action on the legality of the claim of the plaintiff inasmuch as his position was abolished by the municipal council for the fiscal year 1952-53.

"The Provincial Auditor by its indorsement of July 25, 1961 (Exh. '3', defendants), returned the papers to the municipal treasurer requesting information regarding the abolition of the position of Raymundo Adle which papers were further indorsed by the municipal treasurer on August 8, 1961, to the Municipal Mayor (Exh. '4', defendants), requesting information and by August 25, 1961, the municipal secretary returned the papers with its corresponding indorsement (Exh. '5', defendants), and again the municipal treasurer by its third indorsement dated August 31, 1961 (Exh. '8', defendants), indorsed the papers to the Provincial Auditor. The Provincial Auditor, by its 4th indorsement dated September 6, 1961 (Exh. '9', Defendants), indorsed the claim papers for back salaries of Raymundo Adle to the Auditor General with the corresponding statement of facts particularly pointing to the abolition of the position of the plaintiff as per Resolution No. 39, Series of 1952.

"And finally, by the 5th indorsement dated October 23, 1961, of the Deputy Auditor General (Exh. '10', defendants), the latter rendered an opinion that by virtue of the abolition of the position of Raymundo Adle, plaintiff herein, on August 16, 1952, his claim for back wages cannot be allowed except for the period covering the date of his suspension on Nov. 24, 1951, to the date of the abolition of his position on August 16, 1952, which was recommended for payment subject to the availability of funds.

"The claim corresponding to the period covering this date, November 24, 1951, to August 16, 1952, was actually paid to plaintiff (See Annex 'C', Record on Appeal, p. 11.)" (pp. 2-6, Appellees' Brief).

The Court of Appeals added that "before appellant passed the Civil Service examination for patrolman, he had already been serving as field sergeant of the municipal police force of La Castellana, having been appointed as such on October 4, 1948. After passing the examination, he was given another appointment also as field sergeant with an increase in salary at the rate of P960.00 per annum. After his acquittal by the Supreme Court on February 16, 1961, he asked for reinstatement and for the payment of his back salaries during the whole period of time from the date of his suspension until the date of his acquittal, or a total of P8,855.81; but he was paid only the sum of P699.96 corresponding to the period from his date of suspension to the date of the abolition of his position by means of a resolution of the municipal council of La Castellana."

On the basis of the foregoing facts, plaintiff-appellant filed his complaint against defendants-appellees for reinstatement "to his former position as Field Sergeant of the Municipal Police Force of La Castellana, Negros Occidental" and for payment of his back salaries in the amount of P8,855.81, invoking the provisions of Section 4 of Republic Act No. 557.

The trial court dismissed the complaint, holding that appellant's appointment was of a temporary character, so authorized by the Civil Service Commission pending report from the Government Service Insurance System as to appellant's physical and medical examination, and that the abolition of 19 positions in the municipality's police force, including appellant's, was in good faith and properly approved by the Secretary of Finance, in order to enable the municipality to implement the Minimum Wage Law in favor of the remaining employees.

Appellant reiterates in this appeal his contention that his appointment on April 1, 1951, as Sergeant of Police should not have been held by the trial court to be temporary, in character, as he had passed the civil service

examinations in 1948. It is undisputed, however, that his appointment was authorized by the Commissioner of Civil Service as "temporary pending report from the Government Service Insurance System as to the appointee's physical and medical examination," *supra*. It was not until ten years later, after his acquittal on February 15, 1961, in the Padilla murder case against Rafael Lacson et al. that plaintiff-appellant submitted his physical and medical report on July 21, 1961, and in the meantime, nine years earlier on August 16, 1952, defendant municipality had abolished the position of police sergeant to which he had been appointed. No error was committed by the trial court in holding his appointment to be of a temporary character, as the passing of such medical examination has been held to be a condition attached to an appointment, which must be complied with within a reasonable time, for the condition of an appointee's health may deteriorate after the passage of a considerable period of time.[1]

Basically, appellant anchors his complaint for back wages and reinstatement on Section 4 of Republic Act No. 557,[2] then in force, which provides that:

"4. When a member of the municipal police is accused in court of any felony or violation of law by the provincial or city fiscal, the Mayor shall immediately suspend the accused pending final decision of the Court. In case of acquittal, the accused shall be entitled to payment of the entire salary he failed to receive during suspension."

Having been suspended on November 24, 1951, upon the filing of the criminal charge against him and having been acquitted on appeal by this Court on February 15, 1961, appellant claims that after nearly ten years of confinement and deprivation, he is now entitled under the aforequoted provision of law to payment of the entire salary he failed to receive during the period of his mandatory suspension. Much as we sympathize with appellant's plight, his claim to such back salaries must perforce be valid only for as long as the position held by him was extant and had not been validly abolished. Thus, appellant was duly paid the P699.96 corresponding to the period from his date of suspension to the date of the abolition of his position. But the position held by him had been validly abolished by defendant municipality during the early part of his suspension on August 16, 1952, along with 18 other positions in order to enable the municipality to implement the Minimum Wage Law in favor of the remaining employees and such abolition had been duly approved by the Secretary of Finance.[3] Appellant himself in his complaint made no allegation impugning the abolition of his position as tainted with bad faith. Under such circumstances, appellant's complaint was correctly dismissed by the trial court, for regardless of Republic Act 557 and of his suspension under the provision of Section 4 thereof, the abolition of the office held by appellant terminated his right thereto and to any further compensation. The fundamental protection against removal of civil service employees "except for cause as provided by law" does apply, where there has been no removal of the employee but an abolition in good faith of his position, for such abolition produces his lawful separation from the service.[4] Appellant, therefore, could no longer legally invoke his right to reinstatement and back wages under Rep. Act 557 as the position held by him and from which he was suspended had ceased to exist and had been validly abolished.

ACCORDINGLY, the judgment appealed from is affirmed, without pronouncement as to costs.

Concepcion, C.J., Reyes, J.B.L., Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, and Barredo, JJ., concur.

Dizon, J., did not take part.

[1] Tolentino, et al. vs. Torres, etc., 96 Phil. 522.

[2] A similar provision is found in the second paragraph of Sec. 16 of Republic Act 4864 (Police Act of 1966) which superseded Republic Act No. 557.

[3] See Sec. 2119, Rev. Administrative Code; Republic Act No. 1063; *Aller vs. Osmeña*, 105 Phil. 243.

[4] *Castillo vs. Pajo etc. et al.*, 103 Phil. 515; *Laviña vs. De Leon, et al.* L-19796, Jan. 31, 1967, 19 SCRA 230.

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.