

BERNARDO ESTOESTA, PETITIONER AND APPELLANT, VS. THE MUNICIPAL MAYOR AND THE MUNICIPAL COUNCIL OF AGOO, LA UNION, RESPONDENTS AND APPELLEES.

G.R. No. L-18849. June 29, 1963

Ponente: REYES, J.B.L., J.

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REYES, J.B.L., J.:

Appeal from the order of the Court of First Instance of La Union, dated 17 June 1961, the dispositive portion of which reads:

"In view of the foregoing, the Court orders that the motion to discuss filed by the respondents be as it is hereby, granted and the present petition for declaratory relief, certiorari and mandamus be consequently dismissed."

The records disclose that petitioner-appellant Bernardo Estoesta was for many years the Chief of Police of Agoo, La Union. On 28 November 1958, he was suspended from office because of the administrative charges for "serious immoral and criminal misconduct, grave abuse of authority, and conduct highly unbecoming of a public official", which the then municipal mayor of Agoo presented against him. After formal hearing and trial before the municipal council, it was submitted for decision on 24 January 1959. To draft and prepare the decision, the municipal council created a committee under the chairmanship of then Mayor Constantino Verceles. Meantime, Estoesta was suspended anew, on 4 February 1959, by virtue of Criminal Case No. 9693 filed against him by the Provincial Fiscal of La Union, based on the same acts charged in the administrative case.

In its session of 28 February 1959, the municipal council of Agoo approved and adopted unanimously the draft of the decision submitted by the committee, through Resolution No. 26, which recites:

"RESOLUTION PROCLAIMING THE DECISION OF THIS COUNCIL IN ITS INVESTIGATION OF THE ADMINISTRATIVE CASE FILED BY MAYOR CONSTANTINO VERCELES OF THIS MUNICIPALITY ON THE COMPLAINT OF MRS. GUADALUPE R. ESTOYE AGAINST BERNARDO ESTOESTA, CHIEF OF POLICE OF AGOO, LA UNION, AND ADOPTING THE FINDINGS OF FACTS AS THE BASIS OF THE DECISION AS WRITTEN BY THE COMMITTEE APPOINTED BY THIS BODY FOR SUCH PURPOSE, UNDER THE CHAIRMANSHIP OF MAYOR CONSTANTINO VERCELES.

Whereas, on this regular meeting this Council agreed to promulgate a decision on the administrative case against Bernardo Estoesta, Chief of Police, it was asked to investigate by the Mayor;

Whereas, by secret ballot, the members of the Council have reached, and is now recorded, a unanimous verdict of guilty against the said respondent, Bernardo Estoesta, Chief of Police of this municipality;

Whereas, through the same secret ballot, the Council voted five for 'forced resignation, and four for dismissal' as the penalty it desired to impose upon the guilty official;

WHEREAS, in pursuance of the principle of majority rule, this Council adopted as unanimous the imposition

of 'forced resignation' as the penalty;

Whereas, in order to pen the decision, in clear and appropriate language, made by this council on this case, a committee was created for such purpose;

Whereas, the Committee has already submitted a draft of the said decision to the satisfaction of this Council, and that the members of this Council have already signed the same;

WHEREFORE, on motion of Councilor Dr. Mariano Favila, duly seconded by Councilor Vicente Asprer, Be it

RESOLVED, as it is hereby resolved, to proclaim, as is hereby proclaimed, the decision made by this Council in its investigation of the administrative case filed by Mayor Constantino Verceles of this municipality on the complaint of Mrs. Guadalupe R. Estoye, against Bernardo Estoesta, Chief of Police of Agoa, La Union, hereby adopting the findings made as the basis of the decision by the Committee appointed by this body for such purpose, and considering the said Chief of Police Bernardo Estoesta, as resigned as of the day he was suspended from duty;

RESOLVED FURTHER, to send a copy of this resolution and other pertinent papers to the Commissioner, Bureau of Civil Service, for his information and action."

On appeal, the Commissioner of Civil Service upheld in toto the foregoing verdict of the municipal council. The case was subsequently elevated to the Civil Service Board of Appeals which dismissed the appeal as it was filed beyond the reglementary period.

On 16 September 1960, or about a year and a half after the forced resignation was imposed upon him, Estoesta submitted a "Motion for Reinstatement" with the superseding municipal council of Agoa. His bid for reinstatement apparently ignored, petitioner went to court, which dismissed the petition as aforesaid.

Appellant's brief assigned five errors, raising the sole issue of whether or not he was legally separated from the service. Estoesta claims that his separation was illegal inasmuch as (a) the hearing of the administrative charges against him was delegated to a committee; and (b) that the decision finding him guilty was prepared and promulgated by a committee, and not by the municipal council. Both contentions are devoid of merit.

In the first place, in his "Motion for Reinstatement" adverted to, Estoesta admitted that the administrative charges against him were "heard and tried by the former Mayor, Vice-Mayor and Municipal Councilors", and that "after investigation on 24 January 1959, the case was submitted for decision".

In the second place, the above-quoted Resolution No. 26 expressly says that the committee which drafted the decision embodying the findings of fact was created after the municipal council had already reached its verdict. A presentable decision had to be prepared, and it was only natural for that body to delegate its actual preparation to a committee. Besides, the resolution recites categorically that all members of the municipal council have affixed their signatures to the decision as drafted by the committee. As stated aptly by the court a quo:

* * * While it is true that draft of the written decision was penned by a committee, formed and delegated by the municipal council to make it nevertheless the decision finding the petitioner guilty was made by the entire council as a body and not by the said committee. This is shown in and revealed by said Resolution No. 26. These facts are revealed by the written petition and the annexes contrary to the conclusion made by the petitioner. No right of said petitioner has, therefore, been violated by respondents. Consequently, the petitioner has no cause of action against the defendants as the administrative investigation and the decision were made pursuant to the provisions of law on the matter."

Lastly, this appellant has forfeited his right to reinstatement through his delay of one and a half years. We have repeatedly held that actions for reinstatement to a civil service position must be filed within one year, for reasons

of public policy (Unabia vs. Mayor of Cebu, 99 Phil., 253; Gonzales vs. Rodriguez, L-12976, March 24, 1961; Mesias vs. Jover, 97 Phil., 899).

Wherefore, finding no error in the order appealed from the same is hereby affirmed, with costs against appellant. So ordered.

Padilla, Bautista Angelo, Labrador, Concepcion, Barrera, Paredes, Dizon, Regala and Makalintal, JJ., concur.

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