

**THE POLICE COMMISSION, REPRESENTED BY ITS CHAIRMAN,
CRISPINO M. DE CASTRO, JOSE G. LUKBAN, JOLLY BUGARIN, AND
EDUARDO M. GARCIA, MEMBERS, PETITIONERS, VS. HONORABLE
GUARDSON R. ...**

G.R. No. L-34230. March 31, 1980

Ponente: TEEHANKEE, Acting C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a34df30e18c8/>

TEEHANKEE, Acting C.J.:

The Court sets aside respondent judge's orders granting the writ of preliminary mandatory injunction that would order the reinstatement with back salaries of respondents Gabriel Paile and Reynaldo Alano in the service of the Makati Police Department and denying petitioner Police Commission's motion for reconsideration thereof, on the ground that the subsequent acquittal of respondents Paile and Alano in the criminal action for grave coercion by the City Court of Manila does not bar their dis-missal from the service by the petitioner, as ordered in an earlier decision upon their having been found administratively guilty in the administrative proceedings, which had proceeded independently of the criminal action for the same acts.

The case at bar arose from the following incidents:

On December 12, 1968 Nicolas Alcantara and Zoilo Maranon filed with the Police Commission (Polcom) an administrative complaint charging Captain Gabriel Paile, Corporal Reynaldo Alano and five other members of the Makati Police Department with grave misconduct. The succeeding year, on September 26, Alcantara and Maranon filed with the City Court of Manila twin criminal cases charging the same administrative respondents with grave coercion based on the same acts for which they had already been administratively charged. Four days thereafter, with the formalized criminal charges as basis and pursuant to the provisions of the second paragraph of section 16[1] of the Police Act of 1966, Makati Acting Mayor Jose C. Luciano issued a Memorandum Order effecting the suspension from office of the seven accused members of the Makati Police Department effective October 1, 1969.

Due investigation by the Makati Board of Investigators of the administrative charge against Paile et al. continued and was terminated with the submission of a report, with findings and recommendation, to the Polcom. On December 12, 1969, the Polcom rendered its decision declaring Paile et al. guilty of grave misconduct and ordering their dis-missal from the service. Paile et al. moved to reconsider the decision of the Polcom to no avail for the said Commission, on November 2, 1970, denied their motion for reconsideration.

In the meantime, the City Court of Manila, under date of October 14 1970, rendered judgment in the criminal cases against Paile et al., acquitting them of the charges for grave coercion on the ground of insufficiency of evidence.

On December 12, 1970, in implementation of the said December 12, 1969 decision of the Polcom and denial of reconsideration order of November 2, 1970, finding Paile et al. guilty of grave misconduct and ordering their

separation from the service, Acting Mayor Luciano issued Administrative Order No. 39, Series of 1970, ordering the dismissal of the said administrative respondents from the service effective December 2, 1970.

Six days thereafter, on December 18, 1970 Paile et al. filed with the Polcom their second "Motion for Reconsideration and/or New Trial." Without awaiting any response on the part of the Polcom to their second motion, herein respondents, Paile and Alano, filed on January 30, 1971 the present action for mandamus, prohibition and/or certiorari (docketed as Civil Case No. 14335), with an application for the issuance of the writ of preliminary mandatory injunction, in the Court of First Instance of Rizal (Branch VI) presided by respondent judge Guardson R. Lood[2] against the Polcom, the Mayor and the Chief of Police of Makati, and the Makati Board of Investigators. Paile and Alano, sought, inter alia, the issuance of the writ of preliminary mandatory injunction requiring the Mayor of Makati to immediately reinstate them to their former positions in the Makati Police Department on their theory that, by reason of their acquittal of the criminal charges for grave coercion by the City Court of Manila, the Mayor of Makati had "the duty specifically enjoined to be performed by him by the second paragraph of Section 16, R.A. No. 4864, to immediately reinstate [them] and order the payment of the entire salary they failed to receive during their suspension." Herein petitioner Polcom duly opposed this petition on February 26, 1971.

After the hearings held on the application for preliminary mandatory injunction by respondent judge as submitted for Resolution on March 27, 1971, respondent judge issued his order dated March 30, 1971 stating "that from the pleadings and the evidences thus presented it does not appear that there are factual issues not otherwise covered and ventilated during the hearing and (that) the Court believes that the merits of the case can be resolved on the basis of the pleadings and the evidence adduced," and giving the parties three days "within which to file their comment or manifestation thereon as to whether they would prefer to submit the case for decision together with the resolution of the petition for issuance of the writ of preliminary injunction."

Respondents (as therein petitioners) filed their manifestation dated April 1, 1971 expressing their "desire that only the petition for issuance of the writ of preliminary mandatory injunction be considered"[3] while petitioner Polcom (and its co-respondents in the proceeding below) filed (after securing an extension) their manifestation dated April 12, 1971 stating that "they prefer to submit the merits of the case for decision together with the resolution on Petitioners' application for a writ of preliminary injunction on the basis of the pleadings and the evidence heretofore adduced, provided, however, that the parties be given a period of thirty (30) days from receipt of the relevant court order within which to submit their respective memoranda."[4]

On April 7, 1971, respondent judge issued his order of the same date resolving in effect the case on the merits and declared respondents' dismissal from the service as "without authority of law, null and void and without force and effect", and directed the issuance of the writ of preliminary mandatory injunction upon a P500. - bond ordering the Mayor of Makati "to reinstate them to their respective positions as Captain and Corporal in the Makati Police Department, with all the rights and privileges thereto appertaining, including the payment of their salaries during the period of their suspension from office".

On April 22, 1971, the Polcom sent Paile et al. a communication returning to them their second "Motion for Reconsideration and/or New Trial" "without action" citing the provisions of paragraph 9.04, Section I of its Memorandum Circular No. 12 which allow, in administrative cases brought before it, only one petition for reconsideration and for the added reason that the "decision on the matter has already become final and executory." This communication was, however, returned to the Polcom unclaimed.

Subsequently, on May 3, 1971, the Polcom sought reconsideration of the challenged order dated April 7, 1971, which reconsideration Paile et al. opposed on May 22, 1971. On July 16, 1971, respondent judge issued an order

holding in abeyance his resolution of the Polcom's motion for reconsideration, pending action of this Court on an indorsement of the Secretary of Justice relating to administrative charges filed by Nicolas Alcantara against him as presiding judge of the court below.

On August 24, 1971 the Polcom moved with respondent judge for the immediate resolution of its pending motion for reconsideration, which motion was denied on September 8, 1971. The Polcom thus filed with this Court the instant petition for certiorari on October 20, 1971 to assail the orders of the presiding judge of the court a quo (1) dated April 7, 1971 granting the writ of preliminary mandatory injunction; (2) dated July 16, 1971 holding in abeyance resolution of the Polcom's motion for reconsideration; and (3) dated September 8, 1971 denying the said Commission's "Motion to Resolve Motion for Reconsideration."

During the pendency of the petition at bar, the Court, on October 25, 1971, acting on the administrative complaint (docketed as Administrative Case No. 211-J) filed by Alcantara against herein respondent judge, resolved to dismiss the said complaint as premature and enjoined respondent judge to resolve the pending motion for reconsideration as well as to report to the Court the action taken by him on the said motion. Pursuant thereto, respondent judge resolved petitioner Polcom's pending motion for reconsideration on December 20, 1971 by denying the same.

Hence, the petition at bar now refers only to the setting aside of respondent judge's orders of April 7, 1971 and December 20, 1971 granting the writ of preliminary mandatory injunction and declaring respondents' dismissal from the service as "null and void," and denying the Polcom's motion for reconsideration thereof, respectively.

The Court finds the petition to be meritorious and the challenged orders are therefore nullified and set aside.

As indicated above, respondent judge adjudged the dismissal from service of respondents as "without authority of law, null and void and without force and effect" on two grounds, to wit: (1) the acquittal of said respondents Paile and Alano of the criminal charges for grave coercion by the City Court of Manila on October 14, 1970; and (2) the pendency of their second "Motion for Reconsideration and/or New Trial" filed with the Polcom on December 18, 1970, after the mayor had already implemented the Polcom decision of dismissal of December 12, 1969 through the administrative order of dismissal (six days earlier) of December 12, 1970 ordering their dismissal effective December 2, 1970.

Respondent judge was in error on both counts and acted with grave abuse of discretion in adjudging respondents' dismissal to be "null and void" and in issuing the writ of mandatory injunction ordering their re-instatement with back salaries.

1. It is a fundamental principle of administrative law, as re-affirmed by the Court in *Philippine National Railways v. Domingo*[5] that "the administrative case may generally proceed against a respondent independently of a criminal action for the same act or omission and requires only a preponderance of evidence to establish administrative guilt as against proof beyond reasonable doubt of the criminal charge, as in the analogous cases provided by Art. 33 of the Civil Code." [6] Here, the administrative case against respondents did proceed independently of the criminal action and resulted in an earlier administrative verdict of dismissal from the service rendered on December 12, 1969. Admittedly, as stated in respondent judge's challenged order of April 7, 1971 itself "separate petitions for reconsideration filed by the respondents were denied on November 2, 1970" [7] and the decision was executed on December 12, 1970 with the Makati Mayor's implementing order separating them from the service by virtue of the Polcom's final order of November 2 denying reconsideration. The subsequent acquittal of said respondents as accused in the criminal case as per the City Court's judgment dated October 14, 1970 was of no consequence since such acquittal merely relieved them from criminal liability but in no way carried with it relief from the administrative liability of dismissal from the service under the final order

of the Polcom in the administrative case.

The ruling of this Court in *Gatmaitan vs. Manila Railroad Co.*[8] is wholly applicable here, *mutatis mutandis*: "It is true that on September 30, 1957 appellant was acquitted in the criminal cases mentioned hereto-fore, but it is not denied that said acquittal was based merely on reasonable doubt regarding his guilt. We have heretofore held that conviction in a criminal case is not indispensable to warrant the dismissal of an employee by his employer; it being enough that the latter had proof of the former's guilt of breach of trust or other sufficient reason (*Nation-al Labor Union vs. Standard, etc.*, 40 O.G. 3503.) Therefore, appellant having been duly investigated and found guilty of gross negligence and conduct prejudicial to the interest of his employer, We must necessarily conclude that his conviction in the criminal actions already mentioned was not indispensable to warrant his dismissal from the service, nor did his acquittal on reasonable doubt in any way affect the previous order for his dismissal."

In *City of Butuan vs. Ortiz*[9] the Court of First Instance had rendered judgment ordering the reinstatement of the administrative respon-dent pending termination of the administrative case pending against him upon the Court's finding that his suspension had been continued for more than 60 days. However, respondent therein had not asked for execution of the favorable final judgment for his reinstatement until after the administrative case had been decided against him and he was about to be removed from the service: The Court held that execution of the judgment of reinstatement was barred by the final administrative order of dismissal, since "a supervening cause or reason had arisen which (has) rendered the decision of the Court ordering reinstatement no longer enforceable." Here, it is obvious that the subsequent acquittal on October 14, 1970 in the criminal case could in no way affect or set aside the previous administrative order of December 12, 1969 for respondents' dismissal from the service, as reiterated in the Polcom's order of November 2, 1970 denying reconsideration. Respondents were found by the Polcom, upon valid and proven charge, unfit to remain further in the service of the Makati Police Department and the Polcom's decision has long become final and has been executed. Respondent judge was without power to reverse or modify the same in the absence of grave abuse, fraud or oppression and none has been alleged or shown here.

2. Respondent judge reasoned in his challenged order that "the administrative proceedings before the respondent Polcom had not in fact been terminated, and as a matter of fact there is no showing that the motion for reconsideration and/or new trial had in fact been resolved. The result therefore is that the dismissal of the petitioners thus par-took of the nature of a punishment even while their case is under consideration, a clear violation of their constitutional right to be pre-sumed innocent until the contrary is proved."

This is patent error. The proceedings in the administrative case before the Polcom had been terminated with its denial of respondents' first motion for reconsideration of the dismissal verdict per its Order of November 2, 1970 copies of which had been admittedly received by them. It was not necessary for Polcom to resolve the belated second motion for reconsideration and/or new trial, as in fact Polcom returned the same unacted to respondents per its communication of April 22, 1971, calling attention to its Rules allowing only one motion for reconsideration and adding that the decision of dismissal had already become final and had been executed (which communication was returned to it unclaimed by respondents).

The Court further notes that respondents themselves appear to have doubted the merit and efficacy of their second motion, for they abandoned the same with the filing of their petition in the Court below on January 30, 1971. Furthermore, the fact that respondents did not even claim the Polcom communication of April 22, 1971 strengthens the impression that they lacked reliance on the effectiveness of their second motion for reconsideration and abandoned the same. At any rate, the Polcom's action was certainly a final denial and termination of the proceeding, since its rules did not allow a second motion and its dismissal verdict had long been executed as of December 12, 1970 – long before the filing of respon-dents' petition in the court below.

Finally, respondents question the validity of the Polcom rules allowing only one motion for reconsideration and its authority to issue the same. Assuming *arguendo* that the Polcom should have considered the merits of their second motion, the same was anchored on the fact of respondents' acquittal in the criminal case. As already shown above, said second motion is entirely bereft of merit since such acquittal was an entirely separate matter and could not affect or set aside the earlier final administrative order for their dismissal from the service.

Respondent judge had in his challenged orders addressed the core issue of law (having found no crucial factual issues) and adjudged respondents dismissal from the service as "null and void" on the above grounds which the Court has found to be in error and without basis in law. The mandatory injunction for reinstatement issued by respondent judge was in excess of its jurisdiction and authority and with this Court having now upheld the validity of respondents' dismissal by virtue of the Polcom's final verdict in the administrative case, the case below has become moot.

ACCORDINGLY, the orders of the respondent judge dated April 7, 1971 and December 20, 1971 are hereby set aside and respondent judge's successor as presiding judge of Branch VI of the Court of First Instance of Rizal is hereby permanently enjoined from any further proceedings in Civil Case No. 14335 other than to dismiss the same.

SO ORDERED.

Makasiar, Fernandez, De Castro, and Melencio-Herrera, JJ., concur.
Guerrero, J., took no part.

[1] The second paragraph of Section 16, Republic Act 4864 (Police Act of 1966), reads, to wit:

"When a member of the police force or agency is accused in court of any felony or violation of law by the city or municipal attorney or by the chief of the municipal police or the provincial or assistant provincial fiscal or city or assistant city fiscal, as the case may be, the city mayor or municipal mayor concerned, shall immediately suspend the accused from office pending the final decision by the court, and in case of acquittal, the accused shall be entitled to immediate reinstatement and the payment of the entire salary he failed to receive during his suspension: Provided, however, That trial and disposition of criminal cases against members of the police force shall be accorded priority by the courts.

[2] Judge Lood was afterwards appointed on January 7, 1977 as Associate Justice of the Court of Appeals and later was elected in April 1978 as a member of the Interim Batasang Pambansa.

[3] Annex G, Petition.

[4] Annex I, Petition.

[5] 42 SCRA 142, 149 (1971).

[6] Such analogous cases were discussed extensively in the footnote as follows: "Art. 33, Civil Code, provides that 'In cases of defamation, fraud, and physical injuries, a civil action for damages, entirely separate and distinct from the criminal action, may be brought by the injured party. Such civil action shall proceed independently of the criminal prosecution, and shall require only a preponderance of evidence.' Section 3 of Rep. Act No. 3019 (Anti-graft Law) likewise recognizes that administrative proceedings may proceed independently against the accused, in providing that 'SEC. 13. Suspension and loss of benefits. - Any public officer against whom any criminal prosecution under a valid information under this Act or under the provisions of the Revised Penal Code on bribery is pending in court, shall be suspended from office. Should he be convicted by final judgment, he shall

lose all retirement or gratuity benefits under any law, but if he is acquitted, he shall be entitled to reinstatement and to the salaries and benefits which he failed to receive during suspension, unless in the meantime administrative proceedings have been filed against him.'

Further analogy is found in the provisions of Article 29 of the Civil Code, in relation to Rule 111 sec. 3, par. (c), which permit a separate civil action for damages after acquittal of the accused in the criminal case on the ground of the prosecution's failure to prove his guilt beyond reasonable doubt except where the penal action is extinguished with a declaration in the final judgment that the fact from which the civil action might arise 'did not exist.' The pertinent legal provisions read:

'Art. 29. When the accused in a criminal prosecution is acquitted on the ground that his guilt has not been proved beyond reasonable doubt, a civil action for damages for the same act or omission may be instituted. Such action requires only preponderance of evidence. Upon motion of the defendant, the court may require the plaintiff to file a bond to answer for damages in case the complaint should be found to be malicious. xxx' (Civil Code).

'(c) Extinction of the penal action does not carry with it extinction of the civil, unless the extinction proceeds from a declaration in a final judgment that the fact from which the civil might arise did not exist. In other cases, the person entitled to the civil action may institute it in the jurisdiction and in the manner provided by law against the person who may be liable for restitution of the thing and reparation or indemnity for the damage suffered.'" (Rule 111, sec. 3).

[7] Annex H, petition, p. 3, at page 60, Rollo.

[8] 21 SCRA 191, 193 (1967).

[9] 3 SCRA 659 (1961); see also *Subido vs. Gopengco*, 27 SCRA 455 (1969).

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.