

JOSE QUINTOS PLAINTIFF AND APPELLEE, VS. HONORABLE ARSENIO H. LACSON, ET AL., DEFENDANTS AND APPELLANTS.*G.R. No. L-8062. July 18, 1955*

Ponente: MONTEMAYOR, J.

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Plaintiff appellee Jose Quintos was appointed patrolman in the Manila Police Department in December, 1945, and on December 16, 1947, he was promoted to the position of detective in the same police department. He duly qualified and assumed office successively for the two posts. On July 3, 1952, Arsenio H. Lacson as Mayor of the City of Manila through his letter Annex "A", supposedly for lack or loss of confidence, dismissed five detectives among them Jose Quintos. To annul this order of dismissal and to prevent its execution he filed a complaint in the Court of First Instance of Manila for injunction against Mayor Lacson and Chief of Police Dionisio S. Ojeda. Pending trial the lower court issued a writ of preliminary injunction to enjoin the defendants not to carry out the order of dismissal. After hearing, the trial court rendered judgment in favor of plaintiff Quintos with the following dispositive part:

"Wherefore, the petition for injunction is hereby granted, enjoining permanently the respondents Mayor and Chief of Police of the City of Manila to refrain from dismissing the petitioner from the service as detective in the Manila Police Department, without previous investigation in accordance with Republic Act No. 557, and in case the said petitioner had been dismissed, to reinstate him to his former position and to pay him whatever amount has been withheld as his salary during the period of his suspension, if any, at the rate of P1,560 per annum, without pronouncement as to costs."

Mayor Lacson and Chief of Police Ojeda appealed from that judgment directly to this court. The question involved is the validity of a summary dismissal of a Manila city detective under the provisions of Executive Order No. 264, in view of Republic Act No. 557. We have heretofore ruled upon this very point, holding that city detectives are members of the police force and that the manner of their dismissal is governed by the provisions of Republic Act No. 557. It is sufficient for us to refer to the case of Oscar Olegario vs. Arsenio H. Lacson, G. R. No. L-7926, promulgated on May 21, 1955, wherein this Court through Mr. Justice J. B. L. Reyes made a resume of the previous rulings of this court on the same subject-matter. We reproduce the pertinent portions of the decision in that case, to wit:

"This appeal is taken by the Mayor of the City of Manila from a decision of the Court of First Instance in its case No. 17153, for mandamus, wherein the court orders the reinstatement to service of detectives Oscar Olegario, dismissed by the Mayor for lack of confidence on July 19, 1952. The lower court held that the dismissal was illegal, for lack of the investigation and hearing provided for by Republic Act No. 557.

"It is contended for the appellant Mayor that (1) the position of detective in the Manila Police Department is confidential in nature, having been so declared by Executive Order No. 264, Series of 1940, and that Republic Act 557 did not repeal or affect said Executive Order; and (2) that appellee Oscar Olegario not being a civil service eligible, his appointment, in 1947, should be viewed as merely temporary under sec. 682 of the Revised

Administrative Code, and, therefore, he was subject to summary dismissal at the expiration of three months.

"The first issue tendered by the appellant has been thoroughly considered and resolved in previous decisions of this Court. In *Mission vs. Del Rosario* (1954) (50 Off. Gaz., 1571), this Court held that Executive Order No. 264, Series of 1940, upon which appellant now relies, has been repealed by Republic Act 557, In so far as it may be in conflict with the latter, and that detectives or secret service agents may now be removed only as provided in said Act. This ruling was applied to similar offices in other localities (*V. Abella vs. Rodriguez*, 50 Off. Gaz., 3041; *Palamine vs. Zagado*, 50 Off. Gaz., 1566), and we see no reason for not upholding it with respect to detectives or secret service agents of the Manila Police Department.

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"We have held in *Uy vs. Rodriguez*, G. R. No. L-6772, July 30, 1954, that unless it is shown that a detective's appointment was temporary, he may not be dismissed except in accordance with Rep. Act No. 557, and that ruling is decisive of this case.

"The question raised in this special civil action has already been decided squarely by us in the cases of *Palamine, et al. vs. Zagado et al.*, G. R. No. L-6901, promulgated March 5, 1954; *Mission, et al., vs. Del Rosario*, G. R. No. L-6754; promulgated February 25, 1954; and *Abella vs. Rodriguez*, G. R. No. L-6867, promulgated June 29, 1954. In said cases, we have held that a member of the detective force of Cebu City is a member of the police department of said city and may not be removed except in accordance with the provisions of Republic Act No. 557.

"The statement submitted by the petitioner shows that he is not a civil service eligible, but neither does it appear from the record that his appointment as member of the detective force was temporary in character or for periods of three months merely, and that he had been reappointed every three months until his separation. These circumstances, in addition to the fact that he was promoted as senior detective inspector, show that his appointment is not in a temporary capacity. He may not, therefore, be dismissed or removed except in accordance with the provisions of existing law."

Counsel for appellants, conscious of the previous ruling of this court on the subject suggests, even urges us to review such ruling. We see no reason or occasion for making any change of revision. We are convinced that our interpretation and application of the laws involved is correct. If said laws are deemed unwise and detrimental to the discipline and efficiency of detectives in Manila and other chartered cities, proper representations and requests may be made to the Legislature. As long as laws do not violate any Constitutional provision, the Courts merely interpret and apply them regardless of whether or not they are wise or salutary.

In view of the foregoing, we find the decision appealed from correct, and therefore affirm the same. No, costs.

Bengzon, Acting C. J., Padilla, Reyes, A., Jugo, Bautista Angelo, Labrador, Concepcion, and Reyes, J. B. L., JJ., concur.

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