

**CRISPIN CARMONA, ET AL., PETITIONERS AND APPELLEES, VS.  
FELIX P. AMANTE, IN HIS CAPACITY AS AD INTERIM MAYOR OF THE  
CITY OF BACOLOD, RESPONDENT AND APPELLANT.**

*G.R. Nos. L-8790-8797. August 14, 1956*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/b859b50e4862/>

---

**LABRADOR, J.:**

Petitioners-appellees were in the year 1951 members of the police force of the City of Bacolod. All of them are civil service eligibles. In the year 1951 the chief of police filed administrative complaints against them, charging some with having tolerated prohibited games, another with maltreatment, another with failure to make arrest of offenders, etc. The administrative complaints were sworn to by the chief of police and were presented by him to the city mayor, who thereupon endorsed, them to the city council and suspended the petitioners. The latter referred the complaints to a committee on police, which authorized its chairman to subpoena the petitioners, furnishing each and everyone of them with a copy of the respective administrative charges filed against each. The respondents did not appear at the hearing, so the committee received the evidence which the chief of police offered. Thereafter the committee made the following findings and resolution:

"The complainant Chief of Police was asked to present his evidence against the respondents and upon hearing the evidence presented by the complainant Chief of Police, thru his witnesses, the committee is of the opinion and so holds that respondents Arturo Cardenas, Monico Nobleza, Pacifico Limbaga, and Conrado Matavia are guilty beyond reasonable doubt of the charge of "serious irregularities in the performance of their duties and violation of the law"; and Respondents Ernesto Quiatchon and Crispin Carmona are guilty beyond reasonable doubt of the charge of "Maltreatment and abuse of authority"; and Respondents Pacifico Limbaga and Conrado Matavia are guilty beyond reasonable doubt of additional charge of "dereliction of duty" and "sleeping while in duty" respectively, aside from their guilty already established in the first administrative complaint for "serious irregularities in' the performance of their duties and violation of the law" "In view hereof, the committee"

"Resolved, to recommend to the Honorable City Mayor the immediate separation from the service of all the above-named respondents for the best interest of public service."

"Resolved further, that in order not to hamper the function of the police force it is recommended that the position to be vacated by the respondents herein be immediately filled by him also for the best interest of public service." (pp. 12-13, Brief of Respondent-Appellant.)

The above resolution, which ratified all the actuations of the city mayor with regards to their suspension and their separation from the service (of petitioners-appellees), was approved by the city council on October 29, 1951.

So the petitioners-appellees instituted these suits against the mayor, alleging that they had been illegally removed and praying that they be reinstated to their respective positions. A trial was held, after which the court rendered a decision ordering the reinstatement of the petitioners-appellees, holding that their suspension and removal are not in accordance with the provisions of Republic Act No. 557. The reasons adduced by the trial court for its conclusion are: (1) that the complaints were not instituted by the city mayor himself; (2) that the investigation was

conducted by a committee of the council, and not by the council itself; and (3) that the petitioners were not given opportunity, to appear and give their evidence in support of their defense. Appeal against this decision was prosecuted in this Court, for the reason that there is no dispute as to the facts necessary for the determination of the case.

The law provides that the charges against city policemen shall be preferred by the city mayor. It can not be implied therefrom that the mayor himself must file the charges personally, or that he sign the complaint himself like a prosecuting officer filing an information. There is no provision that he must sign the charges. To prefer is to present, and this is what the mayor did when he submitted the charges before the council. Besides, the chief of police is the immediate representative of the mayor, and acts for the latter under the latter's direct orders. When the chief of police, therefore, filed the administrative complaints and the mayor submitted them to the city council, the latter may be considered as having made the complaints his own. The signing of the complaints by the mayor is a mere formality which is not essential to the validity of the proceedings, causing no substantial injury to the rights of the respondents. There is, therefore, no justification for annulling the investigation under this score.

The second reason for invalidating the investigation is the fact that the charges were investigated by a committee of the city council, not by the council itself. While it is true that we had held in *Santos vs. Mendoza*, 48 Off. Gaz., No. 11, p. 4801, that such a procedure is valid the law has been changed since the above decision. Republic Act No. 557 has eliminated the provision authorizing investigation by a committee of the council. We held that the change meant that the investigation should be by the council itself (*Festejo vs. Municipal Mayor of Nabua*, 96 Phil., 286, promulgated December 22, 1954). We affirmed this doctrine in the recent case of *Covacha vs. Amante*, G. R. No. L-8358, promulgated May 25, 1956. The trial court was, therefore, correct in holding that the investigation proceedings were not conducted by the municipal council and in annulling the results of the investigation.

The above conclusion as to the nullity of the investigation renders unnecessary the consideration of the third finding of the trial court.

The judgment is, therefore, affirmed. Without costs.

Paras, C, J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Concepcion, Reyes, J. B. L., and Endencia, JJ., concur.

**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.