

**THE POLICE COMMISSION, REPRESENTED BY ITS CHAIRMAN,
CRISPINO M. DE CASTRO, PETITIONER, VS. HON. JUDGE GUARDSON
R. LOOD AND SIMPLICIO C. IBEA, RESPONDENTS.**

G.R. No. L-34637. February 24, 1984

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

Petitioner Police Commission seeks the setting aside of the decision of the defunct Court of First Instance (respondent court) of Rizal, Branch VI, which declared null and void its decision in Administrative Case No. 48 dismissing private respondent Simplicio C. Ibea and instead ordered then Municipal Mayor Braulio Sto. Domingo of San Juan, Rizal to reinstate said respondent to his former position as policeman of the same municipality with back salaries from the date of his suspension up to the date of his actual reinstatement. Upon the filing of the petition, the Court, at petitioner's instance, issued a writ of preliminary injunction restraining respondent court from executing the questioned decision.

Respondent Ibea had been dismissed from the police service by the then Mayor Braulio Sto. Domingo (later on substituted during the pendency of this case in the court below by incumbent Mayor Joseph Ejercito Estrada) pursuant to the decision of petitioner commission finding him guilty of serious irregularity in the performance of duty on complaint of Jose Lee, Jr.

Respondent thereafter filed his complaint with respondent court seeking his reinstatement. He was sustained by respondent court which rendered its decision declaring the decision of the Police Commission as null and void and ordered the town mayor to "reinstate the plaintiff to his former position as patrolman in the Police Department of San Juan, Rizal with back salaries and remunerations pertaining to said position from the date of his suspension to the time of his reinstatement to the service." Respondent court ruled that the decision of petitioner commission was based on incomplete records as there was no transcript of the testimonies of witnesses or minutes of the proceedings before the Board of Investigators and that the commission's conclusion was without factual basis and was in violation of administrative due process. Respondent court also ruled that the question of the temporary status of the appointment of Ibea for lack of civil service eligibility (which was raised in the court below by the answer of Mayor Joseph Ejercito Estrada) had become moot and academic upon respondent Ibea's subsequent acquisition of a civil service eligibility.

Hence, this petition which this Court finds meritorious, as per the assignment of errors made by the Solicitor General on behalf of petitioner commission, as follows:

"I. The lower court erred in holding that respondent Simplicio C. Ibea was deprived of due process of law because the Police Commission decided Administrative Case No. 48 even without stenographic notes taken of the proceedings of the case.

"II. The lower court erred in disturbing the findings of facts of the Police Commission, an administrative agency duly vested by Republic Act No. 4864 with the power and authority to render decision in

administrative cases against policemen and whose decision is final.

"III. The lower court erred in holding that the allegations on the temporary status of the appointment of respondent Simplicio C. Ibea for lack of civil service eligibility has been rendered moot and academic upon the latter's subsequent acquisition of a civil service eligibility."

The Court finds the errors assigned to be well taken.

1. Respondent court's ruling against petitioner's decision as falling short of the legal requirements of due process, because it decided the subject administrative case without stenographic notes (which were not taken by the Board of Investigators) of the proceedings of the case, was in error. Rep. Act No. 4864 does not provide that the Board of Investigators shall be a "board of record," and as such it does not provide for office personnel such as clerks and stenographers who may be employed to take note of the proceedings of the board. The proceeding provided for is merely administrative and summary in character, in line with the principle that "administrative rules of procedure should be construed liberally in order to promote their object and to assist the parties in obtaining just, speedy and inexpensive determination of their respective claims and defenses."^[1] The formalities usually attendant in court hearings need not be present in an administrative investigation, provided that the parties are heard and given the opportunity to adduce their respective evidence.

The decision and resolution of petitioner commission amply show that both complainant and respondent were given the opportunity to be heard by the board and to adduce their respective evidence, which were duly considered and taken into account in its decision. The absence of the transcript of stenographic notes (which were not taken by the board) in the records of the case submitted by the Board of Investigators of San Juan, Rizal in the administrative proceeding cannot be claimed to have deprived respondent of due process of law. The report of investigation (which contained a summary report of what transpired during the hearing of the case), the affidavit-complaint, and respondent's answer thereto, as well as the memoranda of the parties were sufficient basis for the decision and resolution of the commission, and substantially and essentially constituted the "records of the investigation" required in Section 15 of Rep. Act No. 4864.

2. The record amply shows that petitioner's decision was supported by substantial evidence consisting of the affidavit-complaint (which was duly affirmed when complainant Jose Lee, Jr. appeared and testified before the board) and the documentary evidence duly marked by the board as exhibits for the complainant (and which were not questioned by respondent). As uniformly held by the Court, it is sufficient that administrative findings of fact are supported by evidence on the record,^[2] or stated negatively, it is sufficient that findings of fact are not shown to be unsupported by evidence.^[3] As expounded by Justice Laurel in the leading case of *Ang Tibay vs. Court of Industrial Relations*,^[4] substantial evidence is all that is needed to support an administrative finding of fact, and substantial evidence is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." The commission's reasons for having chosen to believe the complaint filed by Mr. Jose Lee, Jr. as against respondent's defense were extensively discussed in its decision (Annex "N") and reiterated in its resolution, thus:

"A close perusal of the record shows that said affidavit was presented by the complainant during the proceedings and its presentation was not objected to by the respondent-petitioner. Hence, it became a part of the records and therefore must be considered in the deliberation of this case. Moreover, there are documents presented and incorporated in the records of the case that are corroborative of the affidavit of the complainant. Some of these documentary evidence are memorandum of the complainant, copy of the police blotter, letter of the complainant to Lt. Bautista, reply of the Clerk of Court to Jose Lee, Jr., a copy of the decision of Cesar Cruz, Acting Municipal Judge of San Juan, Rizal and the investigation report of Pat. Simplicio C. Ibea which was eventually submitted though late. All these documents, one way or another, corroborate the affidavit of the complainant. Hence, the allegation that the affidavit is uncorroborated does not hold water."^[5]

The above-mentioned documentary evidence which convinced petitioner as to the veracity of the charges against

respondent were certainly more than persuasive and substantial.

Respondent court therefore erred in choosing to believe the theory of the defense put up by respondent Ibea on the equally erroneous ground that there was no evidence to support the findings of the Police Commission. In effect, respondent Court substituted its own judgment for that of the Police Commission which is final, contrary to the prevailing principle that "in reviewing administrative decisions, the reviewing court cannot reexamine the sufficiency of the evidence as if originally instituted therein, and receive additional evidence that was not submitted to the administrative agency concerned. The findings of fact must be respected, so long as they are supported by substantial evidence, even if not overwhelming or preponderant." [6]

3. Since the appointment of Simplicio C. Ibea to the police force was only temporary in nature for lack of civil service eligibility at the time, the same was duly terminated upon his dismissal pursuant to the commission's decision. Respondent had no longer any legal right to be reinstated to the service where the mayor does not want him reinstated by extending him a new appointment as in the instant case.

Respondent court erred in holding that the allegations on the temporary status of the appointment of private respondent Simplicio C. Ibea for lack of civil service eligibility had been rendered moot and academic upon the latter's subsequent acquisition of a civil service eligibility. Under the civil service law then in force, the fact that private respondent subsequently became a civil service eligible did not ipso facto render permanent the nature of his temporary appointment as to make the question moot and academic. In fact, under Section 24 (d) of Republic Act No. 2260 (Civil Service Act of 1959), the law in force at the time of Ibea's appointment, a temporary appointment could not exceed six months (now one year under R.A. 6040). That he was allowed by the mayor to continue in the service even after the six-months period was merely an extension of grace. Thus, as the Court held in similar cases:

"Temporary appointments, under Section 682 of the Revised Administrative Code, are limited to three months. Upon the expiration of that period, a temporary appointee could be removed at will. Any continuance thereafter as a temporary employee was an extension of grace. The fact that petitioner became a civil service eligible did not entitle him to a permanent appointment to the position. The power to appoint is discretionary on the part of the appointing power. Petitioner's temporary appointment did not ripen, by virtue of his acquisition of eligibility into one of permanence." [7]

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"Since his appointment is temporary, it did not confer upon appellant a vested right to occupy in a permanent character the position to which he was appointed. His civil service eligibility will avail him none." [8]

In fine, since respondent Ibea was merely a temporary appointee, he was subject to removal at any time without the necessity of following the procedure set up by Republic Act No. 4864, for removal of police officers, and regardless of the complaint filed against him. After his services were terminated by former Mayor Sto. Domingo, his reinstatement was no longer legally feasible in the face of incumbent Mayor Estrada's refusal to do so, considering that he held merely a temporary appointment.

For "well-settled in this jurisdiction is the principle that when an appointment is temporary, the same is terminable at the pleasure of the appointing power, and no cause is required to be shown for such termination." [9]

ACCORDINGLY, the questioned decision of respondent defunct Court of First Instance of Rizal, Branch VI, in Civil Case No. 12069 is hereby set aside and the preliminary injunction issued against its enforcement is hereby made permanent. No costs.

Melencio-Herrera, Plana, Relova, and Gutierrez, Jr., JJ., concur.

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- [1] Maribojoc vs. Hon. Pastor de Guzman, 109 Phil. 833 (1960).
- [2] Santos vs. Secretary of Public Works and Communications, 19 SCRA 637 (1967).
- [3] Castillo vs. Rodriguez, 14 SCRA 344 (1965) and Julian vs. Apostol, 52 Phil 422.
- [4] 69 Phil. 635, 642.
- [5] Resolution, p. 4, Annex O.
- [6] Timbancaya vs. Vicente, et al., 119 Phil. 169 (1963); Insurefco Paper Pulp & Project Workers' Union vs. Insurefco, 95 Phil. 761 (1954); Ang Tibay vs. Court of Industrial Relations, 69 Phil. 635.
- [7] Jimenez vs. Francisco, etc., et al., G. R. No. L-9699, prom. Feb. 28, 1957.
- [8] Jimenea vs. Guanzon, 22 SCRA 224 (1968); see also Santos vs. Chico, 25 SCRA 343 (1968).
- [9] Azuelo vs. Arnaldo, 108 Phil. 293 (1960); see also Ferrer vs. De Leon, 109 Phil. 202 (1960); Quitquit vs. Villacorta, 107 Phil. 1060 (1960); Mendez vs. Banzon, G.R. No. L-10483, April 12, 1957, 101 Phil. 48; Agapuyan vs. Ledesma, 101 Phil. 1199 (1957); Montero, et al. vs. Castellanes, 108 Phil. 744 (1960).

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