

FRANCISCO B. BAUTISTA, PETITIONER, VS. PRIMITIVO A. GARCIA, RESPONDENT.

G.R. No. L-20389. October 31, 1962

Ponente: DIZON, J.

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DIZON, J.:

SUMMARY

When Mayor Santos Ambagan of Amadeo, Cavite, left for Brazil, he designated Primitivo Garcia in writing as "caretaker" of the municipal government subject to his instruction. Acting on such designation, the appellee assumed the position of Mayor and discharged the powers, duties and prerogatives of the office. He circularized this fact to the officials and residents of Amadeo. Simultaneously, Vice-Mayor Francisco Bautista took over the reins of the municipal government and discharged the powers, duties and prerogatives of the office of mayor. He notified the President of the Philippines of his actions. Confusions loomed over the officialdom of Amadeo and to resolve this administrative fiasco, Vice-Mayor Bautista filed a quo warranto proceedings against Garcia to secure a ruling declaring him as legally and exclusively entitled to assume the office of Acting Mayor during the incumbent mayor's absence. Immediately, the Court issued a preliminary injunction enjoining the appellee to desist from acting as mayor in accordance with the designation extended him by Mayor Santos Ambagan. The Supreme Court upheld the petitioned and declared the injunction permanent.

HELD:—The instant case jibes with the *Paredes vs. Antillon* case where the Vice-Mayor of Pasay City was declared lawfully-entitled to the office of the mayor during the latter's effective absence, i.e. when the mayor was rendered powerless for the time being, to discharge the powers, duties, and prerogatives of his office. The fact that the mayor was in a foreign country whether on official business or not, he was "effectively absent" for it would be preposterous to claim that a municipal or city official of the Philippines can lawfully exercise the powers, duties and prerogatives of his office while in a foreign land. The setup or arrangement which is a sort of government by remote control is not authorized by any law.

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