

NAPOLEON F. RONQUILLO, PETITIONER, VS. RAFAEL GALANO, RESPONDENT.*G.R. No. L-21117. November 29, 1963*

Ponente: LABRADOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/c679e1f56535/>**LABRADOR, J.:**

This is an original petition for quo warranto filed against respondent by the petitioner who alleges that he is the duly appointed Justice of the Peace of Maripipi, Leyte, assuming office on January 8, 1962, his ad interim appointment on November 6, 1961 having been confirmed by the Commission on Appointments on April 27, 1962. Petitioner further alleges that on October 11, 1962 His Excellency President Macapagal extended another ad interim appointment in favor of respondent Rafael Galano and the latter took his oath of office on January 18, 1963. It is argued in the petition that as the position of Justice of the Peace of Maripipi, Leyte was not vacant when respondent was appointed, because it was being held by petitioner who had not resigned nor had been removed from office, respondent's appointment to the aforementioned position is without authority of law and therefore null and void.

The answer of the respondent alleges that the appointment of petitioner to the position of Justice of the Peace of Maripipi, Leyte on November 6, 1961 is null and void because said position was not vacant on that date, Atty. Wenceslao M. Polo, past incumbent, having remained holding that position or office until December 29, 1961, when Polo assumed office as Assistant Provincial Fiscal of Leyte; that even though the petitioner's appointment was dated November 6, 1961 it was not released until December 29, 1961; that petitioner's appointment was an ad interim appointment which was withdrawn by Administrative Order No. 2 of President Macapagal and declared without effect on January 1, 1962, the validity of said administrative order having been upheld in the case of Aytona vs. Castillo, G.R. No. L-19313, January 22, 1962. It is therefore maintained that under the circumstances above indicated petitioner has no valid claim to the office and that he had been usurping said office illegally.

The documents submitted by both petitioner and respondent show that while petitioner's appointment to the position of Justice of the Peace of Maripipi, Leyte is dated November 6, 1961 (Annex B to the Petition) the same was not released until December 29, 1961; that upon its release on the said date petitioner immediately took his oath of office before the Judicial Superintendent of the Department of Justice; that petitioner took the oath of office on December 29, 1961, but a certificate of the then Acting Justice of the Peace Wenceslao M. Polo issued on December 29, 1961 is to the effect that on that date he (Polo) was still the Justice of the Peace of the municipality of Maripipi (Annex 2-A to the Answer) and had not yet been released from his property responsibility (Annex 3 to the Answer).

We have consulted the expediente of the case of Aytona vs. Castillo, *supra*, and We find that petitioner is one of those whose appointments were submitted to the Commission on Appointments on December 29, 1961. It is clear that when petitioner was extended the appointment on November 6, 1961 and when he took his oath of office to the position he was appointed to on December 29, 1961, the position in question was not yet vacated by the incumbent Wenceslao M. Polo. It also appears from the petition that petitioner, who is a resident of Maripipi,

Leyte, had to make a trip to Manila on Decmebr 29, 1961 just to take his oath of office, instead of waiting for the receipt of his appointment in the ordinary course of mail as in ordinary cases. Under the above circumstances We are forced to find, as we hereby declare, that this appointment falls under the principle and theory of the case of Aytona vs. Castillo, supra, and the appointment is to be considered withdrawn by Administrative Order No. 2 of 1962 of President Macapagal, which order this Court has refused to declare invalid. Petitioner's appointment, therefore, if not improperly made was lawfully withdrawn on January 2, 1962, and the same has become ineffective since then.

In view of the foregoing considerations, the petition should be as it hereby is dismissed, with costs against the petitioner. So ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Reyes, J.B.L., Paredes, Dizon, Regala, and Makalintal, 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.