

GREGORIO P. DE GUZMAN, PLAINTIFF AND APPELLANT, VS. JOSE B. RAMOSO, DEFENDANT AND APPELLEE.*G. R. No. L-10922. January 23, 1958*

Ponente: MONTEMAYOR, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/dcd99deb5aac/>**MONTEMAYOR, J.:**

Gregorio P. de Guzman, plaintiff-appellant, was appointed Assistant Sanitary Inspector of San Jose, Nueva Ecija, by virtue of Resolution No. 72 of the Municipal Council of said town on June 17, 1954. He was a civil service eligible. He assumed his post soon after his appointment. On March 25, 1955, defendant-appellee Jose B. Ramoso in his capacity as officer in charge of the Provincial Health Office of Nueva Ecija, issued Special Order No. 3, series of 1955, directing Guzman to proceed to his new place of assignment, namely, the Municipality of Pantabangan, Nueva Ecija. Guzman challenged the validity of the order of assignment, refused to comply therewith and insisted on remaining in San Jose and working in his office, but it is claimed that Ramoso prevented him from doing so, resulting in his failure to receive his salary, and filed charges against Guzman for insubordination and threatened to investigate him.

In November, 1955, Guzman filed a petition for mandamus with preliminary injunction, Civil Case No. 1970, in the Court of First Instance of Nueva Ecija, alleging the facts above narrated, intimating that his assignment to Pantabangan was unconstitutional and arbitrary and equivalent to removal from office, claiming that by reason of the wrongful act of Ramoso in restraining him from the enjoyment of his office as Assistant Sanitary Inspector of San Jose, he had suffered damages in the amount of P2,000 as actual damages, P10,000 as moral damages and P5,000 as exemplary damages, and he asked that Ramoso be ordered to pay the damages; to allow him to "use and enjoy the office of Assistant Sanitary Inspector of San Jose, Nueva Ecija, and enjoy its emolument and rights pertaining thereto"; to pay to him his back salary from April 1, 1955 up to the termination of the case, and to enjoin Ramoso from investigating him.

Ramoso filed a motion to dismiss the petition, claiming that the assignment of Guzman to Pantabangan was not a permanent transfer or assignment for the reason that only the Municipal Council can appoint a Sanitary Inspector, but that it was only a transfer or assignment temporary in nature. Guzman filed a written opposition to the motion to dismiss supporting the same with arguments. On November 25, 1955, the Nueva Ecija court found that under his (Ramoso's) general and supervisory powers under Section 980 of the Revised Administrative Code, he had inherent power to reshuffle the personnel under his jurisdiction, but only on a temporary basis, as for instance, should an epidemic arise in a certain municipality and the Sanitary Inspector in said town is incapacitated to perform his duties, then the Provincial Health Officer may designate a sanitary inspector from another municipality to take over, but that this power of the Provincial Health Officer cannot be used to interfere with the civil service tenure of his employees, harass them or remove them under the guise of temporary transfer or assignment, and special order No. 3 in question did not say that it was a temporary arrangement. However, upon the explanation given by Ramoso, the court was satisfied that he issued the order without any intention of permanently transferring Guzman from his permanent station, and that it was made only for the good of the

service, for the reason that the incumbent sanitary inspector in Pantabangan was absent on leave and it was necessary to assign another sanitary inspector in his place in the meantime. The court further found that under the law, the Provincial Board and the District Health Officer had the right to investigate the President of the Sanitary Division and the Sanitary Inspectors, so that the investigation intended to be made by Ramoso and upon complaint against Guzman, was authorized by law.

By order of January 6, 1956, the lower court dismissed the petition but decreed that the assignment of Guzman to Pantabangan be of temporary character to last only during the absence of the regular incumbent of Pantabangan, and in no case to exceed 30 days. A motion for reconsideration of the order of dismissal filed by Guzman was denied. One of the reasons for said dismissal was that Guzman had already been ordered to report for duty to the Municipal Health Office of San Jose instead of Pantabangan; that he had already reported for duty effective December 8, 1955, and having been able to collect his salary from December 8 to December 31, 1955. Guzman did not appeal from the order of dismissal.

On February 6, 1956, Guzman commenced the present action against Ramoso, in the Court of First Instance of Nueva Ecija making the same allegations contained in his petition for mandamus in Civil Case No. 1970, asking for the same remedies, including his backpay or salary from April 1 to December 7, 1955, plus P500 for attorney's fees. Ramoso filed a motion to dismiss, claiming that the unappealed order of dismissal in Civil Case No. 1970 barred the present action. Guzman opposed the motion to dismiss. The court held a preliminary hearing in which the defendant without objection offered the same evidence adduced in Civil Case No. 1970, after which, the trial court by order of March 13, 1956, dismissed the case on the ground of *res adjudicata*. Guzman is now appealing from said order of dismissal.

Despite appellant's claim that the principle of *res adjudicata* is not applicable for the reason that Civil Case No. 1970 was not decided on the merits but was merely dismissed, we agree with the trial court that said case bars the present action. Although Civil Case No. 1970 was dismissed, nevertheless, the rights of the parties therein were adjudicated. Evidently, on the manifestations and admissions of both parties, if not on the evidence adduced, the trial court there held that Guzman could not be permanently transferred or appointed to another town as Assistant Sanitary Inspector, but that his assignment to Pantabangan was only temporary, to act during the leave of absence of the incumbent in that town, which temporary assignment was within the powers of the District Health Officer of Nueva Ecija, and the court even fixed the period of assignment not to exceed 30 days. Evidently, the trial court found that Ramoso acted within the scope of his powers as acting District Health Officer, and in good faith without any ulterior motive; that Guzman was not entitled to the damages claimed by him, including his prayer to receive his back salary from April 1 to December 7, 1955. As already stated, Guzman failed to appeal from that order of dismissal which naturally became final.

In view of the foregoing, the order of dismissal appealed from is hereby affirmed, with costs against appellants. Paras, C. J., Bengzon, Padilla, Reyes, A., Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., Endencia, and Felix, 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.