

MARCELINO NUVAL, PETITIONER AND APPELLANT, VS. HON. MANUEL DE LA FUENTE, ETC., ET AL., RESPONDENTS AND APPELLEES.*G.R. No. L-5695. January 02, 1953*

Ponente: PARAS, C.J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/e42a5ba77ff4/>**PARAS, C.J.:**

The petitioner-appellant is a member of the Manila Police Department. He was charged administratively before and investigated by the summary court of the Manila Police Department for gross misconduct, and based on said investigation the respondent Mayor ordered his dismissal from the service effective September 20, 1950, the date of his suspension.

The appellant instituted a petition for certiorari and mandamus in the Court of First Instance of Manila, praying that the proceedings followed by the respondents City Mayor de la Fuente, Chief of Police Quintos and Colonel Juan that led to his suspension and dismissal be declared null and void, and that he be reinstated as regular member of the Manila Police Department with salary from September 20, 1950. After hearing, the Court of First Instance of Manila rendered a decision dismissing the petition, from which the petitioner has appealed.

In the appealed decision the Court of First Instance of Manila held that Republic Act No. 557, approved on June 17, 1950, has repealed Republic Act No. 409 with reference to the matter of suspension and removal of members of the Manila Police Department. Even so, the court proceeded to dismiss appellant's petition on the ground that, in his affidavit of September 13, 1950 (Exhibit 1), he had admitted the commission of gross misconduct in office. In other words, the lower court held that, although the procedure prescribed in Republic Act No. 557 was not followed, in view of appellant's alleged admission, his immediate dismissal by the respondent Mayor was in order.

The lower court erred. In the petition for certiorari and mandamus the question presented is whether the summary court of the Manila Police Department had jurisdiction to conduct the investigation of the administrative charges against the appellant, and whether the dismissal based on said investigation is legal. Said petition does not involve the merits of the findings of the summary court and of the decision of the respondent Mayor.

It being admitted that the procedure followed by the respondents in investigating, suspending and dismissing the appellant is not in conformity with Republic Act No. 557 which, as we have already held in *Manuel vs. de la Fuente, et al.*, G.R. No. L-5009, decided November 29, 1952, has repealed or modified section 22 of Republic Act No. 409, insofar as the power of investigation over members of the Manila Police Department is concerned, we have to rule, as we hereby rule, that the investigation conducted by the summary court of the Manila Police Department and the appellant's suspension and removal premised on said investigation are of no force and effect.

Counsel for the appellant has intimated — though not raised in respondent's answer in the court below — that Republic Act No. 557 would be rendered unconstitutional if construed as repealing section 22 of Republic Act No. 409, because while its title speaks of "the suspension or removal of members of the provincial governor, city

mayor or municipal mayor," the body of the Act vests the same power in the provincial board and municipal or city council, in violation of section 21 of Article VI of the Constitution providing that no bill which may be enacted into law shall embody more than one subject which shall be expressed in the title of the bill. From a reading of Republic Act No. 557, however, it is plain that the provincial governor, city mayor and municipal mayor are conferred the power of suspension conformably to the provisions thereof, and although the Act vests the power of investigation in the provincial board and municipal or city council, it does not provide that the power or removal is in said bodies. Hence, it cannot be argued that the subject as expressed in the title is not the same as that embodied in the body of the Act.

Wherefore, the appealed decision is hereby reversed and the respondents are ordered to reinstate the petitioner-appellant in his position as regular member of the Manila Police Department, with right to receive his salaries from September 20, 1950. So ordered without costs.

Feria, Pablo, Bengzon, Padilla, Tuason, Montemayor, Reyes, Jugo, Bautista Angelo and Labrador, 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.