

HON. ARSENIO H. LACSON, AS MAYOR OF MANILA AND CONRADO AQUINO, PETITIONERS AND APPELLEES, VS. SANTOS VILLAFRANCA, HON. RAMON YCASIANO, AS EXECUTIVE JUDGE, MUNICIPAL COURT, MANIL...

G.R. No. L-17398. January 30, 1962

Ponente: CONCEPCION, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f3ce058f2531/>

CONCEPCION, J.:

Appeal from a decision of the Court of First Instance of Manila, which is before this Court only questions of law being involved in this case.

As stated in the decision appealed from, "it appears that in March, 1958, when the incumbent Deputy Clerk of Court of the Municipal Court of Manila retired" from the service, "the Secretary of Justice appointed respondent Santos Villafranca to the position just vacated. This appointment was based on merit and seniority"—Villafranca having been an employee of said court for several years, with an efficiency rating of 90% and his appointment being a promotional one, from P2,700 to P3,600 per annum (Exhibit 1, p. 35, Record)—"on recommendation of the Executive Judge of the Municipal Court and approved by the Commissioner of Civil Service. Some months thereafter"—or on January, 27, 1959—"the Mayor of Manila appointed Conrado Aquino to the same position with the consent of the Municipal Board. However, the appointee was not accepted by the Executive Judge of the Municipal Court when he"—Aquino—"reported for duty on the ground that the position was already occupied."

Subsequently, or on September 8, 1959, Aquino, as well as the Mayor of Manila, instituted this action for quo warranto and mandamus against Villafranca and Hon. Ramon Ycasiano, as Executive Judge of the Municipal Court of Manila, as well as the Secretary of Justice, for the purpose of ousting Villafranca from the office of Deputy Clerk of said municipal court and securing a declaration that Aquino is the person legally entitled to hold said office and to exercise the functions thereof, aside from an order directing respondent Municipal Judge to acknowledge Aquino as such Deputy Clerk of Court, upon the theory that the power to fill the office is vested in the Mayor of Manila, not in the Secretary of Justice. The Court of First Instance of Manila sustained this pretense and consequently rendered judgment for petitioner Aquino and against respondents Santos Villafranca, Hon. Ramon Ycasiano and the Secretary of Justice. Hence, this appeal by certiorari of said respondents.

The main issue is: In whom is the power to appoint the Deputy Clerk of the Municipal Court of Manila vested? Is it the Secretary of Justice or the Mayor of Manila?

Petitioners-appellees maintain that it is the latter, relying upon section 22, in relation to section 11, of the Charter of the City of Manila, or Republic Act No. 409, pertinent parts of which read:

"SEC. 22. Appointment and removal of official and employees.—With the consent of the Commission on Appointments of Congress, the President of the Philippines shall appoint the City Fiscal and his assistants, the judges and the clerk of the municipal court and, in case of a temporary vacancy on such court, an acting judge therefor, the city engineer and his assistant, the chief of police and his deputy and the chief of detectives, the

chief of the fire department and his deputy, the city treasurer and his assistant, the city assessor and his assistant, the city health officer and his assistant, the city public service officer and his assistant and the city superintendent of schools and his assistants. The Mayor shall appoint all other officers and employees of the city whose appointment is not vested in the President subject to the provisions of Section 11 (r). Appointive city officers or employees not appointed by the President of the Philippines shall be suspended and removed by the Mayor, subject to appeal to the Secretary of the Interior, whose decision shall be final. The Mayor may recommend to the President the suspension or removal of any city officer or employee appointed by him."

"SEC. 11. General duties and powers of the mayor.—The general duties and powers of the mayor shall be:

* * * * *

(q) Subject to the provisions of the Civil Service Law, to appoint all officers and employees of the City of Manila, any existing law to the contrary, notwithstanding, except those whose appointments are vested in the President. All appointments of the mayor shall be with the consent of the majority of all the members of the Municipal Board." (Italics supplied.)

However, the Deputy Clerk of the Municipal Court of Manila is not specifically mentioned in any of these provisions, which merely make reference to the authority of the Mayor to appoint officers and employees of the City whose appointment is not vested in the President. The question hinges, therefore, on whether or not said Deputy Clerk of Court is an officer or employee of the City of Manila.

We hold that he is not. Section 20 of Republic Act No. 409 enumerates the "city departments", and—as in the corresponding provisions of the Original Charter of Manila (Sec. 11, Act No. 183) and the Administrative Codes of 1916 (Sec. 2417) and 1917 (Sec. 2445)—the Municipal Court is not included in the enumeration. Even the Office of the City Fiscal, one of the city departments mentioned in said section 20, has been placed by the same under the Department of Justice and beyond the supervision and control of the Mayor. Moreover, section 39 of said Republic Act No. 409 explicitly confers upon the Secretary of Justice the power to designate any of the municipal judges to hold session at night, to prescribe rules governing the distribution of cases among the different branches of the municipal court, and to designate the officer who shall act as judge in case of absence, sickness or incapacity of any of the judges of said court or in case of any vacancy in said office, thus indicating that the court is under the administrative supervision of the Secretary of Justice. This conclusion is in line with section 83 of the Revised Administrative Code, which explicitly vests in the Department of Justice the executive supervision over Courts of First Instance and inferior courts, including, therefore, municipal courts.

Indeed, the administration of justice is a matter of national, not local, concern. For this reason, the clerks of court and other employees of justice of the peace and municipal courts, except those of the Municipal Court of Manila, are appointed by the respective justices of the peace or municipal judges, pursuant to section 75 of the Judiciary Act of 1948 (Republic Act No. 296), and section 22 of Republic Act No. 409 makes the Clerk of the Municipal Court of Manila an appointee of the President—as the former has been since the original Charter of Manila (Section 40, Act 183), as well as under the Administrative Codes of 1916 (Section 2419) and 1917 (Section 2447)—whereas section 79 (D) of the Revised Administrative Code, provides, in part:

"The Department Head, upon the recommendation of the chief of the Bureau or office concerned, shall appoint all subordinate officers and employees whose appointment is not expressly vested, by law in the President, and may remove or punish them except as especially provided otherwise, in accordance with the Civil Service Law. * * *."

Inasmuch as the Municipal Court of Manila is under the executive supervision of the Department of Justice, it follows that the deputy clerk of court and all other subordinate officers and employees of said court are appointees of the Secretary of Justice.

It may not be amiss to note that an action for quo warranto against an appointive officer may be brought only by the Solicitor General or fiscal, or by the person who claims to be entitled to the office in question (Rule 68, sections 3 and 6, Rules of Court). The Mayor of Manila should not have been included, therefore, as petitioner in this case.

Wherefore, the decision appealed from should be reversed and the case is dismissed, with costs against petitioner-appellee, Conrado Aquino. It is so ordered.

Bengzon, C. J., Padilla, Bautista Angelo, Labrador, Reyes, J. B. L., Paredes, Dizon, and De Leon, 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.