

JOVENTINO MADRIGAL, PETITIONER-APPELLANT, VS. PROV. GOV. ARISTEO M. LECAROS, VICE-GOVERNOR CELSO ZOLETA, JR., PROVINCIAL BOARD MEMBERS DOMINGO RIEGO AND MARCIAL PRINCIPE; PROV. ...

G.R. No. L-46218. October 23, 1990

Ponente: MEDIALDEA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f6111c55f585/>

MEDIALDEA, J.:

This case was certified to Us by the Court of Appeals since it raises pure questions of law (pp. 66-68, Rollo).

The issues raised in this case are certainly far from novel. We shall, therefore, simply reiterate well established jurisprudential rules on the prescriptive period within which to file a petition for mandamus to compel reinstatement to a government office and a claim for back salaries and damages related thereto.

The antecedent facts are as follows:

On November 25, 1971, public respondents Governor Aristeo M. Lecaroz, Vice-Governor Celso Zoleta, Jr., Provincial Board of Marinduque members Domingo Riego and Marcial Principe abolished petitioner-appellant Joventino Madrigal's position as a permanent construction capataz in the office of the Provincial Engineer from the annual Roads and Bridges Fund Budget for fiscal year 1971-1972 (p. 2, Records) by virtue of Resolution No. 204. The abolition was allegedly due to the poor financial condition of the province and it appearing that his position was not essential (p. 6, Records).

On April 22, 1972, Madrigal appealed to the Civil Service Commission. On August 7, 1973, he transmitted a follow-up letter to the Commission regarding his appeal. On January 7, 1974, the Commission in its 1st Indorsement declared the removal of Madrigal from the service illegal (pp. 7-8, Records).

On April 26, 1974, public respondent Governor Aristeo M. Lecaroz moved for a reconsideration of said resolution. On February 10, 1975, the Commission denied the motion for reconsideration (pp. 9-10, Records).

On August 4, 1975, Madrigal sent a letter to the Provincial Board requesting implementation of the resolution of the Commission and consequently, reinstatement to his former position.

On August 18, 1975, the Provincial Board, through Resolution No. 93, denied Madrigal's request for reinstatement because his former position no longer exists. In the same resolution, it ordered the appropriation of the amount of P4,200.00 as his back salaries covering the period December 1, 1971 up to June 30, 1973 (p. 47, Records).

On December 15, 1975, Madrigal filed a petition before the Court of First Instance (now Regional Trial Court) of Marinduque against public respondents Governor Aristeo M. Lecaroz, Vice-Governor Celso Zoleta, Jr., Provincial Board Members Domingo Riego and Marcial Principe, Provincial Engineer Enrique M. Isidro, Abraham I. Taduran and the Province of Marinduque for mandamus and damages seeking, inter alia, (1)

restoration of his abolished position in the Roads and Bridges Fund Budget of the Province; (2) reinstatement to such position; and (3) payment of his back salaries plus damages (pp. 1-5, Records).

On March 16, 1976, the trial court issued an order dismissing the petition on the ground that Madrigal's cause of action was barred by laches. The trial court rationalized its judgment as follows (pp. 31-33, Rollo):

"It is beyond question that herein petitioner was separated from the service on November 25, 1971, and it was only on December 15, 1975, or FOUR (4) YEARS and TWENTY (20) DAYS after, that he filed this case for 'Mandamus and Damages' with the principal aim of causing his reinstatement to the public position from where his service was terminated.

"Much as the petitioner might have had a good cause of action, it is unfortunate that that (sic) the same is now barred by laches.

'A person claiming right to a position in the civil service should file his action for reinstatement within one year from his illegal removal from office, otherwise he is considered as having abandoned the same (Gonzales vs. Rodriguez, L-12976, March 24, 1961, 1 SCRA 755; Cebu Portland Cement Co. vs. CIR, L-17897, Aug. 31, 1962, 5 SCRA 1113; Alipio vs. Rodriguez, L-17336, Dec. 26, 1963, 9 SCRA 752).'

"The rationale for the aforecited doctrine on time limitation of a cause of action in a judicial tribunal by one seeking reinstatement in the civil service is that the suitor thereby is guilty of LACHES (National Shipyards and Steel Corporation vs. CIR, L-21675, May 23, 1967, 20 SCRA 134).

"The ruling is no doubt inspired by the provision of Section 16, Rule 66 of the Revised Rules of Court on 'Quo Warranto', pertinent portion of which reads;

'Sec. 16. Limitations. – Nothing contained in this rule shall be construed to authorize an action x x x against a public officer or employee for his ouster from office unless the same be commenced within one (1) year after the cause of such ouster, or the right of the plaintiff to hold such office or position, arose x x x.

and to the established jurisprudence interpreting the aforequoted rule to the effect that the period of one year fixed therein is a condition precedent to the existence of the cause of action for quo warranto (Bumanglag vs. Fernandez, L-11482, Nov. 29, 1960; Tanada vs. Yulo, 61 Phil. 515; Ortiz Oiroso vs. de Guzman, 49 Phil. 371; Tumalak vs. Egay, 82 Phil. 828).

"That the instant case is one for Mandamus, and not QUO WARRANTO, is not of any significance, for the same principle applies, as held in these cases:

'An action for reinstatement, by a public official, whether it be quo warranto or mandamus, should be filed in court within one year from removal or separation, otherwise the action will be barred. (Morales, Jr. vs. Patriarca, L-21280, April 30, 1965, 13 SCRA 766; underlining supplied).

'x x x We hold that as petitioner was dismissed on June 16, 1953 and did not file his petition for mandamus for his reinstatement until July 1, 1954 or after a period of one year, he is deemed to have abandoned his right to his former position and is not entitled to reinstatement therein by mandamus (Unabia vs. City Mayor, L-8759, May 25, 1956, 53 O.G. 132; underlining supplied).'"

On April 27, 1976, the motion for reconsideration was denied (pp. 37-39, Rollo).

Madrigal assigns as errors the following:

- 1) the trial court erred in dismissing the petition for mandamus and damages on the ground of laches; and
- 2) assuming arguendo that his claim for reinstatement was not filed seasonably, the trial court erred in not

proceeding with the trial of the case on the merits to determine the claim for back salaries and damages.

As regards the first assignment of error, Madrigal alleges that the one (1) year period prescribed in an action for quo warranto is not applicable in an action for mandamus because Rule 65 of the Rules of Court does not provide for such prescriptive period. The declaration by the trial court that the pendency of administrative remedies does not operate to suspend the period of one (1) year within which to file the petition for mandamus, should he confined to actions for quo warranto only. On the contrary, he contends that exhaustion of administrative remedies is a condition sine qua non before one can petition for mandamus.

On the part of public respondents, they aver that it has become an established part of our jurisprudence, being a public policy repeatedly cited by the courts in myriad of mandamus cases, that actions for reinstatement should be brought within one year from the date of dismissal, otherwise, they will be barred by laches. The pendency of an administrative remedy before the Commission does not stop the running of the one (1) year period within which a mandamus case for reinstatement should be filed.

The unbending jurisprudence in this jurisdiction is to the effect that a petition for quo warranto and mandamus affecting titles to public office must be filed within one (1) year from the date the petitioner is ousted from his position (Galano, et al. v. Roxas, G.R. No. L-31241, September 12, 1975, 67 SCRA 8; Cornejo v. Secretary of Justice, G.R. No. L-32818, June 28, 1974, 57 SCRA 663; Sison v. Pangramuyen, etc., et al., G.R. No. L-40295, July 31, 1978, 84 SCRA 364; Cui v. Cui, G.R. No. L-18727, August 31, 1964, 11 SCRA 755; Villaluz v. Zaldivar, G.R. No. L-22754, December 31, 1965, 15 SCAR 710; Villegas v. De la Cruz, G.R. No. L-23752, December 31, 1965, 15 SCRA 720; De la Maza v. Ochave G.R. No. L-22336, May 23, 1967, 20 SCRA 142; Alejo v. Marquez, G.R. No. L-29053, February 27, 1971, 37 SCRA 762). The reason behind this ruling was expounded in the case of Unabia v. City Mayor, etc., 99 Phil. 253 where We said:

"x x x:[W]e note that in actions of quo warranto involving right to an office, the action must be instituted within the period of one year. This has been the law in the island since 1901, the period having been originally fixed in Section 216 of the Code of Civil Procedure (Act No. 190). We find this provision to be an expression of policy on the part of the State that persons claiming a right to an office of which they are illegally dispossessed should immediately take steps to recover said office and that if they do not do so within a period of one year, they shall be considered as having lost their right thereto by abandonment. There are weighty reasons of public policy and convenience that demand the adoption of a similar period for persons claiming rights to positions in the civil service. There must be stability in the service so that public business may (sic) be unduly retarded; delays in the statement of the right to positions in the service must be discouraged. The following considerations as to public officers, by Mr. Justice Bengzon, may well be applicable to employees in the civil service:

'Furthermore, constitutional rights may certainly be waived, and the inaction of the officer for one year could be validly considered as waiver, i.e., a renunciation which no principle of justice may prevent, he being at liberty to resign his position anytime he pleases.

'And there is good justification for the limitation period; it is not proper that the title to public office should be subjected to continued uncertainty (sic), and the peoples' interest requires that such right should be determined as speedily as practicable.' (Tumulak vs. Egay, 46 Off. Gaz., [8], 3693, 3695.)

"Further, the Government must be immediately informed or advised if any person claims to be entitled to an office or a position in the civil service as against another actually holding it, so that the Government may not be faced with the predicament of having to pay two salaries, one, for the person actually holding the office, although illegally, and another, for one not actually rendering service although entitled to do so. We hold that view of the policy of the State contained in the law fixing the period of one year within which actions for quo

warranto may be instituted, any person claiming right to a position in the civil service should also be required to file his petition for reinstatement within the period of one year, otherwise he is thereby considered as having abandoned his office."

The fatal drawback of Madrigal's cause is that he came to court out of time. As aforesated, it was only after four (4) years and twenty (20) days from the abolition of his position that he filed the petition for mandamus and damages. This single circumstance has closed the door for any judicial remedy in his favor.

And this one (1) year period is not interrupted by the prosecution of any administrative remedy (*Torres v. Quintos*, 88 Phil. 436). Actually, the recourse by Madrigal to the Commission was unwarranted. It is fundamental that in a case where pure questions of law are raised, the doctrine of exhaustion of administrative remedies cannot apply because issues of law cannot be resolved with finality by the administrative officer. Appeal to the administrative officer of orders involving questions of law would be an exercise in futility since administrative officers cannot decide such issues with finality (*Cebu Oxygen and Acetylene Co., Inc. v. Drilon, et al.*, G.R. No. 82849, August 2, 1989, citing *Pascual v. Provincial Board of Nueva Ecija*, 106 Phil. 466; *Mondano v. Silvosa*, 97 Phil. 143). In the present case, only a legal question is to be resolved, that is, whether or not the abolition of Madrigal's position was in accordance with law.

With respect to the second assignment of error, Madrigal asserts that despite (1) the ruling of the Commission declaring his removal from office illegal; (2) Resolution No. 93 of the Provincial Board; and (3) Provincial Voucher No. 714 covering the appropriation for the sum of P3,667.29, representing his back salaries for said period, the trial court still refused to grant his money claim.

In answer thereto, public respondents contend that the court cannot pass upon Madrigal's right to back salaries without passing upon the validity of the abolition of his position which is a matter that cannot now be a subject of judicial inquiry. This is so because the question of back salaries and damages is only incidental to the issues involving the validity of said abolition and his request for reinstatement.

Again, We uphold the view advanced by public respondents. Madrigal loses sight of the fact that the claim for back salaries and damages cannot stand by itself. The principal action having failed, perforce, the incidental action must likewise fail. Needless to state, the claim for back salaries and damages is also subject to the prescriptive period of one (1) year (see *Gutierrez v. Bachrach Motor Co., Inc.*, 105 Phil. 9).

ACCORDINGLY, the appeal is hereby DENIED. The orders of the Court of First Instance of Marinduque dated March 16, 1976 and April 27, 1976 are AFFIRMED.

SO ORDERED.

Narvasa, (Chairman), Cruz, Gancayco, and Grino-Aquino, 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.