

SOLOMON B. FLORES, PETITIONER AND APPELLEE, VS. TEOFISTO M. CORDOVA, ETC. RESPONDENT AND APPELLANT.

G.R. No. L-15071. September 26, 1961

Ponente: DIZON, J.

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DIZON, J.:

Appeal from the decision of the Court of First Instance of Occidental Negros ordering the respondent Teofisto M. Cordova, in his capacity as Mayor of the City of Bacolod, to reinstate petitioner as patrolman of said city, with the right to collect the salaries corresponding to the period from the date of his dismissal until the date of his reinstatement.

On March 11, 1952 petitioner was appointed as temporary third-class patrolman of the City of Bacolod by the then Mayor Felix B. Amante. On August 15, 1956 he was dismissed and replaced by Pacifico Flores.

It is admitted that petitioner is a veteran but not a civil service eligible; that his appointment was "probational," and that Pacifico Flores, who was appointed in his place, is also a veteran and a civil service eligible. On the other hand, both parties also agree that at the time of petitioner's dismissal there were in the police force of Bacolod City other members who were neither civil service eligibles nor veterans. Upon these facts, petitioner claims that his dismissal was unlawful and in violation of Republic Act No. 1363 which granted certain privileges to veterans, and is, therefore, entitled to reinstatement, with right to receive his salary from the date of his dismissal until the date of his reinstatement, together with moral and exemplary damages.

Republic Act 1363 and Administrative Order No. 130 issued by the Chief Executive in implementation thereof grant to a world war veteran a preferential right to appointments in the government service. To enjoy this preferential right, however, it is not enough to be a veteran. Among other things, the party concerned must obtain (1) a certificate regarding his status as veteran from the Philippine Veterans Board, (2) must have previously qualified in an appropriate Civil Service examination and (3) shall have filed application for preference with the Commissioner of the Civil Service (*Galon vs. Cordova*, G.R. No. L-11515, Nov. 29, 1958).

It appears that while petitioner has established the fact of his being a veteran, he has not shown compliance with the other requisites. Moreover, in *Conrado Amora et al. vs. Franco Bibera et al.* (99 Phil., 1; 52 Off. Gaz. No. 6, p. 3015) we already held that a veteran—but not civil service eligible—holding an office in the government temporarily, may be removed and replaced by a civil service eligible, as was petitioner's replacement. The conclusion, therefore, must be that petitioner's removal and the appointment of Pacifico Flores in his place were legal and valid.

Having reached the above conclusion we deem it unnecessary to discuss the other question of whether the preferential right granted under Republic Act 1363 refers only to appointments but not to dismissals of veterans from the government service and their replacement by other civil service eligibles.

Wherefore, the appealed decision is hereby reversed, and the petition for mandamus is consequently dismissed,

without costs.

Bengzon, C. J., Padilla, Labrador, Concepcion, Reyes, J. B. L., Paredes, and De Leon, JJ., concur.

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