

THE REGIONAL DIRECTOR, REGION VII OF THE DEPARTMENT OF EDUCATION, CULTURE AND SPORTS (DECS), MARCELO BALCASO, NUEVAS MONTES AND GENEROSO CAPUYAN, PETITIONERS, VS. THE HON. COURT...

G.R. No. 110193. January 27, 1994

Ponente: VITUG, J.

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VITUG, J.:

Ascribing grave abuse of discretion on the part of respondent Court of Appeals, in its decision[1] of 06 May 1993, the petitioners have come to this Court in a petition for certiorari, prohibition and mandamus. The appealed decision has turned down herein petitioners' petition for certiorari assailing the Order,[2] dated 24 June 1991, of the court a quo that, in turn, denied petitioners' motion to dismiss the complaint in Civil Case No. 9884 of the Regional Trial Court of Negros Oriental.

We state at the outset that this particular case is also and offshoot of the same factual incidents that have given rise to the consolidated cases of "Vidad, et al. vs. RTC of Negros Oriental, et al.," etc., in G.R. Nos. 98084, 98922 and 100300-03, already decided by this Court on 18 October 1993.

The facts may be recalled, thus:

The private respondents, together with other Negros Oriental public school teachers, held, starting 19 September 1990 and lasting until 21 September 1990, a mass action, or a strike from their school classes, to demand the release of their salaries by the Department of Budget.

A return-to-work order was promptly issued by one of the petitioners, Regional Director Teofilo Gomez of the Department of Education, Culture and Sports ("DECS"), with a warning that if the "striking" school teachers were not to resume their classes within twenty-four hours, administrative charges would be filed. Since the order was not heeded, administrative complaints against the teachers concerned were thereupon filed. The teachers were each given five days from receipt of said complaints within which to submit their respective answers and supporting documents. An investigation panel, composed of three DECS lawyers (the other petitioners herein), namely, Marcelo Baclaso, Nieva Montes and Generoso Capuyan, was constituted to look into the case.

Prior to the start of the hearings by the DECS Investigating Team, the private respondents filed with the Regional Trial Court of Negros Oriental, Branch 42, Dumaguete City, a complaint for injunction, prohibition and damages with prayer for preliminary injunction. On 26 March 1991, the court a quo issued the writ of preliminary injunction.

The petitioners filed their answer, later followed by a motion to dismiss. On 24 June 1991, the trial court denied the motion to dismiss and set the case for pre-trial hearing, holding that the complaint stated a cause of action and that the court had jurisdiction thereover.[3]

The pre-trial, however, was pre-empted by the petitioners when they filed with this Court a petition for certiorari, prohibition and mandamus on 25 July 1991 and so docketed as G.R. No. 100781.[4] In a resolution, dated 5 August 1991, the Court referred the petition to the Court of Appeals.

On 6 May 1993, the Court of Appeals promulgated its assailed decision,[5] denying the petition.

In the instant appeal, the petitioners raise the same issues that have heretofore been resolved by us in the now decided case of "Vidad, et al. vs. RTC of Negros Oriental, et al." and companion cases aforementioned. There, we have ruled that it has indeed been precipitate for the DECS officials to seek the dismissal of the complaints filed in court by the school teachers even as no restraining order could lawfully issue against the continuation of the administrative investigations. This Court has rationalized, thus -

(1) There being no dispute that the root of the cases filed before the court a quo deals on the performance of official functions by the DECS officials, there cannot be a full determination on whether the actions taken by them have been proper or improper, or whether they have acted in good faith or bad faith, pending a full hearing that would give all the parties a chance to ventilate their respective claims;

(2) Public officials are not necessarily immune from damages in their personal capacities arising from acts done in bad faith, for if malice is indeed established, public officials can no longer be said to have acted within the scope of official authority so as to still find protection under the mantle of immunity for official actions;

(3) The issuance, however, of the restraining orders by the lower court against further proceedings on the administrative complaints is inappropriate inasmuch as the authority of the DECS Regional Director to issue the return to work memorandum, to initiate the administrative charges, as well as to constitute the investigating panel, can hardly be disputed; and

(4) The court cases and the administrative matters being closely interrelated, if not interlinked, it behooves the court, in the interest of good order and conformably with the doctrine of primary jurisdiction, to suspend its action on the cases before it pending the final outcome of the administrative proceedings.

Accordingly, we here reiterate that the court a quo did not err in denying petitioners' motion to dismiss the complaint in Civil Case No. 9884 although it did commit error in issuing its order restraining further proceedings on the administrative investigation being conducted by DECS.

WHEREFORE, the decision of 6 May 1993 of the Court of Appeals is AFFIRMED insofar as it, in effect, denied the dismissal of the complaint in Civil Case No. 9884. The writ of preliminary injunction issued by the Regional Trial Court of Negros Oriental, Branch 42, however, is hereby ordered DISSOLVED, and it is DIRECTED to suspend further hearings in said Civil Case No. 9884, until after a final determination on the administrative proceedings would have been made. No costs. SO ORDERED.

Feliciano, (Chairman), Bidin, Romero, and Melo, JJ., concur.

[1] Penned by Justice Justo Torres, Jr., concurred in by Justices Reynato Puno and Pacita Cañizares-Nye.

[2] Per Judge Jesus Tabilon.

[3] Rollo, pp. 41-45.

[4] Rollo, pp. 55-73.

[5] Rollo, pp. 36-40.

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