

**AMBROSIO GABIO, ET AL., PETITIONERS AND APPELLANTS, VS.
RODOLFO GANZON, ET AL., RESPONDENTS AND APPELLEES.***G.R. No. 11664. March 16, 1961*

Ponente: DIZON, J.

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This is an appeal from the decision of the Court of First Instance of Iloilo dismissing the petition filed by Ambrosio Gabio, Igmedio Mesa and Teopista Palma to declare void the order of City Mayor of Iloilo, Rodolfo Ganzon, dated January 6, 1956, dismissing them as temporary corporal Motor Vehicle Squad, temporary patrolman and temporary corporal policewoman, respectively, of the Police Force of the City of Iloilo.

Appellant Gabio was first appointed as temporary patrolman in the Police Force of the City of Iloilo on December 1, 1945 (Exh. W) under Sec. 16 of Commonwealth Act No. 177. Another appointment as temporary patrolman was extended to him on October 1, 1946 (Exh. X) ; another as temporary patrolman on December 4, 1946 (Exh. Y) ; another as temporary corporal (Motor Vehicle Squad) on October 26, 1948 (Exh. Z) ; another as temporary corporal (Motor Vehicle Squad) on January 2, 1949 (Exh. AA); and finally, as temporary corporal (Motor Vehicle Squad) on October 5, 1950 (Exh. BB). All said appointments contained a notation that the appointment was authorized under Sec. 682 of the Revised Administrative Code, the appointee to continue until replaced by an eligible but not beyond thirty (30) days from receipt of the certification of eligibles.

Appellant Mesa was originally appointed as temporary patrolman in the Police Force of the City of Iloilo on November 1, 1945 (Exh. L) under Sec. 16 of Commonwealth Act No. 177, followed by a series of re-appointments to the same position on May, 1, 1946 (Exh. M), December 4, 1946 (Exh. N), October 26, 1948 (Exh. O), October 5, 1950 (Exh. P) and, finally, on July 28, 1951 (Exh. Q). All his appointments, except those of November 1, 1945 and October 26, 1948, contained notations by the Commissioner of Civil Service that they were authorized under Sec. 682 of the Revised Administrative Code, the appointee to continue until replaced by an eligible, but not beyond thirty (30) days from receipt of the certification of eligibles.

Appellant Palma was first appointed as temporary corporal in the Police Force of the City of Iloilo on September 13, 1946 (Exh. C). Similar appointments were issued to her on December 5, 1946 (Exh. D), October 5, 1950 (Exh. E), January 22, 1951 (Exh. F) and June 9, 1951 (Exh. C). Said appointments contained notations by the Commissioner of Civil Service that they were authorized under Sec. 682 of the Revised Administrative Code, the appointee to continue, until replaced by an eligible, but not beyond thirty (30) days from receipt of certification of eligibles.

On January 6, 1956, Mayor Ganzon summarily dismissed appellants from their respective positions, claiming authority to do so because their appointments were only temporary.

The question decisive of this appeal is whether or not Republic Act No. 186 applies not only to temporary teachers, officials and employees of the government in actual service and with ten or more successive years of continuous service to their credit at the time of its enactment but also to those who had less than ten years of

similar service.

That appellants were employees of the government holding civil service positions at the time of their dismissal is not denied. Under the provisions of Section 2, Republic Act No. 186, officials or employees holding civil service positions in any branch of the government service other than that provided for in Section 1 of the same Act, continuously for at least ten successive years, shall be considered civil service eligibles with permanent status under the following classification:

First Grade—Those with college degrees at the time of the appointment;

Second Grade—Those who were graduates of academic or vocational high school at the time of their appointment; and

Third Grade—Those possessing any education at the time of the appointment.

Appellants—if their contention be sustained—would fall under the third grade classification.

The lower court held the view that while appellants "may have become civil service eligibles under the provisions of Republic Act No. 186 when they completed ten (10) years of continuous service in the government, yet, "they did not automatically become permanent in their positions. They only become (became) qualified for permanent appointments", and because appellants were never extended permanent appointments, the court held that their original appointments continued to be temporary and, as a result, the City Mayor had the authority to dismiss them upon the expiration of the term of their respective last appointments.

Republic Act 186 was originally House Bill No. 683, entitled "AN ACT TO CONSIDER AS JUNIOIS TEACHER ELIGIBLES ALL TEACHERS WHO ARE IN THE PUBLIC SCHOOL SERVICE AND HAVE RENDERED CONTINUOUS AND SATISFACTORY SERVICE FOR A CERTAIN NUMBER OF YEARS." Originally, therefore, it referred only to teachers who were at the time in the public school service and had rendered continuous and satisfactory service for a certain number of years. Once passed by the House, and referred to the Philippine Senate, the latter introduced several amendments, one of them (Section 2 of the amended bill) extending the benefits of the bill to officials or employees holding civil service positions in any branch of the government service—other than those covered by the provisions of Section 1—continuously for at least ten successive years. As the House rejected the Senate amendments, the bill was referred to a Committee on Conference composed of Congressmen Borra, Perez (T.P.) and Singson, authorized to take up the consideration of the bill with its Senate counterpart. After a study of the original and amended bills, the Conference Committee submitted its report to the House recommending approval of the Senate amendment and the inclusion of another amendment relative to "teachers who are undergraduates and who have been in continuous service for ten years", who should also be considered, to all intents and purposes, regular teachers with permanent status, which amendment had previously been accepted by the Conference Committee on the part of the Senate. Said report was approved. As finally passed, Republic Act 186, Section 1—grants civil service eligibility to "all teachers in the public school who are holders of the degree of Bachelor of Science in Education * * * at the time they were appointed, and who have been in the service continuously for ten successive years to the present time (*Italics supplied*). It is clear that the civil service eligibility thus granted by Section 1 was limited to temporary teachers who, besides possessing certain educational qualifications, had already been in the service continuously for ten successive years at the time the law was enacted.

Section 2 of the Act under consideration, on the other hand, grants civil service eligibility to "officials or employees holding civil service positions in any branch of the government service" other than those already covered by the provisions of Section 1. While the language used in this second section is not as explicit as the

language employed in the previous one in limiting its application to officials or employees who at the time of the enactment of the statute had already served the government for ten successive years or more, we believe that there is no special reason why a criterion should be applied in its construction and interpretation different from the one clearly discernible from the phraseology adopted in Section 1. In other words, inasmuch as the real intention of the original bill was to grant civil service eligibility only to temporary teachers who had already rendered continuously ten successive years of service up to the date of the enactment of the law, the same must be construed to have been the intention of Congress when it decided to include other temporary officials and employees of the government among the beneficiaries. As a matter of fact, this was the interpretation given by the executive branch of the government called upon to implement the provisions of law in question. Administrative Order No. 41 of August 12, 1947 (43 Off. Gaz., p. 351, issued for the purpose of laying down the specific procedure to be followed by those seeking the benefits under the aforesaid Act, provided, among other things, that the applicants must have rendered continuous service for ten years on or before June 21, 1947—which was the effectivity date of the Act in question. While this construction is not necessarily binding upon the courts, it must be given some weight as it comes from the particular branch of the government called upon, as already stated, to implement the provisions of Republic Act 186.

The record discloses that appellants Gabio, Mesa and Palma were originally appointed on December 1, 1945, November 1, 1945 and September 30, 1946, respectively. Inasmuch as on June 21, 1947, when Republic Act 186 became effective, they did not have to their credit at least ten continuous and successive years of service to the government, the conclusion is inevitable that they are not entitled to claim benefits under said act. As a result they did not acquire civil service eligibility—much less permanent status as employees. In fact, it is not denied that their respective appointments subsequent to the enactment of the act aforesaid were temporary in nature. We are, therefore, constrained to hold, as we do hereby hold, that at the time they were dismissed they were mere temporary employees without civil service eligibility, and it was within the authority of appellee Rodolfo Ganzon, in his capacity as mayor of the City of Iloilo, to terminate their services.

Wherefore, the appealed decision being in accordance with law, the same is hereby affirmed.

Bengzon, Acting C.J., Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J.B.L., Barrera, and Paredes, JJ., concur.

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