

**P/CHIEF SUPT. JEWEL F. CANSON,[1] P/SR. SUPT. RUBEN CABAGNOT
AND P/SUPT. JESUS L. ABAYON, PETITIONERS, VS. HON. VICENTE A.
HIDALGO, PRESIDING JUDGE, REGIONAL TRIAL COURT, MANILA,...**

G.R. No. 121889. August 04, 2000

Ponente: PARDO, J.

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PARDO, J.:

The case is a petition for certiorari and mandamus[1] to annul the decision of the respondent court[2] granting a writ of preliminary injunction enjoining petitioner, as Regional Director, National Capital Regional Command, Philippine National Police to desist from implementing and enforcing the assignment or re-assignment of P/Senior Inspector Lucio Margallo IV from the Western Police District Command, Manila, to the Regional Headquarters Support Group (RHSG), at Camp General Ricardo Papa, Bicutan, Taguig, Metro Manila to undergo studies in the Regional Continuing Law Enforcement Course (RECOLEC) program.[3]

The facts are as follows:

Prior to April 1995 respondent P/Senior Inspector Lucio Margallo IV was a police officer assigned with the Western Police District Command (WPDC), Station 5, Manila. In April 1995, petitioner P/Chief Supt. Jewel F. Canson, then CAPCOM Regional Director, ordered the re-assignment of respondent Margallo to the Regional Headquarters Support Group (RHSG) at Camp General Ricardo Papa, Bicutan, Taguig, Metro Manila to undergo studies with the Regional Continuing Law Enforcement Course program. On May 24, 1995, P/Senior Inspector Margallo, instead of complying with the directive, filed with the Regional Trial Court, Manila a petition for prohibition with preliminary injunction to enjoin the enforcement of the aforesaid directive. The case was assigned to Branch 37.

On May 26, 1995, the Executive Judge, Regional Trial Court, Manila issued a temporary restraining order reading as follows:

""FINDING the verified complaint to be sufficient in form and substance and to maintain the status quo among the parties, let a TRO issue, enjoining the respondents and/or any of their agents, persons acting in his behalf from implementing their order dated May 9, 1995, more particularly transferring him from his present assignment and declaring plaintiff "AWOL" until further orders from this Court.

“x x x

"SO ORDERED."[4]

The trial court set the application for preliminary injunction for hearing on June 7, 1995, at 9:00 a.m.

At the hearing, respondent Margallo admitted that the assignment of police officers is a prerogative of petitioners but asserted that the order was arbitrary as it would place him in a "floating status" and put to naught the special training he underwent as a police officer.

On the other hand, petitioner Canson submitted that the directive was discretionary in nature and cannot be interfered with by the courts.[5]

On June 9, 1995, petitioners filed with the trial court a motion to dismiss the petition and scheduled the motion for hearing on June 23, 1995.

On June 23, 1995, the parties submitted the motion for resolution of the court.

On July 3, 1995, without resolving the motion to dismiss, the trial court issued a "decision" granting a writ of preliminary injunction upon a bond of P10,000.00, enjoining petitioners to cease and desist from enforcing the order transferring P/Senior Inspector Lucio Margallo IV to the Regional Headquarters Support Group, Bicutan, Taguig, Metro Manila.[6]

Hence, this petition.[7]

The issue raised is whether the court may enjoin the assignment of P/Senior Inspector Lucio Margallo IV from Station Commander, Station 5, Western Police District Command, Manila to the Regional Headquarters Support Group, Capital Command, at Bicutan, Taguig, Metro Manila for further studies under a continuing law enforcement course program.

We rule that the trial court acted with grave abuse of discretion in restraining the assignment of respondent P/Senior Inspector Lucio Margallo IV to the Regional Headquarters Support Group, Bicutan, Taguig, Metro Manila for study under a law enforcement course program.

The assignment or re-assignment of officers and members of the police force is vested in the Chief, Philippine National Police (PNP).[8] Such command of the Chief, PNP may be delegated to subordinate officials under a chain of command in accordance with rules and regulations prescribed by the National Police Commission.[9] Although civilian in character, the members of the Philippine National Police are subject to the disciplinary authority of the Chief, Philippine National Police, under the National Police Commission.[10]

The court has no supervisory power over the officers and men of the national police, unless the acts of the latter are plainly done in grave abuse of discretion or beyond the competence of the functions or jurisdiction of their office. Courts cannot by injunction review, overrule or otherwise interfere with valid acts of police officials.[11] The police organization must observe self-discipline and obey a chain of command under civilian officials. In this case, petitioners sought to assign P/Senior Inspector Lucio Margallo IV to Camp Ricardo Papa, Bicutan, Taguig, Metro Manila to give him an opportunity to take the Regional Continuing Law Enforcement Course program, his very first refresher course since the start of his police career. This was for his own advancement in the hierarchy of the police service. It was not a disciplinary assignment and involved no demotion, reduction or diminution in rank, status or salary. Consequently, the trial court gravely abused its discretion in restraining a clearly valid act of the petitioners.[12] Respondent Margallo has no clear legal right to stay on as station commander.[13] His assignment or re-assignment is subject to the better discretion of his superiors. Obviously, he cannot dictate his own assignment.

WHEREFORE, the Court hereby REVERSES and SETS ASIDE the decision of the respondent court in Civil Case No. 95-73996, granting a writ of preliminary injunction. The Court hereby DISMISSES the complaint of respondent P/Senior Inspector Lucio Margallo IV filed with the Regional Trial Court, Manila.

No costs.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, Kapunan, and Ynares-Santiago, JJ., concur.

[*] Now Police deputy Director General, Philippine National Police.

[1] Under Rule 65 of the 1964 Revised Rules of Court.

[2] Regional Trial Court, Manila, Branch 37.

[3] Petition, Annex “A”, Rollo, pp. 27-36.

[4] Judge William M. Bayhon, now retired, Petition, Annex “D”, Rollo, pp. 39-40.

[5] *Agura vs. Serfino*, 204 SCRA 569 (1991)

[6] Petition, Annex “A”, Rollo, pp. 27-36.

[7] Filed on September 27, 1995, Rollo, pp. 3-26. On August 28, 1996, we gave due course to the petition, Rollo, p. 84.

[8] Republic Act No. 6975, Section 26.

[9] *Ibid.*

[10] *Ibid.*

[11] Cf. *Banco Filipino vs. Monetary board*, 204 SCRA 767 (1991)

[12] *Board of Medical Education vs. Alfonso*, 176 SCRA 304 (1989)

[13] *Cariño vs. Capulong*, 222 SCRA 593 (1993); *Developers Group of Companies, Inc. vs. Court of Appeals*, 219 SCRA 715 (1993)

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