

**CECILIO E. TRINIDAD, ET AL., PLAINTIFFS AND APPELLANTS, VS.
HON. ARSENIO H. LACSON, DEFENDANT AND APPELLEE.***G.R. No. 12362. August 05, 1960*

Ponente: GUTIERREZ DAVID, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-12362/>**GUTIERREZ DAVID, J.:**

This is an appeal from the decision of the Court of First Instance of Manila, dismissing plaintiffs' action to declare their transfer from the Detective Bureau to the Traffic Division of the Manila Police Department illegal and null and void.

From the stipulation of facts entered into by the parties, it appears that plaintiffs Cecilio Trinidad, Jose Gonzales and Eusebio Campillo are detectives in the Manila Police Department, the first named having been appointed as such on June 9, 1945, and the latter two, on December 16, 1947. Sometime in July, 1952, they were dismissed from the service, together with fifteen other detectives. Not long thereafter, however, they were reinstated with back salary.

On November 25, 1955, the Enforcement Officer of the Manila Police Department Traffic Board—which was created in July of that year by the Chief of Police "to implement reforms in traffic engineering, education and enforcement and to handle all business affairs of the Traffic Bureau for its efficient functioning,"—wrote to the defendant city mayor, requesting for an increase of 120 officers and men in the Traffic Bureau. In a first indorsement dated December 5, 1955, the city mayor referred the letter to the chief of police, with the directive that, in view of the exigencies of the service and pending an additional increase in manpower of the police department, the 37 officers and men listed in said indorsement be assigned to the Traffic Bureau. Twenty-five of the persons in the list were members of the Detective Bureau and among them were plaintiffs. On that same day, December 5, 1955, the chief of police issued a memorandum ordering the transfer of the officers and men listed in the city mayor's indorsement to the Traffic Bureau.

On April 16, 1956, more than four months after they had reported for duty in the Traffic Bureau, plaintiffs filed the present action with the Court of First Instance of Manila assailing the legality of their transfer. The following day, a motion for the issuance of a writ of preliminary injunction was filed, but the lower court denied the same for not being well founded. Another "urgent motion for the issuance of a writ of mandatory injunction" was, likewise, denied.

On February 17, 1957, the lower court, after hearing, rendered its decision dismissing plaintiff's complaint. Hence, this appeal.

Plaintiffs contend that the transfer of police officers in Manila should be made only upon prior approval of the President of the Philippines—whose office took over the functions of the defunct Department of Interior—in accordance with section 11 (e) of the city's charter (Republic Act 409), the pertinent part of which reads:

"* * * The Mayor may, in the interest of the service and with the approval of the Secretary of the Interior first

had, transfer officers and employees not appointed by the President of the Philippines from one section, division or service to another section, division or service with the same department, without changing the compensation they receive."

The defendant Mayor, on the other hand, maintains that the above section does not apply to policemen and detectives because the organization and disposition of the city police and detective bureau is specifically governed by section 34 of Republic Act No. 409. That section reads in part as follows:

"Sec. 34. Chief of Police.—There shall be a chief of police * * * who shall have charge of the police department and everything pertaining thereto, including the organization and disposition of the city police and detective bureau; shall quell riots, disorders, disturbances of the peace, and shall arrest and prosecute violators of any law or ordinance; shall exercise exclusive police super vision over all land and water within the police jurisdiction of the city; shall be charged with the protection of the rights of persons and property wherever found within the jurisdiction of the city, and shall arrest without warrant, when necessary to prevent the escape of the offender, violators of any law or ordinance and all who obstruct or interfere with him in the discharge of his duty; * * * and shall promptly and faithfully execute all orders of the Mayor * * *."

Considering the facts on record and the law applicable, we do not think plaintiffs' transfer from the Detective to the Traffic bureau in the same police department is illegal. It is to be observed that section 11 (e) of Republic Act No. 409 invoked by plaintiffs refers to the general duties and powers of the mayor, while section 34 thereof relied upon by the defendant city mayor is specific in nature in that it applies only to the Manila Police Department. Under the latter section, as above-quoted, the chief of police is given the "charge of the police department and everything pertaining thereto including the organization and disposition of the city police and detective bureau." It is apparent that, within the scope and meaning of that provision, the chief of police may transfer or change the assignment of the city police force, including detectives, if such is necessary in the interest of the service. The purpose of the law, obviously, is to enable the chief of police, who is charged with the maintenance of peace and order and the protection of rights of persons and property within the city, to effectively discharge his duties. That purpose, however, would easily be defeated if he were to be required to secure first the approval of the Office of the President before making any transfer or change of assignment in the police department as may be required by the exigencies of the service. To hold, therefore, that the approval of the President is a prerequisite to the validity of any transfer or change of assignment would be to practically cripple the chief of police in the performance of his duties and tie his hands even in case of emergency. The disastrous consequences that would result in that event could not have been intended by our lawmakers.

The fact that it was under the directive of the defendant city mayor that the chief of police ordered plaintiffs' transfer cannot change our view of the case. Pursuant to section 37 of Republic Act No. 409, "the Mayor, the chief and deputy chief of police and the chief of detectives, and all officers and members of the city police and detective force shall be peace officers." And under the above-quoted provisions of section 34 of the same Act, the chief of police is required "to promptly and faithfully execute all orders of the Mayor."

Plaintiffs also claim that their transfer is virtually a removal in violation of Republic Act No. 557. They were, however, merely temporarily assigned in another bureau of the same department as required by the exigencies of the service. They retain and enjoy the same rank and salary. Such temporary detail evidently cannot be considered a removal or discharge from the service in the absence of a showing of manifest abuse of discretion or that the detail is due to some improper motive or purpose. (See *Gorospe, et al. vs. De Veyra, et al.*, 96 Phil., 645; 61 Off. Gaz., 692.) In this connection, plaintiffs tried to show that their transfer was tainted with bad faith. No evidence, however, was presented to support their bare allegation.

Wherefore, the decision appealed from is affirmed, with costs against plaintiffs-appellants.

Paras, C. J., Bengzon, Padilla, Bautista Angelo, Labrador, Concepcion, Reyes, J. B. L., and Barrera, 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.