

PEDRO MENDOZA, PETITIONER, VS. RAY ALLAS AND GODOFREDO OLORES, RESPONDENTS.

G.R. No. 131977. February 04, 1999

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-131977/>

PUNO, J.:

Before us, petitioner prays for the execution of the decision of the trial court[1] granting his petition for quo warranto which ordered his reinstatement as Director III, Customs Intelligence and Investigation Service, and the payment of his back salaries and benefits.

Petitioner Pedro Mendoza joined the Bureau of Customs in 1972. He held the positions of Port Security Chief from March 1972 to August 1972, Deputy Commissioner of Customs from August 1972 to September 1975, Acting Commissioner of Customs from September 1975 to April 1977 and Customs Operations Chief I from October 1987 to February 1988.[2] On March 1, 1988, he was appointed Customs Service Chief of the Customs Intelligence and Investigation Service (CIIS). In 1989, the position of Customs Service Chief was reclassified by the Civil Service as "Director III" in accordance with Republic Act No. 6758 and National Compensation Circular No. 50. Petitioner's position was thus categorized as "Director III, CIIS" and he discharged the function and duties of said office.

On April 22, 1993, petitioner was temporarily designated as Acting District Collector, Collection District X, Cagayan de Oro City. In his place, respondent Ray Allas was appointed as "Acting Director III" of the CIIS. Despite petitioner's new assignment as Acting District Collector, however, he continued to receive the salary and benefits of the position of Director III.

In September 1994, petitioner received a letter from Deputy Customs Commissioner Cesar Z. Dario, informing him of his termination from the Bureau of Customs, in view of respondent Allas' appointment as Director III by President Fidel V. Ramos. The pertinent portion of the letter reads:

"Effective March 4, 1994, Mr. Ray Allas was appointed Director III by President Fidel V. Ramos and as a consequence, [petitioner's] services were terminated without prejudice to [his] claim for all government benefits due [him]."

Attached to the letter was the appointment of respondent Ray Allas as "Director III, CIIS, Bureau of Customs, vice Pedro Mendoza."

Petitioner wrote the Customs Commissioner demanding his reinstatement with full back wages and without loss of seniority rights. No reply was made.

On December 2, 1994, petitioner filed a petition for quo warranto against respondent Allas before the Regional Trial Court, Paranaque, Branch 258.[3] The case was tried and on September 11, 1995, a decision was rendered granting the petition. The court found that petitioner was illegally terminated from office without due process of law and in violation of his security of tenure, and that as he was deemed not to have vacated his office, the

appointment of respondent Allas to the same office was void ab initio. The court ordered the ouster of respondent Allas from the position of Director III, and at the same time directed the reinstatement of petitioner to the same position with payment of full back salaries and other benefits appurtenant thereto.

Respondent Allas appealed to the Court of Appeals. On February 8, 1996, while the case was pending before said court, respondent Allas was promoted by President Ramos to the position of Deputy Commissioner of Customs for Assessment and Operations. As a consequence of this promotion, petitioner moved to dismiss respondent's appeal as having been rendered moot and academic. The Court of Appeals granted the motion and dismissed the case accordingly. The order of dismissal became final and entry of judgment was made on March 19, 1996.[4]

On May 9, 1996, petitioner filed with the court a quo a Motion for Execution of its decision. On July 24, 1996, the court denied the motion on the ground that the contested position vacated by respondent Allas was now being occupied by respondent Godofredo Olores who was not a party to the quo warranto petition.[5]

Petitioner filed a special civil action for certiorari and mandamus with the Court of Appeals questioning the order of the trial court.[6] On November 27, 1997, the Court of Appeals dismissed the petition.[7] Hence, this recourse.

Petitioner claims that:

"The Court of Appeals grossly erred in holding that a writ of execution may no longer be issued, considering that respondent Olores who was not a party to the case now occupies the subject position." [8]

The instant petition arose from a special civil action for quo warranto under Rule 66 of the Revised Rules of Court. Quo warranto is a demand made by the state upon some individual or corporation to show by what right they exercise some franchise or privilege appertaining to the state which, according to the Constitution and laws of the land, they cannot legally exercise except by virtue of a grant or authority from the state.[9] In other words, a petition for quo warranto is a proceeding to determine the right of a person to the use or exercise of a franchise or office and to oust the holder from its enjoyment, if his claim is not well-founded, or if he has forfeited his right to enjoy the privilege.[10] The action may be commenced for the Government by the Solicitor General or the fiscal[11] against individuals who usurp a public office, against a public officer whose acts constitute a ground for the forfeiture of his office, and against an association which acts as a corporation without being legally incorporated.[12] The action may also be instituted by an individual in his own name who claims to be entitled to the public office or position usurped or unlawfully held or exercised by another.[13]

Where the action is filed by a private person, he must prove that he is entitled to the controverted position, otherwise respondent has a right to the undisturbed possession of the office.[14] If the court finds for the respondent, the judgment should simply state that the respondent is entitled to the office.[15] If, however, the court finds for the petitioner and declares the respondent guilty of usurping, intruding into, or unlawfully holding or exercising the office, judgment may be rendered as follows:

"Sec. 10. Judgment where usurpation found.-- When the defendant is found guilty of usurping, intruding into, or unlawfully holding or exercising an office, position, right, privilege, or franchise, judgment shall be rendered that such defendant be ousted and altogether excluded therefrom, and that the plaintiff or relator, as the case may be, recover his costs. Such further judgment may be rendered determining the respective rights in and to the office, position, right, privilege, or franchise of all the parties to the action as justice requires."

If it is found that the respondent or defendant is usurping or intruding into the office, or unlawfully holding the same, the court may order:

- (1) The ouster and exclusion of the defendant from office;
- (2) The recovery of costs by plaintiff or relator;

(3) The determination of the respective rights in and to the office, position, right, privilege or franchise of all the parties to the action as justice requires.[16]

The character of the judgment to be rendered in quo warranto rests to some extent in the discretion of the court and on the relief sought.[17] In the case at bar, petitioner prayed for the following relief:

"WHEREFORE, it is respectfully prayed that respondent be ousted and altogether excluded from the position of Director III, Customs Intelligence and Investigation Service of the Bureau of Customs, and petitioner be seated to the position as the one legally appointed and entitled thereto.

Other reliefs, just or equitable in the premises, are likewise prayed for."[18]

In granting the petition, the trial court ordered that:

"WHEREFORE, viewed in the light of the foregoing, judgment is hereby rendered granting this petition for quo warranto by:

- Ousting and excluding respondent Ray Allas from the position of Director III, Customs Intelligence and Investigation Service of the Bureau of Customs; and
- Reinstating petitioner Pedro C. Mendoza, Jr. to the position of Director III, Customs Intelligence and Investigation Service of the Bureau of Customs with full back wages and other monetary benefits appurtenant thereto from the time they were withheld until reinstated."[19]

The trial court found that respondent Allas usurped the position of "Director III, Chief of the Customs Intelligence and Investigation Service." Consequently, the court ordered that respondent Allas be ousted from the contested position and that petitioner be reinstated in his stead. Although petitioner did not specifically pray for his back salaries, the court ordered that he be paid his "full back wages and other monetary benefits" appurtenant to the contested position "from the time they were withheld until reinstated."

The decision of the trial court had long become final and executory, and petitioner prays for its execution. He alleges that he should have been reinstated despite respondent Olores' appointment because the subject position was never vacant to begin with. Petitioner's removal was illegal and he was deemed never to have vacated his office when respondent Allas was appointed to the same. Respondent Allas' appointment was null and void and this nullity allegedly extends to respondent Olores, his successor-in-interest.[20]

Ordinarily, a judgment against a public officer in regard to a public right binds his successor in office. This rule, however, is not applicable in quo warranto cases.[21] A judgment in quo warranto does not bind the respondent's successor in office, even though such successor may trace his title to the same source. This follows from the nature of the writ of quo warranto itself. It is never directed to an officer as such, but always against the person--to determine whether he is constitutionally and legally authorized to perform any act in, or exercise any function of the office to which he lays claim.[22] In the case at bar, the petition for quo warranto was filed by petitioner solely against respondent Allas. What was threshed out before the trial court was the qualification and right of petitioner to the contested position as against respondent Ray Allas, not against Godofredo Olores. The Court of Appeals did not err in denying execution of the trial court's decision.

Petitioner has apprised this Court that he reached the compulsory retirement age of sixty-five (65) years on November 13, 1997. Reinstatement not being possible, petitioner now prays for the payment of his back salaries and other benefits from the time he was illegally dismissed until finality of the trial court's decision.[23]

Respondent Allas cannot be held personally liable for petitioner's back salaries and benefits. He was merely appointed to the subject position by the President of the Philippines in the exercise of his constitutional power as

Chief Executive. Neither can the Bureau of Customs be compelled to pay the said back salaries and benefits of petitioner. The Bureau of Customs was not a party to the petition for quo warranto.[24]

IN VIEW WHEREOF, the petition is denied and the decision of the Court of Appeals in CA-G.R. SP No. 41801 is affirmed.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, Quisumbing, and Buena, JJ., concur.

-
- [1] Regional Trial Court, Paranaque, Branch 258, presided by Judge Raul E. de Leon.
- [2] Petition, p. 3, Rollo, p. 23.
- [3] Civil Case No. 94-3078.
- [4] CA Rollo, p. 83.
- [5] Rollo, pp. 42-45.
- [6] CA-G.R. SP No. 41801.
- [7] Quirino Abad Santos, Jr., J., ponente with Ruben Reyes and Hilarion Aquino, JJ., concurring.
- [8] Petition, p. 7, Rollo, p. 27.
- [9] Francisco, V., The Revised Rules of Court in the Philippines, vol. IV-B, Part I, p. 281 [1972] citing 44 Am Jur 88-89; see also Sections 1 to 5, Rule 66, Revised Rules of Court.
- [10] Castro v. del Rosario, 19 SCRA 196, 200 [1967].
- [11] Referred to as public prosecutor under the 1997 Rules of Civil Procedure.
- [12] Sections 1 to 4, Rule 66, Revised Rules of Court; see also Sections 1 to 3, Rule 66, 1997 Rules of Civil Procedure.
- [13] Section 6, Rule 66, Revised Rules of Court; see also Section 5, Rule 66, 1997 Rules.
- [14] Castro v. del Rosario, 19 SCRA 196, 201 [1967]; Caraan-Medina v. Quizon, 18 SCRA 562, 569 [1966]; Austria v. Amante, 79 Phil. 780, 783 [1948].
- [15] Francisco, supra, at 334.
- [16] Martin, Rules of Court in the Philippines, vol. III, p. 268 [1986].
- [17] Martin, Rules of Court in the Philippines, vol. III, p. 268 [1986].
- [18] Petition, p. 4, Annex "C" to the CA Petition, CA Rollo, p. 43.
- [19] Decision, pp. 14-15, Rollo, pp. 66-67.
- [20] Petition, pp. 10-14, Rollo, pp. 29-33.
- [21] Francisco, supra, at 339-340, citing 44 Am. Jur 181-182.
- [22] Id.

[23] Petition, pp. 14-15, Rollo, pp. 33-34.

[24] *Angara v. Gorospe*, 101 Phil. 79, 92 [1957].

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.