

GODOFREDO QUIMSING, PETITIONER, VS. EDUARDO TAJANGLANGIT, RESPONDENT.

G.R. No. 19981. February 29, 1964

Ponente: BARRERA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-19981/>

BARRERA, J.:

This is a petition for prohibition filed by Godofredo Quimsing to restrain Eduardo Tajanglangit from occupying the position of Chief of Police of Iloilo City to which petitioner allegedly had previously been appointed and duly qualified and the functions of which he was actually discharging. The facts of the case, as may be gathered from the pleadings filed herein, are as follows:

On May 20, 1960, Godofredo Quimsing was designated Acting Chief of Police of Iloilo City. On December 20, 1961, and while such incumbent of the office, he was extended by then President Garcia an ad-interim appointment to the same position. Quimsing took his oath of office before the City Mayor of Iloilo on December 28, 1961, and continued discharging the functions of Chief of Police of said City.

At the session of the Commission on Appointments on May 16, 1962, the appointment of Quimsing, among others was confirmed. On the following day, however, at the session of said body, Senator Puyat moved for the reconsideration of all the appointments previously confirmed, manifesting at the same time that said "motion for reconsideration be laid on the table." Furthermore, he moved for the adjournment of the session of the Commission sine die. There being no objection, said motion was approved and the session was adjourned.

On June 11, 1962, President Macapagal designated Eduardo Tajanglangit as acting Chief of Police of Iloilo City and the latter took his oath and tried to discharge the functions of the office on June 13, 1962. On July 12, 1962, the present petition was filed for the reason already stated above.

Respondent Tajanglangit, in his answer, claimed among others, that petitioner's ad-interim appointment was a nullity in view of the President's Administrative Order No. 2, withdrawing, canceling, or recalling ad-interim appointments extended after December 13, 1961; and that the alleged confirmation of petitioner's ad-interim appointment by the Commission on Appointments did not also produce any effect, because the same had been the subject of a motion for reconsideration and no further action has been taken on said appointment until the present time.

It is evident that respondent's designation as Acting Chief of Police of the City of Iloilo was made on the assumption that petitioner's occupancy thereof was illegal. This brings us to the question of the validity and effect of the ad-interim appointment extended to petitioner Quimsing on December 20, 1961 and the confirmation thereof and subsequent action taken by the Commission on Appointments.

Respondent Tajanglangit, in resisting the claim of petitioner Quimsing, invokes the President's Administrative Order No. 2, series of 1962 and the ruling of this Court in the *Aytona vs. Castillo* case. (G.R. No. L-19313, Jan. 19, 1962). In the various cases decided by this Court after the *Aytona vs. Castillo* case^[1] the matter of the validity

of appointments made after December 13, 1961 by former President Garcia was considered not in the light of the said Administrative Order No. 2 (which was never upheld by this Court), but on the basis of the nature, character and merit of the individual appointments and the particular circumstances surrounding the same. In other words, this Court did not declare that and the ad-interim appointments made by the outgoing President after December 13, 1961 are invalid by the mere fact that the same were extended after said date, nor they automatically come within the category of the "midnight" appointments, the validity of which were doubted and which gave rise to the ruling in the Aytona case cited by respondent.

In the present case, petitioner Quimsing admittedly had been occupying the position in controversy, in an acting capacity since May 20, 1960, and discharging the functions thereof. Clearly, it cannot be said that the ad-interim appointment extended to him on December 20, 1961, by virtue of which he took his oath of office on December 28, 1961 was one of those hurried designations that brought about the "scramble" on the 29th and 30th of December, 1961, where the outgoing Chief Executive perhaps did not have the opportunity to consider the merits and qualifications of the hundreds of nominees to the positions to which they were respectively being appointed. The ad-interim appointment of petitioner, whose qualification is not in dispute and the regularity of which is not questioned except for the fact that it was made only on December 20, 1961, can not be considered as among those "midnight" appointments the validity of which this Court declared to be, at least, doubtful to entitle the appointees to the equitable relief of *quo warranto*.

Respondent, however, contends that petitioner's appointment was not lawfully confirmed by the Commission on Appointments in view of the motion for reconsideration of such confirmation, which has, to the present, remained enacted upon.

The revised rules of the Commission on Appointments, insofar as pertinent to the issue thus raised provide:

"Section 21. Resolution of the Commission on any appointment may be reconsidered on motion by a member presented not more than one (1) day after their approval. If a majority of the members present concur to grant a reconsideration, the appointment shall be reopened and submitted anew to the Commission. Any motion to reconsider the vote on any appointment may be laid on the table, and this shall be a final disposition of such a motion,

"Section 22. Notice of confirmation or disapproval of an appointment shall not be sent to the President of the Philippines before the expiration of the period for its reconsideration, or while a motion for reconsideration is pending." (*Italics supplied.*)

As stated before, the motion of Senator Puyat, for reconsideration of the confirmations made the day before, among which was herein petitioner's, was coupled with prayer, not for a resubmission of said appointments anew, but for the laying of the motion (for reconsideration) on the table. Under the aforequoted Section 21 of the rules of said body, the "laying on the table" of the motion shall be the final disposition thereof. In other words, no further action need be taken by the Commission thereon. It is as if no motion for reconsideration was filed at all. From Section 22 of the said rules, the Commission on Appointments may either confirm or disapprove an appointment, and notice of such action shall not be conveyed to the President while a motion for reconsideration is pending.

It has been established here that on July 19, 1962, notice of the confirmation of Quimsing's appointment was delivered to Malacañang. This action by the Commission on Appointments supports the conclusion that the laying of a motion for reconsideration on the table does not have the effect of withholding the effectivity of the confirmation, nor is it synonymous with disapproval of the appointment. In fact, it is a recognition that the appointment was confirmed.

In view of the foregoing considerations, the appointment of respondent Eduardo Tajanglangit to the position of

Chief of Police of Iloilo City, which was not vacant, was null and void. Writ of prohibition prayed for herein is granted. Without costs.

SO ORDERED.

Bengzon, C. J., Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Paredes, Dizon, Regala and Makalintal, JJ., concur.

[1] *Merrera vs. Liwag*, G.R. No. L-20079 Sept. 30, 1963; *Apillera vs. Fernandez*, G.R. No. L-20741, Jan. 31, 1964; *Jorge vs. Mayor*, G.R. No. L-21776, Feb....., 1964; see also *Aytona vs. Castillo*, L-10031, Jan. 1962.

DISSENTING

PADILLA, J.:

For the same reasons stated in my concurring opinion in *Aytona vs. Castillo*, G. R. No. L-19313, 19 January 1962, and dissenting opinions in *Gillera vs. Fernandez, et al.*, G.R. No. L-20741, 31 January 1964, and in *Jorge vs. Mayor*, G. R. No. L-21776, 28 February 1964, the ad-interim appointment of the petitioner as Chief of Police of Iloilo City on 28 December 1961 by the then President of the Republic expired on 30 December 1961. As the petitioner was not appointed to the same office after the 30th day of December 1961, the confirmation of his ad-interim appointment as Chief of Police of Iloilo City by the Commission on Appointments on 16 May 1962 was of no legal validity and effect. The respondent was lawfully appointed to the office and the petitioner is not entitled to hold it. The petition for prohibition should be dismissed.

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.