

TEODORICO C. QUIOCHO, PETITIONER, VS. BERNARDO P. ABRERA AND ESTEBAN O. ROBLES, RESPONDENTS.*G.R. No. 22260. August 30, 1967*

Ponente: ZALDIVAR, J.

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This is an appeal from the decision of the Court of Appeals, dated November 9, 1963, reversing the judgment rendered by the Court of First Instance of Lanao del Norte, and dismissing the petition for mandamus and prohibition filed by herein petitioner.

Petitioner Teodorico C. Quiocho was first appointed in the National Shipyards and Steel Corporation (NASSCO) on July 13, 1950 as Cost Clerk. On July 1, 1952 he was extended a promotional appointment to the position of Cost Accountant at the Iligan Steel Mills, at P2,760.00 per annum, which appointment was attested by the Commissioner of Civil Service as temporary under Section 682 of the Revised Administrative Code because Quiocho was then not a civil service eligible.[1] By virtue of this promotional appointment Quiocho assumed his duties and rendered service since then in the NASSCO compound at Overton, Iligan City.

On June 20, 1961, NASSCO General Manager Bernardo P. Abrera, one of the respondents herein, issued office order No. 99 transferring petitioner, together with six other employees, from the Iligan Steel Mills to the NASSCO Central Office at Engineer Island, Manila. Of the seven employees named in the aforementioned office order, only Quiocho protested his transfer, addressing a letter to General Manager Abrera on July 1, 1961 re-requesting his retention in his position as Cost Accountant of the NASSCO at Iligan City instead of his transfer to the Accounting Department, Engineer Island, Manila. However, notwithstanding this request for retention, Quiocho reported for duty at the latter office in Manila on July 19, 1961.

After working for thirty-eight days at the Manila Accounting Department of the NASSCO, Quiocho was allowed to go to Iligan City, under a travel order, so he could secure his clearance of any property responsibility at the Iligan Steel Mills and prepare for the transfer of his family and personal belongings to Manila, in connection with his permanent assignment at the main office of the NASSCO in Manila. But instead of accomplishing the purpose for which the travel order was issued, what Quiocho did was to report for duty at the Iligan Steel Mills on the day of his arrival at Iligan City, and continued to work there until September 10, 1961.

On September 11, 1961, Quiocho returned to Manila, and he again worked at the main office of the NASSCO until October 6, 1961. On September 28, 1961, while working at the NASSCO central office in Manila, Quiocho again wrote a letter to General Manager Abrera, giving reasons against his transfer to Manila, the pertinent portions of which letter read as follows:

“(a) In fact, I humbly feel and believe that I have been practically demoted because I have been deprived of the discretionary and supervisory functions appurtenant to my Plant position;

“(b) I wish to mention further that my present situation does not give me a peaceful mind and I really believe that I cannot render an efficient service; and

“(c) What bothers me most are the many setbacks and inconveniences which I am undergoing while my family has been left behind in Iligan City. The last but not the least that confronts me are incidental expenses in the city which I believe could not be incurred, if only my folks are around.”

Even after sending the aforesaid letter, on October 5, 1961, Quiocho requested General Manager Ab-rera to allow him to go to Iligan City for the purpose of "bringing his family to Manila and return to Manila for permanent assignment in the Manila Accounting Depart-ment on or before October 31, 1961." General Manager Abrera accommodately granted the request by issuing another travel order for Quiocho, but with the warning that "no further trip of this nature to Iligan will be allowed. Mr. Quiocho shall secure his final clearance in Iligan Steel Mills."

However, instead of making good the reasons for his request to be allowed to go to Iligan City, and again in disregard of the instructions contained in his travel order, what Quiocho did upon arriving at Iligan City was again to report for duty at the Iligan Steel Mills, where he worked from October 6, 1961 to October 31, 1961; and in order to frustrate his transfer to Manila he went on vacation and sick leave from Novem-ber 1 to 19, 1961. On November 20, 1961, Quiocho wired General Manager Abrera informing the latter that he had resumed his work at the Iligan Steel Mills.

On November 29, 1961, Quiocho wrote the Chairman and Members of the Board of Directors of the NASSCO, explaining his reluctance to return to Manila, the per-tinent part of his letter reading as follows:

"My wife is permanently employed in the office of the Highway District Engineer, Bureau of Public Highways, Lanao del Norte and at the same time she is schooling like our two children, so that these problems will only add more to the setbacks and inconveniences I will undergo, if I am transferred in an inopportune time."

At the end of his letter Quiocho stated:

"Nonetheless, I would finally say that I am very willing to transfer and leave this place in an opportune time, but not in such circumstances and situa-tion."

On December 8, 1961, Esteban O. Robles, Manager of the Iligan Steel Mills, wired General Manager Abrera asking the latter if Quiocho should be paid his wages, and in reply Abrera sent radio message No. 98 instruct-ing Robles to pay Quiocho his salaries up to December 12, 1961 and forthwith to drop him from the payroll of Iligan Steel Mills effective December 13, 1961.

After the Board of Directors of the NASSCO de-nied his request for retention at the Iligan Steel Mills, Quiocho brought his case to the attention of the Office of Economic Coordination, on February 21, 1962, claiming, for the first time, that politics was the motive behind his transfer. The Office of Econo-mic Coordination indorsed Quiocho's letter to the Gene-ral Manager of the NASSCO for comment, and the latter made an explanation, the pertinent part of which reads:

"From the foregoing, it will be noted that the assignment of Mr. Quiocho in the Cen-tral Office, Manila is for the best interest of the service. He will assume the duties of handling the Books of Accounts which were previously done by Mr. Jose Rojas prior to his promotion as Chief Accountant. The plan was to reclassify his position upon arrival in Manila after his orienta-tion of the new assignment called for by the directives of this Office.

"Mention may be made that the previous ISM General Superintendents and Acting Gen-eral Superintendents, Messrs. Vicente Ser-rano, Oscar Flores and Esteban Robles in-cluding Mr. Jose Amante, Jr., present Manager of ISM, have recommended for the transfer of Mr. Quiocho to other NASSCO Units for the best interest of ISM and the Corporation. His actions by and large during his assignment in Iligan have created irritants in the

labor group as well as in the Management level. He (Mr. Quiocho) has the tendency to engender animosity between Management and labor which is not healthy in any organization. In fact, because of this repulsive conduct of Mr. Quiocho, a new group of labor leaders has cropped up in ISM and new Presidents of the supervisory union (NAPROSEA) and workmen union (NISMEA) were elected, and since then a smooth and harmonious relation has been existing between labor and local management in ISM.

"It is the observation of the Management that during the years of his employment, Mr. Quiocho lacks the inherent qualities for respect due to his superiors and associates. All premises considered, it is the considered opinion of this Management that his (Mr. Quiocho's) transfer falls within the prerogatives of this Management for the best interest of the service and no extraneous factors have been considered in the proposed transfer."

On March 5, 1962, Quiocho filed a petition for mandamus and prohibition before the Court of First Instance of Lanao del Norte, against General Manager Bernardo P. Abrera of the NASSCO and Manager Esteban O. Robles of the Iligan Steel Mills, alleging that having a clear and unequivocal right to the office of Cost Accountant of the NASSCO-Iligan Steel Mills, respondents Abrera and Robles acted arbitrarily or in excess of their power and authority in transferring him to the central office in Manila, and the transfer having been made without his consent and without just cause, the same is tantamount to his removal from the service and the transfer, therefore, is null and void. The respondents filed their answer, contending, among others, that it is within their managerial prerogatives to transfer an employee of the NASSCO, from one branch to another, as demanded by the exigencies, or for the good, of the service.

On November 28, 1962, the lower court rendered judgment, "ordering respondents to vacate office order No. 99 dated June 20, 1961 in so far as it pertains to the herein petitioner and likewise to vacate office memorandum dated December 12, 1961 and x x x orders the same respondents to restore or reinstate the petitioner Teodorico C. Quiocho to his position as cost accountant x x x in the Iligan Steel Mills x x x ordering respondents to authorize payment to petitioner of his back salaries from December 12, 1961 and to pay costs."

From the decision of the lower court, respondents Abrera and Robles appealed to the Court of Appeals.

On November 9, 1963, the Court of Appeals rendered a decision reversing that of the lower court, and dismissed petitioner's petition for mandamus and prohibition, without pronouncement as to costs. On December 3, 1963, petitioner Quiocho filed a motion for rehearing or reconsideration. Pending resolution of said motion, or in December 13, 1963, Quiocho informed the management of the NASSCO of his willingness to report for duty at the Accounting Department, Engineer Island, Manila, without prejudice to prosecuting his appeal in the Supreme Court. On December 16, 1963, Quiocho's motion for rehearing or reconsideration was denied by the Court of Appeals, and on the same date, he reported for duty at the Manila central office of the NASSCO and worked in a position that carried a salary of P3,984.00 per annum, the same salary that he was receiving when he was dropped from the payroll of the NASSCO-Iligan Steel Mills.[2]

On December 24, 1963, petitioner Quiocho interposed the present appeal to this Court, assigning three errors which, stripped of non-essentials, boil down to the contention: that the Court of Appeals erred in not declaring that the transfer of the petitioner from his position as Cost Accountant at the Iligan Steel Mills to the Accounting Department of the NASSCO in Manila was illegal, was done with evil motives and was tantamount to a removal from the service without cause.

We find no merit in petitioner's appeal. The claim of petitioner that behind his transfer from the Iligan Steel Mills to the central office of the NASSCO in Manila there was political motivation deserves no consideration. The record shows that in the letters he wrote to respondent Abrera and to the Board of Directors of the NASSCO complaining about his transfer, petitioner did not mention about political motives but only the inconveniences that the transfer would cause him and his family. He only claimed political motivation for the first time in the letter he

subsequently sent to the Office of the Economic Coordination. It is noteworthy that in the complaint that he filed in court, in his reply, in his testimonial evidence, and in the brief that he filed in the Court of Appeals, the petitioner failed to mention that politics was behind his transfer. As a matter of fact, petitioner admits that he brought out only in this appeal the matter about political and personal motivations.[3]

We find that respondent Abrera effected the transfer of petitioner in line with the desire of the superintendents and/or managers, past and present, of the Ili-gan Steel Mills, because during his assignment in Iligan petitioner created irritants, or engendered animosity, between management and labor. This circumstance is impliedly admitted by petitioner when he stated that he "still wields considerable power and influence over x x x two labor unions who more or less command 600 members" and "it was during the petitioner's incumbency as the top official of these two labor organizations when the x x x strikes in 1959 and 1960 were staged." [4] Taking into consideration the circumstance that the transfer of petitioner was not a demotion in rank or salary, and, the fact that petitioner was allowed to resume work in his position in the Accounting Department of the NASSCO in Manila on December 16, 1963 - an indication that petitioner was not dismissed from the service - We agree with the ruling of the Court of Appeals that the act of respondent Abrera in transferring petitioner to the Accounting Department of the NASSCO in Manila is in accordance with Section 32 of Republic Act 2260, known as the Civil Service Act of 1959, which provides -

"x x x That a transfer from one position to another without reduction in rank or salary shall not be considered disciplinary where made in the interest of the public service: x x x."

We uphold the finding of the Court of Appeals that petitioner's transfer was not done in bad faith or with ulterior motives, designed to bring about his removal from the service. That such transfer brought inconvenience to petitioner and his family is of no moment, because the personal convenience of a person in the public service should not be given more importance than the interest of the public service. What matters is that the transfer is done in good faith and the best interests of the public service is thereby served. And in the present case, because the petitioner was simply transferred from one office of the NASSCO to the other and for the good of the service, We hold that the act of respondent Abrera in effecting the transfer of petitioner was proper and in accordance with law.

Having arrived at the foregoing conclusion, We deem it unnecessary to dwell on the other matters touched by petitioner in his appeal which would not affect the result of this case.

WHEREFORE, the decision appealed from is affirmed, without pronouncement as to costs.

IT IS SO ORDERED.

Concepcion, C.J., Reyes, Dizon, Makalintal, Bengzon, Sanchez, Castro, Angeles, and Fernando, JJ., concur.

[1] Petitioner took the qualifying or promotional examination for second grade on February 27, 1960 and obtained a rating of 88.5%, as published on November 29, 1961.

[2] Additional facts stated on pages 16 and 17 of respondents-appellees' brief, which are not denied by petitioner.

[3] Page 36, petitioner-appellant's brief in the Supreme Court.

[4] As quoted on page 34 of petitioner-appellant's brief.

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