

**PRIMO T. OCAMPO, OLIVER G. CABEL, RODOLFO D. RODRIGO,  
FRANCISCO R. RODRIGO, CONRADO M. SORIANO, GRACIANO P.  
GAYAPA, JR., AND DIOSDADO VILLARIN, JR., PETITIONERS, VS.  
FRANCISCO DU...**

*G.R. No. 23812. April 30, 1966*

Ponente: ZALDIVAR. J.

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**ZALDIVAR. J.:**

This is a petition for a writ of mandamus to compel the respondents who compose the Provincial Board of the province of Pangasinan to appropriate funds needed to pay the salaries of petitioners whose positions as Special Counsels in the office of the Provincial Fiscal of Pangasinan were abolished by the respondents by eliminating the appropriation for those offices from the 1964-65 annual budget of the province.

The petitioners were appointed Special Counsels pursuant to Sec. 1686 of the Revised Administrative Code, to assist the Provincial Fiscal of Pangasinan in the prosecution not of any specified case or types of cases but of all cases in general. Inasmuch as the right asserted by the petitioners in the present case is based upon the length of service that they had performed as Special Counsels, there is need of stating the length of the respective service of each one as of July 1, 1964 when the annual budget of the province of Pangasinan for the fiscal year 1964-65 took effect.

Petitioner Primo T. Ocampo was appointed by the Secretary of Justice on July 6, 1954, he took his oath of office on July 13, 1954, so that on July 1, 1964 he had been 9 years and 10 months in the service.

Petitioner Oliver G. Cabel was appointed on March 14, 1956, he took his oath on March 26, 1956, so that on July 1, 1964 he had been 8 years and 3 months in the service.

Petitioner Rodolfo V. Rodrigo was appointed on October 9, 1958, he took his oath on October 21, 1953, so that on July 1, 1964 he had been 5 years and 8 months in the service.

Petitioner Francisco R. Rodrigo was appointed on October 9, 1958, he took his oath on October 23, 1958, so that on July 1, 1964 he had been 5 years and 8 months in the service.

Petitioner Conrado M. Soriano was appointed on April 10, 1959, he took his oath on June 1, 1959, so that on July 1, 1964 he had been 5 years and 1 month in the service.

Petitioner Graciano P. Cayapa, Jr. was appointed on August 24, 1959, he took his oath on August 26, 1959, so that on July 1, 1964 he had been 4 years and 10 months in the service.

Petitioner Diosdado Villarín, Jr. was appointed on December 18, 1959, he took his oath of office on January 2, 1960, so that on July 1, 1964 he had been in the service for 4 years and 6 months.

On August 30, 1963, by administrative order No. 329 signed by Secretary of Justice Salvador L. Mariño, all these

seven petitioners were extended promotional appointment as Special Counsel "to assist the Provincial Fiscal of Pangasinan in the discharge of his duties, with compensation at the rate of six thousand three hundred pesos (P6,300.00) per annum, payable by the province of Pangasinan, effective July 1, 1963". This appointment was a promotion in salary from P4,200.00 to P6,300.00 per annum.

The salaries of these seven petitioners at the rate of P6,300.00 per annum were provided for in supplemental budget of the province of Pangasinan for the fiscal year 1963-64.

On June 15, 1964 the respondents, Francisco Duque, Governor of the province of Pangasinan; Antonio Villar, Vice-Governor, and Hugo B. Sansano, Antonio de Guzman, and Pedro Cabuay, Members of the Provincial Board, all composing the Provincial Board of the province of Pangasinan, without any previous notice to the petitioners, approved and adopted Resolution No. 598 which provided, among others, for the abolition of the positions of seven special counsels in the office of the Provincial Fiscal at the rate of P6,300.00 per annum each. The effectivity of Resolution No. 598 was set for July 1, 1964, along with the effectivity of the provincial budget of the province of Pangasinan for the fiscal year 1964-1965 which had yet to be submitted to the Secretary of Finance for approval.

The reason advanced by the respondents in abolishing the positions of the seven Special Counsels, as stated in Resolution No. 598, was "considering its retrenchment policy, taking into account the amortization of the overdraft be provided for as required by the Department of Finance".

On June 18, 1964, or three days after the respondent members of the Provincial Board had approved Resolution No. 598, but thirteen days before the effectivity date of said resolution, the President of the Philippines approved House Bill No. 7602 of the Congress of the Philippines, which thereby took effect on that day as Republic Act No. 4007. This new law amends Sec. 1636 of the Revised Administrative Code to read as follows (the amending provisions are capitalized):

"SEC. 1686. Additional counsel to assist fiscal.—The Secretary of Justice may appoint any lawyer in the government service, or a competent person not in the public service, temporarily to assist a fiscal or prosecuting attorney in the discharge of his duties, and with the same authority therein as might be exercised by the Solicitor General: Provided, That if the person to be appointed in the public service is outside the jurisdiction of the Department of Justice, such appointment may only be made with the consent of the Department Head concerned: PROVIDED, FURTHER THAT AFTER A SPECIAL COUNSEL WHO IS NOT IN ANOTHER GOVERNMENT SERVICE IS APPOINTED OR DESIGNATED TO ASSIST THE PROVINCIAL OR CITY FISCAL IN THE PROSECUTION NOT OF A SPECIFIED CASE OR CASES BUT OF CASES IN GENERAL IN CONNECTION WITH THE REGULAR DISCHARGE OF SAID PROVINCIAL OR CITY FISCAL'S DUTIES, AND SHALL HAVE CONTINUOUSLY AND EFFICIENTLY SERVED AS SUCH FOR AT LEAST FOUR YEARS, HE SHALL BE DEEMED TO HAVE BEEN PERMANENTLY APPOINTED; AND HE MAY BE REMOVED OR SEPARATED FROM THE SERVICE ONLY FOR CAUSE AS PROVIDED FOR BY THE CIVIL SERVICE LAW, RULES OR REGULATIONS.

"In addition to travel expenses, such appointee, if not in the government service, shall receive such compensation as shall be stipulated for, not exceeding thirty pesos a day for the time employed: PROVIDED, HOWEVER, THAT AFTER SIX YEARS OF CONTINUOUS AND EFFICIENT SERVICE A SPECIAL COUNSEL APPOINTED OR DESIGNATED TO ASSIST THE PROVINCIAL OR CITY FISCAL IN THE DISCHARGE OF HIS REGULAR DUTIES SHALL AUTOMATICALLY BE ENTITLED TO THE RATE OF SALARY PROVIDED FOR BY LAW FOR THE LOWEST RANK OR GRADE OF ASSISTANT FISCAL IN THE PROVINCE OR CITY."

On July 7, 1964, having learned of the elimination of the appropriation for their positions from the 1964-65

annual budget for the province of Pangasinan, and being aware of their rights under R.A. No. 4007, the petitioners jointly addressed a letter to the respondents, through the Provincial Fiscal, calling the attention of the respondents to the enactment of R.A. No. 4007 which took effect on June 1, 1964 and to the petitioners' length of service which qualified them for a permanent tenure of office under said R.A. No. 4007. In that letter the petitioners informed the respondents that all of them had already served as Special Counsel for more than 4 years, and in fact two of them had served for more than 6 years. The petitioners then requested the respondents, pursuant to R.A. No. 4007 "to include our items in the general appropriation or in a supplemental budget". This letter of the petitioners was indorsed to the respondents by the Provincial Fiscal of Pangasinan on July 9, 1964, "recommending favorable consideration of the same". The respondents did not answer petitioners' letter of July 7, 1964. Neither did the respondents comply with the request of petitioners to include their items in the general appropriation or in the supplemental budget for the province of Pangasinan for the fiscal year 1964-65.

On July 20, 1964 the Secretary of Finance approved the general fund budget of the province of Pangasinan for the fiscal year 1964-65, effective as of the date the Provincial Board of Pangasinan had fixed for its effectivity (July 1, 1964) subject to the condition "that the abolition of positions indicated in the subject general fund annual budget had been authorized on the ground that the positions abolished are not necessary and could be dispensed with without hampering the essential services of the province".

It is not shown that the Secretary of Justice, who is the head of the Department to which the office of the Provincial Fiscal belongs, had authorized or approved the abolition of the positions of the seven Special Counsels in the office of the Provincial Fiscal of Pangasinan.

The salaries of the seven petitioners herein under their promotional appointments (P6,300.00 per annum each), and the benefits accorded by R.A. No. 4007 to those among them who had served continuously and efficiently for 6 years would amount to P47,215.81, computed as follows:

(a) Petitioner Primo T. Ocampo and Oliver G. Cabel, at P7,200.00 per annum from July 1, 1964 (the lowest grade of Assistant Provincial Fiscal under R.A. No. 4142, they having served as special counsel for 6 years) plus salary differential from June 23, 1964 (when R.A. No. 4142 took effect) to June 30, 1964 at P20.00 each

P14,440.00

(b) Petitioner Rodolfo Rodrigo at P6,300.00 per annum from July 1 to October 21, 1964, and at P7,200.00 per annum thereafter as he completes his sixth year of service

P6,956.45

(c) Petitioner Francisco Rodrigo, at P6,300.00 per annum from July 1 to October 23, 1964, and at P7,200.00 per annum thereafter as he complete his sixth year of service

P6,919.36

(d) Petitioners Conrado M. Soriano, Graciano P. Cayapa, Jr. and Diosdado Villarin, Jr. at P6,300.00 per annum

P18,900.00

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Total

P47,215.81

The amount of P47,215.81 is the item that should have been included in the 1964-65 annual budget of the province of Pangasinan to cover the salaries of the seven petitioners herein had the respondents not eliminated the

positions of these petitioners from the annual budget.

An examination and/or comparison of the 1963-64 and the 1964-65 annual budgets of the province of Pangasinan reveal the following:

- (a) In the 1964-65 budget there is an item of P75,000 for discretionary fund of the Governor and P25,000 for discretionary fund of the members of the Provincial Board, or a total of P100,000.00. There was no similar appropriation in the 1963-64 budget.
- (b) The 1964-65 budget shows an increase of P27,500.00, compared to the 1963-64 budget, in the appropriation for salaries of personnel in the office of the Governor. Thirty-two (32) positions more than what existed in the 1963-64 annual budget are provided for in the 1964-65 budget.
- (c) There is an increase of P50,578.00 in the 1964-65 budget for the expenses for the office of the Governor and of the Provincial Board covering such items for travel and transportation, supplies and materials, and office equipments, compared to expenses for the same purposes in the 1963-64 budget.
- (d) In the 1964-65 budget there are provided appropriations for ceramic projects in the amount of P20,000, fertilizer projects for P100,000, soya bean project for P3,000, or a total of P123,000.00. No items for these purposes appear in the 1963-64 budget.
- (e) The total appropriations for the 1964-65 general fund, including the P215,485.00 appropriated for the amortization of overdraft amounts to P1,989,506.00. Deduct from this the sum of P215,465.00 intended for amortization, there is a net appropriation of P1,774,021.00. In the 1963-64 Budget the general fund appropriation amounted to P1,518,333.28 (which did not include any payment for amortization, but had included the salaries of petitioners). Thus, there is an increase of P255,637.72 in the general fund appropriation for the fiscal year 1964-65, as compared to the general fund appropriation for the fiscal year 1963-64.

While awaiting action by the respondents on the request contained in their letter of July 7, 1964 asking the respondents to include the items for their salaries either in the general fund budget or in the supplemental budget, the petitioners continued to stay in office and performed their duties even if they were not receiving any salary. On November 14, 1964, the petitioners filed the petition for a writ of mandamus, now before Us.

The matter to be resolved by the Court in the present case is whether the action of the respondent's, as members of the provincial board of Pangasinan, in approving resolution No. 598 abolishing the positions of the petitioners as special counsel and in failing to provide appropriations for the salaries corresponding to their positions in accordance with the existing laws had the effect of unlawfully excluding the petitioners from the use or enjoyment of a right or office to which they are entitled and that the respondents had thereby unlawfully neglected to perform an act which the law enjoins as a duty resulting from office.

We find that the petitioners have a clear right to the office of special counsel as of July 1, 1964 when resolution No. 598 of the provincial board of Pangasinan was intended to take effect. The petitioners had complied with the requirements of R.A. No. 4007, amending Sec. 1686 of the Revised Administrative Code—all of them having served as special counsel continuously and efficiently for more than four years; and under the provisions of said law they had acquired the status of permanent appointees and they may be removed or separated from the service only for cause as provided for by the civil service law, rules and regulations.

This Court had held that it is a well established principle in the law of public administration that the power to establish an office includes the authority to abolish it unless there are constitutional or statutory rules expressly or impliedly providing otherwise.[1] Likewise, this Court has held that the power of a local government to abolish an office that it had created is subject to limitations, that is, that that power must be exercised in good faith, not for personal or political reasons, and not in violations of the civil service law.[2]

We find that the abolition of the positions of the petitioners by the respondents is contrary to law. Upon the enactment of R.A. No. 4007, the petitioners had become regular and permanent appointees and they may be removed or separated from the service only for cause as provided for by the civil service law, rules or regulations. The Solicitor General himself says in his memorandum: "Evidently the purpose of R.A. 4007 was to give a fixity in the tenure of those who had served as special counsel, . . . who shall have continuously and efficiently served as such for at least four years." R.A. No. 4007 was precisely enacted by Congress to prevent the termination of the services of a special counsel through the abolition of his item by the provincial board or city board. The legislative intention, which must be given effect, is clearly understood upon a reading of the explanatory note of H.B. No. 7602, which states:

"This bill seeks to amend Section 1686 of the Revised Administrative Code so as to give security of tenure to special counsels designated by the Secretary of Justice to assist provincial and city fiscals in the prosecution of criminal cases and in the discharge of their regular duties.

"There are about 150 special counsels all over the Philippines. Many of them have been in the prosecution service for more than five years, and have efficiently and capably prosecuted criminal cases. According to the Administrative Code, the service of special counsel are temporary and may therefore be terminated, with or without cause, through abolition of his item by the provincial board or city board concerned.

"Special counsels perform the same work that assistant provincial and city fiscals do, yet their salaries are generally lower.

"This bill aims to grant permanent status to special counsels who have continuously and efficiently served the prosecution service for a long time and to give them better compensation after continuous efficient service of at least six years." (Italics supplied)

We hold, therefore, that the provisions of resolution No. 598, abolishing the positions of the petitioners, are repugnant to the spirit and the expressed provisions of R.A. No. 4007.

Resolution No. 598 was approved by the respondents on June 15, 1964 but it was made to take effect on July 1, 1964 when the annual budget of the province for the fiscal year 1964-1965 would also take effect. This resolution in question is what is usually called a "budget resolution", and it is implemented along with the budget to which it is related. On the other hand, R.A. No. 4007 took effect on June 18, 1964, so that on July 1, 1964 when resolution No. 598 was made to take effect said R.A. No. 4007 was already in force. The act of Congress certainly is superior over any resolution of a provincial board.

We also find that resolution No. 598 of the respondent Provincial Board is not in consonance with the provisions of section 2119 of the Revised Administrative Code as amended by R.A. No.1063, and with the Civil Service Law (R.A. 2260). Said section 2119 as amended, which specially deals with the budgets of provincial governments, provides that "abolition of positions shall not take effect except upon approval by the Secretary of Finance." The records show that on July 20, 1964 the Secretary of Finance approved the 1964-1965 annual budget of the province of Pangasinan, subject to the condition "that the abolition of positions indicated in the subject general fund annual budget had been authorized on the ground that the positions abolished are not necessary and could be dispensed with without hampering the essential services of the province." The approval by the Secretary of Finance was conditional. It does not appear that the condition imposed by the Secretary of Finance had been fulfilled. It is not shown that before resolution No. 598 was passed the abolition of the positions of seven special counsels in the office of the Provincial Fiscal had been authorized as required by the Secretary of Finance in his letter to the Provincial Governor of July 20, 1964 approving the 1964-1965 budget of the province of Pangasinan. Under Rule VIII, Sec. 5 of the Civil Service Rules, promulgated by authority of Sec. 24(g) of the Civil Service Act of 1959 (R.A. 2260), "all proposed separations or demotions of permanent employees on account of reduction

in force shall be submitted to the head of Department for approval, and employees affected shall be given at least 30 days written notice in advance of the effective date of reduction . . ." There is no showing at all that the Secretary of Justice, who is the head of the Department to which the office of the provincial fiscal of Pangasinan belongs, had approved the separation of the petitioners from the service on account of the reduction of force in the office of the Provincial Fiscal, and neither is it shown that the Secretary of Justice had certified that the positions of the petitioners are not necessary and could be dispensed with without hampering the essential services of the province. Also, it does not appear that the petitioners were given previous notice of the abolition of their positions which had the effect of separating them from the service.

We also hold, therefore, that the abolition of the positions of the petitioners was not in accordance with the provisions of Section 2119 of the Revised Administrative Code as amended by R.A. No. 1063, and the Civil Service Law (R.A. No.2260).

We likewise find that the abolition of the positions of petitioners by the respondents was not done in good faith. The reason given by the respondents in abolishing the positions of the petitioners, as stated in their resolution No. 598, is "considering its retrenchment policy, taking into account the amortization of the overdraft be provided for as required by the Department of Finance . . ." This reason, based on alleged "retrenchment policy", however, is belied by the very act of the respondents of including in the 1964-1965 annual budget new and/or additional items of appropriation far in excess of the amount needed to cover the salaries of the petitioners. As we have adverted to at the early part of this decision, the annual budget of the general fund as approved by the respondents for the fiscal year 1964-1965 carried an appropriation of P75,000.00 for the discretionary fund of the Provincial Board, or a total of P100,000.00, but there was no similar appropriation in the budget of the preceding fiscal year; that in the 1964-1965 budget there is an increase of P47,500.00 in the appropriation for salaries of personnel in the office of the Governor as compared with the 1963-1964 budget; that there is an increase of P50,578.00 in the 1964-1965 budget for the expenses for the office of the Governor and the Provincial Board covering items for travel, transportation, supplies, materials, etc., compared with the appropriation for the same purposes in the 1963-1964 budget; that in the 1964-1965 budget there are items totalling P123,000.00 for projects which did not appear in the 1963-1964 budget; and that as a whole there is an increase of P255,637.72 in the general fund budget for the fiscal year 1964-1965 as compared to the general fund budget for the preceding fiscal year. The 1964-1965 budget, as approved by the respondents further show that there existed an unappropriated excess of income over expenses in the amount of P98,634.00. The reason of the respondents, abolishing the positions of petitioners, based on the ground of "retrenchment policy" is, therefore, not justified by the inclusion of these new, or increased, items which are amounts in excess of the item that was needed to cover the salaries of the petitioners herein. There is reason to believe that the abolition of the positions of the petitioners by the respondents was motivated not by their desire to observe a "retrenchment policy." The abolition of the positions of the petitioners on the alleged ground of "retrenchment policy" in effect resulted in the removal of the petitioners from office without cause, in violation of the security of civil service tenure as provided in the Constitution and existing laws (*Briones, et al., vs. Osmeña, supra.*)

From the time that R.A. No. 4007 took effect on June 18, 1964, and it was thereby declared that the petitioners had become permanently appointed to their positions, it became the duty of the respondents to comply with that law by maintaining the petitioners in office and by providing appropriations for their salaries in accordance with the said law. To sanction the act of the respondents in abolishing petitioners' positions is to allow them to disregard the law. Until Rep. Act 4007 is repealed, that law must be respected, obeyed and given effect. In the case of *Bernardo vs. Pascual*, 93 Phil. 345, this Court held that it was the mandatory duty of the provincial board of Rizal to provide appropriation for the salary increases of the assistant provincial fiscals in the province of Rizal as provided in Republic Act 732.[3] We held in that case that the provincial board of Rizal has no discretion

whether to appropriate or not to appropriate the amount needed to cover the increase in salaries of the officials concerned. In that case, this Court said:

" . . . They have no discretion to appropriate or not to appropriate the amount necessary to pay the increased salaries. They are duty bound to make the appropriation - enough money being ready for use in the provincial coffers. Moral obligations or other political considerations should not stand in the way of the fulfillment of duties imposed by legislation which provincial boards are not at liberty to ignore." (Italics supplied)

And so, in the present case, because R.A. 4007 provides that special counsels who have served continuously and efficiently for a period of at least four years are deemed to have been appointed permanently, and that special counsels who have served for at least six years are entitled to a salary equal to the rate of salary provided for by law for the lowest rank or grade of assistant fiscal in the province, the respondents, as members of the Provincial Board of Pangasinan, have no discretion whether to appropriate or not to appropriate the amount needed to cover the salaries of the petitioners. The law has imposed on the respondents a duty which they are not at liberty to ignore.

It is true that in the case of *Rodriguez vs. Montinola*, 94 Phil. 965, this Court held that the Provincial Board of Pangasinan had power to abolish the position of three special counsels in the office of the Provincial Fiscal in that province, based on the principle in the law of public administration that the power to establish a public office carries with it the authority to abolish it, and that the Secretary of Finance had no authority to disapprove the resolution of the provincial board abolishing the positions. It was then held by this Court that for the Secretary of Finance to approve or disapprove the act of the provincial board in the matter of the abolition of positions was to exercise "control" which was not contemplated in the power of supervision by the President of the Philippines over local governments—the Secretary of Finance being considered an alter ego of the President. This Court said ". . . Unless the acts of local officials or provincial government constitute maladministration, or an abuse or violation of the law, the power of general supervision can not be exercised." This Court said further; "The act of the provincial board in suppressing the position of three special counsels not being contrary to law . . . the same may not be disapproved by the Secretary of Finance acting as representative of the President by virtue of the latter's power of general supervision over local governments . . ." (Italics supplied).

It will be noted that in the decision above-quoted, this Court referred to the act of the provincial board in suppressing the position of three special counsel as "not being contrary to law". It must also be noted, however, that since the *Rodriguez vs. Montinola* case was decided, on May 14, 1954, the situation has changed. On June 12, 1954, R.A. No. 1063, amending Section 2119 of the Revised Administrative Code, took effect. This law provides, among others, that "Abolition of positions shall not take effect except upon approval by the Secretary of Finance." Again, on June 19, 1959, R.A. No. 2260 known as the Civil Service Law took effect, and pursuant to Section 24(g) of said law Rule VIII of the Civil Service Rules was promulgated. Section 5 of said Rule VIII provides that separations of permanent employees on account of reduction of force shall be submitted to the head of the Department for approval, and employees affected be given 30 days written notice in advance of the effective date of reduction. Finally, on June 16, 1964 R.A. 4007 took effect, declaring as permanently appointed to their positions those special counsels "who had served in office continuously and efficiently for at least four years and may not be removed from office except for cause as provided in the civil service law, rules or regulations.

We have adverted to that the Secretary of Finance had approved the 1964-1965 budget of the province of Pangasinan subject to a condition as far as the abolition of positions is concerned, and the condition was not fulfilled; that the abolition of the positions of the petitioners was not in accordance with the civil service law and rules; and that the abolition of the petitioners' positions was contrary to the spirit and expressed provisions of R.A. No. 4007. Thus, the ruling in the case of *Rodriguez vs. Montinola*,<sup>[4]</sup> supra, that the provincial board of

Pangasinan may abolish the positions of special counsels would not hold now because when that case was decided the act of the provincial board in suppressing the positions of three special counsels was held by this Court as "not being contrary to law." Republic Acts Nos. 1063, 2260 and 4007 were not yet in force when that ruling was made. On the other hand, the ruling of this Court in the case of *Castillo vs. Pajo*[5], *supra*, which says:

" . . . There is no statute expressly empowering the Board to abolish the offices or positions it has created; however, it is a well-established principle in the law of public administration that the power to establish an office includes the authority to abolish it - unless there are constitutional and statutory rules expressly or impliedly providing otherwise . . ." (Italics supplied)

is squarely applicable in the case now before Us.

We, therefore, declare, and so hold, that the abolition of the positions of the petitioners as special counsels in the office of the Provincial Fiscal of Pangasinan, pursuant to resolution No. 598 which was approved by the respondents on June 15, 1964 but made to take effect on July 1, 1964, is illegal. We hold that the respondents have unlawfully excluded the petitioners from the enjoyment of a right or office to which they are entitled. We finally hold that in failing to include item or items in the 1964-1965 annual budget for the province of Pangasinan, and/or in refusing to approve a supplemental budget for the fiscal year 1964-1965 including item or items, to cover appropriations for the salaries of the petitioners, the respondents have unlawfully failed or neglected the performance of an act which the law enjoins as a duty resulting from office.

In view of the foregoing, the writ of mandamus prayed for by the petitioners should be, as it is hereby, granted. The respondents, as members of the provincial board of Pangasinan, are commanded to appropriate, without unnecessary delay, the amounts necessary for the salaries of petitioners, as stated in this decision, for the fiscal year 1964-1965 and for the fiscal years thereafter, in consonance with the provisions of R.A. 4007, together with such amounts as may be necessary to pay the contribution of the province of Pangasinan to the GSIS in connection with the insurance and retirement privileges of the petitioners. No costs. It is so ordered.

Bengzon, C.J., Bautista Angelo, Concepcion, Reyes, J.B.L., Barrera, Dizon, Regala, Makalintal, Bengzon, J.P., and Sanchez, JJ., concur.

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[1] *Castillo vs. Pajo*, 103 Phil., 515; 54 Off. Gaz., page 6738.

[2] *Briones, et al., vs. Osmeña, et al.*, 104 Phil., 588; *Urgello, et al. vs. Osmeña, et al.*, G.R. No. L-14908, October 31, 1963.

[3] This ruling is reaffirmed in the case of *Guerrero, et al., vs. Carbonnel, et al.*, G. R. No. L-7180, March 15, 1955.

[4] Decided, May 14, 1954.

[5] Decided, April 28, 1958

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