

DR. FLOR J. LACANILAO, PETITIONER, VS. CAPT. JUAN DE LEON (P.N.), RESPONDENT.

G.R. No. 76532. January 26, 1987

Ponente: FELICIANO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-76532/>

FELICIANO, J.:

In this special civil action of quo warranto, petitioner Dr. Flor J. Lacanilao asserts that he is the lawful holder of the position of Chief of the Southeast Asian Fisheries Development Center — Aquaculture Department, and seeks to prevent Juan de Leon, a retired navy captain, from usurping and taking over or occupying the said office and from exercising the functions and responsibilities of such office.

The Southeast Asian Fisheries Development Center (SEAFDEC) was established by an Agreement that was signed in Bangkok on 28 December 1967 by the Governments of the following countries: Burma, Cambodia, Indonesia, Japan, Laos, Malaysia, the Philippines, Singapore, Thailand and Vietnam.[1] The general purpose of the SEAFDEC is “to contribute to the promotion of the fisheries development in Southeast Asia”,[2] which purpose is to be realized by carrying out the following functions:

- "(i) to train fisheries technicians of the Southeast Asian countries;
- (ii) to study such fisheries techniques as are suited to the fisheries in Southeast Asia;
- (iii) to develop fishing grounds and to conduct investigation of fisheries resources and research in fisheries oceanography in Southeast Asia;
- (iv) to collect and analyze information related to the fisheries in Southeast Asia;
- (v) to provide the Members with the results of studies and researches by the Center and other information; and
- (vi) to handle other matters related to the functions referred to in (i) to (v) of this Article.”[3]

The SEAFDEC has the following principal organs: the Council, where each member government is represented by one Director and an Alternate Director; the Secretariat, which consists of a Secretary-General, a Deputy Secretary-General and the Secretariat staff; and such Departments as may be created by the Council.[4] Each Department consists of a Department-Chief, a Deputy Department-Chief and Department staff. In July 3-7, 1973, the SEAFDEC Council at its sixth meeting held in Kuala Lumpur, approved the establishment of an Aquaculture Department in the province of Iloilo, Philippines. The Government of the Philippines has granted certain tax exemption privileges to the Aquaculture Department of SEAFDEC as well as to foreign (non Philippine) citizens serving on the technical and scientific staff of the Aquaculture Department.[5]

Under Article 6 (2) (vi) of the Agreement Establishing the SEAFDEC, the power to appoint Department-Chiefs rests in the Council of the SEAFDEC. Article 10 of the Agreement further provides:

xxx

xxx

xxx

- The Department-Chief shall be appointed by the Council upon the recommendation of the government of the member country in whose territory the Department is located and the Deputy Department-Chief shall be appointed by the Council upon the recommendation of the government of Japan.
- The term of Office of the Department-Chief and the Deputy Department-Chief shall be two years and they may be re-appointed.
- The Department staff shall be appointed by the Department-Chief.

x x x" (Underlining supplied)

Just before and immediately after the February 1986 revolution in the country, the position of Department-Chief of the Aquaculture Department, SEAFDEC, was held by Dr. Alfredo C. Santiago, Jr. Dr. Santiago was prevailed upon to withdraw as Chief of the Aquaculture Department and to surrender his office to the petitioner. By a letter dated 8 April 1986, the Minister of Agriculture and Food, acting "by authority of the President", nominated the petitioner as Chief of the Aquaculture Department of SEAFDEC.[6] This recommendation was immediately transmitted to the Secretary-General of SEAFDEC, who holds office in Bangkok, Thailand.

By an urgent telex dated 8 April 1986 addressed to the petitioner, the Secretary-General of SEAFDEC acknowledged receipt of the petitioner's "nomination by the President of the Philippines as new Chief for the SEAFDEC AQD".[7] The Secretary General advised the petitioner, in the same telex, that pending Council approval of his nomination, the petitioner was requested "to serve as [Officer-in-charge] for AQD effective today" and was authorized "to take necessary actions to ensure orderly transfer of power in both administration and finance".

By another telex dated 11 April 1986, the Secretary General advised the petitioner that the Secretariat had received the favorable vote of a majority of the members of the Council, and that, consequently, under Article 7 (2) of the Agreement Establishing the SEAFDEC, "the appointment of Dr. Flor J. Lacanilao as AQD Chief [had been] approved by SEAFDEC Council".[8] It appears that the Council was not then in session and we assume that the members were canvassed by telephone, telex or other comparable means and their votes obtained or transmitted by the same means.[9]

By a letter dated 13 June 1986, the Secretary General formally advised the SEAFDEC Council Director for Japan (and presumably the Council Directors for the other member countries) that "the Secretariat has received a unanimous vote for the appointment of Dr. Flor J. Lacanilao as Chief of the SEAFDEC Aquaculture Department effective 8 April 1986, for a period of two years, as recommended by the government of the Republic of the Philippines".[10]

Accordingly, the petitioner entered upon the discharge of the functions and duties of Chief of the Aquaculture Department, SEAFDEC and continued to do so from early April 1986 until about 21 November 1986.

On or about 21 November 1986, while Dr. Lacanilao was in Tokyo, Japan attending the annual SEAFDEC Council meeting, the respondent, attended by groups of retainers and assistants, entered and took physical possession of the different offices of the Aquaculture Department, SEAFDEC, i.e., its Manila Liaison Office, its Research Stations in Binangonan, Naujan, Tigbauan and Leganes, as well as its Iloilo Liaison Office. Having physically occupied the office of the Aquaculture Department, the respondent instantly undertook to exercise the functions of the Department-Chief, and in the process took immediate control of all purchases and payments,

stopped the issuance of checks, recalled all motor vehicles assigned to various officers and agencies of the Department, immediately terminated the services of all consultants of the Department and put his own followers in charge of the various sections and agencies of the Department.

The petitioner and other previously appointed or designated Aquaculture Department Officers and employees protested and have opposed and resisted the respondent's assertion of power and physical occupation of the Aquaculture Department by the respondent and his followers who have refused to vacate the offices and stations they have physically occupied.

On 25 November 1986, immediately upon his return from Tokyo, Dr. Lacanilao filed in this Court a sworn Petition for Quo Warranto with prayer for preliminary injunction dated 24 November 1986. In the afternoon of 26 November 1986, the petitioner filed an urgent ex-parte motion for a temporary restraining order, stating that that morning, he had been served with summons issued by Judge Eutropio Migriño of the Regional Trial Court of Pasig, Branch 151, in Civil Case No. 54091 entitled "Southeast Asian Fisheries Development Center — Aquaculture Department et al., vs. Flor J. Lacanilao," together with a restraining order issued by the same judge purporting to restrain the petitioner from discharging the functions and exercising the privileges pertaining to the office of the Chief of the Aquaculture Department, SEAFDEC, disbursing funds of the Aquaculture Department, using any of its facilities and vehicles and otherwise acting in his capacity of Chief of the Aquaculture Department.

On 27 November 1986, we issued a temporary restraining order enjoining Judge Migriño from proceeding with Civil Case No. 54091 of the Regional Trial Court of Pasig, Branch 151, and from implementing and enforcing his restraining order issued in the said civil case, and further restraining the respondent Capt. Juan de Leon from assuming and/or continuing to exercise the functions of the office of the Chief of the Aquaculture Department, SEAFDEC, from intimidating the officers and personnel of the SEAFDEC, in particular the use of armed men in such intimidation, and from occupying and otherwise intervening in the functions and activities of the Aquaculture Department.

In his Comment filed on 18 December 1986 on the Petition for Quo Warranto in accordance with the resolution of this Court, the respondent claims that he is entitled to the office of Chief of the Aquaculture Department, SEAFDEC, by reason of a recommendation in his favor embodied in a letter dated 12 November 1986 signed by the Vice President and Minister for Foreign Affairs and addressed to the Secretary-General of SEAFDEC. This letter reads as follows:

"The Government of the Republic of the Philippines is pleased to submit the nomination of Juan A. de Leon as Chief of the Aquaculture Department of SEAFDEC for a two-year term vice Dr. Flor J. Lacanilao. This nomination is being submitted for consideration in the annual meeting of the SEAFDEC Council of Directors scheduled in Tokyo next week in accordance with Article 10 of the SEAFDEC Agreement.

The term of Mr. de Leon shall take effect on November 21, 1986. x x x"

Copies of this letter were apparently sent to the SEAFDEC Council Directors for Japan, Malaysia, Philippines, Singapore and Thailand.

In another letter also dated 12 November 1986, addressed to the respondent, the Vice President and Minister for Foreign Affairs advised him that the Ministry of Foreign Affairs

"has approved your nomination as Chief of the Aquaculture Department of the Southeast Asian Fisheries Development Center (SEAFDEC) for a term of two years starting November 21, 1986.

In accordance with established procedure of the SEAFDEC nomination, this Ministry has advised the

Secretary-General of SEAFDEC regarding your nomination.

You are, therefore, directed to assume the foregoing position effective November 21, 1986, and to request, for this purpose, the assistance of government offices and agencies concerned."

It was under cover of this letter that the respondent, about nine days later, launched his physical occupation of the office of the Chief of the Aquaculture Department, with all the planning and dispatch of a military campaign.

The receipt of the 12 November 1986 nomination of the respondent as Chief of the Aquaculture Department, SEAFDEC, caused consternation in the SEAFDEC Council meeting in Tokyo, where Dr. Lacanilao was present. Objections were raised and the Council refrained from acting on the respondent's nomination. The formal response of the SEAFDEC Council is embodied in a letter dated 21 November 1986 addressed by Mr. K. Kimura, Chairman of the SEAFDEC Council of Directors, to Mr. Juanito B. Malig, Council Director for the Philippines:

"I have the honour to refer to the Secretary-General's letter of 18 November 1986 informing the Council Directors that the Vice President and Minister for Foreign Affairs of the Government of the Philippines has officially submitted, by his letter of 12 November 1986, the nomination of Mr. Juan A. De Leon as Chief of the Aquaculture Department, effective 21 November 1986.

In this connection, you have mentioned to the Council Members that neither the President of the Philippines nor the Minister of Agriculture and Food have withdrawn support for Dr. F.J. Lacanilao, appointed by the Council for a two-year term effective 8 April 1986, as Chief of AQD.

I therefore would like to convey to you the unanimous agreement of the Council Members asking you to seek further clarification on this matter and inform SEAFDEC Council accordingly." [11]

We note from this letter that the SEAFDEC Council of Directors has not approved the nomination of respondent as Chief of the Aquaculture Department. So far as the records of this case in this Court show, the SEAFDEC Council has not taken any further action on such nomination.

The recommendation in favor of the respondent must be regarded as legally ineffective for the fundamental reason that there existed no vacancy to which the respondent could be nominated by the Government of the Republic of the Philippines and to which the respondent could be appointed by the SEAFDEC Council. Notwithstanding the insinuations of the respondent, we have no doubt that Dr. Lacanilao was lawfully entitled to hold the position of the Chief of the Aquaculture Department, SEAFDEC, as of 21 November 1986 when the respondent and his assistants and retainers introjected themselves in the offices of the Aquaculture Department. Until the tenure of the petitioner is lawfully terminated in accordance with the laws and regulations governing such tenure, no nomination for the same position can be approved and given effect. It is clear that the nomination of the respondent for a position then lawfully filled in accordance with the provisions of the Agreement Establishing the SEAFDEC, did not have the effect of removing or otherwise terminating the two-year term of the petitioner. The power to appoint having been vested by Article 6 of the SEAFDEC Agreement in the Council, the power to remove must likewise be deemed lodged in the Council, and not in the nominating member-government. It is worth noting that under Article 6 (2) of the Agreement, the power to appoint the Department-Chiefs and the Deputy Department-Chiefs cannot be delegated by the Council to the Secretary-General. It follows, under the present terms of the SEAFDEC Agreement, that the power to remove cannot similarly be delegated to the Secretary-General.

It has been suggested by the respondent that a nomination by the Government of the Republic of the Philippines to the office of the Chief of the Aquaculture Department should be regarded as equivalent to an appointment to such position, upon the ground that "by established diplomatic procedure (sic), the appointment to be made by the SEAFDEC Council based on such nomination or recommendation would be merely ministerial as the Council,

again by force of international procedure (sic) could not override or reject such nomination." [12] This suggestion of the respondent is bereft of any basis in the Agreement Establishing the SEAFDEC and indeed flies in the face of Article 10 (2) of that Agreement. Under Article 10 (2) of the Agreement, two distinct acts are essential for a Department-Chief to be lawfully entitled to his position as such: the recommendation of the government of the member country in whose territory the department is located; and the appointment to such position by the SEAFDEC Council. The recommendation by the government of the member country must be accepted by the Council; a Department-Chief must be acceptable to both the host government and the Council of the SEAFDEC. If it be assumed that the SEAFDEC Council has in the past uniformly accepted the recommendations of the government of the host member country, that circumstance assuredly does not mean that the SEAFDEC Council cannot, under its constitutional document, reject such a recommendation. Neither can it be supposed that the recommendation by the government of the host member country, by itself and without more, would be sufficient to vest lawful title to the office concerned. It follows that the recommendation dated 12 November 1986 in favor of the respondent cannot, in and of itself, be regarded as lawfully authorizing him to assume the office of the Chief of the Aquaculture Department, SEAFDEC, and to exclude the petitioner from that same office.

We hold, accordingly, that the petitioner is entitled to the position of Chief of the Aquaculture Department, SEAFDEC, for the duration of his term or until that term is otherwise ended conformably with applicable law, including applicable regulations of the SEAFDEC.

The respondent also argues that the position of Chief of the Aquaculture Department, SEAFDEC, is not a "public office" and therefore not a proper subject of inquiry in a quo warranto proceeding. The respondent further asserts that the Aquaculture Department, SEAFDEC, is not a corporation and that the office of the Chief of the Aquaculture Department is not therefore a corporate position. These arguments need not detain us for long. It is not necessary for us here to determine the precise nature of the position of Chief of the Aquaculture Department, SEAFDEC. The SEAFDEC exhibits some of the features of an intergovernmental organization, albeit of a fairly rudimentary type. Thus, the position of the Chief of the Aquaculture Department may be assimilated to a position within an intergovernmental organization. There appears nothing to prevent the petitioner, as the lawful holder of an office within an international organization having offices within the territory of the Philippines, from seeking the assistance of the courts of the Philippines in protecting his right to such office against the pretensions of the respondent. The respondent himself sought the assistance of the Regional Trial Court, Pasig, Branch 151, by filing a complaint for injunction and damages, in attempting to prevent the petitioner from continuing to exercise the rights and responsibilities attaching to the position of Chief of the Aquaculture Department. In his complaint for injunction, the respondent made allegations entirely analogous to those made in petitioner's Quo Warranto petition: his own right to the office, and the defendant's (petitioner herein) lack of right to the same office.

We would note, finally, that the present petition relates to a controversy between two claimants to the same position; this is not a controversy between the SEAFDEC on the one hand, and an officer or employee, or a person claiming to be an officer or employee, of the SEAFDEC, on the other hand. There is before us no question involving immunity from the jurisdiction of the Court, there being no plea for such immunity whether by or on behalf of SEAFDEC, or by an official of SEAFDEC with the consent of SEAFDEC.

The present controversy has created considerable confusion and anxiety among the officers and employees of the Aquaculture Department and threatens the paralization of the important activities, and dissipation of funds and assets, of that Department. This controversy should be resolved forthwith. In the exercise of the broad jurisdiction of this Court and in the interest of prompt and substantial justice, we treat the petition in this case as a petition for injunction, the respondent's comment as his answer thereto and dispose of the case accordingly.

WHEREFORE, the respondent is hereby enjoined from assuming the position and from discharging, or

continuing to discharge, directly or indirectly, the powers and functions of the Chief of the Aquaculture Department, SEAFDEC. All acts, contracts and directives done or issued by the respondent, or by persons appointed or designated by him, are invalid and ineffective unless adopted or ratified by the petitioner or other competent authority of the Aquaculture Department, SEAFDEC. The Temporary Restraining Order we issued on 27 November 1986 is hereby made permanent. No pronouncement as to costs.

SO ORDERED.

Fernan, Narvasa, Melencio-Herrera, Alampay, Gutierrez, Jr., Paras, Gancayco, Padilla, and Bidin, JJ., concur.

Teehankee, C.J., with brief concurrence.

Yap, J., see concurring opinion.

Cruz, J., see dissent.

[1] Text in 5 Philippines Treaty Series 680.

[2] Article 1, Agreement Establishing the SEAFDEC.

[3] Article 2, Id.

[4] Articles 4, 5, 8 and 10, Id.

[5] Presidential Decree No. 292, dated 13 September 1973.

[6] Annex "B" of Petition for Quo Warranto.

[7] Annex "C", Id.

[8] Annex "D", Id. Article 7 (2) of the Agreement Establishing the SEAFDEC provides that "except as otherwise provided [therein], all matters before the Council shall be decided by a majority of the Members present and voting."

[9] We note in this connection that Article 7 (5) of the Agreement Establishing the SEAFDEC expressly authorizes the adoption of such a procedure: "The Council may, by regulation, establish a procedure whereby the Chairman of the Council may, when the latter deems such action advisable, obtain a vote of the Directors on a specific question without calling a meeting of the Council." (Underscoring supplied).

[10] Annex "E" of Petition for Quo Warranto; this same letter is attached as Annex "2" of the Comment, dated 18 December 1986, filed by the Respondent on the Petition for Quo Warranto.

[11] Respondent's Comment dated 18 December 1986

[12] Comment, dated 18 December 1986, p. 23; underlining supplied.

CONCURRING

TEEHANKEE, C.J.:

I wish to add briefly that under the Rule of Law, the Court is called upon to intervene and adjudicate the conflicting claims to the same position between the parties, as prayed for by petitioner. Where petitioner was duly nominated by authority of the President for the position of Department Chief of the Aquaculture Department of

the SEAFDEC with offices located in the Philippines and was appointed thereto for a two-year term by unanimous vote of the SEAFDEC Council of Directors, while respondent did not have such nomination and appointment, it behooved respondent not to take the law into his own hands and forcibly occupy the different offices of SEAFDEC AQD at a time when petitioner was discharging his official duties in Tokyo, Japan, attending the annual SEAFDEC Council Meeting there. It is time that the martial law regime's legacy of the law of force be discarded and that there be a return to the force and rule of law. Respondent's recourse, if he felt entitled to the office, was to exhaust his administrative remedies with the proper Philippine authorities, and if not satisfied therewith, to go to court to assert his alleged rights. Respondent's unilateral taking over of the office and then going to the lower court one day after the filing in this Court of petitioner's petition and securing therein a restraining order against petitioner cannot be sanctioned under the Rule of Law.

CONCURRING

YAP, J.:

I concur with the following observations.

I subscribe to the position that the prerogative writ of quo warranto would not lie to determine who between the competing parties should occupy the Office of the Chief of the Aquaculture Department, SEAFDEC, the said office not being a public office in the Republic of the Philippines or an office in a corporation created by authority of Philippine law. The determination of such matter lies within the prerogative of the SEAFDEC Council. However, the facts of the case show that the Philippine Government was advised on April 11, 1986 by the Secretary General of SEAFDEC that the appointment of the petitioner as AQD Chief had been approved by the SEAFDEC Council. Until that appointment is revoked or changed by SEAFDEC and properly notified to the Philippine Government, the petitioner is entitled to be protected by the Philippine authorities, including the courts, from being disturbed in the lawful exercise of his functions as AQD Chief of SEAFDEC. Hence, the action of this Court is merely to grant an injunctive relief and should not be viewed as an encroachment upon the undisputed prerogative of the SEAFDEC Council to appoint the Chief of the Aquaculture Department which is located in the Philippines.

DISSENTING

CRUZ, J.:

I am not persuaded that we have jurisdiction in this petition for quo warranto over the disputed office which is clearly not a public office in the Republic of the Philippines. It seems to me that the matter comes under the authority of the Southeast Asian Fisheries Development Center — which is not even a party in this case — to which the disputed office pertains. The fact that the persons claiming the same are both Philippine citizens cannot divest the SEAFDEC of such authority, especially if we consider that it is this body that has the power to appoint and dismiss its officials, as the majority opinion emphasizes. In ruling on this dispute, we may be encroaching on a prerogative of the SEAFDEC.

The letter of the SEAFDEC Council quoted in full in the majority opinion says little and proves nothing, being cautiously non-committal pending clarification of the current conflict. There is no suggestion in it that the SEAFDEC cannot resolve the conflict or that it is in any way surrendering its right to do so in the future. I read the letter to simply mean that it is asking for more information — specifically, the position of our government on

the muddled situation —as a possible basis for the resolution of the matter by the SEAFDEC itself. As for the information sought, that is something that can come not from this Court but from the executive department after it shall have settled what appears to be a disagreement between two of its ministries.

The majority opinion observes that the SEAFDEC "has not approved the nomination of the respondent," as if to suggest that the SEAFDEC has disapproved it. On the other hand, it could also be asserted that the SEAFDEC has not yet approved such nomination pending the clarification it seeks (and not from us). In any event, the question is in my view not for this Court to decide, at least at this time, if we are to manifest, a becoming respect for an international organization to which we have accorded the hospitality of our territory. I submit that such hospitality does not include interfering in the internal affairs of the SEAFDEC, whatever our feelings on the merits of the present case.

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.