

**GOVERNOR FELICISIMO T. SAN LUIS, THE SANGGUNIANG
PANLALAWIGAN, PROVINCIAL ENGINEER JUANITO C. RODIL AND
PROVINCIAL TREASURER AMADEO C. ROMEY, ALL OF LAGUNA,
PETITIONERS, VS. COU...**

G.R. No. 80160. June 26, 1989

Ponente: CORTES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-80160/>

CORTES, J.:

The instant petition for certiorari and mandamus and/or appeal by certiorari assails the appellate court's ruling that mandamus lies to compel the reinstatement of a quarry superintendent in the provincial government of Laguna who was initially detailed or transferred to another office, then suspended, and finally dismissed following his expose of certain anomalies and irregularities committed by government employees in the province.

The background facts, as narrated by the respondent Court of Appeals are:

Records show that at all pertinent times, petitioner-appellant (private respondent herein) had been the quarry superintendent in the Province of Laguna since his appointment as such on May 31, 1959. In April and May of 1973, petitioner-appellant denounced graft and corrupt practices by employees of the provincial government of Laguna. Thereafter, the development of events may be briefly encapsulated as follows:

a. On July 20, 1973, herein respondent-appellee provincial governor (one of the petitioners herein) issued Office Order No. 72 transferring Berroya to the office of the Provincial Engineer. An amended office order invoked LOI 14-B for said transfer.

b. Berroya challenged said transfer, and on October 25, 1973, the Civil Service Commission ruled the same violative of Section 32, RA 2260, and ordered that Berroya be reverted to his regular position of quarry superintendent.

c. On December 12, 1973, instead of complying with the CSC directive that Berroya be reverted to his regular position, herein respondent-appellee provincial governor suspended Berroya for alleged gross discourtesy, inefficiency and insubordination. On that basis, reconsideration of the CSC directive that Berroya be reverted to the position of quarry superintendent was sought as academic (sic).

d. On February 26, 1974, the Civil Service Commission reiterated its October 25, 1973 directive for the immediate reversion of Berroya to his former position, and ruled the one-year suspension illegal.

e. Respondent-appellee provincial governor appealed to the Office of the President from the CSC rulings alluded to.

f. On May 29, 1974, there issued OP Decision 954, Series of 1974 reversing the CSC rulings without prejudice to the decision of the Local Review Board [which had in fact already sustained the one-year suspension under date of May 6, 1974].

g. On petitioner-appellant's motion for reconsideration, the Office of the President rendered OP Decision 1834,

Series of 1976, dated May 19, 1976, setting aside OP Decision 954, declaring the one-year suspension improper, and ordering payment of back salaries to Berroya.

h. Respondent-appellant moved for reconsideration of OP Decision 1834 on June 14, 1976. The said motion for reconsideration was denied on November 6, 1978.

i. In the interim, respondent-appellant provincial governor issued an Order of April 27, 1977 dismissing Berroya for alleged neglect of duty, frequent unauthorized absences, conduct prejudicial to the best interest of duty and abandonment of office, which order of dismissal was appealed by Berroya to the Civil Service Commission on May 12, 1977.

j. On January 23, 1979, the Civil Service Commission resolved said appeal by declaring the dismissal unjustified, exonerating Berroya of charges, and directing his reinstatement as quarry superintendent.

k. On February 14, 1979, respondent-appellee provincial governor sought relief from the CSC decision of January 23, 1979 declaring Berroya's dismissal unjustified.

l. On October 15, 1979, the CSC Merit System Board denied said motion for reconsideration in its Resolution No. 567.

m. Thereafter, respondent-appellee provincial governor moved anew to set aside OP Decision 1834, Series of 1976 - the first motion for reconsideration of which had been denied on November 6, 1978. (ref. #h, supra). The Office of the President dismissed said motion on March 27, 1981.

Petitioner-appellant's formal demand for reinstatement to the position of quarry superintendent having been disdained despite the factual antecedents aforesaid, he filed, [on May 27, 1980] the antecedent Civil Case No. SC-1834 for mandamus to compel his reversion to the position of quarry superintendent at the Oogong Quarry, with back salaries for the entire period of his suspension and dismissal (exclusive of leaves of absence with pay), and prayed for moral and exemplary damages, attorney's fees and expenses of suit.

Respondents-appellees moved to dismiss said petition for mandamus, as amended, and opposed the therein application for preliminary injunctive relief for immediate reinstatement.

In an Order of December 1, 1980, the trial court denied the application for preliminary injunctive relief "until after the parties shall have adduced evidence, pro and con, the grant of injunctive relief", and similarly deferred its resolution on the motion to dismiss "for lack of merit for the present x x x until after the trial."

On December 15, 1980, respondents-appellees answered the petition for mandamus and prayed that judgment be rendered -

1. Dismissing the Complaint and denying the prayer for Preliminary Injunction;
2. Declaring petitioner to have been legally separated or dismissed from the government service;
3. Ordering petitioner to pay each of them the sum of P200,000.00 by way of moral damages; P100,000.00 as exemplary damages and P10,000.00 as attorney's fees plus P300.00 each per court appearance; other litigation expenses which may be incurred as may be proved in due course; and to pay the costs of suit [Rollo, pp. 35-37.]

During the pendency of the civil case for mandamus, on April 9, 1981 petitioner provincial governor filed a petition for relief from O.P. Decision 1834 with the Office of the President. This was denied on November 27, 1984 on the ground that only one motion for reconsideration of O.P. Decision 1834 was allowed, the petition for relief being the third such motion filed by petitioner.

On May 17, 1985, after trial, the court a quo rendered its decision finding the transfer of petitioner-appellant from

his position of quarry superintendent to the office of the Provincial Engineer sufficiently warranted. Furthermore, his one-year suspension was found to be proper under LOI 14-B and unassailable upon affirmation by the Local Review Board. His summary dismissal was likewise found to be a justified exercise of the authority granted under LOI 14-B. The trial Court further decided "that none of the respondents should be held personally liable in their private capacity to the petitioner because their actuations are not at all tainted with malice and bad faith" [Rollo, p. 38.]

However, although the trial court upheld the validity of Berroya's dismissal, it nevertheless ordered his reinstatement to an equivalent position as a matter of equity. Hence, the dispositive portion of its decision reads as follows:

WHEREFORE, judgment is hereby rendered:

1. Ordering respondents to reinstate petitioner to any position equivalent to that of a quarry superintendent which has been abolished in the present plantilla of the provincial government of Laguna as reorganized pursuant to PD 1136 without diminution in rank and salary;
2. Ordering respondents to pay the back salary of petitioner from April 26, 1977 to September 1, 1977 only and appropriating funds therefor, as soon as this decision becomes final;
3. Dismissing all claims and counterclaims of both parties for other damages including attorney's fees [Rollo, p. 35.]

On June 6, 1985, herein private respondent Berroya appealed from the decision of the Regional Trial Court dated May 17, 1985. The appeal was resolved by the respondent Court of Appeals in his favor in a decision which was promulgated on April 30, 1987, the decretal portion of which states:

WHEREFORE, the present appeal is accordingly resolved as follows:

- (a) Petitioner-appellant is ordered to be reinstated to the position of quarry superintendent of the Oogong Quarry in Laguna or to the position which said office may now be called pursuant to the reorganization of the plantilla of the Provincial Government of Laguna under PD 1136, without diminution in rank and salary;
- (b) Respondents-appellees are ordered to pay the back salary of petitioner-appellant corresponding to the period of suspension and of illegal dismissal from the service, exclusive of that corresponding to leaves of absences with pay;
- (c) Respondents-appellants (sic) are ordered, jointly and severally, to pay petitioner-appellant the sum of P50,000.00 as and for moral damages;
- (d) Respondents-appellants (sic) are ordered, jointly and severally, to pay petitioner-appellant the further sum of P20,000.00 as and for attorney's fees, plus costs and expenses of suit.

The decision of May 17, 1985, in Civil Case No. SC-1748 is accordingly set aside forthwith.

With costs against respondents-appellees.

SO ORDERED. [Rollo, p. 43.]

Petitioners moved to reconsider the decision of the appellate court but their motion was denied. Hence, the instant petition docketed as G.R. No. 80160, which is "both or alternatively an original action for certiorari and mandamus and an appeal by certiorari" [See Rollo, p. 1, et seq.] Another petition for review of the Court of Appeals' decision was filed with this Court on October 8, 1987 docketed as G.R. No. 79985 by the same petitioners. However, in a resolution dated November 16, 1987, the Court noted the manifestation/motion filed by

petitioners stating, among other things, that the petition docketed as G.R. No. 79985 be considered withdrawn and the petition dated October 16, 1987 which was filed on October 19, 1987 and docketed as G.R. No. 80160 be considered as the main and real petition [Rollo, p. 50.]

Accordingly, the parties were required to submit their respective pleadings in G.R. No. 80160. The petition in G.R. No. 80160 contains the following assignment of errors:

First

THE RESPONDENT COURT GRAVELY ABUSED ITS DISCRETION AS WELL AS EXCEEDED ITS JURISDICTION IN DENYING PETITIONERS' MOTION FOR RECONSIDERATION BY MEANS OF A MERE MINUTE RESOLUTION, STATING NO LEGAL BASIS THEREFOR, IN GROSS VIOLATION OF THE CONSTITUTION'S EXPRESS MANDATE AND WHEN IT STATED AND HELD IN SAID RESOLUTION "THAT NO NEW REASON HAS BEEN ADDUCED [IN SAID MOTION] TO JUSTIFY A REVERSAL OR MODIFICATION OF [ITS] FINDINGS AND CONCLUSIONS".

Second

THE RESPONDENT COURT ERRED AND GRAVELY ABUSED ITS DISCRETION AS WELL AS EXCEEDED ITS JURISDICTION IN FINDING THAT THE RESPONDENT MARIANO L. BERROYA, JR. DOES NOT FALL UNDER THE CATEGORY OF "NOTORIOUSLY UNDESIRABLE" AND THAT THE "APPLICABILITY OF LOI 14-B TO RESPONDENT BERROYA IS OPEN TO QUESTION AS HE WAS NEVER ASKED TO RESIGN AS BEING NOTORIOUSLY UNDESIRABLE".

Third

THE RESPONDENT COURT BLATANTLY ERRED AND GRAVELY ABUSED ITS DISCRETION AS WELL AS EXCEEDED ITS JURISDICTION IN FINDING THAT THE "RECALL" OF THE DISMISSAL ORDER IS ITSELF ATTENDED BY A TOUCH OF MYSTERY, MENTIONED ONLY IN THE TESTIMONY OF PETITIONER PROVINCIAL GOVERNOR, UNFORTIFIED BY ANY WRITING THEREOF, AND NOT ADVERTED TO IN THE DECEMBER 15, 1980 ANSWER FILED IN THE ANTECEDENT MANDAMUS ACTION, AND IN NOT FINDING THAT RESPONDENT BERROYA COMMITTED ABANDONMENT OF OFFICE.

Fourth

THE RESPONDENT COURT ERRED AND GRAVELY ABUSED ITS DISCRETION AS WELL AS EXCEEDED ITS JURISDICTION IN FINDING THAT THE DECISION OF THE LOCAL BOARD OF REVIEW UNDER LOI 14-B MAY BE REVIEWED UNDER THE CONSTITUTIONAL PREROGATIVE OF THE PRESIDENT TO SUPERVISE LOCAL GOVERNMENT UNITS, WHICH INCLUDES THE AUTHORITY TO REVIEW, MODIFY OR REVERSE DECISION INVOLVING SUSPENSION OF LOCAL OFFICIALS AND EMPLOYEES.

Fifth

THE RESPONDENT COURT ERRED AND GRAVELY ABUSED ITS DISCRETION AS WELL AS EXCEEDED ITS JURISDICTION IN CONCLUDING IN RATHER STRONG LANGUAGE THAT THE "ABOLITION OF THE POSITION OF QUARRY SUPERINTENDENT FROM THE PLANTILLA OF THE PROVINCIAL GOVERNMENT OF LAGUNA MUST BE VIEWED WITH (sic) ABERRATION AND AN ANOMALY, IN THE LIGHT OF UNCONTROVERTED SHOWING THAT QUARRY OPERATIONS AT THE SAME SITE CONTINUE TO DATE, AS WOULD MILITATE AGAINST ATTENDANCE OF GOOD FAITH IN THE ABOLITION OF SAID OFFICE."

Sixth

THE RESPONDENT COURT ERRED AND GRAVELY ABUSED ITS DISCRETION AS WELL AS EXCEEDED ITS JURISDICTION IN ORDERING THE PAYMENT OF PRIVATE RESPONDENTS BACK SALARIES FOR THE PERIOD OF HIS SUSPENSION AS WELL AS DISMISSAL UNTIL REINSTATEMENT AS QUARRY SUPERINTENDENT, AND IN AWARDING MORAL DAMAGES IN THE SUM OF P50,000.00 AND ATTORNEY'S FEES IN THE SUM OF P20,000.00 IN FAVOR OF THE PRIVATE RESPONDENT BERROYA, AND IN HOLDING ALL THE PETITIONERS HEREIN SOLIDARILY LIABLE FOR THE PAYMENT OF AFORESAID BACK SALARIES AND DAMAGES [ROLLO, pp. 13-14.]

The first error assigned in the instant petition is not well taken. A thorough perusal of the assailed resolution of the respondent CA denying petitioners' motion for reconsideration reveals clearly its legal basis. Thus, its resolution stating that

Considering that the motion for reconsideration of the decision promulgated on April 30, 1987 filed by respondent-appellee merely reiterates the grounds and arguments already discussed, thoroughly analyzed and passed upon by this Court; and that no new reason has been adduced to justify a reversal or modification of the findings and conclusion of this Court.

WHEREFORE, the motion for reconsideration is DENIED for lack of merit [Rollo, p. 45; Underscoring supplied.]

constitutes sufficient compliance with the constitutional mandate that no motion for reconsideration of a decision of the court shall be denied without stating the legal basis therefore [1987 Constitution, Art. VIII, Sec. 14, par. 2).

The resolution of the remaining assigned errors hinges on a determination of the effect of the decisions rendered in favor of Berroya by two administrative agencies.

A. It is worth noting that the issue of legality of the order of suspension by petitioner Governor dated December 12, 1973 had already been passed upon in a decision of the Office of the President (O.P. Decision No. 1834) dated May 19, 1976 reversing its earlier ruling in O.P. Decision No. 954 dated May 29, 1974. The Office of the President categorically ruled as follows:

* * *

It is not disputed that the Governor, in issuing his Order of Suspension, was exercising an authority legally endowed upon (sic) him by LOI 14-B, but it must not be an unbridled exercise of such authority.

A review of the records discloses that the only act of the governor which was sustained by the Local Review Board was his imposing the suspension on Berroya for alleged discourtesy. This Office is prone to adopt a contrary stand on the matter taking into consideration the circumstances leading to the writing of the so-called "dishonest" statements of the petitioner. It is unfortunate that the Local Review Board took it as an infraction of the Civil Service Rules and Regulations. It must be observed that the said statements were made in the course of a pending case before the Civil Service Commission, and in defense of the position of the petitioner. Although the said statements, by themselves, may be considered as lacking in refinement, still this fact alone does not justify the drastic action taken against the petitioner in this case. ...

In view of the foregoing, this Office rules that the suspension order was unjustified. Considering that respondent Berroya has already served the suspension order and that his suspension was not proper, it is hereby ordered that he be entitled to the payment of his back salaries corresponding to the period of his suspension [Folder of Exhibits, Vol. 1, pp. 102-103.]

From this decision of the Office of the President, petitioner Governor filed a petition for reconsideration dated June 14, 1976 which was denied for lack of merit in a resolution of the Office of the President dated November 6,

1978 [Folder of Exhibits, Vol. 1, p. 170.] On July 3, 1979, petitioner governor filed a second petition to reconsider O.P. Decision No. 1834 on the main ground that the disputed decision is null and void ab initio allegedly because Berroya filed his motion for reconsideration of O.P. Decision No. 954 only on July 15, 1975 or after a lapse of one year and forty seven (47) days from the date when the said decision was rendered. The Office of the President denied such petition in a resolution dated March 27, 1981 [Folder of Exhibits, Vol. 1, p. 210] on the strength of Executive Order No. 19, Series of 1966 which empowers said office to act upon petitions for reconsideration, even if filed late, in exceptionally meritorious cases. Said Office further pointed out that upon review of the records of the case, it was shown that Berroya's motion for reconsideration was filed on July 15, 1974 and not on July 15, 1975 as erroneously indicated in O.P. Decision No. 1834 [Folder of Exhibits, Vol. 1, p. 213.]

From the foregoing, it can be seen that O.P. Decision No. 1834 had already attained finality upon denial of the first motion for reconsideration in view of the clear provisions of the applicable law at the time. Executive Order No. 19, Series of 1966, which provides:

* * *

5. Petitions for reconsideration filed after the lapse of the aforesaid period (fifteen days from receipt of the decision) shall not be entertained unless the Office of the President, for exceptionally meritorious causes, decides to act thereon, provided that only one petition for reconsideration by any party shall be allowed [Underscoring supplied.]

Accordingly, the filing of the second petition for reconsideration could not have stayed the finality of the aforesaid decision.

In a last ditch attempt to assail the validity of O.P. Decision No. 1834, a petition for relief was filed by herein petitioners on April 9, 1981, during the pendency of the mandamus case. This petition was finally denied in a resolution of the office dated November 27, 1984.

B. On the other hand, the validity of Berroya's dismissal was already passed upon by the Merit Systems Board of the Civil Service Commission in MSB Case No. 40. In a decision promulgated on January 23, 1979, the Merit Systems Board held as follows:

After carefully perusing the records of this case, this board is convinced that there is no strong evidence of guilt against Berroya. In fact, there is not even sufficient evidence to maintain the charges against him. Hence, the same does not fall within the scope of Section 40, Presidential Decree No. 807.

The record does not show that Berroya is notoriously undesirable. On the contrary, his performance ratings from the period ending December 31, 1969 to the period ending June 30, 1973 are all very satisfactory. Such being the case, he is not notoriously undesirable under the standard laid down by the President, to wit: "the test of being notoriously undesirable is two-fold: whether it is common knowledge or generally known as universally believed to be true or manifest to the world that petitioner committed the acts imputed against him, and whether he had contracted the habit for any of the enumerated misdemeanors". The same are not present in the case of Berroya. On the contrary he should be given recognition for his efforts in exposing the irregularities allegedly committed by some authorities of the Laguna Provincial Government which led to the filing of criminal as well as administrative cases against such officials.

Foregoing premises considered, this Board finds the order of dismissal dated April 27, 1977, without justifiable basis. Wherefore, the Board hereby exonerates Engr. Mariano Berroya, Jr. of the charges against him. Consequently, it is hereby directed that he be reinstated to his position as Quarry Superintendent of Laguna immediately. [Folder of Exhibits, Vol. 1, pp. 175-176.]

The motion for reconsideration from this decision was denied in a resolution of the Board dated October 15, 1979.

This decision was therefore already final when Berroya instituted suit in 1980 to compel petitioner to reinstate him to his former position and to pay his back salaries.

Since the decisions of both the Civil Service Commission and the Office of the President had long become final and executory, the same can no longer be reviewed by the courts. It is well-established in our jurisprudence that the decisions and orders of administrative agencies, rendered pursuant to their quasi-judicial authority, have upon their finality, the force and binding effect of a final judgment within the purview of the doctrine of *res judicata* [*Brillantes v. Castro*, 99 Phil. 497 (1956), *Ipekdjian Merchandising Co., Inc. v. Court of Tax Appeals*, G.R. No. L-15430, September 30, 1963, 9 SCRA 72.] The rule of *res judicata* which forbids the reopening of a matter once judicially determined by competent authority applies as well to the judicial and quasi-judicial acts of public, executive or administrative officers and boards acting within their jurisdiction as to the judgments of courts having general judicial powers [*Brillantes v. Castro*, *supra* at 503.]

Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of what are ordinarily known as courts, but it extends to all bodies upon whom judicial powers had been conferred. Hence, whenever any board, tribunal or person is by law vested with authority to judicially determine a question, like the Merit Systems Board of the Civil Service Commission and the Office of the President, for instance, such determination, when it has become final, is as conclusive between the same parties litigating for the same cause as though the adjudication had been made by a court of general jurisdiction [*Ipekdjian Merchandising Co., Inc. v. Court of Tax Appeals*, *supra* at 76.]

Furthermore, the trial court's act of reviewing and setting aside the findings of the two administrative bodies was in gross disregard of the basic legal precept that accords finality to administrative findings of facts.

The general rule, under the principles of administrative law in force in this jurisdiction, is that decisions of administrative officers shall not be disturbed by the courts, except when the former have acted without or in excess of their jurisdiction, or with grave abuse of discretion. Findings of administrative officials and agencies who have acquired expertise because their jurisdiction is confined to specific matters are generally accorded not only respect but at times even finality if such findings are supported by substantial evidence. . . . [*Liang Bay Logging Co., Inc. v. Lopez Enage*, G.R. No. L-30637, July 16, 1987, 152 SCRA 80.]

Finally, the Court cannot ignore the undisputed fact that the decisions rendered by the Office of the President and the Merit Systems Board had attained finality without petitioners having taken any timely legal recourse to have the said decisions reviewed by the courts. On the other hand, Berroya, in order to enforce his right to reinstatement and to back salaries pursuant to these final and executory administrative rulings, instituted a suit for mandamus to compel petitioners to comply with the directives issued by the two administrative agencies.

Since private respondent Berroya had established his clear legal right to reinstatement and back salaries under the aforementioned final and executory administrative decisions, it became a clear ministerial duty on the part of the authorities concerned to comply with the orders contained in said decisions [*Tanala v. Legaspi*, G.R. No. L-22537, March 31, 1965, 13 SCRA 566 at 574-575.]

The established rule is that a writ of mandamus lies to enforce a ministerial duty or "the performance of an act which the law specifically enjoins as a duty resulting from office, trust or station" [Section 3, Rule 65 of the Revised Rules of Court; *Llanto v. Mohamad Ali Dimaporo, et al.*, G.R. No. L-21905, March 31, 1966, 16 SCRA 599.] In this case, the appropriate administrative agencies having determined with finality that Berroya's suspension and dismissal were without just cause, his reinstatement becomes a plain ministerial duty of the petitioner Provincial Governor, a duty whose performance may be controlled and enjoined by mandamus [*Ynchausti and Co. v. Wright*, 47 Phil. 866 (1925); *Tee and Co. v. Wright*, 53 Phil. 194 (1929); *Gementiza v.*

Court of Appeals, G.R. Nos. L-41717-33, April 12, 1982, 113 SCRA 477; Laganapan v. Asedillo, G.R. No. L-28353, September 30, 1987, 154 SCRA 377.]

Thus, this Tribunal upholds the appellate court's judgment for the reinstatement of respondent Berroya and payment of his back salaries corresponding to the period of suspension and of illegal dismissal from service, exclusive of that corresponding to leaves of absences with pay. However, as respondent Berroya can no longer be reinstated because he has already reached the compulsory retirement age of sixty five years on December 7, 1986*, he should be paid his back salaries [Salcedo v. Court of Appeals, G.R. No. L- 40846, January 31, 1978, 81 SCRA 408] and also all the retirement and leave privileges that are due him as a retiring employee in accordance with law [Tanala v. Legaspi, supra at 576.]

According to settled jurisprudence, Berroya, as an illegally terminated civil service employee is entitled to back salaries limited only to a maximum period of five years [Laganapan v. Asedillo, supra; Balquidra v. CFI of Capiz, Branch II, G.R. No. L-40490, October 28, 1977, 80 SCRA 123; Salcedo v. Court of Appeals, supra, Gementiza v. Court of Appeals, supra.]

That petitioners Provincial Governor, Provincial Treasurer and Provincial Engineer of Laguna, the Sangguniang Panlalawigan of Laguna and the Province of Laguna, formally impleaded herein**, are liable for back salaries in case of illegal termination of a civil service employee finds support in earlier decisions of this Court [Balquidra v. Court of First Instance of Capiz, Branch II, supra; Gementiza v. Court of Appeals, supra; Rama v. Court of Appeals, G.R. Nos. L-44484, L-44842, L-44894, L-44591, March 16, 1987, 148 SCRA 496; Laganapan v. Asedillo, supra.]

However, the petitioners Juanito Rodil and Amado Romey must be held liable only in their official capacities as Provincial Engineer and Provincial Treasurer, respectively since they had been expressly sued by Berroya as such [Petition for Mandamus with Preliminary Injunction, Record, Vol. 1, p. 1, et seq.; Gray v. De Vera, G.R. No. L-23966, May 22, 1969, 28 SCRA 268.]

The same does not hold true for petitioner provincial governor who was found by the appellate court to have acted in bad faith as manifested by his contumacious refusal to comply with the decisions of the two administrative agencies, thus prompting respondent Berroya to secure an indorsement from the Minister of Local Government and Community Development dated November 15, 1979 for his reinstatement [Annex "Y-9", Folder of Exhibits, Vol. 1, p. 207.] The Minister's directive having been ignored, Berroya was compelled to bring an action for mandamus.

Where, as in this case, the provincial governor obstinately refused to reinstate the petitioner, in defiance of the orders of the Office of the President and the Ministry of Local Government and in palpable disregard of the opinion of the Civil Service Commission, the appellate court's finding of bad faith cannot be faulted and accordingly, will not be disturbed by this Tribunal [Enciso v. Remo, G.R. No. L-23670, September 30, 1969, 29 SCRA 580.] This is in line with our previous ruling in Remo v. Palacio [107 Phil. 803 (1960)] that

* * *

"(i)t having been clearly shown by evidence, that respondent, Deogracias Remo, in his capacity as Mayor of Goa, refused to reinstate the petitioner to his former position in the police force of Goa, despite the orders of Malacanang to do so (Exhs. G and I), and inspite of the opinion of the Secretary of Finance (Exh. H), the respondent Mayor of Goa willfully acted in bad faith, and therefore, he, as Mayor of Goa, should pay for damages caused to the petitioner, Angel Enciso." [At pp. 807-808.]

It is well-settled that when a public officer goes beyond the scope of his duty, particularly when acting tortiously,

he is not entitled to protection on account of his office, but is liable for his acts like any private individual [Palma v. Graciano, 99 Phil. 72 (1956).]

Thus, in *Mendoza v. De Leon* [33 Phil. 508 (1916)], it was held:

Nor are officers or agents of the Government charged with the performance of governmental duties which are in their nature legislative or quasi-judicial liable for the consequences of their official acts, unless it be shown that they act wilfully and maliciously and with the express purpose of inflicting injury upon the plaintiff [at 513; Underscoring supplied.]

Accordingly, applying the principle that a public officer, by virtue of his office alone, is not immune from damages in his personal capacity arising from illegal acts done in bad faith [Tabuena v. Court of Appeals, G.R. No. L-16290, October 31, 1961, 3 SCRA 413; *Correa v. Court of First Instance of Bulacan*, G.R. No. L-46096, July 30, 1979, 92 SCRA 312], the Court holds that petitioner Felicisimo T. San Luis, the Provincial Governor of Laguna who has been sued both in his official and private capacities, must be held personally liable to Berroya for the consequences of his illegal and wrongful acts.

In this regard, the Court sustains the appellate court's finding that petitioner San Luis must be held liable to Berroya for moral damages since justice demands that the latter be recompensed for the mental suffering and hardship he went through in order to vindicate his right, apart from the back salaries legally due him [Rama v. Court of Appeals, *supra* at p. 506.] The appellate court was clearly warranted in awarding moral damages in favor of respondent Berroya because of the obstinacy of petitioner Governor who arbitrarily and without legal justification refused Berroya's reinstatement in defiance of directives of the administrative agencies with final authority on the matter. We agree with the appellate court that the sum of P50,000.00 for moral damages is a reasonable award considering the mental anguish and serious anxiety suffered by Berroya as a result of the wrongful acts of petitioner Governor in refusing to reinstate him.

Finally, as correctly adjudged by respondent court, petitioner San Luis must likewise answer to Berroya for attorney's fees plus costs and expenses of suit, which have been fixed by said court at P20,000.00, in view of the wrongful refusal of petitioner provincial governor to afford Berroya his plainly valid and just claim for reinstatement and back salaries [Rollo, p. 42.]

WHEREFORE, the assailed decision of the appellate court is hereby MODIFIED as follows: (1) the petitioners, in their official capacities, are ordered to pay private respondent Berroya, his back salaries for a maximum period of five years; (2) since the reinstatement of Berroya can no longer be ordered by reason of his having reached the retirement age, he should instead be paid all the retirement benefits to which he is entitled under the law; and (3) petitioner Felicisimo T. San Luis, in his personal capacity, is further ordered to pay Berroya the sum of P50,000.00 as and for moral damages, the sum of P20,000.00 as and for attorney's fees plus costs and other expenses of suit. This decision shall be IMMEDIATELY EXECUTORY.

SO ORDERED.

Fernan, C.J., Gutierrez, Jr., Feliciano, and Bidin, JJ., concur.

* See letter sent by respondent Berroya to the Court calling its attention to the fact of his having reached retirement age, Rollo. p. 54.

** In cases of illegal termination of a local government employee, the local government unit concerned is deemed formally impleaded to answer for the back salaries of said employee as long as the key officials of said local

government unit had been named respondents in the suit [Balquidra v. Court of First Instance of Capiz, Branch II, *supra*; Gonzales v. Osmena, G.R. No. L-15901, December 30, 1961, 3 SCRA 841.]

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.