

ISABELO T. SABELLO, PETITIONER, VS. DEPARTMENT OF EDUCATION, CULTURE AND SPORTS, RESPONDENTS.

G.R. No. 87687. December 26, 1989

Ponente: GANCAYCO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-87687/>

GANCAYCO, J.:

In this petition filed by a non-lawyer by reason of alleged poverty, We are called upon to decide a unique issue of which shall be given more importance - the legal technicalities of the law or the fundamental principles of justice and fairness.

The facts are not in dispute, as follows:

"Petitioner, was the Elementary School Principal of Talisay and also the Assistant Principal of the Talisay Barangay High School of the Division of Gingoog City. The barangay high school was in deficit at that time due to the fact that the students could hardly pay for their monthly tuition fees. Since at that time also, the President of the Philippines who was earnestly campaigning was giving aid in the amount of P2,000.00 for each barrio, the barrio council through proper resolutions allotted the amount of P840.00 to cover up for the salaries of the high school teachers, with the honest thought in mind that the barrio high school was a barrio project and as such therefore, was entitled to its share of the RICD fund in question. The only part that the herein petitioner played was his being authorized by the said barrio council to withdraw the above amount and which was subsequently deposited in the City Treasurer's Office in the name of the Talisay Barrio High School. That was a grave error on the part of the herein petitioner as it involves the very intricacies in the disbursement of government funds and of its technicalities. Thus, the herein petitioner, together with the barrio captain, were charged of the violation of Republic Act 3019, and both were convicted to suffer a sentence of one year and disqualification to hold public office. The herein petitioner appealed his case to the Court of Appeals, Manila. The Court of Appeals modified the decision by eliminating the subsidiary imprisonment in case of insolvency in the payment of one-half of the amount being involved. The herein petitioner, being financially battered, could no longer hire a lawyer to proceed to the highest court of the land.

Finally, the herein petitioner was granted an ABSOLUTE PARDON by the President of the Republic of the Philippines, restoring him to 'full civil and political rights.' With this instrument on hand, the herein petitioner applied for reinstatement to the government service, only to be reinstated to the wrong position of a mere classroom teacher and not to his former position as Elementary School Principal I.[1]

Petitioner now prays to this Court for the following relief:

- "1. (that he be) Reinstated to his former position as Elementary School Principal I;
2. His government services be made continuous since September 10, 1948 which is his original appointment until the present time;
3. (that he be) Given his back salaries corresponding to the period from September 1, 1971 to November 23, 1982;

4. That all his service credits duly earned be restored;

5. And, that all other rights and privileges not mentioned herein shall also be granted. (Petition, p. 2)"[2]

The Solicitor General comments that there is no justiciable controversy in this case because the issue involved is whether or not petitioner merits reappointment to the position he held prior to his conviction - that of Elementary Principal I. The Division of City Schools, Gingoog City, Region X, Department of Education and Culture, did not act on petitioner's request. Hence, the present petition.

We believe otherwise. There is here a justiciable controversy. Petitioner claims he must be restored to the same position he was in before he was convicted on a mere technical error and for which he was given an absolute pardon.

This is not a hypothetical or abstract dispute. It is not academic or moot for, to our mind, there is a definite and concrete controversy touching the legal relations of parties having adverse legal relations. This is a real and substantial controversy admitting of specific relief through a court decree that is conclusive in character. The case does not call for a mere opinion or advise, but for affirmative relief.

As a general rule, the question of whether or not petitioner should be reappointed to his former position is a matter of discretion of the appointing authority, but under the circumstances of this case, if the petitioner had been unfairly deprived of what is rightfully his, the discretion is qualified by the requirements of giving justice to the petitioner. It is no longer a matter of discretion on the part of the appointing power, but discretion tempered with fairness and justice.

As to the argument that the Department of Education, Culture and Sports cannot be sued, the only answer is that its officials can be sued for alleged grave errors in their official acts. Again, We ignore technicality by considering this a suit against the officials of this government agency.

Taking into consideration that this petition is filed by a non-lawyer who claims that poverty denies him the services of a lawyer, We also set aside the requirement of exhaustion of administrative remedies and resolved to go direct to the merits of the petition.

In *Monsanto vs. Factoran, Jr.*,^[3] this Court held that the absolute disqualification from office or ineligibility from public office forms part of the punishment prescribed under the penal code and that pardon frees the individual from all the penalties and legal disabilities and restores him to all his civil rights. Although such pardon restores his eligibility to a public office it does not entitle him to automatic reinstatement. He should apply for reappointment to said office.

In the present case after his absolute pardon, petitioner was reinstated to the service as a classroom teacher by the Department of Education, Culture and Sports.

As there are no circumstances that would warrant the diminution in his rank, justice and equity dictates that he be returned to his former position of Elementary School Principal I and not to that of a mere classroom teacher.

However, the Court cannot grant his prayer for backwages from September 1, 1971 to November 23, 1982 since in *Monsanto*^[4] this Court said he is not entitled to automatic reinstatement. Petitioner was lawfully separated from the government service upon his conviction for an offense. Thus, although his reinstatement had been duly authorized, it did not thereby entitle him to backwages. Such right is afforded only to those who have been illegally dismissed and were thus ordered reinstated or to those otherwise acquitted of the charge against them.

In the same light, the Court cannot decree that his government service be made continuous from September 10, 1948 to the present when it is not. At any rate when he reaches the compulsory age of retirement, he shall get the

appropriate retirement benefits as an Elementary School Principal I and not as a mere classroom teacher.

WHEREFORE, the petition is GRANTED in that the Secretary of the Department of Education, Culture and Sports and/or his duly authorized representative is hereby directed to appoint petitioner to the position of Elementary School Principal I or its equivalent, without pronouncement as to costs. This decision is immediately executory.

SO ORDERED.

Narvasa, (Chairman), Cruz, Griño-Aquino, and Medialdea, JJ., concur.

[1] Pages 54-56, Rollo.

[2] Page 22, Rollo.

[3] G.R. No. 78239 promulgated on February 9, 1989.

[4] Supra.

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.