

MAYOR JESUS MIGUEL YULO, REPRESENTING THE MUNICIPALITY OF CALAMBA, LAGUNA, PETITIONER, VS. THE CIVIL SERVICE COMMISSION, APOLONIO A. ELASIGUE, AND TEOFILO G. MAMPLATA, ET AL., R...

G.R. No. 94125. March 03, 1993

Ponente: BIDIN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-94125/>

BIDIN, J.:

This petition seeks to set aside Resolution No. 89-939 dated December 7, 1989 and Resolution No. 90-472 dated May 23, 1990 of respondent Civil Service Commission directing petitioner Mayor Jesus Miguel Yulo of Calamba, Laguna to reinstate private respondents Teofilo Mamplata, et al., and to pay their backwages.

On November 24, 1986, private respondent Apolonio A. Elasiague, Officer in-Charge of the Municipality of Calamba, Laguna terminated the services of private respondents Mamplata and forty three (43) other employees of said municipality based on the reorganizaton and approval of the new staffing pattern thereof (Annex "A", p. 1; Rollo, p. 17).

Private respondents Mamplata and the other separated employees assailed the action of respondent Elasiague before the Inter-Agency Review Committee created under Executive Order No. 17 of the then President Corazon Aquino. Since the private respondents were not removed pursuant to Executive Order No. 17 and there is no showing that the reorganization was undertaken to circumvent the said statute, the Committee referred the case to the Merit Systems Protection Board (MSPB) of respondent Civil Service Commission. Pending disposition of the case by the MSPB, Elasiague lost in the mayoralty election in 1988 to petitioner Yulo.

The MSPB, finding that there was no sufficient evidence to prove the guilt of private respondents, ordered the reinstatement of Mamplata and twenty eight (28) other employees and the payment of their backwages by the municipality (Rollo, p. 18).

Petitioner Yulo, as the elected mayor of Calamba, Laguna, filed a Motion for Reconsideration but to no avail. On appeal, respondent Commission affirmed the decision of the MSPB. The Motion for Reconsideration filed later on by petitioner was denied by respondent Commission which upheld its earlier ruling but reduced the number of employees to be reinstated to twenty one (21) (CSC Resolution No. 90-472, dated May 23, 1992), namely:

1. Teofilo Mamplata
2. Felipe Lazareto
3. Isagani Fameronag
4. Teresita Ancheta
5. Leoncio Edrozo
6. Lourdes Coro
7. Benigno Alcantara
8. Elvira Arevale
9. Danilo Salustiano
10. Rodolfo Adato
11. Saturnino Centeno, Sr.[*]
12. Gertrudes Terzol
13. Fernando Ustaris
14. Maxima Palema
15. Elpidio Garcia

9. Lourdes Belolo 20. Ricardo Ferrer
10. Arturo Samiano 21. Rafael Alcantara
11. Bayas Bacobe

the reason being that during the pendency of the case before the MSPB and respondent Commission, some were re-employed while two of the dismissed employees, Cresencia Belarmino and Marcial Manila died. Their untimely death notwithstanding, respondent Commission ordered the payment of their backwages up to the time of their respective demise.

Hence, this petition.

The issue in this case is whether the removal of private respondents Mamplata, et al. from office due to the reorganization and approval of a new staffing pattern of the municipal government of Calamba is valid.

Petitioner maintains that the separation of private respondents was valid and in consonance with Section 2, Article III of the Freedom Constitution which provides that:

"All elective and appointive officials under the 1973 Constitution shall continue in office until otherwise provided by proclamation or executive order or upon the designation or appointment and qualification of their successors, if such appointment is made within the period of one year from February 25, 1986."

To further support this contention, petitioner cites this Court's ruling in *Dario vs. Mison* (176 SCRA 84 [1989]) wherein We held that:

"By its terms, the authority to remove public officials under the Provisional Constitution ended on February 25, 1987, advanced by jurisprudence to February 2, 1987 xxx"

Therefore, petitioner argues, the removal of respondents Mamplata, et al., on November 24, 1986 was valid because the same was effected before the expiration of the period above cited.

The argument is devoid of merit. In his narration of facts, petitioner himself admitted that private respondents' services were terminated pursuant to the reorganization and approval of the new staffing pattern of Calamba on November 3, 1986 (Rollo, pp. 4-5). Petitioner's argument to the effect that respondents were separated from the service by virtue of the Freedom Constitution or Executive Order No. 17 is palpably an afterthought. That is why when the respondents appealed their dismissal to the Inter-Agency Review Committee created under Executive Order No. 17, said Committee refused to take cognizance of said appeal on the ground that the dismissal was not made pursuant to the Freedom Constitution or Executive Order No. 17 and instead referred the case on appeal to the MSPB.

It is thus crystal clear that private respondents were not separated from the service based on Section 2, Article III of the Freedom Constitution or Executive Order No. 17 implementing the then basic law. On the contrary, their services were terminated as a "result of the reorganization and approval of the new staffing pattern of the municipality of Calamba on November 3, 1986" stated in the individual notices of termination served upon them by the then OIC Mayor.

As aptly explained by the respondent Commission:

"The first ground, raised by appellant Yulo is devoid of merit. He argued that the separation of said employees was in accordance with the Freedom Constitution of 1986 and the existing laws and jurisprudence on reorganization. It may be reiterated here that the main reason why the then inter-agency Review Committee refused to take cognizance of the instant case was because Mamplata et al. were not removed pursuant to Executive Order No. 17. Said Executive Order prescribed the rules and guidelines for the implementation of Section 2, Article III of the Freedom Constitution. This declaration on the part of the Committee, in essence,

meant that said municipal employees were not separated from the service under the Freedom Constitution thereby negating the very foundation of Mayor Yulo's argument. Although, admittedly, there was a reorganization of the Municipal Government of Calamba, Laguna, reorganization per se does not serve as a license for the local chief executive to separate career municipal officials and employees whimsically and indiscriminately. 'Reorganization is improper or invalid when effected without observing the prescribed priorities in retention and separation, and without making a fair, just and correct evaluation of the personnel concerned taking into account the relevant factors given' [ABACA, Sisinio, et al., CSC Resolution dated September 20, 1988]" (CSC Resolution No. 89-939, p. 2; Rollo, p. 18; underscoring supplied).

Petitioner Yulo's argument that private respondents were separated by virtue of the Freedom Constitution is therefore erroneous.

Not only that. As records further indicate, the MSPB found that there was no sufficient evidence to prove the guilt of private respondents. As to what were the charges levelled against the dismissed employees, petitioner Yulo could merely insinuate that some of said employees were of "questionable integrity". In support thereof, petitioner submitted sworn statements to that effect (Exhs. "F" to "M"; Rollo, pp. 42-56), belatedly dated either January 24 or 30, 1990.

It is glaringly obvious, therefore, that at the time private respondents were dismissed from the service on November 24, 1986, there was no evidence to substantiate the claim of questionable integrity. Simply stated, respondents were removed without cause.

As this Court held in *Dario v. Mison* (supra):

"At this point, we must distinguish removals from separations arising from abolition of office (not by virtue of the Constitution) as a result of reorganization carried out by reason of economy or to remove redundancy of operations. In the latter case, the Government is obliged to prove good faith. In case of removal undertaken to comply with clear and explicit constitutional mandates, the Government is not hard put to prove anything, plainly and simply because the Constitution allows it. (citing *Ginson v. Municipality of Murcia*, 157 SCRA 1 [1988] and other cases)

Aside from petitioner's unproven allegation of "questionable integrity", neither has he shown that respondents herein were removed for cause much less that the supposed reorganization was undertaken on the ground of economy or redundancy. While there may be a decrease in the number of positions, i.e., from 285 to 266 as a result of the reorganization, the number of regular employees, on the other hand, increased from 231 to 263 brought about by the appointment of forty-eight (48) new employees. As found by the MSPB, the separated employees were holding permanent appointments at the time of their removal and as such, they enjoy preference in reappointment to a similar position in the new staffing pattern (Rollo, p. 21, citing CSC MC 5, s. 1988).

Be that as it may, it is undeniable that private respondents' employment with the municipality was unlawfully terminated. On this score alone, the dismissed employees ought to and must be reinstated. Illegal removal of career civil service employees in violation of their constitutional right to security of tenure will not be condoned under the guise of reorganization (*Pari-an v. Civil Service Commission*, 202 SCRA 772 [1991]).

Neither can we sustain petitioner's claim that the overt acts of Mamplata, et al. in filing their separation clearances and accepting terminal leave benefits estop them from further claiming reinstatement.

Incidentally, petitioner presented no evidence before the respondent Commission to prove that private respondents have actually received their separation benefits. It is only at this late instance when it opted to do so (Rollo, pp. 208-225).

In any event, receipt by private respondents of their separation benefits does not preclude them from assailing the

termination of their services and praying for their reinstatements (*Urgelio v. Osmeña, Jr.*, 10 SCRA 253 [1964]).

Petitioner finally argues that if the separation of Mamplata, et al. be declared illegal, the consequent damage in the form of backwages among others, should be the personal liability of private respondent Elasiague and not the innocent taxpayers of Calamba, Laguna.

Petitioner's argument cannot be sustained. It is a rule in this jurisdiction that the government, whether national, provincial or municipal, shall be liable for the acts of its officers or agents only when such officers or agents had acted strictly within the scope of their authority as created, conferred and defined by law (See *Mechem, Public Off. & Officers*, Secs. 82, 829, 830, 834). However, a public official may be liable in his personal capacity for whatever damage he may have caused by his act done with malice and in bad faith, or beyond the scope of his authority or jurisdiction (*Dumlao v. Court of Appeals*, 114 SCRA 247 [1982]).

It is worth noting that respondent Elasiague terminated the subject employees as a result of the reorganization and approval of the new staffing pattern of the municipality by the Sangguniang Bayan of Calamba. Otherwise stated, Elasiague in terminating the services of respondent employees acted in his official capacity in the performance of his official duty. In the absence of any proof that a public officer has acted with malice or bad faith, he cannot be charged with personal liability for damages that may thereafter result (*Mabutol v. Pascual*, 124 SCRA 867 [1983]). Indeed, municipal officers are liable for damages if they act maliciously or wantonly, and if the work which they perform is done to injure an individual rather than to discharge a public duty (*Rama v. Court of Appeals*, 148 SCRA 496 [1987]). Such malice or bad faith on the part of a public officer in the performance of his duties must be shown persuasively.

WHEREFORE, the petition is DISMISSED for lack of merit. Accordingly, the Municipality of Calamba, Laguna is hereby ordered to REINSTATE the twenty (20) personnel named in CSC Resolution No. 90-472 and pay their backwages equivalent to five (5) years (*Cristobal v. Melchor*, 78 SCRA 175 [1977]; *Ginzon v. Municipality of Murcia*, 158 SCRA 1 [1988]) less the amount of terminal pay received, it appearing from private respondents manifestation dated January 11, 1993 that they are still jobless from the time of their removal from the service up to the present.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Campos, Jr., and Quiason, JJ., concur.
Gutierrez, Jr., J., on leave.

[**] Actual title of the petition

[*] Died of Koch's pleurisy with effusion on August 2, 1991.

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.