

**\*\*Title:\*\***

Gov. Aurora E. Cerilles v. Civil Service Commission, et al.

**\*\*Facts:\*\***

The case arose from the reorganization of the provincial government of Zamboanga del Sur subsequent to the passage of Republic Act No. 8973 which created the Province of Zamboanga Sibugay from Zamboanga del Sur, leading to a reduction in the Internal Revenue Allotment of the latter by 36%. Due to this reduction, Gov. Cerilles sought the Civil Service Commission's (CSC) opinion on reducing the workforce. Following CSC's advice, the Sangguniang Panlalawigan passed resolutions approving a new staffing pattern and authorizing Gov. Cerilles to implement the reorganization.

Upon implementation, private respondents—who held permanent positions—were terminated and replaced, prompting them to file appeals which remained unacted upon by Gov. Cerilles. They then appealed to the CSC Regional Office No. IX (CSCRO), which invalidated 96 appointments made by Gov. Cerilles for violation of Republic Act No. 6656, which protects the security of tenure during reorganizations. Gov. Cerilles' motion for reconsideration was denied by the CSCRO but was treated as an appeal by the CSC. Upon denial of the appeal and her subsequent motion for reconsideration, Gov. Cerilles filed a petition for certiorari before the Court of Appeals (CA) under Rule 65, challenging the decision. However, the CA upheld the CSCRO's jurisdiction and denied the motion, leading Gov. Cerilles to elevate the case to the Supreme Court.

**\*\*Issues:\*\***

1. Whether Gov. Cerilles correctly availed the remedy of certiorari under Rule 65 when challenging the invalidation of appointments before the CA.
2. Whether the CA erred in concluding that aggrieved applicants for positions due to reorganization need not seek recourse first before the appointing authority.
3. Whether the CA correctly assessed the CSCRO's jurisdiction over direct appeals from aggrieved employees.
4. Whether the CA ruling on the invalidation of the subject appointments was consistent with RA 6656.

**\*\*Court's Decision:\*\***

The Supreme Court denied Gov. Cerilles' petition. It held that the CA correctly observed that a Rule 43 petition for review was available as a mode of appeal from CSC resolutions, and the remedy of certiorari was therefore not proper. The Supreme Court also agreed with

the CA that the CSCRO rightly took cognizance of the employees' appeals due to the appointing authority's inaction. The Court concluded that the reorganization of Zamboanga del Sur was tainted with bad faith, evidenced by the violation of RA 6656's requirement of preference in appointments to existing permanent employees and the hiring of new personnel despite the availability of qualified incumbents. Thus, the invalidated appointments were upheld, leading to the reinstatement of the private respondents to their former positions with entitlements to corresponding back salaries and benefits, or retirement benefits if already retired.

**\*\*Doctrine -\*\***

The Court established the doctrine that in the context of reorganizations, the Civil Service Commission (CSC) can invalidate appointments made by the appointing authority if those appointments are found to be in violation of Republic Act No. 6656. This law protects the security of tenure of incumbent employees by requiring that they be given preference in the reappointment to new staffing positions, and disallows the hiring of new employees until all existing permanent employees have been considered.

**\*\*Class Notes -\*\***

1. A bona fide reorganization requires good faith, and evidence to the contrary includes significant increase in positions, replacement of incumbents with less qualified individuals, and the hiring of new employees before considering permanent employees for reappointment (RA 6656).
2. Jurisdiction of the CSC and CSCRO encompasses the review of appointments made by other offices to ensure that appointees meet the required qualifications and that reorganization measures comply with legal provisions.
3. If an appointing authority fails to act upon appeals of aggrieved employees within the prescribed period, CSCRO may assume jurisdiction to address the appeals (RA 6656, Section 7).
4. The standard of review for appointments during reorganization is whether the appointee possesses the required qualifications when the reorganization is conducted in bad faith, a higher level of scrutiny applies, assessing adherence to the legal safeguards for employment security (*Lapinid v. Civil Service Commission*; *Gayatao v. Civil Service Commission*).

**\*\*Historical Background-\*\***

RA 6656 reflects the State's prioritization of the security of tenure and due process in the civil service amid the dynamics of governmental reorganization. The case at hand is illustrative of the judiciary's role in ensuring administrative actions by elected

officials—here, the Governor of Zamboanga del Sur—conform to legislative safeguards designed to protect public servants from capricious or politically-motivated personnel changes. This jurisprudence underscores the delicate balance between administrative authority, the principles of a merit-based civil service system, and the protection of employees' rights.