

Title: Cuevas vs. Bacal

Facts:

Josefina G. Bacal, a Career Executive Service Officer (CESO) III, was appointed by President Fidel V. Ramos as Chief Public Attorney of the Public Attorney's Office (PAO), a position requiring CES Rank Level I. Subsequently, under President Joseph Estrada's administration, Carina J. Demaisip was appointed as Chief Public Defender (formerly known as Chief Public Attorney), effectively replacing Bacal. Bacal was then appointed as Regional Director of the PAO, a move she contested through a petition for quo warranto filed initially with the Supreme Court and later with the Court of Appeals. The Court of Appeals ruled in favor of Bacal, recognizing her entitlement to the position of Chief Public Attorney. The Decision was challenged by Serafin R. Cuevas, Ronaldo B. Zamora, and Carina J. Demaisip, leading to this review by the Supreme Court.

Issues:

1. Whether Bacal, a CESO III, had a vested right to the position of Chief Public Attorney that she could not be reassigned without consent.
2. Whether the Court of Appeals erred in ruling that Bacal's reassignment to a CES Rank Level V position was inappropriate given her CES Rank Level III.
3. Appropriateness of Bacal's transfer without exhaustion of administrative remedies.
4. Clarification on the doctrine of security of tenure concerning reassignment within the CES.

Court's Decision:

The Supreme Court reversed the decision of the Court of Appeals, holding that:

1. Bacal's appointment to the position of Chief Public Attorney was temporary, given her CESO Rank III did not correspond with the CES Rank Level I required for the position. Hence, she did not acquire security of tenure for that position.
2. The reassignment of Bacal to the post of Regional Director, which corresponds to her CES Rank Level III, did not constitute a demotion or removal without cause.
3. The doctrine of exhaustion of administrative remedies did not apply since the administrative decision in question involved the President himself.
4. Security of tenure in the Career Executive Service (CES) is acquired with respect to rank and not to a specific position, supporting flexibility and mobility within the CES.

Doctrine:

The case reiterates the doctrine that security of tenure in the context of the Career

Executive Service (CES) pertains to rank rather than to the specific position occupied. This supports the principle of mobility within the CES, allowing for reassignment of officers to different positions according to organizational needs, without constituting a violation of the security of tenure.

Class Notes:

- Security of tenure in the CES refers to rank, not the specific position, facilitating organizational flexibility.
- A CES eligible or officer may be reassigned to any CES position for which they are qualified, without such reassignment being viewed as demotion or removal.
- The requirement for specific rank (CESO rank) corresponds to the level of managerial responsibility, but this does not prevent an eligible from being appointed to a position of a different CES Rank Level, subject to performance evaluation for rank adjustment.

Historical Background:

The establishment of the Career Executive Service (CES) in the Philippines aimed at creating a pool of well-selected, development-oriented career administrators to ensure competency and integrity in public service. This case underscores the principles of flexibility and meritocracy within the CES framework, demonstrating the legal interplay between individual rights to security of tenure and organizational requirements for mobility and efficiency in public administration.