

### ### Title

\*\*Mona A. Tomali vs. Civil Service Commission, Office on Muslim Affairs, and Rocaina M. Lucman\*\*

### ### Facts

Mona A. Tomali was appointed as Development Management Officer II (DMO II) at the Office on Muslim Affairs (OMA) by the then Executive Director, Dimasangcay A. Pundato, on July 1, 1990. She took office on November 1, 1990, without the appointment having been submitted to the Civil Service Commission (CSC) for approval. Before this appointment, Tomali worked in various roles at the Mindanao State University.

On July 16, 1991, under new OMA Director Dr. Ali Basir Lucman, Tomali's appointment was revoked, and Rocaina M. Lucman was appointed to the position. Tomali's objections led to a decision by the Merit Systems Protection Board (MSPB) on July 23, 1992, which dismissed her complaint, emphasizing her appointment's incompleteness due to lack of CSC approval. After a failed reconsideration attempt and a denied appeal to the CSC, Tomali brought the case before the Supreme Court.

### ### Issues

1. Whether the incomplete appointment due to lack of CSC approval can vest security of tenure.
2. The lawful authority of the OMA Director to revoke Tomali's appointment before CSC's approval and replace her with Rocaina M. Lucman.

### ### Court's Decision

The Supreme Court dismissed Tomali's petition for certiorari. It underscored that appointments in the civil service require CSC approval to assess the appointee's qualifications and the adherence to appointment processes. Without such approval, the appointment can't be fully effective, nor can it bestow a permanent title or security of tenure on the appointee. The tolerance or mistake of officials does not negate this requirement. Tomali's assumption of office four months after the issuing of her appointment and her failure to verify its status, given the significant delay, was highlighted as contributory negligence. Further, the revocation of her appointment and subsequent replacement by Lucman was considered within the discretionary power of the OMA director, which the Court found not to have been exercised arbitrarily.

### ### Doctrine

- An appointment in the civil service without the required CSC approval is incomplete, conferring no security of tenure on the appointee, who can then be replaced by the appointing authority.
- The appointing authority's discretion, unless shown to be exercised arbitrarily, whimsically, or despotically, is not subject to judicial review even when a perceived better-qualified candidate is replaced.

### ### Class Notes

- **\*\*Security of Tenure\*\***: In civil service appointments, an appointee's title to office and security of tenure are not fully vested until the appointment receives approval from the Civil Service Commission.
- **\*\*Discretion of Appointing Authority\*\***: The discretion on appointments and revocations thereof by the appointing authority is a principle upheld unless shown to be exercised in an arbitrary or unreasonable manner.
- **\*\*CSC Approval Requirement\*\***: Pursuant to Sec. 9(h) of Presidential Decree No. 807 and Sec. 11 of Rule V of the Omnibus Civil Service Rules and Regulations, civil service appointments require CSC approval within 30 days from issuance; otherwise, they become ineffective.

### ### Historical Background

The case reflects on the procedural and substantive requirements for appointments within the Philippine civil service, emphasizing the crucial role of CSC approval to ensure the system's integrity and adherence to the merit principle. It underlines the interaction between bureaucratic procedures and the rights of government employees within the context of Philippine administrative law.