

**\*\*Title:\*\* \*Sales et al. v. Hon. Rodolfo H. Carreon, Jr. and the City Government of Dapitan City\***

### ### Facts

The case originated from the issuance of 83 appointments by the outgoing Mayor Joseph Cedrick O. Ruiz of Dapitan City during his last month in office (June 2001) after losing the May 2001 elections to respondent Rodolfo H. Carreon, Jr. Upon assuming office on July 1, 2001, Mayor Carreon revoked these appointments, invoking a violation of Civil Service Commission (CSC) regulations which imposed a ban on issuing appointments during the election period and prohibited the distribution of the appointees' salaries and benefits.

The appellants sought a ruling from the CSC Regional Office No. IX, which initially declared the appointments valid and Carreon's revocation as null and void. However, the CSC En Banc subsequently reversed this order, revoking the approvals due to violations of Republic Act (R.A.) No. 7041 and other pertinent CSC regulations, including issues with the Personnel Selection Board's composition.

Following a denied motion for reconsideration by the CSC En Banc, the case escalated to the Court of Appeals (CA), which upheld the CSC En Banc's decision. After another denied motion for reconsideration by the CA, the petitioners brought the case to the Supreme Court.

### ### Issues

1. Whether the appointments issued by the outgoing mayor were valid under civil service laws and regulations.
2. Whether the revocation of these appointments by the succeeding mayor was justified and lawful.
3. Whether the formation and action of the Personnel Selection Board in the appointment process complied with CSC regulations.

### ### Court's Decision

The Supreme Court denied the petition and affirmed the CA's decision. The Court agreed with the CSC En Banc and the CA that the issued appointments violated R.A. No. 7041 regarding the announcement and filling of vacant positions within government offices, specifically concerning:

1. The issuance of appointments before the actual vacancies occurred.
2. The absence of a first-level representative to the Personnel Selection Board during the

deliberation of candidates for first-level positions.

The Court concluded that these procedural irregularities rendered the appointments void.

### ### Doctrine

The decision reinforced the principles of transparency and adherence to procedural requirements in the issuance of government appointments, underpinning the necessity of compliance with R.A. No. 7041 and relevant CSC regulations to ensure fair and lawful appointment processes within government offices.

### ### Class Notes

- **Republic Act No. 7041**: Mandates the regular publication and transparent filling of vacant government positions.
- **CSC Memorandum Circular No. 18, Series of 1988**: Outlines the composition of Personnel Selection Boards, including representation for first-level employees.
- **Section 20, Rule VI of the Omnibus Rules Implementing Book V-A of the Administrative Code of 1987**: Provides grounds for the recall of appointments, emphasizing compliance with civil service laws and regulations.

Key elements for memorization include the importance of adherence to procedural requirements for government appointments, the role of Personnel Selection Boards, and the mandate for transparent announcement of vacancies as per R.A. No. 7041.

### ### Historical Background

This case exemplifies the controversial practice of “midnight appointments” by outgoing officials, which has been a recurring issue in Philippine governance. While not all such appointments are necessarily invalid, those made in a manner inconsistent with established laws and guidelines, especially in haste and lacking in good faith, are subject to scrutiny and potential revocation. This decision underscores the judiciary’s role in checking such practices and ensuring that appointments within government offices are made fairly, transparently, and in accordance with the law.