

Title: Province of Camarines Sur vs. Court of Appeals and Tito B. Dato

Facts:

Tito Dato was appointed as Private Agent in 1960 and then as Assistant Provincial Warden in 1972 in Camarines Sur, Philippines. His appointment was temporary due to lack of civil service eligibility. In 1974, claiming to have passed a relevant civil service exam, Dato sought and was granted a change to permanent status by the governor, although the Civil Service Commission (CSC) did not approve this change.

In 1976, Dato was suspended due to criminal charges, during which his position was removed and he was deleted from the plantilla. After being acquitted, Dato requested reinstatement and backwages, which were denied. He filed for mandamus in the Regional Trial Court (RTC), which ruled in his favor, ordering backwages and attorney's fees. The Province of Camarines Sur appealed to the Court of Appeals (CA), which slightly modified the RTC's decision by only removing the award of attorney's fees. The Province then appealed to the Supreme Court (SC).

Issues:

1. Whether Tito Dato was a permanent employee at the time of his suspension.
2. Whether Dato is entitled to backwages for the entire period of his suspension.

Court's Decision:

The Supreme Court reversed the decisions of the lower courts. It held that Dato's status remained temporary since his purported civil service eligibility did not automatically convert his appointment to permanent status. The Court emphasized that a new appointment would have been necessary for such a conversion, which did not occur. The SC also criticized the CSC's overreach in trying to amend Dato's employment status without the authority to do so. Consequently, Dato, being a temporary employee, was not entitled to the claimed backwages.

Doctrine:

The Supreme Court reiterated that the CSC's role is to attest to the eligibility of an appointment. It does not possess the authority to direct the appointing authority to change an employee's status. The Court also underscored that passing a civil service examination does not, by itself, convert a temporary appointment into a permanent one without a new, distinct act of appointment by the hiring authority.

Class Notes:

- The role of the Civil Service Commission is limited to attesting to the eligibility of appointees; it cannot modify employment status unilaterally.
- A temporary appointment requires a new act of appointment to convert it to permanent status, even if the temporary appointee later gains the necessary civil service eligibility.
- A temporary employee, whose status was not legally converted to permanent, is not entitled to backwages upon unjust suspension or termination.

****Relevant Legal Statutes:****

- Section 24(c), R.A. 2260, as amended, outlines provisions for temporary appointments in the civil service.
- Section 24(b), R.A. 2260, as amended, provides for permanent appointments and the prerequisites thereof.

**Historical Background:**

The legal contention revolves around the civil service eligibility and appointment status in the Philippine government bureaucracy. This case highlights the procedural and substantive nuances of employment within the Philippine civil service system, demonstrating the critical role of the Civil Service Commission in vetting and confirming appointments and the limitations of its power relative to the discretion of appointing officers. Moreover, it underscores the importance of precise legal criteria for distinguishing between temporary and permanent employment statuses.