

Title: **\*\*National Transmission Corporation vs. Venusto D. Hamoy, Jr.\*\***

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

Venusto D. Hamoy, Jr. was appointed as Vice President for VisMin Operations & Maintenance by the National Transmission Corporation (Transco) through a board resolution on February 5, 2003, and assumed office on March 1, 2003. On January 19, 2004, Hamoy was reassigned to handle special projects under the Office of the President and CEO, with additional duties related to the sale of sub-transmission assets assigned through a subsequent office order. Hamoy was then designated as Officer-In-Charge (OIC) of the Power Systems Reliability Group (PSRG) on February 15, 2005, in addition to his extant duties, without his consent.

Following more than a year of reassignment, Hamoy requested to be returned to his original post, arguing that the reassignments were in violation of civil service regulations. Despite his request, his reassignment was formalized through Board Resolution No. TC 2005-018, approved on April 27, 2005, confirming Hamoy's new position as the head of the PSRG and opening the selection for his previous position.

Hamoy appealed to the Civil Service Commission (CSC), arguing his reassignment violated his security of tenure, but the CSC denied his appeal. He then appealed to the Court of Appeals (CA) which reversed the CSC's decision, ruling his reassignment was without basis as his original position was station-specific and appointments to such positions are fixed to a geographical location and cannot be reassigned beyond one year without consent.

The National Transmission Corporation filed a petition to the Supreme Court, arguing the CA's misinterpretation in classifying Hamoy's position and the nature of his reassignment.

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

1. Whether or not Hamoy's position is classified correctly by the Court of Appeals as a second-level position rather than a third-level (Career Executive Service) position.
2. Whether Hamoy's original position was station-specific.
3. The legal nature of Hamoy's movements - whether these were reassignments, and if consent was required.
4. The applicability of civil service laws, rules, and regulations regarding Hamoy's reassignments.

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

The Supreme Court denied the petition, affirming the decision of the Court of Appeals. It

clarified that Hamoy's position does not belong to the Career Executive Service (CES), as positions under the CES are presidential appointees, which was not the case for Hamoy. The Court also found Hamoy's original appointment was station-specific, as indicated by the Board Resolution referenced in his appointment letter, designating him to the VisMin Operations & Maintenance, thereby limiting reassignment to one year without consent. Further, the Court recognized the movements imposed on Hamoy beyond one year and without his consent were contrary to civil service rules and could be construed as constructive dismissal.

**\*\*Doctrine:\*\***

The Supreme Court reiterated the doctrine that only positions appointed by the President of the Philippines belong to the third-level Career Executive Service (CES). It also established that reassignments extending beyond one year without consent violate the security of tenure if the original appointment is station-specific, thereby interpreting and applying civil service laws, rules, and regulations towards protecting employees' rights within government service.

**\*\*Class Notes:\*\***

- **\*\*Security of Tenure\*\***: Employees appointed to station-specific positions enjoy security of tenure, meaning they cannot be reassigned indefinitely or without their consent beyond a year.
- **\*\*Career Executive Service (CES)\*\***: Reserved for positions appointed by the President; does not encompass all executive or managerial positions within the civil service.
- **\*\*Reassignment and Detail\*\***: Distinguished based on movement within the same agency versus to another agency and governed by separate rules.
- **\*\*Station-Specific Appointments\*\***: Refer to positions where the geographical location or office is specified, limiting arbitrary or long-term reassignments without consent.

**\*\*Historical Background:\*\***

This case is situated within the broader context of the Philippine government's administrative and civil service laws, emphasizing the structured classification of positions, the principles of security of tenure, and the delineation of the scopes of reassignment and detail. It underscores the legal safeguards against the arbitrary movement of government employees, ensuring the stability of employment and the rights of public servants within the constitutional and statutory framework of Philippine law.