

Title

Cadiente vs. Santos: Defining the Nature and Tenure of Primarily Confidential Positions in Public Service

Facts

Medardo Ag. Cadiente was appointed as City Legal Officer of Davao City by then Mayor Elias B. Lopez on September 13, 1971, with the appointment classified as “permanent” by the Civil Service Commission under R.A. 2260. However, upon Mayor Luis T. Santos assuming office, he terminated Cadiente’s employment on January 6, 1972, on the basis that the position was primarily confidential. This termination followed an opinion by the City Fiscal, supporting the termination.

Cadiente appealed to the Civil Service Commission on January 7, 1972. The Commission decided on March 2, 1972, that Cadiente’s termination was without cause or due process and that his position did not fall under the non-competitive service as claimed. Despite a City Council Resolution recognizing Cadiente as the rightful City Legal Officer, Santos, along with the City Treasurer and Auditor, refused to reinstate him.

Further complicating matters, the Civil Service Commission, in a subsequent endorsement, invalidated Atty. Victor Clapano’s appointment, made by Santos as Cadiente’s replacement, due to age restrictions not approved by the Office of the President.

In response, Cadiente filed a case (Civil Case No. 7571) for mandamus, quo warranto with preliminary injunction, seeking reinstatement and compensation for lost wages. The Court of First Instance of Davao City dismissed this petition, asserting that the City Legal Officer’s role was inherently confidential, implying Cadiente served at the pleasure of the Mayor, aligning with the non-competitive service clause of R.A. 2260. This decision was further cemented upon a failed motion for reconsideration by Cadiente, leading to his petition for review on certiorari to the Supreme Court.

Issues

1. Whether the position of City Legal Officer is primarily confidential, affecting the tenure and the process of termination.
2. If the termination of Cadiente was a removal without cause and due process.
3. The validity of appointing Atty. Victor Clapano as Cadiente’s replacement considering age restrictions.

Court’s Decision

The Supreme Court affirmed the decision of the Court of First Instance, emphasizing that the position of City Legal Officer is inherently and primarily confidential. It iterated the principle that the tenure of such positions depends entirely on the trust and confidence placed by the appointing authority, in this case, the Mayor, and such positions do not entail a permanent tenure under the competitive service. The Court elucidated that loss of confidence does not constitute a removal or dismissal but signifies the end of the term of the incumbent. Consequently, the petition was denied for lacking merit, establishing that Cadiente's dismissal was within the ambit of the appointing authority's discretion due to the confidential nature of his position.

Doctrine

Primarily confidential positions in public service are characterized by the highest degree of trust and confidence placed by the appointing authority in the appointee. The tenure of such positions is indeterminate, depending solely on the existence of trust. Loss of confidence results in the natural expiration of the term, not a removal or dismissal, thereby not contravening the constitutional safeguard against removal without cause.

Class Notes

- Primarily Confidential Positions: Characterized by trust and confidence, not covered under the competitive service, with tenure depending entirely on the appointing authority's confidence.
- Termination of Primarily Confidential Positions: Considered as an expiration of terms, not a removal or dismissal, when based on a loss of confidence.
- R.A. 2260 Section 24(b) and Civil Service Guidelines: Even with an appointment deemed "permanent," positions classified as primarily confidential do not guarantee tenure outside the purview of trust and confidence.
- Age Restrictions for Appointments: Reinforced by the importance of securing approval from the Office of the President for appointees over the age set by the Civil Service Commission, typically 57 years.

Historical Background

The backdrop to this case reflects the evolving interpretation and application of constitutional provisions and statutory laws governing public service and the classification of positions within the Philippine government. It underscores the delicacy and complexity of distinguishing between competitive and non-competitive, or primarily confidential, positions in the context of public administration, a principle that continues to shape the administrative landscape and jurisprudence in the Philippines.