

Title:

Altres et al. v. Empleo et al.: A Philippine Supreme Court Ruling on the Ministerial Duty of Issuance of Certification as to Availability of Funds for Government Appointments

Facts:

This case involves a petition for review on certiorari challenging the decisions of the Regional Trial Court (RTC) of Iligan City which denied the petition for mandamus filed by numerous appointees (petitioners) seeking a writ to command the city accountant of Iligan, or his successor, to issue a certification of availability of funds concerning their appointments issued by then Mayor Franklin M. Quijano. These appointments were pending approval by the Civil Service Commission (CSC) due to the lack of certification of availability of funds which was required under CSC Memorandum Circular No. 40, Series of 1998. Despite Mayor Quijano issuing appointments towards the end of his term, the Sangguniang Panglungsod issued resolutions suspending the action on the appointments citing policies against “midnight appointments” and requested that the transmissions of all appointments to the CSC be put on hold. This resulted in the non-issuance of the required certification by the city accountant and the subsequent disapproval of the appointments by the CSC.

Procedural Posture:

The petitioners filed a petition for mandamus in the RTC of Iligan City against respondent city accountant and co-respondents for not performing their ministerial duties connected with the approval of the appointments. The RTC denied the petition, reasoning that it was the city treasurer’s ministerial function under Section 344 of the Local Government Code of 1991 to issue such certification, not the city accountant’s. The petitioners’ subsequent motion for reconsideration was also denied, leading to the present petition for review on certiorari before the Supreme Court.

Issues:

- Whether it is Section 474(b)(4) or Section 344 of the Local Government Code of 1991 which applies to the requirement of certification of availability of funds under CSC Memorandum Circular No. 40, Series of 1998.
- Whether the petition raises questions of law suitable for review on certiorari.
- Whether the petition’s non-compliance with the requirements on verification and certification against forum shopping merits dismissal.

Court’s Decision:

The Supreme Court ruled in favor of the petitioners, holding that Section 474(b)(4), not

Section 344, of the Local Government Code of 1991 applies to the required certification of availability of funds under CSC Memorandum Circular No. 40, Series of 1998. It is the ministerial duty of the city accountant to issue this certification. The Court also addressed the procedural issues by applying the doctrine of substantial compliance under justifiable circumstances regarding the verification and certification against forum shopping requirements.

Doctrine:

The decision establishes that when a certification as to availability of funds is required for purposes other than actual payment of an obligation, Section 474(b)(4) of the Local Government Code of 1991 applies, making it the ministerial duty of the city accountant to issue the certification. Furthermore, it reiterates the principle of substantial compliance with the rules on verification and certification against forum shopping under reasonable or justifiable circumstances.

Class Notes:

- ****Verification and Certification Against Forum Shopping****: Substantial compliance may be accepted under justifiable circumstances. All plaintiffs or petitioners must typically sign, but if not feasible, the reasons must be convincingly justifiable, and the non-signatories may be dropped from the case.
- ****Section 474(b)(4) vs. Section 344 of the Local Government Code****: Section 474(b)(4) pertains to the certification of availability of budgetary allotment by the city accountant, while Section 344 deals with the certification of availability of funds for actual disbursement by the city treasurer.
- ****Ministerial Duty of City Accountant****: Under Section 474(b)(4) of the Local Government Code, it is the city accountant's duty to certify the availability of funds for purposes like the approval of government appointments, which do not involve immediate disbursement of funds.

Historical Background:

This case touches on the administrative intricacies within local government units, specifically the processes involved in the appointment of officials and the roles defined under the Local Government Code of 1991. It also sheds light on the procedural requirements for legal challenges in Philippine courts, emphasizing the balance between strict adherence to procedural rules and the allowance for substantial compliance under certain conditions.