

### Title:

Napoleon V. Fernando et al. vs. Hon. Patricia Sto. Tomas et al.

### Facts:

The dispute began with the issuance of Memorandum Order No. 4 on May 26, 1993, by Secretary of Labor Hon. Ma. Nieves R. Confesor, effecting the reassignment of several Mediator Arbiters, including the petitioners, to different units within the Department of Labor and Employment (DOLE) in the interest of expedited resolution of inter-union and intra-union cases. Unlike some of their colleagues, the petitioners resisted their reassignment, arguing that it was done without their consent and was tantamount to removal without just cause.

Responding to petitioners' requests for reconsideration, the Secretary of Labor issued a clarification memo stating that the reassignments were not transfers but mere reassignments not requiring consent. Despite this clarification, petitioners persisted in their refusal to comply, leading to their being administratively charged for gross insubordination.

Petitioners then appealed to the Civil Service Commission (CSC), which, following the abolition of the Merit Systems Protection Board (MSPB) and subsequent direct appeals to the CSC, reviewed and found the reassignments valid, legal, and dismissed the appeal. Concurrently, the Secretary of Labor found the petitioners guilty of gross insubordination, resulting in their suspension for one year.

The petitioners escalated the matter to the Supreme Court through a petition for certiorari, challenging the CSC's resolution and the Secretary of Labor's suspension orders on grounds including jurisdictional overreach, malice, and violation of their constitutional rights to due process and security of tenure.

### Issues:

1. Whether the Civil Service Commission had jurisdiction to review the reassignments challenged by the petitioners.
2. Whether the reassignments and subsequent disciplinary actions taken against the petitioners were made in bad faith, with malice, or partiality.
3. Whether the reassignments constituted a violation of the petitioners' constitutional rights to security of tenure and due process.
4. Whether the petitioners' failure to exhaust administrative remedies invalidates their petition for certiorari.

### Court's Decision:

1. The Court found that the CSC had proper jurisdiction to hear the appeal concerning the reassignments following the abolition of the MSPB, making the CSC the direct appeal body for such administrative cases.
2. On the issue of bad faith, malice, or partiality, the Court ruled that there was no substantial evidence provided by the petitioners to support such claims. The presumption of regularity in official actions remained un-rebutted.
3. Regarding the rights to security of tenure and due process, the Court clarified that reassignment within the same agency, not involving a reduction in rank or salary and done in the interest of the service, does not violate these rights. The petitioners were not demoted but reassigned, and their refusal to comply was unsubstantiated.
4. Lastly, the Court held that the petitioners' actions exhibited a clear case of non-exhaustion of administrative remedies, particularly regarding the preventive suspension and the punitive suspension, thus rendering the petition for certiorari premature and dismissible.

### Doctrine:

The case reaffirmed that a reassignment made in good faith, within the same agency, and in the interest of government service, does not require the employee's consent, does not violate the constitutional rights to security of tenure and due process, and is not considered a demotion.

### Class Notes:

- **\*\*Security of Tenure\*\***: Defined in this context as not being violated by reassignments within the same agency where such movements do not involve demotion or reduction in salary.
- **\*\*Administrative Reassignments\*\***: Distinguished from transfers; they can be made unilaterally by the department head in the interest of public service without necessitating the employee's consent.
- **\*\*Exhaustion of Administrative Remedies\*\***: Essential before resorting to judicial intervention, as demonstrated by the rejection of the petitioners' pleas for failing to fully explore and resolve their grievances through administrative channels.

### Historical Background:

This case illustrates the complex interplay between administrative law and constitutional rights within the Philippine civil service. It underscores the balance between the government's prerogative to reorganize and reassign personnel for efficiency and the

employees' rights to security of tenure and due process, set against a backdrop of extensive bureaucracy and the need for administrative recourse before judicial intervention.