

****Title:** Civil Service Commission vs. Felicisimo O. Joson, Jr.**

****Facts:****

On July 1, 1995, Felicisimo O. Joson, Jr., then Administrator of the Philippine Overseas Employment Administration (POEA), appointed Priscilla Ong as Executive Assistant IV in his office under a contractual status. This followed the approval of the Department of Budget and Management (DBM) to create a contractual position for Executive Assistant IV at the POEA, effective not before July 1, 1995. Joson later sought an exemption from the Civil Service Commission (CSC) for Ong's educational qualification requirement, highlighting her incomplete college education but substantial units towards a bachelor's degree.

The CSC responded on November 2, 1995, approving Ong's appointment under a "Coterminous Temporary" status due to the specific circumstance of the appointment being tied to the tenure of the appointing authority and Ong's near-qualification based on earned college units. However, a February 6, 1996 post-audit report by the CSC invalidated Ong's July 1995 appointment, which led Joson to request CSC approval for back payment of Ong's salary from July to October 1995, claiming Ong performed duties beneficial to the POEA.

The CSC, through Resolution No. 974094 dated October 16, 1997, denied the salary payment, citing RA 7430 (Attrition Law), stating that Joson's appointment of Ong lacked prior authority, making the early periods of Ong's service ineligible for salary compensation. Following a series of denied reconsiderations and motions from Joson, the issue escalated to the Court of Appeals, which ruled in favor of Joson, deeming Ong a de facto officer entitled to compensation for the disputed period. The CSC appealed this decision to the Supreme Court on the ground that Ong was not entitled to salary compensation due to her appointment's procedural and regulatory issues.

****Issues:****

1. Whether Priscilla Ong is entitled to back payment of her salary for the period before the CSC's formal approval of her appointment.
2. The applicability of RA 7430 (Attrition Law) on the appointment of Priscilla Ong and subsequent salary payment.

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

The Supreme Court ruled in favor of Felicisimo O. Joson, Jr., rejecting the CSC's appeal. The Court found that Ong's appointment was valid from its inception, justified by urgent and necessary service in the POEA, despite her not meeting the educational requirement which

was later waived by CSC. It clarified that Ong's appointment was not subject to the Attrition Law as it was a newly created position, thus not filling a vacancy from resignation, retirement, dismissal, or death but was needed for operational necessity in the POEA. Consequently, Ong was deemed a de jure officer, entitled to salary from the date of her actual service commencement, refuting CSC's argument that presented her as a de facto officer.

****Doctrine:****

A de jure officer is entitled to compensation for periods of actual service, even if the appointment was initially under review or lacked immediate administrative approval. Novel appointments created for operational urgency can be exempt from the Attrition Law's prior authority requirement.

****Class Notes:****

- A de jure officer has the right to compensation from the date of commencing duties.
- CSC approval is definitive but not necessarily preconditory for the effectiveness of appointments or entitlement to compensation.
- The Attrition Law (RA 7430) does not apply to newly created positions not filling up existing vacancies.
- The principle of quantum meruit applies, justifying compensation for services rendered when beneficial to the appointing authority.

****Historical Background:****

This case underscores the complexities and nuances in Philippine administrative law, particularly regarding appointments to public office and the intricate balance between regulatory compliance and operational exigencies within government agencies. It reflects the judiciary's role in interpreting statutory requirements in light of practical governance needs, setting a precedent for future disputes over public service appointments and compensation entitlements.