

### Title:

Leonora A. Gesite, et al. vs. The Civil Service Commission and the Secretary of Education, Culture & Sports

### Facts:

This case involves Leonora A. Gesite, Fe Lamoste, Adelaida Macalindong, and Guia C. Agaton, public school teachers at the E. de los Santos Elementary School in Manila, who participated in mass actions in September 1990 to protest for the payment of their allowances and other grievances against the Department of Education, Culture, and Sports (DECS). DECS Secretary Isidro Cariño warned the teachers that participation would lead to job loss and issued a return-to-work order, which the petitioners defied leading to administrative complaints for gross misconduct, among other charges. Despite the opportunity, the petitioners failed to counter the charges, resulting in their initial dismissal, later reduced to suspension after appeal. Their appeals to the Merit System Protection Board and the Civil Service Commission (CSC) were denied. The case escalated to the Supreme Court but was referred to the Court of Appeals, which upheld the CSC's decision. The petitioners then sought a review from the Supreme Court, arguing their right to peaceably assemble and questioning the denial of their back wages during suspension.

### Issues:

1. Whether the petitioners' participation in the mass actions constitutes conduct prejudicial to the best interest of the service warranting administrative penalty.
2. Whether the denial of back wages during the period of suspension is lawful.

### Court's Decision:

The Supreme Court denied the petition, affirming the decision of the Court of Appeals. It held that the teachers' participation in mass actions, which resulted in unauthorized absences and disruption of classes, was conduct prejudicial to the best interest of the service. The Court reiterated that while public sector employees have the right to organize and petition for grievances, this does not include the right to strike or similar actions that disrupt public services. The decision to deny back wages was justified as the petitioners did not work during their suspension.

### Doctrine:

The decision underscores the limitation on the right of government employees to strike, emphasizing that while they may organize and petition the government, any form of mass action leading to the disruption of public services is prohibited. It also reiterates the

principle that no compensation is due for periods of suspension where no service is rendered.

**### Class Notes:**

- **\*\*Public Service Strike Prohibition:\*\*** Government employees cannot engage in strikes, walkouts, or mass leaves that disrupt public service.
- **\*\*Conduct Prejudicial to the Best Interest of the Service:\*\*** Unauthorized absences, especially those that lead to service disruption, fall under this category and are punishable under Civil Service regulations.
- **\*\*Back Wages:\*\*** Public officials or employees are not entitled to compensation for periods during which they did not render service due to suspension.
- Relevant Provisions:
  - Executive Order No. 292 (Administrative Code of 1987), Section 46(27), Chapter 7, Book V, outlines conduct prejudicial to the best interest of the service as an administrative offense.
  - The Constitution, under Section 8, Article III, permits the formation of associations or unions by public employees but does not extend this right to include strikes that disrupt public service.

**### Historical Background:**

The case highlights a pivotal moment in the struggle for labor rights within the Philippine public sector, illustrating the tensions between the exercise of constitutional rights by government employees and the imperative to maintain uninterrupted public service. It reflects the ongoing debate on the extent and limitations of public sector employees' rights to protest and the state's role in balancing those rights against its duty to the public.