

Title: **Mayor Rhustom L. Dagadag vs. Michael C. Tongnawa and Antonio Gammod**

Facts:

1. **Initial Administrative Cases (July 24, 1995 – August 1, 1995)**

- Petitioner Rhustom L. Dagadag, then Mayor of Tanudan, issues a memorandum to Respondents Michael C. Tongnawa and Antonio Gammod demanding explanations for complaints of unbecoming conduct and failure to perform duties.
- Respondents submit their explanations.
- Mayor Dagadag subsequently issues Executive Order No. 95-002, creating a Municipal Grievance Committee, chaired by Vice-Mayor Guilbert Dangpason, to investigate these charges.

2. **Investigation and Findings (November 27, 1995)**

- The Committee reports respondents are guilty of insubordination, inadequate performance, and absences without official leave (AWOL).
- Respondents are suspended for two months starting December 1, 1995.

3. **Appeal to Civil Service Commission (CSC) (May 23, 1996)**

- Respondents argue their right to due process was violated and file an appeal.
- During this appeal, Mayor Dagadag issues another order on May 23, 1996, dropping respondents from the roll of employees due to unauthorized absences, effective May 28, 1996.

4. **Civil Service Commission Decisions (October 21, 1997, and June 29, 1999)**

- CSC upholds the Mayor's suspension order via Resolution No. 974229 on October 21, 1997, rejecting respondents' motion for reconsideration on May 31, 1999.
- Respondents elevate the issue to the Court of Appeals with a petition for review (CA-G.R. SP No. 54511).
- CSC reaffirms respondents' removal from the rolls on June 29, 1999. Their motion for reconsideration is denied, leading to another appeal (CA-G.R. SP 57315).

5. **Court of Appeals Ruling (July 31, 2003, and December 10, 2003)**

- Consolidating both cases, the Court of Appeals nullifies the CSC resolutions and orders respondents' reinstatement with back wages.

6. **Supreme Court Petition (Post-2003)**

- Mayor Dagadag, no longer in office, challenges the Court of Appeals' decision at the Supreme Court level.

Issues:

1. ****Due Process Violations****:

- Whether the respondents were denied due process during the administrative investigation by the Municipal Grievance Committee.

2. ****Justifiability of Suspension and Dismissal****:

- Whether substantial evidence existed to justify the respondents' suspension and removal by the Mayor.

3. ****Continuous Absence Requirement****:

- Interpretation of the rule regarding absences without authorized leave, specifically whether the absences must be continuous.

4. ****Authority to Appeal****:

- Whether Mayor Dagadag retained a legal personality to appeal the Court of Appeals' decision after his term ended.

Court's Decision:

1. ****Due Process Violations****:

- The Court upheld the Court of Appeals' finding that respondents were deprived of due process since no actual investigation was conducted by the Grievance Committee per vice-mayor Dangpason's and William Tumbali's affidavits.

2. ****Justifiability of Suspension and Dismissal****:

- Suspension: The Court agreed that the suspension lacked factual basis as no adequate evidence was provided to justify it.

- Dismissal: The Court found that the respondents' absences were intermittent, not continuous as required for legal dismissal, rendering the Mayor's order invalid.

3. ****Continuous Absence Requirement****:

- The Supreme Court interpreted the rule stringently, confirming absences must be unbroken and continuous for thirty days to justify dismissal.

4. ****Authority to Appeal****:

- Given that the petitioner was no longer the Mayor of Tanudan at the time of filing, and the successor did not continue the appeal, the Court ruled that Mayor Dagadag lacked the legal personality to pursue the appeal.

Doctrine:

1. **Due Process in Administrative Proceedings**:

- Proper procedural due process is mandatory in administrative investigations, and failure to conduct an actual investigation violates due process.

2. **Interpreting Absence Rules**:

- The rule regarding absences requiring them to be continuous and not just exceeding thirty days in total supports strict statutory construction principles in disciplinary actions.

3. **Authority to Appeal by Public Officials**:

- A public officer's right to appeal is dependent on their official capacity at the time of filing. Successors must manifest intent to continue the appeal within prescribed timelines.

Class Notes:

1. **Due Process in Administrative Law**:

- Essential steps: Notice, Opportunity to be Heard, and Impartial Tribunal.
- Case Reference: Dangpason and Tumbali affidavits.

2. **Legal Requirement for Disciplinary Actions**:

- Absences must be "continuous" and not just totaling thirty days.
- Statutory Reference: Section 444, Republic Act No. 7160.

3. **Authority to Appeal**:

- Legal personality in appeals: Must be current officeholder or successor must manifest intent.
- Procedural Reference: Section 17, Rule 3, 1997 Rules of Civil Procedure.

Historical Background:

This case is set against the backdrop of local governance and civil service rules in the Philippines. It underscores the rigorous adherence to procedural due process in administrative disciplinary measures. Highlighting recurring themes in administrative justice, the case delineates the delicate balance of authority and accountability among local chief executives and their subordinates within the Public Service framework. The ruling also portrays the evolving judiciary's interpretation and reinforcement of civil service protections and appointment powers as set forth in the Local Government Code and the Civil Service Commission's mandate.