

****Title:****

Gloria v. Court of Appeals, Abad, Bandigas, Somebang, and Margallo (365 Phil. 744)

****Facts:****

In September and October 1990, public school teachers in the Philippines staged strikes and walk-outs, which were later declared illegal by the Supreme Court in the case of Manila Public School Teachers Association v. Laguio, Jr. Amid these strikes, four teachers—Amparo Abad, Virgilia Bandigas, Elizabeth Somebang, and Nicanor Margallo—did not report for work. They were charged with grave misconduct, gross neglect of duty, gross violation of Civil Service Law Rules and Regulations, refusal to perform official duty, gross insubordination, conduct prejudicial to the best interest of the service, and absence without leave (AWOL). As a result, they were placed under preventive suspension.

After an administrative investigation, Margallo was dismissed from service effective October 29, 1990, and the other three respondents were suspended for six months starting December 4, 1990. Margallo appealed to the Merit Systems and Protection Board (MSPB), which found him guilty of a lesser offense and suspended him for six months. The other respondents failed to file their appeal memorandum on time, and their appeals were dismissed.

Upon further appeal, the Civil Service Commission (CSC) affirmed MSPB's decision regarding Margallo but reduced the sanction for Abad, Bandigas, and Somebang to a reprimand, ordering their reinstatement.

The respondents then filed a petition for certiorari under Rule 65 to the Supreme Court, which was transferred to the Court of Appeals. The appellate court affirmed the CSC's decision on Abad, Bandigas, and Somebang and modified the penalty for Margallo to a reprimand, ordering their reinstatement and payment of salaries during the suspension beyond the 90-day preventive suspension period. Secretary of Education Ricardo T. Gloria filed for reconsideration, arguing against the payment of salaries. The Court of Appeals denied his motion, leading to the petition for review on certiorari in the Supreme Court.

****Issues:****

1. Whether the respondents are entitled to back salaries during the period of their suspension pending appeal.

2. Whether the respondents' preventive suspension pending investigation entitles them to back salaries even if they are exonerated.
3. Whether the respondents are entitled to back salaries despite being found guilty of a lesser offense of violating office rules and regulations, for which they were reprimanded.

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

The Supreme Court affirmed with modification the decision of the Court of Appeals:

1. ****Preventive Suspension and Right to Compensation:**** The Court differentiated between preventive suspension pending investigation and preventive suspension pending appeal. For preventive suspension pending investigation, the Court held that employees are not entitled to back salaries even if exonerated, as the suspension is authorized by law and serves to facilitate an unbiased investigation. However, for preventive suspension pending appeal, the Court ruled that employees are entitled to back salaries if they are eventually exonerated, as it would be unjust to deprive them of their pay after being found innocent of the charges.
2. ****Back Salaries for Period of Suspension Pending Appeal:**** The Court ruled that respondents should be paid salaries from the time of their suspension/dismissal until their actual reinstatement for a period not exceeding five years.
3. ****Entitlement Despite Penalty of Reprimand:**** Despite being found guilty of a lesser offense (violation of reasonable office rules), the Court recognized that the respondents were not guilty of the more severe charges that justified their initial suspension. Thus, they were entitled to back salaries for the period of suspension pending appeal.

****Doctrine:****

1. ****Preventive Suspension Pending Investigation:**** Employees are not entitled to back salaries for this period even if exonerated, as the suspension is legally authorized to ensure an unbiased investigation.
2. ****Preventive Suspension Pending Appeal:**** Employees are entitled to back salaries for this period if they are exonerated, as the suspension becomes unjustified once they are found innocent.

****Class Notes:****

- ****Administrative Investigation:**** Involves preventive suspension not exceeding 90 days

unless extended by the employee's actions.

- **Types of Preventive Suspension:** Pending investigation (no salary entitlement if exonerated) vs. pending appeal (salary entitlement if exonerated).

- **Civil Service Law Sections:**

- **Section 47 (4):** Defines the preventive suspension during appeal and mandates back pay if the appeal is successful.

- **Section 51 and 52:** Discuss preventive suspension pending investigation and automatic reinstatement after 90 days if not resolved.

Historical Background:

In the broader context, the case underscores the balancing act between protecting the integrity of public service investigations and ensuring fairness to public servants. The teacher strikes and subsequent legal disputes highlight tensions during a period of significant socio-political activities in the Philippines, impacting labor relations and administrative protocols.