

Title:

Bangalisan et al. vs. Court of Appeals, Civil Service Commission, and Secretary of DECS (342 Phil. 586)

Facts:

****1. Incident and Initial Disciplinary Action:****

- On September 17-19, 1990, several public school teachers, including the petitioners, participated in mass actions to protest the alleged failure of public authorities to implement laws and measures beneficial to them.
- The Secretary of the Department of Education, Culture, and Sports (DECS) issued a return-to-work order on September 17, 1990, which the petitioners ignored.
- They were charged with various offenses, including grave misconduct, gross neglect of duty, gross insubordination, and conduct prejudicial to the best interest of the service. They were also placed under preventive suspension.

****2. Procedural History:****

- On October 30, 1990, the DECS Secretary rendered a decision dismissing the petitioners from service.
- Petitioners Bangalisan, Gregorio, Cabalfin, Mercado, Montances, and Pagpaguitan filed motions for reconsideration, resulting in a modification of their penalty from dismissal to nine months suspension without pay.
- Petitioner Gomez moved for reconsideration and then appealed to the Merit Systems Protection Board (MSPB). Other petitioners filed individual appeals to MSPB, which were dismissed for lack of merit.
- The petitioners escalated their appeals to the Civil Service Commission (CSC), which dismissed the appeals of Cabalfin, Montances, and Pagpaguitan initially for being late, but subsequently ruled on their merits. The CSC issued decisions imposing suspensions without pay, either for six or nine months, and ordered reinstatements without back wages.
- All petitioners' motions for reconsideration to the CSC were denied with the exception of Rodolfo Mariano, who received only a reprimand as he was found to have violated reasonable office rules rather than participating in the mass actions.
- Petitioners filed a petition for certiorari with the Supreme Court, which was referred to the Court of Appeals.
- The Court of Appeals dismissed the petition on October 20, 1995, affirming the CSC resolutions.

Issues:

- **1.** Whether the petitioners' participation in the mass actions constituted a strike which public employees are prohibited from engaging in.
- **2.** Whether the penalization of petitioners for participating in mass actions infringed on their constitutional right to peaceably assemble and petition the government for redress of grievances.
- **3.** Whether the denial of back wages to the petitioners, who were under preventive suspension, was lawful.

Court's Decision:

1. Strike Participation:

- The Supreme Court affirmed that the mass actions conducted by the teachers were effectively a strike aimed at achieving their demands through work stoppage. Public employees, including teachers, are prohibited from striking as it disrupts public services.

2. Right of Assembly vs. Public Service Disruption:

- The Court noted that petitioners were penalized not for exercising their right to assemble but for the manner in which they did so, leading to unauthorized absences and disruption of public education. Such actions were determined to be prejudicial to the best interest of the service.

3. Denial of Back Wages:

- Petitioners were not completely exonerated from the charges against them, hence the denial of back wages was upheld, except for Rodolfo Mariano. Mariano was exonerated of the primary charges and only reprimanded for a minor infraction, meriting payment of back wages for his suspension period.

Doctrine:

- Public employees do not have the right to strike or participate in work stoppages.
- The right to assemble must not disrupt essential public services.
- Suspension of public services, even temporarily, justifies sanctions on participating employees.
- Denial of back wages is proper unless the employee is completely exonerated.

Class Notes:

Key Concepts:

1. **Public Employees Right to Strike:**

- Prohibited from participating in strikes and work stoppages that disrupt public services.
- Articulated in cases like *Manila Public School Teachers Association v. Laguio* and *SSS Employees Association v. Court of Appeals*.

2. **Preventive Suspension:**

- Allowed if charges involve grave misconduct, neglect of duty, etc. as per Sec. 51, EO No. 292.
- Immediate execution of decisions imposing penalties other than removal (Sec. 47(2), EO No. 292).

3. **Back Wages:**

- Entitlement during suspension only if the employee is completely exonerated.
- *Austria v. Auditor General* precedent: No compensation if no service rendered.

Statutory Provisions:

- **Executive Order No. 292, Sections 47 and 51:** Defines the scope of authority for preventive suspension and execution of disciplinary decisions.
- **Rules Implementing Book V, Section 23:** Guidelines on penalizing first offenses like violations of reasonable office rules.

Historical Background:

Context:

- This case follows from mass actions by public school teachers in 1990 over perceived failings in government-provided benefits.
- It reaffirms longstanding principles about the limits on public employees' right to strike, aligning Philippine jurisprudence with global norms barring public service disruptions.

Relevance:

- Highlights the tension between public workers' demands and the imperatives of continuous public service delivery.
- Reflects the constitutional boundaries on public employees' civil action rights in the Philippines.