

Title: Baculi v. Office of the President et al.

Facts:

1. **Appointment and Initial Charges:**

- July 16, 1988: Francisco T. Baculi appointed as Provincial Agrarian Reform Officer (PARO) II by then President Corazon C. Aquino.
- 1991: Baculi enters into various contracts for leasing office equipment beyond his P50,000.00 signing authority, without the required Certificate of Availability of Funds, and without public bidding, violating COA Circulars and Presidential Decree No. 1445.
- September 4, 1992: Baculi formally charged with gross dishonesty, abuse of authority, grave misconduct, and conduct prejudicial to the best interest of the service by DAR Secretary Ernesto D. Garilao, and placed under preventive suspension for 90 days.

2. **Administrative Proceedings:**

- October 25-28, 1992: Baculi submits his defense and attends a formal investigation held by DAR Legal Affairs Office.
- May 17, 1994: Baculi dismissed from service by DAR Assistant Secretary Hector D. Soliman, later affirmed by Secretary Garilao on August 2, 1994.

3. **Appeals and Resolution:**

- Baculi appeals to the Civil Service Commission (CSC), which affirms the dismissal. Baculi's motion for reconsideration is denied.
- Baculi files a petition for review with the Court of Appeals (CA). Decision promulgated on August 31, 2000, nullifying his dismissal due to lack of jurisdiction by DAR Secretary over presidential appointees, but allows forwarding findings to Office of the President.

4. **Separate Proceedings:**

- January 2001: Baculi requests reinstatement from DAR, but instead, the findings and recommendations are forwarded to the Office of the President.
- June 26, 2003: Acting Deputy Executive Secretary for Legal Affairs Manuel B. Gaité, by the President's authority, dismisses Baculi from the service again.
- Baculi appeals to the CA, which dismisses his petition on October 29, 2008.

5. **Mandamus for Salary:**

- Baculi files a mandamus petition to compel payment of his salaries and benefits for the period beyond the preventive suspension until final dismissal, but RTC dismisses the petition.

- The CA reverses RTC's decision and grants Baculi's request for back salaries from September 4, 1992, to June 25, 2003, except for periods of 90 days preventive suspension, and March 12, 2001, to December 31, 2001.

****Issues:****

1. ****Validity of the First Dismissal****: Whether the DAR Secretary's dismissal of Baculi in 1994 was void due to lack of jurisdiction over a presidential appointee.
2. ****Validity of the Second Dismissal****: Whether the second dismissal issued by the Acting Deputy Executive Secretary for Legal Affairs on behalf of the President in 2003 was valid.
3. ****Entitlement to Back Salaries****: Whether Baculi is entitled to back salaries and benefits from the period following his preventive suspension till his final dismissal in 2003.
4. ****Effect of Pending Prejudicial Question****: Whether the pending case questioning the legality of Baculi's second dismissal affects the mandamus case for back salaries.

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

1. ****First Dismissal****: The Supreme Court affirmed the CA's decision that the first dismissal was void due to lack of jurisdiction as the DAR Secretary had no disciplinary authority over presidential appointees.
2. ****Second Dismissal****: The Supreme Court upheld the validity of the second dismissal by the Acting Deputy Executive Secretary, recognizing the President's power to delegate such functions under the doctrine of qualified political agency.
3. ****Back Salaries****: The Court agreed with the CA that Baculi was entitled to back salaries for the period from the end of his preventive suspension until his lawful dismissal by the President, excluding periods he was in service.
4. ****Prejudicial Question****: The Supreme Court did not find it necessary to resolve the prejudicial question due to the consolidation of appeals moot.

****Doctrine:****

The Supreme Court reiterated that preventive suspensions cannot be indefinite. For presidential appointees, such suspensions should last within a reasonable time. Furthermore, public officials must be reinstated at the end of their preventive suspension if no final decision is reached within the allowed period, reinforcing principles of due process and security of tenure.

****Class Notes:****

- ****Preventive Suspension****: Defined in Section 51 of Executive Order No. 292 and Section 42 of Presidential Decree No. 807. Duration constraints highlight that preventive suspension

should not exceed 90 days for non-presidential appointees. For presidential appointees, an indefiniteness is not allowed.

- **Doctrines of Qualified Political Agency**: Executive functions are often delegated to cabinet members or authorized officials. Acts of the Executive Secretary and other authorized officials are considered acts of the President unless expressly disapproved.

- **Reinstatement and Back Pay**: Preventive suspension must be lifted and reinstatement automatic if no final decision is reached within 90 days (or reasonable period for presidential appointees). Affected officials are entitled to back pay and benefits from the point preventive suspension should legally end.

Historical Background:

The case reflects post-EDSA revolution adjustments in the Philippine civil service structure. The administrative rules, such as asserting checks on potential misuse of preventive suspension and ensuring a fair disciplinary process, respond to historical abuses of power by authorities pre-1986 that disregarded employees' tenure and due process rights. The decisions affirm constitutional guarantees established for public servants' security and discipline within administrative frameworks.