

****Title**:** Bureau of Customs Employees Association (BOCEA) vs. Hon. Rozzano Rufino B. Biazon et al.

****Facts**:**

This case involves a petition for Certiorari, Prohibition, and Injunction with Application for the Issuance of a Temporary Restraining Order filed by the Bureau of Customs Employees Association (BOCEA). BOCEA challenged several administrative orders and memoranda issued by the Department of Finance and the Bureau of Customs (BOC), which affected the payment of overtime work by Customs personnel.

1. ****15 July 2011****: Customs Administrative Order (CAO) No. 7-2011 was issued, prescribing a shifting schedule of three 8-hour shifts for continuous 24-hour service at the Ninoy Aquino International Airport (NAIA) and other international airports, and clarifying the policy on night-shift differential pay.
2. ****3 August 2012****: Secretary of Finance Cesar V. Purisima issued a memorandum to BOC Commissioner Rozzano Rufino Biazon reiterating the need for a 24/7 shifting schedule at airports and seaports to avoid charging overtime pay against private entities. It required appropriate customs administrative orders prohibiting such charges, with overtime pay to be handled by the National Government at government rates.
3. ****10 August 2012****: BOC Commissioner Biazon issued a memoir to all customs collectors reiterating the 24/7 shift schedule and stopping the practice of charging overtime pay against private entities effective immediately.
4. ****28 August 2012****: Customs Memorandum Circular (CMC) No. 195-2012 was issued, informing BOC personnel of the implementation of the 24/7 schedule to avoid charging private entities for overtime work.
5. ****7 March 2013****: BOCEA filed the petition asserting that the stoppage of charging private entities for overtime had “worsened the situation of the already economically dislocated customs personnel,” and claimed the issuances to be unconstitutional and patently illegal.

The procedural posture included direct recourse to the Supreme Court due to the alleged grave abuse of discretion by the respondents in issuing the administrative orders and memoranda leading to their asserted financial detriment to the petitioners. The Office of the Solicitor General, representing the respondents, challenged the objection on the ground of

procedural infirmity and defended the validity of the administrative issuances.

****Issues**:**

1. Whether BOCEA's petition for direct recourse to the Supreme Court without filing in the lower courts first was proper.
2. Whether the respondents committed grave abuse of discretion in issuing administrative orders and memoranda prohibiting BOC personnel from charging private entities for overtime work.
3. Whether the administrative issuances violated constitutional and statutory provisions, specifically Section 1, Article VI and Section 29(1), Article VI of the 1987 Constitution, and Section 3506 of the Tariff and Customs Code of the Philippines (TCCP).

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

1. ****On Proper Recourse**:** The Court ruled that while traditionally a petition for certiorari, prohibition, and injunction should be filed with the lowest court of concurrent jurisdiction, the Court recognized the expanded certiorari jurisdiction established by the 1987 Constitution allowing for direct recourse to the Supreme Court in cases of grave abuse of discretion.
2. ****On Grave Abuse of Discretion and Validity**:**
 - The Court upheld CAO No. 7-2011, which prescribed the 24-hour shift schedules and night-shift differential pay, stating it was a valid exercise of the ordinance-making power of the Executive to control work within the Bureau.
 - However, the Court declared invalid the administrative orders and memoranda prohibiting the personnel from charging overtime pay against private entities until the new law (RA 10863) took effect in 2016. The Court cited the existing Section 3506 of the TCCP, which mandated private entities to pay for overtime work by customs employees.

****Doctrine**:**

1. ****Expanded Certiorari Jurisdiction**:** The 1987 Constitution expanded the judicial power to include the duty of courts to determine grave abuse of discretion by any branch or instrumentality of the Government.
2. ****Executive Ordinance-Making Power**:** Executive officials have inherent ordinance-making power to govern the operations of their agencies, including the prescription of work hours and schedules.
3. ****Statutory Mandates on Overtime Pay**:** Section 3506 of the TCCP required that customs employees' overtime work be paid by private entities benefiting from such services,

a mandate which prevailed until superseded by RA 10863.

****Class Notes**:**

- ****Certiorari**:** Under Rule 65, petitions must usually be filed with the lowest court of concurrent jurisdiction, though exceptions are made under the expanded jurisdiction of the Supreme Court.
- ****Overtime Pay**:** Section 3506 of the TCCP specified that Customs employees' overtime must be paid by private entities served; this was later changed by RA 10863, which mandated that overtime pay be handled by the Bureau of Customs.
- ****Ordinance-Making Powers**:** The inherent power of the executive to issue rules and regulations for managing the operations of its agencies.
- ****Hierarchy of Courts**:** Reinforces that petitioners should respect the procedural hierarchy by starting at the lowest court of concurrent jurisdiction.

****Historical Background**:**

The case reflects long-standing tension between government fiscal policies and the operational needs of service agencies like the Bureau of Customs. The shift from Section 3506 of the TCCP to the new RA 10863 aligns with broader governmental reforms to streamline and modernize customs and fiscal practices in line with international standards. It underscores the continuing evolution of administrative law and the judiciary's role in balancing statutory mandates against regulatory practices.