

JUANITO V. TORRES, PETITIONER, VS. CIVIL SERVICE COMMISSION AND DR. EDGARDO S.A. JAVILLONAR, RESPONDENTS.

Ponente: CARANDANG, J.

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CARANDANG, J.:

This is a Petition for Review under Rule 43 of the Rules of Court seeking to reverse and set aside the Decision[1] dated 27 June 2012 of the Civil Service Commission (Commission) which affirmed the Resolution[2] dated 30 November 2010 of the Center for Health Development-Metro Manila, Department of Health (CHD-MM DOH). The Resolution of the CHD-MM DOH dismissed the administrative complaint against respondent Dr. Edgardo S.A. Javillonar (respondent) filed by the petitioner Juanito V. Torres (petitioner).

The facts, as culled from the records, are as follows:

Petitioner was a former Hansenite (leprosy) patient who was admitted at the Dr. Jose N. Rodriguez Memorial Hospital (“DJNRMH”), Tala, Caloocan City in the early 1990s. On 10 March 1999, he started working as a gratuity worker at the said hospital, the tenure of which was dependent upon his being a registered patient. On 9 November 2009, he was removed by the respondent from the roster of registered patients of DJNRMH due to his being declared as completely cured from the Hansen disease and because of his violations of certain hospital policies.[3] As a consequence, he was automatically removed as gratuity worker.

On 2 August 2010, petitioner contested his removal and filed a letter-complaint against the respondent with the CHD-MM DOH on the grounds of Oppression and Violations of DOH AO No. 2007-0042. Petitioner accused the respondent of abusing his power as hospital chief and of unduly oppressing him. He was allegedly singled out by the respondent because he was the head of the two organizations which have aired grievances against the respondent as well as the hospital administration. He stated that the discrimination against him by the respondent arose because he spearheaded a rally in his capacity as president of Tala Hansenites Council on 22 June 2009 against the conversion of food subsidies given to leprosy patients into cash subsidies. In February 2009, he also led a petition, as president of Unyon ng Manggagawang Pangkalusugan, seeking for better working conditions for gratuity workers and patient assistants.[4]

Respondent countered that the appellant was not singled out, much less discriminated against, for heading the two organizations. The discharge was primarily anchored on the fact that he was no longer infected with *Mycobacterium Leprea* and is free to join the society at large. In addition, respondent cited petitioner's infractions of the hospital policies. In particular, he cited the appellant's act of leading two separate mass actions without permit which is a violation of DJNRMH Hospital Order No. 153, Series of 1988 dated 14 December 1988. Respondent averred that petitioner, without a permit, led a rally on 6 February 2009 in front of DJNRMH Emergency Room causing disruption on the ongoing medical procedures and disturbance among hospital staff and patients. In the afternoon of the same day, petitioner also led another rally in front of the main gate of the Department of Health at the San Lazaro Compound, Sta. Cruz, Manila.[5]

On 30 November 2010, the CHD-MM DOH, through Dr. Irma L. Asuncion, issued a Resolution dismissing

petitioner's complaint against the respondent. Its dispositive portion reads:

“Finding no prima facie case to warrant the issuance of a formal charge, the dismissal of the complaint against Dr. Javillonar is in order. For lack of merit, the charges against Dr. Javillonar is hereby DISMISSED.”

On 20 December 2010, petitioner filed a Motion for Reconsideration of the 30 November 2010 Resolution but it was denied by the CHD-MM DOH on 21 January 2011.

On 2 May 2011, petitioner appealed the dismissal of his complaint with the Commission which denied the same on 27 June 2012 for lack of merit. The dispositive portion of the 27 June 2012 Decision states:

“WHEREFORE, the appeal of Juanito V. Torres is hereby DISMISSED. Accordingly, the CHD-MM DOH Resolution dated November 30, 2010 dismissing Torres' complaint against Dr. Edgardo S.A. Javillonar for the offense of Oppression and Violation of DOH Administrative Order No. 2007-0042, STANDS.”

Hence, this Petition.

Petitioner contends that the Commission gravely erred:

I. IN RULING THAT THERE IS NO PRIMA FACIE CASE TO WARRANT THE ISSUANCE OF A FORMAL CHARGE OF OPPRESSION AGAINST RESPONDENT JAVILLONAR;

II. IN RULING THAT THERE IS NO PRIMA FACIE CASE FOR VIOLATION OF DOH ADMINISTRATIVE CURCULAR (sic) NO. 2007-0042 COMMITTED BY RESPONDENT JAVILLONAR; AND

III. IN DECLARING THAT PETITIONER HAS NO LEGAL PERSONALITY TO INTERPOSE AN APPEAL FROM THE RESOLUTION OF CHD-MM DOH.”[6]

The Petition is without merit.

Before tackling the substantive issues, We discuss first the procedural issue of whether petitioner has a legal personality to interpose an appeal from an adverse decision of CHD-MM DOH. Petitioner contends that it has the legal personality to question the decision of the CHD-MM DOH because, as a private complainant, he is also a “party adversely affected by the decision” of CHD-MM DOH, citing the case *Civil Service Commission vs. Dacoycoy*.^[7]

Petitioner's reliance on *Dacoycoy* is misplaced. In *Dacoycoy*, the Supreme Court abandoned the jurisprudence which held that the Civil Service Law does not contemplate review of decisions exonerating government officers or employees from administrative charges. Consequently, the High Court in that case allowed the Civil Service Commission to appeal dismissals of charges or exoneration of respondents in administrative disciplinary proceedings. It held that the phrase “party adversely affected by the decision” is not limited to a government employee against whom an administrative case is filed but also includes the government. Contrary to petitioner's contention, however, the Supreme Court in *Dacoycoy* did not give any legal personality to a private complainant to appeal a decision dismissing the complaint against a government employee. It still upheld the long standing jurisprudence that a private complainant cannot appeal the dismissal of the administrative complaint against a civil servant because such administrative case does not involve private interest. His or her role is limited to a mere witness for the government. Thus:

“Subsequently, the Court of Appeals reversed the decision of the Civil Service Commission and held respondent not guilty of nepotism. Who now may appeal the decision of the Court of Appeals to the Supreme Court? Certainly not the respondent, who was declared not guilty of the charge. Nor the complainant George P. Suan, who was merely a witness for the government. Consequently, the Civil Service Commission has become

the party adversely affected by such ruling, which seriously prejudices the civil service system. Hence, as an aggrieved party, it may appeal the decision of the Court of Appeals to the Supreme Court.” (Underscoring Ours.)

The Supreme Court in *National Appellate Board of the National Police Commission vs. P/Insp. John A. Mamauag*[8], reiterated the ruling in *Dacoycoy* that a private complainant has no legal personality to file an appeal of a decision dismissing an administrative case against a government employee. Thus:

“*Dacoycoy* allowed the Civil Service Commission to appeal dismissals of charges or exoneration of respondents in administrative disciplinary proceedings. However, *Dacoycoy* maintained the rule that the private complainant is a mere government witness without a right to appeal. Thus, case law holding that the private complainant has no right to appeal the decision of the disciplining authority remains good law. As explained by Justice Jose Melo in his concurring opinion in *Floralde v. Court of Appeals*:

However, in *Civil Service Commission v. Dacoycoy* (306 SCRA 425 [1999]), which incidentally is another ponencia of Mr. Justice Pardo, the majority, with undersigned ponente dissenting, modified the above doctrine by allowing the CSC to appeal in cases where the respondent is exonerated of the charges. Nevertheless, in both cases, the Court did not deviate from the doctrine that the complainant, being a mere witness for the government, cannot appeal the decision rendered in the administrative case. In *Paredes*, we declared that the complainant is not the party adversely affected by the decision so that she has no legal personality to interpose an appeal to the CSC. In an administrative case, the complainant is a mere witness. No private interest is involved in an administrative case as the offense is committed against the government. xxx.” (Underscoring ours)

Moreover, Section 69 of Rule 13 of the Revised Rules on Administrative Cases in Civil Service provides that a finding of an agency head of lack of prima facie case against the respondent is not subject to appeal or petition for review before the Commission, to wit:

“Section 69. Petition for Review of Decisions of Agencies -- A decision of agency head dismissing a complaint for lack of prima facie case or issuance of a formal charge for a lower offense is not subject to appeal or petition for review before the Commission.”

In this case, Dr. Irma L. Asuncion, as head of CHD-MM DOH, dismissed the complaint a quo for lack of prima facie case to warrant a formal charge against the respondent. The Commission was thus correct in ruling that the said dismissal is not subject to an appeal before it pursuant to the above-cited administrative provision.

Based on the foregoing grounds alone, the instant appeal can be dismissed outright. Still, even if We rule this case on the merits, We find no imperative ground to rule for the petitioner.

Petitioner charges the respondent of oppression as well as of violation of DOH Administrative Order No. 2007-0042, particularly, Rule IV, Sections 2,[9] 3,[10] 7,[11] and 9,[12] and Rule IX, Sections 2[13] and 4.[14] The administrative case arose when the respondent allegedly acted in bad faith in removing his name from the rosters of registered patients of DJNRMH which also caused his removal as a gratuity worker of the hospital. For the petitioner, the main reason of the respondent in removing him as a registered patient was not due to any valid ground but because of his active role as president of both the Tala Hansenite Council and Unyon ng Manggawang Pangkalusugan in DJNRMH which have aired grievances on behalf of the Hansenite patients and gratuity workers in DJNRMH, respectively.

The general rule is that findings of the administrative agency on matters falling within its competence will not be disturbed by the court. Specifically with respect to factual findings, they are accorded respect, if not finality, because of the special knowledge and expertise gained by these tribunals from handling the specific matters

falling under their jurisdiction.[15] Such factual findings may be disregarded only if they are not supported by evidence; where the findings are initiated by fraud, imposition or collusion; where the procedures which lead to the factual findings are irregular; when palpable errors are committed; or when grave abuse of discretion arbitrariness or capriciousness is manifest.[16]

In this case, no exception to the general rule is present. We agree with both the CHD-MM DOH and the Commission that the petitioner failed to show that the respondent is guilty of oppression and of violation of DOH Administrative Order No. 2007-0042. Oppression is defined as an act of cruelty, severity, unlawful exaction, domination or excessive use of authority.[17] To Our mind, respondent's act of discharging petitioner as a DJNRMH patient did not amount to an oppression but was a valid and lawful official act.[18] Official acts enjoy the presumption of regularity, and the presumption may be overthrown only by evidence to the contrary. As per Hospital Order No. 244, Series of 2009, petitioner was declared clinically cured from Mycobacterium Leprae. Hence, his discharge from the hospital had sufficient basis and was not whimsical or arbitrary.

In addition, petitioner was found to have violated Hospital Order No. 153, Series of 1988 when it initiated mass actions inside and outside DJNRMH premises without the necessary permit. Hospital Order No. 153, Series of 1988 reads in part:

“Subject: Mass Actions and/or Demonstrations

It has been observed in the past that certain sectors within this hospital every now and then resort to mass action or demonstration to air their grievances, which more often than not, are baseless and only designed to embarrass persons in authority, and create confusion among the inhabitants/patients in Tala. Let it be understood that this Office has its legitimate duty to uphold the maintenance of peace and order within the hospital. It should be a reminder to all, moreover, that the exercise of freedom, particularly of speech and press is not limitless. As is known to everyone, this office is amenable, within the bounds of propriety and formality to entertain problems and offer its solution expeditiously, within its capability. In this connection, it is enjoined that any person or group of persons who desire to present problems by way of mass action/demonstration must be armed with the following:

- Permit from the Chief of Hospital IV.
- Permit from the Regional Director.
- Permit from the Secretary, Department of Health.
- Permit from the City Mayor's Office.
- Permit from the Tala CAPCOM Detachment.

In consonance therewith, should such mass action/demonstration be held outside, admitted patients are required to secure their passes first before going out of Tala.

Any patient found violating the foregoing regulations shall automatically be discharged, sent home, or transferred to another leprosarium.” (Underscoring Ours.)

It is clear from the foregoing that the staging of mass actions or demonstrations inside or outside of the DJNRMH

of a registered patient without the necessary permit from the concerned authorities can be a ground for his or her discharge from the hospital. In this case, petitioner admitted that he led the rally on 6 February 2009 without first securing the necessary permits as stated in Hospital Order No. 153, Series of 1988. In connection with this violation, petitioner was given a written notice by the hospital administration to air his side and explain why no disciplinary action should be taken against him.^[19] In other words, petitioner was accorded due process. Hence, there can no “act of cruelty, severity, unlawful exaction, domination or excessive use of authority” that can be attributed to the respondent because he was just simply implementing hospital policies pursuant to his duties as Chief of Hospital of DJNRMH.

In the same vein, the charges of violation of DOH Administrative Order No. 2007-0042 should fail because there was no showing of discrimination, partiality, prejudice, or harrassment on the part of the respondent.

As to the discharge of the petitioner as a gratuity worker, the same was also in order. The declaration that he was already discharged from DJNRMH as a registered patient comes with it the termination of his services as a gratuity worker. Hospital Office No. 54, Series of 1990 is very clear:

“Gratuity service is a type of service done by registered Hansenite patient in support of tasks regularly performed by regular staff of the hospital. The maximum duration of service of a patient under gratuity should not exceed 2 years unless otherwise approved by the Chief of Hospital. The hiring and assignment of patient-workers should be done on a need-basis by the supervisors with the concurrence and approval of the Chief of Hospital. The termination of confinement of a patient-worker terminates also his services as gratuity worker.” (Underscoring Ours.)

WHEREFORE, premises considered, the instant appeal is DENIED for lack of merit. The 27 June 2012 Decision of the Commission is hereby AFFIRMED.

SO ORDERED.

C E R T I F I C A T I O N

Pursuant to Article VIII, Section 13 of the Constitution, it is hereby certified that the conclusions in the above Decision were reached in consultation before the case was assigned to the writer of the opinion of the Court.

Gonzales-Sison and Sorongon, JJ., concur.

[1] Records, at 33-37.

[2] Ibid, at 68-73.

[3] Ibid., p. 69.

[4] Ibid.

[5] Ibid.

[6] Ibid., at 23.

[7] G.R. No. 135805, 29 April 1999.

[8] G.R. No. 149999, August 12, 2005.

[9] Sec. 2. DOH officials and Employees shall not discriminate against or dispense undue favors to anyone. Neither shall they allow kinship, rank, position, affiliation or favors to influence the performance of their official

acts or duties. They shall endeavor to discourage wrong perception of their roles as dispensers or peddlers or undue patronage.

[10] Sec. 3. DOH officials and employees shall perform efficiently, promptly, and without bias or prejudice.

[11] Sec. 7. DOH officials and employees shall not discriminate or manifest, by word or conduct, bias or prejudice on race, religion, national or ethnic origin, gender, political belief or affiliation.

[12] Sec. 9. DOH officials and employees shall carry out their duties and responsibilities as public servants with utmost and genuine courtesy, fairness, honesty and in compliance with law.

[13] Sec. 2. DOH officials and employees shall observe objectivity, impartiality, and propriety in the performance of their official functions. They shall conduct themselves with dignity and refrain from conduct that might bring discredit or embarrassment to the DOH.

[14] Sec. 4. DOH officials and employees shall commit themselves to fairness and equality. They shall take an active role in ensuring that their work environment is free from any form of discrimination and harassment.

[15] Mapa v. Arroyo, 176 SCRA 76.

[16] Ibid.

[17] Marcelo G. Tuazon, Jr., et al. vs. Guillermo Godoy, G.R. No. 146927. December 10, 2002.

[18] Reyes, Jr. vs. Belisario, et al., G.R. No. 154652. August 15, 2009.

[19] Rollo, at p. 101.

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