

EDUARDO R. ALICIAS, JR. PETITIONER, VS. CIVIL SERVICE COMMISSION (CSC), U.P. CHANCELLOR EMERLINDA ROMAN, U.P. DEAN LETICIA P. HO, AND SALVACION E. VILLAVICENCIO, RESPONDENTS.

Ponente: BERSAMIN, J.

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BERSAMIN, J.:

Via its Resolution No. 020455 dated March 22, 2002, the Civil Service Commission (CSC) affirmed the validity of the appointment effective June 1, 2000 of respondent Ms. Salvacion E. Villavicencio as Assistant Professor IV of the University of the Philippines (UP).[1]

In this appeal by petition for review, the petitioner, a retired Associate Professor of the College of Education, University of the Philippines (UP), in Diliman Quezon City, seeks the review of the affirmance of the CSC upon the following grounds:

- THE CSC RESOLUTION NO. 020455 WAS MADE IN COMPLETE AND UTTER DISREGARD OF THE LAW AND EVIDENCE. THIS IS A REVERSIBLE ERROR.
- THE CSC ERRED IN NOT GIVING DUE CONSIDERATION AND WEIGHT TO THE BASIC FACT THAT VILLAVICENCIO WAS NOT QUALIFIED.
- THE CSC ERRED IN NOT GIVING DUE CONSIDERATION AND WEIGHT TO THE OTHER INFIRMITIES OF THE QUESTIONED APPOINTMENT.

The respondents counter that the petition for review improperly impleads the CSC as a respondent and omits a concise statement of the facts and issues involved as well as the grounds relied upon for review, thereby disregarding the requirements of Sec. 6 and Sec. 7, Rule 43, Rules of Court; and that the petitioner is guilty of forum-shopping on account of his having filed other cases upon the same facts and issues, specifically the following:

- An administrative charge against respondent Leticia P. Ho, for alleged violation of R. A. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees), alleging in his complaint dated March 31, 2001 that Ho did not respond to the letters of March 31, 2000 and April 3, 2000 sent by him and others (namely, Anunciacion Llara and Ligaya de Guzman) relative to their unanimous decision not to recommend Ms. Villavicencio for permanency/tenure at UP;[2]
- A criminal complaint against Ms. Villavicencio in the Office of the City Prosecutor (Quezon City), docketed as I.S. No. 00-9117, charging her with a violation of Art. 237, Revised Penal Code (i.e., prolonging performance of duties and powers);
- A civil action for injunction in the RTC in Quezon City against UP President Francisco Nemenzo, the incumbent members of the UP Board of Regents, UP Diliman Chancellor Emerlinda R. Roman, Dean Leticia P. Ho and Ms.

Villavicencio;^[3]

The respondents further counter that the questioned appointment was a valid exercise of academic freedom and substantially complied with the requirements of the pertinent CSC laws, rules and regulations; that the petitioner was not the real-party-in-interest and for that reason had no cause of action against the respondents; and that the protest of the petitioner against the temporary appointment extended to Ms. Villavicencio was rendered moot and academic when the appointment expired on May 31, 2001.

We deny due course to the petition for review.

To begin with, the petitioner's appeal is disallowed because he has not demonstrated that he was directly injured or prejudiced by the challenged appointment. His being a member of the committee or division that passed upon the qualifications for and recommended or not recommended the appointment of Ms. Villavicencio did not invest him with the requisite personality or interest to protest the appointment. The authority of such committee or division was merely recommendatory, such that its recommendation was not conclusive on UP acting through the officials duly empowered to make the appointment.

It is fundamental that in order to be entitled to appeal from the adjudication or award of a judicial or quasi-judicial officer or body, the person appealing must have a present interest in the subject matter of the litigation and must be aggrieved or prejudiced by the adjudication or award.^[4] A party is aggrieved or prejudiced when his interest recognized by law in the subject matter of the lawsuit is injuriously affected by the judgment or order.^[5] A party not so aggrieved may not appeal, therefore, because he would have no arguable error to assign on appeal. He would also have no right or interest to be litigated during and resolved through the appeal. Consequently, the appeal would not determine an actual controversy, rendering the procedure an exercise in futility.

And, secondly, the assailed appointment was temporary, to take effect on June 1, 2000 but expiring on May 31, 2001. When the appointment expired, the appeal or protest, assuming it to be properly made, thereby became moot, that its resolution is reduced to being merely an academic exercise. There is no question that a protest against a temporary appointment cannot be carried over to a time after it has lapsed.^[6]

On account of the foregoing, we have no need to delve on the grounds advanced in the petition for review.

WHEREFORE, the PETITION FOR REVIEW is DENIED DUE COURSE and this case is DISMISSED.

SO ORDERED.

Villarama, Jr., (Chairman) and Librea-Leagogo, JJ., concur.

[1] Annex A, petition.

[2] This complaint was dismissed by CSC-NCR on June 26, 2002, from which dismissal the petitioner appealed to the CSC.

[3] The action for injunction was already closed and terminated after the RTC found that the acts sought to be enjoined had already been consummated.

[4] *Pacific Engineering Co., Inc. v. F. J. Edwards, Ltd.*, C.A.-G.R. No. 15583-R, January 17, 1957; 53 O.G. 3481.

[5] 2 Am Jur 941-945.

[6] *Torio v. CSC*, 209 SCRA 677, 685-686 (June 9, 1992).

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