

RE: NON-OBSERVANCE BY ATTY. EDEN T. CANDELARIA, CHIEF OF ADMINISTRATIVE SERVICES (OAS), OF EN BANC RESOLUTION A.M. NO. 05-9-29-SC DATED SEPTEMBER 27, 2005 AND EN BANC RULING IN

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A.M. No. 07-6-6-SC. February 26, 2010

Ponente: ABAD, J.

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ABAD, J.:

This administrative matter is about the possible liability of the Court's Chief of Administrative Services as a consequence of the Civil Service Commission's (CSC's) denial on June 1, 2007 of the two coterminous appointments of Joseph Raymond Mendoza as Chief of the Management and Information Systems Office (MISO).

The Facts and the Case

On September 27, 2005 the Court en banc issued a resolution in A.M. 05-9-29-SC, classifying as highly technical or policy-determining the position of Chief of MISO, a permanent item in the Court's list of personnel. On March 14, 2006 the Court additionally issued a resolution in A.M. 06-3-07-SC, establishing the qualification standards for Chief of MISO, including a Bachelor's Degree in Computer Science or any equally comparable degree with Master in Science Degree in Computer Science or Information Technology. The CSC approved these standards.

Subsequently or on June 20, 2006 the Court lowered the educational requirement to Bachelor's Degree in Computer Science or any equally comparable degree, with post-graduate level (at least 18 units) in Computer Science or Information Technology and submitted the same to the CSC for approval.

On August 8, 2006, pending CSC approval of the lowered standards, then Chief Justice Artemio V. Panganiban appointed Mendoza as MISO Chief. Since the latter did not then meet the approved March 14, 2006 qualification standards, it was thought best that his appointment be made coterminous with the Chief Justice's tenure that was to end on December 7, 2006.

With the retirement of Chief Justice Panganiban and acting on the recommendation of the Project Management Office (PMO) and Justice Antonio T. Carpio, Chair of the Computerization and Library Committee, Chief Justice Reynato S. Puno directed the preparation of the reappointment paper of Mendoza as MISO Chief. But the Chief Justice set it to last for six months.

The Office of the Administrative Services (OAS), through its Chief, Atty. Eden T. Candelaria, prepared the paper, stating in it that Mendoza's reappointment was coterminous with Chief Justice Puno but he was to serve for only six months from December 7, 2006. On January 4, 2007 the OAS submitted this and the earlier coterminous appointments of Mendoza to the CSC for approval.

Four months later or on May 8, 2007 the PMO recommended the permanent appointment of Mendoza as Chief of

MISO after he passed the Career Service Professional Exams. But action on this was deferred to first await the CSC's approval of Mendoza's coterminous appointments. On June 1, 2007, however, the CSC disapproved Mendoza's coterminous appointments on the ground that the CSC had no occasion to declare the position of Chief of MISO as primarily confidential, highly technical, or policy-determining as to qualify Mendoza to a coterminous appointment. The CSC letter to the Court stated in part:

In a letter dated September 1, 2006 to CSC, [Atty. Candelaria] represented that except for the positions of Executive Assistant III and Chauffer, all the positions in the MISO are permanent in nature.

Sec. 12 (9), Chapter 3, Book V of the Administrative Code of 1987 states in part the following:

Sec. 12. Powers and Functions.-- The Commission shall have the following powers and functions: x x x

(9) Declare positions in the Civil Service as may properly be primarily confidential in nature, highly technical or policy-determining.

Item 7(a) Part I of CSC Memorandum Circular No. 12, s. 2003 likewise provides:

7. The Commission may allow agencies to establish qualification standards for their positions belonging to the following categories:

a. Positions declared by the Commission as primarily confidential in nature are exempted from the qualification standards requirements prescribed in the Qualification Standards Manual x x x.

Records are bereft of any showing that the position of Chief of MISO has been declared by the Commission as primarily confidential, highly technical or policy-determining to qualify as coterminous in nature.

In view thereof x x x the coterminous appointments of [Mendoza] are disapproved.[1]

On June 12, 2007 Justice Carpio wrote a Memorandum to Chief Justice Puno, recommending the taking of disciplinary action against Atty. Candelaria for gross neglect of duty, gross incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service as follows:

(a) She violated the Court's resolution in A.M. 05-9-29-SC and its 2005 ruling in *Office of the Ombudsman v. Civil Service Commission*[2] when she submitted Mendoza's appointments and all other Supreme Court third level appointments to the CSC for approval when this was not legally required;

(b) She failed to inform the CSC Assistant Commissioner when she met the latter that the Court had already classified the position of Chief of MISO as highly technical or policy-determining; and

(c) She indicated in Mendoza's second appointment paper a "coterminous" appointment instead of a six-month appointment as the Chief Justice directed.

Justice Carpio points out, relying on the Court's resolution in A.M. 05-9-29-SC and its ruling in *Office of the Ombudsman v. Civil Service Commission*, that the Court en banc, as the appointing power under the Constitution, may appoint, without need of CSC approval, employees in the judiciary to third level positions classified as highly technical or policy-determining. Once so classified, the CSC has a ministerial duty to accept such appointments. Consequently in submitting them to the CSC for approval, she undermined the independence of the judiciary. She also embarrassed the Court when the CSC disapproved the appointments and made it appear that the Court was not following its own en banc resolution and ruling.

Justice Carpio also imputed the CSC's disapproval of Mendoza's appointments to Atty. Candelaria's failure to inform the CSC Assistant Commissioner that the Court had already classified the position of Chief of MISO as highly technical or policy-determining when she met with the Assistant Commissioner to discuss Mendoza's appointment papers two days before the disapproval of the appointments.

On being required, Atty. Candelaria submitted on July 10, 2007 her comment. She denied committing the offenses charged. She said that she submitted Mendoza's appointments to the CSC for approval in compliance with the Civil Service Law and implementing rules and that she would have faced administrative sanction if she had not.

Atty. Candelaria pointed out that, although the Court classified certain third level positions in its organization as highly technical or policy-determining, this merely exempted them from a Career Executive Service (CES) eligibility requirement. The status of the positions as permanent remained and did not make them primarily confidential, resulting in the disapproval of Mendoza's appointments.

Although Atty. Candelaria does not deny that she did not tell the CSC Assistant Commissioner that the position of Chief of MISO was a highly technical or policy-determining position when they met, she pointed out that she had earlier informed the CSC about it officially and that she had attached to Mendoza's first appointment a certification that the position of MISO's Chief had been classified as highly technical.

In answer to Justice Carpio's charge of incompetence for stating in Mendoza's second appointment paper that it was a "coterminous" appointment rather than a six-month appointment as the Chief Justice directed, she pointed out that she indicated the appointment as "coterminous" based on the recommendation of the PMO and Justice Carpio himself. The first appointment was also coterminous and the reappointment could not just deviate from it.

The Issue Presented

The issue in this administrative matter is whether or not there are sufficient grounds to discipline Atty. Candelaria for gross neglect of duty, gross incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service:

1. For submitting to the CSC for approval the Court's appointments to third level positions, which the Court previously determined as highly technical or policy-determining like the position of the Chief of MISO;
2. For failing to inform the Assistant Commissioner of CSC whom she met shortly before it disapproved Mendoza's appointments that the Court had already classified as highly technical or policy-determining or both the position of Chief of MISO; and
3. For grievously erring in indicating in Mendoza's second appointment that it was "coterminous" with the term of the Chief Justice rather than simply that it was for a term of six months as the Chief Justice directed.

The Court's Rulings

One. Justice Carpio points out that Atty. Candelaria should be made administratively liable for submitting to the CSC for approval appointments to third level positions when that was unnecessary since the Court had previously determined those positions as highly technical or policy-determining like the position of the Chief of MISO, thus undermining the independence of the Judiciary.

But, with few exceptions, all appointments to the civil service have to be submitted to the CSC for approval. Section 9(h) of the Civil Service Law bestows on the CSC the power and function to approve all such appointments and to disapprove the appointments of those who do not possess the required qualifications and eligibility. Section 9(h) states:

SECTION. 9. Powers and Functions of the Commission. - The Commission shall administer the Civil Service and shall have the following powers and functions:

x x x x

(h) Approve all appointments, whether original or promotional, to positions in the civil service, except those of

presidential appointees, members of the Armed Forces of the Philippines, police forces, firemen, and jailguards, and disapprove those where the appointees do not possess the appropriate eligibility or required qualifications. An appointment shall take effect immediately upon issue by the appointing authority if the appointee assumes his duties immediately and shall remain effective until it is disapproved by the Commission, if this should take place, without prejudice to the liability of the appointing authority for appointments issued in violation of existing laws or rules: Provided, finally, That the Commission shall keep a record of appointments of all officers and employees in the civil service. All appointments requiring the approval of the Commission as herein provided, shall be submitted to it by the appointing authority within thirty days from issuance, otherwise, the appointment becomes ineffective thirty days thereafter; x x x.

To implement the above and in exercise of its rule-making power, the CSC requires in Section 1, Rule VI of its rules^[3] all government agencies and their personnel officer, Atty. Candelaria in the case of the Supreme Court, to submit to the CSC all appointments in the civil service under pain of administrative sanction for neglect of duty.

Since Congress has enacted no law superseding the above provisions of the Civil Service Law or its implementing rules and since the Supreme Court has rendered no decision annulling the same, Atty. Candelaria, the officer charged with the duty to submit all appointments from the Court, had no choice but to abide by them and submit Mendoza's appointments to the CSC for its approval. Historically, this has been done in all past Court appointments and she received no instruction in this particular case from the Court to depart from the practice. Consequently, no ground exists for sanctioning her action.

The Court did not say in *Office of the Ombudsman v. Civil Service Commission* cited by Justice Carpio that appointments to the third level of the civil service do not have to be submitted to the CSC for approval. The issue raised in that case was whether or not the CSC encroached on the Ombudsman's appointing authority when it refused to change the third level appointee's appointment from temporary to permanent just because he did not have Career Service Executive Eligibility (CSEE) or CES eligibility.

Section 2(2), Article IX-B of the Constitution provides that appointment to positions in the civil service, which are policy-determining, highly technical, or primarily confidential (classified as third level positions), are exempt from the requirement that they be made based on merit or fitness to be determined, as far as practicable, by competitive examinations. These kinds of positions are non-competitive. Merit and fitness for the same are determined by other than competitive examinations.

The Court held that the CSC's authority under Section 9(h) to approve appointments in the civil service is limited to determining whether or not the appointee has the legal qualifications and the appropriate eligibility. Since the Ombudsman's appointee had all the basic qualifications for the position, except the CSEE or CES eligibility which was no longer required for a permanent appointment to third level positions, the CSC had the ministerial duty to grant the change of status of the appointee from temporary to permanent.

Still, the Court's ruling implies that the CSC still has the power and the duty to pass upon the subject appointments, if only to determine whether the appointees meet the qualification standards adopted by and approved for that agency. Nothing in the decision in the Ombudsman case says that CSC's approval of appointments to third level positions has been dispensed with. It merely says that CSEE or CES eligibility is no longer required for those positions.

Justice Conchita Carpio Morales, who dissents from the Court's opinion, cite in support of Justice Carpio's position the 2007 identically titled case of *Office of the Ombudsman v. Civil Service Commission*.^[4] In that case, the Office of the Ombudsman sought the CSC's approval of its amended qualification standards for a Director II position. The amendment reduced the requirement from CSEE or CES eligibility to that of Career Service Professional or other relevant eligibility for second level position, invoking the Court of Appeals ruling in *Inok v.*

Civil Service Commission[5] that the letter and intent of the law is to restrict the CES eligibility to CES positions in the Executive Department. The CES governed by the CES Board, it was claimed, did not cover the Office of the Ombudsman. But the CSC disapproved the amendment, saying that the CES covered the Director II position being a third level position.

This Court disagreed. It reiterated that the CES covers presidential appointees only. Since Director II appointees are appointed by the Ombudsman, they are neither embraced in the CES nor do they need to possess CES eligibility. The Court upheld the Ombudsman's administrative control and supervision of its Office, including the authority to determine and establish the qualifications, duties, functions, and responsibilities of its various services. The Ombudsman, said the Court, possesses the authority to establish reasonable qualification standards for the personnel of the Office. The CSC cannot substitute its own standards for those of the department or agency, its role being limited only to assisting the department or agency with respect to these qualification standards and approving them.

The dissenting opinion interprets the above ruling as doing away with the requirement of approval by the CSC of the qualification standards set by the department or agency, concluding that the qualification standards are effective as of the date of their issuance by the department or agency.

But, although the law vests in the department or agency concerned the responsibility for establishing, administering, and maintaining its qualification standards, such standards have to be drawn with the assistance and approval of the CSC and in consultation with the Wage and Position Classification Office.[6] The Court's ruling in the 2007 Ombudsman case affirms this.[7] The CSC approval is still a must since it remains the government's clearing house for all appointments in the civil service. The duty to enforce the laws on the selection, promotion, and discipline of civil servants primarily rests in the CSC. Once approved, the qualification standards serve as guide for new appointments and for adjudicating contested appointments.[8]

Contrary to the view expressed in the dissenting opinion, the 2007 Ombudsman case did not do away with the requirement of CSC approval of appointments. It merely said that in passing upon and approving qualification standards, the CSC should not substitute its own standards for those of the department or agency concerned. Indeed, the dispositive portion of the decision directed the CSC to approve the Ombudsman's amended qualification standards for Director II.

The requirement of CSC approval of qualification standards is demonstrated in *Paredes v. Civil Service Commission*,[9] where the Court held that the CSC was in error in applying qualification standards that it had not previously approved. Not even the exigencies of the service can justify the use of unapproved qualification standards. Said the Court:

Without a duly approved Qualification Standard it would be extremely difficult if not impossible for the appointing authority to determine the qualification and fitness of the applicant for the particular position. Without an approved Qualification Standard the appointing authority would have no basis or guide in extending a promotional or original appointment in filling up vacant positions in its department or agency. Public interest therefore requires that a Qualification Standard must exist to guide the appointing authority not only in extending an appointment but also in settling contested appointments.[10]

The applicable qualification standards for the position of Chief of MISO at the time of Mendoza's first appointment included a requirement for a Bachelor's Degree in Computer Science or any equally comparable degree with Master in Science Degree in Computer Science or Information Technology. Mendoza simply did not have this qualification. Chief Justice Panganiban thus gave him a coterminous appointment, not a permanent one, as Chief of MISO, trusting that the CSC would approve it. Chief Justice Puno followed suit, but with the further

limitation that it was to last for six months. These are not the circumstances contemplated by the 2007 Ombudsman ruling.

At any rate, whether or not the CSC was correct in denying Mendoza's appointments is of course irrelevant to the charge against Atty. Candelaria. She is not answerable to the Court for the decision of the CSC no matter if that decision is perceived to be wrong. All that she did was submit those appointments to that constitutional body as the law and the rules required of her.

Parenthetically, the CSC apparently did not deny Mendoza's coterminous and temporary appointments because it disagreed that the position was highly technical, which it was, by any reckoning. But the position of Chief of MISO is a permanent position, he being the head of an office that performs a vital and continuing function in the work of the Court. Yet, his appointments as recommended were to be coterminous with the tenure of the Chief Justice or for six months, whichever ended first. This uncertain or diminutive tenure does not seem to make sense in the light of the constitutionally protected right to security of tenure of government personnel under the civil service system.

Two. Justice Carpio claims that Atty. Candelaria failed in her duty to inform the Assistant Commissioner of CSC, whom she met shortly before that body disapproved Mendoza's appointments, that the Court had already classified as highly technical or policy-determining the position of Chief of MISO.

Atty. Candelaria does not deny failing to tell the Assistant Commissioner at that meeting that the Court already classified the position of Chief of MISO as policy-determining or highly technical. But, as the record shows, her office sent a copy of the Court's resolution in A.M. 05-9-29-SC embodying that classification to the CSC earlier on October 18, 2005. Indeed, the CSC wrote back to say that it had placed on record the Court's classification for guidance and reference. Further, Atty. Candelaria's office also attached to Mendoza's first appointment a certification that the Court had classified the position of Chief of MISO as highly technical. These rendered it unnecessary for Atty. Candelaria to reiterate the matter to the CSC Assistant Commissioner at their meeting.

Still, Atty. Candelaria should have immediately taken up with the Court the result of her meeting with the Assistant Commissioner of the CSC. It seems likely that the latter gave her an inkling of the position that the CSC might take on Mendoza's appointments. Of course, neither Atty. Candelaria nor the Assistant Commissioner had control of the actions of the CSC but, by the nature of the bureaucracy, the outright denial of Mendoza's appointments could have been aborted and the matter negotiated to the satisfaction of the two Constitutional bodies. Since this is not a step prescribed by the rules, however, it cannot be said that Atty. Candelaria had violated a duty enjoined on her by law.

The dissenting opinion would have Atty. Candelaria held to answer for conduct prejudicial to the best interest of the service for having met, sub rosa, with the CSC Assistant Commissioner, thereby undermining the judiciary's independence. The dissenting opinion attacks Atty. Candelaria's comment as eerily silent regarding the nature and details of the meeting.

But, first, the charge against Atty. Candelaria is about her failure to inform the Assistant Commissioner of CSC that the Court had already classified as highly technical or policy-determining the position of Chief of MISO. Justice Carpio did not charge her of improperly meeting sub rosa with the CSC Assistant Commissioner. The Court cannot punish Atty. Candelaria for an alleged wrong of which she has not been charged nor given the opportunity of a hearing.

Second, under the rules of evidence, a party's silence only amounts to admission when he is accused of some wrongdoing that naturally calls for comment if not true.[11] Here, Justice Carpio censured Atty. Candelaria solely

for something she failed to tell the CSC Assistant Commissioner at that meeting and she commented on this, defending her omission. The censure did not call for her to defend the meeting itself or disclose its other details. Consequently, it would not be fair to infer that Atty. Candelaria had chosen to be "eerily silent" regarding those other details.

The dissenting opinion of course insists that the technical rules of procedure and evidence are not strictly applied to administrative proceedings. This may be true but only with respect to those rules that are really "technical" like a party's failure in a petition for review to state the correct evidence of the identity of the person who signed the certification of non-forum shopping. Rules of evidence that are founded on fairness, such as the rule that a party's silence only amounts to admission when he is accused of some wrongdoing that naturally calls for comment if not true, are not technical rules that can be thrown out when convenient--even in administrative proceedings.

Third, even Justice Carpio, who appeared stunned and despaired by the CSC's disapproval of Mendoza's appointments and had information about the circumstances of the subject meeting, was critical of it only because Atty. Candelaria did not tell the CSC Assistant Commissioner that the Court had already classified the position of Chief of MISO as highly technical or policy-determining. Justice Carpio did not make out a case of treachery against her.

There is no evidence for instance that the meeting took place at the wee hours of the night behind some trees at the Luneta Park. Justice Carpio, who seems to know what the two talked about at that meeting, did not characterize it as done secretly or sub rosa. Many court employees are required by their jobs to meet and transact business with those from other government agencies. That these employees give no prior briefing to the Court about the purposes of such meetings cannot justify an assumption that those meetings took place sub rosa.

Further the dissenting opinion recalls that Atty. Candelaria had disagreed with the Court's position that coterminous appointments can be made for permanent positions. The dissenting opinion speculates that her views may have, through discussions with its Assistant Commissioner, influenced the CSC's opinion regarding the propriety of Mendoza's appointments. But such speculation places an unfairly low esteem on the competence of the CSC and its head, experts in the legal requirements of all sorts of appointments. It cannot be assumed that the CSC would give more weight to the opinion of a subordinate like Atty. Candelaria than to the opinion of the Court and its Chief Justice.

Besides, honest difference in opinion cannot be a cause for unfavorable inference or speculation. If this were so, the Court itself would have no reason for being. Honest disagreements are catalysts of sound ideas especially in democratic institutions like the Court.

Three. Justice Carpio claims that Atty. Candelaria exhibited gross incompetence when she stated in Mendoza's second appointment that it was "coterminous" with the term of the Chief Justice rather than simply that it was for a term of six months as the Chief Justice directed.

But, firstly, in making that statement in the second appointment, Atty. Candelaria merely echoed the Court's stand respecting the nature of Mendoza's appointment as coterminous. The Court originally adopted this idea on recommendation of the PMO and Justice Carpio when Chief Justice Panganiban issued Mendoza's first appointment. The Court had done nothing since then to change that stand.

And, secondly, Chief Justice Puno signed the renewal of the appointment, which renewal contained the same coterminous proviso and his additional instruction to limit the particular appointment to six months, thus showing his acceptance of those two conditions of the appointment.

The dissenting opinion suggests that Mendoza's second appointment paper could have been better facilitated had

it indicated a "temporary" status rather than a "coterminous" one, especially since the Chief Justice's marginal note on Memorandum PMO-PDO 12-08-2006[12] directed the issuance of a "six-month appointment" to him.

But in a temporary appointment, the appointee meets all the requirements for the position except the appropriate civil service eligibility. At the time of his second appointment, Mendoza did not meet even the lowered qualification standards that the Court set for his position. The lesser standards wanted a bachelor's degree holder with a major in computer science. Mendoza's transcript of records from the Philippine Military Academy showed that he had a bachelor's degree but not the required major. He took a master's course in computer science at the Ateneo Information Technology Institute but his transcript there does not show that he finished the course or had been conferred a master's degree in Computer Science.[13] Consequently, the Court could not give Mendoza a temporary appointment as Chief of MISO.

The coterminous appointment that the PMO and Justice Carpio recommended for Mendoza was also apparently problematical since the Court and the CSC had always regarded his position as permanent, not dependent on the tenure of the appointing power. The job of the Chief of MISO does not fit the usual descriptions of primarily confidential positions that call for trust and confidence above anything else.

In sum, no sufficient ground exists to take disciplinary action against Atty. Candelaria for gross neglect of duty, gross incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service. At most, she may be admonished in regard to the results of her meeting with the CSC Assistant Commissioner.

WHEREFORE, the Court resolves to NOTE Atty. Eden T. Candelaria's Comment dated July 10, 2007 and to ADMONISH her for failing to take up with the Court the results of the meeting she had with the Assistant Commissioner of the Civil Service Commission.

SO ORDERED.

Puno, C.J., Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Villarama, Jr., Perez, and Mendoza, JJ., concur.

Carpio, J., no part. complainant.

Corona, J., vote to exonerate Atty. Eden Candelaria. Received the right to write a separate opinion.

Carpio Morales, J., pls. see separate opinion.

[1] Rollo, pp. 28-29.

[2] 491 Phil. 739 (2005).

[3] Memorandum Circular 40, series of 1998.

[4] G.R. No. 162215, July 30, 2007, 528 SCRA 535.

[5] Cited as G.R. No. 148782, July 2, 2002.

[6] Sec. 22, par. 1, Ch. 5, Subtitle A, Title I, Book V, Administrative Code.

[7] Office of the Ombudsman v. Civil Service Commission, *supra* note 4, at 545.

[8] Paredes v. Civil Service Commission, G.R. No. 88177, December 4, 1990, 192 SCRA 84, 95.

[9] *Id.*

[10] Id. at 96.

[11] Section 32, Rule 130, Revised Rules of Evidence.

[12] Rollo, p. 26.

[13] Id. at 70..

SEPARATE OPINION

CARPIO MORALES, J.:

The factual antecedents of the case relate to the appointment of Joseph Raymond Mendoza (Mendoza) as Chief of the Management Information Systems Office (MISO) made by, first, then Chief Justice Artemio Panganiban from August 8, 2006 to December 7, 2006, and second, by Chief Justice Reynato Puno from December 7, 2006 to June 7, 2007, both of which were disapproved by Civil Service Commission (CSC) Chairperson Karma Constantino David by letter of June 1, 2007.

By Resolution of June 19, 2007, the Court required the Office of the Administrative Services (OAS) to comment on the Memorandum of June 12, 2007 of Justice Antonio Carpio on the non-observance by Atty. Eden Candelaria, Chief of OAS, of certain rulings and rules issued by the Court.

The Court's Resolution penned by Justice Roberto Abad admonishes Atty. Candelaria for "failing to take up with the Court the results of the meeting had with the [CSC] Assistant Commissioner" two days before June 1, 2007.

It bears noting that Atty. Candelaria does not deny that she met with the CSC Assistant Commissioner two days before June 1, 2007 to discuss the appointment papers of Mendoza.

The Resolution finds it irregular for Atty. Candelaria not to have taken up with the Court the results of her meeting with the assistant commissioner.

The Resolution missed the forest for the trees.

What surfaces as more irregular is the conduct of the meeting between the Court's personnel department head — Atty. Candelaria — and the CSC assistant commissioner. It keeps one wondering whether an agency-to-agency meeting has been the standard procedure in the consideration of appointments of key personnel of the Court. What makes the appointment papers of Mendoza so special or otherwise to merit a dialogue between the two high officials? Was the special meeting a Court-sanctioned one, in the first place? Who else attended the meeting? Did Atty. Candelaria know as early as then that a disapproval of the appointments was forthcoming? During that unique opportunity, did she explain the Court's action which she is bound to support?

In its Comment, the OAS is eerily silent on the nature and details of the meeting that culminated in the disapproval of the appointments, resulting in the embarrassment of two Chief Justices and the Court as a whole, despite such meeting or, perhaps, because of such meeting (for lack of a sufficient explanation).

The Resolution ignores the eerie silence of Atty. Candelaria on the circumstances that led to that meeting, yet it admonishes her for her failure to disclose and discuss it with the Court.

For this administrative matter to result in admonition for "fail[ure] to take up with the Court the results of the meeting" and yet project that the Court is after all disinterested in learning about the details thereof, on the justification that Justice Carpio did not call for Atty. Candelaria to defend the meeting itself or disclose the details

is befuddling.

The Resolution states that Atty. Candelaria's silence about the details of the meeting does not amount to an admission, citing the requisites of the rule[1] on admission by silence.

First, it is settled that technical rules of procedure and evidence are not strictly applied to administrative proceedings.[2] Second, the cited rule is inapplicable since the matter is already in the course of a proceeding. Finally, the non-disclosure of the "nature" of the meeting is related to the non-disclosure of the "results" of the meeting, for which Atty. Candelaria is now being admonished. If she is being held to account for concealing the results of the meeting, she likewise owes the Court a proper explanation on the specific nature of that particular meeting, which undermined the independence of the judiciary.

If this case which is an "administrative matter" fails to probe into the bottom of how things are administered in the OAS, then this administrative matter is an exercise in futility for it disregards the call for transparency. Without illuminating the Court of the antecedents of the meeting, the OAS is bound to repeat the same course of action.

The Reason for Disapproving the Appointment

The CSC appears to have been of the impression that the coterminous appointment of Mendoza merited disapproval since the position of Chief of MISO has not been declared by it primarily confidential, highly technical or policy determining. Thus, the pertinent portion of the CSC June 1, 2007 letter reads:

Records are bereft of any showing that the position of Chief of MISO has been declared by the Commission as primarily confidential, highly technical or policy determining to qualify as coterminous in nature.

In view thereof and considering that the Chief of MISO has not been declared as primarily confidential, highly technical or policy determining, the coterminous appointments of Mr. Joseph Raymond P. Mendoza issued on August 9, 2006 and December 7, 2006 are disapproved. [3] (emphasis, italics and underscoring supplied)

OAS' reading of the June 1, 2007 letter of the CSC indicates, however, that only positions that are primarily confidential could be extended a coterminous appointment. Thus it stated:

xxx Besides, the disapproval of subject appointments was not because the appointment does not appear in the records of CSC to be highly technical or policy determining, but that the same position has not been declared as primarily confidential [4] (italics in the original; underscoring supplied)

It can also be gathered that Atty. Candelaria effectively took unto herself the appointing power of the Court by making representations to the CSC in a sub rosa meeting that, it bears repeating, culminated in (he questionable disapproval of the Court's action. Such attitude is evident from the statement in the OAS5 Comment, viz.:

As it is, the appointment of Mr. Mendoza is a unique one, and can be equaled to earlier appointments made in the PMO. OAS had earlier made formal objections to said PMO appointments (among others, coterminous appointments cannot be issued for permanent/regular positions) but not favorably acted upon by the Court. So that when the appointment of Mr. Mendoza was forwarded to it, OAS entertained second thoughts of reiterating the same objections.[5] (emphasis and underscoring supplied)

By all indications, Atty. Candelaria disagrees with the Court's action on the matter, despite the Court's August 8, 2006 Resolution in A.M. No. 06-8-03-SC (Re; Applicants for the Chief and Deputy Director, MISO) quoted below, explaining that coterminous appointments can be made for permanent positions:

Under the Special Provision(s) Applicable to the judiciary of the General Appropriations Act for FY 2005 (RA No. 9336), "the Chief Justice of the Supreme Court is authorized to formulate and implement the organizational structure of the Judiciary, to fix and determine the salaries, allowances, and other benefits of

their personnel, and whenever public interest so requires, make adjustments in the personal services itemization including, but not limited to the transfer of item or creation of new positions in the Judiciary."

The Chief Justice has exercised this discretionary authority several times, In Memorandum Order No. 20-2005 dated 5 May 2005, then Chief Justice Hilario G. Davide, Jr. authorized Program Management Office officials and employees who lack the approved qualifications for the positions they were holding to remain in office until the expiration of the term of the Chief Justice. In Memorandum Order No. 24-2004 dated 9 February 2006, the incumbent Chief Justice authorized the appointment of coterminous appointees to five vacant permanent items in the Judicial and Bar Council.

WHEREFORE, the Court concurs with the appointment by the Chief Justice of Mr. Raymond P. Mendoza as Chief of MISO coterminous with the term of the Chief Justice effective immediately. The position of MISO Deputy Director is declared open and the Supreme Court Selection and Promotion Board Secretarial is directed to accept applications to the said position.[6]

Notably, in her Memorandum of May 30, 2007 or two days before the CSC issued its June 1, 2007 letter, Atty. Candelaria still maintained her position and mentioned, as if reminding Chief Justice Puno, that it is "the policy of the CSC that no coterminous appointment can be issued to a permanent item such as that in the case of MISO." [7] And apparently she made her point when the CSC June 1, 2007 letter arrived two days later, without her lifting a finger to recommend the filing of a motion for reconsideration.

Notwithstanding the ratiocination that a coterminous appointment can be made for a permanent position, and without going into the ramification of recent jurisprudence (which shall be discussed later), Atty. Candelaria despite her personal reservations or "formal objections" to the action, could have smoothly facilitated the processing of the appointment papers of Mendoza by indicating therein a "temporary" stain instead of "coterminous with the tenure of the Honorable Chief Justice x x x." This alternative course of action, I submit, could have accommodated the divergent perspectives and avoided the institutional embarrassment. After all, appointing Mendoza for a limited period was the common denominator. Contrary to the asseveration of the Resolution (which shall be discussed later), the Court could have conferred a temporary appointment upon him.

Moreover, the final directive of Chief Justice Puno written as marginal notes on Memorandum PMO-PDO 12-08-2006 [8] was not a coterminous appointment as recommended but a "6-month appointment" (from December 7, 2006 to June 7, 2007) that is clearly momentary.

If Atty. Candelaria found difficulty in comprehending the Court's action, she could have sought clarification or requested further legal research on the matter. After all, in affixing her signature on the appointment papers, she certified that all the requirements and supporting papers have been complied with, reviewed and found to be in order.

At the very least, the conduct of meeting sub rosa with the Assistant Commissioner of the Civil Service Commission under dubious circumstances undermines the independence of the judiciary and is prejudicial to the best interest of the service.

The Ramification of Recent Rulings and Rules

In *Office of the Ombudsman v. Civil Service Commission*, [9] the Court recognized the Constitutional Fiscal Autonomy Group (CFAG) Joint Resolution No. 62 which pronounced that all third level positions under each member agency are career positions and that, "all career third level positions identified and classified by each of the member agency are not embraced within the Career Executive Service (CCS) and as such shall not require Career Service Executive Eligibility (CSEE) or Career Executive Service (CES) Eligibility for purposes of permanent appointment." The Court added that the CSC has a ministerial duty to accept appointments in such

classified positions made by a CFAG member-institution, like the Court.

The Court went on to explain:

Book. V. Title I. Subtitle A. of the Administrative Code of 1987 provides:

SECTION 7. Career Service. — The Career Service shall be characterized by (1) entrance based on merit and fitness to be determined as far as practicable by competitive examination, or based on highly technical qualifications; (2) opportunity for advancement to higher career positions; and (3) security of tenure.

The Career Service shall include:

1) Open Career positions for appointment to which prior qualification in an appropriate examination is ; required;

(2) Closed Career positions which are scientific, or highly technical in nature; these include the faculty and academic staff of state colleges and universities, and scientific and technical positions in scientific or research institutions which shall establish and maintain their own merit systems;

(3) Positions in (he Career Executive Service; namely, Undersecretary, Assistant Secretary, Bureau Director, Assistant Bureau director, Regional Director, Assistant Regional Director, Chief of Department Service and other officers of equivalent rank as may be identified by the Career Executive Service Board, all of whom are appointed by the President; (emphasis, italics and underscoring in the original)

From the above-quoted provision of the Administrative Code, persons occupying positions in the CES are presidential appointees. A person occupying the position of Graft Investigation Officer III is not, however, appointed by the President hut by the Ombudsman as provided in Article IX of the Constitution, to wit:

SECTION 6. THE OFFICIALS AND EMPLOYEES OF THE OMBUDSMAN, OTHER THAN THE DEPUTIES, SHALL BE APPONTED BY THE OMBUDSMAN ACCORDING TO THE CIVIL SERVICE LAW.

To classify the position of Graft Investigation Officer III as belonging to the CES and require an appointee thereto to acquire CES or CSE eligibility before acquiring security of tenure would be absurd as it would result either in 1) vesting Hie appointing power for said position in the President, in violation of the Constitution; or 2) including in the CES a position not occupied by a presidential appointee, contrary to the Administrative Code.

It bears emphasis that that under P.D. No. 807, Sec. 9(h) which authorizes the CSC to approve appointments to positions in the civil service, except those specified therein, its authority is limited "only to [determine] whether or not the appointees possess the legal qualifications and the appropriate eligibility, nothing else."

It is not disputed that, except foi his tack of CES or CSG eligibility, De Jesus possesses the basic qualifications of a Graft Investigation Office III, as provided in the earlier quoted Qualification Standards. Such being the case, the CSC has the ministerial duty to grant the request of the Ombudsman that appointment be made permanent effective December 18, 2002. To refuse to heed the request is a clear encroachment on the discretion vested solely on the Ombudsman as appointing authority. It goes without saying that the status of the appointments of Carandang and Clemente, who were conferred CSE eligibility pursuant to CSC Resolution No. 03-0665 dated June 6, 2003, should be changed to permanent effective December 18, 2002 too.

In a Supplemental Memorandum received by this Court on January 5, 2005, the CSC alleged that, inter alia:

the reclassified G[raft] I[nvestigation and] P[rosecution] O[fficer] III position is the same position which, is the subject of the herein case. Suffice it to state that the eligibility requirement under the new QS is no longer thid

level eligibility but RA 1080 (BAR) instead. However, notwithstanding the said approval of the new QS for GIPO III, CSC prays that the issues raised by the Office of Ombudsman relative to the authority of the CSC to administer the Civil Service Executive Examination for third level positions and to prescribe third level eligibility to third level positions in the Office of the Ombudsman be resolved.

As the Court takes note of the information of the CSC in its Supplemental Memorandum, it holds that third level eligibility is not required for third level officials of petitioner appointed by the Ombudsman in light of the provisions of the Constitution vis-a-vis the Administrative Code of 1987 as discussed above.[10] (emphasis, italics in the original; underscoring supplied)

In the subsequent case of Office of the Ombudsman v. Civil Service Commission,[11] the Court reiterated that the CES covers presidential appointees only.

Under the Constitution, the Ombudsman is the appointing authority for all officials and employees of the Office of the Ombudsman, except the Deputy Ombudsmen. Thus, a person occupying the position of Director II in the Central Administrative Service or Finance and Management Service of the Office of the Ombudsman is appointed by the Ombudsman, not by the President. As such, he is neither embraced in the CES nor does he need to possess CES eligibility.[12]

IN FINE, all career third level positions identified and classified by each of the member agency do not require Career Service Executive Eligibility (CSEE) or Career Executive Service (CES) Eligibility for purposes of permanent appointment.

The Court, by Resolution of September 27, 2005, classified "all third level positions in the Supreme Court, including those in the OCA, PHILJA, JBC and MCLEO, below those of the Chief Justice, Associate Justices, and Regular Members of the JBC, with Salary Grade 26 and above as highly technical or policy-determining" including the Deputy Clerk of Court and Chief and the MISO.[13]

The removal of the requirement of CES eligibility requires, however, a concomitant modification of the qualification standards for such third level position. For if indeed then Judicial Reform Program Administrator Evelyn Dumdum and Justice Carpio believed that CSEE or CES eligibility is automatically no longer required for a third level position such as that of MISO Chief, why did they not recommend Mendoza for permanent appointment? This calls for the tracing of the history of the qualification standards of the MISO Chief that were set by the Court itself.

In the same Resolution of September 27, 2005 in A.M. No. 05-9-29-SC which classified third level positions as highly-technical in nature, the Court adopted with some modifications the qualification standards of certain third level positions. For the "Deputy Clerk of Court and Chief, MISO/SG 29," it retained the following qualifications:

Bachelor of Laws

10 years or more of relevant supervisory work experience acquired under career service position in the Supreme Court, 3 years of which rendered under a position requiring the qualifications of a lawyer;

32 hours of relevant training in management and supervision;

RA 1080 (Attorney) (Approved by the Chief Justice on 14 October 1999)

Notably, the CSC, by letter of November 25, 2005, manifested that it noted the Court's September 27, 2005 Resolution and "reflected the same in the records of this Commission to serve as guide and reference in attesting appointments to these positions and other personnel actions in the Court "x x x." [14]

By Resolution of March 14, 2006 in A.M. No. 06-3-07-SC, the Court approved the revised qualification standards

and terms of reference for the Chief of MISO, provided that preference shall be given to a member of the Bar:

Bachelor's Degree in Computer Science or any equally comparable degree with Master's in Science Degree in Computer Science or Information Technology

Seven years of relevant experience on information and communication technology (ICT)

With at least 40 hours of relevant training

With Civil Service Professional Eligibility or equivalent IT eligibility [15]
(underscoring supplied)

The Court, by Resolution of June 20, 2006 in A.M. No. 06-3-07-SC, amended the educational requirement for the position of Chief of MISO, as follows:

Bachelor's Degree in Computer Science or any equally comparable degree, with post graduate level (at least 18 units) in Computer Science or Information Technology[16]

Contrary to the presentation in the Resolution, the CSC has not taken any action on the revised qualification standards contained in A.M. No. 06-3-07-SC, both of March 14, 2006 and of June 20, 2006. Even Atty. Candelaria manifests that, to date, no CSC action has been made on these revisions of the qualification standards of MISO Chief. Only A.M. No. 05-09-29-SC of September 22, 2005 had been noted and reflected in the CSC records to serve as guide and reference in attesting appointments to these positions and other personnel actions in the Court.[17]

Following the 2007 case of Office of the Ombudsman v. Civil Service Commission, however, "[t]he CSC cannot substitute its own standards for those of the department or agency, specially in a case like this in which an independent constitutional body is involved." The qualification standards are thus effective as of the respective dates of the resolutions. In other words, the effectivity of the qualification standards is not dependent on the CSC's approval.

Thus, as of Mendoza's first appointment as MISO Chief on August 8, 2006, the academic credential required was a "Bachelor's Degree in Computer Science or any equally comparable degree, with post graduate level (at least 18 units) in Computer Science or Information Technology" and the eligibility requirement set by the Court itself is "Civil Service Professional Eligibility or equivalent IT eligibility." Mendoza satisfied the educational requirements but had no Career Service Professional eligibility until January 17, 2007.[18] And there was no available proof that Mendoza had passed the equivalent IT eligibility, if any has been determined by the Court. His non-fulfillment of the Court's standing eligibility requirement explains why Mendoza was not recommended for permanent appointment before May 2007. Nonetheless, as earlier posited, he could have been alternatively granted a temporary appointment.

The Resolution does not agree that the revised qualification standards are already effective. It declares that unless approved by the CSC, the qualification standards set by the Court could not be implemented.

With this premise, the Resolution concludes: (1) The revised qualification standards in terms of educational background in A.M. No. 06-3-07-SC of March 14, 2006 (which allegedly was the last one approved by the CSC) were not even met by Mendoza; and (2) the Court could not have even conferred a temporary appointment upon him.

The Resolution takes exception to the preferred interpretation that under Office of the Ombudsman v Civil Service Commission,[19] the CSC "cannot substitute its own standards for those of the department or agency, especially in a case like this in which an independent constitutional body is involved," and that the qualification

standards are effective as of the respective dates of the resolutions. It maintains that a CSC approval is a must, implying that the CSC could disapprove the qualification standards. It thus adheres to its position that unless approved by the CSC, the qualification standards set by the Court could not be implemented.

Office of the Ombudsman v. Civil Service Commission, however, is significant in that it affirms the independence of a constitutional body.

Under the Constitution, the Office of the Ombudsman is an independent body. As a guaranty of this independence, the Ombudsman has the power to appoint all officials and employees of the Office of the Ombudsman, except his deputies. This power necessarily includes the power of setting, prescribing and administering the standards for the officials and personnel of the Office.

To further ensure its independence, the Ombudsman has been vested with the power of administrative control and supervision of the Office. This includes the authority to organize such directorates for administration and allied services as may be necessary for the effective discharge of the functions of the Office, as well as to prescribe and approve its position structure and staffing pattern. Necessarily, it also includes the authority to determine and establish the qualifications, duties, functions and responsibilities of the various directorates and allied services of the Office. This must be so if the constitutional intent to establish an independent Office of the Ombudsman is to remain meaningful and significant.

Qualification standards are used as guides in appointment and other personnel actions, in determining training needs and as aid in the inspection and audit of the personnel work programs. They are intimately connected to the power to appoint as well as to the power of administrative supervision. Thus, as a corollary to the Ombudsman's appointing and supervisory powers, he possesses the authority to establish reasonable qualification standards for the personnel of the Office of the Ombudsman.

In this connection, Book V, Title I Subtitle A, Chapter 5, Section 22 of the Administrative Code provides:

SEC. 22. Qualification Standards. - (1) A qualification standard expresses the minimum requirements for a class of positions in terms of education, training and experience, civil service eligibility, physical fitness, and other qualities required for successful performance. The degree of qualifications of an officer or employee shall be determined by the appointing authority on the basis of the qualification standard for the particular position.

Qualification standards shall be used as basis for civil service examinations for positions in the career service, as guides in appointment and other personnel actions, in the adjudication of protested appointments, in determining training needs, and as aid in the inspection and audit of the agencies' personnel work programs.

It shall be administered in such manner as to continually provide incentives to officers and employees towards professional growth and foster the career system in the government service.

(2) The establishment, administration and maintenance of qualification standards shall be the responsibility of the department or agency, with the assistance and approval of the Civil Service Commission and in consultation with the Wage and Position Classification Office.

Since the responsibility for the establishment, administration and maintenance of qualification standards lies with the concerned department or agency, the role of the CSC is limited to assisting the department or agency with respect to these qualification standards and approving them. The CSC cannot substitute its own standards for those of the department or agency, specially in a case like this in which an independent constitutional body is involved.^[20] (*italics, emphasis and underscoring supplied*)

The role of the CSC is limited to assisting the department or agency with respect to these qualification standards and approving them. It is ministerial for the CSC to approve the qualification standards, after having presumably

assisted the agency with respect to the setting of qualification standards. The CSC has not been given the power to replace or substitute the qualification standards.

Notably, the Court's discussion in *Office of the Ombudsman v. Civil Service Commission* did not delve on whether the CSC's ground in disapproving the qualification standards amounted to grave abuse of discretion, for it has no discretion to exercise, in the first place. Plainly, it was constitutionally violative and legally infirm for the CSC to alter the qualification standards set by the Office of the Ombudsman.

The Office of the Ombudsman asserts that its specific, exclusive and discretionary constitutional and statutory power as an independent constitutional body to administer and supervise its own officials and personnel, including the authority to administer competitive examinations and prescribe reasonable qualification standards for its own officials, cannot be curtailed by the general power of the CSC to administer the civil service system. Any unwarranted and unreasonable restriction on its discretionary authority, such as what the CSC did when it issued Opinion No. 44, s, 2004, is constitutionally and legally infirm.

We agree with the Office of the Ombudsman.[21] (emphasis and underscoring supplied)

The reliance on *Paredes v. Civil Service Commission*[22] is misplaced that case did not involve an independent constitutional body.

The CSC's protracted delay in approving the qualification standards set by the Court in various instances is a form of unwarranted and unreasonable restriction on the discretionary authority of an independent constitutional body that the Court is, for it is worse than a prompt denial of the same since it interminably suspends the exercise of the discretionary authority to set qualification standards, which is intimately connected to the power to appoint as well as to the power of administrative supervision.

In fact, the CSC did not even expressly approve the September 27, 2005 qualification standards. It merely noted and reflected the same in its records to serve as guide and reference.[23] "Following the Resolution's reasoning, the September 27, 2005 qualification standards could not even be implemented due to lack of approval by the CSC.

Further, the Resolution, by concluding that Mendoza did not even possess an equally comparable degree with a Bachelor's degree in Computer Science, overrules the prior determination made by the Court which assessed his science degree at the Philippine Military Academy before appointing him to the position. It also faults the Court of committing the mistake of using as reference the "unapproved" qualification of post graduate level (at least 18 units) in Computer Science or Information Technology. Following the Resolution's position on the effectivity of qualification standards, the Court a mistake in appointing a non-lawyer to the position of Chief of MISO, considering that the CSC has neither approved nor noted the last two revised qualification standards.

Jurisprudence did not do away with the submission to the CSC of the appointment papers of third level positions. What it did away was the legal requirement of CSC approval. While the CSC has the ministerial duty to accept appointments made by the CFAG member-institutions to third-level positions that have been identified and classified, its authority is limited to attesting that the appointee possesses the legal qualifications and the appropriate eligibility, all of which the CFAG member-institutions have the discretion to determine. In fact, the CSC admits that the qualification standards "serve as guide and reference in attesting appointments to these positions and other personnel actions in the Court." [24]

CFAG Joint Resolution No. 62 itself provides:

X X X X

3. That all career third level positions identified and classified by each of the member agency are not embraced

within the Career Executive Service (CES) and as such shall not require Career Service Executive Eligibility (CSEE) or Career Executive Service (CES) Eligibility for purposes of permanent appointment;

4. That should CFAG member agencies develop their respective eligibility requirements for the third level positions, the test of fitness shall be jointly undertaken by the CFAG member agencies in coordination with the CSC;

5. That in case the test of fitness shall be in written form, the CSC shall prepare the questionnaires and conduct the examinations designed to ascertain the general aptitude of the examinees while the member agency shall likewise prepare the questionnaires and conduct in conjunction with the CSC, the examinations to determine the technical capabilities and expertise at the examinees suited to its functions;

6. That the resulting eligibility acquired after passing the aforementioned examination shall appropriate for permanent appointment only to third level positions in the CFAG member agencies;

7. That the member agencies shall regularly coordinate with the CSC for the conferment of the desired eligibility in accordance with this Resolution; However this is without prejudice to those incumbents who wish to take the Career Service Executive Examination given by the Civil Service Commission or the Management Aptitude Test Battery given by the Career Executive Service Board.

The Resolution yielded to the claim that Atty. Candelana faithfully complied with all existing rules and regulations, failing even to observe that the OAS submitted both appointments of Menrtoza to the CSC only on January 4, 2007, which was already past the end of the first appointment^[25](from August 8, 2006 December 7, 2006).

I, therefore, vote to REPRIMAND^[26] Atty. Candelaria for conduct prejudicial to the best interest of the service for meeting sub rasa with the Assistant Commissioner of the Civil Service Commission under dubious circumstances which undermined the independence of the judiciary, with STERN WARNING that a repetition of the same or similar act shall be dealt with more severely.

[1] RULES OF COURT, Rule 130, Sec. 32

[2] Office of the Court Administrator v. Canque, A.M. No. P-04-1830, June 4, 2009.

[3] Rollo, p. 29.

[4] Id. at 48.

[5] Id. at 52.

[6] Id. at 25.

[7] Id. at 108.

[8] Id. at 26.

[9] G.R. No. 159940, February 16, 2005, 451 SCRA 570.

[10] Id. at 584-586

[11] G.R. No. 162215, July 30, 2007, 528 SCRA 535.

[12] Id. at 544.

[13] A.M. No. 05-9-29-SC (2005) entitled "Classifying as Highly Technical and/or Policy-Determining the

Third-Level Positions Below that of Chief Justice and Associate Justices in the Supreme Court, including those in the Philippine Judicial Academy and the Judicial and Bar Council, and for other Purposes."

[14] Rollo, pp. 123-124.

[15] *Id.* at 54-55.

[16] *Id.* at 56.

[17] *Vide id.* at 123-124.

[18] *Id.* at 78.

[19] *Supra.*

[20] *Id.* at 544-545.

[21] *Id.* at 541.

[22] G.R. No. 88177, December 4, 1990, 192 SCRA 84.

[23] *Vide rollo*, pp. 123-124.

[24] *Vide rollo*, pp. 123-124.

[25] Section I, Rule VI, CSC Memorandum Circular No. 40, series of 1998 requires the duly authorized personnel officer to submit to the CSC all appointments in the civil service within 30 days from the date of issuance. Failure to do so is a ground for administrative disciplinary action for neglect of duty.

[26] *Vide Abesa v. National, A.M. No. MTJ-05-1605*, June 8, 2006, 490 SCRA 7-1.

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