

**MUNICIPALITY OF ISULAN, ISULAN, SULTAN KUDARAT
REPRESENTED BY ITS MUNICIPAL MAYOR DIOSDADO G.
PALLASIGUE, PETITIONER-APPELLANT, VS. ELIAS S. SEGURA, JR.,
RESPONDENTS-APPELLEE.**

Ponente: FRANCISCO, J.

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FRANCISCO, J.:

CA-G.R. SP No. 03988-MIN is a Petition[1] for Review under Rule 43 with Prayer for Issuance of Temporary Restraining Order and Injunction assailing the following:

- (a) 26 February 2008 CSC-RO XII Decision[2], which granted respondent Segura's appeal from the re-assignment order made by petitioner Mayor Pallasigue and directed the re-instatement of Segura to his former position as MPDC Coordinator;
- (b) 31 March 2009 CSC Resolution No. 090501[3], which denied Mayor Pallasigue's appeal of the 26 February 2008 CSC-RO XII Decision; and
- (c) 07 December 2010 CSC Resolution No. 1000470[4], which denied Mayor Pallasigue's motion for reconsideration of the 31 March 2009 CSC Resolution No. 090501.

CA-G.R. SP No. 04933-MIN is a Petition[5] for Review under Rule 43 with Prayer for Issuance of Temporary Restraining Order and Injunction assailing the following:

- (a) 23 April 2009 Civil Service Commission Regional Office XII (CSC-RO XII) Decision[6], which granted the appeal of respondent Segura from the Order of petitioner Mayor Pallasigue dropping him from the roll of employees and ordered Segura's immediate reinstatement to his position as MPDC coordinator of Isulan, Sultan Kudarat;
- (b) 03 November 2009 CSC-RO XII [7], which denied petitioner Mayor Pallasigue's motion for reconsideration of the 23 April 2009 Civil Service Commission Regional Office XII (CSC-RO XII) Decision[8];
- (c) 18 August 2011 CSC Resolution No. 110466[9], which dismissed petitioner Mayor Pallasigue's Petition for Review of the 23 April 2009 and 03 November 2009 CSC-RO XII Decision of the Civil Service Commission Regional Office XII (CSC-RO XII); and
- (d) 04 May 2012 CSC Resolution No. 1200703[10], which denied petitioner Mayor Pallasigue's motion for reconsideration of the 18 August 2011 CSC Resolution No. 110466.

Antecedent Facts

CA-G.R. SP No. 03988-MIN

The petition arose from the Memorandum¹¹ dated 14 September 2007 issued by petitioner Diosdado G. Pallasigue, Mayor of the Municipality of Isulan, Sultan Kudarat. The memorandum relieved private respondent

Engr. Segura from his present duties in the Municipal Planning and Development Office (MPDO) and re-assigned him to the Office of the Municipal Mayor. Mayor Pallasigue, then, designated Mr. Freddie Tiosing as the acting Municipal Planning and Development Coordinator. The memorandum provided for an immediate effectivity.

In his letter dated 25 September 2007 before the CSCRO No. XII of Cotabato City, Engr. Segura averred the following, to wit:

“xxx Last September 17, 2007 in the afternoon, I received the memorandum which took effect September 14, 2007, from the newly elected Municipal Mayor, Hon. Diosdado G. Pallasigue xxx. I am very much aggrieved that the reassignment order also relieves me from my duties/functions as Municipal Planning and Development Coordinator (MPDC) of this municipality and I was ordered to perform the duties and functions specified in the memorandum which is not in line with my qualifications, abilities and expertise. xxx

xxx

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xxx At the start of my initial days, the following are observations and violations on my new reassignment.

- There is no given position on my re-assignment. I don't know my status on the new job, from the Municipal Department Head to unknown position. This implies that I am in floating position. I was just given my duties and functions to do in my new assignment. I don't know whether I can still use the title of my permanent appointment as MPDC considering that I was relieve (sic) from my position and the new Acting MPDC assumes my office in the name of Mr. Freddie G. Tiosing xxx. It is very clear my assignment is done in haste.

xxx

- The action is not a rotation where there is a lateral movement of employees but it's a downward movement of my rank; from supervisory position to unknown position that (sic) no one to supervise.

xxx

- The reassignment order was against my consent and will. I was not informed and consulted regarding this order.

xxx

- There was no specific period of time in the order and it shall remain effective until revoked. I don't know when it ends and if it is temporary or permanent.

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xxx

- Most of my functions in the order are duplication of the Technical Working Group (TWG) created for the establishment and reconsideration of the MEEDO which I chair. xxx. In fact the Technical Working Group created was inconsistent since it was issued while the Sangguniang Bayan was on the process of dissolving the MEEDO due to the order from the office of the Mayor through a memorandum to dissolve the same. I wonder why we will start to work for the establishment of the MEEDO by virtue of the memorandum creating the TWG wherein there is already an ordinance to (sic) dissolving the same. xxx”[12]

In his Comment dated 24 October 2007, Mayor Pallasigue justified the re-assignment order as within his

exclusive authority and prerogative as the Local Chief Executive.

The CSCRO XII treated the letter of Engr. Segura as an appeal, not a complaint, pursuant to Item 3(B), Section 6, Rule I of the Uniform Rules on Administrative Cases in the Civil Service (URACCS), which provides that “the Civil Service Commission Regional Offices (CSCROs) have jurisdiction over decisions of national agencies and local government units within their geographical boundaries relative to personnel actions and non-disciplinary cases brought before it on appeal.”

In its 26 February 2008 Decision[13], the CSCRO No. XII of Cotabato City confined its resolution of the appeal to the sole issue of whether the re-assignment of Engr. Segura is valid. It held in the negative. The dispositive portion of the decision reads:

WHEREFORE, the instant appeal of Engr. Elias S. Segura, Jr. from the reassignment made by Mayor Pallasigue is hereby GRANTED. Mayor Pallasigue is directed to recall Segura’s reassignment and to restore him to his position as Municipal Planning Development Coordinator at the Municipal Planning and Development Office of Isulan, Sultan Kudarat.

SO ORDERED.[14]

The CSC-RO No. XII of Cotabato City held that the re-assignment of Engr. Segura, from being the chief of the MPDO to the Office of the Municipal Mayor, which effectively relieved him of his supervisory functions constituted a demotion in rank and status violative of the rules on reassignment.[15]

On 31 March 2008, Mayor Pallasigue filed a Notice of Appeal of the 26 February 2008 Decision.

In its Resolution No. 090501[16] dated 31 March 2009, the Civil Service Commission dismissed Mayor Pallasigue’s appeal and affirmed the 26 February 2008 Decision, thus:

WHEREFORE, the appeal of Mayor Diosdado G. Pallasigue of the Municipal Government of Isulan, Sultan Kudarat, is DISMISSED. Accordingly, the Decision dated February 26, 2008 of the Civil Service Commission Regional Office No. XII, Cotabato City, invalidating the Memorandum dated September 14, 2007 issued by Mayor Pallasigue relative to the reassignment of Engr. Elias S. Segura, Jr., Municipal Planning Development Coordinator (MPDC), Municipal Planning and Development Office, same agency, is AFFIRMED. Consequently, the Commission orders the restoration of Segura, Jr. to his position as MPDC, with payment of monetary benefits due him from the time of his illegal reassignment up to his actual reinstatement.”[17]

On 19 May 2009 Mayor Pallasigue filed his Motion for Reconsideration[18] of the 31 March 2009 Resolution.

In a Resolution[19] dated 7 December 2010, the CSC denied the motion for reconsideration.

Hence this CA-G.R. SP No. 03988-MIN.

In this recourse, Mayor Pallasigue (hereinafter Petitioner) submits the following issues, to wit:

- WHETHER OR NOT CIVIL SERVICE COMMISSION REGIONAL OFFICE NO. XII, COTABATO CITY, HAS PROPERLY ACQUIRED JURISDICTION OVER THE COMPLAINT FILED BY THE RESPONDENT;

- WHETHER OR NOT THE ASSAILED CSC RO XII DECISION DATED 26 FEBRUARY 2008 AND CSC RESOLUTION NO. 090501 DATED 31 MARCH 2009 AND CSC RESOLUTION NO. 1000470 DATED 07 DECEMBER 2010 AFFIRMING THE SAME WERE IN ACCORDANCE WITH EXISTING LAWS, JURISPRUDENCE, AND RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION;

- WHETHER OR NOT THE ORDER OF RESTORATION TO HIS PREVIOUS POSITION AS MUNICIPAL PLANNING AND DEVELOPMENT OFFICER WHEN HE WENT ON AN ABSENCE WITHOUT LEAVE FROM 31 JULY 2008 UP TO THE PRESENT (SIC).[20]

CA-G.R. SP No. 04933-MIN

In a Letter[21] dated 10 September 2008, Segura insisted in assuming his position as the Municipal Planning Development Coordinator.

In a Memorandum[22] dated 12 September 2008, Mayor Pallasigue denied Engr. Segura's reassumption of his position. He invoked that the 26 February 2008 Decision of the CSCRO No. XII declaring the reassignment invalid was not final and executory, the case being on appeal before the CSC Central Office.

On 22 September 2008, Mayor Pallasigue issued Executive Order No. 23, Series of 2008[23] dropping Segura from the roll of employees for having incurred more than thirty days of absence without official leave.

On 13 October 2008, Engr. Segura appealed from the 22 September 2008 Order of Mayor Pallasigue before the CSCRO XII.[24]

In its Decision[25] dated 23 April 2009, the CSCRO XII granted Segura's appeal and ordered his immediate reinstatement to his position as Municipal Planning and Development Coordination of Isulan, Sultan Kudarat.

On 11 August 2009, Mayor Pallasigue filed his Motion for Reconsideration[26] of the 23 April 2009 CSC RO XII Decision.

In its 3 November 2009 Decision[27], the CSCRO XII denied Mayor Pallasigue's motion for reconsideration.

On 18 February 2010, Mayor Pallasigue filed a Petition for Review[28] of the 23 April 2009 CSC RO XII Decision before the CSC Central Office (CSCCO).

On 18 August 2011, the CSCCO dismissed the petition and invalidated the order of Mayor Pallasigue dropping Segura from the roll of employees.

On 27 October 2011, Mayor Pallasigue filed his Motion for Reconsideration[29] of the 18 August 2011 CSCCO Decision. The motion was denied in its 04 May 2012 Resolution.

Hence, the CA-G.R. SP No. 04933-MIN Petition.

In this recourse, Mayor Pallasigue (hereinafter Petitioner) submits the following issues, to wit:

- WHETHER OR NOT THE ASSAILED CSCRO XII DECISION DATED 23 APRIL 2009; CSCRO XII DECISION DATED 03 NOVEMBER 2009 DENYING THE MOTION FOR RECONSIDERATION OF THE HEREIN PETITIONER; CIVIL SERVICE COMMISSION DECISION NO. 110466 DATED 18 AUGUST 2011; AND CIVIL SERVICE COMMISSION DECISION NO. 1200703 DATED 04 MAY 2012 DENYING THE MOTION FOR RECONSIDERATION WERE ANCHORED ON UNCONTESTABLE FACTS AND RECORDS ON HAND;

- WHETHER OR NOT THE ASSAILED CSCRO XII DECISION DATED 23 APRIL 2009; CSCRO XII DECISION DATED 03 NOVEMBER 2009 DENYING THE MOTION FOR RECONSIDERATION OF THE HEREIN PETITIONER; CIVIL SERVICE COMMISSION DECISION NO. 110466 DATED 18 AUGUST 2011; AND CIVIL SERVICE COMMISSION DECISION NO. 1200703 DATED 04 MAY 2012 DENYING THE MOTION FOR RECONSIDERATION WERE IN ACCORDANCE WITH EXISTING LAWS,

JURISPRUDENCE, AND RULES AND REGULATIONS.[30]

On 3 July 2012, this Court, in a Minute Resolution[31], ordered the consolidation of CA-G.R. SP NO. 04933-MIN with CA-G.R. SP NO. 03988-MIN.

The issues in these consolidated petitions may be re-stated, thus:

- Jurisdiction of the CSCRO XII over the case; and
- The validity of the reassignment order issued by the petitioner.

Our Ruling

We deny the Petition.

Jurisdiction of the CSCRO XII

In this recourse, the petitioner posits that the CSCRO XII erred in treating Segura's letter as an appeal when it is indeed a complaint. The petitioner posits that an appeal presupposes the existence of a decision. Here, the petitioner claims there is none. Citing Section 6 (b-3) and Section 71 of the Civil Service Commission Resolution No. 99-1936, the petitioner argues, thus:

“xxx the jurisdiction of the Regional Office of the Civil Service Commission is limited to Personnel Actions and Non-Disciplinary Cases brought before it through an Appeal. The exercise of said Regional Office's appellate jurisdiction presupposes the existence of a decision or order rendered after a valid proceeding taken thereon which is the subject of the appeal.

By taking cognizance of the Complaint brought directly to it, the Civil Service Regional Office No. XII acted without or in excess of its jurisdiction and as a consequence, all the proceedings taken thereon are rendered null and void. Xxx”[32]

We do not agree.

To Our mind, the reassignment order is in itself a decision which may be subject of an appeal before the CSCRO. Segura's letter partakes of the nature of an appeal from the reassignment order issued by petitioner.

Section 6 of Rule I of the Uniform Rules on Administrative Cases in the Civil Service (URACCS) provides that the Civil Service Commission Regional Offices (CSCRO) have jurisdiction, in non-disciplinary cases, over:

Xxx

- Decisions of national agencies and local government units within their geographical boundaries relative to personnel actions and non-disciplinary cases brought before it on appeal. xxx

Here, the reassignment order by the petitioner falls within the coverage of non-disciplinary case, hence within the jurisdiction of the CSCRO.

Worth emphasizing, as well, is that the petitioner had acquiesced to the jurisdiction of the CCRO-XII when he filed (a) a comment to Segura's letter, (b) an appeal memorandum assailing the 26 February 2008 Decision of the CSCRO XII and (c) a motion for reconsideration of the denial of his appeal. A perusal of the appeal memorandum and the motion for reconsideration reveals that the petitioner did not raise the issue of jurisdiction of the CSCRO XII. It is only in this recourse (CA-G.R. SP No. 03988-MIN) that the petitioner assails the jurisdiction of the CSCRO XII. It is settled principle that the active participation of a party in a case pending against him before a court or a quasi-judicial body, is tantamount to a recognition of that court's or body's jurisdiction and a willingness to abide by the resolution of the case and will bar said party from later on impugning the court's or

body's jurisdiction.[33] Thus, petitioner is barred from, anymore, questioning the jurisdiction of the CSCRO-XII.

Validity of the Re-assignment order

Book V, Title I, Subtitle A, Section 26(7) of Executive Order No. 292, otherwise known as the Administrative Code of 1987, provides:

Reassignment. An employee may be reassigned from one organizational unit to another in the same agency: Provided, That such reassignment shall not involve a reduction in rank, status, or salary. (Emphasis Supplied)

A reassignment that is indefinite and results in a reduction in rank, status, and salary is in effect a constructive removal from the service.[34] A diminution in rank, status, or salary, is enough to invalidate such a reassignment.[35]

This Court is in agreement with the CSC that the reassignment of Segura from the MPDC to the Office of the Municipal Mayor was void because it clearly involved a reduction in rank, status and salary.

FIRST. Segura had been deprived of his supervisory functions.

An examination of the Reassignment Order[36] reveals the following duties and functions of Segura in the Office of the Municipal Mayor, viz:

- Review, re-evaluate, and study the feasibility of the establishment of the Municipal Economic Enterprise and Development Office (MEEDO), taking into consideration the requirements under existing law, rules, and regulations.

- Undertake a study and submit recommendations to improve the operation and management of the economic enterprise projects of the Municipal Government, such as:

- 2.1 Municipal Abattoir
- 2.2 Municipal Cemetery
- 2.3 Public Transport Terminals
- 2.4 Municipal Public Market
- 2.5 Other Economic Enterprise Projects

- Coordinate with all concerned and exercise such authority as may be delegated by the undersigned;

- Perform and assume such other duties and responsibilities as may be assigned by the undersigned.

This reassignment order accordingly relieves you of your present duties in the Municipal Planning and Development Office. xxx

On the other hand, the function and duties of Segura as the Municipal Planning and Development Coordinator (MPDC) are the following:

- (1) Formulate integrated economic, social, physical, and other development plans and policies for consideration of the local government development council;
- (2) Conduct continuing studies, researches, and training programs necessary to evolve plans and programs for implementation;

- (3) Integrate and coordinate all sectoral plans and studies undertaken by the different functional groups or agencies;
- (4) Monitor and evaluate the implementation of the different development programs, projects, and activities in the local government unit concerned in accordance with the approved development plan;
- (5) Prepare comprehensive plans and other development planning documents for the consideration of the local development council;
- (6) Analyze the income and expenditure patterns, formulate and recommend fiscal plans and policies for consideration of the finance committee of the local government unit concerned as provided under Title Five, Book II of this Code;
- (7) Promote people participation in development planning within the local government unit concerned;
- (8) Exercise supervision and control over the secretariat of the local development council; and
- (c) Exercise such other powers and perform such other functions and duties as may be prescribed by law or ordinance.[37] (Emphasis Supplied)

A thorough examination of the foregoing reveals the significant distinction, to wit: Segura had been deprived of his supervisory function attached to his former position; hence, a reduction of his rank and status. In his new position in the Office of the Municipal Mayor, he had no personnel to supervise.

SECOND. Segura was deprived of the emoluments attached to his former position like RATA. The records show that as a result of the reassignment, Mayor Pallasigue had stopped the payment of Segura's RATA and gave it to Freddie Tiosing, who took over the former position of Segura. Clearly, there was a diminution in compensation that is proscribed by the rule on re-assignment.[38]

THIRD. Segura was constructively dismissed from his former position as MPDC.

CSC Memorandum Circular No. 02, Series of 2005 provides that a reassignment constitutes constructive dismissal where it "will cause significant financial dislocation or will cause difficulty or hardship on the part of the employee because of geographic location."

The un rebutted records reveal that the new office where Segura was directed to report for duty was not conducive for work and required him to travel a distance. The office was not equipped with office supplies and equipment necessary for the effective performance of his new assignment.

FOURTH. It is not difficult to ascribe bad faith to Mayor Pallasigue in ordering the reassignment.

What cannot escape Our attention is that on 3 September 2007, Mayor Pallasigue approved the municipal ordinance abolishing the Municipal Economic Enterprise and Development Office (MEEDO). The Resolution No. 2007-071 ISB of the Sangguniang Bayan reveals that the abolition of the MEEDO was upon the petitioner's initiative, viz:

"WHEREAS, brought to the attention of this Honorable Body for deliberation is the request from the Office of the Municipal Mayor requesting (sic) for an urgent passing of a resolution enacting an ordinance nullifying existing resolutions and ordinances relative to the creation and operation of the Municipal Economic Enterprise and Development Office (MEEDO)."[39]

Then on 14 September 2007, only about eleven (11) days later, Mayor Pallasigue, invoking the demands of public interest, re-assigned Segura in the Office of the Municipal Mayor to "review, re-evaluate, and study the feasibility of the establishment of the Municipal Economic Enterprise and Development Office (MEEDO)."

We agree with the CSC that the actuations of petitioner are illogical, odd and irreconcilable. We cannot see the justification why the petitioner approved Resolution No. 2007-071 ISB of the Sangguniang Bayan, which was upon petitioner's initiative, for the abolition of the MEEDO only to seek the re-establishment thereof only about eleven (11) days later. The circumstances could only indicate that the re-assignment order was made in bad faith. We, thus, share the view of the CSC that the reassignment order constitutes a preliminary step to boot out Segura from his former position as the Municipal Planning and Development Coordinator.

True, the power or authority to reassign a local government employee is discretionary on the part of the local chief executive; however, the same must not be done whimsically to remove indirectly or dismiss an employee under the pretext of advancing and promoting public interest.[40]

Executive Order No. 23, Series of 2008
dropping Segura from the roll of employees is VOID

In a Letter dated 11 September 2008, Segura expressed his intention of re-assuming his position as the Municipal Planning and Development Coordinator. Segura invoked CSC Memorandum Circular No. 2, Series of 2005, which provides that reassignment without consent, shall be allowed only for not more than one year. Since one year had already elapsed from his reassignment, the reassignment order is already revoked.

On 12 September 2008, Mayor Pallasigue issued Executive Order No. 23, Series of 2008[41] dropping Segura from the roll of employees for having incurred more than thirty days of absence without official leave covering the period 31 July 2008 to 22 September 2008. Mayor Pallasigue averred that Segura incurred absences without official leave when he refused to assume his duties in accordance with his reassignment.

The claims of the petitioner are belied by the evidence on record. The findings of the CSCRO XII, which were affirmed by the CSC Central Office, reveal the following, viz:

- Segura had accomplished and submitted his Daily Time Record (DTR) for the month August 2008;
- The DTR was accordingly received by the Office of the Municipal Planning and Development Coordinator through Acting MPDC Freddie Tiosing;
- The General Payroll Report reflects the name of Segura with the corresponding details as position, gross pay, PERA/ACA and employee's deductions; and
- Acting MPDC Freddie Tiosing signed and attested to the fact that Segura reported for work for the period of August 1-31, 2008.

More importantly, as already discussed, the reassignment of Segura to the Office of the Municipal Mayor, which involved a reduction in rank and status, was void for being violative of Executive Order No. 292 and the Omnibus Civil Service Rules and Regulations. Hence, Segura could not have incurred absences in the office where he was reassigned since the reassignment was void. Consequently, his dismissal for unauthorized absences in the office where he was reassigned was not valid. Instructive is *Yenko v. Gungon*, [42] which held viz:

xxx

Reassignments involving a reduction in rank, status or salary violate an employee's security of tenure, which

is assured by the Constitution, the Administrative Code of 1987, and the Omnibus Civil Service Rules and Regulations. Security of tenure covers not only employees removed without cause, but also cases of unconsented transfers and reassignments, which are tantamount to illegal/constructive removal.

xxx

In this case, Gungon was not validly dismissed from the service. His reassignment to the POSO, which involved a reduction in rank and status, was void for being violative of Executive Order No. 292 and the Omnibus Civil Service Rules and Regulations. Hence, Gungon could not have incurred absences in the office where he was reassigned since the reassignment was void. Consequently, his dismissal for unauthorized absences in the office where he was reassigned was not valid.xxx (Citations Omitted)

In fine, Segura is entitled to reinstatement, without qualification, for having been illegally dismissed. A government official or employee reinstated for having been illegally dismissed is considered as not having left his office.[43] His position does not become vacant and any new appointment made in order to replace him is null and void ab initio.[44]

WHEREFORE, these consolidation petitions are hereby DISMISSED. The assailed 26 February 2008 CSCRO XII Decision[45] and the 23 April 2009 CSCRO XII Decision[46] directing the immediate reinstatement of Segura to his former position as Municipal Planning and Development Coordinator are hereby AFFIRMED.

SO ORDERED.

CERTIFICATION

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.

Borja, J., Ch., and Badelles, JJ., concur.

[1] Rollo (CA-G.R. SP No. 03988-MIN), pp. 13-40

[2] Id., pp. 41-48

[3] Id., pp. 49-59

[4] Id., pp. 66-71

[5] Rollo (CA-G.R. SP No. 04933-MIN), pp. 13-52

[6] Id., pp. 53-64

[7] Id., pp. 65-68

[8] Supra at note 6

[9] Rollo (CA-G.R. SP No. 04933-MIN), pp. 69-74

[10] Id., pp. 75-78

[11] Rollo (CA-G.R. SP No. 03988-MIN), p. 163

[12] Id., pp. 42-43

- [13] Supra at note 2
- [14] Rollo (CA-G.R. SP No. 03988-MIN), p. 48
- [15] Id., p. 47
- [16] Supra at note 3
- [17] Rollo (CA-G.R. SP No. 03988-MIN), p. 59
- [18] Id., pp. 92-104
- [19] Supra at note 4
- [20] Rollo (CA-G.R. SP No. 03988-MIN), pp. 22-23
- [21] Id., p. 177
- [22] Id., p. 178
- [23] Rollo (CA-G.R. SP No. 04933-MIN), p. 81
- [24] Id., pp. 82-92
- [25] Supra at note 6
- [26] Rollo (CA-G.R. SP No. 04933-MIN), pp. 107-118
- [27] Supra at note 7
- [28] Rollo (CA-G.R. SP No. 04933-MIN), pp. 119-132
- [29] Id., pp. 133-139
- [30] Id., pp. 27-28
- [31] Id., p. 196
- [32] Rollo (CA-G.R. SP No. 03988-MIN), p. 25
- [33] Alcantara v. Commission on the Settlement of Land Problems; G.R. No. 145838; 20 July 2001
- [34] Bertain v. Court of Appeals, 209 SCRA 644 (1992)
- [35] Section 24 (g) of Presidential Decree No. 807
- [36] Rollo (CA-G.R. SP No. 03988-MIN), p. 163
- [37] Id., p. 164
- [38] Padolina v. Fernandez, G.R. No. 133511, 10 October 2000
- [39] Rollo (CA-G.R. SP No. 03988-MIN), p. 56
- [40] CSC Memorandum Circular No. 2, Series of 2005
- [41] Supra at note 11
- [42] G.R. Nos. 165450-53; 13 August 2009
- [43] Gementiza v. Court of Appeals, G.R Nos. L-41717-33, April 12, 1982

[44] Canonizado v. Aguirre, G.R. No. 133132, February 15, 2001

[45] Supra at note 2

[46] Supra at note 6

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