

CAROL L. MEJICA, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a65c2cb21b63/>

MACALINO, J:

Before this Court is a Petition for Review[1] under Rule 43 of the Rules of Court assailing the Decision[2] (Assailed Decision) of the Civil Service Commission dated August 9, 2012 and the Resolution[3] dated April 23, 2013 (Assailed Resolution) disapproving the appointment of petitioner. The decretal portion of the Assailed Decision states:

“WHEREFORE, the Petition for Review of Carol L. Mejica, Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer), Municipal Government of Oras, Eastern Samar, to reconsider the resolution of the Civil Service Commission Regional Office (CSCRO) No. VIII, Leyte, is hereby DENIED. Accordingly, the Resolution of the CSCRO No. VIII, affirming the disapproval by the Civil Service Commission Field Office (CSCFO) – Borongan City, Eastern Samar of Mejica's permanent appointment for lack of a qualification standards approved by the Commission, is hereby AFFIRMED.”[4]

Whereas, the dispositive portion of the Assailed Resolution reads:

“WHEREFORE, the Motion for Reconsideration of Carol L. Mejica, Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer), Local Government Unit of Oras, Eastern Samar, of Civil Service Commission (CSC) Decision No. 12-0497 dated August 9, 2012, is hereby DENIED. Accordingly, CSC Decision No. 12-0497 dated August 9, 2012 affirming the invalidation of Mejica's permanent appointment as Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer) (SG 24), STANDS.”[5]

Antecedent Facts

On May 27, 2010, former President Gloria Macapagal-Arroyo approved Republic Act 10121 (RA 10121), otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010. Section 12 of the said law provides that a Local Disaster Risk Reduction and Management Office (LDRRMO) shall be established in, among others, every municipality. The LDRRMO shall be initially composed of a Disaster Risk Reduction and Management Officer (DRRMO) to be assisted by three (3) staff responsible for: (1) administration and training; (2) research and planning; and (3) operations and warning.

On September 27, 2010, the Secretary of National Defense and Chairperson of the National Disaster Risk Reduction and Management Council (NDRRMC) signed the Implementing Rules and Regulations (IRR) of RA 10121.

On April 15, 2011, the Sangguniang Bayan of the Municipality of Oras, Eastern Samar passed Ordinance No. 5, series of 2011[6], creating the permanent position of Municipal Government Department Head I (Municipal Disaster Risk Reduction and Management Officer) or MDRRMO. The Sangguniang Bayan also enacted Appropriation Ordinance No. 3, series of 2011[7], appropriating the amount of Php374,672.84 for the salaries, other benefits and MOOE of said newly created office.

On June 16, 2011, Hon. Neil M. Alvarez (Mayor Alvarez), the Municipal Mayor of Oras, Eastern Samar, issued an appointment[8] to Carol L. Mejica (petitioner) as Municipal Government Department Head I (Municipal Disaster Risk Reduction and Management Officer) with Salary Grade 24 (SG 24) on permanent status. The Sangguniang Bayan of Oras concurred with the appointment of petitioner by passing Resolution No. 20, series of 2011.[9] The Sangguniang Bayan of Oras approved Resolution No. 33, series of 2011[10] on July 22, 2011, prescribing the qualification standards for the position of MDRRMO as follows:

Education: Bachelor's Degree

Eligibility: Career Service Professional or its equivalent

Training: Eighteen (18) hours relevant training Experience: None required

On July 25, 2011, the Sangguniang Bayan of Oras requested the CSC's approval of its proposed qualification standards for the position of MDRRMO. Petitioner's appointment was, however, disapproved on July 27, 2011 by the CSC Field Office (CSCFO) in Borongan City because "(a) Position title not found in LBC Circular No. 61, s. 1996 (IOS) and CSC MC # 1, s. 1997 (Revised Qualification Standards)" and (b) Violation of Sec. 3, Rule VI, IRR of RA 10121."

Meanwhile, CSC's Personnel Policies and Standards Office (PPSO) advised that the Sangguniang Bayan of Oras first submit a proposed newly created position to the DBM for position classification and salary grade allocation before submitting the same to the CSC for the setting of its qualification standards.

Mayor Alvarez filed a Motion for Reconsideration[11] of the CSCFO's disapproval of petitioner's appointment. Treating Mayor Alvarez's motion as an appeal, the CSC Regional Office No. VIII issued Resolution No. 110737 on November 17, 2011, dismissing the mayor's appeal.[12] The CSC Regional Office No. VIII reasoned that (a) to date, there are no qualification standards yet for the position of MDRRMO duly approved by the CSC; and (b) Section 1 (b), Rule X (Qualification Standards) of the Omnibus Rules on Appointments and Other Personnel Actions (CSC MC No. 40, series of 1998) provides that: "An appointment to a position without an approved qualification standards shall be disapproved." Consequently, petitioner's appointment as MDRRMO was revoked by Mayor Alvarez on February 10, 2012.[13]

Petitioner, in her personal capacity, sought reconsideration of the said Resolution in a petition for review before the CSC Main Office. On August 9, 2012, the CSC rendered the Assailed Decision denying the said motion. Petitioner filed another motion for reconsideration[14] on September 26, 2012 but it was denied in the Assailed Resolution dated April 23, 2013.

Hence this petition where petitioner raises the following issues:

"I

Whether the Honorable Civil Service Commission (CSC) erred when it held that the position title Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer) is not found in LBC No. 61, series of 1991 (IOS).

II

Whether the Honorable Civil Service Commission (CSC) erred when it held that the subject position is not also found in CSC MC # 1 s. 1997 (Revised Qualification Standards.)

III

Whether the Honorable Civil Service Commission erred when it held that the appointment is in Violation of Sec. 3, Rule VI, IRR of RA 10121 (Experience).

IV

Whether the Honorable Civil Service Commission erred when it ruled that the subject appointment was prematurely issued and invalid due to lack of CSC approved qualification standards.”[15]

The main issue for our resolution is whether petitioner's appointment as MDRRMO is valid despite the absence of a CSC-approved qualification standards for said position.

Qualification Standards for newly-created positions, like MDRRMO shall be prescribed by the CSC.[16] 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 an employee shall be determined by the appointing authority on the basis of the qualification standard for the particular position.[17] In the absence of approved qualification standard by the CSC, such appointment shall be disapproved or invalidated. This is mandated by Section 1, Rule X of CSC Memorandum Circular No. 40, series of 1998 (Revised Omnibus Rules on Appointments and Other Personnel Actions) which states that:

“xxx

b. An appointment to a position without an approved qualification standards shall be disapproved. xxx”

The same is reflected in CSC Memorandum Circular No. 12, series of 2003 (Revised Policies on Qualification Standards) which amended the foregoing provision, viz:

“Part I, Section 2. --

2. Qualification Standards shall be established for all positions in the Index of Occupational Services (IOS) or positions subsequently created and approved in accordance with existing laws, policies, rules and regulations. Qualification Standards, which have been established and approved by the Commission for positions in a particular sector, may be adopted for the same position titles in other government sectors.

Appointments to positions in government without qualification standards approved by the Civil Service Commission (CSC) shall be disapproved or invalidated. xxx”[18] (Emphasis supplied)

As advised by the CSC to the Sangguniang Bayan of Oras, while the evaluation and approval of the qualification standards of positions in government is one of the functions of the CSC, the same shall be based upon the approval of position classification and salary grade allocation by the Department of Budget and Management (DBM). Until now the qualification standards for MDRRMO is yet to be created since the same is not yet found under the Index of Occupational Service (IOS), which contains all generic positions in the government. To recall, the position of MDRRMO has the generic position of Municipal Government Head I which is found in the IOS, but its parenthetical position title which is MDRRMO is yet to be included therein. Director Imelda C. Laceras, of the DBM Regional Office No. VIII, thru a letter addressed to the Vice-Mayor of Oras dated September 29, 2011, explained thus:

“several issues and concerns on the implementation of RA 10121 are still subject to discussion in the Cabinet Meeting. Meanwhile, xxx if positions are necessary for the creation of the LDRRMO, the position titles that may be used are the Civil Defense Officer I-V (SG 11-24).”[19]

Likewise, the CSC could not also approve petitioner's appointment for the newly created MDRRMO position since the DBM has yet to approve a position classification and salary grade allocation for the position.

Nevertheless, petitioner insists that the absence of Qualification Standards should not be a ground to invalidate her appointment. While the CSC has the power to prescribe the qualification standards to government positions,

the same is not an absolute rule. It's true that agencies are not precluded from setting specific or higher standards for any given position, which when submitted or approved shall be adopted by the CSC as the qualification standards in the attestation of appointments of agencies concerned. Appointees to career service or permanent positions must, however, meet all four basic requirements, namely: (a) education; (b) training; (c) experience; and (d) eligibility.

Considering that the position of MDRRMO was created by virtue of RA 10121 and its IRR, reference must be made to the law creating the same to determine if qualification standards were already set therein. The pertinent provision of the IRR of RA 10121 is quoted below:

“Rule 6 – LOCAL DISASTER RISK REDUCTION AND MANAGEMENT OFFICE (LDRRMO)

Section 1. Establishment of an Office – There is hereby created an LDRRMO in every province, city and municipality under the Office of the Governor, City or Municipal Mayor, respectively, and a Barangay Disaster Risk Reduction and Management Committee (BDRRMC) in every barangay to be headed by the Punong Barangay.

Section 2. Composition and Structure – The LDRRMOs shall be initially organized and composed of a DRRMO to be assisted by three (3) staff responsible for: (1) administration and training; (2) research and planning; and operations and warning.

2.1 The budgetary source, compensation and hiring procedure for the DRRMO shall conform to the rules and policies of the CSC and the DBM, among others.

Section 3. Qualifications of the DRRM Officer - The DRRM Officer provided under Section 12 (b) of the Act shall have the following qualifications:

- (a) Must be civil service eligible;
- (b) Must have a Civil Defense/DRM experience.”

The qualifications for the position of MDRRMO in Section 3, Rule 6 of the IRR are not provided in the law itself. It is only the IRR which prescribed said qualification standards and the same cannot be considered as qualification standards prescribed by special law since it is also provided under the IRR that “[t]he budgetary source, compensation and hiring procedure for the DRRMO shall conform to the rules and policies of the CSC and the DBM, among others.” Also, the qualifications set in the IRR are not complete considering that only the civil service eligibility and experience are indicated therein. There is therefore a necessity to prescribe a more detailed qualification regarding education and training to meet the basic requirements prescribed by the CSC.

Notwithstanding the adoption by the Sangguniang Bayan of Oras of a resolution prescribing the qualification standards for MDRRMO, the same cannot validate petitioner's appointment because the adoption of said resolution came after the appointment of petitioner. Based on the CSC Memorandum Circular No. 12, series of 2003, Part I, Section 2 thereof, the prescription and adoption of the qualification standards should precede the issuance of an appointment to positions in government. Petitioner was issued an appointment on June 16, 2011 as MDRRMO despite the absence of CSC-approved qualification standards for said position. The Sangguniang Bayan of Oras adopted only on July 22, 2011 the resolution prescribing the qualification standards for the newly-created position of MDRRMO and it was submitted for approval by the CSC on July 25, 2011. Clearly, there were no Qualification Standards approved by the CSC at the time of petitioner's appointment on June 16, 2011 which is disallowed under Part I, Section 2 of CSC Memorandum Circular No. 12, series of 2003 (Revised Policies on Qualification Standards).

WHEREFORE, premises considered, the instant petition is DENIED.

SO ORDERED.

Villon (Chairperson) and Corales, JJ., concur.

[1] Rollo, pp. 3-28; pp. 68-91.

[2] Id. at pp. 30-39.

[3] Id. at pp. 41-45.

[4] Id. at p. 39.

[5] Id. at p. 45.

[6] Id. at pp. 46-47.

[7] Id. at pp. 48-49.

[8] Id. at p. 55.

[9] Id. at pp. 53-54.

[10] Id. at pp. 56-57.

[11] Id. at pp. 99-103.

[12] Id. at p. 94-96.

[13] Id. at p. 58.

[14] Id. at pp. 105-112.

[15] Id. at pp. 8-9.

[16] CSC MC No. 40, s. 1998, Rule X, Sec. 3; CSC MC no. 1, s. 1997, par. 5.

[17] Administrative Code of 1987 (EO 292), Book V, Title I- A, Chapter V, Sec 22 (1).

[18] CSC MC No. 12, s. 2003 amended or modified CSC MC No. 40, s. 1998, Revised Omnibus Rules on Appointments and Other Personnel Actions, Sec. 1 (b), Rule X (Qualification Standards) of which (CSC MC No. 40, s. 1998) reads: "An appointment to a position without an approved qualification standards shall be disapproved."

[19] Rollo, p. 97.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.