

MA. ALELIE B. MAGBITANG, PETITIONER, VS. CIVIL SERVICE COMMISSION AND JOSE KAKA BALAGTAS, RESPONDENTS.

Ponente: BATO, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/ac54b51abb40/>

BATO, JR., J.:

Assailed in this Petition for Review[1] under Rule 43 of the Rules of Court are the 21 December 2012 Decision[2] and 08 April 2013 Resolution[3] of the Civil Service Commission (CSC).

Petitioner Ma. Alelie B. Magbitang is the Human Resource Management Officer III (HRMO) and Acting Municipal Budget Officer of the Municipal Government of San Antonio, Nueva Ecija. On the other hand, private respondent Jose Kaka Balagtas is the Vice Mayor of said Municipality.

On 29 September 2010, respondent Vice Mayor Balagtas filed a Complaint[4] against the petitioner before the Civil Service Commission, Regional Office III (CSCRO No. III), San Fernando City, Pampanga for Gross Insubordination, Gross Neglect of Duty, Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service and Violation of RA No. 6713. Respondent alleged that on 07 July 2010, he wrote a letter to the herein petitioner requesting for a copy of the 2010 Annual Budget of the Office of the Vice Mayor and Sangguniang Bayan of San Antonio, Nueva Ecija. On 13 July 2010, he wrote another letter, this time addressed to Mayor Arvin C. Salonga, coursed through the petitioner, requesting for a copy of the Plantilla of Personnel complement of his office and the employees assigned to it. Despite receipt of the two letters and several follow-ups, petitioner continuously refused to furnish him copies of the requested documents. Such willful failure on the petitioner's part have caused inconvenience and delay in the delivery of services of the Offices of the Vice Mayor and Sangguniang Bayan of San Antonio, Nueva Ecija.

In her Comment[5] dated 14 January 2011, petitioner pointed out that as per Memorandum No. 1 dated 01 July 2010, Mayor Salonga has prohibited all department heads from releasing official documents without his approval. On 09 August 2010, upon the approval of Office of the Mayor, she immediately furnished the respondent, thru Sangguniang Bayan Secretary Armando Cruz, the requested documents.

In its Decision[6] dated 12 September 2011, the CSCRO No. III dismissed the Complaint against the petitioner for lack of basis.

Aggrieved, respondent Vice Mayor filed a petition for review with the CSC, National Office.[7]

Finding a prima facie case against the petitioner, the CSC Main Office granted petitioner's petition for review via its 17 January 2012 Resolution.[8] The dispositive portion of said Resolution reads:

"WHEREFORE, the Petition for Review filed by Vice Mayor Jose R. Balagtas, Municipal Government of San Antonio, Nueva Ecija is hereby GRANTED. Accordingly, Decision No. 11-9-07 dated September 12, 2011 of the Civil Service Commission Regional Office (CSCRO) No. III, San Fernando City, Pampanga, dismissing the complaint dated September 29, 2010 against Alelie B. Magbitang, for lack of prima facie case is hereby REVERSED and SET ASIDE.

Alelie B. Magbitang is hereby FORMALLY CHARGED with the administrative offenses of Neglect of Duty, Conduct Prejudicial to the Best Interest of the Service and Failure to Act promptly on letters and request within fifteen (15) days from receipt. Accordingly, Magbitang is directed to file her Answer in writing under oath in not less than seventy two (72) hours from receipt thereof. Magbitang is also advised to indicate in her answer whether or not she will elect a formal investigation of the charge and may opt to be assisted by a counsel of her choice.

Further, the CSCRO No. III is hereby directed to conduct a formal investigation pursuant to Section 30, Rule 8 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) when the respondent elects to have one, in which case, the investigation shall be held not earlier than five (5) days nor later than (10) days from receipt of the respondent's answer.

Quezon City."[9]

In her Answer[10] dated 09 February 2012, the petitioner reiterated that she merely complied with Mayor Salonga's Memorandum No. 1 and that she immediately furnished the Office of the respondent Vice Mayor, thru SB Secretary Armando Cruz, the requested documents upon the Mayor's approval. Furthermore, the CSC has no more jurisdiction to entertain the respondent's complaint since the respondent had filed a similar complaint against her and her co-worker before the Office of the Ombudsman docketed as OMB-L-A-11-0356-F.

The CSC then forwarded the petitioner's case to the CSCRO III for the conduct of a formal investigation. On 15 March 2012, the parties had a preliminary conference before the CSCRO III. After which, respondent Vice Mayor filed his Position Paper[11] and the petitioner filed her Comment[12] to the respondent's Position Paper. Thereafter, the CSCRO No. III forwarded to the CSC its investigation report.

On 21 December 2012, the CSC rendered the assailed Decision[13] finding the petitioner guilty of Simple Neglect of Duty. It ruled that the complaint filed by the respondent before the CSCRO was filed ahead of the complaint that he filed before the Ombudsman. It is thus the administrative body which has primary jurisdiction over the case. Anent the administrative liability of the petitioner, the CSC ruled as follows:

"Respondent claims that she could not release the requested documents without the approval of the Mayor and that as soon as the latter gave the approval, (sic) she could not be held liable for the charges filed against her. To bolster her claim respondent attached to her Answer an Affidavit dated October 21, 2011 executed by Cruz, attesting that the documents complainant requested, particularly, the Plantilla of Personnel and copy of the Budget of the year 2010, were released to him on August 9, 2010 and handed the same to complainant on the same day.

A reading of Cruz's Affidavit, however, shows that the same is unsubscribed. Moreover, the copy of 'Program of Appropriation and Obligation of Object' which was attached to Cruz's Affidavit he allegedly received also shows that there is no stamped date of receipt showing that said document was released and received by him on August 9, 2010. Thus, these are mere bare allegations and cannot be given probative value.

Notably, respondent submitted for the second time said Affidavit in her 'Comment to the Complainant's Position Paper', this time already notarized. In addition, it is only in respondent's Answer that she submitted said unsubscribed Affidavit dated October 21, 2011 allegedly executed by Cruz when she had the opportunity to submit the same in her comment to the complaint. To the Commission, the execution of the Affidavit of Cruz dated October 21, 2011 is a mere afterthought considering that the same was executed after more than a year as the complaint was filed on October 1, 2010.

Thus, respondent failed to sufficiently establish that the requested documents were released to complainant. Nonetheless, while complainant said that respondent's failure to release the requested documents caused so much inconvenience and delay in the delivery of services rendered to his Office, he failed to prove the same. At

most, respondent could be held liable for Simple Neglect of Duty for her failure to furnish complainant the requested documents without justifiable reasons, after the same was approved by the Mayor.

X X X X X X X X

WHEREFORE, Ma Aleli[e] B. Magbitang, Human Resource Management Officer III (HRMO) and Acting Municipal Budget Officer, Municipal Government of San Antonio, Nueva Ecija, is found GUILTY of the offense of Simple Neglect of Duty. Accordingly, Magbitang is hereby meted the penalty of three (3) months suspension from the service.

Quezon City."[14]

Petitioner then filed a Motion for Reconsideration with Motion to Re-open the Case,[15] contending that the CSC Decision was premature in as much as she has expressed her intention of having a formal investigation during the preliminary hearing before the CSCRO III.

The CSC, however, denied petitioner's motion in the assailed Resolution[16] dated 08 April 2013.

Hence, this petition wherein petitioner raises the following issues:

"I.

THE HONORABLE CIVIL SERVICE COMMISSION GRIEVOUSLY ERRED WHEN IT ISSUED THE ASSAILED DECISION DATED 21 DECEMBER 2012 WITHOUT HAVING GIVEN THE RESPONDENT (HEREIN PETITIONER) THE OPPORTUNITY TO BE HEARD PURSUANT TO HER CHOICE OF A HEARING RATHER THAN THE MERE SUBMISSION OF A POSITION PAPER

II.

THE HONORABLE CIVIL SERVICE COMMISSION GRIEVOUSLY ERRED WHEN IT PROCEEDED WITH THE DECISION OF THE CASE DESPITE THE PENDENCY OF A SIMILAR COMPLAINT BEFORE THE OMBUDSMAN WHEREIN THE OTHER PARTIES HAVE ALREADY SUBMITTED THEIR POSITION PAPERS"[17]

Petitioner reiterates the arguments that she had raised before the CSC. That is, she was denied due process for lack of formal investigation and that the CSC should have dismissed the case against her due to the pending case before the Office of the Ombudsman.

In his Comment,[18] respondent contends that the CSC correctly found the petitioner guilty of Simple Neglect of Duty.

On the issue of the CSC's jurisdiction, it should be pointed out that in administrative cases involving the concurrent jurisdiction of two or more disciplining authorities, the body where the complaint is filed first, and which opts to take cognizance of the case, acquires jurisdiction to the exclusion of other tribunals exercising concurrent jurisdiction.[19] It is a hornbook rule that jurisdiction is a matter of law. Jurisdiction, once acquired, is not lost upon the instance of the parties but continues until the case is terminated.[20]

Here, the respondent first filed his Complaint with the CSC sometime in 2010. Since the CSC opted to assume jurisdiction over the respondent's complaint, its exercise of jurisdiction is to the exclusion of the other administrative agencies exercising concurrent jurisdiction. Moreover, petitioner never appended a copy of the alleged complaint filed by the respondent before the Ombudsman sometime in 2011. What she appended to her pleadings filed before the CSC is a copy of her Counter-Affidavit[21] submitted before the Ombudsman. Hence, we cannot rule for certainty whether the complaint filed by herein respondent before the CSC and the one that he filed before the Ombudsman are similar. Assuming *arguendo* that the two complaints are indeed similar, the

respondent cannot be held guilty of forum shopping. As ruled in *Laxina, Sr. vs. Ombudsman*,^[22] the rule on forum shopping applies only to judicial cases or proceedings and not to administrative cases.

Anent the alleged failure of the CSC to observe due process, well-established is the rule that the essence of due process in administrative proceedings is the opportunity to explain one's side or seek a reconsideration of the action or ruling complained of, and to submit any evidence he may have in support of his defense.^[23] The demands of due process are sufficiently met when the parties are given the opportunity to be heard before judgment is rendered.^[24]

As gleaned from the 17 January 2012 CSC Resolution,^[25] petitioner was advised to indicate in her answer whether or not she would be electing a formal investigation of the charge. A perusal of her Answer,^[26] however, reveals that she failed to indicate therein that she was opting for a formal investigation. Nonetheless, petitioner had actively participated in the proceedings before the CSC. She was afforded the opportunity to explain her actions through her Answer as well as in her Comment^[27] to the respondent's position paper which was treated by the CSC as her position paper. In sum, due process was evidently afforded to petitioner.

Simple Neglect of Duty signifies a disregard of a duty resulting from carelessness or indifference.^[28] Here, the Court agrees with the CSC that the "respondent should be held liable for Simple Neglect of Duty for her failure to furnish the complainant the requested documents without justifiable reasons, after the same was approved by the Mayor." Section 22, Rule XIV of the Omnibus Civil Service Rules and Regulations classifies Simple Neglect of Duty as a less grave offense punishable by suspension for one month and one day to six months for the first offense, and dismissal for the second offense. Section 54 of the Revised Uniform Rules on Administrative Cases in the Civil Service further provides that the medium period of the penalty shall be imposed when there are no mitigating and aggravating circumstances.^[29] Accordingly, the Court sustains the penalty of suspension for three months without pay imposed on the petitioner since this is her first offense.

WHEREFORE, the instant petition is DENIED. The 21 December 2012 Decision and 08 April 2013 Resolution of the Civil Service Commission are AFFIRMED.

SO ORDERED.

Zalameda, and Diy, JJ., concur.

[1] Rollo, pp. 28-42.

[2] *Id.*, pp. 8-16.

[3] *Id.*, pp. 18-22.

[4] *Id.*, pp. 122-123.

[5] Rollo, pp. 125-128.

[6] *Id.*, pp. 129-132.

[7] *Id.*, p. 133.

[8] *Id.*, p. 116-113

[9] Resolution, p. 4; Rollo, p. 119.

[10] Rollo, pp. 150-154.

- [11] Id., pp. 195-201.
- [12] Id., pp. 206-209.
- [13] Supra, at note 2.
- [14] Decision, pp. 7-9; Rollo, pp. 56-58.
- [15] Rollo, pp. 111-112.
- [16] Supra, at note 3.
- [17] Rollo, p. 36.
- [18] Rollo, pp. 271-276.
- [19] Alejandro vs. Ombudsman, G.R. No. 173121, April 3, 2013.
- [20] Office of the Ombudsman vs. Estandarte, G.R. No. 168670, 13 April 2007.
- [21] Rollo, pp. 157-160.
- [22] G.R. No. 153155, 30 September 2005.
- [23] Larin vs. Executive Secretary, 345 Phil. 962, 977 (1997), citing Midas Touch Food Corp. vs. NLRC, 382 Phil. 1033 (1996).
- [24] Medina vs. Commission on Audit, G.R. No. 176478, February 4, 2008.
- [25] Rollo, pp. 116-113.
- [26] Id., pp. 150-154.
- [27] Id., pp. 206-209.
- [28] Philippine Retirement Authority vs. Rupa, G.R. No. 140519, August 21, 2001.
- [29] Cited in A.M. No. P-03-1717, March 6, 2008, Office of the Court Administrator vs. Atty. Norma Garcia-Rañoco.

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.