MAYOR RAMON S. LEGASPI, JR., MUNICIPAL GOVERNMENT OF MAKATO, AKLAN, PETITIONER, V. ARGLOU B. TAGALA, RESPONDENT.

Ponente: ELBINIAS, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/d883912a98c5/

ELBINIAS, J.:

For disposition is a Petition for Review[1] filed under Rule 43 of the Rules of Court. The Petition assails the Resolution No. 091045[2] dated July 16, 2009 of the Civil Service Commission ("CSC" for brevity), which Resolution granted the appeal of respondent and consequently dismissed the administrative case against respondent for: "Dishonesty; Falsification of Official Documents; Grave misconduct; Gross Neglect of Duty; Insubordination; and Conduct Prejudicial to the Best Interest of the Service."[3] The Petition also questions the CSC's Resolution No. 100555[4] dated March 23, 2010, which denied petitioner's eventual Motion for Reconsideration[5].

The antecedent facts are those as stated in the CSC's Resolution No. 091045[6] dated July 16, 2009, as follows:

> "Based on the extant documents, the instant case arose when Municipal Agriculturist Tagala filed a complaint with the Office of the Municipal Mayor against three of his subordinates, including the appellant (respondent here), for Dishonesty, Gross Neglect of Duty, and Inefficiency and Incompetence in the Performance of Official Duties.
>
> It appears that the complaint was referred to a grievance committee, which, after some hearings, recommended the filing of a case against the appellant (respondent) and her two companions. During the proceedings therein, the appellant (respondent) submitted her answer, which was brushed aside by the grievance committee for being a prohibited pleading.
>
> Thereafter, the private complainant re-filed his complaint, with some additional allegations, where he prayed, among others, for the preventive suspension of the appellant (respondent). Acting thereon, Mayor Legaspi, Jr. (petitioner here) placed the appellant (respondent) under preventive suspension for sixty days. This prompted the appellant, through counsel, to move for reconsideration. It is not clear what fate befell this action.
>
> Meanwhile, the private complainant filed an amended complaint. Thereupon, the investigating body called the case for hearing on several dates. Finally, it terminated the hearing and directed the parties to submit their respective memoranda, which they complied in due time.
>
> It is noted that on January 22, 2008, the Mayor (petitioner) extended the preventive suspension of Tagala for 30 days, but immediately withdrew the said extension on the same day.
>
> In February 2008, the investigating body submitted its report to Mayor Legaspi, where it recommended the dismissal from the service of the appellant (respondent) since her guilt has been substantially proven."[7] (Emphasis Supplied)

On February 8, 2008, petitioner Mayor Ramon S. Legaspi, Jr., ("petitioner Mayor" or "petitioner" for brevity) issued to respondent Arglou B. Tagala ("respondent Tagala" or "respondent" for brevity) an Order of

Dismissal[8], informing respondent of the termination of her services as Agricultural Technologist of the Municipality of Makato, Aklan.[9]

Upon respondent Tagala's appeal, the Civil Service Commission ("CSC" for brevity) issued the first assailed Resolution No. 091045[10] dated July 16, 2009, which Resolution granted respondent's appeal, and dismissed the administrative case for: "Dishonesty; Falsification of Official Documents; Grave misconduct; Gross Neglect of Duty; Insubordination; and Conduct Prejudicial to the Best Interest of the Service"[11] against respondent. Dismissal of the case was based on the ground that petitioner Mayor had violated respondent Tagala's right to due process. The Resolution also found the preventive suspension imposed by petitioner Mayor upon respondent Tagala to have been invalid. The dispositive portion of the Resolution stated the following:

> "WHEREFORE, foregoing premises considered, the instant appeal of Arglou B. Tagala is hereby GRANTED due to violation of her right to due process. Accordingly, the administrative case against her is dismissed without prejudice to its re-filing, if the evidence so warrants. In the meantime, however, she is ordered reinstated into the service with payment of back salaries reckoned from the time of her illegal dismissal up to the date of her actual reinstatement.
>
> Additionally, the Commission declares Tagala's preventive suspension for sixty days to be null and void on its face. Consequently, she should also be paid the back salaries corresponding to the period of her illegal preventive suspension."[12] (Emphasis was made in the original)

After petitioner's Motion for Reconsideration[13] was denied by the CSC in the other assailed Resolution No. 100555[14] dated March 23, 2010, petitioner filed the Petition for Review at bench, praying as follows:

> "WHEREFORE, Petitioner prays that the Honorable Court enter judgment against Respondent and in favor of the Petitioner and issue an order annulling the Resolution No. 09-1045 dated 16 July 2009 and Resolution No. 10-0555 dated March 23, 2010.
>
> Other relief and remedies that are just and equitable under the premises are likewise prayed for."[15] (Italics was made in the original)

Petitioner Mayor raised these issues:

> "WHETHER OR NOT THE CSC ERRED IN RULING THAT THE RIGHT OF THE RESPONDENT TO DUE PROCESS WAS VIOLATED.
> WHETHER OR NOT THE CSC ERRED IN RULING THAT THE PREVENTIVE SUSPENSION OF THE RESPONDENT WAS VOID."[16] (Emphasis was made in the original)

At the outset, the Petition for Review[17] is dismissible, because of petitioner Mayor's failure to state the grounds relied upon for the review of the CSC's Resolution No. 091045[18] dated July 16, 2009. Such statement of grounds is required under Section 6, Rule 43 of the Rules of Court, to wit:

> "SEC. 6. Contents of the petition.— The petition for review shall (a) state the full names of the parties to the case, without impleading the court or agencies either as petitioners or respondents; (b) contain a concise statement of the facts and issues involved and the grounds relied upon for the review; (c) be accompanied by a clearly legible duplicate original or a certified true copy of the award, judgment, final order or resolution appealed from, together with certified true copies of such material portions of the record referred to therein and other supporting papers; and (d) contain a sworn certification against forum shopping as provided in the last paragraph of section 2, Rule 42. The petition shall state the specific material dates showing that it was filed within the period fixed herein." (Italics was made in the original; Emphasis supplied)

The absence of such statement of grounds is fatal to the instant Petition[19], warranting the dismissal of the Petition. This is pursuant to Section 7, Rule 43 of the Rules of Court, which provides:

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> "SEC. 7. Effect of failure to comply with requirements.— The failure of the petitioner to comply with any of the foregoing requirements regarding the payment of the docket and other lawful fees, the deposit for costs, proof of service of the petition, and the contents of and the documents which should accompany the petition shall be sufficient ground for the dismissal thereof." (Italics was made in the original; Emphasis supplied)

Even assuming that petitioner Mayor's "Statement of Issues" could be considered as the required "Statement of Grounds," still, petitioner Mayor's positions, after a careful study of the Petition, were revealed to be unmeritorious.

Contrary to petitioner Mayor's arguments in his first assigned issue, the CSC properly dismissed the administrative case[20] against respondent Tagala on ground that petitioner violated respondent Tagala's right to due process when petitioner dismissed respondent from service.

Petitioner had raised the following arguments:

> 7.0. The Honorable Commission admitted in its very own Resolution that Respondent never raised in her Appeal Memorandum the issues of lack of formal charge against her. xxx (Emphasis Supplied)
>
> 7.1. Petitioner submits that such supposition runs counter with doctrine enunciated by our Supreme Court in the case of Abedes vs. Court of Appeals, 536 SCRA 268 which differentiated an appeal in ordinary cases and an appeal in criminal case, thus the Supreme Court held that:
>
> 'Issues not raised in the pleadings, as opposed to ordinary appeal of criminal cases where the whole case is opened for review, are deemed waived or abandoned.' (Emphasis, underscoring and italics were made in the original)

7.2. Applying the aforesaid doctrine, Petitioner submits that the alleged failure to file a formal charge was deemed waived by the Respondent.

7.3 It is a undisputed fact that Respondent has been informed of the charge against her and that she ACTIVELY participated in the ENTIRE proceedings during the conduct of investigation by the investigating body, and she was even duly represented by counsel.

7.4 The active participation of the Respondent in the entire proceedings as found by the Honorable Commission and stated in its Resolution xxx

7.5 The fact alone, the Respondent submitted her memoranda without raising the issue on alleged absence of a written formal charge, is a clear manifestation that she was apprised of the formal charge against her and that she has waived the necessity of issuance of written formal charge.

xxx

7.21 It must be set to fore that in the light of the foregoing doctrine, the fact that Respondent was given an opportunity to be heard, and was in fact actively participated would belie the fact that she was not given notice of the formal charge. Such active participation connotes constructive notice on the charge lodged against Respondent.

7.22 In fact, due process was accorded to Respondent, as the complaint has initially passed the Grievance Committee prior to its referral to the Investigating Body. Such procedure gave Respondent all opportunity to present her evidence and defend herself on the allegations against her. It is however undeniable the documents on record clearly and substantially established Respondent's guilt that warranted her dismissal.

7.23 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. As long as the parties are given the opportunity to be heard before judgment is rendered, the demands of due process are sufficiently met."[21] (Emphasis Supplied)

Prevailing over petitioner Mayor's arguments however, is that respondent Tagala was not issued a Formal Charge, which Formal Charge is required under Section 16 of the Uniform Rules on Administrative Cases in order for a government employee to be validly dismissed from service. The provision states:

> "Section 16. Formal Charge. – After a finding of a prima facie case, the disciplining authority shall formally charge the person complained of. The formal charge shall contain a specification of charge(s), a brief statement of material or relevant facts, accompanied by certified true copies of the documentary evidence, if any, sworn statements covering the testimony of witnesses, a directive to answer the charge(s) in writing under oath in not less than seventy-two (72) hours from receipt thereof, an advice for the respondent to indicate in his answer whether or not he elects a formal investigation of the charge(s), and a notice that he is entitled to be assisted by a counsel of his choice." (Emphasis Supplied)

Records revealed that after a Preliminary Investigation was conducted by the Office of the Grievance Committee[22], no formal charge was made on respondent Tagala before petitioner Mayor issued the Suspension Order[23] dated November 22, 2007, and before the Office of the Investigating Body conducted a Formal Investigation[24] on respondent's case. The failure to issue such Formal Charge in turn, is in violation of the following procedure laid down by the Supreme Court in Winston F. Garcia, in his capacity as President and General Manager of GSIS vs. Mario I. Molina and Albert M. Velasco, G.R. No. 157383, August 10, 2010:

> "The Uniform Rules on Administrative Cases in the Civil Service lays down the procedure to be observed in issuing a formal charge against an erring employee, to wit:
>
> First, the complaint. A complaint against a civil service official or employee shall not be given due course unless it is in writing and subscribed and sworn to by the complainant. However, in cases initiated by the proper disciplining authority, the complaint need not be under oath. Except when otherwise provided for by law, an administrative complaint may be filed at anytime with the Commission, proper heads of departments, agencies, provinces, cities, municipalities and other instrumentalities.
>
> Second, the Counter-Affidavit/Comment. Upon receipt of a complaint which is sufficient in form and substance, the disciplining authority shall require the person complained of to submit Counter-Affidavit/Comment under oath within three days from receipt.
>
> Third, Preliminary Investigation. A Preliminary investigation involves the ex parte examination of records and documents submitted by the complainant and the person complained of, as well as documents readily available from other government offices. During said investigation, the parties are given the opportunity to submit affidavits and counter-affidavits. Failure of the person complained of to submit his counter-affidavit shall be considered as a waiver thereof.
>
> Fourth, Investigation Report. Within five (5) days from the termination of the preliminary investigation, the investigating officer shall submit the investigation report and the complete records of the case to the disciplining authority.
>
> Fifth, Formal Charge. If a prima facie case is established during the investigation, a formal charge shall be issued by the disciplining authority. A formal investigation shall follow. In the absence of a prima facie case, the complaint shall be dismissed." (Emphasis Supplied)

As a result of petitioner Mayor's failure to observe the procedure under the Uniform Rules on Administrative Cases, particularly the failure to issue the required Formal Charge, the CSC therefore properly invalidated petitioner's Order of Dismissal[25] dated February 8, 2008. This is to be so, notwithstanding respondent Tagala's

failure to question such defect in the proceedings before the CSC. The reason is that a decision, or an order, as was in this case, which is rendered without due process, is void ab initio and may be attacked at any time. That this is to be the situation is pursuant to the following pronouncement of the Supreme Court in Winston F. Garcia, in his capacity as President and General Manager of GSIS vs. Mario I. Molina and Albert M. Velasco[26]:

> "Petitioner contends that respondents waived their right to preliminary investigation as they failed to raise it before the GSIS.
>
> Again, we do not agree.
>
> It is well-settled that a decision rendered without due process is void ab initio and may be attacked at anytime directly or collaterally by means of a separate action, or by resisting such decision in any action or proceeding where it is invoked." (Italics was made in the original, Emphasis Supplied)

While all that is required for due process in administrative proceedings is for the respondent to be given the opportunity to explain his or her side or the opportunity to seek a reconsideration of the action or the ruling complained of[27], still, the rule is settled that rules of procedure which grant rights to a party under investigation, such as respondent Tagala here, must not be disregarded. That this is the case is pursuant to the following pronouncement of the Supreme Court in Philippine Amusement and Gaming Corporation vs. Court of Appeals and Mia Manahan, G.R. No. 185668, December 13, 2011:

> "While due process in an agency investigation may be limited as compared to due process in criminal proceedings, where however a statute specifically provides for a procedure and grants particular rights to a party under investigation such as in the investigations of persons covered by the Civil Service Rules, these rights shall not be utterly disregarded, especially so when invoked by the party under investigation, as was Manahan, because these rights already form part of a procedural due process." (Emphasis Supplied)

Similarly, contrary to petitioner Mayor's arguments in the second assigned issue, the preventive suspension imposed upon respondent Tagala was also void for having been issued without such a required Formal Charge. That this is the effect is in accordance with the following declaration of the Supreme Court in Trade and Investment Development Corporation of the Philippines vs. Ma. Rosario S. Manalang-Demigillo, G.R. No. 176343, September 18, 2012:

> "Relevantly, CSC Resolution No. 030502, which was issued on May 5, 2003 for the proper enforcement of preventive suspension pending investigation, provides in part as follows:
>
> xxx
>
> a. A declaration by a competent authority that an order of preventive suspension is null and void on its face entitles the respondent official or employee to immediate reinstatement and payment of back salaries corresponding to the period of the unlawful preventive suspension.
>
> The phrase 'null and void on its face' in relation to a preventive suspension order imports any of the following circumstances:
>
> i) The order was issued by one who is not authorized by law;
>
> ii) The order was not premised on any of the grounds or causes warranted by law;
>
> iii) The order of suspension was without a formal charge; or
>
> iv) While lawful in the sense that it is based on the enumerated grounds, the duration of the imposed preventive suspension has exceeded the prescribed periods, in which case the payment of back salaries shall correspond to the excess period only.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

CSC Resolution No. 030502 apparently reiterates the rule stated in Section 19 of the Uniform Rules, supra, that for a preventive suspension to issue, there must be a formal charge and the charge involves the offenses enumerated therein. The resolution considers an order of preventive suspension as null and void if the order was not premised on any of the mentioned grounds, or if the order was issued without a formal charge. As in the case of Section 19, the resolution does not include as a condition for issuing an order of preventive suspension that there must be proof adduced showing that the subordinate officer or employee may unduly influence the witnesses against her or tamper the documentary evidence in her custody." (Emphasis Supplied)

Given all these, no cogent reason was shown to justify any deviation from the following findings of the CSC, which were in accordance with the facts and the law:

> "Yet, that being said, it is underscored that under the existing civil service law and rules, it is imperative that before one can be adjudged administratively liable of an offense, he must have been formally charged thereof by the proper disciplining authority. The said formal charge is the formal specification of the administrative charge for which a prima facie case has been found to exist that a respondent official or employee must answer with corresponding notice of the right to counsel and formal investigation. It embodies the determination of the disciplining authority as to the existence of a prima facie case for an administrative offense against a government official or employee. It usually comes about after the conduct of a preliminary or factfinding investigation.
>
> In the herein case, a review of the documents shows that the appellant was never issued a formal charge prior to the commencement of the formal investigation on her case. What is on record are several complaints arrayed against her, which, interestingly, set forth the same allegations. But these complaints are not the same as the formal charge comprehended under the civil service law and rules. A complaint refers to the initiatory pleading setting forth the written imputations against an official and employee. It is, in a sense, a raw or 'unprocessed' accusation, where the disciplining authority has not yet ascertained the existence of a prima facie case. On the other hand, a formal charge constitutes the formal indictment of a respondent official or employee for administrative charge where a prima facie case has been found by the disciplining authority to exist.

xxx

> Pursuant to the aforequoted provision, the case against the appellant should be dismissed but without prejudice to its re-filing if the evidence so warrants. In the meantime, Tagala should be reinstated into the service with payment of back salaries and other benefits reckoned from the time of her illegal dismissal up to the date of her actual reinstatement.
>
> Furthermore, the Commission notes that Tagala was preventively suspended for sixty days. As a rule, a preventive suspension presupposes the issuance of a formal charge. Given the absence of a formal charge in the herein case as elucidated above, it follows that Tagala's preventive suspension had no leg to stand on. Hence, the same is a nullity. As a matter of fact, it is considered null and void on its face in accordance with CSC Resolution No. 03-0502, dated May 5, 2003. Resultantly, Tagala is entitled to the payment of back salaries corresponding to the period of unlawful preventive suspension."[28] (Italics was made in the original, Emphasis Supplied)

The rule is settled that by reason of the special knowledge and expertise of administrative agencies over matters falling under their jurisdiction, their findings of fact, such as those of the CSC here, are accorded not only great respect but even finality,[29] especially when supported by substantial evidence, as was so here.

After careful consideration of all the facts, arguments, and issues appearing on the records, as well as of the pertinent laws and jurisprudence, and, in accordance with what is best determined to be just under the circumstances, the following disposition is made on these matters.

GIVEN ALL THESE, the Petition for Review is DENIED.

SO ORDERED.

Dicdican (Chairman) and Paredes, JJ., concur.

---

[1] Rollo, pp. 3-22

[2] Rollo, pp. 25-30

[3] Rollo, p. 25

[4] Rollo, pp. 32-36

[5] Rollo, pp. 177-184

[6] Rollo, pp. 25-30

[7] Rollo, pp. 27-28

[8] Rollo, p. 334

[9] Rollo, p. 334

[10] Rollo, pp. 25-30

[11] Rollo, p. 25

[12] Rollo, p. 30

[13] Rollo, pp. 177-184

[14] Rollo, pp. 32-36

[15] Rollo, p. 21

[16] Rollo, p. 12

[17] Rollo, pp. 3-22

[18] Rollo, pp. 25-30

[19] Rollo, pp. 3-22

[20] "Dishonesty; Falsification of Official Documents; Grave misconduct; Gross Neglect of Duty; Insubordination; and Conduct Prejudicial to the Best Interest of the Service", Rollo, p. 25

[21] Rollo, pp. 13-14, 20

[22] Rollo, pp. 74-77

[23] Rollo, p. 78

[24] Rollo, pp. 79-80

[25] Rollo, p. 334

[26] G.R. No. 157383, August 10, 2010

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[27] Leticia A. Cadena vs. Civil Service Commission, G.R. No. 19142, January 17, 2012

[28] Rollo, pp. 28-29

[29] Pagayanan R. Hadji-Sirad vs. Civil Service Commission, G.R. No. 182267, August 28, 2009

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.