

BENITO A. TIATCO, PETITIONER, VS. THE CIVIL SERVICE COMMISSION AND THE DEPARTMENT OF HEALTH, RESPONDENTS.

G.R. No. 100294. December 21, 1992

Ponente: NOCON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-100294/>

NOCON, J.:

Petitioner, Benito A. Tiatco, a career employee who rose from the ranks within the Department of Health comes to this Honorable Court, alleging that he was unjustly demoted from the position of Administrative Officer III to Administrative Officer II, which is tantamount to removal from office. He earlier interposed an appeal from the action of the respondent Department of Health (DOH) to the Civil Service Commission (CSC), which dismissed said appeal in its resolution dated February 5, 1991. Thus, this petition for review by way of certiorari.

Benito A. Tiatco was holding the position of "Hospital Administrative Officer III" in a permanent capacity at the Central Luzon General Hospital, Pampanga, when DOH, through Ministry Order No. 264-C, s. 1986, dated November 7, 1986, implemented the reorganization of its personnel pursuant to Executive Order No. 119. The reorganization resulted in the appointment of Tiatco to the position of "Hospital Administrative Officer II" at the Escolastica Romero District Hospital.

He received a copy of the corresponding notice of reappointment on May 6, 1988. On May 27, 1988, Atty. Jose F.S. Bengzon, Jr., whom Tiatco alleged to have approached, wrote the DOH, through Messrs. Mario Taguiwalo and Jose Fabia, requesting it to seriously find out whether there was really ground to demote Tiatco.[1] Acting on the said letter, Atty. Fabia, indorsed the matter to the Director, Regional Health Office No. 3, San Fernando, Pampanga, with instructions to submit an evaluation sheet on the performance of Tiatco or the grounds that warranted his demotion under E.O. 119, within 15 days from receipt.[2]

Unable to get any action from the DOH, Tiatco filed an appeal directly to CSC dated October 31, 1989, more than a year after his reappointment, contending among others that his demotion was without due process and that the guidelines issued by the DOH in implementing the reorganization under E.O. 119 did not provide for an appeal to employees demoted in the course of the reorganization.

In its resolution dated February 5, 1991, CSC dismissed Tiatco's appeal, having found that he failed to file the pre-requisite appeal to the appointing authority as required by the Rules on Government Reorganization and that the appeal was filed out of time.

Tiatco counters this finding of CSC and asserts that his appeal was filed twenty one (21) days from May 6, 1988 when he received notice of his demotion or on May 27, 1988, through his counsel, Atty. Jose F.S. Bengzon. Thus, his appeal was made well within the reglementary period of 30 days as provided in the Implementing Guidelines of the DOH Order No. 26, s. 1988.

We fail to appreciate petitioner's argument.

The Rules on Government Reorganization provide for procedure for appeals, thus:

"Section 18 - Appeal to the Appointing Authority - Any officer or employee aggrieved by the appointments made may file an appeal with the appointing authority within ten (10) days x x x.

"Section 19 - Appeal to the Civil Service Commission -

(1) Any officer or employee who is still not satisfied with the decision of the appointing authority may further appeal within ten (10) days from receipt hereof to the Civil Service Commission."

More significantly, paragraph 8 of the Implementing Guidelines of the DOH Order No. 26, s. 1988 reads:

"Paragraph 8 - Any employee who was re-appointed to a lower position may also appeal within 30 days from the receipt of the notice. He should however, first assume his position under E.O. 119 until such time that the Department of Health Reorganization Committee shall have decided on his appeal. The Committee shall first dispose of all appeals of terminated employees before disposing of all appeals of employees re-appointed to a lower position."

The letter written by Atty. Bengzon to DOH can hardly be considered a letter of protest much less an appeal. If at all, the letter merely inquired into the appointment status of Tiatco; "it is basically an act of intercession by Atty. Bengzon in favor of petitioner - - the former being the brother of (the then) DOH Secretary Alfredo R.A. Bengzon." [3] On the other hand, a cursory reading of Tiatco's appeal to the CSC fails to disclose his present allegation that he seasonably interposed an appeal/protest of his demotion to the Department of Health Reorganization Committee on Protest. [4] Instead, what is clear from the records is that he filed his appeal directly with the Civil Service Commission.

The right to appeal is merely a statutory right and may be exercised only in the manner and in accordance with the provision of law. [5] Failure to do so will cause loss of the right to appeal. Even administrative proceedings must end sometime, just as public policy demands that finality be written on judicial controversies. [6]

In spite of Tiatco's knowledge of the reglementary period within which to file an appeal, he wilfully and knowingly did not exercise his right to do so, which is tantamount to having slept on his right. The considerable delay in asserting his right is strongly persuasive of the lack of merit of his claim, since it is human nature for a person to enforce his right when the same is threatened or invaded. [7] In this case, a delay of one (1) year and five (5) months is too long to warrant the acquiescence of this court to his cause.

Premises considered, We find no error in the judgment of CSC denying Tiatco's appeal for having been filed out of time. Moreover, it has generally been Our rule that where the findings of the administrative body are amply supported by substantial evidence, such findings are accorded not only respect but also finality. [8]

WHEREFORE, the petition is hereby DENIED for lack of merit.

SO ORDERED.

Narvasa, C.J., Gutierrez, Jr., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Bellosillo, Melo, and Campos, Jr., JJ., concur.

[1] The letter is quoted hereunder in full:

"Dear MARIO and JOE:

"This is one of those cases I have been harping about regarding the procedure of your reorganization. If you really have ground to demote Mr. Benito Tiatco, then he should be given a fair hearing and not just be called and be given a lecture on.

"Could you kindly look into this matter very seriously and I would appreciate a feedback.

Sincerely,

(sgd) JOSE F.S. BENGZON, JR."

[2] Annex "H" of the Petition, Rollo, p. 24.

[3] Respondent's Comment, p. 4; Rollo. p. 50.

[4] Original Records. pp. 196-193.

[5] Mendez v. Civil Service Commission, G.R. No. 95575, 204 SCRA 965 (1991).

[6] Antique Sawmills, Inc. v. Zayco, et al., L-20051, 17 SCRA 316 (1966).

[7] Quinsay v. IAC, G.R. No. 67935, 195 SCRA 268 (1991).

[8] Filipinas Manufacturers Bank v. NLRC, G.R. No. 72805, 182 SCRA 848 (1990); Earth Minerals Exploration, Inc. v. Macaraig, Jr., G.R. No. 78569, 194 SCRA 1 (1991).

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.