

ELISEO A. SINON, PETITIONER, VS. THE CIVIL SERVICE COMMISSION, DEPARTMENT OF AGRICULTURE-REORGANIZATION APPEALS BOARD AND JUANA BANAN, RESPONDENTS.

G.R. No. 101251. November 05, 1992

Ponente: CAMPOS, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-101251/>

CAMPOS, JR., J.:

This petition for certiorari seeks to annul the following Resolutions of the public respondents Civil Service Commission (the "CSC")* and Department of Agriculture Reorganization Appeals Board (the "DARAB"),** to wit:

1. Resolution No. 97 dated August 23, 1989, issued by respondent DARAB which revoked petitioner's permanent appointment as Municipal Agriculture Officer (MAO) and appointed, in his stead, private respondent Juana Banan (Rollo 17);
2. Resolution dated February 8, 1991 issued by the respondent CSC affirming the aforementioned Resolution of respondent DARAB (Rollo 22);
3. Resolution dated July 11, 1991 issued by the respondent CSC which denied petitioner's motion for the reconsideration of the respondent Commission's Resolution dated February 8, 1991.[1]

The antecedent facts are as follows:

Prior to the reorganization of the then Ministry of Agriculture and Food (the "MAF"), the private respondent Juana Banan was the incumbent Municipal Agricultural Officer (MAO) of the aforesaid Ministry in Region II, Cagayan, while the petitioner Eliseo Sinon occupied the position of Fisheries Extension Specialist (FES) II in the Bureau of Fisheries and Aquatic Resources (BFAR) in the same region.

However, the reorganization of the MAF into the Department of Agriculture (the "DA") with the issuance of Executive Order No. 116 dated 30 January 1987, called for the evaluation of the following employees for the twenty nine positions of MAO in Region II, Cagayan. The list as prepared by the Placement Committee included the herein petitioner Sinon but excluded the respondent Banan:

1. Binoya, Vicente 76.20%
2. Cabana, Isidro S. 75.01%
3. Sebastian, Alice 74.18%
4. Zingapan, Benjamin 70.73%
5. Guzman, Wilhelmina de la P. 70.50%
6. Gervacio, Agnes 69.86%

7. Somera, Hilario S. 68.13%
8. Tolentino, Julian R. 67.64%
9. Guillermo, Pedro 67.22%
10. Tambio, Rodolfo 67.00%
11. Aquino, Martina 66.94%
12. Bassig, Pio P. 66.84%
13. Rumpon, Danilo P. 65.61%
14. Zareno, Bernardo 65.57%
15. Madrid, Angel S. 65.57%
16. Callangan, Napoleon 65.45%
17. Fiesta, Felicisimo 65.29%
18. Alvarez, Benefranco 64.99%
19. Baggayan, Samuel 64.42%
20. Umbay, Pedro T. 64.01%
21. De la Cruz, Florencio M. 62.07%
22. Leonador, Ernesto T. 61.88%
23. Miguel, Jose 61.86%
24. Berlan, Herminia C. 61.76%
25. Soliman, Clemente 61.52%
26. Llopis, Lino 61.47%
27. Baliuag, Felicidad C. 61.39%
28. Aresta, Leticia 60.67%
29. Sinon, Eliseo A. 60.66%^[2]

(Underscoring supplied).

Thus, respondent Banan filed an appeal with the DARAB for re-evaluation of the qualifications of all those included in the aforementioned list made by the Placement Committee.

On August 23, 1989, the DARAB released Resolution No. 97 in which the ranking for 29 MAO prepared by the Placement Committee was re-evaluated as follows:

1. Binoya, Vicente 76.20%
2. Cabana, Isidro 75.01%
3. Sebastian, Alice 72.18%
4. Zingapan, Benjamin 70.73%

5. Guzman, Wilhemina de la P. 70.50%
6. Gervacio, Agnes 70.04%
7. Somera, Hilario S. 68.13%
8. Tolentino, Julian Jr. 67.64%
9. Guillermo, Pedro 67.22%
10. Tambio, Rodolfo 67.00%
11. Aquino, Martina D. 66.94%
12. Bassig, Pio P. 66.84%
13. Rumpon, Danilo P. 65.61%
14. Madrid, Angel 65.57%
15. Callangan, Napoleon 65.45%
16. Fiesta, Felicisimo 65.29%
17. Alvarez, Benefranco 64.99%
18. Baggayan, Samuel O. 64.42%
19. Umbay, Pedro T. 64.01%
20. De la Cruz, Florencio M. 62.07%
21. Leonador, Ernesto T. 61.88%
22. Miguel, Jose L. 61.86%
23. Berlan, Herminia C. 61.76%
24. Soliman, Clemente 61.52%
25. Zareno, Bernardo 61.50%
26. Llopis, Lino 61.47%
27. Baliuag, Felicidad 61.39%
28. Rosario, Jaime C. 60.18%
29. Banan, Juana 59.32%[3]

(Underscoring supplied).

In this re-evaluation, petitioner Sinon was displaced by the respondent Banan and this same resolution was duly approved by the Secretary of the Department of Agriculture, Carlos G. Dominguez, who also affixed his signature on the same date.

However, on August 30, 1988, Sinon received an appointment as MAO for Region II in Cagayan as approved by Regional Director Gumersindo D. Lasam on the basis of the first evaluation made by the Placement Committee.

Thus, Sinon filed an appeal docketed as Civil Service Case No. 573 on November 22, 1989 to the CSC. This

appeal was granted mainly for two reasons: first, the respondent DARAB failed to file its Comment within the period required; and second, the evaluation of the qualification of the employees is a question of fact which the appointing authority or the Placement Committee assisting him is in a better position to determine. Hence, the Resolution dated 28 February 1989 of the DARAB was set aside.[4]

On March 19, 1990, Banan filed a Motion for Reconsideration in which she pitted her qualifications against Sinon for the last slot in the 29 available MAO positions. At the same time, she pointed out that to allow the findings of the Placement Committee to supercede the DARAB resolution which the Secretary of Agriculture had approved would be tantamount to giving precedence to the Placement Committee over the head of the agency.

Finally, on February 8, 1991, CSC, after reviewing the Comment filed by the DARAB which had not been considered earlier in the Civil Service Case No. 573, the CSC granted respondent Banan's Motion for Reconsideration and gave due course to her appointment by the DARAB.

On March 21, 1991, Sinon filed Motion for Reconsideration of the February 8, 1991 Resolution which however was denied by the CSC in its assailed Resolution dated July 11, 1991.

According to the respondent CSC:

Mr. Sinon strongly argued that the findings of the Placement Committee on the qualifications of the parties should be accorded deference and greater weight over that of the RAB. Under the Placement Committee's evaluation, Mr. Sinon garnered 60.66 while Ms. Juana Banan earned 57.32 after assessing the contending parties qualification in education, relevant experience, eligibility and other factors. Following the request of several parties for reevaluation, the RAB in their decision gave Mr. Sinon 57.66 while Ms. Banan obtained 59.32. Seemingly the findings of the two bodies are in conflict. Mr. Sinon argues that the findings of the Placement Committee should prevail since it is specially mandated by RA 6656.

We disagree. The Placement Committee's function is recommendatory in nature. The agency's Reorganization Appeals Board was specially created by the Circular of the Office of the President dated October 2, 1987 and conferred with authority to review appeals and complaints of officials and employees affected by the reorganization. The decision of the agency RAB has the imprimatur of the Secretary of that agency and is therefore controlling in matters of appointment. Under this principle, the decision of the DARAB in this case enjoys precedence over the Placement Committee.[5]

Hence, this petition was filed with a prayer for a writ of preliminary injunction, and/or restraining order to enjoin the execution of the assailed resolutions.

Without giving due course to the petition for a writ of preliminary injunction, the Court required the parties to file their respective Comments.[6]

On 12 November 1992, the Court gave due course to the petition and required the parties to submit their respective Memoranda.[7]

The main issue for Our consideration is this: whether or not the CSC committed grave abuse of discretion in reviewing and re-evaluating the rating or qualification of the petitioner Sinon.

The arguments of the petitioner can be summed up as follows:

- 1). In issuing the Resolution of 8 February 1991, the CSC in effect revoked the appointment that the petitioner received as early as 30 August 1989 and which was deemed permanent by virtue of the approval of the Regional Director of the Department of Agriculture;
- 2). In giving petitioner a rating of only 57.66%,[8] from his previous rating of 60.66% and at the same time

according a rating of 59.32% to private respondent from a rating of only 57.32%, the CSC departed from its power which is limited only to that of "review", and hence encroached upon the power of appointment exclusively lodged in the appointing authority;

3). In giving due course to the appointment of respondent Banan in its Resolution of 8 February 1991, CSC was directing the appointment of a substitute of their own choice when the power to appoint was exclusively lodged in the appointing authority.

We rule as follows.

By grave abuse of discretion is meant such capricious and whimsical exercise of judgment as is equivalent to lack of jurisdiction. The abuse of discretion must be patent and gross as to amount to an evasion of positive duty or a virtual refusal to perform a duty enjoined by law, or to act at all in contemplation of law, as where the power is exercised in an arbitrary and despotic manner by reason of passion or hostility.[9]

Contrary to the allegations of the petitioner, We do not find any evidence of grave abuse of discretion on the part of the CSC when it issued Resolution dated 8 February 1991 which in effect approved the appointment of respondent Banan over petitioner Sinon.

With the reorganization of the MAF into the DA with Executive Order No. 116, it became imperative to "protect the security of tenure of Civil Service Officers and employees in the implementation of government reorganization". Thus, Congress passed Republic Act No. 6656.[10]

It was under the same law of R.A. 6656 that the Placement Committee was created:

Section 6. In order that the best qualified and most deserving persons shall be appointed in any reorganization, there shall be created a Placement Committee in each department or agency to assist the appointing authority in the judicious selection and placement of personnel. The Committee Shall consist of two (2) members appointed by the head of the department or agency, a representative of the appointing authority, and two (2) members duly elected by the employees holding positions in the first and second levels of the career service: Provided, that if there is a registered employee association with a majority of the employees as members, that employee association shall also have a representative in the Committee: Provided, further, that immediately upon the approval of the staffing pattern of the department or agency concerned, such staffing pattern shall be made known to all officers and employees of the agency who shall be invited to apply for any of the positions authorized therein. Such application shall be considered by the committee in the placement and selection of personnel. (Underscoring ours).

To "assist" means to lend an aid to,[11] or to contribute effort in the complete accomplishment of an ultimate purpose intended to be effected by those engaged.[12]

In contrast, to "recommend"[13] is to present one's advice or choice as having one's approval or to represent or urge as advisable or expedient. It involves the idea that another has the final decision.

Clearly, the Placement Committee was charged with the duty of exercising the same discretionary functions as the appointing authority in the judicious selection and placement of personnel when the law empowered it to "assist" the appointing authority.

The same law also allows any officer or employee aggrieved by the appointments to file an appeal with the appointing authority who shall make a decision within thirty (30) days from the filing thereof. If the same employee is still not satisfied with the decision of the appointing authority, he may further appeal within ten (10) days from the receipt thereof to the CSC.[14]

In the case at bar, the Circular dated October 2, 1987 of the Office of the President created the agency

Reorganization Appeals Board to address the problem of employees affected by the reorganizations.

The foregoing legal measures spell out the remedies of aggrieved parties which make it impossible to give the status of finality to any appointment until all protests or oppositions are duly heard.

Thus, while it is true that the appointment paper received by petitioner Sinon on 30 August 1989 for the position of MAO had not conferred any permanent status and was still subject to the following conditions attached to any appointment in the civil service:

"Provided that there is no pending administrative case against the appointee, no pending protest against the appointment, nor any decision by competent authority that will adversely affect the approval of the appointment." [15]

Hence, for as long as the re-evaluation of the qualifications filed by Banan was pending, the petitioner cannot claim that he had been issued with a "complete" appointment. Neither is there any point in asserting that his appointment had "cured" whatever change was subsequently recommended by the DARAB. [16]

The fact that the DARAB is capable of re-evaluating the findings of the Placement Committee only to find that Sinon is not qualified should not be taken as a grave abuse of discretion.

We cannot subscribe to petitioner Sinon's insistence that the public respondent CSC had disregarded the findings of the Placement Committee. The truth is, these findings were re-evaluated and the report after such re-evaluation was submitted to and approved by the Secretary of Agriculture. The CSC affirmed the findings of the DARAB.

Because of all the foregoing circumstances, the Jurisprudence cited by the petitioner Sinon appears to be incorrect. [17]

Neither do we find in the Resolution of 8 February 1991, any statement by the CSC directing the appointment of the respondent Banan. Hence, there was no directive from the CSC that may be misinterpreted as a usurpation of any appointing power. [18]

Besides, in affirming the appointment of Banan as recommended by the DARAB and approved by the Secretary of Agriculture, the CSC is only being consistent with the law. Section 4 of R.A. 6656 mandates that officers and employees holding permanent appointments shall be given preference for appointment to the new positions in the approved staffing pattern comparable to their former positions. Also, the term incumbent officer and the privileges generally accorded to them would more aptly refer to Banan and not to petitioner Sinon whose appointment was never confirmed completely. [19] There is no dispute that the position of MAO in the old staffing pattern is most comparable to the MAO in the new staffing pattern.

Finally, the Solicitor General in behalf of the CSC correctly noted that the petitioner Sinon had conveniently omitted the then Secretary of Agriculture who had affixed his approval on the findings of the DARAB. Petitioner Sinon knew fully well that as head of the agency, the Secretary of Agriculture was the appointing authority.

It must be recalled that the whole purpose of reorganization is that it is a "process of restructuring the bureaucracy's organizational and functional set-up, to make it more viable in terms of the economy, efficiency, effectiveness and make it more responsive to the needs of its public clientele, as authorized by law." [20] For as long as the CSC confines itself within the limits set out by law and does not encroach upon the prerogatives endowed to other authorities, this Court must sustain the Commission.

WHEREFORE, the petition is DENIED with costs against the petitioner.

SO ORDERED.

Gutierrez, Jr., Acting C.J., Cruz, Feliciano, Padilla, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, and Melo, JJ., concur.

Narvasa, C.J., J., on official leave.

Bidin, J., in the result.

Griño-Aquino, J., In the result only for we ruled in *Bustamante vs. Executive Secretary* 186 SCRA 109 and *Parian vs. Civil Service Commission*, 202 SCRA 772 that the reorganization of the Department of Agriculture was null and void.

Medialdea, J., on leave.

* Penned by the Hon. Patricia A. Sto. Tomas, Chairman; with Hon. Samilo N. Barlongay, concurring.

** Mr. Dante Q. Barbosa, Chairman; with Mr. Carlos A. Fernandez, Mr. Conrado C. Gozun, Ms. Lourdes P. Santos, Mr. Apolonio V. Bautista, and Mr. Arturo T. Lising as members.

[1] Rollo, p. 25.

[2] Rollo, p. 18.

[3] Ibid.

[4] Rollo, p. 36.

[5] Rollo, p. 26.

[6] Rollo, p. 81.

[7] Rollo, p. 98.

[8] RAB Resolution No. 97, August 23, 1989; Rollo, p. 20.

[9] *Producers Bank of the Philippines vs. National Labor Relations Commission*, 165 SCRA 284 (1988) and *Litton Mills, Inc. vs. Galleon Trader, Inc.*, 163 SCRA 494 (1988).

[10] Approved on June 10, 1988.

[11] *Peabody vs. Town of Holland*, 178 A. 888, 889 107 Vt. 237, 98 A.L.R. 866 cited in "ASSIST" from 4A WORDS AND PHRASES 182 (1969).

However, the word "assist" in statutory construction and jurisprudence usually appears in the statutes defining accessories after the fact.

[12] *People vs. Thurman*, 62 Cal. App. 147; 216 P. 394 (1923).

[13] Cited in *People of Virgin Islands vs. Price*, C.A. Virgin Islands, 181 F. 2d 394, 396, in "RECOMMEND", 36A WORDS AND PHRASES 17 (1969).

[14] R.A. 6656, Section 7 and Section 8.

[15] Rollo, p. 29.

[16] See *Lustre vs. Civil Service Commission*, 197 SCRA 295 (1991).

[17] These are the cases of *Gaspar vs. Court of Appeals*, 190 SCRA 774 (1990); *Gabriel vs. Domingo*, 189 SCRA

672 (1990); *Orbos vs. Civil Service Commission*, 189 SCRA 459 (1990); *Luego vs. Civil Service Commission*, 143 SCRA 327 (1986); *Central Bank vs. Civil Service Commission*, 171 SCRA 744 (1989).

[18] See *Cortez vs. Civil Service Commission*, 195 SCRA 218 (1991).

[19] See *Inocencio Pari-an vs. Civil Service Commission*, 202 SCRA 772 (1991).

[20] Rules on Government Reorganization, June 30, 1988, released pursuant to the provisions of Section 12 of R.A. 6656.

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.