

ANICETO G. MATEO, MAXIMO SAN DIEGO, QUIRINO MATEO, DANIEL FRANCISCO, AND LEONILA KUIZON, PETITIONERS, VS. HONORABLE COURT OF APPEALS, HON. ARTURO A. MARAVE, AND EDGAR STA. MARIA...

G.R. No. 113219. August 14, 1995

Ponente: PUNO, J.

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PUNO, J.:

Upon complaint of some Morong Water District (MOWAD) employees, petitioners, all Board Members of MOWAD, conducted an investigation on private respondent Edgar Sta. Maria, then General Manager.[1] On December 13, 1992, private respondent was placed under preventive suspension and Maximo San Diego was designated in his place as Acting General Manager. He was later dismissed on January 7, 1993.

On January 18, 1993, private respondent filed a Special Civil Action for Quo Warranto and Mandamus with Preliminary Injunction[2] before the Regional Trial Court of Rizal, Branch 78, challenging his dismissal by petitioners. The petition embodied three (3) causes of action. It reads:

x x x x x x x x

"FIRST CAUSE OF ACTION

x x x x x x x x

II-2 Petitioner is the General Manager of the MOWAD since August 1984 with concomitant security of tenure in office and could not be removed either temporarily or permanently, except for cause and only after compliance with the elementary rules of due process;

II-3 However, on December 14, 1992, contrary to the tenets of justice and fairness, as well as for want of procedural due process, the respondents (petitioners) and members of the Board of Directors of the MOWAD have arbitrarily, whimsically, and unilaterally stopped and prohibited the petitioner from exercising his rights and performing his duties as General Manager of the MOWAD and, in his place, have designated the respondent (petitioner) Maximo San Diego as Acting General manager x x x.

II-4 On December 15, 1992, while petitioner was out of office on official travel, x x x thru stealth and strategy, the respondents have conspired and helped one another in removing the petitioner from the Office of the General Manager of the MOWAD by forcibly destroying its door and locked it with a replaced door-knob and all attempts on his part to gain access and entry proved futile; x x x

SECOND CAUSE OF ACTION

x x x x x x x x

III-2 On January 7, 1993, x x x in confabulation with his co-respondents and members of the Board of Directors of the MOWAD, the respondent Aniceto G. Mateo slapped the petitioner with an Order terminating

his services as General Manager x x x;

III-5 Petitioner has a clear right to the Office of General Manager of the MOWAD which is being usurped or unlawfully held by respondent Maximo San Diego in conspiracy with his co-respondents; x x x

THIRD CAUSE OF ACTION

x x x x x x x x

IV-1-a Petitioner is entitled to the relief mandated, and the whole or part of such relief consists in restraining the commission or continuance of the acts complained of more particularly the continuous acts of respondents in stopping and prohibiting him from exercising his rights and performing his duties as General Manager of the MOWAD and from stopping and prohibiting him to gain access and entry to office."^[3]

Petitioners, in turn, moved to dismiss the case on two (2) grounds: (1) the court had no jurisdiction over disciplinary actions of government employees which is vested exclusively in the Civil Service Commission; and (2) quo warranto was not the proper remedy.^[4] Respondent Judge Arturo Marave denied the Motion to Dismiss on April 26, 1993, and the Motion for Reconsideration on June 9, 1993.^[5]

Petitioners then elevated the matter to this Court through a petition for certiorari under Rule 65 which was referred to respondent Court of Appeals for adjudication. In its Decision, dated November 24, 1993, respondent Court of Appeals dismissed the petition for lack of merit, and in its Resolution, dated January 11, 1994, denied the Motion for Reconsideration.^[6]

The main issue in this petition for review is whether or not the Regional Trial Court of Rizal has jurisdiction over Sp. Civil Case No. 014-M involving dismissal of an employee of a quasi-public corporation.

We hold that it has no jurisdiction.

There is no question that MOWAD is a quasi-public corporation created pursuant to Presidential Decree (P.D.) No. 198, known as the Provincial Water Utilities Act of 1973, as amended.^[7] In *Davao City Water District v. Civil Service Commission*,^[8] the Court en banc ruled that employees of government-owned or controlled corporations with original charter fall under the jurisdiction of the Civil Service Commission, viz:

x x x x x x x x

"As early as *Baguio Water District v. Trajano et, al.*, We already ruled that a water district is a corporation created pursuant to a special law - P.D. No. 198, as amended, and as such its officers and employees are covered by the Civil Service Law.

In another case (*Hagonoy Water District v. NLRC*), We ruled once again that local water districts are quasi-public corporations whose employees belong to the Civil Service." (citations omitted)

Indeed, the established rule is that the hiring and firing of employees of government-owned and controlled corporations are governed by the provisions of the Civil Service Law and Rules and Regulations.^[9]

Presidential Decree No. 807, Executive Order No. 292,^[10] and Rule II, section 1 of Memorandum Circular No. 44 series of 1990 of the Civil Service Commission spell out the initial remedy of private respondent against illegal dismissal. They categorically provide that the party aggrieved by a decision, ruling, order, or action of an agency of the government involving termination of services may appeal to the Commission within fifteen (15) days. Thereafter, private respondent could go on certiorari to this Court under Rule 65 of the Rules of Court if he still feels aggrieved by the ruling of the Civil Service Commission. So we held in *Mancita v. Barcinas*,^[11] viz:

x x x x x x x x

"[N]o appeal lies from the decision of the Civil Service Commission,* and that parties aggrieved thereby may proceed to this Court alone on certiorari under Rule 65 of the Rules of Court, within thirty (30) days from receipt of a copy thereof, pursuant to section 7, Article IX of the 1987 Constitution. We quote:

'SEC. 7. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the party within thirty days from receipt of a copy thereof.'

The Civil Service Commission, under the Constitution, is the single arbiter of all contests relating to the civil service and as such, its judgments are unappealable and subject only to this Court's certiorari judgment."

Mancita, however, no longer governs for under the present rule, Revised Circular No. 1-91 as amended by Revised Administrative Circular No. 1-95 which took effect on June 1, 1995, final resolutions of the Civil Service Commission shall be appealable to the Court of Appeals. In any event, whether under the old rule or the present rule, Regional Trial Courts have no jurisdiction to entertain cases involving dismissal of officers and employees covered by the Civil Service Law.

IN VIEW HEREOF, the petition is GRANTED and the Decision of the respondent Court of Appeals dated November 24, 1993 and its Resolution dated January 1, 1994 in CA G.R. SP No. 31530 are ANNULLED and SET ASIDE. No costs.

SO ORDERED.

Narvasa, C.J., (Chairman), Regalado, Mendoza, and Francisco, JJ., concur.

[1] Petition, p. 5; Rollo, p. 11.

[2] Docketed as Sp. Civil Case No. 014-M.

[3] Petition, pp. 1-4; Rollo, pp. 38-41.

[4] Rollo, pp. 16-19.

[5] Annex "A" and Annex "B."

[6] See CA G.R. SP No. 31530, Decision of the Sixteenth Division, composed of Justice Jorge S. Imperial, Chairman, Justice Eduardo G. Montenegro and Justice Pacita Canizares-Nye (ponente), Members.

[7] P.D. 1479, which went into effect on June 11, 1978, amended some of the provisions of P.D. 198.

[8] G.R. Nos. 95237-38, September 13, 1991, 201 SCRA 593.

[9] Zamboanga City Water District v. Buat, G.R. No. 104389, May 27, 1994, 232 SCRA 587.

[10] P.D. 807, section 39, and E.O. No. section 49(1).

[11] G.R. No. 98120, December 22, 1992, 216 SCRA 772 citing Lopez, Jr. v. Civil Service Commission, G.R. No. 87119, April 16, 1991, 195 SCRA 777; Dario v. Mison, G.R. Nos. 81954, 81967, 82023, 83737, 85310, 85335, & 86241, August 8, 1989, 176 SCRA 84.

[*] Republic Act No. 6656, section 8. The provision reads: "Sec. 8. An officer or employee who is still not satisfied with the decision of the appointing authority may further appeal within ten (10) days from receipt thereof

to the Civil Service Commission which shall render a decision thereon within thirty (30) days and whose decision shall be final and executory."

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