

**SALVADOR C. FERNANDEZ AND ANICIA M. DE LIMA, PETITIONERS,  
VS. HON. PATRICIA A. STO. TOMAS, CHAIRMAN, AND HON. RAMON B.  
ERENETA, COMMISSIONER, CIVIL SERVICE COMMISSION,  
RESPONDENTS.**

*G.R. No. 116418. March 07, 1995*

Ponente: FELICIANO, J.

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**FELICIANO, J.:**

In this Petition for Certiorari, Prohibition and Mandamus with Prayer for a Temporary Restraining Order, petitioners Salvador C. Fernandez and Anicia M. de Lima assail the validity of Resolution No. 94-3710 of the Civil Service Commission ("Commission") and the authority of the Commission to issue the same.

Petitioner Fernandez was serving as Director of the Office of Personnel Inspection and Audit ("OPIA") while petitioner de Lima was serving as Director of the Office of the Personnel Relations ("OPR"), both at the Central Office of the Civil Service Commission in Quezon City, Metropolitan Manila. While petitioners were so serving, Resolution No. 94-3710, signed by public respondents Patricia A. Sto. Tomas and Ramon Ereneta, Jr., Chairman and Commissioner, respectively, of the Commission, was issued on 7 June 1994.[1] Resolution No. 94-3710 needs to be quoted in full:

"RESOLUTION NO. 94-3710

WHEREAS, Section 17 of Book V of Executive Order 292 provides that 'xxx as an independent constitutional body, the Commission may effect changes in the organization as the need arises;'

WHEREAS, the Commission finds it imperative to effect changes in the organization to streamline its operations and improve delivery of public service;

WHEREAS, the Commission finds it necessary to immediately effect changes in the organization of the Central Offices in view of the need to implement new programs in lieu of those functions which were transferred to the Regional Offices;

WHEREFORE, foregoing premises considered, the Commission hereby RESOLVES to effect the following changes in its organization, specifically in the Central Offices:

- The OCSS [Office of Career Systems and Standards], OPIA [Office of Personnel Inspection and Audit] and OPR [Office of Personnel Relations] are merged to form the Research and Development Office (RDO).
- The Office for Human Resource Development (OHRD) is renamed Human Resource Development Office (HRDO).
- The following functions and the personnel assigned to the unit performing said functions are hereby transferred to HRDO:
- Administration of the Honor and Awards program under OCSS;

- Registration and Accreditation of Unions under OPR; and
- Accreditation of Agencies to take final action on appointments under OPIA.
- The Office for Central Personnel Records (OCPR) is renamed Management Information Office (MIO).
- The Information technology functions of OPM and the personnel assigned to the unit are transferred to MIO.
- The following functions of OPM and the personnel assigned to the unit performing said functions are hereby transferred to the Office of the Executive Director:
  - Financial Audit and Evaluation;
  - Internal Management and Improvement;
  - Research and Statistics; and
  - Planning and Programming.
- The library service and its personnel under OCPR are transferred to the Central Administrative Office.
- The budget allocated for the various functions shall be transferred to the Offices where the functions are transferred. Records, fixtures and equipment that go with the functions shall be moved to where the functions are transferred.

Annex A contains the manning list for all the offices, except the OCES.

The changes in the organization and in operations shall take place before end of July 1994.

Done in Quezon City, July 07, 1994.

(Signed)

Patricia A. Sto. Tomas

Chairman

(Signed)

Did not participate

Ramon P. Ereneta, Jr.

Thelma P. Gaminde

Commissioner

Commissioner

Attested by:

(Signed)

Carmencita Giselle B. Dayson

Board Secretary V"[2]

During the general assembly of officers and employees of the Commission held in the morning of 28 July 1994, Chairman Sto. Tomas, when apprised of objections of petitioners, expressed the determination of the Commission to implement Resolution No. 94-3710 unless restrained by higher authority.

Petitioners then instituted this Petition. In a Resolution dated 23 August 1994, the Court required public respondents to file a Comment on the Petition. On 21 September 1994, petitioners filed an Urgent Motion for Issuance of a Temporary Restraining Order, alleging that petitioners had received Office Orders from the Commission assigning petitioner Fernandez to Region V at Legaspi City and petitioner de Lima to Region III in San Fernando, Pampanga and praying that public respondents be restrained from enforcing these Office Orders. The Court, in a Resolution dated 27 September 1994, granted this Motion and issued the Temporary Restraining Order prayed for by petitioners.

The Commission filed its own Comment, dated 12 September 1994, on the Petition and then moved to lift the Temporary Restraining Order. The Office of the Solicitor General filed a separate Comment dated 28 November 1994, defending the validity of Resolution No. 94-3710 and urging dismissal of the Petition. Petitioners filed separate Replies to these Comments. The Commission in turn filed a Rejoinder (denominated "Comment [on] the Reply").

The principal issues raised in this Petition are the following:

(1)

Whether or not the Civil Service Commission had legal authority to issue Resolution No. 94-3710 to the extent it merged the OCSS [Office of Career Systems and Standards], the OPIA [Office of Personnel Inspection and Audit] and the OPR [Office of Personnel Relations], to form the RDO [Research and Development Office]; and

(2)

Whether or not Resolution No. 94-3710 violated petitioners' constitutional right to security of tenure.

## I.

The Revised Administrative Code of 1987 (Executive Order No. 292 dated 25 July 1987) sets out, in Book V, Title I, Subtitle A, Chapter 3, the internal structure and organization of the Commission in the following terms:

"Sec. 16. Offices in the Commission. — The Commission shall have the following offices:

(1) The Office of the Executive Director — xxx

(2) The Merit System Protection Board — x x x

(3) The Office of Legal Affairs — x x x

(4) The Office of Planning and Management — x x x

(5) The Central Administrative Office — x x x

(6) The Office of Central Personnel Records — xxx

(7) The Office of Position Classification and Compensation — x x x

(8) The Office of Recruitment, Examination and Placement — x x x

(9) The Office of Career Systems and Standards shall provide leadership and assistance in the formulation and

evaluation of personnel systems and standards relative to performance appraisal, merit promotion and employee incentive benefits and awards.

(10) The Office of Human Resource Development — x x x

(11) The Office of Personnel Inspection and Audit shall develop policies, standards, rules and regulations for the effective conduct of inspection and audit of personnel and personnel management programs and the exercise of delegated authority; provide technical and advisory services to Civil Service Regional Offices and government agencies in the implementation of their personnel programs and evaluation systems.

(12) The Office of Personnel Relations shall provide leadership and assistance in the development and implementation of policies, standards, rules and regulations governing corporate officials and employees in the areas of recruitment, examination, placement, career development, merit and awards systems, position classification and compensation, performance appraisal, employee welfare and benefits, discipline and other aspects of personnel management on the basis of comparable industry practices.

(13) The Office of Corporate Affairs — x x x

(14) The Office of Retirement Administration — x x x

(15) The Regional and Field Offices. — x x x" (*Italics in the original*)

Immediately after the foregoing listing of offices of the Commission and their respective functions, the 1987 Revised Administrative Code goes on to provide as follows:

"Sec. 17. Organizational Structure. — Each office of the Commission shall be headed by a Director with at least one (1) Assistant Director, and may have such divisions as are necessary to carry out their respective functions. As an independent constitutional body, the Commission may effect changes in the organization as the need arises.

x x x x x x x x"[3]

(*Italics supplied*)

Examination of the foregoing statutory provisions reveals that the OCSS, OPIA and OPR, and as well each of the other Offices listed in Section 16 above, consist of aggrupations of Divisions, each of which Divisions is in turn a grouping of Sections. Each Section, Division and Office comprises a group of positions within the agency called the Civil Service Commission, each group being entrusted with a more or less definable function or functions. These functions are related to one another, each of them being embraced by a common or general subject matter. Clearly, each Office is an internal department or organizational unit within the Commission and that accordingly, the OCSS, OPIA and OPR, as well as all the other Offices within the Commission constitute administrative subdivisions of the CSC. Put a little differently, these offices relate to the internal structure of the Commission.

What did Resolution No. 94-3710 of the Commission do? Examination of Resolution No. 94-3710 shows that thereby the Commission re-arranged some of the administrative units (i.e., Offices) within the Commission and, among other things, merged three (3) of them (OCSS, OPIA and OPR) to form a new grouping called the "Research and Development Office (RDO)." The same Resolution renamed some of the Offices of the Commission, e.g., the Office for Human Resource Development (OHRD) was renamed Human Resource Development Office (HRDO); the Office for Central Personnel Records (OCPR) was renamed Management Information Office (MIO). The Commission also re-allocated certain functions moving some functions from one Office to another; e.g., the information technology function of OPM (Office of Planning and Management) was transferred to the newly named Management Information Office (MIO). This re-allocation or re-assignment of some functions carried with it the transfer of the budget earmarked for such function to the office where the

function was transferred. Moreover, the personnel, records, fixtures and equipment that were devoted to the carrying out of such functions were moved to the Offices to where the functions were transferred.

The objectives sought by the Commission in enacting Resolution No. 94-3710 were described in that Resolution in broad terms as "effect[ing] changes in the organization to streamline [the Commission's] operations and improve delivery of service." These changes in internal organization were rendered necessary by, on the one hand, the decentralization and devolution of the Commission's functions effected by the creation of fourteen (14) Regional Offices and ninety-five (95) Field Offices of the Commission throughout the country, to the end that the Commission and its staff may be brought closer physically to the government employees that they are mandated to serve. In the past, its functions had been centralized in the Head Office of the Commission in Metropolitan Manila and Civil Service employees all over the country were compelled to come to Manila for the carrying out of personnel transactions. Upon the other hand, the dispersal of the functions of the Commission to the Regional Offices and the Field Offices attached to various governmental agencies throughout the country makes possible the implementation of new programs of the Commission at its Central Office in Metropolitan Manila.

The Commission's Office Order assigning petitioner de Lima to the CSC Regional Office No. 3 was precipitated by the incumbent Regional Director filing an application for retirement, thus generating a need to find a replacement for him. Petitioner de Lima was being assigned to that Regional Office while the incumbent Regional Director was still there to facilitate her take over of the duties and functions of the incumbent Director. Petitioner de Lima's prior experience as a labor lawyer was also a factor in her assignment to Regional Office No. 3 where public sector unions have been very active. Petitioner Fernandez's assignment to the CSC Regional Office No. 5 had, upon the other hand, been necessitated by the fact that the then incumbent Director in Region V was under investigation and needed to be transferred immediately to the Central Office. Petitioner Fernandez was deemed the most likely designee for Director of Regional Office No. 5 considering that the functions previously assigned to him had been substantially devolved to the Regional Offices such that his reassignment to a Regional Office would result in the least disruption of the operations of the Central office.[4]

It thus appears to the Court that the Commission was moved by quite legitimate considerations of administrative efficiency and convenience in promulgating and implementing its Resolution No. 94-3710 and in assigning petitioner Salvador C. Fernandez to the Regional Office of the Commission in Region V in Legaspi City and petitioner Anicia M. de Lima to the Commission's Regional Office in Region III in San Fernando, Pampanga. It is also clear to the Court that the changes introduced and formalized through Resolution No. 94-3710 — re-naming of existing Offices; re--arrangement of the groupings of Divisions and Sections composing particular Offices; re-allocation of existing functions (and related personnel, budget, etc.) among the re-arranged Offices — are precisely the kind of internal changes which are referred to in Section 17 (Book V, Title I, Subtitle A, Chapter 3) of the 1987 Revised Administrative Code), quoted above, as "changes in the organization" of the Commission.

Petitioners argue that Resolution No. 94-3710 effected the "abolition" of public offices, something which may be done only by the same legislative authority which had created those public offices in the first place.

The Court is unable, in the circumstances of this case, to accept this argument. The term "public office" is frequently used to refer to the right, authority and duty, created and conferred by law, by which, for a given period either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of government, to be exercised by that individual for the benefit of the public.[5] We consider that Resolution No. 94-3710 has not abolished any public office as that term is used in the law of public officers.[6] It is essential to note that none of the "changes in organization" introduced by Resolution No. 94-3710 carried with it or necessarily involved the termination of the relationship of public employment between the Commission and any of its officers and employees. We find it very difficult to suppose that the 1987 Revised

Administrative Code having mentioned fourteen (14) different "Offices" of the Civil Service Commission, meant to freeze those Offices and to cast in concrete, as it were, the internal organization of the Commission until it might please Congress to change such internal organization regardless of the ever changing needs of the Civil Service as a whole. To the contrary, the legislative authority had expressly authorized the Commission to carry out "changes in the organization," "as the need [for such changes] arises."<sup>[7]</sup> Assuming, for purposes of argument merely, that legislative authority was necessary to carry out the kinds of changes contemplated in Resolution No. 94-3710 (and the Court is not saying that such authority is necessary), such legislative authority was validly delegated to the Commission by Section 17 earlier quoted. The legislative standards to be observed and respected in the exercise of such delegated authority are set out not only in Section 17 itself (i.e., "as the need arises"), but also in the Declaration of Policies found in Book V, Title I, Subtitle A, Section 1 of the 1987 Revised Administrative Code which required the Civil Service Commission

"as the central personnel agency of the Government [to] establish a career service, adopt measures to promote — efficiency — [and] responsiveness x x x in the civil service x x x and that personnel functions shall be decentralized, delegating the corresponding authority to the departments, offices and agencies where such functions can be effectively performed." (Italics supplied)

## II.

We turn to the second claim of petitioners that their right to security of tenure was breached by the respondents in promulgating Resolution No. 94-3710 and ordering petitioners' assignment to the Commission's Regional Offices in Regions III and V. Section 2(3) of Article IX (B) of the 1987 Constitution declares that "no officer or employee of the Civil Service shall be removed or suspended except for cause provided by law." Petitioners in effect contend that they were unlawfully removed from their positions in the OPIA and OPR by the implementation of Resolution No. 94--3710 and that they cannot, without their consent, be moved out to the Regional Offices of the Commission.

We note, firstly, that appointments to the staff of the Commission are not appointments to a specified public office but rather appointments to particular positions or ranks. Thus, a person may be appointed to the position of Director III or Director IV; or to the position of Attorney IV or Attorney V; or to the position of Records Officer I or Records Officer II; and so forth. In the instant case, petitioners were each appointed to the position of Director IV, without specification of any particular office or station. The same is true with respect to the other persons holding the same position or rank of Director IV of the Commission.

Section 26(7), Book V, Title I, Subtitle A of the 1987 Revised Administrative Code recognizes reassignment as a management prerogative vested in the Commission and, for that matter, in any department or agency of government embraced in the civil service:

"Sec. 26. Personnel Actions. — x x x

x x x x x x x x

As used in this Title, any action denoting the movement or progress of personnel in the civil service shall be known as personnel action. Such action shall include appointment through certification, promotion, transfer, re-instatement, re-employment, detail, reassignment, demotion, and separation. All personnel actions shall be in accordance with such rules, standards, and regulations as may be promulgated by the Commission.

x x x x x x x x

(7) Reassignment. An employee may be re--assigned from one organizational unit to another in the same agency; Provided, That such re-assignment shall not involve a reduction in rank, status and salary." (Italics

supplied)

It follows that the reassignment of petitioners Fernandez and de Lima from their previous positions in OPIA and OPR, respectively, to the Research and Development Office (RDO) in the Central Office of the Commission in Metropolitan Manila and their subsequent assignment from the RDO to the Commission's Regional Offices in Regions V and III had been effected with express statutory authority and did not constitute removals without lawful cause. It also follows that such re-assignment did not involve any violation of the constitutional right of petitioners to security of tenure considering that they retained their positions of Director IV and would continue to enjoy the same rank, status and salary at their new assigned stations which they had enjoyed at the Head Office of the Commission in Metropolitan Manila. Petitioners had not, in other words, acquired a vested right to serve at the Commission's Head Office.

Secondly, the above conclusion is compelled not only by the statutory provisions relevant in the instant case, but also by a long line of cases decided by this Court in respect of different agencies or offices of government.

In one of the more recent of these cases, Department of Education Culture and Sports, etc., et al. v. Court of Appeals, et al.,<sup>[8]</sup> this Court held that a person who had been appointed as "Secondary School Principal II" in the Division of City Schools, District II, Quezon City, National Capital Region, and who had been stationed as High School Principal in the Carlos Albert High School in Quezon City for a number of years, could lawfully be reassigned or transferred to the Manuel Roxas High School, also in Quezon City, without demotion in rank or diminution of salary. This Court held:

"The aforequoted provision of Republic Act No. 4670 particularly Section 6 thereof which provides that except for cause and in the exigencies of the service no teacher shall be transferred without his consent from one station to another, finds no application in the case at bar as this is predicated upon the theory that the teacher concerned is appointed — not merely assigned — to a particular station. Thus:

"The rule pursued by plaintiff only goes so far as the appointment indicates a specification. Otherwise, the constitutionally ordained security of tenure cannot shield her. In appointments of this nature, this Court has consistently rejected the officer's demand to remain — even as public service dictates that a transfer be made — in a particular station. Judicial attitude toward transfers of this nature is expressed in the following statement in Ibañez, et al. vs. Commission on Elections, et al. (G.R. No. L-26558, April 27, 1967; 19 SCRA 1002 [1967]); :

"That security of tenure is an essential and constitutionally guaranteed feature of our Civil Service System, is not open to debate. The mantle of its protection extends not only against removals without cause but also against unconsented transfer which, as repeatedly enunciated, are tantamount to removals which are within the ambit of the fundamental guarantee. However, the availability of that security of tenure necessarily depends, in the first instance, upon the nature of the appointment (*Hojilla vs. Marino*, 121 Phil. 280 [1965].) Such that the rule which proscribes transfers without consent as anathema to the security of tenure is predicated upon the theory that the officer involved is appointed — not merely assigned — to a particular station (*Miclat v. Ganaden*, et al., 108 Phil. 439 [1960]; *Jaro v. Hon. Valencia*, et al., 118 Phil. 728 [1963])." [*Brillantes v. Guevarra*, 27 SCRA 138 (1969)]

The appointment of Navarro as principal does not refer to any particular station or school. As such, she could be assigned to any station and she is not entitled to stay permanently at any specific school. (*Bongbong v. Parado*, 57 SCRA 623) When she was assigned to the Carlos Albert High School, it could not have been with the intention to let her stay in said school permanently. Otherwise, her appointment would have so stated. Consequently, she may be assigned to any station or school in Quezon City as the exigencies of public service require even without her consent. As this Court ruled in *Brillantes v. Guevarra*, 27 SCRA 138, 143 —

'Plaintiff's confident stride falters. She took too loose a view of the applicable jurisprudence. Her refuge behind the mantle of security of tenure guaranteed by the Constitution is not impenetrable. She proceeds upon the assumption that she occupies her station in Sinalang Elementary School by appointment. But her first appointment as Principal merely reads thus: "You are hereby appointed a Principal (Elementary School) in the Bureau of Public Schools, Department of Education", without mentioning her station. She cannot therefore claim security of tenure as Principal of Sinalang Elementary School or any particular station. She may be assigned to any station as exigency of public service requires, even without her consent. She thus has no right of choice.'"[9] (Italics supplied; citation omitted)

In the very recent case of *Fernando, et al. v. Hon. Sto. Tomas, etc., et al.*,<sup>[10]</sup> the Court addressed appointments of petitioners as "Mediators-Arbiters in the National Capital Region" in dismissing a challenge on certiorari to resolutions of the CSC and orders of the Secretary of Labor. The Court said:

"Petitioners were appointed as Mediator Arbiters in the National Capital Region. They were not, however, appointed to a specific station or particular unit of the Department of Labor in the National Capital Region (DOLE-NCR). Consequently, they can always be reassigned from one organizational unit to another of the same agency where, in the opinion of respondent Secretary, their services may be used more effectively. As such they can neither claim a vested right to the station to which they were assigned nor to security of tenure thereat. As correctly observed by the Solicitor General, petitioners' reassignment is not a transfer for they were not removed from their position as med--arbiters. They were not given new appointments to new positions. It indubitably follows, therefore, that Memorandum Order No. 4 ordering their reassignment in the interest of the service is legally in order."<sup>[11]</sup> (Italics supplied)

In *Quisumbing v. Gumban*,<sup>[12]</sup> the Court, dealing with an appointment in the Bureau of Public Schools of the Department of Education, Culture and Sports, ruled as follows:

"After a careful scrutiny of the records, it is to be underscored that the appointment of private respondent Yap is simply that of a District Supervisor of the Bureau of Public Schools which does not indicate a specific station ( Rollo, p. 13). As such, she could be assigned to any station and she is not entitled to stay permanently at any specific station (*Bongbong v. Parado*, 57 SCRA 623 [1974]; *Department of Education, Culture and Sports v. Court of Appeals* [G.R. 81032, March 22, 1990] citing *Brillantes v. Guevarra* [27 SCRA 138[1969]])."<sup>[13]</sup>

Again, in *Ibañez v. Commission on Elections*,<sup>[14]</sup> the Court had before it petitioners' appointments as "Election Registrars in the Commission of Elections," without any intimation to what city, municipality or municipal district they had been appointed as such.<sup>[15]</sup> The Court held that since petitioners "were not appointed to, and consequently not entitled to any security of tenure or permanence in, any specific station," "on general principles, they [could] be transferred as the exigencies of the service required," and that they had no right to complain against any change in assignment. The Court further held that assignment to a particular station after issuance of the appointment was not necessary to complete such appointment:

"x x x. We cannot subscribe to the theory that an assignment to a particular station, in the light of the terms of the appointments in question, was necessary to complete the said appointments. The approval thereof by the Commissioner of Civil Service gave those appointments the stamp of finality. With the view that the respondent Commission then took of its power in the premises and the demand of the mission it set out to accomplish with the appointments it extended, said appointments were definitely meant to be complete as then issued. The subsequent assignment of the appointees thereunder that the said respondent Commission held in reserve to be exercised as the needs of each locality justified did not in any way detract from the perfection attained by the appointments beforehand. And the respective appointees were entitled only to such security of tenure as the appointment papers concerned actually conferred — not in that of any place to which they may have been subsequently assigned. x x x As things stand, in default of any particular station stated in their

respective appointments, no security of tenure can be asserted by the petitioners on the basis of the mere assignments which were given to them. A contrary rule will erase altogether the demarcation line we have repeatedly drawn between appointment and assignment as two distinct concepts in the law of public officers." [16] (*Italics supplied*)

The petitioner, in *Miclat v. Ganaden*, [17] had been appointed as a "Welfare Office Incharge, Division of Urban, Rural and Community Administration, Social Welfare Administration." She was assigned as Social Welfare Incharge of the Mountain Province, by an office order of the Administrator, Social Welfare Administration. After a little more than a year, petitioner was assigned elsewhere and respondent Ganaden transferred to petitioner's first station in Baguio City. The Court ruled that petitioner was not entitled to remain in her first station. In *Jaro v. Hon. Valencia, et al.*, [18] petitioner Dr. Jaro had been appointed "Physician in the Municipal Maternity and Charity Clinics, Bureau of Hospitals." He was first assigned to the Municipal Maternity and Charity Clinics in Batulati, Davao, and later to the corresponding clinic in Saug, Davao and then to Catil, Davao. He was later assigned to the Municipality of Padada, also of Davao Province. He resisted his last assignment and brought mandamus against the Secretary of Health to compel the latter to return him to his station in Catil, Davao as Municipal Health Officer thereof. The Court, applying *Miclat v. Ganaden*, dismissed this Petition holding that his appointment not being to any specific station but as a physician in the Municipal Maternity and Charity Clinics, Bureau of Hospitals, he could be transferred or assigned to any station where, in the opinion of the Secretary of Health, his services may be utilized more effectively. [19]

Also noteworthy is *Sta. Maria v. Lopez* [20] which involved the appointment of petitioner Sta. Maria as "Dean, College of Education, University of the Philippines." Dean Sta. Maria was transferred by the President of the University of the Philippines to the Office of the President, U.P., without demotion in rank or salary, thereby acceding to the demands of student activists who were boycotting their classes in the U.P. College of Education. Dean Sta. Maria assailed his transfer as an illegal and unconstitutional removal from office. In upholding Dean Sta. Maria's claim, the Court, speaking through Mr. Justice Sanchez, laid down the applicable doctrine in the following terms:

"4. Concededly, transfers there are which do not amount to removal. Some such transfers can be effected without the need for charges being preferred, without trial or hearing, and even without the consent of the employee.

The clue to such transfers may be found in the 'nature of the appointment.' Where the appointment does not indicate a specific station, an employee may be transferred or reassigned provided the transfer affects no substantial change in title, rank and salary. Thus, one who is appointed 'principal in the Bureau of Public Schools' and is designated to head a pilot school may be transferred to the post of principal of another school.

And the rule that outlaws unconsented transfers as anathema to security of tenure applies only to an officer who is appointed — not merely assigned — to a particular station. Such a rule does not proscribe a transfer carried out under a specific statute that empowers the head of an agency to periodically reassign the employees and officers in order to improve the service of the agency. The use of approved techniques or methods in personnel management to harness the abilities of employees to promote optimum public service cannot be objected to. x x x

5. The next point of inquiry is whether or not Administrative Order 77 would stand the test of validity vis-a-vis the principles just enunciated.

x x x x x x x x

To be stressed at this point, however, is that the appointment of Sta. Maria is that of 'Dean, College of Education, University of the Philippines.' He is not merely a dean 'in the university.' His appointment is to a

specific position; and, more importantly, to a specific station." [21] (Citations omitted; emphases supplied)

For all the foregoing, we conclude that the reassignment of petitioners Fernandez and de Lima from their stations in the OPIA and OPR, respectively, to the Research Development Office (RDO) and from the RDO to the Commissions' Regional Offices in Regions V and III, respectively, without their consent, did not constitute a violation of their constitutional right to security of tenure.

WHEREFORE, the Petition for Certiorari, Prohibition and Mandamus with Prayer for Writ of Preliminary Injunction or Temporary Restraining Order is hereby DISMISSED. The Temporary Restraining Order issued by this Court on 27 September 1994 is hereby LIFTED. Costs against petitioners.

**SO ORDERED.**

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quason, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

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[1] Commissioner Thelma P. Gaminde did not participate in the adoption of this Resolution.

[2] Rollo, pp. 27-29.

[3] Book V, Title I, Subtitle A, Chapter 3, 1987 Revised Administrative Code.

[4] Please see Motion to Lift Temporary Restraining Order filed by public respondents, Rollo, pp. 75-77.

[5] *Appari vs. Court of Appeals*, 127 SCRA 231 (1984); *Oliveros v. Villaluz*, 57 SCRA 163 (1974); *Fernandez vs. Ledesma*, 117 Phil. 630 (1963); *Alba vs. Evangelista*, 100 Phil. 683 (1957).

[6] The dual reference of the term "office" or "public office" is brought out in the definition of the term found in Section 2(9), Introductory Provisions of the Revised Administrative Code of 1987:

"Office refers, within the framework of governmental organization, to any major functional unit of a department or bureau including regional offices. It may also refer to any position held or occupied by individual persons, whose functions are defined by law or regulation." (Italics supplied)

[7] The Civil Service Commission is not the only agency of government that has been expressly vested with this authority to effect changes in internal organization. Comparable authority has been lodged in, e.g., the Commission on Elections and the Office of the President. In respect of Comelec, Section 13, Chapter 3, Subtitle C, Title I, Book V, 1987 Revised Administrative Code reads as follows:

"The Commission may make changes in the composition, distribution, and assignment of field offices, as well as its personnel, whenever the exigencies of the service and the interest of free, orderly, honest, peaceful, and credible election so require: Provided, That such changes shall be effective and enforceable only for the duration of the election period concerned and shall not constitute a demotion, either in rank, or salary, nor result in a change of status; and Provided further, that there shall be no changes in the composition, distribution, or assignment within thirty days before the election, except for cause, and after due notice and hearing, and that in no case shall a regional or assistant regional director be assigned to a region, or a provincial election supervisor to a province, or a city or municipal election registrar to a city or municipality, where he and/or his spouse are related to any candidate within the fourth civil degree or consanguinity or affinity as the case may be. (Section 13, Chapter 3, Subtitle C, Title 1, Book V, Revised Administrative Code of 1987; underscoring supplied)

With respect to the Office of the President, Section 31, Chapter 10, Title III, Book III, Revised Administrative Code of 1987, vested the President with the following authority:

"The President, subject to the policy in the Executive Office and in order to achieve simplicity, economy, and efficiency, shall have continuing authority to reorganize the administrative structure of the Office of the President. For this purpose, he may take any of the following actions:

(1) Restructure the internal organization of the Office of the President Proper, including the immediate offices, the Presidential Special Assistants/Advisers System and the Common Staff Support System, by abolishing, consolidating, or merging units thereof, or transferring functions from one unit to another;

x x x x x x x x"

(Section 31, Chapter 10, Title 3, Book III, Revised Administrative Code of 1987; underscoring supplied)

**[8] 183 SCRA 555 (1990).**

[9] 183 SCRA at 561-562.

**[10] 234 SCRA 546 (1994).**

[11] 234 SCRA at 553.

**[12] 193 SCRA 520 (1991).**

[13] 193 SCRA at 523. See also *Brillantes v. Guevarra*, 27 SCRA 138 (1969), where petitioner Brillantes had an appointment as (a) Principal, Elementary School, in the Bureau of Public Schools, Department of Education and where the Court reached the same conclusion.

**[14] 19 SCRA 1002 (1967).**

[15] For other cases involving election registrars and applying the same rule, see *Braganza v. Commission on Elections*, 20 SCRA 1023 (1967); *Real, Jr. v. Commission on Elections, et al.*, 21 SCRA 331 (1967).

[16] 19 SCRA at 1012-1013.

[17] 108 Phil. 439 (1960).

[18] 118 Phil. 728 (1963).

[19] See also *Bongbong v. Parado, et al.*, 57 SCRA 623 (1974) which involved petitioner's appointment as "rural health physician in the Bureau of Rural Health Units Projects."

**[20] 31 SCRA 637 (1970).**

[21] 31 SCRA at 652-654.

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