

RUSTICO C. NAZI, PETITIONER, VS. GOV. ANTONIO P. CALINGIN, PROMULGATED: RESPONDENT.

G.R. NO. 144895. December 13, 2005

Ponente: AZCUNA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-144895/>

AZCUNA, J.:

Petitioner Rustico C. Nazi filed this Petition for Review on Certiorari assailing the resolution of the Court of Appeals dated April 07, 2000 dismissing his appeal from the decision of the Civil Service Commission (CSC) which reversed the ruling of the Civil Service Commission, Regional Office (CSCRO) No. 10, Cagayan de Oro declaring him eligible for appointment to the position of Provincial Jail Warden.

The facts of the case:

On March 1, 1998, petitioner was appointed by Governor Ruth de Lara Guingona to the post of Provincial Jail Warden of Misamis Oriental and the appointment was subsequently approved by the CSC Field Office of said province as permanent on March 30, 1998, subject to the verification of his Police Inspector eligibility.

During the May 1998 elections Governor Antonio Calingín was elected Governor for the said province.[1]

On September 8, 1998, Governor Calingín filed a petition with the Civil Service Commission Regional Office 10 of Cagayan de Oro City (CSCRO) for the cancellation of the appointment of Nazi as Provincial Jail Warden of Misamis Oriental on the ground that Nazi was appointed on February 9, 1998 but the publication of the vacancy in said position was published by the Civil Service Commission only on February 13, 1998, thereby violating Sec. 3 of R.A. 7041.[2]

In an order dated September 22, 1998, the Regional Director found that based on the records of the case, the claim was without factual basis but nevertheless ruled that after careful reevaluation of the records it found that Nazi did not meet the eligibility requirement for the position. The Inspector examination conducted by the NAPOLCOM which Nazi claimed to have passed and which he used to support his appointment, cannot be considered as a civil service eligibility in view of the provisions of CSC Resolution No. 96-5487 dated August 26, 1996. Hence his previous appointment was recalled and the same disapproved as he did not meet the eligibility requirement for the position.[3]

The CSCRO reasoned that the Qualification Standards for the position of Provincial Jail Warden stated that the appointee must be a Career Service Professional or with the appropriate eligibility for second level positions. Nazi was a holder of a Police Inspector eligibility given by the NAPOLCOM. However, CSC Resolution No. 96-5487, dated August 26, 1996, declared that examinations administered by the NAPOLCOM, with the exceptions of the INP entrance and Police Officer 3rd class examinations, were no longer entitled to an equivalent civil service eligibility. Hence, Nazi's Police Inspector eligibility alone could not qualify him to the position for which he was appointed.

Nazi filed a motion for reconsideration on October 30, 1998.[4]

On November 11, 1998, the CSCRO granted his motion for reconsideration, set aside the order of September 22, 1998, and declared him to be eligible to the position.[5]

On December 22, 1998, the motion for reconsideration filed by Governor Calingin through the Provincial Attorney was denied by CSCRO in a resolution dated December 22, 1998.

On appeal to the Civil Service Commission (CSC), the ruling of the CSCRO was reversed.[6] Nazi then appealed the CSC resolution to the Court of Appeals but the case was dismissed for his failure to submit certified true copies of the resolution appealed from, as well as other supporting papers, in violation of Section 6, Rule 43 of the Rules of Court. Petitioner claimed in his Motion for Reconsideration before the Court of Appeals that due to time constraints and the alleged instruction of one of the lawyers in the law firm that all original copies of documents should be kept in the office, only the machine copies were attached to the petition before the Court of Appeals.

In a resolution dated August 8, 2000,[7] the Court of Appeals denied petitioner's Motion for Reconsideration. Hence, this appeal to the Court.

Petitioner alleges that his present petition is an appeal from the resolution of the Court of Appeals dismissing his petition seeking a review of the decision of the Civil Service Commission[8] as not being in accord with law, the facts and applicable decision of this Honorable Court and purely on legal grounds.[9]

Nowhere in the petition, however, does petitioner discuss the reversible error committed by the Court of Appeals. Instead he deals mainly with the error allegedly committed by the Civil Service Commission in its Resolution No. 992229[10] of September 29, 1999 recalling the approval of his appointment as Provincial Jail Warden of Misamis Oriental and the subsequent resolution No. 000357[11] dated February 2, 2000 denying his motion for reconsideration.

In the resolution of this Court dated November 27, 2000,[12] the petition was denied for non-compliance with the requirement of Sections 4(d) and 5 of Rule 45 in relation to Sec. 5 (d), Rule 56 of the Rules of Court, failure to accompany the petition with a clearly legible duplicate original, or a certified true copy of the resolution appealed from.

On January 31, 2001,[13] the Court granted petitioner's motion for reconsideration after he submitted the required documents, and reinstated the petition.

We do not find merit in the appeal.

First, petitioner has not set out in clear terms where the reversible error of the Court of Appeals lies. In fact, he admitted the lapse in the exercise of diligence by the staff of his law firm when he failed to attached the correct set of documents as required by the rules.

Second, it is an admitted fact that CSC Memorandum Circular No. 7 which would have given petitioner eligibility for the position of Provincial Jail Warden, had been repealed by CSC Resolution No. 96-5487 and therefore was no longer applicable to him.

Petitioner, however, insists that subsequent Civil Service Resolutions extended the recognition of the NAPOLCOM examination for second level positions.[14] The numerous Civil Service Resolutions enumerated by petitioner give extension for specific period of time and for specific purposes. Hence, CSR No. 98-0303 dated February 10, 1998 allowed the continued recognition of NAPOLCOM eligibilities until June 30, 1998 but applicable only to promotional appointments, which is not the case of petitioner.[15]

Petitioner alleges in his second assignment of error, that he was given a permanent appointment which entitled him to security of tenure. Petitioner reads only one part of the appointment. The other part states that the

appointment was subject to "verification of his police inspector eligibility." [16]

WHEREFORE, the petition is DENIED. No pronouncement as to costs.

SO ORDERED.

Davide, C.J., (Chairman), Quisumbing, Ynares-Santiago, and Carpio, JJ., concur.

[1] Rollo, p. 18.

[2] An Act Requiring Regular Publication of Existing Vacant Positions in Government Offices, Appropriating Funds Therefor, and for Other Purposes.

[3] Rollo, p. 63.

[4] Id. at 64.

[5] Id. at 69-71.

[6] CSC Resolution No. 99-2229, Rollo, pp. 33-42.

[7] Rollo, p. 81.

[8] Id. at 16.

[9] Id. at 18.

[10] Id. at 33-42.

[11] Id. at 44-47.

[12] Id. at 74.

[13] Id. at 84.

[14] Id. at 24.

[15] Id. at 47.

[16] CA Rollo, p. 68.

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.