

## REMEDIOS S. PADILLA, PETITIONER, VS. THE HONORABLE CIVIL SERVICE COMMISSION AND DEPARTMENT OF LABOR AND EMPLOYMENT, RESPONDENTS.

*G.R. No. 149451. May 08, 2003*

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-149451/>

---

### CORONA, J.:

Before this Court is a petition for review of the decision<sup>[1]</sup> dated January 22, 2001 of the Court of Appeals affirming (1) Resolution No. 980256<sup>[2]</sup> dated February 5, 1998 of the Civil Service Commission (CSC) dismissing petitioner Remedios Padilla's appeal and (2) Resolution No. 981425<sup>[3]</sup> dated June 10, 1998 of CSC denying her motion for reconsideration.

The antecedent facts, as found by respondent CSC and affirmed by the Court of Appeals, follow.

On January 18, 1982, petitioner Remedios Padilla assumed the permanent position of Clerk II in the then Ministry of Labor and Employment. On May 11, 1983, petitioner was promoted to the position of Labor Development Assistant. Without waiting for the CSC's approval of her appointment, she assumed her new position.

On March 4, 1985, CSC-NCR Regional Director Aurora de Leon sent a 1<sup>st</sup> Indorsement to the Minister of Labor and Employment disapproving petitioner's appointment as Labor Development Assistant on the ground that she failed to meet the eligibility requirement for the position. Maria Esther Manigque, Officer-In-Charge of the Institute of Labor and Manpower Studies, sought reconsideration of respondent CSC's ruling by pointing out petitioner's satisfactory performance. It was denied. In May 1985, petitioner resigned from the service citing "personal reasons."

On July 28, 1985, petitioner took the Career Service Examination (Professional Level). After passing the same in August, 1985, she re-applied at the respondent Department of Labor and Employment (DOLE). She was appointed as Casual Research Assistant on October 17, 1988, effective until November 30, 1988. Upon expiration of her appointment, the same was extended to December 31, 1988. From January 1989 until December 1989, petitioner occupied the position of Casual Technical.

Due to the implementation of RA 6758, otherwise known as the Salary Standardization Act of 1989, casual items such as Casual Research Assistant and Casual Technical were abolished. Petitioner was offered the position of Clerk II (the only available permanent position then) for which the Selection Board deemed her qualified. However, she declined the offer.

On January 2, 1990, petitioner was appointed Casual Clerk III, effective till the end of June 1990. After the expiration of her appointment as a casual employee, petitioner was no longer given any position. She then requested the monetary conversion of her unused sick and vacation leaves which respondent DOLE granted.

Nevertheless, petitioner appealed her alleged termination as casual employee to the CSC but this was dismissed for having been filed out of time. <sup>[4]</sup>

Thereafter, petitioner filed a letter-complaint addressed to then Secretary of Justice Teofisto Guingona. The letter-complaint was forwarded to respondent DOLE and later to the CSC for appropriate action. Acting on the complaint, the CSC treated the same as a petition to seek relief. In its Resolution No. 980256 dated February 5, 1998, the CSC dismissed the petition and denied petitioner's claim. Her motion for reconsideration was likewise denied in CSC Resolution No. 981425 dated June 10, 1998.

Petitioner appealed the CSC resolutions to the Court of Appeals. On January 22, 2001, the appellate court rendered a decision, the dispositive portion of which read:

WHEREFORE, in view of the foregoing, the petition is DENIED and accordingly DISMISSED for lack of merit. Accordingly, the assailed Resolution No. 98-0256 dated February 5, 1998 issued by the Civil Service Commission dismissing the petitioner's appeal, as well as its Resolution No. 981425 dated June 10, 1998, is (sic) AFFIRMED.

SO ORDERED.[5]

The Court of Appeals held that the CSC had the power to revoke the appointment of a public officer whose qualification did not meet the minimum requirements of the law. To refute petitioner's contention that respondent DOLE was obliged to give her a permanent position upon becoming eligible, the appellate court ruled that, although the petitioner was a civil service eligible, her acceptance of a temporary appointment as a casual vested her no right to security of tenure. Her appointment depended exclusively on the pleasure of the appointing authority.[6]

On July 4, 2001, the appellate court issued a resolution[7] denying petitioner's motion for reconsideration.

Hence, this appeal based on the following assignments of error:

I

WHETHER OR NOT THE TERMINATION OF PETITIONER IS LEGAL.

II

WHETHER OR NOT THE DISMISSAL OF HER COMPLAINT BY PUBLIC RESPONDENT CIVIL SERVICE COMMISSION WAS PROPER UNDER THE CIRCUMSTANCES.[8]

Petitioner does not question anymore the disapproval of her appointment as Labor Development Assistant due to her failure to meet the eligibility requirements. However, she invokes her alleged right to be reinstated to a permanent position considering that she has since attained the required civil service eligibility and that she used to hold a permanent position. Petitioner bewails the fact that she ended up as a casual employee despite her civil service eligibility and without any derogatory record during her stint in the government. To support her claim, she cites Section 24 (d) of PD 807, otherwise known as the Civil Service Law of 1975, which states that "(a)ny person who has been permanently appointed to a position in the career service and who has, through no delinquency or misconduct, been separated therefrom, may be reinstated to a position in the same level for which he is qualified."

She also contends that she was not accorded due process when she was removed from her permanent position without prior notice. Neither was she given an opportunity to explain why she should not be removed from office.

Did respondent DOLE violate petitioner's purported right to security of tenure? We do not think so.

The jurisdiction of this Court over cases brought to it from the Court of Appeals via Rule 45 of the Rules of Court is limited to reviewing errors of law.[9] The factual findings of the Court of Appeals are generally conclusive and may not be reviewed on appeal.[10] We have good reason to apply this well-entrenched principle in the instant

case because the factual findings of the Court of Appeals affirm the findings of fact of the CSC.

One of the exceptions to the rule is when the appellate court's factual disquisitions are not supported by evidence.[11] In the case at bar, petitioner seeks reinstatement on the ground that she was unjustly removed from the service, which was contrary to the appellate court's finding that she voluntarily resigned. Considering that petitioner's submission was premised on an alleged misapprehension of facts, she had the burden of showing that the CSC and the appellate court's findings of fact were not supported by evidence.[12] However, she fell short of that responsibility and ended up with hollow claims.

On the other hand, the Office of the Solicitor General (OSG), representing respondents CSC and DOLE, adequately proved that petitioner voluntarily resigned and was never removed from the service. The OSG presented as evidence petitioner's own letter in 1990 addressed to Sec. Florida Ruth Romero,[13] then Special Assistant to the President and Presidential Legislative Liaison Officer, which read:

In 1985, The Civil Service Commission (CSC) disapproved my appointment because the qualification standard for the position of Labor Development Assistant was raised from sub-professional to professional level. Despite my best effort to appeal before the Civil Service Commission, I never got a favorable response. I was hurt so much that I decided to resign in April 1985.[14] (underlining supplied)

Petitioner used to occupy the permanent position of Clerk II before the disapproval of her appointment for Labor Development Assistant, a higher permanent position. Thereafter, she voluntarily resigned and later came back to occupy casual positions only despite passing the eligibility requirement for a permanent position. Like removal for just cause, voluntary resignation results in the abdication of all present and future rights accorded to an employee and in the severance of all work-related ties between the employer and the employee. When she returned to work for respondent DOLE, the same was not a continuation of her previous service but the start of a new work slate. Petitioner could not therefore demand from respondent DOLE her reinstatement to a permanent position under Section 24 (d) of PD 807 inasmuch as she was never unjustly removed.

We agree with the observation of the OSG that when petitioner re-applied for and was offered the position of Casual Research Assistant and later Casual Technical, she readily and unqualifiedly accepted the said offer. Having accepted the position of a casual employee, petitioner should have known that she had no security of tenure and could thus be separated from the service anytime.

We also take note of the fact that in December 1989, after finishing her contract as a Casual Technical, respondent DOLE offered to petitioner the permanent position of Clerk II (the only available permanent position then) for which the Selection Board deemed her qualified. However, she declined the offer and instead opted to accept another casual position as Casual Clerk III. Respondent DOLE therefore gave her the opportunity to re-assume a permanent position but petitioner was apparently bent on acquiring a position equal to a Labor Development Assistant, a position she could not obtain by right due to her earlier resignation. On the ground of estoppel, petitioner is barred from asserting her right to a permanent position.

Not having been unjustly removed from the service, it follows that petitioner's right to due process was not violated. In fact, there was no need to furnish her a notice of termination since, as a casual employee, petitioner was aware of the date of expiration of her temporary appointment.

WHEREFORE, the petition is hereby DENIED. No costs.

**SO ORDERED.**

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.

---

[1] Penned by Associate Justice B.A. Adefuin-de la Cruz and concurred in by Associate Justices Andres Reyes, Jr. and Rebecca de Guia-Salvador; Rollo, pp. 27-34.

[2] Rollo, pp. 51-53.

[3] Id., at 55-57.

[4] Resolution No. 96-0846 dated February 8, 1996.

[5] Rollo, p. 34.

[6] Id., at 29-34.

[7] Id., at 35-36.

[8] Id., at 18.

[9] *Malugcot-Aw v. Malugcot*, 329 SCRA 78 (2000).

[10] *Republic v. Sodsod*, 330 SCRA 400 (2000).

[11] *Ba×jas v. Court of Appeals*, 325 SCRA 259 (2000).

[12] Section 1, Rule 131, Rules of Court.

[13] Former Associate Justice of the Supreme Court.

[14] Rollo, p. 58.

**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.