

CIVIL SERVICE COMMISSION, NATIONAL CAPITAL REGION, PETITIONER, VS. RANULFO P. ALBAO, RESPONDENT.

G.R. NO. 155784. October 13, 2005

Ponente: AZCUNA, J.

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AZCUNA, J.:

This is a petition for review on certiorari of the Decision of the Court of Appeals in CA-G.R. SP No. 64671 promulgated on April 22, 2002 and its Resolution promulgated on September 26, 2002, denying the motion for reconsideration of petitioner Civil Service Commission, National Capital Region (CSC-NCR). The Decision of the Court of Appeals annulled and set aside Resolutions Nos. 001826 and 010315 of the Civil Service Commission.

The antecedents[1] of the case are as follows:

On September 1, 1998, the Office of the Vice President of the Republic of the Philippines issued an original and permanent appointment[2] for the position of Executive Assistant IV to respondent Ranulfo P. Albao. Respondent was then a contractual employee at said Office.[3]

In a letter[4] dated September 28, 1998 addressed to the Director of the Civil Service Commission Field Office, Manila, the Office of the Vice President requested the retrieval of the said appointment paper. Instead of heeding the request, petitioner CSC-NCR disapproved the appointment.

On October 5, 1998, petitioner issued an Order[5] holding that it has found, after a fact-finding investigation, that a prima facie case exists against respondent Albao for Dishonesty and Falsification of Official Documents, committed as follows:

- That in support of his permanent appointment as Executive Assistant IV, in the Office of the Vice-President, he stated in his Personal Data Sheet (PDS) accomplished on July 1, 1998 that he took and passed the Assistant Electrical Engineer Examination held on October 15 and 16, 1988 with a rating of 71.64%;
- To support his claim, he submitted a Report of Rating showing he obtained a rating of 71.64% during the aforesaid Assistant Electrical Engineering Examination, all purportedly issued by the Professional Regulation Commission (PRC); and
- That the Professional Regulation Commission (PRC) has informed CSC-NCR that the name Ranulfo P. Albao does not appear in the Table of Results and Masterlists of examinees of the Board of Electrical Engineering which contain the names of those who took the Assistant Electrical Engineer Examination given in October, 1988; and
- That the examinee number appearing in his Report of Rating is assigned to one Bienvenido Aniño, Jr.[6]

After filing his Answer, respondent Albao filed on February 18, 1999 an "Urgent Motion to Resolve" the issue of whether or not the Civil Service Commission has original jurisdiction over the administrative case. Respondent contended that the Commission has no jurisdiction over the same for the following reasons:

(1) The permanent appointment issued to him never became effective, even if it was later disapproved, because he never assumed such position in the first place.

Moreover, he is already out of government service since he resigned from his position effective at the closing hour of October 30, 1998.

(2) As he is no longer with the civil service, the Commission has no disciplinary jurisdiction over him as a private person.

(3) While it is true that the Commission has original disciplinary jurisdiction over all its officials and employees and cases involving civil service examination anomalies or irregularities (Sec. 28, Omnibus Rules^[7] of 1991), as well as over sworn complaints directly filed before it against any other official or employee (Sec. 29, Omnibus Rules of 1991), the administrative case commenced against him did not fall under any of those instances.

(4) Since the Commission has no jurisdiction to institute the administrative case, it cannot delegate the same to the CSC-NCR.

On August 11, 2000, the Civil Service Commission rendered Resolution No. 001826, the dispositive portion of which reads:

WHEREFORE, the Commission hereby rules that the Civil Service Commission - National Capital Region has jurisdiction over disciplinary cases against employees of agencies, local or national for offenses committed within its geographical area.^[8]

Respondent filed a motion for reconsideration, which was denied by the Civil Service Commission on February 1, 2001, in Resolution No. 010315, thus:

WHEREFORE, the instant Motion for Reconsideration is hereby DENIED. The Civil Service Commission - National Capital Region is hereby ordered to continue with the formal investigation of Ranulfo Albao.^[9]

Respondent filed a petition for review before the Court of Appeals alleging that the Civil Service Commission committed grave abuse of discretion in issuing the said Resolutions.

The Court of Appeals found merit in the petition. It held that based on Executive Order No. 292, otherwise known as the Administrative Code of 1987, particularly Section 12 (11), Section 47 (1), (2) and Section 48, Title 1 (A), Book V thereof, the CSC-NCR does not have jurisdiction to investigate and decide the case of respondent. Consequently, the CSC-NCR exceeded its authority in initiating the administrative case against him.

The dispositive portion of the Decision of the Court of Appeals, dated April 22, 2002, reads:

WHEREFORE, the Petition is hereby GRANTED, and as a consequence, Resolution Nos. 001826 and 010315, dated August 11, 2000, and February 1, 2001, respectively, of the Civil Service Commission, are hereby ANNULLED and SET ASIDE. No costs.

SO ORDERED.^[10]

The motion for reconsideration filed by petitioner was denied by the Court of Appeals in a Resolution promulgated on September 26, 2002.

Hence, this petition.

Petitioner raises the following issues:

- WHETHER OR NOT THE COURT OF APPEALS ERRED IN FINDING THAT CSC-NCR EXCEEDED ITS JURISDICTION WHEN IT INSTITUTED THE ADMINISTRATIVE PROCEEDINGS AGAINST

HEREIN RESPONDENT.

- WHETHER OR NOT THE COURT OF APPEALS ERRED IN FINDING THAT THE POWER CONFERRED UPON THE PETITIONER TO HEAR AND DECIDE ADMINISTRATIVE CASES DOES NOT INCLUDE THE POWER TO ITSELF INITIATE AND PROSECUTE SAID CASES.[11]

The main issue in this case is whether or not the Civil Service Commission has original jurisdiction to institute the instant administrative case against respondent Albao through its regional office, the CSC-NCR.

Petitioner argues that as the central personnel agency of the government, it is expressly conferred the power and authority to initiate the proceedings herein involved against a public official and employee. It asserts that such authority is contained in Section 12 (11), (16) in relation to Section 16 (15 [c]), Title 1(A), Book V of Executive Order No. 292, thus:

Section 12. Powers and Functions -- The Commission shall have the following powers and functions:

...

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. . . . [12]

...

(16) Delegate authority for the performance of any function to departments, agencies and offices where such function may be effectively performed;

...

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

...

(15) The Regional and Field Offices.-- . . . Each Regional Office shall have the following functions:

...

(c) Perform such other functions as may be delegated by the Commission.

Petitioner contends that Section 12 (11) above categorically states that the Commission has the power "to hear and decide administrative cases instituted by or brought before it directly or on appeal." [13] As such, when the Commission, in the course of the performance of its official and other duties, comes to know of any transgression committed by a government employee, it can initiate the necessary proceedings. In this case, it initiated the administrative proceedings against respondent after the discovery of the latter's spurious eligibility. Hence, petitioner contends that the Court of Appeals erred in ruling that it exceeded its jurisdiction in instituting the administrative case against respondent.

Settled is the rule that jurisdiction is conferred only by the Constitution or the law. [14] Republic v. Court of Appeals [15] also enunciated that only a statute can confer jurisdiction on courts and administrative agencies.

Article IX-B, Section 3 of the Constitution declares the Civil Service Commission as the central personnel agency of the Government, thus:

Section 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources

development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs.

Section 12, Title 1 (A), Book V of EO No. 292 enumerates the powers and functions of the Civil Service Commission, one of which is its quasi-judicial function under paragraph 11, which states:

Section 12. Powers and Functions -- The Commission shall have the following powers and functions:

...

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. . .
.[16]

Section 47, Title 1 (A), Book V of EO No. 292, on the other hand, provides, as follows:

SEC. 47. Disciplinary Jurisdiction.-(1) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.

(2) The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned.[17]

Furthermore, Section 48, Title 1(A), Book V of EO No. 292 provides for the procedure in administrative cases against non-presidential appointees, thus:

SEC. 48. Procedure in Administrative Cases Against Non-Presidential Appointees. -- (1) Administrative proceedings may be commenced against a subordinate officer or employee by the Secretary or head of office of equivalent rank, or head of local government, or chiefs of agencies, or regional directors, or upon sworn, written complaint of any other person.

Respondent Albao was a contractual employee in the Office of the Vice President before his appointment to a permanent position, which appointment was, however, requested to be retrieved by the Office of the Vice President and at the same time disapproved by the Civil Service Commission.

Pursuant to Section 47 (1), (2) and Section 48 above, it is the Vice President of the Philippines, as head of office, who is vested with jurisdiction to commence disciplinary action against respondent Albao.

Nevertheless, this Court does not agree that petitioner is helpless to act directly and *motu proprio*, on the alleged acts of dishonesty and falsification of official document committed by respondent in connection with his appointment to a permanent position in the Office of the Vice President.

It is true that Section 47 (2), Title 1 (A), Book V of EO No. 292 gives the heads of government offices original disciplinary jurisdiction over their own subordinates. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. It is only when the

penalty imposed exceeds the aforementioned penalties that an appeal may be brought before the Civil Service Commission which has appellate jurisdiction over the same in accordance with Section 47 (1) Title 1(A), Book V of EO No. 292, thus:

SEC. 47. Disciplinary Jurisdiction.-(1) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. . . [18]

The present case, however, partakes of an act by petitioner to protect the integrity of the civil service system, and does not fall under the provision on disciplinary actions under Sec. 47. It falls under the provisions of Sec. 12, par. 11, on administrative cases instituted by it directly. This is an integral part of its duty, authority and power to administer the civil service system and protect its integrity, as provided in Article IX-B, Sec. 3 of the Constitution, by removing from its list of eligibles those who falsified their qualifications. This is to be distinguished from ordinary proceedings intended to discipline a bona fide member of the system, for acts or omissions that constitute violations of the law or the rules of the service.

WHEREFORE, the petition is GRANTED and the Decision of the Court of Appeals in CA-G.R. SP No. 64671 and its Resolution promulgated on September 26, 2002 are REVERSED and SET ASIDE and petitioner is declared vested with the power to institute the administrative proceedings against respondent for alleged falsification of eligibility.

No costs.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Tinga, Chico-Nazario, and Garcia, JJ., concur.

[1] CA Decision, Rollo, pp. 25-26.

[2] Annex "D," CA Rollo, p. 25.

[3] Resolution No. 001826, CA Rollo, p. 15.

[4] Annex "C," CA Rollo, p. 24.

[5] Annex "E," CA Rollo, p. 26.

[6] Ibid.

[7] Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws.

[8] CA Rollo, p. 17.

[9] Id. at 23.

[10] Rollo, p. 30.

[11] Id. at 15-16.

[12] Emphasis supplied.

[13] Emphasis supplied.

[14] *Pimentel v. Commission on Elections*, Nos. 53581-83, December 19, 1980, 101 SCRA 769, 777.

[15] G.R. No. 122256, October 30, 1996, 263 SCRA 758, 764.

[16] Emphasis supplied.

[17] Emphasis supplied.

[18] Emphasis supplied.

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