LAND BANK OF THE PHILIPPINES, PETITIONER, VS. ROWENA O. PADEN, RESPONDENT.

G.R. No. 157607. July 07, 2009

Ponente: BRION, J.

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BRION, J.:

Before us is the Petition for Review on Certiorari[1] under Rule 45 of the Rules of Court filed by the Land Bank of the Philippines (petitioner). It seeks to set aside:

(a) the Decision[2] of the Court of Appeals (CA) dated November 27, 2002 which affirmed Resolution No. 000896[3] and Resolution No. 00-1995,[4] both issued by the Civil Service Commission (CSC) ordering the reinstatement of Rowena O. Paden (respondent) to her former position as Executive Assistant I.

(b) the Resolution of the CA dated March 11, 2003[5] which denied the motion for reconsideration that the petitioner subsequently filed.

THE FACTUAL ANTECEDENTS

On March 13, 1995, the petitioner hired the respondent as Contractual Secretary III in its Bansalan Branch in Davao del Sur. On September 1, 1997, prior to her regularization, the respondent assumed the position of Executive Assistant I as a probationary employee pending receipt of the background investigation on her. As a requirement to her assumption of the position of Executive Assistant I, the respondent executed an Affidavit with Waiver of Rights[6] dated August 7, 1997, whose relevant portions provide:

> - That I will be appointed as Executive Assistant I pursuant to Board Resolution No. 09-009 dated 02/16/90;
>
> - That on September 1, 1997, I will assume the duties of the position pending receipt of my GSIS Medical Evaluation, NBI Clearance, Reference Check and other requested clearances;
>
> - That should there be derogatory information against me as later determined in my GSIS Medical Evaluation, NBI Clearance, Reference Check and other required clearances, I hereby waive my right to the aforementioned position as well as to all the benefits and privileges appurtenant thereto except for compensation for services rendered (actual number of days) by me;
>
> - That this affidavit is being executed for purpose of assuming the position and reporting for work pending receipt of corporate requirements for new hires.

In the documents that she submitted to support her application, the respondent indicated that she had no children and designated one Cyril Rose O. Paden (Cyril Rose) as her sister.[7] A subsequent background investigation revealed that Cyril Rose is not the respondent's sister but is really her daughter. Shortly thereafter, the respondent, in an Affidavit[8] dated October 20, 1997, sought to explain the discrepancy by stating the following:

> - I am an employee of the Land Bank of the Philippines assigned in Bansalan, Davao del Sur;

- I have been employed with Land Bank (DBPSC Contractual) as secretary since March 13, 1995. I assumed my present position, Executive Assistant I, on September 1, 1997;

- On August 22, 1997, I submitted my bio-data sheet to the Personnel Department of Land Bank. In said bio-data sheet, I included the name of one Cyril Rose Paden as one of my sister [sic];

- This Cyril Rose Paden was actually my daughter out of wedlock. Since her birth and until now however, it was my mother who stood as mother to Cyril Rose Paden. Shortly after giving birth to her (Cyril Rose), I left Bansalan, my hometown and worked in Davao City. I seldom went home to Bansalan;

- The following Monday, after realizing my mistake, I immediately called up Personnel Department and was able to talk with Ms. Jojo Amarillo. I told her that Cyril Rose was actually my daughter;

- It was my mother who made it appear in our community that Cyril Rose Paden is her own daughter and unwittingly, I also considered Cyril Rose as a sister;

- It was my mother who caused the registration of the Birth of Cyril Rose with the Office of the Local Civil Registrar;

Based on this affidavit, the petitioner gave notice to the respondent on February 25, 1998 that she would be dropped from the rolls effective March 1, 1998.[9] The notice states in full:

Dear Ms. Paden:

Please be informed that you will be dropped from the rolls of the Bank effective March 1, 1998 - the expiration of your probationary period.

For your information.

Very truly yours,

ETHEL B. BALAALDIA
Assistant Vice President
Personnel Department

The respondent received this notice on February 27, 1998 from Alfredo G. Cabiguin, the Branch Manager of the petitioner's Bansalan branch where the respondent was based.

In a letter[10] dated March 2, 1998 sent by fax, the petitioner informed the respondent that she had been officially dropped from the rolls effective March 1, 1998. The pertinent portions of the letter are quoted herein as follows:

Dear Ms. Paden:

Please be informed that you have been officially dropped from the rolls of the Bank effective March 1, 1998 - the expiration of your probationary period.

For your information.

Very truly yours,

ETHEL B. BALAALDIA
Assistant Vice President
Personnel Department

The respondent sought reconsideration, but the petitioner denied her request on May 20, 1998. Three months after she received a copy of the petitioner's denial of her motion for reconsideration, the respondent filed an appeal with the CSC. The CSC dismissed the appeal outright through Resolution No. 983104[11] for having been filed

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beyond the reglementary period, and for failure to pay the appeal fee.[12] The respondent filed a motion for reconsideration arguing that the filing of the appeal beyond the reglementary period and the nonpayment of the appeal fee are light omissions when compared to the grave offense committed against her by the petitioner for illegally dismissing her without the benefit of any information or supporting papers informing her of the cause for her dismissal; the respondent argued that the petitioner failed to accord her due process.

The CSC, through Resolution No. 992039[13] dated September 15, 1999, resolved to grant the respondent's motion for reconsideration and to give due course to the appeal.

In its Comment submitted to the CSC, the petitioner argued that the respondent was dropped from the rolls based on the findings of the background investigation conducted on the respondent; the investigation revealed that the respondent misrepresented Cyril Rose as her sister, when in fact, Cyril Rose was her daughter.[14] The petitioner also stated that the respondent's misrepresentation also led her to make false entries in official and public documents; it was only after a thorough and painstaking discussion among the members of its selection board that it was decided that the respondent should be dropped from the rolls effective March 1, 1998, the expiration of her probationary period. The petitioner cited Section 2, Rule VII of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Revised Administrative Code of 1987) as its basis in dropping the respondent from its rolls; the section states:

> All such persons must serve a probationary period of six months following their original appointment and shall undergo a thorough character investigation. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity any time before the expiration of the probationary period.

The petitioner went even further to argue that since the respondent "acknowledges that her appointment as Executive Assistant I had to undergo a six-month probationary period, her status as such divests her of the constitutional security of tenure against removal without cause during the said period of time."[15] Lastly, the petitioner emphasized that the respondent was informed of her being dropped from the service on February 25, 1998, which was before the expiration of her probationary period.

In her Answer to the petitioner's Comment, the respondent reiterated that her termination from the service was illegal, since it was done without due process for failure of the petitioner to inform her of the reason why she was being terminated from the service; the notice merely stated that she was being dropped from the rolls effective March 1, 1998.[16] The respondent also asserted that her appointment was deemed permanent on March 1, 1998 by reason of the lapse of the six months probationary period.

The CSC Ruling

The CSC, through Resolution No. 000896[17] dated March 30, 2000, resolved the appeal in favor of the respondent and ordered her reinstatement to her former position as Executive Assistant I under permanent status, without prejudice to the proper administrative charges that may be filed
against her. The CSC held:

> The issue in this case is whether or not there is a ground for dropping from the rolls/dismissal from the service while undergoing probationary period.
>
> Section 2(a), Rule VII of the Revised Omnibus Rules Implementing Book V of Executive Order No. 292 provides that:
> "All such persons must serve a probationary period of six (6) months following their original appointment and shall undergo a thorough character investigation. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity any time before the expiration of the probationary period."

Clearly, an employee undergoing probationary period of six (6) months may be dropped from the service anytime before the expiration of the probationary period on two grounds, to wit: 1) unsatisfactory conduct and (2) want of capacity.

Records show that Land Bank of the Philippines dropped Paden from the service on the ground of unsatisfactory conduct, that is, for having a child borne out of wedlock which was later admitted under oath by Paden.

The Commission, however, does not agree with the ground upon which the termination was based. The ground relied upon by the Land Bank of the Philippines is misplaced. The unsatisfactory conduct must be related to the conduct exhibited by Paden during her probationary period. Needless to say, the same should not refer to her conduct before entering the civil service.

Records further show that Paden was informed of her termination only on March 1, 1998 and the same was effective on the same date. It can be recalled that Paden was proposed for regularization and assumed the position of Executive Assistant on September 1, 1997 as probationary employee. Paden has six (6) months or until February 28, 1998 to serve her probationary period.

The Omnibus Rules provides, viz:

> However, if no notice of termination or unsatisfactory conduct is given by the appointing authority to the employee before the expiration of the six-month probationary period, the appointment automatically becomes permanent.

Records clearly reveal that Paden was informed only after the expiration of her probationary period, March 1, 1998. Consequently, Paden's appointment automatically becomes regular.

The submission by the LBP that Paden was actually informed of the denial of the "proposal to consider her for permanent status" on February 25, 1998 as recommended by Alfred G. Cabiguin, Acting Head, LBP Bansalan Branch, is immaterial to the instant case. The same does not amount to a notice of termination of service nor a notice of unsatisfactory conduct. Further, it is not the form of notice contemplated by law.

Clear also is the admission by the LBP in its Comment that it is immaterial to inform Paden of her being dropped from the service for any way the unsatisfactory conduct is already existing. This contention, however, is an open and blatant denial of due process of law.

Such being the case, the appointment of Paden as Executive Assistant I becomes permanent after six (6) months.

It may be pertinent to stress that the least offense that could be charged against Paden is that of Disgraceful, Immoral, or Dishonest Conduct Prior to Entering the Service found in Section 52 (C) (7), Rule IV of the Uniform Rules on Administrative Cases.

In the sum, the dismissal of Paden from the service is bereft of legal basis. [Emphasis supplied]

The petitioner filed a motion for reconsideration before the CSC, but the same was denied through Resolution No. 00-1995 dated September 4, 2000. Aggrieved by the CSC's decision, the petitioner filed a petition for review before the CA assailing the resolutions issued by the CSC.

The CA Ruling

In a Decision dated November 27, 2002, the CA dismissed the petitioner's petition for review for lack of merit. The CA affirmed the findings of the CSC that the petitioner fell short of affording due process to the respondent when it removed her from the service. The CA agreed with the findings made by the CSC that the petitioner failed to give notice to the respondent of the reasons for her removal from the service, except for a faxed message which

informed the respondent that she was being removed effective March 1, 1998. The CA further agreed with the conclusion reached by the CSC that the ground relied upon by the petitioner for the respondent's termination of service is misplaced. The CA affirmed the CSC's ruling that unsatisfactory conduct, as ground for termination from service of a probationary employee, must relate to conduct exhibited during the probationary period, and does not pertain to conduct before entering the civil service.

In a Resolution dated March 11, 2003, the CA also denied the petitioner's motion for reconsideration for lack of merit.

The Petition

In the present petition, the petitioner faults the CA for:

1) declaring that the CSC was correct in giving due course to the respondent's appeal;

2) finding that the petitioner deprived the respondent of due process; and

3) dismissing its petition in complete disregard of applicable laws and existing jurisprudence respecting the facts and evidence presented by the petitioner.

THE COURT'S RULING

We do not find the petition meritorious.

The petitioner raises issues which are factual in nature. The settled rule is that factual findings of administrative agencies, such as the CSC, when affirmed by the CA and if supported by substantial evidence, are accorded respect and even finality by this Court.[18]

Our review of a petition for review on certiorari under Rule 45 of the Rules of Court is limited to the review of errors of law, unless the following exceptions occur: (a) when the conclusion is a finding grounded entirely on speculation, surmises or conjectures; (b) when the inference made is manifestly mistaken, absurd or impossible; (c) when there is a grave abuse of discretion; (d) when the judgment is based on a misapprehension of facts; (e) when the findings of fact are conflicting; (f) when the CA, in making its findings, went beyond the issue of the case and the same is contrary to the admission of both appellant and appellee; (g) when the findings of the CA are contrary to those of the trial court; (h) when the findings of fact are conclusions without citation of specific evidence on which they are based; (i) when the facts set forth in the petition as well as in the petitioner's main and reply briefs are not disputed by the respondents; (j) when the finding of fact of the CA is premised on the supposed absence of evidence but is contradicted by the evidence on record; and (k) when the CA manifestly overlooked certain relevant facts not disputed by the parties and which, if properly considered, would justify a different conclusion.[19] Petitioner failed to convince us that any of these exceptions applies to the present case.

Specifically, we see no reason to depart from the findings of the CSC, as affirmed by the CA, that the petitioner did not give the respondent sufficient notice of termination or a notice of unsatisfactory conduct prior to the expiration of her probationary period, and that there was no basis to drop the respondent from the rolls on the cited ground.

To put the case in its proper perspective, we begin with a discussion on the respondent's right to security of tenure. Article IX (B), Section 2(3) of the 1987 Constitution expressly provides that "[n]o officer or employee of the civil service shall be removed or suspended except for cause provided by law." At the outset, we emphasize that the aforementioned constitutional provision does not distinguish between a regular employee and a probationary employee. In the recent case of Daza v. Lugo[20] we ruled that:

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> The Constitution provides that "[N]o officer or employee of the civil service shall be removed or suspended except for cause provided by law." Sec. 26, par. 1, Chapter 5, Book V, Title I-A of the Revised Administrative Code of 1987 states:
> All such persons (appointees who meet all the requirements of the position) must serve a probationary period of six months following their original appointment and shall undergo a thorough character investigation in order to acquire permanent civil service status. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity any time before the expiration of the probationary period; Provided, That such action is appealable to the Commission.

Thus, the services of respondent as a probationary employee may only be terminated for a just cause, that is, unsatisfactory conduct or want of capacity. [Emphasis supplied]

The constitutional guaranty of security of tenure in the civil service has two legal ramifications. In Tria v. Chairman Patricia Sto. Tomas, et al.,[21] we held that the prohibition against suspension or dismissal of an officer or employee of the Civil Service "except for cause provided by law" is "a guaranty of both procedural and substantive due process." "Not only must removal or suspension be in accordance with the procedure prescribed by law, but also they can only be made on the basis of a valid cause provided by law."[22]

Procedural due process basically requires that suspension or dismissal comes only after notice and hearing.[23] Thus, the minimum requirements of due process are: (1) that the employees or officers must be informed of the charges preferred against them, and the formal way by which the employees or officers are informed is by furnishing them with a copy of the charges
made against them; and (2) that they must have a reasonable opportunity to present their side of the matter, that is to say, their defenses against the charges and to present evidence in support of their defenses.[24]

As part of its mandate to prescribe and enforce rules and regulations for carrying into effect the provisions of Civil Service Laws and other pertinent laws,[25] the CSC issued Memorandum Circular No. 3, Series of 2005,[26] which lays down the Rules on Probationary Period for Permanent Appointment in the Career Service. Section 12 of the rules states:

> Section 12. Notice of Termination of Service. The new appointees or probationers shall be issued notice of termination of service by the appointing authority within ten (10) days immediately after it was proven that they have demonstrated unsatisfactory conduct or want of capacity during the probationary period. Such notice shall state, among other things, the reasons for the termination of service and shall be supported by at least two of the following:
> a) Performance Evaluation Report;
> b) Report of the immediate supervisor (rater) on job-related critical and unusual incidents and on unsatisfactory conduct or behavior of the appointee; or
> c) Other valid documents that may support the notice of termination of service.

Measured against these standards, the February 25, 1998 notice to the respondent clearly does not amount to a valid notice of termination, as it merely stated that the respondent was being dropped from the rolls; nowhere in the notice was a specification of the petitioner's factual and legal reasons for terminating the respondent's services. This is a violation of due process since it strikes at its essence - the opportunity to be heard - or the opportunity for the respondent to adequately and intelligently mount a defense against the charges made by the petitioner. Thus, the respondent was completely left in the dark on why her services were being summarily terminated. In addition, the records of this case are bereft of any evidence that the petitioner's February 25, 1998 notice to the respondent was supported by any document justifying the notice of termination.

The petitioner was apparently under the mistaken impression that the services of a probationary employee can be

terminated at will, i.e., even without cause.[27] The petitioner of course labored under a misimpression as explained above;[28] the only difference between regular and probationary employees from the perspective of due process is that the latter's termination can be based on the wider ground of failure to comply with standards made known to them when they became probationary employees.[29]

Substantive due process on the other hand requires that the suspension or dismissal be "for cause."[30] Delos Santos v. Mallare[31] best expresses what is for cause provided by law:

> It means for reasons which the law and sound public policy recognize as sufficient for removal, that is legal cause, and not merely causes which the appointing power in the exercise of discretion may deem sufficient. It is implied that officers may not be removed at the mere will of those vested with the power of removal or without cause. Moreover, the cause must relate to and affect the administration of the office, and must be restricted to something of a substantial nature directly affecting the rights and interests of the public. [Emphasis supplied]

The constitutional guaranty of substantial due process for probationary officers or employees in the civil service is implemented in Section 2, Rule VII of the Omnibus Rules Implementing Book V of the Revised Administrative Code of 1987, which states:

> Sec. 2. Original appointment refers to initial entry into the career service under a permanent status of a person who meets all the requirements of the position including the civil service eligibility.
>
> (a) All such persons must serve a probationary period of six (6) months following their original appointment and shall undergo a thorough character investigation. A probationer may be dropped from the service for unsatisfactory conduct or want of capacity any time before the expiration of the probationary period. Provided that such action is appealable to the Commission.
>
> (b) All original appointments of qualified persons to the position in the career service shall henceforth be proposed as permanent. It is understood that the first six (6) months will be probationary in nature. However, if no notice of termination of unsatisfactory conduct or want of capacity is given by the appointing authority to the employee before the expiration of the six month probationary period, the appointment automatically becomes permanent. [Emphasis supplied]

From the above-quoted provision of law, we draw the following conclusions:

First, that the probationary period of a civil service employee shall be for a period of six months, reckoned from the date of his or her original appointment. In the present case, the respondent was appointed to the position of Executive Assistant I on September 1, 1997; thus, her six-month probationary period lapsed on February 28, 1998.

Second, the grounds for dropping a probationary employee from the service are either for unsatisfactory conduct or for want of capacity. Although the Revised Administrative Code of 1987 does not define nor delineate these two grounds, resort can be had to the CSC Rules on Probationary Period for Permanent Appointment in the Career Service[32] which defines unsatisfactory conduct or want of capacity as follows:

> Section 2. Definition of Terms. For these rules on probationary period, the terms used shall be defined as follows:
>
> xxx xxx xxx
>
> (c) Want of capacity refers to the failure of the appointee during the probationary period to perform the duties and responsibilities based on standards of work outputs agreed upon and reflected in the duly signed performance targets.

> (d) Unsatisfactory conduct refers to the failure of the appointees to observe the propriety in their acts, behavior and human/public relations, and to irregular punctuality and attendance while performing their duties and responsibilities during the probationary period. [Emphasis and italics supplied]

Of course, the just causes for termination of employment available against regular employees also apply to probationary employees.

As aptly found by the CSC, the unsatisfactory conduct must necessarily relate to conduct exhibited during the probationary period and should not refer to conduct prior to entering the civil service. The reason for this is simple given the nature and consequences of probationary employment. Thus, we explained in the recent case of Woodridge School v. Pe Benito:[33]

> A probationary employee is one who, for a given period of time, is being observed and evaluated to determine whether or not he is qualified for permanent employment. A probationary appointment affords the employer an opportunity to observe the skill, competence and attitude of a probationer. The word " probationary," as used to describe the period of employment, implies the purpose of the term or period. While the employer observes the fitness, propriety and efficiency of a probationer to ascertain whether he is qualified for permanent employment, the probationer at the same time, seeks to prove to the employer that he has the qualifications to meet the reasonable standards for permanent employment. [Emphasis supplied]

Since probationary employees are evaluated for their fitness to assume permanent employment only for a specific term or period,[34] it necessarily follows that the parameters for which the appointing authority must gauge whether probationary employees committed an unsatisfactory conduct should refer only to conduct while performing their duties and responsibilities during the probationary period.

Third, should there be no notice of termination on the grounds of unsatisfactory conduct or want of capacity given to the probationary employee by the appointing authority prior to the expiration of the six months probationary period, the probationary employee's appointment to the position, by operation of law, becomes permanent. Since the petitioner's February 25, 1998 notice did not amount to a sufficient notice of termination or a notice of unsatisfactory conduct as previously explained, the respondent therefore attained permanent status on March 1, 1998 - the day after her probationary period expired.

We are not unmindful of the petitioner's contention that the respondent's designation of her child out of wedlock as her sister in submitted documents merits the supreme penalty of dismissal from service for dishonesty and falsification of official documents. We significantly note that dishonesty and falsification of official documents are both classified as grave offenses that merit the extreme penalty of dismissal from the service, even if committed as a first offense.[35]

However, the respondent's administrative liabilities for dishonesty and falsification of official documents are not the matters before us now. They may be the proper subjects of separate administrative disciplinary proceedings which this Decision does not foreclose since the issue here is confined to the validity of the respondent's termination as a probationary employee.

In sum, we find that the ground the petitioner invoked is not sufficient basis for the respondent's dismissal, and that her dismissal was effected without the observance of both procedural and substantive due process. We therefore affirm the assailed CA decision and the underlying resolutions that this decision affirmed.

WHEREFORE, the petition is DENIED. The assailed decision of the Court of Appeals in CA-G.R. SP No. 60972 dated November 27, 2002 is hereby AFFIRMED.

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SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, [*]Chico-Nazario, and [**]Leonardo-De Castro, JJ., concur.

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[*] Designated additional Member of the Second Division effective June 3, 2009 per Special Order No. 658 dated June 3, 2009.

[**] Designated additional Member of the Second Division effective May 11, 2009 per Special Order No. 635 dated May 7, 2009.

[1] Rollo, pp. 7-29.

[2] Penned by Associate Justice B.A. Adefuin-De la Cruz (retired), with Associate Justice Mercedes Gozo-Dadole (retired) and Associate Justice Mariano C. Del Castillo, concurring; i d., p. 30.

[3] Id. , pp. 79-85.

[4] Id. , pp. 92-95.

[5] Id., p. 40.

[6] Id. , p. 106.

[7] Personal Data Sheet, Statement of Assets and Liabilities and Application for Membership /Designation of Dependents/Beneficiaries for LBP Mutual Aid Benefit Program/Life and Disability Benefit Plan; i d., pp. 108-110.

[8] Id. , p. 107.

[9] Id. , p. 41.

[10] Id. , p. 46.

[11] Id. , pp. 48-50.

[12] Section 49 of the Uniform Rules in the Conduct of Administrative Investigation in the Civil Service Commission (CSC Resolution No. 94-0521, January 25, 1994):

Section 49. Complaint or Appeal to the Commission. - Other personnel actions, such as separation from the service due to unsatisfactory or poor performance, dropping from the rolls, disapproval of appointments, claims for back salaries and other benefits, may be brought to the Commission by means of a formal complaint or appeal subject to the following:

x x x

(d) A complaint/appeal involving non-disciplinary actions shall be dismissed outright on any of the following grounds:

x x x

(2) The appeal is filed beyond the reglementary period; and

(3) No appeal fee is paid.

[13] Rollo, pp. 61-63.

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[14] Id. , pp. 64-73.

[15] Id. , p. 68.

[16] Id. , pp.74-78.

[17] Id. , pp. 79-85.

[18] Binay v. Odeña, G.R. No. 163683, June 8, 2007, 524 SCRA 248, 256-257.

[19] Mercury Drug Corporation v. Libunao, G.R. No. 144458, July 14, 2004, 434 SCRA 413, 414.

[20] G.R. No. 168999, April 30, 2008, 553 SCRA 532, 537-538.

[21] G.R. No. 85670, July 31, 1991, 199 SCRA 833, 843-844.

[22] Bernas, Joaquin G., The 1987 Philippine Constitution: A Reviewer Primer (2006 ed.), p. 420.

[23] Bernas, Joaquin G., The 1987 Constitution of the Republic of the Philippines: A Commentary (1996 ed.), p. 914.

[24] Government Service Insurance System v. Court of Appeals, G.R. No. 86083, September 24, 1991, 201 SCRA 661, 671.

[25] REVISED ADMINISTRATIVE CODE of 1987, Book IV, Title 1, Subtitle A, Chapter 3, Section 12, No. 2.

[26] Dated January 12, 2005.

[27] Rollo, p. 68.

[28] Supra note 20.

[29] Section 7 of the CSC MC No. 3, s. 2005, or the Rules on Probationary Period for Permanent Appointment in the Career Service provides for "performance targets and standards to facilitate the review and monitoring of employee performance" which "shall be set, agreed upon and duly signed by the probationer, the immediate supervisor (rater), and the head of agency within five (5) working days upon appointee's assumption to duty."

[30] Supra note 24.

[31] 87 Phil. 293 (1950).

[32] Supra note 26.

[33] G.R. No. 160240, October 29, 2008.

[34] Section 3 of the Rules on Probationary Period for Permanent Appointment in the Career Service states:

Section 3. Objectives of the Probationary Period. The probationary period for permanent appointment in the career service shall have the following objectives:

(a) to serve as an on-the-job assessment of new appointee's knowledge, skills and attitudes necessary to perform the duties and responsibilities of the position as enumerated in the PDF and specified in the approved performance targets and work output standards;
(b) to provide the appointees with appropriate technical assistance through human resource interventions, such as training, coaching, mentoring and other applicable interventions; and to closely supervise and monitor their performance;
(c) to monitor and assess the conduct of the appointees and act appropriately on any incidence of unsatisfactory

behavior; and
(d) to determine whether the appointees shall continue to hold permanent appointment or be separated from the service within or at the end of the probationary period due to want of capacity or unsatisfactory conduct.

[35] CSC RESOLUTION NO. 991936, Rule IV, Section 52, par. A(1) and A(6).

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