LIBRADA D. TAPISPISAN, PETITIONER, VS. COURT OF APPEALS; CIVIL SERVICE COMMISSION; HON. RICARDO T. GLORIA, SECRETARY, DEPARTMENT OF EDUCATION, CULTURE AND SPORTS (DECS); DR. NIL...

G.R. NO. 157950. June 08, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court is the petition for review on certiorari filed by Librada D. Tapispisan seeking the reversal of the Decision[1] dated December 12, 2002 of the Court of Appeals (CA) in CA-G.R. SP No. 45485.

The assailed decision affirmed the resolutions of the Civil Service Commission (CSC) dismissing the petitioner's protest against the designation of respondent Aida M. Rumbaoa as Officer-in-Charge (OIC)-Head Teacher of P. Villanueva Elementary School and respondent Myrna M. Teves as OIC-Principal of Don Carlos Elementary School. The petitioner also seeks the reversal of the appellate court's Resolution dated April 10, 2003, denying her motion for reconsideration.

The factual and procedural antecedents of the case are as follows:

Petitioner Tapispisan is a public school teacher and has been occupying the position of Teacher III since September 1, 1992. She has been teaching for the last thirty (30) years and is currently assigned at the Villamor Air Base Elementary School in Pasay City.

On May 30, 1995, respondent Atty. Ricardo T. Sibug (Schools Division Superintendent, Pasay City) issued Division Memorandum No. 33 designating respondent Rumbaoa as OIC-Head Teacher of P. Villanueva Elementary School and respondent Teves as OIC-Principal of Don Carlos Elementary School, both schools are in Pasay City. Feeling that she had been unduly by-passed, petitioner Tapispisan filed with respondent Sibug a protest contesting such designation. The latter, however, denied the protest. The petitioner then brought the matter to respondent Dr. Nilo L. Rosas, Regional Director of the Department of Education, Culture and Sports (DECS) for National Capital Region (NCR) who, likewise, denied the protest.

On December 11, 1995, the petitioner filed with the DECS a "Complaint/Protest Against the Illegal and Indiscriminate Appointment and Promotion of Mesdames Aida Rumbaoa and Myrna Teves," docketed as Adm. Case No. 96-001. Together with respondents Rumbaoa and Teves, also named as respondents were Dr. Rosas, Atty. Sibug and Mrs. Alicia G. Benzon (Principal IV, Coordinating Principal, South District).

In her complaint/protest, petitioner Tapispisan alleged that the designation of respondents Rumbaoa and Teves was made with evident favoritism and in gross violation of Civil Service and DECS rules and regulations on promotions. The petitioner claimed that she was more qualified for promotion than respondents Rumbaoa and Teves. She pointed out that in the 1994-1995 annual qualifying examination conducted for both teachers and principals, she placed No. 4 in the Division List of Promotables for Head Teachers while the names of

respondents Rumbaoa and Teves did not appear therein. Nonetheless, they were the ones recommended and designated to the subject positions.

Petitioner Tapispisan enumerated her credentials and qualifications,[2] thus:

Degrees Completed : Bachelor of Science in Elem. Education (BSEd) FEU, 1970

Master of Arts in Industrial Education (MAIE) Adm. & Supervision, TUP, 1992

Civil Service Eligibility : Professional Board Exam for Teachers, 71.06%, 1982

Competitive Exam, 90%, 1971

Positions Held : Classroom Teacher, 1971-1981 E.G.T., 1981-1992 Teacher III, 1992-Present

Achievements, Awards And Distinctions

: DECS Rating, 1993-1994, 94% as Teacher

Potential Teacher Rating 1994-1995, 9.8

Bronze Service Award Boys Scouts of the Phils., 1990

Certificate of Merit Villamor Air Base Elem. School, 1989

Recognition and Appreciation Nichols Air Base, 1979

The petitioner claimed that she completed her masters degree long before respondents Rumbaoa and Teves completed theirs and that she became Teacher III ahead of them. However, in making their recommendation, respondents Benzon and Sibug allegedly disregarded these objective factors or criteria for promotion and instead resorted to personal or relative factors, which are the weakest of the standards for evaluation, to favor respondents Rumbaoa and Teves.

The petitioner thus prayed in her complaint/protest that the promotions of respondents Rumbaoa and Teves be recalled and that they be disallowed from occupying, in acting capacity, the positions to which they were designated.

In their answer, respondents Benzon and Sibug asserted that the evaluation of the qualifications of the teachers considered for promotion was made by a Division Section/Board of Promotions in accordance with Section 9,[3] Rule VI, Omnibus Rules Implementing Book V of Executive Order No. 292[4] and other pertinent Civil Service

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Laws, and that the qualifications of each applicant was juxtaposed vis-à-vis the qualification standards provided for in Sections 1 up to 7,[5] Rule IV of the same omnibus rules. Respondents Benzon and Sibug maintained that all the standards and procedures were complied with by the said Board of Promotions, which found petitioner Tapispisan "wanting of qualification for the position of Head Teacher or Principal."

For her part, respondent Rumbaoa averred that she was already promoted as Elementary School Head Teacher III on March 15, 1995 and subsequently re-assigned as OIC-Head Teacher of P. Villanueva Elementary School on May 30, 1995. Even with the new assignment, she retains the position of Elementary School Head Teacher III assigned at Villamor Air Base Elementary School. The head of P. Villanueva Elementary School is a Head Teacher, not a principal. Hence, her assignment thereat is not a promotion since it does not involve an increase in rank and salary.

On the other hand, respondent Teves averred that she was promoted as Master Teacher II way back in 1987. Thereafter, when the principal of Don Carlos Elementary School was on leave or assigned to other missions, respondent Teves would be designated OIC thereof. The head of the said school is Principal I, which is lower in salary than that of Master Teacher II at Villamor Air Base Elementary School, which position she still holds.

After evaluating the arguments of the parties, then Secretary of the DECS Hon. Ricardo T. Gloria issued the Order dated April 10, 1996 dismissing the complaint/protest as he found the appointment of respondents Rumbaoa and Teves as Head Teacher III and Master Teacher II, respectively, as well as their subsequent designation as OIC-Head Teacher and OIC-Principal, respectively, to be in order.

Secretary Gloria based his conclusion on the findings that, with respect to respondent Teves, she was appointed Master Teacher II effective February 18, 1987. This appointment had been attested by the CSC; hence, such final and completed promotional appointment could no longer be the subject of protest nor set aside by recall. The bases of her appointment as Master Teacher II were respondent Teves' Performance Efficiency Ratings, which had been "OUTSTANDING" for the last five consecutive years, and the several awards conferred on her by civic organizations, including Outstanding Teacher of Pasay City in 1993. Also, the DECS Division authorities obviously had trust and confidence in respondent Teves' competence and dedication as shown by the fact that they would designate her as OIC of Don Carlos Elementary School when its former principal was on leave or on assignment elsewhere. It was emphasized that respondent Teves' designation as OIC-Principal of Don Carlos Elementary School was of temporary nature, not a permanent movement from Villamor Air Base Elementary School nor a promotion. Being temporary, it may be recalled any time.

Secretary Gloria found that, with respect to respondent Rumbaoa, she was appointed as Elementary School Head Teacher III on March 15, 1995, which appointment was attested by the CSC. As such, it had become complete and final, which could no longer be a subject of belated protest or withdrawn by recall.

Respondent Rumbaoa's appointment as Elementary School Head Teacher III was based on her Performance Efficiency Ratings, which had been "OUTSTANDING" for the last four consecutive years (1991-1995), and her being recipient of several achievement awards for teaching excellence at Villamor Air Base Elementary School. It was also noted that respondent Rumbaoa ranked No. 2 in the Division List of Promotables for the school year 1993-1994, where she earned a total score of 63.19 while petitioner Tapispisan obtained 53.38. Thus, even if the following school year (1994-1995) petitioner Tapispisan ranked No. 4 in the qualifying examination, the same did not affect the rank of respondent Rumbaoa earned the previous year.

Secretary Gloria further observed that the appointment of respondent Rumbaoa as Elementary School Head Teacher III on March 15, 1995 took place prior to the holding of the qualifying examination where petitioner Tapispisan ranked No. 4. Therefore, respondent Rumbaoa no longer had to take the said examination having

already been appointed Elementary School Head Teacher III prior thereto. Besides, performance ratings, outstanding accomplishments, experience and specialized education and training comprise ninety percent (90%) of the whole ranking process. On the other hand, the written examination is only one of the factors considered to determine the person's fitness for the position.

It was stressed by Secretary Gloria that respondent Rumbaoa's designation as OIC-Head Teacher of P. Villanueva Elementary School was merely temporary, not a permanent transfer nor a promotion. Further, it did not remove her from her incumbent position as Head Teacher III at the Villamor Air Base Elementary School.

Secretary Gloria concluded in the dispositive portion of the April 10, 1996 Order that:

> IN VIEW of the foregoing disquisitions, the complaint/protest against the illegal and indiscriminate appointment and promotion of Mesdames Aida M. Rumbaoa and Myrna M. Teves, Villamor Air Base Elementary School, Pasay City, belatedly filed by Mr[s]. Librada D. Tapispisan, is hereby DISMISSED for having already prescribed and for lack of merit.[6]

Forthwith, petitioner Tapispisan elevated the case to the CSC where, in addition to her allegation that she was more qualified than respondents Rumbaoa and Teves as their names did not appear in the 1994-1995 Division List of Promotables, the petitioner, likewise, contended that their designation as OIC-Head Teacher and OIC-Principal, respectively, was made in violation of the ban on appointments and promotions during election period.

In its Resolution No. 972501 dated April 14, 1997, the CSC dismissed petitioner Tapispisan's protest holding:

> The protest must fail. Only appointments/promotions and not designation can be the subject of a protest. Designation, being temporary in nature, does not amount to the issuance of an appointment, but is a mere imposition of additional duties. In the case of Martinez, Estrella V. (CSC Resolution No. 95-3512), the Commission ruled as follows:
> Obviously, Martinez had failed to distinguish between promotional appointment and designation or reassignment order. The latter merely requires performance of additional duties and responsibilities. A promotional appointment may be the subject of a protest but a designation or reassignment can be questioned only by the person so reassigned.

There being no appointment issued that can be subject of a protest, the instant protest must be dismissed.

WHEREFORE, the protest of Librada D. Tapispisan is hereby dismissed.[7]

Petitioner Tapispisan sought reconsideration thereof but her motion was denied for lack of merit by the CSC in its Resolution No. 973698 dated August 28, 1997 which stated in part:

> After a careful evaluation of the instant motion for reconsideration, the Commission finds no merit therein. Tapispisan failed to submit any legal or factual reason which would warrant the modification or reversal of CSC Resolution No. 972501. On the other hand, Tapispisan actually affirmed that there was no promotional appointments issued but Rumbaoa and Teves were merely issued temporary designations.
>
> If it is true that there is the intention of the DECS to promote the protestees to their present assignments, then, Tapispisan must wait until the appointments are actually issued. Otherwise, a protest at this time is premature.
>
> On the question of the earlier promotion of Rumbaoa to the position of Head Teacher III which Tapispisan raised in her motion for reconsideration, the same should be dismissed outright. The appointment was supposed to have become effective on 15 March 1995. If Tapispisan failed to question said appointment at the time it was issued then it has become final; hence, can no longer be the subject of protest. Furthermore, other than her bare allegations, Tapispisan failed to submit evidence to support her charges of violation of the

election ban.

WHEREFORE, the motion for reconsideration filed by Librada Tapispisan is hereby denied. Accordingly, CSC Resolution No. 97-2501 stands.[8]

Undaunted, petitioner Tapispisan filed with the CA a petition for certiorari seeking to annul and set aside the foregoing resolutions of the CSC.

In the assailed Decision dated December 12, 2002, the appellate court dismissed the petition. It found that respondents Rumbaoa and Teves were merely designated in acting capacity to their respective positions. This designation thus could not be subject of a protest because, under Civil Service laws, only appointments and promotions can be subject of a protest. In the same vein, such designation could not have been a prohibited act during the election period because the ban only covers transfer of civil service officers or employees or new appointments, promotions or giving salary increases.

Regarding the appointment of respondent Rumbaoa as Head Teacher III, the CA held that it was already too late in the day for the petitioner to contest the same. Such appointment was made effective on March 15, 1995 but it was only on December 11, 1995, or some eight months later, that petitioner Tapispisan filed her complaint/protest with the DECS. The appellate court affirmed the finding of respondent DECS Secretary that respondent Rumbaoa possessed the necessary qualifications for the position of Head Teacher III. The CA also noted that petitioner Tapispisan did not raise the issue about respondent Rumbaoa's appointment as Head Teacher III in her complaint filed with the DECS Secretary but that the issue surfaced only when she sought the reconsideration of CSC Resolution No. 972501. An issue not previously raised below may not be raised for the first time on appeal.

Petitioner Tapispisan filed a motion for reconsideration of the appellate court's decision but, in the assailed Resolution dated April 10, 2003, it was denied as the arguments therein were mere rehash of the same arguments raised in the petition and which had already been passed upon and addressed at length by the appellate court in its decision. Hence, petitioner Tapispisan's recourse to this Court alleging that:

I

Respondent Court of Appeals committed serious error when it upheld the findings of the Civil Service Commission that protest will not lie in absence of appointment/promotion.

II

Respondent Court of Appeals committed serious error when it upheld the findings of the Civil Service Commission that the protest was filed out of time.

III

Respondent Court of Appeals committed serious error when it did not rule that the Transfer/Designation of respondents R[u]mbaoa and Teves made pursuant to the May 30, 199[5] Division Memorandum No. 33 were violative of COMELEC Resolution No. 2731 which expressly bans the transfer of officers and employees in the civil service during the election period designated from January 8, 1995 to June 7, 1995.[9]

The petition must fail.

Before addressing the issues raised by petitioner Tapispisan, it must be emphasized that prior to their designation, respondents Rumbaoa and Teves had been appointed as Head Teacher III and Master Teacher II, respectively. In his Order dated April 10, 1996, Secretary Gloria found these appointments to be in order. In particular, the appointment of respondent Teves as Master Teacher II was upheld, thus:

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> [W]e find that there was basis for her [respondent Myrna Teves] promotion to Master Teacher II, effective February 18, 1987, as shown by her Performance Efficiency Ratings, which have always been OUTSTANDING for five consecutive years, the several awards conferred upon her by civic organizations, the most significant one being the Outstanding Teacher of Pasay City in 1993, and more importantly, the recognition, trust and confidence reposed upon her by the DECS Division authorities in her competence and dedication as head of school through the designations given to be the OIC of another school when its head is on leave or on assignment elsewhere.[10]

Respondent Rumbaoa's appointment as Head Teacher III on March 15, 1995 was similarly upheld by Secretary Gloria, thus:

> As basis for her promotion, it is shown that the Performance Efficiency Ratings of respondent Rumbaoa for four consecutive school years, 1991-1995, were all OUTSTANDING, besides being recipient of several achievement awards for teaching excellence at the Villamor Air Base Elementary School. More so, respondent Rumbaoa ranked No. 2 in the Ranked List of Promotables for the school year 1993-1994, and the total points earned by her is 63.19 while that of complainant Tapispisan, for the same school year is only 53.38. Thus, even if the following school year, complainant Tapispisan ranked No. 4 in the Ranked List of Promotables, the same will not reduce or lessen the rank of respondent Rumbaoa already earned the previous year.
>
> More importantly, respondent Rumbaoa, taking into consideration her leading rank for promotables for the school year 1993-1994, and the other qualifications and achievements had already been promoted Elementary School [Head] Teacher III on March 15, 1995 prior to the holding of the qualifying examinations wherein complainant Tapispisan ranked No. 4. Therefore, there was no need for her to take the examination, having been already promoted to Elementary School [Head] Teacher III.[11]

The appointing power is vested in the Department Head/Secretary.[12] Such power, however, may be delegated to the regional director subject to the approval, revision, modification and reversal of the Department Secretary.[13] It is not disputed that the appointments of respondents Rumbaoa and Teves as Head Teacher III and Master Teacher II, respectively, had been made by the appropriate appointing authority. Further, such appointments were duly attested by the CSC, which, under the Constitution, is the central personnel agency of the government charged with the duty of determining questions of qualifications of merit and fitness of those appointed to the civil service.[14] The appointing officer and the CSC acting together, though not concurrently but consecutively, make an appointment complete.[15] Accordingly, the appointments of respondents Rumbaoa and Teves as Head Teacher III and Master Teacher II, respectively, are entitled to respect by the Court:

> ... [I]n the appointment or promotion of employees, the appointing authority considers not only their civil service eligibilities but also their performance, education, work experience, trainings and seminars attended, agency examinations and seniority. Consequently, the appointing authority has the right of choice which he may exercise freely according to his best judgment, deciding for himself who is best qualified among those who have the necessary qualifications and eligibilities. The final choice of the appointing authority should be respected and left undisturbed. Judges should not substitute their judgment for that of the appointing authority.[16]

The Court shall now address the contentions of petitioner Tapispisan regarding the designation of respondent Rumbaoa as OIC-Head Teacher of P. Villanueva Elementary School and respondent Teves as OIC-Principal of Don Carlos Elementary School. Petitioner Tapispisan insists that they are not qualified for the said positions contending that their names were not included in the 1994 Division List of Promotables because they obtained failing marks in the qualifying examination conducted for the school year 1994-1995. Moreover, while their designation appears to be temporary in nature, the intent to permanently appoint them to their respective assignments could be inferred from the tenor of Division Memorandum No. 33.

Petitioner Tapispisan's arguments fail to persuade. As correctly held by the CA, it can be gleaned from the following rules of the CSC that only appointments or promotions can be subject of a protest:

> Sec. 40. Who and Where a Protest May Be Filed. – A qualified next-in-rank employee may file his protest with the Commission or any of its Regional Offices where the protested appointment was acted upon, against such appointment made in favor of another if he is not satisfied with the written special reason or reasons given by the appointing authority for such appointment.
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> To be considered as a "qualified next-in-rank" the employee should have been appointed permanent to a position previously determined to be next-in-rank, and should meet the requirements for appointment thereto as previously determined by the appointing authority and approved by the Commission.
>
> ...
>
> Sec. 42. When to File Protest. – The protest may be filed with the Civil Service Commission within fifteen (15) days from notice by the protestant of the issuance of the appointment or promotion. The protestant shall furnish the appointing authority or the office concerned a copy of his protest and submit to the Commission proof of service thereof.
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> ...
>
> Sec. 47. Dismissal of Protest. – A protest shall be dismissed on any of the following grounds:
>
> ...
>
> (d) No appointment has actually been issued to the protestee ... .[17]

The CSC, in its Resolution No. 972501 dated April 14, 1997 dismissing petitioner Tapispisan's protest, declared that "only appointments/promotions and not designation can be the subject of a protest. Designation, being temporary in nature, does not amount to the issuance of an appointment, but is a mere imposition of additional duties."[18] This construction given by the CSC should be given great weight and respect. As this Court has time and again ruled: "[a]lthough technically not binding and controlling on the courts, the construction given by the agency or entity charged with the enforcement of a statute should be given great weight and respect, particularly so if such construction ... has been observed and acted on for a long period of time."[19]

Indeed, there is a marked difference between an appointment and a designation. The Court had the occasion to expound the distinction in this wise:

> Appointment may be defined as the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office. Designation, on the other hand, connotes merely the imposition by law of additional duties of an incumbent official ... . It is said that appointment is essentially executive while designation is legislative in nature.
>
> Designation may also be loosely defined as an appointment because it, likewise, involves the naming of a particular person to a specified public office. That is the common understanding of the term. However, where the person is merely designated and not appointed, the implication is that he shall hold the office only in a temporary capacity and may be replaced at will by the appointing authority. In this sense, the designation is considered only an acting or temporary appointment, which does not confer security of tenure on the person named.[20]

The designation of respondent Rumbaoa as OIC-Head Teacher of P. Villanueva Elementary School and respondent Teves as OIC-Principal of Don Carlos Elementary School merely imposed on them additional duties

on top of those corresponding to their incumbent positions at Villamor Air Base Elementary School. Such designation did not confer upon them security of tenure in the positions which they occupy in "acting" capacity. This point was underscored by Secretary Gloria as he explained that the designation of respondents Rumbaoa and Teves as OIC-Head Teacher and OIC-Principal, respectively, was temporary in nature, not a permanent transfer nor a promotion.

As a corollary, such designation did not violate Resolution No. 2731 dated December 5, 1994 of the Commission on Elections, which declared as a prohibited act the transfer of officers and employees in the civil service during the election period from January 8, 1995 up to June 7, 1995. Transfer is defined as "a movement from one position to another which is of equivalent rank, level or salary without break in service involving the issuance of an appointment."[21] The designation of respondents Rumbaoa and Teves did not involve a movement from one position to another. Neither did it involve the issuance of any appointment to the said positions in their favor. In fact, respondents Rumbaoa and Teves retained their incumbent positions at the Villamor Air Base Elementary School. As such, their designation could not be considered as a "transfer" within the meaning of a prohibited act during the election period.

Even granting arguendo that a protest may be properly lodged against a designation, petitioner Tapispisan's protest against the designation of respondents Rumbaoa and Teves on the ground that she is more qualified must still fail. In her 4th Indorsement[22] dated August 10, 1995, respondent Benzon, as Principal IV, Coordinating Principal of the South District, clarified that respondent Teves was considered for designation as OIC-Principal of Don Carlos Elementary School because of her orientation and training. Aside from occupying the position of Master Teacher II, respondent Teves carried with her three years of work experience as officer-in-charge of the same school. Respondent Benzon, likewise, justified the designation of respondent Rumbaoa as OIC-Head Teacher of P. Villanueva Elementary School stating that she was qualified therefor having been duly appointed Head Teacher III effective March 15, 1995. Further, she ranked No. 2 in the Division List of Promotables for the school year 1993-1994.

Respondent Benzon's explanations were well taken by respondent Sibug, Schools Division Superintendent, in his 5th Indorsement[23] dated August 15, 1995 and by respondent Rosas, Regional Director of the DECS for NCR in his 6th Indorsement[24] dated September 1, 1995, as both officials recommended the dismissal of petitioner Tapispisan's protest. As stated earlier, in his Order dated April 10, 1996, Secretary Gloria did dismiss petitioner Tapispisan's protest.

Clearly, the designation of respondents Rumbaoa and Teves was well within the prerogative of the said respondents DECS officials. It behooves the Court to refrain from unduly interfering with the exercise of such administrative prerogative. After all, it is well settled that administrative decisions on matters within the jurisdiction of administrative bodies are entitled to respect and can only be set aside on proof of grave abuse of discretion, fraud or error of law.[25] None of these vices has been shown as having attended the designation of respondents Rumbaoa and Teves.

Considering the foregoing disquisition, the Court no longer finds it necessary to resolve the issue relating to the timeliness of petitioner Tapispisan's protest.

In fine, the appellate court committed no reversible error when it affirmed the resolutions of the CSC dismissing the protest filed by petitioner Tapispisan and upholding the designation of respondent Rumbaoa as OIC-Head Teacher of P. Villanueva Elementary School and respondent Teves as OIC-Principal of Don Carlos Elementary School.

WHEREFORE, the petition is DENIED. The Decision dated December 12, 2002 and Resolution dated April 10,

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2003 of the Court of Appeals in CA-G.R. SP No. 45485 are AFFIRMED in toto.

SO ORDERED.

Davide, C.J., Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, and Chico-Nazario JJ., concur.
Puno, J., on official leave.
Garcia J., no part. Ponente at Court of Appeal

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[1] Penned by then Associate Justice Cancio C. Garcia (now a member of the Supreme Court), with Associate Justices Eloy R. Bello, Jr. (retired) and Sergio L. Pestaño, concurring.

[2] Rollo, p. 77.

[3] The provision reads in part:

SEC. 9. To ensure objectivity in promotion, a Selection/Promotion Board shall be established in every department or agency which shall be responsible for the adoption of a formal screening procedure and formulation of criteria for the evaluation of candidates for promotion.

Reasonable and valid standards and methods of evaluating the competence and qualifications of all employees competing for a particular position shall be established and applied fairly and consistently. The criteria established for evaluation of qualification of candidates for promotion must suit the job requirements of the position.

...

The Selection/Promotion Board shall likewise determine en banc the list of employees recommended for promotion from which the appointing authority may choose the employee to be promoted. In preparing the list, the Board shall see to it that the qualifications of employees recommended for promotion are comparatively at par and that they are best qualified from among the candidates.

As soon as the promotional appointment is issued, a notice announcing the promotion shall be posted by the head of the Personnel Division/department/office on the bulletin board of the department, agency or regional offices concerned.

The Selection/Promotion Board shall maintain records of deliberations which shall be available for inspection by the Commission or its duly-authorized representatives.

[4] Otherwise known as the Administrative Code of 1987.

[5] The provisions read:

SEC. 1. To insure that a person appointed in the career service can satisfactorily perform the duties and assume the responsibilities of the position to which he is being appointed, his fitness shall be initially determined by the appointing officer on the basis of the qualification standards established for the position.
For this purpose, qualification standards shall be established for all positions in the first and second levels.
SEC. 2. A qualification standard is a statement of the minimum qualifications for a position which shall include education, experience, training, civil service eligibility, and physical characteristics and personality traits required by the job.
SEC. 3. Qualification standards shall be used as basis for civil service examinations, as guides in appointments and other personnel actions, in the adjudication of protested appointments, in determining training needs, and as

aids in the evaluation of the personnel work programs of an agency.
SEC. 4. The Commission shall adopt qualification standards for service-wide positions in the first and second levels and shall review and update, whenever necessary, those already established. Each department or agency shall establish qualification standards for positions unique to the department or agency concerned and shall submit the same to the Commission for approval by the Commission. These qualification standards shall be effective 30 days from approval by the Commission. All employees of the department or agency shall be properly notified of this approval, notices of which shall be posted on the bulletin board of the department or agency concerned.
SEC. 5. Whenever necessary, the Commission shall provide technical assistance to departments and agencies in the development of their qualification standards.
SEC. 6. Until December 31, 1992, substitution of deficiencies in education, training or experience may be allowed interchangeably with one another, except for positions covered by special laws where minimum qualifications are prescribed. After December 31, 1992, no substitution shall be allowed.
SEC. 7. It shall be the responsibility of the departments and agencies to establish, administer and maintain the qualification standards on a continuing basis as an incentive to career advancement.

[6] Rollo, p. 94.

[7] Rollo, p. 69.

[8] Id. at 73.

[9] Rollo, pp. 260-261.

[10] Rollo, p. 91.

[11] Id. at 92.

[12] Umoso v. Civil Service Commission, G.R. No. 110276, 29 July 1994, 234 SCRA 617.

[13] Id. at 622.

[14] Civil Service Commission v. Tinaya, G.R. No. 154898, 16 February 2005, p. 7.

[15] Abella, Jr. v. Civil Service Commission, G.R. No. 152574, 17 November 2004, p. 9.

[16] Civil Service Commission v. De la Cruz, G.R. No. 158737, 31 August 2004, 437 SCRA 403.

[17] Civil Service Commission Resolution No. 94-0521entitled Uniform Rules of Procedure in the Conduct of Administrative Investigation.

[18] Rollo, p. 69.

[19] Dimaandal v. Commission of Audit, G.R. No. 122197, 26 June 1998, 291 SCRA 322.

[20] Sevilla v. Court of Appeals, G.R. No. 88498, 9 June 1992, 209 SCRA 637.

[21] Sec. 5, Rule VII of the Omnibus Rules Implementing Book V of Executive Order No. 292.

[22] Records, p. 85.

[23] Records, p. 87.

[24] Id. at 92.

[25] Bernardo v. Court of Appeals, G.R. No. 124261, May 27, 2004, 429 SCRA 285.

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