MARLA MACADAEG LAUREL, PETITIONER, VS. SOCIAL SECURITY SYSTEM, A BODY CORPORATE ACTING THROUGH THE SOCIAL SECURITY COMMISSION AND THE PHILIPPINE ASSOCIATION OF RETIRED PERSONS (...

G.R. No. 168707. September 15, 2010

Ponente: ABAD, J.

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ABAD, J.:

This case refers to the appropriate remedy in an administrative case where the penalty is final and inappealable.

The Facts of the Case

On January 30, 2002 Honesto General, a Social Security System (SSS) member and a representative of the Philippine Association of Retired Persons, charged some SSS officers and employees, including its Senior Vice-President for Administration, petitioner Marla M. Laurel, with grave misconduct, conduct gravely prejudicial to the best interest of the service, and gross neglect in the performance of duty before the Office of the Ombudsman.

General alleged that on August 1 and 2, 2001 Laurel and the others with her held concerted strikes within the premises of the SSS Main Office, demanding the resignation of then SSS President and Chief Executive Officer (CEO) Vitaliano Nañagas II. The mass actions, General said, paralyzed vital SSS services nationwide, causing serious prejudice to thousands of its members. The strikes, he claimed, were preceded by several demonstrations during noontime breaks and distribution of propaganda materials, including a group Manifesto which Laurel signed. After evaluating the charges, the Overall Deputy Ombudsman referred the matter to the Social Security Commission (SSC) for disposition.

Laurel countered that she had no part in the strike and that General charged her based on the guilty by association theory. Indeed, on June 14, 2001 she issued a Memorandum, advising all SSS officers and employees to avoid any action that could adversely affect their status and the SSS operations and to stay within the bounds of the law.

On June 14, 2002 General amended the complaint, alleging conspiracy among the defendants and attaching supplemental affidavits of witnesses, to which amendment Laurel objected. On July 26, 2001 Laurel issued another Memorandum, reminding SSS employees that they were prohibited from staging a strike and appealing to all officials and employees to peacefully settle the controversy.

On October 8, 2002 the SSC denied admission of General's amended complaint on the ground that the pieces of evidence he submitted did not sufficiently substantiate his allegation of conspiracy. Still, the SSC kept the supplemental and additional affidavits as part of the record for whatever they were worth.

Subsequently, on March 26, 2003 the SSC rendered a Decision in the case, finding Laurel guilty of simple neglect of duty and imposing on her a fine equivalent to one months salary. Feeling aggrieved, Laurel filed a petition for

certiorari with the Court of Appeals (CA) under Rule 65 in CA-G.R. SP 77267.

On March 11, 2005 the CA rendered a decision, denying Laurel's petition. The CA ruled that the proper mode of appeal for her is a petition under Rule 43, not a special civil action of certiorari. She, thus, filed the present petition.

The Issues Presented

The issues presented in this case are:

- Whether or not the CA erred in denying the petition on the technical ground it invoked; and

- Whether or not the SSC gravely abused its discretion in finding Laurel guilty of simple neglect of duty.

The Rulings of the Court

One. The CA found that, although Laurel's petition may have been meritorious, she pursued the wrong mode of appeal--a special civil action for certiorari under Rule 65. The SSC is a quasi-judicial agency and, therefore, its decisions are reviewable by petition for review under Rule 43. The CA committed a serious error.

Under the law, the decisions of heads of departments, agencies, and instrumentalities involving disciplinary actions against its officers and employees are final and inappealable when the penalty they impose is suspension for not more than 30 days or, as the SSC meted out to Laurel, a fine not exceeding 30 days salary.[1]

True, petitions for review under Rule 43 specifically cover decisions rendered by the SSC. But this applies only to SSC decisions where the remedy of appeal is available. Here, considering that the law regards the kind of penalty the SSC imposed on Laurel already final, she had no appeal or other plain, speedy and adequate remedy in the ordinary course of law against the decision of that body. Provided the SSC committed grave abuse of discretion in rendering the decision against her, Laurel can avail herself of the remedy of special civil action of certiorari under Rule 65.[2]

Two. To avoid multiplicity of actions, it would not do to remand the case to the CA for adjudication on its merits considering how the parties have raised the main issue before this Court and amply argued the same.

The SSC held that Laurel's actions proved that she was more than a mere bystander in the employees' restive actions at the SSS Main Office. The SSC relied on the affidavits of James Madrigal, a security guard in that office, and Ma. Luz Generoso, an SSS officer. Madrigal said that, at around 10:00 a.m. to 11:00 a.m. on August 1, 2001, Laurel came and asked to be let out of the SSS Main Office building. Once out, the strikers supposedly met her with loud cheers and applause. For her part, Generoso said that on August 1, 2001 at about 8:00 a.m., she saw Laurel with the SSS employees who barricaded the entrance to the Main Office building to prevent other employees from entering.

But, as it turned out, Generoso had no occasion to swear to her supposed affidavit. For this reason, the SSC could not take it on its face value.[3] Madrigal's statement, on the other hand, had been notarized without his knowledge. And he executed another affidavit on August 30, 2001,[4] belying what he previously said. He claimed that Atty. Antonette Fernandez, an SSS officer, prepared his previous affidavit and just had him sign it.

Besides the evidence of Madrigal and Generoso were inconclusive. Laurel explained[5] that the strikers tended to cheer any officer they knew to have expressed a desire that Nañagas be replaced. Thus, they cheered her when they saw her go out of the SSS building. As for Generoso's allegations, the same were rich with vague generalities. For one, she did not say that Laurel had taken part in barricading the entrance to the main office or that she had prevented anyone from going in.

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The SSC also regarded the July 15, 2001 Manifesto as a sign that Laurel encouraged the employees to engage in mass action. On the contrary, the Manifesto expressed Laurel's longing to see an end to the dispute between Nañagas and the SSS officers and employees. Laurel and other SSS officers were caught in the middle and had become targets of increasing animosities from the unyielding sides. They wanted to find a peaceful way to end it, prompting them to sign the Manifesto requesting then President Gloria Arroyo to just replace Nañagas as SSS President and CEO since he had declared that he was serving at the President's pleasure and so would not resign.

At any rate, the SSC found Laurel guilty of simple neglect of duty, meaning that she failed to pay attention to a task expected of her, signifying a disregard of a duty resulting from carelessness or indifference.[6] The nature of this particular neglect is, however, not clear. The fact is that on June 14, 2001 Laurel, together with the SSS Executive Vice-President and the Senior Vice-President for Legal and Collection issued a Memorandum[7] to all department heads, instructing them to advise their subordinates to continue observing office rules and regulations and avoid any actuation that could adversely affect their status and the operations of the SSS.

On July 26, 2001 Laurel and the Senior Vice-President for Legal and Collection issued a second Memorandum,[8] reminding all SSS officials and employees that they were prohibited from engaging in strikes and that the Civil Service Commission forbade mass absences without leave that would result in temporary stoppage of public service, acts that constitute grounds for administrative charges.

WHEREFORE, the Court GRANTS the petition and REVERSES and SETS ASIDE the assailed decision of the Court of Appeals in CA-G.R. SP 77267 dated March 11, 2005 and its Resolution dated June 27, 2005 as well as the decision of the Social Security Commission in Administrative Case 001-022 dated March 26, 2003, and ABSOLVES petitioner Marla Macadaeg Laurel of the charges against her.

SO ORDERED.

Carpio, Velasco, Jr.,[*] Peralta, and Del Castillo,[**] JJ., concur.

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[*] Designated as additional member in lieu of Associate Justice Antonio Eduardo B. Nachura, per Special Order 883 dated September 1, 2010.

[**] Designated as additional member in lieu of Associate Justice Jose Catral Mendoza, per raffle dated July 21, 2010.

[1] P.D. 807 (Providing for the Organization of the Civil Service Commission in accordance with Provisions of the Constitution, Prescribing its Powers and Functions and for other Purposes), Article IX, Section 37 (b).

[2] RULES OF COURT, Rule 65.

[3] Rollo, pp. 253-254.

[4] Id. at 235-237.

[5] Id. at 202.

[6] Zamudio v. Auro, A.M. No. P-04-1793, December 8, 2008, 573 SCRA 178, 185.

[7] Rollo, p. 211.

[8] Id. at 212.

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