

**PO2 RUEL C. MONTOYA PETITIONER, VS. POLICE DIRECTOR
REYNALDO P. VARILLA, REGIONAL DIRECTOR, NATIONAL CAPITAL
REGION, POLICE OFFICE AND ATTY. RUFINO JEFFREY L. MANERE,
REGIONAL L...**

G.R. No. 180146. December 18, 2008

Ponente: CHICO-NAZARIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-180146/>

CHICO-NAZARIO, J.:

This is a Petition for Review on Certiorari under Rule 45 of the Revised Rules of Court seeking to nullify and set aside the Decision[1] dated 9 August 2007 and Resolution[2] dated 18 October 2007 of the Court of Appeals in CA- G.R. SP No. 96022, which affirmed Resolutions No. 05-1200 and No. 06-1500 dated 24 August 2005 and 23 August 2006, respectively, of the Civil Service Commission (CSC), dismissing petitioner Police Officer 2 (PO2) Ruel C. Montoya from the police service.

The following are the factual antecedents:

Montoya, a member of the Philippine National Police (PNP), was assigned to the Central Police District (CPD) in Quezon City, when the National Police Commission (NAPOLCOM) issued Special Order No. 1044[3] on 9 September 1998 dropping him from the rolls, effective 15 August 1998, for failure to attend the Law Enforcement and Enhancement Course (LEEC) at the Special Training Unit, National Capital Region Police Office (NCRPO), Camp Bagong Diwa, Taguig City. Montoya had been absent without official leave (AWOL) for a period of 67 days, from 23 January 1998 to 31 March 1998.

On 15 December 1998, four months after he was dropped from the rolls, Montoya filed a Motion for Reconsideration thereof addressed to the PNP Regional Director for the National Capital Region (NCR), explaining that on 22 January 1998, he went to the Baler Police Station/Police Station 2 to have his Sick Leave Form approved by the station commander. Allegedly due to the fact that his name had already been forwarded to the NCRPO for the LEEC, his Sick Leave Form was not approved. Montoya averred that his failure to attend the LEEC was beyond his control, since he was suffering from arthritis with on and off symptoms of severe body pain. Montoya attached to his Motion a certification simply dated 1998, issued by a certain Dr. Jesus G. de Guzman, and authenticated by Police Chief Inspector (P/CINSP.) Ethel Y. Tesoro, Chief, Medical Service, CPD.

Upon the recommendation of the Chief of the NCRPO Legal Division, the NCR Regional Director issued on 11 June 1999 Special Order No. 990 canceling Special Order No. 1044. Montoya was also preventively suspended for 30 days, from 8 June to 8 July 1999, pending Summary Proceedings of his administrative liability. The 67 days when Montoya went on absence without leave (AWOL) were immediately deducted from his leave credits.

The Summary Dismissal Proceedings against Montoya were conducted by Hearing Officer Police Superintendent (P/Supt.) Francisco Don C. Montenegro of the Central Police District Office (CPDO), and based on his findings, the NCR Regional Director rendered a Decision[4] on 23 June 2000 dismissing Montoya from the police service

for Serious Neglect of Duty (due to AWOL), effective immediately. Montoya received a copy of said Decision on 20 July 2000.

Allegedly unassisted by counsel, Montoya filed on 1 August 2000 with the CPD office a Petition for Review/Motion for Reconsideration[5] of the 23 June 2000 Decision of the NCR Regional Director, which he addressed to the PNP Chief. In a Memorandum issued on 3 July 2002 by the Directorate for Personnel and Records Management of the PNP Headquarters, Montoya's Petition/Motion was denied for lack of jurisdiction, since a disciplinary action involving demotion or dismissal from service imposed by a PNP regional director may only be appealed to the Regional Appellate Board (RAB).

Montoya next filed on 2 September 2002 an appeal of the 23 June 2000 Decision of the NCR Regional Director before the RAB of the National Capital Region (RAB-NCR), alleging lack of due process considering that he was not even notified of any hearing by the Summary Hearing Officer and was thus deprived of the opportunity to present evidence in his defense. The Summary Hearing Officer in the Summary Dismissal Proceedings against him recommended his dismissal from police service based on his failure to report for the LEEC, without even looking into his side of the controversy.

On 11 December 2002, the RAB-NCR rendered its Decision[6] granting Montoya's appeal and ordering his reinstatement. Pertinent provisions of the said Decision read:

The Summary Hearing Officer (SHO), P/Supt. Francisco Don Montenegro, conducted the hearing ex-parte on the basis only of the Motion for Reconsideration filed by the [herein petitioner Montoya] in which he categorically stated that on January 22, 1998, when he went to Police Station 2 to have his sick leave form approved, he was informed that his name was already forwarded to NCRPO to undergo LEEC schooling. With that information, the SHO concluded that appellant, PO2 Montoya, should have proceeded to STU, NCRPO to inform his superior about his physical predicament. However, [Montoya] did nothing to have the officers of STU, NCRPO notified of his sickness in order that appropriate actions can be instituted. Sixty-seven days is too long for a period for [Montoya] to allow even one day of reporting to STU, NCRPO to present his Medical Certificate and seek proper action for his ailment. Thus, [Montoya] was ordered dismissed from the Police Service.

x x x x

This Board, after careful review and evaluation of the records and arguments/evidence presented by herein [Montoya] finds this appeal meritorious and tenable. Nothing on the records would show that [Montoya] was notified of the summary hearing conducted by the Summary Hearing Officer nor was he given a chance to explain his side and submit controverting evidence on his behalf. On the other hand, what appeared on the record is the fact that the Summary Hearing Officer, who was tasked to resolve this case, conducted the hearing ex-parte. Thereafter, he recommended for the [Montoya's] dismissal from the police service on the ground that the latter failed to inform his superiors about his physical predicament since [Montoya] did nothing to have the officers of STU, NCRPO notified of his sickness in order that appropriate actions can be instituted. Summary Hearing Officer further concluded that sixty-seven days is too long for a period (sic) for [Montoya] to allow even one day of reporting to STU, NCRPO to present his Medical Certificate and seek proper action for his ailment.

The RAB-NCR decreed in the end:

Wherefore, premises considered, the decision appealed from is hereby reversed and movant-appellant PO2 Ruel Catud Montoya is hereby ordered to be reinstated in the police service without loss of seniority rights and with full payment of his salaries and backwages covering the period effective from the time of his dismissal from the service up to his reinstatement.[7]

Thereafter, the NCR Regional Director authorized Police Senior Superintendent (P/SSupt.) Rufino Jeffrey L. Manere (Manere) to appeal several RAB-NCR decisions involving different police officers,[8] including the Decision dated 11 December 2002 on Montoya's case, before the Department of Interior and Local Government (DILG). The NCR Regional Director assailed the RAB-NCR decision reinstating Montoya in the police service on the following grounds:

a.

Failure to file a Notice of Appeal with the NCRPO prior to his appeal to the Appellate Board, as provided by Sec. 2, Rule III, MC # 91-007;

b.

The Board erred to take cognizance of the case despite the fact that the decision of the NCRPO dated 23 June 2000 had already become final and executory.

c. The Board erred in giving backwages despite the "no work, no pay" policy.

On 8 August 2003, Montoya, together with the other police personnel[9] reinstated in the service by RAB-NCR (hereinafter collectively referred to as Montoya, et al.), filed before the DILG an Urgent Motion to Dismiss and/or Opposition to the Appeal of the NCR Regional Director.

On 10 November 2003, DILG Secretary Jose D. Lina, Jr. issued an Order denying the appeal of the NCR Regional Director.[10] DILG Secretary Lina noted that the NCR Regional Director received a copy of the RAB-NCR decision on Montoya's case on 10 February 2003, but it only appealed the same to the DILG on 30 April 2003, beyond the 15-day reglementary period for appeals. DILG Secretary Lina also declared that neither Manere nor the NCR Regional Director has personality to appeal the RAB-NCR decision to the DILG. The right to appeal from the decision of the RAB to the DILG is available only to the active complainant or the respondent who was imposed a penalty of demotion in rank, forced resignation, or dismissal from the service. Manere, representing the NCR Regional Director, is not a party complainant or a respondent aggrieved by the adverse decision, hence, he cannot appeal the said decision. Similarly, there is no specific provision allowing the NCR Regional Director, in his capacity as the judge and/or arbiter of PNP disciplinary cases, to file an appeal to the DILG from the decision of the RAB. Finally, DILG Secretary Lina explained that the filing of an appeal by "either party" under Section 45 of Republic Act No. 6975[11] covers only demotion and dismissal from the service and never exoneration and suspension. Thus, the appeal of the RAB-NCR decision exonerating Montoya should be dismissed for lack of jurisdiction and for the reason that the said decision had already become final and executory. The dispositive portion of DILG Secretary Lina's decision reads:

WHEREFORE, the instant appeals are hereby denied for lack of merit. The assailed decisions of the Regional Appellate Board - National Capital Region, 4[th] Division, are hereby affirmed in toto.[12]

The NCR Regional Director, represented by Manere, appealed the Order dated 10 November 2003 of DILG Secretary Lina to the Civil Service Commission (CSC). The NCR Regional Director asserted its right to appeal citing Civil Service Commission v. Dacoycoy.[13]

On 23 March 2004, the NCR Regional Director issued Special Order No. 611 reinstating Montoya, et al., without prejudice to the pending appeal of the NCR Regional Director before the CSC.

Subsequently, the CSC issued on 24 August 2005 Resolution No. 05-1200 which recognized the right of the PNP disciplining authorities to appeal the decision of the RAB-NCR to the DILG. The CSC set aside the 10 November 2003 Order of DILG Secretary Lina and affirmed the decisions of the NCR Regional Director dismissing

Montoya, et al., from police service. According to the CSC, Montoya, in particular, was guilty of laches and abandonment of his position. It also held that the 11 December 2002 Decision of the RAB-NCR on Montoya's case, affirmed by DILG Secretary Lina, was based on mere affidavits which were not substantiated.

The CSC denied the Motion for Reconsideration of Montoya, et al., in Resolution No. 06-1500 dated 23 August 2006 for lack of new evidence or any valid reason that warrants the setting aside or modification of its Resolution No. 05-1200.

Montoya, et al., sought recourse to the Court of Appeals via a Petition for Certiorari under Rule 43 with Application for Temporary Restraining Order (TRO) and Preliminary Injunction, docketed as CA-G.R. SP No. 96022.

On 9 August 2007, the Court of Appeals promulgated its Decision dismissing CA-G.R. SP No. 96022, since there was no grave abuse of discretion on the part of the CSC in issuing Resolutions No. 05-1200 and No. 06-1500. The dispositive portion of said Decision states:

Wherefore this Court DENIES the instant petition and AFFIRMS Resolution No. 05-1200 dated August 24, 2005 and Resolution No. 06-1500 dated August 23, 2006 of the Civil Service Commission. Accordingly, the Order dated November 10, 2003 of the DILG Secretary Jose D. Lina, Jr. affirming the nine (9) decisions of the Regional Appellate Board reinstating [Montoya, et al.] to the police service is SET ASIDE. The decisions of the NCRPO Regional Director dismissing petitioners- police officers Enrique C. Paulino, Rebecca P. Fernandez, Donato L. Geda, Marlo S. Quiambao, Danilo De Leon Nuqui, Ruel C. Montoya, Cecilia Z. de Leon, Alberto S. Mendoza and Rodolfo C. de Leon are hereby AFFIRMED.[14]

Aggrieved, Montoya filed his own Motion for Reconsideration in CA-G.R. SP No. 96022, but it was denied by the Court of Appeals in its Resolution dated 18 October 2007.

Hence, the present Petition[15] in which Montoya raises the following issues:

- WHETHER OR NOT RESPONDENT MANERE FAILED TO EXHAUST ADMINISTRATIVE REMEDIES.
- WHETHER OR NOT MANERE HAS THE LEGAL PERSONALITY TO APPEAL THE DECISION EXONERATING THE PETITIONER.
- WHETHER OR NOT THE RIGHT TO DUE PROCESS OF PETITIONER WAS VIOLATED.
- WHETHER OR NOT PETITIONER DELAYED IN APPEALING THE DECISION SUMMARILY DISMISSING HIM.
- WHETHER OR NOT PETITIONER DESERVED TO BE DISMISSED FROM SERVICE.

The Court finds merit in the Petition at bar.

Though procedural rules in administrative proceedings are less stringent and often applied more liberally, administrative proceedings are not exempt from basic and fundamental procedural principles, such as the right to due process in investigations and hearings. The right to substantive and procedural due process is applicable to administrative proceedings.[16]

Well-settled is the rule that the essence of due process is simply an opportunity to be heard or, as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of.[17] Unarguably, this rule, as it is stated, strips down administrative due process to its most fundamental nature and sufficiently justifies freeing administrative proceedings from the rigidity of procedural requirements. In particular, however, due process in administrative proceedings has also been

recognized to include the following: (1) the right to actual or constructive notice of the institution of proceedings which may affect a respondent's legal rights; (2) a real opportunity to be heard personally or with the assistance of counsel, to present witnesses and evidence in one's favor, and to defend one's rights; (3) a tribunal vested with competent jurisdiction and so constituted as to afford a person charged administratively a reasonable guarantee of honesty as well as impartiality; and (4) a finding by said tribunal which is supported by substantial evidence submitted for consideration during the hearing or contained in the records or made known to the parties affected.[18]

Hence, even if administrative tribunals exercising quasi-judicial powers are not strictly bound by procedural requirements, they are still bound by law and equity to observe the fundamental requirements of due process. Notice to enable the other party to be heard and to present evidence is not a mere technicality or a trivial matter in any administrative or judicial proceedings.[19] In the application of the principle of due process, what is sought to be safeguarded is not lack of previous notice but the denial of the opportunity to be heard.[20]

In the instant case, the Summary Dismissal Proceedings against Montoya were flawed from the very beginning when these were conducted without due notice to him. The NCR Regional Director, through Manere, never contested the fact that the Hearing Officer proceeded with his investigation without giving notice to Montoya. Without notice, Montoya was unable to attend the hearings, present written or oral arguments, and submit evidence in his favor; he was completely deprived of the opportunity to be heard on the administrative charges against him and was irrefragably denied due process.

The cardinal precept is that where there is a violation of basic constitutional rights, courts are ousted from their jurisdiction. The violation of a party's right to due process raises a serious jurisdictional issue which cannot be glossed over or disregarded at will. Where the denial of the fundamental right of due process is apparent, a decision rendered in disregard of that right is void for lack of jurisdiction.[21] The rule must be equally true for quasi-judicial administrative bodies, for the constitutional guarantee that no man shall be deprived of life, liberty, or property without due process is unqualified by what type of proceedings (whether judicial or administrative) he stands to lose the same. Consequently, the Decision dated 23 June 2000 of the NCR Regional Director dismissing Montoya from service is void for having been rendered in violation of the latter's due process.

The foregoing finding of this Court precludes a ruling that Montoya delayed appealing the NCR Regional Director's Decision of 23 June 2000, and the said decision has already become final and executory.

The Court reviews the vital dates. Montoya was able to receive a copy of the 23 June 2000 Decision of the NCR Regional Director dismissing him from service on 20 July 2000. He erroneously filed his Petition for Review/Motion for Reconsideration with the PNP Chief on 1 August 2000. The PNP denied Montoya's Petition/Motion on 3 July 2002, two years after the filing thereof, citing lack of jurisdiction, considering that the proper appellate body is the RAB-NCR. Thus, Montoya was only able to file his appeal of the decision of the NCR Regional Director before the RAB-NCR on 2 September 2002.

Section 45 of Republic Act No. 6975, otherwise known as the DILG Act of 1990, provides:

SEC. 45. Finality of Disciplinary Action. - The disciplinary action imposed upon a member of the PNP shall be final and executory: Provided, That a disciplinary action imposed by the Regional Director or by the PLEB involving demotion or dismissal from the service may be appealed to the Regional Appellate Board within ten (10) days from receipt of the copy of the notice of decision: Provided, further, That the disciplinary action imposed by the Chief of the PNP involving demotion or dismissal may be appealed to the National Appellate Board within ten (10) days from receipt thereof: Provided, furthermore, That, the Regional or National Appellate Board, as the case may be, shall decide the appeal within sixty (60) days from receipt of the notice of appeal: Provided, finally, That failure of the Regional Appellate Board to act on the appeal within said period

shall render the decision final and executory without prejudice, however, to the filing of an appeal by either party with the Secretary. (Underscoring supplied.)

Obviously, Montoya's appeal on 2 September 2002 with the RAB-NCR, the appellate body with jurisdiction, was filed way beyond 10 days from his receipt of a copy of the NCR Regional Director's decision on 20 July 2000.

As a general rule, the perfection of an appeal in the manner and within the period permitted by law is not only mandatory but also jurisdictional, and the failure to perfect the appeal renders the judgment of the court final and executory.[22] The Court, however, reiterates its previous pronouncements herein that the Summary Dismissal Proceedings were conducted without notice to Montoya and in violation of his right to due process. The violation of Montoya's fundamental constitutional right deprived the NCR Regional Director of jurisdiction over Montoya's administrative case; and the decision rendered by the NCR Regional Director therein was void. A void judgment does not become final and executory and may be challenged at any time.

A decision of the court (or, in this case, a quasi-judicial administrative body) without jurisdiction is null and void; hence, it can never logically become final and executory. Such a judgment may be attacked directly or collaterally.[23] Any judgment or decision rendered notwithstanding the violation of due process may be regarded as a lawless thing which can be treated as an outlaw and slain at sight, or ignored wherever it exhibits its head.[24]

The Court also observes that it took the PNP two years to deny Montoya's Petition/Motion before it, even though the PNP Chief manifestly did not have jurisdiction over the same. While Montoya did err in first filing his appeal with the PNP Chief, the prompt denial thereof would have spurred Montoya to re-file his appeal sooner before the appropriate forum, the RAB- NCR.

As to the issue of whether the NCR Regional Director may appeal the Decisions dated 11 December 2002 and 10 November 2003 of the RAB-NCR and DILG Secretary Lina, respectively, the Court answers in the negative.

Prior to *Dacoycoy*, case law held that dismissal of the charges against or exoneration of respondents in administrative disciplinary proceedings is final and not subject to appeal even by the government. On 29 April 1999, the Court promulgated its Decision in *Dacoycoy*, in which it made the following pronouncements:

At this point, we have necessarily to resolve the question of the party adversely affected who may take an appeal from an adverse decision of the appellate court in an administrative civil service disciplinary case. There is no question that respondent *Dacoycoy* may appeal to the Court of Appeals from the decision of the Civil Service Commission adverse to him. He was the respondent official meted out the penalty of dismissal from the service. On appeal to the Court of Appeals, the court required the petitioner therein, herein respondent *Dacoycoy*, to implead the Civil Service Commission as public respondent as the government agency tasked with the duty to enforce the constitutional and statutory provisions on the civil service.

Subsequently, the Court of Appeals reversed the decision of the Civil Service Commission and held respondent not guilty of nepotism. Who now may appeal the decision of the Court of Appeals to the Supreme Court? Certainly not the respondent, who was declared not guilty of the charge. Nor the complainant George P. Suan, who was merely a witness for the government. Consequently, the Civil Service Commission has become the party adversely affected by such ruling, which seriously prejudices the civil service system. Hence, as an aggrieved party, it may appeal the decision of the Court of Appeals to the Supreme Court. By this ruling, we now expressly abandon and overrule extant jurisprudence that "the phrase 'party adversely affected by the decision' refers to the government employee against whom the administrative case is filed for the purpose of disciplinary action which may take the form of suspension, demotion in rank or salary, transfer, removal or dismissal from office" and not included are "cases where the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty days salary" or "when the respondent is exonerated of

the charges, there is no occasion for appeal." In other words, we overrule prior decisions holding that the Civil Service Law "does not contemplate a review of decisions exonerating officers or employees from administrative charges" enunciated in *Paredes v. Civil Service Commission*; *Mendez v. Civil Service Commission*; *Magpale v. Civil Service Commission*; *Navarro v. Civil Service Commission and Export Processing Zone Authority* and more recently *Del Castillo v. Civil Service Commission*.^[25] (Emphasis ours.)

Subsequently, the Court qualified its declarations in *Dacoycoy*. In *National Appellate Board of the National Police Commission v. Mamauag*,^[26] citing *Mathay, Jr. v. Court of Appeals*,^[27] this Court elucidated that:

RA 6975 itself does not authorize a private complainant to appeal a decision of the disciplining authority. Sections 43 and 45 of RA 6975 authorize "either party" to appeal in the instances that the law allows appeal. One party is the PNP member-respondent when the disciplining authority imposes the penalty of demotion or dismissal from the service. The other party is the government when the disciplining authority imposes the penalty of demotion but the government believes that dismissal from the services is the proper penalty.

However, the government party that can appeal is not the disciplining authority or tribunal which previously heard the case and imposed the penalty of demotion or dismissal from the service. The government party appealing must be one that is prosecuting the administrative case against the respondent. Otherwise, an anomalous situation will result where the disciplining authority or tribunal hearing the case, instead of being impartial and detached, becomes an active participant in prosecuting the respondent. Thus, in *Mathay, Jr. v. Court of Appeals*, decided after *Dacoycoy*, the Court declared:

To be sure, when the resolutions of the Civil Service Commission were brought before the Court of Appeals, the Civil Service Commission was included only as a nominal party. As a quasi-judicial body, the Civil Service Commission can be likened to a judge who should "detach himself from cases where his decision is appealed to a higher court for review."

In instituting G.R. No. 126354, the Civil Service Commission dangerously departed from its role as adjudicator and became an advocate. Its mandated function is to "hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments and to review decisions and actions of its offices and agencies," not to litigate.

While *Dacoycoy* established that the government could appeal the decision exonerating respondent public officer or employee from administrative charges, it was *Mamauag* which specifically required that the government party appealing must be the one prosecuting the case and not the disciplining authority or tribunal which heard the administrative case.

In the present case, Montoya appealed to the RAB-NCR the 23 June 2000 Decision of the NCR Regional Director dismissing him from service. The RAB-NCR, in its 11 December 2002 Decision, reversed the appealed decision of the NCR Regional Director and ordered Montoya's reinstatement. The NCR Regional Director then appealed the decision of the RAB-NCR to the Office of the DILG Secretary. DILG Secretary Lina, in his Decision dated 10 November 2003, affirmed the decision of the RAB-NCR. Once more, the NCR Regional Director filed an appeal with the CSC, where he was able to secure a favorable ruling.

It is beyond dispute that the NCR Regional Director was acting as the investigating and disciplining authority when he rendered his Decision dated 23 June 2000 dismissing Montoya from the service. The pronouncement in *Mamauag*, that the disciplining authority or tribunal which heard the case and imposed the penalty of demotion or dismissal should not be the one appealing the subsequent exoneration of the public officer or employee, squarely applies to the NCR Regional Director.

In *Pleyto v. Philippine National Police Criminal Investigation and Detection Group*,^[28] the Court explained:

It is a well-known doctrine that a judge should detach himself from cases where his decision is appealed to a

higher court for review. The *raison d'être* for such doctrine is the fact that a judge is not an active combatant in such proceeding and must leave the opposing parties to contend their individual positions and the appellate court to decide the issues without his active participation. When a judge actively participates in the appeal of his judgment, he, in a way, ceases to be judicial and has become adversarial instead.

The court or the quasi-judicial agency must be detached and impartial, not only when hearing and resolving the case before it, but even when its judgment is brought on appeal before a higher court. The judge of a court or the officer of a quasi-judicial agency must keep in mind that he is an adjudicator who must settle the controversies between parties in accordance with the evidence and the applicable laws, regulations, and/or jurisprudence. His judgment should already clearly and completely state his findings of fact and law. There must be no more need for him to justify further his judgment when it is appealed before appellate courts. When the court judge or the quasi-judicial officer intervenes as a party in the appealed case, he inevitably forsakes his detachment and impartiality, and his interest in the case becomes personal since his objective now is no longer only to settle the controversy between the original parties (which he had already accomplished by rendering his judgment), but more significantly, to refute the appellant's assignment of errors, defend his judgment, and prevent it from being overturned on appeal.

The NCR Regional Director, in actively appealing the reversal of his Decision, had inevitably forsaken his impartiality and had become adversarial. His interest was only in seeing to it that his decision would be reinstated.

The party who has the personality and interest to appeal the decisions of the RAB-NCR and DILG Secretary Lina exonerating Montoya from the administrative charges against him and reinstating him to the service is the PNP as a bureau. It was the PNP, in the exercise of its authority to implement internal discipline among its members, which instigated the administrative investigation of Montoya, so it may be deemed the prosecuting government party. And it is the PNP which stands to suffer as a result of the purportedly wrongful exoneration of Montoya, since it would be compelled to take back to its fold a delinquent member.

Given all of the foregoing, the Court upholds the decision of the RAB- NCR, affirmed by DILG Secretary Lina, reinstating Montoya to the service. It was only the RAB-NCR which properly acquired jurisdiction over the appeal filed before it and was able to render a decision after a consideration of both sides to the controversy. In *Go v. National Police Commission*,^[29] the Court already issued a caveat, worth reiterating herein:

We conclude that petitioner was denied the due process of law and that not even the fact that the charge against him is serious and evidence of his guilt is — in the opinion of his superiors — strong can compensate for the procedural shortcut evident in the record of this case. It is precisely in cases such as this that the utmost care be exercised lest in the drive to clean up the ranks of the police those who are innocent are denied justice or, through blunder, those who are guilty are allowed to escape punishment.

Before finally writing *finis* to this case, the Court still finds it necessary to address the remaining issue on the supposed failure of the NCR Regional Director to exhaust administrative remedies. Montoya argues that the NCR Regional Director failed to exhaust administrative remedies when he appealed the 10 November 2003 Decision of DILG Secretary Lina directly to the CSC, without first filing an appeal with the Office of the President.

Under the doctrine of exhaustion of administrative remedies, before a party is allowed to seek the intervention of the court, it is a pre-condition that he should have availed himself of all the means of administrative processes afforded him. Hence, if a remedy within the administrative machinery can still be resorted to by giving the administrative officer concerned every opportunity to decide on a matter that comes within his jurisdiction, then such remedy should be exhausted first before court's judicial power can be sought.^[30] The administrative agency concerned is in the best position to correct any previous error committed in its forum.^[31]

Montoya's reliance on the doctrine of exhaustion of administrative remedies is misplaced, for said doctrine does

not find application in the instant case. The doctrine intends to preclude premature resort from a quasi-judicial administrative body to the court. Such is not the situation in this case. Montoya is questioning the supposed premature resort of the NCR Regional Director from the decision of the DILG Secretary to the CSC, instead of to the Office of the President; obviously, he is challenging the resort from one administrative body to another.

Furthermore, Montoya's assertion that DILG Secretary Lina's decision should have first been appealed to the Office of the President before the CSC is baseless.

PNP personnel fall under the administrative control and supervision of the DILG,[32] which, in turn, is under the administrative control and supervision of the CSC.

In *Mendoza v. NAPOLCOM*,[33] the Court settled that the one and only Philippine police force, the PNP, shall be civilian in character[34] and, consequently, falls under the civil service pursuant to Section 2(1), Article IX-B of the Constitution, which states:

Section 2. (1). The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.

It is already explicitly provided in Section 45 of the DILG Act of 1990 that the decision of the Regional Director imposing upon a PNP member the administrative penalty of demotion or dismissal from the service is appealable to the RAB. From the RAB Decision, the aggrieved party may then appeal to the DILG Secretary.

Now the question is, from the DILG Secretary, where can the aggrieved party appeal?

In the event the DILG Secretary renders an unfavorable decision, his decision may be appealed to the CSC.[35]

Section 91 of the DILG Act of 1990 provides:

SEC. 91. Application of Civil Service Laws. - The Civil Service Law and its implementing rules and regulations shall apply to all personnel of the Department [DILG].

Consequently, case law on administrative disciplinary proceedings under the Civil Service Law also applies to administrative disciplinary proceedings against PNP members. The Civil Service Law referred to in Section 91 of the DILG Act of 1990 is Subtitle A, Title I, Book V of the Administrative Code of 1987 (E.O. No. 292). Section 47 of Chapter 6 thereof provides, inter alia, that in cases where the decision rendered by a bureau or office (i.e., RAB of the PNP) is appealable to the Commission, the same may initially be appealed to the department (i.e., DILG) and finally to the Commission (i.e., CSC).[36]

WHEREFORE, premises considered, the instant Petition for Review on Certiorari is GRANTED. The Decision dated 9 August 2007 and Resolution dated 18 October 2007 of the Court of Appeals in CA-G.R. SP No. 96022 are REVERSED and SET ASIDE. The Philippine National Police is ORDERED to reinstate petitioner PO2 Ruel C. Montoya to the police service without loss of seniority rights and with full payment of his salaries and backwages covering the period effective from the time of his dismissal from the service up to his reinstatement.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Carpio Morales, Azcuna, Tinga, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.

Corona, J., on official leave

[1] Penned by Associate Justice Marlene Gonzales-Sison with Associate Justices Juan Q. Enriquez, Jr. and

Vicente S.E. Veloso, concurring; rollo, pp. 90-106.

[2] Rollo, pp. 108-109.

[3] Id. at 40.

[4] Annex D.

[5] Rollo, pp. 45-51.

[6] RAB Case No. 2002-0088 SD; rollo, pp. 60-65.

[7] Id. at 65.

[8] SPO2 Enrique C. Paulino, SPO1 Rebecca P. Fernandez, SPO1 Donato L. Geda, PO2 Marlo S. Quiambao, PO3 Danilo de Leon Nuqui, SPO1 Cecilia Z. de Leon, SPO1 Alberto S. Mendoza and SPO1 Rodolfo C. de Leon.

[9] Id.

[10] The Order addressed all the appealed RAB-NCR decisions, but the Court shall only present herein the rulings particular to Montoya's case.

[11] An Act Establishing the Philippine National Police Under a Reorganized Department of the Interior and Local Government, and for Other Purposes; RA 6975 was later on amended by RA 8551, approved on 25 February 1998 and published in newspapers on 5 March 1998.

[12] CA rollo, p. 316.

[13] 366 Phil. 86 (1999).

[14] Rollo, p. 105.

[15] Montoya's co-petitioners in CA-G.R. SP No. 96022 have a separate pending petition with this Court, docketed as G.R. No. 180063.

[16] Civil Service Commission v. Lucas, 361 Phil. 486, 491 (1999).

[17] Westmont Pharmaceuticals, Inc. v. Samaniego, G.R. Nos. 146653-54, 20 February 2006, 482 SCRA 611, 619.

[18] Fabella v. Court of Appeals, 346 Phil. 940, 952-953 (1997).

[19] National Power Corporation v. National Labor Relations Commission, 339 Phil. 89, 107 (1997); citing Philippine National Construction Corporation v. Ferrer-Calleja, G.R. No. L-80485, 11 November 1988, 167 SCRA 294, 301.

[20] Vda. de Emnas v. Emnas, 184 Phil. 419, 424 (1980).

[21] State Prosecutors v. Muro, Adm. Matter No. RTJ-92-876, 19 September 1994, 236 SCRA 505, 522-523; see also Paulin v. Gimenez, G.R. No. 103323, 21 January 1993, 217 SCRA 386, 392.

[22] Videogram Regulatory Board v. Court of Appeals, 332 Phil. 820, 828 (1996).

[23] Laresma v. Abellana, G.R. No. 140973, 11 November 2004, 442 SCRA 156, 169.

[24] People v. Bocar, G.R. No. L-27935, 16 August 1985, 138 SCRA 166, 171.

[25] Civil Service Commission v. Dacoycoy, supra note 13 at 104-105.

[26] G.R. No. 149999, 12 August 2005, 466 SCRA 624, 641-642.

[27] 378 Phil. 466, 483-484 (1999).

[28] G.R. No. 169982, 23 November 2007, 538 SCRA 534, 549.

[29] 338 Phil. 162, 171 (1997).

[30] *Paat v. Court of Appeals*, 334 Phil. 146, 152-153 (1997).

[31] *Id.*

[32] The PNP, as a bureau, is now a part of the reorganized DILG. (*Cabada v. Alunan III*, 329 Phil. 669 [1996].)

[33] G.R. No. 139658, 21 June 2005, 460 SCRA 399.

[34] Section 6, Article XVI of the Constitution provides:

Section 6. The State shall establish and maintain one police force, which shall be national in scope and civilian in character, to be administered and controlled by a national police commission. The authority of local executives over the police units in their jurisdiction shall be provided by law.

[35] *Mendoza v. NAPOLCOM*, *supra* note 33.

[36] *Cabada v. Alunan, III*, *supra* note 32.

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.