

## CIVIL SERVICE COMMISSION, PETITIONER, VS. PO1 GILBERT FUENTES, RESPONDENT.

*G.R. No. 237322. January 10, 2023*

Ponente: LOPEZ, J., J.

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### LOPEZ, J., J.:

The role of the Civil Service Commission (Commission) as the government's central personnel agency lies at the core of its mandate. Accordingly, the Commission, generally has standing to bring an appeal before this Court as an aggrieved party in cases involving the reversal or modification of its decisions or resolutions.

For this Court's resolution is the Petition for Review on Certiorari dated March 23, 2018[1] assailing the Decision dated February 1, 2018[2] of the Court of Appeals in CA-G.R. SP No. 146854, which reversed the Decision dated March 31, 2016[3] and the Resolution dated July 5, 2016[4] of the Commission. The Commission affirmed the Decision dated March 18, 2011[5] and the Resolution dated August 30, 2013[6] of the National Police Commission, finding respondent Police Officer 1 Gilbert Fuentes (PO1 Fuentes) administratively liable for grave misconduct and meting upon him the penalty of dismissal from service.

### Facts

On September 29, 2004, at around 8:00 p.m., Oliver Pingol (Oliver) was on his way home from an off-track betting station in Obrero, Manila on board a maroon pick-up truck traversing along C. Name corner Bayani Streets, Caloocan, City.[7] He was with his friends, Andiemar Nolasco (Andiemar), Jonathan Nolasco (Jonathan), and Sergio DC Davin (Sergio).[8] During the same occasion, PO1 Fuentes, a member of the Philippine National Police, was seated at the back of a tricycle on his way home from duty. While driving along C. Name corner Bayani Streets in Caloocan City, the pick-up truck suddenly encountered a mechanical problem, which caused a traffic jam.[9] The tricycle stopped in front of the pick-up truck.[10] After Oliver fixed the pick-up truck, he started its engine, and when the truck started to move, it almost hit the tricycle in front.[11] PO1 Fuentes instructed the tricycle driver to stop, and after alighting therefrom, he confronted Oliver, who had also alighted from the truck. An altercation ensued which eventually led to Oliver's fatal shooting.[12]

Oliver's two companions succeeded in taking PO1 Fuentes' firearm and pointed the same at him. The two companions pulled the trigger twice, but the firearm misfired. PO1 Fuentes ran away and sought for assistance, while Oliver was rushed to the Our Lady of Grace Hospital in Caloocan City, and later transferred to the Chinese General Hospital, where he died after about one hour.[13]

Immediately, Nestor G. Pingol, Oliver's brother, filed an administrative case against PO1 Fuentes for grave misconduct before the National Police Commission's Inspection, Monitoring, and Investigation Services. In his Counter-Affidavit, PO1 Fuentes alleged that a maroon Isuzu pick-up truck driven by Oliver almost hit the back of the tricycle he was riding. Thus, PO1 Fuentes instructed the driver to stop and he got hold of his service firearm. Two unidentified persons also got hold of his service firearm and a scuffle for the possession thereof ensued. PO1 Fuentes fell to the ground. As a result, his firearm rang out and hit Oliver.[14]

In a Decision[15] dated March 18, 2011, the National Police Commission found PO1 Fuentes guilty of grave misconduct, aggravated by the use of a Philippine National Police-issued firearm, and meted the penalty of dismissal from the service. During the formal hearing, witnesses Edilberto Figueroa, Andiemar, Jonathan, and Sergio, all pointed to PO1 Fuentes as the person who shot Oliver. Thus, the National Police Commission concluded that the shooting of Oliver was supported by substantial evidence. The dispositive portion of the Decision states:

WHEREFORE, premises considered, the COMMISSION finds PO1 GILBERT FUENTES of the Kamining (sic) Police Station No. 10, Central Police District, Quezon City, culpable of Grave Misconduct, aggravated by the use of a PNP issued firearm. Respondent is hereby meted the penalty of DISMISSAL FROM THE SERVICE.

SO ORDERED.[16] (Emphasis in the original)

PO1 Fuentes moved for reconsideration,[17] contending that Oliver's shooting was merely accidental.[18] He interposed that the complainant's eyewitnesses were Oliver's companions and long-time friends and that Oliver, compared to him, was burly in built.[19] Finally, PO1 Fuentes raised inconsistencies in the testimonies of Andiemar and Jonathan, and that the two eyewitnesses were not cross-examined in the present case. In a Resolution[20] dated August 30, 2013, the National Police Commission denied PO1 Fuentes' motion for lack of merit.

Aggrieved, PO1 Fuentes appealed to the Commission, which rendered its Decision[21] dismissing PO1 Fuentes' appeal and affirming the National Police Commission decision. The Commission confirmed that the shooting of Oliver by PO1 Fuentes could not have been a mere accident but a deliberate act with intent to kill, which is classified as grave misconduct.[22] The Commission recognized: (1) through PO1 Fuentes' own testimony, the gun was still in his possession when Oliver was shot; (2) ballistics examination showed that test shells found in the crime scene matched with PO1 Fuentes' issued firearm; and (3) PO1 Fuentes was found "positive" with gunpowder nitrates per the qualitative examination on the paraffin casts taken from him.[23] Aside from these factual findings, the Commission also pointed out that the quantum of evidence in criminal cases is different from administrative cases, which requires only substantial evidence.[24] The dispositive portion of the Commission's Decision reads:

WHEREFORE, foregoing premises considered, the instant appeal of former PO1 Gilbert G. Fuentes is hereby DISMISSED. Accordingly, the Decision dated March 18, 2011 of the National Police Commission (NAPOLCOM), finding Fuentes guilty of Grave Misconduct and meting upon him the penalty of dismissal from the police service is hereby AFFIRMED.

It should be clarified herein that the penalty of dismissal carries with it the accessory penalties of perpetual disqualification to hold public office, forfeiture of retirement benefits, except accrued terminal leave benefits and personal contributions to GSIS, if any, cancellation of civil service eligibility, and bar from taking civil service examination.

A copy of this Decision shall be furnished the Office of the Ombudsman, the Commission on Audit – PNP, and the Integrated Records Management Office, this Commission, for information and appropriate action.

Quezon City.[25] (Emphasis in the original)

PO1 Fuentes moved for reconsideration,[26] but the Commission denied it in a Resolution.[27] Undaunted, PO1 Fuentes filed a Petition for Review[28] before the Court of Appeals under Rule 43 of the Rules of Court.

In a Decision[29] dated February 1, 2018, the Court of Appeals granted the Petition, and reversed the

Commission's earlier Decision. In a nutshell, the Commission ruled that while Oliver's death was regrettable, PO1 Fuentes unintentionally killed Oliver.[30] Oliver and his companions provoked PO1 Fuentes, who was forced to engage and draw his weapon.[31] The Commission exonerated PO1 Fuentes, viz.:

WHEREFORE, the foregoing considered, the present petition is hereby GRANTED and the assailed CSC Decision dated March 31, 2016 and Resolution dated July 8, 2016 [are] REVERSED and SET ASIDE. Accordingly, the present administrative complaint is hereby DISMISSED for lack of merit.

SO ORDERED.[32] (Emphasis in the original)

Hence, this Petition.

The Commission, through the Office of the Solicitor General, argues that PO1 Fuentes' act of using his service firearm either before and even during a traffic altercation was not necessary under the circumstances and was never justified.[33] Thus, the scuffle that resulted in the firing of the shot which hit Oliver was caused solely by PO1 Fuentes, who was in control and possession of the firearm.[34]

Issue

The sole issue in the present case is whether PO1 Fuentes was correctly dismissed from service for grave misconduct.

This Court's Ruling

This Court grants the Petition.

I.

An important requisite in the exercise of the power of judicial review is locus standi or standing to sue. As aptly discussed in *Atty. Lozano, et al. v. Speaker Nograles*:[35]

x x x Thus, generally, a party will be allowed to litigate only when he can demonstrate that (1) he has personally suffered some actual or threatened injury because of the allegedly illegal conduct of the government; (2) the injury is fairly traceable to the challenged action; and (3) the injury is likely to be redressed by the remedy being sought. In the cases at bar, petitioners have not shown the elemental injury in fact that would endow them with the standing to sue. Locus standi requires a personal stake in the outcome of a controversy for significant reasons. It assures adverseness and sharpens the presentation of issues for the illumination of the Court in resolving difficult constitutional questions. . . .[36]

Because of the flux of cases over the issue about the Commission's legal standing, We find it important to lay this issue to rest, once and for all.

A brief background of the evolution  
of the Commission's role in the  
constitutional order

Before the Commission became a commission created by constitutional fiat, it was first a Civil Service Board organized in the 1900s by Public Law No. 5, or An Act for the Establishment and Maintenance of Our Efficient and Honest Civil Service in the Philippine Island. Through Public Law No. 5, the second Philippine Commission established what is now known as our civil service system.[37] In 1905, the Board was reorganized into a bureau.[38]

With the advent of the 1935 Constitution, it firmly established the merit system as the basis for employment in government.[39] Section 1, Article XI of the 1935 Constitution mandated the creation, by law, of a Civil Service embracing all branches and subdivisions of the government.[40] Pursuant to the 1935 Constitution's mandate, the

legislature enacted Republic Act No. 2260, or the Civil Service Law, in 1959. The Civil Service Law converted the Bureau of Civil Service into the Civil Service Commission with department status.[41] Section 2, Article I of the law provides the Commission's general purpose, which is to "provide within the public service a progressive system of personnel administration to insure the maintenance of an honest, efficient, progressive and courteous civil service in the Philippines,"[42] among others.

Through the 1973 Constitution, the Commission was elevated to the status of a constitutional commission embracing every branch, agency, subdivision, and instrumentality of the Government, including every government-owned or controlled corporation. In 1975, Presidential Decree No. 807, or the Civil Service Decree of the Philippines, redefined the role of the Commission as the central personnel agency of the government. With a new redefined role, the Civil Service Decree, along with the 1973 Constitution's mandate, tasked the Commission "to set standards and to enforce the laws and rules governing the selection, utilization, training and discipline of civil servants." [43] Thus:

Section 2. It shall be the policy of the State to insure and promote the Constitutional mandate that appointment in the Civil Service shall be made only according to merit and fitness, to provide within the public service a progressive system of personnel administration, and to adopt measures to promote morale and the highest degree of responsibility, integrity, loyalty, efficiency, and professionalism in the Civil Service; that the Civil Service Commission shall be the central personnel agency to set standards and to enforce the laws and rules governing the selection, utilization, training and discipline of civil servants; that a public office is a public trust and public officers shall serve with the highest degree of responsibility, integrity, loyalty and efficiency and shall remain accountable to the people; and that action on personnel matters shall be decentralized, with the different departments and other offices or agencies of the government delegating to their regional offices or other similar units, powers and functions. (Emphasis supplied)

To be sure, integral to the role of the Commission as a central personnel agency is its task to enforce the laws and rules governing the discipline of civil servants. At present, under Article IX-B of the Constitution, the Commission joins the Commission on Elections and Commission on Audit in what is recognized as the "Constitutional Commissions"—a trifecta of power, independence, and bureaucratic strongholds. Without a doubt, these commissions occupy critical, vital, and crucial positions imbued with specialized roles and unique functions.

Accordingly, Section 3, Article IX-B of the Constitution provides the Commission's mandate:

SECTION 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs. (Emphasis supplied)

Markedly different from Section 2 of the 1973 Constitution is how the current Section 3 has been phrased. As currently worded, the Commission's role as the government's central personnel agency is now at the core of its mandate. From this overarching role stems all the others—the task to establish a career service, adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service, strengthen the merit and rewards system, integrate all human resources development programs, institutionalize a management climate conducive to public accountability, and report to the president and the congress. In line with this, Section 12, Chapter 3, Subtitle A, Title I, Book V of Executive Order No 292, otherwise known as the Administrative Code of 1987, enumerates the Commission's powers and functions:

SECTION 12. Powers and Functions.—The Commission shall have the following powers and functions:

- (1) Administer and enforce the constitutional and statutory provisions on the merit system for all levels and ranks in the Civil Service;
- (2) Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;
- (3) Promulgate policies, standards and guidelines for the Civil Service and adopt plans and programs to promote economical, efficient and effective personnel administration in the government;
- (4) Formulate policies and regulations for the administration, maintenance and implementation of position classification and compensation and set standards for the establishment, allocation and reallocation of pay scales, classes and positions;
- (5) Render opinion and rulings on all personnel and other Civil Service matters which shall be binding on all heads of departments, offices and agencies and which may be brought to the Supreme Court on certiorari;
- (6) Appoint and discipline its officials and employees in accordance with law and exercise control and supervision over the activities of the Commission;
- (7) Control, supervise and coordinate Civil Service examinations. Any entity or official in government may be called upon by the Commission to assist in the preparation and conduct of said examinations including security, use of buildings and facilities as well as personnel and transportation of examination materials which shall be exempt from inspection regulations;
- (8) Prescribe all forms for Civil Service examinations, appointments, reports and such other forms as may be required by law, rules and regulations;
- (9) Declare positions in the Civil Service as may properly be primarily confidential, highly technical or policy determining;
- (10) Formulate, administer and evaluate programs relative to the development and retention of qualified and competent work force in the public service;
- (11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. Officials and employees who fail to comply with such decisions, orders, or rulings shall be liable for contempt of the Commission. Its decisions, orders, or rulings shall be final and executory. Such decisions, orders, or rulings may be brought to the Supreme Court on certiorari by the aggrieved party within thirty (30) days from receipt of a copy thereof;
- (12) Issue subpoena and subpoena duces tecum for the production of documents and records pertinent to investigations and inquiries conducted by it in accordance with its authority conferred by the Constitution and pertinent laws;
- (13) Advise the President on all matters involving personnel management in the government service and submit to the President an annual report on the personnel programs;
- (14) Take appropriate action on all appointments and other personnel matters in the Civil Service including extension of Service beyond retirement age;
- (15) Inspect and audit the personnel actions and programs of the departments, agencies, bureaus, offices, local government units and other instrumentalities of the government including government-owned or controlled corporations; conduct periodic review of the decisions and actions of offices or officials to whom authority has been delegated by the Commission as well as the conduct of the officials and the employees in these offices and apply appropriate sanctions whenever necessary;

- (16) Delegate authority for the performance of any function to departments, agencies and offices where such function may be effectively performed;
- (17) Administer the retirement program for government officials and employees, and accredit government services and evaluate qualifications for retirement;
- (18) Keep and maintain personnel records of all officials and employees in the Civil Service; and
- (19) Perform all functions properly belonging to a central personnel agency and such other functions as may be provided by law. (Emphasis supplied)

As the catch-all phrase in the enumeration of the Commission's powers and functions, paragraph 19 gives the Commission the authority to "perform all functions properly belonging to a central personnel agency and such other functions as may be provided by law." Clearly, being a central personnel agency is at the heart of the Commission's creation.

Paragraphs 6 and 11 above also tell us that the Commission has the power to appoint and discipline its officials and employees in accordance with law, exercise control and supervision over the Commission's activities, and hear and decide administrative cases instituted by or brought before it directly or on appeal. Indeed, the Commission cannot thoroughly perform its constitutional mandate of being a central personnel agency without its power to discipline its officials and employees. In other words, the Commission's role of being a central personnel agency would be unduly crippled without its disciplinary power. For how can the Commission establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service if it was powerless to discipline its ranks? In the case at bench, we examine the Commission's disciplinary power in light of present laws and jurisprudence.

A survey of jurisprudence, starting  
with *Dacoycoy* and *Mathay, Jr.*

Since *Civil Service Commission v. Dacoycoy*[44] (*Dacoycoy*) and *Mathay, Jr. v. Court of Appeals*,[45] (*Mathay, Jr.*) our jurisprudence has been replete with varying decisions on whether quasi-judicial bodies — detached and impartial as they must be — can bring an appeal before this Court. Simply put, this Court will, once and for all, settle this issue by re-examining *Dacoycoy*, *Mathay, Jr.*, and jurisprudence beyond these two landmark cases.

*Dacoycoy* categorically abandoned this Court's earlier decisions ruling that the civil service law "does not contemplate a review of decisions exonerating officers or employees from administrative charges." [46] As a brief background, cases like *Paredes v. Civil Service Commission*[47] (*Paredes*) and *Mendez v. Civil Service Commission*[48] (*Mendez*) confirmed that under the Philippine Civil Service Decree, decisions exonerating officers or employees from administrative charges cannot be reviewed. In so abandoning *Paredes*, *Mendez*, and the like,[49] this Court also firmly expanded the scope of an aggrieved party and declared that, as a party adversely affected by the ruling of the Court of Appeals exonerating the respondent, the Commission may appeal the Court of Appeals' decision to this Court. Hence:

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, here 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*.<sup>[50]</sup>

Under such circumstances, the Commission becomes an aggrieved party — a party adversely affected by the Commission's ruling, which will "seriously prejudice the civil service system."<sup>[51]</sup> Borrowing the words of this Court then, "[w]ho 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."<sup>[52]</sup>

A little over seven months thereafter, this Court modified *Dacoycoy* by promulgating *Mathay, Jr.* In declaring that the Commission had no legal standing to bring an appeal before the Court, this Court drew a line between *Mathay, Jr.* and *Dacoycoy* by ruling that, while *Dacoycoy* involved nepotism — a case "whose deleterious effect on government cannot be overemphasized"<sup>[53]</sup> — *Mathay, Jr.* merely involved reinstatement, an issue that can hardly "impair the effectiveness of government."<sup>[54]</sup> This Court went on to explain the nature of the Commission as a quasi-judicial body with the role of an adjudicator — impartial and detached. If it were allowed to bring an appeal before this Court pertaining to an adverse decision by the Court of Appeals, the Commission would risk becoming an advocate, thus:

In this case, petitioner, Civil Service Commission seeks the reversal of the decision of the Court of Appeals of July 5, 1996, which overturned CSC Resolution Nos. 955040 and 932732 and held that the Civil Service Commission has no authority to compel the mayor of Quezon City to "reinstate" Jovito C. Labajo to the DPOS.

The standing of petitioner Civil Service Commission to bring this present appeal is questionable.

We note that the person adversely affected by the Court of Appeals decision, Jovito C. Labajo has opted not to appeal.

Basic is the rule that "every action must be prosecuted or defended in the name of the real party in interest." A real party in interest is the party who stands to be benefited or injured by the judgment in the suit, or the party entitled to the avails of the suit.

In *Ralla vs. Ralla*[.] we defined interest as "material interest, an interest in issue and to be affected by the decree, as distinguished from mere interest in the question involved, or mere incidental interest." As a general rule, one having no right or interest to protect cannot invoke the jurisdiction of the court as a party-plaintiff in an action.

In the case at bar, it is evident that Jovito C. Labajo, not the Civil Service Commission, is the real party in interest. It is Jovito C. Labajo who will be benefited or injured by his reinstatement or non-reinstatement.

We are aware of our pronouncements in the recent case of *Civil Service Commission v. Pedro Dacoycoy* which overturned our rulings in *Paredes vs. Civil Service Commission*, *Mendez vs. Civil Service Commission* and *Magpale vs. Civil Service Commission*. In *Dacoycoy*, we affirmed the right of the Civil Service Commission to bring an appeal as the aggrieved party affected by a ruling which may seriously prejudice the civil service system.

The aforementioned case, however, is different from the case at bar. *Dacoycoy* was an administrative case involving nepotism whose deleterious effect on government cannot be overemphasized. The subject of the present case, on the other hand, is "reinstatement."

We fail to see how the present petition, involving as it does the reinstatement or non-reinstatement of one obviously reluctant to litigate, can impair the effectiveness of government. Accordingly, the ruling in *Dacoycoy* does not apply.

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.

Therefore, we rule that the Civil Service Commission has no legal standing to prosecute G.R. No. 126354.[55]

The reasoning behind *Mathay, Jr.* is not difficult to comprehend. The Commission has been empowered as a disciplining authority whose mandate is judicial instead of adversarial. It is a judge more than a litigant. As the central personnel agency of the government,[56] the Commission has the power to hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decision and actions of its offices and the agencies attached to it.[57] Thus, in former Associate Justice Florida Ruth P. Romero's dissent in *Dacoycoy*, she gravely intoned:

The Civil Service Commission is the central personnel agency of the government. Corollarily, it is equipped with the power and function 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 the agencies attached to it. This is in consonance with its authority to pass upon the removal, separation and suspension of all officers and employees in the civil service and upon all matters relating to the conduct, discipline and efficiency of such officers and employees except as otherwise provided by the Constitution or by law. Sitting en banc, it is composed of a Chairman and two Commissioners who shall decide by a majority vote of all its Members any case or matter brought before it for resolution.

It is thus clear that the Civil Service Commission has been constituted as a disciplining authority. Such has always been the intent of the 1987 Constitution, the Revised Administrative Code of 1987 on the Civil Service Commission, as well as the Civil Service Law. In fact, the Proposed Civil Service Code of the Philippines seeks to provide that the Commission shall have concurrent original disciplinary jurisdiction over officials and employees, including Presidential appointees of the departments, agencies, bureaus, provinces, cities, municipalities, state colleges and universities, and instrumentalities, including government-owned or controlled corporations with original charters. Pursuant to its quasi-judicial function, it acts as an impartial tribunal in the resolution of the cases brought before it.

X X X X

The respondent, on the other hand, is any subordinate officer or employee. Nowhere can be found, expressly or impliedly, in Section 34 of Rule XIV of Omnibus Rules Implementing Book V of E.O. No. 292, the Commission as one of the parties, either as complainant or respondent in an administrative case. Logically and by necessary implication, it cannot [be] considered either a [complainant] or a respondent. Expressio imius est exclusio alterius. The express mention of one person, thing or consequence implies the exclusion of all others. Based on the foregoing, there is no other conclusion but that the Civil Service Commission is not a party to an administrative proceeding brought before it. As provided by Supreme Court Administrative Circular 1-95, decisions, orders or rulings of the Commission may be brought to the Supreme Court, now to the Court of Appeals, on certiorari by the aggrieved party. By inference, an aggrieved party is either the one who initiated the complaint before the Commission or the respondent, the person subject of the complaint. In fact, the question as to who is an "aggrieved party" has long been settled in a litany of cases. An aggrieved party in an administrative case is the government employee against whom an administrative complaint is filed. The Civil Service Commission is definitely not a government employee. Neither is it an agency against whom an administrative charge is filed. While it may be argued that, in a sense, the government is an "aggrieved party" in administrative proceedings before the Commission, it nevertheless is not the "aggrieved party" contemplated under P.D. No. 807 or the Civil Service Law.

Having established that the Civil Service Commission is not a party, much less an aggrieved party, then indubitably, it has no legal personality to elevate the case to the appellate authority. The Commission, therefore, has no legal standing to file the instant petition.

While admittedly, the Civil Service Commission is considered a nominal party when its decision is brought before the Court of Appeals, such is only a procedural formality. As with appellate processes, a nominal party is not the aggrieved party. Its inclusion as a party is based primarily on the fact that the decision, order or ruling it issued is being contested or assailed and secondarily, for purposes of enforcement. By analogy, the Commission[,] in the performance of its quasi-judicial functions[,] is just like a judge who should "detach himself from cases where his decision is appealed to a higher court for review. The *raison d'être* for such doctrine is that a judge is not an active combatant in such proceeding and must leave the opposing parties to contend their individual positions and for the appellate court to decide the issues without his active participation. By filing this case, petitioner in a way ceased to be judicial and has become adversarial instead." [58]

In 2011, the Commission revisited the Uniform Rules on Administrative Cases in the Civil Service (Uniform Rules) and promulgated the Revised Rules on Administrative Cases in the Civil Service (Revised Rules). In the Revised Rules, the Commission amended the definition of a party adversely affected to read:

j.

PARTY ADVERSELY AFFECTED refers to the respondent against whom a decision in an administrative case has been rendered or to the disciplining authority in an appeal from a decision reversing or modifying the original decision.

At present, the disciplining authority in an appeal from a decision reversing or modifying the original decision has been expressly categorized as a "party adversely affected."

The state of our jurisprudence beyond  
Dacoycoy and Mathay, Jr.

In 2013, this Court promulgated *Civil Service Commission v. Almojuela*, [59] (*Almojuela*) where the doctrine in *Dacoycoy* was expressly confirmed. *Almojuela* involved a police officer who the Commission found guilty of grave misconduct and meted the penalty of dismissal from service for colluding to facilitate an inmate's getaway. On appeal, the Court of Appeals initially affirmed the Commission's ruling. Later in an Amended Decision, the

Court of Appeals lowered the police officer's liability from grave to simple misconduct, with a penalty of three months' suspension. This led the Commission to file a Rule 45 petition with this Court questioning the Court of Appeals' decision. In declaring that the Commission has standing as a real party-in-interest and can appeal the Court of Appeals' decision modifying or reversing the Commission's rulings, inasmuch as said ruling would have an adverse impact on the integrity of the civil service, We ruled:

SJO2 Almojuela asserts that the CSC has no legal personality to challenge the CA's amended decision because it must maintain its impartiality as a judge and disciplining authority in controversies involving public officers. He implores the Court to reconsider its ruling in *Civil Service Commission v. Dacoycoy*, citing the arguments from Justice Romero's dissenting opinion.

More than ten years have passed since the Court first recognized in *Dacoycoy* the CSC's standing to appeal the CA's decisions reversing or modifying its resolutions seriously prejudicial to the civil service system. Since then, the ruling in *Dacoycoy* has been subjected to clarifications and qualifications, but the doctrine has remained the same: the CSC has standing as a real party in interest and can appeal the CA's decisions modifying or reversing the CSC's rulings, when the CA action would have an adverse impact on the integrity of the civil service. As the government's central personnel agency, the CSC is tasked to establish a career service and promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service; it has a stake in ensuring that the proper disciplinary action is imposed on an erring public employee, and this stake would be adversely affected by a ruling absolving or lightening the CSC-imposed penalty. Further, a decision that declares a public employee not guilty of the charge against him would have no other appellant than the CSC. To be sure, it would not be appealed by the public employee who has been absolved of the charge against him; neither would the complainant appeal the decision, as he acted merely as a witness for the government. We thus find no reason to disturb the settled *Dacoycoy* doctrine.

In the present case, the CSC appeals the CA's amended decision, which modified the liability the former meted against SJO2 Almojuela from grave misconduct to simple misconduct, and lowered the corresponding penalty from dismissal to three months suspension. Applying the *Dacoycoy* principles, the CSC has legal personality to appeal the CA's amended decision as the CA significantly lowered SJO2 Almojuela's disciplinary sanction and thereby prevented the CSC from imposing the penalty it deemed appropriate to impose on SJO2 Almojuela. The findings and conclusions below fully justify our liberal stance.[60] (Citations omitted, Emphases supplied)

From *Almojuela*, three factors impelled the Court's grant of the Commission's standing to appeal: (1) the Court of Appeals decision reversing or modifying the Commission is crucial for being seriously prejudicial to the civil service system; (2) apart from the Commission, no other person would appeal the Court of Appeals' decision; and (3) liberality.

In 2014, this Court promulgated *Light Rail Transit Authority v. Salvaña*,[61] where it reiterated *Almojuela* and confirmed the right of disciplining authorities to appeal from a decision exonerating the said employee or modifying the original decision, as stated in Section 4(k) of the Revised Rules. Hence:

Despite the limitation on the government party's right to appeal, this court has consistently upheld that right in *Dacoycoy*. In *Civil Service Commission v. Almojuela*, we stated that:

More than ten years have passed since the Court first recognized in *Dacoycoy* the CSC's standing to appeal the CA's decisions reversing or modifying its resolutions seriously prejudicial to the civil service system. Since then, the ruling in *Dacoycoy* has been subjected to clarifications and qualifications but the doctrine has remained the same: the CSC has standing as a real party in interest and can appeal the CA's decisions modifying or reversing the CSC's rulings, when the CA action would have an adverse impact on the integrity of the civil service. As the government's central personnel agency, the CSC is tasked to establish a career service and promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil

service; it has a stake in ensuring that the proper disciplinary action is imposed on an erring public employee, and this stake would be adversely affected by a ruling absolving or lightening the CSC-imposed penalty. Further, a decision that declares a public employee not guilty of the charge against him would have no other appellant than the CSC. To be sure, it would not be appealed by the public employee who has been absolved of the charge against him; neither would the complainant appeal the decision, as he acted merely as a witness for the government. We thus find no reason to disturb the settled *Dacoycoy* doctrine.

Indeed, recent decisions showed that this court has allowed appeals by government parties. Notably, the government parties' right to appeal in these cases was not brought up as an issue by either of the parties.

In *Civil Service Commission v. Yu*, this court allowed the Civil Service Commission to appeal the Court of Appeals' decision granting the reinstatement of a government employee whose appointment had been revoked by the Commission.

In *National Power Corporation v. Civil Service Commission and Tanfelix*, the National Power Corporation had previously filed an administrative complaint against one of its employees, Rodrigo Tanfelix, resulting in his dismissal from service. When the Civil Service Commission exonerated Tanfelix and the Court of Appeals affirmed the exoneration, the National Power Corporation was allowed to appeal.

These cases, however, allowed the disciplining authority to appeal only from a decision exonerating the said employee. In this case, respondent was not exonerated; she was found guilty, but the finding was modified. This court previously stated that:

If the administrative offense found to have been actually committed is of lesser gravity than the offense charged, the employee cannot be considered exonerated if the factual premise for the imposition of the lesser penalty remains the same.

*Dacoycoy*, *Philippine National Bank*, and the *URACCS* failed to contemplate a situation where the Civil Service Commission modified the penalty from dismissal to suspension. The erring civil servant was not exonerated, and the finding of guilt still stood. In these situations, the disciplinary authority should be allowed to appeal the modification of the decision.

....

Thus, we now hold that the parties adversely affected by a decision in an administrative case who may appeal shall include the disciplining authority whose decision dismissing the employee was either overturned or modified by the Civil Service Commission.

Subsequently, this Court rendered the 2017 case of *Ombudsman v. Gutierrez*.<sup>[62]</sup> (*Gutierrez*) Although this Court did not unambiguously side with *Mathay*, it echoed *National Police Commission v. Mamauag*<sup>[63]</sup> and *Pleyto v. Philippine National Police Criminal Investigation and Detection Group*,<sup>[64]</sup> both of which specified that the government party appealing must not be the quasi-judicial body that meted out the administrative sanction but the prosecuting body in the administrative case. *Gutierrez* then recognized that, while the Ombudsman may be a quasi-judicial body, the Constitution has bestowed upon it a special mandate with wide disciplinary authority that includes prosecutorial powers. In sum, *Gutierrez* clothed the Ombudsman with legal standing to intervene on appeal in administrative cases that it has resolved, owing to its special dual role of being a disciplining authority and prosecuting agency. Thus:

It would then appear that in not all administrative cases would the doctrine in *Dacoycoy* find application. On the other hand, *Mathay*, one of the cases relied upon by respondents, would pave the way for the Court's rulings in *National Police Commission v. Mamauag* (*Mamanag*) and *Pleyto v. Philippine National Police Criminal Investigation and Detection Group* (*Pleyto*) that would clarify the *Dacoycoy* doctrine, specifying that

the government party appealing must not be the quasi-judicial body that meted out the administrative sanction, but the prosecuting body in the administrative case.

In the 2005 case of *Mamauag*, the Court held that:

x x x [T]he 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.

And in the 2007 ruling in *Pleyto*:

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.

Later, in the 2008 case of *Office of the Ombudsman v. Samaniego (Samaniego)*, the Court En Banc rendered judgment covering the decisions of the Ombudsman in administrative cases that is in tune with both *Dacoycoy* and *Mathay*. The Court ratiocinated in *Samaniego* that aside from the Ombudsman being the disciplining authority whose decision is being assailed, its mandate under the Constitution also bestows it wide disciplinary authority that includes prosecutorial powers. Hence, it has the legal interest to appeal a decision reversing its ruling, satisfying both the requirements of *Dacoycoy* and *Mathay*. As elucidated in the case:

The Office of the Ombudsman sufficiently alleged its legal interest in the subject matter of litigation. Paragraph 2 of its motion for intervention and to admit the attached motion to recall writ of preliminary injunction averred:

2. As a competent disciplining body, the Ombudsman has the right to seek redress on the apparently erroneous issuance by this Honorable Court of the Writ of Preliminary Injunction enjoining the implementation of the Ombudsman's Joint Decision imposing upon petitioner the penalty of suspension for one (1) year, consistent with the doctrine laid down by the Supreme Court in *PNB [vs.] Garcia x x x* and *CSC [vs.] Dacoycoy x x x*; ([C]itations omitted; emphasis in the original)

In asserting that it was a "competent disciplining body," the Office of the Ombudsman correctly summed up its legal interest in the matter in controversy. In support of its claim, it invoked its role as a constitutionally mandated

"protector of the people," a disciplinary authority vested with quasi-judicial function to resolve administrative disciplinary cases against public officials. To hold otherwise would have been tantamount to abdicating its salutary functions as the guardian of public trust and accountability.

Moreover, the Office of the Ombudsman had a clear legal interest in the inquiry into whether respondent committed acts constituting grave misconduct, an offense punishable under the Uniform Rules in Administrative Cases in the Civil Service. It was in keeping with its duty to act as a champion of the people and preserve the integrity of public service that petitioner had to be given the opportunity to act fully within the parameters of its authority.

x x x x

Both the CA and respondent likened the Office of the Ombudsman to a judge whose decision was in question. This was a tad too simplistic (or perhaps even rather disdainful) of the power, duties and functions of the Office of the Ombudsman. The Office of the Ombudsman cannot be detached, disinterested and neutral specially when defending its decisions. Moreover, in administrative cases against government personnel, the offense is committed against the government and public interest. What further proof of a direct constitutional and legal interest in the accountability of public officers is necessary?

Despite the En Banc's clear pronouncement in *Samaniego*, seeming departures from the doctrine may be observed in the later rulings of *Office of the Ombudsman v. Magno* (*Magno*) (2008), *Office of the Ombudsman v. Sison* (*Sison*) (2010), and *Office of the Ombudsman v. Liggayu* (*Liggayu*) (2012). Intervention by the Ombudsman was denied in these cases, citing *Mathay*, *Mamauag*, and *Pleyto* as precedents. Nevertheless, the Court would cement its position on the issue and would uphold *Samaniego* in *Office of the Ombudsman v. [D]e Chavez* (2013) and *Office of the Ombudsman v. Quimbo* (*Quimbo*) (2015). As the Court ruled in *Quimbo*:

The issue of whether or not the Ombudsman possesses the requisite legal interest to intervene in the proceedings where its decision is at risk of being inappropriately impaired has been laid to rest in *Ombudsman vs. De Chavez*. In the said case, the Court conclusively ruled that even if the Ombudsman was not impleaded as a party in the proceedings, part of its broad powers include defending decisions before the CA. And pursuant to Section 1 of Rule 19 of the Rules of Court, the Ombudsman may validly intervene in the said proceedings as its legal interest on the matter is beyond cavil. ([E]mphasis added)

Thus, as things currently stand, *Samaniego* remains to be the prevailing doctrine. The Ombudsman has legal interest in appeals from its rulings in administrative cases. Petitioner could not then be faulted for filing its Omnibus Motion before the appellate court in CA-G.R. SP No. 107551.[65]

To justify the difference in treatment between other quasi-judicial bodies', including the Commission's, right to appeal versus that of the Ombudsman's, Gutierrez may have attempted to distinguish between the Commission's role as disciplining authority vis-à-vis the Ombudsman's role of being both a disciplinary authority and an agency imbued with prosecutorial powers. Yet, when it comes to both quasi-judicial agencies' exercise of administrative power, this Court finds no real difference. True, the Office of the Ombudsman is not simply a disciplining authority but also an agency imbued with prosecutorial powers. This is clear from the enumeration of its powers, functions, and duties under Article XI of the Constitution:

SECTION 13. The Office of the Ombudsman shall have the following powers, functions, and duties:

- (1) Investigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient.
- (2) Direct, upon complaint or at its own instance, any public official or employee of the Government, or any

subdivision, agency or instrumentality thereof, as well as of any government-owned or controlled corporation with original charter, to perform and expedite any act or duty required by law, or to stop, prevent, and correct any abuse or impropriety in the performance of duties.

(3) Direct the officer concerned to take appropriate action against a public official or employee at fault, and recommend his removal, suspension, demotion, fine, censure, or prosecution, and ensure compliance therewith.

(4) Direct the officer concerned, in any appropriate case, and subject to such limitations as may be provided by law, to furnish it with copies of documents relating to contracts or transactions entered into by his office involving the disbursement or use of public funds or properties, and report any irregularity to the Commission on Audit for appropriate action.

(5) Request any government agency for assistance and information necessary in the discharge of its responsibilities, and to examine, if necessary, pertinent records and documents.

(6) Publicize matters covered by its investigation when circumstances so warrant and with due prudence.

(7) Determine the causes of inefficiency, red tape, mismanagement, fraud, and corruption in the Government and make recommendations for their elimination and the observance of high standards of ethics and efficiency.

(8) Promulgate its rules of procedure and exercise such other powers or perform such functions or duties as may be provided by law. (Emphasis supplied)

The foregoing paragraph is reiterated in Section 2, Subtitle B, Title II, Book V of the Administrative Code of 1987. Unlike the Commission, the Office of the Ombudsman has been specifically mandated both by law and the Constitution to investigate on its own, or on complaint by any person, any act or omission of any public official, employee, office or agency, when such act or omission appears to be illegal, unjust, improper, or inefficient. Hand in hand with this investigatory power is its prosecutory power under Section 13[66] of Republic Act No. 6770, or the Ombudsman Act of 1989. This apparent nuance between the Office of the Ombudsman's role and that of the Commission's may explain why Gutierrez has vested the Office of the Ombudsman with the legal standing to appeal a decision reversing or modifying its ruling while disallowing other quasi-judicial bodies the same privilege.

Yet, as eloquently addressed by Chief Justice Alexander G. Gesmundo, the variance in legal effects and procedural framework in the Ombudsman's roles in administrative and criminal proceedings warrant different treatments.[67] While the Ombudsman's prosecutorial powers have specific application to criminal cases, the legal standing of the Ombudsman and the Commission to challenge a reversal of their respective rulings in administrative cases comes from their status as disciplining authority.[68] Thus:

The Ombudsman's prosecutorial powers has specific application to criminal cases, and not to administrative cases. Black's Law Dictionary states that to prosecute means "to proceed against a person criminally" such that a prosecutor is one who "prosecutes another for a crime in the name of the government" or "instigates a prosecution by making affidavit charging a named person with the commission of a penal offense." Recognizing the difference of the Ombudsman's roles, the Court in *Fabian v. Desierto* (1998) emphasized thus: "the rule that the Court should not interfere with the discretion of the Ombudsman in prosecuting or dismissing a complaint is not applicable in this administrative case." Verily, the Ombudsman's prosecutorial powers should be understood as pertaining to its function in a criminal proceeding, particularly in determining whether there is probable cause to file criminal charges against the respondent. Its determination of probable cause may be assailed only if there is grave abuse of discretion. Hence, the fact that the Ombudsman is granted prosecutorial powers is inconsequential to its having legal interest to question the reversal of its decisions in administrative cases.

In contrast, the Ombudsman in administrative cases acts not as a prosecutor but as the disciplining authority. Its decisions in such capacity are even final and unappealable when it absolves a respondent of the charge or imposes a penalty that does not exceed a one-month suspension.

The distinction between these two roles is further highlighted by the difference in procedural remedies available to question the Ombudsman's edicts. As stated in *Yangco v. Office of the Deputy Ombudsman for Luzon*, the Court has "repeatedly pronounced that the Ombudsman's orders and decisions in criminal cases may be elevated to the Court in a Rule 65 petition, while its orders and decisions in administrative disciplinary case may be raised on appeal to the CA" via a Rule 43 petition. Even when the Ombudsman releases a consolidated ruling on the administrative and criminal aspects, each aspect must be assailed separately.[69] (Citations omitted)

Nonetheless, and as pointed out by Associate Justice Rodil V. Zalameda, this Court did not even consider the Commission's standing, or lack thereof, as an issue in several judicial pronouncements.[70] The Court has been consistently resolving cases on the merits without any discussion on the matter of standing.[71] This is a clear and unequivocal recognition of the Commission's legal interest and standing to file appeals in cases involving a reversal or modification of their decisions.[72]

In any event, majority of the Commission's cases generally involve issues such as whether the decision will seriously prejudice the civil service system, will impair the effectiveness of government, has a deleterious effect on the government, or has an adverse impact on the integrity of the civil service. As the central personnel agency of the government, these scenarios justify the Commission's standing to bring an appeal before this Court as an aggrieved party affected by the reversal or modification of its decisions. In fact, both the 2020 cases of *Civil Service Commission v. Rodriguez*[73] and *Civil Service Commission v. Dampilag*[74] have allowed the Commission to appeal.

The rules as they now stand

The general rule is clear—the Commission can bring an appeal before this Court as an aggrieved party affected by the Court of Appeals' ruling. With the invaluable contribution of Justice Zalameda, the Court declares the following rules:

- Generally, the Commission has standing to bring an appeal before this Court as an aggrieved party affected by the reversal or modification of its decisions;
- As an exception, this Court can dismiss the petition filed by the Commission if an opposing party clearly shows that the Commission has no standing to bring the appeal—such as when the decision will not seriously prejudice the civil service system, will not impair the effectiveness of government, does not have a deleterious effect on the government, or does not have an adverse impact on the integrity of the civil service;
- In any event, the appointing authority, prosecuting agency, appointee, or private complainant in appropriate cases is not precluded from elevating a decision adverse to them for review.

In the present case, this Court applies the general rule that the Commission can bring an appeal as an aggrieved party.

## II.

At the outset, the Court of Appeals' findings of fact are conclusive,[75] but this rule does not apply when the findings of fact of two bodies are conflicting.[76] Here, the factual findings of both the Commission and the Court of Appeals disagree with each other. In line with this, this Court notes that "findings of facts of administrative agencies, such as the [Commission], if based on substantial evidence, are controlling on the reviewing court." [77]

Civil Service Commission v. Dampilag<sup>[78]</sup> (Dampilag) explained:

Prefatorily, findings of facts of administrative agencies, such as the CSC, if based on substantial evidence, are controlling on the reviewing court. The CSC are better equipped in handling cases involving the employment status of employees in the Civil Service since it is within the field of their expertise. Moreover, it is not the function of the Supreme Court in a Rule 45 petition to analyze and weigh all over again the evidence presented before the lower court, tribunal or office. One of the recognized exceptions to this rule is when the findings of the CA are contrary to those of the lower court, tribunal or office, as in this case.

The CA exonerated Dampilag on the basis of absence of evidence on the records that will support the CSC's conclusion that there exists significant differences between the signatures of Dampilag in the PSP and in the PDS. According to the CA, since a copy of the PSP and the PDS were not made part of the records, "the alleged differences remain a mystery to th[e] [c]ourt." Thus, the CA decided on Dampilag's guilt based on the evidence presented before it — the several affidavits and certifications which bore Dampilag's signature and executed over different dates. After careful examination, the CA concluded that Dampilag's signatures indeed vary over time.

In this petition, the CSC implores this Court to reverse the CA because the charges against Dampilag are well substantiated by evidence.

We rule in favor of the CSC.<sup>[79]</sup> (Citations omitted)

To be sure, administrative agencies have special knowledge and expertise over matters falling within their jurisdiction.<sup>[80]</sup> Naturally, they would be in a better position to pass judgment on such matters, and accordingly, the courts accord great respect — even finality — to administrative agencies' findings of fact.<sup>[81]</sup> As long as these findings are supported by substantial evidence, the findings of fact of administrative agencies must be respected.<sup>[82]</sup> As the Court has declared, "[i]t is not the task of an appellate court to weigh once more the evidence submitted before the administrative body and to substitute its own judgment for that of the administrative agency in respect of sufficiency of evidence."<sup>[83]</sup>

Similar to Dampilag,<sup>[84]</sup> the Commission is imploring this Court to reverse the Court of Appeals because the charge against respondent was substantiated by evidence. In the same manner as how this Court decided Dampilag, We rule in the Commission's favor.

In the case at bench, the Commission charged PO1 Fuentes with grave misconduct before the National Police Commission. Misconduct is defined as an "intentional wrongdoing or deliberate violation of a rule of law or standard of behavior."<sup>[85]</sup> To qualify as an administrative offense, the misconduct should relate to or be connected with the public officer's performance of his or her official functions and duties.<sup>[86]</sup> The misconduct is considered grave if it involves any of the additional elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule.<sup>[87]</sup>

Here, the Commission found that when Pingol's truck almost hit the tricycle, the incident irked PO1 Fuentes.<sup>[88]</sup> He immediately pointed, shouted, and berated Pingol, who tried to signal an apology for the incident.<sup>[89]</sup> Despite Pingol's apologetic gestures, PO1 Fuentes alighted from the tricycle and suddenly drew a gun and shouted, "Gago ka."<sup>[90]</sup> Pingol also alighted from the truck and asked PO1 Fuentes, "Ano ba problema, pre?"<sup>[91]</sup> PO1 Fuentes suddenly poked and pointed his drawn gun.<sup>[92]</sup> Pingol raised his arms while trying to go near PO1 Fuentes when a shot rang out.<sup>[93]</sup> As it turned out, Pingol had already been hit in the stomach.<sup>[94]</sup> Pingol tried to grab the handgun from respondent and shouted for help from his companions.<sup>[95]</sup> Both PO1 Fuentes and Pingol fell on the pavement while grappling for the gun.<sup>[96]</sup> Seeing that Pingol had been shot, Jonathan and Davin rushed to the scene and assisted Pingol in taking the handgun away from PO1 Fuentes.<sup>[97]</sup> Meanwhile, Andiemar tried to seek assistance from their neighborhood.<sup>[98]</sup>

Under no circumstance should PO1 Fuentes have had any use for his service firearm, considering that a mere traffic incident transpired. Yet, the altercation between PO1 Fuentes and Pingol became heated enough for PO1 Fuentes to draw his firearm. At this point, neither Pingol nor his friends were armed. The facts also do not show that Pingol's friends chimed in at the inception of PO1 Fuentes and Pingol's argument. What is clear is that Pingol's friends only entered the picture when Pingol and PO1 Fuentes were already grappling for possession of PO1 Fuentes' firearm and after Pingol had already been shot. Even defensively, this Court can see no reason for PO1 Fuentes to have used his firearm. As a member of the Philippine National Police armed with sufficient training and expertise, PO1 Fuentes was in the best position to know that in no way can a traffic incident justify the use of a firearm, which can only make the circumstance worse. The fact that respondent possessed a service firearm was not a license for him to use it any time he pleased. As a police officer, PO1 Fuentes wielded a great deal of power, which, at all times, must be balanced against the responsibility that comes with the endowment of such a destructive weapon. Needless to say, a traffic incident can be assuaged in other ways.

Section 6, Article XVI of the 1987 Constitution provides that the State shall establish and maintain one police force, which shall be national in scope and civilian in character. In line with this, Section 2 of Republic Act No. 6975, or the Department of the Interior and Local Government Act of 1990, enunciates that it is the policy of the state to promote peace and order, ensure public safety, and further strengthen local government capability aimed towards the effective delivery of basic services to the citizenry. These shall be accomplished through the establishment of a "highly efficient and competent police force that is national in scope and civilian in character." [99]

Accordingly, private citizens repose a high degree of trust and confidence on police officers to promote peace and order and ensure public safety, among others. Along with the civilian character of the police force, private citizens surrender a portion of their vulnerability to police officers. If police officers were allowed to violate the law and disregard established rules at the expense of the people they have sworn to protect, they risk eroding the trust reposed on them by the citizens. As held in *Dela Cruz v. National Police Commission*, [100] this Court will not tolerate abuse of police authority over civilians.

PO1 Fuentes' act of drawing his service firearm in a situation that did not call for it — and especially in a situation that necessitated other measures — is an act of misconduct. He must be held responsible for the subsequent events that followed. When he shot Pingol, which eventually caused Pingol's death, a deliberate violation of a rule of law was already committed. Indeed, police officers are mandated under Section 2 of R.A. No. 6975 to promote peace and order and ensure public safety. They should not be the first to rush into senseless violence and needless intimidation. It bears reiterating that the incident emanated from Pingol's truck almost hitting the tricycle that PO1 Fuentes was riding. PO1 Fuentes had no trouble admitting this, as stated in his Comment dated August 1, 2018: [101]

In fact, the shooting incident simply started from the act of the victim's group of tailing the tricycle where the respondent was riding. Undoubtedly, it was the victim and his companions who started the incident. Had the victim's (sic) not tailed the tricycle, then the incident could not have happened. Clearly and squarely, the provocation was initiated by the group of the victim. [102]

The foregoing begs the question — was Pingol's act of tailing the tricycle a provocation sufficient enough for PO1 Fuentes to have gripped his gun? This Court does not find so. Instead of exerting efforts to control the situation, PO1 Fuentes escalated the tension by seeking refuge from his service firearm. In his Motion for Reconsideration [103] before the National Police Commission, he himself admitted that he gripped his gun tucked in his waist:

6. It must also be emphasized that at the time of the incident, respondent who stood at 5'4" in height with

medium built was alone by himself, compared to the group of four (4) composed of Oliver Pingol, Andiemar Nolasco, Jonathan Nolasco, and Sergio Davin. Oliver Pingol was burly in his built and stood at approximately 5'7". Before the accidental shooting, Oliver Pingol was approaching respondent in a threatening manner, which naturally prompted the diminutive respondent to take defensive position and gripped his gun tucked in his waist. If a civilian is justified to take appropriate action in self-defense, how much more a policeman, trained to defend these civilians, when his own life or limb is at stake?[104]

Granted, civilians can take appropriate actions in self-defense, except civilians do not wield service firearms. As a sentinel of peace and order and public security and safety, PO1 Fuentes should have been more circumspect. If he is to be believed, then certainly PO1 Fuentes could have employed different means to pacify Pingol. Since only a simple traffic incident occurred, a police officer's service firearm should not have been involved and Pingol's life should not have been at the mercy of such a deadly weapon.

With his acts, PO1 Fuentes must be held guilty of grave misconduct, punishable by dismissal from service.

As a final note, We hasten to point out that when an officer or employee is disciplined, the object sought is not the punishment of that officer or employee, but the improvement of the public service and the preservation of the public's faith and confidence in the government.[105] This finds more relevance in the present case, where the employee involved is a police officer — a sentinel of peace and order and public security and safety and a repository of the citizen's trust.

ACCORDINGLY, the Petition is GRANTED. The Decision dated February 1, 2018 of the Court of Appeals in CA-G.R. SP No. 146854 is REVERSED and SET ASIDE. The Decision dated March 31, 2016 and the Resolution dated July 5, 2016 of the Civil Service Commission are hereby REINSTATED. PO1 Gilbert Fuentes is GUILTY of Grave Misconduct and is meted the penalty of DISMISSAL from service.

### **SO ORDERED.**

Leonen, SAJ., Caguioa, Lazaro-Javier, Zalameda, M. Lopez, Gaerlan, Rosario, Dimaampao, Marquez, and Kho, Jr., JJ., concur.

Gesmundo, C.J., see separate concurring opinion.

Hernando, J., on leave.

Inting, J., no part

Singh, J., see concurring opinion.

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[\*] No part due to participation in the Court of Appeals.

[\*] On leave.

[1] Rollo, pp. 12-31.

[2] Id. at 41-50. Penned by Associate Justice Danton Q. Bueser, with Associate Justices Sesinando E. Villon and Henri Jean Paul B. Inting (now a member of this Court), concurring.

[3] Id. at 51-56. Signed by Commissioners Robert S. Martinez and Nieves L. Osorio, and Chairperson Alicia dela Rosa-Bala.

[4] Id. at 120-124.

[5] Id. at 57-62.

[6] Id. at 67-69

[7] Id. at 52.

[8] Id.

[9] Id.

[10] Id.

[11] Id.

[12] Id. at 42.

[13] Id. at 53.

[14] Id.

[15] Id. at 57-62.

[16] Id. at 62.

[17] Id. at 63-65.

[18] Id. at 63.

[19] Id. at 64.

[20] Id. at 67-69.

[21] Id. at 51-56.

[22] Id. at 55.

[23] Id. at 54-55

[24] Id. at 55.

[25] Id. at 56.

[26] Id. at 103-108.

[27] Id. at 120-124.

[28] Id. at 126-140.

[29] Id. at 41-50.

[30] Id. at 48.

[31] Id.

[32] Id. at 49.

[33] Id. at 22-23.

[34] Id. at 23.

[35] 607 Phil. 334 (2009).

[36] Id. at 342. (Citations and emphasis omitted)

[37] Civil Service Commission, HISTORICAL HIGHLIGHTS, available at

<<https://csc.gov.ph/about/historical-highlights>> (last accessed on November 7, 2022).

[38] Id.

[39] Id.

[40] SECTION 1. A Civil Service embracing all branches and subdivisions of the Government shall be provided by law. Appointments in the Civil Service, except as to those which are policy-determining, primarily confidential or highly technical in nature, shall be made only according to merit and fitness, to be determined as far as practicable by competitive examination.

[41] Civil Service Commission, HISTORICAL HIGHLIGHTS, *supra*.

[42] Republic Act No. 2260, Art. I, Sec. 2, Civil Service Law.

[43] Presidential Decree No. 807 (1975), Art. II, Sec. 2, Civil Service Decree.

[44] 366 Phil. 86 (1999).

[45] 378 Phil. 466 (1999).

[46] Civil Service Commission v. Dacoycoy, *supra* at 105.

[47] 270 Phil. 165 (1990).

[48] 281 Phil. 1070 (1991).

[49] This Court in Dacoycoy, also cited Magpale, Jr. v. Civil Service Commission, 289 Phil. 873 (1992), Navarro v. Civil Service Commission and Export Processing Zone Authority, 297 Phil. 584 (1993), and Del Castillo v. Civil Service Commission, 311 Phil. 340 (1995).

[50] Civil Service Commission v. Dacoycoy, *supra* note 44 at 104-105. (Citations omitted)

[51] Id. at 104.

[52] Id.

[53] Mathay, Jr. v. Court of Appeals, *supra* note 45 at 483.

[54] Id.

[55] Id. at 482-484. (Citations omitted)

[56] Executive Order No. 292 (1987), Book V, Title I, Subtitle A, Chapter I, sec. 1, the Administrative Code of 1987.

[57] Id., Chapter 3, sec. 12(11).

[58] Dissenting Opinion of Justice Romero in Civil Service Commission v. Dacoycoy, *supra* note 44 at 128-131. (Citations omitted)

[59] 707 Phil. 420 (2013).

[60] Id. at 444-446.

[61] 736 Phil. 123 (2014).

[62] 811 Phil. 389 (2017).

[63] 504 Phil. 186 (2005).

[64] 563 Phil. 842 (2007).

[65] Ombudsman v. Gutierrez, *supra* note 62 at 403-407. (Citations omitted)

[66] Section 13. Mandate. — The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the Government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

[67] J. Gesmundo, Concurring Opinion, p. 10.

[68] *Id.* at 10-11.

[69] *Id.* at 9.

[70] See *Civil Service Commission v. Coyabit*, 457 Phil. 452 (2003); *Civil Service Commission v. Joson*, 473 Phil. 844 (2004); *Civil Service Commission v. Cortez*, 474 Phil. 670 (2004); *Civil Service Commission v. Belagan*, 483 Phil. 601 (2004); *Civil Service Commission v. Tinaya*, 491 Phil. 729 (2005).

[71] *Id.*

[72] *Id.*

[73] G.R. No. 248255, August 27, 2020.

[74] G.R. No. 238774, June 10, 2020.

[75] *Smith Kline & French Laboratories, Ltd., v Court of Appeals, et al.*, 342 Phil. 187 (1997).

[76] *Id.*

[77] *Supra* note 74.

[78] *Id.*

[79] *Id.*

[80] *Villaflor v. Court of Appeals and Lumber Co., Inc.*, 345 Phil. 524 (1997).

[81] *Id.*

[82] *Id.*

[83] *Id.* (Citations omitted)

[84] *Supra* note 75.

[85] *Pat-og, Sr. v. Civil Service Commission*, 710 Phil. 501, 517 (2013).

[86] *Id.*

[87] *Id.*

[88] Rollo, p. 52.

[89] *Id.*

[90] Id.

[91] Id.

[92] Id.

[93] Id. at 52-53.

[94] Id. at 53.

[95] Id.

[96] Id.

[97] Id.

[98] Id.

[99] Republic Act No. 6975, sec. 2, Department of Interior and Local Government Act of 1990.

[100] G.R. No. 215545, January 7, 2019.

[101] Rollo, pp. 169-183.

[102] Id. at 179. (Emphasis supplied)

[103] Id. at 63-65. (Emphasis supplied)

[104] Id. at 64.

[105] Civil Service Commission v. Cortez, 474 Phil. 670 (2004).

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### SEPARATE CONCURRING OPINION

#### **GESMUNDO, C.J.:**

The Civil Service Commission (CSC) has the unqualified legal standing to assail a reversal of its ruling in a disciplinary case against a civil service employee. There is no basis to treat the CSC and the Ombudsman differently from one another, such that the Court may dismiss the petition filed by the CSC if the opposing party clearly shows that the CSC has no legal standing to bring the appeal – "when the decision will not seriously prejudice the civil service system, will not impair the effectiveness of government, does not have a deleterious effect on the government, or does not have an adverse impact on the integrity of the civil service." [1] Such standards are too nebulous, lending to unpredictability in their application. The constitutional mandate of the CSC clothes it with sufficient legal personality, without qualification, to assail the Court of Appeals' (CA's) reversal.

I write to share my perspective on the issue of whether petitioner CSC has unqualified legal standing to assail a reversal of its ruling in a disciplinary case against a civil service employee. To my mind, the resolution of this issue requires a review of the CSC's place in the constitutional structure, particularly in relation to the discipline of civil service officers and employees.

The essential facts are as follows: during a traffic altercation, Police Officer 1 Gilbert Fuentes (PO1 Fuentes) shot Oliver Pingol (Oliver), causing the latter's death. Oliver's brother, Nestor Pingol (Nestor), filed an administrative case against PO1 Fuentes before the National Police Commission (NAPOLCOM). In 2013, the NAPOLCOM found PO1 Fuentes liable for grave misconduct and dismissed him from the service. On appeal, the CSC affirmed

the NAPOLCOM's ruling. This prompted PO1 Fuentes to file before the CA a petition for review pursuant to Rule 43 of the Rules of Court. The CA granted the petition and reversed the CSC's decision. It exonerated PO1 Fuentes from liability explaining that he unintentionally killed Oliver after the latter and his companions provoked the former to draw his weapon. The CSC, through the Office of the Solicitor General, filed a petition before the Court assailing the CA's decision.

The core issue is whether PO1 Fuentes should be dismissed from the service for grave misconduct.

The ponencia granted the petition, declaring that the CSC, in the instant case, has requisite legal standing to bring this action before the Court. The ponencia harmonized the rulings in *Civil Service Commission v. Dacoycoy*[2] (*Dacoycoy*) and *Mathay, Jr. v. Court of Appeals*[3] (*Mathay, Jr.*) and set the following rules on the CSC's standing to appeal in disciplinary actions:

- Generally, the Commission has standing to bring an appeal before this Court as an aggrieved party affected by the reversal or modification of its decisions;
- As an exception, this Court can dismiss the petition filed by the Commission if an opposing party clearly shows that the Commission has no standing to bring the appeal — such as when the decision will not seriously prejudice the civil service system, will not impair the effectiveness of government, does not have a deleterious effect on the government, or does not have an adverse impact on the integrity of the civil service;
- In any event, the appointing authority, prosecuting agency, appointee, or private complainant in appropriate cases is not precluded from elevating a decision adverse to them for review.[4]

In short, the ponencia provides that, as a general rule, the CSC has legal personality to assail a reversal of its ruling in a disciplinary case against a civil service employee. However, in the same breath, it also states that the CSC may lose such standing depending on whether "the decision will not seriously prejudice the civil service system, will not impair the effectiveness of government, does not have a deleterious effect on the government, or does not have an adverse impact on the integrity of the civil service." [5]

I most respectfully clarify my position with the ponencia's proposed guidelines. I believe that the CSC has unqualified legal standing to file an appeal in disciplinary cases before the Supreme Court. A judicious resolution in this case necessitates a reexamination of the development of the CSC and the extent of its functions under the current constitutional regime.

The CSC's role as a  
constitutional commission

A.

Evolution of the CSC under  
the Philippine system of  
government

The civil service system was established by the Second Philippine Commission as early as 1900.[6] Under the 1935 Constitution, in 1959, the Civil Service Law or Republic Act (R.A.) No. 2260[7] was enacted to integrate various issuances relating to the administration of government personnel. This statute also elevated the governing body from bureau to department status and called it the "Civil Service Commission." [8] "Except as otherwise provided by law," the Commissioner of the Civil Service had the "final authority to pass upon the removal, separation and suspension of all permanent officers and employees" in the civil service and "upon all matters relating to [their] conduct [and] discipline." [9] Back then, the decisions of the Commissioner in administrative cases can be appealed before the Civil Service Board of Appeals (CSBA) and the latter's decisions were

considered final.[10]

The 1973 Constitution further elevated the status of the CSC to that of a constitutional commission, which decides as a body composed of a chairperson and two commissioners. In 1975, pursuant to Presidential Decree (P.D.) No. 807,[11] the CSC was reorganized and its disciplinary jurisdiction was further modified. It was given the power to "[h]ear and decide administrative disciplinary cases instituted directly" or "brought to it on appeal." [12] Notably, the CSBA is no longer mentioned in P.D. No. 807 and its appellate functions appear to have been integrated in the new CSC.

B.

Mode to review CSC  
decisions under the 1987  
Constitution

Under the prevailing organic law, the CSC retains its status as one of only three independent constitutional commissions. Article IX of the 1987 Constitution characterizes the CSC as the "central personnel agency" of the government tasked to administer the civil service.[13] The quasi-judicial function of the CSC under the Constitution is reflected in the new general provision that authorizes each constitutional commission to "decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution." [14] This quasi-judicial function is mirrored in the Administrative Code of 1987[15] which explicitly provides that the CSC shall "hear and decide administrative cases" involving civil service officials and employees.[16]

At this point, it is vital to note that, based on the Constitution, the mode to review a decision of any of the constitutional commissions is via certiorari to the Supreme Court, unless otherwise provided by law. This is true for the Commission on Elections (COMELEC), the Commission on Audit (COA) and the CSC. Sec. 7, Art. IX-A of the 1987 Constitution relevantly states:

Section 7. Each Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution. x x x Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof.

The remedy of certiorari is echoed in the Administrative Code of 1987, thus:

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

x x x x

11) Hear and decide administrative cases instituted by or brought before it directly or on appeal x x x. Its decisions, orders, or rulings shall be final and executory. Such decisions, orders, or rulings may be brought to the Supreme Court on [certiorari] by the aggrieved party within thirty (30) days from receipt of a copy thereof[.]

Consistent with the constitutionally prescribed mode of review, the above-cited provision in the Administrative Code of 1987 emphasizes that decisions of the constitutional commissions are final. With certiorari as the mode of review, their rulings may only be reversed when the constitutional commission concerned commits grave abuse of discretion in rendering it. Thus, it was held in *Lopez, Jr. v. Civil Service Commission*, [17] as reiterated in *Mancita v. Barcinas* [18] (*Mancita*), that under the Constitution, the CSC is the "single arbiter of all contests relating to the civil service and as such, its judgments are unappealable and subject only to this Court's certiorari jurisdiction." [19]

Applying this, the CSC's decisions in disciplinary cases may only be reversed if there is a showing of grave abuse of discretion. Necessarily, the CSC becomes a party in a certiorari proceeding where its ruling in its quasi-judicial capacity is assailed. To my mind, the Constitution prescribed the use of certiorari in recognition of the CSC's competence and pivotal role in implementing "measures to promote morale, efficiency, [and] integrity,"[20] including discipline of civil servants. Notably, certiorari was the available remedy against the CSC rulings from 1987 to 1995.[21]

C.

Statutory right to appeal  
from CSC rulings

In 1995, however, R.A. No. 7902[22] expanded the appellate jurisdiction of the CA over quasi-judicial agencies, including the CSC. The statutory grant of the right of appeal is valid considering that the constitutional provision prescribing certiorari as the mode of review contains the proviso "[u]nless otherwise provided x x x by law." Legislative records show that the rationale for allowing an appeal was to "declog" the Supreme Court's dockets by transferring the cases to the CA.[23] Soon thereafter, Revised Administrative Circular (RAC) No. 1-95 was promulgated specifying the uniform mode of appeal for quasi-judicial agencies, including the CSC. In *Mateo v. Court of Appeals*,[24] the Court pronounced that the ruling in *Mancita* no longer governs because RAC No. 1-95 had allowed final resolutions of the CSC to be appealable to the CA. The circular eventually became Rule 43 of the Rules of Court (Rule 43).[25]

Thus, the current rule is that decisions of the CSC may be elevated via appeal under Rule 43 before the CA. Interestingly, of the three constitutional commissions, the right to appeal has only been made available to challenge CSC rulings. The remedy to assail final orders of the COMELEC and the COA in their quasi-judicial capacities remains to be certiorari based on the ground of grave abuse of discretion. Thus, they are still parties before the Court when their rulings are assailed.

D.

Pivotal role of the CSC

Following the evolution of the CSC in the government structure, it is my humble view that, as it presently stands, the CSC is given a pivotal role on matters pertaining to the civil service. As the "central government agency of the government," it has a say in creating and implementing uniform rules of conduct expected from civil servants. It seems fitting for the CSC to be given an opportunity to present its own views before the Court on matters affecting its realm of competence, in the same manner the Court accords other constitutional commissions an opportunity to be heard on matters involving their respective fields of competence and expertise. Otherwise, its independence as a constitutional commission may be undermined.

Accordingly, even though the mode of review had been changed from certiorari to appeal, the CSC should still be considered as possessing the legal personality to assail the CA's decision before the Supreme Court. To my mind, allowing the CSC to take part in establishing uniform rules on administrative cases by participating in the resolution of the case before the Court is more consistent with the CSC's constitutional mandate. Doing so gives due regard to the peculiar nature of the CSC as a constitutional commission specifically charged with responsibility to administer civil service matters. To rule otherwise would relegate it to becoming a remote observer, much like an ordinary quasi-judicial entity that passively waits for the final pronouncement by the Court. This may not have been the intention of the constitutional framers when they added the proviso "[u]nless otherwise provided by this Constitution or by law" in Sec. 7, Art. IX-A of the Constitution. To stress, unlike other quasi-judicial agencies, the CSC occupies a distinct position in our government structure. It does not sit as a

passive observer, but has an active role in adopting measures to promote the integrity in the civil service. Besides, the CSC's legal personality to file a Rule 45 petition applies only in the unique situation where its decision in a disciplinary case is reversed by the CA on appeal.

Further, it is acknowledged that the CSC is not a party in the Rule 43 proceeding before the CA, and as a non-party in the proceedings a quo, it generally cannot file an appeal by certiorari under Rule 45 of the Rules of Court before the Court. An exception, however, should be made available to the CSC in light of its peculiar nature as a constitutional commission specifically charged with competence to administer civil service matters and serve as the "central personnel agency" of the government.

The change in remedy from certiorari under the Constitution and the 1987 Administrative Code, to appeal under R.A. No. 7902 and Rule 43 must be taken into account because it shifted the dynamic between the CSC and the Court as regards disciplinary cases. While this change may have helped reduce the Court's dockets, it effectively altered the level of participation of the CSC in administrative disciplinary cases as seemingly contemplated under the Constitution. This dynamic must be taken into account in assessing the premium given to the CSC's decisions in disciplinary cases. If certiorari was still the remedy, decisions of the CSC could only be challenged on the ground of grave abuse of discretion and would necessarily entail the CSC be a party to the case. Because of the shift of remedy from certiorari to appeal, there now exists disagreement on whether the CSC should take part in the proceedings before the Court.

As an aside, it must be emphasized that out of the three constitutional commissions, only the CSC has an appeal framework as regards its quasi-judicial function. In my view, should a law be passed granting the statutory right to appeal from a decision of the COMELEC and/or COA to the CA, and the CA reverses their judgment, I likewise think that these two constitutional commissions should have the legal personality to assail the CA's decision before the Court. Such ruling is consistent with their stature in our governmental framework, as well as their recognized constitutional mandate and expertise in matters affecting their respective fields.

All told, the CSC should have the unqualified legal personality to file an appeal against a CA ruling that reverses the CSC's decision. Thus, in the present case, the CSC properly filed the appeal by certiorari before the Court.

#### Disciplining authority of the Ombudsman vis-à-vis the CSC

Attempts have been made to justify the variance in treatment of the CSC and the Ombudsman's legal interest to assail the CA's reversal of their decisions in administrative cases on the basis of their different mandates under the Constitution. Much of the argument in favor of the Ombudsman's legal personality lies in the belief that it "is not simply a disciplining authority but also an agency imbued with prosecutorial powers." [26]

I humbly disagree with the rationale for this comparison. Even though the Ombudsman's roles in administrative and criminal proceedings both fall under the umbrella of its overall function as a "champion of the people" and "preserver of the integrity of public service," [27] it is my humble view that the difference in legal effects and procedural framework in these two Ombudsman proceedings warrant different treatments.

A.

Ombudsman's separate  
roles as a prosecutor in  
criminal cases and a  
disciplining authority in  
administrative disciplinary  
cases

The Ombudsman's prosecutorial powers have specific application to criminal cases, and not to administrative cases. Black's Law Dictionary states that to prosecute means "to proceed against a person criminally"[28] such that a prosecutor is one who "prosecutes another for a crime in the name of the government"[29] or "instigates a prosecution by making affidavit charging a named person with the commission of a penal offense." [30] Recognizing the difference of the Ombudsman's roles, the Court, in *Fabian v. Desierto* [31] (*Fabian*), emphasized, thus: "the rule that the Court should not interfere with the discretion of the Ombudsman in prosecuting or dismissing a complaint is not applicable in this administrative case." [32] Verily, the Ombudsman's prosecutorial powers should be understood as pertaining to its function in a criminal proceeding, particularly in determining whether there is probable cause to file criminal charges against a respondent. Its determination of probable cause may be assailed only if there is grave abuse of discretion. Hence, the fact that the Ombudsman is granted prosecutorial powers is inconsequential to its having legal interest to question the reversal of its decisions in administrative cases.

In contrast, the Ombudsman, in administrative cases, acts not as a prosecutor but as the disciplining authority. Its decisions in such capacity are even final and unappealable when it absolves a respondent of the charge or imposes a penalty that does not exceed a one-month suspension. [33]

The distinction between these two roles is further highlighted by the difference in procedural remedies available in questioning the Ombudsman's edicts. As stated in *Yatco v. Office of the Deputy Ombudsman for Luzon*, [34] the Court "repeatedly pronounced that the Ombudsman's orders and decisions in criminal cases may be elevated to the Court in a Rule 65 petition, while its orders and decisions in administrative disciplinary case may be raised on appeal to the CA" via a Rule 43 petition. [35] Even when the Ombudsman releases a consolidated ruling on the administrative and criminal aspects, each aspect must be assailed separately. [36]

B.

Development of case law on  
the legal interest of the  
Ombudsman and the CSC  
to challenge the reversal of  
its rulings in administrative  
cases

A review of relevant jurisprudence on the matter readily reveals that the Court has traditionally viewed the legal standing of the Ombudsman and the CSC to challenge a reversal of their respective rulings in administrative cases from the same prism they occupy – their status as the disciplining authority or tribunal which previously heard the case and imposed disciplinary measures. Hence, jurisprudence interchangeably refers to cases involving the Ombudsman and the CSC, in their respective domains, when resolving issues concerning their legal standing to assail a reversal of their rulings.

In this matter, the decisive case is that of *Dacoycoy*. Therein, the Court En Banc categorically declared that the CSC is an aggrieved party that may appeal to the Court the decision of the CA reversing its ruling. *Dacoycoy* involved a charge of nepotism against therein respondent Pedro O. *Dacoycoy*. The CSC dismissed him from service as Vocational School Administrator of Balicuatro College of Arts and Trade, Allen, Northern Samar. On appeal, the CA declared that he was not guilty and rendered null and void the CSC ruling. The Court, in turn, revived the CSC ruling and affirmed the same. In doing so, the Court addressed the issue of the CSC's standing to

appeal the CA decision.

The Court observed that with respondent Dacoycoy being absolved of administrative liability by the CA and the complainant being merely a witness for the government, the CSC had become the party adversely affected by the ruling, which is seriously prejudicial to the civil service system. Thus, the Court held that the CSC may appeal the decision of the CA to the Court:

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, here 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*.<sup>[37]</sup> (Emphases and underscoring supplied; citations omitted)

A few months after, the Court, in *Mathay, Jr.*, modified the rule by distinguishing the facts in *Dacoycoy*, which involved nepotism – thus, having a deleterious effect on the government, from *Mathay, Jr.*, which merely involved the issue of the CSC's lack of authority to compel a mayor to reinstate a civil employee – an issue that hardly impairs the effectiveness of government. The Court held that the non-reinstated employee is the real party-in-interest, not the CSC. The Court, in *Mathay, Jr.*, emphasized that the CSC is expected to be impartial as a quasi-judicial body. It cautioned that, by being allowed to appeal, the CSC risks becoming an advocate.<sup>[38]</sup>

Nonetheless, the Court applied by analogy the ruling in *Dacoycoy* to the 2002 case of *Philippine National Bank (PNB) v. Garcia, Jr.*<sup>[39]</sup> Said case involved an administrative charge against an employee of PNB filed prior to its privatization. However, pending appeal before the CA, said privatization occurred. The Court ordained that PNB had standing to appeal the exoneration of its employee from administrative liability. It ratiocinated that to rule otherwise would seriously undermine efforts against corruption, malfeasance, and misfeasance in the government:

Indeed, the battles against corruption, malfeasance and misfeasance will be seriously undermined if we bar appeals of exoneration. After all, administrative cases do not partake of the nature of criminal actions, in which acquittals are final and unappealable based on the constitutional proscription of double jeopardy.

Furthermore, our new Constitution expressly expanded the range and scope of judicial review. Thus, to prevent

appeals of administrative decisions except those initiated by employees will effectively and pervertedly erode this constitutional grant.

Finally, the Court in *Dacoycoy* ruled that the CSC had acted well within its rights in appealing the CA's exoneration of the respondent public official therein, because it has been mandated by the Constitution to preserve and safeguard the integrity of our civil service system. In the same light, herein Petitioner PNB has the standing to appeal to the CA the exoneration of Respondent Garcia. After all, it is the aggrieved party which has complained of his acts of dishonesty. Besides, this Court has not lost sight of the fact that PNB was already privatized on May 27, 1996. Should respondent be finally exonerated indeed, it might then be incumbent upon petitioner to take him back into its fold. It should therefore be allowed to appeal a decision that in its view hampers its right to select honest and trustworthy employees, so that it can protect and preserve its name as a premier banking institution in our country.[40]

Meanwhile, in *Ombudsman v. Samaniego*[41] (*Samaniego*), the Court En Banc, citing its decision in *Dacoycoy*, decisively settled the Ombudsman's legal interest to intervene in cases involving a reversal of its ruling in administrative disciplinary cases, thus:

The Office of the Ombudsman sufficiently alleged its legal interest in the subject matter of litigation. Paragraph 2 of its motion for intervention and to admit the attached motion to recall writ of preliminary injunction averred:

[x x x x]

2. As a competent disciplining body, the Ombudsman has the right to seek redress on the apparently erroneous issuance by this Honorable Court of the Writ of Preliminary Injunction enjoining the implementation of the Ombudsman's Joint Decision imposing upon petitioner the penalty of suspension for one (1) year, consistent with the doctrine laid down by the Supreme Court in *PNB [vs]. Garcia, x x x* and *CSC [vs]. Dacoycoy[.] x x x*

In asserting that it was a "competent disciplining body," the Office of the Ombudsman correctly summed up its legal interest in the matter in controversy. In support of its claim, it invoked its role as a constitutionally mandated "protector of the people," a disciplinary authority vested with quasi-judicial function to resolve administrative disciplinary cases against public officials. To hold otherwise would have been tantamount to abdicating its salutary functions as the guardian of public trust and accountability.

Moreover, the Office of the Ombudsman had a clear legal interest in the inquiry into whether respondent committed acts constituting grave misconduct, an offense punishable under the Uniform Rules in Administrative Cases in the Civil Service. It was in keeping with its duty to act as a champion of the people and preserve the integrity of public service that petitioner had to be given the opportunity to act fully within the parameters of its authority.

It is true that under our rule on intervention, the allowance or disallowance of a motion to intervene is left to the sound discretion of the court after a consideration of the appropriate circumstances. However, such discretion is not without limitations. One of the limits in the exercise of such discretion is that it must not be exercised in disregard of law and the Constitution. The CA should have considered the nature of the Ombudsman's powers as provided in the Constitution and R.A. 6770.[42] (Emphases supplied; citations omitted)

At this juncture, it would be remiss not to mention that *Samaniego* arose out of a motion for intervention filed by the Ombudsman before the CA in the appeal brought by the government employee assailing the former's finding of grave misconduct against said employee. The employee did not implead the Ombudsman as a party in its appeal before the CA; thus, the Ombudsman sought to intervene in the appeal, which the CA denied. Hence, the Ombudsman brought an appeal by certiorari before this Court to assail the CA rulings. While the mode involved was intervention, the core issue of legal standing of the Ombudsman was nevertheless present and controlling.

The ruling in *Samaniego* was affirmed and strengthened by the Court in subsequent cases. In *Office of the Ombudsman v. Quimbo*,<sup>[43]</sup> citing *Ombudsman v. De Chavez*,<sup>[44]</sup> the Court ruled that "even if the Ombudsman was not impleaded as a party in the proceedings, part of its broad powers include defending its decisions before the CA." Furthermore, in *Office of the Ombudsman v. Chipoco*,<sup>[45]</sup> the Court held erroneous the argument equating "the Ombudsman to a judge or a court when the former is discharging its duty to decide administrative cases." It explained that "[u]nlike a judge or a court, the Ombudsman — by virtue of its special power, duty and function under the Constitution and the law — is on a league of its own and thus, cannot be detached, disinterested or neutral with respect to the administrative decisions it renders. Hence, the Ombudsman ought not to be precluded from defending its decision on appeal."<sup>[46]</sup>

The Court En Banc stressed in *Civil Service Commission v. Almojuela*<sup>[47]</sup> (*Almojuela*) that *Dacoycoy* remained the controlling doctrine. It further observed that a decision that declares a public employee not guilty of the charge against him would have no other appellant than the CSC:

More than ten years have passed since the Court first recognized in *Dacoycoy* the CSC's standing to appeal the CA's decisions reversing or modifying its resolutions seriously prejudicial to the civil service system. Since then, the ruling in *Dacoycoy* has been subjected to clarifications and qualifications, but the doctrine has remained the same: the CSC has standing as a real party in interest and can appeal the CA's decisions modifying or reversing the CSC's rulings, when the CA action would have an adverse impact on the integrity of the civil service. As the government's central personnel agency, the CSC is tasked to establish a career service and promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service; it has a stake in ensuring that the proper disciplinary action is imposed on an erring public employee, and this stake would be adversely affected by a ruling absolving or lightening the CSC-imposed penalty. Further, a decision that declares a public employee not guilty of the charge against him would have no other appellant than the CSC. To be sure, it would not be appealed by the public employee who has been absolved of the charge against him; neither would the complainant appeal the decision, as he acted merely as a witness for the government. We thus find no reason to disturb the settled *Dacoycoy* doctrine.<sup>[48]</sup>

Thus, the CSC should not be simply likened to a judge that is expected to be "detached, disinterested or neutral" in performing its disciplinary quasi-judicial functions.

The CSC and the Ombudsman both exercise quasi-judicial functions in administrative disciplinary cases. In fact, even the remedy to assail their decisions is uniform – that is, to file an appeal pursuant to Rule 43. Thus, I find no reason to treat them differently vis-à-vis their having legal interest to defend their decisions in such cases. To my mind, the rationale for acknowledging the legal interest of the Ombudsman to assail the CA's rulings in administrative disciplinary cases, as expressed in the abovementioned cases, similarly applies to the CSC.

Further, the broad powers granted to the CSC under the prevailing Constitution on matters involving the discipline of civil servants support the position that it has an unqualified legal interest to assail the CA's rulings. The thrust of the government to prevent and address corruption, misfeasance, and malfeasance in the civil service demands that the CSC be allowed to appeal a reversal of its ruling without qualification. Otherwise, there would no appellant to question a decision declaring a public employee as not guilty of the charge against him.

Lest I be misunderstood, I take the view that the Ombudsman has the requisite legal interest to assail the reversal of its ruling in an administrative case because of its role as a "champion of the people," but not because it functions both as a quasi-judicial body and a prosecutor. The latter function applies to criminal cases and has no bearing on its role in administrative disciplinary proceedings. Thus, the role of the CSC as a quasi-judicial agency designated by the Constitution to be the central personnel agency of the government is sufficient in conferring upon the CSC the legal standing to challenge the CA's reversal of its rulings in administrative disciplinary cases.

To reiterate, the legal standing of the CSC to challenge the CA's reversal of its administrative case rulings have been recognized in *Dacoycoy*, where the Court En Banc categorically declared that the CSC is an aggrieved party that may appeal to the Court the decision of the CA reversing its ruling. It was also recognized in *Almojuela* that a CA decision declaring a public employee not guilty of the charge against him would have no other appellant but the CSC before the Supreme Court.

Conclusion and application to  
the present case

To conclude, I believe the CSC should be allowed to assail or appeal decisions of the CA which either reverse or lower the sanctions it imposed on erring civil servants without qualification and distinction.

It must be emphasized that while the mode of review from a decision, order, or ruling of the CSC, a constitutional commission, was modified from the remedy of certiorari before the Court to a petition for review to the CA under Rule 43, such change or modification did not remove from the CSC its legal personality to assail the CA's decision before the Court. Similar to other constitutional commissions, the CSC must be afforded the chance to present its views to the Court on matters involving its realm of competence. To rule otherwise may seriously undermine its independence as a constitutional commission.

Further, it is humbly submitted that there is no basis to treat the CSC and the Ombudsman differently from each other. Both exercise quasi-judicial functions in administrative disciplinary cases and the remedy to assail their decisions is one and the same – an appeal to the CA pursuant to Rule 43, as discussed in *Fabian*.<sup>[49]</sup> The rationale acknowledging the legal interest of the Ombudsman to assail the CA's ruling in administrative disciplinary cases finds equal application to the CSC. Thus, the CSC's right to appeal the CA's reversal of its ruling must be similarly unqualified, without distinction as to whether such ruling seriously prejudices the civil service system, has a deleterious effect on the government, or adversely impacts the integrity of the civil service. Such standards, being nebulous, indeterminate, and vague, lends to unpredictability which would negatively impact the civil service.

In addition, government and public interest in preventing and addressing corruption, misfeasance, and malfeasance in the civil service mandates that the CSC, being the central personnel agency of the government charged with promoting morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service,<sup>[50]</sup> be allowed to appeal or assail the CA's decision without any distinction and qualification. To rule otherwise would be to undermine the government's battle against such conduct, as all misfeasance or malfeasance in the civil service necessarily adversely impact the integrity of the civil service.

In fine, I find that the CSC properly brought the instant appeal by certiorari to question the February 1, 2018 Decision of the CA, which exonerated PO1 Fuentes of the charge of grave misconduct.

WHEREFORE, I vote to GRANT the petition.

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[1] Ponencia, p. 24.

[2] 366 Phil. 86 (1999) [Per J. Pardo, En Banc].

[3] 378 Phil. 466 (1999) [Per J. Ynares-Santiago, En Banc].

[4] Ponencia, pp. 23-24.

[5] Id. at 24.

[6] Public Law No. 5, entitled "An Act for the Establishment and Maintenance of an Efficient and Honest Civil Service in the Philippine Islands." Effective: September 19, 1900.

[7] Entitled "An Act to Amend and Revise the Laws Relative to Philippine Civil Service." Effective: July 27, 1959.

[8] Republic Act No. 2260, Sec. 7, viz.: "There is hereby established a Civil Service Commission, the head of which shall be known as the Commissioner of Civil Service[.] x x x The Commissioner of Civil Service shall have the rank of a Department Secretary and shall be an ex-officio member of the cabinet." (Emphases supplied)

[9] Republic Act No. 2260, Sec. 16(i) and (j), viz.:

Sec. 16. Powers and Duties of the Commissioner of Civil Service. – It shall be among the powers and duties of the Commissioner of Civil Service:

x x x x

(i)

Except as otherwise provided by law, to have final authority to pass upon the removal, separation and suspension of all permanent officers and employees in the competitive or classified service and upon all matters relating to the conduct, discipline, and efficiency of such officers and employees; and to prescribe standards, guidelines and regulations governing the administration of discipline;

(j)

To hear and determine appeals instituted by any person believing himself aggrieved by an action or determination of any appointing authority contrary to the provisions of the Civil Service Law and rules, and to provide rules and regulations governing such appeals, and he may make such investigations or inquiries into the facts relating to the action or determination appealed from as may be deemed advisable and may affirm, review, or modify such action or determination, and the decision of the Commissioner shall be final[.] (Emphases supplied)

[10] Republic Act No. 2260, Sec. 18(b), viz.:

Sec. 18. Powers and Duties of the Civil Service Board of Appeals. The Civil Service Board of Appeals shall have the following powers and duties:

x x x x

(b)

Hear and decide all administrative cases brought before it on appeal from the decision of the Commissioner of Civil Service: Provided, That the said Board shall decide all appeals within a period of ninety days after the same have been submitted for decision and its decision in such cases shall be final. (Emphases and underscoring supplied)

[11] Entitled "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." Approved on October 6, 1975. In *Toledo v. Civil Service Commission* (279 Phil. 560 [1991]), the Court recognized that R.A. No. 2260 was repealed and superseded by P.D. Mo. 807.

[12] Presidential Decree No. 807, Secs. 9 and 37, viz.:

Sec. 9. Powers and Functions of the Commission. The Commission shall administer the Civil Service and shall

have the following powers and functions:

x x x x

(j)

Hear and decide administrative disciplinary cases instituted directly with it in accordance with Section 37 or brought to it on appeal[.]

x x x x

Sec. 37. Disciplinary Jurisdiction.

(a)

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

(b)

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

[13] CONSTITUTION, Art. IX-B, Secs. 1 and 3, viz.:

Sec. 1.(1) The Civil Service shall be administered by the Civil Service Commission[.] x x x

x x x x

Sec. 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs. (Emphases supplied)

[14] CONSTITUTION, Art. IX-A, Sec. 7, viz.:

Sec. 7. Each Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof. (Emphasis supplied)

[15] Executive Order No. 292, entitled "Instituting the Administrative Code of 1987." Approved on July 25, 1987.

[16] Executive Order No. 292, Book V, Title I-A, Chapter 3, Sec. 12:

Sec. 12. Powers and Functions .—The Commission shall have the following powers and functions:

x x x x

(11)

Hear and decide administrative cases instituted by or brought before it directly or on appeal[.]

[17] 273 Phil. 147 (1991) [Per J. Sarmiento, En Banc].

[18] 290-A Phil. 575 (1992) [Per J. Padilla, En Banc].

[19] Id. at 580, citing *Lopez, Jr. v. Civil Service Commission*, supra at 150.

[20] CONSTITUTION, Art. IX-B, Sec. 3:

Sec. 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs. (Emphasis supplied)

[21] In fact, in 1991, when the Court established a uniform appellate procedure for the review of final orders and decisions of quasi-judicial agencies, CSC was not yet included in the enumeration of covered quasi-judicial agencies. (See Circular 1-91 [1991], Secs. 1 and 2, entitled "Prescribing the Rules Governing Appeals to the Court of Appeals from a Final Order or Decision of the Court of Tax Appeals and Quasi-Judicial Agencies").

[22] Entitled "An Act Expanding the Jurisdiction of the Court of Appeals, Amending for the Purpose Section Nine of Batas Pambansa Blg. 129, as Amended, Known as the Judiciary Reorganization Act of 1980." Approved: February 23, 1995.

[23] See Committee on Justice Hearing, November 23, 1993, p. 30.

[24] 317 Phil. 341 (1995) [Per J. Puno, Second Division].

[25] See Regalado, Florenz D., REMEDIAL LAW COMPENDIUM, Vol. 1, 7[th] ed. pp. 522-523, for the annotations on how the provisions of Rule 43 of the Rules of Court developed.

[26] Ponencia, p. 21.

[27] *Fabian v. Desierto*, 356 Phil. 787 (1998) [Per J. Regalado, En Banc].

[28] Black's Law Dictionary 4[th] ed., p. 1385. (Underscoring supplied)

[29] Id. (Underscoring supplied)

[30] Id. (Underscoring supplied)

[31] Supra.

[32] Id. at 806. (Underscoring supplied)

[33] See Republic Act No. 6770, Sec. 27, par. 3; see also Rules of Procedure of the Ombudsman, as amended by Administrative Order No. 17, Rule III, Sec. 7. Approved on September 15, 2003.

[34] G.R. No. 244775, July 6, 2020, 941 SCRA 227 [Per J. Bernabe, Second Division].

[35] *Id.* at 242, citing *Ornales v. Office of the Deputy Ombudsman for Luzon*, 839 Phil. 882 (2018) [Per J. Leonen, Third Division].

[36] See *Yatco v. Office of the Deputy Ombudsman for Luzon*, *supra*, wherein the Court stated that "[t]he fact the Ombudsman had rendered a consolidated ruling does not – as it should not – alter the nature of the prescribed remedy corresponding to the aspect of the Ombudsman ruling being assailed."

[37] *Civil Service Commission v. Dacoycoy*, *supra* note 2, at 104-105.

[38] *Ponencia*, p. 11.

[39] 437 Phil. 289 (2002) [Per J. Panganiban, Third Division].

[40] *Id.* at 295-296.

[41] 586 Phil. 497 (2008) [Per J. Corona, En Banc].

[42] *Id.* at 510-512.

[43] 755 Phil. 41, 52 (2015) [Per J. Mendoza, Second Division].

[44] 713 Phil. 211, 219 (2013) [Per J. Peralta, Second Division].

[45] G.R. Nos. 231345 & 232406, August 19, 2019, 914 SCRA 533 [Per J. Peralta, Third Division].

[46] *Id.* at 547.

[47] 707 Phil. 420 (2013) [Per J. Brion, En Banc].

[48] *Id.* at 444-445.

[49] *Supra* note 27.

[50] CONSTITUTION, Art. IX-B, Sec. 3.

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## CONCURRING OPINION

### SINGH, J.:

In this case, the Civil Service Commission (CSC) affirmed the Decision and Resolution of the National Police Commission (NAPOLCOM) finding respondent PO1 Gilbert Fuentes (PO1 Fuentes) administratively liable for grave misconduct for the killing of Oliver Pingol (Oliver), and meted him the penalty of dismissal from service.[1] On appeal, the Court of Appeals (CA) reversed the Decision of the CSC, and exonerated PO1 Fuentes.[2] Aggrieved, the CSC, through the Office of the Solicitor General (OSG), brought an appeal before this Court to question the Decision of the CA.

To settle the issue of whether the CSC has legal standing to appeal the CA decision, the ponencia sought to harmonize the cases of *Civil Service Commission v. Dacoycoy*[3] and *Mathay, Jr. v. Court of Appeals*[4] by formulating a set of rules, reproduced as follows:

- Generally, the CSC cannot bring an appeal before the Court as an aggrieved party;
- As an exception, the CSC can bring an appeal if the decision will seriously prejudice the civil service system, will impair the effectiveness of government, has a deleterious effect on the government, or has an adverse impact on the integrity of the civil service; and
- In any event, the appointing authority, prosecuting agency, appointee, or private complainant in appropriate cases is not precluded from elevating a decision adverse to them for review.[5]

In resolving the case, the ponencia granted the Petition and applied the general rule that the CSC can bring an appeal as an aggrieved party.[6] In so ruling, the ponencia cites as basis the case of *Civil Service Commission v. Dampilag*,[7] where the Court held that the CSC is "better equipped in handling cases involving the employment status of employees in the Civil Service since it is within the field of their expertise." [8] Thus, the ponencia ruled that the Court of Appeals decision in the present case should be reversed because the charge against POI Fuentes was substantiated by evidence.[9]

I concur in the result of the ponencia that the Petition should be granted. The CSC has the requisite standing to bring an appeal before the Court as an aggrieved party. Moreover, the act of PO1 Fuentes in shooting Oliver is a misconduct that goes into his qualification and fitness as a member of the Philippine National Police.

The Court recognizes that while procedural rules are essential to the proper, efficient, and orderly dispensation of justice, such rules must be applied in a manner that will help secure and not defeat justice.[10] Thus, the CSC must not be deprived of its last resort to discipline and rid the system of an obviously unfit civil servant due to a procedural ground.

Likewise, the Court in *Anak Mindanao Party-List Group v. The Executive Secretary*[11] explained the rule on locus standi, thus:

Locus standi or legal standing has been defined as a personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged. The gist of the question on standing is whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions.[12]

The act of PO1 Fuentes in shooting Oliver due to a traffic altercation is a misconduct of such character that goes into his qualification as a member of the civil service, in general, and of the Philippine National Police, in particular, which undoubtedly affects the integrity and viability of our civil service system, giving the CSC the requisite legal standing to appeal the adverse decision rendered against it by the CA.

Circumspect leniency will give the aggrieved party "the fullest opportunity to establish the merits of his complaint rather than to lose life, liberty, honor or property on technicalities." [13]

It is well to note that the CSC is the constitutional commission created to enforce the mandate that all appointments in the civil service shall be based on merit and fitness.[14] A civil servant's fitness to remain in office necessarily includes the question of whether he or she is able to obey the laws, behave in a manner that does not take advantage of his or her position or abuse its privileges, and act in a way that ensures the safety and well-being of the people he or she is sworn to protect, instead of endangering them.

It is this very constitutional mandate that gives the CSC the requisite legal standing to contest adverse decisions rendered against it because every violation of the Civil Service laws and rules is an affront against public policy. As the central personnel agency of the government,[15] the CSC has jurisdiction to supervise the performance of and discipline, if need be, all government employees.[16]

Thus, the CSC should have legal standing to challenge adverse decisions rendered against it by appellate courts, as such adverse decisions go into the question of whether the civil servants involved possess the required merit and fitness that would qualify them to continue in the service. The ability to appeal adverse decisions involving the discipline of public servants is a vital tool to enable the CSC to perform its constitutional duty of enforcing discipline in the civil service.

Stated simply, it is only by allowing the CSC to question adverse decisions that it would be able to fully carry out its constitutional duty of ensuring that only qualified people are allowed to remain in the service and that erring public servants are properly penalized.

The CSC is mandated not just to adjudicate, but also to enforce our civil service laws. Without the ability to appeal adverse decisions rendered against it, the CSC would be severely handicapped in the performance of its duties. To rule otherwise would be a clear disregard of the CSC's stature as a constitutional commission and an expert administrative agency.

Thus, much like in criminal cases, it is the State, through the CSC, which is the real offended party in cases involving the discipline of civil servants and violations of civil service laws. If the CSC is not empowered in this manner, maintaining a reliable and trustworthy civil service system will be out of its control.

In this case, PO1 Fuentes' act of shooting Oliver does not exclusively pertain to the personal right of the private offended party, as such act greatly affects the integrity of our civil service system.

The interest of the CSC in ensuring that a police officer, who has exhibited behavior that could jeopardize the lives and safety of the people he is bound to protect, will be penalized accordingly, cannot be overemphasized.

To reiterate, the act of PO1 Fuentes in shooting Oliver due to a traffic altercation while using his service firearm is a misconduct that goes into his qualification and fitness as a member of the Philippine National Police, and of the civil service. Whether PO1 Fuentes should be dismissed or be allowed to remain in service is a question the resolution of which the CSC should be allowed to bring before the Court through an appeal.

In *Civil Service Commission v. Ledesma*,<sup>[17]</sup> the Court held that "misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules, which must be proved by substantial evidence. Otherwise, the misconduct is only simple. A person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave."

It must be noted that conduct prejudicial to the service is not defined in the Civil Service Law and its rules but is so inclusive as to put within its ambit any conduct of a public officer that tarnishes the image and integrity of his public office.<sup>[18]</sup>

While there is no concrete description under Civil Service laws of conduct prejudicial to the best interest of the service, the following acts or omissions have been treated as such: misappropriation of public funds; abandonment of office; failure to report back to work without prior notice; failure to safekeep public records and property; making false entries in public documents (i.e., PDS); falsification of court orders; a judge's act of brandishing a gun, and threatening the complainants during a traffic altercation, to name a few.<sup>[19]</sup>

To be sure, the Court, in numerous cases, has taken cognizance of the CSC's right to appeal in instances involving the misconduct and discipline of government employees.

To illustrate, in *Civil Service Commission v. Cortez*,<sup>[20]</sup> the Court granted the CSC's appeal following the

reversal of its decision by the CA. In *Cortez*, the CSC dismissed Cortez for the unauthorized sale of examination fee stamps. On appeal to the CA, the latter modified the penalty from dismissal from service to forced resignation. The Court granted the CSC's appeal and ruled that Cortez is not entitled to a lower penalty. The Court agreed with the CSC that Cortez's conduct irreparably tarnished the integrity of the CSC.

Similarly, in *Civil Service Commission v. Vergel De Dios*,<sup>[21]</sup> the Court took cognizance of the CSC's appeal of the CA decision which reversed the CSC's dismissal of Vergel De Dios. In this case, Vergel De Dios was found guilty of having another person take the civil service examination for her. The Court found that the circumstances warrant the reinstatement of the CSC's decision dismissing Vergel De Dios from service.

In *Civil Service Commission v. Clave*,<sup>[22]</sup> the Court likewise granted the CSC's appeal of a CA decision which reversed the CSC's ruling that Clave should be dismissed from the Government Service Insurance System for the unauthorized cancellation of outstanding loans.

In *Civil Service Commission v. Gentallan*,<sup>[23]</sup> the Court ruled that the question of whether an illegally dismissed government employee is entitled to backwages following her reinstatement is an issue which could potentially adversely affect the civil service. This, according to the Court, granted the CSC the personality to file an appeal of the CA decision which reversed its findings.

Further, in *Civil Service Commission v. Rodriguez*,<sup>[24]</sup> the Court granted the CSC's appeal and reinstated the latter's decision, which found respondent Rodriguez guilty of serious dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service. In this case, Rodriguez falsified her Nursing Licensure Examination results in order to be accepted as a staff nurse at the Davao Oriental Province Hospital. The Court considered Rodriguez's acts of falsifying her examination results, Personal Data Sheet, and the use of a fake "PRC Identification Card" as conduct prejudicial to the best interest of the service.

The foregoing cases show that this Court has long recognized the legal standing of the CSC to appeal a decision rendered against it. Clearly present in this case is an issue that warrants the CSC's right to appeal.

All things considered, I vote to GRANT the Petition.

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[1] Ponencia, p. 2.

[2] Id. at 5-6.

[3] 366 Phil. 86 (1999).

[4] 378 Phil. 466 (1999).

[5] Ponencia, p. 23.

[6] Ponencia, p. 24.

[7] G.R. No. 238774, June 10, 2020.

[8] Id.

[9] Ponencia, p. 25.

[10] *Jaro v. Court of Appeals*, 427 Phil. 532 (2002).

[11] 558 Phil. 338-363 (2007).

[12] Id.

- [13] Alberto vs. Court of Appeals, 390 Phil. 253 (2000).
- [14] PHIL. CONST, art. IX-B, sec. 2 (2).
- [15] PHIL. CONST, art. IX-B, sec. 3.
- [16] Civil Service Commission v. Alfonso, 607 Phil. 60 (2009).
- [17] 508 Phil. 569, 579 (2005).
- [18] Cruz v. Pandacan Hiker's Club. Inc., 776 Phil. 336, 344 (2016).
- [19] Calipon v. Japson, 761 Phil. 205, 222 (2015).
- [20] 474 Phil. 670 (2004).
- [21] 753 Phil. 240 (2015).
- [22] 683 Phil. 527 (2012).
- [23] 497 Phil. 594 (2005).
- [24] G.R. No. 248255, August 27, 2020.

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