

RODOLFO ENRIQUE AND JESUS BASILIO, PETITIONERS, VS. THE HON. COURT OF APPEALS AND CIVIL SERVICE COMMISSION, RESPONDENTS.

G.R. No. 79072. January 10, 1994

Ponente: QUIASON, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-79072/>

QUIASON, J.:

This is a petition for review on certiorari of the Decision of the Court of Appeals in CA-G.R. SP No. 05132, entitled "CORAZON PACHECO, et al., Plaintiffs-Appellants, versus CIVIL SERVICE COMMISSION, Defendant-Appellee, affirming the CSC Resolution No. 84-411 which ordered the dismissal of petitioners, Rodolfo Enrique and Jesus Basilio.

The facts as found by the Court of Appeals are as follows:

"x x x Corazon Pacheco, Jesus Basilio (petitioner herein), Virgilio Valencia and Rodolfo Enrique (petitioner herein), all employees of the Civil Service Regional Office No. 3, San Fernando, Pampanga, together with Rogelio Maglaqui, Eduardo Garcia and Lilia Cunanan, were charged by the CSC *motu proprio* (sic) for DISHONESTY, GRAVE MISCONDUCT, BEING NOTORIOUSLY UNDESIRABLE, RECEIVING FOR PERSONAL USE FOR A FEE, GIFT OR OTHER VALUABLE THINGS IN THE COURSE OF OFFICIAL DUTIES, AND CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE, allegedly committed, as follows:

"That sometime before and during November 1983 and thereafter, the above-named persons, who are employees of the Civil Service Commission, particularly of Recruitment and Examination Division, Region 3, San Fernando, Pampanga and in charge of processing application and assignment of rooms to the 1993 PBET examinees, conspired and confederated with one another in the following manner:

For and in consideration of P500.00 to P1,000.00 these employees helped and/or assisted some examinees in answering examination questions by assigning them to particular rooms known as 'chocolate rooms.' In these rooms, they assigned experts known as 'Haligi' supposedly admitted to take the examination, but whose purpose was to help and/or assist said examinees answer the questions. They also assigned room examiners and proctors for a consideration of P250.00 each to cooperate and facilitate the illegal operation" (Rollo, pp. 25--26).

An order for their preventive suspension was issued pursuant to CSC Resolution No. 84-052.

Petitioners denied the charges against them and moved for an immediate dismissal of the case. They asked for a formal hearing if the dismissal of the case, as well as the lifting of their preventive suspension, was not possible. In its Order dated March 15, 1984, the CSC denied the request for a formal hearing, resolved to proceed summarily against the respondents in accordance with Section 40 of PD 807 and directed them to submit all their evidence within ten days from receipt of the order.

Petitioners filed a motion for reconsideration alleging: (a) that Section 40 of P.D. No. 807 was not applicable to their case because of the absence of the circumstances provided therein; and (b) that their constitutional rights

would be placed in jeopardy if summary proceedings were held in lieu of formal proceedings, since they opted for a formal investigation.

In an order dated April 12, 1984, the motion for reconsideration was denied for lack of merit.

Petitioners submitted additional evidence as directed by the CSC. These consisted of the sworn statements of some of their co-employees stating that they were not aware of any examination syndicate operating in the regional office, and attesting to their integrity and honesty (Rollo, pp. 25-27).

In its Resolution No. 84-411, the CSC dismissed for lack of merit petitioners' motion for reconsideration. However, the penalty of dismissal previously imposed on the other respondents in the case below, namely, Rogelio Maglagui and Lilia Cunanan was reduced to one year suspension (Records, pp. 38-39).

Rodolfo Enrique, Jesus Basilio, Corazon Pacheco and Virgilio Valencia appealed to the then Intermediate Appellate Court (Records, pp. 1-2).

On April 9, 1987, the IAC rendered its Decision, the dispositive portion of which reads as follows:

"WHEREFORE, the resolution of the Civil Service Commission dismissing the respondent-appellants RODOLFO ENRIQUE and JESUS BASILIO is hereby AFFIRMED and is hereby REVERSED and SET ASIDE with respect to respondents CORAZON PACHECO and VIRGILIO VALENCIA who are hereby ordered to be reinstated" (Rollo, p. 37).

On July 3, 1987, the motion for reconsideration of Rodolfo Enrique and Jesus Basilio was denied for lack of merit (Rollo, p. 38).

Hence, this petition.

The issues raised in the petition are:

- Whether the CSC had original jurisdiction over CSC Case No. 138 against petitioners;
- Whether petitioners were denied due process of law; and,
- Whether the dismissal of petitioners from the service through a summary proceeding by the CSC was proper.

Petitioners contend that the CSC, its jurisdiction being merely appellate, has no original jurisdiction to hear and to decide disciplinary cases involving officers and employees of the Civil Service. They urge that it is the Merit Systems Protection Board (MSPB), which has the power to hear and to decide administrative cases involving officers and employees of the civil service as provided in Section 5 of P.D. No. 1409 (Rollo, p. 21).

The petition is devoid of merit.

Section 37 of the Civil Service Decree, P.D. No. 807, provides:

xx x x x x x x x

"(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."

xx x x x x x x x

The CSC is an agency within the purview of Section 37(b) of P.D. No. 807 with respect to its own employees.

On June 8, 1978, P.D. No. 1409 created the MSPB, as an office under the CSC, and vested on that board, among

other functions, the investigation of administrative cases involving officers and employees of the civil service. Section 5 of P.D. No. 1409 provides:

"SEC. 5. Powers and Functions of the Board. - The Board shall have the following powers and functions, among others:

(1) Hear and decide administrative cases involving officers and employees of the civil service.

(2) Hear and decide cases brought before it by officers and employees who feel aggrieved by the determination of appointing authorities involving appointment, promotion, transfer, detail reassignment and other personnel actions as well as complaints against any officers in the government arising from abuses arising from personnel actions of these officers or from violations of the merit system.

(3) Hear and decide complaints of civil service employees regarding malpractices of other officials and employees.

(4) Promulgate, subject to the approval of the Civil Service Commission, rules and regulations to carry out the functions of the Board.

(5) Administer oaths, issue subpoena and subpoena duces tecum, and take testimony in any investigation or inquiry. The Board shall have the power to punish for contempt in accordance with the rules of court under the same procedure with the same penalties provided therein.

(6) Perform such other functions as may be assigned by the Civil Service Commission."

xx x x x x x x

Petitioners claim that Section 37(b) of P.D. No. 807 has been impliedly repealed by P.D. No. 1409 (Rollo, p. 21).

Repeals by implication are not favored. The first duty of the Court must always be to reconcile the conflicting provisions of the statutes and it is only when the repugnancy is irreconcilable that we can say that the earlier law has been impliedly repealed by the later law (*Maceda v. Macaraig, Jr.*, 197 SCRA 771 [1991]).

A cursory reading of the provisions under Section 37(b) of P.D. No. 807 shows that the disciplinary jurisdiction given to heads of departments, agencies and instrumentalities, provinces, cities and municipalities is limited to officers and employees of the Civil Service under their jurisdiction or who are employed in their respective offices. In the instant case, the petitioners are CSC employees. Hence, disciplinary jurisdiction over them is vested with the head of the CSC, the agency having jurisdiction over them.

We held in *Government Service Insurance System v. Civil Service Commission*, 204 SCRA 826 (1991) that "when the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is exclusive unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter."

P.D. Nos. 807 and 1409 therefore vest concurrent original jurisdiction over disciplinary matters to both the CSC and the Merit Systems Protection Board with respect to officials and employees connected with the CSC.

This concurrent jurisdiction over disciplinary cases is further stressed in Memorandum Circular No. 6, Series of 1978 of the Civil Service Commission, which in pertinent part states:

"As provided in Presidential Decree No. 1409, which amended Presidential Decree No. 807, the heads of ministries and agencies, on one hand, and the Merit Systems Board on the other, have concurrent original jurisdiction over disciplinary and non-disciplinary cases and, where the heads of ministries and agencies assume jurisdiction first, their decisions and determinations are appealable to the Merit Systems Board. The

Civil Service Commission, however, remains the final administrative appellate body in these matters, as provided in Section 8 of Presidential Decree No. 1409 x x x."

Great weight must be accorded to the interpretation or construction of a statute by the government agency called upon to implement the same (*Soriano v. Offshore Shipping and Manning Corporation*, 177 SCRA 513 [1989]).

Petitioners further contend that they were denied due process of law when they were dismissed from the service through a summary proceeding conducted by the CSC (Rollo, p. 13).

The summary proceeding referred to by petitioners is allowed in Section 40 of P.D. No. 807, which provides as follows:

"SEC. 40. Summary Proceedings. -- No formal investigation is necessary and the respondent may be immediately removed or dismissed if any of the following circumstances is present;

(a) When the charge is serious and the evidence of guilt is strong.

(b) When the respondent is a recidivist or has been repeatedly charged and there is reasonable ground to believe that he is guilty of the present charge.

(c) When the respondent is notoriously undesirable.

Resort to summary proceedings by disciplinary authority shall be done with utmost objectivity and impartiality to the end that no injustice is committed: Provided, that removal or dismissal except those by the President, himself, or upon his order, may be appealed to the Commission."

In *Abalos v. Civil Service Commission et al.*, 196 SCRA 81 [1991], the Court observed:

"The Court had earlier entertained serious misgivings about the constitutionality of Section 40 as against strong protests that it was violative of due process insofar as it deprived the civil servant of the right to defend himself against the ex parte decision to dismiss him. While it is true that this section had been upheld in earlier decisions (albeit not very categorically), there was a growing sentiment that the law should be re-examined more closely in deference to the right to a hearing that it was foreclosing.

Fortunately, the question has been rendered moot and academic by the Congress of the Philippines, which has itself seen fit to remove it from our statute books. The Court [notes that] xxx Section 40 was repealed by Republic Act No. 6654, which was approved on May 20, 1988, and published in the Official Gazette on May 30, 1988." (Italics Supplied)

xx x x x x x x x

The commission of the acts imputed to petitioners took place on or before November 1983 or long before the repeal of Section 40 of P.D. No. 807. Hence, the operative law is still said Section 40.

In *Government Service Insurance System v. Court of Appeals*, 201 SCRA 661 (1991), we sustained the validity of Section 40 so long as the respondents in the administrative case are duly informed of the charges against them and are given the opportunity to present their side.

In the case at bench, petitioners were informed of the charges levelled against them and were given reasonable opportunity to present their defenses. As a matter of fact, petitioners admitted that they filed their answer to the formal charges against them and submitted additional evidence when asked to do so. Petitioners even moved for a reconsideration of the adverse CSC decision. After the denial of their motion, petitioners appealed to the Intermediate Appellate Court, which, in turn, considered said appeal. Hence, the supposed denial of administrative due process has been cured.

WHEREFORE, the decision of the Intermediate Appellate Court dated April 9, 1987 is AFFIRMED.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Puno, and Vitug, JJ., concur.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.