

NATIONAL LAND TITLES AND DEEDS REGISTRATION ADMINISTRATION, PETITIONER, VS. CIVIL SERVICE COMMISSION AND VIOLETA L. GARCIA, RESPONDENTS.

G.R. No. 84301. April 07, 1993

Ponente: CAMPOS, JR., J.

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CAMPOS, JR., J.:

The sole issue for our consideration in this case is whether or not membership in the Bar, which is the qualification requirement prescribed for appointment to the position of Deputy Register of Deeds under Section 4 of Executive Order No. 649 (Reorganizing the Land Registration Commission (LRC) into the National Land Titles and Deeds Registration Administration or NALTDRA) should be required of and/or applied only to new applicants and not to those who were already in the service of the LRC as deputy register of deeds at the time of the issuance and implementation of the abovesaid Executive Order.

The facts, as succinctly stated in the Resolution** of the Civil Service Commission, are as follows:

"The records show that in 1977, petitioner Garcia, a Bachelor of Laws graduate and a first grade civil service eligible was appointed Deputy Register of Deeds VII under permanent status. Said position was later reclassified to Deputy Register of Deeds III pursuant to PD 1529, to which position, petitioner was also appointed under permanent status up to September 1984. She was for two years, more or less, designated as Acting Branch Register of Deeds of Meycauayan, Bulacan. By virtue of Executive Order No. 649 (which took effect on February 9, 1981) which authorized the restructuring of the Land Registration Commission to National Land Titles and Deeds Registration Administration and regionalizing the Offices of the Registers therein, petitioner Garcia was issued an appointment as Deputy Register of Deeds II on October 1, 1984, under temporary status, for not being a member of the Philippine Bar. She appealed to the Secretary of Justice but her request was denied. Petitioner Garcia moved for reconsideration but her motion remained unacted. On October 23, 1984, petitioner Garcia was administratively charged with Conduct Prejudicial to the Best Interest of the Service. While said case was pending decision, her temporary appointment as such was renewed in 1985. In a Memorandum dated October 30, 1986, the then Minister, now Secretary, of Justice notified petitioner Garcia of the termination of her services as Deputy Register of Deeds II on the ground that she was "receiving bribe money". Said Memorandum of Termination which took effect on February 9, 1987, was the subject of an appeal to the Inter-Agency Review Committee which in turn referred the appeal to the Merit Systems Protection Board (MSPB).

In its Order dated July 6, 1987, the MSPB dropped the appeal of petitioner Garcia on the ground that since the termination of her services was due to the expiration of her temporary appointment, her separation is in order. Her motion for reconsideration was denied on similar ground."^[1]

However, in its Resolution^[2] dated June 30, 1988, the Civil Service Commission directed that private respondent Garcia be restored to her position as Deputy Register of Deeds II or its equivalent in the NALTDRA. It held that "under the vested right theory the new requirement of BAR membership to qualify for permanent appointment as Deputy Register of Deeds II or higher as mandated under said Executive Order, would not apply to her (private

respondent Garcia) but only to the filling up of vacant lawyer positions on or after February 9, 1981, the date said Executive Order took effect." [3] A fortiori, since private respondent Garcia had been holding the position of Deputy Register of Deeds II from 1977 to September 1984, she should not be affected by the operation on February 1, 1981 of Executive Order No. 649.

Petitioner NALTDRA filed the present petition to assail the validity of the above Resolution of the Civil Service Commission. It contends that Sections 8 and 10 of Executive Order No. 649 abolished all existing positions in the LRC and transferred their functions to the appropriate new offices created by said Executive Order, which newly created offices required the issuance of new appointments to qualified office holders. Verily, Executive Order No. 649 applies to private respondent Garcia, and not being a member of the Bar, she cannot be reinstated to her former position as Deputy Register of Deeds II.

We find merit in the petition.

Executive Order No. 649 authorized the reorganization of the Land Registration Commission (LRC) into the National Land Titles and Deeds Registration Administration (NALTDRA). It abolished all the positions in the now defunct LRC and required new appointments to be issued to all employees of the NALTDRA.

The question of whether or not a law abolishes an office is one of legislative intent about which there can be no controversy whatsoever if there is an explicit declaration in the law itself. [4] A closer examination of Executive Order No. 649 which authorized the reorganization of the Land Registration Commission (LRC) into the National Land Titles and Deeds Registration Administration (NALTDRA), reveals that said law in express terms, provided for the abolition of existing positions, to wit:

Sec. 8. Abolition of Existing Positions in the Land Registration Commission. x x x

All structural units in the Land Registration Commission and in the registries of deeds, and all positions therein shall cease to exist from the date specified in the implementing order to be issued by the President pursuant to the preceding paragraph. Their pertinent functions, applicable appropriations, records, equipment and property shall be transferred to the appropriate staff or offices therein created. (Underscoring Supplied.)

Thus, without need of any interpretation, the law mandates that from the moment an implementing order is issued, all positions in the Land Registration Commission are deemed non-existent. This, however, does not mean removal. Abolition of a position does not involve or mean removal for the reason that removal implies that the post subsists and that one is merely separated therefrom. [5] After abolition, there is in law no occupant. Thus, there can be no tenure to speak of. It is in this sense that from the standpoint of strict law, the question of any impairment of security of tenure does not arise. [6]

Nothing is better settled in our law than that the abolition of an office within the competence of a legitimate body if done in good faith suffers from no infirmity. Two questions therefore arise: (1) was the abolition carried out by a legitimate body?; and (2) was it done in good faith?

There is no dispute over the authority to carry out a valid reorganization in any branch or agency of the Government. Under Section 9, Article XVII of the 1973 Constitution, the applicable law at that time:

Sec. 9. All officials and employees in the existing Government of the Republic of the Philippines shall continue in office until otherwise provided by law or decreed by the incumbent President of the Philippines, but all officials whose appointments are by this Constitution vested in the Prime Minister shall vacate their respective offices upon the appointment and qualifications of their successors.

The power to reorganize is, however, not absolute. We have held in *Dario vs. Mison* [7] that reorganizations in this jurisdiction have been regarded as valid provided they are pursued in good faith. This court has pronounced [8]

that if the newly created office has substantially new, different or additional functions, duties or powers, so that it may be said in fact to create an office different from the one abolished, even though it embraces all or some of the duties of the old office it will be considered as an abolition of one office and the creation of a new or different one. The same is true if one office is abolished and its duties, for reasons of economy are given to an existing officer or office.

Executive Order No. 649 was enacted to improve the services and better systematize the operation of the Land Registration Commission.[9] A reorganization is carried out in good faith if it is for the purpose of economy or to make bureaucracy more efficient.[10] To this end, the requirement of Bar membership to qualify for key positions in the NALTDRA was imposed to meet the changing circumstances and new development of the times.[11] Private respondent Garcia who formerly held the position of Deputy Register of Deeds did not have such qualification. It is thus clear that she cannot hold any key position in the NALTDRA. The additional qualification was not intended to remove her from office. Rather, it was a criterion imposed concomitant with a valid reorganization measure.

A final word, on the "vested right theory" advanced by respondent Civil Service Commission. There is no such thing as a vested interest or an estate in an office, or even an absolute right to hold it. Except constitutional offices which provide for special immunity as regards salary and tenure, no one can be said to have any vested right in an office or its salary.[12] None of the exceptions to this rule are obtaining in this case.

To reiterate, the position which private respondent Garcia would like to occupy anew was abolished pursuant to Executive Order No. 649, a valid reorganization measure. There is no vested property right to be re-employed in a reorganized office. Not being a member of the Bar, the minimum requirement to qualify under the reorganization law for permanent appointment as Deputy Register of Deeds II, she cannot be reinstated to her former position without violating the express mandate of the law.

WHEREFORE, premises considered, We hereby GRANT the petition and SET ASIDE the questioned Resolution of the Civil Service Commission reinstating private respondent to her former position as Deputy Register of Deeds II or its equivalent in the National Land Titles and Deeds Registration Administration.

SO ORDERED.

Narvasa, C.J., (Chairman), Cruz, Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Quiason, JJ., concur.
Griño-Aquino, J., on leave.

**** Resolution No. 88-398, Garcia, Violeta L. Re: Petition/Appeal for Reinstatement, June 12, 1988.**

[1] Rollo, p. 26.

[2] Resolution No. 88-398, penned by Patricia A. Sto. Tomas, Chairman, Samilo N. Barlongay and Mario D. Yango, Commissioners; Rollo, pp. 39-42.

[3] Ibid., p. 41.

[4] Annot., 23 SCRA 1007 (1968).

[5] Arao vs. Luspo, 20 SCRA 722 (1967); Facundo vs. Pabalan, et al., 4 SCRA 375 (1962); Castillo vs. Pajo, et al., 103 Phil. 515 (1958).

[6] De La Llana vs. Alba, 112 SCRA 294 (1982).

[7] G.R. No. 81954; *Feria vs. Mison*, G.R. No. 81967; *Amasa vs. Sto. Tomas*, G.R. No. 83737; *Mison vs. Civil Service Commission*, G.R. No. 85310; *Littaua vs. Mison*, G.R. No. 85335; *Mison vs. Civil Service Commission*, G.R. No. 86241, 176 SCRA 84 (1989).

[8] *Urgello, et. al. vs. Osmeña, Jr., et. al.*, 118 Phil. 1155 (1963).

[9] WHEREAS clause of Executive Order No. 649.

[10] *Supra*, note 8.

[11] Sec. 4. Appointment, Qualification Rank and Salary of Officials, and Subordinate Personnel. x x x The Regional Registrars of Land Title and Deeds and the Assistant Registrars of Land Titles and Deeds shall be members of the Bar and shall, at the time of their appointments, have engaged in the practice of law for at least five (5) years, or for the same period, shall have held a position in the government requiring as a requisite therefor membership in the Bar. (Underscoring Supplied.)

[12] 22 R.C.L. 285, cited in *MARTIN AND MARTIN, ADMINISTRATIVE LAW, LAW OF PUBLIC OFFICERS AND ELECTION LAW*, 187 (1978).

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