

REYNALDO D. LOPEZ, PETITIONER, VS. CIVIL SERVICE COMMISSION AND ROMEO V. LUZ, JR., RESPONDENTS.

G.R. No. 92140. February 19, 1991

Ponente: GUTIERREZ, JR., J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-92140/>

GUTIERREZ, JR., J.:

Petitioner Reynaldo Lopez assails the nullification by the Civil Service Commission of his appointment as Harbor Master of the Manila South Harbor.

In 1983, petitioner Lopez, along private respondent Romeo V. Luz, Jr. and Roberto Abellana, was appointed as Assistant Harbor Master at Manila International Container Terminal, Manila South Harbor and Manila North Harbor, respectively.

Pursuant to Executive Order No. 125, the Ministry (now Department) of Transportation and Communications (DOTC) was reorganized. Hence, the reduction of the number of Assistant Harbor Masters (now designated as Harbor Masters) in the Philippine Ports Authority (PPA) from three (3) to two (2). A re-evaluation of the qualifications of petitioner Lopez, Luz, and Abellana was conducted by a placement committee of the PPA to determine who should assume the two positions. The PPA General Manager, Rogelio A. Dayan, appointed petitioner Lopez as Harbor Master for the South Harbor after considering the evaluation conducted by the Placement Committee of the PPA the results of which reveal that petitioner was the most outstanding among the three. The evaluation was formally conducted and superseded the one earlier handled by a task force. It took into account the following: education and training; experience; physical characteristics and personality traits; and performance of each candidate. The records show that respondent Luz rated third.

Luz protested Lopez's appointment after it was approved by the Assistant Director of the Civil Service Field Office, Guillermo R. Silva.

On February 15, 1989, the protest/appeal was denied by the PPA General Manager who explained that Luz was not qualified for any of the two slots according to the over-all standing of the contenders.

Luz then appealed to the Civil Service Commission (CSC) which, on July 6, 1989, ruled that while the candidates were all qualified, "there was no finding who among the three contenders is considered the most qualified and competent to merit appointment x x x, the previous assessments of the candidates having been found defective and not in accordance with the law and implementing regulations." The CSC directed that 'comparative assessments' be made by an appropriate Placement Committee. These assessments would then be the basis of the appointments.

On October 17, 1989, the CSC denied a motion for reconsideration filed by the PPA and ordered the submission of the results of the re-assessment.

On November 10, 1989, the PPA submitted to the Commission the results of the re-assessment conducted by its Placement Committee which was reconvened for that purpose.

The results explained that the Committee utilized evaluation instruments that have been validated for use in promotions to assess performance of the candidates, their education and training, experience and outstanding accomplishments. It, however, noted certain constraints which led to the adoption of modified measures. For instance, it noted the absence of an established instrument to determine Physical Characteristics and Personality Traits so that it had to resort to an assessment conducted by a professional psychiatrist-consultant on the mental alertness, reaction to pressure, personality and dependability of the candidates. Also, in the absence of complete performance appraisal ratings of all the three candidates for the years 1987 to 1988, it utilized only the available ratings for two rating periods i.e., in January-June 1986 and January-June 1987 in which all three candidates were rated. It did not rate outstanding accomplishments due to the absence of a valid instrument, but it considered two (2) commendations given to Luz for his past performance. Moreover, it did not measure each of the candidates' Potential which accounts for 25 points out of the total standard points. It set the maximum score to a total of 70 points only. The comparative evaluation of the candidates for the position of Harbor Master showed that petitioner Lopez garnered - 51 points, Abellana - 41.75 points, and respondent Luz - 39.75 points.

Despite this compliance by the PPA, the Commission, on February 14, 1990, found that the reassessment was not in order. It ruled that the immediate supervisor of respondent Luz was in the best position to assess the competence of the respondent and not a psychiatric consultant who was merely a contractual employee and susceptible to partiality. The Commission stressed that the Placement Committee's current assessment ignored some of the performance appraisal ratings previously made on respondent Luz, as well as the PPA 201 files containing only Luz's record of achievements. It also noted other factors which allegedly would affect his personality traits rating. Thus, it directed the appointment of Luz as the Harbor Master instead of the petitioner.

Hence, this petition.

Lopez now alleges that his constitutional right to due process of law has been violated because he was never informed or notified of the appeal of respondent Luz, the entire proceedings held on the case, and the resolutions of the Commission. He was never invited for comment during the pendency of the appeal. He allegedly learned about the appeal only after being informed by the PPA that his appointment had been revoked and that respondent Luz was directed to assume the position.

The respect for the right to due process in actions before administrative agencies and constitutional commissions includes the basic requirement of granting the person, whose appointment is being contested, an opportunity to be heard. It is conceded that petitioner Lopez was merely a nominal party in the appeal such that the appellee therein was actually the PPA whose act of appointing was being questioned. Nevertheless, the Commission should have taken into account the right of the subject person involved to be informed of the appeal so that he may be given a chance to present his side. A fundamental requirement of procedural due process demands that the interested parties must have an opportunity to present their case and the decision or resolution should be supported by substantial evidence presented by the affected parties before the tribunal. (*Ang Tibay v. CIR*, 69 Phil. 635 [1940]).

The petitioner asserts that the Civil Service Commission gravely and seriously erred in nullifying his appointment and instead substituting its decision for that of the PPA. For its part, the respondent Commission alleged that the selection made by the PPA was discriminatory against Luz and did not conform to the requirements of the law, because other performance ratings of Luz were not given weight: It justified the reversal of the appointment by saying that the Constitution and Rep. Act No. 6656 require that an appointment satisfies the merit and fitness standard, or that "the most qualified and competent shall be preferred."

The private respondent maintains basically the same arguments set forth by the respondent Commission.

The records explicitly show that the Placement Committee of the PPA disclosed the manner by which it assessed

all the candidates. It specifically took note of certain limitations like the absence of ratings of all candidates for certain periods which prompted it to avail of those instruments showing data in which all three of the contenders were subjected to evaluation. This was resorted to in the desire to achieve fairness to all candidates. It admitted having acknowledged other performance ratings and commendations received by respondent Luz. However, all ratings considered, the Placement Committee was of the opinion that the petitioner is the most qualified. The appointing power was given a fair and honest appraisal which fully considered the strengths and weaknesses of the candidates. The petitioner was appointed.

The role of the Civil Service Commission in establishing a career service and in promoting the morale, efficiency, integrity, responsiveness, and courtesy among civil servants is not disputed by petitioner Lopez. On the other hand, the discretionary power of appointment delegated to the heads of departments or agencies of the government is not controverted by the respondents. In the appointment, placement and promotion of civil service employees according to merit and fitness, it is the appointing power, especially where it is assisted by a screening committee composed of persons who are in the best position to screen the qualifications of the nominees, who should decide on the integrity, performance and capabilities of the future appointees. Under Section 9 (h) Presidential Decree No. 807 which authorizes the respondent Commission to

“(h) Approve all appointments, whether original or promotional, to positions in the civil service, except those of presidential appointees, members of the Armed Forces of the Philippines, police forces, firemen, and jailguards, and disapprove those where the appointees do not possess the appropriate eligibility or required qualifications. An appointment shall take effect immediately upon issue by the appointing authority if the appointee assumes his duties immediately and shall remain effective until it is disapproved by the Commission, if this should take place, without prejudice to the liability of the appointing authority for appointments issued in violation of existing laws or rules; Provided, finally, that the Commission shall keep a record of appointments of all officers and employees in the civil service. All appointments requiring the approval of the Commission as herein provided, shall be submitted to it by the appointing authority within thirty days from issuance, otherwise, the appointment becomes ineffective thirty days thereafter.” (Underscoring supplied)

the Commission’s power does not extend to considerations other than those enumerated in the law such as the belief that there are others more qualified. The law limits the Commission’s authority only to whether or not the appointees possess the legal qualifications and the appropriate civil service eligibility, nothing else. To go beyond this would be to set at naught the discretionary power of the appointing authority and to give to the Commission a task which the law (Sec. 6, Rep. Act No. 6656) does not confer. This does not mean that the Commission’s act of approving or disapproving becomes ministerial. Far from it, Section 9 (h) of the Civil Service Law permits the exercise by the Commission of its judgment upon the validity of the appointment by specifying the criterion for approval of appointments. (*Meralco Securities Corp. v. Savellano*, 117 SCRA 804 [1982]) The authority given to the Commission, therefore, is very far from a mere mechanical act in which no discretion or exercise of judgment is allowed.

The Court has defined the parameters within which the power of approval of appointments shall be exercised by the respondent Commission. In the case of *Luego v. Civil Service Commission*, 143 SCRA 327 [1986], the Court ruled that all the Commission is actually authorized to do is to check if the appointee possesses the qualifications and appropriate eligibility: “If he does, his appointment is approved; if not it is disapproved.” We further ruled that the Commission has no authority to revoke an appointment simply because it believed that the private respondent was better qualified for that would have constituted an encroachment of the discretion vested solely in the appointing authority. The Commission cannot exceed its power by substituting its will for that of the appointing authority. (*Central Bank v. Civil Service Commission*, 171 SCRA 744 [1989]).

The power of appointment exercised after a judicious recommendation made by a Placement Committee of the

agency concerned is:

“(A)n essentially discretionary power and must be performed by the officer in which it is vested according to his best lights, the only condition being that the appointee should possess the qualification required by law. If he does, then the appointment cannot be faulted on the ground that there are others better qualified who should have been preferred. This is a political question involving considerations of wisdom which only the appointing authority can decide.” (Underscoring Supplied; *Luego v. Civil Service Commission*, supra, at p. 332)

The head of an agency who is the appointing power is the one most knowledgeable to decide who can best perform the functions of the office. (*Ocampo v. Subido*, 72 SCRA 443 [1976]; *Torres v. Borja*, 56 SCRA 47 [1974]; *Santiago v. Civil Service Commission*, 178 SCRA 733 [1989]) He has a wide latitude of choice as to the person to appoint where the law does not impose rigid conditions. (*Reyes v. Abeleda*, 22 SCRA 825 [1968]). Section 6, Rep. Act. No. 6656 on government reorganization merely provides that the selection or placement should be done through the creation of a Placement Committee the members of which are representatives of the head of the agency as well as representatives of the employees. The committee’s work is recommendatory and does not fix a stringent formula regarding the mode of choosing from among the candidates. Thus, the respondents’ arguments on the alleged inconsistencies and non-conformity with Rep. Act No. 6656 in rating the contenders are without merit.

In view of the foregoing, the Court is not the least bit convinced by the contentions of the public and private respondents. It is apparent from the records that the PPA disclosed all the instruments used, the limitations and the adjustments made to the end that the results would be fair to all the candidates alike. The hiring of an independent psychiatrist-consultant, for instance, proves the inclination of the committee towards impartiality. More important, the Court emphasizes that the Commission has no authority to substitute its judgment for that of the Philippine Ports Authority when it comes to evaluating the performance, personality, and accomplishments of candidates who all have the necessary eligibility and legal qualifications.

WHEREFORE, the petition is hereby GRANTED. The resolutions of the respondent Civil Service Commission dated July 6, 1989; October 17, 1989, and February 14, 1990 are REVERSED and SET ASIDE. Petitioner REYNALDO D. LOPEZ is declared to be entitled to the office in dispute by virtue of his permanent appointment thereto effective October 1, 1988. The temporary restraining order issued by the Court on March 22, 1990 is made permanent.

SO ORDERED.

Fernan, C.J., (Chairman), Narvasa, Melencio-Herrera, Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

Davide, Jr., J., no part.

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.