

FELIPA GUIEB, PETITIONER, VS. THE CIVIL SERVICE COMMISSION AND MILAGROS MARCALINAS, RESPONDENTS.

G.R. No. 93935. February 09, 1994

Ponente: PUNO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-93935/>

PUNO, J.:

In this special civil action of certiorari, petitioner seeks to set aside the resolutions[1] of the public respondent Civil Service Commission which upheld the protest of private respondent Milagros Marcalinas against the appointment of petitioner to the position of Administrative Officer I, Department of Agriculture, Office No. VI, Iloilo City.

The salient facts are few. The reorganization of the Department of Agriculture was called for by Executive Order 116 dated January 16, 1987. On December 16, 1988, petitioner was appointed to the position of Administrative Officer I, Department of Agriculture, Region VI.

The appointment triggered a protest from the private respondent. On January 27, 1989, she filed her protest with the DA-Reorganization Appeals Board headed by then Undersecretary Dante Q. Barbosa. On February 14, 1989, Undersecretary Barbosa referred the protest to their Regional Director, Region VI, Iloilo City for comment. On April 11, 1989, said Regional Director, Emigdio L. Fabella, submitted the following Comments:

"1.

That the recommendation of the Chairman of the Regional Placement Committee did not violate the provisions of Section 12 of RA 6656 and Sections 8 and 9 (3) of the Rules on Government Reorganization and pertinent provisions of PD 807 due to the following reasons:

(a)

That Section 12 of RA 6656 provided for the promulgation by the CSC of the necessary rules and regulations to implement the provisions of RA 6656.

(b)

That Section 8 of Rules on Government Reorganization provided for the creation of a Placement Committee for the Department or Agency.

(c)

That no section of PD 807 is specifically cited to have been violated by the Regional Placement Committee.

2.

The fact that Mrs. Guieb is a detailed DA employee in Region 6 and that her plantilla item belongs to Region XI should not disqualify her from selection and placement in Region 6 because nowhere in the CSC Rules on Government Reorganization can one find a provision prohibiting the selection and placement to a second level

position of an employee who does not belong to a particular region of an Agency.

3.

In the selection and placement of Mrs. Guieb to the position of Administrative Officer I for the DA Iloilo Provincial Office, nepotism as contemplated in PD 807 was not committed by the Chairman of the Regional Placement Committee because prior to the reorganization, Mrs. Guieb was already an Administrative Officer I of the Department of Agriculture and her placement will only be a reappointment.

4.

Although the appellant claims that she is more qualified than the appellee, the appellant held an Accountant I position which is not comparable to the position of Administrative Officer I. On the other hand, the appellee held the position of Administrative Officer I and is detailed to the Iloilo Provincial Office. She is reappointed to the same and comparable position upon recommendation of the Provincial Agricultural Officer of the Iloilo Provincial Office.

The appellant's protest against the appointment of all provincial Administrative Officers in DA Region 6 anchored on the grounds (sic) that she is more qualified than all of these appointees is a sweeping presumption. While factors upon which qualifications are based such as education, experience, training, performance, potential, punctuality and public relations are good criteria in the selection and placement of personnel, there are other factors which are very important considerations in the selection and placement of personnel and one of these is the recommendation of the supervisors.

The management places a considerable importance to the recommendations of the respective Provincial Agricultural Officers in the selection and placement of provincial personnel because the PAOs are in a better position to know who can promote efficiency and effectiveness in the provincial offices. This is in consonance with the provisions on procedure of DA MC #7, dated October 9, 1987, which states:

5.1

The supervisor/head of unit, office, agency shall be required to submit his/her recommendations for the placement of personnel under their respective jurisdiction.

In this case, Mrs. Guieb was the recommendee of the PAO of Iloilo. The other PAOs have their own recommendees for the position of Administrative Officer I. These recommendees as contained in the Personnel Placement List were subjected to a careful review and adjustments were made when the exigency and the interest of the service had to be given utmost importance and consideration.

On the other hand, the appellant was not accommodated in the adjustments made because some incumbents have to be given priority as well as the final recommendations of the respective PAOs.

Attached is the machine copy of a letter to the PAO of Antique recommending the recall of the appellant due to some problems in human relations.

This reaffirms the importance of the recommendations of PAO in the selection of provincial personnel."

Despite the pendency of her protest with the DA-Reorganization Appeals Board, private respondent, on July 10, 1989, filed a Complaint with the respondent Civil Service Commission alleging the same grounds. Chairman Patricia Sto. Tomas then wrote to the former Secretary of Agriculture, Carlos C. Dominguez, to comment on the Complaint. She was informed that Regional Director Fabella had been previously required to comment on the protest. Regional Director Fabella was then asked by the respondent commission for his side of the protest. He furnished Chairman Sto. Tomas with copies of the minutes of the meeting of the Placement Committee and the comparative assessment of the applicants for the contested position.

On February 14, 1990, the respondent Commission promulgated its Resolution, the dispositive portion of which states:

"WHEREFORE, foregoing premises considered, this Commission finds the protest of Mrs. Marcalinas meritorious. Thus, this Commission rules that her appointment as Administrative Officer I in DA Region VI be given due course. On the other hand, this Commission sees it proper that Mrs. Guieb be returned to her organic region (Region XI) without prejudice to her assuming a position that is similar or comparable with what she was occupying when detailed in Region VI."

On July 5, 1990, petitioner filed the petition at bench. She urged: (1) she was denied due process as she was not furnished a copy of private respondent's protest; and (2) her proposed appointment was not a violation of the law on nepotism. Required to comment in behalf of the respondent Commission, the Solicitor General opined that the "CSC acted with grave abuse of discretion amounting to lack of jurisdiction in appointing private respondent to the position of Administrative Officer I, DA, Region VI, Iloilo City." [2] The CSC then, on its own, defended its position. [3]

We grant the petition.

The power of the respondent Commission over appointments is defined in section 9(h) of PD No. 807, thus:

"Section 9. Powers and Function of the Commission. - The Commission shall administer the Civil Service and shall have the following powers and functions:

x x x x x x x x

(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."

As early as August 5, 1986 in *Luego vs. Civil Service Commission*, [4] this Court has spelled out the parameters of the power of the respondent Commission to approve or disapprove appointments to positions in the civil service, viz:

"It is understandable if one is likely to be misled by the language of Section 9(h) of Article V of the Civil Service Decree because it says the Commission has the power to "approve" and "disapprove" appointments. Thus, it is provided therein that the Commission shall have inter alia the power to:

"9(h) Approve all appointments, whether original or promotional, to positions in the civil service, except those presidential appointees, members of the Armed Forces of the Philippines, police forces, firemen, and jailguards, and disapprove those where the appointees do not possess appropriate eligibility or required qualifications." (Emphasis supplied)

However, a full reading of the provision, especially of the underscored parts, will make it clear that all the Commission is actually allowed to do is check whether or not the appointee possesses the appropriate civil service eligibility or the required qualifications. If he does, his appointment is approved; if not, it is disapproved. No other criterion is permitted by law to be employed by the Commission when it acts on or as the Decree says, "approves"

or "disapproves" an appointment made by the proper authorities."

We have reiterated this ruling in an unbroken stream of jurisprudence.[5] Despite these unending iterations and reiterations, respondent Commission appears to disregard its constitutional duty to pay obeisance to decisions of this court. Respondent Commission's cavalier attitude has already drawn a strong rebuke from this Court in *Lapinid vs. Civil Service Commission, et al.*,[6] thus:

"The Court believes it has stated the foregoing doctrine clearly enough, and often enough, for the Civil Service Commission not to understand them. The bench does; the bar does; and we see no reason why the Civil Service Commission does not. If it will not, then that is an entirely different matter and shall be treated accordingly.

We note with stern disapproval that the Civil Service Commission has once again directed the appointment of its own choice in the case at bar. We must therefore make the following injunctions which the Commission must note well and follow strictly.

Whatever the reasons for its conduct, the Civil Service Commission is ORDERED to desist from disregarding the doctrine announced in *Luego v. Civil Service Commission* and the subsequent decisions reiterating such ruling. Up to this point, the Court has leniently regarded the attitude of the public respondent on this matter as imputable to a lack of comprehension and not to intentional intransigence. But we are no longer disposed to indulge that fiction. Henceforth, departure from the mandate of *Luego* by the Civil Service Commission after the date of the promulgation of this decision shall be considered contempt of this Court and shall be dealt with severely, in view especially of the status of the contemner.

While we appreciate that fact that Commission is a constitutional body, we must stress, as a necessary reminder, that every department and office in the Republic must know its place in the scheme of the Constitution. The Civil Service Commission should recognize that its acts are subject to reversal by this Court, which expects full compliance with its decisions even if the Commission may not agree with them.

The Commission on Civil Service has been duly warned. Henceforth, it disobeys at its peril."

The resolution in the case at bench was issued by the respondent Commission on February 14, 1990. It denied petitioners' Motion for Reconsideration on May 25, 1990. In both resolutions, respondent Commission does not appear to have made any reference at all to the repeated rulings of this Court regarding the limits of its power to approve or disapprove appointments in the Civil Service. Likewise, the Memorandum of the respondent Commission filed on June 6, 1991 or after our warning in *Lapinid, supra*, continued to ignore the *Luego* doctrine and its numerous reiteration. Indeed, respondent Commission refused to see the light despite the Comment of the Solicitor General which stressed its indefensible position. Clearly, the resolutions in question were promulgated in utter and unjustifiable disregard of our unbending line of decisions drawing the limits of its power over appointments starting with the case of *Luego, supra*. This stubborn refusal to submit to the rulings of this Court in light of our prior warning in *Lapinid, supra*, appears nothing less than contumacy. But more than contumacy, the arrogance of trifling with the pronouncements of this court by an agency of government itself cannot but weaken the rule of law. As a creation of the Constitution, the respondent Commission should be the last to trivialize the judiciary, one of the three most important touchstones of our democratic government. Regardless of the views of the respondent Commission, it is this court that has been endowed with the exclusive and ultimate authority to interpret the laws of the land, including the fundamental law itself, which often times requires throwing light to the many intersecting shadows that blur the boundaries of power of our different branches of government. Our people have entrusted to this Court the power to be the final arbiter of all questions of law and the rule of law demands that as disputes ought to reach an end in the interest of societal peace, submission should follow this court's final fiat. To undermine the authority of this Court as the final arbiter of legal disputes is to foster chaos and confusion in our administration of justice.

IN VIEW WHEREOF, the petition is granted and the resolutions dated February 14, 1990 and May 25, 1990 in CSC Case No. 568 are annulled and set aside. The protest of private respondent against the appointment of petitioner as Administrative Officer I in DA Region VI, is remanded to the DA-Reorganization Appeals Board for further proceedings and appropriate disposition. The respondent Commission is, hereby, reprimanded for its continuing defiance of the rulings of this Court beginning with *Luego*, *supra*. Its repetition will invite a more severe sanction to the members of the respondent Commission in their personal capacities. No costs.

SO ORDERED.

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

Nocon, J., on leave.

[1] Resolution dated February 14, 1990 (Annex "A", Petition) and Resolution dated May 25, 1990 (Annex "G", Petition) in CSC Case No. 568. Both resolutions were signed by Chairman Patricia A. Sto. Tomas and Commissioners Samilo N. Barlongay and Mario D. Yangco. The latter two had retired from service.

[2] Solicitor General's Comment, p. 272, records.

[3] Memorandum, pp. 402-410, records.

[4] GR No. 69137, 143 SCRA 327.

[5] *Home Insurance & Guaranty Corp. vs. Civil Service Commission*, GR No. 95450, March 19, 1993, 220 SCRA 148 and other cases.

[6] GR No. 96298, May 14, 1991, 197 SCRA 106.

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.