

RICARDO L. MEDALLA, JR., PETITIONER, VS. HON. PATRICIA A. STO. TOMAS, IN HER CAPACITY AS CHAIRMAN OF THE CIVIL SERVICE COMMISSION AND HON. EDUARDO O. CARRASCOSO, IN HIS CAPACITY...*G.R. No. 94255. May 05, 1992*

Ponente: PARAS, J.

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Petitioner, in this petition for certiorari, prohibition, and mandamus, seeks to annul and set aside a) the decision and order[1] of the Merit Systems Protection Board dated November 9, 1988 and September 5, 1989 respectively, in MSPB Case No. 1650 entitled "Singson, Armando v. Medalla, Ricardo" revoking petitioner's appointment and directing Singson's appointment in his stead, and b) Resolution Nos. 90--155 and 90-373[2] of the Civil Service Commission dated February 9, 1990 and April 16, 1990, the first resolution denying petitioner's request that he be given 15 days to file his motion for reconsideration or appeal, upholding the decision of the Merit Systems Protection Board dated November 9, 1988 and directing the Civil Service Commission - National Capital Region to ensure its immediate implementation, and the second resolution denying petitioner's motion for reconsideration. Petitioner likewise prays for the nullification of an Office Order and a Memorandum issued by the then Manila International Airport Authority relating to the abovesited decisions and resolutions.

It appears on record that in 1982, Engr. Ricardo Medalla, petitioner herein, was appointed as a Geodetic Engineer of the then Manila International Airport Authority (MIAA for brevity). In 1986, he was promoted to Supervising Engineer A of its Buildings, Pavements and Grounds Division, otherwise known as the B P and G Division. On February 16, 1987, Engr. Elpidio Mendoza, the said Division's Department Manager, was likewise promoted, thereby leaving his position vacant (Rollo, pp. 7-8). In view thereof, Engr. Armando Singson was designated as the Acting Division Manager on July 1, 1987 (Annex "K", Rollo, p. 48). The MIAA Selection/Promotion Board, however, in its meeting on October 9, 1987, unanimously appointed Medalla as the new Division Manager B of the B P and G Division (Annex "M", Ibid., p. 50). On the same date, Medalla was issued his formal appointment by the then MIAA General Manager Aurelio German (Annex "N", Ibid., p. 52) after which he immediately assumed his post. Apparently aggrieved over Medalla's appointment, Singson filed a protest on October 19, 1987 to the Merit Systems Protection Board (MSPB) of the Civil Service Commission (hereinafter referred to as the Commission) (Annex "O-1", Ibid., p. 54) which endorsed the same on October 21, 1987 to the MIAA General Manager for appropriate action in accordance with Section 14 of CSC Resolution No. 83-343 (Annex "O", Ibid., p. 53). In response thereto, Mr. German affirmed Medalla's promotional appointment and in effect dismissed Singson's protest (Annex "P", Ibid., p. 57). The latter appealed the decision once more to the MSPB (Annex "Q-1", Ibid., p. 60) which again referred the same to the MIAA General Manager for comment (Annex "Q", Ibid., p. 59). Acting thereon, Mr. Evergisto C. Macatulad as the Officer-in-Charge, reiterated MIAA's position as contained in the letter of Mr. German, thus reaffirming Medalla's appointment. Macatulad added that their office will no longer submit supplemental comments on the matter (Annex "R", Ibid., p. 63). The MSPB then required

the submission of the list of positions considered next-in-rank, the approved organization chart and systems of ranking positions and the qualification standards for the contested position (Annex "S", Ibid., p. 64) which was duly complied with by the MIAA (Annex "T", Ibid., p. 65).

In the meantime, the MIAA underwent a reorganization pursuant to its Resolutions Nos. 87-55 and 87-68 dated as early as September 30 and October 22, 1987 respectively (Annexes "U" and "U-1", Ibid., pp. 69-70). Its new staffing pattern was approved by the Department of Budget and Management on February 25, 1988 (Rollo, p. 99) thus the MIAA Placement Committee deliberated on personnel appointments prescinding from the said pattern (Annex "W", Rollo, p. 88). Medalla and Singson were subsequently reappointed as Division Manager D and Principal Engineer C respectively of the new Civil Works Division which replaced the former B P and G Division due to added functions (Annexes "X" and "X-2", Ibid., pp. 96-97). Both ostensibly accepted their new designations (Annex "X-3", Ibid., p. 98).

Notwithstanding the foregoing events, the MSPB still rendered its disputed ruling which reads:

"WHEREFORE, premises considered, this Board finds the appeal meritorious. Accordingly, the appointment of appellee Mr. Medalla as Division Manager B is hereby revoked. It is directed that Mr. Singson be appointed in his stead.

SO ORDERED." (Annex "A", Ibid., p. 32).

On December 20, 1988, the new MIAA General Manager Eduardo Carrascoso sought clarification on the effectivity of this decision considering that both Singson and Medalla had already been given their positions based on the new plantilla (Annex "Y", Ibid., p. 99). In a letter-reply dated April 17, 1988, MSPB Chairman Villones still declared the decision as final and executory and then directed the MIAA General Manager to comply therewith (Annex "Z", Ibid., p. 100). The matter was referred to the MIAA Legal Office which advised that the MIAA is not bound to follow the MSPB's directive as the said MSPB decision has already been rendered moot and academic in view of MIAA's reorganization and that protests should be addressed anew to the Task Force on Reorganization Appeals, being the proper forum (Annex "AA", Ibid., pp. 102-103). The contested MSPB decision therefore remained unacted upon.

On July 21, 1989, Singson's appeal to MIAA General Manager Carrascoso asking for the implementation of the same decision (Annex "B" Ibid., p. 104) turned out to be in vain, so Singson filed a motion to the MSPB which ????? on September 5, 1989, as follows:

"After a careful review of the records, the Board noted that the General Manager, MIAA, received the decision dated November 9, 1988 of the Board on December 5, 1988. However, instead of filing a motion for reconsideration/appeal from the decision, he requested for clarification as to whether said decision be (sic) executed. He did not file a motion for reconsideration within the reglementary period of fifteen (15) days from receipt of said decision. Hence, the decision of the Board became final and executory. Consequently, the Board's decision dated November 9, 1988 be (sic) implemented immediately. Accordingly, the appointment dated August 1, 1988 of Mr. Ricardo L. Medalla, Jr. as Division Manager D, in the Civil Works Division, MIAA, is hereby revoked.

x x x.

SO ORDERED." (Annex "B", Rollo, pp. 34-35).

On October 26, 1989, Medalla filed before the CSC a motion for reconsideration of the above order (Annex "DD", Ibid., p. 113) but the motion was denied by the CSC in its Resolution No. 90-155 dated February 9, 1990 stating thus:

‘WHEREFORE, foregoing premises considered, the Commission resolved to deny, as it hereby denies the request of Ricardo Medalla that he be given fifteen (15) days to file a motion for reconsideration or appeal. Accordingly, the Order dated September 5, 1989 of the Merit Systems Protection Board, directing the revocation of the appointment of Medalla as Manager B, Civil Works Office, NAIA, and the appointment of Armando F. Singson to said position in accordance with MSPB Decision dated November 9, 1988, stands. xxx." (Annex "C", Ibid., p. 38).

Medalla's second motion for reconsideration was also denied in Resolution No. 90-373 dated April 16, 1990 (Annex "D", Ibid., pp. 40-41). Undaunted, Medalla filed a third motion for reconsideration which has as yet, remained pending (Annex "FF", Ibid., p. 121). Meanwhile, MIAA General Manager Carrascoso, in conformance with the previous CSC resolutions, issued Office Order No. 80 on May 18, 1990, which directed Singson and Medalla to assume their duties as Division Manager A and Principal Engineer A, respectively, of the Civil Works Division (Annex "E", Ibid., p. 42). Medalla promptly requested for the deferment of the said Office Order pending the resolution of his motion for reconsideration before the CSC but he was informed that his request may not be given due course as it is only a restraining order from the Supreme Court which can suspend the effectivity of any CSC ruling (Annex "F", Ibid., p. 43).

Hence, the present petition.

Once again, the act of the Commission through the MSPB in replacing an appointee with an employee of its choice is at issue in the case at bar.

The petition must be granted.

The Court has already repeatedly ruled that the Commission has no such authority to do so. Its only function is limited to approving or reviewing appointments to determine their accordance with the requirements of the Civil Service Law (Chang v. CSC, et al., G.R. No. 86791, November 26, 1990, 191 SCRA 663). Thus, when the Commission finds the appointee to be qualified and all the other legal requirements have been satisfied, it has no choice but to attest to the appointment (Central Bank of the Philippines, et al., v. CSC, G.R. Nos. 80455-56, April 10, 1989, 171 SCRA 774). Thereafter, its participation in the appointment process ceases (Orbos v. CSC, G.R. No. 92561, September 12, 1990, 189 SCRA 464). Indeed, the determination of who among several candidates for a vacant position has the best qualifications is vested in the sound discretion of the Department Head or appointing authority and not in the Commission (Gaspar v. Court of Appeals, et al., G.R. No. 90799, October 18, 1990, 190 SCRA 777). This is because the appointing authority occupies the ideal vantage point from which to identify and designate the individual who can best fill the post and discharge its functions in the government agency he heads (Abila v. CSC, et al., G.R. No. 92573, June 13, 1991, 198 SCRA 102). Consequently, when the appointing authority has already exercised his power of appointment, the Commission cannot revoke the same on the ground that another employee is better qualified for that would constitute an encroachment on the decision vested in the appointing authority (Luego v. CSC, G.R. No. 69137, August 5, 1986; Pintor v. Tan, G.R. Nos. 84022 and 85804, March 9, 1989, En banc). The Commission may not and should not substitute its judgment for that of the appointing authority (Patagoc v. CSC, et al., G.R. No. 90229, May 14, 1990, 189 SCRA 416).

In fine, the Court has categorically ruled:

"We declare once again, and let us hope for the last time, that the Civil Service Commission has no power of appointment except over its own personnel. Neither does it have the authority to review the appointments made by other offices except only to ascertain if the appointee possesses the required qualifications. The determination of who among aspirants with the minimum statutory qualifications should be preferred belongs to the appointing authority and not the Civil Service Commission. It cannot disallow an appointment because it believes another person is better qualified and much less can it direct the appointment of its own choice.

Appointment is a highly discretionary act that even this Court cannot compel. While the act of appointment may in proper cases be the subject of mandamus, the selection itself of the appointee - taking into account the totality of his qualifications, including those abstract qualities that define his personality - is the prerogative of the appointing authority. This is a matter addressed only to the discretion of the appointing authority. It is a political question that the Civil Service Commission has no power to review under the Constitution and the applicable laws." (Lapinid v. CSC, et al., G.R. No. 96298, May 14, 1991).

In the same case, the Court has even warned that from the date of its promulgation, departure from the mandate of Luego by the Commission shall be considered contempt of this Court and shall be dealt with severely, in view of the status of the contemnor.

In the light of the foregoing doctrines, the Commission appears to have overstepped its jurisdiction when it revoked the appointment of petitioner Medalla who was shown to have satisfied the requirements prescribed for the contested position, and instead directed the appointment of protestant Singson. No sanction, however, may yet be imposed on the Commission as the act complained of occurred before the promulgation of the aforestated Lapinid decision.

PREMISES CONSIDERED, a) the decision, order and resolutions appealed from are SET ASIDE and b) Engr. Ricardo Medalla and Engr. Armando Singson are REINSTATED to the posts of Division Manager D and Principal Engineer C respectively, of the Civil Works Division.

SO ORDERED.

Narvasa, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Medialdea, Regalado, Davide, Jr., Romero, and Nocon, JJ., concur.
Bellosillo, J., on leave.

[1] Penned by Chairman Raymundo R. Villones, Board Members Bella Amilhasan and Vicente P. Ramos and attested by Chief Board Secretary Marilyn N. Barizo--Aquino.

[2] Issued by Chairman Patricia A. Sto. Tomas, Commissioners Samilo N. Barlongay and Mario D. Yango and attested by Board Secretary VI C.V. Usac.

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