

**INOCENCIO PARI-AN, ALFONSO S. SAPIPI, CIRIACO G. GIBRALTAR,
ABDON CANTILLER, JULIAN V. BANARIA, ABELARDO A. INOCENCIO,
CIRIACO DACULA, JR. RODOLFO. CACHUELA, JR. PATRICIO T
GARC...**

G.R. No. 96535. October 15, 1991

Ponente: GRIÑO-AQUINO, J.

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GRIÑO-AQUINO, J.:

Before the change of administration as a result of the EDSA (or "people power") revolution in February 1986, the fourteen (14) petitioners, Inocencio Pari-an, et al., were occupying positions as Municipal Agricultural Food Officers (MAFOs) in the Ministry of Agriculture and Food Region 6, assigned in different municipalities of Iloilo province. Respondents Alma Blanca, et al. were holding positions, other than MAFOs in various bureaus of the Ministry, like the Bureau of Fisheries & Aquatic Resources, Bureau of Soils & Mater Management, Bureau of Plant Industry, and Bureau of Animal Industry.

On January 30, 1987, President Corazon C. Aquino issued Executive Order No. 116 reorganizing the Ministry of Agriculture & Food and renaming it simply as the "Department of Agriculture" (DA for short).

Pursuant to Executive Order No. 116, Secretary of Agriculture Carlos Dominguez issued Memorandum Circular No. 4 dated October 9, 1987 setting guidelines for the reorganization of the DA providing, among others, that the positions of provincial agricultural and food officers (PAFOs), municipal agricultural and food officers (MAFOs) and Division Chiefs shall be filled through a competitive examination of qualified candidates to be given by Sycip, Gorres, Velayo (SGV) under the authority of the Civil Service Commission and that "preference in appointments must be given to the qualified incumbent of the position to be filled."

Examinations were conducted in March 1988 by the DA-SGV Steering Committee while evaluations were made by the Placement Committee.

Thereafter, a Personnel Placement List (PPL) was prepared and posted on the bulletin board of the DA Regional Office on August 23, 1988 where the groups of Blanca, et al. (19), Borra, et al. (9), Pari-an, et al. (14), Rebecca Silverio and Rogelio Panes, or a total of 44 employees were listed as Municipal Agricultural Officers (MAOs). On the same date, the DA Regional Director issued Special Order No. 261, s. 1988 deploying them to their respective places of assignment. Pari-an, et al. were reassigned to the same stations they held as MAFOs.

However, as the groups of Tobias (14) and Senina (6), all former MAFOs, did not find their names in the PPL (having been displaced by Blanca, et al.), they appealed to the Department's Reorganization Appeals Board (or DA-RAB) protesting against the appointment of their replacements (p. 33, Rollo). The Regional Director required the parties to submit their CS Form No. 212, Certificates of Training, Performance Appraisal and other documents relevant to their appeal.

Not having been named respondents in the protest-appeal of the Tobias and Senina groups, Pari-an, et al. (herein

petitioners) were not asked to submit additional documents.

To their consternation, however, when the DA-RAB rendered a decision on April 6, 1989 (RAB Resolution No. 32), in the protest case, their names had been dislodged from the PPL. In their stead, the DA-RAB upheld the appointments as MAO of the Blanca, Borra & Tobias groups. Pari-an, et al. were, in effect, demoted to mere Agricultural Productivity Technicians (APT), positions much lower in grade and salary scale than their positions as MAOs (formerly MAFOs).

Petitioners appealed to the Civil Service Commission (CSC) in CSC Case No. 309, arguing that their appointments as MAOs had become final because they were not seasonably protested by anyone. However, on August 17, 1990, the CSC dismissed their appeal.

It upheld the action of the DA-RAB on the ground that it was made pursuant to a bona fide reorganization of the Department of Agriculture. The dispositive part of the CSC Resolution reads as follows:

"WHEREFORE, foregoing premises considered, this Commission resolved, as it hereby resolves, to uphold and affirm DA-RAB Resolution No. 32, series of 1989, without prejudice to the filing by those concerned of a protest/appeal against any of those 44 appointees as Municipal Agricultural Officer in Iloilo if there is adequate or substantial evidence to show and prove that the process of personnel evaluation was not done correctly, properly and fairly or not in accordance with the criteria established by the Department of Agriculture." (p. 8, Rollo.)

Their motion for reconsideration of the CSC resolution having been denied by the Commission, Parian, et al. filed this petition for certiorari with a prayer for the issuance of a temporary restraining order to halt their demotion. This Court, in its resolution of January 9, 1991, restrained the CSC, the DA, including the subordinate officers in Iloilo Province, particularly the DA Regional Director, Region 6, from implementing the questioned CSC resolutions dated August 17, 1990 and December 3, 1990 in CSC Case No. 309, during the pendency of this case, until further orders from this Court, and if those resolutions have already been implemented. We directed the issuance of a preliminary writ of mandatory injunction commanding the Regional Director to immediately reinstate the petitioners to the positions respectively occupied by them at the time of the filing of this special civil action (p. 76, Rollo).

The petitioners allege that the Civil Service Commission erred:

1. in affirming the decision of the DA-RAB in the protest case against Alma Blanca, et al.;
2. in not holding that the unprotested appointments of petitioners Pari-an, et al. as MAOs had already become final before the DA-RAB decision was promulgated; and
3. in not finding that the said petitioners were removed from their positions as MAOs without due process of law.

The petition is well taken.

The issue of the validity of the reorganization of the Department of Agriculture was resolved on June 4, 1990 by this Court in "Bustamante vs. Executive Secretary, Department Secretary Carlos Dominguez and Civil Service Commission," (G.R. No. 81998) which was consolidated with Mendoza vs. Quisumbing, 186 SCRA 108 (1990) and other reorganization cases involving as well the Departments of Education, Culture & Sports (DECS), Tourism (DOT), Science and Technology (DOST), Transportation and Communications (DOTC), Health (DOH), and the Offices of the Press Secretary (OPS) and Muslim Affairs (OMA).

We set aside all those reorganizations including the reorganization of the Department of Agriculture which was

effected through examinations given to the employees by the DA/SGV Steering Committee, on the ground that they did not comply with the guidelines in E.O. No. 17, the 1987 Constitution, and Republic Act No. 6656.

(1) The President's Executive Order No. 17 dated May 28, 1986 enumerates the following grounds for the separation/replacement of personnel:

- "1. Existence of a case for summary dismissal pursuant to Section 40 of the Civil Service Law;
- "2. Existence of a probable cause for violation of the Anti-Graft and Corrupt Practices Act as determined by the Ministry Head concerned;
- "3. Gross incompetence or inefficiency in the discharge of functions;
- "4. Misuse of public office for partisan political purposes;
- "5. Any other analogous ground showing that the incumbent is unfit to remain in the service or his separation/replacement is in the interest of the service."

2. The 1987 Constitution provides that "no officer or employee of the civil service shall be removed or suspended except for cause provided by law" (Sec. 2[3], Article IX[B], 1987 Constitution of the Philippines).

3. Republic Act No. 6656 sets clear-cut policies and guidelines on government reorganization to protect the security of tenure of civil service employees and officers.

All of the above: E.O. No. 17, the 1987 Constitution, and Republic Act No. 6656 were already in place when the Department of Agriculture was reorganized.

As civil service employees with permanent appointments, the petitioners could not be removed, suspended, or demoted except "for cause provided by law." Since the records of this case do not show that they had been charged and found guilty of any of the infractions listed in Executive Order No. 17, their replacement and/or demotion in rank was unjustified and illegal.

Petitioners' positions as MAFOs were not abolished in the "reorganization" process but were only rebaptized as MAOS. Their functions, duties and stations remained the same. Even the number of MAFO/MAO positions (44) was not altered. Evidently, the so-called "reorganization" was only an excuse for reshuffling and replacing personnel in violation of the latter's right to security of tenure.

We had stressed in *Dario vs. Mison* 176 SCRA 84, that removal from office as a result of reorganization "must pass the test of good faith, x x x a test well established in democratic societies and in this government under a democratic charter." However, we noted in the *Mendoza* and other reorganization cases (186 SCRA 108) that the bona fide rule had been ignored or disobeyed. For that reason, the Court was "constrained to set aside the reorganization embodied in these consolidated petitions because the heads of departments and agencies concerned have chosen to rely on their own concepts of unlimited discretion and 'progressive' ideas on reorganization instead of showing that they have faithfully complied with the clear letter and spirit of the two Constitutions (The Provisional Constitution and the 1987 Constitution) and the statutes governing reorganization."

Pursuant to the omnibus decision in *Mendoza vs. Quisumbing*, G.R. No. 78053, *Bustamante, et al. vs. Hon. Executive Secretary et al.*, G.R. No. 81998 and related reorganization cases (186 SCRA 108 [1990]), the petition for certiorari should be granted and the reorganization of the positions of Municipal Agricultural Officers in Region 6 should be annulled and set aside and the petitioners should be returned to the positions they occupied prior to the reorganization. The resolutions of the DA-RAB and the Civil Service Commission in CSC Case No. 309 should be annulled and set aside.

WHEREFORE, the petition for certiorari is granted, and the Court hereby annulled and sets aside the DA-RAB Resolution No. 32 dated April 6, 1989, and the CSC Resolutions dated August 17, 1990 and December 3, 1990 in CSC Case No. 309. The Secretary of Agriculture and the DA Regional Director for Region 6 are directed to reinstate the petitioners, Inocencio Pari-an, et al (Pari-an group), as well as the second and fourth groups of private respondents (Tobias and Senina groups) to their positions as Municipal Agricultural and Food Officers (MAFOs) now renamed as Municipal Agricultural Officers (MAOs) under the new staffing pattern of the Department of Agriculture. The other private respondents shall be returned to their former positions or their equivalents under the new staffing pattern, with compensation based on comparable or equivalent rates but not lower than their former salaries. No costs.

SO ORDERED.

Gutierrez, Jr., Cruz, Paras, Padilla, Bidin, Medialdea, Regalado and Davide Jr., JJ., concur.

Fernan, C.J., dissents to be consisted with his position in *Dario v. Mison* and *Mendoza v. Quisumbing*.

Narvasa, J., dissents as I did in *Dario v. Mison*.

Feliciano, J., dissents on the grounds set out in J. Herrera's dissent in *Dario v. Mison*.

Melencio-Herrera, J., on leave.

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