

FILOMENA R. MANCITA, PETITIONER, VS. HON. CEFERINO P. BARCINAS, IN HIS CAPACITY AS PRESIDING JUDGE, REGIONAL TRIAL COURT OF CAMARINES SUR, BRANCH 31, 5TH JUDICIAL REGION, PILI, ...

G.R. No. 98120. December 22, 1992

Ponente: PADILLA, J.

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PADILLA, J.:

This is a petition for certiorari with prayer for the issuance of a temporary restraining order, to annul and set aside the orders of the respondent Judge dated 8 November 1990, 25 February 1991 and 8 April 1991 in Civil Case No. P-1781 of the Regional Trial Court, Branch 31, Pili, Camarines Sur, and to enjoin the respondent Judge from further proceeding with the said civil case.

As prayed for by petitioner, this Court issued on 9 May 1991 a temporary restraining order "effective immediately and continuing until further orders from the Court, ordering respondent Judge Ceferino P. Barcinas, Regional Trial Court of Camarines Sur, Branch 31 at Pili to CEASE and DESIST from further proceeding with Civil Case No. P-1781, entitled "Prescilla B. Nacario vs. The Civil Service Commission, et. al." [1]

The antecedents are as follows:

On 1 August 1980, the petitioner Filomena R. Mancita was appointed to the position of Municipal Development Coordinator (MDC), Municipality of Pili, Camarines Sur, on a permanent status.

While petitioner was serving the Municipal Government of Pili, Camarines Sur as MDC, Batas Pambansa Blg. 337, otherwise known as the "Local Government Code," took effect on 14 March 1983. The Code enumerates the officials and offices common to all municipalities. Among said officials is the Municipal Planning and Development Coordinator (MPDC). [2]

On 28 March 1983, the Sangguniang Bayan of Pili passed Resolution No. 38 [3] creating and organizing the Office of the Municipal Planning and Development Coordinator.

On 1 January 1985, the Reorganization Plan of the Municipality of Pili was approved by the Joint Commission on Local Government Personnel Administration (JELGPA). [4]

In a letter [5] dated 17 June 1985, Anastacio M. Prila, then Municipal Mayor of Pili, informed the petitioner of the approval of the Reorganization Plan of the Municipality of Pili; that her position of Municipal Development Coordinator was abolished; and with the abolition of the said position, her services as such official are terminated at the close of office hours on 30 June 1985.

On 30 June 1985, Anastacio M. Prila, Municipal Mayor of Pili, appointed private respondent Prescilla B. Nacario as Municipal Planning and Development Coordinator effective 1 July 1985. [6]

Petitioner appealed her separation from the service to the Merit Systems Protection Board (MSPB), docketed therein as MSPB Case No. 248. On 20 June 1989, the MSPB rendered a decision,[7] finding the petitioner's appeal meritorious and directing that she be reinstated to her former or equivalent position with payment of back salaries from the date of her illegal separation from the service.

The Municipal Government of Pili moved for reconsideration of the decision of 20 June 1989 but its motion was denied on 13 December 1989.[8]

On appeal by the Municipality of Pili, the Civil Service Commission, in its Resolution No. 90-657[9] dated 16 July 1990 affirmed the decision of the MSPB.

On 15 October 1990, Mayor Delfin N. Divinagracia, Jr., who had succeeded Mayor Anastacio M. Prila, informed private respondent Nacario that her services as MPDC would be terminated effective 16 November 1990 to pave the way for the re-instatement of petitioner.[10] On the same date, Mayor Divinagracia also notified petitioner of her reinstatement to her former position effective 16 November 1990.[11]

On motion of the petitioner, the Civil Service Commission promulgated an order[12] dated 9 November 1990 directing the immediate implementation of CSC Resolution No. 90-657 dated 16 July 1990 and the MSPB decision dated 20 June 1989 and Resolution dated 13 December 1989.

Meanwhile, on 8 November 1990, private respondent Nacario filed with the Regional Trial Court of Pili, Camarines Sur, Branch 31, a petition for declaratory relief and prohibition with preliminary injunction (Civil Case No. P-1781) against the CSC represented by its Chairman Patricia A. Sto. Tomas, Mayor Delfin N. Divinagracia, Jr., Elio Banda, Regional Director of Region V of the CSC and herein petitioner Filomena R. Mancita,[13] praying that:

- "1. Pending hearing of this suit, a restraining order be issued by this Honorable Court restraining respondent Honorable Delfin N. Divinagracia, Jr. from implementing his communication terminating the services of herein petitioner and directing the reinstatement of respondent Felomina R. Mancita; and likewise, restraining the latter from assuming/occupying petitioner's positions as Municipal Planning and Development Coordinator;
2. That likewise, pending trial on the merits, a preliminary injunction be issued against said respondents in order to preserve the status quo;
3. That an Order be issued declaring the Resolution of the Merit Systems Board of the respondent Civil Service Commission and the latter's Resolution No. 90-657 as without force and legal effect, null and void and contrary to law and constitutional right of the petitioner to security of tenure;
4. That after trial, making the injunction permanent;
5. Petitioner prays for such other reliefs as may be just and equitable in the premises."

As prayed for by the petitioner (now private respondent Nacario), the respondent Judge issued on the same day a temporary restraining order and set the hearing of the application for a writ of preliminary injunction on 22 November 1990.[15]

In due time, the petitioner filed her answer with a motion to dismiss the petition on the ground that the court a quo has no jurisdiction to rule, pass upon or review a final judgment, order or decision of the Civil Service Commission, a constitutional body.[16] Mayor Divinagracia also filed his answer[17] and, thereafter, a manifestation[18] alleging that "he is adopting" petitioner's motion to dismiss as incorporated in her answer.

On 25 February 1991, respondent Judge issued an order[19] denying the motion to dismiss. The petitioner's

motion for reconsideration[20] was also denied by respondent Judge in his order[21] dated 8 April 1991.

Petitioner is now before this Court, contending that the questioned orders of respondent Judge are null and void for having been issued without or in excess of jurisdiction.

The petition is meritorious.

In *Lopez, Jr. vs. The Civil Service Commission, et. al.*,[22] this Court held that -?

"x x x, no appeal lies from the decision of the Civil Service Commission, and that parties aggrieved thereby may proceed to this Court alone on certiorari under Rule 65 of the Rules of Court, within thirty days from receipt of a copy thereof, pursuant to Section 7, Article IX, of the Constitution. We quote:

'SEC. 7. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof.'

"x x x, the Civil Service Commission, under the Constitution, is the single arbiter of all contests relating to the civil service and as such, its judgments are unappealable and subject only to this Court's certiorari jurisdiction."

Since the decision, order, or ruling of the Civil Service Commission is subject to review only by this Court on certiorari under Rule 65 of the Rules of Court, the Regional Trial Court of Pili, Branch 31, Camarines Sur, has no jurisdiction over Civil Case No. P-1781, an action which seeks a review of a decision of the Civil Service Commission.

WHEREFORE, the petition is GRANTED, and the questioned orders dated 8 November 1990, 23 February 1991 and 8 April 1991 of the respondent Judge are hereby ANNULLED and SET ASIDE. The temporary restraining order heretofore issued by the Court is hereby made PERMANENT. Costs against the private respondent.

SO ORDERED.

Narvasa, C.J., Gutierrez, Jr., Cruz, Feliciano, Bidin, Grino-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, and Campos, Jr., JJ., concur.

[1] Rollo, p. 129

[2] Book II, Title II, Chapter 3, Article Eight, Section 161, Local Government Code

[3] Rollo, p. 29

[4] *Ibid.*, pp. 55, 192, 207

[5] *Ibid.*, p. 39

[6] *Ibid.*, p. 40

[7] *Ibid.*, p. 53

[8] *Ibid.*, p. 63

[9] *Ibid.*, p. 77

[10] *Ibid.*, p. 85

[11] *Ibid.*, p. 86

[12] Ibid., p. 83

[13] Ibid., p. 87

[14] Ibid., pp. 90-91

[15] Ibid., p. 92

[16] Ibid., p. 93

[17] Ibid., p. 105

[18] Ibid., p. 110

[19] Ibid., p. 111

[20] Ibid., p. 115

[21] Ibid., p. 127

[22] G.R. No. 87119, 16 April 1991, 195 SCRA 777, 780, citing *Dario vs. Mison*, 176 SCRA 84

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