

SECOND DIVISION

[G.R. No. 185112, January 18, 2010]

**DEPARTMENT OF LABOR AND EMPLOYMENT (DOLE) AND
NATIONAL MARITIME POLYTECHNIC (NMP), PETITIONERS, VS.
RUBEN Y. MACEDA, RESPONDENT.**

DECISION

ABAD, J.:

This case pertains to the importance of complying with the prescribed qualification standards, and the appropriate mode of assailing a decision of the Civil Service Commission (CSC).

The Facts and the Case

On June 28, 1989 respondent Ruben Y. Maceda, a deck marine officer, joined the National Maritime Polytechnic (NMP), a government school, with a permanent appointment as Instructor I. He rose to the permanent positions of Assistant Professor I and later Associate Professor I. He studied law in the meantime and passed the bar in 1996. He was later designated as Officer-in-Charge (OIC) of the Maritime Training Division and as NMP's legal counsel.

In 1998, the NMP again promoted respondent Maceda to the rank of Professor I but this time under a mere temporary appointment. He subsequently wrote the NMP Executive Director, submitting justifications for changing his temporary status to a permanent one. In 1999 the International Maritime Law sponsored his studies in the IMO-International Maritime Law Institute in Malta. He finished his master's degree in 2000. He later developed a module in maritime law for Marine Officers of the NMP and started teaching the subject in May 2004.

Yearly, from January 7, 2000 to January 7, 2003, the NMP renewed respondent Maceda's temporary appointment as Professor I. In 2001 he resigned from his position as NMP legal counsel. In 2002 the NMP completed the revision of the Qualification Standard (QS) for its staff. Maceda claimed, however, that nothing has since been heard of that revised QS after the NMP submitted the same to the CSC for approval.

On February 13, 2003 the Human Resources Management Section of NMP wrote respondent Maceda, advising him that the school would be putting him under contractual employment from January 7 to June 30, 2003 or until such time as the CSC shall have already approved the NMP Maritime Training Revised Qualification Standard.

On March 20, 2003 the NMP Executive Director, Noriel Devanadera, wrote respondent Maceda, informing him that his temporary appointment as Professor I

was being renewed effective on April 1, 2003 and that the succeeding renewal of his appointment would be subject to his meeting the requirements of the position. The NMP considered Maceda first priority for the Shipboard Rotation Scheme for 2003 and for holding the 3rd Officer position on board ship. He answered the letter, making a number of requests, so he could avail of the Shipboard Rotation Scheme. But the NMP did not act on his letter.

Meanwhile, Maceda applied from 2001 to 2003 for the position of Administrative Officer V which then remained vacant. But an OIC was instead appointed to that position.

In 2001 the NMP advised all employees occupying next-in-rank positions to the Deputy Executive Director (DED) III to submit their updated Personal Data Sheets (PDS) for evaluation as candidates to that position until May 15, 2001. On May 28, 2001 Maceda belatedly submitted his updated PDS for evaluation.

On December 23, 2003, the NMP OIC wrote respondent Maceda, informing him that his appointment as Professor I would be renewed on contractual status effective from January 5 to June 30, 2004. Maceda agreed and signed a contract of employment on January 5, 2004. On the same date, however, Maceda filed a complaint with the CSC regarding his demotion in employment status. The Administrative Officer of the CSC regional office convinced him, however, that the renewal of the appointments of temporary employees is a prerogative of the head of the agency.

On June 30, 2004 the NMP OIC informed respondent Maceda that, on instructions from Devanadera, he was not to report for work anymore on the following day. On July 13, 2004, however, Devanadera asked Maceda to be a guest lecturer in Maritime Law, thus acknowledging the need for his services and his expertise on the subject.

On June 2, 2004 respondent Maceda wrote to the members of the Board of Trustees of NMP about his illegal termination as professor and Devanadera's mismanagement of the school's affairs. Further, Maceda charged Devanadera and NMP before the Department of Labor and Employment (DOLE) of oppression leading to his illegal termination. On October 21, 2004, the DOLE Secretary dismissed his complaint.

On November 2, 2004 respondent Maceda appealed his case to the CSC but the latter dismissed the same for lack of jurisdiction, pointing out that, since Devanadera was a presidential appointee, the power to discipline him belonged to the President. Maceda filed a motion for reconsideration but on March 7, 2007 the CSC denied the same. The CSC held that, as a holder of a temporary and contractual employment, Maceda did not enjoy security of tenure. The CSC further held that it was his fault that he did not take steps to remedy his deficiency, namely, a shipboard experience on license, after holding the position of Professor I for five years. This prompted Maceda to seek recourse by special civil action of *certiorari* with the Court of Appeals (CA) in CA-G.R. SP 99539.

On May 28, 2008 the CA rendered a decision, granting the petition, ordering the NMP to reinstate Maceda to his previous position as Professor I, and directing it to pay his salary and other benefits from July 1, 2004 until he is reinstated. The DOLE and the NMP moved for reconsideration of the decision but the CA denied the same,