

SPECIAL FIFTEENTH DIVISION

[CA – G.R. SP NO. 124809, April 22, 2014]

**AMELITA S. NAVARRO, PETITIONER, VS. ANTONIO L. SANTOS,
RESPONDENT.**

D E C I S I O N

GALAPATE-LAGUILLES, J:

Before this Court is a *Petition for Review*^[1] under Rule 43 of the Rules of Court seeking the reversal and setting aside of the *Decision*^[2] dated 5 December 2011 of the Civil Service Commission (CSC) Central Office, the dispositive portion of which reads:

WHEREFORE, the petition for review of Mayor Amelita S. Navarro is hereby **DISMISSED**. The Civil Service Regional Office (CSCRO) No. II, Tuguegarao City, Cagayan, Decision No. CSC-RO2-NONDISC-DFR-08-02 dated February 14, 2008 and Resolution No. CSCRO-LSDDMR-11-00076 dated June 7, 2011 are **AFFIRMED**. The Memorandum No. 2006-12-073 dated December 12, 2006 issued by Mayor Navarro, dropping Antonio L. Santos from the rolls is **NOT IN ORDER**. Accordingly, Mayor Amelita S. Navarro is directed to immediately effectuate reinstatement of Santos to his position as City Government Department Head (HRMO), Santiago City, and the payment of his back salaries and other benefits including RATA.

Likewise assailed in the instant *Petition* is the *Resolution*^[3] dated 10 April 2012 denying petitioner Amelita S. Navarro's *Motion for Reconsideration*.

The following are the facts:

On 29 November 2001, then City Mayor Jose C. Miranda of Santiago City appointed respondent Antonio L. Santos (hereinafter respondent) as City Government Department Head I (HRMO) on a permanent capacity.^[4] Relative to the said appointment, the City Council of Santiago City issued *Resolution No. 4THCC-42*^[5] on even date confirming the appointments of several heads of offices. In the "whereas clause" of the said Resolution, the appointment of respondent was referred to as permanent; however, in the dispositive portion thereof, his appointment was denominated as "Co-Terminus (sic) Permanent."^[6]

On 7 December 2001, the Civil Service Commission Field Office (CSCFO) of Isabela initially disapproved the appointment conferred on respondent as City Government Department Head I (HRMO) for lack of concurrence/confirmation by the members of the Sangguniang Panlungsod of Santiago City.^[7]

On 14 March 2002, the disapproval was reconsidered and the appointment was approved by the CSCFO of Isabela as permanent.^[8]

On 12 December 2006, petitioner Amelita S. Navarro (hereinafter petitioner), as City Mayor of Santiago City issued *Memorandum No. 2006-12-073*^[9] dropping Santos from the rolls of employees on the ground of the expiration of his term of office as a co-terminous employee.

Aggrieved, Santos went to the CSC Regional Office II (CSCRO II), Tuguegarao City, Cagayan, assailing the foregoing *Memorandum* issued by Navarro.

On 14 February 2008, the CSCRO II rendered a Decision^[10] declaring *Memorandum No. 2006-12-073* as null and void, the dispositive portion of which reads:

WHEREFORE, premises considered, it is hereby ruled:

1. That *Memorandum No. 2006-12-073* dated December 12, 2006 of City Mayor Amelita S. Navarro is NULL AND VOID;
2. The dropping from the roles of Appellant Antonio L. Santos is INVALID;
3. Antonio L. Santos is Ordered to be REINSTATED to his position and the payment of his back salaries and other benefits including RATA should be immediately effected.

SO DECIDED.

Consequently, petitioner moved for reconsideration of the aforesaid *Decision* which, however, was denied by the CSCRO II in a *Resolution*^[11] dated 7 June 2011.

Still undaunted, petitioner sought review before the CSC Central Office. Unfortunately, in the assailed *Decision* dated 5 December 2011, the CSC Central Office affirmed the Decision dated 14 February 2008 and the Resolution dated 7 June 2011 of the CSCRO II. Petitioner then filed her Motion for Reconsideration, to which the CSC Central Office denied in the challenged Resolution dated 7 June 2011.

Hence, the present recourse by petitioner contending that the CSC Central Office committed reversible error when:

1. It upheld the decision of the Civil Service Regional Office No. 2 (CSCRO 2 for brevity), in effect ruling that Memorandum No. 2006-12-073 is null and void;
2. It ordered the reinstatement of Antonio L. Santos with payment of back salaries and other benefits including the latter's RATA; and

It declared that the dropping from the rolls of Antonio L. Santos is invalid.^[12]

The petitioner essentially argues that the appointment of respondent as City Government Department Head I (HRMO) was merely on a co-terminous capacity.

The instant Petition lacks merit.

In ***Lazo v. Civil Service Commission***,^[13] the Supreme Court held that “under the Constitution, the Civil Service Commission is the central personnel agency of the government charged with the duty of determining questions of qualifications of merit and fitness of those appointed to the civil service.”

The powers and functions of the Civil Service Commission are defined in Section 9 (h) of the Civil Service Law, thus:

“SECTION. 9. *Powers and Functions of the Commission.* – The Commission shall administer the Civil Service and shall have the following powers and functions:

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;

x x x.”

While the appointing authority has the discretion to choose whom to appoint, the choice is subject to the caveat that the appointee possesses the required qualifications.^[14]

To make it fully effective, an appointment to a civil service position must comply with all legal requirements. Thus, the law requires the appointment to be submitted to the CSC, which will ascertain, in the main, whether the proposed appointee is qualified to hold the position and whether the rules pertinent to the process of appointment were observed.^[15]

The appointing officer and the CSC acting together, though not concurrently but consecutively, make an appointment complete. In acting on the appointment, the CSC determines whether the appointee possesses the appropriate civil service eligibility or the required qualifications. If the appointee is qualified, the appointment must be approved; if not, it should be disapproved.^[16]

In the instant case, the appointment extended to Santos by then Santiago City Mayor Miranda was on a permanent capacity. However, in the “whereas clause” of