

SECOND DIVISION

[G.R. No. 215932, June 03, 2019]

CIVIL SERVICE COMMISSION, PETITIONER, VS. RICHARD S. REBONG, RESPONDENT.

DECISION

REYES, J. JR., J.:

Assailed in this Petition for Review on *Certiorari* are the August 29, 2014 Decision^[1] and the December 23, 2014 Resolution^[2] of the Court of Appeals (CA) in CA-G.R. SP No. 134264 which reversed and set aside the July 26, 2013 Decision,^[3] November 11, 2013 Resolution^[4] and February 25, 2014 Resolution^[5] of the Civil Service Commission (petitioner), which disapproved Richard S. Rebong's (respondent) permanent appointment as Intelligence Officer V.

The Antecedents

Respondent served as Intelligence Agent 1 (IA 1) of the then Economic Intelligence and Investigation Bureau (EIIB) of the Bureau of Customs (BOC) from October 1994 to January 2000, or for approximately five years. As IA 1, respondent was assigned by then Deputy Commissioner Francisco Arriola (Deputy Arriola) as Team Leader of the Special Operations Group (SOG), at the Container Yard (CY), Container Freight Station (CFS) and Customs Bonded Warehouses (CBW) of the Port of Manila and the Manila International Container Port.^[6]

As Team Leader, respondent supervised other Intelligence Agents and Intelligence Aides who were members of the team. He ensured that no diversion of shipments bound to Rizal, Cavite, Laguna and Batangas provinces would occur.^[7]

Respondent's duties and responsibilities as IA 1 include the preparation and supervision of strategic operation set-ups for the detailing of Intelligence Agents and Intelligence Aides to various CY, CFS and CBW located in the National Capital Region (NCR). These Intelligence Agents and Intelligence Aides would submit reports which respondent, in turn, prepared and submitted to the Chief of the SOG in the form of Summary of Information and After Mission Reports including reports on the justification of Mission Order and profiling of suspected violators of the Tariff and Customs Code of the Philippines (TCCP).^[8]

From March 2004 until May 2012, or approximately eight years, respondent continued to serve as IA 1 for the Customs Intelligence and Investigation Service (CIIS) of the BOC. During his service as such, respondent was assigned as Team Leader in the CIIS's sub-unit at the Philippine Economic Zone Authority (PEZA) covering the provinces of Rizal, Cavite, Laguna and Batangas.^[9] Respondent's assignment as Team Leader was upon the instance of the head of the CIIS-District

who would divide the intelligence officers and agents assigned in the area into teams or groups.^[10]

As Team Leader, respondent managed a team of agents who was tasked to safeguard shipments bound to PEZA and CBW in Region IV. Likewise, upon instruction of the Intelligence Officer 11 (IO 11) as immediate supervisor, respondent assigned tasks and monitored the performance of the group of agents and would thereafter report directly to the IO 11.^[11]

In 2007, under Office Order No. 2-2007, respondent was assigned by Atty. Julio Doria as Field Officer of the X-Ray Inspection Project unit at the Manila International Container Port. As Field Officer, he was the leader of a team of x-ray inspectors composed of an Assistant Field Officer and four team members.^[12]

Specifically, as Field Officer, respondent supervised the activities of x-ray inspectors in a particular x-ray field office. He likewise prepared regular reports of x-ray field office activities and accomplishments. Respondent also coordinated with the District Collector, the arrastre operator and the Department of Health officials concerning the safety requirements of the project. Thus, all operational and management control of X-Ray Inspection Project in one of the major ports in Metro Manila were assigned to respondent.^[13]

In 2008, by virtue of the Customs Personnel Order No. B-7-2008 issued by Deputy Commissioner for Intelligence and Enforcement Group Celso Templo, respondent was assigned as Assistant Officer-in-Charge of the CIIS-PEZA Cavite/Laguna and its extensions located in Cavite, Laguna and Rizal.^[14]

Prior to his being employed as IA 1, respondent worked in various private companies, as Account Manager at the New Business Center, from February 1988 to June 1988; Security Investigator at the RVV Security Services, Inc., from August 1988 to August 1991; and as Senior Market Analyst at the Queensland-Tokyo Commodities, Inc., from August 1991 to December 1991.^[15]

Respondent has a bachelor's degree in business administration, major in public administration.^[16] In 2009, he earned his master's degree in public administration after finishing the required management courses such as Human Behavior in Management, Theory and Practice of Public Administration and Management, Local Government and Regional Administration, Public Fiscal Administration, Organization and Management, and Public Personnel Administration.^[17] In 2012, respondent earned his doctorate in public administration.^[18]

When the position of Intelligence Officer V (IO V) or the Chief of the Customs Intelligence Division became vacant, respondent applied for the position.^[19]

The Personnel Selection Board (PSB) of the BOC then conducted deliberations and evaluation of the aspirants and thereafter, trimmed down the candidates to eight which included respondent who were then scheduled for interview for purposes of preparing the short list to be submitted to then Commissioner Razzano Rufino Biazon (Commissioner Biazon) for his consideration.^[20]

Subsequently, the PSB submitted to Commissioner Biazon the short list of the candidates for the position of IO V. Respondent was among the three (3) short listed candidates.^[21]

On May 10, 2012, respondent was appointed by Commissioner Biazon as IO V. Accordingly, on May 15, 2012, respondent was issued a permanent appointment as IO V by way of promotion.^[22]

Respondent's appointment was thereafter transmitted to the Civil Service Commission Field Office-Department of Public Works and Highways (CSCFO-DPWH) for evaluation and attestation. Respondent's appointment, however, was disapproved on the ground that he did not meet the experience and training requirements prescribed for the position.^[23]

Respondent appealed the disapproval of his permanent appointment to the Civil Service Commission-National Capital Region (CSC-NCR).^[24]

In its Decision dated August 30, 2012, the CSC-NCR found that while respondent satisfied the educational and eligibility requirements for the position of IO V, his experience and training requirements were lacking. According to the CSC-NCR, only respondent's work as Account Manager for four months may be credited for purposes of compliance with the experience requirement since it involved management and supervision. His duties as IA 1, however, were not credited by the CSC-NCR on the ground that as a first level position holder, respondent could not be designated to perform the duties pertaining to second level positions.^[25]

Respondent moved for reconsideration which was treated by petitioner as a petition for review.

The CSC Ruling

In a Decision dated July 26, 2013, petitioner ruled that respondent failed to meet the required experience and training qualifications for the position. It declared that the knowledge and skills gained by respondent in the IA 1 position have no actual significant closeness and functional relation with the duties and responsibilities of the position of IO V. Petitioner stated that the main duties and functions of IA 1 involve gathering and compilation of documents, conduct of security mission activities, and search and seizure of illicit cargoes. It held that such duties and functions were not functionally related to the duties and functions of an IO V which requires management and supervision. Moreover, petitioner found that the trainings and seminars attended by respondent did not involve management and supervision.

Likewise, petitioner did not give weight and credence to Office Order No. 2-2007 dated May 28, 2007 issued by Atty. Julito Doria of the X-Ray Inspection Project, designating respondent as Field Officer at Manila International Container Port; Customs Personnel Order No. B-7-2008 dated January 3, 2008 issued by Deputy Commissioner Celso P. Templo, Intelligence and Enforcement Group, reassigning/designating respondent from CIIS Administrative and Support Unit to Assistant OIC CIIS-PEZA, Cavite/Laguna and its Extensions/CBWs located in Cavite, Laguna and Rizal. It noted that said designations were made during the period that respondent was holding the position of IA I, a first level position. Petitioner

emphasized that CSC Resolution No. 050157 dated February 7, 2005, circularized through Memorandum Circular No. 6, s. 2005 dated February 15, 2005, particularly Section B thereof, provides that "designees can only be designated to positions within the level they are currently occupying." Thus, petitioner concluded that the designations made in favor of respondent for him to perform the duties and functions of the second level position, while he was an IA 1 could not be credited for purposes of compliance with the experience requirement for his appointment to the position of IO V as they violated the rules on designation. The *fallo* reads:

WHEREFORE, the Petition for Review of Richard S. Rebong, Intelligence Officer V, Bureau of Customs (BOC), is hereby DISMISSED. Accordingly, the Decision dated August 30, 2012 of the Civil Service Commission-National Capital Region (CSC-NCR), at affirming the Decision dated May 31, 2012 of the Civil Service Commission Field Office Department of Public Works and Highways (CSCFO-DPWH), disapproving his permanent (promotion) appointment as Intelligence Officer V for failure to meet the experience and training requirements, is hereby AFFIRMED.^[26]

Respondent moved for reconsideration but the same was denied by the CSC in a Resolution dated November 11, 2013 and in a subsequent Resolution dated February 25, 2014.

Aggrieved, respondent elevated a petition for review before the CA.

The CA Ruling

In a Decision dated August 29, 2014, the CA reversed and set aside petitioner's ruling. It held that the Qualification Standards for the IO V position do not require experience in positions that are managerial and supervisory *per se*, but only positions involving management and supervision. Otherwise stated, if the task of managing and supervising is included or is a part of the appointee's previous employment, then the experience requirement is satisfied. Further, the Qualification Standards do not require that the previous employment held by the appointee be functionally related to the duties of IO V. Had the BOC intended that the previous position of the appointee be functionally-related to the duties of an IO V, then it could have easily so provided. However, as it is, the Qualification Standards enumerate only four requirements, none of which requires that the appointee's previous position be significantly close to or functionally-related to the duties of an IO V.

The appellate court further held that petitioner would have credited respondent's work as IA 1 when he was assigned as Team Leader and as Field Officer as experience involving management and supervision, had it not been for the alleged inherent impermissiveness of such designations, reasoning that a holder of a first-level position like respondent could not be designated to perform duties and functions pertaining to a second level position. It ruled that respondent was not designated to a second level position because he was not named to any specific second level position as he still held the position of an IA 1, while then acting as Team Leader and as Field Officer; and his duties as Team Leader and Field Officer were reflective of his duties as IA 1 and were merely an implementation of his duties as such. Thus, respondent's assignment as Team Leader and Field Officer, not being contrary to petitioner's rules against designation of a first level position holder

to a second level position, must be credited to form part of his compliance with the Qualification Standards.

Finally, the CA adjudged that contrary to the unfounded conclusion of petitioner, the training attended by respondent in preparation for his task as Field Officer of the X-Ray Inspection Project involved management and supervisory training. Respondent's attendance in the said training course for 96 hours sufficiently complied with the training requirement. It disposed the case in this wise:

WHEREFORE, the instant Petition is **GRANTED**. The Decision dated July 26, 2013 of the Civil Service Commission and the Resolutions dated November 11, 2013 and February 25, 2014 are **REVERSED and SET ASIDE**. The appointment of Petitioner Richard S. Rebong as Intelligence Officer V is hereby **UPHELD**.^[27]

Petitioner moved for reconsideration, but the same was denied by the CA in a Resolution dated December 23, 2014. Hence, this Petition for Review on *Certiorari* wherein petitioner raises the following assignment of errors:

- I. THE COURT OF APPEALS GRAVELY ERRED IN FINDING THAT RESPONDENT SATISFIED THE FOUR-YEAR MANAGERIAL/SUPERVISORY EXPERIENCE REQUIREMENT.
- II. THE COURT OF APPEALS GRAVELY ERRED WHEN IT HELD THAT RESPONDENT'S DESIGNATION AS TEAM LEADER AND FIELD OFFICER INVOLVED EXPERIENCE IN MANAGEMENT AND SUPERVISION.
- III. THE COURT OF APPEALS ERRED IN RULING THAT RESPONDENT'S APPOINTMENT DID NOT VIOLATE THE THREE-SALARY GRADE RULE.
^[28]

Petitioner argues that the duties of IA 1 do not involve management and supervision; that respondent's designations as Team Leader and Field Officer encompass duties from both first and second level positions, thus, it is incorrect to say that the duties and responsibilities pertaining to management and supervision, *i.e.*, managing operations and supervising team members, were done by respondent only in his capacity as IA 1; that respondent's appointment violated the three-salary grade rule which provides that an employee may be promoted or transferred to a position which is not more than three (3) salary, pay, or job grades higher than the employee's present position, except in very meritorious cases; and that respondent has not shown that his appointment falls within the meritorious exceptions provided in existing Civil Service rules.^[29]

In his Comment,^[30] respondent counters that to require his duties and responsibilities as IA 1 to have actual significant closeness and functional relation with the duties and responsibilities of the position of IO V in order to qualify as relevant experience, is tantamount to requiring an additional criterion for the position of IO V; that the CSC's characterizations of "Team Leader" and "Field Officer" were inaccurate because these are tasks, not offices; and that he offered in evidence sworn statements of competent witnesses to substantiate the fact that the assignments given to him while he was an IA 1 pertain to a first level position, and