757 PHIL. 228

FIRST DIVISION

[G.R. No. 202970, March 25, 2015]

NATANYA JOANA D. ARGEL, PETITIONER, VS. GOV. LUIS C. SINGSON, IN HIS CAPACITY AS THE GOVERNOR OF THE PROVINCE OF ILOCOS SUR, RESPONDENT.

D E C I S I O N

PEREZ, J.:

Before this Court is a Petition for Review on *Certiorari* under Rule 45 of the Rules of Court assailing the 31 May 2012 Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 123125 and its Resolution[2] dated 31 July 2012 denying petitioner's Motion for Reconsideration. The Decision reversed and set aside the Resolution issued by the Civil Service Commission (Commission) affirming the Decision of the Civil Service Commission Regional Office No.1 (CSCRO1) which approved the appointment of Natanya Joana D. Argel (Argel) as Nurse II at the Gabriela Silang General Hospital.

Culled from the records are the following antecedent facts:

Argel was appointed by then Ilocos Sur Governor Deogracias Victor B. Savellano (Governor Savellano) as Nurse II under permanent status at the Gabriela Silang General Hospital effective 15 September 2009. In accordance with procedure, her appointment was submitted to the Civil Service Commission Field Office (CSCFO) – Ilocos Sur for evaluation.

On 3 December 2009, the CSCFO-Ilocos Sur disapproved the appointment of Argel on the ground that she failed to meet the one (1) year experience required for the position. It was pointed out that she still lacks four (4) months of relevant experience.

In an undated letter to CSCFO-Ilocos Sur, Carmeliza T. Singson (Dr. Singson), Provincial Health Officer II, moved for reconsideration of the disapproval of Argel's appointment. She claimed that Argel rendered services at the Gabriela Silang General Hospital from 15 July 2008 to 15 January 2009 (six months) as a volunteer and from 8 July 2010 to 8 January 2010 (six months) as contractual nurse or for a total of twelve months. She concluded that Argel has completed the experience requirement as of 8 January 2010.

Dr. Singson's motion for reconsideration was, however, denied by CSCFO-Ilocos Sur on 27 January 2010. The CSCFO-Ilocos Sur held that they further observed that the Nurse II position to which Argel was appointed was not an open position as appearing in the plantilla of positions of the Gabriela Silang General Hospital. It explained that Nurse II has lower positions that are considered next-in-rank, i.e, Nurse I. It explained that those holding next-in-rank positions should be given

preference in consonance with the provisions of CSC Memorandum Circular No. 3, s. 2001 or the Revised Policies on Merit Promotion Plan, which was also adopted by the Provincial Government of Ilocos Sur for its Merit Promotion Plan.

On 24 March 2010, Argel filed an appeal with the CSCROI assailing the disapproval of her appointment by CSCFO-Ilocos Sur.

In a Decision[3] dated 4 August 2010, the CSCRO1 granted the appeal of Argel. Accordingly, her appointment as Nurse II under permanent status was affirmed. It held that although at the time the appointment was issued to Argel on 15 September 2009 she lacked four (4) months of relevant experience, she, nonetheless, performed the functions of the position from that time up to the date of disapproval of her appointment on 3 December 2009 and even thereafter. Hence, she was considered to have met the minimum qualification required for the position.

In a letter[4] dated 16 August 2010, Director Jose Lardizabal, CSCFO-Ilocos Sur, forwarded to Hon. Luis "Chavit" Singson (Governor Singson), successor of Governor Savellano as Provincial Governor of Ilocos Sur, a photocopy of the decision for his information and appropriate action. The letter was with a directive that unless appealed within fifteen (15) days from receipt, the decision of the CSCRO1 should be implemented.

On 15 September 2010, the Provincial Government of Ilocos Sur, through its Provincial Legal Officer, filed a Notice of Appeal before the Commission. The appeal was treated as a Petition for Review.

The petition was anchored on the main argument that Argel is not qualified to the Nurse II position as she lacks four (4) months of relevant experience at the time she was appointed on 15 September 2009. The petition expounded on the following argument:

> As already mentioned, on September 15, 2009, the herein Appellee was appointed by the then Deogracias Victor Savellano. At that time, Appellee was not qualified. The then Governor was not aware of any disqualification until December 03, 2009. Dir. Lardizabal officially informed the Governor thru a written communication on that day that indeed herein Appellee was not qualified for the position. Thereafter, the then Hon. Governor neither appointed her in a temporary capacity, protested/appealed the disapproval of the appointment of the herein Appellee. But the herein Appellee was offered the Nurse I position but rejected the offer.
>
> It is well-settled in this jurisdiction that, as dictated by our laws, rules and jurisprudence, a permanent appointment can only be issued to a person who meets all the minimum requirements for the position to which he is being appointed. If not qualified, the appointment could only be regarded as temporary. That being the case, it could be withdrawn at will by the appointing authority anytime. The herein Appellee not having qualified, her appointment is only temporary. Hence, contrary to her

> claim, she has no security of tenure much less vested right over the said position. x x x[5]

In a Decision[6] dated 20 May 2011, the petition was dismissed outright by the Commission on the ground that it was filed beyond the fifteen (15) day reglementary period required under the Uniform Rules on Administrative Cases in the Civil Service (CSC Memorandum Circular No. 19, s. 1999; CSC Resolution No. 99-1936 dated August 31, 1999).

The Commission explained that the Provincial Government of Ilocos Sur filed its appeal thirty (30) days from receipt of the CSCRO1 decision. By that time, the assailed Decision No. 2010-099 had already acquired finality and can no longer be modified, annulled or reversed by the Commission.

Meanwhile, Zenaida A. Ilagan (Ilagan), a Nurse I at the Gabriela Silang General Hospital, filed a Petition for Review before the Commission likewise assailing Decision No. 2010-099, the decision affirming Argel's apppintment as Nurse II. Ilagan's petition was dismissed in a Decision[7] dated 25 October 2011.

In view of the finality of the decision in her favor, Argel filed a Motion for the Immediate Execution of the Final Decision No. 2010-099.

The Provincial Government of Ilocos Sur, through Governor Singson, filed a Motion for Reconsideration but this was denied by the Commission in a Resolution[8] dated 4 January 2012.

In a Resolution[9] dated 29 May 2012, the Commission granted the Motion for Execution filed by Argel. In the same resolution, Governor Singson was directed to allow Argel to perform her duties and responsibilities as Nurse II and pay her salaries and other benefits effective from her assumption to office.

Undaunted, Governor Singson filed a Petition for Review with Prayer for Preliminary Injunction and/or Temporary Restraining Order before the CA.

In a Decision[10] dated 31 May 2012, the CA ruled in favor of Governor Singson. The dispositive portion of the decision reads:

> **WHEREFORE**, premises considered, this Court hereby **GRANTS** the petition. Accordingly, the assailed Resolution dated January 4, 2012 and Decision dated May 20, 2011 of the CSC affirming the August 4, 2010 Decision of the CSCRO1 are hereby **REVERSED AND SET ASIDE**. The Decision of the CSCISFO disapproving the appointment of Natanya Joana D. Argel is hereby
>
> [REINSTATED.]
>
> No costs.[11]

The Motion for Reconsideration[12] subsequently filed by Argel was denied in a Resolution[13] dated 31 July 2012.

Hence, the instant petition for review.

The core issue to be resolved is whether the CA erred in reversing and setting aside the decision of the Commission which affirmed the CSCRO1 decision approving the permanent status appointment of Argel as Nurse II at the Gabriela Silang General Hospital.

We find the petition meritorious.

We have consistently ruled that perfection of an appeal within the statutory or reglementary period is not only mandatory, but also jurisdictional.[14] This rule is founded upon the principle that the right to appeal is not part of due process of law but is a mere statutory privilege to be exercised only in the manner and in accordance with the provisions of the law.[15] Failure to interpose a timely appeal renders the appealed decision, order or award final and executory and this deprives the appellate body of any jurisdiction to alter the final judgment,[16] moreso, to entertain the appeal.[17] The CA, therefore, should not have entertained the appeal filed by Gov. Singson.

It is evident that Decision No. 2010-099 rendered by the CSCRO1 had already attained finality. As such, it has already become immutable and unalterable. The CA should have thus given it due respect, especially considering that the Commission had already issued a resolution granting Argel's motion for execution. The resolution granting the Motion for the Immediate Execution of Decision No. 2010-099 filed by Argel was with a directive addressed to Governor Singson to give effect to the decision by allowing Argel to perform her duties and responsibilities as Nurse II and pay her salaries and other benefits effective from her assumption to office.

The settled and firmly established rule is that a decision that has acquired finality becomes immutable and unalterable. This quality of immutability precludes the modification of the judgment, even if the modification is meant to correct erroneous conclusions of fact and law. The orderly administration of justice requires that, at the risk of occasional errors, the judgments/resolutions of a court must reach a point of finality set by the law. The noble purpose is to write *finis* to disputes once and for all. This is a fundamental principle in our justice system, without which no end to litigations will take place. Utmost respect and adherence to this principle must always be maintained by those who exercise the power of adjudication. Any act that violates such principle must immediately be struck down. Indeed, the principle of conclusiveness of prior adjudications is not confined in its operation to the judgments of courts, but extends as well to those of all other tribunals exercising adjudicatory powers.[18]

The case of *Achacoso v. Macaraig* which was relied upon by the CA in its decision[19] is not in all fours with the present case. In the Achacoso case, the petitioner was not appointed with a permanent status by the appointing authority. The Court in that case ruled that petitioner was not eligible and could be appointed at best only