

## EN BANC

[ G.R. No. 192074, June 10, 2014 ]

**LIGHT RAIL TRANSIT AUTHORITY, REPRESENTED BY ITS  
ADMINISTRATOR MELQUIADES A. ROBLES, PETITIONER, VS.  
AURORA A. SALVAÑA RESPONDENT.**

### D E C I S I O N

**LEONEN, J.:**

An administrative agency has standing to appeal the Civil Service Commission's repeal or modification of its original decision. In such instances, it is included in the concept of a "party adversely affected" by a decision of the Civil Service Commission granted the statutory right to appeal.

We are asked in this petition for review<sup>[1]</sup> filed by the Light Rail Transit Authority (LRTA), a government-owned and -controlled corporation, to modify the Civil Service Commission's finding that respondent was guilty only of simple dishonesty.

This case developed as follows:

On May 12, 2006, then Administrator of the Light Rail Transit Authority, Melquiades Robles, issued Office Order No. 119, series of 2006.<sup>[2]</sup> The order revoked Atty. Aurora A. Salvaña's designation as Officer-in-Charge (OIC) of the LRTA Administrative Department. It "direct[ed] her instead to handle special projects and perform such other duties and functions as may be assigned to her"<sup>[3]</sup> by the Administrator.

Atty. Salvaña was directed to comply with this office order through a memorandum issued on May 22, 2006 by Atty. Elmo Stephen P. Triste, the newly designated OIC of the administrative department. Instead of complying, Salvaña questioned the order with the Office of the President.<sup>[4]</sup>

In the interim, Salvaña applied for sick leave of absence on May 12, 2006 and from May 15 to May 31, 2006.<sup>[5]</sup> In support of her application, she submitted a medical certificate<sup>[6]</sup> issued by Dr. Grace Marie Blanco of the Veterans Memorial Medical Center (VMMC).

LRTA discovered that Dr. Blanco did not issue this medical certificate. Dr. Blanco also denied having seen or treated Salvaña on May 15, 2006, the date stated on her medical certificate.<sup>[7]</sup>

On June 23, 2006, Administrator Robles issued a notice of preliminary investigation. The notice directed Salvaña to explain in writing within 72 hours from her receipt of the notice "why no disciplinary action should be taken against [her]"<sup>[8]</sup> for not

complying with Office Order No. 119 and for submitting a falsified medical certificate.<sup>[9]</sup>

Salvaña filed her explanation on June 30, 2006.<sup>[10]</sup> She alleged that as a member of the Bids and Awards Committee, she “refused to sign a resolution”<sup>[11]</sup> favoring a particular bidder. She alleged that Office Order No. 119 was issued by Administrator Robles to express his “ire and vindictiveness”<sup>[12]</sup> over her refusal to sign.

The LRTA’s Fact-finding Committee found her explanation unsatisfactory. On July 26, 2006, it issued a formal charge against her for Dishonesty, Falsification of Official Document, Grave Misconduct, Gross Insubordination, and Conduct Prejudicial to the Best Interest of the Service.<sup>[13]</sup>

On August 5, 2006, “Salvaña tendered her irrevocable resignation.”<sup>[14]</sup> None of the pleadings alleged that this irrevocable resignation was accepted, although the resolution of the Fact-finding Committee alluded to Administrator Robles’ acceptance of the resignation letter.

In the meantime, the investigation against Salvaña continued, and the prosecution presented its witnesses.<sup>[15]</sup> Salvaña “submitted a manifestation dated September 6, 2006, stating that the Committee was biased and that [Administrator] Robles was both the accuser and the hearing officer.”<sup>[16]</sup>

On October 31, 2006, the Fact-finding Committee issued a resolution “finding Salvaña guilty of all the charges against her and imposed [on] her the penalty of dismissal from . . . service with all the accessory penalties.”<sup>[17]</sup> The LRTA Board of Directors approved the findings of the Fact-finding Committee<sup>[18]</sup>

Salvaña appealed with the Civil Service Commission. “In her appeal, [she] claimed that she was denied due process and that there [was] no substantial evidence to support the charges against her.”<sup>[19]</sup>

On July 18, 2007, the Civil Service Commission modified the decision and issued Resolution No. 071364. The Civil Service Commission found that Salvaña was guilty only of simple dishonesty. She was meted a penalty of suspension for three months.<sup>[20]</sup>

LRTA moved for reconsideration<sup>[21]</sup> of the resolution. This was denied in a resolution dated May 26, 2008.<sup>[22]</sup> LRTA then filed a petition for review with the Court of Appeals.<sup>[23]</sup>

On November 11, 2009, the Court of Appeals<sup>[24]</sup> dismissed the petition and affirmed the Civil Service Commission’s finding that Salvaña was only guilty of simple dishonesty. The appellate court also ruled that Administrator Robles had no standing to file a motion for reconsideration before the Civil Service Commission because that right only belonged to respondent in an administrative case.<sup>[25]</sup> LRTA moved for reconsideration<sup>[26]</sup> of this decision but was denied.<sup>[27]</sup>

Hence, LRTA filed this present petition.

Petitioner argues that it has the legal personality to appeal the decision of the Civil Service Commission before the Court of Appeals.<sup>[28]</sup> It cites *Philippine National Bank v. Garcia*<sup>[29]</sup> as basis for its argument that it can be considered a “person adversely affected” under the pertinent rules and regulations on the appeal of administrative cases.<sup>[30]</sup> It also argues that respondent’s falsification of the medical certificate accompanying her application for sick leave was not merely simple but serious dishonesty.<sup>[31]</sup>

Respondent agrees with the ruling of the Court of Appeals that petitioner had no legal personality to file the appeal since it was not the “person adversely affected” by the decision. She counters that Administrator Robles had no authority to file the appeal since he was unable to present a resolution from the Board of Directors authorizing him to do so.<sup>[32]</sup> She also agrees with the Civil Service Commission’s finding that she was merely guilty of simple dishonesty.<sup>[33]</sup>

In its reply,<sup>[34]</sup> petitioner points out that it presented a secretary’s certificate<sup>[35]</sup> dated July 17, 2008 and which it attached to the petitions before the Civil Service Commission, Court of Appeals, and this court. It argues that the certificate authorizes the LRTA and its Administrator to file the necessary motion for reconsideration or appeal regarding this case, and this authorization has yet to be revoked.<sup>[36]</sup>

Both parties filed their respective memoranda before this court on May 23, 2012<sup>[37]</sup> and December 6, 2012.<sup>[38]</sup>

The legal issues that will determine the results of this case are:

1. Whether the LRTA, as represented by its Administrator, has the standing to appeal the modification by the Civil Service Commission of its decision
2. Whether Salvaña was correctly found guilty of simple dishonesty only

We grant the petition.

**The parties may appeal in administrative cases involving members of the civil service**

It is settled that “[t]he right to appeal is not a natural right [or] a part of due process; it is merely a statutory privilege, and may be exercised only in the manner and in accordance with the provisions of the law.”<sup>[39]</sup> If it is not granted by the Constitution, it can only be availed of when a statute provides for it.<sup>[40]</sup> When made available by law or regulation, however, a person cannot be deprived of that right to appeal. Otherwise, there will be a violation of the constitutional requirement of due process of law.

Article IX (B), Section 3 of the Constitution mandates that the Civil Service Commission shall be “the central personnel agency of the Government.”<sup>[41]</sup> In line with the constitutionally enshrined policy that a public office is a public trust, the Commission was tasked with the duty “to set standards and to enforce the laws and rules governing the selection, utilization, training, and discipline of civil servants.”<sup>[42]</sup>

Civil servants enjoy security of tenure, and “[n]o officer or employee in the Civil Service shall be suspended or dismissed except for cause as provided by law and after due process.”<sup>[43]</sup> Under Section 12, Chapter 3, Book V of the Administrative Code, it is the Civil Service Commission that has the power to “[h]ear and decide administrative cases instituted by or brought before it directly or on appeal.”

The grant of the right to appeal in administrative cases is not new. In Republic Act No. 2260 or the Civil Service Law of 1959, appeals “by the respondent”<sup>[44]</sup> were allowed on “[t]he decision of the Commissioner of Civil Service rendered in an administrative case involving discipline of subordinate officers and employees.”<sup>[45]</sup>

Presidential Decree No. 807, while retaining the right to appeal in administrative cases, amended the phrasing of the party allowed to appeal. Section 37, paragraph (a), and Section 39, paragraph (a), of Presidential Decree No. 807 provide:

*Sec. 37. Disciplinary Jurisdiction.* - (a) The Commission shall decide upon appeal all administrative cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office.

*Sec. 39. Appeals.* - (a) Appeals, where allowable, **shall be made by the party adversely affected by the decision** within fifteen days from receipt of the decision unless a petition shall be decided within fifteen days. (Emphasis supplied)

Additionally, Section 47, paragraph (1), and Section 49, paragraph (1), of the Administrative Code provide:

*SECTION 47. Disciplinary Jurisdiction.*—(1) The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office.

*SECTION 49. Appeals.*—(1) Appeals, where allowable, **shall be made by the party adversely affected by the decision** within fifteen days from receipt of the decision unless a petition for reconsideration is seasonably filed, which petition shall be decided within fifteen days....(Emphasis supplied)

The phrase, "person adversely affected," was not defined in either Presidential Decree No. 807 or the Administrative Code. This prompted a series of cases<sup>[46]</sup> providing the interpretation of this phrase.

The first of these cases, *Paredes v. Civil Service Commission*,<sup>[47]</sup> declared:

Based on [Sections 37 (a) and 39 (a) of Presidential Decree No. 807], **appeal to the Civil Service Commission in an administrative case is extended to the party adversely affected by the decision, that is, the person or the respondent employee who has been meted out the penalty of suspension for more than thirty days; or fine in an amount exceeding thirty days salary demotion in rank or salary or transfer, removal or dismissal from office.** The decision of the disciplining authority is even final and not appealable to the Civil Service Commission in cases where the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days salary.<sup>[48]</sup> (Emphasis supplied)

This ruling was repeated in *Mendez v. Civil Service Commission*<sup>[49]</sup> where this court stated that:

A cursory reading of P.D. 807, otherwise known as "The Philippine Civil Service Law" shows that said law does not contemplate a review of decisions exonerating officers or employees from administrative charges.

. . . .

**By inference or implication, the remedy of appeal may be availed of only in a case where the respondent is found guilty of the charges filed against him. But when the respondent is exonerated of said charges, as in this case, there is no occasion for appeal.**<sup>[50]</sup> (Emphasis supplied)

The same ratio would be reiterated and become the prevailing doctrine on the matter in *Magpale, Jr. v. Civil Service Commission*,<sup>[51]</sup> *Navarro v. Civil Service Commission and Export Processing Zone*,<sup>[52]</sup> *University of the Philippines v. Civil Service Commission*,<sup>[53]</sup> and *Del Castillo v. Civil Service Commission*.<sup>[54]</sup>

In these cases, this court explained that the right to appeal being merely a statutory privilege can only be availed of by the party specified in the law. Since the law presumes that appeals will only be made in decisions prescribing a penalty, this court concluded that the only parties that will be adversely affected are the respondents that are charged with administrative offenses. Since the right to appeal is a remedial right that may only be granted by statute, a government party cannot by implication assert that right as incidental to its power, since the right to appeal does not form part of due process.<sup>[55]</sup>