

EN BANC

[G.R. No. 176162, October 09, 2012]

CIVIL SERVICE COMMISSION, PETITIONER, VS. COURT OF APPEALS, DR. DANTE G. GUEVARRA AND ATTY. AUGUSTUS F. CEZAR, RESPONDENTS.

[G.R. NO. 178845]

ATTY. HONESTO L. CUEVA, PETITIONER, VS. COURT OF APPEALS, DR. DANTE G. GUEVARRA AND ATTY. AUGUSTUS F. CEZAR, RESPONDENTS.

D E C I S I O N

MENDOZA, J.:

These are consolidated petitions for review under Rule 45 of the Revised Rules of Civil Procedure assailing the December 29, 2006 Decision^[1] of the Court of Appeals (CA) in CA-G.R. SP No. 95293, entitled "Dr. Dante G. Guevarra and Atty. Augustus Cezar v. Civil Service Commission and Atty. Honesto L. Cueva."

The Facts

Respondents Dante G. Guevarra (*Guevarra*) and Augustus F. Cezar (*Cezar*) were the Officer-in-Charge/President and the Vice President for Administration, respectively, of the Polytechnic University of the Philippines (*PUP*)^[2] in 2005.

On September 27, 2005, petitioner Honesto L. Cueva (*Cueva*), then PUP Chief Legal Counsel, filed an administrative case against Guevarra and Cezar for gross dishonesty, grave misconduct, falsification of official documents, conduct prejudicial to the best interest of the service, being notoriously undesirable, and for violating Section 4 of Republic Act (R.A.) No. 6713.^[3] Cueva charged Guevarra with falsification of a public document, specifically the Application for Bond of Accountable Officials and Employees of the Republic of the Philippines, in which the latter denied the existence of his pending criminal and administrative cases. As the head of the school, Guevarra was required to be bonded in order to be able to engage in financial transactions on behalf of PUP.^[4] In his Application for Bond of Accountable Officials and Employees of the Republic of the Philippines (General Form No. 58-A), he answered Question No. 11 in this wise:

11. Do you have any criminal or administrative records? – NO. If so, state briefly the nature thereof – NO.^[5]

This was despite the undisputed fact that, at that time, both Guevarra and Cezar

admittedly had 17 pending cases for violation of Section 3(e) of R.A. No. 3019 before the Sandiganbayan.^[6] Cezar, knowing fully well that both he and Guevarra had existing cases before the Sandiganbayan, endorsed and recommended the approval of the application.^[7]

The respondents explained that they believed “criminal or administrative records” to mean final conviction in a criminal or administrative case.^[8] Thus, because their cases had not yet been decided by the Sandiganbayan, they asserted that Guevarra responded to Question No. 11 in General Form No. 58-A correctly and in good faith.^[9]

On March 24, 2006, the Civil Service Commission (CSC) issued Resolution No. 060521^[10] formally charging Guevarra with Dishonesty and Cezar with Conduct Prejudicial to the Best Interest of the Service after a *prima facie* finding that they had committed acts punishable under the Civil Service Law and Rules.

Subsequently, the respondents filed their Motion for Reconsideration and Motion to Declare Absence of *Prima Facie Case*^[11] praying that the case be suspended immediately and that the CSC declare a complete absence of a *prima facie* case against them. Cueva, on the other hand, filed an Urgent Ex-Parte Motion for the Issuance of Preventive Suspension^[12] and an Omnibus Motion^[13] seeking the issuance of an order of preventive suspension against Guevarra and Cezar and the inclusion of the following offenses in the formal charge against them: Grave Misconduct, Falsification of Official Document, Conduct Prejudicial to the Best Interest of the Service, Being Notoriously Undesirable, and Violation of Section 4 of R.A. No. 6713.

In Resolution No. 061141, dated June 30, 2006,^[14] the CSC denied the motion for reconsideration filed by the respondents for being a non-responsive pleading, akin to a motion to dismiss, which was a prohibited pleading under Section 16 of the Uniform Rules on Administrative Cases in the Civil Service Commission.^[15] It also denied Cueva’s motion to include additional charges against the respondents. The CSC, however, placed Guevarra under preventive suspension for ninety (90) days, believing it to be necessary because, as the officer-in-charge of PUP, he was in a position to unduly influence possible witnesses against him.

Aggrieved, Guevarra and Cezar filed a petition for *certiorari* and prohibition before the CA essentially questioning the jurisdiction of the CSC over the administrative complaint filed against them by Cueva. On December 29, 2006, the CA rendered its Decision granting the petition and nullifying and setting aside the questioned resolutions of the CSC for having been rendered without jurisdiction. According to the CA, Section 47, Chapter 7, Subtitle A, Title I, Book V of Executive Order No. 292 (The Administrative Code of 1987), the second paragraph of which states that heads of agencies and instrumentalities “shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction,” bestows upon the Board of Regents the jurisdiction to investigate and decide matters involving disciplinary action against respondents Guevarra and Cezar. In addition, the CA noted that the CSC erred in recognizing the complaint filed by Cueva, reasoning out that the latter should have exhausted all administrative remedies by first bringing his grievances to the attention of the PUP

Board of Regents.

Hence, these petitions.

THE ISSUE

In G.R. No. 176162, petitioner CSC raises the sole issue of:

Whether or not the Civil Service Commission has original concurrent jurisdiction over administrative cases falling under the jurisdiction of heads of agencies.

The same issue is among those raised by petitioner Cueva in G.R. No. 178845.

The Court agrees that the only question which must be addressed in this case is whether the CSC has jurisdiction over administrative cases filed directly with it against officials of a chartered state university.

The Court's Ruling

The petitions are meritorious.

Both CSC and Cueva contend that because the CSC is the central personnel agency of the government, it has been expressly granted by Executive Order (E.O.) No. 292 the authority to assume original jurisdiction over complaints directly filed with it. The CSC explains that under the said law, it has appellate jurisdiction over all administrative disciplinary proceedings and original jurisdiction over complaints against government officials and employees filed before it by private citizens.^[16] Accordingly, the CSC has concurrent original jurisdiction, together with the PUP Board of Regents, over the administrative case against Guevarra and Cezar and it can take cognizance of a case filed directly with it, despite the fact that the Board of Regents is the disciplining authority of university employees.

Respondents Guevarra and Cezar, on the other hand, fully adopted the position of the CA in its questioned decision and propounded the additional argument that the passage of R.A. No. 8292 has effectively removed from the CSC the authority to hear and decide on cases filed directly with it.

CSC has jurisdiction over cases filed directly with it, regardless of who initiated the complaint

The CSC, as the central personnel agency of the government, has the power to appoint and discipline its officials and employees and to hear and decide administrative cases instituted by or brought before it directly or on appeal.^[17] Section 2(1), Article IX(B) of the 1987 Constitution defines the scope of the civil service:

The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.

By virtue of Presidential Decree (P.D.) No. 1341,^[18] PUP became a chartered state university, thereby making it a government-owned or controlled corporation with an original charter whose employees are part of the Civil Service and are subject to the provisions of E.O. No. 292.^[19]

The parties in these cases do not deny that Guevarra and Cezar are government employees and part of the Civil Service. The controversy, however, stems from the interpretation of the disciplinary jurisdiction of the CSC as specified in Section 47, Chapter 7, Subtitle A, Title I, Book V of E.O. No. 292:

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. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.

(2) The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned. [Emphases and underscoring supplied]

While in its assailed decision, the CA conceded that paragraph one of the same provision abovequoted allows the filing of a complaint directly with the CSC, it makes a distinction between a complaint filed by a private citizen and that of an employee under the jurisdiction of the disciplining authority involved. The CA resolved that because Cueva was then the Dean of the College of Law and the Chief Legal Counsel of PUP when he filed the complaint with the CSC, he was under the authority of the PUP Board of Regents. Thus, it is the Board of Regents which had exclusive jurisdiction over the administrative case he initiated against Guevarra and Cezar.

The Court finds itself unable to sustain the reading of the CA.

The issue is not novel.

The understanding by the CA of Section 47, Chapter 7, Subtitle A, Title I, Book V of E.O. No. 292 which states that “a complaint may be filed directly with the Commission by a private citizen against a government official or employee” is that the CSC can only take cognizance of a case filed directly before it if the complaint was made by a private citizen.

The Court is not unaware of the use of the words “private citizen” in the subject provision and the plain meaning rule of statutory construction which requires that when the law is clear and unambiguous, it must be taken to mean exactly what it says. The Court, however, finds that a simplistic interpretation is not in keeping with the intention of the statute and prevailing jurisprudence. It is a well-established rule that laws should be given a reasonable interpretation so as not to defeat the very purpose for which they were passed. As such, “a literal interpretation is to be rejected if it would be unjust or lead to absurd results.”^[20] In *Secretary of Justice v. Koruga*,^[21] the Court emphasized this principle and cautioned us on the overzealous application of the plain meaning rule:

The general rule in construing words and phrases used in a statute is that in the absence of legislative intent to the contrary, they should be given their plain, ordinary, and common usage meaning. However, a literal interpretation of a statute is to be rejected if it will operate unjustly, lead to absurd results, or contract the evident meaning of the statute taken as a whole. After all, statutes should receive a sensible construction, such as will give effect to the legislative intention and so as to avoid an unjust or an absurd conclusion. Indeed, courts are not to give words meanings that would lead to absurd or unreasonable consequences.^[22]

A literal interpretation of E.O. 292 would mean that only private citizens can file a complaint directly with the CSC. For administrative cases instituted by government employees against their fellow public servants, the CSC would only have appellate jurisdiction over those. Such a plain reading of the subject provision of E.O. 292 would effectively divest CSC of its original jurisdiction, albeit shared, provided by law. Moreover, it is clearly unreasonable as it would be tantamount to disenfranchising government employees by removing from them an alternative course of action against erring public officials.

There is no cogent reason to differentiate between a complaint filed by a private citizen and one filed by a member of the civil service, especially in light of Section 12(11), Chapter 3, Subtitle A, Title I, Book V of the same E.O. No. 292 which confers upon the CSC the power to “hear and decide administrative cases instituted by or brought before it directly or on appeal” without any qualification.

In the case of *Camacho v. Gloria*,^[23] the Court stated that “under E.O. No. 292, a complaint against a state university official may be filed with either the university’s