

EN BANC

[G.R. NO. 155784, October 13, 2005]

**CIVIL SERVICE COMMISSION, NATIONAL CAPITAL REGION,
PETITIONER, VS. RANULFO P. ALBAO, RESPONDENT.**

DECISION

AZCUNA, J.:

This is a petition for review on *certiorari* of the Decision of the Court of Appeals in CA-G.R. SP No. 64671 promulgated on April 22, 2002 and its Resolution promulgated on September 26, 2002, denying the motion for reconsideration of petitioner Civil Service Commission, National Capital Region (CSC-NCR). The Decision of the Court of Appeals annulled and set aside Resolutions Nos. 001826 and 010315 of the Civil Service Commission.

The antecedents^[1] of the case are as follows:

On September 1, 1998, the Office of the Vice President of the Republic of the Philippines issued an original and permanent appointment^[2] for the position of Executive Assistant IV to respondent Ranulfo P. Albao. Respondent was then a contractual employee at said Office.^[3]

In a letter^[4] dated September 28, 1998 addressed to the Director of the Civil Service Commission Field Office, Manila, the Office of the Vice President requested the retrieval of the said appointment paper. Instead of heeding the request, petitioner CSC-NCR disapproved the appointment.

On October 5, 1998, petitioner issued an Order^[5] holding that it has found, after a fact-finding investigation, that a *prima facie* case exists against respondent Albao for Dishonesty and Falsification of Official Documents, committed as follows:

1. That in support of his permanent appointment as Executive Assistant IV, in the Office of the Vice-President, he stated in his Personal Data Sheet (PDS) accomplished on July 1, 1998 that he took and passed the Assistant Electrical Engineer Examination held on October 15 and 16, 1988 with a rating of 71.64%;
2. To support his claim, he submitted a Report of Rating showing he obtained a rating of 71.64% during the aforesaid Assistant Electrical Engineering Examination, all purportedly issued by the Professional Regulation Commission (PRC); and
3. That the Professional Regulation Commission (PRC) has informed CSC-NCR that the name Ranulfo P. Albao does not appear in the Table of Results and Masterlists of examinees of the Board of

Electrical Engineering which contain the names of those who took the Assistant Electrical Engineer Examination given in October, 1988; and

4. That the examinee number appearing in his Report of Rating is assigned to one Bienvenido Aniño, Jr.^[6]

After filing his Answer, respondent Albao filed on February 18, 1999 an "Urgent Motion to Resolve" the issue of whether or not the Civil Service Commission has original jurisdiction over the administrative case. Respondent contended that the Commission has no jurisdiction over the same for the following reasons:

(1) The permanent appointment issued to him never became effective, even if it was later disapproved, because he never assumed such position in the first place.

Moreover, he is already out of government service since he resigned from his position effective at the closing hour of October 30, 1998.

(2) As he is no longer with the civil service, the Commission has no disciplinary jurisdiction over him as a private person.

(3) While it is true that the Commission has original disciplinary jurisdiction over all its officials and employees and cases involving civil service examination anomalies or irregularities (Sec. 28, Omnibus Rules^[7] of 1991), as well as over sworn complaints directly filed before it against any other official or employee (Sec. 29, Omnibus Rules of 1991), the administrative case commenced against him did not fall under any of those instances.

(4) Since the Commission has no jurisdiction to institute the administrative case, it cannot delegate the same to the CSC-NCR.

On August 11, 2000, the Civil Service Commission rendered Resolution No. 001826, the dispositive portion of which reads:

WHEREFORE, the Commission hereby rules that the Civil Service Commission - National Capital Region has jurisdiction over disciplinary cases against employees of agencies, local or national for offenses committed within its geographical area.^[8]

Respondent filed a motion for reconsideration, which was denied by the Civil Service Commission on February 1, 2001, in Resolution No. 010315, thus:

WHEREFORE, the instant Motion for Reconsideration is hereby DENIED. The Civil Service Commission - National Capital Region is hereby ordered to continue with the formal investigation of Ranulfo Albao.^[9]

Respondent filed a petition for review before the Court of Appeals alleging that the Civil Service Commission committed grave abuse of discretion in issuing the said Resolutions.

The Court of Appeals found merit in the petition. It held that based on Executive Order No. 292, otherwise known as the Administrative Code of 1987, particularly

Section 12 (11), Section 47 (1), (2) and Section 48, Title 1 (A), Book V thereof, the CSC-NCR does not have jurisdiction to investigate and decide the case of respondent. Consequently, the CSC-NCR exceeded its authority in initiating the administrative case against him.

The dispositive portion of the Decision of the Court of Appeals, dated April 22, 2002, reads:

WHEREFORE, the Petition is hereby **GRANTED**, and as a consequence, Resolution Nos. 001826 and 010315, dated August 11, 2000, and February 1, 2001, respectively, of the Civil Service Commission, are hereby **ANNULLED** and **SET ASIDE**. No costs.

SO ORDERED.^[10]

The motion for reconsideration filed by petitioner was denied by the Court of Appeals in a Resolution promulgated on September 26, 2002.

Hence, this petition.

Petitioner raises the following issues:

1. WHETHER OR NOT THE COURT OF APPEALS ERRED IN FINDING THAT CSC-NCR EXCEEDED ITS JURISDICTION WHEN IT INSTITUTED THE ADMINISTRATIVE PROCEEDINGS AGAINST HEREIN RESPONDENT.
2. WHETHER OR NOT THE COURT OF APPEALS ERRED IN FINDING THAT THE POWER CONFERRED UPON THE PETITIONER TO HEAR AND DECIDE ADMINISTRATIVE CASES DOES NOT INCLUDE THE POWER TO ITSELF INITIATE AND PROSECUTE SAID CASES.^[11]

The main issue in this case is whether or not the Civil Service Commission has original jurisdiction to institute the instant administrative case against respondent Albao through its regional office, the CSC-NCR.

Petitioner argues that as the central personnel agency of the government, it is expressly conferred the power and authority to initiate the proceedings herein involved against a public official and employee. It asserts that such authority is contained in Section 12 (11), (16) in relation to Section 16 (15 [c]), Title 1(A), Book V of Executive Order No. 292, thus:

Section 12. *Powers and Functions* -- The Commission shall have the following powers and functions:

. . .

(11) **Hear and decide administrative cases instituted by** or brought before **it** directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. . . .^[12]

. . .