

FIRST DIVISION

[G.R. NO. 144895, December 13, 2005]

**RUSTICO C. NAZI, PETITIONER, VS. GOV. ANTONIO P.
CALINGIN, PROMULGATED: RESPONDENT.**

R E S O L U T I O N

AZCUNA, J.:

Petitioner Rustico C. Nazi filed this Petition for Review on Certiorari assailing the resolution of the Court of Appeals dated April 07, 2000 dismissing his appeal from the decision of the Civil Service Commission (CSC) which reversed the ruling of the Civil Service Commission, Regional Office (CSCRO) No. 10, Cagayan de Oro declaring him eligible for appointment to the position of Provincial Jail Warden.

The facts of the case:

On March 1, 1998, petitioner was appointed by Governor Ruth de Lara Guingona to the post of Provincial Jail Warden of Misamis Oriental and the appointment was subsequently approved by the CSC Field Office of said province as permanent on March 30, 1998, subject to the verification of his Police Inspector eligibility.

During the May 1998 elections Governor Antonio Calingin was elected Governor for the said province.^[1]

On September 8, 1998, Governor Calingin filed a petition with the Civil Service Commission Regional Office 10 of Cagayan de Oro City (CSCRO) for the cancellation of the appointment of Nazi as Provincial Jail Warden of Misamis Oriental on the ground that Nazi was appointed on February 9, 1998 but the publication of the vacancy in said position was published by the Civil Service Commission only on February 13, 1998, thereby violating Sec. 3 of R.A. 7041.^[2]

In an order dated September 22, 1998, the Regional Director found that based on the records of the case, the claim was without factual basis but nevertheless ruled that after careful reevaluation of the records it found that Nazi did not meet the eligibility requirement for the position. The Inspector examination conducted by the NAPOLCOM which Nazi claimed to have passed and which he used to support his appointment, cannot be considered as a civil service eligibility in view of the provisions of CSC Resolution No. 96-5487 dated August 26, 1996. Hence his previous appointment was recalled and the same disapproved as he did not meet the eligibility requirement for the position.^[3]

The CSCRO reasoned that the Qualification Standards for the position of Provincial Jail Warden stated that the appointee must be a Career Service Professional or with the appropriate eligibility for second level positions. Nazi was a holder of a Police Inspector eligibility given by the NAPOLCOM. However, CSC Resolution No. 96-5487,

dated August 26, 1996, declared that examinations administered by the NAPOLCOM, with the exceptions of the INP entrance and Police Officer 3rd class examinations, were no longer entitled to an equivalent civil service eligibility. Hence, Nazi's Police Inspector eligibility alone could not qualify him to the position for which he was appointed.

Nazi filed a motion for reconsideration on October 30, 1998.^[4]

On November 11, 1998, the CSCRO granted his motion for reconsideration, set aside the order of September 22, 1998, and declared him to be eligible to the position.^[5]

On December 22, 1998, the motion for reconsideration filed by Governor Calingin through the Provincial Attorney was denied by CSCRO in a resolution dated December 22, 1998.

On appeal to the Civil Service Commission (CSC), the ruling of the CSCRO was reversed.^[6] Nazi then appealed the CSC resolution to the Court of Appeals but the case was dismissed for his failure to submit certified true copies of the resolution appealed from, as well as other supporting papers, in violation of Section 6, Rule 43 of the Rules of Court. Petitioner claimed in his Motion for Reconsideration before the Court of Appeals that due to time constraints and the alleged instruction of one of the lawyers in the law firm that all original copies of documents should be kept in the office, only the machine copies were attached to the petition before the Court of Appeals.

In a resolution dated August 8, 2000,^[7] the Court of Appeals denied petitioner's Motion for Reconsideration. Hence, this appeal to the Court.

Petitioner alleges that his present petition is an appeal from the resolution of the Court of Appeals dismissing his petition seeking a review of the decision of the Civil Service Commission^[8] as not being in accord with law, the facts and applicable decision of this Honorable Court and purely on legal grounds.^[9]

Nowhere in the petition, however, does petitioner discuss the reversible error committed by the Court of Appeals. Instead he deals mainly with the error allegedly committed by the Civil Service Commission in its Resolution No. 992229^[10] of September 29, 1999 recalling the approval of his appointment as Provincial Jail Warden of Misamis Oriental and the subsequent resolution No. 000357^[11] dated February 2, 2000 denying his motion for reconsideration.

In the resolution of this Court dated November 27, 2000,^[12] the petition was denied for non-compliance with the requirement of Sections 4(d) and 5 of Rule 45 in relation to Sec. 5 (d), Rule 56 of the Rules of Court, failure to accompany the petition with a clearly legible duplicate original, or a certified true copy of the resolution appealed from.

On January 31, 2001,^[13] the Court granted petitioner's motion for reconsideration after he submitted the required documents, and reinstated the petition.