

## SECOND DIVISION

[ G.R. No. 152017, January 15, 2004 ]

**OCCIDENTAL MINDORO NATIONAL COLLEGE (OMNC) AND  
OFELIA A. REBONG, PETITIONERS, VS. VIRGINIA P. MACARAIG,  
RESPONDENT.**

### DECISION

**QUISUMBING, J.:**

Before us is a petition for review on certiorari filed by petitioners who assail the Decision<sup>[1]</sup> of the Court of Appeals, dated August 17, 1999, and its Resolution<sup>[2]</sup> dated February 4, 2002, in CA-G.R. CV No. 47760. The appellate court affirmed the decision<sup>[3]</sup> dated August 3, 1994, of the Regional Trial Court of San Jose, Occidental Mindoro, in Civil Case No. R-793, which found the appointment of herein respondent Virginia Macaraig valid and ordered petitioner College (OMNC) to pay her the total amount of P692,189.73 representing unpaid salaries, vacation, sick and study leave benefits and other emoluments under existing circulars, laws and regulations, with legal interest of six (6%) percent computed from the time of the filing of the complaint until respondent's reinstatement at the rate of P82,788.00 per annum. In its order<sup>[4]</sup> of September 7, 1994, the trial court awarded respondent P150,000.00 for attorney's fees.

From the records, it appears that the present controversy is an offshoot of a long-settled case which the Court resolved way back on December 3, 1984.<sup>[5]</sup> For a full and proper appreciation of how the instant petition came about, we have to go back to the case of *Virginia Sicat v. Hon. Juan L. Manuel, et. al.* (G.R. No. L-48781), wherein respondent Macaraig was also a respondent. Thus for background, we quote the Court's resolution in L-48781:

G.R. No. L-48781 (Virginia A. Sicat vs. Hon. Juan L. Manuel, as Secretary of Education and Culture, Superintendent Purificacion Abeleda, Principal Bernabe Macaraig, et al.) – Petition for mandamus, etc. to compel respondents to recall the appointment of Virginia Macaraig as Assistant Principal of San Jose National High School, to reinstate petitioner Virginia Sicat in said position to which she was originally appointed in March 1975; to cause the payment to petitioner of back salaries due her "since May 7, 1976".

Virginia Sicat was appointed Secondary Assistant Principal of San Jose National High School upon recommendation of the Division Superintendent of Schools for Occidental Mindoro. This was duly approved by the Secretary of Education and Culture and attested to by the Civil Service Commission on April 3, 1976 as a regular (permanent) appointment.

On May 13, 1975, respondent Virginia Macaraig and four others contested the said appointment on the ground that as next in rank they had a preferential right to be appointed to the vacancy.

However, the Department of Education and Culture (DEC) held that "all the protestants are not employees next-in-rank and therefore cannot claim promotional preference to the contested vacancy." On appeal, the Civil Service Commission (CSC) in its Resolution No. 38 dated February 5, 1976, dismissed all the protests and gave due course to petitioner's appointment. Virginia Macaraig appealed the said resolution to the Office of the President on February 12, 1976.

On May 7, 1976, petitioner assumed the position of Assistant Principal of San Jose National High School. But School Principal Bernabe Macaraig, Virginia Macaraig's husband, refused to honor Sicat's appointment and sought its revocation by citing irregularities which allegedly attended the appointment.

While the aforementioned appeal was still pending resolution, on August 24, 1976, appellant was recommended by DEC for appointment to the contested position allegedly because Virginia Sicat's appointment was "erroneous due to distorted facts and circumstances". By 1st indorsement dated April 13, 1977, the then Secretary Juan L. Manuel recommended to the CSC the revocation of Sicat's appointment, to wit:

In view of the apparent irregularities committed in the preparation of the appointment of Mrs. Virginia Sicat and considering the fact that the original copy thereof is nowhere to be found, it is hereby recommended that such questionable appointment be revoked, so that the position of Assistant Principal in the San Jose National High School may be validly filled up by a regular appointment of whoever may be the ranking employee in the said school in the interest of the service.

Thus, in its 2nd indorsement to the DEC dated April 20, 1977, the CSC cancelled Sicat's appointment. Thereafter, a permanent appointment was extended to Virginia Macaraig who assumed and began discharging the duties and functions of Assistant Principal on May 23, 1977.

Sicat moved for reconsideration. Resolving the controversy, the Office of the President ruled in its decision of February 10, 1978, in favor of Sicat, to wit:

Furthermore, the alleged irregularities are merely formal in character and ..... never shown to have been caused by the appointee's (Sicat's) fault. Hence, the cancellation of said appointment should have been done only for the purpose of rectifying these formal errors, and not for reopening subject position for another appointment.

In view of the foregoing, a new appointment should now be

issued in favor of the original appointee, Virginia Sicat, after rectifying the errors found in the original appointment.

School Principal Bernabe Macaraig then requested for a clarification and/or legal opinion from the DEC inasmuch as Virginia Macaraig had been discharging the duties of the contested position as stated, supra. And the herein respondent DEC officials refused to implement the directive contained in the February 10, 1978 decision of the Office of the President.

Hence, the filing of the instant petition against then Secretary Juan L. Manuel, DEC, Division Superintendent Purificacion Abeleda, Principal Bernabe Macaraig, and Virginia Macaraig.

On July 12, 1979, the Office of the President, acting on the request for clarification/legal opinion, promulgated another decision reversing its previous stand in favor of herein petitioner Sicat, and allowing protestant Virginia Macaraig to remain as Assistant Principal.

On December 4, 1981, however, said Office reversed itself anew. Acting on the motion for reconsideration, it declared the original appointment of Virginia Sicat as "valid and effective". That last decision of the Office of the President pointed out and decreed the following:

1. All the acts necessary to make the appointment of Sicat complete had been performed. Sicat's appointment became final and complete after it had been attested by the Commissioner of Civil Service on April 3, 1975. The moment the appointee assumes a position under a complete appointment, his right is protected by the civil service law and by the Constitution; and it cannot be taken away from him either by revocation of the appointment or by removal, except for cause and with previous notice and hearing.
2. Petitioner's qualifications are more than sufficient to meet the standards required by law for appointment to the position of Assistant Secondary School Principal. She holds a BSE degree from the University of the Philippines and an MA in Education. She is a senior teacher eligible with 23 years of service as of August 1974 and has a satisfactory performance rating.
3. The alleged irregularities in the original appointment were merely formal in character and were never shown to be attributable to petitioner's fault. On the other hand, the appointment of Virginia Macaraig in 1977 was illegal as the subject position was no longer vacant. Moreover, in her data sheet accompanying her application, Virginia Macaraig made it appear that she was not related to the recommending authority when in truth she was the wife of the school principal, who recommended her. She was given by her husband high ratings for the school years 1972-1973 and 1973-1974 although she was at the time actually studying at the Manuel L. Quezon University in Manila.

We concur in these observations of the Office of the President in its final resolution of the controversy. Petitioner Sicat is entitled to relief prayed for.

It appears that on January 5, 1982, Deputy Minister Dumlao, Ministry of Education and Culture, directed the Regional Director to implement the aforesaid decision; and that said official in turn indorsed the same to the Provincial Schools Superintendent, Mamburao, Occidental Mindoro. Also, on March 3, 1982, Minister Onofre Corpuz himself ordered the Regional Office to issue a new appointment in favor of petitioner. And an appointment dated March 11, 1982, but "effective May 7, 1976", was issued by the Acting Regional Director, RO IV, MEC, in favor of herein petitioner.

Notwithstanding the foregoing decision and implementing directives, petitioner has alleged that she has not been allowed to draw the salary corresponding to her appointment.

ACCORDINGLY, the Court RESOLVED to grant the instant petition; the respondents Secretary (now Minister) of Education & Culture, Division Superintendent of Schools and School Principal are hereby ordered, without further delay, (a) to reinstate petitioner Virginia A. Sicat as Secondary School Assistant Principal of San Jose National High School in accordance with the terms of her aforementioned appointment, and (b) to cause payment to said petitioner of the salaries or salary differentials that should have been paid to her as Assistant Principal but which she failed to receive as a consequence of the illegal revocation/cancellation of her original appointment, including salary adjustments which accrued to that position since May 7, 1976. This resolution is immediately executory.

SO ORDERED.<sup>[6]</sup>

Evidently, respondent herein was separated from the service as Asst. General Secondary Principal by virtue of the aforequoted resolution of December 3, 1984 which reinstated Virginia A. Sicat to the said position and ordered the payment to the latter of her salaries and salary differentials which she should have received were it not for the illegal cancellation of her original appointment.

On October 7, 1991, respondent filed a complaint<sup>[7]</sup> dated October 3, 1991 against petitioners OMNC and its President, Dr. Ofelia Rebong, for unpaid salaries, benefits and damages before the Regional Trial Court of San Jose, Occidental Mindoro.

From the trial court's adverse decision, petitioners (then defendants) appealed to the Court of Appeals. The appellate court sustained the subject decision and eventually denied petitioners' (then appellants') motion for reconsideration.

Hence, this petition.

Petitioners anchor their petition on the following grounds:

I.