

EN BANC

[G.R. No. 149451, May 08, 2003]

**REMEDIOS S. PADILLA, PETITIONER, VS. THE HONORABLE CIVIL
SERVICE COMMISSION AND DEPARTMENT OF LABOR AND
EMPLOYMENT, RESPONDENTS.**

D E C I S I O N

CORONA, J.:

Before this Court is a petition for review of the decision^[1] dated January 22, 2001 of the Court of Appeals affirming (1) Resolution No. 980256^[2] dated February 5, 1998 of the Civil Service Commission (CSC) dismissing petitioner Remedios Padilla's appeal and (2) Resolution No. 981425^[3] dated June 10, 1998 of CSC denying her motion for reconsideration.

The antecedent facts, as found by respondent CSC and affirmed by the Court of Appeals, follow.

On January 18, 1982, petitioner Remedios Padilla assumed the permanent position of Clerk II in the then Ministry of Labor and Employment. On May 11, 1983, petitioner was promoted to the position of Labor Development Assistant. Without waiting for the CSC's approval of her appointment, she assumed her new position.

On March 4, 1985, CSC-NCR Regional Director Aurora de Leon sent a 1st Indorsement to the Minister of Labor and Employment disapproving petitioner's appointment as Labor Development Assistant on the ground that she failed to meet the eligibility requirement for the position. Maria Esther Manigque, Officer-In-Charge of the Institute of Labor and Manpower Studies, sought reconsideration of respondent CSC's ruling by pointing out petitioner's satisfactory performance. It was denied. In May 1985, petitioner resigned from the service citing "personal reasons."

On July 28, 1985, petitioner took the Career Service Examination (Professional Level). After passing the same in August, 1985, she re-applied at the respondent Department of Labor and Employment (DOLE). She was appointed as Casual Research Assistant on October 17, 1988, effective until November 30, 1988. Upon expiration of her appointment, the same was extended to December 31, 1988. From January 1989 until December 1989, petitioner occupied the position of Casual Technical.

Due to the implementation of RA 6758, otherwise known as the Salary Standardization Act of 1989, casual items such as Casual Research Assistant and Casual Technical were abolished. Petitioner was offered the position of Clerk II (the only available permanent position then) for which the Selection Board deemed her qualified. However, she declined the offer.

On January 2, 1990, petitioner was appointed Casual Clerk III, effective till the end of June 1990. After the expiration of her appointment as a casual employee, petitioner was no longer given any position. She then requested the monetary conversion of her unused sick and vacation leaves which respondent DOLE granted.

Nevertheless, petitioner appealed her alleged termination as casual employee to the CSC but this was dismissed for having been filed out of time. [4]

Thereafter, petitioner filed a letter-complaint addressed to then Secretary of Justice Teofisto Guingona. The letter-complaint was forwarded to respondent DOLE and later to the CSC for appropriate action. Acting on the complaint, the CSC treated the same as a petition to seek relief. In its Resolution No. 980256 dated February 5, 1998, the CSC dismissed the petition and denied petitioner's claim. Her motion for reconsideration was likewise denied in CSC Resolution No. 981425 dated June 10, 1998.

Petitioner appealed the CSC resolutions to the Court of Appeals. On January 22, 2001, the appellate court rendered a decision, the dispositive portion of which read:

WHEREFORE, in view of the foregoing, the petition is DENIED and accordingly DISMISSED for lack of merit. Accordingly, the assailed Resolution No. 98-0256 dated February 5, 1998 issued by the Civil Service Commission dismissing the petitioner's appeal, as well as its Resolution No. 981425 dated June 10, 1998, is (sic) AFFIRMED.

SO ORDERED. [5]

The Court of Appeals held that the CSC had the power to revoke the appointment of a public officer whose qualification did not meet the minimum requirements of the law. To refute petitioner's contention that respondent DOLE was obliged to give her a permanent position upon becoming eligible, the appellate court ruled that, although the petitioner was a civil service eligible, her acceptance of a temporary appointment as a casual vested her no right to security of tenure. Her appointment depended exclusively on the pleasure of the appointing authority. [6]

On July 4, 2001, the appellate court issued a resolution [7] denying petitioner's motion for reconsideration.

Hence, this appeal based on the following assignments of error:

I

WHETHER OR NOT THE TERMINATION OF PETITIONER IS LEGAL.

II

WHETHER OR NOT THE DISMISSAL OF HER COMPLAINT BY PUBLIC RESPONDENT CIVIL SERVICE COMMISSION WAS PROPER UNDER THE CIRCUMSTANCES. [8]

Petitioner does not question anymore the disapproval of her appointment as Labor Development Assistant due to her failure to meet the eligibility requirements.