

EN BANC

[G.R. No. 146873, May 09, 2002]

REMEDIOS PASTOR, PETITIONER, VS. CITY OF PASIG, MAYOR VICENTE EUSEBIO, THE COURT OF APPEALS (15TH DIVISION), AND THE CIVIL SERVICE COMMISSION, RESPONDENTS.

DECISION

MENDOZA, J.:

Petitioner Remedios Pastor is Budget Officer of the Municipality (now City) of Pasig. In 1992, she was reassigned to the Office of the Municipal Administrator pending investigation of reports against her concerning the issuance of Advice of Allotments by her. In 1995, after three years with no case filed against her, she asked for reinstatement to her former position. But she was instead reassigned to another unit of the now city government. Upon her complaint, the Civil Service Commission ordered her reinstatement as Budget Officer of the City of Pasig. However, on appeal of the city government, the Court of Appeals set aside the decision of the Civil Service Commission (CSC). Hence this petition for certiorari.

The question is whether the decision of the Court of Appeals should be set aside and that of the CSC reinstated. We answer the question in the affirmative.

The facts are as follows:

Petitioner Remedios Pastor was appointed Budget Officer of the then Municipality (now City) of Pasig on May 1, 1986. Her appointment was confirmed by the Department of Budget and Management on July 17, 1987.

On July 6, 1992, the newly-elected Mayor of Pasig, Vicente P. Eusebio, issued a memorandum relieving petitioner from her position as Municipal Budget Officer and reassigning her to the Office of the Municipal Administrator of Pasig. The Mayor's order stated:

In view of the adverse report of the Committee on Budget that you issued Advice of Allotments without sufficient cash collections and pending thorough investigation there[on], you are hereby relieved of your position as Municipal Budget Officer and temporarily detailed [sic]^[1] with the Office of the Municipal Administrator.

Upon receipt hereof, you are hereby directed to turn over all records, properties, and responsibilities to MR. EDENISON FAINSAN who is hereby designated as Officer-In-Charge, Municipal Budget Officer.

In this connection, you are hereby ordered to report to the Office of the Municipal Administrator for temporary assignment.

This order is issued in the interest of public service and shall take effect immediately.^[2]

On March 6, 1995, Mayor Eusebio issued another memorandum (Memorandum Order No. 06-95) directing petitioner to conduct an in-depth evaluation/study of the operations of the Pasig City Hall Annex.^[3]

Alleging that since her relief as Budget Officer, no investigation had been conducted regarding the charge that she had issued Advice of Allotments without sufficient cash collections, petitioner filed on October 20, 1995 a complaint with the CSC.^[4] She contended that her "protracted detail" to the Office of the City Administrator and the deletion of her name from the payroll for the City Budget Office for the period October 1-15, 1995 were in violation of Civil Service laws, rules, and regulations and that they constituted oppression and abuse of authority on the part of Mayor Eusebio. Petitioner prayed for her reinstatement as City Budget Officer of Pasig and for an order enjoining Mayor Eusebio from designating another person to that petition.

On December 6, 1995, Pasig City Administrator Atty. Reynaldo P. Dionisio issued a memorandum directing petitioner "in the exigency of the service, in addition to your present duties, to [conduct a] study on how to improve budgeting and disbursement procedures of city funds, as well as [a] study on how to enhance the revenue of the city in preparation [for] the adverse effects of the Supreme Court Ruling on Realty Tax against the City of Pasig."^[5]

In his comment^[6] on petitioner's complaint before the CSC, respondent City Mayor alleged, among other things, that petitioner had been reassigned to the Office of the Municipal (now City) Administrator in view of "her long years of experience in finance and [that she had been] tasked to conduct studies best suited to her qualifications"; that instead of being suspended for issuing Advice of Allotments without sufficient cash collections, she was reassigned "for her professional productive growth [and for the benefit] of the city"; that her reassignment was in the best interest of the service and did not involve any diminution of salary or rank as a department head; and that the deletion of petitioner's name from the payroll for October 15, 1995 was due to a management directive that "every personnel should be in the payroll of actual office assignment" and that in fact petitioner received her salary for that period and continued to receive the salary and benefits attached to her position.

In its Resolution No. 96-1190, dated February 5, 1996, the CSC ordered:

WHEREFORE, the appeal of Remedios Pastor is hereby found meritorious. She should already be returned to her former position or assigned to an office where she can perform as head of a department.^[7]

The CSC held that, while petitioner's reassignment was originally made in the exigency of the service without reduction in her rank, status, or salary, respondent City Mayor failed to advance "sufficient reason" to warrant petitioner's continuous reassignment for more than three years which "appears too long for one to conduct the study assigned to her."

Respondent City of Pasig did not ask for reconsideration of Resolution No. 96-1190. Instead, apparently in compliance with the same, it designated petitioner head of the Pasig City Hall Annex, Karangalan, Pasig City. But petitioner was not satisfied. She asked the CSC for a clarification of its Resolution. She alleged that there was no position of "Head of Pasig City Hall Annex" in the plantilla of the city government nor an ordinance creating the Office of Pasig City Hall Annex which, she claimed, was in fact "just a small bungalow-type building located at Karangalan Village, Barangay Manggahan, Pasig City, manned by one (1) representative each from about five (5) departments who report directly to their respective Department Heads at the Pasig City Hall. Hence, there was really nothing for her to oversee."

In its Resolution No. 97-2845,^[8] dated May 20, 1997, the CSC found petitioner's reassignment to the Pasig City Hall Annex to be not in compliance with its decision. It held that the so-called Pasig City Hall Annex was not a department of the City Government of Pasay but a mere extension of the City Hall. The CSC also cited the fact that under Municipal Ordinance No. 01-92 of the City, it was the Vice-Mayor who was Officer-in-Charge of the extension office. The CSC ordered further reassignments of petitioner to other offices be stopped "since [she] has been out of her official station as Budget Officer for such a long time."

Respondent Mayor Eusebio moved for a reconsideration, arguing that (1) the Pasig City Hall Annex was, for all intents and purposes, a department of the Pasig local government and (2) Municipal Ordinance No. 01-92 had been amended and now provides that the officer-in-charge of the Pasig City Hall Annex shall be either the Vice-Mayor or a department head or official of equivalent rank.^[9] His motion was denied, however, by the CSC in its Resolution No. 99-0200.^[10] The CSC held that the position of Head of the Pasig City Hall Annex was not equivalent to the position of City Budget Officer because the Annex was not a line department.

Petitioner then wrote Mayor Eusebio informing him of her intention to resume her duties as City Budget Officer.^[11] She was advised, however, to wait because the city government intended to appeal the decision of the CSC.^[12]

Respondent City of Pasig then filed with the Court of Appeals a petition, denominated for "writ of certiorari," under Rule 43 of the 1997 Rules of Civil Procedure, impleading only the Civil Service Commission as respondent. On January 15, 1999, the appeals court rendered a decision,^[13] the dispositive portion of which reads:

WHEREFORE, the assailed Resolution (No. 99-0200) of the Civil Service Commission dated January 15, 1999 is SET ASIDE and RECALLED.

The appeals court held that petitioner's reassignment, first to the Office of the Municipal (now City) Administrator and later as head of the Pasig City Hall Annex, was a valid exercise of the "extraordinary powers of the respondent City Government." It pointed out that the reassignment to the Office of the Municipal Administrator was only "temporary in nature" and that, in designating petitioner as head of the City Hall Annex, the city government had substantially complied with Resolution No. 96-1190 of the CSC:

The City Hall Annex was a creation of Municipal Ordinance (No. 01-92) dated January 22, 1992 to bring the services of the government expeditiously and efficiently to the residents of Manggahan, Dela Paz, and Santolan, Pasig City. There was no reduction of [petitioner's] rank, status, or salary. The officer-in-charge shall either be the Vice-Mayor [or] a department head or official of equivalent rank (Ordinance No. 22, Series of 1997. See: Annex "D") It is, according to [respondents], a small version of the Pasig City Hall. [Petitioner's] power was that of a department head exercising general supervision, direction, and control over the operations of the postal services, library, Office of the Civil Registry, Police Headquarters, Offices of the Treasurer and Assessor, Engineering and Building Office [and the] Community Relation and Information Office. She was to oversee the payment of fees/revenues and communication facilities, and provided with sufficient funds for its operation and maintenance. (Municipal Ordinance No. 01-92, Annex "E," Petition) [Respondents] therefore had advanced sufficient reasons to warrant [petitioner's] assignment as head of the Pasig City Hall Annex in Manggahan, Pasig City pursuant to resolution No. 96-1190.^[14]

On January 29, 2001, the Court of Appeals denied the CSC's motion for extension of time to file a motion for reconsideration on the ground that the same is not allowed under its internal rules.^[15]

Petitioner filed this petition alleging that -

- I. THE RESPONDENT APPELLATE COURT HAS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK AND/OR EXCESS OF JURISDICTION WHEN IT HAD TAKEN COGNIZANCE AND PASSED JUDGMENT ON THE CIVIL SERVICE COMMISSION'S ORDER PARTICULARLY CSC RES. NO. 990200, WHICH WAS A MERE CLARIFICATORY ORDER OF CSC RESOLUTION NO. 961190 WHICH HAD LONG ATTAINED FINALITY AND EXECUTORY CHARACTER AFTER THE LAPSE OF THE 15-DAY REGLEMENTARY PERIOD AND NO [MOTION FOR] RECONSIDERATION WAS EVER FILED BY THE RESPONDENT CITY OF PASIG - AND THUS FAILED TO CONSIDER THE LATTER'S OBLIGATION (COMPELLABLE BY MANDAMUS) TO COMPLY WITH THE SUBJECT CSC RESOLUTIONS.
- II. THE RESPONDENT APPELLATE COURT HAS COMMITTED GRAVE ABUSE OF DISCRETION WHEN IT FAILED TO CONSIDER THAT THE RESPONDENT CITY OF PASIG NOT BEING THE PERSON ADVERSELY AFFECTED [BY] THE CSC RESOLUTION NO. 961190 AND OTHER CLARIFICATORY RESOLUTIONS HAS NO RIGHT NOR PERSONALITY TO APPEAL AND/OR ASSAIL VIA CERTIORARI IN SAID CA-G.R. S.P. NO. 51098 ASSAILING THE CSC RESOLUTIONS/ORDER FOR THE REINSTATEMENT OF THE HEREIN PETITIONER TO HER PREVIOUS POSITION AS CITY BUDGET OFFICER.
- III. WITHOUT PREJUDICE TO GROUND NO. 2, ABOVE STATED, THE RESPONDENT COURT OF APPEALS HAS COMMITTED GRAVE ABUSE OF DISCRETION AMOUNTING TO LACK AND/OR EXCESS OF JURISDICTION WHEN IT DID NOT DISMISS RESPONDENT CITY OF