

## THIRD DIVISION

[ G.R. No. 141246, September 09, 2002 ]

**PHILIPPINE NATIONAL BANK, PETITIONER, VS. RICARDO V. GARCIA JR., RESPONDENT.**

### DECISION

**PANGANIBAN, J.:**

There is nothing in the law that bars an appeal of a decision exonerating a government official or an employee from an administrative charge. If a statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. Indeed, the campaign against corruption, malfeasance and misfeasance in government will be undermined if the government or the private offended party is prevented from appealing erroneous administrative decisions.

#### The Case

Before us is a Petition for Review under Rule 45 of the Rules of Court, assailing the February 24, 1999 Decision and the December 22, 1999 Resolution of the Court of Appeals (CA)<sup>[1]</sup> in CA-GR SP No. 43900. The Decision affirmed the Resolution of the Civil Service Commission (CSC) exonerating Respondent Ricardo V. Garcia Jr. from administrative liability. The dispositive portion of the assailed CA Decision reads as follows:

"WHEREFORE, for lack of merit, the petition is DENIED and the assailed Orders are AFFIRMED.

"SO ORDERED."<sup>[2]</sup>

The assailed Resolution denied reconsideration.<sup>[3]</sup>

#### The Facts

Adopting the narration of facts by the Office of the Solicitor General (OSG), the CA summarizes the antecedents in this wise:

"Private respondent Ricardo V. Garcia, Jr., a check processor and cash representative at the Buendia Branch of petitioner Philippine National Bank (PNB), was charged by the latter with Gross Neglect of Duty in connection with the funds it had lost on August 5, 1994 in the amount of Seven Million Pesos (P7,000,000.00).<sup>[4]</sup>

"On July 21, 1995, the PNB-Administrative Adjudication Office (AAO) rendered its decision, duly approved by PNB Executive Vice President Inocencio B. Deza, Jr., finding private respondent guilty as charged and, accordingly, imposing upon him the penalty of 'Forced Resignation with

Benefits. . . without prejudiced to his monetary liability arising from the case.[<sup>1</sup>]

“Private respondent moved for reconsideration of the aforesaid decision, but the same was denied by the PNB-AAO in its Resolution dated September 21, 1995. Aggrieved, private respondent appealed to public respondent on September 28, 1995.

“Meanwhile, on May 27, 1996, petitioner was privatized pursuant to Executive Order No. 80, otherwise known as the 1996 Revised Charter of the Philippine National Bank.

“Thereafter, public respondent issued Resolution No. 967612 on December 3, 1996, granting private respondent’s appeal after finding that the evidence on record failed to establish neglect of duty on the part of private respondent. The dispositive portion of the decision reads:

‘WHEREFORE, the appeal of Ricardo V. Garcia, Jr. is hereby granted. Accordingly, he is exonerated of the charges and the appealed decision of PNB is set aside. Garcia is automatically reinstated to his position with back salaries.’

“Petitioner moved for reconsideration of the above resolution, but public respondent, on March 11, 1997, denied the same in its Resolution No. 971762.”<sup>[5]</sup>

#### The CA Ruling

In dismissing PNB’s appeal, the CA cited *Mendez v. Civil Service Commission*,<sup>[6]</sup> which had ruled that only the “party adversely affected by the decision” -- namely, the government employee -- may appeal an administrative case. The CA held that a decision exonerating a respondent in an administrative case is final and unappealable.

Hence, this Petition.<sup>[7]</sup>

#### The Issues

Petitioner submits the following issue for resolution:

“Whether or not the Court of Appeals is correct in so holding that petitioner cannot anymore elevate on appeal the resolution of the Civil Service Commission reversing petitioner’s finding of guilt for gross neglect of duty on Respondent Garcia[.]”<sup>[8]</sup>

#### The Court’s Ruling

The Petition is meritorious.

#### Main Issue:

##### *Party Adversely Affected Construed*

The right to appeal is not a natural right or a part of due process, but a mere statutory privilege that may be exercised only in the manner prescribed by law.<sup>[9]</sup> Under Presidential Decree (PD) 807, the CSC has jurisdiction over appeals of administrative disciplinary cases, in which the penalty imposed is suspension for