

TWENTIETH DIVISION

[CA-G.R. SP NO. 07240, January 12, 2015]

**CHARRY L. GALIA, PETITIONER, VS. GOV. FELIPE HILAN NAVA,
CIVIL SERVICE COMMISSION, RESPONDENTS.**

DECISION

QUIJANO-PADILLA, J.:

Before Us is a Petition for Review^[1] under Rule 43 of the Rules of Court assailing the Decision No. 12-0382^[2] dated June 27, 2012 of the Civil Service Commission for Illegal Termination, as well as its Resolution No. 12-01551^[3] dated October 2, 2012 which denied herein petitioner's Motion for Reconsideration^[4].

The Antecedents

In gist, petitioner alleged that she was appointed by Governor Felipe Hilan Nava of the Province of Guimaras in "co-terminous capacity" as Provincial Government Department Head with Salary Grade of 26 of the Provincial Economic and Development Office on July 1, 2007.

On July 9, 2007, petitioner's appointment was confirmed by the Sangguniang Panlalawigan through Resolution No. 67.^[5]

As to petitioner's performance for the years 2007 to 2009, she garnered very high marks^[6] on all levels.

When the Governor won for re-election in 2010, petitioner was also re-appointed. Thus, it came as a surprise when on October 12, 2010, Governor Nava issued a termination letter^[7] to the petitioner allegedly due to unsatisfactory performance in her previous years of service. Petitioner asked for a reconsideration,^[8] but was denied.^[9]

Petitioner then brought the matter to the Civil Service Commission Regional Office VI, which denied petitioner's claims. In its Decision No. 110041,^[10] dated July 12, 2011, the CSC ruled against the validity of petitioner's appointment. The decretal portion of the Decision states:

"WHEREFORE, the appeal of Charry L. Galia is DISMISSED for lack of merit. Her appointment dated July 1, 2007 as Provincial Government Department Head (Provincial Economic Development Officer) under co-terminous status and her re-appointment dated July 1, 2010 to the same position are INVALIDATED.

The Civil Service Commission Guimaras Field Office is directed to

implement this Decision subject to existing Civil Service rules and regulations.

Copies of this Decision are furnished Governor Felipe Hilan A. Nava, Atty. Elijo S. R. Herrera-Bellones, Charry L. Galia, Reyes and Reyes Law Office, and OIC-Director II Nanette H. Borro of the CSC Guimaras Field Office, at their known addresses."^[11]

Upon Motion for Reconsideration by the petitioner, the Civil Service Commission Regional Office VI partly granted the motion, in so far as the validity of her appointment. However, as to petitioner's termination, the Commission still found it proper.^[12] The dispositive portion of the Resolution dated September 1, 2011 reads:

"WHEREFORE, the motion for reconsideration of Charry L. Galia is PARTLY GRANTED. CSCRO6 Decision No. 110041 dated July 12, 2011 is MODIFIED to the extent that Galia's appointment dated July 1, 2007 as Provincial Government Department Head (Provincial Economic Development Officer) under co-terminous status and her re-appointment dated July 1, 2010 to the same position are IN ORDER. Her termination from the service effective October 15, 2010 is likewise IN ORDER."^[13]

Unsatisfied, petitioner appealed to the Civil Service Commission. In Decision No. 12-0382, promulgated on June 27, 2012, the CSC agreed with the findings of CSCRO No. VI.

The decretal portion of the Decision is as follows:

"WHEREFORE, the appeal of Charry L. Galia is DISMISSED. Accordingly, the term of Galia as Provincial Economic Development Officer is deemed expired effective October 15, 2010 pursuant to the letter of Governor Felipe Hilan A. Nava for loss of trust and confidence."^[14]

Still unsatisfied, petitioner filed a Motion for Reconsideration^[15] which was also denied by the CSC in Resolution No. 12-01551, promulgated on October 2, 2012. The dispositive portion of the resolution states in this wise:

"WHEREFORE, foregoing premises considered, the instant motion for reconsideration is hereby DENIED for lack of merit. Accordingly, the Civil Service Commission (CSC) Decision No. 120382 dated June 27, 2012, STANDS."^[16]

Undeterred and aggrieved, petitioner thus comes before Us raising the sole issue, to wit:

WITH UTMOST RESPECT, THE CIVIL SERVICE COMMISSION COMMITTED PALPABLE AND GRAVE ABUSE OF DISCRETION IN DISMISSIN [SIC] THE APPEAL ON THE GROUND THAT PETITIONER SERVES MERELY AT THE PLEASURE OF GOV. NAVA GIVEN THAT "LACK OF CONFIDENCE" WAS NOT THE ORIGINAL GROUND FOR TERMINATION BUT "UNSATISFACTORY PERFORMANCE" WHICH HAD NO FACTUAL BASIS

The Ruling of this Court

The petition is not meritorious.

At the outset, settled is the rule that (f)actual findings made by quasi-judicial bodies and administrative agencies when supported by substantial evidence are accorded great respect and even finality by the appellate courts.^[17] This is because administrative agencies possess specialized knowledge and expertise in their respective fields.^[18] As such, their findings of fact are binding upon this Court unless there is a showing of grave abuse of discretion, or where it is clearly shown that they were arrived at arbitrarily or in disregard of the evidence on record.^[19]

In the case at bench, petitioner argued that her termination was not proper. She insists that she could only be removed from office on the ground of loss of trust and confidence. Petitioner further asseverated that the termination letter sent to her by the Governor mentioned only her alleged lack luster performance as the reason for the termination of her services and not loss of trust and confidence.

This stance is futile.

Certainly, the tenor of the letter speaks for itself. It depicts a superior whose trust and confidence upon a subordinate have been diminished because of the latter's dismal performance. The letter in fact enumerates the reasons why the Governor was terminating the services of herein petitioner, which clearly equates to loss of trust and confidence. Pertinent portions of the letter are as follows:

The outcome of my recent assessments however did not give me cause to be ecstatic about. Your office, the Provincial Economic Development Office (PEDO) was belatedly discovered to be encountering administrative and personnel problems unique in our system. The potentials of the office personnel to work well and deliver the expected results have not been maximized, and the anticipated administrative support from your end has been wanting in a number of important assignments. These need not be more elaborately emphasized, as you may by now have been informed of this. In fact, I have already taken the initial steps to help remedy the situation, particularly by the restructuring of your office and the office of the governor, which was duly authorized by our Sangguniang Panlalawigan.

Then, some of the projects assigned to your office for implementation have not been performing to par. A review of the project rationale of the funded proposals of the PEDO indicate that not much stride has been realized in areas of cooperative strengthening and development, and there were hardly any initiative in the area of labor and employment generation. Except in the tourism sector, there are no outstanding accomplishment reports submitted to punctuate your office's annual performance either.

x x x

These inadequacies in or delays at project implementation are not in consonance with our desire and objective at good, responsive and