

TWENTY-FIRST DIVISION

[CA-G.R. SP NO. 03988-MIN, March 27, 2014]

**MUNICIPALITY OF ISULAN, ISULAN, SULTAN KUDARAT
REPRESENTED BY ITS MUNICIPAL MAYOR DIOSDADO G.
PALLASIGUE, PETITIONER-APPELLANT, VS. ELIAS S. SEGURA,
JR., RESPONDENTS-APPELLEE.**

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REPRESENTED BY ITS MUNICIPAL MAYOR DIOSDADO G.
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JR., RESPONDENTS-APPELLEE.**

D E C I S I O N

FRANCISCO, J.:

CA-G.R. SP No. 03988-MIN is a Petition^[1] for Review under Rule 43 with Prayer for Issuance of Temporary Restraining Order and Injunction assailing the following:

- (a) 26 February 2008 CSC-RO XII Decision^[2], which granted respondent Segura's appeal from the re-assignment order made by petitioner Mayor Pallasigue and directed the re-instatement of Segura to his former position as MPDC Coordinator;
- (b) 31 March 2009 CSC Resolution No. 090501^[3], which denied Mayor Pallasigue's appeal of the 26 February 2008 CSC-RO XII Decision; and
- (c) 07 December 2010 CSC Resolution No. 1000470^[4], which denied Mayor Pallasigue's motion for reconsideration of the 31 March 2009 CSC Resolution No. 090501.

CA-G.R. SP No. 04933-MIN is a Petition^[5] for Review under Rule 43 *with Prayer for Issuance of Temporary Restraining Order and Injunction* assailing the following:

- (a) 23 April 2009 Civil Service Commission Regional Office XII (CSC-RO XII) Decision^[6], which granted the appeal of respondent Segura from the Order of petitioner Mayor Pallasigue dropping him from the roll of employees and ordered Segura's immediate reinstatement to his position as MPDC coordinator of Isulan, Sultan Kudarat;
- (b) 03 November 2009 CSC-RO XII ^[7], which denied petitioner Mayor Pallasigue's motion for reconsideration of the 23 April 2009 Civil Service Commission Regional Office XII (CSC-RO XII) Decision^[8];

(c) 18 August 2011 CSC Resolution No. 110466^[9], which dismissed petitioner Mayor Pallasigue's Petition for Review of the 23 April 2009 and 03 November 2009 CSC-RO XII Decision of the Civil Service Commission Regional Office XII (CSC-RO XII); and

(d) 04 May 2012 CSC Resolution No. 1200703^[10], which denied petitioner Mayor Pallasigue's motion for reconsideration of the 18 August 2011 CSC Resolution No. 110466.

Antecedent Facts

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The petition arose from the Memorandum¹¹ dated 14 September 2007 issued by petitioner Diosdado G. Pallasigue, Mayor of the Municipality of Isulan, Sultan Kudarat. The memorandum relieved private respondent Engr. Segura from his present duties in the Municipal Planning and Development Office (MPDO) and re-assigned him to the Office of the Municipal Mayor. Mayor Pallasigue, then, designated Mr. Freddie Tiosing as the acting Municipal Planning and Development Coordinator. The memorandum provided for an immediate effectivity.

In his letter dated 25 September 2007 before the CSCRO No. XII of Cotabato City, Engr. Segura averred the following, to wit:

"xxx Last September 17, 2007 in the afternoon, I received the memorandum which took effect September 14, 2007, from the newly elected Municipal Mayor, Hon. Diosdado G. Pallasigue xxx. I am very much aggrieved that the reassignment order also relieves me from my duties/functions as Municipal Planning and Development Coordinator (MPDC) of this municipality and I was ordered to perform the duties and functions specified in the memorandum which is not in line with my qualifications, abilities and expertise. xxx

xxx

xxx

xxx

xxx At the start of my initial days, the following are observations and violations on my new reassignment.

- 1. There is no given position on my re-assignment. I don't know my status on the new job, from the Municipal Department Head to unknown position. This implies that I am in floating position. I was just given my duties and functions to do in my new assignment. I don't know whether I can still use the title of my permanent appointment as MPDC considering that I was relieve (sic) from my position and the new Acting MPDC assumes my office in the name of Mr. Freddie G. Tiosing xxx. It is very clear my assignment is done in haste.*

xxx

- 2. The action is not a rotation where there is a lateral movement of employees but it's a downward movement of my rank; from supervisory position to unknown position that (sic) no one to supervise.*

xxx

3. *The reassignment order was against my consent and will. I was not informed and consulted regarding this order.*

xxx

4. *There was no specific period of time in the order and it shall remain effective until revoked. I don't know when it ends and if it is temporary or permanent.*

xxx

xxx

xxx

9. *Most of my functions in the order are duplication of the Technical Working Group (TWG) created for the establishment and reconsideration of the MEEDO which I chair. xxx. In fact the Technical Working Group created was inconsistent since it was issued while the Sangguniang Bayan was on the process of dissolving the MEEDO due to the order from the office of the Mayor through a memorandum to dissolve the same. I wonder why we will start to work for the establishment of the MEEDO by virtue of the memorandum creating the TWG wherein there is already an ordinance to (sic) dissolving the same. xxx"*^[12]

In his Comment dated 24 October 2007, Mayor Pallasigue justified the re-assignment order as within his exclusive authority and prerogative as the Local Chief Executive.

The CSCRO XII treated the letter of Engr. Segura as an appeal, not a complaint, pursuant to Item 3(B), Section 6, Rule I of the Uniform Rules on Administrative Cases in the Civil Service (URACCS), which provides that "the Civil Service Commission Regional Offices (CSCROs) have jurisdiction over decisions of national agencies and local government units within their geographical boundaries relative to personnel actions and non-disciplinary cases brought before it on appeal."

In its 26 February 2008 Decision^[13], the CSCRO No. XII of Cotabato City confined its resolution of the appeal to the sole issue of whether the re-assignment of Engr. Segura is valid. It held in the negative. The dispositive portion of the decision reads:

WHEREFORE, the instant appeal of Engr. Elias S. Segura, Jr. from the reassignment made by Mayor Pallasigue is hereby **GRANTED**. Mayor Pallasigue is directed to recall Segura's reassignment and to restore him to his position as Municipal Planning Development Coordinator at the Municipal Planning and Development Office of Isulan, Sultan Kudarat.

SO ORDERED.^[14]

The CSC-RO No. XII of Cotabato City held that the re-assignment of Engr. Segura, from being the chief of the MPDO to the Office of the Municipal Mayor, which effectively relieved him of his supervisory functions constituted a demotion in rank and status violative of the rules on reassignment.^[15]

On 31 March 2008, Mayor Pallasigue filed a Notice of Appeal of the 26 February 2008 Decision.

In its Resolution No. 090501^[16] dated 31 March 2009, the Civil Service Commission dismissed Mayor Pallasigue's appeal and affirmed the 26 February 2008 Decision, thus:

WHEREFORE, the appeal of Mayor Diosdado G. Pallasigue of the Municipal Government of Isulan, Sultan Kudarat, is **DISMISSED**. Accordingly, the Decision dated February 26, 2008 of the Civil Service Commission Regional Office No. XII, Cotabato City, invalidating the Memorandum dated September 14, 2007 issued by Mayor Pallasigue relative to the reassignment of Engr. Elias S. Segura, Jr., Municipal Planning Development Coordinator (MPDC), Municipal Planning and Development Office, same agency, is **AFFIRMED**. Consequently, the Commission orders the restoration of Segura, Jr. to his position as MPDC, with payment of monetary benefits due him from the time of his illegal reassignment up to his actual reinstatement."^[17]

On 19 May 2009 Mayor Pallasigue filed his Motion for Reconsideration^[18] of the 31 March 2009 Resolution.

In a Resolution^[19] dated 7 December 2010, the CSC denied the motion for reconsideration.

Hence this CA-G.R. SP No. 03988-MIN.

In this recourse, Mayor Pallasigue (hereinafter Petitioner) submits the following issues, to wit:

1. WHETHER OR NOT CIVIL SERVICE COMMISSION REGIONAL OFFICE NO. XII, COTABATO CITY, HAS PROPERLY ACQUIRED JURISDICTION OVER THE COMPLAINT FILED BY THE RESPONDENT;
2. WHETHER OR NOT THE ASSAILED CSC RO XII DECISION DATED 26 FEBRUARY 2008 AND CSC RESOLUTION NO. 090501 DATED 31 MARCH 2009 AND CSC RESOLUTION NO. 1000470 DATED 07 DECEMBER 2010 AFFIRMING THE SAME WERE IN ACCORDANCE WITH EXISTING LAWS, JURISPRUDENCE, AND RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION;
3. WHETHER OR NOT THE ORDER OF RESTORATION TO HIS PREVIOUS POSITION AS MUNICIPAL PLANNING AND DEVELOPMENT OFFICER WHEN HE WENT ON AN ABSENCE WITHOUT LEAVE FROM 31 JULY 2008 UP TO THE PRESENT (SIC).^[20]

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In a Letter^[21] dated 10 September 2008, Segura insisted in assuming his position as the Municipal Planning Development Coordinator.

In a Memorandum^[22] dated 12 September 2008, Mayor Pallasigue denied Engr. Segura's reassumption of his position. He invoked that the 26 February 2008 Decision of the CSCRO No. XII declaring the reassignment invalid was not final and executory, the case being on appeal before the CSC Central Office.

On 22 September 2008, Mayor Pallasigue issued Executive Order No. 23, Series of 2008^[23] dropping Segura from the roll of employees for having incurred more than thirty days of absence without official leave.

On 13 October 2008, Engr. Segura appealed from the 22 September 2008 Order of Mayor Pallasigue before the CSCRO XII.^[24]

In its Decision^[25] dated 23 April 2009, the CSCRO XII granted Segura's appeal and ordered his immediate reinstatement to his position as Municipal Planning and Development Coordination of Isulan, Sultan Kudarat.

On 11 August 2009, Mayor Pallasigue filed his Motion for Reconsideration^[26] of the 23 April 2009 CSC RO XII Decision.

In its 3 November 2009 Decision^[27], the CSCRO XII denied Mayor Pallasigue's motion for reconsideration.

On 18 February 2010, Mayor Pallasigue filed a Petition for Review^[28] of the 23 April 2009 CSC RO XII Decision before the CSC Central Office (CSCCO).

On 18 August 2011, the CSCCO dismissed the petition and invalidated the order of Mayor Pallasigue dropping Segura from the roll of employees.

On 27 October 2011, Mayor Pallasigue filed his Motion for Reconsideration^[29] of the 18 August 2011 CSCCO Decision. The motion was denied in its 04 May 2012 Resolution.

Hence, the CA-G.R. SP No. 04933-MIN Petition.

In this recourse, Mayor Pallasigue (hereinafter Petitioner) submits the following issues, to wit:

1. WHETHER OR NOT THE ASSAILED CSCRO XII DECISION DATED 23 APRIL 2009; CSCRO XII DECISION DATED 03 NOVEMBER 2009 DENYING THE MOTION FOR RECONSIDERATION OF THE HEREIN PETITIONER; CIVIL SERVICE COMMISSION DECISION NO. 110466 DATED 18 AUGUST 2011; AND CIVIL SERVICE COMMISSION DECISION NO. 1200703 DATED 04 MAY 2012 DENYING THE MOTION FOR RECONSIDERATION WERE ANCHORED ON UNCONTESTABLE FACTS AND RECORDS ON HAND;
2. WHETHER OR NOT THE ASSAILED CSCRO XII DECISION DATED 23 APRIL 2009; CSCRO XII DECISION DATED 03 NOVEMBER 2009 DENYING THE MOTION FOR RECONSIDERATION OF THE HEREIN PETITIONER; CIVIL SERVICE COMMISSION DECISION NO. 110466 DATED 18 AUGUST 2011; AND CIVIL SERVICE COMMISSION DECISION NO. 1200703 DATED 04 MAY 2012 DENYING THE MOTION FOR RECONSIDERATION WERE IN ACCORDANCE WITH EXISTING LAWS, JURISPRUDENCE, AND RULES AND REGULATIONS.^[30]

On 3 July 2012, this Court, in a Minute Resolution^[31], ordered the consolidation of CA-G.R. SP NO. 04933-MIN with CA-G.R. SP NO. 03988-MIN.

The issues in these consolidated petitions may be re-stated, thus: