

SIXTEENTH DIVISION

[CA-G.R. SP No. 130054, June 23, 2014]

**CAROL L. MEJICA, PETITIONER, VS. CIVIL SERVICE
COMMISSION, RESPONDENT.**

D E C I S I O N

MACALINO, J:

Before this Court is a Petition for Review^[1] under Rule 43 of the Rules of Court assailing the Decision^[2] (Assailed Decision) of the Civil Service Commission dated August 9, 2012 and the Resolution^[3] dated April 23, 2013 (Assailed Resolution) disapproving the appointment of petitioner. The decretal portion of the Assailed Decision states:

"WHEREFORE, the Petition for Review of Carol L. Mejica, Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer), Municipal Government of Oras, Eastern Samar, to reconsider the resolution of the Civil Service Commission Regional Office (CSCRO) No. VIII, Leyte, is hereby **DENIED**. Accordingly, the Resolution of the CSCRO No. VIII, affirming the disapproval by the Civil Service Commission Field Office (CSCFO) – Borongan City, Eastern Samar of Mejica's permanent appointment for lack of a qualification standards approved by the Commission, is hereby **AFFIRMED**."^[4]

Whereas, the dispositive portion of the Assailed Resolution reads:

"WHEREFORE, the Motion for Reconsideration of Carol L. Mejica, Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer), Local Government Unit of Oras, Eastern Samar, of Civil Service Commission (CSC) Decision No. 12-0497 dated August 9, 2012, is hereby **DENIED**. Accordingly, CSC Decision No. 12-0497 dated August 9, 2012 affirming the invalidation of Mejica's permanent appointment as Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer) (SG 24), **STANDS**."^[5]

Antecedent Facts

On May 27, 2010, former President Gloria Macapagal-Arroyo approved Republic Act 10121 (RA 10121), otherwise known as the Philippine Disaster Risk Reduction and Management Act of 2010. Section 12 of the said law provides that a Local Disaster Risk Reduction and Management Office (LDRRMO) shall be established in, among others, every municipality. The LDRRMO shall be initially composed of a Disaster Risk Reduction and Management Officer (DRRMO) to be assisted by three (3) staff responsible for: (1) administration and training; (2) research and planning; and (3) operations and warning.

On September 27, 2010, the Secretary of National Defense and Chairperson of the National Disaster Risk Reduction and Management Council (NDRRMC) signed the Implementing Rules and Regulations (IRR) of RA 10121.

On April 15, 2011, the Sangguniang Bayan of the Municipality of Oras, Eastern Samar passed Ordinance No. 5, series of 2011^[6], creating the permanent position of Municipal Government Department Head I (Municipal Disaster Risk Reduction and Management Officer) or MDRRMO. The Sangguniang Bayan also enacted Appropriation Ordinance No. 3, series of 2011^[7], appropriating the amount of PhP374,672.84 for the salaries, other benefits and MOOE of said newly created office.

On June 16, 2011, Hon. Neil M. Alvarez (Mayor Alvarez), the Municipal Mayor of Oras, Eastern Samar, issued an appointment^[8] to Carol L. Mejica (petitioner) as Municipal Government Department Head I (Municipal Disaster Risk Reduction and Management Officer) with Salary Grade 24 (SG 24) on permanent status. The Sangguniang Bayan of Oras concurred with the appointment of petitioner by passing Resolution No. 20, series of 2011.^[9] The Sangguniang Bayan of Oras approved Resolution No. 33, series of 2011^[10] on July 22, 2011, prescribing the qualification standards for the position of MDRRMO as follows:

Education: Bachelor's Degree

Eligibility: Career Service Professional or its equivalent

Training: Eighteen (18) hours relevant training Experience: None required

On July 25, 2011, the Sangguniang Bayan of Oras requested the CSC's approval of its proposed qualification standards for the position of MDRRMO. Petitioner's appointment was, however, disapproved on July 27, 2011 by the CSC Field Office (CSCFO) in Borongan City because "(a) Position title not found in LBC Circular No. 61, s. 1996 (IOS) and CSC MC # 1, s. 1997 (Revised Qualification Standards)" and (b) Violation of Sec. 3, Rule VI, IRR of RA 10121."

Meanwhile, CSC's Personnel Policies and Standards Office (PPSO) advised that the Sangguniang Bayan of Oras first submit a proposed newly created position to the DBM for position classification and salary grade allocation before submitting the same to the CSC for the setting of its qualification standards.

Mayor Alvarez filed a Motion for Reconsideration^[11] of the CSCFO's disapproval of petitioner's appointment. Treating Mayor Alvarez's motion as an appeal, the CSC Regional Office No. VIII issued Resolution No. 110737 on November 17, 2011, dismissing the mayor's appeal.^[12] The CSC Regional Office No. VIII reasoned that (a) to date, there are no qualification standards yet for the position of MDRRMO duly approved by the CSC; and (b) Section 1 (b), Rule X (Qualification Standards) of the Omnibus Rules on Appointments and Other Personnel Actions (CSC MC No. 40, series of 1998) provides that: "An appointment to a position without an approved qualification standards shall be disapproved." Consequently, petitioner's appointment as MDRRMO was revoked by Mayor Alvarez on February 10, 2012.^[13]

Petitioner, in her personal capacity, sought reconsideration of the said Resolution in a petition for review before the CSC Main Office. On August 9, 2012, the CSC rendered the Assailed Decision denying the said motion. Petitioner filed another

motion for reconsideration^[14] on September 26, 2012 but it was denied in the Assailed Resolution dated April 23, 2013.

Hence this petition where petitioner raises the following issues:

"I

Whether the Honorable Civil Service Commission (CSC) erred when it held that the position title Municipal Government Head I (Municipal Disaster Risk Reduction and Management Officer) is not found in LBC No. 61, series of 1991 (IOS).

II

Whether the Honorable Civil Service Commission (CSC) erred when it held that the subject position is not also found in CSC MC # 1 s. 1997 (Revised Qualification Standards.)

III

Whether the Honorable Civil Service Commission erred when it held that the appointment is in Violation of Sec. 3, Rule VI, IRR of RA 10121 (Experience).

IV

Whether the Honorable Civil Service Commission erred when it ruled that the subject appointment was prematurely issued and invalid due to lack of CSC approved qualification standards."^[15]

The main issue for our resolution is whether petitioner's appointment as MDRRMO is valid despite the absence of a CSC-approved qualification standards for said position.

Qualification Standards for newly-created positions, like MDRRMO shall be prescribed by the CSC.^[16] Qualification Standard expresses the minimum requirements for a class of positions in terms of education, training and experience, civil service eligibility, physical fitness, and other qualities required for successful performance. The degree of qualifications of an officer or an employee shall be determined by the appointing authority on the basis of the qualification standard for the particular position.^[17] In the absence of approved qualification standard by the CSC, such appointment shall be disapproved or invalidated. This is mandated by Section 1, Rule X of CSC Memorandum Circular No. 40, series of 1998 (Revised Omnibus Rules on Appointments and Other Personnel Actions) which states that:

"xxx

b. An appointment to a position without an approved qualification standards shall be disapproved. xxx"

The same is reflected in CSC Memorandum Circular No. 12, series of 2003 (Revised Policies on Qualification Standards) which amended the foregoing provision, viz:

"Part I, Section 2. --