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Interpreter Cervantes and Utility Worker Gigante on file with the Court.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Abad, Villarama, Jr., Mendoza, Reyes, and *Perlas-Bernabe, JJ.,* concur.

Perez, J., no part. Acted on matter as Court Adm.

EN BANC

[G.R. No. 176162. October 9, 2012]

CIVIL SERVICE COMMISSION, *petitioner, vs.* **COURT OF APPEALS, DR. DANTE G. GUEVARRA and ATTY. AUGUSTUS F. CEZAR,** *respondents.*

[G.R. No. 178845. October 9, 2012]

ATTY. HONESTO L. CUEVA, *petitioner, vs.* **COURT OF APPEALS, DR. DANTE G. GUEVARRA and ATTY. AUGUSTUS F. CEZAR**, *respondents.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; ADMINISTRATIVE CODE OF 1987 (E.O. 292); AS THE CENTRAL PERSONNEL AGENCY OF THE GOVERNMENT, THE CIVIL SERVICE COMMISSION (CSC) HAS THE POWER TO APPOINT AND DISCIPLINE ITS OFFICIALS AND EMPLOYEES AND TO HEAR AND DECIDE ADMINISTRATIVE CASES INSTITUTED BY OR

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BROUGHT BEFORE IT DIRECTLY OR ON APPEAL.— The CSC, as the central personnel agency of the government, has the power to appoint and discipline its officials and employees and to hear and decide administrative cases instituted by or brought before it directly or on appeal. Section 2(1), Article IX(B) of the 1987 Constitution defines the scope of the civil service: The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters. By virtue of Presidential Decree (P.D.) No. 1341, PUP became a chartered state university, thereby making it a government-owned or controlled corporation with an original charter whose employees are part of the Civil Service and are subject to the provisions of E.O. No. 292.

2. ID.; ID.; ID.; A LITERAL INTERPRETATION OF E.O. 292 THAT A COMPLAINT MAY ONLY BE FILED DIRECTLY BY A PRIVATE CITIZEN WOULD EFFECTIVELY DIVEST THE COMMISSION OF ITS ORIGINAL JURISDICTION PROVIDED BY LAW AND WOULD ALSO BE TANTAMOUNT TO DISENFRANCHISING GOVERNMENT EMPLOYEES BY REMOVING FROM THEM AN ALTERNATIVE COURSE OF ACTION AGAINST ERRING PUBLIC OFFICIALS.— The Court is not unaware of the use of the words "private citizen" in the subject provision and the plain meaning rule of statutory construction which requires that when the law is clear and unambiguous, it must be taken to mean exactly what it says. The Court, however, finds that a simplistic interpretation is not in keeping with the intention of the statute and prevailing jurisprudence. It is a well-established rule that laws should be given a reasonable interpretation so as not to defeat the very purpose for which they were passed. As such, "a literal interpretation is to be rejected if it would be unjust or lead to absurd results." In *Secretary of Justice v. Koruga*, the Court emphasized this principle and cautioned us on the overzealous application of the plain meaning rule. xxx A literal interpretation of E.O. 292 would mean that only private citizens can file a complaint directly with the CSC. For administrative cases instituted by government employees against their fellow public servants, the CSC would only have appellate jurisdiction over those. Such a plain reading of the subject provision of E.O. 202 would effectively divest CSC of its original jurisdiction,

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albeit shared, provided by law. Moreover, it is clearly unreasonable as it would be tantamount to disenfranchising government employees by removing from them an alternative course of action against erring public officials.

3. **ID.; ID.; ID.; NO COGENT REASON TO DIFFERENTIATE A COMPLAINT FILED BY A PRIVATE CITIZEN AND ONE FILED BY A MEMBER OF THE CIVIL SERVICE.—** There is no cogent reason to differentiate between a complaint filed by a private citizen and one filed by a member of the civil service, especially in light of Section 12(11), Chapter 3, Subtitle A, Title I, Book V of the same E.O. No. 292 which confers upon the CSC the power to "hear and decide administrative cases instituted by or brought before it directly or on appeal" without any qualification. In the case of *Camacho v. Gloria*, the Court stated that "under E.O. No. 292, a complaint against a state university official may be filed with either the university's Board of Regents or directly with the Civil Service Commission." It is important to note that the Court did not interpret the Administrative Code as limiting such authority to exclude complaints filed directly with it by a member of the civil service.

4. **ID.; ID.; ID.; THE IDENTITY OF THE COMPLAINANT IS IMMATERIAL TO THE ACQUISITION OF JURISDICTION OVER AN ADMINISTRATIVE CASE BY THE CSC; THE LAW IS QUITE CLEAR THAT THE COMMISSION MAY HEAR AND DECIDE ADMINISTRATIVE DISCIPLINARY CASES BROUGHT DIRECTLY BEFORE IT OR IT MAY DEPUTIZE ANY DEPARTMENT OR AGENCY TO CONDUCT AN INVESTIGATION.—** As early as in the case of *Hilario v. Civil Service Commission*, the Court interpreted Section 47, Chapter 7, Subtitle A, Title I, Book V of E.O. No. 292 as allowing the direct filing with the CSC by a public official of a complaint against a fellow government employee. In the said case, Quezon City Vice-Mayor Charito Planas directly filed with the CSC a complaint for usurpation, grave misconduct, being notoriously undesirable, gross insubordination, and conduct prejudicial to the best interest of the service against the City Legal Officer of Quezon City. The CSC issued a resolution ruling that the respondent official should not be allowed to continue holding the position of legal officer. In

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a petition to the Supreme Court, the official in question asserted that the City Mayor was the only one who could remove him from office directly and not the CSC. The Court upheld the decision of the CSC, citing the same provision of the Administrative Code. x x x It has been argued that *Hilario* is not squarely in point. While it is true that the circumstances present in the two cases are not identical, a careful reading of *Hilario* reveals that petitioner therein questioned the authority of the CSC to hear the disciplinary case filed against him, alleging that the CSC's jurisdiction was only appellate in nature. Hence, the reference to the abovequoted passage in *Hilario* is very appropriate in this case as respondents herein pose a similar query before us. It cannot be overemphasized that the identity of the complainant is immaterial to the acquisition of jurisdiction over an administrative case by the CSC. The law is quite clear that the CSC may hear and decide administrative disciplinary cases brought directly before it or it may deputize any department or agency to conduct an investigation.

5. ID.; ID.; ID.; THE UNIFORM RULES OF ADMINISTRATIVE CASES IN THE CIVIL SERVICE GRANTED HEADS OF DEPARTMENTS, AGENCIES, PROVINCES, CITIES, MUNICIPALITIES AND OTHER INSTRUMENTALITIES ORIGINAL CONCURRENT JURISDICTION WITH THE CIVIL SERVICE COMMISSION OVER THEIR RESPECTIVE OFFICERS AND EMPLOYEES.— The Uniform Rules on Administrative Cases in the Civil Service *(the Uniform Rules)* explicitly allows the CSC to hear and decide administrative cases directly brought before it. x x x The CA construed the phrase "the Civil Service Commission shall have the final authority to pass upon the removal, separation and suspension of all officers and employees in the civil service" to mean that the CSC could only step in *after* the relevant disciplinary authority, in this case the Board of Regents of PUP, had investigated and decided on the charges against the respondents. Regrettably, the CA failed to take into consideration the succeeding section of the same rules which undeniably granted original *concurrent* jurisdiction to the CSC and belied its suggestion that the CSC could only take cognizance of cases on appeal: Section 7. Jurisdiction of Heads of Agencies. – Heads of Departments, agencies, provinces, cities, municipalities and other instrumentalities shall have

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original concurrent jurisdiction, with the Commission, over their respective officers and employees.

6. **ID.; ID.; ID.; THE UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE DOES NOT CONTRADICT THE ADMINISTRATIVE CODE, RATHER, IT SIMPLY PROVIDES A REASONABLE INTERPRETATION OF THE RULES.—** It was also argued that although Section 4 of the Uniform Rules is silent as to who can file a complaint directly with the CSC, it cannot be construed to authorize one who is not a private citizen to file a complaint directly with the CSC. This is because a rule issued by a government agency pursuant to its law-making power cannot modify, reduce or enlarge the scope of the law which it seeks to implement. Following the earlier disquisition, it can be said that the Uniform Rules does not contradict the Administrative Code. Rather, the former simply provides a reasonable interpretation of the latter. Such action is perfectly within the authority of the CSC, pursuant to Section 12(2), Chapter 3, Subtitle A, Title I, Book V of E.O. No. 292, which gives it the power to "prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws."

7. **ID.; ID.; ID.; THE COURT DOES NOT CONSIDER SECTION 5 OF THE UNIFORM RULES AS LIMITATION TO THE ORIGINAL CONCURRENT JURISDICTION OF THE COMMISSION; SECTION 5 IS MERELY IMPLEMENTARY AND DIRECTORY AND NOT RESTRICTIVE OF THE COMMISSION'S POWER.—** It is the Court's position that the Uniform Rules did not supplant the law which provided the CSC with original jurisdiction. While the Uniform Rules may have so provided, the Court invites attention to the cases of *Civil Service Commission v. Alfonso* and *Civil Service Commission v. Sojor*, to be further discussed in the course of this decision, both of which buttressed the pronouncement that the Board of Regents shares its authority to discipline erring school officials and employees with the CSC. It can be presumed that, at the time of their promulgation, the members of this Court, in *Alfonso* and *Sojor*, were fully aware of all the existing laws and applicable rules and regulations pertaining to the jurisdiction of the CSC, including the Uniform Rules. In fact, *Sojor* specifically cited the Uniform Rules in support of its ruling allowing the CSC to take cognizance of an administrative

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case filed directly with it against the president of a state university. As the Court, in the two cases, did not consider Section 5 of the Uniform Rules as a limitation to the original concurrent jurisdiction of the CSC, it can be stated that Section 5 is merely implementary. It is merely directory and not restrictive of the CSC's powers. The CSC itself is of this view as it has vigorously asserted its jurisdiction over this case through this petition.

8. ID.; ID.; ID.; R.A. NO. 8292 IS NOT IN CONFLICT WITH E.O. 292.— Basic is the principle in statutory construction that interpreting and harmonizing laws is the best method of interpretation in order to form a uniform, complete, coherent, and intelligible system of jurisprudence, in accordance with the legal maxim *interpretare et concordare leges legibus est optimus interpretandi modus*. Simply because a later statute relates to a similar subject matter as that of an earlier statute does not result in an implied repeal of the latter. A perusal of the abovequoted provision clearly reveals that the same does not indicate any intention to remove employees and officials of state universities and colleges from the ambit of the CSC. What it merely states is that the governing board of a school has the authority to discipline and remove faculty members and administrative officials and employees for cause. It neither supersedes nor conflicts with E.O. No. 292 which allows the CSC to hear and decide administrative cases filed directly with it or on appeal.

9. ID.; ID.; ID.; DESPITE THE ENACTMENT OF R.A. NO. 8292 GIVING THE BOARD OF REGENTS OR BOARD OF TRUSTEES OF A STATE SCHOOL THE AUTHORITY TO DISCIPLINE ITS EMPLOYEES, THE CSC STILL RETAINS JURISDICTION OVER THE SCHOOL AND ITS EMPLOYEES AND HAS CONCURRENT ORIGINAL JURISDICTION, TOGETHER WITH THE BOARD OF REGENTS OF A STATE UNIVERSITY, OVER ADMINISTRATIVE CASES AGAINST STATE UNIVERSITY OFFICIALS AND EMPLOYEES.— A different interpretation of the Administrative Code was suggested in order to harmonize the provisions of R.A. No. 8292 and E.O. 292. By allowing only a private citizen to file a complaint directly with the CSC, the CSC maintains its power to review on appeal decisions of the Board of Regents while at the same time the governing

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board is not deprived of its power to discipline its officials and employees. To begin with, there is no incongruity between R.A. No. 8292 and E.O. No. 292, as previously explained in *Sojor*. Moreover, the Court fails to see how a complaint filed by a private citizen is any different from one filed by a government employee. If the grant to the CSC of concurrent original jurisdiction over administrative cases filed by private citizens against public officials would not deprive the governing bodies of the power to discipline their own officials and employees and would not be violative of R.A. No. 8292, it is inconceivable that a similar case filed by a government employee would do so. Such a distinction between cases filed by private citizens and those by civil servants is simply illogical and unreasonable. To accede to such a mistaken interpretation of the Administrative Code would be a great disservice to our developing jurisprudence. It is therefore apparent that despite the enactment of R.A. No. 8292 giving the board of regents or board of trustees of a state school the authority to discipline its employees, the CSC still retains jurisdiction over the school and its employees and has concurrent original jurisdiction, together with the board of regents of a state university, over administrative cases against state university officials and employees.

VELASCO, JR., *J., dissenting opinion*:

1. POLITICAL LAW; ADMINISTRATIVE LAW; ADMINISTRATIVE CODE OF 1987 (E.O. 292); AS A GENERAL RULE, THE CIVIL SERVICE COMMISSION (CSC) SHALL HAVE APPELLATE JURISDICTION OVER "ALL ADMINISTRATIVE DISCIPLINARY CASES INVOLVING THE IMPOSITION OF A PENALTY OF SUSPENSION FOR MORE THAN THIRTY DAYS, OR FINE IN AN AMOUNT EXCEEDING THIRTY DAYS' SALARY DEMOTION IN RANK OR SALARY OR TRANSFER, REMOVAL OR DISMISSAL FROM OFFICE".— It is a basic legal precept that "[j]urisdiction over the subject matter of a case is conferred by law." In the instant case, the pertinent legal provision is Section 47, Chapter 7, Subtitle A, Title I, Book V of Executive Order No. 292 (otherwise known as the "Administrative Code"). x x x Based on the first paragraph of the above-quoted provision of the

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Administrative Code, it is clear that, as a general rule, the CSC shall have **appellate jurisdiction** over "all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office." This jurisdictional grant complements the second paragraph of the same provision which vests upon the department secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities the **original jurisdiction** to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Concomitantly, the law even accords finality to their decisions "in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary."

2. **ID.; ID.; ID.; BY WAY OF EXCEPTION TO THE GENERAL RULE, E.O. 292 ALLOWS THE DIRECT FILING OF A COMPLAINT WITH THE CSC, BUT ONLY IF A PRIVATE CITIZEN IS THE COMPLAINANT IN WHICH CASE THE COMMISSION HAS CONCURRENT JURISDICTION WITH THE DEPARTMENT SECRETARIES AND HEADS OF AGENCIES AND INSTRUMENTALITIES, PROVINCES, CITIES AND MUNICIPALITIES.—** By way of exception, the same provision allows a complaint to be "filed **directly** with the Commission **by a private citizen** against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation." Evidently, the law sanctions the direct filing of a complaint with the CSC, but only if a private citizen is the complainant. Thus, the CSC has concurrent jurisdiction with the department secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities when the complaint is filed by a private citizen.

3. **ID.; ID.; ID.; THE ADMINISTRATIVE COMPLAINT FILED DIRECTLY WITH THE CSC BY THE CHIEF LEGAL COUNSEL OF THE POLYTECHNIC UNIVERSITY OF THE PHILIPPINES (PUP) FALLS UNDER THE ORIGINAL JURISDICTION OF THE DISCIPLINING AUTHORITY INVOLVED, WHICH IS THE BOARD OF REGENTS (BOR) OF THE UNIVERSITY SINCE THE**

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COMPLAINANT IS A PUBLIC EMPLOYEE AND NOT A PRIVATE CITIZEN.— In this case, Cueva, then Chief Legal Counsel of the PUP, filed the administrative complaint directly with the CSC against respondents. Applying the abovementioned provision of the Administrative Code, since a public employee and not a private citizen filed the complaint, the case falls under the original jurisdiction of the disciplining authority involved, which is the Board of Regents (BOR) of the PUP. The CSC merely has appellate jurisdiction. As stated under Section 4(h) of R.A. No. 8292, otherwise known as the "Higher Education Modernization Act of 1997".

4. ID.; ID.; ID.; A RULE ISSUED BY A GOVERNMENT AGENCY PURSUANT TO ITS QUASI-LEGISLATIVE POWER CANNOT MODIFY, REDUCE OR ENLARGE THE SCOPE OF THE LAW WHICH IT SEEKS TO IMPLEMENT; SECTION 4 OF THE CIVIL SERVICE RULES CANNOT BE CONSTRUED AS AUTHORIZING ONE OTHER THAN A PRIVATE CITIZEN TO FILE A COMPLAINT DIRECTLY WITH THE CSC.— It is basic that a rule issued by a government agency pursuant to its quasi-legislative power cannot modify, reduce or enlarge the scope of the law which it seeks to implement. The discourse made by the Court in *Lokin, Jr. v. Commission on Elections* is instructive. x x x Moreover, in *Padunan v. Department of Agrarian Reform Adjudication Board,* this Court held: It must be stated at the outset that **it is the law that confers jurisdiction and not the rules.** Jurisdiction over a subject matter is conferred by the Constitution or the law and rules of procedure yield to substantive law. Otherwise stated, jurisdiction must exist as a matter of law. Taking the foregoing into consideration, Sec. 4 of the Civil Service Rules cannot be construed as authorizing one other than a private citizen to file a complaint directly with the CSC, contrary to the ruling in the *ponencia*. Pertinently, even Sec. 7 of the Civil Service Rules cannot run counter to the clear provision of the Administrative Code. Sec. 7 of the Civil Service Rules reads: Section. 7. Jurisdiction of Heads of Agencies. – Heads of Departments, agencies, provinces, cities, municipalities and other instrumentalities shall have **original concurrent jurisdiction**, *with the Commission*, over their respective officers and employees. In this regard, "original concurrent jurisdiction" means that the CSC and the BOR have

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original concurrent jurisdiction over complaints filed by a *private citizen* against a member of the civil service, but the BOR has *original and exclusive jurisdiction* over complaints filed by a *member of the civil service* against an officer or employee of the university. A contrary interpretation violates the explicit provision of the Administrative Code, as this is clearly covered by Sec. 47 of the said Code. Be that as it may, and considering that the Civil Service Rules does not explicitly mention who can file a complaint directly with the CSC, then the clear import of Sec. 47 of the Administrative Code should be controlling, that is, only private citizens can file administrative complaints directly with the CSC.

5. ID.; ID.; ID.; THE CIVIL SERVICE COMMISSION'S JURISDICTION TO HEAR AND DECIDE DISCIPLINARY CASES AGAINST ERRING GOVERNMENT OFFICIALS IS NOT WITHOUT LIMITATION.— Indeed, government employees, in general, being members of the civil service, are under the jurisdiction of the CSC. Thus, CSC's power to discipline erring government employees cannot be doubted. As this Court held in *Garcia v. Molina*: The civil service encompasses all branches and agencies of the Government, including government-owned or controlled corporations (GOCCs) with original charters, like the GSIS, or those created by special law. As such, the employees are part of the civil service system and are subject to the law and to the circulars, rules and regulations issued by the CSC on discipline, attendance and general terms and conditions of employment. **The CSC has jurisdiction to hear and decide disciplinary cases against erring employees.** Nonetheless, CSC's jurisdiction to hear and decide disciplinary cases against erring government officials is not without limitation. As discussed above, the Administrative Code vests the CSC appellate jurisdiction over "all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office." Original jurisdiction is vested upon the department secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction.

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6. ID.; ID.; ID.; THE HIGHER EDUCATION MODERNIZATION ACT OF 1997 (R.A. 8292) VESTS THE GOVERNING BOARDS OF THE UNIVERSITIES AND COLLEGES WITH THE POWER TO DISCIPLINE THEIR ERRING ADMINISTRATIVE OFFICIALS AND EMPLOYEES.— Even if *Regino* involves the application of Presidential Decree No. 807 (PD 807), still, the doctrine enunciated therein is still applicable as the provision on the disciplinary jurisdiction of the CSC under PD 807 is retained almost verbatim in the Administrative Code. Such interpretation renders effectual the provisions of R.A. No. 8292, which vests the governing boards of the universities and colleges with the power to discipline their erring administrative officials and employees. Specifically, aside from its general powers of administration, the BOR as a governing board is granted with the specific power to appoint vice presidents, deans, directors, heads of departments, faculty members and other officials and employees. Consistent with its power to hire or appoint is the power to discipline its officials and personnel. Moreover, as mentioned above, R.A. No. 8292 also grants the BOR the power to remove its officials and employees for cause in accordance with the requirements of due process of law. Clearly, the power of the BOR to discipline university officials and employees cannot be denied.

7. ID.; ID.; ID.; A RULING THAT THE COMMISSION'S JURISDICTION TO HEAR AND DECIDE DISCIPLINARY CASES AGAINST ERRING GOVERNMENT OFFICIALS WITHOUT LIMITATION WILL INEVITABLY DEPRIVE THE BOR OF THE POWER TO DISCIPLINE ITS OWN OFFICIALS AND EMPLOYEES AND RENDER INUTILE THE LEGAL PROVISIONS ON DISCIPLINARY MEASURES WHICH MAY BE TAKEN BY IT.— A ruling that CSC's jurisdiction to hear and decide disciplinary cases against erring government officials without limitation will inevitably deprive the BOR of the power to discipline its own officials and employees and render inutile the legal provisions on disciplinary measures which may be taken by it. More importantly, if all the complaints filed by a civil service member against another government employee come under the concurrent jurisdiction of the CSC, then the day will come when the CSC will be swamped with all kinds of cases, including those where the penalty involved is suspension not exceeding 30 days or fine not exceeding 30 days' salary.

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8. ID.; ID.; ID.; IT IS NOT THE COURT WHICH MAY LIMIT THE COMMISSION'S AUTHORITY TO ACQUIRE ORIGINAL JURISDICTION OVER ADMINISTRATIVE COMPLAINTS FILED BY A MEMBER OF THE CIVIL SERVICE.— The *ponencia* cited several cases to support its ruling on the CSC's original jurisdiction to take cognizance of a complaint directly filed before it by a government employee or official. The first is *Camacho v. Gloria*, which, as viewed in the *ponencia*, did not limit CSC's authority to exclude complaints filed directly with it by a member of the civil service. On such point, it is worth mentioning that there is no need for the Court to limit CSC's authority in said case because the facts therein do not call for such delineation. As a matter of fact, petitioner therein contends that "the Board of Regents has no jurisdiction over his case considering that as a teacher, original jurisdiction over the administrative case against him is vested with a committee whose composition must be in accordance with [R.A.] No. 4670, the *Magna Carta for Public School Teachers*." Evidently, there was no issue on CSC's jurisdiction to take cognizance of a complaint directly filed before it by a member of the civil service. Moreover, it is not the Court which may limit CSC's authority to acquire original jurisdiction over administrative complaints filed by a member of the civil service. Rather, it is the law which may make such limitation, and in this particular case, it is the clear provision of the Administrative Code.

9. ID.; ID.; ID.; LAWS SHOULD BE HARMONIZED WITH EACH OTHER IN ORDER TO RENDER IT EFFECTUAL AND OPERATIVE.— To the *ponencia*, Sec. 4(h) of R.A. No. 8292 (power of the governing board of universities and colleges to remove their administrative officials and employees for cause in accordance with the requirements of due process of law) "does not indicate any intention to remove employees and officials of state universities and colleges from the ambit of the CSC." This is true, to a point. In this regard, it bears stressing that with my submission that only a private citizen can file a complaint directly with the CSC, the latter is not deprived of its jurisdiction over administrative cases filed by a member of the civil service against other erring government employees. In such case, the CSC retains the power of review over the decisions of the governing boards of the colleges or universities when these decisions are brought before it, on

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> appeal, pursuant to Sec. 47 of the Administrative Code. At the same time, with such interpretation, these governing boards are not unduly deprived of the power to discipline their own officials and employees under R.A. No. 8292 and the Administrative Code. This way, not only are laws harmonized with each other, all of them are also rendered effectual and operative. In view of the foregoing, I submit that the CSC does not have original jurisdiction to take cognizance of the complaint directly filed before it by Cueva, then PUP legal counsel. Only a private citizen can directly file a complaint with the CSC and no other.

APPEARANCES OF COUNSEL

Honesto L. Cueva for petitioner in G.R. No. 178845.
The Solicitor General for CSC.
Magsino Sanchez Reyna & Associates Law Offices for private respondents.

D E C I S I O N

MENDOZA, *J.*:

These are consolidated petitions for review under Rule 45 of the Revised Rules of Civil Procedure assailing the December 29, 2006 Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 95293, entitled "*Dr. Dante G. Guevarra and Atty. Augustus Cezar v. Civil Service Commission and Atty. Honesto L. Cueva*."

The Facts

Respondents Dante G. Guevarra (*Guevarra*) and Augustus F. Cezar (*Cezar*) were the Officer-in-Charge/President and the Vice President for Administration, respectively, of the Polytechnic University of the Philippines (*PUP*)[2] in 2005.

On September 27, 2005, petitioner Honesto L. Cueva (*Cueva*), then PUP Chief Legal Counsel, filed an administrative case

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[1] *Rollo* (G.R. No. 176162), pp. 57-72.

[2] *Id*. at 57.

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against Guevarra and Cezar for gross dishonesty, grave misconduct, falsification of official documents, conduct prejudicial to the best interest of the service, being notoriously undesirable, and for violating Section 4 of Republic Act (R.A.) No. 6713.[3] Cueva charged Guevarra with falsification of a public document, specifically the Application for Bond of Accountable Officials and Employees of the Republic of the Philippines, in which the latter denied the existence of his pending criminal and administrative cases. As the head of the school, Guevarra was required to be bonded in order to be able to engage in financial transactions on behalf of PUP.[4] In his Application for Bond of Accountable Officials and Employees of the Republic of the Philippines (General Form No. 58-A), he answered Question No. 11 in this wise:

> 11. Do you have any criminal or administrative records? — NO. If so, state briefly the nature thereof — NO.[5]

This was despite the undisputed fact that, at that time, both Guevarra and Cezar admittedly had 17 pending cases for violation of Section 3 (e) of R.A. No. 3019 before the Sandiganbayan.[6] Cezar, knowing fully well that both he and Guevarra had existing cases before the Sandiganbayan, endorsed and recommended the approval of the application.[7]

The respondents explained that they believed "criminal or administrative records" to mean final conviction in a criminal or administrative case.[8] Thus, because their cases had not yet been decided by the Sandiganbayan, they asserted that Guevarra responded to Question No. 11 in General Form No. 58-A correctly and in good faith.[9]

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[3] *Id*. at 97.

[4] *Id*. at 196-197.

[5] *Id*. at 196.

[6] *Id*. at 98, 197.

[7] *Id*. at 197.

[8] *Id*. at 107.

[9] *Id*. at 110.

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On March 24, 2006, the Civil Service Commission (CSC) issued Resolution No. 060521[10] formally charging Guevarra with Dishonesty and Cezar with Conduct Prejudicial to the Best Interest of the Service after a *prima facie* finding that they had committed acts punishable under the Civil Service Law and Rules.

Subsequently, the respondents filed their Motion for Reconsideration and Motion to Declare Absence of *Prima Facie* Case[11] praying that the case be suspended immediately and that the CSC declare a complete absence of a *prima facie* case against them. Cueva, on the other hand, filed an Urgent *Ex-Parte* Motion for the Issuance of Preventive Suspension[12] and an Omnibus Motion[13] seeking the issuance of an order of preventive suspension against Guevarra and Cezar and the inclusion of the following offenses in the formal charge against them: Grave Misconduct, Falsification of Official Document, Conduct Prejudicial to the Best Interest of the Service, Being Notoriously Undesirable, and Violation of Section 4 of R.A. No. 6713.

In Resolution No. 061141, dated June 30, 2006,[14] the CSC denied the motion for reconsideration filed by the respondents for being a non-responsive pleading, akin to a motion to dismiss, which was a prohibited pleading under Section 16 of the Uniform Rules on Administrative Cases in the Civil Service Commission.[15]

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[10] *Id*. at 196-199.

[11] *Id*. at 106-120.

[12] *Id*. at 146-148.

[13] *Id*. at 155-162.

[14] *Id*. at 200-212.

[15] Section 16. Formal Charge. — After a finding of a *prima facie* case, the disciplining authority shall formally charge the person complained of xxx

If the respondent has submitted his comment and counter-affidavits during the preliminary investigation, he shall be given the opportunity to submit additional evidence.

The disciplining authority shall not entertain requests for clarification, bills of particulars or motions to dismiss which are obviously designed to

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It also denied Cueva's motion to include additional charges against the respondents. The CSC, however, placed Guevarra under preventive suspension for ninety (90) days, believing it to be necessary because, as the officer-in-charge of PUP, he was in a position to unduly influence possible witnesses against him.

Aggrieved, Guevarra and Cezar filed a petition for *certiorari* and prohibition before the CA essentially questioning the jurisdiction of the CSC over the administrative complaint filed against them by Cueva. On December 29, 2006, the CA rendered its Decision granting the petition and nullifying and setting aside the questioned resolutions of the CSC for having been rendered without jurisdiction. According to the CA, Section 47, Chapter 7, Subtitle A, Title I, Book V of Executive Order No. 292 (The Administrative Code of 1987), the second paragraph of which states that heads of agencies and instrumentalities "shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction," bestows upon the Board of Regents the jurisdiction to investigate and decide matters involving disciplinary action against respondents Guevarra and Cezar. In addition, the CA noted that the CSC erred in recognizing the complaint filed by Cueva, reasoning out that the latter should have exhausted all administrative remedies by first bringing his grievances to the attention of the PUP Board of Regents.

Hence, these petitions.

THE ISSUE

In G.R. No. 176162, petitioner CSC raises the sole issue of:

Whether or not the Civil Service Commission has original concurrent jurisdiction over administrative cases falling under the jurisdiction of heads of agencies.

The same issue is among those raised by petitioner Cueva in G.R. No. 178845.

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delay the administrative proceedings. If any of these pleadings are interposed by the respondent, the same shall be considered as an answer and shall be evaluated as such. [Underscoring supplied]

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The Court agrees that the only question which must be addressed in this case is whether the CSC has jurisdiction over administrative cases filed directly with it against officials of a chartered state university.

The Court's Ruling

The petitions are meritorious.

Both CSC and Cueva contend that because the CSC is the central personnel agency of the government, it has been expressly granted by Executive Order (E.O.) No. 292 the authority to assume original jurisdiction over complaints directly filed with it. The CSC explains that under the said law, it has appellate jurisdiction over all administrative disciplinary proceedings and original jurisdiction over complaints against government officials and employees filed before it by private citizens.[16] Accordingly, the CSC has concurrent original jurisdiction, together with the PUP Board of Regents, over the administrative case against Guevarra and Cezar and it can take cognizance of a case filed directly with it, despite the fact that the Board of Regents is the disciplining authority of university employees.

Respondents Guevarra and Cezar, on the other hand, fully adopted the position of the CA in its questioned decision and propounded the additional argument that the passage of R.A. No. 8292 has effectively removed from the CSC the authority to hear and decide on cases filed directly with it.

CSC has jurisdiction over cases filed directly with it, regardless of who initiated the complaint

The CSC, as the central personnel agency of the government, has the power to appoint and discipline its officials and employees and to hear and decide administrative cases instituted by or brought before it directly or on appeal.[17] Section 2 (1),

[16] *Rollo* (G.R. No. 176162), pp. 730-731.

[17] Constitution (1987), Article IX (B), Section 2; Executive Order No. 292 (1987), Book V, Title I, Subtitle A, Chapter 3, Section 12 (6) and (11).

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Article IX (B) of the 1987 Constitution defines the scope of the civil service:

> The civil service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.

By virtue of Presidential Decree (P.D.) No. 1341,[18] PUP became a chartered state university, thereby making it a government-owned or controlled corporation with an original charter whose employees are part of the Civil Service and are subject to the provisions of E.O. No. 292.[19]

The parties in these cases do not deny that Guevarra and Cezar are government employees and part of the Civil Service. The controversy, however, stems from the interpretation of the disciplinary jurisdiction of the CSC as specified in Section 47, Chapter 7, Subtitle A, Title I, Book V of E.O. No. 292:

> SECTION 47. Disciplinary Jurisdiction. — (1) **The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed directly with the Commission by a private citizen against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation.** The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.
>
> (2) **The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities shall have**

[18] (1978).

[19] Executive Order No. 292 (1987), Book V, Title I, Subtitle A, Chapter 2, Section 6:

> SECTION 6. Scope of the Civil Service. — (1) The Civil Service embraces all branches, subdivisions, instrumentalities, and agencies of the Government, including government-owned or controlled corporations with original charters.

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jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Their decisions shall be final in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary. In case the decision rendered by a bureau or office head is appealable to the Commission, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned. [Emphases and underscoring supplied]

While in its assailed decision, the CA conceded that paragraph one of the same provision abovequoted allows the filing of a complaint directly with the CSC, it makes a distinction between a complaint filed by a private citizen and that of an employee under the jurisdiction of the disciplining authority involved. The CA resolved that because Cueva was then the Dean of the College of Law and the Chief Legal Counsel of PUP when he filed the complaint with the CSC, he was under the authority of the PUP Board of Regents. Thus, it is the Board of Regents which had exclusive jurisdiction over the administrative case he initiated against Guevarra and Cezar.

The Court finds itself unable to sustain the reading of the CA.

The issue is not novel.

The understanding by the CA of Section 47, Chapter 7, Subtitle A, Title I, Book V of E.O. No. 292 which states that "a complaint may be filed directly with the Commission by a private citizen against a government official or employee" is that the CSC can only take cognizance of a case filed directly before it if the complaint was made by a private citizen.

The Court is not unaware of the use of the words "private citizen" in the subject provision and the plain meaning rule of statutory construction which requires that when the law is clear and unambiguous, it must be taken to mean exactly what it says. The Court, however, finds that a simplistic interpretation is not in keeping with the intention of the statute and prevailing

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jurisprudence. It is a well-established rule that laws should be given a reasonable interpretation so as not to defeat the very purpose for which they were passed. As such, "a literal interpretation is to be rejected if it would be unjust or lead to absurd results."[20] In *Secretary of Justice v. Koruga*,[21] the Court emphasized this principle and cautioned us on the overzealous application of the plain meaning rule:

> The general rule in construing words and phrases used in a statute is that in the absence of legislative intent to the contrary, they should be given their plain, ordinary, and common usage meaning. However, a literal interpretation of a statute is to be rejected if it will operate unjustly, lead to absurd results, or contract the evident meaning of the statute taken as a whole. After all, statutes should receive a sensible construction, such as will give effect to the legislative intention and so as to avoid an unjust or an absurd conclusion. Indeed, courts are not to give words meanings that would lead to absurd or unreasonable consequences.[22]

A literal interpretation of E.O. 292 would mean that only private citizens can file a complaint directly with the CSC. For administrative cases instituted by government employees against their fellow public servants, the CSC would only have appellate jurisdiction over those. Such a plain reading of the subject provision of E.O. 202 would effectively divest CSC of its original jurisdiction, albeit shared, provided by law. Moreover, it is clearly unreasonable as it would be tantamount to disenfranchising government employees by removing from them an alternative course of action against erring public officials.

There is no cogent reason to differentiate between a complaint filed by a private citizen and one filed by a member of the civil service, especially in light of Section 12 (11), Chapter 3, Subtitle A, Title I, Book V of the same E.O. No. 292 which confers upon the CSC the power to "hear and decide administrative

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[20] *Municipality of Nueva Era, Ilocos Norte v. Municipality of Marcos, Ilocos Norte*, G.R. No. 169435, February 27, 2008, 547 SCRA 71, 96.

[21] G.R. No. 166199, April 24, 2009, 586 SCRA 513.

[22] *Id*. at 523-524.

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cases instituted by or brought before it directly or *on* appeal" without any qualification.

In the case of *Camacho v. Gloria*,[23] the Court stated that "under E.O. No. 292, a complaint against a state university official may be filed with either the university's Board of Regents or directly with the Civil Service Commission."[24] It is important to note that the Court did not interpret the Administrative Code as limiting such authority to exclude complaints filed directly with it by a member of the civil service.

Moreover, as early as in the case of *Hilario v. Civil Service Commission*,[25] the Court interpreted Section 47, Chapter 7, Subtitle A, Title I, Book V of E.O. No. 292 as allowing the direct filing with the CSC by a public official of a complaint against a fellow government employee. In the said case, Quezon City Vice-Mayor Charito Planas directly filed with the CSC a complaint for usurpation, grave misconduct, being notoriously undesirable, gross insubordination, and conduct prejudicial to the best interest of the service against the City Legal Officer of Quezon City. The CSC issued a resolution ruling that the respondent official should not be allowed to continue holding the position of legal officer. In a petition to the Supreme Court, the official in question asserted that the City Mayor was the only one who could remove him from office directly and not the CSC. The Court upheld the decision of the CSC, citing the same provision of the Administrative Code:

> Although respondent Planas is a public official, there is nothing under the law to prevent her from filing a complaint directly with the CSC against petitioner. Thus, when the CSC determined that petitioner was no longer entitled to hold the position of City Legal Officer, it was acting within its authority under the Administrative Code to hear and decide complaints filed before it.[26] [Underscoring supplied]

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[23] 456 Phil. 399 (2003).

[24] *Id.* at 411.

[25] 312 Phil. 1157 (1995).

[26] *Id.* at 1165.

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It has been argued that *Hilario* is not squarely in point.[27] While it is true that the circumstances present in the two cases are not identical, a careful reading of *Hilario* reveals that petitioner therein questioned the authority of the CSC to hear the disciplinary case filed against him, alleging that the CSC's jurisdiction was only appellate in nature. Hence, the reference to the abovequoted passage in *Hilario* is very appropriate in this case as respondents herein pose a similar query before us.

It cannot be overemphasized that the identity of the complainant is immaterial to the acquisition of jurisdiction over an administrative case by the CSC. The law is quite clear that the CSC may hear and decide administrative disciplinary cases brought directly before it or it may deputize any department or agency to conduct an investigation.

CSC has concurrent original jurisdiction with the Board of Regents over administrative cases

The Uniform Rules on Administrative Cases in the Civil Service[28] (*the Uniform Rules*) explicitly allows the CSC to hear and decide administrative cases directly brought before it:

> Section 4. Jurisdiction of the Civil Service Commission. — **The Civil Service Commission shall hear and decide administrative cases instituted by, or brought before it, directly or on appeal,** including contested appointments, and shall review decisions and actions of its offices and of the agencies attached to it.
>
> Except as otherwise provided by the Constitution or by law, **the Civil Service Commission shall have the final authority to pass upon the removal, separation and suspension of all officers and employees in the civil service** and upon all matters relating to the conduct, discipline and efficiency of such officers and employees. [Emphases and underscoring supplied]

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[27] Dissenting Opinion (*J.* Velasco, Jr.), pp. 10-11.

[28] Civil Service Commission Resolution No. 99-1936 (1999) in Memorandum Circular No. 19 (1999).

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The CA construed the phrase "the Civil Service Commission shall have the final authority to pass upon the removal, separation and suspension of all officers and employees in the civil service" to mean that the CSC could only step in *after* the relevant disciplinary authority, in this case the Board of Regents of PUP, had investigated and decided on the charges against the respondents. Regrettably, the CA failed to take into consideration the succeeding section of the same rules which undeniably granted original *concurrent* jurisdiction to the CSC and belied its suggestion that the CSC could only take cognizance of cases on appeal:

> Section 7. Jurisdiction of Heads of Agencies. — Heads of Departments, agencies, provinces, cities, municipalities and other instrumentalities shall have **original concurrent jurisdiction**, with the Commission, over their respective officers and employees.[29] [Emphasis supplied]

It was also argued that although Section 4 of the Uniform Rules is silent as to who can file a complaint directly with the CSC, it cannot be construed to authorize one who is not a private citizen to file a complaint directly with the CSC. This is because a rule issued by a government agency pursuant to its law-making power cannot modify, reduce or enlarge the scope of the law which it seeks to implement.[30]

Following the earlier disquisition, it can be said that the Uniform Rules does not contradict the Administrative Code. Rather, the former simply provides a reasonable interpretation of the latter. Such action is perfectly within the authority of the CSC, pursuant to Section 12 (2), Chapter 3, Subtitle A, Title I, Book V of E.O. No. 292, which gives it the power to "prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws."

Another view has been propounded that the original jurisdiction of the CSC has been further limited by Section 5 of the Uniform

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[29] *Id*.

[30] Dissenting Opinion (*J*. Velasco, Jr.), pp. 6-7.

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Rules, such that the CSC can only take cognizance of complaints filed directly with it which: (1) are brought against personnel of the CSC central office, (2) are against third level officials who are not presidential appointees, (3) are against officials and employees, but are not acted upon by the agencies themselves, or (4) otherwise require direct or immediate action in the interest of justice:

Section 5. Jurisdiction of the Civil Service Commission Proper. — The Civil Service Commission Proper shall have jurisdiction over the following cases:

A. Disciplinary

1. Decisions of the Civil Service Regional Offices brought before it on petition for review;
2. Decisions of heads of departments, agencies, provinces, cities, municipalities and other instrumentalities, imposing penalties exceeding thirty days suspension or fine in an amount exceeding thirty days salary brought before it on appeal;
3. Complaints brought against Civil Service Commission Proper personnel;
4. Complaints against third level officials who are not presidential appointees;
5. Complaints against Civil Service officials and employees which are not acted upon by the agencies and such other complaints requiring direct or immediate action, in the interest of justice;
6. Requests for transfer of venue of hearing on cases being heard by Civil Service Regional Offices;
7. Appeals from the Order of Preventive Suspension; and
8. Such other actions or requests involving issues arising out of or in connection with the foregoing enumerations.

It is the Court's position that the Uniform Rules did not supplant the law which provided the CSC with original jurisdiction. While the Uniform Rules may have so provided, the Court invites

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attention to the cases of *Civil Service Commission v. Alfonso*[31] and *Civil Service Commission v. Sojor*,[32] to be further discussed in the course of this decision, both of which buttressed the pronouncement that the Board of Regents shares its authority to discipline erring school officials and employees with the CSC. It can be presumed that, at the time of their promulgation, the members of this Court, in *Alfonso* and *Sojor*, were fully aware of all the existing laws and applicable rules and regulations pertaining to the jurisdiction of the CSC, including the Uniform Rules. In fact, *Sojor* specifically cited the Uniform Rules in support of its ruling allowing the CSC to take cognizance of an administrative case filed directly with it against the president of a state university. As the Court, in the two cases, did not consider Section 5 of the Uniform Rules as a limitation to the original concurrent jurisdiction of the CSC, it can be stated that Section 5 is merely implementary. It is merely directory and not restrictive of the CSC's powers. The CSC itself is of this view as it has vigorously asserted its jurisdiction over this case through this petition.

The case of *Alfonso*[33] is on all fours with the case at bench. The case involved a complaint filed before the CSC against a PUP employee by two employees of the same university. The CA was then faced with the identical issue of whether it was the CSC or the PUP Board of Regents which had jurisdiction over the administrative case filed against the said PUP employee. The CA similarly ruled that the CSC could take cognizance of an administrative case if the decisions of secretaries or heads of agencies, instrumentalities, provinces, cities and municipalities were appealed to it or if a private citizen directly filed with the CSC a complaint against a government official or employee. Because the complainants in the said case were PUP employees and not private citizens, the CA held that the CSC had no jurisdiction to hear the administrative case. It further posited

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[31] G.R. No. 179452, June 11, 2009, 589 SCRA 88.

[32] G.R. No. 168766, May 22, 2008, 554 SCRA 160.

[33] *Civil Service Commission v. Alfonso*, *supra* note 31.

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that even assuming the CSC had the authority to do so, immediate resort to the CSC violated the doctrine of exhaustion of administrative remedies as the complaint should have been first lodged with the PUP Board of Regents to allow them the opportunity to decide on the matter. This Court, however, *reversed* the said decision and declared the following:

> x x x Admittedly, the CSC has appellate jurisdiction over disciplinary cases decided by government departments, agencies and instrumentalities. **However, a complaint may be filed directly with the CSC, and the Commission has the authority to hear and decide the case, although it may opt to deputize a department or an agency to conduct the investigation. x x x**
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> xxx xxx xxx
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> We are not unmindful of certain special laws that allow the creation of disciplinary committees and governing bodies in different branches, subdivisions, agencies and instrumentalities of the government to hear and decide administrative complaints against their respective officers and employees. **Be that as it may, we cannot interpret the creation of such bodies nor the passage of laws such as — R.A. Nos. 8292 and 4670 allowing for the creation of such disciplinary bodies — as having divested the CSC of its inherent power to supervise and discipline government employees, including those in the academe.** To hold otherwise would not only negate the very purpose for which the CSC was established, *i.e.*, to instill professionalism, integrity, and accountability in our civil service, but would also impliedly amend the Constitution itself.
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> xxx xxx xxx
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> But it is not only for this reason that Alfonso's argument must fail. Equally significant is the fact that he had already submitted himself to the jurisdiction of the CSC when he filed his counter-affidavit and his motion for reconsideration and requested for a change of venue, not from the CSC to the BOR of PUP, but from the CSC-Central Office to the CSC-NCR. It was only when his motion was denied that he suddenly had a change of heart and raised the question of proper jurisdiction. This cannot be allowed because it would violate the doctrine of *res judicata*, a legal principle that is applicable to administrative cases as well. At the very least,

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respondent's active participation in the proceedings by seeking affirmative relief before the CSC already bars him from impugning the Commission's authority under the principle of estoppel by laches.

In this case, the complaint-affidavits were filed by two PUP employees. These complaints were not lodged before the disciplinary tribunal of PUP, but were instead filed before the CSC, with averments detailing respondent's alleged violation of civil service laws, rules and regulations. After a fact-finding investigation, the Commission found that a *prima facie* case existed against Alfonso, prompting the Commission to file a formal charge against the latter. **Verily, since the complaints were filed directly with the CSC, and the CSC has opted to assume jurisdiction over the complaint, the CSC's exercise of jurisdiction shall be to the exclusion of other tribunals exercising concurrent jurisdiction.** To repeat, it may, however, choose to deputize any department or agency or official or group of officials such as the BOR of PUP to conduct the investigation, or to delegate the investigation to the proper regional office. But the same is merely permissive and not mandatory upon the Commission.[34] [Emphases and underscoring supplied]

It has been opined that *Alfonso* does not apply to the case at bar because respondent therein submitted himself to the jurisdiction of the CSC when he filed his counter-affidavit before it, thereby preventing him from later questioning the jurisdiction of the CSC. Such circumstance is said to be totally absent in this case.[35]

The records speak otherwise. As in *Alfonso*, respondents herein submitted themselves to the jurisdiction of the CSC when they filed their Joint Counter-Affidavit.[36] It was only when their Motion for Reconsideration and Motion to Declare Absence of *Prima Facie* Case[37] was denied by the CSC that they thought to put in issue the jurisdiction of the CSC before the CA, clearly a desperate attempt to evade prosecution by the CSC. As in *Alfonso*,

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[34] *Id.* at 96-100.

[35] Dissenting Opinion (*J.* Velasco, Jr.), p. 10.

[36] *Rollo* (G.R. No. 176162), pp. 232-235.

[37] *Id.* at 106-132.

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respondents are also estopped from questioning the jurisdiction of the CSC.

Based on all of the foregoing, the inescapable conclusion is that the CSC may take cognizance of an administrative case filed directly with it against an official or employee of a chartered state college or university. This is regardless of whether the complainant is a private citizen or a member of the civil service and such original jurisdiction is shared with the Board of Regents of the school.

Gaoiran not applicable

In its decision, the CA relied heavily on *Gaoiran v. Alcala*[38] to support its judgment that it is the Board of Regents, and not the CSC, which has jurisdiction over the administrative complaint filed against the respondents. A thorough study of the said case, however, reveals that it is irrelevant to the issues discussed in the case at bench. *Gaoiran* speaks of a complaint filed against a high school teacher of a state-supervised school by another employee of the same school. The complaint was referred to the Legal Affairs Service of the Commission on Higher Education (*LAS-CHED*). After a fact-finding investigation established the existence of a *prima facie* case against the teacher, the Officer-in-Charge of the Office of the Director of LAS-CHED issued a formal charge for Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service, together with the Order of Preventive Suspension. The newly-appointed Director of LAS-CHED, however, dismissed the administrative complaint on the ground that the letter-complaint was not made under oath. Unaware of this previous resolution, the Chairman of the CHED issued another resolution finding petitioner therein guilty of the charges against him and dismissing him from the service. The trial court upheld the resolution of the director of LAS-CHED but on appeal, this was reversed by the CA, affirming the decision of the CHED chairman removing petitioner from service. One of the issues raised therein before this Court was whether the

[38] 486 Phil. 657 (2004).

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CA erred in disregarding the fact that the complaint was not made under oath as required by the Omnibus Rules Implementing Book V of E.O. 292.

In the said case, the Court concurred with the findings of the CA that it was the formal charge issued by the LAS-CHED which constituted the complaint, and because the same was initiated by the appropriate disciplining authority, it need not be subscribed and sworn to and CHED acquired jurisdiction over the case. The Court further affirmed the authority of the heads of agencies to investigate and decide matters involving disciplinary action against their officers and employees. It bears stressing, at this point, that there is nothing in the case that remotely implies that this Court meant to place upon the Board of Regent exclusive jurisdiction over administrative cases filed against their employees.

In fact, following the ruling in *Gaoiran*, it can be argued that it was CSC Resolution No. 060521 which formally charged respondents that constituted the complaint, and since the complaint was initiated by the CSC itself as the disciplining authority, the CSC properly acquired jurisdiction over the case.

R.A. No. 8292 is not in conflict with E.O. No. 292.

In addition, the respondents argue that R.A. No. 8292, which granted to the board of regents or board of trustees disciplinary authority over school employees and officials of chartered state colleges and universities, should prevail over the provisions of E.O. No. 292.[39] They anchor their assertion that the Board of Regents has exclusive jurisdiction over administrative cases on Section 4 of R.A. No. 8292,[40] to wit:

Section 4. Powers and duties of Governing Boards. — The governing board shall have the following specific powers and duties in addition to its general powers of administration and the exercise

[39] *Rollo* (G.R. No. 176162), pp. 603-604.

[40] (1997).

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of all the powers granted to the board of directors of a corporation under Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines;

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(h) to fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the revised compensation and classification system and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper; to grant them, at its discretion, leaves of absence under such regulations as it may promulgate, any provisions of existing law to the contrary not with standing; and **to remove them for cause in accordance with the requirements of due process of law**. [Emphasis supplied]

The respondents are mistaken.

Basic is the principle in statutory construction that interpreting and harmonizing laws is the best method of interpretation in order to form a uniform, complete, coherent, and intelligible system of jurisprudence, in accordance with the legal maxim *interpretare et concordare leges legibus est optimus interpretandi modus*.[41] Simply because a later statute relates to a similar subject matter as that of an earlier statute does not result in an implied repeal of the latter.[42]

A perusal of the abovequoted provision clearly reveals that the same does not indicate any intention to remove employees and officials of state universities and colleges from the ambit of the CSC. What it merely states is that the governing board of a school has the authority to discipline and remove faculty members and administrative officials and employees for cause. It neither supersedes nor conflicts with E.O. No. 292 which allows the CSC to hear and decide administrative cases filed directly with it or on appeal.

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[41] *Valencia v. Court of Appeals*, 449 Phil. 711, 726 (2003) and *Dreamwork Construction, Inc. v. Janiola*, G.R. No. 184861, June 30, 2009, 591 SCRA 466, 474.

[42] *Valera v. Tuason, Jr.*, 80 Phil. 823, 827 (1948).

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In addition to the previously cited case of *Alfonso*, the case of *The Civil Service Commission v. Sojor*[43] is likewise instructive. In the said case, this Court ruled that the CSC validly took cognizance of the administrative complaints directly filed with it concerning violations of civil service rules committed by a university president. This Court acknowledged that the board of regents of a state university has the sole power of administration over a university, in accordance with its charter and R.A. No. 8292. With regard to the disciplining and removal of its employees and officials, however, such authority is not exclusive to it because all members of the civil service fall under the jurisdiction of the CSC:

Verily, the BOR of NORSU has the sole power of administration over the university. But this power is not exclusive in the matter of disciplining and removing its employees and officials.

Although the BOR of NORSU is given the specific power under R.A. No. 9299 to discipline its employees and officials, there is no showing that such power is exclusive. When the law bestows upon a government body the jurisdiction to hear and decide cases involving specific matters, it is to be presumed that such jurisdiction is exclusive unless it be proved that another body is likewise vested with the same jurisdiction, in which case, both bodies have concurrent jurisdiction over the matter.

All members of the civil service are under the jurisdiction of the CSC, unless otherwise provided by law. Being a non-career civil servant does not remove respondent from the ambit of the CSC. Career or non-career, a civil service official or employee is within the jurisdiction of the CSC.[44] [Emphases and underscoring supplied]

It has been pointed out that the case of *Sojor* is not applicable to the case at bar because the distinction between a complaint filed by a private citizen and one filed by a government employee was not taken into consideration in the said case.[45] The dissent fails to consider that *Sojor* is cited in the *ponencia* to support

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[43] *Supra* note 32.

[44] *Id*. at 176.

[45] Dissenting Opinion (*J*. Velasco, Jr.), p. 10.

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the ruling that R.A. No. 8292 is not in conflict with E.O. No. 292 and to counter respondents' flawed argument that the passage of R.A. No. 8292 granted the Board of Regents exclusive jurisdiction over administrative cases against school employees and officials of chartered state colleges and universities. Also noteworthy is the fact that the complainants before the CSC in *Sojor* were faculty members of a state university and were, thus, government employees. Nevertheless, despite this, the Court allowed the CSC to assert jurisdiction over the administrative case, proclaiming that the power of the Board of Regents to discipline its officials and employees is *not exclusive* but is *concurrent* with the CSC.[46]

The case of *University of the Philippines v. Regino*[47] was also cited to bolster the claim that original jurisdiction over disciplinary cases against government officials is vested upon the department secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities, whereas the CSC only enjoys appellate jurisdiction over such cases.[48] The interpretation therein of the Administrative Code supposedly renders effectual the provisions of R.A. No. 8292 and does not "deprive the governing body of the power to discipline its own officials and employees and render inutile the legal provisions on disciplinary measures which may be taken by it."[49]

The Court respectfully disagrees. *Regino* is obviously inapplicable to this case because there, the school employee had already been found guilty and dismissed by the Board of Regents of the University of the Philippines. Therefore, the issue put forth before this Court was whether the CSC had appellate jurisdiction over cases against university employees, considering the university charter which gives it academic freedom allegedly encompassing institutional autonomy. In contrast, no

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[46] *Civil Service Commission v. Sojor, supra* note 32, at 174.

[47] G.R. No. 88167, May 3, 1993, 221 SCRA 598.

[48] Dissenting Opinion (*J.* Velasco, Jr.), p. 8.

[49] *Id.* at 9.

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administrative case was filed before the Board of Regents of PUP because the case was filed directly with the CSC and so, the question here is whether the CSC has original concurrent jurisdiction over disciplinary cases. Rationally, the quoted portions in *Regino* find no application to the case at bench because those statements were made to uphold the CSC's appellate jurisdiction which was being contested by petitioner therein. At the risk of being repetitive, it is hereby stressed that the authority of the CSC to hear cases on appeal has already been established in this case. What is in question here is its original jurisdiction over administrative cases.

A different interpretation of the Administrative Code was suggested in order to harmonize the provisions of R.A. No. 8292 and E.O. 292. By allowing only a private citizen to file a complaint directly with the CSC, the CSC maintains its power to review on appeal decisions of the Board of Regents while at the same time the governing board is not deprived of its power to discipline its officials and employees.[50]

To begin with, there is no incongruity between R.A. No. 8292 and E.O. No. 292, as previously explained in *Sojor*. Moreover, the Court fails to see how a complaint filed by a private citizen is any different from one filed by a government employee. If the grant to the CSC of concurrent original jurisdiction over administrative cases filed by private citizens against public officials would not deprive the governing bodies of the power to discipline their own officials and employees and would not be violative of R.A. No. 8292, it is inconceivable that a similar case filed by a government employee would do so. Such a distinction between cases filed by private citizens and those by civil servants is simply illogical and unreasonable. To accede to such a mistaken interpretation of the Administrative Code would be a great disservice to our developing jurisprudence.

It is therefore apparent that despite the enactment of R.A. No. 8292 giving the board of regents or board of trustees of a state school the authority to discipline its employees, the CSC

[50] *Id*. at 11.

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still retains jurisdiction over the school and its employees and has concurrent original jurisdiction, together with the board of regents of a state university, over administrative cases against state university officials and employees.

Finally, with regard to the concern that the CSC may be overwhelmed by the increase in number of cases filed before it which would result from our ruling,[51] it behooves us to allay such worries by highlighting two important facts. Firstly, it should be emphasized that the CSC has original concurrent jurisdiction shared with the governing body in question, in this case, the Board of Regents of PUP. This means that if the Board of Regents first takes cognizance of the complaint, then it shall exercise jurisdiction to the exclusion of the CSC.[52] Thus, not all administrative cases will fall directly under the CSC. Secondly, Section 47, Chapter 7, Subtitle A, Title I, Book V of the Administrative Code affords the CSC the option of whether to decide the case or to deputize some other department, agency or official to conduct an investigation into the matter, thereby considerably easing the burden placed upon the CSC.

Having thus concluded, the Court sees no need to discuss the other issues raised in the petitions.

WHEREFORE, the petitions are **GRANTED.** The December 29, 2006 Decision of the Court of Appeals is hereby **REVERSED** and **SET ASIDE.** Resolution Nos. 060521 and 061141 dated March 24, 2006 and June 30, 2006, respectively, of the Civil Service Commission are **REINSTATED.**

SO ORDERED.

Carpio, Leonardo-de Castro, del Castillo, Villarama, Jr., Perez, and *Perlas-Bernabe, JJ.,* concur.

Sereno, C.J., Brion, Bersamin, and *Abad, JJ.,* join the dissent of *J.* Velasco, Jr.

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[51] *Id.* at 9.

[52] *Puse v. Delos Santos-Puse*, G.R. No. 183678, March 15, 2010, 615 SCRA 500.

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Velasco, Jr., J., see dissenting opinion.

Peralta and *Reyes, JJ.,* no part.

DISSENTING OPINION

VELASCO, JR., *J.*:

Where the law is clear and unambiguous, it must be taken to mean exactly what it says and the Court has no choice but to see to it that its mandate is obeyed.[1]

The Case

For consideration before the Court are consolidated petitions for review on *certiorari* assailing the December 29, 2006 Decision[2] of the Court of Appeals (CA) in CA-G.R. SP No. 95293, nullifying and setting aside the resolutions of the Civil Service Commission (CSC) on jurisdictional ground.

The Facts

On September 27, 2005, petitioner Honesto L. Cueva (Cueva), then Chief Legal Counsel of the Polytechnic University of the Philippines (PUP), filed an administrative complaint with the CSC against respondents Dante G. Guevarra (Guevarra) and Augustus F. Cezar (Cezar), who were the Officer-in-Charge/ President and the Vice-President for Administration, respectively, of the PUP. The charge was for gross dishonesty, grave misconduct, falsification of official documents, conduct prejudicial to the best interest of the service, notorious undesirability and violation of Section 4 of Republic Act (R.A.) No. 6713.[3]

According to Cueva, Guevarra falsified General Form No. 58-A (Application for Bond of Accountable Officials and

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[1] *Abello v. Commissioner of Internal Revenue*, G.R. No. 120721, February 23, 2005, 452 SCRA 162; citations omitted.

[2] *Rollo* (G.R. No. 176162), pp. 57-72.

[3] *Id*. at 97.

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Employees of the Republic of the Philippines), a public document, which he was required to accomplish as the head of PUP in order to be bonded and consequently engage in financial transactions on said institution's behalf.[4] Guevarra allegedly committed falsification when he wrote on the application that he has no pending criminal and administrative cases when both respondents at that time have seventeen (17) pending cases for violation of Sec. 3 (e) of R.A. No. 3019 before the Sandiganbayan.[5] Guevarra also claimed that Cezar, notwithstanding his knowledge of these existing cases against them, still endorsed and recommended for approval said application.[6]

On their part, respondents clarified that it was their understanding that the phrase "criminal or administrative records" pertain to final conviction in a criminal administrative case. They add that, inasmuch as the adverted seventeen (17) cases had not yet been decided by the Sandiganbayan, Guevarra's negative answer to Question No. 11 in General Form No. 58-A which states, "Do you have any criminal or administrative records?" was correct.[7]

After a *prima facie* finding that respondents committed acts punishable under the Civil Service Law and Rules, the CSC, on March 24, 2006, issued Resolution No. 060521[8] formally charging Guevarra with Dishonesty and Cezar with Conduct Prejudicial to the Best Interest of the Service.

Thereafter, respondents filed their Motion for Reconsideration and Motion to Declare Absence of *Prima Facie* Case,[9] therein praying, among other things, that the case be immediately suspended. Cueva, on the other hand, interposed an Urgent *Ex-Parte* Motion for the Issuance of Preventive Suspension,[10] as

[4] *Id.* at 197.

[5] *Id*. at 98, 197 and 233.

[6] *Id*. at 197.

[7] *Id*. at 107.

[8] *Id.* at 196-199.

[9] *Id*. at 106-120.

[10] *Id*. at 146-148.

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well as an Omnibus Motion,[11] praying that an order of preventive suspension against respondents issue and the inclusion of the certain offenses in the formal charge against the two, particularly: grave misconduct, falsification of official document, conduct prejudicial to the best interest of the service, being notoriously undesirable, and violation of Sec. 4 of R.A. No. 6713.

By Resolution No. 061141 dated June 30, 2006, the CSC denied both respondents' motion for reconsideration and Cueva's motion to include additional charges against respondents.[12] Nonetheless, the CSC placed Guevarra under preventive suspension for ninety (90) days.

Therefrom, respondents went to the CA on a petition for *certiorari* and prohibition questioning the jurisdiction of the CSC over the administrative complaint filed against them. On December 29, 2006, the CA rendered a Decision granting the petition and nullifying the resolution issued by the CSC for lack of jurisdiction.

Aggrieved, petitioners have filed the instant separate petitions.

Issue

WHETHER THE CIVIL SERVICE COMMISSION HAS ORIGINAL CONCURRENT JURISDICTION OVER ADMINISTRATIVE CASES FALLING UNDER THE JURISDICTION OF HEADS OF AGENCIES.

Discussion

The petitions are bereft of merit.

Jurisdiction as conferred by law

It is a basic legal precept that "[j]urisdiction over the subject matter of a case is conferred by law."[13] In the instant case, the pertinent legal provision is Section 47, Chapter 7, Subtitle A,

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[11] *Id.* at 155-162.

[12] *Id.* at 200-212.

[13] *City of Dumaguete v. Philippine Ports Authority*, G.R. No. 168973, August 24, 2011.

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Title I, Book V of Executive Order No. 292 (otherwise known as the "Administrative Code"), which reads:

> Sec. 47. Disciplinary Jurisdiction. — (1) **The Commission** shall decide **upon appeal** all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office. A complaint may be filed **directly** with the Commission *by a private citizen* against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation. The results of the investigation shall be submitted to the Commission with recommendation as to the penalty to be imposed or other action to be taken.
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> (2) **The Secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities** shall have jurisdiction to investigate and decide matters involving disciplinary action against officers and employees under their jurisdiction. Their decisions shall be **final** in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days'salary. **In case the decision rendered by a bureau or office head is appealable to the Commission**, the same may be initially appealed to the department and finally to the Commission and pending appeal, the same shall be executory except when the penalty is removal, in which case the same shall be executory only after confirmation by the Secretary concerned. (Emphasis supplied.)

Based on the first paragraph of the above-quoted provision of the Administrative Code, it is clear that, as a general rule, the CSC shall have **appellate jurisdiction** over "all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office." This jurisdictional grant complements the second paragraph of the same provision which vests upon the department secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities the **original jurisdiction** to investigate and decide matters involving disciplinary action against officers and employees under their

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jurisdiction. Concomitantly, the law even accords finality to their decisions "in case the penalty imposed is suspension for not more than thirty days or fine in an amount not exceeding thirty days' salary."

By way of exception, the same provision allows a complaint to be "filed **directly** with the Commission **by a private citizen** against a government official or employee in which case it may hear and decide the case or it may deputize any department or agency or official or group of officials to conduct the investigation." Evidently, the law sanctions the direct filing of a complaint with the CSC, but only if a private citizen is the complainant. Thus, the CSC has concurrent jurisdiction with the department secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities when the complaint is filed by a private citizen.

In this case, Cueva, then Chief Legal Counsel of the PUP, filed the administrative complaint directly with the CSC against respondents. Applying the abovementioned provision of the Administrative Code, since a public employee and not a private citizen filed the complaint, the case falls under the original jurisdiction of the disciplining authority involved, which is the Board of Regents (BOR) of the PUP.[14] The CSC merely has appellate jurisdiction. As stated under Section 4 (h) of R.A. No. 8292, otherwise known as the "Higher Education Modernization Act of 1997":

> Section 4. *Powers and duties of Governing Boards.* — The governing board[15] shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the board of directors of a corporation under Section 36 of Batas Pambansa Blg. 68 otherwise known as the Corporation Code of the Philippines:

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[14] Section 4 (h) of Republic Act No. 8292 or the Higher Education Modernization Act of 1997.

[15] Under Section 3 (a) of R.A. No. 8292, "[t]he governing body of state universities and colleges is hereby in the Board of Regents for universities and in the Board of Trustees for Colleges xxx."

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xxx xxx xxx

(h) xxx and **to remove [faculty members and administrative officials and employees] for cause in accordance with the requirements of due process of law**. (Emphasis supplied.)

Admittedly, the Revised Uniform Rules on Administrative Cases in the Civil Service[16] (Civil Service Rules) is silent as to who can file a complaint directly with the CSC. The pertinent provision of the Civil Service Rules provides:

Sec. 4. Jurisdiction of the Civil Service Commission. — The Civil Service Commission shall hear and decide administrative cases instituted by, or brought before it, **directly or on appeal**, including contested appointments, and shall review decisions and actions of its offices and of agencies attached to it.

Except as otherwise provided by the Constitution or by law, the Civil Service Commission shall have the **final authority** to pass upon the removal, separation and suspension of all officers and employees in the civil service and upon all matters relating to the conduct, discipline and efficiency of such officers and employees. (Emphasis supplied.)

It is basic that a rule issued by a government agency pursuant to its quasi-legislative power cannot modify, reduce or enlarge the scope of the law which it seeks to implement. The discourse made by the Court in *Lokin, Jr. v. Commission on Elections* is instructive:

The authority to make IRRs in order to carry out an express legislative purpose, or to effect the operation and enforcement of a law is not a power exclusively legislative in character, but is rather administrative in nature. **The rules and regulations adopted and promulgated must not, however, subvert or be contrary to existing statutes**. The function of promulgating IRRs may be legitimately exercised **only for the purpose of carrying out the provisions of a law**. The power of administrative agencies is confined to implementing the law or putting it into effect. **Corollary to this is**

[16] Promulgated by the Civil Service Commission through Resolution No. 99-1936 dated August 31, 1999 and implemented by CSC Memorandum Circular No. 19, Series of 1999.

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that administrative regulation cannot extend the law and amend a legislative enactment. It is axiomatic that the clear letter of the law is controlling and cannot be amended by a mere administrative rule issued for its implementation. Indeed, administrative or executive acts shall be valid only when they are not contrary to the laws or the Constitution.[17] (Emphasis supplied.)

Moreover, in *Padunan v. Department of Agrarian Reform Adjudication Board,*[18] this Court held:

It must be stated at the outset that **it is the law that confers jurisdiction and not the rules.** Jurisdiction over a subject matter is conferred by the Constitution or the law and rules of procedure yield to substantive law. Otherwise stated, jurisdiction must exist as a matter of law. (Emphasis supplied.)

Taking the foregoing into consideration, Sec. 4 of the Civil Service Rules cannot be construed as authorizing one other than a private citizen to file a complaint directly with the CSC, contrary to the ruling in the *ponencia*. Pertinently, even Sec. 7 of the Civil Service Rules cannot run counter to the clear provision of the Administrative Code. Sec. 7 of the Civil Service Rules reads:

Section 7. Jurisdiction of Heads of Agencies. — Heads of Departments, agencies, provinces, cities, municipalities and other instrumentalities shall have **original concurrent jurisdiction,** *with the Commission,* over their respective officers and employees. (Emphasis supplied.)

In this regard, "original concurrent jurisdiction" means that the CSC and the BOR have *original concurrent jurisdiction* over complaints filed by a *private citizen* against a member of the civil service, but the BOR has *original and exclusive jurisdiction* over complaints filed by a *member of the civil service*

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[17] G.R. Nos. 179431-32, June 22, 2010, 621 SCRA 385; citing *Metropolitan Bank and Trust Company, Inc. v. National Wages and Productivity Commission*, G.R. No. 144322, February 6, 2007, 514 SCRA 346, 349-350.

[18] G.R. No. 132163, January 28, 2003, 396 SCRA 196.

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against an officer or employee of the university. A contrary interpretation violates the explicit provision of the Administrative Code, as this is clearly covered by Sec. 47 of the said Code.

Be that as it may, and considering that the Civil Service Rules does not explicitly mention who can file a complaint directly with the CSC, then the clear import of Sec. 47 of the Administrative Code[19] should be controlling, that is, only private citizens can file administrative complaints directly with the CSC.

Power to discipline administrative officials and employees

Indeed, government employees, in general, being members of the civil service, are under the jurisdiction of the CSC. Thus, CSC's power to discipline erring government employees cannot be doubted. As this Court held in *Garcia v. Molina*:

> The civil service encompasses all branches and agencies of the Government, including government-owned or controlled corporations (GOCCs) with original charters, like the GSIS, or those created by special law. As such, the employees are part of the civil service system and are subject to the law and to the circulars, rules and regulations issued by the CSC on discipline, attendance and general terms and conditions of employment. **The CSC has jurisdiction to hear and decide disciplinary cases against erring employees**.[20] (Emphasis supplied; citations omitted.)

Nonetheless, CSC's jurisdiction to hear and decide disciplinary cases against erring government officials is not without limitation. As discussed above, the Administrative Code vests the CSC appellate jurisdiction over "all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office." Original jurisdiction is vested upon the department secretaries and heads of agencies and instrumentalities, provinces, cities and municipalities to investigate and decide matters involving disciplinary action against officers and employees under

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[19] Section 47, Chapter 7, Subtitle A, Title I, Book V of the Administrative Code.

[20] G.R. Nos. 157383 & 174137, August 10, 2010, 627 SCRA 540.

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their jurisdiction. In *University of the Philippines v. Regino*,[21] this Court held:

> **The Civil Service Law (PD 807) expressly vests in the Commission appellate jurisdiction in administrative disciplinary cases involving members of the Civil Service**. Section 9(j) mandates that the Commission shall have the power to "hear and decide administrative disciplinary cases instituted directly with it in accordance with Section 37 or brought to it on appeal." And Section 37(a), provides that, "The Commission shall decide upon appeal all administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty (30) days, or fine in an amount exceeding thirty days' salary, demotion in rank or salary or transfer, removal or dismissal from office."
>
> Under the 1972 Constitution, all government-owned or controlled corporations, regardless of the manner of their creation, were considered part of the Civil Service. Under the 1987 Constitution only government-owned or controlled corporations with original charters fall within the scope of the Civil Service pursuant to Article IX-B, Section 2(1), which states:
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> > The Civil Service embraces all branches, subdivisions, instrumentalities, and agencies of the government, including government-owned or controlled corporations with original charters.
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> As a mere government-owned or controlled corporation, UP was clearly a part of the Civil Service under the 1973 Constitution and now continues to be so because it was created by a special law and has an original charter. **As a component of the Civil Service, UP is therefore governed by PD 807 and administrative cases involving the discipline of its employees come under the appellate jurisdiction of the Civil Service Commission**. (Emphasis supplied.)

Even if *Regino* involves the application of Presidential Decree No. 807[22] (PD 807), still, the doctrine enunciated therein is still applicable as the provision on the disciplinary jurisdiction

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[21] G.R. No. 88167, May 3, 1993, 221 SCRA 598.

[22] The Civil Service Law.

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of the CSC under PD 807 is retained almost verbatim in the Administrative Code.

Such interpretation renders effectual the provisions of R.A. No. 8292, which vests the governing boards of the universities and colleges with the power to discipline their erring administrative officials and employees. Specifically, aside from its general powers of administration, the BOR as a governing board is granted with the specific power to appoint vice presidents, deans, directors, heads of departments, faculty members and other officials and employees.[23] Consistent with its power to hire or appoint is the power to discipline its officials and personnel. Moreover, as mentioned above, R.A. No. 8292 also grants the BOR the power to remove its officials and employees for cause in accordance with the requirements of due process of law.[24] Clearly, the power of the BOR to discipline university officials and employees cannot be denied.

Concomitantly, a ruling that CSC's jurisdiction to hear and decide disciplinary cases against erring government officials without limitation will inevitably deprive the BOR of the power to discipline its own officials and employees and render inutile the legal provisions on disciplinary measures which may be taken by it.

More importantly, if all the complaints filed by a civil service member against another government employee come under the concurrent jurisdiction of the CSC, then the day will come when the CSC will be swamped with all kinds of cases, including those where the penalty involved is suspension not exceeding 30 days or fine not exceeding 30 days' salary.

Cases cited

The *ponencia* cited several cases to support its ruling on the CSC's original jurisdiction to take cognizance of a complaint directly filed before it by a government employee or official.

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[23] Sec. 4 (g) of R.A. No. 8292.

[24] Sec. 4 (h) of R.A. No. 8292.

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The first is *Camacho v. Gloria*,[25] which, as viewed in the *ponencia*, did not limit CSC's authority to exclude complaints filed directly with it by a member of the civil service. On such point, it is worth mentioning that there is no need for the Court to limit CSC's authority in said case because the facts therein do not call for such delineation. As a matter of fact, petitioner therein contends that "the Board of Regents has no jurisdiction over his case considering that as a teacher, original jurisdiction over the administrative case against him is vested with a committee whose composition must be in accordance with [R.A.] No. 4670, the *Magna Carta for Public School Teachers*." Evidently, there was no issue on CSC's jurisdiction to take cognizance of a complaint directly filed before it by a member of the civil service. Moreover, it is not the Court which may limit CSC's authority to acquire original jurisdiction over administrative complaints filed by a member of the civil service. Rather, it is the law which may make such limitation, and in this particular case, it is the clear provision of the Administrative Code.

The second is *Civil Service Commission v. Alfonso*, [26] which I submit does not also apply to the case at bar. The significant difference between the instant case and *Alfonso* lies in the fact that respondent therein submitted himself to the jurisdiction of the CSC when he filed his counter-affidavit before it. Significantly, respondent therein questioned CSC's jurisdiction over the complaint filed against him only when his motion for reconsideration was denied. Thus, he was already estopped from questioning the jurisdiction of the CSC. Such circumstance is totally absent in the instant case. Clearly, *Alfonso* is not, and should not be, a precedent to the case at bar. Moreover, *Alfonso* is a stray decision which runs counter to the clear provision of Sec. 47 of the Administrative Code.

The third, *Civil Service Commission v. Sojor*,[27] is also not binding in the instant case. As it were, the issue concerning the

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[25] G.R. No. 138862, August 15, 2003, 409 SCRA 174.

[26] G.R. No. 179452, June 11, 2009, 589 SCRA 88.

[27] G.R. No. 168766, May 22, 2008, 554 SCRA 160.

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distinction between a complaint filed by a private citizen and one filed by a government employee was not taken into consideration in *Sojor*.

Finally, *Hilario v. Civil Service Commission*[28] is also not squarely in point. For one, at the time the administrative complaint was filed against petitioner therein before the CSC, he was already considered resigned by then Quezon City (QC) Mayor Ismael A. Mathay, Jr. (Mayor Mathay) almost about a year ago. Therefore, if then QC Vice-Mayor Charito L. Planas would still file the case against petitioner before the Office of the Mayor, this would just evidently be an exercise in futility. And for another, considering the fact that petitioner was already considered resigned by Mayor Mathay, it would be absurd if the latter would still be required to take cognizance of an administrative complaint filed against him, who is, for all intents and purposes, already separated from employment.

Laws harmonized and rendered effectual

To the *ponencia*, Sec. 4 (h) of R.A. No. 8292 (power of the governing board of universities and colleges to remove their administrative officials and employees for cause in accordance with the requirements of due process of law) "does not indicate any intention to remove employees and officials of state universities and colleges from the ambit of the CSC." This is true, to a point.

In this regard, it bears stressing that with my submission that only a private citizen can file a complaint directly with the CSC, the latter is not deprived of its jurisdiction over administrative cases filed by a member of the civil service against other erring government employees. In such case, the CSC retains the power of review over the decisions of the governing boards of the colleges or universities when these decisions are brought before it, on appeal, pursuant to Sec. 47 of the Administrative Code. At the same time, with such interpretation, these governing boards are not unduly deprived of the power to discipline their

[28] G.R. No. 116041, March 31, 1995, 243 SCRA 206.

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own officials and employees under R.A. No. 8292 and the Administrative Code. This way, not only are laws harmonized with each other, all of them are also rendered effectual and operative.

In view of the foregoing, I submit that the CSC does not have original jurisdiction to take cognizance of the complaint directly filed before it by Cueva, then PUP legal counsel. Only a private citizen can directly file a complaint with the CSC and no other.

Accordingly, I vote to deny the petitions and affirm the appealed December 29, 2006 Decision of the Court of Appeals.

EN BANC

[G.R. No. 176579. October 9, 2012]

HEIRS OF WILSON P. GAMBOA,* *petitioners, vs.* **FINANCE SECRETARY MARGARITO B. TEVES, FINANCE UNDERSECRETARY JOHN P. SEVILLA, AND COMMISSIONER RICARDO ABCEDE OF THE PRESIDENTIAL COMMISSION ON GOOD GOVERNMENT (PCGG) IN THEIR CAPACITIES AS CHAIR AND MEMBERS, RESPECTIVELY, OF THE PRIVATIZATION COUNCIL, CHAIRMAN ANTHONI SALIM OF FIRST PACIFIC CO., LTD. IN HIS CAPACITY AS DIRECTOR OF METRO PACIFIC ASSET HOLDINGS, INC., CHAIRMAN MANUEL V. PANGILINAN OF PHILIPPINE LONG**

* The Heirs of Wilson P. Gamboa substituted petitioner Wilson P. Gamboa per Resolution dated 17 April 2012 which noted the Manifestation of Lauro Gamboa dated 12 April 2012.