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In conclusion, the CA erred in affirming the RTC's dismissal of petitioner's motion to quash as the *Pabatid Sakdal* or Information suffers from an incurable infirmity -— that the officer who filed the same before the RTC had no authority to do so. Hence, the *Pabatid Sakdal* must be quashed, resulting in the dismissal of the criminal case against petitioner.

As a final note, it must be stressed that "[t]he Rules of Court governs the pleading, practice, and procedure in all courts of the Philippines. For the orderly administration of justice, the provisions contained therein should be followed by all litigants, but especially by the prosecution arm of the Government. "[32]

WHEREFORE, the petition is **GRANTED.** The Decision dated October 10, 2014 and the Resolution dated January 30, 2015 of the Court of Appeals in CA-G.R. SP No. 131968 are hereby **REVERSED** and **SET ASIDE.** Accordingly, the Information against petitioner Girlie M. Quisay is **QUASHED** and the criminal case against her is **DISMISSED.**

SO ORDERED.

Sereno, C.J. (Chairperson), Leonardo-de Castro, Bersamin, and *Perez, JJ.,* concur.

THIRD DIVISION

[G.R. No. 199440. January 18, 2016]

MARY LOU GETURBOS TORRES, *petitioner, vs.* **CORAZON ALMA G. DE LEON, in her capacity as Secretary General of the Philippine National Red Cross and THE BOARD OF GOVERNORS of the**

[32] *Id*. at 367.

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PHILIPPINE NATIONAL RED CROSS, National Headquarters, *respondents.*

SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; ADMINISTRATIVE BODIES; PHILIPPINE NATIONAL RED CROSS; *SUI GENERIS* IN CHARACTER.—** As ruled by this Court in *Liban, et al. v. Gordon*, the PNRC, although not a GOCC, is *sui generis* in character, thus, requiring this Court to approach controversies involving the PNRC on a case-to-case basis. x x x In this particular case, the CA did not err in ruling that the CSC has jurisdiction over the PNRC because the issue at hand is the enforcement of labor laws and penal statutes, thus, in this particular matter, the PNRC can be treated as a GOCC, and as such, it is within the ambit of Rule I, Section 1 of the Implementing Rules of Republic Act 6713 x x x. Thus, having jurisdiction over the PNRC, the CSC had authority to modify the penalty and order the dismissal of petitioner from the service. Under the Administrative Code of 1987, as well as decisions of this Court, the CSC has appellate jurisdiction on administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty (30) days, or fine in an amount exceeding thirty (30) days salary. The CA, therefore, did not err when it agreed with the CSC that the latter had appellate jurisdiction x x x.

2. **REMEDIAL LAW; CIVIL PROCEDURE; VERIFICATION AND FORUM SHOPPING; INTENDED TO COVER AN INITIATORY PLEADING.—** Anent the issue that respondents' Comment filed before the CA lacks verification and a certificate of non-forum shopping, such is inconsequential because a comment is not an initiatory pleading but a responsive pleading. [T]he required certification against forum shopping is intended to cover an "initiatory pleading," meaning an "incipient application of a party asserting a claim for relief." A comment, required by an appellate tribunal, to a petition filed with it is not a pleading but merely an expression of the views and observations of the respondent for the purpose of giving the court sufficient information as to whether the petition is legally proper as a remedy to the acts complained of.

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APPEARANCES OF COUNSEL

Joseph Arnold K. Calonzo for petitioner.
Athena M. Zosa for respondents.

D E C I S I ON

PERALTA, *J.*:

For this Court's consideration is the Petition for Review on *Certiorari,*[1] under Rule 45 of the Rules of Court, dated December 23, 2011 of petitioner Mary Lou Geturbos Torres seeking the reversal of the Decision[2] of the Court of Appeals (*CA),* dated June 30, 2011 that affirmed Resolution No. 080691 dated April 21, 2008 and Resolution No. 081845 dated September 26, 2008, both of the Civil Service Commission (*CSC*) that imposed upon her the penalty of dismissal from service as Chapter Administrator of the Philippine National Red Cross *(PNRC),* General Santos City Chapter for grave misconduct.

The facts follow.

When petitioner was the Chapter Administrator of the PNRC, General Santos City Chapter, the PNRC Internal Auditing Office conducted an audit of the funds and accounts of the PNRC, General Santos City Chapter for the period November 6, 2002 to March 14, 2006, and based on the audit report submitted to respondent Corazon Alma G. De Leon *(De Leon),* petitioner incurred a "technical shortage" in the amount of ₱4,306,574.23.

Hence, respondent De Leon in a Memorandum dated January 3, 2007, formally charged petitioner with Grave Misconduct for violating PNRC Financial Policies on Oversubscription, Remittances and Disbursement of Funds.

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[1] *Rollo,* pp. 12-95.

[2] Penned by Associate Justice Edgardo T. Lloren with Associate Justices Romulo V. Borja and Carmelita Salandanan-Manahan, concurring; *id.* at 82-92.

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After the completion of the investigation of the case against petitioner, respondent issued a Memorandum dated June 12, 2007 imposing upon petitioner the penalties of one month suspension effective July 1-31, 2007 and transfer to the National Headquarters effective August 1, 2007.

Petitioner filed a motion for reconsideration, but it was denied in a Memorandum dated June 28, 2007.

Thereafter, petitioner filed a Notice of Appeal addressed to the Board of Governors of the PNRC through respondent and furnished a copy thereof to the CSC. Petitioner addressed her appeal memorandum to the CSC and sent copies thereof to the PNRC and the CSC. Respondent, in a memorandum dated August 13, 2007, denied petitioner's appeal.

The CSC, on April 21, 2008, promulgated a Resolution dismissing petitioner's appeal and imposing upon her the penalty of dismissal from service. Petitioner filed a motion for reconsideration with the CSC, but the same was denied.

Thus, petitioner filed a petition for review under Rule 43 with the CA, and in its assailed Decision dated June 30, 2011, the CA denied the said petition. Petitioner's motion for reconsideration was likewise denied on October 6, 2011.

Hence, the present petition with the following grounds relied upon:

GROUNDS FOR THE PETITION

1

THE COURT *A QUO* ERRED IN NOT FINDING THAT THE CIVIL SERVICE COMMISSION (*CSC)* HAS NO APPELLATE JURISDICTION OVER THE CASE;

2

THE COURT *A QUO* SERIOUSLY ERRED IN FAILING TO REALIZE THAT RESPONDENT DE LEON HAS NO INTENTION TO DISMISS PETITIONER FROM THE SERVICE AND IT WAS SERIOUS ERROR ON THE PART OF THE CSC TO MODIFY THE SAME OR TERMINATE PETITIONER FROM THE SERVICE WITHOUT ANY AUTHORITY;

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3

GRANTING *ARGUENDO* THAT THE CSC HAS CONSTITUTIONAL CONTROL OVER THE PNRC, THE COURT *A QUO* ERRED IN NOT FINDING THAT THE CSC DID NOT ACQUIRE OR HAD LOST APPELLATE JURISDICTION OVER THE CASE; [and]

4

THE COURT *A QUO* ERRED IN NOT FINDING THAT THE COMMENT (INITIATORY PLEADING) FILED BY THE KAPUNAN LOTILLA FLORES GARCIA & CASTILLO LAW FIRM IN BEHALF OF THE RESPONDENTS, DATED MARCH 31, 2009, IS NOT VERIFIED NOR ACCOMPANIED BY A CERTIFICATION AGAINST FORUM SHOPPING.

According to petitioner, this Court has decided that PNRC is not a government-owned and controlled corporation (*GOCC*), hence, the CSC has no jurisdiction or authority to review the appeal that she herself filed. As such, she insists that the CSC committed grave abuse of discretion in modifying the decision of respondent De Leon. She further argues that the PNRC did not give due course to her notice of appeal since petitioner's counsel erroneously addressed and filed her notice of appeal to the office of respondent PNRC NHQ BOGs through the office of respondent De Leon instead of filing it directly with the CSC, and respondent De Leon denied due course to the notice of appeal, thus, according to petitioner, there was no more appeal to speak of. Petitioner also claims that she voluntarily served the sentence of one month suspension and transfer of assignment before her counsel erroneously filed the notice of appeal, hence, when the notice of appeal was filed, the decision of respondent De Leon was already final. Finally, petitioner asserts that the CA erred in not finding that the comment filed by the law firm in behalf of the respondents, dated March 31, 2009, violated the rules against forum shopping.

The petition lacks merit.

As ruled by this Court in *Liban, et al. v. Gordon,*[3] the PNRC, although not a GOCC, is *sui generis* in character, thus, requiring

[3] 654 Phil. 680, 708-709 (2011).

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this Court to approach controversies involving the PNRC on a case-to-case basis. As discussed:

> A closer look at the nature of the PNRC would show that there is none like it not just in terms or structure, but also in terms or history, public service and official status accorded to it by the State and the international community. There is merit in PNRC's contention that its structure is ***sui generis.***
>
> x x x x x x x x x
>
> National Societies such as the PNRC act as auxiliaries to the public authorities of their own countries in the humanitarian field and provide a range of services including disaster relief and health and social programmes.
>
> The International Federation of Red Cross (IFRC) and Red Crescent Societies (RCS) Position Paper, submitted by the PNRC, is instructive with regard to the elements of the specific nature of the National Societies such as the PNRC, to wit:
>
> > National Societies, such as the Philippine National Red Cross and its sister Red Cross and Red Crescent Societies, have certain specificities deriving from the 1949 Geneva Convention and the Statutes of the International Red Cross and Red Crescent Movement (the Movement). They are also guided by the seven Fundamental Principles of the Red Cross and Red Crescent Movement: Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity and Universality.
> >
> > **A National Society partakes of a *sui generis* character.** It is a protected component of the Red Cross movement under Articles 24 and 26 of the First Geneva Convention, especially in times of armed conflict. These provisions require that the staff of a National Society shall be respected and protected in all circumstances. Such protection is not ordinarily afforded by an international treaty to ordinary private entities or even non-governmental organizations (NGOs). This *sui generis* character is also emphasized by the Fourth Geneva Convention which holds that an Occupying Power cannot require any change in the personnel or structure of a National Society. National societies are therefore organizations that are directly regulated by international humanitarian law, in contrast to other ordinary private entities, including NGOs.

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x x x x x x x x x

In addition, National Societies are not only officially recognized by their public authorities as voluntary aid societies, auxiliary to the public authorities in the humanitarian field, but also benefit from recognition at the International level This is considered to be an element distinguishing National Societies from other organizations (mainly NGOs) and other forms of humanitarian response.

x x x No other organization belongs to a world-wide Movement in which all Societies have equal status and share equal responsibilities and duties in helping each other. This is considered to be the essence of the Fundamental Principle of Universality.

Furthermore, the National Societies are considered to be auxiliaries to the public authorities in the humanitarian field. x x x.

The auxiliary status of [a] Red Cross Society means that it is at one and the same time a private institution and a public service organization because the very nature of its work implies cooperation with the authorities, a link with the State. In carrying out their major functions, Red Cross Societies give their humanitarian support to official bodies, in general having larger resources than the Societies, working towards comparable ends in a given sector.

x x x No other organization has a duty to be its government's humanitarian partner while remaining independent.

It is in recognition of this *sui generis* character of the PNRC that R.A. No. 95 has remained valid and effective from the time of its enactment in March 22, 1947 under the 1935 Constitution and during the effectivity of the 1973 Constitution and the 1987 Constitution.

The PNRC Charter and its amendatory laws have not been questioned or challenged on constitutional grounds, not even in this case before the Court now.

x x x x x x x x x

By requiring the PNRC to organize under the Corporation Code just like any other private corporation, the Decision of July

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15, 2009 lost sight of the PNRC's special status under international humanitarian law and as an auxiliary of the State, designated to assist it in discharging its obligations under the Geneva Conventions. Although the PNRC is called to be independent under its Fundamental Principles, it interprets such independence as inclusive of its duty to be the government's humanitarian partner. To be recognized in the International Committee, the PNRC must have an autonomous status, and carry out its humanitarian mission in a neutral and impartial manner.

However, in accordance with the Fundamental Principle of Voluntary Service of National Societies of the Movement, the PNRC must be distinguished from private and profit-making entities. It is the main characteristic of National Societies that they "are not inspired by the desire for financial gain but by individual commitment and devotion to a humanitarian purpose freely chosen or accepted as part of the service that National Societies through its volunteers and/or members render to the Community."

The PNRC, as a National Society of the International Red Cross and Red Crescent Movement, can neither "be classified as an instrumentality of the State, so as not to lose its character of neutrality" as well as its independence, nor strictly as a private corporation since it is regulated by international humanitarian law and is treated as an auxiliary of the State.

Based on the above, the *sui generis* status of the PNRC is now sufficiently established. Although it is neither a subdivision, agency, or instrumentality of the government, nor a government-owned or -controlled corporation or a subsidiary thereof, as succinctly explained in the Decision of July 15, 2009, so much so that respondent, under the Decision, was correctly allowed to hold his position as Chairman thereof concurrently while he served as a Senator, such a conclusion does not *ipso facto* imply that the PNRC is a "private corporation" within the contemplation of the provision of the Constitution, that must be organized under the Corporation Code. As correctly mentioned by Justice Roberto A. Abad, **the *sui generis* character of PNRC requires us to approach controversies involving the PNRC on a case-to-case basis.**[4]

In this particular case, the CA did not err in ruling that the CSC has jurisdiction over the PNRC because the issue at hand

[4] *Liban, et al. v. Gordon, supra,* at 701-709. (Emphasis ours; citations omitted)

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is the enforcement of labor laws and penal statutes, thus, in this particular matter, the PNRC can be treated as a GOCC, and as such, it is within the ambit of Rule 1, Section I of the Implementing Rules of Republic Act 6713,[5] stating that:

> Section 1. These Rules shall cover all officials and employees in the government, elective and appointive, permanent or temporary, whether in the career or non-career service, including military and police personnel, whether or not they receive compensation, regardless or amount.

Thus, having jurisdiction over the PNRC, the CSC had authority to modify the penalty and order the dismissal of petitioner from the service. Under the Administrative Code of 1987,[6] as well as decisions[7] of this Court, the CSC has appellate jurisdiction on administrative disciplinary cases involving the imposition of a penalty of suspension for more than thirty (30) days, or fine in an amount exceeding thirty (30) days salary. The CA, therefore, did not err when it agreed with the CSC that the latter had appellate jurisdiction, thus:

> The Court cites with approval the disquisition of the CSC in this regard:
>
> > The Commission is fully aware that under the Civil Service Law and rules and jurisprudence, it has appellate jurisdiction only on administrative disciplinary cases involving the

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[5] *AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST; GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES.*

[6] Book V, Title I, Subtitle A, Sec. 47.

[7] *University of the Philippines v. Civil Service Commission, et al.,* G.R. No. 108740, December 1, 1993, 228 SCRA 207, 211-212, citing *Paredes v. Civil Service Commission, et al.,* G.R. No. 88177, December 4, 1990, 192 SCRA 84, and *Mendez v. Civil Service Commission,* G.R. No. 95575, December 23, 1991, 204 SCRA 965.

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> imposition of a penalty of suspension for more than thirty (30) days, or fine in an amount exceeding thirty (30) days' salary.
>
> In the instant case, although the decision appealed from states that Torres was imposed the penalty of "one month" suspension from the service, it is unequivocally spelled out therein that the period of her suspension is from July 1-31, 2007." This specifically written period unmistakably indicates that Torres was actually imposed the penalty of thirty-one (31) days and not merely thirty (30) days or one (1) month.

Petitioner submits that the actual duration of the period of her suspension was only thirty (30) days since July 1, 2007 was a legal holiday, it being a Sunday. This submission, however, is flawed considering that she was imposed the penalty of "One Month Suspension effective July 1-31, 2007" or for a period of thirty-one (31) days.

Even granting that petitioner was imposed the penalty of suspension for thirty (30) days only, it should be noted that she was also imposed another penalty of "Transfer to the NHQ effective August 01, 2007." Hence, the CSC would still have appellate jurisdiction.[8]

Neither can it be considered that the CSC had lost its appellate jurisdiction because, as claimed by petitioner, she voluntarily served the sentence of one month suspension and transfer of assignment before her counsel filed the notice of appeal, hence, the decision of the PNRC was already final even before a notice of appeal was filed with the CSC. The CA was correct in finding that petitioner's appeal was properly and timely made with the CSC under the Uniform Rules on Administrative Cases in the Civil Service *(URACCS)*. It ruled:

> As enunciated in the cases cited by petitioner, a decision becomes final even before the lapse of the fifteen-day period to appeal when the defendant voluntarily submits to the execution of the sentence. In the present case, however, **it cannot be said that she voluntarily served her penalty in view of the fact that she appealed therefrom.** Moreover, **the service of the penalty is pursuant to Section 47 of**

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[8] *Rollo,* pp. 86-87.

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the Uniform Rules on Administrative Cases in the Civil Service (URACCS) which reads:

> Section 47. Effect of filing. - An appeal shall not stop the decision from being executory, and in case the penalty is suspension or removal, the respondent shall be considered as having been under preventive suspension during the pendency of the appeal in the event he wins the appeal.

Petitioner's claim that the Notice of Appeal and the Appeal Memorandum were filed with the PNRC and not with the CSC deserves scant consideration. Section 43 of the URACCS pertinently provides:

> Section 43. Filing of Appeals.—
>
> x x x x x x x x x
>
> A notice of appeal including the appeal memorandum shall be filed with the appellate authority, copy furnished the disciplining office. The latter shall submit the records of the case, which shall be systematically and chronologically arranged, paged and securely bound to prevent loss, with its comment. within fifteen (15) days, to the appellate authority.

An examination of the Notice of Appeal shows that the same was addressed to the PNRC and copy furnished the CSC. On the other hand, an examination of the Appeal Memorandum shows that the same was addressed to the CSC and copies thereof were sent to both the PNRC and the CSC. It is thus clear that a copy of the Notice of Appeal was furnished the CSC and the Appeal Memorandum was filed with it. While the rules required that the notice of appeal including the appeal memorandum shall be filed with the CSC, it is undeniable that furnishing a copy of the Notice of Appeal with the CSC and filing with it the Appeal Memorandum substantially complied with the rule. **The important thing is that the Appeal Memorandum was clearly addressed to the CSC**.[9]

Anent the issue that respondents' Comment filed before the CA lacks verification and a certificate of non-forum shopping, such is inconsequential because a comment is not an initiatory pleading but a responsive pleading. [T]he required certification against forum shopping is intended to cover an "initiatory

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[9] *Id.* at 87-89. (Emphasis ours)

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pleading," meaning an "incipient application of a party asserting a claim for relief."[10] A comment, required by an appellate tribunal, to a petition filed with it is not a pleading but merely an expression of the views and observations of the respondent for the purpose of giving the court sufficient information as to whether the petition is legally proper as a remedy to the acts complained of. [11]

Based on the above disquisitions, all other issues presented by petitioner are rendered immaterial.

WHEREFORE, the Petition for Review on *Certiorari* under Rule 45 of the Rules of Court dated December 23, 2011 of petitioner Mary Lou Geturbos Torres is **DENIED** for lack of merit. The Decision of the Court of Appeals, dated June 30, 2011, is therefore **AFFIRMED.**

SO ORDERED.

Velasco, Jr. (Chairperson), Perez, Reyes, and *Jardeleza, JJ.,* concur.

THIRD DIVISION

[G.R. No. 205639. January 18, 2016]

PEOPLE OF THE PHILIPPINES, *appellee, vs.* **ANITA MIRANDA *y* BELTRAN,** *appellant.*

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[10] *Spouses Carpio v. Rural Bank of Sto. Tomas (Batangas), Inc.,* 523 Phil. 158, 163 (2006), citing *Santo Tomas University Hospital v. Surla,* 355 Phil. 804, 813-814 (1998).

[11] Federico B. Moreno, *Philippine Law Dictionary* (3rd Edition) (1988), citing *Lepanto Consolidated Mining Co. v. Commercial Union Assurance Co., Ltd.,* 555948-R, May 23, 1975, p. l69.