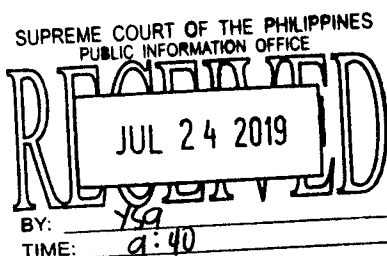
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Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

MARILYN R. YANGSON, Petitioner,	**G.R. No. 200170**
	Present:
-versus-	PERALTA, *J., Chairperson,* LEONEN, CAGUIOA*, HERNANDO and INTING., *JJ.*
DEPARTMENT OF EDUCATION represented by its Secretary BRO. ARMIN A. LUISTRO, FSC, Respondent.	**Promulgated:** June 3, 2019

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DECISION

LEONEN, *J.*:

Reassignments differ from transfers, and public employees with appointments that are not station-specific may be reassigned to another station in the exigency of public service.

This resolves a Petition for Review on Certiorari[1] assailing the July 28, 2011 Decision[2] and January 4, 2012 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 117679.

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* On wellness leave.

[1] *Rollo*, pp. 9–31.

[2] Id. at 32–44. The Decision was penned by Associate Justice Japar B. Dimaampao, and concurred in by Presiding Justice Andres B. Reyes, Jr. (now a member of this Court) and Associate Justice Jane Aurora C. Lantion of the First Division, Court of Appeals, Manila.

Marilyn R. Yangson (Yangson) was Principal III at the Surigao Norte National High School (Surigao National).[4]

On April 30, 2008, Yangson was personally served a Memorandum dated April 14, 2008 issued by then Assistant Schools Division Superintendent Officer-in-Charge Fidela Rosas (Rosas).[5] In the Memorandum, Yangson was reassigned from Surigao National to Toledo S. Pantilo Memorial National High School (Toledo Memorial):

> In the exigency of the service, you are hereby advise[d] of your reassignment from Surigao Norte National High School to Toledo S. Pantilo Memorial National High School effective May 5, 2008.
>
> Please submit your clearance as to money and property accountability before reporting to your new station. Your First Day of Service must also be submitted to this Office for our reference and file.
>
> It is expected that you do your best in the interest of the service.
>
> Please be guided accordingly.[6]

Yangson refused to accept the Memorandum without first consulting her counsel.[7]

Two (2) days prior to the effectivity of her reassignment on May 5, 2008, Yangson filed before the Regional Trial Court a Petition for Injunction with Prayer for Temporary Restraining Order and Damages against Rosas and Dulcesima Corvera (Corvera), who was supposed to replace Yangson as the new principal of Surigao National.[8]

Yangson alleged that the Memorandum violated Department of Education Circular No. 02, series of 2005, because it failed to specify the duration of her reassignment and because it was issued without her prior consultation. She also claimed that there was no vacancy in the position, and the reassignment would cause diminution in her rank.[9]

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[3] Id. at 45–46. The Resolution was penned by Associate Justice Japar B. Dimaampao, and concurred in by Presiding Justice Andres B. Reyes, Jr. (now a member of this Court) and Associate Justice Jane Aurora C. Lantion of the Former First Division, Court of Appeals, Manila.

[4] Id. at 32.

[5] Id. at 32–33.

[6] Id. at 47.

[7] Id. at 33.

[8] Id.

[9] Id. at 54.

On May 5, 2008, the Regional Trial Court issued a Temporary Restraining Order.[10]

However, in its May 24, 2008 Order,[11] the Regional Trial Court denied Yangson's prayer for preliminary injunction. It held that Yangson did not have a vested right over her position at Surigao National because her appointment as Principal III was not station-specific.[12] It also found that the Temporary Restraining Order was sufficient to vindicate her rights even if the Memorandum was not served properly.

Furthermore, the trial court ruled that Yangson was not singled out as other principals were also reassigned. It held that the reassignments were in good faith and within Rosas' authority.[13] It ruled that the issuance of an injunction was improper as Yangson could still appeal to the Director of Public Schools under Section 6 of Republic Act No. 4670, or the Magna Carta for Public School Teachers. While this was pending resolution, the trial court explained, her transfer could be held in abeyance.[14]

Thus, Yangson appealed before the Department of Education CARAGA Regional Office.[15]

In her June 11, 2008 Resolution,[16] Regional Director Jesusita Arteche (Regional Director Arteche) denied Yangson's appeal. Citing Section 26 of the Administrative Code, which differentiated transfers from reassignments,[17] she found that Yangson was reassigned, not transferred. Thus, Section 6 of the Magna Carta for Public School Teachers, which only provided for transfers, was inapplicable. Yangson's reassignment, then, could not be held in abeyance while her appeal was pending resolution.[18]

Regional Director Arteche also ruled that Yangson was not constructively dismissed because her reassignment was done in good faith. Further, it held that Rosas had the discretion to reassign principals and teachers under DECS Order No. 7, series of 1999, which directed the reassignment of teachers and principals every five (5) years.[19]

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[10] Id. at 33 and 54–55.

[11] Id. at 56–58.

[12] Id. at 56–57.

[13] Id. at 57.

[14] Id. at 33–34 and 57–58.

[15] Id. at 34.

[16] Id. at 64–66. The Resolution was penned by Regional Director Jesusita L. Arteche, CESO, of the Department of Education CARAGA Regional Office.

[17] Id. at 64–65.

[18] Id. at 65.

[19] Id.

Yangson elevated her case to the Department of Education Central Office, but her appeal was denied in the August 13, 2008 Resolution.[20]

The Department of Education Central Office affirmed that Yangson was reassigned, not transferred, since her movement did not involve the issuance of an appointment.[21] It held that since Yangson's appointment was not station-specific, her reassignment was within the prerogative of the head of office for the exigency of service. Hence, Yangson could be assigned to any school.

Moreover, the Department of Education Central Office found that since her reassignment was done to promote efficiency in government service, her consent was not necessary. Thus, the Magna Carta for Public School Teachers was not violated.[22]

Even if the movement was a transfer, the Department of Education Central Office found that Yangson's consent was not required since her appointment was not station-specific. It explained that when the appointment is not station-specific, one's consent is not required when he or she is merely assigned or temporarily appointed.[23]

The Department of Education Central Office ruled that there was no malice in Yangson's reassignment just because she was unable to consult her lawyer to question it. It found that Rosas made several earnest efforts to serve Yangson the Memorandum on time, beginning April 22, 2008. In all those instances, Yangson refused to receive the Memorandum, and only accepted it on May 2, 2008. Thus, it ruled that Yangson could not feign ignorance of the action as it was she who employed delaying tactics.[24]

Maintaining that Yangson was not singled out, the Department of Education Central Office explained that her reassignment was part of the reshuffling of all school heads and principals within the division under DECS Order No. 7.[25]

The Department of Education Central Office, likewise, ruled that Yangson's reassignment to a smaller school was neither a demotion nor constructive dismissal. It held that government projects, programs, efforts, and resources could not be subordinated to individual preferences of Civil

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20 Id. at 34–35 and 75–82. The Resolution was recommended by Undersecretary Atty. Franklin C. Suñga and approved by Secretary Jesli A. Lapus of the Department of Education.
21 Id. at 77.
22 Id. at 80–81.
23 Id. at 78.
24 Id. at 79–80.
25 Id. at 80.

Service employees as it would defy the notion that "a public office is a public trust."[26]

The Department of Education Central Office further found that Yangson's Appeal before the Regional Director was filed out of time.[27] It found:

> WHEREFORE, premises considered, the appeal of appellant Marilyn Yangson, is hereby dismissed for lack of merit. She is hereby directed to report immediately to Toledo S. Pantilo Memorial National High School, Sison, Surigao Del Norte.
>
> SO RESOLVED.[28]

Yangson filed a Motion for Reconsideration, but it was denied by the Department of Education Central Office in its October 13, 2008 Resolution. Thus, she elevated her claims to the Civil Service Commission.[29]

In its June 15, 2010 Resolution,[30] the Civil Service Commission reversed both Resolutions of the Department of Education Central Office and ruled in favor of Yangson. It found that her reassignment did not comply with the requirements of Section 6 of the Magna Carta for Public School Teachers.[31]

The Civil Service Commission affirmed that Yangson could be assigned anywhere in the school division.[32] However, it noted that while the movement would be in the same region, Yangson would be placed in a different division. It found that Surigao National is under the Division of Surigao City, while Toledo Memorial is under the Division of Surigao del Norte.[33] Thus, it ruled that Yangson's consent was necessary.[34]

The Civil Service Commission also concluded that the Memorandum only stated the exigency of service, but "failed to show that [Yangson's] transfer was premised on the ground of completion of five (5) years . . . at [Surigao National]."[35] The dispositive portion of the Resolution read:

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[26] Id.
[27] Id. at 81.
[28] Id. at 82.
[29] Id. at 35.
[30] Id. at 91–97. The Resolution was signed by Commissioners Mary Ann Z. Fernandez-Mendoza and Cesar D. Buenaflor and Chairman Francisco T. Duque III, and attested by Director IV Dolores B. Bonifacio of the Civil Service Commission.
[31] Id. at 39–40.
[32] Id. at 95.
[33] Id. The Civil Service Commission based its finding on the master list of schools of the CARAGA Region.
[34] Id. at 96.
[35] Id.

> WHEREFORE, the appeal filed by Marilyn R. Yangson is GRANTED. Accordingly, Resolution dated August 13, 2008 and Resolution dated October 13, 2008 issued by the Secretary, Department of Education, Pasig City, directing her to immediately report to Toledo S. Pantilo Sr. Memorial National High School, Sison, Surigao del Norte, are declared NULL AND VOID. The Schools Division Superintendent is directed to immediately reinstate Yangson in her original work station.[36]

Thus, the Department of Education elevated the matter to the Court of Appeals.[37]

In its July 28, 2011 Decision,[38] the Court of Appeals set aside the rulings of the Civil Service Commission.[39]

The Court of Appeals maintained that while reassignments are different from transfers, both are covered by Section 6 of the Magna Carta for Public School Teachers.[40] However, though it was applicable, the Court of Appeals found that the provision was not violated.[41] It explained that Yangson was being reassigned under the Division Office's plan to reshuffle school administrators in the exigency of service, as the last reshuffling had happened more than five (5) years earlier.[42]

The Court of Appeals also ruled that the reassignment was valid without Yangson's consent, and the notice served to her sufficiently complied with the requirement under the Magna Carta for Public School Teachers.[43] It agreed with the Civil Service Commission that Yangson had not been demoted as there was no reduction in Yangson's rank, status, or salary.[44]

The Court of Appeals further found that Yangson was reassigned to a school in the same division as Surigao National. It noted that she was appointed at the Department of Education, Division of Surigao del Norte, and not any specific station or school.[45] Citing *Fernandez v. Sto. Tomas*,[46] it

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36 Id. at 97. The Resolution dated June 15, 2010 was penned by Civil Service Commissioner Mary Ann Z. Fernandez-Mendoza, signed by Chairman Francisco T. Duque III, and Commissioner Cesar D. Buenaflor, and attested by Director IV of the Civil Service Commission Secretariat and Liason Office Dolores B. Bonifacio, of the Civil Service Commission.

37 Id. at 36.

38 Id. at 32–44.

39 Id. at 43.

40 Id. at 40 *citing The Superintendent of City Schools for Manila v. Azarcon*, 568 Phil. 273 (2008) [Per J. Corona, First Division].

41 Id.

42 Id.

43 Id. at 40–41.

44 Id. at 42.

45 Id. at 41.

46 312 Phil. 235 (1995) [Per J. Feliciano, En Banc].

held that since her appointment was not station-specific, Yangson could be assigned to any school. Her security of tenure does not entitle her to permanently stay in only one (1) school.[47]

The dispositive portion of the Court of Appeals Decision read:

> WHEREFORE, the Petition is hereby GRANTED. Resolution Nos. 101241 and 1000476 of the Civil Service Commission dated 15 June 2010 and 13 December 2010, respectively, are SET ASIDE.
>
> SO ORDERED.[48]

Yangson filed a Motion for Reconsideration, which the Court of Appeals denied in its January 4, 2012 Resolution.[49]

Thus, Yangson filed this Petition for Review on Certiorari.[50]

Petitioner insists that the Court of Appeals did not address the issue of whether her movement was a reassignment or a transfer.[51] She claims that her reassignment contravenes Section 6 of the Magna Carta for Public School Teachers, which provides that her consent must first be obtained before she is transferred.[52] She asserts that she should have been given prior notice. She also posits that the reassignments should not have been implemented while the appeal was pending.[53]

Petitioner further questions the reason and motivation for her transfer. She alleges that Rosas merely shuffled the assignments of three (3) principals after previous attempts to remove her from Surigao National had failed. Likewise, she assails the Division Office's reason that it was for the exigency of service, maintaining that there was no extraordinary occurrence in Toledo Memorial that will require her expertise and qualifications.[54]

Moreover, petitioner claims that there is no reason to remove her from Surigao National as she had an exemplary record at the school. She notes, among others, that the school excelled during her administration and that she was recognized by the Department of Education as Most Outstanding Principal for school year 2005 to 2006.[55]

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[47] *Rollo*, p. 42.
[48] Id. at 43.
[49] Id. at 46.
[50] Id. at 9–28.
[51] Id. at 18.
[52] Id. at 16.
[53] Id. at 19.
[54] Id. at 22.
[55] Id. at 24.

Further claiming that the reassignment diminished her rank and status, petitioner points out that she will only have 31 personnel at Toledo Memorial against her 165 personnel at Surigao National. Since Toledo Memorial is smaller, her supervisory authority will be considerably diminished, as such size is for the position of Principal I, not Principal III.[56]

Petitioner further argues that even if there was no new appointment, her movement was still a demotion. She claims that demotion does not have to be evidenced by a change of appointment, and it may be shown by the size of the school where she is being transferred.[57]

Petitioner suggests that her appointment to Surigao National is station-specific, as her appointment papers indicate that she would replace Mamerto Racaza (Racaza), who had been assigned to Surigao National before he retired.[58]

Petitioner explains that she does not claim any property right over her present position. She is simply refusing her transfer because her constitutional right to security of tenure was violated.[59]

Finally, petitioner argues that even if the movement was a reassignment, not a transfer, it should not be for an indefinite period[60] and should not last longer than one (1) year.[61]

In its Comment,[62] respondent Department of Education argues that the Court of Appeals correctly ruled that petitioner's reassignment is valid.[63] It asserts that petitioner's appointment was not station-specific since her appointment papers indicate that she was appointed as "Principal III of [the Department of Education] Division of Surigao del Norte."[64] It contends that Civil Service Commission Memorandum Circular No. 2, series of 2005, provides that employees without specific stations may be reassigned indefinitely.[65]

Respondent further argues that petitioner need not be served prior notice or an explanation for her reassignment to be valid. Similarly, her consent is not necessary as her transfer was done in good faith and in the

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[56] Id. at 23–24.
[57] Id. at 23.
[58] Id. at 24.
[59] Id. at 25.
[60] Id. at 19.
[61] Id. at 25.
[62] Id. at 184–211.
[63] Id. at 195.
[64] Id. at 198.
[65] Id. at 195.

interest of government service.[66] It argues that petitioner cannot demand as a right that she remain the principal of Surigao National just because she withheld her consent.[67]

Respondent claims that under Section 26(7) of the Administrative Code, Rosas is vested with management prerogative to effect reassignments.[68] It argues that Section 6 of the Magna Carta for Public School Teachers cannot impinge on the policy that school staff would be reassigned after a five (5)-year service in a station. It explains that the policy was made to prevent situations where school officials tend to be complacent after staying in a station for too long, which causes administrative problems.[69]

Asserting that the reassignment was made in accordance with law, respondent argues that the act cannot be deemed a removal without lawful cause or a violation of petitioner's right to security of tenure. It reiterates that petitioner has no vested right to serve at Surigao National, pointing out that she would retain the same rank, status, and salary as Principal III of Toledo Memorial.[70]

Furthermore, respondent claims that petitioner raises factual issues improper in a Rule 45 petition.[71] It asserts that the findings of the Court of Appeals are conclusive as they were supported by substantial evidence.[72]

Respondent also points that petitioner failed to comply with the requirement under Rule 45, Section 5 of the Rules of Court because it was petitioner herself who certified the documents attached to the Petition as true copies.[73]

In her Reply,[74] petitioner reiterates that even if she can be transferred or reassigned, it should not be for an indefinite period.[75]

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66 Id. at 200.
67 Id. at 201.
68 Id. at 200.
69 Id. at 201.
70 Id. at 205.
71 Id. at 205–206. These factual issues allegedly include: (1) whether Yangson's movement was a transfer; (2) whether the notice is necessary to enable her appeal; (3) whether her reassignment is for an indefinite period; (4) whether there is a valid reason for her reassignment; (5) whether it amounts to a diminution in her rank and status; (6) whether she was appointed solely to Surigao National; and (7) whether her reassignment was warranted considering her excellent performance at Surigao National.
72 Id.
73 Id. at 207.
74 Id. at 266–270.
75 Id. at 266.

For this Court's resolution is the issue of whether or not petitioner Marilyn R. Yangson's reassignment was valid. In connection with this, we resolve the following issues:

First, whether or not petitioner's appointment is station-specific;

Second, whether or not Section 6 of the Magna Carta for Public School Teachers applies to petitioner's movement;

Third, whether or not petitioner's reassignment violated her secutity of tenure;

Fourth, whether or not petitioner's reassignment was for the exigency of service and in accordance with policy;

Fifth, whether or not petitioner was demoted; and

Finally, whether or not petitioner's appointment may be indeterminate.

The Petition lacks merit. Petitioner's reassignment is valid.

I

This Court affirms the finding that petitioner's appointment was not station-specific.

Petitioner suggests that her appointment is station-specific because her appointment papers state that she would replace Racaza, who, before his retirement, had been assigned at Surigao National.[76]

This contention is untenable.

An appointment is station-specific if the employee's appointment paper specifically indicates on its face the particular office or station the position is located. Moreover, the station should already be specified in the position title, even if the place of assignment is not indicated on the face of the appointment.[77]

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[76] Id. at 24.

[77] CSC Resolution No. 1800692 (2018), sec. 13(1). 2017 Omnibus Rules on Appointments and Other Human Resource Actions (Revised 2018).

Here, respondent alleges that petitioner was appointed as "Principal III of [the Department of Education] Division of Surigao del Norte."[78]

Petitioner did not deny this in her pleadings.

Evidently, petitioner's appointment is not solely for Surigao National or for any specific school. There is no particular office or station specifically indicated on the face of her appointment paper. Neither does her position title specifically indicate her station.

Furthermore, the Regional Trial Court,[79] the Department of Education,[80] and the Court of Appeals,[81] all found that petitioner's appointment was *not* station-specific.

It is settled that the factual findings of lower tribunals are entitled to great weight and respect absent any showing that they were not supported by evidence, or the judgment is based on a misapprehension of facts.[82] There is no showing of any of these exceptions here.

II

Moreover, Section 6 of the Magna Carta for Public School Teachers does not apply here. The provision states:

> SECTION 6. *Consent for Transfer — Transportation Expenses.* — Except for cause and as herein otherwise provided, no teacher shall be *transferred* without his consent from one station to another.
>
> Where the exigencies of the service require the *transfer* of a teacher from one station to another, such *transfer* may be effected by the school superintendent who shall previously notify the teacher concerned of the *transfer* and the reason or reasons therefor. If the teacher believes there is no justification for the *transfer*, he may appeal his case to the Director of Public Schools or the Director of Vocational Education, as the case may be. Pending his appeal and the decision thereon, his *transfer* shall be held in abeyance: *Provided, however*, That no *transfers* whatever shall be made three months before any local or national election.

[78] *Rollo*, p. 198.
[79] Id. at 56.
[80] Id. at 80.
[81] Id. at 41.
[82] *Fangonil-Herrera v. Fangonil*, 558 Phil. 235, 254 (2007) [Per J. Chico-Nazario, Third Division].

> Necessary transfer expenses of the teacher and his family shall be paid for by the Government if his transfer is finally approved. (Emphasis supplied)

The text of the law is clear and unequivocal: Section 6 applies to transfers, not reassignments. Petitioner's movement from Surigao National to Toledo Memorial was a reassignment, not a transfer.

The legal concept of transfer differs from reassignment. Most notably, a transfer involves the issuance of another appointment, while a reassignment does not.

Section 26 of the Administrative Code provides:

> SECTION 26. *Personnel Actions.* — . . .
>
> As used in this Title, any action denoting the movement or progress of personnel in the civil service shall be known as personnel action. Such action shall include appointment through certification, promotion, *transfer*, reinstatement, re-employment, detail, *reassignment*, demotion, and separation. All personnel actions shall be in accordance with such rules, standards, and regulations as may be promulgated by the Commission.
>
> . . . .
>
> (3) Transfer. — A transfer is a movement from one position to another which is of equivalent rank, level, or salary without break in service *involving the issuance of an appointment.*
>
> It shall not be considered disciplinary when made in the interest of public service, in which case, the employee concerned shall be informed of the reasons therefor. If the employee believes that there is no justification for the transfer, he may appeal his case to the Commission.
>
> The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency: *Provided, however*, That any movement from the non-career service to the career service shall not be considered a transfer.
>
> . . . .
>
> (7) *Reassignment.* — An employee may be reassigned from one organizational unit to another in the same agency: *Provided*, that such reassignment shall not involve a reduction in rank, status or salary.

Transfer and reassignment are defined in Section 24 of Presidential Decree No. 807,[83] or the Civil Service Law:

> SECTION 24. *Personnel Actions*. — All appointments in the career service shall be made only according to merit and fitness, to be determined as far as practicable by competitive examinations. A non-eligible shall not be appointed to any position in the civil service whenever there is a civil service eligible actually available for and ready to accept appointment.
>
> As used in this Decree, any action denoting the movement or progress of personnel in the civil service shall be known as personnel action. Such action shall include appointment through certification, promotion, transfer, reinstatement, re-employment, detail, reassignment, demotion, and separation. All personnel actions shall be in accordance with such rules, standards, and regulations as may be promulgated by the Commission.
>
> . . . .
>
> (c) *Transfer*. — A transfer is a movement from one position to another which is of equivalent rank, level, or salary without break in service involving the issuance of an appointment.
>
> It shall not be considered disciplinary when made in the interest of public service, in which case, the employee concerned shall be informed of the reasons therefore. If the employee believes that there is no justification for the transfer, he may appeal his case to the Commission.
>
> The transfer may be from one department or agency to another or from one organizational unit to another in the same department or agency: *Provided, however*, That any movement from the non-career service to the career service shall not be considered a transfer.
>
> . . . .
>
> (g) *Reassignment*. — An employee may be reassigned from one organizational unit to another in the same agency: *Provided*, That such reassignment shall not involve a reduction in rank, status or salary.

They are also defined in Sections 11 and 13(a) of Civil Service Commission Resolution No. 1800692, otherwise known as the 2017 Omnibus Rules on Appointments and Other Human Resource Actions. The provisions state:

> SECTION 11. *Nature of Appointment*. — The nature of appointment shall be, as follows:

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[83] Presidential Decree No. 807 (1975), sec. 24, Civil Service Decree of the Philippines or Civil Service Law of 1975.

. . . .

c. Transfer — the movement of employee from one position to another which is of equivalent rank, level or salary without gap in the service involving the issuance of an appointment.

The transfer may be from one organizational unit to another in the same department or agency or from one department or agency to another: Provided, however, that any movement from the non-career service to the career service and vice versa shall not be considered as a transfer but reappointment.

. . . .

SECTION 13. *Other Human Resource Actions.* — The following human resource actions which will not require the issuance of an appointment shall nevertheless require an Office Order issued by the appointing officer/authority:

a. Reassignment — movement of an employee across the organizational structure within the same department or agency, which does not involve a reduction in rank, status or salary.

Osea v. Malaya[84] differentiates a reassignment from a new appointment, which is necessary in a transfer:

Appointment should be distinguished from reassignment. An appointment may be defined as the selection, by the authority vested with the power, of an individual who is to exercise the functions of a given office. When completed, usually with its confirmation, the appointment results in security of tenure for the person chosen unless he is replaceable at pleasure because of the nature of his office.

On the other hand, a reassignment is merely a movement of an employee from one organizational unit to another in the same department or agency which does not involve a reduction in rank, status or salary and does not require the issuance of an appointment.[85] (Citations omitted)

In *Department of Education, Culture and Sports v. Court of Appeals,*[86] a secondary school principal, whose appointment was not station-specific, contested her reassignment to another school. She cited the Magna Carta for Public School Teachers, arguing that her consent is necessary for the reassignment's validity. There, this Court differentiated transfer from reassignment and held that the Magna Carta for Public School Teachers is not applicable:

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[84] 425 Phil. 920 (2002) [Per J. Ynares-Santiago, En Banc].

[85] Id. at 926.

[86] 262 Phil. 608 (1990) [Per J. Paras, Second Division].

The aforequoted provision of Republic Act No. 4670 particularly Section 6 thereof which provides that except for cause and in the exigencies of the service no teacher shall be transferred without his consent from one station to another, finds no application in the case at bar as this is *predicated upon the theory that the teacher concerned is appointed — not merely assigned — to a particular station.* Thus:

> "The rule pursued by plaintiff only goes so far as the appointment indicates a specification. Otherwise, the constitutionally ordained security of tenure cannot shield her. In appointments of this nature, this Court has consistently rejected the officer's demand to remain — even as public service dictates that a transfer be made — in a particular station. Judicial attitude toward transfers of this nature is expressed in the following statement in *Ibañez vs. Commission on Elections*:
>
> > 'That security of tenure is an essential and constitutionally guaranteed feature of our Civil Service System, is not open to debate. The mantle of its protection extends not only against removals without cause but also against unconsented transfer which, as repeatedly enunciated, are tantamount to removals which are within the ambit of the fundamental guarantee. However, the availability of that security of tenure necessarily depends, in the first instance, upon the *nature of the appointment.* Such that the rule which proscribes transfers without consent as anathema to the security of tenure is predicated upon the theory that the *officer involved is appointed — not merely assigned to a particular station."*

The appointment of Navarro as principal does not refer to any particular station or school. As such, she could be assigned to any station and she is not entitled to stay permanently at any specific school. When she was assigned to the Carlos Albert High School, it could not have been with the intention to let her stay in said school permanently. Otherwise, her appointment would have so stated. Consequently, she may be assigned to any station or school in Quezon City as the exigencies of public service require even without her consent.[87] (Emphasis supplied, citations omitted)

Here, the Memorandum petitioner questions specifically stated that she was being reassigned:

> In the exigency of the service, you are hereby advise(d) of your reassignment from [Surigao National] to [Toledo Memorial] effective May 5, 2008.[88]

[87] Id. at 614–615.

[88] *Rollo*, p. 33.

This was a simple reassignment. Section 6 of the Magna Carta for Public School Teachers, then, does not apply.

III

Moreover, petitioner's reassignment did not violate her right to security of tenure.

In *Brillantes v. Guevarra*,[89] another principal contested her assignment to a school, alleging that she was being removed without cause and her consent. This Court found her contentions unmeritorious:

> 1. Arguing that an appointment as principal in the Bureau of Public Schools and *assignment* to a particular school are inseparable, plaintiff maintains that her unconsented transfer to another school by virtue of an administrative directive amounts to a removal — prohibited by the Constitution and the Civil Service Act — which cannot be done unless for causes specified by law.
>
> Plaintiff's confident stride falters. She took too loose a view of the applicable jurisprudence. Her refuge behind the mantle of security of tenure guaranteed by the Constitution is not impenetrable. She proceeds upon the assumption that she occupies her station in Sinalang Elementary School by appointment. But her first appointment as Principal merely reads, thus: "You are hereby appointed a *Principal (Elementary School) in the Bureau of Public Schools, Department of Education*," without mentioning her station. She cannot therefore claim security of tenure as Principal of Sinalang Elementary School or any particular station. She may be assigned to any station as exigency of public service requires, even without her consent. She thus has no right of choice.
>
> The rule pursued by plaintiff only goes so far as the appointment indicates a specific station. Otherwise, the constitutionally ordained security of tenure cannot shield her. In appointments of this nature, this Court has consistently rejected the officer's demand to remain—even as public service dictates that a transfer be made—in a particular station.[90] (Citations omitted)

Fernandez discusses several more cases where it was ruled that the right to security of tenure is not violated when a public officer or employee, whose appointment is not station-specific, is reassigned:

> In the very recent case of *Fernando, et al. v. Hon. Sto. Tomas, etc., et al.*, the Court addressed appointments of petitioners as "Mediators-

[89] 136 Phil. 315 (1969) [Per J. Sanchez, En Banc].
[90] Id. at 321–322.

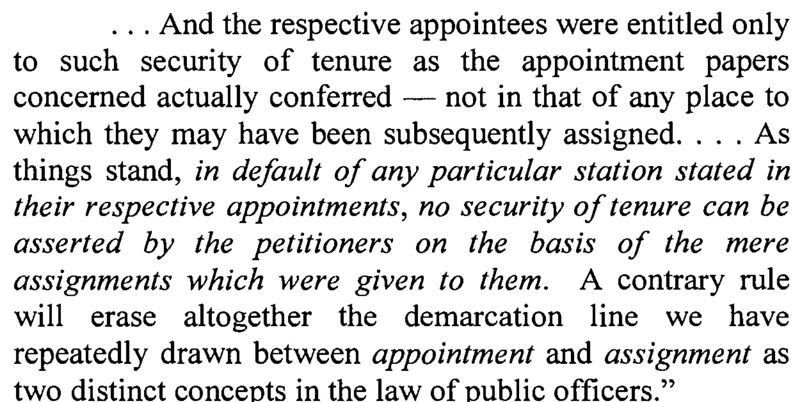
Arbiters in the National Capital Region" in dismissing a challenge on *certiorari* to resolutions of the CSC and orders of the Secretary of Labor. The Court said:

> "Petitioners were appointed as Mediator-Arbiters in the National Capital Region. *They were not, however, appointed to a specific station or particular unit of the Department of Labor in the National Capital Region (DOLE-NCR).* Consequently, *they can always be reassigned from one organizational unit to another of the same agency* where, in the opinion of respondent Secretary, their services may be used more effectively. As such *they can neither claim a vested right to the station to which they were assigned nor to security of tenure thereat.* As correctly observed by the Solicitor General, petitioners' reassignment is not a transfer for they were not removed from their position as med-arbiters. They were not given new appointments to new positions. It indubitably follows, therefore, that Memorandum Order No. 4 ordering their reassignment in the interest of the service is legally in order."

In *Quisumbing v. Gumban*, the Court, dealing with an appointment in the Bureau of Public Schools of the Department of Education, Culture and Sports, ruled as follows:

> "After a careful scrutiny of the records, it is to be underscored that *the appointment of private respondent Yap is simply that of a District Supervisor of the Bureau of Public Schools which does not indicate a specific station.* As such, *she could be assigned to any station and she is not entitled to stay permanently at any specific station.*"

Again, in *Ibañez v. Commission on Elections*, the Court had before it petitioners' appointments as "Election Registrars in the Commission of Elections," without any intimation to what city, municipality or municipal district they had been appointed as such. The Court held that since petitioners "were not appointed to, and consequently not entitled to any security of tenure or permanence in, any specific station," "on general principles, they [could] be transferred as the exigencies of the service required," and that they had no right to complain against any change in assignment. The Court further held that assignment to a particular station after issuance of the appointment was not necessary to complete such appointment:



> . . . And the respective appointees were entitled only to such security of tenure as the appointment papers concerned actually conferred — not in that of any place to which they may have been subsequently assigned. . . . As things stand, *in default of any particular station stated in their respective appointments, no security of tenure can be asserted by the petitioners on the basis of the mere assignments which were given to them.* A contrary rule will erase altogether the demarcation line we have repeatedly drawn between *appointment* and *assignment* as two distinct concepts in the law of public officers."

. . . .

Also noteworthy is *Sta. Maria v. Lopez* which involved the appointment of petitioner Sta. Maria as "Dean, College of Education, University of the Philippines." Dean Sta. Maria was transferred by the President of the University of the Philippines to the Office of the President, U.P., without demotion in rank or salary, thereby acceding to the demands of student activists who were boycotting their classes in the U.P. College of Education. Dean Sta. Maria assailed his transfer as an illegal and unconstitutional removal from office. In upholding Dean Sta. Maria's claim, the Court, speaking through Mr. Justice Sanchez, laid down the applicable doctrine in the following terms:

> . . . .
>
> *The clue to such transfers may be found in the 'nature of the appointment.' Where the appointment does not indicate a specific station, an employee may be transferred or reassigned provided the transfer affects so substantial change in title, rank and salary.* Thus, one who is appointed 'principal in the Bureau of Public Schools' and is designated to head a pilot school may be transferred to the post of principal of another school.
>
> And *the rule that outlaws unconsented transfers* as anathema to security of tenure *applies only to an officer who is appointed — not merely assigned — to a particular station.* Such a rule does not proscribe a transfer carried out under a specific statute that empowers the head of an agency to periodically reassign the employees and officers in order to improve the service of the agency. *The use of approved techniques or methods in personnel management to harness the abilities of employees to promote optimum public service cannot be objected to.*
>
> . . . .
>
> To be stressed at this point, however, is that the appointment of Sta. Maria is that of *'Dean, College of Education, University of the Philippines.' He is not merely a dean 'in the university.' His appointment is to a specific position; and, more importantly, to a specific station.*"[91] (Emphasis supplied, citations omitted)

Here, it has been established that petitioner's appointment is not station-specific. While she is entitled to her right to security of tenure, she cannot assert her right to stay at Surigao National. Her appointment papers are not specific to the school, which means she may be assigned to any station as may be necessary for public exigency. Because she holds no vested right to remain as Principal III of Surigao National, her security of tenure was not violated.

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[91] 312 Phil. 235, 254–258 (1995) [Per J. Feliciano, En Banc].

IV

Clearly, petitioner's reassignment was for the exigency of service.

Prior to the issuance of the Memorandum, in a March 31, 2008 letter, Rosas recommended the reshuffling and/or reassignment of secondary administrators and teachers to the Regional Director of the Department of Education CARAGA.[92] The Regional Director did not object.[93]

Furthermore, on March 7, 2008, a special meeting of secondary school administrators was held to inform the teachers of the planned reshuffling of school administrators to comply with MEC Circular No. 26.[94] This allegation was supported by Affidavits from those in attendance.[95]

While petitioner was absent on the day of the meeting, she does not deny that the meeting took place. Neither can she assert that she was insufficiently notified of her reassignment, since she had refused the Memorandum precisely entailing her reassignment to be served upon her.[96]

Section 26(7) of the Administrative Code allows any government department or agency that is embraced in the civil service prerogative to reassign employees:[97]

> SECTION 26. *Personnel Actions.* — . . .
>
> As used in this Title, any action denoting the movement or progress of personnel in the civil service shall be known as personnel action. Such action shall include appointment through certification, promotion, transfer, reinstatement, re-employment, detail, reassignment, demotion, and separation. *All personnel actions shall be in accordance with such rules, standards, and regulations as may be promulgated by the Commission.*
>
> . . . .
>
> (7) *Reassignment.* — An employee may be *reassigned from one organizational unit to another in the same agency*; *Provided*, That such reassignment shall *not* involve a *reduction in rank, status or salary.* (Emphasis supplied)

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[92] *Rollo*, pp. 75 and 91.

[93] Id. In accordance with the 1st Indorsement dated April 2, 2008 signed by Dr. Isabelita M. Borres, CESO IV, Assistant Regional Director and Officer-in-Charge, Department of Education CARAGA.

[94] Id. at 212.

[95] Id. at 212–229.

[96] Id. at 33.

[97] *Fernandez v. Sto. Tomas*, 312 Phil. 235 (1995) [Per J. Feliciano, En Banc].

Fernandez discusses that reassignments by virtue of this provision are neither deemed as removals without lawful cause nor seen as violations of the right to security of tenure:

> It follows that the reassignment of petitioners . . . had been effected with express statutory authority and did not constitute removals without lawful cause. It also follows that such reassignment did *not* involve any violation of the constitutional right of petitioners to security of tenure considering that they retained their positions of Director IV and would continue to enjoy the same rank, status and salary at their new assigned stations which they had enjoyed at the Head Office of the Commission in Metropolitan Manila. Petitioners had not, in other words, acquired a vested right to serve at the Commission's Head Office. [98]

In *Department of Education, Culture and Sports*, this Court affirmed the reshuffling of principals in the exigencies of service:

> It should be here emphasized that Azurin's letter of August 12, 1982, clearly stated that Navarro's reassignment is in the exigencies of the service. It was explicitly mentioned that her reassignment is a recognition of her capabilities as administrator in improving the Carlos Albert High School and that she should look at her new assignment as a challenge to accomplish new and bigger projects for Manuel Roxas High School. Moreover, her reassignment was the result of a recognition/reshuffling of all principals in the Quezon City public high schools in the exigencies of the service pursuant to MEC Circular No. 26, Series of 1972. This circular refers to the policy of the Ministry of Education that principals, district supervisors, academic supervisors, general education supervisors, school administrative officers and superintendents are to be transferred upon completion of five (5) years of service in one station. Such policy was based on the experience that when school officials have stayed long enough in one station, there is a tendency for them to become stale and unchallenged by new situations and conditions, and that some administrative problems accumulate for a good number of years.
>
> In the case at bar, the reasons given by Azurin in recommending Navarro's reassignment were far from whimsical, capricious or arbitrary. Navarro had been assigned as principal of Carlos Albert High School for more than ten (10) years. She was ripe for reassignment. That she was a model principal was precisely one of the reasons for recommending her for reassignment so that her management and expertise could be availed of in her new assignment. Apart from the presumption of good faith that Azurin enjoys, We believe that her recommendation for Navarro's reassignment — for the latter to share the benefits of her expertise in her new assignment plus the recognizable fact that a relatively long stay in one's station tends towards over-fraternization with associates which could be injurious to the service — has a substantial factual basis that

[98] 312 Phil. 235, 251 (1995) [Per J. Feliciano, En Banc].

> meets the requirements of the exigencies of the service.[99] (Citations omitted)

Similarly, here, we cannot conclude as a matter of established fact that petitioner was reassigned by whim, fancy, or spite, as she would like this Court to believe. It is presumed that reassignments are "regular and made in the interest of public service."[100] The party questioning its regularity or asserting bad faith carries the burden to prove his or her allegations.[101] In *Andrade v. Court of Appeals*:[102]

> Entrenched is the rule that bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; it partakes of the nature of fraud. In the case at bar, we find that there was no "dishonest purpose," or "some moral obliquity," or "conscious doing of a wrong," or "breach of a known duty," or "some motive or interest or ill will" that can be attributed to the private respondent. It appeared that efforts to accommodate petitioner were made as she was offered to handle two (2) non-teaching jobs, that is, to handle Developmental Reading lessons and be an assistant Librarian, pending her re-assignment or transfer to another work station, but she refused. The same would not have been proposed if the intention of private respondent were to cause undue hardship on the petitioner. Good faith is always presumed unless convincing evidence to the contrary is adduced. It is incumbent upon the party alleging bad faith to sufficiently prove such allegation. Absent enough proof thereof, the presumption of good faith prevails. In the case at bar, the burden of proving alleged bad faith therefore was with petitioner but she failed to discharge such *onus probandi*. Without a clear and persuasive evidence of bad faith, the presumption of good faith in favor of private respondent stands.[103]

V

Petitioner's reassignment cannot be considered a demotion or constructive dismissal.

A demotion means that an employee is moved or appointed from a higher position to a lower position with decreased duties and responsibilities, or with lesser status, rank, or salary.[104]

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[99] 262 Phil. 608, 616 (1990) [Per J. Paras, Second Division].

[100] *Nieves v. Blanco,* 688 Phil. 282, 292 (2012) [Per J. Reyes, En Banc] *citing* CSC Resolution No. 1800692 (2018), sec. 13(a)(3).

[101] *Andrade v. Court of Appeals,* 423 Phil. 30, 43 (2001) [Per J. De Leon, Jr. Second Division].

[102] 423 Phil. 30 (2001) [Per J. De Leon, Jr. Second Division].

[103] Id. at 43.

[104] *Cruz v. Court of Appeals,* 322 Phil. 649, 667 (1996) [Per J. Davide, Jr., Third Division], *citing* Rule VII, Section 11 of the Civil Service Commission Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, and *Fernando v. Sto. Tomas*, 304 Phil. 713 (1994) [Per J. Regalado, En Banc].

Constructive dismissal occurs whether or not there is diminution in rank, status, or salary if the employee's environment has rendered it impossible for him or her to stay in his or her work. It may be due to the agency head's unreasonable, humiliating, or demeaning actuations, hardship because geographic location, financial dislocation, or performance of other duties and responsibilities inconsistent with those attached to the position.[105]

A reassignment may be deemed a constructive dismissal if the employee is moved to a position with a more servile or menial job as compared to his previous position. It may occur if the employee was reassigned to an office not in the existing organizational structure, or if he or she is not given a definite set of duties and responsibilities. It may be deemed constructive dismissal if the motivation for the reassignment was to harass or oppress the employee on the pretext of promoting public interest. This may be inferred from reassignments done twice within a year, or during a change of administration of elective and appointive officials.[106]

However, demotion and constructive dismissal are never presumed and must be sufficiently proven.[107] Again, petitioner failed to rebut this reasonable presumption.

Petitioner's position at Toledo Memorial is still Principal III. She retains the same rank, status, and salary, and is expected to exercise the same duties and responsibilities. There is no movement from a higher position to a lower position. She was not given a more servile or menial job.

Similarly, she was not humiliated, demeaned, or treated unreasonably. She did not allege that it was impossible for her to continue her work due to the geographic location. There is no showing that she was financially dislocated or that she was being made to perform duties and responsibilities that contravene those of her position. Moreover, Toledo Memorial is a high school within her area of appointment. She was given a definite set of duties and responsibilities. This is not the second reassignment within a year, or a reassignment during a change of administration of elective and appointive officials.[108]

Moreover, petitioner explains that she was demoted because her supervisory authority has been diminished considering the school she was reassigned to is smaller than Surigao National.[109]

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[105] *Coseteng v. Perez,* G.R. No. 185938, September 6, 2017, 838 SCRA, 680–681 (2017) [Per J. Reyes, Jr., Second Division] and CSC Resolution No. 1800692 (2018), sec. 13(a)(3).
[106] CSC Resolution No. 1800692 (2018), sec. 13(a)(3).
[107] CSC Resolution No. 1800692 (2018), sec. 13(a)(3).
[108] Id.
[109] *Rollo* p. 23.

This argument is specious.

In *Brillantes*, a principal insisted that she was demoted because the school she was assigned to was not a pilot demonstration school, was six (6) kilometers from her hometown, and only had 13 teachers. She compared this to her old school which was a pilot school in her hometown with 23 teachers. This Court noted that her rank was maintained as Principal I and that her preferences could not be prioritized over the demands of public service and the interest of the public that may benefit from her experience.[110]

VI

Finally, petitioner argues that assuming she was only reassigned, her reassignment should not be for an indefinite period and should not last longer than a year.[111]

Again, petitioner's argument fails.

When an employee's appointment is station-specific, his or her reassignment may not exceed a maximum period of one (1) year. This is not the case for appointments that are not station-specific. In such instances, the reassignment may be indefinite and exceed one (1) year[112]—as in petitioner's case.

On a final note, this Court is aghast that grammatical errors pervade the Memorandum of the Assistant Schools Division Superintendent Officer-in-Charge.[113] Such errors committed by a public employee, whose position affects the education of the youth, is disturbing. Certainly, it appears that there is a need to better the quality of education in our country and impose higher standards on the competence of public officers, in keeping with the constitutional provision to promote the right of all citizens to quality education at all levels[114]—unless, of course, this unforgivable lack of proficiency in the English language is unique to Rosas. For the good of the country, we advise that she brush up her skills using the lessons that our public schools teach our children.

WHEREFORE, this Court **DENIES** the Petition. The July 28, 2011 Decision and January 4, 2012 Resolution of the Court of Appeals in CA-

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[110] 136 Phil. 315, 325–327 (1969) [Per J. Sanchez, En Banc].

[111] *Rollo*, pp. 19 and 25–26.

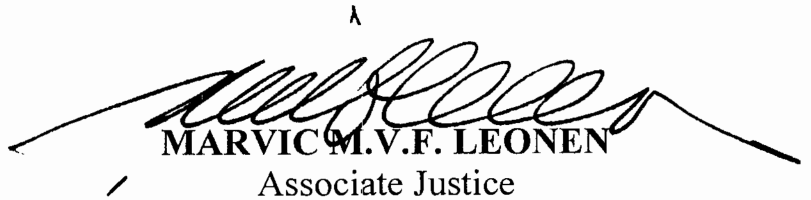
[112] *Nieves v. Blanco*, 688 Phil. 282, 290 (2012) [Per J. Reyes, En Banc]. CSC Resolution No. 1800692 (2018), sec. 13 (a), par. 1–2.

[113] *Rollo*, p. 33.

[114] CONST., art. XIV, sec. 1.

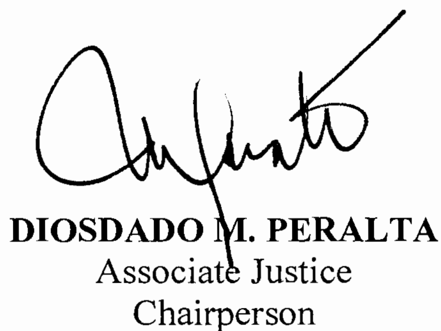
G.R. SP No. 117679 are **AFFIRMED**. Petitioner Marilyn R. Yangson's reassignment is valid and consistent with law and jurisprudence.

SO ORDERED.



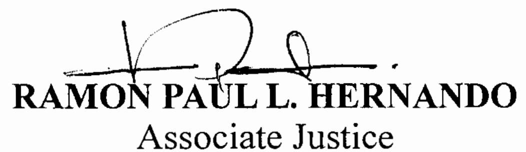
MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:



DIOSDADO M. PERALTA
Associate Justice
Chairperson

On wellness leave
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

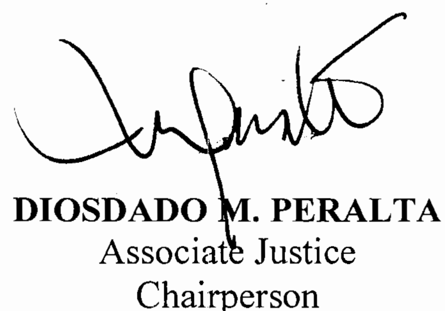


RAMON PAUL L. HERNANDO
Associate Justice

HENRI JEAN PAUL B. INTING
Associate Justice

ATTESTATION

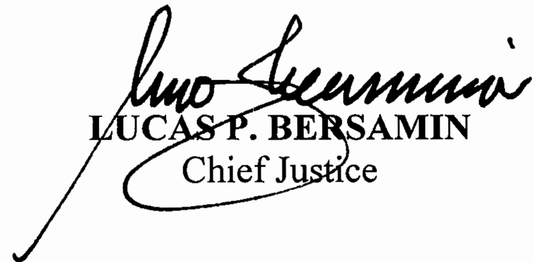
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



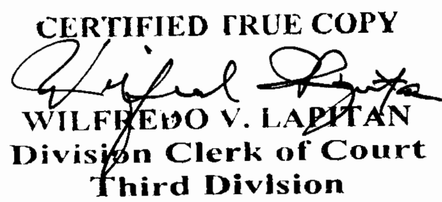
DIOSDADO M. PERALTA
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.



LUCAS P. BERSAMIN
Chief Justice



CERTIFIED TRUE COPY
WILFREDO V. LAPITAN
Division Clerk of Court
Third Division
JUL 19 2019