EN BANC

G.R. No. 237322 (*Civil Service Commission, petitioner vs. Police Officer 1 Gilbert Fuentes, respondent*).

Promulgated: January 10, 2023

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SEPARATE CONCURRING OPINION

GESMUNDO, *C.J.*:

The Civil Service Commission (*CSC*) has the unqualified legal standing to assail a reversal of its ruling in a disciplinary case against a civil service employee. There is no basis to treat the CSC and the Ombudsman differently from one another, such that the Court may dismiss the petition filed by the CSC if the opposing party clearly shows that the CSC has no legal standing to bring the appeal – "when the decision will not seriously prejudice the civil service system, will not impair the effectiveness of government, does not have a deleterious effect on the government, or does not have an adverse impact on the integrity of the civil service."[1] Such standards are too nebulous, lending to unpredictability in their application. The constitutional mandate of the CSC clothes it with sufficient legal personality, without qualification, to assail the Court of Appeals' (*CA*'s) reversal.

I write to share my perspective on the issue of whether petitioner CSC has unqualified legal standing to assail a reversal of its ruling in a disciplinary case against a civil service employee. To my mind, the resolution of this issue requires a review of the CSC's place in the constitutional structure, particularly in relation to the discipline of civil service officers and employees.

The essential facts are as follows: during a traffic altercation, Police Officer 1 Gilbert Fuentes (*PO1 Fuentes*) shot Oliver Pingol (*Oliver*), causing the latter's death. Oliver's brother, Nestor Pingol (*Nestor*), filed an administrative case against PO1 Fuentes before the National Police Commission (*NAPOLCOM*). In 2013, the NAPOLCOM found PO1 Fuentes liable for grave misconduct and dismissed him from the service. On appeal, the CSC affirmed the NAPOLCOM's ruling. This prompted PO1 Fuentes to file before the CA a petition for review pursuant to Rule 43 of the Rules of

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[1] *Ponencia*, p. 24.

Court. The CA granted the petition and reversed the CSC's decision. It exonerated PO1 Fuentes from liability explaining that he unintentionally killed Oliver after the latter and his companions provoked the former to draw his weapon. The CSC, through the Office of the Solicitor General, filed a petition before the Court assailing the CA's decision.

The core issue is whether PO1 Fuentes should be dismissed from the service for grave misconduct.

The *ponencia* granted the petition, declaring that the CSC, in the instant case, has requisite legal standing to bring this action before the Court. The *ponencia* harmonized the rulings in *Civil Service Commission v. Dacoycoy*[2] (*Dacoycoy*) and *Mathay, Jr. v. Court of Appeals*[3] (*Mathay, Jr.*) and set the following rules on the CSC's standing to appeal in disciplinary actions:

> 1. Generally, the Commission has standing to bring an appeal before this Court as an aggrieved party affected by the reversal or modification of its decisions;
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> 2. As an exception, this Court can dismiss the petition filed by the Commission if an opposing party clearly shows that the Commission has no standing to bring the appeal — such as when the decision will not seriously prejudice the civil service system, will not impair the effectiveness of government, does not have a deleterious effect on the government, or does not have an adverse impact on the integrity of the civil service;
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> 3. In any event, the appointing authority, prosecuting agency, appointee, or private complainant in appropriate cases is not precluded from elevating a decision adverse to them for review.[4]

In short, the *ponencia* provides that, as a general rule, the CSC has legal personality to assail a reversal of its ruling in a disciplinary case against a civil service employee. However, in the same breath, it also states that the CSC may lose such standing depending on whether "the decision will not seriously prejudice the civil service system, will not impair the effectiveness of government, does not have a deleterious effect on the government, or does not have an adverse impact on the integrity of the civil service."[5]

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2 366 Phil. 86 (1999) [Per J. Pardo, *En Banc*].
3 378 Phil. 466 (1999) [Per J. Ynares-Santiago, *En Banc*].
4 *Ponencia*, pp. 23-24.
5 Id. at 24.

I most respectfully clarify my position with the *ponencia*'s proposed guidelines. I believe that the CSC has unqualified legal standing to file an appeal in disciplinary cases before the Supreme Court. A judicious resolution in this case necessitates a reexamination of the development of the CSC and the extent of its functions under the current constitutional regime.

The CSC's role as a constitutional commission

A. Evolution of the CSC under the Philippine system of government

The civil service system was established by the Second Philippine Commission as early as 1900.[6] Under the 1935 Constitution, in 1959, the Civil Service Law or Republic Act (*R.A.*) No. 2260[7] was enacted to integrate various issuances relating to the administration of government personnel. This statute also elevated the governing body from bureau to department status and called it the "Civil Service Commission."[8] "Except as otherwise provided by law," the Commissioner of the Civil Service had the "final authority to pass upon the removal, separation and suspension of all permanent officers and employees" in the civil service and "upon all matters relating to [their] conduct [and] discipline."[9] Back then, the decisions of the Commissioner in administrative cases can be appealed before the Civil

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6 Public Law No. 5, entitled "An Act for the Establishment and Maintenance of an Efficient and Honest Civil Service in the Philippine Islands." Effective: September 19, 1900.

7 Entitled "An Act to Amend and Revise the Laws Relative to Philippine Civil Service." Effective: July 27, 1959.

8 Republic Act No. 2260, Sec. 7, *viz.*: "There is hereby **established** a **Civil Service Commission**, the head of which shall be known as the Commissioner of Civil Service[.] x x x The Commissioner of Civil Service shall have the rank of a **Department** Secretary and shall be an *ex-officio* member of the cabinet." (Emphases supplied)

9 Republic Act No. 2260, Sec. 16(i) and (j), *viz.*:

> Sec. 16. *Powers and Duties of the Commissioner of Civil Service.* – It shall be among the powers and duties of the Commissioner of Civil Service:
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> x x x x
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> (i) Except as otherwise provided by law, to have **final authority to pass upon the removal, separation and suspension** of all permanent officers and employees in the competitive or classified service **and upon all matters relating to the conduct, discipline**, and efficiency of such officers and employees; and to prescribe standards, guidelines and regulations governing the administration of discipline;
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> (j) To **hear and determine appeals** instituted by any person believing himself aggrieved by an action or determination of any appointing authority contrary to the provisions of the Civil Service Law and rules, and to provide rules and regulations governing such appeals, and he may make such investigations or inquiries into the facts relating to the action or determination appealed from as may be deemed advisable and may affirm, review, or modify such action or determination, and **the decision of the Commissioner shall be final**[.] (Emphases supplied)

Service Board of Appeals (*CSBA*) and the latter's decisions were considered final.[10]

The 1973 Constitution further elevated the status of the CSC to that of a constitutional commission, which decides as a body composed of a chairperson and two commissioners. In 1975, pursuant to Presidential Decree (*P.D.*) No. 807,[11] the CSC was reorganized and its disciplinary jurisdiction was further modified. It was given the power to "[h]ear and decide administrative disciplinary cases instituted directly" or "brought to it on appeal."[12] Notably, the CSBA is no longer mentioned in P.D. No. 807 and its appellate functions appear to have been integrated in the new CSC.

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[10] Republic Act No. 2260, Sec. 18(b), *viz.*:

Sec. 18. *Powers and Duties of the Civil Service Board of Appeals.* The Civil Service Board of Appeals shall have the following powers and duties:

x x x x

(b) **Hear and decide all administrative cases** brought before it **on appeal from the decision of the Commissioner** of Civil Service: *Provided*, That the said Board shall decide all appeals within a period of ninety days after the same have been submitted for decision and **its decision in such cases shall be final**. (Emphases and underscoring supplied)

[11] Entitled "Providing for the Organization of the Civil Service Commission in Accordance with Provisions of the Constitution, Prescribing its Powers and Functions and for Other Purposes." Approved on October 6, 1975. In *Toledo v. Civil Service Commission* (279 Phil. 560 [1991]), the Court recognized that R.A. No. 2260 was repealed and superseded by P.D. No. 807.

[12] Presidential Decree No. 807, Secs. 9 and 37, *viz.*:

Sec. 9. *Powers and Functions of the Commission.* The Commission shall administer the Civil Service and shall have the following powers and functions:

x x x x

(j) Hear and decide administrative disciplinary cases instituted **directly** with it in accordance with Section 37 or brought to it on **appeal**[.]

x x x x

Sec. 37. *Disciplinary Jurisdiction.*

(a) 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.

(b) The heads of departments, 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 department head. (Emphases supplied)

B. Mode to review CSC decisions under the 1987 Constitution

Under the prevailing organic law, the CSC retains its status as one of only three independent constitutional commissions. Article IX of the 1987 Constitution characterizes the CSC as the "central personnel agency" of the government tasked to administer the civil service.[13] The quasi-judicial function of the CSC under the Constitution is reflected in the new general provision that authorizes each constitutional commission to "decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution."[14] This quasi-judicial function is mirrored in the Administrative Code of 1987[15] which explicitly provides that the CSC shall "hear and decide administrative cases" involving civil service officials and employees.[16]

At this point, it is vital to note that, based on the Constitution, the mode to review a decision of any of the constitutional commissions is *via certiorari* to the Supreme Court, unless otherwise provided by law. This is true for the Commission on Elections (*COMELEC*), the Commission on Audit (*COA*), and the CSC. Sec. 7, Art. IX-A of the 1987 Constitution relevantly states:

> Section 7. Each Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution. x x x **Unless**

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[13] CONSTITUTION, Art. IX-B, Secs. 1 and 3, *viz.*:

Sec. 1. (1) The Civil Service shall be **administered by** the Civil Service Commission[.] x x x x x x x

Sec. 3. The Civil Service Commission, as the **central personnel agency** of the Government, shall establish a career service and adopt measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs. (Emphases supplied)

[14] CONSTITUTION, Art. IX-A, Sec. 7, *viz.*:

Sec. 7. Each Commission shall **decide** by a majority vote of all its Members **any case** or matter brought before it within sixty days from the date of its submission for decision or resolution. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on ***certiorari*** by the aggrieved party within thirty days from receipt of a copy thereof. (Emphasis supplied)

[15] Executive Order No. 292, entitled "Instituting the Administrative Code of 1987." Approved on July 25, 1987.

[16] Executive Order No. 292, Book V, Title I-A, Chapter 3, Sec. 12:

Sec. 12. *Powers and Functions.*–The Commission shall have the following powers and functions:

x x x x

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal[.]

> **otherwise provided by this Constitution or by law**, any decision, order, or ruling of each Commission may be **brought to the Supreme Court on *certiorari*** by the aggrieved party within thirty days from receipt of a copy thereof.

The remedy of *certiorari* is echoed in the Administrative Code of 1987, thus:

> Section 12. *Powers and Functions.* — The Commission shall have the following powers and functions:
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> x x x x
>
> 11) Hear and decide administrative cases instituted by or brought before it directly or an appeal x x x. **Its decisions, orders, or rulings shall be final and executory.** Such decisions, orders, or rulings may be **brought to the Supreme Court on** [***certiorari***] by the aggrieved party within thirty (30) days from receipt of a copy thereof[.]

Consistent with the constitutionally prescribed mode of review, the above-cited provision in the Administrative Code of 1987 emphasizes that decisions of the constitutional commissions are final. With *certiorari* as the mode of review, their rulings may only be reversed when the constitutional commission concerned commits grave abuse of discretion in rendering it. Thus, it was held in *Lopez, Jr. v. Civil Service Commission*,[17] as reiterated in *Mancita v. Barcinas*[18] (*Mancita*), that under the Constitution, the CSC is the "single arbiter of all contests relating to the civil service and as such, its judgments are unappealable and subject only to this Court's *certiorari* jurisdiction."[19]

Applying this, the CSC's decisions in disciplinary cases may only be reversed if there is a showing of grave abuse of discretion. Necessarily, the CSC becomes a party in a *certiorari* proceeding where its ruling in its quasi-judicial capacity is assailed. To my mind, the Constitution prescribed the use of *certiorari* in recognition of the CSC's competence and pivotal role in implementing "measures to promote morale, efficiency, [and] integrity,"[20]

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17 273 Phil. 147 (1991) [Per J. Sarmiento, *En Banc*].

18 290-A Phil. 575 (1992) [Per J. Padilla, *En Banc*].

19 Id. at 580, citing *Lopez, Jr. v. Civil Service Commission*, supra at 150.

20 CONSTITUTION, Art. IX-B, Sec. 3:

> Sec. 3. The Civil Service Commission, as the central personnel agency of the Government, shall establish a career service and adopt **measures to promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service**. It shall strengthen the merit and rewards system, integrate all human resources development programs for all levels and ranks, and institutionalize a management climate conducive to public accountability. It shall submit to the President and the Congress an annual report on its personnel programs. (Emphasis supplied)

including discipline of civil servants. Notably, *certiorari* was the available remedy against the CSC rulings from 1987 to 1995.[21]

C. Statutory right to appeal from CSC rulings

In 1995, however, R.A. No. 7902[22] expanded the appellate jurisdiction of the CA over quasi-judicial agencies, including the CSC. The statutory grant of the right of appeal is valid considering that the constitutional provision prescribing *certiorari* as the mode of review contains the *proviso* "[u]nless otherwise provided x x x by law." Legislative records show that the rationale for allowing an appeal was to "declog" the Supreme Court's dockets by transferring the cases to the CA. [23] Soon thereafter, Revised Administrative Circular *(RAC)* No. 1-95 was promulgated specifying the uniform mode of appeal for quasi-judicial agencies, including the CSC. In *Mateo v. Court of Appeals*,[24] the Court pronounced that the ruling in *Mancita* no longer governs because RAC No. 1-95 had allowed final resolutions of the CSC to be appealable to the CA. The circular eventually became Rule 43 of the Rules of Court (*Rule 43*).[25]

Thus, the current rule is that decisions of the CSC may be elevated *via* appeal under Rule 43 before the CA. Interestingly, of the three constitutional commissions, the right to appeal has only been made available to challenge CSC rulings. The remedy to assail final orders of the COMELEC and the COA in their quasi-judicial capacities remains to be *certiorari* based on the ground of grave abuse of discretion. Thus, they are still parties before the Court when their rulings are assailed.

D. Pivotal role of the CSC

Following the evolution of the CSC in the government structure, it is my humble view that, as it presently stands, the CSC is given a pivotal role on matters pertaining to the civil service. As the "central government agency

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21 In fact, in 1991, when the Court established a uniform appellate procedure for the review of final orders and decisions of quasi-judicial agencies, CSC was not yet included in the enumeration of covered quasi-judicial agencies. (See Circular 1-91 [1991], Secs. 1 and 2, entitled "Prescribing the Rules Governing Appeals to the Court of Appeals from a Final Order or Decision of the Court of Tax Appeals and Quasi-Judicial Agencies").

22 Entitled "An Act Expanding the Jurisdiction of the Court of Appeals, Amending for the Purpose Section Nine of Batas Pambansa Blg. 129, as Amended, Known as the Judiciary Reorganization Act of 1980." Approved: February 23, 1995.

23 See Committee on Justice Hearing, November 23, 1993, p. 30.

24 317 Phil. 341 (1995) [Per J. Puno, Second Division].

25 See Regalado, Florenz D., REMEDIAL LAW COMPENDIUM, Vol. 1, 7th ed., pp. 522-523, for the annotations on how the provisions of Rule 43 of the Rules of Court developed.

of the government," it has a say in creating and implementing uniform rules of conduct expected from civil servants. It seems fitting for the CSC to be given an opportunity to present its own views before the Court on matters affecting its realm of competence, in the same manner the Court accords other constitutional commissions an opportunity to be heard on matters involving their respective fields of competence and expertise. Otherwise, its independence as a constitutional commission may be undermined.

Accordingly, even though the mode of review had been changed from *certiorari* to appeal, the CSC should still be considered as possessing the legal personality to assail the CA's decision before the Supreme Court. To my mind, allowing the CSC to take part in establishing uniform rules on administrative cases by participating in the resolution of the case before the Court is more consistent with the CSC's constitutional mandate. Doing so gives due regard to the peculiar nature of the CSC as a constitutional commission specifically charged with responsibility to administer civil service matters. To rule otherwise would relegate it to becoming a remote observer, much like an ordinary quasi-judicial entity that passively waits for the final pronouncement by the Court. This may not have been the intention of the constitutional framers when they added the *proviso* "[u]nless otherwise provided by this Constitution or by law" in Sec. 7, Art. IX-A of the Constitution. To stress, unlike other quasi-judicial agencies, the CSC occupies a distinct position in our government structure. It does not sit as a passive observer, but has an active role in adopting measures to promote the integrity in the civil service. Besides, the CSC's legal personality to file a Rule 45 petition applies only in the unique situation where its decision in a disciplinary case is reversed by the CA on appeal.

Further, it is acknowledged that the CSC is not a party in the Rule 43 proceeding before the CA, and as a non-party in the proceedings *a quo,* it generally cannot file an appeal by *certiorari* under Rule 45 of the Rules of Court before the Court. An exception, however, should be made available to the CSC in light of its peculiar nature as a constitutional commission specifically charged with competence to administer civil service matters and serve as the "central personnel agency" of the government.

The change in remedy from *certiorari* under the Constitution and the 1987 Administrative Code, to *appeal* under R.A. No. 7902 and Rule 43 must be taken into account because it shifted the dynamic between the CSC and the Court as regards disciplinary cases. While this change may have helped reduce the Court's dockets, it effectively altered the level of participation of the CSC in administrative disciplinary cases as seemingly contemplated under the Constitution. This dynamic must be taken into account in assessing the premium given to the CSC's decisions in disciplinary cases. If

certiorari was still the remedy, decisions of the CSC could only be challenged on the ground of grave abuse of discretion and would necessarily entail the CSC be a party to the case. Because of the shift of remedy from *certiorari* to appeal, there now exists disagreement on whether the CSC should take part in the proceedings before the Court.

As an aside, it must be emphasized that out of the three constitutional commissions, only the CSC has an appeal framework as regards its quasi-judicial function. In my view, should a law be passed granting the statutory right to appeal from a decision of the COMELEC and/or COA to the CA, and the CA reverses their judgment, I likewise think that these two constitutional commissions should have the legal personality to assail the CA's decision before the Court. Such ruling is consistent with their stature in our governmental framework, as well as their recognized constitutional mandate and expertise in matters affecting their respective fields.

All told, the CSC should have the unqualified legal personality to file an appeal against a CA ruling that reverses the CSC's decision. Thus, in the present case, the CSC properly filed the appeal by *certiorari* before the Court.

Disciplining authority of the Ombudsman vis-à-vis the CSC

Attempts have been made to justify the variance in treatment of the CSC and the Ombudsman's legal interest to assail the CA's reversal of their decisions in administrative cases on the basis of their different mandates under the Constitution. Much of the argument in favor of the Ombudsman's legal personality lies in the belief that it "is not simply a disciplining authority but also an agency imbued with prosecutorial powers."[26]

I humbly disagree with the rationale for this comparison. Even though the Ombudsman's roles in administrative and criminal proceedings both fall under the umbrella of its overall function as a "champion of the people" and "preserver of the integrity of public service,"[27] it is my humble view that the difference in legal effects and procedural framework in these two Ombudsman proceedings warrant different treatments.

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[26] *Ponencia*, p. 21.

[27] *Fabian v. Desierto*, 356 Phil. 787 (1998) [Per J. Regalado, *En Banc*].

A. Ombudsman's separate roles as a prosecutor in criminal cases and a disciplining authority in administrative disciplinary cases

The Ombudsman's prosecutorial powers have specific application to criminal cases, and not to administrative cases. Black's Law Dictionary states that to prosecute means "to proceed against a person criminally"[28] such that a prosecutor is one who "prosecutes another for a crime in the name of the government"[29] or "instigates a prosecution by making affidavit charging a named person with the commission of a penal offense."[30] Recognizing the difference of the Ombudsman's roles, the Court, in *Fabian v. Desierto*[31] (*Fabian*), emphasized, thus: "the rule that the Court should not interfere with the discretion of the Ombudsman in prosecuting or dismissing a complaint is not applicable in this administrative case."[32] Verily, the Ombudsman's prosecutorial powers should be understood as pertaining to its function in a criminal proceeding, particularly in determining whether there is probable cause to file criminal charges against a respondent. Its determination of probable cause may be assailed only if there is grave abuse of discretion. Hence, the fact that the Ombudsman is granted prosecutorial powers is inconsequential to its having legal interest to question the reversal of its decisions in administrative cases.

In contrast, the Ombudsman, in administrative cases, acts not as a prosecutor but as the disciplining authority. Its decisions in such capacity are even final and unappealable when it absolves a respondent of the charge or imposes a penalty that does not exceed a one-month suspension.[33]

The distinction between these two roles is further highlighted by the difference in procedural remedies available in questioning the Ombudsman's edicts. As stated in *Yatco v. Office of the Deputy Ombudsman for Luzon*,[34] the Court "repeatedly pronounced that the Ombudsman's orders and decisions in criminal cases may be elevated to the Court in a Rule 65 petition, while its orders and decisions in administrative disciplinary case

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28 Black's Law Dictionary 4th ed., p. 1385. (Underscoring supplied)
29 Id. (Underscoring supplied)
30 Id. (Underscoring supplied)
31 Supra.
32 Id. at 806. (Underscoring supplied)
33 See Republic Act No. 6770, Sec. 27, par. 3; see also Rules of Procedure of the Ombudsman, as amended by Administrative Order No. 17, Rule III, Sec. 7. Approved on September 15, 2003.
34 G.R. No. 244775, July 6, 2020, 941 SCRA 227 [Per J. Bernabe, Second Division].

may be raised on appeal to the CA" *via* a Rule 43 petition.[35] Even when the Ombudsman releases a consolidated ruling on the administrative and criminal aspects, each aspect must be assailed separately.[36]

B. Development of case law on the legal interest of the Ombudsman and the CSC to challenge the reversal of its rulings in administrative cases

A review of relevant jurisprudence on the matter readily reveals that the Court has traditionally viewed the legal standing of the Ombudsman and the CSC to challenge a reversal of their respective rulings in administrative cases from the same prism they occupy – their status as the disciplining authority or tribunal which previously heard the case and imposed disciplinary measures. Hence, jurisprudence interchangeably refers to cases involving the Ombudsman and the CSC, in their respective domains, when resolving issues concerning their legal standing to assail a reversal of their rulings.

In this matter, the decisive case is that of *Dacoycoy*. **Therein, the Court *En Banc* categorically declared that the CSC is an aggrieved party that may appeal to the Court the decision of the CA reversing its ruling.** *Dacoycoy* involved a charge of nepotism against therein respondent Pedro O. Dacoycoy. The CSC dismissed him from service as Vocational School Administrator of Balicuatro College of Arts and Trade, Allen, Northern Samar. On appeal, the CA declared that he was not guilty and rendered null and void the CSC ruling. The Court, in turn, revived the CSC ruling and affirmed the same. In doing so, the Court addressed the issue of the CSC's standing to appeal the CA decision.

The Court observed that with respondent Dacoycoy being absolved of administrative liability by the CA and the complainant being merely a witness for the government, the CSC had become the party adversely affected by the ruling, which is seriously prejudicial to the civil service system. Thus, the Court held that the CSC may appeal the decision of the CA to the Court:

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[35] Id. at 242, citing *Ornales v. Office of the Deputy Ombudsman for Luzon*, 839 Phil. 882 (2018) [Per J. Leonen, Third Division].

[36] See *Yatco v. Office of the Deputy Ombudsman for Luzon,* supra, wherein the Court stated that "[t]he fact the Ombudsman had rendered a consolidated ruling does not – as it should not – alter the nature of the prescribed remedy corresponding to the aspect of the Ombudsman ruling being assailed."

> At this point, we have necessarily to resolve the question of the party adversely affected who may take an appeal from an adverse decision of the appellate court in an administrative civil service disciplinary case. **There is no question that respondent Dacoycoy may appeal to the Court of Appeals from the decision of the Civil Service Commission adverse to him.** He was the respondent official meted out the penalty of dismissal from the service. On appeal to the Court of Appeals, the court required the petitioner therein, here respondent Dacoycoy, to implead the Civil Service Commission as public respondent as the government agency tasked with the duty to enforce the constitutional and statutory provisions on the civil service.
>
> Subsequently, **the Court of Appeals reversed the decision of the Civil Service Commission and held respondent not guilty of nepotism. Who now may appeal the decision of the Court of Appeals to the Supreme Court? Certainly not the respondent, who was declared not guilty of the charge. Nor the complainant George P. Suan, who was merely a witness for the government.** Consequently, **the Civil Service Commission has become the party adversely affected by such ruling, which seriously prejudices the civil service system. Hence, as an aggrieved party, it may appeal the decision of the Court of Appeals to the Supreme Court**. By this ruling, we now expressly abandon and overrule extant jurisprudence that "the phrase 'party adversely affected by the decision' refers to the government employee against whom the administrative case is filed for the purpose of disciplinary action which may take the form of suspension, demotion in rank or salary, transfer, removal or dismissal from office" and not included are "cases where the penalty imposed is suspension for not more than thirty (30) days or fine in an amount not exceeding thirty days salary" or "when the respondent is exonerated of the charges, there is no occasion for appeal." In other words, we overrule prior decisions holding that the Civil Service Law "does not contemplate a review of decisions exonerating officers or employees from administrative charges" enunciated in *Paredes v. Civil Service Commission*; *Mendez v. Civil Service Commission*; *Magpale v. Civil Service Commission*; *Navarro v. Civil Service Commission and Export Processing Zone Authority* and more recently *Del Castillo v. Civil Service Commission*.[37] (Emphases and underscoring supplied; citations omitted)

A few months after, the Court, in *Mathay, Jr.*, modified the rule by distinguishing the facts in *Dacoycoy*, which involved nepotism – thus, having a deleterious effect on the government, from *Mathay, Jr.*, which merely involved the issue of the CSC's lack of authority to compel a mayor to reinstate a civil employee – an issue that hardly impairs the effectiveness of government. The Court held that the non-reinstated employee is the real party-in-interest, not the CSC. The Court, in *Mathay, Jr.*, emphasized that

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37 *Civil Service Commission v. Dacoycoy*, supra note 2, at 104-105.

the CSC is expected to be impartial as a quasi-judicial body. It cautioned that, by being allowed to appeal, the CSC risks becoming an advocate.[38]

Nonetheless, the Court applied by analogy the ruling in *Dacoycoy* to the 2002 case of *Philippine National Bank (PNB) v. Garcia, Jr.*[39] Said case involved an administrative charge against an employee of PNB filed prior to its privatization. However, pending appeal before the CA, said privatization occurred. The Court ordained that PNB had standing to appeal the exoneration of its employee from administrative liability. It ratiocinated that to rule otherwise would seriously undermine efforts against corruption, malfeasance, and misfeasance in the government:

> Indeed, the battles against corruption, malfeasance and misfeasance will be seriously undermined if we bar appeals of exoneration. After all, administrative cases do not partake of the nature of criminal actions, in which acquittals are final and unappealable based on the constitutional proscription of double jeopardy.
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> Furthermore, our new Constitution expressly expanded the range and scope of judicial review. Thus, to prevent appeals of administrative decisions except those initiated by employees will effectively and pervertedly erode this constitutional grant.
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> Finally, the Court in Dacoycoy ruled that the CSC had acted well within its rights in appealing the CA's exoneration of the respondent public official therein, because it has been mandated by the Constitution to preserve and safeguard the integrity of our civil service system. In the same light, herein Petitioner PNB has the standing to appeal to the CA the exoneration of Respondent Garcia. After all, it is the aggrieved party which has complained of his acts of dishonesty. Besides, this Court has not lost sight of the fact that PNB was already privatized on May 27, 1996. Should respondent be finally exonerated indeed, it might then be incumbent upon petitioner to take him back into its fold. It should therefore be allowed to appeal a decision that in its view hampers its right to select honest and trustworthy employees, so that it can protect and preserve its name as a premier banking institution in our country.[40]

Meanwhile, in *Ombudsman v. Samaniego*[41] (*Samaniego*), the Court *En Banc*, citing its decision in *Dacoycoy*, decisively settled the Ombudsman's legal interest to intervene in cases involving a reversal of its ruling in administrative disciplinary cases, thus:

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38 *Ponencia*, p. 11.
39 437 Phil. 289 (2002) [Per J. Panganiban, Third Division].
40 Id. at 295-296.
41 586 Phil. 497 (2008) [Per J. Corona, *En Banc*].

> The Office of the Ombudsman sufficiently alleged its legal interest in the subject matter of litigation. Paragraph 2 of its motion for intervention and to admit the attached motion to recall writ of preliminary injunction averred:
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> [x x x x]
>
> 2. As a competent disciplining body, the Ombudsman has the right to seek redress on the apparently erroneous issuance by this Honorable Court of the Writ of Preliminary Injunction enjoining the implementation of the Ombudsman's Joint Decision imposing upon petitioner the penalty of suspension for one (1) year, consistent with the doctrine laid down by the Supreme Court in *PNB [vs]. Garcia*, x x x and *CSC [vs]. Dacoycoy*[.] x x x
>
> In asserting that it was a "competent disciplining body," the Office of the Ombudsman correctly summed up its legal interest in the matter in controversy. In support of its claim, it invoked its role as a constitutionally mandated "protector of the people," **a disciplinary authority vested with quasi-judicial function to resolve administrative disciplinary cases against public officials. To hold otherwise would have been tantamount to abdicating its salutary functions as the guardian of public trust and accountability.**
>
> Moreover, the Office of the Ombudsman had a clear legal interest in the inquiry into whether respondent committed acts constituting **grave misconduct, an offense punishable under the Uniform Rules in Administrative Cases in the Civil Service**. It was in keeping with its duty to act as a champion of the people and **preserve the integrity of public service** that petitioner had to be given the opportunity to act fully within the parameters of its authority.
>
> It is true that under our rule on intervention, the allowance or disallowance of a motion to intervene is left to the sound discretion of the court after a consideration of the appropriate circumstances. However, such discretion is not without limitations. One of the limits in the exercise of such discretion is that it must not be exercised in disregard of law and the Constitution. The CA should have considered the nature of the Ombudsman's powers as provided in the Constitution and R.A. 6770.[42] (Emphases supplied; citations omitted)

At this juncture, it would be remiss not to mention that *Samaniego* arose out of a motion for intervention filed by the Ombudsman before the CA in the appeal brought by the government employee assailing the former's finding of grave misconduct against said employee. The employee did not implead the Ombudsman as a party in its appeal before the CA; thus, the Ombudsman sought to intervene in the appeal, which the CA denied. Hence, the Ombudsman brought an appeal by *certiorari* before this Court to

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[42] Id. at 510-512.

assail the CA rulings. While the mode involved was intervention, the core issue of legal standing of the Ombudsman was nevertheless present and controlling.

The ruling in *Samaniego* was affirmed and strengthened by the Court in subsequent cases. In *Office of the Ombudsman v. Quimbo*,[43] citing *Ombudsman v. De Chavez*,[44] the Court ruled that "even if the Ombudsman was not impleaded as a party in the proceedings, part of its broad powers include defending its decisions before the CA." Furthermore, in *Office of the Ombudsman v. Chipoco*,[45] the Court held erroneous the argument equating "the Ombudsman to a judge or a court when the former is discharging its duty to decide administrative cases." It explained that "[u]nlike a judge or a court, the Ombudsman — by virtue of its special power, duty and function under the Constitution and the law — is on *a league of its own* and thus, cannot be *detached, disinterested or neutral* with respect to the administrative decisions it renders. Hence, the Ombudsman ought not to be precluded from defending its decision on appeal."[46]

The Court *En Banc* stressed in *Civil Service Commission v. Almojuela*[47] (*Almojuela*) that *Dacoycoy* remained the controlling doctrine. It further observed that **a decision that declares a public employee not guilty of the charge against him would have no other appellant than the CSC**:

> More than ten years have passed since the Court first recognized in Dacoycoy the CSC's standing to appeal the CA's decisions reversing or modifying its resolutions seriously prejudicial to the civil service system. Since then, the ruling in Dacoycoy has been subjected to clarifications and qualifications, but the doctrine has remained the same: the CSC has standing as a real party in interest and can appeal the CA's decisions modifying or reversing the CSC's rulings, when the CA action would have an adverse impact on the integrity of the civil service. As the government's central personnel agency, the CSC is tasked to establish a career service and promote morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service; it has a stake in ensuring that the proper disciplinary action is imposed on an erring public employee, and this stake would be adversely affected by a ruling absolving or lightening the CSC-imposed penalty. Further, a decision that declares a public employee not guilty of the charge against him would have no other appellant than the CSC. To be sure, it would not be appealed by the public employee who has been absolved of the charge against him; neither would the complainant appeal the decision, as he acted merely as a

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43 755 Phil. 41, 52 (2015) [Per J. Mendoza, Second Division].
44 713 Phil. 211, 219 (2013) [Per J. Peralta, Second Division].
45 G.R. Nos. 231345 & 232406, August 19, 2019, 914 SCRA 533 [Per J. Peralta, Third Division].
46 Id. at 547.
47 707 Phil. 420 (2013) [Per J. Brion, *En Banc*].

> witness for the government. We thus find no reason to disturb the settled *Dacoycoy* doctrine.[48]

Thus, the CSC should not be simply likened to a judge that is expected to be "*detached, disinterested or neutral*" in performing its disciplinary quasi-judicial functions.

The CSC and the Ombudsman both exercise quasi-judicial functions in administrative disciplinary cases. In fact, even the remedy to assail their decisions is uniform – that is, to file an appeal pursuant to Rule 43. Thus, I find no reason to treat them differently *vis-à-vis* their having legal interest to defend their decisions in such cases. To my mind, the rationale for acknowledging the legal interest of the Ombudsman to assail the CA's rulings in administrative disciplinary cases, as expressed in the abovementioned cases, similarly applies to the CSC.

Further, the broad powers granted to the CSC under the prevailing Constitution on matters involving the discipline of civil servants support the position that it has an unqualified legal interest to assail the CA's rulings. The thrust of the government to prevent and address corruption, misfeasance, and malfeasance in the civil service demands that the CSC be allowed to appeal a reversal of its ruling without qualification. Otherwise, there would no appellant to question a decision declaring a public employee as not guilty of the charge against him.

Lest I be misunderstood, I take the view that the Ombudsman has the requisite legal interest to assail the reversal of its ruling in an administrative case because of its role as a "champion of the people," but not because it functions both as a quasi-judicial body and a prosecutor. The latter function applies to criminal cases and has no bearing on its role in administrative disciplinary proceedings. Thus, the role of the CSC as a quasi-judicial agency designated by the Constitution to be the central personnel agency of the government is sufficient in conferring upon the CSC the legal standing to challenge the CA's reversal of its rulings in administrative disciplinary cases.

To reiterate, the legal standing of the CSC to challenge the CA's reversal of its administrative case rulings have been recognized in *Dacoycoy*, where the Court *En Banc* categorically declared that the CSC is an aggrieved party that may appeal to the Court the decision of the CA reversing its ruling. It was also recognized in *Almojuela* that a CA decision declaring a

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[48] Id. at 444-445.

public employee not guilty of the charge against him would have no other appellant but the CSC before the Supreme Court.

Conclusion and application to the present case

To conclude, I believe the CSC should be allowed to assail or appeal decisions of the CA which either reverse or lower the sanctions it imposed on erring civil servants without qualification and distinction.

It must be emphasized that while the mode of review from a decision, order, or ruling of the CSC, a constitutional commission, was modified from the remedy of *certiorari* before the Court to a petition for review to the CA under Rule 43, such change or modification did not remove from the CSC its legal personality to assail the CA's decision before the Court. Similar to other constitutional commissions, the CSC must be afforded the chance to present its views to the Court on matters involving its realm of competence. To rule otherwise may seriously undermine its independence as a constitutional commission.

Further, it is humbly submitted that there is no basis to treat the CSC and the Ombudsman differently from each other. Both exercise quasi-judicial functions in administrative disciplinary cases and the remedy to assail their decisions is one and the same – an appeal to the CA pursuant to Rule 43, as discussed in *Fabian*.[49] The rationale acknowledging the legal interest of the Ombudsman to assail the CA's ruling in administrative disciplinary cases finds equal application to the CSC. Thus, the CSC's right to appeal the CA's reversal of its ruling must be similarly unqualified, without distinction as to whether such ruling seriously prejudices the civil service system, has a deleterious effect on the government, or adversely impacts the integrity of the civil service. Such standards, being nebulous, indeterminate, and vague, lends to unpredictability which would negatively impact the civil service.

In addition, government and public interest in preventing and addressing corruption, misfeasance, and malfeasance in the civil service mandates that the CSC, being the central personnel agency of the government charged with promoting morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service,[50] be allowed to appeal or assail the CA's decision without any distinction and qualification. To rule otherwise would be to undermine the government's

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[49] Supra note 27.

[50] CONSTITUTION, Art. IX-B, Sec. 3.

battle against such conduct, as all misfeasance or malfeasance in the civil service necessarily adversely impact the integrity of the civil service.

In fine, I find that the CSC properly brought the instant appeal by *certiorari* to question the February 1, 2018 Decision of the CA, which exonerated PO1 Fuentes of the charge of grave misconduct.

WHEREFORE, I vote to **GRANT** the petition.

ALEXANDER G. GESMUNDO
Chief Justice