



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **October 7, 2020** which reads as follows:*

“G.R. No. 250794 – HON. MAYOR ANTONIO A. BARCELON, petitioner, versus EDNA P. MALIGAYA, respondent. – The petitioner’s motion for an extension of thirty (30) days within which to file a petition for review on certiorari is **GRANTED**, counted from the expiration of the reglementary period.

After a judicious review of the case, the Court resolves to **DENY** the Petition for Review on Certiorari¹ filed by Mayor Antonio A. Barcelon assailing the Decision² dated July 1, 2019 and Resolution³ dated November 25, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 153010 which had in turn, affirmed with modification the Civil Service Commission (CSC) Decision⁴ and Resolution⁵ in favor of respondent Edna P. Maligaya (Maligaya).

The CA correctly upheld the CSC ruling that the imposition of preventive suspension on Maligaya and the extension thereof were unlawful. There was no legal justification for the preventive

- over – three (3) pages ...

3-B

¹ *Rollo*, pp. 21-30, filed under Rule 45 of the Rules of Court.

² *Id.* at 5-14. Penned by Associate Justice Tita Marilyn Payoyo-Villordon with the concurrence of Associate Justices Mario V. Lopez (now a member of this Court) and Zenaida T. Galapate-Laguilles.

³ *Id.* at 15-17.

⁴ *Id.* at 84-91, issued by Chairperson Alicia dela Rosa-Bala and Commissioner Robert S. Martinez.

⁵ *Id.* at 123-127, issued by Chairperson Alicia dela Rosa-Bala and Commissioners Robert S. Martinez and Leopoldo Roberto W. Valderosa, Jr.

suspension under Section 26(B)⁶ of the 2011 Revised Rules on Administrative Cases in the Civil Service⁷ (RRACCS). Maligaya had been removed as the Municipal Budget Officer of Nagusbu, Batangas and re-assigned as Department Head of the Municipal *Bahay Aruga* Center even before the issuance of the formal charge (in connection with acts done during her former position). Thus, the risks sought to be prevented under Section 26(B) of witness and evidence tampering were not present.

Consequently, the extension of the preventive suspension was also unlawful. Moreover, the extension was for an indefinite period in contravention of Section 27 of the RRACCS, which provides that the maximum period for preventive suspension in local government units shall be 60 days.⁸

WHEREFORE, the assailed Decision and Resolution of the Court of Appeals in in CA-G.R. SP No. 153010 are **AFFIRMED**.

Petitioner Vice Mayor Larry D. Albanio is hereby **DROPPED** as party petitioner in this case pursuant to Sec. 4, Rule 45, 1997 Rules of Civil Procedure, as amended.

- over -

3-B

⁶ **Section 26. When Issued; Grounds.** — Upon petition of the complainant or *motu proprio*, the proper disciplining authority may issue an order of preventive suspension upon service of the formal charge or notice of charge/s, or immediately thereafter to any subordinate officer or employee under his/her authority pending an investigation, if[.]

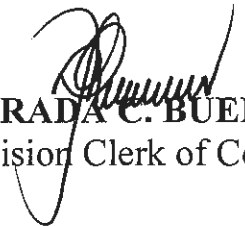
- A) The charge involves:
1. Dishonesty;
 2. Oppression;
 3. Grave Misconduct;
 4. Neglect in the Performance of Duty;
 5. Administrative offenses which are punishable by dismissal from the service on its second or third offense; or
 6. If there are reasons to believe that the respondent is guilty of charges which would warrant his/her removal from the service.
- B) An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his/her misfeasance, malfeasance or nonfeasance to preclude the possibility of:
1. exerting undue influence or pressure on the witnesses against him/her, or
 2. tampering with evidence that may be used against him/her.
- C) In lieu of preventive suspension, for the same purpose, the proper disciplining authority or head of office, may reassign respondent to other unit of the agency during the formal hearings.

⁷ CSC Resolution No. 1101502, November 8, 2011.

⁸ **Section 27. Duration of Preventive Suspension.** — Unless otherwise provided for by law, the disciplining authority may place the respondent under preventive suspension for a maximum period of ninety (90) days in the case of national agencies or sixty (60) days in the case of local government units. x x x.

SO ORDERED.” *Lopez, J., no part; Zalameda, J., designated Additional Member per Raffle dated July 6, 2020.*

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *sp/ho*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
3-B

Hon. Antonio A. Barcelon
Petitioner
Municipal Mayor of Nasugbu, Batangas
Nasugbu Municipal Hall
Escalera Street, Brgy. 2, Nasugbu
4231 Batangas

Court of Appeals (x)
Manila
(CA-G.R. SP No. 153010)

FORTUN & SANTOS LAW OFFICES
Counsel for Respondent
134 CRM Avenue cor. CRM Marina
BF Homes Almanza, 1750 Las Piñas City

CIVIL SERVICE COMMISSION
Batasang Pambansa Complex
1126 Quezon City
(Case No. 170450)

Public Information Office (x)
Library Services (x)
Supreme Court
(For uploading pursuant to A.M.
No. 12-7-1-SC)

Judgment Division (x)
Supreme Court

UR

RF

AW