

GACIS, Ramon Jr. G.

Re: Appointment; Appeal

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RESOLUTION NO. 030351

Mayor Guillermo G. So, Municipality of Matnog, Sorsogon, appeals from the Order dated December 20, 2001 of the Civil Service Commission Regional Office (CSCRO) No. V, Rawis, Legaspi City, which affirmed the disapproval by the CSC Sorsogon Field Office of the appointment issued to Ramon G. Gacis, Jr. as Municipal Assessor of Matnog, Sorsogon. It may be recalled that Gacis' promotional appointment was disapproved on the ground that it was issued in violation of **CSC MC No. 3 s. 2001** more particularly **paragraph 15** thereof which reads:

“An employee may be promoted or transferred to a position which is not more than three (3) salary, pay or job grades higher than the employees present position.”

Records show that Gacis' present position is that of Clerk IV with salary grade 9 while the position he is being promoted to is Municipal Assessor with salary grade 24.

The pertinent portions of the appealed Order read, as follows:

“x x x only in very meritorious cases may an employee be promoted to a position more than three (3) grades higher than the appointee's present position. The appointee's present position is that of a Clerk IV with a salary grade of 9 while the position he is being promoted has a salary grade of 24.

“A close scrutiny of the Merit Selection Plan (MSP) and its subsystem, System of Ranking Positions (SRP). adopted by the Municipality of Matnog and duly approved by this Office on 6 September

2001, discloses that the position next-in-rank to Municipal Assessor (SG-24) is the Assistant Municipal Assessor (SG-22) presently occupied by Gina D. Detecio. Moreover, either the vacant position of Municipal Assessor or Clerk IV does not appear as the lone or entrance position in the agency staffing pattern.

“The PSB Comparative Assessment would also disclose that only relevant training, educational attainment, civil service eligibility and performance rating were assessed by the Personnel Selection Board and there is no showing/proof that the two (2) contenders to the position underwent a deep selection process.

x x x

“The records submitted to support the appeal do not show superior qualification to warrant exception from said Section 15 (ibid). Hence, this Office finds no cogent reason to disturb the action of CS-Sorsogon Field Office.

*“**WHEREFORE**, the appeal is hereby dismissed. Accordingly, the disapproval of the appointment of Ramon G. Gacis, Jr. stands.”*

In support of his appeal dated January 20, 2002, Mayor So avers, as follows:

“1. We exerted all necessary means in the evaluation of the qualifications of all the applicants including that of the next-in-rank employee;

“2. Upon deeper evaluation, it appears that the most qualified for appointment to the position is Mr. Ramon G. Gacis, Jr.;

“3. In the selection process, we have considered the following factors:

- 'a. That the new Chief-Of-Office should be highly innovative (as the Office presently fails miserably in its target on tax assessment which jeopardizes the financial status of the municipality);*
- 'b. That he/she should have outstanding leadership qualities;*
- 'c. That he/she should have very positive work attitude;*
- 'd. That he/she could muster/create positive response/reaction from the public clientele which was adversely affected by the controversies created by the dismissal (by the CSC) of Engr. Rodolfo L. Claridad, former Municipal Assessor;*
- 'e. That he/she should be supportive of the present administration's program and policies.'*

"4. Although limited in number, the personnel of the Department are being made to function to the most of their capabilities and given vital tasks which evidently put their potential to maximum use;

"5. The appointment was concurred by the Sangguniang Bayan of Matnog, Sorsogon;

"6. The Local Government Unit has not received any protest against the appointment of Mr. Ramon Gacis, Jr. and that his Office believes that the action taken is within the confines of sound discretion as exercised by the appointing authority.

"We therefore submit our appeal to that Commission praying that the promotional appointment of Mr. Ramon Gacis, Jr. be approved as permanent on the basis of the foregoing and the reasons enumerated hereunder, viz:

- 'a. Mr. Ramon G. Gacis, Jr. squarely meets the minimum requirements for appointment to the position;*
- 'b. He is the most competent, dedicated and conscientious worker in the department, a role model to his co-workers, as he leads by example; honest, punctual and prompt in the delivery of services among others;*
- 'c. He possesses the criteria for selection unique under a devastated office as mentioned under item 3 above;*

- 'd. He has been trained and exposed in assessment work, from time he became a member of the workforce up to the present, in that he has been designated as Officer-In-Charge of the department for 2 times, first in 1999, under the administration of former Mayor Emilio G. Ubaldo, Jr., when the former Municipal Assessor Engr. Rodolfo L. Claridad was serving a preventive suspension for an administrative case filed against him that eventually resulted to his dismissal from the service, and second, on August 1, 2001 under the present administration until his promotional appointment effective October 4, 2001. Both designations were given despite the presence of an Assistant Municipal Assessor;*
- 'e. On his own voluntary act, Mr. Florencio D. Dino II, Provincial Assessor of the Province of Sorsogon recommended Mr. Ramon G. Gacis, Jr. for the position xxx***
- 'f. Mr. Ramon G. Gacis, Jr. has gained the full trust and confidence of the undersigned, and we believe that it is the ultimate motivation for an appointing authority to exercise sound discretion in the selection of the department head, particularly the Municipal Assessor;*
- 'g. Finally, work in the Local Government Unit must continue, the flow of operation must not be hampered, but the absence of a duly appointed Municipal Assessor might jeopardize the assessment operation in the Municipality.' (Underscoring supplied)*

When requested to comment, Director David E. Cabanag, Jr., CSCRO No. IV, states, as follows:

"Mayor So anchored his appeal on the belief that Mr. Ramon G. Gacis Jr., has superior qualification such that his appointment may be viewed as very meritorious to be considered as an exception from CSC MC 3, s. 2001. x x x

'A close scrutiny of the Merit Selection Plan (MSP) and its subsystem, System of Ranking Positions (SRP), adopted by the Municipality of Matnog and duly approved by this Office on 6 September 2001, discloses that the position next-in-rank to the Municipal Assessor (SG-24) is the Assistant Municipal Assessor (SG-22) presently occupied by Gina D. Detecio. Moreover, either the vacant position of Municipal Assessor or Clerk IV does

not appear as the lone or entrance position in the agency staffing pattern.

'The PSB Comparative Assessment would also disclose that only relevant educational attainment, civil service eligibility and performance rating were assessed by the Personnel Selection Board and there is no showing/proof that the two contenders to the position underwent a deep selection process.'

'The records submitted to support the appeal do not show superior qualifications to warrant exception from said Section 15 (ibid). Hence, this Office finds no cogent reason to disturb the action of CS-Sorsogon Field Office.'

The sole issue to be resolved in the instant case is whether Gacis' appointment maybe viewed as a "very meritorious case" to fall under the exception in **Paragraph 15 of CSC MC 3, s. 2001** which states that:

*"An employee maybe promoted or transferred to a position which is not more that three (3) salary, pay or job grades higher than the employee's present position **except in a very meritorious cases**, such as: if the vacant position is next-in rank as identified in the System of Ranking Position (SRP) approved by the head of agency, or the lone or entrance indicated in the staffing pattern."* (Underscoring supplied)

The term "very meritorious cases" was not specifically defined in the aforementioned Circular as the term cannot be defined in a straightjacket manner. What constitutes meritorious cases, however, ultimately depends on the available evidence adduced to establish such fact.

After due deliberation, this Commission finds the instant appeal impressed with merit.

Gacis' service record indicates that he rose from the ranks before he was designated as OIC, Municipal Assessor. He was first employed as Enumerator at the Municipal Assessor's Office on February 6, 1992. He was appointed as Office Helper on March 16, 1992 until he became Clerk IV on July 19, 1993. The duly accomplished Assessment Form by the Personnel Selection Board (PSB) of the Municipality of Matnog indicates that Gacis has eight (8) years of relevant experience in assessment work as compared to the five (5) years experience of Gina G. Detecio, the next-in-rank employee. Clearly, the

former has an edge of more than three (3) years of relevant experience.

As he gained the trust of everybody in the Municipality, records further disclose that it was Gacis and not Detecio, who was designated as OIC Municipal Assessor from July 1, 1999 to August 22, 1999 by the former Mayor of Matnog when the Municipal Assessor was suspended from the service. Due to his very satisfactory performance, Gacis was designated anew by the incumbent Mayor on August 1, 2001 to date after the Municipal Assessor was finally dismissed from the service. Thus, in terms of work experience and familiarity in the workings of the Municipality of Matnog, he has to his credit almost eleven (11) years of dedicated service, all of which was rendered in the Municipality of Matnog.

Records further disclose that the PSB screened and evaluated Gacis' qualification after the Provincial Assessor of the Province of Sorsogon recommended the latter for appointment as Municipal Assessor and found him qualified. Consequently, Gacis was issued an appointment to the position, which was confirmed by the Sangguniang Bayan of Matnog. Furthermore, said appointment encountered no protest from anybody.

Thus, in the absence of a clear and convincing evidence that Gacis is not qualified for the position and that Mayor So appointed the former in bad faith, the promotional appointment of Ramon G. Gacis, Jr., as confirmed by the Sangguniang Bayan of the Municipality of Matnog, Sorsogon, cannot be invalidated.

Under the circumstances above described, this Commission hereby rules and so holds that the promotional appointment of Gacis from Clerk IV to Municipal Assessor falls within the exception of CSC Memorandum Circular No. 3, series of 2001. To deny Gacis of his promotional appointment is to forever bar him of said promotion simply because the next-in-rank position is occupied by Detecio. Mayor So firmly believes that it is Gacis who can best discharge the duties and functions of the position as exhibited by his expertise and experience being most familiar with organizational structure and environmental circumstances of a Municipal Assessor. To deny Gacis the promotional appointment would only unduly prejudice the smooth operation of the Municipal Assessor's Office. To the mind of the Commission, the best interest of the service should take precedence over technical rules and policy, which were adopted not to hamper or frustrate the delivery of efficient and better public service. The Supreme Court in **Rimonte vs. Civil Service Commission**^[1], has ruled:

“Appointment is essentially discretionary power and must be performed by the officer vested with such power according to his best lights, the only condition being that the appointee should possess the qualifications required by law. If he does, then the appointment cannot be faulted on the ground that there are others better qualified who should have been preferred. Indeed, this is a prerogative of the appointing authority, which he alone can decide. x x x.”

WHEREFORE, the appeal of Mayor Guillermo G. So, Municipality of Matnog, Sorsogon, is hereby **GRANTED**. Accordingly, the Order dated December 20, 2001 of the Civil Service Commission Regional Office (CSCRO) No. V, Rawis, Legaspi City, is **SET ASIDE**.

Quezon City,

(Original Signed)

KARINA CONSTANTINO-DAVID
Chairman

(Original Signed)

JOSE F. ERESTAIN, JR.
Commissioner

(Original Signed)

J. WALDEMAR V. VALMORES
Commissioner

Attested by:

(Original Signed)
ARIEL G. RONQUILLO
Director III

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[1] Rimonte vs. Civil Service Commission, G.R. No. 112045 dated May 29, 1995, 244 SCRA 498