

ENANO, Marilou M.
CASTILLO, Estelita M.
CASTILLO, Marife M.
MALINAY, Leonila M.

Re: Execution of CSCRO decision
pending appeal to the Commission

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RESOLUTION NO. 001240

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Marilou Medrano Enano, Estelita Medrano Castillo, Marife Medrano Castillo and Leonila Medrano Malinay, Accounting Clerk II, Senior Bookkeeper, Market Collector and Municipal Treasurer, respectively, all of the Municipal Government of Lian, Batangas, request the Commission's ruling to stay the execution of the Order dated March 7, 2000 of Civil Service Commission Regional Office (CSCRO) No. IV, Quezon City, dismissing them from the service for Dishonesty and Nepotism, pending appeal of the latter's decision to the Collegial Commission.

Pertinent portions of Enano, Castillo and Malinay's letter read, as follows:

"Ito po ay tungkol sa natanggap naming ORDER buhat sa Kgg. Rebecca A. Fernandez, Director IV, Kaliraya Street, Quezon City, na kami pong mga Appellants, Leonila M. Malinay, Estelita M. Castillo, Marilou M. Enano, Marife M. Castillo ay DISMISSAL na po sa aming posisyon samantalang kami po sa ngayon ay nag Apela sa inyong tanggapan na may Petsa Ika 27, ng Marso, 2000.

"Kami po ba ay may karapatang pang pumasok sa aming tanggapan."

Records show that, in an Order dated March 7, 2000, CSCRO No. IV, denied appellants Motion for Reconsideration from the latter's decision dated December 22, 1999, finding Enano, Malinay and Castillo guilty of Dishonesty and Nepotism. Not satisfied, they appealed said decision to the Collegial Commission.

The issue is whether or not the appeal dated March 7, 2000, which Enano, et. al. filed before the Collegial Commission shall stay the execution of the assailed order.

Hence, Enamo, Malinay and Castillo made herein request for the Commission to rule on the issue on whether or not the appeal, dated March 7, 2000, they filed before the Collegial Commission to review the aforementioned decision of Director Fernandez shall stay the execution of the assailed Order.

Relevant to the instant issue is **Section 80 of CSC Resolution No. 99-1936 dated August 31, 1999 (Uniform Rules on Administrative Cases in the Civil Service)** which pertains to the execution of the decisions of the Civil Service Commission's Regional Offices (CSCROs), which provides :

"Section 80. Execution of Decision. - The decisions of the Commission Proper or its Regional Offices shall be immediately executory after fifteen (15) days from receipt thereof, unless a motion for reconsideration is seasonably filed, in which case the execution of the decision shall be held in abeyance." (Underscoring supplied)

The aforementioned rule should not be construed to mean that the Collegial Commission delegates its decision-making power to the CSCROs to rule with finality on cases brought before it in the same manner as what the law delegates to the former.

It must be underscored that the Commission's power to decide with finality cases brought before it is exclusively lodged by **E.O. 292 (The Administrative Code of 1987)** only to the Collegial Commission.

Section 10 and 12, Chapter 3, Title I, Subtitle A, Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987, provides :

"SEC. 10. Composition. - The Commission shall be composed of a Chairman and two Commissioners x x x.

"X X X

"SEC. 12. Powers and Functions. - The Commission shall have the following powers and functions :

"X X X

"(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. 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 x x x."

It is explicit from the aforementioned provisions of E.O. 292 that the Commission, a Collegial body comprising of the Chairman and two Commissioners, has the sole authority to decide administrative cases brought before it directly or on appeal.

Paragraph 11, Section 12 of the aforequoted law clearly provides that it is only the Collegial Commission's decisions, orders or rulings which are considered, by law, as final and executory and not that of the offices under it.

Hence, without the Collegial Commission's concurrence it can not be said that the decisions of the CSCROs, pending appeal with the Collegial Commission, may be considered as final and executory. The law has exclusively delegated only to the Collegial Commission's wisdom and discretion *the power to decide with finality* cases brought before it.

Hence, under the principle of non-delegation of powers, "*potestas delegata non delegari potes*" (*what has been delegated cannot be delegated*), the Collegial Commission's mandate constitutes not only a right but a duty to be performed through the instrumentality of its own judgment and not through the intervening mind of another.

WHEREFORE, the Commission hereby rules and so holds that the execution of the assailed decision dated December 22, 1999 of CSCRO No. IV is stayed pending appeal to the Collegial Commission.

Quezon City, MAY 24 2000

(SGD.)
CORAZON ALMA G. DE LEON
Chairman

(SGD.)
JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

(SGD.)
ARIEL G. RONQUILLO
Director III

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