

TANGLAO, Rogelio C.
Re: Disapproved Appointment
Motion for Reconsideration
(CSC Resolution No. 99-1416)

x-----x

RESOLUTION NO. 002341

Mayor Marino P. Morales, Municipality of Mabalacat, Pampanga, moves for the reconsideration of CSC Resolution No. 99-1416 dated July 5, 1999, which dismissed the appeal of Acting Mayor Prospero T. Lagman and affirmed the disapproval of the appointment of Rogelio C. Tanglao as Municipal Budget Officer by the Civil Service Commission Regional Office (CSCRO) No. III, San Fernando, Pampanga.

Pertinent portions of the assailed resolution read, as follows:

"There is no doubt that Tanglao is not qualified for the position of Municipal Budget Officer since he lacks the required experience mandated by Section 475 of the Local Government Code of 1991^{2/1}

x x x

"It is therefore clear that Tanglao lacks two (2) years of relevant experience which makes him ineligible for the position of Municipal Budget Officer. Further, Mayor Morales even acknowledges the fact that Tanglao is not qualified for the said position^{2/1}

x x x

"Furthermore, Tanglao cannot be issued a temporary appointment in the presence of qualified eligibles willing to accept the position of Municipal Budget Officer.

x x x

"WHEREFORE, the appeal of Acting Mayor Prospero T. Lagman is hereby dismissed. Accordingly, the disapproval of the appointment of Rogelio C. Tanglao as Municipal Budget Officer under permanent status is hereby affirmed."

In his motion, Mayor Morales avers, as follows:

"There are substantial facts which had been overlooked and which, if properly considered, will reverse the result of this case. There are material evidences (sic) submitted by movant to prove that Tanglao had indeed acquired experience in local government budgeting that were not taken up by this Honorable Commission [21/11]

"First, the Commission overlooked the evidence of the appellant-movant as contended:

'Director De Lima's failure to investigate or inquire from the DBM what the Local Finance Committee is all about and what are the functions of the members thereof, where the appellant is a member since January 1996 (or a total of 3 years) is erroneously fatal to the case of the appellant. Had she cared enough to look into the nature and functions thereof, Director De Lima could have learned x x x that the foregoing description of the LFC and the duties of the appellant thereto is related to the experience requirement of Municipal Budget Officer [21/11]'

x x x

"The Commission might asked why are we banking so much on the opinion of the DBM? The reason is very obvious. It is because CSCRO 3 heavily relied on the first opinion of DBM to disapprove the proposed permanent appointment of Tanglao. It must be stressed at this point that DBM totally reversed its first opinion and went on to issue the above second opinion on the basis of the new evidence submitted by Tanglao that he was indeed engaged in budgeting work for three (3) years as a member of the Local Finance Committee. Would it be fair enough if the Commission will reconsider its stand in this light?

x x x

"It is fatal error to hold on continuously to the theory that Tanglao lacks experience since Mayor Morales [21/11] admitted the lack of experience of Tanglao. Circumstances have changed due to the introduction henceforth of new evidence such as Tanglao's experience with the United States Government at Clark Air Base and his experience with the Local Government Finances. If these evidence were not previously asserted by Tanglao, it was done in 'good faith' simply because he did not realized that service to the US Government was creditable as experience to the Philippine Government and that his active role in the Local Finance Committee was not properly exploited until the DBM cited Tanglao's experience therein as Creditable budget experience for purposes of appointment as Municipal Budget Officer."

Records at hand show that on February 2, 1998, Mayor Morales appointed Tanglao as Municipal Budget Officer (MBO) under permanent status but the same was disapproved by the Civil Service Commission Field Office (CSCFO)- Pampanga for failure to meet the experience and residence requirements for the said position. On March 4, 1998, Mayor Morales made representations with the Civil Service Commission Regional Office (CSCRO) No. III to authorize the appointment of Tanglao under temporary status in order to allow him to acquire the required experience, after which he can be appointed under permanent status. In a letter dated March 13, 1998, CSCRO No. III allowed the appointment of Tanglao under temporary status with the understanding that it shall no longer authorize any renewal thereof.

On January 18, 1999, Mayor Morales renewed the appointment of Tanglao as MBO but the same was disapproved by CSCRO No. III on the ground that he still lacks two (2) years of relevant experience. The subsequent request of Acting Mayor Prospero T. Lagman for reconsideration was also denied on February 18, 1999. Thereafter, Acting Mayor Lagman appealed to the Commission but the same was dismissed in CSC Resolution No. 99-1416 dated July 5, 1999. Hence, this motion of Mayor Morales.

The instant motion is devoid of merit.

The contention of Mayor Morales that Tanglao's experience in the Local Finance Committee (LFC) should be considered since the same is material in the approval of the latter's appointment deserves scant consideration. Be it emphasized that the designation by Mayor Morales of Tanglao as a member of the LFC is in violation of Republic Act No. 7160 (Local Government Code of 1991) and the Local Budgeting Manual issued by the Department of Budget and Management (DBM). This being the case, the experience he supposedly gained as a member of said committee must be completely disregarded. The Commission will not countenance the action of the a chief executive in designating a favored employee to a certain committee-- where his membership is not in accordance with law ²⁰¹¹₂₀₁₁²⁰¹¹₂₀₁₁-in order to gain experience so that his future appointment will be approved by the Commission. A person cannot be made to profit for violating the law.

Records show that at that time Tanglao was designated as a member of the LFC, he was merely occupying the position of Executive Assistant. The composition of the LFC as provided for in Section 316 of RA 7160 are as follows:

"There is hereby created in every province, city or municipality a local finance committee to be composed of the local planning and development officer, the local budget officer, and the local treasurer." (Underlining supplied)

Further, The Local Budgeting Manual provides to wit:

"The Local Chief Executive may include as member of the LFC other officers like the Local Accountant, Local Assessor, and Chairman of Appropriations Committee." (Underlying supplied)

The officials enumerated as examples in the aforementioned provision have one thing in common, i.e., they are involved in fiscal administration. Under the rule on ejusdem generis, where general words (other officers) follow on enumeration of persons (local accountant, local assessor, chairman of appropriations committee), such general words are not to be construed in their widest extent but are to be held as applying only to persons of the same kind or class specifically mentioned (Statutory Construction, Ruben E. Agpalo, Third Edition, p. 165; citing Smith, Bell and Co. vs. Register of Deeds, 96 Phil 53[1954] and Republic vs. Miguno, 189 SCRA 289 [1990]). Thus, the designation of Tanglao, who was a mere Executive Assistant at the time, in the LFC is not in accordance with law. Consequently, the experience he acquired should not be credited in his favor.

Since Tanglao still failed to meet the experience requirement as provided for under Section 475 of the Local Government Code of 1991, then there is no factual or legal basis to approve his appointment.

Finally, it has not escaped the attention of the Commission that a qualified eligible (Narce P. Pacquia) is available and has even applied for the said position. This application was favorably endorsed by the then Acting Mayor Lagman to the CSCRO No. III. Evidently then, Tanglao cannot be appointed to the said position even under temporary status.

In fine, movant Mayor Morales has neither presented new evidence nor raised any valid argument to convince the Commission to reverse or modify its earlier decision.

WHEREFORE, the motion for reconsideration of Mayor Marino P. Morales is hereby DENIED for lack of merit. Accordingly, CSC Resolution No. 99-1416 dated July 5, 1999 stands.

Quezon City, Oct. 17 2000

(SGD.)**CORAZON ALMA G. DE LEON**

Chairman

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

Commissioner

(SGD.)**J. WALDEMAR V. VALDEMOR**

Commissioner

Attested by:

(SGD.)**ARIEL G. RONQUILLO**

Director III

Tanglao

NDC 99-0298