

**CANGUILAN, Nerissa B.**

**Re: Disapproved Appointment; Appeal**

**x-----x**

## **RESOLUTION NO. 002400**

Regional Director Samuel T. Paragas, Mines and Geosciences Bureau, Department of Environment and Natural Resources (DENR), Regional Office No. II, Tuguegarao, Cagayan, appeals the disapproval of the promotional appointment of Nerissa B. Canguilan as Supervising Science Research Specialist (SG 22) by the Civil Service Commission Regional Office No. II (CSCRO No. II), Tuguegarao, Cagayan, on the ground that the appointee lacks the relevant education required for the said position.

Pertinent portions of the appeal of Director Paragas are hereunder quoted, as follows:

x x x

"Moreover, Ms. Canguilan has been appointed as Community Development Assistant in 1991 to 1993. She was also assigned at the Ecosystems Research and Development Service of DENR Regional Office giving her ample exposure and experience in research works.

"In CSC RO2's decision, the position description of Supervising Science Research Specialist position was enumerated. We would like to inform you that we have not overlooked these. In fact, these were even one of the factors which qualified Ms. Canguilan to the position. The evaluation of Environmental Work Program, preparation of work and financial plans, accomplishment reports were all part of her inherent functions as Planning Officer and Project Evaluation Officer.

"For the record, Ms. Canguilan has been designated as Chief of the Plans and Programs Section of the Planning and Management Division of DENR from 1995 to 1998. As such, she was responsible for the preparation of Work and Financial Plans (WFP) not only of the DENR Regional Office but including those of its five Provincial and Environment and Natural Resources Offices (PENROs) and 16 Community Environment and Natural Resources Offices (CENROs). These WFPs contain the programs and projects of the five services of the DENR namely: Forest Management, Land Management, Environment and Protected Areas and Wildlife, Ecosystems Research and Development and the then Mines and Geosciences Service when it was not yet operational as a line bureau until 1998.

"Being a Project Evaluation Officer, one of her tasks included the evaluation of Environment and Natural Resources Projects, preparation of Regional Accomplishment Reports, conduct of periodic field inspection of on-going projects, monitoring of monthly accomplishment vis-<sup>21</sup><sub>21</sub>-vis work and financial plan as bases for performance evaluation of the different sectors,

PENROs and CENROs.

"While we acknowledge that some of the functions enumerated in the PDF calls for technical knowledge or preparation relative to mining, it should also be considered that mining is but part of the macro environment. The mining industry operates in an environment where socio-economic and ecological factors interplay. Hence, the need to tap people with expertise on other fields to attain new objectives of this Office.

"We would also like to inform you that Ms. Canguilan has undergone training programs on Environmental Management at the Development Academy of the Philippines where she learned the rudiments of Environmental Impact Statement (EIS) System; a basic and advance courses in Geographic Information System at the University of the Philippines where she acquired the techniques in computer-based spatial planning; and a detailed ENR Project Development and Packaging Course. (See attached Certification) She is also a graduate of Master in Public Administration (MPA) under the auspices of the Civil Service Commission Local Scholarship Program."

The comment of CSCRO No. II reads, as follows:

"On December 9, 1999, she was issued a promotional appointment as Supervising Science Research Specialist. However, the same appointment was disapproved by our CSC Cagayan-Batanes Provincial Field Office on January 6, 2000, for lack of relevant education. It may be worthy to mention that under the 1997 Revised Qualification Standards Manual, the Supervising Science Research Specialist calls for Bachelor's degree relevant to the job.

"An appeal to the Regional Office was dismissed as per Decision No. A-000203 dated February 8, 2000, the pertinent portion of which reads:

'We believe otherwise, while it is true that Mrs. Canguilan is a holder of Masteral degree in Public Administration, the bulk of her job as Supervising Science Research Specialist is not purely research. It calls for supervision of initial evaluation of Environmental Work Program and exploration and other environmental reports under RA 7942, otherwise known as the Philippine Mining Act of 1995 which can be successfully accomplished only if the holder of the position has finished a degree catering to Mining Industry, possess technical knowledge or has adequate preparation and skills relative to the Mining Industry.'

"A request for reconsideration was denied on March 22, 2000 because of technicality.

"There are two issues which we would like to be resolved by the Commission relative to the instant case.

"One is whether or not the educational attainment of Mrs. Canguilan is considered relevant to the job. And the other one is whether or not we are bound to approve her Supervising Science Research Specialist appointment by virtue of our earlier

approval of her Senior Science Research Specialist appointment which is considered as a next-in-rank position.

"On both issues we maintain our negative answer.

"A perusal of the Position Description Form of the questioned position reveals the following duties:

1. Supervise the initial evaluation of Environmental Work Program (EnWP) exploration and other environmental reports required under RA 7962;
2. Supervises the initial evaluation of Environmental Protection and Enhancement Program (EPEP);
3. Supervises the issuance of Certificate of Environmental Management and Community Relations Records;
4. Supervises the evaluation and approval of annual EPEP;
5. Supervises the monitoring of EnWP and annual EPEP implementation;
6. Supervises the preparation of work and financial plan of the section;
7. Supervises the preparation of monthly/annual accomplishment reports of the section;
8. Supervises the conduct of investigation for claims for compensation for damages cause by mine waste and/or mill tailings.'

"As can be gleaned from the above-enumerated duties, the major bulk of the tasks to be performed by the appointee calls for technical knowledge which is acquired from a degree catering to the Mining Environment and to the Mining Industry as a whole. Mrs. Canguilan lacks this educational attainment. While it is true that she is a holder of a degree of Master in Public Administration, the same cannot be used to offset her apparent lack of relevant education.

"On the other hand, the approval of her Senior Science Research Specialist appointment in November 25, 1998 was an act of inadvertence. Our personnel who evaluated and approved her appointment before could have thought that Mrs. Canguilan's degree in Master in Public Administration is sufficient for her to meet the educational qualification. However, we cannot close our eyes and approve her appointment to a position which is considered next-in-rank to the position under consideration. We cannot perpetuate what we believe is an error.

The minimum requirements of a Supervising Science Research Specialist (SG 22) prescribed in the 1997 Revised Qualification Standards are, as follows:

**EDUCATION** : Bachelor's degree relevant to the job

**EXPERIENCE** : 3 years of relevant experience

**TRAINING** : 16 hours of relevant training

**ELIGIBILITY** : Career Service (Professional) Second Level Eligibility

The qualifications of Canguilan are, as follows:

**EDUCATION** : Bachelor of Business Administration 1982-1986 - University of the East

Masters of Public Administration 1993-1995 - Cagayan State University

**EXPERIENCE** : more than 3 years of relevant experience

**TRAINING** : more than 16 hours of relevant training

**ELIGIBILITY** : Career Service Professional 85.56%

The issue in the instant case is whether or not the disapproval of the promotional appointment of Canguilan as Supervising Science Research Specialist by the CSCRO No. II is valid.

Records show that Canguilan was previously issued an appointment as Senior Science Research Specialist on January 1, 1999 and which was approved by the CSCRO No. II on the ground that the appointee did not meet the educational requirement prescribed for the said position. A subsequent appeal was filed with the said office but the same was denied in its Decision No. A-000203 dated February 8, 2000. Likewise, their motion for reconsideration was also denied. Hence, this appeal.

After a careful evaluation of the records of the case, the Commission finds the appeal meritorious.

Education requirement is specifically defined in CSC Memorandum Circular No. 42, s. 1998 (Framework for Implementation of Policies on Qualification Standards) which reads, as follows:

"1. Relevant Education as a requirement in the Qualification Standards Manual refers to academic, technical or vocational studies that will enable the candidate to successfully perform the duties and responsibilities of the position to be filled-up."

It is noted in the 1997 Revised Qualification Standards that the educational requirement to be qualified for the subject position is that the appellant must be a holder of a bachelor's degree relevant to the job. However, it did not specify that the appointee of said position must be a graduate of a Mining course. The position description form of Supervising Science Research Specialist shows that the holder of said position must essentially have supervisory and management skills which Canguilan is well-equipped. Although she may not be a graduate of a mining or other related course, her lack of technical skills in this area are well-compensated by her previous work and training experience as Chief of the Plans and Programs Section of the Planning and Management Division of the DENR from 1995-1998, among others. Therefore, Canguilan could fully qualify for the said position where she is promoted.

Further, a perusal of the records of the case reveals that the vision of the Mines and Geosciences Bureau (MGB) pursuant to RA 7942 (Mining Act of 1995) is to help create self-sustaining and income-generating activities for the development of the mining communities, among others. Likewise, MGB also provides technical assistance to the mining and community industries through the conduct of feasibility studies for income-generating projects. And in this respect, the expertise of Canguilan is necessary. Hence, the disapproval of her promotional appointment by the CSCRO No. II should be set aside.

WHEREFORE, the appeal of Regional Director Samuel T. Paraga is hereby granted. Accordingly, the promotional appointment of Nerissa B. Canguilan as Supervising Science Research Specialist (SG 22) is hereby approved.

CSCRO No. II is hereby directed to approve said appointment and such approval shall be reflected in the service card of Canguilan.

Quezon City, OCT 18 2000

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

Commissioner

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

Chairman

**(O.B.) JOSE F. ERESTAIN, JR.**

Commissioner

Attested by:

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

Director III

ABR/MVM/X3/Y12/jca111

NDC-00-0414

CPS/canguilan'r