

MARCOS, Dolores B.

Re: Accreditation of Services;
Appeal

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RESOLUTION NO. 01-0707

Lorna M. Seraspe, Manager, Human Resource Management Department, National Housing Authority (NHA), Quezon City, appeals from the denial by the Civil Service Commission - National Capital Region (CSC-NCR), Quezon City, of her request for the accreditation of services rendered by Dolores B. Marcos, Administration Services Aide, same agency, for the period April 7, 1998 to April 6, 2000.

Seraspe represented, as follows:

“In our letter dated 28 July 2000 xxx, addressed to Director Thelma P. Japzon , Officer-In-Charge/Director III of the National Capital Region-CSC, we sought the approval of the same considering that such services were rendered prior to Ms. Marcos’ knowledge of her real date of birth which is 07 April 1933, giving rise to presumption of good faith on her part and that CSC-NCR issued its Order dated 08 June 2000, granting her petition for correction of date of birth. Said request was denied for lack of merit, per CSC-NCR letter dated 11 October 2000 xxx.

“In this regard, we humbly appeal for the reconsideration of the Honorable Chairman to

approve our request to enable Ms. Marcos to complete the fifteen (15) years of service required under GSIS Law for her to qualify to retirement benefits under the provisions of Republic Act No. 8291.”

Records show that Dolores B. Marcos rendered actual services in government from July 1, 1982 to January 31, 1996 and from July 1, 1997 to April 6, 2000.

On January 14, 2000, Dolores B. Marcos applied for compulsory retirement from the government service effective at the close of working hours on April 7, 2000. Subsequently, Dolores B. Marcos requested the Civil Service Commission - National Capital Region (CSC-NCR), Quezon City, to correct her birthdate to April 7, 1933 from April 7, 1937, which was granted by the CSC-NCR in an Order dated June 8, 2000.

Thereafter, on July 28, 2000, Lorna M. Seraspe requested the accreditation of Marcos' government service from the period April 7, 1998 to April 6, 2000. In a Letter dated October 11, 2000 issued by CSC-NCR, the said request for accreditation was, however, denied.

Hence, the present request.

After due deliberation, the Commission resolves to grant the present request.

The rule is settled that appointment in government, particularly in the career service, shall not be issued should it favor an appointee who has already reached the age of sixty-five (65), save only in meritorious cases and after prior authority from the Civil Service Commission. In point is **Section 12, Rule XIII of CSC Memorandum Circular No. 40, series 1998, as amended by CSC Memorandum Circular No. 15, series 1999**, which mandates:

“Sec. 12. No person who has reached the compulsory retirement age of 65 years can be appointed to any position in the government.

“The Commission however, may, in meritorious cases, extend the services of one who has reached compulsory retirement age of 65 years for a period of six (6) months. Such extension shall be at the maximum period of one (1) year for those who will complete the fifteen (15) years of service required under the GSIS law. Request for extension shall be made by the head of office and shall be filed with the commission prior to the date of the official/employee’s compulsory retirement. xxx.

“Services rendered during the period of extension, for those who shall complete the 15 years of service required under GSIS law, shall be credited as part of the government service. Otherwise, the same shall not be credited as government service for purposes of retirement. xxx.”

The rationale of the foregoing rule, needless to state, is to recognize young minds in government to conform with its merit and fitness policy, consistent with the pronouncement by the Supreme Court in the case of ***Dionisio M. Rabor vs. Civil Service Commission, G.R. No. 111812 dated May 31, 1995***, thus:

“We find it very difficult to suppose that the limitation of permissible extensions of service after an employee has reached sixty-five (65) years of age has no reasonable relationship or is not germane to the foregoing provisions of the present Civil Service Law.

The physiological and psychological processes associated with ageing in human beings are in fact related to the efficiency and quality of the service that may be expected from individual persons. The policy considerations which guided the Civil Service Commission in limiting the maximum extension of service allowable for compulsory retirees, were summarized by Griño-Aquino, J. in her dissenting opinion in Cena:

‘Worth pondering also are the points raised by the Civil Service Commission that extending the service of compulsory retirees for longer than one (1) year would: (1) give a premium to late-comers in the government service and in effect discriminate against those who enter the service at a younger age; (2) delay the promotion of the latter and of next-in-rank employees; and (3) prejudice the chances for employment of qualified young civil service applicants who have already passed the various government examinations but must wait for jobs to be vacated by ‘extendees’ who have long passed the mandatory retirement age but are enjoying extension of their government service to complete 15 years so they may qualify for old-age pension.’

Normally, in order for an ‘extendee’ to be allowed to continue in government service beyond his compulsory retirement age of 65, a prior authority from the Commission is necessary.

The Commission, however, takes exception *pro hac vice*, to apply the foregoing rule. Admittedly, Dolores B. Marcos continued to hold her office beyond her compulsory retirement age of 65 without her Head of Office having secured a prior authority therefor from the Commission. Her failure to so secure said prior authority from the Commission cannot, however, fault her as Dolores B. Marcos was in good faith that she was due for retirement from the government service only on April 7, 2000. Notably, Marcos has customarily used April 7, 1937 as her birthdate in all her employment records. In fact, it was established that

her service record card on file with the Civil Service Field Office - National Housing Authority bears that same birthdate. Such that on January 14, 2000, Marcos applied for compulsory retirement from the service to take effect at the close of working hours on April 7, 2000. It was only on June 8, 2000 through CSC-NCR Order when Marcos was able to confirm that her real birthdate is April 7, 1933, and thus, she reached age 65 on April 7, 1998. Thus, the Commission is convinced that Marcos rendered services to the government for the period April 7, 1998 to April 6, 2000, albeit beyond her compulsory retirement age of 65, in good faith.

Moreover, it is fair and equitable to accord Dolores B. Marcos what is due her which arose from the services she actually rendered in government. In this regard, **CSC Resolution No. 97-0550 dated January 28, 1997** relative to the recording of services in the government, provides in its 'WHEREAS CLAUSES':

“WHEREAS, employees who rendered services pursuant to defective appointments or without an appointment are not generally at fault since most of them were not even aware of said situation.

“WHEREAS, employees who are adversely affected by said situation should be given a final opportunity to prove the past government services they actually rendered and have the same reflected in their respective service record.

“X X X.

“WHEREAS, fairness and justice demand that government services rendered pursuant to defective appointments or without an appointment which have been proven by competent evidence be included in the employee’s service record and considered in the computation of retirement benefits.”

WHEREFORE, the Commission resolves that the services rendered by Dolores B. Marcos beyond April 7, 1998 shall be considered creditable government services in the interest of equity and fairness.

Quezon City, **March 29, 2001**

(SIGNED)

JOSE F. ERESTAIN, JR.

Commissioner

(SIGNED)

KARINA CONSTANTINO-DAVID

Chairman

(SIGNED)

J. WALDEMAR V. VALMORES

Commissioner

Attested by:

(SIGNED)

ARIEL G. RONQUILLO

Director III

CPS/AGR/pvp/cm08-2001

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