

ESPINA, ELIZABETH L.

Re: Disapproved Appointment

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RESOLUTION NO. 011405

Emmanuel R. Sison, Secretary to the Mayor, filed a Motion for Reconsideration of the disapproval of the appointment of Elizabeth L. Espina as Nurse II of the City College of Manila.

In his appeal, Sison states, as follows:

- “1. That the appointee was screened and evaluated by the Personnel Selection Board, as evidenced by the attached Board Resolution #20, s.1999 of the Interim City Personnel Selection Board;*
- “2. That the appointee passed the screening of the Personnel Selection Board;*
- “3. That the subject was appointed by Honorable Jose L. Atienza, Jr., city Mayor of Manila and Chairman of the Board of Trustees of the city college of Manila pursuant to City Ordinance 7885 approved on April 26, 1995.”*

Records show that Elizabeth L. Espina was appointed as Nurse I at the City College of Manila, effective January 3, 2000. Said appointment was disapproved by the CSC-GSIS Field Office for “violation of Paragraph h, Section 1, Rule III of CSC Memorandum Circular No. 15, s. 1999, and non-compliance with City Ordinance No. 7885 dated April 26, 1995.”

Records also show that the Interim City Personnel Selection and Promotion Board of the City of Manila has promulgated Board Resolution No. 20, dated November 5, 1999. However, the required minutes of the board’s

deliberation was not submitted for evaluation.

Sison appealed the disapproval of the appointment of Espina by the CSC-GSIS Field Office to the CSC National Capital Region (NCR). The CSC-NCR, in its reply to the appeal dated 16 October 2000 states, as follows:

“Wherefore, the instant request cannot be given due course, unless, the members of the Interim City Personnel Selection and promotion Board for the City College of Manila whose names appeared in its Board Resolution No. 20, dated November 5, 1999 have been officially designated to perform such duties and, in addition, the minutes of their deliberation is submitted to this Office for further evaluation.”

A request for consideration of the said decision was filed and the same was denied. Hence this appeal before the Commission.

As aforesaid, the CSC-GSIS Field Office disapproved the appointment of Espina for violation of paragraph h, Section 1, Rule III of CSC Memorandum Circular No. 40, s. 1998 as amended by CSC Memorandum circular No. 15, s. 1999, which states, as follows:

“h. Personnel Selection Board (PSB) Evaluation/Screening. All appointees should be screened and evaluated by the PSB, if applicable. As proof thereof, a certification signed by the Chairman of the Board at the back of the appointment or alternatively, a copy of the proceedings/minutes of the Board’s deliberation shall be submitted together with the appointment. The issuance of the appointment shall not be earlier than the date of the final screening/deliberation of the PSB.”

The subject appointment was, likewise, disapproved for non-compliance with Item 5, Section 11 of the City Ordinance No. 7885 dated April 26, 1995, which states as follows:

“SECTION 11. The Board of Trustees shall have the following powers and duties, in consonance with existing laws and in addition to its general powers under the Corporation Code of the Philippines:

“5) To appoint, on the recommendation of the College President, the officials of the College, the members of the faculty, the support personnel, consultants, and other college personnel, and to remove them for the cause after an investigation and hearing shall have been conducted.”

Even if the Commission takes to be true and correct the statement of Sison that Espina passed the screening of the interim city PSB of the City of Manila as evidenced by Board Resolution No. 20, s. 1999, the same will not render the appointment valid because it is in violation of the aforesaid Item 5, Section 11 of the City Ordinance No. 7885. Moreover, the required minutes of their deliberation was not submitted to the Commission for evaluation.

It is clear from the aforesaid rules that, the power to appoint the personnel of the City College of Manila is solely vested in the Board of Trustees of the City College of Manila. In the instant case, however, the members of the Interim City PSB of the City of Manila acted as the PSB for the City College of Manila. Notwithstanding that Espina was appointed by Mayor Atienza, who is the Chairman of the Board of Trustees of the City College of Manila, the Commission concurs with the decision of CSC-NCR that, unless there is documentary evidence to show that the members of the Interim City PSB of the City of Manila have been authorized or designated by the Board of Trustees to act as PSB of the College, their act of doing so will not cure the defect and give validity to the appointment of Espina. It is as if Espina did not undergo the required evaluation and approval of the PSB.

WHEREFORE, the appointment of Elizabeth L. Espina as Nurse I of the City College of Manila is hereby **DISAPPROVED**. This is without prejudice to the reappointment of Espina upon faithful compliance with the Civil Service rules and regulations on appointment.

Quezon City, **AUG 17 2001**

(Signed)

KARINA CONSTANTINO-DAVID

Chairperson

(Signed)

JOSE F. ERESTAIN, JR.

Commissioner

O.B.

J. WALDEMAR V. VALMORES

Commissioner

Attested by:

(Signed)

ARIEL G. RONQUILLO

Director III