

LANGBAYAN, Fely A.

**Re: Disapproved Appointment; QS;
Educational Requirement; Appeal;
CSC-CAR Order dated May 31, 2001**

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RESOLUTION No. 011765

Jocel C. Baac, Vice Governor and the Acting Governor, Provincial Government of Kalinga, Tabuk, appeals the disapproval of the appointment of Fely A. Langbayan as Records Officer II, same province. The said appointment was disapproved by the Civil Service Commission-Cordillera Administrative Region (CSC-CAR), No. 5, New Lucban, Baguio City, on the ground that the appointee failed to meet the educational requirement of the position.

The pertinent portions of the Order dated May 31, 2001 read, as follows:

“The issue to be resolved is whether or not the CSC Field Office, Kalinga erred in disapproving the appointment of Ms. Langbayan . . .

“ x x x

“ . . . the educational qualification of Ms. Langbayan is not a bachelor degree as can be distinguished from its title.

“Acting Provincial Governor Baac represented that the basis of the CSC Kalinga Field Office in disapproving the appointment is merely an opinion of the PRC Board of Nursing Chairman and is not settled rule nor conclusive which can still be the subject of controversy to be finally settled by the Court of Justice. While we agree that the basis used in the disapproval of the appointment is not a decision of the Courts, we

find sufficiency in the authority of the PRC in ruling on the matter.

“Acting Provincial Governor Baac further argued that the General Nursing Course is a five-year course making it at par with the other Bachelor’s degrees and also the reason why Ms. Langbayan was allowed to take the Career Service Professional examination. It may be informed that before the issuance of CSC MC 41, s. 1991 on the Professionalization (sic) of the Career Service, substitution of education and experience deficiencies for a maximum of two (2) years was allowed.

“As to her experience and various trainings (sic) attended, suffice it to say that experience and training are separate requirements which should be equally met by appointees to positions in government. Also, the position of Records Officer II does not require training and experience.

“ x x x

“In view thereof, the disapproval of the appointment of Mrs. Langbayan as Records Officer II by the CSC Kalinga Field Office is hereby affirmed.”

On the other hand, the appeal of Acting Governor Baac reads, as follows:

“ . . . the CSC Regional Office affirmed the decision of the Field Office on the basis solely on the Opinion-of PRC Board of Nursing Chairman Aurora S. Yapchiongco stating that the General Nursing Course offered before is not a degree course. This opinion is not a settled rule nor conclusive which can still be the subject of controversy to be finally settled by the Courts of Justice.

“It is to be noted that Ms. Langbayan finished the General Nursing Course at Ortañez General Hospital School of Nursing in 1963 which was the only Nursing Curriculum at that time. It was only several years from 1963 that the General Nursing Course was amended into Bachelor of Science in Nursing. The General Nursing Course would show that it requires five (5) years to finish the course making the course at par with the different Bachelor of Arts courses. In fact, the CSC even allowed Mrs. Langbayan to take the Career Service professional examination which she successfully passed.

“The said qualifications (education and eligibility) were the key in which Mrs. Langbayan entered the government service in 1965 up to the present. . . .

“As to the second issue, it appears that the subject item position referred to in the letter of CSC Commissioner (sic) Nelson L. Acebedo . . . containing the opinion of PRC Board of Nursing Chairman Yapchiongco, which was the basis of disapproval of the appointment of Mrs. Langbayan refers to the Nursing position regulated by RA 7164 known as the Philippine Nursing Act of 1991 and not similarly situated with the case of Mrs. Langbayan. Ergo, this opinion could not be the basis of (sic) evaluating the educational qualification of . . . Langbayan vis-à-vis the education qualification required for the position of Records Officer II.

“Let it be emphasized that Mrs. Langbayan is not promoted to a Nursing position which requires that an appointee must be a graduate of Bachelor of Science in Nursing. This is a different thing because Mrs. Langbayan is supposed to be handling records and not patients. It would be a different story if appointee would be directly taking care of persons because it is now life that is involved.

“In view thereof, it is respectfully prayed that this Honorable Commission accepts this letter appeal and reverse the Order of the CSC Regional Office and finally approve the appointment of Mrs. Fely A. Langbayan as Records Officer II. . . .”

The CSC-CAR commented on the appeal, as follows:

“The prescribed educational qualification of the position of Records Officer II is bachelor’s degree. Records shows that the highest educational attainment of appointee is Graduate Nurse (GN). Based from the letter of PRC’s Board of Nursing Chairman Aurora A. Yapchiongco, the three-year General Nursing Course is not a bachelor’s degree, hence, not equivalent to the four-year BSN bachelor’s degree program. Further, as can be determined from the title, the educational qualification of the appointee is not a

bachelor's degree. Accordingly, the appointee does not meet the educational requirement for the position of Records Officer II.

“The then Acting Provincial Governor Baac contends that the basis of the CSC Kalinga Field Office in disapproving the appointment is merely an opinion of the PRC Board of Nursing Chairman and is neither a settled nor conclusive rule which can still be the subject of controversy to be finally settled by the Courts of Justice. While this Office agrees that the basis of the action of disapproval of the appointment is not a decision of the Courts, we find sufficiency in the authority of the PRC in ruling on the matter.

“The then appointing officer further argued that the General Nursing Course is a five-year course making it at par with the other Bachelor's degrees and also the reason why Ms. Langbayan was allowed to take the Career Professional examination. It may be informed that before the issuance of CSC MC 41, s. 1991 on the Professionalization (sic) of the Career Service, substitution of education and experience deficiencies for a maximum of two (2) years was allowed.

“As to her experience and various trainings attended, experience and training are separate qualification requirements which should be equally met by appointees to positions in government. Also, the position of Records Officer II does not require training and experience.

“In the light of the foregoing, the action of disapproval of the CSC Kalinga Field Office was affirmed by the CSC-CAR Regional Office.”

Records show that on March 1, 2001, Acting Governor Baac appointed Langbayan as Records Officer II at the Office on Health Services, Kalinga Provincial Government. However, on April 2, 2001, the said appointment was disapproved by the Civil Service Commission Kalinga Field Office on the ground that the appointee failed to meet the educational requirement of the said position. On April 2, 2001, the Civil Service Commission Cordillera Administration Region dismissed the appeal brought before it.

Hence, this appeal.

The sole issue to be resolved is whether the disapproval of the appointment of Langbayan is in order.

The minimum qualifications for the position of Records Officer II^[1] are, as follows:

EDUCATION :	Bachelor's degree
EXPERIENCE :	None required
TRAINING :	None required
ELIGIBILITY :	Career Service Professional Second Level Eligibility

On the other hand, the qualifications of Langbayan are, as follows:

EDUCATION :	Graduate Nurse
EXPERIENCE :	Many
TRAINING :	Many
ELIGIBILITY :	Career Service Professional

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.^[2]

It must be mentioned that the appointment of Langbayan was disapproved by the CSC-CAR on the ground that she failed to meet the educational requirement of the said position. The education required for Records Officer II is a bachelor's degree. However, it is the contention of the said office that the degree of Graduate Nurse is not a bachelor's degree program. The said contention was based on a ruling, dated August 31, 1999, of Civil Service Commission Assistant Commissioner Nelson L. Acebedo that *the three year General Nursing Course is not a degree course and hence, not equivalent to the four year Bachelor of Science in Nursing program.*

The said ruling was in turn based on an opinion, dated June 28, 1996, of Board of Nursing Chairman Aurora S. Yapchiongo. The pertinent portions of the said opinion read, as follows:

“Briefly tracing nursing education in our country, may I give the following information:

“1. In the 1970’s two types of basic nursing education programs were offered, that is:

“1.1 Three year Graduate in Nursing referred to as General Nursing Course (GN) leading to the diploma in Nursing offered in hospital settings. For some years a pre-nursing course was a requirement for admission to the program.

“1.2 The four to five years Bachelor of Science in Nursing (BSN) baccalaureate program leading to the degree title in nursing offered in university or colleges of nursing.

“Both courses took the nursing licensure examination and were qualified to first level positions in nursing.

“2. In 1984, the Graduate in Nursing course program was phased out. The BSN continued to be the basic nursing education course. With progress in professional nursing, the present BSN curriculum is competency based and community-oriented.

“3. The three year General Nursing Course offered before is not a degree course and hence, not equivalent to the four year BSN program.” (Underlining ours)

The Commission gives great weight to the opinion rendered by Chairman Yapchiongco, being the Head of the Board of Nursing. Moreover, as supported by the records, Langbayan herself admits in her Personal Data Sheet that the said course is a three-year course.

Therefore, it is without question that the course Graduate in Nursing is only a three-year course. Since the educational requirement for the position of Records Officer II is a Bachelor’s Degree, a four-year course in college, the disapproval of the appointment of Langbayan is in order.

The qualification standards established for the contested position do not only prescribe the eligibility but also the minimum

education and experience required for the position. Even if the appointee possesses the required civil service eligibility, there would still be abuse of discretion by the appointing authority if the other qualifications were not satisfied. [3]

It must be emphasized that as long as the appointee possesses the minimum qualifications prescribed by law or regulations, there is no question that his appointment must be respected by the Civil Service Commission. However, this rule does not cover those cases where the Commission finds, after examining the appointment papers, that the appointee does not satisfy the minimum qualifications for the position in question. In these cases, the Commission would be well within its right – and responsibility – in refusing to approve the appointment. The appointing authority should, thus, appoint persons to the contested positions possessing the aforementioned minimum qualifications so as to be within the ambit of the law. For even if the appointing authority is given a wide latitude in the exercise of its discretion in personnel actions, the appointee must first possess the minimum qualifications prescribed by law. [4]

WHEREFORE, the appeal of Kalinga Province Acting Governor Jocel C. Baac is hereby **DISMISSED**. Accordingly, the decision of the CSC-CAR disapproving the appointment of Fely A. Langbayan as Records Officer II stands.

Quezon City, **November 6, 2001**

(SIGNED)

KARINA CONSTANTINO-DAVID

Chairman

(SIGNED)

JOSE F. ERESTAIN, JR.

Commissioner

(SIGNED)

J. WALDEMAR V. VALMORES

Commissioner

Attested by:

(SIGNED)

ARIEL G. RONQUILLO

Director III

FPG/KPZ/X3/Y11(D22)jrl

Langbaya^[5]n/NDC-01-0771

[1] 1997 CSC Revised Qualification Standards Manual

[2] Specific Policies (Education Requirement), FRAMEWORK FOR IMPLEMENTATION OF POLICIES ON QUALIFICATION STANDARDS (Civil Service Commission Memorandum Circular No. 42, s. 1998)

[3] Torio vs. Civil Service Commission, 209 SCRA 677 dated June 9, 1992

[4] Cortez vs. Civil Service Commission, 195 SCRA 621 dated February 26, 1992