

**CAPIÑA, Marilyn S.**

Re: Appointment; Qualification  
Standards; Appeal

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### **RESOLUTION NO. 02-0113**

Marilyn S. Capiña, Secondary School Principal I, Caraga National High School (CNHS), Caraga, Davao Oriental, appeals the Order dated September 12, 2000 of the Civil Service Commission Regional Office (CSCRO) No. XI, Davao City, directing the recall of the previous approval of her appointment.

Said Order reads, in part, as follows:

*"In Our (sic) order dated April 27, 2000, We (sic) ruled that Protestee Marilyn S. Capiña meets the minimum requirements set under the Qualification Standards Manual to qualify her to the position of Secondary School Principal I, in that she is a graduate of Bachelor of Science in Education and has been appointed to the position of Teacher II for more than two (2) years (sic) prior to her appointment to the contested position; has undergone more than eight (8) hours of training relevant to the job; and is a holder of a PBET eligibility.*

*"However, We (sic) failed to note that the appointee's job experience as Teacher II, although it is within the same level of position as that of the Secondary School Principal I, cannot be considered relevant to qualify her to hold the position of the latter (sic). Teaching of pupils or students is not within the contemplation of 'relevant experience' for the appointee to qualify to hold a position whose function is primarily the administration and supervision of the*

school.

*"Furthermore, the penultimate paragraph of Section 99 of Republic Act 7160 otherwise known as the Local Government Code of 1991 requires that the Department of Education, Culture and Sports shall consult the local school board on the appointment of division superintendents, district supervisors, school principals, and other school officials. Record reveals that this requirement has not been satisfied by the concerned agency.*

*"IN VIEW OF THE FOREGOING, the instant motion for reconsideration is GRANTED. Accordingly, The (sic) Civil Service Field Officer of Davao Oriental, Dir. Juanito Gamalong is hereby ordered to recall the approval of Ms. Marilyn S. Capiña's appointment as Secondary School Principal I of Caraga National High School. Caraga, Davao Oriental, foqr (sic) failure to comply with the requirements set under the Revised Qualification Standards Manual and Republic Act No. 7160. . ."*

The material allegations in the appeal are, as follows:

- "1. THAT THE HONORABLE REGIONAL DIRECTOR COMMIT-TEDE ERRORS OF FACTS AND OF LAW WHICH ARE PREJUDICIAL TO THE INTEREST OF APPELLANT.*
- "2. THAT THE HONORABLE REGIONAL DIRECTOR'S ORDER DENYING APPELLANT'S MOTION FOR RECONSIDERATION AND RECALLING HER APPOINTMENT IS NOT SUPPORTED BY THE EVIDENCE ON RECORD.*
- "3. THAT THE HONORABLE REGIONAL DIRECTOR ERRED IN ALLOWING AND ENTERTAINING A NEW PROTEST INSPITE OF THE FACT THAT HIS ORDER OF DISMISSAL HAD BECOME FINAL AND EXECUTORY, AND HAS ALSO ERRED IN NOT RULING THAT THE SECOND PROTEST WAS FILED OUT OF TIME.*
- "4. THAT THE REGIONAL DIRECTOR ERRED IN NOT UPHOLDING APPELLANT'S*

*APPOINTMENT AS SECONDARY SCHOOL PRINCIPAL I OF CARAGA NATIONAL HIGH SCHOOL.”*

The records disclose that on December 6, 1999, appellant Capiña was issued an appointment as Secondary School Principal I of the CNHS under regular permanent status. Prior to the issuance of her appointment, appellant held the position of Teacher II from January 1, 1996 up to the issuance of her appointment as Secondary School Principal I. On December 20, 1999, said appointment was approved by the Civil Service Commission-Davao Oriental Field Office. On January 4, 2000, appellant took her oath of office as Secondary School Principal I.

Prior to the approval of said appointment by the CSC Field Office, however, Segundo S. Bugtay, Head Teacher III of CNHS, filed a protest against the appointment of appellant but the CSCRO No. XI dismissed the same in an Order dated January 6, 2000 for failure of Bugtay to comply with the procedural requirements in filing a protest.

On January 10, 2000, Bugtay protested the appointment of appellant before the Office of the Schools Division Superintendent, Davao Oriental, but the protest was dismissed by said Office in a decision dated February 1, 2000.

Thereafter, Bugtay filed another protest before the CSCRO No. XI but the latter again dismissed the protest in an Order dated April 27, 2000, the material portion of which reads, as follows:

*“Since Ms. Capiña meets the minimum qualification requirements for the position of Secondary School Principal I, then the approval of her appointment by the Civil Service Field Office, Mati, Davao Oriental, is hereby upheld. The instant protest is therefore DISMISSED for lack of merit.”*

Bugtay subsequently moved for the reconsideration of the aforementioned Order which the CSCRO XI granted in its Order now subject of this appeal and directed the recall of the approval of appellant's appointment. Appellant moved for a reconsideration but the same was denied in an Order dated December 4, 2000.

Hence, this appeal.

At this juncture, it must be noted that the CSCRO XI granted the motion for reconsideration of Bugtay on two grounds: 1) appellant did not meet the relevant experience requirement for appointment to the position of Secondary School Principal I; and 2) the municipal school board was not consulted before the appointment of appellant to the contested position. Hence, the main issues to be resolved are: 1) whether appellant meets the relevant experience requirement for appointment to the position of Secondary School Principal I; and 2) whether the statutory requirement of prior consultation with the municipal school board was complied with when the appointment of appellant was issued.

Under the Revised Qualification Standards Manual, the appointee to the position of Secondary School Principal I must have at least two (2) years of relevant experience to his/her credit. In the present case, her being a Teacher II under permanent status since January 1, 1996 can be considered as relevant experience. This being the case, it would now appear that she has acquired and fully meets the minimum experience requirement for appointment as Secondary School Principal I as early as January 01, 1998.

In resolving the issue of whether there was prior consultation with the municipal school board when the appellant was issued her appointment as Secondary School Principal I, the relevant portions of **Sections 98 and 99 of the Local Government Code of 1991** must be cited, to wit:

*"SEC. 98. Creation, Composition, and Compensation. – (a) There shall be established*

*in every province, city, or municipality a provincial, city, or municipal school board, respectively.*

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*"(3) The municipal school board shall be composed of the municipal mayor and the district supervisor of schools as co-chairmen; the chairman of the education committee of the sangguniang bayan, the municipal treasurer, the representative of the pederasyon ng mga sangguniang kabataan in the sangguniang bayan, the duly elected president of the municipal federation of parent-teacher association, the duly elected representative of the teachers' organizations in the municipality, and the duly elected representative of the non-academic personnel of public schools in the municipality, as members.*

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*"SEC. 99. Functions of Local School Boards. – The provincial, city or municipal school board shall:*

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*"The Department of Education, Culture and Sports shall consult the local school board on the appointment of division superintended, district supervisors, school principals, and other school officials."*

As will be noted above, the co-chairman of the municipal school board is the district supervisor of schools. And among its members are the chairman of the committee on education of the sangguniang bayan and the representative of the *pederasyon ng mga sangguniang kabataan in the sangguniang bayan*. The

records disclose that all of these persons were consulted prior to the issuance of appellant's appointment. In fact, all the members of the Sangguniang Bayan of Caraga, Davao Oriental, in a letter dated October 21, 1999, strongly endorsed the appointment of appellant, as follows:

*"In pursuance with the provisions of the Local Government Code of 1991, particularly Rule XXIII, Article 184, Item C thereof on consultation purposes, this office endorsed (sic) and recommend (sic) the promotion and appointment of Mrs. Marilyn S. Capino for the Secondary Principal I of Caraga National High School, Caraga, Davao Oriental which was vacated by Mr. Villanueva P. Olea who retired on April 1, 1997."*

Of course, it cannot be denied that the Schools Division Superintendent as co-chairman of the municipal school board was consulted prior to the issuance of appellant's appointment as it was she who appointed the appellant. This was reiterated in a letter dated October 27, 2000 of Schools Division Superintendent Juan E. Taloma addressed to CSCRO XI Director IV Elmer R. Bartolata which partly reads, as follows:

*"This division hereby reiterates its appointment of Marily (sic) S. Capiña as Secondary School Principal I of the Caraga National High School on grounds already stated in Annex 'B' hereof. . . ."*

*"Hence, we strongly recommend that the appointment of Mrs. Capiña remains undisturbed and be upheld as valid, lawful, binding, and duly effective."*

On the strength of all of the foregoing facts duly established by the evidence on record, the Commission is fully convinced that there was substantial compliance with the statutory requirement of prior consultation with the municipal school board before the issuance of the appointment of appellant as Secondary School Principal I. In an analogous case, the Commission approved the appointment of an

appointee to the position of Schools Division Superintendent despite the fact that only the Provincial Governor, in his capacity of co-chairman of the provincial school board, was consulted before the issuance of the said appointment. This ruling is found in **CSC Resolution No. 98-2058 dated August 3, 1998** where the Commission held that:

*"Granting arguendo that prior consultation with the Local School Board is necessary in reassignments made by the DECS, the Commission, nonetheless, finds substantial compliance with said rule when DECS Undersecretary Antonio E.B. Nachura was informed by Camarines Sur Governor Luis Villafuerte during a telephone conversation that the Provincial School Board which he heads as Chairman, 'has no objection to Mrs. Malaya's re-assignment to the Division of Camarines Sur, and that the DECS can now proceed with said assignment.*

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*"Finally, the Commission finds no merit in Dr. Osea's allegation that Resolution No. 98-0699 'is in total revolt with the Alanis case.' It should be noted that the factual milieu of the present case is not exactly the same as that of the Alanis case. For in the Alanis case, there was absolutely no prior consultation with the Local School Board before the issuance of her appointment as Schools Division Superintendent. In the present case, however, and as earlier discussed, there was substantial compliance with the requirement of Section 99 of the Local Government Code of 1991 before Dr. Malaya was reassigned by the DECS to the Division of Camarines Sur. It is thus evident that the Alanis case finds no parallelism in the present case."*

**WHEREFORE**, the appeal of Marilyn S. Capiña is hereby **GRANTED**. Accordingly, the appealed Orders dated September 12, 2000 and December 4, 2000 of the Civil Service Commission Regional Office No. XI are **REVERSED and SET ASIDE**.

Quezon City, January 24, 2002

(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

*CPS/AGR/pvp/cm02-2002*

*FPG/KPZ/Y9/w21*

*Capiña/vog*

*NDC 01-0079*