

CALAMBA, Dominador N.

Re: Assumption to Office; Query

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RESOLUTION NO. 021163

Amelia P. Navarette, Executive Assistant, Office of the Chairperson, Commission on Human Rights (CHR), requests this Commission to render an opinion on the following queries:

"Is it right for Commissioner Calamba to claim that his assumption to office as Commissioner should be reckoned from November 14, 2001, the date he took his oath of office? He asserts that he assumed office as a Commissioner in the CHR Regional XI Office for the reason that Region XI is a part of the Commission. He actually reported for the first time on November 26, 2002 as Commissioner here at the main office where the Chairperson and Commissioners hold office at the State Accounting and Auditing Center (SAAC) Building, U.P. Complex, Diliman, Quezon City (central office). Is the correct date of his assumption November 14 or November 26?"

"In short, may an official assume office anywhere, other than the office where such official is mandated to hold office, in this case the State Accounting and Auditing Center Building, U.P. Complex, Diliman, Quezon City?"

Records show that Dominador N. Calamba II was appointed by President Gloria Macapagal-Arroyo as Commissioner of CHR on October 31, 2001 for a period of seven (7) years, to end on May 5, 2008. Calamba took his oath of office on November 14, 2001 before Hilario I. Mapayo, Executive Judge, Regional Trial Court of Digos City. In her letter to this Commission, Ms. Navarette represented that Commissioner Calamba purportedly assumed office in CHR Regional Office No. XI-Davao City on the same date he took his oath of office and reported to the Central Office in UP-Diliman only on November 26, 2001. Thus, her query.

The issues that need to be resolved are, as follows:

1. Whether an official may assume office anywhere; and
2. What is the correct date of assumption of Commissioner Calamba?

Under Civil Service Law, Rules and Regulations, a newly appointed employee or official must physically assume

his/her office, i.e., he/she must report to his/her place of assignment and perform the functions and duties of his/her work. This view is supported by **CSC Resolution No. 01-1341 dated August 8, 2001** wherein the Commission ruled, thus:

"WHEREFORE, the Motion for Reconsideration of Atty. Khem N. Inok is hereby GRANTED. CSC Resolution No. 01-0016 is modified to the extent that in case of new appointment, physical assumption of the duties and functions of the office is required before one may be considered to have assumed duty. . . ." (Emphasis supplied)

In the instant case, Commissioner Calamba is not considered to have physically assumed his position or office on November 14, 2001 since he is required to report to the Central Office and not in the Regional Office. This is clearly seen in his duties and responsibilities, to wit:

"1. Collegially oversees/supervises the operations and the Constitutional mandates of the Commission on Human Rights;

"2. Collegially approves the financial transactions of CHR;

"3. Collegially carries out the programs and policies of the Commission;

"4. Performs legal counseling on the interpretation, application, enforcement, and violation of the laws pertaining to Human Rights and of the Commission's rules and regulations;

"5. Assists in the development and implementation of programs on human rights;

"6. Approves the filing of charges against perpetrators of human rights violations before proper agencies; and

"7. Performs other functions that may be assigned from time to time."

The enumerated functions of Commissioner Calamba indicate that he needs to personally interact and communicate with the other Commissioners and the Chairperson of CHR on a regular basis so that the CHR may be able to fully implement its constitutional and statutory mandates. Commissioner Calamba is not a newcomer to CHR since he was its former Regional Director, thus, he knows the duties and responsibilities that his new office requires. Consequently, he cannot insist that he can assume his position in the regional office since his place of work is in the Central Office.

Since the duties and responsibilities of Commissioner Calamba requires him to report and perform his functions in the Central Office then it follows that his date of assumption should be reckoned on the date when he reported in the Central Office, that is, on November 26, 2001.

WHEREFORE, the Commission hereby rules, as follows:

1. Commissioner Dominador N. Calamba's duties and responsibilities requires him to hold office in the Central Office; and
2. His date of assumption should be reckoned on the date he reported in the Central Office and discharge functions and responsibilities of his office as a Commissioner of CHR.

Quezon City, SEP 09 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

