

**PROVINCIAL GOVERNMENT
OF ZAMBOANGA DEL SUR**

Re: Reorganization; Appeal

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RESOLUTION No. 030028

The Civil Service Commission Regional Office (CSCRO) No. IX, Zamboanga City forwarded to the Commission Proper the motion for the reconsideration of its decision embodied in a letter dated June 3, 2002 filed by Governor Aurora Enerio-Cerilles, Province of Zamboanga Del Sur, Pagadian City. In said decision, the Regional Office invalidated the appointments of ninety-six (96) employees of the Province as contained in the Report on Personnel Actions (ROPA) for the month of January 2002. The motion was treated as an appeal pursuant to CSC Resolution No. 02-0797 (Policies on Facilitative Actions on Appointments/Motion for Reconsideration/Appeals) dated June 6, 2002.

In an Order dated October 22, 2002, this Commission directed Governor Enerio-Cerilles to comply with the requirements for perfecting an appeal as setforth in *CSC Resolution No. 02-0319 dated February 28, 2002 which amended Section 46 of the Uniform Rules on Administrative Cases in the Civil Service (CSC Resolution No. 99-1936 dated August 31, 1999)*.

The Commission resolves to dismiss the instant appeal.

The records of the Commission do not show that the Order has been complied with notwithstanding the receipt thereof by Governor Enerio-Cerilles on November 26, 2002 as evidenced by the Registry Return Receipt. Verily, Governor Enerio-Cerilles failed to perfect her appeal and, thus, shall cause the dismissal thereof pursuant to *Civil Service Commission Resolution No. 02-0319* which mandates:

Section 46. Perfection of an Appeal. To perfect an appeal, the appellant shall submit the following documents:

27 (a) Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;

27 (b) Three copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution, order appealed from, and certified copies of the documents or evidence;

27 (c) Proof of service of a copy of the appeal memorandum to the disciplining office;

27 (d) Proof of payment of the appeal fee; and

27 (e) A statement or certificate of non-forum shopping. 27

27 When an appellant fails to comply with any of the above requirements within the reglementary period, the Commission shall direct compliance therewith within a period of ten (10) days from receipt of said directive, with a warning that failure to comply with the said period of ten (10) days shall be construed as a deliberate intent to delay and thus considered as failure to perfect an appeal and shall cause the dismissal of the appeal with prejudice to its refiling. 27 [Underscoring supplied].

In Civil Service Commission Resolution No. 98-2662 dated October 6, 1998, Lampasa, Cicero T. citing Ceniza vs. Court of Appeals, 218 SCRA 390, it was held that:

27 Perfection of an appeal in the manner and within the period laid down by law is not only mandatory but jurisdictional and failure to perfect an appeal as legally required has the effect of rendering final and executory judgment of the court below and deprives the appellate court jurisdiction to entertain the appeal. 27

WHEREFORE, the appeal of Governor Aurora Enerio-Cerilles from the Decision dated June 3, 2002 of the Civil Service Commission Regional Office No. IX invalidating the appointments of ninety-six (96) employees of the Province of Zamboanga del Sur as contained in her Report of Personnel Actions (ROPA) for the month of January 2002, is hereby **DISMISSED** with prejudice.

Quezon City, January 13, 2003

(SGD.)
KARINA CONSTANTINO-DAVID
Chairman

(SGD.)
JOSE F. ERESTAIN, JR.
Commissioner

(SGD.)
J. WALDEMAR V. VALMORES
Commissioner

Attested by:

(SGD.)
ARIEL G. RONQUILLO
Director III