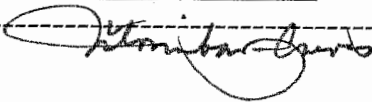


EN BANC

G.R. No. 237322 – CIVIL SERVICE COMMISSION, *Petitioner* v. PO1 GILBERT FUENTES, *Respondent*.

Promulgated:

January 10, 2023

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CONCURRING OPINION

SINGH, J.:

In this case, the Civil Service Commission (CSC) affirmed the Decision and Resolution of the National Police Commission (NAPOLCOM) finding respondent PO1 Gilbert Fuentes (**PO1 Fuentes**) administratively liable for grave misconduct for the killing of Oliver Pingol (**Oliver**), and meted him the penalty of dismissal from service.¹ On appeal, the Court of Appeals (CA) reversed the Decision of the CSC, and exonerated PO1 Fuentes.² Aggrieved, the CSC, through the Office of the Solicitor General (OSG), brought an appeal before this Court to question the Decision of the CA.

To settle the issue of whether the CSC has legal standing to appeal the CA decision, the *ponencia* sought to harmonize the cases of *Civil Service Commission v. Dacoycoy*³ and *Mathay, Jr. v. Court of Appeals*⁴ by formulating a set of rules, reproduced as follows:

1. Generally, the CSC cannot bring an appeal before the Court as an aggrieved party;
2. As an exception, the CSC can bring an appeal if the decision will seriously prejudice the civil service system, will impair the effectiveness of government, has a deleterious effect on the government, or has an adverse impact on the integrity of the civil service; and
3. In any event, the appointing authority, prosecuting agency, appointee, or private complainant in appropriate cases is not precluded from elevating a decision adverse to them for review.⁵


¹ *Ponencia*, p. 2.

² *Id.*, at 5-6.

³ 366 Phil. 86 (1999).

⁴ 378 Phil. 466 (1999).

⁵ *Ponencia*, p. 23.



In resolving the case, the *ponencia* granted the Petition and applied the general rule that the CSC can bring an appeal as an aggrieved party.⁶ In so ruling, the *ponencia* cites as basis the case of *Civil Service Commission v. Dampilag*,⁷ where the Court held that the CSC is “better equipped in handling cases involving the employment status of employees in the Civil Service since it is within the field of their expertise.”⁸ Thus, the *ponencia* ruled that the Court of Appeals decision in the present case should be reversed because the charge against PO1 Fuentes was substantiated by evidence.⁹

I concur in the result of the *ponencia* that the Petition should be granted. The CSC has the requisite standing to bring an appeal before the Court as an aggrieved party. Moreover, the act of PO1 Fuentes in shooting Oliver is a misconduct that goes into his qualification and fitness as a member of the Philippine National Police.

The Court recognizes that while procedural rules are essential to the proper, efficient, and orderly dispensation of justice, such rules must be applied in a manner that will help secure and not defeat justice.¹⁰ Thus, the CSC must not be deprived of its last resort to discipline and rid the system of an obviously unfit civil servant due to a procedural ground.

Likewise, the Court in *Anak Mindanao Party-List Group v. The Executive Secretary*¹¹ explained the rule on *locus standi*, thus:

Locus standi or legal standing has been defined as a personal and substantial interest in a case such that the party has sustained or will sustain direct injury as a result of the governmental act that is being challenged. The gist of the question on standing is whether a party alleges such personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court depends for illumination of difficult constitutional questions.¹²

The act of PO1 Fuentes in shooting Oliver due to a traffic altercation is a misconduct of such character that goes into his qualification as a member of the civil service, in general, and of the Philippine National Police, in particular, which undoubtedly affects the integrity and viability of our civil service system, giving the CSC the requisite legal standing to appeal the adverse decision rendered against it by the CA.

⁶ *Ponencia*, p. 24.

⁷ G.R. No. 238774, June 10, 2020.

⁸ *Id.*

⁹ *Ponencia*, p. 25.

¹⁰ *Jaro v. Court of Appeals*, 427 Phil. 532 (2002).

¹¹ 558 Phil. 338-363 (2007).

¹² *Id.*



Circumspect leniency will give the aggrieved party “the fullest opportunity to establish the merits of his complaint rather than to lose life, liberty, honor or property on technicalities.”¹³

It is well to note that the CSC is the constitutional commission created to enforce the mandate that all appointments in the civil service shall be based on merit and fitness.¹⁴ A civil servant’s fitness to remain in office necessarily includes the question of whether he or she is able to obey the laws, behave in a manner that does not take advantage of his or her position or abuse its privileges, and act in a way that ensures the safety and well-being of the people he or she is sworn to protect, instead of endangering them.

It is this very constitutional mandate that gives the CSC the requisite legal standing to contest adverse decisions rendered against it because every violation of the Civil Service laws and rules is an affront against public policy. As the central personnel agency of the government,¹⁵ the CSC has jurisdiction to supervise the performance of and discipline, if need be, all government employees.¹⁶

Thus, the CSC should have legal standing to challenge adverse decisions rendered against it by appellate courts, as such adverse decisions go into the question of whether the civil servants involved possess the required merit and fitness that would qualify them to continue in the service. The ability to appeal adverse decisions involving the discipline of public servants is a vital tool to enable the CSC to perform its constitutional duty of enforcing discipline in the civil service.

Stated simply, it is only by allowing the CSC to question adverse decisions that it would be able to fully carry out its constitutional duty of ensuring that only qualified people are allowed to remain in the service and that erring public servants are properly penalized.

The CSC is mandated not just to adjudicate, but also to enforce our civil service laws. Without the ability to appeal adverse decisions rendered against it, the CSC would be severely handicapped in the performance of its duties. To rule otherwise would be a clear disregard of the CSC’s stature as a constitutional commission and an expert administrative agency.

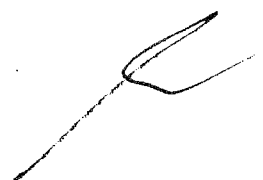
Thus, much like in criminal cases, it is the State, through the CSC, which is the real offended party in cases involving the discipline of civil servants and violations of civil service laws. If the CSC is not empowered in

¹³ *Alberto vs. Court of Appeals*, 390 Phil. 253 (2000).

¹⁴ PHIL. CONST. art. IX-B, sec. 2 (2).

¹⁵ PHIL. CONST. art. IX-B, sec. 3.

¹⁶ *Civil Service Commission v. Alfonso*, 607 Phil. 60 (2009).



this manner, maintaining a reliable and trustworthy civil service system will be out of its control.

In this case, PO1 Fuentes' act of shooting Oliver does not exclusively pertain to the personal right of the private offended party, as such act greatly affects the integrity of our civil service system.

The interest of the CSC in ensuring that a police officer, who has exhibited behavior that could jeopardize the lives and safety of the people he is bound to protect, will be penalized accordingly, cannot be overemphasized.

To reiterate, the act of PO1 Fuentes in shooting Oliver due to a traffic altercation while using his service firearm is a misconduct that goes into his qualification and fitness as a member of the Philippine National Police, and of the civil service. Whether POI Fuentes should be dismissed or be allowed to remain in service is a question the resolution of which the CSC should be allowed to bring before the Court through an appeal.

In *Civil Service Commission v. Ledesma*,¹⁷ the Court held that "misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules, which must be proved by substantial evidence. Otherwise, the misconduct is only simple. A person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the additional elements to qualify the misconduct as grave."

It must be noted that conduct prejudicial to the service is not defined in the Civil Service Law and its rules but is so inclusive as to put within its ambit any conduct of a public officer that tarnishes the image and integrity of his public office.¹⁸

While there is no concrete description under Civil Service laws of conduct prejudicial to the best interest of the service, the following acts or omissions have been treated as such: misappropriation of public funds; abandonment of office; failure to report back to work without prior notice; failure to safekeep public records and property; making false entries in public documents (*i.e.*, PDS); falsification of court orders; a judge's act of

¹⁷ 508 Phil. 569, 579 (2005).

¹⁸ *Cruz v. Pandacan Hiker's Club, Inc.*, 776 Phil. 336, 344 (2016).



brandishing a gun, and threatening the complainants during a traffic altercation, to name a few.¹⁹

To be sure, the Court, in numerous cases, has taken cognizance of the CSC's right to appeal in instances involving the misconduct and discipline of government employees.

To illustrate, in *Civil Service Commission v. Cortez*,²⁰ the Court granted the CSC's appeal following the reversal of its decision by the CA. In *Cortez*, the CSC dismissed Cortez for the unauthorized sale of examination fee stamps. On appeal to the CA, the latter modified the penalty from dismissal from service to forced resignation. The Court granted the CSC's appeal and ruled that Cortez is not entitled to a lower penalty. The Court agreed with the CSC that Cortez's conduct irreparably tarnished the integrity of the CSC.

Similarly, in *Civil Service Commission v. Vergel De Dios*,²¹ the Court took cognizance of the CSC's appeal of the CA decision which reversed the CSC's dismissal of Vergel De Dios. In this case, Vergel De Dios was found guilty of having another person take the civil service examination for her. The Court found that the circumstances warrant the reinstatement of the CSC's decision dismissing Vergel De Dios from service.

In *Civil Service Commission v. Clave*,²² the Court likewise granted the CSC's appeal of a CA decision which reversed the CSC's ruling that Clave should be dismissed from the Government Service Insurance System for the unauthorized cancellation of outstanding loans.

In *Civil Service Commission v. Gentallan*,²³ the Court ruled that the question of whether an illegally dismissed government employee is entitled to backwages following her reinstatement is an issue which could potentially adversely affect the civil service. This, according to the Court, granted the CSC the personality to file an appeal of the CA decision which reversed its findings.

Further, in *Civil Service Commission v. Rodriguez*,²⁴ the Court granted the CSC's appeal and reinstated the latter's decision, which found respondent Rodriguez guilty of serious dishonesty, grave misconduct, and conduct prejudicial to the best interest of the service. In this case, Rodriguez falsified her Nursing Licensure Examination results in order to be accepted as a staff

¹⁹ *Catipon v. Japson*, 761 Phil. 205, 222 (2015).

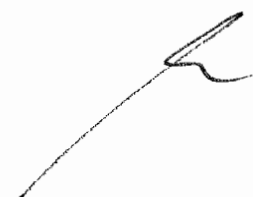
²⁰ 474 Phil 670 (2004).

²¹ 753 Phil. 240 (2015).

²² 683 Phil. 527 (2012).

²³ 497 Phil. 594 (2005).

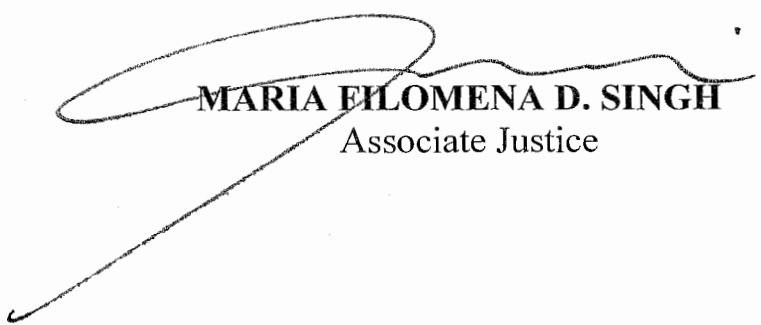
²⁴ G.R. No. 248255, August 27, 2020.



nurse at the Davao Oriental Province Hospital. The Court considered Rodriguez's acts of falsifying her examination results, Personal Data Sheet, and the use of a fake "PRC Identification Card" as conduct prejudicial to the best interest of the service.

The foregoing cases show that this Court has long recognized the legal standing of the CSC to appeal a decision rendered against it. Clearly present in this case is an issue that warrants the CSC's right to appeal.

All things considered, I vote to **GRANT** the Petition.



MARIA FILOMENA D. SINGH
Associate Justice