

AMAMEDA, Arturo C.

Re: Appointment; Reclassification;
Upgrading; Appeal

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RESOLUTION NO. 990193

Arturo C. Amameda, General Service Officer A, Fernando water District (SFWD), Province of Pampanga. Appeals the action taken by the Civil Service Regional Office No. III (CSRO-III) on his appointment. Appellant alleged that his appointment was approved under temporary status instead of the proposed permanent status as stated in the appointment. Pertinent of his appeal dated May 14, 1998, reads, as follows:

"Previously, we were permanent employees of this Water District before the Supreme Court declared all LWDs as government-owned and controlled corporations. However, we were greatly surprised and disappointed to learn that the status of our appointments upon receipt were changed to temporary although they were originally proposed as permanent.

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"Our positions are existing positions in the SFWD which were reclassified or retitled by the DBM. Since these retitling or reclassification was not own making but by operation law.

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"²¹₁₁ we were issued new appointments, the very from CSC based on the new position titles appearing in the PAL effective May 14, 1997 proposed as permanent with the nature of reclassification or 'reclassified' ²¹₁₁

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"We are filing appeal only now because we waited for the reply of the CSC Region 3 to the letter of Manager Jesus D. Liago dated June 23, 1997 [redacted] which up to now has not been acted upon [redacted]"

On July 23, 1998, CSRO No. III Regional Director Anicia Marasigan- De lima submitted her comment on the appeal, which reads as follows:

"It is represented that the appointments to the abovementioned position are case reclassification or retitling which gives appellant vested right to be appointed thereto, even if they do not meet the qualification prescribed for the said positions.

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The Absorption Plantilla of Appointment was submitted in compliance with CSC Resolution No. 93-4360 issued pursuant to the Supreme Court ruling in Davao Water District, et al., vs. CSC, 201 SCRA 593. The same was noted by Wilhelmina B. Pineda, the Head, Civil Service Field Office-Pampanga. As shown in their respective Service Cards, Sicat's appointment as CSC Marketing Supervisor is the initial entry therein [redacted] for Amameda, Purchasing/Plant Maintenance Supervisor [redacted]

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The foregoing of facts will that the principle of vested right does not and cannot apply [redacted] (t)he Commission has been consistent in its ruling that for this principle to apply, it must be established very clearly that the position upgraded was exactly the position held by the appointee who was issued the appointment. As already explained, this is not obtaining in the instant case.

The records disclosed that March 16, 1977, Amameda started his employments, with the SFWD as Bill Collector (casual). His employment was made permanent on September 16, 1977. Through the years, he had continuously serve the SFWD as Master Reader and Purchasing Agent. As of 1994, he was holding a permanent appointment as General Service Supervisor.

In the compliance with the Supreme Court ruling in the case of Davao City Water District, et al., vs. CSC, (G.R. nos. 95237-38) dated September 13, 1991 and with CSC Resolution No. 93-4360 dated October 1, 1993, the SFWD submitted a Position Allocation List (PAL) to the Department of Budget and Management (DBM). Under the DBM-approved PAL, the position originally held by Amameda (General Service Supervisor) was retitled to General Service Officer

Subsequently, SFWD submitted a Plantilla of Personnel prepared in accordance with the DBM-approved PAL. The Plantilla of Personnel was approved by the DBM on January 7, 1996. The plantilla of personnel contains the following pertinent entries:

Based on the above plantilla of personnel, Arturo C. Amameda was issued a new appointment on May 14, 1997 to the position of General Service Officer A under permanent status. Said appointment was submitted to the CSRO No. III for approval. It appears, however, that the status of his appointment was changed from permanent to temporary as he purportedly does not meet the eligibility requirement set forth in the Qualification Standards manual for the said position. Thus, his appointment as General Service Officer A was approved under temporary status on May 30, 1997.

Hence, this appeal.

It is emphasized that the position of Amameda as General Service Supervisor was merely reclassified/retitled to General Service Officer A. Prior to the reclassification, he was holding the former position under permanent status. Such being the case, he has vested right to retain his permanent status in the reclassification position of General Service Officer A. This is pursuant to CSC Memorandum Circular No. 1993 which reads as follows:

"This directive is in line with the ruling of the Supreme Court on September 13, 1991, in the case of Davao City Water District al., vs. the Civil Service Commission on Audit, G.R. Nos. 95237-38, placing water district under the jurisdiction of both constitutional commission. Thus, this commission hereby prescribes the following guidelines in the submission of such appointments:

"1. Pursuant to the aforementioned Supreme Court ruling all existing employees as had been extended permanent employment status at the time of promulgation (of the ruling) shall retain such of the Commission ²¹/₂₁"

The ground relied upon by CSRO No. III in approving the appointment of Amameda under temporary status, that he failed to meet the eligibility requirement for the position of General Service Officer A, is inapplicable. CSC M. C. No.41 categorically stated that employees holding permanent status prior to the promulgation of the Supreme Court decision shall retain their former position and their permanent status. In cases of retitling/reclassification, compliance with the requirements under the Qualification Standards Manual and other civil service law and rules are not necessary in order that such employee may be issued a permanent to the retitled/reclassified position.

It is noted that hie the Supreme Court decision was promulgated in 1991 and the CSC Memorandum Circular No.41 was issued in 1993, the Position Allocation List of SFWD, as approved by the DBM, was to take effect only on January 1, 1995. Pursuant to the DBM-approved PAL, SFWD submitted a Plantilla of Personnel. Said plantilla of personnel was made the basis of the 1997 appointments issued by then Interim General Service Manager Jesus D. Laigo.

Certainly, the employees, such as the appellant, should not be made to suffer the consequences of the delay in the implementation of the Supreme Court decision and CSC Memorandum Circular. As such, in issuing an appointment to appellant Amameda, his position immediately before the issuance of the appointment (General Service Supervisor) should be the point of reckoning. This should be made the basis of his initial appointment in the government as General Service Officer A. If it si happened that the position he government status was retitle/upgraded, Amameda has a vested right to be appointed to the

new position without losing his permanent status.

Relevant to this issue is the ruling in **CSC Resolution no. 981941 dated July 20, 1998**, where the Commission held as follows:

"In a number of CSC Resolutions, e.g., No 93767 (Daya, Winefredo); 958211 (Bien, Jesus); 967515 (Corpuz, Clarita); 980268 (Parairo, Julieta), the Commission consistently ruled that vested right is accordance the incumbent of the reclassified position so that there will be no loss of appointment status on his part ²⁾ 3)"

In view of the foregoing discussion, it is evident that Amameda has a vested right to be appointed to the position of General Service Officer A under permanent status. To simply changed his appointment status to temporary against his consent would impair and infringe his right to security of tenure.

WHEREFORE, the Commission finds the appeal of Arturo C. Amameda meritorious. Accordingly, Civil Service Regional Office No.III hereby ordered to approve the May 14, 1997 appointment of Amameda as General Services Officer A under permanent status.

Quezon City, JAN 15 1999

(Signed)

CORAZON ALMA G. DE LEON

Commissioner

(Signed)

THELMA P. GAMINDE

Commissioner

(Signed)
JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

(Signed)
ARIEL G. RONQUILLO
Director III