

**TRINIDAD, Aurora M.**

Re: Reassignment

X-----X

### **RESOLUTION 990543**

Aurora M. Trinidad, Administrative Division Manager, Upper Pampanga River Integrated Irrigation System (UPRIIS), National Irrigation Administration (NIA), appeals the Memorandum dated January 8, 1998 of then NIA Administrator, Orlando V. Soriano, reassigning her to the Office of the Operations Manager. Originally, Trinidad filed her appeal with the Office of the Ombudsman, who later endorsed the same to this Commission, considering that the same involves personnel action.

Trinidad, in her appeal, represented as follows:

*"This has with (sic) reference to a memorandum from the Hon. Administrator Orlando V. Soriano dated January 8, 1998 to the undersigned reassigning me from the Office of the Administrative Division to the Office of the Operations Manager, effective January 9, 1998 thereby relieving me of my duties and responsibilities as Division Manager.*

*"As a good civil servant I obeyed what was directed/ordered to me although I knew that there were technicalities in the said memorandum. Firstly, it is serve (sic) on January 13, 1998, Resolution No. 2946-A of the Omnibus Election code (sic) promulgated on January 6, 1998 prohibits the transfer or detail of officers and employees in the civil service effective January 11, 1998. Secondly, it does not comply with the Sections 7.2 and 9.1 in relation to 3.1 and 3.5 of NIA Memorandum Circular No. 47, s. 1989. It is clear violation of Sec. 24 PD 807 CSC Rules and Laws which states that 'An employee in the civil service maybe re-assigned from one organizational unit to another in the same agency and such re-assignment shall not involve a reduction in rank, status or salary.*

*"I am at present in floating status. The anxiety and the trauma I've been suffering as if I've*

*done nothing good in my existence as Administrative Officer demoralized me more. If this will be the situation employees in the field offices will fear of having the same fate as I do."*

The contested Memorandum reads, in part, as follows:

X X X

*"In the exigency of the service and pursuant to NIA Memorandum Circular No. 47, 1989 the following UPRIS employees are hereby re-assigned as follows:*

NAME/DESIGNATION FROM TO

*AURORA M. TRINIDAD Manager, Adm. Div. Office of the Operations*

*Division Manager A Manager*

X X X

*"The above re-assigned personnel are hereby relieved of their present duties and responsibilities and ordered to clear themselves of their present accountabilities.*

*"These re-assignments take effect January 9, 1998 and shall supersede other orders inconsistent herewith and shall remain in force unless otherwise revoked by the undersigned."*

When requested to comment, Administrator Soriano stated in his letter dated June 1, 1998, as follows:

*"a) Administrative Order No. 272 - All departments, bureaus, agencies, offices and instrumentalities of the Government are required to adopt and implement a system of rotation and assignment of personnel by which the talents, training, capacities and abilities of employees in the Civil Service may be availed of and used in whichever position or for*

*whatever functions they are needed, without directly violating the existing laws and rules on the Civil Service.*

*"b) Sec. 26, (7), Chapter V, Book V of Executive Order No. 292. Reassignment - An employee may be reassigned from one organization unit to another in the same agency; Provided, That such reassignment shall not involve a reduction in rank, status or salary.*

*"c) The exigency and interest of the service was the foremost objective in making the reassignment to improve operations and services to the farmers.*

*"In view of the above, it is recommended that the instant complaint be dismissed for lack of merit."*

The case stemmed from the issuance of a Memorandum dated January 8, 1998 by the NIA Administrator, Orlando V. Soriano. In said Memorandum, Aurora M. Trinidad was relieved from her position as Manager, Administrative Division, UPRIS, Cabanatuan City and was reassigned to the Office of the Operations Manager effective January 9, 1998.

Trinidad claims that her reassignment, was not in compliance with Sections 3.1, 3.5, 7.2 and 9.1 of NIA Memorandum Circular No. 47 series of 1989. Her rotation is not a lateral movement or reassignment from her present organizational unit to another within the agency as she was merely transferred to the Office of the Operations Manager without any designated position. In addition, she claims that her reassignment is not in accordance with the Civil Service Law and rules.

The main issue presented in the instant case is whether or not there is sufficient basis for the continued effectivity of the reassignment of Trinidad at the Office of the Operations Manager. Thus, the resolution of this case shall focus only on the propriety of the reassignment order considering that the Ombudsman has referred to the Commission on Election (COMELEC) the alleged violation of COMELEC Resolution No. 2946-A promulgated on January 6, 1998. It may be worthy to mention that this COMELEC Resolution prohibits the transfer or detail of officers and employees in the Civil Service effective January 11, 1998.

After a careful evaluation of the records of the case, the Commission finds the reassignment of Trinidad not in order.

The Guidelines to NIA Memorandum Circular No. 47, series of 1989, re: Guidelines to Rotation, provides that:

X X X

*"3.1 ROTATION - is the lateral movement or reassignment of a NIA official from his present organizational unit to another within the agency. It involves change of assignment to another of more or less the same work complexity and rank. The official, however, retains his rank, status or salary. The movement does not require the issuance of an appointment.*

X X X

*"3.5 RANK - denotes the relative standing of an official in the organizational hierarchy.*

X X X

*"7.2 The Rotation Order shall be issued not less than forty-five (45) days prior to the effectivity in order to give the official concerned ample time to clear his desk and brief his successor on matters such as, existing resources of the office, plans and programs, on-going activities, commitments, special problems, if any, any other items affecting the operation of his office. He shall clear himself of financial and property accountabilities in his present station."*

X X X

Significantly, Item 6.1 of the same NIA Guidelines provides as follows:

*"6.1 The period of new assignment shall generally be for a period of three years."*

Evident from the foregoing and other provisions of the NIA Circular is a policy of the NIA to rotate officers and employees occupying particular positions which include the position of Trinidad. However, the reassignment of Trinidad was made effective one day before its issuance or less than forty-five (45) days prior to the effectivity (see Item 7.2 of the Guidelines to NIA MC 47, s. 1989), which is therefore not in accordance with the aforementioned NIA Guidelines.

Further, a scrutiny of the Memorandum reassigning Trinidad readily shows that she was not designated to any position or given specific functions. Since, Trinidad was not given any specific functions to perform, this makes her in a floating status. To place her in such a situation for a long period of time will not serve the best interest of the service. Clearly, the reassignment of Trinidad was done in haste.

The Commission, in the case of **IBOT, Nida et al., CSC Resolution No. 953208 dated May 22, 1995**, ruled as follows:

*"It is a well-settled rule that in the interest of the public service, temporary reassignment of personnel may be made by the appointing authority. The only condition is that the reassignment should not be used as a device to oust an employee away from the position for which he was appointed. As held in the case of Cruz vs. Navarro, 66 SCRA 79, the Supreme Court ruled as follows:*

*`There is no question that we recognize the validity and indispensable necessity of the well-established rule that for the good of public service and whenever public interest demands, public officials maybe temporarily assigned or detained to other duties even over his objection without necessarily violating his fundamental and legal rights to security of tenure in the civil service. But as we have already stated, `such cannot be undertaken when the transfer of the employee is with a view to his removal' and `if the transfer is resorted to as a scheme to lure the employee away from his permanent position' because `such*

*attitude is improper as it would in effect result in a circumvention of the prohibition which safeguards the tenure of office of those who are in the civil service." (Garcia, et al. vs. Lejano, GR Bo. L-2220, Aug. 5, 1996)*

WHEREFORE, the appeal of Aurora M. Trinidad is hereby granted and her reassignment is set aside. Accordingly, the National Irrigation Administration is directed to allow Trinidad to report back to her former post and discharge the duties and responsibilities of said position immediately and the Regional Director of CSC-NCR will monitor the implementation of the same.

Quezon City, March 2, 1999

**JOSE F. ERESTAIN, JR.**  
Commissioner

**CORAZON ALMA G. DE LEON**  
Chairman

**THELMA P. GAMINDE**  
Commissioner

Attested by:

**ARIEL G. RONQUILLO**

Director III

Jfe/rad33

OLA/A1/A4/rco42/trinid-r

NDC-98-0427