

SUPREME COURT OF THE PHILIPPINES  
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**Republic of the Philippines  
Supreme Court  
Manila**

**SECOND DIVISION**

**CIVIL SERVICE COMMISSION,**  
Petitioner,

**G.R. No. 215932**

**Present:**

CARPIO, J., *Chairperson*,  
PERLAS-BERNABE,  
CAGUIOA,\*  
REYES, J. JR., and  
LAZARO-JAVIER, JJ.

- versus -

**RICHARD S. REBONG,**  
Respondent.

**Promulgated:**

**03 JUN 2019**

*[Handwritten Signature]*

X ----- X

**DECISION**

**REYES, J. JR., J.:**

Assailed in this Petition for Review on *Certiorari* are the August 29, 2014 Decision<sup>1</sup> and the December 23, 2014 Resolution<sup>2</sup> of the Court of Appeals (CA) in CA-G.R. SP No. 134264 which reversed and set aside the July 26, 2013 Decision,<sup>3</sup> November 11, 2013 Resolution<sup>4</sup> and February 25, 2014 Resolution<sup>5</sup> of the Civil Service Commission (petitioner), which

\* On wellness leave.  
<sup>1</sup> Penned by Associate Justice Francisco P. Acosta, with Associate Justices Fernanda Lampas Peralta and Myra V. Garcia-Fernandez, concurring; *rollo*, pp. 34-53.  
<sup>2</sup> Id. at 54-55.  
<sup>3</sup> Approved by Chairman Francisco T. Duque III and Commissioners Robert S. Martinez and Nieves L. Osorio; id. at 56-67.  
<sup>4</sup> Id. at 68-73.  
<sup>5</sup> Id. at 74-76.

disapproved Richard S. Rebong's (respondent) permanent appointment as Intelligence Officer V.

### **The Antecedents**

Respondent served as Intelligence Agent 1 (IA 1) of the then Economic Intelligence and Investigation Bureau (EIIB) of the Bureau of Customs (BOC) from October 1994 to January 2000, or for approximately five years. As IA 1, respondent was assigned by then Deputy Commissioner Francisco Arriola (Deputy Arriola) as Team Leader of the Special Operations Group (SOG), at the Container Yard (CY), Container Freight Station (CFS) and Customs Bonded Warehouses (CBW) of the Port of Manila and the Manila International Container Port.<sup>6</sup>

As Team Leader, respondent supervised other Intelligence Agents and Intelligence Aides who were members of the team. He ensured that no diversion of shipments bound to Rizal, Cavite, Laguna and Batangas provinces would occur.<sup>7</sup>

Respondent's duties and responsibilities as IA 1 include the preparation and supervision of strategic operation set-ups for the detailing of Intelligence Agents and Intelligence Aides to various CY, CFS and CBW located in the National Capital Region (NCR). These Intelligence Agents and Intelligence Aides would submit reports which respondent, in turn, prepared and submitted to the Chief of the SOG in the form of Summary of Information and After Mission Reports including reports on the justification of Mission Order and profiling of suspected violators of the Tariff and Customs Code of the Philippines (TCCP).<sup>8</sup>

From March 2004 until May 2012, or approximately eight years, respondent continued to serve as IA 1 for the Customs Intelligence and Investigation Service (CIIS) of the BOC. During his service as such, respondent was assigned as Team Leader in the CIIS's sub-unit at the Philippine Economic Zone Authority (PEZA) covering the provinces of Rizal, Cavite, Laguna and Batangas.<sup>9</sup> Respondent's assignment as Team Leader was upon the instance of the head of the CIIS-District who would divide the intelligence officers and agents assigned in the area into teams or groups.<sup>10</sup>

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<sup>6</sup> Id. at 35.

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id.

As Team Leader, respondent managed a team of agents who was tasked to safeguard shipments bound to PEZA and CBW in Region IV. Likewise, upon instruction of the Intelligence Officer 11 (IO 11) as immediate supervisor, respondent assigned tasks and monitored the performance of the group of agents and would thereafter report directly to the IO 11.<sup>11</sup>

In 2007, under Office Order No. 2-2007, respondent was assigned by Atty. Julio Doria as Field Officer of the X-Ray Inspection Project unit at the Manila International Container Port. As Field Officer, he was the leader of a team of x-ray inspectors composed of an Assistant Field Officer and four team members.<sup>12</sup>

Specifically, as Field Officer, respondent supervised the activities of x-ray inspectors in a particular x-ray field office. He likewise prepared regular reports of x-ray field office activities and accomplishments. Respondent also coordinated with the District Collector, the arrastre operator and the Department of Health officials concerning the safety requirements of the project. Thus, all operational and management control of X-Ray Inspection Project in one of the major ports in Metro Manila were assigned to respondent.<sup>13</sup>

In 2008, by virtue of the Customs Personnel Order No. B-7-2008 issued by Deputy Commissioner for Intelligence and Enforcement Group Celso Templo, respondent was assigned as Assistant Officer-in-Charge of the CIIS-PEZA Cavite/Laguna and its extensions located in Cavite, Laguna and Rizal.<sup>14</sup>

Prior to his being employed as IA 1, respondent worked in various private companies, as Account Manager at the New Business Center, from February 1988 to June 1988; Security Investigator at the RVV Security Services, Inc., from August 1988 to August 1991; and as Senior Market Analyst at the Queensland-Tokyo Commodities, Inc., from August 1991 to December 1991.<sup>15</sup>

Respondent has a bachelor's degree in business administration, major in public administration.<sup>16</sup> In 2009, he earned his master's degree in public administration after finishing the required management courses such as Human Behavior in Management, Theory and Practice of Public Administration and Management, Local Government and Regional

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<sup>11</sup> Id. at 35-36.

<sup>12</sup> Id. at 36.

<sup>13</sup> Id.

<sup>14</sup> Id.

<sup>15</sup> Id.

<sup>16</sup> Id.

Administration, Public Fiscal Administration, Organization and Management, and Public Personnel Administration.<sup>17</sup> In 2012, respondent earned his doctorate in public administration.<sup>18</sup>

When the position of Intelligence Officer V (IO V) or the Chief of the Customs Intelligence Division became vacant, respondent applied for the position.<sup>19</sup>

The Personnel Selection Board (PSB) of the BOC then conducted deliberations and evaluation of the aspirants and thereafter, trimmed down the candidates to eight which included respondent who were then scheduled for interview for purposes of preparing the short list to be submitted to then Commissioner Rozzano Rufino Biazon (Commissioner Biazon) for his consideration.<sup>20</sup>

Subsequently, the PSB submitted to Commissioner Biazon the short list of the candidates for the position of IO V. Respondent was among the three (3) short listed candidates.<sup>21</sup>

On May 10, 2012, respondent was appointed by Commissioner Biazon as IO V. Accordingly, on May 15, 2012, respondent was issued a permanent appointment as IO V by way of promotion.<sup>22</sup>

Respondent's appointment was thereafter transmitted to the Civil Service Commission Field Office-Department of Public Works and Highways (CSCFO-DPWH) for evaluation and attestation. Respondent's appointment, however, was disapproved on the ground that he did not meet the experience and training requirements prescribed for the position.<sup>23</sup>

Respondent appealed the disapproval of his permanent appointment to the Civil Service Commission- National Capital Region (CSC-NCR).<sup>24</sup>

In its Decision dated August 30, 2012, the CSC-NCR found that while respondent satisfied the educational and eligibility requirements for the position of IO V, his experience and training requirements were lacking. According to the CSC-NCR, only respondent's work as Account Manager for four months may be credited for purposes of compliance with the experience requirement since it involved management and supervision. His duties as IA 1, however, were not credited by the CSC-NCR on the ground

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<sup>17</sup> Id.

<sup>18</sup> Id. at 37.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id. at 38.

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> Id.

that as a first level position holder, respondent could not be designated to perform the duties pertaining to second level positions.<sup>25</sup>

Respondent moved for reconsideration which was treated by petitioner as a petition for review.

### *The CSC Ruling*

In a Decision dated July 26, 2013, petitioner ruled that respondent failed to meet the required experience and training qualifications for the position. It declared that the knowledge and skills gained by respondent in the IA 1 position have no actual significant closeness and functional relation with the duties and responsibilities of the position of IO V. Petitioner stated that the main duties and functions of IA 1 involve gathering and compilation of documents, conduct of security mission activities, and search and seizure of illicit cargoes. It held that such duties and functions were not functionally related to the duties and functions of an IO V which requires management and supervision. Moreover, petitioner found that the trainings and seminars attended by respondent did not involve management and supervision.

Likewise, petitioner did not give weight and credence to Office Order No. 2-2007 dated May 28, 2007 issued by Atty. Julito Doria of the X-Ray Inspection Project, designating respondent as Field Officer at Manila International Container Port; Customs Personnel Order No. B-7-2008 dated January 3, 2008 issued by Deputy Commissioner Celso P. Templo, Intelligence and Enforcement Group, reassigning/designating respondent from CIIS Administrative and Support Unit to Assistant OIC CIIS-PEZA, Cavite/Laguna and its Extensions/CBWs located in Cavite, Laguna and Rizal. It noted that said designations were made during the period that respondent was holding the position of IA 1, a first level position. Petitioner emphasized that CSC Resolution No. 050157 dated February 7, 2005, circularized through Memorandum Circular No. 6, s. 2005 dated February 15, 2005, particularly Section B thereof, provides that "designees can only be designated to positions within the level they are currently occupying." Thus, petitioner concluded that the designations made in favor of respondent for him to perform the duties and functions of the second level position, while he was an IA 1 could not be credited for purposes of compliance with the experience requirement for his appointment to the position of IO V as they violated the rules on designation. The *fallo* reads:

WHEREFORE, the Petition for Review of Richard S. Rebong, Intelligence Officer V, Bureau of Customs (BOC), is hereby DISMISSED. Accordingly, the Decision dated August 30, 2012 of the Civil Service

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<sup>25</sup> Id.

Commission-National Capital Region (CSC-NCR), affirming the Decision dated May 31, 2012 of the Civil Service Commission Field Office-Department of Public Works and Highways (CSCFO-DPWH), disapproving his permanent (promotion) appointment as Intelligence Officer V for failure to meet the experience and training requirements, is hereby AFFIRMED.<sup>26</sup>

Respondent moved for reconsideration but the same was denied by the CSC in a Resolution dated November 11, 2013 and in a subsequent Resolution dated February 25, 2014.

Aggrieved, respondent elevated a petition for review before the CA.

### *The CA Ruling*

In a Decision dated August 29, 2014, the CA reversed and set aside petitioner's ruling. It held that the Qualification Standards for the IO V position do not require experience in positions that are managerial and supervisory *per se*, but only positions involving management and supervision. Otherwise stated, if the task of managing and supervising is included or is a part of the appointee's previous employment, then the experience requirement is satisfied. Further, the Qualification Standards do not require that the previous employment held by the appointee be functionally related to the duties of IO V. Had the BOC intended that the previous position of the appointee be functionally-related to the duties of an IO V, then it could have easily so provided. However, as it is, the Qualification Standards enumerate only four requirements, none of which requires that the appointee's previous position be significantly close to or functionally-related to the duties of an IO V.

The appellate court further held that petitioner would have credited respondent's work as IA 1 when he was assigned as Team Leader and as Field Officer as experience involving management and supervision, had it not been for the alleged inherent impermissiveness of such designations, reasoning that a holder of a first-level position like respondent could not be designated to perform duties and functions pertaining to a second level position. It ruled that respondent was not designated to a second level position because he was not named to any specific second level position as he still held the position of an IA 1, while then acting as Team Leader and as Field Officer; and his duties as Team Leader and Field Officer were reflective of his duties as IA 1 and were merely an implementation of his duties as such. Thus, respondent's assignment as Team Leader and Field Officer, not being contrary to petitioner's rules against designation of a first level position holder to a second level position, must be credited to form part of his compliance with the Qualification Standards.

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<sup>26</sup> Id. at 67.

Finally, the CA adjudged that contrary to the unfounded conclusion of petitioner, the training attended by respondent in preparation for his task as Field Officer of the X-Ray Inspection Project involved management and supervisory training. Respondent's attendance in the said training course for 96 hours sufficiently complied with the training requirement. It disposed the case in this wise:

**WHEREFORE**, the instant Petition is **GRANTED**. The Decision dated July 26, 2013 of the Civil Service Commission and the Resolutions dated November 11, 2013 and February 25, 2014 are **REVERSED and SET ASIDE**. The appointment of Petitioner Richard S. Rebong as Intelligence Officer V is hereby **UPHELD**.<sup>27</sup>

Petitioner moved for reconsideration, but the same was denied by the CA in a Resolution dated December 23, 2014. Hence, this Petition for Review on *Certiorari* wherein petitioner raises the following assignment of errors:

- I. THE COURT OF APPEALS GRAVELY ERRED IN FINDING THAT RESPONDENT SATISFIED THE FOUR-YEAR MANAGERIAL/SUPERVISORY EXPERIENCE REQUIREMENT.
- II. THE COURT OF APPEALS GRAVELY ERRED WHEN IT HELD THAT RESPONDENT'S DESIGNATION AS TEAM LEADER AND FIELD OFFICER INVOLVED EXPERIENCE IN MANAGEMENT AND SUPERVISION.
- III. THE COURT OF APPEALS ERRED IN RULING THAT RESPONDENT'S APPOINTMENT DID NOT VIOLATE THE THREE-SALARY GRADE RULE.<sup>28</sup>

Petitioner argues that the duties of IA 1 do not involve management and supervision; that respondent's designations as Team Leader and Field Officer encompass duties from both first and second level positions, thus, it is incorrect to say that the duties and responsibilities pertaining to management and supervision, *i.e.*, managing operations and supervising team members, were done by respondent only in his capacity as IA 1; that respondent's appointment violated the three-salary grade rule which provides that an employee may be promoted or transferred to a position which is not more than three (3) salary, pay, or job grades higher than the employee's present position, except in very meritorious cases; and that

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<sup>27</sup> Id. at 52.

<sup>28</sup> Id. at 14.

respondent has not shown that his appointment falls within the meritorious exceptions provided in existing Civil Service rules.<sup>29</sup>

In his Comment,<sup>30</sup> respondent counters that to require his duties and responsibilities as IA 1 to have actual significant closeness and functional relation with the duties and responsibilities of the position of IO V in order to qualify as relevant experience, is tantamount to requiring an additional criterion for the position of IO V; that the CSC's characterizations of "Team Leader" and "Field Officer" were inaccurate because these are tasks, not offices; and that he offered in evidence sworn statements of competent witnesses to substantiate the fact that the assignments given to him while he was an IA 1 pertain to a first level position, and that such assignments necessarily involved management and supervision.

In its Reply,<sup>31</sup> petitioner contends that respondent was holding the position of IA 1, a first level position when he was designated as Field Officer in 2007 and Officer-in-Charge in 2008, thus, the prohibition against designation of first level personnel to perform the duties and functions of second level positions clearly applies in the case of respondent; and that considering that the designations of respondent are legally flawed for violation of Civil Service rules and regulations, it only follows that the same could not be credited for purposes of compliance with the experience requirement.

### **The Court's Ruling**

The petition lacks merit.

It is worthy to emphasize that the CSC would consider respondent to have complied with the experience requirement were it not for the alleged violation of the rule against designation of a first level position holder to second level positions which is stated in CSC Memorandum Circular No. 06-05, dated February 15, 2005, *viz.*:

x x x x

- A. Employees to be designated should hold permanent appointments to career positions.
- B. Designees can only be designated to positions within the level they are currently occupying. However, Division Chiefs may be designated to perform the duties of third level positions.

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<sup>29</sup> Id. at 15-26.

<sup>30</sup> Id. at 113-125.

<sup>31</sup> Id. at 135-144.



First level personnel cannot be designated to perform the duties of second level positions.

x x x x

The appellate court, however, is correct in ruling that respondent's assignments as Team Leader and Field Officer could not be considered as designation to second level positions.

In *Betoy v. The Board of Directors, National Power Corporation*,<sup>32</sup> the Court declared:

x x x Designation connotes an imposition of additional duties, usually by law, upon a person already in the public service by virtue of an earlier appointment. Designation does not entail payment of additional benefits or grant upon the person so designated the right to claim the salary attached to the position. Without an appointment, a designation does not entitle the officer to receive the salary of the position. The legal basis of an employee's right to claim the salary attached thereto is a duly issued and approved appointment to the position, and not a mere designation.<sup>33</sup>

The Court further stated in *Sevilla v. Court of Appeals*:<sup>34</sup>

*[W]here the person is merely designated and not appointed, the implication is that he shall hold the office only in a temporary capacity and may be replaced at will by the appointing authority. In this sense, the designation is considered only an acting or temporary appointment, which does not confer security of tenure on the person named.*<sup>35</sup>

In this case, respondent, while holding the position of Intelligence Agent 1, was assigned as Team Leader and later on, as Field Officer. These assignments, however, simply meant additional duties on respondent's part. As the appellate court correctly ruled:

x x x x

The Qualification Standards for the position of IO V are limited to the following:

1. Education: Masteral degree;
2. Experience: Four (4) years in position/s involving management and supervision
3. Training: Twenty-four (24) hours of training in management and supervision

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<sup>32</sup> 674 Phil. 204 (2011).

<sup>33</sup> Id. at 238.

<sup>34</sup> 285 Phil. 201 (1992).

<sup>35</sup> Id. at 208.

4. Eligibility: Career Service Professional Eligibility, Second Level Eligibility<sup>36</sup>

x x x x

The duties and responsibilities of an IA 1 as enumerated under its Position Description are as follows:

1. Gathers/Collects, compiles and collates information on acts in violation of the TCCP as amended and other laws, rules and regulations;
2. Undertakes surveillance of persons and companies suspected of violating the Tariff and Customs Code of the Philippines and other related laws, rules and regulations;
3. Conducts security mission activities on board a vessel or aircraft while in the Philippine area of jurisdiction;
4. Conducts searches, seizes illicit cargoes and baggage and other contraband, and executes arrests in coordination with other law enforcement agencies;
5. Acts as process server;
6. Assists other law enforcement agencies in the investigation, preparation, and prosecution of Customs and related cases; and
7. Performs other related functions as may be required by the service.

As Team Leader of the CY, CFS, CBWs in the Port of Manila and the Manila International Container Port under the EIIB, Rebong was tasked to *monitor and ensure that no diversion of shipments bound to Rizal, Cavite, Laguna and Batangas provinces would occur.*

As Team Leader under the CIIS, Rebong was assigned to *prepare a list of Order of Battle for known major and minor smugglers to differentiate them from the other violators of the TCCP; prepare[s] contingency plans to address the modus operandi of the smugglers; recommend[s] the issuance of hold order and/or "alert" after evaluating suspected prohibited or regulated shipments; conduct[s] on-the-spot examination and/or inspection, together with the other units of the BOC, of imported shipments inside the seaports, airports CBWs, CY and CFS; perform[s] under-guarding of imported shipments bound to other ports of destination*

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<sup>36</sup> Rollo, p. 42

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*or authorized warehouses to safeguard its arrival at its final destination to avoid diversion; and prepare[s] and conduct[s] operational plans serving as the bas[e]s for the issuance of Warrant and Seizure Detention and Letters of Authority against suspected smuggled imported articles.*

On the other hand, as Field Officer, he was assigned *operational and management control of the X-Ray Inspection Project in one of the major ports in Manila. Specifically, Rebong had the duty to “cause the actual physical inspection of or hold the release of any particular shipment suspected to be violative of customs laws, rules and regulations.”*

Clearly, his duties as such Team Leader and Field Officer are reflective of his duties as IA1 and are but an implementation of his duties as such, which, as above-enumerated, include the *collection of information* on acts violative of the TCCP, *surveillance* of persons suspected of violating the TCCT, conduct of *security mission activities*, as well as the conduct of *search and seizure* of illicit cargoes, baggage and other contrabands. Hence, the duties of Rebong as Team Leader and Field Officer cannot be said to be in addition to, or are outside of his regular functions as IA1 to fall under the proscription against designation to duties pertaining to second-level position.

In fact, the same is true with respect to the IA1s and the Intelligence Aides who were part of the team. They were similarly performing duties properly pertaining to the functions of an IA1 without, however, being considered as discharging duties belonging to a second-level position. However, what sets Rebong apart from his contemporaries was the fact that Rebong was tasked to manage the operations and supervise the team members, hence his role as Team Leader and as Field Officer.<sup>37</sup>

Additionally, in refusing to credit respondent's assignments as Team Leader and Field Officer as relevant experience in positions involving management and supervision, the CSC merely stated that respondent performed the duties pertaining to second level positions without, however, narrating what these duties are.

Nevertheless, even if the CSC is correct in saying that respondent should have never performed the duties of a second level position, the fact remains that respondent served as IA 1 in the defunct EIIB for nine years and as IA 1 in the BOC for eight years. His assignments as Team Leader and Field Officer and his performance of the duties relative thereto should never be taken against him. It is only fair and just that his experience

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<sup>37</sup> Id. at 45-46.

therein should be counted in his favor for purposes of promotion. It may be inferred that the prohibition against designation of a first level position holder to a second level position is frowned upon not only to prevent a violation of Section 7, Article IX-B of the Constitution which states that “x x x no appointive official shall hold any other office or employment in the Government or any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations or their subsidiaries,” but also to avoid a situation wherein an employee performs the duties corresponding to two positions, but he is only receiving the compensation attached to the lower position. Moreover, CSC Memorandum Circular No. 06-05 does not even provide for the consequences of designating a first level position holder to second level positions. Nowhere in the said Circular is it provided that such service would not be credited in the employee’s favor for purposes of promotion.

Finally, the CSC contends that respondent was appointed in violation of the three-salary-grade rule found in Item 15 of CSC Memorandum Circular No. 3, Series of 2001. Therefore, respondent’s appointment should be recalled.

Item 15 of CSC Memorandum Circular No. 3, Series of 2001 on the three-salary-grade rule states that “[a]n employee may be promoted or transferred to a position which is not more than three (3) salary, pay or job grades higher than the employee’s present position x x x[.]” However, this rule is subject to the exception of “very meritorious cases.” These “very meritorious cases” are provided in CSC Resolution No. 03-0106 dated January 24, 2003:

Any or all of the following would constitute as a meritorious case, exempted from the 3-salary grade limitation on promotion and transfer:

1. The position occupied by the person is next-in-rank to the vacant position, as identified in Merit Promotion Plan and the System of Ranking Positions (SRP) of the agency;
2. The position is a lone, or entrance position, as indicated in the agency[‘]s staffing pattern;
3. The position belongs to the dearth category, such as Medical Officer/Specialist positions and Attorney positions;
4. The position is unique and/or highly specialized such as Actuarial positions and Airways Communicator;
5. **The candidates passed through a deep selection process, taking into consideration the candidates’ superior qualifications in regard to:**

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- **Educational achievements**
- **Highly specialized trainings**
- **Relevant work experience**
- **Consistent high performance rating/ranking**

6. The vacant position belongs to the closed career system.<sup>38</sup>  
(Emphases supplied)

In the Summary of Equivalent Ratings of Applicants prepared by the Personnel Selection Board of the BOC, respondent ranked third.<sup>39</sup> Undoubtedly, respondent falls under the exception of “very meritorious cases” especially in light of the Manifestation filed by the appointing authority, then Customs Commissioner Biazon who confirmed respondent’s credentials, *viz.*:

x x x<sup>e</sup>x

- a. The undersigned competently believes that the Appointee’s experience as Intelligence Agent 1 both in the Customs Intelligence and Investigation Service (“CHS”) of the Bureau and the defunct Economic Intelligence and Investigation Bureau (“EIIB”), comprising a total of about thirteen (13) years, more than satisfy the management and supervisory experience requirement.
- b. The undersigned acknowledges the Appointee’s excellent educational background and training (Master’s and Doctoral degrees in Public Administration) which provided Appointee the requisite management and supervisory experience making him ready for the IO V position.
- c. The undersigned has carefully reviewed the credentials presented by the Appointee and is aware that the Appointee has the management and supervisory experience and skills to take on the position.
- d. The undersigned is fully convinced that with the management and supervisory experience of the Appointee, the Appointee is the best person to help him institute the most needed reforms in the Bureau. The undersigned has therefore concluded that of all the applicants on the short-list for the IO V position, the Appointee is the **most qualified**. x x x.<sup>40</sup>

Appointment is an essentially discretionary power exercised by the head of an agency who is most knowledgeable to decide who can best perform the functions of the office. If the appointee possesses the qualifications required by law, then the appointment cannot be faulted on the ground that there are others better qualified who should have been preferred. The choice of an appointee from among those who possess the required

<sup>38</sup> *Estrellado v. David*, 781 Phil. 29, 44-45 (2016).

<sup>39</sup> *Rollo*, p. 65.

<sup>40</sup> *Id.* at 39.

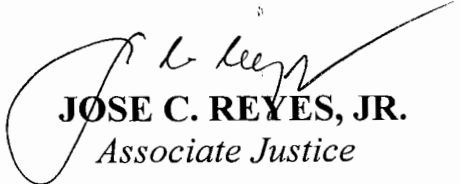
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qualifications is a political and administrative decision calling for considerations of wisdom, convenience, utility and the interests of the service which can best be made by the head of the office concerned, the person most familiar with the organizational structure and environmental circumstances within which the appointee must function.<sup>41</sup> From the vantage point of then Commissioner Biazon, respondent is the person who can best fill the post and discharge its functions.

As long as the appointee is qualified, the Civil Service Commission has no choice but to attest to and respect the appointment even if it be proved that there are others with superior credentials.<sup>42</sup> The law limits the Commission's authority only to whether or not the appointees possess the legal qualifications and the appropriate civil service eligibility, nothing else. If they do then the appointments are approved because the Commission cannot exceed its power by substituting its will for that of the appointing authority.<sup>43</sup>

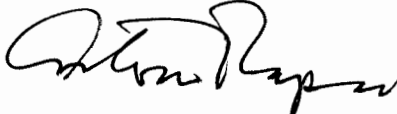
**WHEREFORE**, the petition is **DENIED** for lack of merit. The August 29, 2014 Decision and December 23, 2014 Resolution of the Court of Appeals in CA-G.R. SP No. 134264 are **AFFIRMED**.

**SO ORDERED.**



**JOSE C. REYES, JR.**  
*Associate Justice*

**WE CONCUR:**



**ANTONIO T. CARPIO**  
*Senior Associate Justice*  
*Chairperson*

<sup>41</sup> *Rimonte v. Civil Service Commission*, 314 Phil. 421, 430-431 (1995).

<sup>42</sup> *Abad v. Dela Cruz*, 756 Phil. 414, 431 (2015).

<sup>43</sup> *Rimonte v. Civil Service Commission*, supra at 431.

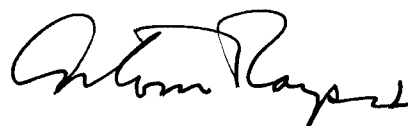
  
**ESTELA M. PERLAS-BERNABE**  
*Associate Justice*

(On Wellness Leave)  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*

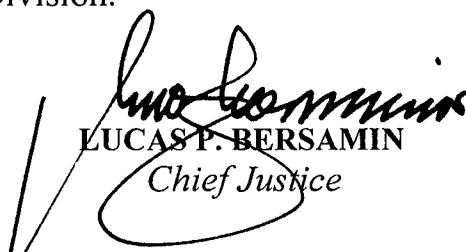
**ATTESTATION**

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**ANTONIO T. CARPIO**  
*Senior Associate Justice*  
*Chairperson, Second Division*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**LUCAS P. BERSAMIN**  
*Chief Justice*