



Republic of the Philippines
Supreme Court
 Manila

CERTIFIED TRUE COPY

WILFREDO V. LAPITAN
 Division Clerk of Court
 Third Division
 MAR 10 2017

THIRD DIVISION

HON. CESAR D. BUENAFLOR,
 Petitioner,

G.R. No. 201607

Present:

- versus -

VELASCO, JR., *J.*, Chairperson,
 BERSAMIN,
 REYES,
 JARDELEZA, and
 CAGUIOA,* *JJ.*

Promulgated:

JOSE R. RAMIREZ, JR.,
 Respondent.

February 15, 2017

x ----- ----- x

DECISION

BERSAMIN, J.

The Regional Trial Court (RTC) has no jurisdiction over a case involving the validity of the termination of employment of an officer or employee of the Civil Service.

The Case

The petitioner appeals the resolutions promulgated on January 31, 2012¹ and April 24, 2012,² whereby the Court of Appeals (CA) respectively affirmed the dismissal by the RTC, Branch 96, in Quezon City of the petitioner's appeal for having been filed out of time and denied his motion for reconsideration.

* Designated as additional Member of the Third Division per Special Order No. 2417 dated January 4, 2017.

¹ *Rollo*, pp. 57-58; penned by Associate Justice Rebecca De Guia-Salvador, with Associate Justice Normandie B. Pizarro and Associate Justice Rodil V. Zalameda concurring.

² *Id.* at 53-55.

Antecedents

On August 27, 2001, Chairman Eufemio Domingo of the Presidential Anti-Graft Commission (PAGC) appointed respondent Jose R. Ramirez, Jr. as Executive Assistant III³ and concurrently designated him as Assistant Accountant.⁴ On September 28, 2001, Chairman Domingo resigned,⁵ and petitioner Cesar D. Buenaflor succeeded him. The petitioner terminated Ramirez as of the same date as Chairman Eugenio's resignation on the ground that his tenure had expired⁶ by virtue of the position of Executive Assistant being personal and confidential, and, hence, co-terminous with that of the appointing authority.⁷

Believing that his appointment had been contractual in nature, Ramirez sued in the RTC to declare his dismissal null and void.⁸ The case, docketed as Civil Case No. 01-4577-8, was raffled to Branch 96.

Buenaflor, represented by the Office of the Solicitor General (OSG), filed his answer,⁹ wherein he contended, among others, that Ramirez had failed to exhaust administrative remedies and should have instead filed an administrative complaint in the Civil Service Commission (CSC).¹⁰

Ruling of the RTC

On December 28, 2007, after trial, the RTC rendered judgment declaring Buenaflor guilty of unlawful termination because he had not discharged his burden of proving that Ramirez's employment was co-terminous with that of Chairman Domingo, and ruling in favor of Ramirez, as follows:¹¹

WHEREFORE, judgment is hereby rendered in favor of the plaintiff and hereby orders the defendant as his personal liability, to pay plaintiff the following sums, to wit:

1. Php 260,000.00 representing the lost income which he could have earned if he was to finish his contractual employment as actual damages;

³ Id. at 79-80.

⁴ Id. at 100.

⁵ Id. at 61.

⁶ Id.

⁷ Id. at 83.

⁸ Id. at 107-113.

⁹ Id. at 114-126.

¹⁰ Id. at 119.

¹¹ Id. at 169-178.

2. Php 500,000.00 as moral damages;
3. Php 300,000.00 as exemplary damages;
4. Php 100,000.00 for and as attorney's fees; and,
5. Costs of suit.

SO ORDERED.¹²

Buenaflor seasonably filed his motion for reconsideration,¹³ which the RTC denied on September 30, 2008.¹⁴

On September 22, 2011, the OSG filed a notice of appeal,¹⁵ explaining therein the apparently belated filing, thus:

x x x x

The defendant timely filed a Motion for Reconsideration of this Honorable Court's Decision dated December 28, 2001. On September 30, 2008, this Honorable Court issued an Order denying defendant's Motion for Reconsideration. The OSG, however, was able to get a copy of said Order only on September 15, 2011 when it procured a copy of the Order at the Regional Trial Court of Quezon City, Branch 96. Attached herewith as Annex "A" is the Affidavit of Nilo Odilon L. Palestroque, Chief Administrative Officer of the Civil Cases Division, OSG Docket Management Service attesting to the fact that the OSG got hold of the trial court's Order only on September 15, 2011.

x x x x.

The RTC, finding that the registry return card indicated that the OSG had received a copy of the decision on October 16, 2006, denied due course to the notice of appeal of Buenaflor, and altogether dismissed the appeal for having been filed out of time.¹⁶

Decision of the CA

Buenaflor assailed the order of the RTC by petition for *certiorari* in the CA, alleging that the RTC thereby gravely abused its discretion amounting to lack or excess of jurisdiction.¹⁷

¹² Id. at 177.

¹³ Id. at 179-194.

¹⁴ Id. at 317.

¹⁵ Id. at 318-319.

¹⁶ Id. at 78.

¹⁷ Id. at 59-77.

On January 31, 2012, however, the CA promulgated the first assailed resolution dismissing the petition for *certiorari* on technical grounds,¹⁸ viz.:

Filed pursuant to Rule 65 of the 1977 Revised Rules of Civil Procedure, the instant petition for certiorari seeks the nullification and setting aside of the October 11, 2011 Order issued by public respondent, the Hon. Afa E. Cajigal in his capacity as Presiding Judge of the Regional Trial Court of Quezon City, Branch 96, in Civil Case No. Q-01-45778, which denied petitioner's September 30, 2011 *Notice of Appeal*.

A perusal of the petition shows the following infirmities which warrant its outright dismissal.

First, the petition does not state the date of issue of petitioner's counsel's Mandatory Continuing Legal Education (MCLE) Certificate of Compliance, as required under Bar Matter No. 1922, dated June 3, 2008.

Second, petitioner's counsel's PTR number is not current.

Third, the actual addresses of the parties are not stated in the petition, in violation of Section 3, Rule 46 of the Rules.

WHEREFORE, the petition is **DENIED DUE COURSE** and accordingly **DISMISSED**.

SO ORDERED.

Buenaflor moved for reconsideration, but the CA denied his motion for reconsideration through the second assailed resolution promulgated on April 24, 2012,¹⁹ stating:

This treats of petitioner's motion for reconsideration of the Court's January 31, 2012 Resolution which dismissed the instant petition for certiorari due to a number of procedural infirmities. Contending that the procedural defects have been rectified, petitioner now seeks an opportunity to have the case resolved on its worth.

We deny the motion.

Despite the rectification of its procedural defects, a perusal of the petition shows that it must fail just the same for lack of *prima facie* merit. In certiorari proceedings under Rule 65, the inquiry is essentially confined to issues of want or excess of jurisdiction and grave abuse of discretion on the part of public respondent. A circumspect perusal of this petition yielded no showing of any grave abuse of discretion on the part of public respondent judge in issuing the assailed October 11, 2011 Order which dismissed petitioner's September 30, 2011 *Notice of Appeal* for having been filed way out of time. Petitioner failed to disprove the records of the

¹⁸ Id. at 56-68. The grounds were, namely: (i) failure to state the Mandatory Continuing Legal Education (MCLE) Certificate of Compliance, per Bar Matter No. 1992; (ii) the counsel's Professional Tax Certificate (PTC) was not current; and (iii) the actual addresses of the parties are not stated in the petition pursuant to Section 3, Rule 46 of the *Rules of Court*.

¹⁹ Id. at 54.

RTC which show that his counsel, the Office of the Solicitor General (OSG), received the September 30, 2008 Order denying petitioner's motion for reconsideration on **October 16, 2008**. Thus petitioner's *Notice of Appeal* filed 1,125 days thereafter is clearly out of time. In the absence of clear and convincing proof to the contrary, greater credence should be accorded the RTC as it enjoys the presumption of regularity in the performance of its official duties.

As to the September 22, 2011 *Affidavit* of the Chief, Civil Cases Division, Docket Management Service (DMS) of the OSG, the same will not save the day for petitioner. In justifying that copy of the September 30, 2008 Order was "officially" received only on September 15, 2011, the OSG essentially relied on the entries in its Docket and document tracking system without supplementing the same with *periodic* inquiries before the RTC. It is the duty of the party and his counsel to devise a system for the receipt of mail intended for them, and matters internal to the clients and their counsels, like those narrated in the affidavit, are not the concern of this Court.

Finally, even conceding that a counsel has the obligation to inform his client of the material developments in the case, this obligation is balanced by a complementary duty on the part of a party-litigant to remain in contact with his lawyer in order to be informed of the progress of the case, more so that courts are not duty-bound to warn him against any possible procedural blunder. Litigants, represented by counsel should not expect that all they need to do is sit back, relax and await the outcome of their case. As what is at stake is his interest in the case, it is the responsibility of petitioner to check its status from time to time from his counsel or from the court.

WHEREFORE, premises considered, petitioner's motion for reconsideration is **DENIED** for lack of merit.

SO ORDERED.

Hence, this appeal by petition for review on *certiorari*.

Issue

Buenaflor submits the following as the issues for our consideration, namely:

1. Whether or not the Honorable Court of Appeals, in arriving [at] its decision and resolution, decided the case in accordance with law and existing jurisprudence:
 - a. considering that findings and admonitions of the Honorable Court [of Appeals] are at war with the facts and the law obtaining in this case, thus legally reversible;
 - Considering likewise that the September 30, 2011 Notice of Appeal was timely filed; and

- private respondent Jose Ramirez as Executive Assistant, a confidential and conterminous [sic] employees [sic] ended his term as co-term employee with the resigned Chairman and was not illegally terminated;
2. Whether or not the Court of Appeals committed grave abused [sic] of discretion in not declaring that the RTC has no jurisdiction to hear and decide the instant civil service related case, which is under the sole jurisdiction of the CSC.²⁰

On his part, Ramirez sustains the dismissal of the appeal upon the grounds made extant in the assailed resolutions.

Ruling of the Court

Buenaflor submits that it was the CSC, not the RTC, that had jurisdiction over Ramirez's complaint that involved matters relative to the Civil Service.

The submission of Buenaflor is upheld.

The jurisdiction of a court over the subject matter of a particular action is determined by the plaintiff's allegations in the complaint and the principal relief he seeks in the light of the law that apportions the jurisdiction of courts.²¹ Accordingly, we need to peruse the complaint of Ramirez to determine the issue presented here. The complaint relevantly stated, viz.:

COMPLAINT (With Provisional Remedy)

Plaintiff, by and through the undersigned counsel, to this Honorable Court, respectfully alleges that:

x x x x

III

Plaintiff was appointed as Executive Assistant III, on contractual basis by then Chairman Eufemio Domingo of the Presidential Commission Against Graft and Corruption, effective September 3, 2001, x x x

²⁰ Rollo, pp. 29-30.

²¹ *Philippine Woman's Christian Temperance Union, Inc. v. Teodoro R. Yango 2nd and 3rd Generation Heirs Foundation, Inc.*, G.R. No. 199595, April 2, 2014, 720 SCRA 522, 543-544; *Heirs of Generoso Sebe v. Heirs of Veronico Sevilla*, G.R. No. 174497, October 12, 2009, 603 SCRA 395, 400.

IV

On September 17, 2001, plaintiff was designated as Assistant Accountant, x x x

V

Since the appointment is contractual and no period was stated, it is clearly understood that the term is for a period of one (1) year from September 3, 2001 and subject to renewal, pursuant to Memorandum Circular No. 38 issued by the Civil Service Commission.

VI

On or about September 20, 2001, Chairman Eufemio Domingo resigned as Chairman and the defendant was appointed as the new Chairman of the Presidential Commission Against Graft and Corruption

VII

On September 28, 2001, **without due process and notice, the defendant, without cause and with grave abuse of discretion, capriciously, whimsically and illegally terminated the services of the plaintiff, in violation of the Civil Service Commission Memorandum Circular No. 38.**

VIII

Plaintiff is a Certified Public Accountant and a First Grade Civil Service eligible, hence very much qualified for the job. His appointment is not co-terminus with the term of Chairman Domingo as can be gleaned from his job description, x x x

IX

The termination of plaintiff's services is not even supported by any written notice to the herein plaintiff, stating therein the reasons for his termination, but was done in an orthodox manner, by merely preventing the plaintiff to report for work

x x x x

XI

Finally, on November 23, 2001, copy of a service record signed by Jose Sonny G. Matala, Executive Director dated November 20, 2001, was given to the plaintiff embodying the cause of separation which states"

"Co-terminus with Chairman Domingo being personal and confidential staff xx xx xx."

x x x x

XII

The termination of plaintiff by the defendant is illegal and violative of due process as plaintiff's appointment as contractual employee will expire on September 3, 2002 only.

XIII

Defendant, being a lawyer and formerly connected with the Civil Service Commission, is aware of the law that contractual employment without a definite period is presumed to be for one (1) year pursuant to Civil Service Commission Memorandum Circular No. 38.

x x x x

XVI

The filing of this case in court is not violative of the Rule on Exhaustion of Administrative Remedies, as there are several exceptions in the exhaustion of administrative remedies enunciated by the Supreme Court in the case of Paat vs. Court of Appeals, 266 SCRA 167, such as:

- (1) when there is a violation of due process;
- (2) when the issue involved is purely a legal question;
- (3) when the administrative action is patently illegal amounting to lack of excess of jurisdiction;
- (4) xx xx xx xx xxx;
- (5) when there is irreparable injury;
- (6) xx xx xx xx xxx;
- (7) when to require exhaustion of remedies would be unreasonable;
- (8) xx xx xx xx xxx;
- (9) xx xx xx xx xxx;
- (10) when the rule does not provide a plain, speedy and adequate remedy; and
- (11) when there are circumstances indicating the urgency of judicial intervention

XVII

The illegal act of the defendant of terminating plaintiff's services in violation of the latter's right to security of tenure and due process has caused plaintiff to suffer moral shock, anxiety, besmirched reputation, sleepless nights, social humiliation, embarrassment and similar injuries, thereby entitling him to recover damages from the defendant in the amount of no less than P500,000.00

x x x x

ALLEGATION IN SUPPORT OF THE PRAYER FOR THE IMMEDIATE ISSUANCE OF A WRIT OF PRELIMINARY MANDATORY INJUNCTION

x x x x



XXII

Irreparable injury has been caused and continue to cause plaintiff, hence, the necessity of a Writ of Preliminary Mandatory Injunction, ordering the defendant to reinstate the plaintiff, while this case is being heard

x x x x

PREMISES CONSIDERED, it is respectfully prayed of this Honorable Court to render judgment in favor of the plaintiff and against the defendant by:

BEFORE HEARING ON THE MERITS

ORDERING the immediate issuance of a Writ of Preliminary Mandatory Injunction, COMMANDING the defendant to reinstate immediately the plaintiff to his previous position

AFTER HEARING ON THE MERITS

1. DECLARING the Preliminary Mandatory Injunction as PERMANENT;

2. **DECLARING the DISMISSAL of the plaintiff as illegal and violative of plaintiff's right to due process and security of tenure;**

3. x x x x²²

It cannot be disputed that Ramirez's complaint was thereby challenging the validity of his termination from the service, and that he thereby wanted the RTC to pry into the circumstances of the termination. Such challenge was outside of the RTC's sphere of authority. Instead, it was the CSC that was vested by law with jurisdiction to do so. Disciplinary cases and cases involving personnel actions affecting employees in the Civil Service, like appointment or separation from the service, are within the *exclusive jurisdiction* of the CSC.²³ Indeed, the Constitution vests in the CSC the jurisdiction over all employees of the Government, including all its branches, subdivisions, instrumentalities, and agencies, as well as government-owned or controlled corporations with original charters.²⁴

Ramirez was one such employee. The agency in which he had been appointed by Chairman Domingo was the PAGC, an office established by President Macapagal-Arroyo through Executive Order No. 12²⁵ as an agency under the Office of the President. His complaint thus came under the jurisdiction of the CSC. We reiterate that any question regarding the

²² *Rollo*, 107-113.

²³ *Olanda v. Bugayong*, G.R. No. 140917, October 10, 2003, 413 SCRA 255, 259.

²⁴ Section 2, Article IX, B (Civil Service Commission), 1987 Constitution.

²⁵ Dated April 16, 2001.

appointment or separation from the service of a civil servant was lodged in the CSC as the sole arbiter of controversies relating to the Civil Service.²⁶ In that regard, Section 12 of Chapter 1 (*General Provisions*), Subtitle A (*Civil Service Commission*), Title I (*Constitutional Commissions*) of the *Administrative Code of 1987* (Executive Order No. 292) relevantly provides:

Section 12. *Powers and Functions.* - The Commission shall have the following powers and functions:

x x x x

(5) Render opinion and rulings on all personnel and other Civil Service matters which shall be binding on all heads of departments, offices and agencies and which may be brought to the Supreme Court on *certiorari*;

x x x x

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal, including contested appointments, and review decisions and actions of its offices and of the agencies attached to it. Officials and employees who fail to comply with such decisions, orders, or rulings shall be liable for contempt of the Commission. Its decisions, orders, or rulings shall be final and executory. Such decisions, orders, or rulings may be brought to the Supreme Court on *certiorari* by the aggrieved party within thirty (30) days from receipt of a copy thereof;

x x x x

It is clarified that the CSC has jurisdiction over a case involving a civil servant if it can be regarded as equivalent to a labor dispute resolvable under the *Labor Code*; conversely, the regular court has jurisdiction if the case can be decided under the general laws, such as when the case is for the recovery of private debts, or for the recovery of damages due to slanderous remarks of the employer, or for malicious prosecution of the employees.²⁷ The mere fact that the parties are members of the Civil Service should not remove the controversy from the general jurisdiction of the courts of justice and place them under the special jurisdiction of the CSC.²⁸

Jurisdiction over the subject matter is conferred only by the Constitution or the law; it cannot be acquired through a waiver; it cannot be enlarged by the omission of the parties; it cannot be conferred by the acquiescence of the court.²⁹ Specifically, Batas Pambansa Blg. 129, as

²⁶ *Catipon, Jr. v. Japson*, G.R. No. 191787, June 22, 2015, 759 SCRA 557, 57; *Corsiga v. Defensor*, G.R. No. 139302, October 28, 2002, 391 SCRA 267, 272-273.

²⁷ *Phil. Amusement and Gaming Corp. v. Court of Appeals*, G.R. No. 93396, September 30, 1991, 202 SCRA 191, 195-196.

²⁸ *Id.* at 196.

²⁹ *Tumpag v Tumpag*, G.R. No. 199133, September 29, 2014, 737 SCRA 62, 72; *Republic v. Bantigue Paint Development Corporation*, G.R. No. 162322, March 14, 2012, 668 SCRA 158, 164.

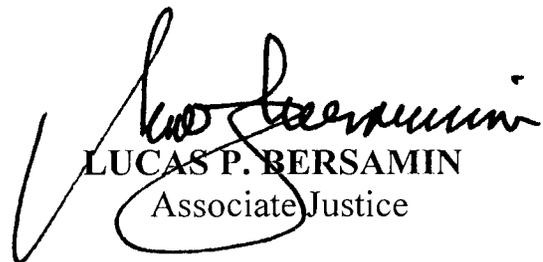
amended, did not vest jurisdiction in the RTC over matters relating to the Civil Service. Consequently, the RTC could not arrogate unto itself the hearing and decision of a subject matter outside of its jurisdiction.

Buenaflor was entirely justified in raising in his answer the special and affirmative defense that the RTC was bereft of jurisdiction to hear and resolve Ramirez's complaint. When a court has no jurisdiction over the subject matter, the only power it has is to dismiss the action.³⁰ Upon the filing of the complaint, the RTC could only have dismissed it for lack of jurisdiction. Any further actions the RTC took, including rendering the decision on December 28, 2007, were void and ineffectual. Verily, the decisions or orders rendered by courts without or in excess of their jurisdiction are void,³¹ and cannot be the source of any right, or the creator of any obligation.³²

The void and ineffectual decision of the RTC did not attain finality despite the supposedly belated appeal by Buenaflor. As emphasized in *Nazareno v. Court of Appeals*,³³ a void judgment – being non-existent in legal contemplation – does not become final and executory even with the belated filing of an appeal. Moreover, the Court has pronounced in *National Housing Authority v. Commission on Settlement of Land Problems*³⁴ that because a void judgment does not attain finality, a petition for *certiorari* to declare its nullity should not be dismissed for untimeliness.³⁵ Under the circumstances, the CA should have heard and granted the petition for *certiorari* of Buenaflor instead of dismissing it for the reasons advanced in the assailed resolutions.

WHEREFORE, the Court **GRANTS** the petition for *certiorari*; **ANNULS** and **SETS ASIDE** the resolutions promulgated by the Court of Appeals on January 31, 2012 and April 24, 2012; **DISMISSES** Civil Case No. 01-4577-8 entitled *Jose R. Ramirez v. Hon. Cesar D. Buenaflor*; and **ORDERS** the respondent to pay the costs of suit.

SO ORDERED.


LUCAS P. BERSAMIN
Associate Justice

³⁰ *Katon v. Palanca*, G.R. No. 151149, September 7, 2004, 437 SCRA 565, 575.

³¹ *De Pedro v. Romasan Development Corporation*, G.R. No. 194751, November 26, 2014, 743 SCRA 52, 79.

³² *Zacarias v. Acanay*, G.R. No. 202354, September 24, 2014, 736 SCRA 508, 522.

³³ G.R. No. 111610, February 27, 2002, 378 SCRA 28, 35.

³⁴ G.R. No. 142601, October 23, 2006, 505 SCRA 38.

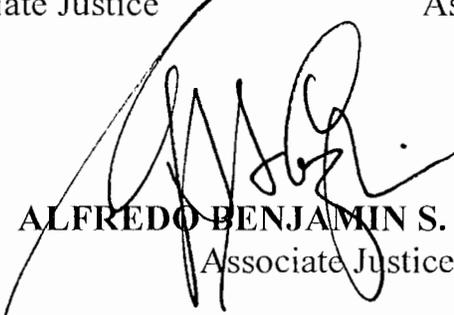
³⁵ *Id.* at 46-47.

WE CONCUR:


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson


BIENVENIDO L. REYES
 Associate Justice


FRANCIS H. JARDELEZA
 Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice

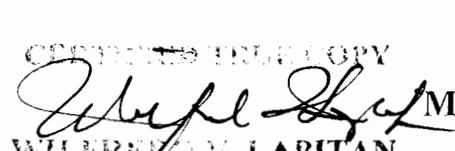
ATTESTATION

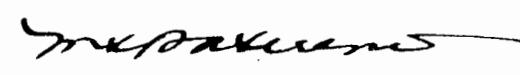
I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


PRESBITERO J. VELASCO, JR.
 Associate Justice
 Chairperson

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.


WILFREDO Y. LAPITAN
 Division Clerk of Court
 Third Division


MARIA LOURDES P. A. SERENO
 Chief Justice

MAR 10 2017