

ROMUALDO, Pedro P.

Re: Multiple Positions; Consultancy

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RESOLUTION NO. 001114

Pedro P. Romualdo, Governor, Province of Camiguin, requests the Commission to allow the payment of filing fees on a per appeal/ pleading basis, regardless of the number of the parties involved.

Pertinent portions of Governor Romualdo's request reads, as follows:

"This has reference to your letter dated February 7, 2000 requiring our end to pay 'Filing fees' of Three Hundred (300.00) pesos per appointment to the appeal we filed on December 29, 1999.

"Please allow us also to quote Section 74 of Resolution No. 99- 1936 otherwise known as the Uniform Rules on Administrative Cases in the Civil Service.

"In like manner, Section 78 of same rule was quoted in this wise:

X X X

"As can be perused from the above- quoted sections, nowhere does it state that the amount of Three Hundred (300.00) pesos be paid for every appointment. It is a recognized rule that when words are free from doubt, they must be taken as the final expression of the legislative intent, and are not to be added to or subtracted from by considerations drawn from extraneous sources. Following the canons of construction, 'Expressiounios est exsclusio alterius' (Specific inclusion of one thing in a statute implies the exclusion of others not mentioned) and 'Ubi lex non distinguit distinguere demos' (When the law does not distinguish , we should not distinguish).

"What we filed, undoubtedly, is just one appeal, which involved one hundred twenty one (121)

appointments but comprising a single issue of alleged non-compliance of R.A. 6656 known as 'An Act to Protect the Security of Tenure of the Civil Service Officers and Employees in the Implementation of Government Reorganization' which vehemently denied. To insist on paying Three Hundred (300.00) pesos per appointment is tantamount to discouraging settlement in the court of justice or in the administrative body.

"In view of the foregoing it is earnestly requested that filing fee in the amount of Three Hundred (300.00) pesos only should be made and not the Thirty Six Thousand Three Hundred (36,300.00) pesos as charged (121 appointments times P 300.00)."

After a careful evaluation of the instant request vis--vis existing rules and regulations on the matter, the Commission finds the request meritorious.

Sec. 78, Rule VI (Miscellaneous Provisions) of CSC Resolution No. 99-1536 dated August 31, 1999, otherwise known as the Uniform Rules on Administrative Cases in the Civil Service, provides:

"Section 78. Schedule of Filing Fees. - The following are the schedule of fees subject to the revision from time to time when the need arises:

"a. Appeal P300.00

X X X

"d. Complaints/ appeal on other P300.00" Personnel and non- Disciplinary Actions

As correctly pointed out by Governor Romualdo, nowhere does it state in the aforequoted provision that the amount of Three Hundred Pesos (300.00) should be made for every appointment appealed. In other words, there is no specific statement that the appeal should be paid by every party involved in the appeal. Hence, the filing fee must be collected on a per appeal basis only, regardless of the number of the parties involved.

By requiring the payment of filing fees, the Commission merely intends to defray the costs of operational expenses. It was never intended as a money -making venture for the Commission at the expense of the low-salaried government employees.

WHEREFORE, the request of Governor Romualdo is hereby granted. Accordingly, filing fees shall be collected on a per appeal basis, regardless of the number of the parties involved, whether or not it is disciplinary or non- disciplinary in nature.

Quezon City, MAY 03 2000

(SGD.)CORAZON ALMA G. DE LEON

Chairman

(SGD.)JOSE F. ERESTAIN

Commissioner

(SGD.)ARIEL G. RONQUILLO

Director III

MVM/A2/A7/nmn44

Ndc-00-0332

CPS/pvp/cm15-2000

