

**BAUTISTA, Cecilio G.**  
**Re: Motion for Reconsideration**  
**(CSC Resolution No. 00-1737);**  
**Exception to the One-year**  
**Limitation on Unconsented**  
**Reassignment**

x-----x

**RESOLUTION NO. 002474**

Cecilio G. Bautista, Officer-In-Charge of the Emergency Services Department, Manila International Airport Authority (MIAA), moves for the reconsideration of CSC Resolution No. 00-1737 dated July 27, 2000, allowing his reassignment to the said department for an indefinite period or until his exoneration from the charges against him before the Office of the Ombudsman.

The dispositive portion of the CSC Resolution sought to be reconsidered, reads as follows:

"WHEREFORE, the Commission resolves to allow the reassignment of Atty. Cecilio G. Bautista to the Emergency Services Department, MIAA for an indefinite period or until his exoneration from the charges against him before the Office of the Ombudsman. Accordingly, only upon final determination of his innocence, shall he be reverted to his former position as Manager, Administrative Department, Office of the Assistant General Manager for Finance and Administration, Manila International Airport Authority."

Bautista, in his motion, alleges:

"x x x in favorably resolving General Manager Gana's Petition for the Continued Reassignment of Atty. Cecilio G. Bautista to the Emergency Services Department,' this Commission palpably disregarded the constitutional precept that '[I]n all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved' (Art. III, Sec.14, 1987 Phil. Constitution). Instead of upholding the said constitutional precept, this Commission effectively prejudged the culpability of Atty. Bautista to the extent that it even outrageously required him to 'prove his innocence' first in order for him to regain his permanent position at the MIAA."

"x x x The matter concerning Atty. Bautista's alleged involvement in certain anomalies in the MIAA, we believe, is best left to the determination of the Office of the Ombudsman has yet to decide with finality on the administrative complaint filed against him."

The Commission finds the instant motion without merit.

Bautista's cited constitutional provision is misplaced. Said provision refers only to criminal prosecutions. The instant case is neither criminal nor disciplinary in nature, but rather a non-disciplinary case involving the personnel action of reassignment.

In reassignment, the good sought to be protected is the security of tenure of the person reassigned. In the instant case, Bautista's security of tenure remains intact. At present, he is reassigned to a position equivalent in rank, status and salary as that of his former position.

The Commission considers, as sufficient rebuttal of the presumption of Bautista's innocence, for purposes of justifying his continued reassignment, the finding of a prima facie case against him by the Ombudsman. Through such a finding, in the absence of satisfactory explanation, there is reasonable ground to believe that Bautista is probably guilty of the administrative offense imputed against him. Relevant is the ruling of the Supreme Court in *Salonga vs. Pano*, 134 SCRA 438, where the High Court ruled that "the term 'prima facie evidence' denotes evidence which, if unexplained or uncontradicted, is sufficient to sustain the proposition it supports or to establish the facts, or to counterbalance the presumption of innocence to warrant conviction."

Since a public office is a public trust, it is only fitting that public service, in general, and the position of Manager, Administrative Department of the Office of the Assistant Manager of the MIAA, in particular, be free from any taint of suspicion of malfeasance. In this connection, the Commission reiterates that it takes notice of the reasons advanced by General Gana emphasizing Bautista's alleged involvement in corrupt practices while still in a position of influence as Manager A of the Administrative Department of the Office of the Assistant Manager of the MIAA, which is precisely at issue in the pending case against him before the Office of the Ombudsman.

For emphasis, the Commission, in the highest regard for substantial justice and interest of the public service, believes that the indefinite extension of Bautista's reassignment to the Emergency Services Department, or until he is exonerated from the charges against him in the Office of the Ombudsman, is equitable under the circumstances, given that he is presently assigned to a position equivalent in rank, status and salary to that of his former position.

WHEREFORE, the Motion for Reconsideration of Cecilio G. Bautista is hereby denied. Accordingly, CSC Resolution No. 00-1737, stands.

Quezon City, Oct 27 2000

**CORAZON ALMA G. DE LEON**

Chairman

**JOSE F. ERESTAIN, JR.**

Commissioner

**J. WALDEMAR V. VALMORES**

Commissioner

Attested by:

**ARIEL G. RONQUILLO**

Director III

CADL-RES/bautista/OLA/RTM/X4/X9