

**WASAWAS, Fidel R.**  
**Re: Appointment; Recall of**  
**Approval; Appeal**

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**RESOLUTION NO. 002855**

Rogacion C. Kintanar, Regional Director, Department of Transportation and Communication (DOTC), Telecommunications Office, Regional Office No. VIII, Port Area, Tacloban City, appeals the recall of the approval of the appointment of Fidel R. Wasawas as Senior Mechanical Plant Operator II, in the same agency, by the Civil Service Commission Regional Office (CSCRO) No. VIII, Palo, Leyte. The said appointment was recalled on the ground that the appointee lacked the educational requirement of the position.

The letter of Dir. Kintanar reads, in part, as follows:

"Actually, the subject here is the promotional appointment of Mr. Wasawas. He was issued the Sr. Mechanical Plant Operator II appointment on 01 October 1987 (Exh. '2'). According to CSRO, the same was issued in 'violation of other existing Civil Service law, rules and regulations'. It cited the deficiencies of Mr. Wasawas on education and experience as its bases to recall the appointment. It likewise interpreted the QS for education as High School or completion of Secondary Education (Par. 13 and 14 of CSRO #8 Order of 13 May 1999) although the 1978 MPWTC QS Manual which was the basis of issuance merely requires minimum completion of a relevant vocational course' (Exh. '3'). It is submitted that to interpret it the other way around is disadvantageous to the appointee as his chance to promotion would have been remote. Please take note that the positions enumerated in said QS has specific academic requirements. Some, in fact, require completion of Elementary School Course, Secondary School Course, two or three years College Course, etc. Hence, if it requires only completion of a 'relevant vocational course' it should not be taken to mean secondary course.

"It is worth mentioning at this juncture that it is probably the reason why the 1993 QS specifies the education requirement for Mechanical Plant Operator III (previously Mechanical Plant Operator II) to 'High School Graduate; completion of relevant vocational/trade course'. It could mean either High School graduate or completion of relevant vocational trade course, probably to clearly define the misconception of the previous 1978 QS. If it could be both, the better, but, either one is all right.

"Considering however, that Mr. Wasawas has not taken up vocational course, this representation invokes the rule on substitution of education deficiency with relevant experience earned by him prior to his appointment on 01 October 1987. According to the Service Records of this Office he was appointed to Mechanical Plant Operator II on 24 April 1985 to 30 September 1987 (Exh. '4'). As casual, he earned one (1) year, nine (9) months and 22 days relevant experience (01 July

1983 to 23 April 1985). As Temporary and Provisional, he earned two (2) years, five (5) months and six (6) days relevant experience (24 April 1985 to 30 September 1987) or a total of Four (4) years, four (4) months and twenty eight (28) days.

"The foregoing, experience is more than enough to offset Mr. Wasawas' deficiency in education, especially so, if only a one (1) year relevant vocational course is required as the rate of substitution for every academic year of deficiency in education for both secondary and vocational courses in six (6) months of specialized/relevant experience, (h, (1) CSC Memorandum Circular No. 5-A, series of 1986) (p. ix, ll-2 and p.x, 11-3 1978 QS).

"Granting, without admitting that the position of Sr. Mechanical Plant Operator II requires both a High School and a relevant vocational course, Mr. Wasawas lacks only two (2) years to complete the Secondary Course because he is a Second Year High School at the time of his appointment. And, perhaps another year for Vocational Course or a total of three (3) years. Assuming the CSRO evaluation is correct, the four \*4) years and four (4) months relevant experience the appointee earned before promotion is still sufficient to compensate his educational deficiency, applying the rate of substitution abovementioned. Four (4) years relevant experience is equivalent to eight (8) academic years. Therefore, at the rate of six (6) months relevant experience for every academic year of deficiency, the three (3) years education deficiency is equivalent to one and half year (1 &  $\frac{2}{21}$ ) relevant experience. Four (4) years minus one (1) year and one and one half (1 &  $\frac{2}{21}$ ) year equals to two (2) and one-half (1/2) years left.

"Granting further, that only the relevant experience earned by him while he was holding Temporary and Provisional appointment (24 April 1985 to 30 September 1987) is considered which is equivalent only to 2 years and 5 months minus 1 &  $\frac{2}{21}$  year, this will leave him a balance of eleven (11) months relevant experience.

"In either situation aforementioned, Mr. Wasawas could qualify the education requirement. In fact, in the first premise where in his casual employment was included, he leaves a balance of 2 &  $\frac{2}{21}$  years and in the second, he has a balance of 11 months relevant experience.

"As regards, EXPERIENCE REQUIREMENT, it is shown in the 1987 QS that it needs three (3) years relevant experience. Considering that Mr. Wasawas took up Power Plant Training at TTI from Feb. 11 to March 15, 1985 (Exh. '5'), he earned (200) hours. Converting it into fifty (50) hours for every six (6) months of experience deficiency is equivalent to two (2) years. Since what is needed is three (3) years, he still lacks one (1) year experience. It is here where this representation respectfully requests that the unused balances he earned on EDUCATION which is 2 &  $\frac{2}{21}$  be utilized in order to compensate the remaining one (1) year EXPERIENCE deficiency and to fully comply with the three (3) years experience requirement."

The CSCRO No. VIII commented on the appeal, as follows:

"The issue that needs resolution in the instant appeal is whether or not the CSRO #8 Order directing the recall of the

approval on the appointment of Fidel R. Wasawas, Jr. as Senior Mechanical Plant Operator II is proper.

"Worthy of consideration is the fact that at the time the appeal mentioned in the preceding paragraph was filed, no copy of Wasawas's casual appointment allegedly approved by then TELOF Director Rogacion for the period from July 1, 1983 to April 23, 1985 was presented, for evaluation. In fact, that particular appointment is not one among his records on file with this Office. Thus, the same was not included in computing the experience gained by appointee that may be used to offset his other qualification deficiencies.

"Likewise, we do not subscribe to Director Kintanar's contention that when the 1978 MPWTC Qualification Standard (QS) Manual required as minimum educational requirement 'completion of relevant vocational course', the same should not be taken to mean prior completion of a secondary course.

"It may be noted that in the MPWTC QS, the position under controversy is the highest non-supervisory position under the Mechanical Plant Operation Group, the next higher position being that of Mechanical Plant Supervisor I. The same QS provides for the following requirements for the latter position: Completion of three years college studies in Stationary/Power Plant/Mechanical Engineering. If Director Kintanar's contention is correct, there wouldn't be opportunity for anyone holding the next lower position (then Senior Mechanical Plant II; now retitled to Mechanical Plant Operator III) to be promoted to the next higher position within the same occupational grouping since college studies demand as a pre-requirement completion of a secondary course.

"Furthermore, contrary to Director Kintanar's contention in his present appeal, we believe that the specific provisions in the subsequent QS, clarify and strengthen the need for the completion of the secondary course.

"In his appeal, Director Kintanar made the following justifications, thus:

'x x x.

'x x x it is probably the reason why the 1993 QS specifies the education requirement for Mechanical Plant Operator III (previously Mechanical Plant Operator II) to 'High School Graduate; completion of relevant vocational/trade course'. It could mean either High School graduate or completion of relevant vocational trade course, probably to clearly define the misconception of the previous 1978 QS. x x x.'

"We do not concur with the preceding observation of appellant (sic).

"It is our contention that both requirements, namely, High School Graduate and completion of relevant vocational/trade course, must be met by appointee. The semi-colon (;) has always been associated with coordinating and linking functions, not as a separator of alternatives. Had the Commission intended otherwise, it could have used a virgule (/) or the word 'or'

instead of the semi-colon (;) to separate one requirement from the other. For comparison, it may be noted that in the same QS, the Commission provides for the following educational requirement for the following positions, among others, to wit:

X X X

"Under the foregoing circumstances, we do not find sufficient reason to reverse the CSRO #8 Order dated December 8, 1998, except for humanitarian consideration."

Records show that Wasawas was initially appointed as Engineman, under Casual Status, on July 1, 1983. Subsequently, on April 24, 1985, he was appointed as Mechanical Plant Operator II, temporary, and the same was renewed on August 1, 1986 and August 2, 1987. On October 1, 1987, Wasawas was issued an appointment as Senior Mechanical Plant Operator II, Provisional and, thereafter, he was issued a permanent appointment to the same position on October 1, 1988. Finally, on July 1, 1989, Wasawas was appointed as Mechanical Plant Operator III, permanent, which position he holds up to the recall of the approval of his appointment.

On July 26, 1998, an anonymous complaint was sent to the CSCRO No. VIII requesting the said office to conduct an investigation regarding the alleged act of dishonesty of Wasawas, placing in his personal data sheet that he is a high school graduate when in truth he only finished second year high school. The said letter reads, in part, as follows:

"Requesting for an investigation of (sic) Mr. (sic) Fedel Wasawas of Telecommunications Office, Port Area, Tacloban City of her (sic) personal record about (sic) his appointment approve (sic) a second year high school for a position of (Servicing) Mechanical Plant Operator III. In my (sic) knowledge, the qualified personnel of (sic) the said position should at least (sic) a high school graduate or a college level plus seniority in the service.

"I hope that there's (sic) no whitewash on (sic) your investigation. In the sense that there's (sic) no personal interest involved, but interest of (sic) qualified person. Katarungan (sic) that (sic) I want from CSC. For (sic) whatever (sic) the result of your investigation, kindly publish at the Telecommunications Office Bulletin Board."

Subsequently, the CSCRO No. VIII conducted an investigation on the matter. On December 8, 1998, the said office issued an Order dismissing the anonymous complaint, for Dishonesty. However, the approval of his appointment as Senior Mechanical Plant Operator II, effective October 1, 1987 was recalled. The dispositive portion of the said Order provides, as follows:

"WHEREFORE, foregoing premises considered, the herein anonymous complaint against Fidel R. Wasawas, Jr. for Dishonesty (Misrepresentation) is hereby DISMISSED. However, the approval on his appointment as Senior Mechanical Plant Operator II, effective October 1, 1987 is RECALLED. Accordingly, the persons responsible for the preparation of his appointment are sternly warned to be more careful in the evaluation of the qualifications of, as well as, the supporting

documents submitted by, appointees.

"Further, the CSC Leyte Field Office is hereby directed to cause the necessary action on subject appointment based on this Order."

On January 25, 1999, then Director Cartalla of the Telecommunications Office, Regional Office No. VIII appealed the said Order. However, the same was dismissed by the said office on February 16, 1999. The motion for reconsideration of the latter Order was also denied on May 13, 1999.

Hence, this appeal.

The sole issue to be resolved is whether or not the CSCRO No. VIII Order recalling the approval of the appointment of Wasawas as Senior Mechanical Plant Operator II is in order.

Under the 1978 Ministry of Public Works, Transportation and Communication (MPWTC) Qualification Standards Manual, the qualification for the position of Senior Mechanical Plant Operator are, as follows:

EDUCATION : Completion of a relevant vocational course

EXPERIENCE : 3 years of experience in mechanical plant operation work

ELIGIBILITY : Mechanical Plant Operator (less than 50 HP) RA 1080 (Certified Plant Mechanic)

While the qualifications of Wasawas are, as follows:

EDUCATION : Second Year High School

EXPERIENCE : 07-01-83-04-30-84	Engineman	Casual
05-01-84-04-23-85	- do -	
04-24-85-07-31-86	Mechanical Plant Operator II	Temporary
08-01-86-08-01-87	- do -	Renewal
08-02-87-09-3087	- do -	Provisional

10-01-87-03-31-88	Senior Mechanical Operator III	Provisional
04-01-88-03-30-89	-do -	Permanent
07-01-89-09-30-90	MPO III	- do -
10-01-90-09-30-93	- do -	- do -
10-040-93-12-31-93	-do-	- do -
01-01-94-12-31-94	- do -	- do -
01-01-95-12-31-95	- do -	- do -
01-01-96-09-30-96	- do -	- do -
10-01-96-12-31-96	- do -	- do -
01-0-97-10-31-97	- do -	- do -
11-01-97 - present	- do -	- do -

ELIGIBILITY: Mechanical Plant Operator (less than 50 HP)

From the foregoing, it is clear that Wasawas lacks the education requirement of "completion of a relevant vocational course" since he only finished Second Year High School. However, considering that the appointment subject of the appeal was issued in 1989, the experience he has gained as Mechanical Plant Operator from July 1, 1983 to the present will more than suffice to substitute for his deficiency in education. This is because at that time substitution was still allowed. Pertinent to the discussion is Civil Service Commission Memorandum Circular No. 5-A s. 1985, which reads, in part, as follows:

"TO: ALL HEADS OF MINISTRIES, BUREAUS, AND AGENCIES OF THE NATIONAL GOVERNMENT, INCLUDING GOVERNMENT-OWNED AND/OR CONTROLLED CORPORATIONS

"SUBJECT: Guidelines implementing the provisions of CSC Resolution No. VIII5-132 approving and adopting the Revised Qualification Standards Manual for Service-Wide First and Second Level Positions in the career service, and the amended Guidelines on Substitution of the Education/Training/Experience Requirements

"Pursuant to CSC Resolution No. VIII5-132 dated April 11, 1985, approving and adopting amendments made in the Revised Qualification Standards for Service-Wide First and Second Level Positions in the career service, and the amended Guidelines on Substitution of the Education/Training/Experience Requirements, which shall form an integral part of the approved Qualification Standards Manual, the following guidelines for implementing said provisions are hereby promulgated:

X X X

"6. For appointees who do not squarely meet the required education/training/experience requirements, the following Guidelines on Substitution for said requirements shall serve as guides in offsetting deficiencies where substitution may be allowed:

"a) Where necessary, education, experience or training shall be used interchangeably to offset deficiencies, except the civil service eligibility which shall not be substituted. Only education, relevant experience and/or training in excess of the minimum required may be used to offset any of the deficiencies, in accordance with the herein prescribed Rate of Substitution.

X X X

"h) Except as otherwise provided, the rate of substitution for every academic year of deficiency in the education requirements shall be any or a combination of the following:

"(1) Six months of specialized/relevant experience "(2) Three months of relevant training grant "(3) One hundred hours consisting of one or more specialized/relevant training courses or seminars

X X X

"7. The abovesited Guidelines on Substitution of the Education/Training/Experience Requirements shall be applicable to service-wide and unique positions in the career service. The adoption of such guidelines, however, shall not bar other agencies from setting their own guidelines on substitution, provided that the rate of substitution is not lower than what is herein prescribed, and the same shall be subject to the approval of the Civil Service Commission."

It must be emphasized, however, that under prevailing rules, no substitution shall be allowed for deficiencies in education and experience requirement (Sec. 1 [d], Rule X of CSC Memorandum Circular No. 40, series of 1998).

As gleaned from the records, Wasawas only lacks the required vocational course. Granting that the duration of the same is two (2) academic years, the deficiency can well be offset and substituted by almost nine years of relevant experience.

WHEREFORE, the appeal of Director Rogacion C. Kintanar of the DOTC Telecommunications Office Regional Office No. VIII is hereby GRANTED. Accordingly, the decision of the CSCRO No. VIII recalling the approval of the appointment of Fidel R. Wasawas as Senior Mechanical Plant Operator is reversed.

Quezon City, DEC 29 2000

**(Sgd.) JOSE F. ERESTAIN, JR.**

Commissioner

**(Sgd.) CORAZON ALMA G. DE LEON**

Chairman

**(Sgd.) J. WALDEMAR V. VALMORES**

Commissioner

Attested by:

**(Sgd.) ARIEL G. RONQUILLO**

Director III

*JJC/MVM/X3/Y11/vog/volt24*

*Wasawas/NDC 99-0729*

*CPS/pvp/cm36-2000*