



BALANEG, Crosby M.
Re: Disapproved Appointment
(Petition for Review)
(NDC-2015-03041)

Number: 150647
Promulgated: 27 AUG 2015

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DECISION

Governor Corazon N. Malanyaon, Province of Davao Oriental, Capitol Hill, Mati, files an appeal, treated as a petition for review, from the action taken by the Civil Service Commission Regional Office (CSCRO) No. XI, Davao City, disapproving the permanent appointment of Engr. Crosby M. Balaneg as Provincial Government Assistant Department Head (SG 24) for failure to meet the experience and eligibility requirements for said position.

Pertinent portions of Governor Malanyaon's petition for review read, as follows:

x x x

"Among the material representations of the herein respondent appellant in this appeal are the following:

x x x

"In this case at bar, Engr. Balaneg's appointment as Provincial Government Assistant Department Head was invalidated/disapproved by CSCRO XI due to, as it were, the un-prescribed position title, since accordingly, the position is not purely a generic position of Provincial Government Assistant Department Head but that of an Assistant Provincial Assessor xxx. Said inference was not concretely supported by facts or evidences. The Honorable CSC Director failed to substantiate his stand.

"Contrary to this, Item No. I of the Position Description Form (PDF) of the position appended to the invalidated appointment of Engr. Balaneg disclosed that:

"8. OFFICIAL DESIGNATION OF POSITION

"Provincial Government Assistant Department Head

x x x

"It bears stressing that the Position sought to be filled is really Provincial Government Assistant Department Head and certainly not the Assistant Provincial Assessor, xxx.

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Chief Personnel Specialist
Commission Secretariat & Liaison Office

"With all due respect to the Commission, CSC RO XI is devoid of any authority to change/retitle the position sought to be filled, from Provincial Government Assistant Department Head to Assistant Provincial Assessor.

x x x

"In conformity with the above provisions, this Provincial Government being an LGU abides by this directive and created the subject position of Provincial Government Assistant Department Head and prescribed its duties and functions in the corresponding PDF (BC-CSC Form II). The position of Provincial Government Assistant Department Head is classified as Local Executive position under said IOS with SG-24.

x x x

"Precisely, the Provincial Government of Davao Oriental, in the exercise of its power or right to choose, opted to create the position of PGADH and certainly not the position of Assistant Provincial Assessor. Hence, this option should be respected even by the Honorable Commission since it does not constitute any violation of CSC law and rules. xxx

x x x

"xxx, the position of Provincial Government Assistant Department Head shall follow the Qualification Standard set in the 1997 Revised CSC QS Manual xxx.

x x x

"xxx the position is really a Provincial Government Assistant Department Head position, thus, apply the QS prescribed under the Revised 1997 CSC QS manual pursuant to CSC MC No. 1, s. 1997, as amended. xxx

x x x

"xxx Engr. Balaneg is not only a licensed and registered Civil Engineer but he is also a licensed and registered Sanitary Engineer, a dearth profession in this Province. In fact, the only one, so far. This alone has a tremendous impact and a great advantage to this Administration in the area of sanitation and public health developmental programs, and projects. Xxx

"Aside from compliance [with] the prescribed QS requirements of the position, the appointee enjoys the full trust and confidence of the appointing authority, since he is expected to accelerate the pace and expand the scope of the administrative assessment tasks in this administration.

"All requirements appurtenant to the issuance of appointment and other Civil Service laws were duly complied with. Furthermore, that the provisions of the Agency's Merit Promotion Plan was duly observed and that the issuance of said appointment does not undermine the merit and fitness principle of the government;"



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Records show that Balaneg was issued a permanent appointment to the position of Provincial Government Assistant Department Head (SG 24) on February 3, 2015 by Governor Malanyaon.

On February 25, 2015, Balaneg's appointment was disapproved by the CSCRO No. XI for failure to meet the experience and eligibility requirements for said position. This prompted Governor Malanyaon to file the instant petition for review.

It appears, however, that the records of the case did not contain the certified true copy of Balaneg's appointment paper. Thus, in the Memorandum dated April 23, 2015, the Commission, through the Office for Legal Affairs (OLA), directed the CSCRO No. XI to furnish the Commission a copy of said document.

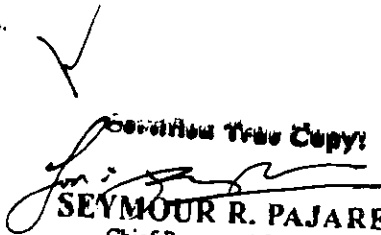
On June 15, 2015, OLA received the requested document. Hence, the Commission will now rule on Governor Malanyaon's petition for review.

The issue is whether the disapproval of Balaneg's permanent appointment as Provincial Government Assistant Department Head is in order.

A careful evaluation of the appointment paper of Balaneg would reveal that his permanent appointment as Provincial Government Assistant Department Head is station specific at the Office of the Provincial Assessor. In fact, the Provincial Accountant certified the availability of funds for the payment of salaries and benefits for the position of Provincial Government Assistant Department Head in the plantilla of the Provincial Assessor's Office. Undoubtedly, it was the intention to appoint him as Assistant Provincial Assessor. As such, the qualifications of Balaneg for the position of Provincial Government Assistant Department Head should be assessed based on the qualification standards of Assistant Provincial Assessor found in **CSC Memorandum Circular No. 20, series of 2012¹**, to wit:

Factors	Qualification Standards for the Assistant Provincial Assessor position pursuant to CSC MC No. 20, s. 2012	Qualifications of Balaneg (as appearing in his PDS accomplished on January 9, 2015)
Education	Bachelor's degree preferably in Civil or Mechanical Engineering, Commerce or any other related course	Bachelor of Science in Civil Engineering/Bachelor of Science in Sanitary Engineering
Experience	Three (3) years experience in real property assessment work or in any related field	<ul style="list-style-type: none"> • Asst. Dept. Head (LGU-City of Mati) – Mar. 1, 2014 up to present • CDO III (National Commission on Indigenous Peoples) – Mar. 23, 2010 up to Feb. 28, 2014

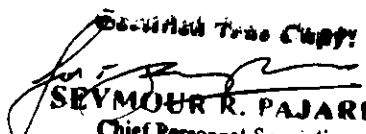
¹ Qualification Standards of Assessor and Appraiser Positions.


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		<ul style="list-style-type: none"> • Engineer II (National Commission on Indigenous Peoples) – Feb. 1, 2001 up to Mar. 22, 2010 • Engineering Asst. (DPWH) – Dec. 1, 1997 up to Dec. 31, 2000 • Project Engineer (Valley Construction and Aggregates) – Jan. 1, 1994 up to Sept. 30, 1997 • Asst. Project Engineer (Valley Construction and Aggregates) – Jan. 1, 1993 up to Jan. 31, 1993 • Civil Engineering Aide (DAR) – Nov. 1, 1991 up to Jan. 31, 1992 • Surveyor (Phil. Cable Network and Construction, Inc.) – Oct. 1, 1997 up to Nov. 1997
Training	None	<ul style="list-style-type: none"> • Workshop on How to Utilize Practical Tools for Earthquake Vulnerability and Safety of Houses • 7th Region IX Technical Conference • Conference on FPIC Applications, etc.
Eligibility	RA No. 1080 (Real Estate Service)	<ul style="list-style-type: none"> • Sanitary Engineering Board • Civil Engineering Board • Career Service (Professional)
Other Qualifications	Citizenship Residence Good Moral Character	<ul style="list-style-type: none"> • Filipino • Resident of Mati • No derogatory information found in the records

As can be gleaned from the foregoing, Balaneg failed to meet the required three (3)-year experience in real property assessment work or in any related field, as well as the eligibility requirement for the position of Assistant Provincial Assessor, which is R.A. No. 1080 (Real Estate Service). Thus, the disapproval of the permanent appointment of Balaneg by the CSCRO No. XI is in order.

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WHEREFORE, the petition for review of Governor Corazon N. Malanyaon, Province of Davao Oriental, is hereby **DISMISSED**. Accordingly, the action of the Civil Service Commission Regional Office (CSCRO) No. XI, Davao City, disapproving the permanent appointment of Engr. Crosby M. Balaneg as Provincial Government Assistant Department Head, is **AFFIRMED**. However, Balaneg is entitled to the salaries and benefits of the position during his incumbency as a *de facto* officer from the time he assumed said position on March 1, 2014 until this Decision becomes executory.

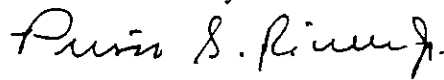
Copies of this Decision shall be furnished the Commission on Audit-Provincial Government of Davao Oriental and the Government Service Insurance System (GSIS), for their reference and appropriate action.

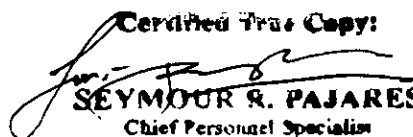
Quezon City.


NIEVES L. OSORIO
Commissioner

VACANT
Chairman

ROBERT S. MARTINEZ
Commissioner

Attested by:

DOLORES B. BONIFACIO
Director IV
Commission Secretariat and Liaison Office

Certified True Copy:

SEYMOUR R. PAJARES
Chief Personnel Specialist
Commission Secretariat & Liaison Office