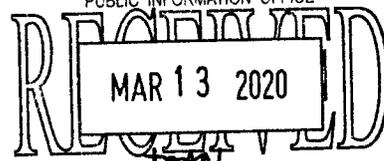




SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



BY: JOAN  
TIME: 11:40

Republic of the Philippines  
**Supreme Court**  
Manila

**FIRST DIVISION**

**NOTICE**

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated January 22, 2020 which reads as follows:*

**“G.R. No. 228387 – (CATALINA K. ACPAL, ISAGANI B. AROGANTE, MONTE CARLO C. DAVID, ANALIZA ANABELLE B. ELLAMIL, ROWENA VI V. ESTEBAN, *ET AL.*, petitioners, versus HON. RUTH R. PADILLA, and THE MEMBERS OF THE SANGGUNIANG PANLALAWIGAN OF NUEVA VIZCAYA, namely: HON. LAMBERT GALIMA, HON. FILMA PEREZ, HON. PEPITO BALGOS, HON. SANTIAGO DICKSON, HON. DONIOR TIDANG, HON. PRIMO PERCIVAL MARCOS, HON. EFREN QUIBEN, HON. NESTOR SEVILLENA, HON. FLODEMONTTE GERDAN, HON. JOHNNY LIBAN, HON. MERLIE TALINGDAN, HON. DOLORES BINWAG, HON. EMERLENE GALANTA and HON. REX IRITAN, respondents);**

**G.R. No. 228918 – (LARA CAROLINA M. TORRALBA, petitioner, versus HON. RUTH R. PADILLA, in her official capacity as then Provincial Governor of Nueva Vizcaya, and THE MEMBERS OF THE 8<sup>TH</sup> SANGGUNIANG PANLALAWIGAN of NUEVA VIZCAYA, in their official capacity as such, namely: HON. LAMBERT GALIMA, HON. FILMA PEREZ, HON. PEPITO BALGOS, HON. SANTIAGO DICKSON, HON. DONIOR TIDANG, HON. PRIMO PERCIVAL MARCOS, HON. EFREN QUIBEN, HON. NESTOR SEVILLENA, HON. FLODEMONTTE GERDAN, HON. JOHNNY LIBAN, HON. MERLIE TALINGDAN, HON. DOLORES BINWAG, HON. EMERLENE GALANTA and HON. REX IRITAN, respondents).**

After a review of the records, the Court resolves to **DENY** the petition and **AFFIRM** the Decision<sup>1</sup> dated April 25, 2016 and Resolution<sup>2</sup> dated November 4, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 139956 for failure to sufficiently show that the CA committed any reversible error as to warrant the exercise of this Court's discretionary appellate jurisdiction.

The CA correctly ruled that the subject appointments were issued in violation of Section 80(c) of the Local Government Code (LGC). The provision clearly states that the members of the Personnel Selection and Promotions Board (PSPB) shall be determined by resolution of the *sanggunian* concerned. The *sanggunian* adverted to can only mean to be the then incumbent members of the *sanggunian* in 2013 when the appointments and promotions were made. It is undisputed, however, that at that time, the composition of the PSPB was made by virtue of Resolution No. 125, series of 2005, which was passed by the 5<sup>th</sup> *Sangguniang Panlalawigan* whose terms started from June 30, 2004 to June 30, 2007. Consequently, the PSPB which screened and deliberated on the appointments and promotions of petitioners was not clothed with the authority to do so. As aptly held by the CA, to depart from the mandatory import of Section 80(c) of the LGC would be to negate the statutory authority and opportunity of the incoming administration to make the corresponding appointments in line with its new policies.<sup>3</sup>

As to the other issues raised by petitioners, particularly on the unavailability of funds and certification to such effect to cover for the salaries of those appointed or promoted, respondents correctly pointed out that these are questions of facts, which are, therefore, generally not entertained by the Court. While it may be that the factual findings of the Civil Service Commission (CSC) and the CA on this score differed, this does not automatically oblige the Court to review their factual findings. Exceptions must be alleged, substantiated, and proved by the parties so this Court may evaluate and review the facts of the case.<sup>4</sup> Petitioners failed to discharge this burden. The CA correctly observed that the certification contemplated under Section 1, Rule V of the CSC Memorandum Circular No. 40-98 should be categorical and unconditional. This is evidently not the case in the certifications issued to petitioners. Their certifications carry the proviso "*subject however to the availability of funds in the 2013 Local*

<sup>1</sup> *Rollo* (G.R. No. 228387), pp. 46-73; *rollo* (G.R. No. 228918), pp. 48-75. Penned by Associate Justice Renato C. Francisco, with Associate Justices Apolinario D. Bruselas, Jr. and Danton Q. Bueser, concurring.

<sup>2</sup> *Id.* at 74-75; *id.* at 76-77.

<sup>3</sup> *Rollo* (G.R. No. 228387), p. 65.

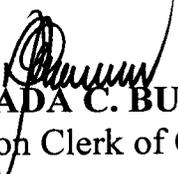
<sup>4</sup> *Pascual v. Burgos, et al.*, 776 Phil. 167 (2016).

*Expenditure Program as authorized by the Sangguniang Panlalawigan and declared operative by the Department of Budget and Management,*<sup>5</sup> which contradicts the availability of funds to cover the salaries of petitioners.

Parenthetically, the issues raised in these petitions were the same issues raised in *Leinilyn Gascon, et al. v. Hon. Ruth Padilla, etc., et al.*<sup>6</sup> and which had already been duly passed by the Court in its Resolution dated March 1, 2017. In denying the petition and affirming the same CA Decision and Resolution assailed herein, the Third Division of the Court ruled that petitioners therein failed to present convincing evidence that warrants the reversal of the findings of the CA.

**SO ORDERED.”**

Very truly yours,

  
**LIBRADA C. BUENA**  
Division Clerk of Court

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Court of Appeals(x)  
Manila  
(CA-G.R. SP No. 139956)

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(Number: 13\_0095 [Decision])

Judgment Division (x)  
Supreme Court

CIVIL SERVICE COMMISSION  
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1126 Quezon City  
(Number: 140767 [Decision];  
Number: 1600444 [Resolution])

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<sup>5</sup> *Rollo* (G.R. No. 228387), p. 69.

<sup>6</sup> Court's Third Division Resolution dated March 1, 2017 in G.R. No. 228185.

