



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

ATTY. RIZA S. FERNANDEZ,
Petitioner,

G.R. No. 248852

Present:

BERNABE, S.A.J.,*
HERNANDO,
*Acting Chairperson,***
ZALAMEDA,
ROSARIO, and
MARQUEZ, JJ.

- versus -

WILLIE FERNANDO MAALIW,
Respondent.

Promulgated:

MAR 09 2022

X ----- X

DECISION

ROSARIO, J.:

Before this Court is a Petition for Review on *Certiorari*¹ assailing the Decision² dated January 14, 2019 and Resolution³ dated July 26, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 149279, which reversed the Decision⁴ dated August 31, 2016 and Resolution⁵ dated December 16, 2016 of the Civil Service Commission (CSC) in CC-D-2015-021.

*On official business.

** Per Special Order No. 2872 dated March 4, 2022.

¹ *Rollo*, pp. 3-29.

² *Id.* at 31-37. Penned by Associate Justice Victoria Isabel A. Paredes, with the concurrence of Associate Justices Marlene B. Gonzales-Sison and Jhosep Y. Lopez (now a Member of the Court).

³ *Id.* at 39-40.

⁴ *Id.* at 78-86. Penned by CSC Chairperson Alicia Deia Rosa-Bala, with the concurrence of Commissioner Robert S. Martinez and Director Dolores B. Bonifacio.

⁵ *Id.* at 93-97.

Factual Antecedents

On September 28, 1999, respondent Willie Fernando Maaliw (Maaliw) filed a Complaint⁶ for grave misconduct, oppression, dishonesty, negligence, and violation of Republic Act No. (RA) 6713⁷ and the Civil Service Law⁸ against Danilo A. Longasa (Longasa), his co-employee and a Special Investigator assigned at the Security and Transport Department of the Land Bank of the Philippines (LBP) in Makati City. The complaint was submitted for decision on January 21, 2000 after Longasa appeared and submitted his affidavit.⁹

On June 16, 2014, or more than 14 years after the complaint was submitted for decision, the CSC–National Capital Region (CSC-NCR) rendered a Decision¹⁰ dismissing Maaliw’s complaint for being insufficient in form. The CSC-NCR Decision was signed by Director Lydia Castillo (Dir. Castillo) and prepared by Riza S. Fernandez (Fernandez).

By reason of the delay in the promulgation of his complaint against Longasa, respondent Maaliw filed a Complaint Affidavit¹¹ dated November 9, 2015 against Fernandez and Dir. Castillo for neglect of duty and violation of RA 6713. The complaint was initially filed before the Office of the Ombudsman, which referred the same to the CSC.

In their Joint Comment¹² dated December 23, 2015, Fernandez and Dir. Castillo denied liability from the CSC-NCR’s delayed action on respondent Maaliw’s complaint against Longasa. They asserted that the said complaint was already pending with the CSC-NCR before they assumed their respective positions: Dir. Castillo being reassigned to the Legal Services Division (LSD), CSC-NCR only on December 6, 2012 purposely to reduce the aged cases pending before it, and Fernandez being employed only on February 11, 2013.

Fernandez and Dir. Castillo also highlighted the CSC-NCR’s accomplishments as regards the number of aged cases it disposed *vis-à-vis* the sheer volume of cases pending before it and the limited number of personnel in their office, claiming that since Dir. Castillo’s administration, the CSC-NCR was able to meet its yearly target of resolved cases, both for ageing and current cases.

⁶ Id. at 61-66.

⁷ Code of Conduct and Ethical Standards for Public Officials and Employees; approved on February 20, 1989.

⁸ Republic Act No. 2280, entitled, “An Act to Amend and Revise the Laws Relative to Philippine Civil Service.” Approved on June 19, 1959.

⁹ *Rollo*, p. 32.

¹⁰ Id. at 68-69.

¹¹ Id. at 70-71.

¹² Id. at 74-77.

They also pointed out that Maaliw had the remedy to file a motion for reconsideration of or appeal the decision. However, the records do not show that respondent filed the same.

On August 31, 2016, the CSC rendered the assailed Decision¹³ dismissing Maaliw's complaint against Fernandez and Dir. Castillo. The CSC recognized that there was a violation of Maaliw's right to speedy disposition of cases in view of the 14-year delay in resolving his complaint; however, such delay cannot be attributed to Fernandez and Dir. Castillo. The CSC noted that Maaliw's complaint was filed long before Fernandez and Dir. Castillo assumed their office at CSC-NCR. The CSC ultimately found the delay justified, in view of the plight besetting the CSC-NCR relative to its case docket *vis-à-vis* its eight personnel at the LSD.

Maaliw moved for reconsideration¹⁴ but the same was denied in a Resolution¹⁵ dated December 16, 2016. This prompted Maaliw to file a Petition for Review¹⁶ with the CA.

On January 14, 2019, the CA rendered its Decision,¹⁷ the dispositive portion of which reads:

WHEREFORE, premises considered, the petition for review is GRANTED. The *Decision dated August 31, 2016* and *Resolution dated December 16, 2016* of the Civil Service Commission, are REVERSED AND SET ASIDE. A new one is ENTERED finding respondents Director Lydia Alba-Castillo and Atty. Riza S. Fernandez GUILTY of SIMPLE NEGLIGENCE OF DUTY and is (*sic*) directed to pay a FINE equivalent to their salary for three (3) months in lieu of suspension.

SO ORDERED.¹⁸

In finding Fernandez guilty of simple neglect of duty, the CA held that it cannot ignore nor countenance her inaction in resolving Maaliw's complaint for one year and six months from the time Fernandez assumed her position in the LSD, CSC-NCR. The CA added that Fernandez cannot be allowed to take refuge in the alleged lack of manpower in the LSD, CSC-NCR as a defense since they are mandated by law to manage their caseload and render a judgment within the periods fixed by law.

The CA imposed a fine equivalent to Fernandez and Dir. Castillo's salary for three months in lieu of suspension, considering that both were no

¹³ Id. at 78-86.

¹⁴ Id. at 87-92.

¹⁵ Id. at 93-97.

¹⁶ Id. at 98-109.

¹⁷ Id. at 31-37.

¹⁸ Id. at 36-37.

longer employed at the CSC-NCR. Dir. Castillo failed to timely file a motion for reconsideration.

Aggrieved, Fernandez sought reconsideration¹⁹ of the CA Decision, but was denied for failure to advance substantial arguments or establish clear and compelling grounds to reverse, amend or set aside the Decision.²⁰

Hence, this petition, where Fernandez assigns three errors for this Court's consideration:

I

THE COURT OF APPEALS GRAVELY ERRED WHEN IT GAVE DUE COURSE TO RESPONDENT'S APPEAL ASSAILING CSC'S FINDINGS WHICH IS NOT SUBJECT TO APPEAL OR PETITION FOR REVIEW AND RESPONDENT HAS NO PERSONALITY TO FILE THE APPEAL

II

THE COURT OF APPEALS GRAVELY ERRED IN REVERSING AND SETTING ASIDE THE CIVIL SERVICE COMMISSION'S DECISION DATED AUGUST 31, 2016 AND RESOLUTION DATED DECEMBER 16, 2016 FINDING HER GUILTY OF SIMPLE NEGLIGENCE OF DUTY AS IT VIOLATED HER RIGHT TO DUE PROCESS

III

THE COURT OF APPEALS GRAVELY ERRED WHEN IT ATTRIBUTED UNDUE DELAY IN THE DISPOSITION OF RESPONDENT'S COMPLAINT TO PETITIONER AND FINDING HER GUILTY OF SIMPLE NEGLIGENCE OF DUTY DIRECTING HER TO PAY A FINE EQUIVALENT TO THREE (3) MONTHS SALARY IN LIEU OF SUSPENSION²¹

Fernandez argues in her petition that the CSC's Decision dismissing the complaint against her was final and not subject to appeal. She adds that Maaliw had no personality to appeal the CSC Decision to the CA, considering that he was not adversely affected by it. Fernandez also alleges that the CA violated her fundamental right to due process when she was found guilty of neglect of duty despite the absence of a Formal Charge by the CSC. She posits that the CSC's dismissal of Maaliw's complaint for "lack of *prima facie* case" means that there was no administrative case to speak of against her. Fernandez also argues that she cannot be held liable for neglect of duty as it took her only four days to act on Maaliw's complaint against Longasa despite the sheer

¹⁹ Id. at 41-59.

²⁰ Id. at 39-40

²¹ Id. at 9.

volume of cases pending at the CSC-NCR and its limited personnel in the LSD.

In his Comment,²² Maaliw counters that the petition should be dismissed outright for raising questions of fact. Maaliw argues that Fernandez's right to due process was never impaired, considering that she and Dir. Castillo were given the opportunity to file their counter-affidavits. Maaliw equates the CSC's Order dated December 10, 2015 (requiring Fernandez and Dir. Castillo to file their comment) to a Formal Charge under the RRACCS. He also argues that Fernandez is liable for neglect of duty for violation of the constitutional guarantee of speedy disposition of cases, for violation of Rule 3, Section 4 of the Implementing Rules and Regulations (IRR) of RA 6713. Maaliw posits that Fernandez's defenses are self-serving and dubious, considering that there was no corroborative evidence to her defense that, "as far as she can remember,"²³ she acted on Maaliw's complaint in a few days.

The respective Reply²⁴ and Rejoinder²⁵ filed by the parties emphasize arguments already raised in the Petition and Comment. However, in the Rejoinder,²⁶ Maaliw asks this Court to implement the CA Decision pending resolution of the Petition and to investigate petitioner Fernandez for violating the canons of the legal profession.

The Court's Ruling

The Petition is impressed with merit.

At the outset, We find the Petition to be compliant with the requirements of Rule 45 of the Rules of Court.

Section 1 of Rule 45 of the Rules of Court dictates that only questions of law may be raised in a petition for review on *certiorari*.²⁷ A question of fact exists "when the doubt or difference arises as to the truth or the falsehood of alleged facts."²⁸ On the other hand, a question of law exists "when the doubt or difference arises as to what the law is on a certain state of facts."²⁹

By way of exception, questions of fact may be raised in such petitions in the following circumstances: (1) when there is grave abuse of discretion; (2) when the findings are grounded on speculations; (3) when the inference

²² Id. at 194-219.

²³ Id. at 21.

²⁴ Id. at 250-261.

²⁵ Id. at 262-273.

²⁶ Id. at 262-273.

²⁷ See *Kumar v. People*, G.R. No. 247661, June 15, 2020; *Miro v. Vda. De Erederos*, 721 Phil. 772 (2013); *Century Iron Works, Inc. v. Banas*, 711 Phil. 576 (2013).

²⁸ *Miro v. Vda. De Erederos*, supra at 785.

²⁹ Id.

made is manifestly mistaken; (4) when the judgment of the CA is based on a misapprehension of facts; (5) when the factual findings are conflicting; (6) when the CA went beyond the issues of the case and its findings are contrary to the admissions of the parties; (7) when the CA overlooked undisputed facts which, if properly considered, would justify a different conclusion; (8) when the findings of the CA are contrary to those of the trial court; (9) when the facts set forth by the petitioner are not disputed by the respondent; and (10) when the findings of the CA are premised on the absence of evidence and are contradicted by the evidence on record.³⁰

The assignment of errors raised by Fernandez involves questions of law. Issues pertaining to the proper remedy to question a dismissal by the CSC of a complaint for lack of a *prima facie* case, whether the CA deprived a party-litigant of due process of law, and Fernandez's liability for neglect of duty in view of the facts already presented before the CSC and the CA, are all questions of law.

In any event, the present case falls under more than one of the exceptions enumerated above, considering that the Petition alleges a violation of due process, which, if true, is tantamount to grave abuse of discretion. The Petition also shows that the factual findings of the CSC and the CA are conflicting as to the underlying reasons for the apparent delay in resolving Maaliw's complaint against Longasa.

The CSC Decision is appealable to the CA through a petition for review under Rule 43 of the Rules of Court.

Maaliw's complaint against petitioner Fernandez and Dir. Castillo was initially filed before the Office of the Ombudsman, which referred the same to the CSC. As the complaint was directly instituted with the CSC, as the same involved employees of the CSC-NCR, Section 72, Rule 13 of the RRACCS, upon which Fernandez relies, finds no application since the same contemplates the non-appealable nature of certain decisions of government agencies that would have ordinarily been appealable to the CSC.

Fernandez's reliance on Book V, Title I, Section 47 of the Revised Administrative Code of 1987 also fails to convince. What was provided as non-appealable were the decisions of department secretaries or heads of agencies in cases where the penalty imposed is suspension for not more than 30 days or fine in an amount not exceeding 30 days' salary. Notably, a decision promulgated by the CSC where the complaint is dismissed for lack of a *prima facie* case is not contemplated.

³⁰ *New City Builders, Inc. v. National Labor Relations Commission*, 499 Phil. 207, 213 (2005), citing *Insular Life Assurance Company, Ltd. v. Court of Appeals*, 472 Phil. 11, 12 (2004).

The provision directly applicable to the present case is Section 48 (2) of the same Book and Title of the Revised Administrative Code of 1987, which is *silent* as to whether a dismissal based on lack of a *prima facie* case is not appealable, *viz.*:

SECTION 48. Procedures in Administrative Cases Against Non-Presidential Appointees. — (1) Administrative proceedings may be commenced against a subordinate officer or employee by the Secretary or head of office of equivalent rank, or head of local government, or chiefs of agencies, or regional directors, or upon sworn, written complaint of any other person.

(2) In the case of a complaint filed by any other persons, the complainant shall submit sworn statements covering his testimony and those of his witnesses together with his documentary evidence. **If on the basis of such papers a prima facie case is found not to exist, the disciplining authority shall dismiss the case.** If a prima facie case exists, he shall notify the respondent in writing, of the charges against the latter, to which shall be attached copies of the complaint, sworn statements and other documents submitted, and the respondent shall be allowed not less than seventy-two hours after receipt of the complaint to answer the charges in writing under oath, together with supporting sworn statements and documents, in which he shall indicate whether or not he elects a formal investigation if his answer is not considered satisfactory. If the answer is found satisfactory, the disciplining authority shall dismiss the case. x x x

As correctly posited by Maaliw, the CSC Decision and Resolution are appealable to the CA through a petition for review under Rule 43 of the Rules of Court. This is consistent with Section 9 (3) of Batas Pambansa Blg. (BP) 129,³¹ which provides:

Sec. 9. *Jurisdiction.* — The Court of Appeals shall exercise:

x x x x

(3) Exclusive appellate jurisdiction over all final judgments, decisions, resolution, orders, or awards of x x x commissions, including x x x the Civil Service Commission, except for those falling within the appellate jurisdiction of the Supreme Court x x x.

This provision of law is further implemented and echoed in Rule 43 of the Rules of Court, which states:

Section 1. *Scope.* — This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission x x x.

³¹ Entitled, "An Act Reorganizing the Judiciary, Appropriating Funds therefor, and for Other Purposes." Approved on August 14, 1981.

Further, Section 73, Rule 13 of the RRACCS also expressly states that decisions and resolutions of the CSC may be elevated to the CA by way of a petition for review under Rule 43 of the Rules of Court.

All told, this Court finds that Maaliw availed of the correct remedy to question the CSC Decision and Resolution.

Respondent Maaliw has the requisite personality to file an appeal before the CA to question the CSC Decision and Resolution

Anent the issue of Maaliw's personality to appeal the CSC Decision and Resolution, Fernandez's reliance on this Court's pronouncements in *Light Rail Transit Authority v. Salvaña*³² (*Light Rail Transit Authority*) is unavailing as she only quotes portions relating to jurisprudential pronouncements that have been expressly abandoned in later cases. Specifically, Fernandez highlighted *Mendez v. Civil Service Commission*³³ and subsequent cases³⁴ citing the same, to the effect that only the "party adversely affected" may appeal decisions of the CSC. However, Fernandez omitted the Court's citation of *Civil Service Commission v. Dacoycoy*,³⁵ where it was held:

[W]e overrule prior decisions holding that the Civil Service Law "does not contemplate a review of decisions exonerating officers or employees from administrative charges" enunciated in *Paredes v. Civil Service Commission*; *Mendez v. Civil Service Commission*; *Magpale v. Civil Service Commission*; *Navarro v. Civil Service Commission and Export Processing Zone Authority* and more recently *Del Castillo v. Civil Service Commission*.³⁶

In later cases, this Court even recognized the private complainant's standing to appeal a decision of the CSC to the CA. For instance, in *Philippine National Bank v. Garcia*,³⁷ (*Philippine National Bank*) this Court pronounced the following:

There is nothing in the law that bars an appeal of a decision exonerating a government official or an employee from an administrative charge. If a statute is clear, plain and free from ambiguity, it must be given its literal meaning and applied without attempted interpretation. **Indeed, the campaign against corruption, malfeasance and misfeasance in government will be undermined if the government or the private**

³² 736 Phil. 123 (2014).

³³ 281 Phil. 1070 (1991).

³⁴ See, e.g., *Del Castillo v. Civil Service Commission*, 311 Phil. 340 (1995); *Navarro v. Civil Service Commission*, 297 Phil. 584 (1993); *Magpale v. Civil Service Commission*, 289 Phil. 873 (1992).

³⁵ 366 Phil. 86 (1999), cited in *Light Rail Transit Authority v. Salvaña*, supra.

³⁶ *Light Rail Transit Authority v. Salvaña*, 736 Phil. 123, 140 (2014).

³⁷ 437 Phil. 289 (2002).

offended party is prevented from appealing erroneous administrative decisions.³⁸ (Emphasis supplied.)

In *Constantino-David v. Pangandaman-Gania*,³⁹ (*Constantino-David*) this Court ruled that “the right of the CSC to appeal the adverse decision **does not preclude the private complainant in appropriate cases from similarly elevating the decision for review.**”⁴⁰

We hold that the present case is an “appropriate case” in which the private complainant may elevate a CSC decision on appeal to the CA.

The RRACCS expressly defines a “party adversely affected” as “the respondent against whom a decision in an administrative case has been rendered or x x x the disciplining authority or prosecuting agency in an appeal from a decision reversing or modifying the original decision.”⁴¹ The term is used only in specific instances in the RRACCS, specifically in Section 56 (on the filing of motions for reconsideration in disciplinary cases decided by disciplining authorities) and in Section 111 (on the filing of an appeal from decisions in non-disciplinary cases).

However, the provisions applicable to the present case do not use the term “party adversely affected.” For instance, Section 73 states that “[a] *party* may elevate a Decision/Resolution of the [CSC] before the [CA] by way of a petition for review under Rule 43 of the Rules of Court.” Also, although not directly applicable, considering that the decision in this case is from the CSC and not the CSC-RO, Section 71 provides that “Decisions/Resolutions rendered by CSC ROs may be elevated *either by the complainant or the respondent* to the [CSC] by way of petition for review within 15 days from receipt therefrom.” Notably, prior to the 2017 amendment, Section 71 (formerly Section 67) stated:

A party may elevate the decision of the Civil Service Commission Regional Office dismissing the complaint for lack of a *prima facie* case or where the formal charge issued was for a lower offense, through a petition for review before the Commission within fifteen (15) days from receipt of said decision.

Hence, in both the old and amended versions of the RRACCS, the right to question the decisions of both the CSC ROs and the CSC in disciplinary proceedings is not expressly limited only to the “party adversely affected,” but also extends to the private complainant, as expressed by the use of the generic term, “party.” This is also consistent with the most recent

³⁸ Id. at 295.

³⁹ 456 Phil. 273 (2003).

⁴⁰ Id. at 278. Emphasis and italics supplied.

⁴¹ See 2017 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, Rule 1, Sec. 4 (s). See also 2011 REVISED RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, Rule 1, Sec. 4 (j).

pronouncements of this Court in *Light Rail Transit Authority*,⁴² *Philippine National Bank*,⁴³ and *Constantino-David*,⁴⁴ as discussed above.

Therefore, the CA committed no error when it gave due course to Maaliw's appeal questioning the CSC Decision and Resolution.

The Court of Appeals deprived petitioner Fernandez of due process when she was administratively sanctioned despite the lack of a Formal Charge, as required by the CSC's RRACCS

Fernandez laments the CA's finding of guilt despite not having been issued a Formal Charge by the CSC in the originating proceedings. She cites the RRACCS in outlining the proper procedure before any administrative liability can be imposed. Maaliw, on the other hand, equates the CSC's order requiring Fernandez and Dir. Castillo to file a comment to a Formal Charge under the RRACCS.

Fernandez's contention is well-taken.

In *Ang Tibay v. Court of Industrial Relations*,⁴⁵ this Court enumerated the following primary rights which must be respected in administrative proceedings:

- 1) The right to a hearing, which includes the right to present one's case and submit evidence in support thereof;
- 2) The tribunal must consider the evidence presented;
- 3) The decision must have something to support itself;
- 4) The evidence must be substantial;
- 5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;
- 6) The tribunal or body or any of its judges must act on its or his own independent consideration of the law and facts of the controversy and not simply accept the views of a subordinate in arriving at a decision; and
- 7) The board or body should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reason for the decision rendered.⁴⁶

⁴² Supra note 28.

⁴³ Supra note 33.

⁴⁴ Supra note 35.

⁴⁵ 69 Phil. 635 (1940).

⁴⁶ Id. at 642-644.

The record shows that Fernandez was not afforded the right to a hearing, which should have followed the procedure provided in the RRACCS. Specifically, Fernandez, before being found liable for neglect of duty, should have been issued a Formal Charge under Rule 5 of the RRACCS. Thereafter, she should have been allowed to file an Answer under Rule 6 of the RRACCS. The CSC may also conduct a Formal Investigation under Rule 8 of the RRACCS.

Applicable in this regard is this Court's ruling in *Salva v. Valle*,⁴⁷ on which Fernandez also relies:

Respondent had raised the issue of non-observance of due process in her appeal to the Board of Regents (BOR), in particular, that petitioner did not give her "the benefit of hearing required by law for her to refute or present witnesses and to adduce evidence for her defense to fully air her side" and "every assistance" including legal representation which she considered indispensable for the full protection of her rights in view of the possible loss of her only source of livelihood. The BOR, however maintained that a formal hearing was dispensed with for being unnecessary since the records of the case sufficiently provided the bases for respondent's liability for insubordination.

Such wanton disregard of the proper procedure in administrative investigations under the civil service rules cannot be countenanced. For a valid dismissal from the government service, the requirements of due process must be complied with. Indeed, even the filing by respondent of a motion for reconsideration of the decision to dismiss her could not have cured the violation of her right to due process.

Without a formal charge and proper investigation on the charges imputed on the respondent, the respondent did not get the chance to sufficiently defend herself; and more importantly, the petitioner, the CSC and the courts could not have had the chance to reasonably ascertain the truth which the CSC rules aim to accomplish. It is to be noted that respondent had repeatedly requested the petitioner to reconsider the reassignment order because of the financial hardship it would cause her family, explaining that her meager take-home pay was due to the loans she previously availed to finance her post-graduate (master's degree) studies. Respondent should have been given the opportunity to prove her defenses against the charge of insubordination and present evidence to refute petitioner's claim that her reassignment was reasonable, necessary and not impelled by improper considerations.⁴⁸ (emphasis supplied; citations omitted.)

Verily, the CA should have afforded Fernandez due process by allowing the proceedings in the CSC to proceed. At most, what the CA could have ruled is that there is a *prima facie* case against Fernandez, thereby

⁴⁷ 707 Phil. 402 (2013).

⁴⁸ Id. at 413-414.

allowing the CSC to conduct further proceedings in relation to Maaliw's complaint.

This notwithstanding, We deem it proper to absolve Fernandez of liability for the 14-year delay in resolving Maaliw's complaint against Longasa, in view of the attendant undisputed facts of the instant case. In other words, We agree with the CSC that there is no *prima facie* case against Fernandez.

Petitioner Fernandez is not liable for the delay in resolving respondent Maaliw's complaint against Longasa.

While the length of time that the CSC-NCR took to resolve Maaliw's complaint is not in doubt, liability does not *ipso facto* attach to the members of the LSD in charge of resolving the complaint, more so to members whose employment commenced much later from the time the complaint was instituted or submitted for resolution.

In such instances, responsibility for a violation of the right to speedy disposition of cases lies on the CSC as an institution. This is not a novel concept. In *Navarro v. Commission on Audit*,⁴⁹ (*Navarro*) this Court reversed a Notice of Disallowance issued by the Commission on Audit (COA) — also an independent constitutional commission — on account of a violation of therein petitioners' right to a speedy disposition of cases, thus:

Section 16, Article III of the 1987 Constitution guarantees that all persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial and administrative bodies. This constitutional right is not only afforded to the accused in criminal proceedings but extends to all parties in all cases pending before judicial, quasi-judicial and administrative bodies - any party to a case can demand expeditious action from all officials who are tasked with the administration of justice.

Nevertheless, the right to a speedy disposition of cases is not an iron clad rule such that it is a flexible concept dependent on the facts and circumstances of a particular case. Thus, it is doctrinal that in determining whether the right to speedy disposition of cases, the following factors are considered and weighed: (1) length of delay; (2) the reasons for the delay; (3) the assertion or failure to assert such right by the accused; and (4) the prejudice caused by the delay.⁵⁰

Notably the Court also held that the COA "should have addressed the allegations of delay more concretely and assuage petitioners' concerns that

⁴⁹ G.R. No. 238676, November 19, 2019.

⁵⁰ *Id.*

the delay was not due to vexation, oppression or caprice, or that the cause of delay was not attributable to COA.”⁵¹

Applying *Navarro* to the present case, We find that the CSC, in its Decision, was able to sufficiently explain how the delay was not attributable to Fernandez. In fact, the CSC recognized that there was a violation of Maaliw’s right to a speedy disposition of his complaint, thereby admitting responsibility as a government institution. In explaining the delay from the time Fernandez assumed office until the issuance of the order dismissing Maaliw’s complaint, the CSC cited heavy caseload and provided data on, among others, carry-over cases, cases ripe for resolution, and pending cases from 2012 to 2014.

All told, this Court finds no basis to hold Fernandez liable for the more than 14-year delay in resolving Maaliw’s complaint against Longasa.

As a final note, We also deny Maaliw’s prayer in his Rejoinder to investigate Fernandez for violating Canons 1 and 12 of the Code of Professional Responsibility. In this regard, We implore Maaliw to be more circumspect in his allegations against officers of the Court. The record is clear that Fernandez was not responsible for the delay in resolving Maaliw’s complaint against Longasa. Allegations against members of the bar are taken very seriously by this Court, and should not be utilized without clear factual and legal basis by litigants, as in this case.

WHEREFORE, the petition for review on *certiorari* is **GRANTED**. The Decision dated January 14, 2019 and Resolution dated July 26, 2019 of the Court of Appeals in CA-G.R. SP No. 149279 are hereby **REVERSED** and **SET ASIDE**. The Decision dated August 31, 2016 and the Resolution dated December 16, 2016 of the Civil Service Commission in CC-D-2015-021 are hereby **REINSTATED**.

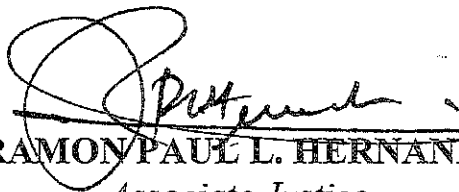
SO ORDERED.



RICARDO R. ROSARIO
Associate Justice

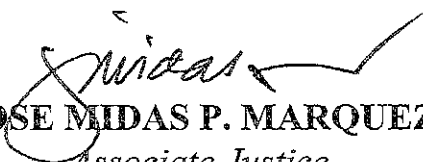
⁵¹ Id.

WE CONCUR:

On Official Business
ESTELA M. PERLAS-BERNABE
Senior Associate Justice

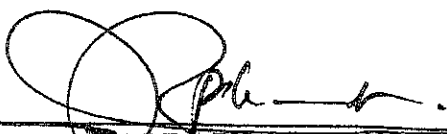

RAMON PAUL L. HERNANDO
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice

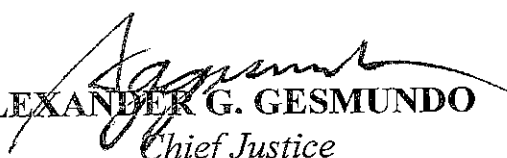
ATTESTATION

I attest that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


RAMON PAUL L. HERNANDO
Associate Justice
Acting Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Acting Chairperson's Attestation, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.


ALEXANDER G. GESMUNDO
Chief Justice