

HOUSE OF THE REPRESENTATIVES
House Bill No. 4860

Introduced by Representative BEN P. EVARDONE

EXPLANATORY NOTE

Section 7, Article IX-A of the 1987 Constitution expressly states that "[E]ach Commission shall decide by a majority vote of all its Members any case or matter brought before it within sixty days from the date of its submission for decision or resolution. A case or matter is deemed submitted for decision or resolution upon the filing of the last pleading, brief, or memorandum required by the rules of the Commission or by the Commission itself. Unless otherwise provided by this Constitution or by law, any decision, order, or ruling of each Commission may be brought to the Supreme Court on certiorari by the aggrieved party within thirty days from receipt of a copy thereof."

Of the three Constitutional Commissions, Commission on Elections (COMELEC), Commission on Audit (COA) and the Civil Service Commission (CSC) covered by the provision mentioned above. It is only the CSC whose decision, order, or ruling is subject to the appellate review of the Court of Appeals pursuant to Section 9 of Batas Pambansa Blg. 129, as amended, known as the Judiciary Reorganization Act of 1980 as implemented by Section 1, Rule 43 of the Revised Rules of Court. However, recognizing that the CSC just like the COMELEC and COA is an independent Constitutional Commission and is supreme in its own field. There has been a strong move to restore to the Supreme Court the sole power to review through a special civil action on certiorari any decision, order or ruling of the CSC. It is high time that a highly regarded Constitutional Commission such as the CSC be given its just respect for among other things unceasingly protecting the security of tenure of government officials and employees and promoting merit and fitness in the bureaucracy.

It is this context that I introduce and recommend the passage of this present bill restoring to the Supreme Court the sole power to review through the special civil action on certiorari all actions of the CSC.



BEN P. EVARDONE
Representative
Lone District of Eastern Samar

HOUSE OF THE REPRESENTATIVES
House Bill No. **4860**

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**AN ACT RESTORING JURISDICTION OVER FINAL DECISIONS, ORDERS, OR
RESOLUTIONS OF THE CIVIL SERVICE COMMISSION FROM THE COURT OF
APPEALS TO THE SUPREME COURT, AMENDING FOR THE PURPOSE
SECTION 9 (3) OF THE BATAS PAMBANSA BLG. 129, AS AMENDED, KNOWN
AS THE JUDICIARY REORGANIZATION ACT OF 1980**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

Section 1. Section 9 of Batas Pambansa Blg. 129, as amended, known as the
Judiciary Reorganization Act of 1980, is hereby further amended to read as follows:

"Sec. 9. Jurisdiction. – The Court of Appeals shall exercise:

- (1) Original Jurisdiction to issue writs of mandamus, prohibition,
certiorari, habeas corpus, and quo warranto, and auxiliary writs or
processes, whether or not in aid of its appellate jurisdiction;
- (2) Exercise original jurisdiction over actions for annulment of
Judgment of Regional Trial Courts; and
- (3) Exclusive appellate jurisdiction over all final judgments, decisions,
resolutions, orders, or awards of Regional Trial Courts and quasi-
judicial agencies, instrumentalities, boards or commissions,
including the Securities and Exchange Commission, except those
falling within the appellate jurisdiction of the Supreme Court in
accordance with the Constitution, the Labor Code of the Philippines
under Presidential Decree No. 442, as amended, the provisions of
this Act and of subparagraph (1) of the third paragraph and

subparagraph (4) of the fourth paragraph of Section 17 of the Judiciary Act of 1948.

"The Court of Appeals shall have the power to try cases and conduct hearings, receive evidence and perform any all acts necessary to resolve factual to resolve factual issues raised in cases falling within its original and appellate jurisdiction, including the power to grant and conduct new trials or further proceedings. Trials or hearings in the Court of Appeals must be continuous and must be completed within three (3) months, unless extended by the Chief Justice.

Section 2. Any decision, order or ruling of the Civil Service Commission may be brought to the Supreme Court through a special civil action on certiorari under the Revised Rules of Court by the aggrieved party in accordance with the Constitution.

Section 3. All provisions of Laws and rules inconsistent with the provisions of this Act are hereby repealed or amended accordingly.

Section 4. This Act shall take effect after fifteen (15) days following its publication in a newspaper of general circulation.

Approved.


BEN E. EYARDONE
Representative