



**Republic of the Philippines**  
**Supreme Court**  
**Manila**

**FIRST DIVISION**

**MARILYN D. CLAVERIA,**  
 Petitioner,

**G.R. No. 245457**

Present:

**PERALTA, CJ.,**  
*Chairperson,*  
**CAGUIOA,**  
**CARANDANG,**  
**ZALAMEDA, and**  
**GAERLAN, JJ.**

-versus-

**CIVIL SERVICE COMMISSION,** Promulgated:  
 Respondent.

**DEC 09 2020**

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**DECISION**

**CARANDANG, J.:**

For review is the Decision<sup>1</sup> dated June 26, 2018 and the Resolution<sup>2</sup> dated February 28, 2019 of the Court of Appeals (CA) in CA-G.R. SP No. 150189, which affirmed Decision No. 161484<sup>3</sup> dated November 22, 2016 of respondent Civil Service Commission (CSC). The CSC's decision recalled petitioner Marilyn D. Claveria's (Claveria) appointment as Special Investigator III of the Bureau of Fire Protection (BFP).

**Antecedents**

On September 10, 2014, Claveria was appointed as BFP's Special Investigator III after passing a screening process by the Personnel Selection Board.<sup>4</sup> The position (which was solely applied for by Claveria) was

<sup>1</sup> Penned by Maria Elisa Sempio Diy, with the concurrence of Associate Justices Marlene B. Gonzales-Sison and Maria Filomena D. Singh; *rollo*, pp. 8-24.

<sup>2</sup> *Id.* at 73-75.

<sup>3</sup> Promulgated by Chairperson Alicia Dela Rosa-Bala and Commissioner Robert S. Martinez, attested by Director IV Dolores B. Bonifacio; *id.* at 122-127.

<sup>4</sup> *Id.* at 9.

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previously published in the BFP and CSC's respective websites. The said Notice of Publication<sup>5</sup> stated:

**NOTICE OF PUBLICATION**  
Publication Control No. PS-2014-005  
As of 04 June 2014

x x x x

**Region: NHQ Place of Assignment: Fire Suppression & Inv. Division**  
**Position Title: Special Investigator III Salary Grade (SG): 18**

**ITEM NO (s): New Item (1 Special Investigator III vacant position)**

**QUALIFICATION STANDARDS:**

Education	:	Bachelor's degree relevant to the job
Experience	:	2 years of relevant experience
Training	:	8 hours of relevant training
Eligibility	:	Career Service (Professional), Second Level Eligibility

x x x x<sup>6</sup>

However, Director II Claudia Abalos-Tan (Dir. Tan) of the CSC Field Office – Department of Interior and Local Government (CSCFO-DILG) disapproved Claveria's appointment in a Letter<sup>7</sup> dated December 12, 2014, the pertinent portion of which reads:

Inasmuch as the subject position belongs to the non-uniformed group, the Fire Officer Eligibility cannot be used to meet the eligibility requirement of the position.

Hence, the appointment of Marilyn D. Claveria to Special Investigator III is **DISAPPROVED** for failing to meet the required eligibility for the position.<sup>8</sup>

Dir. Tan's basis in finding Claveria ineligible for the position of Special Investigator III was Item No. 4 of CSC Resolution No. 1202190<sup>9</sup> (*Re: Conduct of Fire Officer Examination and Grant of Fire Officer Eligibility*), which stated:

4. Grant a Fire Officer Eligibility to the Examinees who will pass the FOE, based on the test standard to be set by the Commission, which is appropriate for appointment to second level ranks in the fire protection service and

<sup>5</sup> Id. at 202-203.

<sup>6</sup> Id. at 202.

<sup>7</sup> Id. at 83.

<sup>8</sup> Id.

<sup>9</sup> Id. at 85-86.

functionally related positions only, except for ranks in the Philippine National Police.<sup>10</sup>

Claveria appealed<sup>11</sup> the disapproval with the CSC – National Capital Region (NCR) by comparing the Qualification Standards (QS) for the position of Special Investigator III with her personal record as basis to her claim of eligibility, viz.:

	Special Investigator III	Claveria's Qualifications
<b>Education</b>	Bachelor's degree relevant to the job	Bachelor of Science in Criminology
<b>Training</b>	8 hours of relevant training	Orientation Seminar on Fire Arson Investigation & Evidence Collection for Female Firefighters (24 hours)
<b>Experience</b>	2 years of relevant experience	Intelligence Agent Aide/Officer 2003 to 2014
<b>Eligibility</b>	Career Service (Professional)/Second Level Eligibility	Fire Officer Eligibility <sup>12</sup>

By emphasizing on the similarities between Claveria's qualifications and the requirements for the position of Special Investigator III, Claveria insisted that her Fire Officer Eligibility is compliant with the eligibility requirements of a Special Investigator III. Claveria maintained that the Fire Officer Eligibility applies to both uniformed and non-uniformed positions. Rebutting Dir. Tan's disapproval, Claveria averred that the phrase "second level ranks in the fire protection service and functionally related positions"<sup>13</sup>

<sup>10</sup> Id. at 86.

<sup>11</sup> Id. at 89-100.

<sup>12</sup> Id. at 91-92.

<sup>13</sup> Underscoring supplied. Id. at 93, citing CSC Resolution No. 12-02190, which states:  
**WHEREAS**, the Civil Service Commission (CSC), as the central personnel agency of the government, is mandated by the Constitution to establish a career service in all levels of the government, and to ensure that appointments in the civil service shall be made only according to merit and fitness to be determined, as far as practicable, by competitive examinations;  
**WHEREAS**, Republic Act (RA) No. 9263 dated March 10, 2004, otherwise known as the "Bureau of Fire Protection (BFP) and Bureau of Jail Management and Penology (BJMP) Professional Act of 2004" provides that no person shall be appointed as uniformed employees of the BFP and BJMP unless he/she possesses the appropriate civil service eligibility and those who will fail to satisfy the minimum requirements within five (5) years upon the effectivity of the said Act or until 2009 shall be separated from the service;  
**WHEREAS**, Republic Act NO. 9592, dated May 8, 2009, otherwise known as "An Act Extending for Five (5) Years the Reglementary Period for Complying with the Minimum Educational Qualification and Appropriate Eligibility in the Bureau of Fire Protection (BFP) and the Bureau of Jail Management and Penology (BJMP), amending for the purpose certain provision (sic) of Republic Act No. 9263 and for other purpose (sic)" provides for an extension of another five (5) years or until 2014 for the uniformed employees to obtain the minimum educational qualification and appropriate eligibility and those who will fail to satisfy any of these requirements within the 5-year period shall be separated from the service;  
**WHEREAS**, prior to the implementation of RA No. 9263, the CSC, based on the request of the BFP, has conducted Fire Officer Examination I and II for first and second level, respectively in December 2002, and a second level Fire Officer Examination in 2005, 2006, and 2008, which cover Fire Prevention, Fire Suppression, Fire/Arson Investigation, and BFP Administrative Matters, qualifiers of which were granted a Fire Officer Eligibility appropriate for appointment to ranks in the BFP;  
**WHEREAS**, per representation of the BFP, there are incumbent employees who still hold appointments under temporary status because of lack of eligibility, while other possess only

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includes non-uniformed positions such as that of a Special Investigator III, as evidenced by the congruence between the functions of a Special Investigator III, the BFP's mission/vision, and the functions of second level ranks. Claveria asserted that a Fire Officer Eligibility is a more appropriate eligibility requirement for the position of a Special Investigator III than a generic Career Service Professional Eligibility.<sup>14</sup>

### Ruling of the CSC-NCR

In Decision No. 150101<sup>15</sup> dated March 6, 2015, the CSC-NCR granted Claveria's appeal, thus, approved her permanent appointment as Special Investigator III. The CSC-NCR conclude that Claveria complied with CSC Resolution No. 1202190 by proving the functional relatedness between the duties of a Special Investigator III and those in the second level ranks of the BFP. It held:

A comparison of the duties and responsibilities of the foregoing positions shows (*sic*) that they are functionally related. [A] perusal of the duties and responsibilities being discharged by the foregoing BFP personnel categorically showed that the same work towards the accomplishment of BFP's mandate of providing a modern fire protection agency that will prevent and suppress destructive fires, investigate its causes, provide emergency medical and rescue services and enforce fire-related laws (Section 54 of Republic Act No. 6975.). Evidently, the foregoing positions involve the discharge of duties and responsibilities that are similar and related to the duties and responsibilities of an SI III.<sup>16</sup> (Emphasis and citation omitted)

This prompted the Legal Affairs Service of the BFP – National Headquarters to write a letter<sup>17</sup> dated June 2, 2015 to the chairman of the CSC, praying that the latter recall the Claveria's appointment for violating Item No. 15<sup>18</sup> of the Revised Policies on Merit Promotion Plan or the Three

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National Police Commission (NAPOLCOM) and first level eligibilities, which are not appropriate to higher second level fire officer ranks;

**WHEREAS**, to professionalise the ranks in the BFP and to address the immediate need for eligible in the Bureau, the CSC shall conduct the Fire Officer Examination Starting 2013.

**WHEREFORE**, the Commission hereby **RESOLVES** to:

1. Conduct the Fire Officer Examination yearly from 2013 to 2014 in accordance with the reglementary period set under RA 9592 and every other year thereafter starting 2016;
2. Accept the following applicants who have not yet acquired a second level eligibility:
  - 2.1 incumbent employees of the BFP; and
  - 2.2 other government employees and private individuals who are interested to join the fire protection service.
3. Collect from each applicant an examination fee of Php700.00 for the 2013 FOE. The fee for succeeding FOEs shall be approved by the Commission based on prevailing cost in the preparation and conduct of the examination; and
4. Grant a Fire Officer Eligibility to the Examinees who will pass the FOE, based on the test standard to be set by the Commission, which is appropriate for appointment to second level ranks in the fire protection service and functionally related positions only, except for ranks under the Philippine National Police.

<sup>14</sup> *Rollo*, pp. 93-94.

<sup>15</sup> Penned by Director IV Lydia Alba-Castillo; *id.* at 105-108.

<sup>16</sup> *Id.* at 108.

<sup>17</sup> *Id.* at 113-114.

<sup>18</sup> Item No. 15 of the Revised Policies on Merit Promotion Plan states:

Salary Grace Limitation because Claveria's appointment would result in a jump in her salary grade (SG) from SG 6 to SG 18.<sup>19</sup>

### Ruling of the Civil Service Commission

In Decision No. 161484<sup>20</sup> dated November 22, 2016, the CSC treated the letter as a Petition for Review and granted the same. Although the CSC did not apply the Three Salary Grade Limitation because Claveria's appointment was not a promotion but a change of status, the CSC still found it proper to recall Claveria's appointment. Applying the principle of *ejusdem generis*, the CSC held that the Fire Officer Eligibility applied only to functionally related uniformed positions, to wit:

While the Commission notes that the [Special Investigator III] position may involve functions which may be related to that of second level ranks in the fire protection service, however, it cannot deny the fact that [Special Investigator III] position belongs to the non-uniformed position which is a service-wide position requiring a Career Service Professional eligibility. Since Claveria is deficient in the required eligibility, she cannot be validly issued a permanent appointment to the subject position.<sup>21</sup>

Claveria moved to have Decision No. 161484 reconsidered<sup>22</sup> on the following grounds: (1) the decision is not supported by evidence on record;<sup>23</sup> (2) CSC erred in entertaining the letter by someone who is not a party-in-interest;<sup>24</sup> (3) the letter was filed beyond the 15-day reglementary period to file an appeal;<sup>25</sup> and (4) the decision incorrectly ruled that the term "functionally related positions" only referred to uniformed positions.<sup>26</sup> However, the same was denied in Resolution No. 1700600<sup>27</sup> dated March 7, 2017.

Aggrieved, Claveria filed a Petition for Review<sup>28</sup> under Section 4, Rule 43 of the Rules of Court with the CA.

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15. An employee may be promoted or transferred to a position which is not more than three (3) salary, pay or job grades higher than the employee's present position except in very meritorious cases, such as: if the vacant position is next-in-rank as identified in the System of Ranking Positions (SRP) approved by the head of agency, or the lone or entrance position indicated in the agency staffing pattern.

<sup>19</sup> *Rollo*, pp. 113-114.

<sup>20</sup> *Supra* note 3.

<sup>21</sup> *Rollo*, p. 125.

<sup>22</sup> *Id.* at 130-152.

<sup>23</sup> *Id.* at 133.

<sup>24</sup> *Id.* at 133-136.

<sup>25</sup> *Id.* at 137.

<sup>26</sup> *Id.* at 139-140.

<sup>27</sup> *Id.* at 155-156.

<sup>28</sup> *Id.* at 160-182.

### Ruling of the Court of Appeals

In its Decision<sup>29</sup> dated June 26, 2018, the CA denied the petition for review. While the CA agreed that the Chief of the Legal Affairs Services lacked legal standing, the appellate court did not find anything anomalous with the CSC's review of Claveria's appointment. Citing Section 12(11),<sup>30</sup> Book V of Executive Order No. 292<sup>31</sup> and its implementing rules,<sup>32</sup> the CA held that the CSC had the power to recall any appointment by virtue of the CSC's power to "review decisions and actions of its agencies and of the agencies attached to it."<sup>33</sup>

Anent Claveria's eligibility, the CA sided with the CSC in finding Claveria's Fire Officer Eligibility insufficient to meet the required Career Service Professional Second Level Eligibility for the SI III position. The appellate court interpreted the Fire Officer Eligibility, stated under Item 4 of CSC Resolution No. 12-02190, to be applicable to uniformed personnel only. It quoted the CSC's findings, to wit:

While the Commission allows the use of Fire Officer Eligibility, the same is permitted exclusively to appointment to second level tanks in the fire protection service and functionally related positions only. Let it be clarified that the phrase "functionally related positions" in the afore-quoted provision must be construed to refer to uniformed positions in the BFP, and does not extend to non-uniformed positions which specifically require a Career Service Professional Eligibility.<sup>34</sup>

Undaunted, Claveria filed the instant petition for review.<sup>35</sup> Claveria averred that the CSC-NCR's decision affirming her appointment as Special Investigator III became final and immutable. Hence, Atty. Pagdanganan's Letter dated June 2, 2015 should have been disregarded by the CSC because it was filed beyond the 15 day reglementary period prescribed in Section 78,<sup>36</sup> Rule 16 of the Revised Rules on Administrative Cases in the Civil

<sup>29</sup> Supra note 1.

<sup>30</sup> Section 12. *Powers and Functions*. – The Commission shall have the following powers and functions:

x x x x

(11) Hear and decide administrative cases instituted by or brought before it directly or on appeal. Including contested appointments, and review decisions and actions of its offices and the agencies attached to it. Officials and employees who fail to comply with such decisions, orders, or ruling shall be liable for contempt of the Commission. Its decisions, orders or rulings shall be final and executory. Such decisions, orders, or rulings may be brought to the Supreme Court on *certiorari* by the aggrieved party within thirty (30) days from receipt of a copy thereof;

x x x x

<sup>31</sup> Otherwise known as the Administrative Code of 1987.

<sup>32</sup> Particularly, Section 20, Rule VI of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service laws, which states:

<sup>33</sup> *Rollo*, p. 16.

<sup>34</sup> *Id.* at 18.

<sup>35</sup> *Id.* at 29-50.

<sup>36</sup> Section 78. *Where and When to File*. – Appointments invalidated or disapproved by the CSCFO may be appealed to the CSCRO while those invalidated or disapproved by the CSCRO may be appealed to the Commission within the fifteen (15) day reglementary period.

Service. The CSC erred in limiting the applicability of a Fire Officer Eligibility to uniformed positions in the BFP only. Claveria pointed out that the term “ranks” refer to items in the uniformed service while the term “positions” refer to items in the non-uniformed service. CSC Resolution No. 12-02190’s statement that the Fire Officer Eligibility can be used for appointment to second level ranks in the fire protection service and functionally related positions would necessarily include an appointment to the non-uniformed position of a Special Investigator III. Otherwise, it would render the phrase “functionally related positions” inoperative and would discriminate against civilian employees of the BFP who are allowed to take the Fire Officer Examination.<sup>37</sup> In any case, Claveria asks for this Court’s consideration similar to what this Court extended as she subsequently passed the Criminologist Licensure Examination held in June 2017.<sup>38</sup>

In a Comment<sup>39</sup> dated October 4, 2019, the CSC, through the Office of the Solicitor General, maintained that the petition should be dismissed because the CA and CSC’s factual findings are binding upon this Court.<sup>40</sup> Claveria’s appointment was correctly disapproved despite any seeming finality of the CSC-NCR’s decision because of the CSC’s Constitutional mandate to determine the qualification and fitness of persons appointed to the civil service. The CSC maintained that Claveria’s Fire Officer Eligibility does not comply with the Special Investigator III’s required Career Service Professional Second Level Eligibility. Neither is the position of a Special Investigator III a functionally related position to a second level rank in the fire protection service. Following the principle of *ejusdem generis*, the phrase “functionally related positions” in CSC Resolution No. 12-02190 pertained to uniformed positions only and not to a non-uniformed position such as a Special Investigator III even if a Special Investigator III involves functions that may be related to that of second level ranks in the fire protection service.<sup>41</sup> Lastly, Claveria’s subsequent passing acquisition of a Criminologist Eligibility cannot be used to cure the defect in her qualification for a Special Investigator III position because an appointee must possess the required qualifications at the date of the issuance of the appointment only.<sup>42</sup>

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To facilitate prompt actions on invalidated or disapproved appointments, motions for reconsideration filed with the CSCFO shall be treated as an appeal to the CSCRO and a Motion for Reconsideration at the CSCRO will be treated as an appeal to the Commission and all the records thereof including the comments of the CSCFO or CSCRO shall, within ten (10) days from receipt of the latter, be forwarded to the CSCRO or the Commission as the case may be.

The action of the CSCRO concerned may be appealed to the Commission within fifteen (15) days from receipt thereof.

The appeal filed before the CSCROs and the Commission shall comply with the requirements for the perfection of an appeal enumerated in Sections 113 and 114.

<sup>37</sup> Id. at 41-43.

<sup>38</sup> Id. at 49.

<sup>39</sup> Id. at 228-239.

<sup>40</sup> Id. at 231.

<sup>41</sup> Id. at 234-237.

<sup>42</sup> Id. at 238.

### Ruling of the Court

The petition is meritorious.

The CSC and CA failed to appreciate the rule on eligibility under the Omnibus Rules Implementing Book V of Executive Order No. 292 (Omnibus Rules). More particularly, Section 3,<sup>43</sup> Rule III of the Omnibus Rules finds the eligibility resulting from civil service examinations requiring at least four years of college studies appropriate for positions in the second level. The Fire Officer Examination is one such examination. Under CSC's Examination Announcement No. 6, s. 2012 (which was the applicable issuance at the time Claveria took her Fire Officer Examination), an examinee must have a baccalaureate degree – necessarily entailing four years of college studies. Therefore, Claveria's passing the Fire Officer Examination qualified her for the second level position of Special Investigator III. From this vantage point, Claveria's petition can already be granted. Nevertheless, the Court shall now lay to rest the issue of interpreting the phrase "functionally related positions" in relation to a Fire Officer Eligibility.

It is undisputed that the CSC, as the government's central personnel agency, is Constitutionally mandated to insure that all appointments in the civil service be made only according to merit and fitness to be determined by competitive examination.<sup>44</sup> Since the type of competitive examination an individual must take to enter into a second level career service position is unspecified, the CSC is given a wide latitude of discretion to determine the type of competitive examination with the end goal of promoting morale, efficiency, integrity, responsiveness, progressiveness, and courtesy in the civil service.<sup>45</sup>

One of these competitive examinations is the Fire Officer Examination (FOE). Examinees who successfully hurdle the FOE, like Claveria, obtain a Fire Officer Eligibility – which is a second level eligibility "specific and appropriate for appointment to second level ranks in the fire protection service and functionally related positions only, except for ranks under the Philippine National Police."<sup>46</sup>

As against this legal backdrop, We are now tasked to determine whether the position of Special Investigator III is a functionally related position to a second level rank in the fire protection service.

We rule in the affirmative.

<sup>43</sup> Section 3. Eligibility resulting from civil service examinations which require less than four years of college studies shall be appropriate for appointment to positions in the first level, and that from examinations which require at least four years of college studies shall be appropriate for positions in the second level.

<sup>44</sup> Section 2(2), Article IX-B, 1987 Constitution. *See also* Section 1, Chapter 1, Subtitle A, Title 1, Book V, Executive Order 292 or the Revised Administrative Code of 1987.

<sup>45</sup> CONSTITUTION, Section 3, Article IX-B,

<sup>46</sup> *Rollo*, p. 86.



The CSC insists that the Fire Officer Eligibility should only be limited to uniformed positions. Such interpretation would render the phrase “functionally related positions” inoperative since the second level ranks in the fire protection service already refer to uniformed positions – or those positions expressly enumerated in Republic Act No. (R.A.) 9263, otherwise known as the “Bureau of Fire Protection and Bureau of Jail Management and Penology Professionalization Act of 2004.”

To avoid rendering the phrase *functus officio*, what is referred to when the law speaks of functionally related positions?

Since our laws do not specifically define what functionally related positions are, then the phrase “should be given [its] plain, ordinary, and common usage.”<sup>47</sup> In the instant case, therefore, these would refer to positions which have duties and responsibilities that are connected to the duties and responsibilities of second level ranks in the fire protection service.

A comparison of the duties and responsibilities between a second level rank in the fire protection service and a Special Investigator III of the BFP shows the interrelatedness of both positions, to wit:

Second Level Ranks in the BFP	Special Investigator III
1. Fire Officer 3 – Responds to fire emergency call, assists in the logistics, x x x.	1. Conducts fire, arson investigation and re-investigation of fire incidents;
2. Senior Fire Officer (SFO) 1 – x x x assists in coordination of disasters and emergency incidents, acts as program coordinator during special events/programs, liaises with BFP logistics, x x x assist in collecting fire incident/investigation report and assists in schedule duty personnel.	2. Conducts covert and overt intelligence coverage on all fire cases;
3. SFO 2 – Conducts fire safety inspection, attends court hearing, drafts correspondence/reply/communications, and assist in the investigation of all fire incidents.	3. Participates in the preparation of special projects related to fire intelligence and investigation;
4. SFO 3 – x x x assist in the conduct of fire prevention education and performs custodian function.	4. Cooperates in the immediate dispatching of fire intelligence and investigation operatives at fire scene to gather evidence and information;
5. SFO 4 – x x x assists in the supervision of the station’s daily operations, responds to fire/emergency call as driver/operator, x x x drafts operations and activity report, draft case resolution xxx	5. Protects and preserves the evidence gathered during fire incident for legal and other purposes;
	6. Assists in the submission of initial intelligence and investigation report within 24 hours after fire occurrence and final report after gathering of evidence;
	7. Collates fire incident reports from all stations nationwide which serve as basis for data/information; and
	8. Other related works. <sup>48</sup>

<sup>47</sup> Agpalo (2009). Statutory Construction, p. 273, citing *Mustang Lumber, Inc. v. Court of Appeals*, 327 Phil. 214 (1996).

<sup>48</sup> *CA rollo*, pp. 55-56.

The functions of these offices are in harmony with the BFP's overall function of preventing and suppressing destructive fires and investigation of all causes of fires, as stated in Section 54 of R.A. 6975,<sup>49</sup> viz.:

Section 54. *Powers and Functions.* – The Fire Bureau shall be responsible for the prevention and suppression of all destructive fires on buildings, houses and other structures, forest, land transportation vehicles and equipment, ships or vessels docked at piers or wharves or anchored in major seaports, petroleum industry installations, plane crashes and other similar incidents, as well as the enforcement of the Fire Code and other related laws.

The Fire Bureau shall have the power to investigate all causes of fires and, if necessary, file the proper complaints with the city or provincial prosecutor who has jurisdiction over the case.

The CSC-NCR arrived at the same conclusion. According to the CSC-NCR, both second level positions and Special Investigator III work towards the accomplishment of BFP's mandate under Section 54 of R.A. 6975. While the CSC reversed this finding, it is worthy to note that the CSC likewise admitted that a Special Investigator III position "may involve functions which may be related to that of second level ranks in the fire protection service."<sup>50</sup> Its only reason for denying the use of Claveria's Fire Officer Eligibility to qualify for the Special Investigator III position is that a Special Investigator III position belongs to the non-uniformed position.

Without questioning the expertise of the CSC in creating qualification standards for the civil service, a Fire Officer Eligibility is more appropriate and relevant for the position of a Special Investigator III in the BFP. The topics covered by the Fire Officer Examination are more attuned to the duties and responsibilities of a Special Investigator III in the BFP *vis-à-vis* the general concepts covered by a career service professional/second level eligibility:

Fire Officer Examination Coverage	Civil Service Professional/Second Level Examination Coverage
General Ability (25%): Verbal, Analytical, Numerical Specialized Area (75%): <i>Fire Suppression (30%)</i> <ul style="list-style-type: none"> <li>• Pre-Fire Planning</li> <li>• Firefighting Techniques and Procedures</li> <li>• Tools and Equipment and Apparatus</li> </ul> <i>Fire Safety and Prevention (20%)</i> <ul style="list-style-type: none"> <li>• Fire Code of the Philippines</li> <li>• Fire Safety Related Codes, NFPA Laws and other BFP issuances</li> </ul>	In English and Filipino: <ul style="list-style-type: none"> <li>• Vocabulary;</li> <li>• Grammar and Correct Usage;</li> <li>• Organization of ideas;</li> <li>• Analysis/synthesis;</li> <li>• Word analogy;</li> <li>• Data interpretation;</li> <li>• Logic and abstract reasoning; and</li> <li>• Numerical reasoning.</li> </ul> General information items on the following:

<sup>49</sup> Otherwise known as the Department of Interior and Local Government Act of 1990.

<sup>50</sup> *Rollo*, p. 125.

<p>(Building Code, Electrical Code)</p> <ul style="list-style-type: none"> <li>• BFP Citizens Charter, SOP/MCs on Fire Safety Inspection</li> </ul> <p><i>Fire Investigation (15%)</i></p> <ul style="list-style-type: none"> <li>• The Law on Arson in the Philippines (RPC) <ul style="list-style-type: none"> <li>○ Constitutional Rights of the Accused</li> <li>○ Prima Facie Evidence of Arson</li> <li>○ Rules of Court</li> </ul> </li> <li>• Procedures and Techniques <ul style="list-style-type: none"> <li>○ Identification, Preservation and Handling of Evidence</li> <li>○ Other Related Procedure and Techniques</li> </ul> </li> <li>• SOP's on Fire and Arson Investigation</li> </ul> <p><i>Administrative Matters (10%)</i></p> <ul style="list-style-type: none"> <li>• RA 6975 and its IRR</li> <li>• RA 9263 and its IRR</li> <li>• RA 9592 and its IRR</li> <li>• CSC Rules and Regulations and Qualification Standards</li> <li>• BFP Memo Circulars and SOP's on Administrative Matters<sup>51</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Philippine Constitution;</li> <li>• Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. No. 6713);</li> <li>• Peace and Human Rights Issues and Concepts; and</li> <li>• Environment Management and Protection.<sup>52</sup></li> </ul>
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Claveria's qualifications becomes glaringly adequate, if not ideal. Coupled with her hours of relevant experience and her prior service with the BFP (not to mention her subsequent attainment of her Criminology License), Claveria's personal qualifications meet the requirements of a Special Investigator III. Note that a Criminology License is sufficient to make the holder eligible to a second level position following paragraph 6,<sup>53</sup> Part V of the CSC's Revised Policies on Qualification Standards.

**WHEREFORE**, the Decision dated June 26, 2018 and the Resolution dated February 28, 2019 of the Court of Appeals in CA-G.R. SP No. 150189 are **REVERSED** and **SET ASIDE**. Decision No. 150101 dated March 10, 2015 of the Civil Service Commission – National Capital Region is hereby **REINSTATED**. The approval of petitioner Marilyn D. Claveria's permanent appointment as Special Investigator III of the Bureau of Fire Protection must be given.

<sup>51</sup> CSC Examination Announcement No. 06, s. 2012, *CA rollo*, p. 147.

<sup>52</sup> <<https://government.com/civil-service-exam-coverage-pro-subpro/>>. Last visited October 20, 2020.

<sup>53</sup> 6. Eligibilities resulting from bar/board examinations which require completion of a bachelor's degree shall be considered appropriate to positions for which the examinations were given, and to other first and second level positions not covered by bar/board/special laws and/or those that require other special eligibilities as may be determined by the Commission or those that require licenses such as those positions listed under Category IV of CSC MC 11, s. 1996 as amended.

Illustration

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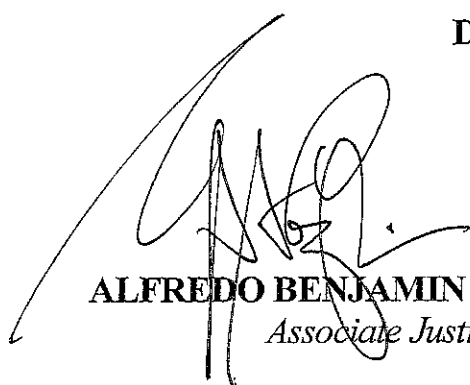
- An RA 1080 (Criminologist) eligibility shall be appropriate for appointment to Fingerprint Examiner, Police Officer or other first and second level positions not covered by bar/board laws.

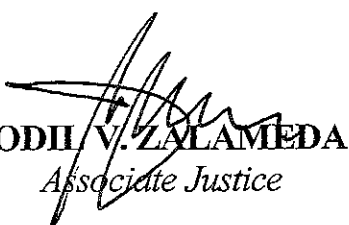
**SO ORDERED.**

  
**ROSMARI D. CARANDANG**  
*Associate Justice*

**WE CONCUR:**

  
**DIOSDADO M. PERALTA**  
*Chief Justice*

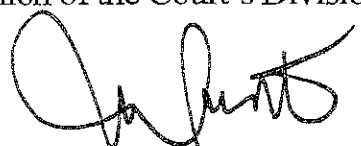
  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**RODIL V. ZALAMEDA**  
*Associate Justice*

  
**SAMUEL H. GAERLAN**  
*Associate Justice*

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, 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.

  
**DIOSDADO M. PERALTA**  
*Chief Justice*