



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

VICTORIA M. LABASTIDA,
Petitioner,

G.R. No. 251903

Present:

-versus-

CAGUIOA, J.,
Chairperson,
INTING,
GAERLAN, ,
DIMAAMPAO, and
SINGH,* JJ.

MONINA C. QUIRES,**
Respondent.

Promulgated:

JAN 27 2025
MISDCB/H

X-----X

DECISION

GAERLAN, J.:

Proof of service of the assailed judgment must be clearly established to properly determine the reckoning period for filing an appeal. To this end, the registry return receipt alone will not suffice to prove service through registered mail. In the same vein, the disputable presumptions that the postal officers regularly performed their duties or that letters duly directed and mailed were received in the regular course of mail, do not apply in the face of overwhelming evidence to the contrary.

This resolves the Petition for Review on *Certiorari*¹ filed by petitioner Victoria M. Labastida (Labastida) under Rule 45 of the Rules of Court praying for the reversal of the April 10, 2019 Decision² and the January 23, 2020

* On leave.

** Spelled in the rollo as "Monica."

¹ Rollo, pp. 9–39.

² *Id.* at 42–51. Penned by Associate Justice Gabriel T. Ingles and concurred in by Associate Justices Edward B. Contreras and Dorothy Montejo-Gonzaga of the Nineteenth Division, Court of Appeals, Cebu City.

Resolution³ of the Court of Appeals (CA) in CA-G.R. CEB SP. No. 12157. The CA affirmed the December 19, 2017⁴ and September 24, 2018⁵ Orders of the Civil Service Commission (CSC) denying Labastida's appeal for having been filed out of time.

Antecedents

The instant case stemmed from an administrative complaint filed by respondent Monina C. Quires (Quires) for gross neglect of duty and conduct prejudicial to the best interest of the service against Labastida, who was then Municipal Planning and Development Officer (MPDO) of Saint Bernard, Southern Leyte.⁶

In the Complaint, Quires alleged that on July 3, 2013, then Municipal Mayor Napoleon Cuaton (Mayor Cuaton) directed Labastida to revise the local government unit's (LGU) Comprehensive Land Use Program (CLUP) to make it compliant with the guidelines set by the Housing and Land Use Regulatory Board (HLURB) on or before September 2013. Labastida undertook to submit the revision by September 12, 2013, yet, later on, requested for an extension until the end of October 2013. Despite her plea for an extension, she failed to submit the revised CLUP.⁷ Subsequently, in February 2014, Labastida submitted the CLUP, which was found to be lacking in vital information, overall merit, and was alleged to contain "copy-paste" materials.⁸ Despite follow-ups, Labastida failed to revise the CLUP.⁹

Quires further averred in her Complaint that Labastida is guilty of conduct prejudicial to the best interest of the service for refusing to cooperate in the inquiry in aid of legislation conducted by Joel Cinco and submitting a Letter Reply that was disrespectful and arrogant. Furthermore, Labastida purportedly defied the directive of Mayor Cuaton to attend the training seminar workshop on March 20 to 22, 2014.¹⁰ Moreover, Labastida allegedly posted comments on social media that embarrassed some LGU officials and employees¹¹ and acted dishonestly when she gave herself a high rating in her Performance Evaluation Report for the period of July to December 2013, sans sufficient basis and despite her failure to revise the CLUP.¹²

³ *Id.* at 53–54.

⁴ *Id.* at 42.

⁵ *Id.*

⁶ *Id.* at 43.

⁷ *Id.* at 87.

⁸ *Id.*

⁹ *Id.* at 88.

¹⁰ *Id.* at 89.

¹¹ *Id.* at 90.

¹² *Id.*

On June 18, 2015, the Disciplining Authority of the Office of the Municipal Mayor rendered a Decision¹³ declaring Labastida liable for gross neglect of duty and conduct prejudicial to the best interest of the service, thereby dismissing her. Labastida appealed the ruling before the CSC.

On March 14, 2016, the CSC rendered a Decision¹⁴ granting the appeal. The CSC noted that there was no formal charge against Labastida.¹⁵ Likewise, the CSC declared that Labastida's right to due process was violated because the Complaint did not contain a narration of the relevant and material facts that show the acts or omissions Labastida allegedly committed. The CSC further found that Labastida was not given the opportunity to file a comment or counter-affidavit to rebut the charges against her.¹⁶ Accordingly, the CSC dismissed the Complaint without prejudice to its re-filing, and ordered the reinstatement of Labastida, with payment of backwages.¹⁷

On May 2, 2016, the Complaint against Labastida was re-filed.¹⁸

On June 10, 2016, the Disciplining Authority issued a Decision¹⁹ holding Labastida liable for gross neglect of duty and conduct prejudicial to the best interest of the service. The Disciplining Authority opined that Labastida ignored the notices to attend the preliminary investigation and failed to submit her counter-affidavit to the charges. It thus meted the penalty of dismissal from the service against Labastida, with forfeiture of pension benefits and disqualification from holding any other public office, viz.:

WHEREFORE, premises considered, herein respondent [Labastida] is found guilty of the charges of GROSS NEGLECT OF DUTY and CONDUCT PREJUDICIAL TO THE BEST INTEREST OF THE SERVICE, and is meted out the penalty of DISMISSAL from the service with forfeiture of pension benefits and disqualification to hold any other public office.

SO ORDERED.²⁰ (Emphasis in the original)

A copy of the June 10, 2016 Decision was sent to Labastida via registered mail, as evidenced by Registry Return Receipt 506 194 569 ZZ, which bore the annotation "*refused to accept 06-14-16.*"²¹

¹³ *Id.* at 140–145.

¹⁴ *Id.* at 97–109.

¹⁵ *Id.* at 107.

¹⁶ *Id.* at 106.

¹⁷ *Id.* at 109.

¹⁸ *Id.* at 90.

¹⁹ *Id.* at 87–94.

²⁰ *Id.* at 94.

²¹ *Id.* at 48.

Meanwhile, on March 16, 2017, Labastida filed a Notice of Appeal alleging that she received a copy of the June 10, 2016 Decision on March 8, 2017.²²

Ruling of the CSC

On December 19, 2017, the CSC dismissed Labastida's appeal for having been filed out of time. It noted that a copy of the June 10, 2016 Decision was sent to Labastida through registered mail on June 14, 2016, as evidenced by Registry Return Receipt 506 194 569 ZZ. Labastida had 15 days therefrom to file her appeal, which she failed to do. Consequently, the CSC ruled as follows:

WHEREFORE, the Appeal of Victoria M. Labastida, Municipal Planning and Development Officer (MPDO), Municipality of Saint Bernard, Southern Leyte, is hereby DISMISSED. Accordingly, the Decision dated 10 June 2016 in Administrative Case No. 2016-01 issued by former Mayor Napoleon Cuaton, Office of the Municipal Mayor of Saint Bernard, Southern Leyte, finding her liable for the administrative offenses of Gross Neglect of Duty and Conduct Prejudicial to the Best Interest of the Service and meting upon her the penalty of dismissal from service with forfeiture of pension benefits and disqualification to hold any other public office, is hereby AFFIRMED.²³

Labastida sought reconsideration, which the CSC rebuffed.²⁴

Aggrieved, Labastida filed a Petition for Review under Rule 43 of the Rules of Court before the CA, claiming that the CSC erred in dismissing her appeal. She contended that she learned about the June 10, 2016 Decision only on March 8, 2017 when she received a Notice of Suspension from the Audit Group LGS- F-Province of Southern Leyte, Commission on Audit. In support of her claim, she pointed out that there are no official records of the alleged June 10, 2016 Decision in the Office of the Municipal Mayor. She further argued that the second complaint filed against her was fabricated as evident by the differences in the format, numbering, and designation used between the June 18, 2015 and June 10, 2016 Decisions of the Disciplining Authority.²⁵

On the other hand, Quires failed to file a comment despite due notice.²⁶

²² *Id.* at 45.

²³ *Id.*

²⁴ *Id.* at 46.

²⁵ *Id.*

²⁶ *Id.* at 47.

Ruling of the CA

On April 10, 2019, the CA rendered the assailed Decision²⁷ affirming the CSC ruling. The CA rejected Labastida's contention that she only received a copy of the June 10, 2016 Decision on March 8, 2017. It held that Registry Return Receipt 506 194 569 ZZ served on Labastida on June 14, 2016, constitutes documentary evidence and enjoys the presumption that absent clear and convincing evidence to the contrary, it was regularly issued by the postal official in the performance of official duty. Consequently, the CA reckoned the 15-day period to file an appeal from June 14, 2016. As such, it declared that Labastida's appeal was filed out of time, thereby rendering the June 10, 2016 Decision of the Disciplining Authority final and executory by operation of law.

The dispositive portion of the CA ruling reads:

WHEREFORE, premises considered, the instant Petition for Review with Prayer for Temporary Restraining Order and Preliminary Mandatory Injunction is DENIED. The 19 December 2017 Order and 24 September 2018 Order rendered by the Civil Service Commission is **AFFIRMED**.

SO ORDERED.²⁸ (Emphasis in the original)

Dissatisfied with the ruling, Labastida sought reconsideration, which the CA denied in its January 23, 2020 Resolution.²⁹

Undeterred, Labastida filed the instant Petition for Review on *Certiorari*³⁰ before this Court.

Issues

The crux of the controversy rests on whether the CA erred in ruling that Labastida's appeal was filed out of time.

Labastida implores this Court to relax the procedural rules to serve the ends of substantial justice.³¹ She maintains that the reckoning period for the filing of her appeal should be on March 8, 2017, the date of her actual receipt of the June 10, 2016 Decision. She argues that the presumption of regularity

²⁷ *Id.* at 42–51.

²⁸ *Id.* at 51.

²⁹ *Id.* at 53–54.

³⁰ *Id.* at 9–39.

³¹ *Id.* at 25.

of performance by the postmaster of his functions does not find application when there exists clear and direct evidence to the contrary.³² She insists that aside from the comment “*refused to accept 06-14-16*” and the supposed signature of an unidentified person on the registry return card, Quires failed to present other evidence that the letter bearing the June 10, 2016 Decision was properly addressed with postage-prepaid and that it was in fact mailed. Without these important facts, the presumption cannot be applied.³³

Likewise, Labastida harps on the suppletory application of the Rules of Court pertaining to the service of judgments and orders in the absence of similar provisions in the 2017 Rules on Administrative Cases in the Civil Service (RACCS).³⁴ She points out that under Rule 13, Section 13 of the Rules of Civil Procedure, the registry return receipt by itself, is not sufficient proof of service by registered mail of the June 10, 2016 Decision. She urges that both the affidavit of the postmaster and the registry return receipt must concur to establish the fact of service of the decision to the addressee.³⁵

Moreover, Labastida claims that she never received a copy of the new complaint, or any notice informing her of the hearing, or any directive to file her counter-affidavit.³⁶ She avows that she came to know of the June 10, 2016 Decision when the COA served her with a Notice of Suspension to which the June 10, 2016 Decision was attached.³⁷

Anent the merits of the case, Labastida bewails that the charges against her were spurred by political persecution.³⁸ She asserts that she had served the LGU of Saint Bernard, Southern Leyte for more than 25 years, without any derogatory record.³⁹ She claims that the acts charged against her do not amount to gross neglect of duty⁴⁰ or conduct prejudicial to the best interest of the service.⁴¹ Alternatively, she prays for a reduction of the penalty imposed against her.

On July 6, 2020, this Court issued a Resolution⁴² directing Quires to file her Comment on the petition for review. However, on February 23, 2021, this Court’s Resolution was returned unserved with postal notation “*RTS-deceased*.”⁴³ Acting on the orders of the Court, the Philippine Statistics

³² *Id.* at 12.

³³ *Id.* at 17.

³⁴ *Id.* at 18.

³⁵ *Id.* at 19.

³⁶ *Id.* at 21.

³⁷ *Id.*

³⁸ *Id.* at 27.

³⁹ *Id.*

⁴⁰ *Id.* at 30.

⁴¹ *Id.* at 34.

⁴² *Id.* at 185–186.

⁴³ *Id.* at 168.

Authority submitted a copy of the Death Certificate of Quires confirming her passing on June 1, 2020.⁴⁴ In view of Quires' demise, this Court dispenses with the filing of the Comment.

Ruling of the Court

The petition is impressed with merit.

Prefatorily, the issue regarding the date of actual receipt of the June 10, 2016 Decision is a factual matter that generally may not be questioned through a petition for review on *certiorari*. It is doctrinally settled that this Court is not a trier of facts.⁴⁵ However, jurisprudence has carved an exception to the rule when the judgment is premised on a misapprehension of facts, as in the instant case.

Remarkably, the Constitution ordains that public office is a public trust. Public officers shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people.⁴⁶ To ensure compliance with this Constitutional mandate, the CSC acts as the central personnel agency to enforce the laws and rules governing, among others, the discipline of civil servants.⁴⁷ On this score, Article IX-A, Section 6 of the Constitution vests the CSC with the power to promulgate its own rules concerning pleadings and practice before any of its offices. Likewise, Book V, Title I, Subtitle (A), Chapter 3, Section 12(2) of Executive Order No. 292 or the Administrative Code of 1987,⁴⁸ empowers the CSC to enforce rules to effectively carry out the procedure in administrative cases.⁴⁹ Pursuant thereto, the CSC adopted the RACCS to govern the conduct of proceedings in administrative cases or matters instituted before it, directly or on appeal.⁵⁰

Notably, Section 7, A(4) of the RACCS states that the CSC shall take cognizance of “[d]ecisions of disciplining authorities imposing penalties exceeding 30 days suspension or fine in an amount exceeding 30 days salary brought before it on appeal.”⁵¹ In line with this, Section 66 of the same rule

⁴⁴ *Id.* at 181.

⁴⁵ *Heirs of Teresita Villanueva v. Heirs of Petronila Syquia Mendoza, et al.*, 810 Phil. 172, 177 (2017) [Per J. Peralta, Second Division].

⁴⁶ CONST., art. IX, sec. 1.

⁴⁷ Presidential Decree No. 807 October 6, 1975, art. II, sec. 2.

⁴⁸ Section 12. Powers and Functions. – The Commission shall have the following powers and functions:

....
(2) Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;
....

⁴⁹ 2017 Rules on Administrative Cases in the Civil Service.

⁵⁰ 2017 Rules on Administrative Cases in the Civil Service, Rule 2, sec. 5.

⁵¹ 2017 Rules on Administrative Cases in the Civil Service, Rule 2, sec. 7.A.(4).

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ordains that the decisions of disciplining authorities imposing a penalty exceeding 30 days suspension or a fine in an amount exceeding 30 days salary, may be appealed to the CSC within a period of 15 days from receipt thereof.⁵²

In the case at bar, Labastida denies having received a copy of the June 10, 2016 Decision through registered mail on June 14, 2016. Instead, she avers that she only came to know of the June 10, 2016 Decision on March 8, 2017, when she was served with the notice of suspension issued by the Audit Group LGS-F-Province of Southern Leyte, COA. The CA rejected Labastida's assertion applying the presumption that Registry Return Receipt 506 194 569 ZZ was regularly issued in good faith and in the performance of official duty by the postal officer. Thus, it concluded that Labastida received the Decision as early as June 14, 2016.⁵³

Concededly, the Rules on Evidence provides the disputable presumptions "[t]hat official duty has been regularly performed[.]"⁵⁴ and "[t]hat a letter duly directed and mailed was received in the regular course of the mail[.]"⁵⁵ A disputable presumption is "...a specie of evidence that may be accepted and acted on when there is no other evidence to uphold the contention for which it stands, or one which may be overcome by other evidence."⁵⁶ Stated otherwise, it is an assumption that is satisfactory if uncontradicted but may be controverted and overcome by other evidence.⁵⁷

Jurisprudence underscores that the presumption that official duty has been regularly performed does not apply in the face of clear evidence to the contrary.⁵⁸ In the same vein, the presumption that a letter was received in the regular course of mail is likewise subject to controversion and direct denial. In such case, the burden shifts to the party favored by the presumption to establish that the subject mailed letter was in fact received by the addressee.⁵⁹ Thus, Labastida's denial of her receipt of the June 10, 2016 Decision shifted the burden unto Quires to prove that said Decision was indeed duly served and received by Labastida.

⁵² 2017 Rules on Administrative Cases in the Civil Service, Rule 13, sec. 66.

⁵³ *Rollo*, p. 49.

⁵⁴ 2019 Amendments to the 1989 Revised Rules on Evidence, Rule 131, sec. 3(m).

⁵⁵ 2019 Amendments to the 1989 Revised Rules on Evidence, Rule 131, sec. 3(v).

⁵⁶ *Magsaysay Maritime Corporation, et al. v. Heirs of Fritz D. Buenaflor*, 875 Phil. 253, 264–265 (2020) [Per J. Reyes, Jr., First Division] citing *People v. de Guzman*, 299 Phil. 849, 853 (1994) [Per J. Puno, Second Division].

⁵⁷ 2019 Amendments to the 1989 Revised Rules on Evidence, Rule 131, sec. 3.

⁵⁸ *Johnson & Johnson (Phils.) Inc. v. Court of Appeals, Ninth Division*, 278 Phil. 756, 759 (1991) [Per J. Cruz, First Division].

⁵⁹ *Commissioner of Internal Revenue v. T Shuttle Services, Inc.*, 879 Phil. 409, 422 (2020) [Per J. Inting, Second Division]. See also *Aguirre v. Dir. Nieto*, 860 Phil. 642, 650 (2019) [Per J. Carandang, First Division]

Absent specific provisions in the RACCS governing proof of service of judgments or orders, the Rules of Court applies in a suppletory character to fill in the lacuna. The applicable rule at the time of the purported service of the June 10, 2016 Decision by registered mail on June 14, 2016, is Rule 13, Section 13 of the 1997 Rules of Civil Procedure which states that:

Section 13. *Proof of service.* - Proof of personal service shall consist of a written admission of the party served, or the official return of the server, or the affidavit of the party serving, containing a full statement of the date, place and manner of service. If the service is by ordinary mail, proof thereof shall consist of an affidavit of the person mailing of facts showing compliance with section 7 of this Rule. **If service is made by registered mail, proof shall be made by such affidavit and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.** (Emphasis supplied)

Interestingly, the 2019 Revised Rules of Civil Procedure retains the same stringent directive of requiring both the affidavit of the postmaster and the registry receipt to prove service:

Section 17. *Proof of service.* — Proof of personal service shall consist of a written admission of the party served, or the official return of the server, **or the affidavit of the party serving, containing a statement of the date, place, and manner of service.** If the service is made by:

....

(b) Registered mail. - Proof shall be made by the affidavit mentioned above and the registry receipt issued by the mailing office. The registry return card shall be filed immediately upon its receipt by the sender, or in lieu thereof, the unclaimed letter together with the certified or sworn copy of the notice given by the postmaster to the addressee.⁶⁰ (Emphasis supplied)

....

Evidently, both the 1997 and 2019 Rules of Civil Procedure mandate that the registry receipt be accompanied by an affidavit issued by the mailing office. The Revised Rules go further by specifying the contents of the affidavit of the party serving, which must indicate the date, place, and manner of service.⁶¹

⁶⁰ 2019 Revised Rules of Civil Procedure, sec. 17(b).

⁶¹ 2019 Revised Rules of Civil Procedure.

In *Rep. of the Philippines v. Resins, Incorporated*,⁶² this Court stressed that the registry return receipt cannot stand alone, and must be authenticated through the affidavit of the postmaster, to wit:

OSG's denial of receipt of the 17 March 1993 Judgment required Resins, Inc. to show proof that the Judgment was sent through registered mail **and** that it was received by the Republic. While the certification from the RTC Clerk of Court and photocopies of the return slips prove that the Republic was served the judgment, it does not follow that the Republic, via the OSG, actually received the judgment. **Receipts for registered letters and return receipts do not prove themselves, they must be properly authenticated in order to serve as proof of receipt of the letters. Resins, Inc. also did not show a certification from the postmaster that notice was duly issued and delivered to the OSG such that service by registered mail may be deemed completed. It cannot be stressed enough that "it is the registry receipt issued by the mailing office and the affidavit of the person mailing, which proves service made through registered mail."** Absent one or the other, or worse both, there is no proof of service.

....

While we concede that there may be a presumption of regularity, in the ordinary course of events, that the RTC Clerk of Court sent the 17 March 1993 Judgment to the OSG, such presumption should fail when the OSG itself denies receipt. When the service of the judgment is questioned, such as in the present case, there is a need to present both the registry receipt issued by the mailing office and the affidavit of the person mailing. Since the OSG presented proof of non-receipt, it became incumbent upon Resins, Inc. to prove receipt, which Resins, Inc. failed to do.⁶³ (Emphasis and underscoring both in the original and supplied)

Indeed, the certification of the postmaster constitutes the best evidence to prove that the mail matter was validly sent. The postmaster should certify not only that the mail was issued or sent but likewise specify how, when, and to whom the delivery thereof was made.⁶⁴ Without the certification of the postmaster containing details on how and to whom the registered mail was sent, the presumption regarding the performance of official duty cannot lie. In turn, the Court has no facts from which to assess the faithful performance of official duty.

Fomenting further doubt on the proper service of the June 10, 2016 Decision, Registry Return Receipt 506 194 569 ZZ, bears the signature of an unidentified postal official. Moreover, save for the notation "*refused to accept 06-14-16*" there is no indication that the aborted service was attempted on

⁶² 654 Phil. 369 (2011) [Per J. Carpio, Second Division].

⁶³ *Id.* at 379–381.

⁶⁴ *Johnson & Johnson (Phils.) Inc. v. Court of Appeals, Ninth Division*, 278 Phil. 756, 759–750 (1991) [Per J. Cruz, First Division].

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Labastida or her duly authorized representative. Suspiciously, the person who allegedly refused to receive a copy of the June 10, 2016 Decision remains a mystery. It bears stressing that the registry return receipt itself cautions that “[a] registered article must not be delivered to anyone but the addressee, or upon the addressee’s written order.”⁶⁵ Despite this warning, no effort was made to show that the June 10, 2016 Decision was in fact served on Labastida or her duly authorized agent.

Furthermore, there are no records of the alleged June 10, 2016 Decision in the Office of the Municipal Mayor or the Human Resources Management Office of Saint Bernard. Mayor Manuel O. Calapre, the successor of Mayor Cuaton, filed a Compliance with Explanation⁶⁶ dated September 27, 2017, before the CSC, manifesting that there are no such records of an administrative case that led to the June 10, 2016 Decision. He further confirmed that his office and Labastida were only notified of the June 10, 2016 Decision on March 8, 2017, viz.:

3. Insofar as the Municipal Government of Saint Bernard is required to “transmit the complete records of the case within fifteen (15) days from receipt hereof,” the undersigned regrets to inform this Honorable Commission that he could not comply to submit such for the following reasons:

a. Verification with the records and files in the undersigned's Office (Office of the Municipal Mayor), traced back to the term of the former mayor, Napoleon L. Cuaton, shows that ***no such official records bearing Admin. Case No. 2016-01;***

b. Verification with the records and files in the Human Resources Management Office (HRMO) also reveals that no such “complete records” exist. What can be found in this office is only the Dismissal. Attached hereto as Annex “1” is a letter dated September 27, 2017 to this effect;

c. This is the reason why, the undersigned, upon assumption to office on June 30, 2016, could not implement anything against the appellant Victoria M. Labastida.

d. In fact, undersigned took the initiative at that time to inquire from the Regional Office VIII of this Commission if it has a copy of the Dismissal against Mrs. Labastida but he was informed that there was none.

e. It was only on March 8, 2017 that the Municipal Government of Saint Bernard was “officially” informed of the Dismissal when the undersigned received a Notice of Suspension (NS) bearing No. 2017-

⁶⁵ *Resterio v. People*, 695 Phil. 693, 708 (2012) [Per J. Bersamin, First Division]. See also *Masagana Concrete Products v. NLRC*, 372 Phil. 459, 472–473 (1999) [Per J. Gonzaga-Reyes, Third Division].

⁶⁶ *Rollo*, pp. 55–57.

01-101-001(16) dated February 1, 2017 from the Commission on Audit, Audit Group LGS-F-Province of Southern Leyte, Office of the Audit Team Leader-Team R08-5, Provincial Satellite Auditing Office, Maasin City, Southern Leyte, signed by Rolando O. Malate, State Auditor III, Audit Team Leader, and Anna Marie D. Plateros, State Auditor IV, Supervising Auditor. Attached hereto as Annex '2' is a copy of the NS.

4. It was also on this date, March 8 , 2017, that the appellant Mrs. Labastida was informed by the undersigned's office about the NS.⁶⁷
(Emphasis supplied)

Verily, the overwhelming evidence presented by Labastida effectively overturned the presumptions that the postal official regularly performed his official duty and that the Decision was duly received in the regular course of mail. Consequently, it cannot be presumed that Labastida received the June 10, 2016 Decision on June 14, 2016. Instead, it appears that she only received said Decision on March 8, 2017. Hence, Labastida's appeal filed on March 16, 2017 should be given due course.

In any event, Section 3 of the RACCS urges for the liberal construction of the rules to obtain a just, speedy, and inexpensive disposition of administrative cases.⁶⁸ Equally important, the circumstances obtaining in this case move this Court to exercise its power to temper rigid rules in favor of substantial justice. Although faithful compliance with the rules of procedure should be stringently observed, this rigidity must give way to achieve the higher object of protecting the parties' substantive rights.⁶⁹ Time and again, this Court has reiterated that:

Because there is no vested right in technicalities, in meritorious cases, a liberal, not literal, interpretation of the rules becomes imperative and technicalities should not be resorted to in derogation of the intent and purpose of the rules which is the proper and just determination of litigation. Litigations, should as much as possible, be decided on their merits and not on technicality. Dismissal of appeals purely on technical grounds is frowned upon, and the rules of procedure ought not to be applied in a very rigid, technical sense, for they are adopted to help secure, not override, substantial justice, and thereby defeat their very aims. As has been the constant rulings of this Court, every party-litigant should be afforded the amplest opportunity for the proper and just disposition of [their] cause, free from the constraints of technicalities. . .⁷⁰

Besides, administrative bodies exercising quasi-judicial powers are unfettered by inflexible procedural requirements, subject to the observance of

⁶⁷ *Id.* at 56-57.

⁶⁸ 2017 Rules on Administrative Cases in the Civil Service, Rule 1, sec. 3.

⁶⁹ *Mauna v. Civil Service Commission*, 302 Phil. 410 (1994) [Per J. Kapunan, *En Banc*].

⁷⁰ *Id.*

fundamental and essential requirements of due process in justiciable cases presented before them. In administrative proceedings, technical rules of procedure and evidence are not strictly applied and administrative due process cannot be fully equated with due process in its strict judicial sense.⁷¹

Based on the foregoing, the CA clearly erred when it rigidly and literally applied the disputable presumption of faithful performance of official duty and when it gave credence to the registry return receipt despite the absence of an affidavit from the postmaster and the existence of overwhelming evidence disputing the purported service.

All told, in exceptional cases, the strict rules of procedure must yield to the requirements of due process, and technicalities must not enshroud the merits of the case. As Labastida's Constitutional right to security of tenure hangs by a thread, the ends of justice would best be served if the case is determined on the merits after giving the parties a full opportunity to present their causes and defenses. Thus, the instant case is remanded to the CSC to resolve the appeal on the merits with utmost dispatch.

ACCORDINGLY, the Petition for Review on *Certiorari* is **GRANTED**. The April 10, 2019 Decision and the January 23, 2020 Resolution of the Court of Appeals in CA-G.R. CEB SP. No. 12157 affirming the December 19, 2017 and September 24, 2018 Orders of the Civil Service Commission, are hereby **REVERSED and SET ASIDE**. The case is remanded to the Civil Service Commission which is **DIRECTED** to give due course to the appeal of Victoria M. Labastida for a proper resolution on the merits with dispatch.

SO ORDERED.



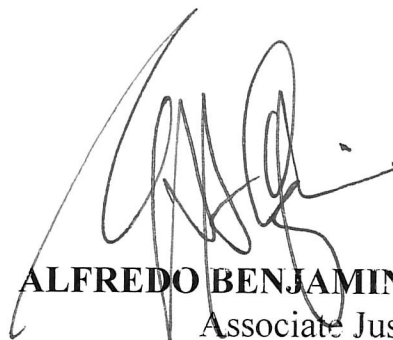
SAMUEL H. GAERLAN

Associate Justice

⁷¹ *Manila Hotel Corporation v. Office of the Director of the Bureau of Legal Affairs of the Intellectual Property Office of the Philippines*, 927 Phil. 299, 310 (2022) [Per J. Inting, Third Division].

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WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice

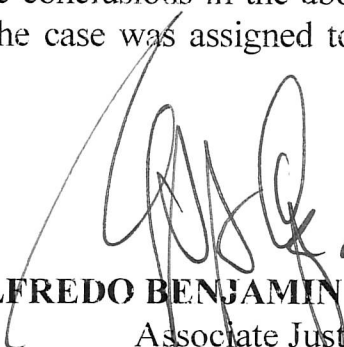


JAPAR B. DIMAAMPAO
Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
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.



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson, Third Division

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CERTIFICATION

Pursuant to Article VIII, Section 13 of the Constitution and the Division 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