

**\*\*Title:\*\*** Zosimo M. Dimaandal vs. Commission on Audit

**\*\*Facts:\*\*** Zosimo M. Dimaandal, serving as Supply Officer III, was designated as Acting Assistant Provincial Treasurer for Administration by Governor Vicente A. Mayo of Batangas on November 23, 1992. Dimaandal claimed the difference in salary and Representation and Transportation Allowance (RATA) between his original position and the designated position for the entire year of 1993, which totaled P61,308.00. The Provincial Auditor disallowed P52,908.00 of the claim, allowing only P8,400.00 corresponding to the difference in allowances. The disallowance was grounded on the non-applicability of Section 2077 of the Revised Administrative Code and the temporary nature of the designation which, per Civil Service Commission's opinion, did not entitle Dimaandal to the claimed salary.

Governor Mayo's request for reconsideration, arguing the applicability of Section 2077, was denied by the Provincial Auditor. The decision prompted Dimaandal to appeal to the Commission on Audit (COA), which upheld the Provincial Auditor's decision citing the temporary and unauthoritative nature of Dimaandal's designation. Dimaandal was ordered to refund the total disallowed amount, which led to the filing of this petition.

**\*\*Issues:\*\***

1. Whether an employee designated in an acting capacity is entitled to the salary difference and RATA between his original position and the higher position to which he was designated.
2. Whether the designation of Dimaandal by the Governor was valid and conferred upon him the right to claim the aforementioned financial benefits.
3. Whether the refusal to pay Dimaandal the salary difference and RATA violates his constitutional rights against deprivation of property without due process and impairment of obligation of contracts.

**\*\*Court's Decision:\*\***

The Supreme Court dismissed the petition, citing several reasons:

- The power to appoint or designate someone to the position of Assistant Provincial Treasurer for Administration resides with the President of the Philippines or the Secretary of Finance, not with the Provincial Governor.
- The designation, being temporary and not an appointment, does not entitle Dimaandal to the claimed salary and RATA.
- Dimaandal's designation lacked authority, rendering any claim based on it invalid.
- The distinction between an appointment and a designation was emphasized, with the court noting that Dimaandal was merely assigned additional duties without a proper appointment,

negating his claim.

- Dimaandal cannot be considered a de facto officer entitled to compensation since his designation did not have the semblance of validity required for such a status.
- The court found no violation of constitutional rights as Dimaandal had no rightful claim to the benefits of the position to which he was not legally designated.
- The COA's decision to disallow the claim was based on clear legal grounds, and the petition did not provide sufficient basis to overturn it.

**\*\*Doctrine:\*\***

- The Legal Distinction between Appointment and Designation: Designation to a position without a proper appointment does not confer the right to claim the salary and benefits attached to the position.
- Authority in Designation of Public Officials: The power to appoint or designate for certain public positions rests with specific authorities as defined by law, and actions outside this ambit are invalid.

**\*\*Class Notes:\*\***

- Appointment vs. Designation: Appointment is the selection by proper authority of an individual to exercise the powers and functions of a given office, with implications of permanency and entitlement to benefits. Designation refers to the temporary assignment of additional duties without right to additional benefits.
- De Facto Officer Doctrine: An individual must derive their appointment from an authority having a colorable right to appoint, and the appointment must have a semblance of validity for the individual to be considered a de facto officer, entitled to compensation.
- Legal Authority in Public Administration: Actions, including appointments or designations in the public sector, must align with statutory provisions regarding who has the authority to perform such actions for them to be considered valid.

**\*\*Historical Background:\*\***

This case underscores the principles governing public administration within the context of Philippine governance, particularly the limitations and bounds of authority concerning appointments and designations in public office. It highlights the procedural and legal considerations that must be observed in the administration of public offices to ensure compliance with established laws and regulations, reflecting a broader theme of accountability and rule of law in the Philippine public sector.