

CORTES, Rafael O.

Re: Authority to Hold-Over

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RESOLUTION No. 990498

Rafael O. Cortes, Hearing Officer for Luzon, Central Board of Assessment Appeals, Department of Finance, requests for authority to continue serving as Hearing Officer for Luzon despite the expiration of his term of office.

In his letter dated November 9, 1998, Cortes alleges as follows:

"This has reference to the term of office of the Hearing Officer of the Central Board of Assessment Appeals (CBAA), department of Finance. The second paragraph of Sec. 230 of the Local Government Code of 1991 (R.A. No. 7160) provides:

'There shall be Hearing Officers to be appointed by the Central Board of Assessment Appeals pursuant to civil service laws, rules and regulations x x x who shall serve for a term of six (6) years, without reappointment until their successors have been appointed and qualified.'

x x x

"As understood, the services of the Chairman and the two (2) members of the Board end with their respective term, i. e., seven (7) years. On the other hand, while it is true that the term of a Hearing Officer is six (6) years without reappointment, he is not supposed to vacate his office even after the expiration of that term if no Hearing Officer has yet been appointed to succeed and take over from him.

"x x x Having been appointed on December 1, 1992, my term expires on November 30,

1998. x x x"

After a circumspect evaluation, the Commission finds the instant request impressed with merit.

The phrase "until their successors have been appointed and qualified" which is the hold-over provision of Section 230 of R. A. 7160, authorizes the incumbent to continue performing the duties and responsibilities attached to the position and receive the corresponding salaries and other benefits appended to it after the expiration of his term of office.

As such, Hearing Officers appointed by the Central Board of Assessment Appeals are mandatorily placed on hold-over status upon the expiration of their term of office. Thus:

"When a public officer is placed on hold-over status, it means that his term has expired or his services terminated by he should continue holding his office until has successor is appointed or chosen and has qualified. (Mendoza vs. Quisumbing, 186 SCRA110)

WHEREFORE, the request of Rafael O. Cortes for authority to hold office as Hearing Officer for Luzon after the expiration of his term of office is granted. However, his right to hold the office shall automatically cease upon the appointment of his successor.

Quezon city, Feb. 22, 1999

(SIGNED)
CORAZON ALMA G. DE LEON
Chairman

(SIGNED)
THELMA P. GAMINDE
Commissioner

O.B.
JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

(SIGNED)
ARIEL G. RONQUILLO
Director III