

**CANDELARIO ALMENDRAS, TIMOTEO T. OMAI, ET AL.,
PETITIONERS AND APPELLEES, VS. AMADO DEL ROSARIO, ET AL.,
RESPONDENTS, AMADO DEL ROSARIO AS COMMISSIONER OF CIVIL
SERVICE, RESPOND...**

G.R. No. L-20158. October 14, 1968

Ponente: DIZON, J.

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DIZON, J.:

The disposition portion of our decision in the above-entitled case promulgated on July 29, 1968 is as follows:

"WHEREFORE, the decision appealed from is reversed and set aside in so far as (1) it declares the City Mayor of Cebu vested with power to appoint the officers and employees of the Osmeña Waterworks System, and (2) it orders the Commissioner of Civil Service to attest and approve the appointments Exhibits A, A-1 to A-174 extended in favor of appellees by the City Mayor of Cebu. The same decision, however, is affirmed in so far as it orders the City Treasurer and City Auditor, both of Cebu, to pay the salaries of such petitioners who have rendered service from the date of their appointment; except as to those petitioners apportioned by the City Mayor of Cebu, who should be paid their respective salaries from the date of their appointment until this decision has become final, unless reappointed by competent authority with effectivity from the day following the date of such finality."

Before Us now is a motion filed by the respondent City Treasurer praying that the above judgment be clarified because, in his opinion, it is ambiguous and difficult to comply with. As counsel for petitioners says in his answer to the motion just referred to, there is absolutely no reason why the movant Treasurer should be confused as to how the judgment should be complied with and satisfied because, in plain words, our decision simply means this: While the City Mayor of Cebu had no authority to appoint the officers and employees of the Osmeña Waterworks System, the employees appointed by him who had actually rendered service are entitled to payment of their respective salaries, from the date of their appointment by said Mayor, but only up to the finality of our decision, the effect of the latter being to nullify their appointments. This, of course, is without prejudice to their re-appointment by competent authority immediately upon that finality of our decision.

Concepcion, C. J., Reyes, J.B.L., Makalintal, Sanchez, Ruiz, Castro, Angeles, Fernando and Capistrano, JJ., concur.

Zaldivar, J., is on official leave.

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