

ANTONIO J. VILLEGAS, ETC., ET AL., PETITIONERS, VS. ABELARDO SUBIDO, ETC., ET AL., RESPONDENTS.*G.R. No. L-29588. March 18, 1969*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/8e3ecddb6847/>**PER CURIAM:**

Before Us for resolution is the motion of petitioner Gregorio A. Ejercito charging the respondent Commissioner of Civil Service with contempt of this Court. The charge, in substance, is that said respondent thru indirection failed or refused to obey the final judgment of this Court which reads:

"IN VIEW OF ALL THE FOREGOING, judgment is hereby rendered: 1. commanding respondent Civil Service Commissioner forthwith to approve the appointment of Gregorio A. Ejercito as City Legal Officer of Manila and release the same; and 2. commanding respondent Civil Service Commissioner to act on the 28 appointments of the staff of the City Legal Officer, mentioned on page 2 of this decision, within 30 days from date of their re-submission to the Civil Service Commission. No special pronouncement as to costs."

From the motion, opposition, reply, rejoinder and answer to rejoinder, filed by the parties, as well as from the arguments during the hearing, it appears undisputed that purportedly in obedience to Our decision, respondent Commissioner approved as provisional with conditions the appointment of petitioner Ejercito under Section 24(c) of the Civil Service Law, fixing January 11, 1969 as the effective date thereof, and returned "without action" the appointments of the twenty-eight other petitioners on the ground that no merit and promotion plan for the City of Manila had as yet been received by the Civil Service Commission.

For purposes of the motion for contempt, We find that in view of the reasons stated in Our decision, the approval of petitioner Ejercito's appointment as "provisional" ignored Our finding that said petitioner was qualified for the position to which he was appointed; hence, the qualification of the appointment as provisional, effective January 11, 1969, made by respondent Commissioner, must be considered as non-existent, considering that the character of the appointment extended by Mayor Villegas to said petitioner was a "Pro-motion", which is permanent, the appointment "to take effect as of January 1, 1968." Under Our decision, the Commissioner of Civil Service, in approving petitioner Ejercito's appointment, could not give it any other character.

As regards the appointments of the twenty-eight other petitioners, as to whom We consider petitioner Ejercito's reply dated January 31, 1969 as their own motion to compel respondent Commissioner to act in accordance with Our decision, We also find that in returning said appointments "without action", respondent Commissioner failed to comply with the letter and spirit of Our decision. It is obvious that what We ordered respondent Civil Service Commissioner to do was to approve said appointments after processing the same and verifying that the appointees are civil service eligibles and qualified for the positions to which they were respectively appointed, taking into account the character of each appointment and the date it was to take effect. By virtue of the fact that said appointments were yet to be processed, We did not command respondent Commissioner to approve outright the said twenty-eight appointments, as We had done in petitioner Ejercito's case, but instead to act on said appointments within thirty (30) days, i.e. to process and approve them upon verification of the appointees' qualification and eligibility and in the contrary case to disapprove them.

However, considering that it has not been shown that respondent Commissioner, who acted in consultation with the Solicitor General, willfully disobeyed the final judgment of this Court, the Court, with the expectation that respondent Commissioner will now act in accordance with the tenor of the judgment as spelled out in this resolution, will re-frain from making a finding that respondent Commissioner committed contempt of court.

PREMISES CONSIDERED, the motion charging respondent Civil Service Commissioner in contempt of court is denied. However, said respondent is hereby ordered: (a) to approve the promotional appointment of Gregorio A. Ejercito as City Legal Officer effective January 1, 1968, under Section 24(b) of the Civil Service Law, the approval to be given within five days from date of re-submission of the appointment to the Civil Service Commission; and (b) to approve the appointments of the twenty-eight members of the staff of the City Legal Officer upon processing and verification that the appointees are civil service eligibles and qualified for the positions to which they were respectively appointed taking into account the character of each appointment and the date it was to take effect, the approval to be given within ten days from date of re-submission of the appointments to the Civil Service Commission.

Concepcion, C.J., Reyes, JBL, Dizon, Makalintal, Zaldivar, Sanchez, Ruiz Castro, Fernando, Capistrano, Teehankee, and Barredo, JJ., concur.

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