

JOSE C. CRISTOBAL, PLAINTIFF-APPELLANT, VS. ALEJANDRO MELCHOR AND FEDERICO ARCALA, DEFENDANTS-APPELLEES.

G.R. No. L-43203. December 29, 1980

Ponente: TEEHANKEE, J.

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TEEHANKEE, J.:

In the Court's judgment of July 29, 1977, the incumbent public officials who succeeded the original defendants-appellees, namely, Alejandro Melchor then Executive Secretary and Federico Arcala then cash disbursing officer, Office of the President of the Philippines, were directed

"1. To reinstate Jose Cristobal, either in the Office of the President or in some other government office, to any position for which he is qualified by reason of his civil service eligibility, subject to present requirements of age and physical fitness; and

"2. To pay appellant Cristobal back salaries for a period of FIVE YEARS at the rate of Four Thousand, One Hundred Eighty-eight Pesos (P4,188.00) per annum without qualification and deduction."

In a letter dated July 15, 1978, then Presidential Assistant Juan Tuvera informed the Court "that the President has ordered the immediate reinstatement of Mr. Jose C. Cristobal and the payment of his accumulated back salaries in accordance with the decision of the Court" and as of the same date extended an appointment to petitioner Jose C. Cristobal as Assistant in the office staff of the President with compensation at the rate of P4,188.00 per annum effective upon assumption of duty.

In his letter of November 19, 1978 and subsequent pleadings, petitioner complained, however, that the position given him by way of supposed reinstatement was not in accordance with the President's own guidelines for reinstatement of wrongly ousted officers, to wit: "in filling up vacancies in all government agencies, priority should be given to employees separated from the service" and that "the reinstatee be given position he last held if possible, otherwise, he should be appointed to at least a comparable position in the same organization,"[1] and that the compensation given him based on the old rate of P4,188.00 per annum at the time of his wrongful dismissal 18 years earlier on January 1, 1962 by then Executive Secretary Amelito R. Mutuc was lower than that of the lowest janitor (amounting to P349.00 a month or P11.60 a day, not counting the mere cost of transportation, let alone the cost of food, shelter and schooling for his family and children) and not a comparable position to that then held by him of Private Secretary I in the President's private office; that he was told by Mr. Felix Hidalgo, chief of Malacañang Personnel Division, that there was no place for him inside Malacañang and he had to find a position for himself in 17 other offices under the President of which he was given a list but that the application letters he forthwith filed with said offices met with either a reply of no vacancy or no reply. Petitioner specifically invoked the Court's judgment, to wit: "the reinstatement order of the Supreme Court implies compensation corresponding to the present existing rate under the law plus such increases of pay and financial aids that have been effected by law and Presidential Decrees."[2]

After receiving the required comment from the Solicitor General on behalf of respondents officials, the Court

issued its Re-solution of June 20, 1979, as follows:

"Upon consideration of petitioner's answer to the manifestation and comment of the Solicitor General stating inter alia that petitioner should report to the Personnel Division daily until a suitable permanent assignment could be found for him under the appointment extended to him as Assistant in the Office Staff of the President of the Philippines with a salary of P4,188.00 per annum, the Court Resolved: (1) to DIRECT (a) the petitioner to COMPLY with the said instruction and assume his duty under his appointment and report at the said Personnel Division; and (b) the Chief of Office of the Personnel Division, Mr. Felix Hidalgo, in the matter of re-instatement of said petitioner as ordered by the President of the Philippines in the implementation of the Court's judgment, to GRANT to petitioner the allowances and benefits that are granted and paid to other regular employees of the government; and (2) to REQUIRE both petitioner and respondent to SUBMIT a report on the action taken in compliance herewith, within ten (10) days from notice hereof."

From the compliance-reports submitted by the Solicitor General,[3] petitioner was "temporarily detailed at the office of Mr. Hidalgo, Chief of the Personnel Division, until such time when a suitable permanent assignment could be found for him; that in conference with Atty. Rocamora of the Office of Presidential Assistant Juan C. Tuvera and Mr. Hidalgo of the Presidential Personnel Division, petitioner was informed that he cannot be entitled to any allowances because his appointment as Assistant with compensation at the rate of P4,188.00 per annum does not qualify him for any allowances, which are only given to positions higher than what petitioner presently holds." Petitioner, on his part, prayed of the Court that

"(a) That his backpay be paid as stated in the decision;

"(b) That his reinstatement means that he be placed back into the service as of January 1, 1962, when he was illegally dismissed;

"(c) That his benefits for sick leave, vacation leave shall be counted from January 1, 1962, when he was illegally dismissed;

"(d) That his benefits arising from automatic promotions and increases in salary be considered as part of his 'reinstatement';

"(e) That his allowances and benefits arising from presidential decrees be considered and added to his basic salary." [4]

Petitioner further complained in his letter of February 10, 1980 against having "to start life all over again from the bottom by receiving the same compensation at the rate of P4,188.00 per annum (same compensation as I had before [being] illegally dismissed from the service in 1962)" and that even with the standard general increases in salary with no privileges or benefits, "I still remained to be the lowest salaried employee in the Office of the President, Malacañang," adding that:

"Whereas, my former co-employee (Mrs. Esperanza M. Gutierrez) who in 1962 held the position of Stenographer with compensation at the rate of P1,980.00 per annum, is now holding the position of Supervising Presidential Staff Officer with compensation at the rate of P30,621.00 per annum; same with the woman (Mrs. Leticia Nonato), who took over my position as Private Secretary I (and Section Head in charge of all the Tagalog Correspondence of the President of the Philippines), is now holding the position of Sr. Presidential Staff Officer with compensation at the rate of P27,732.00 per annum - compared now to my present position as Assistant (temporary) upon reinstatement in the service on July 25, 1978 (after 15 years of legal fight in Court) with compensation at the rate of P5,528.16 per annum (after such increases of 10% and 20% on the basic salary at the rate of P4,188.00 per annum, same compensation as that of in 1962 when illegally dismissed from the service), or P460.00 a month, or P15.35 a day. Can a man with a wife and children to support and educate live in peace with this amount today?

"My transportation expenses alone from the place I live [in Pasay City] to Malacañang costs me P6.00 a day. And out of the remaining amount (P9. 35) I was forced and made to live. IS THIS JUSTICE? Our home is no long-er a Home. It is now like Hell, caused by long years of un-ending and fastidious miseries suffered by the family. Had it not been perhaps for continuous prayers and great faith in God, it could have been a Broken Home, a Broken Family or a Dead Family long time ago."

Petitioner reiterated his plea on September 4, 1980 in his "Urgent Motion for Implementation of the Resolution dated June 20, 1979" and "Second Urgent Motion" of December 10, 1980.

Petitioner has been paid his backpay for 5 years computed at the rate of P4,188.00 per annum, in accordance with paragraph 2 of the Court's judgment which specifically fixed the old rate, *supra*.

The Court finds merit in petitioner's plea as a civil service eligible that his reinstatement be clarified to mean that in accordance with the President's own guidelines, even if he is not reinstated to the same position of Private Secretary I in the President's private office which was his position during the administration of Presidents Ramon Magsaysay and Carlos P. Garcia and from which he has been held by final judgment of this Court to have been wrongfully dismissed on January 1, 1962 upon the assumption of office of President Diosdado P. Macapagal, he must be given a position and compensation commensurate and comparable to that held by him. This means that the compensation fixed for his position must be that prevailing at the time of reinstatement or issuance of the appointment on July 15, 1978, for the position of Private Secretary I in the office of the President or a comparable position, together with the allowances and benefits appurtenant thereto as well as the standard or automatic general increases in salary decreed thereafter from time to time by the President (not at the old outmoded rate of P4,188.00 per annum that he was receiving sixteen [16] years earlier). This means likewise that petitioner's benefits for sick leave and vacation leave shall be counted from the date of his illegal dismissal on January 1, 1962 as if he had not left his office at all and that all benefits that arose from automatic promotions, if any, and increases in salary during the 15 years-period of his illegal dismissal shall be considered in determining the comparable position and compensation given him at the time of his reinstatement as ordered in paragraph 1 of the Court's judgment, *supra*.

This is but in accordance with settled jurisprudence. As held by the Court in *Tañala vs. Legaspi*,^[5] "when a government official or employee in the classified civil service had been illegally suspended or illegally dismissed, and his reinstatement had later been ordered, for all legal purposes he is considered as not having left his office, so that he is entitled to all the rights and privileges that accrue to him by virtue of the office that he held." What the Court ruled therein is fully applicable, *mutatis mutandis*, to petitioner at bar, thus: "(I)n the case of the appellee, by virtue of the order of the President reinstating him in office his suspension and separation from the service effective as of May 6, 1954 was thereby declared illegal, so that for all intents and purposes he must be considered as not having been separated from his office."

As likewise reaffirmed by the Court in *Perez vs. Evite*,^[6] "Under Section 45 of Rule 39, Rules of Court a judgment is not confined to what appears upon the face of the decision, but also those necessarily included therein or necessary thereto."^[7] The late Chief Justice Fred Ruiz Castro stressed for the Court in *Padua vs. Robles*,^[8] that "(T)he sufficiency and efficacy of a judgment must be tested by its substance rather than its form. In construing a judgment, its legal effects including such effects that necessarily follow because of legal implications, rather than the language used, govern. Also, its meaning, operation, and consequences must be ascertained like any other written instrument. Thus, a judgment rests on the intention of the court as gathered from every part thereof, including the situation to which it applies and the attendant circumstances."

The said case of *Padua* rectified the trial judge's "circuitous and ambiguous" reference in his judgment of criminal conviction of a taxi driver for homicide through reckless imprudence, to a previous civil judgment against the

same taxi driver for damages based on culpa aquiliana, by ruling that the trial judge thereby "intended to adopt the same adjudication and award it made in (the) civil case as (the taxi driver's) civil liability in (the) criminal case," so as to allow the victims' heirs to enforce the taxi owner's subsidiary responsibility therefor under Article 103 of the Revised Penal Code. As further stressed for the Court by the late Chief Justice Castro: - "even if the statement were reasonably susceptible of two or more interpretations, that which achieves moral justice should be adopted, eschewing the other interpretations which in effect would negate moral justice." [9] The now Chief Justice, in a separate concurrence, hailed the decision's stress on moral justice as "deriving support from the view-point of law as logic, justice or social control," stating that "precisely recourse may be had to our corrective powers to avoid a right granted in law from being rendered illusory in fact," adding that "(T)here is thus the strongest policy consideration that buttresses the conclusion reached by us. It would conduce to less respect for the law as an agency of social control if there be recognition in the codes of the right of next kin to damages arising from the tragic occurrence of young lives being snuffed out due to reckless driving on the part of what had been accurately described as dealers of death on the road and then by lack of care on the part of a judge assure that it is nothing more than a barren form of words. This is what Dean Pound referred to as law in books as distinguished from law in action." [10]

If more need be said, be it noted that the judgment at bar was one granted in equity and justice wherein the Court applied the "better rule that courts, under the principle of equity, will not be guided or bound strictly by the statute of limitations or the doctrine of laches when to do so, manifest wrong and injustice would result," and consequently the Court ruled that -

"This Court, applying the principle of equity, need not be bound to a rigid application of the law, but rather its action should conform to the conditions or exigencies of a given problem or situation in order to grant a relief that will serve the ends of justice.

"To paraphrase then Chief Justice John Edwin Marshall of the United States Supreme Court, let us do complete justice and not do justice by halves. Just as in *Ingles vs. Mutuc* [26 SCRA 171] this Court gave justice to plaintiffs, so shall We do justice to Jose Cris-tobal."

As we likewise reaffirmed in *Air Manila, Inc. vs. Court of Industrial Relations*, [11] "(E)quity as the complement of legal jurisdiction seeks to reach and do complete justice where courts of law, through the inflexibility of their rules and want of power to adapt their judgments to the special circumstances of cases, are incompetent so to do. 'Equity regards the spirit and not the letter, the intent and not the form, the substance rather than the circumstance, as it is variously expressed by different courts.'"

ACCORDINGLY, the respondents-officials are directed forthwith (a) to effect the full reinstatement of petitioner as ordered by the President and in accordance with the criteria hereinabove set forth, viz, by assigning petitioner a position and paying him a compensation comparable to the office of Private Secretary I of the Private Office of the President held by him at the time of his illegal dismissal on January 1, 1962, i.e. the compensation fixed for such office and prevailing at the time of reinstatement or issuance of the appointment to petitioner as staff assistant on July 15, 1978 (not at the old 1962 outmoded rate of P4,188.00 per annum) together with the allowances and benefits appurtenant thereto together with all the standard or automatic general increases in salary as well as other special allowances and benefits decreed thereafter from time to time by the President, that is to say, without loss of seniority rights and other benefits and increases granted or recognized by law during the period of his illegal dismissal corresponding to the position held by him; (b) to pay petitioner the accumulated differential between such compensation as recomputed and the old rate at P4,188.00 per annum actually paid petitioner from the time he reported for duty pursuant to the Court's Resolution of June 20, 1979; (c) to include and count in petitioner's record and favor his benefits for sick and vacation leaves from the date of his illegal

dismissal on January 1, 1962 up to the time of his reinstatement and thereafter, as if he had not left or been separated from office at all; and (d) to submit a report on the action taken in compliance herewith within ten (10) days from notice hereof.

SO ORDERED.

Teehankee (Chairman), Fernandez, Guerrero, and Melencio-Herrera, JJ., concur.

Makasiar, J., Because the decision is now final and therefore the law of the case, which should be implemented is executed.

[1] Reported in Evening Post issue of January 17, 1978, Rollo at page 214.

[2] Rollo, page 265.

[3] Rollo, page 353.

[4] Petitioner's compliance-report of July 16, 1979; Rollo, p. 340.

[5] 13 SCRA 566, 576 (1965), per Zaldivar, J. (deceased); italics supplied. See also *De Leon vs. NLRC*, G.R. 52056, Oct. 30, 1980.

[6] 1 SCRA 949, 953 (1961), per Barrera, J. (retired); italics supplied; see also *Confesor vs. Pelayo*, 1 SCRA 817, 820.

[7] The cited 1940 Rule reads:

"SEC. 45. What is deemed to have been ad-judged. - That only is deemed to have been adjudged in a former judgment which appears upon its face to have been so adjudged, or which was actually and ne-cessarily included therein or necessary thereto."

Amendments have been made in the present Revised Rules of 1964 for more clarification. (2 Moran's Rules of Court, 1970 Ed., p. 359).

[8] 66 SCRA 485, 488 (1975); italics supplied.

[9] *Idem*, at page 490.

[10] *Idem*, at pages 492-493.

[11] 83 SCRA 579, 589 (1978).

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