

EDGAR R. DEL CASTILLO, PETITIONER, VS. CIVIL SERVICE COMMISSION, PROFESSIONAL REGULATION COMMISSION AND/OR ASSOCIATE COMMISSIONER MARIANO A. MENDIETA OF THE PROFESSIONAL REGULATI...

G.R. No. 112513. August 21, 1997

Ponente: KAPUNAN, J.

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KAPUNAN, J.:

This is a “Motion for Clarificatory Relief” filed by petitioner in G.R. No. 112513 entitled Edgar R. Del Castillo vs. Civil Service Commission, et al.[1] seeking a clarification of the decision of this Court in said case and praying for an award of backwages and other benefits accruing to petitioner as a result of his illegal dismissal.

The facts of this case are as follows:

On August 1, 1990, petitioner, an employee of the Professional Regulation Commission (PRC), was placed under preventive suspension by the PRC for “grave misconduct” and “conduct prejudicial to the best interest of the service.” After due investigation, petitioner was found guilty of grave misconduct and was dismissed from the service with forfeiture of all benefits.

Petitioner appealed the PRC’s decision to the Merit Systems Protection Board (MSPB) which exonerated him of said charge.

On appeal by the PRC, however, the Civil Service Commission (CSC) found petitioner guilty of grave misconduct, and imposed upon him the penalty of dismissal. Petitioner’s motion for reconsideration was denied.[2]

Petitioner, thus, filed in this Court a petition for certiorari under Rule 65 of the Rules of Court alleging that the CSC committed grave abuse of discretion in entertaining the PRC’s appeal, among other grounds.

This Court granted said petition in an En Banc Decision promulgated on February 14, 1995. The dispositive part of said decision reads:

WHEREFORE, all premises considered, Resolution No. 92-1249 dated September 8, 1992 and Resolution No. 93-4502 dated October 12, 1993 of the respondent Civil Service Commission are hereby REVERSED and the decision of the Merit Systems Protection Board is REINSTATED.

SO ORDERED.[3]

However, it may be noted, that the decision of the MSPB referred to above merely ordered the reinstatement of petitioner to his former position and was silent on the award of back salaries. Thus:

WHEREFORE, in view of the foregoing premises, the PRC Resolution dated September 19, 1990 is hereby set aside there being no substantial evidence adduced to support the conviction or finding of guilt. Thus,

respondent-appellant Edgar R. del Castillo is exonerated of the charge of grave misconduct levelled (sic) against him. The Professional Regulations Commission is thus directed to reinstate him to his former position effective immediately.[4]

Nevertheless petitioner, through counsel, wrote to PRC Chairman Hermogenes Pobre requesting not only reinstatement but payment of back salaries as well.

Petitioner was eventually reinstated on July 17, 1995. However, his claim for backwages was in effect denied by Chairman Pobre in a Letter[5] to petitioner dated November 28, 1995. Attached to said letter was a Correspondence[6] addressed to Chairman Pobre and signed by a certain Julieta de la Torre of the Department of Bureau and Management. The pertinent portion of said correspondence reads:

We regret to inform you of the inability of this Department to give favorable consideration on the above request since there is no valid legal basis for the payment of back salaries and other benefits of Mr. Del Castillo. The Supreme Court decision is silent on the payment of such claim, hence, we cannot read into the Supreme Court decision something not stated therein unless the decision in question is subsequently clarified on this point by the Supreme Court or by any other competent authority like the Department of Justice, the Office of the Solicitor General (OSG) or the Legal Office of the Office of the President.

Hence, this "Motion for Clarificatory Relief."

In our Resolution dated March 26, 1996, we required the respondents to comment on petitioner's motion.

Accordingly, the CSC filed its Comment on October 29, 1996, stating thus:

The sole issue in this motion is whether or not Edgar del Castillo, who is exonerated in the administrative case and later ordered reinstated, is entitled to backwages and other monetary benefits from the time of his preventive suspension on August 1, 1990 up to the time of his actual reinstatement on July 17, 1995.

In so many cases, this Honorable Court had the occasion to rule, as follows:

'It is already settled in this jurisdiction that a government official or employee is entitled to backwages not only if he is exonerated in the administrative case but also when the suspension is unjustified.' (Miranda vs. COA , 200 SCRA 657 citing Abellana vs. City of Baguio, 19 SCRA 600 citing Reyes vs. Hernandez, 71 Phil. 297; Villamor vs. Lacson, G.R. No. L-15945, November 28, 1964)

'x x x Such right (to backwages) is afforded only to those who have been illegally dismissed and were thus ordered reinstated or to those otherwise acquitted of the charge against them'. (notes in parenthesis ours) Isabelo T. Sabello vs. DECS, 180 SCRA 623.[7]

From the foregoing, it appears that the CSC does not pose any objection to petitioner's motion. Indeed, the Commission "submits to the sound discretion of the Honorable Court the resolution of the instant motion." [8]

The Solicitor General, for his part, recommends that petitioner's prayer for payment of backwages be granted.[9] In support of said recommendation, the Solicitor General cites the following authorities:

This Honorable Court in the case of Tan, Jr. vs. Office of the President, 229 SCRA 677, stated:

"Section 42 of P.D. No. 807, however, is really not in point. The provision refers to preventive suspension[s] during the pendency of administrative investigation[s], and it does not cover dismissed civil servants who are ultimately exonerated and ordered reinstated to their former or equivalent positions. The rule in the latter instance, just as we have said starting with the case of Cristobal v. Melchor (101 SCRA 857), is that when [']a government official or employee in the classified civil service had been 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.')] Such award of backwages, however, has since been limited to a maximum period of five (5) years (San [Luis] vs. CA, 174 SCRA 258)."

Likewise, in *Gabriel vs. Domingo*, 189 SCRA 672, this Honorable Court ruled that an employee who is reinstated after having been illegally dismissed is entitled to back salaries for the period of his illegal dismissal.[10]

We are in full accord with the Solicitor General's recommendation.

As we recently held in *De Guzman v. Civil Service Commission*:[11]

When an official or employee was illegally dismissed and his reinstatement has later been ordered, for all legal purposes he is considered as not having left his office. Therefore, he is entitled to all the rights and privileges that accrue to him by virtue of the office he held (*Tañada* v. Legaspi*, 13 SCRA 566 [1965]).

Back salaries may be ordered paid to said officer or employee (*City Mayor of Zamboanga v. Court of Appeals*, 182 SCRA 785 [1990]).

Having been exonerated of the charges against him, petitioner should clearly be awarded back salaries, the silence of the MSPB's decision notwithstanding. In *Cristobal vs. Melchor*,[12] Justice Claudio Teehankee, speaking for this Court, said:

As likewise reaffirmed by the Court in *Perez vs. Evite*, '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.' The late Chief Justice Fred Ruiz Castro stressed for the Court in *Padua vs. Robles*, 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.'[13]

WHEREFORE, petitioner's motion for clarificatory relief is GRANTED. It is hereby ordered that petitioner be paid back salaries and other benefits due him at the rate prescribed for the position he held as a civil servant from the time of his preventive suspension on August 1, 1990 until his actual reinstatement on July 17, 1995, without deduction. No costs.

SO ORDERED.

Narvasa, C.J., Padilla, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Mendoza, Francisco, Hermosisima, Jr., Panganiban, and Torres, Jr., JJ., concur.

Regalado, J., on leave.

[1] 241 SCRA 317 (1995).

[2] *Ibid.*

[3] *Id.*, at 323.

[4] *Id.*, at 320.

[5] *Rollo*, p. 5.

[6] *Id.*, at 215.

[7] Comment of Civil Service Commission, pp. 4-5; italics in the original.

[8] *Id.*, at 5.

[9] Comment of Solicitor General, p. 7.

[10] *Id.*, at 6-7; underscoring in the original; omissions supplied.

[11] 231 SCRA 169 (1994).

* Should be Tañala.

[12] 101 SCRA 857 (1980).

[13] *Id.*, at 863-864.

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