

CIVIL SERVICE COMMISSION, PETITIONER, VS. RODOLFO S. DE JESUS, RESPONDENT.

G.R. No. 141142. August 25, 2000

Ponente: VITUG, J.

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VITUG, J.:

Petitioner assails the decision of the Court of Appeals in CA-G.R. SP No. 54070 nullifying CSC Resolution No. 983057, dated 25 November 1998, and CSC Resolution No. 99147, dated 09 July 1999, of the Civil Service Commission ("CSC") insofar as it directs the immediate implementation of its CSC Resolution No. 95-4073.

The antecedents are not in dispute.

The controversy started sometime in 1994 when the LWUA Employees Association for Progress represented by its Chairman, Leonardo Cruz, filed a complaint with the Civil Service Commission ("CSC") against Camilo Cabili and Antonio De Vera, then Chairman of the Board of Trustees and Administrator, respectively, of the LWUA, for, among other alleged offenses, violation of "the Code of Conduct and Ethical Standards for Public Officials and Employees" (Republic Act No. 6713).

On 11 July 1995, after due hearing, the CSC promulgated Resolution No. 95-4073 (hereinafter simply called the "disputed resolution"), which adjudged:

"WHEREFORE, the Commission hereby rules that it is illegal of any LWUA officer or employee who sits as member of the board of directors of a water district to receive and collect any additional, double, or indirect compensation from said water district, except per diems pursuant to Section 13 of PD. 198, as amended." [1]

A plea for the reconsideration of the resolution, filed by De Vera and Cabili, was denied by CSC on 21 March 1996. Unsatisfied, Chairman Cabili and Administrator De Vera perfected an appeal on 30 May 1996 before the Court of Appeals (CA-G.R. CV No. 40613) disputing the resolution. It would appear that no temporary restraining order or preliminary injunction was issued by the appellate court. Parenthetically, on 06 March 1998 herein private respondent Rodolfo de Jesus filed a motion, now still pending, to intervene in the case.

Meantime, Chairman Leonardo Cruz filed with the CSC a complaint (here involved) against private respondent Rodolfo de Jesus, Deputy Administrator of LWUA for "Grave Misconduct, Dishonesty and Conduct Grossly Prejudicial to the Best Interest of the Service." In his complaint, Cruz averred that private respondent should be held liable for disregarding, among other things, the "disputed resolution" by continuing to receive compensation from various water districts as being a board member. The complaint was dismissed by the CSC (herein petitioner) in Resolution No. 98-3057, dated 25 November 1998, viz:

"WHEREFORE, the complaint of Leonardo C. Cruz against LWUA Deputy Administrator Rodolfo S. De Jesus is hereby dismissed.

"All LWUA officials are hereby directed to immediately implement and observe CSC Resolution No 95-4073 dated July 11, 1995.

"Let a copy of this Resolution and CSC Resolution No. 95-4073 dated July 11, 1995 be furnished the Commission on Audit for its reference." [2]

In the decision, the receipt of compensation by de Jesus was not so construed as a deliberate and intentional defiance of the "disputed resolution" of the Commission considering that the matter was yet on appeal and his motion for intervention had remained unacted upon in CA-G.R. CV No. 40613. Private respondent, however, disagreed with the additional directive in the disputed resolution to the effect that "All LWUA officials are hereby directed to immediately implement and observe CSC Resolution No. 95-4073 dated 11 July 1995." His move to have it reconsidered in his case was denied by petitioner in its CSC Resolution No. 99-1497 of 07 July 1999, prompting private respondent to file, on 28 July 1999, his own petition for review with the Court of Appeals (docketed CA-G.R. SP No. 54070).

In its now assailed decision, dated 13 December 1999, the appellate court partly said:

"First of all, it is undisputed, as in fact it is admitted by both parties that Resolution No. 954073 of public respondent CSC is still pending before a Division of this Court, denominated as CA G.R. 40613. Such being the case, it behooves Us not to take any action in this instant case to avoid any absurd situation where Our Resolution/Decision may differ with that of the other Division. It is dear that the basis of the complaint subject matter of this appeal is precisely Resolution No. 954073. Until and unless that Resolution can be acted upon by the Division before whom it is pending, Our action herein is premature, to say the least. We cannot allow a situation to arise where there maybe a conflict of Decision between two (2) Divisions of the Court. On that basis, this appeal ought to be given due course." [3]

Verily, the Court of Appeals would have yet to rule in CA-G.R. CV No. 40613 where herein private respondent de Jesus filed, on 06 March 1998, a motion to intervene. It was thus correct, as well as prudent, for the Court of Appeals not to take any premature action in CA-G.R. SP No. 54070. Strangely, however, it contradicted itself by nullifying and enjoining the implementation of the disputed resolution in the case of herein private respondent. The proper and logical recourse would have been for it to order the consolidation of CA-G.R. SP No. 54070 with CA G.R. CV No. 40613.

The instant petition must thus be partly granted by ordering the remand of this case to respondent Court of Appeals and the consolidation of CA-G.R. SP No. 54070 with CA-G.R. CV No. 40613.

WHEREFORE, the decision appealed from is set aside, and the case is REMANDED to the Court of Appeals for consolidation with CA-G.R. CV No. 40613. No costs.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and De Leon, Jr., JJ., concur.

[1] Rollo, p. 19.

[2] Rollo, p. 33.

[3] Rollo, p. 22.

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