EMILIE G. DE LUNA, PETITIONER, VS. FEDERICO C. PASCUAL, IN HIS CAPACITY AS PRESIDENT AND GENERAL MANAGER, AND DANIEL N. MIJARES, IN HIS CAPACITY AS SR. VICE-PRESIDENT FOR BRANCH...

G.R. NO. 144218. July 14, 2006

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court is a Petition for Review on Certiorari of the Decision[1] of the Court of Appeals (CA) in CA-G.R. SP No. 56540 granting the petition for certiorari and prohibition of respondent Government Service Insurance System (GSIS), through its then President and General Manager, respondent Federico C. Pascual, and its Senior Vice President (SVP) for Branches, respondent Daniel N. Mijares, as well as the Resolution denying

the motion for reconsideration thereof. The CA ruling nullified the Order[2] of the Regional Trial Court (RTC) of Lucena City, Quezon, in Special Civil Case No. 99-186 which granted the petition for the issuance of a writ of preliminary injunction in favor of petitioner Emilie de Luna.

The factual antecedents follow:

Sometime in 1996, Adelina Aliwalas, Rosa Evero, Leonardo Evero, Necitas Tolentino, and Olivia Maano, all employees of the GSIS Lucena City Branch, filed an administrative complaint for Oppression and Grave Misconduct against petitioner who was then their Branch Manager. The accusatory portion of the charge reads:

> That respondent Emilie de Luna, on several occasions, in her office, in the general meetings and in telephone conversations, scolded, humiliated, embarrassed and maligned herein complainants for not voting her KMG candidates, for filing a protest against her recommendees, for not signing petitions and for disobeying her personal and capricious instructions as narrated in the respective sworn affidavits submitted by complainants which will form an integral part of this charge.
>
> These incidents happened after the 1991 KMG national elections and when the petitions were presented for the signatures of GSIS Lucena Branch Office employees, to wit:
>
> a. Petition against COA-GSIS Personnel in February 1995;
>
> b. Petition for the appointment of Mr. Francisco Baldeo as KMG representative in LSPB, in place of Dra. Violeta Angat in December 1995;
>
> c. Petition for the transfer of Dra. Violeta Angat in January 1996; and
>
> d. Petition for retention of Ms. Emilie de Luna as Branch Manager of GSIS Lucena Branch Office on March 8, 1996.
>
> However, despite the presence of a nurse (Julieta C. Jalbuena), Manager de Luna never recommended her to the vacant nurse position left by Ms. Espie Ravanzo, who went to the United States of America in 1988.[3]

The case was docketed as Administrative Case No. 006-96.

Another administrative complaint for oppression had earlier been filed against petitioner, docketed as Administrative Case No. 004-96, by GSIS Lucena City Branch Medical Officer Violeta Angat. After the requisite formal investigation, petitioner was found guilty and was meted a penalty of six (6) months suspension. On appeal, however, the Civil Service Commission (CSC) found petitioner guilty of simple neglect only, and thus reduced the suspension to one (1) month and one (1) day.

During the formal investigation of Administrative Case No. 006-96, petitioner was represented by Atty. Roman Mendioro. On August 10, 1999, then GSIS President/General Manager Federico Pascual rendered a Decision[4] finding petitioner guilty as charged, and ordered her dismissed from the government service. The dispositive portion of the decision reads:

> WHEREFORE, respondent is hereby found GUILTY as charged. Considering that respondent had previously been meted an administrative penalty under Board Resolution No. 492 dated 21 December 1996 which record constitutes an aggravating circumstance against her, respondent EMILIE DE LUNA is hereby meted the penalty of DISMISSAL FROM THE SERVICE with forfeiture of whatever benefits she may be entitled to under the law, rules and regulations.[5]

The GSIS Board of Trustees affirmed the decision on September 21, 1999 per Resolution No. 308,[6] and confirmed the same on October 5, 1999.[7] On October 6, 1999, respondent SVP Mijares received from Manuel C. de La Cruz, the Manager of the Department of Investigation, a Memorandum[8] transmitting copies of the decision in Administrative Case No. 006-96 and Resolution No. 308, and requesting that these be served on petitioner.

On the same day, Mijares signed a Memorandum[9] addressed to petitioner informing her that "the Board in Resolution No. 308 dated September 21, 1999 found [her] guilty of the charge of Oppression and Grave Misconduct in GSIS Adm. Case No. 006-96, entitled "Adelina Aliwalas vs. Emilie de Luna," and imposed the penalty of DISMISSAL FROM THE SERVICE with forfeiture of whatever benefits [she] may be entitled to under the law," and that the decision was effective upon receipt thereof. A copy of the decision was enclosed in the said Memorandum.

On October 7, 1999, Benjamin Vivas, Jr., GSIS Area I (Luzon) Vice President, called petitioner and informed her of the decision in her case, as well as the resolution of the GSIS Board of Trustees.

At about 2:00 p.m. on October 8, 1999, petitioner arrived at the GSIS Manila where Vivas held office. Vivas tried handing to her a copy of the decision, but she refused to receive it, insisting that it should be served on her counsel.[10] Vivas then issued a Memorandum[11] directing the Manager, General Services Department, to "send the attached memorandum of SVP Mijares to [petitioner] implementing [Board Resolution No. 308] dated September 21, 1999" through registered mail.

On October 12, 1999, respondent Mijares issued a Memorandum[12] to Nellie S. Camo, Assistant Branch Manager of the GSIS Lucena City Branch, requesting her to serve the enclosed decision and resolution of the Board of Trustees on petitioner. The Memorandum and its enclosures were received by the said office on October 13, 1999.[13] Camo turned over the Memorandum and its enclosures to petitioner's secretary, Maria Carmencita Ong, who was instructed to give it to petitioner. However, petitioner was not in the office and failed to report to the Lucena City Branch on said date. Ong managed to talk to petitioner over the phone on October 14, 1999 and informed her that the decision and resolution had been delivered. Petitioner told Ong that she was very sick and could not report to work. She instructed

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Ong to contact Vivas and respondent Mijares to advise them that she (petitioner) would be undergoing a major operation, and to give her five to ten days' rest, after which she would personally receive the documents at their offices at the GSIS Pasay City.[14] Ong placed the Memorandum of respondent Mijares and its enclosures in a cabinet.[15]

A separate copy of both the decision and resolution was placed in a brown envelope, which was then sent via registered mail to petitioner in the GSIS Lucena City Branch. Ong received the envelope on November 26, 1999.[16] Ong delivered the brown envelope, along with its contents, to petitioner, but the latter did not open it. Instead, she returned the envelope to respondent Mijares, accompanied by a handwritten note[17] dated November 29, 1999 stating that it arrived at the GSIS Lucena Office while she was on official leave; that she had not opened it; and that in accordance with the rules, it should be addressed and delivered to her lawyer of record.

Thereafter, petitioner's counsel, Atty. Roman R. Mendioro, sent a letter[18] dated November 26, 1999 to Investigation Department Manager Manuel De la Cruz, requesting that he be furnished with an official copy of the decision in Adm. Case No. 006-96 and Resolution No. 308. He also wrote respondent Mijares,[19] complaining that he had not yet been furnished with a copy thereof, and pointed out that the date of such receipt would be the reckoning point to file a motion for reconsideration or notice of appeal. He requested that the order terminating the services of petitioner be withdrawn or recalled and that petitioner be allowed to continue her services until the issues are finally adjudicated.

Respondent acknowledged receipt thereof in a letter[20] dated December 6, 1999, and stated that the November 26, 1999 letter had been referred to the GSIS Senior Vice-President for Corporate Legal Services. Federico Pascual immediately issued Office Order No. 60-99, [21] designating Camo as Officer-in-Charge of the GSIS Lucena City Branch.

However, two days later, or on December 8, 1999, petitioner filed a Petition for Certiorari and Mandamus with Prayer for the Issuance of a Writ of Preliminary Injunction against respondents before the RTC of Lucena City. Petitioner averred that respondents had no authority to terminate her services since the decision of the GSIS and Resolution No. 308 was not served on her counsel in the administrative case; as such, the decision had not yet become final and executory. She prayed that after due proceedings, judgment be rendered in her favor as follows:

> A. Considering the gravity and seriousness of the palpable acts of the respondents, a temporary restraining order be issued immediately upon the filing of this petition to preserve and maintain the status quo between the parties pending the resolution of this petition; and after hearing, making such injunction permanent;
>
> B. That an order be likewise issued prohibiting respondents from terminating the services of petitioner and from withholding petitioner's salaries; and,
>
> C. An order be issued allowing petitioner to perform her duties as Branch Manager, GSIS, Lucena City Branch, with right to receive her monthly salary and other benefits coming from her said office;
>
> Further, petitioner prays for other reliefs and remedies which may be deemed just and equitable under the premises.[22]

The RTC set the hearing on the issuance of a writ of preliminary injunction on December 15, 1999 at 8:30 a.m. Petitioner terminated the presentation of her evidence and the hearing was ordered continued at 3:00 p.m. the same day for reception of respondents' evidence.[23]

On December 15, 1999, respondents filed a Motion to Dismiss Petition and Opposition to Prayer for Issuance of Preliminary Injunction[24] on the following grounds:

I

THAT THIS HONORABLE COURT HAS NO JURISDICTION OVER THE SUBJECT MATTER AND/OR THE NATURE OF THE ACTION OR SUIT.

II

THAT THE PETITIONER'S CLAIM OR DEMAND HAS BEEN ABANDONED OR OTHERWISE EXTINGUISHED, HENCE SHE HAS NO CAUSE OF ACTION, PARTICULARLY SINCE THE GSIS DECISION IN ADMINISTRATIVE CASE NO. 006-96 HAS BECOME FINAL AND EXECUTORY.

III

THAT ASSUMING WITHOUT ADMITTING THAT THE DECISION IN ADMINISTRATIVE CASE NO. 006-96 IS NOT YET FINAL AND EXCUTORY, PETITIONER EVIDENTLY LACKS A CAUSE OF ACTION FOR HAVING FAILED TO EXHAUST ADMINISTRATIVE REMEDIES AND THERE IS STILL AN APPEAL AND/OR OTHER PLAIN, SPEEDY AND ADQUATE REMEDIES IN THE ORDINARY COURSE OF LAW.

IV

THAT THE PETITIONER HAS RESORTED TO FORUM-SHOPPING, A CONTEMPTUOUS AND DESPICABLE ACT THAT SHOULD NOT BE COUNTENANCED BY THIS HONORABLE COURT.[25]

Respondents, as movants, averred that under Section 47(2), Title I, Subtitle A, Book V of Executive Order (E.O.) No. 292, otherwise known as the Administrative Code of 1987, respondent Pascual is empowered to remove, suspend or otherwise discipline GSIS personnel subject to the approval of the Board of Trustees; thus he could not be enjoined from performing a duty or exercising a power vested on him by law. Moreover, the RTC had no appellate jurisdiction over the decision of respondent GSIS, as such jurisdiction is vested in the Civil Service Commission (CSC) under Section 47 of E.O. No. 292, in relation to Section 5(a)(2) of the CSC Uniform Rules on Administrative Cases which took effect on September 27, 1999.

Respondents further alleged in their motion that any injunctive relief which may be granted by the RTC of Lucena City cannot be enforced against them, since they hold offices in Manila; the decision of the GSIS and Resolution No. 308 were personally handed by Vivas on October 8, 1999 to petitioner, but the latter refused to receive it; and the service of the decision and resolution on petitioner's secretary, Carmencita Ong, on October 14, 1999, was binding on petitioner.

Respondents also pointed out that petitioner failed to file a motion for reconsideration of the decision within the period therefor; hence, it had already become final and executory and can no longer be enjoined. Moreover, petitioner was guilty of forum shopping: on May 29, 1996, she had filed a petition for certiorari and mandamus against the same respondents in the RTC of Lucena City docketed as Special Civil Case No. 96-76, which was dismissed on September 25, 1996; the CA affirmed this decision on March 9, 1998 (docketed as CA-G.R. No. 44336), which the Supreme Court, in G.R. No. 133774, likewise affirmed via two Resolutions dated July 20, 1998 and September 28, 1998, respectively.

Respondents further argued that the RTC should not issue a writ of preliminary injunction until the case is decided on its merits because the main issue is whether the decision of the GSIS had become final and executory. They insisted that a writ of preliminary injunction should not issue until the resolution of the main issue.

On December 22, 1999, the RTC issued an Order[26] denying the respondents' motion to dismiss and granted a writ of preliminary injunction. It held that under Section 84 of the CSC Uniform Rules on Administrative Cases,

service of the decision must be effected on petitioner's counsel and not on petitioner herself as respondent before the GSIS.[27]

Respondents then filed a Petition for Certiorari and Prohibition (with Prayer for Temporary Restraining Order and Writ of Preliminary Injunction) in the CA, seeking to nullify said Order on the following arguments:

A.

RESPONDENT JUDGE ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION IN ISSUING THE ASSAILED ORDER AND WRIT OF PRELIMINARY INJUNCTION BECAUSE SAID ORDER AND WRIT ARE INTENDED TO ENJOIN OR RESTRAIN THE IMPLEMENTATION OF A DISMISSAL DECISION RENDERED IN A QUASI-CRIMINAL ACTION, ADMINISTRATIVE CASE NO. 006-96, WHICH DECISION OF DISMISSAL UNDER CSC RULES IS IMMEDIATELY EXECUTORY IN NATURE, REGARDLESS OF ANY APPEAL TAKEN.

B.

RESPONDENT JUDGE ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION IN ISSUING THE ASSAILED ORDER AND WRIT OF PRELIMINARY INJUNCTION BECAUSE SAID ORDER AND WRIT ARE INTENDED TO STOP THE PERFORMANCE OF OFFICIAL FUNCTIONS BY PUBLIC OFFICERS.

C.

RESPONDENT JUDGE ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION WHEN HE ISSUED THE ASSAILED ORDER AND WRIT OF PRELIMINARY INJUNCTION WITHOUT FIRST RESOLVING PETITIONER'S MOTION TO DISMISS RAISING JURISDICTIONAL ISSUES BEFORE GRANTING RESPONDENT'S APPLICATION FOR A WRIT OF PRELIMINARY INJUNCTION.

D.

RESPONDENT JUDGE ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION IN ISSUING THE ASSAILED ORDER AND WRIT OF PRELIMINARY INJUNCTION BECAUSE, IN DOING SO, HE HAS ALREADY PREJUDGED, PREDETERMINED OR DISPOSED OF THE ISSUES YET TO BE RESOLVED IN THE MAIN CASE BELOW.

E.

RESPONDENT JUDGE ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION IN CHANGING THE "STATUS QUO" BY ENJOINING OR RESTRAINING PETITIONERS FOR ACT/S ALREADY CONSUMMATED OR CONSIDERED AS FAIT ACCOMPLI.

F.

RESPONDENT JUDGE ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION OR WITH GRAVE ABUSE OF DISCRETION IN ISSUING THE ASSAILED ORDER AND WRIT OF PRELIMINARY INJUNCTION, BECAUSE THE ESSENTIAL INGREDIENT OF GREAT AND IRREPARABLE DAMAGE TO RESPONDENT IS CONSPICUOUSLY ABSENT IN THIS CASE, THAT, ON THE CONTRARY, GREATER DAMAGE OR INJURY WILL BE SUFFERED BY PETITIONERS GSIS AND THE GOVERNMENT AS A RESULT OF SAID ISSUANCES.

G.

RESPONDENT JUDGE ACTED WITHOUT OR IN EXCESS OF HIS JURISDICTION OR WITH GRAVE

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ABUSE OF DISCRETION IN ISSUING THE ASSAILED ORDER AND WRIT OF PRELIMINARY INJUNCTION BECAUSE SAID ORDER AND WRIT ARE DIRECTED AGAINST PETITIONERS WHO ARE BOTH HOLDING OFFICES OUTSIDE THE TERRITORIAL JURISDICTION OF RESPONDENT COURT.[28]

On May 12, 2000, the CA rendered judgment granting the petition.[29] Petitioner filed a motion for reconsideration, which the appellate court denied for lack of merit.

Thus, petitioner filed the instant petition, alleging that:

I

THE DECISION OF HONORABLE COURT OF APPEALS IN THE INTERPRETATION OF SECTIONS 37 AND 84 OF THE UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE (CIVIL SERVICE COMMISSION RESOLUTION NO. 991936, effective 27 SEPTEMBER 1999), IS NOT IN ACCORDANCE WITH LAW AND WITH THE APPLICABLE DECISIONS OF THE SUPREME COURT WHEN IT DECLARED THAT THERE IS NO NECESSITY OF FURNISHING PETITIONER'S COUNSEL A COPY OF THE DECISION OF RESPONDENT FEDERICO C. PASCUAL.

II

THE HONORABLE COURT OF APPEALS, BY VIRTUE OF THE QUESTIONED DECISION, HAS SANCTIONED RESPONDENTS' DEPARTURE FROM ACCEPTED AND USUAL COURSE OF ADMINISTRATIVE PROCEEDINGS WHEN IT DECLARED THAT THE DECISION OF RESPONDENT FEDERICO C. PASCUAL IN ADMINISTRATIVE CASE No. 006-96 ENTITLED "ADELINA ALIWALAS, ET AL., VERSUS EMILIE DE LUNA, FOR OPPRESSION" IS EFFECTIVE WITH FINALITY ALTHOUGH PETITIONER'S COUNSEL WAS NEVER SERVED A COPY OF THE DECISION AS REQUIRED BY LAW AND EVEN THOUGH THE REGLEMETNARY PERIOD OF FIFTEEN (15) DAYS WITHIN WHICH TO FILE A MOTION FOR RECONSIDERATION OR AN APPEAL HAD NOT YET LAPSED.

III

THE DECISION RENDERED BY RESPONDENT FEDERICO C. PASCUAL AND THE MANNER BY WHICH IT WAS EXECUTED RESPONDENT DANIEL N. MIJARES, AND WHICH THE HONORABLE COURT OF APPEALS HAS SANCTIONED BY VIRTUE OF THE ASSAILED DECISION, IS UNLAWFUL, ILLEGAL AND NULL AND VOID.[30]

Petitioner maintains that under Section 84 of the CSC Uniform Rules on Administrative Cases in the Civil Service (CSC Rules), and Section 14, Chapter 3, Book VII of the 1987 Revised Administrative Code, respondents were mandated to serve a copy of the GSIS decision on her counsel; service on her of a copy of said decision was not effective and did not toll the running of the reglementary period to file a motion for reconsideration or to perfect an appeal therefrom. Petitioner insists that the clause in Section 84 of the CSC Rules "but receipt by either counsel or party shall be deemed to be a valid service" is only valid "for the purpose of reckoning the start of the fifteen (15) day period to file a motion for reconsideration or notice of appeal," in which case, the later date is controlling. She insists that Section 14, Chapter 3, Book VII of the 1987 Revised Administrative Code should be read together with Section 37, Chapter 3, Book VII of the same Code. Vivas" attempt to serve a copy of the GSIS decision to her on October 8, 1999 was not a valid service because she rejected the same. She argues that the provisions of the Revised Administrative Code also apply to government-owned or controlled corporations such as the GSIS.

Contrary to the ruling of the CA, the decision of the GSIS is not immediately executory because under Section 37

of the CSC Rules, such decision can become final and executory only after the lapse of the period to appeal; petitioner's counsel could not be expected to appeal the decision to the CSC or file a motion for reconsideration since he was not served with a copy of the decision, hence, the filing of a petition for certiorari and prohibition in the RTC.

The petition has no merit.

Section 84 of CSC Resolution No. 991936, otherwise known as the Uniform Rules on Administrative Cases in the Civil Service, which was already in effect on October 8, 1999, reads:

> Section 84. Computation of Period. - In computing any period of time prescribed by these Rules, the first day shall be excluded and the last day included unless it be a Saturday, a Sunday or a legal holiday, in which case the period shall run until the end of the next working day which is neither a Saturday, a Sunday nor a legal holiday.
>
> Copies of decisions and other communications shall be served on counsel but receipt by either counsel or party shall be deemed to be a valid service. The period to perfect a motion for reconsideration or an appeal shall be reckoned from the date of receipt of counsel or party, whichever is later. (Emphasis supplied)

The rule is clear and unambiguous. A copy of the decision of the GSIS may be served on the respondent herself and/or her counsel, and the period to perfect a motion for reconsideration or an appeal shall be reckoned from the date of receipt of counsel or party, whichever is later. If a copy of the decision is served on the respondent only, the period to perfect a motion for reconsideration or appeal shall be reckoned from service of the decision on such party.

The second paragraph of Section 84 of the said Rules should be construed in its entirety and not in truncated parts. The particular words, clauses and phrases in the Rule should not be studied as detached and isolated expressions, but the whole and every part thereof must be considered in fixing the meaning of any of its parts and in order to produce a harmonious whole.[31] The segment of the second paragraph, which states that "copies of decisions and other communications shall be served on counsel," is qualified by the phrase "but receipt by either counsel or party shall be deemed to be a valid service." Thus, under the provision, valid service may be made on either the party, on his or her counsel, or both of them. The option on whom to serve a copy of the decision is lodged on the GSIS. Contrary to petitioner's allegations, the rule does not give petitioner's counsel any preference or priority in service for it to be valid.

On the issue of whether Vivas validly served on petitioner a copy of the decision and resolution of the Board of Trustees on October 8, 1999, we agree with the following ruling of the CA:

> The question in this case then is whether in legal contemplation, copies of said Decision and Resolution had been validly served upon de Luna. There is absolutely no doubt in the mind of the Court that there was valid and complete service upon de Luna of said Decision and Resolution. On October 8, 1999, VP Benjamin Vivas, Jr. personally served upon her said Decision and Resolution but she refused to accept them. On November 29, 1999, de Luna's secretary Carmencita Ong personally delivered to her said documents and she received them. De Luna, however, returned them to petitioner Mijares. De Luna cannot frustrate the proper service of a process to her by simply refusing to accept it. To argue otherwise is to allow her to render for naught adverse decision by simply refusing to receive it. That would simply be absurd!
>
> This Court, therefore, rules that de Luna was validly and completely served with said Decision and Resolution on October 8, 1999. Since she did not file any motion for reconsideration nor perfect an appeal with the prescribed period, said decision has already attained finality.
>
> Under the circumstances, it was indeed grave abuse of discretion for the respondent judge to issue the writ of

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> preliminary injunction enjoining the enforcement of a final judgment of an administrative agency of government.[32]

The uncontroverted testimony of Vivas is that he informed the petitioner of the GSIS decision and of the resolution of the Board of Trustees on October 7, 1999. The next day, October 8, 1999, petitioner arrived in the office of Vivas and when the latter attempted to hand a copy of the decision and resolution to her, petitioner refused to receive it. While respondents were thereafter no longer obliged to furnish a copy of the decision and resolution, they still caused the sending of a copy of the decision and resolution through registered mail at the branch office in Lucena City on October 14, 1999. The copy was received by petitioner's secretary; petitioner was duly informed thereof, but the latter refused to take delivery, insisting that, to be binding on her, service of said decision must be made on her counsel.

Petitioner cannot find solace in Book VII, Chapters 1, 2 and 3 of the 1987 Revised Administrative Code. CSC Resolution No. 991936 dated August 31, 1999 which was approved by the Commission pursuant to Section 12(2), Chapter 3, Title I, sub-title (A), Book V of the said Code, empowers it to prescribe, amend and enforce all rules and regulations to effectively carry out its mandate governs administrative cases in the civil service.

Significantly, even Section 14, Chapter 3, Book VII of the Revised Administrative Code which petitioner invokes provides that the parties, or their counsel, if any, shall be notified of the decision of the administrative body.[33]

We also agree with the ruling of the CA that petitioner failed to perfect a motion for reconsideration of the decision or to appeal therefrom within the period therefor. Under Rule III, Section 38 of the CSC Uniform Rules on Administrative Cases, petitioner had fifteen (15) days from receipt thereof within which to file a motion for reconsideration.[34] Section 46 provides that an appeal is perfected upon submission of the following within fifteen (15) days from receipt of the decision:

- Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;

- Three (3) copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence.

- Proof of service of a copy of the appeal memorandum to the disciplining office;

- Proof of payment of the appeal fee; and

- A statement or certificate of non-forum shopping.[35]

In this case, petitioner failed to file a motion for reconsideration of the decision or to appeal within the prescribed period; hence, the decision of the GSIS, became final and executory, and as such, can no longer be reversed or modified. It must be stressed that despite the finality of the GSIS decision, petitioner filed her petition in the RTC on December 8, 1999; the RTC, for its part, nevertheless issued a writ of preliminary injunction, and as such committed grave abuse of discretion amounting to excess or lack of jurisdiction.

Case law is that, after a judgment has gained finality, it becomes the ministerial duty of the court or quasi-judicial tribunal to order its execution. No court, perforce, should interfere by injunction or otherwise restrain such execution. While the rule concededly admits of exceptions where the interested party may ask a competent court to grant injunctive relief and stay the execution of a decision or prevent its enforcement, there must be a clear showing that facts and circumstances exist which would render execution unjust or equitable, or that a change in the situation of the parties occurred. To disturb the final and executory decision of the GSIS in an injunction suit

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is to brazenly disregard the rule on finality of judgments.

Petitioner failed to establish any justification for the issuance of a writ of preliminary injunction despite the finality of the decision of the GSIS. Administrative decisions must end sometime, as fully as public policy demands that finality be written on judicial controversies. Public interest requires that proceedings already terminated should not be altered at every step, for the rule of non quieta movere prescribes that what had already been terminated should not be disturbed. A disregard of this principle does not commend itself to sound public policy.[36]

IN LIGHT OF ALL THE FOREGOING, the petition is DENIED. Costs against the petitioner.

SO ORDERED.

Panganiban, (Chairman), Ynares-Santiago, Austria-Martinez, and Chico-Nazario, JJ., concur

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[1] Penned by Associate Justice Hilarion L. Aquino, with Associate Justices Buenaventura J. Guerrero and Mercedes Gozo-Dadole (all of them had retired), concurring.

[2] Penned by Judge Ismael B. Sanchez.

[3] CA rollo, pp. 48-49.

[4] Id. at 50-57.

[5] Id. at 57.

[6] Id. at 59.

[7] Id. at 58.

[8] Records, p. 17.

[9] CA rollo, p. 61.

[10] TSN, December 20, 1999, pp. 6-7.

[11] CA rollo, p. 101.

[12] Records, p. 13.

[13] CA rollo, p 107.

[14] TSN, December 15, 1999, p. 85; CA rollo, p. 107.

[15] TSN, December 15, 1999, pp. 89-90.

[16] CA rollo, p. 109.

[17] Id. at 105-106.

[18] Records, p. 16.

[19] Id. at 14.

[20] Id. at 15.

[21] Id. at 9.

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[22] Id. at 11-12.

[23] Id. at 34.

[24] Id. at 37-54.

[25] Id. at 37-38.

[26] Id. at 98-107.

[27] The dispositive portion reads:

WHEREFORE, the requirements of Rule 58 of the 1997 Rules of Civil Procedure having been satisfied, this Court upon filing by the petitioner of a bond of P50,000.00 to answer for the damages which respondents may suffer by reason of the issuance of the injunction prayed for, should the Court finally adjudged (sic) that the petitioner is not entitled thereto, hereby orders the issuance of a writ of preliminary injunction ordering the respondents to cease and desist from enforcing the decision in Administrative Case No. 006-96 and to refrain from implementing said Decision, the GSIS Board Resolution No. 308, and the Memorandum of SVP Mijares dated October 6, 1999, and finally, to refrain from withholding or suspending petitioner's salaries until such time and during the pendency of the trial on the merit[s] of the present petition. (Records, p. 106-107)

[28] CA rollo, pp. 10-12.

[29] The dispositive portion reads:

WHEREFORE, finding the petition to be meritorious, this Court renders judgment annulling the Order and Writ of Preliminary Injunction dated December 22, 1999 in Civil Case No. 99-186.

SO ORDERED. (Rollo, p. 45)

[30] Rollo, p. 13.

[31] Yamaoka v. Pescarich Manufacturing Corporation, 414 Phil. 211, 219 (2001).

[32] Rollo, pp. 41-45.

[33] The full text of the provision reads:

SEC. 14. Decision. - Every decision rendered by the agency in a contested case shall be in writing and shall state clearly and distinctly the facts and the law on which it is based. The agency shall decide each case within thirty (30) days following its submission. The parties shall be notified of the decision personally or by registered mail addressed to their counsel of record, if any, or to them. (Emphasis supplied)

[34] The full text of the provision reads:

Section 38. Filing of Motion for Reconsideration. - The party adversely affected by the decision may file a motion for reconsideration with the disciplining authority who rendered the same within fifteen (15) days from receipt thereof.

[35] This provision has been amended by CSC Resolution No. 020319 dated February 28, 2002 (published on March 11, 2002) which reads:

Section 46. Perfection of an Appeal. - To perfect an appeal, the appellant shall submit the following documents:

(a) Notice of appeal which shall specifically state the date of the decision appealed from and the date of receipt thereof;

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(b) Three copies of appeal memorandum containing the grounds relied upon for the appeal, together with the certified true copy of the decision, resolution or order appealed from, and certified copies of the documents or evidence;

(c) Proof of service of a copy of the appeal memorandum to the disciplining office;

(d) Proof of payment of the appeal fee; and

(e) A statement or certificate of non-forum shopping.

When an appellant fails to comply with any of the above requirements within the reglementary period, the Commission shall direct compliance therewith within a period of ten (10) days from receipt of said directive, with a warning that failure to comply within the said period of ten (10) days shall be construed as a deliberate intent to delay and thus considered as failure to perfect an appeal and shall cause the dismissal of the appeal with prejudice to its refiling.

[36] Philippine Sinter Corporation vs. Cagayan Electric Power and Light Co.,Inc., 431 Phil. 324, 334 (2002).

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