

**PHILIPPINE AMUSEMENT AND GAMING CORPORATION (PAGCOR),
REPRESENTED BY ATTY. CARLOS R. BAUTISTA, JR., PETITIONER, VS.
RUFINO G. AUMENTADO, JR., RESPONDENT.**

G.R. No. 173634. July 22, 2010

Ponente: CARPIO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-173634/>

CARPIO, J.:

The Case

This is a petition for review[1] of the 28 April 2006 Decision[2] and 19 July 2006 Resolution[3] of the Court of Appeals in CA-G.R. SP No. 83624. In its 28 April 2006 Decision, the Court of Appeals denied the petition for review filed by petitioner Philippine Amusement and Gaming Corporation (PAGCOR) of Civil Service Commission (CSC) Resolution No. 03-0082.[4] In its 19 July 2006 Resolution, the Court of Appeals denied PAGCOR's motion for reconsideration.

The Facts

Respondent Rufino G. Aumentado, Jr. (respondent) was employed by PAGCOR as a table supervisor. Subsequently, PAGCOR dismissed respondent from the service. Feeling aggrieved, respondent filed a complaint for illegal dismissal.

In CSC Resolution No. 98-1996 dated 27 July 1998, the CSC ruled that respondent was illegally terminated from the service and ordered respondent's reinstatement and the payment of his backwages. PAGCOR filed a motion for reconsideration. On 5 October 1998, the CSC denied PAGCOR's motion.

PAGCOR appealed to the Court of Appeals. The Court of Appeals affirmed the CSC's decision.

PAGCOR appealed to this Court. In our 20 November 2000 Resolution in G.R. No. 144500, we denied PAGCOR's appeal for failure to take the appeal within the reglementary period of 15 days.[5] On 29 January 2001, our 20 November 2000 Resolution became final and executory.[6]

In his 15 March 2001 letter addressed to the CSC, the Chairman and Chief Executive Officer and the Board of Directors of PAGCOR, respondent requested for his immediate reinstatement and the payment of his backwages.[7] Respondent also filed a motion for execution before the CSC. In CSC Resolution No. 02-0773 dated 30 May 2002,[8] the CSC granted respondent's motion. The dispositive portion of CSC Resolution No. 02-0773 provides:

WHEREFORE, the Philippine Amusement and Gaming Corporation (PAGCOR), through its responsible officials, is hereby ORDERED, for the last time, to effect FORTHWITH the reinstatement of Rufino G. Aumentado, Jr. according to the tenor of CSC Resolution No. 98-1996 dated July 27, 1998. It is likewise ORDERED that it directly furnish the Commission with its compliance report as soon as possible. Be

forewarned that failure to do so shall constrain the Commission to take punitive actions, within the bounds of law, against the accountable officials of PAGCOR. Finally, it is understood that the Commission shall no longer entertain any more representation from PAGCOR insofar as it concerns the instant case.

Civil Service Commission - National Capital Region (CSC-NCR) is hereby ordered to closely monitor the implementation of this Resolution and for its Regional Director to submit her report within fifteen (15) days from receipt hereof.[9]

However, on 4 April 2001, PAGCOR and respondent entered into an amicable settlement and, for monetary consideration, respondent executed a quitclaim which reads:

FOR THE SOLE CONSIDERATION OF THE SUM OF EIGHT HUNDRED FORTY THREE THOUSAND THREE HUNDRED EIGHTY AND 40/100 (P843,840.41) [sic] receipt of which is hereby acknowledged, I, RUFINO G. AUMENTADO, JR. of 56-A Rizal Avenue Extension, Basak, Mambaling, Cebu City, do hereby waive, quit, renounce, release and forever discharge the Philippine Amusement and Gaming Corporation (PAGCOR), with address at 1330 PAGCOR House, Roxas Blvd., Ermita, Manila, and its employees, from any and all actions, claims, demands and rights of action whatsoever, including my right to reinstatement, arising out of my previous employment thereon, or in connection with CSC Resolution No. 981996 of July 27, 1998 of which I am fully compensated.

This release may be pleaded as a bar to any criminal, civil or administrative suit or proceeding which may be taken or have been taken in connection with the aforementioned employment and other circumstances pertaining thereto.

It is further agreed that PAGCOR is hereby released from all claims, demands and rights of action from the undersigned.[10]

On 1 July 2002, PAGCOR filed with the CSC a "Manifestation of Quitclaim with Prayer to Declare Complainant in Contempt." [11] PAGCOR sought the reconsideration of CSC Resolution No. 02-0773 on the basis of the quitclaim executed by respondent.

In CSC Resolution No. 03-0082 dated 20 January 2003, the CSC denied PAGCOR's motion. The dispositive portion of CSC Resolution No. 03-0082 provides:

WHEREFORE, the motion of the Philippine Amusement and Gaming Corporation to set aside CSC Resolution No. 02-0773, dated June 26, 2002, is hereby DENIED. There being no more legal impediment, Rufino G. Aumentado, Jr. should now be reinstated forthwith to his former position, or, if the same be legally untenable, to any equivalent position. The payment made to him in consonance with the quitclaim shall be deemed to be an advance of his back salaries, the amount of which should be reckoned from the time of his illegal dismissal up to the date of his actual reinstatement, but not to exceed five (5) years.[12]

PAGCOR filed a motion for reconsideration. In CSC Resolution No. 04-0395 dated 5 April 2004 Resolution,[13] the CSC denied PAGCOR's motion.

PAGCOR appealed to the Court of Appeals.

The Ruling of the Court of Appeals

In its 28 April 2006 Decision, the Court of Appeals denied PAGCOR's appeal. The Court of Appeals ruled that the appeal was not proper because Rule 43 of the Rules of Court (the Rules) applies only to appeals from judgments or final orders of an administrative body. According to the Court of Appeals, PAGCOR's appeal was not one from a judgment or final order of the CSC but was directed against a resolution ordering respondent's reinstatement in accordance with a decision which had already become final and executory. The Court of Appeals

added that an order of execution is not appealable.

PAGCOR filed a motion for reconsideration. In its 19 July 2006 Resolution, the Court of Appeals denied PAGCOR's motion.

Hence, this petition.

The Issues

PAGCOR raises the following issues:

I.

Whether or not the Court of Appeals erred in ruling that its jurisdiction under Rule 43 of the Rules of Court is limited only to JUDGMENTS and FINAL ORDERS of the Civil Service Commission?

II.

Whether or not the Court of Appeals erred in ruling that CSC Resolution No. 02-0773 dated May 30, 2002, CSC Resolution No. 03-0082 dated January 20, 2003, [and] CSC Resolution No. 04-0395 dated April 5, 2004, are merely orders for execution thus not susceptible to appeal?[14]

In the event that we rule on the affirmative and in the interest of substantial justice, PAGCOR prays that we rule on the validity of the quitclaim and on the CSC's jurisdiction to pass upon its validity.

The Ruling of the Court

The petition is meritorious.

First, PAGCOR is correct that the jurisdiction of the Court of Appeals over petitions for review under Rule 43 is not limited to judgments and final orders of the CSC. Section 1, Rule 43 of the Rules provides:

SECTION 1. Scope. - This Rule shall apply to appeals from judgments or final orders of the Court of Tax Appeals and from awards, judgments, final orders or resolutions of or authorized by any quasi-judicial agency in the exercise of its quasi-judicial functions. Among these agencies are the Civil Service Commission, x x x. (Emphasis supplied)

It is clear from the Rules that the Court of Appeals can entertain appeals from awards, judgments, final orders or resolutions of the CSC.

Second, when the Court of Appeals declared that CSC Resolution Nos. 02-0773, 03-0082, and 04-0395 were not subject to appeal, the Court of Appeals applied Section 1, Rule 41 of the Rules which provides:

SECTION 1. Subject of Appeal. - An appeal may be taken from a judgment or final order that completely disposes of the case, or of a particular matter therein when declared by these Rules to be appealable.

No appeal may be taken from:

- a) An order denying a motion for new trial or reconsideration;
- b) An order denying a petition for relief or any similar motion seeking relief from judgment;
- c) An interlocutory order;
- d) An order disallowing or dismissing an appeal;
- e) An order denying a motion to set aside a judgment by consent, confession or compromise on the ground of

fraud, mistake, duress, or any other ground vitiating consent;

f) An order of execution;

g) A judgment or final order for or against one or more of several parties or in separate claims, counterclaims, cross-claims and third-party complaints, while the main case is pending, unless the court allows an appeal therefrom; and

h) An order dismissing an action without prejudice.

In all the above instances where the judgment or final order is not appealable, the aggrieved party may file an appropriate special civil action under Rule 65. (Emphasis supplied)

The general rule is that an order of execution is not appealable; otherwise, a case would never end.[15] There are, however, exceptions to this rule, namely:

1. The writ of execution varies the judgment;
2. There has been a change in the situation of the parties making execution inequitable or unjust;
3. Execution is sought to be enforced against property exempt from execution;
4. It appears that the controversy has been submitted to the judgment of the court;
5. The terms of the judgment are not clear enough and there remains room for interpretation thereof; or
6. It appears that the writ of execution has been improvidently issued, or that it is defective in substance, or issued against the wrong party, or that the judgment debt has been paid or otherwise satisfied, or the writ issued without authority.[16]

In these exceptional circumstances, considerations of justice and equity dictate that there be some remedy available to the aggrieved party. The remedy may either be by appeal or by a special civil action of certiorari, prohibition, or mandamus.[17]

PAGCOR argues that the quitclaim changed the situation of the parties making the execution of CSC Resolution No. 98-1996 unjust. PAGCOR contends that it refused to reinstate respondent because he already executed the quitclaim and waived his right to reinstatement.

PAGCOR and respondent executed the quitclaim after the entry of judgment. The execution of a quitclaim after a decision has become final and executory is a supervening event which could affect the execution of the decision. The quitclaim between PAGCOR and respondent brought about a change in their situation because the validity of the quitclaim would determine whether respondent is entitled to reinstatement. The validity of the quitclaim will also determine if the execution of CSC Resolution No. 98-1996 will be inequitable or unjust.

In this case, the CSC, without mentioning the quitclaim, issued CSC Resolution No. 02-0773 and ordered respondent's reinstatement. The CSC only took notice of the quitclaim in CSC Resolution No. 03-0082 and declared it void. PAGCOR insists that the quitclaim is valid.[18] The Court of Appeals subsequently denied PAGCOR's appeal without ruling on the validity of the quitclaim.

The issue on the validity of the quitclaim is a question of fact which should have been properly decided by the Court of Appeals. As we are not a trier of facts, we remand the case to the Court of Appeals for a thorough examination of the evidence and a judicious disposal of the case.

WHEREFORE, we GRANT the Petition. We SET ASIDE the 28 April 2006 Decision and 19 July 2006 Resolution of the Court of Appeals in CA-G.R. SP No. 83624. Petitioner Philippine Amusement and Gaming

Corporation's appeal is REINSTATED and the instant case is REMANDED to the Court of Appeals for further proceedings, particularly on the validity of the quitclaim.

SO ORDERED.

Corona, C.J. Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

[1] Under Rule 45 of the Rules of Court.

[2] Rollo, pp. 158-166. Penned by Associate Justice Jose C. Reyes, Jr., with Associate Justices Eliezer R. De Los Santos and Arturo G. Tayag, concurring.

[3] Id. at 174.

[4] Id. at 69-76. Penned by J. Waldemar V. Valmores, with Chairman Karina Constantino-David and Commissioner Jose F. Erestain, Jr., concurring.

[5] Id. at 219.

[6] Id. at 220.

[7] Id. at 221-222.

[8] Id. at 52-53. Penned by J. Waldemar V. Valmores, with Chairman Karina Constantino-David and Commissioner Jose F. Erestain, Jr., concurring.

[9] Id. at 53.

[10] Id. at 43.

[11] Id. at 54-59.

[12] Id. at 76.

[13] Id. at 82-89. Penned by J. Waldemar V. Valmores, with Chairman Karina Constantino-David and Commissioner Cesar D. Buenaflor, concurring.

[14] Id. at 238.

[15] Buñag v. Court of Appeals, 363 Phil. 216 (1999); Reburiano v. Court of Appeals, 361 Phil. 294 (1999); Imperial Insurance v. De Los Angeles, 197 Phil. 23 (1982); Corpus v. Alikpala, 130 Phil. 88 (1968).

[16] Philippine Economic Zone Authority v. Borreta, G.R. No. 142669, 15 March 2006, 484 SCRA 664, 670 citing Reburiano v. Court of Appeals, supra.

[17] Reburiano v. Court of Appeals, supra note 15.

[18] Also attached to the rollo is a Decision of the Office of the Ombudsman dated 26 February 2002 dismissing the administrative complaint filed by respondent against Atty. Carlos R. Bautista, Jr. for conduct prejudicial to the best interest of the service. The 26 February 2002 Decision also declared that respondent validly waived his right to reinstatement. (Rollo, pp. 44-51. The Decision was penned by Graft Investigation Officer I Vivian H. Magsino and approved by Ombudsman Aniano A. Desierto.)

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.