

ROBERTO C. EUSEBIO, PETITIONER, VS. CIVIL SERVICE COMMISSION, RESPONDENT.

G.R. No. 223623. January 29, 2020

Ponente: LAZARO-JAVIER, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/g-r-no-223623/>

LAZARO-JAVIER, J.:

The Cases

In G.R. No. 223644 the Civil Service Commission (CSC) assails the following dispositions of the Court of Appeals in CA-G.R. SP No. 129526 entitled "Roberto C. Eusebio v. CSC":

(1)

Decision dated July 21, 2015[1] insofar as it reduced the fine which the CSC imposed on Roberto C. Eusebio from P416,000.00 to P30,000.00; and

2)

Resolution dated February 19, 2016 [2] denying the CSC's motion for reconsideration.

In G.R. No. 223623, Roberto C. Eusebio twice moved for extension to file a petition for review on certiorari against the same dispositions but despite the lapse of the extended period sought, has not to this date filed his intended petition for review on certiorari. By Resolution dated March 29, 2017,[3] the Court declared G.R. No. 223623 closed and terminated. Entry of judgment thereon was thereafter issued as a matter of course.[4]

Antecedents

The facts are undisputed.

On February 1, 2008, then Pasig City Mayor Eusebio appointed retired career diplomat Rosalina V. Tirona as President of the Pamantasan ng Lungsod ng Pasig (PLP) for a four (4)-year term or until January 31, 2012. The CSC approved Tirona's appointment.[5]

Upon his re-election, on June 7, 2010, Eusebio issued a memorandum urging all Pasig City chiefs of office, including Tirona, to tender their courtesy resignations. Tirona did not heed the call and wrote Eusebio why she will not resign.[6]

Through letter dated July 19, 2010, Eusebio terminated Tirona's appointment as PLP President and declared the position vacant. He cited as reason Tirona's having reached the compulsory retirement age of seventy (70). Aggrieved, Tirona questioned her termination before the CSC.[7]

By Decision dated September 23, 2010, the CSC ruled that Tirona was illegally dismissed and, thus, ordered her

reinstatement as PLP President, viz:

WHEREFORE, foregoing premises considered, the Commission hereby resolves to GRANT the appeal of Rosalinda V. Tirona. The letter dated July 19, 2010 of City Mayor Roberto C. Eusebio terminating her service as President of the Pamantasan ng Lungsod ng Pasig is REVERSED and SET ASIDE. Tirona should be reinstated into the service.[8]

Eusebio and the PLP Board of Regents filed separate motions for reconsideration which were denied under Resolution dated December 13, 2010.[9]

They further appealed to the Court of Appeals via CA-G.R. SP No. 117512. The Court of Appeals, meantime, did not issue any injunctive relief or restraining order to enjoin Tirona's reinstatement. But still, Eusebio did not comply with the CSC's directive for Tirona's reinstatement.[10]

Consequently, on June 21, 2011, the CSC motu proprio charged Eusebio with indirect contempt.[11]

In his Answer, Eusebio reasoned that his failure to reinstate Tirona was not contumacious since he did not act in bad faith; his timely appeal from the CSC's dispositions purportedly stayed the finality of the order of reinstatement. At any rate, Tirona never filed any motion to implement her reinstatement.[12]

The CSC Rulings

Under Decision No. 12-0843 dated November 26, 2012,[13] the CSC held Eusebio liable for indirect contempt and imposed on him a fine of P416,000.00, thus:

WHEREFORE, premises considered, the City Mayor Roberto C. Eusebio of the Pasig City Government, Pasig City, is hereby adjudged GUILTY of Indirect Contempt of the Commission. Accordingly, he is imposed a fine of One Thousand Pesos (P1,000.00) per day, payable to the Commission, counted from the denial of the respondent's Motion for Reconsideration of CSC Resolution No. 10-0068 dated September 23, 2010 on December 13, 2010 up to the end of the four-year term of Rosalina V. Tirona as University/College President III of the Pamantasan ng Lungsod ng Pasig (PLP), or an amount equivalent to the four hundred sixteen thousand pesos (P416,000.00) for the period from December 13, 2010 up to February 1, 2012.[14]

The Disbursing Officer/Cashier of the Pasig City Government is directed to deduct from the salaries, monetary benefits, and allowance of the City Mayor Eusebio the accumulated amount of fine of four hundred sixteen thousand pesos (P416,000.00) and remit the same to the Commission.

A copy of this Decision shall be furnished the Commission on Audit for appropriate action.[15]

It held that under Section 82 of the Uniform Rules on Administrative Cases in the Civil Service (URACCS),[16] which was still in force during the time material to the case, final rulings of the CSC are immediately executory. Appeals therefrom will not stay their implementation unless the Court of Appeals restrains or enjoins it.

As for the impossible penalty, it cited Section 4 of its Memorandum Circular No. 42, s. 1990[17] as amended by CSC Resolution No. 071245 dated June 22, 2007, otherwise known as the CSC Revised Rules on Contempt, viz:

Section 4. Punishment if found guilty- If the respondent is adjudged guilty of indirect contempt committed against the Commission, he/she may be punished by a fine of One Thousand (P1,000.00) Pesos per day for every act of indirect contempt. Each day of defiance of, or disobedience to, or non-enforcement of a final order, resolution, decision, ruling, injunction or processes, shall constitute an indirect contempt of the

Commission. If the contempt consists in the violation of an injunction or omission to do an act which is within the power of the respondent to perform, the respondent shall, in addition, be made liable for all damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct, disobedience to, defiance of a lawful order, and/or such other contumacious acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.

Damages sustained by the aggrieved party shall refer to the total amount of his or her salaries and other money benefits which shall have accrued to the latter had the final order, decision, resolution, ruling, injunction, or processes of the Commission been enforced/implemented immediately. (emphasis added)

Based thereon, Eusebio was fined P1,000.00 per day starting from December 13, 2010 when the CSC denied his motion for reconsideration until Tirona shall have been reinstated as PLP President. But since Tirona had never been reinstated and her term in the meantime had already expired as of January 31, 2012, the fine was re-computed to start from December 13, 2010 to January 31, 2012.

Under Resolution No. 13-00522 dated March 12, 2013, the CSC denied Eusebio's motion for reconsideration.[18] Aggrieved, Eusebio filed another petition for review with the Court of Appeals via CA-G.R. SP No. 129526, this time assailing the dispositions in the case for indirect contempt.[19]

Meanwhile, the Court of Appeals dismissed the first petition for review filed by Eusebio and the PLP Board of Regents in CA-G.R. SP No. 117512 under Decision dated September 26, 2013.[20] Their motion for reconsideration was denied on May 29, 2014.

Back to CA-G.R. SP No. 129526, pending disposition thereof on the merits, Eusebio paid the P416,000.00 fine imposed by the CSC.[21]

The Court of Appeals' Rulings

Under its assailed Decision dated July 21, 2015 the Court of Appeals affirmed with modification, viz:

WHEREFORE, premises considered, the assailed Decision IS AFFIRMED with MODIFICATION that the amount of the fine is reduced to P30,000.00. No cost.

SO ORDERED. [22]

As it was, although the Court of Appeals upheld Eusebio's liability for indirect contempt, it voided the P1,000.00 per day fine the CSC imposed, thus:

A closer look at the enabling law, however, reveals that there is no specific amount fixed therein for the imposition of fines for indirect contempt. Paragraph 11, Section 12, Title I(A), Book V of EO 292 does not provide for the range of the amount Of fine that the CSC can impose. xxx

xxxx

In this case, the imposition of a fine of P1,000.00 a day against [Eusebio] was not sanctioned by the enabling law itself but only by the administrative rule implementing the same. Obviously, Section 4 of the Revised Rules on Contempt extended the scope of Paragraph 11, Section 12, Title I(A), Book V of Executive Order No. 292. This cannot be done as the spring cannot rise higher than its source.

Moreover, the enormity of the amount of the fine imposed by the public respondent against the petitioner is confiscatory and unreasonable. Administrative authorities must not act arbitrarily and capriciously in the enactment of rules and regulations in the exercise of their delegated power to create new or additional legal

rules that have the effect of law. Such rules and regulations should be within the scope of the legislative authority granted by the legislature and, whether required by statute or judicial decisions, their rules and regulations, to be valid must be reasonable. (words in brackets added, underscoring in the original)[23]

The Court of Appeals deemed it proper to reduce the fine of P416,000.00 to P30,000.00, the maximum amount imposable under Section 7, Rule 71 of the Rules of Court.[24]

Eusebio and the CSC filed their respective motion for reconsideration and partial motion for reconsideration but both were denied under Resolution dated February 19, 2016.[25]

The Present Petition

The Office of the Solicitor General (OSG), through Solicitor General Florin T. Hilbay, Assistant Solicitor General Nyriam Susan O. Sedillo- Hernandez and State Solicitor Samantha P. Camitan now assails the Court of Appeals' dispositions insofar as they reduced the fine imposed by the CSC on Eusebio.

The OSG invokes, first, Section 6, Article IX-A of the 1987 Constitution authorizing the CSC to promulgate its own rules concerning pleadings and practice before its offices, and second, Section 12(2), Chapter 3, Title I, Subtitle A, Book V of Executive Order (EO) 292, otherwise known as the Administrative Code of 1987, empowering the CSC to prescribe and enforce its rules and regulations to effectively carry into effect the provisions of the Civil Service Law and other pertinent laws.[26]

According to the OSG, the CSC neither expanded nor diminished the aforesaid powers when it promulgated its Revised Rules on Contempt. The prescribed fine of Php1,000.00 per day is not rendered invalid by the mere fact that both EO 292 and the 1987 Constitution are silent insofar as penalties in contempt cases are concerned. More so because the imposition of fine is a reasonable measure by which the CSC's mandate may be carried out. It is also a logical consequence of a finding of guilt in contempt cases.[27]

In his Comment,[28] Eusebio maintains that his failure to reinstate Tirona was not contumacious since he did not act in bad faith. Being then the Chairman of the Board of PLP did not mean he had complete power to effect Tirona 's reinstatement.[29]

At any rate, he submits that the Court of Appeals correctly nullified Section 4 of the CSC Revised Rules on Contempt for extending the scope of Paragraph 11, Section 12, Title I(A), Book V of EO 292. Thus, the reduction of the fine of Php416,000.00 is allegedly in order.[30]

Finally, he manifests that Tirona herself has a pending motion to cite him for indirect contempt before the CSC itself arising from the same incident.[31]

The Threshold Issue

First off, in view of the entry of judgment in G.R. No. 223623, the verdict of guilt for indirect contempt against Eusebio had lapsed into finality and may no longer be disturbed. Under the doctrine of finality or immutability of judgment, a decision that has acquired finality becomes immutable and unalterable, and may no longer be modified in any respect, even if the modification is meant to correct erroneous conclusions of fact and law.[32]

The only remaining issue now is --- did the Court of Appeals err in reducing the fine imposed on Eusebio for indirect contempt?

Ruling

The petition is impressed with merit.

Under Section 6, Article IX-A of the 1987 Constitution, the CSC en banc may promulgate its own rules concerning pleadings and practice before any of its offices so long as such rules do not diminish, increase, or modify substantive rights.

Further, Section 12(2), Title I(A), Book V of EO 292 ordains:

SECTION 12. Powers and Functions. -The Commission shall have the following powers and functions:

XXXX

(2) Prescribe amend and enforce rules and regulations for carrying into effect the provisions of the Civil Service Law and other pertinent laws;

XXXX

Pursuant to the foregoing provisions, the CSC issued Memorandum Circular No. 42, s. 1990 which was later amended by CSC Resolution No. 071245 dated June 22, 2007, otherwise known as the CSC Revised Rules on Contempt. Based thereon, the CSC wields the power to punish for contempt. Indeed, the Court has never nullified the rules of procedure of Constitutional Commissions on ground that their respective enabling laws supposedly do not authorize them to prescribe penalties for contemptuous conduct. The Court never curtailed and will never curtail their power to punish for contempt on such ground.

While it is true that Section 16(2)(d), Title I(A), Book V of EO 29233 states that the CSC through its adjudicative arm shall have the power to "punish for contempt in accordance with the same procedures and penalties prescribed in the Rules of Court", Section 12, Rule 71 of the Rules of Court states that the application of said rules is merely suppletory, viz:

Section 12. Contempt against quasi-judicial entities. -Unless otherwise provided by law, this Rule shall apply to contempt committed against persons, entities, bodies or agencies exercising quasi-judicial functions, or shall have suppletory effect to such rules as they may have adopted pursuant to authority granted to them by law to punish for contempt. The Regional Trial Court of the place wherein the contempt has been committed shall have jurisdiction over such charges as may be filed therefor. (emphases added)

Indeed, the Rules of Court must defer to the CSC's power to promulgate and apply its own rules in penalizing contempt committed against it. The existence of the CSC's Revised Rules on Contempt, therefore, calls for the application of its own procedure and penalties, thus, precluding Section 7, Rule 7 of the Rules of Court from coming into play at first instance. This is not an expansion of the CSC's authority to punish for contempt under EO 292 but the Court's deference to the CSC to wield such power.

Under Section 4[34] of the CSC Revised Rules on Contempt, a fine of P1,000.00 may be imposed on the contemnor for each day of defiance of, disobedience to, or non-enforcement of, a final ruling of the CSC. Further, if the contempt consists in the violation of an injunction or omission to do an act which is within the power of respondent to perform, he or she, in addition, shall be liable for damages as a consequence thereof.

In accordance, therefore, with Section 4 of the CSC Revised Rules on Contempt, the CSC imposed a fine of P1,000.00 per day or a total of P416,000.00 on Eusebio for his contumacious defiance of the CSC's directive to reinstate Tirona to her post as PLP President. This conforms with the subsequent CSC rules penalizing contumacious conduct before it. Section 76, Rule 15 of the 2011 Revised Rules in Administrative Cases in the Civil Service provides:

Section 76. Punishment, if found guilty. - If the respondent is adjudged guilty of indirect contempt committed against the Commission, he/she may be punished by a fine of One Thousand (P1,000.00) Pesos per day for every act of indirect contempt. Each day of defiance of, or disobedience to, or non-enforcement of a final order, resolution, decision, ruling, injunction or processes, shall constitute an indirect contempt of the Commission. If the contempt consists in the violation of an injunction or omission to do an act which is still within the power of the respondent to perform, the respondent shall, in addition, be made liable for all damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct, disobedience to, defiance of a lawful order, and/or such other contumacious acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages. (emphasis added)

Meanwhile, Section 85 of the 2017 Rules on Administrative Cases in the Civil Service reads:

Section 85. Penalty, if found guilty. If the respondent is adjudged guilty of indirect contempt against the Commission, he/she may be penalized by a fine of One Thousand Pesos (P1,000.00) per day for every act of indirect contempt and/or suspension for one (1) month up to a maximum period of six (6) months. The fine imposed shall be paid to the Commission and shall be the personal liability of the respondent. (emphasis added)

xxx

As worded, the CSC may impose a fine of P1,000.00 a day for every act of indirect contempt committed against it. The word "may" implies that it is discretionary, not mandatory. It is an auxiliary verb indicating liberty, opportunity, permission and possibility.[35] It means, therefore, that the CSC may impose a fine less than P1,000.00 a day or even dispense therewith depending on the circumstances of each case. In other words, it is not constrained to impose a fine of P1,000.00 a day at every instance of contempt committed against it.

The attendant circumstances here compel the imposition of the maximum fine of P1,000.00 per day for the repeated contumacious act committed by Eusebio against the CSC over a long period of four hundred sixteen (416) days to be exact.

To emphasize, Eusebio's failure to reinstate Tirona as PLP President did not only come with the obvious consequence of depriving her of the salaries and emoluments she would have been entitled to. More than this, the public was unduly deprived of the professional services Tirona would have been able to render them as PLP President. As it was, Eusebio's omission to reinstate Tirona was not only deliberate, but undeniably tainted with evident bad faith. As the Court of Appeals aptly ruled, time was of the essence in Tirona's reinstatement since her term was only until January 31, 2012. Eusebio could not have plausibly feigned ignorance of the immediately executory nature of CSC rulings since he had served as chief executive of Pasig City for three (3) terms. What

manifestly appears on record was Eusebio's obstinate refusal to implement the immediately executory CSC rulings for over four hundred sixteen (416) days. In fact, even on appeal, Eusebio continued to defy the CSC's order of reinstatement despite the appellate court's non-issuance of an injunctive writ against its implementation. In the end, Eusebio's appeal outlived Tirona's supposed term. The eventual dismissal of CA-G.R. SP No. 117512 became a mere paper victory for Tirona.[36] She was prevented from assuming her office and performing her functions as PLP president to the detriment not only of herself and PLP, but more importantly, the stakeholders of the institution.

Judgments of courts and quasi-judicial bodies are couched in mandatory language. Compliance therewith is compulsory, especially when public interest is at stake. The authority of these rulings, however, is diminished by the flagrant and stubborn refusal of party-litigants to comply with their directives. The worst of these miscreants taunt judicial bodies and flout procedural rules unabashed, prolonging litigation by opting to pay the fine for contempt rather than fulfilling their legal obligation promptly, as here. Eusebio acted as though he was above the law when he brazenly defied the numerous rulings of the CSC. Contrary to his claim of good faith, he willingly chose to suffer under pain of contempt than reinstate Tirona. This cannot be countenanced. Neither should the penalty imposed by the CSC be reduced unnecessarily lest we trade the rule of law for a mere pittance. Indeed, the rationale behind the fine of P1,000.00 a day is not difficult to divine---to give teeth to the coercive powers to the CSC as the implementer of civil service laws. It is meant to deter those who dare defy the authority of the CSC and in the process, interrupt, nay prejudice, the flow of public service.

All told, the CSC did not act arbitrarily when it prescribed a fine of P1,000.00 per day as penalty for Eusebio's repeated defiance of the final and executory judgment of the CSC. The penalty is reasonable and fair in relation to the purpose of preserving the CSC's Constitutional mandate as the central personnel agency of the Philippine government tasked with rendering final arbitration on disputes regarding personnel actions in the civil service and implementing civil service rules and regulations.

ACCORDINGLY, the petition in G.R. No. 223644 is GRANTED and the Decision dated July 21, 2015 and Resolution dated February 19, 2016 in CA-G.R. SP No. 129526 are MODIFIED. The fine imposed by the Civil Service Commission on Roberto C. Eusebio of P1,000.00 per day for four hundred sixteen (416) days, or a total of P416,000.00 is REINSTATED.

SO ORDERED.

Peralta, C.J., Caguioa, Reyes, J, Jr., and Zalameda, JJ., concur.

[*] Designated additional member in lieu of J Lopez per Raffle dated Jan. 20, 2020.

[1] Penned by then Court of Appeals (now Supreme Court) Associate Justice Rosmari D. Carandang and concurred in by Associate Justices Mario V. Lopez (now of the Supreme Court) and Nina G. Antonio-Valenzuela; G.R. No. 223644, Rollo, p. 28

[2] G.R. No. 223644, Rollo, p. 41.

[3] G.R. No. 223623, Rollo, p. 30.

[4] Id. at 32.

[5] G.R. No. 223644, Rollo, p. 28.

[6] Id. at 28-29.

[7] Id. at 29.

[8] Id.

[9] Id.

[10] Id. at 30.

[11] Id. at 48.

[12] Id. at 48-50.

[13] Id. at 46.

[14] G.R. No. 223644, Rollo, p. 54.

[15] Id.

[16] Section 82. Effect of Pendency of Petition for Review/Certiorari with the Court. - The filing and pendency of a petition for review with the Court of Appeals or certiorari with the Supreme Court shall not stop the execution of the final decision of the Commission unless the court issues a restraining order or an injunction.

[17] RULES AND REGULATIONS GOVERNING THE CONTEMPT POWER OF THE CIVIL SERVICE COMMISSION UNDER EXECUTIVE ORDER NO. 292.

[18] G.R. No. 223644, Rollo, p. 56.

[19] Id. at 31.

[20] Penned by Associate Justice Ramon A. Cruz and concurred in by Associate Justices Noel G. Tijam and Socorro B. Inting.

[21] G.R. No. 223644, Rollo, p. 61.

[22] Id. at 37.

[23] Id. at 35-36.

[24] Id. at 37.

[25] Id. at 41.

[26] Id. at. 16-18.

[27] Id. at 18.

[28] Id. at 86.

[29] Id. at 87-90.

[30] Id. at 90-92 .

[31] Id. at 92.

[32] Re: Karen Herico Licerio, G.R. No. 208005, November 21, 2018.

[33] Section 16. Offices in the Commission. -The Commission shall have the following offices:

xxxx

(2) The Merit System Protection Board composed of a Chairman and two (2) members shall have the following functions:

(a)

Hear and decide on appeal administrative cases involving officials and employees of the Civil Service.

Its decision shall be final except those involving dismissal or separation from the service which may be appealed to the Commission;

(b)

Hear and decide cases brought before it on appeal by officials and employees who feel aggrieved by the determination of appointing authorities involving personnel actions and violations of the merit system. The decision of the Board shall be final except those involving division chiefs or officials of higher ranks which may be appealed to the Commission;

(c)

Directly take cognizance of complaints affecting functions of the Commission, those which are unacted upon by the agencies, and such other complaints which require direct action of the Board in the interest of justice;

(d)

Administer oaths, issue subpoena and subpoena duces tecum, take testimony in any investigation or inquiry, punish for contempt in accordance with the same procedures and penalties prescribed in the Rules of Court; and

(e)

Promulgate rules and regulations to carry out the functions of the Board subject to the approval of the Commission. (emphasis added)

xxxx

[34] Section 4. Punishment if found guilty- If the respondent is adjudged guilty of indirect contempt committed against the Commission, he/she may be punished by a fine of One Thousand (P1,000.00) Pesos per day for every act of indirect contempt. Each day of defiance of, or disobedience to, or non-enforcement of a final order, resolution, decision, ruling, injunction or processes, shall constitute an indirect contempt of the Commission. If the contempt consists in the violation of an injunction or omission to do an act which is within the power of the respondent to perform, the respondent shall, in addition, be made liable for all damages as a consequence thereof. The damages shall be measured by the extent of the loss or injury sustained by the aggrieved party by reason of the misconduct, disobedience to, defiance of a lawful order, and/or such other contumacious acts or omissions of which the contempt is being prosecuted, and the costs of the proceedings, including payment of interest on damages.

Damages sustained by the aggrieved party shall refer to the total amount of his or her salaries and other money benefits which shall have accrued to the latter had the final order, decision, resolution, ruling, injunction, or processes of the Commission been enforced/implemented immediately.

[35] UCPB General Insurance Company v. Hughes Electronics Corporation, 800 Phil. 67, 80-81 (2016).

[36] G.R. No. 223644, Rollo, p. 33.

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.