

**[ G.R. No. 141142, August 25, 2000 ]**

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

**R E S O L U T I O N**

**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."<sup>[1]</sup>

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: