

FIRST DIVISION

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

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

G.R. NO. 223644

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

D E C I S I O N

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 imposable 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.
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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.