



Republic of the Philippines
Supreme Court
Manila

EN BANC

**CITY GOVERNMENT OF
MAKATI, as represented by HON.
MAYOR JEJOMAR C. BINAY,**
Petitioner,

G.R. No. 191661

Present:

SERENO, *CJ*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,*
BRION,
PERALTA,**
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE, and
LEONEN, *JJ*.

- versus -

EMERITA B. ODEÑA,
Respondent.

Promulgated:

AUGUST 13, 2013

X

X

DECISION

SERENO, *CJ*:

This is a Rule 45 Petition for Review on Certiorari assailing the Resolution dated 17 March 2010 of the Court Appeals (CA) docketed as CA-G.R. SP No. 108983.¹ The assailed Resolution denied the Motion for Reconsideration filed by petitioner City of Makati (petitioner) of the CA's

* On official leave.

** No part.

¹ *Rollo*, pp. 58-61, in the case entitled "City Government of Makati, as rep. by Hon. Mayor Jejomar C. Binay v. Emerita Odeña." The Resolution was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Portia Aliño Hornachuelos and Rosalinda Asuncion-Vicente.

earlier Resolution dated 23 October 2009² that in turn dismissed petitioner's Rule 43 Petition for Review.³

This case involves respondent Emerita B. Odeña (respondent) who was a teacher previously employed by petitioner. She was illegally dismissed and is now seeking full payment of her backwages and other benefits as she interprets them to be.

FACTS OF THE CASE

Some of the incidents of this case have been previously resolved by this Court in *Elenita S. Binay, in her capacity as Mayor of the City of Makati, Mario Rodriguez and Priscilla Ferrolino v. Emerita Odeña*, docketed as G.R. No. 163683, in a Decision dated 08 June 2007 (hereinafter, the 2007 Decision).⁴ This Court ruled therein that respondent had been illegally dismissed and was thus ordered to be reinstated and paid her backwages, computed from date of dismissal up to date of reinstatement, but in no case to exceed five (5) years.⁵

2007 Decision

The factual findings in the 2007 Decision of this Court are summarized as follows:

Respondent had been employed by petitioner as a teacher since 1980. She was a contractual employee up to 30 July 1992 and a casual employee from July 1992 until November 1996. Sometime in 1996, she held the position of Clerk I and was detailed at the Library Department of the Makati High School.

It was the practice of respondent to sign an Attendance Sheet bearing her name and signature to signify attendance, instead of using a Daily Time Record.

² *CA rollo*, pp. 185-188, CA Decision dated 23 October 2009 in CA-G.R. SP No. 108983. The Decision was penned by Associate Justice Ramon R. Garcia and concurred in by Associate Justices Portia Aliño-Hormachuelos and Rosalinda Asuncion-Vicente.

³ *Id.*

⁴ G.R. No. 163683, 8 June 2007, 524 SCRA 248.

⁵ The dispositive portion of the 2007 Decision reads:

“Wherefore the instant Petition is dismissed for lack of merit. The assailed CA Decision dated May 14, 2004 is hereby AFFIRMED. Costs against petitioners.” (*Rollo*, p. 28).

In turn, the CA Decision dated May 14, 2004, provides:

“WHEREFORE, the petition is DISMISSED for lack of merit. **CSC Resolution No. 010962 dated May 29, 2001 and CSC Resolution No. 021491 dated November 18, 2002 are affirmed**, without prejudice to the filing of whatever appropriate disciplinary case against Emerita Odeña, and **subject to the modification that payment of her back salaries shall be computed from date of dismissal up to date of reinstatement, but in no case to exceed five (5) years.**” (Emphasis supplied; *rollo*, p. 23)

In 2000, she was asked to explain why she supposedly failed to report for work starting in November 1999. She explained that she did not incur those alleged absences and presented the employees' log book as proof of her attendance. Her explanation was disregarded by then education consultant Priscilla Ferrolino.

Thereafter, on 8 June 2000, Mayor Elenita S. Binay issued a Memorandum dropping respondent from the roll of employees, effective at the close of office hours of 15 May 2000, in view of the latter's absences without official leave (AWOL) starting on 10 November 1999. Respondent moved for reconsideration, but her motion was denied. Aggrieved, she appealed to the Civil Service Commission (CSC).

The CSC ruled that the dropping of respondent from the roll of employees was not supported by evidence.⁶ It found that she had actually reported for work from November 1999 to May 2000; and that, while she had incurred absences during that period, those were not equivalent to a continuous absence of at least thirty (30) working days.⁷ The Attendance Sheet duly complied with regulations,⁸ as it indicated her name and signature, as well as times of arrival and departure, and was verified by her immediate supervisor.⁹ Furthermore, she could not have received her corresponding salary for the said period if she were indeed absent.

The CSC, by virtue of respondent's illegal dismissal, directed petitioner to: (1) reinstate her; and (2) to pay her back salaries from the time of her separation up to her actual reinstatement.¹⁰

Consequently, petitioner moved for reconsideration, but the motion was denied.¹¹ Aggrieved, it filed a Rule 43 Petition appealing the findings of the CSC to the CA.¹²

⁶ *Rollo*, p. 91, CSC Resolution No. 010962 dated 29 May 2001, p. 4.

⁷ *Id.* at 92, CSC Resolution No. 010962 dated 29 May 2001, p. 5.

⁸ The CSC relied on CSC Memorandum Circular No. 21, Series of 1991. (*See* CSC Resolution No. 010962 dated 29 May 2001, p. 5; *id.* at 92.)

⁹ *Id.* at 93; CSC Resolution No. 010962 dated 29 March 2001, p. 6.

¹⁰ *Binay v. Odeña*, *supra* note 4, at 251.

WHEREFORE, the appeal of Emerita B. Odena is hereby GRANTED. The Memorandum of Mayor Elenita S. Binay dated June 8, 2000 dropping her from the rolls is hereby set aside. **Accordingly, Odena is hereby reinstated to her former position without loss of seniority rights and other privileges appurtenant to the position. Furthermore, she should be paid her salaries from the time of her separation up to her actual reinstatement.** However, that is without prejudice to whatever disciplinary case which may be commenced against her. (Emphasis supplied.)

¹¹ *Rollo* (G.R. No. 163683), pp. 32-35.

"WHEREFORE, the motion for reconsideration of former Mayor Elenita S. Binay is hereby DENIED for want of merit. Accordingly, CSC Resolution No. 01-0962 dated May 29, 2011 directing the immediate reinstatement of Emerita B. Odena and the payment of her back salaries and other benefits from the date of her separation from the service up to her actual reinstatement, STANDS." [*Rollo* (G.R. No. 163683), pp. 32-35.]

¹² *Odeña v. Binay*, docketed as CA-G.R. SP No. 74411.

The CA denied the Petition and affirmed that respondent was illegally dismissed.¹³ The CA affirmed the CSC Resolutions which ordered the reinstatement of respondent and payment of back salaries, but subject to the modification that an illegally terminated civil service employee, like respondent, is entitled to back salaries **limited to a maximum period of five (5) years**, and not to full salaries from her illegal dismissal up to her reinstatement.¹⁴

The dispositive portion of the CA Decision provides as follows:

WHEREFORE, the petition is DISMISSED for lack of merit. **CSC Resolution No. 010962 dated May 29, 2001 and CSC Resolution No. 021491 dated November 18, 2002 are affirmed**, without prejudice to the filing of whatever appropriate disciplinary case against Emerita Odeña, and **subject to the modification that payment of her back salaries shall be computed from date of dismissal up to date of reinstatement, but in no case to exceed five (5) years.**

SO ORDERED. (Emphasis supplied)¹⁵

Thereafter, petitioner filed a Petition with this Court¹⁶ arguing that the CA committed serious error in ruling that the respondent had been illegally dismissed.

In its 2007 Decision, this Court dismissed the Petition and affirmed the ruling of the CA in its entirety; more specifically, that respondent had indeed been illegally dismissed and was thus entitled to payment of backwages to be computed from the date of dismissal up to the date of reinstatement, but not exceeding five (5) years.¹⁷

The dispositive portion of the 2007 Decision in no uncertain terms affirmed the CA Decision without any modification as follows:

WHEREFORE, the instant petition is DISMISSED for lack of merit. The **assailed CA Decision dated May 14, 2004 is hereby AFFIRMED**. Costs against petitioners.

SO ORDERED.¹⁸ (Emphasis supplied)

¹³ *Rollo*, pp. 31-40; CA Decision dated 14 May 2004. The CA Decision dated 14 May 2004 was penned by Justice Fernanda Lampas-Peralta and concurred in by Justices Salvador J. Valdez, Jr. and Rebecca de Guia-Salvador.

¹⁴ *Id.* at 38; CA Decision dated 14 May 2004, p. 8 in C.A.-G.R. SP No. 74411.

¹⁵ *Id.* at 39.

¹⁶ Petitioner City of Makati's Rule 45 Petition was docketed with this Court as *Binay v. Odeña*, G.R. No. 163683.

¹⁷ *Rollo*, pp. 20-30; Decision dated 08 June 2007 penned by retired Justice Antonio Eduardo B. Nachura.

¹⁸ *Id.*

The Present Case

The 2007 Decision became final. The following events significant to the present Petition occurred after the promulgation of this Court's 2007 Decision:¹⁹

The CSC, upon motion of respondent,²⁰ directed the incumbent Mayor of Makati to immediately reinstate respondent to her former position and cause the payment of all her salaries and other benefits from the date of her removal from service up to her reinstatement.²¹

The directive, however, was not complied with,²² which then compelled the CSC to subsequently reiterate its previous order to immediately reinstate respondent.²³

The directive to reinstate respondent was never complied with. Respondent instead opted to avail herself of early retirement effective 13 February 2008.

Petitioner thereafter paid her the amount of ₱558,944.19, representing her supposed back salaries and other benefits.²⁴

In acknowledging receipt of this amount, she signed in favor of petitioner a "Release, Quitclaim, and Waiver" dated 05 May 2008 (Quitclaim).²⁵

The Letter-Complaint

Respondent alleges that after realizing that she had been shortchanged by petitioner, she complained to the CSC, asserting that the amount paid her did not correspond to the entire amount she was legally entitled to.²⁶ She claimed in her Letter-Complaint that the payment made to her, the amount of which corresponded to five years of service, was insufficient to cover her almost eight years of suffering, viz.:

Ipinaglaban ko itong karapatang ito at ito ay aking nakamtan sa papel nga lamang dahil hindi ito lubos na kapanalunan. Limang taong kabayaran katumbas ng halos walong (8) taong pagdurusa ko at ng aking pamilya, ito ba ang tamang katarungan na iginawad sa akin ng

¹⁹ Id.

²⁰ CA *rollo*, pp. 124-126; Motion for Execution dated 25 October 2007.

²¹ Id. at 127-129; CSC Resolution No. 08-0132 dated 28 January 2008. (See CSC Resolution No. 082264 dated 8 December 2008, p. 4; *rollo*, p. 44.)

²² Id. at 130-132; Motion for Implementation of CSC Resolution No. 080132 dated 24 February 2008.

²³ CSC Resolution No. 08-1106 dated 18 June 2008. (See CSC Resolution No. 082264 dated 8 December 2008, pp. 4-5; *rollo*, pp. 44-45)

²⁴ As shown by Land Bank Check No. 61756 dated 29 April 2008 (See CSC Resolution No. 082264 dated 08 December 2008, p. 5; *rollo*, p. 45).

²⁵ *Rollo*, p. 172; Release, Quitclaim and Waiver dated 5 May 2008.

²⁶ CA *rollo*, pp. 196-198, Letter-complaint dated 28 May 2008.

City Government of Makati? Proseso po ba ng inyong pamahalaan ang pagpapapirma ng *pilit* ng Release quit claim at waiver (See attached ‘A&B’) na pag hindi ka pumirma hindi mo makukuha ang iyong kabayaran. Kinontra ko iyon sa pagdagdag ng gusto ko (See attached ‘C&C-1’) ngunit walang nangyari. Nagalit sila, matigas daw ang ulo ko di ko raw makukuha ang nais ko pag di ako sumunod. Pananakot para pumirma lang ako sa waiver (see attached ‘D &D-1’) kasama ba iyon sa Decision ng Korte Suprema? Batas ba iyon ng Civil Service Commission?

Takot na mamatay sa gutom ang pamilya ko kaya naghihimagsik man ang aking kalooban sa matinding pagtutol ay napilitan akong pirmahan iyon-kapalit ng tsekeng nagkakahalaga ng limang daan at limamput libong piso (P550,000.00) lamang **para sa limang (5) taong kabayaran.** (See attached “E”) Ito ang nangyari noong Mayo 5, 2008 sa opisina ng legal ng City Hall ng Makati. **Ito po ba ay angkop na HATOL na inilapat sa akin ng City Government ng Makati? Alam ko hindi ulit makatarungan ang ginawa nilang ito. Hindi makatarungang pagtanggap sa trabaho ang ginawa nila sa akin noon naipanalò ko nga ang aking karapatan ngunit ngayon hindi pa rin makatarungan ang kanilang kabayaran. Hindi sapat ang limang taong (5) kabayaran sa halos magwawalong (8) taong walang hanapbuhay, dapat po bang ako ang umatang ng kakulangan? Nasaan po ba ang tunay na batas?**

X X X X

Dahil hindi na ako nagreinstatement nagfile ako ng retirement letter effective noong February 13, 2008, petsa nang matanggap ko ang CSC, Resolution No. 08-0132. Di po ba isa sa mga benepisyo ko na dapat matanggap ay ang GSIS, PAG-IBIG at yung mga leave credits ko? May karapatan po ba ako na makuha ko ang kumpletong leave credits ko simula nang maglingkod ako sa City Government of Makati, hanggang sa petsa ng reinstatement ko, kahit ako ay nagfile na ng early retirement? Ayon sa legal ng City Government ng Makati, wala daw po akong karapatan sa benepisyong iyon, lalo na yong pitong taon (7) at labing isang (11) buwan na di ko pagpasok simula nang tinanggal nila ako sa trabaho, kasi accumulation daw po iyon, di ko naman pinasukan kaya di ako dapat bayaran, proseso din daw po iyon ng gobyerno, gaano po katotoo iyon? Naaangkop po ba iyon sa aking katayuan, sila naman po ang dahilan kung bakit di ako nagtrabaho, bakit ako ang magdudusa, ayon po ba iyon sa desisyon ng korte? Bakit inilagay nila yun sa Release quit claim at waiver na pinapirmahan nila sa akin bilang pagsang-ayon kung iyon ay proseso? Meron bang dapat pangilagan ang City Government ng Makati kaya nila ako pinapirma ng Release quit claim at waiver nang sapilitan?

X X X X

Kaya muli po akong maninikluhod upang humingi ng tamang hustisya at mabigyang linaw ang lahat ng katanungan ko sa kung ano ang tunay na batas ng Civil Service Commission. Sana po ay mabigyan ng makatarungang paglapat ng hustisya ang hamak na kawani na katulad ko nang sa ganon ay hindi na maulit muli, at sana ay mabigyan ng karampatang lunas ang hinaing kong ito at maimplemento nang tama ang CSC Resolution 08-132 sa lalong madaling panahon.²⁷ (Emphasis supplied.)

²⁷ Id.

The CSC took cognizance of respondent's Letter-Complaint and directed petitioner to file her comment.²⁸

In her Comment,²⁹ petitioner denied the allegations of respondent for being false and baseless. She argued that the 2007 Decision of this Court has become final and executor, and that, under the same, payment of respondent's back salaries shall be limited to five years only. Moreover, respondent had not been forced to sign a Release, Quitclaim and Waiver, as she executed the same voluntarily. While respondent claimed that the amount of ₱550,000 representing five (5)-year back salaries is insufficient, respondent has not submitted the supposed correct amount that she should receive. Furthermore, as to her leave credits, respondent had failed to submit the necessary documents so the city government could start processing the release. Finally, as regards the GSIS and PAG-IBIG benefits, petitioner contended that respondent has to personally apply for their release from the said government agencies.

The Ruling of the CSC

The CSC ruled in favor of respondent, and directed petitioner to pay her backwages and other benefits from the period of her illegal dismissal **until her early retirement**, or for a period of seven (7) years, eight (8) months and twenty-eight (28) days.³⁰

The CSC, in its Resolution No. 082264,³¹ stated that the 5-year limit was inequitable, to wit:

Although it would appear that the Supreme Court in the aforementioned case affirmed the ruling of the Court of Appeals, it is worth noting, however, that there is nothing in the High Court's decision, either in the body or the dispositive portion, that categorically states that Odena is entitled to back salaries and other benefits only for a period not exceeding five (5) years. As such, it is apposite to conclude that Odena is entitled to the payment of her entire back salaries and other benefits from the date of her illegal dismissal up to the date of her retirement, as will be explained later. This is precisely why the Commission, in all its Resolutions promulgated in relation with this case, was consistent in holding that Odena must be paid her back salaries and other benefits from the days of her illegal dismissal up to her reinstatement.

X X X X

Admittedly, there are rulings of the Supreme Court where the claims of an illegally dismissed employee were limited only to five (5) years without conditions and qualifications. Such rulings, however, were

²⁸ CA rollo, p. 139; Order dated 8 September 2008.

²⁹ Id. at 142-144; Comment dated 29 September 2008;.

³⁰ Rollo, p. 51; CSC Resolution No. 082264 dated 8 December 2008, p. 11.

³¹ Id. at 41-51.

expressly and explicitly abandoned in subsequent decisions of the High Court.

x x x x

But even if the Supreme Court had implicitly intended, in the case of *Binay vs. Odena*, 524 SCRA 248 (2007), that Odena is entitled only to five (5) years of back salaries and other benefits, such will not bar her from claiming payment of the same in full for the entire period she was out from the service as a result of her illegal dismissal. **To limit the entitlement of Odena to only five (5) years of back salaries and other benefits will indubitably cause serious injustice to her inasmuch as the prevailing jurisprudence at the time of promulgation of the *Binay* case, *supra*, is that an illegally dismissed employee who is ordered reinstated by competent authority is entitled to the payment of his/her illegal dismissal up to his/her reinstatement. Thus, even if the Supreme Court indeed intended to limit to only five (5) years the back salaries and other benefits of Odeña, and that said decision had already become final and executory, the same had to yield to the higher interest of justice.** x x x.³² (Emphases supplied)

The dispositive portion of CSC Resolution No. 082264³³ provides as follows:

WHEREFORE, the incumbent City Mayor of Makati is hereby directed to recompute the full back salaries and other benefits of Emerita B. Odena which she is entitled for seven (7) years, eight (8) months, and twenty-eight (28) days, the entire period she was out of the service as a result of her illegal dismissal. Said benefits shall include the allowances, 13th month pay, bonuses, cash gifts, all other monetary benefits which other employees of the City Government of Makati received within the same period, yearly fifteen (15) days sick and fifteen (15) days vacation leave benefits for the same period including commutation of her entire accrued leave credits that she earned prior to her illegal dismissal. Should there appear, upon re-computation of Odeña's back salaries and other benefit, an excess of the amount of ₱558,944.19 which she already received, said excess must be immediately paid her.

The City Mayor of Makati is directed to report to the Commission the action he will take to implement the Resolution, within 15 days from receipt hereof. He is likewise reminded that his failure to implement the decision of the Commission shall be reason enough to cite him in indirect contempt of the Commission and shall be the basis for the filing of administrative and criminal charges against him before the proper forum.³⁴ (Emphases supplied)

It is clear from the foregoing that the CSC ignored the 5-year limit imposed on backwages and instead awarded respondent backwages and

³² Id. at 46-47.

³³ Id. at 41-51.

³⁴ Id. at 51.

other benefits equivalent to a period of more than 7 years, pegged from her illegal dismissal in 2000 until her early retirement in 2008.

Petitioner moved for reconsideration,³⁵ but the CSC denied the motion and affirmed CSC Resolution No. 082264.³⁶ In Resolution No. 090622,³⁷ CSC stated that *res judicata* invoked by petitioner must give way to the higher interest of justice, to wit:

Notably, the issue on the computation of the back salaries and other benefits to which Emerita B. Odeña is entitled to raised by the City Government of Makati in its motion for reconsideration were already discussed and passed upon extensively in the Resolution now being sought to be reconsidered. By sheer necessity, however, be it reiterated and emphasized that **the apparent affirmation by the Supreme Court of the Decision dated May 14, 2004 of the Court of Appeals must not be employed as an instrument to thwart and ultimately defeat the lawful claim of Odeña for the payment in full of her back salaries and other benefits after her illegal dismissal from the service.**

Thus, the doctrine of *res judicata* being invoked by the City Government of Makati must give way to the higher interest of justice. x x x (Emphasis supplied)³⁸

The dispositive portion of CSC Resolution No. 090622,³⁹ which dismissed petitioner's Motion for Reconsideration, states as follows:

WHEREFORE, the motion for reconsideration of the City Government of Makati is hereby **DENIED** for lack of merit. Accordingly, the directive of the Commission stated in CSC Resolution No. 08-2264 dated December 8, 2008 is **REITERATED** whether the incumbent City Mayor of Makati is **directed to re-compute the full back salaries and other benefits which Emerita B. Odeña is entitled to for a period of seven (7) years, eight (8) months and twenty-eight (28) days.** x x x. (Emphasis supplied)

Thereafter, petitioner filed a Rule 43 Petition with the CA⁴⁰ and argued that: (1) the CSC Resolutions were violative of the doctrine of *res judicata*;⁴¹ and (2) the CSC erred in including respondent's retirement as a ground for her entitlement to full back salaries and other benefits, more than what was granted by this Court in its 2007 Decision.⁴² Petitioner contended that the cause of action of the case is the entitlement of respondent to back salaries, and therefore, the issues of her retirement and entitlement to other benefits cannot be assailed.⁴³

³⁵ Id. at 136-137, Motion for Reconsideration dated 22 January 2009.

³⁶ Id. at 52- 57, CSC Resolution No. 090622 dated 28 April 2009.

³⁷ Id. at 52-57.

³⁸ Id. at 56.

³⁹ Id. at 52-57.

⁴⁰ *CA rollo*, pp. 8-18, Petition dated 9 June 2009.

⁴¹ Id. at 12-14.

⁴² Id. at 14-15.

⁴³ Id. at 15.

The Ruling of the CA

The CA dismissed the Rule 43 Petition. The CA regarded the CSC Resolutions, issued in relation to respondent's Letter-Complaint, as orders of execution of the final and executory 2007 Decision of this Court.⁴⁴ Thus, petitioner's recourse to a Rule 43 Petition was unavailing, because orders of execution cannot be the subject of appeal, the proper remedy being a Rule 65 petition.⁴⁵ The CA ruled that:

This notwithstanding, even if such procedural infirmity is to be disregarded, the instant Petition for Review must still be dismissed for being a wrong mode of remedy.

Section 1(f), Rule 41 of the Revised Rules of Civil Procedure provides that:

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:

x x x

(f) an order of execution;

x x x

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)

It is thus explicit from the above provision that no appeal may be taken from an order of execution. Instead, such order may be challenged by the aggrieved party by way of a special civil action for *certiorari* under Rule 65 of the Rules of Court.

Here, the instant Petition for review assails the CSC's Resolution No. 082264 dated December 8, 2008 and Resolution No. 090622 dated April 28, 2009 ordering herein petitioner City of Government Makati to re-compute the full back salaries and benefits of private respondent from the time of her illegal dismissal up to her retirement. A cursory reading of the petition, however, reveals that the merits of the illegal dismissal case has already been adjudged with finality by the Supreme Court in a Decision dated June 8, 2007. **The assailed Resolutions of the CSC arose merely as an incident of the execution when the CSC modified the judgment award on account of private respondent's complaint wherein she sought to be paid more than what has been awarded to her by the Supreme Court.**

Such being the case, petitioner's recourse to a Petition for Review is unavailing. The filing of a special civil action for *certiorari* under Rule

⁴⁴ Id. at 185-188, CA Resolution dated 23 October 2009; The earlier case pertaining to *Binay v. Odena*, docketed as G.R. No. 163683.

⁴⁵ Id. at 186-187, CA Resolution dated 23 October 2009, pp. 2-3.

65 of the Rules of Court was the proper remedy questioning an order of execution on the ground of grave abuse of discretion amounting to lack or excess of jurisdiction. x x x.⁴⁶ (Emphasis supplied)

Petitioner moved for reconsideration, but the CA denied the motion and affirmed its previous ruling.⁴⁷

The Present Petition

On 8 April 2010, petitioner filed before this Court a Motion for Extension of Time to File Petition for Review on Certiorari (Motion for Extension), praying for an additional period of thirty (30) days or until 9 May 2010 within which to file a petition for review on certiorari.⁴⁸ On 27 April 2010, We denied the Motion for Extension for failing to state material dates.⁴⁹ Petitioner received notice of the denial only on 9 June 2010, or one and a half months after its promulgation.⁵⁰

In the meantime, on 7 May 2010, petitioner filed the instant Petition.⁵¹ Thereafter, this Court required respondent to file a comment,⁵² notwithstanding the previous denial of petitioner's Motion for Extension.

In her Comment,⁵³ respondent argued: (1) the CA did not err in considering the CSC Resolutions as execution orders; (2) petitioner failed to properly serve its pleadings upon respondent; (3) respondent is entitled to the moneys awarded her by the CSC; and (4) the Petition was filed out of time, since petitioner's Motion for Extension had been denied by this Court.

In response, petitioner countered as follows:⁵⁴ (1) no motion for execution was ever filed before the CSC, since petitioner had already complied with this Court's 2007 Decision by paying respondent; (2) petitioner had been serving its pleadings at respondent's last address on record; (3) the issue of respondent's benefits had already been settled with finality; and (4) petitioner was notified of this Court's denial of its Motion for Extension only on 9 June 2010, many days after the present Petition had been filed and after this Court had constructively admitted the present Petition by requiring respondent to file her Comment.

⁴⁶ Id.

⁴⁷ *Rollo*, pp. 58-61, CA Resolution dated 17 March 2010.

⁴⁸ Id. at 3-5.

⁴⁹ Id. at 63.

⁵⁰ Registry Return Receipt attached to SC *En Banc* Resolution dated 27 April 2010.

⁵¹ *Rollo*, pp. 7-17.

⁵² Id. at 62, SC Resolution dated 15 June 2010.

⁵³ Id. at 75-87, Comment dated 21 October 2010.

⁵⁴ Reply dated 2 November 2010, (no pagination).

ISSUES

Based on the submissions of both parties, the following main issues are presented for resolution by this Court:

1. Whether petitioner undertook an improper remedy when it filed a Rule 43 Petition with the CA to question the Resolutions issued by the CSC; and

2. Whether respondent, after receiving payment from petitioner, is still entitled to the additional amount awarded by the CSC.

Respondent raises the following preliminary procedural matters:

First, she argues that the present Petition was filed out of time, since petitioner's Motion for Extension had been denied, thereby causing the lapse of the original period for filing the Petition.

We dispose of this argument forthwith. While it is true that the Petition was belatedly filed, it may still be admitted and allowed by this Court in the exercise of its discretion,⁵⁵ as in fact it effectively did when it required respondent to file her Comment.

Second, respondent argued that petitioner improperly sent its Petition to the wrong address. On the other hand, the latter insisted that it served its Petition at her last address on record. We note that respondent was able to secure a copy of the Petition and intelligently respond thereto. Thus, we adopt the principle that rules of procedure are employed only to help secure and not override substantial justice.⁵⁶ If a stringent application of the rules would hinder rather than serve the demands of substantial justice, the former must yield to the latter.⁵⁷

The Court's Ruling

We find the instant Petition impressed with merit.

I. Petitioner undertook the correct remedy in assailing the CSC Resolutions by filing a Rule 43 Petition with the Court of Appeals.

Petitioner insists that its filing of a Rule 43 Petition to assail the CSC Resolutions was proper, as these supposedly involved a new subject matter

⁵⁵ *Gonzales vda. de Toledo v. Toledo*, 462 Phil. 738 (2003).

⁵⁶ *Soriano, Jr. v. Soriano*, 558 Phil. 627 (2007).

⁵⁷ *Id.*

and were thus issued pursuant to CSC's exercise of its quasi-judicial function. They were not merely incidental to the execution of this Court's 2007 Decision.

We rule that filing a Rule 43 Petition with the CA is the proper remedy to assail the CSC Resolutions, but not for the reasons advanced by petitioner.

First, the jurisdiction of the CA over petitions for review under Rule 43 is not limited to judgments and final orders of the CSC, but can extend to appeals from awards, judgments, final orders or resolutions issued by the latter.⁵⁸ Section 1, Rule 43 of the Rules, provides in part:

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.)

In *PAGCOR v. Aumentado, Jr.*,⁵⁹ this Court ruled that it is clear from the above-quoted provision that the CA's jurisdiction covers not merely final judgments and final orders of the CSC, but also awards, judgments, final orders or **resolutions** of the CSC.⁶⁰

Second, although the general rule is that an order of execution is not appealable, the CA failed to consider that there are exceptions to this rule, as illustrated in this case.

A writ of execution is a direct command of the court to the sheriff to carry out the mandate of the writ, which is normally the enforcement of a judgment.⁶¹ By analogy, the CSC Resolutions were orders of execution and were issued in connection with the implementation of this Court's 2007 Decision.

It is obvious from both the body and the dispositive portions of the CSC Resolutions that they carried instructions to enforce this Court's 2007 Decision, albeit erroneously made.

The dispositive portion of CSC Resolution No. 082264,⁶² directed petitioner to pay respondent's backwages:

WHEREFORE, the incumbent City Mayor of Makati is hereby directed to recompute the full back salaries and other benefits of

⁵⁸ *PAGCOR v. Aumentado, Jr.*, G.R. No. 173634, 22 July 2010, 625 SCRA 241.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *BALLENTINE'S LAW DICTIONARY* (3rd ed.) (LEXIS, 2010)

⁶² *Rollo*, pp. 41-51.

Emerita B. Odeña which she is entitled for seven (7) years, eight (8) months, and twenty-eight (28) days, the entire period she was out of the service as a result of her illegal dismissal. Said benefits shall include the allowances, 13th month pay, bonuses, cash gifts, all other monetary benefits which other employees of the City Government of Makati received within the same period, yearly fifteen (15) days sick and fifteen (15) days vacation leave benefits for the same period including commutation of her entire accrued leave credits that she earned prior to her illegal dismissal. Should there appear, upon re-computation of Odeña's back salaries and other benefit, an excess of the amount of ₱558,944.19 which she already received, said excess must be immediately paid her.

The City Mayor of Makati is directed to report to the Commission the action he will take to implement the Resolution, within 15 days from receipt hereof. He is likewise reminded that his failure to implement the decision of the Commission shall be reason enough to cite him in indirect contempt of the Commission and shall be the basis for the filing of administrative and criminal charges against him before the proper forum.⁶³ (Emphasis supplied)

The directive addressed to petitioner to recompute the amount of full back salaries and other benefits is derived from the enforcement of this Court's 2007 Decision.

In a similar vein, the dispositive portion of CSC Resolution No. 090622,⁶⁴ which dismissed petitioner's Motion for Reconsideration of the above Resolution, states as follows:

WHEREFORE, the motion for reconsideration of the City Government of Makati is hereby **DENIED** for lack of merit. Accordingly, the directive of the Commission stated in CSC Resolution No. 08-2264 dated December 8, 2008 is **REITERATED** where the incumbent City Mayor of Makati is directed to re-compute the full back salaries and other benefits of which Emerita B. Odena is entitled to for a period of seven (7) years, eight (8) months, and twenty-eight (28) days. x x x.

Based on the foregoing, the CA was correct in treating the CSC Resolutions as orders of execution that were issued in connection with the implementation of this Court's 2007 Decision. The CA, however erred in dismissing petitioner's Rule 43 Petition for being improper.

To recall, the CA ruled that an order of execution is not appealable under Section 1(f), Rule 41 of the Rules of Court.⁶⁵ It reasoned that the correct remedy should have been a special civil action for certiorari under Rule 65.⁶⁶

⁶³ Id. at 51.

⁶⁴ Id. at 52-57.

⁶⁵ Id. at 186-187, CA Decision dated 23 October 2009, pp. 2-3.

⁶⁶ Id. at 186-188, CA Decision dated 23 October 2009, pp. 2-4.

Section 1(f), Rule 41 provides, in pertinent part:

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:

x x x x

f) An order of execution;

x x x x

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)

Indeed, the general rule is that an order of execution is not appealable; otherwise, a case would never end.⁶⁷ The CA, however, failed to consider that there are exceptions to this rule. This Court in *Banaga v. Majaducon*⁶⁸ enumerated the exceptions as follows:

Even prior to the promulgation of the 1997 Rules of Civil Procedure, **the rule that no appeal lies from an order or writ directing the execution of a final judgment, for otherwise a case will not attain finality, is not absolute since a party aggrieved by an improper or irregular execution of a judgment is not without a remedy**. Thus, in *Limpin v. Intermediate Appellate Court*, the Court enumerated the exceptional circumstances where a party may elevate the matter of an improper execution for appeal, to wit:

There may, to be sure, be instances when an error may be committed in the course of execution proceedings prejudicial to the rights of a party. These instances, rare though they may be, do call for correction by a superior court, as where —

- 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;**

x x x x

6) **it appears that the writ of execution has been improvidently issued, or that it is defective in substance, or is issued against the wrong party, or that the judgment debt has been paid or otherwise satisfied, or the writ was issued without authority;**

In these exceptional circumstances, considerations of justice and equity dictate that there be some mode available to the party aggrieved of elevating the question to a higher court. **That mode of elevation may be either by appeal (writ of error or certiorari), or by a special civil action of certiorari, prohibition, or mandamus.**

⁶⁷ *People v. Estrada*, 130 Phil. 108 (1968).

⁶⁸ 526 Phil. 641 (2006).

The aforementioned pronouncement has been reiterated in cases subsequent to the adoption of the 1997 Rules of Civil Procedure. **The Court finds no sound justification to abandon the aforequoted pronouncement insofar as it recognizes the filing of an ordinary appeal as a proper remedy to assail a writ or order issued in connection with the execution of a final judgment, where a factual review in the manner of execution is called for to determine whether the challenged writ or order has indeed varied the tenor of the final judgment.**⁶⁹ (Emphases supplied)

To rule that a special civil action for certiorari constitutes the sole and exclusive remedy to assail a writ or order of execution would unduly restrict the remedy available to a party prejudiced by an improper or illegal execution.⁷⁰ It must be borne in mind that the issue in a special civil action for certiorari is whether the lower court acted without or in excess of jurisdiction or with grave abuse of discretion.⁷¹

In the instant case, the appeal of the CSC Resolutions under Rule 43 is proper on two (2) points: (1) they varied the 2007 Decision and (2) the judgment debt has been paid or otherwise satisfied.

First, the CSC Resolutions have varied the 2007 Decision, considering that instead of directing the payment of backwages for a period not exceeding five (5) years, the CSC ordered petitioner to pay an amount equivalent to almost eight (8) years.

Second, the judgment debt arising from the 2007 Decision has been satisfied as respondent has already received payment from petitioner the amount of ₱558,944.19, representing her back salaries not exceeding five (5) years, as computed by petitioner.

All these circumstances require a factual review of the manner of the execution of the 2007 Decision, which should have prompted the CA to take cognizance of the appeal. Clearly, these circumstances fall under the above-quoted enumeration of the exceptions to the general rule that an order of execution is not subject to appeal. Thus, the CA committed grave error when it denied petitioner's appeal for being the wrong remedy.

At this juncture, however, a remand of the case to the CA would serve no useful purpose, since the core issue herein—more specifically, whether respondent is entitled to the money awarded to her by the CSC—may already be resolved using the records of the proceedings. A remand would unnecessarily burden the parties with the concomitant difficulties and expenses of another proceeding, in which they would have to present similar arguments and pieces of evidence.

⁶⁹ Id. at 649-650.

⁷⁰ Id. at 650.

⁷¹ *Yasuda v. Court of Appeals*, 386 Phil 594 (2002).

Thus, we deem it proper to resolve the issue of whether respondent is entitled to the amount awarded to her by the CSC. We rule in the negative.

II. Respondent is not entitled to the amount awarded to her by the CSC.

We reverse the ruling of the CSC granting respondent additional amounts pertaining to her back wages equivalent to seven (7) years, eight (8) months and twenty-eight (28) days, or for the entire period that she was not reinstated; more specifically, from the time of her illegal dismissal on 15 May 2000 until her early retirement on 13 February 2008, contrary to our 2007 Decision, which limited the said award only to five (5) years. We reverse based on the following reasons:

1. The Letter-Complaint is a belated attempt to seek the reversal of the 2007 Decision, which should not have been considered by the CSC in the first place. Thus, the CSC Resolutions awarding additional amounts arising therefrom are void and ineffectual.

2. The CSC Resolutions are void and ineffectual for varying the tenor of our 2007 Decision.

3. Petitioner had already complied with this Court's 2007 Decision, and its obligation under the 2007 Decision was extinguished, when it paid respondent the amount of ₱558,944.19 representing her backwages, from the time of illegal dismissal up to reinstatement (in this case, early retirement) for a period not exceeding five (5) years. The amounts awarded by the CSC exceeding this payment is not justified under this Court's 2007 Decision.

To recall, the 2007 Decision, in relation to the CA Decision dated 14 May 2004, directed petitioner to do two things: (1) to reinstate respondent to her former position;⁷² and (2) to pay her back wages to be computed from the time of her illegal dismissal until her reinstatement to her former position, but not to exceed five (5) years.

The reinstatement portion was rendered moot by respondent's early retirement effective on 13 February 2008.

To comply with the second directive, the amount of ₱558,944.19 representing the amount of back wages for a period not exceeding five (5) years, as computed by petitioner, was paid to respondent.

⁷² Supra note 17.

We rule, however, that the Quitclaim executed by respondent is void and of no effect and cannot validly foreclose her right to receive amounts pertaining to her early retirement.

A. The Letter-Complaint is a belated attempt to seek the reversal of this Court's 2007 Decision, which should not have been considered by the CSC.

The CSC grievously erred in taking cognizance of respondent's Letter-Complaint which was actually a prohibited appeal of the 2007 Decision that by then had long become final and executory.

It is axiomatic that final and executory judgments can no longer be attacked by any of the parties or be modified, directly or indirectly, even by the highest court of the land.⁷³

In the instant case, respondent's Letter-Complaint, which is clearly geared towards the reversal of this Court's 2007 Decision, states as follows:

Ipinaglaban ko itong karapatang ito at ito ay aking nakamtan sa papel nga lamang dahil hindi ito lubos na kapanalunan. Limang taong kabayaran katumbas ng halos walong (8) taong pagdurusa ko at ng aking pamilya, ito ba ang tamang katarungan na iginawad sa akin ng City Government of Makati? Proseso po ba ng inyong pamahalaan ang pagpapapirma ng *pilit* ng Release quit claim at waiver (See attached 'A&B') na pag hindi ka pumirma hindi mo makukuha ang iyong kabayaran. Kinontra ko iyon sa pagdagdag ng gusto ko (See attached 'C&C-1') ngunit walang nangyari. Nagalit sila, matigas daw ang ulo ko di ko raw makukuha ang nais ko pag di ako sumunod. Pananakot para pumirma lang ako sa waiver (see attached 'D &D-1') kasama ba iyon sa Decision ng Korte Suprema? Batas ba iyon ng Civil Service Commission?

Takot na mamatay sa gutom ang pamilya ko kaya naghihimagsik man ang aking kalooban sa matinding pagtutol ay napilitan akong pirmahan iyon-kapalit ng tsekeng nagkakahalaga ng limang daan at limamput libong piso (P550,000.00) lamang para sa limang (5) taong kabayaran. (See attached "E") Ito ang nangyari noong Mayo 5, 2008 sa opisina ng legal ng City Hall ng Makati. Ito po ba ay angkop na HATOL na inilapat sa akin ng City Government ng Makati? Alam ko hindi *ulit* makatarungan ang ginawa nilang ito. Hindi makatarungang pagtanggap sa trabaho ang ginawa nila sa akin *noon* naipanalo ko nga ang aking karapatan ngunit *ngayon* hindi pa rin makatarungan ang kanilang kabayaran. Hindi sapat ang limang taong (5) kabayaran sa halos magwawalong (8) taong walang hanapbuhay, dapat po bang ako ang umatang ng kakulangan? Nasaan po ba ang tunay na batas?

X X X X

⁷³ *Panado v. Court of Appeals*, 358 Phil. 593 (1998).

Kaya muli po akong maninikluhod upang humingi ng tamang hustisya at mabigyang linaw ang lahat ng katanungan ko sa kung ano ang tunay na batas ng Civil Service Commission. Sana po ay mabigyan ng makatarungang paglapat ng hustisya ang hamak na kawani na katulad ko nang sa ganon ay hindi na maulit muli, at sana ay mabigyan ng karampatang lunas ang hinaing kong ito at maimplemento nang tama ang CSC Resolution 08-132 sa lalong madaling panahon.⁷⁴ (Emphasis supplied.)

It can be gleaned from the above-quoted portion of the Letter-Complaint that respondent was assailing the award of back wages for a period not exceeding five (5) years as decreed by this Court in the 2007 Decision. In the said Letter-Complaint, respondent expresses her dismay at the seemingly insufficient award of back wages, which were limited to five (5) years vis-à-vis the period of almost eight (8) years that she was out of work. The CSC should have realized that it did not have any authority to entertain any attempt to seek the reversal of the 2007 Decision.

Indeed, while being well-aware that the 2007 Decision had long become final and executory, and that any such appeal by respondent would be futile and useless, it still erringly took cognizance of the appeal and worse, modified the 2007 Decision, instead of dismissing the Letter-Complaint outright.

As the final arbiter of all legal questions properly brought before it, our decision in any given case constitutes the law of that particular case, from which there is no appeal.⁷⁵ The 2007 Decision bars a further repeated consideration of the very same issues that have already been settled with finality; more particularly, the illegal dismissal of respondent, as well as the amount of back wages that she was entitled to receive by reason thereof.

To once again reopen that issue through a different avenue would defeat the existence of our courts as final arbiters of legal controversies. Having attained finality, the decision is beyond review or modification even by this Court.⁷⁶ Every litigation must come to an end once a judgment becomes final, executory and unappealable.⁷⁷ Just as a losing party has the right to file an appeal within the prescribed period, the winning party also has the correlative right to enjoy the finality of the resolution of the latter's case by the execution and satisfaction of the judgment, which is the "life of the law."⁷⁸

Thus, the CSC gravely erred in taking cognizance of respondent's appeal of this Court's 2007 Decision in the guise of a Letter-Complaint. Any proceedings and resolutions arising therefrom should be rendered nugatory.

⁷⁴ Supra note 26.

⁷⁵ *Balindong v. Court of Appeals*, 488 Phil. 203 (2004).

⁷⁶ *Toledo-Banaga v. Court of Appeals*, 361 Phil. 1006 (1999).

⁷⁷ *Yau v. Silverio*, 567 Phil. 493 (2008).

⁷⁸ *De Leon v. Public Estates Authority*, G.R. Nos. 181970 & 182678, 03 August 2010, 626 SCRA 547.

B. The CSC Resolutions are void and ineffectual for varying the tenor of the 2007 Decision.

We likewise rule that the CSC Resolutions are void and ineffectual for varying the tenor of our 2007 Decision. These Resolutions directed petitioner to pay respondent's back salaries for the entire period of seven (7) years, eight (8) months and twenty-eight (28) days or for the entire period that she had not been reinstated; more specifically, from the time of her illegal dismissal on 15 May 2000 until her early retirement on 13 February 2008, contrary to our 2007 Decision limiting the said award only to five (5) years.

It is a fundamental rule that when a final judgment becomes executory, it thereby becomes immutable and unalterable.⁷⁹ It may no longer be modified in any respect, even if the modification is meant to correct what is perceived to be an erroneous conclusion of fact or law, and regardless of whether the modification is attempted to be made by the court rendering it or by this Court.⁸⁰ The only recognized exception is the correction of clerical errors; or the making of so-called *nunc pro tunc* entries which cause no prejudice to any party or when the judgment is void.⁸¹ Any amendment or alteration that substantially affects a final and executory judgment is null and void for lack of jurisdiction, including the entire proceedings held for that purpose.⁸²

In the instant case, when the CSC directed petitioner to pay respondent an amount pertaining to her backwages for a period of almost eight (8) years, it erroneously modified the 2007 Decision of this Court. The CSC's directive cannot be considered as mere correction of a clerical error either, since it substantially altered the amount of benefits respondent was entitled to as decreed by this Court.

To recall, an examination of the CA Decision dated 14 May 2004⁸³ would reveal that it clearly imposed a five-year limit on the amount of back wages that respondent is entitled to receive upon her illegal dismissal. The appellate court ruled in this wise:

However, as regards the CSC's order to pay Emerita Odeña's "*salaries from the time of her separation up to her actual reinstatement*," the Court deems it appropriate to modify the same. **It is settled that an illegally terminated civil service employee is entitled to back salaries limited only to a maximum period of five years, not full back salaries from her illegal dismissal up to her reinstatement (*Marohombsar vs. Court of Appeals*, 326 SCRA 62 [2000]).** Hence, considering that Emerita Odeña

⁷⁹ *Agra v. Commission on Audit*, G.R. No. 167807, 06 December 2011, 661 SCRA 563.

⁸⁰ *Landbank of the Philippines v. Suntay*, G.R. No. 188376, 14 December 2011, 662 SCRA 614.

⁸¹ *AGG Trucking v. Yuag*, G.R. No. 195033, 12 October 2011, 659 SCRA 91.

⁸² *Mandaue Dinghow Dimsum House Co., Inc. v. NLRC*, 571 SCRA 108 (2008).

⁸³ *Rollo*, pp. 31-40, CA Decision dated 14 May 2004 in C.A.-G.R. SP No. 74411.

was dropped from the rolls effective at the close of office hours of May 15, 2000, her back salaries shall be computed from May 16, 2000 up to date of reinstatement, but not to exceed five (5) years.⁸⁴ (Emphases supplied)

The five-year limit was also reflected in the dispositive portion of the CA Decision as follows:

WHEREFORE, the petition is DISMISSED for lack of merit. **CSC Resolution No. 010962 dated May 29, 2001⁸⁵ and CSC Resolution No. 021491 dated November 18, 2002⁸⁶ are affirmed**, without prejudice to the filing of whatever appropriate disciplinary case against Emerita Odeña, and subject to the modification that payment of her back salaries shall be computed from date of dismissal **up to date of reinstatement, but in no case to exceed five (5) years.**

SO ORDERED. (Emphasis supplied)⁸⁷

The discussion in the 2007 Decision did not mention any qualification pertaining to the five-year limit set by the CA on the amount of back wages to be received by respondent. Likewise, the dispositive portion of the 2007 Decision simply provides as follows:

WHEREFORE, the instant petition is DISMISSED for lack of merit. The **assailed CA Decision dated May 14, 2004 is hereby AFFIRMED.** Costs against petitioners.

SO ORDERED. (Emphasis supplied)

Thus, our 2007 Decision unequivocally affirmed the CA Decision dated 14 May 2004⁸⁸ without modification. Since there is no qualification stated in either the body or the dispositive portion, the ordinary and literal meaning of the word “affirm” should prevail, that is, that the CA Decision had been affirmed in its entirety; including the five-year limit imposed by the appellate court.⁸⁹ This Court in *Jose Clavano, Inc. v. HLURB*⁹⁰ reiterated previous rulings wherein We nullified orders that veered away from the dispositive portion of final judgments:

⁸⁴ Id. at 38, CA Decision dated 14 May 2004, p. 8 in C.A.-G.R. SP No. 74411.

⁸⁵ *Rollo* (G.R. No. 163683), p.3; “WHEREFORE, the appeal of Emerita B. Odena is hereby GRANTED. The Memorandum of Mayor Elenita S. Binay dated June 8, 2000 dropping her from the rolls is hereby set aside. Accordingly, Odena is hereby reinstated to her former position without loss of seniority rights and other privileges appurtenant to the position. Furthermore, she should be paid her salaries from the time of her separation up to her actual reinstatement. However, that is without prejudice to whatever disciplinary case which may be commenced against her.” [See CSC Resolution No. 010962]

⁸⁶ Id. at 35; “WHEREFORE, the motion for reconsideration of former Mayor Elenita S. Binay is hereby DENIED for want of merit. Accordingly, CSC Resolution No. 01-0962 dated May 29, 2011 directing the immediate reinstatement of Emerita B. Odena and the payment of her back salaries and other benefits from the date of her separation from the service up to her actual reinstatement, STANDS.” [See CSC Resolution No. 021491]

⁸⁷ *Rollo*, p. 23.

⁸⁸ Docketed as CA G.R. SP No. 74411.

⁸⁹ See *Jose Clavano, Inc. v. HLURB*, 428 Phil. 208 (2002).

⁹⁰ Id. at 224-232.

Clearly, there is nothing in the body much less in the dispositive portion of the HLURB Decision nor in the pleadings of the parties from where we may deduce that petitioner must pay for the amounts spent in transferring title to private respondents. It is well-settled that under these circumstances no process may be issued to enforce the asserted legal obligation. In *De la Cruz Vda. de Nabong v. Sadang* we nullified an order requiring an indemnity bond since the requirement was not contained in the dispositive part of the final judgment. Similarly in *Supercars, Inc. v. Minister of Labor* we set aside the award of backwages for the period that the writ of execution was unserved since the final and executory decision of the Minister of Labor merely directed the reinstatement of the laborers to their former positions. Finally, *David v. Court of Appeals* affirmed the ruling of the Court of Appeals mandating the payment of simple legal interest only with nothing said about compounded interest since the judgment sought to be executed therein ordered the payment of simple legal interest only and held nothing about payment of compounded interest. This Court can do no less than follow these precedents in the instant petition.

x x x x

Verily, since the Orders in question are a wide departure from and a material amplification of the final and at least executory HLURB Decision, they are pro tanto void and absolutely unenforceable for any purpose. It is well settled that after the decision has become final and executory, it can no longer be amended or corrected by the court except for clerical errors or mistakes. In *Robles v. Timario* we nullified and set aside the imposition of interest in a subsequent order of the lower court on the ground that the dispositive part of the judgment “absolutely made no mention of any interest on the amount of the judgment, hence there is no ambiguity to be clarified from the statements made in the body of the decision x x x” We shall do the same in the instant case. (Emphasis supplied)

We have often ruled that when the dispositive portion of a judgment is clear and unequivocal, it must be executed strictly according to its tenor.⁹¹ A definitive judgment is no longer subject to change, revision, amendment or reversal. Upon finality of the judgment, the Court loses its jurisdiction to amend, modify or alter it.⁹² The 2007 Decision had been clear and unambiguous to both parties; otherwise, the parties would have filed a motion for its clarification, but neither party did in this case. Thus, the CSC’s act of increasing the amount of benefits awarded to respondent was improper. It did not have any authority to modify, let alone increase the said award which has already been adjudged with finality.

The CSC has no authority to vary or modify such final and executory judgment. It is merely obliged with becoming modesty to enforce that judgment and has no jurisdiction either to modify in any way or to reverse the same.⁹³

⁹¹ *Montemayor v. Millora*, G.R. No. 168251, 27 July 2011, 54 SCRA 580.

⁹² *Bongcac v. Sandiganbayan*, G.R. No. 156687-88, 21 May 2009, 588 SCRA 64.

⁹³ *See People of Paombong, Bulacan v. Court of Appeals*, G.R. No. 99845, 4 February 1993, 218 SCRA 423.

C. Petitioner already complied with this Court's 2007 Decision, and its obligation was extinguished, when it paid respondent the amount of ₱558,944.19 representing her backwages for a period not exceeding five (5) years, as computed by petitioner.

Petitioner insists that it has complied with this Court's 2007 Decision upon its payment of the amount of ₱558,944.19 to respondent. We agree.

The rule is fundamental, that after a judgment has been fully satisfied, the case is deemed terminated once and for all. It cannot be modified or altered.⁹⁴ The CSC gravely erred in modifying a judgment which had in fact already been satisfied even before respondent filed her Letter-Complaint.

As previously stated, the 2007 Decision, in relation to the CA Decision dated 14 May 2004, directed petitioner to do two things: (1) to reinstate respondent to her former position;⁹⁵ and (2) to pay her back wages to be computed from the time of her illegal dismissal until her reinstatement to her former position, but not to exceed five (5) years. We rule that these directives have already been complied with prior to the filing of the Letter-Complaint.

Moreover, respondent's reinstatement was rendered moot by the fact of her early retirement. Thus, petitioner could no longer carry out the same.

As earlier discussed, it is undisputed that the respondent received from the petitioner the amount of ₱558,944.19 as backwages. Thus, upon satisfaction of the judgment, any subsequent modification thereof ordered by the CSC was rendered useless and futile.

D. The quitclaim executed by respondent is void and of no effect in terms of foreclosing her rights to receive additional amounts pertaining to her retirement benefits.

We are aware that respondent has already retired. We emphasize that this Decision, as well as our 2007 Decision, pertain mainly to her entitlement to back wages due to her illegal dismissal. We were made aware, however, of a quitclaim that she executed in favor of petitioner, signed after receiving payment of her back wages, and which seemingly included a waiver of her rights to her retirement benefits. We deem it necessary,

⁹⁴ *Freeman Inc. vs. SEC*, G.R. No. 110265, 07 July 1994, 233 SCRA 735.

⁹⁵ Supra note 17.

therefore, to discuss the implications of that quitclaim, with regard not only to the payment of back wages, but also as to her retirement benefits.

Petitioner argues that the waiver executed by respondent forecloses any right to receive additional amounts pertaining to her benefits.

We cannot sustain petitioner's argument. The waiver made by respondent cannot repudiate her entitlement to her retirement benefits after having served petitioner for almost twenty-eight years (28) or beginning 1980.

In our jurisprudence, quitclaims, waivers or releases are looked upon with disfavor.⁹⁶ In *Interorient Maritime Enterprises, Inc. v. Remo*,⁹⁷ this Court elucidated on the following requirements for a waiver of rights to be valid:

To be valid, a Deed of Release, Waiver and/or Quitclaim must meet the following requirements: (1) that there was no fraud or deceit on the part of any of the parties; (2) that the consideration for the quitclaim is credible and reasonable; and (3) that the contract is not contrary to law, public order, public policy, morals or good customs, or prejudicial to a third person with a right recognized by law. Courts have stepped in to invalidate questionable transactions, especially where there is clear proof that a waiver, for instance, was obtained from an unsuspecting or a gullible person, or where the agreement or settlement was unconscionable on its face. A quitclaim is ineffective in barring recovery of the full measure of a worker's rights, and the acceptance of benefits therefrom does not amount to estoppel. Moreover, a quitclaim in which the consideration is scandalously low and inequitable cannot be an obstacle to the pursuit of a worker's legitimate claim.

A reading of the wording of the Release, Waiver and Quitclaim⁹⁸ executed by respondent reveals that the waiver **also included her retirement benefits** as follows:

1. In accordance with the Decision of the Supreme Court dated June 08, 2007 in SC G.R. 163683, I hereby agree to accept payment in the amount of FIVE HUNDRED FIFTY EIGHT THOUSAND NINE HUNDRED FORTY FOUR AND 19/100 (Php 558,944.19) which is full and total payment pursuant to the said Decision;

2. It is understood and agreed that with the payment to me of the specified amount, receipt of which is hereby acknowledged, I hereby release and forever discharge the City Government of Makati of all its obligations and liabilities pursuant to the said Decision **and in relation to my previous employment to the City Government of Makati**;

3. **It is also understood and agreed that the amount paid to me is in full settlement of my benefits, except for the terminal leave**

⁹⁶ *Agoy v. NLRC*, 322 Phil. 636 (1996).

⁹⁷ G.R. No. 181112, 29 June 2010, 622 SCRA 237, 248.

⁹⁸ *Rollo*, p. 172; Release, Quitclaim and Waiver dated 5 May 2008.

earned during the period that I rendered actual service to the City Government of Makati as maybe allowed under the law, and I hereby waive any further action, causes of actions, demands, damages, or any claim whatsoever against the City Government of Makati and its officials;

4. Further, I hereby state that I have carefully read and understood the foregoing release, waiver and quitclaim and have signed the same freely and voluntarily. (Emphases supplied)

We find that respondent's waiver is void and contrary to public policy, insofar as it included therein her entitlement to retirement benefits.

The waiver states that petitioner was being discharged from its obligations pertaining not only to the 2007 Decision, but also from those obligations in relation to respondent's previous employment with petitioner. Those obligations in relation to her previous employment erroneously include within its scope her retirement benefits. This waiver, therefore, cannot be countenanced, insofar as it included her retirement benefits.

We rule that the said waiver is void in two respects, more particularly the following: (1) there was fraud or deceit on the part of petitioner; and (2) the consideration for the quitclaim was unreasonable.

Obviously, the waiver was merely inveigled from respondent, who had been anxiously waiting to receive payment of her back wages as decreed by this Court. Petitioner basically cornered respondent into signing the same by making its execution a pre-condition before she could receive her back wages.

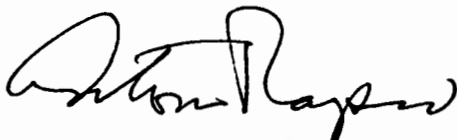
Similarly, the consideration for the quitclaim is unreasonably low, if we consider that she was supposed to receive her retirement benefits as well, computed from the time she started serving petitioner since way back in 1980. The quitclaim basically meant that the ₱558,944.19 she received from petitioner as payment of back wages was likewise in fulfillment of her retirement benefits as well. Needless to state, the quitclaim, in effect, unduly limited the amount of retirement pay that she was supposed to receive from petitioner. The waiver is, therefore, without effect insofar as it foreclosed her entitlement to her retirement benefits. It should not prevent her from receiving her retirement benefits for her employment.

WHEREFORE, the instant Petition for Review filed by City of Makati is hereby **GRANTED**. The Resolutions dated 23 October 2009 and 17 March 2010 of the Court of Appeals in CA-G.R. SP No. 108983 are **REVERSED**. The Release, Waiver and Quitclaim signed by respondent, however, is without force and effect, and should not foreclose her entitlement to retirement benefits. The City of Makati is hereby likewise directed to immediately pay the same.

SO ORDERED.


MARIA LOURDES P. A. SERENO
Chief Justice

WE CONCUR:

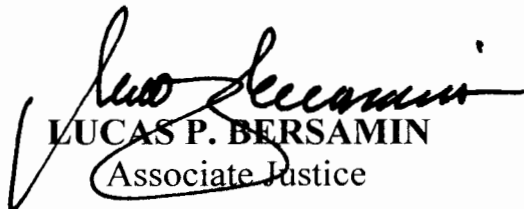

ANTONIO T. CARPIO
Associate Justice


PRESBITERO J. VELASCO, JR.
Associate Justice

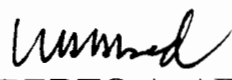
(On official leave)
TERESITA J. LEONARDO-DE CASTRO
Associate Justice

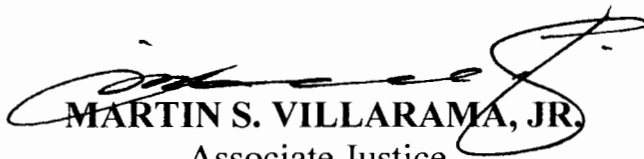

ARTURO D. BRION
Associate Justice


(No part)
DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


ROBERTO A. ABAD
Associate Justice


MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice


JOSE CATRAL MENDOZA
Associate Justice



BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC MARIO VICTOR F. LEONEN
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the Court.


MARIA LOURDES P. A. SERENO
Chief Justice