

EN BANC

[G.R. No. 191661, August 13, 2013]

**CITY GOVERNMENT OF MAKATI, AS REPRESENTED BY HON.
MAYOR JEJOMAR C. BINAY, PETITIONER, VS. EMERITA B.
ODEÑA, RESPONDENT.**

DECISION

SERENO, C.J.:

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 earlier Resolution dated 23 October 2009^[2] 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.

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]

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 Court^[16] 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)

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 P558,944.19, 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 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 nagreinststate 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.)

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 P550,000 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 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