

EN BANC

[G.R. No. 173634, July 22, 2010]

**PHILIPPINE AMUSEMENT AND GAMING CORPORATION
(PAGCOR), REPRESENTED BY ATTY. CARLOS R. BAUTISTA, JR.,
PETITIONER, VS. RUFINO G. AUMENTADO, JR., RESPONDENT.**

D E C I S I O N

CARPIO, J.:

The Case

This is a petition for review^[1] of the 28 April 2006 Decision^[2] and 19 July 2006 Resolution^[3] of the Court of Appeals in CA-G.R. SP No. 83624. In its 28 April 2006 Decision, the Court of Appeals denied the petition for review filed by petitioner Philippine Amusement and Gaming Corporation (PAGCOR) of Civil Service Commission (CSC) Resolution No. 03-0082.^[4] In its 19 July 2006 Resolution, the Court of Appeals denied PAGCOR's motion for reconsideration.

The Facts

Respondent Rufino G. Aumentado, Jr. (respondent) was employed by PAGCOR as a table supervisor. Subsequently, PAGCOR dismissed respondent from the service. Feeling aggrieved, respondent filed a complaint for illegal dismissal.

In CSC Resolution No. 98-1996 dated 27 July 1998, the CSC ruled that respondent was illegally terminated from the service and ordered respondent's reinstatement and the payment of his backwages. PAGCOR filed a motion for reconsideration. On 5 October 1998, the CSC denied PAGCOR's motion.

PAGCOR appealed to the Court of Appeals. The Court of Appeals affirmed the CSC's decision.

PAGCOR appealed to this Court. In our 20 November 2000 Resolution in G.R. No. 144500, we denied PAGCOR's appeal for failure to take the appeal within the reglementary period of 15 days.^[5] On 29 January 2001, our 20 November 2000 Resolution became final and executory.^[6]

In his 15 March 2001 letter addressed to the CSC, the Chairman and Chief Executive Officer and the Board of Directors of PAGCOR, respondent requested for his immediate reinstatement and the payment of his backwages.^[7] Respondent also filed a motion for execution before the CSC. In CSC Resolution No. 02-0773 dated 30 May 2002,^[8] the CSC granted respondent's motion. The dispositive portion of CSC Resolution No. 02-0773 provides:

WHEREFORE, the Philippine Amusement and Gaming Corporation (PAGCOR), through its responsible officials, is hereby **ORDERED**, for the last time, to effect **FORTHWITH** the reinstatement of Rufino G. Aumentado, Jr. according to the tenor of CSC Resolution No. 98-1996 dated July 27, 1998. It is likewise **ORDERED** that it directly furnish the Commission with its compliance report as soon as possible. Be forewarned that failure to do so shall constrain the Commission to take punitive actions, within the bounds of law, against the accountable officials of PAGCOR. Finally, it is understood that the Commission shall no longer entertain any more representation from PAGCOR insofar as it concerns the instant case.

Civil Service Commission - National Capital Region (CSC-NCR) is hereby ordered to closely monitor the implementation of this Resolution and for its Regional Director to submit her report within fifteen (15) days from receipt hereof.^[9]

However, on 4 April 2001, PAGCOR and respondent entered into an amicable settlement and, for monetary consideration, respondent executed a quitclaim which reads:

FOR THE SOLE CONSIDERATION OF THE SUM OF EIGHT HUNDRED FORTY THREE THOUSAND THREE HUNDRED EIGHTY AND 40/100 (P843,840.41) [sic] receipt of which is hereby acknowledged, I, RUFINO G. AUMENTADO, JR. of 56-A Rizal Avenue Extension, Basak, Mambaling, Cebu City, do hereby waive, quit, renounce, release and forever discharge the Philippine Amusement and Gaming Corporation (PAGCOR), with address at 1330 PAGCOR House, Roxas Blvd., Ermita, Manila, and its employees, from any and all actions, claims, demands and rights of action whatsoever, including my right to reinstatement, arising out of my previous employment thereon, or in connection with CSC Resolution No. 981996 of July 27, 1998 of which I am fully compensated.

This release may be pleaded as a bar to any criminal, civil or administrative suit or proceeding which may be taken or have been taken in connection with the aforementioned employment and other circumstances pertaining thereto.

It is further agreed that PAGCOR is hereby released from all claims, demands and rights of action from the undersigned.^[10]

On 1 July 2002, PAGCOR filed with the CSC a "Manifestation of Quitclaim with Prayer to Declare Complainant in Contempt."^[11] PAGCOR sought the reconsideration of CSC Resolution No. 02-0773 on the basis of the quitclaim executed by respondent.

In CSC Resolution No. 03-0082 dated 20 January 2003, the CSC denied PAGCOR's motion. The dispositive portion of CSC Resolution No. 03-0082 provides:

WHEREFORE, the motion of the Philippine Amusement and Gaming Corporation to set aside CSC Resolution No. 02-0773, dated June 26, 2002, is hereby **DENIED**. There being no more legal impediment, Rufino G. Aumentado, Jr. should now be reinstated forthwith to his former position, or, if the same be legally untenable, to any equivalent position. The payment made to him in consonance with the quitclaim shall be deemed to be an advance of his back salaries, the amount of which should be reckoned from the time of his illegal dismissal up to the date of his actual reinstatement, but not to exceed five (5) years.^[12]

PAGCOR filed a motion for reconsideration. In CSC Resolution No. 04-0395 dated 5 April 2004 Resolution,^[13] the CSC denied PAGCOR's motion.

PAGCOR appealed to the Court of Appeals.

The Ruling of the Court of Appeals

In its 28 April 2006 Decision, the Court of Appeals denied PAGCOR's appeal. The Court of Appeals ruled that the appeal was not proper because Rule 43 of the Rules of Court (the Rules) applies only to appeals from judgments or final orders of an administrative body. According to the Court of Appeals, PAGCOR's appeal was not one from a judgment or final order of the CSC but was directed against a resolution ordering respondent's reinstatement in accordance with a decision which had already become final and executory. The Court of Appeals added that an order of execution is not appealable.

PAGCOR filed a motion for reconsideration. In its 19 July 2006 Resolution, the Court of Appeals denied PAGCOR's motion.

Hence, this petition.

The Issues

PAGCOR raises the following issues:

I.

Whether or not the Court of Appeals erred in ruling that its jurisdiction under Rule 43 of the Rules of Court is limited only to JUDGMENTS and FINAL ORDERS of the Civil Service Commission?

II.

Whether or not the Court of Appeals erred in ruling that CSC Resolution No. 02-0773 dated May 30, 2002, CSC Resolution No. 03-0082 dated January 20, 2003, [and] CSC Resolution No. 04-0395 dated April 5, 2004, are merely orders for execution thus not susceptible to appeal?^[14]

In the event that we rule on the affirmative and in the interest of substantial justice,