

NANDU, Joseph K.

Re: Motion for Execution

(Court of Appeals Decision promulgated on February 23, 2001)

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RESOLUTION No. 031177

Joseph K. Nandu, files a Motion for Execution of Judgment rendered by the Court of Appeals in C.A.-G.R. SP No. 53857 promulgated on February 23, 2001 affirming Civil Service Commission Resolution No. 99-1279 dated June 24, 1999. In said Resolution, the Commission declared not in order Nandu's dropping from the rolls and ordered the Mindanao State University (MSU) to reinstate him in the service with payment of back salaries from the time of his separation up to his actual reinstatement.

The dispositive portion of the Court of Appeals Decision is, as follows:

WHEREFORE, premises considered, the instant appeal is hereby DISMISSED and CSC Resolution No. 991279 is AFFIRMED.

In his motion, Nandu represented, as follows:

That to this day, the Decision of the Honorable Civil Service Commission which was affirmed by the Honorable Court of Appeals remains unimplemented despite efforts exerted by the undersigned;

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That the undersigned was first terminated on 01 April 1996 and has remained to be terminated for exactly six (6) years, two (2) months and eleven (11) days today only because the MSU Systems refuse as they continue to refuse to strictly follow Civil Service

Rules and Regulations. If, and only if, MSU Systems at that time only care to find out the rules and regulations of the Honorable Commission with respect to personnel action, none of this would perhaps have occurred. But, as it is MSU Systems failed and refused as they continue to fail and refuse to look at the other side of the fence, so to speak. They have remained steadfast in their conviction, wrong as it may be.

☐ That such length of time has, not only greatly prejudiced the undersigned but, worst, it has badly affected his family as well. xxx. ☐

Records show that on April 1, 1996, Nandu was dropped from the rolls of the Mindanao State University (MSU), Sulu, for allegedly having been on Absence Without Official Leave (AWOL) from December 14, 1995 to February 13, 1996, which was confirmed in MSU Board of Regents Resolution No. 86, series 1996 adopted on May 27, 1996. On appeal, the Civil Service Commission Regional Office (CSCRO) No. IX, Zamboanga City, in a Decision dated December 16, 1996, set aside the said MSU Board of Regents Resolution and ordered that Nandu be reinstated to his former position as Chief Agriculturist and concurrent Director for Technology with back salaries and other accrued benefits. In a Decision dated December 23, 1996, the CSCRO No. IX denied the motion for reconsideration thereof.

Subsequently, the MSU Board of Regents appealed the abovesaid CSCRO No. IX decisions to this Commission. The Commission dismissed the appeal in CSC Resolution No. 99-1279 dated June 24, 1999 and affirmed Nandu☐s reinstatement and payment of back salaries. Thereafter, the MSU Board of Regents appealed the Resolution to the Court of Appeals by way of a Petition for Review under Rule 43 of the Rules on Civil Procedure.

After due proceedings, the Court of Appeals (First Division) in a Decision promulgated on February 23, 2001 dismissed the appeal of the MSU Board of Regents and affirmed CSC Resolution No. 99-1279. On March 24, 2001, the Decision became final and executory and was entered in the Book of Entries of Judgments.

Hence, this motion for execution.

The Commission finds the instant motion to be meritorious.

Section 1, Rule 39 of the Revised Rules of Court declares that the court of origin, upon appropriate motion, shall execute a final judgment rendered by an appellate court. It is logical that the court of origin is deemed authorized thereby to resolve the propriety thereof. Said rule provides, thus:

SECTION 1. Execution upon judgments or final orders. Execution shall issue as a matter of right, on motion, upon a judgment or order that disposes of the action or proceeding upon the expiration of the period to appeal therefrom if no appeal has been duly perfected.

If the appeal has been duly perfected and finally resolved, the execution may forthwith be applied for in the court of origin, on motion of the judgment obligee, submitting therewith certified true copies of the judgment or judgments or final order or orders sought to be enforced and of the entry thereof, with notice to the adverse party.

The appellate court may, on motion in the same case, when the interest of justice so requires, direct the court of origin to issue the writ of execution. [Underscoring Ours]

WHEREFORE, the Motion for Execution of Judgment filed by Joseph K. Nandu is hereby **GRANTED**. Accordingly, the Mindanao State University Board of Regents is hereby directed to reinstate him to his former position with payment of back salaries and other benefits due him without further delay.

The back salaries to be awarded to Joseph K. Nandu is limited to a period of five (5) years in accord with the Supreme Court ruling in Deogracias A. Regis, Jr. vs. Sergio Osmeña, Jr. et al, G.R. No. 26785, May 23, 1991 [197 SCRA 308]. The computation thereof shall be reckoned from the time of his reinstatement counting backward.

The Civil Service Commission Regional Office No. IX is hereby ordered to monitor the implementation of this Resolution and to submit its report to the Commission within ten (10) days from receipt hereof.

Quezon City, November 27, 2003

(SGD.)

J. WALDEMAR V. VALMORES
Commissioner

(SGD.)

KARINA CONSTANTINO- DAVID
Chairman

(SGD.)

JOSE F. ERESTAIN, JR.
Commissioner

Attested by:

(SGD.)

REBECCA A. FERNANDEZ
Director IV

Commission Secretariat and Liaison Office