

**GENTALLAN, Jocelyn S.**

Re: Payment of Back salaries, RATA,  
and Differential in Bonuses;  
Implementation of the Order dated  
June 14, 1999 of the CSCRO No. X

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## **RESOLUTION NO. 001264**

Jocelyn S. Gentallan, Local Civil Registrar of the Municipality of Jasaan, Misamis Oriental, requests the assistance of the Commission in the implementation of the Order dated June 14, 1999 of the Civil Service Commission Regional Office (CSCRO) No. X, Cagayan de Oro City, which found her claim for back salaries and other benefits in order.

The pertinent portions of the Order of CSCRO No. X read, as follows:

*"Before this Office is a petition dated January 19, 1999 filed by Jocelyn S. Gentallan of the Municipality of Jasaan, Misamis Oriental praying for the issuance of an Order directing Mayor Huberto C. Paurom of said municipality to pay back salaries, RATA and differential in bonuses due to Gentallan from March 8, 1996 to December 1998.*

*"At the outset, it should be noted that this case arose when on December 14, 1994 Gentallan was appointed as Local Civil Registrar (LCR) of said municipality. Consequently, a protest was filed by a certain Rosabilita H. Asis of the same office regarding the appointment of Gentallan as LCR.*

*"In an order (sic) dated March 13, 1995, the Civil Service Commission Regional Office No. 10 dismissed the protest of Asis for lack of merit and approved the appointment of Gentallan as LCR. An appeal was seasonably filed by Asis before the Commission proper.*

*"The Commission, in its Resolution No. 95-5317 dated August 31, 1995, reversed the Order of this Office dated March 13, 1995 and disapproved the appointment of Gentallan as LCR. A motion for reconsideration was filed by Gentallan of CSC Resolution No. 95-5317, but the same was denied by the Commission in its Resolution No. 96-0582 dated January 25, 1996.*

*"An appeal of CSC Resolutions 95-5317 and 96-0582 was seasonably filed by Gentallan before the Court*

of Appeals. Subsequently, on October 22, 1997, the Court of Appeals rendered a decision on the appeal of Gentallan, the dispositive portion of which reads as follows:

X X X

*"The judgement of the Court of Appeals became final and executory on November 15, 1997.*

*"As a consequence thereof, this Office in a letter dated September 2, 1998 requested Mayor Paurom of Jasaan, Misamis Oriental to implement the decision of the Court of Appeals. Gentallan was reinstated only on December 21, 1998 in a memorandum by Mayor Paurom addressed to Gentallan directing the latter to assume the duties and responsibilities of the Local Civil Registrar of said Municipality.*

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*"A grant for back salaries differential and bonuses is a necessary consequence upon a finding by a competent authority of the rightful and legal occupant of a position who has been improperly deprived of the legal and beneficial title to such position and who is thereby reinstated to such position.*

X X X

*"Hence, when Gentallan was appointed on December 14, 1994 and adjudged to be the rightful and legal occupant to the position of LCR, she automatically acquires a vested right over said position and enjoys the rights and privileges attached to such position, one of which is the grant of RATA to be reckoned from the time of her appointment to said position.*

*"Thus, when she was reverted to her previous position as Assistant Local Civil Registrar, through no fault of her own, she was in effect deprived of her legal and rightful compensation and benefits attached to her appointment as LCR.*

*"WHEREFORE, premises considered, this office finds the claim of Jocelyn S. Gentallan for back salaries, RATA and differential in bonuses in proper order to be reckoned from her previous permanent appointment as LCR of Jasaan, Misamis Oriental on December 14, 1994 until her actual reinstatement to said position."*

Gentallan, in her request, alleges, in part, as follows:

*"1. That the Hon. Regional Director handed down an order dated June 14, 1999 the dispositive portion of which reads:*

X X X

*"2. That respondent, Hon. Huberto C. Paurom, in his capacity as Mayor of Jasaan , Misamis Oriental and the Sangguniang Bayan did not interpose any appeal rendering therefor the said order final and executory;*

*"3. That notwithstanding various requests, the Hon. Mayor/Sangguniang Bayan failed and refused to comply with the order of the Hon. Regional Director. No appropriation by way of supplemental budget has been enacted;*

*"4. That the Hon. Mayor Huberto C. Paurom asked for legal opinion from the Provincial Attorney and the same was already resolved in favor of Ms. Jocelyn S. Gentallan. The pertinent portion of the legal opinion reads:*

X X X

*"5. That under Resolution No. 94-0521 providing for uniform Rules of Procedure in the conduct of Administrative Investigation particularly Sec. 53 thereof, public officials who willfully refuse or fail to implement a final resolution, decision, order or ruling of the commission (sic) may be cited in contempt and administratively charged.*

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#### **"PRAYER**

*"Wherefore, Ms. Jocelyn S. Gentallan prays for issuance of an order directing the Hon. Huberto C. Paurom and the Sangguniangbayan to immediately enact an appropriation ordinance and expedite payment of back salaries, RATA and differential in bonuses."*

Records show that Gentallan was appointed as Local Civil Registrar of the Municipality of Jasaan, Misamis Oriental on December 14, 1994. Subsequently, a protest was filed with CSCRO No. X against the appointment of Gentallan by Rosabilita Asis for the reason that she lacks three (3) years experience in registry work, one of the qualifications prescribed for the position she was appointed to. On March 13, 1995, the CSCRO No. X dismissed the protest of Asis who then appealed to the Commission Proper. In Resolution No. 95-5317 dated August 31, 1995, CSC reversed the Order of the Regional Office. Gentallan moved for its reconsideration but was denied in CSC Resolution No. 96-0582 dated January 25, 1996. By virtue of the reversal of the Order of CSCRO No. X, Mayor Paurom issued Memorandum No. 133-96 dated March 8, 1996 terminating the services of Gentallan as Local Civil Registrar and reverting her to Assistant Registration Officer. Thereafter, Gentallan appealed both CSC Resolution Nos. 95-5317 and 96-0582 to the Court of Appeals which ruled in her favor and ordered her reinstatement to the position of Local Civil Registrar.

Hence, on December 21, 1998, Gentallan was reinstated to said position by Jasaan Mayor Huberto C. Paurom.

However, Gentallan was never paid her back salaries, Representation and Transportation Allowance and differential in bonuses for the period of March 8, 1996 (date when she was reverted to Assistant Registration Officer) to December 21, 1998 (date when she was reinstated as Local Civil Registrar).

On June 14, 1999, the CSCRO No. X issued an Order (at the request of Gentallan) for the payment of back salaries and other benefits due to Gentallan. However, Mayor Paurom refused to comply with the Order citing that no appropriation therefor was enacted by way of supplemental budget.

Since the cancellation of the appointment of Gentallan was reversed in view of the Court of Appeals' decision upholding her appointment and dismissing the protest, Gentallan should be reinstated to her previous position.

However, the Commission finds no legal basis to grant the request of Gentallan for the payment of back salaries.

Relative to the discussion is the case of **DELA CRUZ, Alex, CSC Resolution No. 95-1926 dated March 21, 1995** which reads, as follows:

*"The Commission finds no legal basis to grant Dela Cruz's request for back salaries. It is a well-settled principle that compensation is paid only for services actually or constructively rendered. Since he did not render service to the government during said period, granting him back salaries would in effect be unjustly enriching him at the expense of the taxpayer's money."*

In the case of Gentallan, records show that from March 8, 1996 to December 21, 1998, she was performing the work of Assistant Registration Officer, hence, she cannot claim to have actually rendered service as Local Civil Registrar.

Moreover, to have a right to the payment of back salaries, Gentallan must have been illegally dismissed from the service. Pertinently, the **Supreme Court** ruled in the case of **Sabello vs. Department of Education, Culture and Sports, 180 SCRA 623 dated December 26, 1989** in the following manner, to wit:

*"Thus, although his reinstatement had been duly authorized, it did not thereby entitle him to back wages. Such right is afforded only to those who have been illegally dismissed and were thus ordered reinstated."*

As culled from the records, Mayor Paurom issued the Memorandum dated March 8, 1996, reverting Gentallan to her former position, Assistant Registration Officer, to execute the CSC Resolution Nos. 95-5317 and 96-0582. Hence, Gentallan cannot be considered to have been illegally dismissed from the service since her reversion to her former position was a result of a lawful order of the Commission.

WHEREFORE, the Commission hereby rules that Jocelyn S. Gentallan is not entitled to the payment of back salaries, Representation and Transportation Allowance and differential in bonuses. Accordingly, the Order dated June 14, 1999 of CSCRO No. X is hereby set aside.

Quezon City, **MAY 24 2000**

(SGD.)  
**CORAZON ALMA G. DE LEON**  
Chairman

(SGD.)  
**JOSE F. ERESTAIN, JR.**  
Commissioner

(SGD.)  
**ELMOR D. JURIDICO**  
Commissioner

Attested by:

(SGD.)  
**ARIEL G. RONQUILLO**  
Director III

OLA/JJC/FPG/MVM/A3/S16/nmn43  
ndc-99-1429  
CPS/pvp/cm16-2000