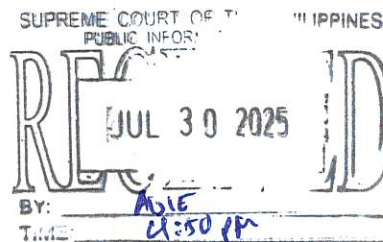




Republic of the Philippines
Supreme Court
Manila



EN BANC

EMPLOYEES' LEAVE
DIVISION, OFFICE OF
ADMINISTRATIVE SERVICES,
OFFICE OF THE COURT
ADMINISTRATOR,
Complainant,

A.M. No. P-24-192
(Formerly JIB FPI No. 23-339-P)

Present:

GESMUNDO, C.J.,
LEONEN,
CAGUIOA,
HERNANDO,*
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ, M.,
GAERLAN,**
ROSARIO,**
LOPEZ, J.,*
DIMAAMPAO,
MARQUEZ,**
KHO, JR., and
SINGH,*** JJ.

- versus -

JAVEELYN L. MATARO, Court
Stenographer III, Branch 15,
Regional Trial Court, Naic, Cavite,
Respondent.

Promulgated:

May 20, 2025

X-----X

DECISION

CAGUIOA, J.:

This administrative matter arose from the Report on Undertime Incurred by Ms. Javeelyn L. Mataro¹ dated November 21, 2023, prepared by the Employees' Leave Division, Office of Administrative Services (OAS), Office of the Court Administrator (OCA). Records show that respondent Javeelyn L. Mataro (respondent) was tardy from work 10 times in September

* On official business.

** On official leave.

*** On leave.

¹ Rollo, p. 3.

2023 and 12 times in October 2023.² The OAS-OCA then endorsed the report to Atty. Eduardo C. Tolentino (Atty. Tolentino), Officer-in-Charge, Office of Executive Director of the Judicial Integrity Board (JIB), for appropriate action.³ The JIB directed respondent to file a Comment.⁴

In her verified Comment⁵ received by the JIB on January 10, 2024, respondent expressed her sincerest apology for her tardiness during the specified months. She explained that in the first week of September 2023, she found out that she was pregnant, and that since it was her first pregnancy, she found it difficult to wake up early.⁶ In addition, she had trouble sleeping at night and suffered from persistent nausea and vomiting during the day.⁷ She fully understood that her physical condition would not excuse her from incurring administrative liability, but she asked that the circumstance of “first offense” be considered in her favor.⁸

In his Report and Recommendation⁹ dated February 16, 2024, Atty. Tolentino recommended that respondent be found guilty of habitual tardiness and that she be fined PHP 18,000.00 and issued a stern warning.¹⁰

The JIB’s Report and Recommendation

In a Report¹¹ dated March 20, 2024, the JIB recommended that the case be re-docketed as a regular administrative matter and that respondent be found guilty of habitual tardiness, and accordingly, be fined in the amount of PHP 17,501.00, payable within three months from the time the Court’s Decision or Resolution is promulgated.¹²

The JIB found that the records showed that respondent was tardy at least 10 times for two consecutive months during the year, therefore falling squarely within the definition of “habitual tardiness.” Citing the 2004 case of *Re: Imposition of Corresponding Penalties for Habitual Tardiness*,¹³ the JIB opined that health conditions would not absolve employees from administrative liability.¹⁴ Nonetheless, the JIB recommended the further reduction of the PHP 18,000.00 fine proposed by Atty. Tolentino to PHP 17,501.00, considering the

² *Id.*

³ *Id.* at 2, 1st Indorsement dated November 21, 2023 of the Office of the Court Administrator.

⁴ *Id.* at 6, 1st Indorsement dated December 28, 2023 of the Judicial Integrity Board.

⁵ *Id.* at 9–11.

⁶ *Id.* at 9.

⁷ *Id.* at 9–10.

⁸ *Id.* at 10.

⁹ *Id.* at 14–17. The February 16, 2024 Report and Recommendation was submitted by Acting Executive Director Eduardo C. Tolentino, Office of the Executive Director, Judicial Integrity Board.

¹⁰ *Id.* at 17.

¹¹ *Id.* at 18–23. The March 20, 2024 Report was penned by Justice Rodolfo A. Ponferrada (Ret.) and concurred in by Justice Angelina Sandoval-Gutierrez (Ret.) and Justice Cielito N. Mindaro-Grulla (Ret.) of the Judicial Integrity Board, Supreme Court.

¹² *Id.* at 22.

¹³ 469 Phil. 534, 546 (2004) [Per J. Sandoval-Gutierrez, *En Banc*].

¹⁴ *Rollo*, pp. 20–21.



mitigating circumstance of first offense and the absence of any aggravating circumstance.¹⁵

The Court's Ruling

At the outset, it is worth highlighting that the circumstances here shed light on gaps in the Judiciary's disciplinary framework that need to be addressed. Specifically, the circumstances here warrant penalties **lower than what the current rules allow**.

There have been several changes in how the charge of habitual tardiness of court employees has been treated and punished over the years, and the instant case presents a timely opportunity for the Court to determine and reexamine whether the sanctions prescribed under the current rules are still commensurate to the charge itself and its effects on service. Thus, to enable the Court to properly decide, an extensive review of the history of how habitual tardiness has been classified and punished must be undertaken.

The applicable rules and penalties for administrative cases involving habitual tardiness prior to the amendment of Rule 140 of the Rules of Court

The Court crafted two separate rules to govern administrative disciplinary cases, namely:

- (a) Rule 140 of the Rules of Court, which then only covered justices of the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals, and judges of the lower courts;¹⁶ and
- (b) the Code of Conduct for Court Personnel¹⁷ (CCCP), which covered all other officials, employees, and personnel of the Judiciary who are not justices or judges of said courts.¹⁸

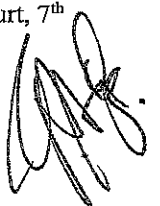
Even prior to the issuance of the CCCP—which categorically incorporated the Civil Service rules into itself—the Court had already been applying the Civil Service rules in disciplining Judiciary employees.

¹⁵ *Id.* at 22.

¹⁶ A.M. No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court, 7th Whereas Clause.

¹⁷ A.M. No. 03-06-13-SC, June 1, 2004.

¹⁸ A.M. No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court, 7th Whereas Clause.



*Justices of appellate courts and the
Sandiganbayan and judges*

For justices of appellate courts and the Sandiganbayan and judges, habitual tardiness is classified and punished as a less serious charge under Rule 140 of the 1997 Rules of Court, as amended, viz.:

SECTION 7. *Classification of charges.* — Administrative charges are classified as serious, less serious, or light.

....

SECTION 9. *Less Serious Charges.* — Less serious charges include:

1. Undue delay in rendering a decision or order, or in transmitting the records of a case;
2. Frequent and unjustified absences without leave or **habitual tardiness**;
3. Unauthorized practice of law;
4. Violation of Supreme Court rules, directives, and circulars;
5. Receiving additional or double compensation unless specifically authorized by law;
6. Untruthful statements in the certificate of service; and
7. Simple Misconduct.

....

SECTION 11. *Sanctions.* — ...

....

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

1. Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
2. A fine of more than P10,000.00 but not exceeding P20,000.00. (Emphasis supplied)



Aside from the increase in penalty, there has been no significant change in the above rule on habitual tardiness, even after several amendments¹⁹ of Rule 140.

*Other officials, employees, and
personnel of the Judiciary*

On the other hand, the rules on habitual tardiness covering all other officials, employees, and personnel of the Judiciary who are not justices or judges of courts, are more complex in terms of application.

Prior to the amendment of Rule 140, the Court followed the relevant issuances of the Civil Service Commission (CSC) in defining the offense of habitual tardiness and the appropriate penalties thereto. Thus, before Rule 140 was expanded to cover all Judiciary personnel, the penalties for habitual tardiness were dependent on the applicable Civil Service rules at the time of the commission of the offense, despite the Court's issuances relating to tardiness.

In CSC Memorandum Circular No. 04, s. 1991²⁰ dated January 22, 1991, the CSC issued the "Policy on Absenteeism and Tardiness," which provided.:

B. HABITUAL TARDINESS

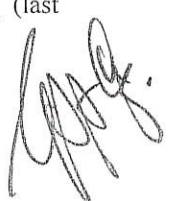
Any employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least (2) months in a semester or at least two (2) consecutive months during the year.

C. SANCTIONS

1. The following sanctions shall be imposed for violation of the above guidelines:
 - a) for the first violation, the employee, after due proceedings, shall be meted the penalty of 6 months and 1 day to 1 year suspension without pay;
 - b) for the second violation, and after due proceedings, he shall be dismissed from service.

¹⁹ See A.M. No. 01-8-10-SC, September 11, 2001, Proposed Amendment to Rule 140 of the Rules of Court Re Discipline of Justices and Judges; A.M. No. 18-01-05-SC, October 2, 2018, Creating the Judicial Integrity Board and the Corruption Prevention and Investigation Office; A.M. No. 18-01-05-SC, July 7, 2020, Establishment of the Judicial Integrity Board (JIB) and the Corruption Prevention and Investigation Office (CPIO); A.M. No. 21-03-17-SC, March 16, 2021, Amendments to the Fines Provided in Rule 140 of the Revised Rules of Court; and A.M. No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court.

²⁰ CSC MC 04, s. 1991: Policy on Absenteeism and Tardiness, *CIVIL SERVICE GUIDE: A Compilation of Issuances on Philippine Civil Service*, available at <https://www.csguide.org/items/show/67> (last accessed on March 25, 2025).



This definition of habitual tardiness and the penalties were incorporated into the *Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws*²¹ and the *Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws*²² (*Omnibus Rules*).

In the 1995 case of *Re: Report on the Absenteeism/Tardiness of Santos Gonzales, Jr., Sandiganbayan Employee*,²³ the Court applied the Omnibus Rules in imposing the penalty to a Sandiganbayan employee found guilty of the grave offense of habitual tardiness, among other violations.

In 1998, the CSC issued Memorandum Circular No. 23, s. 1998²⁴ to reclassify the offense of habitual tardiness as a light offense while retaining habitual absenteeism as a grave offense, viz.:

Pursuant to Resolution No. 98-1395 dated June 8, 1998, the offense of habitual tardiness has been reclassified as [a] light offense. Hence, the corresponding imposable penalty for the violation thereof has been revised.

For this purpose, [the provisions] of the Omnibus Rules Implementing Book V of [Executive Order No. 292] and Other Pertinent Civil Service Laws are hereby amended to read as follows:

[The following are grave offenses with corresponding penalties:]

....

- (q) Frequent unauthorized absences, loafing or frequent unauthorized absences from duty during regular office hours.

1st offense – suspension for six (6) months and one (1) day to one (1) year

2nd offense – DISMISSAL

....

The following are **light offenses** with their corresponding penalties:

....

- (c) Violation of reasonable office rules and regulations which shall include **Habitual Tardiness**

1st offense – Reprimand

²¹ CSC Resolution No. 911631, December 27, 1991, Rule XIV, sec. 23(q).

²² Rule XIV, Sec. 22(q).

²³ 321 Phil. 347 (1995) [Per C.J. Narvasa, Second Division].

²⁴ CSC MC 23, s. 1998: Reprimand as the Penalty for First Offense in Habitual Tardiness," *CIVIL SERVICE GUIDE: A Compilation of Issuances on Philippine Civil Service*, available at <https://www.csguide.org/items/show/370> (last accessed on March 25, 2025).

2nd offense – Suspension for one (1) day to thirty
(30) days

3rd offense – Dismissal

Any employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least (2) months in a semester or at least two (2) consecutive months during the year. (Emphasis supplied)

On January 15, 1999, the Court issued two Administrative Circulars on tardiness. In Administrative Circular No. 1-99,²⁵ the Court enjoined all court officials and employees to strictly observe official time. It also stated that absenteeism and tardiness are impermissible since punctuality is a virtue. In Administrative Circular No. 02-99,²⁶ the Court emphasized that “[a]bsenteeism and tardiness, even if such do not qualify as ‘habitual’ or ‘frequent’ under [CSC] Memorandum Circular No. 04, Series of 1991, shall be dealt with severely, and any falsification of daily time records to cover-up for such absenteeism and/or tardiness shall constitute gross dishonesty or serious misconduct.”

Later that year, the CSC issued the Uniform Rules on Administrative Cases in the Civil Service²⁷ (URACCS). Unlike the *Omnibus Rules*, as amended—which included only one offense relating to tardiness—the URACCS classified the same into two separate offenses: (1) the grave offense of “[f]requent unauthorized absences, or tardiness in reporting for duty, loafing or frequent unauthorized absences²⁸ from duty during regular office hours”; and (2) the light offense of “frequent unauthorized tardiness (Habitual Tardiness),” viz.:

RULE IV – PENALTIES

Section 52. Classification of Offenses. — Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following are grave offenses with their corresponding penalties:

....

17. Frequent unauthorized absences, or **tardiness in reporting for duty**, loafing or frequent unauthorized absences from duty during regular office hours

²⁵ SC Administrative Circular No. 1-99, January 15, 1999, Enhancing the Dignity of Courts as Temples of Justice and Promoting Respect for their Officials and Employees.

²⁶ SC Administrative Circular No. 02-99, January 15, 1999, Strict Observance of Working Hours and Disciplinary Action for Absenteeism and Tardiness.

²⁷ CSC Resolution No. 991936, August 31, 1999.

²⁸ N.B.: The text of the URACCS mentions “frequent unauthorized absences” twice in Section 52(A)(17).



1st offense - Suspension (6 mos. 1 day to 1 year)

2nd offense - Dismissal

....

C. The following are Light Offenses with corresponding penalties:

....

4. **Frequent unauthorized tardiness (Habitual Tardiness)**

1st Offense - Reprimand

2nd Offense - Suspension 1-30 days

3rd Offense - Dismissal

Accordingly, the Court decided the case of *Re: Imposition of Corresponding Penalties for Habitual Tardiness*²⁹ in 2002 following the URACCS. The Court imposed the penalty of reprimand to Judiciary employees therein who were found guilty of habitual tardiness and sternly warned them for their first offense.³⁰

As mentioned, in 2004, the Court crafted the CCCP, which incorporated Civil Service rules into the set of rules governing Judiciary employees, viz.:

INCORPORATION OF OTHER RULES

SECTION 1. All provisions of law, Civil Service rules, and issuances of the Supreme Court governing or regulating the conduct of public officers and employees applicable to the Judiciary are deemed incorporated into this Code.³¹

However, as seen from the above-cited cases, the Court had already been using the Civil Service rules even before the CCCP became effective.

In 2011, the CSC issued the Revised Rules on Administrative Cases in the Civil Service (RRACCS).³² Similar to the URACCS, the RRACCS also distinguished the grave offense of "frequent unauthorized absences, or tardiness in reporting for duty, loafing from duty during regular office hours" from the light offense of "frequent unauthorized tardiness (Habitual Tardiness)," viz.:

²⁹ 441 Phil. 240 (2002) [Per J. Sandoval-Gutierrez, *En Banc*].

³⁰ *Id.* at 250.

³¹ Code of Conduct for Court Personnel, A.M. No. 03-06-13-SC, May 15, 2004.

³² CSC Resolution No. 1101502, November 8, 2011.



PENALTIES

RULE 10

SCHEDULE OF PENALTIES

Section 46. Classification of Offenses. — Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

....

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

....

5. Frequent unauthorized absences, or **tardiness in reporting for duty**, loafing from duty during regular office hours;

....

F. The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:

....

4. **Frequent unauthorized tardiness (Habitual Tardiness)**
(Emphasis supplied)

In 2017, the CSC issued Memorandum Circular No. 01, s. 2017 entitled *“Reiteration of the Policy on Government Office Hours; and the Administrative Offenses of Frequent Unauthorized Absences (Habitual Absenteeism); Tardiness in Reporting for Duty; and Loafing from Duty during Regular Office Hours”*.³³ Pertinently, the issuance explained that the “classification of Habitual Tardiness as either a grave offense or a light offense would depend on the frequency or regularity of its commission and its effects on the government service.”

This rationale for distinguishing the different types of tardiness was adopted and incorporated into the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS).³⁴ Notably, the offenses relating to tardiness in the 2017 RACCS are more accurately captioned compared to the previous versions of the rules on administrative cases, viz.:

³³ January 31, 2017.

³⁴ CSC Resolution No. 1701077, July 3, 2017.



Rule 10**ADMINISTRATIVE OFFENSES AND PENALTIES**

Section 50. Classification of Offenses. Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on government service.

....

- B.** The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:
-

5. Frequent Unauthorized Absences (Habitual Absenteeism);

6. **Habitual tardiness in reporting for duty causing prejudice to the operations of the office;**

.....

- F.** The following light offenses are punishable by reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:
-

4. **Habitual Tardiness[.]** (Emphasis supplied)

The amendments to Rule 140 in the following years marked the Court's departure from the use of the Civil Service disciplinary framework and the continued expansion of Rule 140 to eventually cover all Judiciary personnel, not just justices and judges. A table showing the differences in the scope of Rule 140 over the years is included below for ease of reference:

A.M. No. 01-8-10-SC <i>Proposed Amendment to Rule 140 of the Rules of Court Re Discipline of Justices and Judges</i> September 11, 2001	A.M. No. 18-01-05-SC <i>Creating the Judicial Integrity Board and the Corruption Prevention and Investigation Office</i> October 2, 2018	A.M. No. 18-01-05-SC <i>Establishment of the Judicial Integrity Board (JIB) and the Corruption Prevention And Investigation Office (CPIO)</i> July 7, 2020	A.M. No. 21-08-09-SC <i>Further Amendments to Rule 140 of the Rules of Court</i> February 22, 2022
Rule 140	Rule 140	Rule 140	Rule 140
<i>Discipline of Judges of Regular and Special Courts and Justices of the Court of Appeals and the Sandiganbayan</i>	<i>Discipline of Judges of Regular and Special Courts, Justices of the Court of Appeals, the Sandiganbayan, Court of Tax Appeals, Court Administrator, Deputy</i>	<i>Discipline of Judges of Regular, Special or Shari'ah Courts, Presiding Justices and Associate Justices of the Court of Appeals, the Sandiganbayan, Court of</i>	<i>Discipline of <u>Members, Officials, Employees, and Personnel of the Judiciary</u></i>

SECTION 1. <i>How instituted.</i> — Proceedings for the discipline of Judges of regular and special courts and Justices of the Court of Appeals and the Sandiganbayan may be instituted <i>motu proprio</i> by the Supreme Court[.]	<i>Court Administrator and Assistant Court Administrator</i> SECTION 1. <i>How Instituted.</i> — Proceedings for the discipline of Justices of the Court of Appeals, the Sandiganbayan, Court of Tax Appeals and Judges and personnel of the lower courts, including the Shari'ah Courts, and the officials and employees of the Office of the Jurisconsult, Court Administrator, Deputy Court Administrator, Assistant Court Administrator and their personnel, may be instituted, <i>motu proprio</i>, by the Supreme Court, in the Judicial Integrity Board.	<i>Tax Appeals, and Shari'ah High Court, Court Administrator, Deputy Court Administrators and Assistant Court Administrators, and Personnel of the Judiciary</i> Section 1. <i>How Instituted.</i> — Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Shari'ah High Court and Judges of the lower courts, including the Shari'ah District or Circuit Courts, and the officials and employees of the Judiciary, Court Administrator, Deputy Court Administrators, Assistant Court Administrators and their personnel, may be instituted, <i>motu proprio</i>, by the Supreme Court, in the Judicial Integrity Board.	SECTION 1. <i>How Instituted.</i> — (1) <i>Motu Proprio Against those who are not Members of the Supreme Court.</i>—Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Shari'ah High Court, and Judges of the first and second level courts, including the Shari'ah District or Circuit Courts, as well as the officials, employees, and personnel of said courts and the Supreme Court, including the Office of the Court Administrator, the Judicial Integrity Board, the Philippine Judicial Academy, and all other offices created pursuant to law under the Supreme Court's supervision may be instituted, <i>motu proprio</i>, by either the Supreme Court with the Judicial Integrity Board, or by the Judicial Integrity Board itself on the basis of records, documents; or newspaper or media reports; or other papers duly referred or endorsed to it for appropriate action; or on account of any criminal action filed in, or a judgment of conviction rendered by the <i>Sandiganbayan</i> or by the regular or special courts, a copy of which shall be immediately furnished to the Supreme Court and the Judicial Integrity Board.
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As mentioned, there has been no significant change in the rule on habitual tardiness despite several amendments³⁵ to Rule 140. Habitual tardiness

³⁵ *Supra* note 19.

is classified and punished as a less serious charge under said Rule. Thus, when Rule 140 was amended to cover **all** members and employees of the Judiciary, the offense of habitual tardiness and its penalties for other officials, employees, and personnel of the Judiciary were effectively “upgraded” from a light offense to a less serious charge. Too, the expansion of Rule 140 narrowed down the range of penalties that may be imposed for such act, **regardless of frequency and/or effects on the operations of their office.**

To recall, when the Civil Service rules were in effect in 2017, the tardiness of other officials, employees, and personnel of the Judiciary could be considered as either a grave offense or a light offense depending on their gravity and effects on government service. After the coverage of Rule 140 was expanded from 2018 onwards, **the habitual tardiness of other officials, employees, and personnel of the Judiciary can only be punished in the same manner as any other less serious charge of justices and judges who are not members of the Supreme Court.** A comparison of the prescribed sanctions to a charge of habitual tardiness of other officials, employees, and personnel of the Judiciary from 2017 to 2018 is illustrated in the table below:

BEFORE THE EXPANSION OF RULE 140 TO COVER ALL JUDICIARY EMPLOYEES	AFTER THE EXPANSION OF RULE 140 TO COVER ALL JUDICIARY EMPLOYEES
Section 50. Classification of Offenses. Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service. B. The following grave offenses shall be punishable by <u>suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:</u> 5. Frequent Unauthorized Absences (Habitual Absenteeism); 6. Habitual tardiness in reporting for duty causing prejudice to the operations of the office; 	SECTION 23. <i>Less Serious Charge.</i> — Less serious charge include: 2. Frequent and unjustified absences without leave or habitual tardiness; SECTION 25. <i>Sanctions.</i> — B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed: 1. <u>Suspension from office without salary and other benefits for not less than one (1) month nor more than three (3) months;</u> or

F. The following light offenses are punishable by <u>reprimand for the first offense; suspension of one (1) to thirty (30) days for the second offense; and dismissal from the service for the third offense:</u> 4. Habitual Tardiness[.]³⁶ (Emphasis supplied)	2. <u>A fine of not more than P10,000.00 but not exceeding P20,000.00.</u>³⁷ (Emphasis supplied)
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In 2024, the consequences of habitual tardiness of all other officials, employees, and personnel of the Judiciary were greatly increased in the case of *Office of the Court Administrator v. Villavicencio-Olan*³⁸ (*Villavicencio-Olan*). For a complete analysis of its effects on how a first offense of habitual tardiness of other officials, employees, and personnel of the Judiciary is punished, the relevant rules on withholding of benefits are included here for reference:

The Court takes this opportunity to discuss the effects of imposing administrative penalties (i.e., dismissal, suspension, fine, and reprimand) upon **members, officers, and personnel of the judiciary** on their entitlement to allowances, incentives and other benefits granted by the Court and the national government.

....

These [Memorandum Orders] generally encapsulate the rule that **benefits for the judiciary shall not be provided to those found administratively guilty during the period covered by the grant of the particular benefit, unless they have been found guilty but only meted the penalty of reprimand or warning.** Additionally, the release of the benefit for those who are still preventively suspended during the period covered by the grant of the benefit shall be merely deferred until after the termination of the administrative case.

Nonetheless, the above rules do not apply to performance-based benefits, such as the [Employee Imperatives Assistance (EIA)], and the [Cost of Living Allowance (COLA)] under the [Judiciary Development Fund (JDF)]. The particular guidelines governing the same provide:

EIA	
<i>Penalty</i>	<i>Entitled to Grant</i>
Dismissal/Separation from Service	No – 100% not entitled

³⁶ 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), CSC Resolution No. 1701077, July 3, 2017.

³⁷ Creating the Judicial Integrity Board and the Corruption Prevention and Investigation Office, A.M. No. 18-01-05-SC, October 2, 2018.

³⁸ A.M. No. RTJ-23-040 (Formerly OCA IPI No. 20-5081-RTJ), June 25, 2024 [Per J. Gaerlan, *En Banc*].



Suspension of more than 1 month	Partial – period of suspension/fine deducted from the total months of actual service and benefit is proportionally adjusted
Fine equivalent to more than 1 month salary	
Suspension of 1 month or less	Yes
Fine equivalent to salary of 1 month or less	Yes
Censure and Reprimand	Yes

Similar to the earlier rules, the release of the benefit for those preventively suspended during the period covered shall be deferred until the termination of the case.

With regard to the grant of COLA, the rules state:

COLA under the JDF	
<i>Penalty</i>	<i>Entitled to Grant</i>
Dismissal/Separation from Service	No – 100% not entitled
Suspension/Preventively Suspended	Partial – period of suspension/fine deducted from the total period of actual service and benefit is proportionally adjusted
Fine equivalent to at least one week of salary	
Fine equivalent to salary of less than one week	Yes
Censure and Reprimand	Yes

Therefore, in the exercise of the Court's power of administrative supervision over all courts and the personnel thereof under Article VIII, Section 6, of the 1987 Constitution, as echoed in Section 20 of Executive Order No. 292, otherwise known as the Administrative Code of 1987, **this Court hereby adopts and sets the following guidelines, consistent with existing rules, to determine the effects of imposing administrative penalties on allowances, incentives, and other benefits granted to the members of the courts and the personnel thereof.**

First, the [Personal Economic Relief Allowance (PERA)] is given monthly to all employees in the judiciary irrespective of employment status. The Court deems it proper that the PERA of government personnel with pending cases shall continue to be paid for as long as they are allowed to continue rendering service. Otherwise, payment thereof shall be discontinued until they are allowed to report back to work. Thus, the Court adopts the following guidelines for the grant of PERA *vis-à-vis* the imposition of penalties:

PERA		
<i>Penalty</i>	<i>Entitled to Grant</i>	
Dismissal/Separation from Service	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No, upon final judgment
Suspension of more than 1 month	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No for the duration of the suspension, upon final judgment
Fine equivalent to more than 1 month salary	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	
Suspension of 1 month or less	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No for the duration of the suspension, upon final judgment
Fine equivalent to salary of 1 month or less	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	
Censure and Reprimand	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	

Second, the grant of [Representation and Transportation Allowance (RATA)] is attached to an employee's position, and hence, the enjoyment of which presupposes actual rendition of service incident to or in connection with the discharge of official duties. Therefore, the Court reaffirms that the grant of RATA shall be based on the number of days of actual work performance on workdays. Therefore, consistent with such principle, the Court sets forth the following:

RATA		
<i>Penalty</i>	<i>Entitled to Grant</i>	
Dismissal/Separation from Service	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No, upon final judgment
Suspension of more than 1 month	Yes, pending resolution of the case.	No for the duration of the



	However, if preventively suspended, not entitled during the said period	suspension, upon final judgment
Fine equivalent to more than 1 month Salary	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	
Suspension of 1 month or less	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No for the duration of the suspension, upon final judgment
Fine equivalent to salary of 1 month or less	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	
Censure and Reprimand	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	

Third, OCA Circular No. 27-2000 outlines the requirements for the grant of clothing allowance in the lower courts. However, there is no provision as regards the impact of sanctions on the Clothing and Uniform Allowance. Hence, this Court establishes the following rules applicable to members of the judiciary in this wise:

Clothing and Uniform Allowance		
<i>Penalty</i>	<i>Entitled to Grant</i>	
Dismissal/Separation from Service	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No, upon final judgment
Suspension of more than 1 month	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No for the duration of the suspension, upon final judgment
Fine equivalent to more than 1 month salary	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	
Suspension of 1 month or less	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period	No for the duration of the suspension, upon final judgment

Fine equivalent to salary of 1 month or less	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period
Censure and Reprimand	Yes, pending resolution of the case. However, if preventively suspended, not entitled during the said period

Fourth, the [Productivity Enhancement Incentive (PEI)] underscores the commitment of the Court to productivity and enhancing efficiency and effectiveness. Hence, it is only proper that once proven and declared guilty, an employee shall automatically be unentitled to the same, despite the gravity of the offense. Therefore, the Court now sets the following rule: personnel who were formally charged administratively, which are still pending for resolution, shall be entitled to PEI until found guilty by final and executory judgment, while those found guilty shall not be entitled to PEI in the year of finality of the decision. The personnel shall return the PEI received for that year. **If the penalty imposed is mere reprimand, the personnel concerned shall be entitled to the PEI.** Thus, the rules now provide:

PEI	
<i>Penalty</i>	<i>Entitled to Grant</i>
Dismissal/Separation from Service	Those who are formally charged with administrative cases, which are still pending for resolution, shall be entitled to the PEI until found guilty by final and executory judgment.
Suspension of more than 1 month	
Fine equivalent to more than 1 month salary	
Suspension of 1 month or less	However, if found guilty, refund shall be made for such bonus received for that year.
Fine equivalent to salary of 1 month or less	
Censure and Reprimand	Yes

Fifth, the [Mid-Year Bonus] received by the judiciary is distinct from the Mid-Year Economic Assistance granted under [Memorandum Order] No. 60-2023. The [Mid-Year Bonus] is not merely an assistance given by the Court due to economic difficulties, but one that is awarded based on specific criteria, including performance evaluations. As such, the Court finds it applicable to impose firmer rules on the grant of the former, and therefore, the rules for [Mid-Year Bonus] now provides:

[Mid-Year Bonus]	
<i>Penalty</i>	<i>Entitled to Grant</i>
Dismissal/Separation from Service	Those who are formally charged with administrative cases, which are still pending for resolution,
Suspension of more than 1 month	



Fine equivalent to more than 1 month salary	shall be entitled to the [Mid-Year Bonus] until found guilty by final and executory judgment.
Suspension of 1 month or less	
Fine equivalent to salary of 1 month or less	However, if found guilty, refund shall be made for such bonus received for that year.
Censure and Reprimand	Yes

Lastly, the Court takes reference to the above rules on [Mid-Year Bonus] to sum the rules on [Year-End Bonus] and Cash Gift, the same being different from Year-End Economic Assistance, viz.:

[Year-End Bonus] and Cash Gift	
<i>Penalty</i>	<i>Entitled to Grant</i>
Dismissal/Separation from Service	Those who are formally charged with administrative cases, which are still pending for resolution, shall be entitled to the [Year-End Bonus] and Cash Gift until found guilty by final and executory judgment.
Suspension of more than 1 month	
Fine equivalent to more than 1 month salary	
Suspension of 1 month or less	
Fine equivalent to salary of 1 month or less	However, if found guilty, refund shall be made for both Year-End Bonus and Cash Gift received for that year.
Censure and Reprimand	Yes

Similar to the PEI, the issuances involving the Mid-Year and Year-End bonuses, as well as the Cash Gift, shall not categorize among offenses. Once found administratively guilty, the individual concerned shall not be entitled to the Mid-Year and Year-End bonuses, and Cash Gift.

In all these allowances, incentives, and bonuses, the Court deems it fit to rule that if the penalty involves a fine, the same may be garnished or withheld to cover the fine imposed as part of the disciplinary action.³⁹ (Emphasis supplied; citations omitted)

Summarizing and operationalizing all the above rules, a court employee who is habitually tardy could have been penalized with a mere reprimand or censure for the first offense under the 2017 RACCS. But in the present framework, the Court is now constrained to impose the following sanctions for a first offense of habitual tardiness under the current rules and prevailing

³⁹ *Id.* at 11–18. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.



jurisprudence, regardless of frequency, gravity, and/or its effects on the operations of their office:

- (1) SUSPENSION from office without salary and other benefits for not less than one month nor more than six months; or a FINE of more than PHP 35,000.00 but not exceeding PHP 100,000.00.

If mitigating circumstances can be appreciated and there are no aggravating circumstances, the Court can only impose a minimum penalty of a FINE of more than PHP 17,500.00 (e.g., PHP 17,500.50) or a SUSPENSION of at least 15 days.⁴⁰

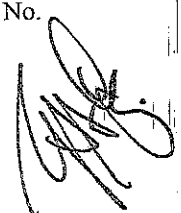
- (2) Whether the penalty meted is FINE or SUSPENSION, the court employee is also not entitled to the grant of Productivity Enhancement Incentive, Mid-Year Bonus, Year-End Bonus, as well as the Cash Gift for the year when the employee is found guilty by final and executory judgment because the penalty is more than censure or reprimand.
- (3) If the sanction is a FINE: depending on the employee's salary grade, the court employee may also not be entitled to other benefits, including:
 - Employee Imperatives Assistance (EIA); and
 - Cost of Living Allowance (COLA) under the Judiciary Development Fund (JDF).

Notably, the withholding of these benefits is problematic⁴¹ because the withholding is effectively dependent on the salary of the employee, which means that those with higher salary grades will inevitably be in a better position as they will receive more benefits in case they commit habitual tardiness compared to employees with lower salary grades because the specific amounts of fines are expressly specified in Rule 140, but the grant of these benefits are dependent on whether the fines are equivalent to their salaries for a certain period. The table below illustrates the application of these rules:

Habitual Tardiness of Judiciary member with Salary Grade 28 (Step 1 – PHP 160,469.00 monthly salary)	Habitual Tardiness of Judiciary member with Salary Grade 4 (Step 1 – PHP 16,833.00 monthly salary)

⁴⁰ RULES OF COURT, Rule 140, sec. 20, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

⁴¹ As pointed out by Associate Justice Japar B. Dimaampao in the cover letter dated February 28, 2025 for *Employees' Leave Division, OAS vs. Sheila Mae F. Belonio, Clerk IV, MTCC Koranadal City*, A.M. No. P-24-207, pending deliberation in the Third Division.



If habitual tardiness is meted the penalty of fine of PHP 17,500.50 (with mitigating circumstance of first offense and no aggravating circumstances)	If habitual tardiness is meted the penalty of fine of PHP 17,500.50 (with mitigating circumstance of first offense and no aggravating circumstances)
FULLY entitled to: EIA – because fine is less than one month salary COLA – because fine is less than one week salary⁴²	PARTIALLY entitled to: EIA – because fine is more than one month salary, there is only PARTIAL GRANT, i.e., “[the] period of suspension/fine deducted from the total months of actual service and benefit is proportionally adjusted”⁴³ COLA – because fine is equivalent to at least one week of salary, there is only PARTIAL GRANT, i.e., “[the] period of suspension/fine deducted from the total period of actual service and benefit is proportionally adjusted”⁴⁴

(4) If the sanction is SUSPENSION, however, the following benefits will be withheld for the duration of the suspension:

- Personal Economic Relief Allowance (PERA);
- Representation and Transportation Allowance (RATA); and
- Clothing and Uniform Allowance.

The employee's Cost of Living Allowance (COLA) under the Judiciary Development Fund (JDF) will likewise be partially withheld. The Employee Imperatives Assistance (EIA) may be partially withheld depending on the duration of the suspension.

As seen above, the penalties for Judiciary personnel who are neither justices nor judges were increased to an **unconscionable degree, exceeding**

⁴² PHP 160,469.00 divided by 4 weeks = PHP 40,117.25.

⁴³ *Office of the Court Administrator v. Villavicencio-Olan*, *supra* note 38, at 13. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

⁴⁴ *Id.* at 14. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

even the penalties for judges and/or justices considering that there are more benefits withheld for those with lower salary grades.

To emphasize, when Rule 140 was amended to include Judiciary employees within its coverage, court employees committing habitual tardiness for their first offense **already had to be fined amounts that were equal to fines imposed on judges/justices committing less serious charges.** With the promulgation of *Villavicencio-Olan*, the penalties imposed on erring court employees were even more irrationally heightened due to its possible inconsistent application skewing in favor of those with higher salary grades.

In full recognition of the unintended effects herein discussed causing serious prejudice to Judiciary employees with lower salary grades, the Court hereby suspends the application in future cases of the guidelines on withholding of the EIA and COLA under the JDF.

Rule 140 must be amended further to ensure that the penalties are reasonable and commensurate to the charges committed

Under Section 6, Article VIII of the 1987 Constitution, “[t]he Supreme Court [has] administrative supervision over all courts and the personnel thereof.” Pursuant to its constitutional authority, the Court is empowered to amend Rule 140 to properly discharge its administrative and disciplinary functions over all members of the Judiciary.

*Monion v. Sicat, Jr.*⁴⁵—an *en banc* case that also introduced amendments to Rule 140—highlighted the need to address gaps in the Judiciary’s disciplinary framework as they arise, viz.:

However, the Court finds it necessary to clarify the imposition of the penalty of dismissal from service for a less serious charge. First, as to the treatment of previous administrative liabilities where a penalty was imposed, regardless of nature and/or gravity, each liability should be treated individually as an aggravating circumstance. Second, as to the manner of imposition of the modifying circumstances, if five or more aggravating circumstances are present, regardless of any mitigating circumstance, the Court should impose the penalty of dismissal from service.

Thus, further amendments to Rule 140 are in order to address this gap and other possible nuances that may arise in the parameters of penalty application. Ultimately, strengthening Rule 140 will achieve a complete, streamlined, and updated administrative disciplinary framework for the entire Judiciary.⁴⁶ (Emphasis supplied)

⁴⁵ A.M. No. P-24-121 (Formerly OCA IPI No. 18-4890-P), July 30, 2024 [Per J. Leonen, *En Banc*].

⁴⁶ *Id.* at 10–11. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

Indeed, as soon as gaps or conflicts in the rules are identified, the Court should not hesitate to resolve these gaps at the soonest possible opportunity to ensure that the administrative disciplinary framework of the Judiciary is not only complete, but also just and reasonable.

As discussed above, the recent amendments to Rule 140 had the unintended and unfortunate effect of completely eliminating the distinction in expectations between appellate and Sandiganbayan justices and judges and all other Judiciary officials, employees, and personnel. This can no longer be countenanced because by nature, a “higher level of decorum”⁴⁷ is indeed expected from judges and justices. In this regard, **while an increase in penalties and the withholding of benefits may be warranted in cases involving erring justices and judges—as the Court *en banc* held in *Villavicencio-Olan*—the same increase and withholding may not be reasonable when applied to all other Judiciary personnel, depending on their circumstances.**

The current narrow range of penalties in Rule 140, as amended, prevents the Court from examining and considering the circumstances of its erring employees and meting commensurate sanctions for the charge of habitual tardiness. Indeed, the limited nature of such range of penalties has the unintended effect of stifling the Court’s judicial discretion in its administrative supervision over all courts and the personnel. With the recognition of this gap in the Judiciary’s disciplinary framework, the Court now amends its rules to remedy this apparent deficiency.

To recall, the Court amended Rule 140 to adopt a new administrative disciplinary framework for the entire Judiciary that is “wholly independent from the Civil Service rules.”⁴⁸ However, this departure from the use of Civil Service rules was not intended to make the Court strictly intolerant of the shortcomings of Judiciary personnel, regardless of their peculiar circumstances and devoid of all humanitarian considerations.

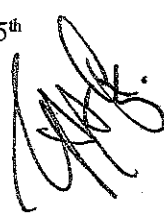
To be sure, the Court may—in the exercise of its power of supervision over all Judiciary personnel—decide to adopt reasonable distinctions found in the Civil Service rules if such distinctions serve to improve the Judiciary’s disciplinary framework.

Following the classification in the 2017 RACCS, the Court hereby amends Rule 140 to:

- (1) Add a new offense under light charges for “Ordinary habitual tardiness not causing prejudice to the operations of the office” under Rule 140, as amended; and**

⁴⁷ *Boston Finance and Investment Corp. v. Gonzalez*, 841 Phil. 701, 722 (2018) [Per J. Perlas-Bernabe, *En Banc*].

⁴⁸ A.M. No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court, 15th Whereas Clause.



- (2) **Revise the less serious charge of “Habitual Absenteeism and/or Tardiness” to “Habitual tardiness causing prejudice to the operations of the office and/or Habitual absenteeism”.**

At this juncture, it is well to emphasize that these changes should **not** be taken to mean that the Court is leaning towards leniency or that it welcomes delinquent behavior.

As mentioned above, Administrative Circular No. 1-99 and Administrative Circular No. 02-99 uniformly emphasize the importance of observing official time and the Court still stands by these policies. However, when scrutinized using the lens of the upgraded penalties in the amended Rule 140 and recent jurisprudence, these policies admittedly take on a harsher, more unreasonable complexion. Thus, it is important to examine the context in which these policies were issued. **These Supreme Court issuances were issued in 1999, after the CSC reclassified habitual tardiness as a light offense in 1998.** At the time, the habitual tardiness cases of all other court officials and employees were then covered by the Civil Service rules, which classified and punished habitual tardiness as a light offense, while habitual tardiness cases of appellate court justices and judges were covered by Rule 140, which classifies and punishes habitual tardiness as a less serious charge. In this regard, the strict implementation of the policy against tardiness of court employees was only reasonable and fair when these issuances were made because court employees were still not held up to the same standards as erring magistrates committing less serious charges.

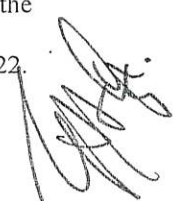
The changes in Rule 140 are necessary to enable the Court to strictly enforce the policy against tardiness in good conscience, knowing that the imposable penalties are more commensurate to the offenses committed by Judiciary employees. These amendments are occasioned by the recognition that, while wrong, ordinary habitual tardiness not causing prejudice to the operations of the office committed by Judiciary employees should not be punished as harshly as other less serious charges.

Far from shirking away from its duty and constitutional mandate to supervise all Judiciary employees, the Court proactively and continuously scrutinizes its own disciplinary framework to ensure that the Judiciary can be rid of delinquent and unwanted behavior without unnecessary severity.

This is not the first time the classification of an administrative charge is downgraded. Notably, the “willful failure to pay judgment debts or taxes due to the government” was downgraded from a serious charge⁴⁹ to a light charge in 2022.⁵⁰ The justification for the downgrade was that the Civil Service rules merely classified it as a light offense. A similar justification for

⁴⁹ See A.M. No. 18-01-05-SC, July 7, 2020, Establishment of the Judicial Integrity Board (JIB) and the Corruption Prevention and Investigation Office (CPIO).

⁵⁰ See RULES OF COURT, Rule 140, sec. 16(e), as amended by A.M. No. 21-08-09-SC, February 22, 2022.



“ordinary habitual tardiness not causing prejudice to the operations of the office” obtains here.

One clear advantage of these amendments is to provide the Court a more reasonable range of penalties to impose on habitually tardy Judiciary personnel. Depending on the circumstances of the respondents, they may be charged with either a **less serious charge** of habitual tardiness causing prejudice to the operations of the office or a **light charge** of ordinary habitual tardiness not causing prejudice to the operations of the office.

Since the sanctions for light charges under Rule 140, as amended, are: (a) a fine of not less than PHP 1,000.00 but not exceeding PHP 35,000.00; (b) censure; or (c) reprimand, the Court will also have more discretion on whether the respondents’ benefits should be withheld. Following *Villavicencio-Olan*, respondents guilty of light charges may still receive their EIA, COLA under the JDF, PEI, Mid-Year Bonus, Year-End Bonus, and Cash Gift if they are meted the penalty of censure or reprimand.

***Application of the new amendments to
Rule 140 in the case at bar***

To recall, respondent was tardy from work 10 times in September 2023 and 12 times in October 2023. Respondent was pregnant when these transgressions were made. Her physical and health conditions, while not exculpatory, sufficiently explained her tardiness.

This is respondent’s first offense and there are no aggravating circumstances that can be taken against her. The records also do not indicate that her tardiness had caused prejudice to the operations of her office.

Respondent readily admitted that she “failed to undertake [the] obligation to report on time.”⁵¹ Moreover, the Court favorably observes that respondent referred to her pregnancy by way of an explanation, rather than an excuse. She showed full understanding of the importance of punctuality in government service when she recognized that “court officials and employees are at all times behooved to strictly observe official time” regardless of “personal struggles or physical condition.”⁵² As well, the Court acknowledges respondent’s sincere undertaking to “not let any personal circumstances . . . affect [her] work” and to “go to [the] office on time” even “when motherhood becomes tough.”⁵³

Considering these relevant factors, the Court deems it proper to hold respondent guilty of **ordinary habitual tardiness not causing prejudice to**

⁵¹ *Rollo*, p. 10.

⁵² *Id.*

⁵³ *Id.*

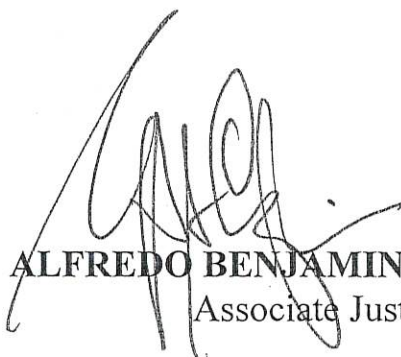


the operations of the office and imposes the penalty of reprimand for such light charge.

ACCORDINGLY, the Court resolves to:

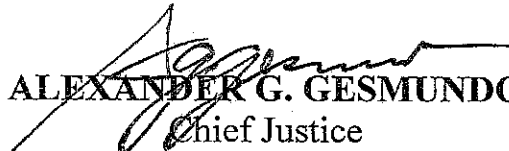
- (1) **FURTHER AMEND** Rule 140 to:
 - a. Add a new offense under light charges for “Ordinary habitual tardiness not causing prejudice to the operations of the office”; and
 - b. Revise the less serious charge of “Habitual absenteeism and/or tardiness” to “Habitual tardiness causing prejudice to the operations of the office and/or Habitual absenteeism”;
- (2) **SUSPEND** the application of the guidelines on withholding of Employee Imperatives Assistance and Cost of Living Allowance under the Judiciary Development Fund; and
- (3) **FIND** respondent Javeelyn L. Mataro, Court Stenographer III of Branch 15, Regional Trial Court, Naic, Cavite **GUILTY** of ordinary habitual tardiness not causing prejudice to the operations of the office. She is **REPRIMANDED with a STERN WARNING** that a repetition of the same or a similar offense will warrant the imposition of a more severe penalty.

SO ORDERED.



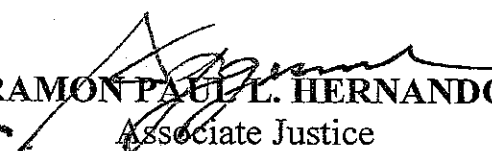
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

WE CONCUR:

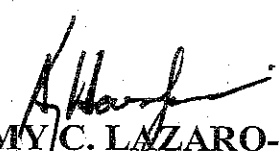

ALEXANDER G. GESMUNDO
Chief Justice

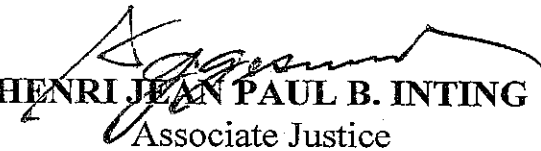
(On official business)

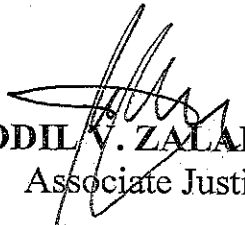

MARVIC M.V.F. LEONEN
Senior Associate Justice

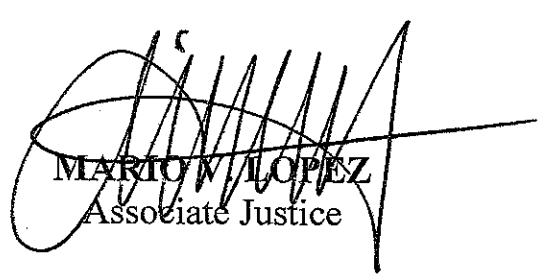

RAMON PAUL L. HERNANDO
Associate Justice

(On official business but left
concurring vote)


AMY C. LAZARO-JAVIER
Associate Justice

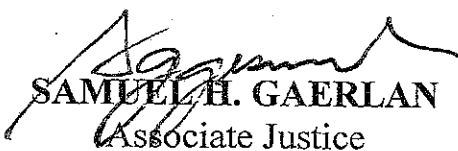

HENRI JEAN PAUL B. INTING
Associate Justice

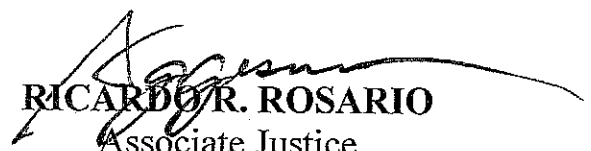

RODIL V. ZALAMEDA
Associate Justice


MARTON LOPEZ
Associate Justice

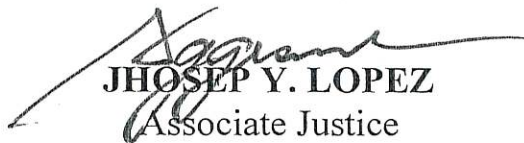
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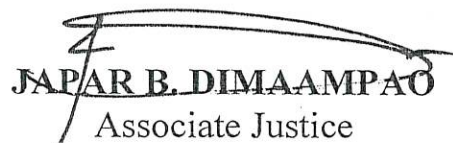
(On official leave but left
concurring vote)


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice

**(On official business but left
concurring vote)**


JOSE P. Y. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

**(On official leave but left
concurring vote)**


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
Associate Justice

