



Republic of the Philippines

Supreme Court

Manila

EN BANC

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

RECEIVED
JUL 02 2021

BY: LCH
TIME: 3:40

HON. ROSALIE D. PLATIL,
Presiding Judge, Municipal Trial
Court, Mainit, Surigao del Norte,
Complainant,

A.M. No. P-20-4062
(Formerly OCA IPI No. 15-4392-P)

Present:

PERALTA, *Chief Justice,*
PERLAS-BERNABE,
LEONEN,*
CAGUIOA,
GISMUNDO,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN,
BALTAZAR-PADILLA,** and
ROSARIO, JJ.

- versus -

MEDEL M. MONDANO,
Clerk of Court II, Municipal Trial
Court, Mainit, Surigao del Norte,
Respondent.

Promulgated:
October 13, 2020

Done at: A. J. J. J. J.

X-----X

DECISION

PER CURIAM:

The Case

For resolution is the administrative complaint¹ against Medel M. Mondano (respondent), Clerk of Court II of the Municipal Trial Court (MTC) – Mainit, Surigao del Norte filed by complainant, Presiding Judge Rosalie D. Platil (Presiding Judge Platil), of the same court for Grave Misconduct, Dishonesty, Gross Neglect of Duties, Conduct Prejudicial to the Best Interest of the Service,

* On official leave.
** On leave.
¹ Rollo, pp. 4-10.

Flagrant Disregard of Office of the Court Administrator's (OCA's) Circulars, Misappropriation and Habitual Absenteeism.

The Antecedents

On March 5, 2015, the OCA received a Letter-Complaint² dated January 8, 2015 from Presiding Judge Platil charging respondent for Grave Misconduct, Dishonesty, Gross Neglect of Duties, Conduct Prejudicial to the Best Interest of the Service, Flagrant Disregard of OCA Circulars, Misappropriation and Habitual Absenteeism. In his Letter-Complaint, Presiding Judge Platil strongly recommended initially that respondent be dropped from the rolls.³

Thereafter, Presiding Judge Platil sent another Letter⁴ dated February 6, 2015 modifying his previous recommendation from dropping from the rolls to dismissal from the service with forfeiture of retirement benefits except accrued leave credits and disqualification from re-employment in government service.⁵ Presiding Judge Platil likewise attached a copy of a Memorandum⁶ dated February 2, 2015 addressed to respondent citing the following additional infractions: failure to submit monthly report on collections, failure to remit collections, additional absences without leave and non-submission of his Daily Time Record (DTR).

In its Indorsement⁷ dated March 17, 2015, the OCA referred the Letter-Complaint to respondent for comment. However, respondent failed to file any comment thereto. Thus, OCA sent two Letters dated January 28, 2016⁸ and May 5, 2016⁹ directing respondent to comment on the Letter-Complaint. However, despite proof that he received the Letters and the repeated directives of the OCA, respondent still did not submit his comment.¹⁰

Notably, respondent has already been dropped from the rolls pursuant to the Court's Resolution dated August 3, 2015 in A.M. No. 15-05-46-MTC due to respondent's failure to submit his DTR and any leave application for the month of September 2014 up to the date of the issuance of the resolution.¹¹

² Id.
³ Id. at 10.
⁴ Id. at 2.
⁵ Id.
⁶ Id. at 3.
⁷ Id. at 63.
⁸ Id. at 64.
⁹ Id. at 65.
¹⁰ Id. at 69.
¹¹ Id. at 68-69.

The Facts

The facts of the case are summarized by the OCA in its Agenda Report¹² dated June 8, 2020, as follows:

On 8 February 2013, shortly after x x x [Presiding Judge Platil] assumed her post, it was discovered that respondent x x x did not turn over to the winning party in Civil Case No. 617 the money entrusted to him by the losing party in the amount of ₱12,500.00. A Memorandum dated 12 February 2013 was issued to respondent x x x regarding the matter. In his Reply to the 12 February 2013 Memorandum, respondent admitted the infraction but claimed that he had already returned the full amount of ₱12,500.00 to Laarni Ellar, the complainant in the case.

However, upon verification from Ms. Ellar thru a letter dated 19 April 2013, x x x [Presiding Judge Platil] learned that respondent x x x only returned ₱5,000.00. Further, respondent x x x lied when he signed and certified on the last page of the Docket Inventory Forms for July-December 2012, January-June 2013 and July-December 2013 that he personally examined the records of each case mentioned therein. It was only when his attention was called that he examined the said records and signed the last page of the inventory form for the January-June 2014 semester.

In 2013 alone, respondent x x x was always absent from work and did not file any application for leave on the following dates: February 4-8, April 1-June 4 and June 13-14. He belatedly submitted applications for leave covering the said periods but only thirty (30) days were approved and the rest of his absences were considered as unauthorized.

Respondent x xx was remiss in the performance of his duties. Despite knowledge of existing Circulars issued by the Office of the Court Administrator (OCA) requiring the submission of monthly financial reports, he willfully failed to comply and eventually received a warning letter from the Chief of the Financial Management Office, OCA, and a show cause order from the OCA.

On 19 February 2013, x x x [Presiding Judge Platil] requested a financial audit which was conducted in July 2013. In the exit conference following the audit, the head of the audit team informed the court that respondent x x x committed the following infractions:

- 1) Non-submission of financial reports.
- 2) Delayed and non-remittance of collections.
- 3) Non-issuance of official receipts for the entire ₱1,000.00 sheriff's fee collected.
- 4) Cancellation of some official receipts.
- 5) Failure to sign official receipts rendering them incomplete.

¹² Id. at 66-71.

Even in the absence of an official report, the working paper of the audit on the fiduciary fund showed that some cash bonds were belatedly deposited by respondent x x x while others remained undeposited as of the time of audit.

On the charge of misappropriation, respondent x x x took half of the cash bond posted by accused Henry Behagan in Criminal Case No. 3867. The cash bond was ordered released on 7 August 2012, but the wife of the accused claimed that only ₱5,000.00 was released by respondent x x x in May 2013, after countless visits to the court. The other half (₱5,000.00) was given only on 15 July 2013 when the anomaly was discovered during the financial audit. Incidentally, the working paper of the audit team showed that the bond in Criminal Case No. 3867 was among the collections not remitted by respondent x x x.

In Criminal Case No. 3878, *People vs. Senior Ortoyo and Ricardo Ruiz*, the cash bonds were collected on 2 May 2014 and 23 July 2014, but remained undeposited even after the accused had already been ordered released. It was only on 18 December 2014, more than a month after their release, that the accused actually received their cash bonds. Respondent x x x went on absence without official leave (AWOL) from 25 November 2014 to 19 December 2014 and this added to the delay in the release of the cash bonds.

[Presiding Judge Platil] described respondent x x x as irresponsible and lazy, to the point that the latter could not even prepare his own Daily Time Record (DTR). He has not submitted his DTRs since September 2014 to date (02 February 2015), resulting in the withholding of his salaries. There were occasions too when it was the stenographers who prepared financial reports.

Respondent x x x is also a habitual absentee. He incurred unauthorized absences in 1-5, 7-11 July 2014 (9 days), and only reported for work on 17 and 24 in November 2014 (18 days).

Despite all his infractions in 2013, [Presiding Judge Platil] still gave respondent x x x a chance to redeem himself after he asked for forgiveness and promised to change. Thus, [Presiding Judge Platil] withheld the recommendation that respondent[s] x x x name be dropped from the rolls. However, respondent x x x again failed to submit the required financial reports. The last financial reports he submitted were for March 2014 and the last deposit he made was on 12 May 2014. Photocopy of the fiduciary passbook shows that the last cash bond he deposited was the one paid on 24 April 2014, but deposited only on 12 May 2014. The rest of the cash bonds he collected after 24 April 2014 have yet to be deposited with the Land bank. To cite a few:

Amount	O.R. No.	Date Collected	Payee	Criminal Case No.
₱10,000.00	8522199	5-2-14	Ortoyo	3578
₱12,000.00	8522200	5-12-14	Casupas	3882
₱ 5,000.00	8174351	7-23-14	Ruiz	3878 ¹³

¹³ Id. at 66-68.

The OCA's Recommendation

Accordingly, upon the evaluation of the foregoing facts, the OCA concluded that respondent should be penalized for grave misconduct, gross neglect of duty, dishonesty, and gross insubordination, which read as follows:

RECOMMENDATION: It is respectfully recommended for the consideration of the Honorable Court that:

1. the instant administrative complaint be RE-DOCKETED as a regular administrative matter against respondent Medel M. Modano, former Clerk of Court II, Municipal Trial Court, Mainit, Surigao del Norte; and
2. respondent former Clerk of Court Mondano be found **GUILTY** of Grave Misconduct, Gross Neglect of Duty, Dishonesty, and Gross Insubordination and be ordered **DISMISSED** from service, but considering that he has been dropped from the rolls effective 1 September 2014 for having been absence without official leave (AWOL) (sic), that respondent former Clerk of Court Mondano be imposed instead the accessory penalties of **FORFEITURE** of all benefits, except accrued leave credits, if any, and **PERPETUAL DISQUALIFICATION** from re-employment in any government instrumentality, including government-owned and controlled corporations.¹⁴

The Court's Ruling

This Court finds in order the findings and evaluation of the case by the OCA that there is compelling evidence to dismiss respondent from the service for grave misconduct, gross neglect of duties, dishonesty, habitual absenteeism and even gross insubordination.

This Court has repeatedly stressed the crucial role that the Clerk of Court plays in our judicial system. The Clerk of Court's office is the nucleus of all court activities, adjudicative and administrative and their administrative functions are as vital to the prompt and proper administration of justice as their judicial duties.¹⁵ Accordingly, clerks of court, as the chief administrative officers of their respective courts, must act with competence, honesty and probity in accordance with their duty of safeguarding the integrity of the court and its proceedings.¹⁶

¹⁴ Id. at 70-71.

¹⁵ *Office of the Court Administrator v. Banag et al.*, 651 Phil. 308, 324 (2010).

¹⁶ *Office of the Court Administrator v. Saddi*, 649 Phil. 27, 33 (2010).

RESPONDENT'S DELAYED REMITTANCE AND NON-REMITTANCE OF COURT COLLECTIONS, AND NON-SUBMISSION OF FINANCIAL REPORTS CONSTITUTE GROSS DISHONESTY, GRAVE MISCONDUCT, AND GROSS NEGLIGENCE OF DUTY.

Clerks of Court perform delicate functions with regard to the collection of legal fees, and as such, are expected to implement regulations correctly and effectively. As custodians of court funds, they are constantly reminded to deposit immediately the funds which they receive in their official capacity to the authorized government depositories for they are not supposed to keep such funds in their custody.¹⁷ In this regard, the Court has issued several guidelines to ensure that proper and strict procedures are observed in the collection and management of government funds to promote full accountability.

In particular, SC Administrative Circular No. 3-2000 provides for the duty of the clerk of court to receive collections in their respective courts, to issue the proper receipt therefor and maintain a separate cash book.¹⁸ In addition, SC Circular No. 50-95 provides that all collections from bailbonds, rental deposits and other fiduciary collections shall be deposited with the Land Bank of the Philippines by the clerk of court concerned within 24 hours from receipt.¹⁹ In localities where there are no branches of LBP, fiduciary collections shall be deposited by the clerk of court with the provincial, city or municipal treasurer. Complimentary to these, OCA Circular No. 113-2004²⁰ requires clerks of court to submit monthly reports for three funds, namely, Judiciary Development Fund, Special Allowance for the Judiciary and Fiduciary Fund.

¹⁷ Id.

¹⁸ ***Duty of the Clerks of Court, Officer-in-Charge or Accountable Officers.*** - The Clerks of Court, Officers-in-Charge of the Office of the Clerk of Court, or their accountable duly authorized representatives designated by them in writing, who must be accountable officers, shall receive the Judiciary Development Fund collections, issue the proper receipt therefor, maintain a separate cash book properly marked CASH BOOK FOR JUDICIARY DEVELOPMENT FUND, deposit such collections in the manner herein prescribed, and render the proper Monthly Report of Collections and Deposits for said Fund.

x x x x

Duty of the Clerks of Court, Officer-in-Charge or Accountable Officers.- The Clerks of Court, Officers-in-Charge of the office of the Clerk of Court, or their accountable duly authorized representatives designated by them in writing, who must be accountable officers, shall receive the General fund collections, issue the proper receipt therefor, maintain a separate cash book properly marked CASH BOOK FOR CLERK OF COURT'S GENERAL FUND AND SHERIFF'S GENERAL FUND, deposit such collections in the manner herein prescribed, and render the proper Monthly Report of Collections and Deposits for said Fund.

¹⁹ OCA Circular No. 50-95

Section B. Guidelines in Making Withdrawals:

(4): All collections from bailbonds, rental deposits, and other fiduciary collections shall be deposited within twenty-four (24) hours by the Clerk of Court concerned upon receipt thereof, with the Land Bank of the Philippines.

²⁰ Submission of Monthly Reports of Collections and Deposits.

AM

In the instant case, the OCA correctly ruled that respondent should be held administratively liable for his delayed/total failure to deposit cash bonds posted by litigants and collected by the MTC, and for his failure to submit the monthly financial reports to the OCA.²¹

In a Letter²² dated January 22, 2013, the Financial Management Office of the OCA brought to the attention of respondent that his quarterly Reports of Collections and Deposits for General Fund for the 1st Quarter of 2009 until January 2013 have not yet been submitted with a warning that his continued failure to comply shall mean the withholding of his salaries and allowances. In another Letter²³ dated February 14, 2013, the OCA directed respondent to show cause why his salaries should not be withheld for failure to comply with OCA Circular No. 113-2004 regarding the submission of the Monthly Reports of Collections, Deposits and Withdrawals.

Due to the several infractions committed by respondent involving the collections and management of the MTC's funds, complainant Presiding Judge Platil in a Letter²⁴ dated February 19, 2013 addressed to Deputy Court Administrator Hon. Jenny Lind Aldecoa-Delorino, requested that a financial audit be conducted in their court. In the said Letter, Presiding Judge Platil narrated, among others that respondent was only able to remit his collections from July 2011 up to January 2013 only on February 15, 2013 after complainant issued a Memorandum²⁵ dated February 12, 2013 and calling respondent's attention regarding the discrepancy.

Thus, a financial audit was conducted by the Fiscal Monitoring Division.²⁶ According to the working paper of the audit team, some cash bonds were belatedly deposited by respondent while other remained undeposited as of the time of audit.²⁷

In *Eugenio Sto. Tomas v. Judge Zenaida L. Galvez*,²⁸ the Court ruled that failure of the Clerk of Court to remit the court funds collected and failure to submit financial reports in violation of the Court's administrative circulars, constitutes Serious Dishonesty, Grave Misconduct, and Gross Neglect of Duty punishable by dismissal from service with forfeiture of all retirement benefits,

²¹ *Rollo*, p. 71.

²² *Id.* at 26.

²³ *Id.* at 27.

²⁴ *Id.* at 28.

²⁵ *Id.* at 17.

²⁶ *Id.* at 29.

²⁷ *Id.* at 30-32.

²⁸ A.M. No. MTJ-01-1385, March 19, 2019.

excluding accrued leave credits, and with prejudice to re-employment in the government, including government-owned or controlled corporations.²⁹

Respondent's continued and willful disregard of the Court's guidelines in the proper management of collections and court funds, and repeated acts of misappropriation reveals his inherent inability, if not refusal, to live up to the exacting ethical standards required of court employees.

RESPONDENT MISAPPROPRIATED CASH COLLECTIONS FROM LITIGANTS

In addition to the foregoing, the OCA likewise found that respondent on numerous occasion misappropriated cash collections from litigants.

We have repeatedly emphasized that the Clerk of Court is the custodian of the court's funds and revenues, records, property and premises and as such, is liable for any loss, shortage, destruction or impairment of said funds and property.³⁰

In the present case, complainant Presiding Judge Platil sent a Memorandum³¹ dated February 12, 2013 to respondent directing him to explain his failure to turn over to the winning party the money received in Civil Case No. 617. Respondent in his Letter Reply³² dated March 12, 2013 admitted that he indeed failed to turn over the money received to the winning party. In his defense, respondent clarified that he had already allegedly turned over the full amount of ₱12,500.00 to the winning party.

Complainant Presiding Judge Platil, however, eventually discovered that respondent had misled her and concealed the fact that only a portion of the full amount of ₱12,500.00 was turned over to the winning party.

Moreover, as found by the audit team, respondent had misappropriated the collections from cash bonds posted by accused in several criminal cases pending before his court. It was only when the audit team discovered these discrepancies that respondent returned the cash collections. In addition, according to the fiduciary passbook of the court, several cash bonds collected by respondent were yet to be deposited.³³

²⁹ Id.

³⁰ *Office of the Court Administrator v. Fortaleza*, 434 Phil. 511, 522 (2002).

³¹ *Rollo*, at p. 17.

³² Id. at 18.

³³ Id. at 67.

Clearly, respondent is likewise guilty of gross dishonesty and grave misconduct for misappropriating the collections of the court and funds received by him in his official capacity.

***RESPONDENT IS GUILTY OF HABITUAL
ABSENTEEISM AND CONDUCT PREJUDICIAL
TO THE BEST INTEREST OF THE JUDICIARY***

Clerks of court must realize that their administrative functions are just as vital to the prompt and proper administration of justice. They play a key role in the complement of the court and cannot be permitted to slacken on their jobs under one pretext or another.³⁴ Thus, respondent's duties and responsibilities as clerk of court require that his entire time be at the disposal of the court served by him to assure that full-time officers of the courts render the full-time service required by their office so that there may be no undue delay in the administration of justice and in the disposition of cases as required by the Rules of Court.³⁵

Administrative Circular No. 14-2002 provides that an employee in the Civil Service shall be considered habitually absent if he or she incurs "unauthorized absences exceeding the allowable 2.5 days monthly leave credit under the law for at least three (3) months in a semester or at least three (3) consecutive months during the year." To stress, mere failure to file leave of absence does not by itself result in any administrative liability. However, unauthorized absence is punishable if the same becomes frequent or habitual. In turn, absences become habitual when an officer or employee in the civil service exceeds the allowable monthly leave credit (2.5 days) within the given time frame.³⁶

In the instant case, respondent has incurred numerous unauthorized absences as follows:

Month Year	No. of Unauthorized Absences
February 2013	5 days
May 2013	12 days
June 2013	4 days
July 2014	8 days
November 2014	18 days
December 2014	15 days

AMB

³⁴ *Lloveras v. Sanchez*, 299 Phil. 300, 304-305 (1994).

³⁵ *RTC Makati Movement Against Graft and Corruption v. Atty. Dumlao*, 317 Phil. 128, 146 (1995).

³⁶ *Judge Arabani, Jr. v. Arabani et al.*, 806 Phil. 129, 147 (2017).

The foregoing shows that respondent was guilty of habitual absenteeism as he evidently exceeded the authorized number of days that he may absent himself.

In *Judge Balloguing v. Dagan*,³⁷ the Court, citing several cases,³⁸ ruled that respondent Dagan was guilty of habitual absenteeism and conduct prejudicial to the best interest of the service and meted the penalty of dismissal from the service.³⁹

The high standards that the Judiciary maintains require that all court employees devote their full working time to the public service. Hence, habitual absenteeism is considered prejudicial to the best interest of the public service because it makes a mockery of these standards, and, as such, should be curtailed.⁴⁰

***RESPONDENT'S FAILURE TO COMPLY WITH
THE DIRECTIVE OF OCA CONSTITUTES
INSUBORDINATION***

In addition to the administrative charges filed in the Letter-Complaint dated January 8, 2015, the OCA likewise found respondent guilty of gross insubordination when he repeatedly failed to comply with the directive of the OCA to submit a Comment in the instant case.

At the outset, respondent's refusal to submit his comment despite the repeated directives of the OCA is beyond dispute. This blatant refusal and noncompliance with the OCA directives are tantamount to insubordination to the Court itself,⁴¹ which constitutes a clear and willful disrespect of lawful orders.⁴² Every officer or employee in the judiciary is duty-bound to obey the orders and processes of the Supreme Court without the least delay.⁴³ Refusal to comply with the orders of the Court constitutes insubordination which warrants disciplinary action.⁴⁴

In *Falsification of Daily Time Records of Ma. Emcisa A. Benedictos*,⁴⁵ this Court ruled:

³⁷ 824 Phil. 788 (2018),

³⁸ See *Re: AWOL of Ms. Bantog*, 411 Phil. 523 (2001); *Re: Habitual Absenteeism of Marcos*, 650 Phil. 251 (2010); *Leave Division-O.A.S., Office of the Court Administrator v. Sarceno*, 754 Phil. 1, 3 (2015).

³⁹ *Judge Balloguing, v. Dagan*, supra at 796.

⁴⁰ *Leave Division-O.A.S., Office of the Court Administrator v. Sarceno*, 754 Phil. 1, 3 (2015).

⁴¹ *Former Judge Pamintuan v. Comuyog, Jr.*, 766 Phil. 566, 575 (2015).

⁴² *Puyo v. Judge Go*, A.M. No. MTJ-07-1677 (Formerly A.M. OCA IPI No. 06-1827-MTJ), November 21, 2018.

⁴³ *Re: Absence without Leave (AWOL) of Ms. Lydia A. Ramil*, 588 Phil. 1, 8 (2008).

⁴⁴ *Id.* at 9.

⁴⁵ 675 Phil. 459 (2011).

JMB

Additionally, the Court bears in mind Benedictos's failure to submit her comment, which constitutes clear and willful disrespect, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the former. In fact, it can be said that Benedictos's non-compliance with the OCA directives is tantamount to insubordination to the Court itself. Benedictos also directly demonstrated her disrespect to the Court by ignoring its Resolutions dated June 25, 2007 (ordering her to show cause for her failure to comply with the OCA directives and to file her comment) and March 26, 2008 (ordering her to pay a fine of P1,000.00 for her continuous failure to file a comment).

A resolution of the Supreme Court should not be construed as a mere request, and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character, but also disrespect for the Court's lawful order and directive.

This contumacious conduct of refusing to abide by the lawful directives issued by the Court has likewise been considered as an utter lack of interest to remain with, if not contempt of, the system. Benedictos's insolence is further aggravated by the fact that she is an employee of the Judiciary, who, more than an ordinary citizen, should be aware of her duty to obey the orders and processes of the Supreme Court without delay.⁴⁶

In the instant case, respondent's failure to comply with the OCA's directive to submit his Comment is tantamount to a deliberate and continued refusal to comply with the lawful orders and directives of this Court. Accordingly, respondent is guilty of insubordination.

WHEREFORE, premises considered, this Court rules as follows:

1. **HOLD** respondent Medel M. Mondano, former Clerk of Court **GUILTY** of Grave Misconduct, Gross Neglect of Duty, Dishonesty, and Gross Insubordination and be ordered **DISMISSED** from service, but considering that he has been dropped from the rolls pursuant to this Court's Resolution dated August 3, 2015 in A.M. No. 15-05-46-MTC, that Medel M. Mondano be imposed instead the accessory penalties of **FORFEITURE** of all benefits, except accrued leave credits, if any, and **PERPETUAL DISQUALIFICATION** from re-employment in any government instrumentality, including government-owned and controlled corporations. The Civil Service Commission is ordered to cancel his civil service eligibility, if any, in accordance with Section 9, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292.

This Court further orders:

⁴⁶ Id at 465-466.

A. The Financial Management Office, Office of the Court Administrator, to submit a final report on the total accountabilities of Medel M. Mondano to determine any shortages in the collection of judiciary funds during his period of accountability;

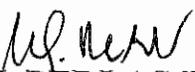
B. The Employees Leave Division, Office of the Administrative Services, Office of the Court Administrator, to compute the balance of the earned leave credits of Medel M. Mondano and to **FURNISH** the same to the Finance Division, Financial Management Office, Office of the Court Administrator, which shall compute its monetary value dispensing with the usual documentary requirements. The amount, as well as other benefits he may be entitled to, and the withheld salaries and allowances of Medel M. Mondano shall be applied as part of the restitution of the shortage, if any.

C. Medel M. Mondano, former Clerk of Court, to **IMMEDIATELY RESTITUTE** any remaining shortages in case the monetary value of his earned leave credits and/or other benefits would not be sufficient to cover the same.

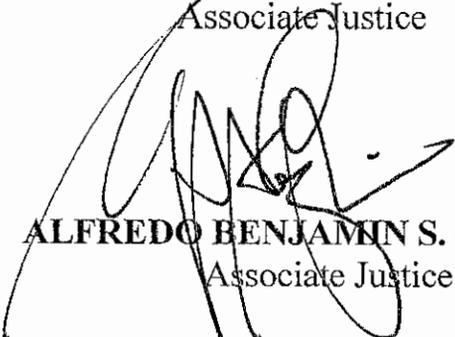
2. Finally, the Office of the Court Administrator is further **DIRECTED** to study the possibility of the filing of criminal complaint against respondent in light of the facts of this case.

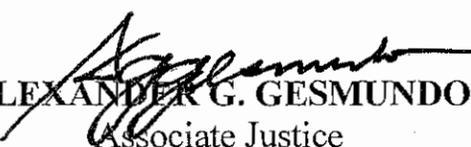
SO ORDERED.


DIOSDADO M. PERALTA
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

(On official leave)
MARVIC M.V.F. LEONEN
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

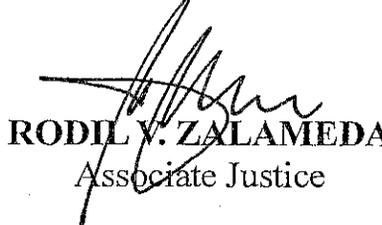

ALEXANDER G. GESMUNDO
Associate Justice

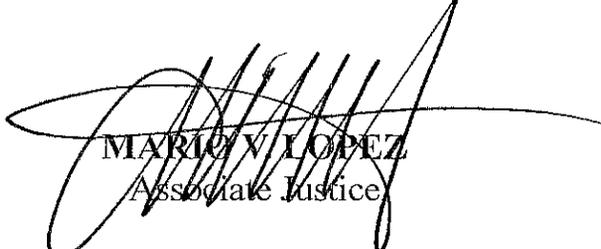

RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

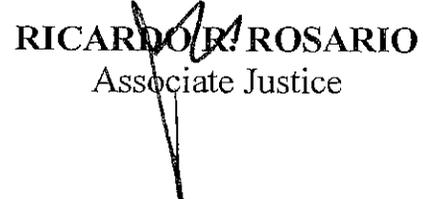

RODIL V. ZALAMEDA
Associate Justice

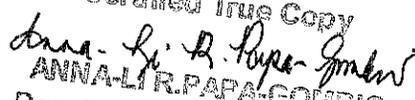

MARIO V. LOPEZ
Associate Justice


EDGARDO L. DELOS SANTOS
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

(On leave)
PRISCILLA J. BALTAZAR-PADILLA
Associate Justice


RICARDO R. ROSARIO
Associate Justice

Certified True Copy

ANNA-LI R. PAPA-COMBIO
Deputy Clerk of Court En Banc
OCC En Banc, Supreme Court