Republic of the Philippines
Supreme Court
Manila

EN BANC

SHARON FLORES-CONCEPCION, Complainant,	**A.M. No. RTJ-15-2438 [Formerly OCA I.P.I. No. 11-3681-RTJ]**
-versus-	Present: PERALTA, *J., Chief Justice,* PERLAS-BERNABE, LEONEN, CAGUIOA, GESMUNDO, REYES, J., JR., HERNANDO, CARANDANG, LAZARO-JAVIER, INTING, ZALAMEDA, LOPEZ, and DE LOS SANTOS, GAERLAN, and BALTAZAR-PADILLA*, *JJ.*
JUDGE LIBERTY O. CASTAÑEDA, Regional Trial Court, Branch 67, Paniqui, Tarlac, Respondent.	**Promulgated:** September 15, 2020

x----------x

RESOLUTION

LEONEN, *J.*:

Death, be not proud, though some have called thee
Mighty and dreadful, for thou art not so;

For those whom thou think'st thou dost overthrow
Die not, poor Death, nor yet canst thou kill me.
From rest and sleep, which but thy pictures be,
Much pleasure; then from thee much more must flow,
And soonest our best men with thee do go,
Rest of their bones, and soul's delivery.
Thou art slave to fate, chance, kings, and desperate men,
And dost with poison, war, and sickness dwell,
And poppy or charms can make us sleep as well
And better than thy stroke; why swell'st thou then?
One short sleep past, we wake eternally
And death shall be no more; Death, thou shalt die.

Holy Sonnets: Death, Be Not Proud
By John Donne

Death is a far graver and more powerful judgment than anything that this Court has jurisdiction to render.

Hence, when the respondent in a pending administrative case dies, the case must be rendered moot. Proceeding any further would be to violate the respondent's fundamental right to due process. Should it be a guilty verdict, any monetary penalty imposed on the dead respondent's estate only works to the detriment of their heirs. To continue with such cases would not punish the perpetrator, but only subject the grieving family to further suffering by passing on the punishment to them.

This Court resolves the Administrative Complaint[1] against Judge Liberty O. Castañeda (Judge Castañeda), then the judge of the Regional Trial Court of Paniqui, Tarlac, Branch 67. She was sued by Sharon Flores-Concepcion (Concepcion), whose marriage the judge had nullified without her even knowing about it.

In particular, Concepcion claimed that in November 2010, she received a July 30, 2010 Decision[2] in Civil Case No. 459-09, declaring her marriage to Vergel Concepcion as void *ab initio*. The Decision surprised her as she did not know that her husband had filed any petition.[3] She added that neither she nor her husband was a resident of Paniqui.[4] Seeking answers, Concepcion went to Branch 67 on December 8, 2010, and there discovered that, based on the records, no hearing was conducted on the case at all.[5]

---

* On leave.
1 *Rollo*, pp. 1–11.
2 Id. at 105–110.
3 Id. at 17–25.
4 Id. at 3.
5 Id. at 4 and 9.

Thus, Concepcion filed a Petition for Relief from Judgment[6] on January 19, 2011 before the same court.[7] Due to this incident, she also filed an Complaint-Affidavit[8] against Judge Castañeda.

On June 29, 2011, the Office of the Court Administrator directed the judge to comment, but she failed to comply despite notice.[9]

In 2012, as this case was pending, Judge Castañeda was dismissed from the service in another case, *Office of the Court Administrator v. Judge Liberty O. Castañeda*.[10] There, she was found guilty of dishonesty, gross ignorance of the law, gross misconduct, and incompetency for, among others, disposing of nullity and annulment marriages with "reprehensible"[11] haste. This Court forfeited her retirement benefits, except accrued leave credits, and barred her from reemployment in any government branch or instrumentality, including government-owned and controlled corporations.[12]

Given her dismissal, the Office of the Court Administrator recommended that Concepcion's Complaint be dismissed.[13] However, this Court later resolved to return this administrative matter to the Office of the Court Administrator to reevaluate the case on its merits.[14]

In its July 7, 2015 Memorandum,[15] the Office of the Court Administrator found that Judge Castañeda willfully and contumaciously disregarded the "laws and rules intended to preserve marriage as an inviolable social institution and safeguard the rights of the parties."[16] It found that the judge hastily resolved the nullity case despite several glaring procedural defects. Moreover, it noted her "act of defiance"[17] in refusing to submit a comment despite a directive. It stated that while the judge had since been dismissed from service, penalties could still be imposed since this Complaint had been filed before the 2012 ruling.[18] It noted that a judge's lack of moral fitness may likewise be basis for disbarment.[19]

The Office of the Court Administrator recommended the following:

1. the instant administrative complaint be **RE-DOCKETED** as a

---

6 Id. at 122–130.
7 Id. at 4.
8 Id. at 2–16.
9 Id. at 151–152.
10 696 Phil. 202 (2012) [Per Curiam, En Banc].
11 Id. at 225.
12 Id. at 229.
13 *Rollo*, p. 155.
14 Id. at 156.
15 Id. at 156–166.
16 Id. at 162.
17 Id.
18 Id.
19 Id. at 164–165.

regular administrative matter against respondent Judge Liberty O. Castañeda, former Presiding Judge, Branch 67, RTC, Paniqui, Tarlac;

2. respondent Judge Castañeda be found **GUILTY** of gross ignorance of the law for which she would have been **DISMISSED FROM THE SERVICE** with forfeiture of her retirement benefits, except leave credits, if any, and disqualified from reinstatement or appointment to any public office, branch or instrumentality of the government, including government-owned or controlled corporations had she not been previously dismissed from the service in a Decision dated 9 October 2012 in A.M. No. RTJ-12-2316; and

3. respondent Judge Casta[ñ]eda be likewise **DISBARRED** for violation of Canons 1 and 11 and Rules 1.01 and 10.01 of the Code of Professional Responsibility and her name be **ORDERED STRICKEN** from the Roll of Attorneys.[20] (Emphasis in the original)

While the Memorandum was pending with this Court, Judge Castañeda died on April 10, 2018 from acute respiratory failure.[21]

The sole issue here is whether or not the death of respondent Judge Liberty O. Castañeda warrants the dismissal of the Administrative Complaint lodged against her.

In the 2019 case of *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr.*,[22] this Court initially held that the respondent's death will not extinguish a pending administrative case, since this Court is not ousted from its jurisdiction by the mere fact that the respondent had ceased to hold public office. Thus, the respondent in *Re: Judge Abul* was found guilty of gross misconduct, and all his benefits, excluding accrued leaves, were forfeited.

On reconsideration, however, this Court *reversed* its earlier ruling and held that the respondent's death while the case was pending effectively renders the case moot. Thus, the complaint was dismissed.[23] We now apply the same ruling to this case.

The imposition of a penalty on a public officer after death does not punish the public officer. Public trust is not magically restored by punishing the public officer's heirs—persons who most likely have nothing to do with that public officer's infractions.

---

20 Id. at 165–166.

21 Id. at 180. According to the death certificate, respondent died on April 10, 2018. She was 72 years old.

22 A.M. No. RTJ-17-2486, September 3, 2019, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/1/65676> [Per Curiam, En Banc].

23 *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr.*, A.M. No. RTJ-17-2486, September 3, 2020 [Per J. Hernando, En Banc].

Prudence dictates that this case should be rendered moot as respondent Judge Castañeda died. She could no longer be in a position to defend herself from these charges in a motion for reconsideration. She could no longer admit to the charges, express remorse, or beg for clemency. Proceeding any further would be a gross violation of her constitutionally guaranteed right to due process.

I

Every person is guaranteed the right to due process before any judgment against them is issued. Article III, Section 1 of the Constitution declares:

> ARTICLE III
> Bill of Rights
>
> SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

In this jurisdiction, due process has "no controlling and precise definition"[24] but is "a standard to which governmental action should conform in order that deprivation of life, liberty or property, in each appropriate case, be valid."[25] It is, in its broadest sense, "a law which hears before it condemns."[26] In *Ermita-Malate Hotel and Motel Operators Association, Inc. v. City Mayor of Manila*:[27]

> There is no controlling and precise definition of due process. It furnishes though a standard to which governmental action should conform in order that deprivation of life, liberty or property, in each appropriate case, be valid. What then is the standard of due process which must exist both as a procedural and as substantive requisite to free the challenged ordinance, or any government action for that matter, from the imputation of legal infirmity; sufficient to spell its doom? It is responsiveness to the supremacy of reason, obedience to the dictates of justice. Negatively put, arbitrariness is ruled out and unfairness avoided. To satisfy the due process requirement, official action, to paraphrase Cardozo, must not outrun the bounds of reasons and result in sheer oppression. Due process is thus hostile to any official action marred by lack of reasonableness. Correctly has it been identified as freedom from arbitrariness. It is the embodiment of the sporting idea of fair play. It exacts fealty "to those strivings for justice" and judges the act of officialdom of whatever branch "in the light of reason drawn from considerations of fairness that reflect [democratic] traditions of legal and political thought." It is not a narrow or "technical conception with

---

24 *Ermita-Malate Hotel and Motel Operators Association, Inc. v. City Mayor of Manila,* 127 Phil. 306, 318 (1967) [Per J. Fernando, En Banc].

25 Id.

26 J. Carson, Dissenting Opinion in *U.S. v. Chauncey McGovern*, 6 Phil. 621, 629 (1906) [Per C.J. Arellano, Second Division].

27 127 Phil. 306 (1967) [Per J. Fernando, En Banc].

> fixed content unrelated to time, place and circumstances," decisions based on such a clause requiring a "close and perceptive inquiry into fundamental principles of our society." Questions of due process are not to be treated narrowly or pedantically in slavery to form or phrases.[28]

Due process encompasses two concepts: substantial due process and procedural due process. Substantive due process is generally premised on the "freedom from arbitrariness"[29] or "the embodiment of the sporting idea of fair play."[30] It "inquires whether the government has sufficient justification for depriving a person of life, liberty, or property."[31]

Procedural due process, on the other hand, "concerns itself with government action adhering to the established process when it makes an intrusion into the private sphere."[32] It is "[a]t its most basic . . . about fairness in the mode of procedure to be followed."[33] *Medenilla v. Civil Service Commission*[34] summarizes procedural due process as:

> . . . the right of the person affected thereby to be present before the tribunal which pronounces judgment upon the question of life, liberty, and property in its most comprehensive sense; to be heard, by testimony or otherwise, and to have the right of controverting, by proof, every material fact which bears on the question of the right in the matter involved.[35]

The requirements of procedural due process depend on the nature of the action involved. For judicial proceedings:

> [First,] [t]here must be a court or tribunal clothed with judicial power to hear and determine the matter before it; [second,] jurisdiction must be lawfully acquired over the person of the defendant or over the property which is the subject of the proceeding; [third,] the defendant must be given an opportunity to be heard; and [fourth,] judgment must be rendered upon lawful hearing.[36] (Citation omitted)

In administrative cases, however, the essence of procedural due process is merely one's right to be *given the opportunity* to be heard.[37] In *Casimiro v. Tandog*:[38]

---

28 Id. at 318–319 citing Frankfurter, *Mr. Justice Holmes and the Supreme Court*, (1938) pp. 32–33; J. Frankfurter, Concurring Opinion in *Hannah v. Larche*, 363 U.S. 420, 487 (1960); *Cafeteria Workers v. McElroy*, (1961) 367 U.S. 1230; and *Bartkus v. Illinois*, (1959) 359 U.S. 121.

29 Id. at 319.

30 Id. citing Frankfurter, *Mr. Justice Holmes and the Supreme Court* (1938), pp. 32–33.

31 *White Light Corporation, et al. v. City of Manila*, 596 Phil. 444, 461 (2009) [Per J. Tinga, En Banc] citing *City of Manila v. Hon. Laguio, Jr.*, 495 Phil. 289 (2005) [Per J. Tinga, En Banc]; and CHEMERINSKY, ERWIN, CONSTITUTIONAL LAW PRINCIPLES AND POLICIES, 2nd Ed. 523 (2002).

32 Id.

33 J. Brion, Concurring Opinion in *Perez v. Philippine Telegraph and Telephone Company*, 602 Phil. 522, 545–546 (2009) [Per J. Corona, En Banc].

34 272 Phil. 107 (1991) [Per J. Gutierrez, Jr., En Banc].

35 Id. at 115 citing BLACK'S LAW DICTIONARY, 590 (4th ed.).

36 *Rabino v. Cruz*, 294 Phil. 480, 487 (1993) [Per J. Melo, Third Division].

37 *See Legarda v. Court of Appeals*, 345 Phil. 890, 905 (1997) [Per J. Romero, En Banc].

38 498 Phil. 660 (2005) [Per J. Chico-Nazario, Second Division].

> The essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard. In administrative proceedings, such as in the case at bar, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of. "To be heard" does not mean only verbal arguments in court; one may be heard also thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.[39]

The sufficiency of pleadings in lieu of actual hearings does not imply that administrative proceedings require a "lesser" standard of procedural due process. On the contrary, *Ang Tibay v. Court of Industrial Relations*[40] requires that in administrative trials and investigations,[41] seven cardinal primary rights be present for the requirements of due process to be satisfied:

> (1) The first of these rights is the right to a hearing, which includes the right of the party interested or affected to present his own case and submit evidence in support thereof. In the language of Chief Hughes, in *Morgan v. U.S.*, "the liberty and property of the citizen shall be protected by the rudimentary requirements of fair play."
>
> (2) Not only must the party be given an opportunity to present his case and to adduce evidence tending to establish the rights which he asserts but the tribunal must consider the evidence presented. In the language of this court in *Edwards vs. McCoy*, "the right to adduce evidence, without the corresponding duty on the part of the board to consider it, is vain. Such right is conspicuously futile if the person or persons to whom the evidence is presented can thrust it aside without notice or consideration."
>
> (3) "While the duty to deliberate does not impose the obligation to decide right, it does imply a necessity which cannot be disregarded, namely, that of having something to support its decision. A decision with absolutely nothing to support it is a nullity, a place when directly attached." This principle emanates from the more fundamental principle that the genius of constitutional government is contrary to the vesting of unlimited power anywhere. Law is both a grant and a limitation upon power.
>
> (4) Not only must there be some evidence to support a finding or conclusion, but the evidence must be "substantial." "Substantial evidence is more than a mere scintilla. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."
>
> . . . The statute provides that 'the rules of evidence prevailing in courts of law and equity shall not be controlling.' The obvious purpose of this and similar provisions is to free administrative boards from the compulsion of technical rules so that the mere admission of matter which would be deemed incompetent in judicial proceedings would not invalidate the administrative order. But this assurance of a desirable flexibility in

---

39 Id. at 666 citing *Fabella v. Court of Appeals*, 346 Phil. 940 (1997) [Per J. Panganiban, Third Division]; *Padilla v. Hon. Sto. Tomas*, 312 Phil. 1095 (1995) [Per J. Kapunan, En Banc]; and *Salonga v. Court of Appeals*, 336 Phil. 154 (1997) [Per J. Panganiban, Third Division].

40 69 Phil. 635 (1940) [Per J. Laurel, En Banc]

41 Id. at 641–642.

> administrative procedure does not go so far as to justify orders without a basis in evidence having rational probative force. Mere uncorroborated hearsay or rumor does not constitute substantial evidence.
>
> (5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected. Only by confining the administrative tribunal to the evidence disclosed to the parties, can the latter be protected in their right to know and meet the case against them. It should not, however, detract from their duty actively to see that the law is enforced, and for that purpose, to use the authorized legal methods of securing evidence and informing itself of facts material and relevant to the controversy. . . .
>
> (6) [The tribunal or officer], therefore, must act on its or his own independent consideration of the law and facts of the controversy, and not simply accept the views of a subordinate in arriving at a decision. . . .
>
> (7) [The tribunal or officer] should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reasons for the decision rendered. The performance of this duty is inseparable from the authority conferred upon it.[42] (Citations omitted)

Nonetheless, this Court clarified in *Gas Corporation of the Philippines v. Inciong*[43] that the failure to strictly apply the regulations required by *Ang Tibay* will not necessarily result in the denial of due process, as long as the elements of fairness are not ignored:

> 1. The vigor with which counsel for petitioner pressed the claim that there was a denial of procedural due process is inversely proportional to the merit of this certiorari and prohibition suit as is quite evident from the Comment of the office of the Solicitor General. It is undoubted that the due process mandate must be satisfied by an administrative tribunal or agency. So it was announced by Justice Laurel in the landmark case of *Ang Tibay v. Court of Industrial Relations*. That is still good law. It follows, therefore, that if procedural due process were in fact denied, then this petition must prosper. It is equally well-settled, however, that the standard of due process that must be met in proceedings before administrative tribunals allows a certain latitude as long as the element of fairness is not ignored. So the following recent cases have uniformly held: *Maglasang v. Ople*, *Nation Multi Service Labor Union v. Agcaoili*, *Jacqueline Industries v. National Labor Relations Commission*, *Philippine Association of Free Labor Unions v. Bureau of Labor Relations*, *Philippine Labor Alliance Council v. Bureau of Labor Relations*, and *Montemayor v. Araneta University Foundation*. From the Comment of the office of the Solicitor General, it is quite clear that no imputation of arbitrariness can be justified. The opportunity to present its side of the case was given both parties to the controversy. If, for reasons best known to itself, petitioner did not avail of its right to do so, then it has only itself to blame. No constitutional infirmity could then be imputed to the proceeding before the labor arbiter.[44] (Citations omitted)

---

42 Id. at 642–644.

43 182 Phil. 215 (1979) [Per CJ. Fernando, Second Division].

44 Id. at 220–221.

Thus, while *Ang Tibay* requires the application of no less than seven cardinal rights, it is generally accepted that due process in administrative proceedings merely requires that the respondent is *given the opportunity* to be heard.[45] This opportunity to be heard, however, must be present *at every single stage of the proceedings*. It cannot be lost even after judgment. In *Lumiqued v. Exevea*:[46]

> In administrative proceedings, the essence of due process is simply the opportunity to explain one's side. One may be heard, not solely by verbal presentation but also, and perhaps even much more creditably as it is more practicable than oral arguments, through pleadings. An actual hearing is not always an indispensable aspect of due process. As long as a party was given the opportunity to defend his interests in due course, he cannot be said to have been denied due process of law, for this opportunity to be heard is the very essence of due process. Moreover, *this constitutional mandate is deemed satisfied if a person is granted an opportunity to seek reconsideration of the action or ruling complained of.*[47] (Emphasis supplied)

The opportunity to be heard is an intrinsic part of the constitutional right to due process. Thus, in criminal cases, cases against the accused are immediately dismissed upon death[48] since the accused can no longer participate in all aspects of the proceedings.

Administrative proceedings require that the respondent be informed of the charges and be given an opportunity to refute them. Even after judgment is rendered, due process requires that the respondent not only be informed of the judgment but also be given the opportunity to seek reconsideration of that judgment. This is the true definition of the opportunity to be heard.

II

This Court's disciplinary powers must always be read alongside the guarantee of any respondent's fundamental rights. Any attempt to exercise our disciplinary powers must always take into account the provisions of the Constitution, from which these disciplinary powers are derived.

It is a settled doctrine that a disciplinary case against a court official or

---

45 *See Legarda v. Court of Appeals*, 345 Phil. 890, 905 (1997) [Per J. Romero, En Banc].

46 346 Phil. 807 (1997) [Per J. Romero, En Banc].

47 Id. at 828 citing *Concerned Officials of MWSS v. Vasquez*, 310 Phil. 549 [Per J. Vitug, En Banc]; *Mutuc v. Court of Appeals*, 268 Phil. 37 (1990) [Per J. Paras, Second Division]; *Pamantasan ng Lungsod ng Maynila (PLM) v. Civil Service Commission*, 311 Phil. 573 [Per J. Vitug, En Banc]; and *Legarda v. Court of Appeals*, 345 Phil. 90 (1997) [Per J. Romero, En Banc].

48 REV. PEN. CODE, art. 89(1) provides:
ARTICLE 89. *How criminal liability is totally extinguished.* — Criminal liability is totally extinguished:
1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment[.]

employee may continue, even if the officer has ceased to hold office during the pendency of the case.[49]

Cessation from office may either be voluntary or involuntary. Thus, the doctrinal safeguard against the dismissal of disciplinary cases prevents erring officers and employees from escaping liability by voluntarily ceasing to hold office, either through resignation or optional retirement.

Compulsory retirement is likewise covered by this doctrinal safeguard, even though this is an involuntary cessation from office. After all, retirees know when they will retire. Prospective retirees could attempt to escape liability for infractions by committing them near retirement.

However, death, unless self-inflicted, is an involuntary cessation from office. It is not like resignation or optional retirement. Unlike compulsory retirement, no one knows when they will die. In death, there is no certainty as to when one ceases holding office.

The opportunity to be heard can only be exercised by those who have resigned or retired. The reason is obvious: They are still alive. Even if they cease to hold public office, they can still be made aware of the proceedings and actively submit pleadings.

Dead respondents have no other recourse. They will never know how the proceedings will continue, let alone submit responsive pleadings. They cannot plead innocence or beg clemency.

Death forecloses *any* opportunity to be heard. To continue with the proceedings is a violation of the right to due process.

III

Unfortunately, *Gonzales v. Escalona*[50] has often been misquoted as basis to state that a respondent's death will not preclude a finding of administrative liability. In that case, where one of the two respondents had died, this Court stated:

> While [Sheriff IV Edgar V. Superada's] death intervened after the completion of the investigation, it has been settled that the Court is not ousted of its jurisdiction over an administrative matter by the mere fact that the respondent public official ceases to hold office during the pendency of the respondent's case; jurisdiction once acquired, continues to exist until the final resolution of the case. In *Layao, Jr. v. Caube*, we held that the death

---

49 *Perez v. Abiera*, 159-A Phil. 575, 580–581 [Per J. Muñoz Palma, En Banc].

50 587 Phil. 448 (2008) [Per J. Brion, Second Division].

of the respondent in an administrative case does not preclude a finding of administrative liability:

> This jurisdiction that was ours at the time of the filing of the administrative complainant was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent public official innocent of the charges or declared him guilty thereof. A contrary rule would be fraught with injustice and pregnant with dreadful and dangerous implications . . . If innocent, respondent public official merits vindication of his name and integrity as he leaves the government which he has served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.[51] (Citations omitted)

The continuation of the quoted portion in *Gonzales*, however, explicitly provides the several exceptions to this rationale, foremost of which is the denial of due process:

> The above rule is not without exceptions, as we explained in the case of *Limliman v. Judge Ulat-Marrero*, where we said that death of the respondent necessitates the dismissal of the administrative case upon a consideration of any of the following factors: *first, the observance of respondent's right to due process*; second, the presence of exceptional circumstances in the case on the grounds of equitable and humanitarian reasons; and third, it may also depend on the kind of penalty imposed. None of these exceptional considerations are present in the case.
>
> *The dismissal of an administrative case against a deceased respondent on the ground of lack of due process is proper under the circumstances of a given case when, because of his death, the respondent can no longer defend himself. Conversely, the resolution of the case may continue to its due resolution notwithstanding the death of the respondent if the latter has been given the opportunity to be heard, as in this case, or in instances where the continuance thereof will be more advantageous and beneficial to the respondent's heirs.*[52] (Emphasis supplied)

Thus, *Gonzales* not only lays the basis for the *dismissal* of the administrative case due to respondent's death, but also states the basis for continuing the administrative case *despite* death: (1) when the respondent was given the opportunity to be heard; or (2) when the continuation of the proceedings is more advantageous and beneficial to respondent's heirs.

---

51 Id. at 462–463.

52 Id. at 463–464 citing *Limliman v. Ulat-Marrero*, 443 Phil. 732 (2003) [Per J. Vitug, First Division]; *Camsa v. Judge Rendon*, 427 Phil. 518 (2002) [Per J. Vitug, Third Division]; *Apiag v. Judge Cantero*, 335 Phil. 591 (1997) [Per J. Panganiban, Third Division]; *Judicial Audit Report, Branches 21, 32 & 36, et. al.*, 397 Phil. 476 (2000) [Per J. Vitug, En Banc]; *Hermosa v. Paraiso*, 159 Phil. 417 (1975) [Per J. Teehankee, First Division]; *Report on the Judicial Audit Conducted in RTC, Br. 1, Bangued, Abra*, 388 Phil. 60 (2000) [Per J. Vitug, En Banc]; and *Mañozca v. Judge Domagas*, 318 Phil. 744 (1995) [Per J. Padilla, First Division].

In fact, in *Loyao, Jr. v. Caube*,[53] on which *Gonzales* hinges to justify the rule that death does not cancel out administrative liability, this Court was actually constrained to *dismiss the case and consider it closed and terminated* because the penalty could not be carried out. In *Loyao, Jr.*:

> To be sure, respondent Caube's death has permanently foreclosed the prosecution of any other actions, be it criminal or civil, against him for his malfeasance in office. We are, however, not precluded from imposing the appropriate administrative sanctions against him. Respondent's misconduct is so grave as to merit his dismissal from the service, were it not for his untimely demise during the pendency of these proceedings. *However, since the penalty can no longer be carried out, this case is now declared closed and terminated.*[54] (Emphasis supplied, citations omitted)

There have been several other administrative cases where the impracticability of imposing the punishment was reason for this Court to just dismiss the case.

In *Camsa v. Judge Rendon*,[55] this Court found it inappropriate to proceed with investigating a judge "who could no longer be in any position to defend himself"; otherwise, it "would be a denial of his right to be heard, our most basic understanding of due process."[56]

In *Apiag v. Cantero*,[57] this Court dismissed an administrative case against an erring judge and allowed the release of his retirement benefits to his heirs due to his death. It explained:

> . . . [This Court] cannot just gloss over the fact that he was remiss in attending to the needs of his children of his first marriage — children whose filiation he did not deny. He neglected them and refused to support them until they came up with this administrative charge. For such conduct, this Court would have imposed a penalty. But in view of his death prior to the promulgation of this Decision, dismissal of the case is now in order.[58]

In *Report on the Judicial Audit Conducted in the Municipal Trial Court of Tambulig and the 11th Municipal Circuit Trial Court of Mahayag-Dumingag-Josefina, Zamboanga del Sur*,[59] this Court was constrained to dismiss the case against the deceased judge and release his retirement benefits to his heirs. This was despite finding him guilty of gross inefficiency and gross ignorance of the law.

---

53 450 Phil. 38 (2003) [Per Curiam, En Banc].
54 Id. at 47.
55 427 Phil. 518 (2002) [Per J. Vitug, Third Division].
56 Id. at 525.
57 335 Phil. 511 (1997) [Per J. Panganiban, Third Division].
58 Id. at 526.
59 509 Phil. 401 (2005) [Per C.J. Davide, Jr., First Division].

It is the impracticability of the punishment that must guide this Court in assessing whether disciplinary proceedings can continue. To determine this, we must first examine our underlying assumptions on the imposition of penalties for offenses against the State or its private citizens.

IV

In criminal law, "penalty" has been defined as "the suffering that is inflicted by the state for the transgression of the law."[60] Crime and punishment are inseparable concepts, embodied by the Latin precept, *nullum crimen nulla poena sine lege*.[61]

Several theories justify the imposition of a penalty. One theory is that of *prevention*, where the State punishes an offender to prevent or suppress danger to society arising from that person's criminal act. Similarly, under another theory, that of *self-defense*, the State punishes the offender to protect society from the threat inflicted by the criminal.[62] These two theories underlie the imposition of penalties for attempted or frustrated crimes, as a measure of protection to society against the potential harm that could have been inflicted by the offender.

Another set of theories is punitive in nature. The first of these is *exemplarity*, where the imposition of the penalty acts as a deterrent to discourage others from committing the crime. Another theory is *retribution* or retributive justice, where the State punishes the offender as an act of vindication or revenge for the harm done.[63] Finally, there is the theory of *reformation*,[64] or what is now referred to as restorative justice. The State's objective in restorative justice "is not to penalize," but to "engage in a sincere dialogue toward the formulation of a reparation plan. A reparation plan typically includes both monetary reparation and a rehabilitative program" and even community work.[65]

At first glance, the aim of criminal law in this jurisdiction appears to be retributive, in line with the sovereign's role "to regulate behavior, and in doing so, to determine guilt and punishment."[66] The severity of the penalty is often measured against the severity of the crime. This Court once remarked:

> It takes more than merely being harsh, excessive, out of proportion, or severe for a penalty to be obnoxious to the Constitution. "The fact that the punishment authorized by the statute is severe does not make it cruel

---

60 Lorenzo Relova, *Imposition of Penalties: Indeterminate Sentence Law*, 22 ATENEO L.J. 1 (1978).

61 There is no crime where there is no law punishing it.

62 Lorenzo Relova, *Imposition of Penalties: Indeterminate Sentence Law*, 22 ATENEO L.J. 1 (1978).

63 Id.

64 Id.

65 Hadar Dancig-Rosenberg & Tali Gal, *Restorative Criminal Justice*, 34 CARDOZO LAW REVIEW 2321 (2013).

66 Id. at 2317.

> and unusual." Expressed in other terms, it has been held that to come under the ban, the punishment must be "flagrantly and plainly oppressive," "wholly disproportionate to the nature of the offense as to shock the moral sense of the community."[67] (Citations omitted)

In *People v. Godoy*,[68] the purpose of penalty imposition was used to differentiate whether an act of indirect contempt is considered a criminal offense or a civil one. The prevailing doctrine is that indirect contempt is a criminal offense if the purpose of punishment is punitive, aiming to seek retribution for an offense committed against the State or its officers. It is a civil offense if the purpose of punishment is merely remedial, aiming to restore the rights of the private offended party.[69]

While this discussion only applied to indirect contempt, looking into the purpose of the penalty can be a useful tool to determine whether a proceeding is criminal or civil: If the purpose is punishment, it is criminal in nature; if the purpose is remedial, it is civil in nature.

This may create the false impression that our criminal justice system has always been solely punitive in nature. On the contrary, as early as 1933, this Court has recognized that the imposition of criminal penalties in this jurisdiction is aimed toward restorative justice:

> [I]t is necessary to consider the criminal, first, as an individual and, second, as a member of society. This opens up an almost limitless field of investigation and study which it is the duty of the court to explore in each case as far as is humanly possible, with the end in view that penalties shall not be standardized but fitted as far as is possible to the individual, with due regard to the imperative necessity of protecting the social order.
>
> . . . .
>
> In considering the criminal as a member of society, his relationship, first, toward his dependents, family and associates and their relationship with him, and second, his relationship towards society at large and the State are important factors. The State is concerned not only in the imperative necessity of protecting the social organization against the criminal acts of destructive individuals but also in redeeming the individual for economic usefulness and other social ends.[70]

On the other hand, the imposition of penalties in administrative cases takes on a slightly different character than that of criminal penalties. For instance, disciplinary cases filed against lawyers have always been considered restorative, not punitive, as "the objective of a disciplinary case is not so much to punish the individual attorney as to protect the dispensation of justice by

---

67 *People v. Estoista*, 93 Phil. 647, 655 (1953) [Per J. Tuason, En Banc] citing 24 C.J.S., 1187–1188.
68 *People v. Godoy*, 312 Phil. 977 (1995) [Per J. Regalado, En Banc].
69 Id.
70 *People v. Ducosin*, 59 Phil. 109, 117–118 (1933) [Per J. Butte, En Banc].

sheltering the judiciary and the public from the misconduct or inefficiency of officers of the court."[71] It is this protection of a higher ideal that animates the purpose behind the imposition of administrative penalties.

The objective of the imposition of penalties on erring public officers and employees is not punishment, but *accountability*. The Constitution declares:

> SECTION 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.[72]

To remain in public service requires the continuous maintenance of the public trust. In *Office of the Ombudsman v. Regalado*:[73]

> The fundamental notion that one's tenure in government springs exclusively from the trust reposed by the public means that continuance in office is contingent upon the extent to which one is able to maintain that trust. As Chief Justice Enrique Fernando eloquently wrote in his concurrence in *Pineda v. Claudio*:
>
> > [W]e must keep in mind that the Article on the Civil Service, like other provisions of the Constitution, was inserted primarily to assure a government, both efficient and adequate to fulfill the ends for which it has been established. That is a truism. It is not subject to dispute. It is in that sense that a public office is considered a public trust.
> >
> > Everyone in the public service cannot and must not lose sight of that fact. While his right as an individual although employed by the government is not to be arbitrarily disregarded, he cannot and should not remain unaware that the only justification for his continuance in such service is his ability to contribute to the public welfare.[74]

For this reason, the worst possible punishment for erring public officials and employees is not imprisonment or monetary recompense. It is *removal* from the public service. Thus, Section 46(A) of the Revised Rules on Administrative Cases in the Civil Service provides:

> 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.

---

71 *Gamilla v. Mariño*, 447 Phil. 419, 433 (2003) [Per J. Bellosillo, Second Division].

72 CONST., art. XI, sec. 1.

73 G.R. Nos. 208481–82, February 7, 2018, 855 SCRA 54 [Per J. Leonen, Third Division].

74 Id. at 69–70 citing J. Fernando, Concurring Opinion in *Pineda v. Claudio*, 138 Phil. 37, 58 (1969) [Per J. Castro, En Banc].

A. The following grave offenses shall be punishable by dismissal from the service:

1. Serious Dishonesty;
2. Gross Neglect of Duty;
3. Grave Misconduct;
4. Being Notoriously Undesirable;
5. Conviction of a crime involving moral turpitude;
6. Falsification of official document;
7. Physical or mental incapacity or disability due to immoral or vicious habits;
8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, or committing acts punishable under the anti-graft laws;
9. Contracting loans of money or other property from persons with whom the office of the employee has business relations;
10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature;
11. Nepotism; and
12. Disloyalty to the Republic of the Philippines and to the Filipino people.

The purpose of administrative penalties is to restore and preserve the public trust in our institutions. Thus, it is in the public interest to remove from service all individuals who diminish the public trust. This is the extent of the punishment in administrative disciplinary cases.

The justification for the imposition of dismissal from service is neither prevention, nor self-defense, nor exemplarity, nor retribution, nor reformation. It is part of public accountability, which arises from the State's duty to preserve the public trust. The penalty attaches to the erring public officer or employee and to no other. Only that erring public officer or employee is dismissed from service.

When that public officer or employee dies, there is no one left for the State to dismiss from service.

Thus, in *Government Service Insurance System v. Civil Service Commission*,[75] this Court pronounced that a respondent's death during the

[75] 279 Phil. 866 (1991) [Per J. Narvasa, En Banc].

pendency of an administrative proceeding was cause to dismiss the case, due to the futility of the imposition of any penalty. It said:

> *The Court agrees that the challenged orders of the Civil Service Commission should be upheld, and not merely upon compassionate grounds, but simply because there is no fair and feasible alternative in the circumstances*. To be sure, if the deceased employees were still alive, it would at least be arguable, positing the primacy of this Court's final dispositions, that the issue of payment of their back salaries should properly await the outcome of the disciplinary proceedings referred to in the Second Division's Resolution of July 4, 1988.
>
> Death, however, has already sealed that outcome, foreclosing the initiation of disciplinary administrative proceedings, *or the continuation of any then pending*, against the deceased employees. Whatever may be said of the binding force of the Resolution of July 4, 1988 so far as, to all intents and purposes, it makes exoneration in the administrative proceedings a condition precedent to payment of back salaries, it cannot exact an impossible performance or decree a useless exercise. Even in the case of crimes, the death of the offender extinguishes criminal liability, not only as to the personal, but also as to the pecuniary, penalties if it occurs before final judgment. *In this context, the subsequent disciplinary proceedings, even if not assailable on grounds of due process, would be an inutile, empty procedure in so far as the deceased employees are concerned*; they could not possibly be bound by any substantiation in said proceedings of the original charges: irregularities in the canvass of supplies and materials. The questioned orders of the Civil Service Commission merely recognized the impossibility of complying with the Resolution of July 4, 1988 and the legal futility of attempting a post-mortem investigation of the character contemplated.[76] (Emphasis supplied)

The same rationale should apply to members of the Judiciary, as they are held to an even higher standard than other public officers and employees. As early as 1903, this Court has imposed upon court officers their duty to uphold public order:

> The maintenance of public order and the existence of the commonwealth itself, depend upon the enforcement of the mandates of the courts and require prompt obedience to them, not only by private citizens, but in a special manner by the Government officers who are particularly charged with a knowledge of the law and with the duty of obeying it.[77]

About a century later, this judicial fiat has not wavered. In *Astillazo v. Jamlid*:[78]

> The Court has said time and time again that the conduct and behavior of everyone connected with an office charged with the administration and disposition of justice — from the presiding judge to the lowliest clerk —

---

[76] Id. at 876.
[77] *Weigall v. Shuster*, 11 Phil. 340, 354 (1903) [Per J. Tracey, En Banc].
[78] 342 Phil. 219 (1997) [Per Curiam, En Banc].

> should be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the well-guarded image of the judiciary. It has always been emphasized that the conduct of judges and court personnel must not only be characterized by propriety and decorum at all times, but must also be above suspicion. Verily, the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women, from the judge to the least and lowest of its personnel, hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice. Thus, every employee of the court should be an exemplar of integrity, uprightness, and honesty.[79] (Citations omitted)

In line with this, A.M. No. 01-8-10-SC[80] provides that justices and judges found guilty of serious charges are punishable by the following penalties:

> SECTION 11. *Sanctions*. — A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:
>
> 1. Dismissal from the service, forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;
>
> 2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
>
> 3. A fine of more than P20,000.00 but not exceeding P40,000.00.[81]

There is no hard and fast rule as to what penalty may apply. Often, the imposable penalty is purely within this Court's discretion, in view Article VIII, Section 11[82] of the Constitution, with due consideration to the offense's gravity and the prior penalties imposed in similar cases.

The first two penalties, dismissal and suspension, are forms of negative reinforcement. They are meant to make the respondent suffer. They are this Court's vindication for the tarnishing of its reputation. The loss of the judicial robe, whether permanently or temporarily, carries with it the humiliation and degradation to one's dignity within the legal profession. No judge or justice carries a dismissal or suspension from service with pride.

---

79 Id. at 232–233.

80 *Amendment of Rule 140 of the Rules of Court Re: the Discipline of Justices and Judges*, September 11, 2001.

81 RULES OF COURT, Rule 140, sec. 11(A), as amended.

82 CONST., art. VIII, sec. 11 provides:
SECTION 11. The Members of the Supreme Court and judges of lower courts shall hold office during good behavior until they reached the age of seventy years or become incapacitated to discharge the duties of their office. The Supreme Court en banc shall have the power to discipline judges of lower courts, or order their dismissal by a vote of a majority of the Members who actually took part in the deliberations on the issues in the case and voted thereon.

Dismissal from service also carries with it the accessory penalties of perpetual disqualification from public office and forfeiture of retirement benefits.[83] The punishment is so grave that it not only requires removal from public service but also prevents the respondent from returning, along with the future enjoyment of their labor.

This presupposes, of course, that the erring judge or justice is still a member of the Bench when the penalty is imposed. There is, thus, a third penalty, that of a fine, which may be imposed when the erring judge or justice is no longer in service.

It is the availability of the penalty of a fine that is often the justification for this Court to continue with cases despite the respondent no longer being connected with the Judiciary. In *Baquerfo v. Sanchez*:[84]

> Cessation from office of respondent by resignation or retirement neither warrants the dismissal of the administrative complaint filed against him while he was still in the service nor does it render said administrative case moot and academic. The jurisdiction that was this Court's at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case. Respondent's resignation does not preclude the finding of any administrative liability to which he shall still be answerable.[85]

Summarizing the doctrine, *Perez v. Abiera*[86] states:

> In short, the cessation from office of a respondent Judge either because of resignation, retirement or some other similar cause does not per se warrant the dismissal of an administrative complaint which was filed against him while still in the service. Each case is to be resolved in the context of the circumstances present thereat.[87]

---

83 *See* REVISED RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, sec. 52(a), which states:
SECTION 52. *Administrative Disabilities Inherent in Certain Penalties.* –
a. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.
See also Re Inquiry on the Appointment of Judge Cube, 297 Phil. 1141 (1993) [Per Curiam, En Banc].

84 495 Phil. 10 (2005) [Per Curiam, En Banc].

85 Id. at 16–17 citing *Reyes v. Cristi*, 470 Phil. 617 (2004) [Per J. Callejo, Sr., Second Division]; *Re: Complaint Filed by Atty. Francis Allan A. Rubio on the Alleged Falsification of Public Documents and Malversation of Public Funds*, 482 Phil. 318 (2004) [Per J. Tinga, En Banc]; *Caja v. Nanquil*, 481 Phil. 488 (2004) [Per J. Chico-Nazario, En Banc]; *Tuliao v. Ramos*, 348 Phil. 404, 416 (1998) [Per J. Bellosillo, First Division]; *Perez v. Abiera*, 159-A Phil. 575 (1975) [Per J. Muñoz Palma, En Banc]; *Secretary of Justice v. Marcos*, 167 Phil. 42 (1977) [Per J. Fernando, En Banc]; *Sy Bang v. Mendez*, 350 Phil. 524, 533 (1998) [Per J. Kapunan, Third Division]; *Flores v. Sumaljag*, 353 Phil. 10, 21 (1998) [Per J. Mendoza, Second Division]; and *OCA v. Fernandez*, 353 Phil. 10 (2004) [Per J. Mendoza, Second Division].

86 159-A Phil. 575 (1975) [Per J. Muñoz Palma, En Banc].

87 Id. at 582.

The imposition of a fine regardless of the respondent's separation from service leads us to inquire why a fine must still be imposed. It would be inaccurate to state that the fine is meant to be compensatory, as assaults on the Judiciary's dignity are unquantifiable. Rather, as with dismissal and suspension, the purpose of the fine is to make the respondent suffer, at least monetarily, for the harm done. The fine is a punishment, not a repayment. It is meant to replace the penalties, which can no longer be imposed.

The punishment for administrative infractions, therefore, is *personal* to the respondent. As all punishments are tempered with mercy, this Court metes them with the fervent hope that the erring judge or justice learns their lesson and repents on all of their mistakes.

Remorse is impossible when the erring judge or justice dies before this Court can hand down its judgment. It is, thus, *irrational* and *illogical* for this Court to continue with disciplinary proceedings despite the respondent's death. There is no one left to punish.

V

In the initial resolution of *Re: Judge Abul*, the majority insisted that punishment was still a viable option for this Court, since a fine could still be deducted from the respondent judge's accrued leave benefits. This begs the question, however, of whom exactly this Court is trying to punish.

Article 777 of the Civil Code provides that "[t]he rights to the succession are transmitted from the moment of the death of the decedent." Here, all of respondent Judge Castañeda's properties were no longer hers at the time of her death. They belonged to her estate, of which her heirs had an inchoate right.[88]

Charges against the estate include "claims for money against the decedent, arising from contract, express or implied, whether the same be due, not due, or contingent, all claims for funeral expenses and expense for the last sickness of the decedent, and judgment for money against the decedent."[89] Penalties, such as administrative fines, are not included in this enumeration. They are not, strictly speaking, claims for money arising from contracts or judgments for money. To categorize them as such would make this Court a creditor of the decedent.

Upon her death, all of respondent's prospective assets, like her accrued leave benefits, have already passed on to her estate. To impose the fine on her would be to make a claim against the estate.

---

88 *See Alejandrino v. Court of Appeals*, 356 Phil. 851 (1998) [Per J. Romero, Third Division].

89 RULES OF COURT, Rule 86, sec. 5.

In any case, from a moral standpoint, it would be cruel for this Court to make respondent's heirs bear the brunt of her punishment. They are not under investigation. They are not the ones who committed respondent's infractions. They are, from the findings of the investigation, innocent of the charges. And yet, should this Court proceed with the case and impose a penalty upon a guilty verdict, it is respondent's heirs who would bear that punishment.

Admittedly, respondent's infraction in this case is severe. The Office of the Court Administrator conclusively found that complainant's nullity case was resolved with undue haste, having been resolved less than a year after the petition had been filed. None among complainant, the Office of the Solicitor General, or the Office of the Public Prosecutor was ever furnished with copies of the petition. The psychologist was never made to testify in court to confirm the findings of the psychological report.[90] Respondent would have been dismissed for her blatant and gross ignorance of the law.

In 2012, however, this Court has already dismissed respondent from service for her infractions. Her retirement benefits, excluding accrued leave credits, were forfeited. She has already borne the humiliation and degradation from that penalty. There are no more retirement, death, or survivorship benefits from which we could bleed out any prospective fine. This Court has already extracted its pound of flesh.

Here, respondent is no longer in a position to refute the findings of the Office of the Court Administrator. She could no longer know of the proceedings against her. She would not know of the conclusions of this Court and of the punishment that she would have so rightly deserved. She could no longer move for reconsideration, admit to the charges, plead her innocence, not even beg for clemency. There is no more reason for this Court to proceed with this case.

Respondent is dead. She could no longer evade liability. She could no longer pollute the courts with her incompetence and corrupt ways. She could no longer betray the public trust.

Death, perhaps, was a more profound judgment than any this Court could impose.

Despite all the constitutional powers we are endowed with as the Supreme Court of this country, we should have the humility to accept that we do not have the ability to punish a dead person. It is irrational to do so. Perhaps, only the universe can.

---

[90] *Rollo*, p. 161.

WHEREFORE, the Complaint against respondent Judge Liberty O. Castañeda of Branch 67, Regional Trial Court, Paniqui, Tarlac, is **DISMISSED** in view of her death during the pendency of this case.

SO ORDERED.

MARVIC M.V.F. LEONEN
Associate Justice

WE CONCUR:

I join the dissent of J. Reyes

DIOSDADO M. PERALTA
Chief Justice

Please see Dissenting Opinion

See Dissenting Opinion

ESTELA M. PERLAS-BERNABE
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

ALEXANDER G. GESMUNDO
Associate Justice

see Dissenting Opinion

JOSE C. REYES, JR.
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

I join the dissent of J. Caguioa

RODIL V. ZALAMEDA
Associate Justice

MARIO V. LOPEZ
Associate Justice

Pls. See separate Concurring Opinion

EDGARDO L. DELOS SANTOS
Associate Justice

SAMUEL H. GAERLAN
Associate Justice

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

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the court.

DIOSDADO M. PERALTA
Chief Justice