

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE
RECEIVED
AUG 12 2022
BY: P. CANJADO
TIME: 10:10



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

OFFICE OF THE COURT ADMINISTRATOR,
Complainant,

A.M. No. P-22-056
[Formerly A.M. No. 19-09-218-RTC]

Present:

-versus-

CAGUIOA, J., *Chairperson,*
INTING,
GAERLAN,
DIMAAMPAO, and
SINGH, JJ.

CHRISTOPHER E. SALAO,
CLERK III, BRANCH 32,
REGIONAL TRIAL COURT,
ILOILO CITY, ILOILO,
Respondent.

Promulgated:
June 22, 2022

X ----- Misprocedat ----- X

RESOLUTION

INTING, J.:

A report¹ dated August 29, 2019 from Mr. Ryan U. Lopez, Officer-in-Charge, Employees' Leave Division, Office of Administrative Services, Office of the Court Administrator (OCA), showed that Christopher E. Salao (respondent), Clerk III of Branch 32, Regional Trial Court (RTC), Iloilo City, was tardy 10 times in January 2019 and 11 times in March 2019.

In its 1st Indorsement² dated September 12, 2019, the OCA required respondent to comment on the above report. Despite receipt on September 15, 2019, as shown by the registry receipt card,³ respondent failed to file his comment. Thus, the OCA sent a tracer⁴ dated February 4, 2020 reiterating its directive in its 1st Indorsement; however, the OCA

¹ Rollo, p. 3.
² Id. at 6.
³ Id. at 6-A.
⁴ Id. at 7.

did not receive any response.⁵

The Judicial Integrity Board (JIB), in its Report and Recommendation⁶ dated July 5, 2021, recommended: (a) that the case be re-docketed; and (b) that respondent be held administratively liable for Habitual Tardiness and Insubordination, and fined in the amount of ₱11,000.00, payable within 30 days from receipt of notice, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely by the Court.⁷

The JIB found that under Civil Service Commission Memorandum Circular No. 23, Series of 1998,⁸ it is provided that “[a]ny employee shall be considered habitually tardy if he incurs tardiness, regardless of the number of minutes, ten (10) times a month for at least two (2) months in a semester or at least two (2) consecutive months during the year.” Respondent was tardy for 21 times for two months in the first semester of 2019, *i.e.*, 10 times in January 2019 and 11 times in March 2019.⁹ Hence, the JIB recommended that respondent be held administratively liable for Habitual Tardiness.

As there was no showing that respondent's Habitual Tardiness had caused prejudice to the operations of the RTC and that this was his first offense, the JIB recommended reprimand as the appropriate penalty for his Habitual Tardiness pursuant to Section 50(F)(4),¹⁰ Rule 10 of the

⁵ Id. at 8.

⁶ Id. at 11-16; penned by Justice Cielito N. Mindaro-Grulla (retired Member of the Court of Tax Appeals) and concurred in by Justices Romeo J. Callejo, Sr., Angelina Sandoval-Gutierrez (retired Members of the Court), Sesinando E. Villon (retired Member of the Court of Appeals), and Rodolfo A. Ponferrada (retired Member of the Sandiganbayan).

⁷ Id. at 15.

⁸ Issued on June 15, 1998 as reiterated under Civil Service Commission (CSC) Memorandum Circular No. 01, Series of 2017 issued on January 31, 2017.

⁹ *Rollo*, p. 12. See respondent's Civil Service Form No. 48 (Daily Time Record) for January and March 2019, id at 4-5.

¹⁰ Section 50(F)(4), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) provides:

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.

x x x x

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:

x x x x

4. Habitual Tardiness;

x x x x

2017 Rules on Administrative Cases in the Civil Service¹¹ (RACCS), viz:

Under the 2017 Rules on Administrative Cases in the Civil Service, on 3 July 2017, habitual tardiness is now classified as either a grave or light offense. It is considered as grave offense under Rule 10, Section 50 (b) if the tardiness prejudiced the operations of the office. On the other hand, it remains a light offense under Rule 10, Section 50 (f) if the case involves plain habitual tardiness.

In the absence of proof that the operations of the court were prejudiced, the case of respondent falls under the category of plain tardiness, a light offense punishable by reprimand for the first offense, suspension of one (1) to thirty (30) days for the second offense, and dismissal from service for the third offense.

Considering that it is the first time respondent has been charged with such an infraction, the penalty of reprimand is appropriate. x x x.¹²

In view, however, of respondent's disregard of the OCA's directives to comment on the report regarding his Habitual Tardiness, the JIB also found him liable for Insubordination,¹³ which is classified as a less grave offense under Section 50(D)(5),¹⁴ Rule 10 of the 2017 RACCS, punishable by suspension of one month and one day to six months for the first offense, and dismissal from the service for the second offense.

As respondent was found liable for two offenses, the JIB applied Section 55, Rule 10 of the 2017 RACCS, to wit:

SECTION 55. *Penalty for Multiple Offenses.* — If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances.

¹¹ CSC Resolution No. 1701077, approved on July 3, 2017.

¹² *Rollo*, p. 13.

¹³ *Id.* at 13-14.

¹⁴ Section 50(D)(5), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) provides:

SECTION 50. x x x

x x x x

D. The following less grave offenses are punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense; and dismissal from the service for the second offense:

x x x x

5. Insubordination;

x x x x

x x x x

The JIB recommended that respondent be meted out the penalty for Insubordination, being the more serious offense, with Habitual Tardiness as an aggravating circumstance. So as not to prejudice the operations of the Court, the JIB determined that fine will suffice.

Pursuant to paragraph B(7), Section 1, Rule XI of A.M. No. 18-01-05-SC,¹⁵ or the *Internal Rules of the JIB*, less grave offenses under the Civil Service Law and Rules, *i.e.*, 2017 RACCS, are classified as less serious charges. The sanctions imposed for less serious charges under the Internal Rules of the JIB are: (a) suspension from office without salary and other benefits for not less than one (1) nor more than (3) months; *or* (b) a fine of more than ₱10,000.00 but not exceeding ₱20,000.00.¹⁶ Thus, the JIB imposed a fine of ₱11,000.00 on respondent.

The Court agrees with the JIB's findings as to respondent's culpability but modifies its findings as regards the administrative offense violated and the corresponding penalty in accordance with Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC¹⁷ (Revised Rule 140).

In A.M. No. 18-01-05-SC¹⁸ dated October 2, 2018 and July 7, 2020,¹⁹ the Court amended Rule 140 of the Rules of Court by extending its coverage to include administrative disciplinary cases against all officials, employees, and personnel of the judiciary, among others.

Thereafter, in A.M. No. 21-08-09-SC, Rule 140 was further amended considering that A.M. No. 18-01-05-SC was silent on the retroactive application of the amendments which resulted in the

¹⁵ Effective February 1, 2021.

¹⁶ Section 2, Rule XII, Internal Rules of the Judicial Integrity Board, A.M. No. 18-01-05-SC.

¹⁷ Entitled, "Further Amendments to Rule 140 of the Rules of Court," effective April 4, 2022.

¹⁸ Entitled "Establishment of the Judicial Integrity Board (JIB) and the Corruption Prevention and Investigation Office (CPIO)."

¹⁹ Rule 140 was further amended on July 7, 2020 in order to clarify the qualification standards of the Executive Officials of the JIB, as well as those of the officials of the Office of the Executive Director and Assistant Executive Director, and the Office of the General Counsel; and to specify the power, functions and authorities of the JIB, in relation to Rule 140 of the Rules of Court, as amended, and the functions, duties and responsibilities of the Office of the Executive Director and Assistant Executive Director, and the Office of the General Counsel.

“inconsistent appreciation of modifying circumstances, as well as the uneven imposition of aggravated or mitigated penalties in previous cases.”²⁰ Thus, the Court declared in Section 24 of A.M. No. 21-08-09-SC that Rule 140, as amended, “shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned.” In fine, Rule 140, as amended, shall be “*uniformly applicable to all cases, regardless of when the infractions are committed.*”²¹ Further, the fines for serious, less serious, and light charges were adjusted on the basis of A.M. No. 21-03-17-SC.²²

From the foregoing, the Revised Rule 140 should be applicable in respondent's case.

Here, it was established that respondent is guilty of Habitual Tardiness. Respondent was tardy at least 10 times for two months in the first semester of 2019, *i.e.*, 10 times in January 2019 and 11 times in March 2019.²³

In *Re: Employees Incurring Habitual Tardiness in the 1st Sem. of 2005*,²⁴ the Court stated the reason for penalizing Habitual Tardiness as follows:

As enshrined in the Constitution, a public office is a public trust. Inherent in this mandate is the observance of prescribed office hours and the efficient use of every moment thereof for public service, if only to recompense the Government, and ultimately, the people, who shoulder the cost of maintaining the Judiciary. Thus, to inspire public respect for the justice system, court officials and employees must at all times strictly observe official time.

In *Basco v. Gregorio*, the Court held:

The exacting standards of ethics and morality imposed upon court employees and judges are reflective of the premium placed on the image of the court of justice, and that

²⁰ See the 14th Whereas Clause of A.M. No. 21-08-09-SC.

²¹ See the 15th Whereas Clause of A.M. No. 21-08-09-SC.

²² Entitled “Amendments to the Fines Provided in Rule 140 of the Revised Rules of Court,” effective May 31, 2021.

²³ *Rollo*, pp. 4-5.

²⁴ 527 Phil 1 (2006).

image is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat. It thus becomes the imperative and sacred duty of everyone charged with the dispensation of justice, from the judge to the lowliest clerk, to maintain the court's good name and standing as true temples of justice.²⁵

The Court agrees with the JIB that respondent should be held administratively liable for disregarding the OCA's directives which showed his disrespect for the Court; however, the less grave offense of Insubordination under Section 50(D)(5) of the 2017 RACCS was not carried over in the Revised Rule 140. Nonetheless, he is liable for Violation of Supreme Court Directives under Section 15(e)²⁶ of the Revised Rule 140. It bears stressing that the directives coming from the OCA should be treated as if they were issued directly by the Court and must be complied promptly and conscientiously as it is through the OCA that the Court exercises its constitutionally-mandated administrative supervision over all courts and the personnel thereof.²⁷

As held in *Clemente v. Bautista*,²⁸ to wit:

We would like to stress that all directives coming from the Court Administrator and his deputies are issued in the exercise of this Court's administrative supervision of trial courts and their personnel, hence, should be respected. These directives are not mere requests but should be complied with promptly and completely. Clearly, respondent's indefensible disregard of the orders of the OCA, as well as of the complainant and Judge Manodon, for him to comment on the complaint and to explain his infractions, shows his disrespect for and contempt, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the OCA. His indifference to, and disregard of, the directives issued to him clearly constituted insubordination.

²⁵ Id. at 9. Citations omitted.

²⁶ Section 15(e) of the Revised Rule 140 of the Rules of Court provides:

SECTION 15. *Less Serious Charges* . – Less serious charges include:

x x x x

(e) Violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure, or protocol;

x x x x

²⁷ *Office of the Court Administrator v. Judge Casalan*, A.M. No. RTJ-14-2385, April 20, 2016, citing *Office of the Court Administrator v. Judge Bagundang*, 566 Phil. 149, 158 (2008).

²⁸ 710 Phil 10 (2013).

Compliance with the directive to comment on complaints filed against court personnel is not an empty requirement. As the Court held in *Mendoza v. Tablizo*:

x x x Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. This Court, being the agency exclusively vested by the Constitution with administrative supervision over all courts, can hardly discharge its constitutional mandate of overseeing judges and court personnel and taking proper administrative sanction against them if the judge or personnel concerned does not even recognize its administrative authority.²⁹

Respondent's Habitual Tardiness and Violation of Supreme Court Directives are classified as less serious charges under Section 15 of the Revised Rule 140 with the penalty of (a) suspension from office without salary and other benefits for not less than one (1) month nor more than (6) months; or (b) a fine of more than ₱35,000.00 but not exceeding ₱100,000.00.³⁰

Section 21 of the Revised Rule 140, provides that if the respondent is found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense. Hence, two separate penalties should be imposed on respondent for the two offenses he committed in the case.

Under Section 19 of the Revised Rule 140, the Court may, in its discretion, appreciate the mitigating circumstances which include first offense. The Court finds that for the charge of Habitual Tardiness, the penalty of reprimand would be appropriate considering that it is respondent's first offense.³¹ However, as to respondent's violation of the Court's directives in the case the Court imposes a fine of ₱36,000.00.

²⁹ Id. at 15-16. Citations omitted.

³⁰ Section 17(2) of Rule 140, as amended.

³¹ Section 19(1)(a) of Rule 140, as amended, provides:

Section 19. *Modifying Circumstances.* – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

(a) First offense;

x x x x



WHEREFORE, the Court resolves to **RE-DOCKET** this case as a regular administrative matter.

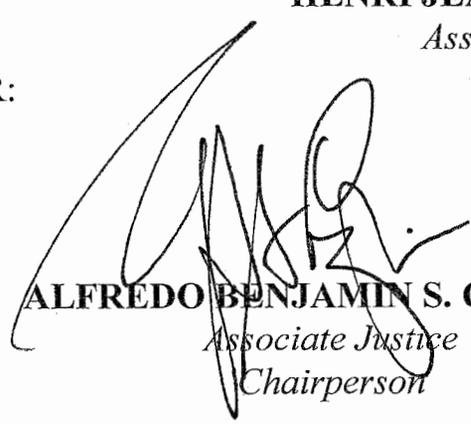
Further, the Court finds respondent Christopher E. Salao, Clerk III of Branch 32, Regional Trial Court, Iloilo City, Iloilo, **GUILTY** of the less serious charges of Habitual Tardiness and Violation of Supreme Court Directives under Section 15(c) and (e), respectively, of Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC. Thus, respondent Christopher E. Salao is meted out the penalty of **REPRIMAND** for the first offense and a **FINE** in the amount of **₱36,000.00** for the second offense payable within a period not exceeding three (3) months from the promulgation of this Resolution with a **STERN WARNING** that a repetition of the same or similar acts shall be dealt with more severely; if the fine is unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the respondent.

SO ORDERED.



HENRI JEAN PAUL B. INTING
Associate Justice

WE CONCUR:



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice
Chairperson



SAMUEL H. GAERLAN
Associate Justice



JAPAR B. DIMAAMPAO
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice