



Republic of the Philippines
Supreme Court
Manila

EN BANC

OFFICE OF THE COURT
ADMINISTRATOR,

Complainant,

- versus -

HON. MYLA M. VILLAVICENCIO-
OLAN, Presiding Judge; ATTY.
RICA KATHRINE¹ R. AUSTRIA,
Clerk of Court V; ALVIN P. PILIT,²
Sheriff IV; KEREN KEISHA³ L.
BOBIS, Psychologist II; IRENE M.
ANATALIO, Court Stenographer
III; CLARRENE FAITH ALIAZAS,
Clerk III; OSCAR R. RODELAS,
JR., Process Server; and MONETTE
P. CAMACHO, Court Interpreter
III, all of Branch 7, Regional Trial
Court [Family Court], San Pablo
City, Laguna,

Respondents.

A.M. No. RTJ-23-040

(Formerly OCA IPI No. 20-5081-RTJ)

Present:

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

Pronulgated:

June 25, 2024

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DECISION

GAERLAN, J.:

Respondents in this case are Presiding Judge Myla Villavicencio-Olan (Judge Villavicencio-Olan) of Branch 7, Regional Trial Court (RTC) of San Pablo City, Laguna, and her court personnel consisting of Clerk of Court V

* On leave.

** On official leave.

¹ Also spelled as "Katherine" in some parts of the *rollo*.

² Alwin P. Pilit in some parts of the *rollo*.

³ Also spelled as "Kesha" in some parts of the *rollo*.

Atty. Rica Kathrine R. Austria (Atty. Austria), Sheriff IV Alvin P. Pilit (Sheriff Pilit), Psychologist II Keren Keshia Bobis (Bobis), Stenographer III Irene M. Anatalio (Anatalio), Clerk III Clarrene Faith Aliazas (Aliazas), Process Server Oscar R. Rodelas, Jr. (Rodelas), and Interpreter III Monette P. Camacho (Camacho, [collectively, Judge Villavicencio-Olan et al.]).

An Anonymous Letter Complaint⁴ dated July 21, 2019 was sent to the Office of Executive Judge Luvina P. Roque (Executive Judge Padolina-Roque) and the Office of the Court Administrator (OCA) which alleged that respondents violated the “No Noon Break” policy of the court.

The Memorandum⁵ dated September 3, 2020 from the OCA summarized the allegations in the Anonymous Complaint as follows:

Complainant claimed that he has been visiting Branch 7, RTC, San Pablo City, Laguna, to follow-up on the case of a loved one which is pending in the court. He was elated upon being told by one personnel that the court observe[s] a “No Noon Break” policy as this would allow him to prepare the goods for his store early in the morning before making the long trip to San Pablo City, Laguna.

However, in more than three (3) occasions, complainant arrived at Branch 7, RTC, San Pablo City, Laguna, before 11:00 a.m. and discovered that not a single employee was around. On each occasion, he was told by the security guard on duty that the employees and the judge (Judge Myla Villavicencio-Olan) were out for lunch.

On July 19, 2019, complainant decided to close his store so he could allot more time for his trip to San Pablo City, Laguna. He arrived at around 1:00 p.m., and to his dismay, Branch 7, RTC, San Pablo City, Laguna, was closed. He stayed until 4:30 p.m. and even witnessed the flag retreat ceremony at the Hall of Justice, but Branch 7, RTC, San Pablo City, Laguna, remained closed.

Complainant initially thought that the employees of the branch were only out for lunch or that maybe a closed-door meeting was being held, but when he did not hear any sound coming from the office, it was clear that there was nobody inside the office/courtroom. Left with no recourse, he decided to bring the matter to the Court’s attention.⁶

The OCA issued a 1st Indorsement⁷ dated August 30, 2019 directing Executive Judge Padolina-Roque to conduct a discreet investigation and to submit a report within 30 days.

⁴ *Rollo*, pp. 6–7.

⁵ *Id.* at 3–5.

⁶ *Id.* at 3.

⁷ *Id.* at 13.

Executive Judge Padolina-Roque proceeded with the investigation and interviewed Atty. Peter Gian-Marc R. Reyes (Atty. Reyes), Clerk of Court, Office of the Clerk of Court, to ask him about the incident on July 19, 2019. She also obtained certified true copies of the list of attendance during the flag ceremony and guard's log book for July 2019. From the evidence, she submitted a Report⁸ dated January 20, 2020 with the following findings:

From the investigation and the herein attached documents, it would appear that:

1. The Presiding Judge and the employees of Branch 7-FC left the Hall of Justice at around lunch time of July 19, 2019 and did not return in the afternoon. In the guard's logbook referring to the date July 19, 2019 (Exhibits "C-20" and "C-21"), Atty. Rica Kathrine Reyes-Austria and Alvin Pilit left the Hall of Justice at 12:30 o'clock noon while Judge Myla Villavicencio-Olan, Karen Keshia Bobis, Monette Camacho, Irene Anatalio, Faith Aliazas and Oscar Rodelas Jr. left the building at 1:00 o'clock in the afternoon. There were no entries beside the time 1230 and 1300 showing that the employees entered the building again in the afternoon.
2. The Presiding Judge and the employees of Branch 7-FC did not attend the flag lowering ceremony at 4:45 o'clock in the afternoon of July 19, 2019. As can be seen in the August 23, 2019 Report prepared by Atty. Reyes, particularly, Exhibit "B-1" thereof, Ms. Bobis, Ms. Camacho, Ms. Anatalio, Mr. Pilit, Ms. Aliazas, Atty. Austria and Judge Olan were included in the list of absentees for the July 19, 2019 flag lowering ceremonies.

Respectfully submitted.⁹

Notably, Atty. Reyes executed an Affidavit¹⁰ wherein he narrated that a woman approached him on July 19, 2019, between 11:30 a.m. to 12:30 p.m., to ask about how to inquire on a case with Branch 7. After speaking with the woman, he checked the staff room of Branch 7 and it was locked. He then tried again later in the afternoon but it was still locked. He further confirmed that Branch 7 was absent from the Flag Lowering Ceremony that day.¹¹

The OCA then issued its Indorsement¹² dated October 27, 2020, directing all respondents to file their comments to the anonymous complaint.

⁸ *Id.* at 25-26.

⁹ *Id.* at 26.

¹⁰ *Id.* at 27.

¹¹ *Id.*

¹² *Id.* at 85-91.

Judge Olan and Atty. Austria filed their Joint Comment.¹³ They argued that the first claim that on three occasions the complainant allegedly visited Branch 7 before 11:00 a.m. but could not find any staff member was fabricated and baseless. The anonymous complaint did not give any information or dates when these occurred making it impossible to refute, and it was also not given under oath.¹⁴

With regard to the claim that Branch 7 was closed on the afternoon of July 19, 2019, they responded that such claim is false because Court Stenographer Fritz Abril (Abril) and Legal Researcher II Eric Ivans Soriano (Soriano) were at the office for the whole day from 8:00 a.m. to 4:00 p.m., as supported by their Joint Affidavit.¹⁵

Additionally, according to their Joint Comment, respondents left their office that afternoon, but not without a valid reason.¹⁶ Essentially, they alleged that they visited their new office and helped in preparing the same.¹⁷ They fully explained:

At the time, the undersigned Presiding Judge, Myla Villavicencio-Olan, assumed office at Branch 7 on 8 October 2018, she and her staff were provided with an office space that measures only about 21 square meters. Branch 7 was to use that office space until after the completion of construction of its new office at the 2nd floor of the Library Hub, Rizal Avenue, San Pablo City.

On 18 July 2019, between 5:27 in the afternoon to 10:33 in the evening, Judge Olan had a conversation thru Facebook Messenger with Engineer Andrei Maniago of the Office of the Halls of Justice and the Contractor about the installation of electric and water lines for the new office.

The conversation stemmed out of the necessity of providing a comfort room for the exclusive use of Branch 7's court personnel. As the Proposed Floor Plan that was approved by the Office of the Halls of Justice had no provision for a comfort room, Judge Olan had requested permission from the Department of Education and the Office of the Halls of Justice to allow Branch 7 to repair, renovate, and use an existing unserviceable comfort room located at the ground floor of the building.

As the planned move-in date of Branch 7 to its new office was originally set sometime in August 2019, Judge Olan had decided to visit the Site, with the assistance of her staff, in order to identify what still needs to be done on their part, and to coordinate with appropriate government

¹³ *Id.* at 92-100.

¹⁴ *Id.* at 93.

¹⁵ *Id.* at 101.

¹⁶ *Id.* at 94.

¹⁷ *Id.*

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agencies such as the Department of Education and Bureau of Fire Protection, for purposes of expediting the completion of the construction and to enable them to transfer to their new office in the soonest possible time.

Thus, on the following day, 19 July 2019, a Friday, and without any schedule hearings or pending Orders, Judge Olan directed the undersigned Clerk of Court V, Atty. Rica Kathrine R. Austria, to coordinate with the proper offices regarding the installation of electric and water supply for their new office. Atty. Austria was also directed to instruct the staff of Branch 7 to proceed to the Site after lunch to accomplish the following: (1) conduct an inventory of the glass panels and other materials that were removed from the Site for proper disposition report; and (2) clean the Site and make it ready for their intended move-in schedule.

Thus, at around 10:00 in the morning, Atty. Austria delegated the work to be performed by the staff. She instructed Sheriff IV Alvin P. Pilit to accompany her and provide her with transportation in going to different offices. Whereas, Clerk III Clarrene Faith Aliazas and Interpreter III Monette P. Camacho were tasked to conduct an inventory of the glass panels and other materials that were removed from the Site and to identify the materials that are still usable for purposes of proper disposal. Psychologist II Keren Keshia L. Bobis, Stenographer III Irene M. Anatalio and Process Server Oscar R. Rodelas, Jr. were directed to clean the premises of the new office. Judge Olan directed Contractual Stenographer Frits B. Abril and Legal Researcher Eric Ivans D. Soriano to remain at the office in order to attend to any concerns or inquiries.

At around 12:30 in the afternoon, Atty. Austria and Sheriff Pilit left the Hall of Justice and proceeded to the Site where they coordinated first with the foreman of Power K Construction Company, Mr. Enrico Amante. After acquiring the necessary information regarding the installation of water and electric lines, they went to the offices of the Department of Education of San Pablo City and Bureau of Fire Protection for coordination.

At 1:00 in the afternoon, Judge Olan, Clerk Aliazas, Interpreter Camacho, Psychologist Bobis, Stenographer Anatalio, and Process Server Rodelas left the office together. Before leaving the premises of the Hall of Justice, Judge Olan informed the guards on duty that she and her staff will visit the Site of their new office so as to let them know of their whereabouts in case of any urgent matter or concern involving Branch 7.

Upon arrival at the site, each staff immediately performed the duties assigned to them under the direct supervision of Judge Olan. After coordinating with the Dep Ed and BFP offices, Atty. Austria and Sheriff Pilit followed them to the Site at around 2:30 in the afternoon; while Fritz and Erik were also instructed by Judge Olan to proceed to the site at 4:00 in the afternoon to help in clearing the Site and moving out all the items and materials that they will not be using for their new office. They cleaned the entire premises in order to make it ready for their scheduled move-in. They finished the task by 5:00 in the afternoon.¹⁸

¹⁸ *Id.* at 94-96.

Respondents Sheriff Pilit, Aliazas, Camacho, and Rodelas filed a Joint Comment.¹⁹ Respondents Bobis and Anatalio likewise filed a Joint Comment.²⁰ In essence, these submissions merely corroborated the facts laid out in the Joint Comment of Judge Olan and Atty. Austria, and gave details on each person's specific whereabouts and tasks.

The OCA Report and Recommendation

The OCA issued its Report and Recommendation²¹ dated February 6, 2023 for the Judicial Integrity Board (JIB) as follows:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the following recommendations be made to the Supreme Court:

1. The instant administrative complaint against Hon. Myla M. Villavicencio-Olan, Presiding Judge, Atty. Rica Kathrine R. Austria, Clerk of Court V, Alwin P. Pilit, Sheriff IV, Keren Keshia L. Bobis, Psychologist II, Irene M. Anatalio, Stenographer III, Clarrene Faith Aliazas, Clerk III, Oscar R. Rodelas, Jr., Process Server, Monette P. Camacho, Interpreter III, all from Branch 7, Regional Trial Court, Family Court, San Pablo City, Laguna, be **DISMISSED** for insufficiency of evidence; and
2. Respondents be **STERNLY WARNED** to be more circumspect in their actions in and out of the workplace and that a repetition of the same or similar incident shall be dealt with more seriously by the Supreme Court.²² (Emphasis in the original)

The OCA observed that the claim that Branch 7 was closed on three occasions when the complainant visited should be denied for lack of evidence. However, although it was established that Branch 7 was closed for nearly the entire day of July 19, 2019, this did not denote that respondents were guilty of loafing as they were in the site of the new office performing their assigned tasks.²³

The JIB Report

After review, the JIB disagreed in part with the OCA's conclusion and

¹⁹ *Id.* at 121–124.

²⁰ *Id.* at 125–128.

²¹ *Id.* at 129–136; penned by Deputy Clerk of Court-At Large Office of the Court Administrator and Acting Executive Director of the Judicial Integrity Board James D.V. Navarrete.

²² *Id.* at 136.

²³ *Id.* at 134–135.

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issued the Report²⁴ dated March 8, 2023 recommending the following to the Court:

WHEREFORE, it is respectfully **RECOMMENDED** to the Honorable Supreme Court that:

- 1) The Anonymous Complaint be **RE-DOCKETED** as a regular administrative matter against respondent Judge Myla M. Villavicencio-Olan, Presiding Judge, Branch 7, Regional Trial Court, San Pablo City, Laguna,
- 2) Respondent Judge Myla M. Villavicencio-Olan be found **GUILTY** of **SIMPLE MISCONDUCT** and **FINED** in the amount of [PHP] 18,000.00;
- 3) The complaint against respondents Atty. Rica Kathrine R. Austria, Clerk of Court V, Alvin P. Pilit, Sheriff IV, Keren Keshia L. Bobis, Psychologist II, Irene M. Anatalio, Stenographer III, Clarrene Faith Aliazas, Clerk III, Oscar R. Rodelas, Jr., Process Server, Monette P. Camacho, Interpreter III, of the same Court be **DISMISSED**; and
- 4) Legal Researcher II Erik Ivans D. Soriano and Court Stenographer Fritz B. Abril, of the same court, who were tasked to be in their office (court), be **DIRECTED** to **EXPLAIN** why they should not be held administratively liable for their absence and/or closure of their office (court) during office hours in the afternoon of July 19, 2019.²⁵ (Emphasis in the original)

The JIB held that Judge Olan's explanation was unsatisfactory. Her order for nearly her entire staff to go to the site of their new office during office hours constituted bad court management and showed an utter indifference to official hours and duties, thus constituting Simple Misconduct.²⁶ With respect to other respondents, they cannot be faulted for merely following the orders of Judge Olan and thus cannot be held liable.²⁷

Issue

For the resolution of this Court is the issue of whether respondent Judge Olan and her court personnel should be held administratively liable.

²⁴ *Id.* at 139–153, penned by Second Regular Member Justice Rodolfo A. Ponferrada (Ret.), and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), Vice-Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

²⁵ *Id.* at 151–152.

²⁶ *Id.* at 148.

²⁷ *Id.* at 150.

The Ruling of the Court

The Court rules in the affirmative and resolves to adopt and approve the JIB Report dated March 8, 2023.

I

As cited in the JIB Report, the present anonymous complaint, treated as a formal complaint by the OCA, charges the respondents, including Judge Olan, Presiding Judge, Regional Trial Court, San Pablo City, Laguna, Branch 7 with violation of the “no noon break” policy and/or absence from or closure of their court during office hours, which constitutes Misconduct.

Misconduct is a transgression of some established and definite rule of action, more specifically, unlawful behavior or gross negligence by a public officer. The misconduct is grave if the same involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, which must be manifest and proved by substantial evidence.²⁸

The JIB’s recommendation that there is no need to discipline Judge Olan as a member of the bar is well-taken considering that the conduct involved dealt solely with her administrative duties as a judge.²⁹ However, on her administrative liability as a judge, the JIB correctly recommended that she be held guilty of Simple Misconduct.³⁰

It bears emphasis that a judge has both adjudicative and administrative responsibilities. Canon 3, Rules 3.08 and 3.09 of the Code of Judicial Conduct³¹ pertinently provide the following administrative responsibilities:

RULE 3.08 - A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions or other judges and court personnel.

RULE 3.09 - A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business, and require at all times the observance of high standards of public service and fidelity.

²⁸ *Judge Alano V. Delicana*, A.M. No. P-20-4050 [Formerly OCA IPI No. 16-4600-P], June 14, 2022 [*Per Curiam, En Banc*].

²⁹ *Rollo*, p. 150.

³⁰ *Id.* at 149.

³¹ (1989).

Moreover, Canon 6, Section 1 of the New Code of Judicial Conduct³² for the Philippine Judiciary provides:

Section 1. The judicial duties of a judge take precedence over all other activities.

In this case, the JIB correctly observed that Judge Olan's order to nearly all of her staff to leave the office and work on the site of their new office on July 19, 2019 was not a valid reason to close their office. This was tantamount to a neglect of their primary judicial functions and a violation of the Code of Judicial Conduct and New Code of Judicial Conduct for the Philippine Judiciary. The JIB aptly discussed:

The explanation is unsatisfactory. The reason is not valid. It is inappropriate for respondent judge and almost her entire staff of ten (10), except two (2), to leave their office and go for that purpose during office hours. The explanation, even if true, shows indifference to official hours and duties. Specifically, it displays respondent judge's bad court management or lack of skill in court management, in violation of her administrative responsibilities under the Code of Judicial Conduct . . .

.....

If at all, she should have just instructed one (1), two (2) or three (3) personnel to do the job and the majority to remain in court and attend to whatever duties and functions as may be required for the day.

The alleged construction and matters related thereto are not the respondent judge and her staff's job but that of the contractor, carpenters and janitors of the building. If she wanted to take the initiative or do extra work, it should be after office hours or on weekends, and not at the expense of the required officer hours and/or to the detriment of public service.

Such act of the respondent judge is unacceptable. It constitutes Misconduct. In the absence of the elements of corruption and/or bad faith, it is Simple Misconduct constituting a violation of the Code of Judicial Conduct and the New Code of Judicial Conduct for the Philippine Judiciary.³³

The penalty recommended by the JIB was likewise correct pursuant to the Rules of Court, Rule 140 as amended.³⁴ Section 15 enumerates less serious charges which includes "simple misconduct constituting violations of the Code of Judicial Conduct or the Code of Conduct for Court Personnel." This is meted a corresponding penalty of either suspension from office without

³² A.M. No. 03-05-01-SC, April 27, 2004.

³³ *Rollo*, pp. 148-149.

³⁴ RULES OF COURT, Rule 140, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

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salary and other benefits for not less than one month nor more than six months; or a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.³⁵

The penalty must also consider mitigating circumstances, one of which is the fact that it was Judge Olan's first offense.³⁶ Consequently, the recommended penalty imposed by the JIB of a reduced fine of PHP 18,000.00 is proper.³⁷

II

Anent Judge Olan's court personnel, particularly, Clerk of Court V Atty. Austria, Sheriff IV Pilit, Psychologist II Bobis, Stenographer III Anatalio, Clerk III Aliazas, Process Server Rodelas, and Interpreter III Camacho, appeared to have simply obeyed the order or instruction of Judge Olan, their superior, and should therefore be spared from liability. Nonetheless, as noted by the JIB in its Report, they should be enjoined to advise their presiding judge to do what should be proper and act in accordance with the rules, within the limits of reason and respect.³⁸ These rules include their judicial duties pursuant to Canon IV, Section 1, of the Code of Conduct for Court Personnel,³⁹ to wit:

Section 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

For these reasons, the Court adopts and approves the findings and recommendations of the JIB, and therefore dismisses the complaint against Clerk of Court V Atty. Austria, Sheriff IV Pilit, Psychologist II Bobis, Stenographer III Anatalio, Clerk III Aliazas, Process Server Rodelas, and Interpreter III Camacho.

III

However, as regards Court Stenographer Abril and Legal Researcher II Soriano, who were tasked to stay and attend court functions, and who claimed in their affidavit that they were in their office in the afternoon of July 19, 2019, but were found to be not therein, the Court requires them to explain why they should not be held administratively liable.

³⁵ *Id.* at Section 17(2)(a) and (b).

³⁶ *Id.* at Section 19(1)(a).

³⁷ *Rollo*, p. 152.

³⁸ *Id.* at 150.

³⁹ A.M. No. 03-06-13-SC, May 15, 2004.,

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Verily, they should be compelled to explain their absence and/or closure of their court during office hours, and whether they attended the flag lowering ceremony, which was held in the afternoon of July 19, 2019 at 4:45 p.m., since as narrated in their affidavit, they were instructed to go to their new office at 4:00 p.m. to assist in the cleaning, albeit, they were not included in the list of absentees in the said ceremony.

IV

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

At present, the Court has granted the following allowances, assistances, and other benefits under their accompanying Memorandum Orders (MO):

Memorandum Order	Grant
MO Nos. 154-2023 ⁴⁰ and 154-A-2023 ⁴¹	Rice Subsidy Allowance
MO Nos. 149-2023 ⁴² and 149-A-2023 ⁴³	Basic Commodities Assistance
MO No. 147-2023 ⁴⁴	Cost of Living Allowance (COLA) under the Judiciary Development Fund (JDF)
MO Nos. 110-2023 ⁴⁵ and 110-A-2023 ⁴⁶	Additional Benefit in lieu of Performance-Based Bonus

⁴⁰ Authorizing the Grant and Release of Rice Subsidy Allowance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on December 29, 2023.

⁴¹ Authorizing the Grant and Release of Rice Subsidy Allowance to the Judges, Officials and Personnel of the Lower Courts. Issued on December 29, 2023.

⁴² Authorizing the Grant and Release of Basic Commodities Assistance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on December 14, 2023.

⁴³ Authorizing the Grant and Release of Basic Commodities Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on December 14, 2023.

⁴⁴ Authorizing Release of the Additional Cost of Living Allowance under the Judiciary Development Fund Decree Corresponding to the Eighty Percent of the Collections Therefor for the Period November 1 to 30, 2023. Issued on December 5, 2023.

⁴⁵ Authorizing the Grant and Release of Additional Benefit to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on September 8, 2023.

⁴⁶ Authorizing the Grant and Release of Additional Benefit to the Judges, Officials and Personnel of the Lower Courts. Issued on September 8, 2023.

MO Nos. 52-2023 ⁴⁷ and 52-A-2023 ⁴⁸	Economic Resilience Assistance
MO Nos. 25-2023 ⁴⁹	Special Allowance for the Judiciary
MO Nos. 60-2023 ⁵⁰ and 60-A-2023 ⁵¹	Mid-Year Economic Assistance (MYB)
MO Nos. 70-2023 ⁵² and 70-A-2023 ⁵³	Employment Development Assistance
MO Nos. 77-2023 ⁵⁴ and 77-A-2023 ⁵⁵	Financial Assistance
MO Nos. 108-2023 ⁵⁶ and 108-A-2023 ⁵⁷	Employee Welfare Incentive
MO Nos. 113-2023 ⁵⁸ and 113-A-2023 ⁵⁹	Employee Imperatives Assistance (EIA)
MO Nos. 125-2023 ⁶⁰ and 125-A-2023 ⁶¹	Year-End Economic Assistance (YEB)
MO Nos. 146-2023 ⁶² and 146-A-2023 ⁶³	Yuletide Assistance

- ⁴⁷ Authorizing the Grant and Release of Economic Resiliency Assistance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on March 28, 2023.
- ⁴⁸ Authorizing the Grant and Release of Economic Resiliency Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on March 28, 2023.
- ⁴⁹ Authorizing the Grant and Release of Eight Thousand Pesos from the Current Surplus in the Collections for the Special Allowance for the Judiciary (SAJ) to each of the Personnel in the Judiciary. Issued on February 10, 2023.
- ⁵⁰ Authorizing the Release of Mid-Year Economic Assistance to Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on April 25, 2023.
- ⁵¹ Authorizing the Release of Mid-Year Economic Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on April 25, 2023.
- ⁵² Authorizing the Release of Employee Development Assistance on the Occasion of the Celebration of the 122nd Foundation Anniversary of the Supreme Court.
- ⁵³ *Id.*
- ⁵⁴ Authorizing the Grant and Release of Additional Benefit – Financial Assistance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on June 30, 2023.
- ⁵⁵ Authorizing the Grant and Release of Additional Benefit – Financial Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on June 30, 2023.
- ⁵⁶ Authorizing the Grant and Release of Employee Welfare Incentive to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on September 7, 2023.
- ⁵⁷ Authorizing the Grant and Release of Employee Welfare Incentive to the Judges, Officials and Personnel of the Lower Courts. Issued on September 7, 2023.
- ⁵⁸ Authorizing the Grant and Release of Employee Imperatives Assistance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on September 25, 2023.
- ⁵⁹ Authorizing the Grant and Release of Employee Imperatives Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on September 25, 2023.
- ⁶⁰ Authorizing the Release of Year-End Economic Assistance to Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on October 16, 2023.
- ⁶¹ Authorizing the Release of Year-End Economic Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on October 16, 2023.
- ⁶² Authorizing the Grant and Release of Yuletide Assistance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on December 4, 2023.
- ⁶³ Authorizing the Grant and Release of Yuletide Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on December 4, 2023.

MO Nos. 151-2023 ⁶⁴ and 151-A-2023 ⁶⁵	Special Welfare Assistance
MO Nos. 152-2023 ⁶⁶ and 152-A-2023 ⁶⁷	Additional Special Welfare Assistance
MO Nos. 148-2023 ⁶⁸ and 148-A-2023 ⁶⁹	Special Christmas Cash Gift

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

Nonetheless, the above rules do not apply to performance-based benefits, such as the EIA, and the COLA under the JDF. The particular guidelines governing the same provide:

EIA	
<i>Penalty</i>	<i>Entitled to Grant</i>
Dismissal/Separation from Service	No – 100% not entitled
Suspension of more than 1 month	Partial – period of suspension/fine deducted from the total months of actual service and benefit is proportionally adjusted
Fine equivalent to more than 1 month salary	
Suspension of 1 month or less	Yes
Fine equivalent to salary of 1 month or less	Yes
Censure and Reprimand	Yes

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

⁶⁴ Authorizing the Grant and Release of Special Welfare Assistance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on December 18, 2023.

⁶⁵ Authorizing the Grant and Release of Special Welfare Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on December 18, 2023.

⁶⁶ Authorizing the Grant and Release of Additional Special Welfare Assistance to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on December 20, 2023.

⁶⁷ Authorizing the Grant and Release of Additional Special Welfare Assistance to the Judges, Officials and Personnel of the Lower Courts. Issued on December 20, 2023.

⁶⁸ Authorizing the Grant and Release of Special Christmas Cash Gift to the Justices, Officials and Personnel of the Supreme Court, Presidential Electoral Tribunal, Court of Appeals, Sandiganbayan and Court of Tax Appeals. Issued on December 12, 2023.

⁶⁹ Authorizing the Grant and Release of Special Christmas Cash Gift to the Judges, Officials and Personnel of the Lower Courts. Issued on December 12, 2023.

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

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

Building upon the preceding discussion, and to further complement these rules for the grant or denial of certain benefits to members of the judiciary with pending administrative cases or when they are later found guilty and imposed upon penalties, this Court hereby establishes the following additional guidelines for the following grants:

Monthly	Yearly
Personal Economic Relief Allowance (PERA)	Clothing and Uniform Allowance
Representation and Transportation Allowance (RATA)	Productivity Enhancement Incentive (PEI)
	MYB
	YEB and Cash Gift

The above allowances common to all members of the judiciary are laid down in the categorized list of Salaries and Allowances of trial court judges as per Court Resolution *En Banc* dated June 26, 2018.⁷⁰

Therefore, in the exercise of the Court’s power of administrative supervision over all courts and the personnel thereof under Article VIII, Section 6, of the 1987 Constitution, as echoed in Section 20 of Executive Order No. 292,⁷¹ otherwise known as the Administrative Code of 1987, this Court hereby adopts and sets the following guidelines, consistent with existing rules, to determine the effects of imposing administrative penalties on allowances, incentives, and other benefits granted to the members of the courts and the personnel thereof.

⁷⁰ Salaries and Allowances of Judge, *available at* <<https://jbc.judiciary.gov.ph/index.php/resources/salaries-and-allowances-of-judges>> (last accessed on February 5, 2024).
⁷¹ July 25, 1987.

First, the PERA is given monthly to all employees in the judiciary irrespective of employment status.⁷² The Court deems it proper that the PERA of government personnel with pending cases shall continue to be paid for as long as they are allowed to continue rendering service. Otherwise, payment thereof shall be discontinued until they are allowed to report back to work. Thus, the Court adopts the following guidelines for the grant of PERA *vis-à-vis* the imposition of penalties:

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

Second, the grant of RATA is attached to an employee's position, and hence, the enjoyment of which presupposes actual rendition of service incident to or in connection with the discharge of official duties.⁷³ Therefore, the Court reaffirms that the grant of RATA shall be based on the number of days of actual work performance on workdays. Therefore, consistent with such principle, the Court sets forth the following:

⁷² Supreme Court Human Resource Manual, Chapter XI, p. 2 (January 21, 2012).

⁷³ *Id.*

D

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

Third, OCA Circular No. 27-2000⁷⁴ outlines the requirements for the grant of clothing allowance in the lower courts. However, there is no provision as regards the impact of sanctions on the Clothing and Uniform Allowance. Hence, this Court establishes the following rules applicable to members of the judiciary in this wise:

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

⁷⁴ April 12, 2000.

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

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

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

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

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

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

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

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

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

V

Given that the guidelines outlined herein essentially reaffirm those already set under general existing rules governing the judiciary, including that

of the members and officials of the lower courts, and remain consistent therewith, the Court deems it proper to apply the same to the instant case.

Here, only Judge Olan is found guilty of simple misconduct, while the other court personnel are relieved of administrative liabilities. The penalty of fine amounting to PHP 18,000.00 is hereby imposed upon Judge Olan. Consequently, Judge Olan shall still be entitled to the following: (1) PERA, (2) RATA; and (3) Clothing and Uniform Allowance.

However, since Judge Olan is held guilty of the administrative charge against her, she shall not be entitled to the grant of PEI, MYB and YEB, as well as the Cash Gift, for the year 2024. The rules do not classify and distinguish among offenses once proven guilty. Simple or grave, the guilty respondent shall not be entitled to the said bonuses, such as in this case.

VI

Finally, these guidelines transcend mere punishment. By implementing these clear and consistent guidelines, the Court assures that the consequences of administrative sanctions due to misconduct, dishonesty, and other offenses are well-defined and transparent for all members of the judiciary, particularly judges and their personnel such as in this present case.

Just by setting these rules, while reaffirming other relevant circulars which outline the impact of administrative penalties on allowances, incentives and other benefits of government employees, including that of the judiciary, accountability is fostered, public trust in the judiciary is strengthened, and the integrity of the justice system is upheld.

Given such, these rules indeed demonstrate the commitment of the Court and the government to uphold ethical conduct and professional standards among its members.

Definitely, these guidelines are not imposed to merely sanction the members of the court, but to pave the way for a more efficient, innovative, and accessible judiciary. By defining the consequences of these administrative sanctions, the Court streamlines the process of addressing judicial and ethical infractions and offenses, thereby enabling the judiciary to focus on serving justice efficiently.

ACCORDINGLY, the Court hereby finds respondent Judge Myla M. Villavicencio-Olan, Presiding Judge, Branch 7, Regional Trial Court of San

Pablo City, Laguna, **GUILTY** of **SIMPLE MISCONDUCT** for which she is **FINED** in the amount of PHP 18,000.00.

The Court also **DIRECTS** Court Stenographer Fritz B. Abril and Legal Researcher II Eric Ivans D. Soriano to **EXPLAIN** why they should not be held administratively liable.

The case against Clerk of Court V Atty. Rica Kathrine R. Austria, Sheriff IV Alwin P. Pilit, Psychologist II Keren Keshia Bobis, Stenographer III Irene M. Anatalio, Clerk III Clarrene Faith Aliazas, Process Server Oscar R. Rodelas, Jr., and Interpreter III Monette P. Camacho is **DISMISSED**.

SO ORDERED.



SAMUEL H. GAERLAN

Associate Justice

WE CONCUR:



ALEXANDER G. GESMUNDO

Chief Justice



MARVIC M.V.F. LEONEN

Associate Justice



ALFREDO BENJAMIN S. CAGUIOA

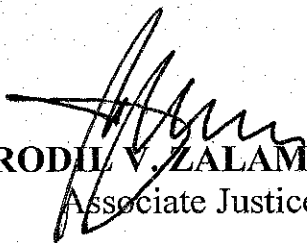
Associate Justice

(On leave)
RAMON PAUL L. HERNANDO
Associate Justice

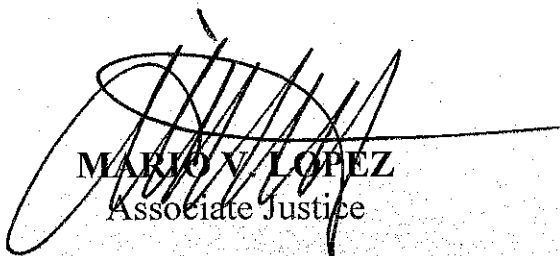


AMY C. LAZARO-JAVIER
Associate Justice

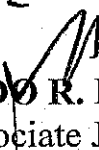
(On official leave)
HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

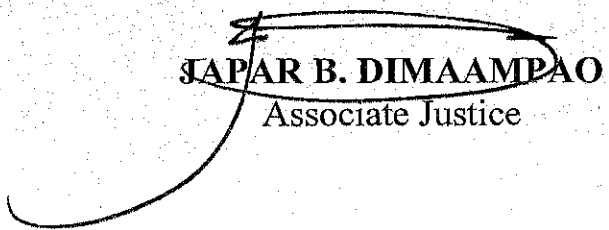


MARIO V. LOPEZ
Associate Justice

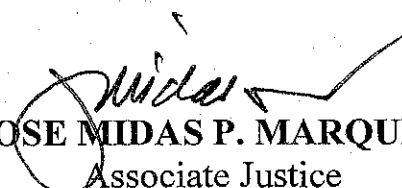


RICARDO R. ROSARIO
Associate Justice


(On official leave)
JHOSEP Y. LOPEZ
Associate Justice



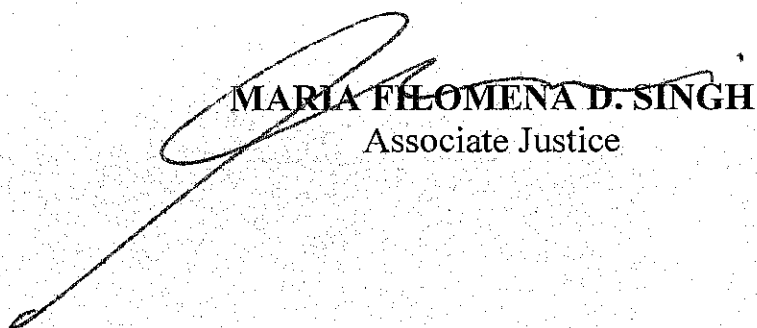
JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice