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EN BANC

[A.M. No. 13-09-08-SC. October 1, 2013]

RE: REQUEST FOR GUIDANCE/CLARIFICATION ON SECTION 7, RULE III OF REPUBLIC ACT NO. 10154 REQUIRING RETIRING GOVERNMENT EMPLOYEES TO SECURE A CLEARANCE OF PENDENCY/NON-PENDENCY OF CASE/S FROM THE CIVIL SERVICE COMMISSION.

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; RA NO. 10154 ON REQUIRING RETIRING GOVERNMENT EMPLOYEE TO SECURE CLEARANCE OF NON-PENDENCY OF ANY ADMINISTRATIVE CASE FROM THE CSC; NOT APPLICABLE TO RETIRING COURT PERSONNEL.— Section 6, Article VIII of the 1987 Philippine Constitution (Constitution) exclusively vests in the Court administrative supervision over all courts and court personnel. As such, it oversees the court personnel's compliance with all laws and takes the proper administrative action against them for any violation thereof. As an adjunct thereto, it keeps in its custody records pertaining to the administrative cases of retiring court personnel. In view of the foregoing, the Court rules that the subject provision – which requires retiring government employees to secure a prior clearance of pendency/non-pendency of administrative case/s from, among others, the CSC – should not be made to apply to employees of the Judiciary. To deem it otherwise would disregard the Court's constitutionally-enshrined power of administrative supervision over its personnel. Besides, retiring court personnel are already required to secure a prior clearance of the pendency/non-pendency of administrative case/s from the Court which makes the CSC clearance a superfluous and non-expeditious requirement contrary to the declared state policy of RA 10154. To further clarify the matter, the same principles dictate that a prior clearance of pendency/non-pendency of administrative case/s from the Office of the President (albeit some court personnel are presidential appointees, *e.g.*, Supreme Court Justices) or the Office of the Ombudsman should not equally apply to retiring court personnel. Verily, the administrative supervision

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of court personnel and all affairs related thereto fall within the exclusive province of the Judiciary.

2. ID.; CONSTITUTIONAL LAW; JUDICIAL DEPARTMENT; JUDICIARY'S ADMINISTRATIVE SUPERVISION OF RETIRING COURT EMPLOYEES DOES NOT INCLUDE CLEARANCE FROM CRIMINAL CASES AS MAY BE REQUIRED.— It must, however, be noted that since the Constitution only accords the Judiciary administrative supervision over its personnel, a different treatment of the clearance requirement obtains with respect to criminal cases. As such, a clearance requirement which pertains to criminal cases may be imposed by the appropriate government agency, *i.e.*, the Office of the Ombudsman, on retiring court personnel as it is a matter beyond the ambit of the Judiciary's power of administrative supervision.

R E S O L U T I O N

PERLAS-BERNABE, *J.*:

Before the Court is a Memorandum dated September 18, 2013 from Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, Office of Administrative Services of the Supreme Court, requesting guidance/clarification on the applicability to the Judiciary of Section 7, Rule III of the Implementing Rules and Regulations of Republic Act No. (RA) 10154[1] which states:

> Section 7. **Notice of Pendency of Case**. The retiring employee shall seek Clearance of Pendency/Non-Pendency of Administrative Case from his/her employer agency, Civil Service Commission (CSC), Office of the Ombudsman, or in case of presidential appointees, from the Office of the President.

Section 6,[2] Article VIII of the 1987 Philippine Constitution (Constitution) exclusively vests in the Court administrative supervision

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[1] "AN ACT REQUIRING ALL CONCERNED GOVERNMENT AGENCIES TO ENSURE THE EARLY RELEASE OF THE RETIREMENT PAY, PENSIONS, GRATUITIES AND OTHER BENEFITS OF RETIRING GOVERNMENT EMPLOYEES."

[2] Section 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof.

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over all courts and court personnel.[3] As such, it oversees the court personnel's compliance with all laws and takes the proper administrative action against them for any violation thereof.[4] As an adjunct thereto, it keeps in its custody records pertaining to the administrative cases of retiring court personnel.

In view of the foregoing, the Court rules that the subject provision – which requires retiring government employees to secure a prior clearance of pendency/non-pendency of administrative case/s from, among others, the CSC – should not be made to apply to employees of the Judiciary. To deem it otherwise would disregard the Court's constitutionally-enshrined power of administrative supervision over its personnel. Besides, retiring court personnel are already required to secure a prior clearance of the pendency/non-pendency of administrative case/s from the Court which makes the CSC clearance a superfluous and non-expeditious requirement contrary to the declared state policy of RA 10154.[5]

To further clarify the matter, the same principles dictate that a prior clearance of pendency/non-pendency of administrative case/s from the Office of the President (albeit some court personnel are presidential appointees, *e.g.*, Supreme Court Justices) or the Office of the Ombudsman should not equally apply to retiring court personnel. Verily, the administrative supervision of court personnel and all affairs related thereto fall within the exclusive province of the Judiciary.

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[3] *Maceda v. Vasquez*, G. R. No. 102781, April 22, 1993, 221 SCRA 464, 466-467, cited in *Ampong v. Civil Service Commission, CSC-Regional Office No. 11*, G.R. No. 167916, August 26, 2008, 563 SCRA 293, 302-303.

[4] *Id*.

[5] Section 1. *Declaration of State Policy*. – It is hereby declared that it is the policy of the State to ensure the timely and expeditious release of the retirement pay, pensions, gratuities and other benefits of all retiring employees of the government. Public officers and employees who have spent the best years of their lives serving the government and the public should not be made to wait to receive benefits which are due to them under the law. Accordingly, it is hereby mandated that highest priority shall be given to the payment and/or settlement of the pensions, gratuities and/or other retirement benefits of retiring government employees.

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It must, however, be noted that since the Constitution only accords the Judiciary administrative supervision over its personnel, a different treatment of the clearance requirement obtains with respect to criminal cases. As such, a clearance requirement which pertains to criminal cases may be imposed by the appropriate government agency, *i.e.*, the Office of the Ombudsman,[6] on retiring court personnel as it is a matter beyond the ambit of the Judiciary's power of administrative supervision.

WHEREFORE, the requirement of seeking a Clearance of Pendency/Non-Pendency of Administrative Case from the Civil Service Commission embodied in Section 7, Rule III of the Implementing Rules and Regulations of Republic Act No. 10154 is declared **INAPPLICABLE** to retiring employees of the Judiciary.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, del Castillo, Abad, Perez, Reyes, and *Leonen, JJ.,* concur.

Bersamin, Villarama, Jr., and *Mendoza, JJ.,* on leave.

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[6] "The authority of the Ombudsman to investigate and prosecute offenses committed by public officers and employees is founded in Section 15 and Section 11 of RA 6770. Section 15 vests the Ombudsman with the power to investigate and prosecute any act or omission of any public officer or employee, office or agency, when such act or omission appears to be illegal, unjust, improper or inefficient, x x x.

x x x x

The power to investigate and to prosecute granted by law to the Ombudsman is plenary and unqualified. It pertains to *any act or omission of any public officer or employee when such act or omission appears to be illegal, unjust, improper or inefficient.* x x x." (*Uy v. Sandiganbayan*, 407 Phil. 154, 163-164 [2001].)