



Republic of the Philippines  
Supreme Court  
Office of the Court Administrator  
Manila

**OCA CIRCULAR NO. 139-2013**

**TO : ALL OFFICIALS AND PERSONNEL OF THE  
FIRST AND SECOND LEVEL COURTS**

**SUBJECT : A.M. NO. 13-09-08-SC (RE: REQUEST FOR  
GUIDANCE AND/CLARIFICATION ON SECTION 7,  
RULE 111 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)**

In the 01 October 2013 Resolution of the Honorable Court *En Banc*, in **A.M. No. 13-09-08-SC** (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), 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 was declared INAPPLICABLE to retiring employees of the Judiciary.

The Resolution is hereby quoted as follows:

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 which states:

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

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.

**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.** (Emphasis supplied)

For your information, guidance and strict compliance.

November 06, 2013

  
**JOSE MIDAS P. MARQUEZ**  
Court Administrator