



Republic of the Philippines  
**Supreme Court**  
 Baguio City

EN BANC

**OFFICE OF THE COURT  
 ADMINISTRATOR**  
 Petitioner,

**A.M. No. RTJ-16-2424**  
**[Formerly A.M. No. 15-12-390-  
 RTC]**

**Present:**

—versus—

**HON. GLOBERT J.  
 JUSTALERO, Presiding Judge,  
 Branch 32, Regional Trial Court  
 (RTC) of Iloilo City, and the  
 designated Assisting Judge of  
 Branch 66, RTC of Barotac Viejo,  
 Iloilo,**  
 Respondent.

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

**Promulgated:**

April 3, 2024

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**RESOLUTION**

**LOPEZ, J., J.:**

This Court resolves the Letters dated July 27, 2023,<sup>1</sup> August 15, 2023,<sup>2</sup> and September 13, 2023<sup>3</sup> (collectively, Letters) submitted by Judge Globert J.

\* No part.

<sup>1</sup> *Rollo*, pp. 1273–1274.

<sup>2</sup> *Id.* at 1254–1255.

<sup>3</sup> *Id.* at 1246–1253; undated but received by this Court on September 13, 2023 (see p. 1246).

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Justalero (Judge Justalero), seeking to clarify this Court's January 18, 2023 Decision<sup>4</sup> that meted him the penalty of suspension from office without pay for one year, with stern warning that a repetition of the same or similar offenses shall be dealt with more severely.<sup>5</sup>

Foremost, we shall treat the Letters of Judge Justalero as his Motion for Partial Reconsideration of this Court's Decision. In his Letters, he prayed that this Court should: (1) consider the period within which he was placed under preventive suspension for purposes of counting the service of his one-year suspension; and (2) award him back salaries, allowances, and other economic benefits under equity considerations, citing this Court's Resolution in *Re: Payment of Backwages and Other Economic Benefits of Judge Philbert I. Iturralde, RTC Branch 58, Angeles City (Iturralde)*<sup>6</sup> and this Court's Decision in *Office of the Court of Administrator v. Floro, Jr. (Floro)*.<sup>7</sup> He averred that he had no source of income during his preventive suspension, other than his teaching job, and had incurred several debts to undergo surgery.<sup>8</sup>

*The penalty of one-year suspension imposed against Judge Justalero in our Decision is deemed served in view of his continued suspension from September 30, 2016 up to his reinstatement*

As regards the first relief sought by Judge Justalero, i.e., for this Court to consider the penalty of one-year suspension imposed in the Decision as already served owing to his seven-year preventive suspension, there is basis to grant the request.

To recall, Judge Justalero, as the Presiding Judge of Regional Trial Court (RTC), Branch 32 of Iloilo City and the designated Assisting Judge of Branch 66, RTC of Barotac Viejo, Province of Iloilo, was declared guilty of gross ignorance of the law and procedure and gross misconduct. Specifically, this Court observed him to have committed the following infractions:

- (1) Judge Justalero resolved nullity cases in violation of Administrative Matter (A.M.) No. 02-11-10-SC, or the rules of procedure and basic guidelines for ensuring that cases initiated to declare the nullity of marriage or to annul a marriage are insulated from vice and fraud, by:

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<sup>4</sup> *Id.* at 1228–1245.

<sup>5</sup> *Id.* at 1244.

<sup>6</sup> A.M. No. 01-10-12-0, March 29, 2005 (Resolution).

<sup>7</sup> 520 Phil. 590 (2006) [Per J. Chico-Nazario, *En Banc*].

<sup>8</sup> *Rollo*, p. 1252.

- (a) ruling on petitions for nullity of marriage on the merits, despite the lack of jurisdiction of the RTC, Branch 66, Barotac Viejo over it;<sup>9</sup>
  - (b) brushing aside the Office of the Solicitor General's Motion for Reconsideration despite its non-receipt of a copy of the petition for declaration of nullity of void marriages and other documents;<sup>10</sup>
  - (c) granting the motion to serve summons by publication after the actual dates of publication;<sup>11</sup>
  - (d) ordering the conduct of investigation of collusion even before the return of service of summons;<sup>12</sup>
  - (d) ruling on and admitting the formal offer of evidence of petitioner on the day of its filing, without awaiting the prosecutor's comment or objection thereto within the period given to interpose it;<sup>13</sup> and
  - (e) disregarding incidents where: (i) the sheriff's return of service stated that summons was served on respondent when there is no actual proof of receipt of summons; and (ii) the collusion report was issued only three days from the issuance of the order directing the conduct of an investigation.<sup>14</sup>
- (2) Judge Justalero violated A.M. No. 08-7-429-RTC and Administrative Order (A.O.) No. 12-2010 by solemnizing marriages that were not raffled to his sala but were only referred to him by Judge Amador.<sup>15</sup>
- (3) Judge Justalero notarized affidavits of cohabitation of the parties whose marriage he would also solemnize in violation of the Rules on Notarial Practice of 2004 (Notarial Rules).<sup>16</sup>

As extensively discussed in this Court's ruling, the repeated disregard and unjustified noncompliance with the well-established rules, i.e., A.M. No.

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<sup>9</sup> *Id.* at 1237.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 1238.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 1239-1240.

<sup>16</sup> *Id.* at 1242.

02-11-10-SC, A.M. No. 08-7-429-RTC, A.O. No. 12-2010, and the Notarial Rules, constitute gross ignorance of the law and procedure and gross misconduct. While these are serious charges that warrant the extreme penalty of dismissal from the service, this Court deemed it proper to impose upon Judge Justalero the penalty of suspension from office without pay for one year, taking into consideration the fact that he had not been previously found liable for an administrative offense and that he had a heavy caseload.<sup>17</sup>

The case of *Flores-Concepcion v. Castañeda*<sup>18</sup> explains that there is no hard and fast rule in determining the imposable penalty, as this often lies within this Court's discretion pursuant to Article VIII, Section 11 of the Constitution, with due consideration to the gravity of the offense and the penalties previously imposed in similar cases. Nevertheless, the purpose of administrative penalties should be to restore and preserve the public trust in the judiciary. Specific to the penalty of suspension, it is a negative reinforcement that is meant to make the respondent suffer for tarnishing the court's reputation.<sup>19</sup>

Unlike the penalty of suspension, “[p]reventive suspension is not a punishment or penalty for misconduct in office but is considered to be a preventive measure,” as provided under Rule XIV, Section 24 of the Omnibus Rules Implementing Book V of Executive Order No. 292 or the Administrative Code of 1987, and explained under Rule 140, Section 5 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, also known as *Further Amendments to Rule 140 of the Rules of Court*. As such, Section 25 of the Administrative Code of 1987 is explicit in instructing that “[t]he period within which a public officer or employee charged is placed under preventive suspension shall not be considered part of the actual penalty of suspension imposed upon the employee found guilty.” To rule otherwise would render nugatory the substantial distinction between, and the purposes of imposing preventive suspension and suspension as penalty.<sup>20</sup>

Regarding the length of period that a respondent judge may be preventively suspended, Rule 140, Section 5 of the Rules of Court, as amended by A.M. No. 21-08-09-SC,<sup>21</sup> provides as follows:

SECTION 5. *Preventive Suspension of Respondent.* - The Supreme Court may, *motu proprio* or upon recommendation of the Judicial Integrity Board, order the preventive suspension of the respondent without pay and other monetary benefits for a period not exceeding ninety (90) calendar days, unless earlier lifted, or further extended by the Supreme Court for compelling reasons. *Upon the lapse of the ninety (90)-calendar day period or any extended period of preventive suspension ordered by the Supreme*

<sup>17</sup> *Id.* at 1243–1244.

<sup>18</sup> 884 Phil. 66 (2020) [Per J. Leonen, *En Banc*].

<sup>19</sup> *Id.* at 108, 111, and 112.

<sup>20</sup> *See Quimbo v. Gervacio*, 503 Phil. 886, 892 (2005) [Per J. Carpio-Morales, Third Division].

<sup>21</sup> (2022).

*Court, the respondent shall be automatically reinstated in the service, unless the delay in the disposition of the case is due to the fault or negligence of, or other causes attributable to, the respondent, in which case, the period of delay shall not be included in the counting of the period of preventive suspension. If the respondent is fully exonerated from any administrative liability, [they] may claim back salaries, allowances, and other economic benefits for the entire period that [they were] preventively suspended.*

*The preventive suspension, among others, may be issued to enable the Judicial Integrity Board to conduct an unhampered formal investigation of the disciplinary action, prevent a crisis or disharmony in various courts, or shield the public from any further damages that the continued exercise by the respondent of the functions of his office may cause, or where there is a strong likelihood of his guilt or complicity in the offense charged, or protect the image of the courts as temples of justice. (Emphasis supplied)*

Based on the foregoing rule, the period of preventive suspension should enable the Judicial Integrity Board (JIB) to conduct a formal investigation of the disciplinary action against the respondent. On this score, Section 10 of the amended Rule 140 of the Rules of Court provides that the investigation of the JIB shall be terminated within 90 days, unless the investigation is extended for a period not exceeding 30 days with this Court's approval:

SECTION 10. *Termination of the Investigation.* - The Judicial Integrity Board shall terminate its investigation within ninety (90) calendar days from the date of the first hearing conducted, or within such extended period granted by the Supreme Court, not exceeding thirty (30) calendar days. If the Judicial Integrity Board delegates the conduct of investigation to a Committee or Office as stated in Section 9 of this Rule, said Committee or Office shall terminate its investigation within sixty (60) calendar days from the date of delegation, or within any extended period granted by the Judicial Integrity Board not exceeding thirty (30) calendar days, and accordingly submit its "Report" to the latter.

While A.M. No. 21-08-09-SC was not the prevailing rule at the time of the institution of the present administrative complaint, Section 24 provides for its retroactive effect on all pending administrative cases involving officials of the Judiciary.

Prior to the effectivity of A.M. No. 21-08-09-SC, judges who were charged with serious offense could be preventively suspended until further orders of this Court and until such time that a final decision was reached in the administrative case filed against them. They were not automatically reinstated upon expiration of the 90-day period of investigation.<sup>22</sup> However, with the amendment of Rule 140, specifically Section 5, it becomes evident that a respondent is now automatically reinstated upon the lapse of the period of their preventive suspension, which should not exceed 90 calendar days

<sup>22</sup> See *Re: Payment of Backwages and Other Economic Benefits of Judge Philbert I. Iturralde, RTC Branch 58, Angeles City*, A.M. No. 01-10-12-0, March 29, 2005 (Resolution).

unless further extended by this Court for compelling reasons.

Nevertheless, both the original period and the extended period of preventive suspension must be definite. As keenly observed by Associate Justice Alfredo Benjamin S. Caguioa (Justice Caguioa), Rule 140, Section 5 as it now reads, “contemplates the imposition of a definite period for the extension of the preventive suspension.” The lapse of such period “operates to lift the preventive suspension and reinstates the respondent in the service.” Considering the intention to impose a definite period of preventive suspension, this Court may only extend the period of preventive suspension once and only for justifiable reasons. Allowing the preventive suspension of a respondent “until further orders” or extending the period of preventive suspension more than once, would effectively circumvent the automatic lifting of the preventive suspension under Rule 140, Section 5, as amended.<sup>23</sup>

Further, Justice Caguioa noted that the period of preventive suspension provided under Section 5 should as much as possible, coincide with the period of investigation prescribed under Section 10 of the amended Rule 140 of the Rules of Court.<sup>24</sup>

To reiterate, Section 5 provides that the period of preventive suspension should not exceed 90 days, unless this Court finds compelling reasons to extend it for a definite period. Meanwhile, Section 10 instructs that the investigation of the JIB shall be terminated within 90 days from the date of the first hearing conducted, unless the period for investigation is extended with this Court’s approval for not more than 30 days. Reading Section 10 in conjunction with Section 5, a respondent may only be preventively suspended for at most 90 days, unless: (1) this Court finds compelling reasons to extend such period of preventive suspension; or (2) this Court grants the JIB an extended period for investigation, which shall not exceed 30 days. These are the only instances where a respondent’s automatic reinstatement may be postponed. Absent any of these two circumstances, there is already delay in the disposition of the case when a respondent is not reinstated upon the lapse of their original and extended periods of preventive suspension.

As regards the delay in the resolution of the case, Section 5 recognizes two types of delay in the disposition of the administrative complaint that prevents a respondent from being reinstated in service after the preventive suspension. Specifically, Section 5 describes the first scenario where the delay in the disposition of the case is due to the fault or negligence of, or other causes attributable to the respondent. In this scenario, the period of delay will not count towards the period of preventive suspension, insofar as the latter determines the time when the respondent will be automatically reinstated in the service. By implication, the rule postulates a second scenario where the

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<sup>23</sup> Letter of Associate Justice Alfredo Benjamin S. Caguioa dated February 5, 2024, pp. 1–2.

<sup>24</sup> *Id.* at 1

delay in the disposition of the case is not due to the fault or negligence of, or other causes attributable to, the respondent. Under this scenario, the period of delay shall be credited towards the period of preventive suspension. Simply put, the period of delay, if not attributable to or caused by the respondent, shall not further extend the period of preventive suspension that would prevent them from being automatically reinstated in the service.

To recall, in the January 20, 2016 Resolution, this Court adopted the recommendation of the Office of the Court Administrator (OCA) to immediately suspend Judge Justalero from service so that “he may not be able to use his office and position to influence any proceedings (including potential witnesses) that may arise from [OCA Memorandum dated November 23, 2015].”<sup>25</sup> Thus, we preventively suspended Judge Justalero as Presiding Judge of Branch 32, RTC of Iloilo City until further orders of this Court. At the same time, this Court revoked his designation as Assisting Judge of Branch 66, RTC of Barotac Viejo, Province of Iloilo under Administrative Order No. 12-2010.<sup>26</sup> Therefore, it appears that Judge Justalero’s preventive suspension lasted from January 20, 2016 until the resolution of the instant case.<sup>27</sup>

While Judge Justalero’s indefinite period of preventive suspension is not the situation envisioned under Rule 140, Section 5 of the Rules of Court, as amended, the retroactive effect of such Rule calls upon this Court to nonetheless apply its provisions to Judge Justalero *pro hac vice*. In determining when Judge Justalero should have been reinstated, we likewise apply Section 10 of the amended Rule 140, albeit the investigation being conducted by the OCA rather than the JIB before the effectivity of A.M. No. 21-08-09-SC.

On this score, we recall that the January 20, 2016 Resolution directed Judge Justalero to explain why no disciplinary action should be taken against him for the infractions reported to the OCA.<sup>28</sup> On March 15, 2016, Judge Justalero filed his Explanation,<sup>29</sup> attaching court records in support of their defenses. Afterwards, this Court issued the April 13, 2016 Resolution,<sup>30</sup> referring his Explanation to the OCA for evaluation, report, and recommendation.<sup>31</sup> Upon receiving our Resolution on June 1, 2016,<sup>32</sup> the OCA proceeded with its investigation which eventually led to the issuance of the April 18, 2018 OCA Memorandum,<sup>33</sup> ultimately finding Judge Justalero guilty

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<sup>25</sup> *Rollo*, p. 22

<sup>26</sup> *Id.* at 37.

<sup>27</sup> On January 26, 2021, the *ponente* was appointed to this Court and inherited the present case from Associate Justice Priscilla Baltazar-Padilla, who retired on November 3, 2020. The case was first included in the *ponente*’s agenda on March 15, 2021.

<sup>28</sup> *Rollo*, p. 37.

<sup>29</sup> *Id.* at 53–105.

<sup>30</sup> *Id.* at 239–241.

<sup>31</sup> *Id.* at 240.

<sup>32</sup> *Id.* at 239.

<sup>33</sup> *Id.* at 476–488; issued by Court Administrator Jose Midas P. Marquez (now a member of this Court) and Deputy Court Administrator Raul Bautista Villanueva (now Court Administrator).

of gross ignorance of the law and procedure, gross misconduct, and incompetence. It was then recommended by the OCA that he be dismissed from service with forfeiture of all retirement benefits, except accrued leave benefits, and with prejudice to reemployment in the government.<sup>34</sup> The said recommendation was reiterated in the January 8, 2020 OCA Memorandum.<sup>35</sup>

During his preventive suspension, Judge Justalero filed a Motion to Lift Preventive Suspension<sup>36</sup> arguing that after the filing of his Explanation, the evil sought to be prevented by his suspension ceased to exist. Further, he claimed to have never used his position to tamper any document or influence any witnesses, and that the possibility of him employing undue influence or pressure on the potential witnesses against him was remote. In fact, it was the OCA that conducted the judicial audit and possessed all the pertinent documents relative to the administrative matter.<sup>37</sup> Subsequently, Judge Justalero filed Motions to Resolve on February 15, 2017,<sup>38</sup> April 17, 2018,<sup>39</sup> August 20, 2019,<sup>40</sup> March 9, 2021,<sup>41</sup> June 7, 2022,<sup>42</sup> and March 30, 2023,<sup>43</sup> urging this Court to immediately resolve his Motion to Lift Preventive Suspension and the administrative case.

While Judge Justalero actively sought the lifting of his preventive suspension, the gravity of the infractions he purportedly committed, together with the OCA Memorandum finding him guilty of gross ignorance of the law and procedure, gross misconduct, and incompetence, prevented this Court from favorably acting on his Motion to Lift Preventive Suspension. As such, the administrative complaint against him underwent the usual process of court deliberations, which eventually led to the promulgation of our Decision on January 18, 2023.

It does not escape our attention that the investigation of the OCA itself lasted almost two years due to the number of cases heard and/or resolved by Judge Justalero that were the subject of the administrative complaint. During its judicial audit, the OCA had to thoroughly examine many volumes of case records in order to determine whether Judge Justalero's conduct of proceedings for cases involving the declaration of nullity of marriage and for solemnization of marriages were indeed marred by irregularities. Further, the OCA had to assess whether Judge Justalero's Explanation was able to address all the irregularities enumerated in its November 23, 2015 Memorandum.<sup>44</sup>

<sup>34</sup> *Id.* at 488.

<sup>35</sup> *Id.* at 532-534.

<sup>36</sup> *Id.* at 265-274.

<sup>37</sup> *Id.* at 266-267.

<sup>38</sup> *Id.* at 258-264.

<sup>39</sup> *Id.* at 249-257.

<sup>40</sup> *Id.* at 284-293.

<sup>41</sup> *Id.* at 569-589.

<sup>42</sup> *Id.* at 723-734.

<sup>43</sup> *Id.* at 753-764.

<sup>44</sup> *Id.* at 1-15. The November 23, 2015 Memorandum was penned by Court Administrator Jose Midas P. Marquez (now a member of this Court) and Deputy Court Administrator Raul Bautista Villanueva (now Court Administrator).

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Since the period of investigation and resolution of Judge Justalero's administrative complaint was prolonged by causes that are not attributable to Judge Justalero himself, the delay should not have extended the period of his preventive suspension, which would in turn postpone his automatic reinstatement under Rule 140, Section 5 of the Rules of Court, as amended.

Notably, while Judge Justalero was preventively suspended on January 20, 2016, the investigation of the administrative case against him did not commence until June 1, 2016, when the OCA received our April 13, 2016 Resolution,<sup>45</sup> referring his Explanation to it for evaluation, report, and recommendation. Applying Rule 140, Section 10 of the Rules of Court, as amended, the investigation of the OCA against Judge Justalero should have been terminated within 90 days from the first hearing, or from the beginning of the investigation in the absence of such hearing. Such period could only be extended by 30 days, as necessitated by the complexity of the cases and issues involved in the complaint. Following Sections 5 and 10, Judge Justalero could be preventively suspended for at most 120 days from the time the investigation of the OCA started. This means that he should have been reinstated no later than September 30, 2016, which is the 121st day from the time the OCA received the case records for investigation.

Therefore, the interregnum from September 30, 2016 up to present should not have adversely affected the time of Judge Justalero's reinstatement in service. Again, that a respondent has been preventively suspended "until further orders of this Court" does not mean that the administrative proceedings against them may be prolonged indefinitely. We thus rule that the penalty of one-year suspension imposed upon Judge Justalero in the Decision has been deemed served in view of his continued suspension from September 30, 2016 up to his reinstatement.

*As Judge Justalero should have been reinstated as early as September 30, 2016 and in view of the penalty of one-year suspension imposed in our Decision, the award of back salaries, allowances, and other economic benefits corresponding to the period of his suspension from September 30, 2017 up to his reinstatement is deemed proper*

As regards Judge Justalero's argument that equity considerations apply to him, entitling him to back salaries, allowances, and other economic benefits for the period within which he was preventively suspended as Presiding Judge of Branch 32, RTC of Iloilo City, we find his claim partly meritorious.

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<sup>45</sup> *Id.* at 231-241.

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Unlike ordinary civil service officials and employees, the rules do not impose a maximum allowable period within which a respondent judge may be placed under preventive suspension.<sup>46</sup> Be that as it may, this Court, having the sole authority to discipline judges of the lower courts, may exercise its discretion in determining the award of back salaries, allowances, and other economic benefits that should or should not be awarded in case of prolonged periods of preventive suspension.

Considering that Judge Justalero cited our rulings in *Iturralde* and *Floro*<sup>47</sup> in claiming his entitlement to monetary benefits during the period of his preventive suspension, we revisit the circumstances surrounding the two cases that called for equity considerations in awarding back salaries, allowances, and other economic benefits for the period within which a judge was preventively suspended.

In *Iturralde*,<sup>48</sup> this Court acknowledged that a judge could be preventively suspended beyond the 90-day period of investigation, and even extended further than the 30-day period within which the investigating judge or justice would have to come up with the results of the investigation. Being vested with the power to discipline judges of the lower courts, this Court may extend their preventive suspension until such time that a final decision is reached in the administrative case filed against them. Nonetheless, we found the award of back salaries, allowances, and other economic benefits corresponding to the period of preventive suspension exceeding 90 days proper, considering that Judge Philbert I. Iturralde (Judge Iturralde) had been exonerated of the charge against him. This is based on our finding that his suspension of more than 90 days was already in the nature of a penalty and hence, could not be countenanced after he had been declared innocent by this Court. With his subsequent acquittal completely removing the cause for his preventive suspension, we rectified the effects of the lengthy suspension on just and equitable grounds by awarding him back salaries, allowances, and other economic benefits corresponding to such period.<sup>49</sup>

In stark contrast with *Iturralde*, Judge Justalero was declared by this Court guilty of gross ignorance of the law and procedure and gross misconduct—a ruling which he does not assail in his Letters. Accordingly, his preventive suspension was not without basis, as extensively discussed in this Court's Decision. We thus cannot squarely apply our ruling in *Iturralde* and award Judge Justalero full back salaries, allowances, and other economic benefits corresponding to the duration of his preventive suspension that

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<sup>46</sup> See *Re: Payment of Backwages and Other Economic Benefits of Judge Philbert I. Iturralde, RTC Branch 58, Angeles City*, A.M. No. 01-10-12-0, March 29, 2005 (Resolution).

<sup>47</sup> 520 Phil. 590 (2006) [Per J. Chico-Nazario, *En Banc*].

<sup>48</sup> *Re: Payment of Backwages and Other Economic Benefits of Judge Philbert I. Iturralde, RTC Branch 58, Angeles City*, A.M. No. 01-10-12-0, March 29, 2005 (Resolution).

<sup>49</sup> *Id.*

exceeded the 90-day period of investigation.

Meanwhile, our ruling in *Floro* demonstrates that back salaries, allowances, and other economic benefits may be warranted when the imposition of the penalty, i.e., separation from the service, is “not a penalty as [W]e ordinarily understand the word to mean. It [was] imposed instead out of necessity upon [Judge Florentino V. Floro, Jr. (Judge Floro)] due to a medically disabling condition of the mind which [rendered] him [unfit] to continue discharging the functions of his office.”<sup>50</sup> Thus, even if Judge Floro was found responsible for the delay in the resolution of his case, we awarded him back salaries, allowances and other economic benefits for a period corresponding to three years, considering the seven “excruciating” years of suspension during which he was unable to practice any profession.<sup>51</sup>

While the penalty imposed by this Court on Judge Floro was borne out of the medical condition that rendered him unfit in the service, the penalty of suspension meted to Judge Justalero serves as punishment for tarnishing the image of the courts, and is a negative reinforcement meant to restore and preserve the public trust in the judiciary.<sup>52</sup> Therefore, while Judges Floro and Justalero both underwent more than seven years of preventive suspension, the circumstances surrounding the two cases are very different for us to simply straightjacket the back salaries, allowances, and other economic benefits awarded under equity considerations.

Notwithstanding the completely different circumstances in *Itturalde* and *Floro*, there still exist equitable grounds for this Court to partially grant the back salaries, allowances, and other economic benefits that Judge Justalero could have earned during his preventive suspension. It bears stressing that the Decision found Judge Justalero’s infractions to merit the penalty of suspension for a period of one year. In relation to such penalty, his continued suspension deprived him of his main source of income for a much longer time.

To reiterate, Judge Justalero was preventively suspended “until further orders of [this] Court” in the Resolution dated January 20, 2016.<sup>53</sup> Given that the OCA commenced its investigation on June 1, 2016 and that the delay in the disposition of the case was not attributable to him, Judge Justalero should have been reinstated no later than September 30, 2016 in accordance with Rule 140, Sections 5 and 10 of the Rules of Court, as amended.

On the other hand, since the judgment imposed upon Judge Justalero

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<sup>50</sup> *Office of the Court of Administrator v. Floro, Jr.*, 520 Phil. 590, 672–673 (2006) [Per J. Chico-Nazario, *En Banc*].

<sup>51</sup> *Id.* at 670.

<sup>52</sup> *See Flores-Concepcion v. Castañeda*, 884 Phil. 66, 112 (2020) [Per J. Leonen, *En Banc*].

<sup>53</sup> *Rollo*, pp. 16–38. Notice dated January 20, 2016, at 37.

the penalty of one-year suspension from office without pay,<sup>54</sup> the back salaries, allowances, and other economic benefits corresponding to one year shall be deducted from the computation of those benefits that Judge Justalero could have earned from September 30, 2016. In other words, Judge Justalero would only be entitled to back salaries, allowances, and other economic benefits from September 30, 2017 up to the time of his reinstatement.

Considering the foregoing, we grant Judge Justalero's prayer to be awarded back salaries, allowances, and other economic benefits, but limit the monetary award to correspond to September 30, 2017 up to the time of his reinstatement. To rule otherwise and let Judge Justalero bear the financial consequences of the unfortunate delay would be tantamount to increasing the gravity of the penalty of one-year suspension we imposed in our Decision.

In view of the amendment of Rule 140, Section 5 of the Rules of Court which directs the automatic reinstatement of a respondent despite the pendency of the administrative case against them, and at the same time, prescribes a definite period of their preventive suspension, this Court takes this opportune time to prescribe the following guidelines to govern the award of back salaries, allowances, and other economic benefits of respondents with pending administrative cases:

1. A respondent who is fully exonerated of the administrative charge/s against them may claim back salaries, allowances, and other economic benefits corresponding to the total period of their preventive suspension until reinstatement;
2. A respondent who is dismissed from service may not claim back salaries, allowances, and other economic benefits corresponding to the total period of their preventive suspension;
3. A respondent who is meted the penalty of either (a) suspension from office for any period; (b) fine in any amount; and/or (c) reprimand:
  - a. may not claim back salaries, allowances, and other economic benefits when there is no delay in the resolution of the case against the respondent, and they are automatically reinstated upon the lapse of the total period of preventive suspension.
  - b. may claim back salaries, allowances, and other

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<sup>54</sup> *Id.* at 1243-1244; Decision, pp. 16-17.

economic benefits when the delay in the resolution of the case which prevented respondent's automatic reinstatement in service, is not attributable to them. The amount of back salaries, allowances, and other economic benefits shall correspond to the period of delay, which is reckoned from the lapse of the total period of preventive suspension.

- c. may not claim back salaries, allowances, and other economic benefits when the delay in the resolution of the case which prevented respondent's automatic reinstatement in service, is attributable to them.

The total period of preventive suspension shall consider the following:

1. the original period of preventive suspension imposed by this Court, which shall not exceed 90 days;
2. the extended period of preventive suspension imposed by this Court for compelling reasons, which shall be definite;
3. the original period of investigation of the Judicial Integrity Board, which shall not exceed 90 days from the date of the first hearing conducted or in the absence thereof, the date when the investigation of the Judicial Integrity Board commenced;
  - a. If the Judicial Integrity Board delegates the conduct of investigation to another Committee or Office, the period of investigation shall not exceed 60 days from the date of delegation, or go beyond the extended period of investigation granted by the Judicial Integrity Board which shall not exceed 30 days; and
4. the extended period of investigation of the Judicial Integrity Board granted by this Court, which shall not exceed 30 days.

In case of reinstatement, the respondent shall immediately file a Manifestation to this Court, stating the date of their actual reinstatement.

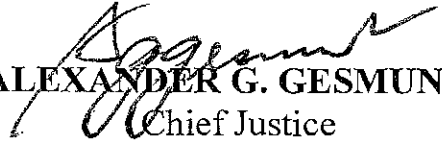
The foregoing guidelines should not be misconstrued as a measure to compensate, and much less reward erring judges for their infractions. Fully aware of the reality that the loss of one's position or profession severely affects their economic life, this Court formulated the above guidelines in the implementation of Rule 140, Section 5 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, to facilitate the speedy administration of justice and in the hopes of addressing the hardship that members, official, employees, and personnel of the Judiciary undergo when their economic benefits are withheld during prolonged periods of preventive suspension. This is likewise consistent with the principle that "equity does not demand that its suitors are free of blame."<sup>55</sup>

**ACCORDINGLY**, the Letters dated July 27, 2023, August 15, 2023, and September 13, 2023 of Judge Globert J. Justalero, which are hereby jointly treated as his Motion for Reconsideration, are **PARTIALLY GRANTED PRO HAC VICE**. The penalty of one-year suspension imposed upon Judge Globert J. Justalero for being found guilty of gross ignorance of the law and procedure and gross misconduct in the Decision dated January 18, 2023, is **DEEMED SERVED** in view of his continued suspension from September 30, 2016 until his reinstatement as Presiding Judge of Branch 32, Regional Trial Court of Iloilo City. Considering the penalty of one-year suspension imposed in this Court's Decision, we likewise **AWARD** Judge Globert J. Justalero back salaries, allowances, and other economic benefits corresponding to the period from September 30, 2017 up to reinstatement. In this regard, Judge Globert J. Justalero is **ORDERED** to **SUBMIT** a Manifestation to this Court, stating the date of his actual reinstatement.

**SO ORDERED.**

  
**JHOSEP V. LOPEZ**  
Associate Justice

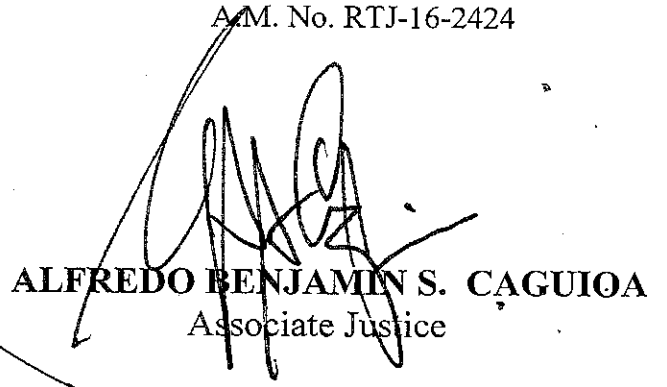
**WE CONCUR:**

  
**ALEXANDER G. GESMUNDO**  
Chief Justice

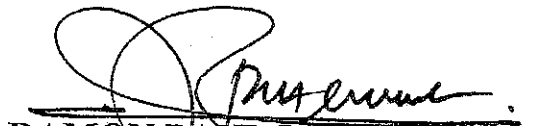
<sup>55</sup> *Office of the Court of Administrator v. Floro, Jr.*, 520 Phil. 590, 672 (2006) [Per J. Chico-Nazario, *En Banc*].




**MARVIC M.V.F. LEONEN**  
Senior Associate Justice



**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice




**RAMON PAUL L. HERNANDO**  
Associate Justice



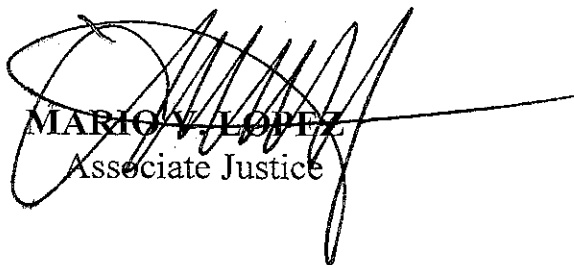
**AMY C. LAZARO-JAVIER**  
Associate Justice



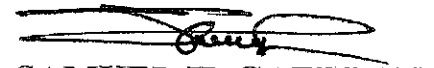
**HENRI JEAN PAUL B. INTING**  
Associate Justice



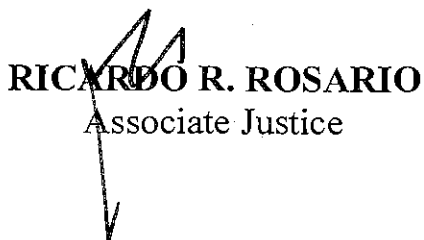
**RODIL V. ZALAMEDA**  
Associate Justice



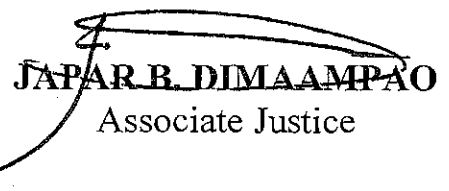
**MARIO V. LOPEZ**  
Associate Justice



**SAMUEL H. GAERLAN**  
Associate Justice



**RICARDO R. ROSARIO**  
Associate Justice



**JAPAR B. DIMAAMPAO**  
Associate Justice

No part  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice



**ANTONIO T. KHO, JR.**  
Associate Justice



**MARIA FILOMENA D. SINGH**  
Associate Justice

