



Republic of the Philippines
Supreme Court
Manila

EN BANC

**TRADE AND INVESTMENT
DEVELOPMENT
CORPORATION OF THE
PHILIPPINES,**

Petitioner,

G.R. No. 176343

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
ABAD,
VILLARAMA, JR.,
PEREZ,
MENDOZA,
REYES, and
PERLAS-BERNABE, JJ.:

- VERSUS -

**MA. ROSARIO S. MANALANG-
DEMIGILLO,**

Respondent.

Promulgated:

SEPTEMBER 18, 2012

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DECISION

BERSAMIN, J.:

The issuance by the proper disciplining authority of an order of preventive suspension for 90 days of a civil service officer or employee pending investigation of her administrative case is authorized provided that a formal charge is served to her and the charge involves dishonesty, oppression, grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that she is guilty of the charge as to warrant her removal from the service. Proof showing that the respondent officer or

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employee may unduly influence the witnesses against her or may tamper the documentary evidence on file at her office is not a prerequisite before she may be preventively suspended.

Antecedents

Trade and Investment Development Corporation of the Philippines (TIDCORP) is a wholly owned government corporation whose primary purpose is to guarantee foreign loans, in whole or in part, granted to any domestic entity, enterprise or corporation organized or licensed to engage in business in the Philippines.¹

On May 13, 2003, the Board of Directors of TIDCORP formally charged Maria Rosario Manalang-Demigillo (Demigillo), then a Senior Vice-President in TIDCORP, with grave misconduct, conduct prejudicial to the best interest of the service, insubordination, and gross discourtesy in the course of official duties. The relevant portions of the formal charge read:

After a thorough study, evaluation, and deliberation, the Board finds merit to the findings and recommendation of the Investigating Committee on the existence of a probable cause for Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, Insubordination, and Gross Discourtesy in the Course of Official Duties. However and to avoid any suspicion of partiality in the conduct of the investigation, the Board hereby refers this case to the Office of the Government Corporate Counsel to conduct a formal investigation on the following:

1) The incident during the Credit Committee Meeting on 06 March 2002 where you allegedly engaged yourself in a verbal tussle with Mr. Joel C. Valdes, President and CEO. Allegedly, you raised your voice, got angry, shouted at Mr. Valdes and were infuriated by his remarks such as “are we talking of apples and apples here?”, “everybody should focus on the issues at hand” and “out of the loop”;

2) The incident during the Reorganization Meeting on 18 July 2002 where you appeared to have been rude and arrogant in the way you answered Mr. Valdes to some questions like “Ano gusto mo? Bibigay ko personally sa iyo...sasabihan ko personally ikaw?”, “You know Joel alam natin sa isa’t-isa...that...I don’t know how to term it...there is no love lost no?”, “Ang ibig sabihin kung may galit ka...” “Let’s be candid you know...” “What is the opportunity? Let me see...pakita ko sa’yo lahat ang aking ano...” and “Anong output tell me?”;

¹ Sections 2 and 3 of Republic Act No. 8494.

3) The incident during the Planning Session on 05 August 2002. Records show that you reacted to the statement of Mr. Valdes urging everybody to give support to the Marketing Group in this manner – “But of course, we would not want to be the whipping boy!” Records also show that in the same meeting, you used arrogant and threatening remarks to the President and CEO like “don’t cause division to hide your inefficiency and gastos! If you push me to the wall, I have goods on you too...”, “You want me to charge you to the Ombudsman?”, “May humihingi ng documents sa akin, sabayan ko na sila”, “Now I’m fighting you openly...” and “I am threatening you”;

4) The incident involving your Memorandum to Mr. Valdes dated 19 September 2002, the pertinent portions of which read, as follows:

“I am repulsed and nauseated by the information that yesterday, 18 September 2002 at the OPCOM meeting, you claim to have talked to me or consulted me about the car you caused to be purchased for the Corporate Auditor Ms. Maria Bautista.

I have never talked to you about your desire to give Ms. Bautista a car.

This is a brazen lie, a fabrication. Such moral turpitude! How low, how base, how desperate!

Accordingly, as you have given me no (sic), I am taking you to task for this and all the illegal acts you have done and are doing against me and TIDCORP.”

It appears that the said Memorandum was circulated even to those who were not privy to the cause of the issuance of such statement.

5) The incident where you assisted and made it appear to be acting as counsel of Mr. Vicente C. Uy in the case involving the latter relative to the conduct of the APEC Capacity Building for Trade and Investment Insurance Training Program in April 2002;

6) The incident on 13 November 2002 where you allegedly urged and induced officials and employees at the 3rd floor of TIDCORP to proceed to the Office of the President and CEO to give support to EVP Jane Tambanillo who was allegedly then being forced to resign by Mr. Valdes. This caused not only a commotion but disturbance and disruption of the office work at both 3rd and 4th floors;

7) The incident on 13 November 2002 where you allegedly shouted at Atty. Jane Laragan and berated Mr. Valdes in front of officers and employees whom you gathered as per allegation number 6; and

8) Relative to allegation number 7, your stubborn refusal to obey the order of Mr. Valdes to go back to work as it was only 9:30 a.m. and instead challenged him to be the one to bring you down to the 3rd floor instead of asking the guard to do so.

Pursuant to Section 16, Rule II of the Uniform Rules on Administrative Cases in the Civil Service and in the spirit of justice, fair

play, and due process, you are hereby given the opportunity to submit additional evidence to what you have already submitted during the preliminary investigation, if any to the Board, through the OGCC, within seventy two (72) hours from receipt of this Memorandum.

In this regard, you are informed of your right to be assisted by a counsel of your choice and to indicate in your answer whether or not you elect a formal investigation. Nevertheless, and in accordance with the aforecited provision of the Uniform Rules on Administrative Cases in the Civil Service, any requests for clarification, bills of particulars or motion to dismiss which are obviously designed to delay the administrative proceeding shall not be entertained. If any of these pleadings are interposed, the same shall be considered as an answer and shall be evaluated as such.

Finally, and after considering Section 19 of the same Rules, which gives authority to the disciplining body to issue an order of preventive suspension, you are hereby preventively suspended for a period of ninety (90) days from receipt hereof.

Let a copy of this memorandum and the complete records of the case be forwarded immediately to the Office of the Government Corporate Counsel (OGCC) for appropriate action.²

TIDCORP referred the charge to the Office of the Government Corporate Counsel (OGCC) for formal investigation and reception of evidence. Pending the investigation, TIDCORP placed Demigillo under preventive suspension for 90 days.³

Demigillo assailed her preventive suspension in the Civil Service Commission (CSC),⁴ which issued on January 21, 2004 Resolution No. 040047 declaring her preventive suspension to be “not in order.”⁵ The CSC stated that under Section 19(2), Rule II, of the Uniform Rules on Administrative Cases in the Civil Service (Uniform Rules), a civil service officer like Demigillo might be preventively suspended by the disciplining authority only if any of the two grounds were present, to wit: (1) there was a possibility that the civil service employee might unduly influence or intimidate potential witnesses against him; or (2) there was a possibility that the civil service employee might tamper the documentary evidence on file in

² *Rollo*, pp. 56-59.

³ *Id.*

⁴ *Id.* at 60-68.

⁵ *Id.* at 124-130.

her office.⁶ According to the CSC, TIDCORP did not prove with substantial evidence the existence of any of such grounds, explaining thus:

xxx. As the party claiming affirmative evidence, that is, Demigillo's possibility of influencing potential witnesses or tampering with evidence, TIDCORP is bound to prove the same by substantial evidence. However, it failed to. TIDCORP claims that its witnesses "*refused to issue any sworn statement during the preliminary investigation in deference to their immediate superior x x x and that the same witnesses, however, intimated that they may be compelled to tell the truth if called to testify during the investigation.*" On the basis of these statements, it is clear that the witnesses' refusal to execute sworn statement is by reason of their "*deference*" to Demigillo not on account of her "*intimidation or influence.*" Further, the fact that said witnesses "*will be compelled to tell the truth*" is not because of Demigillo's continued presence or absence in the office but because they are bound by their oath to tell the truth during the investigation. Under these circumstances, it is not difficult to ascertain that the order of preventive suspension is not necessary.

Anent the potential tampering of documents by Demigillo, the Commission similarly finds the same remote. There is no showing that the documentary evidence of the case leveled against her were in her possession or custody as would otherwise justify the imposition of preventive suspension. As borne by the evidence on record, the acts complained of against Demigillo constitute verbal tussles between her and President Valdes which were all recorded and documented by the TIDCORP. In this situation, there is no chance of Demigillo's tampering with documents.

From the foregoing disquisition, the Commission finds that the preventive suspension of Demigillo for ninety (90) days was improvidently made because the possibility of exerting/influencing possible witnesses or tampering with documents, which is the evil sought to be avoided in this case, does not exist.⁷

Upon denial of its motion for reconsideration by the CSC,⁸ TIDCORP appealed to the Court of Appeals (CA),⁹ submitting the sole issue of:

WHETHER OR NOT THE CSC ERRED IN SO HOLDING THE PREVENTIVE SUSPENSION OF APPELLANT DEMIGILLO WAS NOT IN ORDER.¹⁰

⁶ Id. at 128.

⁷ Id. at 129

⁸ Id. at 131-137.

⁹ Id. at 191-204.

¹⁰ Id. at 194-195.

On November 7, 2006, the CA promulgated its decision affirming the CSC,¹¹ holding and ruling as follows:

The main issue in this case is whether or not respondent Demigillo was validly placed under preventive suspension on the ground that she could possibly influence or intimidate potential witnesses or tamper the evidence on record in her office, thus, affecting the investigation of the case against her.

Petitioner argues that the preventive suspension imposed against respondent Demigillo is valid as it is in accordance with the CSC rules and regulations and Section 51, Chapter 6, Title I (A), Book V of Executive Order No. 292 which states that “the proper disciplining authority may preventively suspend any subordinate officer or employee under his authority pending an investigation, if the charge against such officer or employee involves dishonesty, oppression or grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service”, hence, the CSC erred in holding the same not in order. Further, petitioner contends that since the provision of the Administrative Code of 1987 on preventive suspension does not set any condition on its imposition, the provision in the Uniform Rules on Administrative Cases in the Civil Service promulgated by the CSC should be stricken out as it is not found in the law itself.

We are not persuaded.

We agree with the CSC Resolution No. 040047 which cited Section 19 (paragraph 2), Rule II, Uniform Rules on Administrative Cases in the Civil Service as basis in ruling against the order of preventive suspension against herein respondent. The pertinent portion of the provision reads, as follows:

An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his misfeasance or malfeasance and to preclude the possibility of exerting undue influence or pressure on the witnesses against him or tampering of documentary evidence on file with his Office.

Based on the aforequoted provision, any of the two grounds: (1) to preclude the possibility of exerting undue influence or pressure on the witnesses against him; or (2) tampering of documentary evidence on file with his office, can be validly invoked by the disciplining authority to justify the imposition of the preventive suspension. As correctly pointed out by respondent in her motion for leave to file and admit attached comment, and comment to amended petition for review, under Section 19 (paragraph 2), Rule II, of the Uniform Rules of Administrative Cases in the Civil Service (URACCS), preventive suspension is warranted in order to preclude the respondent from exerting “undue influence” on the witnesses against her. But in this case, TIDCORP failed to prove the possibility of respondent exerting undue influence on the witnesses, but instead CSC found TIDCORP to have admitted unequivocally that it is

¹¹ Id. at 45-53.

because of the witnesses' deference or respect for respondent that they did not execute sworn statements. Indeed, the esteem or respect given is not undue influence; it even negates any wrongdoing on the part of respondent. Indeed, the alleged incidents being harped about by TIDCORP do not in any way prove undue influence of respondent on the witnesses. The incidents involved mere verbal tussles between Mr. Joel Valdes, TIDCORP President and CEO, respondent Demigillo and Jane Larangon, who had already executed her affidavit even before respondent's preventive suspension. In brief, TIDCORP failed to prove undue influence as there is nothing in those incidents showing the commission or coercion or compulsion upon one to do what is against his will.

We agree with the findings of the CSC that respondent's possibility to exert undue influence or pressure on the witnesses against her is remote. The purpose of preventive suspension is to avoid the possibility on the part of the person charged of a certain offense, to exert influence or undue pressure on the potential witnesses against her. In *Gloria vs. Court of Appeals*, the High Court said that preventive suspension pending investigation is a measure intended to enable the disciplining authority to investigate charges against respondent by preventing the latter from intimidating or in any way influencing witnesses against him. And as correctly pointed out by the CSC, the possibility of exerting influence or pressure on the potential witnesses does not exist in this case because the complainant or the person who stands to be a witness for the government is influential, so to speak, as he holds the highest position in TIDCORP. It is really difficult to imagine that a person who occupies the highest position in an organization could be influenced or intimidated by his subordinate. The president of the organization has greater degree of control in the organization, and to claim that he could be intimidated or influenced by his subordinate is baseless and unbelievable. Considering that Valdes was President of TIDCROP and a primary witness against respondent who is his mere subordinate, we find no valid ground for petitioner to impose preventive suspension against respondent.

Moreover, as correctly pointed out by the CSC in its resolution, as the party claiming affirmative relief, TIDCORP is bound to prove the basis thereof, i.e. respondent's possibility of influencing potential witnesses or tampering with the evidence, by substantial evidence, which it failed to do. There is no showing that the documentary evidence against respondent are in her possession or custody. The acts complained of against respondent arose out of the verbal tussles between her and President Valdes which were all recorded and documented by TIDCORP. In this situation, there is no chance for respondent's tampering with the documents.

As regards the argument that since the provision of the Administrative Code of 1987 on preventive suspension does not set any condition on its imposition, the provision in the Uniform Rules on Administrative Cases in the Civil Service promulgated by the CSC should be stricken out as it is not found in the law itself, we rule in the negative.

We agree with respondent that the aforequoted argument of petitioner is misplaced and unfounded. Section 12 (2), Chapter 3, Title I (A) of Book V of the Revised Administrative Code, provides that among the powers and functions of the Civil Service Commission is to prescribe, amend and enforce rules and regulations for carrying into effect the

provisions of the Civil Service Law and other pertinent laws. It is on the basis of this grant of power to the CSC that CSC Resolution No. 991936, otherwise known as the *Uniform Rules on Administrative Cases in the Civil Service* was promulgated.

Indeed, the rule-making power of the administrative body is intended to enable it to implement the policy of the law and to provide for the more effective enforcement of its provisions. Through the exercise of this power of subordinate legislation, it is possible for the administrative body to transmit “the active power of the state from its source to the point of application,” that is, apply the law and so fulfill the mandate of the legislature. It is an elementary rule in administrative law that administrative regulations and policies enacted by administrative bodies to interpret the law which they are entrusted to enforce, have the force of law, are entitled to great respect, and have in their favor a presumption of legality.

Furthermore, Section 10 of Rule 43 of the 1997 Rules of Civil Procedure, provides that the findings of fact of the court or agency concerned, when supported by substantial evidence, shall be binding on the Court of Appeals. Indeed, jurisprudence is replete with the rule that findings of fact of quasi-judicial agencies which have acquired expertise because their jurisdiction is confined to specific matters are generally accorded not only respect, but at times even finality if such findings are supported by substantial evidence.

WHEREFORE, the instant petition is **DENIED**. The assailed Resolutions dated January 21, 2004 and June 7, 2004, issued by the Civil Service Commission, are **AFFIRMED**.

SO ORDERED.¹²

Hence, TIDCORP has appealed to the Court.¹³

Issue

The sole issue concerns the validity of TIDCORP’s 90-day preventive suspension of Demigillo.

Ruling

We grant the petition, and hold that the 90-day preventive suspension order issued against Demigillo was valid.

¹² Id. at 49-52.

¹³ Id. at 18-39.

The *Revised Administrative Code of 1987* (RAC) embodies the major structural, functional and procedural principles and rules of governance of government agencies and constitutional bodies like the CSC. Section 1, Chapter 1, Subtitle A, Title I, Book V, of the RAC states that the CSC is the central personnel agency of the government. Section 51 and Section 52, Chapter 6, Subtitle A, Title I, Book V of the RAC respectively contain the rule on preventive suspension of a civil service officer or employee pending investigation, and the duration of the preventive suspension, *viz*:

Section 51. *Preventive Suspension.* – The proper disciplining authority may preventively suspend any subordinate officer or employee under his authority pending an investigation, if the charge against such officer or employee involves dishonesty, oppression or grave misconduct, or neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service.

Section 52. *Lifting of Preventive Suspension Pending Administrative Investigation.* – When the administrative case against the officer or employee under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of suspension of the respondent who is not a presidential appointee, the respondent shall be automatically reinstated in the service: Provided, That when the delay in the disposition of the case is due to the fault, negligence or petition of the respondent, the period of delay shall not be counted in computing the period of suspension herein provided.

Under Section 51, *supra*, the imposition of preventive suspension by the proper disciplining authority is authorized provided the charge involves dishonesty, oppression, or grave misconduct, or neglect in the performance of duty, *or* if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service. Section 51 nowhere states or implies that before a preventive suspension may issue there must be proof that the subordinate may unduly influence the witnesses against him or may tamper the documentary evidence on file in her office.

In *Gloria v. Court of Appeals*,¹⁴ several public school teachers were preventively suspended for 90 days while being investigated for the charge of grave misconduct, among others. Citing Section 51 of the RAC, the Court

¹⁴ G.R. No. 131012, April 21, 1999, 306 SCRA 287.

sustained the imposition of the 90-day preventive suspension pending investigation of the charges, saying:

The preventive suspension of civil service employees charged with dishonesty, oppression or grave misconduct, or neglect of duty is authorized by the Civil Service Law. It cannot, therefore, be considered “unjustified,” even if later the charges are dismissed so as to justify the payment of salaries to the employee concerned. It is one of those sacrifices which holding a public office requires for the public good xxx.¹⁵

Pursuant to its rule-making authority, the CSC promulgated the Uniform Rules on August 31, 1999. Section 19 and Section 20 of Rule II of the Uniform Rules defined the guidelines in the issuance of an order of preventive suspension and the duration of the suspension, to wit:

Section 19. *Preventive Suspension.* – Upon petition of the complainant or *motu proprio*, the proper disciplining authority may issue an order of preventive suspension upon service of the Formal Charge, or immediately thereafter to any subordinate officer or employee under his authority pending an investigation, if the charge involves:

- a. dishonesty;
- b. oppression;
- c. grave misconduct;
- d. neglect in the performance of duty; or
- e. if there are reasons to believe that the respondent is guilty of charges which would warrant his removal from the service.

An order of preventive suspension may be issued to temporarily remove the respondent from the scene of his misfeasance or malfeasance and to preclude the possibility of exerting undue influence or pressure on the witnesses against him or tampering of documentary evidence on file with his Office.

In lieu of preventive suspension, for the same purpose, the proper disciplining authority or head of office may reassign respondent to other unit of the agency during the formal hearings.

Section 20. *Duration of Preventive Suspension.* – When the administrative case against an officer or employee under preventive suspension is not finally decided by the disciplining authority within the period of ninety (90) days after the date of his preventive suspension, unless otherwise provided by special law, he shall be automatically reinstated in the service; provided that, when the delay in the disposition

¹⁵ Id. at 301.

of the case is due to the fault, negligence or petition of the respondent, the period of delay should not be included in the counting of the 90 calendar days period of preventive suspension. Provided further that should the respondent be on Maternity/Paternity leave, said preventive suspension shall be deferred or interrupted until such time that said leave has been fully enjoyed.

It is clear from Section 19, *supra*, that before an order of preventive suspension pending an investigation may validly issue, only two prerequisites need be shown, namely: (1) that the proper disciplining authority has served a formal charge to the affected officer or employee; and (2) that the charge involves either dishonesty, oppression, grave misconduct, neglect in the performance of duty, or if there are reasons to believe that the respondent is guilty of the charges which would warrant her removal from the service. Proof showing that the subordinate officer or employee may unduly influence the witnesses against her or may tamper the documentary evidence on file in her office is not among the prerequisites.

Preventing the subordinate officer or employee from influencing the witnesses and tampering the documentary evidence under her custody are mere purposes for which an order of preventive suspension may issue as reflected under paragraph 2 of Section 19, *supra*. This is apparent in the phrase “for the same purpose” found in paragraph 3 of Section 19. A “purpose” cannot be considered and understood as a “condition.” A purpose means “reason for which something is done or exists,” while a condition refers to a “necessary requirement for something else to happen,” or is a “restriction, qualification.”¹⁶ The two terms have different meanings and implications, and one cannot substitute for the other.

In *Gloria v. Court of Appeals*,¹⁷ we stated that preventive suspension pending investigation “*is a measure intended to enable the disciplining authority to investigate charges against respondent by preventing the latter from intimidating or in any way influencing witnesses against him.*” As

¹⁶ Collins, English Dictionary, 1999 Edition.

¹⁷ *Supra*, note 12, at 297.

such, preventing the subordinate officer or employee from intimidating the witnesses during investigation or from tampering the documentary evidence in her office is a purpose, not a condition, for imposing preventive suspension, as shown in the use of the word “intended.”

Relevantly, CSC Resolution No. 030502, which was issued on May 5, 2003 for the proper enforcement of preventive suspension pending investigation, provides in part as follows:

WHEREAS, Sections 51 and 52, Chapter 6, Subtitle A, Title I, Book V of the Administrative Code of 1987, set out the controlling standards on the imposition of preventive suspension, as follows:

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WHEREAS, in order to effectuate the afore-quoted provisions of law, the Civil Service Commission, as the central personnel agency of the government empowered, inter alia, with the promulgation, amendment and enforcement of rules and regulations intended to carry out into effect the provisions of the Civil Service Law and other pertinent laws, adopted **Sections 19, 20, and 21 of the Uniform Rules on Administrative Cases in the Civil Service (CSC Memorandum Circular No. 19, s. 1999)**, to wit:

xxxx

4. The imposition of preventive suspension shall be confined to the well-defined instances set forth under the pertinent provisions of the Administrative Code of 1987 and the Local Government Code of 1991. Both of these laws decree that recourse may be had to preventive suspension where the formal charge involves any of the following administrative offenses, or under the circumstances specified in paragraph (e) herein:

- a. Dishonesty;
- b. Oppression;
- c. Grave Misconduct;
- d. Neglect in the performance of duty; or
- e. If there are reasons to believe that the respondent is guilty of the charge/s, which would warrant his removal from the service.

xxxx

a. A declaration by a competent authority that an order of preventive suspension is null and void on its face entitles the respondent official or employee to immediate reinstatement and payment of back salaries corresponding to the period of the unlawful preventive suspension.

The phrase “null and void on its face” in relation to a preventive suspension order imports any of the following circumstances:

- i) The order was issued by one who is not authorized by law;
- ii) The order was not premised on any of the grounds or causes warranted by law;
- iii) The order of suspension was without a formal charge; or
- iv) While lawful in the sense that it is based on the enumerated grounds, the duration of the imposed preventive suspension has exceeded the prescribed periods, in which case the payment of back salaries shall correspond to the excess period only.

CSC Resolution No. 030502 apparently reiterates the rule stated in Section 19 of the Uniform Rules, *supra*, that for a preventive suspension to issue, there must be a formal charge and the charge involves the offenses enumerated therein. The resolution considers an order of preventive suspension as null and void if the order was not premised on any of the mentioned grounds, or if the order was issued without a formal charge. As in the case of Section 19, the resolution does not include as a condition for issuing an order of preventive suspension that there must be proof adduced showing that the subordinate officer or employee may unduly influence the witnesses against her or tamper the documentary evidence in her custody.

Consequently, the CSC and the CA erred in making the purpose of preventive suspension a condition for its issuance. Although, as a rule, we defer to the interpretation by administrative agencies like the CSC of their own rules, especially if the interpretation is affirmed by the CA, we withhold deference if the interpretation is palpably erroneous,¹⁸ like in this instance.

We hold that TIDCORP's issuance against Demigillo of the order for her 90-day preventive suspension pending the investigation was valid and lawful.

WHEREFORE, we **GRANT** the petition for review on *certiorari*; **SET ASIDE** the decision of the Court of Appeals promulgated on

¹⁸ *Eastern Telecommunications Philippines, Inc. vs. International Communication Corporation*, G.R. No. 135992, January 31, 2006, 481 SCRA 163, 167.

November 7, 2006; and **DECLARE AS VALID** the order for the preventive suspension for 90 days of **MA. ROSARIO S. MANALANG-DEMIGILLO** pending her investigation for grave misconduct.

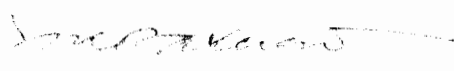
The respondent shall pay the costs of suit.

SO ORDERED.

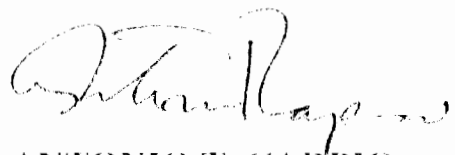


LUCAS P. BERSAMIN
Associate Justice


WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



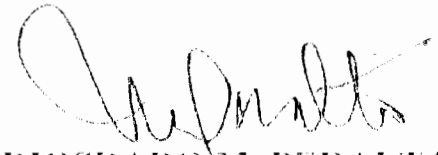
PRESBITERO J. VELASCO, JR.
Associate Justice



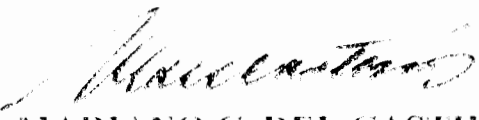
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



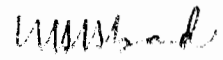
ARTURO D. BRION
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice



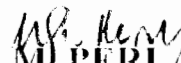
ROBERTO A. ABAD
Associate Justice

(On Official Leave)
MARTIN S. VILLARAMA, JR.
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

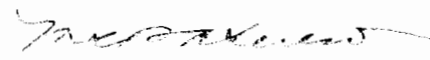

JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS-BERNABE
Associate Justice

CERTIFICATION

Pursuant to Section 13, Article VII of the Constitution, I certify that the conclusions in the above Decision had been reached in consultation before the case was assigned to the writer of the opinion of the court.


MARIA LOURDES P. A. SERENO
Chief Justice