

EN BANC

[A.M. No. 99-5-18-SC, August 25, 1999]

RE: PETITION FOR UPGRADING OF COURT OF APPEALS POSITIONS

RESOLUTION

The instant administrative matter arose from a letter-request dated February 15, 1999 jointly signed by the Clerk of Court, Assistant Clerk of Court, Division Clerks of Court, and the Court Reporter, all of the Court of Appeals (CA), reiterating the previous request of former Presiding Justice Jorge S. Imperial made on January 15, 1996, for the upgrading of the ranks, salaries, and privileges of said CA officials, in line with this Court's Resolution dated June 20, 1995, prescribing new ranks, salaries, and privileges to some key positions in this Court. Said letter-request was endorsed by then CA Acting Presiding Justice Jesus M. Elbinias. Further, in a letter dated January 19, 1999 signed by former Acting Presiding Justice Jorge S. Imperial, a similar request for the upgrading of the following positions effective January 1, 1998 was made:

1. Division Chief : From Grade 24 to Grade 25
2. Assistant Chief : From Grade 22 to Grade 23
3. Court Attorney V : From Grade 26 to Grade 27
4. Court Attorney IV : From Grade 25 to Grade 26

The divisions subject of the aforesaid request are: Judicial Records Division, Accounting Division, Fiscal Management & Budget Division, Cash Division, Management & Audit Division, Human Resource Management Division, Supply & Property Management Division, Information & Statistical Data Division, Medical & Dental Services Division, Library Division, and General Services Division. This request was also in line with another Resolution of this Court dated November 21, 1995, reclassifying similar positions in this Court, with the corresponding increase in salary.

On February 10, 1999, Court Administrator Alfredo L. Benipayo gave Justice Imperial's request favorable consideration and recommended the grant thereof, stating that the amount needed for the upgrading was modest and that funds were available.

Acting on the aforementioned recommendation, the Court *En Banc*, on June 8, 1999, resolved to refer the matter to Atty. Adelaida Cabe-Baumann, Deputy Clerk of Court and Chief of the Office of Administrative Services, for comment and recommendation, within thirty days from receipt of the records thereof.

Pursuant to the above-stated resolution, Atty. Baumann, with Atty. Luz Puno concurring, recommends --

1. the DENIAL of the request to upgrade salary levels of, and/or the grant of judicial rank, to the CA Clerk of Court, the CA Assistant Clerk of Court, and the Court Reporter;
2. the DENIAL of the request to upgrade the salary levels (or salary grades [SG]) of the CA Court Attorneys V and Court Attorneys IV;
3. the GRANT of upgrading, reclassification, or judicial ranking, effective upon approval, to:
 - a. Division Clerks of Court (Executive Clerk of Court II) with SG 27 to CA Division Clerk of Court (Executive Clerk of Court III) with SG 28 with the rank, salary, and privileges of a Metropolitan Trial Court (MTC) Judge;
 - b. Various position-titles of Chief of Division with SG 24 to the position of Chief Judicial Staff Officer with SG 25; and
 - c. Various position-titles of Assistant Chief of Division with SG 22 to the position of Supervising Judicial Staff Officer with SG 23.

The recommendations are well-taken.

As a consequence of the Judiciary's fiscal autonomy which is a guarantee of full flexibility to allocate and utilize our resources with the wisdom and dispatch that our needs may require (*Bengzon vs. Drilon*, 208 SCRA 133 [1992]), this Court opts to upgrade the ranks, salaries, and privileges of some of the positions in the Court of Appeals, in accordance with the proper hierarchical order of positions therein, and considering the availability of funds to cover the same.

Accordingly, a close perusal of the above-stated requests as well as their consequences compels us to take the following courses of action:

1. We grant the upgrading, reclassification, or request for judicial ranking, to:
 - a. Division Clerks of Court (Executive Clerk of Court II) with SG 27 to CA Division Clerk of Court (Executive Clerk of Court III) with SG 28, with the rank, salary, and privileges of a Metropolitan Trial Court (MTC) Judge. As explained by Atty. Baumann, said Division Clerks of Court should be placed at par, in rank and salary, with their counterparts in the Sandiganbayan who also have the rank, salary, and privileges of an MTC judge.
 - b. Various position-titles of Chief of Division with SG 24 to the position of Chief Judicial Staff Officer with SG 25, considering that the chiefs of the divisions enumerated hereinabove, being under the supervision only of higher authorities such as the Clerk of Court and not of a particular office/service, exercise a