Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

HOUSE OF REPRESENTATIVES ELECTORAL TRIBUNAL, Petitioner,	**G.R. No. 228236**
	Present:
	PERLAS-BERNABE, *S.A.J.*, *Chairperson,*
– versus –	GESMUNDO,
	LAZARO-JAVIER,
	M. LOPEZ, and
	J. LOPEZ, *JJ.*
DAISY B. PANGA-VEGA, Respondent.	Promulgated:
	JAN 27 2021

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R E S O L U T I O N

M. LOPEZ, *J.*:

This is a Petition for Review on *Certiorari*[1] under Rule 45 of the Rules of Court assailing the Decision[2] dated April 29, 2016 and Resolution[3] dated November 8, 2016 of the Court of Appeals (CA) in CA-G.R. SP No. 128947.

ANTECEDENTS

On February 2, 2011, Atty. Daisy B. Panga-Vega (Panga-Vega), then Secretary of the House of Representatives Electoral Tribunal (HRET), requested authority to avail of the 15 days of special leave benefit under Republic Act (RA) No. 9710, otherwise known as the "Magna Carta of

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1 *Rollo*, 26-43.

2 *Id.* at 44-58; penned by Associate Justice Eduardo B. Peralta, Jr., with the concurrence of Associate Justices Francisco P. Acosta and Rodil V. Zalameda (now a Member of this Court).

3 *Id.* at 59-60.

Women," on February 7-11, 14-18, and 21-25, 2011, but not to exceed two months, to undergo hysterectomy.[4]

On February 3, 2011, the HRET approved Panga-Vega's request for special leave for a period not exceeding two months starting February 7, 2011.[5] On February 7, 2011, she underwent total hysterectomy.[6]

On March 7, 2011, after a month of availing of the special leave, Panga-Vega informed the HRET Chairperson that she was reassuming her duties and functions.[7] She also presented a medical certificate[8] dated March 5, 2011, stating that there was "no contraindication to resume light to moderate activities." On March 9, 2011, she explained that the earlier medical certificate did not necessarily indicate her fitness to report for work.[9] Thus, she presented another medical certificate[10] of even date stating that she was already "fit to work" after her physical examination on March 6, 2011.

On March 10, 2011, the HRET directed Panga-Vega to consume her 2-month special leave given her need for prolonged rest following her hysterectomy, and in view of a pending investigation on her alleged alteration or tampering one minutes of the meeting that could subject her to more stress.[11] On March 14, 2011, she sought reconsideration of this HRET Resolution.[12] On March 24, 2011, the HRET denied reconsideration reiterating her need to rest, and also, pointing out the confusion and doubts regarding her true medical condition as caused by her medical certificates.[13] On April 13, 2011, Panga-Vega filed an appeal with the Civil Service Commission (CSC) assailing the March 10, 2011 and March 24, 2011 HRET Resolutions.[14]

On October 9, 2012, the CSC issued a Decision[15] granting the appeal of Panga-Vega. It ruled that she only needed to present a medical certificate attesting her physical fitness to return to work and need not exhaust the full leave she applied for under RA No. 9710. It was further held that applying the rules on maternity leave, she is entitled to both the commuted money value of the unexpired portion of the special leave and her salary for actual services

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4 *Id.* at 308.
5 *Id.* at 116-119.
6 *Id.* at 133, 308.
7 *Id.* at 120.
8 *Id.* at 121-122.
9 *Id.* at 123.
10 *Id.* at 124.
11 *Id.* at 125-128.
12 *Id.* at 146-148.
13 *Id.* at 129-130.
14 *Id.* at 131-140.
15 *Id.* at 198-207. The CSC Decision disposed as follows:

> **WHEREFORE**, the appeal of Daisy B. Panga-Vega, is hereby **GRANTED**. Accordingly, the Resolution dated March 10, 2011 of House of Representatives Electoral Tribunal (HRET), Quezon City, directing her to consume her approved two (2) months leave of absence, is **SET ASIDE**. Panga-Vega should be paid back salaries and other benefits from March 7, 2011 to April 7, 2011.
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> **Quezon City.** *Id.* at 207.

rendered effective the day she reported back for work. On November 23,2012, the HRET sought reconsideration,[16] but the CSC denied this in its Resolution[17] dated February 12, 2013.

On March 19, 2013, the HRET filed a Petition for Review[18] assailing the foregoing Decision and Resolution of the CSC with the CA. On April 29, 2016, the CA dismissed the petition.[19] Adopting the CSC's findings, it ruled Panga-Vega may opt not to consume the full leave she applied for upon her submission of the medical certificate. It also held that nothing in RA No. 9710 precludes the suppletory application of the rules on maternity leave to the special leave benefit under RA No. 9710. The HRET sought reconsideration, but the CA denied this in its Resolution[20] dated November 8, 2016. Hence, this petition.[21]

The HRET argues that the CSC should not have applied suppletorily the rules on maternity leave to the special leave benefit under RA No. 9710. It also contends that Panga-Vega did not sufficiently comply with the "CSC Guidelines on the Availment of the Special Leave Benefits for Women Under RA No. 9710"[22] (CSC Guidelines), warranting her return to work.

Panga-Vega counters that the Secretary or Deputy Secretary of the HRET was not authorized to file the instant petition. She further claims that the suppletory application of the rules on maternity leave to the special leave benefit is more in accord with the thrust and intent of RA No. 9710. As to her compliance with the CSC Guidelines, she maintains that her medical certificate and her attending physician's subsequent clarifications sufficiently showed her fitness to return to work.[23]

THE COURT'S RULING

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16 *Id.* at 208-213.

17 *Id.* at 214-219. The CSC Resolution disposed as follows:

> **WHEREFORE**, foregoing considered, the Motion for Reconsideration of Atty. Girlie I. Salarda, Secretary, House of Representatives Electoral Tribunal (HRET), Quezon City, is hereby **DENIED**. Accordingly, the Civil Service Commission (CSC) Decision No. 12-0676 dated October 9, 2012 granting the appeal of Daisy B. Panga-Vega and setting aside the Resolution dated March 10, 2011 of HRET as well as directing the payment of her back salaries and other benefits from March 7, 2011 to April 7, 2011, **STANDS**.
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> **Quezon City.** *Id.* at 219.

18 *Id.* at 220-248.

19 *Id.* at 44-58. The CA Decision disposed as follows:

> **WHEREFORE**, in view of the foregoing premises, the instant Petition for Review is hereby **DISMISSED**.
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> **SO ORDERED.** *Id.* at 57.

20 *Id.* at 59-60. The CA Resolution disposed as follows:

> Accordingly, for lack of persuasive force, We hereby **DENY** petitioner's Motion for Reconsideration from the Decision of April 29, 2016.
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> **SO ORDERED.** *Id.* at 60.

21 *Id.* at 26-43.

22 CSC Memorandum Circular No. 25 (2010).

23 *Id.* at 837-846.

Before delving into the merits, the issue raised by Panga-Vega regarding the authority of the HRET to initiate the case before the Court must first be addressed. She argues that as an agency or instrumentality of the Government, the statutory counsel of HRET is the Office of the Solicitor General (OSG). She opined that the instant petition should have been filed by the OSG, not by the Secretary or Deputy Secretary of the HRET.

The HRET was created by virtue of Section (Sec.) 17, Article VI of the 1987 Philippine Constitution, which provides that the House of Representatives shall have its own Electoral Tribunal that shall be the sole judge of all contests relating to the election, returns, and qualifications of its Members. As a recognized instrumentality of the Government, the Court, in a catena of cases, exercised over it its expanded judicial power to include the determination of "whether or not there has been a grave abuse of discretion amounting to lack or excess of jurisdiction on the part of any branch or instrumentality of the Government."[24]

Meanwhile, the OSG was constituted as the law office of the Government and shall discharge duties requiring the services of a lawyer as such. It shall represent the Government of the Philippines, its agencies, instrumentalities, and its officials and agents in any litigation, proceeding, investigation or matter requiring the services of a lawyer. It is tasked to represent the Government and its officers in the Court, the CA, and all other courts or tribunals in all civil actions and special proceedings in which the Government, or any officer thereof, in his official capacity is a party, among others.[25]

The OSG, however, may be excused from representing the Government, its agencies, and instrumentalities when there is an express authorization by the OSG, naming therein the legal officers who are being deputized in cases involving their respective offices, subject to its supervision and control, or when the OSG takes a position different from that of the agency it is duty bound to represent.[26]

A perusal of the records shows that there was no express authorization by the OSG naming the Secretary and Deputy Secretary of the HRET as its deputized legal officers in filing this petition. There was also no proof, let alone an allegation, that the OSG took a position different from the HRET in this case. Instead of providing a plausible justification why the OSG did not represent it, the HRET simply reasoned that the instant petition should be

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24 *Garcia v. House of Representatives Electoral Tribunal*, 371 Phil. 280, 287-288 (1999); see also *Libanan vs. House of Representatives Electoral Tribunal*, 347 Phil. 797 (1997); and *Rep. Robles vs. House of Representatives Electoral Tribunal*, 260 Phil. 831 (1990).

25 EXECUTIVE ORDER NO. 292 (1987), Sec. 35.

26 *Republic v. Heirs of Cecilio and Moises Cuizon*, 705 Phil. 596, 608-609 (2013); Executive Order No. 292, Book IV, Title III, Chapter 12, Sec. 35 (8), provides:

> **SEC. 35**. Power and Functions. - x x x x
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> (8) Deputize legal officers of government departments, bureaus, agencies and officers to assist the Solicitor General and appear or represent the Government in cases involving their respective offices, brought before the Courts, and exercise supervision and control over such legal Officers with respect to such cases.

given course in the interest of a speedy determination of issues. It even posited that the defect in its filing of the instant petition may be cured upon a subsequent filing by the OSG of a manifestation and motion ratifying and adopting it, but there had been no such manifestation and motion in this case. These facts necessarily evince that HRET lacked the legal capacity to initiate this case, and the HRET gave no compelling reason for the Court to disregard this finding.

Even on the merits, however, the petition must still fail.

Section 18 of RA No. 9710 entitles a woman, who has rendered a continuous aggregate employment service of at least six months for the last 12 months, a special leave of two months with full pay based on her gross monthly compensation following surgery caused by gynecological disorders. In relation to this provision, the case involving Panga-Vega gives rise to the issue of whether the rules on maternity leave under Sec. 14, Rule XVI of the Omnibus Rules Implementing Book V of Executive Order No. 292, which provides that the commuted money value of the unexpired portion of the special leave need not be refunded, and that when the employee returns to work before the expiration of her special leave, she may receive both the benefits granted under the maternity leave law and the salary for actual services rendered effective the day she reports for work, may have a suppletory application.

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), acknowledges the need to guarantee the basic human rights and fundamental freedoms of women through the adoption in the political, social, economic, and cultural fields, of appropriate measures, including legislation, to ensure their full development and advancement.[27] Consistent thereto, no less than the fundamental law of the land imposes on the State the duty to protect working women by providing safe and healthful working conditions, as well as facilities and opportunities to enhance their welfare, and enable them to realize their full potential in the service of the nation.[28]

In fulfillment of the foregoing obligation under the CEDAW, and the 1987 Philippine Constitution to advance the rights of women, RA No. 9710 was enacted. This law acknowledges the economic, political, and socio-cultural realities affecting their work conditions and affirms their role in nation-building.[29] It guarantees the availability of opportunities, services, and mechanisms that will allow them to actively perform their roles in the family, community, and society. As a social legislation, its paramount consideration is the empowerment of women. Thus, in case of doubt, its provisions must be liberally construed in favor of women as the beneficiaries.[30]

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27 CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN, Art. 3.

28 1987 Constitution, Art. XIII, Sec. 14.

29 RA No. 9710 (2009), Sec. 2.

30 See *Aniñon v. Government Service Insurance System*, G.R. No. 190410, April 10, 2019.

The Court finds it just and more in accord with the spirit and intent of RA No. 9710 to suppletorily apply the rule on maternity leave to the special leave benefit. Similar to the special leave benefit under RA No. 9710, a maternity leave under the Omnibus Rules on Leave seeks to protect the health and welfare of women, specifically of working mothers, as its primary purpose is to afford them some measures of financial aid, and to grant them a period of rest and recuperation in connection with their pregnancies.[31] The special leave benefit should be liberally interpreted to support the female employee so as to give her further means to afford her needs, may it be gynecological, physical, or psychological, for a holistic recuperation. The recovery period may be a trying time that she needs much assistance and compassion to regain her overall wellness. Nothing in RA No. 9710 and the CSC Guidelines bar this more humane interpretation of the provision on special leave benefit.

Anent Panga-Vega's return to work, while RA No. 9710 and the CSC Guidelines do not require that the entire special leave applied for be consumed, certain conditions must be satisfied for its propriety.

Under the CSC Guidelines, a total hysterectomy is classified as a major surgical procedure[32] requiring a minimum period of recuperation of three weeks to a maximum period of two months.[33] Aside from observing this time frame, the employee, before she can return to work, shall present a medical certificate signed by her attending surgeon that she is physically fit to assume the duties of her position.[34]

Panga-Vega underwent total hysterectomy on February 7, 2011, and decided to return to work on March 7, 2011. As it appears, she was already able to observe a period of recuperation of four weeks. As to the requirement for a medical certificate, it is inconsequential to belabor the seeming deficiency of the first medical certificate dated March 5, 2011, which merely stated that there was no contraindication for her to resume light to moderate activities, as she already presented a medical certificate dated March 9, 2011 signed by her attending obstetrician/gynecologist attesting her physical fitness to report back for work.

Based on these facts on record, the CSC found that Panga-Vega sufficiently complied with the CSC Guidelines warranting her return to work. The Court accords finality to these findings acknowledging the CSC's special knowledge and expertise on matters falling under its jurisdiction as an administrative agency,[35] and given the affirmance by the CA.[36]

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31 CSC Memorandum Circular No. 41 (1998), Rule I (9).

32 CSC Memorandum Circular No. 25 (2010), List of Surgical Operations for Gynecological Disorders, p. 4.

33 CSC Memorandum Circular No. 25 (2010), Sec. 2.2.1.

34 CSC Memorandum Circular No. 25 (2010), Sec. 3.5.

35 *Japson v. Civil Service Commission*, 663 Phil. 665, 675 (2011).

36 *Encinas v. POI Agustin, Jr.*, 709 Phil. 236, 261 (2013).

FOR THESE REASONS, the petition is **DENIED**. The Decision dated April 29, 2016 and Resolution dated November 8, 2016 of the Court of Appeals in CA-G.R. SP No. 128947 are **AFFIRMED**.

SO ORDERED.

MARIO V. LOPEZ
Associate Justice

WE CONCUR:

ESTELA M. PERLAS-BERNABE
Senior Chief Justice
Chairperson

ALEXANDER G. GESMUNDO
Associate Justice

AMY C. LAZARO-JAVIER
Associate Justice

JHOSEP Y. LOPEZ
Associate Justice

ATTESTATION

I attest that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

ESTELA M. PERLAS-BERNABE
Associate Justice
Chairperson

CERTIFICATION

Pursuant to Section 13, Article VIII of the Constitution and the Division Chairperson's Attestation, I certify that the conclusions in the above Resolution had been reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

DIOSDADO M. PERALTA
Chief Justice