JUDICIAL INTEGRITY BOARD, COMPLAINANT, VS. RICARDO C. AVILES, JR., UTILITY FOREMAN, SUPREME COURT PERSONNEL DIVISION, OFFICE OF ADMINISTRATIVE SERVICES, RESPONDENT.

A.M. No. SC-25-007 [Formerly JIB FPI No. 24-039-SC], January 15, 2026

Ponente: LEONEN, SAJ.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/82a6a3bc0601/

LEONEN, SAJ.:

A court employee who tests positive for the use of prohibited drugs must first be given the opportunity to undergo treatment and rehabilitation, consistent with the policy that "drug use, and resultant addiction or dependence, is considered a sickness or disease rather than simply a crime."[1]

This resolves the 1st Indorsement[2] dated October 11, 2024 of the Supreme Court Office of Administrative Services, which referred to the Judicial Integrity Board for appropriate action the positive drug test result of Ricardo C. Aviles, Jr. (Aviles), utility foreman of the Personnel Division of the Office of Administrative Services.[3]

On September 26, 2024, the Supreme Court, through Kaiser Medical Center Inc. (Kaiser), conducted random drug testing among its employees, which included Aviles. The initial test administered on Aviles yielded a positive result for methamphetamine, also known as shabu.[4]

The Office of Administrative Services then issued a Memorandum dated September 27, 2024, recommending Aviles's preventive suspension for 30 days pending the result of the confirmatory test by the Department of Health.[5] On October 1, 2024, this Court issued a Resolution preventively suspending Aviles for 30 days, effective immediately.[6]

On October 11, 2024, the Office of Administrative Services referred to the Judicial Integrity Board its 1st Indorsement charging Aviles with the serious offense of possession and/or use of illegal drugs or substances.[7] On October 21, 2024, the Office of Administrative Services also forwarded to the Judicial Integrity Board the confirmatory drug test report administered by the Department of Health on Aviles, who again tested positive for methamphetamine.[8]

The Judicial Integrity Board then asked Aviles to file his comment on the 1st Indorsement within 10 days from receipt of its directive.[9]

On December 20, 2024, Aviles filed a verified Sinumpaang Salaysay,[10] admitting his illegal drug use, expressing remorse, and pleading for leniency and a chance to reform as his work in this Court is his sole source of income.[11]

In his Report and Recommendation,[12] Acting Executive Director Eduardo C. Tolentino (Director Tolentino) found that Aviles's drug use was sufficiently established by the initial and confirmatory drug test results, as well as Aviles's own admission. Director Tolentino thus found Aviles liable for a serious charge under Rule 140,

Section 14(o) of the Rules of Court, as amended by A.M. No. 21-08-09-SC,[13] for possession and/or use of illegal drugs or substances.[14]

Director Tolentino appreciated the following mitigating circumstances in favor of Aviles: (1) his 32 years of service in the Judiciary; (2) the fact that this is his first offense; (3) his voluntary admission and expression of remorse; and (4) his plea for leniency since his work as a utility foreman is his only source of income.[15] Citing Court of Appeals v. Labitoria,[16] Director Tolentino recommended a one-year suspension without pay and referral to a suitable drug rehabilitation facility:

> IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant administrative complaint be RE-DOCKETED and the following recommendations be made to the Supreme Court:
>
> 1.)
>
> Respondent Ricardo C. Aviles Jr., Utility Foreman, Personnel Division, Office of Administrative Services, Supreme Court, be found GUILTY of Possession and/or use of Illegal Drugs or Substances;
>
> 2.)
>
> Respondent Aviles Jr., be SUSPENDED from office without salary and other benefits for one (1) year;
>
> 3.)
>
> Respondent Aviles Jr., be STERNLY WARNED that a repetition of the same or similar offense shall result in his dismissal from the service; and
>
> 4.)
>
> The Supreme Court Health and Wellness Center be DIRECTED TO REFER respondent Aviles Jr. to a suitable drug rehabilitation facility where he may be able to undertake programs for his continued rehabilitation during the period of his suspension, at his own expense.[17]

The Judicial Integrity Board adopted the Report and Recommendation of Director Tolentino.[18]

The only issue for this Court's resolution is whether respondent Ricardo C. Aviles, Jr. is administratively liable for possession and/or use of illegal drugs or substances.

We adopt the factual findings of the Judicial Integrity Board only as to the positive drug test result of respondent.

It is not disputed that respondent was found to have used methamphetamine, an illegal drug, as confirmed by the initial test conducted by Kaiser[19] and the confirmatory test administered by the Department of Health.[20] He did not challenge these findings and, in fact, admitted in his Sinumpaang Salaysay that he used illegal drugs.[21] Thus, the confirmatory result is final.[22]

However, we cannot adopt the Judicial Integrity Board's recommendation to suspend respondent from office for one year. Under prevailing Court policy and jurisprudence, initial positive drug test results do not automatically warrant administrative penalties. Instead, respondent must be given recourse to undergo treatment and rehabilitation for his recovery and reintegration.

Section 2 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002, mandates the reintegration of individuals who have fallen victim to drug dependence:

> Section 2. Declaration of Policy. –

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

. . . .

> It is further declared the policy of the State to provide effective mechanisms or measures to re-integrate into society individuals who have fallen victims to drug abuse or dangerous drug dependence through sustainable programs of treatment and rehabilitation.

In Salomon v. The City Government of Muntinlupa,[23] Carlito P. Salomon, an engineer at the Office of the City Engineer of Muntinlupa City, tested positive for use of a prohibited drug. This Court held that it is invalid to immediately dismiss Salomon as it contravenes "the State's health, recovery, and reintegration-centered drug policy,"[24] as well as Civil Service Commission Memorandum Circular No. 13, Series of 2017,[25] which allows first-time violators to undergo drug-dependency testing and appropriate rehabilitation.[26] Thus, this Court ruled that there must first be an opportunity for a public officer to undergo rehabilitation on account that "drug use, and resultant addiction or dependence, is considered a sickness or disease rather than simply a crime."[27]

In line with Salomon, this Court amended A.M. No. 23-02-11-SC, now known as the Amendments to the Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary (Amended Guidelines). Under the Amended Guidelines, court employees who test positive for illegal drug use for the first time must first undergo intervention or rehabilitation, instead of immediately being subjected to administrative liability.

Prior to the amendments, only court employees who test positive for illegal drug use for the first time through the voluntary submission mechanism shall be referred for treatment and rehabilitation.[28] Now, the Amended Guidelines allow treatment and rehabilitation for court employees who test positive for illegal drug use for the first time whether through voluntary submission or mandatory random drug testing.

Moreover, this Court has removed the provision allowing the Drug-Free Workplace Committee to make recommendations on the interventions of court employees who voluntarily admit their use of prohibited drugs or the administrative liabilities of those who test positive for drug use.[29] Instead, Section 5(E)(2) of the Amended Guidelines requires the Committee to "refer the matter to the concerned personnel office, which may, in turn, refer the case to the disciplinary body established under the law or rules promulgated by the Supreme Court for the appropriate action(s) as provided in the succeeding section: 'Administrative Liability.'"[30]

The appropriate action depends on whether the court employee tested positive for drug use initially or subsequently.

Section 6(A)(i) of the Amended Guidelines provides a mechanism for the treatment and rehabilitation of court employees who test positive for drug use for the first time, i.e., an initial positive test result:

> Section 6. Administrative Liability.
>
> A. Court Employeesi. Initial Positive Test Result
>
> Any court employee who tests positive for the use of dangerous drugs for the first time in a confirmatory test or challenge test, shall undergo a Drug Dependency Examination conducted by the [Department of Health] or by a [Department of Health]-accredited physician. The treatment and rehabilitation shall be determined based on the employee's assessed level of drug dependency:
>
> - Experimenter – The employee shall undergo out-patient guidance counseling for a period of six months, at their own expense.
>
> - Occasional User – The employee shall undergo both out-patient guidance counseling and regular monthly drug testing for a period of six months, both at the employee's personal expense.
>
> - Chronic User/Drug Dependent – The employee shall undergo mandatory continuous treatment for a

> minimum period of six months in either a government rehabilitation center, a [Department of Health]-accredited private rehabilitation center, or a community-based rehabilitation program sanctioned under the rules of the [Dangerous Drugs Board]. The court employee concerned shall shoulder the expenses of their rehabilitation.

The concerned court employee shall undertake the processing of their admission to a rehabilitation center, in accordance with the provisions of Republic Act No. 9165 and existing rules of the [Dangerous Drugs Board].

Absences related to intervention counseling and monthly drug testing shall be charged against the court employee's leave credits. For this purpose, the court employee's sick leave credits shall be utilized first. In case of exhaustion of the court employee's sick leave credits, vacation leave credits may be utilized for the purpose. If all leave credits are used, any additional absences shall be considered leave without pay.

As proof of the successful completion of the intervention program, the court employee assessed as an Experimenter or Occasional User shall secure a certificate of completion issued by their attending guidance counselor.

The court employee assessed as a Chronic User/Drug Dependent shall commence rehabilitation within 15 days from receipt of Drug Dependency Examination results to give way to the processing of the necessary clearances.

Following the completion of the rehabilitation program, the concerned court employee shall secure a certificate of completion and a clearance from their attending physician.

Court employees found to have used dangerous drugs during the prescribed period of their intervention or rehabilitation shall be charged with the administrative offense of Gross Misconduct, under Section 14(a), Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC.

Section 6(A)(i) expressly provides that an initial positive test result is not a ground for administrative liability. This is in contrast to the old guidelines where a positive confirmatory or challenge test result shall immediately constitute as basis for an administrative charge.[31] Instead, the Amended Guidelines requires a drug dependency examination, followed by the corresponding intervention or rehabilitation program based on dependency assessment. Only a subsequent positive test result after completing an intervention or rehabilitation program that a court employee may be administratively charged with possession and/or use of illegal drugs or substances under Rule 140, Section 14(o) of the Rules of Court, as amended by A.M. No. 21-08-09-SC:

> Section 6. Administrative Liability.A. Court Employees. . . .

ii. Subsequent Positive Test Result

> A court employee found positive for illegal drug use in a subsequent, positive confirmatory test or challenge test, as the case may be, either through voluntary submission or during a random drug test, shall constitute as basis for an administrative charge of Possession and/or Use of Illegal Drugs or Substances, under Section 14(o), Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC.

The Amended Guidelines may be applied to the present case in accordance with "the judicial policy patterned after criminal law that penal laws shall have retroactive effect if favorable to the accused."[32] These provisions are favorable to respondent considering that he will be allowed to undergo treatment and rehabilitation instead of immediately being subjected to an administrative liability.

As this is respondent's first positive drug test, he must undergo a drug dependency examination to determine his classification either as an experimenter, occasional user, or chronic user/drug dependent. He shall then be admitted to the intervention or rehabilitation program corresponding to his assessed level of drug dependency.

We emphasize that drug dependence has been recognized "as a complex, multifactorial health disorder characterized by a chronic and relapsing nature with social causes and consequences."[33] Addiction is often characterized as a loss of self-control,[34] but recent studies show that it is a more complex condition than a mere impairment of will. Research in the fields of neuroscience, psychology, and philosophy reveals that various factors explain why a person loses control and succumbs to addiction.

Some individuals find it difficult to exercise self-control because of a tendency known as hyperbolic discounting, in which immediate, smaller rewards are preferred over later, larger rewards.[35] Conversely, the successful exercise of self-control requires one "to manipulate the available rewards, by self-binding or by bundling rewards with punishments."[36] Neuroscience further shows that "the weakening of synaptic inhibitory mechanisms"[37] explains why some people have greater difficulty than others in exercising control over certain activities.[38]

The social setting or environment of a person suffering from addiction also offers important context in understanding addiction and loss of control. There is a view that some individuals do not resist the urge to use drugs because they believe that no later, larger reward awaits them.[39] There is "no incentive [for them] to exercise effortful self-control"[40] because of their belief that they no longer have an opportunity to attain a better life.[41] Other studies also show that drug use is "a means of coping with psychological distress."[42]

Loss of control may also be understood by examining the various competing mechanisms involved in decision-making, which pull in different directions in response to contrasting incentives, values, and consequences. Thus, loss of control may occur when behavior is dominated by mechanisms that respond to rewards, while mechanisms that account for consequences are weakened.[43] It has been argued that "addicts are generally more responsive to rewards than punishments."[44] Consequently, social policies relating to addiction must be informed by an understanding of the brain mechanisms involved in addiction.[45] Hence, "the law ought to adjust its criteria for culpability to match the contours of human capacities."[46]

Considering that drug dependence or addiction is a health disorder involving the interplay of multiple social and scientific factors, it cannot be simply treated as a crime to be punished like any other offense. Instead, drug dependence must be addressed with an appreciation of its inherent complexity. The victim must also be given the opportunity to avail of treatment and undergo recovery, as with any other illness.

ACCORDINGLY, pursuant to amended A.M. No. 23-02-11-SC, otherwise known as the Amendments to the Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary, respondent Ricardo C. Aviles, Jr. is ORDERED to undergo a drug dependency examination and a corresponding intervention or rehabilitation program at his own expense.

The Supreme Court Health and Wellness Center is DIRECTED to refer respondent Ricardo C. Aviles, Jr. to (1) an appropriate health facility for the conduct of a drug dependency examination to determine his classification either as an experimenter, occasional user, or chronic user/drug dependent; and (2) a suitable intervention or rehabilitation program corresponding to his determined level of drug dependency.

After successfully completing his intervention or rehabilitation program, as the case may be, respondent Ricardo C. Aviles, Jr. is ORDERED to secure a certificate of completion of his intervention program or a certificate of completion of his rehabilitation program and clearance that he is fully rehabilitated and is fit to discharge his duties as a utility foreman.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

SO ORDERED.

Lazaro-Javier, J. Lopez, Kho, Jr., and Villanueva, JJ., concur.

---

[1] Salomon v. The City Government of Muntinlupa, G.R. No. 260742, May 20, 2025 [Per J. Leonen, En Banc] at 15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[2] Rollo, p. 1.

[3] Id. at 1-2.

[4] Id. at 14-15.

[5] Id. at 3.

[6] Id. at 4.

[7] Id. at 1.

[8] Id. at 5-6.

[9] Id. at 11.

[10] Id. at 12-13.

[11] Id. at 15.

[12] Id. at 14-17.

[13] RULES OF COURT, Rule 140, sec. 14(o) states:

> SECTION 14. Serious Charges. — Serious charges include:
>
> . . . .
>
> (o) Possession and/or use of illegal drugs or substances.

[14] Rollo, pp. 15-16.

[15] Id. at 16.

[16] 948 Phil. 90 (2023) [Per J. Singh, En Banc].

[17] Rollo, pp. 16-17.

[18] Id. at 17.

[19] Id. at 2.

[20] Id. at 6.

[21] Id. at 12.

[22] SC Administrative Matter No. 23-02-11-SC, August 19, 2025, Amendments to the Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary, sec. 5, E, 2, states in part:

> SECTION 5. Mechanics for the Implementation of the Drug Prevention Program.
>
> E. Challenge Test

Study hands-free: podcast-style lessons with read-along highlighting - batas.org

. . . .

2. A court employee has 15 calendar days from receipt of notice to file a request to assail the result of the confirmatory test through a challenge test at their expense. The challenge test shall be conducted by a government drug testing laboratory or by a drug testing laboratory duly authorized and accredited by the DOH using the same specimen.

Failure of a court employee to file a request for a challenge test within the prescribed period shall make the positive drug test result from the confirmatory test final.

[23] G.R. No. 260742, May 20, 2025 [Per J. Leonen, En Banc].

[24] Id. at 26. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[25] Id. CSC Memorandum Circular No. 13, Series of 2017, March 15, 2017, Guidelines in the Mandatory Random Drug Test for Public Officials and Employees and for Other Purposes.

[26] Id. at 19. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[27] Id. at 15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[28] SC Administrative Matter No. 23-02-11-SC, April 18, 2023, Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary, sec. 7, states in part:

SECTION 7. Voluntary submission.

The [Drug-Free Workplace Committee] of the [Supreme Court], [Court of Appeals], [Sandiganbayan], [Court of Tax Appeals], or [Office of the Court Administrator], as the case may be, shall provide a mechanism for court employees to willingly submit themselves, of their own volition, for the treatment and rehabilitation of existing drug-taking habits. Voluntary submission for drug testing may be done any time prior to the date of the random drug testing as may be fixed by the [Drug-Free Workplace Committee]. This notwithstanding, the procedure for the conduct of drug testing under the voluntary submission mechanism shall follow Section 5(D) and (E) in this Guidelines.

[29] Id., sec. 5(A)(1.1) states:

SECTION 5. Mechanics for the Implementation of the Drug Prevention Program.

A. Creation of a Drug-Free Judiciary Committee

. . . .

1.1 Functions – The [Drug-Free Workplace Committee] shall:

. . . .

(c) Make recommendations on the administrative liabilities or interventions, as the case may be, to their respective personnel divisions regarding court employees (i) who voluntarily admit that they use dangerous drugs without undergoing the screening test, (ii) who yield positive drug test results without challenging it, and (iii) whose challenge and confirmatory test results also yielded positive for drug use.

[30] SC Administrative Matter No. 23-02-11-SC, August 19, 2025, Amendments to the Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary, sec. 5(E)(2).

[31] SC Administrative Matter No. 23-02-11-SC, April 18, 2023, Guidelines for the Implementation of a Drug-Free Policy in the Philippine Judiciary, sec. 6(A)(1) states:

SECTION 6. Administrative Liability.

A. Court Employees

1. A positive confirmatory result or challenge test result for drug use, except as provided under Section 7, shall constitute as basis for an administrative charge of Possession and/or Use of Illegal Drugs or Substances, which is considered a serious charge under Section 14(o) of Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC (Rule 140).

[32] Brasales v. Borja, 904 Phil. 290, 297 (2021) [Per J.M. Lopez, Second Division].

[33] United Nations Office on Drugs and Crime, Outcome Document of the 2016 United Nations General Assembly Special Session on the World Drug Problem, April 2016, 6, available at https://www.unodc.org/documents/postungass2016/outcome/V1603301-E.pdf (last accessed January 5, 2026).

[34] Neil Levy, Chapter 1: Addiction and Self-Control: Perspectives from Philosophy, Psychology, and Neuroscience in ADDICTION AND SELF-CONTROL: PERSPECTIVES FROM PHILOSOPHY, PSYCHOLOGY, AND NEUROSCIENCE 1 (2013).

[35] Id. at 3.

[36] Id.

[37] Id. at 6.

[38] Id.

[39] Id. at 9.

[40] Id. at 10.

[41] Id.

[42] Id.

[43] Id. at 8.

[44] Id.

[45] Id. at 9.

[46] Id.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at https://batas.org

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.