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and purity, is life imprisonment to death and a fine ranging from ₱500,000.00 to ₱10 million. However, with the enactment of RA 9346,[44] only life imprisonment and fine shall be imposed.[45] Thus, the penalty imposed by the RTC and affirmed by the CA is proper.

WHEREFORE, the appeal is **DISMISSED**. The Decision of the Court of Appeals that affirmed *in toto* the Decision of the Regional Trial Court of Quezon City, Branch 82, insofar as the conviction of Glenn Salvador *y* Balverde for violation of Section 5, Article II of Republic Act No. 9165, as amended by Republic Act No. 9346, and the penalty of life imprisonment and payment of fine of ₱500,000.00 imposed upon him are concerned, is **AFFIRMED**.

SO ORDERED.

Carpio (Chairperson), Brion, Perez, and *Perlas-Bernabe, JJ.,* concur.

EN BANC

[A.M. No. CA-14-28-P. February 11, 2014]
(Formerly OCA IPI No. 13-208-CA-P)

ANACLETO O. VILLAHERMOSA, SR. and JULETO D. VILLAHERMOSA, *complainants, vs.* **VICTOR M. SARCIA, Executive Assistant IV and EFREN R. RIVAMONTE, Utility Worker, both from the Court of Appeals, Manila,** *respondents.*

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[44] AN ACT PROHIBITING THE IMPOSITION OF THE DEATH PENALTY IN THE PHILIPPINES.

[45] *People v. Abedin*, G.R. No. 179936, April 11, 2012, 669 SCRA 322, 339.

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SYLLABUS

1. **POLITICAL LAW; ADMINISTRATIVE LAW; PUBLIC OFFICERS AND EMPLOYEES; COURT PERSONNEL; SHOULD BE FREE FROM ANY WHIFF OF IMPROPRIETY WITH RESPECT TO THEIR DUTIES IN THE JUDICIAL BRANCH AND ALSO TO THEIR BEHAVIOR AS PRIVATE INDIVIDUALS.—** Court personnel, regardless of position or rank, are expected to conduct themselves in accordance with the strict standards of integrity and morality. Indeed, the "special nature of [court personnel's] duties and responsibilities" is recognized through the adoption of a separate Code of Conduct especially for them. The acts of court personnel reflect on the judiciary. Thus, it is necessary that they uphold the ideals of the judiciary. x x x The Code of Conduct for Court Personnel requires that court personnel avoid conflicts of interest in performing official duties. It mandates that court personnel should not receive tips or other remunerations for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the judiciary. "The Court has always stressed that all members of the judiciary should be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals, in order that the integrity and good name of the courts of justice shall be preserved." Court personnel cannot take advantage of the vulnerability of party-litigants.

2. **ID.; ID.; ID.; ID.; GRAVE MISCONDUCT; RECEIVING MONEY FROM PARTY-LITIGANTS, A CASE OF; PENALTY.—** In several cases, this court has held that the court personnel's act of soliciting or receiving money from litigants constitutes grave misconduct. The sole act of receiving money from litigants, whatever the reason may be, is antithesis to being a court employee. x x x Grave misconduct merits dismissal. In some cases, the court exercised its discretion to assess mitigating circumstances such as length of service or the fact that a transgression might be the first offense of respondents. However, due to the gravity of the acts of respondents Sarcia and Rivamonte, no mitigating circumstances can be appreciated. To the dismay of this court, it has received many complaints from party-litigants against court employees extorting money from

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them. This court has already heard various reasons given by court employees for receiving money from party-litigants. Thus, this court has held that money given voluntarily is not a defense. Alleged good intentions to help party-litigants are self-serving and will not absolve the misconduct committed by court employees. There is no defense in receiving money from party-litigants. The act itself makes court employees guilty of grave misconduct. They must bear the penalty of dismissal.

3. ID.; ID.; ID.; ID.; DISHONESTY; COMMITTED WHEN ONE MISREPRESENTED HIMSELF AS A LAWYER AND DRAFTED PLEADINGS FOR A PARTY-LITIGANT FOR A FEE; DISHONESTY, DEFINED.— Respondent Sarcia misrepresented himself as a lawyer and drafted pleadings for a party-litigant for a fee. The pleadings were filed in the same court where he is employed. Respondent Sarcia discussed with a party-litigant the latter's case pending before the Court of Appeals. Worse, respondent Sarcia misrepresented to complainants Villahermosa the outcome of their case. These acts of respondent Sarcia constitute dishonesty. Dishonesty has been defined as "the disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."

APPEARANCES OF COUNSEL

Ramirez Loste Alegro Clave & Associates for respondents.

R E S O L U T I O N

***PER CURIAM*:**

Before this court is an administrative case involving employees of the Court of Appeals, Manila, who "transacted" with party-litigants with a pending case before the Court of Appeals.

Respondents Victor M. Sarcia, Executive Assistant IV assigned to the Office of Justice De Guia-Salvador, and Efren R. Rivamonte of the Maintenance and Utility Section, allegedly promised to help complainants Anacleto O. Villahermosa, Sr.

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and Juleto Villahermosa in their pending case in the Court of Appeals and guaranteed the issuance of a temporary restraining order in their favor.[1]

Complainants Villahermosa were petitioners of a petition for review with prayer for temporary restraining order pending before the Court of Appeals.[2] Sometime during the third week of October 2008, complainants Villahermosa were eating at Diners Restaurant located on Padre Faura Street, Manila.[3] Respondent Rivamonte allegedly approached them, introduced himself as an employee of the Court of Appeals, and offered to help in their case pending before the Court of Appeals.[4] Respondent Rivamonte allegedly undertook to introduce complainants Villahermosa to a certain "Atty. Vic" who could help them with their case.[5] After they had talked, complainants Villahermosa gave respondent Rivamonte ₱3,000.00.[6]

Complainants Villahermosa and respondent Rivamonte allegedly met again, and the former gave an additional ₱2,000.00 to the latter.[7]

After several days, respondent Rivamonte introduced complainants Villahermosa to a certain "Atty. Vic" at Valiente Restaurant in front of the Court of Appeals building.[8] Complainants Villahermosa testified that "Atty. Vic" was respondent Victor Sarcia.[9] During this meeting, they allegedly gave respondent Sarcia ₱10,000.00 and respondent Rivamonte ₱5,000.00.[10]

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[1] *Rollo*, p. 170.

[2] *Id.* at 77. The case was docketed as CA-G.R. No. 105532 and was raffled to the Fourth Division.

[3] *Id.* at 71.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.* at 72.

[9] *Id.* at 235.

[10] *Id.* at 72.

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To support their claim of close connection with the Court of Appeals, respondents Sarcia and Rivamonte allegedly showed complainants Villahermosa an advance copy of a resolution issued by the Fourth Division of the Court of Appeals.[11] The resolution stated that the petition was dismissed for failure to comply with certain procedural requirements.[12] Complainants Villahermosa again gave respondents Sarcia and Rivamonte ₱5,000.00 each.[13] They also allegedly gave complainants Villahermosa a list of their "clients" to bolster their representations.[14]

On November 28, 2008, respondent Sarcia allegedly provided complainants Villahermosa a compliance with the procedural requirements, which the latter filed on the same day.[15] Complainants Villahermosa again gave respondent Sarcia ₱6,500.00.[16]

Sometime during the first week of December 2008, respondent Sarcia allegedly helped complainants Villahermosa draft and prepare an amended/supplemental petition for *certiorari* that would be filed before the Court of Appeals.[17] Again, complainants Villahermosa gave respondent Sarcia ₱5,000.00.[18]

During the second week of January 2009, complainants Villahermosa received a notice to vacate from the lower court. This prompted complainants Villahermosa to inquire from respondent Rivamonte regarding the issuance of the temporary restraining order prayed for in their petition filed before the Court of Appeals.[19] Respondent Rivamonte then allegedly

[11] *Id.*

[12] *Id.* at 77-78.

[13] *Id.* at 72.

[14] *Id.* at 72, 86, 262.

[15] *Id.* at 72.

[16] *Id.*

[17] *Id.*

[18] *Id.*

[19] *Id.* at 73.

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advised them to give 2,000.00 to a sheriff in Makati City. Complainants Villahermosa gave respondent Rivamonte another ₱2,000.00.[20]

Complainants Villahermosa also alleged that during one of their meetings, respondent Rivamonte demanded a letter of support from them for the appointment of Justice Andres B. Reyes, Jr. as Supreme Court Justice.[21]

On February 16, 2009, complainants Villahermosa received a resolution from the Court of Appeals denying the application for a temporary restraining order.[22] They then asked respondent Sarcia about the denial but were told that it was in their favor.[23]

Upon the advice of respondent Sarcia, complainants Villahermosa drafted a memorandum.[24] The draft memorandum was handed to respondent Rivamonte after he had received another ₱500.00 from complainants Villahermosa. Respondent Sarcia then sent the "final" memorandum to complainants Villahermosa which they filed on March 3, 2009.[25]

Complainants Villahermosa inquired from the Court of Appeals regarding their prayer for the issuance of a temporary restraining order.[26] An employee of the Court of Appeals informed them that their prayer was denied.[27] Sensing that something went wrong with their transaction, complainants Villahermosa filed a joint complaint-affidavit[28] dated July 10, 2009 against respondents Sarcia and Rivamonte. The complaint-affidavit further alleged that text messages were exchanged between

[20] *Id.*

[21] *Id.*

[22] *Id.* at 74.

[23] *Id.*

[24] *Id.*

[25] *Id.*

[26] *Id.*

[27] *Id.*

[28] *Id.* at 71-86.

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complainants Villahermosa and respondent Sarcia on the decision on the petition pending before the Court of Appeals.[29]

On July 15, 2009, the Assistant Clerk of Court of the Court of Appeals, Manila, directed respondents Sarcia and Rivamonte to file their counter-affidavits/comments on the joint complaint-affidavit filed by complainants Villahermosa.[30]

In their counter-affidavits, respondents Sarcia and Rivamonte did not deny receiving money from complainants Villahermosa. However, they alleged that the money was given to them voluntarily for the assistance they rendered to complainants Villahermosa.[31]

Respondent Rivamonte alleged that complainants Villahermosa were the ones who approached him. Also, the money was given to him as a token of appreciation for helping "them find somebody who could give them sound legal advice."[32]

Moreover, respondent Sarcia alleged that the money was given to him for drafting the amended petition.[33] The compliance and memorandum were allegedly prepared free of charge.[34] However, respondent Sarcia denied giving complainants Villahermosa an advance copy of the resolution denying their petition.[35]

Respondent Sarcia also admitted sending the text messages to complainants Villahermosa and misrepresenting to the latter that their alternative prayer was favorably acted upon by the Court of Appeals. However, respondent Sarcia reasoned that he only sent the text messages to put a stop to complainants Villahermosa's endless questions about their case.[36]

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[29] *Id.* at 75-76.

[30] *Id.* at 87.

[31] *Id.* at 88, 98.

[32] *Id.* at 88.

[33] *Id.* at 99, 101.

[34] *Id.* at 101.

[35] *Id.* at 98.

[36] *Id.* at 100.

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The Office of the Court Administrator found respondents Sarcia and Rivamonte guilty of grave misconduct and conduct prejudicial to the best interest of the service. In its report dated September 10, 2013,[37] it recommended their dismissal from service with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.[38]

After a careful review of the facts of the case and the arguments of the parties, we find the recommendation of the Office of the Court Administrator in order.

Court personnel, regardless of position or rank, are expected to conduct themselves in accordance with the strict standards of integrity and morality. Indeed, the "special nature of [court personnel's] duties and responsibilities" is recognized through the adoption of a separate Code of Conduct especially for them.[39] The acts of court personnel reflect on the judiciary.[40] Thus, it is necessary that they uphold the ideals of the judiciary.

Respondents Sarcia and Rivamonte knew that complainants Villahermosa had a pending case before the Court of Appeals. As admitted by respondents Sarcia and Rivamonte, they received money from complainants Villahermosa. The Office of the Court Administrator found that the money was received through extortion from complainants Villahermosa on the promise of a favorable decision from the Court of Appeals.[41] Thus, it found respondents Sarcia and Rivamonte guilty of grave misconduct and conduct prejudicial to the best interest of the service.[42]

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[37] *Id.* at 487–497.

[38] *Id.* at 497.

[39] CODE OF CONDUCT FOR COURT PERSONNEL, Fifth Whereas clause.

[40] *Hidalgo v. Magtibay*, 483 Phil. 186, 199 (2004) [*Per Curiam, En Banc*].

[41] *Rollo*, p. 495.

[42] *Id.* at 497.

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Grave misconduct was defined in *Ramos v. Limeta*[43] as

> a serious transgression of some established and definite rule of action (such as unlawful behavior or gross negligence by the public officer or employee) that tends to threaten the very existence of the system of administration of justice an official or employee serves. It may manifest itself in corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules.[44] (Citations omitted)

In several cases, this court has held that the court personnel's act of soliciting or receiving money from litigants constitutes grave misconduct.[45] The sole act of receiving money from litigants, whatever the reason may be, is antithesis to being a court employee.

The Code of Conduct for Court Personnel[46] requires that court personnel avoid conflicts of interest in performing official duties.[47] It mandates that court personnel should not receive tips or other remunerations for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the judiciary.[48] "The Court has always stressed that all members of the judiciary should be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals, in order that the integrity and good name of the

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[43] A.M. No. P-06-2225, November 23, 2010, 635 SCRA 701 [*Per Curiam, En Banc*].

[44] *Id.* at 706.

[45] *Office of the Court Administrator v. Diaz,* 362 Phil. 580, 591 (1999) [Per J. Kapunan, First Division]; *Narag v. Manio,* A.M. No. P-08-2579, June 22, 2009, 590 SCRA 206, 211-212 [Per J. Corona, First Division]; *Ramos v. Limeta,* A.M. No. P-06-2225, November 23, 2010, 635 SCRA 701, 707 [*Per Curiam, En Banc*]; *Canlas-Bartolome v. Manio,* 564 Phil. 307, 313-314 (2007) [*Per Curiam, En Banc*]; *Ong v. Manalabe,* 489 Phil. 96, 105 (2005) [*Per Curiam, En Banc*].

[46] A.M. No. 03-06-13-SC

[47] CODE OF CONDUCT FOR COURT PERSONNEL, Canon III, sec. 1.

[48] CODE OF CONDUCT FOR COURT PERSONNEL, Canon III, sec. 2 (b).

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courts of justice shall be preserved."[49] Court personnel cannot take advantage of the vulnerability of party-litigants.

Grave misconduct merits dismissal.[50] In some cases, the court exercised its discretion to assess mitigating circumstances such as length of service or the fact that a transgression might be the first offense of respondents. However, due to the gravity of the acts of respondents Sarcia and Rivamonte, no mitigating circumstances can be appreciated.

To the dismay of this court, it has received many complaints from party-litigants against court employees extorting money from them. This court has already heard various reasons given by court employees for receiving money from party-litigants. Thus, this court has held that money given voluntarily is not a defense.[51] Alleged good intentions to help party-litigants are self-serving and will not absolve the misconduct committed by court employees.[52]

There is no defense in receiving money from party-litigants. The act itself makes court employees guilty of grave misconduct. They must bear the penalty of dismissal.

Indeed, "[a]s a court employee, [one] should be more circumspect in [one's] behavior and should [steer] clear of any situation casting the slightest of doubt on [one's] conduct."[53]

We note further the following admitted acts of respondent Sarcia, which merit on their own the penalty of dismissal.

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[49] *Anonymous Letter-Complaint against Atty. Miguel Morales, Clerk of Court, MTC, Manila,* 592 Phil. 102, 118 (2008) [Per J. Austria-Martinez, *En Banc*] (Citation omitted).

[50] REVISED RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, Rule 10, sec. 46, par. A, 3.

[51] *Sanga v. Alcantara,* A.M. No. P-09-2657, January 25, 2010, 611 SCRA 1, 10 [*Per Curiam, En Banc*].

[52] *Sabado, Jr. v. Jornada,* A.M. No. P-07-2344, April 15, 2009, 585 SCRA 12, 17 [*Per Curiam, En Banc*].

[53] *Id.*

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Respondent Sarcia misrepresented himself as a lawyer and drafted pleadings for a party-litigant for a fee. The pleadings were filed in the same court where he is employed. Respondent Sarcia discussed with a party-litigant the latter's case pending before the Court of Appeals. Worse, respondent Sarcia misrepresented to complainants Villahermosa the outcome of their case.

These acts of respondent Sarcia constitute dishonesty.

Dishonesty has been defined as "the disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."[54]

Complainants Villahermosa should have been told that court personnel cannot disclose information regarding a pending case, which is not yet public. However, respondent Sarcia did not do so and chose to lie and fabricate the outcome of a case. This, we cannot tolerate.

WHEREFORE, respondents Victor M. Sarcia and Efren R. Rivamonte are found GUILTY of **GRAVE MISCONDUCT**. Respondent Victor M. Sarcia is further found GUILTY of **SERIOUS DISHONESTY.** Respondents Sarcia and Rivamonte are **DISMISSED FROM THE SERVICE** with forfeiture of retirement benefits and perpetual disqualification from holding public office in any branch or instrumentality of the government, including government-owned or controlled corporations.

Let a copy of this decision be forwarded to the Department of Justice for the filing of the appropriate criminal action, if warranted.

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, and *Leonen, JJ.,* concur.

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[54] *Mallonga v. Manio,* A.M. No. P-07-2298, April 24, 2009, 586 SCRA 335, 342 [Per J. Leonardo-De Castro, *En Banc*] (Citation omitted).