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WHEREFORE, the Court **FINDS** and **PRONOUNCES** respondent Arvin A. Oca, Process Server of the Municipal Trial Court in Cities, Branch 1, in Cebu City **GUILTY** of **GRAVE MISCONDUCT**, and, **ACCORDINGLY**, **DISMISSES** him from the service, with **FORFEITURE** of all benefits, except accrued leave credits, and **WITH PREJUDICE TO RE-EMPLOYMENT** in any branch or instrumentality of the Government including government-owned or government-controlled corporations.

This decision is **IMMEDIATELY EXECUTORY**.

SO ORDERED.

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

Perez, J., no part, acted on matter as Crt. Adm.

Peralta and *Leonen, JJ.,* on official leave.

EN BANC

[A.M. No. P-11-3017. June 16, 2015]
(Formerly OCA IPI No. 10-3575-P)

ANONYMOUS LETTER AGAINST AURORA C. CASTAÑEDA, CLERK III, REGIONAL TRIAL COURT, BRANCH 224, QUEZON CITY, AND LORENZO CASTAÑEDA, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 96, QUEZON CITY.

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SYLLABUS

1. **POLITICAL LAW; PUBLIC OFFICERS; COURT PERSONNEL; THE COURT HAS INCESSANTLY REMINDED OFFICIALS AND EMPLOYEES INVOLVED IN THE ADMINISTRATION OF JUSTICE TO FULLY ADHERE TO THEIR MANDATED DUTIES AND RESPONSIBILITIES; APPLICATION IN CASE AT BAR.—** Section 1, Article XI of the 1987 Constitution enshrines the principle that a public office is a public trust. It mandates that public officers and employees, who are servants of the people, must at all times be accountable to them, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives. To enforce this constitutional tenet, the Court has incessantly reminded officials and employees involved in the administration of justice to faithfully adhere to their mandated duties and responsibilities. Any act of impropriety – whether committed by the highest judicial official or by the lowest member of the judicial workforce – can greatly erode the people's confidence in the Judiciary. The image of a court of justice is necessarily mirrored in the conduct of its personnel. It is the personnel's constant duty, therefore, to maintain the good name and standing of the court as a true temple of justice. To deserve the trust and confidence of the people, the respondents were expected to have their dealings with the public to be always sincere and above board. They should not lead others to believe that either of them had the capacity to influence the outcomes of judicial matters. In particular, Aurora's acts and actuations of deliberately and fraudulently misrepresenting her ability to assist the Bautistas in the murder case of their son in exchange for a very substantial sum constituted corruption. Under the established circumstances, the respondents were guilty of grave misconduct, which is set forth in *Velasco v. Baterbonia* x x x **Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses her station or character to procure some benefit for herself or for another, contrary to the rights of others**.

2. **ID.; ID.; ID.; WHEN GUILTY OF MISCONDUCT; DISMISSAL FROM SERVICE AS PENALTY, SUSTAINED.—** Grave misconduct is punishable by the ultimate penalty of dismissal from the service. This is pursuant to Rule 10, Section 46, A, of

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> the *Revised Rules on Administrative Cases in the Civil Service*, Series of 2011 x x x Section 2, Canon 1 of the *Code of Conduct for Court Personnel* has enjoined all court personnel against soliciting or accepting "any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions." In *Dela Cruz v. Malunao*, we dismissed the erring employee of the RTC in Nueva Vizcaya for soliciting money from litigants in exchange for favorable decisions. For sure, the acts of the respondents were of the same nature and gravity.

D E C I S I O N

***PER CURIAM*:**

In order to maintain the good name and reputation of the Judiciary as an institution, its officials and employees are continually enjoined to conduct themselves with propriety and decorum. This injunction is grossly violated when officials and employees extort money from persons with pending cases in the courts they serve in exchange for supposedly favorable actions on the cases.

Thus, the respondents, who were entrapped by agents of the National Bureau of Investigation (NBI), are adjudged guilty of gross misconduct, and have to be immediately dismissed from the service with forfeiture of all benefits and privileges, except earned vacation leaves, with prejudice to serving in the Government in any capacity whatsoever, whether elective or appointive.

Antecedents

An anonymous writer addressed a letter dated November 8, 2009 to the Court denouncing the misconduct committed by Spouses Lorenzo Castañeda and Aurora Castañeda, respectively the Deputy Sheriff of Branch 96, Regional Trial Court (RTC), in Quezon City and the Clerk III in Branch 224 of the RTC in Quezon City for having been arrested in an entrapment mounted by NBI agents for extorting money from the mother of the accused in a murder case pending in Branch 224. The letter

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included a clipping of the newspaper article reporting that the respondents had demanded and received ₱500,000.00 from Mrs. Rebecca M. Bautista, the mother of accused Emmanuel Bautista, to facilitate the granting of the latter's petition for bail and his eventual acquittal in the murder case.[1]

The letter stated that it had been the practice of Aurora to enter into deals with litigants in collaboration with persons who were influential in the Quezon City RTC; that she was perceived to be close to Quezon City Assistant Prosecutor Villordon, who was known among court personnel to be intervening in cases pending in Branch 224, he being the husband of Presiding Judge Tita Marilyn Payoyo-Villordon of that Branch; and that the murder case involving Emmanuel Bautista was pending in Branch 224.[2]

It appears that following the apprehension of the Castañedas, the NBI agents brought separate criminal complaints for *estafa* and violation of Republic Act No. 3019 (*Anti-Graft and Corrupt Practices Act*) against them in the Office of the City Prosecutor of Quezon City; and that on October 2, 2009, the Office of the City Prosecutor filed two informations against Aurora charging her with said offenses, docketed as Criminal Case No. Q-09-160994 and Criminal Case No. Q-09-160995, both of which were raffled to Branch 222. The criminal charges against Lorenzo were held for further investigation, and his provisional release from custody was permitted.[3]

On May 6, 2010, the Office of the Court Administrator (OCA) requested Judge Villordon to submit certified true copies of the informations in Criminal Case No. Q-09-160994 and Criminal Case No. Q-09-160995 and other pertinent documents, and to render an update on the status of the cases.[4]

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[1] *Rollo,* pp. 2-4.

[2] *Id*. at 2.

[3] *Id*. at 7-9.

[4] *Id*. at 5.

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Judge Villordon complied through her letter of compliance[5] dated July 1, 2010 by attaching the requested copies of the informations and of the order dated June 2, 2010 issued by Judge Edgar Dalmacio Santos, Presiding Judge of Branch 222. She also appended a copy of the amended resolution of the Office of the City Prosecutor of Quezon City regarding the complaint against Lorenzo.[6]

On January 26, 2011, the OCA communicated to Judge Santos the request for a certified true copy of the NBI report on the entrapment operation, and for other documents relative to the charges against Aurora.[7]

In compliance, Russel Jay S. Tagama, then Officer-in-Charge of Branch 222, forwarded the following documents to the OCA,[8] to wit: (a) the letter dated September 29, 2009 of Atty. Virgilio L. Mendez, then Deputy Director for Administrative Services of the NBI, referring to the Office of the City Prosecutor of Quezon City for inquest proceedings the findings on the investigation conducted by NBI Agent Julio T. Cajigan, Jr.;[9] (b) the complaint sheet dated September 28, 2009;[10] (c) the sworn statement of Mrs. Rebecca M. Bautista dated September 28, 2009;[11] (d) the amended resolution of the Office of the City Prosecutor, Quezon City;[12] (e) the booking and arrest report dated September 28, 2009;[13] (f) the arrest information sheet;[14]

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[5] *Id*. at 6.

[6] *Id*. at 7-11.

[7] *Id*. at 14.

[8] *Id*. at 15.

[9] *Id*. at 16-19.

[10] *Id*. at 20.

[11] *Id*. at 21-22.

[12] *Id*. at 23.

[13] *Id*. at 26-28.

[14] *Id*. at 25.

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(g) the NBI disposition forms dated September 28, 2009;[15] and (h) the certification issued by NBI Forensic Chemist Juliet Gelacio-Mahilum.[16]

Further verification indicated that under its resolution of January 19, 2010 the Office of the City Prosecutor of Quezon City dismissed the criminal complaint against Lorenzo for insufficiency of evidence.[17]

In the agenda report dated August 15, 2011,[18] Court Administrator Jose Midas P. Marquez, observing that Aurora had initially demanded ₱1,000,000.00 from Rebecca in exchange for a favorable ruling on her son's petition for bail, recommended as follows:

(1) The anonymous letter dated 8 November 2009 be **TREATED** as an administrative complaint for **GRAVE MISCONDUCT** and **DISHONESTY** against Aurora Castañeda, Clerk III, Branch 224, and Lorenzo Castañeda, Sheriff, Branch 96, both of the Regional Trial Court, Quezon City;

(2) The instant anonymous complaint be **RE-DOCKETED** as a regular administrative matter against the Spouses Aurora and Lorenzo Castañeda;

(3) The Spouses Aurora and Lorenzo Castañeda both be **DIRECTED** to **COMMENT** on the complaint within ten (10) days from notice;

(4) Aurora C. Castañeda be **SUSPENDED** effective **IMMEDIATELY** pending the final outcome of the criminal proceedings against her or until further orders from the Honorable Court, considering that the evidence is *prima facie* strong; and

(5) The Presiding Judge of the Regional Trial Court, Branch 222, Quezon City, be **DIRECTED** to **APPRISE** the Honorable Court, through the Office of the Court Administrator, of the

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[15] *Id*. at 24.

[16] *Id*. at 29.

[17] *Id*. at 12.

[18] *Id*. at 30-35.

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status of the criminal proceedings against Aurora C. Castañeda before the said court.

Accordingly, on November 23, 2011, the Court (First Division) adopted the recommendations of Court Administrator Marquez,[19] resulting, among others, in the suspension from office of Aurora.

On January 26, 2012, the Castañedas filed a *Motion to Lift Order of Suspension and Extension of Time to File Comment* dated January 24, 2012,[20] averring that the criminal charges against Aurora (Criminal Case No. Q-09-160994 and Criminal Case No. Q-09-160995) had been dismissed on February 16, 2011 by Judge Santos of Branch 222;[21] that such dismissal had weakened the *prima facie* evidence against Aurora, and removed the basis of her suspension from office; and that they should be granted an extension of 10 days within which to file their comment to enable them to first obtain a copy of the anonymous complaint dated November 8, 2009 because no such copy had been attached to the resolution dated November 23, 2011.

On February 15, 2012, the Court referred the respondents' *Motion to Lift Order of Suspension and Extension of Time to File Comment* to the OCA for evaluation and recommendation.[22]

On March 5, 2012, the OCA received Judge Santos' letter of January 27, 2012 as his compliance with the resolution dated November 23, 2011 directing him to apprise the Court on the status of the criminal charges against Aurora, whereby Judge Santos confirmed the quashal through the order dated February 16, 2011 of the informations against Aurora upon her motion.

On March 7, 2012, the Castañedas finally submitted their *Comment*,[23] whereby they reiterated that the criminal cases

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[19] *Id*. at 36-37.

[20] *Id*. at 38-39.

[21] *Id*. at 40-43.

[22] *Id*. at 54.

[23] *Id*. at 56-57.

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against Aurora had already been dismissed on February 16, 2011; that the quashal of the informations and the dismissal of the criminal cases negated the accusations hurled against them, particularly Aurora; that the dismissal of the criminal cases only proved that the complaint had been only the product of a malicious, ill-motivated, biased and unscrupulous mind; that the complaint was hearsay in character and devoid of any probable ground of their having engaged in illegal practices or activities that had put the reputation of the Judiciary at risk; and that, consequently: (a) the administrative case against them be dismissed; (b) the suspension from office imposed on Aurora be lifted; and (c) the salaries and benefits due to Aurora be restored, reckoned from the first day of her suspension.

On November 26, 2012, however, Court Administrator Marquez recommended to the Court,[24] as follows:

(1) The instant administrative case against Aurora C. Castañeda, Clerk III, Branch 224 and Lorenzo O. Castañeda, Sheriff IV, Branch 96, both of the RTC, Quezon City be **REFERRED** to the Executive Judge of the RTC, Quezon City, for investigation, report and recommendation within sixty (60) days from receipt of the records; and

(2) The *Motion to Lift Order of Suspension* filed by Aurora C. Castañeda be **DENIED.**

In due course, Quezon City RTC Executive Judge Fernando T. Sagun, Jr. investigated the Castañedas, and filed his report and recommendation dated September 10, 2014,[25] in which he summed up the evidence gathered thuswise:

SRA Julio Cajigan, Jr., the NBI Agent/Special Investigator on case, was able to take the witness stand and testify.

Prior to his testimony, he presented an NBI Identification Card proving that he is indeed Julio Cajigan, Jr., Investigation Agent V, Regional Service of the National Bureau of Investigation.

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[24] *Id*. at 74-83.

[25] *Id*. at 89-97.

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He testified that he was the Agent on case and at the same time, Team Leader of the NBI operatives that conducted the entrapment operation against the respondents in this case. In court, he identified a document entitled "Sinumpaang Salaysay ni Rebecca Bautista y Magbitan[g] dated September 28, 2009" as the same sworn statement that he took from aforesaid complainant. The Court marked the said documentary evidence as Exhibit "A".

The said witness also identified the Booking Sheet and Arrest Sheet relative to the instant case which was subsequently marked as Exhibit "B" and the Request for Examination on the hands of the subject as Exhibit "C". He also mentioned and identified the Certification issued by the Chemistry Division as Exhibit "D". As he was the one who prepared the Transmittal Letter/Referral Letter dated September 29, 2009, the same was marked as Exhibit "E". Witness then explained that as part of their procedure, the Agent on case prepares the transmittal letter while the Deputy Director in the absence of the Director signs the same.

As for Item No. 16, sub-item No. 14 mentioned in the transmittal, which is the cellphone recovered from Aurora Casta[ñ]eda, the witness told the Court that the said subject evidence was still in his custody.

During the continuation of Agent Cajigan Jr.'s testimony, the said witness produced before the Court a machine copy of the following:

(a) Machine copy of Complaint Sheet marked as Exhibit "F" and "F-1";
(b) Machine copy of NBI disposition Form Request for Fluorescent powder and ₱500.00 bills as Exhibits "G" and "G-1" to "G-2" respectively
(c) Machine copy of Request for Authority marked as Exhibit "H"
(d) Machine copy of Coordination Form marked as Exhibit "I"
(e) Machine copy of Karagdagang Salaysay marked as Exhibit "J:, 2nd page thereof as Exhibit "J-1"
(f) Machine copy of Sinumpaang Salaysay of Aurelio Bautista, Jr. y Pangan marked as Exhibit "K"
(g) Machine copy of Joint Affidavit of Arrest marked as Exhibit "L"; 2nd page thereof as Exhibit "L-1"
(h) Machine copy of Booking Sheet and Arrest Form of Aurora Casta[ñ]eda marked as Exhibit "M"; Arrest Information

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Sheet marked as Exhibit "M-1"; Fingerprints as Exhibit "M-2"

(i) Machine copy of Booking Sheet and Arrest Form of Lorenzo Casta[ñ]eda marked as Exhibit "N"; Arrest Information Sheet marked as Exhibit "N-1"; Apprehension Data as Exhibit "M-2"

(j) Machine copy of Request for technical Assistance in Photo marked as Exhibit "O"

(k) Original print out of various photographs marked as Exhibit "P" to "P-35"

When asked about the original of the above-itemized documents, witness stated that the original copies thereof were submitted before the prosecutor during the Inquest.

The witness also handed to Court Item No. 14 (in the transmittal letter) which is the cellphone allegedly recovered from Ms. Aurora Casta[ñ]eda. It is colored black with brand name Nokia Express Music with linings running alongside, colored reddish pink. The screen appeared to be fading and has no charger.

As for Item No. 15 which consist (sic) of pictures of the text messages allegedly sent by Aurora Casta[ñ]eda to Rebecca Bautista, witness failed to bring the same and instead showed to Court Exhibit "O" which is a document from the Portrait and Photography Division of the NBI showing that Rebecca Bautista took the two (2) rolls of negative in order for the latter to have it developed but failed to return it back. The witness further stated that the NBI took photographs of the text messages but their developing machine was not functioning at that time so they allowed Rebecca to have the film developed outside. The reason they included it in the transmittal is because they were expecting that the films would be developed. Witness who aside from being an agent is also a lawyer, admitted that it was not their regular procedure but still he allowed Rebecca to take away a vital piece of evidence upon the latter's assurance that she would return it back.

With respect to the Sinumpaang Salaysay of Rebecca Bautista dated September 28, 2009, the witness told the Court that said complainant came to their office in the NBI Special Task Force Division, NBI Taft Avenue, Manila on September 27, 2009. The case was subsequently referred and assigned to him. Complainant then gave her Salaysay before him on September 28, 2009. After taking her statement, he brought the cellphone to the Photography Division

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of the NBI and had the text messages allegedly sent by respondent Aurora Casta[ñ]eda on complainant photographed. A plan for entrapment operation then followed. He caused the dusting of the marked money to be used, made coordination with the PNP and requested for authority to operate from the respective head of offices. The entrapment was scheduled to transpire on September 29, 2009 led by witness himself and Atty. Dickson Maraneg, SI Darwin Francisco, Agent Abdul Jamal Dimaporo and [a]certain executive officer Anthony Yu who did not sign the Affidavit of Arrest.

During their briefing, it was agreed that anyone of them could arrest the suspect as soon as the subject received the marked money. After things were all set, their team including complainant Rebecca Bautista together with the latter's husband, onboard (sic) a gray Prado vehicle proceeded to Alex Grill III Restaurant located at Matalino Street, Quezon City, the place where respondents and complainant is set to meet. Upon arrival at the said area, **they strategically positioned themselves in the said restaurant**. The witness was positioned at the table near the entrance part of the restaurant and was around seven to eight meters far from the table of the Spouses Casta[ñ]eda who were seated side by side.

He clearly saw complainant approached (sic) **respondents. After a brief conversation, the complainant handed the envelope to Mrs. Casta[ñ]eda containing the marked money**. His companions, SI Francisco and agent Maraneg, immediately arrested the respondents.

He identified himself as the man wearing white polo shirt with green and black stripes on the chest area in a photograph marked as Exhibit "P-13" carrying on his right hand a colored yellow brown envelope which he believed to be the brown envelope containing the marked money mixed with boodle money. He was carrying the said piece of evidence because it was turned over to him as he was the team leader.

The respondents were then brought to their office in NBI Taft Avenue, Manila where they have them booked and photographed. Mrs. Casta[ñ]eda was also brought to the Forensic Chemistry Division wherein her hands were examined for possible traces of fluorescent powder.

Witness when confronted with Item No. 13 of his Joint Affidavit of Arrest confirmed that after the subject received the envelope containing the money with her both hands, the latter simply placed

the same beside her. Aurora did not open and care to see what was inside the envelope. And since the NBI agent admitted that Mrs. Casta[ñ]eda had no opportunity to examine the contents of the envelope, the Court asked witness of the reason why inspite of such fact, Mrs. Casta[ñ]eda's ultraviolet light examinations on both hands tested positive for yellow fluorescent smudges. He reasoned that it was so because they also dusted fluorescent powder on the envelope containing the marked money.

On further query of the Court, he explained that in their request, they usually state the dusting of marked money only but they actually include the dusting of the envelope, as precautionary measures because some of the subject (sic) really do not count the money right after receiving the same.

Witness testified that the black cellphone was recovered from Mrs. Casta[ñ]eda during her arrest. He attested that at the time of the arrest, some of the text messages were still there. He did not try to photograph the said text messages for fear of altering the contents.

A complaint for direct-bribery and Violation of RA 1319 (sic) Anti-Graft and Corruption Practices [RA 3019 Anti-Graft and Corrupt Practices Act] were filed by (sic) against respondents. After the inquest, witness have not heard anything from complainant.

On cross-examination conducted by respondents' counsel Atty. Rogelio Mendoza, witness testified that he lost communication with the complainant after the Inquest proceedings and he does not know anymore about the outcome of the criminal case filed against respondent. He came to know about the present administrative case when he was asked to appear. As an NBI agent, this is his first time to appear in an administrative case.

He admitted that he did not personally see the envelope containing the boodle money being handed to one of the respondents because he was positioned at the back of the complainant in this case.

With respect to the two (2) rolls of film were (sic) with the photography division of the NBI but the same were entrusted to complainant but she failed to return the items.

As for the cellphone, it was only handed to him by one of his team members who took the cellphone from Mrs. Casta[ñ]eda. However, he has no personal knowledge as to the actual taking of cellphone from respondent.

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Respondent Spouses Aurora C. Casta[ñ]eda and Lorenzo O. Casta[ñ]eda submitted their respective Judicial affidavit[s] in court marked as Exhibit "1" and "4" respectively.

Culled from her Affidavit, **respondent Aurora** substantially stated that there is no truth to the accusation hurled against her by Rebecca Bautista. According to her, she was planning to treat her family for (sic) an outing in Bulacan and she was referred by a friend to someone who owns a resort and might give her a huge discount. Thereafter, a certain Bautista called and set a meeting on September 28, 2009 at Alex Grill along Matalino St., Quezon City. She agreed and came with her husband Lorenzo Casta[ñ]eda.

Mrs. Bautista came also with her husband Aurelio and sat in front of them. After a brief exchange of pleasantries, she was surprised when all of a sudden, Mrs. Bautista was handing her a big brown envelope.

Everything happened so fast but all she can remember was when Mrs. Bautista handed the brown envelope and placed it on the table in front of her, somebody immediately held her hands and forced her to touched (sic) the brown envelope. A commotion ensued and men in civilian clothes came near their table and she and her husband were immediately handcuffed. They were then brought to NBI Office Taft Avenue, Manila and were detained. They then learned later on that Mrs. Bautista was accusing her that she asked One Million Pesos (₱1,000,000.00) in exchange of the granting of bail of Rebecca's son and acquittal. After hearing this, she could not do anything but cry. She was shocked at the false accusation against her. In her affidavit, she further stated that she has no knowledge that a criminal case against the son of Mrs. Bautista was filed in their sala and that it was her first time to meet with Mrs. Bautista. She would just meet (sic) Rebecca for the sole purpose of inquiring about a possible accommodation in the latter's resort for their intended family outing.

Thereafter, they were brought for Inquest at the Prosecutor's Office at Hall of Justice Building, Quezon City. After the inquest, she was brought back to the NBI Office and was eventually released after posting bail. Meanwhile, her husband's case was ordered for further investigation by the prosecutor.

The criminal case against her was raffled to RTC Branch 222, Quezon City and was eventually dismissed on February 16, 2011 by Judge Edgar Santos while the complaint against her husband was dismissed

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pursuant to the Resolution dated January 19, 2010 issued by Assistant City Prosecutor Ronald A. Ancheta.

She never saw Mrs. Bautista after the inquest.

Respondent Lorenzo substantially corroborated the statement of his wife Aurora. [26]

Issue

Were the Castañedas guilty of the administrative charges of grave misconduct and dishonesty brought against them?

Ruling of the Court

I
Aurora Castañeda

Executive Judge Sagun, Jr. rendered the following findings as against Aurora, to wit:

> It is undisputed that herein respondents spouses Aurora and Lorenzo Casta[ñ]eda, both court employees, Clerk III and Sheriff IV respectively, came to Alex III Grill Restaurant in Matalino St., Quezon City on September 29, 2009 and purposely met complainant Rebecca Bautista and the latter's husband, Aurelio.
>
> Prior to their meeting and unknown to said respondents, Rebecca previously lodged a complaint at the NBI on claims of extortion made by respondent Aurora in exchange of a favorable outcome of the criminal case of Rebecca's son filed before the Court where Aurora was assigned as Clerk III. In Rebecca's complaint, she narrated in great detail the events that transpired wherein Aurora demanded a huge amount from her in exchange of a favorable decision over her son's case. As borne from the records, she even presented to the NBI operatives the exchange of text messages between her and Aurora arranging for a 2 p.m. meeting in Alex Grill III where complainant is supposed to give the money demanded by Aurora.
>
> On the date, time and place agreed by Rebecca and Aurora, Rebecca and her husband came with the NBI operatives clad in civilian clothes and strategically positioned inside the vicinity of the restaurant. Aurora [and her husband Lorenzo] was subsequently arrested for accepting the bribe money.

[26] *Id*. at 90-95.

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Her hands tested positive for the presence of fluorescent powder.

In her affidavit, Aurora categorically stated that she did not know that Rebecca's son had a criminal case in their sala and she only happened to meet Rebecca that fateful day just for the purpose of inquiring from Rebecca of possible discount and accommodation at the latter's resort in Bulacan.

The undersigned finds respondent's Aurora's claim highly dubious and improbable.

At the outset, respondents themselves admitted that they have no idea why Rebecca Bautista would out of nowhere lodged (sic) a complaint against them, specifically on respondent Aurora "Mylou" Casta[ñ]eda, at the NBI.

Thus, absent any ill or ulterior motive on Rebecca's part to falsely charge respondents, Rebecca's tale must be believed.

It is only unfortunate that the vital pieces of evidence against respondent Aurora Castañeda (e.g. the Nokia cellphone and the photographs of the exchange of text messages between Aurora and Rebecca) were not properly preserved by the agency that conducted the entrapment.

Nevertheless, sans the aforestated evidence and the testimony of Rebecca, the circumstances from the time complainant went to the NBI up to the arrest of respondents as narrated by the NBI agent and other documentary/object evidence on record, not to mention the NBI Certification that Aurora Casta[ñ]eda y Cortes left and right hands showed the presence of yellow fluorescent smudges, were already sufficient enough to warrant the recommendation that respondent Aurora Casta[ñ]eda was guilty of Grave Misconduct and Dishonesty.

Aurora could not feign ignorance that she is not aware (sic) that Rebecca's son has a pending case before their sala considering that she is the Clerk III of RTC, Branch 224.

Likewise, if we are to follow her alibi and/or admission, she herself found a way to know that Rebecca owns a resort and exerted efforts to communicate and meet the said complainant in order to negotiate for a discount in accommodations.

In this case, respondent Aurora's act compromised the judiciary's good name and standing as true temple of justice.

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It has been repeatedly stressed by the High Court that court personnel, regardless of position or rank, are expected to conduct themselves in accordance with the strict standards of integrity and morality and that one is expected to be more circumspect in his behavior and should steer clear of any situation casting the slightest of doubt on one's conduct.

Likewise, respondent Aurora may also be held liable for violating Canon I of the Code of Conduct for Court Personnel, the pertinent provision of which states:

> "SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.
>
> SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions."

That since Dishonesty and Grave Misconduct are classified as grave offenses and as provided under Sec. 22 (a) (b)(c) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292 and other pertinent /Civil Service Laws, the undersigned accordingly recommends for the DISMISSAL FROM THE SERVICE of respondent AURORA C. CASTA[Ñ]EDA.[27]

We find the OCA's findings and recommendation of dismissal from the service against Aurora fully substantiated by the evidence on record. There can be no denying that the Castañedas went to Alex III Grill Restaurant on Matalino St., Quezon City in the afternoon of September 29, 2009 for the purpose of meeting complainant Rebecca Bautista and her husband, Aurelio, without the Castañedas being aware that NBI operatives had already positioned themselves thereat in order to mount the entrapment against them. The entrapment had been planned after the Bautistas had lodged the complaint for extortion with the NBI against Aurora in relation to the murder case involving their son then pending in Branch 224 where Aurora was working as Clerk III.

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[27] *Id*. at 95-97.

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Aurora's denial of having been aware of the murder case involving Rebecca's son then pending in Branch 224 of the RTC where she served as Clerk III prior to the entrapment was plainly bereft of credence. Such denial did not prevail over the positive assertion of Mrs. Bautista that Aurora had initially demanded the substantial sum of ₱1,000,000.00 in exchange for the favorable result in the murder case. Indeed, Mrs. Bautista had no reason to complain to the NBI and to seek the entrapment of Aurora unless the latter had extorted the large amount of money for that purpose. Being a mother solicitous for her son's welfare, Mrs. Bautista was quite aware that her son's situation would be made worse if she falsely incriminated a court employee like Aurora for extortion especially considering that Aurora worked in the court branch where the murder case was pending. Clearly, Mrs. Bautista had no motivation for the entrapment except to denounce and to arrest an extorting court employee. In our view, Executive Judge Sagun, Jr.'s endorsement that "absent any ill or ulterior motive on Rebecca's part to falsely charge respondents, Rebecca's tale must be believed" was appropriate.

Moreover, the arrest of Aurora indicated that the entrapment was a complete success. The ensuing chemistry findings of smudges of yellow fluorescent powder on her her left and right hands, as contained in the NBI certification, established beyond all doubt that Aurora had accepted and received, and then handled the ₱500,000.00 in "boodle" money dusted with the powder. The findings directly incriminated her for extortion, and indicated that her meeting with Mrs. Bautista at the restaurant on that afternoon had been to receive the bribe money.

The quashal of the informations against Aurora did not mean her innocence of the accusations, or the inanity of the charges. She cannot insist on her exculpation or absolution for that reason alone. Under the rules of criminal procedure,[28] indeed, the

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[28] Rule 117 of the *Rules of Court* specifies the ground for a motion to quash the complaint or information, to wit:

Section 3. *Grounds.* – The accused may move to quash the complaint or information on any of the following grounds:

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quashal of the informations could arise from a cause or causes that did not concern the substantive merits of the charges.

Aurora's explanation for her and Lorenzo's presence in the restaurant on that afternoon – that they were there to negotiate the discount in accommodations at the resort of the Bautistas in Bulacan – was unbelievable simply because she did not credibly explain how she could have known that the Bautistas had operated the resort in Bulacan, and why she needed to see the Bautistas in the restaurant for that purpose. Absent the credible explanations from Aurora, the Court holds her fully responsible for the consequences of her misconduct.

II
Lorenzo Castañeda

The investigating Judge recommended that the charge against Lorenzo be dismissed for want of evidence.

The recommendation for the absolution of Lorenzo is unwarranted. That he was not formally charged in court along with Aurora for the criminal extortion did not indicate that he was not guilty of gross misconduct like her. It is quite obvious that he could not credibly disclaim knowledge of the impending

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(a) That the facts charged do not constitute an offense;

(b) That the court trying the case has no jurisdiction over the offense charged;

(c) That the court trying the case has no jurisdiction over the person of the accused;

(d) That the officer who filed the information had no authority to do so;

(e) That it does not conform substantially to the prescribed form;

(f) That more than one offense is charged except when a single punishment for various offenses is prescribed by law;

(g) That the criminal action or liability has been extinguished;

(h) That it contains averments which, if true, would constitute a legal excuse or justification; and

(i) That the accused has been previously convicted or acquitted of the offense charged, or the case against him was dismissed or otherwise terminated without his express consent. (3a)

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transaction between Aurora and Mrs. Bautista. Neither is it disputable that he went with Aurora to the Alex III Grill Restaurant to meet with Mrs. Bautista because he was to ensure the personal safety of his wife, as well as to secure the huge bribe. As such, he was fully aware that Aurora was to receive the huge sum that she had earlier demanded from the latter. He was as guilty of the extortion as she was considering that his presence in that meeting was neither innocent, nor accidental, nor passive, but deliberate and in pursuance of their conjugal conspiracy to extort.

III
Penalties

Section 1, Article XI of the 1987 Constitution enshrines the principle that a public office is a public trust. It mandates that public officers and employees, who are servants of the people, must at all times be accountable to them, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

To enforce this constitutional tenet, the Court has incessantly reminded officials and employees involved in the administration of justice to faithfully adhere to their mandated duties and responsibilities. Any act of impropriety – whether committed by the highest judicial official or by the lowest member of the judicial workforce – can greatly erode the people's confidence in the Judiciary. The image of a court of justice is necessarily mirrored in the conduct of its personnel. It is the personnel's constant duty, therefore, to maintain the good name and standing of the court as a true temple of justice.[29]

To deserve the trust and confidence of the people, the respondents were expected to have their dealings with the public to be always sincere and above board. They should not lead others to believe that either of them had the capacity to influence

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[29] *Velasco v. Baterbonia*, A.M. P-06-2161 (Formerly A.M. OCA IPI No. 05-2115-P), September 25, 2012, 681 SCRA 666, 673; *Office of the Court Administrator v. Recio*, A.M. No. P-04-1813 (Formerly A.M. No. 04-5-119-MeTC), May 31, 2011, 649 SCRA 552, 566-567.

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the outcomes of judicial matters. In particular, Aurora's acts and actuations of deliberately and fraudulently misrepresenting her ability to assist the Bautistas in the murder case of their son in exchange for a very substantial sum constituted corruption.

Under the established circumstances, the respondents were guilty of grave misconduct, which is set forth in *Velasco v. Baterbonia*[30] as follows:

> In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule must be manifest. **Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses her station or character to procure some benefit for herself or for another, contrary to the rights of others**. x x x

Grave misconduct is punishable by the ultimate penalty of dismissal from the service. This is pursuant to Rule 10, Section 46, A, of the *Revised Rules on Administrative Cases in the Civil Service*, Series of 2011, to wit:

> Section 46. Classification of Offenses. – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.
>
> A. The following grave offenses shall be punishable by dismissal from the service:
>
> 1. Serious Dishonesty;
>
> 2. Gross Neglect of Duty;
>
> **3. Grave Misconduct;**
>
> x x x x x x x x x

Section 2, Canon 1 of the *Code of Conduct for Court Personnel* has enjoined all court personnel against soliciting or accepting "any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence

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[30] *Velasco v. Baterbonia, supra* at 674.

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their official actions." In *Dela Cruz v. Malunao*,[31] we dismissed the erring employee of the RTC in Nueva Vizcaya for soliciting money from litigants in exchange for favorable decisions. For sure, the acts of the respondents were of the same nature and gravity.

WHEREFORE, the Court **FINDS** and **DECLARES AURORA C. CASTAÑEDA, CLERK III, REGIONAL TRIAL COURT, BRANCH 224, QUEZON CITY, AND LORENZO CASTAÑEDA, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 96, QUEZON CITY, GUILTY** of **GROSS MISCONDUCT**; and **DISMISSES THEM FROM THE SERVICE**, with prejudice to re-employment in any government agency, including government-owned or government-controlled corporations, and with forfeiture of all retirement benefits, except accrued leave credits.

This decision is **IMMEDIATELY EXECUTORY.**

SO ORDERED.

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

Peralta , J., on leave, left vote.

Leonen, J., on official leave.

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[31] A.M. No. P-11-3019, March 20, 2012, 668 SCRA 472, 480.