EN BANC

[A.M. No. P-25-243 (Formerly JIB FPI No. 23-266-P). December 03, 2025]

HON. ALVYN R. LOPENA, COMPLAINANT, VS. ANTONIO R. MAGALLANES JR., COURT STENOGRAPHER I, MUNICIPAL CIRCUIT TRIAL COURT, ALORAN-PANAON-JIMENEZ, MISAMIS OCCIDENTAL, RESPONDENT.

D E C I S I O N

INTING, J.:

This administrative case stemmed from the Letter[1] dated October 11, 2022, filed before the Office of the Court Administrator (OCA) by complainant Presiding Judge Alvyn R. Lopena (Judge Lopena), Municipal Circuit Trial Court (MCTC), Aloran-Panaon-Jimenez, Misamis Occidental, charging respondent Antonio Magallanes, Jr. (Antonio), Court Stenographer I, same court, with insubordination.

The Antecedents

On August 30, 2022, Aurelia Mutia (Aurelia), Court Stenographer I of MCTC, Aloran-Panaon-Jimenez, Misamis Occidental, told Antonio that she wanted to take a leave of absence on September 1, 2022, to settle her obligations in her hometown of Dumingag, Zamboanga del Sur. Aurelia then proposed to Antonio that she would handle the stenographic duties for the hearing set on August 31, 2022, while the latter should handle the duties on September 1, 2022. He did not respond to Aurelia's request, but the latter interpreted his silence as a "yes" since he just came back from a straight 60-day leave and Aurelia handled all the stenographic duties during that period.[2]

During lunch time on August 31, 2022, Judge Lopena granted Aurelia's request to go on leave on September 1, 2022. He directed Antonio to handle the stenographic duties for September 1, 2022, while Aurelia was tasked to handle the stenographic duties for the day. Again, Antonio did not react. However, before the start of the scheduled hearing for the day, Antonio, in front of the litigants, confronted Aurelia and accused her of trying to escape a heavy workload since there were 10 criminal cases set to be heard on September 1, 2022, whereas there was only one case set on August 31, 2022.[3]

Subsequently, Judge Lopena reminded Antonio that Aurelia handled all the stenographic duties without any help during Antonio's 60-day leave. He also reminded

Antonio that he had already granted Aurelia's request. He then told Antonio to respect his decision.[4]

Despite this, Antonio continued to protest, uttering allegedly disrespectful statements to Judge Lopena. He then banged the things on his table, shouted *"See you in hell!"*, and slammed the door of the courtroom to the alarm of the lawyers, litigants, and court personnel.[5]

In the evening of August 31, 2022, Clerk of Court Job Mark Mutia (COC Mutia) called Antonio to verify if the latter would sit down as a stenographer for the hearings set on September 1, 2022. In response, Antonio stated that he will no longer report for work and that he does not care if he would be declared absent without an approved leave (AWOL). Antonio also threatened Judge Lopena by saying "*Daogon gyud nak[o] si Judge. Mo daug man gani ta ug may armas, kana pang wala*" (I will liquidate him. I have liquidated armed personalities, with more reason that he is unarmed). [6]

As proof thereof, Judge Lopena submitted a copy of the police blotter[7] dated September 1, 2022, the pertinent portion of which reads:

> INSUBORDINATION, GRAVE MISCONDUCT AND GRAVE THREATS
>
> The person of JUDGE ALVYN REYES LOPENA . . . personally appeared to this station and reported that on or about 1:15 PM of August 31, 2022, a certain Antonio Magallanes Jr y Ricarte ... allegedly refuse[d] to comply with the instructions of the Presiding Judge to handle the taking of the transcript of stenographic notes for September 01, 2022 hearing and committed insubordination by questioning and defying the instruction of the Presiding Judge in the measure of the court personnel, Lawyers, Litigants and employees of the neighboring offices. Not contented with his disrespectful actions he bumped his personal belongings on his table and strongly slammed the door to the surprise of the person inside and outside and saying in a loud voice "See you in hell!". At about 7:45 in the evening of same date, Clerk of Court Job Mark Mutia called the suspect (Antonio) about the incident earlier that day and the said suspect (Antonio Magallanes Jr) blatantly said to Job Mark Mutia in threatening words against JUDGE LOPENA in vernacular words "DAUGON GYOD NAKO NA SI JUDGE, DAOG GANI KOG NAAY ARMAS KANA PANG WALAY ARMAS."[8]

Judge Lopena made the following assertions about Antonio: (1) he is known to possess a .45 caliber pistol and an armalite rifle in his vehicle; (2) he has the tendency to become violent—for instance, his wife, Lalaine S. Magallanes, once reported to Judge Lopena that she had been mauled by her husband and even showed pictures of her battered face; and (3) he was also charged with other light threats before the Municipal Trial Court of Clarin, Misamis Occidental, but the charge was dismissed because Antonio settled the case with the private complainant.[9]

In the 1st Indorsement[10] dated October 24, 2022, the OCA referred the case to Atty. James D.V. Navarrete (Atty. Navarrete), Deputy Clerk of Court at-Large, OCA, and Acting Executive Director of the Judicial Integrity Board (JIB), for appropriate action.

In the Report and Recommendation[11] dated January 11, 2023, Atty. Navarrete found that Antonio had already been dropped from the rolls effective November 2022 for his failure to submit his Daily Time Records (DTR).[12] Nonetheless, Atty. Navarrete declared that this fact did not divest the JIB of its authority to act on the insubordination complaint.

In the Resolution[13] dated June 30, 2023, the JIB resolved as follows:

> 1. the Indorsement dated October 4, 2022 of the Office of the Court Administrator, to which the letter dated October 11, 2022 of Presiding Judge Alvyn R. Lopena was attached, is **CONSIDERED A FORMAL COMPLAINT** and be **DOCKETED** for purposes of formal preliminary inquiry; and
>
> 2. the Office of the Executive Director is authorized to send an indorsement to Antonio Magallanes, Jr., Court Stenographer I, 3rd Municipal Circuit Trial Court (MCTC), Aloran-Panaon-Jimenez, Misamis Occidental, directing him to submit a verified comment on the charge of insubordination.[14]

In his Verified Answer/Comment,[15] Antonio stated that it was never his intention to disrespect the court, but he noticed that the workload assigned to him was disproportionately heavier than the workload assigned to his colleagues. As a result, he suffered severe sleep disturbances and was later diagnosed with depression. Per advice of his physician, Antonio took a two-month leave to focus on his recovery. However, when he returned to work, his anxiety and depression returned.[16] Then, on February 29, 2024, he filed his Resignation Letter[17] wherein he apologized to Judge Lopena for causing disruption in the court.

The Report and Recommendation of the JIB

In the Report and Recommendation[18] dated June 14, 2024, Acting Executive Director Eduardo Tolentino (Atty. Tolentino) recommended that Antonio be found guilty of gross insubordination and that he be sanctioned with the penalty of forfeiture of all benefits, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, considering that the penalty of dismissal from the service is no longer possible under the circumstances.

On April 22, 2025, the JIB adopted Atty. Tolentino's recommendations, viz.:[19]

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant matter be **RE-DOCKETED** and the following recommendations be made to the Supreme Court:

1. respondent **Antonio R. Magallanes Jr.,** Court Stenographer I, Municipal Circuit Trial Court, Aloran-Panaon-Jimenez, Misamis Occidental, be found **GUILTY** of gross insubordination; *and*

2. considering that the penalty of dismissal from service can no longer be imposed because of Antonio Magallanes Jr.'s resignation, that the penalty of **FORFEITURE OF ALL BENEFITS**, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, be instead imposed upon him.

. . . .

We adopt the above Report and Recommendation being in order[.][20] (Emphasis in the original)

The Issue

The issue posed for resolution is whether Antonio should be held administratively liable for gross insubordination.

The Ruling of the Court

The Court adopts the findings of the JIB with modifications. Antonio is found administratively liable not only for gross insubordination but also for two counts of gross misconduct.

Preliminarily, in *Competente v. Nacion*,[21] the rule is that "once jurisdiction has attached, the same is not lost by the mere fact that the public official or employee was no longer in office during the pendency of the case." Moreover, Rule 140, Section 2(2), of the Rules of Court, as further amended,[22] expressly provides that "once disciplinary proceedings have already been instituted, the respondent's supervening retirement or separation from service shall not preclude or affect the continuation of the same[.]" Considering that Judge Lopena's Letter was indorsed by the OCA to the JIB a month before Antonio was dropped from the rolls,[23] Antonio's subsequent resignation on February 29, 2024, and the fact that he was already dropped from the rolls effective November 2022, neither warrant the dismissal of the administrative proceedings against him nor render the case moot.

After a thorough review of the records, the Court agrees with the JIB that Antonio committed gross insubordination, a serious charge, under Rule 140, Section 14(n) of the Rules of Court.

In *Sandiganbayan v. Hermosisima*,[24] the Court defined "gross insubordination" as the inexplicable and unjustified refusal to obey an order that a superior is entitled to give and have obeyed, importing a willful or intentional disregard of the lawful and reasonable instructions of the superior. Meanwhile, the term "misconduct" is defined as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. It is considered "gross" if it involves any of the additional elements of corruption or a willful intent to violate the law or to disregard established rules, and it must be manifest and proved by substantial evidence.

To recall, Judge Lopena directed Antonio to handle the stenographic duties on September 1, 2022, because Aurelia, will be on leave on said date. In response, Antonio vehemently refused. Worse, while inside the court room and in front of the lawyers and litigants, Antonio banged the things on his table, walked out of the court room, and even shouted *"See you in hell!"* at Judge Lopena before slamming the door behind him. Notably, Antcnio never denied the allegations against him.

In an attempt to justify his refusal to comply with Judge Lopena's directive, Antonio alleged that he was suffering from mental health problems.[25] However, as aptly pointed out by the JIB, Antonio did not provide any medical documentation to support his contention.[26] It is well established that mere allegation is not evidence and has no evidentiary value.[27] Thus, Antonio should be held liable for gross insubordination.

In addition, the Court finds Antonio guilty of two counts of gross misconduct under Rule 140, Section 14(a) of the Rules of Court.

First, Antonio's act of shouting at Judge Lopena and slamming his things and the door in the presence of litigants and other court personnel constitute a violation of Canon IV, Section 2 of the Code of Conduct for Court Personnel,[28] viz.:

> SECTION 2. Court personnel shall carry out their responsibilities as public servants in as courteous a manner as possible.

And *second*, Judge Lopena, through the attached Police Blotter[29] and the sworn statements of COC Mutia, was able to sufficiently prove that Antonio-threatened to kill him.

The pertinent portion of COC Mutia's sworn statement reads:[30]

> 4. That I, Job Mark P. Mutia talked to Antonio Magallanes, Jr. over the phone at about 8:04 in the evening of the said date and in our conversation, he personally threatened the presiding Judge saying ***"Daogon gyod nako na si Judge. Moda-og gani ko ug naay armas, kana pa nga walay armas"*** **which means (I will liquidate him. I have liquidated armed people, how much more him who is unarmed)**;

> 5. That because of said incident and similar incidents in the part perpetrated by the said Antonio Magallanes, Jr., we no longer feel safe and comfortable working with him as an officemate[.][31]

The Court has oft repeated that the behavior of all court personnel involved in the administration of justice, from judges to the most junior clerks, is circumscribed with heavy responsibility. Their conduct must always be guided by strict propriety and decorum to merit and maintain the public's respect for and trust in the judiciary.[32] In the case, Antonio's act of shouting "*See you in hell!*" at Judge Lopena and then threatening to have Judge Lopena "liquidated" were made with willful intent to violate the law and in patent disregard of the Code of Conduct for Court Personnel. Hence, Antonio's transgressions should both be classified as gross misconduct.

Anent the penalty, Rule 140, Section 17 provides the following sanctions that may be imposed for the serious charges of gross misconduct and gross insubordination, to wit:

> SECTION 17. *Sanctions*.—
>
> (1) If respondent is guilty of a serious charge, any of the following sanctions shall be imposed:
>
> (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations *Provided, however*, that the forfeiture of benefits shall in no case include accrued leave credits;
> (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
> (c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

On the other hand, Rule 140, Section 18 states:

> SECTION 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service*.— If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:
>
> (a) Forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; and/or

(b) Fine as stated in Section 17 (1)(c) of this Rule.

In *Hermosisima*, therein respondent was found guilty of gross insubordination and gross misconduct. However, *neither* the penalty of dismissal from the service nor suspension from office without pay could be imposed in view of respondent's earlier resignation. Hence, the Court, applying Section 18, imposed against respondent the following penalties: (a) forfeiture of all his retirement benefits, except accrued leave benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations for his gross insubordination; and (b) a fine in the amount of PHP 110,000.00 for his gross misconduct.

Similarly, Antonio was already dropped from the rolls effective November 2022 for his repeated failure to submit his DTRs.[33] He, likewise, tendered his resignation on February 29, 2024. Since the penalty of dismissal from the service or suspension from office is no longer possible, the Court finds it proper to impose the following penalties:

(1) For gross insubordination – forfeiture of all his retirement benefits, except accrued leave benefits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations; and

(2) For each count of gross misconduct – a fine in the amount of PHP 100,001.00 payable within three months from the finality of this Decision.[34]

ACCORDINGLY, the Court finds respondent Antonio Magallanes, Jr., then Court Stenographer I, Municipal Circuit Trial Court, Aloran-Panaon-Jimenez, Misamis Occidental, **GUILTY** of gross insubordination and two counts of gross misconduct for which he would have been **DISMISSED** from the service had he not been previously dropped from the rolls.

In lieu of dismissal, respondent Antonio Magallanes, Jr.'s retirement and other benefits, except accrued leave credits, is hereby **FORFEITED**; he is **PERPETUALLY DISQUALIFIED** from reemployment in any branch or instrumentality of the government, including government-owned or controlled corporations; and he is hereby **FINED** in the amount of PHP 100,001.00 for *each count* of gross misconduct, or a total of PHP 200,002.00, to be paid directly to the Court.

SO ORDERED.

Gesmundo, C.J., Leonen, SAJ., Caguioa, Hernando, Lazaro-Javier, Zalameda, Gaerlan, Rosario, Dimaampao, Marquez, Singh, and *Villanueva, JJ.*, concur.

J. Lopez, * *J.*, on official leave.

Kho, Jr., ** *J.*, on official business.

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* On official leave.

** On official business.

[1] *Rollo*, pp. 10-15.

[2] *Id.* at 10.

[3] *Id.* at 10-11.

[4] *Id.* at 11.

[5] *Id.* at 26.

[6] *Id.* at 26.

[7] *Id.* at 16.

[8] *Id.*

[9] *Id.* at 4; 17.

[10] *Id.* at 9.

[11] *Id.* at 2-8.

[12] *Id.* at 5.

[13] *Id.* at 25-30. Penned by Third Regular Member Justice Cielito N. Mindaro-Grulla (ret.), and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (ret.), First Regular Member Justice Sesinando E. Villon (ret.), Second Regular Member Justice Rodolfo A. Ponferrada (ret.), and Vice Chairperson Justice Angelina Sandoval-Gutierrez (ret.).

[14] *Id.* at 29-30.

[15] *Id.* at 34-36.

[16] *Id.* at 35.

[17] *Id.* at 38.

[18] *Id.* at 39-46.

[19] *Id.* at 48-55.

[20] *Id.* at 55.

[21] 880 Phil. 812, 819 (2020) [Per J. Inting, *En Banc*].

[22] A.M. No. 21-08-09-SC, entitled "Further Amendments to Rule 140 of the Rules of Court", February 22, 2022.

[23] *Rollo*, p. 29.

[24] 955 Phil. 329, 336 (2024) [*Per Curiam, En Banc*].

[25] *Rollo*, p. 35.

[26] *Id.* at 44.

[27] **Sorensen v. Santos**, 940 Phil. 1, 7 (2023) [Per J. Lopez, M., Second Division].

[28] A.M. No. 03-06-13-SC, May 15, 2004.

[29] *Rollo*, p. 16.

[30] *Id.* at 21.

[31] *Id.*

[32] **Judge Santos, Jr. v. Mangahas**, 685 Phil. 814, 821 (2012) [*Per Curiam, En Banc*].

[33] *Rollo*, p. 5.

[34] Section 22, Rule 140 of the Rules of Court, provides:

> SECTION 22. *Payment of Fines*. — When the penalty imposed is a fine, the respondent shall pay it within a period not exceeding three (3) months from the time the decision or resolution is promulgated. If unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the respondent. The deduction of unpaid fines from accrued leave credits, which is considered as a form of compensation, is not tantamount to the imposition of the accessory penalty of forfeiture covered under the provisions of this Rule.

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