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[A.M. No. RTJ-11-2289; February 15, 2022]
(Formerly OCA IPI No. 11-3656-RTJ)

IN RE: ANONYMOUS LETTER DATED AUGUST 12, 2010, COMPLAINING AGAINST JUDGE OFELIA T. PINTO, REGIONAL TRIAL COURT, BRANCH 60, ANGELES CITY, PAMPANGA

R E S O L U T I O N

PERLAS-BERNABE, *J.*:

Before this Court is a Plea for Partial Judicial Clemency[1] dated July 28, 2021 (petition) filed by former Presiding Judge of the Regional Trial Court of Angeles City, Pampanga, Branch 60 (RTC), Ofelia T. Pinto (petitioner), seeking the "restor[ation] or reinstate[ment] [of her] retirement benefits, considering her financial situation and the difficulty of surviving in [the] pandemic."[2]

The Facts

In an anonymous letter-complaint dated August 12, 2010 filed before the Office of the Court Administrator (OCA), petitioner was charged with Dishonesty, violation of the Anti-Graft and Corrupt Practices Act, Gross Misconduct in violation of the Code of Judicial Conduct, and Knowingly Rendering an Unjust Judgment.[3] The charge was based on her act of granting the motion to reopen Criminal Case No. 91-937 filed by the convicted accused (at large) despite the finality of the decision in said case.[4]

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[1] *Rollo*, pp. 732-738.

[2] Id. at 738.

[3] See *Re: Anonymous Letter dated August 12, 2010, Complaining Against Judge Ofelia T. Pinto RTC, Br. 60, Angeles City, Pampanga*, 696 Phil. 21, 24 (2012).

[4] See id.

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In her Comment, petitioner claimed that the outright denial of the motion to reopen the case was improper because it would violate the accused's opportunity to be heard, considering the presence of exculpatory evidence and the lack of objections by the public prosecutor and the private complainant. She also alleged that, even if the granting of the motion was erroneous, it was done in the exercise of her adjudicatory functions which cannot be made the subject of disciplinary action.[5]

Finding the letter-complaint meritorious and having found petitioner guilty of Gross Ignorance of the Law and Procedure, the OCA recommended that she be suspended from service without salary and other benefits for a period of six (6) months with a stern warning that a repetition of the same or similar infraction shall be dealt with utmost severity.[6]

While agreeing with the OCA's findings, the Court, in a Decision[7] dated October 2, 2012, modified the recommended penalty from suspension to dismissal from service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to reemployment in government service,[8] and held petitioner guilty of Gross Ignorance of the Law for violating Section 24, Rule 119 of the Revised Rules of Criminal Procedure.[9] On imposing the penalty of dismissal, the Court noted that it was not the first time that petitioner was found administratively liable. In *Pineda v. Pinto*,[10] the Court reprimanded petitioner for charges of Gross Inefficiency and Neglect of Duty, while in *Marcos v. Pinto*,[11] the Court found petitioner liable for Simple Misconduct and violation of Section 1, Canon 4 of the

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[5] See id. at 24-25.

[6] Id. at 25.

[7] See *Re: Anonymous Letter dated August 12, 2010, Complaining Against Judge Ofelia T. Pinto*, id.

[8] Id. at 29.

[9] See id. at 26.

[10] 483 Phil. 243 (2004).

[11] 640 Phil. 1 (2010).

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New Code of Judicial Conduct, and imposed on her a fine in the amount of ₱10,000.00, with a stern warning that a repetition of the same or similar acts shall be dealt with more severely.

Seven (7) years after her dismissal from service, or on June 12, 2019, petitioner filed a letter appealing for judicial clemency,[12] which was referred to the Court by the OCA on February 17, 2020,[13] but was denied in the Resolution[14] dated July 28, 2020 for lack of merit. Petitioner filed another Petition for Judicial Clemency[15] dated August 1, 2020, praying that she be allowed to receive her retirement benefits "in the interest of justice and for compassionate and humanitarian reasons."[16] The same was only noted without action by the Court in the Resolution[17] dated August 25, 2020 in view of the denial of her initial request for judicial clemency for lack of merit.

Shortly after the denial of her first two pleas for judicial clemency, petitioner again comes before the Court with the abovesaid petition, praying for the restoration or reinstatement of her retirement benefits, considering her financial situation and the difficulty of surviving in the pandemic. Among others, she cites the recent Decision in *Re: Allegations Made under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan (Re: Ong)*,[18] wherein the Court granted partial judicial clemency to former *Sandiganbayan* Justice Gregory S. Ong,[19] seeking that the Court exercise the same compassion since she and her husband are without proper resources from buying medicines to address

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[12] *Rollo*, pp. 665-668.

[13] See 1st Indorsement dated February 17, 2020 issued by then Court Administrator (now Member of the Court) Jose Midas P. Marquez, id. at 658.

[14] Id. at 691-693.

[15] Id. at 694-697.

[16] Id. at 697.

[17] Id. at 730.

[18] See A.M. No. SB-14-21-J, January 19, 2021.

[19] See id.

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their medical conditions. In particular, petitioner claims that she is suffering from Type II Diabetes Mellitus and Hypertension, while her husband has been dependent on his wheelchair from a cerebrovascular accident.[20]

Furthermore, petitioner claims that she has displayed remorse, and has been active in social and religious activities in her community, through her various positions in different organizations, and by providing free legal services to its members.[21] In support thereof, petitioner submitted various certifications and testimonials, including but not limited to: (1) a certification from St. Joseph the Worker Parish;[22] (2) a certification from Our Lady of the Holy Rosary-Sub-Parish Pastoral Council;[23] (3) a certification from *Kapisanan ng Flores de Maria*;[24] (4) a certification from *Cofradia ni San Jose*;[25] (5) a certification from St. Joseph the Worker Parish-Basic Ecclesial Community;[26] (6) a certification from Barangay Pandayan of Meycauyan City, Bulacan;[27] and (7) a certification from her village association.[28] Aside from these certifications, she presented various certificates of recognition and appreciation coming from different groups.[29]

The Issue Before the Court

The issue for the Court's resolution is whether or not the present petition should prosper.

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[20] See *rollo*, pp. 734-735.

[21] See id. at 733 and 736.

[22] Id. at 749.

[23] Id. at 750.

[24] Id. at 751.

[25] Id. at 752.

[26] Id. at 753.

[27] Id. at 755.

[28] Id. at 757.

[29] Id. at 758-774.

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The Court's Ruling

"Judicial clemency is an act of mercy removing any disqualification from the erring official."[30] It is well-settled that judicial clemency "is not a privilege or a right that can be availed of at any time. The Court will only grant it in meritorious cases. Proof of reformation and a showing of potential and promise are considered as indispensable requirements to the grant of judicial clemency."[31]

Clemency is both personal and public. While judicial clemency is an act of compassion accorded by the Court to benefit a particular individual, its grant must always be viewed within the context of its public consequences. As held by the Court in *Re: Ong*, ***the mercy of the Court in clemency cases must always be tempered by the greater interest of preserving the public confidence in the courts***.

> [C]lemency should not only be seen as an act of mercy. It is not only for the wrongdoer's convenience. The interests of the person wronged, as well as society in general — especially its value in precedent — should always be taken into primordial consideration.
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> [Verily, clemency] is neither a right nor a privilege that one can avail of at any time[, and its grant] must be delicately balanced with the preservation of public confidence in the courts [and in the legal profession in general.][32]

It was in the 2007 case of *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency (Re: Diaz)*,[33] that the Court first framed the operative guidelines for judicial clemency relative to a clemency petition filed by a disrobed judge. There, the Court, "[i]n the exercise of its constitutional power of administrative

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[30] See *Re: Deceitful Conduct of Ignacio S. Del Rosario, Cash Clerk III, FMO-OCA*, 833 Phil. 390, 397 (2018).

[31] Id.

[32] See *Re: Ong*, supra note 18.

[33] 560 Phil. 1 (2007).

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supervision over all courts and all personnel thereof, x x x [laid] down the following guidelines in resolving requests for judicial clemency:"[34]

1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges['] associations and prominent members of the community with proven integrity and probity. A subsequent finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.

2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reformation.

3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.

4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.

5. There must be other relevant factors and circumstances that may justify clemency.[35]

In the 2013 case of *Macarrubo v. Macarrubo*,[36] the Court explicitly applied the *Re: Diaz* guidelines to a clemency petition seeking the reinstatement of a disbarred lawyer. *Re: Diaz* would then be consistently cited by the Court as the jurisprudential guidelines in resolving clemency petitions, whether filed by a disrobed judge or a disbarred lawyer.

Fairly recently, the *Re: Diaz* guidelines were later refined in the 2021 cases of *Re: Ong* (with respect to clemency petitions filed by judiciary employees, including judges), and *Nuñez v. Ricafort (Ricafort)*[37] (with respect to lawyers). As explained in those cases,

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[34] Id. at 5.

[35] Id. at 5-6.

[36] 46 Phil. 148 (2004).

[37] See A.C. Nos. 5054 and 6484, March 2, 2021.

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the main impetus behind the *Re: Diaz* refinement was the necessity to curb the subjectivity of dealing with clemency petitions, and hence, the institutionalization of more uniform standards and more objective fact-finding process in resolving clemency petitions.

Thus, as a uniform standard, the Court, in *Re: Ong*, ruled that, unless for extraordinary reasons, there must be a **five (5)-year minimum period** before "dismissal or disbarment [can] be the subject of any kind of clemency."[38]

Meanwhile, with respect to the process of resolving clemency cases, it has been further ruled that "**allegations of those who apply for clemency must first be evaluated by this Court to find whether *prima facie* circumstances exist to grant the relief**. Should there appear to be so, **a commission must be created to receive the evidence, with due notice to any offended party and the public. The commission will then determine if there is substantial evidence supporting the allegations**."[39] Necessarily, if no *prima facie* case exists, the clemency plea should be dismissed without the need of referring the case to the fact-finding commission.

For guidance, a *prima facie* case exists when the clemency petition sufficiently demonstrates, **on its face**, that the petitioner has sincerely expressed remorse for his or her past infraction/s, has convincingly reformed his or her ways, and is forthwith deserving of the relief prayed for based on the surrounding circumstances.[40]

Due to the peculiarities of every clemency petition, as well as the administrative case penalizing the petitioner, the determination of whether or not a *prima facie* case exists must be made on a **case-to-case basis**.

Nevertheless, in all instances, the allegations contained in the clemency petition must be duly supported by proof; otherwise, the Court would not be able to have an objective analysis of the

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[38] See *Re: Ong*, supra note 18.

[39] See id.; emphasis and underscoring supplied.

[40] See id. See also *Nuñez v. Ricafort*, supra.

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clemency plea due to the lack of any supporting evidence on record. In *Re: Ong*, the Court definitively pronounced that:

> This Court cannot rely on allegations without corresponding proof, which could be testimonies and certifications attached to the plea. **These supporting documents must not merely be *pro-forma*, but should contain specific details on one's actions after being dismissed**.[41] (emphasis and underscoring supplied)

In the foregoing regard, the Court's first duty in resolving clemency cases is to thoroughly sift through the petition and ascertain whether or not there is proof of a *prima facie* showing that would merit the clemency prayed for. It is only when such *prima facie* case exists that this Court would, as per the new procedure in *Re: Ong*, refer the case to a fact-finding commission. In turn, the commission's duty is to receive the evidence in support of the petition and submit a report thereon containing its factual findings and recommendation. Subsequently, the report shall be submitted to the Court which will resolve the clemency petition.

Ultimately, the need for an objective analysis in clemency cases hearkens to the nature of judicial clemency as an act that not only benefits the petitioning individual, but more so, affects the public confidence in the courts. Thus, the Court discerned that, as matter of judicial policy, it was high time to replace the old procedure in clemency cases and replace it with a refined and integral process of screening, referral, and fact-finding by a commission. In *Ricafort*, the Court rationalized as follows:

> As preliminarily discussed, judicial clemency is granted based on a policy framework created solely by the Court pursuant to its constitutional power of: *(a)* administrative supervision over all courts and all personnel thereof with respect to dismissed judiciary employees; and *(b)* regulation of the legal profession with respect to disbarred lawyers. In deciding whether to grant clemency, the Court endeavors to strike a balance between extending an act of mercy to an individual on the one hand, and on the other hand, preserving public confidence in the courts, as well as the legal profession. Certainly, safeguarding the integrity of the courts and the legal profession is an indispensable consideration in this

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[41] See *Re: Ong*, id.

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assessment. **Hence, the petitioner should convincingly hurdle a high bar to be granted judicial clemency**.

However, as per the current procedure following the *Re: Diaz* guidelines, the Court, when resolving clemency cases, is not impelled to go beyond the allegations in the petition and written documents appended thereto. **Institutionally, the Court is not a trier of facts; thus, it lacks the proper capability to probe into the finer details of the factual assertions made in a clemency petition**. In the same light, the Court cannot, on its own, authenticate the petition's supporting evidence, or examine, under oath, the sincerity of the person seeking clemency, as well as of those who vouch for him or her.

In fact, it is reasonable to suppose that, more likely than not, all of the submissions in a clemency petition are self-serving since it would always be in the petitioner's natural desire to submit everything beneficial to him or her so as to convince the Court to reinstate him or her back to the Bar. Moreover, the number of testimonials/certifications, as well as the perceived clout of the petitioner's sponsors/endorsers, are unspoken factors that influence the Court's disposition. **In the end, without a proper fact-finding procedure, the Court is constrained to resolve a clemency petition based on a subjective—instead of an objective—analysis of the petition**.

Thus, in *Re: Ong*, the Court cautioned that:

> Judicial clemency **cannot be subjective**. The more we have personal connections with one who pleas for clemency, the more we should seek to distance ourselves. It is also anticipated that pleas for judicial clemency are largely self-serving. x x x

Aside from the problem of subjectivity, equally significant is the **quandary of authenticating** the alleged socio-civic activities meant to prove that the petitioner has indeed reformed. Due to the lack of a fact-finding mechanism, the Court is hard-pressed to determine whether or not these activities were actually undertaken, or if so, how many times they were undertaken and their actual scope. In this regard, the Court cannot simply discount the possibility that these so-called "socio-civic activities" may just be isolated instances which are not truly reflective of the petitioner's sincere and genuine reformation but rather, listed only to pad up the petition.

In light of these issues, the Court, in the recent case of *Re: Ong*, resolved that ***prospectively***, all clemency petitions which, upon the Court's evaluation, demonstrate *prima facie* merit, **should be referred**

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to a commission created to receive the evidence to prove the allegations by substantial evidence[.][42] (emphases and underscoring in the original)

At this juncture, it should be pointed out that the *Re: Ong* guidelines are prospective in application; hence, the new parameters stated therein took effect from the time of its promulgation on January 19, 2021.[43] Since the present petition for judicial clemency was filed last August 19, 2021,[44] the *Re: Ong* guidelines apply.

In accord with *Re: Ong*, it is preliminarily observed that the present clemency petition was filed after the five-year minimum period. As records show, petitioner's first clemency petition was dated last June 12, 2019,[45] or after seven (7) years from her dismissal from service through the Court's Decision[46] promulgated last October 2, 2012. Necessarily then, the present petition filed last August 19, 2021 complies with the five (5)-year minimum period.

In *Ricafort*, the Court explained the underlying impetus of establishing a default uniform period before one becomes eligible to file a clemency petition:

To be sure, the underlying impetus of establishing a default uniform period is to curtail the broadly subjective process of determining the appropriate period within which genuine remorse and reformation are perceived to have been attained. Conceptually, the five (5)-year requirement is a reasonable estimation by the Court of the minimum period necessary for the [petitioning lawyer's] reflection of his or her past transgressions for which he or she was meted the ultimate penalty of disbarment. For clarity, the period is reckoned from the time the Court's resolution is promulgated since it is only by then that the

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[42] See *Ricafort*, supra note 37.

[43] See *Re: Ong*, supra note 18.

[44] *Rollo*, p. 732.

[45] See Id. at 665.

[46] See *Re: Anonymous Letter dated August 12, 2010, Complaining Against Judge Ofelia T. Pinto*, supra note 3.

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lawyer becomes duly informed of his administrative liability and hence, would be able to begin atoning for his or her malpractice.

This uniform period also addresses the apparent inconsistency of the *Re: Diaz* guidelines which, *on the one hand*, requires "[s]ufficient time must have lapsed from the imposition of the penalty to ensure a period of reformation" (second guideline), while *on the other hand*, mandates that "[t]he age of the person asking for clemency must show that he or she still has productive years ahead of him or her that can be put to good use by giving him or her a chance to redeem himself or herself" (third guideline). Indeed, time may be perceived as a single continuum and to require sufficient time to first lapse but at the same time demand that productive years still remain, may be contradictory in concept and purpose.

x x x x

Noticeably, *Re: Ong* allows a reinstatement application to be filed before the five (5)-year minimum period for "extraordinary reasons." It should, however, be clarified that this phrase should only pertain to **the most compelling reasons based on extraordinary circumstances**, else the Court reverts back to the subjectivity problem tainting the *Re: Diaz* guidelines. Pressing and serious health concerns, as well as highly exemplary service to society post-disbarment, provided that they are supported by evidence, may be taken into account by the Court, among others.[47] (emphasis and underscoring supplied)

As stated above, the five (5)-year requirement is but "a reasonable estimation by the Court of the minimum period necessary for the [petitioning lawyer's] reflection of his or her past transgressions."[48] This requirement was conceptualized based on the need "to curtail the broadly subjective process of determining the appropriate period within which genuine remorse and reformation are perceived to have been attained."[49] Once this minimum requirement is complied with, however, it must be emphasized that the petition must show convincing proof of the petitioner's remorse and rehabilitation. For it is entirely possible

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[47] See *Ricafort*, supra note 37.

[48] See id.

[49] See id.

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that despite the minimum period of reflection set by the Court, which hence, renders him or her eligible to file a clemency petition, petitioner, throughout all these years, has not yet fully accepted the decision against him or her, or has failed to change his or her ways so as to warrant the mercy of the Court.

To expound, "[r]emorse and reformation must reflect how the claimant **has redeemed [his or her] moral aptitude by clearly understanding the gravity and consequences of [his or her] conduct**."[50] Concomitantly, "there must be an acknowledgment of the wrongful actions and subsequent showing of sincere repentance and correction. **This Court must see to it that the long period of dismissal moved the erring officers to reform themselves, exhibit remorse and repentance, and develop a capacity to live up again to the standards demanded from court officers**."[51]

Here, there is a *prima facie* showing of genuine remorse and repentance by petitioner. As can be seen even in her first clemency petition, she averred that she has been humbled by her dismissal from service and has expressed regret of how her past actions has affected the conditions of her family, *viz.*:

> **The undersigned is not questioning the decision dismissing her from the service. In fact, she has owned up to her mistakes and learned from her lesson therefrom**. x x x She was dismissed eight (8) years ago and regrets what she did because she saw how her family suffered as a consequence of the same. She is a much better person now, with so much faith in God.
>
> She has been humbled by her experience and has become remorseful of previous acts causing her to reform her ways. She has devoted the past years to "mending her ways and proving to herself and to the community that he *(sic)* can be a better person."
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> x x x x
>
> Again, herein movant is offering her sincerest repentance and spiritual renewal to her previous misdemeanor. She is assuring Your Honor that she will endeavor to avoid all appearance of impropriety especially those

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[50] See *Re: Ong*, supra note 18; emphasis and underscoring supplied.

[51] See id.; emphasis supplied and underscoring supplied.

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that create unlawful motive. Surely, any and all her actions and deeds will be guided by the words and teachings of the Lord Almighty.[52]

Considering the denial of her previous plea for clemency, she lamented in the present petition that she was already "trying to get accustomed to a life of pure hardship, with no relief in sight for her situation."[53] However, due to the Court's partial grant of judicial clemency in *Re: Ong*, she took a chance to seek the Court's forgiveness once more, *viz.*:

> Having pleaded for clemency before and was denied it *(sic)*, petitioner was trying to get accustomed to a life of pure hardship, with no relief in sight for [my] situation.
>
> However, sometime in June 2021, petitioner heard from the news, that former *Sandiganbayan* Justice Gregory Ong, who was dismissed from the judiciary in 2014, was given partial clemency.
>
> It appears that the Supreme Court has given more emphasis to humanity, taking into account, the pandemic.[54]

Aside from her expression of remorse, petitioner attached supporting documents to reinforce her claims of repentance and renewal through her socio-civic activities. To note, in *Re: Ong*, it was held that the testimonies and certifications attached to the plea of clemency should "not merely be *pro-forma*, but should contain specific details on one's actions after being dismissed."[55]

In the present petition, the certifications attached by petitioner *prima facie* contain specific details of her participation in different socio-civic activities as follows:

(1) A certification from Our Lady of the Holy Rosary-Sub-Parish Pastoral Council stating:

> This is to certify that I personally know [petitioner], and I vouch that she is a member in good standing – morally and spiritually – of the Parish

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[52] See *Rollo*, pp. 695-697; emphasis and underscoring supplied.

[53] Id. at 735.

[54] Id.

[55] See *Re: Ong*, supra note 18.

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of St. Joseph the Worker. She is my co-worker at the parish, having been involved in the running of the parish community and church affairs for more than 10 years now. She is at present the Vice Chairman of the SJWP Parish Pastoral Council, next to our parish priest, Rev. Fr. Benito B. Justiniano.

She is a regular supporter – in terms of leadership and financial – of our sub-parish, the Our Lady of the Holy Rosary of Metrogate Complex, Pandayan, City of Meycauayan, Bulacan.

x x x x[56]

(2) A certification from *Cofradia ni San Jose* stating:

[Petitioner] is the President of *Cofradia ni San Jose* (CONSAJOS) since 2015 up to the present.

[Petitioner] is an active officer of our organization having led to successful completion every project that our organization had taken and continues to embark. She also acts as our legal adviser and takes care of our legal problems for free.

x x x x[57]

(3) A certification from St. Joseph the Worker Parish-Basic Ecclesial Community stating:

[Petitioner] is the adviser of our [Basic Ecclesial Community] and she is dependable, hardworking, trustworthy, and a person of integrity. She attends to the legal needs of our members all for free as it was her advocacy to render free legal services to the people in the community. Actually, she has been doing this since she passed the Bar Examination in 1977.

x x x x[58]

(4) A certification from Barangay Pandayan of Meycauyan City, Bulacan stating:

This is to certify further that [petitioner] is a hardworking person. She represents the religious sector of the community and she is a member

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[56] *Rollo*, p. 750.

[57] Id. at 752.

[58] Id. at 753.

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of three (3) different Barangay Committees, namely, the Barangay Committee on Peace and Order, the Barangay Committee on Ecological Solid Waste and Management, and the Barangay Committee on Anti-Drug Abuse. She regularly attends the meetings of these Committees which benefit very much from the ideas and suggestions she shares during the meeting.

[Petitioner] also renders free legal services to the people in our barangay.

x x x x[59]

(5) A certification from her village association stating:

[Petitioner] renders free legal services not only to our members but *(sic)* to the people of this community.

She is dependable, fair in her dealings and can be trusted upon on any tasks assigned to her. She is presently one of the Advisers and the COMELEC Chair of the Association, the position she holds for three (3) consecutive terms (7 years). She is an asset to our Association.

x x x x[60]

Furthermore, petitioner alleged that: *(a)* she is already seventy-five (75) years old; *(b)* she is suffering from Type II Diabetes Mellitus and Hypertension and could not afford her medications due to lack of source of income; *(c)* she could not rely on her husband to support her due to his own medical condition; and *(d)* she could not obtain financial support from her relatives and friends due to the financial constraints caused by the COVID-19 pandemic.[61] In *Re: Ong*, the Court held that other factors, such as the petitioner's advanced age, deteriorating health, and economic difficulties, may be considered in granting judicial clemency,[62] as were alleged in this case. Hence, the Court may consider these averments—should the same be established—during the fact-finding process.

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[59] Id. at 755.

[60] Id. at 757.

[61] See id. 734 and 736.

[62] See *Re: Ong*, supra note 18.

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All told, the Court finds that the instant petition has *prima facie* merit. Consequently, the Court refers the present petition to the OCA, which is directed to, within ninety (90) calendar days from notice of this Resolution: *(a)* conduct the requisite fact-finding in order to verify the details and the authenticity of the statements in and evidence attached to the clemency petition; and *(b)* submit its fact-finding report to the Court.

WHEREFORE, the Court, finding *prima facie* merit in the instant Plea for Partial Judicial Clemency, resolves to **REFER** the case to the Office of the Court Administrator, which is **DIRECTED** to, within ninety (90) calendar days from notice of this Resolution, conduct the requisite fact-finding and submit its report thereon in accordance with this Resolution.

SO ORDERED.

Gesmundo, C.J., Leonen, Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, and *Marquez, JJ.*, concur.