SECOND DIVISION

[A.M. No. P-26-316 [Formerly JIB FPI No. 25-743-P]. March 03, 2026]

JOSEPH DOMINIC M. CAPULE, COMPLAINANT, VS. CONRADO T. FELIPE, UTILITY WORKER II, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, MALOLOS CITY, BULACAN, RESPONDENT.

D E C I S I O N

LEONEN, SAJ.:

All officials and personnel of the Judiciary, as public servants, are held to a higher standard of conduct.

This resolves the Complaint Affidavit[1] filed by Joseph Dominic M. Capule (Capule) against Conrado T. Felipe (Felipe), Utility Worker II of the Office of the Clerk of Court, Regional Trial Court, Malolos, Bulacan. Capule charged Felipe with committing "simple misconduct, violations of Supreme Court rules, directives, and circulars, and vulgar and unbecoming conduct."[2]

According to Capule, a certain Etong Francisco (Francisco) uploaded a photo to his social media account on October 20, 2024 showing Felipe smoking within court premises. Capule alleged that smoking within court premises was prohibited due to threats posed to litigants and employees and due to possible damage to court records in case a fire occurs.[3] Capule attached to his Complaint the screenshot he took of Francisco's post.[4]

Capule further claimed that his friend, a certain Oliver Dela Cruz (Dela Cruz), once asked him if he was acquainted with Felipe. Capule answered in the negative. Dela Cruz then warned him to be cautious of Felipe as he had been spreading rumors that Capule has a "bad record in court and is troublesome."[5] Capule averred that such rumors have no basis.[6]

Finally, Capule alleged that Felipe disclosed notarized documents without the proper authorization. He averred that, based on his experience, a special power of attorney is required to secure from the notarial section a document in the name of another person. However, he claimed that a witness of his adversary stated in an affidavit that he was able to secure copies of Capule's notarized documents through Felipe even without

authorization.[7]

In his Comment,[8] Felipe denied the charges against him. He recounted that Capule previously visited the notarial section twice to request certified copies of documents, which, however, were not available in their records. As such, the notarial section issued a certificate stating that the documents requested by Capule were not on file. Felipe insisted that these were the only occasions that he interacted with Capule and added that he treated Capule professionally and respectfully in both instances.[9]

Felipe denied Capule's allegation that he disclosed notarized documents without authorization, asserting that the notarial section observes strict confidentiality with regard to all documents. He also claimed that he had no prior association with Capule for him to speak negatively about him.[10]

Finally, as to the smoking allegation, Felipe clarified that he uses a vape device but does not use his vape in front of clients. He added that the photo uploaded by Francisco was taken several years ago and was irrelevant to his duties. All the same, he apologized for any misunderstanding or concern caused by the photo.[11]

In its November 13, 2025 Report and Recommendation,[12] the Judicial Integrity Office recommended the dismissal of the complaint for lack of merit. It held that Capule failed to substantiate his allegation of Felipe spreading negative rumors about him. Similarly, there was no evidence to support the claim that Felipe disclosed Capule's notarized documents without authorization, as Capule did not even attach the affidavit allegedly stating that Felipe allowed the unauthorized disclosure of notarized documents. The Judicial Integrity Office held that Capule's allegations were based on conjectures and speculations, without personal knowledge of the imputations he made.[13]

As to the smoking allegation, the Judicial Integrity Office found that the photo attached to the Complaint confirmed that Felipe was smoking within court premises. Felipe did not deny this, although he claimed that it was merely a vape device. The Judicial Integrity Office found that using a vape device within court premises falls within the prohibition under Section 15(h) of Republic Act No. 11900, otherwise known as the Vaporized Nicotine and Non-Nicotine Products Regulation Act, which absolutely prohibits the use of vape products "[w]ithin the building and premises of government offices, except for [designated vaping areas]." However, the Judicial Integrity Office held that a stern warning was sufficient considering that "the subject photo does not clearly establish if respondent was using vape or [a] real cigarette."[14]

The dispositive portion of the Judicial Integrity Office's Report and Recommendation reads:

> **IN VIEW OF THE FOREGOING,** it is respectfully submitted for the consideration of the Honorable Court that:

1) The instant administrative complaint against Conrado T. Felipe, Utility Worker II, Office of the Clerk of Court-Regional Trial Court, Malolos City, Bulacan be **DISMISSED** for lack of merit; and

2) Respondent Felipe be **STERNLY WARNED** to cease from smoking within court premises and that a repetition of the same or similar act shall be dealt with more severely.[15]

The sole issue for this Court's resolution is whether respondent Felipe should be held administratively liable for simple misconduct; violations of Supreme Court rules, directives, and circulars; and vulgar and unbecoming conduct.

The Court adopts the factual findings of the Judicial Integrity Office.

In administrative proceedings, the complainant must prove their allegations by substantial evidence or "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion."[16]

In this case, as found by the Judicial Integrity Office, complainant Capule's allegations that respondent spread malicious rumors and disclosed notarized documents without authorization are unsubstantiated. Complainant offered only bare allegations, without presenting any evidence to support his claims.

The Court also agrees with the Judicial Integrity Office's factual finding that respondent smoked within court premises. The photo attached to the Complaint clearly shows respondent smoking within court premises, particularly near the archives section.[17] Respondent did not deny smoking in the attached photo. He only clarified that he was using a vape device.[18] His contentions that he does not use his vape in front of clients, that the photo was taken several years ago, and that it has no connection to his duties[19] do not disprove the allegation that he smoked within court premises.

Under Rule 140, Section 15 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, the violation of Supreme Court rules, directives, and circulars is among the less serious charges that may be committed by court personnel:

> SECTION 15. *Less Serious Charges.* – Less serious charges include:
>
> . . . .
>
> (e) Violation of Supreme Court rules, directives[,] and circulars that establish an internal policy, rule of procedure, or protocol[.]

Anonymous v. Bajan[20] summarized the policy on smoking within court premises:

> The Court's policy on smoking is embodied in Memorandum Circular No. 01-2008 and Office Order No. 06-2009. Memorandum [Circular] No. 01-2008 enjoins "all officials and employees of the Judiciary to strictly observe the prohibition against smoking in the buildings of the Supreme Court, Court of Appeals, Sandiganbayan, Court of Tax Appeals and in all Halls of Justices." Likewise, Office Order No. 06-2009 prohibits smoking in all interior areas of the buildings of the courts and the areas immediately adjacent to these buildings. Thus, smoking is allowed within court premises, but only in designated places.[21]

In this case, it was sufficiently established that respondent was smoking within court premises and that he was not in a designated smoking area, as the photo attached to the Complaint shows that he was near the court's archives section. Thus, respondent violated the Court's circular regarding the policy on smoking within court premises.

The Judicial Integrity Office only recommended a stern warning, on the ground that it could not be determined from the photo whether respondent was using a vape device or a real cigarette.[22] However, regardless of whether respondent used a vape or tobacco product, his act is still prohibited.

Executive Order No. 106, series of 2020,[23] was issued to amend and expand the coverage of Executive Order No. 26, series of 2017.[24] It prohibited not only smoking tobacco products but also using electronic nicotine and non-nicotine delivery systems, also known as vape or electronic cigarettes, in public places. Section 3(a) of Executive Order No. 26, as amended, prohibits "[s]moking/vaping within enclosed public places and public conveyances, whether stationary or in motion, except in [designated smoking/vaping areas]."

Additionally, Republic Act No. 11900 was enacted to regulate, among others, the use of vaporized nicotine and non-nicotine products. Section 15(h) absolutely prohibits the use of vape products in public places, including "[w]ithin the building and premises of government offices, except for [designated vaping areas]."

Respondent's act of smoking or vaping within court premises, specifically in a place that is not in a designated smoking or vaping area, falls within the prohibition of both Executive Order No. 26, as amended, and Republic Act No. 11900. Hence, there is no reason to treat vaping differently from smoking. The laws treat them similarly and prohibit both in certain public places, including court premises.

The possible dangers of smoking within court premises cannot be taken lightly. Smoking, especially outside of designated smoking areas, may damage court records and equipment in the event a fire occurs. It also poses health risks to people inside the court, employees and visitors alike, who may inhale secondhand smoke.

Studies have shown that smoking tobacco increases mortality, decreases life expectancy, and causes various health diseases and complications.[25] Tobacco use can

lead to cardiovascular complications, like coronary heart disease and myocardial infarction (i.e. heart attack), and pulmonary diseases, including asthma and lung cancer.[26] There is also an increased risk of neurological issues, such as depressive episodes and ischemic stroke, resulting from smoking.[27] Other complications caused by smoking tobacco include "delayed wound healing, osteoporosis, gastric and duodenal ulcers, type II diabetes mellitus, and reproductive disorders."[28]

Worse, it is not only smokers who are negatively affected by tobacco use, but also nonsmokers who inhale secondhand smoke. Exposure to secondhand smoke or involuntary smoking is classified as a human carcinogen[29] and is a risk factor for developing lung cancer.[30] Individuals who are exposed to secondhand smoke also have an increased risk of contracting coronary heart disease and acute myocardial infarction.[31] In 2017, around 382,000 individuals died of coronary heart disease resulting from exposure to secondhand smoke, accounting for "4.3% of all deaths from [coronary heart disease] and 31% of all deaths from exposure to [secondhand smoke]."[32]

Similarly, electronic cigarettes, while found to be less harmful than traditional cigarettes, also pose health risks from their use and from secondhand exposure. The use of electronic cigarettes could also increase the risk of cardiovascular disease as these contain nicotine[33] and other toxic substances that could cause "impaired endothelial function, narrowing of arteries, increased heart rate and raised blood pressure."[34] The liquid nicotine in electronic cigarettes is a "strong neurotoxin"[35] that can lead to "vomiting, seizures and, potentially, death"[36] if absorbed by the skin.[37] Moreover, the aerosols produced from using electronic cigarettes contain toxic chemicals that are also harmful to users and other exposed individuals.[38]

Restricting smoking in public places is one of the most common and effective policies to reduce health diseases associated with tobacco smoking. Studies in public health and medicine have linked the decrease in acute myocardial infarctions or heart attacks to smoking bans in public places.[39] It has been shown that laws restricting public-place smoking reduced the exposure of both smokers and nonsmokers to environmental tobacco smoke.[40] This reduced exposure to environmental tobacco smoke is a plausible reason for the decline in the cases of heart attacks considering that "even brief exposure to environmental tobacco smoke [] can physiologically trigger [acute myocardial infarction]."[41]

Smoking bans and restrictions in the workplace have also been shown to reduce the exposure of workers to secondhand smoke.[42] They also lead to a decrease in smoking among workers, especially those with longer working hours who are subjected longer to restrictions.[43]

Evidently, prohibitions on smoking or vaping benefits the entire workplace by reducing

exposure of individuals, whether user or non-user, to environmental tobacco smoke and other toxins, which, in effect, decreases the risk of health diseases and complications. Hence, laws and policies imposing smoking and vaping bans or designating smoking and vaping areas are not inconsequential measures that can be disregarded at one's pleasure.

Respondent must be reminded that all officials and personnel of the Judiciary, as public servants, are held to a higher standard of conduct. Their actions affect the reputation and reflect upon the character of the entire Judiciary.

Consequently, a stern warning will not suffice. Respondent's act constitutes a less serious charge, which may be penalized by: (a) suspension from office without salary and other benefits for not less than one month nor more than six months; or (b) a fine of more than PHP 35,000.00 but not exceeding PHP100,000.00.[44]

Considering that there are no mitigating or aggravating circumstances present in this case, a fine of PHP 36,000.00 is sufficient penalty for respondent's commission of a less serious offense.

This Court recently promulgated A.M. No. 25-06-11-SC, otherwise known as the 2025 Code of Conduct and Accountability for Court Officials and Personnel (2025 Code of Conduct), which updates and revises the 2004 Code of Conduct for Court Personnel to adapt to "substantial developments in law, technology, and socio-economic structures" [45] and "to ensure continued fidelity to the values of competence, integrity, and accountability within the Judiciary."[46]

This Court has also adopted "the judicial policy patterned after criminal law that penal laws shall have retroactive effect if favorable to the accused."[47] The 2025 Code of Conduct cannot be retroactively applied here, however, as the penalties it prescribes for a less serious offense[48] are higher than those provided in Rule 140 of the Rules of Court, as amended. A retroactive application of the 2025 Code of Conduct would not be favorable to respondent.

ACCORDINGLY, respondent Conrado T. Felipe, Utility Worker II, Office of the Clerk of Court, Regional Trial Court, Malolos, Bulacan, is found **GUILTY** of violation of Supreme Court rules, directives, and circulars under Rule 140, Section 15(e) of the Rules of Court, as amended by A.M. No. 21-08-09-SC.

Respondent is ordered to **PAY** a **FINE** of PHP 36,000.00, and is **STERNLY WARNED** that a repetition of the same or similar offense will warrant the imposition of a more severe penalty.

Following Rule 140, Section 22 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, the fine imposed upon respondent shall be paid within a period not exceeding three months from the promulgation of this Decision, or be deducted from the benefits due him, if any, if such fine remains unpaid.

Let a copy of this Decision be attached to respondent's records with this Court.

SO ORDERED.

J. Lopez, Kho, Jr., and *Villanueva, JJ.,* concur.
Lazaro-Javier,[*] *J.,* on official business.

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[*] On official business.

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

[2] *Id*. at 19.

[3] *Id*.

[4] *Id*. at 6.

[5] *Id*. at 20.

[6] *Id*. at 19-20.

[7] *Id*. at 20.

[8] *Id*. at 12-15.

[9] *Id*. at 20.

[10] *Id*.

[11] *Id*. at 20-21.

[12] *Id*. at 19-22.

[13] *Id*. at 21.

[14] *Id*. at 22.

[15] *Id*.

[16] **Office of the Court Administrator v. Ruiz**, 780 Phil. 133, 155 (2016) [*Per*

Curiam, *En Banc*].

[17] *Rollo*, p. 6.

[18] *Id*. at 20.

[19] *Id*. at 21.

[20] A.M. No. MTJ-25-035, March 4, 2025 [Per J. Rosario, *En Banc*].

[21] *Id*. at 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[22] *Rollo*, p. 22.

[23] Executive Order No. 106 (2020), Prohibiting the Manufacture, Distribution, Marketing[,] and Sale of Unregistered and/or Adulterated Electronic Nicotine/Non-Nicotine Delivery Systems, Heated Tobacco Products[,] and Other Novel Tobacco Products, Amending Executive Order No. 26 (s. 2017) and for Other Purposes.

[24] Executive Order No. 26 (2017), Providing for the Establishment of Smoke-Free Environments in Public and Enclosed Places.

[25] David G. Rosenthal et al., *Nicotine Addiction: Mechanisms and Consequences*, 40 INTERNATIONAL JOURNAL OF MENTAL HEALTH 22 (2011); World Health Organization, Tobacco & Coronary Heart Disease, WORLD HEALTH ORGANIZATION 2 (2020); Annette Hofmann & Martin Nell, *Smoking Bans and the Secondhand Smoking Problem: An Economic Analysis*, 13 THE EUROPEAN JOURNAL OF HEALTH ECONOMICS 227 (2012).

[26] *Id*.

[27] David G. Rosenthal et al., *Nicotine Addiction: Mechanisms and Consequences*, 40 INTERNATIONAL JOURNAL OF MENTAL HEALTH 22 (2011).

[28] David G. Rosenthal et al., *Nicotine Addiction: Mechanisms and Consequences*, 40 INTERNATIONAL JOURNAL OF MENTAL HEALTH 22-23 (2011).

[29] Paolo Boffetta, *Involuntary Smoking and Lung Cancer*, 28, SCANDINAVIAN JOURNAL OF WORK, ENVIRONMENT & HEALTH 30 (2002); Chi P. Wen et al., *Controlling Cigarette Smoking in the Workplace in Taiwan: Opportunities and Challenges*, 25 JOURNAL OF PUBLIC HEALTH POLICY 321 (2004).

[30] Paolo Boffetta, *Involuntary Smoking and Lung Cancer*, 28, SCANDINAVIAN JOURNAL OF WORK, ENVIRONMENT & HEALTH 36 (2002); Ela Rydz et al., *Population-level Estimates of Workplace Exposure to Secondhand Smoke in Canada*, 111 CANADIAN JOURNAL OF PUBLIC HEALTH 126 (2020).

[31] World Health Organization, *Tobacco & Coronary Heart Disease*, WORLD HEALTH ORGANIZATION 2-3 (2020); Hofmann, Annette Hofmann & Martin Nell, *Smoking Bans and the Secondhand Smoking Problem: An Economic Analysis*, 13 THE EUROPEAN JOURNAL OF HEALTH ECONOMICS 228 (2012).

[32] World Health Organization, *Tobacco & Coronary Heart Disease*, WORLD HEALTH ORGANIZATION 3 (2020).

[33] Christopher Berry et al., *The Impact of E-Cigarette Addiction Warnings and Health-Related Claims on Consumers' Risk Beliefs and Use Intentions*, 36 JOURNAL OF PUBLIC POLICY & MARKETING 55-56 (2017).

[34] World Health Organization, *Tobacco & Coronary Heart Disease*, WORLD HEALTH ORGANIZATION 4 (2020).

[35] Sally T. Bean and Maxwell J. Smith, *Victimless Vapour? Health Care Organizations Should Restrict the Use of E-cigarettes*, 106 CANADIAN JOURNAL OF PUBLIC HEALTH 467 (2015).

[36] *Id*.

[37] *Id*.

[38] World Health Organization, *Tobacco & Coronary Heart Disease*, WORLD HEALTH ORGANIZATION 4 (2020).

[39] Christopher Carpenter et al., *Public Place Smoking Laws and Exposure to Environmental Tobacco Laws*, 3 AMERICAN ECONOMIC JOURNAL: ECONOMIC POLICY 36 (2011).

[40] *Id*. at 59.

[41] *Id*. at 36.

[42] Ela Rydz et al., *Population-level Estimates of Workplace Exposure to Secondhand Smoke in Canada*, 111 CANADIAN JOURNAL OF PUBLIC HEALTH 129 (2020); Matz Larrson et al., *Exposure to Environmental Tobacco Smoke and Health Effects Among Hospitality Workers in Sweden—Before and After the Implementation of a Smoke-free Law*, 34 SCANDINAVIAN JOURNAL OF WORK, ENVIRONMENT &

HEALTH 273 (2008).

[43] William N. Evans et al., *Do Workplace Smoking Bans Reduce Smoking?* 89 THE AMERICAN ECONOMIC REVIEW 729-730 (1999).

[44] RULES OF COURT, Rule 140, sec. 17(2).

[45] SC Administrative Matter No. 25-06-11-SC, October 28, 2025, 2025 Code of Conduct and Accountability for Court Officials and Personnel, 6th Whereas clause.

[46] 2025 CODE OF CONDUCT & ACCOUNTABILITY FOR COURT OFFICIALS & PERSONNEL, 7th Whereas clause.

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

[48] 2025 CODE OF CONDUCT & ACCOUNTABILITY FOR COURT OFFICIALS & PERSONNEL, sec. 22 states:

> SECTION 22. *Penalties*. —
> . . . .
> (2) If the respondent is found guilty of a Less Serious Offense, any of the following penalties shall be imposed:
>
> > (a) Suspension from office without salary and other benefits for one month up to one year; and/or
> >
> > (b) A fine of PHP 51,000.00 but not more than PHP 100,000.00.

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