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Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Abad, Villarama, Jr., Perez, and *Sereno, JJ.,* concur.

Velasco, Jr., J., no part due to prior action in OCA.

Mendoza, J., on leave.

EN BANC

[A.M. No. MTJ-08-1727. March 22, 2011]
(Formerly A.M. OCA I.P.I. No. 03-1465-MTJ)

MILAGROS VILLACERAN and OMAR T. MIRANDA, *complainants, vs.* **Judge MAXWEL S. ROSETE and Process Server EUGENIO TAGUBA, Municipal Trial Court in Cities, Branch 2, Santiago City, Isabela,** *respondents.*

SYLLABUS

1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; IMPORTANCE OF PROPER DECORUM, EMPHASIZED. — Court personnel, from the lowliest employee, are involved in the dispensation of justice; parties seeking redress from the courts for grievances look upon court personnel, irrespective of rank or position, as part of the Judiciary. In performing their duties and responsibilities, these court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's trust and confidence in this institution. Therefore, they are expected to act and behave in a manner that should uphold the honor and dignity of the Judiciary, if only to maintain the people's confidence in the Judiciary.

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2. ID.; ID.; CODE OF CONDUCT OF COURT PERSONNEL; PROHIBITION AGAINST SOLICITING OR ACCEPTING ANY GIFT. — Section 2, Canon I of the Code of Conduct for Court Personnel mandates that "[c]ourt 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." Section 2(e), Canon III, on the other hand, mandates that "[c]ourt personnel shall not x x x [s]olicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties." The acts addressed are strictly prohibited to avoid the perception that court personnel can be influenced to act for or against a party or person in exchange for favors.

3. ID.; ID.; COURT EMPLOYEES; COLLECTING OR RECEIVING MONEY FROM LITIGANT IS GRAVE MISCONDUCT IN OFFICE WARRANTING DISMISSAL FROM SERVICE. — Respondent Taguba's act of collecting or receiving money from a litigant constitutes grave misconduct in office. Grave misconduct is a grave offense that carries the extreme penalty of dismissal from the service even on a first offense, pursuant to Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service. Dismissal carries with it the forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from re-employment in the government service.

4. ID.; ID.; ID.; ID.; RETIREMENT BENEFITS SUBJECT TO FORFEITURE WHEN DISMISSAL FROM SERVICE CANNOT BE IMPOSED. — At any rate, the penalty of dismissal can no longer be imposed because on August 6, 2007, the Court approved respondent Taguba's application for disability retirement under Republic Act No. 8291, effective September 1, 2006. In lieu of dismissal, we believe it appropriate – given the gravity of respondent Taguba's offense – that the disability retirement benefits still due him be declared forfeited. By Resolution of this Court, the release of these benefits was withheld pending the final resolution of this case and the other cases pending against respondent Taguba.

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APPEARANCES OF COUNSEL

Emerito M. Agcaoili for complainants.
Abraham Sable for Eugenio Taguba.

D E C I S I O N

PER CURIAM:

Before the Court is an administrative complaint[1] for violation of Republic Act No. 3019[2] filed, on August 12, 2003, by complainants Milagros Villaceran and Omar T. Miranda against respondents Presiding Judge Maxwel S. Rosete[3] and Process Server Eugenio Taguba of the Municipal Trial Court in Cities (*MTCC*), Branch 2, Santiago City, Isabela.

The Factual Antecedents

The antecedent facts, gathered from the records, are summarized below.

Complainant Villaceran and her husband Jose Villaceran were the accused in Criminal Case Nos. 1-4210 and 1-4211,[4] for violation of *Batas Pambansa Blg*. 22,[5] with the MTCC, Santiago City, Isabela. Judge Ruben R. Plata of Branch 1 initially heard the case, but upon his inhibition, the cases were re-raffled to Branch 2 of the same court presided over by the respondent Judge.[6]

In her affidavit dated July 25, 2003, complainant Villaceran alleged that her lawyer, Atty. Edmar Cabucana, assured her

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

[2] Otherwise known as the Anti-Graft and Corrupt Practices Act.

[3] On April 8, 2008, the Court *en banc*, in A.M. No. MTJ-08-1702, dismissed Judge Rosete from the service with forfeiture of all benefits, except accrued leave credits, with prejudice to reinstatement or appointment to any public office, for Dishonesty and Gross Misconduct.

[4] Referred to as Criminal Case Nos. 4781 and 4782 in the MTCC joint decision dated July 30, 2002; *rollo*, p. 40.

[5] Otherwise known as the Bouncing Checks Law.

[6] *Rollo,* p. 3.

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that the change of judge was advantageous to them because the respondent Judge was easier to talk to, was an associate in their law firm, and was his brother's schoolmate. After their presentation of evidence, Atty. Cabucana told her to produce ₱25,000.00 for the respondent Judge. Respondent Taguba subsequently asked about the money and informed her that the respondent Judge had drafted a decision acquitting them. After the promulgation of the decision on August 1, 2002, Atty. Cabucana asked her to produce another ₱25,000.00, supposedly the balance of the ₱50,000.00 promised to the respondent Judge in exchange for the favorable decision. Her husband advised her to ask for a receipt for the additional ₱25,000.00. On the same day, she instructed complainant Miranda (their driver) to deliver the ₱25,000.00 to the office of Atty. Cabucana, and to demand a receipt therefor. Complainant Miranda subsequently returned with a provisional receipt[7] duly signed by respondent Taguba.[8]

In a separate affidavit also dated July 25, 2003, complainant Miranda corroborated complainant Villaceran's material allegations.[9]

In his comment dated November 3, 2003, the respondent Judge denied that he was a partner or an associate in the Cabucana law office; that he talked to anyone about the Villacerans' cases; or that he received, directly or indirectly, any amount from the Villacerans during the pendency or after the termination of their cases with him. He claimed that he decided cases based on the merits and the evidence presented at the trial. The Villacerans fabricated the administrative case against him out of spite after he found them civilly liable despite their acquittal in the criminal cases.[10]

For his part, respondent Taguba, in an affidavit dated October 16, 2003, admitted having received ₱25,000.00, but insisted

[7] *Id.* at 9.

[8] *Id.* at 3-5.

[9] *Id.* at 6-8.

[10] *Id.* at 33-39.

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that it was not in exchange for the respondent Judge's favorable decision. He explained that the ₱25,000.00 represented a personal loan he obtained from complainant Villaceran.[11]

The Administrative Investigation

The Court referred[12] the administrative case to three judges in Isabela for investigation, but, at complainant Villaceran's instance,[13] they successively inhibited themselves.[14]

The Court subsequently referred[15] the case to Judge Henedino P. Eduarte, Regional Trial Court (*RTC*), Branch 20, Cauayan City, Isabela, who conducted hearings on the case until he retired on May 14, 2006.[16]

The Court later referred[17] the case to Judge Raul V. Babaran, RTC, Branch 19, Cauayan City, Isabela, but the latter inhibited himself since the respondent Judge was his fraternity brother.[18]

The Court then designated Judge Menrado V. Corpuz (*Investigating Judge*), RTC, Branch 38, Maddela, Quirino, to continue the investigation.[19]

Report of the Investigating Judge

In his report and recommendation dated January 21, 2008,[20] the Investigating Judge recommended that the respondent Judge be exonerated from the charge against him for insufficiency of evidence. He noted that complainant Villaceran had no personal

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[11] *Id.* at 62.

[12] *Id.* at 70, 113 and 143.

[13] *Id.* at 79-80, 126 and 149-150.

[14] *Id.* at 81, 127-128 and 160.

[15] *Id.* at 166.

[16] *Id.* at 242.

[17] *Id.* at 244.

[18] *Id.* at 247.

[19] *Id.* at 253.

[20] *Id.* at 428-434.

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knowledge of the corrupt practice attributed to the respondent Judge. The Investigating Judge also noted that the affidavits of Atty. Cabucana, dated October 14, 2003, and respondent Taguba, dated October 16, 2003 disputed complainant Villaceran's allegation of corruption against the respondent Judge.[21]

As to respondent Taguba, the Investigating Judge recommended that he be held guilty of corruption and be dismissed from the service. He noted that the charge against respondent Taguba was uncontroverted; he failed to prove his innocence and to clear his name, despite numerous opportunities to do so.[22]

The Court referred the Investigating Judge's Report to the Office of the Court Administrator (*OCA*) for evaluation, report and recommendation.[23]

The OCA Memorandum

In a memorandum dated April 10, 2008, the OCA agreed with the findings and recommendations of the Investigating Judge. It noted that the complainants failed to substantiate the alleged corrupt practice of the respondent Judge since complainant Villaceran admitted that she and her husband never talked to the respondent Judge during the pendency of their cases, nor did they give him any money or token in connection with the criminal cases filed against them.[24]

As to respondent Taguba, the OCA noted that he admitted that he received ₱25,000.00 from complainant Villaceran, through the latter's driver, complainant Miranda; he clearly acted on his own without the intervention of the respondent Judge. It found that respondent Taguba violated Canon 1 of the Code of Conduct for Court Personnel. This Canon provides that court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.[25]

[21] *Id.* at 406-412.

[22] *Ibid.*

[23] *Id.* at 443.

[24] *Id.* at 444-446.

[25] *Id.* at 446.

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Thus, the OCA recommended that: (a) the administrative complaint be re-docketed as a regular administrative matter; (b) the complaint against the respondent Judge be dismissed for insufficiency of evidence; and, (c) respondent Taguba be held guilty of corruption and be dismissed from the service.[26]

In a Resolution dated December 10, 2008, the Court re-docketed the complaint as an administrative matter and dismissed the complaint against the respondent Judge. With respect to the complaint against respondent Taguba, the Court required the parties to manifest whether they were willing to submit the case for resolution based on the pleadings and the records.[27]

Respondent Taguba submitted the case for resolution on March 16, 2009.[28] Complainants Villaceran and Miranda failed to comply with the Court's directive.[29]

Our Ruling

After considering the OCA memorandum and the entire records, we find the OCA memorandum to be substantially supported by the evidence on record, and by applicable law and jurisprudence. We, therefore, adopt the findings and recommendations of the OCA memorandum, subject to the modifications indicated below.

Court personnel, from the lowliest employee, are involved in the dispensation of justice; parties seeking redress from the courts for grievances look upon court personnel, irrespective of rank or position, as part of the Judiciary.[30] In performing their duties and responsibilities, these court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary

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[26] *Ibid*.

[27] *Id.* at 448.

[28] *Id.* at 452.

[29] *Id.* at 448, note on the bottom right-hand corner of the December 10, 2008 resolution.

[30] 3rd Whereas Clause, Code of Conduct for Court Personnel.

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and the people's trust and confidence in this institution.[31] Therefore, they are expected to act and behave in a manner that should uphold the honor and dignity of the Judiciary, if only to maintain the people's confidence in the Judiciary.

This expectation is enforced, among others, by Section 2, Canon I of the Code of Conduct for Court Personnel which mandates that "[c]ourt 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." Section 2(e), Canon III, on the other hand, mandates that "[c]ourt personnel shall not x x x [s]olicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties." The acts addressed are strictly prohibited to avoid the perception that court personnel can be influenced to act for or against a party or person in exchange for favors.[32]

In the present case, respondent Taguba clearly violated the above norms of conduct as the complainants' allegations against him stood completely uncontroverted. Respondent Taguba's proffered explanation that the ₱25,000.00 was a personal loan from complainant Villaceran strains belief; it is a lame attempt to exculpate himself from administrative liability. It is extremely difficult to believe that for a personal loan, respondent Taguba would arrange to meet complainant Villaceran at her lawyer's office. What rather appears, given the prevailing facts of this case, is that respondent Taguba extracted money from complainant Villaceran for his personal gain, in exchange for the favorable treatment that he was perceived to be capable of delivering because he was a court employee.

Respondent Taguba's act of collecting or receiving money from a litigant constitutes grave misconduct in office. Grave

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[31] 4th Whereas Clause, Code of Conduct for Court Personnel.

[32] *In re: Improper Solicitation of Court Employees – Rolando H. Hernandez, Executive Assistant I, Legal Office, Office of the Administrator*, A.M. Nos. 2008-12-SC & P-08-2510, April 24, 2009, 586 SCRA 325.

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misconduct is a grave offense that carries the extreme penalty of dismissal from the service even on a first offense, pursuant to Section 52, Rule IV of the Uniform Rules on Administrative Cases in the Civil Service.[33] Dismissal carries with it the forfeiture of retirement benefits, except accrued leave credits, and perpetual disqualification from re-employment in the government service.[34]

We note that this is not the first administrative infraction of respondent Taguba. In 2003, he was suspended for one (1) month for simple misconduct.[35] In 2005, he was suspended for six (6) months for conduct prejudicial to the best interest of the service.[36] In 2008, he was fined ₱2,000.00 for simple misconduct.[37]

At any rate, the penalty of dismissal can no longer be imposed because on August 6, 2007, the Court approved respondent Taguba's application for disability retirement[38] under Republic Act No. 8291,[39] effective September 1, 2006.[40] In lieu of dismissal, we believe it appropriate – given the gravity of respondent Taguba's offense – that the disability retirement benefits still due him be declared forfeited. By Resolution of

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[33] Section 52. Classification of Offenses.

A. The following are grave offenses with their corresponding penalties:

x x x x x x x x x

3. Grave Misconduct

1st offense – Dismissal

[34] Section 58, Rule IV, Uniform Rules on Administrative Cases in the Civil Service.

[35] *Albano-Madrid v. Apolonio,* A.M. No. P-01-1517, February 7, 2003, 397 SCRA 120.

[36] *Adoma v. Gatcheco,* A.M. No. P-05-1942, January 17, 2005, 448 SCRA 299.

[37] *Lacanilao v. Judge Rosete,* A.M. No. MTJ-08-1702, April 8, 2008, 550 SCRA 542.

[38] He is suffering from "brain tumor (*Oligodendroglioma*), Pulmonary Tuberculosis (PTB), both upper lung lobes"; per verification with the Retirement Division, Office of the Court Administrator, Office of Administrative Services.

[39] Otherwise known as The Government Service Insurance System Act of 1997.

[40] Application for Disability Retirement under Section 16(a) of Republic Act No. 8291 of Mr. Eugenio P. Taguba, Process Server, Municipal Trial

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this Court, the release of these benefits was withheld pending the final resolution of this case and the other cases pending against respondent Taguba.[41]

As a final note, the affidavit itself of complainant Villaceran points to the complicity (or at least, the willing participation) of her lawyer Atty. Edmar Cabucana in the corruption that attended her criminal case. This matter, to the Court's mind, deserves attention as his participation in the corruption that attended this case is no less real than the participation of respondent Taguba. For this reason, we believe it proper to refer this case to the Office of the Bar Confidant for its appropriate action.

WHEREFORE, premises considered, the Court finds respondent Eugenio Taguba *GUILTY* of Grave Misconduct. His disability retirement benefits are hereby declared forfeited as penalty for his offense, in lieu of dismissal the Court can no longer impose. He is likewise barred from re-employment in any branch or instrumentality of government, including government-owned or controlled corporations.

The matter of Atty. Edmar Cabucana's possible complicity or willing participation in an illegality affecting the Court, is referred to the Office of the Bar Confidant for its consideration and appropriate action, with the directive to report back to this Court on this matter within 30 days from receipt of this Decision.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Velasco, Jr., Nachura, Leonardo-de Castro, Brion, Peralta, Bersamin, del Castillo, Abad, Villarama, Jr., Perez, and *Sereno, JJ.*, concur.

Mendoza, J., on leave.

Court in Cities (MTCC), Branch 2, Santiago City, Isabela, A.M. No. 12713-Ret.; per verification with the Retirement Division, Office of the Court Administrator, Office of Administrative Services.

[41] OCA IPI No. 01-1008-MTJ, OCA IPI No. 03-1465-MTJ, A.M. No. P-04-1771, OMB-L-C-03-0774-F, and OMB-L-C-05-04650-E (per the August 6, 2007 Resolution in A.M. No. 12713-Ret.).