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EN BANC

[A.M. No. RTJ-21-2604. August 22, 2023]
(Formerly A.M. No. 21-01-03-SC)

OFFICE OF THE COURT ADMINISTRATOR, *Complainant*, *v.* **HON. JESUS B. MUPAS, Former Presiding Judge, ATTY. MELBEN REY M. MADRID, Branch Clerk of Court, LIZA I. DOCTOLERO, Court Stenographer, and HERMITO DELA CRUZ III, Criminal Clerk-in-Charge, all of the Regional Trial Court of Pasay City, Branch 112,** *Respondents*.

D E C I S I O N

***PER CURIAM*:**

For the Court's Resolution is an administrative matter relating to an incident that occurred in the Regional Trial Court of Pasay City (RTC Pasay), Branch 112. Impleaded as respondents are the following: (*a*) Former Judge Jesus B. Mupas, then-Presiding Judge (Judge Mupas); (*b*) Atty. Melben Rey M. Madrid, Branch Clerk of Court (Atty. Madrid); (*c*) Liza I. Doctolero, Court Stenographer (Doctolero); and (*d*) Hermito Dela Cruz III, Criminal Clerk-in-Charge (Dela Cruz; collectively respondents).

The Facts

On October 27, 2020, the Office of the Court Administrator (OCA) received information that a radio program reported that "an unidentified court is under investigation for the loss of evidence in the form of money in the approximate amount of ₱800,000.00." The Executive Judge of the RTC Pasay, Judge Divina Gracia L. Peliño (Judge Peliño), then immediately coordinated with Assistant Court Administrator Maria Regina Adoracion Filomena M. Ignacio (ACA Ignacio), who told the latter that based on the clues mentioned in the radio program, the court being alluded to was RTC Pasay Branch 112. Later on, and upon verification, it was ascertained that the radio report pertained to the October 26, 2020 incident in the RTC Pasay Branch 112 where object

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evidence in Criminal Case Nos. 19-04232-CR and 19-04233-CR for, *inter alia*, Robbery, pending before Judge Mupas' *sala* was lost — particularly, cash amounting to ₱841,691.00.[1]

In the Incident Report dated October 27, 2020 executed by Acting Head Guard Elvin A. Patoltol, the Incident Report dated October 27, 2020 by Judge Mupas, and the Memorandum[2] dated November 4, 2020 likewise by Judge Mupas, it was intimated that: (*a*) on October 12, 2020, Criminal Case Nos. 19-04232-CR and 19-04233-CR were set for initial presentation of evidence; (*b*) during the hearing, Police Officer Genomar Geraldino turned over the ₱ 841,691.00 cash to the court as object evidence, and the same was received by Dela Cruz; (*c*) Dela Cruz placed the cash in a sealed box signed by the parties; (*d*) after the hearing, Dela Cruz placed the sealed box containing the cash in Doctolero's locked cabinet, where the latter keeps her transcripts of stenographic notes (TSNs), and that since then, Doctolero had not opened said cabinet; (*e*) 14 days later, or at around 12 noon of October 26, 2020, Doctolero, together with other court personnel, tried to open the locked cabinet with the key, but were unsuccessful, and they were only able to do so when they used a knife; (*f*) upon opening the cabinet, they discovered that the lock was already destroyed, and the cash was already missing; and (*g*) they called on police assistance to investigate the matter.[3]

Meanwhile on November 10, 2020, the Court *En Banc* promulgated a *Per Curiam* ruling, in *Philippine National Construction Corporation v. Hon. Mupas*,[4] found Judge Mupas administratively liable for three (3) counts of Gross Ignorance of the Law, and accordingly, was meted with the penalties of dismissal from the service and its accessory penalties, and a fine of ₱125,000.00.[5]

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1 See *rollo*, p. 231.

2 Id. at 73–76.

3 Id. at 231–234.

4 889 Phil. 641 (2020).

5 See id.; *rollo*, p. 234.

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Later on, or on January 5, 2021, the Court re-docketed the incident subject of this case as a regular administrative matter; directed respondents to comment on the loss of the cash; and preventively suspended Atty. Madrid, Doctolero, and Dela Cruz for a period of three (3) months, pending investigation of the subject matter.[6]

In his defense, Judge Mupas maintained that during the October 12, 2020 hearing and after the cash was turned over to Dela Cruz, he specifically directed the latter in open court to secure the evidence and place it in the vault. Around half an hour later, Dela Cruz entered his chambers, and thereat, he reiterated his directive to secure the evidence by placing it inside the vault, by bringing it to the Office of the Clerk of Court (OCC) for safekeeping, or by depositing it in a bank. However, Dela Cruz retorted that the vault is already full; the OCC was already closed; and that if the cash would be deposited in the bank, the serial numbers of the money evidence would be affected. Nevertheless, Dela Cruz allegedly assured Judge Mupas that he will see to it that the cash would be secured. According to Judge Mupas, it was only later on, or after the theft incident, that Dela Cruz told him that he only placed the cash inside Doctolero's locked cabinet; and that he duly castigated Dela Cruz for not telling him about where he placed the evidence sooner. Finally, Judge Mupas instructed court personnel to call the police for assistance, and even issued a Memorandum to Atty. Madrid and Dela Cruz as to why they should not be held administratively liable for the missing evidence.[7]

For his part, Atty. Madrid narrated that he was not present during the October 12, 2020 hearing as he was working from home, on account of the quarantine restrictions being implemented at that time. Atty. Madrid then pointed out that on the days that he was working from home, it was Legal Researcher Dana Lyne A. Areola (Areola), who acts as the *sala*'s officer-in-charge. According to Atty. Madrid, the turnover of the cash evidence to the court was neither duly reported nor properly endorsed to him, and the only

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[6] *Id.* at 235.

[7] *Id.* at 235–236.

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time that he knew of the same was at around 6:20 p.m. of October 26, 2020 when Areola called him to report the theft incident. Finally, Atty. Madrid contended that no disciplinary action should be taken against him, as he was not negligent in the performance of his duties; and that had the matter been duly endorsed to him by either Areola or Dela Cruz, then the incident would not have happened.[8]

With respect to Dela Cruz, he maintained that he told Judge Mupas that he could not place the cash evidence inside the vault as it was already full; that the OCC was already closed; and that he could not deposit the same in a bank as it will compromise the serial numbers of the evidence due to its fungible nature. According to Dela Cruz, he told Judge Mupas — while the latter was busy talking to someone through his mobile phone — that he will just place the cash inside Doctolero's cabinet as it had a lock. When Judge Mupas did not reply, Dela Cruz found it prudent to just follow his instincts and place the cash evidence inside Doctolero's cabinet. According to him, he did not touch the cash evidence anymore and that it was only after the theft incident that he was informed that the same was already missing. Finally, Dela Cruz faulted Areola by not supervising him as to the proper manner to safekeep the cash.[9]

Finally, Doctolero denied any participation in the loss of the cash evidence. According to her, when Dela Cruz went to her requesting that the cash evidence be placed inside her locked cabinet for safekeeping, she, in hearing distance of other court personnel, refused as the cabinet was for TSNs and not for safekeeping evidence. Thereafter, Dela Cruz went inside Judge Mupas' chambers, and after a few minutes, came out. Dela Cruz then allegedly, still in hearing distance of other court personnel, told Doctolero that he (Dela Cruz) already obtained permission from Judge Mupas to place the cash evidence inside her cabinet. Reluctantly, Doctolero obeyed Judge Mupas' purported instruction in good faith. Further, Doctolero averred that from that time until the theft incident, she never opened the cabinet as there was no

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[8] *Id.* at 237.

[9] *Id.* at 237–238.

need to access the TSNs located thereat. She also added that all along, she thought that Areola or Dela Cruz had already informed Atty. Madrid about the cash evidence placed in her cabinet.[10]

The JIB Report and Recommendation

In a Report and Recommendation[11] dated June 29, 2021, the Judicial Integrity Board (JIB) – Office of the Executive Director (OED) recommended that: (*a*) the charges against Atty. Madrid and Doctolero be dismissed for insufficiency of evidence, but they be sternly warned to be more circumspect in the performance of their duties; (*b*) Judge Mupas and Dela Cruz be found administratively liable for Neglect of Duty/Violation of Supreme Court Rules, Directives, and Circulars, and each be meted with the penalty of a fine of ₱ 35,000.00; and (*c*) Areola be directed within 15 days from receipt of notice as to why she should not be held administratively liable for the loss of the cash evidence in Criminal Case Nos. 19-04232-CR and 19-04233-CR.[12]

As regards Atty. Madrid and Doctolero, the JIB-OED found that they should not be held administratively liable, considering that: (*a*) Madrid was working from home during the October 12, 2020 hearing when the cash evidence was turned over to the court, and that was not duly apprised of the issues surrounding its safekeeping; and (*b*) Doctolero only acted in good faith as she truly believed that there was a standing order from Judge Mupas that the cash evidence should be kept inside her locked cabinet. Nonetheless, the JIB-OED reminded them to be more circumspect in the performance of their duties, in that Atty. Madrid should have kept himself abreast with the events transpiring in the office even on days when he was working from home; and that Doctolero should have exerted efforts to ensure that the cash evidence would not stay inside her locked cabinet a day longer because it was not a proper place to safekeep evidence.[13]

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[10] Id. at 239–240.

[11] Id. at 198–212. Signed by JIB Acting Executive Director James D.V. Navarrete and JIB-Research and Investigation Services Acting SC Senior Chief Staff Officer Eduardo C. Tolentino.

[12] Id. at 212.

[13] Id. at 210–211.

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With respect to Judge Mupas, the JIB-OED found him negligent in failing to take additional measures to ensure the safekeeping of the cash evidence. According to the JIB-OED, as the Presiding Judge of RTC Pasay Branch 112, he exercises full control and supervision over his staff, and his failure to do so, as evinced by the theft incident, constitutes negligence.[14]

Similarly, the JIB-OED found Dela Cruz liable for negligence, as he deliberately failed to follow Judge Mupas' specific instructions for the safekeeping of the cash evidence; and worse, concocted his own plan for such safekeeping and even failed to inform Judge Mupas of the steps that he took.[15]

Finally, the JIB-OED pointed out that Areola should have been impleaded as a co-respondent in the instant administrative matter, considering that she was the *sala*'s OIC: (*a*) on October 12, 2020 when the court received the cash evidence; and *(b*) on October 26, 2020 when the theft incident occurred. Worse, she failed to duly inform Atty. Madrid of the circumstances relating to the turn over of the cash evidence to the court, and only informed the latter when the same already went missing.[16]

In an Amended Report and Recommendation[17] dated July 27, 2021, the JIB-OED reiterated its earlier recommendations, with modification in that it recommended that Dela Cruz be instead be found administratively liable for Gross Neglect of Duty, and accordingly, be meted with the penalty of dismissal from the service, forfeiture of all benefits, except accrued leave credits, if any, and perpetual disqualification from re-employment in any government instrumentality, including government-owned and -controlled corporations.[18]

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[14] Id. at 209–210.

[15] Id. at 210.

[16] Id. at 211.

[17] Id. at 214–229. Signed by JIB Acting Executive Director James D.V. Navarrete.

[18] Id. at 229.

In increasing Dela Cruz' administrative liability and consequent penalty, the JIB-OED pointed out that Judge Mupas explicitly instructed him in open court to secure the cash evidence by placing it in the evidence vault, by turning it over to the OCC, or by depositing it in a bank; and that Judge Mupas even reiterated such directive when Dela Cruz entered his chambers later that day. Despite this, Dela Cruz openly defied Judge Mupas' instructions — under the pretext that the vault was full, the OCC was closed, and that depositing the cash evidence in the bank would compromise its integrity — by coming up with his own "idea" of securing the money inside Doctolero's locked cabinet. Worse, Dela Cruz informed neither Judge Mupas nor Areola regarding his actions. Thus, the JIB-OED found Dela Cruz grossly negligent and primarily liable for the loss of the cash evidence.[19]

Later on, the JIB-OED rendered a Second Amended Report and Recommendation[20] dated September 14, 2022, where it further modified its recommendations, in that it recommended that the charges against Judge Mupas be dismissed on account of his supervening death on April 5, 2021.[21]

In a Report[22] dated April 26, 2023, the JIB Proper essentially echoed the findings and recommendations of the JIB-OED in the latter's Report and Recommendation, Amended Report and Recommendation, and Second Amended Report and Recommendation, with further modification, in that instead of directing Areola within 15 days from receipt of notice as to why she should not be held administratively liable, the JIB Proper merely advised her to be more prudent in her duties.

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[19] Id. at 226–227.

[20] Id. at 230-246. Signed by JIB Acting Executive Director James D.V. Navarrete.

[21] Id. at 245. See also id. at 240–241.

[22] Id. at 247–261. Penned by Vice-Chairperson Justice Angelina Sandoval Gutierrez (Ret.) and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.), Second Regular Member Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

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The Issue Before the Court

The issue for the Court's resolution is whether or not respondents should be held administratively liable for the acts complained of.

The Court's Ruling

The Court adopts the findings and recommendations of the JIB, with certain modifications as will be explained below.

I.

At the outset, it is important to note that on February 22, 2022, the Court *En Banc* unanimously approved A.M. No. 21-08-09-SC, entitled "*Further Amendments to Rule 140 of the Rules of Court.*" On April 3, 2022, the publication requirement thereof had already been complied with;[23] hence, Rule 140, as further amended, is already effective.

In this relation, Section 24 of Rule 140, as further amended, explicitly provides that it will apply to all pending and future administrative disciplinary cases involving Members, officials, employees, and personnel of the Judiciary, to wit:

> SECTION 24. *Retroactive Effect*. — **All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary**, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned. (Emphasis and underscoring supplied)

In view of the foregoing, the Court shall resolve this case under the framework of Rule 140, as further amended — as what the JIB did.

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[23] Section 26 of the Rules reads:

> SECTION 26. *Effectivity Clause*. — These Rules shall take effect following their publication in the Official Gazette or **in two newspapers of national circulation**. (Emphasis and underscoring supplied)

II.

At this juncture, it should be pointed out that during the pendency of the case, Judge Mupas had already died, as evinced by the Certification[24] dated August 31, 2022 of Registration Officer V Marizza B. Grande, Officer-in-Charge and Assistant National Statistician of the Civil Registration Service, attesting that one Jesus B. Mupas died in Silang, Cavite on April 5, 2021.[25] In this regard, Section 2 (2) of Rule 140, as further amended, reads:

> SECTION 2. *Effect of Death, Retirement, and Separation from Service to the Proceedings*. —
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> x x x x
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> (2) *Circumstances Supervening Only during the Pendency of the Proceedings*. — However, 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, *provided*, that, **the supervening death of the respondent during the pendency of such proceedings shall result in the dismissal of the administrative case against him or her**. (Emphasis and underscoring supplied)

As may be gleaned from the Court's own annotations to this provision, the dismissal of an administrative disciplinary case against a respondent due to the latter's supervening death is a codification of recent jurisprudence to this effect, to wit:

> **NOTES:** This is a new provision added to incorporate in Rule 140 the recent pronouncements pertaining to the Court's administrative jurisdiction over respondents who have died, retired, or otherwise separated from service. In this regard, case law states, among others, that:
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> x x x x
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> c) In contrast, the **death** of respondent before the final resolution of the case is a cause for its dismissal. "Otherwise stated, the non-dismissal of a pending administrative case in view of the death of the respondent

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[24] Id. at 264.

[25] See *rollo*, pp. 240–241.

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public servant is a transgression of his or her Constitutional rights to due process and presumption of innocence." (See *Flores-Concepcion v. Castañeda*, A.M. No. RTJ-15-2438, September 15, 2020; see also *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr., Branch 4, Regional Trial Court, Butuan City, Agusan del Norte*, A.M. No. RTJ-17-2486, September 8, 2020)

Thus, the JIB correctly recommended the dismissal of the instant administrative matter against Judge Mupas on account of his supervening death.

III.

Dela Cruz is administratively liable for Gross Neglect of Duty.

Gross Neglect of Duty is considered as a serious charge under Section 14 (d) of Rule 140, as further amended. In *Son v. Leyva*,[26] the Court, speaking through Justice Amy C. Lazaro-Javier, explained that "[g]ross neglect of duty or gross negligence 'refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property.' It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable."[27]

Here, as aptly pointed out by the JIB-OED and the JIB Proper, after the cash evidence was turned over to Dela Cruz during the October 12, 2020 hearing, Judge Mupas explicitly directed him in open court to secure the same by: (*a*) placing it in the evidence vault; (*b*) turning it over to the OCC for safekeeping;

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[26] 867 Phil. 23 (2019) [First Division].

[27] Id. at 38, citing *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 37–38 (2013) [Per J. Bersamin, First Division].

or (*c*) depositing it in a bank. Moreover, Judge Mupas even reiterated such directive to Dela Cruz when the latter entered his chambers later that day. Despite the clear wording of Judge Mupas' instructions, Dela Cruz obstinately refused to heed the same, under the pretext that the evidence vault was full; the OCC was closed; and the integrity of the cash evidence would be compromised if it was deposited in a bank. Verily, both the JIB-OED and the JIB Proper reasonably deduced that it was Dela Cruz's idea to just place the cash evidence inside Doctolero's locked cabinet even if such cabinet was not designed to safekeep evidence — worse: *(a)* he never told Judge Mupas and even Areola, as OIC of that day, about the imprudent action that he took; and *(b)* even assuming *arguendo* that his excuses in the afternoon of October 12, 2020 were true, one of them was no longer applicable the next day, *i.e.*, that the OCC was already closed, and as such, he should have moved to rectify the precarious situation that he put himself into. Verily, Dela Cruz's actions manifest a willful disregard of the proper course of action that should be taken in safekeeping such a sensitive piece of evidence, without contemplating on the possible consequences that could ensue — unfortunately, this resulted in the loss of the cash evidence. Hence, the Court adopts the recommendation of the JIB to hold Dela Cruz administratively liable for Gross Neglect of Duty.

Under Section 17 (1) of Rule 140, as further amended, a respondent who is found guilty of a serious charge may be penalized with any of the following: "(*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 ₱100,000.00 but not exceeding ₱200,000.00."

Given the circumstances of this case, including the gravity of the resulting consequences of Dela Cruz's actions, the Court holds that the JIB properly recommended that Dela Cruz be meted with the supreme penalty of dismissal from the service, together with

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its accessory penalties, as provided under Section 17 (1) (a) of Rule 140, as further amended.

Atty. Madrid and Doctolero must be exonerated, but nevertheless, admonished.

To sustain a finding of administrative liability, only substantial evidence is required, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.[28] Here, the Court agrees with the findings and recommendations of the JIB that Atty. Madrid and Doctolero should be exonerated from any administrative liability, but at the very least, they should be castigated for their lack of foresight in the performance of their duties.

As for Atty. Madrid, records clearly show that he was working from home on October 12, 2020 when the cash evidence was turned over to the court and on October 26, 2020 when the theft incident occurred. Moreover, he never knew that such turnover happened during the October 12, 2020 hearing, as neither Dela Cruz nor Areola informed him about it — in fact, he was only apprised of the turn over of the cash evidence and the improper act of placing it in Doctolero's locked cabinet when Areola reported to him the theft incident. Given the foregoing, the Court is hard-pressed to conclude that Atty. Madrid had any hand in the acts which resulted in the loss of the cash evidence. Nevertheless, the JIB also correctly pointed out that as the Branch Clerk of Court, Atty. Madrid should have kept himself abreast of the daily activities of the court despite him being on a work-from-home set up. Had he done so, then he could have rectified the situation.

With respect to Doctolero, the Court agrees with the findings of the JIB that she initially refused to have the cash evidence kept inside her locked cabinet, and that she even reasoned out that her cabinet was not the proper place to store evidence as the same was just for TSNs. In fact, it was only when Dela Cruz misrepresented

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[28] See *Office of the Court Administrator v. Lopez*, 654 Phil. 602 (2011) [*Per Curiam, En Banc*].

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to her that Judge Mupas gave the instructions to place the cash evidence in her cabinet that Doctolero acquiesced in good faith, albeit reluctantly. Given these circumstances, Doctolero should indeed be absolved from any administrative liability. Despite the foregoing, the JIB aptly observed that Doctolero should have exerted efforts to ensure that the money would not stay in her locked cabinet for a long time, by informing Judge Mupas, Atty. Madrid, and/or Areola, so that any of them could take proper action.

Otherwise stated, while Atty. Madrid and Doctolero should not be found administratively liable, they should be reminded to be more circumspect with the performance of their duties. For this purpose, the JIB recommended that they be sternly warned. However, given the circumstances of this case, the Court deems a stern warning insufficient, as an admonition would be more appropriate. To be sure, neither warning or admonition are considered penalties. In *Tobias v. Hon. Veloso*,[29] the Court, speaking through Justice Ameurfina A. Melencio-Herrera, explained:

> **A warning, in ordinary parlance, has been defined as "an act or fact of putting one on his guard against an impending danger, evil consequences or penalties," while an admonition, "refers to a gentle or friendly reproof, a mild rebuke, warning or reminder, counselling, on a fault, error or oversight, an expression of authoritative advice or warning." They are not considered as penalties**. A reprimand, on the other hand, is of a more severe nature, and has been defined as a public and formal censure or severe reproof, administered to a person in fault by his superior officer or a body to which he belongs. It is more than just a warning or an admonition.[30]

Administrative disciplinary proceedings should be instituted against Areola.

Finally, the JIB-OED observed that Areola should have been impleaded in the instant administrative matter, considering that

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[29] 188 Phil. 267 (1980) [Per J. Melencio-Herrera, First Division].

[30] Id. at 274.

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she was the *sala*'s OIC: (*a*) on October 12, 2020 when the court received the cash evidence; and (*b*) on October 26, 2020 when the theft incident occurred. Worse, she failed to duly inform Atty. Madrid of the circumstances relating to the turn over of the cash evidence to the court, and only informed the latter when the same already went missing. As such, the JIB-OED recommended that she be directed to comment within 15 days from receipt of notice as to why she should not be held administratively liable.

On the other hand, while the JIB Proper upheld the JIB-OED's findings, it only recommended that Areola be advised to be more prudent in her duties.

The Court upholds the recommendation of the JIB-OED.

Based on the circumstances of the case, it ostensibly appears that Areola, as OIC of the aforementioned dates, may have committed acts or omissions that could render her administratively liable. Thus, pursuant to Section 1 (1) in relation to Section 3 (1) of Rule 140, as further amended, an administrative disciplinary complaint should be instituted *motu proprio* against Areola, and that she should file a comment thereto within ten (10) calendar days from notice. For reference, the aforementioned provisions read:

> SECTION 1. *How Instituted*. —
>
> (1) *Motu Proprio Against those who are not Members of the Supreme Court*. — Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the *Sandiganbayan*, the Court of Tax Appeals, the *Shari'ah* High Court, and Judges of the first and second level courts, including the *Shari'ah* District or Circuit Courts, as well as the officials, employees, and personnel of said courts and the Supreme Court, including the Office of the Court Administrator, the Judicial Integrity Board, the Philippine Judicial Academy, and all other offices created pursuant to law under the Supreme Court's supervision may be instituted, *motu proprio*, by either the Supreme Court with the Judicial Integrity Board, or by the Judicial Integrity Board itself on the basis of records, documents; or newspaper or media reports; or other papers duly referred or endorsed to it for appropriate action; or on account of any criminal action filed in, or a judgment of conviction rendered by the *Sandiganbayan* or by the regular or special courts, a copy of which shall be immediately furnished to the Supreme Court and the Judicial Integrity Board.

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SECTION 3. *Initial Action*. —

(1) *Proceedings Initiated Motu Proprio*. — In disciplinary proceedings initiated *motu proprio* by the Supreme Court or the Judicial Integrity Board, the respondent shall be served with a copy of the records, documents, newspapers or media reports, or other papers used as basis for the disciplinary action. Within ten (10) calendar days from notice, or within any extended period granted by the Judicial Integrity Board not exceeding thirty (30) calendar days, the respondent shall be required to file his or her verified answer or comment thereon, which may be supported by affidavits of persons who have personal knowledge of the facts alleged and/or by documents which may substantiate respondent's defenses.

ACCORDINGLY, the Court rules as follows:

1. The complaint against respondent Former Judge Jesus B. Mupas, then-Presiding Judge of the Regional Trial Court of Pasay City, Branch 112 is **DISMISSED** on account of his supervening death;

2. The complaint against Atty. Melben Rey M. Madrid, Branch Clerk of Court, and Liza I. Doctolero, Court Stenographer, both of the Regional Trial Court of Pasay City, Branch 112, is **DISMISSED** for insufficiency of evidence. However, they are **ADMONISHED** to be more circumspect in the performance of their duties;

3. Respondent Hermito Dela Cruz III, Criminal Clerk-in-Charge of the Regional Trial Court of Pasay City, Branch 112 is found **GUILTY** of Gross Neglect of Duty. He is meted with the penalty of **DISMISSAL** from the service, **FORFEITURE** of all benefits due him, except accrued leave credits, and **DISQUALIFICATION** from reinstatement or reappointment to any public office, including government-owned or -controlled corporations; and

4. An administrative disciplinary complaint is **INSTITUTED** *motu proprio* against Legal Researcher Dana Lyne A. Areola of the Regional Trial Court of Pasay City, Branch 112. She is **DIRECTED** to file a Comment thereto within ten (10)

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calendar days from receipt of notice, as to why she should not be held administratively liable for the loss of the cash evidence in Criminal Case Nos. 19-04232-CR and 19-04233-CR. The Judicial Integrity Board, in turn, is **DIRECTED** to proceed with this matter in accordance with Rule 140 of the Rules of Court, as further amended.

SO ORDERED.

Gesmundo, C.J., Leonen, S.A.J., Caguioa, Hernando, Lazaro-Javier, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, and *Kho, Jr., JJ.*, concur.

Singh, J., see concurring and dissenting opinion.

Marquez, J., no part due to prior participation as Court Administrator.

Inting, J., on leave.

CONCURRING AND DISSENTING OPINION

SINGH, *J.*:

I concur with the majority opinion but dissent only in so far as the admonition imposed by the *ponencia* on Liza I. Doctolero (**Doctolero**), Court Stenographer, Branch 112, Regional Trial Court, Pasay City.

In admonishing Doctolero, the *ponencia* agrees with the observation of the Judicial Integrity Board that Doctolero should have exerted efforts to ensure that the money would not stay in her locked cabinet for a long time, by informing Presiding Judge Jesus B. Mupas (**Judge Mupas**), Branch Clerk of Court Atty. Melben Rey M. Madrid (**Atty. Madrid**), and/or Legal Researcher Dana Lyne A. Areola (**Areola**), so that any of them could take proper action.[1]

It should be noted that Doctolero only allowed the money to be placed inside her cabinet after Criminal Clerk-in-Charge Hermito

[1] *Ponencia*, p. 10.

dela Cruz III (**dela Cruz**) told her that Judge Mupas ordered the same to be done. In fact, dela Cruz had come from inside the Judge's chambers when he directly told Doctolero that Judge Mupas authorized the safekeeping. Hence, Doctorlero was merely following the orders of her superiors.

In my measured view, as a Court Stenographer, it is not Doctolero's responsibility to oversee the safekeeping of the money placed inside her cabinet, nor is she duty-bound to ensure that the money would not stay in her cabinet for a long time.

Again, in allowing the money to be placed inside her locked cabinet, Doctolero was merely following an order given by her superiors.

Doctolero should not be faulted for believing that Judge Mupas ordered that the money be placed in her locked cabinet as dela Cruz told her this, purportedly as instructed by Judge Mupas, within the hearing distance of other court personnel. It cannot also be said that Doctolero acted without caution as she voiced her concern about keeping the money in her locked cabinet.

Hence, the responsibility imposed by the *ponencia* on Doctolero that she "should have exerted efforts to ensure that the money would not stay in her locked cabinet for a long time, by informing Judge Mupas, Atty. Madrid, and/or Areola, so that any of them could take proper action," may be considered as impractical considering that: (1) it was Judge Mupas who gave the instructions that the money be placed in Doctolero's cabinet; (2) Areola was present when the instructions was twice communicated to Doctolero by dela Cruz; and (3) Atty. Madrid was working from home when the instructions was given, and it does not appear in the record when Atty. Madrid physically reported back to work.

I thus maintain that there is no factual basis to admonish Stenographer Doctolero.

While admonishment is not a penalty, it is nevertheless a tool used as a warning or reminder, counseling on a fault, error or oversight, an expression of authoritative advice or warning.[2] Thus, the Court

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[2] *De Guzman v. De Guzman*, OCA IPI No. 16-4626-P, March 18, 2019, citing *Re: Letter of Presiding Justice Vasquez, Jr., et al.*, 590 Phil. 8, 38 (2008).

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must use it judiciously and stay its hand when unwarranted, such as when there is no specifically alleged improper act that merits such admonition, warning or counsel.[3]

In this, a survey of cases involving court stenographers that merited admonishment from this Court is instructive. In jurisprudence, court stenographers have been admonished for failure to reflect an accurate transcription;[4] releasing information without following the internal procedures of the court;[5] inaccurate or careless handling of their daily time records;[6] tardiness;[7] and wasting the time of the courts in petty quarrels.[8]

In other more serious cases, the Court also imposed admonition on court stenographers for delayed compliance with orders and directives of the Court;[9] receiving food as tips in assisting couples in fraudulent marriages;[10] exceeding authority to personally serve an order of the court;[11] and assisting private individuals in a way that compromises the public's trust in the justice system.[12]

Consistent in all these cases is that when it admonishes, the Court recognizes a duty that the stenographers should have performed better, or warns them of their acts outside of official function that may threaten to compromise the integrity of the judiciary.

However, none of these find application in the circumstances of Doctolero, who in allowing the use of her locked cabinet to

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[3] *Id.*

[4] *Umali-Paco v. Quilala*, 459 Phil. 766, 780 (2003).

[5] *Mah-Arevalo v. Mape*, 602 Phil. 451, 458 (2009).

[6] *Duque v. Aspiras*, 502 Phil. 15, 25 (2005).

[7] *Gamolo, Jr. v. Beligolo*, 827 Phil. 244 (2018); *Re: Habitual Tardiness of Gloria F. Basada, Court Stenographer III, Branch 200, Regional Trial Court, Las Piñas City*, A.M. No. P-15-3337, July 22, 2015.

[8] *Muñasque v. Cape*, 158 Phil. 231, 236 (1974).

[9] *Naawan Community Rural Bank v. Martinez*, 432 Phil. 543, 547 (2002).

[10] *Office of the Court Administrator v. Necessario*, 707 Phil. 328 (2013).

[11] *Almarez v. Perez*, A.M. No. MTJ-18-1913, March 24, 2021.

[12] *Luminate-Prak v. Anacan*, 478 Phil. 153, 160 (2004).

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safekeep the money on instructions by her superiors, did not abandon her duty nor acted in a way that is unbecoming of a court employee.

It is important to emphasize that as a court stenographer, Doctolero's position is essentially limited to the transcription of the records of the proceedings during a court session.[13]

Meanwhile, it is the duty of the Clerk of Court to safely keep all records, papers, files, exhibits and public property committed to their charge. The Office of the Clerk of Court, after all, performs a very delicate function, having control and management of all court records, exhibits, documents, properties and supplies.[14]

For the presiding judge of the court where a robbery took place, while the primary responsibility of safekeeping of evidence is not lodged with the judge, they are also expected to exercise prudence and fair judgment in maintaining awareness of the condition of their facilities, and anticipating the dismal future in defective court facilities especially if a resultant prejudice to litigants is not a remote possibility.[15]

Finally, while it is true that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility,[16] the prudence required of rank and file employees may be fulfilled when they confirm with their superiors the tasks they are asked to fulfill,[17] which the facts of the case show that Doctolero did.

Evidently, in all these, the Court must admonish Atty. Madrid to be more exacting in the observance of his duties, given his lapses as Clerk of Court. On the other hand, considering the

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[13] *Office of the Court Administrator v. Bucoy*, 305 Phil. 640, 645 (1994).

[14] *Office of the Court Administrator v. Ramirez*, 489 Phil. 262, 271 (2005).

[15] *Id.* at 272.

[16] *Id.* at 270.

[17] *Re: Alleged Spurious Bailbonds and Release Orders Issued by the RTC, Br. 27, Sta. Cruz, Laguna*, 521 Phil. 1, 22 (2006).

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factual milieu of the case, stenographer Doctolero must not only be exonerated, but also be free from admonishment.

All things considered, I vote to —

1. **DISMISS** the administrative case against Judge Jesus B. Mupas, then Presiding Judge, Branch 112, Regional Trial Court, Pasay City, on account of his supervening death;
2. **DISMISS** the administrative case against Atty. Melben Rey M. Madrid, Branch Clerk of Court, Branch 112, Regional Trial Court, Pasay City, for insufficiency of evidence. However, Atty. Madrid should be **ADMONISHED** to be more circumspect in the performance of his duties;
3. **DISMISS** the administrative case against Liza I. Doctolero, Court Stenographer, Branch 112, Regional Trial Court, Pasay City for insufficiency of evidence;
4. **FIND** Hermito dela Cruz III, Criminal Clerk-in-Charge, Branch 112, Regional Trial Court, Pasay City, **GUILTY** of Gross Neglect of Duty, and mete the penalty of **DISMISSAL** from the service, forfeiture of all benefits due him except accrued leave credits, and disqualification from reinstatement or reappointment to any public office, including government-owned or controlled corporations; and
5. **ORDER** that an administrative disciplinary proceeding be instituted *motu proprio* against Dana Lyne A. Areola, Legal Researcher, Branch 112, Regional Trial Court, Pasay City, who was the OIC at the time of the incident complained of.