

EN BANC

[A.M. No. P-14-3240 (Formerly OCA IPI No. 12-3835-P), March 02, 2021]

GERALYN DELA RAMA, COMPLAINANT, VS. PATRICIA D. DE LEON,* CLERK III, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, NAGA CITY, CAMARINES SUR, RESPONDENT.

DECISION

PER CURIAM:

The Judiciary demands the best possible individuals in the service and it had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system.^[1]

Before the Court is the Complaint^[2] dated February 21, 2012 filed before the Office of the Court Administrator (OCA) by complainant Geralyn dela Rama (Dela Rama) against Patricia D. De Leon (De Leon), Clerk III, Office of the Clerk of Court, Regional Trial Court (RTC) of Naga City, Camarines Sur, charging her with grave misconduct.

The Facts

On August 8, 2011, Dela Rama and her father were introduced to De Leon by her friend, Rosanna Britanico (Rosanna). In the course of their conversation, Dela Rama mentioned her intention to file a case for annulment of marriage against her husband who has abandoned her for the past 10 years. De Leon, who allegedly claimed to be a Clerk of Court of the RTC of Naga City, Camarines Sur, conveyed that she has handled several cases of similar nature for a package fee of P65,000.00 with P40,000.00 as initial payment. When asked by Dela Rama's father as to how they would go about the case, De Leon explained that a case for presumptive death, which usually lasts for about six months, will be filed since it is easier to manipulate. De Leon allegedly said that she will manage the raffle of the case and that Dela Rama will make only one appearance in court, that is, when her oral testimony will be taken in court.

Dela Rama adds that she and her father negotiated with De Leon until the latter eventually agreed to a partial payment of P20,000.00. On September 5, 2011, Dela Rama gave De Leon Allied Bank Check No. AAA-0125628 amounting to P20,000.00 which was issued by her friend, Emalyn P. Jose (Emalyn) from whom she borrowed the amount. De Leon then made Dela Rama sign a Petition for Annulment and informed her that she will receive a letter from the court in the first week of October 2011. When Dela Rama failed to receive any communication from the trial court, she demanded the return of the P20,000.00, but to no avail. De Leon evaded her, no longer reported to work, and eventually chose to go on absence without leave. Dela

Rama eventually found out that De Leon was not a Clerk of Court, but a mere clerk in the Office of the Clerk of Court of the RTC of Naga City, Camarines Sur.

In her Comment^[3] dated May 9, 2012, De Leon categorically denied all the allegations against her. She asserted that she merely assisted in looking for a lawyer to represent Dela Rama. She also contended that she received said amount of P20,000.00 from Emalyn as a loan. She also denied having misrepresented herself as the Clerk of Court of the RTC of Naga City.

The case was subsequently referred to former Executive Judge Valentin E. Pura, Jr. (Judge Pura, Jr.) of the RTC of Naga City, for investigation, report and recommendation pursuant to the Court's Resolution^[4] dated July 14, 2014. However, Judge Pura, Jr. failed to investigate the instant administrative complaint in view of his contention that De Leon was already dropped from the rolls in the Court's Resolution^[5] dated August 12, 2013. The Court, in its Resolution^[6] dated January 20, 2016, directed Judge Pura, Jr. to "proceed with the investigation of the instant administrative complaint" against De Leon.

In spite of said Resolution, Judge Pura, Jr. again failed to conduct the required investigation, stating that he was not able to comply with the Court's directive, *"owing to the apparent lack of interest on the part of the private complainant to pursue her administrative complaint."*^[7] Consequently, in a Resolution^[8] dated April 19, 2017, the Court resolved to *"ADMONISH Judge Valentin E. Pura, Jr., RTC, Br. 23, Naga City, Camarines Sur, to be mindful of the directives from the Court and constantly bear in mind that these are not mere requests and should be strictly complied with."* The Court likewise stated that *"the investigation proceedings cannot be terminated without complying with the directives to conduct an actual hearing by asking searching inquiries to the witnesses that the parties may present, and receiving other evidence that may adduce, and to submit a report thereon within the period provided by the Court."*^[9] The Court also directed then newly-designated Executive Judge Pablo C. Formaran III (Judge Formaran), RTC, Naga City, Camarines Sur, to proceed with the investigation of the instant administrative complaint against De Leon.

The RTC Investigation Report

In an Investigation Report^[10] dated September 28, 2017, Judge Formaran stated that during the first scheduled hearing on July 21, 2017, only Edgar dela Rama (Edgar), father of Dela Rama appeared. On August 11, 2017, Dela Rama, Edgar, Emalyn, Rosanna, and De Leon all attended the scheduled hearing. However, De Leon *"manifested that she would no longer testify and ask questions on private complainant's witnesses; and that whatever statements made in her Comment should be considered as her testimony in the case."*

Judge Formaran opined that the failure of De Leon to rebut the serious accusations made by Dela Rama and her witnesses "hurled against her [face-to-face]" strengthened the credibility of the complaint. He also found that De Leon's "hesitance to seize the opportunity to explain her side portrays the inherent weakness of her defense." He further noted that the "sincerity and candor" of Dela Rama and her witnesses were evident all throughout the proceedings as they gave their respective narratives. He stated that the *"actuations of respondent, which bear the badges of corruption as she unlawfully and wrongfully misused her office to*

procure some benefit for herself to the prejudice of a person in need of help x x x constitutes a clear case of grave misconduct."

Judge Formaran concluded that De Leon should be "*held liable for Grave Misconduct and sentenced to suffer the penalty of forfeiture of her retirement benefits.*" He stated that it was overwhelmingly established that De Leon failed to live up to the standards of honesty and integrity required in the public service. Judge Formaran explained that although De Leon may no longer be dismissed because she was already dropped from the rolls, made effective on February 2, 2012, she can still be sanctioned with forfeiture of her retirement benefits, as provided under Section 58(a) of the Uniform Rules on Administrative Cases in the Civil Service (URACCS).

The OCA Report and Recommendation

In its Memorandum^[11] dated March 22, 2018, the OCA agreed with the findings and recommendation of Judge Formaran to penalize De Leon for grave misconduct. Dela Rama and her witnesses were able to sufficiently prove that De Leon deceived her into believing that she could help in the filing of the intended annulment of marriage case for a package fee of P65,000.00. They also established that the initial amount of P20,000.00, through a check issued by Emalyn was given to De Leon for that purpose.

The OCA likewise opined that the fact that she was present at the hearing where the allegations were made to her face, and yet refused to rebut the accusations against her, clearly shows that she could not explain and defend herself, nor deny the allegations hurled against her.

Moreover, the fact that De Leon was already dropped from the rolls is immaterial. Verily, the Court has already ruled that it is not precluded from subjecting a court employee, who has been previously dropped from the rolls, to the accessory penalties of cancellation of civil service eligibility, forfeiture of retirement benefits, and perpetual disqualification from reemployment in the government. While the penalty of dismissal from the service could no longer be imposed on the respondent, such penalty should still be enforced in its full course by imposing the accessory penalties upon him.^[12]

Misconduct has been defined as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules. The Revised Rules on Administrative Cases in the Civil Service (RRACCS) penalizes grave misconduct by dismissal from the service, which carries with it the accessory penalties of forfeiture of all benefits, except accrued leave credits, if any, and the perpetual disqualification from reemployment in any government instrumentality, including government-owned and controlled corporations.

Due to the foregoing, the OCA agreed with the recommendation of Judge Formaran that De Leon be held guilty of grave misconduct, which is penalized under the RRACCS with dismissal from the service. However, considering that she has already been dropped from the rolls pursuant to the Court's Resolution dated August 12, 2013, De Leon may be sanctioned with the accessory penalties of forfeiture of all benefits, except accrued leave credits, if any, and perpetual disqualification from

reemployment in any government instrumentality, including government-owned and controlled corporations.

The Issue Before the Court

The sole issue in this case is whether or not De Leon should be held liable for Grave Misconduct.

The Court's Ruling

After a judicious review of the records, the Court hereby adopts and approves the findings of facts and conclusions of law in the above-mentioned OCA Report and Recommendation. However, the penalties should be modified.

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer or employee.

[13] To warrant dismissal from the service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment. [14]

In this matter, the OCA observed that Dela Rama and her witnesses were able to establish that De Leon deceived her into believing that she could help in the filing of the intended annulment of marriage for a package fee of P65,000.00 and that an initial amount of P20,000.00, through a check issued by Emalyn, was actually given to and received by De Leon for that purpose. Moreover, the OCA inferred that the absences of De Leon proves that she is guilty of the allegations and that this was her way of eluding the constant follow-ups made by Dela Rama. Although De Leon explained in her Comment that said absences were due to her chronic lumbar strain, she never elaborated on why she allowed herself to be dropped from the rolls due to said absences.

Time and time again, this Court has stressed that "the behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy responsibility. [15] The Judiciary demands the best possible individuals in the service and it had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system. As such, the Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus, tainting its image in the eyes of the public. [16]

Gross misconduct, penalty imposed.

When De Leon committed the offense in 2011, the URACCS, which was promulgated on September 14, 1999, was still in effect. Section 52 of URACCS provides that:

SEC. 52. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

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

X X X X

3. Grave Misconduct

1st offense – Dismissal

Given the gravity of the offense, the URACCS classifies Grave Misconduct as a grave offense punishable by dismissal from service for the first offense.^[17] In *Ombudsman Carpio Morales v. Regalado*,^[18] the Court explained:

The fact that an offender was caught for the first time does not, in any way, abate the gravity of what he or she actually committed. Grave misconduct is not a question of frequency, but as its own name suggests, of gravity or weight. One who commits grave misconduct is one who, by the mere fact of misconduct, has proven himself or herself unworthy of the continuing confidence of the public. By his or her very commission of that grave offense, the offender forfeits any right to hold public office.

The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, which must be established by substantial evidence. As distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in a charge of grave misconduct.^[19] Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others.^[20]

Section 58(a) of the URACCS further shows the seriousness of the offense in that it provides for additional administrative disabilities inherent with dismissal. To wit:

The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.

On October 2, 2018, the Court promulgated A.M. No. 18-01-05-SC which amended Rule 140 of the Rules of Court, reiterating that members of the Judiciary must be of proven competence, integrity, probity, and independence pursuant to Section 7(3), Article VIII of the 1987 Constitution. The pertinent portions of which read:

NOW, THEREFORE, the Court resolved to:

X X X X

2. APPROVE the recommendation of the Technical Working Group to amend Rule 140 of the Rules of Court, subject to the following modifications under Sections 1, 2, 4, 6, 9, 11, 12 thereof:

X X X X

Rule 140

DISCIPLINE OF JUDGES OF REGULAR AND
SPECIAL COURTS, JUSTICES OF THE COURT OF