

## EN BANC

[ A.M. No. CA-20-36-P, August 03, 2021 ]

**DR. VIRGILIO S. RODIL, COMPLAINANT, VS. IMELDA V. POSADAS, RECORDS OFFICER II, REPORTERS DIVISION, COURT OF APPEALS, RESPONDENT.**

### DECISION

#### PER CURIAM:

This administrative matter stemmed from the findings in a *Per Curiam* Decision<sup>[1]</sup> of the Court in Administrative Case No. (AC) 10461 entitled *Dr. Virgilio S. Rodil v. Atty. Andrew Carro, Samuel Ancheta, Jr. and Imelda Posadas*. In the said case, the Court imposed the penalty of disbarment upon Atty. Andrew Carro (Atty. Carro) and ordered the Office of the Administrative Services (OAS) of the Supreme Court and the Court of Appeals (CA) to conduct the corresponding investigations on Samuel Ancheta, Jr. (Ancheta)<sup>[2]</sup> and the subject of the instant case, Imelda V. Posadas (Posadas), respectively.

#### The Antecedents:

Sometime in 2013, Atty. Ramel Aguinaldo (Atty. Aguinaldo) requested the assistance of Dr. Virgilio S. Rodil (Dr. Rodil) to find a contact in the Supreme Court who could help with the "review" of the pending drugs case of Atty. Aguinaldo's client, Marco Alejandro. In view of this, Dr. Rodil, a doctor at St. Michael Medical Center in Bacoor, Cavite, sought the aid of Posadas, a patient in the said hospital and an employee of the CA. Since Dr. Rodil inquired from Posadas if she had any contacts, the latter called for the assistance of Ancheta, an employee of this Court. Subsequently, Ancheta informed Posadas that the case was raffled to then Associate Justice Martin S. Villarama, Jr. (as *ponente*) and that Atty. Carro, one of Associate Justice Villarama's court attorneys at the time, agreed to "review" the case.<sup>[3]</sup>

After the connection was established, Ancheta and Posadas acted as the conduit of Dr. Rodil and Atty. Carro. Ancheta informed Posadas that Atty. Carro asked for a total of P10,000,000.00 in exchange for "reviewing" the case. Hence, four installment payments were made on separate dates with the corresponding "service" by Atty. Carro, detailed as follows:

- 1) For the initial reading of the case: P800,000.00 on April 22, 2013 given by Dr. Rodil to Posadas who turned over the cash to Ancheta for delivery to Atty. Carro;
- 2) For the "review" of the case: P700,000.00 on August 12, 2013, again given by Dr. Rodil to Posadas who passed it on to Ancheta for transfer to Atty. Carro;

- 3) For an advanced copy of the draft decision of acquittal: P5,000,000.00 on December 13, 2013, when Dr. Rodil personally met Atty. Corro and his friend Rico Alberto, at Max's Restaurant; and
- 4) For the advanced copy of the final decision of acquittal bearing the Supreme Court logo, signed by the *ponente* and sealed: P3,500,000.00 on February 21, 2014, which Dr. Rodil also gave to Atty. Carro with Rico Alberto as witness.<sup>[4]</sup>

For the first and second installments, Dr. Rodil instructed Posadas to meet him in his car so that he could give her the brown paper bag containing the money. After receipt, Posadas proceeded to Max's Restaurant along Maria Orosa Street, Ermita to hand over the paper bag to Ancheta, who in turn transferred it to Atty. Corro's possession. For the last two installments, Posadas still assisted and relayed information to Dr. Rodil and Ancheta to impart the conditions set by Atty. Corro and to facilitate the transfer of money.<sup>[5]</sup>

After some time, however, Dr. Rodil called Posadas to notify her that the advanced copy of the decision which Atty. Corro gave them was a fake. Posadas then contacted Ancheta who assured her that Atty. Corro would handle the situation. Unfortunately, Atty. Corro could not be contacted or located anymore.<sup>[6]</sup>

Because of this, Dr. Rodil repeatedly sent text messages to Posadas telling her to return the money, as the group of Atty. Aguinaldo supposedly already threatened him (Dr. Rodil). Curiously, though, Atty. Aguinaldo alleged that Posadas offered her housing unit at Queen's Row Subdivision in Cavite as collateral although this did not materialize.<sup>[7]</sup>

### **The Report and Recommendation<sup>[8]</sup> of the Investigating Panel of the Court of Appeals:<sup>[9]</sup>**

The Investigating Officer found that Posadas willingly contacted Ancheta after Dr. Rodil asked for her assistance. Posadas became an intermediary during the negotiations between Dr. Rodil and Atty. Corro.<sup>[10]</sup> Moreover, Posadas acted as the "bag lady" in every installment paid to Atty. Corro. On separate dates, Posadas was present when Ancheta handed over the copy of the draft decision and the advanced copy of the purported final decision of acquittal to Dr. Rodil.<sup>[11]</sup>

Posadas claimed that she was in good faith and was merely motivated by a sincere desire to help Dr. Rodil. Similarly, she insisted that she did not receive any amount or consideration during the transactions. However, the circumstances clearly showed that she had an indispensable involvement in the dealings. If only Posadas did not entertain Dr. Rodil's request to look for a contact in the Supreme Court in the first place, the transactions could not have materialized. Posadas knew that a "review" of the case meant that a decision of acquittal was being sought and that the accused was willing to pay to secure such a ruling.<sup>[12]</sup>

The investigation confirmed that Posadas was an active participant and not merely a spectator "in all phases of the negotiation/transaction between the group of Dr. Rodil and Atty. Corro. She did not only look for a contact who can deliver the goods, so to speak, she also was the conduit of exchanges of communication between the two (2) camps and worse, she served as the bag lady who delivered the money on four (4) occasions."<sup>[13]</sup>

In view of these, the Investigating Panel found that Posadas violated the Code of Conduct for Court Personnel which mandates that "'in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affect the Honor [and] dignity of the Judiciary and People's confidence in it."<sup>[14]</sup> Since she participated in a corrupt practice in the government, the Panel found that Posadas committed Grave Misconduct.<sup>[15]</sup>

Regardless, considering Posadas' compulsory retirement in January 2019, the Panel stated that the penalty of dismissal from service could no longer be imposed upon her. It recommended the imposition of the following accessory penalties instead: "a) perpetual disqualification from employment in any branch of government, including government-owned and controlled corporations; b) forfeiture of benefits except for accrued leaves; and c) cancellation of civil service eligibility, if any."<sup>[16]</sup>

### **Our Ruling**

Based on substantial evidence,<sup>[17]</sup> respondent Posadas is guilty of Conduct Prejudicial to the Best Interest of the Service and Committing Acts Punishable Under the Anti-Graft Laws which warrant her dismissal.

Considering the Court's earlier ruling in AC 10461 and the findings of the Investigating Panel in this administrative case, Posadas evidently took an active and indispensable role in the transactions. Without her participation, Dr. Rodil could not have easily formed a linkage with Ancheta and Atty. Corro, which in turn could have prevented the attempted "case-fixing" from happening.

As a government employee, Posadas violated Sections 4(A)(c) and 7(c) of Republic Act No. (RA) 7163 or the Code of Conduct and Ethical Standards for Public Officials and Employees, which provide:

#### **Section 4. Norms of Conduct of Public Officials and Employees. -**

(A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

x x x x

(c) *Justness and sincerity.* - Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs,

public policy, public order, public safety and public interest. x x x

x x x x

**Section 7. *Prohibited Acts and Transactions.*** - In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

x x x x

(c) *Disclosure and/or misuse of confidential information.* - Public officials and employees shall not use or divulge, confidential or classified information officially known to them by reason of their office and not made available to the public, either:

(1) To further their private interests, or give undue advantage to anyone;  
or

(2) To prejudice the public interest.<sup>[18]</sup>

Without a doubt, Posadas violated the aforementioned provisions. She acted contrary to law, good morals and public policy when she participated in case-fixing. Additionally, she divulged confidential information when she informed Dr. Rodil about the assignment of the case to the office of then Associate Justice Villarama, when such fact should have been kept classified. It is quite impossible for Posadas not to have been aware of the ramifications of her actions. She should have realized that as soon as the prospect of exchanging money for information and "favors" became manifest, she already became an active participant to the commission of corrupt acts.

Moreover, as an employee of the appellate court, Posadas knew that "as [a sentinel] of justice... any act of impropriety on [her] part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it."<sup>[19]</sup> Even with this knowledge, she still violated the following provisions of the Code of Conduct for Court Personnel:<sup>[20]</sup>

## **CANON I**

### **FIDELITY TO DUTY**

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

SECTION 3. Court personnel shall not discriminate by dispensing special

favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

x x x x

## **CANON II**

### **CONFIDENTIALITY**

SECTION 1. Court personnel shall not disclose to any unauthorized person any confidential information acquired by them while employed in the Judiciary, whether such information came from authorized or unauthorized sources.

x x x x

## **CANON IV**

### **PERFORMANCE OF DUTIES**

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during work hours.

x x x x

Indeed, "no position demands greater moral righteousness and uprightness from its holder than [in the judiciary].<sup>[21]</sup> Those connected with the dispensation of justice, from the highest official to the lowliest clerk, carry a heavy burden of responsibility."<sup>[22]</sup> Simply put, "[t]he image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel."<sup>[23]</sup> As an appellate court employee, Posadas was bound to observe these standards.

By participating in an unethical transaction, Posadas acted without propriety and placed the image of the Judiciary in a bad light. As a rational being and educated person, Posadas is presumed to know right from wrong. We therefore find her excuse that she was merely helping Dr. Rodil ridiculous, more so since she undoubtedly knew that money was already involved.

Such should have impelled her to put an end to the transaction, or if not possible, to disassociate herself immediately. Her excuses that she only held the cash for a short amount of time<sup>[24]</sup> and that she merely wanted Dr. Rodil to be acquainted with Ancheta<sup>[25]</sup> deserve scant consideration. She should not have allowed herself to be involved in the illegal transactions from the beginning.

However, she opted to continue to act as intermediary between the parties to the illegal transactions, possibly with the expectation that she would continue to receive discounts<sup>[26]</sup> from the hospital. She therefore became an active participant in a corrupt act and compromised her long years of service in the Judiciary.