

EN BANC

[A.M. No. CA-91-3-P, April 14, 2004]

ANSBERTO P. PAREDES, COMPLAINANT, VS. FRANCISCO S. PADUA, CLERK III, COURT OF APPEALS, RESPONDENT.

RESOLUTION

PANGANIBAN, J.:

Despite their dismissal from the service, government employees are entitled to the leave credits that they have earned during the period of their employment. As a matter of fairness and law, they may not be deprived of such remuneration, which they have already earned prior to their dismissal.

The Case

Before us is a "Petition for Equal Protection and Due Process"^[1] dated May 29, 2003, filed by Respondent Francisco S. Padua through counsel. It seeks the reversal of the forfeiture of his retirement and leave benefits for his 34 years of service in the Court of Appeals.

The Facts

This administrative case began on February 19, 1991, when retired Judge Ansberto Paredes filed a Complaint against his cousin, Respondent Padua, for having falsified the former's signature on a document captioned "Authority to Sell" and for having obtained money with the use of that document. In its Decision^[2] promulgated May 17, 1993, the Court dismissed respondent from the service and forfeited his retirement benefits, as follows:

"WHEREFORE, Francisco S. Padua is hereby DISMISSED from the service with prejudice to his reinstatement or appointment to any public office including government owned or controlled corporations and his retirement benefits, if any, are ordered forfeited. Let a copy of this Decision be forwarded to the Court of Appeals and the Civil Service Commission."

Thereafter, to obtain a reconsideration of his dismissal and of the forfeiture of his retirement and leave benefits, respondent filed several pleadings, enumerated below:

1. Motion for Reconsideration^[3] dated June 2, 1993, denied in the Resolution of June 20, 1993,^[4] for its failure to raise any substantial argument to warrant the reversal of the questioned Decision.

2. Motion to Set Aside Decision or its Effects and/or to Lift Forfeiture of Retirement Benefits^[5] dated August 14, 1993, denied for lack of merit in the Resolution of March 10, 1994.^[6]
3. Motion for the Lifting of Forfeiture of Retirement Benefits and for Collection of Vacation and Sick or Leave Benefits^[7] dated November 26, 1994, denied in the Resolution of December 8, 1994.^[8]
4. Plea for Judicial Clemency and Compassion^[9] dated March 10, 1998, denied for lack of merit in the Resolution of April 28, 1998.^[10]
5. Motion for Reconsideration^[11] dated June 17, 1998 of the Resolution of April 28, 1998, denied with finality in the Resolution of August 18, 1998,^[12] for failure of respondent to present any substantial argument.
6. Motion for Reconsideration^[13] dated October 6, 1998, treated by the Court as a Second Motion for Reconsideration and denied for lack of merit in the Resolution of November 10, 1998.^[14]
7. Manifestation (for Judicial Clemency and Compassion)^[15] dated June 29, 1999, referred by the Court to the Office of the Court Administrator (OCA) for evaluation, report and recommendation;^[16] recommended for denial by then Court Administrator Alfredo L. Benipayo in his Memorandum^[17] of August 16, 1999; and the recommended denial approved by the Court in its September 14, 1999 Resolution.^[18]
8. Letter dated September 15, 1999, asking for pardon, denied for lack of merit in the Court's October 5, 1999 Resolution.^[19]
9. Plea for Judicial Clemency and Compassion^[20] dated April 10, 2000, denied for lack of merit in the Court's Resolution of June 27, 2000.^[21]
10. Motion for Reconsideration^[22] of the June 27, 2000 Resolution, denied with finality in the January 23, 2001 Resolution,^[23] for lack of substantial argument.
11. Renewed Plea for Judicial Clemency and Compassion^[24] dated March 18, 2002, denied for lack of merit in the Court's April 16, 2002 Resolution.^[25]
12. Motion to Submit Additional Evidence in Support of "Renewed Plea for Judicial Clemency and Compassion"^[26] dated April 4, 2002, denied on April 23, 2002.^[27]
13. Motion for Reconsideration^[28] (dated May 30, 2002) of the April 16, 2002 Resolution, denied^[29] for lack of merit.

14. Motion for Reconsideration -- A Plea for Mercy^[30] dated December 17, 2002 -- denied^[31] inasmuch as reconsideration had been denied with finality since the January 23, 2001 Resolution.

On May 29, 2003, respondent filed the present Petition for Equal Protection and Due Process,^[32] invoking Decisions that were allegedly applicable to his case, although they were rendered long after his case had attained finality.

On July 8, 2003, the Court referred the Petition to the OCA for evaluation, report and recommendation.^[33]

Report and Recommendation of the OCA

In his Memorandum^[34] dated September 3, 2003, Court Administrator Presbitero J. Velasco Jr. observed that twelve and one-half (12 ½) years had passed since the filing of the Complaint, and ten (10) years since the finality of respondent's dismissal from the service. Throughout this period, the Supreme Court has remained steadfast in its resolve to deny the numerous Motions, Pleas, Manifestations and Petitions of respondent requesting modification or amendment of its adverse judgment. Indeed, the Court has consistently thrown its full weight and authority on erring court personnel who have flagrantly violated the norms of judicial conduct, and who have thus tainted the noble and venerable image of the judiciary.

The Court, however, has modified and even reduced the penalties already imposed on some offenders, owing to some intervening factors or circumstances that merited the mitigation of their sentences.

In the present case, respondent served the judiciary for thirty-four years, during which he committed only a single offense. In view thereof, the OCA has recommended a reduction of the penalties to the extent that his retirement and leave benefits would be restored to him.

The Court's Ruling

As regards the leave benefits, we concur with the court administrator.

Administrative Liability

In his Petition, respondent demonstrates his sincere repentance and deep remorse for the wrong he committed in a moment of fallibility, to which every human being is subject. Realizing that judicial personnel must exhibit the highest sense of honesty and integrity in order to preserve the good name and standing of the courts, he is no longer questioning the wisdom of this Court in imposing upon him the disciplinary action he really deserves.

The dismissal of respondent has exposed him to the attendant humiliation and tremendous suffering and virtually stripped him of his dignity and livelihood. Further, his destitution is aggravated by the bad state of his health, considering that he is already in the twilight of his life.

Again, he pleads for clemency, this time for his minor children who have no source