



**Republic of the Philippines
Supreme Court
Manila**

EN BANC

**MAURA JUDAYA and ANA
AREVALO,**

Complainants,

- versus -

**RAMIRO F. BALBONA, Utility
Worker I, Office of the Clerk of
Court, Regional Trial Court of
Cebu City,**

Respondent.

A.M. No. P-06-2279

(Formerly OCA IPI No. 06-2452-P)

Present:

SERENO, C.J.,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
PERALTA,
BERSAMIN,
DEL CASTILLO,
MENDOZA,*
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA,
MARTIRES,** and
TIJAM, JJ.

Promulgated:

June 6, 2017

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DECISION

PERLAS-BERNABE, J.:

For the Court's resolution is an Amended Affidavit¹ dated May 29, 2006 filed by complainants Maura Judaya and Ana Arevalo (complainants)

* On Official Leave.

** On Official Leave.

¹ Rollo, pp. 7-8. See also complainants' initial Affidavit dated February 21, 2006; id. at 13-14.

against respondent Ramiro F. Balbona (respondent), Utility Worker I, Office of the Clerk of Court, Regional Trial Court of Cebu City (RTC), for Grave Misconduct.

The Facts

In the Amended Affidavit, complainants alleged that they are the mother and live-in partner, respectively, of one Arturo Judaya (Arturo), who was arrested purportedly for the use of illegal drugs. Complainants were then told that respondent could facilitate Arturo's release in exchange for ₱30,000.00. Thus, at 9:30 in the morning of February 24, 2005, complainants went to the Palace of Justice, Capitol, Cebu City to deliver the said amount to respondent, who then assured them that he would help secure Arturo's release. Respondent, however, failed to perform his undertaking; thus the demand to return the money. Out of the ₱30,000.00, respondent only returned ₱2,500.00 to complainants; hence, the instant complaint.²

In his defense, respondent essentially denied the accusations against him, maintaining that as a mere utility worker, he could not in any way facilitate the release of a detention prisoner. He likewise denied personally knowing complainants and receiving money from them. In this relation, respondent pointed out that he is stationed at the Cebu City Palace of Justice, while the case of Arturo was pending at Branch 55 of the RTC, which was located in Mandaue City. Finally, respondent asserted that it is contrary to human experience for complainants to simply hand over a large amount of money to a complete stranger; that complainants' act of doing so for the release of a prisoner was illegal and showed their lack of moral fitness; and that complainants have no one to blame but themselves for the consequences of their act.³

In light of the seriousness of the accusations against respondent, the Court, as recommended by the Office of the Court Administrator (OCA), redocketed the case as a regular administrative matter and referred the same to the Executive Judge of the RTC for investigation, report, and recommendation.⁴

In a Report⁵ dated December 21, 2015, the Executive Judge recommended respondent's dismissal on the ground of Grave Misconduct and Conduct Unbecoming of a Government Employee. It was disclosed that pending the instant proceedings, respondent stopped reporting for work, had been declared absent without official leave (AWOL), had resigned since

² Id. See also id. at 83-84.

³ See Comment dated July 17, 2006; id. at 16-17. See also 84.

⁴ See Resolution dated November 29, 2006; id. at 24.

⁵ Id. at 74-77. Penned by Executive Judge Soliver C. Peras.

September 20, 2007,⁶ and eventually, his position was occupied by another person.⁷ Despite the foregoing, the Executive Judge opined that the foregoing did not render the instant case moot and academic.⁸ Subsequently, it was found that respondent's act of receiving money from complainants on the pretext that the latter will obtain a favorable ruling constitutes Grave Misconduct for which he should be held administratively liable.⁹

The OCA's Report and Recommendation

In a Memorandum¹⁰ dated October 19, 2016, the OCA recommended that respondent be found guilty of Grave Misconduct, an offense punishable by dismissal from service under Section 2 (e), Canon III, of the Code of Conduct for Court Personnel.¹¹ It found substantial evidence showing that respondent indeed solicited and received money from complainants. However, since such penalty could no longer be imposed on respondent due to his separation from service during the pendency of the investigation against him, the OCA recommended that he be, instead, meted the accessory penalties appurtenant to the same, namely: cancellation of civil service eligibility, forfeiture of retirement benefits; and perpetual disqualification from holding public office and from taking civil service examinations.¹²

The Issue Before the Court

The primordial issue for the Court's resolution is whether or not respondent should be held administratively liable for Grave Misconduct.

The Court's Ruling

The Court adopts the findings and recommendations of the OCA.

Preliminarily, it is worthy to emphasize that the precipitate resignation of a government employee charged with an offense punishable by dismissal from service does not render moot the administrative case against him. The Court's pronouncement in *Pagano v. Nazarro, Jr.*¹³ is instructive on this matter, to wit:

⁶ See "*Komisyon*" (KSS *Porma Blg.* 33) appointing Arvin S. Catarata to the position vacated by respondent, signed by Court Administrator Jose Midas P. Marquez on August 12, 2010; *id.* at 68, including dorsal portion.

⁷ *Id.* at 75-76.

⁸ *Id.* at 76.

⁹ *Id.* at 77.

¹⁰ *Id.* at 83-88. Signed by Deputy Court Administrators Raul Bautista Villanueva and Jenny Lind R. Aldecoa-Delorino.

¹¹ See *id.* at 86 and 88.

¹² *Id.* at 87-88.

¹³ 560 Phil. 96 (2007).

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In [*OCA v. Juan* [(478 Phil.: 823, 828-829 [2004])]], this Court categorically ruled that **the precipitate resignation of a government employee charged with an offense punishable by dismissal from the service does not render moot the administrative case against him. Resignation is not a way out to evade administrative liability when facing administrative sanction. The resignation of a public servant does not preclude the finding of any administrative liability to which he or she shall still be answerable.**

A case becomes moot and academic only when there is no more actual controversy between the parties or no useful purpose can be served in passing upon the merits of the case. **The instant case is not moot and academic, despite the petitioner's separation from government service. Even if the most severe of administrative sanctions – that of separation from service – may no longer be imposed on the petitioner, there are other penalties which may be imposed on her if she is later found guilty of administrative offenses charged against her, namely, the disqualification to hold any government office and the forfeiture of benefits.**

Moreover, this Court views with suspicion the precipitate act of a government employee in effecting his or her separation from service, soon after an administrative case has been initiated against him or her. An employee's act of tendering his or her resignation immediately after the discovery of the anomalous transaction is indicative of his or her guilt as flight in criminal cases.¹⁴ (Emphases and underscoring supplied)

Here, the Executive Judge of the RTC and the OCA correctly pointed out that respondent's failure to report for work, which eventually caused him to be declared in AWOL, and his resignation during the pendency of the investigation against him did not render this administrative case moot and academic, especially so that he is being charged with an offense punishable by dismissal from service.

In this light, the Court shall now delve into respondent's administrative liability.

“Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from 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 and must also have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office. In order to differentiate [grave] misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in the former.”¹⁵

¹⁴ Id. at 105; citations omitted.

¹⁵ *OCA v. Viesca*, 755 Phil. 385, 396 (2015), citing *OCA v. Amor*, 745 Phil. 1, 8 (2014).

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In order to sustain a finding of administrative culpability for such offense, only substantial evidence is required, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.¹⁶

A judicious review of the records of this case reveals substantial evidence showing that respondent indeed solicited and received the amount of ₱30,000.00 from complainants, on the pretext that he will facilitate the release of the latter's relative who is a detention prisoner. This is a direct violation of Section 2, Canon I and Section 2 (e), Canon III of the Code of Conduct for Court Personnel,¹⁷ which respectively read:

CANON I
FIDELITY TO DUTY

x x x x

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

CANON III
CONFLICT OF INTEREST

x x x x

Section 2. Court personnel shall not:

x x x x

(e) Solicit 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.

In a catena of cases, the Court has consistently held that the acts of soliciting and receiving money from litigants for personal gain constitute Grave Misconduct, for which the court employee guilty thereof should be held administratively liable,¹⁸ as in this case.

¹⁶ See *OCA v. Lopez*, 654 Phil. 602, 607 (2011).

¹⁷ A.M. No. 03-06-13-SC (June 1, 2004).

¹⁸ See *Re: Incident Report Relative to a Criminal Case Filed Against Garduce*, A.M. No. P-15-3391, November 16, 2015, 775 SCRA 35, 38-40; *Bacbac-Del Isen v. Molina*, A.M. No. P-15-3322, June 23, 2015, 760 SCRA 289, 295-299; *Galindez v. Susbilla-De Vera*, 726 Phil. 1, 6-9 (2014); and *Dela Cruz v. Malunao*, 684 Phil. 493, 502-506 (2012).

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Anent the proper penalty to be imposed on respondent, the Court notes that Grave Misconduct is classified as a grave offense punishable by dismissal from service for the first offense.¹⁹ “Corollary thereto, the penalty of dismissal from service carries with it the following administrative disabilities: (a) cancellation of civil service eligibility; (b) forfeiture of retirement and other benefits, except accrued leave credits, if any; and (c) perpetual disqualification from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.”²⁰ In this instance, since respondent had earlier resigned, the penalty of dismissal from service could no longer be imposed. Nevertheless, such penalty should be enforced in its full course by imposing the aforesaid administrative disabilities upon him.²¹

As a final note, “[i]t must be emphasized that those in the Judiciary 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 confidence in it. The Institution 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.”²²

WHEREFORE, respondent Ramiro F. Balbona, former Utility Worker I, Office of the Clerk of Court, Regional Trial Court of Cebu City, is found **GUILTY** of Grave Misconduct and would have been **DISMISSED** from service, had he not earlier resigned. Accordingly, his civil service eligibility is hereby **CANCELLED**, his retirement and other benefits, except accrued leave credits, are **FORFEITED**, and he is **PERPETUALLY DISQUALIFIED** from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.

SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

¹⁹ See *Lagado v. Leonido*, 741 Phil. 102, 107 (2014).

²⁰ *Id.*

²¹ See *id.* at 108.

²² *Id.*, citing *OCA v. Acampado*, 721 Phil. 12, 31-32 (2013).

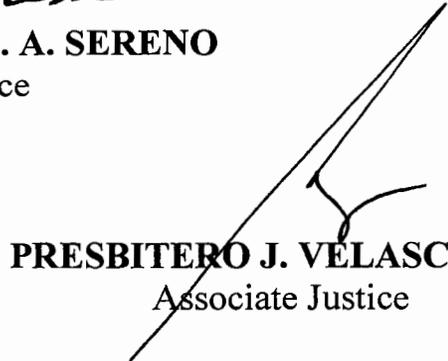
WE CONCUR:



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice

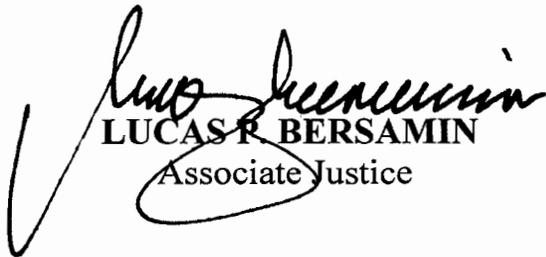


PRESBITERO J. VELASCO, JR.
Associate Justice

Teresita Leonardo de Castro
TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS R. BERSAMIN
Associate Justice



MARIANO C. DEL CASTILLO
Associate Justice

On Official Leave
JOSE CATRAL MENDOZA
Associate Justice



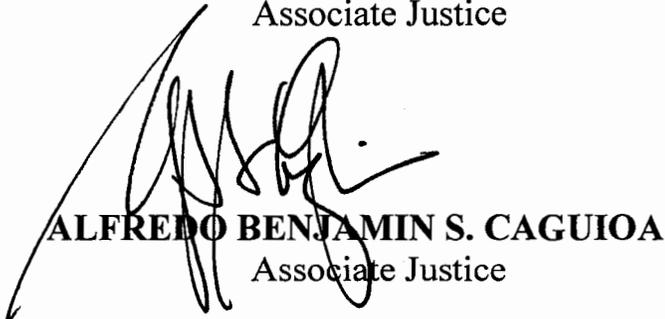
BIENVENIDO L. REYES
Associate Justice



MARVIC M. V. F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice



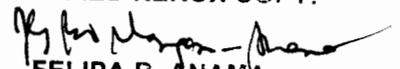
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

On Official Leave
SAMUEL R. MARTIRES
Associate Justice



NOEL GOMEZ TIJAM
Associate Justice

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FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT