



Republic of the Philippines  
Supreme Court  
Manila

EN BANC

ANONYMOUS,  
Complainant,

A.M. No. P-16-3614  
[Formerly OCA IPI No. 16-4630-P]

Present:

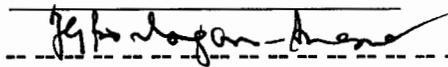
SERENO,\*  
CARPIO,\*  
VELASCO, JR.,\*\* *Acting Chief Justice*,  
LEONARDO-DE CASTRO,  
PERALTA,  
BERSAMIN,  
DEL CASTILLO,  
MENDOZA,  
REYES,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
CAGUIOA,\*\*\*  
MARTIRES, and  
TIJAM, JJ.

- versus -

GLENN L. NAMOL, Court  
Interpreter, ERLA JOIE  
L. ROCO, Legal Researcher  
and ESELBERT ANTHONY  
A. GARABATO, Process  
Server, all of the Regional Trial  
Court, Branch 63, Bayawan  
City, Negros Oriental,  
Respondents.

Promulgated:

June 20, 2017



x ----- x

DECISION

*Per Curiam:*

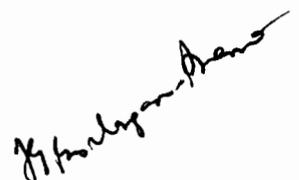
Before the Court is an anonymous Letter-Complaint,<sup>1</sup> dated April 14, 2014, from the Concerned Lawyers of the Third District of Negros Oriental

\* On Official Leave.

\*\* Per Special Order No. 2450 dated June 20, 2017.

\*\*\* On Leave.

<sup>1</sup> Rollo, pp. 10-15.



(*complainants*) against Edselbert “Jun-Jun” Garabato (*Garabato*), Process Server; Erla Joie L. Roco (*Roco*),<sup>2</sup> Legal Researcher; and Glenn Namol (*Namol*), Court Interpreter, all of the Regional Trial Court (*RTC*), Branch 63, Bayawan City, Negros Oriental, for grave misconduct due to case fixing, marriage solemnization fixing, improper solicitation, gross ignorance of the law, and conduct unbecoming of a court employee.

The letter-complaint alleged the following:

**As against Court Interpreter Glenn Namol and Process Server Edselbert “Jun-Jun” Garabato:**

The undesirability of respondent Edselbert “Jun Jun” Garabato in confederation with court interpreter Glenn Namol are demonstrated in the following two (2) incidents:

1. After Criminal Case No. 1197, Pp vs. Joe Darlene Lasconia y Sastre for Rape was provisionally dismissed for lack of interest to prosecute sometime in September 2012, respondents Jun Jun Garabato and Glenn Namol visited Danilo “Nene” Lasconia, father of accused Joe Darlene, at his residence for several times at Yardahan, Basay, Negros Oriental, because ALLEGEDLY they were sent by Judge Roderick A. Maxino to ask money “for the boys.” He gave the two (2) respondents ₱3,000.00. However, the two (2) asked for more which prompted him to add another three thousand pesos (*Php3,000.00*). The money he gave was taken from his capital for buying and selling fish business.
2. One Liezel Aragon, a public school teacher of Basay, Negros Oriental, and a resident of Poblacion, Basay, Negros Oriental, and her fiancé whose surname is Manuel, who wanted to marry, went to the RTC, Branch 63, Bayawan City, sometime in September or October 2013, where they met respondents Edselbert “Jun-Jun” Garabato and Glenn Namol in court. The two (2) respondents asked them to pay six thousand pesos (*Php6,000.00*) because they will pay one thousand five hundred pesos (*₱1,500.00*) for the judge and four thousand five hundred pesos (*Php4,500.00*) for the processing of papers. Indeed, the couple paid them six thousand pesos (*Php6,000.00*). However, it did not prosper because Judge Rogaciano Rivera of MTC Sta. Catalina, for two (2) Mondays was on leave. Eventually, the two (2) were asked to return the amount but only three thousand pesos (*Php3,000.00*) was returned and the three thousand pesos (*Php3,000.00*) remained unpaid.

x x x

Respondents Edselbert “Jun-Jun” Garabato and Glenn Namol confederated and conspired in money making activities by asking money from litigants whose cases have just been dismissed or terminated in court by making it appear that these persons are

<sup>2</sup> Referred to as Mrs. Erla Lajot Roco in the anonymous letter; id.

obligated to the court personnel of RTC, Branch 63, Bayawan City. Even though it is not necessary, they helped each other in making false pretenses thereby besmirching the integrity of the Supreme Court.

**As against Process Server Edselbert “Jun-Jun” Garabato and Legal Researcher Mrs. Erla L. Roco:**

This is evidenced by the admission of Edselbert “Jun-Jun” Garabato and Legal Researcher Mrs. Erla Lajot Roco in the TSN taken on October 23, 2013 at 8:30 o’clock in the morning. The whole transcript of records is marked as Annex “1” up to “13” and being a public record it is now used by us as annexes and made as an integral part of this complaint.

This transcript of records was taken during a meeting called for by Judge Ananson E. Jayme, Executive and Presiding Judge, RTC Branch 63, Bayawan City. Complainants Banny Bucad and Marichu Bucad; respondent Jun-Jun Garabato; Legal Researcher Erla Lajot Roco; Atty. Victoriano D. Alabastro, counsel for the accused and Deputy City Prosecutor Lemuel Nacita were all present.

In this transcript, it revealed that Mr. Banny Bucad was arrested as a coordinator of “swertres” or illegal gambling. After he posted a bond, Mr. Edselbert “Jun-Jun” Garabato approached and convinced him that since he might suffer a long term penalty of imprisonment, it is better for him to plead guilty to a lesser offense of a bettor instead of a coordinator. Convinced, he nodded. However, Edselbert “Jun-Jun” Garabato informed him that to make the same possible, he should pay ten thousand pesos (₱10,000.00) because he is going to give his companion in court. (See page 5, TSN, taken on October 23, 2013).

Two (2) days thereafter, Mr. Banny Bucad gave to the respondent Edselbert “Jun-Jun” Garabato the amount of three thousand pesos (₱3,000.00) as partial payment. Wanted to collect the remaining seven thousand pesos (₱7,000.00), respondent kept texting and calling Banny Bucad and Marichu Bucad where some of the text messages were saved and dictated during the hearing that showed the persistent demands of respondent Edselbert “Jun-Jun” Garabato. (See pages 7 and 8, TSN taken on October 23, 2013).

Since victim Banny Bucad could not pay and before the hearing of his application for probation, Mr. Bucad approached Judge Jayme which resulted to a call for a formal meeting on October 23, 2013 at 8:30 o’clock in the morning. The meeting was fruitful because it demonstrated that respondent Edselbert “Jun-Jun” Garabato had asked money from Mr. Banny Bucad. His conduct does not deserve to stay longer in the RTC and we therefore pray that he should be dismissed from service.

*J. L. Jayme - JMS*

In the same stenographic report, we have seen the participation of Mrs. Erla Lajot Roco xxx.

Mrs. Erla Lajot Roco as admitted by her had effectively mediated the settlement of a non-mediatable dispute between Mr. Banny Bucad and Jun-Jun Garabato by visiting Banny Bucad in his house. While Jun-Jun Garabato committed an unpardonable conduct because he already damaged or destroyed the image of the Supreme Court, Mrs. Erla Lajot Roco asked Jun-Jun Garabato to return the three thousand pesos (*Php3,000.00*). Even though Mrs. Roco allegedly did not understand what Jun-Jun Garabato was doing, using her influence, she initiated in visiting Banny Bucad and the latter's family in their house, convinced Banny Bucad and Marichu Bucad to settle the problem and allowed Jun-Jun Garabato to return the *Php3,000.00*. It was Mrs. Roco's influence that convinced Jun-Jun Garabato to return the *Php3,000.00* even if Banny Bucad and Jun-Jun Garabato did not see each other.<sup>3</sup>

On May 7, 2014, the Office of the Court Administrator (*OCA*) referred the letter to Judge Gerardo A. Paguio, Jr., Executive/Presiding Judge, Branch 40, Dumaguete City, Negros Oriental, (*EJ Paguio, Jr.*) for a discreet investigation and report.<sup>4</sup>

In his Discreet Investigation and Report,<sup>5</sup> dated July 25, 2014, EJ Paguio, Jr. reported that he had talked to the Presiding Judge of RTC-Branch 63, Public Prosecutor, IBP President of Negros Oriental, and several practicing lawyers from whom he obtained the following information:

1. The attached transcript of stenographic notes in *People v. Bucad*, Criminal Case No. 1636 taken on October 23, 2013 is authentic and confirmed by Presiding Judge Ananson Jayme.
2. After the proceedings on October 23, 2013, an attempt on the life of accused Banny Bucad was made. His son Mark Bucad was killed sometime in January or February 2014.
3. After the same proceedings, Judge Ananson Jayme received death threats so serious as to necessitate a request for bodyguards from the PNP, Bayawan City. He currently fears for his life.
4. The presence of anomalous transactions committed by staff members of the Regional Trial Court of Bayawan City is known among lawyers of the IBP but no one is willing to come forward to file a complaint. A public prosecutor also received

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<sup>3</sup> Id. at 10-14.

<sup>4</sup> Id. at 46.

<sup>5</sup> Id. at 30-32.

*JG Paguio Jr.*

information of extortion activities committed by these personnel under investigation.

5. There is word that the personnel who are the subject of this investigation are being protected by a criminal syndicate and a powerful political figure. They provide inside information about sensitive court proceedings. Some deaths in the province have been attributed to this group.<sup>6</sup>

Although the witnesses were afraid to appear and sign a complaint because they feared for their lives, EJ Paguio, Jr. stated that there were others who were willing to give information provided that they would be given adequate protection. Considering the influence of the persons involved, EJ Paguio, Jr. recommended that the investigation be conducted by the National Bureau of Investigation-National Capital Region (*NBI-NCR*). He likewise submitted the names of those who could provide additional information on the extent of the activities of the respondents.

In its 1<sup>st</sup> Indorsement,<sup>7</sup> dated September 9, 2014, the OCA required the respondents to comment on the anonymous complaint.

Before the respondents could file their comment, another Letter,<sup>8</sup> dated November 20, 2014, was received by the OCA from the complainants asserting that the respondents continued to extort money from the litigants despite advice from Judge Ananson Jayme (*Judge Jayme*), Presiding Judge, Branch 63, RTC, Bayawan City, Negros Oriental. They further alleged the following:

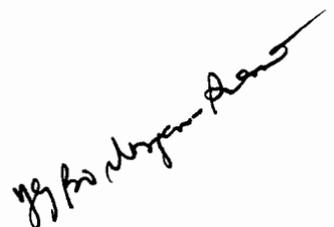
1. In Civil Case 206, Ritchie Plandos Kristine Fatima Ho for Declaration of Nullity, respondent Process Server Edselbert Garabato received about ₱3,500.00 after the case was decided by Judge Jayme. He asked this amount without the knowledge of Judge Jayme;
2. In Civil Case No. 245, Desirita Dales Estrellado, Andres Estrellado for Declaration of Nullity of Marriage in the guise of borrowing money, respondent Glenn Namol had obtained a loan of almost ₱10,000.00 and respondent Edselbert Garabato had obtained a loan for more than ₱10,000.00. Despite demand they did not pay. The litigants considered the money disposed by them as given;
3. Many will testify if called for on the issue of solicitation of wine, fish and other items thereby dropping the name of Judge Jayme as the solicitor; and

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<sup>6</sup> Id. at 31.

<sup>7</sup> Id. at 53-55.

<sup>8</sup> Id. at 57-59.



4. The three (3) respondents have probable direct connections with criminal syndicates. They were like spotters that could cause someone to be noticed and to be ambushed to and from going to the court.<sup>9</sup>

The complainants requested a thorough investigation and even provided the names of those who could testify about the illegal conduct of the respondents.

On December 22, 2014, the respondents filed their Answer to the Anonymous Letter-Complaint as well as their complaint against Judge Jayme, Edgar Gantalao (*Gantalao*) and Peter Lou Tumale (*Tumale*) for falsification of their Daily Time Records (*DTR*).<sup>10</sup> The respondents denied the accusations, challenged the complainants to prove their allegations with evidence and requested the conduct of an investigation. They prayed that all the persons mentioned in the complaint be required to appear so they would have an opportunity to cross-examine them.

With respect to the allegation that they solicited money from Lasconia, Garabato and Namol claimed that they personally went to Danilo "Nene" Lasconia (*Lasconia*) and confronted him about the issue but he denied accusing them of soliciting money; that Lasconia informed Garabato and Namol that spouses Marilyn and Artemio Solamillo came to him and relayed the desire of Judge Jayme to personally see him and talk about the issue of the alleged extortion but Lasconia never went to see Judge Jayme; and that Marilyn Solamillo (*Marilyn*), an employee of Bayawan City, was requested by Judge Jayme to be assigned to the court to handle court records.

As to the allegation that they asked the amount of ₱6,000.00 from Leizel Aragonés (*Aragones*) and her fiancé for the solemnization of their marriage, Garabato and Namol averred that the accusation was false, fabricated and malicious. They asserted that they went to the school where Aragonés was teaching in order to confront her but they failed to do so as she was always unavailable.

On the charge against Garabato and Roco that they conspired to fix the case of Banny Bucad (*Bucad*), they alleged that it was Judge Jayme who allowed him to plead guilty to a lesser offense, the penalty for which was probationable; that it was Bucad who approached Garabato and asked for his help in the preparation of his application for probation; that Bucad **gave Garabato ₱3,000.00 to cover whatever expenses that would be incurred**

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<sup>9</sup> Id. at 58.

<sup>10</sup> Id. at 64-71.

*gagay / [unclear]*

**for the preparation of his application for probation;** that during the informal meeting with Tumale, the officer-in-charge, they suggested that Garabato return the money but he should not do it personally to avoid suspicion that he was soliciting money; and that Roco volunteered to return the ₱3,000.00 to Bucad.

In the said answer, the respondents also *enumerated several irregularities committed by Judge Jayme, Gantalao and Tumale*. The allegations were as follows:

1. That from the time Judge Jayme assumed office as the Presiding Judge of the RTC, he displayed indifference to them and preferred to hire his relatives to work in the court. They averred that Gantalao, his grandson, was employed as Clerk III of the RTC in charge of civil cases, but he was not functioning as such because he was designated to act as court encoder; that Marilyn, an employee of Bayawan City and his niece, was assigned to perform the duties of Clerk III and had access to all court records without prior authority from the Court Administrator. The respondents requested a copy of Gantalao's application to find out whether or not he had divulged his relationship to Judge Jayme, who recommended his appointment. Nonetheless, the responsibility to reveal their relationship laid with Judge Jayme as the recommending authority.

2. That Judge Jayme did not regularly come to court on Mondays and he would leave the court for Dumaguete City on Thursdays. Judge Jayme also allowed Gantalao and Tumale to falsify their DTR, thus:

- (a) On one occasion, Namol witnessed Judge Jayme directing Gantalao to fix the entries in their bundy cards to make it appear that they were present on a certain day and to show that they reported before 8:00 o'clock in the morning even though they reported for work late. Moreover, Gantalao tinkered with the bundy clock machine inside the chambers of Judge Jayme and in his presence.
- (b) On October 13, 2014, the Financial Audit Team arrived in the court but they could not start the actual counting of court collections because Tumale and Gantalao were not yet in the office even at past 9:00 o'clock in the morning and they falsified the entries in their bundy clock card and in the logbook to make it appear that they reported for work on time. The respondents likewise questioned the authority of Tumale and Gantalao to keep in their possession the court collections even though they were not cash clerks and not bonded.

*J. B. Bayan*

(c) In November 2014, Gantalao did not report for work but his DTR showed otherwise because he sent text messages to Allan Digos (*Digos*), a locally paid employee detailed to the court, to punch his DTR for him. Digos complied out of fear that Judge Jayme would get angry at him.

3. That Judge Jayme did not attend the flag-raising and flag-lowering ceremonies in violation of Republic Act (*R.A.*) No. 891 and A.M. No. 03-802-SC;

4. That Judge Jayme and Tumale openly defied a Supreme Court circular when they failed to follow the letter of the Court Administrator denying the designation of Tumale as OIC Clerk of Court;

5. That Judge Jayme was residing in a house constructed by the City Government behind the courthouse and that the maintenance of the house and the utility bills were paid by the City Government;

6. That in Criminal Case No. 1393, entitled *People of the Philippines v. Ernesto Claro y Rebula*, a crime for rape in relation to R.A. No. 7160, Judge Jayme, upon the recommendation of the City Prosecutor, dismissed the case without setting the case for hearing and insuring the attendance of the minor victim and her guardian or representative from the DSWD; and that the case was dismissed on December 20, 2013, but the accused was ordered released only on June 2, 2014 after the BJMP warden followed up the case; and

7. That since he assumed office, Judge Jayme had not conducted any jail visitation though he made it appear in his report to the Court that he conducted jail visits.

Lastly, the respondents averred that Roco received a text message from a personnel of the Court Management Office under the Office of the Court Administrator (*CMO-OCA*), which message threatened and bothered them. The text message is hereby quoted as follows:

Gd pm sa CMO to. napg alaman naming n hindi mo gnawa ang trabaho dyan sa rtc 63. sinabi lahat ni mr. edselbert "jun2" garabato. pati n ang involment m sa criminal syndicate. hintayin namin ang report galing s oic clerk of court para ma file n admin case para s iyo. by d way mayron k nang admin case dito. ang complainant lawyers of neg or. may nbi n naka assign for invstgation. sana malampasan mo yan. mayron kang mga admitions dito sa tsn attach. good day.<sup>11</sup>

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<sup>11</sup> Id. at 70.

### **The Report and Recommendation of the OCA**

In its September 21, 2016 Report,<sup>12</sup> the OCA found Garabato guilty of grave misconduct and conduct prejudicial to the best interest of the service for asking accused Bucad ₱10,000.00 for the processing of his application for probation, out of which amount he accepted ₱3,000.00 as initial payment.

The OCA also found Namol and Garabato guilty of loafing in view of their admission that they had left the court's premises without the authority of their superior for the purpose of confronting Lasconia and Aragonés regarding the allegations in the complaint.

As to the liability of Roco, the OCA found her liable for simple neglect of duty for her failure to report the extortion incident involving Garabato and Bucad. It opined that Roco's act of convincing Garabato to return the ₱3,000.00 to Bucad and volunteering to return the money to him was an indication of her knowledge of Garabato's misconduct. Instead of reporting to Judge Jayme, she opted to conceal it. Thus, the OCA recommended that:

- a) the instant administrative complaint be RE-DOCKETED as a regular administrative matter against respondents Process Server Edselbert Anthony A. Garabato; Court Interpreter Glenn L. Namol, and Legal Researcher Erla Joie L. Roco, all of Branch 63, RTC, Bayawan, Negros Oriental;
- b) respondent Process Server Edselbert Anthony A. Garabato be found GUILTY of grave misconduct and conduct prejudicial to the best interest of the service and be meted the penalty of DISMISSAL from the service with FORFEITURE of his retirement and other benefits except accrued leave credits, and PERPETUAL DISQUALIFICATION from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution;
- c) respondent Court Interpreter Glenn L. Namol be found GUILTY of loafing and be meted the penalty of SUSPENSION for six (6) months and one (1) day;
- d) respondent Legal Researcher II Erla Joie L. Roco be found GUILTY of simple neglect of duty and be REPRIMANDED with a STERN WARNING that a repetition of such or any similar act shall be dealt with severely by the Court;

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<sup>12</sup> Id. at 1-9.

*73 P. Aragon - Bant*

- e) the Joint Answer/Comment dated 4 December 2014 of respondents containing their counter-charges of nepotism and falsification of DTRs against Clerk III Edgar Gantalao, Sheriff/Officer-in-Charge Peter Lou Tumale, all of Branch 63, RTC, Bayawan City, Negros Oriental, be DOCKETED as a separate administrative matter and be ASSIGNED a new OCA IPI number; and
- f) Clerk III Edgar Gantalao and Sheriff/Officer-in-Charge Peter Lou Tumale be DIRECTED to SUBMIT their respective comments thereon with ten (10) days from notice.<sup>13</sup>

### The Ruling of the Court

#### *Liability of Garabato*

The Court agrees with the recommendation of the OCA.

The act of Garabato in demanding and receiving money from Bucad who had a pending case before the courts constituted serious misconduct in office. The transcript of stenographic notes (*TSN*), taken on October 23, 2013 during the clarificatory meeting before Judge Jayme, clearly demonstrated how Garabato fell short of the standards required of him as an employee of the court. In the said meeting, it was shown that he went to Bucad, induced him to plead guilty to a lesser offense, and demanded the amount of ₱10,000.00, with the assurance that he would facilitate the approval of his plea. The following are the statements of Bucad and Marichu Bucad (*Marichu*) during the clarificatory meeting:

COURT: The herein Presiding Judge as the Executive Judge of Sta. Bayabas wanted to clarify something which refers to the case of People of the Philippines vs. Banny Bucad in Criminal Case No. 1636 where during the last time Banny Bucad approached the chamber and told the herein Presiding Judge that he was not willing to plead guilty. [I]n fact, according to him, he has defenses because according to him at the time police officers went inside his house he was not there. And therefore to him, as a layman, he understood that the raid by the police was unlawful. He does not like to plead guilty and the court was in a quandary why did he plead guilty, so I asked him and just to cut the story short, I invited Banny Bucad together with his daughter whom he refer that his daughter is willing to testify to shed light. Now, there is a story outside the court against a member of the court personnel by the name of our Process Server Junjun Garabato who

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<sup>13</sup> Id. at 8-9.

allegedly approached Banny Bucad after Banny Bucad was arrested by the police officers. So, in the presence of his counsel, Atty. Victoriano Alabastro and acting Deputy City Prosecutor Lemuel Nacita, just to clear things and for the benefit of the Supreme Court, the herein Presiding Judge is conducting clarificatory meeting before Banny Bucad will appear for the hearing on the application for probation. May we ask the sheriff to interpret for us?

Q: Mr. Banny Bucad, you are the accused in Crim. Case No. 1636?

MR. BANNY BUCAD:

A: Yes.

Q: During the last hearing, this is only confirmatory, you maintained to this Presiding Judge that you ought not to plead guilty because you have legitimate defenses to your case and you told your lawyer that way, why is it that you pleaded guilty?

A: Somebody told me that I might be convicted.

Q: And you tell or inform the court who is that person who told you that you might be convicted?

A: Junjun.

Q: What is the real name of Junjun?

A: Junjun Garabato.

Q: When did it happen after you were arrested?

A: When I was already arrested that is the time that I was told.

Q: You were detained or you were out on bail?

A: When I was out on bail.

Q: And where did Junjun Garabato tell you?

A: At the road fronting our house.

Q: What is the name of that road?

A: Recto Avenue.

Q: Bayawan City?

A: Yes.

Q: What was he telling you?

A: He told me that my case being a coordinator will be considered as a bettor.

Q: Did he explain to you how it should be done?

A: He said to me that it can be done. It will be okay that I will be a bettor regarding my case.



- Q: **So, his purpose of approaching you was to help you?**  
A: **Yes.**  
Q: **Why did you say “pero” or but?**  
A: **He asked me the amount of Ten Thousand Pesos (Php10,000.00).**
- Q: **Who was present when he asked you Ten Thousand Pesos (Php10,000.00)?**  
A: **Only the two (2) of us.**
- Q: **No one from among the members of your family?**  
A: **Because we were just conversing [with] each other at the side of the road.**
- Q: **And nobody was hearing the two (2) of you who were talking?**  
A: **Nobody.**
- Q: **And what did you do when he asked you Ten Thousand Pesos (Php10,000.00)?**  
A: **I told him that I am going to think it over and I would like to look for money if I can.**
- Q: **That time, can you still remember, Mr. Bucad, what day and what time was that?**  
A: **Monday afternoon.**
- Q: **What happened thereafter?**  
A: **He gave me a piece of paper in which the case was written and he said to me that’s your case filed by the police.**
- Q: **So, what did you do after he gave you that piece of paper?**  
A: **So, because he asked me the amount of Ten Thousand Pesos (Php10,000.00), I look for the amount.**
- Q: **Meaning, since you were looking for Ten Thousand Pesos (Php10,000.00) you already agreed with Junjun Garabato that you will give Ten Thousand Pesos (Php10,000.00)?**  
A: **I gave Three Thousand Pesos (Php3,000.00) partial.**
- Q: **Did he give any reason why you should give Ten Thousand Pesos (Php10,000.00) to him?**  
A: **He is going to give also an amount to his companion here in court.**
- Q: **Can you please help us, Mr. Banny Bucad, did he tell you the names of the persons or rank of the person that he is going to share with the Ten Thousand Pesos (Php10,000.00)?**  
A: **He did not mention.**

*JJ Garabato*

Q: You did not ask him why should that person be given that much, you did not ask him?

A: No, I did not.

Q: So, from the time that you had a talk with Junjun Garabato on the road, how many days did it happen when you give the Three Thousand Pesos (Php3,000.00)?

A: Two (2) days because he always come back to get the money.

Q: How many times did he come back to you before you give the Three Thousand Pesos (Php3,000.00)?

A: About four (4) times because I don't have any more money to give.

Q: How did he make a follow-up?

A: At the road because he commanded my nephew to get the remaining amount.

Q: [What] is the name of your nephew?

A: George Sinco.

Q: Did he ever sent you a message by way of text?

A: Yes.

Q: Can you show that? Who is holding the cellphone showing the text?

MS. MARICHU BUCAD:

A: Me

Q: Can you please identify yourself ma'am?

MS. MARICHU BUCAD:

A: Marichu Bucad.

Q: You have a text message from whom?

A: Junjun Garabato.

Q: Can you please read for the court. How many text messages did he send to you and please tell the court the date when it was texted?

A: Seven times and the other were calls.

Q: Please read the first text message.

A: "You go to the house of Atty. Ching because he might go to Dumaguete at least this time he is still around."

Q: When was that and what time?

A: August 2, 2:03 p.m.

- Q: The second message.  
A: "Just text me later if what will be the decision of your father. Do not forget it because maybe we will be under hot water."
- Q: When was that?  
A: August 6, 1:50 p.m.
- Q: The third message.  
A: "Day, call it is about your case."
- Q: When was that?  
A: August 3, 3:53 p.m.
- Q: The next message.  
A: "Please tell your father that I am always being scolded by my mother. Please have pity on me."
- Q: What time was that, day?  
A: August 8, 12:15 p.m.
- Q: The fifth message.  
A: "Thank you, day."
- Q: Can you explain to the court if you have knowledge why he said in that text message, "Thank you, day?"  
A: Because when he called me I answered him that I am just going to follow-up the money that my father will give to him that is why he texted me thank you, day.
- Q: When was that?  
A: August 12, 1:00 p.m.
- Q: The sixth message.  
A: "Day, good am. I would like to ask a favor from you and to your father that if your problem will be finished you are also going to comply your promise."
- Q: When was that?  
A: August 12, 10:58 a.m.
- Q: What does he mean by that? What is to be complied?  
A: The remaining amount of Seven Thousand Pesos (Php7,000.00).
- Q: That last message.  
A: "That is not a problem if you are going to fight with your case. For sure, your father will be convicted, so it is up to you if there might be something that might happen to your father just don't blame me. Ours is only a help."

*Ag. for Plaintiff*

- Q: That was?  
A: August 12, 1:09 p.m  
Q: Thank you. Mr. Bucad, you pointed to Mr. Junjun Garabato who is around, is he the person you are talking about?

MR. BANNY BUCAD:

- A: Yes.  
Q: Junjun you heard that from Mr. Bucad and his daughter in the presence of Pros. Nacita and Atty. Alabastro, what can you say about it, is it true or false?

MR. JUNJUN GARABATO:

- A: No comment, Your Honor.  
Q: You need a counsel? We will continue the proceedings.  
A: No, your Honor.  
Q: [Did] you return the amount of Three Thousand Pesos (Php3,000.00) or not?

MR. BANNY BUCAD:

- A: Yes.  
Q: How did he pay you, Mr. Bucad?  
A: Through Erla who gave back the money to me.  
Q: A member of our court personnel?  
A: Yes.

x x x.<sup>14</sup> [Emphases supplied]

The evidence on record undeniably shows that Garabato solicited and received money from Bucad. Garabato convinced Bucad to plead guilty to a lesser offense and assured him that he could facilitate the approval of his plea in exchange of a sum of money. He gave the impression that he had the authority to influence the court on the outcome of the case. He then updated Bucad on his case and kept on following up through text messages and phone calls. In the meeting called by Judge Jayme, Bucad clearly and concisely narrated how Garabato kept in touch with him and exacted money from him with a promise of a favorable result on his case. Bucad was direct and straightforward in his assertion that Garabato went to him and threatened him that he would be facing a more serious charge unless he

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<sup>14</sup> Id. at 16-24.

*79 Bannoyan - done*

pleaded guilty to a lesser offense. For fear that he would be convicted of a more serious offense, Bucad agreed to the offer and initially gave ₱3,000.00. Garabato accepted the ₱3,000.00 and made him promise to pay the remaining ₱7,000.00 after a favorable outcome of the case.

Garabato's alibi that the money he received would be used for the expenses that would be incurred in the filing of Bucad's application for probation was a ludicrous defense. In the case of *Villahermosa, Sr. v. Sarcia*,<sup>15</sup> the Court explicitly stated that "[t]he sole act of receiving money from litigants, whatever the reason may be, is antithesis to being a court employee." The Court further wrote:

The Code of Conduct for Court Personnel requires that court personnel avoid conflicts of interest in performing official duties. It mandates that court personnel should not receive tips or other remunerations for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the judiciary. The Court has always stressed that all members of the judiciary should be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals, in order that the integrity and good name of the courts of justice shall be preserved. Court personnel cannot take advantage of the vulnerability of party-litigants.

X X X

**There is no defense in receiving money from party-litigants. The act itself makes court employees guilty of grave misconduct. They must bear the penalty of dismissal.**<sup>16</sup> [Emphasis supplied]

It must be noted that Garabato admitted all the allegations of Bucad in the meeting called by Judge Jayme. In particular, Garabato testified:

[Judge Jayme to Garabato]

- Q: So, what can you say now whether it is true or not. You said that you have no comment. For the record, since you have no comment, is it true or not true referring to the allegations that we heard now?
- A: **I will admit that, Your Honor.**
- Q: All of it are true?
- A: **All of it.**<sup>17</sup> [Emphases supplied]

<sup>15</sup> 726 Phil. 408, 416-417 (2014).

<sup>16</sup> Id. at 416-417.

<sup>17</sup> *Rollo*, p. 26.

*99 to stay an issue*

Time and again, the Court has always reminded all employees of the Judiciary, from judges to the most junior clerks, to conduct themselves in a manner exemplifying integrity, honesty and uprightness.<sup>18</sup> Their conduct must be guided by strict propriety and decorum at all times in order to merit and maintain the public's respect for, and trust, in the Judiciary.<sup>19</sup>

Section 2, Canon I of the Code of Conduct for Court Personnel specifically prohibits all court employees from soliciting or accepting any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions. They are likewise forbidden from soliciting or accepting 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 his official duties.

In the case of *Calabines v. Gnilo*,<sup>20</sup> the Court wrote that court employees had no business meeting with parties and litigants or their representatives and that such a brazen and outrageous betrayal of public trust would not go unsanctioned. In performing their duties and responsibilities, court personnel 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. Indeed, any conduct they exhibit tending to diminish the faith of the people in the Judiciary will not be condoned.<sup>21</sup>

In the case of *OCA v. Panganiban*,<sup>22</sup> the respondent was a process server who received the amount of ₱4,000.00 from a party-litigant purportedly for the payment of a surety bond. The Court held that the respondent's act of receiving money from a litigant, no matter how nominal the amount, constituted grave misconduct in office. In this case, the respondent was meted the penalty of dismissal from the service.

Also, in the case of *Alano v. Sahi*,<sup>23</sup> the Court wrote that the act of soliciting and receiving bribe money from party litigants on the pretext that they would obtain a favorable judgment undoubtedly diminished the respect and regard of the people for the court and its personnel. Such practice constitutes grave misconduct punishable by dismissal even for the first offense.

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<sup>18</sup> *Judge Santos, Jr. v. Mangahas*, 685 Phil. 814, 821 (2012).

<sup>19</sup> *Villaros v. Orpiano*, 459 Phil. 1, 6-7 (2003).

<sup>20</sup> 547 Phil. 174, 204 (2007).

<sup>21</sup> *Agustin v. Mercado*, 555 Phil. 186, 193 (2007).

<sup>22</sup> A.M. No. P-04-1916, 583 Phil. 500 (2008).

<sup>23</sup> A.M. No. P-14-325290, 738 SCRA 261, October 14, 2014.

*49 Panganiban*

*Liability of Namol*

With respect to Namol, the Court agrees with the findings of the OCA except on the penalty.

Section 1, Canon IV of the Code of Conduct for Court Personnel mandates that court personnel shall commit themselves exclusively to the business and responsibilities of their office during working hours. They must exercise at all times a high degree of professionalism and responsibility, as service in the Judiciary is not only a duty; it is a mission.<sup>24</sup>

In the present case, Namol and Garabato admitted that after they had received the letter requiring them to comment on the April 14, 2014 anonymous letter-complaint, they left the court premises on different occasions and went to the house of Lasconia and to the school where Aragonés was teaching in order to confront them regarding the allegations in the complaint. As court employees, Namol and Garabato are reminded to observe the prescribed office hours and the efficient use of every moment thereof for public service if only to recompense the government and ultimately the people who shoulder the cost of maintaining the Judiciary.<sup>25</sup> As such, they must, at all times, strictly observe official time to inspire public respect for the justice system.<sup>26</sup>

Under Section 52 (A)(17), Rule IV of the Uniform Rules or Civil Service Commission Resolution No. 991936, loafing or frequent unauthorized absences from duty during regular office hours is a grave offense punishable by suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense. Under the circumstances, the penalty of one (1) month suspension is proper. With respect to Garabato, however, considering that he was found administratively liable for two offenses, the penalty to be imposed should correspond to the most serious charge and the lighter offense, which is loafing, shall be considered an aggravating circumstance.<sup>27</sup>

*Liability of Roco*

In the case of Roco, the finding of the OCA is well-taken. He should be held liable for simple neglect of duty which is defined as “the failure of

<sup>24</sup> *Concerned Litigants v. Araya, Jr.*, 542 Phil. 8, 18 (2007).

<sup>25</sup> *Lopena v. Saloma*, 567 Phil. 217, 225-226 (2008).

<sup>26</sup> *Re: Unauthorized Absences from the Post of Pearl Marie N. Icamina*, 588 Phil. 442, 450 (2008).

<sup>27</sup> Revised Rules on Administrative Cases in the Civil Service, Section 52(A) (1), Rule IV.

*99 Aragonés*

an employee to give proper attention to a required task or to discharge a duty due to carelessness or indifference.”<sup>28</sup>

Roco simply failed to exercise reasonable diligence and prudence when she failed to report the illegal activity of Garabato to her superior, the Branch Clerk of Court, or directly to the Judge. The Court quotes with approval the findings of the OCA:

xxx The TSN of the hearing on 23 October 2013 in Criminal Case No. 1636 discloses that it was respondent Roco who convinced respondent Garabato to return the Php 3,000.00 to accused Bucad. As a matter of fact, she volunteered to return the amount to the Bucad family and tried to convince the latter to settle their differences with respondent Garabato. Notably, this is a positive indication that respondent Roco was aware of respondent Garabato’s misconduct, but she failed to immediately call the attention of Judge Jayme. She opted to keep her silence and to conceal such wrongdoing, and instead attempted to fix the brewing controversy between the parties. As the records show, Judge Jayme only learned of the subject misconduct from accused Bucad when the latter reported the matter to him in his chambers.<sup>29</sup>

The charge against Garabato was a serious accusation that should not have been taken lightly. Roco should have done more than merely talk to the parties and instruct Garabato to return the ₱3,000.00 to Bucad. She should have reported the matter to her superior so the appropriate steps could have been taken and the appropriate disciplinary measure could be imposed, if warranted.

#### *The inaction of Judge Jayme*

Section 3, Canon 2 of the New Code of Judicial Conduct provides:

Section 3. Judges should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct of which the judge may have become aware.

Pursuant to said section, Judge Jayme should have caused the investigation of the unprofessional conduct committed by the court personnel under his supervision. When Judge Jayme came to know of the extortion committed by Garabato against Bucad, he merely called for a

<sup>28</sup> *Court of Appeals v. Manabat, Jr.*, 676 Phil. 157, 164 (2011).

<sup>29</sup> *Rollo*, p. 7.

*J. Jayme*

meeting between Garabato and the complainants. He was well aware of the extortion activity being committed within the court and yet he failed to initiate any investigation for appropriate disciplinary action against the erring employee. Hence, Judge Jayme should be required to explain why no disciplinary action should be taken against him for his failure to take the appropriate disciplinary measure against the erring court personnel.

**WHEREFORE**, finding Edselbert Anthony “Jun-Jun” A. Garabato, Process Server, Regional Trial Court, Branch 63, Bayawan City, Negros Oriental, **GUILTY** of Grave Misconduct, the Court orders his **DISMISSAL** from the service with **FORFEITURE** of all benefits except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporation.

Respondent Glenn Namol, Court Interpreter, Regional Trial Court, Branch 63, Bayawan City, Negros Oriental, is found **GUILTY** of Loafing under Section 52 (A) (17), Rule IV of the Uniform Rules or Civil Service Commission Resolution No. 991936. He is hereby **REPRIMANDED** with a **STERN WARNING** that a repetition of the same or similar acts will warrant a more severe penalty.

Respondent Erla Joie L. Roco, Legal Researcher, Regional Trial Court, Branch 63, Bayawan City, Negros Oriental, is found **GUILTY** of Simple Neglect of Duty and is hereby **REPRIMANDED** with a **STERN WARNING** that a repetition of the same or similar offense shall be dealt with more severely.

The counter complaint against Judge Ananson Jayme is hereby ordered re-docketed as a separate administrative matter.

Judge Ananson Jayme, Regional Trial Court, Branch 63, Bayawan City, Negros Oriental, is **DIRECTED** to explain why no disciplinary action should be taken against him for his inaction despite his knowledge of the illegal activity of respondent Edselbert Anthony “Jun-Jun” A. Garabato.

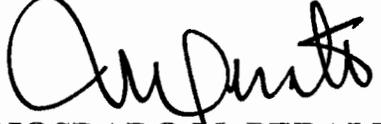
**SO ORDERED.**

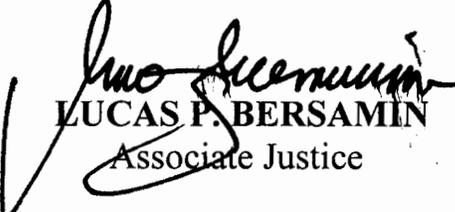
(On Official Leave)  
**MARIA LOURDES P. A. SERENO**  
Chief Justice

(On Official Leave)  
**ANTONIO T. CARPIO**  
Associate Justice

  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice  
Acting Chief Justice

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**JOSE CATRAL MENDOZA**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

  
**MARVIC M.V.F. LEONEN**  
Associate Justice

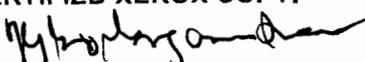
  
**FRANCIS H. JARDELEZA**  
Associate Justice

(On Leave)  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**SAMUEL R. MARTIRES**  
Associate Justice

  
**NOEL G. TIJAM**  
Associate Justice

CERTIFIED XEROX COPY:

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