



SUPREME COURT OF THE PHILIPPINES  
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Republic of the Philippines  
**Supreme Court**  
Manila

EN BANC

**PRESIDING JUDGE ALEJANDRO RAMON C. ALANO, Branch 55, Regional Trial Court, General Santos City, South Cotabato,**

*Complainant,*

- versus -

**RUEL V. DELICANA, Legal Researcher I, Branch 3, Municipal Trial Court in Cities, General Santos City, South Cotabato,**

*Respondent.*

X-----X

**RUEL V. DELICANA, Legal Researcher I, Branch 3, Municipal Trial Court in Cities [MTCC], General Santos City, South Cotabato,**

*Complainant,*

- versus -

**JUDGE ALEJANDRO RAMON C. ALANO, Branch 55, Regional Trial Court, General Santos City, South Cotabato and MARY JANE G. CORPUZ, Sheriff III, Office of the Clerk of Court, MTCC, General Santos City, South Cotabato,**

*Respondents.*

**A.M. No. P-20-4050**

[Formerly OCA IPI No. 16-4600-P]

**OCA IPI No. 16-4578-RTJ**

Present:

**GESMUNDO, C.J.,  
LEONEN,  
CAGUIOA,  
HERNANDO,  
LAZARO-JAVIER,\*  
INTING,  
ZALAMEDA,  
LOPEZ, M.,  
GAERLAN,  
ROSARIO,  
LOPEZ, J.,  
DIMAAMPAO,  
MARQUEZ,\*\*  
KHO, JR., and  
SINGH, JJ.**

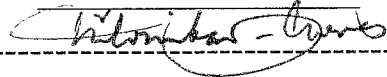
\* On official leave.

\*\* No part due to prior action as Court Administrator.

*Handwritten signature*

Promulgated:

June 14, 2022



X-----X

**DECISION*****PER CURIAM:***

These are administrative Complaints reciprocally filed by Judge Alejandro Ramon C. Alano (Judge Alano) and Ruel V. Delicana (Delicana) against each other. Mary Jane G. Corpuz (Corpuz) is impleaded as co-respondent in Delicana's complaint.

Delicana sued Judge Alano and Corpuz in his capacity as Legal Researcher of the Municipal Trial Court in Cities (MTCC), Branch 3, General Santos City, South Cotabato. Judge Alano was the Presiding Judge of the same court at the time of filing of the complaint against Delicana. Corpuz was Sheriff III of the Office of the Clerk of Court (OCC), MTCC, General Santos City, South Cotabato.

**Delicana's Complaint:  
OCA IPI No. 16-4578-RTJ<sup>1</sup>**

Delicana charged Judge Alano and Corpuz with Grave Misconduct, Grave Abuse of Authority, Conduct Unbecoming of a Court Employee, and Conduct Prejudicial to the Interest of Public Service, Oppression, and Dereliction of Duty.<sup>2</sup> Delicana also accused Judge Alano, in conspiracy with Corpuz, of violating Section 3(a) of Republic Act No. (RA) 6713,<sup>3</sup> RA 3019,<sup>4</sup> and the Civil Service Rules.<sup>5</sup>

On July 1, 2015, Judge Alano issued Memorandum No. 070115<sup>6</sup> designating Corpuz as the Acting Clerk of Court of MTCC, Branch 3, General Santos City. In such capacity as Acting Clerk of Court, Corpuz rated Delicana's work performance for the period July 1 to December 31, 2015<sup>7</sup> as *satisfactory*, having obtained a rating of 21.<sup>8</sup>

<sup>1</sup> *Rollo* (OCA IPI No. 16-4578-RTJ), pp. 2-9.

<sup>2</sup> *Id.* at 7.

<sup>3</sup> Entitled "AN ACT ESTABLISHING A CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, TO UPHOLD THE TIME-HONORED PRINCIPLE OF PUBLIC OFFICE BEING A PUBLIC TRUST, GRANTING INCENTIVES AND REWARDS FOR EXEMPLARY SERVICE, ENUMERATING PROHIBITED ACTS AND TRANSACTIONS AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND FOR OTHER PURPOSES." Approved on February 20, 1989.

<sup>4</sup> Entitled "ANTI-GRAFT AND CORRUPT PRACTICES ACT." Approved on August 17, 1960.

<sup>5</sup> 2017 Rules on Administrative Cases in the Civil Service.

<sup>6</sup> *Rollo* (OCA IPI No. 16-4578-RTJ), pp. 13-14.

<sup>7</sup> *Id.* at 10-11.

<sup>8</sup> *Id.* at 11.

Delicana alleged that Corpuz' rating was the lowest score he received in his 16 years of service in the Judiciary. Delicana assailed the rating as unreasonable, unjustifiable, and incredible because:

- (1) Corpuz lacked the legal, moral, and ethical basis to rate his work performance;
- (2) the rating was made out of manifest prejudice and personal vendetta, as Corpuz had been subject of Delicana's administrative complaint that he had earlier filed; and
- (3) the rating was made without regard to hierarchy, since Delicana, as Legal Researcher, was senior in rank than Corpuz, who was a Sheriff.<sup>9</sup>

The rating was signed and approved by Judge Alano despite the latter's knowledge that Delicana was not "dishonest, recalcitrant, annoying, uncooperative, quarrelsome, unfriendly[,] and all sorts of bad behavior an employee can get,"<sup>10</sup> as supposedly described by Corpuz in the performance rating. Delicana was not even furnished a copy of the said performance rating until he requested the same,<sup>11</sup> which allegedly violated his constitutional right to due process that entitles him to comment or object thereto.<sup>12</sup>

Delicana decried Judge Alano's vengeful choice to appoint Corpuz instead of him as the Acting Clerk of Court. Judge Alano allegedly relied on mere gossip that Delicana had been bragging about his impending automatic designation to the said post. He complained of Judge Alano's act of allowing Corpuz to rate his work performance and that of his wife, Marilou Y. Delicana (Marilou), saying that it was very unfair, and an example of abuse and oppression against them. They were not even consulted, informed, or apprised of Judge Alano's decision to look for an Acting Clerk of Court from outside their office.<sup>13</sup>

Delicana complained further that Marilou's, employment in MTCC, Branch 3 was not a bar to his appointment as Acting Clerk of Court in the same court, and will not constitute as nepotism since he would not be the appointing or recommending authority. He disputed the allegation that he was not well-liked by his co-employees, and that he filed administrative cases against the other employees of MTCC, Branch 3 when the latter were no longer connected with the said court. He justified his non-performance of his functions as Legal Researcher with the issuance of Memorandum No. 070115, which declared that only the Branch Clerk of Court may transact with the public, and other court staff should handle the records.<sup>14</sup>

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<sup>9</sup> Id. at 2-4.

<sup>10</sup> Id. at 2-3.

<sup>11</sup> Id. at 12.

<sup>12</sup> Id. at 6.

<sup>13</sup> Id. at 2-7.

<sup>14</sup> Id. at 135-140.

Judge Alano also allegedly committed Simple Neglect of Duty as Executive Judge by assigning judges to render official duties on Saturdays from 8:00 a.m. until 1:00 p.m., excluding himself, which Delicana claimed is a violation of the Manual for Court Employees.<sup>15</sup>

Delicana also made the following additional accusations against Judge Alano:

- (1) humiliating Delicana in open court by sarcastically berating him in the vernacular, "*huwag ka na ulit mag-interpret hindi mo yan trabaho*,"<sup>16</sup> when he only rendered duties in calling cases due to a need of an interpreter in one court proceeding;
- (2) protecting the accused in gambling cases by issuing orders for their release during Saturdays, that "[h]e would be perceived then as being [a] protector of those illegal numbers game whose financiers bailed [their] personnel at any time of the day in cahoots with those judges who are friendly to them";<sup>17</sup>
- (3) permitting some employees to stay in the office premises beyond work hours, despite the supposed strict Civil Service Rules against overtime;<sup>18</sup>
- (4) allowing a kitchen to be built and used in the office *bodega*;<sup>19</sup>
- (5) entering and using the MTCC, Branch 3 even after his promotion as a Regional Trial Court judge;<sup>20</sup>
- (6) having a utility staff work for his personal benefit and serve his motion for extension to file comment upon Delicana;<sup>21</sup> and
- (7) uttering derogatory and racist words against Muslims like "*alam mo mga Muslim mamamatay tao yan*."<sup>22</sup>

Delicana likewise assailed Judge Alano's Memorandum No. 070115 for having been issued due to personal differences among the staff members of MTCC, Branch 3.

Delicana denied the accusation that he was moonlighting, and the only persons who approached him in court were relatives and personal acquaintances. He could not have engaged in graft and corrupt practices considering Judge Alano's strictness and supposed harsh treatment of him. While denying that he used intemperate language in his pleadings against Judge Alano, Delicana claimed that he has already apologized for it.<sup>23</sup>

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<sup>15</sup> Id. at 7.

<sup>16</sup> Id. at 141.

<sup>17</sup> Id. at 142.

<sup>18</sup> Id. at 142-143.

<sup>19</sup> Id. at 143.

<sup>20</sup> Id. at 144.

<sup>21</sup> Id.

<sup>22</sup> Id. at 146.

<sup>23</sup> Id. at 162 and 165.

**Judge Alano's Complaint:  
OCA IPI No. 16-4600-P<sup>24</sup>**

Judge Alano, in turn, accused Delicana of using intemperate, offensive, and abusive language, committing acts of disrespect towards a member of the Bench, and acts prejudicial to the interest of the service, and of being notoriously undesirable.<sup>25</sup>

Delicana purportedly used intemperate and derogatory language in presenting his supposed cause of action against him and Corpuz, now faithfully reproduced hereunder:

In paragraph 3 of the Affidavit-Complaint, he alleged that:

3. The said PRR, however, is smacked with absurdity being it was given and rated by our acting Clerk of Court MS. MARY JANE G. CORPUZ (CORPUZ), a sheriff of MTCC-OCC, General Santos City, as she lacks legal, moral and ethical basis to do the same and although it was duly signed and approved by JUDGE ALEJANDRO RAMON C. ALANO (JUDGE ALANO) it cannot [remove] the fact that it was issued tainted with bad faith.

In paragraph 17 thereof, he averred that:

17. If only, with all due respect to, JUDGE ALANO, had the sense of decorum and courtesy towards his subordinates he might not do this but sadly and unfortunately his hatred and abhorrent attitude prevailed over him.

In paragraphs 22, 23, 25 and 26, he used the following words in the Affidavit-Complaint:

22. This statement is a revelation of the true character of JUDGE ALANO which proves that he was biased against me, in our own parlance we call this one as "PAMBOBOLA" to assuage and in truth and in fact he had decided the matter long time ago and intentionally wanted to hurt me mentally and [psychologically] resulting to an act of oppression.

23. It was very pathetic to witness that a Judge as esteemed as JUDGE ALANO believes and accepts "TSISMIS" from a swarm of leeches who are all rumor-mongering "SIPSIPS" would depend on this shameful information and use it as legal basis.

24. Interestingly, on the same letter of JUDGE ALANO asking CORPUZ to be confirmed, he surreptitiously cloaked and intentionally did not [divulge] that the latter is a RESPONDENT in the administrative case that I filed in the Office of the Court Administrator.

<sup>24</sup> *Rollo* (A.M. No. P-20-4050), pp. 2-12.

<sup>25</sup> *Id.*

25. For this, it could be presumed that JUDGE ALANO was maliciously induced by favoritism towards CORPUZ and that he was not fair and biased in choosing the latter.

26. The act of JUDGE ALANO in allowing CORPUZ to take over without consultation among us employees is very arbitrary, whimsical and despotic constituting grave misconduct resulting to oppression.

[x x x x]

33. Thus, JUDGE ALANO and CORPUZ practice lack of transparency which was considered an odious act in the public service so dreaded that it was being prohibited as it was a very undemocratic and demonic conduct; It is the very act which is punishable being a violation of graft and [corrupt] practices act that in order for us to get a copy we have to make a request when it is voluntarily given to us.

34. The actuation of JUDGE ALANO can be likened to a BULLY IN THE BENCH who has no qualms and misgivings of his odorous conduct in the judiciary especially towards his lowly subordinates which conduct is tantamount to prejudicial to the best of the public.<sup>26</sup>

Delicana also allegedly committed the following acts of disrespect towards Judge Alano:

- (1) taking part in a shouting match with Judge Alano outside of the office, accusing the latter in public of being biased and posting about it in social media;
- (2) openly complaining about Memorandum No. 070115 that Judge Alano had circulated in his court. Judge Alano asserted that he issued the said Memorandum as Delicana had been receiving documents and papers filed with the court when it was not his duty to do so. This act by Delicana was a subject of an administrative case filed against him and his wife Marilou, then pending resolution as of the filing of Judge Alano's complaint; and
- (3) engaging in a confrontation with Judge Alano over Delicana's act of tampering of Daily Time Record.<sup>27</sup>

Delicana, according to Judge Alano, likewise prejudiced the public service when he received and kept official court records of a pending criminal case, which was beyond the functions of a Legal Researcher. The said official records were eventually lost while under Delicana's custody and had to be ordered reconstituted.<sup>28</sup>

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<sup>26</sup> Id. at 3-4.

<sup>27</sup> Id. at 5-8.

<sup>28</sup> Id. at 9-10.

Judge Alano further disclosed that Delicana requested to be detailed in another *sala*, but as he was involved in several administrative cases and his actuations do not speak well of him, no court or judge desired to accept his transfer.<sup>29</sup>

Judge Alano added that even if he had pardoned the disrespectful conduct towards him, Delicana may still be held administratively liable as the Court is not divested of its disciplinary authority over its personnel. Furthermore, Delicana's claim that he had never received the missing court records is belied by his signature<sup>30</sup> acknowledging his receipt thereof.

### **Subsequent Relevant Facts:**

On November 28, 2016, Judge Alano died. The cases nonetheless proceeded and, in its Resolutions dated August 2, 2017<sup>31</sup> and November 8, 2017,<sup>32</sup> the Court ordered these consolidated and referred for investigation, report, and recommendation by Hon. Panambulan M. Mimbisa, Presiding Judge (Investigating Judge), Regional Trial Court, Branch 37, General Santos City, South Cotabato.<sup>33</sup>

On January 22, 2018, Delicana was found guilty of Simple Misconduct in a related administrative case docketed as A.M. No. P-18-3796, and entitled "*Atty. Ma. Jasmine P. Lood, Mary Jane G. Corpuz, and Ma. Hazel P. Sebial vs. Ruel V. Delicana, Legal Researcher, Branch 3, Municipal Trial Court in Cities [MTCC], General Santos City, South Cotabato.*" The Court suspended Delicana for one year, with a stern warning that a repetition of similar or analogous infractions shall be dealt with more severely.<sup>34</sup>

### **The Findings and Recommendations of the Investigating Judge**

On January 22, 2019, the Investigating Judge issued an Omnibus Resolution<sup>35</sup> recommending the dismissal of Delicana's complaint for lack of substantiating proof.<sup>36</sup> Judge Alano's complaint, however, was resolved by the Investigating Judge as follows:

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<sup>29</sup> Id. at 11-12.

<sup>30</sup> Id. at 41.

<sup>31</sup> *Rollo* (OCA IPI No. 16-4578-RTJ) pp. 184-187.

<sup>32</sup> *Rollo* (A.M. No. P-20-4050) pp. 142-147.

<sup>33</sup> Id. at 146.

<sup>34</sup> See *Lood v. Delicana*, 824 Phil. 64, 72 (2018).

<sup>35</sup> *Rollo* (A.M. No. P-20-4050), pp. 151-166; penned by Presiding Judge Panambulan M. Mimbisa.

<sup>36</sup> Id. at 162.

The charge of use of intemperate, harsh, and abusive language was recommended to be dismissed, as these statements were made and uttered in the heat of emotion and anxiety without the intent to “defame or attack the moral exuberance of Judge Alano.”<sup>37</sup>

For the acts disrespectful to Judge Alano, the Investigating Judge recommended for Delicana to issue a public apology in writing, copy furnished all courts in the Hall of Justice, the Office of the City Prosecutor, and the Public Attorney’s Office.<sup>38</sup>

For his unauthorized retrieval and handling of court records, the Investigating Judge found Delicana to have placed in jeopardy the court and its processes, and found him liable for Dishonesty and Obstruction of Justice, and recommended his suspension without pay for one month.<sup>39</sup>

The charge of being notoriously undesirable was recommended to be dismissed, opining that it was “not an infraction within the strictest sense of the word as to impel legal sanction” and, thus, there was no ground or reason to hold Delicana culpable therefor.<sup>40</sup>

### **The Findings and Recommendations of the Office of the Court Administrator (OCA)**

Acting upon the formal investigation and findings submitted by the Investigating Judge, the OCA issued a Memorandum<sup>41</sup> on September 9, 2019. The OCA agreed with the recommendation of the Investigating Judge to dismiss Delicana’s complaint due to dearth of supporting evidence.

Anent Judge Alano’s complaint, however, the OCA differed with most of the conclusions of the Investigating Judge.

First, Delicana was found by the OCA to have indeed used intemperate, offensive, and abusive language per his complaint against Judge Alano. For such unnecessary choice of words, the OCA did not recommend the dismissal of these charges against Delicana and declared the latter guilty of Simple Misconduct.<sup>42</sup>

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<sup>37</sup> Id.

<sup>38</sup> Id. at 161-162.

<sup>39</sup> Id. at 162-163.

<sup>40</sup> Id. at 162.

<sup>41</sup> Id. at 169-182.

<sup>42</sup> Id. at 178-179.



Second, the OCA found Delicana liable for Conduct Unbecoming a Court Employee for his discourteous and disrespectful behavior of publicly engaging in a shouting match with Judge Alano, and posting about it in social media.<sup>43</sup>

Third, as for Acts Prejudicial to the Best Interest of the Service, the OCA assented with the Investigating Judge's determination of Delicana's culpability therefor. The OCA held that "by unlawfully taking possession of [official case records], respondent Delicana not only tainted his record as employee of the court, but also tarnished the image and integrity of the judiciary in its entirety."<sup>44</sup>

Lastly, the OCA likewise did not find Delicana guilty of being notoriously undesirable for failure to meet the two-fold test for the administrative charge to prosper.<sup>45</sup>

The fact that Delicana has been previously found administratively guilty of Simple Misconduct in the aforementioned related administrative case docketed as A.M. No. P-18-3796 was also considered. In view of the provisions of the Revised Rules on Administrative Cases in the Civil Service (RRACCS) on administrative offenses committed a second time, the OCA recommended the more severe penalty of dismissal upon Delicana, *viz.*:

**IN VIEW OF THE FOREGOING**, it is respectfully recommended for the consideration of the Honorable Court that:

1. the administrative complaint, **OCA IPI No. 16-4600-P**, as against respondent Ruel V. Delicana, Legal Researcher 1, Branch 3, Municipal Trial Court in Cities (MTCC), General Santos City, South Cotabato, be **RE-DOCKETED** as a regular administrative matter;

2. respondent Ruel V. Delicana be found **GUILTY** of simple misconduct, conduct unbecoming a court employee and acts prejudicial to the interest of the service and be **DISMISSED** from the service with forfeiture of all retirement benefits and with prejudice to re-employment in the government, including government-owned or controlled corporations;

3. The Employees' Leave Division, Office of Administrative Services, OCA, be **DIRECTED** to compute the balance of respondent Delicana's earned leave credits and forward the same to the Finance Division, Fiscal Management Office, OCA, to compute their monetary value; and

4. the administrative complaint, **OCA IPI No. 16-4578-RTJ**, as against Judge Alejandro Ramon C. Alano, in his capacity as Presiding Judge of Branch 3, MTCC, General Santos City, and Mary Jane Ganer-Corpuz, Acting Clerk of Court, same court, be **DISMISSED** for lack of merit.

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<sup>43</sup> Id. at 179-180.

<sup>44</sup> Id. at 180.

<sup>45</sup> Id. at 180-181.

Respectfully submitted.<sup>46</sup>

### Our Ruling

Both the Investigating Judge's and the OCA's findings and recommendations are well-taken, but with modifications.

Disciplinary actions against erring members of the Judiciary have always been resolved upon reliance on the provisions of the RRACCS and precedent jurisprudence. In a move to finally veer away from the generalities and inadequacies of the Civil Service Rules and towards a more independent Judiciary, the Court promulgated a series of amendments to Rule 140 of the Rules of Court.

Rule 140 of the Rules of Court originally governed the administrative discipline of the Members of the Bench – Justices of the Court of Appeals, the Sandiganbayan, and the Court of Tax Appeals, and Judges of the lower judicial courts. Recently, the Court implemented notable changes on Rule 140: Resolutions dated October 2, 2018 and July 7, 2020 in A.M. No. 18-01-05-SC<sup>47</sup> expanded the scope of Rule 140 to cover administrative disciplinary cases involving not only the Members of the Bench, but *all* officials, employees, and personnel of the *entire* Judiciary. To itemize, the October 2, 2018 Resolution expanded its coverage to cover personnel of lower courts,<sup>48</sup> whereas the July 7, 2020 Resolution made the blanket inclusion of all officials and employees of the Judiciary in the disciplinary scope of Rule 140.<sup>49</sup>

Rule 140, though, remained wanting in certain respects even after the Resolutions in A.M. No. 18-01-05-SC were effected. One of its practical shortcomings was its silence on retroactivity. This led the Court to adopt a policy of comparative disadvantage analysis enfolded in *Dela Rama v. De Leon*.<sup>50</sup> Therein the said Resolutions were applied, and it was ruled that “[i]n the interest of a uniform application of charges and imposition of penalties in the administrative cases involving Judiciary personnel, [it] will apply Rule 140 x x x [to pending cases] since it is the prevailing rule at present, unless the retroactive application of Rule 140 would not be favorable to the employee.”<sup>51</sup>

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<sup>46</sup> Id. at 181-182.

<sup>47</sup> Establishment of the Judicial Integrity Board and the Corruption Prevention and Investigation Office; and Amendments to Rule 140 of the Revised Rules of Court.

<sup>48</sup> *Rodil v. Posadas*, A.M. No. CA-20-36-P, August 3, 2021.

<sup>49</sup> Id.

<sup>50</sup> A.M. No. P-14-3240, March 2, 2021.

<sup>51</sup> Id.

This measure proved most fair, but its application was tedious and caused the most fundamental issues of Rule 140 to surface. There still was a glaring lack of provisions on modifying circumstances, and a prolonged absence of guidelines on the classification of offenses, as well as the graduation of correlative penalties in relation to the number of infractions committed and cases filed against a respondent. It was then that A.M. No. 21-08-09-SC<sup>52</sup> was formulated “to institutionalize a complete, streamlined, and updated administrative disciplinary framework for the entire Judiciary that is wholly independent from the Civil Service rules, harmonizes existing jurisprudence, and is uniformly applicable to all cases, regardless of when the infractions are committed[.]”<sup>53</sup>

With the introduction of A.M. No. 21-08-09-SC, this shall now be the Court’s yardstick in administrative disciplinary cases against employees of the Judiciary, Delicana in the present case. This is so because Section 24 thereof provides for its retroactive application to all pending and future administrative disciplinary cases:

SECTION 24. *Retroactive Effect.* – All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned.

The Court next affirms the dismissal of Delicana’s complaint. Section 2 of the amended Rule 140 of the Rules of Court states in pertinent part:

SECTION 2. *Effect of Death, Retirement, and Separation from Service to the Proceedings.* –

(1) x x x x

(2) *Circumstances Supervening Only During the Pendency of the Proceedings.* – However, once disciplinary proceedings have already been instituted, the respondent’s supervening retirement or separation from service shall not preclude or affect the continuation of the same, *provided*, that, **the supervening death of the respondent during the pendency of such proceedings shall result in the dismissal of the administrative case against him or her.** (Emphasis supplied.)

Judge Alano having passed away pending the evaluation of the Investigating Judge, the charges against him filed by Delicana must likewise necessarily expire.

<sup>52</sup> Further Amendments to Rule 140 of the Rules of Court.

<sup>53</sup> Id.

Moreover, however heavily impassioned the accusations thrown by Delicana at Judge Alano and Corpuz may be, such are patently devoid of substantiating proof. Bare allegations are never evidence, and this has always been the basic but most demanding principle in all cases brought before the courts for legal resolution. Delicana failed spectacularly in this regard. The Court, thus, sees reason to believe that his claims are merely contrived, which cannot serve as the basis of a grant of any legal relief in his favor.

On the other hand, the factual grounds of the administrative complaints against Delicana have been adequately demonstrated.

### **Delicana's Administrative Violations under the Amended Rule 140**

To recall, Judge Alano accused Delicana of intemperate, offensive, and abusive use of language; committing acts of disrespect towards a Judge; committing acts prejudicial to the interest of the public service; and of being notoriously undesirable. The Investigating Judge and the OCA factually affirmed these accusations. The three acts are administratively punishable under the amended Rule 140 as Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, Gross Insubordination, and Gross Misconduct.

*Intemperate and abusive language is Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service.*

First, Delicana was needlessly demeaning in the choice of words and offensively verbose in crafting the complaint against Judge Alano and Corpuz.

This may properly fall within the RRACCS definition of Conduct Prejudicial to the Best Interest of the Service. Per earlier jurisprudence, Conduct Prejudicial to the Best Interest of the Service are acts of government officers that tarnish the image and integrity of the public office they hold, regardless of whether the questioned acts are directly related to or connected with the performance of official duties.<sup>54</sup> Under the amended Rule 140, Conduct Prejudicial to the Best Interest of the Service is now denominated as Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service.

*Public acts of disrespect by a court employee toward their Judge is Gross Insubordination*

Likewise, Delicana had no qualms in exposing his scathing disrespect to Judge Alano in public by shouting back at the latter within the premises of their

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<sup>54</sup> *Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68, 79 (2015).

workplace, and even posting about the incident in social media,<sup>55</sup> as attested to by two fellow court employees.<sup>56</sup> Such may be considered Gross Insubordination.

Gross Insubordination is the “inexplicable and unjustified refusal to obey some order that a superior is entitled to give and have obeyed, and imports a willful or intentional disregard of the lawful and reasonable instructions of the superior.” It is manifested by a “brazen disrespect for and defiance towards [one’s] superiors.”<sup>57</sup>

Indeed, Delicana may have been impelled by some righteous indignation against the exercise of discretion by Judge Alano in his appointment of court officers. However, in his insistence on his own selfish ideals, Delicana forgot that no one holds a vested right in any public position. He also failed to act with the barest minimum of respect and civility towards his peers and co-employees. These acts by Delicana have thrown the government office he held into grave disrepute. He effectively tainted the public’s view of the Judiciary by openly deviating from the decorum expected of a public officer.

*Unauthorized Taking of Court Records is Gross Misconduct.*

There is also sufficient reason to hold Delicana liable for Gross Misconduct.

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.<sup>58</sup> 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 manifest and proved by substantial evidence.<sup>59</sup>

Delicana took official court records without permission, lost them in his custody, and caused undue chaos and confusion to the parties and to the court processes. Handwritten notes on the case record<sup>60</sup> and official certification<sup>61</sup> definitely showed that he received the same. However, even after he had been exposed, he remained obstinate to the end with his unfounded version of denial. His stubborn refusal to admit his fault exhibited a clear resolve to disregard rules and authority. These acts easily constitute Gross Misconduct.

<sup>55</sup> *Rollo* (A.M. No. P-20-4050), pp. 33-34.

<sup>56</sup> Per Affidavits of Ma. Hazel P. Sebial and Flora C. Pangilinan, id. at 21-22 and 26-27, respectively.

<sup>57</sup> Annotations on A.M. No. 21-08-09-SC, citing *Malubay v. Guevara*, 846 Phil. 227, 237 (2019).

<sup>58</sup> *Civil Service Commission v. Ledesma*, 508 Phil. 569, 579 (2005). Citations omitted.

<sup>59</sup> Id.

<sup>60</sup> *Rollo* (A.M. No. P-20-4050), p. 41.

<sup>61</sup> Id. at 42.

*Ande*

## Imposable Penalties

The Court clarifies the penalties to be suffered by Delicana.

Per the amendments in Rule 140 of the Rules of Court, Gross Misconduct, Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, and Gross Insubordination are serious charges.<sup>62</sup> Penalties therefor are laid out under Section 17 as follows:

### SECTION 17. *Sanctions.* —

- A. If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:
1. Dismissal from the service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave credit;
  2. Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
  3. A fine of more than P100,000.00 but not exceeding P200,000.00.

Relatedly, Section 21 provides:

SECTION 21. *Penalty for Multiple Offenses.* — If the respondent is found liable for **more than one (1) offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense.** Should the aggregate of the imposed penalties exceed five (5) years of suspension or P1,000,000.00 in fine, the respondent may, in the discretion of the Supreme Court, be meted with the penalty of dismissal from service, forfeiture of all or part of the benefits as may be determined, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. *Provided, however,* that the forfeiture of benefits shall in no case include accrued leave benefits. (Emphasis supplied.)

Joining Sections 17 and 21, Delicana is now liable for three serious offenses under the amended Rule 140 – Gross Misconduct, Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, and Gross Insubordination. As any of the sanctions under Section 17(A) is imposable, the Court holds Delicana answerable for three distinct sets of the penalties prescribed by the first paragraph of Section 17(A), which are dismissal from

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<sup>62</sup> Rule 140, Section 14(a), (l), and (n).

the service, forfeiture of all benefits other than accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.

The Court also addresses the fact that the instant case is not Delicana's first administrative transgression. He had been previously found guilty of Simple Misconduct in A.M. No. P-18-3796, an earlier administrative case entitled "*Atty. Jasmine P. Lood, Mary Jane G. Corpuz, and Ma. Hazel P. Sebial v. Ruel V. Delicana, Legal Researcher, Branch 3, Municipal Trial Court in Cities [MTCC], General Santos City, South Cotabato.*"<sup>63</sup> Said previous case had been disposed on January 22, 2018 in the following manner by the Court:

**WHEREFORE**, the Court finds respondent Ruel V. Delicana, Legal Researcher, Municipal Trial Court in Cities of General Santos City, South Cotabato, Branch 3, **GUILTY** of simple misconduct. He is meted the penalty of **SUSPENSION** of one (1) year without pay, with a **STERN WARNING** that a repetition of similar or analogous infractions in the future shall be dealt with more severely.

**SO ORDERED.**<sup>64</sup>

It was mentioned in the said Decision that even before his first Simple Misconduct case, Delicana had committed Conduct Unbecoming a Court Employee and Conduct Prejudicial to the Best Interest of the Service by disseminating copies of confidential documents and the administrative complaint that he had filed against his complainants to various government offices with the intent to embarrass them.<sup>65</sup> The Court had only abstained from imposing such penalty of dismissal in consideration of Delicana's long years of public service and his reconciliation with one of the complainants therein.<sup>66</sup> In other words, even prior to the Court's Decision in A.M. No. P-18-3796, Delicana had already been found guilty of an administrative offense. At that point in A.M. No. P-18-3796, Delicana had already incurred his second administrative offense, and this present case is already his third time to face disciplinary charges.

Ordinarily, Section 19(2)(a) of Rule 140, as amended, mandates that a previous administrative conviction, regardless of nature or severity, shall be a circumstance aggravating one's guilt in a subsequent administrative case. The Court, however, desists from appreciating this against Delicana. As it is now in the amended Rule 140, modifying circumstances only affect the penalties of suspension and fine. It poses no effect if the penalty to be imposed is already dismissal from the service.

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<sup>63</sup> Supra note 34.

<sup>64</sup> Id. at 72.

<sup>65</sup> Id. at 67-68.

<sup>66</sup> Id. at 72.

It must be made clear that the imposition of penalty is distinct from its service. Some of the severest administrative penalties under Section 17(A), Rule 140, as amended, are dismissal from employment, forfeiture of benefits, and perpetual disqualification from reemployment in public service. By all practical and logical means, these penalties can only be served once. A dismissed court personnel cannot be dismissed again; one cannot forfeit anew what has already been forfeited; and the disqualification here is already perpetual. The Court finds occasion to correlate the discipline of employees of the Judiciary with the discipline of members of the Bar: there are no double or multiple disbarments of lawyers in this jurisdiction, and subsequent offenses of delinquent attorneys are meted the ultimate penalty of disbarment again only for the purpose of recording it in the respondent's personal file in the Bar Confidant's Office.<sup>67</sup> This manner of disposition also operates to underscore the abhorrent nature of an administrative offense, and to impose upon the members of the Bar that the said acts, much more the repetition thereof, deserve the utmost intolerance by the Court. It is but reasonable to apply the same policy in the punishment of administrative infractions committed by those who work for and under the Judiciary.

**WHEREFORE**, Ruel V. Delicana, Legal Researcher I, Municipal Trial Court in Cities, Branch 3, General Santos City, South Cotabato, is hereby declared administratively **GUILTY** of Gross Misconduct, Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, and Gross Insubordination. Following the amended provisions of Rule 140 of the Rules of Court, The Court imposes upon Ruel V. Delicana the penalties of –

1. **DISMISSAL** from the service;
2. **FORFEITURE** of retirement and other benefits, except accrued leave credits; and
3. **PERPETUAL DISQUALIFICATION** from holding public office and reemployment in the government service, including government-owned and controlled corporations.

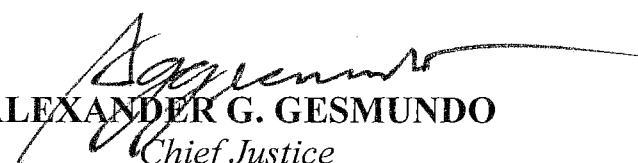
Let Ruel V. Delicana's three-fold liability for the serious administrative charges of Gross Misconduct, Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, and Gross Insubordination be reflected on his service record.

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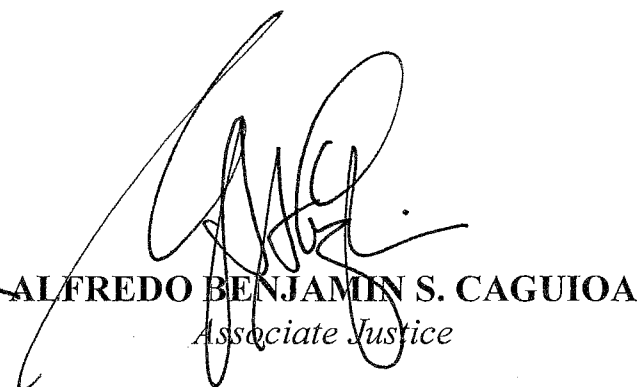
<sup>67</sup> *Sanchez v. Atty. Torres*, 748 Phil. 18, 24 (2014).

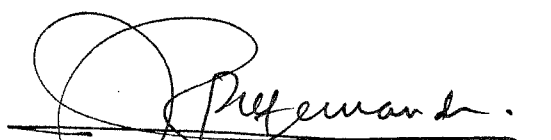


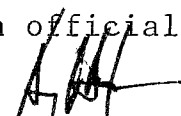
**SO ORDERED.**


  
**ALEXANDER G. GESMUNDO**  
*Chief Justice*

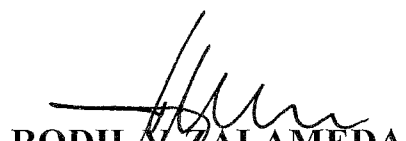
  
**MARVIC M. V. F. LEONEN**  
*Associate Justice*

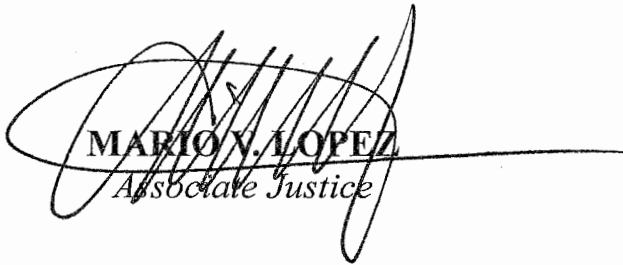
  
**ALFREDO BENJAMIN S. CAGUIOA**  
*Associate Justice*

  
**RAMON PAUL L. HERNANDO**  
*Associate Justice*


On official leave  
  
**AMY C. LAZARO-JAVIER**  
*Associate Justice*

  
**HENRI JEAN PAUL B. INTING**  
*Associate Justice*

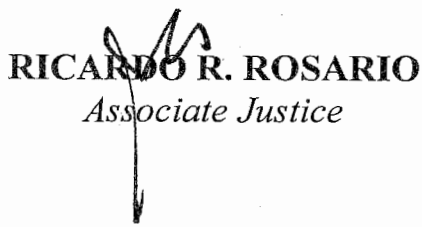
  
**RODIL V. ZALAMEDA**  
*Associate Justice*



**MARIO N. LOPEZ**  
*Associate Justice*



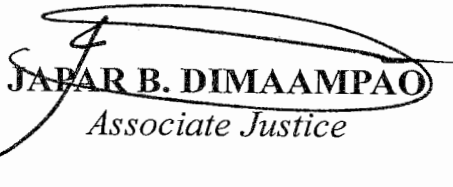
**SAMUEL H. GAERLAN**  
*Associate Justice*



**RICARDO R. ROSARIO**  
*Associate Justice*



**JHOSEP Y. LOPEZ**  
*Associate Justice*



**JAPAR B. DIMAAMPAO**  
*Associate Justice*

No part.  
**JOSE MIDAS P. MARQUEZ**  
*Associate Justice*




**ANTONIO T. KHO, JR.**  
*Associate Justice*



**MARIA FILOMENA D. SINGH**  
*Associate Justice*

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**MARIA LUISA M. SANTILLA**  
Deputy Clerk of Court and  
Executive Officer  
OCC-En Banc, Supreme Court