



Republic of the Philippines
Supreme Court
Manila

EN BANC

JUDGE ANANSON E. JAYME
(Ret).,

Complainant,

- versus -

ERLA JOIE L. ROCO,
LEGAL RESEARCHER II and
GLENN L. NAMOL, COURT
INTERPRETER III, both of
Branch 63, Regional Trial
Court, Bayawan City, Negros
Oriental,

Respondents.

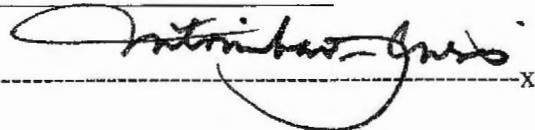
OCA IPI No. 17-4749-P

Present:

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

Promulgated:

August 8, 2023



X-----X

DECISION

PER CURIAM:

* On leave.
** No part.

This administrative matter arose from a Complaint¹ filed by retired Judge Ananson E. Jayme (Judge Jayme), former Presiding Judge of the Regional Trial Court of Bayawan City, Negros Oriental, Branch 63 (RTC), against respondents Erla Joie L. Roco (Roco) and Glenn L. Namol (Namol; collectively, respondents), in their respective capacities as Legal Researcher II and Court Interpreter III of the same RTC, accusing the latter of *inter alia*, Gross Misconduct.

The Facts

The Complaint essentially accuses Namol of committing three separate acts, Roco of committing one separate act, and respondents of one separate act.

As regards Namol, Judge Jayme alleged that: *First*, Namol and a now-deceased court employee personally approached Spouses Albeto and Virginia Esic (Spouses Esic), who were private complainants in an *estafa* case pending before the RTC. During said meeting, Namol represented to Spouses Esic that they needed to: (a) hire a certain Atty. Arturo J. Erames (Atty. Erames) as a private prosecutor in said *estafa* case even if the case was already being handled by a public prosecutor; (b) seek Namol and his companion's assistance in the case; and (c) give Namol and his companion PHP 20,000.00 each; otherwise, their cases will drag on for a long time. Naturally wanting to have a favorable resolution in the *estafa* case, Spouses Esic heeded Namol's instruction.²

Second, Judge Jayme averred that Namol approached another litigant with a pending case before the RTC, Rodrigo N. Cuenca (Cuenca), who owns a lumber yard, to purchase several pieces of lumber from the latter. According to Judge Jayme, Namol made such purchase from Cuenca amounting to PHP 9,000.00, but paid only PHP 2,000.00, thereby leaving a balance of PHP 7,000.00. Further, Judge Jayme claimed that after the case against Cuenca was dismissed by the RTC's Presiding Judge, Namol believed that he no longer had to pay such balance in light of such dismissal.³

Third, Judge Jayme narrated that sometime in March 2017, Namol was caught in the act by his co-personnel in the RTC to be encoding a Motion for Appearance and Motion to Set Case for Hearing on behalf of Atty. Erames using the office computer and during office hours. Judge Jayme thus contended that it was highly inappropriate for Namol to do so.⁴

¹ *Rollo*, pp. 2-9.

² *Id.* at 3-4.

³ *Id.* at 4-6.

⁴ *Id.* at 6-7.

As regards Roco, Judge Jayme alleged that she had been absent without official leave (AWOL) from the RTC since April 10, 2017. According to Judge Jayme, Roco's continued failure to report for work without reasonable excuse and despite the earnest efforts of Branch Clerk of Court Atty. Ray Stephen T. Logronio (Atty. Logronio) to contact her constitutes abandonment of service.⁵

Finally, as to the joint act of respondents, Judge Jayme accused them of falsifying two subpoenas requiring persons deprived of liberty (PDLs), namely: (a) Jasper Tanasan (Tanasan), a high-profile inmate charged with illegal possession of explosives, and (b) Nigel Electona (Electona), an accused in two drugs cases, to appear before the RTC without prior authority from the court. In particular, Judge Jayme averred that after Namol drafted the subpoenas, Roco went to Atty. Logronio to have them signed. After Atty. Logronio signed the same, Roco allegedly changed the word "hearing" as indicated in the subpoenas to "conference" and the time from 1:00 p.m. to 12:45 p.m. Judge Jayme thereby argued that the subpoenas were fake because the records of Tanasan and Electona's respective cases show that no such subpoenas were issued by the RTC's Presiding Judge.⁶

In his Comment,⁷ Namol vehemently denied the allegations against him. As regards Spouses Esic, he denied the accusation that he convinced them to hire Atty. Erames as a private prosecutor; that he told them to get his help in the quick resolution of the *estafa* case; and that he received money from them. Anent the Cuenca issue, Namol explained that the only reason that he was unable to pay the balance was because he was temporarily transferred to the Dumaguete City Hall of Justice. With respect to the accusation that he was encoding pleadings on behalf of Atty. Erames, Namol maintained that as a law student, he was just trying to emulate how Atty. Erames would draft his pleadings because according to him, the latter's drafting style was unique. Finally, as for the allegedly falsified subpoenas, Namol contended that the same are valid as evinced by the fact that Atty. Logronio signed them.⁸

Furthermore, Namol claimed that Judge Jayme only filed the instant complaint because the latter wanted him (Namol) and Roco to be removed from their respective positions in the Judiciary. Namol also filed a counter-charge against Judge Jayme, accusing the latter of various irregularities.⁹

For Roco's part, it appears from the records that she had not filed any responsive pleading to refute Judge Jayme's allegations.

⁵ *Id.* at 8-9.

⁶ *Id.* at 7-8.

⁷ *Id.* at 28-33.

⁸ *Id.* See also *id.* at 62.

⁹ *Id.* at 62-63.

In a Memorandum¹⁰ dated May 7, 2019, the Office of the Court Administrator (OCA) recommended that: (a) the instant administrative matter be referred to Judge Marie Rose I. Paras, the Assisting Judge of the RTC, to act as Investigating Judge (IJ) that will conduct an investigation, and thereafter, submit a report and recommendation; and (b) the counter-charge against Judge Jayme be dismissed on the ground of lack of jurisdiction, considering that the latter had already retired from the service effective July 5, 2016, or way before such counter-charge was filed on January 3, 2018. In a Notice of Resolution¹¹ dated July 24, 2019, the Court adopted the recommendations of the OCA.

The Investigating Judge's Investigation Report

In an Investigation Report¹² dated February 7, 2020, the IJ recommended that Namol be found administratively liable for three counts of Grave Misconduct and one count of Simple Misconduct; and Roco be found administratively liable for one count of Grave Misconduct and one count of her being AWOL.¹³

The IJ explained that in arriving at such recommendations, she reviewed the evidence submitted by the parties; took testimonies of Spouses Esic, Cuenca, and numerous personnel working at the RTC, including Atty. Logronio; and conducted a discreet interview with the current Acting Presiding Judge of the RTC who took over the *sala* after Judge Jayme's retirement. After collating the foregoing, the IJ found sufficient evidence to find that:

First, Namol committed Grave Misconduct when he approached Spouses Esic; received money from them in exchange of expediting the *estafa* case where the latter are the private complainants; and successfully convinced them to hire Atty. Erames as private prosecutor. According to the IJ, such findings are supported by the statements of the other personnel of the RTC which, among others, presented an audio-video footage of them interviewing Spouses Esic confirming such facts.¹⁴

Second, as regard's the Cuenca issue, the IJ noted that at first glance, Namol's credit transaction with Cuenca appears to be an innocent business deal. However, the IJ took consideration of the following, namely: (a) as a Court Interpreter, part of Namol's duties are to maintain, keep, and prepare the court calendar and records of cases set for hearing, and during such hearings, he has close contacts with the litigants; (b) as a single *sala* court

¹⁰ *Id.* at 61–64. Signed by Court Administrator Jose Midas P. Marquez (now a Member of the Court) and Deputy Court Administrator Jenny Lind R. Aldecoa–Delorino.

¹¹ *Id.* at 66–67.

¹² *Id.* at 276–291. Penned by Investigating Judge Marie Rose I. Paras.

¹³ *Id.* at 291.

¹⁴ *Id.* at 286–287.

saddled with a large docket, it was difficult to have cases calendared therein, especially considering that the Acting Presiding Judge who took over from Judge Jayme only conducts hearing thereat only for one week every month; (c) Cuenca was an active litigant in said *sala*; and (d) while Cuenca issued a statement that Namol did not force him to sell on credit, the former nevertheless commented that he did not want to sell on credit as he only owns a small business and extending credit would not help with his business interests. Given the foregoing circumstances, the IJ concluded that it was improper for Namol “to purchase on credit goods from a person who had pending cases in court, taking into consideration that he has a direct hand in the calendaring of cases in a court saddled with hundreds of cases handled by an assisting judge who hears cases only for one week every month;” and hence, found such act to be constitutive of Simple Misconduct.¹⁵

Third, the IJ found that Namol’s act of encoding a motion on behalf of a private lawyer, Atty. Erames, using an office computer during working hours is grossly improper and inimical to the interest of the government as it erodes public confidence in the impartiality of courts. It also diverts the use of government resources for the interest of a private person. In this regard, the IJ did not lend credence to Namol’s reasoning that he was just trying to study how Atty. Erames drafts his motions, pointing that if he indeed intended to do so, he could have just photocopied or took photos of said lawyer’s motions. The IJ further pointed out that as in the case with the Spouses Esic, it appears that Namol was very partial with Atty. Erames. In light of the foregoing, the IJ concluded that Namol was moonlighting for a private counsel and was even using government resources for such purpose; and hence, he should be found liable for Grave Misconduct.¹⁶

Fourth, as regards the subpoenas, the IJ found that respondents committed Grave Misconduct when they conspired to prepare and issue the same without prior authority from the court, considering that the court records are bereft of any showing that the Acting Presiding Judge ordered such issuance. Notably, the IJ opined that Atty. Logronio was also negligent in this regard, as he should have first checked the case records to see if there was indeed an order to issue said subpoenas. According to the IJ, such negligence on the part of Atty. Logronio indispensably facilitated the issuance of the subpoenas without court authority; and as such, he should also be held responsible.¹⁷

Finally, the IJ found that as per the testimony and certification by Atty. Logronio, Roco had been continuously absent since April 10, 2017, and as such, should be declared to be AWOL.¹⁸

¹⁵ *Id.* at 287–288.

¹⁶ *Id.* at 288–289.

¹⁷ *Id.* at 289–290.

¹⁸ *Id.* at 290.

The JIB Report and Recommendation

In a Report¹⁹ dated August 17, 2022, the Judicial Integrity Board (JIB) recommended that: (a) Namol be found guilty of Gross Misconduct and Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, and accordingly, be meted with the penalty of dismissal from the service, with the accessory penalty of forfeiture of retirement benefits, except accrued leave credits, with prejudice to reinstatement or re-employment in any agency of government, including government-owned and controlled corporations; (b) Roco be found guilty of Gross Misconduct, but since she was already previously dropped from the rolls for being AWOL, she should be meted with the penalties of forfeiture of all or part of her benefits as the Supreme Court may determine, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations; and (c) Atty. Logronio be found guilty of Simple Neglect of Duty, and accordingly be fined in the amount of PHP 36,000.00 with a stern warning that a repetition of the same or similar acts in the future shall be dealt with more severely.²⁰

Essentially upholding the findings of the IJ, the JIB found that Namol's acts of: (1) approaching Spouses Esic, convincing them to hire Atty. Erames, and soliciting money from them; (2) using his position in court to take advantage of a litigant, i.e., Cuenca, by purchasing on credit from the latter's business; (3) moonlighting for Atty. Erames using government resources during office hours; and (4) preparing and issuing subpoenas for two PDLs to appear before the court for a "conference" without a lawful order, all constitute the serious charges of Gross Misconduct and prejudicial conduct that gravely besmirches or taints the reputation of the service, and hence, he should be meted with the penalty of dismissal from the service with all accessory penalties.²¹

As regards Roco, the JIB also found her administratively liable for Gross Misconduct for conspiring with Namol insofar as the issuances of the aforementioned subpoenas are concerned. However, the JIB noted that Roco could no longer be meted with the penalty of dismissal from the service, considering that in the Resolution dated September 5, 2018 in A.M. No. 18-07-135-RTC entitled "*Re: Dropping from the Rolls of Ms. Erla Joei L. Roco, Court Legal Researcher II, Regional Trial Court, Branch 63, Bayawan City, Negros Oriental*" the Court had already

¹⁹ *Id.* at 303–320. Signed by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), with Vice-Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.), Second Regular Member Justice Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.), concurring.

²⁰ *Id.* at 318–319.

²¹ *Id.* at 310–314.

dropped her from the rolls for being AWOL. As such, the JIB recommended that she be meted with the accessory penalties of dismissal.²²

In addition to the foregoing, the JIB, taking note of the IJ's observations that respondents would not have been able to issue the subpoenas had it not been for Atty. Logronio's negligence in not checking if the RTC had indeed ordered such issuance, recommended that Atty. Logronio be found administratively liable for Simple Neglect of Duty.²³

The Issue Before the Court

The issue for the Court's resolution is whether respondents and Atty. Logronio should be held administratively liable, as found and recommended by the JIB.

The Court's Ruling

The Court adopts with modifications the findings and recommendations of the JIB insofar as respondents are concerned; but disagrees with the JIB as to the findings and recommendations pertaining to Atty. Logronio.

I.

At the outset, it is important to note that on February 22, 2022, the Court *En Banc* unanimously approved A.M. No. 21-08-09-SC, entitled "*Further Amendments to Rule 140 of the Rules of Court.*" On April 3, 2022, the publication requirement thereof was complied with;²⁴ hence, Rule 140 of the Rules of Court (the Rules), as further amended, is already effective.

In this relation, Section 24 of the Rules explicitly provides that it will apply to all pending and future administrative disciplinary cases involving Members, officials, employees, and personnel of the Judiciary, to wit:

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

²² *Id.* at 314–317.

²³ *Id.* at 317–318.

²⁴ RULES OF COURT, Rule 140, sec. 26 states:

SECTION 26. *Effectivity Clause.* – These Rules shall take effect following their publication in the Official Gazette or in two newspapers of national circulation. (Emphasis and underscoring supplied)

against Members of the Supreme Court are concerned. (Emphasis and underscoring supplied)

In view of the foregoing, the Court shall resolve this case under the framework of the Rules.

II.

“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.”²⁵ Grave Misconduct, which is worded as Gross Misconduct under the Rules, is considered a serious charge under Section 14(a), whereas Simple Misconduct is deemed as a less serious charge under Section 15(a).

In *Rodil v. Posadas*,²⁶ the Court *En Banc* explained that to constitute misconduct, there should be a nexus between the act complained of and the respondent-public officer’s discharge of duty, *viz.*:

However, it must be emphasized that “to constitute an administrative offense, misconduct **should relate to or be connected with the performance of the official functions and duties** of a public officer. Without the nexus between the act complained of and the discharge of duty, the charge of misconduct shall necessarily fail.”

Hence, “case law instructs that where the misconduct committed was not in connection with the performance of duty, the proper designation of the offense should not be Misconduct, but rather, Conduct Prejudicial to the Best Interest of the Service. While there is no hard and fast rule as to what acts or omissions constitute the latter offense, jurisprudence provides that the same ‘deals with [the] demeanor of a public officer which tarnishe[s] the image and integrity of his/her public office.’”²⁷ (Emphasis and underscoring in the original)

Thus, pursuant to *Rodil*, if the act of misconduct does not relate or is not connected with the official functions and duties of the respondent-public

²⁵ *Office of the Court Administrator v. Executive Judge Amor*, 745 Phil. 1, 8 (2014) [Per J. Perlas-Bernabe, *En Banc*], citing *Echano, Jr. v. Toledo*, 645 Phil. 97, 100–101 (2010) [Per J. Abad, Second Division].

²⁶ A.M. No. CA-20-36-P, August 3, 2021 [Per Curiam, *En Banc*].

²⁷ *Id.*; citations omitted.

officer, then the proper designation of the administrative offense should be Conduct Prejudicial to the Best Interest of the Service. Notably, this specific offense has been reformulated under the Rules and now falls under the serious charge of “*Grave Abuse of Authority and/or Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service*” under Section 14(l) of the same. To further understand this new designation, the Court’s annotations thereto is instructive, to wit:

NOTES: This charge is added to cover acts or omissions which are not strictly part of the performance of one’s official functions, but nonetheless are punished as they diminish or tend to diminish the people’s faith in the Judiciary.

This covers *oppression*, as well as *conduct prejudicial to the best interest of the service* under the 2017 RACCS. “Oppression is also known as grave abuse of authority, which is a misdemeanor committed by a public officer, who under color of his office, wrongfully inflict[s] upon any person any bodily harm, imprisonment or other injury. It is an act of cruelty, severity, or excessive use of authority.” (See *Ombudsman v. Caberoy*, G.R. No. 188066, October 22, 2014)

On the other hand, *conduct prejudicial to the best interest of the service* refers to acts that “tarnish the image and integrity of [a] public office” without a “direct relation to or connection with the performance of [one’s] official duties.” (*Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68 [2015]) **It must be noted, however, that based on existing jurisprudence, “conduct prejudicial to the best interest of the service” tends to become some sort of a blanket offense to cover all other misdeeds not falling under any specific offense already listed in the Rule. To remedy this situation, the offense is reformulated to “prejudicial conduct that gravely besmirches or taints the reputation of the service.”** (Emphasis in the original)

Verily, the Court’s own annotations to the Rules instruct that to fall under *Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service*, the act complained of should: (a) be without a direct relation or connection with the performance of the respondent-public officer’s official duties; and (b) not be covered by any other specific offense already listed in the Rules.

Guided by the foregoing, the Court now determines respondents’ respective administrative liabilities.

III.

Administrative Liability of Namol

As aptly enumerated by both the IJ and the JIB, Namol’s acts of: (1) approaching Spouses Esic, convincing them to hire Atty. Erames, and

soliciting money from them; (2) using his position in court in order to take advantage of a litigant, i.e., Cuenca, by purchasing on credit from the latter's business; (3) moonlighting for Atty. Erames using government resources during office hours; and (4) preparing and issuing subpoenas for two PDLs to appear before the court for a "conference" without a lawful order, have a direct relation and/or connection with Namol's official duties as Court Interpreter, and as such, no longer fall under the serious charge of Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service. Rather, all these acts classify as Misconduct. Thus, the Court shall now determine whether these acts constitute Gross Misconduct or Simple Misconduct. To reiterate, for an act to be considered as gross, the *elements of corruption, clear intent to violate the law, or flagrant disregard of established rule* must be manifest.

As regards Namol's acts towards Spouses Esic, these are violative of: (a) Canon IV, Section 5 of the Code of Conduct for Court Personnel²⁸ (CCCP) which provides that "[c]ourt personnel shall not recommend private attorneys to litigants, prospective litigants, or anyone dealing with the Judiciary;" and (b) Canon III, Section 2(e) of the CCCP which states that "[c]ourt personnel shall not [s]olicit 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." Thus, such acts constitute Gross Misconduct.

Anent Namol's act towards Cuenca, the facts show that: (a) Namol purchased several pieces of lumber from Cuenca on credit; and (b) Namol admitted to the same (albeit pointing out that he was only unable to pay the remaining balance of the purchase price as he was temporarily transferred to another locality). However, there is no showing that he used his position to take advantage of Cuenca. In fact, Cuenca himself testified during his direct examination that Namol neither discussed nor extended any favors relative to Cuenca's cases pending before the RTC.²⁹ To the Court, while Namol's acts may be deemed inappropriate for having business transactions with a litigant, the same cannot be said to be tainted with corruption, clear intent to violate the law, or flagrant disregard of established rules. As such, he should only be held liable for Simple Misconduct in this regard.

Insofar as Namol's acts of moonlighting for Atty. Erames is concerned, the IJ correctly pointed out that the same constitute violations of: (a) Canon III, Section 5 of the CCCP which provides, among others, that "the full-time position in the Judiciary of every court personnel shall be the personnel's primary employment" and prohibits such personnel to accept outside employment with a person or entity that practices law before the courts or

²⁸ A.M. No. 03-06-13-SC, effective June 1, 2004.

²⁹ *Rollo*, p. 311.

conducts business with the Judiciary; (b) Canon IV, Section 1 of the CCCP which states, *inter alia*, that court personnel “shall commit themselves exclusively to the business and responsibilities of their office during working hours;” and (c) Canon I, Section 5 of the CCCP which reads “[c]ourt personnel shall use the resources, property[,] and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.” Verily, this constitutes Gross Misconduct as well.

Finally, with regard to Namol’s last act, it is settled that court personnel cannot prepare and issue subpoenas to PDLs without prior authority from the courts. In this regard, the 2002 Revised Manual for Clerks of Court – particularly Chapter VI, E., 1.3.2.22., b., b.2. thereof on the “Guidelines in the issuance of subpoena requiring a detention prisoner detained in one place to appear in another place . . .,” any issuance of subpoenas involving PDLs must be ordered by the court before which the case of such PDL is pending. Here, Namol, together with Roco, caused the preparation of subpoenas to summon two PDLs, namely Tanasan and Electona, without any prior order or authority from the RTC; worse, they presented the same to Atty. Logronio who signed the same. Same with Namol’s first and third acts, this constitutes Gross Misconduct.

In sum, Namol should be found administratively liable for three counts of Gross Misconduct, and one count of Simple Misconduct.

Administrative Liability of Roco

Insofar as Roco is concerned, suffice it to say that as found by both the IJ and the JIB, she was in conspiracy with Namol insofar as the issuance of the aforementioned subpoenas is concerned. Moreover, such acts have a direct relation to her official duties as Legal Researcher. As such, she should also be held administratively liable for Gross Misconduct.

However, insofar as her being AWOL is concerned, the same should no longer be considered in the instant case. This is considering that as pointed out by the JIB, she was already ordered dropped from the rolls in A.M. No. 18-07-135-RTC entitled “*Re: Dropping from the Rolls of Ms. Erla Joei L. Roco, Court Legal Researcher II, Regional Trial Court, Branch 63, Bayawan City, Negros Oriental,*” effective on September 5, 2018 – the date when the Court promulgated the Resolution in that administrative matter.

At this juncture, it is well to clarify that the fact that Roco was dropped from the rolls does not preclude the Court from determining her administrative liability, considering that Judge Jayme filed the instant complaint on

September 15, 2017,³⁰ or almost a year before Roco was dropped from the rolls on September 5, 2018. Under Section 2(2) of the Rules, “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 . . .” In this regard, case law instructs that “for the Court to acquire jurisdiction over an administrative proceeding, the complaint must be *filed during the incumbency* of the respondent public official or employee. This is because the filing of an administrative case is predicated on the holding of a position or office in the government service. However, once jurisdiction has attached, the same is not lost by the mere fact that the public official or employee was no longer in office during the pendency of the case.”³¹ Verily, jurisdiction over Roco already attached before she was officially dropped from the rolls.

Penalties to be Imposed on Respondents

Respondents’ administrative liability having been established, the Court now goes to the penalties to be imposed on them.

As already discussed, Gross Misconduct is considered as a serious charge, which is punishable by any of the following penalties found under Section 17(1) of the Rules: (a) dismissal from 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 credits; (b) suspension from office without salary and other benefits for more than six months but not exceeding one year; or (c) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00. On the other hand, Simple Misconduct is a less serious charge which, under Section 17(2) of the Rules, and may be penalized with either: (a) suspension from office without salary and other benefits for more than one month nor more than six months; or (b) a fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.

Insofar as Namol is concerned, he is found to have committed separate acts constituting three counts of Gross Misconduct and one count of Simple Misconduct. In this regard, Section 21 of the Rules provides that he should be penalized separately for each act, to wit:

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

³⁰ Rollo, p. 9.

³¹ See *Office of the Court Administrator v. Fuensalida*, 880 Phil. 561, 569–570 (2020) [Per J. Delos Santos, *En Banc*].

penalties exceed five (5) years of suspension or ₱1,000,000.00 in fines, 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 credits.

On the other hand, if a single act/omission constitutes more than one (1) offense, the respondent shall still be found liable for all such offenses, but shall, nonetheless, only be meted with the appropriate penalty for the most serious offense. (Emphasis supplied)

In light of the obtaining circumstances in this case, the Court metes out to Namol the following penalties: (a) for the first count of Gross Misconduct, dismissal from the service, with forfeiture of all the retirement and other benefits due him, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations; (b) for the second and third counts of Gross Misconduct, a fine in the amount of PHP 101,000.00 each, or an aggregate of PHP 202,000.00; and (c) for the single count of Simple Misconduct, a fine in the amount of PHP 36,000.00.

As regards Roco, since she had already been dropped from the rolls, Section 18 of the Rules finds application, to wit:

SECTION 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service.* — If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she may be meted with the following penalties in lieu of dismissal:

(a) 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 credits; and/or

(b) Fine as stated in Section 17 (1) (c) of this Rule.

Given the factual backdrop of this case, the Court finds it appropriate to impose on Roco the penalties of forfeiture of all retirement and other benefits due her, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, and a fine of PHP 101,000.00.

IV.

At this juncture, the Court notes that the JIB recommended that Atty. Logronio be found administratively liable for Simple Misconduct for his failure to check whether the court indeed ordered the issuance of the subpoenas prepared by respondents before signing the same.

The Court disagrees insofar as such recommendation is concerned.

In *Fernandez v. Maaliw*,³² the Court, through Justice Ricardo R. Rosario, had the opportunity to reiterate the following primary rights which must be respected in administrative proceedings, as first enunciated in the seminal case of *Ang Tibay v. Court of Industrial Relations*,³³ as follows:

- 1) The right to a hearing, which includes the right to present one's case and submit evidence in support thereof;
- 2) The tribunal must consider the evidence presented;
- 3) The decision must have something to support itself;
- 4) The evidence must be substantial;
- 5) The decision must be rendered on the evidence presented at the hearing, or at least contained in the record and disclosed to the parties affected;
- 6) The tribunal or body or any of its judges must act on its or his own independent consideration of the law and facts of the controversy and not simply accept the views of a subordinate in arriving at a decision; and
- 7) The board or body should, in all controversial questions, render its decision in such a manner that the parties to the proceeding can know the various issues involved, and the reason for the decision rendered.³⁴

In this instant administrative matter, while the IJ was able to take Atty. Logronio's testimony in the course of the investigation, it is well to stress that Atty. Logronio only did so as a mere witness. He was not impleaded as a respondent in this case. Verily, without a formal charge and proper investigation on the charge imputed on Atty. Logronio, he would be unable to get the chance to sufficiently defend himself. More importantly, the JIB and the Court would not have the proper opportunity to reasonably ascertain the facts which would lead to a finding or non-finding of administrative liability insofar as Atty. Logronio is concerned.³⁵ Thus, for the Court to find Atty. Logronio administratively liable at this point in time – as recommended by

³² G.R. No. 248852, March 9, 2022 [Per J. Rosario, Second Division].

³³ 69 Phil. 635 (1940) [Per J. Laurel, *En Banc*].

³⁴ See *Fernandez v. Maaliw*, *supra* note 32.

³⁵ See *id.*, citing *Salva v. Valle*, 707 Phil. 402, 413–414 (2013) [Per J. Villarama, Jr., *En Banc*].

the JIB – would be to violate his right to administrative due process. This cannot be countenanced.

Nevertheless, the facts of this case, as ferreted out by the IJ and the JIB, appear to show that Atty. Logronio may have committed an act and/or omission that, if established by substantial evidence, would result in a finding of administrative liability on his part. In this regard, the Court finds it appropriate to *motu proprio* formally institute an administrative proceeding against Atty. Logronio, pursuant to Section 1 (1) of the Rules, which reads:

SECTION 1. *How Instituted.* –

(1) *Motu Proprio Against those who are not Members of the Supreme Court.* – *Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the Shari'ah High Court, and Judges of the first and second level courts, including the Shari'ah District or Circuit Courts, as well as the officials, employees, and personnel of said courts and the Supreme Court, including the Office of the Court Administrator, the Judicial Integrity Board, the Philippine Judicial Academy, and all other offices created pursuant to law under the Supreme Court's supervision may be instituted, motu proprio, by either the Supreme Court with the Judicial Integrity Board, or by the Judicial Integrity Board itself on the basis of records, documents; or newspaper or media reports; or other papers duly referred or endorsed to it for appropriate action; or on account of any criminal action filed in, or a judgment of conviction rendered by the Sandiganbayan or by the regular or special courts, a copy of which shall be immediately furnished to the Supreme Court and the Judicial Integrity Board. (Emphases and underscoring supplied)*

After the institution of such formal administrative proceedings against Atty. Logronio, the JIB should proceed with the same in accordance with the provisions of the Rules.

As a final note, the Court reiterates 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. In this light, 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,”³⁶ as in this case.

³⁶ *Office of the Court Administrator v. Judge Montero*, A.M. No. RTJ-20-2582, August 16, 2022 [*Per Curiam, En Banc*].

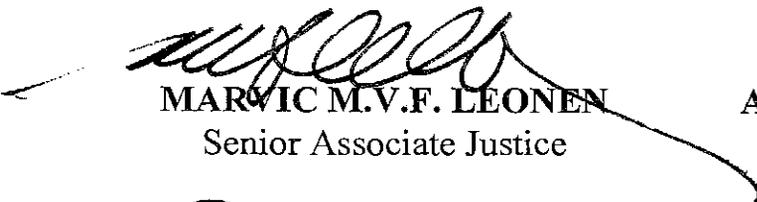
ACCORDINGLY, the Court rules as follows:

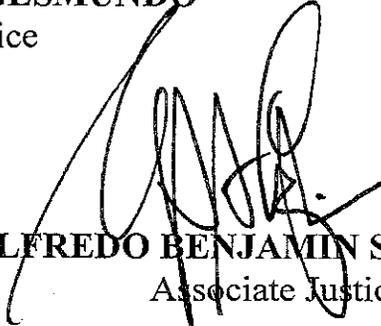
- (a) Respondent Glenn L. Namol, Court Interpreter III of Branch 63, Regional Trial Court of Bayawan City, Negros Oriental, is found **GUILTY** of three counts of Gross Misconduct and one count of Simple Misconduct. For the first count of Gross Misconduct, he is meted with the penalty of **DISMISSAL** from the service, with forfeiture of all the retirement and other benefits due him, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. For the second and third counts of Gross Misconduct, he is meted with a **FINE** of PHP 101,000.00 each. Lastly, for the lone count of Simple Misconduct, he is meted with a **FINE** of PHP 36,000.00;
- (b) Respondent Glenn L. Namol, Court Interpreter III of Branch 63, Regional Trial Court of Bayawan City, Negros Oriental, is meted with the penalties of dismissal from the service, with forfeiture of all the retirement and other benefits due him, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, and a fine in the aggregate amount of PHP 238,000.00;
- (c) Respondent Erla Joie L. Roco, former Legal Researcher II of Branch 63, Regional Trial Court of Bayawan City, Negros Oriental, is found **GUILTY** of Gross Misconduct. In light of her supervening separation from the service, she is meted with the penalties of forfeiture of all the retirement and other benefits due her, except accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, and a fine of PHP 101,000.00; and
- (d) Pursuant to Section 1(1) of Rule 140 of the Rules of Court, as further amended, formal administrative proceedings are **INSTITUTED** against Atty. Ray Stephen T. Logronio, Branch Clerk of Court of Branch 63, Regional Trial Court of Bayawan City, Negros Oriental. The Judicial Integrity Board is **DIRECTED** to proceed with the same in accordance with said Rule.

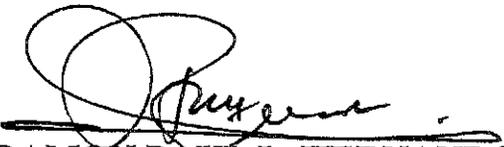
SO ORDERED.




ALEXANDER G. GESMUNDO
 Chief Justice


MARVIC M.V.F. LEONEN
 Senior Associate Justice

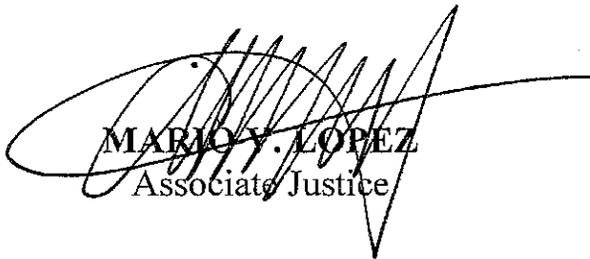

ALFREDO BENJAMIN S. CAGUIOA
 Associate Justice

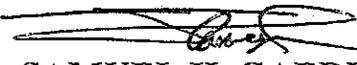

RAMON PAUL L. HERNANDO
 Associate Justice


AMY C. LAZARO-JAVIER
 Associate Justice


HENRI JEAN PAUL B. INTING
 Associate Justice

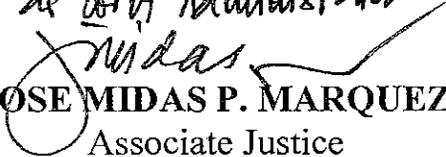

RODIL V. ZALAMEDA
 Associate Justice

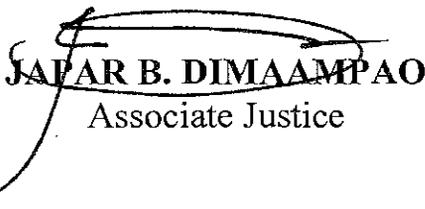

MARICEL Y. LOPEZ
 Associate Justice


SAMUEL H. GAERLAN
 Associate Justice

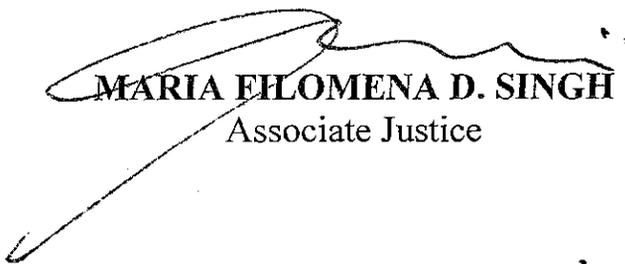
On Leave
RICARDO R. ROSARIO
 Associate Justice


JHOSEP Y. LOPEZ
 Associate Justice

*NO part due to prior participation
 as OCA Administrator*

JOSE MIDAS P. MARQUEZ
 Associate Justice


JAFAR B. DIMAAMPAO
 Associate Justice


ANTONIO T. KHO, JR.
 Associate Justice


MARIA FILOMENA D. SINGH
 Associate Justice