



Republic of the Philippines
Supreme Court
 Manila

EN BANC

DANILO D. DIVINAGRACIA,
 Complainant,

A.M. No. P-23-077 [Formerly
 OCA IPI No. 20-5026-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.

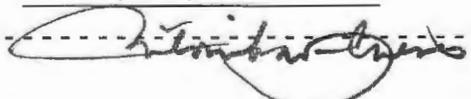
- versus -

MICHAEL VINCENT L. OZON, Clerk III, Branch 1,
 Regional Trial Court, Butuan
 City, Agusan del Norte,

Promulgated:

Respondent.

January 30, 2024

x-----

 -----x

DECISION

PER CURIAM:

Before the Court is a Letter-Complaint¹ dated December 27, 2019, from a person under the *nom de plume* “Danilo D. Divinagracia” (complainant) charging respondent Michael Vincent L. Ozon

¹ Rollo, p. 10.

(respondent), Clerk III, Branch 1, Regional Trial Court (RTC), Butuan City, Agusan del Norte, with Gross Misconduct and violation of Republic Act No. 6713.²

The Antecedents

In his Letter-Complaint dated December 27, 2019, complainant alleged that he requested from Branch 1, RTC, Butuan City, Agusan del Norte, a certificate of finality of the decision it rendered in his case for declaration of nullity of marriage. He averred that respondent, who is a son-in-law of a judge, asked him to pay PHP 25,000.00 for the release of the certificate of finality of his case. Later, he encountered and spoke with other people who shared with him the same predicament he experienced with respondent.³

Complainant further alleged that respondent previously worked at the Department of Public Works and Highways (DPWH) where “under-the-table” and “S.O.P.” arrangements were apparently a common practice.⁴

In the 1st Indorsement⁵ dated February 7, 2020, the Office of the Court Administrator (OCA) referred the matter to Executive Judge Augustus L. Calo (Executive Judge Calo), RTC, Butuan City, Agusan del Norte, for a discreet investigation and report.

In relation to the aforementioned Letter-Complaint, respondent, on June 1, 2020, received a Notice to Explain⁶ dated May 28, 2020, from Executive Judge Calo directing him to submit a written explanation within five calendar days from receipt of notice.⁷

In his handwritten explanation Letter⁸ dated June 5, 2020, respondent denied the accusations against him. He countered that he merely prepared the trial court’s certificates of finality, and it was the Branch Clerk of Court who was in charge of releasing them.⁹ He also

² Otherwise known as the “Code of Conduct and Ethical Standards for Public Officials and Employees,” approved on February 20, 1989.

³ *Rollo*, p. 10.

⁴ *Id.*

⁵ *Id.* at 9. Signed by Court Administrator Jose Midas P. Marquez (now a Member of the Court), Deputy Court Administrator Leo Tolentino Madrazo, and Office of the Court Administrator Chief of Office Wilhelmina D. Geronga.

⁶ *Id.* at 11.

⁷ *Id.*

⁸ *Id.* at 11-A-13. Respondent’s handwritten explanation letter is unverified.

⁹ *Id.* at 11-A.

denied complainant's allegations of his "under-the-table" and "S.O.P." dealings during his employment with the DPWH. Anent complainant's allegation of nepotism, respondent clarified that Judge Eduardo S. Casals (Judge Casals) was his relative within the 5th degree of consanguinity, and thus, the rule on nepotism does not apply to him.¹⁰ Lastly, he challenged his accusers to appear personally to settle the issue once and for all.¹¹

Thereafter, Executive Judge Calo requested Atty. Joan B. Alabat-Torrallba (Atty. Alabat-Torrallba), the Branch Clerk of Court of Branch 1, RTC, Butuan City, to comment on the complaint.¹²

In her Comment¹³ dated June 19, 2020, Atty. Alabat-Torrallba stated the following: she had heard of respondent's alleged illegal involvement in the service of decisions in cases for declaration of nullity of marriage. Sometime in 2019, Judge Casals directed her to remove the duty of releasing certificates of finality from respondent after learning that he delayed the release of the certificate of finality to a lawyer who refused to give him money. At one time, a litigant, who gave respondent PHP 500.00, came to her crying because she had been visiting the trial court repeatedly, but the requested certificate of finality had not yet been issued. She reprimanded respondent, ordered him to return the PHP 500.00, and reported the matter to Judge Casals. She found out from their legal researcher that the client of the latter's lawyer-friend was cajoled by respondent into paying PHP 5,000.00 in order that the copy of the decision for the Office of the Solicitor General (OSG) could be sent via a private courier service instead of registered mail. To prevent the occurrence of similar events, Acting Presiding Judge Emmanuel E. Escatron, in a Memorandum¹⁴ dated June 15, 2020, directed respondent to refrain and desist from having a hand in the service of decisions to parties in civil cases.¹⁵

Anent respondent's performance at work, Atty. Alabat-Torrallba declared the following: (1) respondent was often tardy or absent and would go out of the office at any time without asking for permission; (2) respondent did not update the docket books and logbooks of cases; and (3) respondent incurred delay in the transmittal of case records to the Court of Appeals.¹⁶

¹⁰ *Id.* at 12.

¹¹ *Id.* at 13.

¹² *Id.* at 14.

¹³ *Id.* at 15-16.

¹⁴ *Id.* at 19.

¹⁵ *Id.* at 15-16.

¹⁶ *Id.* at 16.

Relative to his investigation, Executive Judge Calo obtained sworn statements from two private individuals (Affiant 1 and Affiant 2) who requested that their identities be kept confidential.¹⁷ Atty. Alabat-Torralba's allegation that respondent offered facilitation services to litigants in exchange for PHP 5,000.00 per decision was bolstered by the sworn affidavits of Affiant 1 and Affiant 2.

In an Affidavit¹⁸ dated June 17, 2020, Affiant 1 introduced herself as the secretary of a law practitioner in Butuan City. She narrated that: (1) respondent, at one time, called her attention and told her that he had a friend working at the OSG; (2) respondent assured her that the return card of notices of decision sent to the parties can make it back as fast as three days by mailing them through private courier, together with PHP 5,000.00; (3) she told respondent that she will discuss the latter's offer to their clients; (4) respondent further informed her that he had helped some of their clients in serving decisions to the OSG; and (5) from 2017 to February 2020, she personally gave respondent PHP 5,000.00 for each of the 10 cases he handled. Affiant 1 provided the case titles and docket numbers of these cases in her Affidavit.¹⁹

Atty. Brainard J. Morales, Clerk of Court V, certified that the decisions rendered in the cases enumerated by Affiant 1 involved petitions for declaration of nullity of marriage which were granted by the RTC.²⁰

Meanwhile, in her Affidavit²¹ dated June 19, 2020, Affiant 2 alleged that she was the petitioner in a case for declaration of nullity of marriage before the RTC. Sometime in January 2020, she went to the trial court to follow up her case and met respondent, who gave his cellphone number. In February 2020, she asked respondent, through a text message, for an update of her case. Respondent told her that if she was in a hurry, he can have the certificate of finality expedited by sending a copy of the decision of the case to the OSG through a private courier upon payment of the amount of PHP 5,000.00. Affiant 2's lawyer, however, advised her to "refrain from doing anything that is stupid." She asked respondent for an update of her case on May 16, 2020, but respondent merely told her that he will prioritize her case and explained that the delay was due to the mailing of the decision through the Post Office.²²

¹⁷ *Id.* at 46.

¹⁸ *Id.* at 24.

¹⁹ *Id.*

²⁰ *Id.* at 53. *See also* Certification dated June 24, 2020, *id.* at 23.

²¹ *Id.* at 25.

²² *Id.*

In an Investigation Report²³ dated June 26, 2020, Executive Judge Calo found substantial evidence to hold respondent guilty of gross misconduct.

Thereafter, in the 1st Indorsement²⁴ dated August 19, 2020, the OCA referred the letter-complaint to respondent for his Comment relative to the alleged corrupt practices in the release of certificates of finality of cases decided by the RTC. The OCA stressed that the Comment should be submitted within 10 days from receipt of the 1st Indorsement, copy-furnished complainant, and must likewise comply with the requirements under A.M. No. 10-3-7-SC (Re: Proposed Rules on E-Filing) and A.M. No. 11-9-4-SC (Re: Proposed Rule for Efficient Use of Paper).

On December 7, 2020, respondent filed a motion²⁵ requesting for an extension of 10 days or until December 17, 2020, to file his Comment. In a Letter²⁶ dated December 18, 2020, Associate Justice Jose Midas P. Marquez, then Court Administrator, granted respondent's motion for extension. Records reveal, however, that respondent has yet to file his Comment as of date.

In their Report and Recommendation²⁷ dated July 6, 2021, Atty. James D.V. Navarrete (Navarrete), Deputy Clerk of Court at-Large-OCA and Acting Executive Director, Judicial Integrity Board (JIB), and Atty. Eduardo C. Tolentino (Tolentino), Acting SC Senior Chief Staff Officer, Research and Investigation Services-JIB, found respondent guilty of gross misconduct:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the following recommendations be made to the Supreme Court, to wit:

1. The instant administrative complaint against respondent Clerk III Michael Vincent L. Ozon, Branch 1, Regional Trial Court, Butuan City, Agusan del Norte, be RE-DOCKETED as a regular administrative matter;
2. Respondent Clerk Ozon be found GUILTY of GROSS MISCONDUCT, and that he be DISMISSED from the service with forfeiture of all benefits, except accrued leave credits, and with prejudice to his re-employment in any

²³ *Id.* at 3-8.

²⁴ *Id.* at 40.

²⁵ *Id.* at 41.

²⁶ *Id.* at 43.

²⁷ *Id.* at 44-49.

branch or service of the government, including government-owned and controlled corporations.²⁸ (Emphases omitted)

They opined that respondent failed to dispute the positive, candid, and straightforward testimonies of his superior, as well as those of other private individuals.²⁹

Thereafter, in a Report³⁰ dated October 5, 2022, the JIB likewise found respondent guilty of Gross Misconduct, viz.:

ACCORDINGLY, it is respectfully RECOMMENDED for the consideration of the Honorable Court:

- 1.) That the instant administrative case be RE-DOCKETED as a regular administrative matter against respondent MICHAEL VINCENT L. OZON, Clerk III, Regional Trial Court of Butuan City, Agusan del Norte, Branch 1; and
- 2.) That respondent MICHAEL VINCENT L. OZON, be found GUILTY of Gross Misconduct and be ORDERED DISMISSED FROM THE SERVICE with prejudice to re-employment in any government agency, including government-owned or controlled corporations, and with forfeiture of retirement benefits, except accrued leave credits.³¹ (Emphases omitted)

The JIB found that respondent mailed a copy of the decisions in the declaration of nullity cases to the OSG via a private courier and had a signed return card sent in the same manner, in clear violation of the rules. It further held that respondent's administrative liability is aggravated by the fact that he solicited money from litigants and got paid 10 times in exchange for this service, in blatant violation of Sections 1³² and 2³³ of Canon I (Fidelity to Duty) of the Code of Conduct for Court Personnel.³⁴

²⁸ *Id.* at 49.

²⁹ *Id.* at 47.

³⁰ *Id.* at 50–59. Submitted by Justice Sensinado E. Villon (Ret.), concurred in by Justices Romeo J. Callejo, Sr. (Ret.), Angeline Sandoval-Gutierrez (Ret.), Rodolfo A. Ponferrada (Ret.) and Cielito N. Mindaro-Grulla (Ret.)

³¹ *Id.* at 57–58.

³² Section 1 of Canon 1 of the Code of Conduct for Court Personnel provides:
SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

³³ Section 2 of Canon 1 of the Code of Conduct for Court Personnel provides:
SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

³⁴ *Rollo*, p. 56.

On February 15, 2021, respondent filed his Comment³⁵ dated December 16, 2020, with the Office of Deputy Court Administrator Leo Tolentino Maderazo.³⁶ This, however, was not immediately forwarded to the Office of the Clerk of Court *En Banc* and included in the records of the case. Hence, in the Resolution³⁷ dated April 25, 2023, the Court resolved to furnish respondent with Atty. Alabat-Torralba's Comment dated June 19, 2020, and directed him to file his comment thereon within a non-extendible period of 10 days.

In view thereof, the Court hereby notes respondent's Comment dated December 16, 2020, and deems it as his compliance with the Court's Resolution dated April 25, 2023.

In his Comment dated December 16, 2020, respondent denied that he asked for PHP 25,000.00 from complainant in exchange for the release of the certificate of finality in the latter's case. He declared that the allegations made by complainant are untrue because: (1) respondent knows that soliciting money from litigants is against the law; (2) when complainant wrote his Letter-Complaint on December 27, 2019, respondent was already relieved by Judge Casals from the duty of releasing certificates of finality; and (3) in any case, his responsibility was merely to prepare these certificates, and the officer in charge of releasing the certificates was the branch clerk of court.³⁸

Respondent further denied that he approached Affiant 1 and told her that he can cause the "issuance of the certificate[s] of finality fast (3 days) for their clients." In support thereof, he submitted affidavits from Junilo B. Galos,³⁹ Genalyn S. Hofeliña,⁴⁰ and Nelissa B. Cacho⁴¹ (Cacho), who were the petitioners in the 10 declaration of nullity cases mentioned by Affiant 1. They uniformly attested that respondent never contacted them and asked money from them in exchange for the early release of their certificates of finality; however, they admitted to communicating with Affiant 1 in relation to their respective cases. Cacho confessed that she agreed to pay a small consideration to Affiant 1 who allegedly offered that she has a relative in Manila who can follow up and expedite the registration of her annulment with the Philippine Statistics Authority.⁴²

³⁵ *Id.* at 66-67.

³⁶ *Id.* at 66.

³⁷ *Id.* at 63-65.

³⁸ *Id.* at 66.

³⁹ *Id.* at 68.

⁴⁰ *Id.* at 70.

⁴¹ *Id.* at 72.

⁴² *Id.* at 73-A.

Respondent pointed out that the certificates of finality in the 10 declaration of nullity cases enumerated by Affiant 1 were released within one month to eight months from promulgation (an average of six months), not in a matter of days. He further added that if Affiant 1's allegations were true, he would have extended the same favor to her; however, the certificate of finality in Affiant 1's case was issued five months after the decision was rendered.⁴³ Respondent contended that Affiant 1 is a blatant liar because she alleged that her husband failed to provide financial support to her children, yet this was belied by her child's testimony resulting to the acquittal of her husband.⁴⁴

Lastly, respondent denied that he texted or communicated with Affiant 2 through phone. He argued that if Affiant 2 indeed texted him, she would have presented a printed copy of the text message. More, Affiant 2 never even mentioned the phone number that texted her.⁴⁵

Issue

The issue in the case is whether respondent is guilty of gross misconduct for which he should be meted out the penalty of dismissal from service.

Our Ruling

After a careful review of the case records, the Court affirms the findings of Executive Judge Calo and the JIB and finds respondent administratively liable for gross misconduct for (1) demanding money from litigants for the release of certificates of finality and (2) sending copies of the decision in annulment cases pending before the RTC to the OSG via a private courier in exchange for money. Accordingly, respondent should be meted out the penalty of dismissal from service.

Respondent is guilty of the serious charge of Gross Misconduct.

“Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the

⁴³ *Id.* at 83.

⁴⁴ *Id.* at 67.

⁴⁵ *Id.*

public officer.”⁴⁶ The offense becomes gross misconduct when any of the elements of corruption, clear intent to violate the law, and flagrant disregard of established rule is present.⁴⁷

Here, the elements of corruption and clear intent to violate the law are present.

Although respondent denied ever demanding money for the release of certificates of finality, his superior, Atty. Alabat-Torralba, corroborated complainant’s allegation when she attested that one litigant came crying to her after not receiving the certificate of finality from her case despite having paid PHP 500.00 to respondent for its release.

Respondent’s act of demanding money from litigants for the release of certificates of finality alone constitutes gross misconduct and warrants the ultimate penalty of dismissal. His bare denial is self-serving and a weak defense *vis-à-vis* Atty. Alabat-Torralba’s positive testimony.

Worse, Atty. Alabat-Torralba also revealed during Judge Calo’s investigation that respondent offered facilitation services to litigants in order to expedite the service of and receipt of the copy of the decision by the OSG. This allegation was supported by the sworn affidavits of Affiant 1 and Affiant 2 and corroborated by the findings of the JIB that respondent mailed copies of the decisions to the OSG via a private courier and had the signed return reverted to the RTC in the same manner.

A decision granting a petition for declaration of nullity of void marriages and annulment of void marriages becomes final upon the expiration of 15 days from notice to the parties, including the OSG, and no motion for reconsideration or new trial, or appeal is filed. Pertinent is Section 19 of A.M. No. 02-11-10-SC⁴⁸ which provides:

SECTION 19. Decision. — (1) If the court renders a decision granting the petition, it shall declare therein that the decree of absolute nullity or decree of annulment shall be issued by the court only after compliance with Articles 50 and 51 of the Family Code as implemented under the Rule on Liquidation, Partition and Distribution of Properties.

⁴⁶ *Ngo v. Atty. Frades*, A.M. No. P-21-026 [Formerly OCA IPI No. 11-3659-P], November 9, 2021, citing *Duque v. Calpo*, 845 Phil. 933, 937 (2019).

⁴⁷ *Judge Gallon-Gayanilo v. Caldito*, 794 Phil. 32, 36 (2016), citing *Alleged loss of various boxes of copy paper during their transfer from Property Division (OAS) to various rooms of PHILJA*, 744 Phil. 526, 533 (2014), further citing *Vertudes v. Buenaflor*, 514 Phil. 399, 424 (2005).

⁴⁸ Entitled, “Rule on Declaration of Absolute Nullity of Void Marriages and Annulment of Voidable Marriages,” approved on March 4, 2003.

(2) *The parties, including the Solicitor General and the public prosecutor, shall be served with copies of the decision personally or by registered mail.* If the respondent summoned by publication failed to appear in the action, the dispositive part of the decision shall be published once in a newspaper of general circulation.

(3) *The decision becomes final upon the expiration of fifteen days from notice to the parties. Entry of judgment shall be made if no motion for reconsideration or new trial, or appeal is filed by any of the parties, the public prosecutor, or the Solicitor General.*

(4) Upon the finality of the decision, the court shall forthwith issue the corresponding decree if the parties have no properties.

If the parties have properties, the court shall observe the procedure prescribed in Section 21 of this Rule.

The entry of judgment shall be registered in the Civil Registry where the marriage was recorded and in the Civil Registry where the Family Court granting the petition for declaration of absolute nullity or annulment of marriage is located. (*Italics and underscoring supplied*)

As found by Judge Calo and the JIB, respondent would offer his facilitation services after a decision is rendered in declaration of nullity cases; instead of the usual number of months it would take for processing the service of the decision and the corresponding return card, respondent would expedite the same process into merely three days in exchange for PHP 5,000.00. By sending the decisions via private courier to the OSG, instead of by registered mail as provided by Section 19(2) of A.M. No. 02-11-10-SC, and with the help of his contact person in the OSG who would acknowledge the receipt of the decisions, sign the return card, and send it back to him via private courier, the OSG's period within which to file a motion for reconsideration or new trial or an appeal immediately starts.⁴⁹

In an attempt to misdirect the Court, respondent created a straw man fallacy and argued against it. To recall, Affiant 1 did not allege that respondent promised that it will only take three days for the release of the certificates of finality *from the time the decisions were rendered*. A reasonable inference would be that the three-day period for the release of the certificate of finality is reckoned from the finality of the decision, that is, upon the expiration of the 15-day reglementary period given to the parties and the OSG and not the date of promulgation of the decision. As admitted by respondent himself, it was his duty to prepare or encode these

⁴⁹ *Rollo*, pp. 55-56.

certificates;⁵⁰ hence, contrary to his contention, respondent was indeed in a position to expedite the release of the certificates of finality.

More, the certificates of finality which were submitted by respondent by no means controverted Affiant 1's allegation that he offered to send the decisions rendered in declaration of nullity cases to the OSG via private courier in exchange for PHP 5,000.00. Interestingly, the certificate of finality⁵¹ in Civil Case No. 7873 further incriminated respondent as there is no way that the RTC's decision would reach the OSG and the return card would revert to the RTC in a matter of two weeks if these were sent by registered mail. This was only made possible because respondent mailed the OSG's copy of the decisions via a private courier and had a signed return card sent the same manner.

Respondent's bare denial and sophistry cannot defeat the evidence on record consisting of the sworn statements of Affiant 1 and 2, which were thereafter corroborated by the factual findings of the JIB that respondent mailed the OSG's copy of the decisions in the declaration of nullity cases in question via private courier.

To discredit Affiant 1, respondent submitted the Judgment⁵² of the RTC in the criminal case for violation of Section 5(i)⁵³ of Republic Act No. (RA) 9262 filed by Affiant 1 against her husband wherein Affiant 1's husband was acquitted due to the prosecution's failure to prove the latter's guilt beyond reasonable doubt.

Respondent is grasping at straws.

First. RA 9262, otherwise known as the "Anti-Violence Against Women and Their Children Act" (VAWC) was passed into law in order to afford special protection to women and children who are victims of violence and child abuse.⁵⁴ It would run counter to the spirit of the law if Affiant 1 would be deemed a "blatant liar" because her husband was acquitted in the VAWC case that she filed against the latter.

⁵⁰ *Id.* at 66.

⁵¹ *Id.* at 76.

⁵² *Id.* at 84-90.

⁵³ Section 5(i) of Republic Act No. 9262 provides:

Section 5. Acts of Violence Against Women and Their Children. – The crime of violence against women and their children is committed through any of the following acts:

.....

(i) Causing mental or emotional anguish, public ridicule or humiliation to the woman or her child, including, but not limited to, repeated verbal and emotional abuse, and denial of financial support or custody of minor children of access to the woman's child/children.

⁵⁴ See Republic Act No. 9262, Section 2.

Second. It is settled that in order to disregard all the testimony of a witness on the ground of *falsus in unos, falsus in omnibus*, there must be inconsistency between the untrue statement and the testimony which the proponent seeks to discredit⁵⁵ and the “testimony must have been false as to a material point.”⁵⁶ Thus, assuming *arguendo* that Affiant 1 falsely accused her husband of not giving their children financial support, by no stretch of imagination can her false statement be considered inconsistent with her allegations against respondent. Verily, the acquittal of Affiant 1’s husband does not affect her credibility in the present case wherein the subject of inquiry is respondent’s conduct as a court employee.

What is more, Affiant 1’s allegation was corroborated by Affiant 2’s testimony that respondent likewise offered the same service to her for PHP 5,000.00, but she declined the offer upon her lawyer’s advice. Absent any showing that the sworn affidavits of Affiant 1 and Affiant 2 were actuated by any improper motive, their positive testimonies are entitled to full faith and credit.⁵⁷

Verily, the record bears substantial evidence, the quantum required in administrative cases.

Respondent is meted out the penalty of dismissal from service.

To stress, every judicial employee should dutifully observe the Code of Conduct for Court Personnel. Pertinent to the case are Sections 1 to 4 of Canon I (Fidelity to Duty):

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

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

SECTION 3. Court personnel shall not discriminate by dispensing special favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

⁵⁵ See *People v. Costelo*, 375 Phil. 381, 396–398 (1999).

⁵⁶ *People v. Bibat*, 352 Phil. 635, 645 (1998).

⁵⁷ See *Exec. Judge Naval v. Judge Panday*, 378 Phil. 924, 942 (1999).

SECTION 4. Court personnel shall not accept any fee or remuneration beyond what they receive or are entitled to in their official capacity.

After a careful consideration of the facts established by the evidence adduced before Executive Judge Calo, the Court holds that respondent must be meted out the ultimate penalty of dismissal from service. Respondent's act of demanding money from litigants for the release of certificates of finality and offering private courier service in declaration of nullity cases constitutes gross misconduct and warrants his dismissal from service. His actions, if countenanced, would cause damage to the integrity of the Judiciary.

Under Section 14(a)⁵⁸ and Section 17(1)⁵⁹ of Rule 140, as amended, gross misconduct is classified as a serious charge which is punishable by dismissal, suspension from office for more than six (6) months but not exceeding one (1) year, or a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.

In *Rodriguez v. Eugenio*,⁶⁰ the Court imposed the ultimate penalty of dismissal on the respondent therein, a process server, who was found guilty of gross misconduct for demanding and receiving a total of PHP 4,000.00 from the uncle of a litigant:

We cannot overly emphasize our previous pronouncements that, circumscribed as it is with a heavy burden of responsibility, the official and nonofficial conduct required of court personnel — from the presiding judge to the rank and file — must always be beyond reproach. It is imperative that they maintain the good name and standing of the court as a true temple of justice, the administration of which is a sacred task. *By the very nature of their duties and responsibilities, all those involved in it — from the highest officials to the lower employees — must faithfully adhere to and hold inviolate the principle solemnly enshrined in our Constitution: that a public office is a public trust.*

⁵⁸ Section 14(a), Rule 140 of the Rules of Court, as amended, provides:

Section 14. *Serious Charges.* — Serious charges include:

(a) Gross misconduct constituting violations of the Code of Judicial Conduct or of the Code of Conduct for Court Personnel;

⁵⁹ Section 17(1), Rule 140 of the Rules of Court, as amended, provides:

Section 17. *Sanctions.* —

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

- (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 (6) months but not exceeding one (1) year; or
- (c) A fine of more than ₱100,000.00 but not exceeding ₱200,000.00.

⁶⁰ 550 Phil. 78 (2007).

Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity for no less than the Constitution mandates the principle that “a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency.” *All public officers and employees, especially those in the judiciary, must at all times exercise a high degree of professionalism and responsibility, which includes optimum performance of duties. Hence, this Court shall never countenance any conduct, act or omission that would violate the norm of public accountability and diminish or even just tend to diminish public confidence in the judiciary.*

As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity. Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. *Every employee of the judiciary should be an example of integrity, uprightness and honesty.*

.....

Respondent’s act of demanding and receiving money from the uncle of a party litigant constitutes grave misconduct in office. It is this kind of gross and flaunting misconduct, no matter how nominal the amount involved on the part of those who are charged with the responsibility of administering the law and rendering justice quickly, which erodes the respect for law and the courts.⁶¹ (Italics supplied)

Time and time again, the Court has stressed that no other office in the government exacts greater demand for moral righteousness and uprightness from public employees and officials than the Judiciary.⁶² As a judicial employee who is involved with the task of administering justice, respondent has failed in living up to the demands, and even tarnished the image, of the Judiciary.

WHEREFORE, the Court finds respondent Michael Vincent L. Ozon, Clerk III of Branch 1, Regional Trial Court, Butuan City, Agusan del Norte, **GUILTY** of the serious charge of gross misconduct and **DISMISSES** him from the service with forfeiture of all benefits, except accrued leave credits, and disqualification from reinstatement or appointment to any public office including government-owned or controlled corporation.

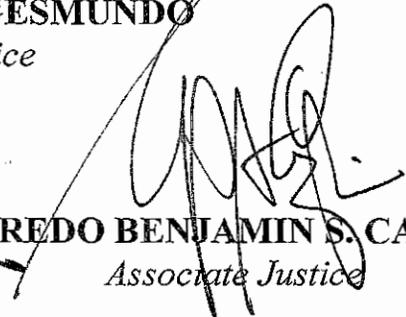
⁶¹ *Id.* at 92–94. Citations omitted.

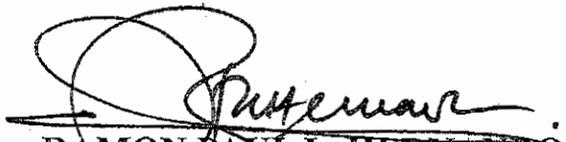
⁶² *Id.* at 93. See also *Chua v. Paas*, 506 Phil. 455, 459 (2005).

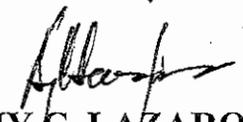
SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Associate Justice

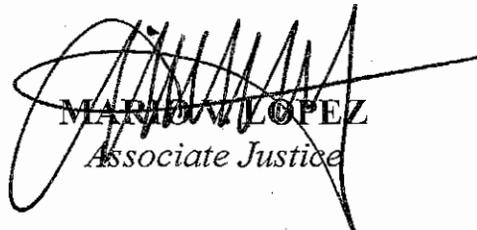

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

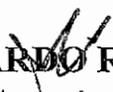

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

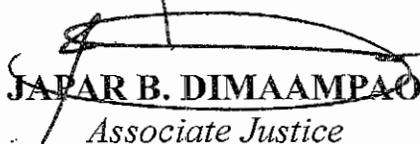

RODIL V. ZALAMEDA
Associate Justice


MARIBEL LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice

