



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES

PUBLIC INFORMATION OFFICE

RECEIVED
NOV 18 2024

BY: _____

TIME: _____

EN BANC

ANTOLYN D. GONZALES,

Complainant,

A.M. No. P-24-140

[Formerly JIB FPI No. 22-110-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 -

DWIGHT ALDWIN S. GERONIMO,
Sheriff IV, Branch 121, Regional Trial
Court, Imus, Cavite,

Respondent.

Promulgated:

July 30, 2024

X-----X

DECISION

GAERLAN, J.:

For the Court's consideration is a *Sinumpaang Salaysay ng Paghahabla* (*Sinumpaang Salaysay*)¹ dated April 25, 2022, filed before the Judicial Integrity Board (JIB) by complainant Antolyn D. Gonzales (Gonzales) against respondent Dwight Aldwin S. Geronimo (Geronimo) for an alleged violation of Canon I, Section 1 of Administrative Matter No. 03-06-13-SC, also known

¹ Rollo, pp. 2-5.

as the Code of Conduct for Court Personnel (CCCP).²

In the *Sinumpaang Salaysay*, Gonzales averred that on April 22, 2022, he received a letter from the Tanza Post Office, Tanza, Cavite, with the Republic of the Philippines, Regional Trial Court (RTC), Fourth Judicial Region, Branch 121, Imus, Cavite, as the sender. The following words also appear on the upper right corner of the envelope, “*Private or Unauthorized Use on Non-Payment of Postage is Penalized by Fine or Imprisonment or Both.*”³

Gonzales, thinking that the letter was an official communication from the RTC, opened the envelope. As it turned out, however, the envelope contains Geronimo’s Verified Comment on the administrative complaint previously filed by him against Geronimo, which was docketed as JIB FPI No. 21-071-P.⁴

Gonzales, thereafter, realized that Geronimo used the franking privilege, i.e., sending mail without paying postage stamps, reserved for the official transactions of Branch 121, RTC, Imus City, Cavite. Gonzales then went to the local post office to verify Geronimo’s action. The local post office confirmed that it granted Geronimo franking privilege after the latter guaranteed that the letter contained an official transaction from the RTC.⁵

Gonzales, thus, averred that Geronimo committed a violation of Canon I (Fidelity to Duty), Section 1⁶ of the CCCP. He explained that Geronimo used his official position to obtain unwarranted benefits and privileges for himself.⁷

On May 18, 2022, Atty. James D.V. Navarette (Atty. Navarette), Deputy Clerk of Court at-Large, Office of the Court Administrator and Acting Executive Director of the JIB issued an Indorsement⁸ requiring Geronimo to file a Verified Comment to the *Sinumpaang Salaysay* which charged him with gross misconduct constituting violations of the CCCP.

On July 4, 2022, Geronimo complied therewith and filed his Verified Comment.⁹ In his Verified Comment, Geronimo claimed that he filed his Comment in JIB FPI No. 21-071-P pursuant to the directive of the JIB, contained in the Indorsement dated December 11, 2021; and in the said

² CODE OF CONDUCT FOR COURT PERSONNEL, effective on June 1, 2024.

³ *Rollo*, p. 2.

⁴ *Id.*

⁵ *Id.*

⁶ Section 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

⁷ *Rollo*, p. 2.

⁸ *Id.* at 34.

⁹ *Id.* at 35–37.

indorsement, there is nothing that prohibits him from using the franking privilege. Geronimo also alleged that the administrative complaint pertained to his official function, and he submitted his Comment as a public servant, not as a private individual. Therefore, the filing of the Verified Comment can be considered as an official transaction.¹⁰

Finally, Geronimo argued that Gonzales was wasting the Court's time and resources by filing a baseless complaint. He claimed that the filing of the complaint was a mere fishing expedition and Gonzales was trying to play the victim's card to pin him.¹¹

Report and Recommendation of Atty. Navarette

On July 5, 2023, Atty. Navarette submitted his Report and Recommendation¹² and found Geronimo guilty of violating Presidential Decree No. 26.¹³ Atty. Navarette noted that Geronimo admitted using the franking privilege to furnish a copy of his Verified Comment to Gonzales. However, Atty. Navarette found Geronimo's reasons for availing the franking privilege misplaced.¹⁴ Hence, Atty. Navarette recommended that the latter be held liable for simple misconduct, and be fined in the amount of PHP 18,000.00, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely.¹⁵

Report of the JIB

In its Report¹⁶ dated August 4, 2023, the JIB affirmed Atty. Navarette's recommendation. The JIB agreed that Geronimo committed misconduct when he used the franking privilege in furnishing a copy of his Verified Comment to Gonzales. The JIB added that considering that there was no clear evidence of bad faith or corruption in the offense committed, Geronimo is liable for simple misconduct.¹⁷

The JIB further ruled that, although a violation of Presidential Decree No. 26 may be considered a separate crime, the action constituting the same, that is using the franking privilege, was used as a means to commit the administrative offense of simple misconduct. Thus, according to the JIB,

¹⁰ *Id.* at 35–36.

¹¹ *Id.* at 36.

¹² *Id.* at 41–45.

¹³ Extending Franking Privilege to Papers Connected with Judicial Proceedings, dated October 21, 1972.

¹⁴ *Rollo*, p. 43.

¹⁵ *Id.* at 44–45.

¹⁶ *Id.* at 46–52.

¹⁷ *Id.* at 48–50.

4

Geronimo should be penalized only for simple misconduct.¹⁸

The JIB, thus, recommended that Geronimo be found guilty of simple misconduct constituting a violation of the CCCP and be fined in the amount of PHP 18,000.00.¹⁹

The Issue

Whether Geronimo should be held administratively liable for simple misconduct for violating Canon I, Section 1 of Administrative Matter No. 03-06-13-SC, when he availed of the franking privilege under Presidential Decree No. 26.

The Ruling of the Court

After a careful perusal of the records of the case, with regard to the pertinent jurisprudence, the Court holds and so rules that Geronimo is liable for simple misconduct.

Geronimo is administratively liable for simple misconduct

Misconduct refers to any unlawful behavior by a public officer in relation to the duties of his office, willful in character. It embraces acts which the office holder had no right to perform, acts performed improperly, and failure to act in the face of an affirmative duty to act.²⁰

Meanwhile, Canon I, Section 1 of the CCCP states:

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.

The CCCP, particularly the above-quoted provision, proscribes court personnel from using their official positions to secure unwarranted benefits for themselves or for others. In this case, Geronimo used his official position to

¹⁸ *Id.* at 50–52.

¹⁹ *Id.* at 51–52.

²⁰ *Gabon v. Merka*, 677 Phil. 543, 550 (2011) [*Per Curiam, En Banc*].

exempt himself from paying postage stamps. He misrepresented the contents of the mail as a court transaction by indicating that the RTC was the sender and placing on the upper right corner of the envelope the following statement, "*Private or Unauthorized Use on Non-Payment of Postage is Penalized by Fine or Imprisonment or Both.*" By doing so, Geronimo was exempted from paying the mailing fees, thus, securing for himself an unwarranted benefit. This is a clear violation of the CCCP, which constitutes misconduct.

Geronimo, however, is only liable for simple misconduct.

Grave misconduct is distinguished from simple misconduct in that the elements of corruption, clear intent to violate the law or flagrant disregard of established rule must be manifest in grave misconduct.²¹ In this case, there is no clear evidence of the elements of corruption, bad faith, clear intent to violate the law or flagrant disregard of the established rule. As alleged in his Verified Comment, Geronimo honestly believed that the previously filed administrative case against him, which involves the performance of his official functions, is within the coverage of Presidential Decree No. 26.²² Despite good faith, however, Geronimo received unwarranted benefits for himself at the expense of the name of the court.

As to the imposable penalty, Rule 140, Section 15(a) of the Rules of Court, as amended by A.M. No. 21-08-09-SC,²³ categorizes simple misconduct as a less serious charge. Section 17(2) thereof further provides that a less serious charge is punishable by:

- (a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or
- (b) A fine of more than [PHP] 35,000.00 but not exceeding [PHP] 100,000.00.

Mitigating circumstances, however, may be appreciated to reduce the imposable penalty. One of the mitigating circumstances under Section 19 of the same Rule is when it is only the first time that the offender is found liable for an administrative charge.

Furthermore, in cases where one or more mitigating circumstances and no aggravating circumstances are present, Section 20, Rule 140 of the Rules of Court, as amended, imposes upon an employee suspension or fine for a period or amount not less than half of the minimum prescribed under the Rules.

²¹ *Mahinay v. Court of Appeals*, 899 Phil. 195, 206 (2021) [Per J. Carandang, First Division].

²² *Rollo*, p. 36.

²³ Further Amendments to Rule 140 of the Rules of Court, effective February 22, 2022.

4

In this case, records show that this is the first time that Geronimo stands to be administratively penalized. While there is an earlier administrative case filed against him, JIB FPI No. 21-071-P, the same is still pending evaluation by the JIB. After the JIB issues its report and recommendation, the same is still subject to the Court's review and resolution. Simply stated, JIB FPI No. 21-071-P is still pending resolution. Without any final resolution in that case, the instant case is still to be considered the first case where Geronimo will be penalized. Thus, the imposable penalty against Geronimo deserves a degree of mitigation.

Geronimo, therefore, should be fined in the amount of PHP 18,000.00, which is not less than half of the minimum prescribed under the rules (PHP 35,000.00). In addition, he should be sternly warned that a repetition of the same or any similar act should be dealt with more severely.

Geronimo may not be held, in the instant administrative case, guilty of violating Presidential Decree No. 26

The Court agrees with the recommendation of the JIB that Geronimo's liability should only be confined to simple misconduct, and not for violation of Presidential Decree No. 26.

It is settled that administrative cases are independent from criminal actions for the same act or omission.²⁴ They are separate and distinct from each other. In *Paredes v. Court of Appeals*,²⁵ the Court had the opportunity to exhaustively distinguish these two cases, thus:

First, the quantum of evidence required in an administrative case is less than that required in a criminal case. Criminal and administrative proceedings may involve similar operative facts; but each requires a different quantum of evidence. Administrative cases require only substantial evidence, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. In contrast, in Criminal Case Nos. 99-525 to 99-531, respondents are required to proffer proof beyond reasonable doubt to secure petitioner's conviction. Rule 133 of the Revised Rules on Evidence provides:

....

Thus, considering the difference in the quantum of evidence, as well

²⁴ *Montero v. Office of the Ombudsman*, G.R. No. 239827, July 27, 2022 [Per J. Leonen, Second Division] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

²⁵ 555 Phil. 538 (2007) [Per J. Chico-Nazario, Third Division].

as the procedure followed and the sanctions imposed in criminal and administrative proceedings, the findings and conclusions in one should not necessarily be binding on the other. Notably, the evidence presented in the administrative case may not necessarily be the same evidence to be presented in the criminal cases. The prosecution is certainly not precluded from adducing additional evidence to discharge the burden of proof required in the criminal cases. Significantly, the prosecution had manifested that it would present testimonial evidence which was not presented in the administrative case.

Second, it is well settled that a single act may offend against two or more distinct and related provisions of law, or that the same act may give rise to criminal as well as administrative liability. As such, they may be prosecuted simultaneously or one after another, so long as they do not place the accused in double jeopardy of being punished for the same offense.²⁶

Accordingly, an administrative and a criminal case arising from a single act must be disposed of separately, either simultaneously or one after the other. They must be disposed of according to the facts and laws respectively applicable to them.²⁷

In the instant case, the act committed by Geronimo constitutes simple misconduct and a violation of the Franking Privilege Law. The latter, however, is penal in nature. But what exactly is penal law? In the case of *Inmates of the New Bilibid Prison v. De Lima*,²⁸ the Court clarified that:

A penal provision defines a crime or provides a punishment for one.

Penal laws and laws which, while not penal in nature, have provisions defining offenses and prescribing penalties for their violation.

Properly speaking, a statute is penal when it imposes punishment for an offense committed against the state which, under the Constitution, the Executive has the power to pardon. In common use, however, this sense has been enlarged to include within the term “penal statutes” all statutes which command or prohibit certain acts, and establish penalties for their violation, and even those which, without expressly prohibiting certain acts, impose a penalty upon their commission.

Penal laws are those acts of the Legislature which prohibit certain acts and establish penalties for their violations; or those that define crimes, treat of their nature, and provide for their punishment.²⁹

²⁶ *Id.* at 549–550.

²⁷ *Office of the Court Administrator v. Sicad*, A.M. No. P-22-058, June 27, 2023 [*Per Curiam, En Banc*] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website, citing *Office of the Court Administrator v. Sarabia, Jr.*, A.M. No. P-15-3398, July 12, 2022 [*Per Curiam, En Banc*] at 15. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

²⁸ 854 Phil. 675 (2019) [*Per J. Peralta, En Banc*].

²⁹ *Id.* at 706–707.

4

Presidential Decree No. 26 extends the franking privilege to judges and refers to official communications and papers directly connected with the conduct of judicial proceedings.³⁰ It provides that the judges of all the courts may transmit through ordinary mail and/or registered mail with return card, free of charge all official communications and papers directly connected with the conduct of judicial proceedings. Nonetheless, paragraph 3³¹ thereof penalizes those who violate the franking privilege either by fine or imprisonment of not more than three years. Clearly, it prohibits a certain act and establishes penalties for its violation. It even imposes a penalty of imprisonment. This alone is enough reason for the Court to confirm the penal nature of the Franking Privilege Law and avoid making any finding of guilt for violation thereof. Indubitably, Presidential Decree No. 26 is a penal law. Thus, the Court, in the administrative case, cannot hold Geronimo guilty of violation of Presidential Decree No. 26, lest the Court would be convicting him using the quantum of evidence that is lower than proof beyond reasonable doubt or moral certainty.

The Court is not unaware of its earlier pronouncements wherein court employees were found liable for an administrative offense and/or for violation of the Franking Privilege Law.

In *Bernadez v. Montejar*,³² Ricky Montejar, the process server of Branch 64 of the RTC, Guihulngan, Negros Oriental, was administratively found liable for violating Article III, Section 113, Chapter V of the National Accounting and Auditing Manual and Presidential Decree No. 26. The Court imposed upon him a fine of PHP 1,000.00.

In *Ramos v. Esteban*,³³ the Court likewise imposed upon Linda Esteban, a court stenographer, a fine in the amount of PHP 500.00 for violation of Presidential Decree No. 26.

In *Duque v. Judge Garrido*,³⁴ Judge Crisostomo L. Garrido filed his Rejoinder to the administrative case taking advantage of the franking privilege. The Court expressly found him liable for violation of the Franking Privilege Law and admonished him for such act.

³⁰ *Bernadez v. Montejar*, 428 Phil. 605, 609–610 (2002) [Per J. Ynares-Santiago, First Division].

³¹ (3) The Secretary of Public Works, Transportation and Communication shall, within thirty (30) days from the publication of this Decree, promulgate the necessary rules and regulations to carry out the foregoing provisions, Provided, that any person who uses the privilege granted hereunder for private or unauthorized purposes shall be punished by a fine of five hundred pesos or imprisonment of not more than three years or both.

³² 428 Phil. 605 (2002) [Per J. Ynares-Santiago, First Division].

³³ 510 Phil. 252 (2005) [Per J. Carpio Morales, Third Division].

³⁴ 599 Phil. 482 (2009) [Per J. Leonardo-De Castro, First Division].

5

In the case of *Martinez v. Lim*,³⁵ therein respondent a sheriff was charged with two interrelated administrative charges, i.e., grave misconduct, for sending a letter to therein complainants allegedly portraying them as unpatriotic Filipinos for failing to attend and lead the flag ceremony, and violation of the Franking Privilege Law, when respondent made use of the franking privilege and failed to pay postage stamps when he mailed copies of his counter-affidavit. While the Court dismissed the administrative charge for grave misconduct, he was found liable for violation of the Franking Privilege Law and was fined in the amount of PHP 500.00, to be deducted from his retirement benefits.³⁶

It is, however, high time for the Court to modify and rectify this line of decisions all issued by the Court sitting in division. Although there seems to be a precedent, the differences between an administrative case from a criminal case cannot be overturned by *Montejar* and the cases subsequent thereto. As between these two seemingly conflicting doctrines, such differentiation is correct and must be preserved. It bears stressing that in *Office of the Court Administrator v. Former Presiding Justice Amor*,³⁷ which was promulgated way after *Montejar*, the Court emphasized the distinction between criminal and administrative cases. The Court even enumerated important considerations for such distinction, thus:

... *first*, the finding of administrative guilt is independent of the results of the criminal charges; *second*, the respondent in an administrative proceeding stands scrutiny and treated not as an accused in a criminal case, but as a respondent court officer; *third*, the Supreme Court, in taking cognizance of this administrative case, acts not as a prosecutor, but as the administrative superior specifically tasked to discipline its Members and personnel; *fourth*, the quantum of proof required for a finding of administrative guilt remains to be substantial evidence; and *fifth*, the paramount interest sought to be protected in an administrative case is the preservation of the Constitutional mandate that a public office is a public trust.³⁸

Accordingly, the doctrine distinguishing criminal from administrative proceedings remains controlling. In effect, the cases above-cited are now overturned. Geronimo, therefore, may not be convicted and penalized for violation of Presidential Decree No. 26, or the Franking Privilege Law. This, however, is without prejudice to the filing of the proper criminal case, if so warranted.

On a final note, precedents also need to be abandoned when this Court

³⁵ 601 Phil. 338 (2009) [Per J. Corona, First Division].

³⁶ *Id.*

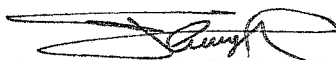
³⁷ 889 Phil. 605 (2020) [*Per Curiam, En Banc*].

³⁸ *Id.* at 615–616.

discerns, after full deliberation, that they are flawed, and errors exist. The failure of the Court to do so would be to renege on its duty to give full effect to existing laws and, ultimately, the Constitution.³⁹

ACCORDINGLY, the Court finds respondent Dwight Aldwin S. Geronimo, Sheriff IV, Branch 121, Regional Trial Court, Imus, Cavite, **GUILTY** of simple misconduct for which he is **FINED** PHP 18,000.00, with a stern warning that a repetition of the same offense will be dealt with more severely.

SO ORDERED.


SAMUEL H. GAERLAN
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Senior Associate Justice


ALFREDO BENJAMINS S. CAGUIOA
Associate Justice

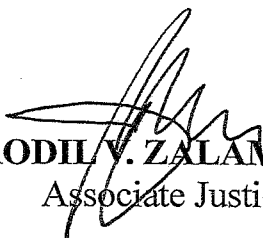

RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice

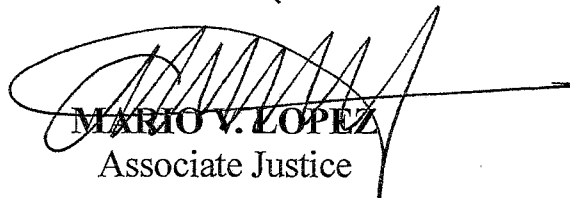
³⁹ J. Leonen, Concurring Opinion in *Belgica v. Hon. Exec. Sec. Ochoa, Jr.*, 721 Phil. 416, 797 (2013) [Per J. Perlas-Bernabe, *En Banc*].



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



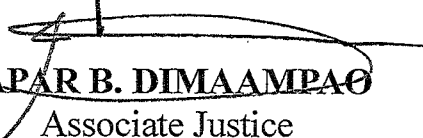
MARIO V. LOPEZ
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. 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

