

**EN BANC**

**[ A.M. No. P-22-072 [Formerly OCA IPI No. 18-4870-P]. April 18, 2023 ]**

**EXECUTIVE JUDGE JACKIE B. CRISOLOGO-SAGUISAG, *COMPLAINANT*, VS. EDITH P. HABOC, CLERK III, METROPOLITAN TRIAL COURT OF MAKATI CITY, BRANCH 62, *RESPONDENT*.**

**D E C I S I O N**

**ZALAMEDA, J.:**

Before this Court is an administrative case arising from the conviction of Edith P. Haboc (respondent), Clerk III of Branch 62, Metropolitan Trial Court (MeTC) of Makati City, for three counts of violation of Batas Pambansa Bilang 22 (BP 22).

**Antecedents**

On 24 October 2017, the Office of the Court Administrator (OCA) was furnished a Letter<sup>[1]</sup> dated 19 September 2017 from Presiding Judge Ma. Concepcion A. Billones (Judge Billones) of Branch 62, MeTC, Makati City addressed to Executive Judge Jackie Crisologo-Saguisag (Judge Crisologo-Saguisag) of the same court regarding Criminal Case No. 377282 entitled, *People of the Philippines v. Cynthia Balaoro*. In said case, a supposed cash payment to settle the case went missing. During the hearing of the case, the accused, Cynthia Balaoro (Balaoro), manifested that despite the execution of a compromise agreement between her and private complainant HARU Access Loan, Inc. (HARU), the latter did not deduct from her liability the payments she made. HARU, for its part, claimed that it did not receive any payment from Balaoro. When asked, Balaoro stated that she coursed her payments through respondent. Since the latter was no longer assigned to Branch 62, Judge Billones referred the matter to Judge Crisologo-Saguisag for proper action.

The OCA, in a Letter<sup>[2]</sup> dated 07 November 2017, directed Judge Crisologo-Saguisag to conduct an investigation and submit her recommendations on the matters raised in Judge Billones' letter.

Judge Crisologo-Saguisag submitted a confidential Letter-Report<sup>[3]</sup> dated 18 January 2018 where she found that respondent indeed received cash deposits from Balaoro. Despite respondent's explanation that the amounts received were actually payments for a loan that she extended to Balaoro, Judge Crisologo-Saguisag found respondent's actions inappropriate since they interfered with the proper performance of her official duties.

Incidentally, Judge Crisologo-Saguisag stated that respondent had already been convicted of three counts of violation of BP 22 in Criminal Cases Nos. 363253-55, for which she must also be held administratively liable. Respondent was found guilty of issuing three checks in favor of one Rodolfo A. De Los Santos, which were later on dishonored when presented for payment. Respondent did not file an appeal and instead applied for probation. Judge Crisologo-Saguisag also alleged that per 1<sup>st</sup> Indorsement<sup>[4]</sup> dated 28 November 2017, respondent manifested her intention to avail of optional retirement effective 30 October 2017.

The OCA-Legal Office, in its Memorandum<sup>[5]</sup> dated 06 September 2018, partly agreed with Judge Crisologo-Saguisag's findings. It held that respondent's transactions with Balaoro were not sufficient to hold respondent administratively liable. It found merit in respondent's explanation that her receipt of money from Balaoro was because of a loan, which was an isolated, one-time transaction only. Further, respondent intended to help Balaoro, considering she did not charge interest on said loan, and therefore her acts do not adversely reflect on the integrity of the judiciary. Meanwhile, as to respondent's conviction for violation of BP 22, the OCA-Legal Office found the same as sufficient basis for the filing of an administrative complaint. It recommended that respondent be required to file her comment thereon. Then Court Administrator Jose Midas P. Marquez approved OCA-Legal Office's recommendations.

Thereafter, the OCA directed respondent to comment on Judge Crisologo's Letter-Report within ten (10) days from receipt. It also reiterated said directive per 1<sup>st</sup> Tracer<sup>[6]</sup> dated 28 May 2019. Since respondent failed to file her comment, the case was submitted for resolution.

### **Report and Recommendation of the Judicial Integrity Board (JIB)**

In the Report<sup>[7]</sup> of the JIB dated 05 October 2022, it recommended that:

1. The instant administrative case be **RE-DOCKETED** as a regular

administrative matter against respondent **EDITH P. HABOC**, Clerk III, Metropolitan Trial Court of Makati City, Branch 62; and

2. That respondent **EDITH P. HABOC**, be found administratively liable for being [c]onvicted of a [c]rime [i]nvolving [m]oral [t]urpitude and be penalized with the **FORFEITURE** of retirement benefits except accrued leave credits, with prejudice to re-employment in any government agency, including government-owned or controlled corporations.<sup>[8]</sup>

The JIB opined that mere commission of a crime involving moral turpitude is considered a serious charge and may be penalized by (1) dismissal from service, forfeiture of benefits, and disqualification from re-employment in the government; (2) suspension from office without salary and other benefits for more than six months but not exceeding one year; or (3) a fine of more than P100,000.00 but not exceeding P200,000.00. In this case, it found that respondent's conviction for three counts of violation of BP 22, a crime involving moral turpitude, justifies the imposition of dismissal from service along with its accessory penalties. However, since respondent has already been dropped from the rolls, the penalties of forfeiture of benefits and disqualification from re-entry to government service were imposed.

## Issue

This Court is tasked to determine whether respondent should be held administratively liable for her conviction of three counts of violations of BP 22.

## Ruling of the Court

This Court agrees with the JIB's findings and recommendation.

It is well-settled that conviction of a crime involving moral turpitude is a ground for disciplinary action. This Court has likewise been consistent that violation of BP 22 is a crime involving moral turpitude.<sup>[9]</sup> *In Re: Conviction of Imelda B. Fortus*,<sup>[10]</sup> this Court, applying the provisions of the Administrative Code of 1987 and other civil service rules, dismissed therein respondent court clerk due to her prior conviction for the offense of BP 22. The Court also clarified therein that the respondent's application for probation does not exempt her from the imposition of administrative penalties. The Court further explained that the application for probation had the effect of making her conviction final.

In a similar vein, in *Hanrieder v. De Rivera*,<sup>[11]</sup> the Court cited the Uniform Rules on Administrative Cases in the Civil Service (URACCS) in holding therein respondent court employee administratively liable based on a final judgment convicting her of violating BP 22. In these two cases, the respondents were ordered dismissed from service, but are allowed to re-enter the government upon proof that they are fit to serve again.

A.M. No. 21-08-09-SC, which further amended Rule 140 of the Rules of Court, **the mere commission of a crime involving moral turpitude is considered to be a serious charge**, which may be punishable with dismissal from service, *viz.*:

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;
- (b) Bribery, direct and indirect, and violations of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019);
- (c) Serious dishonesty;
- (d) Gross neglect of duty in the performance or non-performance of official functions;
- (e) Knowingly rendering an unjust judgment or order;
- (f) Commission of a crime involving moral turpitude;**
- (g) Falsification of official documents, including making untruthful statements in the certificates of service;
- (h) Borrowing money or property from lawyers and/or litigants in a case pending before the court;
- (i) Gross immorality;
- (j) Gross ignorance of the law or procedure;
- (k) Partisan political activities;
- (l) Grave abuse of authority, and/or prejudicial conduct that gravely besmirches or taints the reputation of the service;
- (m) Sexual harassment;
- (n) Gross insubordination; and
- (o) Possession and/or use of illegal drugs or substances.

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SECTION 17. *Sanctions*. —

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

**Dismissal from the service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to**

- (a) **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) but not exceeding one (1) year; or
- (c) A fine of more than P100,000.00 but not exceeding P200,000.00. (Emphases supplied.)

The Court likewise notes that respondent had previously been held administratively liable in several cases,<sup>[12]</sup> viz.:

1. In A.M. No. P-17-3738 (*Habitual Tardiness of Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court, Makati City*), respondent was reprimanded for habitual tardiness and sternly warned that a repetition of the same or any similar offense shall warrant a more severe penalty;
2. In A.M. No. 15-06-62-MeTC (*Re: Dropping from the Rolls of Ms. Edith P. Haboc, Clerk III, Branch 62, Metropolitan Trial Court, Makati City*), she was dropped from the rolls effective 02 November 2017 for having been absent without leave; and
3. In A.M. No. P-10-4018/A.M. No. 18-04-29-MeTC, respondent was again found guilty of habitual tardiness incurred from the months of January 2017 (10 times), April 2017 (10 times), May 2017 (12 times), June 2017 (17 times, July 2017 (13 times) and August 2017 (12 times) and was FINED in the amount equivalent to one (1) month salary to be deducted from her leave credits and/or whatever monetary benefits she may be entitled to under the law.

Verily, while this Court acknowledges its prior rulings allowing re-entry to government service despite a final conviction of a crime involving moral turpitude, We are constrained from extending the same benefit to respondent. Otherwise, this Court runs the risk of being perceived as unduly tolerating habitual transgressors in the institution.

We reiterate that court employees, from the presiding judge to the lowliest clerk, being public servants in an office dispensing justice, should always act with a high degree of professionalism and responsibility. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and court regulations. No position demands greater moral righteousness and uprightness from its holder than an

office in the judiciary. Court employees should be models of uprightness, fairness and honesty to maintain the people's respect and faith in the judiciary. They should avoid any act or conduct that would diminish public trust and confidence in the courts. Indeed, those connected with dispensing justice bear a heavy burden of responsibility.<sup>[13]</sup>

**WHEREFORE**, having been already convicted of a crime involving moral turpitude, respondent Edith P. Haboc would have been **DISMISSED** from service, had she not been earlier dropped from the rolls effective 02 November 2017. Accordingly, her retirement and other benefits, except accrued leave credits, are hereby **FORFEITED** and she is **PERPETUALLY DISQUALIFIED** from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.

**SO ORDERED.**

*Gesmundo, C.J., Leonen, SAJ., Caguioa, Hernando, Lazaro-Javier, Inting, M. Lopez, Gaerlan, Rosario, J. Lopez, Dimaampao, Kho, Jr., and Singh, JJ., concur.*  
*Marquez, \* J., no part.*

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\* No part.

<sup>[1]</sup> *Rollo*, p. 10.

<sup>[2]</sup> *Id.* at 34.

<sup>[3]</sup> *Id.* at 35-39.

<sup>[4]</sup> *Id.* at 58.

<sup>[5]</sup> *Id.* at 2-7.

<sup>[6]</sup> *Rollo*, p. 55.

<sup>[7]</sup> *Id.*, unpaginated. Penned by Justice Sesinando E. Villon (Ret.) and concurred in by Justices Romeo J. Callejo, Sr. (Ret.) and Angelina Sandoval-Gutierrez (Ret.).

<sup>[8]</sup> *Id.*, unpaginated.

<sup>[9]</sup> See **Hanrieder v. De Rivera**, 555 Phil. 754 (2007); **Re: Conviction of Imelda B.**

**Fortus**, 500 Phil. 23 (2005).

<sup>[10]</sup> *Supra*.

<sup>[11]</sup> *Supra*.

<sup>[12]</sup> See **Office of the Court Administrator v. Edith P. Haboc, Clerk III, Metropolitan Trial Court of Makati City, Branch 62, A.M. No. P-10-4018 [formerly A.M. No. 18-04-29-MeTC]**, 09 October 2019.

<sup>[13]</sup> **Office of the Court Administrator v. Lopez**, 654 Phil. 602, 609 (2011).

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