ATTY. CARMEN CARMELA A. ARAULLO-ANTIPORTA, CLERK OF COURT VI, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, MANDAUE CITY, CEBU, COMPLAINANT, VS. ATTY. DENIS L. PACAS, CLER...

JIB FPI No. 21-006-P, August 04, 2025

Ponente: ROSARIO, J.

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ROSARIO, J.:

For resolution is this administrative matter endorsed by Executive Judge Mercedita G. Dadole-Ygnacio to the Office of the Court Administrator (OCA),[1] anchored on the December 7, 2020 letter[2] of complainant Atty. Carmen Carmela A. Araullo-Antiporta (Atty. Araullo-Antiporta), Clerk of Court VI, Office of the Clerk of Court, Regional Trial Court, Mandaue City, Cebu.

Pursuant to A.M. No. 21-08-09-SC,[3] which amended Rule 140 of the Rules of Court, the Judicial Integrity Board (JIB) can act by itself on the basis of records, documents, or other papers duly referred or endorsed to it for appropriate action, such as the concern of Atty. Araullo-Antiporta.

The Antecedents

In her letter,[4] Atty. Araullo-Antiporta reported that Judge Victor A. Teves, Sr. (Judge Teves) directed the transmittal of the case folders for Criminal Case Nos. 018271-L, 018272-L, and 018273-L titled "People of the Philippines v. Ceasar R. Baguio" for violation of Sections 5, 11, and 12 of Republic Act No. 9165 (subject case records) on June 29, 2012. This notwithstanding, the subject case records were only transmitted to the Office of the Clerk of Court, Regional Trial Court, Mandaue City, Cebu (OCC) on November 24, 2020. Additionally, only the original case records for Criminal Case No. 018271-L were delivered, while those for Criminal Case Nos. 018272-L and 018273-L were missing. Thus, machine copies of the missing case records were secured from the Office of the Provincial Prosecutor of Cebu for transmittal.[5]

Attached to the aforesaid letter is an Investigation Report[6] prepared by respondent Atty. Denis L. Pacas (Atty. Pacas). He explained that the subject case records were supposed to be prepared for transmittal by respondent Anthony Pacaldo (Pacaldo), the former clerk-in-charge for criminal cases. When confronted, Pacaldo stated that he could not locate the same. It was only after an extensive search by Florentino C. Villacrusis, the court interpreter, that the original case records for Criminal Case No. 018271-L in the pile of folders under Pacaldo's table.[7]

On February 2, 2021, the OCA forwarded the case to the JIB.[8]

In separate Indorsements,[9] the Office of the Executive Director (OED) of the JIB required Atty. Pacas and Pacaldo to file their respective comments within 10 days from notice.

In his Comment[10] dated July 29, 2021, Pacaldo denied receiving direct instructions from Atty. Pacas to transmit the subject case records to the OCC. He alleged that it was Teofilo Bering (Bering), a locally-funded employee

detailed to Branch 54, who received the instruction from Atty. Pacas. Pacaldo maintained that he should not be held accountable for the loss of the subject case records since he neither personally received the same for transmittal nor was there any document showing that he ever did. Aside from the self-serving Investigation Report prepared by Atty. Pacas, there was no substantial evidence to prove that he was liable for neglect of duty.[11]

In his Comment[12] dated March 1, 2022, Atty. Pacas asserted that he directed Pacaldo and not Bering, to cause the transmittal of the subject case records to the OCC. To substantiate his claim, Atty. Pacas attached the following documents:

(1)

The Affidavit[13] dated February 10, 2021 executed by Arabella Cabezas Baguio, the wife of the accused Caesar Baguio, which stated that on several occasions between 2012 and 2013, she personally followed up with Pacaldo regarding the transmittal of the subject case records. Pacaldo, in turn, replied that he was still looking for the same.

(2)

The Affidavit[14] dated February 11, 2021 executed by Rogelio M. Mercado, Jr., the prison guard and Acting Records Officer of the Cebu Provincial Detention and Rehabilitation Center, which stated that since 2019, he and Pacaldo exchanged various communications via call and text regarding the subject case records. He narrated that upon Pacaldo's request, he furnished the latter with photocopies of the available Orders and Informations relative thereto in order to facilitate his search. Pacaldo informed him that the subject case records were missing and their retrieval was ongoing.

(3)

The Memorandum[15] dated November 18, 2020 executed by Michael Y. Fabe, Sheriff IV and Officer-in-Charge of criminal cases, which stated that he informed Pacaldo that Rogelio Mercado, Jr. called regarding the subject case records. Pacaldo reasoned that the subject case records could not be found since 2012.

Lastly, Atty. Pacas apologized for the incident, and maintained that he immediately acted once he learned about the missing subject case records.[16]

Report and Recommendation of the Office of the Executive Director
In its Report and Recommendation,[17] the OED recommended that the case against Atty. Pacas be dismissed, while Pacaldo should be found guilty of simple neglect of duty, thus:

> IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant matter be RE-DOCKETED as a regular administrative complaint against Anthony Pacaldo, Sheriff IV, Branch 84, Regional Trial Court, Mandaue City, Cebu, and the following recommendations be submitted to the Supreme Court:

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> (1) respondent Sheriff Anthony Pacaldo be found GUILTY of Simple Neglect of Duty in the Performance of Official Functions and FINED in the amount of [PHP 18,000.00] payable within [three months] from the time the decision or resolution is promulgated, with a stern warning that a repetition of the same or similar offense shall be dealt with more severely by the Supreme Court;
>
> (2) the instant administrative case against respondent Atty. Denis L. Pacas, Clerk of Court, Branch 54, Regional Trial Court, Lapu-Lapu City, Cebu, be DISMISSED but he be STERNLY WARNED to be more circumspect in the performance of his duties.
>
> (3) [T]he complainant [sic] against Atty. Pacas as a member of the Philippine Bar be dismissed.[18] (Emphasis in the original)

The OED held that between Atty. Pacas and Pacaldo, the evidence points to Pacaldo as the one responsible for the delayed transmittal of the subject case records. The OED rejected Pacaldo's defense that it was another employee, Bering, who was instructed to make the transmittal. More importantly, as the former clerk-in-charge of criminal cases, he was primarily tasked to safekeep the records and update his superiors of the status of cases.[19]

As regards Atty. Pacas, he should be sternly warned, given that his failure to establish a systematic and efficient record management system contributed to the delay in transmitting the subject case records.[20]

Lastly, the OED opined that the additional charge of insubordination cannot stand against Atty. Pacas and Pacaldo. Their failure to comply with the directive to transmit the subject case records points to neglect of duty, rather than insubordination.[21]

Report of the Judicial Integrity Board

In its Report,[22] the JIB found Atty. Pacas and Pacaldo equally liable for gross neglect of duty. Additionally, Pacaldo was found guilty of gross insubordination for his unjustified refusal to comply with his superiors' orders, thus:

> ACCORDINGLY, the Judicial Integrity Board respectfully RECOMMENDS to the Honorable Supreme Court that:
> (1) the instant complaint against Atty. Denis L. Pacas, Clerk of Court V, Branch 54, Regional Trial Court, Lapu-Lapu City, Cebu and Anthony Pacaldo, Sheriff IV, Branch 84, Regional Trial Court, Mandaue City, Cebu, formerly Clerk III, Branch 54, Regional Trial Court, Lapu-Lapu City, Cebu be RE-DOCKETED as a regular administrative matter;
>
> (2) Atty. Denis L. Pacas be found GUILTY of Gross Neglect of Duty in the Performance or Non-Performance of Official Functions and be meted with the penalty of FINE in the amount of [PHP 75,000.00], payable within [three months] from the time of the decision or resolution is promulgated;
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> (3) Anthony Pacaldo be found GUILTY of Gross Neglect of Duty in the Performance of Official Functions and Gross Insubordination [and] be meted with the penalty of SUSPENSION from office, without salary and other benefits, for [four months] and a FINE in the amount of [PHP 55,000.00], payable within [three months] from the time of [sic] the decision or resolution is promulgated.[23] (Emphasis in the original)

With regard to Pacaldo, the JIB held that he should be liable for gross neglect of duty since he displayed a flagrant lack of competence and diligence in the performance of his duties. He is further held liable for gross insubordination because despite several memoranda from different judges and Atty. Pacas, Pacaldo was persistent in his errant conduct and substandard work.[24]

As regards Atty. Pacas, the JIB emphasized that his position as the clerk of court required him to ensure an orderly and efficient record management system. Moreover, he failed to properly supervise Pacaldo, which resulted in the inexcusable delay in the transmittal of the subject case records. Anent the proper penalty, the JIB

took judicial notice that this case is Atty. Pacas's second offense involving the failure to practice proper case management and is thus, treated as an aggravating circumstance.[25]

Issue before the Court
Whether respondent Pacaldo and respondent Atty. Pacas should be held administratively liable.

Our Ruling
The Court adopts the findings of the JIB, with modifications.

Respondents, as court employees, are expected to observe the highest degree of efficiency and competency in their assigned tasks. After all, the image of the courts as the administrators and dispensers of justice is not only reflected in their decisions, resolutions, or orders, but also mirrored in the conduct of their court staff.[26] The consequences of irresponsible safekeeping of court records ultimately result in the failure of dispensation of justice. In this light, court employees must always be mindful of the relevance and delicate nature of their tasks. Prosecution and adjudication of guilt are adversely affected, if not halted, by the loss of court records due to the fault or neglect of court custodians. Thus, those responsible for such act or omission cannot escape the disciplinary power of this Court.

Certainly, the determination of neglect or negligence largely depends on the circumstances of every given case.[27] It is not assessed based on the personal judgment of the individual in a situation, but on the expected conduct of a prudent person in similar circumstances, considering human experience and the specific facts in the case.[28] In the present case, the Court finds respondent Pacaldo guilty of gross neglect of duty in the performance of official functions and gross insubordination, both classified as serious charges, pursuant to Sections 14(d) and (n) of A.M. No. 21-08-09-SC. Meanwhile, Atty. Pacas is guilty of simple neglect of duty in the performance of official functions only, which is a less serious charge, pursuant to Section 15(b) of A.M. No. 21-08-09-SC.

Respondent Pacaldo is liable for gross neglect of duty in the performance of official functions and gross insubordination

Records reveal that Judge Teves directed the transmittal of the subject case records to the OCC on June 29, 2012. Despite this directive, the subject case records were only transmitted on November 24, 2020.[29] Hence, there was a delay of more than eight years.

As the clerk-in-charge for criminal cases, respondent Pacaldo is directly responsible for the delayed transmittal of the subject case records. Along with being primarily tasked to oversee criminal cases, substantial evidence on record establishes that he was fully aware of such assignment relative to the subject case records. Affidavits and memoranda from the court staff of Branch 54,[30] other relevant personnel,[31] and even the wife of the accused[32] reveal that they personally made inquiries to respondent Pacaldo. Respondent Pacaldo, in turn, disclosed to them that the subject case records could not be located. This supports the assertion of respondent Atty. Pacas that it was respondent Pacaldo who was tasked to transmit the subject case records.[33]

The Court cannot give credence to respondent Pacaldo's defense that it was Bering, a job order employee assigned by the local government, who was instructed by respondent Atty. Pacas to make the transmittal.[34] Shifting the blame to Bering appears to be a mere afterthought, since he passed away in 2013 and could no longer refute such allegation.[35] More importantly, OCA Circular No. 42-2019[36] prohibits locally funded employees detailed to lower courts from performing tasks relating to the custody of records. Considering the confidentiality of court records and proceedings, locally funded employees may only perform clerical tasks.[37] Thus, apart from his bare

allegation, respondent Pacaldo did not present any convincing proof that respondent Atty. Pacas instructed Bering to transmit the subject case records in contravention of the aforementioned circular. In the absence of evidence to the contrary, it is presumed that respondent Atty. Pacas properly performed his duties and directed respondent Pacaldo to transmit the subject case records to the OCC.[38]

Gross neglect of duty is defined as:

> . . . negligence characterized by the glaring want of care; by acting or omitting to act in a situation where there is a duty to act, not inadvertently, but willfully and intentionally; or by acting with a conscious indifference to consequences with respect to other persons who may be affected. It is such neglect which, from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare. It does not necessarily include willful neglect or intentional official wrongdoing.[39] (Citation omitted)

Further, it refers to:

> . . . the omission of that care that even inattentive and thoughtless [persons] never fail to give their own property. It denotes a flagrant and culpable refusal or unwillingness to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable.[40]

Prudence dictates that if case records are lost, respondent Pacaldo should have promptly informed his immediate superior, respondent Atty. Pacas, to allow appropriate actions for their recovery or reconstitution. Lamentably, despite numerous follow-ups, there is nothing on record showing that respondent Pacaldo made any genuine effort to locate the subject case records or at the very least, inform respondent Atty. Pacas of such loss. In fact, respondent Pacaldo's main defense in this case revolves around his denial that such task of transmitting the subject case records was even assigned to him to begin with.[41]

To emphasize, the delay in the transmittal of the subject case records spanned more than eight years. To the mind of this Court, respondent Pacaldo's neglect was so grave that it endangered or threatened the public welfare, particularly, the right of the accused to the speedy disposition of his case. Thus, the seasonable disposition of the case was indubitably affected.[42] Due to the gravity of the negligent act committed by respondent Pacaldo and his wanton indifference to the consequences of the loss of the subject case records, the Court finds him guilty of gross neglect of duty in the performance of official functions.

Additionally, respondent Pacaldo is liable for gross insubordination, which is defined as "the inexplicable and unjustified refusal to obey some order that a superior is entitled to give and have obeyed, and imports a willful or intentional disregard of the lawful and reasonable instructions of the superior."[43]

On separate occasions, respondent Pacaldo was issued Memoranda[44] calling his attention for his failure: (1) to conduct a physical inventory of criminal cases; (2) to regularly update the docket book; and (3) to locate missing criminal case records. He has also been reprimanded for frequently leaving his workstation during office hours.[45] Such errant conduct has been called out by respondent Pacaldo's superiors, namely, respondent Atty. Pacas and Judge Teves, as early as 2011 and yet, he has persisted in his misconduct. Further, in a Memorandum[46] dated August 4, 2020, Judge Ferdinand A. Collantes[47] required respondent Pacaldo to conduct a physical inventory of criminal cases under his safekeeping, among others, before assuming his position as sheriff in another sala. Respondent Pacaldo neither complied with this directive nor made an official turnover of the physical inventory, exhibits, and evidence under his custody.[48] Even worse, respondent Pacaldo defended himself by claiming lack of time, stating that he was overwhelmed by heavy workload as the newly appointed Sheriff IV of Branch 84, RTC of Mandaue City.[49] Needless to state, such flimsy excuse cannot be countenanced by the Court.

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Evidently, respondent Pacaldo repeatedly disregarded his superiors' directives and instructions without valid justification. Given his blatant disrespect and defiance of his superiors, respondent Pacaldo is guilty of gross insubordination.[50]

Respondent Atty. Pacas is liable for simple neglect of duty in the performance of official functions

As previously discussed, respondent Pacaldo is directly responsible for the delayed transmittal of the subject case records. However, this circumstance alone cannot exculpate respondent Atty. Pacas from administrative liability. As the branch clerk of court, respondent Atty. Pacas exercises general supervision over all personnel in the court. His duty to oversee his subordinates imposes upon him greater responsibility to ensure that they perform their tasks properly, promptly, and efficiently.[51] After all, respondent Atty. Pacas's responsibility over the subject case records did not terminate when he delegated its transmittal to respondent Pacaldo. Rather, it was incumbent upon him to ensure that his instruction was complied with. In this case, it is evident that respondent Atty. Pacas failed to closely supervise respondent Pacaldo in the performance of his official functions.

More importantly, while respondent Pacaldo served as the clerk-in-charge for criminal cases, respondent Atty. Pacas retained the responsibility as the official custodian of judicial records.[52] He controlled and managed all records, exhibits, documents, properties, and supplies of the court as part of his non-adjudicatory functions.[53] It thus follows that as the primary custodian, he is liable for any loss. Regrettably, respondent Atty. Pacas blindly depended on respondent Pacaldo to manage the criminal case records of their branch, and failed to take necessary measures to ensure that this was properly done. Arguably, had respondent Atty. Pacas put in place an effective case management system and conducted a periodic inventory, such dereliction of duty by respondent Pacaldo would not have gone unnoticed for such a considerable period of time.

Further, in Judge Baring-Uy v. Atty. Salinas,[54] the Court held that clerks of court are chiefly responsible for the shortcomings of subordinates to whom administrative functions normally pertaining to them are delegated. They must also bear a share of the blame for failure to exercise a higher degree of care and vigilance in supervising their subordinates and managing court records and documents. In several cases,[55] the Court found the clerk of court guilty of simple neglect of duty for reneging on this obligation. Case law defines simple neglect of duty as the failure of a public official or employee to give attention to a task expected of them, resulting from carelessness or indifference.[56] In view of the foregoing, the Court deems it proper to find respondent Atty. Pacas guilty of simple neglect of duty in the performance of official functions.

The proper penalties after the application of mitigating circumstances

Gross neglect of duty and gross insubordination are classified as serious charges.[57] Meanwhile, simple neglect of duty is classified as a less serious charge.[58] The sanctions for serious and less serious charges are as follows:

> 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] months but not exceeding [one] year; or

(c) A fine of more than [PHP 100,000.00] but not exceeding [PHP 200,000.00].

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

(a) Suspension from office without salary and other benefits for not less 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].

Further, A.M. No. 21-08-09-SC provides for mitigating circumstances, that may be considered by the Court in imposing a lesser penalty on a respondent, to wit:

Section 19. Modifying Circumstances. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:
(1) Mitigating circumstances:
(a) First offense;
(b) Length of service of at least [ten] years with no previous disciplinary record where respondent was meted with an administrative penalty;
(c) Exemplary performance;
(d) Humanitarian considerations; and
(e) Other analogous circumstances.

. . . .

Section 20. Manner of Imposition. — If [one] or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If [one] or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other. (Emphasis supplied)

Given the presence of a single mitigating circumstance and the absence of any aggravating circumstance for both respondents in this case, the Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under Section 17 of A.M. No. 21-08-09-SC.[59]

Notably, this is the first time respondent Pacaldo has been administratively charged. As such, this is considered as a mitigating circumstance.[60] For the charge of gross neglect of duty in the performance of official functions, the Court adopts the penalty recommended by the JIB of suspension from office without salary and other benefits for four months. For the charge of gross insubordination, without the benefit of any mitigating circumstance, respondent Pacaldo is penalized with suspension from office without salary and other benefits for six months and one day.

With regard to respondent Atty. Pacas, he is entitled to the mitigating circumstance of humanitarian considerations, insofar as he expressed remorse and apologized for the incident,[61] unlike respondent Pacaldo. He took immediate action once he was apprised of the loss of the subject case records.[62] In order not to incur further delay, he secured certified machine copies for Criminal Case Nos. 018272-L and 018273-L from the Office of the Provincial Prosecutor of Cebu.[63] He persisted in his search and eventually, the original copies of the missing case records were located and delivered on December 10, 2021.[64] Indeed, while the Court must

firmly discipline errant employees and remove the unfit, it may also temper judgment with mercy.[65]

The Court further notes that in Re Judicial Audit Conducted in the Regional Trial Court, Br. 54, Lapu-Lapu City,[66] respondent Atty. Pacas was admonished for failure to submit the required semestral docket inventory and the monthly report of cases on time, and was sternly warned that a repetition of the same or similar acts shall be dealt with more severely. We take exception, however, to the JIB's conclusion that this should be treated as an aggravating circumstance.[67] To recall, admonition and warning are not considered as penalties.[68] For this reason, this previous administrative case cannot be considered as an aggravating circumstance to increase the penalty imposed on respondent Atty. Pacas in the present case.

Taking the aforementioned circumstances together, the Court, therefore, deems it proper to impose on respondent Atty. Pacas a fine in the amount of PHP 18,000.00 for simple neglect of duty in the performance of official functions. Such amount is to be paid within 30 days from the finality of this Resolution in accordance with this Court's ruling in Ignacio v. Balading.[69]

ACCORDINGLY, the Court finds respondent Anthony Pacaldo, Sheriff IV, Branch 84 of the Regional Trial Court of Mandaue City, Cebu (formerly Clerk III, Branch 54 of Regional Trial Court of Lapu-Lapu City, Cebu) GUILTY of gross neglect of duty in the performance of official functions for which he is SUSPENDED from office for four months, without salary or other benefits. He is also found GUILTY of gross insubordination for which he is SUSPENDED from office for six months and one day, without salary or other benefits.

In addition, the Court finds respondent Atty. Denis L. Pacas, Clerk of Court V, Branch 54 of the Regional Trial Court of Lapu-Lapu City, Cebu GUILTY of simple neglect of duty in the performance of official functions and is penalized with a FINE in the amount of PHP 18,000.00. The fine is payable within 30 days from the finality of this Resolution. If unpaid, contempt proceedings shall be commenced against him pursuant to Rule 71, Section 3 of the Rules of Court for disobeying a lawful order of this Court.

Respondents are further STERNLY WARNED that the commission of the same or any similar act in the future will be dealt with more severely.

Let a copy of this Resolution be furnished to the Office of the Court Administrator for its information and guidance.

SO ORDERED.

Gesmundo, C.J. (Chairperson) and Hernando, J., concur.
Zalameda,[*] and Marquez,[**] JJ., on official business.

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[*] On official business.

[**] On official business.

[1] Rollo, p. 2, 1st Indorsement dated January 4, 2021 addressed to Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino.

[2] Id. at 3.

[3] SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court, sec. 1(1).

[4] Rollo, p. 3.

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[5] Id.

[6] Id. at 5, Investigation Report dated November 18, 2020.

[7] Id.

[8] Id. at 140.

[9] Id. at 6, 1st Indorsement dated January 27, 2021 addressed to Atty. Denis L. Pacas; id. at 13, 1st Indorsement dated February 26, 2021 addressed to Mr. Anthony Pacaldo.

[10] Id. at 14-26.

[11] Id.

[12] Id. at 50-82.

[13] Id. at 87-88.

[14] Id. at 90-92.

[15] Id. at 102.

[16] Id. at 80.

[17] Id. at 129-137. The January 20, 2023 Report and Recommendation in JIB FPI No. 21-006-P was penned by James D. V. Navarette, Deputy Clerk of Court at-Large, Office of the Court Administrator, and Acting Executive Director of the Judicial Integrity Board, Supreme Court, Manila.

[18] Id. at 137.

[19] Id. at 133.

[20] Id. at 135-136.

[21] Id. at 136.

[22] Id. at 138-152. The May 3, 2023 Report was penned by Justice Romeo J. Callejo, Sr. (Ret.) and concurred in by Justices Angelina Sandoval-Gutierrez (Ret.), Sesinando E. Villon (Ret.), Rodolfo A. Ponferrada (Ret.) and Cielito N. Mindaro-Grulla (Ret.) of the Judicial Integrity Board, Supreme Court, Manila.

[23] Id. at 150-151.

[24] Id. at 150.

[25] Id. at 147, 150.

[26] Judge Baring-Uy v. Salinas, 882 Phil. 68, 72 (2020) [Per J. Reyes Jr., First Division].

[27] Judge Ladaga v. Atty. Salilin, 888 Phil. 413, 429 (2020) [Per Curiam, En Banc].

[28] See id.

[29] Rollo, p. 4, Order dated November 23, 2020.

[30] Id. at 102, Memorandum dated November 18, 2020 issued by Michael Y. Fabe, Sheriff V/OIC-criminal cases; 124-125, Affidavit dated February 16, 2021 issued by Mary Christine Madrid, former job order employee assigned to Branch 54 of the RTC of Mandaue City.

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[31] Id. at 90-92, Affidavit dated February 11, 2021 of Rogelio M. Mercado, Jr.

[32] Id. at 87-88, Affidavit dated February 10, 2021 of Arabella Cabezas Baguio.

[33] Id. at 51.

[34] Id. at 140.

[35] Id. at 133.

[36] SC Administrative Circular No. 42-2019, March 13, 2019, 2nd Reiteration of Administrative Circular No. 28-2008 dated 11 March 2008 (Re: Guidelines in the Detail of Locally-Funded Employees To The Lower Courts).

[37] Rollo, pp. 133-134.

[38] Id.

[39] Judge Sarno-Davin v. Quirante, 868 Phil. 405, 413 (2020) [Per Curiam, En Banc].

[40] Atty. Alentajan v. De Jesus, A.M. No. P-23-105 [Formerly OCA IPI No. 18-4848-P], May 28, 2024 [Per J. Kho, Jr., En Banc] at 5-6. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

[41] Rollo, pp. 15-18.

[42] See Judge Santiago v. Fernando, 933 Phil. 720, 729 (2023) [Per J. Rosario, En Banc].

[43] Id. at 728.

[44] Rollo, pp. 111-112, Notice of Unsatisfactory Performance Rating dated January 31, 2011; 113, Memorandum dated August 1, 2012; 118, Memorandum dated April 3, 2013; 117, Memorandum dated March 5, 2013.

[45] Id. at 111-112, Notice of Unsatisfactory Performance Rating dated January 31, 2011; 119-120, Show Cause Memorandum dated October 3, 2018.

[46] Rollo, pp. 42-43.

[47] Acting Presiding Judge of Branch 54 of the Regional Trial Court of Mandaue City.

[48] Rollo, p. 99, Memorandum dated September 25, 2020 issued by Michael Y. Fabe, Officer-in-Charge for Criminal Cases; 94-95, Letter dated November 3, 2020 addressed to Anthony Pacaldo issued by Atty. Denis L. Pacas, Branch Clerk of Court.

[49] Id. at 24, Comment dated July 29, 2021.

[50] See Judge Santiago v. Fernando, 933 Phil. 720, 728 (2023) [Per J. Rosario, En Banc].

[51] See Judge Baring-Uy v. Atty. Salinas, 882 Phil. 68, 73 (2020) [Per J. Reyes, Jr., First Division].

[52] RULES OF COURT, Rule 136, sec. 7, states:

> Section 7. Safekeeping of property. — The clerk shall safely keep all records, papers, files, exhibits and public property committed to [their] charge, including the library of the court, and the seals and furniture belonging to his [their] office. (Emphasis supplied)

[53] Id.

[54] 882 Phil. 68, 73-74 (2020) [Per J. Reyes Jr., First Division].

[55] Id.; Botigan-Santos v. Gener, 817 Phil. 655, 664 (2017) [Per J. Peralta, Second Division]; Delos Reyes v Judge Cruz, 624 Phil. 246, 258 (2010) [Per J. Del Castillo, Second Division]; Office of the Court Administrator v. Legal Researcher Cinco, 610 Phil. 40, 48 (2009) [Per J. Carpio-Morales, Second Division]; Office of the Court Administrator v. Judge Ramirez, 489 Phil. 262, 272 (2005) [Per J. Tinga, Second Division].

[56] Judge Sarno-Davin v. Quirante, 868 Phil. 405, 413 (2020) [Per Curiam, En Banc].

[57] Further Amendments to Rule 140 of the Rules of Court, A.M. No. 21-08-09-SC, February 22, 2022, secs. 14(d) and (n).

[58] Id. at sec. 15(b).

[59] Id. at sec. 21.

[60] Rollo, p. 136.

[61] Id.

[62] Id. at 80.

[63] Id. at 3.

[64] Id. at 52.

[65] See Nadala v. Denila, 853 Phil. 34, 48 (2019) [Per J. Reyes, Jr., A., Third Division].

[66] 511 Phil. 71-79 (2005) [Per J. Callejo, Sr., Second Division].

[67] Rollo, p. 50.

[68] Samahan ng mga Progresibong Kabataan v. Quezon City, 815 Phil. 1067, 1134 (2017) [Per J. Perlas-Bernabe, En Banc].

[69] A.M. No. P-24-150, July 30, 2024 [Per J. Leonen, En Banc] at 8. This pinpoint citation refers to the copy of the Resolution uploaded to the Supreme Court website.

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