

NELIA RECIO, COMPLAINANT, VS. VICTORIO M. ACUÑA, DEPUTY SHERIFF, VIRGINCITA VILLALOBOS, STAFF ASSISTANT III AND ANA LACADEN, COURT AIDE, RESPONDENTS.*A.M. No. P-90-452. April 07, 1993*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/19172d8495e5/>**PER CURIAM:**

Pursuant to the Resolution of this Court dated October 24, 1990 in A.M. P-90-452, entitled “Nelia Recio vs. Victorio M. Acuña, Deputy Sheriff, Virgincita Villalobos, Staff Assistant III and Ana Lacaden, Court Aide”, directing the Office of the Court Administrator to effect the actions it recommended in its memorandum report, this case was filed by the Office of the Court Administrator against the above-named respondents for Absence Without Official Leave (AWOL), Insubordination and Conduct Prejudicial to the Best Interest of the Service.

The records show that on October 13, 1988, respondents Virgincita Villalobos and Ana B. Lacaden requested Atty. Nelia Recio, Clerk of Court of MeTC, San Juan, to approve the six (6) months leave application of other respondent Acuña on the pretext that the latter was seriously ill[1] with pulmonary tuberculosis. Said sick leave application was approved by Atty. Recio who relied upon the Medical Certificate[2] attached thereto.

However, two (2) weeks later, Atty. Recio received reports that respondent Acuña had left for Saipan, USA, together with respondent Lacaden’s husband, to work there as a contract worker. These reports were confirmed by the Commission on Immigration and Deportation (CID) in a letter[3] dated November 23, 1988 that indeed, respondent Acuña had left the country on August 18, 1988 for Guam. Further inquiries from the Philippine Overseas Employment Agency (POEA) revealed that respondent Acuña obtained a one (1)-year employment contract from Nor Mar Enterprises, Hartley Kroul, DBA Bang Bang Corporation, Saipan, USA, to work as an Instructor.[4]

Not only did respondents Villalobos and Lacaden cover up for respondent Acuña while he was abroad without the permission of his immediate superior, Clerk of Court Recio and this Court, they also conspired to receive respondent Acuña’s salary while he was away up to November 1988, this despite knowledge of the fact that respondent Acuña’s leave credits had been exhausted as of October 20, 1988.[5] Respondent Villalobos, being the Authorized Liaison Officer and is thus in charge of receiving from this Court the salary checks owing the employees of MeTC, San Juan, received four (4) checks pertaining to respondent Acuña covering the period from October 30, 1988 to November 20, 1988.[6] To be able to encash the same, other respondent Lacaden forged respondent Acuña’s signature at the back of said four (4) PNB checks.[7]

On December 9, 1988, Atty. Recio issued a Memorandum[8] to respondent Villalobos to return all the checks that she received for and in behalf of respondent Acuña or to inform her of the whereabouts of said checks if the same were no longer in her possession. Instead of doing as directed, respondent Villalobos disregarded said order of her immediate superior, and, with cutting remarks, even questioned the latter’s authority to issue the same.[9]

On April 16, 1990, an Investigation, Report and Recommendation[10] was made by Executive Judge Milagros A. Caguioa pursuant to the 3rd Indorsement dated July 6, 1989 of the then Court Administrator Meynardo A. Tiro.

Based on the same, his successor, the Honorable Josue N. Bellosillo, now a member of this Court, filed an Administrative Complaint on December 19, 1991, recommending the dismissal from the service of respondent Acuña and that the proper administrative penalties be meted out to him and other respondents Virginita Villalobos and Ana B. Lacaden. Likewise, it was also recommended that the proper administrative penalties be meted out to Assistant Prosecutor Severina A. Acuña, who is applying for the position of Metropolitan Trial Court Judge of Manila.

This Court is now called upon to consider the propriety of the above recommendation of the Office of the Court Administrator.

Respondent Acuña's act of going abroad without the permission of this Court is in violation of Memorandum Order No. 26[11] which provides that:

x x x x x x x x

"Requests for permission to travel abroad from members and employees of the judiciary shall henceforth be obtained from the Supreme Court."

Acuña is likewise guilty of dishonesty for applying for a sick leave on the pretext that he was seriously ill, in order to conceal his absence from the country. This is just one of the several grounds for disciplinary action that he committed under P.D. 807,[12] Section 36(b) Article IX, to wit:

"(b) The following shall be grounds for disciplinary action:

(1) Dishonesty

x x x

(3) Neglect of duty

x x x

(24) Pursuit of private business, vocation or profession without the permission required by Civil Service rules and regulations;

x x x

(27) Conduct prejudicial to the best interest of the service."

The above are serious infractions which warrant respondent Acuña's dismissal from the service. We condemn and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the Judiciary.[13] Respondent Acuña's acts show beyond doubt his unfitness to continue to hold any government position. The Judiciary must be purged of unethical employees, like respondent Acuña, or run the risk of eroding the public's confidence in the System because of the bad example and highly reprehensible conduct shown by her members.

We likewise condemn the acts of other respondents Villalobos and Lacaden as these are in violation of the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence and loyalty, act with patriotism and justice, lead modest lives and uphold public interest over personal interest.[14]

By covering up for respondent Acuña while he was out of the country and by receiving his salary when he was no longer entitled to it, respondents Villalobos and Lacaden are likewise guilty of dishonesty and conduct prejudicial

to the best interest of the service punishable under P.D. 807.[15] In addition, respondent Villalobos is guilty of discourtesy in the course of official duties and insubordination for failing to heed Clerk of Court Nelia Recio's directive to return all the checks that she received for and in behalf of respondent Acuña or to inform her of the whereabouts of said checks if the same were no longer in her possession. Said order was lawful and reasonable and did not deserve the arrogant and cutting answer that Villalobos lashed out on her superior.[16] Respondent Villalobos' disrespect and attitude of belligerent insubordination towards Recio, as well as her and respondent Lacaden's participation in the highly anomalous transaction may be due to the influence of respondent Acuña's wife, Assistant Prosecutor Severina A. Acuña, who was their former superior. Be that as it may, such influence is no justification to show disrespect to their immediate superior. The acts of forging the signature of Acuña while receiving his salary check and forging the indorsements of Acuña in order to cash the checks were acts punishable as a criminal offense and should deserve severe penalty.

We are disturbed by they high-handed manner in which Assistant Prosecutor Severina A. Acuña conducted herself during the investigation of the case. She represented all three respondents in the said investigation but would refuse to participate in the proceedings when she was asked questions that will yield answers which were not favorable to her case, and was insistent in participating when she wanted to protect her own interests and that of her husband and the other respondents. We also could not fail but notice her warped and scheming legal mind when a pattern was woven outlining her participation in the highly anomalous and reprehensible transaction subject of this case. If it is proven that she was the one who orchestrated respondent Acuña's leaving for abroad without the necessary procedures having been followed, his application for a sick leave to conceal his absence and respondents Villalobos and Lacaden's receiving respondent Acuña's salary when he was no longer entitled to it, then, Assistant Prosecutor Acuña's dismissal from the service, and suspension from the practice of law, is in order. We hereby rule that an investigation be conducted to determine the gravity of Assistant Prosecutor Severina A. Acuña's participation in the events leading to the present case.

WHEREFORE, premises considered, We hereby order the dismissal of Deputy Sheriff Victoria M. Acuña, Virgincita Villalobos and Ana Lacaden from the service, with prejudice to their being appointed or reinstated to any other position in government and with forfeiture of any and all benefits that they may be entitled under the law. Let a copy of this decision be furnished the Department of Justice with a request that proper inquiry be taken as may be appropriate against Assistant Prosecutor Severina Aguilar-Acuña in connection with this case.

SO ORDERED.

Narvasa, C.J., (Chairman), Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Melo, Campos, Jr., and Quiason, JJ., concur.

Bellosillo, J., no part.

[1] Rollo, p. 127.

[2] Ibid., p. 152.

[3] Ibid., p. 71.

[4] Ibid., p. 142.

[5] Ibid., p. 128.

[6] Ibid., p. 137.

[7] Ibid., p. 136.

[8] Ibid., p. 69.

[9] Ibid., p. 134.

[10] Ibid., p. 178.

[11] Entitled “Modifying Executive Order No. 6 Providing Procedures Relative to Requests of Government Officials and for Authority to Travel Abroad,” July 31, 1986.

[12] “Providing for the Organization of the Civil Service Commission in Accordance with the Provisions of the Constitution, Prescribing Its Powers and Functions and For Other Purposes,” 71 O.G. No. 47, 7902 (November 24, 1975).

[13] *Sy vs. Academia*, 198 SCRA 705 (1991).

[14] R.A. 6173, “An Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees,” February 20, 1989; 1987 Constitution, Article XI, Section I.

[15] *Supra*, note 11.

[16] *Supra*, note 8.

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