

MERCY V. MASION, CHRISTINE G. JARDINICO, DORLYN T. ORETO, MA. NIEVES G. PABLICO, MARICON P. ARROYO, ARON D. GONZALES, MARK ALVEN E. TAN, MERCI[] J. DAGANASOL, DAVIS A. AKOL, JAM...*A.M. No. P-18-3869. October 08, 2019*

Ponente: PERLAS-BERNABE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/205072aa4e7e/>**PERLAS-BERNABE, J.:**

For the Court's resolution is the complaint[1] dated November 6, 2015 filed by complainants Mercy V. Masion, Christine G. Jardinico, Dorlyn T. Oreto, Ma. Nieves G. Publico, Maricon P. Arroyo, Aron D. Gonzales, Mark Alven E. Tan, Merci J. Daganasol, Davis A. Akol, James Anthony M. Ramos, and Romi James M. Santander (complainants) before the Office of the Court Administrator (OCA), charging respondent Lolita E. Valderrama (respondent), Court Interpreter I of the Municipal Trial Court of Binalbagan, Negros Occidental (MTC) with Conduct Prejudicial to the Best Interest of the Service.

The Facts

The complaint alleged that sometime in 2015, respondent promised complainants jobs abroad for a fee. Trusting respondent due to her stature as an MTC employee, complainants paid her various fees for their deployment. Pursuant thereto, respondent instructed complainants to go to Manila to undergo the necessary procedures prior to their tentative deployment in Spain. Despite the "postponement" of the aforesaid procedures and the actual deployment, respondent still demanded and collected additional fees from complainants. Becoming doubtful of respondent, one of the complainants went to the Philippine Overseas Employment Administration (POEA) where it was discovered that respondent was not licensed and authorized to recruit for overseas employment.[2] Complainants then reported the matter to the police, and consequently, respondent was arrested in an entrapment operation. Thereafter, complainants filed against respondent: (a) separate criminal complaints[3] for Large Scale Illegal Recruitment, which eventually made its way to the Regional Trial Court of Himamaylan City, Negros Occidental, Branch 55, docketed as Criminal Case No. 3388; and (b) the instant administrative complaint.[4]

In a Letter[5] dated January 13, 2016, the OCA requested Executive Judge Walter G. Zorilla (Judge Zorilla) for certified true copies of pertinent documents relative to respondent's criminal case. In response, Judge Zorilla wrote a Letter[6] dated October 23, 2017, not only submitting to the OCA the requested documents, but also informing the latter that respondent is currently detained at the Bureau of Jail Management and Penology, Municipality of Binalbagan, Negros Occidental, with no bail set for her provisional liberty, and that presentation of the prosecution's evidence-in-chief is ongoing.[7]

Meanwhile, and during the pendency of this case, respondent compulsorily retired from service on April 19, 2016, albeit she has yet to file the necessary papers for the processing of the same.[8] In this light, the Court ordered that respondent's retirement benefits be withheld.[9]

The OCA's Report and Recommendation

In a Memorandum[10] dated May 23, 2018, the OCA recommended that: (a) the instant administrative complaint against respondent be re-docketed as a regular administrative matter; and (b) respondent be found guilty of Conduct Prejudicial to the Best Interest of the Service. However, considering that respondent has retired from service and could no longer be dismissed, the OCA recommended, instead, that she be penalized with forfeiture of her retirement benefits, except accrued leave credits, with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations, and without prejudice to her criminal liabilities.[11]

Relying on the statements of complainants and the evidence on record, which includes the documents relative to Criminal Case No. 3388, the OCA found substantial evidence to hold respondent guilty of Conduct Prejudicial to the Best Interest of the Service as her conduct tarnished the image and integrity of her public office. It ratiocinated that respondent's act of misrepresenting to complainants that she had authority to legitimately recruit people for foreign employment - while at the same time serving the Judiciary - demonstrated her utter failure to live up to the stringent standards of her office. Notably, the OCA opined that respondent's supervening retirement from service is no reason to exculpate her from administrative liability.[12]

The Issue Before the Court

The issue for the Court's resolution is whether or not respondent should be held administratively liable for Conduct Prejudicial to the Best Interest of the Service.

The Court's Ruling

At the outset, the Court notes that respondent's supervening retirement from service is no reason to exculpate her from administrative liability as the Court's jurisdiction over her had already attached when this administrative case was filed before her cessation from office. In *OCA v. Grageda*,[13] the Court held:

Jurisprudence is replete with rulings that in order for the Court to acquire jurisdiction over an administrative proceeding, the complaint must be filed during the incumbency of the respondent public official or employee. This is because the filing of an administrative case is predicated on the holding of a position or office in the government service. However, once jurisdiction has attached, the same is not lost by the mere fact that the public official or employee was no longer in office during the pendency of the case. In fine, cessation from office by reason of resignation, death or retirement is not a ground to dismiss the case filed against the said officer or employee at the time that he was still in the public service or render it moot and academic.[14] (Emphasis and underscoring supplied)

Going to the merits of this case, and as will be explained hereunder, the Court finds it proper not only to find respondent guilty of Conduct Prejudicial to the Best Interest of the Service (as the OCA recommended), but also of Serious Dishonesty.

Dishonesty is defined as a disposition to lie, cheat, deceive, or defraud; unworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive, or betray.[15] It is deemed serious in nature when, inter alia, the dishonest act exhibits moral depravity on the part of respondent and/or when the same was committed several times or in various occasions.[16]

On the other hand, Conduct Prejudicial to the Best Interest of the Service is defined as any conduct that is detrimental or derogatory or naturally or probably bringing about a wrong result; it refers to acts or omissions that violate the norm of public accountability and diminish - or which tend to diminish - the people's faith in the Judiciary.[17] It is an administrative offense which need not be related to respondent's official functions.[18]

In order to sustain a finding of culpability for the foregoing administrative offenses, substantial evidence is

required, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[19] The standard of substantial evidence is satisfied when there is reasonable ground to believe that a person is responsible for the misconduct complained of.[20]

In this case, there exists substantial evidence to hold respondent guilty of the aforesaid offenses. Verily, respondent's acts of misrepresenting herself as a legitimate recruiter and collecting money and processing fees without authority from the POEA demonstrated her propensity to commit crimes and lack of honesty, integrity, and morality in the public service expected of all public servants. Notably, respondent even used her position as an MTC employee to convince complainants to enlist in her recruitment activity. By portraying herself as a person of disreputable conduct, respondent clearly failed to live up to the stringent standards imposed upon court personnel as her acts not only tarnished the image of the Judiciary, but also revealed her basic moral flaw, which will never be countenanced by the Court.[21] In *Concerned Citizen v. Catena*,[22] the Court underscored that:

[A]ll court employees of the Judiciary, being public servants in an office dispensing justice, must 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. They should be models of uprightness, fairness and honesty, for that is the only way to maintain the people's respect for and faith in the Judiciary. They should avoid any act or conduct that would diminish public trust and confidence in the courts.[23]

Anent the proper penalty to be imposed on respondent, Section 50 (A), Rule 10 of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS) classifies Serious Dishonesty as a grave offense immediately punishable by dismissal, which carries with it the accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits, excluding terminal leave benefits and personal contributions to the Government Service Insurance System, Retirement and Benefits Administration Service, or other equivalent retirement benefits system.[24] On the other hand, Conduct Prejudicial to the Best Interest of the Service as a grave offense punishable by suspension for a period of six (6) months and one (1) day to one (1) year for the first offense and dismissal from service for the second offense. Relatedly, Section 55, Rule 10 of the 2017 RACCS provides that if respondent is found guilty of two (2) or more offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances. Finally, case law provides that in instances where the penalty of dismissal could no longer be implemented against respondent due to her supervening resignation/retirement, the penalty of a fine, the amount of which is subject to the sound discretion of the Court, shall be imposed instead.[25]

Applying the foregoing to this case, the Court deems it proper to impose on respondent the penalty of a fine in the amount equivalent to her salary for six (6) months computed at the salary rate for her former position at the time of her retirement, together with the accessory penalties inherent to dismissal from service, without prejudice to criminal or civil liability.[26]

As a final note, public servants, especially those in the Judiciary, are reminded that the highest sense of honesty, integrity, morality, and decency is demanded in the performance of their official duties and in the handling of their personal affairs, since they carry and must preserve the Court's good name and standing at all times. The Court cannot sit idly as its own employee violates the norm of public accountability in a manner that diminishes the people's faith in the Judiciary.[27]

WHEREFORE, respondent Court Interpreter I Lolita E. Valderrama of the Municipal Trial Court of Binalbagan, Negros Occidental, is found GUILTY of Serious Dishonesty and Conduct Prejudicial to the Best Interest of the Service and would have been dismissed from service, had she not been compulsorily retired effective April 19,

2016. Accordingly, she is ORDERED to pay a FINE equivalent to her salary for six (6) months computed at the salary rate for her former position at the time of her retirement. She is also meted the accessory penalties of cancellation of eligibility, perpetual disqualification from holding public office, bar from taking civil service examinations, and forfeiture of retirement benefits, except terminal leave benefits and personal contributions to the Government Service Insurance System, Retirement and Benefits Administration Service, or other equivalent retirement benefits system.

SO ORDERED.

Bersamin (C.J.), Carpio, Peralta, Leonen, Caguioa, A. Reyes, Jr., Gesmundo, J. Reyes, Jr., Hernando, Carandang, Lazaro-Javier, and Zalameda, JJ., concur.

Inting, J., on official leave.

[*] "Mercie" in some parts of the rollo.

[1] Rollo, p. 1.

[2] See POEA Certification dated May 8, 2015 signed by Director II Lucia L. Villamayor; id. at 102.

[3] See complaint-affidavits; id. at 7-29.

[4] See id. at 216-220.

[5] Id. at 40. Signed by Court Administrator Jose Midas P. Marquez.

[6] Id. at 157-158.

[7] Id. at 157-158 and 217.

[8] See Letter dated May 22, 2017 signed by Supreme Court Supervising Judicial Staff Officer Edison P. Vasquez; id. at 54.

[9] See Notice of Resolution dated September 13, 2017; id. at 59-60.

[10] Id. at 216-223. Signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Raul Bautista Villanueva.

[11] Id. at 223.

[12] See id. at 221-222.

[13] 706 Phil. 15 (2013).

[14] Id. at 21; citations omitted.

[15] OCA v. Viesca, 758 Phil. 16, 27 (2015).

[16] See Frades v. Gabriel, A.M. No. P-16-3527, November 21, 2017, 845 SCRA 457, 472-473. See also Office of the Ombudsman v. Espina, 807 Phil. 529, 541-542 (2017).

[17] See Zarate-Fernandez v. Lovendino, A.M. No. P-16-3530, March 6, 2018.

[18] Office of the Ombudsman-Visayas v. Castro, 759 Phil. 68, 79 (2015).

[19] See Judaya v. Balbona, 810 Phil. 375, 381 (2017).

[20] Office of the Ombudsman-Visayas v. Castro, *supra* note 18, at 77.

[21] See Heirs of the late Romero v. Atty. Reyes, Jr., 499 Phil. 624, 633 (2005), citing Sebastian v. Atty. Calis, 372 Phil. 673, 679 (1999). See also Spouses. Olbes v. Atty. Diciembre, 496 Phil. 799, 812 (2005).

[22] 714 Phil. 114 (2013).

[23] *Id.* at 126.

[24] See Section 57 (a), Rule 10 of the 2017 RACCS.

[25] See Concerned Citizen v. Catena, *supra* note 22, at 125.

[26] See Section 57 (a), Rule 10 of the 2017 RACCS.

[27] See Re: Deceitful Conduct of Ignacio S. del Rosario, 672 Phil. 383, 391 (2011).

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