

**SAMMY RODRIGUEZ, COMPLAINANT, VS. JAIME C. EUGENIO,
PROCESS SERVER, REGIONAL TRIAL COURT, BRANCH 123,
CALOOCAN CITY, RESPONDENT.**

A.M. NO. P-06-2216 (FORMERLY OCA IPI. NO. 04-2037-P). April 20, 2007

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PER CURIAM:

This is an administrative complaint filed by complainant Sammy Rodriguez against respondent Jaime C. Eugenio, Process Server at the Regional Trial Court (RTC) of Caloocan City, Branch 121, for Grave Misconduct (Violation of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act).

Complainant alleges that he is the uncle of Sonny Acbay, accused in Criminal Case No. C-69159 for Robbery filed before Caloocan City, RTC- Branch 121, presided by Judge Adoracion G. Angeles.

The complaint states that sometime in June 2004, he went to Atty. Isabelo E. Sicat (Atty. Sicat), Public Attorney's Office (PAO) counsel de officio of his nephew Acbay, to inquire about the latter's case and was told to follow it up at the staff room of Caloocan City RTC-Branch 121. On his way to Branch 121, he met respondent who offered to work on the dismissal of the criminal case against his nephew. Respondent asked complainant for P300.00 which the latter promptly paid up. A week later, respondent again asked P500.00 ostensibly to be given to Meycauayan policemen. On several occasions thereafter, complainant avers that he had given respondent an additional aggregate amount of P1,700.00 for the dismissal of the case against his nephew.

On 14 September 2004, after his nephew's case was again reset, he asked Atty. Sicat why the case was still not dismissed. Atty. Sicat informed him that the court was still waiting for the return notice of the subpoena sent to private complainant Geraldine Calderon. Before noon of the same day, complainant went to see respondent at Caloocan City RTC-Branch 124 and was told that if he will give another P1,500.00 (P1,000.00 for Atty. Sicat and P500.00 for transportation to serve the subpoena) the case will be dismissed. Since he did not have any money with him, he agreed to give the money late afternoon the next day.

Thereafter, complainant sought the help of Erwin Tulfo of ABS-CBN. The next day, 15 September 2004, at around 3:00 p.m., complainant, accompanied by Erwin Tulfo, dropped by at the Caloocan Police Station which proposed to undertake entrapment of respondent. Subsequently, the entrapment in the vicinity of the Judicial Complex was conducted with complainant handing the white envelope containing P1,500.00 to respondent, who was then apprehended.

Later, respondent was charged with robbery, docketed as Criminal Case No. C-71514, before the Caloocan City RTC-Branch 122.

On 5 October 2004, Judge Adoracion G. Angeles, Presiding Judge of Caloocan City RTC-Branch 121, endorsed^[1] the instant administrative complaint and stated that on 7 July 2004, she requested the immediate relief of respondent. On 15 September 2004, long after his relief from Branch 121, respondent was caught in flagrante delicto near the Judicial Complex in another entrapment operation initiated by complainant with the assistance of

Erwin Tulfo of ABS-CBN and the police, precipitated by respondent's repeated extortion from complainant.

Parenthetically, Atty. Sicat of the PAO accomplished an Affidavit[2] attesting that he is the resident public attorney of Caloocan City RTC-Branch 121, and the counsel de officio of accused Sonny Acbay in Criminal Case No. C-69159; and that he never tasked respondent to demand money from anyone for the dismissal of a case, much less, did he ever receive money from respondent.

In his Comment[3] dated 28 January 2005, respondent vehemently denies the allegations against him asserting that the "entrapment" was really a "set-up" perpetrated by complainant. Prior to 15 September 2004, he met complainant only once, which was sometime in June 2004, when he served a subpoena in Meycauayan, Bulacan. Thereafter, he did not meet complainant again until 15 September 2004 since he was transferred on 7 July 2004 to the Caloocan City RTC-Branch 124. Respondent asserts that the charges against him are incredulous, for how could he ever represent that he could have a case dismissed when he is only a lowly process server and not a judge. Moreover, Judge Angeles is very strict in requiring her personnel not to be involved in any case. Thus, he has no influence at all over any case. What really happened on 15 September 2004 was that he was invited by complainant for a snack of "goto" which he accepted. While he was looking at the cauldron containing "goto," complainant suddenly thrust in his trouser pocket the money saying that it was for his transportation fare to Meycauayan, Bulacan. Before respondent could reply, policemen suddenly appeared and arrested him. He was subjected to an ultra-violet examination of his hands which yielded negative results for he never really touched the money because he had no intention to receive it and Judge Angeles already had another process server. Lastly, respondent contends that since the charges against him are trumped up, complainant, bothered by his conscience, executed an Affidavit of Desistance. Thus, he prays for the dismissal of the instant complaint.

On 8 June 2006, the Office of the Court Administrator (OCA) submitted its report[4] and recommended the following:

Respectfully submitted for the consideration of the Honorable Court is our recommendation that the instant administrative complaint be docketed as a regular administrative case and respondent Jaime C. Eugenio be DISMISSED from the service with forfeiture of his retirement benefits except accrued leave credits, if any, and with prejudice to his reinstatement in government service.[5]

On 2 August 2006, we required[6] the parties to manifest within ten days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

On 6 October 2006, respondent submitted his manifestation[7] stating he was submitting the case for resolution based on the pleadings filed.

Complainant failed to file his manifestation despite notice sent and received by him.

Resultantly, the case was submitted for decision based on the pleadings filed.

The Court, after examining the records of the case, upholds the findings of the OCA.

At the outset, we reiterate the settled rule that a complainant who suddenly changes his mind cannot simply withdraw an administrative complaint filed against an official or employee of the judiciary.

Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power. Desistance cannot divest the Court of its jurisdiction to investigate and decide the complaint against the respondent. To be sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary. And the program and efforts of this Court in improving the delivery of

justice to the people should not be frustrated and put to naught by private arrangements between the parties.[8]

The issue in administrative cases is not whether the complainant has a cause of action against the respondent, but whether the employee against whom the complaint is filed has breached the norms and standards of service in the judiciary. Clearly, this Court has the power and the duty to root out misconduct among its employees, regardless of the complainant's desistance.[9] Besides, the Desistance mentioned by respondent refers to the affidavit[10] executed by complainant in the Robbery case filed before the Caloocan City RTC^{1/2} Branch 122, which merely stated that the former was no longer interested in pursuing the case as he believed that there was no criminal intent on the part of respondent and the incident arose from petty misunderstanding and misapprehension of facts. Pertinent portions of the affidavit read:

- That after due deliberation and studying regarding the circumstances surrounding the facts of the case that lead to the filing of the complaint, I was convinced that there was no criminal intent on the part of the accused and that the incident arose merely out of petty misunderstanding and misapprehension of facts;
- That I am executing this affidavit to attest to the truth of the foregoing and to inform the Court that I am desisting and no longer interested in further pursuing the above-criminal case;
- That I am further executing this affidavit of my own free will and voluntary act and deed without any force, intimidation, as monetary consideration on my part.[11]

It is well-settled that in administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint.[12] Substantial evidence is the amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[13] Evidence to support a conviction in a criminal case is not necessary, as the standard of integrity demanded of members of the Bench is not satisfied and merely allows one to escape the penalties of the criminal law.[14] In the case at bar, complainant adduced substantial evidence to support his allegations.

As gleaned from the complainant's affidavit-complaint, respondent demanded sums of money for the dismissal of the criminal case against complainant's nephew.

- Noon din ay nag-follow-up ako sa staff room ng Branch 121 at nakausap ko si Jimmy Eugenio na nagsabi sa akin na lalakaran daw niya ma-dismiss ang kaso magbigay lamang ako sa kanya ng tatlong daang (P300.00) piso;
- Nagbigay ako ng tatlong daang (P300.00) piso kay Jimmy Eugenio noong araw na iyon mismo.
- Makalipas ang isang lingo pagkabigay ko ng tatlong daang (P300.00) piso kay Jimmy Eugenio, sinabihan na naman ako ni Jimmy na magbigay sa kanya ng 500 pesos para ibigay daw niya sa pulis Meycauayan;
- Muli ay nagbigay ako sa kanya (Jimmy) ng limandaang (P500.00) piso noong buwan din ng Junio, 2004;
- Noong July 2004, hindi pa rin na-dismiss ang kaso ng aking pamangkin. Nag-text sa akin si Jimmy at sinabi na pumunta ako sa Branch 121. Nagkita kami sa Branch 121 at muli ay nanghingi si Jimmy ng tatlong daang (P300.00) piso para daw pambili ng papel at panlakad ng subpoena. Ako ay nagbigay sa kanya ng tatlong daan (P300.00) piso dahil sa hangarin ko na ma-dismiss ang kaso ng aking pamangkin;
- Noong July 2004 nagkita kami muli ni Jimmy sa husgado at siya ay nagpadagdag ng 200 piso. Muli ay nagbigay uli ako kay Jimmy ng dalawandaang (P200.00) piso;
- Makalipas ang isang lingo matapos ang aking bigay na dalawandaang (P200.00) piso, noong buwan din ng Julio, 2004 ay muling nagpadagdag si Jimmy ng tatlong daang (P300.00) piso 300 piso (sic) dahil kulang daw ang perang ibinigay ko para ma-dismiss ang kaso;

- Hindi pa rin nadi-dismiss ang kaso ng aking pamangkin noong buwan ng Agosto, 2004. Nagkita kami ni Jimmy sa husgado at muli ay nanghingi si Jimmy ng 900 piso. Dahil sa kawalan ng sapat na 900 piso ang halagang ito ay sinikap ko na maibigay sa kanya mula sa pagsasangla ng bracelet ng aking anak at isang VCD. Hinulugan ko kay Jimmy ang siyam na raang (P900.00) piso na hinihingi niya ng tatlong (3) beses na installment na tig-tatatlong daang (P300.00) piso;

- Matapos kong maibigay kay Jimmy ang kumpletong siyam na raang (P900.00) piso, hindi pa rin nadi-dismiss ang kaso ng aking pamangkin;

- Noong Septiembre 14, 2004, matapos ang hearing ng aking pamangkin na si Sonny Acbay sa RTC Branch 121 at ma-reset na naman ang kaso, kinausap ko si Atty. Sicat kung bakit hindi nadi-dismiss ang kaso ng aking pamangkin samantalang ang private complainant na si Geraldine Calderon ay di sumisipot at wala na sa kanyang tinitirahan sa Valenzuela City. Nagpaliwanag si Atty. Sicat na kailangan nakasulat sa return ng subpoena na wala na ang nagrereklamo sa kanyang address na natala sa Information. Sinabi pa ni Atty. Sicat na na-reset ang kaso dahil wala pang return ang notice kay Geraldine Calderon;

- Dakong 11:45 AM, Sept. 14, 2004 pinuntahan ko si Jimmy sa Branch 124 at sinabi ko na na-reset na naman sa September 30, 2004 ang hearing. Habang kami ay nasa pasilyo ng Justice Hall, dumaan si Atty. Sicat at kinausap ni Jimmy Eugenio. Narinig ko muli ang paliwanag ni Atty. Sicat na sinabi na niya sa akin ilang sandali lamang ang nakalipas. Ang sabi ni Jimmy ay sundin ang sinasabi ni Atty. Sicat;

- Nang nakaalis na si Atty. Sicat, nagsabi sa akin si Jimmy ng ganito, "Magbigay ka ng halagang 1,500 piso. Ang isang libo ay ibibigay kay Atty. Sicat at ang 500 piso ay pamasahang para sa pagpapadala ng subpoena." Ang sabi ni Jimmy ay ibigay ko ang pera sa kanya sa dakong hapon ng araw na iyon. Nagtaka ako kung bakit hinihingan ako ni Jimmy ng 1,000 piso para kay Atty. Sicat at kung bakit sa kanya (Jimmy) ko ibibigay samantalang hindi naman ako hinihingan ng pera ni Atty. Sicat at sa simula pa lamang na makilala ko si Atty. Sicat ay sinabihan na niya ako na libre at walang bayad and serbisyo ng PAO lawyer na tulad niya. Sinabihan pa rin ako ni Atty. Sicat na bawal ang magbigay ng pera o anuman pabuya sa kanilang mga PAO lawyer. Gayunman ay sinagot ko si Jimmy na wala akong pera ng araw na iyon at ako ay nakiusap sa kanya na bukas na lamang ibibigay ang naturang halaga;

- Dahil sa walang-wala na akong pera na pambigay sa hinihingi ni Jimmy na isang libo limandaang (P1,500) piso, ako ay nagsadya kay G. Erwin Tulfo ng ABS CBN noong dakong hapon ng Septiembre 14, 2004. Ang sabi ko kay G. Erwin Tulfo, "Yung pamangkin ko nakakulong sa Caloocan mag-iisang taon na sa Septiembre 14, 2004, nakapagbigay na ako kay Jimmy, isang empleado husgado, ng 2,500 piso. Hindi pa kasama dito ang mga gastos ko kapag pinapakain si Jimmy. Ngayon na naman ay hinihingan ako ng 1,500 piso." Sinabi ko na rin kay G. Erwin Tulfo ang usapan namin ni Jimmy na magbibigay ako sa kanya ng 1,500 piso kinabukasan, petsa 15 ng Septiembre 2004;

- Kinabukasan, dakong ika-3 ng hapon, Septiembre 15, 2004, muli ay nagsadya ako kay G. Erwin Tulfo. Sinamahan ako ni G. Erwin Tulfo at kami ay nagtungo na sa Caloocan Police Station.[15]

The evidence presented by the complainant is sufficient to convince the proper authorities to conduct an entrapment of respondent. In entrapment, ways and means are resorted to for the purpose of ensuring and capturing the law-breakers in the execution of their criminal plan.[16] Entrapment has received judicial sanction as long as it is carried out with due regard to constitutional and legal safeguards. Furthermore, there is no scintilla of evidence that the manner in which the National Bureau of Investigation agents conducted the operation was tainted with illegality. We rule that absent strong and convincing proof to the contrary, this Court is bound by the presumption that the arresting officers were aware of the legal mandates in effecting arrest and strictly complied with the same.[17]

In *Co v. Calimag, Jr.*, [18] this Court said: "[a]n accusation of bribery is easy to concoct and difficult to disprove,

thus, to our mind, the complainant must present a panoply of evidence in support of such an accusation." In order that the allegation of a charge of this nature may not be considered a fairy tale, evidence, other than the doubtful and questionable verbal testimony of a lone witness, should be adduced. Entrapment should have been pursued. Evidence of a reasonable report to police authorities should have been presented. Record of where the bribe money came from, its specific denominations and the manner respondent accepted and disposed of it should have been clearly shown.

In the case at bar, evidence on record shows that complainant has complied with these requirements, such as:

- On 15 September 2004, complainant sought the help of Erwin Tulfo of the ABS-CBN to apprehend respondent;
- Complainant and Erwin Tulfo went to the Caloocan Police Station to report the matter;
- Entrapment in the vicinity of the Judicial Complex was conducted with complainant handing the white envelope containing P1,500.00 to respondent;
- The front left pocket of respondent's pants tested positive for the presence of ultraviolet fluorescent powder, based on the laboratory report of the Philippine National Police, Northern Police District Crime Laboratory Office, Caloocan City Police Station.

Clearly, respondent solicited and received money from the complainant for the dismissal of the criminal case against the latter's nephew. The probative weight of the affidavit-complaint of the complainant as well as the results of the entrapment cannot be overcome by the latter's bare denials.

A perusal of respondent's Sinumpaang Salaysay[19] reveals that while he denies all the allegations that he asked and received money from complainant on several occasions, he failed to set forth the substance of the matters upon which he relies to support his denial. It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value. Like the defense of alibi, a denial crumbles in the light of positive declarations.[20]

In an effort to escape liability, he interposes the defense that on 15 September 2004, complainant voluntarily gave him money as his transportation fare in going to Meycauayan, Bulacan. Complainant directly put the money in his pants' pocket but before he could react, though, a policeman appeared and arrested him. In other words, he interposed the defense of frame-up.

This Court is not persuaded by respondent's version that he was framed up. Frame-up as a defense has been invariably viewed by this Court with disfavor, for it can just easily be concocted but is quite difficult to prove. And the defense of frame-up must be proved by clear and convincing evidence because it is of the same category as alibi. In the case at bar, respondent failed to present convincing evidence to substantiate his claim. Worth noting is that there is no proof on record that complainant was induced or influenced by any improper motive to perpetrate such "set-up."

The Court also addresses respondent's defense of absence of fluorescent powder on his hands. This is a lame excuse. Laboratory report of the Philippine National Police, Northern Police District Crime Laboratory Office, Caloocan City Police Station, showed presence of ultraviolet fluorescent powder on the front left pocket of respondent's pants which coincides with his own admission that the money was placed in his pocket.

Lastly, in the affidavit of Atty. Sicat, he vigorously denied that he asked respondent to demand money in exchange for the dismissal of the case, much less received any single centavo from respondent. These clearly demonstrate that respondent had been working alone and further highlight his sole liability for his wrongful actions.

Respondent has clearly demonstrated his failure to observe the standard and behavior required of an employee in the judiciary and he cannot avoid responsibility for his acts. He has shown beyond doubt his unfitness for public office. The judiciary must be cleansed of corrupt employees like Eugenio or run the risk of eroding the public confidence.

Respondent as Process Server serves Court processes such as subpoenas, subpoenas duces tecum, summonses, court orders and notices; prepares and submits returns of service of processes; monitors messages and/or delivers Court mail matters; keeps in custody and maintains a record book of all mail matters received and dispatched by the Court; and performs such other duties as may be assigned by the Presiding Judge/Clerk of Court.[21] Clearly, then respondent should have known that he had absolutely no power or authority to talk to litigants and give false hopes regarding their cases.

We cannot overly emphasize our previous pronouncements that, circumscribed as it is with a heavy burden of responsibility, the official and nonofficial conduct required of court personnel - from the presiding judge to the rank and file - must always be beyond reproach. It is imperative that they maintain the good name and standing of the court as a true temple of justice, the administration of which is a sacred task. By the very nature of their duties and responsibilities, all those involved in it - from the highest officials to the lower employees - must faithfully adhere to and hold inviolate the principle solemnly enshrined in our Constitution: that a public office is a public trust.

Public service requires utmost integrity and discipline. A public servant must exhibit at all times the highest sense of honesty and integrity for no less than the Constitution mandates the principle that "a public office is a public trust and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency." [22] All public officers and employees, especially those in the judiciary, must at all times exercise a high degree of professionalism and responsibility, which includes optimum performance of duties. Hence, this Court shall never countenance any conduct, act or omission that would violate the norm of public accountability and diminish or even just tend to diminish public confidence in the judiciary.

As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity.[23] Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Every employee of the judiciary should be an example of integrity, uprightness and honesty.[24]

Misconduct has been defined as any unlawful conduct, on the part of the person concerned with the administration of justice, prejudicial to the rights of the parties or to the right determination of the cause. It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose. The term, however, does not necessarily imply corruption or criminal intent.[25] Misconduct is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior;[26] while "gross" has been defined as "out of all measure beyond allowance; flagrant; shameful; such conduct as is not to be excused." [27]

Respondent's act of demanding and receiving money from the uncle of a party litigant constitutes grave misconduct in office. It is this kind of gross and flaunting misconduct, no matter how nominal the amount involved on the part of those who are charged with the responsibility of administering the law and rendering justice quickly, which erodes the respect for law and the courts.[28]

Pursuant to Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292, Grave Misconduct, being in the nature of grave offenses, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification from re-employment

in government service.[29]

In addition, respondent's solicitation of money from complainant in exchange for a favorable decision violates Canon 1 of the Code of Conduct for Court Personnel which took effect on 1 June 2004 pursuant to A.M. No. 03-06-13-SC. Sections 1 and 2, Canon 1 of the Code of Conduct for Court Personnel expressly provide:

SECTION 1. Court Personnel shall not use their official position to secure unwarranted benefits, privileges, or exemption for themselves or for others.

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit on any explicit or implicit understanding that such gift shall influence their official actions.

What brings our judicial system into disrepute are often the actuations of a few erring court personnel peddling influence to party-litigants, creating the impression that decisions can be bought and sold, ultimately resulting in the disillusionment of the public. This Court has never wavered in its vigilance in eradicating the so-called "bad eggs" in the judiciary. And whenever warranted by the gravity of the offense, the supreme penalty of dismissal in an administrative case is meted to erring personnel.[30]

The following are cases of misconduct committed by court employees who demanded money from litigants and were meted the penalty of dismissal:

In *Frankie N. Calabines v. Luis N. Gnilo, Dolor M. Catoc v. Feliciano Calinga, Evelyn L. Caguitla, Luis N. Gnilo and Atty. Michael P. Musico*,[31] the penalty of dismissal was imposed on four employees of the Court of Appeals for receiving a sum of money from party litigants in exchange for a supposed decision which did not actually exist.

In *Re: Criminal Case No. MC-02-5637 Against Arturo V. Peralta and Larry C. De Guzman, Employees of MeTC, Br. 31, Q. C.*,[32] a clerk of court and a sheriff were dismissed from service for receiving marked money from a litigant in exchange for the execution of a writ.

In *Hidalgo v. Magtibay*,[33] a process server and a jail officer were dismissed from service for asking grease money in the amount of P2,000.00 to facilitate the release from detention of a certain Dionisio Catimbang who had a pending case in the Tanuan City RTC- Branch 6.

In *Office of the Court Administrator v. Morante*,[34] we ruled that the abominable act of a clerk of court of extorting money in exchange for court orders warrants his dismissal from service and imposition of accessory penalties.

In *Fabian v. Galo*,[35] a court stenographer was dismissed from service when she demanded and received various sums of money on the promise that she would obtain a favorable decision for a litigant.

In *Office of the Court Administrator v. Barron*,[36] a judge was dismissed for demanding and receiving money from a party litigant. The conduct of respondent judge shows that he can be influenced by monetary considerations.

We have been resolute in our drive to discipline and, if warranted, to remove from the service errant magistrates, employees and even justices of higher collegiate appellate courts[37] for ANY infraction which tends to give the Judiciary a bad name. To underscore our earnestness in this pursuit, we have, in fact, been unflinching in imposing discipline on errant personnel[38] or in purging the ranks of those undeserving to remain in the service.[39] We can do no less in the case at bar.

WHEREFORE, Jaime C. Eugenio is found GUILTY of Gross Misconduct. He is DISMISSED from service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, with prejudice to

reemployment in any branch or instrumentality in the government, including government-owned and controlled corporations.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, Velasco, Jr., and Nachura, JJ., concur.

[1] Rollo, pp-1-2.

[2] Id. at 3.

[3] Id. at 4-6.

[4] Id. at 25-27.

[5] Id. at 27.

[6] Id. at 28.

[7] Id. at 30-31.

[8] Rizon v. Judge Zerna, 417 Phil. 634, 639 (2001).

[9] Gamboa v. Gamboa, A.M. No. P-04-1836, 30 July 2004, 435 SCRA 436, 440.

[10] Rollo, p. 17.

[11] Id.

[12] Cruz v. Aliño-Hormachuelos, A.M. No. CA-04-38, 31 March 2004, 426 SCRA 573, 579 citing Licudine v. Saquilayan, 444 Phil. 749, 757 (2003); Sarmiento v. Salamat, 416 Phil. 684, 692 (2001); Montes v. Bugtas, A.M. No. RTJ-01-1627, 17 April 2001, 356 SCRA 539, 545; Barbers v. Laguio, Jr., A.M. No. RTJ-00-1568, 15 February 2001, 351 SCRA 606, 634; Lorena v. Encomiendo, 362 Phil. 248, 257 (1999); Cortes v. Agcaoili, 355 Phil. 848, 880 (1998).

[13] Aspiras v. Abalos, 457 Phil. 352, 361-362 (2003).

[14] Office of the Court Administrator v. Morante, A.M. No. P-02-1555, 16 April 2004, 428 SCRA 1, 18-19.

[15] Rollo, pp. 4-5.

[16] People v. Lapatha, G.R. No. L-63074-75, 9 November 1988, 167 SCRA 159, 172.

[17] Mallari v. Court of Appeals, 333 Phil. 289, 297 (1996).

[18] 389 Phil. 389, 395 (2000) citing Castaños v. Escaño, 321 Phil. 527, 538 (1995).

[19] Rollo, pp. 14-15.

[20] Jugueta v. Estacio, A.M. No. CA-04-17-P, 20 November 2004, 444 SCRA 10, 16.

[21] Manuals for Clerks of Court, p. 33.

[22] Section 1, Article XI, 1987 Constitution.

[23] Hernandez v. Borja, 312 Phil. 199, 204 (1995).

[24] Basco v. Gregorio, 315 Phil. 681, 688 (1995).

[25] Salazar v. Limeta, A.M. No. P-04-1908, 16 August 2005, 467 SCRA 27, 34.

[26] BLACK'S LAW DICTIONARY, 5[th] Edition, p. 901, cited in Vidallon-Magtolis v. Salud, A.M. No. CA-05-20-P, 9 September 2005, 469 SCRA 439, 469.

[27] Id., citing State Board of Dental Examiners v. Savelle, 90 Colo. 177, 8 P. 2d 693, 697.

[28] Office of the Court Administrator v. Gaticales, A.M. No. MTJ-92-528, 8 May 1992, 208 SCRA 508, 515; Office of the Court Administrator v. Barron, 358 Phil. 12, 28 (1998).

[29] Office of the Court Administrator v. Magno, 419 Phil. 593, 602 (2001); Sec. 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 (Administrative Code of 1987), as amended by CSC Memorandum Circular No. 19, s. 1999 (a).

[30] Mendoza v. Tiongson, 333 Phil. 508, 516 (1996).

[31] A.M. No. 04-5-20-SC, 14 March 2007.

[32] A.M. No. 03-11-29-SC, 8 June 2005, 459 SCRA 278, 287.

[33] A.M. No. P-02-1661, 7 October 2004, 440 SCRA 174, 185.

[34] A.M. No. P-02-1555, 16 April 2004, 428 SCRA 1, 34.

[35] A.M. No. P-96-1214, 10 June 2003, 403 SCRA 375, 380.

[36] A.M. No. RTJ 98-1420, 8 October 1998, 297 SCRA 376, 392.

[37] Re: Complaint Against Justice Elvi John Asuncion of the Court of Appeals, A.M. No. 06-6-8-CA, Atty. Roberto C. Padilla v. Associate Justice Elvi John S. Asuncion, Court of Appeals, A.M. No. 06-44-CA-J, 20 March 2007; In Re: Derogatory New Items Charging Court of Appeals Associate Justice Demetrio Demetria with Interference on Behalf of a Suspended Drug Queen, A.M. No. 00-7-09-CA, 27 March 2001, 355 SCRA 366; In the Matter of the Alleged Improper Conduct of Sandiganbayan Associate Justice Anacleto D. Badoy, Jr., Taking An Ambulance But Proceeding To The GMA TV Station For An Interview Instead of Proceeding Fortwith To The Hospital, A.M. Nos. 01-12-01-SC and SB-02-10-J, 16 January 2003, 395 SCRA 231; Canson v. Garchitorea, 370 Phil. 287.

[38] A. M. No. 04-5-20-SC, Re: Report on the Unauthorized Use by Bernardo S. Ditan, an Employee of this Court of the Lite Ace with Plate No. SEA-746, A.M. No. 02-09-SC, 25 July 2002, 385 SCRA 195.

[39] Re: Affidavit of Frankie N. Calabines, A Member of the Co-Terminus Staff of Justice Josefina Guevarra-Salonga, Relative to Some Anomalies Related to No. 73287 "Candy Maker, Inc., v. Republic of the Philippines, Frankie N. Calabines v. Luid N. Gnolo, Feliciano Calinga, Utility Worker I; Evelyn L. Caguitla, Court Stenographer IV; Luis Gnoli, Utility Worker I and Atty. Edwin Michael P. Musico, Court Attorney IV-CT, 14 March 2007.

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