

ANSBERTO P. PAREDES, COMPLAINANT, VS. FRANCISCO S. PADUA, CLERK III, COURT OF APPEALS, RESPONDENT.

A.M. No. CA-91-3-P. April 14, 2004

Ponente: PANGANIBAN, J.

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PANGANIBAN, J.:

Despite their dismissal from the service, government employees are entitled to the leave credits that they have earned during the period of their employment. As a matter of fairness and law, they may not be deprived of such remuneration, which they have already earned prior to their dismissal.

The Case

Before us is a “Petition for Equal Protection and Due Process”[1] dated May 29, 2003, filed by Respondent Francisco S. Padua through counsel. It seeks the reversal of the forfeiture of his retirement and leave benefits for his 34 years of service in the Court of Appeals.

The Facts

This administrative case began on February 19, 1991, when retired Judge Ansberto Paredes filed a Complaint against his cousin, Respondent Padua, for having falsified the former’s signature on a document captioned “Authority to Sell” and for having obtained money with the use of that document. In its Decision[2] promulgated May 17, 1993, the Court dismissed respondent from the service and forfeited his retirement benefits, as follows:

“WHEREFORE, Francisco S. Padua is hereby DISMISSED from the service with prejudice to his reinstatement or appointment to any public office including government owned or controlled corporations and his retirement benefits, if any, are ordered forfeited. Let a copy of this Decision be forwarded to the Court of Appeals and the Civil Service Commission.”

Thereafter, to obtain a reconsideration of his dismissal and of the forfeiture of his retirement and leave benefits, respondent filed several pleadings, enumerated below:

- Motion for Reconsideration[3] dated June 2, 1993, denied in the Resolution of June 20, 1993,[4] for its failure to raise any substantial argument to warrant the reversal of the questioned Decision.
- Motion to Set Aside Decision or its Effects and/or to Lift Forfeiture of Retirement Benefits[5] dated August 14, 1993, denied for lack of merit in the Resolution of March 10, 1994.[6]
- Motion for the Lifting of Forfeiture of Retirement Benefits and for Collection of Vacation and Sick or Leave Benefits[7] dated November 26, 1994, denied in the Resolution of December 8, 1994.[8]
- Plea for Judicial Clemency and Compassion[9] dated March 10, 1998, denied for lack of merit in the Resolution of April 28, 1998.[10]
- Motion for Reconsideration[11] dated June 17, 1998 of the Resolution of April 28, 1998, denied with finality in

the Resolution of August 18, 1998,[12] for failure of respondent to present any substantial argument.

- Motion for Reconsideration[13] dated October 6, 1998, treated by the Court as a Second Motion for Reconsideration and denied for lack of merit in the Resolution of November 10, 1998.[14]
- Manifestation (for Judicial Clemency and Compassion)[15] dated June 29, 1999, referred by the Court to the Office of the Court Administrator (OCA) for evaluation, report and recommendation;[16] recommended for denial by then Court Administrator Alfredo L. Benipayo in his Memorandum[17] of August 16, 1999; and the recommended denial approved by the Court in its September 14, 1999 Resolution.[18]
- Letter dated September 15, 1999, asking for pardon, denied for lack of merit in the Court's October 5, 1999 Resolution.[19]
- Plea for Judicial Clemency and Compassion[20] dated April 10, 2000, denied for lack of merit in the Court's Resolution of June 27, 2000.[21]
- Motion for Reconsideration[22] of the June 27, 2000 Resolution, denied with finality in the January 23, 2001 Resolution,[23] for lack of substantial argument.
- Renewed Plea for Judicial Clemency and Compassion[24] dated March 18, 2002, denied for lack of merit in the Court's April 16, 2002 Resolution.[25]
- Motion to Submit Additional Evidence in Support of "Renewed Plea for Judicial Clemency and Compassion"[26] dated April 4, 2002, denied on April 23, 2002.[27]
- Motion for Reconsideration[28] (dated May 30, 2002) of the April 16, 2002 Resolution, denied[29] for lack of merit.
- Motion for Reconsideration -- A Plea for Mercy[30] dated December 17, 2002 -- denied[31] inasmuch as reconsideration had been denied with finality since the January 23, 2001 Resolution.

On May 29, 2003, respondent filed the present Petition for Equal Protection and Due Process,[32] invoking Decisions that were allegedly applicable to his case, although they were rendered long after his case had attained finality.

On July 8, 2003, the Court referred the Petition to the OCA for evaluation, report and recommendation.[33]

Report and Recommendation of the OCA

In his Memorandum[34] dated September 3, 2003, Court Administrator Presbitero J. Velasco Jr. observed that twelve and one-half (12 ½) years had passed since the filing of the Complaint, and ten (10) years since the finality of respondent's dismissal from the service. Throughout this period, the Supreme Court has remained steadfast in its resolve to deny the numerous Motions, Pleas, Manifestations and Petitions of respondent requesting modification or amendment of its adverse judgment. Indeed, the Court has consistently thrown its full weight and authority on erring court personnel who have flagrantly violated the norms of judicial conduct, and who have thus tainted the noble and venerable image of the judiciary.

The Court, however, has modified and even reduced the penalties already imposed on some offenders, owing to some intervening factors or circumstances that merited the mitigation of their sentences.

In the present case, respondent served the judiciary for thirty-four years, during which he committed only a single offense. In view thereof, the OCA has recommended a reduction of the penalties to the extent that his retirement and leave benefits would be restored to him.

The Court's Ruling

As regards the leave benefits, we concur with the court administrator.

Administrative Liability

In his Petition, respondent demonstrates his sincere repentance and deep remorse for the wrong he committed in a moment of fallibility, to which every human being is subject. Realizing that judicial personnel must exhibit the highest sense of honesty and integrity in order to preserve the good name and standing of the courts, he is no longer questioning the wisdom of this Court in imposing upon him the disciplinary action he really deserves.

The dismissal of respondent has exposed him to the attendant humiliation and tremendous suffering and virtually stripped him of his dignity and livelihood. Further, his destitution is aggravated by the bad state of his health, considering that he is already in the twilight of his life.

Again, he pleads for clemency, this time for his minor children who have no source of support other than his leave and retirement benefits. Being also sickly and aging, he is in dire straits indeed. His present situation compels the Court to take a second look at the penalties imposed upon him.

In *Fojas Jr. v. Rollan*,^[35] the respondent clerk of court was dismissed from the service for dishonesty, for which all retirement benefits except leave credits were forfeited. The same principle was followed in *Villaros v. Orpiano*.^[36] The Court noted therein that the forfeiture of leave credits was not imposed by Section 58 of the Uniform Rules on Administrative Cases in the Civil Service, which states:

“Section 58. Administrative Disabilities Inherent in Certain Penalties –

- The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualifications for reemployment in the government service, unless otherwise provided in the decision.”^[37]

Furthermore, Civil Service Commission Memorandum Circular No. 41 -- Series of 1998 as amended by MC No. 14, Series of 1999 --provides thus:

“Section 37. Payment of terminal leave.- Any official/employee of the government who retires, voluntarily resigns, or is separated from the service and who is not otherwise covered by special law, shall be entitled to the commutation of his leave credits exclusive of Saturdays, Sundays and Holidays without limitation and regardless of the period when the credits were earned.”

“Section 65. Effect of decision in administrative case. – An official or employee who has been penalized with dismissal from the service is likewise not barred from entitlement to his terminal leave benefits.”

In the interest of justice and in consideration of the present plight of respondent, the application of the aforementioned cases and of the amended Civil Service Rules is in order. He should be granted the leave credits that he earned during the period of his government service.^[38] We allow him to claim such credits in order to provide him and his family a lifeline and possibly to keep him from again succumbing to the dark temptations sometimes caused by financial woes.^[39]

WHEREFORE, the Petition is PARTLY GRANTED. The accrued leave benefits of respondent are restored. The Fiscal Management and Budget Office is ordered to compute and immediately release those benefits to him.

SO ORDERED.

Davide, Jr., C.J., Puno, Vitug, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

[1] Rollo, pp. 191-195.

[2] Paredes v. Padua, 222 SCRA 81, May 17, 1993.

[3] Rollo, pp. 23-30.

[4] Id., p. 31.

[5] Id., pp. 40-47.

[6] Id., p. 53.

[7] Id., pp. 54-56.

[8] Id., p. 60.

[9] Id., pp. 61-65.

[10] Id., p. 68.

[11] Id., pp. 76-78.

[12] Id., p. 112.

[13] Id., pp. 113-117.

[14] Id., p. 118.

[15] Id., pp. 119-122.

[16] See Resolution of July 20, 1999; rollo, p. 133.

[17] Rollo, pp. 135-137.

[18] Id., p. 138.

[19] Id., p. 139.

[20] Id., pp. 140-143.

[21] Id., p. 146.

[22] Id., pp. 147-150

[23] Id., p. 151.

[24] Id., pp. 152-155.

[25] Id., p. 158.

[26] Id., pp. 159-160.

[27] Id., p. 162.

[28] Id., pp. 163-168.

[29] See Resolution dated July 9, 2002; rollo, p. 169.

[30] Rollo, pp. 170-175.

[31] See Resolution dated January 21, 2003; rollo, p. 180.

[32] Rollo, pp. 191-195.

[33] Id., p. 197.

[34] Id., pp. 198-206.

[35] AM No. P-00-1384, February 27, 2002, p. 27.

[36] AM No. P-02-1548, October 1, 2003, p. 14.

[37] Office of the Court Administrator v. Magno, 367 SCRA 312, 320, October 17, 2001.

[38] Sabitsana Jr. v. Villamor, 206 SCRA 1, 8, February 7, 1992; Vistan v. Nicolas, 204 SCRA 370, 371, December 2, 1991; Cathay Pacific Airways, Ltd. v. Romillo Jr., 143 SCRA 396, August 12, 1986.

[39] Marasigan v. Buena, 284 SCRA 1, 12, January 5, 1998.

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