

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. ATTY. ERIC DE VERA, CLERK OF COURT; ROENA V. DIONELO, CLERK IV; AND RALPH BALILI, SHERIFF IV, ALL FROM THE OFFICE OF THE CLERK...

A.M. No. P-19-4017. October 05, 2021

Ponente: CARANDANG, J.

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CARANDANG, J.:

Before this Court is the Investigation Report[1] dated January 13, 2016 of Judge Dyna Doll Chiongson-Trocio (Judge Trocio) that was treated as an administrative complaint against Atty. Eric De Vera (Atty. De Vera), Clerk of Court; Roena V. Dioneo (Dioneo), Clerk IV; and Ralph Balili (Balili), Sheriff IV, all from the Office of the Clerk of Court (OCC) of the Regional Trial Court (RTC) of Silay, Negros Occidental; Vicente Quinicot (Quinicot), Sheriff; Anthony B. Carisma (Carisma), Process Server; and Jorge P. Dequilla, Jr. (Dequilla, Jr.), Utility Aide, all from the RTC of Silay City, Negros Occidental, Branch 40 (RTC Branch 40); Elizalde Jueves (Jueves), Process Server; and Enrico B. Espinosa, Jr. (Espinosa, Jr.), Court Aide, from the RTC of Silay City, Negros Occidental, Branch 69 (RTC Branch 69), pursuant to the Resolution[2] dated February 21, 2017 of the Court in A.M. Nos. RTJ-17-2488 and P-14-3216, entitled *Laspiñas v. Banzon*.

The subject of A.M. No. RTJ-17-2488 [formerly OCA IPI No. 08-3046-RTJ] is the verified complaint[3] dated November 10, 2008 filed by May N. Laspiñas (Laspiñas), Quinicot, Dioneo, Carisma, Balili, Espinosa, Jr., Jueves, Dequilla, Jr., Mae Vercille H. Nallos (Nallos), Cheryl D. Lopez (Lopez), Jaime D. Wayong (Wayong), Jeanette A. Arinday (Arinday), Larry C. Hechanova (Hechanova), and Ma. Teresa S. Villanos (Villanos) against Judge Felipe G. Banzon (Judge Banzon) of RTC Branch 69. They alleged that whenever Judge Banzon would call for a meeting, he would threaten them with dismissal or transfer them if they disobey him. Judge Banzon also allegedly threw a paper weight in front of Dioneo and Nallos, Clerk III of RTC Branch 40. He told them that he would make their lives a living hell as soon as Judge Reynaldo M. Alon (Judge Alon) retires on February 4, 2009. In addition, Judge Banzon challenged Jueves and Balili to a fight. When Carisma tried to apologize for failing to immediately report to him, Judge Banzon shouted "Don't come near me, otherwise I will kick you." [4]

In A.M. No. P-14-3216 [formerly OCA IPI No. 10-3376-P], Judge Banzon filed a letter-complaint[5] dated November 21, 2008. He alleged that after receiving complaints of misconduct and corruption in the OCC, mostly referring to Laspiñas, he imposed new regulations in the OCC. This included requiring Laspiñas to vacate the area she was occupying at the OCC and to transfer to her workplace at RTC Branch 40. Laspiñas defied his order and openly ridiculed the Office of the Executive Judge. On November 4, 2008, at around 11:00 A.M., Laspiñas confronted Judge Banzon in an abusive and hostile manner. Laspiñas refused the invitation of Judge Banzon to privately discuss the matter in his sala. She again ridiculed Judge Banzon later in the afternoon while the latter was walking past RTC Branch 40. Judge Banzon claimed that Laspiñas gained notoriety in the judicial district as a broker and could fix problems in the court for a fee.[6]

Both parties denied the accusations. In a Resolution[7] dated March 11, 2013, the Court resolved to consolidate the two cases. On June 16, 2014, the Court dismissed the complaint against Judge Banzon in A.M. No. RTJ-17-2488. Nonetheless, the Court held Judge Banzon administratively liable for conduct unbecoming a judge, and reprimanded and advised him to be more circumspect in his dealings with the court employees. The Court also resolved to re-docket and A.M. No. OCA IPI No. 10-3376-P [A.M. No. P-14-3216] as a regular administrative matter and directed the Executive Judge of the RTC of Silay City, Negros Occidental to conduct an investigation regarding the alleged illegal activities of Laspiñas and to submit to the Court a report thereon.[8] Laspiñas moved for the reconsideration of the dismissal of the complaint against Judge Banzon but the Court denied it in its December 3, 2014 Resolution.[9]

Judge Trocio interviewed Prosecutor Christy Enofre-Uriarte (Pros. Uriarte), Judge Karen Joy Tan-Gaston (Judge Gaston), Fe A. Dejaros (Dejaros), Prosecutor Ma. Lisa Lorraine H. Atotubo (Pros. Atotubo), and Dolores Yu (Yu). Judge Trocio also considered the statements of Atty. De Vera, Balili, Dioneo, Lopez, Wayong, Hechanova, Judy Y. Empio (Empio), and Aileen H. Gamboa (Gamboa). In addition, Judge Banzon submitted a list of the anomalous transactions of certain employees of the RTC of Si lay City, Negros Occidental to Judge Trocio.[10]

Pros. Uriarte, former Branch Clerk of Court of RTC Branch 40 from April 2, 2002 to March 30, 2008, accused Dioneo, Lopez, Laspiñas, and Nallos of engaging in loud conversations wherein they would make insinuations against her. They fabricated stories that she accepted money in exchange for favorable decisions and collected commissioner's fees amounting to P4,000.00 for the ex-parte presentation of evidence. Pros. Uriarte also accused Atty. De Vera of preparing drafts for Laspiñas that were favorable to parties who approached the latter. She could tell from the writing style of the drafts that these were prepared by Atty. De Vera.[11]

Former Clerk of Court V for RTC Branch 40 Judge Gaston alleged that Laspiñas was a bully. She asserted that Laspiñas and Nallos were involved in dubious transactions pertaining to cases pending before the court.[12]

RTC Branch 69 Court Stenographer Dejaros alleged that she saw Dioneo and Laspiñas transacting with the daughter of Gavino Vergara (Vergara), a party to a cadastral case, outside the OCC. Vergara's daughter handed a bundle of money amounting to P10,000.00 to Laspiñas. In addition, she averred that Laspiñas and Nallos introduced themselves as lawyers and would facilitate cases for litigants. They also used a cash bond filed in a criminal case to pay their debt to Dejaros.[13]

Pros. Atotubo was previously employed by the Court and later became the City Prosecutor of Silay City, Negros Occidental. She claimed that Atty. De Vera prepared legal documents or affidavits which would then be brought to the OCC for notarization. Pros. Atotubo also imputed that Laspiñas was involved in illicit activities.[14]

Atty. De Vera, Dioneo, Balili, and Wayong denied their involvement of any illegal activities and claimed rumors about corruption in court was started by Judge Banzon. They countered that it was Judge Banzon who actually asked for money from parties for favorable judgments. Lopez and Hechanova also denied that illegal activities occurred in the OCC. Talks of corruption simply resulted from the conflict between Judge Banzon and Laspiñas.[15]

Empio narrated that Atty. De Vera, Laspiñas, Nallos, and Dioneo prepared petitions for a fee. They asked money from litigants who desired to obtain a favorable judgment in their cases and rigged the raffle to ensure that certain cases would be assigned to RTC Branch 40. Empio added that they borrowed money from the fees collected by the OCC.[16]

Judge Banzon alleged that on November 17, 2011, Atty. Danilo Danico (Atty. Danico), Agapito Monarca (Monarca), and Marvin Malacon (Malacon), owner of Mar's Lending Corporation (Mar's), went to his house and

offered an undisclosed amount, supposedly to be used by him in attending the hearing of his administrative case in Cebu City. Atty. Danico said that Atty. De Vera, Balili, and Quinicot solicited money from Malacon for an administrative case hearing. They were given P5,000.00. When Malacon learned that the administrative case was against Judge Banzon, he asked Atty. Danico to give money to Judge Banzon as well. Judge Banzon had the incident recorded in the police blotter of the PNP Station of Villamonte, Bacolod City on the same day.[17]

Judge Banzon also accused Atty. De Vera of committing immorality and perjury when he stated in his Joint Affidavit of Cohabitation with Mae A. Espinosa (Espinosa) that they have lived together as husband and wife for five years without the benefit of marriage and that they do not suffer from any legal impediment to enter into a contract of marriage. In addition, Atty. De Vera demanded money from the litigants and their relatives. He and Laspiñas received gifts and money from the litigants. Atty. De Vera also allowed transactions involving the buying and selling of fighting cocks inside his office as well as frequented cockpits during derbies.[18]

Judge Banzon accused Dioneo of being involved with a former driver and utility aide. They had sexual relations inside RTC Branch 69 every Saturday. He likewise accused Espinosa, Jr. of having an illicit affair and having sexual relations inside RTC Branch 69 every Saturday.[19]

Judge Banzon claimed that Dequilla, Jr. was seen inside a casino during office hours. Further, Dequilla, Jr., Jueves, Balili, Atty. De Vera, Espinosa, Jr., and Carisma were seen several times inside drug dens. A certain PO3 Liboon reported that search warrants for illegal drugs cases would yield negative results.[20]

In compliance to the Court's June 16, 2014 Resolution, Judge Trocio submitted an Investigation Report[21] dated January 13, 2016 containing her observations and findings which were summarized as follows:

1. There were unauthorized withdrawals of the publication fees deposited with the OCC, Silay City, as stated by Judge Karen Joy Tan-Gaston, MTCC, Br. 6, Bacolod City (Branch Clerk of Court, RTC, Br. 40 from 2010 to 2012) and as shown by the logbook bearing the initials of Nallos and Laspiñas as the persons who withdrew the amounts.
2. Some cases from the RTC, Br. 40 were "sold" to parties, i.e., a Cadastral case where Court Stenographer Fe Dejaros witnessed Laspiñas and Dioneo receiving P10,000.00 from the daughter of the property owner to facilitate the petition.
3. The statement of Atty. De Vera and Mae A. Espinosa in their June 26, 1996 Joint Affidavit (of Cohabitation), i.e., that they lived together as husband and wife for five (5) years with no legal impediment to marry, even while Atty. De Vera's marriage was nullified only on April 18, 1995.
4. There was no concrete evidence linking Laspiñas or other court personnel to the irregularities in Civil Case No. 2243-40, a case for declaration of nullity of marriage. Per the statement of Fe A. Dejaros, Court Stenographer, RTC, Br. 40, it was Elizalde Jueves, Process Server, RTC, Br., who informed the mother of the petitioner (in the nullity case) that Laspiñas and Nallos would assist them.
5. The monetary solicitation made by Atty. De Vera, Teddy Quinicot, and Ralph Balili (Balili) from Mars Finance for expenses in connection with an administrative hearing was recorded in the police blotter of Villamonte, Bacolod City Police Statoin.
6. Laspiñas, together with Nallos, prepared petitions in special proceedings cases for a fee – as relayed particularly by Provincial Prosecutor Christy Enofre-Uriarte (Branch Clerk of Court, RTC, Br. 40 from April 2, 2002-March 30, 2008), Judge Gaston, and Judy Y. Empio, Social Worker II.
7. The other allegations including those contained in the list prepared by Judge Banzon, i.e., that Jorge Dequilla, Utility Aide, RTC, Br. 40, Anthony Carisma, Process Server, RTC, Br. 40, Enrico Espinosa, Court Aide, RTC, Br. 69, Elizalde Jueves, Balili, and Atty. De Vera were seen several times in drug dens; and that Jorge Dequilla was seen at the casino during office hours, lacked sufficient evidentiary support from which she could form any conclusion.[22]

On February 21, 2017, the Court rendered its Resolution in *Laspiñas v. Judge Banzon*, the dispositive portion of

which reads:

WHEREFORE, the Court finds May N. Laspiñas, Legal Researcher/Officer-In-Charge, of the Regional Trial Court of Silay City, Negros Occidental, Branch 40, GUILTY of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. Accordingly, she is hereby DISMISSED from the service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations, without prejudice to her criminal liabilities.

Further, the Investigation Report dated January 13, 2016 submitted by Judge Dyna Doll Chiongson-Trocio is hereby treated as an administrative complaint against: Atty. Eric De Vera, Clerk of Court; Roena V. Dioneo, Clerk IV; and Ralph Balili, Sheriff IV; all from the Office of the Clerk of Court of the Regional Trial Court of Silay City, Negros Occidental; Vicente Quinicot, Sheriff; Anthony B. Carisma, Process Server; and Jorge Dequilla, Utility Aide; all from the Regional Trial Court of Silay City, Negros Occidental, Branch 40; and Elizalde Jueves, Process Server; and Enrico Espinosa, Court Aide; both from the Regional Trial Court of Silay City, Negros Occidental, Branch 69. They are directed to file their comment thereto within a non-extendible period of thirty (30) days from notice of this Resolution.

SO ORDERED.[23]

Dequilla, Jr. denied all the accusations against him in his Comment[24] dated May 25, 2017. The instances where he was seen in drug dens may be when he was tasked by Judge Gaston and the current Clerk of Court of RTC Branch 40, Atty. Ma. Cecilia M. Garrido, to serve subpoenas of criminal cases. This would occur when Carisma was on leave. In support of his defense, Dequilla, Jr. submitted the medical results of his drug test from Bio--Clinica Laboratory showing that he was negative of any prohibited drugs. Dequilla, Jr. likewise denied being in the casino. His salary as a utility worker was just enough to provide for the needs of his family.[25]

In his Comment[26] dated May 19, 2017, Carisma denied the allegation that he visited drug dens or have been engaged in drug-related activities. The baseless allegation may be due to the fact that as a Process Server for RTC Branch 40, he has to serve subpoenas to the accused who are released on bail or to identified drug personalities or to witnesses. He submitted copies of subpoenas that he served in areas which may be perceived as drug dens. Carisma also submitted the result from his urine drug test showing that he tested negative of any prohibited or dangerous drugs.[27]

Atty. De Vera filed a Comment[28] dated June 21, 2017 pursuant to the Court's Resolution. He argued that in order to be held liable for immorality, the act charged must affect the character and nature of his position. The Joint Affidavit of Cohabitation he executed with Espinosa does not affect the character and nature of his position as the Clerk of Court of RTC Branch 69. Atty. De Vera executed the Joint Affidavit in order to do away with the requirement for a marriage license and expedite the proceedings for his marriage with Espinosa, who is now his lawfully-wedded wife. Atty. De Vera claimed that he has been separated de facto for several years from his previous wife even before the nullification of their marriage on April 18, 1995. He and Espinosa kept their relationship confidential and discreet prior to the nullification of his previous marriage. Atty. De Vera further argued that the act he committed was not grossly immoral so as to warrant a disciplinary action. In fact, his execution of the Joint Affidavit is sanctioned by Article 34 of the Executive Order No. 209 or the Family Code of the Philippines (Family Code).[29]

Atty. De Vera denied soliciting money from Mar's. He argued that it is highly improbable that he would ask money from litigants of the court where he is employed when he is frequently in contact with the public because of his duties. Atty. De Vera submitted a Certification from the Chief of Police of Bacolod City Police Station that there is no blotter regarding his supposed solicitation. He also submitted the statements made under oath of Atty.

Danico and Monarca affirming that he did not solicit from Mar's. With respect to the allegation that he frequented drug dens, it is not supported by substantial evidence. As such, Atty. De Vera prayed for the dismissal of the complaint against him for utter lack of merit.[30]

Dioneo, Balili, Quinicot, Jueves, and Espinosa, Jr. denied all the allegations against them in their Compliance and Answer to the Complaint[31] dated June 22, 2017. They claimed that they were never summoned or required to submit any statement regarding the administrative case involving Laspiñas and Judge Banzon. Thus, they were surprised by the findings made by Judge Trocio.[32]

Dioneo argued that Dejaros' statement before Judge Trocio was not supported by any sworn affidavit. There is no showing that Dejaros was required to make a statement under oath so that she must tell the truth under pain of penalty for perjury if she does not. Moreover, Dejaros' statement is a mere hearsay that is inadmissible in evidence. She failed to specify the date, time, and place of the incident as well as give the name of Vergara's daughter. Judge Trocio should have summoned Vergara's daughter but did not do so. Dioneo submitted the affidavit of Vergara's daughter, Melanie Vergara Timbas (Timbas). Timbas explained that it was her mother Maura Vergara who filed a case before the RTC. She denied that she followed-up the case of her mother.[33]

As for Balili and Quinicot, Judge Banzon's statement that they solicited money from Malacon is hearsay and has no probative value. The Certification dated June 2, 2017 of SPO4 Edgar Allan T. De Guzman, Head of the Record Section of PNP Bacolod, states that the incident was not recorded in the police blotter on November 7, 2011. The affidavits of Atty. Danico and Monarca both dated June 19, 2017 also disprove Judge Banzon's allegations.[34]

The allegation that Balili, Jueves, and Espinosa, Jr. were seen several times in drug dens was not substantiated. There were no witnesses to prove that they have committed this offense. Accordingly, Dioneo, Balili, Quinicot, Jueves, and Espinosa, Jr. prayed for the dismissal of the case for having no factual basis and merit.[35]

On February 6, 2018, the Court resolved to refer to the OCA for evaluation, report, and recommendation the Investigation Report of Judge Trocio and the comments filed by Carisma, Dequilla, Jr., Atty. De Vera, Dioneo, Balili, Quinicot, Jueves, and Espinosa, Jr..[36] In its March 9, 2018 Memorandum,[37] the OCA recommended that the administrative matter be referred to the Executive Judge of the RTC of Silay City, Negros Occidental for further investigation and to submit the necessary report and recommendation.[38] The Court acted favorably on the OCA's recommendation and referred the administrative matter to the Executive Judge of the RTC of Silay City, Negros Occidental for further report, investigation, and recommendation in its June 19, 2018 Resolution in A.M. No. P-14-3216.[39]

Report and Recommendation

In compliance with the Court's Resolution, Judge Ana Celeste P. Bernad (Judge Bernad) submitted her Investigation Report[40] dated January 30, 2019. First, she stated that Espinosa Jr., Jueves, Balili, and Laspiñas are no longer connected with the Court. Espinosa Jr. was dropped from the rolls for excessive absence and failure to file application for leave form.[41] Jueves was found guilty of gross neglect of duty and gross insubordination in *Banzon v. Jueves*. [42] The Court ordered Jueves to pay a fine in lieu of his dismissal because he already retired from service. As for Balili, he filed for disability retirement after suffering a stroke in December 2017. Laspiñas was dismissed by the Court in *Laspiñas v. Banzon*. [43]

Second, during her interview with Judge Bernad, Dejaros confirmed that she saw the daughter of Vergara give an envelope containing P10,000.00 to Dioneo. Dioneo gave the money to Laspiñas.[44]

Third, Judge Bernad concurred with Judge Trocio's report that Atty. De Vera committed perjury by executing an

Affidavit of Cohabitation stating that there was no legal impediment for him to marry Espinosa during their five-year cohabitation when in fact, he was still married to Mary Hope Tancinco (Tancinco) during said period.[45]

Fourth, Judge Bernad interviewed Redentor Rosas (Rosas), Sheriff IV of RTC Branch 69, who said that he accompanied Judge Banzon to cause the blotter report regarding the supposed solicitation of Atty. De Vera, Quinicot, and Balili from Mar's for an administrative hearing in Cebu City. Incidentally, Dejaros testified that Monarca asked him about Judge Banzon's home address.[46]

Fifth, Judge Bernad was unable to gather documents regarding the supposed cock-fighting activities that Atty. De Vera undertook inside the OCC. But she received a report that Atty. De Vera and Hechanova recently participated in a cockfighting activity and would leave the office during the work day. The informant refused to execute a statement under oath out of fear of retaliation. As an example, Judge Bernad reported that Empio's water bottle was laced with what smelled like kerosene. She also lost her files several times.[47]

Sixth, the Chief of Police of Silay City, P/Supt. Noel Polines (P/Supt. Polines), submitted an Information Report[48] stating that Dequilla, Jr. was reported to be a drug user and was frequently spotted in the drug hotspot area located at Villa Hergon, Brgy. Rizal, Silay City. During a meeting with Judge Bernad, P/Supt. Polines said that he received a phone call from Atty. De Vera requesting for a Certificate of Detention regarding a person who was not under police custody. After he refused, Atty. De Vera went to the police station and insisted that it was the instruction of the judge. P/Supt. Polines advised him to write a letter request but no such request was submitted. Further, Rosas said during his interview with Judge Bernad that a known drug lord in the city named Charles Balbon would go directly to Atty. De Vera at the OCC.[49]

Seventh, Judge Bernad received a letter from an anonymous source that was signed by Atty. De Vera. He asked the City Mayor of Silay City for "some help" with respect to his office's yearend get-together. Judge Bernad opined that this could be considered a violation of Republic Act No. 3019.[50]

Judge Bernad noted that there were pending administrative cases against Nallos. She was also informed by Judge Trocio of an incident regarding a lost record and intentional failure to calendar an arraignment. These were attributed to Arinday.[51]

On March 12, 2019, the Court referred the Investigation Report of Judge Bernad to the OCA.[52]

Report and Recommendation of the OCA

The OCA submitted its Memorandum[53] dated July 31, 2019 with the following recommendations:

- the administrative complaint against Roena V. Dioneo, Clerk IV and Ralph Balili, Sheriff IV, both of the Office of the Clerk of Court RTC, Silay City, Negros Occidental; Vicente Quinicot, Sheriff; Anthony B. Carisma, Process Server; and Jorge Dequilla, Utility Aide, all of Branch 40, RTC, Silay City, Negros Occidental; and Elizalde Jueves, Process Server, and Enrico Espinosa, Court Aide, both of Branch 69, RTC, Silay City, Negros Occidental, be DISMISSED for lack of merit;
- the administrative complaint against respondent Atty. Eric De Vera, Clerk of Court, RTC, Silay City, Negros Occidental, be RE-DOCKETED in a separate regular administrative matter; and
- respondent De Vera be found GUILTY of Disgraceful and Immoral Conduct and Less Serious Dishonesty, and be meted the penalty of SUSPENSION for a period of one (1) year without pay, with a STERN WARNING that a repetition of the same act shall merit a more severe penalty.[54] (Emphasis in the original)

First, the OCA was not convinced that Atty. De Vera, Quinicot, and Balili solicited money. The police blotter

presented by Judge Banzon to prove that the incident occurred on November 17, 2011 has no evidentiary value. Though the blotter states that the representatives of Mar's met with Judge Banzon and offered him an undisclosed amount for his administrative hearing in Cebu, it does not prove the veracity of the accusation. The OCA also found it unclear and doubtful why Mar's would give money to Atty. De Vera, Quinicot, and Balili, and thereafter offer money to Judge Banzon. Moreover, Atty. De Vera submitted a Certification from the Bacolod Police Station that the Blotter Reports dated November 7, 2011 and November 17, 2011 were not found in the Blotter Book. He also submitted an affidavit executed by the representatives of Mar's denying Judge Banzon's allegations.[55]

Second, the allegation that Dioneo prepared petitions for a fee was not supported by evidence. Hence, it should be discarded. The allegation that Dioneo had sex with her partner in the courtroom of RTC Branch 69 was likewise unsubstantiated.[56]

Third, the OCA did not give credence to the allegation that Atty. De Vera, Balili, Dequilla, Jr., Carisma, Espinosa, and Jueves were seen several times in drug dens because it is unsubstantiated. Carisma and Dequilla, Jr. submitted the negative result of their respective drug tests. Dequilla, Jr.'s negative test result sufficiently countered the report of the Chief of Police of Silay City that he was a reported drug user and was frequently spotted at a drug hot spot area. Dequilla, Jr. also explained that he was often detailed to serve subpoenas in drugs cases.[57]

Fourth, the OCA recommended the dismissal of the allegation that Atty. De Vera solicited from the Office of the Silay City Mayor. The letter itself did not state what kind of help Atty. De Vera was seeking, whether it was request for assistance in using a venue or procuring tables and chairs. More importantly, the letter's authenticity and Atty. De Vera's signature therein are questionable because the letter was anonymously given to Judge Bernad. Atty. De Vera was not given the opportunity to comment on the letter.[58]

Fifth, the OCA found sufficient evidence to hold Atty. De Vera administratively liable for dishonesty and immorality in executing the Joint Affidavit of Cohabitation. In the Joint Affidavit, Atty. De Vera stated he and Espinosa "have been living as husband and wife for the past five years without the benefit of legal marriage x x x and that there [are] no legal impediments whatsoever to being married." The OCA held that Atty. De Vera and Espinosa could not have lived for several years as husband and wife because Atty. De Vera and Tancinco were married on June 11, 1993 while he executed the Joint Affidavit on June 26, 1996. This means that Atty. De Vera and Espinosa met and lived together for only three years. In addition, Atty. De Vera should have been aware as a lawyer that parties should be free of legal impediments during the five-year period of cohabitation. Atty. De Vera's act of executing the Joint Affidavit clearly shows his dishonesty. That he simply wanted to do away with the requirement of a marriage license does not justify his commission of acts that constitute perjury.[59]

According to the OCA, it was immaterial that Atty. De Vera and Espinosa did not make their relationship public prior to the nullification of the former's marriage. The fact remains that Atty. De Vera lived with another woman while he was still married. Contrary to Atty. De Vera's claim that this had no connection with his duties as a clerk of court, the Court has ruled that "there is no dichotomy of morality; a court employee is also judged by his private morals." Hence, Atty. De Vera may still be held liable for immorality. Under Section 46(B)(3), Rule 10 of the Revised Rules on Administrative Cases in the Civil Service (RRACCS),[60] disgraceful and immoral conduct is a grave offense that is punishable by suspension from the service for six months and one day to one year for the first offense and dismissal for the second. Less serious dishonesty is also a grave offense that is punishable by suspension from service for six months and one day to one year for the first offense and dismissal for the second. Atty. De Vera was previously found guilty of conduct prejudicial to the best interest of the service in the Court's December 13, 2006 Decision in *Ito v. De Vera*[61] (Ito), and was suspended for seven months. According to the OCA, the Court has previously ruled that if the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as

aggravating circumstances. In light of Atty. De Vera's previous case and his commission of two grave offenses, the OCA recommended that he be suspended for one year without pay.[62]

The Court issued a Resolution on October 8, 2019 in A.M. No. P-14-3216 resolving to re-docket the Investigation Report of Judge Trocio as the instant case, A.M. No. P-19-4017, and consider A.M. No. P-14-3216 closed and terminated.

Issues

The issues to be resolved in this case are the following:

- Whether the complaint against Dioneo, Balili, Quinicot, Carisma, Dequilla, Jr., Jueves, and Espinosa, Jr. should be dismissed.
- Whether Atty. De Vera should be held liable for disgraceful and immoral conduct as well as less serious dishonesty.

Ruling of the Court

The Court partly agrees with the findings of the OCA.

The OCA is correct that the complaint against Dioneo, Balili, Quinicot, Carisma, Dequilla, Jr., Jueves, and Espinosa, Jr. should be dismissed. The required degree of proof in administrative cases is substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[63] The allegations against Dioneo, Balili, Quinicot, Carisma, Dequilla, Jr., Jueves, and Espinosa, Jr. were not proven by substantial evidence.

First, the claim that Dioneo transacted with Timbas cannot be given credence. Dejaros maintained that the transaction occurred in front of her. However, it was not established how Dejaros knew that Timbas was the daughter of Vergara. Vergara's case was pending before RTC Branch 40 while Dejaros was working in RTC Branch 69. Moreover, Timbas herself denied that she gave money to Laspiñas and Dioneo in her Affidavit dated June 3, 2017. Besides, she claimed that her mother could just directly asked Judge Alon for help because he was her late father's compadre.[64] Accordingly, the Court cannot rely on Dejaros' statements and conclude that Dioneo transacted with Timbas.

Second, the allegation that Dequilla was seen inside the casino during office hours is bereft of factual basis. Judge Banzon, who alleged the same in a list he submitted to Judge Trocio, did not personally see Dequilla, Jr. at the casino. He did not identify the person who supposedly saw Dequilla, Jr.. Thus, this allegation is mere hearsay.

Third, Judge Banzon's assertion that Espinosa and Dioneo had sexual intercourse with their respective partners at the courtroom of RTC Branch 69 every Saturday is hearsay as well. He did not claim to have witnessed these acts himself or present the person who did.

Fourth, the OCA correctly disregarded Judge Banzon's accusation that Atty. De Vera, Quinicot, and Balili solicited money from Mar's. Mar's legal counsel Atty. Danico and its employee Monarca both denied that Atty. De Vera, Quinicot, and Balili solicited money from them or that they offered money to Judge Banzon. Even assuming that Atty. Danico, Monarca, and Malacon went to Judge Banzon to offer him money, their bare statements alone are not enough to prove that Atty. De Vera, Quinicot, and Balili solicited money from them. Also, as duly pointed out by the OCA, a police blotter does not prove the veracity of the incident reported therein. A police blotter is simply a record of the criminal incidents reported to the police.[65]

Fifth, Judge Banzon's claim that Atty. De Vera, Balili, Dequilla, Jr., Carisma, Espinosa, and Jueves were seen several times in drug dens deserves no evidentiary weight. He did not see them at the drug dens or identify the

person who saw them. Indeed, P/Supt. Polines submitted an Information Report to Judge Bernad stating that Dequilla, Jr. was reported to be a user of illegal drugs and was frequently spotted at a drug hot spot area by a reliable informant. However, the same report states that "said information was subject for validation and operation if positive." Thus, the elements of the Silay City Police Station "validated the said information and monitor the activity of the said person." [66] The Report did not state that the police were able to confirm the veracity of the information against Dequilla, Jr. after monitoring his activities. Consequently, the Report is insufficient to prove that Dequilla, Jr. is involved in activities relating to prohibited drugs. Notably, Carisma and Dequilla, Jr. submitted the result of their respective drug tests conducted by Silay Diagnostic Center on May 5, 2017 and Bio Clinica Drug Testing Laboratory on May 19, 2017 showing that they tested negative for methamphetamine and tetrahydrocannabinol. [67]

The foregoing allegations made against Atty. De Vera should be likewise be dismissed. First, Pros. Atotubo alleged that she knew that Atty. De Vera prepared documents and would have them subscribed. But she did not explain how she came to know of such instance nor identify the specific documents prepared by Atty. De Vera. Second, Pros. Uriarte's statement, that Atty. De Vera prepared drafts for parties who transacted with Laspiñas whenever she was busy, is similarly vague. Unfortunately, she failed to enumerate the cases Atty. De Vera were involved in or submit copies of his drafts. It is not enough that Pros. Uriarte is purportedly familiar with the writing style of Atty. De Vera to prove that the latter was drafting cases for parties transacting with Laspiñas. Third, Judge Banzon's claim that Atty. De Vera permitted the buying and selling of fighting cocks in his office also deserves scant consideration. He did not specify who witnessed these transactions, when these transactions occurred, and who were involved. The Court cannot discipline Atty. De Vera based merely on unsubstantiated allegations. Fourth, the OCA is correct that the authenticity of the letter of solicitation supposedly sent by Atty. De Vera to the Office of the Mayor of Silay City, Negros Occidental, is questionable. Judge Bernad said that it was given to her anonymously. Persons who witnessed the execution of the document or are familiar with Atty. De Vera's signature were not presented to attest to the due execution and genuineness of the letter.

All told, the complaints against Dioneo, Balili, Quinicot, Carisma, Dequilla, Jr., Jueves, and Espinosa, Jr. have no merit and should be dismissed. The complaints against Atty. De Vera based on his alleged solicitation of money, being seen in drug dens, preparing documents for parties, and permitting transactions relating to cockfighting in the office are likewise devoid of merit.

Nonetheless, the Court agrees with the OCA that Atty. De Vera committed dishonesty in the Joint Affidavit of Cohabitation. It is undisputed that Atty. De Vera executed the Joint Affidavit of Cohabitation dated June 26, 1996 with Espinosa, which partly states:

x x x x

That we have been living together as husband and wife for the past five (5) years without the benefit of legal marriage and we have no children;

That we possess all the qualifications and none of the disqualifications to enter into marriage and that there is no legal impediments whatsoever to our being married;

That we wish to avail of the benefits granted by law as provided for in Article 34 of the New Family Code of the Philippines and we request the Judge of Talisay, Negros Occidental, Philippines to solemnize our said marriage. x x x [68]

Atty. De Vera explained in his Comment that he and Espinosa executed the Joint Affidavit to expedite their marriage by dispensing with the requirement for a marriage license, in accordance with Article 34 of the Family

Code.[69] Article 34 provides:

Article 34. No license shall be necessary for the marriage of a man and a woman who have lived together as husband and wife for at least five years and without any legal impediment to marry each other. The contracting parties shall state the foregoing facts in an affidavit before any person authorized by law to administer oaths. The solemnizing officer shall also state under oath that he ascertained the qualifications of the contracting parties and found no legal impediment to the marriage.

As previously stated, Atty. De Vera executed the Joint Affidavit on June 26, 1996. Thus, he has cohabited with Espinosa for five years, or at least since June 26, 1991. But Atty. De Vera was previously married to Tancinco on June 11, 1992.[70] The Decision[71] of the RTC of Manila, Branch 47 in Civil Case No. 94-71682 declaring Atty. De Vera and Tancinco's marriage null and void was only rendered on March 8, 1995 and became final and executory on April 19, 1995.[72] Clearly then, Atty. De Vera either falsely stated in the Joint Affidavit that he has been cohabiting with Espinosa for at least five years or he married Tancinco despite living with Espinosa as husband and wife.

The Court is inclined to believe that it is the former. Atty. De Vera asserted in his Comment that he was already separated de facto from Tancinco for several years before their marriage was nullified. He met and developed a relationship with Espinosa during this difficult period.[73] As such, Atty. De Vera entered into a relationship with Espinosa at least after June 11, 1992. Verily, they have not been cohabiting for five years as husband and wife contrary to their statement in the Joint Affidavit. Notably, Atty. De Vera could have stated the exact year when he entered into a relationship with Espinosa but did not do so.

Atty. De Vera's false statement in the Joint Affidavit is an act of dishonesty. Dishonesty is defined as "the concealment or distortion of truth, which shows lack of integrity or a disposition to defraud, cheat, deceive, or betray, and an intent to violate the truth." [74] Civil Service Commission (CSC) Resolution No. 06-0538 defines what constitutes serious dishonesty, less serious dishonesty, and simple dishonesty:

I. Serious Dishonesty

1. The dishonest act caused serious damage and grave prejudice to the government;
2. The respondent gravely abused his authority in order to commit the dishonest act;
3. Where the respondent is an accountable officer, the dishonest act directly involves property; accountable forms or money for which he is directly accountable; and respondent shows intent to commit material gain, graft and corruption;
4. The dishonest act exhibits moral depravity on the part of the respondent;
5. The respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment;
6. The dishonest act was committed several times or in various occasions;
7. The dishonest act involves a Civil Service examination irregularity or fake Civil Service eligibility such as, but not limited to, impersonation, cheating and use of crib sheets.
8. Other analogous circumstances.

II. Less Serious Dishonesty

1. The dishonest act caused damage and prejudice to the government which is not so serious as to qualify under the immediately preceding classification.
2. The respondent did not take advantage of his/her position in committing the dishonest act.
3. Other analogous circumstances

III. Simple Dishonesty

1. The dishonest act did not cause damage or prejudice to the government.
2. The dishonest act had no direct relation to or does not involve the duties and responsibilities of the respondent.
3. In falsification of any official document, where the information falsified is not related to his/her employment.
4. That the dishonest act did not result in any gain or benefit to the offender.
5. Other analogous circumstances.

We do not subscribe to the OCA's recommendation that Atty. De Vera's false statements in the Joint Affidavit should be considered as less serious dishonesty. The Court finds that the same only constitutes simple dishonesty. There is no showing that the government suffered damage or prejudice as a result of his act. Likewise, it was not established that Atty. De Vera took advantage of his position as Clerk of Court to execute the Joint Affidavit. In fact, his execution of the Joint Affidavit had no relation whatsoever to his duties as a Clerk of Court.

Aside from less serious dishonesty, the OCA also found Atty. De Vera liable for disgraceful and immoral conduct. CSC Memorandum Circular No. 15-10 defines disgraceful and immoral conduct as "an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society. It refers to conduct which is willful, flagrant or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community." The Court is not convinced that Atty. De Vera's relationship with Espinosa qualifies as disgraceful and immoral conduct. The RTC declared Atty. De Vera's marriage with Tancinco null and void in its March 8, 1995 Decision in Civil Case No. 94-71682. It is stated in the Decision that Tancinco never performed her duties and obligations as Atty. De Vera's wife during their marriage. Tancinco abandoned the conjugal home sometime in June 1994 without just cause. She did not return despite Atty. De Vera's efforts to save their marriage.[75] Atty. De Vera met Espinosa afterwards. He explained that he and Espinosa kept their relationship confidential and discreet while the case for the nullification of his previous marriage was pending. Atty. De Vera and Espinosa only married each other after the former's marriage was declared null and void.[76] There is no evidence that Tancinco questioned Atty. De Vera's relationship with Espinosa. Considering the circumstances, Atty. De Vera did not behave in a willful, flagrant, or shameless manner.

In *Dela Rama v. De Leon*,[77] the Court held that "in the interest of a uniform application of charges and imposition of penalties in administrative cases involving Judiciary personnel, we will apply Rule 140 of the Revised Rules of Court since it is the prevailing rule at present, unless the retroactive application of Rule 140 would not be favorable to the employee." Applying Rule 140 in this case and considering that Atty. De Vera was previously found guilty of conduct prejudicial to the best interest of the service and was suspended for seven months in *Ito*, he cannot be suspended for only one (1) month. Instead, he should be suspended for two (2) months.

WHEREFORE, premises considered, the Court **DISMISSES** the complaint against respondents Roena V. Dioneo, Clerk IV and Ralph Balili, Sheriff IV, of the Office of the Clerk of Court of the Regional Trial Court of Silay, Negros Occidental; Vicente Quinicot, Sheriff, Anthony B. Carisma, Process Server, and Jorge Dequilla, Jr., Utility Aide, all from the Regional Trial Court of Silay City, Negros Occidental, Branch 40; Elizalde Jueves, Process Server and Enrico B. Espinosa, Jr., Court Aide, from the Regional Trial Court of Silay City, Negros Occidental, Branch 69, for lack of merit.

The Court finds respondent Atty. Eric De Vera, Clerk of Court of the Office of the Clerk of Court of the Regional Trial Court of Silay, Negros Occidental **GUILTY** of Simple Dishonesty for which he is **SUSPENDED** for a period of **TWO (2) MONTHS**, with a stern warning that a repetition of the same act shall merit a more severe

penalty.

SO ORDERED.

Gesmundo, C.J., Perlas-Bernabe, Caguioa, Hernando, Lazaro-Javier, Inting, Zalameda, M. Lopez, Gaerlan, Rosario, J. Lopez, and Dimaampao, JJ., concur.
Leonen, J., on official leave.

[1] Rollo, Vol. 1 (A.M. No. P-14-3216), pp. 353-368.

[2] Id. at 504-515.

[3] Rollo (A.M. No. RTJ-17-2488), pp. 1-10.

[4] Laspiñas v. Judge Banzon, 806 Phil. 113, 117-118 (2017).

[5] Rollo, Vol. 1 (A.M. No. P-14-3216), pp. 1-5.

[6] Laspiñas v. Judge Banzon, supra at 116.

[7] Id. at 119.

[8] Rollo (A.M. No. RTJ-17-2488), p. 798.

[9] Id. at 842-843.

[10] Rollo, Vol. 1 (A.M. No. P-14-3216), pp. 353-363.

[11] Id. at 353-354.

[12] Id. at 355-358.

[13] Id. at 358-359.

[14] Id. at 359-360.

[15] Id. at 361-362.

[16] Id. at 362.

[17] Id.

[18] Id. at 363.

[19] Id. at 422.

[20] Id. at 363.

[21] Id. at 353-368.

[22] Laspiñas v. Judge Banzon, supra note 4 at 120-121.

[23] Id. at 128.

[24] Rollo, Vol. 1 (A.M. No. P-14-3216), pp. 576-578.

[25] Id. at 577-578.

- [26] Id. at 563-565.
- [27] Id. at 564-565.
- [28] Id. at 587-596.
- [29] Id. at 589-593.
- [30] Id. at 593-594.
- [31] Id. at 601-607.
- [32] Id. at 602.
- [33] Id. at 603, 604.
- [34] Id. at 605, 607.
- [35] Id. at 607.
- [36] Id. at 688-689.
- [37] Id. at 690-710.
- [38] Id. at 710.
- [39] Id. at 711.
- [40] Id. at 717-720.
- [41] Id. at 717.
- [42] A.M. No. P-16-3438, July 19, 2017.
- [43] Rollo, Vol. 1 (A.M. No. P-14-3216), p. 717.
- [44] Id. at 718.
- [45] Id.
- [46] Id.
- [47] Id. at 718-719.
- [48] Id. at 727.
- [49] Id. at 719.
- [50] Id. at 720.
- [51] Id.
- [52] Id. at 745.
- [53] Rollo, Vol. 2 (A.M. No. P-14-3216), pp. 42-54.
- [54] Id. at 54.
- [55] Id. at 49.
- [56] Id. at 50.

- [57] Id.
- [58] Id. at 51.
- [59] Id. at 51-53.
- [60] CSC Resolution No.1101502, promulgated on November 8, 2011.
- [61] 540 Phil. 23 (2006).
- [62] Rollo, Vol. 2 (A.M. No. P-14-3216), pp. 52-54.
- [63] Security and Sheriff Division, Sandiganbayan v. Cruz, 813 Phil. 555, 564.
- [64] Rollo, Vol. 1 (A.M. No. P-14-3216), p. 618.
- [65] People v. Santito, Jr., 278 Phil. 100, 110 (1991).
- [66] Rollo, Vol. 1 (A.M. No. P-14-3216), p. 727.
- [67] Id. at 579, 773.
- [68] Id. at 451.
- [69] Id. at 589.
- [70] Id. at 438.
- [71] Id. at 448-449.
- [72] Id. at 450.
- [73] Id. at 590.
- [74] Galvez-Jison v. Laspiñas, A.M. No. P-19-3972, July 9, 2019.
- [75] Id. at 449.
- [76] Id. at 590.
- [77] A.M. No. P-14-3240, March 2, 2021.

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