

EDGAR B. BUYAG, COMPLAINANT, VS. RACHEL M. CALIWAG, OFFICER-IN-CHARGE/INTERPRETER III, BRANCH 2, REGIONAL TRIAL COURT, BANGUED, ABRA, RESPONDENT.

A.M. No. P-26-313 (Formerly OCA IPI No. 08-2926-P), April 29, 2026

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PER CURIAM:

Before the Court is an administrative disciplinary proceeding^[1] instituted against respondent Rachel M. Caliwag (Caliwag), former Officer-in-Charge (OIC)/Interpreter III, Branch 2, Regional Trial Court (RTC-Branch 2), Bangued, Abra for gross misconduct constituting violations of the Code of Conduct for Court Personnel, extortion, graft and corruption, and conduct unbecoming of a personnel of the judiciary.

The Facts

Complainant Edgar B. Buyag (Buyag) is the accused in a criminal case pending before RTC-Branch 2 where Caliwag was then serving as the OIC/Interpreter III. In connection with the case, Buyag posted his lot as a property bond and submitted Tax Declaration No. 41582 (Tax Declaration) to RTC-Branch 2 as supporting documentation.^[2]

In September 2005, the RTC-Branch 2 remanded the criminal case to the Office of the Provincial Prosecutor (OPP) for reinvestigation. Following its review, the OPP dismissed the case in July 2006 and submitted a copy of its reinvestigation report to RTC-Branch 2.^[3]

Subsequently, a prospective buyer expressed interest in the aforementioned property. In response, Buyag and his legal counsel sought to retrieve the Tax Declaration from RTC-Branch 2. However, Caliwag declined to release the document, citing the need for certain papers to be signed by Presiding Judge Corpuz B. Alzate (Judge Alzate) as the reason for withholding it.^[4]

On January 11, 2008, Buyag returned to RTC-Branch 2 to request the release of the Tax Declaration. However, Caliwag informed him that their security guard, Jerry G. Calayoan, was allegedly demanding PHP 20,000.00 in exchange for the document. Buyag responded that he could not afford such an amount. Caliwag then lowered the demand to PHP 10,000.00 and assured Buyag that she would handle matters concerning Judge Alzate. Desperate to retrieve the document, Buyag pleaded for its release. Eventually, Caliwag reduced the amount further to PHP 5,000.00.^[5]

Buyag subsequently informed his lawyer about Caliwag's persistent demands for money. Acting on legal advice, he coordinated with the National Bureau of Investigation (NBI). In response, the NBI conducted an entrapment operation in the afternoon of March 12, 2008, at a Mister Donut store located in Zone V, Bangued, Abra.^[6]

Caliwag was caught red-handed during the entrapment operation. In her possession were the marked money, the Tax Declaration, and an Order^[7] dated January 9, 2008, purportedly issued by Judge Alzate. Buyag asserted that it was evident that Caliwag had retained the document all along and deliberately withheld its release in an attempt to extort money.^[8]

Consequently, Buyag filed an administrative Complaint[9] against Caliwag for extortion, graft and corruption, dishonesty, and gross misconduct unbecoming of a personnel of the judiciary.[10]

In a Resolution[11] dated July 19, 2010, the Court preventively suspended Caliwag from office for a period of 90 days from notice, pursuant to Section 20 of the Uniform Rules on Administrative Cases in the Civil Service. The Court likewise referred the administrative Complaint to the Executive Judge of the Regional Trial Court, Vigan City, Ilocos Sur, for report and recommendation.[12]

Caliwag thereafter moved for reconsideration[13] of her preventive suspension, asserting that the same was unwarranted. She argued that she did not occupy a position of influence that could affect the investigation to be conducted by the executive judge. Further, she contended that her residence was located approximately 60 kilometers from her office in Vigan City, thereby negating any possibility of tampering with court records. She also averred that the imposition of preventive suspension was unduly harsh and would cause undue hardship to her family. Additionally, she expressed concern over the Court's failure to consider the Resolution dated January 7, 2009 of the Provincial Prosecution Office, dismissing the related criminal case, which served as the basis for the administrative Complaint.[14]

In a Resolution[15] dated November 24, 2010, the Court referred Caliwag's Motion for Reconsideration (Motion) to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.[16]

In a Memorandum[17] dated August 28, 2012, the OCA considered Caliwag's Motion moot and academic, in view of her having already served the preventive suspension and her declaration that she no longer intended to pursue the said Motion. Further, the OCA recommended that the administrative complaint be referred anew to the Executive Judge of the RTC, Vigan City, Ilocos Sur, upon finding that the case had not yet been transmitted to the new Executive Judge following the death, in October 2010, of the former Executive Judge who had initially been designated to conduct the investigation.[18]

In an Investigation Report and Recommendation[19] dated July 19, 2021, Former Acting Executive Judge Homer Jay D. Ragonjan (Executive Judge Ragonjan) recommended the dismissal of Caliwag from the service for grave misconduct.[20] Executive Judge Ragonjan noted that Caliwag had already transferred to the Office of the Provincial Prosecutor in Abra. However, he emphasized that her transfer does not render the administrative case moot and academic. He further clarified that the Court retains the authority to decide the case and impose the accessory penalty of perpetual disqualification from holding public office.[21]

Executive Judge Ragonjan affirmed that the standard of substantial justice had been met in the present case. He noted that Caliwag's defenses of frame-up and denial were inherently weak, especially when weighed against the compelling evidence presented. Although there were minor inconsistencies in the testimonies of the NBI personnel and the complainant, Buyag, regarding the entrapment operation, Executive Judge Ragonjan deemed these discrepancies understandable, considering that more than 13 years had passed since the incident occurred.[22]

The JIB Report and Recommendation

In a Report and Recommendation[23] dated November 7, 2024, which the JIB Proper adopted,[24] the JIB-Office of the Executive Director (OED) recommended that: (1) the present matter be redocketed as a regular administrative matter; and (2) Caliwag be found guilty of gross misconduct constituting violations of the Code of Conduct for Court Personnel, with forfeiture of all her benefits, except accrued leave credits, in lieu of dismissal from the service, which may no longer be imposed in view of her transfer to another office, and disqualification from reemployment or appointment to any branch or instrumentality of the government, including

government-owned or -controlled corporations and financial institutions.[25]

The JIB found that Caliwag committed acts of grave misconduct by demanding money from Buyag for the release of his Tax Declaration, which was in her custody as OIC of RTC-Branch 2. According to the JIB, Caliwag was caught red-handed receiving marked money during the entrapment operation conducted by the NBI.[26]

The JIB deemed Caliwag's defenses of frame-up and denial as weak and unsupported by compelling evidence and noted that the dismissal of the related criminal case did not affect the present administrative case.[27]

The Issue Before the Court

The issue for the Court's resolution is whether Caliwag should be held administratively liable for gross misconduct for allegedly demanding money from Buyag for the release of the latter's Tax Declaration, which was then in custody of the former as OIC of RTC-Branch 2.

The Court's Ruling

The Court resolves to adopt and approve the findings of fact, conclusions of law, and recommendations of the JIB, with certain modifications, as will be explained hereunder.

I.

Preliminarily, it is important to note that on October 28, 2025, the Court En Banc approved A.M. No. 25-06-11-SC, titled "The 2025 Code of Conduct and Accountability for Court Officials and Personnel" (CCACOP). After complying with the publication requirement, the CCACOP took effect on December 21, 2025.

In this relation, Section 1 of the General Provisions of CCACOP explicitly provides that it will apply to all pending and future cases, to wit:

SECTION 1. Transitory clause. — The Code shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or would work injustice, in which case the procedure under which the cases were filed shall govern.

In view of the foregoing, the Court shall resolve this case under the framework of the CCACOP.

Furthermore, the Court points out that during the pendency of the instant administrative disciplinary proceeding, Caliwag had already transferred to the Office of the Provincial Prosecutor in Abra.[28] It bears stressing, however, that this development will not preclude the Court from determining her administrative liability, pursuant to Section 2(b) of Canon V, which provides that "once disciplinary proceedings have already been instituted, the respondent's supervening resignation, retirement, or separation from judicial service shall not preclude or affect the continuation of the proceedings." In this regard, case law instructs that "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." [29]

The foregoing preliminary matters having been settled, the Court now determines Caliwag's administrative liability.

II.

Jurisprudence defines misconduct as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules. Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his position or office to procure some benefit for himself or for another person, contrary to duty and the rights of others.[30]

Here, the Court agrees with the findings of the JIB that Caliwag committed acts of extortion constituting gross misconduct. Buyag positively identified Caliwag as the individual who demanded money from him in exchange for the release of his Tax Declaration. Seeking redress, Buyag sought the assistance of the NBI, which subsequently conducted an entrapment operation where Caliwag was caught red-handed receiving the marked money. As aptly noted by Executive Judge Ragonjan in his Investigation Report and Recommendation, these facts clearly establish the extortion claim, as Caliwag would not have received the money from Buyag without having previously demanded it in exchange for the release of his Tax Declaration. Buyag's testimony was further corroborated by Atty. Lacson Malqued and Agent Lorenzo Lab-as, the NBI agents who conducted the entrapment operation.

The Court has held that soliciting or receiving money from litigants for personal gain constitutes gross misconduct. In *Garciso v. Oca*,[31] a process server was subjected to an entrapment operation conducted by the NBI after soliciting PHP150,000.00 from a private individual. The solicitation was made in exchange for the assistance he claimed he could provide in securing either the withdrawal or denial of a nonexistent application for a search warrant purportedly filed by the Philippine Drug Enforcement Agency. The Court held that such conduct constituted extortion and amounted to gross misconduct. Consequently, it imposed the penalty of dismissal from the service, with forfeiture of all benefits except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government. In reaching this decision, the Court cited *Dela Cruz v. Malunao*,[32] explaining:

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or to disregard established rules. Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his position or office to procure some benefit for himself or for another person, contrary to duty and the rights of others. Section 2, Canon 1 of the Code of Conduct for Court Personnel states: "Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions."

In Rule IV, Section 52(A)(11) of the Uniform Rules on Administrative Cases in the Civil Service, soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of an employee's official duties may affect the functions of his office merits the penalty of dismissal for the first offense. Grave misconduct under Section 52(A)(3) of Rule IV is also punishable by dismissal for the first offense.[33] (Citation omitted)

Clearly, Caliwag's gross misconduct constitutes a violation of the following provisions of the CCACOP:

CANON II

Propriety

SECTION 1. Avoidance of any act of impropriety. – Court officials and personnel shall, at all times, avoid impropriety and the appearance of impropriety.

....

SECTION 12. Prohibited acts involving the discharge of duties. – . . .

(f) Directly or indirectly solicit or accept from court users, lawyers, litigants, or third parties dealing with the Judiciary, any gift, bequest, or favor, of any value on any occasion, except unsolicited gifts of small or insignificant value as a mere token of gratitude or friendship according to local customs and usage;

....

CANON III

Impartiality and Equality

SECTION 8. Nonacceptance of gifts and tips. – Court officials and personnel shall not receive gifts, tips, or other gratuities for assisting or attending to litigants, lawyers, or other court users.

In addition, Caliwag committed direct bribery and violated Section 3(f) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act. It is important to note that under Canon V, Section 26 of the CCACOP, a single act or omission may give rise to multiple offenses, as in this case, and the respondent shall be held liable for all such offenses, although only the appropriate penalty corresponding to the most serious offense shall be imposed.

Canon V, Section 19 of the CCACOP classifies bribery and violations of the Anti-Graft and Corrupt Practices Act as serious offenses. There is direct bribery when the following elements concur: (1) the offender is a public officer; (2) the offender accepts an offer or promise or receives a gift or present by themselves or through another; (3) such offer or promise be accepted or gift or present be received by the public officer with a view to committing some crime, or in consideration of the execution of an act which does not constitute a crime but the act must be unjust, or to refrain from doing something which it is his official duty to do; and (4) the act which the offender agrees to perform or which they execute is connected with the performance of their official duties.[34] To constitute a violation of Section 3(f) of Republic Act No. 3019, the following elements must concur: (1) the offender is a public officer; (2) the said officer has neglected or has refused to act without sufficient justification after due demand or request has been made on them; (3) reasonable time has elapsed from such demand or request without the public officer having acted on the matter pending before them; and (4) such failure to so act is for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage in favor of an interested party, or discriminating against another.[35] Evidently, in this case, Caliwag solicited and received money from Buyag in exchange for releasing Buyag's Tax Declaration. She likewise refused to release the said document without justification, and she did so for the purpose of obtaining money from Buyag.

Caliwag's administrative liability having been established, the Court now proceeds to determine her imposable penalty.

III.

Under Canon V, Section 22(1) of the CCACOP, serious offenses—such as gross misconduct and bribery—may be penalized by any of the following sanctions: (a) dismissal from service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; (b) suspension from office without salary and other benefits for one year and one day up to two years; or (c) a fine of more than PHP 101,000.00 but not more than PHP 500,000.00.

Relatedly, Canon V, Section 23 provides that if the respondent is found liable for an offense which merits the imposition of dismissal from the service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other mode of separation from service except of death, they may be meted with the following penalties in lieu of dismissal: (a) forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations, except for accrued leave credits; and/or (b) a fine in the amount of more than PHP 101,000.00 but not more than PHP 500,000.00.

The Court notes that Caliwag has been in government service for 13 years^[36] and that this is her first offense. Accordingly, she has in her favor the mitigating circumstances of length of service of at least ten years and first offense. Under Canon V, Section 25 of the CCACOP, when one or more mitigating circumstances and no aggravating circumstances are present, the Court may impose the penalty of suspension or fine for a period or amount not less than half of the minimum prescribed under the CCACOP.

In light of the circumstances obtaining in this case, notably the fact that Caliwag was found administratively liable for multiple offenses, the Court deems it proper to impose on Caliwag the penalty of fine in the amount of PHP 100,000.00 plus the accessory penalties of dismissal, namely, forfeiture of all her benefits, except accrued leave of credits, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations and financial institutions.

Finally, the fine imposed herein shall be payable in accordance with Canon V, Section 27, to wit:

SECTION 27. Payment of Fines. — When the penalty imposed is a fine or when there is an obligation to return money or property, the respondent shall comply within three months from the date of receipt of the decision or resolution by the respondent. If the fine is unpaid, indirect contempt proceedings shall be commenced against the respondent pursuant to Rule 71, Section 3 of the Rules of Court.

ACCORDINGLY, respondent Rachel M. Caliwag, former Officer-in-Charge (OIC)/Interpreter III, Branch 2, Regional Trial Court, Bangued, Abra is found GUILTY of gross misconduct constituting violations of the Code of Conduct and Accountability for Court Officials and Personnel, bribery, and violation of the Anti-Graft and Corrupt Practices Act. Due to her supervening transfer to another government agency, she is meted with the penalty of FINE in the amount of PHP 100,000.00, with the accessory penalties of dismissal, namely, FORFEITURE of all her benefits, except accrued leave of credits, and DISQUALIFICATION from reinstatement or appointment to any public office, including government-owned or -controlled corporations.

SO ORDERED.

Gesmundo, C.J., Leonen, S.J., Caguioa, Inting, Zalameda, Gaerlan, Rosario, Dimaampao, Kho, Jr., and Singh, JJ., concur.

Hernando, [*] J., on leave.

Lazaro-Javier[*][*] and Lopez, [*][*][*] JJ., on official business.

Marquez[*][*][*][*] and Villanueva, [*][*][*][*][*] JJ., no part.

[*] On leave.

[*][*] On official business.

[*][*][*] On official business.

[*][*][*][*] No part due to prior participation in the proceedings as Court Administrator and Deputy Court

Administrator, respectively.

[*][*][*][*][*] No part due to prior participation in the proceedings as Court Administrator and Deputy Court Administrator, respectively.

[1] Rollo, p. 802.

[2] Id. at 803.

[3] Id.

[4] Id.

[5] Id. at 803-804.

[6] Id. at 804.

[7] Id. at 46. Signed by Judge Corpus B. Alzate of Branch 2, Regional Trial Court, Bangued, Abra.

[8] Id. at 804.

[9] Id. at 2-4.

[10] Id. at 2.

[11] Id. at 158-159.

[12] Id. at 158.

[13] Id. at 162-165.

[14] Id. at 162-164.

[15] Id. at 178.

[16] Id.

[17] Id. at 212-225. Signed by Court Administrator Jose Midas P. Marquez (now a Member of the Court) and Deputy Court Administrator Raul Bautista Villanueva (now a Member of the Court).

[18] Id. at 223-224.

[19] Id. at 768-799. Signed by Former Acting Executive Judge Homer Jay D. Ragonjan.

[20] Id. at 798, 805.

[21] Id. at 287, 797-798.

[22] Id. at 284-285, 794-795.

[23] Id. at 802-809. Signed by Acting Executive Director Eduardo C. Tolentino.

[24] Id. at 809.

[25] Id. at 808-809.

[26] Id. at 807.

[27] Id. at 807-808.

[28] Rollo, p. 287.

[29] Office of the Court Administrator v. Fuensalida, 880 Phil. 561, 569-570 (2020) [Per J. Delos Santos, En Banc]. (Emphasis supplied) See also Baquerfo v. Sanchez, 495 Phil. 10 (2005) [Per Curiam, En Banc].

[30] Dela Cruz v. Malunao, 684 Phil. 493, 504 (2012) [Per Curiam, En Banc].

[31] 760 Phil. 206 (2015) [Per Curiam, En Banc].

[32] 684 Phil. 493 (2012) [Per Curiam, En Banc].

[33] Id. at 504-505.

[34] Purugganan v. People, 936 Phil. 997, 1009 (2023) [Per J. Inting, Third Division].

[35] Lacap v. Sandiganbayan, 811 Phil. 441, 453 (2017) [Per J. Caguioa, First Division].

[36] Rollo, p. 160.

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