

RE: INVESTIGATION REPORT ON THE ALLEGED EXTORTION ACTIVITIES OF PRESIDING JUDGE GODOFREDO B. ABUL, JR., BRANCH 4, REGIONAL TRIAL COURT, BUTUAN CITY, AGUSAN DEL NORTE

A.M. No. RTJ-17-2486 [Formerly A.M. No. 17-02-45-RTC]. September 08, 2020

Ponente: HERNANDO, J.

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HERNANDO, J.:

In this Motion for Reconsideration, the Court is presented with the opportunity to revisit and re-assess from another perspective its earlier pronouncements that the death of a respondent in an administrative case, which is a form of cessation from public service, pending its final resolution, does not automatically cause the dismissal of the proceeding.

In the assailed September 3, 2019 Decision, the Majority declared that:

Death of the respondent judge during the pendency of his administrative case shall not terminate the proceedings against him, much less absolve him, or cause the dismissal of the complaint if the investigation was completed prior to his demise. If death intervenes before he has been dismissed from service, the appropriate penalty is forfeiture of all retirement and other benefits, except accrued leaves.[1]

To recap, a complaint was filed against Judge Abul, then Presiding Judge of Branch 4, Regional Trial Court of Butuan City, Agusan Del Norte, alleging that he extorted large amounts of money ranging from P200,000.00 to P300,000.00 from the detainees of the Provincial Jail of Agusan in exchange for their release from prison or the dismissal of their criminal cases. The Office of the Court Administrator (OCA) conducted an investigation after it received a letter from Rev. Father Antoni A. Saniel exposing Judge Abul's alleged illegal activities. During its investigation, the OCA confirmed that Judge Abul indeed engaged in extortion activities, a grave misconduct constituting a violation of the Code of Judicial Conduct, and recommended that Judge Abul be fined the amount of P500,000.00 to be deducted from his retirement gratuity.[2]

However, while the administrative case was pending review by this Court, Judge Abul met an untimely death[3] when he was targeted by an unidentified motorcycle-riding shooter while he was about to depart from his house. Fortunately, his spouse survived the ambush, although she also sustained gunshot wounds.[4]

In a Per Curiam Decision[5] dated September 3, 2019, the Court, by a Majority vote,[6] found sufficient grounds to hold Judge Abul administratively liable for Misconduct. Significantly, the Majority found that notwithstanding Judge Abul's death before the resolution of his administrative case, the complaint against him should not be dismissed considering that he was fully afforded due process during the investigation stage and that the Court's jurisdiction over the case survives his death. The Court emphasized that grave misconduct is a serious offense punishable with dismissal from the service, forfeiture of all or part of the benefits, and perpetual disqualification from reappointment or appointment to any public office, including government-owned and controlled corporations, except accrued leave credits. Yet, in view of Judge Abul's passing, the Majority deemed it proper to

impose the accessory penalty of forfeiture of all retirement and allied benefits, except accrued leaves, upon him.[7]

The Court is now poised to resolve the Motion for Reconsideration[8] filed by the aggrieved surviving spouse of Judge Abul, Bernadita C. Abul (Bernadita),[9] on the aspect of survivorship benefits and given the fact that Judge Abul "is no longer in the position to assail the findings of the majority, finding him GUILTY of Gross Misconduct, and imposing on him the penalty of FORFEITURE of all his benefits including retirement gratuity, to plead his innocence or to express his remorse[.]"[10]

After much deliberation and careful consideration, the Court resolve to grant the Motion for Reconsideration. To be sure, this resolution is berthed on strong grounds and constitutional precepts, particularly on the individual's rights to presumption of innocence and due process.

It is well to point out at this juncture that in criminal cases, the rule is that the death of an accused after conviction but during the pendency of his/her appeal shall result in the dismissal of the criminal case. This dismissal is triggered by the presumption of innocence accorded every accused as well as by his/her right to due process under the Constitution. As the said principles are instrumental to criminal as well as to civil cases, these should likewise be applied to administrative proceedings such as the one at bench. "[S]ince death of an accused extinguishes personal criminal liability as well as pecuniary penalties arising from the felony when the death occurs before final judgment in criminal cases, the standard for an administrative case should be similar 01 less punitivef.]"[11] "If this is the standard for criminal cases wherein the quantum [of proof] is beyond reasonable doubt, then a lower standard for administrative proceedings such as the case at bar should be followed, even if the quantum of proof therein is substantial evidence."[12]

Thus, the Court so now holds that the death of a respondent in an administrative case before its final resolution is a cause for its dismissal. Otherwise stated, the non-dismissal of a pending administrative case in view of the death of the respondent public servant is a transgression of his or her Constitutional rights to due process and presumption of innocence. Simply put, upon the death of the respondent public servant awaiting final judgment, the dismissal of the administrative case against him/her should necessarily follow.

We explain the reasons for reversing Our previous ruling.

The bundle of precedents had relied on public policy, that is, public office is public trust. Thus, in administrative cases, the death of a respondent public official during its pendency is not a cause for its dismissal except in the following instances: a) the respondent was denied due process; b) there are attendant exceptional circumstances which would merit equitable and humanitarian consideration; and c) depending on the kind of penalty imposed.[13]

However, if viewed from the Constitutional lens, particularly that the respondent in the administrative case, similar to the accused in criminal cases, likewise enjoys the rights to presumption of innocence and due process, the Court now deems the dismissal of the instant administrative case proper based on the following grounds: (1) pending final judgment in the administrative case, the respondent enjoys the right to be presumed innocent; (2) the rule in criminal cases that death of an accused extinguishes personal criminal liability as well as pecuniary penalties arising from the felony when the death occurs before final judgment should likewise be applied in administrative cases; (3) the essence of due process necessitates the dismissal of the administrative case; and (4) humanitarian reasons also call for the grant of death and survivorship benefits in favor of the heirs.

The First Ground: Presumption of Innocence

Article 3, Section 14 of the 1987 Constitution provides that "in all criminal prosecutions, the accused shall be

presumed innocent until the contrary is proved x x x"[14] Certainly, until an accused is finally adjudged guilty by proof beyond reasonable doubt, there is a presumption of his/her innocence. Thus, considering that only substantial evidence[15] is required in administrative cases, a respondent therein should likewise be presumed innocent if his/her death preceded the finality of a judgment, as in the case of Judge Abul who can no longer submit additional evidence to support his position due to his passing. The presumption of innocence in his favor should stand precisely because his death preceded the promulgation of final judgment.

The Second Ground: Extinguishment of Liability Upon Death

With regard to the extinguishment of criminal liability, Article 89 (1) of the Revised Penal Code states:

Article 89. How criminal liability is totally extinguished. — Criminal liability is totally extinguished:

1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment; xxx[16]

Based on the aforementioned provision, the death of the accused extinguishes his/her personal criminal liability. Additionally, the pecuniary penalties of the accused will only be extinguished if he/she dies before final judgment is rendered. If the standard for criminal cases wherein the quantum of proof is proof beyond reasonable doubt, then a lower standard for administrative proceedings such as the case at bench should be applied, since the quantum of proof therein is only substantial evidence.[17]

Although the Court previously pronounced in *Gonzales v. Escalona*[18] that an administrative case, which is not strictly personal in nature, is not automatically dismissible upon the death of the respondent because public office is public trust, this public policy should not override the presumption of innocence of an accused. It is illogical to consider that mere public policy can defeat one's constitutionally enshrined substantive right to be presumed innocent, as mentioned earlier. If death extinguishes the criminal and civil liabilities arising from criminal cases, then why should more rigid measures or penalties be imposed in mere administrative cases?

A revisit of jurisprudence is necessary to demonstrate the Court's rationale in resolving an administrative case despite the death or retirement (another form of cessation from public service) of the respondent before the release of final judgment.

In *Kaw v. Judge Osorio*,[19] the Court held that as it was not substantially proven, the respondent judge may not be held liable for extortion and graft and corruption. Regardless, he was found accountable for violating Canons 2 and 5 of the Code of Judicial Conduct. The Court ordered that a P40,000.00 fine should be deducted from his retirement benefits instead since he mandatorily retired before the penalty of dismissal or suspension could be imposed upon him.

In *Re: Evaluation of Administrative Liability of Judge Lubao*,[20] Judge Lubao was only imposed a fine by reason of his retirement despite having committed several serious, less serious, and light offenses[21] while he was still in service which would have merited the penalty of dismissal and forfeiture of all his benefits.

In *Re: Financial Audit on the Accountabilities of Restituto Tabucon, Jr.*[22] Tabucon failed to remit some Judiciary Development Fund collections because he used the money to sustain his family's needs. He eventually restituted the said amounts after he obtained a loan from a friend. The Court ruled that his infraction constituted gross dishonesty, if not malversation. However, because dismissal from the service is no longer possible due to Tabucon's compulsory retirement, the Court held that forfeiture of all his retirement and other benefits may be too harsh under the circumstances. Since he restituted his shortages, a P10,000.00 fine was imposed upon Tabucon instead.

In *Liwanag v. Lustre*,^[23] the Court found substantial evidence showing that the respondent judge committed gross misconduct when he sexually molested the complainant. While the OCA recommended his dismissal from the service and forfeiture of all his retirement benefits, the Court modified the penalty by imposing instead a fine because he already retired. It further stated that the OCA's recommendation to forfeit all of the judge's retirement benefits, "while directed at respondent, might adversely affect innocent members of his family, who are dependent on him and his retirement gratuity."^[24] Hence, the Court deemed it best to impose a fine in the amount of P40,000.00.

In *Geocadin v. Pena*^[25] Judge Pefia was adjudged guilty of grave misconduct. Since he was afflicted with serious illnesses, he failed to present his evidence during the investigation. The Court noted that there is a presumption of innocence in his favor and that due to his condition, he deserved compassion and humanitarian consideration. Withal, the Court imposed a penalty of reprimand and forfeiture of three months' worth of salary to be deducted from his retirement benefits.

In *Re: Judicial Audit Conducted in Regional Trial Court, Branch 1, Bangued, Abra*^[26] although Judge Villarta failed to properly perform his duties as revealed during the judicial audit which the OCA confirmed, he was not able to explain his inaction in the cases assigned to him due to his death. Thus, the Court directed the release of his previously withheld retirement benefits to his heirs.

In *Agarao v. Parentela, Jr.*,^[27] Judge Parentela was found guilty of immorality, a serious offense penalized with dismissal from the service and forfeiture of all or part of the benefits as the Court may determine. Since the respondent judge passed away before a decision on his case could be rendered, the Court ordered the forfeiture of one half of all of his retirement benefits excluding his accrued leave credits.

In *Loyao, Jr. v. Caube and Quisadio*^[28] the Court pronounced that notwithstanding its jurisdiction over respondent Caube and the finding that he committed malfeasance, his death precluded the imposition of dismissal from the service upon him. Given that he can no longer serve the said penalty, the Court declared the case as closed and terminated.

In *Limliman v. Judge Ulat-Marrero*^[29] the respondent judge was charged with grave misconduct and conduct unbecoming of a judge. Pending a formal investigation, the magistrate passed away. The Court dismissed the administrative case as the judge's death barred the continuance of the investigation, wherein factual issues needed to be resolved which necessitated a formal inquiry and reception of evidence.

In *Sexton v. Casida*^[30] "the respondent, who in the meantime died, was found guilty of act unbecoming a public official and acts prejudicial to the best interest of the service, and fined [the amount of] P5,000.00, deductible from his terminal leave pay."

In *Re: Judicial Audit Conducted in the Municipal Trial Court of Tambulig and the 11th Municipal Circuit Trial Court of Mahayag-Dumangag-Josefina*, both in *Zambaonga del Sur*,^[31] the Court found respondent Judge Salvanera guilty of gross inefficiency, gross ignorance of the law, and violations of pertinent administrative circulars of the Court. However, the Court dismissed the case in view of his death and even released his full retirement benefits to his heirs.

In *San Buenaventura v. Migriño*^[32] the respondent was found guilty of simple neglect of duty. The Executive Judge who investigated the case recommended the imposition of a fine equivalent to two months' worth of salary. The OCA modified the penalty to a fine equivalent to one-month salary for humanitarian consideration and by reason of the death of the respondent. Upon final determination, the Court adopted the recommendation of the OCA to just impose a fine.

Finally, in *Bayaca v. Ramos*[33] the Court, although it could have imposed a fine upon Judge Ramos for being negligent in his duties, nonetheless dismissed the administrative case in view of his death before the promulgation of the decision. Furthermore, the Court noted the pronouncements in the following cases:

In *Baikong Akang Camsa vs. Judge Aurelio Rendon*,[34] this Court, citing previous cases, discussed the different implications and effects of the death of a respondent while an administrative complaint is still pending with the Court, viz.:

In *Hermosa vs. Paraiso*,[35] the respondent, a branch clerk of court of the then Court of First Instance of Masbate, was charged with irregularities while in office. The matter was referred to an Investigating Judge considering that there were persons mentioned in the complaint who had been questioned. The Investigating Judge, in his report of 18 August 1973, recommended that the respondent be exonerated of the charges for lack of sufficient evidence. On 01 August 1974, while the case was pending before the Court, the respondent died. The Court, nevertheless, resolved the case so that the respondent's heirs might not be deprived of any retirement benefits due to them and ordered the dismissal of the case for lack of substantial evidence.

In *Mahozca vs. Judge Domagas*,[36] the respondent judge, who was charged with gross ignorance of the law for having erroneously granted a demurrer to evidence, died while the case was being evaluated by the OCA for appropriate action. The Court, on the basis of what appeared on record, no factual matter being in serious dispute that would require a formal investigation, resolved to impose a fine of P5,000.00 on the respondent judge, stressing that he had been previously sanctioned by the Court for gross ignorance of the law.

In *Apiag vs. Judge Cantero*[37] the respondent judge was charged with gross misconduct for allegedly having committed bigamy and falsification of public documents. The case was referred to the Executive Judge of the Regional Trial Court of Toledo City for investigation, report and recommendation. An investigation was imperative considering that factual issues, including the circumstances of the respondent's first marriage to the complainant, were inextricably involved. Upon receipt of the report of the Investigating Judge, who recommended that the respondent judge be suspended for one (1) year without pay, the Court referred the matter to OCA for evaluation, report and recommendation. The OCA, in its memorandum, recommended that the respondent judge be dismissed from the service. The respondent judge died while the case was still being deliberated upon by the Court. The Court there held -

However, we also cannot just gloss over the fact that he was remiss in attending to the needs of his children of his first marriage - children whose filiation he did not deny. He neglected them and refused to support them until they came up with this administrative charge. For such conduct, this Court would have imposed a penalty. But in view of his death prior to the promulgation of this Decision, dismissal of the case is now in order.[38]

Considering these cases, it is undeniable that in spite of the death or retirement of the respondents while their administrative cases were pending, only the penalty of fine or deduction from their benefits was eventually imposed upon them. More importantly, some complaints were actually dismissed in view of the respondents' deaths. Furthermore, the respondents' retirement or death/survivorship benefits were not at all automatically forfeited. Evidently, the Court exercised its sound discretion in the imposition of penalties based on the prevailing circumstantial landscape.

The Third Ground: Due Process

The instant administrative complaint against the late Judge Abul should be dismissed in view of the Constitutional principle of due process, which is one of the recognized exceptions to the general rule that the death of the respondent does not preclude a finding of administrative liability.[39] To reiterate, *Gonzales v. Escalona*[40] states that the exceptions are: "first, the observance of respondent's right to due process;[41] second, the presence of exceptional circumstances in the case on the grounds of equitable and humanitarian reasons;[42] and third, it may also depend on the kind of penalty imposed." [43]

If We were to sustain Our earlier ruling to forfeit all of his retirement benefits, Judge Abul can no longer file any motion or pleading to question the ruling because of his death. Likewise, he can no longer exercise his right to due process, nor can he exhaust other possible remedies available to him. Similarly, he cannot ask for clemency in the future, an option which other respondents who did not meet the same fate can take advantage of if the circumstances permit. In other words, had death not supervened, Judge Abul could have exerted efforts to protect his rights in keeping with the principle of due process. Thus, it is only right to dismiss the administrative case against him, particularly since the spirit of due process encompasses all stages of the case, that is, from the investigation phase until the finality of the decision. In other words, a respondent public officer should be given the opportunity to be heard throughout the whole proceedings. Indeed, "[t]he essence of due process is simply to be heard, or as applied to administrative proceedings, an opportunity to explain one's side, or an opportunity to seek a reconsideration of the action or ruling complained of." [44]

Besides, the Constitution did not limit or qualify as to what kind of case, whether criminal, civil or administrative, should the principle of due process be applied to. To further assume an already deceased respondent to "participate" in the administrative proceedings would be absurd, precisely because he/she already lost the opportunity to be heard. Hence, to continue adjudicating his/her case amidst his/her death would be a denial of due process.

The Fourth Ground: Humanitarian Reasons

The other exception is the presence of exceptional circumstances on the ground of equitable and humanitarian reasons. Based on this ground, the instant administrative case should be dismissed and death and survivorship benefits should be released to Judge Abul's heirs, as his passing preceded the rendition of a judgment on his administrative case.

Relevantly, Judge Abul's wife, Bernadita, wrote the Court a letter dated September 13, 2017. [45] She asserted that she is a housemaker with no other source of income and that ever since Judge Abul's preventive suspension from office, their family suffered financial difficulties. She then requested the release of the amount pertaining to Judge Abul's accrued leave benefits and other assistance which could be extended to them in order to help their family meet their daily needs and to fund her son's education in medical school.

It should also be noted that Bernadita's letter dated September 13, 2017 informing the Court of Judge Abul's death preceded the submission of the OCA's Report and Recommendation on February 20, 2018 and the promulgation of the Per Curiam Decision on September 3, 2019. Apart from this, it is an undeniable fact that Judge Abul was murdered mere days after he turned 68 years old. [46] He would have already reached the compulsory age of retirement for judges, [47] specifically seventy (70) years old, prior to the release of the September 3, 2019 Per Curiam Decision, if not for his untimely demise.

To emphasize, Judge Abul's mistakes should not unduly punish his heirs, especially if they had no part in or knowledge about the alleged extortions. Judge Abul's liability should be considered personal and extinguished upon his death. Similarly, it should not extend beyond his death, and its effects should not be suffered by his heirs, for to do so would indirectly impose a harsh penalty upon innocent individuals. These same individuals already have to accept the sudden death of a loved one, the breadwinner at that. Such is already more than enough for any family to bear. The non-dismissal of Judge Abul's administrative case and forfeiture of all of his death and survivorship benefits would just unnecessarily add to the grief of his bereaved family. Thus, the Court, faced with this opportunity to reconsider its prior ruling, should finally dismiss the instant complaint considering the aforementioned grounds.

In connection with this, pertinent to the death of a member of the Judiciary while still in actual service, Sections 2

to 3-A of Republic Act (RA) No. 9946[48] state that:

'SEC. 2. In case a Justice of the Supreme Court or Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court in cities, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established, dies while in actual service, regardless of his/her age and length of service as required under Section 1 hereof, his/her heirs shall receive a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance received by him/her as such Justice or Judge: Provided, however, That where the deceased Justice or Judge has rendered at least fifteen (15) years either in the Judiciary or in any other branch of Government, or both, his/her heirs shall instead be entitled to a lump sum often (10) years gratuity computed on the same basis as indicated in this provision: Provided, further, That the lump sum often (10) years gratuity shall be received by the heirs of the Justice or the Judge who was killed because of his/her work as such: Provided, That the Justice or Judge has served in Government for at least five (5) years regardless of age at the time of death. When a Justice or Judge is killed intentionally while in service, the presumption is that the death is work-related.

SEC. 3. Upon retirement, a Justice of the Supreme Court or of the Court of Appeals, the Sandiganbayan or of the Court of Tax Appeals, or a Judge of the regional trial court, metropolitan trial court, municipal trial court in cities, municipal trial court, municipal circuit trial court, shari'a district court, shari'a circuit court, or any other court hereafter established shall be automatically entitled to a lump sum of five (5) years' gratuity computed on the basis of the highest monthly salary plus the highest monthly aggregate of transportation, representation and other allowances such as personal economic relief allowance (PERA) and additional compensation allowance he/she was receiving on the date of his/her retirement and thereafter upon survival after the expiration of five (5) years, to further annuity payable monthly during the residue of his/her natural life pursuant to Section 1 hereof: Provided, however, That if the reason for the retirement be any permanent disability contracted during his/her incumbency in office and prior to the date of retirement, he/she shall receive a gratuity equivalent to ten (10) years' salary and the allowances aforementioned: Provided, further, That should the retirement under Section 1(1) hereof be with the attendance of any partial permanent disability contracted during his/her incumbency and prior to the date of retirement, he/she shall receive an additional gratuity equivalent to two (2) years lump sum that he/she is entitled to under this Act; Provided, furthermore, That if he/she survives after ten (10) years or seven (7) years, as the case may be, he/she shall continue to receive a monthly annuity as computed under this Act during the residue of his/her natural life pursuant to Section 1 hereof: Provided, finally, That those who have retired with the attendance of any partial permanent disability five (5) years prior to the effectivity of this Act shall be entitled to the same benefits provided herein.

Upon the death of a Justice or Judge of any court in the Judiciary, if such Justice or Judge has retired, or was eligible to retire optionally at the time of death, the surviving legitimate spouse shall be entitled to receive all the retirement benefits that the deceased Justice or Judge would have received had the Justice or Judge not died. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.'

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'SEC. 3 -A. All pension benefits of retired members of the Judiciary shall be automatically increased whenever there is an increase in the salary of the same position from which he/she retired.'

According to A.M. No. 17-08-01-SC, in case of permanent disability due to death while in actual service, a judge is entitled to the following benefits:

B. 1 Where government service is at least 15 years, regardless of age

(1) Lump sum gratuity of 10 years, to be received by the heirs (Section 2) [49]

- (2) Full survivorship pension benefits (Section I),[50] to be received by the surviving legitimate spouse upon survival of the gratuity period of 10 years (Section 3, first paragraph);[51]
- (3) Automatic increase of pension benefits (Section 3-A).[52]

Provided, The same benefits shall apply in respect to a justice or judge, who, with at least 5 years of government service, was killed due to his/her work as such.

B. 2 Where government service is less than 15 years, regardless of age-

- (1) Lump sum gratuity of 5 years, to be received by the heirs (Section 2)[53]
- (2) Pro-rated pension benefits (Section I),[54] to be received by the surviving legitimate spouse upon survival of the gratuity period of 10 years (Section 3, first paragraph);[55]
- (3) Automatic increase of pension benefits (Section 3-A).[56]

xxx xxx xxx

E. Survivorship Pension Benefits

The legitimate surviving spouse of a Justice or Judge who (1) has retired or was eligible to retire optionally at the time of death, and (2) was receiving or would have been entitled to receive a monthly pension, shall be entitled to receive the said benefits that the deceased Justice or Judge would have received had the Justice or Judge not died, Provided, That the justice or judge who, regardless of age, died or was killed while in actual service shall be considered as retired due to permanent disability. Provided, further, That the survivorship benefit shall be pro-rated if the deceased justice or judge had rendered government service for less than 15 years. The surviving spouse shall continue to receive such retirement benefits until the surviving spouse's death or remarriage.[57]

Based on the foregoing, Judge Abul's heirs should be given death benefits granted under Section 2 of RA No. 9946. If Judge Abul served for at least 15 years, his heirs should receive a lump sum equivalent to ten (10) years. Alternatively, if he served for less than 15 years, the lump sum should be equivalent to five (5) years. Subsequently, after the gratuity period of ten (10) years has passed, his heirs are entitled to survivorship benefits, specifically, full monthly pension (if Judge Abul rendered at least 15 years of service) or pro-rated monthly pension (if he served for less than 15 years).

To recapitulate, these are the salient points for the dismissal of the case at bench: 1) because of Judge Abul's death, the administrative complaint against him should be dismissed in accordance with the Constitutional principles of due process and presumption of innocence; and 2) taking into account the instant Motion for Reconsideration, Judge Abul's heirs should be granted the death benefits and survivorship pension benefits due to his death while in actual service. This is considering that prior to his demise, no definite ruling was rendered and no corresponding penalty was imposed upon him. Equally important is the Court's belief in equitable and humanitarian considerations, especially when the case involves an inevitable occurrence like death.

WHEREFORE, the Motion for Reconsideration is hereby GRANTED. The September 3, 2019 Decision is REVERSED and SET ASIDE. The instant administrative complaint against the late Judge Godofredo B. Abul, Jr. is DISMISSED. Accordingly, the corresponding death and survivorship benefits are ordered to be RELEASED to the heirs of the late Judge Godofredo B. Abul, Jr.

SO ORDERED.

Peralta, C.J., I join the dissenting opinion J. Carandang.

Gesmundo, Lazaro-Javier, Inting, Zalameda, Lopez, Delos Santos, and Gaerlan, JJ., concur.

Perlas-Bernabe, J., I join the dissent of J. Carandang.

Leonen, J., I concur. See separate opinion.
Caguioa, J., Please See Concurring and Dissenting.
J. Reyes, Jr., J., I join the dissent of J. Carandang.
Carandang, J., Please see my dissenting opinion.
Baltazar-Padilla,[*] J., On leave.

[*] On leave.

[1]Rollo, p. 137.

[2]Id. at 104-119.

[3]Died on August 5, 2017 by multiple gunshot wounds at 68 years old; id. at 91, 95-97.

[4]Rollo, pp. 95-96.

[5]Id. at 137-147.

[6]Chief Justice Lucas P. Bersamin, Associate Justices Antonio T. Carpio, Diosdado M. Peralta (now Chief Justice), Estela M. Perlas-Bernabe, Francis H. Jardeleza, Jose C. Reyes, Jr., Rosmari D. Carandang, and Henri Jean Paul B. Inting voted with the majority. The Dissent of Associate Justice Ramon Paul L. Hernando was joined by Associate Justices Alfredo Benjamin S. Caguioa, Andres B. Reyes, Jr., Alexande G. Gesmundo, Amy C. Lazaro-Javier, and Rodil V. Zalameda. Associate Justice Marvic M.V.F. Leonen wrote a strong Separate Opinion.

[7]Rollo, pp. 145-146.

[8]Id. at 186-194.

[9]Id. at 186-189.

[10]Id. at 186.

[11]See Dissenting Opinion of J. Hernando, p. 3; id. at 170.

[12]Id. at 4; id. at 171.

[13]Gonzales v. Escalona, 587 Phil. 448, 465 (2008).

[14]1987 CONSTITUTION, Article 3, §14.

[15]RULES OF COURT, Rule 133, § 5.

[16]REVISED PENAL CODE, Article 89(1).

[17]That amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, Office of the Court Administrator v. Yu, 807 Phil. 277, 293 (2017).

[18]Supra note 3.

[19]469 Phil. 896 (2004).

[20]785 Phil. 14(2016).

[21]Judge Lubao was found guilty of the following offenses: gross misconduct; violation of Supreme Court rules, directives and circulars; undue delay in rendering a decision or order; and undue delay in the submission of monthly reports.

[22]504 Phil. 512(2005).

[23]365 Phil. 496(1999).

[24]Id. at 510.

[25]195 Phil. 344(1981).

[26]388 Phil. 60(2000).

[27]421 Phil. 677(2001).

[28]450 Phil. 38(2003).

[29]443 Phil. 732 (2003).

[30]508 Phil. 166(2005).

[31]509 Phil. 401 (2005).

[32]725 Phil. 151 (2014).

[33]597 Phil. 86 (2009).

[34]427 Phil. 518(2002).

[35]159 Phil. 417(1975).

[36]318 Phil. 744(1995).

[37]335 Phil. 511(1997).

[38]Bayaca v. Ramos, supra note 33 at 99-101. Citations omitted.

[39]Gonzales v. Escalona, supra note 13, citing Loyao, Jr. v. Caube, 450 Phil. 38 (2003).

[40]Supra note 13.

[41]Gonzales v. Escalona, supra note 13, citing Limliman v. Judge Ulal-Marrero, supra note 42, which cited Camsa v. Judge Rendon, 427 Phil. 518 (2002) and Apiag v. Judge Cantero, 335 Phil. 511(1997).

[42]Gonzales v. Escalona, supra note 13, citing Limliman v. Judge Ulal-Marrero, supra note 41 which cited Judicial Audit Report, Branches 21, 32 & 36, et. al, 397 Phil. 476 (2000) and Hermosa v. Paraiso, 159 Phil. 417(1975).

[43]Gonzales v. Escalona, supra note 13, citing Limliman v. Judge Ulal-Marrero, supra note 41. which cited Report on the Judicial Audit Conducted in RTC, Br. 1, Bangued, Abra, 388 Phil. 60 (2000); Apiag v. Judge Cantero, 335 Phil. 511 (1997), Mañozca v. Judge Domagas, 318 Phil. 744 (1995); and Loyao, Jr. v. Caube, 450 Phil. 38 (2003).

[44]Ledesma v. Court of Appeals, 565 Phil. 731 (2007) citing Libres v. National Labor Relations Commission, 367 Phil. 181 (1999).

[45]Rollo, p. 91.

[46]Judge Abul's date of birth is on August 1, 1949.

[47]Republic Act No. 9946, An Act Granting Additional Retirement, Survivorship, and Other Benefits to

Members of the Judiciary, Amending For the Purpose Republic Act No. 910, As Amended, Providing Funds Therefor and For Other Purposes (2009).

[48]Id.

[49]Id.

[50]Id.

[51]Id.

[52]Id.

[53]Id.

[54]Id.

[55]Id.

[56]Id.

[57]A.M. No. 17-08-01-SC, Re: Requests for Survivorship Pension Benefits of Spouses of Justices and Judges Who Died Prior to the Effectivity of Republic Act No. 9946, September 19, 2017.

September 8, 2020

CONCURRING OPINION

LEONEN, J.:

I concur.

The death of respondent Judge Godofredo B. Abul, Jr., prior to the promulgation and finality of his administrative case, effectively renders the case moot. Proceeding further would be a gross violation of the fundamental right to due process.

Further, imposing any monetary penalty in lieu of dismissal only punishes respondent's wife and heirs: those who are innocent of the charges against respondent. Once a respondent in an administrative case dies, it is simply illogical and impractical for this Court to continue with the proceedings. There would be no one left to punish.

To recall, Rev. Father Antoni A. Saniel, Director of the Prison Ministry of the Diocese of Butuan, filed a complaint alleging that respondent was demanding money ranging from P200,000.00 to P300,000.00 from detainees of the Provincial Jail of Agusan in exchange for their release or dismissal of their cases.[1] The judicial audit team's investigation report confirmed these allegations.[2]

While the case was pending, or on August 5, 2017, respondent was killed by unidentified motorcycle-riding assailants outside his house.[3]

Nonetheless, the Office of the Court Administrator found respondent guilty of grave misconduct. Since the offense was punishable by dismissal from service, the Office of the Court Administrator instead recommended the penalty of a fine of P500,000.00, to be deducted from respondent's retirement gratuity, in view of his death.[4]

In the September 3, 2019 Decision,[5] this Court adopted the findings of the Office of the Court Administrator but modified the recommended penalty to the forfeiture of all benefits, including retirement gratuity, on the ground

that the death of a respondent in an administrative case did not oust this Court of its jurisdiction to proceed with the case, or to impose accessory penalties on the respondent.[6]

Respondent's widow, Bernadita C. Abul, then filed a Motion for Reconsideration, arguing that the case should have been rendered moot since her husband was no longer in a position to assail the September 3, 2019 Decision of this Court, to plead his innocence, or to express remorse.[7]

This Court, guided by the able ponencia of Associate Justice Ramon Paul L. Hernando, has now seen it fit to: (1) reverse its earlier Decision; (2) grant the Motion for Reconsideration; and (3) dismiss the administrative case against respondent.

The ponencia is anchored on four (4) grounds: (1) Judge Abul still enjoyed the right to be presumed innocent, since his death preceded any final judgment on the charges against him; (2) administrative liability, like criminal liability, may be extinguished through death; (3) the imposition of a penalty would violate due process since Judge Abul can no longer exercise any of the remedies that would have been available to him; and (4) Judge Abul's mistakes should not unduly punish his heirs.

I concur.

I

The power granted by the Constitution to this Court to discipline members of the Bench and the Bar should always be read alongside the guarantee of any respondent's fundamental rights. In any disciplinary proceeding, respondents are, at all times, guaranteed the fundamental right to due process of law under Article I, Section 1:

ARTICLE III

Bill of Rights

SECTION 1. No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied the equal protection of the laws.

Disciplinary proceedings, being administrative in nature, do not necessarily require the strict procedural rules usually found in civil and criminal cases. It is a generally accepted rule that due process in administrative proceedings does not require that the respondent must be heard. It merely requires that the respondent is given the opportunity to be heard.[8]

This "lesser" standard, however, is not lost even after judgment is rendered. In administrative cases, the right to due process still grants respondents the opportunity to question any unfavorable judgment rendered against them. *Lumiqued v. Exevea*[9] explains:

In administrative proceedings, the essence of due process is simply the opportunity to explain one's side. One may be heard, not solely by verbal presentation but also, and perhaps even much more creditably as it is more practicable than oral arguments, through pleadings. An actual hearing is not always an indispensable aspect of due process. As long as a party was given the opportunity to defend his interests in due course, he cannot be said to have been denied due process of law, for this opportunity to be heard is the very essence of due process. Moreover, this constitutional mandate is deemed satisfied if a person is granted an opportunity to seek reconsideration of the action or ruling complained of.[10] (Citations omitted, emphasis supplied)

Criminal liability is immediately extinguished if the accused dies before final judgment is rendered.[11] The reason is simple: due process requires that the accused be informed of the evidence and findings against them, and be given the opportunity to appeal the conviction. As the ponencia correctly points out,[12] there is no reason why the same principle should not apply in administrative cases where a lower quantum of proof is required.

The opportunity to be heard is not a mere formality, but an intrinsic and substantial part of the constitutional right to due process. Thus, the opportunity to be heard must be present in all aspects of the proceeding until the finality of the judgment.

II

It is settled that this Court's jurisdiction over a disciplinary case of a court official or employee, once acquired, is not lost simply because the respondent has ceased to hold office during the pendency of the case.^[13] Thus, respondents cannot escape liability if they retire or resign from public office. Death, however, cannot be likened to these types of cessation from public office.

I explained in my previous Dissenting Opinion that the rationale for the rule on the continuation of proceedings, despite cessation from public office, must first take into account the nature of the cessation:

Cessation from public office during the pendency of the case may occur in three (3) different ways: (1) resignation; (2) retirement; or (3) death.

Resignation requires intent. It is a voluntary cessation from public office. Sometimes, however, respondents in disciplinary proceedings opt to resign to avoid being forcibly dismissed from service. Thus, this Court has stated that resignation "should be used neither as an escape nor as an easy way out to evade administrative liability by a court personnel facing administrative sanction."

Therefore, once this Court assumes jurisdiction—that is, after an administrative case has been filed—resignation from public office will not render the case moot. In *Pagano v. Nazarro, Jr.*:

A case becomes moot and academic only when there is no more actual controversy between the parties or no useful purpose can be served in passing upon the merits of the case. The instant case is not moot and academic, despite the petitioner's separation from government service. Even if the most severe of administrative sanctions - that of separation from service - may no longer be imposed on the petitioner, there are other penalties which may be imposed on her if she is later found guilty of administrative offenses charged against her, namely, the disqualification to hold any government office and the forfeiture of benefits.

Moreover, this Court views with suspicion the precipitate act of a government employee in effecting his or her separation from service, soon after an administrative case has been initiated against him or her. An employee's act of tendering his or her resignation immediately after the discovery of the anomalous transaction is indicative of his or her guilt as flight in criminal cases.

Retirement, meanwhile, may be optional or compulsory. Optional retirement for government employees may be availed after 20 to 30 years of service, regardless of age. Judges and justices may also opt to retire upon reaching 60 years old as long as they have rendered 15 years of service in the judiciary. Optional retirement, like resignation, is a voluntary cessation from public office. Thus, the same rationale is applied to those who avail of optional retirement during the pendency of an administrative case. In *Aquino, Jr. v. Miranda*:

A public servant whose career is on the line would normally want the investigating body to know his or her whereabouts for purposes of notice. The timing of respondent's application for leave, for optional retirement, and her sudden unexplained disappearance, taken together, leads us to conclude that hers is not a mere case of negligence. Respondent's acts reveal a calculated design to evade or derail the investigation against her. Her silence at the least serves as a tacit waiver of her opportunity to refute the charges made against her.

Neither respondent's disappearance nor her retirement precludes the Court from holding her liable. Her disappearance constitutes a waiver of her right to present evidence in her behalf. The Court is not ousted of its jurisdiction over an administrative case by the mere fact that the respondent public official ceases to hold office during the pendency of respondent's case.

....

Respondents in an administrative case could apply for optional retirement to evade liability. Thus, optional retirement during the pendency of an administrative case, like resignation, will not render the case moot.

Unlike resignation, however, retirement may also be involuntary. Retirement from public service is compulsory for government employees who have reached 65 years old or for judges and justices who have reached 70 years old.

In the leading case of *Perez v. Abiera*, this Court was confronted with the issue of whether an administrative complaint against a judge, was rendered moot when he compulsorily retired while the case was pending. Citing *Diamalon v. Quintillan*[14] respondent Judge Carlos Abiera argued y that he could not be meted the penalty of dismissal since he was no longer in service.

In *Quintillan*, this Court dismissed the complaint against Judge Jesus Quintillan since he had already resigned from service before a judgment could be rendered:

[T]he petition for dismissal must be granted. There is no need to inquire further into the charge imputed to respondent Judge that his actuation in this particular case failed to satisfy the due process requirement. As an administrative proceeding is predicated on the holding of an office or position in the Government and there being no doubt as to the resignation of respondent Judge having been accepted as of August 31, 1967, there is nothing to stand in the way of the dismissal prayed for.

In *Abiera*, however, this Court clarified that *Quintillan* was not meant to be a precedent to immediately dismiss complaints against judges who resigned or retired while the administrative cases were pending:

It was not the intent of the Court in the case of *Quintillan* to set down a hard and fast rule that the resignation or retirement of a respondent judge as the case may be renders [sic] moot and academic the administrative case pending against him; nor did the Court mean to divest itself of jurisdiction to impose certain penalties short of dismissal from the government service should there be a finding of guilt on the basis of the evidence. In other words, the jurisdiction that was Ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased to be in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public. If innocent, respondent official merits vindication of his name and integrity as he leaves the government which he served well and faithfully, if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation.

This Court, thus, established that:

In short, the cessation from office of a respondent Judge either because of resignation, retirement or some other similar cause does not per se warrant the dismissal of an administrative complaint which was filed against him while still in the service. Each case is to be resolved in the context of the circumstances present thereat.

As this doctrine developed, this Court has interpreted "some other similar cause" to include death. Death, however, cannot be placed on the same footing as resignation or retirement. Resignation and optional retirement are voluntary modes of cessation. The respondent may avail of them as a way to escape or evade liability. This

Court, therefore, should not be ousted of its jurisdiction to continue with the administrative complaint even if the resignation is accepted or the application for retirement is approved.

Death, unless self-inflicted, is involuntary. Respondents who die during the pendency of the administrative case against them do not do so with the intent to escape or evade liability. The rationale for proceeding with administrative cases despite resignation or optional retirement, therefore, cannot apply.

It is conceded that compulsory retirement is also involuntary. Respondents or this Court cannot fight against the passage of time.

Abiera, however, had a different rationale for respondents who have reached the compulsory age of retirement:

A contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications. For what remedy would the people have against a judge or any other public official who resorts to wrongful and illegal conduct during his last days in office? What would prevent some corrupt and unscrupulous magistrate from committing abuses and other condemnable acts knowing fully well that he would soon be beyond the pale of the law and immune to all administrative penalties? If only for reasons of public policy, this Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public.

In formulating the doctrine, this Court was trying to guard against corrupt and unscrupulous magistrates who would commit abuses knowing fully well that after retirement, they could no longer be punished.

It is this certainty of cessation that differentiates compulsory retirement from death as a mode of cessation from public service. A respondent judge knows when he or she will compulsorily retire. In contrast, nobody knows when one will die, unless the cause of death is self-inflicted. Even those with terminal illnesses cannot pinpoint the exact day when they will die.

The essence of due process in administrative cases is simply the opportunity to be heard. Respondents must be given the opportunity to be informed of and refute the charges against them in all stages of the proceedings.

Only in resignation and retirement can there be a guarantee that respondents will be given the opportunity to be heard. Even if they resign or retire during the pendency of the administrative case, they can still be aware of the proceedings and actively submit pleadings. Thus, they should not be allowed to evade liability by the simple expediency of separation from public service.

It would be illogical and impractical to treat dead respondents as equal to resigned or retired respondents. Dead respondents are neither aware of the continuation of the proceedings against them, nor are in any position to submit pleadings. Death forecloses any opportunity to be heard. Continuing with the administrative proceedings even after the respondent's death, therefore, is a violation of the right to due process.[15] (Citations omitted)

Here, respondent only knew of the conclusions of the judicial audit team before his death. He had no knowledge that the Office of the Con' Administrator would adopt the findings of the judicial audit team, h^ certainly would not have known that this Court would adopt the findings of the Office of the Court Administrator. As was demonstrated by the subsequent events of this case, his widow was the one who filed a Motion for Reconsideration—not to ask for clemency, but rather, to have the case dismissed, because her husband did not know he would be found guilty of the charges against him.

At the risk of being repetitive, I must reiterate: death forecloses any opportunity to be heard. Resigned or retired respondents should not be treated in the same manner as dead respondents. The reason should be easy enough to comprehend: only respondents who are still alive can speak, and, ultimately, be heard.

III

This Court has already repeatedly been confronted with this issue a*vJ has even repeatedly been constrained to dismiss the case due to the sheer impracticability of the punishment.

In *Baikong Akang Camsa vs. Judge Aurelio Rendon*,^[16] this Court found it inappropriate to proceed in the investigation of a judge "who could no longer be in any position to defend himself[,] [which] would be a denial of his right to be heard, our most basic understanding of due process."^[17]

In *Apiag v. Cantero*,^[18] this Court dismissed the case and allowed the release of his retirement benefits, even if respondent was able to submit his comment before his untimely death:

[We] cannot just gloss over the fact that he was remiss in attending to the needs of his children of his first marriage - children whose filiation he did not deny. He neglected them and refused to support them until they came up with this administrative charge. For such conduct, this Court would have imposed a penalty. But in view of his death prior to the promulgation of this Decision, dismissal of the case is now in order.^[19]

In *Re: Judicial Audit Conducted in the Municipal Trial Court (MTC) of Tambulig and the 11 th Municipal Circuit Trial Court (MCTC) of Mahayag-Dumingag-Josefina*, both in *Zamboanga del Sur*,^[20] this Court found that respondent was constrained to dismiss the case and release his retirement benefits to his heirs despite finding him guilty of gross inefficiency and gross ignorance of the law.

In this Court's September 3, 2019 Decision, the majority held that the death of the respondent in an administrative case did not preclude the finding of liability, citing *Gonzales v. Escalona*,^[21] which found:

Respondent Escalona had already resigned from the service. His resignation, however, does not render this case moot, nor does it free him from liability. In fact, the Court views respondent Escalona's resignation before the investigation as indication of his guilt, in the same way that flight by an accused in a criminal case is indicative of guilt. In short, his resignation will not be a way out of the administrative liability he incurred while in the active service. While we can no longer dismiss him, we can still impose a penalty sufficiently commensurate with the offense he committed.

We treat respondent Superada no differently. While his death intervened after the completion of the investigation, it has been settled that the Court is not ousted of its jurisdiction over an administrative matter by the mere fact that the respondent public official ceases to hold office during the pendency of the respondent's case; jurisdiction once acquired, continues to exist until the final resolution of the case. In *Loyao, Jr. v. Caube*, we held that the death of the respondent in an administrative case does not preclude a finding of administrative liability^[22] (Citations omitted; emphasis supplied)

However, in *Loyao, Jr. v. Caube*,^[23] the case that Gonzales cites as basis, this Court was constrained to dismiss the case and consider it closed and terminated, since the penalty could no longer be served:

To be sure, respondent Caube's death has permanently foreclosed the prosecution of any other actions, be it criminal or civil, against him for his malfeasance in office. We are, however, not precluded from imposing the appropriate administrative sanctions against him. Respondent's misconduct is so grave as to merit his dismissal from the service, were it not for his untimely demise during the pendency of these proceedings. However, since the penalty can no longer be carried out, this case is now declared closed and terminated.^[24] (Citations omitted)

Gonzales even discusses several exceptions to the general rule. It stated that the presence of the following circumstances is enough to warrant the dismissal of the case: "first, the observance of respondent's right to due process; second, the presence of exceptional circumstances in the case on the grounds of equitable and humanitarian reasons; and third, it may also depend on the kind of penalty imposed."^[25]

As previously discussed, there can be no due process when one does not have the corporeal presence to speak and be heard. Respondent is no longer in a position to defend himself from the findings of the Office of the Court Administrator. He can no longer be informed of the conclusions of this Court. The recommended penalty can no longer be served. On top of that, he is not in any position to file a motion for reconsideration, to plead his innocence, or to express his remorse.

Equitable and humanitarian reasons must also be taken into account in the imposition of the penalty. The forfeiture of respondent's retirement benefits will only punish his heirs, who had nothing to do with the administrative case filed against respondent.

I harbor no illusion that respondent did not commit any of the allegations meted against him. On the contrary, had respondent not died, his dismissal and all its accessory penalties, including the forfeiture of all benefits, would have been the correct penalty. His heirs, however, were not the ones who committed his infractions. It would be cruel for this Court to make his grieving family bear the burden of his faults.

Death has already removed respondent from our ranks, in a manner more permanent than dismissal. Respondent can no longer betray the public trust. He will no longer be a stain on this Court's reputation.

This Court should be humble enough to accept that there are limits to our disciplinary power that cannot be crossed. Death is one of them.

ACCORDINGLY, I vote to DISMISS the complaint against Presiding Judge Godofredo B. Abul, Jr. of Branch 4, Regional Trial Court, Butuan City, Agusan del Norte, in view of his death during the pendency of this case.

(SGD.) MARVIC M.V. F. LEONEN

Associate Justice

[1]Ponencia, p. 2.

[2]Id.

[3]Id.

[4]Id.

[5]Re Alleged Extortion Activities of Judge Abul, A.M. No. RTJ-17-2486, September 3, 2019, [Per Curiam, En Banc].

[6]Id.

[7]Ponencia, p. 3.

[8]Legarda v. Court of Appeals, 345 Phil. 890, 905 (1997) [Per J. Romero, En Banc].

[9]346 Phil. 807 (1997) [Per J. Romero, En Banc].

[10]Id. at 828 citing Concerned Officials of MWSS v. Vasquez, 310 Phil. 549 (1995) [Per J. Vitug, En Banc]; Mutuc v. Court of Appeals, 268 Phil. 37 (1990) [Per J. Paras, Second Division]; Pamantasan ng Lungsod ng Maynila (PLM) v. Civil Service Commission, 311 Phil. 573 [Per J. Vitug, En Banc]; and Legarda v. Court of

Appeals, 345 Phil. 890 (1997) [Per J. Romero, En Banc].

[11]See Rev. Pen. Code, art. 89. How criminal liability is totally extinguished. — Criminal liability is totally extinguished: 1. By the death of the convict, as to the personal penalties; and as to pecuniary penalties, liability therefor is extinguished only when the death of the offender occurs before final judgment[.]

[12]Ponencia, p. 5.

[13]Perez v. Abiera, 159-A Phil. 575, 580-581 [Per J. Munoz Palma, En Banc].

[14]139 Phil. 654 (1969) [Per J. Fernando, En Banc].

[15]Dissenting Opinion of J. Leonen in Re Alleged Extortion Activities of Judge Abul, A.M. No. RTJ-17- 2486, September 3, 2019, [Per Curiam, En Banc] citing Pagano v. Nazairo, Jr., 560 Phil. 96, 104-105 (2007) [Per J. Chico-Nazaro, Third Division]; Republic Act 1616(1957), sec. 1; Re: Requests for survivorship benefits of spouses of justices and judges who died prior to the effectivity of Republic Act (R.A.) No. 9946, 818 Phil. 344 (2017) [Per J. Martires, En Banc]; Aquino, Jr. v. Miranda, 473 Phil. 216, 227 (2004) [Per Curiam, En Banc]; Pres. Decree No. 1146 (1977), sec. 11 (b); Republic Act No. 9946 (2010), sec. 1; Diamalon v. Quintillan, 139 Phil. 654, 656-657 (1969) [Per J. Fernando, En Banc]; Perez v. Abiera, 159-A Phil. 575, 580-581 (1975) [Per J. Munoz Palma, En Banc].

[16]427 Phil. 518 (2003) [Per J. Vitug, First Division].

[17]Id. at 525-526.

[18]335 Phil. 511 (1997) [Per J. Panganiban, Third Division].

[19]Id. at 526.

[20]509 Phil. 401 (2005) [Per CJ. Davide, Jr., First Division].

[21]587 Phil. 448 (2008) [Per J. Brion, Second Division],

[22]Id. at 462-463.

[23]450 Phil. 38 (2003) [Per Curiam, En Banc].

[24]Id. at 47.

[25]Gonzalez v. Escalona, 587 Phil. 448, 463 (2008) [Per J. Brion, Second Division].

September 8, 2020

CONCURRING AND DISSENTING OPINION

CAGUIOA, J.:

I concur in the granting of the Motion for Reconsideration (MR) and the resulting dismissal of the administrative complaint against the late Judge Godofredo B. Abul, Jr. (Judge Abul). Nevertheless, I dissent as to the majority's holding that the death of the respondent in an administrative case before its final resolution should ipso facto lead to the dismissal of the case.

To recall, a Complaint was filed against Judge Abul for alleged extortion from detainees in exchange for their release from prison or the dismissal of their criminal cases. After its investigation, the Office of the Court

Administrator (OCA) found Judge Abul liable for grave misconduct and recommended that he be fined in the amount of P500,000.00 to be deducted from his retirement gratuity. While the administrative case was pending review by the Court, Judge Abul "met an untimely death when he was targeted by an unidentified motorcycle-riding shooter while he was about to depart from his house." [1]

Despite his death, the Court found Judge Abul administratively liable in the September 3, 2019 Decision. He was meted the penalty of forfeiture of all retirement and allied benefits, except accrued leaves. Therein, I joined the Dissenting Opinion of my esteemed colleague, Associate Justice Ramon Paul L. Hernando. Specifically, I agreed with Justice Hernando's appreciation of the humanitarian considerations that should have impelled the Court to mitigate the penalty imposed against Judge Abul. As Justice Hernando rioted, Judge Abul was murdered a couple of days after he turned 68. Moreover, Judge Abul's wife, who also sustained gunshot wounds, had written a letter to the Court explaining that she is a housewife who has no work and no source of income and that ever since Judge Abul's preventive suspension from office, their family had faced financial crisis. She therefore entreated the Court to release the accrued leave benefits of Judge Abul as well as such other benefits or assistance which the Court could extend to them in order to help their family sustain their daily needs and to fund her son's education in medical school. I was of the view then that these: considerations should have prompted the Court to dismiss the case. As Justice Hernando stated:

Given the specific circumstances of Judge Abul's case, it is my view that his mistakes should not unduly punish his spouse or his heirs, especially if they had no hand in or knowledge about the alleged extortions. Judge Abul's liability should be considered personal and extinguished by reason of his death, and should not extend beyond the said death only to be shouldered by his spouse or his son. Doing so would indirectly impose a harsh penalty upon innocent individuals who not only have to come to terms with the unjust death of a loved one but also live without one henceforth. Without a doubt, forfeiture of all of Judge Abul's death and survivorship benefits would add to the grief and hardships that his family is already enduring. Thus, it is my humble position that assuming that the Court would maintain the non-dismissal rule in administrative cases in case of death of the respondent, the Court should, instead of imposing such a strict and unforgiving punishment even when Judge Abul has already passed away, impose a fine to be deducted from his retirement benefits. This is what the OCA had in fact recommended in the first place. [2] (Emphasis supplied)

It is in light of the foregoing, and only to such extent, that I joined Justice Hernando's dissent in the main Decision.

In the instant Resolution, now penned by Justice Hernando, the Court grants the MR, thereby reversing and setting aside the September 3, 2019 Decision. While I welcome the dismissal of the case against Judge Abul, I disagree with the new jurisprudential ruling being laid down here that the death of a respondent in an administrative case before its final resolution is a cause for its dismissal as its non-dismissal is a transgression of the respondent's constitutional rights to due process and presumption of innocence. [3] I submit that the general rule that the death of the respondent does not ipso facto lead to the dismissal of the administrative case should still prevail. This is in consonance with the well-settled rule that jurisdiction, once acquired, continues to exist until final resolution of the case. [4]

In espousing now that the respondent in an administrative case also enjoys the right to be presumed innocent pending final judgment in the administrative case, the majority cites Section 14 of the Bill of Rights under the Constitution, which states that "[i]n all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved. [5]" The majority elaborates that considering criminal cases require a more stringent degree of proof, which is proof beyond reasonable doubt, with more reason should a respondent in an administrative case be presumed innocent until proven guilty as only substantial evidence is required in administrative cases. [6] Thus, since Judge Abul died prior to the Court's decision, the case should be dismissed as he is presumed innocent of the

charges against him.

As stated at the outset, I respectfully disagree.

Indeed, the constitutional precept that an accused in a criminal case enjoys the presumption of innocence has been, in several times, applied in administrative cases as well.[7] I agree that this application is proper owing to the other constitutional guarantee of due process.[8] In my view, however, the dismissal of the case by reason of the death of the accused in a criminal case, or of the respondent in an administrative case, is not rooted on the right to be presumed innocent until proven guilty. Rather, it is rooted on the fundamental principle that criminal responsibility is personal.[9] Thus, the Court has consistently held that under Article 89 (1) of the Revised Penal Code, criminal liability on account of the death of the accused before final judgment is totally extinguished "inasmuch as there is no longer a defendant to stand as the accused." [10]

I submit that the question on whether an administrative case can still proceed despite the death of the respondent finds a similar footing instead with the question in civil cases on the effect on the status of an ongoing action when a party dies during its pendency.

In civil cases, the criteria for determining whether an action survives the death of a party was explained in *Bonilla v. Barcena*[11] as follows:

xxx The question as to whether an action survives or not depends on the nature of the action and the damage sued for. In the causes of action which survive the wrong complained [of] affects primarily and principally property and property rights, the injuries to the person being merely incidental, while in the causes of action which do not survive the injury complained of is to the person, the property and rights of property affected being incidental, xxx[12]

As gleaned from the foregoing explanation, the action survives when the wrong complained of affects primarily and principally property and property rights with the injury to a person or third party being merely incidental. In administrative cases, the injury to another is incidental. What is involved in administrative cases is principally an offense to the public office, the same being a sacred public trust. Thus, the Court has consistently held that in administrative cases, no investigation shall be interrupted or terminated by reason of desistance, settlement, compromise, restitution; withdrawal of the charges, or failure of the complainant to prosecute the same.[13] The need to maintain the faith and confidence of our people in the government and its agencies and instrumentalities demands that proceedings in administrative cases against public officers and employees should not be made to depend on the whims and caprices of complainants who are, in a real sense, only witnesses.[14]

Particularly, in *Bolivar v. Simbol*, [15] which involved disbarment proceedings against a lawyer, the Court ruled that the exercise by the Court of its power to discipline is not for the purpose of enforcing civil remedies between parties, but to protect the court and the public against an attorney guilty of unworthy practices in his profession.

Arguably, in criminal cases, the private offended party is also commonly relegated as a mere witness for the State, and that the offended party to the action is the People of the Philippines on the ground that the purpose of the criminal action is to determine the penal liability of the accused for having outraged the State with his crime. I submit, however, that notwithstanding this shared sound policy, the element of injury to another spells a material and practical difference between a criminal case and an administrative case. To reiterate, in administrative cases, the injury to another is incidental. On the other hand, while crimes are considered offenses against the State, the injury to a private offended party is far from being merely incidental.

Another argument raised in support of the dismissal of the administrative case in view of the death of the respondent is that the essence of due process necessitates such dismissal. The majority opines that had death not

supervened, the respondent could still pursue other options in keeping with due process, such as filing a motion for reconsideration or asking for clemency. Thus, the majority concludes that it is only right to dismiss the administrative case against the respondent since the spirit of due process encompasses all stages of the case.[16]

Again, I beg to differ from this sweeping pronouncement.

For one, due process considerations are among the already recognized exceptions to the rule that death does not lead to the dismissal of the administrative case.[17] As such, the opportunity to appreciate or apply this exception has always been available on a case-to-case basis.

Likewise, the concept of due process in administrative proceedings has always been recognized as different with the concept of due process in criminal proceedings. Administrative due process cannot be fully equated with due process in its strict judicial sense, for in the former, a formal or trial-type hearing is not always necessary and technical rules of procedure are not strictly applied.[18]

The essence of procedural due process is embodied in the basic requirement of notice and a real opportunity to be heard. In administrative proceedings, procedural due process simply means the opportunity to explain one's side or the opportunity to seek a reconsideration of the action or ruling complained of. "To be heard" does not mean only verbal arguments in court; one may also be heard thru pleadings. Where opportunity to be heard, either through oral arguments or pleadings, is accorded, there is no denial of procedural due process.[19] Thus, a respondent must be given notice at all times. This is an absolute requirement. Coupled with this, if a respondent is given the opportunity to explain his or her side, then his or her right to due process is deemed satisfied. If, on the other hand, a respondent was not originally heard but was eventually heard in a motion for reconsideration, his or her right to due process is still deemed satisfied.

Here, Judge Abul was given notice and a real opportunity to be heard. On February 18, 2017, the Court En Banc issued a resolution which placed Judge Abul under preventive suspension and required him to comment on the complaint and the investigative report of the OCA.[20] Judge Abul did, in fact, file his comment/answer, denying all the accusations and insisting that the same were false, baseless, and concocted by an evil and malicious mind for the sole purpose of besmirching his unblemished record of service in the Judiciary.[21] Thus, the Court then held that he was fully afforded due process during the investigation of the OCA.[22]

All told, I find no pressing reason for the Court to now abandon the prevailing rule that the death of the respondent does not ipso facto lead to the dismissal of the administrative case. I subscribe to the long-held ratio of the Court in previous cases that a contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications.[23] If on the other hand, for reasons of public policy, the Court must assert and maintain its jurisdiction over members of the judiciary and other officials under its supervision and control for acts performed in office which are inimical to the service and prejudicial to the interests of litigants and the general public.[24]

It must be underscored as well that this general rule has its established exceptions. The Court had consistently invoked that the death of the respondent would, however, necessitate the dismissal of the administrative case upon a consideration of any of the following factors: (1) the observance of the respondent's right to due process; (2) the presence of exceptional circumstances in the case on the grounds of equitable and humanitarian reasons; and (3) depending on the kind of penalty imposed.[25] To my mind, these factors are already sufficient to safeguard against any unfairness that may shroud the Court's judgment in ruling against a deceased respondent. Any possibility, too, that another factor or exception may validly be taken into consideration later on by the Court is not foreclosed.

WHEREFORE, I concur in the dismissal of the administrative case against the late Judge Godofredo B. Abul, Jr. in

view of the presence of exceptional circumstances in this case that call upon the appreciation of humanitarian considerations in his favor.

(SGD.) ALFREDO BENJAMIN S. CAGUIOA

Associate Justice

[1]Ponencia, p. 2.

[2]J. Hernando, Dissenting Opinion in Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr., Br. 4, RTC, Butuan City, Agusan Del Norte, A.M. No. RTJ- 17-2486, September 3, 2019, p. 7.

[3]Ponencia, p. 4.

[4]Gonzales v. Escalona, A.M. No. P-03-1715, September 19, 2008, 566 SCRA 1, 15.

[5]Ponencia, pp. 4-5.

[6]Id. at 4.

[7]See Ocampo v. Enriquez, 815 Phil. 1175, 1238-1239 (2017).

[8]See Enrile v. Sandiganbayan, 767 Phil. 147 (2015).

[9]Vizconde v. Intermediate Appellate Court, G.R. No. 74231, April 10, 1987, 149 SCRA 226, 233.

[10]People v. Culas, G.R. No. 211166, June 5, 2017, 825 SCRA 552, 554-556; People v. Paras, G.R. No. 192912, October 22, 2014, 739 SCRA 179, 183-184, citing People v. Bayotas, G.R. No. 102007, September 2, 1994, 236 SCRA 239, 255-256.

[11]No. L-41715, June 18, 1976, 71 SCRA 491.

[12]Id. at 495-496.

[13]Reyes-Domingo v. Morales, A.M. No. P-99-1285, October 4, 2000, 342 SCRA 6, 11, citing REVISED RULES OF COURT, Rule 139-B, Sec. 5 and Tejada v. Hernando, A.C. No. 2427, May 8, 1992, 208 SCRA 517, 521-522.

[14]Id. at 12, citing Sy v. Academia, A.M. No. P-87-72, July 3, 1991, 198 SCRA 705, 715.

[15]A.C. No. 377, April 29, 1966, 16 SCRA 623, 628.

[16]Ponencia, pp. 10-11.

[17]In previous cases where the Court upheld the general rule that the death of the respondent does not ipso facto lead to the dismissal of the administrative case, the Court had nevertheless recognized certain exceptions to this rule. Thus, the Court held that death of the respondent would necessitate the dismissal of the administrative case upon a consideration of any of the following factors: (1) the observance of respondent's right to due process; (2)

the presence of exceptional circumstances in the case on the grounds of equitable and humanitarian reasons; and (3) it may also depend on the kind of penalty imposed. *Gonzales v. Escalona*, supra note 4, at 15-16, citing *Limliman v. Ulat-Marrero*, A.M. No. RTJ-02-1739, January 22, 2003, 395 SCRA 607.

[18] *Vivo v. Philippine Amusement and Gaming Corporation*, G.R. No. 187854, November 12, 2013, 709 SCRA 276, 281.

[19] *Disciplinary Board, LTO v. Gutierrez*, G.R. No. 224395, July 3, 2017, 828 SCRA 663, 669.

[20] Per Curiam Decision in *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr.*, Br. 4, RTC, Butuan City, Agusan Del Norte, A.M. No. RTJ-17-2486, September 3, 2019, p. 3.

[21] *Id.*

[22] *Id.* at 9.

[23] *Arabani v. Arabani*, AM Nos. SCC-10-14-P, SCC-10-15-P and SCC-11-17, November 12, 2019, p.

[24] *How v. Ruiz*, A.M. No. P-05-1932, February 15, 2005, 451 SCRA 320, 325.

[25] *Supra* note 17.

September 8, 2020

DISSENTING OPINION

CARANDANG, J.:

I dissent.

In the Decision dated September 3, 2019, the Court adopted the findings of the Office of the Court Administrator (OCA) holding Judge Godofredo Abul, Jr. (Judge Abul) guilty for violating Canon 2 (Integrity), Canon 3 (Impartiality), and Canon 4 (Propriety) of the New Code of Judicial Conduct for the Philippine Judiciary (Code of Judicial Conduct) amounting to grave misconduct despite his death on August 5, 2017. However, the recommendation of the OCA was modified. Applying the Court's ruling in *Gonzales v. Escalona*,^[1] it was held that Judge Abul's death should not result in the dismissal of the administrative complaint as the Court is not ousted of its jurisdiction by the mere fact that the respondent public official had ceased to hold office.^[2] We ruled that death of respondent judge during the pendency of his administrative case shall not terminate the proceedings against him, much less absolve him, or cause the dismissal of the complaint if the investigation was completed prior to his demise. If death intervenes before he has been dismissed from service, the appropriate penalty is forfeiture of all retirement and other benefits, except accrued leaves.^[3]

Considering that the Court had previously warned Judge Abul in *Calo v. Judge Abul, Jr.*^[4] "to be more circumspect in issuing orders which must truly reflect the actual facts they represent to obviate engendering views of partiality x x x,"^[5] We imposed the stiffer penalty of dismissal from the service, forfeiture of all benefits including retirement gratuity, exclusive of his accrued leaves, which shall be released to his legal heirs.^[6]

In the present Motion for Reconsideration, Bernardita Abul (Mrs. Abul), surviving spouse of Judge Abul, points out that Judge Abul's death preceded the release of the judgment finding him guilty of the offense charged against him. Mrs. Abul posits that Judge Abul was already dead when the OCA concluded its investigation on the charge

against him and that his death necessitates the dismissal of the administrative case.[7] In the alternative, if the administrative case cannot be dismissed, Mrs. Abul proposes that Judge Abul's retirement benefits should not be forfeited for humanitarian reasons. Instead of forfeiture, Mrs. Abul suggests that a reasonable amount of fine be imposed and deducted from his retirement benefits.[8]

The Motion for Reconsideration should be denied.

This is not the first time that the Court addressed the implications of imposing a penalty on an erring court employee who died during the pendency of an administrative case against him. As early as 1975, a similar issue was raised in *Hermosa v. Paraiso*,[9] where the respondent branch clerk of court died after the Investigating Judge recommended that he be exonerated of the charges for lack of sufficient evidence but while the case remained pending before the Court. The Court resolved the case so that the heirs of the respondent may receive any retirement benefits due to them and ordered the dismissal of the case for lack of substantial evidence.[10]

In *Manozca v. Judge Domagas*,[11] the erring judge charged with gross ignorance of the law died while the case was being evaluated by the OCA for appropriate action. Nonetheless, the Court resolved to impose a fine of P5,000.00 based on the record which was not disputed.

In *Baikong Akang Camsa v. Rendon*,[12] the Court deemed the case against the late judge closed and terminated because no investigation had been conducted at the time of his demise. The Court explained that to "allow an investigation to proceed against him who could no longer be in any position to defend himself would be a denial of his right to be heard, our most basic understanding of due process." [13] However, it must be clarified that the Court terminated the case in *Baikong Akong Camsa*, [14] because no investigation at all had been conducted at the time of the demise of the erring court employee. This is not applicable to the present case because an investigation was already concluded at the time of Judge Abul's demise and he was given an opportunity to be heard.

In *Loyao, Jr. v. Caube*, [15] the Court declared that the death or retirement of any judicial officer from service does not preclude the finding of any administrative liability to which he shall still be answerable. In highlighting the necessity of retaining jurisdiction over an erring judicial officer's administrative case beyond his death, the Court quoted its ruling in *Gallo v. Cordero*, [16] to wit:

[T]he jurisdiction that was ours at the time of the filing of the administrative complaint was not lost by the mere fact that the respondent public official had ceased in office during the pendency of his case. The Court retains its jurisdiction either to pronounce the respondent public official innocent of the charges or declare him guilty thereof. A contrary rule would be fraught with injustice and pregnant with dreadful and dangerous implications ... If innocent, respondent public official merits vindication of his name and integrity as he leaves the government which he has served well and faithfully; if guilty, he deserves to receive the corresponding censure and a penalty proper and imposable under the situation. [17]

The Court similarly ruled in *Sexton v. Casida*, [18] *Gonzales v. Escalona*, [19] and *Mercado v. Salcedo* [20] that the death of the respondent in an administrative case does not preclude a finding of administrative liability. In both cases, the Court imposed fines on the erring respondents who died during the pendency of their respective administrative cases.

More recently, in *Agloro v. Burgos*, [21] which was decided En Banc, the Court upheld its ruling in *Gonzales* that the death of a respondent does not preclude a finding of administrative liability except for certain exceptional circumstances. To determine the necessity of dismissing the case, the Court recognized the following factors to be considered:

xxx [F]irst, if the respondent's right to due process was not observed; second, the presence of exceptional circumstances in the case on the grounds of equitable and humanitarian reasons; and third, the kind of penalty

imposed.[22] (*Italics in the original*)

In Agloro, the Court did not dismiss the administrative case merely on account of the respondent's death since she was afforded her right to due process when she answered the charges against her and was even able to file her comment before the OCA.

Based on the foregoing, the prevailing rule is that the Court is not ousted of its jurisdiction over an administrative matter by the mere fact that the respondent public official ceases to hold office during the pendency of respondent's case.[23] Nevertheless, the Court recognizes the following exceptions: (1) if the respondent's right to due process was not observed; (2) in exceptional circumstances on the grounds of equitable and humanitarian reasons; and (3) the kind of penalty imposed would render the proceedings useless.

Notwithstanding the death of Judge Abul, the Court may impose the appropriate administrative penalties such as forfeiture of all his benefits, including retirement gratuity, as he was afforded an opportunity to be heard. Records reveal that the investigation had already been concluded at the time of his demise. The Investigation Report[24] of the OCA was issued on February 10, 2017. Judge Abul even managed to file his Comment/Answer[25] on April 19, 2017. Judge Abul's death, by itself, is insufficient to justify the dismissal of the administrative case and bar the imposition of the corresponding penalties. The penalties arising from his administrative liability survive his death.

Furthermore, the Court cannot simply equate the consequences of the death of a respondent during the pendency of an administrative case to the legal implications of a defendant's demise in a pending criminal or civil case. It is worthy to highlight the marked differences between the nature of these proceedings and their concomitant liabilities as discussed by the Court in Gonzales:

From another perspective, administrative liability is separate and distinct from criminal and civil liability which are governed by a different set of rules. In *Fletcher v. Grinnel Bros., et al*, the United States District Court of Michigan held that whether a cause of action survives the death of the person depends on the substance of the cause of action and not on the form of the proceeding to enforce it. Thus, unlike in a criminal case where the death of the accused extinguishes his liability arising thereon under Article 89 of the Revised Penal Code, or otherwise relieves him of both criminal and civil liability (arising from the offense) if death occurs before final judgment, the dismissal of an administrative case is not automatically terminated upon the respondent's death. The reason is one of law and public interest; a public office is a public trust that needs to be protected and safeguarded at all cost and even beyond the death of the public officer who has tarnished its integrity. Accordingly, we rule that the administrative proceedings is, by its very nature, not strictly personal so that the proceedings can proceed beyond the employee's death, subject to the exceptional considerations we have mentioned above. This conclusion is bolstered up by *Sexton v. Casida*, where the respondent, who in the meantime died, was found guilty of act unbecoming a public official and acts prejudicial to the best interest of the service, and fined Five Thousand Pesos (P5,000.00), deductible from his terminal leave pay.[26] (*Emphasis and underscoring supplied; citations omitted*)

The Court has utmost interest in ensuring that only those who possess and carry out the core values enshrined in the Code of Judicial Conduct are permitted to serve in the judiciary. This paramount concern prevails notwithstanding the death of erring officers of the Court due to the significant responsibilities entrusted to them.

It must be emphasized that Judge Abul had already been previously embroiled in a controversy in the exercise of his judicial functions and reprimanded by the Court. In *Calo v. Judge Abul*,[27] Judge Abul was sternly warned "to be more circumspect in issuing orders which must truly reflect the actual facts they represent to obviate engendering views of partiality among others." [28] The gravity and seriousness of the offense of Judge Abul is undeniable. An officer of the Court who continued to defy exacting standards established to preserve the honor and integrity of the judiciary, after having been previously sanctioned, does not deserve the Court's consideration.

In my view, Mrs. Abul failed to present any compelling reason to convince Us to exercise discretion on equitable or humanitarian grounds.

Accordingly, I respectfully submit that the Motion for Reconsideration should be denied. The ruling of the Court dated September 3, 2019 finding Judge Abul guilty of grave misconduct and imposing the corresponding penalty should be upheld for the reasons herein explained.

(SGD.) ROSMARI D. CARANDANG

Associate Justice

[1]587 Phil. 448 (2008).

[2]A.M. No. RTJ-17-2486, Septembers, 2019.

[3]Id.

[4]528 Phil. 827 (2006).

[5]Id. at 832.

[6]Calo v. Judge Abul, Jr., supra note 2.

[7]Temporary rollo (A.M No. RTJ-17-2486), p. 4.

[8]Id. at 4-5.

[9]159 Phil. 417(1975).

[10]Id. at 419.

[11]318 Phil. 744(1995).

[12]448 Phil. 1 (2002).

[13]Id.

[14]Id.

[15]450 Phil. 38 (2003).

[16]315 Phil. 210(1995).

[17]Id. at 220.

[18]508 Phil. 166(2005).

[19]Supra note 1.

[20]619 Phil. 3(2009).

[21]804 Phil. 621 (2017).

[22]Id. at 635.

[23]Re: Audit Report on Attendance of Court Personnel of RTC, Br. 32, Manila, 532 Phil. 51 (2006); Gonzales v. Escalona, supra note 1.

[24]Rollo (A.M. No. RTJ-17-2486), pp. 2-12.

[25]Id. at 61-75.

[26]Gonzales v. Escalona, supra note 1 at 464-465.

[27]Supra note 4.

[28]Id. at 832.

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