

**ATTY. EDSYL N. OJEDA-GALOSMO, BRANCH CLERK OF COURT,
BRANCH 9, REGIONAL TRIAL COURT, TACLOBAN CITY,
COMPLAINANT, VS. MARTHIN DANDELL G. NOVILLA, UTILITY
WORKER I, BRANCH 9, REGI...**

A.M. No. P-26-479 [Formerly A.M. No. 20-09-142-RTC], September 30, 2025

Ponente: SINGH, J.

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SINGH, J.:

The present administrative matter stemmed from an incident of pilferage of drug evidence involving Marthin Dandell G. Novilla (Novilla), Utility Worker I of Branch 9, Regional Trial Court, Tacloban City, Leyte (RTC).

The Facts

In a Letter, dated August 11, 2020, Presiding Judge Leonito S. Sabandal (Judge Sabandal) reported to the Office of the Court Administrator (OCA) the information he received from Branch Clerk of Court Atty. Edsylv N. Ojeda-Galosmo (Atty. Ojeda-Galosmo) regarding a possible pilferage of drug evidence kept in the RTC's evidence cabinet when the latter discovered that some of the envelopes containing drug evidence had been torn and forcibly opened.[1]

In an Incident Report, dated August 4, 2020, Atty. Ojeda-Galosmo prepared an inventory and confirmed that there was indeed a pilferage of drug evidence from three cases. She likewise recounted that the last time she opened the evidence cabinet was on March 5, 2020 since she did not report for work from mid-March 2020 until July 31, 2020 as she was then on the third trimester of her pregnancy. She was still on maternity leave when she went to the RTC on August 3, 2020 to accomplish her Individual Performance Commitment and Review Form and Daily Time Record for the month of July 2020.[2]

Subsequently, in a Letter, dated August 24, 2020, Judge Sabandal provided updates wherein he narrated that from August 13 to 14, 2020, the National Bureau of Investigation-Region 8 (NBI) subjected the staff of the RTC to polygraph examination and drug testing. Only Novilla failed in the polygraph test and tested positive for methamphetamine hydrochloride, otherwise known as shabu. On August 17, 2020, Novilla did not report for work, but he had a meeting with Judge Sabandal where he confessed to being the culprit behind the pilferage of the drug evidence. Judge Sabandal assured the OCA that the pilferage would not affect the cases as the prosecution had already rested in these cases and the drug evidence was supposed to be transmitted to the Philippine Drug Enforcement Agency for disposal, but was delayed by the COVID-19 lockdown.[3]

Another Incident Report, dated August 18, 2020, of Atty. Ojeda-Galosmo was attached to the August 24, 2020 Letter of Judge Sabandal. Atty. Ojeda-Galosmo narrated that on August 17, 2020, at around 3:40 p.m., Novilla had a meeting with Judge Sabandal with her and Court Decongestion Officer Geraldin Uruga-Alanza (CDO Uruga-Galanza) also in attendance. In the said meeting, Novilla admitted that when he arrived in the office early in the morning of August 3, 2020, he saw and took the drug evidence scattered on the table of Atty. Ojeda-Galosmo. On the following day, he flushed the drugs in the toilet. He also confessed that he took the

envelopes containing the drug evidence in the cases of *People v. Molina* and *People v. Fuentes*. He pointed to the upper cabinet containing the disposed cases, and in the records labeled as "Bundle P," the two envelopes were found.[4]

In the NBI Report, dated January 21, 2021, a supplementary account of the events was offered. The NBI conducted an investigation and found no signs of any forcible entry or opening on any portion of the RTC and on the evidence cabinet. The NBI also stated that given the security measures at the Bulwagan ng Katarungan where the court is housed, it was improbable that a non-RTC personnel was responsible.[5]

CDO Uraga-Galanza submitted her affidavit wherein she stated that on August 15, 2020, at around 9:00 p.m., Novilla called her and told her "Te maamin nala ako para mahuman na ini kay nagtitinuok nala kami nga mag-asawa" (Translation: "Te, I will just admit to end this, anyway, me and my wife have been consistently crying already").[6] CDO Uraga-Galanza then informed Judge Sabandal of Novilla's confession and a meeting was set on August 17, 2020.

Stenographer Dianne Ocampo (Ocampo) likewise narrated that on August 17, 2020, she joined the conversation of CDO Uraga-Galanza and Novilla while in the hallway where Novilla also confessed to having taken the drug evidence.[7]

On November 11, 2020, after the turnover of dangerous drugs and paraphernalia from the RTC to the PDEA-Regional Office VIII for destruction was conducted, it was found that only a small quantity was left from the pieces of evidence from the case of *People v. Katangkatang* and there was a discrepancy of 303 grams. Thus, the approximate quantity of shabu that was pilfered from the RTC totaled to 402.2416 grams.[8]

Accordingly, the NBI concluded that Novilla was the culprit and recommended that he be charged and prosecuted for Violation of Article 293 in relation to Article 299, (b) No. 1 of Act No. 3815 – Robbery with the use of force upon things, and of Article 2, Section 15 of Republic Act No. 9165 – Use of Dangerous Drugs.[9]

Initially, the OCA handled the present administrative matter, but was referred to the Judicial Integrity Board (JIB) in view of the amendment of Rule 140 of the Rules of Court.[10]

However, in a Letter, dated September 13, 2023,[11] Atty. Maria Teresa O. Demesa-Razal, Officer-in-Charge Chief of Office, Office of Administrative Services, OCA, informed the JIB that Novilla was dropped from the rolls effective August 3, 2020 for having been absent without official leave per Resolution of the Supreme Court, Second Division, dated July 4, 2022 in A.M. No. 22-04-46-RTC.

On January 21, 2021, the RTC received via LBC courier the resignation letter of Novilla.[12]

The Report and Recommendation of the JIB

In the Report and Recommendation, dated January 25, 2024, the JIB recommended the following:

IN VIEW OF THE FOREGOING, it is respectfully recommended for the consideration of the Honorable Board that the instant administrative matter be RE-DOCKETED and the following recommendations be made to the Supreme Court:

1.)

Respondent Marthin Dandell G. Novilla, former Utility Worker I, Branch 9, Regional Trial Court, Tacloban City, Leyte be found GUILTY of gross misconduct and possession and/or use of illegal drugs; and

2.)

Respondent Novilla be DISMISSED FROM THE SERVICE with FORFEITURE of all benefits, except accrued leave credits, if any, and perpetual disqualification from re-employment in any government instrumentality, including government-owned and controlled corporations.[13] (Emphasis in the original)

The JIB held that Novilla is clearly guilty and while Novilla was already considered dropped from the rolls effective August 3, 2020 before the institution of the present administrative matter, he can still be held administratively liable in order to prevent him from coming back to the Judiciary.

The Issue

Can Novilla still be held administratively liable despite his dropping from the rolls?

The Court's Ruling

The Court adopts the findings of facts of the JIB, but with modification as to the penalty imposed.

Given Novilla's categorical admission and the corroborative findings of the NBI investigation with respect to the theft of the drug evidence and Novilla's drug use, the Court agrees with the JIB's conclusion that Novilla's culpability is undoubtedly established.

The issue for resolution of the Court is whether Novilla may still be held administratively liable, notwithstanding his effective separation from the service prior to the commencement of the present administrative proceedings.

The JIB posited that Novilla may still be held administratively liable despite his dropping from the rolls.

The Court agrees.

In *Competente v. Nacion*,^[14] the Court still held the respondent administratively liable even though the complaint was filed only 24 days after respondent was retroactively dropped from the rolls. The Court noted that jurisdiction over the administrative complaint had already attached considering that respondent was deemed a de facto employee of the Court when the complaint was filed.^[15] Citing *Office of the Court Administrator v. Grageda*,^[16] the Court ruled that 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.^[17]

Similarly in this case, the fact that the retroactive effectivity of the dropping of Novilla from the rolls preceded the filing of the complaint should not bar the institution of administrative charges against him for acts he committed while in the service. This is especially true since Novilla's unauthorized absence was clearly intended to avoid accountability. To rule otherwise would be to allow circumvention of the laws and evasion of responsibility.

In this case, the facts are clear that Novilla only disappeared and started not going to work after he confessed to be the culprit in the pilferage of drug evidence. The Court cannot tolerate this act of going on absence without leave, for which he was eventually dropped from the rolls, as a means to escape administrative liability.

Still, a modification of the penalty imposed is proper. The Court finds that Novilla is guilty of two separate offenses of (1) gross misconduct for the pilferage of the drug evidence and (2) use of illegal drugs or substances as found by the NBI.

Section 21 of Rule 140, as amended, provides that if the respondent is found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense.^[18]

Section 14 of Rule 140, as amended, classifies gross misconduct and possession and/or use of illegal drugs or substances as serious charges. Accordingly, Section 17 of the same Rule provides for the appropriate penalties to be imposed:

SECTION 17. Sanctions. –

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:(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 more than six [] months but not exceeding one [] year; or

(c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.[19]

For Novilla's criminal action of stealing drug evidence resulting in the compromised integrity of the drug cases involved and his use of dangerous drugs, Novilla would have been meted the penalty of dismissal from service had he not been earlier dropped from the rolls. Relevantly, Section 18 of Rule 140, as amended, provides:

SECTION 18. Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or other Modes of Separation of Service. – If the respondent is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the respondent's supervening resignation, retirement, or other modes of separation from service except for death, he or she 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. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits; and/or

(b) Fine as stated in Section 17 (1) (c) of this Rule.[20]

Thus, for gross misconduct, Novilla is meted a penalty of forfeiture of all benefits and disqualification from reinstatement or appointment to any public office. In addition, for his use of illegal drugs or substances, the imposition of a fine in the amount of PHP 101,000.00 is likewise warranted.

ACCORDINGLY, the present administrative matter is RE-DOCKETED as a regular administrative case against respondent Marthin Dandell G. Novilla, former Utility Worker I, Branch 9, Regional Trial Court, Tacloban City, Leyte.

The Court finds respondent Marthin Dandell G. Novilla GUILTY of gross misconduct and possession and/or use of illegal drugs. He is meted the penalty of FORFEITURE of all benefits, excluding accrued leave credits, and he is PERPETUALLY DISQUALIFIED from re-employment in the government, including government-owned or controlled corporations. He is likewise ordered to pay a FINE of PHP 101,000.00.

SO ORDERED.

Leonen (Acting C.J.), Hernando, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., and Villanueva, JJ., concur.

Gesmundo,[*] C.J., on official leave.

Caguioa,**] J., on official business.

[*] On Official Leave.

[**] On Official Business.

- [1] Rollo, p. 84.
- [2] Id. at 84-85.
- [3] Id. at 85.
- [4] Id.
- [5] Id. at 86.
- [6] Id. at 87.
- [7] Id.
- [8] Id. at 88.
- [9] Id.
- [10] Id. at 84.
- [11] Id. at 81.
- [12] Id. at 19-21.
- [13] Id. at 90.
- [14] 880 Phil. 812 (2020) [Per J. Inting, En Banc].
- [15] Id. at 818.
- [16] 706 Phil. 15 (2013) [Per J. Perlas-Bernabe, Second Division].
- [17] Id. at 21.
- [18] A.M. No. 21-08-09-SC, sec. 21.
- [19] RULES OF COURT, Rule 140, sec. 17.
- [20] A.M. No. 21-08-09-SC, sec. 18.

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