

IN RE: FRAUDULENT RELEASE OF RETIREMENT BENEFITS OF JOSE LANTIN, FORMER PRESIDING JUDGE, MUNICIPAL TRIAL COURT, SAN FELIPE, ZAMBALES.

A.M. No. 2007-08-SC. October 09, 2009

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PER CURIAM:

The subject matter of the instant administrative proceeding is the fraud perpetrated against the Court by dismissed Judge Jose C. Lantin of the Municipal Trial Court (MTC) in San Felipe, Zambales and his cohorts involving PhP 1,552,437 representing his retirement gratuity.

Lantin compulsorily retired on September 24, 1998. At that time, he had a pending administrative case docketed as A.M. No. MTJ-98-1153 entitled *Huggland v. Lantin*.

Subsequently on February 29, 2000, the Court issued a Resolution forfeiting his retirement benefits including leave credits. The fallo reads:

WHEREFORE, judgment is hereby rendered (a) finding respondent Judge Jose C. Lantin guilty of grave misconduct in office, gross dishonesty, conduct prejudicial to the best interest of the service and conduct unbecoming [of] a judge; (b) holding that respondent [Judge Lantin] should have been dismissed from the service had the compulsory age of retirement not overtaken this case; (c) forfeiting all his retirement benefits, including leave credits; and (d) disqualifying him from employment in any branch, agency or instrumentality of the Government, including government-owned or controlled corporation.[1] (Emphasis ours.)

Copies of said Resolution were reportedly sent to the following:

Court Administrator Alfredo L. Benipayo
Deputy Court Administrator (DCA) Reynaldo Suarez
DCA Zenaida Elepaño
DCA Bernardo Ponferrada
Office of the Administrative Services (OAS)
Leave Division
Records Control Center
Fiscal Management and Budget Office
Finance, Accounting, and Documentation
Office of the Court Administrator (OCA)

As culled from the records, the offices that are mainly involved in the processing of retirement claims are the Employee Welfare and Benefits Division (EWBD) headed by Charlotte C. Labayani; Records Division (Records Control Center) headed by Gloria C. Rosario; Employees Leave Division headed by Hermogena F. Bayani--all of OAS-OCA; and the Docket and Clearance Division (Docket Division) of the Legal Office, OCA headed by Atty. Vener B. Pimentel. The Employees Leave Division and the Records Division denied having received the February 29, 2000 Court Resolution forfeiting the retirement benefits of Lantin.

A certain Annie Key introduced herself as the representative of Dolores Luzadas, who was named the duly designated attorney-in-fact of Lantin per a Special Power of Attorney (SPA) purportedly signed by Lantin. Key filed the application for the retirement benefits of the former judge with the EWBD under the OAS-OCA. Key's identity was not found in any record. The application was referred to Cecilia C. De Rivera, the officer handling compulsory retirement applications of judges. De Rivera admitted that the application was filed on June 29, 2006, a date confirmed by Charlotte C. Labayani, Chief of the EWBD. Attached to the application was the SPA issued in favor of Luzadas. The EWBD records, however, reveal that the application was received on June 26, 2006, three days earlier. De Rivera later asked Key to re-file the application using a newly prescribed form, which was filed on August 10, 2006.

It turned out that the SPA was subscribed on July 3, 2006 and before a notary public whose commission had already expired. Per investigation of the OAS-Supreme Court (SC), the SPA could not have been received on June 29, 2007, since it was acknowledged before the notary public on July 3, 2006. The OAS-SC concluded that De Rivera had tampered with the application, considering that a photocopy of it had erasures as to the date of receipt.^[2] Noteworthy too is the fact that De Rivera did not keep the original copy of the SPA.

According to De Rivera, she informed Labayani of the belated filing. Allegedly on Labayani's instructions, she requested a Docket Clearance to ascertain if, due to the belated filing, the claim could be rejected. Labayani signed the request addressed to the Records Division under the OAS-OCA for Lantin's Service Records, clearance from the Office of the Bar Confidant (OBC), clearance from the Docket and Legal Division under the Legal Office of OCA, and Certification of Regular Monthly Salary and Emoluments from the Financial Management Office (FMO) of OCA.

Michelle P. Tuazon of the Docket and Clearance Division, Legal Office, OCA, received the request for clearance on July 31, 2006. It reads:

x x x in favor of Hon. JOSE C. LANTIN, former Judge, Municipal Trial Court, San Felipe, Zambales, in connection with his claim for Compulsory Retirement benefits under RA 910, as amended effective September 24, 1998.

Tuazon verified the request and prepared the Clearance Certificate dated August 7, 2006, signed by Atty. Vener B. Pimentel, the Officer-in-Charge (OIC) of the Docket and Legal Division. The certification indicated that the former judge had no pending administrative case as of said date, and the certification was being issued for compulsory retirement. Thereafter, on instruction of Labayani, De Rivera went to the office of DCA Jose P. Perez to seek advice about the late filing of Lantin's application. Atty. Arturo Noblejas of the said office advised De Rivera to ascertain if Lantin was still alive by submitting a photo of him holding the latest issue of a newspaper.

Meanwhile, the OBC issued a certification that Lantin had no pending case before said office.

When Joahna S. Iglesias, a clerk in the Records Office, received the request for the Service Record of Lantin, she entered the request in her logbook and forwarded the application to Gloria C. Rosario, Chief of the Records Division. Iglesias also instructed Rosita M. De Leon, in charge of requests from the National Capital Region, to process the request, since the person in charge of Region III was on leave then. Satisfied that based on the service record card, the former judge had no pending case against him, De Leon photocopied and initialed the service record card and submitted it on August 10, 2006 to Rafael D. Azurin, SC Supervising Judicial Staff Officer, for certification that it was a true copy. Thereafter, Iglesias transmitted the certified copy to the Leave Section and then sent it back to the Service Records Section. Iglesias received the certified photocopy from the Leave Section and requested the 201 file of Lantin from Fernando R. Inocencio, the records officer of OAS-OCA. Inocencio, in turn, forwarded the file to Azurin, who counterchecked the entries against the original documents in the 201 file,

paying particular attention to the dates of appointment, assumption of office, oath of office, and step increments, etc. The photocopies thereafter were sent to Josephine E. Perlas, the clerk who encoded the entries and printed the computerized Service Record. Perlas then sent these photocopies to Rosario for signature. These were then forwarded for final notation to Hermogena F. Bayani, Chief of the Leave Division, whose certification dated October 13, 2006 as to the leave without pay and sick leave without pay was initialed by one of the employees in her staff.

In the meantime, the processing of Lantin's terminal leave credits was initiated by Utility Worker Rogelio J. Villapando, Jr. of the Planning Division of the Court Management Office (CMO). He also frequently followed up said processing with Amelia G. Serafico of the Leave Division. According to the investigation report of OAS-SC, De Rivera, along with a certain Luzadas, approached Villapando for assistance for the clearance of Lantin. In October 2006, Villapando gave a photocopy of Lantin's Service Record to Serafico, who in turn asked Amalia D. Alviso, a Human Resource Management (HRM) aide, for the leave credits of Lantin from 1984 to 1998. The contents of what was purportedly the leave credits record were all written in ballpen in the same penmanship, allegedly belonging to Reynaldo B. Sta. Ana, a former employee of the Leave Division who was dismissed from the service for dishonesty and falsification of public documents. Villapando also told Alviso to prepare the statement of leave credits. This was reviewed by Edgardo S. Quitevis and signed by Bayani on October 4, 2006.

Meanwhile, as testified to by Valeriano P. Pobre, Assistant Chief of the Retirement Section, and Edison P. Vasquez, an employee of the EWBD, Key often met with De Rivera to follow up the retirement benefits of Lantin.

The OAS-SC report also indicated that Lantin's clearance was routed to 14 offices. Then DCA Jose Perez[3] approved the SC clearance on October 19, 2006. On October 23, 2006, Labayani sent a Memorandum, which included the already approved retirement papers of Lantin, to the FMO-OCA. The Memorandum included: (1) a Memorandum dated October 20, 2006 of Pobre endorsing for approval the application that bore the stamp of approval by DCA Perez; (2) the computation of the length of service and the Certification, signed by Pobre, that Lantin was qualified to retire under Republic Act No. (RA) 910; (3) a Certification that Lantin had no money or property responsibility with the MTC in San Felipe, Zambales; (4) his Statement of Assets and Liabilities and Net Worth; (5) a Clearance from the Ombudsman that he had no pending or administrative cases as of July 2005; and (6) a Certification of the Sandiganbayan that Lantin was acquitted in a criminal case promulgated on September 2, 2005. In a letter dated November 20, 2006, Pobre sent Lantin a Pensioner's Survey Form, which was received by the EWBD on November 29, 2006. Five years after Lantin's retirement, Labayani secured the judge's retirement voucher from the Government Service Insurance System (GSIS).

After learning from the Bureau of Internal Revenue (BIR) that Lantin had already retired, Atty. Caridad A. Pabello, Chief of the OAS-OCA, asked for a certification as to the amount Lantin received from the BIR, but it did not reply.

Upon completion of the required clearance requirements and approval of his retirement application, Lantin was issued Land Bank of the Philippines (LBP) Check No. 79263 dated November 16, 2006 for PhP 237,760.89 and LBP Check No. 79330 dated November 29, 2006 for PhP 1,552,437, representing his terminal leave and retirement gratuity benefits, respectively. Luzadas allegedly endorsed the first check on November 11, 2006, while Lantin personally endorsed the second check on December 12, 2006. The dorsal portions of the checks did not indicate if these were encashed, although it appears therein that these were negotiated in Equitable PCI Bank and deposited in Account No. 0288-06967-0.[4]

On January 12, 2007, a copy of the February 29, 2000 Resolution dismissing Lantin was found in the 201 File of

Lantin by the EWBD. On the cover of the folder was the phrase "dismissed from the service" in the handwriting of Rudy C. Garcia, a utility worker in the Records Division, who was in charge of the files of judges. Immediately upon this discovery, the EWBD verified with the Checks and Disbursement Division, FMO-OCA, if the checks for Lantin had been released. The checks for the terminal leave pay and retirement gratuity had been released on November 24, 2006 and December 7, 2006, respectively.

In a Resolution dated November 20, 2007, the Court directed Lantin to return the amount representing his retirement benefits amounting to one million seven hundred ninety thousand one hundred ninety-seven pesos and eighty-nine centavos (PhP 1,790,197.89). It also directed the Register of Deeds of Zambales or the Assessor concerned to cause the annotation of the resolution dated August 14, 2007 on the assets/properties of Lantin pending the return of the aforesaid amount.[5]

Further scrutiny of the 201 file of Lantin showed a May 14, 1998 Resolution, A.M. No. 97-11-133-MTC--Manila Daily Bulletin news item about the arrest of Municipal Trial Court Judge Jose C. Lantin. The Resolution ordered the preventive suspension of Lantin. The records showed that the OAS-OCA and its Records and Leave Divisions received copies of this resolution and its revised version.

Upon discovery of the irregular payment of the retirement benefits of Lantin, then Court Administrator (CA) Christopher O. Lock directed DCA Ruben P. Dela Cruz to conduct an investigation. Consequently, DCA Dela Cruz submitted his Investigation Report to CA Lock on February 26, 2007. Per the OCA March 23, 2007 Indorsement, the Investigation Report of DCA Dela Cruz was referred to OAS-SC for appropriate action.

The OAS-SC called Virginia N. Rodriguez, leave processor in the Leave Division, to explain the usual procedure for the handling of the leave cards. She handled the leave cards of Lantin and personally made the entry on Lantin's preventive suspension. She confirmed that in the early 1980s, processors used pencils to write entries in the card, but shifted to using ballpens in the 1990s. She said she was surprised that Lantin was able to claim his benefits despite his suspension. She categorically said that the purported leave cards of Lantin were dubious and could not have been the originals, since none of the entries were in her handwriting; and, strangely, all the entries were made by the same hand, which was most unlikely, since employees working on the cards were constantly re-shuffled. She also said that when a correction is made, only the specific mistake is corrected, and this does not entail a change of card. Cosme F. Corpus, also of the Leave Division who was the leave processor since 1977, corroborated Rodriguez's testimony on the protocols followed in making entries in the card.

Remedios B. Quintos, an administrative assistant in the Records Section, was the processor for Regions I to IV until 2003. She admitted entering all the data in Lantin's service record cards and photocopying them in 1998 when Lantin asked for a photocopy needed for his Ombudsman clearance; entering the phrase "compulsory retirement effective 9-24-98" based on his birthday; and entering "11-01-97" and "9-23-98." More significantly, she admitted placing the service record cards of Lantin in the inactive files of judges, and that those cards remained there for a long time. She denied receiving a copy of the May 14, 1998 Resolution placing the judge on preventive suspension, that was why there was no such entry in his leave cards.

Rudy C. Garcia, the utility worker mentioned earlier, said he was the one who wrote the "dismissed from the service" annotation in the 201 file of Lantin, after receiving a copy of it.

After tracing the paper trail, the OAS-SC investigated the employees who appeared to have had a direct participation in the fraud, and the following information surfaced:

De Rivera admitted that she received thirty thousand pesos (PhP 30,000) from Key allegedly to facilitate the processing of Lantin's retirement papers. She, however, denied receiving an additional forty thousand pesos (PhP

40,000). She claimed that she gave money to Villapando, Butch N. Borres, and Edison P. Vasquez, although she did not say how much. She said she did not know how the other offices had cleared Lantin. She gave no explanation why she accepted the retirement papers of Lantin; why she asked no identification from Key; and why she processed the papers even if incomplete. She denied taking part in processing the SC clearance of Lantin. Betty Ignacio, to whose account the two checks issued to Lantin were allegedly deposited, in a Sworn Affidavit, said that Luzadas sent her a text message that it was De Rivera who facilitated the processing of the judge's retirement claims. De Rivera stopped reporting for work after she was preventively suspended for ninety (90) days.

The investigation established that De Rivera had deliberately and knowingly conspired with Key, Luzadas, and other court employees to facilitate the fraudulent release of the retirement and leave credits benefits of Lantin. She tampered with court records, specifically the date of receipt of the application for retirement benefits, in violation of Section 3, Canon IV of the Code of Conduct for Court Personnel. She accepted the application from Key although the latter was not the designated agent in the SPA, an act amounting to misconduct. De Rivera accepted PhP 30,000 in connection with an illegal transaction, which constitutes grave misconduct. She used her official position to secure unwarranted benefits, privileges, or exemptions for herself and others, contrary to Canon I of the Code, Fidelity to Duty, as follows:

Sec. 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

Sec. 2. Court personnel shall not solicit or accept any gift, favor, or benefit based on any or explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

x x x x

Sec. 4. Court personnel shall not accept any fee or remuneration beyond what they receive or are entitled to in their official capacity.

De Rivera is also criminally liable for graft practices under Sec. 3(b)[6] of RA 3019 or the Anti-Graft and Corrupt Practices Act; and Sec. 7(d)[7] of the Code of Conduct and Ethical Standards for Public Officials and Employees.

Grave Misconduct is punishable with dismissal from the service for the first offense,[8] while Conduct Prejudicial to the Best Interest of the Service is punishable with suspension from six (6) months and one (1) day to one (1) year.[9] Violations of RAs 6713 and 3019 warrant removal from office, depending on the gravity of the offense,[10] even if no criminal prosecution is instituted against the public officer. It is worthy to note that the Code of Conduct for Court Personnel provides that "all provisions of law, Civil Service rules, and issuances of the Supreme Court or regulating the conduct of public officers and employees applicable to the Judiciary are deemed incorporated into this Code." If the respondent is guilty of two (2) or more charges or counts, the penalty to be imposed should be the penalty for the most serious charge, and the rest considered as aggravating.

From the investigation, sworn testimonies of other employees, and her own admission, De Rivera is guilty of Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, violation of the Code of Conduct for Court Personnel, and violation of Sec. 3(b) of RA 3019 and of RA 6713. Despite the mitigating circumstance that this is her first offense, she deserves to be dismissed from the service with forfeiture of all benefits.

Rogelio J. Villapando, Jr., a utility worker since 2004 who was then a casual security guard, averred that De Rivera had introduced Luzadas to him. He admitted that (1) he helped follow up the SC clearance of Lantin, but said he did it, not for monetary gain, but out of compassion because De Rivera and Luzadas told him the judge was critically ill; (2) he followed up the terminal leave papers of the judge with the Leave Division; and (3) he

received PhP 1,000 for Paglinawan and himself for their pangkain from De Rivera when the SC clearance was completed. Villapando claimed that Serafico, who had earlier told him that Lantin's leave cards were missing, asked him to borrow the 201 file of the former judge. He did not expect that it was going to be given to him even without him signing for it. After the leave forms were photocopied, he personally returned these to the Records Division. He said that Serafico told him that the leave cards would be reconstructed if they were not found, that was why they needed the leave forms.

From the investigation, it can be gleaned that Villapando worked closely with De Rivera and, by his own admission, received money from her. He went beyond his official functions and followed up the papers of Lantin with unusual zeal and received money from Key after the SC clearance was completed. He committed grave misconduct for accepting money in exchange for routing the papers of the judge. He is guilty of the same offenses as De Rivera--Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, violation of the Code of Conduct for Court Personnel, and violation of Sec. 3(b) of RA 3019 and of RA 6713; and is also guilty of violating Sec. 1[11] of Canon IV on the Performance of Duties, Code of Conduct for Court Personnel. He should be dismissed from the service with forfeiture of all benefits.

Charlotte C. Labayani, Chief of the EWBD, testified that after the discovery by EWBD of the Court Resolution dismissing Lantin in his 201 File on January 12, 2007, she twice met with Key when the latter followed up the monthly pension of Lantin. During these meetings, she pretended not to know of the irregularity attending the judge's claims. Key gave her a contact number; and, with it, an investigating officer called up Key on the pretext that she had to pick up Lantin's check, but she did not show up. Labayani denied she knew about the SPA designating Luzadas, and about who had actually followed up Lantin's claims. She explained that the Court allowed follow-ups by others, but it was stricter in cases of clearances from the SC where the designated attorney-in-fact was the only person allowed. She said their office kept the list of retiring judges and employees for four years, but did not keep a record of penalized judges. She averred that the EWBD was not at all times furnished with copies of all Court resolutions. She explained that the EWBD request to the Docket and Legal Division was in connection with Lantin's compulsory retirement and not about any pending case.

From the foregoing account, we find no reason why Labayani failed to diligently review the papers of Lantin. It was her duty as Chief of the EWBD to do so. Had she been more diligent, she could have averted the fiasco since, from the very start, there were tell-tale signs that should have warned her to look into the application more closely. For being remiss in her supervisory duty, she should be admonished to be more diligent in the performance of her duty, with stern warning that a repetition of the same or a similar act shall be dealt with more severely.

Valeriano P. Pobre is --an SC Supervising Judicial Staff Officer assigned to the Docket and Legal Division. He had worked with the Court since 1985. He claimed that his participation was limited to computing Lantin's length of service and signing the Information Data submitted for approval of DCA Perez whenever Labayani was absent which was what happened in the case of Lantin's papers. Familiar with the office procedure, he said he noticed that for over two years, only Tuazon handled the verification clearance in the Docket and Legal Divisions, with only the Alpha list, unlike the past practice when different processors were assigned to their respective areas. Based on his experience, it could have been detected that Lantin was not entitled to the benefits, or that his benefits had been forfeited, because his folder would have been marked "BF," which meant "benefit forfeited." He testified that the EWBD was not furnished with a copy of the Court Resolution.

Butch N. Borres is an HRM Assistant. His official functions included circulating the SC clearance. He vehemently denied that he knew Key or received money from her. It was he who first discovered the Court Resolution when Labayani told him to secure documents for the processing of the former judge's monthly

pension. He testified it was De Rivera who followed up and personally received Lantin's computerized Service Record, which was not the usual internal procedure. It was his task to bring this record to the Records Division. Borres also averred that Villapando also followed up the judge's papers. The logbooks of the Checks Disbursement Division and the Property Division of the OCA indicated that the SC clearance was released to Eric J. Paglinawan, a casual Utility Worker II. When asked why De Rivera would want to implicate him, Borres surmised that it was probably because it was he who reported to Labayani that De Rivera allowed CMO employees to follow up the SC clearance of Lantin. He said only he was responsible for routing the judge's papers to two out of 14 offices.

Rafael D. Azurin, who started working for the Court as a casual security guard and was later promoted to SC Supervising Judicial Staff Officer, checked the entries in the Service Records against the 201 File of the judges and lower court employees. He said that he only signed the photocopies and certified that these were faithful reproductions of the original. His signature was required before the Leave Division processed the clearance. He said he did not receive a copy of the SC Resolution in A.M. No. MTJ-98-1153; otherwise, he would have noted it on Lantin's file. He also did not notice if a copy of the Resolution on Lantin's preventive suspension was on file. He observed that it would have been easy to notice the Resolution, since it was thicker than most of the records in the file. He added that their office had no system to monitor the access of employees to the Service Records.

Azurin's work in the Records Division was critical in determining whether or not Lantin was entitled to any retirement benefits. We are not convinced that Azurin could not remember seeing a copy of the Court Resolution in the former judge's 201 file that contained the Resolution or that could he not remember seeing the notation "dismissed from the service" in the folder. It was later discovered that the Resolution was actually in the 201 file. Had he paid more attention to his duty, he would not have missed the annotation. We, therefore, find Azurin guilty of gross negligence. Gross Neglect of Duty is punishable with dismissal for the first offense. In precedent cases,^[12] however, the penalty of dismissal was reduced to suspension upon considering mitigating circumstances, such as length of service in the Court. Azurin has served the court for twenty (20) years and, in our view, a suspension of three months is sufficient punishment for his neglect of duty.

Fernando R. Inocencio is Records Officer II of OAS-OCA. His work consists of filing documents in the 201 file of judges. He said that when he retrieved the file of Lantin, it already had the notation "dismissed from the service." He had no idea who borrowed the file of the judge since, as a matter of practice, the borrower's name was not recorded, although there was a prescribed form to be filled out by every borrower of a 201 File. Inocencio recalled that Lantin's 201 file was borrowed only four (4) times and did not indicate that it was borrowed by Villapando. That Villapando was able to get the files and the files did not list the borrowers are indications that Inocencio had been remiss in his duties for which he should be censured.

Gloria C. Rosario, Chief of the Records Division, explained the procedures followed in, and the protocols observed by, her office and the Leave Division. She gave no explanation when her attention was called that there was no entry on the gap in the service of Lantin because of the preventive suspension despite both resolutions' being in the 201 file. She said that she relied on the fact that Azurin had not reported any problem to her. The OAS noted that a service record was crucial in processing the entitlement to retirement benefits, and that the ineptness of the Records Division was a reflection of Rosario's laxity in supervising her division. For being remiss in her duties, Rosario should be reprimanded with a stern warning that the same or a similar act in the future will be dealt with more severely.

Amelia G. Serafico, the Assistant Chief of the Records Division, testified that it was Villapando who constantly pestered her about the terminal leave payment of Lantin, and who handed her a copy of the judge's Service Record. To get Villapando off her back, she asked Alviso to prepare the judge's statement of leave credits. She

said she even jokingly asked Villapando to present his authority to follow up the terminal leave credits of the judge. She denied Villapando's allegation that she had told him to borrow the judge's 201 file. She did, however, admit informing Villapando that the judge's leave cards were missing, and that the leave forms from the 201 file were needed to reconstruct the cards. Eventually, the leave cards were found in the inactive files, and the leave forms were no longer needed. For being remiss in her duties, she should be censured.

Hermogena F. Bayani, Chief of the Leave Division, said she signed the SC Clearance and the Statement of Leave Credits, because she found no indication on them that Lantin was dismissed from the service with forfeiture of benefits. Since the former judge was cleared on his Service Record, on which she relied, she computed the leave credits due Lantin. The SC clearance also had no notation on the dismissal with forfeiture of benefits. She identified the notation "COMP. RET. EFF 9-24-98" as Sta. Ana's. She claimed that the Leave Division did not receive a copy of the Court Resolution, even if the Notice of the Decision indicated that the Leave Division of the OCA received a copy of it. Bayani denied that the leave cards were reconstructed and reiterated that the leave cards were recovered from the dead files. She explained that a reconstruction of the leave cards needed the approval of the Court Administrator, which had not been sought with regard to the leave cards of Lantin. The errors in the entries on the leave cards of Lantin by the Leave Division are clear indications that Bayani as Chief of the Leave Division was cavalier in her duties. For being remiss in her duties as Chief of the Leave Division, Bayani should also be admonished, with a stern warning that repetition of the same or a similar act shall be dealt with more severely.

Atty. Vener B. Pimentel is the OIC of the Docket Division. The Docket Division received a copy of the February 29, 2000 Resolution in A.M. No. MTJ-98-1153 finding Lantin guilty of gross misconduct in office, gross dishonesty, conduct prejudicial to the best interest of the service, and conduct unbecoming of a judge. The Court had ordered, as one of the sanctions imposed on the judge, the forfeiture of all his retirement benefits.

As to why the Docket and Legal Divisions did not state in the clearance request the outcome of A.M. No. MTJ-98-1153 and the forfeiture of the retirement benefits of Lantin, Atty. Pimentel explained that there was an inherent flaw in the clearance protocols, since the clearance request was only to determine whether a pending case was existing at the time of the request, NOT if there was a decided case against the applicant for docket clearance. Indeed the clearance request bears the following question:

Comment

Signature

Date

15. As to pending administrative case:

- a) For lawyers Office of the Bar Confidant
- b) For judges and other lower court employees

In-charge, BAR office

Chief, Docket and
Clearance Div.,
Legal Office, OCA

An amendment or correction of the clearance request is in order, to incorporate a query on the sanctions imposed on the applicant for retirement benefits and to forestall similar irregularities relating to the grant of retirement benefits.

Atty. Pimentel seeks exoneration by contending that he acted in good faith when he signed the clearance request as OIC of the Docket Division. He explained that he attended to numerous duties and responsibilities entailing a lot of paper work as head of said division. The Docket Division processes around 36,000 clearances relating to SCSLA, JUSLA, bank, housing, Pag-Ibig, GSIS, cooperative, computer, motorcycle, handgun, and other kinds of loans; and likewise relating to travel abroad, study leave, passport, step increment, loyalty, promotion, retirement, and other personnel action. It issues around 24,000 certifications to bonding companies for purposes of accreditation. It evaluates around 1,200 administrative complaints to determine compliance with Rule 140 on the Discipline of Judges of Regular and Special Courts and Justices. In the process, he had to rely on the work done by his subordinates on the requests and papers submitted to his Division for appropriate action. In this case, Michelle P. Tuazon was in charge of the verification of the clearance request of Lantin and the preparation of the Clearance Certificate dated August 7, 2006, which was signed by Atty. Pimentel as OIC of the Docket Division. While Tuazon saw the "BF" notation in Judge Lantin's file that meant "benefits forfeited," she did not inform Atty. Pimentel about it. Indeed there is no evidence to show that Atty. Pimentel was ever informed of the BF notation in Judge Lantin's file. Thus, Atty. Pimentel cannot be faulted for signing the clearance, especially considering the defect in the question asked in the clearance request.

The Court, however, takes note that the Docket Division received a copy of the resolution in A.M. No. MTJ-98-1153 imposing forfeiture of benefits on Lantin. As OIC of the Docket Division, it is assumed that Atty. Pimentel has read said resolution and is aware of such forfeiture. We note also, however, that the resolution was issued in 2000, while the clearance request was presented to the Docket Division in 2006 or six (6) years later. It is possible the information on Judge Lantin's case escaped the memory of Atty. Pimentel. The best repository of said data was still the file of the judge in the Docket Division. Unfortunately, Tuazon did not alert Atty. Pimentel of such entry. Thus, we find that Atty. Pimentel failed to observe the necessary caution in his supervisory duty, as he could have remembered that Lantin was sanctioned in A.M. No. MTJ-98-1153. He should be admonished and sternly warned that a repetition of the same or a similar act will be dealt with more severely.

Michelle P. Tuazon admitted that she prepared the certification of the Docket Clearance that Lantin had no pending case; and that she saw the BF notation that meant "benefits forfeited" on Lantin's file. She stated that she was aware that retiring judges filed money claims of their leave credits; that the Docket Division certified only "no pending" cases; and that their Division was not concerned with money claims. Nonetheless, she did not explain why. She did not disclose the information to his Chief, Atty. Pimentel, that there was a "BF" notation, when she was duty-bound to do so. She also admitted she did not verify the information against the Docket Book, which was within her reach. Tuazon is patently grossly negligent in her duty; and, without any mitigating circumstance in her favor, the OAS-SC recommends that she be dismissed from the service.

Eric J. Paglinawan, a casual employee, admitted that De Rivera asked for his help in routing Judge Lantin's clearance, a request to which he agreed. This was beyond the scope of his duties as utility worker. There is no proof he accepted money. For his unwarranted participation, his casual appointment shall no longer be renewed after its expiration on December 31, 2007.

It is a sad day for the highest Court to find out that, despite its all-out campaign to inculcate the strictest of codes of conduct in its judges and employees, this fraud has been committed, and there are still those who with criminal minds and greed for money would destroy the reputation of the very institution they have sworn to serve and protect. We most lament the audacity and the cunning with which the perpetrators have taken advantage of a flaw

in the office procedures, the weaknesses of peers as to make them succumb to pakikisama pressure, and the ostrich syndrome that prevails among long-tenured officials that has resulted in their incompetence and neglect of duties.

WHEREFORE, considering the factual findings of DCA Dela Cruz; the findings and recommendations in the in-depth investigation of the OAS-SC; and the rules, canons, and cases pertinent to this administrative case, we hereby resolve to:

- DISMISS from the service, with forfeiture of all benefits, Cecilia C. De Rivera and Rogelio J. Villapando, Jr., for Grave Misconduct, Conduct Prejudicial to the Best Interest of the Service, violation of the Code of Conduct for Court Personnel, and violation of Sec. 3(b) of RA 3019 and of RA 6713;
- DISMISS Michelle P. Tuazon from the service with forfeiture of benefits except accrued leave credits, for Gross Neglect of Duty;
- ADMONISH Hermogena F. Bayani for being remiss in her duties as Chief of the Leave Division, with a stern warning that a repetition thereof shall be dealt with more severely;
- SUSPEND Rafael D. Azurin for three (3) months for Gross Neglect of Duty mitigated by his length of service and for the reason that this is his first offense;
- CENSURE Fernando R. Inocencio and Amelia G. Serafico for being remiss in their duties;
- ADMONISH Atty. Vener B. Pimentel for being remiss in his duty as OIC of the Docket and Legal Divisions, with a stern warning that a repetition of the same or a similar act shall be dealt with more severely;
- ADMONISH Gloria C. Rosario for being remiss in her duties as Chief of the Records Division, with a stern warning that a repetition of the same or a similar act will be dealt with more severely;
- ADMONISH Charlotte C. Labayani for being remiss in her duty as Chief of the EWBD, OAS-OCA, with a stern warning that a repetition of the same or a similar act shall be dealt with more severely;
- Declare Valeriano P. Pobre, Joahna S. Iglesias, Rosita M. De Leon, Josephine E. Perlas, Amalia D. Alviso, Edgardo S. Quitevis, Eric J. Paglinawan, and Edison P. Vasquez without administrative liability, for lack of showing that they have participated in the commission of the fraud and without proof of any negligence on their part; and
- Order the OCA to institute the appropriate criminal and civil actions against Judge Lantin, Annie Key, Dolores Luzadas, Cecilia C. De Rivera, Rogelio J. Villapando, Jr. and their accomplices.

SO ORDERED.

Carpio, ^[**] Corona, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, and Abad, JJ., concur.

Puno, C.J., and Quisumbing, JJ., on official leave.

Chico-Nazario, J., on leave.

[**] Acting Chief Justice, per Special Order No. 721 dated October 5, 2009.

[1] Huggland v. Lantin, 383 Phil. 516 (2000), 537-538.

[2] OAS Report citing Annexes "F-F" and "H."

[3] Now Court Administrator.

[4] Memorandum dated February 26, 2007, addressed to DCA Christopher O. Lock, from DCA Reuben P. de la Cruz, Re: Fraudulent retirement benefits claim of Judge Jose C. Lantin, MTC, San Felipe, Zambales.

[5] A.M. No. MTJ-98-1153 and A.M. No. 2007-08-SC.

[6] Sec. 3. Corrupt practices of public officers:

x x x x

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law.

[7] Sec. 7. Prohibited Acts and Transactions

x x x x

d. Solicitation or acceptance of gifts.--Public officials and employees shall not solicit or accept directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by or any transaction which may be affected by the functions of their office.

[8] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Penalties, Sec. 52(A), No. 3.

[9] Id., No. 20.

[10] RA 6713, Sec. 11.

[11] Sec. 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

[12] Office of the Court Administrator v. Sirios, 457 Phil. 42 (2003); Reyes-Domingo v. Morales, 396 Phil. 150 (2000).

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