

RE: COMPLAINT OF MRS. CORAZON S. SALVADOR AGAINST SPOUSES NOEL AND AMELIA SERAFICO

A.M. No. 2008-20-SC. March 15, 2010

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PER CURIAM:

The subject matter of the instant administrative proceeding is the formal letter-complaint[1] dated August 20, 2008 filed by Corazon S. Salvador against Noel L. Serafico and Amelia G. Serafico for Bigamy, Immorality, Falsification, Grave Abuse of Authority, Deceit, Fraud, Conduct Unbecoming a Public Officer, and Violations of the Civil Service Code.

Corazon and Amelia met each other in January 2006, through an officemate of the latter in this Court. Corazon became very close to Amelia and her husband Noel, who was also working in the Court, because of business deals they got involved in.

On June 11, 2008, Corazon sent a letter,[2] addressed to the Chief Justice and received by the Office of the Clerk of Court on June 18, 2008, requesting a certified copy of the pages of the parking logbook of the Court's Old Building for the period covering May 2006 to May 2007. She wanted to use the data on the dates and times when a red Pajero (Plate No. TAC 232) and a silver Nissan X-Trail (Plate No. ZFE 835) were parked there as evidence to bolster her Counter-Affidavit[3] against the Complaint-Affidavit[4] filed in March 2008 by Amelia against her for Estafa and BP 22 before the Office of the City Prosecutor of Parañaque City, docketed as I.S. Nos. 08-D-0832/08-D-0834. In her letter, Corazon also requested the Court to investigate and conduct a lifestyle check on Noel and Amelia for alleged ill-gotten wealth and immorality. Without going into specifics--as her lawyers were still collating evidence against the couple--Corazon made general allegations of immorality, fraud/falsification, grave abuse of authority, conduct unbecoming, and deceit.

On July 7, 2008, the Court, through the Office of Administrative Services-Supreme Court (OAS-SC), informed Corazon of the approval of her request[5] and sent her certified copies[6] of the pertinent pages of the parking logbook that she requested, with a summary[7] of the dates the two vehicles were parked in the Old Building parking lot.

On July 9, 2008, the OAS-SC sent Amelia a Memorandum,[8] informing her of the formal initiation of an investigation and for her to comment on the allegations contained in Corazon's letter. In compliance, Amelia gave her letter-comment,[9] which was received by the OAS-SC on July 14, 2008. She denied the accusations of Corazon, alleging that these were pure harassment and a means of getting back at her for the criminal complaint she filed against Corazon.

In the investigation that it conducted, the OAS-SC found an inconsistency between Amelia's 1994 Statement of Assets, Liabilities, and Networth (SALN)[10] and her Complaint-Affidavit against Corazon relative to the Nissan X-Trail. In the former, Amelia declared the vehicle as an asset, but in the latter, she alleged that Corazon was its real owner. Consequently, on August 27, 2008, the OAS-SC, through a Memorandum,[11] directed Amelia to explain said discrepancy.

On September 1, 2008, Amelia gave her undated letter-comment[12] on the OAS-SC Memorandum. She said that she declared with utmost good faith the Nissan X-Trail as her own after Corazon gave it to her in exchange for her family's Toyota Lite Ace van. She added that Corazon used the Nissan X-Trail as collateral for her financial obligations; Corazon had earlier used the title to the Brookside property of Amelia's family as security for her debts without their knowledge. Thus, Amelia concluded that, for all practical purposes, the said vehicle was hers. She also averred that an officemate, Leilani Recosar, had introduced Corazon to her sometime in January 2006.

Subsequently, Corazon sent another letter, dated August 20, 2008 and received by the Office of the Chief Justice (OCJ) on September 30, 2008, as her formal complaint against Amelia and her husband Noel, which became the subject of the instant case. In her letter-complaint, Corazon alleged that:

1. She helped Amelia obtain a red Pajero by accommodating the latter through the use of her check to comply with the car financing requirement of the bank, and a silver Nissan X-Trail by again accommodating Amelia with a friend at the Nissan Corporation. In both cases, Amelia failed to pay the monthly amortizations resulting in civil cases filed against Corazon on account of her accommodation.
2. Amelia tried to sell to her real properties located at Canonigo, Paco, Manila (Canonigo property) and at Brookside, Cainta, Rizal (Brookside property), both of which do not legally belong to Amelia but to the wife and family of her father, Virgilio M. Gopilan (Virgilio), whom she defrauded by hiding the titles thereof and selling them for her (Amelia) own benefit, by falsifying the record of sale and relevant documents required for the sale. Corazon paid advances for the Canonigo property to Amelia and her father but the sale did not materialize as it was sold by Amelia to her brother-in-law, Menandro F. Valerio, Jr. (Menandro). Worse, Amelia and her father Virgilio did not return all the money she (Corazon) advanced to them.
3. Amelia and Noel committed immorality and bigamy by marrying each other in a civil ceremony on February 3, 1994 even if Noel had a prior marriage to Rosemarie Jimeno on February 17, 1987. From this subsequent bigamous marriage, Noel and Amelia begot three children.
- 4.) Amelia violated RA 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, and the Code of Conduct for Court Personnel.

On November 3, 2008, Amelia submitted her letter-comment[13] on Corazon's formal complaint. Amelia explained that the Canonigo property was originally owned by her father, Virgilio Gopilan, who decided to sell it, on installment basis, to Menandro, who was then entrusted with its title. Upon learning of the intended sale of said property, Corazon offered to buy it in cash. Amelia then convinced her father to sell it to Corazon instead; whereupon Virgilio retrieved the title from Menandro. Upon receipt of the title, Corazon issued Amelia a check for Php 50,000 which, when encashed, bounced. Virgilio then demanded from Corazon the full payment for the property, but the latter could not comply. Thereafter, Virgilio died, and after the burial, Corazon informed Amelia that she had used the title of the Canonigo property as security for a loan, compelling Amelia to redeem it by paying her Php 65,000. The title was then returned to Menandro.

On the allegation of immorality and bigamy, Amelia contended that she did not know that Noel was previously married and that she came to know of it only when Corazon raised it. She further stated that Noel had a valid legal justification for the matter.

For his part, Noel asserted in his letter-comment[14] dated November 3, 2008 that his first marriage to Rosemarie Jimeno on February 17, 1987 was null and void ab initio. He then asked to be excused from divulging details about it for fear that whatever he might say could be used against him later.

In her letter-reply,[15] received by the OCJ on November 11, 2008, Corazon countered that Noel had no authority to declare his previous marriage void ab initio, since only competent courts have the authority to do so, citing a

line of jurisprudence on the matter. Moreover, she argued that Amelia's defense of lack of knowledge about Noel's previous marriage was a lie and, to substantiate that claim, she attached a reproduction of an application,[16] in Amelia's own handwriting, for a copy of the marriage certificate of Noel and Rosemarie Jimeno from the National Statistics Office (NSO). The application was allegedly given by Amelia to Corazon's sister sometime in 2006 for filing with the NSO.

In her letter,[17] dated December 6, 2008 and received by the OAS-SC on December 9, 2008, Corazon requested a copy of Amelia's letter-comment regarding the discrepancy between her 1994 SALN and her Complaint-Affidavit against Corazon. Consequently, the OAS-SC granted Corazon's request and directed her to submit the required supplemental reply, but Corazon failed to submit any.

Parenthetically, Leilani, Records Officer II of the Records Division in the Office of the Court Administrator (OCA), was invited to appear before the OAS-SC for clarificatory questions relative to Amelia's assertion that Corazon was introduced to her by Leilani. Leilani testified on March 12[18] and April 4,[19] 2009 that Amelia's statement was true and that Corazon became very close to Noel and Amelia with whom she had business dealings.

In the ensuing investigation, Corazon gave sworn statements on April 17[20] and 29,[21] 2009. In gist, Corazon testified that, indeed, she became close to Noel and Amelia; that she was interested in buying two properties offered to her by Amelia, but this fell through because one of them, the Brookside property, was subjected to an adverse claim[22] by Adelina, the first wife of Virgilio, and the other, the Canonigo property, was sold[23] to Menandro after Virgilio's death.

Corazon further testified that, as a good friend, she helped Noel and Amelia purchase a red Pajero via a trade-in of their Toyota Lite Ace van through an accommodation by her issuance of checks to cover the price difference, with the understanding that the checks will be funded by Noel and Amelia. When the red Pajero was repossessed for nonpayment by Noel and Amelia from which a civil suit arose, Corazon helped them in acquiring the silver Nissan X-Trail, with Noel and Amelia providing for the PhP 200,000 down payment. The vehicle, however, was in Corazon's name because Noel and Amelia's credit rating was low.

Corazon explained that she was supposed to shoulder the amortizations for the Nissan X-Trail as commission payment to Noel and Amelia who represented that they could help her land a contract with the Court for food/canteen concession. Eventually, Corazon was disqualified from the bidding for the concession, and thus could not pay the amortizations. With the nonpayment of the outstanding monthly amortizations, Noel and Amelia, with the consent of Corazon, sold the vehicle to a buyer who was supposed to assume payment of the monthly amortizations. The buyer, however, did not continue the monthly amortization payments, and since the Deed of Sale of the vehicle was not registered, the financing bank (Union Bank) was compelled to run after Corazon in a civil case.[24]

Corazon also testified that she introduced Amelia and Noel to one Rosa Caram who had an interest in some cases, such as G.R. No. 158805 (Valley Golf & Country Club, Inc. v. Vda. de Caram),[25] where Rosa was the respondent, and another involving Genbank. She narrated that a meeting took place in Makati in the office of a certain Alderito[26] Yujuico where Noel and Amelia represented that they could help set the Genbank case for agenda by the Court En Banc at the price of PhP 1.2 million. Rosa and Alderito were former stockholders of Genbank. Corazon, however, was not included in the deal.

Finally, Corazon admitted that she filed the instant administrative case, as well as the criminal complaint for bigamy against Noel and Amelia, to get back at them for filing harassment and unsubstantiated cases against her.

Subsequently, Noel and Amelia were directed[27] on June 9, 2009 to give their comment on the

misrepresentations allegedly made by them: (1) that they could set a case for agenda by the Court En Banc for which they allegedly received PhP 1.2 million as consideration; and (2) that they could help Corazon obtain a contract with the Court for food concession in exchange for commissions. They were furnished a copy of the transcript of Corazon's sworn statements taken in April 2009.

In her letter-comment,[28] dated June 10, 2009 and wholly adopted by Noel, Amelia admitted knowing Corazon's interest in joining the bidding for the Court's canteen/food concession, but denied assisting her in any way. She likewise denied their receiving PhP 1.2 million in consideration for a promise to set a case for agenda by the Court En Banc, asserting that they were not in a position to do so. Anent the bigamous marriage, she pointed to a Regional Trial Court (RTC) decision rendered on March 17, 2009 declaring the marriage of Noel with Rosemarie Jimeno null and void ab initio. On the Brookside property, they claimed no involvement in the transaction, and that Adelina filed an adverse claim only due to the many failed promises of Corazon who, they later found out, used the title to the property as security for some loans.

Subsequently, to bolster her defense of not interfering with Court processes relative to some cases, Amelia submitted copies of the September 6, 2006 Resolution[29] in G.R. No. 158805 and the January 29, 2007 Decision[30] in G.R. No. 168639.

On the other hand, Corazon submitted, as additional evidence, photocopies of two checks issued by Rosa to Noel and Amelia as payment for the promise to set a case for agenda or for a favorable outcome of some cases.

Meanwhile, on August 3, 2009, Amelia resigned from the Court through a letter dated July 29, 2009. Her resignation was accepted by the Court subject to the outcome of the instant administrative case.

On August 17, 2009, the OAS-SC inquired from the Judicial Records Office (JRO) if, at any point, the records of these cases were borrowed by any employee of the OCA.[31] The JRO, through its head of office, Atty. Ma. Lourdes G. Perfecto, Deputy Clerk of Court, gave its response[32] dated August 19, 2009, stating that the rollos of both cases were not borrowed by any employee or officer of the OCA but only circulated within the JRO, the Divisions of the Court, and the Court En Banc, as evidenced by the entries in their logbooks and monitoring index card records.[33]

Terminating its investigation on November 23, 2009, the OAS-SC submitted its Memorandum[34] with the findings, to wit: (1) Noel and Amelia committed immorality because, when they got married in 1994, both had existing marriages which had not yet been judicially annulled or nullified; and (2) the spouses violated Republic Act No. 3019 and the Code of Conduct for Court Personnel by misrepresenting that they could help set a case for agenda by the Court En Banc, which amounted to grave misconduct. Consequently, citing applicable penalties under the Civil Service Rules, it recommended the dismissal from the service of Noel and the forfeiture of all the benefits of Amelia, including accrued leave credits, both with prejudice to reemployment in the government, including government-owned and controlled corporations (GOCCs).

Anent the ownership of the silver Nissan X-Trail, the OAS-SC found no substantial evidence to prove that the monthly amortizations were to be paid by Corazon as commissions to Noel and Amelia from a food/canteen concession with the Court. The mere testimony of Corazon is not enough, although her testimony bears out the fact that she was, indeed, introduced to Tribiana, who was then a member of the Bids and Awards Committee, which tends to show that Amelia did misrepresent that she could influence the bidding process.

As regards the transactions involving real estate properties, the OAS-SC said that the Canonigo property transaction is the subject of a pending case before the trial court and must be ventilated in that court, while the issues with the Brookside property are best threshed out in a proper adversarial court proceeding. Finally, it stated

that administrative liability for alleged fraud and falsification may only prosper after conviction in a proper forum.

This Court finds the recommendation of the OAS-SC to fault respondents well taken, except as to the penalties.

We agree with the assessment of the OAS-SC that the issues raised on the botched deals in the purchase of the two properties by Corazon from Amelia, and the acquisitive transactions relative to the red Pajero and the silver Nissan X-Trail are best ventilated in full-blown adversarial proceedings before the trial courts.

The investigation established that both Noel and Amelia had subsisting marriages when they got married on February 3, 1994[35] before the Rev. Jaime R. Quirabu in Tondo, Manila. It is, thus, apparent that both had legal impediments to marrying when they married each other. It is clear from the records that Noel married Rosemarie Jimeno on February 17, 1987[36] before the Rev. Mario J. Dauz at the YMCA Youth Center in Ermita, Manila. Although in their June 10, 2009 letter-comment on Corazon's testimony/sworn statements they pointed to a purported RTC Decision declaring the marriage of Noel with Rosemarie Jimeno null and void ab initio, they failed to submit a copy of said decision. Even granting that Noel's first marriage was indeed nullified in early 2009, Noel was still not capacitated to marry when he married Amelia in 1994.

Also, as aptly noted by the OAS-SC, the lack of knowledge by Amelia of the fact that Noel had a subsisting marriage is not a valid defense, because she herself had a subsisting marriage with Marc Michael A. Nacianceno on February 20, 1991,[37] which was not yet dissolved when she married Noel in 1994. She was, thus, likewise incapacitated to marry when she married Noel. The eventual dissolution of this marriage on December 20, 1996 by virtue of a judicial declaration of nullity--through a Decision[38] by the RTC, Branch 260 in Parañaque City, Metro Manila in Civil Case No. 96-0426--does not militate against the fact that Amelia was still married to Marc Michael A. Nacianceno when she contracted her second marriage to Noel. In fact, tending to show that both were indeed aware of the bigamous nature of their February 3, 1994 marriage, Noel and Amelia contracted marriage anew on March 6, 1997[39] before Presiding Judge Roberto L. Makalintal of the Metropolitan Trial Court, Branch 77 in Parañaque City.

Moreover, both Noel and Amelia admitted their subsequent marriage. In his 1995 Personal Data Sheet[40] submitted to the Court and his 1995 SALN,[41] Noel indicated Amelia as his wife. Likewise, in her 1994 SALN,[42] Amelia indicated Noel as her husband.

In a catena of cases,[43] the Court has consistently held that a judicial declaration of nullity is required before a valid subsequent marriage can be contracted; or else, what transpires is a bigamous marriage, reprehensible and immoral. Article 40 of the Family Code expressly requires a judicial declaration of nullity of marriage, thus:

Art. 40. The absolute nullity of a previous marriage may be invoked for purposes of remarriage on the basis solely of a final judgment declaring such previous marriage void.

While the trial court is the proper forum to rule their subsequent marriage as bigamous, from a criminal point of view, Noel and Amelia are nonetheless liable for immorality by the mere fact of living together and contracting a subsequent marriage before their respective first marriages were judicially dissolved. In effect, Noel, who was still married to Rosemarie Jimeno, and Amelia, who was still married to Marc Michael A. Nacianceno, not only contracted an apparently bigamous marriage, but also cohabited as man and wife in violation of their prior marital status and obligations solemnly assumed before God and man. Indeed, we find that Noel and Amelia made a mockery of marriage, which is a sacred institution demanding respect and dignity. Their act of contracting a second marriage while their respective first marriages were still in place is contrary to honesty, justice, decency, and morality.[44]

Immoral conduct is conduct that is "willful, flagrant or shameless, and which shows a moral indifference to the

opinion of the good and respectable members of the community." [45] What is grossly immoral must be so corrupt and false as to constitute a criminal act or so unprincipled as to be reprehensible to a high degree. [46] Absent a finding of criminal liability for bigamy, we, however, cannot rule that their subsequent marriage and co-habitation is grossly immoral.

In *Marquez v. Clores-Ramos*, [47] we found a court stenographer guilty of disgraceful and immoral conduct in maintaining relations with a married man with whom she begot a child, for which she was suspended for a year. In *Castillo-Casiquin v. Cansino*, [48] aptly quoted by the OAS-SC, we again found a court stenographer guilty of disgraceful and immoral conduct in marrying and cohabiting with a married man, for which she was suspended for six months. In *Samaniego v. Ferrer*, [49] we found a married lawyer guilty of disgraceful and immoral conduct in having an extramarital affair by co-habiting with another woman who was not his wife and begetting a child from it, for which he was suspended from the practice of law for six months.

For marrying each other despite their subsisting prior marriages, Noel and Amelia acted reprehensibly and are guilty of disgraceful and immoral conduct. They are, thus, liable to suspension for at least six months under Section 52(A)(15) of the Uniform Rules on Administrative Cases in the Civil Service, which pertinently provides:

Section 52. Classification of Offenses.--Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following are grave offenses with their corresponding penalties:

x x x x

15. Disgraceful and immoral conduct

1[st] offense - Suspension (6 mos., 1 day to 1 year)

2[nd] offense - Dismissal

Noel and Amelia are also liable for violation of Sec. 1, Canon I of the Code of Conduct for Court Personnel, which pertinently provides:

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges, or exemption for themselves or for others. (Emphasis supplied.)

Corazon provided other pieces of evidence substantially proving her allegations that Noel and Amelia misrepresented that they could help set a case for agenda by the Court En Banc. Corroborating her testimony, Corazon presented two checks issued by Rosa to Noel and Amelia, and photographs showing the connection between them and Alderito. This constitutes grave misconduct.

It must be noted that Noel and Amelia were furnished copies of the transcript of the testimony/sworn statements of Corazon and directed to comment on it. Aside from their mere denials, Noel and Amelia did not deny or dispute being introduced to Rosa and Alderito, nor did they comment on or give any explanation for the two checks Rosa issued to them as payment for her pending cases with the Court, which Corazon categorically mentioned in her testimony. Rosa is the respondent in G.R. No. 158805 entitled *Valley Golf & Country Club, Inc. v. Vda. de Caram*, [50] which, incidentally, was decided in her favor by the Second Division of this Court on April 16, 2009. What Rosa and Alderito worked for was the setting for agenda by the Court En Banc of the Genbank case.

The two checks presented by Corazon indubitably show that:

(1) the first check, [51] Citibank Check No. 100176 dated May 31, 2007, in the account of Rosa with Current Account No. 000203022105 in the amount of Php 5,000 and made payable to Cash, was deposited to a Land

Bank of the Philippines account; and

(2) the second check,[52] Citibank Check No. 100197 dated August 8, 2007, also issued by Rosa from the same current account, in the amount of PhP 40,000 was made payable to Noel and encashed by him on the same date as shown by his signature at the dorsal side of the check above his written address of "14 Britain St., Better Living, Parañaque."

The checks evidently show and substantially prove payment by Rosa to Noel and Amelia for either setting a case for agenda by the Court En Banc or for a favorable outcome of a case. Aside from the general denials of Noel and Amelia, they did not explain the receipt of the checks and the payments totaling PhP 45,000 from Rosa. They likewise did not deny being introduced to Rosa by Corazon. Thus, it is substantially evident that, absent any proof to the contrary, Noel and Amelia indeed misrepresented to Rosa that they could either influence the outcome of her case or help set a case for agenda by the Court En Banc.

Moreover, G.R. No. 168639, entitled *Yujuico v. Quiambao*,[53] which was decided on January 29, 2007, directly involved Alderito as one of the petitioners. That case, however, does not seem to be the subject of the representation for the setting for agenda by the Court En Banc, for it neither involved Genbank nor was it adverse to Alderito, for the First Division granted the petition, reversed the assailed Court of Appeals decision and resolution, and set aside the assailed RTC order.

Nonetheless, the investigation showed that Alderito was likewise introduced to Noel and Amelia by Corazon under the behest of Rosa for the Genbank case. This was also not denied by Noel and Amelia. Aside from their mere denial of not being in a position to interfere with court processes, they failed to rebut their connection with Alderito. As shown by the photographs submitted by Corazon, Noel and Amelia came to know Alderito through Rosa and Corazon. The photographs marked as "Annex C," "Annex C-1," and "Annex C-2"[54] show Alderito second from the left, either seated or standing, ostensibly during the birthday party of Amelia's mother. Amelia is shown in all the photos with Alderito. Allegedly, the expenses for the birthday bash of Amelia's mother came from the PhP 1.2 million that Noel and Amelia received from Alderito. No substantial evidence was, however, shown for the alleged payment. But the fact that Alderito had ties with Noel and Amelia bolsters the testimony of Corazon on the misrepresentations by the couple that they could help set for agenda by the Court En Banc the Genbank case, in which Alderito and Rosa had an interest and for which Rosa paid PhP 45,000.

The standard of substantial evidence is satisfied when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence might not be overwhelming or even preponderant.[55] Substantial evidence is such amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion, even if other equally reasonable minds might conceivably opine otherwise.[56] In sum, we find Noel and Amelia guilty of grave misconduct for misrepresenting that they could help in the favorable outcome of a case or for setting a case for agenda by the Court En Banc.

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer; and the misconduct is grave if it involves any of the additional elements of corruption, such as willful intent to violate the law or to disregard established rules, which must be established by substantial evidence.[57] Corruption, as an element of grave misconduct, includes the act of an official who unlawfully or wrongfully uses his station or character to procure some benefit for himself, contrary to the rights of others.[58]

In the instant case, it is clear that by misrepresenting they could help influence either the outcome of a case or set a case for agenda by the Court En Banc for which they demanded and received payment, Noel and Amelia committed grave misconduct. It shows the corruption of Noel and Amelia, who used their station or character as

Court employees in misrepresenting they could set a case for agenda by the Court En Banc and procuring financial benefits for that vicious act.

Grave misconduct is punishable with dismissal from the service for the first offense under Sec. 52 (A)(3) of the Revised Uniform Rules on Administrative Cases in the Civil Service. Moreover, under Sec. 55[59] of said Rules, 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. It is also 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." Conformably, in the instant case, the penalty for grave misconduct, which is the more serious charge, must be applied, and the charge of disgraceful and immoral conduct considered as merely an aggravating circumstance.

Thus, Noel must be dismissed from the service with forfeiture of all benefits, except accrued leave credits, with prejudice to reemployment in any branch or instrumentality of government, including GOCCs.[60] For Amelia, for whom dismissal is no longer possible, the Court having approved her resignation on August 3, 2009 subject to the outcome of the instant administrative case, the forfeiture of all her benefits, except accrued leave credits, is in order with prejudice to reemployment in any branch or instrumentality of government, including GOCCs.

WHEREFORE, premises considered, we hereby resolve to:

(1) DISMISS from the service, with forfeiture of all benefits except accrued leave credits, Noel L. Serafico, for Grave Misconduct, Disgraceful and Immoral Conduct, and violation of the Code of Conduct for Court Personnel; and

(2) FORFEIT all the benefits, except accrued leave credits, of Amelia G. Serafico, for Grave Misconduct, Disgraceful and Immoral Conduct, and violation of the Code of Conduct for Court Personnel.

Both Noel L. Serafico and Amelia G. Serafico are BARRED from reemployment in any branch or instrumentality of government, including GOCCs.

This decision is immediately executory.

SO ORDERED.

Puno, C.J., Carpio, Corona, Carpio Morales, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, and Mendoza, JJ., concur.

[1] Rollo, pp. 218-221.

[2] Id. at 276-278.

[3] Id. at 233-237.

[4] Id. at 230.

[5] Id. at 322.

[6] Id. at 326-408.

[7] Id. at 323-325.

[8] Id. at 275.

- [9] Id. at 272-273.
- [10] Id. at 26.
- [11] Id. at 271.
- [12] Id. at 269-270.
- [13] Id. at 211-214.
- [14] Id. at 210.
- [15] Id. at 198-201.
- [16] Id. at 203.
- [17] Id. at 194-195.
- [18] Id. at 181-186.
- [19] Id. at 162-180.
- [20] Id. at 147-161.
- [21] Id. at 123-146.
- [22] Id. at 115-116, Affidavit of Loss and Cancellation of Sale dated July 17, 2006.
- [23] Id. at 108-109, Deed of Absolute Sale dated May 20, 2006.
- [24] Union Bank of the Philippines v. Sps. Corazon Salvador and Gaudencio Salvador, Jr. and John Doe, Civil Case No. 07-0150-CFM; rollo, p. 5.
- [25] April 16, 2009, 585 SCRA 218.
- [26] Indicated also as "Adelito" in the transcript of stenographic notes.
- [27] Rollo, p. 122, OAS-SC Memorandum.
- [28] Id. at 117-121.
- [29] Id. at 43.
- [30] Id. at 44-69.
- [31] Id. at 42.
- [32] Id. at 32-33.
- [33] Id. at 34-41, Annexes "A" to "G."
- [34] Id. at 1-14.
- [35] Id. at 16.
- [36] Id. at 15.
- [37] Id. at 22.
- [38] Id. at 22-24. Penned by Judge Helen Bautista Ricafort.

[39] Id. at 25.

[40] Id. at 27.

[41] Id. at 28.

[42] Supra note 10.

[43] *Morigo v. People*, G.R. No. 145226, February 6, 2004, 422 SCRA 376; *Domingo v. Court of Appeals*, G.R. No. 104818, September 17, 1993, 226 SCRA 572; *Terre v. Terre*, A.C. No. 2349, July 3, 1992, 211 SCRA 7; *Wiegel v. Sempio-Diy*, No. L-53703, August 19, 1986, 143 SCRA 499; *Vda. de Consuegra v. Government Service Insurance System*, No. L-28093, January 30, 1971, 37 SCRA 315; *Gomez v. Lipana*, No. L-23214, June 30, 1970, 33 SCRA 614.

[44] *Villasanta v. Peralta*, 101 Phil 313, 314 (1957).

[45] *Elape v. Elape*, A.M. No. P-08-2431, April 16, 2008, 551 SCRA 403, 407; citing *Cojuangco, Jr. v. Palma*, A.C. No. 2474, September 15, 2004, 438 SCRA 306, 314.

[46] *Reyes v. Wong*, A.C. No. 547, January 29, 1975, 63 SCRA 667, 673.

[47] A.M. No. P-96-1182, July 19, 2000, 336 SCRA 122.

[48] A.M. No. P-06-2240, April 12, 2007, 520 SCRA 725.

[49] A.C. No. 7022, June 18, 2008, 555 SCRA 1.

[50] Supra note 25.

[51] Rollo, p. 19.

[52] Id. at 20-21.

[53] 513 SCRA 243.

[54] Rollo, pp. 17-18.

[55] *Marcelo v. Bungubung*, G.R. No. 175201, April 23, 2008, 552 SCRA 589.

[56] *Bughaw, Jr. v. Treasure Island Industrial Corporation*, G.R. No. 173151, March 28, 2008, 550 SCRA 307.

[57] In Re: Partial Report on the Results of the Judicial Audit Conducted in the MTCC, Branch 1, Cebu City, A.M. No. MTJ-05-1572, January 30, 2008, 543 SCRA 105, 128; citing *Civil Service Commission v. Ledesma*, G.R. No. 154521, September 30, 2005, 471 SCRA 589.

[58] *Marohomsalic v. Cole*, G.R. No. 169918, February 27, 2008, 547 SCRA 98, 110; citing *Salazar v. Barriga*, A.M. No. P-05-2016, April 19, 2007, 521 SCRA 449 and *Civil Service Commission v. Belagan*, G.R. No. 132164, October 19, 2004, 440 SCRA 578.

[59] Sec. 55. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

[60] Revised Uniform Rules on Administrative Cases in the Civil Service, Sec. 58(a) provides: The penalty of dismissal shall carry with it that of cancellation of eligibility, forfeiture of retirement benefits, and the perpetual disqualification for reemployment in the government service, unless otherwise provided in the decision.

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