

SUPREME COURT, COMPLAINANT, VS. EDDIE V. DELGADO, UTILITY WORKER II, JOSEPH LAWRENCE M. MADEJA, CLERK IV, AND WILFREDO A. FLORENDO, UTILITY WORKER II, ALL OF THE OFFICE OF THE C...

A.M. No. 2011-07-SC. October 04, 2011

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PER CURIAM:

The present administrative matter is based on the following facts:

On 2 June 2011, Supreme Court Associate Justice and Second Division Chairperson Antonio T. Carpio caused the transmittal of two (2) sealed Agenda to the Office of Clerk of Court - Second Division (OCC-SD).[1] Contained in the Agenda are the itemized lists of cases taken up by the Court's Second Division during the sessions held on 30 May and 1 June 2011, as well as the handwritten marginal notes of Justice Carpio showing the specific actions adopted by the division on each case item.[2] The transmittal of the Agenda was made for the purpose of allowing the Second Division Clerk of Court to prepare the draft minutes of the 30 May and 1 June 2011 sessions.[3]

Inside the OCC-SD

Ms. Christine S. Puno (Ms. Puno), an Executive Assistant III at the OCC-SD, received the two (2) Agenda on behalf of the office.[4] Ms. Puno is the duly designated personnel of the OCC-SD authorized to receive and open the sealed Agenda coming from the Office of Justice Carpio.[5] Promptly, Ms. Puno forwarded both Agenda to Atty. Ma. Luisa L. Laurea (Atty. Laurea)--the Second Division Clerk of Court.[6]

Atty. Laurea instructed Ms. Puno to have the Agenda photocopied, beginning with the one for the 30 May 2011 session.[7] As is customary, the 30 May 2011 Agenda was ordered to be photocopied in two (2) sets: one to serve as a duplicate of Atty. Laurea, while the other as a copy of the Agenda Division of the office.[8] The original Agenda will be left with the Minutes Division, which will draft the minutes of the session.[9]

Following the instructions of Atty. Laurea, Ms. Puno gave the 30 May 2011 Agenda to Mr. Julius Irving C. Tanael (Mr. Tanael)--a Utility Worker II at the OCC-SD--for photocopying.[10] Mr. Tanael is one of only four personnel in the OCC-SD who are authorized to make photocopies of Agenda with actions.[11]

Upon completing his task, Mr. Tanael reckoned that the copies of the 30 May 2011 Agenda were too voluminous to be bound by mere staple wire.[12] Hence, Mr. Tanael gave the finished copies to herein respondent Eddie V. Delgado (Delgado) for stitching.[13]

Upon finishing with the stitching, respondent Delgado returned the two (2) copies of the 30 May 2011 Agenda to Mr. Tanael.[14] In turn, Mr. Tanael gave one copy to the Agenda Division and another copy to Ms. Puno for transmittal to Atty. Laurea.[15]

Before Ms. Puno could furnish Atty. Laurea her copy of the 30 May 2011 Agenda, however, she caught respondent Delgado acting suspiciously while holding and reading sheets of pink-colored papers, which are

similar to that used by the OCC-SD in photocopying Agenda.[16] She then saw respondent Delgado keep the same sheets inside the drawer of his office desk.[17]

It was at that point that Ms. Puno began to suspect that the sheets held, read and kept by respondent Delgado might have been taken from the copies of the 30 May 2011 Agenda.[18] Thus, Ms. Puno at once requested Mr. Tanael to help check whether the pages of the said photocopies were complete.[19]

The inspection of the duplicates revealed that one copy of the 30 May 2011 Agenda--the one given to the Agenda Division--had missing pages, pages 58, 59 and 70.[20] Later, Ms. Puno was able to confirm her suspicion as she found two (2) of the missing pages i.e., pages 58 and 59, hidden below a pile of expediente[21] inside the drawer of respondent Delgado's desk.[22] She and Mr. Tanael then stapled back the recovered pages 58 and 59, and replaced the still unaccounted page 70 in the copy of the Agenda Division.[23]

After office hours, Ms. Puno confided what happened to Ms. Auralyn Veloso (Ms. Veloso) and Atty. Teresita A. Tuazon (Atty. Tuazon).[24] Ms. Veloso is an Assistant Records Officer in OCC-SD, while Atty. Tuazon is the Assistant Clerk of Court of the Second Division.[25]

On 6 June 2011, Atty. Tuazon reported the incident involving the missing pages of a copy of the 30 May 2011 Agenda to Atty. Laurea.[26] Alarmed, Atty. Laurea called respondent Delgado, Ms. Puno and Atty. Tuazon in her office for an initial investigation.[27]

Initial Investigation

In the presence of Atty. Laurea, Atty. Tuazon and Ms. Puno, respondent Delgado candidly admitted during the initial investigation that he took pages 58, 59 and 70 from one of the copies of the 30 May 2011 Agenda.[28] However, respondent Delgado also disclosed that he removed the pages from the subject Agenda only as a favor to herein respondents Joseph Lawrence Madeja (Madeja) and Wilfredo A. Florendo (Florendo).[29]

As it turned out, after respondent Delgado received the copies of the 30 May 2011 Agenda for stitching, he was approached by respondents Madeja and Florendo who expressed interest on certain items apparently included in the Agenda.[30] Respondents Madeja and Florendo then asked respondent Delgado if he could provide them with a copy.[31] Respondent Delgado professed that out of "pakikisama" he removed the would-be missing pages from one of the copies entrusted to him for stitching and gave them to respondents Madeja and Florendo.[32] Respondents Madeja and Florendo, however, would eventually return these pages to respondent Delgado because, purportedly, none of the items about which they were interested was in them.[33]

After hearing the confession and incriminating statements of respondent Delgado, Atty. Laurea called for respondents Madeja and Florendo to join the initial investigation.[34]

For their part, respondents Madeja and Florendo admitted during the initial investigation that they asked for and, in fact, obtained the missing pages in the 30 May 2011 Agenda.[35] Respondent Madeja even admitted giving his copy of the missing pages to a certain "Dading."[36] Dading was later identified to be Melquiades S. Briones, (Mr. Briones) a Clerk III in the Office of the Clerk of Court - En Banc.[37] Both respondents Madeja and Florendo attested that court employees from other Divisions had been requesting for copies of the Agenda, to which they were inclined to accede in exchange for tokens like "pang-merienda" or "pamasaha."[38]

Upon conclusion of the initial investigation, Atty. Laurea and Atty. Tuazon prepared a Memorandum[39] summarizing the statements made by the respondents during the course of the investigation. This Memorandum was then submitted to Justice Carpio, as Chairman of this Court's Second Division.[40]

Formal Investigation

On 8 June 2011, this Court, through its Second Division, issued a Resolution[41] treating the Memorandum submitted by Atty. Laurea and Atty. Tuazon as a formal administrative complaint against the respondents. In the same Resolution, the Complaints and Investigation Division of the Office of Administrative Services (OAS) was tasked to conduct a formal investigation on the matter and to thereafter submit an evaluation, report and recommendation.[42] The Resolution also placed the respondents under preventive suspension for ninety (90) days.[43]

Acting on the Resolution, the OAS directed the respondents to submit their respective written explanations on the Memorandum.[44] In compliance with this directive, respondent Florendo submitted a Plea for Judicial Clemency and Understanding with Motion to Lift Preventive Suspension[45] on 15 June 2011. On 17 June 2011, respondent Madeja filed his Comment/Explanation.[46] Respondent Delgado, however, failed to submit any written explanation.[47]

The OAS also conducted separate hearings on 15 June 2011 and 4 July 2011, wherein the statements of the respondents,[48] Atty. Tuazon,[49] Ms. Puno,[50] Mr. Tanael,[51] Mr. Briones[52] and one Mr. Willy M. Mercado[53] were taken.

In their written explanations as well as statements during the formal hearings, both respondent Madeja and Florendo adamantly denied having made any admission during the initial investigation regarding their complicity in the removal of the missing pages in the copy of the 30 May 2011 Agenda.[54] They submit that there is no actual evidence that shows that they have knowledge of or involvement in the actions of respondent Delgado.[55]

Respondent Delgado in his statement during the formal hearings, on the other hand, stood by his admissions during the initial investigation.[56]

The OAS Recommendation

On 1 September 2011, the OAS submitted to this Court a Memorandum[57] embodying its findings and evaluation. In sum, it considered respondent Delgado guilty of Grave Misconduct for his unauthorized removal of pages 58, 59 and 70 in a copy of the 30 May 2011 Agenda.[58] The OAS also found respondents Madeja and Florendo guilty of Conduct Prejudicial to the Best Interest of the Service, for their participation in the unauthorized removal of the said pages.[59]

Thus, following the Revised Uniform Rules on Administrative Cases in the Civil Service,[60] the OAS made the following recommendations:[61]

- that Eddie V. Delgado, casual Utility Worker II, be found guilty of grave misconduct and conduct prejudicial to the best interest of the service for having been directly involved in the unauthorized taking of three (3) pages from the Agenda with Action dated May 30, 2011, and be dismissed from the service with forfeiture of all benefits, except accrued leave credits, if he has any, and with prohibition from reemployment in any branch, agency or instrumentality of the government including government-owned or controlled corporations; and
- that Joseph Lawrence M. Madeja, Clerk IV, and Wilfredo A. Florendo, Utility Worker II, be found guilty of conduct prejudicial to the best interest of the service, and be suspended for six (6) months without pay, with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely. The period of ninety (90) days preventive suspension they have thus served so far shall be credited to them in the service of said penalty. (Emphasis supplied)

OUR RULING

We modify the findings and recommendations of the OAS.

We begin with the obvious and from the admissions during the initial investigation when there was yet not enough time for device and advice. Respondents Madeja and Florendo asked respondent Delgado for a copy of several items included in the 30 May 2011 Agenda. Acceding to the request, respondent Delgado removed pages 58, 59 and 70 from a copy of the Agenda entrusted to him for stitching and gave them to respondents Madeja and Delgado. Veritably, the acts of respondents complement each other; they are but completions of a common Grave Misconduct.

Respondents' Complicity

It must be stressed that insofar as the involvement of respondent Delgado is concerned, there is no longer any issue to be resolved. Respondent Delgado has been consistent with his admission of involvement during both the initial investigation in the OCC-SD and the formal investigation of the OAS.[62] It is, therefore, already settled fact that respondent Delgado was the person who actually removed the pages 58, 59 and 70 from the subject Agenda.

What remains in dispute is the participation of respondents Madeja and Florendo in the removal of the pages in the subject Agenda. As stated earlier, both respondents Madeja and Florendo vehemently denied having been involved in the taking of the missing Agenda pages during the formal investigation of the OAS.[63] This sharply contradicts their reported admission of complicity during the initial investigation conducted by the OCC-SD.

The evidence at hand, however, point out that respondents Madeja and Florendo, indeed, connived with respondent Delgado in removing the three (3) pages from a copy of the 30 May 2011 Agenda. The denial of respondents Madeja and Florendo, in a complete turnaround from an earlier admission, is unavailing as against the positive, straightforward and consistent statements of respondent Delgado.

First. Respondent Delgado's statements, not only in the initial investigation but also in the formal investigation, were unwavering in their implication of respondents Madeja and Florendo. Respondent Delgado categorically identified respondents Madeja and Florendo as the persons who induced him to remove several pages from a copy of the 30 May 2011 Agenda and thereafter obtained them.[64] Thus, as respondent Delgado relates during the formal investigation:[65]

Q: Itong nangyaring insidente noong June 2, 2011, ano ang naging partisipasyon mo dito?

A: Ganito po ang pangyayari, kasi po lumapit sa akin ang kasama ko.

Q: Sinong kasama mo?

A: Si Florendo at si Madeja.

Q: Willie Florendo at si.....?

A: Joseph Madeja.

Q: Okay.

A: Nung time pong `yun wala naman pong ..... kasi po pinatahi lang sa akin `yun.

Q: Ang alin?

A: Yung agenda po.

Q: Pinatahi sa `yo `yung agenda?

A: Opo.

Q: Pagkatapos?

A: Wala po sa loob ko. Tinanong nila ako kung nand'yan pa ang agenda, sabi ko, "Ganun, ganun." Yung May 30, "Tingnan mo nga kung and'yan `yung item ganun. Wala naman sa akin," sabi ko, "Andito," sabi ko. "Bigyan mo nga ako," saging ganun.

xxx

Q: Paano mong ginawa `yung pagbibigay ng copy ng agenda kina Madeja?

A: Tiningnan ko lang po `yun kung anong item tapos inabot ko lang sa kanila.

xxx

Q: Yung items na `yun ay nakapaloob dito sa pages 58, 59 and 70 at'yun ang binigay mo sa kanila?

A: Opo.

xxx

Q: Kung ang nawawalang pages ay tatlo, ibig mong sabihin, tatlo din ang tinanggal?

A: Usually, Ma'am, `yung hiningi po ni Joseph Madeja, mali ang item na naibigay ko sa kanya. Hindi niya na po naibalik sa akin inilagay lang niya dun sa mga scratch ko. Nagkamali po ng ano

Q: Kumbaga ang intended page ay nasa page 5 & 7, ang naibigay mo page 3?

A: Parang ganito po, may item po `yan kasi. Kunwari, number 1,2,3,4,5,6 may number pa ng item ang naibigay ko sa kanya ay yung number hindi `yung item. Kunwari, sabi ninyo page 70, ang naibigay ko sa kanya hindi `yung mismong item number kaya ang sabi niya, "Mali ito."

xxx

Q: Noong mali ang page na ibinigay mo, ibinalik ba sa `yo o hindi?

A: Inilagay na lang po sa side ko, sabi niya, "Mali ang ibinigay mo." Kasi binigyan na ako ni [Ms. Puno] ng kopya.... nung kulang kaya hindi ko na inano yun.

Q: Hindi ka ba man lang nag-take ng initiative na kahit papano ay xerox lang ang ibigay mo sa kanila?

A: Hindi po kasi pwedeng... pag ibinigay mo sa nag-se-xerox.....

Q: Kasi makikita niya?

A: Opo.

Q: So, makikita niya at hinayaan mong ma-discover na may nawawalang pahina, tama ba ako?

A: Tama po.

Q: In, effect, ang ini-establish ko ngayon ay magkaka-kuntyaba kayo?

A: Yun na din po ang magiging ano nun eh.

xxx (Emphasis supplied)

Second. It was never shown that respondent Delgado was motivated by any ill will in implicating respondents

Madeja and Florendo. As a witness, the credibility of respondent Delgado remained unsullied. We find his statements worthy of belief.[66]

Third. The unsubstantiated denial of respondents, therefore, falters in light of the direct and positive statements of respondent Delgado. The basic principle in Evidence is that denials, unless supported by clear and convincing evidence, cannot prevail over the affirmative testimony of truthful witnesses.[67]

Respondent's Administrative Liability

Having established the involvement of each respondent in the removal of the pages of the subject Agenda, We next determine their administrative culpability.

We lay first the premises:

- As stated beforehand, the 30 May 2011 Agenda contain an itemized list of cases taken up by the Court's Second Division during the sessions held on the concerned date and the handwritten marginal notes of Justice Carpio noting the specific actions adopted by the division on each case.[68] Under Rule 11, Section 5 of the Internal Rules of the Supreme Court,[69] such a document is considered confidential.
- Owing to the confidential nature of the contents of an Agenda, the OCC-SD follows a very strict procedure in handling them.[70] Thus, as can be gathered from the factual narration, only a few specified personnel within the OCC-SD are authorized to have access to an Agenda - e.g., only Ms. Puno is authorized to receive and open; only four (4) persons are authorized to photocopy.[71]
- None of the respondents is entitled to a copy of an Agenda.[72] None of them has any authority to be informed of the contents of an Agenda, much less to obtain a page therefrom.[73]
- Respondent Delgado holds a casual appointment[74] as a Utility Worker II in the OCC-SD. His primary work in the said office is to stitch pleadings, records and other court documents.[75]
- Respondent Madeja holds a permanent appointment as Clerk IV in the OCC-SD. His primary task in the said office is the inventory of case rollos.[76]
- Respondent Florendo holds a permanent appointment as Utility II in the OCC-SD. As such, he performs various duties in the office like receiving and delivering case rollos, releasing of agenda reports and stitching court records.[77]

Given the foregoing, We find that there are adequate grounds to hold respondents administratively liable.

First. The act of the respondents in causing the removal of several pages in a copy of the 30 May 2011 Agenda is a malevolent transgression of their duties as court personnel--particularly, as employees detailed at the OCC-SD. The act is unauthorized and a blatant disregard of the standard operating procedures observed by the office in handling confidential documents, such as the Agenda. It compromised the ability of the OCC-SD to efficiently perform its functions and also imperiled the environment of confidentiality the office is supposed to be clothed with.

As court employees, respondents clearly committed a willful breach of the trust reposed upon them by this Court. They thereby violated Sections 1 and 3, Canon IV of the Code of Conduct for Court Personnel,[78] to wit:

CANON IV PERFORMANCE OF DUTIES

SECTION 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.

xxx.

SECTION 3. Court personnel shall not alter, falsify, destroy or mutilate any record within their control.

This provision does not prohibit amendment, correction or expungement of records or documents pursuant to a court order. (Emphasis supplied)

Second. The acts of the respondents fall squarely under the offense Grave Misconduct. In *Valera v. Ombudsman*,^[79] We defined the offense as follows:

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law or disregard of established rules, which must be proved by substantial evidence.^[80] (Emphasis supplied)

Rule IV, Section 52(A) (3) of the Revised Uniform Rules on Administrative Cases^[81] in the Civil Service, on the other hand, classifies Grave Misconduct as a grave offense punishable with Dismissal even in its first commission.

Third. The fact that respondents Madeja and Florendo merely induced the removal of, but did not actually remove, the missing pages from the subject Agenda, do not make their liability any less than that of respondent Delgado. After all, the evidence in this case adequately shows the existence of connivance among the respondents.

The evidence in this case establishes that respondent Delgado came to remove the missing pages from the subject Agenda because he acceded to the request of respondents Madeja and Florendo.^[82] The removal of the Agenda pages was undoubtedly done for the benefit of respondents Madeja and Florendo.

Verily, the cajoling employed by respondents Madeja and Florendo is as much a part of the Grave Misconduct as the act of removing the Agenda pages itself. The proposal is intricately linked and inseparable with the submission. As to their liability, therefore, Respondents Madeja and Florendo must stand in equal footing with respondent Delgado.

Fourth. This Court had already held that the conduct and behavior of all officials and employees of an office involved in the administration of justice, from the highest judicial official to the lowest personnel, requires them to live up to the strictest standard of honesty, integrity and uprightness in order to maintain public confidence in the judiciary.^[83] Court employees, as the Code of Conduct for Court Personnel puts it, "serve as sentinels of justice" and "any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it."^[84]

In the case at bench, the respondents palpably failed to meet the high standard expected from them as court employees. Their conduct is neither excusable nor tolerable. The respondents, through their acts, have proven themselves to be unfit for continued employment in the judiciary.

WHEREFORE, in light of the foregoing premises, the respondents Eddie V. Delgado, Utility Worker II, Joseph Lawrence M. Madeja, Clerk IV and Wilfredo A. Florendo, Utility Worker II, all of the Office of the Clerk of Court, Second Division are hereby **DISMISSED** from the service, with **FORFEITURE OF ALL BENEFITS**, except accrued leave benefits, and **WITH PREJUDICE** to reinstatement or reappointment to any public office, including government-owned or controlled corporations.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., Perez, Mendoza, Sereno, and Reyes, Perlas-Bernabe, JJ., concur.

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- [1] Sworn Statement of Ms. Christine S. Puno dated 15 June 2011, p. 3.
- [2] See Attachments to Memorandum of Atty. Laurea and Atty. Tuazon to Justice Antonio T. Carpio dated 6 June 2011.
- [3] See Rule 11, Section 3 of The Internal Rules of the Supreme Court (A.M. No. 10-4-20-SC)
- [4] Sworn Statement of Ms. Christine S. Puno dated 15 June 2011, pp. 1, 3 and 6.
- [5] Id. at 2-3 and 5.
- [6] Id. at 6.
- [7] Id.
- [8] Id. at 15.
- [9] Id.
- [10] Sworn Statement of Mr. Julius Irving C. Tanael dated 4 July 2011, p. 4.
- [11] Id. at 2.
- [12] Id. at 4.
- [13] Id.
- [14] Id. at 5.
- [15] Id.
- [16] Sworn Statement of Ms. Christine S. Puno dated 15 June 2011, p. 6.
- [17] Id. at 6-7.
- [18] Id.
- [19] Id.
- [20] Id.
- [21] The expediente is a document that summarizes the various actions taken by this Court on any given case.
- [22] Sworn Statement of Ms. Christine S. Puno dated 15 June 2011, p. 6-7. See also Sworn Statement of Mr. Julius Irving C. Tanael dated 4 July 2011, p. 6.
- [23] Sworn Statement of Mr. Julius Irving C. Tanael dated 4 July 2011, p. 7.
- [24] Sworn Statement of Ms. Christine S. Puno dated 15 June 2011, p. 7.
- [25] Sworn Statement of Atty. Teresita A. Tuazon dated 15 June 2011, pp. 1 and 11.
- [26] Id. at 11.

[27] Id.

[28] Memorandum of Atty. Laurea and Atty. Tuazon to Justice Antonio T. Carpio dated 6 June 2011.

[29] Id.

[30] Sworn Statement of Mr. Eddie V. Delgado dated 4 July 2011, p. 4.

[31] Id. at 5.

[32] Id. at 10.

[33] Id. at 14.

[34] Sworn Statement of Ms. Christine S. Puno dated 15 June 2011, p. 12.

[35] Memorandum of Atty. Laurea and Atty. Tuazon to Justice Antonio T. Carpio dated 6 June 2011.

[36] Id.

[37] Id.

[38] Id.

[39] Id.

[40] Id.

[41] Resolution dated 8 June 2011.

[42] Id.

[43] Id.

[44] Memorandum of Atty. Eden T. Candelaria to Chief Justice Renato C. Corona dated 1 September 2011, p. 3.

[45] Plea for Judicial Clemency and Understanding with Motion to Lift Preventive Suspension dated 15 June 2011.

[46] Comment/Explanation dated 17 June 2011.

[47] Memorandum of Atty. Eden T. Candelaria to Chief Justice Renato C. Corona dated 1 September 2011, p. 4.

[48] Sworn Statement of Mr. Eddie V. Delgado dated 4 July 2011, pp. 1-19; Sworn Statement of Mr. Joseph Lawrence M. Madeja dated 4 July 2011, pp. 1-17; Sworn Statement of Mr. Wilfredo A. Florendo dated 4 July 2011, pp. 1-16.

[49] Sworn Statement of Atty. Teresita A. Tuazon dated 15 June 2011, pp. 1- 18.

[50] Sworn Statement of Ms. Christine S. Puno dated 15 June 2011, pp. 1-18.

[51] Sworn Statement of Mr. Julius Irving C. Tanael dated 4 July 2011, pp. 1-15.

[52] Sworn Statement of Mr. Melquiades A. Briones dated 4 July 2011, pp. 1-10.

[53] Sworn Statement of Mr. Willy M. Mercado dated 15 June 2011, pp. 1-8.

[54] Sworn Statement of Mr. Joseph Lawrence M. Madeja dated 4 July 2011, pp. 5-6; Sworn Statement of Mr. Wilfredo A. Florendo dated 4 July 2011, pp. 6-7.

[55] Id.

[56] Sworn Statement of Mr. Eddie V. Delgado dated 2011, p. 7.

[57] Memorandum of Atty. Eden T. Candelaria to Chief Justice Renato C. Corona dated 1 September 2011, pp. 1-14.

[58] Id. at 11.

[59] Id.

[60] Civil Service Commission Memorandum Circular (MC) No. 19, series of 1999.

[61] Memorandum of Atty. Eden T. Candelaria to Chief Justice Renato C. Corona dated 1 September 2011, pp. 13-14.

[62] Sworn Statement of Mr. Eddie V. Delgado dated 4 July 2011, p. 7.

[63] Sworn Statement of Mr. Joseph Lawrence M. Madeja dated 4 July 2011, pp. 5-6; Sworn Statement of Mr. Wilfredo A. Florendo dated 4 July 2011, pp. 6-7

[64] Sworn Statement of Mr. Eddie V. Delgado dated 4 July 2011, pp. 4-5.

[65] Id. at 4-5, 7, 13, 14 and 16.

[66] See *Gan v. People*, G.R. No. 165884, 23 April 2007, 521 SCRA 550, 575.

[67] *People v. Anticamara*, G.R. No. 178771, 8 June 2011; *Gan v. People*, G.R. No. 165884, 23 April 2007, 521 SCRA 550, 574-575.

[68] See Attachments to Memorandum of Atty. Laurea and Atty. Tuazon to Justice Antonio T. Carpio dated 6 June 2011.

[69] Rule 11, Section 5 of The Internal Rules of the Supreme Court (A.M. No. 10-4-20-SC) provides:

Sec. 5. Confidentiality of minutes prior to release. - The Offices of the Clerk of Court and of the Division Clerks of Court are bound by strict confidentiality on the action or actions taken by the Court prior to the approval of the draft of the minutes of the court session release of the resolutions embodying the Court action or actions.

A resolution is considered officially released once the envelope containing a final copy of it addressed to the parties has been transmitted to the process server for personal service or to the mailing section of the Judicial Records Office. Only after its official release may a resolution be made available to the public.

[70] Memorandum of Atty. Eden T. Candelaria to Chief Justice Renato C. Corona dated 1 September 2011, page 10.

[71] Id.

[72] Id. at 11.

[73] Id.

[74] Respondent Delgado's casual employment had recently been renewed for the period July 2011 to December 2011, id. at 13. See also Approval of the Honorable Chief Justice Renato C. Corona dated 31 May 2011, Re: Renewal of Casual Appointment effective 1 July 2011.

[75] Sworn Statement of Mr. Eddie V. Delgado dated 4 July 2011, p. 2.

[76] Sworn Statement of Mr. Joseph Lawrence M. Madeja dated 4 July 2011, p. 2.

[77] Sworn Statement of Mr. Wilfredo A. Florendo dated 4 July 2011, p. 2.

[78] A.M. No. 03-06-13-SC, promulgated on 13 April 2004.

[79] G.R. No. 167278, 27 February 2008, 547 SCRA 42.

[80] Id. at 59 citing Bureau of Internal Revenue v. Organo, G.R. No. 149549, 26 February 2004, 424 SCRA 16; Civil Service Commission v. Juliana Ledesma, G.R. No. 154521, 30 September 2005, 471 SCRA 589.

[81] Rule IV, Section 52(A)(3) of the Revised Uniform Rules on Administrative Cases (CSC MC No. 19, s. 1999) provides:

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

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

1. x x x.

2. x x x.

3. Grave Misconduct

1[st] offense - Dismissal

x x x. (Emphasis supplied)

[82] Sworn Statement of Mr. Eddie V. Delgado dated 4 July 2011, pp. 4-5, and 7.

[83] In Re: Improper Solicitation of Court Employees, A.M. No. 2008-12-SC, 24 April 2009, 586 SCRA 325, 333 citing Villaros v. Orpiano, 459 Phil. 1, 8 (2003); Igoy v. Soriano, A.M. No. 2001-9-SC, 11 October 2001, 367 SCRA 70, 80 (2001); Loyao, Jr. v. Armecin, A.M. No. P-99-1329, 1 August 2000, 337 SCRA 47.

[84] 4[th] whereas clause of the Code of Conduct for Court Personnel (A.M. No. 03-06-13-SC). See also Villaceran v. Rosete, A.M. No. MTJ-08-1727, 22 March 2011; Guerrero v. Ong, A.M. No. P-09-2676, 16 December 2009, 608 SCRA 257, 263.

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