RE: INITIAL REPORTS ON THE GRENADE INCIDENT THAT OCCURRED AT ABOUT 6:40 A.M. ON DECEMBER 6, 1999 SUBMITTED BY DCAS ZENAIDA ELEPAÑO AND REYNALDO SUAREZ

A.M. No. 99-12-03-SC. October 10, 2001

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PER CURIAM:

The case originated from a memorandum-letter, dated 06 December 1999, by Deputy Court Administrator (DCA) Zenaida N. Elepaño to Chief Justice Hilario G. Davide, Jr., relative to a "grenade incident" that occurred on 06 December 1999 within the premises of the Supreme Court. Pertinent portions of the report read:

"The undersigned respectfully submits to Your Honor an initial report on the Grenade Incident that occurred at about 6:40 this morning, 6 December, in her office at OCA, specifically, the room occupied by her staff.

> "Present at this early hour, were Atty. Marina Ching, Attorney VI (detailed to my office from OCC), Roy Sales, Records Officer and Roy's father, Mr. Vicente Sales, in whose car Roy rode coming to the office, and my Utility Worker, Wilson Vallar. Atty. Ching was at her desk while Roy and his father were seated at the reception table and sofa, when suddenly the door to the office opened and Joselito Guisando, chauffeur of DCA Reynaldo Suarez, barged inside with his right hand wrapped in a Moslem `Tubao' or scarf. He proceeded to the table of Atty. Ching who immediately ran to Roy and his father for help. Guisando began shouting and cursing Atty. Ching. Roy tried to pacify him and then led him back to the Office of DCA Suarez.
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> "About five minutes later, Guisando again barged into the office, this time holding a live grenade in his hand. He grabbed Atty. Ching with his left arm, held the grenade close to her head and ordered the Saleses to leave the room. The two complied, and Mr. Vicente Sales immediately ran to report the matter to the Security Guards assigned to the building. Several seconds later, Atty. Ching ran out of the room followed by Guisando. The Saleses however intercepted Guisando and boxed him to prevent him from escaping, since no security guard immediately responded to the call of Mr. Sales. Guisando however managed to run away. At 7:15 a.m. while I was on my way to the office, my secretary called me on the cellphone to inform me of the incident. I immediately ordered her to tell Atty. Ching who was still hysterical to report the incident to the police. I also talked with Roy Sales and requested him to accompany Atty. Ching.
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> "At about 7:30 a.m., Atty. Caridad Cunanan of the Office of DCA Suarez received a phone call from Lito Guisando who informed her that the live grenade was still in my office, with its pin already released. Atty. Cunanan immediately called Chief Security Officer Pablo who in turn called the WPD Bomb Disposal Unit for assistance. I arrived in the office at 8:36 a.m. and immediately asked our Chief Security Officer and my staff for a briefing. Mr. Roy Sales was not around as he and a lawyer of DCA Suarez, Atty. Nick Cruz, accompanied Atty. Ching to the police station.
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> "From the bits and pieces of information I gathered, it appears that Atty. Ching and Lito Guisando had been `live-in' partners for almost four (4) years already. Atty. Ching is widowed while Guisando is separated from his wife and children. In August of this year, Atty. Ching met Judge Jose Arturo Natividad of MTC, Cainta, Rizal and fell in love with him. Judge Natividad is married. His wife is in the United States but his four children are with him here.

> "In the early part of last month, Atty. Ching told Guisando that she was terminating their relationship as `she was pregnant' and carrying the child of Judge Natividad. Guisando could not accept this development and threatened to shoot Atty. Ching. This happened on 11 November 1999 when I had already left for Batangas City for the Dialogue with Chief Justice scheduled the following day. This incident was reported to me only lately and I planned to ask Atty. Ching what happened but she had been absenting herself frequently, so that I had no chance to sit down and really talk with her.
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> "The Bomb Disposal Unit of five members headed by Capt. Ramiro arrived as I was leaving for Your Honor's office for my appointment with you at 9:00 o'clock this morning. They found a live grenade inside a striped plastic bag owned by Roy Sales which contained dried fish and placed on the floor right beside a steel filing cabinet behind my secretary's desk. I was told by Capt. Ramiro that the grenade's pin had already been released and a slight movement could have triggered a very powerful explosion which would have killed all of us in the office. The grenade was a Belgian made PRB-423, a new and highly sophisticated bomb, as Your Honor may have observed when it was shown to us by the Bomb Disposal Unit after it was defused."[1]

On the basis of the information that had been gathered, DCA Elepaño recommended that a full investigation of the incident be undertaken and that, in the meantime, Joselito Guisando, an employee of the Court assigned at the Office of DCA Reynaldo Suarez, and Atty. Marina Ching, occupying a Court Attorney VI position, be placed under indefinite suspension.

The Court, in its Resolution of 07 December 1999, adopted the recommendation of DCA Elepaño and resolved to docket the matter as an administrative complaint against Joselito Guisando and Atty. Marina Ching and to refer the case to Atty. Ennar Cabanilla of the Complaints and Investigation Division for investigation, report and recommendation. A motion for reconsideration was later filed by Atty. Ching relating to her indefinite suspension. She maintained that she was a victim, not the perpetrator, of the incident and that her suspension was due to her alleged love affair with Guisando premised merely on hearsay evidence.

Acting on the Court's resolution, Atty. Cabanilla sent out notices, among which was one sent to Atty. Ching on 28 February 2000 directing her to answer in writing within five days from receipt thereof why no disciplinary action should be taken against her for immorality. Instead of filing an answer, Atty. Ching filed a motion for inhibition citing bias and "unprofessionalism" on the part of Atty. Cabanilla.

The Court instructed Atty. Cabanilla to await its action on the motion for inhibition. Meanwhile, however, Atty. Cabanilla had by then already taken the statements of Joselito Guisando and employees from the Office of the Court Administrator, namely, Roy Sales, Wilson Vallar and Edna Conde, who testified on the grenade incident and the alleged love affair of Guisando and Atty. Ching.

On 17 July 2000, the Court resolved to refer the matter to Associate Justice Remedios Salazar-Fernando of the Court of Appeals for investigation, report and recommendation within 90 days from receipt of the records of the case. Atty. Cabanilla was also directed to forward all papers and documents in his possession to the Clerk of Court. The motion for inhibition filed by Atty. Ching was declared moot and academic.

In the investigation conducted by Justice Salazar-Fernando, Joselito Guisando and Atty. Marina Ching, along with Raymundo Sales, Vicente Sales, Wilson Vallar, Roberto Serrano, Buena Silang, Edna Conde, Atty. Ma. Carina Cunanan, Angelina Urriza, Esther Andres, Roxene Montances Villoria, and Atty. Ennar Cabanilla, as well as personnel from the Court's Security Division, namely, Danilo Pablo and Pedro Mazo, and from the Western Police District, namely, P/Supt. Miguel de Mayo Laurel, SPO4 Alberto Ramos and SPO4 Carlos Perez, Jr., all appeared and testified.

Joselito Guisando stated that on 06 December 1999 at around 6:40 in the morning, he was in the Office of DCA

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Elepaño for a talk with Atty. Ching. When she refused to talk to him, he held her by the waist. He was holding a hand grenade, dirty and defective, which he claimed to have found in 1997 at Pembo, Makati City. He thought that since it had no pin, it was harmless, and that he really just wanted to scare Atty. Ching. When Atty. Ching and her other co-employees went outside the room, he left the grenade inside a plastic bag in the office of DCA Elepaño.

Guisando claimed that he and Atty. Ching had an affair which began in 1994 lasting until October 1999. Although they kept the relationship secret, he did talk about it to fellow court employees like Angelina Urriza, Atty. Cunanan and Dra. Mendoza. He claimed that during the period of their relationship, he had stayed at Atty. Ching's house during weekends and ran errands for her. He admitted that sometime in November 1999, he had tried to scare Atty. Ching with a toy gun, an incident which was reported to the security division of the Court.

Atty. Ching, in her testimony, denied her relationship with Guisando. She declared that on 06 December 1999, while in the Office of DCA Elepaño, Guisando had wanted to speak with her. She reacted by running away from him. When she tried to seek the help of Roy Sales, Guisando was heard to have uttered the words, "Sinira mo ang buhay ko" and then dragged her while holding the grenade close to her temple. Fortunately, she was able to get away from him. Atty. Ching could not explain why Guisando acted the way he did since she considered him a friend. She said that Guisando ran errands and had driven for her since 1995, when she was yet allowed to operate a small store in the Court premises. He would at times go to her house and clean the car. She felt that Guisando might have misinterpreted her kindness for something else. Atty. Ching, however, did not take Guisando's actuations seriously. She denied having confided to anyone about any alleged relationship with Guisando.

Raymundo Sales, a Records Officer II assigned at the Office of DCA Elepaño, testified that he was in the Office of DCA Elepaño when Guisando came into the room looking for Atty. Ching. Guisando momentarily left but, barely five minutes later, he went back holding a grenade. He held Atty. Ching by the waist. Guisando asked him and the others to leave the room. He hesitated until Guisando poked the grenade to his face. Raymundo added that on 16 October 1999, he learned from Atty. Ching that in order to end her relationship with Guisando, she told him that she was pregnant.

Vicente Sales, the father of Raymundo, mainly corroborated the latter's testimony. Vicente added that when he asked Atty. Ching why Guisando was treating her that way and inquired if they had a relationship, she answered, "Medyo."

Danilo Pablo, Chief Security Officer of the Court, stated that on 06 December 1999, he was the shift-in-charge when Pedro Mazo, Security Officer I, mentioned the incident to him. Danilo, together with Atty. Ching, Raymundo and Vicente Sales, went to Station 5, PNP, to report the matter. Later, following Guisando's call to Atty. Cunanan about the grenade having been left beside the steel cabinet in the Office of DCA Elepaño, Danilo called the WPD Bomb Squad. After a search, the team found the grenade inside a plastic bag.

Buena Silang, a member of the staff in the office of DCA Suarez, testified that on 11 November 1999, Atty. Ching had come to their office crying that Guisando was planning to kill her. Buena did not know of any affair between Atty. Ching and Guisando.

Edna Conde, a Legal Researcher III in the office of DCA Elepaño, stated that Atty. Ching had told her that Judge Natividad was courting her. Conde advised Atty. Ching to go slow about it since it would not be good for her to engage in that kind of relationship.

Atty. Ma. Carina Cunanan, a lawyer assigned to DCA Suarez, asserted that Guisando had revealed to her and Angelina Urriza that he and Atty. Ching had a relationship. Angelina Urriza, also a member of the staff in the

office of DCA Suarez, corroborated the testimony of Atty. Cunanan.

Roxene Montances Villoria, a member of the staff in the office of DCA Elepaño, claimed that on 11 November 1999 Atty. Ching had told her that she was threatened by Guisando.

SPO4 Alberto Ramos of the Bomb Disposal Unit, Western Police District confirmed that on 06 December 1999, at around 8:45 a.m., he, together with his team went at the Supreme Court premises to search for the grenade inside the office of DCA Elepaño. The team found a live grenade PRB 423, Belgium made, which was capable of exploding anytime. The striker was apparently cut so that it would not touch the primer that could trigger an explosion. The grenade striker, although stuck-up due to corrosion, was still capable of exploding.

The testimony of Atty. Ennar Cabanilla was only to the effect that he conducted an investigation on the 06 December 1999 incident.

For her part, Atty. Ching presented former Court Administrator Emani Paño, Poblete Puno, Renante Loyola, Leoniles Cumabig, Ely S. Mariano and Modesto Dalmacio, who all mainly testified on the good name and reputation of Atty. Ching. None of the witnesses were aware of the existence of any relationship between Guisando and Atty. Ching.

In her report, dated 28 November 2000, which was submitted to the Court, the Investigating Justice stated her findings, to wit (in part):

> "This case involves the December 6, 1999 incident when Joselito Guisando was reported to have brought a live grenade to the Office of DCA Elepaño and left the same inside said Office.
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> "This fact was admitted by Guisando in his testimony given before the undersigned. He stated that he brought a grenade inside the office of DCA Elepaño and held Atty. Ching, with the intention of scaring her, with the grenade and later left said grenade in a plastic bag inside the said office. He categorically stated that jealousy was the reason for his acts. He claimed to have had a romantic relationship with Atty. Ching for four (4) years and during that relationship Atty. Ching still entertained another man, Judge Natividad.
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> "On the other hand, the testimonies of Roy Sales, Vicente Sales, Wilson Vallar and Atty. Marina Ching, who were inside the room of DCA Elepaño at that precise moment. His actuation was not taken merely as a jest as these people lost no time in scampering for safety since they were confronted by a seemingly irrational man holding a grenade.
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> "Whatever his intention may be, to scare or to kill, the fact remains that Guisando brought a grenade in that Office. This was not only established by witnesses, but admitted by Guisando himself. It is also of no moment that Guisando believed that the grenade will not explode since he and his friend had been playing with it since 1997, when he allegedly found it.
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> "Per examination of the Western Police District, Explosive Ordinance Disposal Section (EOD), the grenade was a PRB Fragmentation Hand Grenade with a detached pullring which was not recovered. The certification of the EOD dated January 25, 2000 stated that:
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> "x x x, it was on a `Hang Fire' condition, meaning the hand grenade was ready to explode anytime. The three major components of the grenade were intact namely; the Body, the Filler and the Fuze Assembly, therefore it was live and capable of exploding.'
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> "From the foregoing findings of the EOD, it is undeniable that he unwittingly placed the life, limbs and property of his co-employees and of that of the Court in danger when he brought and threatened them with what he thought to be a dumbed grenade. By doing so, he is guilty of grave misconduct.
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> "Employees of the Highest Court of the land are involved in the administration of justice. From the highest

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official to the lowliest employee, a public servant must faithfully adhere to, hold inviolate and invigorate the principle enshrined in Section 1 of Article XI of the Constitution, that a public office is a public trust. Any conduct, act or omission less than the standard will violate the norm of public accountability and diminish the faith of the people in the Judiciary.

"Guisando's conduct exhibited an attitude unworthy of a position in the Highest Court. This was not only shown when he brought and threatened with a grenade his co-employees but also when he brought a toy gun to scare Atty. Ching. Would these be threats, meant to scare or kill, the import of the conduct should not be taken lightly.

"The testimonies of the witnesses, including that of Guisando, led the undersigned to conclude that Atty. Marina Ching played a major role in the grenade incident. Atty. Ching was the target of Joselito Guisando in the grenade and the November 11, 1999 gun totting incidents.

"xxx xxx xxx

"Another point to be considered was the testimony of Vicente Sales regarding the reaction, or rather, the non-action of the security personnel during the grenade incident. When Vicente Sales ran out of the room, he went to the security guard assigned at the Taft Avenue entrance gate to report the incident, but he was ignored.

"Likewise, the plea of Roy Sales to the Security Guard to accost Guisando fell on deaf ears.

"On the other hand, Security Officer Pedro Mazo testified that at the time of the incident, he was at the Taft Ave. entrance and he received an information about the incident from one Nelson de la Cruz. He claimed that when the Saleses did not state the name of the person to be arrested, that was the time that Guisando was able to escape. This contention does not convince the undersigned. While it was true that the Saleses did not state any name, if and only if, the security personnel responded to the call for assistance immediately and promptly, they would have known who to arrest since there was a scuffle or fist fight before Guisando managed to run. Mazo also claimed that since he did not know whom to arrest, he proceeded to the office of DCA Elepaño and told the people inside to leave. Based on the testimonies of the persons present during the grenade incident, everybody ran out of the room. The last to run out was Guisando who chased Atty. Ching. Mazo could not have asked people to leave the room since nobody was inside the room at the time Guisando escaped.

"Another display of the security personnel's ignorance and disregard of their duties and responsibilities was when they refused to run after Guisando since `their jurisdiction is only inside the Supreme Court.' They obviously have a misplaced sense of their duties and responsibilities.

"The security lapses cannot be taken lightly since it was claimed by Guisando that he always had the grenade inside his bag. The failure of the security personnel to detect the same is a serious matter. It only demonstrated how easy it is to slip into the court premises an explosive which would endanger the life and properties of the Justices and the employees of the Court and the Court itself."[2]

The Investigating Justice recommended thusly:

"WHEREFORE, in view of the foregoing, the following recommendations are respectfully submitted, to wit:

"1. In compliance with our duty to help purge the judiciary of undesirable public servant, Joseilto Guisando is hereby found to be guilty of Grave Misconduct and Conduct Prejudicial to the Best Interest of Service. He is hereby recommended to be DISMISSED from the service without prejudice to the criminal charges filed against him;

"2. As regards the rule of Atty. Marina B. Ching, it was established that she was the reason for the acts of Guisando and this she was fully aware of. However, since she has been indefinitely suspended, her suspension serves as her penalty and it is recommended that pending the filing of appropriate charges, her suspension be

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> lifted. To afford Atty. Marina B. Ching due process, a charge for immorality and acts unbecoming of a public servant be filed against her since there are serious grounds to believe that Joselito Guisando and Atty. Marina B. Ching had an illicit relationship; and for carrying a romantic relationship with one Judge Natividad; and
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> "3. Due to the security lapses, the security personnel concerned be subjected to disciplinary action after investigation."

The records of the investigation amply support the findings of Mme. Justice Remedios Salazar-Fernando against Guisando. Indeed, Guisando has committed an act of grave misconduct. His act of bringing the explosive device to the Court shows his disregard to authority and disrespect to the institution. He has knowingly and unnecessarily placed the lives of court personnel in grave danger.

The Court also agrees with the Investigating Justice that Atty. Ching herself could not be said to be faultless but, contrary to what the Investigating Justice implicitly suggests, it is not indispensable to still institute a separate charge for immorality against Atty. Ching on the alleged illicit relationship between her and Guisando. This matter has been aptly covered by the subject of the Court referral initially to Atty. Cabanilla and then to Justice Salazar-Fernando. In its resolution of 07 December 1999, the Court has so resolved to docket the report of DCA Elepaño on the "grenade-throwing incident" of 06 December 1999 as an administrative complaint against both Joselito Guisando and Atty. Marina Ching. The report links to the incident, and as being the offshoot thereof, the alleged illicit relationship between Atty. Ching and Guisando. In the course of the investigation conducted by Justice Salazar-Femando, Atty. Ching, along with several others, personally appeared and testified for and on her behalf. Indeed, in compliance with the Court's resolution of 11 September 2001, Atty. Ching filed a manifestation that she was willing to submit the case for immorality against her on the basis of the investigation of Justice Salazar-Fernando and her additional comment, dated 03 September 2001, submitted to the Court. Given this background, the Court deems it inappropriate to further delay a final resolution of her case.

A review of the records would reveal sufficient basis to substantiate the findings of Mme. Justice Remedios Salazar-Fernando on this score. It was, according to her, jealousy that drove Guisando to act the way he did. In the course of his testimony, Guisando admitted having had a romantic relationship with Atty. Ching for four years. He begrudged the fact that despite this long relationship, Atty. Ching had to still entertain another man in her life. In her report, the Investigating Justice concluded:

> "Several of the witnesses, though not witnesses to the actual grenade incident, narrated previous incidents indicative of the probability that Atty. Ching and Guisando had indeed an illicit relationship. Atty. Ching tried hard to deny the alleged amorous relationship to the extent of presenting Justice Ernani Paño and five (5) other Supreme Court employees, but still her dealings and actuations toward Guisando went beyond the bounds of propriety. She allowed and encouraged Guisando to unselfishly serve her without any compensation. She consciously disregarded his motives for doing so, which were obvious from his actuations and statements of endearment. x x x The extraordinary or special relationship, imaginary or otherwise, though, can not justify the actions of Guisando.
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> "Equally baffling was the reaction of Atty. Ching during the grenade incident. During Guisando's first entry inside the room (without the grenade). Atty. Ching ran towards Roy Sales when Guisando approached her. She ran as if she dreaded facing Guisando just like somebody guilty of something. It is very unlikely for somebody, a lawyer at that, to fear someone who had served her unconditionally in the past not unless she knew that she had done something to offend him. Atty. Ching's allegation that the reason why Guisando got furiously mad was when she stopped requesting Guisando to do errands for her, could not overcome the truth that Guisando was simply jealous for her `infidelity,' for going out with another married man. Her reaction at that time bolsters the rumor that they were having a lovers' quarrel.
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> "x x x The facts of the case are good indicia that Atty. Marina Ching and Guisando had an illicit relationship.

> Illicit because Guisando is a married man and Atty. Ching, as a member of the bar and an employee of the Supreme Court assigned to the Office of the Deputy Court Administrator should know well than engage in a relationship with a married man.
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> "In an effort to disprove the existence of an illicit relationship and the fact that Guisando slept in her house, Atty. Ching presented several Supreme Court employees, one of which was Pablito Buño whose nickname is `Lito.' He claimed that for several times, he drove for Atty. Ching and sometimes slept in the latter's house before going to the province. He also claimed that Guisando never slept in Atty. Ching's house. This contention hardly holds water. Since Pablito Buño does not live in the house of Atty. Ching and was not there every night, he could not claim that Guisando never slept there or had seen any other man sleep there except for Atty. Ching's father and nephew. This definitely counters the claim of Ely S. Mariano that he slept in Atty. Ching's house when he repaired the aircon. Definitely, Pablito Buño had no knowledge of what was going on in Atty. Ching's house except when he was allegedly there. Obviously then, the visits of Atty. Ching's guests were scheduled and with previous notice as what was done with Modesto Dalmacio, the plumber.
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> "The testimony of Leonila Cumabig attempted to establish the fact that Guisando did not drive for Atty. Ching since it was claimed that it was either Renante Loyola or Atty. Ching driving the latter's car. Granting it was true that there were instances when Renante Loyola drove her car and he claimed that he was not close to her, it only goes to show that Atty. Ching often sought assistance from other persons, men in particular, which may include Guisando.
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> "Atty. Marina Ching claimed that she was misquoted by Vicente Sales when she answered him `MEDYO' when she claimed that her answer was `Hindi ko po alam.' Likewise, she was allegedly misquoted by the security guard, who was requested by Guisando to get his gifts when she said `Kung gusto niya nakasako pa' when she claimed that she answered `na nakatago.' This allegation is not believable as the words do not even rhyme. There are no similarities in sound and it is too remote to get misquoted in those situation.
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> "The testimonies of the witnesses presented by Atty. Ching vainly attempted to establish her good reputation and impeccable character. But it is noted that one witness had not seen her for many years, one is a distant relative, another claimed not to be that close to her and the rest had only been to her house once or twice. Nonetheless, the testimonies were nothing but refutations of the alleged immorality issue in the instant case which is not the main focus of the investigation.
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> "Besides, the best witness that Atty. Ching could have presented are her maids/sales clerks, children and those who stay with her in the house who really know what is taking place in the house. But no one from the immediate household of Atty. Ching was presented to belie the allegation of Guisando. The vivid description of the house of Atty. Ching by Guisando fully convinced the undersigned that Guisando was a regular fixture in Atty. Ching's house. Her alibi that she is not strict in the house and the rooms are open, is not acceptable specially in her condition - a widow, with no man in the house, caring for the four (4) children. It is but normal for her to be security conscious and always keep her doors closed."

The Court, in discharging its constitutional duty of supervising lower courts and their personnel, cannot ignore the fact that the institution over which it presides is essentially composed of human beings who are naturally prey to weakness.[3] Nevertheless, the Code of Judicial Ethics mandates that the conduct of court personnel must be, and so also perceived to be, free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also in their behavior outside the court. There is no dichotomy of morality and decency. These exacting standards must have to be strictly adhered to by all those who are in the service of the Judiciary.[4] Atty. Ching, regrettably, would appear to have failed to live up to this commitment.

Atty. Ching, an employee on a permanent status, is covered by the Civil Service Rules. Disgraceful or immoral conduct under Section 23(o) of Rule XIV of the Rules Implementing Book V of the Administrative Code of 1987 is considered a grave offense and punishable by suspension for six (6) months and one (1) day to one (1) year for

the first offense and dismissal for the second offense. The Court in a number of cases has imposed the penalty of suspension, ranging from six months and one day to one year, for such offenses. For instance, in Nalupta vs. Tapec,[5] the Court suspended from the service Honesto Tapec, a deputy sheriff of Branch 18 of the Regional Trial Court (RTC) of Batac, Ilocos Norte, for six months and one day on the charge of immorality. In Ecube-Badel vs. Badel,[6] the Court ordered the suspension for one year of David de la Pena Badel, a court stenographer III of Branch 68 of RTC, San Carlos City, Negros Occidental, for a like offense.[7]

The Court sees it fit, under the circumstances here obtaining, to impose on Atty. Ching, a ranking official of the judiciary, a one year suspension without pay. Since she has been under indefinite suspension for more than a year, this penalty of suspension can now be considered as having been fully served and her reinstatement should thus be in order. She is not entitled, however, for the payment of back salaries for her interim suspension beyond the one-year period, the prevailing precept being that a public official would not be entitled to any compensation for service that is not actually rendered unless the suspended employee is later declared totally innocent of the charges.[8]

The Court, lastly, takes note of the observation made by the Investigating Justice relating to lapses on the part of the Court's security group. Indeed, there is need to constantly keep them fully cognizant of and responsive to their grave task of securing the Court and its personnel from any kind of risk or danger.

WHEREFORE, on the basis of all the foregoing, the Court a) adjudges Joselito Guisando guilty of grave misconduct and hereby dismisses him from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations; b) finds Atty. Marina Ching guilty of disgraceful conduct and immorality, and she is hereby meted a one (1) year suspension, without pay, which penalty, due to the actual period of indefinite suspension that has lasted beyond one year, should now be considered to have been fully served and, therefore, entitled to be reinstated forthwith; and c) directs the Security Division of the Court to be more circumspect, than has apparently been herein demonstrated, in its duty and responsibility to secure the Court premises and protect its personnel.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Mendoza, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., and Sandoval-Gutierrez, JJ., concur.
Kapunan, and Panganiban, JJ., on official leave.

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[1] Rollo, pp. 2-4.

[2] Final Report and Recommendation, dated 28 November 2000, of Justice Remedios Salazar-Fernando, pp. 37-43.

[3] Escube Badel vs. Badel, 273 SCRA 320.

[4] Burgos vs. Aquino, 249 SCRA 504.

[5] 220 SCRA 505; see also Burgos vs. Aquino, 249 SCRA 504; Soledad Lauro vs. Efren Lauro, A.M. No. P-91-642, 06 June 2001.

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[6] 273 SCRA 320.

[7] The Court, however, in charges of immorality has ordered the dismissal of judges from the service pursuant to the Code of Judicial Conduct which requires every judge to be the embodiment of competence, integrity and independence and to avoid the appearance of impropriety in all activities as to promote public confidence in the integrity and impartiality of the judiciary. (See Castillo vs. Calanog, Jr., 199 SCRA 75; Leynes vs. Veloso, 82 SCRA 325, Re: Complaint of Mrs. Rotilla A. Marcos and her children against Judge Ferdinand J. Marcos, RTC, Branch 20, Cebu City, A.M. No. 97-2-53-RTC, 06 July 2001).

[8] Sales vs. Mathay, Jr., 129 SCRA 180.

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