

JUDICIAL INTEGRITY BOARD, PETITIONER, VS. ANNABELLE L. MERCENE, INTERPRETER, MUNICIPAL TRIAL COURT, BUENAVISTA, MARINDUQUE, RESPONDENT.

A.M. No. P-24-123 (Formerly JIB FPI No. 21-054-P), November 18, 2025

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PER CURIAM:

The mere commission of a crime involving moral turpitude is "considered to be a serious charge, which may be punishable with dismissal from service[.]"[1]

This Court resolves an administrative case against Annabelle L. Mercene (Mercene), interpreter at the Municipal Trial Court, Buenavista, Marinduque, for gross misconduct and for the commission of a crime involving moral turpitude.

On December 18, 2020, an anonymous Complaint was filed against Mercene.[2]

The anonymous Complaint came from the claim of victims of an investment scam by Mercene, who allegedly used her position as officer-in-charge of the Metropolitan Trial Court to entice people to invest in the scheme, promising a "1 turns to 3 offer." [3]

The complainants allegedly trusted Mercene because she is a court employee, and the investment seemed genuine.[4] Their investments already amounted to PHP 6,000,000.00, but Mercene failed to return or refund these.[5]

In an email dated April 28, 2021, Presiding Judge Jose M. De La Santa, Jr., (Judge De La Santa, Jr.) of the Municipal Trial Court, Buenavista, Marinduque, confirmed with the Office of the Court Administrator that Mercene is facing 112 counts of estafa.[6] Judge De La Santa, Jr. added that he had already recused himself from handling the cases raffled to his sala "[t]o erase any doubt or suspicion of bias[,] considering that Ms. Mercene is [his] long-time subordinate." [7] He added that he had designated a new officer-in-charge per the advice of the court administrator.[8]

In a May 17, 2021 Indorsement, then Deputy Court Administrator Raul B. Villanueva[9] referred the Complaint to Hon. Romeo J. Callejo, Sr., the former chairperson of the Judicial Integrity Board.[10]

The Complaints and Dockets Services of the Board then referred the Complaint to the Office of the General Counsel, which in turn referred it to the Office of the Executive Director for appropriate action.[11]

Meanwhile, on November 11, 2021, Judge De La Santa, Jr. wrote to the Board and disclosed that in addition to the 112 counts of estafa, 32 cases were filed against Mercene. One civil case for judicial foreclosure of mortgage was also filed against her.[12] However, 23 estafa cases have been dismissed, leaving 122 pending cases against Mercene.[13] Mercene was able to post bail on November 10, 2021, having been detained since May 21, 2021.[14]

In its Report and Recommendation[15] dated March 11, 2022, then Acting Executive Director James D.V.

Navarrete (Acting Executive Director Navarrete) of the Board recommended the following: (1) re-docketing the matter as a regular administrative case against Mercene; (2) directing the Office of the Executive Director of the Board to require Mercene to comment within 15 days from receipt of notice why she should not be held administratively liable for the alleged investment scam; (3) placing Mercene under preventive suspension; and (4) directing Judge De La Santa, Jr. to regularly update the Board on the status of Mercene's pending cases.[16]

In its December 15, 2023 Report,[17] the Board agreed with the findings and recommendations of the Office of the Executive Director, adding that the Board may indeed "institute motu proprio administrative proceedings against any member or personnel of the judiciary"[18] per Rule 140, Section 1 of the Rules of Court.

In a January 29, 2024 Resolution, this Court resolved that (1) the matter be re-docketed as a regular administrative case; (2) the Executive Director of the Board be directed to require Mercene to submit her comment on the charges for gross misconduct and commission of the crime of estafa within 15 days from notice; (3) she be placed under preventive suspension for 90 calendar days without pay and other monetary benefits; and (4) Judge De La Santa, Jr. be directed to submit to the Board, through the Office of the Executive Director, an update on the status of Mercene's pending cases of estafa within one month from notice, and thereafter every three months or per quarter of the year until their termination.[19]

In compliance with the January 29, 2024 Resolution of this Court, Judge De La Santa, Jr. stated in his May 13, 2024 Letter that as of the same date, Mercene only had three pending cases filed against her which were scheduled for promulgation on July 11, 2024.[20] Mercene also had seven cases appealed to the Regional Trial Court of Boac, Marinduque, and 17 other cases where she was found guilty, later appealed on April 29, 2024.[21] The judicial foreclosure case against her was fully executed, and all other cases filed against her were ordered provisionally dismissed.[22]

In a February 28, 2024 Indorsement, the Office of the Executive Director of the Board directed Mercene to file her comment on the criminal charges filed against her. A 1st Tracer-Letter on June 3, 2024 reiterated Mercene to file her comment.[23] In both instances, Mercene failed to file her comment.[24]

On August 16, 2024, the Office of the Executive Director requested Judge De La Santa, Jr. to provide certified true copies of the decisions and any information regarding the latest status of criminal cases involving Mercene.[25] The Office likewise asked Judge Dela Santa, Jr.'s assistance regarding the location of the detention facility where Mercene has been detained, for the proper sending of indorsements for her comment.[26]

On September 11, 2024, Judge Dela Santa, Jr. reported that Mercene was detained at the Buenavista Municipal Police Station from May 21, 2021 to November 10, 2021 and was released on bail.[27] To date, Judge De La Santa, Jr. has no knowledge of Mercene's whereabouts, but records show that processes and orders were addressed to her former residence at Brgy. Caigangan, Buenavista, Marinduque.[28] He also attached certified true copies of the decisions in 45 cases where Mercene and her co-accused were convicted of violation of Article 315, paragraph 2(a) of the Revised Penal Code, which were appealed to the Regional Trial Court.[29]

In all the 25 cases, Mercene was not only ordered to pay the private complainants actual damages but was also sentenced to suffer the penalty of imprisonment.[30] Per verification with the Personnel Division, Mercene applied for optional retirement effective February 28, 2022.[31]

In a February 25, 2025 Report and Recommendation,[32] the Office of the Executive Director recommended that Mercene be found guilty of the commission of a crime involving moral turpitude and that she be dismissed from the service with forfeiture of all her retirement benefits, except accrued leave credits, with prejudice to her reemployment in any branch or instrumentality of the government, including government-owned or controlled

corporations.[33]

Acting Executive Director Eduardo C. Tolentino (Acting Executive Director Tolentino) pointed out that "[b]eing convicted of estafa clearly evinces . . . the moral turpitude of [Mercene]. No extended discussion is needed to establish the necessity of dismissing her from the service[,]"[34] since after trial Mercene's "guilt has been proven beyond reasonable doubt." [35]

Despite the 25 criminal cases against Mercene currently being on appeal, Acting Executive Director Tolentino opined that "this notwithstanding, the administrative complaint against [Mercene] can proceed independently of the appeal." [36]

Acting Executive Director Tolentino stressed that in the "latest amendment to Rule 140 of the Rules of Court, the former offense of conviction of a crime involving moral turpitude has been amended by the Supreme Court to commission of a crime involving moral turpitude[.]" [37] Therefore, such an amendment means that "a conviction is not even necessary before a respondent may be found liable for this offense." [38]

Acting Executive Director Tolentino stated that while Mercene was given every opportunity to submit her Verified Comment, she failed to do so.[39] Because of this, Rule 140, Section 3(3) of the Rules of Court is applicable, and her failure to file her verified comments amounts to a "waiver to participate in the proceedings[,] and the investigation may proceed based on the available evidence on record." [40]

Regarding Mercene's charge of gross misconduct, Acting Executive Director Tolentino observed that:

[t]here were allegations during trial in the criminal cases that the private complainants relied on [Mercene's] position as a court employee when they invested [with her]. However, in order for such charge to prosper, misconduct should relate to or be connected with the performance of official functions and duties of a public officer. Considering that the act of misconduct as alleged in this case does not relate [to] or is not connected with [Mercene's] official functions and duties as Interpreter, then the same must be dismissed for lack of merit.[41]

In a June 4, 2025 Resolution, the Board resolved to adopt the Report and Recommendation of the Office of the Executive Director.[42]

The issue for this Court's resolution is whether respondent Annabelle L. Mercene should be held administratively liable for gross misconduct and for commission of a crime involving moral turpitude.

This Court agrees with the Judicial Integrity Board's findings and recommendation.

In *Rodil v. Posadas*,[43] this Court stated that for gross misconduct to constitute an administrative offense, the "misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. Without the nexus between the act complained of and the discharge of duty, the charge of misconduct shall necessarily fail." [44]

In *Co v. Atty. Monroy*,[45] this Court stated that "moral turpitude [is] defined as those acts done contrary to justice, modesty, or good morals, depicting vileness or depravity in the private and social duties of a person . . . With regard to the charge of estafa, there is no question that this crime involves moral turpitude." [46]

In Sections 14 and 17 of A.M. No. 21-08-09-SC, or "Further Amendments to Rule 140 of the Rules of Court," this Court stated that commission of a crime involving moral turpitude is considered a serious charge, which may be punishable by dismissal from the service:

SECTION 14. Serious Charges. — Serious charges include:

(a)

Gross misconduct constituting violations of the Code of Judicial Conduct or of the Code of Conduct for Court Personnel;

(b)

Bribery, direct and indirect, and violations of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019);

(c)

Serious dishonesty;

(d)

Gross neglect of duty in the performance or non-performance of official functions;

(e)

Knowingly rendering an unjust judgment or order;

(f)

Commission of a crime involving moral turpitude;

(g)

Falsification of official documents, including making untruthful statements in the certificates of service;

(h)

Borrowing money or property from lawyers and/or litigants in a case pending before the court;

(i)

Gross immorality;

(j)

Gross ignorance of the law or procedure;

(k)

Partisan political activities;

(l)

Grave abuse of authority, and/or prejudicial conduct that gravely besmirches or taints the reputation of the service;

(m)

Sexual harassment;

(n)

Gross insubordination; and

(o)

Possession and/or use of illegal drugs or substances.

....

SECTION 17. Sanctions. —

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

(a) Dismissal from the service, forfeiture of all or part of the benefits as the Supreme Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations. Provided, however, that the forfeiture of benefits shall in no case include accrued leave credits;

(b) Suspension from office without salary and other benefits for more than six (6) but not exceeding one (1) year; or

(c) A fine of more than P100,000.00 but not exceeding P200,000.00. (Emphasis supplied)

This was reiterated by this Court in *Judge Crisologo-Saguisag v. Haboc*.^[47]

This Court agrees with the findings of the Board that respondent's culpability for gross misconduct should be dismissed for lack of merit, considering that the "act of misconduct as alleged in this case does not relate [to] or is not connected with respondent's official functions and duties as Interpreter[.]"^[48]

However, it is undisputed that respondent is guilty of committing a crime involving moral turpitude. Judge De La Santa, Jr. confirmed and attached certified true copies of decisions in 25 cases where respondent and her co-accused were convicted with violation of Article 315, paragraph 2(a) of the Revised Penal Code, which were appealed to the Regional Trial Court.^[49]

As pointed out by the Board,

Being convicted of estafa clearly evinces [] the moral turpitude of respondent. No extended discussion is

needed to establish the necessity of dismissing her from the service. She, along with her co-accused, induced several individuals to part with their money to invest in their business, GM's IWE. [Respondent Mercene and her co-accused] received their investments, knowing that GM's IWE was not registered and legitimate. Worse, respondent and her co-accused misappropriated PHP 4,576,500.00 for their own benefit. After trial, respondent's guilt has been proven beyond reasonable doubt.[50]

Respondent was also given the opportunity to refute the allegations against her by submitting a verified comment, yet she failed to do so. As a consequence, Section 3(3) of A.M. No. 21-08-09-SC applies, and this resulted in respondent's "waiver to participate in the proceedings, and the investigation may proceed based on the available evidence on record." [51]

The Board also observed that respondent filed an application for optional retirement dated February 28, 2022. Based on the records, the Informations for estafa and the present administrative complaint were filed against respondent as early as March 2021 and November 2021, respectively.[52] Hence, it deduced that respondent's "avail[ing] of optional retirement is a clear attempt to escape her administrative liability and should not be countenanced." [53]

This Court takes this opportunity to remind respondent that all court employees should be mindful of and take to heart the exacting standard of conduct expected of them as public servants. They are in a privileged position and as such should keep in mind that they should not abuse the public's trust and confidence in them.

As this Court underscored in Judge Crisologo-Saguisag,

We reiterate that court employees, from the presiding judge to the lowliest clerk, being public servants in an office dispensing justice, should always act with a high degree of professionalism and responsibility. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and court regulations. No position demands greater moral righteousness and uprightness from its holder than an office in the judiciary. Court employees should be models of uprightness, fairness and honesty to maintain the people's respect and faith in the judiciary. They should avoid any act or conduct that would diminish public trust and confidence in the courts. Indeed, those connected with dispensing justice bear a heavy burden of responsibility.[54] (Emphasis supplied, citations omitted)

ACCORDINGLY, the Court hereby finds respondent Annabelle L. Mercene, Interpreter, Municipal Trial Court, Buenavista, Marinduque GUILTY of commission of a crime involving moral turpitude for which she is DISMISSED FROM SERVICE with forfeiture of all retirement benefits, except accrued leave credits, and perpetual disqualification from employment in any branch of the government or any of its agencies or instrumentalities, including government-owned and -controlled corporations.

SO ORDERED.

Gesmundo, C.J., Leonen, S.J., Caguioa, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, Dimaampao, Marquez, Kho, Jr., and Singh, JJ., concur.

Hernando,[*] J., on official business.

Villanueva,[*][*] J., no part.

[*] On official business.

[*][*] No part.

[1] Judge Crisologo-Saguisag v. Haboc, 940 Phil. 582, 586 (2023) [Per J. Zalameda, En Banc].

[2] Rollo, pp. 5-6.

[3] Id. at 5.

[4] Id.

[5] Id.

[6] Id. at 13-14.

[7] Id. at 14.

[8] Id.

[9] Now a Member of this Court.

[10] Id. at 8.

[11] Id. at 413.

[12] Id. at 405.

[13] Id.

[14] Id.

[15] Id. at 404-406.

[16] Id. at 405-406.

[17] Id. at 412-417. The December 15, 2023 Report of the Board was penned by Second Regular Member Justice Rodolfo A. Ponferrada (Ret.), and concurred in by Acting Chairperson Justice Angelina Sandoval-Gutierrez (Ret.) and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

[18] Id. at 415.

[19] Id. at 418-419.

[20] Id. at 734.

[21] Id.

[22] Id.

[23] Id. at 734-735.

[24] Id. at 735.

[25] Id.

[26] Id.

[27] Id.

[28] Id.

[29] Id.

[30] Id. at 736.

- [31] Id.
- [32] Id. at 733-739.
- [33] Id. at 738-739.
- [34] Id. at 736.
- [35] Id.
- [36] Id. at 737.
- [37] Id. (Emphasis in the original)
- [38] Id.
- [39] Id.
- [40] Id. at 738 (Citation omitted)
- [41] Id.
- [42] Id. at 740.
- [43] 909 Phil. 120 (2021) [Per Curiam, En Banc].
- [44] Id. at 128. (Citation omitted)
- [45] 951 Phil. 93 (2024) [Per Curiam, En Banc].
- [46] Id. at 99. (Citation omitted)
- [47] 940 Phil. 582 (2023) [Per J. Zalameda, En Banc].
- [48] Rollo, p. 738.
- [49] Id. at 735.
- [50] Id. at 736.
- [51] RULES OF COURT, Rule 140, sec. 3, as amended by A.M. No. 21-08-09-SC, February 22, 2022.
- [52] Rollo, p. 738.
- [53] Id.
- [54] Judge Crisologo-Saguisag v. Haboc, 940 Phil. 582, 588 (2023) [Per J. Zalameda, En Banc].

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