

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. ATTY. JOSE C. CORALES, CLERK OF COURT VI, MA. VIRGINIA P. MAGADIA, FORMER CASH CLERK III, LORENZO ELEDA (RET.), SHERIFF IV, A...*A.M. No. P-06-2272. November 23, 2021*

Ponente: PERLAS-BERNABE, S.A.J.

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Before the Court is a Manifestation with Prayer for Judicial Clemency, Mercy and Compassion[1] (clemency petition) dated May 24, 2021 filed by respondent Atty. Jose C. Corales (Corales), former Clerk of Court VI of the Regional Trial Court of Batangas City (RTC Batangas City), seeking that he be granted judicial clemency, and accordingly, be allowed to claim his retirement benefits, monthly pension, and accrued leave credits.

The Facts

Records show that sometime in May 2006, a financial audit was conducted by the Financial Audit Team of the Office of the Court Administrator (OCA) in the RTC Batangas City for the period of April 1991 to April 2006, during which Corales served as Clerk of Court VI. In the course of said audit, it was discovered that there were cash shortages amounting to P9,594,971.30 under his accountability, caused by unremitted collections, understated remittances, and illegal withdrawals of collections. Thus, the OCA ordered, inter alia, Corales and Virginia P. Magadia (Magadia), former Cash Clerk III of the RTC Batangas City, to explain the existence of such shortages.[2]

In his explanation[3] dated February 14, 2007, Corales averred that he was not involved in the collection of court fees of any kind as this function pertained to the cash clerk. He maintained that he honestly believed that the transactions were normal, regular, and above suspicion; and insisted that after the discovery of the irregularities, he immediately executed an Affidavit-Complaint charging Magadia with Malversation of Public Funds.[4]

After due proceedings and pursuant to the OCA's recommendations, the Court in a Resolution[5] dated March 14, 2017 found Corales administratively liable for Gross Neglect of Duty for failing to exercise due diligence in the supervision of his subordinate employees, thereby resulting in the aforementioned cash shortages.[6] In lieu of the penalty of dismissal which can no longer be imposed due to his supervening retirement, the Court meted on Corales the penalty of forfeiture of all retirement benefits, with prejudice to re-employment in any government office, including government-owned and controlled corporations. The Court likewise ordered Corales to reconstitute the total cash shortages through the following means: (a) the offsetting of his accrued leave benefits, as well as any other benefits which he may be entitled to, and his withheld salaries and allowances, if any; and (b) after such offsetting, the balance shall be paid through the issuance of a Writ of Execution against Corales' properties (restitution order).[7]

Subsequently, the Clerk of Court En Banc issued a Writ of Execution[8] on even date, and thereafter forwarded the same to the Office of the Clerk of Court (OCC), RTC Batangas City, which in turn, issued its own Writ of Execution[9] dated March 31, 2017. The foregoing issuances resulted in the levy, execution, and sale in public

auction of Corales' only real property, a house and lot located at Tierra Verde Subdivision, Batangas City. Notably, records show that the highest bidder in the public auction was Corales' son, Ronaldo M. Corales (Renaldo), who bought the said real property for P350,000.00, as evinced by a Certificate of Sale[10] dated December 18, 2017. Unfortunately, the proceeds of the auction sale was still insufficient in satisfying the restitution order, thereby prompting the Court to issue a Resolution[11] dated July 14, 2020 directing the RTC Batangas City to investigate if Corales has obligors from which the remaining balance may be satisfied.[12]

Thus, on June 2, 2021, Corales filed the instant clemency petition. He reiterated that he acted in good faith, and that this administrative case was all due to Magadia's evil scheme of falsifying entries in the RTC Batangas City OCC's official receipts and Landbank deposit slips. To reinforce his plea for the Court's mercy and compassion, Corales further insinuated that he has no more real and personal properties, and that the house and lot subject of the Writ of Execution was the only property he established during his career; that he suffered from a mild stroke which greatly affected his speech and mobility; and that this was his first offense during his 32 years in government service.[13]

During the pendency of this clemency petition, however, the Court received a Letter and Plea of Mercy for Atty. Jose C. Corales[14] dated September 18, 2021 from Corales' son, Ronaldo, informing the Court that Corales had died on September 10, 2021, as evinced by the latter's Death Certificate[15] attached thereto. In said Letter, Ronaldo further reiterates Corales' pleas in the latter's clemency petition, and in addition, prays that Corales' family be spared from further suffering through, inter alia, their exclusion from any further levy, attachment, or execution in connection with the restitution order.[16]

The Issue Before the Court

The central issue in this case is whether or not judicial clemency should be granted in favor of Corales.

The Court's Ruling

I.

"Judicial clemency 'is an act of mercy removing any disqualification,' which may be granted only upon a strong proof that it is warranted. [As such, to] be granted judicial clemency, a claimant must show evidence of reformation and potential." [17] In this relation, the Court, in *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*[18] (*Re: Ong*), instructed that clemency is neither a right nor a privilege, and that its grant should always be balanced with the preservation of public confidence in the courts:

However, clemency should not only be seen as an act of mercy. It is not only for the wrongdoer's convenience. The interests of the person wronged, as well as society in general - especially its value in precedent – should always be taken into primordial consideration.

Judicial clemency is neither a right nor a privilege that one can avail of at any time. Its grant must be delicately balanced with the preservation of public confidence in the courts.[19]

In determining whether or not to grant clemency petitions, the Court, for the longest time, had relied on the guidelines enunciated in *Re: Letter of Judge Augustus C. Diaz, Metropolitan Trial Court of Quezon City, Branch 37, Appealing for Judicial Clemency*[20] (*Re: Diaz*), which read as follows:

1. There must be proof of remorse and reformation. These shall include but should not be limited to certifications or testimonials of the officer(s) or chapter(s) of the Integrated Bar of the Philippines, judges or judges associations and prominent members of the community with proven integrity and probity. A subsequent

finding of guilt in an administrative case for the same or similar misconduct will give rise to a strong presumption of non-reformation.

2. Sufficient time must have lapsed from the imposition of the penalty to ensure a period of reformation.

3. The age of the person asking for clemency must show that he still has productive years ahead of him that can be put to good use by giving him a chance to redeem himself.

4. There must be a showing of promise (such as intellectual aptitude, learning or legal acumen or contribution to legal scholarship and the development of the legal system or administrative and other relevant skills), as well as potential for public service.

5. There must be other relevant factors and circumstances that may justify clemency.[21]

In the recent case of *Re: Ong*, however, the Court En Banc further refined the *Re: Diaz* guidelines by requiring: (a) the lapse of at least five (5) years from the time the person seeking clemency was penalized by the Court, unless extraordinary circumstances exist which would justify a grant of clemency within a shorter period; (b) a more concrete proof of remorse and reformation, as evinced not only by an acknowledgment of the wrongful actions and subsequent showing of sincere repentance and correction, but also an attempt of reconciliation in cases where there is a private offended party, or a public apology in the absence of such private offended party; and (c) a preliminary evaluation by the Court to find whether *prima facie* circumstances exist to grant the relief, and if in the affirmative, the referral of the clemency petition to a fact finding commission to determine if there is substantial evidence supporting the allegations therein. Finally, *Re: Ong* clarifies that the refined guidelines shall prospectively apply to clemency petitions filed after its promulgation.[22]

Since the instant clemency petition was filed only on June 2, 2021, then the same must be scrutinized using the *Re: Diaz* guidelines, as refined by *Re: Ong*. However, a preliminary evaluation of the clemency petition would reveal that it does not have any *prima facie* merit.

A reading of Corales' clemency petition would show that instead of acknowledging his wrongful acts and exhibiting sincere remorse over the same, he remained adamant in his stand that he was faultless in the acts imputed against him. Merely rehashing his arguments during the administrative disciplinary proceedings, Corales still claimed that he was in good faith in the performance of his duties and pinned all the blame on Magadia. Verily, Corales' defiant attitude and disposition render him unworthy to be granted judicial clemency.

II.

With the denial of Corales' clemency petition, the pronouncements of the Court in its Resolution dated March 14, 2017, including the directive for Corales to restitute the cash shortages, remains subsisting. In this connection, the Court recognizes that as of the present time, the restitution order has yet to be fully complied with despite the offsetting of Corales' remaining benefits and the levy, execution, and auction sale of his lone real property. Thus, and in light of Corales' supervening death, there arises a question as to whether the Court may still go after the balance of the restitution order.

The Court rules in the affirmative.

At the outset, the Court recognizes the ruling in *Flores-Concepcion v. Castañeda*[23] (*Castañeda*), wherein it was held that a respondent's supervening death shall result in the dismissal of any pending administrative case against him/her. In such case, the Court loses the authority to impose penalties for any wrongdoing purportedly committed by such respondent. However, it must be pointed out that *Castañeda* finds no application in this case, considering that: first, the administrative case against Corales is no longer pending, and in fact, the Court had

already adjudged him administratively liable; and second, the restitution order is not in the nature of an administrative fine, but rather, as a judgment debt representing court funds unlawfully taken from the coffers of the Judiciary.

Thus, under prevailing rules^[24] and case law,^[25] the Court may still move for the full satisfaction of the restitution order by enforcing the same against Corales' executor or administrator, or successors-in-interest. Notably too, this power of the Court to go after the sum which must be rightfully returned to it is hinged on its constitutional power of administrative supervision of all courts.

However, "[i]n cases concerning this Court's constitutional power of administrative supervision, there have been several occasions where the doctrine of compassionate justice x x x had been applied x x x to erring judges and court personnel for humanitarian reasons. Although judges and court personnel are not 'laborers' in a technical sense who get to benefit from the constitutional policy of social justice, such policy mandates a compassionate attitude toward the working class in its relation to management. However, this should not be considered as a form of condonation because judicial clemency is not a privilege or a right that can be availed of at any time, as the Court will grant it only if there is a showing that it is merited."^[26]

On this score, the Court notes the reality brought about by a finding of administrative liability on Corales as well as the consequent issuance of the restitution order — the virtual forfeiture of all his benefits, including accrued leave credits (due to offsetting), the levy, execution, and auction sale of his only real property in Batangas City to partially satisfy his obligation, the deterioration of his health due to his illness and its aggravation because of the Taal Volcano eruption in January 2020, the hardships caused by Typhoon Rolly in November 2020, the COVID-19 pandemic,^[27] and his untimely death. In light of the foregoing circumstances – and further considering that the restitution order had already been partially complied with – the Court now elects to take the route of benevolence and chooses to no longer subject the estate of Corales to further proceedings just to fully satisfy the said restitution order. This, however, should not be interpreted to mean as turning a blind eye to Corales' infractions. The Court simply preferred to exercise compassionate justice in favor of a court personnel, who served the Judiciary for over 24 years, who strongly endured all these unfortunate events which plagued him in his twilight years, and who departed from this life while pleading for mercy.

WHEREFORE, the Manifestation with Prayer for Judicial Clemency, Mercy and Compassion dated May 24, 2021 is DENIED. However, on account of humanitarian considerations, the Court resolves to WAIVE the further execution of the restitution order against Atty. Jose C. Corales after the completion of the execution sale of his house and lot in Tierra Verde Subdivision, Batangas City. Accordingly, the proceedings before the Office of the Clerk of Court, Regional Trial Court of Batangas City in compliance with the Court's Resolution dated July 14, 2020 and all proceedings related thereto are deemed CLOSED and TERMINATED.

SO ORDERED.

Gesmundo, C.J., Leonen, Caguioa, Carandang, Lazaro-Javier, Inting, Zalameda, Gaerlan, Rosario, J. Lopez, and Dimaampao, JJ., concur.

Hernando, J., on official leave.

M. Lopez and Marquez, JJ., no part but voted.

[*] "Virginia P. Magadia" on some parts of the rollo.

[1] Rollo, pp. 1569-1583.

[2] See *id.* at 1333-1334.

[3] *Id.* at 691-699.

[4] See *id.* at 696-699 and 1335.

[5] *Id.* at 1332-1345. Signed by Clerk of Court Felipa B. Anama.

[6] See *id.* at 1340-1342.

[7] See *id.* at 1343-1344.

[8] *Id.* at 1346-1349.

[9] *Id.* at 1372. Signed by Clerk of Court VI and Ex-Officio Sheriff Russel B. Dalisay.

[10] *Id.* at 1427-1428.

[11] *Id.* at 1508-1510. Signed by Clerk of Court Edgar O. Aricheta.

[12] See *id.* at 1509.

[13] See *id.* at 1570-1571 and 1579-1581.

[14] *Id.* at 1609-1620.

[15] *Id.* at 1621.

[16] See *id.* at 1619-1620.

[17] *Re: Allegations Made Under Oath at the Senate Blue Ribbon Committee Hearing Held on September 26, 2013 Against Associate Justice Gregory S. Ong, Sandiganbayan*, A.M. No. SB-14-21-J, January 19, 2021.

[18] *Id.*

[19] *Id.*; citation omitted.

[20] 560 Phil. 1 (2007).

[21] *Id.* at 5-6; citations omitted.

[22] See *Re: Ong*, *supra* note 17.

[23] A.M. No. RTJ-15-2438, September 15, 2020.

[24] See Section 7, Rule 39 of the Rules of Court, which reads:

Section 7. Execution in case of death of party. — In case of the death of a party, execution may issue or be enforced in the following manner:

(a) In case of the death of the judgment obligee, upon the application of his executor or administrator, or successor in interest.

(b) In case of the death of the judgment obligor, against his executor or administrator or successor in interest, if the judgment be for the recovery of real or personal property, or the enforcement of a lien thereon;

(c) In case of the death of the judgment obligor, after execution is actually levied upon any of his property, the same may be sold for the satisfaction of the judgment obligation, and the officer making the sale shall account to the corresponding executor or administrator for any surplus in his hands.

[25] See *Spouses Manalansan v. Castañeda, Jr.*, 173 Phil. 171, 177 (1978), citing *Miranda v. Abbas*, 125 Phil.

537, 542-543 (1967).

[26] Re: Anonymous letter-Complaint Against Judge Irin Zenaida Buan, Branch 56, Regional Trial Court, Angeles City, Pampanga for Alleged Delay of Drug Cases, Bad Attitude, and Insensitivity to HIV-AIDS Positive Accused, A.M. No. 20-01-38-RTC, June 16, 2020.

[27] See rollo, pp. 1570-1571, 1573, and 1579-1581.

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