

**PRISCILLA L. HERNANDO, COMPLAINANT, VS. JULIANA Y. BENGSON,
LEGAL RESEARCHER, RTC, BRANCH 104, QUEZON CITY,
RESPONDENT.**

A.M. No. P-09-2686 (Formerly OCA I.P.I No. 06-2441-P). March 21, 2012

Ponente: MENDOZA, J.

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MENDOZA, J.:

This resolves the Urgent Ex-parte Motion & Manifestation for Clarification filed by respondent Juliana Y. Bengson (Bengson) seeking to clarify

“whether or not the 30-day and one-day suspension of the respondent pursuant to the Resolution dated March 10, 2010 is a continuation of the second modified Resolution dated March 28, 2011 suspending the same respondent for another six months and one day.”[1]

In its March 10, 2010 Resolution, the Court initially found Bengson guilty of Simple Misconduct as recommended by the Investigating Judge and the Office of the Court Administrator (OCA). Questioning the penalty imposed, private complainant Priscilla L. Hernando (Hernando) moved for a reconsideration thereof.

In her motion, Hernando pointed out that Bengson’s act of offering to facilitate the land transfer papers at the Bureau of Internal Revenue (BIR) was akin to “conduct prejudicial to the best interest of the service” and, thus, should be punished as such pursuant to the ruling in *Largo v. Court of Appeals*. [2] In the same motion, Hernando sought restitution of the aggregate amount of ₱76,000.00 given to Bengson as a “just debt.”

In her comment, Bengson claimed that she had no interest whatsoever in the land transfers referred to and that she merely accommodated the request of the daughter of Hernando.

After a review of the records, the Court affirmed its earlier findings regarding the complicity of Bengson in the failed titling of Hernando’s property. This is based on the report of the Executive Judge tasked to investigate the case as well as the recommendation submitted by the OCA. The Court, however, reconsidered the earlier imposed penalty following the pronouncement in *Largo v. CA*. In the Resolution of March 28, 2011, the Court stated:

In resolving this question, a review of the Court’s disposition in the case of *Largo v. CA* is instructional. In that case, it was explained that an administrative offense constitutes ‘misconduct’ when it has direct relation to, and is connected with, the performance of the official duties of the one charged.

‘x x x. By uniform legal definition, it is a misconduct such as affects his performance of his duties as an officer and not such only as affects his character as a private individual. In such cases, it has been said at all times, it is necessary to separate the character of the man from the character of the officer, x x x. It is settled that misconduct, misfeasance, or malfeasance warranting removal from office of an officer must have direct relation to and be connected with the performance of official duties amounting either to maladministration or willful, intentional neglect and failure to discharge the duties of the office, x x x.’

Thus, misconduct refers to a transgression of an established and definite rule of action, more specifically, some

unlawful behavior or gross negligence by the public officer charged.

It must be noted however that in that case, no proof was offered to show that Largo's actions being complained of were related to or performed by him in taking advantage of his position. His actions did not have any direct relation to or connection with the performance of his official duties. Hence, it was concluded that Largo acted in his private capacity, and thus, cannot be made liable for misconduct. But, considering that Largo's questioned conduct tarnished the image and integrity of his public office, he must still be held liable for conduct prejudicial to the best interest of the service. The basis for his liability is found in Republic Act No. 6713 (R.A. 6713) or the Code of Conduct and Ethical Standards for Public Officials and Employees. The Code, particularly Section 4 (c) thereof, commands that public officials and employees shall at all times respect the rights of others, and shall refrain from doing acts contrary to public safety and public interest. And Largo's actuations fell short of this standard.

Similarly, applying the same standard to the present case, the Court agrees with the position taken by Hernando - that Bengson should be liable under Rule IV, Section 52 (A) 20 for Conduct prejudicial to the best interest of the service in view of her act of offering her services for facilitation of the land transfer papers at the BIR and representing that her half-sister and niece had the capacity to facilitate the titling of subject property.[3]

Accordingly, the penalty imposed on Bengson was modified in this wise:

WHEREFORE, the motion for reconsideration is GRANTED, our Resolution dated March 10, 2010 is MODIFIED. Juliana Y. Bengson, Legal Researcher, Regional Trial Court, Branch 104, Quezon City, is found GUILTY of Conduct prejudicial to the best interest of the service and is hereby ordered SUSPENDED for six (6) months and one (1) day from the service without pay. She is further ordered to reconstitute the amount of PhP76,000.00 plus legal interest to Priscilla Hernando, starting from the year 2003.[4]

WHEREFORE, the Court clarifies that the original penalty of suspension of 30 days and 1 day pursuant to the Resolution of March 10, 2010 was modified and increased to 6 months and 1 day suspension pursuant to the Resolution of March 28, 2011. The period of suspension that she has served pursuant to the March 10, 2010 Resolution shall form part of, and will be credited to her service of, the penalty imposed by the March 28, 2011 Resolution.

SO ORDERED.

Corona, C.J., Velasco, Jr., (Chairperson), Peralta, and Reyes, JJ., concur.

[1] Rollo, p. 639.

[2] G.R. No. 177244, November 20, 2007, 537 SCRA 721, 733.

[3] Rollo, p. 592.

[4] Id. at 595.

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