

DISCREET INVESTIGATION REPORT RELATIVE TO THE ANONYMOUS COMPLAINT AGAINST PRESIDING JUDGE RENANTE N. BACOLOD, MUNICIPAL CIRCUIT TRIAL COURT, MANDAON-BALUD, MANDAON, MASBATE

A.M. No. MTJ-18-1914. September 15, 2020

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PER CURIAM:

The Case and The Proceedings Below

This case stemmed from an anonymous complaint[2] (written in Tagalog) dated August 24, 2015 filed against Judge Renante N. Bacolod (Judge Bacolod), Presiding Judge of Municipal Circuit Trial Court (MCTC), Mandaon-Balud, Masbate, before the Office of the Court Administrator (OCA) charging him with immorality, maintaining irregular calendar of court hearings and trials, corrupt practices, drug involvement, and grave misconduct, i.e., solemnizing marriages outside his jurisdiction.

Complainant essentially alleged that: He/She is a resident of Mandaon, Masbate. Judge Bacolod is a presiding judge in one of the courts in their place. Judge Bacolod is a married man but is cohabiting with a woman other than his legal wife.

Judge Bacolod goes to court only on Mondays. Moreover, he immediately leaves by noontime and returns only on the following Monday. With this set-up, court hearings are scheduled only on Mondays. Nevertheless, Judge Bacolod still failed to attend some of the scheduled hearings.

Judge Bacolod engages in corrupt practices and employs a personal assistant who receives money from litigants. Also, Judge Bacolod was a notorious drug user and pusher before he was appointed as a judge.

Lastly, Judge Bacolod solemnizes marriages outside his jurisdiction and accepts fees for it.

The OCA referred the complaint to Executive Judge Manuel L. Sese (Judge Sese) of Regional Trial Court (RTC), Masbate City, Masbate, for discreet investigation and report.[3]

Investigation and Report of Executive Judge Manuel L. Sese

Judge Sese's Investigation Report[4] contained the following findings:

- Judge Bacolod is separated from his legal wife who is now residing abroad. At present, he is cohabiting with another woman, with whom he has a common child, without the benefit of marriage;[5]
- Judge Bacolod holds only two (2) hearing days every month. These hearings are scheduled in the morning of the 3^d and 4th Mondays of every month. But most of the time, hearings get cancelled for unknown reasons. According to the Clerk of Court and Clerk II of MCTC, Mandaon-Balud, Masbate, Judge Bacolod immediately leaves right after his hearing and no longer reports to court for the rest of the week. He would report back only on the next scheduled hearing day;[6]

- There is no direct evidence to prove that Judge Bacolod engaged in corrupt practices and that he was a notorious drug user and pusher. Judge Bacolod, however, made some palpably erroneous orders in some cases before his court;[7] and
- Lastly, Judge Bacolod solemnized the marriage of Neleen Estipona of Mandaon, Masbate, and a foreigner, which marriage, however, was refused registration by the Local Civil Registrar of the Municipality of Mandaon, Masbate, the latter believing that Judge Bacolod did not have the authority to solemnize marriages outside of Mandaon, Masbate.[8]

In his Comment[9], Judge Bacolod countered, in the main that: He was separated-in-fact from his legal wife. With his legal wife being married to another man abroad and having children of their own, he indicated in all pertinent papers "separated" as his civil status. This was the case even before he applied as an MCTC judge. This event in his family life does not affect his work as a judge.[10]

Hearing of cases in his court are held only on the 3[rd] and 4[th] Mondays of every month in harmony with the available calendars of attending lawyers who also have to attend hearings in other courts. Likewise, the cancellation of scheduled hearings in his court is due to the absence of either or both counsels of litigants, public prosecutors, public lawyers, or for the reason that he himself is indisposed or on official business or due to the directive in OCA Circular No. 142-2015 with respect to monthly disposal period.

Also, the court building where they are supposed to hold hearings was under repair. From April 2015 until June 2016, they were using the ABC Session Hall of the Municipality of Mandaon which was then only available for morning sessions. He was also attending to two (2) inhibited cases at MCTC Aroroy-Baleno, Aroroy, Masbate, scheduled on Tuesdays; six (6) inhibited civil cases and two (2) criminal cases at MCTC Mobo-Milagros, Mobo, Masbate, scheduled on Thursdays; and more than 30 inhibited cases at the Municipal Trial Court in Cities (MTCC) scheduled on Fridays.

He only has his driver with him going to and from the office. And most of the time, his driver is outside the court premises and has no knowledge about his official business. He also only allows parties and counsels inside his chamber when they are called for mediation or settlement purposes to promote the speedy administration of justice.[11]

He did not use nor sell illegal drugs. The allegation that he is a notorious drug pusher and user is baseless and tainted with malice and is a form of harassment to stop him from applying as RTC judge of Branch 48 and Branch 49 of Cataingan, Masbate.[12]

Lastly, he cannot recall having officiated marriages outside his jurisdiction, and have collected only P300.00 as court fees for the marriages he had officiated.

To prove his clean criminal record, he submitted some of his government-issued clearances.[13]

Acting on the anonymous complaint, Investigation Report, and Judge Bacolod's Comment, the OCA Chief of Legal Office, Wilhelmina D. Geronga, issued a Memorandum[14] dated September 23, 2016, addressed to the Court Administrator, recommending that the complaint be considered closed and terminated for lack of substantial evidence to prove the administrative culpability of Judge Bacolod relative to the charges of immorality, corrupt practices, and drug peddling but recommended that Judge Bacolod be sternly warned to be more circumspect in the performance of his duties and to strictly comply with the rules on office hours.[15]

Report and Recommendation of the OCA

In its Administrative Matter for Agenda (AMFA)[16] dated March 26, 2018, the OCA recommended the following:

- The instant administrative complaint against Judge Bacolod be re-docketed as a regular administrative matter;
- Judge Bacolod be found guilty for violating Section 9 (4), Rule 140 of the Revised Rules of Court, and be required to pay a fine of Ten Thousand Pesos (P10,000.00);[17]
- Judge Bacolod be found guilty of immorality and be suspended for six (6) months without salary and other benefits, with stern warning that a repetition of the same or similar offenses shall be dealt with more severely; and
- The charges of corruption and drug peddling against Judge Bacolod be dismissed for lack of substantial evidence.[18]

The OCA found Judge Bacolod guilty of immorality. The OCA noted his own admission that his wife is already living with another man and that they are both in *pari delicto*. By saying "*in pari delicto*" he admitted that he is cohabiting with another woman just the same as his wife is cohabiting with another man abroad. Based on his own admission, Judge Bacolod clearly failed to adhere to the exacting standards of morality and decency which every member of the judiciary is expected to observe.[19]

The OCA also found Judge Bacolod guilty of habitual absenteeism and/or maintaining irregular calendar of court hearings. Citing Administrative Circular No. 3-99 dated January 15, 1999, which provides that session hours of all Regional Trial Courts, Metropolitan Trial Courts, Municipal Trial Court in Cities, Municipal Trial Courts, and Municipal Circuit Trial Courts shall be from 8:30 A.M. to noon and from 2:00 P.M. to 4:30 P.M. from Monday to Friday, the OCA noted that Judge Bacolod's act of conducting hearings only twice a month miserably falls short of what is required by the rules on office attendance. The OCA also cited Administrative Circular Nos. 1-99, 2-99, and 3-99, OCA Circular No. 63-2001 dated October 3, 2001, and OCA Circular No. 09-2015 which reiterated the rule on office hours in courts and its strict observance.

The OCA was not convinced with Judge Bacolod's excuse that he had other court stations to report to. The period when he had to report to other court stations covers the months of April and June of 2009 which was clearly more than five (5) years ahead the date of the anonymous complaint which is August 24, 2015. To add, the OCA gathered that as of May 2016, Judge Bacolod had a total caseload of 155 only. Taken together, these circumstances clearly do not work to exonerate him from being administratively liable.[20]

On the other hand, the OCA recommended that the charges of (1) corrupt practices, and (2) drug involvement against Judge Bacolod be dismissed for lack of substantial evidence.[21]

In the same AMFA dated March 26, 2018, however, the OCA made no discussion regarding Judge Bacolod's alleged act of solemnizing marriages outside his jurisdiction.

The Court's Ruling

The Court adopts the findings and recommendations of the OCA but with modification as to the penalty to be imposed on Judge Bacolod.

The OCA correctly found Judge Bacolod guilty of immorality, habitual absenteeism and/or maintaining irregular calendar of court hearings. In the same vein, the OCA correctly recommended the dismissal of the (1) corrupt practices, and (2) drug involvement charges against Judge Bacolod. With respect to his alleged act of solemnizing marriages outside his jurisdiction amounting to grave misconduct, which the OCA failed to discuss in its report and recommendation, the Court finds Judge Bacolod likewise not guilty of the same.

Judge Bacolod is guilty of immorality.

Judge Bacolod did not deny the allegation that he is cohabiting with a woman other than his legal wife. He

admitted he is only separated de facto from his legal wife, who is currently cohabiting with another man abroad. He calls their current situation as being both in pari delicto or equally at fault. By this, he impliedly admitted that he is cohabiting with a woman other than his legal wife just the same as his wife is also living with another man abroad. Worse, he made false representation in pertinent papers, including government or official records, indicating "separated" as his civil status when in fact his marriage still subsists there being no judicial declaration of nullity or annulment of their marriage yet. With audacity, he contends that this event in his life did not affect his work as a judge.

Judge Bacolod is gravely mistaken.

Immorality is not limited to sexual matters but also includes conduct inconsistent with rectitude, or indicative of corruption, indecency, depravity, and dissoluteness; or is willful, flagrant or shameless conduct showing moral indifference to opinions of respectable members of the community, and an inconsiderate attitude towards good order and public welfare.[22]

To begin with, judges are mandated to adhere to the highest tenets of judicial conduct. They must be the embodiment of competence, integrity and independence. A judge's private as well as official conduct must at all times be free from all appearances of impropriety, and be beyond reproach lest public's trust in the judiciary be diminished.[23]

The Code of Judicial Conduct mandates that a judge should, at all times, behave in a way that fosters public confidence in the integrity and impartiality of the judiciary. The people's confidence in the judicial system is founded not only on the magnitude of legal knowledge and the diligence of the members of the bench, but also on the highest standard of integrity and moral uprightness they are expected to possess.[24] With this, Judge Bacolod should be reminded that judges' conduct, whether private or official, influence the public's faith in the judiciary.

Judge Bacolod, by his own admission, is clearly guilty of immorality. Certainly, it is morally reprehensible for Judge Bacolod, a married man, to maintain intimate relations and cohabit with a woman other than his legal wife. His actions reflect upon his utter disregard of public opinion of the reputation of the judiciary which he represents.[25] He failed to live up to the moral standards expected of everyone in the judiciary. His act of maintaining a relationship and cohabiting with a woman other than his legal wife brought the judiciary into mockery. His acts tainted the judiciary's integrity for it is highly inconceivable how an immoral man can qualify as a magistrate.

Judge Bacolod, being guilty of immorality, shall be held administratively liable therefor.

Judge Bacolod is guilty of
maintaining irregular calendar
of court hearings and habitual
absenteeism with falsification of
official documents (Certificates
of Service).

As discussed by the OCA in its Report and Recommendation, several Administrative Circulars and OCA Circulars mandate that trial court sessions shall be from 8:30 A.M. to 12:00 noon and 2:00 P.M. to 4:30 P.M. from Monday to Friday. Surely, Judge Bacolod failed to comply with this.

Judge Bacolod does not deny, but in fact admits, holding only two (2) hearing days every month. He, however, pleads for compassion claiming he only came up with this kind of schedule to harmonize the allegedly conflicting schedules of lawyers appearing in his court who also have to attend hearings in other courts. He likewise

attributes the cancellation of the scheduled hearings to the absence of these lawyers, or sometimes his own indisposition, or to his compliance with the requirements of OCA with respect to monthly disposal period.

The Court is not persuaded.

Judge Bacolod's attempt to completely exonerate himself from administrative liability miserably failed.

It is very unlikely that all counsels of litigants, public prosecutors, and public lawyers appearing before his court happen to have complementing schedules only twice a month.

In managing their caseload, lawyers have been repeatedly reminded to accept only as much cases as they can efficiently handle in order to sufficiently protect their client's interests.[26] In *Sps. Adecer v. Atty. Akut*,[27] this Court have ruled that if a lawyer is faced with personal matters which require prioritization over the lawyer's professional engagements to his clients, it is only fair that a lawyer should lighten his case load lest he prejudice his clients' cases.

Assuming that lawyers and litigants appearing before his court indeed have complementing schedules only twice a month, what Judge Bacolod could have easily done was to call the attention of these lawyers for unduly delaying the administration of justice and impeding court processes, which court they are officers of. With this warning, the lawyers will have to make an assessment of their efficiency and competence in handling their clients' cases. If they think they cannot punctually attend hearings before Judge Bacolod's court, it is about time they manifest the same to the court and advise their client to find another lawyer who can competitively and efficiently litigate their causes. Unfortunately, Judge Bacolod failed to do this and decided for himself instead to go against the mandated court hearing days and hours.

It is important to note that it is the primordial duty of judges to decide cases justly and expeditiously.[28] In *Concerned Lawyers of Bulacan v. Villalon-Pornillos*,[29] judges were again reminded that circulars prescribing hours of work are not just empty pronouncements. They are there for the purpose of promoting efficiency and speed in the administration of justice, and requiring prompt and faithful compliance by all concerned.

In order to efficiently and expeditiously dispose of cases, judges must fully utilize the court's official time to conduct trials and hearings. With Judge Bacolod's predicament of holding hearings only twice a month, he is likely to introduce undue delay in the disposition of cases in his court. As a consequence, party litigants' right to speedy disposition of their cases will be violated.

As if not enough, and to further his attempt to be excused from administrative liability, Judge Bacolod raised the unavailability for afternoon sessions of ABC Session Hall where they were temporarily holding hearings. Interestingly, he likewise fronts the inhibited cases he allegedly had to attend to in other court stations.

Again, Judge Bacolod's desperate attempt to completely exonerate himself from administrative liability failed.

Assuming that ABC Session Hall was really unavailable for afternoon sessions, Judge Bacolod could have easily asked the OCA or the Court for a temporary place where hearings may be held both in the morning and afternoon. Unfortunately, there was no showing that Judge Bacolod exerted effort to the same end and instead had just let things be. Worse, although ABC Session Hall can be used for morning sessions only, Judge Bacolod still failed to utilize the five (5) morning court sessions he could have held every week. This clearly showed Judge Bacolod's indifference to the strict observance of trial court session hours.

Anent his duty to other court stations, the OCA found that it was in April and June 2009 when Judge Bacolod had to attend to inhibited cases in other court stations. This period clearly was not covered by the anonymous complaint which is dated August 24, 2015, or five (5) years later. For sure, the allegations in the complaint cover

happenings and occurrences which took place not very long before August 24, 2015. Evidently, Judge Bacolod cannot excuse himself from the strict observance of the mandatory trial court session hours by invoking his case assignments in other courts which covered a different period of time.

Undoubtedly, Judge Bacolod violated the Court's directive regarding trial court session hours.

The Court likewise finds Judge Bacolod guilty of habitual absenteeism.

As revealed by the Clerk of Court and Clerk II of MCTC, Mandaon-Balud, Masbate, Judge Bacolod reports to court only twice a month, on the 3[rd] and 4[th] Monday of every month - their hearing days. Interestingly, this was not refuted by Judge Bacolod. Thus, Judge Bacolod is deemed to have effectively admitted that he only reports to the court twice a month just as the hearings in his court are scheduled twice a month only.

Administrative Circular No. 14-2002[30] provides that an employee is considered habitually absent if the employee incurred unauthorized absences exceeding the 2.5 days allowed per month for three (3) months in a semester or at least three (3) consecutive months during the year.

In trying to justify his act of holding only two (2) hearing days, and effectively reporting to the court for only twice a month, he contends that the ABC Session Hall where they were temporarily holding hearings was available only for morning sessions from April 2015 until June 2016. From this, it can be deduced that Judge Bacolod's court attendance of only twice a month has been going on for more than three (3) months in a semester or even more than three (3) consecutive months in a year.

The period of April 2015 to June 2016 covers at least 15 months. Evidently, it can be concluded that Judge Bacolod's habit of reporting to work only twice a month has been rolling for at least 15 months which is a clear case of habitual absenteeism.

Each month has at least 20 working days. It was unreasonable for Judge Bacolod to have decided for himself to report to court, and conduct hearings, only twice a month. The number of his absences was way more than his attendance in court. Judge Bacolod's habit of reporting to court twice a month only is clearly prejudicial to his duty to timely and expeditiously dispose of cases as well as to the general administration of justice.

Given Judge Bacolod's failure to deny the charge of habitual absenteeism against him and coupled with the findings of the Investigating Judge, and based on the statements of the Clerk of Court and Clerk II of MCTC, Mandaon-Balud, Masbate, that he reports to court only on hearing days which were scheduled only twice a month, the Court finds it well established that Judge Bacolod is guilty of habitual absenteeism.

Per certification issued by the Employees' Leave Division, Office of Administrative Services (OAS), OCA, Judge Bacolod incurred a total of only 17 1/2 days of approved leave of absences for the period of April 2015 to June 2016, viz.:

Republic of the Philippines

Supreme Court Office of the Court Administrator

Office of Administrative Services Employees' Leave Division

CERTIFICATION

This is to certify that according to the records of the Employees' Leave Division, Office of Administrative Services, Office of the Court Administrator, Honorable REYNANTE N. BACOLOD, Presiding Judge, Municipal Circuit Trial Court, Mandaon-Balud, Masbate, has incurred the following approved leave of absences for the period of April 2015 up to (j) June 2016:

Vacation Leave with pay

2015 December 1-4, 7-11, 14-18, 21-22, 28, 29 1/2= 17 1/2 days

This further certifies that Judge Bacolod requested for commutation for monetization for the period April 2015 up to June 2016.

MONETIZATIONs

July 2015 = 20 day Charge to Sick Leave

June 2016 =20 day Charge to Vacation Leave

It can be deduced from the above certification that Judge Bacolod made untruthful statements in his own Certificates of Service for the period of April 2015 to June 2016 to cover for the actual number of his absences.

In *Amante-Descallar v. Ramas*,^[31] the Court discussed that:

A judge's submission of false certificates of service seriously undermines and reflects on the honesty and integrity expected of an officer of the court. This is so because a certificate of service is not merely a means to one's paycheck but is an instrument by which the Court can fulfill the constitutional mandate of the people's right to a speedy disposition of cases.^[32]

It has already been established above that for the period of April 2015 to June 2016, Judge Bacolod reported to work only twice a month. This makes him absent for at least 18 days per month during said period. The above certification from the Employees' Leave Division, OAS, OCA, however, states that Judge Bacolod incurred a total of only 17 1/2 days of approved leave of absences for the entire period of April 2015 to June 2016. The logical conclusion is that the above-cited certification did not reflect Judge Bacolod's actual number of absences due to his own act of making untruthful statements in his own Certificates of Service. He did not state the fact that he reported to work only twice a month from April 2015 to June 2016. This is falsification of official documents, to which Judge Bacolod is administratively liable. We stress that falsification of an official document is also punishable under the Revised Penal Code.

No substantial evidence to prove
Judge Bacolod's alleged corrupt
practices, drug involvement, and
grave misconduct, i.e.,

solemnizing marriages outside
his jurisdiction.

Well-settled is the rule that in administrative cases, the burden of proving respondent's administrative culpability rests on the complainant.^[33] The evidence needed to support an administrative charge is substantial evidence. Substantial evidence is that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.^[34]

Judge Bacolod is also being charged for corruption, drug involvement, and grave misconduct for solemnizing marriages outside his jurisdiction. These three (3) charges are all grave offenses.^[35] If a judge is to be disciplined for a grave offense, the evidence against him or her should be competent and should be derived from direct knowledge. Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on.^[36]

Here, complainant have not shown, much less submitted, any evidence to support his/her allegation of Judge

Bacolod's alleged corrupt practices, drug involvement, and act of solemnizing marriages outside his jurisdiction. Even the Investigation Report revealed absence, not mere paucity, of evidence to support the allegation of corrupt practices and drug involvement charges against Judge Bacolod.

In *Sps. Pan v. Salamat*,^[37] We ruled that in administrative cases, before a respondent's silence could be deemed an admission of the allegations against him, there must be substantial evidence to support the allegations.

In the instant case, although Judge Bacolod failed to deny the allegation that he solemnized marriages outside his jurisdiction, complainant nonetheless failed to present sufficient evidence to prove this allegation. The Investigation Report is likewise insufficient to hold Judge Bacolod guilty of this charge for failure to state its basis for arriving at such conclusion. Thus, the Court cannot find Judge Bacolod guilty of corruption, drug involvement, and grave misconduct, i.e., solemnizing marriages outside his jurisdiction, for lack of substantial evidence to prove his administrative culpability therefor.

The penalty.

In *Office of the Court Administrator v. Breta*,^[38] the Court explained:

Supreme Court Administrative Circular No. 2-99 provides that absenteeism and tardiness even if such is not habitual or frequent shall be dealt with severely, and any falsification of daily time records to cover up for such absenteeism or tardiness shall constitute gross dishonesty or serious misconduct. Dishonesty, being in the nature of grave offense, carries the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification for reemployment in government service.^[39]

Thus, We impose upon Judge Bacolod the extreme penalty of dismissal from the service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification for reemployment in government service.

Before We proceed to the penalty for Judge Bacolod's other offenses, We cite the Court's discussion in *Office of the Court Administrator v. Umblas*^[40] regarding subsequent impositions of administrative penalties after an earlier imposition of dismissal from the service, viz.:

At this juncture, it must be noted that in an earlier case decided by the Court entitled *OCA v. Umblas*, Umblas was already meted the penalty of dismissal along with its accessory penalties. Further, in *Garingan-Ferreras v. Umblas*, Umblas was supposed to be meted the same penalty as well, if not for the earlier imposition thereof. Thus, he was instead meted with the penalty of a fine in the amount of [P]40,000.00. Hence, the Court can no longer impose the penalty of dismissal with its accessory penalties to Umblas in this case. In lieu thereof, a penalty of a fine in the amount of [P]40,000.00 shall be imposed on him instead, which amount shall be deducted from his accrued leave credits and if such is insufficient, he shall be ordered to pay the balance.^[41]

In fine, after earlier imposing upon Judge Bacolod the penalty of dismissal for habitual absenteeism with falsification of certificates of service, this Court can no longer impose upon him another penalty of dismissal or suspension. But in lieu thereof, fine shall be imposed.

Immorality is a serious charge under Section 8 (8), Rule 140 of the Rules of Court which, under Section 11 (1) of the same Rule, may be sanctioned with dismissal, suspension from the service, or fine.^[42] As earlier discussed, the Court can no longer impose upon him another penalty of dismissal or suspension from the service. In lieu thereof, Judge Bacolod is fined in the amount of Forty Thousand Pesos (P40,000.00).

As regards Judge Bacolod's act of maintaining irregular calendar of court hearings, Section 9 (2) (4) of Rule 140 provides that violation of Supreme Court rules, directives and circulars, is a less serious charge which, under

Section 11 (B) of the same Rule, is punishable by either suspension or fine.[43] Again, Judge Bacolod is fined in the amount of Twenty Thousand Pesos (P20,000.00) in lieu of suspension.

WHEREFORE, the Court hereby ORDERS the following:

1.)

Respondent Judge Renante N. Bacolod be DISMISSED from the service for Dishonesty with FORFEITURE of retirement benefits except accrued leave credits, and perpetual disqualification for reemployment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution, effective immediately;

2.)

Respondent Judge Renante N. Bacolod is found GUILTY of Immorality. He is hereby ORDERED to pay a fine of Forty Thousand Pesos (P40,000.00), to be paid within thirty (30) days from Notice;

3.)

Respondent Judge Renante N. Bacolod is found GUILTY of maintaining irregular calendar of court hearings (violation of Supreme Court rules, directives and circulars). He is hereby ORDERED to pay a fine of Twenty Thousand Pesos (P20,000.00), to be paid within thirty (30) days from Notice;

4.)

The charges against Judge Renante N. Bacolod for (a) corrupt practices, (b) drug involvement, and (c) grave misconduct for solemnizing marriages outside his jurisdiction, be DISMISSED for lack of substantial evidence.

SO ORDERED.

Peralta, C.J., Perlas-Bernabe, Leonen, Caguioa, Gesmundo, Reyes, Jr., Hernando, Carandang, Lazaro-Javier, Inting, Zalameda, Lopez, Delos Santos, and Gaerlan, JJ., concur.
Baltazar-Padilla,[*] J., On leave.

[1]Also referred to as "Reynante Bacolod" in some parts of the records.

[*] On leave.

[2]Rollo, p. 9.

[3]Id. at 10.

[4]Id. at 15-16.

[5]Id. at 16.

[6]Id. at 15.

[7]Id. at 15-16.

[8]Id. at 16.

[9]Id. at 21-23.

[10]Id. at 22.

[11]Id. at 21-22.

[12]Id. at 22-23.

[13]Id. at 24-28.

[14]Id. at 1-7.

[15]Id. at 7.

[16]Id. at 31-37.

[17]Appears as P5,000.00 in the discussion of the OCA's Report and Recommendation.

[18]Rollo, p. 37.

[19]Id. at 36-37.

[20]Id. at 33-36.

[21]Id. at 37.

[22]Regir v. Regir, 612 Phil. 771, 778-779 (2009).

[23]See Liguio v. Camano, Jr., 435 Phil. 695 (2002).

[24]See Dela Cruz v. Judge Bersamira, 402 Phil. 671 (2001).

[25]See Jamin v. Judge De Castro, 562 Phil. 344 (2007).

[26]See Lijauco v. Atty. Terrado, 532 Phil. 1 (2006).

[27]522 Phil. 542 (2006).

[28]See Tauro v. Colet, 366 Phil. 1 (1999).

[29]805 Phil. 688(2017).

[30]Reiterating the Civil Service Commission's Policy on Habitual Absenteeism, issued on March 18, 2002 and took effect on April 1, 2002.

[31]653 Phil. 26(2010).

[32]Id. at 34.

[33]See Re: Letter-complaint of Atty. Cayetuna, 654 Phil. 207 (2011).

[34]Office of the Court Administrator v. Umblas, 815 Phil. 27, 35 (2017), citing COMELEC v. Mamalinta, 807 Phil. 304(2017).

[35]See Guerrero v. Ong, 623 Phil. 168 (2009); Re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drug ("Shabu") of Reynard B. Castor, 719 Phil. 96 (2013); and Keuppers v. Muricia, A.M.'No. MTJ-15-1860, April 3, 2018. '

[36]Mikrostar Industrial Corporation v. Mabalot, 514 Phil. 203, 208 (2005).

[37]525 Phil. 540 (2006).

[38]519 Phil. 106(2006).

[39]Id. at 109.

[40]Supra note 34.

[41]Id. at 38.

[42]SEC. 8. Serious charges. - Serious charges include:

x x x x

8. Immorality;

x x x x

SEC. 1 1. Sanctions. — A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

- Dismissal from the service, forfeiture of all or part of the benefits as the 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;
- Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
- A fine of more than P20,000.00 but not exceeding P40,000.00.

[43]SEC. 9. Less Serious Charges. - Less serious charges include:

x x x x

2. Frequent and unjustified absences without leave or habitual tardiness;

x x x x

4. Violation of Supreme Court rules, directives, and circulars; x x x x

6. Untruthful statements in the certificate of service;

x x x x

SEC. 11. Sanctions. -

x x x x

B. If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- Suspension from office without salary and other benefits for not less than one (1) nor more than three (3) months; or
- A fine of more than P10,000.00 but not exceeding P20,000.00.

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