

**FACT-FINDING AND INTELLIGENCE BUREAU, REPRESENTED BY
ATTY. MELCHOR ARTHUR H. CARANDANG, OFFICE OF THE
OMBUDSMAN, PETITIONER, VS. J. FERNANDO U. CAMPAÑA,
RESPONDENT.**

G.R. No. 173865. August 20, 2008

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

Petitioner Fact-Finding and Intelligence Bureau, Office of the Ombudsman assails in this instant Petition for Review on Certiorari under Rule 45 of the Rules of Court, the Decision[1] dated 27 April 2006 of the Court of Appeals and its Resolution[2] dated 19 July 2006, which denied the separate Motions for Reconsideration filed by the Office of the Solicitor General (OSG) in CA-G.R. SP No. 91934. The Court of Appeals modified the Decision of the Ombudsman in OMB-ADM-0-00-0547.

On 30 June 2000, respondent J. Fernando U. Campaña, Senior Vice President (SVP) of the Government Service Insurance System (GSIS) was criminally[3] and administratively charged[4] by petitioner Fact-Finding and Intelligence Bureau, Office of the Ombudsman before the Evaluation and Preliminary Investigation Bureau (EPIB) and the Administrative Adjudication Bureau (AAB) of the Office of the Ombudsman with violation of Section 3(e)[5] and (g)[6] of Republic Act No. 3019, also known as the Anti-Graft and Corrupt Practices Act in OMB-0-00-1135, and with violation of Section 22(b), (p) Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987 in OMB-ADM-0-00-0547. It is OMB-ADM-0-00-0547 which is the subject of the instant Petition.

The uncontested factual antecedents leading to the filing of the charges are adequately summarized by the Court of Appeals, thus:

On October 24, 1997, ECOBEL Land, Inc. (ECOBEL) through its Chairman, Josephine Edralin Boright, applied for a medium term financial facility with the GSIS Finance Group to finance the construction of ECOBEL Tower at 1962 Taft Avenue, Manila. The loan application was denied for the following reasons: insufficiency of collateral, the applicant lacks the needed track record in property development and the loan applied for might prove risky.

Subsequently, ECOBEL re-applied for a two year surety bond with the GSIS to guarantee payment of a Ten Million US Dollar loan to be obtained from a foreign creditor with the Philippine Veterans Bank acting as the obligee. ECOBEL's application was approved in principle "subject to analysis/evaluation of the project and the offered collaterals." After evaluation by the GSIS Bond Reinsurance Treaty Underwriting Committee, the collateral offered was found to be a second mortgage. Accordingly, the Committee informed ECOBEL of the rejection of the collateral offered but requested for additional collateral.

Meanwhile, Alex M. Valencerina (Valencerina), then Vice-President for Marketing and Support Services, GIG, submitted through a Memorandum dated January 27, 1998, ECOBEL's bond application for the

evaluation and endorsement by the GSIS Investment Committee (INCOM). In the Memorandum, Valencerina made it appear that the payment guarantee bond is fully secured by reinsurance and real estate collaterals and that the principal was given a limited time to avail of the loan from the funder. In [his] Memorandum addressed to the President/General Manager of the GSIS, Amalio Mallari (Mallari) then Senior [V]ice-President of GSIS, GIG, scribbled his own endorsement by stating "Strong reco. Based on info and collaterals herein stated."

During a meeting on February 17, 1998, a proposal to grant the guarantee payment bond to ECOBEL was presented by Mallari to the INCOM. On March 10, 1998, ECOBEL's application was approved and the GSIS Surety Bond (G(16) GIF Bond No. 029132) was correspondingly issued the following day, March 11, 1998 in favor of ECOBEL with PVB as the obligee. Mrs. Boright signed an indemnity agreement in favor of the GSIS apparently on February 11, 1998 or a month previous to the issuance of the bond. A bill for US\$ 165,000.00 as ECOBEL's bond premium for one year was prepared by the GSIS which Mrs. Boright paid with a postdated check. However, Mallari instructed Valencerina to return the check due to the doubtful capability of ECOBEL to obtain foreign funding for its loan but in an apparent change of heart, Mallari rescinded his own instruction.

Meanwhile, Mallari was reassigned to the Housing and Real Property Development Group under Office Order No. 73-98 dated July 27, 1998. Later, Federico Pascual, President and General Manager of GSIS suspended the processing and issuance of guarantee payment bonds.

Thus, Valencerina prepared three cancellation notices for the signature of Mallari, but was told that the ECOBEL surety bond could not be cancelled because it is a "done deal." Valencerina, upon the request of Mallari, signed a Certification dated January 14, 1999, stating that ECOBEL's Surety Bond No. 029132 "is genuine, authentic, valid and binding obligation of GSIS and may be transferred to Bear, Stearns International Ltd., and any of its assignees within the period commencing at the date above. GSIS has no counterclaim, defense or right of set-off with respect to the surety bond provided that DRAWING CONDITIONS have been satisfied."

Another Certification dated March 30, 1998 set forth the "drawing conditions" as follows: (1) presentation of original surety bond to GSIS at its office in Manila or London, together with (2) presentation of a demand payment stating non-payment in full or in part by the Bond Principal; and (3) notification of assignment to GSIS of US Dollar Loan obligations of the Bond Principal."

Mallari prepared an amended certification and presented it to Valencerina for signature but the latter refused to sign it. Instead, he (Valencerina) instructed Atty. Nora M. Saldares of the Underwriting Department to verify the authenticity of the parcels of land submitted as collaterals by ECOBEL. Based on her report, it appears that the realty covered by TCT No. 66289 was spurious.

Valencerina immediately informed Boright that Surety Bond No. 029132 is "invalid and unenforceable" and that FEB TCT Check No. AC00000445, postdated to February 26, 1999 was disregarded by the GSIS. In spite of the bond cancellation notices, ECOBEL made a drawdown on the loan in the sum of US\$9,307,000.00 from Bear and Stearns International Ltd., using the surety bond earlier issued by GSIS. With the drawdown, ECOBEL offered to pay GSIS, through [respondent] Campaña, VP International Operations, General Insurance Group and sole representative of GSIS in London, the surety bond premium in the amount of US\$330,004.00.

[Respondent] Campaña was neither furnished with copies nor informed of the cancellation notices. He did not know that the surety bond had already been cancelled. Thus, he accepted ECOBEL's premium payment paid in two (2) cheques: one for US\$200,629.00 and another for US\$129,375.00. However, the second cheque was for the reinsurance premium payable to Transatlantic. Thus, it was "held in abeyance pending receipt of the cover and debit notes in respect of its (Transatlantic's) 75% share." (Annex "I"). As the cover and debt notes were not forwarded, the said cheque was not actually paid and later became stale.

It was only on May 14, 1999 or after petitioner Campaña accepted ECOBEL's premium payment that Valencerina gave information of the decision of GSIS canceling Surety Bond No. 029132. Petitioner Campaña explained his actions, but GSIS still investigated the incident and forwarded its report to the Fact-Finding and Intelligence Bureau (FFIB) of the Office of the Ombudsman, which conducted its own fact-finding investigation.

Based on the FFIB's report, a criminal case was filed against [respondent] Campaña, Mallari, Valencerina, and Manager Leticia Bernardo for alleged violation of Sec. 3 (e) and (g) of R.A. 3019, as amended, as well as administrative complaint for alleged gross neglect of duty, inefficiency and incompetence in the performance of official duties.[7]

As can be gathered from the report[8] of petitioner Fact-Finding and Intelligence Bureau, respondent exercised manifest partiality, evident bad faith, or gross negligence by issuing a surety bond to Ecobel Land Incorporated (ECOBEL), which ECOBEL did not deserve; and by entering into a transaction representing GSIS which was grossly disadvantageous to the latter since the issuance of the bond was done without ensuring the authenticity of the title to the collateral posted by ECOBEL, which turned out to be spurious; hence, the government stands to lose US\$9,307,000.00 without the chance of recovering the same by way of foreclosing said property.[9] There was, likewise, substantial evidence to show that respondent grossly neglected his duty, and was inefficient and incompetent in the performance of his official duties.

After due proceedings, the Office of the Ombudsman rendered a Decision,[10] dated 27 January 2005, in OMB-ADM-0-00-0547, finding respondent liable for gross neglect of duty, inefficiency and incompetence in the performance of official duties. According to the Ombudsman, respondent Campaña represented to third persons that the bond was valid and binding as between GSIS and ECOBEL when in fact no premium was paid. Moreover, the Ombudsman faulted respondent Campaña for accepting the late payments of ECOBEL premium without definitive clearance from his superiors.[11]

Consequently, respondent Campaña was found guilty of gross negligence and inefficiency and incompetence in the performance of official duties. Respondent Campaña was meted the penalty of dismissal from service.[12] On 8 June 2005, the Ombudsman issued an Order,[13] modifying its 27 January 2005 Decision, finding respondent Campaña guilty of grave misconduct and imposing the penalty of dismissal from service.[14]

Respondent Campaña moved for a reconsideration of the 27 January 2005 Decision, as modified by the Ombudsman in his Order dated 8 June 2005. On 1 September 2005, the Ombudsman issued an Order,[15] denying the same. The Ombudsman did not give credit to respondent Campaña's invocation of his length of service to be considered as a mitigating circumstance in his favor. Instead, the Ombudsman deemed respondent Campaña's length of service in conjunction with his membership in the Philippine Bar to be aggravating. It was held that respondent Campaña's technical expertise and legal experience should have prodded him to be more cautious and vigilant in the performance of his official duties.[16]

Thus, respondent Campaña filed with the Court of Appeals a Petition for Review seeking to annul the Decision and Order of the Ombudsman, dated 27 January 2005 and 8 June 2005, respectively.

On 27 April 2006, the Court of Appeals rendered its Decision, affirming the Ombudsman's finding of guilt against respondent Campaña for grave misconduct. The appellate court observed that notwithstanding his lack of participation in the application, approval and issuance of the ECOBEL bond, respondent Campaña proceeded to certify that the bond was valid and binding.[17] It underscored the fact that the GSIS London Representative Office, where respondent Campaña served as Vice-President for International Relations, had no underwriting capacities and was merely a representative office.[18] Such fact could not have escaped the attention and knowledge of respondent Campaña, a high-ranking official of the GSIS. Further, the Court of Appeals faulted

respondent Campaña for accepting the belated payment of bond premium notwithstanding the established policy of the GSIS that the same should be paid at the main office in Manila. The Court of Appeals affirmed the conclusion of the Ombudsman that respondent Campaña omitted the necessary care demanded of him under the situation with indifference to the consequences thereof.

However, the Court of Appeals modified the penalty imposed by the Ombudsman. Instead of meting out the most severe penalty of dismissal from service against respondent Campaña, the Court of Appeals took note of his thirty-four (34) years of unblemished record in the government service. For said reason, the Court of Appeals found the penalty of suspension from office without pay for one (1) year as reasonable. It cited Section 16, Rule XIV of the Rules Implementing Book V of Executive Order No. 292, which states that in the determination of penalties to be imposed, mitigating and aggravating circumstances may be considered. In reducing the penalty, the Court of Appeals also alluded to Section 53,[19] Rule IV of the Uniform Rules on Administrative Cases in the Civil Service and deemed respondent Campaña's length of service to be mitigating. The Court of Appeals disposed, thus:

WHEREFORE, the petition is PARTLY GRANTED. The Decision dated January 27, 2005 of the Preliminary Investigation and Administrative Adjudication Bureau-B as modified by the Honorable Ombudsman on June 8, 2005 finding petitioner guilty of grave misconduct and the September 1, 2005 Order denying his Motion for Reconsideration are AFFIRMED subject to the modification that petitioner is SUSPENDED from office without pay for ONE (1) YEAR.[20]

The Solicitor General and the Ombudsman filed separate Motions for Reconsideration of the aforesaid Decision, which were denied by the Court of Appeals in its Resolution[21] dated 19 July 2006. The Court of Appeals maintained that respondent Campaña's unblemished record for more than three decades of government service should mitigate the penalty imposed upon him.

Hence, the instant Petition filed by the Fact-Finding and Intelligence Bureau, Office of the Ombudsman, on the primordial question of the propriety of reducing respondent Campaña's penalty of dismissal to suspension for one (1) year without pay.

We emphasize that this is not the time and place to review respondent Campaña's guilt for the administrative offense charged, as that question has been settled. It is now water under the bridge. It was petitioner Fact-Finding and Intelligence Bureau, Office of the Ombudsman, which elevated the assailed Decision of the Court of Appeals questioning the reduction of penalty. Verily, what is herein disputed is whether the Court of Appeals correctly mitigated the administrative penalty originally imposed by the Ombudsman.

Length of service is an alternative circumstance which can mitigate or possibly even aggravate the penalty, depending on the circumstances of the case.[22] Section 53, Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service, grants the disciplining authority the discretion to consider mitigating circumstances in the imposition of the proper penalty.[23] The same rule underlines the circumstances which mitigate the penalty, such as length of service in the government, physical illness, good faith, education, or other analogous circumstances. In several cases,[24] this Court has mitigated the imposable penalty for humanitarian reasons and considered respondent's length of service in the government and his good faith. In several cases, we refrained from imposing the extreme penalty of dismissal from the service where the erring employee had not been previously charged with an administrative offense.[25] In a catena[26] of cases, this Court has taken into consideration the presence of mitigating circumstances and lowered the penalty of dismissal imposed on respondent.[27]

In the instant case, we find that the penalty of suspension as reduced by the Court of Appeals is proper under the

circumstances. Considering respondent Campaña's length of service of thirty-four (34) years, his unblemished record in the past and the fact that this is his first offense, the mitigation of his penalty from dismissal to the penalty of suspension from office without pay for one (1) year is in accord with law and jurisprudence.

WHEREFORE, the instant Petition is DENIED. The Decision of the Court of Appeals in CA-G.R. SP No. 91934, dated 27 April 2006 and its Resolution, dated 19 July 2006 are AFFIRMED. No costs.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, Carpio Morales and Reyes, JJ., concur.

[*] Justice Conchita Carpio Morales was designated to sit as additional member replacing Justice Antonio Eduardo B. Nachura per Raffle dated 14 November 2007.

[1] Penned by Associate Justice Mariano C. Del Castillo with Associate Justices Conrado M. Vasquez, Jr. and Magdangal M. De Leon, concurring. Rollo, pp. 45-75.

[2] Rollo, p. 76.

[3] The Sandiganbayan in a Resolution dated 14 August 2003 in Criminal Case No. 27474 granted respondent Campaña's Motion to Quash and dismissed the case insofar as he was concerned. (Penned by Associate Justice Teresita Leonardo-de Castro with Associate Justices Diosdado M. Peralta, Francisco H. Villaruz, Jr., and Norberto Y. Geraldez, concurring and Associate Justice Gregory S. Ong, dissenting; rollo, pp. 217-228.) .

[4] Respondent's co-accused were: AMALIO A. MALLARI, then Senior Vice President (SVP) General Insurance Group (GIG), now SVP Housing and Real Property Development Group (HRPDG); ALEX M. VALENCERINA, Vice President (VP), Technical Service Group (TSG), GIG; and LETICIA BERNARDO, then Manager, Surety Department, GIG.

[5] Sec. 3. Corrupt practices of public officers. - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

[6] (g) Entering, on behalf of the Government, into any contract or transaction manifestly and grossly disadvantageous to the same, whether or not the public officer profited or will profit thereby.

[7] Rollo, pp. 46-52.

[8] Ombudsman rollo, pp. 2-17.

[9] The charges in the Complaint-Affidavit, dated 30 June 2000, which was filed by petitioner Fact-Finding and Intelligence Bureau, Office of the Ombudsman, read:

"The Fact-Finding and Intelligence Bureau (FFIB), Office of the Ombudsman xxx hereby files these criminal and

administrative complaints before the Evaluation and Preliminary Investigation Bureau (EPIB), and the Administrative Adjudication Bureau (AAB), respectively, against the following public officials of the Government Service Insurance System (GSIS):

x x x x

3. FERNANDO U. CAMPANA, VP, London Representative Office, International Operations, GIG

x x x x

- for violation of Section 3 (e) and (g) of Republic Act 3019 in relation to GSIS Policy and Procedural Guidelines Nos. 64-80 and 16076 (VII, VIII and XIII BB), in connection with: (1) giving of unwarranted benefit advantage or preference by the said GSIS officials to ECOBEL thru manifest partiality, evident bad faith, or gross inexcusable negligence, by issuing to ECOBEL the surety bond at issue to which it does not deserve and thereafter make BEAR STEARNS as obligee without ensuring the existence of a valid and existing agreement between ECOBEL and [Philippine Veterans Bank] PVB; and (2) entering into a transaction representing GSIS which is grossly disadvantageous to the latter since in the issuance of the bond, without ensuring the authenticity of the title of the collateral posted by ECOBEL which turned out to be spurious, the government stands to lose US\$ 9,307,000.00 without the chance of recovering the same by way of foreclosing the said property,

-and-

for violation of Sec. 22 (b), (p) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292, otherwise known as the Administrative Code of 1987, for Gross Neglect of Duty, and Inefficiency and Incompetence in the Performance of Official Duties.

[10] Ombudsman rollo, pp. 315-346.

[11] Id. at 340.

[12] The dispositive portion of the Decision of the Ombudsman, dated 27 January 2005 in OMB-ADM-0-00-0547, reads:

WHEREFORE, consistent with CSC Resolution No. 991936 or the Uniform Rules on Administrative Cases that this Office adheres to and applies in the disposition of administrative complaints, we find the liabilities and the corresponding penalties of the following respondents as follows:

Amalio A. Mallari is found liable for simple neglect of duty, and inefficiency and incompetence for which the penalty of one year suspension without pay is meted, applying Section 55 of the Uniform Rules;

Alex M. Valencerina and Fernando U. Campaña are both found liable for gross neglect of duty, and inefficiency and incompetence in the performance of official duties. Gross neglect of duty being the more serious offense, the penalty of dismissal from the service is hereby imposed.

The corresponding disabilities and accessories to administrative penalties provided for in Sections 57 to 58 of the Uniform Rules on Administrative cases also attaches.

The charges against Leticia Bernardo are dismissed. (Rollo, pp. 145-146.)

[13] Ombudsman rollo, pp. 347-349.

[14] The Order dated 8 June 2005 modified the dispositive portion of the Decision of the Ombudsman, dated 27 January 2005 in OMB-ADM-0-00-0547, in the following manner:

WHEREFORE, the 27 January 2005 Decision by PIAB-B is hereby APPROVED with the following MODIFICATIONS:

- Respondents ALEX M. VALENCERINA, AMALIO A. MALLARI, and FERNANDO U. CAMPA[Ñ]A are hereby held GUILTY of GRAVE MISCONDUCT and, thus, meted the penalty of DISMISSAL FROM THE SERVICE, together with all its accessory penalties/disabilities as provided in Sections 57-58 of the Uniform Rules on Administrative Cases;

- As to respondent LETICIA BERNARDO, the resolution of the instant case is hereby held in abeyance. PAMO is hereby directed to conduct further proceedings against her upon service of the subpoena and copy of the complaint-affidavit on her; and

- PAMO is also hereby ordered to direct ASP III Louella Mae Oco-Pesquera, by way of subpoena duces tecum, to submit certified true copies of the records of Crim. Case No. 27474 relating to the re-evaluation/reinvestigation previously conducted by her. (Rollo, pp. 150-151.)

[15] Ombudsman rollo, pp. 456-473.

[16] Id. at 467.

[17] Rollo, p. 67.

[18] Id.

[19] SEC. 53. Extenuating, Mitigating, Aggravating or Alternative Circumstances. - In the determination of the penalties to be imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

x x x x

J. Length of service in the government

x x x x

L. Other analogous circumstances.

[20] Rollo, p. 74.

[21] Id. at 76.

[22] Gonzales v. Civil Service Commission, G.R. No. 156253, 15 June 2006, 490 SCRA 741, 749; CSC Memorandum Circular No. 19-99, Rule IV, Section 53 (J) recognizes length of service in the government as a mitigating circumstance.

[23] Re: Failure of JoseDante E. Guerrero toRegister His Time In and Out in the Chronolog Time Recorder Machineon Several Dates, A.M. No. 2005-07-SC, 19 April 2006, 487 SCRA 352, 367.

[24] In Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division (A.M. No. 2001-7-SC & 2001-8-SC, 22 July 2005, 464 SCRA 1, 18-19) in which therein respondents were found guilty of dishonesty, the Court, for humanitarian considerations, in addition to various mitigating circumstances in respondents' favor, meted out a penalty of six months' suspension instead of imposing the most severe penalty of dismissal from service. In imposing a lower penalty, the court, for humanitarian considerations, took note of various mitigating

circumstances in respondents' favor, to wit: (1) for respondent ANGELITA C. ESMERIO: her continued long years of service in the judiciary amounting to 38 years; her faithful observance of office rules and regulations from the time she submitted her explanation-letter up to the present; her acknowledgment of her infractions and feelings of remorse; her retirement on 31 May 2005; and her family circumstances (i.e., support of a 73-year-old maiden aunt and a 7-year-old adopted girl); and (2) for ELIZABETH L. TING: her continued long years of service in the judiciary amounting to 21 years; her acknowledgment of her infractions and feelings of remorse; the importance and complexity of the nature of her duties (i.e., the preparation of the drafts of the Minutes of the Agenda); the fact that she stayed well beyond office hours in order to finish her duties; and her Performance Rating had always been "Very Satisfactory" and her total score of 42 points was the highest among the employees of the Third Division of the Court.

In *Concerned Taxpayer v. Doblada, Jr.* (A.M. No. P-99-1342, 20 September 2005, 470 SCRA 218, 222-223), the penalty of dismissal was reduced by the Court to six months suspension without pay for the attendant equitable and humanitarian considerations therein: Norberto V. Doblada, Jr. had spent 34 years of his life in government service and he was about to retire; this was the first time that he was found administratively liable per available record; Doblada, Jr. and his wife were suffering from various illnesses that required constant medication, and they were relying on Doblada's retirement benefits to augment their finances and to meet their medical bills and expenses.

In *Buntag v. Paña* (G.R. No. 145564, 24 March 2006, 485 SCRA 302, 307), the Court affirmed the findings of the Court of Appeals and the Ombudsman when they took into consideration Corazon G. Buntag's length of service in the government and the fact that this was her first infraction. Thus, the penalty of dismissal for Falsification of Official Document was reduced to merely one year suspension.

In *Re: Imposition of Corresponding Penalties for Habitual Tardiness Committed During the First and Second Semester of 2003 by the Following Employees of this Court*: Gerardo H. Alumbro, (469 Phil. 534, 547 [2004]), Susan Belando, Human Resource Management Assistant of the Employees Welfare and Benefit Division, OCA, was found to be habitually tardy for the third time. A strict application of the rules would have justified her dismissal from the service. However, for humanitarian reasons, she was only meted the penalty of suspension for 30 days with a warning that she would be dismissed from the service if she would commit the same offense in the future. She, subsequently, incurred habitual tardiness for the fourth time. However, again, for humanitarian reasons, the Court found the penalty of suspension for three months without pay to be appropriate.

[25] *Concerned Employee v. Valentin*, A.M. No. 2005-01-SC, 8 June 2005, 459 SCRA 307, 311-312.

[26] See *Civil Service Commission v. Cortez*, G.R. No. 155732, 3 June 2004, 430 SCRA 593, 604, citing *Marasigan v. Buena*, 348 Phil. 1 (1998); *Office of the Court Administrator v. Ibay*, 441 Phil. 474, 479 (2002); *Office of the Court Administrator v. Sirios*, 457 Phil. 42, 48-49 (2003).

[27] The Court in *Buntag v. Paña*, *supra* note 24, enumerated recent cases in which the Court took into consideration the mitigating circumstances present and reduced the imposable penalty of dismissal to suspension from service, to wit:

In *Civil Service Commission v. Belagan* (G.R. No. 132164, 19 October 2004, 440 SCRA 578, 601), the respondent, who was charged with sexual harassment and found guilty of Grave Misconduct, was meted out the penalty of suspension from office without pay for one year, given the respondent's length of service, unblemished record in the past and numerous awards.

In *Vidallon-Magtolis v. Salud* (A.M. No. CA-05-20-P, 9 September 2005, 469 SCRA 439, 469-470), a CA

personnel was found guilty of inefficiency and gross misconduct, punishable by dismissal from the service even for the first offense. However, considering that the respondent had not been previously charged or administratively sanctioned, the Court reduced the penalty and imposed the penalty of suspension for one year and six months.

In *De Guzman, Jr. v. Mendoza* (A.M. No. P-03-1693, 17 March 2005, 453 SCRA 565, 574), the respondent sheriff was charged with conniving with another in causing the issuance of an alias writ of execution and profiting from the rentals collected from the tenants of the subject property. The respondent was subsequently found guilty of Grave Misconduct, Dishonesty and Conduct Prejudicial to the Best Interest of the Service; but instead of imposing the penalty of dismissal, the Court meted out the penalty of suspension for one year without pay, it appearing that it was respondent's first offense.

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