



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
 Manila

EN BANC

JOSSIE P. MONDEJAR,
 Complainant,

A.M. No. P-19-3996
(Formerly OCA-IPI-12-3875-P)

Present:

PERALTA, C.J.,
 PERLAS-BERNABE,*
 LEONEN,
 CAGUIOA,
 REYES, A. JR.,**
 GESMUNDO,
 REYES, J. JR.,
 HERNANDO,
 CARANDANG,
 LAZARO-JAVIER,
 INTING,
 ZALAMEDA,
 LOPEZ,* and
 DE LOS SANTOS, JJ.

— versus —

MAY N. LASPIÑAS, Legal
 Researcher and **MAE VERCILLE**
H. NALLO, Clerk III, both of the
 Regional Trial Court, Branch 40,
 Silay City, Negros Occidental,
 Respondents.

Promulgated:

January 7, 2020

X ----- X

DECISION

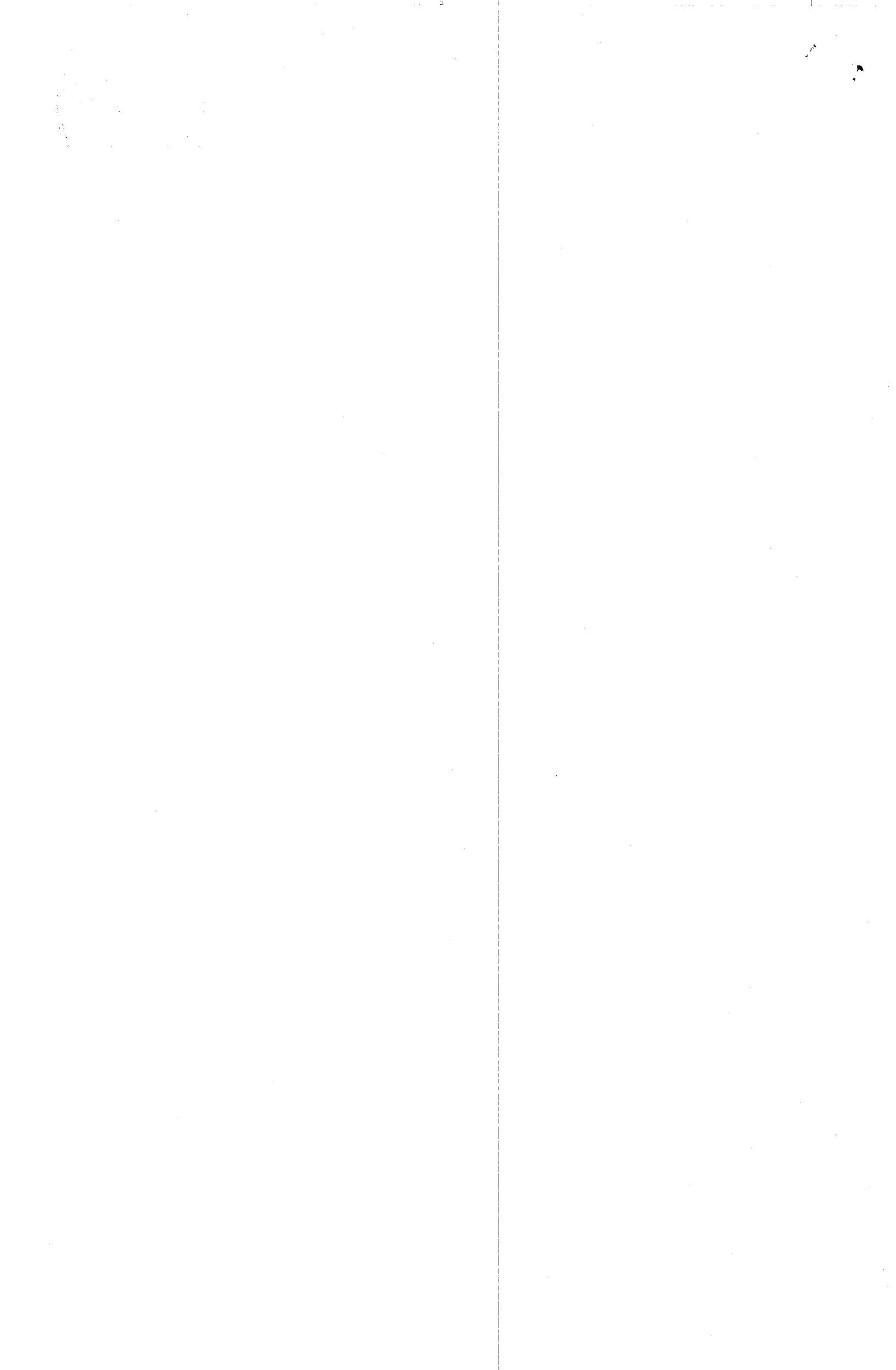
PER CURIAM:

This is a case of court employees acting as fixers in a Petition for Correction/Cancellation of Entries in a birth certificate.

The Facts

In 2008, plaintiff Jossie P. Mondejar (Mondejar) went to see a certain Bebot, later identified as Manuel A. Dalpatan, Jr. (Dalpatan), who works in

* On official leave.
 ** On official business.



the Local Civil Registrar of Silay City. She sought Dalpatan's help in correcting/cancelling the entries in her son's birth certificate. He said that he would consult a certain May, later identified as respondent May N. Laspiñas (Laspiñas). Laspiñas agreed to help for ₱9,000.00, which Mondejar paid after selling her husband's ring. She gave the money to Dalpatan, and the latter made her sign several documents. Dalpatan said that he would give the money and documents to Laspiñas.¹

Mondejar checked the progress of her petition² with Dalpatan several times. He instructed her to look for a certain May *Tambok* (May the fat one) working in the Regional Trial Court (RTC) in the city hall. She discovered that there were two Mays working in the same RTC branch. The first May she approached was later identified as respondent Mae Vercille H. Nallos (Nallos). Nallos pointed to Laspiñas as the person she was looking for.³

Mondejar introduced herself to Laspiñas and said that Dalpatan instructed her to see her. She asked about her petition and Laspiñas replied that there was no result yet because publication must first be made. She advised Mondejar to wait for the court's call, which never happened. She went to Laspiñas several times to follow up the status of her petition, and she always received the same answer.⁴

Mondejar had an acquaintance named Dolor in the Office of the City Prosecutor. Mondejar approached her to check the status of her petition. She learned that her case was already dismissed, and got a copy of the dismissal order.⁵

Mondejar went to see Laspiñas and inquired about her petition. As expected, Laspiñas gave the same answer. Mondejar confronted Laspiñas about the dismissal of her petition and showed her the dismissal order. Laspiñas asked Mondejar to go with her to RTC, Branch 40. Upon checking the case records, Laspiñas realized that the petition was indeed dismissed. To appease Mondejar, she said that the case may be re-filed and that they should stop blaming each other. Mondejar asked who prepared the documents, and Laspiñas replied it was Atty. Danilo T. Pabalinas (Atty. Pabalinas) of the Public Attorney's Office (PAO). Mondejar went to see Atty. Pabalinas for clarification. He said that he only affixed his signature but he did not prepare the documents.⁶

On March 5, 2012, after four years of waiting and going to and fro the city hall, Mondejar filed a letter complaint against Laspiñas and Nallos

¹ *Rollo*, p. 7.

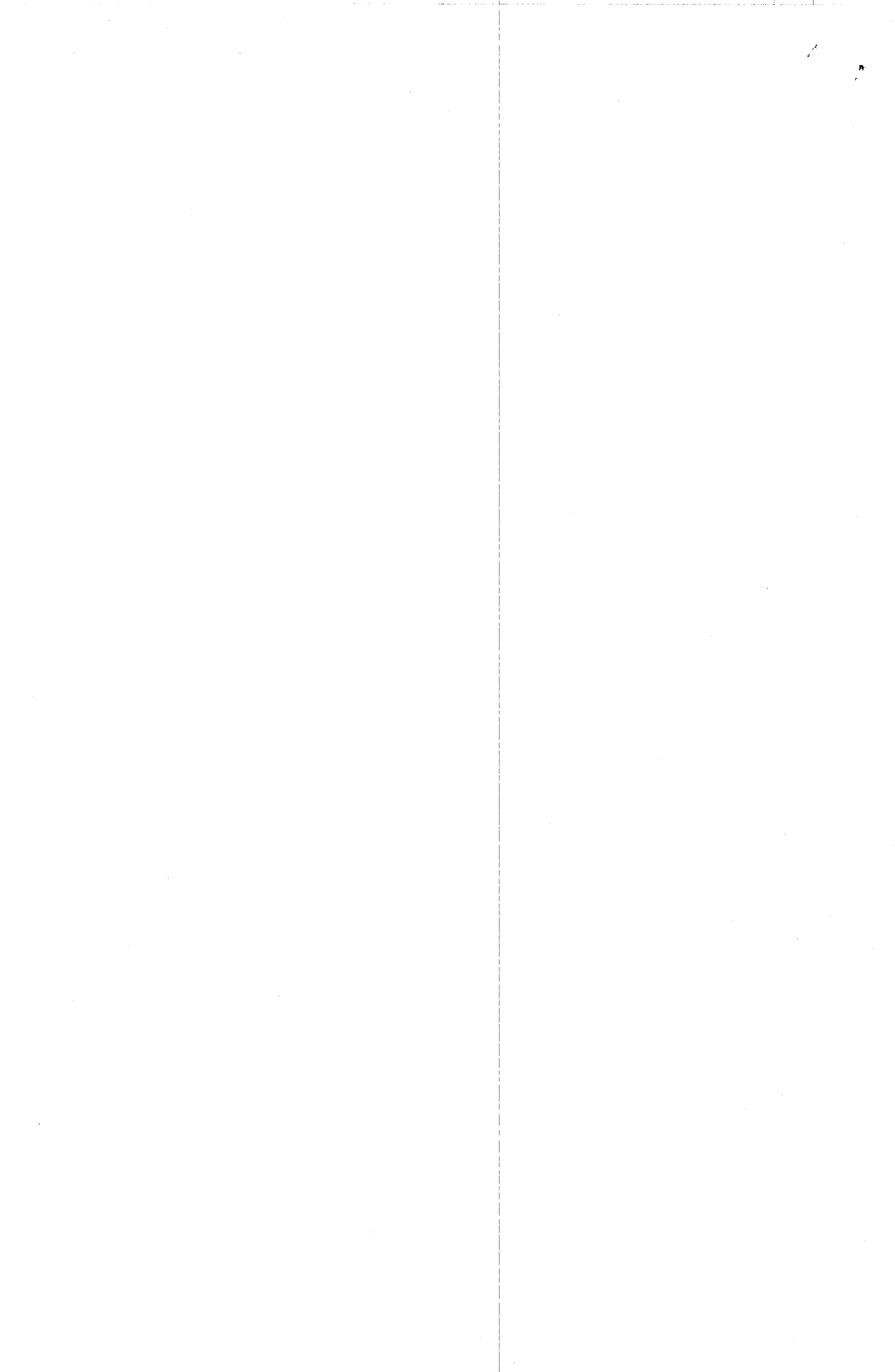
² Special Proceedings No. 1939-40, In Re: Petition for Cancellation of Certificate of Live Birth of Nephson Dailo with Local Civil Registry No. 97-3161 and Retention of the Certificate of Live Birth with Local Civil Registry No. 91-1347 with changes and/or corrections.

³ *Id.* at 7.

⁴ *Id.* at 7-8.

⁵ *Id.* at 8.

⁶ *Id.* at 8-9.



before Executive Judge Dyna Doll Chiongson-Trocio.⁷ Judge Trocio forwarded the letter complaint to the Office of the Court Administrator (OCA).⁸

The OCA ordered Laspiñas and Nallos to file their Comment, which they submitted on July 31, 2012.⁹ They admitted that they were court employees of the RTC of Negros Occidental, Silay City, Branch 40, with Laspiñas as legal researcher and Nallos as clerk III.¹⁰ Both denied the allegations against them. Laspiñas refuted that Dalpatan approached her regarding Mondejar's problem on correction/cancellation of entries, and that she received documents and ₱9,000.00 in exchange for her services. She claimed that a court order was issued directing Mondejar to amend her petition, and without doing so, the publication could not proceed. She contended that the case was dismissed because of failure to comply with the amendment order for an unreasonable length of time, which the court deemed as lack of interest.¹¹

Laspiñas and Nallos averred that the complaint was filed in retaliation to the administrative complaint that they, and the other court employees filed against Judge Felie G. Banzon, who is a close friend of Mondejar's counsel in this complaint, Atty. Leani Jison.¹²

They attached Dalpatan's affidavit in their Comment. He denied receiving money from Mondejar and instructing her to see Laspiñas. What he advised Mondejar, was to see Atty. Pabalinas of PAO regarding her petition.¹³

In her Reply, Mondejar asserted that Laspiñas, Nallos, and Dalpatan were lying. She averred that she had witnesses when she spoke to Dalpatan and Laspiñas. She and Emalyn Moliño Padios (Padios) went to Dalpatan's house to give ₱9,000.00. There were times when Padios accompanied her in checking the status of her petition with Dalpatan, or she would ask Padios to check it by herself.¹⁴

She further alleged that her sister, Jocelyn Pelaez Bitalac (Bitalac), was with her when she confronted Laspiñas about the dismissal of her petition, and when she inquired with Atty. Pabalinas.¹⁵ She attached Padios' and Bitalac's affidavits in her Reply.¹⁶

⁷ Id. at 1.

⁸ Id.

⁹ Id. at 25-26, 27-32.

¹⁰ Id. at 27.

¹¹ Id. at 27-30.

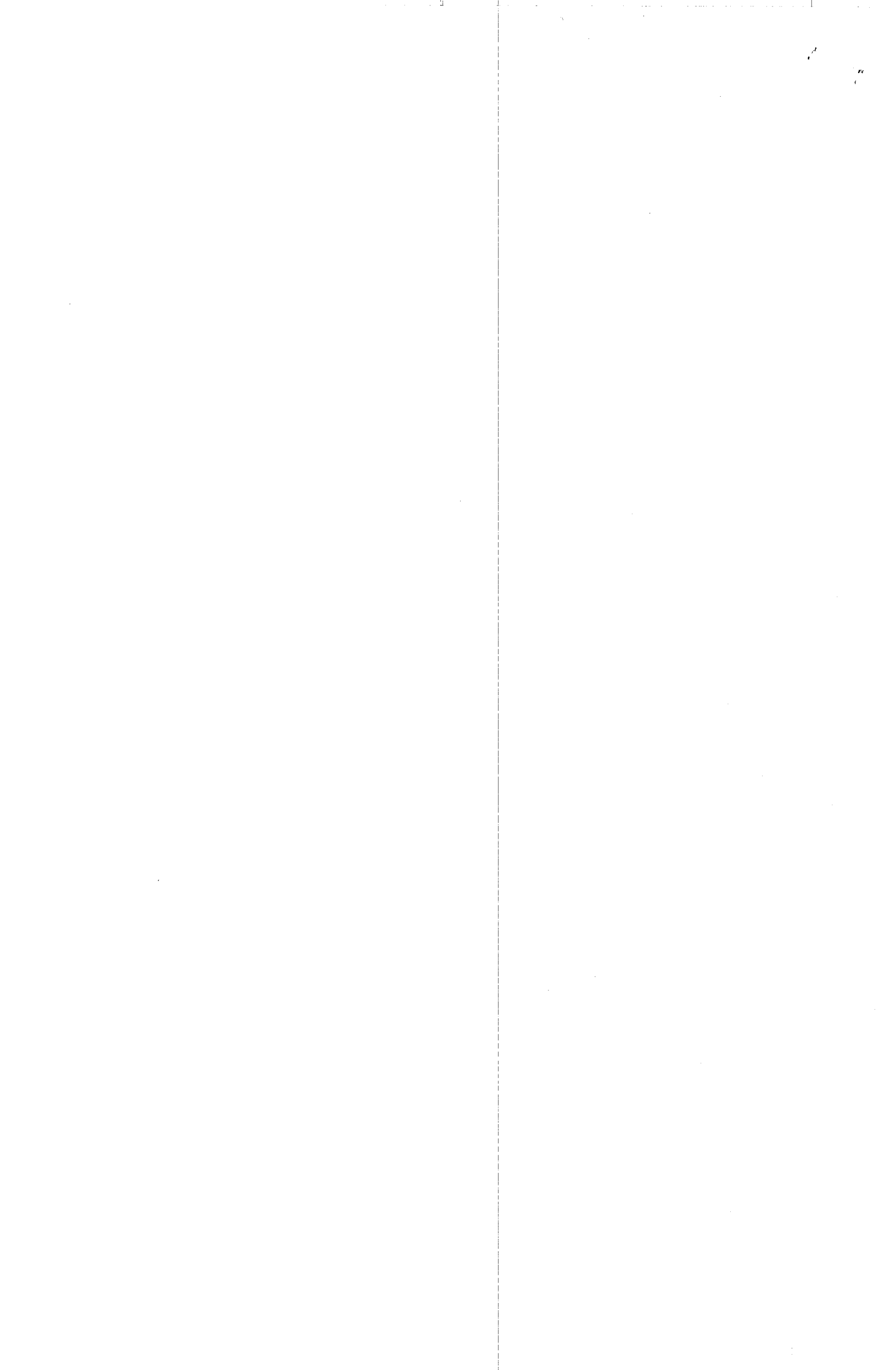
¹² Id. at 31-32.

¹³ Id. at 34-35.

¹⁴ Id. at 53.

¹⁵ Id. at 54.

¹⁶ Id. at 56-59.



In their Comment to Reply, Laspiñas and Nallos pointed out that Mondejar should have filed a complaint against Dalpatan for receiving ₱9,000.00, and should have asked Laspiñas if she indeed received the money. They also took it against Mondejar for taking four years before filing this complaint.¹⁷

In her Rejoinder to Comment to Reply, Mondejar reiterated her allegations in the complaint, and insisted that respondents defrauded her and not Dalpatan. She revealed that she gave Laspiñas a pair of Havaianas slippers, a blouse, and Avon underwear, because she thought that the money was not enough and to expedite the resolution of her petition.¹⁸

The Formal Investigation

On January 8, 2014, the OCA recommended the referral of the complaint to Executive Judge Anita G. Chua (Judge Chua) of RTC, Negros Occidental, Bacolod City for investigation, report and recommendation due to the conflicting versions of the parties.¹⁹

Judge Chua ordered the parties to submit any additional evidence or documents.²⁰ Mondejar submitted a Supplemental Affidavit stating that: (1) Atty. Eric B. De Vera (Atty. De Vera), Clerk of Court (CoC) of the Office of the Clerk of Court (OCC), Silay City, notarized her petition; (2) she does not remember appearing before him for notarization; (3) her own records reveal that only ₱515.00 was paid in relation to her petition; and (4) Laspiñas demanded the gifts she gave her.²¹

Laspiñas and Nallos filed a Comment [on] the Supplemental Affidavit still denying the accusations against them. They insisted that: (1) it was immaterial whether they are close friends with Atty. De Vera, because as CoC of the OCC, he was authorized to notarize documents; (2) the certification from the Branch Clerk of Court (BCC) of RTC, Silay City, Branch 40 stating that Nallos remitted to her ₱3,520.00 was malicious, untruthful and baseless; (3) the publication fee of ₱3,520.00 was paid to the OCC and after raffle, Job Jayobo (Jayobo) received it; and (4) Laspiñas denied asking for gifts from Mondejar.²²

Judge Chua conducted three hearings as part of her investigation. The parties and their witnesses underwent the court's examination.²³

¹⁷ Id. at 62-64.

¹⁸ Id. at 60-61.

¹⁹ Id. at 68.

²⁰ Id. at 73.

²¹ Id. at 77-79.

²² Id. at 93-96.

²³ Id. at 181.

On August 13, 2014, Padios was the first witness to testify. She was present when Mondejar handed ₱9,000.00 to Dalpatan. She checked the status of Mondejar's petition with him, who gave her a piece of paper containing Laspiñas' name for she was the person to look for in the Hall of Justice of Silay. She spoke to Laspiñas and the latter said that the petition was not yet finished so she should come back. She went to court every day for one week to check the progress of the petition. After speaking to Laspiñas, she talked to Nallos, who gave her two sealed envelopes for mailing, one as ordinary mail while the other as special mail.²⁴

The next witness was Atty. Pabalinas, who admitted affixing his signature on the petition but could not remember preparing it. In 2009, he had no office staff so Laspiñas and Nallos helped him in his office work. They would see him in the court where he had a hearing so he could sign the documents. He neither received an amendment order nor a dismissal order on Mondejar's petition.²⁵

On the same day, Mondejar took the witness stand and related the incidents as contained in her complaint.²⁶ Then respondents had their chance to tell their version. Both denied Mondejar's allegations and affirmed their statements in the Comment and other pleadings.²⁷

Nallos' testimony focused on the payment of publication fee as she was in charge of the civil, special proceedings, and cadastral cases. Judge Chua confronted her with a certification²⁸ from Atty. Karen Joy Tan-Gaston (Atty. Gaston), BCC of RTC, Silay City, Branch 40. The certification stated that Atty. Gaston received ₱3,520.00 from Nallos as payment for publication fee for Special Proceeding No. 1939-40, which was Mondejar's petition.²⁹

Nallos denied giving money to Atty. Gaston and she does not know the latter's basis for issuing the certification. She presented a photocopy of the OCC's logbook of payment showing that Mondejar paid the publication fee at the RTC, OCC and a certain Jayobo received it on January 20, 2010.³⁰

On August 20, 2014, Aileen Gamboa (Gamboa) testified that as cash clerk of the OCC RTC, Silay City, she collects the filing fees and other fees. She was already appointed in her position at the time Mondejar's petition was filed in court. She presented the original logbook containing her collections. She wrote majority of the entries in the logbook, but took exception on Special Proceeding No. 1939-40, which was Mondejar's

²⁴ Id. at 107-112.

²⁵ Id. at 112-116; id.

²⁶ Id. at 116-126; id.

²⁷ Id. at 126-137; id.

²⁸ Id. at 102.

²⁹ Id. at 133-134.

³⁰ Id. at 98 and 134.

petition. Based on the logbook, a certain Jayobo received ₱3,520.00 from Mondejar.³¹

Judge Chua commented that he personally knew Jayobo and he was no longer connected with the RTC, Silay City in 2010. She was baffled why he received the money and signed the logbook. She observed several malpractices in the entries in the logbook. There were blank spaces in the logbook, and some entries have no date and time when payments were received. She discovered that the money collected was deposited every Friday and not every day as mandated by the rule. Judge Chua reprimanded Gamboa to correct their practice.³²

On August 27, 2014, Atty. Gaston underwent questioning. During court inventory, she discovered cases that had paid publication fee but no publication took place. She asked the status of the payment and learned that they were taken from the OCC. She checked the OCC's logbook, which contained entries of payments and names of persons who took them for publication. In Mondejar's petition, it appeared that Nallos took the publication fee based on the signature appearing on the logbook. It could not have been Jayobo because he already resigned from employment. Furthermore, there were other instances, wherein Nallos took out the publication fee. Atty. Gaston confronted Nallos, who said there was no publication and so she remitted the money on March 20, 2012. A certification was presented as proof of the remittance. Atty. Gaston then returned the money to Mondejar on March 22, 2012, and the latter executed an acknowledgement receipt.³³

The next witness called to the stand was Dalpatan, who could no longer remember whether Mondejar gave him money for the correction of her son's birth certificate. Judge Chua made it of record that Dalpatan was afflicted with brain cancer as evidenced by a Clinical Laboratory Report.³⁴

The last witness was Atty. De Vera, who testified that he issued a certification on August 14, 2014 stating that Jayobo received the publication fee for Mondejar's petition. The certification was issued on Nallos' request and based on the logbook.³⁵

Atty. De Vera agreed with Judge Chua's observation that the two entries with Jayobo's name had two different signatures. The logbook presented was the only basis of payment to the OCC and withdrawal of publication fee to be given to the BCC where the petition was filed.

³¹ Id. at 139-144.

³² Id. at 143-153.

³³ Id. at 155-161.

³⁴ Id. at 162-163; id.

³⁵ Id. at 164.

However, there was no document or monitoring system that the money withdrawn from the OCC was actually remitted to the BCC.³⁶

Atty. De Vera confirmed that the regular procedure was not followed. Normally, the cash clerk receives all payments. However, in Mondejar's case, Jayobo received the payment directly and did not pass through the cash clerk's hands. Atty. De Vera was unable to give satisfactory and clear explanation why the procedure was not complied with. It was obvious that he had no personal knowledge where the money went and whether Jayobo received it.³⁷

The Investigation Report and/Recommendation

On November 17, 2014, Judge Chua submitted a November 12, 2014 Investigation Report and/or Recommendation to the OCA.³⁸ She opined that between a law graduate like Laspiñas, and Mondejar, who finished only Grade 3, the latter was incapable of concocting a story. Hence, Mondejar's version was more credible.³⁹

Judge Chua determined that in a petition for correction/cancellation of entry, the following computation would be made by the OCC:⁴⁰

Filing fee:	500.00
LRF:	10.00
VCF:	5.00
PSF:	<u>1,000.00</u>
Total:	1,515.00
Publication Fee:	<u>3,520.00</u>
Total:	5,035.00

Here, Mondejar paid ₱9,000, which was way more than the total fees. There was an excess of ₱3,965.00, the whereabouts of which was undetermined.⁴¹

Judge Chua observed that while the petition was filed on December 7, 2009 and raffled to RTC, Branch 40 on December 21, 2009, the publication fee was paid only sometime in January 2010, without official receipt or if there was a receipt, it was never presented during investigation.⁴²

After considering the testimonies and documents presented, Judge Chua made the following findings:

³⁶ Id. at 165-168; id.

³⁷ Id. at 168-171; id.

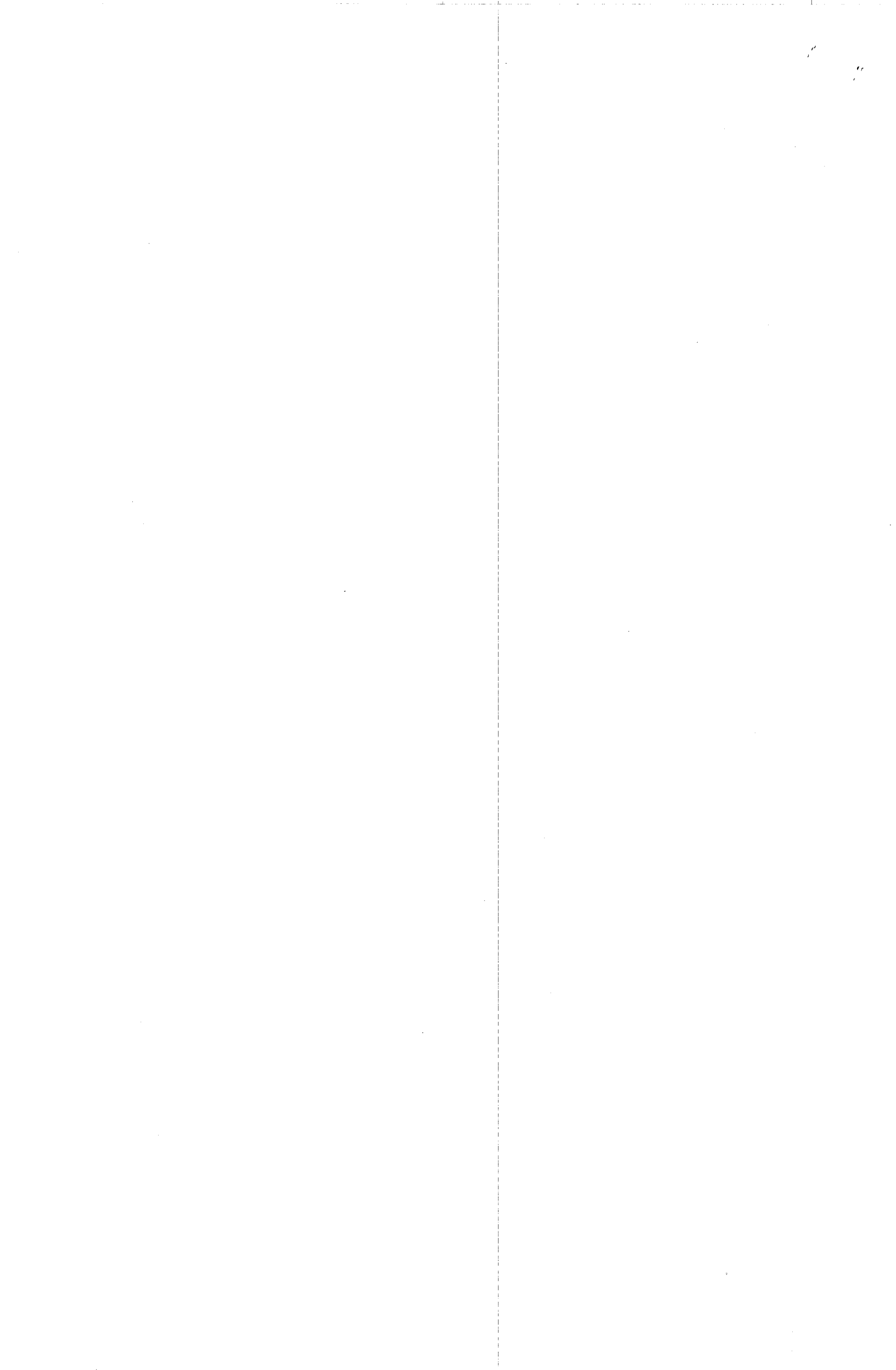
³⁸ Id. at 180.

³⁹ Id. at 185-186.

⁴⁰ Id. at 186.

⁴¹ Id.

⁴² Id.



A. Laspiñas and Nallos were engaged in the practice of making pleadings/petitions for a fee, while Atty. Pabalinas signed them.⁴³

First, Atty. Pabalinas admitted merely affixing his signature in Mondejar's petition but he did not prepare the pleading. He confessed that Laspiñas and Nallos helped him in his office work because he had no secretary. Judge Chua opined that the petition was written by someone who has a legal background, like Laspiñas.⁴⁴

Second, Mondejar's petition is not a PAO case. Every PAO client fills up a personal information sheet and their case recorded with the PAO. Here, the PAO could neither remember Mondejar nor her petition.⁴⁵

Moreover, the PAO did not receive the court orders and notices in Mondejar's petition.⁴⁶ The civil cases docket clerk has the duty to send out summons, court orders, and notices for civil and special proceedings cases. Here, Nallos testified that she was in charge of civil, special proceedings, and cadastral cases, while Laspiñas confirmed that she was the officer-in-charge, because there was no BCC. If they were faithful to their duties, Mondejar and Atty. Pabalinas would have received the court orders and acted on the amendment order and dismissal order. Here, the records show that Mondejar, Atty. Pabalinas, the Local Civil Registrar of Silay, and the National Statistics Office of Bacolod City were not furnished the court orders.⁴⁷

Judge Chua theorized that Mondejar's petition was a package case, wherein there was no need to send out court processes because the outcome of the case was predetermined as of the time of filing.⁴⁸

B. The logbook presented was unreliable for being provisional and may possibly be manipulated.⁴⁹

First, the logbook presented was vastly different from the logbook in possession of Judge Trocio. The logbook from Judge Trocio had numerous receipts stapled on the pages, while there were none in the logbook from the cash clerk, Gamboa. The latter's logbook was also newer.⁵⁰

Second, Gamboa confirmed that they had no system in monitoring payments and relied only on the logbook, which was provisional. Judge Chua observed that the OCC's logbook did not indicate the date of payment,

⁴³ Id. at 187.

⁴⁴ Id. at 186-187.

⁴⁵ Id. at 187.

⁴⁶ Id.

⁴⁷ Id. at 187-188.

⁴⁸ Id. at 188.

⁴⁹ Id.

⁵⁰ Id. at 189.

name of payee, amount, and name of recipient of the transaction. She remarked that this arrangement was susceptible to manipulation. She theorized that Mondejar could not have paid the publication fee at the OCC because she did not know it was necessary. Neither she nor Atty. Pabalinas received any court order. The information could not have come from Dalpatan because she was already referred to Laspiñas. Judge Chua opined that someone paid the publication fee and made it appear that Jayobo received it.⁵¹

C. Laspiñas, Nallos, and their witnesses' testimonial and documentary evidence lack credibility.

First, Dalpatan was unhelpful to the respondents' case as he no longer remembered anything relating to the incident.⁵²

Second, Atty. De Vera's certification that Jayobo received the publication fee was only based on the logbook and not from his personal knowledge. He only certified that there was a particular entry in the logbook.⁵³

Third, Gamboa's testimony that Mondejar paid the publication fee was unreliable because she admitted having no personal knowledge of the transaction and merely relied on the logbook. Judge Chua noticed that all the entries in the logbook contained the signatures of the recipients without their names, except in Jayobo's entries, which contained his signature and name.⁵⁴

Fourth, Laspiñas claimed having told Mondejar of the amendment order, but she did not give her a copy of the order. As officer-in-charge, she ought to know that receipt of the amendment order is essential in a petition. The records reveal that a copy of the amendment order was never sent to Mondejar. Laspiñas pointed to Nallos as the one in charge of mailing. However, Nallos was unable to explain the same.⁵⁵

Laspiñas contended that the money was released to Jayobo because he was the officer-in-charge then. Judge Chua found it unbelievable to have two officers-in-charge in a court at the same time.⁵⁶ She determined that respondents attempted to fabricate evidence to suit their position.⁵⁷

Comparing the logbook and the testimony of Atty. Gaston, Judge Chua decided that the latter is more credible as the manner she testified was direct to the point. She observed that Laspiñas and Nallos never mentioned

⁵¹ Id. at 189.

⁵² Id. at 185.

⁵³ Id. at 188.

⁵⁴ Id. at 189.

⁵⁵ Id. at 189.

⁵⁶ Id. at 190.

⁵⁷ Id. at 189.

Jayobo in their pleadings, and he was their convenient excuse to hide their infractions.⁵⁸

Judge Chua resolved that Laspiñas and Nallos violated A.M.No. 03-06-13-SC or the Code of Conduct for Court Personnel. Court personnel must conduct themselves with the strict standards of integrity and morality. They should not receive tips and remunerations for any assistance to litigants. Judge Chua recommended that respondents be dismissed from the service with forfeiture of all retirement benefits and perpetual disqualification from holding public office.⁵⁹

The OCA's Recommendation

On December 10, 2014, the Court referred the matter to the OCA for evaluation, report, and recommendation.⁶⁰ On February 18, 2016, the OCA determined that there was no compelling reason to deviate from Judge Chua's findings and recommendation. The OCA recommended that respondents be found guilty of grave misconduct and conduct prejudicial to the best interest of the service, and be dismissed from the service with forfeiture of all retirement benefits, except accrued leave credits, with prejudice to their re-employment in the government, and without prejudice to criminal liabilities arising from their infraction.⁶¹

The OCA mentioned that there was another administrative complaint against respondents, docketed as OCA IPI No. 12-3971-P, for grave misconduct and serious dishonesty due to misappropriation of publication fees in several cases pending in RTC, Silay City, Branch 40. In the second case, the OCA recommended Nallos' dismissal from the service and Laspiñas' exoneration for lack of evidence.⁶²

On January 19, 2018, the Court directed the Division Clerk of Court to study the propriety of consolidating the two cases.⁶³ The Division Clerk of Court submitted a January 31, 2018 Memorandum Report delineating the two cases. In OCA IPI No. 12-3971-P, the charges were serious dishonesty and grave misconduct, while in the present case, OCA IPI No. 12-3875-P, the charge was violation of Republic Act 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees. Although the respondents were the same, the two cases neither arise from the same facts nor raise interrelated issues. Hence, they may not be consolidated.⁶⁴

⁵⁸ Id. at 190.

⁵⁹ Id. at 190-191.

⁶⁰ Id. at 192.

⁶¹ Id. at 199-200.

⁶² Id. at 199.

⁶³ Id. at 203.

⁶⁴ Id. at 207-208.

The Court's Ruling

The Court affirms the OCA's recommendation. We also uphold Judge Chua's findings and conclusions, which were arrived at after an extensive investigation.

In *Office of the Court Administrator v. Dalawis*,⁶⁵ the Court enunciated that court personnel must follow a high standard of honesty and integrity in the administration of justice.

No less than the Constitution mandates that a public office is a public trust and that all public officers must be accountable to the people, and serve them with responsibility, integrity, loyalty and efficiency. This constitutional mandate should always be in the minds of all public servants to guide them in their actions during their entire tenure in the government service. As frontliners in the administration of justice, court personnel should live up to the strictest standards of honesty and integrity in the public service.

x x x x

Time and again, this Court has held that it will not countenance any conduct, act or omission on the part of those involved in the administration of justice which violates the norm of public accountability and diminishes the faith of the people in the Judiciary. x x x (Citations omitted)

Here, Dalpatan, who worked in the Local Civil Registrar, would meet potential litigants in need of legal assistance in their problems with regard to birth certificates. He would refer them to Laspiñas and Nallos, who were both working in the RTC which has jurisdiction to resolve a petition for correction/cancellation of entries in a birth certificate. Laspiñas, as a law graduate, would prepare the necessary pleading and documents. She would ask Atty. Pabalinas of PAO to sign the pleading. Nallos, as civil cases docket clerk, would handle the mailing, publication, and sending of court processes. In short, respondents were fixers, and they carry out this arrangement for a fee.

As correctly held by Judge Chua, respondents violated several provisions of A.M. No. 03-06-13-SC or the Code of Conduct for Court Personnel (Code), promulgated on April 13, 2004:

I. Section 4, Canon I on Fidelity to Duty and Section 2 (b), Canon III on Conflict of Interest:

⁶⁵ *Office of the Court Administrator v. Dalawis*, A.M. No. P-17-3638, March 13, 2018.

CANON I
Fidelity to Duty

SEC. 4. Court personnel shall not accept any fee or remuneration beyond what they receive or are entitled to in their official capacity.

CANON III
Conflict of Interest

SEC. 2. Court personnel shall not:

(b) Receive tips or other remuneration for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the Judiciary.

Laspiñas and Nallos demanded ₱9,000.00 from Mondejar for the preparation and filing of a petition in court. Not satisfied, Laspiñas further solicited gifts from her. Asking and accepting money and goods on top of their compensation is prohibited. Worse, they did so to assist a party in initiating a special proceeding in the court. Their actions violated the code on fidelity to duty and conflict of interest.

As it happened, Mondejar's petition was raffled to RTC, Branch 40, where respondents are working. There was a conflict of interest between the expectation to deliver positive results for having prepared the pleading, and the expectation to be impartial and faithful to their duties as court personnel. Evidently, respondents violated two canons of the code.

II. Section 1, Canon I on Fidelity to Duty and Section 1, Canon IV on Performance of Duties:

CANON I
Fidelity to Duty

SEC. 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

CANON IV
Performance of Duties

SEC. 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

Respondents used their court positions to run their scheme. As legal researcher and officer-in-charge, Laspiñas used her legal background and knowledge of court operation to initiate a special proceeding. Nallos, as civil cases docket clerk, took care of the mailing, publication, and sending of court processes. To a naïve or desperate litigant, this arrangement seemed favorable because he/she was dealing with someone working in the court.



An unassuming litigant would easily part with money to solve a legal problem.

Logically, this also means that respondents are not devoting their time solely for official work. Their official time is divided between doing official work and running their scheme.

Furthermore, Nallos was remiss in her duty as civil cases docket clerk when she did not send out the court orders to Mondejar or to her counsel, Atty. Pabalinas. Clearly, respondents' actions resulted in several infractions of the code on fidelity to and performance of duties.

III. Nallos violated Section 5, Canon I on Fidelity to Duty.

CANON I Fidelity to Duty

SEC. 5. Court personnel shall use the resources, property and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.

Atty. Gaston testified that the logbook showed Nallos' signature; thus, making her the recipient of the publication fee of ₱3,520.00. However, there was no publication. Nallos did not explain the lack of publication or the money's whereabouts. She simply remitted the money to Atty. Gaston so that the latter can return it to Mondejar. Nallos failed to use the publication fee for its intended purpose, which is a breach of her duty.

In sum, respondents' infractions are classified as grave offenses and punishable by dismissal from the service under Section 50(A)(3)(10) of the Civil Service Commission Resolution No. 1701077, or the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), promulgated on July 3, 2017.

RULE 10 Administrative Offenses and Penalties

SEC. 50. *Classification of Offenses.* — Administrative offenses with corresponding penalties are classified into grave, less grave and light, depending on their gravity or depravity and effects on the government service.

A. The following grave offenses shall be punishable by dismissal from the service:

x x x x

3. Grave Misconduct;

x x x x

8

10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value in the course of one's official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of one's office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature[.]

WHEREFORE, premises considered, the Court finds May N. Laspiñas, Legal Researcher, and Mae Vercille H. Nallos, Clerk III, both of the Regional Trial Court of Negros Occidental, Silay City, Branch 40, **GUILTY** of grave misconduct and soliciting and accepting money and gifts in connection with a transaction affecting their official functions.


The Court imposes upon them the penalty of **DISMISSAL** from the service with **FORFEITURE** of all retirement benefits, except accrued leave credits, and perpetual disqualification from holding public office in any branch or instrumentality of the government, including government-owned or controlled corporations.

The Office of the Court Administrator is **DIRECTED** to file the appropriate criminal charges against respondents Laspiñas and Nallos.

The Court also **REFERS** the case to the Public Attorney's Office for their information and appropriate action.

This Decision is immediately **EXECUTORY**.

SO ORDERED.

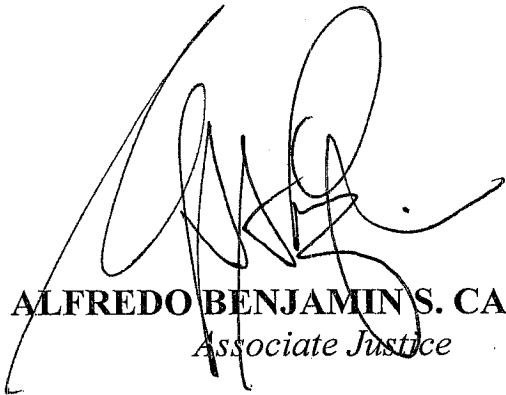


DIOSDADO M. PERALTA
Chief Justice

(On Official Leave)
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice

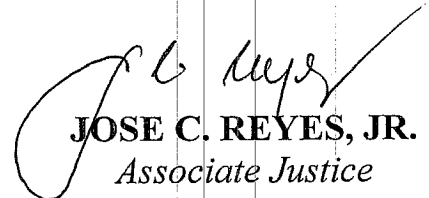


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

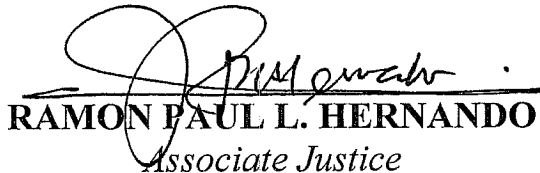
(On Official Business)
ANDRES B. REYES, JR.
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



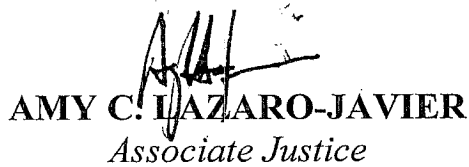
JOSE C. REYES, JR.
Associate Justice



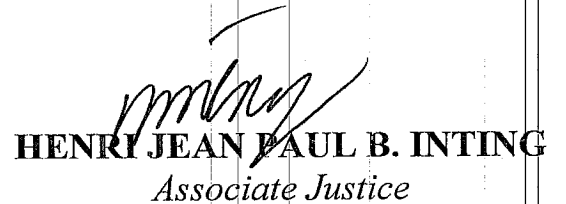
RAMON PAUL L. HERNANDO
Associate Justice



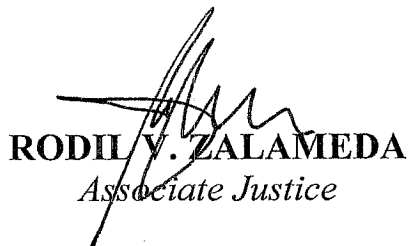
ROSMARI D. CARANDANG
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice

(On Official Leave)
MARIO V. LOPEZ
Associate Justice



EDGARDO L. DE LOS SANTOS
Associate Justice

