



Republic of the Philippines
Supreme Court
Manila

EN BANC

**OFFICE OF THE COURT
ADMINISTRATOR,**
Complainant,

**A.M. No. RTJ-21-2604
[Formerly A.M. No. 21-01-03-SC]**

- versus -

**HON. JESUS B. MUPAS, Former
Presiding Judge, ATTY.
MELBEN REY M. MADRID,
Branch Clerk of Court, LIZA I.
DOCTOLERO, Court
Stenographer, and HERMITO
DELA CRUZ III, Criminal
Clerk-in-Charge, all of the
Regional Trial Court of Pasay
City, Branch 112,**

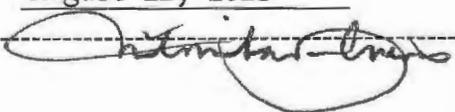
Respondents.

Present:

GESMUNDO, C.J., Chairperson,
LEONEN, S.A.J.,
CAGUIOA,
HERNANDO,
LAZARO-JAVIER,
INTING,*
ZALAMEDA,
LOPEZ, M.,
GAERLAN,
ROSARIO,
LOPEZ, J.,
DIMAAMPAO,
MARQUEZ,**
KHO, JR., and
SINGH, JJ.

Promulgated:

August 22, 2023

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* On Leave.

** No part due to prior participation as Court Administrator.

DECISION***PER CURIAM:***

For the Court's Resolution is an administrative matter relating to an incident that occurred in the Regional Trial Court of Pasay City (RTC Pasay), Branch 112. Impleaded as respondents are the following: (a) Former Judge Jesus B. Mupas, then-Presiding Judge (Judge Mupas); (b) Atty. Melben Rey M. Madrid, Branch Clerk of Court (Atty. Madrid); (c) Liza I. Doctolero, Court Stenographer (Doctolero); and (d) Hermito Dela Cruz III, Criminal Clerk-in-Charge (Dela Cruz; collectively respondents).

The Facts

On October 27, 2020, the Office of the Court Administrator (OCA) received information that a radio program reported that "an unidentified court is under investigation for the loss of evidence in the form of money in the approximate amount of ₱800,000.00." The Executive Judge of the RTC Pasay, Judge Divina Gracia L. Peliño (Judge Peliño), then immediately coordinated with Assistant Court Administrator Maria Regina Adoracion Filomena M. Ignacio (ACA Ignacio), who told the latter that based on the clues mentioned in the radio program, the court being alluded to was RTC Pasay Branch 112. Later on, and upon verification, it was ascertained that the radio report pertained to the October 26, 2020 incident in the RTC Pasay Branch 112 where object evidence in Criminal Case Nos. 19-04232-CR and 19-04233-CR for, *inter alia*, Robbery, pending before Judge Mupas' *sala* was lost — particularly, cash amounting to ₱841,691.00.¹

In the Incident Report dated October 27, 2020 executed by Acting Head Guard Elvin A. Patoltol, the Incident Report dated October 27, 2020 by Judge Mupas, and the Memorandum² dated November 4, 2020 likewise by Judge Mupas, it was intimated that: (a) on October 12, 2020, Criminal Case Nos. 19-04232-CR and 19-04233-CR were set for initial presentation of evidence; (b) during the hearing, Police Officer Genomar Geraldino turned over the ₱841,691.00 cash to the court as object evidence, and the same was received by Dela Cruz; (c) Dela Cruz placed the cash in a sealed box signed by the parties; (d) after the hearing, Dela Cruz placed the sealed box containing the cash in Doctolero's locked cabinet, where the latter keeps her transcripts of stenographic notes (TSNs), and that since then, Doctolero had not opened said cabinet; (e) 14 days later, or at around 12 noon of October 26, 2020, Doctolero, together with other court personnel, tried to open the locked cabinet with the key, but were unsuccessful, and they were only able to do so when they used a knife; (f) upon opening the cabinet, they discovered that the

¹ See *rollo*, p. 231.

² *Id.* at 73-76.

lock was already destroyed, and the cash was already missing; and (g) they called on police assistance to investigate the matter.³

Meanwhile on November 10, 2020, the Court *En Banc* promulgated a *Per Curiam* ruling, in *Philippine National Construction Corporation v. Hon Mupas*,⁴ found Judge Mupas administratively liable for three (3) counts of Gross Ignorance of the Law, and accordingly, was meted with the penalties of dismissal from the service and its accessory penalties, and a fine of ₱125,000.00.⁵

Later on, or on January 5, 2021, the Court re-docketed the incident subject of this case as a regular administrative matter; directed respondents to comment on the loss of the cash; and preventively suspended Atty. Madrid, Doctolero, and Dela Cruz for a period of three (3) months, pending investigation of the subject matter.⁶

In his defense, Judge Mupas maintained that during the October 12, 2020 hearing and after the cash was turned over to Dela Cruz, he specifically directed the latter in open court to secure the evidence and place it in the vault. Around half an hour later, Dela Cruz entered his chambers, and thereat, he reiterated his directive to secure the evidence by placing it inside the vault, by bringing it to the Office of the Clerk of Court (OCC) for safekeeping, or by depositing it in a bank. However, Dela Cruz retorted that the vault is already full; the OCC was already closed; and that if the cash would be deposited in the bank, the serial numbers of the money evidence would be affected. Nevertheless, Dela Cruz allegedly assured Judge Mupas that he will see to it that the cash would be secured. According to Judge Mupas, it was only later on, or after the theft incident, that Dela Cruz told him that he only placed the cash inside Doctolero's locked cabinet; and that he duly castigated Dela Cruz for not telling him about where he placed the evidence sooner. Finally, Judge Mupas instructed court personnel to call the police for assistance, and even issued a Memorandum to Atty. Madrid and Dela Cruz as to why they should not be held administratively liable for the missing evidence.⁷

For his part, Atty. Madrid narrated that he was not present during the October 12, 2020 hearing as he was working from home, on account of the quarantine restrictions being implemented at that time. Atty. Madrid then pointed out that on the days that he was working from home, it was Legal Researcher Dana Lyne A. Areola (Areola), who acts as the *sala's* officer-in-charge. According to Atty. Madrid, the turnover of the cash evidence to the court was neither duly reported nor properly endorsed to him, and the only time that he knew of the same was at around 6:20 p.m. of October 26, 2020

³ Id. at 231–234.

⁴ 889 Phil. 641 (2020).

⁵ See *id.*; *rollo*, p. 234.

⁶ Id. at 235.

⁷ Id. at 235–236.

when Areola called him to report the theft incident. Finally, Atty. Madrid contended that no disciplinary action should be taken against him, as he was not negligent in the performance of his duties; and that had the matter been duly endorsed to him by either Areola or Dela Cruz, then the incident would not have happened.⁸

With respect to Dela Cruz, he maintained that he told Judge Mupas that he could not place the cash evidence inside the vault as it was already full; that the OCC was already closed; and that he could not deposit the same in a bank as it will compromise the serial numbers of the evidence due to its fungible nature. According to Dela Cruz, he told Judge Mupas — while the latter was busy talking to someone through his mobile phone — that he will just place the cash inside Doctolero's cabinet as it had a lock. When Judge Mupas did not reply, Dela Cruz found it prudent to just follow his instincts and place the cash evidence inside Doctolero's cabinet. According to him, he did not touch the cash evidence anymore and that it was only after the theft incident that he was informed that the same was already missing. Finally, Dela Cruz faulted Areola by not supervising him as to the proper manner to safekeep the cash.⁹

Finally, Doctolero denied any participation in the loss of the cash evidence. According to her, when Dela Cruz went to her requesting that the cash evidence be placed inside her locked cabinet for safekeeping, she, in hearing distance of other court personnel, refused as the cabinet was for TSNs and not for safekeeping evidence. Thereafter, Dela Cruz went inside Judge Mupas' chambers, and after a few minutes, came out. Dela Cruz then allegedly, still in hearing distance of other court personnel, told Doctolero that he (Dela Cruz) already obtained permission from Judge Mupas to place the cash evidence inside her cabinet. Reluctantly, Doctolero obeyed Judge Mupas' purported instruction in good faith. Further, Doctolero averred that from that time until the theft incident, she never opened the cabinet as there was no need to access the TSNs located thereat. She also added that all along, she thought that Areola or Dela Cruz had already informed Atty. Madrid about the cash evidence placed in her cabinet.¹⁰

The JIB Report and Recommendation

In a Report and Recommendation¹¹ dated June 29, 2021, the Judicial Integrity Board (JIB) – Office of the Executive Director (OED) recommended that: (a) the charges against Atty. Madrid and Doctolero be dismissed for insufficiency of evidence, but they be sternly warned to be more circumspect in the performance of their duties; (b) Judge Mupas and Dela Cruz be found

⁸ Id. at 237.

⁹ Id. at 237–238.

¹⁰ Id. at 239–240.

¹¹ Id. at 198–212. Signed by JIB Acting Executive Director James D.V. Navarrete and JIB-Research and Investigation Services Acting SC Senior Chief Staff Officer Eduardo C. Tolentino.

administratively liable for Neglect of Duty/Violation of Supreme Court Rules, Directives, and Circulars, and each be meted with the penalty of a fine of ₱35,000.00; and (c) Areola be directed within 15 days from receipt of notice as to why she should not be held administratively liable for the loss of the cash evidence in Criminal Case Nos. 19-04232-CR and 19-04233-CR.¹²

As regards Atty. Madrid and Doctolero, the JIB-OED found that they should not be held administratively liable, considering that: (a) Madrid was working from home during the October 12, 2020 hearing when the cash evidence was turned over to the court, and that was not duly apprised of the issues surrounding its safekeeping; and (b) Doctolero only acted in good faith as she truly believed that there was a standing order from Judge Mupas that the cash evidence should be kept inside her locked cabinet. Nonetheless, the JIB-OED reminded them to be more circumspect in the performance of their duties, in that Atty. Madrid should have kept himself abreast with the events transpiring in the office even on days when he was working from home; and that Doctolero should have exerted efforts to ensure that the cash evidence would not stay inside her locked cabinet a day longer because it was not a proper place to safekeep evidence.¹³

With respect to Judge Mupas, the JIB-OED found him negligent in failing to take additional measures to ensure the safekeeping of the cash evidence. According to the JIB-OED, as the Presiding Judge of RTC Pasay Branch 112, he exercises full control and supervision over his staff, and his failure to do so, as evinced by the theft incident, constitutes negligence.¹⁴

Similarly, the JIB-OED found Dela Cruz liable for negligence, as he deliberately failed to follow Judge Mupas' specific instructions for the safekeeping of the cash evidence; and worse, concocted his own plan for such safekeeping and even failed to inform Judge Mupas of the steps that he took.¹⁵

Finally, the JIB-OED pointed out that Areola should have been impleaded as a co-respondent in the instant administrative matter, considering that she was the *sala's* OIC: (a) on October 12, 2020 when the court received the cash evidence; and (b) on October 26, 2020 when the theft incident occurred. Worse, she failed to duly inform Atty. Madrid of the circumstances relating to the turn over of the cash evidence to the court, and only informed the latter when the same already went missing.¹⁶

In an Amended Report and Recommendation¹⁷ dated July 27, 2021, the JIB-OED reiterated its earlier recommendations, with modification in that it

¹² Id. at 212.

¹³ Id. at 210-211.

¹⁴ Id. at 209-210.

¹⁵ Id. at 210.

¹⁶ Id. at 211.

¹⁷ Id. at 214-229. Signed by JIB Acting Executive Director James D.V. Navarrete.



recommended that Dela Cruz be instead be found administratively liable for Gross Neglect of Duty, and accordingly, be meted with the penalty of dismissal from the service, forfeiture of all benefits, except accrued leave credits, if any, and perpetual disqualification from re-employment in any government instrumentality, including government-owned and -controlled corporations.¹⁸

In increasing Dela Cruz' administrative liability and consequent penalty, the JIB-OED pointed out that Judge Mupas explicitly instructed him in open court to secure the cash evidence by placing it in the evidence vault, by turning it over to the OCC, or by depositing it in a bank; and that Judge Mupas even reiterated such directive when Dela Cruz entered his chambers later that day. Despite this, Dela Cruz openly defied Judge Mupas' instructions — under the pretext that the vault was full, the OCC was closed, and that depositing the cash evidence in the bank would compromise its integrity — by coming up with his own “idea” of securing the money inside Doctolero's locked cabinet. Worse, Dela Cruz informed neither Judge Mupas nor Areola regarding his actions. Thus, the JIB-OED found Dela Cruz grossly negligent and primarily liable for the loss of the cash evidence.¹⁹

Later on, the JIB-OED rendered a Second Amended Report and Recommendation²⁰ dated September 14, 2022, where it further modified its recommendations, in that it recommended that the charges against Judge Mupas be dismissed on account of his supervening death on April 5, 2021.²¹

In a Report²² dated April 26, 2023, the JIB Proper essentially echoed the findings and recommendations of the JIB-OED in the latter's Report and Recommendation, Amended Report and Recommendation, and Second Amended Report and Recommendation, with further modification, in that instead of directing Areola within 15 days from receipt of notice as to why she should not be held administratively liable, the JIB Proper merely advised her to be more prudent in her duties.

The Issue Before the Court

The issue for the Court's resolution is whether or not respondents should be held administratively liable for the acts complained of.

¹⁸ Id. at 229.

¹⁹ Id. at 226–227.

²⁰ Id. at 230–246. Signed by JIB Acting Executive Director James D.V. Navarrete.

²¹ Id. at 245. See also id. at 240–241.

²² Id. at 247–261. Penned by Vice-Chairperson Justice Angelina Sandoval Gutierrez (Ret.) and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), First Regular Member Justice Sesinando E. Villon (Ret.), Second Regular Member Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

The Court's Ruling

The Court adopts the findings and recommendations of the JIB, with certain modifications as will be explained below.

I.

At the outset, it is important to note that on February 22, 2022, the Court *En Banc* unanimously approved A.M. No. 21-08-09-SC, entitled "*Further Amendments to Rule 140 of the Rules of Court.*" On April 3, 2022, the publication requirement thereof had already been complied with;²³ hence, Rule 140, as further amended, is already effective.

In this relation, Section 24 of Rule 140, as further amended, explicitly provides that it will apply to all pending and future administrative disciplinary cases involving Members, officials, employees, and personnel of the Judiciary, to wit:

SECTION 24. *Retroactive Effect.* – **All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary,** without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned. (Emphasis and underscoring supplied)

In view of the foregoing, the Court shall resolve this case under the framework of Rule 140, as further amended — as what the JIB did.

II.

At this juncture, it should be pointed out that during the pendency of the case, Judge Mupas had already died, as evinced by the Certification²⁴ dated August 31, 2022 of Registration Officer V Marizza B. Grande, Officer-in-Charge, and Assistant National Statistician of the Civil Registration Service, attesting that one Jesus B. Mupas died in Silang, Cavite on April 5, 2021.²⁵ In this regard, Section 2 (2) of Rule 140, as further amended, reads:

²³ Section 26 of the Rules reads:

SECTION 26. *Effectivity Clause.* – These Rules shall take effect following their publication in the Official Gazette or **in two newspapers of national circulation.** (Emphasis and underscoring supplied)

²⁴ Id. at 264.

²⁵ See *rollo*, pp. 240–241.

SECTION 2. *Effect of Death, Retirement, and Separation from Service to the Proceedings.* —

x x x x

(2) *Circumstances Supervening Only during the Pendency of the Proceedings.* — However, once disciplinary proceedings have already been instituted, the respondent's supervening retirement or separation from service shall not preclude or affect the continuation of the same, *provided*, that, **the supervening death of the respondent during the pendency of such proceedings shall result in the dismissal of the administrative case against him or her.** (Emphasis and underscoring supplied)

As may be gleaned from the Court's own annotations to this provision, the dismissal of an administrative disciplinary case against a respondent due to the latter's supervening death is a codification of recent jurisprudence to this effect, to wit:

NOTES: This is a new provision added to incorporate in Rule 140 the recent pronouncements pertaining to the Court's administrative jurisdiction over respondents who have died, retired, or otherwise separated from service. In this regard, case law states, among others, that:

x x x x

c) In contrast, the **death** of respondent before the final resolution of the case is a cause for its dismissal. "Otherwise stated, the non-dismissal of a pending administrative case in view of the death of the respondent public servant is a transgression of his or her Constitutional rights to due process and presumption of innocence." (See *Flores-Concepcion v. Castañeda*, A.M. No. RTJ-15-2438, September 15, 2020; see also *Re: Investigation Report on the Alleged Extortion Activities of Presiding Judge Godofredo B. Abul, Jr., Branch 4, Regional Trial Court, Butuan City, Agusan del Norte*, A.M. No. RTJ-17-2486, September 8, 2020)

Thus, the JIB correctly recommended the dismissal of the instant administrative matter against Judge Mupas on account of his supervening death.

III.

Dela Cruz is administratively liable for Gross Neglect of Duty.

Gross Neglect of Duty is considered as a serious charge under Section 14 (d) of Rule 140, as further amended. In *Son v. Leyva*,²⁶ the Court, speaking through Justice Amy C. Lazaro-Javier, explained that "[g]ross neglect of duty

²⁶ 867 Phil. 23 (2019) [First Division].

or gross negligence 'refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property.' It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable."²⁷

Here, as aptly pointed out by the JIB-OED and the JIB Proper, after the cash evidence was turned over to Dela Cruz during the October 12, 2020 hearing, Judge Mupas explicitly directed him in open court to secure the same by: (a) placing it in the evidence vault; (b) turning it over to the OCC for safekeeping; or (c) depositing it in a bank. Moreover, Judge Mupas even reiterated such directive to Dela Cruz when the latter entered his chambers later that day. Despite the clear wording of Judge Mupas' instructions, Dela Cruz obstinately refused to heed the same, under the pretext that the evidence vault was full; the OCC was closed; and the integrity of the cash evidence would be compromised if it was deposited in a bank. Verily, both the JIB-OED and the JIB Proper reasonably deduced that it was Dela Cruz's idea to just place the cash evidence inside Doctolero's locked cabinet even if such cabinet was not designed to safekeep evidence — worse: (a) he never told Judge Mupas and even Areola, as OIC of that day, about the imprudent action that he took; and (b) even assuming *arguendo* that his excuses in the afternoon of October 12, 2020 were true, one of them was no longer applicable the next day, *i.e.*, that the OCC was already closed, and as such, he should have moved to rectify the precarious situation that he put himself into. Verily, Dela Cruz's actions manifest a willful disregard of the proper course of action that should be taken in safekeeping such a sensitive piece of evidence, without contemplating on the possible consequences that could ensue — unfortunately, this resulted in the loss of the cash evidence. Hence, the Court adopts the recommendation of the JIB to hold Dela Cruz administratively liable for Gross Neglect of Duty.

Under Section 17 (1) of Rule 140, as further amended, a respondent who is found guilty of a serious charge may be penalized with any of the following: "(a) dismissal from service, forfeiture of all or part of the benefits as the Supreme 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; (b) suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or (c) a fine of more than ₱100,000.00 but not exceeding ₱200,000.00."

²⁷ *Id.* at 38, citing *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 37–38 (2013) [Per J. Bersamin, First Division].

Given the circumstances of this case, including the gravity of the resulting consequences of Dela Cruz's actions, the Court holds that the JIB properly recommended that Dela Cruz be meted with the supreme penalty of dismissal from the service, together with its accessory penalties, as provided under Section 17 (1) (a) of Rule 140, as further amended.

Atty. Madrid and Doctolero must be exonerated, but nevertheless, admonished.

To sustain a finding of administrative liability, only substantial evidence is required, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.²⁸ Here, the Court agrees with the findings and recommendations of the JIB that Atty. Madrid and Doctolero should be exonerated from any administrative liability, but at the very least, they should be castigated for their lack of foresight in the performance of their duties.

As for Atty. Madrid, records clearly show that he was working from home on October 12, 2020 when the cash evidence was turned over to the court and on October 26, 2020 when the theft incident occurred. Moreover, he never knew that such turnover happened during the October 12, 2020 hearing, as neither Dela Cruz nor Areola informed him about it — in fact, he was only apprised of the turn over of the cash evidence and the improper act of placing it in Doctolero's locked cabinet when Areola reported to him the theft incident. Given the foregoing, the Court is hard-pressed to conclude that Atty. Madrid had any hand in the acts which resulted in the loss of the cash evidence. Nevertheless, the JIB also correctly pointed out that as the Branch Clerk of Court, Atty. Madrid should have kept himself abreast of the daily activities of the court despite him being on a work-from-home set up. Had he done so, then he could have rectified the situation.

With respect to Doctolero, the Court agrees with the findings of the JIB that she initially refused to have the cash evidence kept inside her locked cabinet, and that she even reasoned out that her cabinet was not the proper place to store evidence as the same was just for TSNs. In fact, it was only when Dela Cruz misrepresented to her that Judge Mupas gave the instructions to place the cash evidence in her cabinet that Doctolero acquiesced in good faith, albeit reluctantly. Given these circumstances, Doctolero should indeed be absolved from any administrative liability. Despite the foregoing, the JIB aptly observed that Doctolero should have exerted efforts to ensure that the money would not stay in her locked cabinet for a long time, by informing

²⁸ See *Office of the Court Administrator v. Lopez*, 654 Phil. 602 (2011) [*Per Curiam, En Banc*].

Judge Mupas, Atty. Madrid, and/or Areola, so that any of them could take proper action.

Otherwise stated, while Atty. Madrid and Doctolero should not be found administratively liable, they should be reminded to be more circumspect with the performance of their duties. For this purpose, the JIB recommended that they be sternly warned. However, given the circumstances of this case, the Court deems a stern warning insufficient, as an admonition would be more appropriate. To be sure, neither warning or admonition are considered penalties. In *Tobias v. Hon. Veloso*,²⁹ the Court, speaking through Justice Ameurfina A. Melencio-Herrera, explained:

A warning, in ordinary parlance, has been defined as “an act or fact of putting one on his guard against an impending danger, evil consequences or penalties,” while an admonition, “refers to a gentle or friendly reproof, a mild rebuke, warning or reminder, counselling, on a fault, error or oversight, an expression of authoritative advice or warning”. They are not considered as penalties. A reprimand, on the other hand, is of a more severe nature, and has been defined as a public and formal censure or severe reproof, administered to a person in fault by his superior officer or a body to which he belongs. It is more than just a warning or an admonition.³⁰

*Administrative disciplinary
proceedings should be instituted
against Areola.*

Finally, the JIB-OED observed that Areola should have been impleaded in the instant administrative matter, considering that she was the *sala*'s OIC: (a) on October 12, 2020 when the court received the cash evidence; and (b) on October 26, 2020 when the theft incident occurred. Worse, she failed to duly inform Atty. Madrid of the circumstances relating to the turn over of the cash evidence to the court, and only informed the latter when the same already went missing. As such, the JIB-OED recommended that she be directed to comment within 15 days from receipt of notice as to why she should not be held administratively liable.

On the other hand, while the JIB Proper upheld the JIB-OED's findings, it only recommended that Areola be advised to be more prudent in her duties.

The Court upholds the recommendation of the JIB-OED.

Based on the circumstances of the case, it ostensibly appears that Areola, as OIC of the aforementioned dates, may have committed acts or

²⁹ 188 Phil. 267 (1980) [Per J. Melencio-Herrera, First Division].

³⁰ Id. at 274.

omissions that could render her administratively liable. Thus, pursuant to Section 1 (1) in relation to Section 3 (1) of Rule 140, as further amended, an administrative disciplinary complaint should be instituted *motu proprio* against Areola, and that she should file a comment thereto within ten (10) calendar days from notice. For reference, the aforementioned provisions read:

SECTION 1. *How Instituted.* —

(1) *Motu Proprio Against those who are not Members of the Supreme Court.* — Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the *Sandiganbayan*, the Court of Tax Appeals, the *Shari'ah* High Court, and Judges of the first and second level courts, including the *Shari'ah* District or Circuit Courts, as well as the officials, employees, and personnel of said courts and the Supreme Court, including the Office of the Court Administrator, the Judicial Integrity Board, the Philippine Judicial Academy, and all other offices created pursuant to law under the Supreme Court's supervision may be instituted, *motu proprio*, by either the Supreme Court with the Judicial Integrity Board, or by the Judicial Integrity Board itself on the basis of records, documents; or newspaper or media reports; or other papers duly referred or endorsed to it for appropriate action; or on account of any criminal action filed in, or a judgment of conviction rendered by the *Sandiganbayan* or by the regular or special courts, a copy of which shall be immediately furnished to the Supreme Court and the Judicial Integrity Board.

x x x x

SECTION 3. *Initial Action.* —

(1) *Proceedings Initiated Motu Proprio.* — In disciplinary proceedings initiated *motu proprio* by the Supreme Court or the Judicial Integrity Board, the respondent shall be served with a copy of the records, documents, newspapers or media reports, or other papers used as basis for the disciplinary action. Within ten (10) calendar days from notice, or within any extended period granted by the Judicial Integrity Board not exceeding thirty (30) calendar days, the respondent shall be required to file his or her verified answer or comment thereon, which may be supported by affidavits of persons who have personal knowledge of the facts alleged and/or by documents which may substantiate respondent's defenses.

ACCORDINGLY, the Court rules as follows:

1. The complaint against respondent Former Judge Jesus B. Mupas, then-Presiding Judge of the Regional Trial Court of Pasay City, Branch 112 is **DISMISSED** on account of his supervening death;

2. The complaint against Atty. Melben Rey M. Madrid, Branch Clerk of Court, and Liza I. Doctolero, Court Stenographer, both of the Regional Trial Court of Pasay City, Branch 112, is **DISMISSED** for insufficiency of

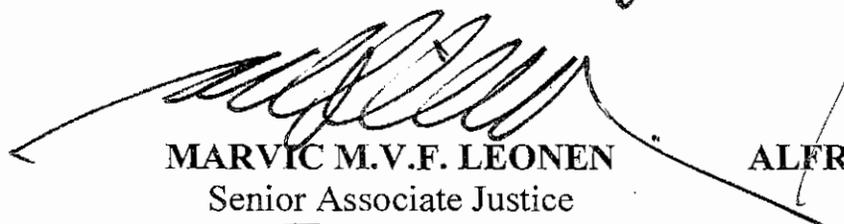
evidence. However, they are **ADMONISHED** to be more circumspect in the performance of their duties;

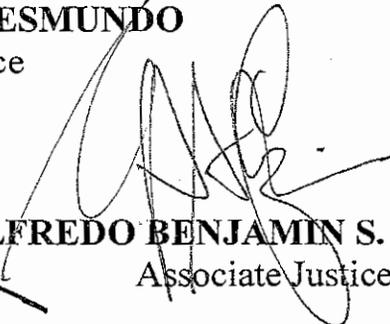
3. Respondent Hermito Dela Cruz III, Criminal Clerk-in-Charge of the Regional Trial Court of Pasay City, Branch 112 is found **GUILTY** of Gross Neglect of Duty. He is meted with the penalty of **DISMISSAL** from the service, **FORFEITURE** of all benefits due him, except accrued leave credits, and **DISQUALIFICATION** from reinstatement or reappointment to any public office, including government-owned or -controlled corporations; and

4. An administrative disciplinary complaint is **INSTITUTED**, *motu proprio* against Legal Researcher Dana Lyne A. Areola of the Regional Trial Court of Pasay City, Branch 112. She is **DIRECTED** to file a Comment thereto within ten (10) calendar days from receipt of notice, as to why she should not be held administratively liable for the loss of the cash evidence in Criminal Case Nos. 19-04232-CR and 19-04233-CR. The Judicial Integrity Board, in turn, is **DIRECTED** to proceed with this matter in accordance with Rule 140 of the Rules of Court, as further amended.

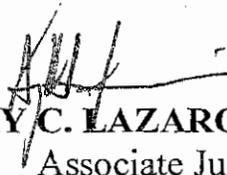
SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice

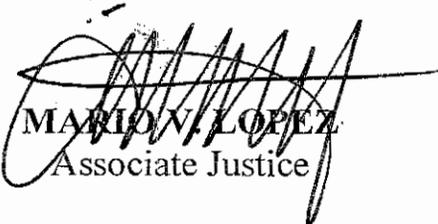

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

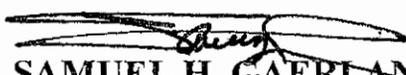

RAMON PAUL L. HERNANDO
Associate Justice

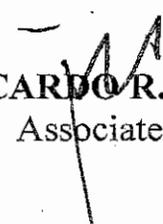

AMY C. LAZARO-JAVIER
Associate Justice

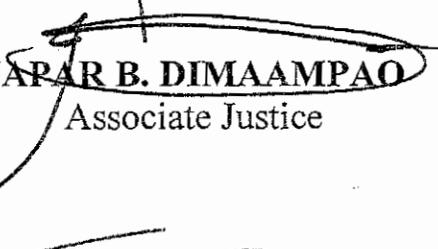
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HENRI JEAN PAUL B. INTING
Associate Justice

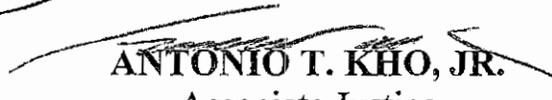

RODIL V. ZALAMEDA
Associate Justice


MARIO N. LOPEZ
Associate Justice

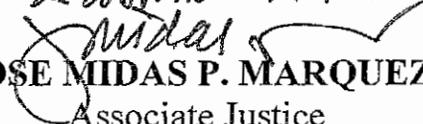

SAMUEL H. GAERLAN
Associate Justice

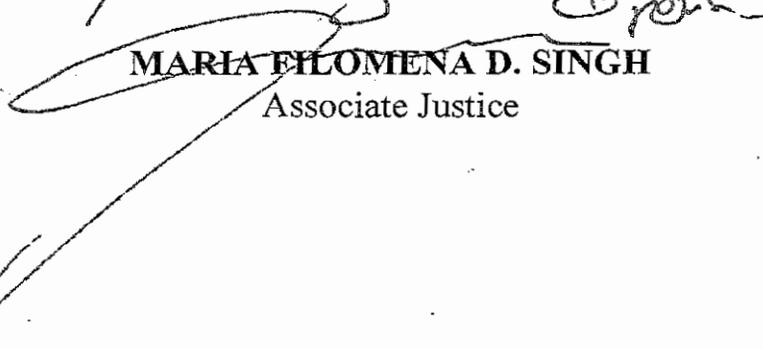

RICARDO R. ROSARIO
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


JHOSEP Y. LOPEZ
Associate Justice

*No part due to prior participation
as COMA Administrator*

JOSE MIDAS P. MARQUEZ
Associate Justice

for Accuracy and Discreetly

MARIA FILOMENA D. SINGH
Associate Justice