

Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE

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EN BANC

PRESIDING JUDGE LORNA B.
SANTIAGO-AVILA, REGIONAL
TRIAL COURT, BRANCH 36,
GENERAL SANTOS CITY,
SOUTH COTABATO,

Complainant,

A.M. No. P-21-027
[Formerly OCA-IPI No.
17-4769-P]

Present:

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

-versus-

JUANITO B. NARISMA, JR.
PROCESS SERVER, RTC
BRANCH 36, GENERAL SANTOS
CITY, SOUTH COTABATO,

Respondent.

Promulgated:

January 31, 2023

X-----*[Signature]*-----X

DECISION

PER CURIAM:

The Office of the Court Administrator (OCA) received an Investigation and Recommendation¹ from Executive Judge Adelbert S. Santillan (*Judge Santillan*) detailing his findings and submissions after conducting a formal

* No part, former Court Administrator.
¹ Rollo, pp. 243-261. Dated December 14, 2020.

investigation on the Administrative Complaint² filed by Honorable Lorna B. Santiago-Avila (*Judge Santiago-Avila*), Presiding Judge of Branch 36, Regional Trial Court (RTC) of General Santos City, South Cotabato against Juanito B. Narisma, Jr. (*Narisma*), Process Server of the same court.

Facts

On July 6, 2017, then Court Stenographer Nenita Paderes (*Paderes*) reported to Judge Santiago-Avila that a certain Eddie Cantoja³ (*Cantoja*) was pretending to be the latter's long-time driver, and was extorting money from court litigants with the help of a court insider. The complainant was a certain Shirley Chan⁴ (*Shirley*) whose daughter, Christine Madison Chan (*Christine*), had a pending petition for bail before the RTC. Although initially hesitant to divulge the court insider, Paderes eventually named Narisma who is also known as "Jun".⁵

The following day, Shirley met with Judge Santiago-Avila at the courtroom and the latter was surprised when the former revealed that sometime in November 2016, Cantoja introduced himself as Judge Santiago-Avila's driver and bodyguard. In fact, Cantoja assured Shirley that he can help process a favorable resolution for her daughter, who has a pending petition for bail with the assistance of a certain Jun. In turn, the person named Jun, who turned out to be Narisma, committed to talk to Judge Santiago-Avila for the release of the affirmative resolution within the month.⁶

In view of Shirley's disclosure, Judge Santiago-Avila recalled that in the second week of November 2016, Narisma went to her chambers and asked if Christine, who was then in detention, can be released within the month, alleging that Christine's family was hoping for an early discharge. Judge Santiago-Avila simply replied that the bail hearings were still on-going. Then again, in December 2016, Narisma made a similar query to Judge Santiago-Avila who gave him the same reply.⁷

As narrated by Judge Santiago-Avila, in one of the bail hearings, Shirley recounted that Narisma accosted and warned her not to enter the courtroom as he will personally facilitate Christine's release. She just needed to wait for Cantoja's call. Not long after, Cantoja called and informed her that Judge

² *Id.* at 2-7.

³ Later on identified as Edilberto Guartico.

⁴ Also referred to as "Shirly Chan" and "Sherly Chan" in some parts of the *rollo* (see *rollo*, p. 3).

⁵ *Id.* at 3.

⁶ *Id.* at 8-11. *Sinumpaaang Salaysay ni Shirley Chan y Lozada na Binigay kay Senior Agent Karl Marc N. Merculio sa Tanggapan ng Sarangani District Office, National Bureau of Investigation, San Pedro St., Lagao General Santos City Ngayong Ika-7 ng Hulyo 2017.*

⁷ *Id.* at 4.

File

Santiago-Avila was demanding PHP 200,000.00 in exchange of an affirmative court resolution.⁸

Eventually, on June 9, 2017, the RTC issued a Resolution⁹ granting Christine's petition for bail. However, Shirley's misery was only made worse when Cantoja made incessant demands for the payment of PHP 200,000.00 and, should she fail, Christine will be detained again as Cantoja and Narisma were allegedly in contact with Judge Santiago-Avila.¹⁰

Surprised by Shirley's revelations, Judge Santiago-Avila had her accompanied to the National Bureau of Investigation (NBI). There, an entrapment operation against Cantoja and his cohorts was planned.¹¹

After several attempts, Cantoja was finally arrested on July 12, 2017 upon receipt of the marked money from Shirley.¹² Among those seized from Cantoja was his cellular phone that contained several text messages from mobile number 0943-063-0794, which was verified to belong to Narisma.¹³ Subsequently, two criminal informations were filed against Cantoja and Narisma for robbery and for violation of Section 7(d) of Republic Act (R.A.) No. 6713, otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."¹⁴

Consequently, Judge Santiago-Avila issued Memorandum Order No. 2017-13 dated July 18, 2017, temporarily relieving Narisma of his duties as process server pending the criminal investigation against the latter.¹⁵

On September 29, 2017, criminal informations were filed against Narisma and Cantoja for robbery and violation of R.A. No. 6713.

Corollary, Judge Santiago-Avila also instituted an administrative complaint¹⁶ for grave misconduct against Narisma and requested that if the charges against the latter were to be investigated, the same be referred to a judge whose jurisdiction was outside General Santos City to deter Narisma from seeking succor to judges whom he claimed to be closely acquainted with.

⁸ *Id.* at 5.

⁹ *Id.* at 102-107.

¹⁰ *Id.* at 5.

¹¹ *Id.* at 53. *Karagdagang Sinumpaaang Salaysay Ni Shirley Chan Y Lozada na Binigay kay Senior Agent Karl Marc N. Mercurio sa Tanggapan ng Sarangani District Office, National Bureau of Investigation, San Pedro St., Lagao General Santos City Ngayong Ika-13 ng Hulyo 2017.*

¹² *Id.* at 53-54.

¹³ *Id.* at 20.

¹⁴ *Id.* at 17-18; p. 39.

¹⁵ *Id.* at 2. See Letter dated December 1, 2017.

¹⁶ *Id.*

In the 1st Indorsement¹⁷ issued by the OCA, it directed Narisma to file his Comment on the complaint.

In his Comment,¹⁸ Narisma denied the accusations against him and claimed that he was merely a process server and was not in a position to influence anyone to expedite the resolution and disposition of cases, much more demand money in exchange for it. Narisma divulged that Shirley was currently incarcerated for drugs violation and Christine was even back in jail for her involvement in another drug-related transaction.

Narisma added that he had been in government service for 25 years and had not been charged of any administrative complaint. Thus, he prayed for a quick resolution of the present administrative matter because his salary had been put on hold since May 2018.

Subsequently, the Court issued a Resolution¹⁹ which referred the matter to the Executive Judge of the RTC of Polomolok, South Cotabato, for investigation, report, and recommendation.

In his Report and Recommendation,²⁰ Judge Santillan made the following observation:

In fine, more than sufficient evidence inexorably linked Narisma to Cantoja in the shakedown of [Shirley]. His actuations constitute grave misconduct when he abused his position as process server by conniving with Cantoja in compelling [Shirley] to cough up Php200,000.00 in exchange for a favorable resolution on Madison's petition for bail. Indeed, as the text messages proved, Narisma gave the impression not only to [Shirley] but to other detainees that court resolutions and orders can be bought for a price. Worse, it was made to believe that Judge Santiago-Avila was asking for the amount. This is an unforgivable transgression that undermines people's faith in the judiciary.²¹

Subsequent thereto, this Court issued a Resolution,²² which recommended to redocket the case as a regular administrative matter. The case was thereafter referred to the Judicial Integrity Board (*JIB*), which had jurisdiction to act, among others, over complaints for violation of Code of Conduct for Court Personnel and Civil Service rules against court personnel and employees.

¹⁷ *Id.* at 217. Dated January 4, 2018.

¹⁸ *Id.* at 219–221. Dated September 22, 2018.

¹⁹ *Id.* at 357–358. Dated March 2, 2020.

²⁰ *Id.* at 243–261. Also referred to as "Investigation and Recommendation".

²¹ *Id.* at 261.

²² *Id.* at 373. Dated October 13, 2021.

In its Report,²³ the JIB agreed with the findings of Judge Santillan upon making the following evaluation:

In this case, respondent's misconduct was substantially proven after the investigation conducted by Judge Santillan; the arrest of Cantoja through the entrapment operation of the NBI and the evidence obtained thereat; and the subsequent filing of criminal informations for robbery and violation of R.A. No. 6713 involving respondent. Moreover, respondent's misconduct was clearly attended by a corrupt purpose, which, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others.

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At the outset, it should be stressed that respondent's administrative liability is based on his collusion with Cantoja in extorting money from Shirley in exchange for a favorable resolution on Madison's petition for bail. Thus, it is irrelevant whether or not he has the ability to influence a judge. In fact, Judge Santillan's investigation actually supports respondent's claim, *i.e.*, that he did not influence complainant in granting Madison's petition for bail. It appears that respondent used his familiarity with complainant to get an inside track on how she would rule on Madison's petition for bail. He then uses his position and knowledge of court processes to maximize the use of that information by colluding with Cantoja in inducing Shirley to pay ₱200,000.00 in exchange for Madison's release on bail. Indeed, while respondent could not have influenced complainant to rule in favor of Madison, he used her name to make it appear that she herself was asking for the money. Moreover, Judge Santillan also found that the extortion attempt on Shirley may not have been an isolated incident as the established communications between respondent and Cantoja showed that there are other cases where they continued with their extortion activities.

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While it is true that as a rule, respondent's alleged twenty-five (25) years of unblemished service may be considered as a mitigating circumstance in his favor under Section (19)(1)(b) of Rule 140, as further amended by A.M. No. 21-08-09-SC, the Board finds that it is offset by the fact that he took advantage of his familiarity with court processes and his official relations with complainant, being the court's process server, which facilitated the commission of the offense and therefore, the same should be considered as an aggravating circumstance under Section 19(2)(b) thereof.²⁴

Issue

The primordial issue for this Court's resolution is whether Juanito B. Narisma be held administratively liable for grave misconduct.

²³ *Id.* at 360–369. Dated August 17, 2022.

²⁴ *Id.* at 365–367.

This Court's Ruling

The findings and recommendation of the JIB are well-taken. Firstly, it is worthy to emphasize that Narisma's separation from service brought about by his absences without leave and his subsequent dropping from the rolls did not render this administrative case moot and academic. As explained in *Pagano v. Nazarro, Jr.*,²⁵ a case becomes moot and academic only when there is no more actual controversy between the parties or no useful purpose can be served in passing upon the merits of the case. Even if the most severe of administrative sanctions—that of separation from the service—may no longer be imposed on the erring employee, there are other penalties which may be imposed on him/her if he/she is later found guilty of administrative offenses charged against him/her, namely, the disqualification to hold any government office and the forfeiture of benefits.²⁶

Following this perspective, we shall now deal with Narisma's administrative liability.

In *Dela Rama v. Patricia D. De Leon*,²⁷ this Court defined misconduct as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer or employee. To warrant dismissal from the service, the conduct must be so grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not mere error of judgment.²⁸

In administrative cases, only substantial evidence is required—or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion—to bring about a finding of culpability for the offense charged.

In the present case, substantial evidence exists that Narisma attempted to extort money from Shirley under the pretense that he will facilitate the grant of Christine's petition for bail. Narisma's act is a clear violation of Section 2, Canon I and Section 2 (e), Canon III of the Code of Conduct for Court Personnel, which reads as follows:

CANON I FIDELITY TO DUTY

X X X X

Section 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

²⁵ 560 Phil. 96 (2007).

²⁶ *Id.* at 105.

²⁷ A.M. No. P-14-3240, March 2, 2021.

²⁸ *Domingo v. Civil Service Commission*, G.R. No. 236050, June 17, 2020.

x x x x

CANON III
CONFLICT OF INTEREST

x x x x

Section 2. Court personnel shall not:

x x x x

(e) Solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties.

This Court has consistently held that the act of soliciting and/or receiving money from litigants for personal gain constitutes Grave Misconduct, for which the court employee guilty thereof should be held administratively liable.²⁹

In *Garciso v. Oca*,³⁰ a process server was the subject of an entrapment operation conducted by the NBI where he solicited the amount of PHP 150,000.00 from a person “in exchange for the assistance he could extend towards the withdrawal by the [Philippine Drug Enforcement Agency] of its non-existent application for search warrant, or the denial of the non-existent application for search warrant.”³¹ This Court ruled that such extortion amounted to grave misconduct³² and imposed the penalty of dismissal from the service, forfeiture of all benefits except accrued leave credits, with prejudice to reemployment in any branch or instrumentality of the Government.³³

In *Hidalgo v. Magtibay*,³⁴ a process server was likewise charged and found liable of gross misconduct and dismissed from the service for being implicated in an extortion activity uncovered by an entrapment operation, after demanding PHP 2,000.00 from the representative of an insurance company to facilitate the release from detention of a person with a case pending in a different branch of the same trial court.³⁵ The process server was found to have ordered the representative to hand over money to a jail officer, and then walked away before the representative handed over the money to the jail officer.³⁶ This Court ruled that the process server had knowledge of the offer of money as the NBI agents witnessed how he asked the representative to hand over the grease money to the jail officer.³⁷ Verily, this Court, citing the recommendation of the OCA, did not rule out the involvement of a process

²⁹ *Judaya v. Balbona*, 810 Phil. 375, 378 (2017); see also *Re: Incident Report Relative to a Criminal Case Filed Against Garduce*, 773 Phil. 160 (2015); *Bacbac-Delisen v. Molina*, 761 Phil. 596 (2015); *Galindez v. Susbilla-De Vera*, 726 Phil. 1, 6–9 (2014); and *Dela Cruz v. Malunao*, 684 Phil. 493, 502–506 (2012).

³⁰ 760 Phil. 206, 218 (2015).

³¹ *Id.* at 215.

³² *Id.* at 216.

³³ *Id.* at 218.

³⁴ 483 Phil. 186, 199 (2004).

³⁵ *Id.* at 190.

³⁶ *Id.* at 191–192 and 198.

³⁷ *Id.* at 198.

server in an extortion activity, despite not having “any authority to deal in matters involving the release of an accused:”

The OCA, in its memorandum dated August 3, 2004, gave its own assessment and recommendation of the case:

x x x x

Although not criminally liable, respondent may be held administratively liable. Administratively, respondent Magtibay is not entirely without fault. He has himself to blame for his implication in the extortion activity of Bienvenido M. Precilla. If indeed, there was intention on his part to assist complainant Hidalgo, he should have referred her to the Branch Clerk of Court of RTC, Branch 6, Tanauan City, and not to Bienvenido Precilla who was merely a jail officer detailed at that branch. *Neither he nor accused Precilla has any authority to deal in matters involving the release of an accused.* (Emphasis supplied)

x x x x

After a thorough review of the records, we agree with the findings of the OCA[.]³⁸

All things considered, Narisma’s act of asking money from Shirley in exchange of a favorable court issuance show a willful disregard of the rules, for which he should be held accountable for Grave Misconduct.

In *Judaya v. Balbona*,³⁹ this Court explained that grave misconduct is classified as a grave offense punishable by dismissal from the service even for the first offense. The penalty of dismissal from the service carries with it the following administrative disabilities: (a) cancellation of civil service eligibility; (b) forfeiture of retirement and other benefits, except accrued leave credits, if any; and (c) perpetual disqualification from reemployment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.⁴⁰ Here, since Narisma had been earlier dropped from the rolls, the penalty of dismissal from the service could no longer be imposed. Nevertheless, such penalty should be enforced in its full course by imposing the administrative disabilities upon him.

We wish to emphasize that those belonging in the Judiciary, from the justices down to the lowliest worker, serve as sentinels of justice. Any act of impropriety on their part immeasurably affects the honor and dignity of the

³⁸ *Id.* at 196–198.

³⁹ *Supra.*

⁴⁰ *Lagado v. Leonido*, 741 Phil. 102, 107 (2014).

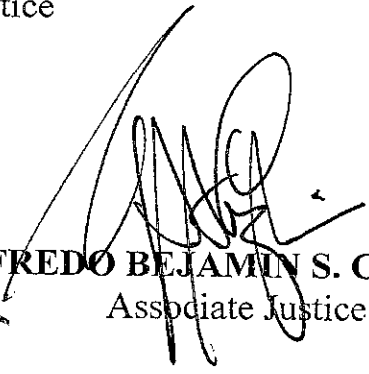
Judiciary and the people's confidence in it.⁴¹ The Institution demands the best possible individuals in the service⁴² and it had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system.⁴³ This Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public.⁴⁴


WHEREFORE, Juanito B. Narisma, Jr., former Process Server of Branch 36, Regional Trial Court of General Santos City, South Cotabato, is **GUILTY** of Grave Misconduct and would have been **DISMISSED** from the service, had he not been earlier dropped from the rolls. Accordingly, his civil service eligibility is hereby **CANCELLED**, his retirement and other benefits, except accrued leave credits, are **FORFEITED**, and he is **PERPETUALLY DISQUALIFIED** from reemployment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice


ALFREDO BEJAMIN S. CAGUIOA
Associate Justice


~~RAMON PAUL L. HERNANDO~~
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice

⁴¹ See *Anonymous Complaint Against Sheriff Sales T. Bisnar, Regional Trial Court, Branch 78, Morong, Rizal*, 505 Phil. 140 (2005).

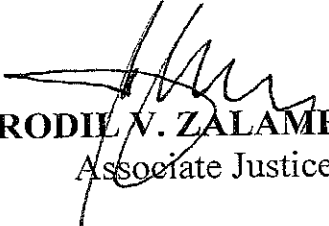
⁴² *Cabanatan v. Melina*, 421 Phil. 664 (2001).

⁴³ *Judaya v. Balbona*, *supra* at 383.


⁴⁴ *Id.*



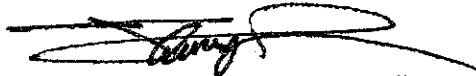
HENRI JEAN PAUL B. INTING
Associate Justice



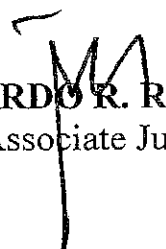
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice




SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice

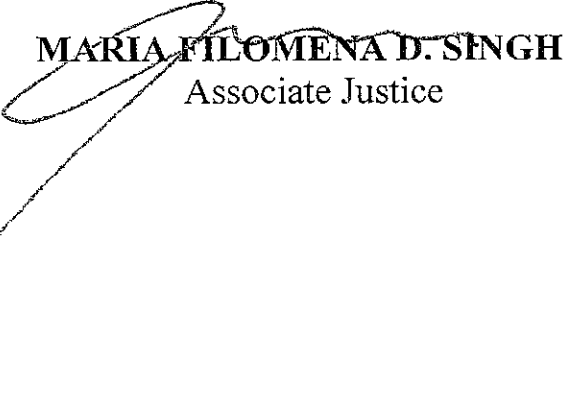


JAPAR B. DIMAAMPAO
Associate Justice

no part
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice