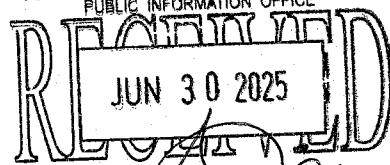




SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



BY:

TIME:

Republic of the Philippines  
Supreme Court  
Baguio City

EN BANC

RE: NEGLIGENCE AND A.M. No. 2024-05-SC  
INEFFICIENCY IN THE  
PERFORMANCE OF DUTIES  
OF MS. ELEONOR S.  
BENBINUTO,  
ADMINISTRATIVE OFFICER  
II, ADMINISTRATIVE  
DIVISION, PHILIPPINE  
JUDICIAL ACADEMY

Present:

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

Promulgated:

April 2, 2025

X-----X

DECISION

*PER CURIAM:*

This is an administrative case against Eleonor S. Benbinuto (Benbinuto), Administrative Officer II of the Philippine Judicial Academy (PHILJA). The Office of Administrative Services (OAS) submitted its Memorandum<sup>1</sup> dated August 20, 2024.

\* On leave.

<sup>1</sup> Rollo, pp. 1-9.

### The Facts

The OAS received the 1<sup>st</sup> Indorsement<sup>2</sup> dated July 11, 2024, from retired Associate Justice Mariano C. Del Castillo, Acting Chancellor of the PHILJA. The 1<sup>st</sup> Indorsement referred to the OAS, for proper action, copies of the correspondence between Atty. Elmer DG. Eleria (Atty. Eleria), Chief of Office for Administration, Administrative Office of the PHILJA, and Benbinuto, Administrative Officer II of the PHILJA Administrative Office, regarding the latter's work performance.<sup>3</sup>

Acting on the 1<sup>st</sup> Indorsement and the documents submitted by the PHILJA, the OAS prepared a Memorandum (OAS Memorandum)<sup>4</sup> dated August 20, 2024, addressed to Chief Justice Alexander G. Gesmundo. The OAS found that Benbinuto has repeatedly refused to submit work requirements, neglected the performance of her key duties, and continued to show indifference in completing assigned tasks with efficiency and timeliness.

Benbinuto's transgressions are summarized in the document entitled Recorded Performance prepared by Atty. Eleria, as follows:

#### A. Non-submission of Requirements

1. IPCR Accomplishments, 2023 3<sup>rd</sup> Quarter, July to September 2023;
2. IPCR Accomplishments, 2023 4<sup>th</sup> Quarter, October to December 2023;
3. IPCR 2023 2<sup>nd</sup> Semester, July to December 2023;
4. IPCR Accomplishments, 2024, 1<sup>st</sup> Quarter, January to March 2024;
5. IPCR Accomplishments, 2024, 2<sup>nd</sup> Quarter, April to June 2024;
6. IPCR 2024 1<sup>st</sup> Semester, January to June 2024;
7. Inputs to the AD Report for the 137<sup>th</sup> PHILJA BOT covering August to December 2023;
8. Inputs to the AD Report for the 138<sup>th</sup> PHILJA BOT covering January to April 2024 extended to May 15, 2024, and finally up to July 15, 2024.

#### B. Neglect in Proper Monitoring and Coordinating of Trips

9. Coordination of driving assignments to concerned personnel (drivers/designated drivers);
10. Erroneous information of assigned driver and contact number given to focal person, which were relayed to lecturers;

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<sup>2</sup> *Rollo*, p. 13.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.* at 1-9.



11. Coordination of assigned drivers and vehicles to focal person for monitoring;
12. Dispatch of trips without issued Office Order, Travel Authority, and/or approved Use and Travel of Vehicle Outside of Metro Manila.

C. Continued Indifference in Completing Assigned Tasks with Efficiency and Timeliness

13. Overtime Pay of drivers;
14. Designation of selected personnel as Alternate Driver with proper verification;
15. Rotation schedule and assignment of drivers/designated drivers and its monitoring;
16. Neglect in timely posting in the MS Teams channel, AD CORE, of requests for vehicles relative to the conduct of training programs and activities, which is a way of monitoring pending vehicle requests for facilitation;
17. Trip tickets;
18. Request for Office Order/Travel Authority for assigned trips;
19. Request for Revised Office Order/Travel Authority for assigned trips and justification for such, resulting to non-facilitation of drivers' claims for served and completed trips;
20. Request for Travel of Vehicle Outside of Metro Manila;
21. Request to travel on Official Business of assigned drivers;
22. Facilitation and coordination of transportation/travel documents with other SC Offices;
23. Neglect in the regular updating of the Transportation Chart, often resulting to double booking of drivers and vehicles, and information is not readily accessible/available whenever needed;
24. Follow through and submission of report on vehicles of PHILJA;
25. Submission of erroneous communications per feedback from PHILJA Offices;
26. Neglect in filing of transportation-related documents efficiently;
27. Proper recording and routing of incoming communications;
28. Neglect in replying to and acknowledging requests for use of the PHILJA Conference Room, submitted through email, especially on advice as to conflict in schedule;
29. Non-observance of/non-compliance with Office Protocols and Standard Operating Procedures.<sup>5</sup>

Further, in Atty. Eleria's Memorandum<sup>6</sup> dated July 11, 2024, addressed to Benbinuto, he stated:

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<sup>5</sup> *Id.* at 2–3.

<sup>6</sup> *Id.* at 14–15.



The Office has offered you many opportunities to improve your work performance through coaching and mentoring, assistance (expected outputs were mostly done for you for timely facilitation), close supervision, monitoring, and written notice. The task of preparing the itinerary of Travel of drivers for claims for completion of driving assignments, included in the transportation-related services which is one of your MFOs, was assumed by other Administrative Division personnel to relieve you of such task so you may focus and accomplish your remaining assignments efficiently.

Despite the means employed to assist you, the humanitarian compassion extended, and the Memorandum issued to you on March 6, 2024, you have not shown any initiative to meet required deliverables and your performance in identified major final outputs remain to be below standard. Since reporting back from your 6-month suspension in accordance with the Court's Third Division Resolution in A.M. No. 2022-03-SC dated September 12, 2022, you have not exerted any effort to reform and change still.

Even with these, it was observed that you do not maximize official working hours, the time squandered on chatting, snacking, napping, using online shopping applications and games on your mobile telephone. You submit outputs without regard for accuracy and deadlines causing delay, wastage of resources, and affecting the operations of the Academy.

It is also worth mentioning that to date you have not submitted your Individual Performance Commitment Review (IPCR) Form for the 2<sup>nd</sup> Semester of 2023, notwithstanding the several Memoranda issued. In addition, the IPCR for the 1<sup>st</sup> Semester of 2024, which was due last July 5, 2024, per PHILJA Inter-Office Memorandum No. 538, has not been submitted.<sup>7</sup>

Significantly, Benbinuto had incurred prior infractions as follows: (1) Habitual Tardiness for which she was warned in A.M. No. 2008-04-SC dated April 8, 2008; (2) Habitual Tardiness for which she was suspended for five days without pay in A.M. No. 2010-16-SC dated January 11, 2011; and (3) Gross Neglect of Duty and Gross Insubordination for which she was suspended for six months without pay and fined in the amount of PHP 110,000.00 in A.M. No. 2022-03-SC (**the 2022 Administrative Case**) dated September 12, 2022.<sup>8</sup> The OAS also noted that while Benbinuto has already served her six-month suspension, she has yet to submit proof of her compliance as to the payment of the fine.<sup>9</sup>

The OAS directed Benbinuto to submit her written explanation within five working days from notice through its Memorandum dated July 16, 2024.<sup>10</sup> The OAS further required Benbinuto to submit proof of compliance

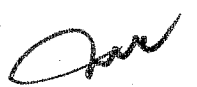
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<sup>7</sup> *Id.* at 14.

<sup>8</sup> *Id.* at 8.

<sup>9</sup> *Id.* at 4.

<sup>10</sup> *Id.*



regarding the payment of the fine amounting to PHP 110,000.00 in A.M. No. 2022-03-SC.<sup>11</sup> Benbinuto did not comply with said directives.<sup>12</sup>

Thus, the OAS sent Benbinuto another Memorandum<sup>13</sup> dated August 1, 2024, which reiterated the directive for her to submit her written explanation and proof of compliance, together with the reason for her delay, within three days from notice.<sup>14</sup>

Benbinuto submitted a letter dated August 5, 2024 requesting an extension of five days to comply.<sup>15</sup> However, she submitted no such compliance.<sup>16</sup>

### **The Report and Recommendation of the OAS**

The OAS found that Benbinuto's continued negligence and incompetence, despite prior sanctions and warnings, cannot be overlooked. It concluded that Benbinuto's 29 acts or omissions were detrimental to the operations of the PHILJA.<sup>17</sup>

The OAS concluded that Benbinuto's "flagrant lack of competence, continued manifestation of her indifference and wanton abandonment of her assigned duties and responsibilities as an Administrative Officer II"<sup>18</sup> constitute gross neglect of duty in the performance or non-performance of official functions under Section 14(d) of Rule 140 of the Rules of Court.

In addition, the OAS also found Benbinuto liable for gross insubordination. It explained:

As can be gleaned from the enclosed memoranda of the present administrative case, gross neglect of duty was not Ms. Benbinuto's only transgression. Undaunted by the Court's previous imposition of a fine in the amount of PHP 110,000.00 for her gross insubordination, *which Ms. Benbinuto was unable to submit her proof of compliance thereof*, the latter continued her brazen disrespect to disobey and ignore without any valid justification the directives given by her superiors and the Acting Chancellor, for the conscientious performance of her duties. The persistence of Ms. Benbinuto on her errant conduct and sub-standard work despite the several opportunities afforded her to mend her ways are in tune with gross insubordination, *i.e., the inexplicable and unjustified refusal to obey some order that a superior is entitled to give and have obeyed, and imports'* [sic]

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 5.

<sup>13</sup> *Id.* at 11.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 10.

<sup>16</sup> *Id.* at 5.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.* at 6.



*a willful or intentional disregard of the lawful and reasonable instructions of the superior.*<sup>19</sup> (Underlining and italics in the original)

The OAS recommended that in the imposition of a penalty, Benbinuto's prior infractions should be considered as aggravating circumstances.<sup>20</sup> Thus, the OAS recommended:

**In view of the foregoing**, in accordance with the prevailing abovementioned rules and jurisprudence, this Office respectfully recommends for the Honorable Court's consideration and approval, as a disciplinary measure to uphold the integrity of the Judiciary and ensure compliance with administrative standards, that **MS. ELEONOR S. BENBINUTO**, Administrative Officer II, Administrative Division, Philippine Judicial Academy, be found administratively liable for:

1. **GROSS [NEGLIGENCE] OF DUTY IN THE PERFORMANCE OR NON-PERFORMANCE OF OFFICIAL FUNCTIONS**, and correspondingly be meted with the penalty of **SUSPENSION** from office without salary and other benefits for **TWO (2) YEARS**;
2. **GROSS INSUBORDINATION**, with the penalty of a **FINE** in the amount of **[PHP] 200,000.00**, with a warning that a repetition of the same shall be dealt with more severely; and
3. **DIRECT** Ms. Benbinuto to submit within ten (10) working days, without extension, all the required IPCRs.<sup>21</sup> (Emphasis in the original)

### **The Issue**

Whether Benbinuto is guilty of gross neglect and gross insubordination.

### **The Ruling of the Court**

The Court finds Benbinuto liable for gross neglect of duty and gross insubordination.

Canon IV, Section 1 of the Code of Conduct for Court Personnel provides:

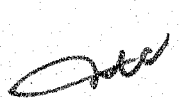
SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

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<sup>19</sup> *Id.* at 7.

<sup>20</sup> *Id.* at 8.

<sup>21</sup> *Id.* at 9.



Corollary to this, Rule 140 of the Rules of Court, as amended, penalizes gross neglect of duty in the performance or non-performance of official functions as a serious charge.<sup>22</sup>

Significantly, the Court has had the opportunity to resolve a similar issue in Benbinuto's 2022 Administrative Case, where she was charged with inefficiency in the performance of her duties, for acts and omissions similar to those charged in this present case. The Court said in the 2022 Administrative Case:

Regrettably, these slip-ups not only affected the evaluation of Benbinuto's work performance as shown in her IPCRs, but also endangered the delivery of services by her employer, the Office for Administration of the PHILJA. Every single *faux pas*, such as failing to process trips or submit reports to her superiors, undoubtedly hampers public service and produces unfortunate wastage of time and office resources.

...

Given the above discourse, the OAS-SC unerringly found Benbinuto liable for the grave offense of incompetence and inefficiency in the performance of official duties. All the same, in obeisance to Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC, such charge is now denominated as "**gross neglect of duty in the performance or non-performance of official functions**," which is a serious charge under Section 14 (d) thereof. Settled is the rule that inefficiency is akin to neglect of duty, which is the failure of an employee or official to give proper attention to a task expected of him or her, signifying a disregard of a duty resulting from carelessness or indifference.

It is also ingrained in this jurisdiction that gross neglect of duty refers to negligence characterized by the glaring want of care; by acting or omitting to act in a situation where there is a duty to act, not inadvertently, but willfully and intentionally; or by acting with a conscious indifference to consequences with respect to other persons who may be affected. It is such neglect which, *from the gravity of the case or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare*. Here, Benbinuto is patently guilty of gross neglect of duty as she manifested a flagrant lack of competence and diligence in her duties, exhibiting her indifference and wanton abandonment of her assigned duties and responsibilities.<sup>23</sup> (Emphasis in the original)

The foregoing pronouncements apply to this case. In not one, but 29 reported instances, Benbinuto has either failed to perform the express requirements of her duties as Administrative Officer II or acted with palpable lack of care and diligence in the performance of her tasks. Her acts and

<sup>22</sup> RULES OF COURT, Rule 140, sec. 14(d), as amended by A.M. No. 21-08-09-SC, February 22, 2022.

<sup>23</sup> *Re: Negligence and Inefficiency in the Performance of Official Duties of Eleanor [sic] S. Benbinuto, Administrative Officer II, PHILJA*, A.M. No. 2022-03-SC, September 12, 2022 (Notice). Citations omitted.



omissions have caused the PHILJA to assign some of her duties to other employees. Not only this, her want of care has caused delays and confusion in PHILJA's operations. Undoubtedly, Benbinuto's wanton lack of care and diligence has harmed PHILJA's ability to perform its own functions. This is plainly gross negligence.

Further, the Court agrees with the OAS that Benbinuto should be liable for gross insubordination. Gross insubordination is penalized as a serious charge under Rule 140, Section 14(n) of the Rules of Court.

The Court, in Benbinuto's 2022 administrative case, also ruled on this issue, thus:

***Significantly, under the factual milieu, it is clear that gross neglect of duty is not Benbinuto's lone infraction.*** She similarly disobeyed or frequently ignored her superior's directives and instructions which were meant to enhance the performance of her duties. She also persisted on her errant conduct and sub-standard work despite the several opportunities afforded her to mend her ways. Despite the lawful orders of the Chief Justice and the PHILJA Chancellor to submit individual work-from-home accomplishment reports to monitor employee output while telecommuting, Benbinuto brushed these off and declared that she "do[es] not see that point of making a daily accomplishment report."

Sans dispute, the foregoing circumstances tellingly indicate that Benbinuto is guilty as well of gross insubordination, *i.e.*, the inexplicable and unjustified refusal to obey some order that a superior is entitled to give, and imports a willful or intentional disregard of the lawful and reasonable instructions of the superior.

On this score, while the OAS-SC found that Benbinuto's willful defiance of the directive to submit the required work-from-home accomplishments reports and quarterly accomplishments for the period covering July 2020 to September 2021 was subsumed under the grave offense of Inefficiency and Incompetence in the Performance of Official Duties, the Court believes and so holds that her act constitutes a violation of Supreme Court rules, directives and circulars that establish an internal policy, rule of procedure or protocol, which is a Less Serious Charge under Section 15 (e) of Rule 140, as amended. ***Be that as it may, considering her rampant and recurring disobedience, the same must be treated as Gross Insubordination under Section 14 (n) of the same Rule.***<sup>24</sup> (Emphasis in the original)

Again, the Court's ruling in Benbinuto's 2022 Administrative Case is apropos.

Benbinuto has willfully defied the directive for her to submit her IPCR for the 2<sup>nd</sup> semester of 2023 and the first semester of 2024. This, despite the

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<sup>24</sup> *Id.* Citations omitted.





repeated reminders of her superior.<sup>25</sup> Moreover, she has repeatedly ignored her superiors' directive for her to complete her tasks properly and without delay, notwithstanding numerous opportunities given to her to do better.<sup>26</sup> Worse, she has persisted in this conduct notwithstanding already being reprimanded and penalized for similar conduct, by this Court no less, in the 2022 Administrative Case. Benbinuto's inexplicable refusal to obey her superiors' lawful directives smacks of gross insubordination.

Given the foregoing, Benbinuto is liable for gross neglect and gross insubordination.

Rule 140, Section 17 provides the penalties for serious charges, such as gross neglect and gross insubordination. Section 17 reads:

SECTION 17. *Sanctions.*—

(1) If the respondent is guilty of a serious charge, any of the following sanctions shall be imposed:

(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 [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

...

In the determination of the appropriate penalties, Rule 140, Section 19 states that the Court must, in its discretion, appreciate the existence of aggravating circumstances. Section 19 includes as an aggravating circumstance the "finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity."

Further, Rule 140, Section 20 provides:

SECTION 20. *Manner of Imposition.*— If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period

<sup>25</sup> *Rollo*, pp. 2–3.

<sup>26</sup> *Id.* at 3–4.

or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other.

The Court rules that an aggravating circumstance is present here. In particular, this is not the first administrative case lodged against Benbinuto. To reiterate, Benbinuto has been penalized in three earlier cases, as follows: (1) Habitual Tardiness for which she was warned in A.M. No. 2008-04-SC, dated April 8, 2008; (2) Habitual Tardiness for which she was suspended for five days without pay in A.M. No. 2010-16-SC dated January 11, 2011; and (3) Gross Neglect of Duty and Gross Insubordination for which she was suspended for six months without pay and fined in the amount of PHP 110,000.00 in A.M. No. 2022-03-SC.<sup>27</sup>

Despite the repeated reminders and the numerous opportunities granted to Benbinuto, she has continued to perform dismally in her position, in utter disregard of the instructions of her superiors and her duty to serve the public. Not only this, Benbinuto has not even lifted a finger to respond to the charges against her and explain why she should not be penalized. Benbinuto's utter neglect of the importance of her duties and palpable inability to comply with the orders of her superiors have no place in the judiciary.

Thus, for gross insubordination, a serious charge, Benbinuto should be fined in the amount of PHP 200,000.00, in accordance with Rule 140, Sections 17 and 20.

As for Benbinuto's liability for gross negligence, the Court disagrees with the OAS' recommendation that Benbinuto's violations merit the penalty of suspension only. The gravity of Benbinuto's infractions, aggravated by her repeated disregard of the importance of her duties as a court employee, demands a harsher penalty.

Thus, in accordance with Rule 140, Sections 19 and 20, the Court imposes the penalty of dismissal from service, forfeiture of all retirement benefits, except accrued leave credits, and disqualification from reemployment in any government office, including government-owned or controlled corporations.

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<sup>27</sup> *Rollo*, p. 8.



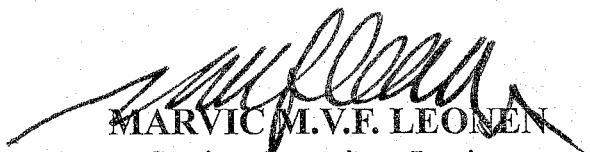
The Court cannot overemphasize the crucial role of all judicial employees and their fidelity to their duty. The judiciary's ability to render justice and to serve the people depends, in no small part, on the dedication and discipline of its employees. The Court, therefore, cannot allow inefficiency, insubordination, and negligence to go unpunished. Just as the Court has consistently found ways to make the judiciary an empowering workplace for its employees, it is equally committed to disciplining erring employees, especially those who have been given every opportunity to thrive in the judiciary. The Court reminds the employees of the judiciary that it is both an obligation and a privilege to contribute to the rendition of justice. In the exercise of their rights and the performance of their functions, all judicial employees must remember that the ultimate goal is always service to the people.

**ACCORDINGLY**, the Court finds Eleonor S. Benbinuto liable for gross insubordination and is **FINED** in the amount of PHP 200,000.00. She is also liable for gross negligence of duty in the performance or non-performance of official functions and is **DISMISSED** from service with forfeiture of her retirement benefits, except accrued leave credits, and disqualification from reinstatement or appointment in any public office, including government-owned or -controlled corporations.

**SO ORDERED.**




ALEXANDER G. GESMUNDO  
Chief Justice



MARVIC M.V.F. LEONEN  
Senior Associate Justice




ALFREDO BENJAMIN S. CAGUIOA  
Associate Justice

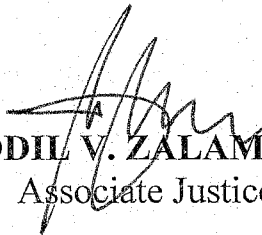


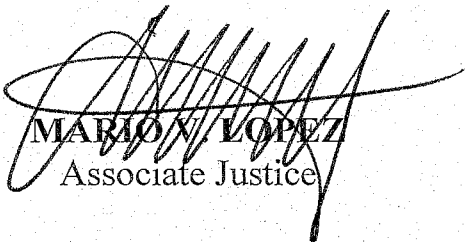
RAMON PAUL L. HERNANDO  
Associate Justice




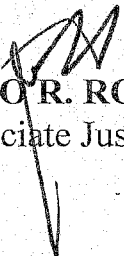
AMY C. LAZARO-JAVIER  
Associate Justice


  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

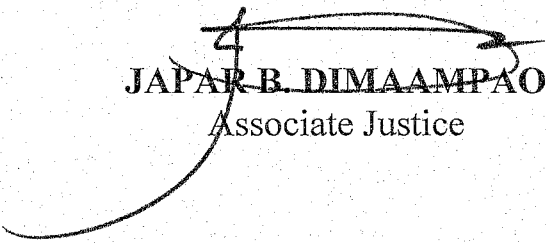
  
**RODIL V. ZALAMEDA**  
Associate Justice

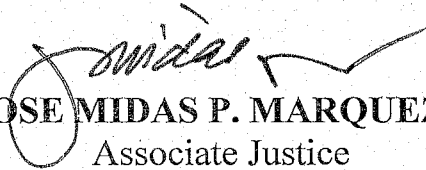
  
**MARIO V. LOPEZ**  
Associate Justice


  
**SAMUEL H. GAERLAN**  
Associate Justice

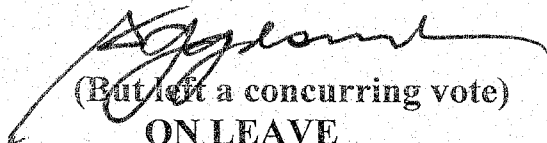
  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

  
**ANTONIO T. KHO, JR.**  
Associate Justice

  
(But left a concurring vote)  
**ON LEAVE**  
**MARIA FILOMENA D. SINGH**  
Associate Justice