



Republic of the Philippines
Supreme Court
 Manila

EN BANC

MAY N. LASPIÑAS, ROENA V. A.M. No. RTJ-17-2488 (Formerly
 DIONELO, MAE VERCILLE H. OCA IPI No. 08-3046-RTJ)
 NALLOS, CHERYL D. LOPEZ,
 ANTHONY B. CARISMA,
 RALPH P. BALILI, JAIME D.
 WAYONG, VICENTE V.
 QUINICOT, ENRICO B.
 ESPINOSA, JR., ELIZALDE T.
 JUEVES, JEANETTE A.
 ARINDAY, MA. TERESA S.
 VILLANOS, LARRY C.
 HECHANOVA, AILEEN H.
 GAMBOA, JORGE P.
 DEQUILLA,

Complainants,

- versus -

JUDGE FELIPE G. BANZON,
 REGIONAL TRIAL COURT
 BR. 69, SILAY CITY, NEGROS
 OCCIDENTAL,

Respondent.

X-----X

JUDGE FELIPE G. BANZON,
 Complainant,

A.M. No. P-14-3216 (Formerly
 OCA IPI No. 10-3376-P)

- versus -

MAY N. LASPIÑAS, LEGAL
 RESEARCHER/OFFICER-IN-
 CHARGE, REGIONAL TRIAL
 COURT, BR. 40, SILAY CITY,
 NEGROS OCCIDENTAL,

Respondent.

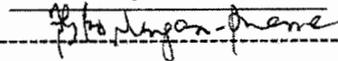
Present:

SERENO, C.J.,
 CARPIO,
 VELASCO, JR.,
 LEONARDO-DE CASTRO,
 PERALTA,
 BERSAMIN,

DEL CASTILLO,
MENDOZA,
REYES,*
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA, JJ.

Promulgated:

February 21, 2017



x-----x

RESOLUTION

PER CURIAM:

For the Court's resolution is the administrative complaint docketed as A.M. No. P-14-3216 (formerly OCA IPI No. 10-3376-P), filed by Judge Felipe G. Banzon (Judge Banzon) of the Regional Trial Court (RTC) of Silay City, Negros Occidental, Branch 69 (RTC, Br. 69) against May N. Laspiñas¹ (Laspiñas), Legal Researcher/Officer-in-Charge of the RTC of Silay City, Negros Occidental, Branch 40 (RTC, Br. 40), for Grave Misconduct. A.M. No. P-14-3216 was earlier consolidated with A.M. No. RTJ-17-2488 (formerly OCA IPI No. 08-3046-RTJ), initiated by Laspiñas against Judge Banzon which the Court dismissed with finality in a Resolution dated December 3, 2014.²

The Facts

A.M. No. P-14-3216

In the letter-complaint³ dated November 21, 2008, Judge Banzon narrated that when he received complaints of misconduct and corruption at the Office of the Clerk of Court (OCC), most of which referred to Laspiñas as compromising the court's integrity and image for monetary gains, he imposed new regulations to be observed at the OCC that included requiring

* On Official Leave.

¹ "Las Piñas" in some parts of the records.

² *Rollo* (A.M. No. RTJ-17-2488), pp. 842-843.

³ *Rollo* (A.M. No. P-14-3216), pp. 1-5. He attached the affidavits of the following persons who witnessed the November 4, 2008 incident in support of his complaint: Eric Gariando; Felix T. Nanta, Stenographer, RTC, Br. 69; Ma. Lisa Lorraine Atotubo, City Prosecutor, Silay City, Negros Occidental; Ricardo Veraguas, Prison Guard II, provincial Jail of Negros Occidental at Bacolod City; Ricky C. Ibañez, Clerk, RTC, Br. 69; Vic A. Malubay, Clerk, RTC, Br. 69 (*rollo*, pp. 6-19).

the latter to vacate the area she occupied at the OCC and to transfer to the premises of the RTC, Br. 40; Laspiñas openly defied this directive and ridiculed the Office of the Executive Judge.⁴

Further, he stated that at about 11:00 a.m. of November 4, 2008, while he was at the OCC, Laspiñas confronted him in an extremely abusive and hostile manner, menacingly pointing her forefinger at him, and hurling curses and invectives. He invited her to his *sala* to privately discuss the matter and to save the court from further embarrassment, which invitation she arrogantly refused; that even Judge Reynaldo M. Alon (Judge Alon) of RTC, Branch 40 tried to restrain her to no avail. He added that Laspiñas repeated the public ridicule in the afternoon of the same day as he was walking past Br. 40. Finally, he claimed that Laspiñas had gained notoriety in the judicial district as the person who could broker and fix problems in the court for a fee.⁵

For her part, Laspiñas⁶ denied the allegations and asserted that she did not appropriate a space in the OCC, affording her primary and easy access to those who do business with the courts, but rather, she had been occupying this space since her appointment as Legal Researcher in 1988. She belied the reports of misconduct and corruption at the OCC and claimed that Judge Banzon filed the administrative complaint as leverage for the administrative case they filed against him on October 10, 2008; and if the reports were true, he should have called her attention and directed her to explain or otherwise reported the matter to Judge Alon, her superior. She asserted that during the November 4, 2008 confrontation, it was Judge Banzon who angrily called her and hurled invectives, and that she did not publicly defy and ridicule Judge Banzon and the office he holds. Finally, she denied meeting Judge Banzon in the afternoon of said date.⁷

A.M. No. RTJ-17-2488

In the verified complaint⁸ dated November 10, 2008, Laspiñas, together with other court employees of RTC, Silay City, Negros Occidental, charged Judge Banzon with violation of the Code of Judicial Conduct and Acts Unbecoming of a Member of the Judiciary, alleging that whenever he called for a meeting, Judge Banzon would always threaten them with

⁴ Id. at 2-3.

⁵ Id. at 3-4.

⁶ *Rollo* (A.M. No. P-14-3216), pp. 62-71. She submitted the affidavits of the following court employees to support her allegations: Jeanette A. Arinday, Cheryl D. Lopez, Larry C. Hechanova, Roena V. Dioneo, Daisy F. Labanza, Eric B. De Vera, Ralph P. Balili, Jaime D. Wayong, Enrico P. Espinosa, Jr., Elizalde T. Jueves, Jorge P. Dequilla, and Mae Vercille H. Nallos (*rollo*, pp. 81-107).

⁷ *Rollo* (A.M. No. P-14-3216), pp. 63-68.

⁸ *Rollo* (A.M. No. RTJ-17-2488), pp. 1-10. The complaint was signed by the following: Roena V. Dioneo, Mae Vercille H. Nallos, Cheryl D. Lopez, Anthony B. Carisma, Ralph P. Balili, Jaime D. Wayong, Vicente V. Quinicot, Enrico B. Espinosa, Jr., Elizalde T. Jueves, Jeanette A. Arinday, Ma. Teresa S. Villanos, Larry C. Hechanova, Aileen H. Gamboa, Jorge P. Dequilla, and May N. Laspiñas.

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dismissal or transfer should they defy him. They narrated, among others: that during a meeting, Judge Banzon threw a paper weight in front of Roena V. Dioneo (Dioneo), Clerk IV, OCC, RTC, and Mae Vercille H. Nallos (Nallos), Clerk III, RTC, Br. 40; that he told them he would make their lives a living hell as soon as Judge Alon retires on February 4, 2009; that on separate occasions, he challenged Elizalde T. Jueves (Jueves), Process Server, RTC, Br. 69, and Ralph P. Balili (Balili), Sheriff IV, OCC, to a fight; and that when Anthony B. Carisma, Process Server, RTC, Br. 40, tried to apologize for failing to immediately report to him, Judge Banzon shouted “*Don’t come near, otherwise I will kick you.*”⁹

In his comment¹⁰ dated June 4, 2010, Judge Banzon claimed that as Presiding Judge of RTC, Br. 69, and later Executive Judge, he conducted regular and periodic staff meetings to review the accomplishments of the branch and of the OCC; and while at times arguments ensued, none went beyond civility and righteous conduct and decorum. He denied challenging Balili and Jueves to a fight; and admitted having: summoned to his chambers Dioneo, Nallos, and Jeanette Arinday, not to humiliate, but to admonish and reprimand them for facilitating the approval of an accused’s surety bond and his eventual release, knowing full well that the accused had an impending arrest warrant for murder before his *sala*, and admonished Jueves during their periodic meetings for his ineptness in timely serving subpoenas. Lastly, he claimed that he received reports of cases being fixed for a fee, solicitations from litigants and lawyers, and unauthorized use and/or misuse of court funds kept in a fiduciary capacity by a group of personnel headed by, among others, Laspiñas.¹¹

On December 8, 2010, the Court referred A.M. OCA IPI No. 08-3046-RTJ to the Court of Appeals (CA), Cebu Station, for investigation, report, and recommendation.¹² The case was eventually raffled to Associate Justice Myra V. Garcia-Fernandez (Justice Garcia-Fernandez) who, in her Investigation Report¹³ dated March 8, 2012, recommended: (1) that the complaint against Judge Banzon be dismissed; and (2) that Judge Banzon’s complaint against Laspiñas, *et al.* for gross misconduct and insubordination, which are contained in the affidavits of the witnesses for Judge Banzon and in the Manifesto of Support filed by the Integrated Bar of the Philippines-Negros Occidental Chapter, be docketed as a separate administrative matter and investigated accordingly.

⁹ *Rollo* (A.M. No. RTJ-17-2488), pp. 1-7.

¹⁰ *Id.* at 52-56. See Manifestation dated January 17, 2011 of Judge Banzon (*rollo*, pp. 141-142) adopting the Manifesto and Affidavits of lawyers and court employees, with the December 8, 2010 letter of Atty. Ivan G. Nemenzo, President, Integrated Bar of the Philippines, Negros Occidental Chapter (*rollo*, pp. 87-140).

¹¹ *Id.* at 52-56.

¹² *Id.* at 85-86. The case was initially raffled to Associate Justice Ramon Paul L. Hernando, who voluntarily inhibited himself from the case.

¹³ *Id.* at 707-733.

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Meanwhile, in a Resolution¹⁴ dated March 11, 2013, the Court resolved to consolidate A.M. OCA IPI No. 10-3376-P with A.M. OCA IPI No. 08-3046-RTJ.

In a Memorandum¹⁵ dated January 6, 2014, the Office of the Court Administrator (OCA) agreed with Justice Garcia-Fernandez's observations and recommendations in A.M. OCA IPI No. 08-3046-RTJ, but recommended that Judge Banzon be held administratively liable for conduct unbecoming a judge, and be reprimanded and advised to be more circumspect in his dealings with the court employees.¹⁶

The Court, in a Resolution¹⁷ dated June 16, 2014, adopted the OCA's recommendations, dismissed the complaint against Judge Banzon, and: (1) recommended that OCA IPI No. 10-3376-P be re-docketed as a regular administrative matter; and (2) directed the Executive Judge of RTC, Silay City, Negros Occidental to conduct an investigation regarding the alleged illegal activities of Laspiñas and other court personnel.

On October 1, 2014, Laspiñas moved for reconsideration¹⁸ – of the Court's dismissal of the complaint against Judge Banzon (A.M. OCA IPI No. 08-3046-RTJ) – which the Court denied with finality in the Resolution dated December 3, 2014.¹⁹

Subsequently, pursuant to the Court's directive, Judge Dyna Doll Chiongson-Trocio (Judge Chiongson-Trocio), Executive Judge of RTC, Silay City, submitted her Investigation Report²⁰ dated January 13, 2016. Judge Chiongson-Trocio made the following observations and findings in her Investigation Report:

1. There were unauthorized withdrawals of the publication fees deposited with the OCC, Silay City, as stated by Judge Karen Joy Tan-Gaston,²¹ MTCC, Br. 6, Bacolod City (Branch Clerk of Court, RTC, Br. 40 from 2010 to 2012) and as shown by the logbook bearing the initials of Nallos and Laspiñas as the persons who withdrew the amounts.²²

¹⁴ *Rollo* (A.M. No. P-14-3216), p. 316; on Judge Banzon's Motion for Reconsideration dated November 22, 2011 (*rollo*, pp. 261-262) and the OCA's Memorandum dated December 17, 2012 (*rollo*, pp. 310-315). See also *rollo* (A.M. No. RTJ-17-2488), p. 771.

¹⁵ *Id.* at pp. 333-347. See *rollo* (A.M. No. RTJ-17-2488), pp. 780-794 (pages misplaced in the *rollo*). Signed by Deputy Court Administrator Raul Bautista Villanueva and Court Administrator Jose Midas P. Marquez.

¹⁶ *Rollo* (A.M. No. RTJ-17-2488), p. 793.

¹⁷ *Rollo* (A.M. No. P-14-3216), pp. 348-349; (A.M. No. RTJ-17-2488), p. 798.

¹⁸ *Rollo* (A.M. No. RTJ-17-2488), pp. 799-811.

¹⁹ *Id.* at 842-843.

²⁰ *Rollo* (A.M. No. P-14-3216), pp. 352-368.

²¹ *Id.* at 355-357.

²² See *rollo* (A.M. No. P-14-3216), p. 364.

Justice Banzon - photo

2. Some cases from the RTC, Br. 40 were “sold” to parties, *i.e.*, a Cadastral case where Court Stenographer Fe Dejaros witnessed Laspiñas and Dioneo receiving ₱10,000.00 from the daughter of the property owner to facilitate the petition.²³
3. The statement of Atty. De Vera and Mae A. Espinosa in their June 26, 1996 Joint Affidavit (of Cohabitation), *i.e.*, that they lived together as husband and wife for five (5) years with no legal impediment to marry, even while Atty. De Vera’s marriage was nullified only on April 18, 1995.²⁴
4. There was no concrete evidence linking Laspiñas or other court personnel to the irregularities in Civil Case No. 2243-40, a case for declaration of nullity of marriage. Per the statement of Fe A. Dejaros, Court Stenographer, RTC, Br. 40, it was Elizalde Jueves, Process Server, RTC, Br., who informed the mother of the petitioner (in the nullity case) that Laspiñas and Nallos would assist them.²⁵
5. The monetary solicitation made by Atty. De Vera, Teddy Quinicot, and Ralph Balili (Balili) from Mars Finance for expenses in connection with an administrative hearing was recorded in the police blotter of Villamonte, Bacolod City Police Station.²⁶
6. Laspiñas, together with Nallos, prepared petitions in special proceedings cases for a fee – as relayed particularly by Provincial Prosecutor Christy Enofre-Uriarte (Branch Clerk of Court, RTC, Br. 40 from April 2, 2002-March 30, 2008), Judge Gaston, and Judy Y. Empio, Social Worker II.²⁷
7. The other allegations including those contained in the list prepared by Judge Banzon, *i.e.*, that Jorge Dequilla, Utility Aide, RTC, Br. 40, Anthony Carisma, Process Server, RTC, Br. 40, Enrico Espinosa, Court Aide, RTC, Br. 69, Elizalde Jueves, Balili, and Atty. De Vera, were seen several times in drug dens; and that Jorge Dequilla was seen at the casino during office hours, lacked sufficient evidentiary support from which she could form any conclusion.²⁸

**The Action and Recommendation of the OCA
(A.M. No. P-14-3216)**

In the Memorandum²⁹ dated August 5, 2016, the OCA recommended that: (1) Laspiñas be found guilty of Grave Misconduct and conduct prejudicial to the best interest of the service, and be dismissed from the

²³ Id. at 358 and 364-365.

²⁴ Id. at 363 and 366.

²⁵ Id. at 358-359.

²⁶ Id. at 362 and 367.

²⁷ Id. at 353-355, 362, and 367.

²⁸ Id. at 363 and 367.

²⁹ Id. at 480-497. Signed by Deputy Court Administrator Raul Bautista Villanueva and Court Administrator Jose Midas P. Marquez.

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service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations, without prejudice to her criminal liabilities; and (2) the January 13, 2016 Investigation Report of Judge Chiongson-Trocio be treated as an administrative complaint against Atty. Eric De Vera, Clerk of Court, Roena V. Dioneo, Clerk IV, and Ralph Balili, Sheriff IV, all of the OCC, RTC, Silay City; Vicente Quinicot, Sheriff, Anthony B. Carisma, Process Server, and Jorge Dequilla, Utility Aide, all of RTC, Silay City, Br. 40; and Elizalde Jueves, Process Server, and Enrico Espinosa, Court Aide, both of RTC, Silay City, Br. 69; and they be directed to comment on the Investigation Report within a non-extendible period of thirty (30) days from notice.

The OCA reasoned that Laspiñas' acts of soliciting or receiving money from litigants – by preparing petitions for a fee – and withdrawing without authority the publication fees constitute Grave Misconduct that warrant her immediate dismissal from the service for violation of “Sec. 4, Canon I, and Sec. 2 (b) and (e) [Canon III] of A.M. No. 03-06-13-SC.” In addition, the OCA noted that Laspiñas, together with Nallos, was likewise charged with Grave Misconduct and serious dishonesty, and violation of Republic Act No. 6317 (Code of Conduct and Ethical Standards for Public Officials), in two separate administrative complaints: OCA IPI Nos. 12-3971-P and 12-3875-P. OCA IPI No. 12-3971-P stemmed from the misappropriation of publication fees in several cases pending before RTC, Br. 40, wherein Nallos admitted that they have taken and used the publication fees, while in OCA IPI No. 12-3875-P, Laspiñas and Nallos prepared pleadings for and demanded nine thousand pesos (₱9,000.00) from the complainant for the filing of the petition.

Anent the other findings of Judge Chiongson-Trocio, the OCA observed that: (1) Dioneo's act of receiving money (together with Laspiñas) from the property owner's daughter in a Cadastral case would make her liable for violation of “Section 4, Canon I and Sec. 2 (b) and (e) of A.M. No. 03-06-13-SC”; (2) Atty. De Vera and Mae Espinosa's statement in their Joint Affidavit of Cohabitation would render the former liable for immorality; (3) the act of Atty. De Vera, Quinicot, and Balili in soliciting money from Mars Finance would render them liable for violation of “Sec. 4, Canon I, and Sec. 2 (b) and (e) [Canon III of A.M. No. 03-06-13-SC]”; and (4) there were other court employees involved in the illegal activities in the RTC, Silay City, per the statement of the various witnesses interviewed by Judge Chiongson-Trocio, who should be required to comment on the report in order to afford them due process.³⁰

³⁰ Id. at 480-497.

Handwritten signature: J. Chiongson-Trocio

The Issue Before the Court

The essential issue for the Court's resolution is whether Laspiñas should be held administratively liable for the acts complained of.

The Court's Ruling

The Court agrees with the findings and recommendations of the OCA.

Misconduct has been defined as any unlawful conduct, on the part of the person concerned with the administration of justice, prejudicial to the rights of the parties or to the right determination of the cause.³¹ It implies wrongful, improper, or unlawful conduct, not a mere error of judgment, motivated by a premeditated, obstinate or intentional purpose, although it does not necessarily imply corruption or criminal intent, and must have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office.³²

Under our rules, misconduct may be gross or simple. In order to differentiate the two, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must necessarily be manifest in the former.³³ Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his position or office to procure some benefit for himself or for another person, contrary to duty and the rights of others.³⁴ Sections 1 and 2 Canon I, and Section 2 (b) and (e), Canon III of the Code of Conduct for Court Personnel³⁵ prohibits court personnel from securing for themselves or for others, any benefit or advantage through their official position or in the performance of their functions. These sections respectively provide:

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.

SEC. 2. **Court personnel shall not solicit or accept any gift, favor or**

³¹ *Rodriguez v. Eugenio*, 550 Phil. 78, 93 (2007). See also *Ramos v. Limeta*, 650 Phil. 243, 248-249 (2010); citation omitted.

³² See *id.* at 93-94; See also *Corpuz v. Rivera*, A.M. No. P-16-3541 [Formerly OCA IPI No. 12-3915-P], August 30, 2016.

³³ See *Corpuz v. Rivera*, supra note 32. See also *Ramos v. Limeta*, supra note 31, at 248-249.

³⁴ *Dela Cruz v. Malunao*, 684 Phil. 493, 504 (2012). See also *Corpuz v. Rivera*, supra note 33, citing *OCA v. Amor*, 745 Phil. 1, 8 (2014).

³⁵ Took effect on June 1, 2004 pursuant to A.M. No. 03-06-13-SC promulgated by the Court.

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benefit on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

x x x x

CANON III
CONFLICT OF INTEREST

SEC 2. Court personnel shall not:

x x x x

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

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. (Emphases supplied)

In this case, Laspina's acts of withdrawing without authority the publication fees deposited with the OCC and preparing petitions in special proceedings cases for a fee on several occasions – per the corroborating statements of the witnesses interviewed by Judge Chiongson-Trocio – clearly show her flagrant disregard of the law and the rules, and serve to validate the various allegations and rumors of her proclivity to corruption, thereby constituting violations of Sections 1 and 2, Canon I, and Section 2 (b) and (e), Canon III of the Code of Conduct for Court Personnel.

Under Sections 46 (A) (3)³⁶ and 52 (a)³⁷, Rule 10, of the Revised Rules on Administrative Cases in the Civil Service³⁸ (RRACCS), in relation to Section 23, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292,³⁹ Grave Misconduct is a grave offense that carries the extreme penalty of dismissal from the service for the first offense, with

³⁶ Section 46 (A) (3), Rule 10 of the RRACCS reads:

Section 46. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave or 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

³⁷ Section 52 (a), Rule 10 of the RRACCS states:

Section 52. *Administrative Disabilities Inherent in Certain Penalties.*–

a. The penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office and bar from taking civil service examinations.

x x x x

³⁸ Promulgated on November 8, 2011 by the Civil Service Commission (CSC) through CSC Resolution No. 1101502.

³⁹ Entitled "INSTITUTING THE 'ADMINISTRATIVE CODE OF 1987'," approved on July 25, 1987.

cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for holding public office. On the other hand, conduct prejudicial to the best interest of the service, likewise a grave offense under Section 46 (B) (8)⁴⁰ of the RRACCS, merits the penalty of suspension for six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense.

The Court is not unaware that in certain cases, it exercised its discretion to assess mitigating circumstances such as Laspiñas' twenty (20) years, or more, of service.⁴¹ The Court, however, cannot apply this exception to the present case for, as already pointed herein, the findings – that Laspiñas had been soliciting and/or receiving money from litigants on the promise of favorable action on their cases and had been using and/or misusing the publication fees for personal use – show her proclivity for corruption and abuse of position.

As a public servant, Laspiñas is expected at all times to exhibit the highest sense of honesty, integrity, and responsibility that the Constitution, under Article XI, Section 1⁴² mandates.⁴³ Moreover, as a court employee, she ought to have been well aware of the high standards of propriety and decorum expected of employees in the judiciary as “any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people’s confidence in it.”⁴⁴ Without doubt, she has shown her unfitness for public office. In this light, the OCA correctly held Laspiñas administratively liable for gross misconduct and conduct prejudicial to the best interest of the service. Pursuant to Section 50⁴⁵ of the RRACCS, the Court finds the penalty of dismissal proper.

⁴⁰ Section 46 (B) (8), Rule 10 of the RRACCS reads:

Section 46. *Classification of Offenses.* – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

x x x x

B. The following grave offenses shall be punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense and dismissal from the service for the second offense:

x x x x

8. Conduct prejudicial to the best interest of the service;

x x x x

⁴¹ See Section 48 of the RRACCS, which pertinently states:

Section 48. *Mitigating and Aggravating Circumstances.* – In the determination of the penalties to be imposed, mitigating and/or aggravating circumstances attendant to the commission of the offense shall be considered.

The following circumstances shall be appreciated:

x x x x

n. Length of service; or

x x x x

⁴² Article XI, Section 1 of the Constitution states:

Section 1. Public office is a public trust. Public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice, and lead modest lives.

⁴³ See *Corpuz v. Rivera*, supra note 32; and *Rodriguez v. Eugenio*, supra note 31, at 93.

⁴⁴ Code of Conduct for Court Personnel, fourth Whereas clause. See also *Corpuz v. Rivera*, supra note 32.

⁴⁵ Section 50 of the RRACCS states:

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As a final note, it is well to reiterate that the administration of justice is a sacred task that the persons involved in it, from the judges to the most junior clerks, ought to live up to the strictest standard of honesty and integrity.⁴⁶ Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion.⁴⁷ This Court has never wavered in its vigilance in eradicating the so-called “bad eggs” in the judiciary, and, whenever warranted by the gravity of the offense, the supreme penalty of dismissal in an administrative case is meted to erring personnel,⁴⁸ as the Court now does in this case.

WHEREFORE, the Court finds May N. Laspiñas, Legal Researcher/Officer-In-Charge, of the Regional Trial Court of Silay City, Negros Occidental, Branch 40, **GUILTY** of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. Accordingly, she is hereby **DISMISSED** from the service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or agency of the government, including government-owned or controlled corporations, without prejudice to her criminal liabilities.

Further, the Investigation Report dated January 13, 2016 submitted by Judge Dyna Doll Chiongson-Trocio is hereby treated as an administrative complaint against: Atty. Eric De Vera, Clerk of Court; Roena V. Dioneo, Clerk IV; and Ralph Balili, Sheriff IV; all from the Office of the Clerk of Court of the Regional Trial Court of Silay City, Negros Occidental; Vicente Quinicot, Sheriff; Anthony B. Carisma, Process Server; and Jorge Dequilla, Utility Aide; all from the Regional Trial Court of Silay City, Negros Occidental, Branch 40; and Elizalde Jueves, Process Server; and Enrico Espinosa, Court Aide; both from the Regional Trial Court of Silay City, Negros Occidental, Branch 69. They are directed to file their comment thereto within a non-extendible period of thirty (30) days from notice of this Resolution.

SO ORDERED.

Section 50. *Penalty for the Most Serious Offense.* If the respondent is found guilty of two (2) or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered as aggravating circumstances.

⁴⁶ See *Rodriguez v. Eugenio*, supra note 31, at 93.

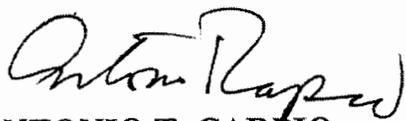
⁴⁷ *Id.* at 93.

⁴⁸ *Mendoza v. Tiongson*, 333 Phil. 508, 510 (1996). See also *Nuez v. Cruz-Apao*, 495 Phil. 270, 272 (2005).

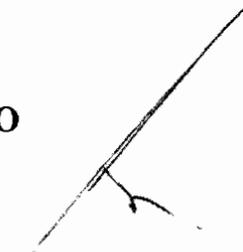
J. B. Chiongson - Trocio



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



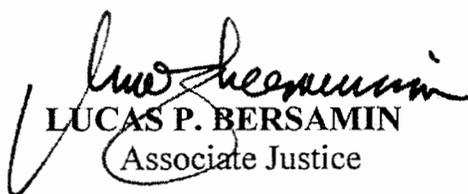
PRESBITERO J. VELASCO, JR.
Associate Justice



TERESITA J. LEONARDO-DE CASTRO
Associate Justice



DIOSDADO M. PERALTA
Associate Justice



LUCAS P. BERSAMIN
Associate Justice

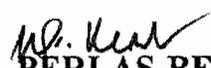


MARIANO C. DEL CASTILLO
Associate Justice



JOSE CATRAL MENDOZA
Associate Justice

On Official Leave
BIENVENIDO L. REYES
Associate Justice



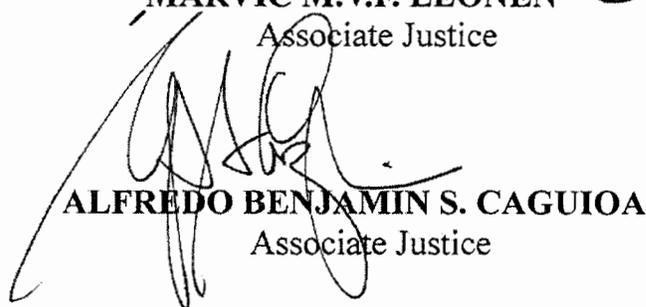
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. GARDELEZA
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

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ANNA L.R. PATA-GOMBIO
Deputy Clerk of Court in Bane
Of the Honorable Supreme Court