



Republic of the Philippines
Supreme Court
Manila

EN BANC

MA. ROSARIO R. ESCAÑO,
Chief Judicial Staff Officer,
Human Resource Division, Office
of Administrative and Finance
Services, Court of Tax Appeals,
Complainant,

-versus-

ADRIAN P. MANAOIS, Human
Resource Management Officer III,
Human Resource Division, Court
of Tax Appeals,
Respondent.

A.M. No. 16-02-01-CTA

Present:

SERENO,* *C.J.*,
CARPIO,**
VELASCO, JR.,***
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
PEREZ,
MENDOZA,***
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA, and
CAGUIOA,* *JJ.*

Promulgated:

November 15, 2016

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DECISION

PER CURIAM:

This is an administrative case against respondent Adrian P. Manaois (Manaois) initiated by complainant Ma. Rosario R. Escaño (Escaño) in her Complaint-Affidavit¹ dated February 25, 2015 for grossly disrespectful behavior, discourtesy in the course of official duties, gross insubordination, knowingly making false statements against co-employees, being notoriously undesirable, neglect in the performance of duty, failure to act promptly on

* On leave.

** Designated as Acting Chief Justice per Special Order No. 2401 dated November 15, 2016.

*** On official leave.

¹ *Rollo*, pp. 38-44.

letters and requests, and conduct prejudicial to the best interest of the service.²

I

Manaois is employed as Human Resource Management Officer III (HRMO III) of the Human Resource Division (HRD), Office of Administrative and Finance Services (OAFS), Court of Tax Appeals (CTA). Escaño is the Chief Judicial Staff Officer of the HRD, and is the immediate supervisor of Manaois.

This administrative case is an offshoot of previous OAFS Grievance Reports filed by Escaño³ (OAFS Grievance Report No. 02-2014) and Manaois⁴ (OAFS Grievance Report No. 01-2014) against each other before the OAFS. Their Grievance Reports were docketed as Office of the Presiding Justice (OPJ) Grievance No. 01-2015.⁵ Manaois, however, indicated that he was withdrawing his complaint for direct filing before the Office of the Court Administrator (OCA).⁶ Nonetheless, these complaints were elevated to the CTA Grievance Committee for proper disposition pursuant to the rules.⁷ Subsequently, on December 11, 2014, the CTA Grievance Committee issued a Resolution⁸ to “**REFER and FORWARD** the Complaint of Ms. Escaño to the CTA Employees’ Rules on Discipline (CTA EROD) for proper disposition,”⁹ and to re-docket the case as a regular administrative case. Manaois moved for the reconsideration of this Resolution, but the motion was denied. The proceedings in OAFS Grievance Report Nos. 01-2014 and 02-2014 were considered closed and terminated.¹⁰

Pursuant to the December 11, 2014 CTA Grievance Committee Resolution, the records of the case were forwarded to Associate Justice Ma. Belen M. Ringpis-Liban (Investigating Officer Justice Ringpis-Liban), as the Investigating Officer of the CTA EROD. In a Resolution¹¹ dated February 23, 2015, Investigating Officer Justice Ringpis-Liban noted a formal defect on the complaint of Escaño, but found that it “is not fatal to the initiation of an administrative complaint against Mr. Manaois.”¹² Thus, citing Section 6, Rule II of the CTA EROD, Investigating Officer Justice Ringpis-Liban ordered Escaño to amend her complaint.¹³ In her amended complaint¹⁴ (re-docketed as CTA EROD No. 2015-01), Escaño identified the following instances as bases for the Formal Charge against Manaois:

² *Id.* at 38.

³ Docketed as OAFS Grievance Report No. 02-2014. *Id.* at 76-77, 481.

⁴ Docketed as OAFS Grievance Report No. 01-2014. *Id.* at 76-77, 480-481.

⁵ *Id.* at 34.

⁶ *Id.* at 78.

⁷ *Id.*

⁸ *Rollo*, pp. 76-84.

⁹ *Id.* at 83. Emphasis in the original.

¹⁰ *Id.* at 34.

¹¹ *Id.* at 34-37.

¹² *Id.* at 36, citing Resolution dated February 13, 2015 in OPJ Grievance No. 01-2015.

¹³ *Id.* at 37.

¹⁴ *Id.* at 38-44.

J. B. Ringpis-Liban

1. Manaois failed to submit the service record of Atty. Agnes Arao and Ms. Tanya Galapon under the Office of Associate Justice Caesar A. Cassanova on time which caused the Civil Service Commission (CSC) to follow up with HRD regarding the delayed submission.¹⁵
2. Manaois showed and/or granted access to unauthorized persons strictly confidential personnel files, such as 201 files, statements of assets, liabilities and net worth, and performance ratings, which prompted Escaño to issue a memorandum to the entire department.¹⁶
3. Complaints from CTA employees assigned to Manaois regarding his rude and hostile demeanor, which led Escaño to rotate and change employees assigned to HRMOs.¹⁷
4. Manaois issued memoranda to Escaño, his immediate supervisor, and to then Acting Section Chief, Ms. Mary Anne Miralles (Miralles), without Escaño's knowledge and approval, and in excess of his authority.¹⁸
5. Manaois' accusation, in front of other HRD employees, against Ms. Maria Lourdes Mayor (Mayor), a fellow HRMO, that the latter is incompetent and was delegating work within the scope of her responsibilities.¹⁹
6. Manaois falsely accused a co-terminous court employee from the Office of Justice Amelia C. Cotangco-Manalastas of entering and registering two time cards without any basis.²⁰
7. On several occasions, Manaois had neglected to timely provide Escaño with status reports regarding pending matters assigned to him.²¹
8. Manaois publicly accused another co-employee, Ms. Ana Ria Sundiam, of being incompetent, and upon being counseled by Escaño on the matter, turned his back on her while she was speaking and then stormed out of the room.²²
9. Manaois, on several occasions, left the office without informing or asking permission from Escaño.²³
10. Manaois usurped the duties of Mr. Redd Ryan Adayo (Adayo) as Liaison Officer of HRD, despite being relieved of such function.²⁴
11. Manaois questioned the overtime services rendered by senior tax specialists when the request for overtime had already been

¹⁵ *Id.* at 40, 278.

¹⁶ *Id.* at 40.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Rollo*, pp. 40, 82.

²⁰ *Id.* at 10, 41.

²¹ *Id.* at 11.

²² *Id.* at 41.

²³ *Id.*

²⁴ *Id.*

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approved by the presiding justice upon the request of other associate justices.²⁵

12. Manaois was absent without official leave from September 9-11 and 15, 2014.²⁶

In the proceedings before Investigating Officer Justice Ringpis-Liban, Manaois filed a manifestation with motion to dismiss²⁷ instead of a counter-affidavit. He claimed that the investigating officer has no jurisdiction over the administrative case, but that only the Supreme Court has the disciplinary authority over court personnel, considering that he is being charged with grave or less grave offenses. Investigating Officer Justice Ringpis-Liban denied the motion, and instructed Manaois to file his counter-affidavit.²⁸ Again, instead of filing his counter-affidavit, Manaois filed an “appeal” with the OPJ, and furnished Investigating Officer Justice Ringpis-Liban a copy of his “appeal.”²⁹

When the case was set for preliminary investigation, only Escaño appeared.³⁰ Manaois excused himself from attending in view of the pendency of his appeal. He said that he “would like to exhaust all legal remedies available to him,”³¹ including his appeal with the OPJ. Investigating Officer Justice Ringpis-Liban noted the manifestation, and said that CTA EROD does not provide for an appeal mechanism at this stage of the proceedings.³²

Meanwhile, the CTA *En Banc* noted without action Manaois’ appeal, and stated that the appeal with the OPJ “is not an available remedy under the [CTA EROD].”³³ In view of this development, Investigating Officer Justice Ringpis-Liban extended to Manaois another opportunity to attend a preliminary investigation conference, as well as to submit any affidavits or counter-affidavits supporting his cause.³⁴ However, Manaois filed a manifestation *ad cautelam*³⁵ expressing his intent to elevate the case to the Supreme Court.

When the preliminary investigation terminated,³⁶ and after evaluation of the witnesses presented by Escaño, Investigating Officer Justice Ringpis-Liban issued her Preliminary Investigation Report³⁷ finding probable cause to formally charge Manaois. She also recommended for his preventive suspension for the maximum period of 90 days, or in the alternative, for his

²⁵ *Rollo*, p. 42

²⁶ *Id.*

²⁷ *Rollo*, pp. 86-102.

²⁸ *Id.* at 131.

²⁹ *Id.* at 132.

³⁰ *Id.* at 136.

³¹ *Id.* at 134.

³² *Id.* at 136-137.

³³ *Id.* at 156.

³⁴ *Id.* at 159.

³⁵ *Id.* at 160-161.

³⁶ *Id.* at 163.

³⁷ *Id.* at 20-33.

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immediate lateral transfer to a different department.³⁸ On May 18, 2015, a Formal Charge was filed by Investigating Officer Justice Ringpis-Liban against Manaois.³⁹ On the same day, the CTA Third Division affirmed the recommendation of Investigating Officer Justice Ringpis-Liban, and resolved to refer the matter regarding the preventive suspension to the Office of the Presiding Justice Roman G. Del Rosario for proper disposition.⁴⁰

On June 29, 2015, Investigating Officer Justice Ringpis-Liban endorsed to Presiding Justice Roman G. Del Rosario the records of CTA EROD No. 2015-01 for raffling of the hearing on the Formal Charge.⁴¹ On June 30, 2015, the case was raffled to the CTA First Division which was composed of Associate Justices Roman Del Rosario (Chairman), Erlinda Uy, and Cielito Mindaro-Grulla (hearing committee). They set the case for preliminary conference on July 13, 2015,⁴² where only Escaño appeared. Instead of attending the conference, Manaois filed an omnibus motion to cancel the preliminary conference. He moved for the inhibition of the members of the hearing committee, and the referral of the case to the OCA. The hearing committee denied the omnibus motion.⁴³

Despite due notice, Manaois failed to appear in the July 23,⁴⁴ July 29,⁴⁵ and August 28, 2015⁴⁶ hearings set by the hearing committee. He likewise failed to submit his memorandum, hence, the formal investigation was considered terminated, and submitted for decision.⁴⁷ To establish the allegations in the Formal Charge, Escaño and five other witnesses testified by way of judicial affidavits.⁴⁸

In its Formal Investigation Report⁴⁹ dated October 15, 2015, the hearing committee found Manaois guilty of simple neglect of duty, simple misconduct, discourtesy in the course of official duties, violation of Sections 1 and 2, Canon IV of the Code of Conduct for Court Personnel, frequent unauthorized absences from duty during regular office hours, insubordination, conduct prejudicial to the best interest of the service, and being notoriously undesirable. Accordingly, it recommended, subject to the approval of the Supreme Court, that Manaois be dismissed from service with cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from holding public office and from taking the civil service examination.⁵⁰

³⁸ *Id.* at 32.

³⁹ *Id.* at 485.

⁴⁰ *Id.* at 17-19, 485.

⁴¹ *Id.* at 2.

⁴² *Id.* at 199-200.

⁴³ *Id.* at 216-217.

⁴⁴ *Id.* at 304.

⁴⁵ *Id.* at 347.

⁴⁶ *Id.* at 457.

⁴⁷ *Id.* at 470.

⁴⁸ *Id.* at 487.

⁴⁹ *Id.* at 472-518.

⁵⁰ *Id.* at 518.

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On November 3, 2015, the hearing committee formally endorsed the case to this Court for its approval.⁵¹

II

We first discuss the issue of jurisdiction which Manaois used as basis for ignoring the proceedings below. He argues that the power to discipline justices, judges and court employees is constitutionally vested in the Supreme Court. Citing OCA Circular No. 30-91,⁵² he maintains that the disciplinary authority of the presiding justices of lower collegiate courts is limited to light offenses only. However, since he is being charged with grave and less grave offenses, it is the Supreme Court that has jurisdiction.⁵³

The contention lacks merit. Manaois misapprehends the nature of the proceedings before the hearing committee, and the actions it undertook.

The proceedings below were essentially investigative and the hearing committee's actions were merely recommendatory. The hearing committee did not directly impose any sanction on Manaois. In fact, it was explicitly stated in the dispositive portion that the penalty was "subject to the approval of the Supreme Court."⁵⁴ The hearing committee acted within the bounds of its authority, as embodied in Rule II Section 14 of the CTA EROD, the governing rules on disciplinary cases involving CTA employees, to wit:

Sec. 14. Referral of the CTA's Formal Investigation Report on the Administrative cases to the Supreme Court – Office of the Court Administrator (OCA). – The CTA's Formal Investigation Report (including all the records of the administrative case) for the meting out of the proper penalty(ies), which has already become final, shall be submitted by the CTA to the Supreme Court, through the OCA, within fifteen (15) days therefrom, for its approval. The Supreme Court may affirm, reverse or modify the CTA's Formal Investigation Report.

However, in cases where the CTA's Formal Investigation Report imposes only a penalty of suspension for not more than thirty (30) days or a fine in an amount not exceeding thirty (30) days' salary, and have already become final, the same shall be deemed immediately executory by the CTA without further need of submitting the aforesaid Formal Investigation Report to the Supreme Court.

In promulgating the CTA EROD, the CTA knew the extent of its disciplinary authority under OCA Circular No. 30-91. It made the same

⁵¹ *Id.* at 523-524.

⁵² Guidelines on the Functions of the Office of the Court Administrator, September 30, 1991.

⁵³ *Rollo*, pp. 93-101.

⁵⁴ *Id.* at 518.

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delineation between light offenses and grave/less grave offenses as prescribed in the circular. Because the charges against Manaois involved grave⁵⁵ and less grave⁵⁶ offenses, the hearing committee correctly limited itself to conducting an investigation, recommending penalties, and forwarding the case to this Court for appropriate action. The hearing committee, therefore, did not usurp the Court's administrative power over the employees of the judiciary.

The power of justices and judges of lower courts to investigate and recommend to the Supreme Court the necessary disciplinary action is well recognized.⁵⁷ In *Nery v. Gamolo*,⁵⁸ we held that “[a]s administrator of her court, she is responsible for its conduct and management. She has the duty to supervise her court personnel to ensure prompt and efficient dispatch of business in her court.”⁵⁹ Thus, in that case, we ruled that the order of suspension issued by Judge Nery finds support in Rule 3.10 of the Code of Judicial Conduct, which provides that, “A judge should take or initiate appropriate disciplinary measures against lawyers or court personnel for unprofessional conduct which the judge may become aware of.”⁶⁰

The same principle applies why the CTA, through the procedure laid down in its EROD,⁶¹ is allowed to investigate and recommend appropriate disciplinary measures against erring employees. In administrative complaints involving grave offenses, the role of the CTA (through the designated hearing committee) is confined to the investigation of the case, and the recommendation of the appropriate disciplinary action. Consistent with existing rules, this Court receives the Formal Investigation Report, which we can affirm, reverse, or modify based on our independent judgment.

⁵⁵ Revised Rules on Administrative Cases in the Civil Service, Rule X, Sec. 46:

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

x x x

4. **Being notoriously undesirable;**

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

5. **Frequent unauthorized absences**, or tardiness in reporting for duty, loafing from duty during regular office hours;

x x x

8. **Conduct prejudicial to the best interest of service;** x x x (Emphasis supplied.)

⁵⁶ Revised Rules on Administrative Cases in the Civil Service, Rule X, Sec. 46:

(D). The following less grave offenses are punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first offense; and dismissal from the service for the second offense:

1. **Simple neglect of duty;**

2. **Simple misconduct;**

3. **Discourtesy in the course of official duties;**

4. **Violation of existing Civil Service Law and rules of serious nature;**

5. **Insubordination;** x x x (Emphasis supplied.)

⁵⁷ *Ulat-Marrero v. Torio, Jr.*, A.M. No. P-01-1519, November 19, 2003, 416 SCRA 177.

⁵⁸ A.M. No. P-01-1508, February 7, 2003, 397 SCRA 110.

⁵⁹ *Id.* at 117.

⁶⁰ *Id.*

⁶¹ CTA EROD, Rule II, Sec. 14.

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III

We agree with the findings of the hearing committee that Manaois is guilty of simple neglect of duty, discourtesy in the course of official duties, frequent unauthorized absences, and being notoriously undesirable.

Simple Neglect of Duty

Neglect of duty is the failure of an employee to give one's attention to a task expected of him.⁶² Section 1, Canon IV of the Code of Conduct for Court Personnel commands court personnel to perform their official duties properly and dilligently at all times. Since the image of the courts, as the administrators and dispensers of justice, is not only reflected in their decisions, resolutions or orders but also mirrored in the conduct of court personnel, it is incumbent upon every court personnel to observe the highest degree of efficiency and competency in his or her assigned tasks. The failure to meet these standards warrants the imposition of administrative sanctions.⁶³

In this case, Manaois failed to timely process the service records of Atty. Agnes D. Arao (Court Attorney IV), and Ms. Tanya B. Galapon (Executive Assistant V), both employees under the Office of Associate Justice Caesar A. Cassanova. In finding Manaois guilty, the hearing committee relied on the testimony of Escaño. She testified that the CSC had been following up the service records with her, prompting her to issue a Memorandum⁶⁴ addressed to Manaois instructing him to submit the documents to the CSC Field Office the next day. The submission of the service records may be considered as a clerical job, thus any delay in its performance is considered unreasonable.⁶⁵ Manaois' inaction in processing the service records shows that he was remiss in his duty, and therefore guilty of simple neglect of duty.

Discourtesy in the Course of Official Duties

The hearing committee also recommended that Manaois be adjudged guilty of discourtesy in the course of official duties based on the following instances:

First, Escaño alleged that she has been receiving complaints from CTA employees assigned to Manaois regarding his rudeness, callousness, and notorious undesirability, which caused her to frequently change the employees assigned to him, as evidenced by a Memorandum⁶⁶ dated May 10, 2013.

⁶² *Marquez v. Publico*, A.M. No. P-06-2201, June 30, 2008, 556 SCRA 531, 537.

⁶³ *Office of the Court Administrator v. Gaspar*, A.M. No. P-07-2325, February 28, 2011, 644 SCRA 378, 382.

⁶⁴ *Rollo*, p. 278.

⁶⁵ See *Philippine Retirement Authority v. Rupa*, G.R. No. 140519, August 21, 2001, 363 SCRA 480.

⁶⁶ *Rollo*, p. 285.

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Second, Manaois disregarded the hierarchy of positions and acted in excess of his authority when he bypassed the authority of Escaño (as the Division Chief) by directly issuing a memorandum against Miralles, who was then Acting HRD Section Chief. In a Memorandum⁶⁷ dated March 28, 2012, Escaño reminded her staff of the proper protocol in case of intra-division disputes, and expressed that Manaois' act was "prejudicial to [her] capacity as the Chief of the Division and to Ms. Miralles who [was] acting as Section Chief x x x."⁶⁸

Third, Manaois accused Mayor (HRMO III) of giving false instructions to Karla D. Aspa (HRMO I). In a letter addressed to Escaño, he stated that in his view, Mayor should "refrain from verbally instructing her subordinates especially in the performance of [their] duties and responsibilities, if she is not familiar to [*sic*] the same x x x."⁶⁹ In response, Mayor expressed that she was indignant with Manaois' statement because it intended to malign her work value.⁷⁰

Fourth, Manaois was rude and discourteous in his dealings with Escaño. In one instance, Manaois stormed out of the room while Escaño was clarifying another incident involving Manaois and a fellow HRMO, Anna Ria Sundiam. Mayor also testified that Manaois had a tendency to talk back to Escaño in an arrogant manner.⁷¹ Another employee, Rowena Lising (Lising), also attested to Manaois' impolite behavior towards Escaño.⁷²

Based on the foregoing, we find Manaois guilty of discourtesy in the course of official duties. As a public officer, Manaois is bound, in the performance of his official duties, to observe courtesy, civility, and self-restraint in his dealings with others.⁷³ "All judicial employees must refrain from the use of abusive, offensive, scandalous, menacing or otherwise improper language. They are expected to accord due respect, not only to their superiors, but also to all others. Their every act and word should be characterized by prudence, restraint, courtesy and dignity."⁷⁴ In this case, it has been shown that Manaois failed to live up to these standards on several occasions.

Frequent Unauthorized Absences

The hearing committee found that Manaois incurred absences without official leave (AWOL) on September 9, 10, 11, and 15, 2014, and was "no-call, no-show" during those days. These acts constitute violations of the Human Resource Department's Internal Policy on Office Protocol which

⁶⁷ *Id.* at 280-281.

⁶⁸ *Id.* at 280.

⁶⁹ *Id.* at 282.

⁷⁰ *Id.* at 284.

⁷¹ *Id.* at 508.

⁷² *Id.* at 479, 508.

⁷³ *Sison v. Morales-Malaca*, G.R. No. 169931, March 12, 2008, 548 SCRA 136, 146.

⁷⁴ *Bajar v. Baterisna*, A.M. No. P-06-2151, August 28, 2006, 499 SCRA 629, 637.

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requires all Human Resource Department employees to inform their Chief of their absences.⁷⁵ Manaois' fellow HRMOs – namely, Miralles, Lising, and Adayo – also testified that he often left the office during working hours without informing Escaño of his whereabouts.⁷⁶

We agree with the recommendations of the hearing committee. Manaois' unauthorized absences and loafing during office hours are impermissible. Due to the nature and functions of their office, officials and employees of the judiciary must be role models in the faithful observance of the constitutional canon that public office is a public trust. Inherent in this mandate is the observance of the prescribed office hours and efficient use of every moment for public service, if only to recompense the government, and ultimately, the people who shoulder the cost of maintaining the judiciary. Thus, to inspire public respect for the justice system, court officials and employees are, at all times, behooved to strictly observe official time.⁷⁷

Notorious Undesirability

Finally, we agree with the hearing committee's finding that Manaois' notorious undesirability is manifest from his general reputation among his co-workers in the HRD, as well as his previous transfers from different divisions of the CTA due to his inability to work well with others and his disrespect for his immediate supervisors. Escaño,⁷⁸ Mayor,⁷⁹ Lising,⁸⁰ Miralles,⁸¹ and Adayo,⁸² testified that Manaois was difficult to work with and that he had negative interactions with his co-employees. Manaois' former supervisor in the Budget Division, Isidro Barredo, Jr., also stated that Manaois displayed unruly attitude towards him and had asked that he be transferred to another division.⁸³

In determining whether an employee is notoriously undesirable, the CSC prescribes a two-fold test: (1) whether it is common knowledge or generally known as universally believed to be true or manifest to the world that the employee committed the acts imputed against him; and (2) whether he had contracted the habit for any of the enumerated misdemeanors.⁸⁴ We are satisfied that Manaois' general reputation within the HRD as someone who is quarrelsome and difficult to work with, in addition to his history of rude and discourteous conduct towards his supervisors, adequately show that he is notoriously undesirable. Manaois' actions have been substantiated and

⁷⁵ *Rollo*, p. 509.

⁷⁶ *Id.* at 510.

⁷⁷ *Re: Frequent Unauthorized Absences of Ms. Nahren D. Hernaez*, A.M. No. 2008-05-SC, August 6, 2008, 561 SCRA 1, 11.

⁷⁸ *Rollo*, pp. 218-228.

⁷⁹ *Id.* at 237-240.

⁸⁰ *Id.* at 257-261.

⁸¹ *Id.* at 243-247.

⁸² *Id.* at 250-254.

⁸³ *Id.* at 231-234.

⁸⁴ *San Luis v. Court of Appeals*, G.R. No. 80160, June 26, 1989, 174 SCRA 258, 270-271.

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corroborated by the testimonies of the witnesses presented during the investigation.

An employee who cannot get along with his co-employees and superiors can upset and strain the working environment and is therefore detrimental to institution.⁸⁵ Such instance calls for us to exercise our prerogative to take the necessary action to correct the situation and protect the judiciary.

The Revised Rules on Administrative Cases in the Civil Service prescribes the following penalties for respondent's violations:

Sec. 46. Classification of Offenses. – x x x

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

x x x

4. Being notoriously undesirable;

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

5. Frequent unauthorized absences, or tardiness in reporting for duty, loafing from duty during regular office hours;

x x x

(D). The following less grave offenses are punishable by suspension of one (1) month and one (1) day suspension to six (6) months for the first offense; and dismissal from the service for the second offense:

1. Simple neglect of duty;

x x x

3. Discourtesy in the course of official duties;

x x x

Section 50 of the same Rules provides that if the respondent is found guilty of two 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. In this case, the most serious charge for which we find Manaois guilty of is the grave offense of being notoriously undesirable, which is punishable by dismissal from service. We therefore adopt the hearing committee's recommendation that Manaois be imposed the penalty of dismissal from the service.

WHEREFORE, the Court finds respondent Adrian P. Manaois **GUILTY** of simple neglect of duty, discourtesy in the course of official duties, frequent unauthorized absences, and being notoriously undesirable. Accordingly, he is meted with the penalty of **DISMISSAL** from the service


⁸⁵ *Heavylift Manila, Inc. v. Court of Appeals*, G.R. No. 154410, October 20, 2005, 473 SCRA 541, 549.

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with the accessory penalties of cancellation of his eligibility, forfeiture of retirement benefits, perpetual disqualification from holding public office, and bar from taking civil service examinations.⁸⁶

SO ORDERED.

(On Leave)
MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice
Acting Chief Justice

(On Official Leave)
PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice

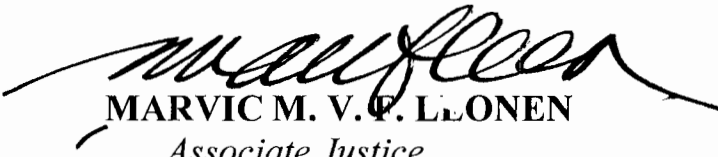

JOSE PORTUGAL PEREZ
Associate Justice

(On Official Leave)
JOSE CATRAL MENDOZA
Associate Justice


BIENVENIDO L. REYES
Associate Justice

⁸⁶ Revised Rules on Administrative Cases in the Civil Service, Rule X:
Sec. 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.
See also Formal Investigation Report, *rollo*, p. 518.


ESTELA M. PERLAS-BERNABE
Associate Justice


MARVIC M. V. F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice

(On Leave)
ALFREDO BENJAMIN S. CAGUIOA
Associate Justice