



SUPREME COURT OF THE PHILIPPINES
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Republic of the Philippines
Supreme Court
Manila

EN BANC

DR. VIRGILIO S. RODIL,
Complainant,

A.M. No. CA-20-36-P

Present:

GESMUNDO, C.J.,
PERLAS-BERNABE, J.,
LEONEN,
CAGUIOA,
HERNANDO,
CARANDANG,
LAZARO-JAVIER,
INTING,
ZALAMEDA,
LOPEZ, M. V.,
GAERLAN,
ROSARIO, and
LOPEZ, J. Y., JJ.

-versus-

IMELDA V. POSADAS,
Records Officer II, Reporters
Division, Court of Appeals,
Respondent.

Promulgated:

August 3, 2021

X ----- X
Antonias Ayendo

DECISION

PER CURIAM:

This administrative matter stemmed from the findings in a *Per Curiam* Decision¹ of the Court in Administrative Case No. (AC) 10461 entitled *Dr. Virgilio S. Rodil v. Atty. Andrew Corro, Samuel Ancheta, Jr. and Imelda*

¹ *Rollo*, pp. 4-17.

Posadas. In the said case, the Court imposed the penalty of disbarment upon Atty. Andrew Corro (Atty. Corro) and ordered the Office of the Administrative Services (OAS) of the Supreme Court and the Court of Appeals (CA) to conduct the corresponding investigations on Samuel Ancheta, Jr. (Ancheta)² and the subject of the instant case, Imelda V. Posadas (Posadas), respectively.

The Antecedents:

Sometime in 2013, Atty. Ramel Aguinaldo (Atty. Aguinaldo) requested the assistance of Dr. Virgilio S. Rodil (Dr. Rodil) to find a contact in the Supreme Court who could help with the “review” of the pending drugs case of Atty. Aguinaldo’s client, Marco Alejandro. In view of this, Dr. Rodil, a doctor at St. Michael Medical Center in Bacoor, Cavite, sought the aid of Posadas, a patient in the said hospital and an employee of the CA. Since Dr. Rodil inquired from Posadas if she had any contacts, the latter called for the assistance of Ancheta, an employee of this Court. Subsequently, Ancheta informed Posadas that the case was raffled to then Associate Justice Martin S. Villarama, Jr. (as *ponente*) and that Atty. Corro, one of Associate Justice Villarama’s court attorneys at the time, agreed to “review” the case.³

After the connection was established, Ancheta and Posadas acted as the conduit of Dr. Rodil and Atty. Corro. Ancheta informed Posadas that Atty. Corro asked for a total of ₱10,000,000.00 in exchange for “reviewing” the case. Hence, four installment payments were made on separate dates with the corresponding “service” by Atty. Corro, detailed as follows:

- 1) For the initial reading of the case: ₱800,000.00 on April 22, 2013 given by Dr. Rodil to Posadas who turned over the cash to Ancheta for delivery to Atty. Corro;
- 2) For the “review” of the case: ₱700,000.00 on August 12, 2013, again given by Dr. Rodil to Posadas who passed it on to Ancheta for transfer to Atty. Corro;
- 3) For an advanced copy of the draft decision of acquittal: ₱5,000,000.00 on December 13, 2013, when Dr. Rodil personally met Atty. Corro and his friend Rico Alberto, at Max’s Restaurant; and
- 4) For the advanced copy of the final decision of acquittal bearing the Supreme Court logo, signed by the *ponente* and sealed: ₱3,500,000.00 on February 21, 2014, which Dr. Rodil also gave to Atty. Corro with Rico Alberto as witness.⁴

² Ancheta was already dismissed from the service in view of the Court’s ruling in A.M. No. 2019-17-SC dated February 18, 2020.

³ *Rollo*, pp. 48-49.

⁴ *Id.* at 49.

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For the first and second installments, Dr. Rodil instructed Posadas to meet him in his car so that he could give her the brown paper bag containing the money. After receipt, Posadas proceeded to Max's Restaurant along Maria Orosa Street, Ermita to hand over the paper bag to Ancheta, who in turn transferred it to Atty. Corro's possession. For the last two installments, Posadas still assisted and relayed information to Dr. Rodil and Ancheta to impart the conditions set by Atty. Corro and to facilitate the transfer of money.⁵

After some time, however, Dr. Rodil called Posadas to notify her that the advanced copy of the decision which Atty. Corro gave them was a fake. Posadas then contacted Ancheta who assured her that Atty. Corro would handle the situation. Unfortunately, Atty. Corro could not be contacted or located anymore.⁶

Because of this, Dr. Rodil repeatedly sent text messages to Posadas telling her to return the money, as the group of Atty. Aguinaldo supposedly already threatened him (Dr. Rodil). Curiously, though, Atty. Aguinaldo alleged that Posadas offered her housing unit at Queen's Row Subdivision in Cavite as collateral although this did not materialize.⁷

The Report and Recommendation⁸ of the Investigating Panel of the Court of Appeals:⁹

The Investigating Officer found that Posadas willingly contacted Ancheta after Dr. Rodil asked for her assistance. Posadas became an intermediary during the negotiations between Dr. Rodil and Atty. Corro.¹⁰ Moreover, Posadas acted as the "bag lady" in every installment paid to Atty. Corro. On separate dates, Posadas was present when Ancheta handed over the copy of the draft decision and the advanced copy of the purported final decision of acquittal to Dr. Rodil.¹¹

Posadas claimed that she was in good faith and was merely motivated by a sincere desire to help Dr. Rodil. Similarly, she insisted that she did not receive any amount or consideration during the transactions. However, the circumstances clearly showed that she had an indispensable involvement in the dealings. If only Posadas did not entertain Dr. Rodil's request to look for a

⁵ Id. at 49-50.

⁶ Id. at 50.

⁷ Id.

⁸ Inv. Ref. No. 08-2019-RSF dated November 12, 2019; *In Re: Supreme Court Per Curiam Decision* dated July 30, 2019 in A.C. [No.] 10461; penned by Atty. Miriam M. Alfonso-Bautista, Executive Clerk of Court III and noted by Atty. Anita S. Jamerlan-Rey, Clerk of Court.

⁹ Committee on Ethics and Special Concerns, composed of Associate Justices Mariflor P. Punzalan Castillo (Chairperson), Celia C. Librea-Leagogo (Co-Chairperson), Ma. Luisa Quijano-Padilla (Member), and Rafael Antonio M. Santos (Member), recommended the approval; CA Presiding Justice Remedios A. Salazar-Fernando approved the Report and Recommendation.

¹⁰ *Rollo*, pp. 50-51.

¹¹ Id. at 51.

contact in the Supreme Court in the first place, the transactions could not have materialized. Posadas knew that a “review” of the case meant that a decision of acquittal was being sought and that the accused was willing to pay to secure such a ruling.¹²

The investigation confirmed that Posadas was an active participant and not merely a spectator “in all phases of the negotiation/transaction between the group of Dr. Rodil and Atty. Corro. She did not only look for a contact who can deliver the goods, so to speak, she also was the conduit of exchanges of communication between the two (2) camps and worse, she served as the bag lady who delivered the money on four (4) occasions.”¹³

In view of these, the Investigating Panel found that Posadas violated the Code of Conduct for Court Personnel which mandates that “in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affect the Honor [and] dignity of the Judiciary and People’s confidence in it.”¹⁴ Since she participated in a corrupt practice in the government, the Panel found that Posadas committed Grave Misconduct.¹⁵

Regardless, considering Posadas’ compulsory retirement in January 2019, the Panel stated that the penalty of dismissal from service could no longer be imposed upon her. It recommended the imposition of the following accessory penalties instead: “a) perpetual disqualification from employment in any branch of government, including government-owned and controlled corporations; b) forfeiture of benefits except for accrued leaves; and c) cancellation of civil service eligibility, if any.”¹⁶

Our Ruling

Based on substantial evidence,¹⁷ respondent Posadas is guilty of Conduct Prejudicial to the Best Interest of the Service and Committing Acts Punishable Under the Anti-Graft Laws which warrant her dismissal.

Considering the Court’s earlier ruling in AC 10461 and the findings of the Investigating Panel in this administrative case, Posadas evidently took an active and indispensable role in the transactions. Without her participation, Dr. Rodil could not have easily formed a linkage with Ancheta and Atty. Corro, which in turn could have prevented the attempted “case-fixing” from happening.

¹² Id.

¹³ Id.

¹⁴ Id. at 52.

¹⁵ Id.

¹⁶ Id.

¹⁷ 2019 Amendments to the 1989 Revised Rules on Evidence, Rule 133, § 6: “That amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.”

As a government employee, Posadas violated Sections 4(A)(c) and 7(c) of Republic Act No. (RA) 7163 or the Code of Conduct and Ethical Standards for Public Officials and Employees, which provide:

Section 4. Norms of Conduct of Public Officials and Employees. –

(A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

x x x x

(c) *Justness and sincerity.* – Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. x x x

x x x x

Section 7. Prohibited Acts and Transactions. – In addition to acts and omissions of public officials and employees now prescribed in the Constitution and existing laws, the following shall constitute prohibited acts and transactions of any public official and employee and are hereby declared to be unlawful:

x x x x

(c) *Disclosure and/or misuse of confidential information.* – Public officials and employees shall not use or divulge, confidential or classified information officially known to them by reason of their office and not made available to the public, either:

- (1) To further their private interests, or give undue advantage to anyone; or
- (2) To prejudice the public interest.¹⁸

Without a doubt, Posadas violated the aforementioned provisions. She acted contrary to law, good morals and public policy when she participated in case-fixing. Additionally, she divulged confidential information when she informed Dr. Rodil about the assignment of the case to the office of then Associate Justice Villarama, when such fact should have been kept classified. It is quite impossible for Posadas not to have been aware of the ramifications of her actions. She should have realized that as soon as the prospect of exchanging money for information and “favors” became manifest, she already became an active participant to the commission of corrupt acts.

Moreover, as an employee of the appellate court, Posadas knew that “as [a sentinel] of justice... any act of impropriety on [her] part immeasurably affects the honor and dignity of the Judiciary and the people’s confidence in

¹⁸ Republic Act No. 7163, Sections 4 (A) (c) and 7 (c).

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it.”¹⁹ Even with this knowledge, she still violated the following provisions of the Code of Conduct for Court Personnel:²⁰

**CANON I
FIDELITY TO DUTY**

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

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

SECTION 3. Court personnel shall not discriminate by dispensing special favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

x x x x

**CANON II
CONFIDENTIALITY**

SECTION 1. Court personnel shall not disclose to any unauthorized person any confidential information acquired by them while employed in the Judiciary, whether such information came from authorized or unauthorized sources.

x x x x

**CANON IV
PERFORMANCE OF DUTIES**

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 work hours.

x x x x

Indeed, “no position demands greater moral righteousness and uprightness from its holder than [in the judiciary].²¹ Those connected with the dispensation of justice, from the highest official to the lowliest clerk, carry a heavy burden of responsibility.”²² Simply put, “[t]he image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat, from the judge to the lowest of its personnel.”²³ As an appellate court employee, Posadas was bound to observe these standards.

¹⁹ *Office of the Court Administrator v. Fuensalida*, A.M. No. P-15-3290, September 1, 2020.

²⁰ A.M. No. 03-06-13-SC, June 1, 2004.

²¹ *Anonymous Complaint Against Judge Edmundo P. Pintac*, A.M. Nos. RTJ-20-2597, P-20-4091, RTJ-20-2598, RTJ-20-2599, September 22, 2020.

²² *Id.* citing *Office of the Court Administrator v. Nacuray*, 521 Phil. 32, 38 (2006).

²³ *Office of the Court Administrator v. Ampong*, 735 Phil. 14, 22 (2014) citing *Igoy v. Atty. Soriano*, 527 Phil. 322, 327-328 (2006).

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By participating in an unethical transaction, Posadas acted without propriety and placed the image of the Judiciary in a bad light. As a rational being and educated person, Posadas is presumed to know right from wrong. We therefore find her excuse that she was merely helping Dr. Rodil ridiculous, more so since she undoubtedly knew that money was already involved.

Such should have impelled her to put an end to the transaction, or if not possible, to disassociate herself immediately. Her excuses that she only held the cash for a short amount of time²⁴ and that she merely wanted Dr. Rodil to be acquainted with Ancheta²⁵ deserve scant consideration. She should not have allowed herself to be involved in the illegal transactions from the beginning.

However, she opted to continue to act as intermediary between the parties to the illegal transactions, possibly with the expectation that she would continue to receive discounts²⁶ from the hospital. She therefore became an active participant in a corrupt act and compromised her long years of service in the Judiciary.

Truly, “every employee of the judiciary should be an example of integrity, uprightness and honesty. Like any public servant, [she] must exhibit the highest sense of honesty and integrity not only in the performance of [her] official duties but in [her] personal and private dealings with other people, to preserve the court’s good name and standing.”²⁷ In using her access to the courts as well as her personal or professional connections to aid someone in the commission of an illegal deed, Posadas failed to exemplify the tenets expected from an employee of the Judiciary.

The Investigating Panel of the CA found that Posadas is guilty of Grave Misconduct. Withal, “[m]isconduct is intentional wrongdoing or deliberate violation of a rule of law or standard of behavior. To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule must be manifest.”²⁸ Additionally, “[c]orruption, as an element of grave misconduct, consists in the official or employee’s act of unlawfully or wrongfully using [her] position to gain benefit for one’s self.”²⁹

Based on the attendant circumstances, there is no doubt about Posadas’

²⁴ *Rollo*, p. 22.

²⁵ *Id.* at 23.

²⁶ *Id.* at 41.

²⁷ *Retired Employee v. Manubag*, 652 Phil. 491, 500-501 (2010) citing *Adm. Case for Dishonesty & Falsification Against Luna*, 463 Phil. 878, 889 (2003).

²⁸ *Re: Incident Report of the Security Division, Office of Administrative Services, on the Alleged Illegal Discharge of a Firearm at the Maintenance Division, Office of Administrative Services*, A.M. No. 2019-04-SC (Resolution), June 2, 2020 citing *Duque v. Calpo*, A.M. No. P-16-3505, January 22, 2019.

²⁹ *Re: Samuel Ancheta, Jr.*, A.M. No. 2019-17-SC, February 18, 2020 citing *Fajardo v. Coral*, G.R. No. 212641, July 5, 2017.

culpability, being a party to the commission of corrupt acts. However, it must be emphasized that “to constitute an administrative offense, misconduct **should relate to or be connected with the performance of the official functions and duties** of a public officer. Without the nexus between the act complained of and the discharge of duty, the charge of misconduct shall necessarily fail.”³⁰

Hence, “case law instructs that where the misconduct committed was not in connection with the performance of duty, the proper designation of the offense should not be Misconduct, but rather, Conduct Prejudicial to the Best Interest of the Service. While there is no hard and fast rule as to what acts or omissions constitute the latter offense, jurisprudence provides that the same ‘deals with [the] demeanor of a public officer which ‘tarnishe[s] the image and integrity of his/her public office.’”³¹

Undeniably, Posadas acted as an intermediary and “bag lady” in the dealings between Dr. Rodil and Atty. Corro. Yet, such did not amount to Grave Misconduct as defined by jurisprudence, as it is not within Posadas’ duties as a Records Officer to take on those roles and to perform the aforementioned acts. To stress, Posadas is liable for Conduct Prejudicial to the Best Interest of the Service.

According to Rule 10, Section 46 (B)(8) of the Revised Rules on Administrative Cases in the Civil Service (2011 RRACCS),³² Conduct Prejudicial to the Best Interest of the Service is classified as a grave offense which is 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.³³

Considering the factual milieu of this case, it can be argued that Posadas committed the offense not just once but four (4) times, because she was involved in all four (4) transactions, specifically the four (4) installment payments given to Atty. Corro which occurred in different dates. This is notwithstanding the finding on record that this is the first administrative case filed against her.

Relevantly, the Resolution dated October 2, 2018³⁴ in A.M. No. 18-01-

³⁰ *Valdez v. Soriano*, A.M. No. P-20-4055 (*Resolution*), September 14, 2020 citing *Daplas v. Department of Finance*, 808 Phil. 763, 772 (2017).

³¹ *Id.*, citing *Fajardo v. Corral*, 813 Phil. 149, 158-159 (2017).

³² CSC Resolution No. 11-01502, November 8, 2011.

³³ *See also*: 2017 Rules on Administrative Cases in the Civil Service, § 50 (B) (10).

³⁴ The first paragraph of Rule 140, Section 1 of the Rules of Court, as amended by the Resolution dated October 2, 2018 in A.M. No. 18-01-SC, provides:

Section 1. How Instituted. – Proceedings for the discipline of Justices of the Court of Appeals, the Sandiganbayan, Court of Tax Appeals and Judges and **personnel of the lower courts**, including the Shari’a Courts, and the officials and employees of the Office of the Jurisconsult, Court Administrator, Deputy Court Administrator, Assistant Court Administrator and their personnel, may be instituted, *motu proprio*, by the Supreme Court, in the Judicial Integrity Board. (Emphasis supplied)

05-SC³⁵, which amended Rule 140 of the Rules of Court included personnel of the lower courts within the said Rule's coverage. Later on, the Resolution dated July 7, 2020³⁶ in relation to A.M. No. 18-01-05-SC expanded the coverage of Rule 140 to include all officials and employees of the Judiciary. It should be noted that the classification of offenses and penalties under Rule 140, as amended, is markedly different from the categories under the 2011 RRACCS, or the applicable Civil Service Rules in the case at bench.

In line with this, the Court *En Banc* held in the recent case of *Dela Rama v. De Leon*³⁷ (*Dela Rama*) that for the purpose of a uniform application of charges and penalties, Rule 140, as amended, should apply to all pending administrative cases involving personnel of the Judiciary **unless** the Rule's retroactive application would be prejudicial to the employee involved. If deemed detrimental, the prevailing rule at the time of the commission of the act/s or omission/s should apply, in order not to unduly prejudice the concerned personnel.

If Rule 140, as amended, were to be applied in this case, Posadas would be liable for four (4) counts of Serious Charges under Section 22. As such, she would be penalized under four (4) *distinct* sets of penalties for the Serious Charges in accordance with the Court *En Banc*'s pronouncement in *Boston Finance v. Gonzalez*.³⁸ Clearly, to answer for four (4) *distinct* sets of penalties would be prejudicial to Posadas. Nevertheless, since the 2011 RRACCS was the prevailing rule at the time Posadas committed the offenses, she should be held liable for four (4) separate counts of Conduct Prejudicial to the Best Interest of the Service, as previously discussed. Notably, Section 50³⁹ of the 2011 RRACCS states that the most serious charge would be penalized, and the other charges would be considered as aggravating circumstances.⁴⁰ In view of

³⁵ Establishment of the Judicial Integrity Board (JIB) and the Corruption Prevention and Investigation Office (CPIO), October 2, 2018.

³⁶ The first paragraph of Rule 140, Section 1 of the Rules of Court, as amended by the Resolution dated July 7, 2020 in A.M. No. 18-01-SC, states:

Section 1. How Instituted. – Proceedings for the discipline of the Presiding Justices and Associate Justices of the Court of Appeals, the Sandiganbayan, the Court of Tax Appeals, the *Shari'ah* High Court and Judges of the lower courts, including the *Shari'ah* District or Circuit Courts, and **the officials and employees of the Judiciary**, Court Administrator, Deputy Court Administrators, Assistant Court Administrators and their personnel, may be instituted, *motu proprio*, by the Supreme Court, in the Judicial Integrity Board. (Emphasis supplied)

³⁷ A.M. No. P-14-3240, March 2, 2021.

³⁸ A.M. No. RTJ-18-2520, October 9, 2018. The said case supplied the following guidelines:

(a) Rule 140 of the Rules of Court shall exclusively govern administrative cases involving **judges or justices of the lower courts**. If the respondent judge or justice of the lower court is found guilty of multiple offenses under Rule 140 of the Rules of Court, the Court shall impose **separate penalties for each violation**; and

(b) The administrative liability of court personnel (who are not judges or justices of the lower courts) shall be governed by the Code of Conduct for Court Personnel, which incorporates, among others, the civil service laws and rules. If the corresponding **court personnel** is found guilty of multiple administrative offenses, the Court shall **impose the penalty corresponding to the most serious charge, and the rest shall be considered as aggravating circumstances**.

³⁹ CSC Resolution No. 11-01502, November 8, 2011, § 50.

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.

⁴⁰ See also: 2017 Rules on Administrative Cases in the Civil Service, § 55.

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this, Posadas should only be meted with a *single* set of penalties, and not separate sets for all four (4) counts. Again, this is considering that a retroactive application of Rule 140, as amended, would be clearly prejudicial to Posadas.

Notably, too, Posadas' corrupt acts fall under Section 3(a) of RA 3019 or the Anti-Graft and Corrupt Practices Act, to wit:

Section 3. Corrupt practices of public officers. In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense.

Under this provision, the persons liable are: "(1) the public officer who *persuades, induces, or influences* another public officer to perform an act constituting a *violation* of rules and regulations or an *offense* in connection with the official duties of the latter, and (2) the public officer who *allows [himself/herself]* to be so persuaded, induced, or influenced."⁴¹ Evidently, Posadas, along with Ancheta, persuaded, induced, or influenced Atty. Corro to commit a corrupt act in relation to the lawyer's official duties as part of the confidential staff of then Associate Justice Villarama. It was Posadas who actively sought to find a contact in the Supreme Court to help Dr. Rodil, knowing fully well that what was being pursued would constitute as an illegal act. To emphasize, Posadas actively participated in the corrupt transactions for without her, the acts characterized as violating anti-graft laws would not have been successfully realized.

Hence, Posadas could also be considered administratively liable for the commission of acts violating anti-graft laws under Section 22 (2), in relation to Section 25 (A) of the previously mentioned Rule 140 of the Rules of Court, as amended by A.M. No. 18-01-05-SC. The said rule allows the imposition of dismissal from service along with the accessory penalties even on the first offense, as follows:

Section 22. *Serious Charges.* – **Serious charges** include:

x x x x

Section 55. Penalty for Multiple Offenses. – If the respondent is found guilty of two (2) or more different offenses, the penalty to be imposed should be that corresponding to the most serious offense and the rest shall be considered as aggravating circumstances.

In case the respondent is found guilty of two or more counts of the same offense, the penalty shall be imposed in the maximum regardless of the presence of any mitigating circumstance.

⁴¹ See: Reyes, Luis, B. "The Revised Penal Code: Criminal Law, Book Two, Articles 114-367", 2017 Edition, p. 418. See also: Boado, Leonor D. "Compact Reviewer in Criminal Law: Books I & II, Revised Penal Code and Special Laws", Second Edition, p. 247.

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2. Dishonesty and **violations of the Anti-Graft and Corrupt Practices Law (R.A. No. 3019)**[.]

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Section 25. *Sanctions.* –

A. If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:

1. Dismissal from the service, forfeiture of all or part of the benefits as the 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 credit;
2. Suspension from office without salary and other benefits for more than three (3) but not exceeding six (6) months; or
3. A fine of more than ₱100,000.00 but not exceeding ₱200,000.00.⁴²

However, in view of the guidelines provided in *Dela Rama* and Section 50 of the 2011 RRACCS, as well as for purposes of uniformity and consistency, Posadas should be held liable for one (1) count of such offense under the 2011 RRACCS (the prevailing rules at the time of the commission of the offenses) and **not** Rule 140, as amended by A.M. No. 18-01-05-SC, in order not to prejudice her. Under the 2011 RRACCS, particularly Section 46 (A) (8), Committing Acts Punishable Under the Anti-Graft Laws should be penalized in this manner:

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

8. Receiving for personal use of a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded to other persons, **or committing acts punishable under the anti-graft laws**.⁴³ (Emphasis and underscoring supplied)

Withal, by Committing Acts Punishable Under the Anti-Graft Laws in accordance with the 2011 RRACCS, Posadas committed a grave offense which is already punishable by dismissal from the service even on the first

⁴² See: A.M. No. 21-03-17-SC or the “Amendments to the Fines Provided in Rule 140 of the Revised Rules of Court” (May 31, 2021).

⁴³ CSC Resolution No. 11-01502, November 8, 2011, § 46 (A) (8); See also: 2017 Rules on Administrative Cases in the Civil Service, § 50 (A) (8).

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offense. In contrast, Section 46(B)(8) of the 2011 RRACCS punishes Conduct Prejudicial to the Best Interest of the Service with suspension for a period 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. It must be underscored that Section 50 of the 2011 RRACCS directs that if the respondent is found guilty of two (2) or more charges, the penalty to be imposed should be that corresponding to the most serious charge and the rest shall be considered aggravating circumstances. Thus, pursuant to Section 50 of the 2011 RRACCS and the *Dela Rama* rule, the offense of Committing Acts Punishable Under the Anti-Graft Laws is the most serious charge considering the prescribed penalty therefor. As such, Posadas should be meted with the penalty of dismissal from the service along with the accessory penalties.

In any case, Posadas' forty-five (45) years⁴⁴ of service in the Judiciary, particularly in the appellate court, cannot mitigate the effects of her reprehensible conduct. On the contrary, her long years of service should be considered as an aggravating circumstance since it facilitated the commission of the offense, *i.e.*, use of her "connections" in the Supreme Court due to her familiarity with the system and other employees in the Judiciary.⁴⁵ In addition, the following circumstances should be considered aggravating: her education, her undue disclosure of confidential information to Dr. Rodil, and her commission of the offense during office hours and near the premises of the CA.⁴⁶

It should be stressed that Posadas must be meted with a single set of penalties notwithstanding her commission of four (4) counts of Conduct Prejudicial to the Best Interest of the Service and one (1) count of Committing Acts Punishable under Anti-Graft Laws, in accordance with the 2011 RRACCS and the *Dela Rama* rule. To reiterate, Section 50 of the 2011 RRACCS provides that "[i]f 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."

To recap, Section 46 (A) (8) of the 2011 RRACCS states that the offense of Committing Acts Punishable Under the Anti-Graft Laws shall be punishable by dismissal from the service, even on the first offense. Meanwhile, Section 46 (B) (8) of the 2011 RRACCS provides that the commission of Conduct Prejudicial to the Best Interest of the Service should be meted with the penalty of suspension for a period 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. In light of *Dela Rama* and Section 50 of the 2011 RRACCS, and given that Committing Acts Punishable Under the Anti-Graft

⁴⁴ *Rollo*, p. 27.

⁴⁵ *Re: Samuel Ancheta, Jr.*, supra note 29, citing *Committee on Security and Safety, Court of Appeals v. Dianco*, A.M. No. CA-15-31-P, June 16, 2015.

⁴⁶ Revised Rules on Administrative Cases in the Civil Service (RRACCS), § 48 (g), (j), (m), (n), and (o); *See also*: 2017 Rules on Administrative Cases in the Civil Service, § 53 (f), (i), (l), (m), and (n).

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Laws is the most serious charge given the penalty prescribed therefor, Posadas should suffer the penalty of dismissal from the service together with its accessory penalties.

In fine, given the nature, gravity, and frequency of her infractions, We find that the penalty of dismissal should be imposed upon her.⁴⁷ Posadas' assertion of good faith deserves short shrift. Her conduct undeniably fell short of the high standard expected of an employee of the Judiciary. Rule 10, Section 52 (a) of the RRACCS states that the penalty of dismissal carries with it "the cancellation of eligibility, forfeiture of retirement benefits [except accrued leave credits],⁴⁸ perpetual disqualification from holding public office[,] and bar from taking civil service examinations."⁴⁹

In any event, Posadas already compulsorily retired in January 2019, thereby rendering the penalty of dismissal nugatory. Otherwise stated, had she not compulsorily retired, she deserves to be dismissed from service for actively and consciously participating in the commission of corrupt and illegal acts. Thus, the accessory penalties associated with dismissal should still be imposed upon her.⁵⁰

WHEREFORE, respondent Imelda V. Posadas, former Records Officer II, Reporters Division of the Court of Appeals, is hereby found **GUILTY** of: a) four (4) counts of Conduct Prejudicial to the Best Interest of the Service under Section 46 (B) (8) of the Revised Rules on Administrative Cases in the Civil Service (2011 RRACCS); and b) one (1) count of Committing Acts Punishable Under the Anti-Graft Laws under Section 46 (A) (8) of the Revised Rules on Administrative Cases in the Civil Service (2011 RRACCS). Considering her compulsory retirement in January 2019, and hence she could no longer be meted the penalty of dismissal from the service, the following accessory penalties are hereby **IMPOSED** upon her: a) forfeiture of retirement benefits except for accrued leave credits; b) cancellation of civil service eligibility and bar from taking the civil service examinations; and c) perpetual disqualification from employment in any branch of government, including government-owned or controlled corporations.

Let a copy of this Decision be attached to her records with this Court.

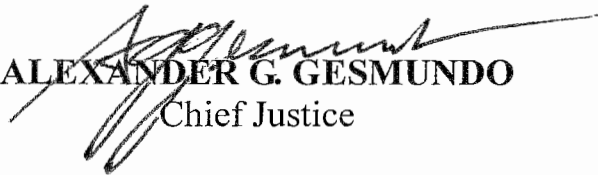
⁴⁷ Revised Rules on Administrative Cases in the Civil Service (RRACCS), § 51 (a): "The penalty of dismissal shall result in the permanent separation of the respondent from the service, without prejudice to criminal or civil liability;" *See also*: 2017 Rules on Administrative Cases in the Civil Service, § 56 (a).


⁴⁸ "As a matter of fairness and law, government employees should not be deprived of the leave credits they earned prior to their dismissal"; *Civil Service Commission v. Rodriguez*, G.R. No. 248255, August 27, 2020.


⁴⁹ *See also*: 2017 Rules on Administrative Cases in the Civil Service, § 57 (a), which adds that "[t]erminal leave benefits and personal contributions to Government Service Insurance System (GSIS), Retirements and Benefits Administration Service (RBAS) or other equivalent retirement benefits system shall not be subject to forfeiture.

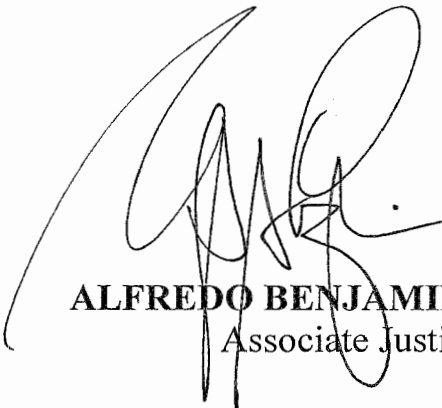
⁵⁰ *See: Office of the Court Administrator v. Del Rosario*, A.M. No. P-20-4071, September 15, 2020 which nonetheless fined one of the respondents notwithstanding her resignation and *Office of the President v. Cataquiz*, 673 Phil. 318-350 (2011), which still imposed the accessory penalties in view of the respondent's removal from office.

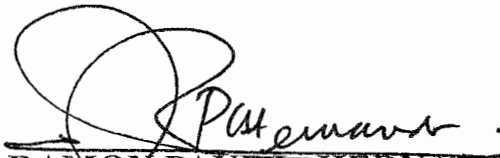
SO ORDERED.

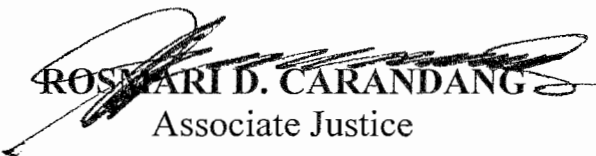

ALEXANDER G. GESMUNDO
Chief Justice

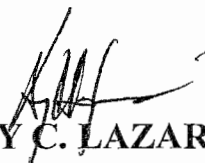

ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M. V. F. LEONEN
Associate Justice

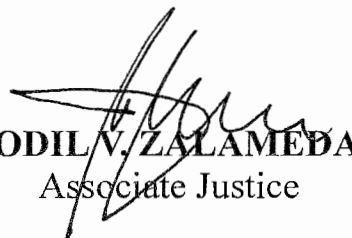

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

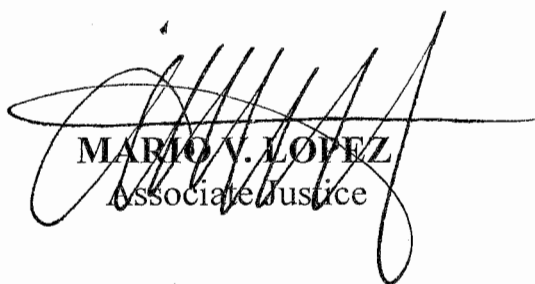

RAMON PAUL L. HERNANDO
Associate Justice


ROSMARI D. CARANDANG
Associate Justice

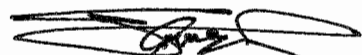

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice

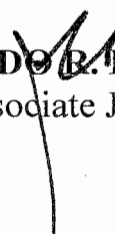

RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice