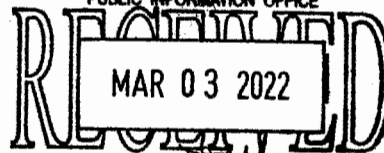




Republic of the Philippines
Supreme Court
 Manila

SUPREME COURT OF THE PHILIPPINES
 PUBLIC INFORMATION OFFICE



BY: JUN 9-10
 TIME: _____

EN BANC

ARNOLD SALVADOR DELA FLOR, JR., **A.M. No. P-14-3242**

Complainant, Members:

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

-versus-

**EVELYN G. MONTOYO, Court
 Stenographer III, Regional Trial
 Court, Branch 62, Bago City,
 Negros Occidental,**
 Respondent.

Promulgated:

October 5, 2021

x-----*Chlorine-Lopez*-----x

DECISION

PER CURIAM:

The Case

In his Complaint-Affidavit¹ dated June 8, 2012, complainant Arnold Salvador Dela Flor, Jr. charged respondent Evelyn G. Montoyo, Court Stenographer III, Regional Trial Court (RTC), Branch 62, Bago City, Negros Occidental, before the Office of the Court Administrator (OCA) with grave misconduct and dishonesty.

* On official leave.
¹ *Rollo*, pp. 2-3.

Antecedents

Complainant averred that he bought from one Allan Sillador (Sillador) a parcel of land under Transfer Certificate of Title (TCT) No. T-106802. But since the title bore a memorandum of encumbrance pursuant to Section 7 of Republic Act No. 26 (RA 26) or the Act Providing a Special Procedure for the Reconstitution of Torrens Certificates of Title Lost or Destroyed, he asked Sillador to cause the cancellation of the encumbrance as a condition to full payment of the purchase price. Sillador then invited him to go to Bago City where he (Sillador) knew of a former colleague who was supposedly familiar with the process.²

On March 22, 2012, he and Sillador went to the Bago City Hall of Justice where he got introduced to Sillador's former colleague, herein respondent. After the usual introduction, respondent and Sillador had a private talk between the two of them. When Sillador got back to him, he informed him (complainant) that the cancellation process would cost ₱10,000.00. He agreed. On the following day, they handed ₱5,000.00 to respondent, and on March 28, 2012, the remaining ₱5,000.00.³

On June 6, 2012, he and Sillador went to the Negros Occidental Register of Deeds to check if the encumbrance had already been cancelled. There, the Registrar himself, Atty. Romulo Gonzaga (Atty. Gonzaga), told them that there could be no cancellation yet because what was submitted to his office was a fake court order granting the petition for cancellation of encumbrance and a fake certificate of finality.⁴

Apparently, Presiding Judge Frances V. Guanzon (Judge Guanzon) of RTC-Branch 62, Bago City, Negros Occidental, wrote Atty. Gonzaga, to defer action on the cancellation of encumbrance on TCT No. T-106802. Judge Guanzon informed Atty. Gonzaga that she did not issue, much less, signed the order.⁵

Judge Guanzon further brought to fore the report relayed to her by her clerk of court Atty. Mary Emilie Templado-Villanueva (Atty. Templado-Villanueva) on the spurious court order. Atty. Templado-Villanueva narrated that while she was searching a case record, she chanced upon a draft order on top of respondent's desk. It referred to the cancellation of the encumbrance on TCT No. T-106802. The draft order caught her attention because the case bore the docket "CAD Case No. 12-17," a kind of numbering that was already obsolete and replaced long ago. She knew that the order was for a new case because the docket number started with number 12, indicating that the case was filed in the year 2012. Another thing

² *Id.* at 2.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 12.

was the name of the supposed petitioner “Angelina Sillador.” It matched the surname of their former Sheriff Allan Sillador, who got dismissed from the service due to absence without leave (AWOL). Noting these peculiarities, she immediately perused the docket book of their branch to verify. She did find one land registration case bearing the docket “LRC Case No. 12-17” but the petitioner there was one “Aristeo Elizalde Corpuz,” not “Allan Sillador.” She also found on respondent’s desk pieces of scratch paper bearing specimens of her signature and Judge Guanzon’s.⁶

Atty. Templado-Villanueva further verified with the Register of Deeds for any transaction pertaining to the title in question. The Register of Deeds himself, Atty. Gonzaga, showed her the court order submitted to his office, bearing the supposed signature of Judge Guanzon and the certificate of finality, bearing her supposed signature. She then confirmed to Atty. Gonzaga that both documents are fake.⁷

In her Comment⁸ dated August 17, 2012, respondent denied the charge. She argued that Sillador came to her inquiring about the process of cancellation of encumbrance. She told Sillador and complainant that they need to file a petition for that purpose. Sillador then asked whether she knew of a lawyer who could help them. She informed them that her friend Mercy Solero (Solero) knew a lawyer who could probably help them. After talking to Solero herself, she relayed to complainant and Sillador that the total processing fee was ₱10,000.00 and that the lawyer needed the title. Complainant and Sillador then handed her the title and the ₱10,000.00 fee, which she also delivered to Solero. Thereafter, she no longer had any information regarding the petition. Later on, Sillador informed her that they encountered a problem with the Register of Deeds. Thus, she immediately tried to contact Solero but the latter could no longer be reached. She also discovered that Solero had already moved to another residence.

In his Reply⁹ dated September 9, 2012, complainant countered that respondent never referred them to one “Mercy Solero.” Respondent never even mentioned to them any “Mercy Solero.” Obviously, respondent only invented this person to serve as her fall guy.

Report and Recommendation of the OCA

In its Report¹⁰ dated May 6, 2014, the OCA recommended that respondent be found guilty of grave misconduct and dishonesty and consequently be dismissed from service.

⁶ *Id.* at 39-40.

⁷ *Id.* at 40-41.

⁸ *Id.* at 33-36.

⁹ *Id.* at 37-38.

¹⁰ *Id.* at 59-62.

It noted that the spurious court order and certificate of finality submitted to the Register of Deeds were indicated to have come from RTC-Branch 62, Bago City, Negros Occidental, where respondent works as court stenographer. She also admitted to have accepted the ₱10,000.00 processing fee and duplicate title from complainant and Sillador. Given these circumstances, the OCA concluded it was respondent, and no other, who authored the fake court issuances. She tried though to pass the blame on to one Mercy Solero and her supposed lawyer-friend. But her inability to divulge the whereabouts of Solero or her purported lawyer-friend only bolstered the claim that Solero was a fictitious person.¹¹

Ruling

The Court adopts the factual findings of the OCA but holds respondent guilty of Conduct Prejudicial to the Best Interest of the Service, Serious Dishonesty, and Committing Acts Punishable Under the Anti-Graft Laws under the 2011 Revised Rules on Administrative Cases in the Civil Service (2011 RRACCS) in relation with Rule 140 of the Rules of Court, as amended by A.M. No. 18-01-05-SC.¹²

Atty. Templado-Villanueva narrated under oath the circumstances pertaining to the spurious court Order¹³ dated March 8, 2012 and Certificate of Finality¹⁴ dated March 28, 2012, thus:

I, Mary Emilie P. Templado-Villanueva, of legal age, married, and resident of Bago City, Negros Occidental, Philippines, after having been sworn to in accordance with law, do hereby depose and state:

1. That I am the Clerk of Court of the Regional Trial Court, Branch 62, Bago City, a single sala RTC;

2. That due to the heavy workload, I render overtime service almost every day and even on Saturdays and occasionally on Sundays;

3. That in one of my overtimes, sometime in April 2012, the exact date I can no longer recall, but the time being from 6:00 to 7:00 in the evening, I was looking for the record of Special Proceedings No. 1728 which in my list is pending resolution in order to apprise the judge of its status;

4. That during that time, the only person with me who is also rendering overtime service is Ms. Chatel Charry Paclauna, our process server-cum-sheriff-cum-clerk-in-charge of criminal docket, and because she cannot be depended upon to search for civil case records, she being in

¹¹ *Id.* at 61-62.

¹² Resolution dated October 2, 2018, which amended Rule 140 of the Rules of Court and included personnel of the lower courts within the said Rule's coverage, and Resolution dated July 7, 2020, which expanded the coverage of Rule 140 to include all officials and employees of the Judiciary.

¹³ *Rollo*, p. 10.

¹⁴ *Id.* at 11.

charge of the criminal case records only plus the fact that she was too engrossed in her additional clerical work, I have to personally look for it;

5. That during my search from steel cabinets to the floors to the desk of the clerk in civil cases to the desks of the stenographers, I happened to be searching in the desk of Ms. Evelyn Montoyo that I chanced upon a draft order bearing the number CAD. CASE NO. 12-17 with Angelina Sillador as the petitioner, draft order without signature is attached as Annex "A" to this affidavit;

6. That our office is not using the nomenclature CAD. CASE anymore, only LAND REGISTRATION CASE OR LRC CASE NO. and because it was number 12-17, 12 representing the year 2012 and 17 representing the 17th case filed involving land registration proceedings, not to mention the surname SILLADOR which is the surname of our previous Sheriff who went AWOL, the draft order immediately caught my eye and prompted me to check the docket books as I cannot recall having received a petition involving the aforementioned surname;

7. That I called the attention of Ms. Paclauna, showed her the draft order and instructed her to get the docket book so that we can check whether the said case has really been filed or not;

8. That I was already alarmed at that time as I previously heard from the grapevine that Ms. Evelyn Montoyo was previously involved in several falsifications even before I was appointed in Bago City RTC;

9. That I was not anymore surprised when I checked the docket book and found out that LRC Case No. 12-17 was filed by petitioner Aristeo Elizalde Corpuz and not by an Angelina Sillador;

10. That the next day, I reported the matter to Hon. Frances V. Guanzon who directed me to personally check with the Register of Deeds of the Province of Negros Occidental (ROD, for brevity);

11. That because of the heavy workload and lack of time to spare in order to go to the ROD which is located in the Hall of Justice of Bacolod City, notwithstanding the time and again repeated instructions from the judge to do the checking, it took me almost a month to do what I was told to do;

12. That armed with the said draft order, I went to the ROD and personally talked to Atty. Romulo Gonzaga about it;

13. That Atty. Gonzaga showed to me their copy of TCT No. T-106802 and at the back thereof is the annotation of the Order dated March 8, 2012;

14. That what caught me by surprise is that a Certificate of Finality dated March 28, 2012 was also annotated at the back of the said title;

15. That I asked for a machine copy of the title, the Order and the Certificate of Finality;

16. That thereafter, back [at] the office, I showed Judge Guanzon the machine copied documents and told me that she will write the ROD at the same time instructed me to write a separate letter. Copies of the letters are attached as Annex "B" and "C";

17. That I went back to the ROD on another day and presented to Atty. Gonzaga the letters and to which, in turn, prompted Atty. Gonzaga to give me certified copies of TCT No. T-106802, the falsified Order dated March 8, 2012 and the falsified Certificate of Finality dated March 28, 2012, attached as Annex "D", Annex "E" and Annex "F";

18. That because of our letters, both buyer and seller went to our office to clarify matters as they were told about the problem by the ROD;

19. That the buyer and the seller, in turn, executed their respective affidavits pinpointing MS. EVELYN MONTOYO as the one who transacted with them and even issued receipts;

20. That since the draft order was found on the desk of Ms. Montoyo, there is no doubt that she falsified or cause[d] to falsify the order and certificate of finality. Who else would be so familiar with the signature of the judge and the clerk of court? Anybody would conclude that it's the handiwork of an insider!

21. That in fact, there were numerous scratch papers bearing specimens of my signature and that of the judge that were found among the mounting scratch papers which were left on her desk and which scratch papers have been found on several instances and were collected during the time span of which I am her immediate supervisor, the scratch papers are attached as Annex[es] "G", "H", "I", "J", and "K".¹⁵

The report affidavit is so replete with details showing how respondent did plan and execute, step by step, the unlawful means by which she attempted to corrupt the court records and even the records of the Register of Deeds for her illegal and immoral purpose of extorting ₱10,000.00 from complainant in exchange for the purported cancellation of the encumbrance annotated in TCT No. T-106802.

Respondent has not specifically denied the contents of the report affidavit, nor challenged the impartiality and credibility of Atty. Templado-Villanueva. All she did was allude to one alleged friend of hers named "Mercy Solero" who, she asserted, had assumed the responsibility of engaging a lawyer to assist complainant and Sillador in the cancellation process. But the lie is simply too glaring to ignore. For one, complainant and Sillador both asserted they transacted and dealt only with respondent on the cancellation process.¹⁶ For another, complainant insisted that respondent never introduced them to nor even mentioned to them the name of "Mercy Solero" and her (Solero's) so called lawyer-friend.¹⁷ It

¹⁵ *Rollo*, pp. 39-41.

¹⁶ See their respective complaint-affidavits dated June 8, 2012, *id.* at 2-3 and 6-7.

¹⁷ See complainant's Reply-Affidavit dated September 9, 2012, *id.* at 37-38.

was respondent herself who quoted them the price for the cancellation process, who received from them the duplicate title of TCT No. T-106802 and the ₱10,000.00 payment, and who issued to them acknowledgement receipts¹⁸ therefor. Notably, respondent never lifted a finger to contact “Mercy Solero” or at least ascertain her whereabouts, if truly that person ever existed. Thus, as correctly found by the OCA, “Mercy Solero” is but a fictitious person respondent had conveniently fabricated to serve as her “fall guy.”

Another damaging evidence are the pieces of scratch papers¹⁹ Atty. Templado-Villanueva found on respondent’s desk bearing the specimen signatures of herself and Judge Guanzon’s. Obviously, respondent had done some practical writing exercises to replicate their signatures before she actually wrote and affixed them to the fake order and certificate of finality.

Further, as keenly noted by OCA, the spurious Order²⁰ dated March 8, 2012 and Certificate of Finality²¹ dated March 28, 2012 submitted to the Negros Occidental Register of Deeds were indicated to have supposedly emanated from RTC-Branch 62, Bago City, Negros Occidental where respondent works as a court stenographer.

In fine, all the pieces of evidence lead to the indubitable conclusion that respondent herself, and no other, authored the fake court order and certificate of finality, forged the signatures of Judge Guanzon and Atty. Templado-Villanueva appearing thereon, and submitted the same to the Register of Deeds of Negros Occidental for the purpose of effecting the cancellation of the subject encumbrance. Her acts were meant to justify her demand for and receipt of ₱10,000.00 from complainant.

The next question: did respondent’s aforesaid acts amount to grave misconduct?

*Sarno-Davin v. Quirante*²² defined misconduct as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. It is intentional wrongdoing or deliberate violation of a rule of law or standard of behavior. *Rodil v. Posadas*²³ emphasized that to constitute an administrative offense, *the 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.

¹⁸ Annexes “B” and “C” of Sillador’s complaint-affidavit, *id.* at 8-9.

¹⁹ Annexes “G” to “K” of Atty. Templado-Villanueva’s Affidavit dated June 29, 2012, *id.* at 49-53.

²⁰ *Id.* at 10.

²¹ *Id.* at 11.

²² A.M. No. P-19-4021, January 15, 2020.

²³ A.M. No. CA-20-36-P, August 3, 2021, citing *Valdez v. Soriano*, A.M. No. P-20-4055 (Resolution), September 14, 2020, which in turn cited *Daplas v. Department of Finance*, 808 Phil. 763, 772 (2017).

Here, respondent is a court stenographer. As such, among her official functions and duties is to transcribe the minutes of open court hearings and to capture and transcribe court proceedings. It is not within her official duty to draft and issue an order, decision, or certificate of finality. While court stenographers may be assigned to draft these issuances, they have no authority to sign or issue them by authority of the court. There being no connection between respondent's official functions and the act complained of, she cannot be held liable for grave misconduct.

Jurisprudence, however, 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 ordains that the same "deals with [the] demeanor of a public officer which tarnishe[s] the image and integrity of his/her public office."²⁴

In *Rodil v. Posadas*,²⁵ respondent there was found guilty of four (4) counts of Conduct Prejudicial to the Best Interest of the Service because she was involved in all four (4) transactions of the whole act of issuing a fake Supreme Court Decision.

Following *Posadas*, respondent should be held liable for two (2) counts of Conduct Prejudicial to the Best Interest of the Service because she falsified two (2) court issuances, *i.e.*, Order dated March 8, 2012 and Certificate of Finality dated March 28, 2012 on two (2) separate occasions.

We now go to the charge of dishonesty. *Committee on Security and Safety, Court of Appeals v. Dianco*²⁶ defined dishonesty as a disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray. The Court further decreed that Civil Service Commission (CSC) Resolution No. 06-0538²⁷ sets the criteria for determining the severity of dishonest acts. Section 3 thereof enumerates the various ways by which an act of dishonesty is considered serious, among them, when *the respondent employed fraud and/or falsification of official documents in the commission of the dishonest act related to his/her employment.*²⁸

²⁴ *Rodil v. Posadas, id.*, citing *Valdez v. Soriano, id.*, which in turn cited *Fajardo v. Corral*, 813 Phil. 149, 158-159 (2017).

²⁵ *Supra* note 21.

²⁶ 760 Phil. 169, 188 (2015).

²⁷ Rules on the Administrative Offense of Dishonesty, April 4, 2006, published in the May 5, 2006 of Malaya.

²⁸ *Re: Samuel R. Ruñez, Jr.*, A.M. No. 2019-18-SC, January 28, 2020.

In *Duque v. Calpo*,²⁹ the Court found Cesar C. Calpo, Court Stenographer III, RTC-Branch 16, Cavite City guilty of serious dishonesty when he told Zenmond D. Duque that he could obtain a favorable decision from the court for the annulment of the latter's marriage with his wife, falsified a court decision, forged the signature of the trial court judge, and received money from Duque for this illegal act, viz.:

Respondent's actuations clearly demonstrate an intent to violate the law or a persistent disregard of well-known rules. Respondent deceived complainant into believing he had the power to obtain an annulment order in complainant's favor. Receiving money from complainant, on the consideration that he can obtain a favorable decision from the court, falsifying a court decision, and forging the signature of the trial court judge, undeniably constitute grave misconduct and serious dishonesty.³⁰

As discussed, in exchange for a fee of ₱10,000.00, respondent made it appear that a petition for cancellation of encumbrance in TCT No. T-106802 was filed by complainant and that evidence were submitted therefor. To complete the process, she falsified a court order supposedly granting the petition for cancellation of encumbrance. And for her final act, she forged the signatures of Judge Guanzon in the order and that of Atty. Templado-Villanueva in the certificate of finality. Respondent, therefore, is patently liable for serious dishonesty.³¹

Respondent's illegal acts also fall under Section 3(a) of Republic Act No. 3019 (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.** (Emphasis supplied)

Respondent committed a corrupt practice within the contemplation of the afore-cited provision when she issued a fake court order and certificate of finality and forged her supervisors' signatures in exchange for ₱10,000.00.

²⁹ A.M. No. P-16-3505, January 22, 2019, 891 SCRA 88.

³⁰ *Id.* at 94.

³¹ *Id.*

No less than the Constitution mandates that all public officers and employees should serve with responsibility, integrity and efficiency, for public office is a public trust. No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the Judiciary. Thus, this Court has often stated that the conduct of court personnel, from the presiding judge to the lowliest clerk, must be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the Judiciary. The Court condemns any conduct, act, or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish the faith of the people in the Judiciary.³² Respondent failed to live up to this standard.

Penalty

Rule 140 of the Revised Rules of Court, as amended by A.M. No. 18-01-05-SC³³ applies to respondent, she being an employee of the Judiciary. It 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.

Although in the recent case of *Dela Rama v. De Leon*³⁴ the Court expounded that while Rule 140 governs even those cases already pending before its effectivity, the prevailing rule at the time of the commission of the act/s or omission/s should be enforced when the retroactive application of Rule 140 would be prejudicial to the employee involved.

Under the 2011 RRACCS, Conduct Prejudicial to the Best Interest of the Service (two counts), Serious Dishonesty, and Committing Acts Punishable Under the Anti-Graft Laws³⁵ are classified as **grave offenses**³⁶ **punishable by dismissal from the service, viz.:**

³² *Sarno-Davin v. Quirante*, supra; also see *Arce v. Tauro*, A.M. No. P-20-4035, January 28, 2020.

³³ Resolution dated October 2, 2018 which amended Rule 140 of the Rules of Court and included personnel of the lower courts within the said Rule's coverage, and Resolution dated July 7, 2020, which expanded the coverage of Rule 140 to include all officials and employees of the Judiciary.

³⁴ A.M. No. P-14-3240, March 2, 2021.

³⁵ See *Rodil v. Posadas*, supra.

³⁶ Section 22. Serious Charges. – Serious charges include:

1. Bribery, direct and indirect;
2. Dishonesty and violations of the Anti-Graft and Corrupt Practices Law (R.A. No. 3019) x x x

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:

1. Serious Dishonesty;

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;

x x x x

10. Soliciting or accepting directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of his/her official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of his/her office. The propriety or impropriety of the foregoing shall be determined by its value, kinship, or relationship between giver and receiver and the motivation. A thing of monetary value is one which is evidently or manifestly excessive by its very nature; 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 (Emphases supplied)

On the other hand, Rule 140,³⁷ as amended, classifies these offenses as **serious charges also punishable by dismissal from the service**, thus:

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

1. Bribery, direct or indirect;

³⁷ Resolution dated October 2, 2018 which amended Rule 140 of the Rules of Court and included personnel of the lower courts within the said Rule's coverage, and Resolution dated July 7, 2020, which expanded the coverage of Rule 140 to include all officials and employees of the Judiciary.

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

x x x x

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 credits;
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 P20,000.00 but not exceeding P40,000.00. (Emphasis supplied)

Verily, therefore, since both Rule 140 and the 2011 RRACCS impose the same penalty of dismissal from the service for each offense of Conduct Prejudicial to the Best Interest of the Service (two counts), Serious Dishonesty, and Committing Acts Punishable Under the Anti-Graft Laws, Rule 140, applies.

ACCORDINGLY, respondent Evelyn G. Montoyo, Court Stenographer III, Regional Trial Court, Branch 62, Bago City, Negros Occidental, is found **GUILTY** of two (2) counts of Conduct Prejudicial to the Best Interest of the Service, Serious Dishonesty, and Committing Acts Punishable Under the Anti-Graft Laws.

In accordance with Rule 140 of the Revised Rules of Court, as amended, she is immediately³⁸ **DISMISSED** from service, with **FORFEITURE** of all benefits, except accrued leave credits, if any. Her Civil Service eligibility, if any, is **CANCELLED** and she is **BARRED** from taking the Civil Service Examinations. She is **PERPETUALLY DISQUALIFIED** from re-employment in any government instrumentality, including government-owned and controlled corporations.

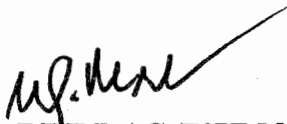
³⁸ See *Atty. Galvez-Jison v. Las Piñas*, A.M. No. P-19-3972, July 9, 2019, 908 SCRA 175, 186-187, where the *fallo* of the decision reads: **WHEREFORE**, respondent Mae Vercille H. Nallos, Clerk III, Branch 40, Regional Trial Court, Silay City, Negros Occidental is found **GUILTY** of grave misconduct and dishonesty, and is **DISMISSED** from the service immediately, with **FORFEITURE** of all retirement benefits, except accrued leave credits, and with prejudice to her reemployment in any branch or agency of the government, including government-owned or controlled corporations, without prejudice to the criminal liability of Nallos arising from the said infraction. x x x

Dec

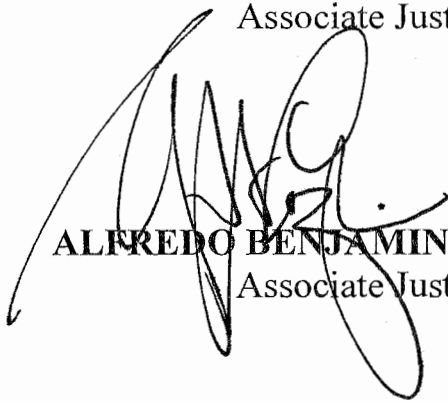
This Decision is without prejudice to the filing or pendency of any criminal and/or civil cases against respondent. Let a copy of this Decision be attached to her records with this Court and furnished the Civil Service Commission.

SO ORDERED.


ALEXANDER G. GESMUNDO
Chief Justice


ESTELA M. PERLAS-BERNABE
Associate Justice


(On official leave)
MARVIC MARIO VICTOR F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

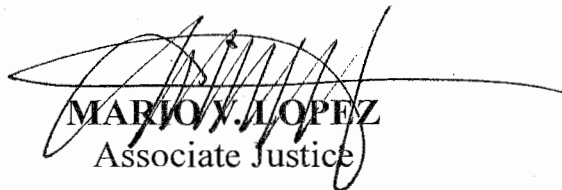

RAMON PAUL L. HERNANDO
Associate Justice

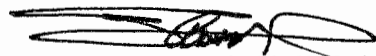

ROSMARIE D. CARANDANG
Associate Justice

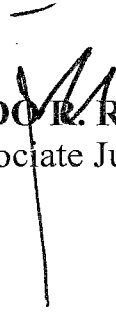

AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice


MARIO Y. LOPEZ
Associate Justice

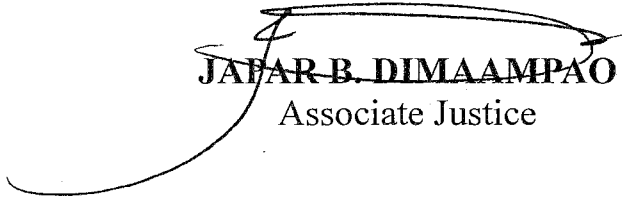

SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



JAFAR B. DIMAAMPAO
Associate Justice