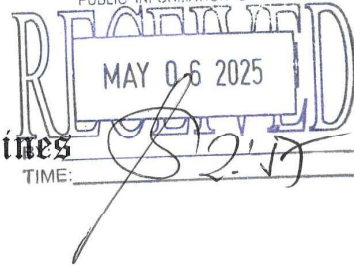




Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
PUBLIC INFORMATION OFFICE



EN BANC

MERCEDES D. FELONGCO,
Complainant,

A.M. No. P-23-109
[Formerly OCA IPI No. 20-5043-P]

- versus -

GERALD ERIC F. SANCHEZ, CLERK
III, BRANCH 108, REGIONAL TRIAL
COURT, CABUYAO CITY, LAGUNA
Respondent.

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HON. ARNOLD RIMON MARTINEZ,
PRESIDING JUDGE, BRANCH 108,
REGIONAL TRIAL COURT, CABUYAO
CITY, LAGUNA,
Petitioner,

A.M. No. P-23-110 [Formerly
JIB FPI No. 21-022-P]

Present:

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

- versus -

GERALD ERIC F. SANCHEZ, CLERK
III, BRANCH 108, REGIONAL TRIAL
COURT, CABUYAO CITY, LAGUNA
Respondent.

Promulgated:

February 18, 2025

X-----X

* On leave.

DECISION**DIMAAMPAO, J.:**

Before this Court are the consolidated administrative complaints filed against respondent Gerald Eric F. Sanchez (Sanchez), Clerk III of Branch 108, Regional Trial Court, Cabuyao City, Laguna (RTC), charging him with grave misconduct and violation of Republic Act No. 3019,¹ in connection with Criminal Case Nos. 229-C-2020 to 231-C-2020 entitled, “*People of the Philippines v. Jelly Pandiño & Kristian Deo Felongco.*”

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In her Complaint[-]Affidavit,² complainant Mercedes D. Felongco (Felongco) avowed that she came to know Sanchez sometime in July 2020, when Criminal Case Nos. 229-C-2020 to 231-C-2020 involving her son and daughter-in-law, Kristian Deo Felongco and Jenny Pandiño, respectively, were pending before the RTC. Sanchez purportedly represented himself as a court employee of the RTC, and promised to help them with the cases in exchange for PHP 100,000.00.³

Trusting that Sanchez would be able to deliver his promise, Felongco personally handed him on July 4, 2020 the cash amount of PHP 50,000.00. On July 20, 2020, the remaining PHP 50,000.00 was deposited to BDO Account No. 5980064754 in the name of one Esmeralda Sanchez.⁴ When prompted for any development on the cases, Sanchez supposedly sent Felongco the following messages thru Facebook Messenger:

“Mam conduit lang po ako between you aat mga lalakad mismo ng kaso nyo. Itts not for me to decide. Basta nasabi ko naa po aang side nila. Wwala nmm cla magagawa if hindi pa kaila makaakapag deposit and same din wala tau magagawa if its not favorable to them na magghintay. At magdecide na wwag na lang ituloy. I hope its vvery clear to you Ms na hhindi po ito tawaran. Ddi ba hhinddi ko na nga po ipinarating saa kanila yun naarrev kong msg ssaa inyo last tym? Ccoz definitely at immediate un magbaback out mga un if pinarating ko msg nyo. Ulutin ko po for the last time the ball is in your court.

“Kalma lang muna po tayu Mam. Til walang hearing di pa maiaassign si pao. And not untilnthen tsaka pa lang makakagawa ng mga motions.

¹ Anti-Graft and Corrupt Practices Act (1960).

² Rollo (A.M. No. P-23-109), pp. 2–3.

³ *Id.* at 2.

⁴ *Id.* at 4.

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Masyado halata if bigla mahahawakan yan ni pao tapus 2019 cases naunahan. Malalagay sa alanganin si pao. Need po natin ang ibayong ingat sa lahat ng lakad.”⁵

Sanchez denied the accusations hurled against him but admitted having met a certain Anne Vale Orozco (Orozco), who introduced herself as a legal researcher from a lower court in Famy or Siniloan, Laguna. According to Sanchez, Orozco was accompanied by an aunt and another lady who was not formally introduced to him,⁶ but later turned out to be Felongco.⁷ Sanchez claimed further that on account of his familiarity with lawyers working in Cabuyao, Orozco sought his assistance in looking for a private counsel for her cousin and the latter’s husband. They then parted ways with Sanchez reluctantly saying that he will see what he can do.⁸

According to Sanchez, it was Orozco who contacted him after their first meeting to reiterate her pleas, thus, belying Felongco’s avowal that she exchanged Messenger chats with him. He averred that he only came to know Felongco during the subsequent exchanges with Orozco, where they discussed the budget for the private counsel set by Orozco at the amount of PHP 100,000.00. Sanchez disavowed any demand for a fee for his assistance, and insisted that the “initial sum” was intended as deposit payment for the lawyer that he would be able to find.⁹

Sanchez eventually met and talked to Felongco when she was following up the cases in question since no updates were forthcoming from Orozco. Subsequently, Felongco decided to seek separate legal representation for her son due to a falling-out with her daughter-in-law. Thinking that they had agreed on the reimbursement of the deposit and that the transfer of funds still required time to facilitate, Sanchez was surprised to find out that Felongco already filed the instant complaint against him.¹⁰

Upon evaluation, the Office of the Executive Director (OED) of the Judicial and Integrity Board (JIB)¹¹ recommended that Sanchez be found guilty of grave misconduct and meted the penalty of suspension for six months without salary and other benefits, with a warning that the commission of a similar offense would be dealt with more severely.¹²

⁵ *Id.* at 5.

⁶ *Id.* at 8.

⁷ *Id.* at 10.

⁸ *Id.* at 9.

⁹ *Id.* at 10.

¹⁰ *Id.* at 11.

¹¹ Note: The case was originally filed with the Office of the Court Administrator but was transmitted to the JIB pursuant to its Internal Rules.

¹² *Rollo* (A.M. No. P-23-109), p. 26.

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While the JIB upheld the guilty finding of Sanchez, it, however, recommended, among others, that he be dismissed from the service with prejudice to his re-employment in any government agency,¹³ thusly:

ACCORDINGLY, it is respectfully **RECOMMENDED** for the consideration of the Honorable Court:

- 1.) That the instant administrative case be **RE-DOCKETED** as a regular administrative matter against respondent **GERALD ERIC F. SANCHEZ**, Clerk III, Regional Trial Court of Cabuyao, Laguna, Branch 108;
- 2.) That respondent **GERALD ERIC F. SANCHEZ**, be found **GUILTY** of Gross Misconduct and be **DISMISSED FROM THE SERVICE** with prejudice to re-employment in any government agency, including government-owned or controlled corporations, and with forfeiture of retirement benefits, except accrued leave credits; and
- 3.) That the instant administrative matter be **CONSOLIDATED** with JIB FPI No. 21-022-P, entitled, "*Hon. Arnold R. Martinez, Presiding Judge, Regional Trial Court of Cabuyao City, Laguna, Branch 108 v. Gerald Eric F. Sanchez, Clerk III, same court,*" as the cases involve exactly the same set of facts.¹⁴

The JIB underscored "the fact that Sanchez succeeded in extorting money from the party litigants, and that it was for the purpose of facilitating the release of the accused, no less than the penalty of dismissal is appropriate."¹⁵

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Complainant Presiding Judge Arnold Rimón Martínez (Judge Martínez) of the RTC wrote then Court Administrator Jose Midas P. Marquez, now Associate Justice of this Court, requesting the conduct of an investigation on Sanchez amid information that he was collecting money from a litigant who had a pending case before the RTC and that he was using the name of the Public Attorney's Office (PAO) for his transactions. In his letter, Judge Martínez sought for the immediate suspension or detail of Sanchez to some

¹³ *Id.* at 27–36. The Report dated October 5, 2022 was penned by JIB First Regular Member Justice Sesinando E. Villon (Ret.), with the concurrence of Chairperson Justice Romeo J. Callejo, Sr. (Ret.), Vice-Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), Second Regular Member Justice Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.) of the Judicial Integrity Board, Supreme Court, Manila.

¹⁴ *Id.* at 34.

¹⁵ *Id.* at 33.

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other courts.¹⁶ Judge Martinez likewise attached the letter-request¹⁷ of Atty. Errol D. Cabrera, a PAO lawyer previously stationed in the RTC, stating that a court staff acted as a “fixer” or “middleman” and asked money from the litigants in exchange for PAO’s representation and speedy disposition of their cases as well as the *Sinumpaang Salaysay*¹⁸ executed by Felongco, containing the same assertions in her complaint-affidavit in A.M. No. P-23-109.

As it happened, the matter was referred to Executive Judge Rosauro Angelito S. David (Executive Judge David) of the RTC of Sta. Rosa, Laguna, for the conduct of a discreet investigation and the submission of a report.¹⁹ In his report,²⁰ Executive Judge David stated that he tasked his branch sheriff and clerk of court to gather information relative to Sanchez. They interviewed a former branch clerk of court of the RTC and an officemate of Sanchez. As both interviewees had no personal knowledge of the circumstances relating to the purported extortion activities of Sanchez, his officemate narrated an encounter between Judge Martinez and Sanchez—

On that day, a confrontation took place where [Sanchez] and a certain police officer was called by [Judge] Martinez. Although there was no other court staff who was privy to their conversation, however after said conversation/confrontation [Sanchez] became agitated. He even attempted to borrow money from the Sheriff in the amount of One Hundred Thousand Pesos (PHP 100,000.00) immediately after the incident. The said sheriff nonetheless turned him down and was not able to lend him. From then on, [Sanchez] became distant and unsociable.²¹

In his Comment and Opposition,²² Sanchez, among others, disclaimed any knowledge of the alleged confrontation.²³ Nonetheless, he admitted that the money he borrowed from the sheriff was a loan from a cooperative, which he asked to be increased to PHP 100,000.00.²⁴

The JIB recommended the consolidation of the instant case with A.M. No. P-23-109.²⁵

The Court’s Ruling

¹⁶ *Rollo* (A.M. No. P-23-110), pp. 11–12.

¹⁷ *Id.* at 17.

¹⁸ *Id.* at 13.

¹⁹ *Id.* at 9.

²⁰ *Id.* at 5–8.

²¹ *Id.* at 7.

²² *Id.* at 28–31.

²³ *Id.* at 29.

²⁴ *Id.*

²⁵ *Id.* at 44.

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The Court adopts the findings and recommendation of the JIB.

In the case of *Security and Sheriff Division v. Cruz*,²⁶ this Court edifyingly held that:

No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the Judiciary. The Court is mindful that any act of impropriety on the part of judicial officers and personnel, be they the highest or the lowest members of the work force, can greatly erode the people's confidence in our justice system. Hence, it is the sacred duty of every worker in the Judiciary to maintain the good name and standing of the courts. Every employee of the court should be an exemplar of integrity, uprightness, and honesty. The Court will not hesitate to impose the ultimate penalty on those who have fallen short of their accountabilities.²⁷ (Citations omitted)

In the case at bench, Sanchez, as Clerk III, has the following duties and responsibilities: 1) he receives and enters in the docket books all cases filed, including all subsequent pleadings, documents, and other pertinent communications, updates docket particularly on the status of pending cases; 2) he maintains other court books such as books on disposed cases, books on appealed cases, books on warrants of arrest issued, books on Judgment; 3) he checks and verifies in the docket books all applications for clearances prepares periodic report on the status of individual cases; and 4) he performs other duties that may be assigned to him.²⁸ Evidently, as Clerk III, Sanchez is not authorized to collect or receive any amount of money from any party-litigant.

Admittedly, Sanchez met with Felongco and her companions who wanted to secure his "assistance" in the cases pending before the court where he was assigned at. The fact that money changed hands can likewise be inferred from his Comments and Opposition, as follows:

16. Contrary to Complainant's allegations, Respondent never demanded a fee for his assistance. Rather, the initial sum was supposedly intended as deposit to pay a lawyer once Respondent finds a lawyer who would be willing to take on the cases.
17. There was nothing to show that the amount being referred to by the Complainant was for Respondent's fee or own use. Complainant was not part in any of the conversation between Respondent and Ms. Orozco. The money was solely intended as deposit to pay private counsel for his fees so such private counsel would immediately take

²⁶ 813 Phil. 555 (2017) [*Per Curiam, En Banc*]

²⁷ *Id.* at 565.

²⁸ See *Exec. Judge Contreras-Soriano v. Salamanca*, 726 Phil. 355, 362 [see footnote 7] (2014) [Per J. Reyes, First Division].

on the cases considering that time was of the essence.²⁹

Sanchez's excuse that he merely offered help in looking for a lawyer and that the money he received was intended as deposit payment for such lawyer cannot exculpate him from an obvious transgression. Section 5, Canon IV of the Code of Conduct for Court Personnel³⁰ unequivocally states that "[c]ourt personnel shall not recommend private attorneys to litigants, prospective litigants, or anyone dealing with the Judiciary."

Despite his protestations, Sanchez's actions and representations clearly point to his direct solicitation and acceptance of money rather than simply rendering "assistance," which in layman's term is referred to as "fixing." *Pinlac v. Llamas*³¹ defines "fixing" as follows:

Fixing may range from the patently corrupt act of serving as a middleman between a litigant and the decision maker, to rendering illegal and out-of-the-way assistance such as providing referral service to lawyers and other participants in court cases, or providing information such as the identity of the *ponente*, all *for a fee*, or, likewise *for a fee*, intervening to facilitate court processes such as the release of court papers or providing advance and illegitimate copies of drafts or final but unpromulgated decisions.³²

As further observed by the JIB, Sanchez did not even bother to explain how the remaining balance of PHP 50,000.00, supposedly for the fee of the would-be counsel, ended up in the account of one Esmeralda Sanchez, who turned out to be his mother.³³ Therefore, there is nary a doubt that Sanchez's role was not as neutral as the simple "assistance" that he termed it to be. On this score, the Court reiterates its pronouncement in *Pinlac*:

We particularly invite attention to this deplorable act to draw the attention of all concerned that between the act of beneficial and legitimate assistance and illegal fixing is a thin red line that judicial officials and employees must never cross; assistance should only be to the extent of what one can legitimately deliver, given as part of the duties as public servants, and with the best of motives; it can never go beyond the extent allowed us by law, and never for a fee, a gift, or for the promise of personal benefit to the assisting official or employee.³⁴

In a catena of cases, the Court has consistently held that the act of soliciting and/or receiving money from litigants for personal gain constitutes grave misconduct, for which the court employee guilty thereof should be held

²⁹ *Rollo* (A.M. No. P-23-109), p. 10.

³⁰ AM No. 03-06-13-SC (2004).

³¹ 650 Phil. 360 (2010) [Per J. Brion, Third Division].

³² *Id.* at 367-368.

³³ *Rollo* (A.M. No. P-23-109), p. 24.

³⁴ *Pinlac v. Llamas*, 650 Phil. 360, 371 (2010) [Per J. Brion, Third Division].

administratively liable.³⁵ This Court, in the present case, likewise holds that Sanchez's acts constituted serious *misconduct* inasmuch as he actively and willingly acted as an intermediary, who demanded and received money in relation to two cases pending before the RTC where he was employed. Such misconduct is considered *grave* because the offer to help for a fee exhibited his willingness and intent to commit acts of unacceptable behavior, transgressing established and serious rules of conduct for public officers and employees. In short, Sanchez undertook acts amounting to "fixing," which the Court must necessarily recognize and penalize, as they were made under circumstances that unavoidably leave a heavy and adverse taint on the image of the judiciary.³⁶

Anent the proper penalty to be imposed on Sanchez, the Court notes that pursuant to A.M. No. 21-08-09-SC,³⁷ Rule 140 of the Rules of Court, as amended, shall be applied uniformly to all pending and future administrative cases involving all Members, officials, employees, and personnel of the entire Judiciary.³⁸ Thus, under Section 14³⁹ of the same Rule, gross misconduct is classified as a serious charge and is punishable with:

- (a) dismissal from 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;
- (b) suspension from office without salary and other benefits for more than six months but not exceeding one year; or
- (c) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.⁴⁰

For his willful and flagrant violation of the Code of Conduct for Court Personnel constituting gross misconduct, the Court imposes upon Sanchez the ultimate penalty of dismissal.

ACCORDINGLY, respondent Gerald Eric F. Sanchez, Clerk III, Branch 108, Regional Trial Court, Cabuyao City, Laguna, is found **GUILTY** of gross misconduct. He is **ORDERED DISMISSED** from the service. His

³⁵ See *Santiago-Avila v. Narisma, Jr.*, A.M. No. P-21-027, January 31, 2023 [*Per Curiam, En Banc*] at 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁶ *Pinlac v. Llamas*, 650 Phil. 360, 370 (2010) [Per J. Brion, Third Division].

³⁷ Further Amendments to Rule 140 of the Rules of Court (2022).

³⁸ *Solema v. Almeda-Fajardo*, A.M. No. P-12-3098, October 3, 2023 [Per J. Singh, *En Banc*] at 7. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website.

³⁹ REV. RULES OF COURT, RULE 140, sec. 14, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

"SECTION 14. *Serious Charges*. – Serious charges include:

(a) Gross misconduct constituting violations of the Code of Judicial Conduct or of the Code of Conduct for Court Personnel[.]"

⁴⁰ REV. RULES OF COURT, RULE 140, sec. 17, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

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civil service eligibility is likewise **ORDERED CANCELLED**, and his retirement and other benefits, except accrued leave credits, are deemed **FORFEITED**. Moreover, he is **PERPETUALLY DISQUALIFIED** from reemployment in any government agency or instrumentality, including any government-owned and -controlled corporation or government financial institution.

Respondent Gerald Eric F. Sanchez is further **DIRECTED** to **IMMEDIATELY RESTITUTE** the money given to him by complainant Mercedes D. Felongco amounting to PHP 100,000.00, which shall be subject to 6% interest rate per annum from the date of the finality of this Decision until full payment.

Let copies of this resolution be furnished the Office of the Ombudsman and the Department of Justice for the investigation of respondent Gerald Eric F. Sanchez for violation of Republic Act No. 3019.

SO ORDERED.

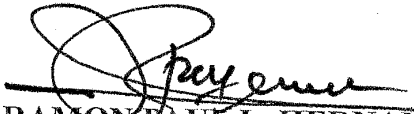

JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M. V. LEONEN
Senior Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice

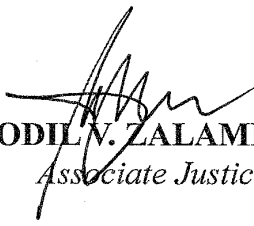

AMY C. LAZARO JAVIER
Associate Justice

Decision

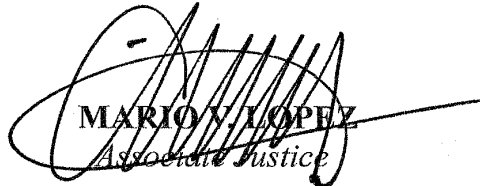
10 A.M. No. P-23-109 [Formerly OCA
IPI No. 20-5043-P] & A.M. No. P-23-110
[Formerly JIB FPI No. 21-022-P]




HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



SAMUEL H. GAERLAN
Associate Justice

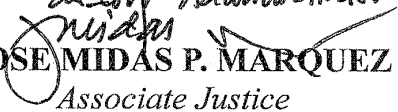


RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

No part due to prior participation
as Govt Administrator



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice

On leave
MARIA FILOMENA D. SINGH
Associate Justice