



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

ATTY. MA. JASMINE P. LOOD,  
MARY JANE G. CORPUZ, AND  
MA. HAZEL P. SEBIAL,  
Complainants,

A. M. No. P-18-3796 (Formerly  
OCA IPI No. 16-4545-P)

Present:

- versus -

RUEL V. DELICANA, LEGAL  
RESEARCHER, BRANCH 3,  
MUNICIPAL TRIAL COURT IN  
CITIES [MTCC], GENERAL  
SANTOS CITY, SOUTH  
COTABATO,

SERENO, C.J.,  
Chairperson,  
LEONARDO-DE CASTRO,  
DEL CASTILLO,  
JARDELEZA, and  
TIJAM, JJ.

Promulgated:

Respondent.

**JAN 22 2018**

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RESOLUTION

TIJAM, J.:

The instant administrative case stemmed from the Letter<sup>1</sup> dated July 7, 2015 of respondent Ruel V. Delicana (Delicana); Legal Researcher, Municipal Trial Court in Cities (MTCC) of General Santos City, South Cotabato; Branch 3, to Judge Alejandro Ramon C. Alano (Judge Alano), Executive and Presiding Judge of MTCC of General Santos City, Branch 3, wherein he protested the designation of Mary Jane Ganer-Corpuz (Ganer-Corpuz), Sheriff III, Office of the Clerk of Court, MTCC of General Santos City as Acting Clerk of Court of MTCC-Branch 3.

<sup>1</sup> Rollo, pp. 9-13.

### Antecedent Facts

In his letter, Delicana averred that Ganer-Corpuz's designation was improper considering that during the office's meeting on February 3, 2014, it was agreed that the acting Clerk of Court will be chosen from among the staff within the same branch.<sup>2</sup>

Moreover, Delicana asseverated that Ganer-Corpuz cannot be fair, just, and unbiased toward him in view of the administrative complaint he filed against the former when she assumed as acting Clerk of Court in lieu of Atty. Ma. Jasmine P. Lood, (Atty. Lood) Clerk of Court VI, Regional Trial Court of Abel, Sarangani Province, Branch 38, without authority from Judge Alano and this Court. Also, Delicana mentioned that he likewise filed a separate administrative complaint against Atty. Lood and Ganer-Corpuz.<sup>3</sup>

Consequently, Ganer-Corpuz, together with Atty. Lood and Ma. Hazel P. Sebial (Sebial), Clerk IV, MTCC of General Santos City, Branch 3, filed their Affidavit of Complaint<sup>4</sup> against Delicana wherein they charged him for Conduct Prejudicial to the Best Interest of the Service. Specifically, they averred that, despite the same being an internal matter and affecting only the employees of MTCC of General Santos, Branch 3, Delicana disseminated copies of his letter, administrative complaint filed against herein complainants, as well as the minutes of the office meeting, to the following: (i) Office of the Court Administrator (OCA); (ii) Hon. Emilio S. Quianzon, Presiding Judge, Branch 2, MTCC of General Santos City; (iii) Hon. Oscar P. Noel, Jr., Executive Judge, Regional Trial Court (RTC) of General Santos City; (iv) Atty. Marion Gay C. Mirabueno, COC, RTC-OCC of General Santos City; (v) Hon. Jose C. Blanza, Jr., Chief City Prosecutor, City Prosecutor's Office of General Santos City; (vi) Hon. Lorna B. Santiago, Acting Judge (Judge Santiago), Municipal Circuit Trial Court (MCTC), Alabel-Malungon, Sarangani Province; (vii) Atty. Caroline Z. Tajon, Chief, Public Attorney's Office of General Santos City; (viii) Atty. Mary Anne L. Lagare-Academia, President of the Integrated Bar of the Philippines, General Santos City; (ix) Hon. Ronnel C. Rivera, Mayor of General Santos City; (x) Hon. Shirlyn Bañas-Nogralas, Vice-Mayor of General Santos City; (xi) Atty. Arnel A. Zapatos, City Administrator of General Santos City; (xii) Atty. Andres S. Mission (Atty. Mission), President of the Philippine Association of Court Employees (PACE) of General Santos City; and (xiii) Atty. Maria Fe Maloloy-on (Atty. Maloloy-on), National President of PACE.<sup>5</sup>

<sup>2</sup> Id. at 10.

<sup>3</sup> Id. at 9-10.

<sup>4</sup> Id. at 4-8.

<sup>5</sup> Id. at 4-5.

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Complainants claimed that the sending of the said confidential documents to offices that do not have anything to do with the resolution of the present case is libelous, scandalous, and deleterious.

In its 1<sup>st</sup> Indorsement<sup>6</sup> dated February 23, 2016, the OCA directed Delicana to file his Comment within 10 days from receipt thereof.

In his Comment,<sup>7</sup> Delicana countered that her letter to Judge Alano was a legitimate, legal, and valid objection to the designation of Ganer-Corpuz, who is an “outsider” of MTCC of General Santos City, Branch 3.

Delicana further alleged that only the cover letter of the complaint against herein complainants were attached in his letter. Also, he claimed that only excerpts of the minutes of the meeting were included which he honestly presumed to be not malicious.<sup>8</sup>

Moreover, Delicana explained that copies of the letter were sent to Judge Santiago considering that she was their acting judge when Judge Alano was on leave due to sickness. Also, he mentioned that Atty. Mission and Maloloy-on were the Regional and National officers of PACE who would succor lowly employees who were oppressed and abused.<sup>9</sup>

As to the other recipients, Delicana averred that he merely followed Judge Alano when the latter furnished them with a copy of his Inter-Office Memorandum No. 070115 dated July 1, 2015, designating Ganer-Corpuz as the acting Clerk of Court.<sup>10</sup>

In sum, he claimed that complainants failed to substantiate his alleged infraction. According to Delicana, there was no intention on his part to defame, malign, or destroy complainants’ reputation.

### **OCA Recommendation**

In a memorandum<sup>11</sup> dated January 23, 2017, the OCA recommended that Delicana be suspended from office for one year for conduct prejudicial to the best interest of the service.

Notwithstanding the Motion to Withdraw Complaint filed by Ganer-Corpuz, the OCA held that Delicana’s avowed purpose to have the

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<sup>6</sup> Id. at 37.

<sup>7</sup> Id. at 53-65.

<sup>8</sup> Id. at 54.

<sup>9</sup> Id. at 97.

<sup>10</sup> Id. See also *rollo*, pp. 109-110.

<sup>11</sup> Id. at 190-197.

appointment recalled becomes suspect and creates the impression that he intended to harass and humiliate complainants.

### Court's Ruling

At the outset, the Court finds that the filing of the Motion to Withdraw by Ganer-Corpuz did not operate to divest the Court with jurisdiction to determine the truth behind the matter stated in the complaint. The ruling in *Bayaca v. Judge Ramos*<sup>12</sup> is instructive in the matter, viz.:

We have repeatedly ruled in a number of cases that mere desistance or recantation by the complainant does not necessarily result in the dismissal of an administrative complaint against any member of the bench. The withdrawal of complaints cannot divest the Court of its jurisdiction nor strip it of its power to determine the veracity of the charges made and to discipline, such as the results of its investigation may warrant, an erring respondent. Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power. The Courts interest in the affairs of the judiciary is of paramount concern. For sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary, inasmuch as the various programs and efforts of this Court in improving the delivery of justice to the people should not be frustrated and put to naught by private arrangements between the parties as in the instant case.<sup>13</sup>

The Court now resolves the substantive issues of the case.

Time and again, the Court have repeatedly stressed that the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women therein, from the judges to the most junior clerks.<sup>14</sup> Thus, "their conduct must be guided by strict propriety and decorum at all times in order to merit and maintain the public's respect for and trust in the judiciary. Needless to say, all court personnel must conduct themselves in a manner exemplifying integrity, honesty and uprightness."<sup>15</sup>

Here, in disseminating the letter, minutes of the meeting and administrative case of complainants, Delicana contributed to the erosion of the public's confidence in the judiciary. Indeed, the Court frowns upon any display of animosity by any court employee. Colleagues in the judiciary, including those occupying the lowliest positions, are entitled to basic courtesy and respect.<sup>16</sup>

<sup>12</sup> 597 Phil 86 (2009).

<sup>13</sup> Id. at 96.

<sup>14</sup> *Dela Cruz v. Zapico, et al.*, 587 Phil 435, 445 (2008).

<sup>15</sup> *In-Re: Improper Solicitation of Court Employees – Rolando H. Hernandez, EAI, Legal Office, OCAD*, 604 Phil 237, 245 (2009).

<sup>16</sup> *Bondoc v. Bulosan*, 552 Phil 526, 536-537 (2007).

As correctly observed by the OCA, Delicana failed to observe the proper decorum expected of members of the judiciary, to wit:

Notably, when respondent maliciously disseminated the minutes of the meeting and administrative case of complainants with the intent to embarrass them, the investigation has yet to commence. In indiscriminately providing a copy of the administrative case to those who are not even privy to the case, even if it consists of the covering letter only of the complaint, it was enough to inform whoever should read it that an administrative complaint has been filed against complainants which would unnecessarily harm their reputation.<sup>17</sup>

Verily, the Court cannot countenance any act which falls short of the exacting standards for public office which diminishes the faith of the people in the judiciary.<sup>18</sup> Delicana's impropriety subjected the image of the court to public distrust. Thus, Delicana is guilty of simple misconduct.

Under Section 46 D (2) of the Revised Rules on Administrative Cases in the Civil Service, simple misconduct is classified as a less grave offense. It is punishable by suspension of one (1) month and one (1) day to six (6) months for the first offense and dismissal from the service for the second offense.

In the present case, considering that Delicana was already previously reprimanded and fined in the amount P1,0000 for conduct unbecoming a court employee and conduct prejudicial to the best interest of the service with a stern warning that a repetition of the same or similar act shall be dealt with more severely, the imposable penalty for this second offense against Delicana is dismissal from service.

The Court, however, in several administrative cases, has refrained from imposing the actual administrative penalties prescribed by law or regulation in the presence of mitigating factors.<sup>19</sup> Here, the Court takes into consideration Delicana's long years of service in the judiciary of more than 17 years as well as his reconciliation with complainant Ganer-Corpuz. As such, the Court finds the penalty of suspension for a period of one year, as recommended by the OCA, proper under the circumstances.

**WHEREFORE**, the Court finds respondent Ruel V. Delicana, Legal Researcher, Municipal Trial Court in Cities of General Santos City, South Cotabato, Branch 3, **GUILTY** of simple misconduct. He is meted the penalty of **SUSPENSION** of one (1) year without pay, with a **STERN**

<sup>17</sup> OCA memorandum, supra note 11 at 194.

<sup>18</sup> *Spouses Pan v. Salamat*, 525 Phil 540, 547 (2006)

<sup>19</sup> *Re: Illegal and Unauthorized Digging and Excavation Activities Inside the Supreme Court Compound, Baguio City*, A.M. No. 2016-03-SC, February 21, 2017.



Resolution

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A.M. No. P-18-3796


**WARNING** that a repetition of similar or analogous infractions in the future shall be dealt with more severely.

**SO ORDERED.**

  
**NOEL GIMENEZ TIJAM**  
Associate Justice

**WE CONCUR:**

  
**MARIA LOURDES P.A. SERENO**  
Associate Justice  
Chairperson

  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**FRANCIS H. JARDELEZA**  
Associate Justice