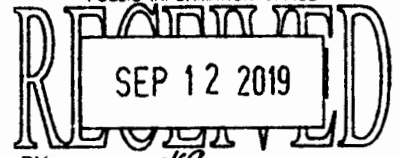




Republic of the Philippines  
Supreme Court  
Manila

SUPREME COURT OF THE PHILIPPINES  
PUBLIC INFORMATION OFFICE



BY: XG  
TIME: 4:01

EN BANC

**RE: INVESTIGATION  
RELATIVE TO THE FAKE  
DECISION IN G.R. NO. 211483  
(MANUEL TAMBIO v.  
ALBERTO LUMBAYAN, ET  
AL.)**

**A.M. No. 19-03-16-SC**

Present:

BERSAMIN, C.J.,  
CARPIO,  
PERALTA,  
PERLAS-BERNABE,  
LEONEN,  
JARDELEZA,  
CAGUIOA,  
REYES, A., JR.,  
GESMUNDO,  
REYES, J., JR.,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,  
INTING, and  
ZALAMEDA, JJ.

Promulgated:

August 14, 2019

X ----- X

**DECISION**

***PER CURIAM:***

For resolution is the investigation conducted by the National Bureau of Investigation (NBI) regarding a Decision dated 14 March 2016 entitled *Manuel Tambio v. Alberto Lumbayan, Alvina Lumbayan and Virginia Lumbayan represented by surviving spouse Alberto Lumbayan*, purportedly issued by the Court's Third Division in G.R. No. 211483.

On 19 July 2016, Atty. Vincent Paul L. Montejo (Atty. Montejo) of Batacan, Montejo & Vicencio Law Firm, counsel of record for the respondents in the subject case, came to the Office of the Clerk of Court (OCC), Third Division, Supreme Court, seeking a certification as to the authenticity of a copy of a Decision dated 14 March 2016 entitled *Manuel Tambio v. Alberto Lumbayan, Alvina Lumbayan and Virginia Lumbayan*

*represented by surviving spouse Alberto Lumbayan*, purportedly issued by the Third Division in G.R. No. 211483 and penned by Associate Justice Francis H. Jardeleza, which Atty. Montejo received by mail in Davao City. The Records Division of the Office informed Atty. Montejo that no such decision was promulgated by the Third Division, because the subject case was already decided in a Minute Resolution of the First Division dated 18 June 2014 denying the petition for review on certiorari of the petitioner in the said case and an entry of judgment was accordingly made on 17 March 2015. Moreover, the undated omnibus motion submitted by the petitioner was denied by the Third Division in its Resolution dated 9 November 2015.

Atty. Montejo asked to confer with the Third Division Clerk of Court (COC) to verify if the purported Decision of the Third Division dated 14 March 2016 is authentic or not. In its purported Decision dated 14 March 2016, the Third Division made the following rulings: (a) recalled the entry of judgment; (b) reinstated the petitioner's appeal; (c) granted the reliefs prayed for in the petition; and (d) issued orders and dispositions favorable to the petitioner, such as the payment of moral, exemplary, and actual damages. After a thorough examination of the subject document, Atty. Wilfredo V. Lapitan (Atty. Lapitan), Third Division COC, informed Atty. Montejo that such is not authentic and is fake, because of the following reasons: (a) no such document was promulgated or released by the OCC Third Division; (b) the purported decision has no accompanying Notice of Judgment duly certified by the Division COC; (c) the alleged decision was not duly certified by the Division COC; and (d) the subject decision was not in proper form, considering that the text was for short-size bond paper, instead of long-size bond paper, the signatures of the Associate Justices and the Division COC appeared to have been merely superimposed and then photocopied, the brown envelope which contained the said decision bore the name of the Judicial Records Office (JRO) and not the OCC Third Division, and such envelope indicated the postage payment of ₱79.00, instead of being free under the franking privilege, among others. Because he was in a hurry to leave for Davao City, Atty. Montejo did not leave a copy of the subject document with the OCC Third Division.

On 22 July 2016, an Incident Report<sup>1</sup> dated 22 July 2016 on the abovementioned was submitted by Atty. Lapitan to the Office of the Chief Justice (OCJ), as required under OCJ Office Order No. 09-2016, effective 26 May 2016, with the following recommendations: (a) a formal investigation of the subject incident be made to determine the author of the fake decision; (b) Atty. Montejo to be directed to submit to the Court such fake decision and its accompanying letter envelope; and (c) paper with the Court's watermark or any distinctive marking for authenticity be used in all decisions and resolutions issued by the Court.

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<sup>1</sup> *Rollo*, pp. 180-184.

In a letter<sup>2</sup> dated 5 August 2016, Atty. Lapitan furnished Associate Justice Presbitero J. Velasco, Jr., then Chairperson of the Third Division, with a copy of the Incident Report dated 22 July 2016, for his information and appropriate action.

On 12 July 2016, the OCC Third Division received a letter<sup>3</sup> dated 29 June 2016 from Hon. Jose T. Tabosares, the Presiding Judge of Branch 23, Regional Trial Court, Kidapawan City (Judge Tabosares), informing the OCC Third Division that the court *a quo* received a Decision of the Third Division dated 14 March 2016 which he suspects is fake, considering that the copy sent to him by registered mail is not a certified machine copy, the Court's logo does not appear at the back of the pages of the copy, and the copy is not accompanied by a Notice of Judgment as usually being issued by the Division COC. In his letter, Judge Tabosares requested confirmation if indeed the Third Division has already rendered a decision in Civil Case No. 2006-10. Judge Tabosares likewise attached a machine copy of the purported decision in his letter. In a letter<sup>4</sup> dated 25 August 2016, Atty. Lapitan replied to Judge Tabosares confirming and certifying the following: (a) the purported copy of the Decision dated 14 March 2016 in G.R. No. 211483 was not issued by the OCC Third Division; (b) the same decision is not authentic or is fake as it is not a certified true copy and is not in the standard form of a Court decision; (c) the subject decision is fraudulent as it was intended to mislead the court and the parties to the case.

On 21 July 2016, the OCC Third Division received from Atty. Montejo a letter<sup>5</sup> dated 19 July 2016 requesting certification on the non-existence of the Decision dated 14 March 2016 in G.R. No. 211483 and attaching a photocopy of the said decision. In a letter<sup>6</sup> dated 25 August 2016, Atty. Lapitan replied to Atty. Montejo's letter-request certifying the following: (1) the Decision dated 14 March 2016 in G.R. No. 211483 does not exist in the OCC Third Division files; (2) the subject decision was not promulgated or released by the OCC Third Division; and (3) said decision is not authentic as it is not in the standard form, it is not a certified true copy, and it is not accompanied by a Notice of Judgment certified as a true copy by the Division COC.

Subsequently, Atty. Lapitan submitted a Report<sup>7</sup> dated 13 October 2016 to then Chairperson of the Third Division, *i.e.*, Associate Justice Presbitero J. Velasco, Jr., and members of the Third Division, *i.e.*, Associate Justices Diosdado M. Peralta, Jose P. Perez, Bienvenido L. Reyes, and Francis H. Jardeleza, detailing the chronology of events and circumstances leading to the discovery of the fake decision, the actions he made and subsequent events,

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<sup>2</sup> Id. at 194.

<sup>3</sup> Id. at 195.

<sup>4</sup> Id. at 198-199.

<sup>5</sup> Id. at 200-204.

<sup>6</sup> Id. at 205.

<sup>7</sup> Id. at 152-155.

and recommending that the matter be referred to the proper office for investigation, report, and recommendation to determine the source or author of the fake decision, in order that the appropriate penalty be meted out unto the culprit or culprits. Thereafter, the Third Division issued a Resolution<sup>8</sup> dated 5 June 2017, noting the aforesaid report of Atty. Lapitan and referring such report to the NBI for investigation, report, and recommendation within 60 days from notice.

After the lapse of more than one year since the issuance of the Resolution of the Third Division dated 5 June 2017 and considering that the NBI had yet to submit to it its investigation, report, and recommendation, the Third Division issued a Resolution<sup>9</sup> dated 4 July 2018 requiring the NBI to submit the following: (a) a status report of its investigation within 10 days from receipt of notice; and (b) its investigation report and recommendation within 30 days from notice.

In compliance with the Resolution of the Third Division dated 4 July 2018 regarding the fake decision relative to G.R. No. 211483 entitled *Manuel Tambio v. Alberto Lumbayan, Alvina Lumbayan and Virginia Lumbayan represented by surviving spouse Alberto Lumbayan*, which has been transferred to the First Division, the NBI submitted its Manifestation/Compliance Initial Investigation Report<sup>10</sup> dated 7 October 2018, attaching its Initial Report<sup>11</sup> dated 3 October 2018, to Atty. Lapitan.

In a 1<sup>st</sup> Indorsement<sup>12</sup> dated 16 October 2018, Atty. Lapitan respectfully indorsed to Librada C. Buena, First Division COC, the Manifestation/Compliance Initial Investigation Report of the NBI dated 7 October 2018, with attached Initial Report dated 3 October 2018, for appropriate action.

In its Manifestation/Compliance Initial Investigation Report dated 7 October 2018, the NBI made the following initial findings:

- A. The present issue stemmed from the verification and follow-up of ATTY. PAUL VINCENT L. MONTEJO seeking this Court's certification as to the authenticity of the alleged Decision [sic] he received through mail, allegedly penned by JUSTICE FRANCIS H. JARDELEZA for the THIRD DIVISION;
- B. ATTY. MONTEJO was informed[,] however, by the Records Division of this Honorable Court that no Decision was promulgated by the said division as the case was already decided in a *Minute Resolution* of the FIRST DIVISION on 18 June 2014, which effectively denied the petition for review on certiorari; accordingly, an entry of judgment was made on 17 March 2015. An undated Omnibus Motion submitted by the

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<sup>8</sup> Id. at 150-151.

<sup>9</sup> Id. at 142-143.

<sup>10</sup> Id. at 2-8.

<sup>11</sup> Id. at 17-22.

<sup>12</sup> Id. at 1.

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petitioner was likewise denied by the THIRD DIVISION on 09 November 2015[;]

- C. ATTY. MONTEJO was likewise informed by ATTY. WILFREDO LAPITAN that on its face the alleged "*Decision*" appears to be a fake due to several reasons;
- D. On 12 July 2016, the OCC THIRD DIVISION received a letter from HON. JOSE T. TABOSARES, Presiding Judge, Branch 23, Regional Trial Court, Kidapawan City, informing the Court that they received a "DECISION", which they suspect to be a fake; [and]
- E. On 25 August 2016, ATTY. LAPITAN replied that the Decision was indeed a fake one, as it was not issued by the Office of the Clerk of Court, Third Division, Supreme Court and that it was fraudulent and is apparently intended to mislead the court and the parties to the case.<sup>13</sup>

During the investigation conducted by the NBI, Atty. Lapitan introduced the team to Atty. Basilia T. Ringol (Atty. Ringol), Deputy COC and Chief Judicial Records Officer. The latter mentioned that Atty. Pagwadan S. Fonacier (Atty. Fonacier), Supreme Court Assistant Chief of the JRO, once reported to her that a certain Mr. Tambio approached him and told him that an employee of the JRO was aiding him. According to Atty. Fonacier, he met Mr. Tambio in a church fellowship in Parañaque City. During the aforesaid encounter, Mr. Tambio asked for his assistance in finding a solution to his alleged legal issue with the Third Division, to which the latter replied that since he was still connected with the Court, he cannot and is in fact prohibited from handling cases. Nevertheless, Mr. Tambio inquired about the legal remedies available to him in relation to G.R. No. 211483. Mr. Tambio likewise claimed the following:

1. This Court already ruled in their favor but ATTY. LAPITAN claimed that the said Decision was fake. Hence, he filed a complaint with the Office of the Chief Justice against the former because of his unjustified refusal to honor such decision;
2. He then showed a copy of the alleged Decision and insisted that the same was genuine as it bears the supposed signature of ATTY. LAPITAN with all the markings of the Supreme Court. This document was allegedly placed inside an "Official Supreme Court Envelope";
3. He further mentioned that when he visited the Court, he was introduced by a lady employee of the Court of Appeals, who was also the wife of a judge, to a clerk of the Judicial Records Office (SC).<sup>14</sup>

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<sup>13</sup> Id. at 3-4.

<sup>14</sup> Id. at 116.

Mr. Tambio identified to Atty. Fonacier a certain Lorna G. Abadies (Abadies) as the court employee who assisted him in securing updates of his case before the Third Division. He allegedly secured her assistance after he gave her money for every piece of information regarding his case that she provided him. He claimed that he visited the Court a number of times and was told by Abadies that the decision of his case is forth coming. He alleged likewise that they met and ate out several times outside of her office. According to Mr. Tambio, the last time he went to the Court to follow up on his case was when the remains of the late Chief Justice Renato C. Corona was interred in the Court for viewing. He averred that, during that time, Abadies told him that the decision of his case cannot be released yet as the signatories, *i.e.*, Associate Justices of the Third Division, were in the Session Hall viewing the remains of the late Chief Justice Renato C. Corona. Thereafter, the two of them went out to eat at Manila Pavilion, wherein he told her that he would do anything for his case. Before he left Manila Pavilion, he gave his contact number to Abadies so that she could contact him for any update on his case.

It was later on revealed that Mr. Tambio is actually Emiliano Tambio, the son of the petitioner in G.R. No. 211483 and the person who stands to benefit the most had the subject decision turn out to be genuine.

On 1 October 2018, Mr. Tambio appeared before the NBI to air his side of the story. According to Mr. Tambio, “he has nothing to do with the ‘alleged fake decision’ and that he himself was wondering why the said decision was considered fake when it bore all the markings (seal and logo) of this court.”<sup>15</sup> He further claimed that “there is no way he could lose before this court as he had already won in the lower courts.”<sup>16</sup> When Mr. Tambio was asked about Abadies by the NBI, he stated that it was her who helped him secure updates on the status of his case before the Third Division and that he paid her for every such update she provided.

During his appearance before the NBI, Mr. Tambio declared that he also provided money to Esther Andres (Andres), whom he met through Dr. Leah Balatacan (Dr. Balatacan).<sup>17</sup> He claimed that Dr. Balatacan was the widow of Jose Balatacan and that he came to know of the Balatacans when he was introduced to them by Leo Vergara, who was said to be connected with the Department of Agriculture. Dr. Balatacan then introduced him to her sister, Andres. He averred that Andres asked for a standard operating procedure before she would agree to help him with his case. He alleged that he gave Andres around ₱1,400,000.00 on installment basis as compensation for her help. He also alleged that, before he met Andres, he gave Dr. Balatacan ₱380,000.00 for her assistance. However, despite the aforesaid payments, his case before the Third Division never prospered. Hence, he filed a case for estafa against Andres and Dr. Balatacan. The NBI noted that Mr. Tambio was willing to cooperate with the ongoing probe and was willing to submit all

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<sup>15</sup> Id. at 5.

<sup>16</sup> Id.

<sup>17</sup> Also referred to in the records as Lilia Balatucan.

documents relating to the payments he made to Abadies, Andres, and Dr. Balatacan.

In the attached Initial Report dated 3 October 2018, the NBI cited the following as persons of interest being pursued by its Special Task Force: (1) Lorna Abadies; (2) Salvacion Garma Ramirez, the daughter of Lorna Abadies, who was a former employee of the Judgment Division of the Court; (3) Esther Andres; (4) Dr. Leah Balatacan; and (5) Emiliano Tambio.

On 15 March 2019, the NBI submitted its Final Report<sup>18</sup> dated 11 February 2019 to Atty. Lapitan. In a letter dated 22 March 2019, Atty. Lapitan transmitted the aforesaid report to the Court for appropriate action.<sup>19</sup>

In its Final Report dated 11 February 2019, the NBI verified its previous findings in its Manifestation/Compliance Initial Investigation Report dated 7 October 2018 and Initial Report dated 3 October 2018. The NBI noted that Atty. Ringol and Atty. Fonacier executed their respective affidavits to formalize their previous statements and to support the investigation. Likewise, Mr. Tambio submitted an affidavit along with other documents to support his claim, *i.e.*, the estafa case he filed against Andres and Dr. Balatacan and receipts as proof of payment made by him to Andres and Dr. Balatacan.

The NBI Special Task Force sent a subpoena to Abadies for her to be informed of the allegations raised against her and to give her the opportunity to air her side on the matter. On 26 October 2018, Abadies appeared before the NBI Special Task Force and explained her side on the present controversy, having been apprised of her right to have a counsel of her own choice during the conduct of the investigation, to wit:

x x x x

- 11.1 Lorna Abadies claimed Emiliano Tambio approached her in her office and introduced himself as someone who was referred by his relative who knows Atty. Fermin Garma, father of Lorna Abadies, to ask help from the latter in connection with the case (Manuel Tambio vs. Alberto Lumbayan, Alvina Lumbayan and Virginia Lumbayan represented by surviving spouse Alberto Lumbayan) under G.R. No. 211483.
- 11.2 Allegedly, Mr. Tambio wanted to ask about the status of his case and he wants Lorna Abadies to inform him about it.
- 11.3 Several days after meeting Mr. Emiliano Tambio, a certain Esther Andres called Lorna Abadies through the landline of their office and invited her for lunch. Allegedly, Esther introduced herself as a person connected with or was under Justice Perez. (Upon verification[,] [i]t was discovered that Esther Andres was a former

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<sup>18</sup> *Rollo*, pp. 41-48.

<sup>19</sup> Note: G.R. No. 211483 is a First Division case. However, in a Resolution dated 5 November 2018, the Supreme Court First Division resolved to refer to the Supreme Court *En Banc* the matter pertaining to the Court's order for the NBI to conduct an investigation relative to this case.

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- employee of the Supreme Court and is no longer connected with the court since 2005).
- 11.4 When they met for lunch, Esther [Andres] was allegedly carrying documents pertinent to the case of Mr. Emiliano Tambio. Lorna Abadies claimed that Esther Andres showed her a document which appeared to be a denial of a Motion for Reconsideration filed by the side of Emiliano Tambio. Esther Andres asked Lorna Abadies if she can do something about said denial.
- 11.5 Lorna Abadies answered Esther Andres by telling her to ask Emiliano Tambio if he wants the M.R. to be reviewed as she knows someone who can read and review the document.
- 11.6 Esther Andres gave the document to Lorna Abadies to be reviewed by Johnny Mercado, a co-employee of Lorna Abadies at the Judicial Records Office, Supreme Court[,] who was reviewing for the bar during that time.
- 11.7 After the lunch with Esther [Andres], Lorna Abadies claimed that they frequently saw each other at the Supreme Court and it also made Lorna conclude that Esther Andres was an employee of the Supreme Court due to her frequency in it while bearing an employee I.D.
- 11.8 Lorna also claimed that there were times that Esther Andres would give her gifts such as Longinus watches, 3 watches for male and 2 watches for female. Esther also allegedly gave Lorna a Gucci bag as a gift.
- 11.9 Lorna Abadies also acknowledged the receipt of 500 thousand pesos in staggered payment from Esther Andres. Lorna Abadies claimed that 150 thousand or 200 thousand was a debt she owed Esther who in turn got the money from Emiliano Tambio.
- 11.10. 50 thousand pesos was allegedly given to Johnny Mercado for the preparation of the Omnibus Motion which was filed by Emiliano Tambio in relation to his case.
- 11.11. After several weeks, Lorna Abadies and Esther Andres met again[,] Lorna Abadies claimed that Esther Andres was pressuring her and stated that the decision is needed by Emiliano Tambio. Esther Andres even stated that she knows lawyers who are good in drafting decisions.
- 11.12. They met again in Robinsons Manila, and this time, with Emiliano Tambio. Lorna Abadies stated that Esther Andres showed her a draft decision in relation to the case. When asked about where the decision came from, Esther Andres answered that the decision was drafted by a lawyer. Esther Andres also told Emiliano Tambio to just wait for his copy as it will surely be received by him.
- 11.13 x x x x
- 11.14. After said meeting, Lorna Abadies averred that she felt uneasy. She kept on wondering where they got the decision as she herself knew that a decision was already issued by the court denying their claim. Lorna Abadies stated that she immediately checked the G.R. No. Esther mentioned and to her surprise, she discovered that said decision was fake.
- 11.15 x x x x
- 11.16 Lorna Abadies expressed her regret and she claimed that she is willing to testify. She also averred that the 500 thousand [pesos] she got from Emiliano Tambio was already returned.<sup>20</sup>

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<sup>20</sup> Rollo, pp. 44-45.

During one of the interviews held by the NBI Special Task Force, Mr. Tambio confirmed that Abadies called him and told him that she will return the money she received. According to Abadies, she deposited such money to the account of Mr. Tambio.

The NBI stated the following in its Final Report dated 11 February 2019:

It is clear from the revelation of Emiliano Tambio that Esther Andres was the one who managed to procure the fake decision. Said fake decision was shown by Esther Andres in a meeting with Emiliano Tambio and Lorna Abadies before the same was sent to the parties and to the court where the case originated. Further, Esther Andres, with her sister Lilia Balatucan[,] are the ones who received [a] large amount of money from Emiliano Tambio and the ones who misrepresented to Mr. Emiliano Tambio that they can do something about his case. Hence, the case filed against them in RTC Branch 14, Davao City[,] for Estafa under Criminal Case No. R-D10-17-02946-CR entitled *People of the Philippines vs. Jose Balatucan, Lilia Balatucan and Est[h]er Andres*.

With regard to Lorna Abadies, though it can be said that she may be held liable for her acts of accepting money from Esther Andres or Emiliano Tambio by reason of her position or office, it is still unclear whether she participated or has knowledge in the issuance or acquisition of the fake decision.

In so far as the other persons of interests are concerned, there [is] also no evidence that would show that Salvacion Garma [Ramirez], Lorna Abadies' daughter[,] is knowledgeable nor participated in procuring the said fake decision.

Likewise, aside from the allegation that he is the one who drafted the omnibus motion that was filed by Mr. Emiliano Tambio in connection with his case, there is no evidence that would link Johnny Mercado to the issuance/acquisition of said fake decision.<sup>21</sup>

The NBI made the following recommendations in its Final Report dated 11 February 2019:

In view of the foregoing, it is respectfully recommended that cases for violation of Art. 211 of the Revised Penal Code (Indirect Bribery), R.A. 6713 otherwise known as "Code of Conduct and Ethical Standards for Public Officials and Employees" and other possible administrative case be filed against Lorna Abadies.

In so far as Lilia Balatucan and Esther Andres are concerned, it appears that there is already a pending case against them in RTC Branch 14, Davao City[,] for Estafa under Criminal Case No. R-D10-17-02946-CR entitled *People of the Philippines vs. Jose Balatucan, Lilia Balatucan and Esther Andres*. Hence, no recommendation can be made with regard to their case.

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<sup>21</sup> Id. at 46-47.

With respect to Mr. Emiliano Tambio, it is the humble opinion of the undersigned that though Mr. Emiliano Tambio appears to be the beneficiary of the fake decision and that he has the motive to falsify said document as he is the one who stands to benefit had the fake decision passed as a legitimate one issued by the Supreme Court[,] [t]he undersigned is not wholly convinced that Mr. Emiliano Tambio can mastermind and facilitate such an intricate and complex modus. x x x.<sup>22</sup>

The Court agrees with the findings and recommendations of the NBI in its Final Report dated 11 February 2019.

The issue in this administrative matter case is no less than the integrity of the Court and its processes – a matter of paramount importance in assuring the proper administration of justice. Any attempt to undermine the Judiciary by subverting the administration of justice and as in the present case, to make a mockery of Court decisions and Philippine jurisprudence itself must not go unpunished. Time and time again, the Court has declared that it will never countenance any act which would diminish or tend to diminish the faith of the people in the Judiciary.<sup>23</sup> The instant case is no exception.

The Court concurs with the finding of the NBI that Andres is the person responsible for procuring the spurious decision. Not only was it shown that, out of all of the persons of interest investigated by the NBI, it was Andres who had a copy of the fake decision before the same was sent to the parties concerned and to the court where the case originated but it was also established that it was Andres, together with her sister, Dr. Balatacan, who received a large amount of money from Mr. Tambio and who misrepresented to Mr. Tambio that they had the capacity, power, and influence to do something about his case. Consequently, realizing that he was a victim of fraud, misrepresentation, and deceit, Mr. Tambio filed a case against Andres and Dr. Balatacan for estafa by means of deceit under paragraph 2(a) of Article 315 of the Revised Penal Code. Given the aforesaid pending case, the Court agrees with the statement of the NBI that nothing more can be done with regard to Andres and Dr. Balatacan.

The Court likewise agrees with the finding of the NBI that there is no direct showing that Abadies participated or had knowledge in the issuance or acquisition of the fake decision. Nevertheless, Abadies is far from being innocent. The Court concurs with the recommendation of the NBI that a case for indirect bribery under Article 211<sup>24</sup> of the Revised Penal Code be filed against Abadies.

In her Comment<sup>25</sup> dated 29 July 2019, wherein she directly addressed the charges made against her, Abadies stated that she could not be held liable

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<sup>22</sup> Id. at 47.

<sup>23</sup> *Re: Fake Decision Allegedly in G.R. No. 75242*, 491 Phil. 539, 569 (2005).

<sup>24</sup> This provision reads: Article 211. *Indirect bribery*. - The penalties of *prision correccional* in its medium and maximum periods, and public censure shall be imposed upon any public officer who shall accept gifts offered to him by reason of his office.

<sup>25</sup> *Rollo*, pp. 218-219.

for indirect bribery under Article 211 of the Revised Penal Code, because, as stated in the NBI Final Report dated 11 February 2019, she had returned the money which she had received from Mr. Tambio through Andres. The Court finds this contention devoid of merit. The fact that Abadies returned the money that she had received does not exculpate her from being held liable for indirect bribery under Article 211 of the Revised Penal Code.

Article 211 of the Revised Penal Code penalizes the crime of indirect bribery, which has the following elements: (1) the offender is a public officer; (2) the offender accepts gifts; and (3) the said gifts are offered to the offender by reason of his or her office. In the present case, Abadies is a public officer, being a court employee, specifically working in the JRO, and accepted gifts, in the form of money, from Mr. Tambio, by reason of her office. If it were not for the fact that Abadies was a clerk in the JRO, Mr. Tambio would not have given her money and visited her on several occasions, hoping to be able to secure status updates on his case. It does not matter that Abadies returned the money that she had accepted, because the crime of indirect bribery was already consummated upon the concurrence of the aforementioned three elements under Article 211 of the Revised Penal Code.

In addition to the abovementioned, Abadies is liable for violating Section 7(d) of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees. The aforementioned provision states the following:

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

(d) Solicitation or acceptance of gifts. – Public officials and employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office.

In her Comment dated 29 July 2019, Abadies asserted that she could not be held liable for a violation of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees, because she had no participation whatsoever, with respect to the unlawful acts committed by Andres. The Court rejects such allegation for lack of merit.

The Court has repeatedly held that the image of a court of justice is mirrored in the conduct, official or otherwise, of its personnel. All court personnel are mandated to adhere to the strictest standards of honesty, integrity, morality, and decency in both their professional and personal

conduct. In order to preserve the good name and integrity of the courts of justice, they must exemplify the highest sense of honesty and integrity not only in the performance of their official duties but also in their private dealings with other people.<sup>26</sup>

As a court employee, it was expected from Abadies to set a good example for other court employees in the standards of propriety, honesty, and fairness. It was incumbent upon her to practice a high degree of work ethic and to abide by the exacting principles of ethical conduct and decorum in both her professional and private dealings. Undoubtedly, Abadies failed to meet such standards, having placed her personal interest over the interest of the Court and its processes. Certainly, Abadies' infractions tainted the public perception of the image of the Court, casting serious doubt as to the ability of the Court to effectively exercise its power of administrative supervision over its employees.

With respect to Mr. Tambio, the Court concurs with the conclusion of the NBI that he cannot be held guilty of orchestrating the fraudulent scheme of acquiring a fake decision and passing off such decision as authentic to the concerned parties for his personal interest. Throughout the investigation of the present controversy, Mr. Tambio has shown good faith and has been cooperative and helpful in the investigation of the NBI. In fact, he had no qualms in formalizing his statements in an affidavit and submitted several documents to prove his innocence. Based on the records of the case, it likewise appears that Mr. Tambio was genuinely surprised and stunned when it was revealed to him that the subject decision is fake. At most, it can be said that Mr. Tambio is only guilty of being overeager in garnering updates on his case.

**WHEREFORE**, the Court resolves to **DISMISS** Lorna G. Abadies, Clerk II of the Judicial Records Office,<sup>27</sup> from the service, with the accessory penalties of forfeiture of all retirement benefits except accrued leave credits and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations. The Court further resolves to **ADOPT** the recommendations of the National Bureau of Investigation and hereby **DIRECTS** the Chief of the Office of Administrative Services that the following cases be filed against Lorna G. Abadies: (1) indirect bribery under Article 211 of the Revised Penal Code and (2) violation of Section 7(d) of Republic Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees.

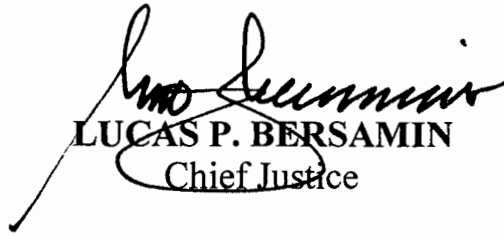
Let a copy of this Decision be attached to the records of Lorna G. Abadies in the Office of Administrative Services, Supreme Court.

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<sup>26</sup> *Floria v. Sunga*, 420 Phil. 637, 650 (2001).

<sup>27</sup> As of 19 March 2018, Lorna G. Abadies no longer reports to the Judicial Records Office and is detailed to the Office of Administrative Services.


**SO ORDERED.**




**LUCAS P. BERSAMIN**  
Chief Justice




**ANTONIO T. CARPIO**  
Associate Justice




**DIOSDADO M. PERALTA**  
Associate Justice



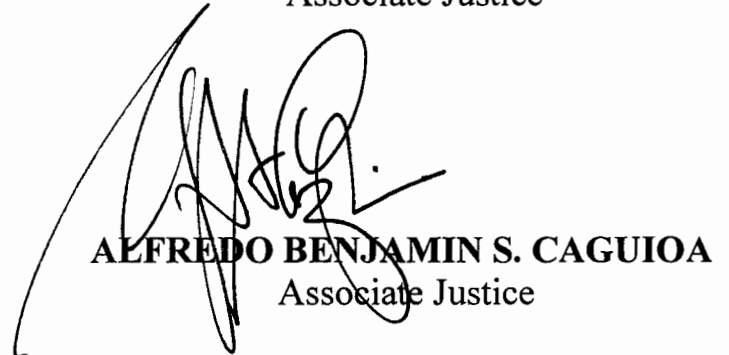
**ESTELA M. PERLAS-BERNABE**  
Associate Justice



**MARVIC M.V.F. LEONEN**  
Associate Justice



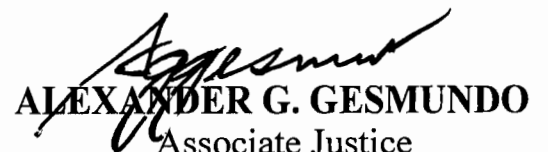
**FRANCIS H. JARDELEZA**  
Associate Justice



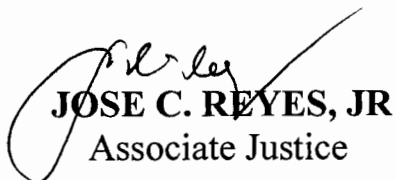
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice




**ANDRES B. REYES, JR.**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
Associate Justice



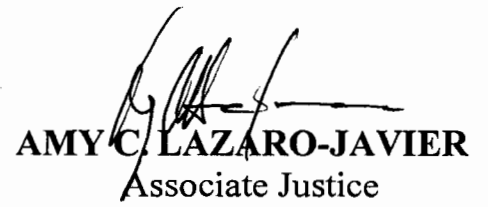
**JOSE C. REYES, JR**  
Associate Justice



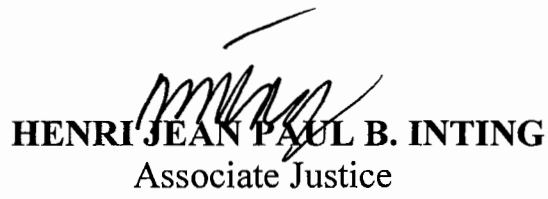
**RAMON PAUL L. HERNANDO**  
Associate Justice



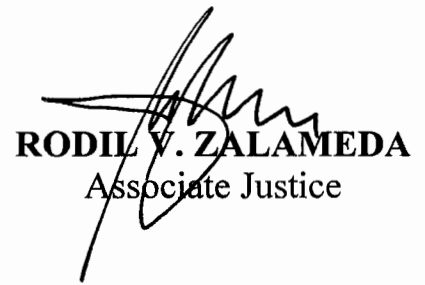
**ROSMARID. CARANDANG**  
Associate Justice



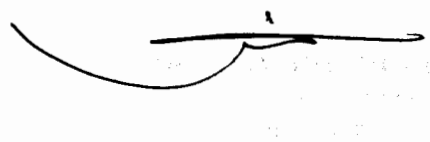
**AMY C. LAZARO-JAVIER**  
Associate Justice



**HENRI JEAN PAUL B. INTING**  
Associate Justice



**RODIL V. ZALAMEDA**  
Associate Justice



**[Signature]**