



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

**OFFICE OF ADMINISTRATIVE
SERVICES, SUPREME COURT,**
Complainant,

A.M. No. SC-23-001
[Formerly JIB FPI No. 22-
008-SC]

Present:

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

- versus -

**JOHNNY R. LLEMOS, PAINTER
I, MAINTENANCE DIVISION,
OFFICE OF ADMINISTRATIVE
SERVICES, SUPREME COURT,**
Respondent.

Promulgated:

April 3, 2024

DECISION

DIMAAMPAO, J.:

Before this Court is the Report¹ of the Judicial Integrity Board (JIB), finding respondent Johnny R. Llemos (Llemos), Painter I, Maintenance

¹ *Rollo*, pp. 21–28. The May 16, 2023 Report was submitted by Justice Cielito N. Mindaro-Grulla (Ret.), with the concurrence of Justice Angelina Sandoval-Gutierrez (Ret.), Justice Sesonando E. Villon (Ret.), and Justice Rodolfo A. Ponferrada (Ret.). At that time, Justice Romeo J. Callejo, Sr. (Ret.) was on leave.

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Division, Office of Administrative Services (OAS), Supreme Court, guilty of gross misconduct constituting violations of the Code of Conduct for Court Personnel, and of use of illegal drugs or substances. In view thereof, the JIB recommended that he be dismissed from service.

On July 11, 2022, the Medical and Dental Services of the Supreme Court conducted a random drug test on its employees; Llemos was among those randomly chosen to be tested for illegal drug use.² His test having yielded a positive result,³ it was referred to the National Bureau of Investigation (NBI) for confirmation. The NBI issued on even date a Certification⁴ stating that the “laboratory examination for the presence of DANGEROUS DRUGS conducted on the urine..., showed reactions indicative of the presence of Methamphetamine...”⁵

In her 1st Indorsement, Atty. Maria Carina M. Cunanan, Deputy Clerk of Court and Chief Administrative Officer of the OAS, referred the matter to the JIB, which transmitted the same to the Office of the Executive Director (OED).⁶

Following the OED’s directive, Llemos filed his verified Comment.⁷ He admitted to having used illegal drugs but avowed that this was not habitual. He likewise offered an apology and sought the Court’s indulgence for the sake of his work and children.⁸ The full text of his comment reads:

*Ako po si Johnny R. Llemos, ang nangyari pong random test sa opisina. Ito po ay dahil nag-kayayaan lang po pero hindi ko po talaga ito gawain. Sana po maunawaan nyo, ako po ay humihingi ng paumanhin, hindi na po ito mauulit alang-alang sa aking trabaho at mga anak. Sana po ay makapasok na po uli ako upang makatulong sa pag-aaral ng aking mga anak sa kolehiyo. Maraming salamat po.*⁹

JIB Acting Executive Director James D.V. Navarrete submitted the Report and Recommendation¹⁰ of the OED, thusly—

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable Board that the instant matter be **RE-DOCKETED** as a regular administrative complaint against Johnny R.

² *Id.* at 21.

³ *Id.*

⁴ *Id.* at 9. The July 11, 2022 Certification was signed by Forensic Chemist Miguel Fernando C. Suarez. RCh.

⁵ *Id.*

⁶ *Id.* at 21–22.

⁷ *Id.* at 13–14.

⁸ *Id.* at 13.

⁹ *Id.*

¹⁰ *Id.* at 15–18.

Llemos, Painter, Maintenance Division, Supreme Court, and the following recommendations be submitted to the Supreme Court:

- 1) Respondent Johnny R. Llemos, Painter, Maintenance Division, Supreme Court, be found **GUILTY** of Use of Illegal Drugs or Substances and Gross Misconduct constituting Violations of the Code of Conduct for Court Personnel and meted the penalty of **DISMISSAL FROM THE SERVICE**, with forfeiture of all benefits, except accrued leave credits, if any, and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations; and
- 2) the Supreme Court Medical and Dental Services be **DIRECTED** to refer Llemos to a suitable drug rehabilitation facility where he may be able to undertake programs for his rehabilitation at his own expense.¹¹

Prior to the release of the Report and Recommendation, the Court ordered Llemos's preventive suspension for a period of 90 days without pay and other monetary benefits, subject to further extension for compelling reasons.¹²

In due course, the JIB submitted its Report concurring with the OED's findings and adopting its recommendation *in toto*.¹³ According to the JIB, Llemos's admission, coupled with the confirmatory drug test conducted by the NBI, constitutes more than the required substantial evidence to prove his use of illegal drugs.¹⁴ Moreover, his act amounts to a flagrant violation of the law, which is tantamount to gross misconduct.¹⁵

Upon perulstration of the records, this Court resolves to adopt the findings and recommendation of the JIB albeit with modification as to the penalty imposed.

Misconduct is a transgression of some established or definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior.¹⁶ However, such misconduct becomes a *grave offense* if it involves any of the additional elements of *corruption*,

¹¹ *Id.* at 17-18.

¹² *Id.* at 19. The Resolution dated July 26, 2022 in A.M. No. 22-07-17-SC (Re: Random Drug Testing Conducted by the Medical and Dental Services on Johnny R. Llemos, Painter I, Maintenance Division, Office of Administrative Services) was signed by Atty. Marife M. Lomibao-Cuevas, Clerk of Court.

¹³ *Id.* at 26-27.

¹⁴ *Id.* at 24.

¹⁵ *Id.*

¹⁶ See *Re: Alleged Smoking and Possible Drug Use of Louie Mark U. De Guzman, Storekeeper I, Property Division, Office of Administrative Services – SC on the Premises of the Supreme Court*, A.M. No. 2020-10-SC [Formerly A.M. No. 21-01-05-SC], March 16, 2021 [*Per Curiam, En Banc*].

*clear intent to violate the law, or flagrant disregard of established rules, which must be established by substantial evidence.*¹⁷

Here, there is neither rhyme nor reason for the Court to depart from the conclusion arrived at by the JIB that Llemos used illegal drugs or substances. As it aptly pronounced, his indiscretion was evinced, not only by the result of the NBI's confirmatory test, but also by his very own admission.¹⁸ Unarguably, his misdemeanor has caused great prejudice to the Judiciary as an institution, and this misconduct is repugnant of the very norms with which court personnel are expected to live up to. On this point, the Court hearkens to its own enunciation in *Re: Administrative Charge of Misconduct Relative to the Alleged Use of Prohibited Drug of Castor*¹⁹ viz.:

Undoubtedly, the use of prohibited drugs by Castor violated the norms of conduct for public service. By indulging in the use of illegal drugs, he committed **conduct unbecoming of court personnel, which tarnished the very image and integrity of the Judiciary.**

....

The image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat. The conduct of a person serving the Judiciary must, at all times, be characterized by **propriety** and **decorum** and above all else, be **above suspicion** so as to earn and keep the respect of the public for the Judiciary. The Court would never countenance any conduct, act or omission on the part of all those in the administration of justice, which will violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.²⁰

Nonetheless, the Court finds that the factual milieu of this case warrants the imposition of the lesser penalty of suspension upon Llemos.

Gross misconduct constituting violations of the Code of Conduct for Court Personnel and use of illegal drugs or substances are both classified as *serious charges* under Rule 140 of the Rules of Court, as amended by Administrative Matter (A.M.) No. 21-08-09-SC,²¹ which may be punished with dismissal, suspension or fine, as warranted by the circumstances. Section 17(1) of Rule 140 provides—

SECTION. 17. Sanctions. —

¹⁷ *Id.*

¹⁸ *Rollo*, p. 24.

¹⁹ 719 Phil. 96 (2013) [*Per Curiam, En Banc*].

²⁰ *Id.* at 101–102. (Emphasis supplied)

²¹ (2022).

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- (1) If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:
 - (a) Dismissal from service, forfeiture of all or part of the benefits as the Supreme 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;
 - (b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one (1) year; or
 - (c) A fine of more than [PHP] 100,000.00 but not exceeding [PHP] 200,000.00.

However, many a time has this Court opted to impose a lesser penalty in the presence of certain mitigating circumstances. In the recent case of *Court of Appeals v. Rommel P. Labitoria*,²² the penalty recommended by the JIB was tempered and reduced from dismissal from service to suspension for one year. The Court noted that therein respondent Labitoria, a court employee who tested positive for the use of methamphetamine, had no prior offense, had 31 years of government service, and had completed his drug rehabilitation program.

In the instant case, Llemos readily admitted his liability and has displayed earnest remorse for his actions. Moreover, Llemos implores this Court to extend a modicum of leniency on behalf of his children who depend on him for their education. Treating these as akin to the mitigating circumstances enumerated under Rule 140 of the Rules of Court, as amended,²³ the Court modifies the penalty recommended by the JIB to suspension from office for one year.

The foregoing penalty is in accord with A.M. No. 23-02-11-SC or the Guidelines for the Implementation of a Drug-free Policy in the Philippine Judiciary,²⁴ which allows suspension as a sanction for any court employee

²² A.M. No. CA-24-002-P, October 10, 2023.

²³ **Rule 140. Sec. 19. Modifying Circumstances.** – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

(1) Mitigating circumstances:

- (a) First offense;
- (b) Length of service of at least ten (10) years with no previous disciplinary record where respondent was meted with an administrative penalty;
- (c) Exemplary performance;
- (d) Humanitarian considerations; and
- (e) Other analogous circumstances.

²⁴ (2023).

found positive for use of dangerous drugs. More importantly, as in *Labitoria*, this approach is in line with the broadening global perspective that sees drug abuse as a complex health disorder, the panacea for which has always been *rehabilitation, not blind retribution*.

This notwithstanding, the Court forewarns of its steadfast commitment to preserve the Judiciary's reputation for competence, accountability, and integrity. Needless to say, any and all personnel whose conduct disparages the foregoing shall be dealt with accordingly.

ACCORDINGLY, respondent Johnny R. Llemos, Painter I, Maintenance Division, Office of Administrative Services, Supreme Court, is found **GUILTY** of gross misconduct constituting violations of the Code of Conduct for Court Personnel and of use of illegal drugs or substances. He is **SUSPENDED** from office without salary and other benefits for one year. He is likewise **STERNLY WARNED** that a repetition of a similar violation will be dealt with the penalty of dismissal from service.


This Decision is immediately executory.

Moreover, the Supreme Court Medical and Dental Services is directed to refer respondent Johnny R. Llemos to a suitable drug rehabilitation facility where he may be able to undertake programs for his rehabilitation at his own expense.


SO ORDERED."


JAPAR B. DIMAAMPAO
Associate Justice

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice



MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice


RAMON PAUL L. HERNANDO
Associate Justice


AMY C. LAZARO-JAVIER
Associate Justice


HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


MARIO V. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEP LOPEZ
Associate Justice


JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR.
Associate Justice


MARIA FILOMENA D. SINGH
Associate Justice