



Republic of the Philippines
Supreme Court
Manila

EN BANC

LEONILA V. BELTRAN,
Complainant,

A.M. No. P-14-3223
[Formerly OCA IPI No.
10-3344-P]

-versus-

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

RAINERIA S. PABICA, Stenographer
I/Acting Clerk of Court, Municipal
Trial Court, Palompon, Leyte,
Respondent.

Promulgated:

February 27, 2024

X

X

DECISION

PER CURIAM:

Antecedents

In her Letter-Complaint¹ dated December 23, 2009, Leonila V. Beltran (Beltran) essentially averred:

¹ Rollo, pp. 1-2.

She was one of the defendants in Civil Case No. 461 entitled "*Matilde Marilao-Canson, et. al. v. Leonila V. Beltran, et. al.*" for Recovery of Possession and Ownership with Damages and Attorney's Fees filed before the Municipal Trial Court of Palompon, Leyte (MTC) where respondent Raineria S. Pabica (Pabica) was then its Court Stenographer I and Acting Clerk of Court at the same time.²

Initially, Atty. Raymund B. Samson (Atty. Samson) of the Public Attorney's Office represented Beltran and the other co-defendants in the case. But after the hearing held on April 20, 2005, Pabica approached Beltran to convince the latter to hire another lawyer, Atty. Camilo P. Esmero (Atty. Esmero), in lieu of Atty. Samson. Beltran had reservations regarding Atty. Esmero because said counsel had previously represented the same plaintiffs in another case and had even notarized certain documents which formed part of the plaintiff's evidence-in-chief in Civil Case No. 461. Beltran nonetheless, followed Pabica's instructions relying on the latter's supposed knowledge on the qualifications of legal practitioners in Palompon, Leyte.³

On September 20, 2007, Pabica informed her by phone that the decision in Civil Case No. 461 was forthcoming, and that could help them in obtaining a favorable judgment in exchange for PHP 15,000.00. Beltran agreed. Thus, in the evening of that day, Pabica came to Beltran's house to collect the payment. Upon Beltran's request, Pabica signed a receipt. As it was, however, the MTC ruled against Beltran and the other defendants.⁴

Beltran contacted Pabica regarding the adverse decision. Pabica appeased Beltran by telling the latter that the MTC decision would be appealed to the Regional Trial Court of Palompon, Leyte (RTC). In its Order dated August 28, 2008, Branch 17 of the RTC dismissed the appeal citing several basic and material flaws in the Memorandum submitted by the defendant-appellants, through their counsel, Atty. Esmero, including the failure to assign errors allegedly committed by the MTC in the assailed decision, as well as the erroneous prayer for the dismissal of the appeal for lack of basis.⁵

After informing Pabica of the aforesaid order of dismissal, the latter advised Beltran to file a motion for reconsideration with the Regional Trial Court and, thereafter, an appeal before the Court of Appeals should the said motion be denied. Pabica then told Beltran that the filing fee for the motion

² *Id.* at 96.

³ *Id.* at 96-97.

⁴ *Id.* at 97.

⁵ *Id.* at 45-46.

for reconsideration would cost around PHP 4,000.00. Beltran turned over this amount to Pabica on September 8, 2008 around 9:00 p.m. at the Palompon Public Cemetery. The turnover was witnessed by several persons. Upon verification, Beltran learned that the motion for reconsideration was denied for being filed 42 days late. According to Beltran, Pabica deliberately caused the belated filing of the said motion.⁶

Proceedings before the Office of the Court Administrator

In its March 16, 2010 1st Indorsement,⁷ the Office of the Court Administrator (OCA) directed Pabica to file her Comment on the Complaint within 10 days from notice. Pabica, however, failed to do so despite receipt of the notice.⁸

Directives of the Court

In its Resolution⁹ dated June 27, 2011, the Court directed Pabica to file her Comment on the complaint within a non-extendible period of 15 days and to show cause why she should not be administratively dealt with for failure to comply with the directives of the Office of the Court Administrator. Despite receipt thereof, Pabica still did not comply. As a result, by Resolution¹⁰ dated December 10, 2012, the Court directed Pabica to show cause why she should not be held in contempt for her failure to comply with its June 27, 2011 Resolution. Pabica still did not take any action despite receipt of the notice.¹¹

By Resolution¹² dated July 2, 2014, the Court found Pabica guilty of disobedience to and defiance of the Court's resolutions and directed her to pay a fine of PHP 5,000.00 within a non-extendible period of 30 days from notice. Pabica was likewise given a stern warning that her subsequent failure to comply will be dealt with more severely. Notwithstanding, Pabica still did not file a comment nor did she pay the fine imposed against her.

⁶ *Id.* at 97-98.

⁷ *Id.* at 67.

⁸ *Id.* at 98.

⁹ *Id.* at 72-73.

¹⁰ *Id.* at 74.

¹¹ *Id.*

¹² *Id.* at 80-81.

Finally, through its Resolution¹³ dated August 22, 2022, the Court resolved to declare Pabica to have waived her right to file a comment on the complaint.¹⁴

Report and Recommendation of the Judicial Integrity Board

In its Report¹⁵ dated January 25, 2023, the Judicial Integrity Board recommended that Pabica be found guilty of gross misconduct and gross insubordination and, in lieu of dismissal, recommended the imposition of the penalty of forfeiture of her retirement benefits, except accrued leave credits, with prejudice to re-employment in any government agency, including government-owned or controlled corporations, *viz.*:

ACCORDINGLY, it is respectfully **RECOMMENDED** for the consideration of the Honorable Court that respondent Raineria S. Pabica, former Court Stenographer I and Acting Clerk of Court, Municipal Trial Court, Palompon, Leyte, be found **GUILTY** of Gross Misconduct and Gross Insubordination, and in lieu of her dismissal, her retirement benefits, except accrued leave credits, be **FORFEITED**, with prejudice to re-employment in any government agency, including government-owned or controlled corporations.¹⁶

Ruling

The Court resolves to adopt and approve the findings of fact, conclusions of law and recommendation of the Judicial Integrity Board in its Report dated January 25, 2023.

First. Pabica violated Canon IV, Section 5 of the Code of Conduct for Court Personnel¹⁷ (CCCCP) when she meddled with Civil Case No. 461 by convincing complainant to engage the legal services of Atty. Esmero as her handling lawyer, in lieu of Atty. Samson. Thus, the acts of Pabica are even more pernicious, given that Atty. Esmero's acceptance of complainant's case appears to violate the prohibition against conflict of interest under Canon III, Sections 13, 14, 17, and 18.

¹³ *Id.* at 92-93.

¹⁴ *Id.* at 100.

¹⁵ *Id.* at 96-106.

¹⁶ *Id.* at 104.

¹⁷ A.M No. 03-06-13-SC (2004).

Canon IV, Section 5 of the CCCP explicitly ordains that court personnel shall not recommend private attorneys to litigants.¹⁸ Notably, Pabica did not merely recommend, but even convinced complainant and her co-defendants to change their attorney and hire Atty. Esmero to replace Atty. Samson. Worse, Pabica, as the Acting Clerk of Court of the Municipal Trial Court, could not have been unaware that Atty. Esmero had previously represented complainant's opponents in another case before the same court and even notarized documents forming part of the evidence-in-chief of the plaintiffs in Civil Case No. 461.

In *Office of the Court Administrator v. Buzon*,¹⁹ the Court found that a court stenographer committed grave misconduct for assisting a party-litigant to find legal representation, viz.:

Likewise, respondent claims that she was merely assisting Tablante in finding a new defense lawyer does not legitimize her actions. Canon IV, Section 5 of the Code of Conduct for Court Personnel prohibits court personnel from recommending private attorneys to litigants, prospective litigants, or anyone dealing with the judiciary. While court employees are not totally prohibited from rendering aid to others, they should see to it that the assistance, albeit involving acts unrelated to their official functions, does not in any way compromise the public's trust in the justice system. Clearly, by assisting Tablante in finding legal representation, respondent violated ethical rules.

Respondent's action is all the more malevolent considering that Tablante has a pending case with the court where she is a stenographer. Their interaction gave the appearance that the court is partial to Tablante's cause. As an employee of the judiciary, respondent should have maintained a neutral attitude in dealing with party-litigants. If it were true that Tablante insisted on asking for her assistance, respondent should have severed any form of communication with her. However, instead of distancing herself, respondent even agreed to meet Tablante after the latter represented that she already gathered funds to pay for a lawyer. Certainly, respondent's deliberate acts are inconsistent with her claim that she was merely a victim of frame-up.

Thus, respondent should be held accountable for grave misconduct, dishonesty, and conduct prejudicial to the best interest of service.²⁰

¹⁸ Section 5. Court personnel shall not recommend private attorneys to litigants, prospective litigants, or anyone dealing with the Judiciary.

¹⁹ 890 Phil. 367 (2020) [*Per Curiam, En Banc*].

²⁰ *Id.* at 376.

Pabica, too, is accountable for grave misconduct, dishonesty, and conduct prejudicial to the best interest of the service.

Second. Pabica violated Canon I, Sections 1 and 2 of the CCCP, by twice soliciting and receiving money from Beltran for a favorable decision in Civil Case No. 461 to be rendered by the MTC of Palompon, Leyte, where was assigned as Court Stenographer I and Acting Clerk of Court

Canon I, Section 1 of the CCCP plainly prohibits court personnel from using their official position to secure unwarranted benefits, privileges, or exemptions for others, *viz.*:

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

More, Canon 1, Section 2 of the CCCP prohibits the solicitation or acceptance by court employees of any gift, favor, or benefit based on an understanding that the same shall influence their official actions, *viz.*:

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions.

In *Buzon*,²¹ the Court reiterated the well-settled doctrine that the demand and receipt of money from party-litigants is considered grave misconduct punishable with, among others, forfeiture of retirement and other benefits, except accrued credit leaves, if any, *viz.*:

In various cases, this Court deemed the demand and receipt of money from party-litigants constitutive of serious misconduct. The instant case should not be treated differently. Grave misconduct is defined as a serious transgression of some established and definite rule of action (such as unlawful behavior or gross negligence by the public officer or employee) that tends to threaten the very existence of the system of administration of justice an official or employee serves. It may manifest itself in corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules. Respondent's solicitation of money

²¹ *Office of the Court Administrator v. Buzon*, 890 Phil. 367 (2020) [*Per Curiam, En Banc*].

from Tablante in exchange for the acquittal of her brother violates Canon I of the Code of Conduct for Court Personnel, which expressly provides:

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemption for themselves or for others.

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

Grave misconduct is classified as a grave offense punishable by dismissal from service for the first offense. Corollary thereto, the penalty of dismissal from service carries with it the following administrative disabilities: (a) cancellation of civil service eligibility; (b) forfeiture of retirement and other benefits, except accrued leave credits, if any; and (c) perpetual disqualification from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.

By soliciting money from Tablante, respondent committed an act of impropriety which immeasurably affects the honor of the judiciary and the people's confidence in it. She committed the ultimate betrayal of her duty to uphold the dignity and authority of the judiciary by peddling influence to litigants, creating the impression that decisions can be bought and sold.²²

In this case, it remains undisputed that Pabica twice solicited and received money from Beltran in order to secure a favorable decision for the latter. Moreover, Pabica's act of securing PHP 4,000.00 as filing fee for a motion for reconsideration shows that she took an active part in creating undue benefit for Beltran. It bears emphasis that the fact that Beltran had lost her case does not detract from the grave violations committed by Pabica as what is safeguarded by the CCCP is the public's continuous trust in the judiciary which is betrayed by the acts of impropriety Pabica had committed.

Third. Pabica's obstinate and repeated refusal, over a span of almost 12 years, to comply, despite proper notice, with the directives of the Office of the Court Administrator and the Court to: (a) file a comment; (b) show cause for her failure to comply with this Court's directives; and (c) pay a fine, constituted gross insubordination.²³

²² *Id.* at 377-378.

²³ *Frades v. Gabriel*, 821 Phil. 36 (2017) [*Per Curiam, En Banc*].

Penalty

Under Rule 140, Section 14(a) and (n), in relation to Section 17 of the Rules of Court, as amended, gross insubordination and gross misconduct are classified as serious charges warranting (a) dismissal from service; (b) forfeiture of retirement and other benefits, except accrued leave credits, if any; and (c) disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations, viz.:

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;**
- (b) Bribery, direct and indirect, and violations of the Anti-Graft and Corrupt Practices Act (Republic Act No. 3019);
- (c) Serious dishonesty;
- (d) Gross neglect of duty in the performance or non-performance of official functions;
- (e) Knowingly rendering an unjust judgment or order;
- (f) Commission of a crime involving moral turpitude;
- (g) Falsification of official documents, including making untruthful statements in the certificates of service;
- (h) Borrowing money or property from lawyers and/or litigants in a case pending before the court;
- (i) Gross immorality;
- (j) Gross ignorance of the law or procedure;

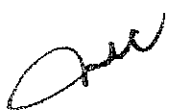
- (k) Partisan political activities;
- (l) Grave abuse of authority, and/or prejudicial conduct that gravely besmirches or taints the reputation of the service;
- (m) Sexual harassment;
- (n) **Gross insubordination**; and
- (o) Possession and/or use of illegal drugs or substances.

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SECTION 17. *Sanctions.* —

- (1) If the respondent is guilty of a serious charge, any of the following sanctions may be imposed:
 - (a) *Dismissal from the 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 P100,000.00 but not exceeding P200,000.00. (Emphases supplied.)

In view, however, of Pabica's compulsory retirement on December 30, 2019, we apply Rule 140, Section 18(a) of the Rules of Court, as amended, and impose forfeiture of her retirement benefits, except her accrued leave credits, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations, *viz.:*



Section 18. *Penalty in Lieu of Dismissal on Account of Supervening Resignation, Retirement, or Other Modes of Separation of Service.* — x x x


(a) 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; and/or . . .


ACCORDINGLY, Raineria S. Pabica is found **GUILTY** of Gross Misconduct and Gross Insubordination in violation of Canon I, Sections 1 and 2, and Canon IV, Section 5. In view of her compulsory retirement on December 30, 2019, the Court **ORDERS** the **FORFEITURE** of her retirement benefits, except accrued leave credits, if any, with disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations.

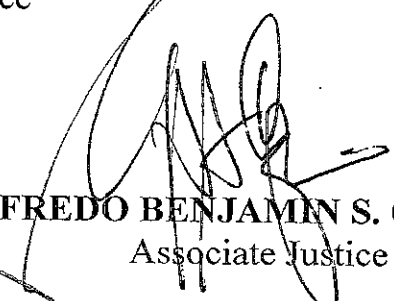
Further, the Court **DIRECTS** the Integrated Bar of the Philippines to conduct an investigation and submit its report and recommendation on the acts of **Atty. Camilo P. Esmero** which may constitute a violation of the prohibition against Conflict of Interest under Canon III, Sections 13, 14, 17, and 18.

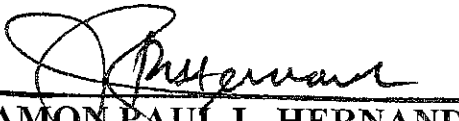
Let a copy of this Decision be served on **Raineria S. Pabica** at her last known address at Sitio San Martin, Brgy. San Isidro, Palompon, Leyte.

SO ORDERED.



ALEXANDER G. GESMUNDO
Chief Justice


MARVIC M.V.F. LEONEN
Senior Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



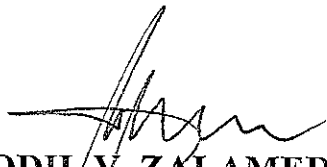
RAMON PAUL L. HERNANDO
Associate Justice



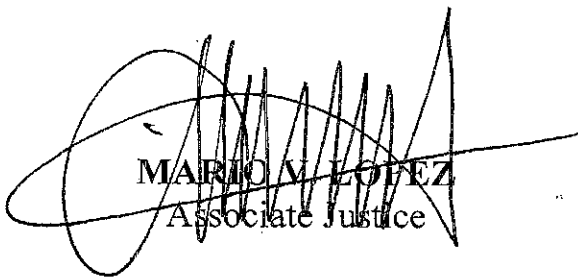
AMY C. LAZARO-JAVIER
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice



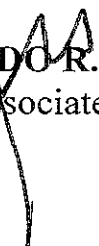
RODIL V. ZALAMEDA
Associate Justice



MARIO M. LOPEZ
Associate Justice



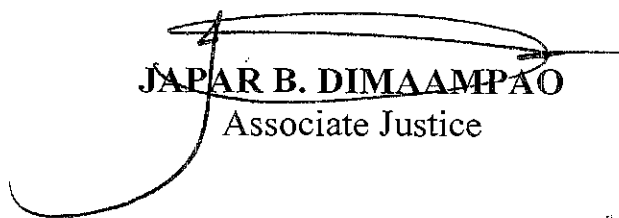
SAMUEL H. GAERLAN
Associate Justice




RICARDO R. ROSARIO
Associate Justice



JHOSEP Y. LOPEZ
Associate Justice



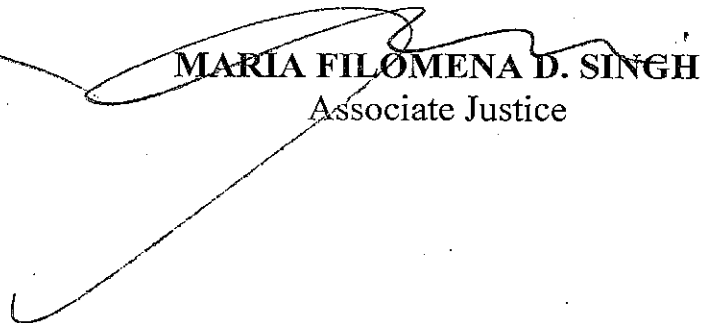
JAPAR B. DIMAAMPAO
Associate Justice



JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice

