



Republic of the Philippines
Supreme Court
 Manila

EN BANC

**OFFICE OF THE COURT
 ADMINISTRATOR,**
 Complainant,

A.M. No. P-19-4002
 [Formerly A.M. No. 19-08-194-RTC]

Present:

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

-versus-

**UTILITY WORKER I GERSON
 O. GALAN, REGIONAL TRIAL
 COURT, BRANCH 30, ILOILO
 CITY, ILOILO,**
 Respondent.

Promulgated:
 May 14, 2024

X ----- X

DECISION

PER CURIAM:

This administrative case stemmed from a Letter¹ dated March 8, 2019, written by Executive Judge Victor E. Gelvezon (Executive Judge Gelvezon) informing the Office of the Court Administrator (OCA) of the March 7, 2019

* On official business.
 ** On leave.
 *** No part due to prior participation as Court Administrator.
 **** On leave.
¹ Rollo, p. 1.

arrest of respondent Gerson O. Galan (Galan), Utility Worker I, Branch 30, Regional Trial Court (RTC), Iloilo City, for selling dangerous drugs.

The Antecedents

In an Information² dated March 9, 2019 filed before Branch 38, RTC of Iloilo City, Galan and co-accused Praud Joan L. Animas (Animas) were charged with violating Section 5 of Republic Act No. 9165, otherwise known as the Comprehensive Dangerous Drugs Act of 2002. The accusatory portion of the Information reads:

That on or about the 7th day of March 2019, in the City of Iloilo, Philippines, and within the jurisdiction of this Honorable Court, **said accused**, with deliberate intent and without any justifiable motive, conspiring, confederating, and helping each other, did then and there **willfully, unlawfully, knowingly, and criminally dispense, sell, trade, distribute, deliver, and give away** to poseur buyer IO1 REMSON TIU one (1) small heat-sealed transparent plastic sachet (marked as “BB-PA 3/7/19”), containing **0.1689 gram** of white crystalline substance which tested positive for the presence of Methamphetamine Hydrochloride, or Shabu, a dangerous drug, per **Chemistry Report No. PDEAROV- DD019-094[,]** without being authorized by law or the Dangerous Drugs Board to dispense, sell, trade, distribute, deliver, or give away the same, in consideration of **THREE THOUSAND Pesos ([PHP 3,000.00])**, using a previously subscribed one thousand peso bill, bearing **Serial No. AJ851281**, and two (2) pieces one thousand peso boodle bills, **as buy-bust money**, which were likewise recovered from the person, possession, and control of accused **PRAUD JOAN ANIMAS y LOPEZ** alias “Lab-lab” upon the arrest of both accused.

CONTRARY TO LAW.³ (Emphasis in the original)

Galan was arrested in a buy-bust operation conducted by the Iloilo City Drug Enforcement Unit (CDEU) on March 7, 2019. According to the prosecution, a confidential agent informed the CDEU that Animas and Galan were engaged in selling illegal drugs. On the day of the buy-bust operation, Galan met with the confidential agent and poseur buyer IO1 Remson Tiu (IO1 Tiu), and then led and introduced IO1 Tiu to Animas as a customer. Animas gave IO1 Tiu one (1) plastic sachet which later tested positive for the presence of Methamphetamine Hydrochloride or *shabu*.⁴

The criminal case against Galan was docketed as Criminal Case No. 19-83525, and raffled to Branch 35, RTC of Iloilo City.⁵ Galan was arraigned

² *Id.* at 7.

³ *Id.*

⁴ *Id.* at 8–9.

⁵ *Id.* at 57.

on April 23, 2019.⁶ Subsequently, in a Motion to Plea Bargain filed on May 9, 2019, Galan asked the RTC to allow him to withdraw his previous plea of “not guilty” to the offense punishable under Section 5 of Republic Act No. 9165, and to enter instead a plea of “guilty” to the lesser offense punishable under Section 12.⁷ The Motion to Plea Bargain was granted by the RTC in an Order⁸ dated May 27, 2019.⁹ Thereafter, on August 9, 2019, the RTC rendered a Decision¹⁰ finding respondent guilty beyond reasonable doubt of violating Section 12 of Republic Act No. 9165, as follows:

WHEREFORE, the Court finds accused **PRAUD JOAN ANIMAS y LOPEZ alias “Lablab”** and **GERSON GALAN y ORIGEN** in Criminal Case No. 19-83525 and accused **PRAUD JOAN ANIMAS y LOPEZ alias “Lablab”** in Criminal Case No. 19-83526, guilty beyond reasonable doubt for Violation of Section 12, Article II of Republic Act 9165, respectively.

Accused **PRAUD JOAN ANIMAS y LOPEZ alias “Lablab”** and **GERSON GALAN y ORIGEN** are hereby sentenced to suffer the penalty of imprisonment ranging from **SIX (6) MONTHS and ONE (1) DAY as minimum to FOUR (4) YEARS as maximum** and to pay a fine of Thirty Thousand Pesos ([PHP 30,000.00]) each in **Criminal Case No. 19-83525**, with subsidiary imprisonment in case of insolvency in accordance with Article 39 of the Revised Penal Code.

In **Criminal Case No. 19-83526**, accused **PRAUD JOAN ANIMAS y LOPEZ** is hereby sentenced to suffer the penalty of imprisonment ranging from **SIX (6) MONTHS and ONE (1) DAY as minimum to FOUR (4) YEARS as maximum** and to pay a fine of Thirty Thousand Pesos ([PHP 30,000.00]), with subsidiary imprisonment in case of insolvency in accordance with Article 39 of the Revised Penal Code.

Both accused are ordered to undergo a drug dependency test. If they are found positive after the aforementioned test, they shall undergo treatment and rehabilitation for a period of not less than six (6) months. The period for their treatment and rehabilitation as well as the period for their after care and follow up program shall be credited to their penalty.

If both accused are found negative after the drug dependency test, they will be released in time otherwise they will serve their sentence in jail minus their counseling period at the rehabilitation center.

The buy bust money in the amount of Three Thousand Pesos ([PHP 3,000.00]) is ordered returned to the Philippine Drug Enforcement Agency Regional Office VI, Camp Martin Delgado, Fort San Pedro Drive, Iloilo City. The methamphetamine hydrochloride consisting of 0.1689 gram in Criminal Case No. 19-83525 and 3.1459 grams in Criminal Case No. 19-

⁶ *Id.* at 68.

⁷ *Id.* at 69–70.

⁸ *Id.* at 71–73.

⁹ *Id.* at 73.

¹⁰ *Id.* at 76–78. The August 29, 2019 Decision in Criminal Case No. 19-83526 was penned by Presiding Judge Daniel Antonio Gerardo S. Amular of Branch 35, Regional Trial Court, Iloilo City.

83526 are hereby ordered confiscated and to be destroyed in accordance with the law.

SO ORDERED.¹¹ (Emphasis in the original)

On January 13, 2020, Galan tendered his resignation as Utility Worker I of Branch 30, RTC, Iloilo City.¹²

JIB Report and Recommendation

In its March 30, 2022 Report and Recommendation,¹³ the Judicial Integrity Board (JIB) recommended that Galan be found guilty of gross misconduct and conduct prejudicial to the best interest of the service.¹⁴ The pertinent portion of the said recommendation provides:

ACCORDINGLY, it is respectfully **RECOMMENDED** that respondent Gerson O. Galan, Utility Worker I, Regional Trial Court, Branch 30, Iloilo City, be found **GUILTY** of gross misconduct and conduct prejudicial to the best interest of the service and be penalized with a fine of [PHP 150,000.00], with forfeiture of all or part of the benefits as the Court may determine. Provided, however, that such forfeiture of benefits shall in no case include accrued leave credits.¹⁵

The JIB found Galan's criminal act to fall squarely within the jurisprudential definition of grave misconduct and conduct prejudicial to the best interest of the service. According to the JIB, Galan committed a flagrant violation of the law which besmirched the image of the court where he worked.¹⁶ Thus, the JIB recommended that Galan be penalized with a fine of PHP 150,000.00, with forfeiture of all or part of the benefits as the Court may determine, except accrued leave credits.¹⁷

The Court's Ruling

The Court agrees with the findings and recommendations of the JIB. Galan's participation in illegal drug activities, wherein he was charged and convicted pursuant to a buy-bust operation, constitutes grave misconduct and conduct prejudicial to the best interest of the service.

¹¹ *Id.* at 77–78.

¹² *Id.* at 63.

¹³ *Id.* at 106–112, submitted by Justice Angelina Sandoval-Gutierrez (Ret.)

¹⁴ *Id.* at 112.

¹⁵ *Id.*

¹⁶ *Id.* at 110.

¹⁷ *Id.* at 112.

Jurisprudence defines misconduct as “a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.”¹⁸ In Grave Misconduct, as distinguished from Simple Misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of established rules, must be manifest and established by substantial evidence.¹⁹

On the other hand, acts may constitute conduct prejudicial to the best interest of the service when they tarnish the image and integrity of the respondent’s public office.²⁰ It refers to acts or omissions that violate the norm of public accountability and diminish — or tend to diminish — the people’s faith in the Judiciary.²¹

In this case, Galan was caught red-handed participating in illegal drug activities during a buy-bust operation, and found guilty beyond reasonable doubt of committing the offense punishable under Section 12 of Republic Act No. 9165, viz.:

Section 12. *Possession of Equipment, Instrument, Apparatus and Other Paraphernalia for Dangerous Drugs.* - The penalty of imprisonment ranging from six (6) months and one (1) day to four (4) years and a fine ranging from Ten thousand pesos (P10,000.00) to Fifty thousand pesos (P50,000.00) shall be imposed upon any person, who, unless authorized by law, shall possess or have under his/her control any equipment, instrument, apparatus and other paraphernalia fit or intended for smoking, consuming, administering, injecting, ingesting, or introducing any dangerous drug into the body . . .

It goes without saying that Galan demonstrated unlawful behavior and a manifest intent to violate the law in performing the criminal act that he was convicted of. Further, the fact that he was an employee of a court necessarily tasked with the adjudication of drug-related cases, while himself being involved in criminal drug operations, adversely and gravely affected the image and integrity of the court to the general public, in which he was known to be an employee. Undoubtedly, Galan committed grave misconduct and conduct prejudicial to the best interest of the service.

The Court reminds Galan that the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel. Thus, it becomes the imperative sacred duty of each and every one in the court to maintain its good name and standing as a true temple of justice.

¹⁸ *Domingo v. Civil Service Commission*, 874 Phil. 587, 603 (2020) [Per J. Lazaro-Javier, First Division].

¹⁹ *Id.*

²⁰ See *Office of the Ombudsman-Visayas v. Castro*, 759 Phil. 68, 79 (2015) [Per J. Brion, Second Division].

²¹ *Judge Zarate-Fernandez v. Lovendino*, 827 Phil. 191, 199 [2018] [Per Curiam, *En Banc*].

As front liners in the administration of justice, court personnel should live up to the strictest standards of honesty and integrity in the public service, and in this light, are always expected to act in a manner free from reproach. Any conduct, act, or omission that may diminish the people's faith in the Judiciary should not be tolerated.²²

Having established Galan's administrative liability, the Court now determines the proper penalty to be imposed on him. Under Section 14 of Rule 140 of the Rules of Court, as amended by A.M. No. 21-08-09-SC dated February 22, 2022, "gross misconduct" and "prejudicial conduct that gravely besmirches or taints the reputation of the service" are considered serious charges.²³ While these constitute as two charges, they arise from a single act, particularly, Galan being caught in an anti-drug operation. Section 20 of the same Rules mandates that Galan shall be meted the appropriate penalty for the more serious offense.²⁴ Notably, however, grave misconduct and prejudicial conduct that gravely besmirches or taints the reputation of the service are both classified as serious charges, hence, a single set of penalties for both offenses would be sufficient.

Moreover, a respondent who is found liable for the commission of a serious charge but has already been separated from the service due to resignation, retirement, or other modes except for death, may be meted with the following penalties in lieu of dismissal:

- 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 benefits; and/or
- b. A fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.²⁵

With this, the Court deems it proper to impose upon Galan the penalty of a fine in the amount of PHP 150,000.00, forfeiture of his retirement and other benefits except accrued leave credits, and perpetual disqualification from reinstatement or appointment to any public office.

ACCORDINGLY, the Court finds respondent Gerson O. Galan **GUILTY** of gross misconduct and conduct prejudicial to the best interest of the service. He is hereby ordered to **PAY** a **FINE** of PHP 150,000.00, with **FORFEITURE** of his retirement and other benefits, except accrued leave

²² *Id.* at 202.

²³ Rules of Court, Rule 140, Section 14(a) & (l), as amended by A.M. No. 21-08-09-SC, February 22, 2022.

²⁴ Rules of Court, Rule 140, Section 21, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

²⁵ Rules of Court, Rule 140, Sections 17-18, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

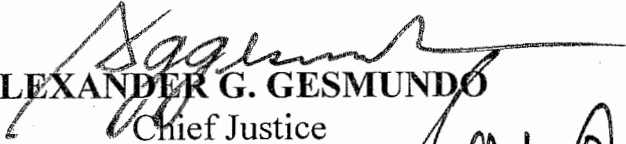
credits. Likewise, he is **PERPETUALLY DISQUALIFIED** from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.

This Decision shall take effect immediately upon respondent Gerson O. Galan's receipt of a copy of the same. Respondent Gerson O. Galan shall inform this Court in writing of the date he received a copy of this Decision.

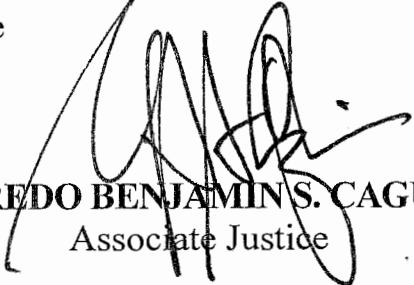
Let copies of this Decision be furnished to the Office of the Court Administrator for attachment to the respondent Gerson O. Galan's official records.

SO ORDERED.

WE CONCUR:


ALEXANDER G. GESMUNDO
Chief Justice


(On official business)
MARVIC M.V.F. LEONEN
Senior Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

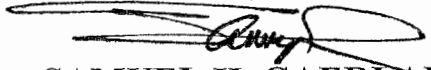
(On leave)
RAMON PAUL L. HERNANDO
Associate Justice



AMY C. LAZARO-JAVIER
Associate Justice



HENRI JEAN PAUL B. INTING
Associate Justice


RODIL V. ZALAMEDA
Associate Justice


MARIO Y. LOPEZ
Associate Justice


SAMUEL H. GAERLAN
Associate Justice


RICARDO R. ROSARIO
Associate Justice


JHOSEF V. LOPEZ
Associate Justice


JAPAR B. DIMAAMPAO
Associate Justice

(No part)
JOSE MIDAS P. MARQUEZ
Associate Justice


ANTONIO T. KHO, JR
Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
Associate Justice