



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

LUALHATI C. GUBATANGA,
Clerk of Court II, Municipal Trial
Court, Balagtas, Bulacan
Complainant,

A.M. No. P-16-3447 (formerly:
OCA I.P.I. No. 08-2915-P)

Present:

SERENO, *C.J.*,
CARPIO,
VELASCO, JR.,
LEONARDO-DE CASTRO,
BRION,
PERALTA,
BERSAMIN,
DEL CASTILLO,
PEREZ,
MENDOZA,
REYES,
PERLAS-BERNABE,
LEONEN,
JARDELEZA,
CAGUIOA, *JJ.*

- versus -

RENATO V. BODOY,
Utility Worker I, Municipal Trial
Court, Balagtas, Bulacan,
Respondent.

Promulgated:

April 19, 2016

J. P. Narayan - Pramo

X-----X

DECISION

Per Curiam:

For our resolution is the administrative complaint filed by Clerk of Court Lualhati C. Gubatanga (COC Gubatanga) against Utility Worker

Renato V. Bodoy (Bodoy), both of the Municipal Trial Court (MTC) of Balagtas, Bulacan.

The case stemmed from the Affidavit Complaint¹ filed by COC Gubatanga charging Bodoy with grave misconduct and falsification of commercial document.

COC Gubatanga alleged that on 14 May 2008, she noticed that their court's savings account reflected an unauthorized withdrawal in the amount of Php 60,000.00 on 19 March 2008. She reported that inquiries made with the bank disclosed that the withdrawn amount was received by Bodoy. She was allegedly surprised as she has never ever authorized Bodoy to make any deposit or withdrawal from their court's bank account. Records reveal that COC Gubatanga and then acting presiding judge of MTC Balagtas, Bulacan Luis Enriquez Reyes (Judge Reyes) were the only accountable officer's allowed to withdraw from the MTC's bank account, particularly Saving's Account No. 1301-0172-40, maintained at the Land Bank of the Philippines, Balagtas, Bulacan branch.

COC Gubatanga further alleged that since 24 March 2008, Bodoy has not been reporting for work. On 15 May 2008, however, he reported for duty and sought an audience with Hon. Myrna S. Lagrosa (Judge Lagrosa), then newly appointed judge of MTC Balagtas, Bulacan. Bodoy wished to talk to Judge Lagrosa and tender to her his resignation.

When Judge Lagrosa summoned COC Gubatanga to discuss the clearance requested by Bodoy, COC Gubatanga seized the opportunity to inform Judge Lagrosa regarding the unauthorized withdrawal of Php60,000.00 from their court's savings account.

In the presence of COC Gubatanga, Judge Lagrosa confronted Bodoy on the matter. At first, Bodoy denied the accusation. He eventually admitted committing the offense when he was informed by Judge Lagrosa that his signature appears on the copy of the withdrawal slip left in the possession of the bank as the recipient of the amount withdrawn.

When Judge Lagrosa asked how he was able to withdraw the amount from the court's savings account, Bodoy explained that he inserted an extra

¹ Rollo, pp. 1-3.

pp. 1 to 3 - done

withdrawal slip among the other withdrawal slips that are to be signed by COC Gubatanga and Judge Reyes in order to avail of their signatures. He also admitted that he used an ordinary key to open COC Gubatanga's drawer to get the passbook.

COC Gubatanga, however, dismissed Bodoy's explanation and maintained that the latter falsified her signature in the withdrawal slip, as the signature is not the customary way she signs her name. She alleged that the same holds true with respect to the signature of Judge Reyes since the latter meticulously goes over the bunch of papers, including withdrawal slips, one by one before he affixes his signature on them.

Finally, COC Gubatanga informed the Office of the Court Administrator (OCA) that she filed a criminal complaint against Bodoy involving the matter alleged in her administrative complaint and the same is pending preliminary investigation with the Office of the Provincial Prosecutor of Bulacan. COC Gubatanga attached to her affidavit complaint the affidavits of Judges Lagrosa and Reyes.

In his Affidavit dated 5 June 2008,² Judge Reyes denied having signed the withdrawal slip used by Bodoy to withdraw the amount of Php60,000.00 on 19 March 2008. He averred that his supposed signature appearing thereon was forged. He maintained that he never signed documents and duplicate copies thereof using carbon paper and it is more likely that Bodoy imitated his signature in the said withdrawal slip. Judge Reyes also reported that Bodoy has not been reporting for work since 14 March 2008.

Bodoy vehemently denied the allegations in the complaint. He contended that the narrations of facts cited in the complaint are self-serving statements. He further contended that the filing of the instant administrative complaint is pre-mature and has as yet, no basis in fact or law.

He argued that the basis of the administrative case is dependent upon the result of the criminal case. He maintained that giving consideration to the administrative complaint would result in an injustice. He further maintained that the allegations contained in the Complaint-Affidavit filed with the Office of the Prosecutor do not constitute the crime of Qualified Theft and Falsification of Commercial Documents.

2 Id. at 11-15.

J. Gubatanga Arana

On 16 September 2009, Atty. Caridad A. Pabello, Chief of Office, Office of Administrative Services, OCA, issued a Certification stating that no Daily Time Record has been submitted by Bodoy since 2008.

In a Resolution dated 22 June 2011,³ this Court referred the administrative complaint to the Executive Judge of the Regional Trial Court (RTC), Malolos, Bulacan for investigation, report and recommendation.

In compliance with the directive, Executive Judge Renato C. Francisco (EJ Francisco), RTC, Malolos, Bulacan submitted his investigation report⁴ dated 4 October 2011. He recommended that respondent Bodoy be found guilty of serious misconduct and be dismissed from the service. Salient portion of his investigation report reads:

In the hearing conducted by the undersigned Executive Judge, respondent Renato Bodoy openly admitted that he withdrew the amount of Php60,000.00 subject of this present action. He was also confronted with his signature appearing in the withdrawal slip (Annex "B") to which respondent Bodoy admitted to affixing his signature therein.

According to the private complainant, she has already retired since June 2011 and because of this administrative case, her benefits and pension had not been approved and she prays for speedy resolution of this administrative action.

Upon judicious and sedulous examination of the evidence extant in the records, more particularly the passbook and withdrawal slip, substantial evidence point to the respondent Bodoy as having stealthily and clandestinely withdrawn the amount of Php60,000.00 from the passbook of MTC-Balagtas, Bulacan last March 19, 2008. **In fact, in the proceedings before this [c]ourt respondent Bodoy freely and openly admitted his withdrawal of the said amount of Php60,000.00 as he claimed that he was hard-pressed for cash at that time.** His culpability is buttressed by the fact that he has been AWOL or absent without leave since March 14, 2008 and he could not have done so had he not committed the act of withdrawal of the amount of Php60,000.00.

In sum, substantial evidence clearly established the irregular and anomalous withdrawal of the amount of Php60,000.00 from the passbook of the MTC-Balagtas, Bulacan committed by respondent on March 19, 2008, to the damage and prejudice of the government.

3 Id. at 65-66.

4 Id. at 72-74.

By: [Signature]

x x x x

WHEREFORE, it is respectfully recommended to the Supreme Court through the Office of the Court Administrator that respondent Renato Bodoy be dismissed for serious misconduct.⁵ (Emphasis supplied)

In this Court's resolution dated 23 November 2011, the investigation report submitted by EJ Francisco was referred to the OCA for evaluation, report and recommendation within sixty (30) days from receipt of the record.

In its Memorandum dated 6 June 2013,⁶ the OCA recommended that:

- (1) This case be re-docketed as a regular administrative case against Mr. Renato V. Bodoy, Utility Worker I, Municipal Trial Court, Balagtas, Bulacan, for Dishonesty; [and]
- (2) Mr. Renato V. Bodoy, Municipal Trial Court, Balagtas, Bulacan, be **DISMISSED** from the service with forfeiture of retirement benefits except accrued leave credits, with perpetual disqualification for re-employment in government service.

The OCA agreed with the conclusions of fact and recommendation of EJ Francisco.

The OCA, however, found Bodoy not guilty of grave misconduct but of dishonesty. It explained that misconduct, by uniform legal definition, is a transgression of some established and definite rule of action, more particularly, unlawful behaviour as well as gross negligence by a public officer. To constitute an administrative offense, misconduct should relate to or be connected with the performance of the official functions and duties of a public officer.⁷ The OCA held that in this case, there is no direct connection between the performance of Bodoy's official functions as a Utility Worker I and his unauthorized withdrawal of the amount of Php60,000.00 from the trial court's bank account.

This Court agrees with the observation of the OCA.

It is without doubt that Bodoy is guilty of dishonesty. He made a categorical admission that he withdrew the amount of Php60,000.00 from

5 Id. at 73-74.

6 Id. at (no proper pagination, should be pp. 83-88).

7 *Civil Service Commission v. Perocho, Jr.*, 555 Phil. 157, 167 (2007).

J. B. Logon-Deane

the trial court's bank account because he was hard pressed for money. His admission was confirmed by COC Gubatanga that there was an unauthorized withdrawal from the trial court's funds, as well as, by the documents from the bank proving that such withdrawal was indeed effected.⁸ It is hornbook doctrine that a judicial admission binds the person who makes the same, and absent any showing that this was made thru palpable mistake, no amount of rationalization can offset it.⁹ Bodoy's act of surreptitiously withdrawing Php60,000.00 from the trial court's bank account without any stamp of authority constitutes dishonesty, which is defined as follows:

[T]he disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray.¹⁰

This Court will not tolerate dishonesty. Persons involved in the dispensation of justice, from the highest official to the lowest employee, must live up to the strictest standards of integrity, probity, uprightness and diligence in the public service. As the assumption of public office is impressed with paramount public interest, which requires the highest standards of ethical standards, persons aspiring for public office must observe honesty, candor and faithful compliance with the law.¹¹ It has been consistently stressed that even minor employees mirror the image of the courts they serve; thus, they are required to preserve the judiciary's good name and standing as a true temple of justice.¹²

Dishonesty is a serious offense which reflects a person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity. It is a malevolent act that has no place in the judiciary, as no other office in the government service exacts a greater demand for moral righteousness from an employee than a position in the judiciary.¹³

8 *Rollo*, p. 9.

9 *Heirs of Miguel Franco v. Court of Appeals*, 463 Phil. 417, 428 (2003).

10 *Re: Irregularity in the Use of Bundy Clock by Castro and Tayag, Social Welfare Officers II, both of the RTC, OCC, Angeles City*, 626 Phil. 16, 22 (2010) citing *Estarado-Teodoro v. Segismundo*, A.M. No. P-08-2523, April 7, 2009, 584 SCRA 18, 30.

11 *De Guzman v. Delos Santos*, 442 Phil. 428, 441 (2002).

12 *Judge Pizarro v. Villegas*, 398 Phil. 837, 844 (2000).

13 *OCA v. Bermejo*, 572 Phil. 6, 14 (2008).

Y. B. Delos Santos

Significantly, under Section 22, Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292, the Administrative Code of 1987 and other Pertinent Civil Service Laws, the designation of the administrative offense is of no consequence in this case because dishonesty, like grave misconduct, is considered a grave offense for which the penalty of dismissal is prescribed even for the first offense. Section 9 of said Rule likewise provides that the penalty of dismissal shall carry with it cancellation of eligibility, forfeiture of leave credits and retirement benefits, and the disqualification from re-employment in the government service. This penalty is without prejudice to criminal liability of the respondent.¹⁴

In fine, this Court emphasizes that every employee of the judiciary should be an example of integrity, uprightness and honesty. Like any public servant, he must exhibit the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people, to preserve the court's good name and standing.¹⁵ Bodoy indubitably failed to meet this strict standard set for a court employee, hence, he does not deserve to remain in the judiciary.

Contrary to the contention of Bodoy, the instant administrative complaint can proceed even before there is judgment in the criminal case involving the same matter. In administrative proceedings, such as this case, the quantum of proof required to establish the administrative liability of respondent is substantial evidence, not proof beyond reasonable doubt. Substantial evidence means such relevant evidence as reasonable mind might accept as adequate to support a conclusion.¹⁶

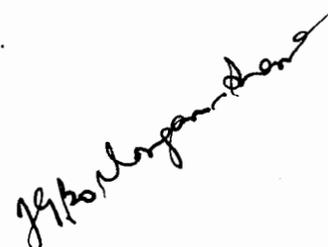
Records reveal that on 29 May 2009, the Office of the Provincial Prosecutor of Malolos City, Bulacan, in I.S. No. 08-06-2769 to 2770, recommended the filing in court of the appropriate information for Estafa thru Falsification of Official Document against Bodoy. The criminal case was docketed as Criminal Case No. 3763-M-09 and was raffled to RTC, Branch 81, Malolos, Bulacan.

Although COC Gubatanga is the complainant in the criminal case, she is in the strict sense only a witness in the case. The real party prejudiced by the act of Bodoy is MTC, Balagtas, Bulacan because the amount withdrawn

14 *Civil Service Commission v. Sta. Ana*, 450 Phil. 59, 69 (2003).

15 *Adm. Case for Dishonesty & Falsification Against Luna*, 463 Phil. 878, 889 (2003).

16 *Mariano v. Roxas*, 434 Phil. 742, 749 (2002).



without authority came from the bank account of the aforesaid court. To date, there has been no report received on the outcome of the criminal case filed against Bodoy or on whether the full amount withdrawn without authority has been returned to the trial court's bank account. Thus, it is necessary for the OCA to step in and ensure that the full amount illegally withdrawn by Bodoy is restituted back to the coffers of the court.

WHEREFORE, respondent Renato V. Bodoy is **DISMISSED** from the service, with forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch, agency or instrumentality of the government including government-owned or controlled corporations.

The Legal Office of the Office of the Court Administrator is **DIRECTED** to coordinate with the Office of the Provincial Prosecutor of Malolos City, Bulacan; oversee the prosecution of the criminal case against Bodoy; and ensure the restitution of the amount withdrawn without authority from the fiduciary fund account of Municipal Trial Court, Balagtas, Bulacan.

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice



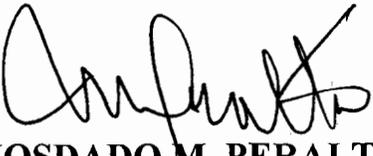
PRESBITERO J. VELASCO, JR.
Associate Justice

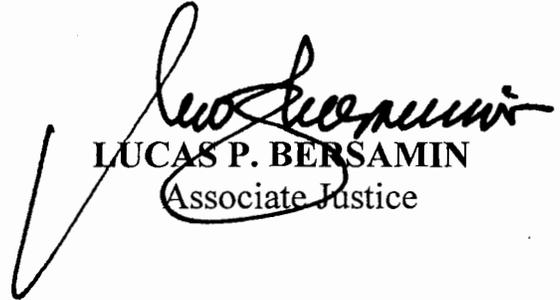


TERESITA J. LEONARDO-DE CASTRO
Associate Justice



ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


MARIANO C. DEL CASTILLO
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice

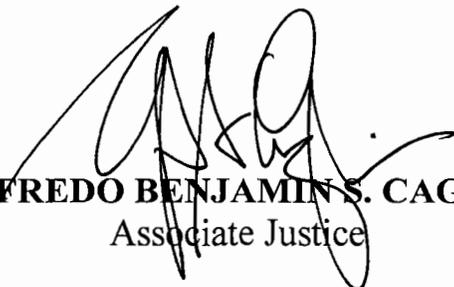

JOSE CATRAL MENDOZA
Associate Justice

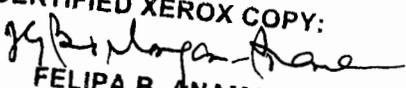

BIENVENIDO L. REYES
Associate Justice


ESTELA M. PERLAS BERNABE
Associate Justice


MARVIC M.V.F. LEONEN
Associate Justice


FRANCIS H. JARDELEZA
Associate Justice


ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:

FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT