



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
P. I. O. / COMMUNICATIONS OFFICE

RECEIVED
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SHIRLEY K. TIWAKEN,
Complainant,

**A.M. No. P-21-028 [Formerly
OCA IPI No. 17-4707-P]**

Present:

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

- versus -

**ATTY. JURGENS SJ.
MILAN, Clerk of Court V,
Regional Trial Court,
La Trinidad, Benguet,**

Respondent.

Promulgated:

July 8, 2025

DECISION

PER CURIAM.:

At the pith of the instant administrative case is a complaint for dismissal from service and disbarment filed by complainant Shirley K. Tiwaken

- * On wellness leave.
** No part.
*** On leave.

(Tiwaken) against respondent Atty. Jurgens SJ. Milan (Atty. Milan), Clerk of Court V, Regional Trial Court (RTC) of La Trinidad, Benguet, for gross unlawful, and unethical conduct; violation of Sections 4(a),(b),(c), and (e), and 7(a) and (d) of Republic Act No. 6713,¹ as well as Canon I, Rules 1.01 and 1.02; Canon VI, Rule 6.02; and Canon VII, Rule 7.03 of the Code of Professional Responsibility.

In her Affidavit-Complaint,² Tiwaken prayed for the dismissal of Atty. Milan from service and his disbarment asseverating as follows:

2. I am the attorney-in-fact and the representative of HELEN FOSSAR STEWART, the plaintiff in that case against JULIA FIAXNZA [sic], for [c]ollection of [s]um of [m]oney docketed as Civil Case No. 12-CV-2884, which was decided with finality by the [Branch 10, Regional Trial Court], in favor of the said plaintiff;
3. I came to know Atty. Jurgens SJ. Milan because we hail from the same town of Tadian, Bauko, Mountain Province. In fact, he considers me as a relative;
4. During the pendency of the abovementioned case or sometime [on] June 23, 2015, Atty. Jurgens SJ. Milan called me through his mobile phone saying that the property of one Julia S. Fianza covered by **Transfer Certificate of Title [TCT] No. 016-2011003045**, the original of which happens to be in my possession at that time together with two other titles (OCTs) in the name of Julia Fianza and her husband Manuel Fianza, is the same property which is involved in another case at the Municipal Trial Court of La Trinidad, Benguet. He then convinced me to give the original of the said title to him for safekeeping. Since we were then processing the attachment of the property covered by the said title and the other title of Julia Fianza at that time, I informed him that I will give it to him after we are done with the processing of the attachment;
5. The following day, June 24, 2016, he again called me through his mobile phone asking me to give the title to him if we are already done with the processing of the attachment to which I answered in the negative. He again advised me to give the title to him after we are done so the title [would] be secured by him;
6. On June 25, 2015, about lunch time, he again called me through his mobile phone informing me that Julia S. Fianza, the registered owner, [was] in their office inquiring about the original of the aforesaid title. He then instructed me to secure a certified copy of the title containing the annotated attachment for him to show and give [] to Julia S. Fianza, while he [would] safekeep the original of the title. He further instructed me to go to their office before 5:00 o'clock [sic] that afternoon so Julia Fianza [would] no longer be there. At around 4:45 o'clock [sic] that same afternoon, I received another call

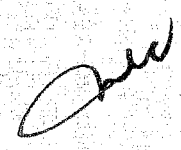
¹ The Code of Conduct and Ethical Standards for Public Officials and Employees (1989).

² *Rollo*, pp. 1-9.



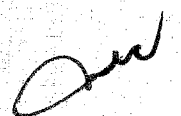
from him saying Julia Fianza [was] no longer there in their office and instructed me to go there and give the original of the title;

7. Convinced by his representations and without any doubt and reservation on my part considering that he is a government lawyer, my town mate who even [considered] me as his relative, I gave to him the original of the aforesaid title (TCT No. 016-2011003045) FOR SAFEKEEPING as he promised. Since he told me that same afternoon to give all the THREE (3) TITLES which were in my possession for him to safekeep them all in his office, I also turned over the originals of *KATIBAYAN NG ORIHINAL NA TITULO BLG. P-21252*, in the name of Julia Fianza married to Manuel Fianza and *KATIBAYAN NG ORIHINAL NA TITULO BLG. P-21221*, in the name of Manuel Fianza married to Julia Fianza. I was with Marina Wallang, and Helen Fossar Stewart that time when I gave the originals of the said titles. Immediately after receiving and acknowledging receipt of the 3 TITLES, he demanded an amount in consideration for his services in safekeeping the original titles, so I gave him the amount of **TEN THOUSAND ([PHP] 10,000.00) PESOS** in the presence of the above-named persons as we were made to believe that he [was] entitled to it[;]
8. On three different occasions thereafter, around July and August, 2015, he called me through his mobile phone instructing me to meet him at Kalei's Grill and Restaurant, K.m. 4, La Trinidad, Benguet. Thereat, he demanded for an amount as according to him, apart from securing the titles, he [needed] it so he can monitor my case with the Regional Trial Court, Branch 10 in order to make sure of a favorable decision. Thus, on these three occasions, I gave him **TEN THOUSAND ([PHP] 10,000.00) PESOS** each or a total of **THIRTY THOUSAND ([PHP] 30,000.00) PESOS**, all in the presence of Marina Wallang;
9. Sometime [in] October, 2015, he called me up again so I met him at Native Tongue Cafe, K.4. 4, La Trinidad, Benguet upon his instruction[,] where he demanded again [sic] an amount for him to allegedly follow up our case at the Regional Trial Court, Branch 10, thus, I gave him the amount of **FIVE THOUSAND ([PHP] 5,000.00) PESOS**;
10. On December 11, 2015, he called me through his mobile phone asking me to prepare money for the sheriff as the decision in the complaint we filed with [the] Regional Trial Court, Branch 10 [was] already finished. When verified with the sheriff, I was informed that there [was] no decision [] so I did not comply with his demand;
11. On January 14, 2016, I was informed by someone from the Registry of Deeds of Benguet that a Deed of Sale involving the property covered by one of the original titles, particularly TCT No. 016-2011003045 which I gave to Atty. Jurgens SJ. Milan, was registered in their office and that since the requirements that includes the original or owner's copy of the title concerned were all submitted, the new title might be released soon. Immediately, I confronted Atty. Milan through my mobile phone and asked him why he released the original or owner's copy of the title that I gave him for safekeeping, and he said that they gave him **TWENTY THOUSAND ([PHP] 20,000.00) PESOS** so he released the original of the title.



Repeatedly, I asked [to] whom he released the title, but he did not tell me. Probably to appease me, however, he explained that the property covered by the title cannot be transferred as it [was] the subject of an attachment;

12. Despite the assurance of Atty. Milan that the title, TCT No. 016-2011003045, (which I previously turned[]over to him for safekeeping) of the property covered by the aforesaid Deed of Sale will not be transferred because of the registered attachment, the same was eventually cancelled and a new one was issued in the name of the alleged vendee, Romnick S. Adaci;
13. Meantime, on May 12, 2016, in relation to the attachment and succeeding levy issued by the sheriff in connection with the decision in Civil Case No. 12-CV-2884 in favor of my principal HELEN FOSSAR STEWART, the sheriff set the auction sale of the levied properties of the losing defendant, JULIA FIANZA. Notably, the property previously covered by TCT No. 016-2011003045 which was transferred to Romnick Adaci was included in the auction sale because it was already covered by the registered attachment before the said transfer. This is apart from another property of Julia Fianza covered by *KATIBAYAN NG ORIHINAL NA TITULO BLG. P- 21252*, the original of which was among those I gave to Atty. Milan for safekeeping as he promised. In the auction sale, Mr. Geoffrey A. Agololo [sic] was the highest bidder of the two (2) properties of Julia Fianza;
14. Just recently, in relation to the redemption of the levied and sold at public auction properties of Julia Fianza, one Atty. Isagani Zulueta Mamaril, purportedly representing Julia Fianza, a fugitive, filed an Urgent Ex-parte Motion For Redemption With Tender and Consignation in Civil Case No. 12-CV-2882. . . . Immediately, I asked our lawyer to file our Comment/Opposition to the said Ex-parte Motion. Also, Mr. Geoffrey Aglolo, the highest bidder, filed his Notice of Protest/Opposition to the same Ex-parte Motion[;]
15. Since the court allowed the redemption as mentioned above, I asked another lawyer from the same [l]aw firm which filed our Opposition to the said redemption, to file a Motion for Reconsideration of the court's order allowing the said redemption. It was then that I was asked to verify and secure documents that [may be] used for purposes of the intended motion for reconsideration, including documents or pleadings that may have been submitted in the related case which was filed with the Municipal Trial Court of La Trinidad, Benguet, Civil Case No. R-1307 entitled *Elena Diaz v[] Julia Fianza*, for cancellation of TCT and tax declaration with reconveyance. It is a related case because the title subject of the said case is TCT No. T-016-2011003045, the same title of Julia Fianza which was transferred to Romnick Adaci but eventually sold at public auction to Geoffrey Aglolo as mentioned above;
16. As requested, a Motion for Reconsideration was filed in Civil Case No. 12-CV-2884 As can be seen in the motion, it appears that Atty. Mamaril [was] NOT qualified to represent Julia Fianza in the redemption because in Civil Case No. R-1307, he was the lawyer of the plaintiff who filed the case against the same Julia Fianza involving the title which [was] among those sought to be redeemed;



17. May I mention that among the documents I found in the records of Civil Case No. R-1307 [was] an Acknowledgment Receipt . . . signed by Atty. Milan and Julia Fianza, showing that as early as **JUNE 30, 2015**, Atty. Milan released or gave the originals or owner's copies of the three (3) titles that he asked me to turn-over for safekeeping **ONLY**. Obviously, when Atty. Milan asked me [for] four (4) time[s] in 2015 to give money in consideration for his safekeeping the titles and for allegedly making follow-ups in our case, he was no longer in possession of the originals of the said titles;
18. I thought it best to narrate the foregoing because somehow, Atty. Milan is again interfering in the purported and questionable redemption by contacting the financier since the alleged redemptioner, **JULIA FIANZA**, is a fugitive for having several standing Warrants of Arrest in her [] criminal cases;
19. **The aforementioned unlawful acts and unethical practices of Atty. Jurgens SJ. Milan and his cohorts, clearly taking advantage of his position, greatly and seriously affect[] the image and integrity of the institution that he belongs to and makes him GROSSLY UNFIT to stay any longer. Likewise, he does not deserve to remain as a lawyer for his GROSSLY UNLAWFUL AND UNETHICAL [conduct] and practices while employed in the Judiciary[.]**³ (Emphasis supplied)

The Affidavit-Complaint was initially filed before Executive Judge Jennifer P. Humiding, who in turn forwarded the same to the Office of the Court Administrator (OCA) on May 26, 2017.⁴

Via a First Indorsement⁵ dated June 5, 2017, which was received by Atty. Milan on July 17, 2017 as shown by the registry receipt,⁶ Atty. Milan was directed by the OCA to submit his comment, but to no avail.

Thereafter, the OCA reiterated its directive for Atty. Milan to submit his comment on the Complaint filed against him through a 1st Tracer⁷ dated January 29, 2018. Still, the same was ignored and fell on deaf ears.

On February 15, 2019, the OCA submitted a Report⁸ recommending that Atty. Milan be directed to submit his comment on the Complaint for the last time given the gravity of the accusations lodged against him and to show cause why he should not be held administratively liable for his failure to comply with the directive of the OCA.⁹ On July 1, 2019, the Court issued a

³ *Id.* at 1–6.

⁴ *Id.* at 158. The January 5, 2023 Report was submitted by Executive Judge Marietta S. Brawner-Cualing of the Regional Trial Court of La Trinidad, Benguet.

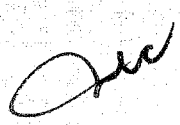
⁵ *Id.* at 92.

⁶ *Id.* at 91 (dorsal portion).

⁷ *Id.* at p. 96.

⁸ *Id.* at 97–100.

⁹ *Id.* at 100.



Resolution¹⁰ adopting the recommendations of the OCA, which was received by Atty. Milan on September 27, 2019.¹¹

As it happened, Atty. Milan finally submitted his Comment.¹² He denied the charges against him and proffered a divergent version of the events that led to his involvement with the subject OCTs and tax declaration, viz.:

- a. A civil case docketed as Civil Case No. R-1307 (Elena C. Diaz, [r]epresented by [h]er Attorney[-i]n-[F]act Julie Dacanay versus Julia Fianza) was filed at the Municipal Trial Court of La Trinidad, Benguet. After trial on the merits and numerous pleadings filed by both parties in the case, the trial court resolved, among others, to "direct plaintiff's Attorney-in-fact, Julie K. Dacanay, to surrender the owner's duplicate copy of TCT No. 016-2011003045 to this court within ten (10) days from receipt of this Resolution."

....

- b. Subsequently, a Writ of Execution dated [March 5, 2015] was issued specifically directing the *Ex-Officio* Provincial Sheriff, Office of the Clerk of Court, Regional Trial Court, La Trinidad, Benguet to implement the afore-stated Writ of Execution[.]

....

- c. As the Acting *Ex-Officio* Provincial Sheriff of the Regional Trial Court, La Trinidad, Benguet at that time, I prepared a demand letter which I personally delivered to Julie K. Dacanay at her residence at Puguís, La Trinidad, Benguet on April 20 and 21, 2015 but she refused to receive the same because accordingly, she [needed] to consult her lawyer first. At the same time, Julie Dacanay angrily told me that the owner's duplicate copy of TCT No. 016-2011003045 [was] not with her but [was] in the possession of Shirley Tiwaken.

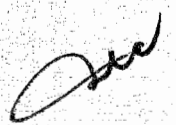
....

- d. On June 23, 2015, the complainant Shirley Tiwaken, in the company of two other women, came to the office for the purpose of paying the attachment bond imposed by [Branch 10, Regional Trial Court], in Civil Case No. 12- CV-2884. Taking advantage of her presence, I asked Shirley Tiwaken if it is true that she has in her possession Transfer Certificate of Title No. 016-2011003045 because that was what Julie Dacanay told me on April 20 and 21, 2015. I vividly recall that Shirley answered that she has the title and two (2) other titles in the name of Julia Fianza;
- e. Hence, I advised Shirley that she should give me Transfer Certificate of Title No. 016-2011003045 because the Municipal Trial Court already issued a Writ of Execution directing me as Acting Ex-officio Provincial Sheriff to recover the title and that the directive of the court should be respected. Otherwise, she will be courting a contempt sanction from the court if she refuses. I never told

¹⁰ *Id.* at 101–103.

¹¹ *Id.* at 104.

¹² *Id.* at 104–113.



Shirley that the certificate of title [would] be for safekeeping only. In response, Shirley told me that she [would] give the certificate of title to me after she [] finished processing the attachment of the titles of Julia Fianza;

- f. When Shirley came to our office on June 23, 2015, she exhibited to me an Order... essentially granting her prayer for the issuance of a Writ of Preliminary Attachment and she came to our office to pay the attachment bond required by the court in the amount of Two Million Seven Hundred Thousand Pesos (PHP 2,700,000.00). The court imposed bond was received and duly receipted by our office hence on June 24, 2015, [Branch 10, Regional Trial Court] issued a Writ of Attachment in Civil Case [No.] 12- CV-2884[;]
- g. On June 25, 2015, after she secured the Writ of Preliminary Attachment, Shirley Tiwaken and the two women who were with [her] on June 23, 2015, came to the Office of the Clerk of Court, La Trinidad, Benguet and finally turned over to me Transfer Certificate of Title No. 016-2011003045 [and] Tax Declaration No. 99-013-08915, both in the name of Julia Fianza. Likewise, without me requiring it, Shirley Tiwaken turned over to me *Katibayan ng Orihinal na Titulo Blg. P-21252* in the name of Julia Fianza married to Manuel Fianza and *Katibayan ng Orihinal na Titulo Blg. P-21221* in the name of Manuel Fianza married to Julia Fianza. I received the certificates of title[] and the tax declaration enumerated above and issued an Acknowledgement Receipt[;]
- h. On June 30, 2015, I turned over Transfer Certificate of Title No. 016-2011003045 and Tax Declaration No. 99-013-08915 to Julia Fianza in compliance with the Writ of Execution issued by the Municipal Trial Court of La Trinidad, Benguet dated March 5, 2015[;]
- i. In so far as *Katibayan ng Orihinal na Titulo Blg. P-21252* and *Katibayan ng Orihinal na Titulo P-21221* are concerned, I turned over these certificates of title[] to Arthur Sabey, a brother of Julia S. Fianza, also on June 30, 2015 because that was the request of Arthur Sabey from his older sister Julia Fianza and which was approved by Julia S. Fianza in my presence. I felt that there is [sic] nothing wrong with the arrangement because they are siblings. Likewise, *Katibayan ng Orihinal na Titulo Blg. P-21252* and *Katibayan ng Orihinal na Titulo P-21221* [were] not [the subjects] of the Writ of Execution I am enforcing anyway;
.....
- j. On July 1, 2015, I submitted my report to the Municipal Trial Court of La Trinidad, Benguet to the effect that I turned over Transfer Certificate of Title No. 016-2011003045 and Tax Declaration No. 99-013-08915 to Julia Fianza in compliance with the Writ of Execution. I did not [] include in my Sheriff's Report that I likewise turned over to Arthur Sabey, brother of Julia Fianza, *Katibayan ng Orihinal na Titulo P-21252* and *Katibayan ng Orihinal na Titulo P-21221* because these certificates of title [were] not part of [the] Writ of Execution I am enforcing. . .

Notably, in my Sheriff's Report, I stated there that on June 25, 2015, Julie K. Dacanay, the Attorney in [F]act of Elena Diaz, turned over Transfer Certificate of Title No. 016-2011003045 and Tax Declaration No. 99-013-08195 through



Shirley Tiwaken. It tends to give the impression that it was Julie Dacanay who physically handed me the title and tax declaration and not Shirley Tiwaken.

This was the tearful request of Julie Dacanay and her counsel, Atty. Sebastian Badongen, in order that the petition to cite her for contempt which was filed by Julia Fianza against her due to her failure to surrender Transfer Certificate of Title No. 016-2011003045 as directed in the Writ of Execution, be dismissed. I acceded to the request and made my report in a manner that I thought would reflect the truth at the same time [be] beneficial to Julie Dacanay because Julie Dacanay's physical condition was very pathetic at that time. She was very sick of cancer [sic]. More importantly, I submit that I did not misrepresent because it [was] true that the certificate of title was turned over by Shirley Tiwaken to me. By the way, I learned later that Julie Dacanay succumbed to cancer shortly after that and already passed away.

- k. On the same day, the Municipal Trial Court of La Trinidad issued an order mooting the petition to cite the late Julie Dacanay for contempt and finally [terminated] Civil Case No. R-1307[.]¹³

Ensuingly, the matter was referred by the Court to Executive Judge Jennifer P. Humiding of the RTC of La Trinidad, Benguet, for investigation, report and recommendation.¹⁴ Meanwhile, on October 19, 2020, Marietta S. Brawner-Cualing was designated as the new executive judge in Benguet.

The case was eventually re-docketed as A.M. No. P-21-028 under the Judicial Integrity Board.

After conducting a thorough and in-depth investigation, Executive Judge Marietta S. Brawner-Cualing submitted a Report¹⁵ recommending the dismissal of Atty. Milan from service, the forfeiture of his benefits, and his disqualification from reinstatement or appointment to any public office for committing several serious charges, ratiocinating as follows:

Atty. Milan's act of demanding and receiving money from Ms. Tiwaken when she surrendered the titles, when he made several demands for money for purposes of following up on her case and for demanding money for the release of a decision which was not yet issued, these constitute bribery falling under Serious Charges.

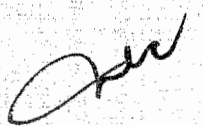
His act of accepting and releasing the titles under the directive of his relative, Atty. Daculan, as well as releasing the title to the brother of Ms. Fianza, the opponent of Ms. Tiwaken, when he had no lawful order to do so, is a gross misconduct constituting violation of the Code of Conduct for Court Personnel and is a Serious Charge.

The same is true of his act of releasing the titles to Ms. Fianza and her brother outside of his office upon request of the lawyer of Ms. Fianza,

¹³ *Id.* at 106–108.

¹⁴ *Id.* at 141.

¹⁵ *Id.* at 158–184.



who at that time was already known to him to be in hiding from her several Warrants of Arrest.

His act of submitting late his comment to the complaint as directed by the Office of the Court Administrator falls under the Less Serious Charge having violated a Supreme Court directive.

Finally, when he began to accede to the requests of the counsel [of] Ms. Fianza, who already informed Atty. Milan that the residence he was showing was the residence of the adversary of his client, and still Atty. Milan took it upon himself to implement the writ of execution, this could be considered as him fraternizing with the lawyer who has a pending case in the Court and is considered merely as a light charge.

Considering that Atty. Jurgens SJ. Milan is guilty of several serious charges, despite the period of time that he has been employed with the government for more than thirty (30) years and this administrative case being his first case which would have mitigated his violations, **it is recommended that Atty. Jurgens SJ. Milan should still be imposed the most serious penalty of Dismissal from the Service, forfeiture of all or part of his benefits and disqualification from reinstatement or appointment to any public office, including government-owned or controlled corporations.**¹⁶ (Emphasis in the original)

The Issue

Discernibly, the jugular issue before this Court is whether respondent's actuations warrant his dismissal from service and disbarment from the practice of law.

The Court's Ruling

After a percipient analysis of the case at bench, the Court finds that the severity of respondent's violations warrants his dismissal from service and the imposition of the ultimate penalty of disbarment against him.

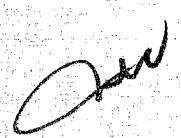
The CPRA is applicable to this administrative case

On April 11, 2023, the Court promulgated the Code of Professional Responsibility and Accountability (CPRA).¹⁷ Thereafter, the CPRA was published on May 14, 2023 in a newspaper of general circulation and took effect on May 30, 2023.¹⁸

¹⁶ *Id.* at 184.

¹⁷ A.M. No. 22-09-01-SC, April 11, 2023.

¹⁸ CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, General Provisions, sec. 3 states: it shall take effect 15 calendar days after its publication in the Official Gazette or any newspaper of general circulation.



Admittedly, the acts imputed against respondent were committed *before* the effectivity of the CPRA. However, the transitory provision of the CPRA expressly provides for its retroactive application:

SECTION 1. *Transitory provision.* — The CPRA shall be applied to all pending and future cases, except to the extent that in the opinion of the Supreme Court, its retroactive application would not be feasible or work injustice, in which case the procedure under which the cases were filed shall govern.¹⁹

Based on the foregoing, the CPRA squarely applies to the present administrative case.

*Respondent violated Republic Act No. 6713
and the provisions of the CPRA*

Respondent is charged with gross unlawful and unethical conduct for violating Sections 4(a),(b),(c), and (e) and 7(a),(d) of Republic Act No. 6713,²⁰ as well as Canon I, Rules 1.01 and 1.02; Canon 6, Rule 6.02; and Canon 7, Rule 7.03 of the Code of Professional Responsibility (CPR),²¹ to wit:

Republic Act No. 6713

Section 4. Norms of Conduct of Public Officials and Employees.

— (A) Every public official and employee shall observe the following as standards of personal conduct in the discharge and execution of official duties:

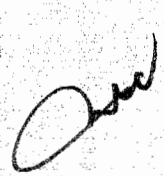
(a) ***Commitment to public interest.*** — Public officials and employees shall always uphold the public interest over and above personal interest. All government resources and powers of their respective offices must be employed and used efficiently, effectively, honestly and economically, particularly to avoid wastage in public funds and revenues.

(b) ***Professionalism.*** — Public officials and employees shall perform and discharge their duties with the highest degree of excellence, professionalism, intelligence and skill. They shall enter public service with utmost devotion and dedication to duty. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

¹⁹ CODE OF PROF. RESPONSIBILITY & ACCOUNTABILITY, General Provisions, sec. 1.

²⁰ Code of Conduct and Ethical Standards for Public Officials and Employees (1989).

²¹ Promulgated June 21, 1988.



(c) ***Justness and sincerity.*** — Public officials and employees shall remain true to the people at all times. They must act with justness and sincerity and shall not discriminate against anyone, especially the poor and the underprivileged. They shall at all times respect the rights of others, and shall refrain from doing acts contrary to law, good morals, good customs, public policy, public order, public safety and public interest. They shall not dispense or extend undue favors on account of their office to their relatives whether by consanguinity or affinity except with respect to appointments of such relatives to positions considered strictly confidential or as members of their personal staff whose terms are coterminous with theirs.

....

(e) ***Responsiveness to the public.*** — Public officials and employees shall extend prompt, courteous, and adequate service to the public. Unless otherwise provided by law or when required by the public interest, public officials and employees shall provide information of their policies and procedures in clear and understandable language, ensure openness of information, public consultations and hearings whenever appropriate, encourage suggestions, simplify and systematize policy, rules and procedures, avoid red tape and develop an understanding and appreciation of the socio-economic conditions prevailing in the country, especially in the depressed rural and urban areas.

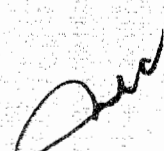
....

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:

(a) ***Financial and material interest.*** — Public officials and employees shall not, directly or indirectly, have any financial or material interest in any transaction requiring the approval of their office.

....

(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.



Code of Professional Responsibility

CANON 1 — A LAWYER SHALL UPHOLD THE CONSTITUTION, OBEY THE LAWS OF THE LAND AND PROMOTE RESPECT FOR LAW AND FOR LEGAL PROCESSES.

RULE 1.01-A lawyer shall not engage in unlawful, dishonest, immoral or deceitful conduct.

RULE 1.02-A lawyer shall not counsel or abet activities aimed at defiance of the law or at lessening confidence in the legal system.

....

CANON 6 — THESE CANONS SHALL APPLY TO LAWYERS IN GOVERNMENT SERVICES IN THE DISCHARGE OF THEIR OFFICIAL TASKS.

....

RULE 6.02-A lawyer in the government service shall not use his public position to promote or advance his private interests, nor allow the latter to interfere with his public duties.

....

CANON 7 — A LAWYER SHALL AT ALL TIMES UPHOLD THE INTEGRITY AND DIGNITY OF THE LEGAL PROFESSION AND SUPPORT THE ACTIVITIES OF THE INTEGRATED BAR.

....

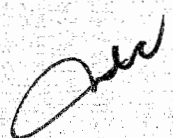
RULE 7.03-A lawyer shall not engage in conduct that adversely reflects on his fitness to practice law, nor shall he, whether in public or private life, behave in a scandalous manner to the discredit of the legal profession.

Meanwhile, the parallel provisions thereof in the CPRA²² elucidate as follows:

CANON II
Propriety

A lawyer shall, at all times, act with propriety and maintain the appearance of propriety in personal and professional dealings, observe honesty, respect and courtesy, and uphold the dignity of the legal profession consistent with the highest standards of ethical behavior.

²² A.M. No. 22-09-01-SC, April 11, 2023.



SECTION 1. *Proper Conduct.* — A lawyer shall not engage in unlawful, dishonest, immoral, or deceitful conduct.

SECTION 2. *Dignified Conduct.* — A lawyer shall respect the law, the courts, tribunals, and other government agencies, their officials, employees, and processes, and act with courtesy, civility, fairness, and candor towards fellow members of the bar.

A lawyer shall not engage in conduct that adversely reflects on one's fitness to practice law, nor behave in a scandalous manner, whether in public or private life, to the discredit of the legal profession.

....

SECTION 15. *Improper claim of influence or familiarity.* — A lawyer shall observe propriety in all dealings with officers and personnel of any court, tribunal, or other government agency, whether personal or professional. Familiarity with such officers and personnel that will give rise to an appearance of impropriety, influence, or favor shall be avoided.

A lawyer shall not make claims of power, influence, or relationship with any officer of a court, tribunal, or other government agency.

....

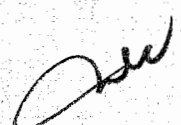
SECTION 28. *Dignified Government Service.* — Lawyers in government service shall observe the standard of conduct under the CPRA, the Code of Conduct and Ethical Standards for Public Officials and Employees, and other related laws and issuances in the performance of their duties.

Any violation of the CPRA by lawyers in government service shall be subject to disciplinary action, separate and distinct from liability under pertinent laws or rules.

....

SECTION 30. *No Financial Interest in transactions; no gifts.* — A lawyer in government shall not, directly or indirectly, promote or advance his or her private or financial interest or that of another, in any transaction requiring the approval of his or her office. Neither shall such lawyer solicit gifts or receive anything of value in relation to such interest.

Such lawyer in government shall not give anything of value to, or otherwise unduly favor, any person transacting with his or her office, with the expectation of any benefit in return.



CANON III
Fidelity

SECTION 2. *The responsible and accountable lawyer.* — A lawyer shall uphold the constitution, obey the laws of the land, promote respect for laws and legal processes, safeguard human rights, and at all times advance the honor and integrity of the legal profession.

As an officer of the court, a lawyer shall uphold the rule of law and conscientiously assist in the speedy and efficient administration of justice. (Emphasis supplied)

Appositely, the Code of Conduct for Court Personnel²³ explicitly provides:

CANON I

FIDELITY TO DUTY

....

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.

SECTION 3. Court personnel shall not discriminate by dispensing special favors to anyone. They shall not allow kinship, rank, position or favors from any party to influence their official acts or duties.

....

CANON III

CONFLICT OF INTEREST

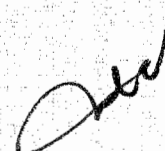
SECTION 1. Court personnel shall avoid conflicts of interest in performing official duties. Every court personnel is required to exercise utmost diligence in being aware of conflicts of interest, disclosing conflicts of interest to the designated authority, and terminating them as they arise.

(a) A conflict of interest exists when:

- (i) the court personnel's objective ability or independence of judgment in performing official duties is impaired or may reasonably appear to be impaired[.]

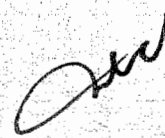
In the case at bench, the Court finds the following actuations of respondent highly irregular:

²³ A.M. No. 03-06-13-SC, June 1, 2004.



- 1) Failure to indicate in his Sheriff's Return that the title subject of the writ of execution was in possession of Tiwaken;
- 2) The manner by which he obtained possession of TCT No. 016-201100204, as well as OCT Nos. 21252 and 21221, from a person who was not the subject of the writ;
- 3) Unlawful demands for payment of money in several instances—PHP 10,000.00 for the purported safekeeping of the three aforementioned titles; a total of PHP 35,000.00 to allegedly follow up the case filed in Branch 10 of RTC-Benguet (in 3 separate instances, he asked for PHP 10,000 each, then on the last meeting he got PHP 5,000); and finally, PHP 25,000 after claiming that a decision was already rendered;
- 4) Misrepresenting that he had authority to conduct follow-ups and to influence the outcome of the case in Branch 10 of RTC-Benguet; and
- 5) Unauthorized release of OCT Nos. 21252 and 21221 to Arthur Sabey.

Respondent professed that as the designated acting *ex-officio* provincial sheriff of the RTC, La Trinidad, Benguet, he executed the writ of execution issued in relation to Civil Case No. R-1307 where the trial court resolved, *inter alia*, to “direct plaintiff's Attorney-in-fact, Julie K. Dacanay (Dacanay), to surrender the owner's duplicate copy of TCT No. 016-2011003045 to this court within ten (10) days from receipt of this Resolution.” However, in his Sheriff's Return, while he indicated that Dacanay refused to surrender the TCT subject of the writ, he never mentioned that he came across the information that the same was in possession of complainant. Respondent then denied directly contacting complainant to demand the surrender of the subject TCT along with two other titles which were not the subject of the writ, but the facts belie his refutation as there was no way that complainant would have surrendered TCT No. 016-2011003045 and OCT Nos. 21252 and 21221 if she was not misled by respondent that she was under a responsibility to do so. Moreover, respondent's repudiation falls flat on its face considering that complainant was able to substantiate her claim that respondent demanded and received money in exchange for his “services” through an eyewitness who had personal knowledge of their transactions. Finally, it bears stressing that although the subject of the writ of execution only pertained to TCT No. 016-2011003045, respondent likewise took possession of OCT Nos. 21252 and 21221 and thereafter, *sans* authority, released the same to Arthur Sabey claiming that he felt that there was nothing wrong in doing so as the same were not the subject of the writ of execution. He further admitted that he



intentionally left out from the Sheriff's Report the fact that he released OCT Nos. 21252 and 21221 to Arthur Sabey and that he indicated instead that on June 25, 2015, Dacanay, the Attorney-in-fact of Elena Diaz, turned over TCT No. 016-2011003045 and Tax Declaration No. 99-013-08 195 through Shirley Tiwaken to give the impression that it was Dacanay who physically handed him the title and tax declaration and not complainant.

Under Section 4(a) of Republic Act No. 6713, every public official or employee shall at all times put public interest over and above personal interest. By unlawfully acquiring not just the title subject of the writ of execution, but two more titles through misuse of his position, respondent abused his position and placed personal gain above public trust and the integrity of the judiciary. Respondent's acts further violate Section 4(c) of the same law, which mandates all public officers to perform their duties with the highest degree of excellence, professionalism, and integrity. Using one's position for personal enrichment is clearly the antithesis thereof. Respondent's transgressions directly undermine these standards, showing a flagrant disregard for ethical conduct and public trust.

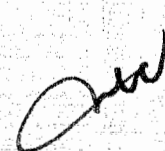
Respondent's conduct also violates the CPRA. The CPRA binds all lawyers and court personnel to uphold the dignity of the courts and the legal profession at all times. Canon I, Section 1 of the CPRA requires that court personnel must maintain integrity and uphold the dignity of the legal profession. Canon I, Section 2 prohibits any act of dishonesty or deceit in their professional or personal conduct. Canon II requires all court personnel to avoid conflicts of interest and any appearance of impropriety. By falsely representing that he could influence a pending court case and make "follow-ups" thereto, respondent not only deceived complainant, but also exploited the prestige of the judicial office for improper gain and eroded public confidence in the impartiality and independence of the courts.

A clerk of court holds a position of trust and is expected to embody the highest standards of integrity, honesty, and impartiality. By using his official position to perpetuate the foregoing, respondent committed acts that constitute grave misconduct, dishonesty, and conduct prejudicial to the best interest of the service.

In *Judge Zarate-Fernandez v. Lovendino*,²⁴ the Court emphasized:

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from the service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment.

²⁴ 827 Phil 191 (2018) [*Per Curiam, En Banc*].



The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules, which must be established by substantial evidence. As distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in a charge of grave misconduct. Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others.

Dishonesty, on the other hand, is the disposition to lie, cheat, deceive, defraud, or betray; unworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; and lack of fairness and straightforwardness. It is a malevolent act that makes people unfit to serve the Judiciary.

Conduct prejudicial to the best interest of service pertains to any conduct that is detrimental or derogatory or naturally or probably bringing about a wrong result; 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.²⁵ (Citations omitted)

Time and again, this Court has stressed that the conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary.²⁶ Indeed,

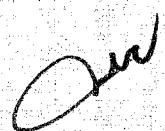
There is no place in the Judiciary for those who cannot meet the exacting standards of judicial conduct and integrity. This is because the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and 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.²⁷

In synthesis, the Court holds that respondent had violated several canons of professional and ethical conduct expected of him as a lawyer and an officer of the court, warranting not only his dismissal from service but ultimately his disbarment. Membership in the legal profession is a privilege, and whenever it is made to appear that an attorney is no longer worthy of the trust and confidence of his clients and the public, it becomes not only the right but also the duty of the Court to withdraw the same.

²⁵ *Id.* at 198–199.

²⁶ *Valdez v. Soriano*, 883 Phil. 344, 352 (2020) [Per J. Perlas-Bernabe, Second Division].

²⁷ *Judge Zarate-Fernandez v. Lovendino*, 827 Phil 191, 202 (2018) [Per Curiam, En Banc].



Non-compliance with the OCA directives

Respondent admitted that he received the two earlier notices of the OCA directing him to submit his comment on the complaint and failed to heed the same.²⁸ Records reveal that it took respondent more than two years to finally submit his comment on the Complaint.

The Court finds no merit in the excuse proffered by respondent for his failure to timely file his comment on the Complaint against him—that the case had taken a toll on him that resulted in too much confusion and hatred that he lost the composure to prepare an intelligent comment.²⁹ All the more so, considering that the allegations against him were purportedly false, he should have prudently submitted his answer and defend himself. It speaks of an utter disregard of the OCA's authority, or, at the very least, a level of carelessness. Noncompliance with the OCA directives is tantamount to insubordination to the Court itself.³⁰

In *Office of the Court Administrator v. Judge Villegas*,³¹ this Court ruled that the failure to file a comment when ordered by the Court or the OCA constitutes a violation of Supreme Court rules or directives, viz.:

Worse, respondent judge defied two directives of the OCA and six resolutions of this Court requiring him either to file his comment or to show cause. Assuming his visual difficulty to be true, respondent judge admitted that he was in fact being assisted by his clerks in attending to his paperwork. We thus find it improbable that such serious orders of this Court and the OCA could have escaped his or his clerks' notice. No sufficient justification therefore existed for his failure to comply with the directives of this Court. As the Court Administrator stated:

Respondent judge ought to be reminded that a resolution of this Court requiring comment on an administrative complaint against officials and employees of the Judiciary is not to be construed as a mere request from this Court. On the contrary, respondents in administrative cases are to take such resolutions seriously by commenting on all accusations or allegations against them as it is their duty to preserve the integrity of the judiciary. **The Supreme Court can hardly discharge its constitutional mandate of overseeing judges and court personnel and taking proper administrative sanction against them if the judge or personnel concerned does not even recognize its administrative authority.**³² (Emphasis supplied, citations omitted)

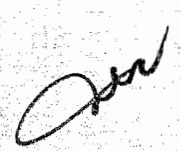
²⁸ *Rollo*, p. 111.

²⁹ *Id.* at 112.

³⁰ *Judge Zarate-Fernandez v. Lovendino*, 827 Phil 191, 201 (2018) [*Per Curiam, En Banc*].

³¹ 474 Phil. 475 (2004) [*Per J. Corona, En Banc*].

³² *Id.* at 479–480.



Appositely, in *Tan v. Sermonia*,³³ the Court held that respondent's failure to comply with the OCA's directive to submit her comment constituted a clear and willful disrespect, not just for the OCA, but also for the Court which exercises direct supervision over trial court officers and employees through the OCA. Therein respondent's failure to comment on a complaint was held to be tantamount to insubordination to the Court itself, thus:

Sermonia's failure to comply with the OCA's directive to submit her comment on Tan's Complaint constitutes a clear and willful disrespect, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the OCA. In fact, it can be said that Sermonia's non-compliance is tantamount to insubordination to the Court itself. After all, a resolution of the Supreme Court should not be construed as a mere request and should be complied with promptly and completely. Such failure to comply accordingly betrays not only a recalcitrant streak in character but also disrespect for the Court's lawful order and directive. This contumacious conduct of refusing to abide by the lawful directives issued by the Court has, likewise, been considered as an utter lack of interest to remain with, if not contempt of, the system. **Sermonia's insolence is further aggravated by the fact that she is an employee of the Judiciary, who, more than an ordinary citizen, should be aware of her duty to obey the orders and processes of the Supreme Court without delay.** For her failure to timely file her comment on Tan's Complaint as directed by the OCA, Sermonia should be admonished.³⁴ (Empasis supplied)

Under Section 15(e) of Administrative Matter No. 21-08-09-SC,³⁵ a violation of Supreme Court rules, directives, and circulars that establish an internal policy, rule of procedure, or protocol is considered a less serious charge:

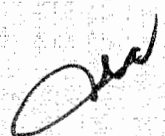
SECTION 15. *Less Serious Charges.* — Less serious charges include:

- (a) Simple misconduct constituting violations of the Code of Judicial Conduct or of the Code of Conduct for Court Personnel;
- (b) Simple neglect of duty in the performance or non-performance of official functions;
- (c) Habitual absenteeism and/or tardiness;
- (d) Unauthorized practice of law;
- (e) **Violation of Supreme Court rules, directives that establish an internal policy, rule of procedure, or protocol;**

³³ 612 Phil. 314 (2009) [Per J. Chico-Nazario, Third Division]. See also *Garado v. Judge Gutierrez-Torres*, 710 Phil. 158, 163–164 (2013) [Per J. Villarama, Jr., First Division].

³⁴ *Id.* at 325–326.

³⁵ Further Amendments to Rule 140 of the Rules of Court, February 22, 2022.



- (f) Receiving additional or double compensation unless specifically authorized by law; and
- (g) Simple dishonesty. (Emphasis supplied)

Under Sec. 17(2) of the same Rule, less serious charges are punishable as follows:

SECTION 17. *Sanctions.* —

....

(2) If the respondent is guilty of a less serious charge, any of the following sanctions shall be imposed:

- (a) Suspension from office without salary and other benefits for not less than one (1) month nor more than six (6) months; or
- (b) A fine of more than PHP 35,000.00 but not exceeding PHP 100,000.00.

Given that this is respondent's first offense, which under the same Rule may be appreciated as a mitigating circumstance,³⁶ the Court may impose the penalty of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule. Appropriately, a fine of PHP 18,000.00 will suffice.

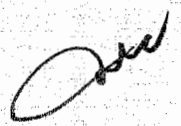
ACCORDINGLY, respondent Atty. Jurgens SJ. Milan, Clerk of Court V, Regional Trial Court of La Trinidad, Benguet, is found **GUILTY** of grave misconduct, dishonesty, and conduct prejudicial to the best interest of the service for which he is **DISMISSED FROM THE SERVICE**, with forfeiture of all the benefits due him, except accrued leave benefits, if any, with prejudice to re-employment in any branch of the government, including government-owned or controlled corporations.

For his violations of the Code of Professional Responsibility and Accountability as outlined herein, respondent is **DISBARRED** from the practice of law and his name is **ORDERED STRICKEN OFF** from the Roll of Attorneys, effective immediately. He is further meted a **FINE** in the amount of **PHP 18,000.00** for his disobedience to the orders of the Office of the Court Administrator.

³⁶ SECTION 20. *Manner of Imposition.* — If one (1) or more aggravating circumstances and no mitigating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not exceeding double of the maximum prescribed under this Rule.

If one (1) or more mitigating circumstances and no aggravating circumstances are present, the Supreme Court may impose the penalties of suspension or fine for a period or amount not less than half of the minimum prescribed under this Rule.

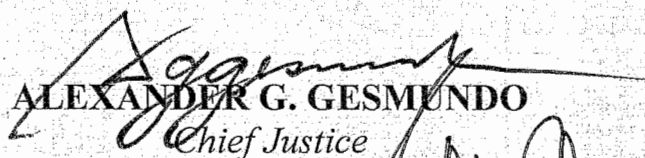
If there are both aggravating and mitigating circumstances present, the Supreme Court may offset each other. (Emphasis supplied)



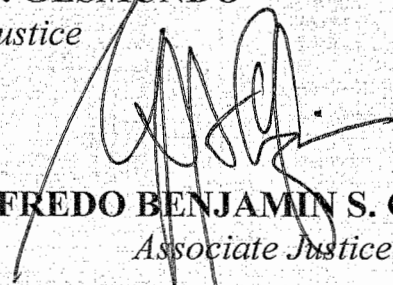
Let a copy of this Decision be furnished to the Office of the Bar Confidant to be entered into Atty. Jurgens SJ. Milan's records. Copies shall likewise be furnished to the Integrated Bar of the Philippines and the Office of the Court Administrator for circulation to all courts concerned.

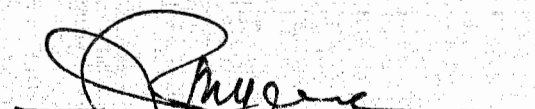
SO ORDERED.

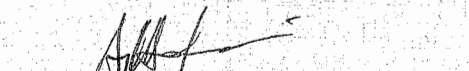
WE CONCUR:


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 M. ZALAMEDA
Associate Justice


SAMUEL H. GAERLAN
Associate Justice

On wellness leave
RICARDO R. ROSARIO
Associate Justice

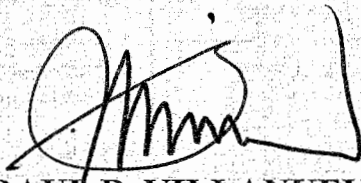

JHOSEP Y. LOPEZ
Associate Justice


JAFAR 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



RAUL B. VILLANUEVA
Associate Justice