



Republic of the Philippines
Supreme Court
Baguio City

EN BANC

OFFICE OF THE COURT
ADMINISTRATOR,

Complainant,

A.M. No. P-17-3768

[Formerly OCA IPI No. 17-4734-P]

Present:

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

- versus -

RUEL V. DELICANA,

Respondent.

Promulgated:

April 11, 2024

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DECISION

HERNANDO, J.:

This resolves the administrative case against Ruel V. Delicana (Delicana), Legal Researcher, Branch 3, Municipal Trial Court in Cities (MTCC), General Santos City, South Cotabato, for Gross Misconduct and Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service.

* No part.

Antecedents

On March 8, 2017, Hon. Marie Ellengrid S.L. Baliguat, (Judge Baliguat) then Executive Judge of Branch 3, MTCC, General Santos City, South Cotabato, wrote to the Office of the Court Administrator (OCA) informing the latter that Delicana had been charged with two counts of rape before the Office of the City Prosecutor (OCP); thus, she is recommending for his suspension from office pending the filing of the cases in court.¹

In another Letter² dated April 25, 2017, Judge Baliguat informed the OCA that two criminal Informations³ for rape docketed as Criminal Case Nos. 17-28750 and 17-28751 were eventually filed against Delicana and were raffled to the Branch 22, Regional Trial Court (RTC), General Santos City; Delicana was able to post a surety bond in the amount of PHP 200,000.00 in each case on March 27, 2017, and that he was already scheduled for arraignment.⁴

In the Resolution⁵ dated February 17, 2017 issued by the OCP, the facts leading to the filing of the two Informations⁶ are summarized as follows:

Complainant works for [Delicana]'s family as their "stay-in working student[.]" [Delicana], on the other hand, is a court employee. On January 28, 2017 at around 11:00 [A.M.], while complainant was doing her laundry at the backyard of [Delicana]'s house, the latter suddenly called her. As she went inside the kitchen, [Delicana] suddenly closed the door, grabbed her hand, embraced her, and then pushed her against the concrete wall. Complainant tried to stop [Delicana] from what he was doing but he was too strong for her. [Delicana] thereafter pulled down his short pants and her pajamas and inserted his finger into her sex organ. Complainant cried out of pain but she could not do anything. [Delicana] only stopped when a visitor came looking for him. Complainant immediately went to her room and texted her father to fetch her. After a few minutes, she went out of her room to finish her laundry but [Delicana] was outside her room waiting for her. Again, [Delicana] grabbed her, brought her to the kitchen, pushed her towards the concrete wall, pulled down her pajamas, and inserted his finger into her sex organ. As she felt helpless, she just cried until [Delicana] was able to satisfy his lust. Right after the said incident, she called up her father and insisted that he bring her home.⁷

[Complainant's grandparent] narrated that complainant was still crying when they arrived at [Delicana]'s house. She tried to ask complainant why she was crying, but [Delicana] interrupted and offered her and complainant's father some snacks. Complainant was able to confess to them the incident only after they followed her to her room. Allegedly, complainant was still trembling as she recounted to them the incident. [Complainant's grandparent] then confronted

¹ *Rollo*, p. 25.

² *Id.* at 34.

³ *Id.* at 3-8.

⁴ *Id.* at 34.

⁵ *Id.* at 9-13.

⁶ *Id.* at 3-8.

⁷ *Id.* at 9-10.

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[Delicana] but the latter only answered her with, and to quote: "*Pasensyahan niyo nalang ako nay*. (Please just bear with me)." [Delicana] also told complainant to tell him should she need anything in her school.⁸

According to the OCP, Delicana denied the allegations and claimed that the complaint was private complainant's retaliatory act to his wife who reprimanded her in the morning of the alleged date of the incident.⁹ According to him, and as supported by the affidavit of his wife, the latter scolded private complainant for coming home late in the evening despite still being a minor.¹⁰

Delicana also added that it was impossible for him to commit the alleged acts since he was suffering from "muscle pain, body fatigue, and physical exhaustion on the alleged date brought about by his long travel from Tagum City back to his home."¹¹ His visitor did not observe anything peculiar except for the fact that he looked exhausted.¹² Thus, he was surprised with the arrival of private complainant's sister, parent, and grandparent at his house and when they informed him that they are bringing private complainant back home.¹³

While Delicana admitted to have told private complainant's grandparent to just bear with him, he clarified that he was referring to the castigation made by his wife against private complainant.¹⁴ He, in fact, gave private complainant's grandparent PHP 150.00 for their fare.¹⁵ He maintained that private complainant's grandparent and parent never got the chance to enter his house as they were just talking in the terrace of his house.¹⁶

To bolster his defense, Delicana attached the affidavits of Sally Obida Baliguat and Radjena A. Koh to his counter-affidavit before the OCP. In gist, the former attested that private complainant frequently arrives at Delicana's house late at night, while the latter affirmed that she indeed went to Delicana's house and had a chat with him on the date of the alleged incident and yet she did not notice anything unusual at that time.¹⁷

Delicana also argued before the OCP that private complainant and her family are no longer interested in pursuing the complaint against him as they have already submitted a Motion to Withdraw Complaint,¹⁸ Affidavit of

⁸ *Id.*

⁹ *Id.* at 10.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.* at 81-82.

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Recantation,¹⁹ Affidavit of Desistance & Quitclaim,²⁰ and Affidavit of Retraction.²¹

The OCP, however, did not give credence to Delicana's denial and alibi, nor give weight to private complainant's desistance. It held that private complainant's statements in her *Sinumpaang Salaysay*²² are not only detailed and consistent but are further corroborated by other evidence clearly illustrating all the elements of the crime of rape.²³ The OCP considered private complainant's school records²⁴ which show that she was 15 years old at the date of the alleged incident, and her Medico-Legal Certificate²⁵ dated January 28, 2017 which shows that she sustained hymenal lacerations indicating physical signs of sexual abuse.²⁶

Moreover, the OCP observed that Delicana failed to prove that it was physically impossible for him to commit the complained acts, considering that he was still able to entertain a visitor despite his alleged lack of well-being.²⁷ Hence, the filing of the Informations against Delicana in court.

Acting on Judge Baliguat's letters and considering that Delicana had been formally charged with two counts of rape in Criminal Case Nos. 17-2850 to 51, the OCA, in a Report²⁸ dated July 24, 2017, *motu proprio* initiated the instant administrative case and charged Delicana with Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service. Moreover, the OCA recommended Delicana's preventive suspension from service pending the final outcome of his cases or until further orders from the Court.

In a Resolution²⁹ dated November 8, 2017, the Court, adopting the recommendations of the OCA, resolved to:

(1) **RE-DOCKET** this matter as a regular administrative matter against Ruel V. Delicana, Legal Researcher, Branch 3, MTCC, General Santos City, South Cotabato;

(2) **DIRECT** Legal Researcher Delicana to **COMMENT** on the Informations docketed as Criminal Cases Nos. 17-28750-51 detailing the criminal charges for two counts of rape under paragraph 2, Article 266-A of the Revised Penal Code[.]

¹⁹ *Id.* at 83–84.

²⁰ *Id.* at 85.

²¹ *Id.* at 86.

²² *Id.* at 16–18.

²³ *Id.* at 11.

²⁴ *Id.* at 23.

²⁵ *Id.* at 19.

²⁶ *Id.*

²⁷ *Id.* at 11–12.

²⁸ *Id.* at 47–50.

²⁹ *Id.* at 52–55.

in relation to paragraph (b) Section 5, Article III of R.A. 7610, within fifteen (15) days from receipt of notice;

(3) **PREVENTIVELY SUSPEND** Legal Researcher Delicana from the service pending the final outcome of the criminal cases filed against him or until further orders from this Court; and

(4) **DIRECT** the Executive Judge, RTC, General Santos City, South Cotabato, to regularly apprise the Court, through the OCA, of the status of the proceedings in Criminal Case Nos. 17-28750-51 until their final termination.

The said report of the OCA is **NOTED**.³⁰

Delicana then filed a Comment In Affidavit Form with Urgent Motion to Lift Preventive Suspension³¹ (Comment) dated January 4, 2018. He asserted that his defenses, as well as private complainant's desistance, were summarily brushed aside by the OCP.³² He reiterated that private complainant and her guardians are no longer interested in continuing their untruthful accusation such that the filing of the cases in court were already a malicious prosecution by the OCP.³³ He also argued that he did not take advantage of his position to derail the investigation or use his perceived power to deter private complainant from pursuing the case.³⁴

As to the administrative charges, Delicana argued that he cannot be held liable since the criminal acts he allegedly committed were not related to the functions of his office or position;³⁵ and that he is not convicted or found guilty of the offenses charged against him.³⁶

Delicana again filed a Manifestation with Urgent Motion to Lift Preventive Suspension³⁷ (Urgent Motion) dated July 12, 2018 informing the Court that Criminal Case Nos. 17-2850 to 51 against him had been provisionally dismissed on April 20, 2018.³⁸ He argued that he had been out of work since his suspension, and that he and his family have been suffering financially since. As there appears to be no plausible reason to continue with the administrative case, he prayed that the same be dismissed, and his suspension be already lifted.³⁹

³⁰ *Id.* at 53–54.

³¹ *Id.* at 56–65.

³² *Id.* at 58.

³³ *Id.*

³⁴ *Id.* at 59.

³⁵ *Id.* at 61.

³⁶ *Id.* at 62.

³⁷ *Id.* at 208–210.

³⁸ *Id.* at 211–212.

³⁹ *Id.* at 209.

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The Court, through a Resolution⁴⁰ dated January 23, 2019, required the OCA to Comment on Delicana's Urgent Motion.

Through a Memorandum⁴¹ dated April 16, 2019, the OCA informed the Court that by law, Delicana should have been automatically reinstated at the end of the 90-day period of his preventive suspension.⁴² Moreover, on March 11, 2019, the OCA received a letter from Executive Judge Panambulan N. Mimbisa (Judge Mimbisa) informing it that Criminal Case Nos. 17-2850 to 51 against Delicana were provisionally dismissed for lack of interest or failure to prosecute.⁴³ Thus, the OCA recommended that Delicana's Urgent Motion to lift the preventive suspension be granted.⁴⁴

However, the OCA opined that Delicana's prayer to dismiss the instant administrative case should be denied for lack of merit and for being premature.⁴⁵ It held that the withdrawal of the complaint or the desistance of a private complainant does not warrant the dismissal of an administrative complaint.⁴⁶

In a Resolution⁴⁷ dated June 3, 2019, the Court granted Delicana's Urgent Motion to lift the preventive suspension but denied his prayer to have the administrative matter against him dismissed, explaining that no affidavit of desistance can divest it of its jurisdiction to investigate and decide complaints against erring officials and employees of the judiciary.⁴⁸ Thus, the Court referred the matter to Judge Mimbisa for his investigation, report and recommendation.⁴⁹

Meanwhile, in his Letter⁵⁰ dated August 23, 2019, Delicana informed the OCA that as a result of the Court's Resolution dated June 3, 2019, he immediately reported for work starting August 23, 2019 as certified⁵¹ by the Clerk of Court III of Branch 3, MTCC, General Santos City, South Cotabato.

Later, Delicana filed an Urgent Motion for Clarification with Prayer for the Immediate Release of Salaries, Allowances, and Benefits⁵² dated October 2, 2020 stating that he had already fully served two separate suspensions: the first was the one year suspension meted out by the Court in *Atty. Ma. Jasmine P.*

⁴⁰ *Id.* at 213.

⁴¹ *Id.* at 215–219.

⁴² *Id.* at 218.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* at 235–239.

⁴⁸ *Id.* at 238.

⁴⁹ *Id.*

⁵⁰ *Id.* at 229–230.

⁵¹ *Id.* at 231.

⁵² *Id.* at 244–253

*Lood, Mary Jane G. Corpuz, and Ma. Hazel P. Sebial v. Ruel V. Delicana*⁵³ when he received the Court's Resolution⁵⁴ dated January 22, 2018 on April 28, 2018;⁵⁵ and second was the preventive suspension imposed in this instant administrative matter. In light of the Court's June 3, 2019 Resolution lifting his preventive suspension, Delicana prayed for the immediate release of his salaries, allowances, and benefits which he had not yet received since he returned to work on August 23, 2019.⁵⁶

Delicana likewise attached to his motion the Order⁵⁷ dated February 4, 2020 by Judge Mimbisa where the latter recommended that the instant administrative matter be dismissed since he had observed that Delicana had manifested exuberance, humility, sincerity, and regret over the incident.⁵⁸

On January 18, 2021, the Court issued a Resolution⁵⁹ noting Delicana's urgent motion and in the meantime, awaited Judge Mimbisa's status report on the administrative case pursuant to its Resolution dated August 24, 2020. However, since Judge Mimbisa compulsorily retired on February 8, 2020, the case was transferred to then Judge Joyce Kho Mirabueno (Judge Mirabueno) of Branch 58, RTC, General Santos City, South Cotabato, per the OCA's Letter⁶⁰ dated July 23, 2020.

In her Investigation, Report & Recommendation⁶¹ dated January 21, 2021, Judge Mirabueno made the following recommendation:

RECOMMENDATION: It would appear that even with the presumption of innocence accorded to [Delicana], considering that no evidence was presented in Court, there was [a] finding of probable cause against him in the preliminary investigation stage. Thus, on the basis of the evidence in the preliminary investigation stage, [Delicana] may appear to have breached the norms and standards of the court with regard to how a court employee must conduct himself at all times. Thus, it is respectfully recommended that [Delicana] be REPRIMANDED and be WARNED to never act in any manner which could tarnish the image of the judiciary.⁶²

Judge Mirabueno held that private complainant's Affidavit of Desistance and Quitclaim did not categorically state that the latter is taking back her allegations in her *Sinumpaang Salaysay*, supported by a Medico-Legal

⁵³ 824 Phil. 64 (2018) [Per J. Tijam, First Division].

⁵⁴ *Rollo*, pp. 403–405.

⁵⁵ *Id.* at 247.

⁵⁶ *Id.* at 252.

⁵⁷ *Id.* at 271–272.

⁵⁸ *Id.*

⁵⁹ *Id.* at 313–315.

⁶⁰ *Id.* at 316.

⁶¹ *Id.* at 318–329.

⁶² *Id.* at 329.

Certificate, when she filed the case.⁶³ A scrutiny of the OCP's Resolution on the other hand, shows that it was issued with a sufficient level of certainty that prompted the investigating prosecutor to find probable cause against Delicana.⁶⁴ Moreover, Judge Mirabuena held that the two criminal cases against Delicana were merely provisionally dismissed due to the desistance of the private complainant who did not categorically deny the acts, and not due to a finding of innocence on the part of Delicana based on evidence.⁶⁵

On March 23, 2022, the Court issued a Resolution⁶⁶ referring the Investigation, Report & Recommendation dated January 21, 2021 of Judge Mirabueno to the Judicial Integrity Board (JIB) for the latter's evaluation, report, and recommendation.

*Report and Recommendation of the
Judicial Integrity Board*

The JIB issued a Report⁶⁷ dated October 5, 2022, recommending as follows:

ACCORDINGLY, it is respectfully **RECOMMENDED** for the consideration of the Honorable Court that Delicana **RUEL V. DELICANA**, be found **GUILTY** of Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service and be **ORDERED DISMISSED FROM THE SERVICE**, with prejudice to re-employment in any government agency, including government-owned or controlled corporations, and with forfeiture of retirement benefits, except accrued leave credits.⁶⁸

The JIB held that administrative cases are independent from criminal actions for the same acts or omission; an absolution from a criminal charge is not a bar to an administrative prosecution or vice versa.⁶⁹ Thus, the dismissal of the criminal cases, upon which the instant administrative case is anchored, does not automatically entail the dismissal of the latter, especially so since the dismissal of the former was only based on private complainant's lack of interest to prosecute and not on its merits.⁷⁰

⁶³ *Id.* at 327.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.* at 381.

⁶⁷ *Id.* at 442–452. The October 5, 2022 Report in A.M. No. P-17-3768 was submitted by Ret. Justice Sesinando E. Villon, and concurred in by Ret. Justices Romeo J. Callejo, Sr., Angelina Sandoval-Gutierrez, Rodolfo A. Ponferrada, and Cielito N. Mindaro-Grulla of the Judiciary Integrity Board.

⁶⁸ *Id.* at 451.

⁶⁹ *Id.* at 446.

⁷⁰ *Id.* at 446–447.

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The JIB further held that in an administrative proceeding, a private complainant is a mere witness; he or she is not indispensable to the proceedings because there are no private interests involved.⁷¹ More importantly, the private complainant in the criminal cases is not even a party in this case.⁷²

The JIB emphasized that per Rule 140, Section 8 of the Rules of Court, as amended by A.M. No. 21-08-09-SC,⁷³ the investigation of the JIB of disciplinary actions shall not be terminated by reason of the desistance of the private complainant, settlement, compromises, restitution, or withdrawal; or failure of the private complainant to prosecute the same.⁷⁴

Based on its evaluation, the JIB held that Delicana's administrative liability was proven by substantial evidence, especially through private complainant's *Sinumpaang Salaysay* and the supporting documents attached thereto.⁷⁵ The JIB held that despite private complainant's recantation and withdrawal of the complaint, the OCP found probable cause to indict Delicana for the criminal acts.⁷⁶

The JIB agreed that private complainant's recantation did not categorically state that she is taking back her allegations in her *Sinumpaang Salaysay*.⁷⁷ Moreover, a thorough review of the private complainant's affidavits purportedly manifesting her recantation, retraction, desistance, and quitclaim, will show that they do not negate the commission of rape.⁷⁸ As expressly stated in the affidavits, they were executed after a discussion with Delicana, which gives an impression that private complainant was influenced by Delicana.⁷⁹

On the other hand, as the JIB observed, private complainant's *Sinumpaang Salaysay* was executed within a few hours from the occurrence of the complained acts which are clearly reflected in the said document, wherein private complainant vividly illustrated how Delicana violated her; this was also supported by the Medico-Legal Certificate.⁸⁰

The JIB further held that while Delicana's acts are evidently not directly related to the performance of his official functions, the allegation of raping a minor, which was proven by substantial evidence, gravely tarnishes the image of the judiciary and is a serious charge punishable by dismissal.⁸¹

⁷¹ *Id.* at 447.

⁷² *Id.*

⁷³ SC Administrative Matter No. 21-08-09-SC, February 22, 2022, Further Amendments to Rule 140 of the Rules of Court.

⁷⁴ *Rollo*, p. 447.

⁷⁵ *Id.* at 448.

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.* at 449.

⁸¹ *Id.*

Meanwhile, Delicana filed before the Court several Manifestations with Urgent Prayer to Release Salaries, Allowances, and Benefits dated December 22, 2021, March 23, 2022, and July 13, 2022,⁸² all praying that the release of his salaries, allowances, and benefits be urgently and immediately acted upon in the supreme interest of humanitarian justice.

Our Ruling

The Court agrees with the findings of the JIB; verily, We adopt their recommendation.

It cannot be denied that based on the facts, the acts of Delicana fell short of the standards of high moral conduct which court employees are bound to maintain. While indeed, the criminal cases against him were dismissed and his guilt was not proven beyond a reasonable doubt, his administrative liability was proven by substantial evidence.

As correctly pointed out by the JIB, to sustain a finding of administrative culpability, only substantial evidence is required; the present case is an administrative case, not a criminal case, against Delicana. Therefore, the quantum of proof required is only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion.⁸³

Evidence to support a conviction in a criminal case is not necessary, and the dismissal of the criminal case against the Delicana in an administrative case is not a ground for the dismissal of the administrative case.⁸⁴ We emphasize the well-settled rule that a criminal case is different from an administrative case and each must be disposed of according to the facts and the law applicable to each case.⁸⁵

Here, there is substantial evidence to show that Delicana violated private complainant; this was supported by the latter's *Sinumpaang Salaysay*⁸⁶ with attached Medico-Legal Certificate.⁸⁷ The submission later on by private complainant of affidavits purportedly showing her recantation, desistance, and quitclaim is of no moment.

⁸² *Id.* at 455–505.

⁸³ *Office of the Court Administrator v. Lopez*, 654 Phil. 602, 607 (2011) [*Per Curiam, En Banc*].

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Rollo*, pp. 16–18.

⁸⁷ *Id.* at 19.

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For one, We cannot simply discount the OCP's finding, made after thoroughly weighing private complainant's pieces of evidence against that of Delicana's, of probable cause that the crime of rape has been committed.

Second, as aptly noted by the JIB, the affidavits of desistance of private complainant did not categorically state that she was retracting her statements for being mere falsehoods. In these affidavits, she admitted that she was in a state of shock or grief when she made those statements; that she is no longer interested in pursuing the case after she has talked to Delicana and his family; and that she only wants to live a peaceful life and to focus on her studies. Looking more closely at private complainant's Affidavit of Desistance and Quitclaim:⁸⁸

The third paragraph states:

Buot nakong bawion and akong napasaka nga reklamo batok kay Ruel V. Delicana tungod ang unod sa akong Sinumpaang Salaysay dili kompleto ug naa pako sa kaguol ug nalibog pa ko maong dili ko kaistorya ug tarong atong higayona.

*[I would like to withdraw the cases I filed against Ruel V. Delicana because the statements in my Judicial Affidavit are not complete and I was still in grief and was not in my normal state of mind and I cannot correctly state (what I want to say) at that time.]*⁸⁹

The fourth paragraph states:

Tunog niani, ug pakahuman namo ug istorya sa pamilya ni Ruel V. Delicana, uban akong inahan ug amahan pati akong Lola, ginabawi nako ang akong gipasaka nga reklamo batok kay Ruel V. Delicana;

*[For this reason, and after I talked to the family of Ruel V. Delicana with the company of [my] mother and father and also my grandmother, I am withdrawing the cases I filed against Ruel V. Delicana.]*⁹⁰

The fifth paragraph states:

Wala nako interest sa gipasaka nako nga reklamo batok kay Ruel V. Delicana. Gusto lang nako nga malinawon akoang pagpuyo ug mag focus ko sa akong pag eskwela.

*[I am no longer interested (to pursue) the complaints against Ruel V. Delicana. I only want to live a peaceful life and to focus on my studies.]*⁹¹ (Emphasis supplied)

⁸⁸ *Id.* at 85.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

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Indeed, nothing in these statements would show that private complainant is categorically retracting her previous allegations and denying the acts committed by Delicana against her. The fact that she was in grief and in shock when she made those statements all the more bolster the conclusion that something utterly profound happened to her before narrating her ordeal.

As aptly found by the JIB, private complainant narrated her ordeal to her guardians immediately after the incident, voluntarily submitted herself to a medical examination, and spontaneously executed a *Sinumpaang Salaysay*. We cannot fathom why a 15-year old girl would go to such lengths and trouble if she was not indeed violated, only to withdraw her complaint after talking to Delicana. Thus, We cannot help but agree with the observations of the JIB that private complainant's affidavits of recantation may have been influenced by Delicana, who not only is a court employee, but is also private complainant's employer.

We can also rely on the OCP's findings that Delicana's defenses of denial and alibi are weak, such that he was not able to prove that it was physically impossible for him to be at the place of the incident on the date of the commission of the crime.⁹² While his guilt was not proven in the criminal cases, there was also no categorical finding by the court that no crime has been committed; or that he was innocent based on the evidence. Indeed, Delicana cannot rely on the dismissal of his criminal cases since the same does not translate to an absolution from the administrative charges, which only require substantial evidence.

We likewise agree with the JIB's observations that a private complainant in administrative cases is a mere witness and not the real offended party; thus, he or she is not indispensable and his or her desistance does not divest the office of the authority to investigate and prosecute its erring government employees and officials.

True, Delicana's acts were not related to the performance of his duty or not directly related to his office or position. However, his acts were so gross that it taints the image of the judiciary and diminishes the public's trust on court officials and employees.

In *Office of the Ombudsman-Visayas v. Castro*,⁹³ We held that acts of government officers that tarnish the image and integrity of the public office they hold, regardless of whether the questioned acts are directly related to or connected with the performance of official duties, are considered conduct prejudicial to the best interest of the service and are subject to administrative sanctions.

⁹² See *People v. Camariño*, 892 Phil. 198, 204 (2020) [Per J. Hernando, Third Division].

⁹³ 759 Phil. 68, 79 (2015) [Per J. Brion, Second Division].

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Article XI, Section 1 of the 1987 Constitution states that “[p]ublic office is a public trust,” and mandates that “[p]ublic officers and employees must[,] at all times, be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency; act with patriotism and justice, and lead modest lives.” Further, pursuant to Article VIII, Section 7(3) of the 1987 Constitution, “Member[s] of the Judiciary must be of proven competence, integrity, probity, and independence.”

We do not entertain any doubt that there is substantial evidence to support the charge of rape of a minor and the same constitutes prejudicial conduct that gravely besmirches or taints the reputation of the service.

Moreover, pursuant to Rule 140, Section 19 (2)(a),⁹⁴ as amended, the finding of a previous administrative liability where a penalty is imposed, regardless of its nature and/or gravity, is an aggravating circumstance.

In imposing the proper penalty in this case, it cannot escape Our attention that Delicana had committed several other transgressions. In *Alano v. Delicana*,⁹⁵ he was found guilty of three serious offenses under the amended Rule 140 – Gross Misconduct, Gross Insubordination, and Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, *viz.*:

WHEREFORE, Ruel V. Delicana, Legal Researcher I, Municipal Trial Court in Cities, Branch 3, General Santos City, South Cotabato, is hereby declared administratively **GUILTY** of Gross Misconduct, Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, and Gross Insubordination. Following the amended provisions of Rule 140 of the Rules of Court, [t]he Court imposes upon Ruel V. Delicana the penalties of –

1. **DISMISSAL** from the service;
2. **FORFEITURE** of retirement and other benefits, except accrued leave credits; and
3. **PERPETUAL DISQUALIFICATION** from holding public office and reemployment in the government service, including government owned and controlled corporations.

⁹⁴ SECTION 19. *Modifying Circumstances*. – In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following . . . aggravating circumstances:

.....

(2) Aggravating Circumstances:

(a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity[;]

⁹⁵ A.M. No. P-20-4050 (Formerly OCA IPI No. 16-4600-P) and OCA IPI No. 16-4578-RTJ, June 14, 2022 [*Per Curiam, En Banc*].

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Let Ruel V. Delicana's three-fold liability for the serious administrative charges of Gross Misconduct, Prejudicial Conduct that Gravely Besmirches or Taints the Reputation of the Service, and Gross Insubordination be reflected on his service record.

SO ORDERED.⁹⁶

Delicana was likewise previously found guilty of Simple Misconduct in another case, *Atty. Lood v. Delicana*,⁹⁷ where the Court disposed the case as follows:

WHEREFORE, the Court finds Delicana Ruel V. Delicana, Legal Researcher, Municipal Trial Court in Cities of General Santos City, South Cotabato, Branch 3, **GUILTY** of simple misconduct. He is meted the penalty of **SUSPENSION** of one (1) year without pay, with a **STERN WARNING** that a repetition of similar or analogous infractions in the future shall be dealt with more severely.

SO ORDERED.⁹⁸

As previously mentioned, Delicana was already meted the penalty of dismissal from service, forfeiture of retirement and other benefits, except accrued leave credits; and perpetual disqualification from holding public office and reemployment in the government service, including government-owned and controlled corporations in *Alano*.⁹⁹ Relatedly, Rule 140, Section 18 instructs that:

If the Delicana is found liable for an offense which merits the imposition of the penalty of dismissal from service but the same can no longer be imposed due to the Delicana's supervening resignation, retirement, or other modes of separation from service except for death, he or she 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 credits; and/or
- (b) Fine as stated in Section 17 (1) (c) of this Rule.

In addition, Rule 140, Sections 19 and 20 provide:

Section 19. *Modifying Circumstances*. — In determining the appropriate penalty to be imposed, the Court may, in its discretion, appreciate the following mitigating and aggravating circumstances:

⁹⁶ *Id.*

⁹⁷ 824 Phil. 64 (2018) [Per J. Tijam, First Division].

⁹⁸ *Id.* at 72.

⁹⁹ A.M. No. P-20-4050 (Formerly OCA IPI No. 16-4600-P) and OCA IPI No. 16-4578-RTJ, June 14, 2022 [Per Curiam, En Banc].

....

(2) Aggravating Circumstances:

(a) Finding of previous administrative liability where a penalty is imposed, regardless of nature and/or gravity[.]

....

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.

As enumerated above, Delicana has been charged with and found guilty of administrative cases for which he was sanctioned for his disreputable acts. These administrative cases are considered aggravating circumstances in the present case, and thus, We deem it proper to impose a fine of PHP 400,000.00 against him.

The Court has stressed that court employees, from the presiding judge to the lowliest clerk, being public servants in an office dispensing justice, should always act with a high degree of professionalism and responsibility.¹⁰⁰ Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and court regulations.¹⁰¹ No position demands greater moral righteousness and uprightness from its holder than an office in the judiciary.¹⁰² Court employees should be models of uprightness, fairness and honesty to maintain the people's respect and faith in the judiciary.¹⁰³ They should avoid any act or conduct that would diminish public trust and confidence in the courts.¹⁰⁴ Indeed, those connected with dispensing justice bear a heavy burden of responsibility.¹⁰⁵

Anent Delicana's prayer for the release of his salaries for the services he rendered from the date he reported back to work starting August 23, 2019, We grant the same in the interest of justice and for humanitarian reasons.

To recall, the Court issued its June 3, 2019 Resolution lifting Delicana's suspension, and as a result, he reported for work starting August 23, 2019. While the penalty of dismissal carries with it the forfeiture of all benefits other than accrued leave credits, salaries for services already rendered, which the judiciary have likely benefited from, are not covered by the forfeiture. Thus, he

¹⁰⁰ *Office of the Court Administrator v. Lopez*, 654 Phil. 602, 607 (2011) [*Per Curiam, En Banc*].

¹⁰¹ *Id.* at 608–609.

¹⁰² *Id.* at 609.

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

is entitled to his salaries for the services already rendered when he reported back to work relying in good faith on the Court's June 3, 2019 Resolution.

For purposes of computing his salaries, however, the decision in *Alano*¹⁰⁶ should also be taken into account. The said case was promulgated on June 14, 2022, where Delicana was ordered dismissed from the service. Thus, his salaries can be reckoned from August 23, 2019 up to June 14, 2022. This is, of course, subject to the submission of complete and duly certified Daily Time Records for the said period, and after the same have been verified by the Office of the Court Administrator and Fiscal Management and Budget Office.


Corollarily, Rule 140, Section 22 instructs that "[w]hen the penalty imposed is a fine, the Delicana shall pay it within a period not exceeding three (3) months from the time the decision or resolution is promulgated. If unpaid, such amount may be deducted from the salaries and benefits, including accrued leave credits, due to the Delicana. The deduction of unpaid fines from accrued leave credits, which is considered as a form of compensation, is not tantamount to the imposition of the accessory penalty of forfeiture covered under the provisions of this Rule."

ACCORDINGLY, We **ADOPT** the findings of the Judicial Integrity Board. Considering, however, that Ruel V. Delicana had already been previously imposed the penalty of dismissal from the service, with prejudice to re-employment or appointment in any government agency, including government-owned or-controlled corporations, and with forfeiture of benefits, including allowances, bonuses, and retirement benefits, except accrued leave credits, and perpetual disqualification from holding public office and reemployment in the government service, including government-owned and controlled corporations, We deem it proper to impose upon Ruel V. Delicana a **FINE** in the amount of PHP 400,000.00, the same to be paid within three months from the time this Resolution is promulgated. If unpaid, such amount is to be deducted from respondent Rule V. Delicana's accrued leave credits, if any, or from the salaries corresponding to the services he rendered for the period August 23, 2019 to June 14, 2022. Any excess from the accrued salaries of respondent Ruel V. Delicana for the period August 23, 2019 to June 14, 2022 after deduction of the PHP 400,000.00 fine, shall be **RELEASED** to him, subject to the submission of complete and duly certified Daily Time Records for the said period, and after the same have been verified by the Office of the Court Administrator and Fiscal Management and Budget Office.

¹⁰⁶ A.M. No. P-20-4050 (Formerly OCA IPI No. 16-4600-P) and OCA IPI No. 16-4578-RTJ, June 14, 2022 [Per Curiam, En Banc].

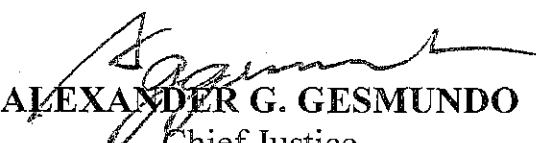
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SO ORDERED.”




RAMON PAUL L. HERNANDO
Associate Justice

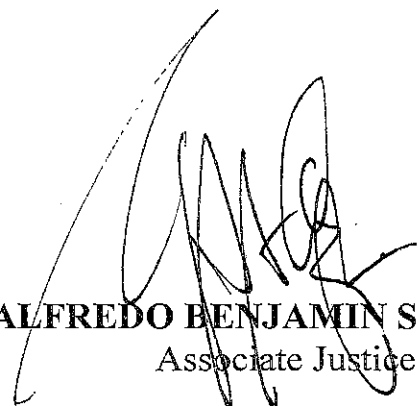
WE CONCUR:



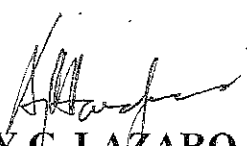
ALEXANDER G. GESMUNDO
Chief Justice




MARVIC M. V. F. LEONEN
Associate Justice




ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



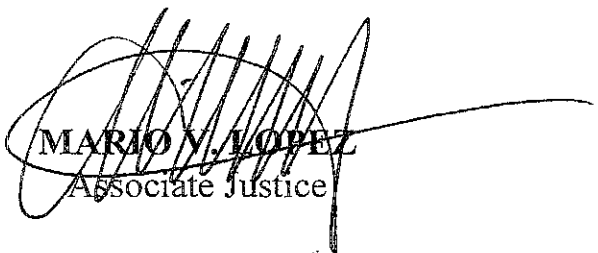
AMY C. LAZARO-JAVIER
Associate Justice



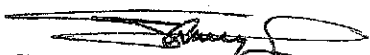
HENRI JEAN PAUL B. INTING
Associate Justice



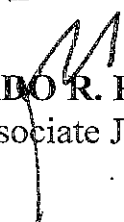
RODIL V. ZALAMEDA
Associate Justice



MARIO V. LOPEZ
Associate Justice



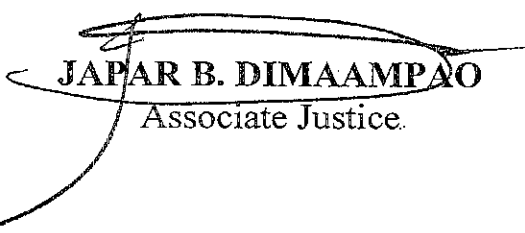
SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice



JHOSEP V. LOPEZ
Associate Justice

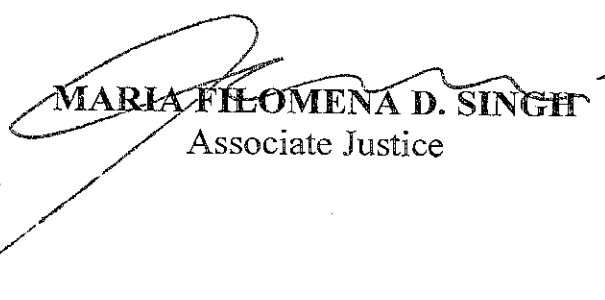


JAPAR B. DIMAAMPAO
Associate Justice.

No part.
JOSE MIDAS P. MARQUEZ
Associate Justice



ANTONIO T. KHO, JR.
Associate Justice



MARIA FILOMENA D. SINGH
Associate Justice