Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

OFFICE OF THE COURT ADMINISTRATOR,
Complainant,

- versus -

JOHNI GLENN D. RUNES,[1]
Respondent.

A.M. No. P-12-3055
(O.C.A. IPI No. 10-3509-P)

Present:

SERENO, *CJ*, Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
VILLARAMA, JR., and
REYES, *JJ.*

Promulgated:

MAR 2 6 2014

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DECISION

SERENO, *CJ:*

At bench is an administrative case that involves respondent Johni Glenn D. Runes, Clerk III of the Metropolitan Trial Court (MeTC), Branch 58, San Juan City.

In a letter dated 20 February 2009, the Office of the Ombudsman, Field Investigation Office, General Investigation Bureau-C, through acting Director Joselito Fangon, endorsed a Complaint received through ephemeral electronic communication (text message) to the Office of the Court Administrator (OCA). The text message reads:

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[1] In his Comment received on 20 December 2010, respondent referred to himself as "John Glenn D. Runes;" however, at times, the record refers to him as "Johni Glenn D. Runes."

> In San Juan courts, maraming fixers, si Glen Runez of MTC 58 and Conrado Gonzales of PAO, mahilig mangotong sa clients, the address is PNP Building Santolan San Juan. Marami sila.

On 25 March 2009, then Court Administrator Jose P. Perez[2] referred the matter to then Executive Judge Amelia C. Manalastas[3] for investigation and report.

On 22 May 2009, then Executive Judge Manalastas submitted a Confidential Report of Atty. Pablita M. Migriño, Clerk of Court. Atty. Migriño's findings are as follows:

> The complaint against subjects Mr. Glen Runez and Mr. Conrado Gonzales being "fixers" in the San Courts is factual. The impression that these two (2) employees give is that their actions are condoned and tolerated by the Court since the motions for reduction of bail are usually granted. They have been at this illegal activity for a long time since no one has dared to openly prevent them from doing so for fear that their employment or their cases be jeopardized.

On 31 July 2009, the matter was referred to the National Bureau of Investigation (NBI) for entrapment operations. Failing to get a response from the NBI, the OCA organized sometime in January 2010, an investigating team composed of lawyers. The team was asked to conduct a discreet investigation to determine the veracity of an anonymous Complaint on alleged case fixing in the MeTC of San Juan City.

The OCA investigating team interviewed several persons. However, it noted that, except for a single witness who was willing to be identified, all the other informants were not. Those who were unwilling to execute sworn statements on the alleged case-fixing activities were afraid that to do so would prejudice their cases. The lone witness claimed that case-fixing was indeed conducted through the processing of motions or applications to reduce bail in exchange for monetary consideration. Nevertheless, she did not identify respondent as the facilitator of these case-fixing activities.

Thus, in a Memorandum addressed to Court Administrator Jose Midas Marquez dated 9 September 2010, Wilhelmina Geronga, Chief, OCA Legal Office, recommended that the alleged case fixing be denied due course for insufficiency of evidence.

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[2] Now Associate Justice of the Supreme Court.
[3] Now Associate Justice of the Court of Tax Appeals.

In the course of the investigation, however, the investigating team found that respondent had the habit of loafing during office hours. He was found loafing in two (2) instances: (1) on 26 January 2010 when he was nowhere to be found in his station; and (2) on 26 April 2010 wherein he left his post at 1:45 p.m. and was caught leaving the parking area in a Toyota Corolla sedan bearing plate number JLL 933. In both instances, he declared in his Daily Time Records (DTRs) complete working hours of 8:00 a.m. to 4:30 p.m.

In his letter of explanation received by the OCA on 20 December 2010, respondent firmly and vehemently denied the allegations of loafing and raised the defense of mistake in identity. He asserted that he never left his post on 26 January 2010 or 26 April 2010 as evidenced by his DTRs which were signed by him and certified as true and correct by the Clerk of Court of MeTC Branch 58. Lastly, he posited that if he was seen leaving the area, it could have been for some errands.

In a Memorandum dated 21 February 2012, the OCA recommended that respondent be found guilty of the offense of loafing with the penalty of suspension for three (3) months without pay.

THE COURT'S RULING

The Complaint for case-fixing should be dismissed.

We agree with the recommendation of the OCA that the Complaint regarding case-fixing should be dismissed for lack of testimonial or documentary evidence.

Pursuant to Section 8, Rule II of the Revised Uniform Rules on Administrative Cases in the Civil Service (Uniform Rules): "No anonymous complaint shall be entertained unless there is obvious truth or merit to the allegations therein or supported by documentary or direct evidence, in which case the person complained of may be required to comment."

Indeed, the investigating team was able to gather information from various sources, but these sources failed to particularly identify respondent as the perpetrator of case-fixing in the processing of motions or applications for the reduction of bail. These informants refused to be identified and were reluctant to execute written testimonies, thus, making the information gathered from them inadmissible as evidence for being hearsay. Even the lone witness who was willing to disclose her identity did not directly

identify respondent as the one responsible for case-fixing. Also, the author of the anonymous complaint never came out in the open to testify on his or her claim that respondent was engaged in illegal activity.

An accusation is not synonymous with guilt. One who alleges a fact has the burden of proving it, since mere allegation is not evidence. Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on.[4] Therefore, due to the absence of either testimonial or documentary evidence to prove the culpability of respondent in the charge of case-fixing, the case cannot be given due course for insufficiency of evidence.

This Court has often reiterated the rule pertaining to anonymous complaints,[5] to wit:

> At the outset, the Court stresses that an anonymous complaint is always received with great caution, originating as it does from an unknown author. However, a complaint of such sort does not always justify its outright dismissal for being baseless or unfounded for such complaint may be easily verified and may, without much difficulty, be substantiated and established by other competent evidence.[6]

Respondent is guilty of loafing

As to the charge of loafing, the Court likewise adopts the OCA's finding of guilt.

Loafing is defined under the Civil Service rules as "frequent unauthorized absences from duty during office hours."[7] The word "frequent" connotes that the employees absent themselves from duty more than once.[8] Respondent's two absences from his post, being without authority, can already be characterized as frequent.[9] It constitutes inefficiency and dereliction of duty, which adversely affect the prompt delivery of justice.[10]

Substantial evidence shows that respondent is guilty of loafing. The investigation conducted by the investigating lawyers of the OCA revealed at

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[4] *Concerned Citizen v. Divina*, A.M. No. P-07-2369, 16 November 2011, 660 SCRA 167, 176.
[5] *Anonymous Complaint against Pershing T.Yared,* 500 Phil. 130 (2005).
[6] Id. at 136-137.
[7] SEC. 22, Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292.
[8] *Office of the Court Administrator v. Mallare*, 461 Phil.18, 26 (2003).
[9] *Grutas v. Madolaria*, A.M. No. P-06-2142, 16 April 2008, 551 SCRA 379, 387.
[10] *Anonymous v. Grande*, 539 Phil.1, 8 (2006).

least two (2) instances when he was out of his assigned post/station during regular office hours. He failed to sufficiently refute these findings.

First, the defense of mistaken identity proffered by respondent has no basis. His claim that there was a mistake in identity cannot prevail over the positive identification of the investigating team. It is standard procedure in the OCA that before it conducts a discreet investigation, the members of the team familiarize themselves with the profiles of the persons to be investigated—mainly by examining all available records, including the physical appearance of the subject. The OCA's investigating team was composed of lawyers, who were expected to know the basic procedure for the conduct of a discreet investigation. The team was certain about the identity of respondent based on his 201 files and upon verification from other members of the staff of Branch 58.[11] In this case, he was unable to come forward with the requisite quantum of proof that the proper procedure had not been followed. He did not even make any allegation or offer a theory about how the team could have committed a mistake in his identity.

Second, the assertion of respondent that he was doing errands during the times he was out of his station is likewise untenable. He did not present any proof, other than his self-serving claims, to support his claim in order to be exonerated from the charge. He did not even mention the purpose of the alleged errands or whose instruction or order he was following. One who alleges something must prove it; as a mere allegation is not evidence.[12]

It is imperative that as Clerk III, respondent should always be at his station during office hours; hence, if his absence were indeed because of some errand, he has yet again failed to provide sufficient proof that those errands were official in nature. As previously mentioned, he had not filed any application for leave, nor did he possess any written authority to travel to justify his absence. Absent such proof, his absence remains indubitably unauthorized.

In *Lopena v. Saloma*,[13] this Court ruled:

> Respondent is reminded that all judicial employees must devote their official time to government service. Public officials and employees must see to it that they follow the Civil Service Law and Rules. Consequently, they must observe the prescribed office hours and the efficient use of every moment thereof for public service if only to recompense the government and ultimately the people who shoulder the

[11] Memorandum dated 21 February 2012 from the OCA.
[12] *Gateway Electronics Corp. v. Asianbank Corp.*, G.R. No. 172041, 18 December 2008, 574 SCRA 698, 718.
[13] A.M. No. P-06-2280, 31 January 2008, 543 SCRA 228.

> cost of maintaining the judiciary. To inspire public respect for the justice system, court officials and employees are at all times behooved to strictly observe official time. 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 last and lowest of its employees. Thus, court employees must exercise at all times a high degree of professionalism and responsibility, as service in the judiciary is not only a duty; it is a mission.[14]

Likewise, *Roman v. Fortaleza*,[15] has enunciated:

> Court personnel must devote every moment of official time to public service. The conduct and behavior of court personnel should be characterized by a high degree of professionalism and responsibility, as they mirror the image of the court. Specifically, court personnel must strictly observe official time to inspire public respect for the justice system. Section 1, Canon IV of the Code of Conduct for Court Personnel mandates that court personnel shall commit themselves exclusively to the business and responsibilities of their office during working hours. Loafing results in inefficiency and non-performance of duty, and adversely affects the prompt delivery of justice.[16]

He maintains that his DTRs, which were signed by him and certified as true and correct by the Clerk of Court, support his claim that he never left his station. He cannot rely on the certification made by the Clerk of Court in his DTR because, as clearly shown therein, the latter's verification pertains to the prescribed office hours, and not to the correctness of the entries therein.[17]

Imposable Penalty

As regards the penalty, this Court does not agree with the recommendations of the OCA, which imposed a penalty of suspension for three (3) months without pay.

Section 52(A)(17), Rule IV of the Uniform Rules penalizes "frequent unauthorized absences, or tardiness in reporting for duty, **loafing** or frequent unauthorized absences from duty during regular office hours" at the first offense with a suspension from six (6) months and one (1) day to one (1) year.

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[14] Id. at 236-237.
[15] A.M. No. P-10-2865, 22 November 2010, 635 SCRA 465.
[16] Id. at 469.
[17] *Time Card* for 1-31 January and 1-30 April 2010 of Johni Glenn D. Runes, both containing the entries "Verified as to the prescribed office hours (sgd.) Clerk of Court."

The presence of mitigating facts is recognized in several administrative cases. Section 53(j), Rule IV of the Uniform Rules allows length of service in the government to be considered as a mitigating circumstance in the determination of the penalty to be imposed.

In this case, respondent has been in the service of the judiciary for eight (8) years and eight (8) months, and this is his first infraction. Hence, said circumstances should be considered as mitigating circumstances in the determination of the penalty to be imposed.

Although we recognize a mitigating circumstance in favor of respondent, we cannot impose a lower penalty than that prescribed under the Uniform Rules. Thus, Section 54(a) of the same rule provides that, when applicable, "[t]he minimum of the penalty shall be imposed where only mitigating and no aggravating circumstances are present."

Therefore, the minimum penalty for the offense of loafing which is six (6) months and one (1) day suspension pursuant to Section 52(A)(17), Rule IV of the Uniform Rules shall be imposed against respondent.

We emphasize that all court employees, being public servants in an office dispensing justice, must always act with a high degree of professionalism and responsibility. Their conduct must not only be characterized by propriety and decorum, but must also be in accordance with the law and court regulations. To maintain the people's respect and faith in the judiciary, court employees should be models of uprightness, fairness and honesty. They should avoid any act or conduct that would diminish public trust and confidence in the courts.[18]

WHEREFORE, respondent **Johni Glenn D. Runes** is found **GUILTY** of loafing. Accordingly, he is hereby **SUSPENDED** for six (6) months and one (1) day, with a very **STERN WARNING** that a repetition of the same or a similar offense will be dealt with more severely.

SO ORDERED.

MARIA LOURDES P. A. SERENO
Chief Justice, Chairman

[18] *Tan v. Quitorio*, A.M. No. P-11-2919, 30 May 2011, 649 SCRA 12, 25.

WE CONCUR:

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARTIN S. VILLARAMA, JR.
Associate Justice

BIENVENIDO L. REYES
Associate Justice