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Republic of the Philippines  
Supreme Court  
Manila

EN BANC

RE: INCIDENT OF A.M. No. 2019-11-SC  
UNAUTHORIZED OF Present:  
DISTRIBUTION OF  
PAMPHLETS CONCERNING  
THE ELECTION PROTEST OF  
FERDINAND MARCOS, JR. TO  
THE OFFICES OF THE  
JUSTICES OF THE SUPREME  
COURT.

PERALTA, *Chief Justice*,  
PERLAS-BERNABE,  
LEONEN,  
CAGUIOA\*,  
GESMUNDO,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER\*,  
INTING,  
ZALAMEDA,  
LOPEZ,  
DELOS SANTOS\*,  
GAERLAN, and  
ROSARIO JJ.

Promulgated: *Done - by the Apo. Justices*  
November 24, 2020

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RESOLUTION

LEONEN, J.:

Every court employee must exercise their duties with the utmost care and responsibility. Facilitating an unauthorized act is conduct prejudicial to the best interest of the service, and a claim of lack of knowledge cannot exculpate a court employee from liability.

\* On official leave.

This administrative matter arose from the August 9, 2019 Memorandum<sup>1</sup> issued by the Office of Administrative Services, which recommended that Luningning R. Marin (Marin), the chief judicial staff officer of the Philippine Judicial Academy, be found guilty of conduct prejudicial to the best interest of the service, and fined with ₱3,000.00.

On July 1, 2019, two persons, later identified as Arifa Macacua Jamil (Jamil) and Zeus Alonzo (Alonzo), entered the New Supreme Court Building. The security personnel found nothing untoward as Marin fetched them from the pedestrian entrance and told them that the two would file documents and give something to the justices' offices.<sup>2</sup>

Jamil and Alonzo, accompanied by Marin, and later by Process Server Joselito Santos (Santos), distributed envelopes containing a 39-page pamphlet entitled, "The Election Protest of Bongbong Marcos, A Simplified Illustration as of May 2019,"<sup>3</sup> to the justices' offices. The Office of Administrative Services reported that the pamphlet advocated for a ruling in Ferdinand Marcos, Jr.'s (Marcos) favor in his election protest pending before the Presidential Electoral Tribunal.<sup>4</sup>

On July 11, 2019, the Office of Administrative Services received copies of the Incident Report<sup>5</sup> and CCTV footage from the Security Division. It then directed Marin<sup>6</sup> and Santos<sup>7</sup> to explain.

In her July 18, 2019 letter,<sup>8</sup> Marin narrated that on the day of the incident, Edgar G. Rozon (Edgar), son of Soledad G. Rozon, her friend and former colleague, called asking to see her as he was "going to file or distribute something"<sup>9</sup> in this Court. Having known him since he was a child, Marin trusted him.<sup>10</sup>

In Edgar's stead, Jamil and Alonzo arrived, introducing themselves as his co-workers. Marin knew that Edgar and his mother worked for former senator Marcos, but did not think much of it. She helped Jamil and Alonzo pass through the guards and accompanied them to the justices' offices, starting from the uppermost floor. When they reached the Office of the

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<sup>1</sup> *Rollo*, pp. 1-7.

<sup>2</sup> *Id.* at 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 13-16.

<sup>6</sup> *Id.* at 11.

<sup>7</sup> *Id.* at 12.

<sup>8</sup> *Id.* at 7-8.

<sup>9</sup> *Id.* at 7.

<sup>10</sup> *Id.*

Clerk of Court *En Banc* on the third floor, they bumped into Santos, whom Marin then asked to accompany the two to the offices still unvisited.<sup>11</sup>

In Santos's letter,<sup>12</sup> he explained that he was about to distribute the notice of raffle results from the Office of the Clerk of Court *En Banc* when Marin approached him, asking if he could accompany the two people she was with so she could go back to work. Since he was about to enter the justices' offices, he did not mind the two tagging along. He did not know who the two were, or what they distributed.<sup>13</sup>

In its August 9, 2019 Memorandum,<sup>14</sup> the Office of Administrative Services recommended that Santos be cleared of any administrative charges, finding that he did not actively participate in the incident. It noted the CCTV footage showing that Jamil and Alonzo were merely following Santos, who was simply busy at work.<sup>15</sup> He did not appear at all to be colluding with them.<sup>16</sup>

As to Marin, the Office of Administrative Services recommended that she be found guilty of conduct prejudicial to the best interest of the service and fined with ₱3,000.00. It found that having no knowledge on the envelope's contents does not free her from charges. It reasoned that meeting strangers instead of her friend should have put her on guard, but instead of inquiring what their business was, she even spoke to the guards on their behalf. This was deemed a grossly negligent act amounting to conduct prejudicial to the best interest of the service.<sup>17</sup>

Thus, the Office of Administrative Services recommended that:

1. Ms. Luningning R. Marin, SC Chief Judicial Staff Officer, Office of the Chancellor, Philippine Judicial Academy be found GUILTY of Conduct Prejudicial to the Best Interest of the Service for her complicity in the unauthorized distribution of pamphlets concerning the election protest of Ferdinand "Bong Bong" Marcos, Jr. to the Offices of the Justices of the Supreme Court; and
2. she be imposed with the penalty of a FINE in the amount of Three Thousand (Php 3,000.00) Pesos, with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.<sup>18</sup>

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<sup>11</sup> Id. at 2 and 7-8.

<sup>12</sup> Id. at 9.

<sup>13</sup> Id.

<sup>14</sup> Id. at 1-6.

<sup>15</sup> Id. at 3.

<sup>16</sup> Id.

<sup>17</sup> Id. at 3-5.

<sup>18</sup> Id. at 5-6.

On August 30, 2019, Marin sent a letter<sup>19</sup> reiterating that she “genuinely regret[s] any error of judgment”<sup>20</sup> in assisting her friend’s son. She apologized for the unintended lapse and sought this Court’s consideration. She stressed that she has an untarnished record, and that working in this Court for the past three decades has been an integral part of her life.<sup>21</sup>

This Court resolves the sole issue of whether or not Chief Judicial Staff Officer Luningning R. Marin is guilty of conduct prejudicial to the best interest of the service.

This Court adopts the findings of the Office of Administrative Services, but resolves to decrease the imposed penalty.

Laws do not define or enumerate specific acts or omissions deemed prejudicial to the best interest of the service, but they are understood to be those that “violate the norm of public accountability and diminish — *or tend to diminish — the people’s faith in the Judiciary.*”<sup>22</sup> Conduct prejudicial to the best interest of the service constitutes one’s acts that “tarnish the image and integrity of [their] public office.”<sup>23</sup> It “need not be related or connected to the public officer’s official functions.”<sup>24</sup>

As the Office of Administrative Services found, Marin’s act was undoubtedly detrimental to the reputation of this Court and the entire Judiciary. She carelessly allowed Jamil and Alonzo’s distribution of pamphlets advocating for a party in a case pending before this Court. She facilitated the easy access these strangers had to the justices’ offices without going through the scrutiny of our security personnel.

Marin made it possible for Marcos to unduly influence this Court in its ruling. She knew that both her friend Soledad and her son Edgar worked for the office of Marcos, who has a pending case before this Court. She narrated that Edgar informed her that he was filing a document. She also recounted that when Jamil and Alonzo showed up, they introduced themselves as Edgar’s co-workers. We cannot excuse her for simply not knowing the contents of the pamphlets they distributed.

Marin may have made an erroneous judgment as she claims to have been victimized by a friend, but the unauthorized distribution of the pamphlet championing Marcos’s cause would not have happened if not for

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<sup>19</sup> Id. at 41.

<sup>20</sup> Id. at 41.

<sup>21</sup> Id.

<sup>22</sup> *Marigomen v. Manabat, Jr.*, 676 Phil. 157, 165 (2011) [Per J. Brion, Second Division].

<sup>23</sup> *Pia v. Gervacio, Jr.*, 710 Phil. 196, 206 (2013) [Per J. Reyes, Jr., First Division].

<sup>24</sup> *Largo v. Court of Appeals*, 563 Phil. 293, 305 (2007) [Per J. Ynares-Santiago, En Banc].

her gross negligence. We cannot brush aside her act, despite her claim that her kindness had been abused. This Court affirms the Office of Administrative Services' findings:

[I]t was incredibly reckless and unthinkable for a court employee ranked as high as a SC Chief Judicial Staff Officer to fail to grasp that *any direct transaction with an office of a Justice of the Supreme Court, much less all of them, is not a matter to be taken lightly*. Yet, instead of being wary and cautious about the whole affair, she not only allowed such persons to gain access to the Court, but even left them to do as they please. In the same vein, although Ms. Marin may not be a member of the Bar, considering her rank and tenure in the Court, it is safe to presume that she ought to have known the established procedures to be followed in the Court. If she wanted to extend assistance to a party litigant with a case in the Court, she could have directed them to the proper office to receive assistance if they were so inclined to make a manifestation to the Court, or at the very least, endorsed them to the proper court staff or officer with the knowledge to properly advise them.<sup>25</sup> (Emphasis supplied)

Marin's gross negligence is not the behavior expected of court employees, more so of one who has been with this Court for more than three decades, and has held several supervisory positions. As the Office of Administrative Services underscored, Marin has had a long tenure in this Court. She started as a confidential stenographer in 1987, served in the Senate Electoral Tribunal in 1999, the Presidential Electoral Tribunal in 2003 and 2007, and since 2009, has held the supervisory rank of chief judicial staff officer in the Philippine Judicial Academy.<sup>26</sup>

Court employees must exercise their duties with the utmost care and responsibility. It is "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."<sup>27</sup> In *Consolacion v. Gambito*:<sup>28</sup>

The Court stresses that the conduct of *every court personnel* must be beyond reproach and free from suspicion that may cause to sully the image of the Judiciary. They must totally avoid any impression of impropriety, misdeed or misdemeanor not only in the performance of their official duties but also in conducting themselves outside or beyond the duties and functions of their office. Court personnel are enjoined to conduct themselves toward maintaining the prestige and integrity of the Judiciary for the very image of the latter is necessarily mirrored in their conduct, both official and otherwise. They must not forget that they are an integral part of that organ of the government sacredly tasked in dispensing justice. Their conduct and behavior, therefore, should not only be circumscribed with the heavy burden of responsibility but at all times be

<sup>25</sup> *Rollo*, p. 4.

<sup>26</sup> *Id.* at 4. *See also rollo*, pp. 17–19, Marin's Service Record in this Court.

<sup>27</sup> *Marquez v. Clores-Ramos*, 391 Phil. 1, 11 (2000) [Per J. Kapunan, First Division] citing *Estreller v. Manatad*, 335 Phil. 1077 (1997) [Per J. Kapunan, First Division]; and *Sy v. Cruz*, 321 Phil. 236 (1995) [Per J. Regalado, Second Division].

<sup>28</sup> 690 Phil. 44 (2012) [Per Curiam, En Banc].

defined by propriety and decorum, and above all else beyond any suspicion.<sup>29</sup> (Emphasis supplied, citation omitted)

This Court has repeatedly cautioned its employees to always act “with propriety and decorum, but above all else, must be above and beyond suspicion.”<sup>30</sup> Marin failed to be circumspect in balancing her personal dealing with a friend and her commitment to protect this institution. Her failure to prudently act may impair this Court’s image, cast doubt on the impartiality of the justices, and ultimately undermine the public’s trust in the Judiciary.

Thus, for failing to meet the exacting standard imposed on her, Marin should be held accountable.

Under the 2017 Rules on Administrative Cases in the Civil Service, conduct prejudicial to the best interest of the service is a grave offense punishable by suspension of six (6) months and one (1) day to one (1) year on the first offense and dismissal from service on the second.<sup>31</sup>

The 2017 Rules, however, grants the disciplining authority the discretion to consider mitigating circumstances in imposing the penalty.<sup>32</sup> In a recent case, this Court held:

In several cases, this Court has refrained from imposing the actual penalties in the presence of mitigating factors. Factors such as the employee’s length of service, acknowledgment of his or her infractions and feelings of remorse for the same, advanced age, family circumstances, and other humanitarian and equitable considerations, had varying significance in the determination of the imposable penalty.<sup>33</sup>

This Court notes that Marin acknowledged her mistake, expressed remorse, and asked this Court’s indulgence for a second chance. This is her first offense in her three decades of service to the Judiciary. We employ some degree of leniency and impose the penalty of fine of ₱1,000.00. However, a repetition of similar acts shall be dealt with more severely.

**WHEREFORE**, Chief Judicial Staff Officer Luningning R. Marin of the Office of the Chancellor, Philippine Judicial Academy is found **GUILTY** of conduct prejudicial to the best interest of the service. She is

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<sup>29</sup> Id. at 57.

<sup>30</sup> *Ferrer v. Gapsin, Sr.*, 298 Phil. 572, 577 (1993) [Per Curiam, En Banc].

<sup>31</sup> 2017 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, sec. 50(B)(10).


<sup>32</sup> 2017 RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, sec. 53.

<sup>33</sup> *Re: Unauthorized Travel Abroad of Jonathan R. Geronimo, Utility Worker I, Regional Trial Court, Baguio City, Benguet, Branch 5*, A.M. No. P-20-4058, September 9, 2020, <<https://sc.judiciary.gov.ph/15017/>> 3 [Resolution, Third Division].

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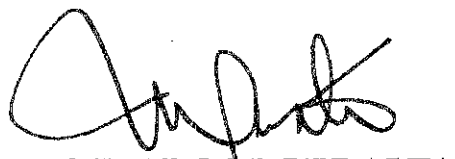
ordered to pay a fine of ₱1,000.00, with a **STERN WARNING** that a repetition of the same or similar acts shall be dealt with more severely.

**SO ORDERED.**




**MARVIC M.V.F. LEONEN**  
Associate Justice

WE CONCUR:



**DIOSDADO M. PERALTA**  
Chief Justice

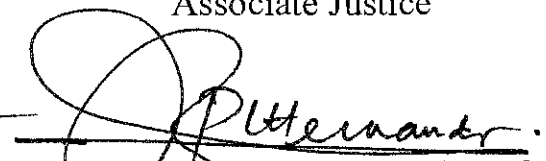


**ESTELA M. BERLAS-BERNABE**  
Associate Justice

On official leave  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice



**ALEXANDER G. GESMUNDO**  
Associate Justice



**RAMON PAUL L. HERNANDO**  
Associate Justice

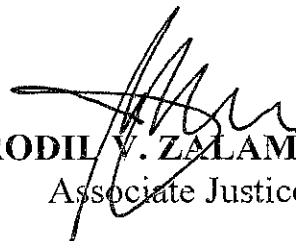


**ROSMARI D. CARANDANG**  
Associate Justice

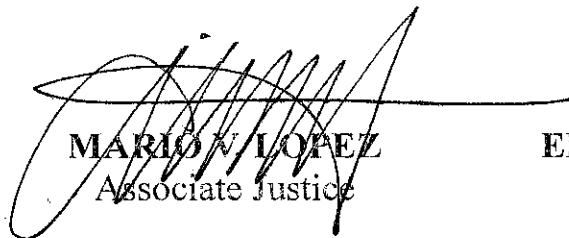
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**AMY C. LAZARO-JAVIER**  
Associate Justice



**HENRI JEAN PAUL B. INTING**  
Associate Justice




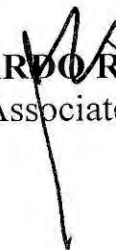
**RODIL V. ZALAMEDA**  
Associate Justice

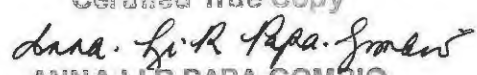


**MARIO V. LOPEZ**  
Associate Justice

On official leave  
**EDGARDO L. DELOS SANTOS**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

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Deputy Clerk of Court En Banc  
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