



Republic of the Philippines
Supreme Court
Manila

THIRD DIVISION

SUPREME COURT OF THE PHILIPPINES
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RE JUL 01 / 2020
BY: HENRY
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NOTICE

Sirs/Mesdames:

*Please take notice that the Court, Third Division, issued a Resolution dated **June 17, 2020**, which reads as follows:*

“G.R. No. 229299 (Spouses Eduardo J. Libres and Josephine Junio-Libres v. Ernesto Cunanan). – After a judicious review of the records, the Court resolves to **DENY** the petition for failure of the petitioners to prove that the Court of Appeals (CA) committed any reversible error when it promulgated its July 29, 2016 Decision¹ and January 5, 2017 Resolution.²

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. It is intentional wrongdoing or deliberate violation of a rule of law or standard of behavior and to constitute an administrative offense, the misconduct should relate to or be connected with the performance of the official functions and duties of a public officer. In order to differentiate gross misconduct from simple misconduct, the elements of corruption, clear intent to violate the law, and not a mere error of judgment, or flagrant disregard of established rule, must be manifest in the former.³

On the other hand, 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.⁴

Notable that herein petitioners failed to prove the illicit motives of respondent in collecting money from them, or that respondent personally gained from the amounts that he collected. Neither should the demolition be construed as an indication of gross misconduct in the absence of any evidence

¹ *Rollo*, pp. 23-38; penned by Associate Justice Ramon A. Cruz with Associate Justices Marlene B. Gonzales-Sison and Henri Jean Paul B. Inting (now a Member of this Court), concurring.

² *Id.* at 9-11.

³ *Sarno-Davin v. Quirante*, A.M. No. P-19-4021, January 15, 2020.

⁴ *Bagaoisan v. Office of the Ombudsman for Mindanao*, G.R. No. 242005, June 26, 2019; *Andaya v. Field Investigation Office of the Office of the Ombudsman*, G.R. No. 237837, June 10, 2019.

tending to establish that respondent benefitted therefrom. Accordingly, We find that respondent committed only simple misconduct.

WHEREFORE, the Petition for Review is **DENIED** and the July 29, 2016 Decision and January 5, 2017 Resolution promulgated by the Court of Appeals in CA-G.R. SP No. 143660 are hereby **AFFIRMED**.

SO ORDERED."

Very truly yours,

Misa DC Batt
MISAELO DOMINGO C. BATTUNG III
Division Clerk of Court *grm 6/17/20*

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