



Republic of the Philippines
Supreme Court
Baguio City

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated April 26, 2022 which reads as follows:

“A.M. No. P-22-044 [Formerly OCA IPI No. 18-4829-P] (Maricris A. Liloc, Branch Clerk of Court, Branch 17, Metropolitan Trial Court, Manila, Complainant vs. Joshua C. Benesisto, Court Interpreter II, Branch 17, Metropolitan Trial Court, Manila, Respondent). – This administrative matter arose from the verified letter-complaint¹ of Maricris A. Liloc (complainant), Branch Clerk of Court, Branch 17, Metropolitan Trial Court (MeTC), Manila charging Joshua C. Benesisto (respondent), Court Interpreter II of the same court, with insubordination.

The Antecedents

On May 24, 2018, at around 9:00 a.m., complainant called respondent’s attention regarding the dates of resetting of cases scheduled for hearing before the MeTC after she heard Katya Santos, Court Stenographer II, of the same court, telling respondent: *“Bakit iba yung dates of resetting na binigay mo?”*² Complainant interrupted and asked respondent: *“Bakit di mo sinunod yung mga dates na nilagay ko sa calendar?”*³ Thereafter, respondent started yelling: *“Ano gusto mo pahiyain pa kita kay Fiscal?!”*⁴ This prompted complainant to ask another court staff to call the security guard because of respondent’s unruly behavior. Then, respondent continued shouting at

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¹ *Rollo*, pp. 2-3.

² *Id.* at 5.

³ *Id.*

⁴ *Id.*



complainant saying: “*Subukan mo lang! Don't you dare me! Subukan mo lang paalis ako dito sa seat ko, may mangyayaring di maganda!*”⁵ Complainant, out of fear, went to the building lobby to report the incident to the security personnel. However, respondent followed complainant and confronted her near the security area.⁶

To avoid further altercation, complainant, accompanied by two of her co-employees, left the area and proceeded to the MASA Police Station to have the incident entered into the police blotter.⁷

Apparently, this was not the first time that respondent harassed complainant, who is his superior.

On July 25, 2015, respondent, through his social media account, sent to complainant the following unpleasant and sexually explicit messages, *viz.*:

Nakita mo ba tong pukeng to. [referring to complainant's picture] ang pangalan nya ay Maricris Liloc pero ang tawag ko sa kanya Boss:

In other news: Kuma[k]ain pa rin ako ng nipples este nips... An sarap sobra ahhhhh.

I love u Maricris.

Gigil na ako sa kasabikan na maKiKita ulit kita sa monday.

Tamo:

[Respondent sent a picture of himself lip biting]

x x x x

Gusto mo makita sa baba? Mas gigil pa dyan?!

Nagpapahinga lang mayamaya.

*May viagra ka ba dyan. Dala ka parati ah. Dami mong bag eh hayup ka*⁸

On August 3, 2015, respondent apologized to complainant and begged for another chance as he wanted to continue working for the Judiciary.⁹ Complainant accepted respondent's apologies considering

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⁵ Id.

⁶ Id. at 5-6.

⁷ Id. at 6.

⁸ Id. at 10.

⁹ Id. at 15.

that the branch was lacking in manpower.¹⁰ However, a month later,¹¹ respondent continued to send a stream of unpleasant messages to complainant which included countless of unsolicited self-portrait photographs or “selfies.”¹² He would also dial complainant’s phone number reaching up to 70 to 100 missed calls in a matter of only one hour.¹³

Hence, the complaint.

Complainant alleged that respondent’s actuations on May 24, 2018 wherein he threatened her safety, coupled with the fact that he had been continuously harassing her from 2015 up to the present, are constitutive of insubordination.¹⁴ Complainant added that she and her other co-workers no longer feel safe in the workplace because of respondent’s strange behavior.¹⁵

In a 1st Indorsement¹⁶ dated June 6, 2018, the Office of the Court Administrator (OCA) required respondent to file his comment on the complaint.

In his Comment¹⁷ dated August 7, 2018, respondent, instead of explaining his position, opted to submit only four letters: “L-O-V-E.”

Respondent’s letter, quoted in full, reads as follows:

Pax!

In stringent compliance with the directive from Your Humble Office to the undersigned for him to comment, he heretofore them file as such and in a measly four (4) letters, viz [sic]

L-O-V-E.

I have been like this since time immemorial.

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¹⁰ Id. at 2.

¹¹ Starting September 9, 2015 up to May 4, 2018; id. at 10-13.

¹² “Selfie” is referred to as an image that includes oneself and is taken by oneself using a digital camera especially for posting on social networks <<https://www.merriam-webster.com/dictionary/selfie>> (last accessed on March 30, 2022).

¹³ *Rollo*, p. 2.

¹⁴ Id. at 3.

¹⁵ Id.

¹⁶ Id. at 19. Signed by Court Administrator Jose Midas P. Marquez (now a Member of the Court) and Wilhelmina D. Geronga, OCA Chief of Office, Legal Office.

¹⁷ Id. at 23-24.

It is my middlename.¹⁸

And my number one rule is the same rule God laid down upon us all from year zero to Moses' time, to present and all the way to the future, ff:

“Thou [shan't] kill.”

The rest just precedes this.

I never with all consciousness of humanity made a single thought or inkling of killing or hurting anyone.

That is all. Thank you. I remain.¹⁹

In a Supplemental Comment²⁰ dated January 7, 2019, respondent admitted the incident that occurred on May 24, 2018. He explained that he was not able to follow the dates prepared by complainant in the resetting of cases scheduled for hearing because the latter was busy talking with Assistant City Prosecutor John Allen Farinas instead of helping him.²¹ Respondent likewise admitted having sent the messages that he sent to complainant, though he said he was not proud of what he did. He offered to marry complainant as compensation for his sins but she rejected him.²²

Subsequently, the case was transmitted from the OCA to the Judicial Integrity Board (JIB) pursuant to the Internal Rules of the JIB.²³

In its Report and Recommendation²⁴ dated November 16, 2021, the JIB found that respondent did not commit insubordination considering that there is no proof that complainant gave respondent an order which he refused to obey. Nonetheless, the JIB found him guilty of simple discourtesy in the course of official duties when he raised his voice at complainant – his superior. Thus, the JIB recommended that: (1) the case be re-docketed as a regular administrative matter; and (2) respondent be held guilty of simple discourtesy in the course of official duties and be meted out the penalty of reprimand with a stern warning that a commission of the same or similar acts shall be dealt with more severely.²⁵

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¹⁸ Respondent's middle name is Cupido.

¹⁹ *Rollo*, p. 23.

²⁰ *Id.* at 21-22.

²¹ *Id.* at 21.

²² *Id.*

²³ *Id.* at 31.

²⁴ *Id.* at 26-33. Penned by Justice Rodolfo A. Ponferrada (Ret.) and concurred in by Justices Romeo J. Callejo, Sr. (Ret.), Angelina Sandoval-Gutierrez (Ret.), and Sesinando E. Villon (Ret.).

²⁵ *Id.* at 32-33.

The Issue

The issue to be resolved in this case is whether respondent should be held administratively liable.

The Court's Ruling

The Court adopts the findings of the JIB with modification in view of the Further Amendments to Rule 140 of the Rules of Court²⁶ issued on February 22, 2022.

Insubordination is committed when an employee (*i.e.*, Court Interpreter) refuses to obey a reasonable and lawful order given by a superior officer (*i.e.*, Branch Clerk of Court).²⁷ On the other hand, jurisprudence dictates that the employee's act of raising his or her voice and using insulting words towards a superior officer, such as the Clerk of Court, constitutes simple discourtesy in the course of official duties.²⁸ Here, the JIB correctly ruled that respondent did not commit insubordination but found him guilty of only simple discourtesy in the course of official duties, considering that there was no adequate proof that complainant gave respondent an order and that he refused to obey it.²⁹

The JIB, however, failed to discuss in its report complainant's other allegations of insubordination, such as the series of lewd and sexually explicit messages, unsolicited selfies, and other strange conduct committed by respondent.³⁰ The allegations are not supported by the records of the case but are in fact admitted by respondent;³¹ thus the Court finds it proper to squarely address the issue.³²

On this note, respondent's act of harassing complainant by sending her unsolicited sexually charged messages, just like his act of raising his voice at complainant, does not constitute insubordination because there is neither an order given by the superior officer nor a refusal to follow such order. Thus, the Court finds respondent guilty of Disgraceful and Immoral Conduct.³³

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²⁶ A.M. No. 21-08-09-SC.

²⁷ See *Judge Espinosa v. Balisnomo*, A.M. No. P-20-4039, February 26, 2020, citing *Dalmacio-Joaquin v. Dela Cruz*, 604 Phil. 256, 261 (2009).

²⁸ See *Lam v. Garcia*, 780 Phil. 473, 477 (2016).

²⁹ *Rollo*, p. 36.

³⁰ *Id.* at 2, 14.

³¹ *Id.* at 29.

³² See *Berso, Jr. v. Judge Rabe*, A.M. No. RTJ-21-010, November 23, 2021.

³³ Section 46(B)(3), Rule 10 of the Revised Uniform Rules on Administrative Cases in the Civil Service.

To be sure, Disgraceful and Immoral Conduct has been defined as “*an act which violates the basic norm of decency, morality and decorum abhorred and condemned by the society.*”³⁴ It refers to “conduct that is willful, flagrant or shameless, shows moral indifference to the opinion of the good and respectable members of the community, and includes conduct inconsistent with rectitude or indicative of corruption, indecency, depravity and dissoluteness.”³⁵ Moreover, it may be committed in a scandalous or discreet manner, within or out of the workplace,³⁶ as in the case.

To illustrate, in *Diomampo v. Laribo, Jr.*³⁷ (*Laribo*), the court personnel therein admittedly spread malicious and degrading words against another court personnel in violation of the norms of ethics and conduct expected of public officials and employees. However, he asserted that his sexual remarks were only uttered in jest.³⁸ The Court found the court personnel therein guilty of Disgraceful and Immoral Conduct and declared that the image of a court of justice is “mirrored in the conduct, official or otherwise, of the women and men who work in the judiciary, from the judge to the lowest of its personnel.”³⁹ Thus, the mere utterance of foul words that degrade morality, even if made in jest or without malicious intent, cannot be countenanced.⁴⁰

Similarly, respondent, in his Supplemental Comment,⁴¹ admitted that he sent “*unspeakable words, phrases and sentences*” in his unsolicited sexually charged messages to complainant. Even assuming that respondent committed the acts without any malicious intent or because of “L-O-V-E” as he claims, they are still willful, flagrant, or shameless, and it shows a moral indifference to the opinions of the good and respectable members of the community. Notably, these acts constitute gender-based online sexual harassment

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³⁴ Section 1 of Civil Service Commission Memorandum Circular No. 15, Series of 2010.

³⁵ *Lamsis v. Sales*, 823 Phil. 131, 137 (2018).

³⁶ *Re: Cloyd D. Garra*, A.M. No. 2019-14-SC, February 10, 2020.

³⁷ 687 Phil. 47 (2012).

³⁸ *Id.* at 53.

³⁹ *Id.*

⁴⁰ *Id.* at 53-54.

⁴¹ *Rollo*, p. 26.

which is defined⁴² and punished⁴³ under Republic Act No. (RA) 11313, otherwise known as the Safe Spaces Act.⁴⁴

It bears noting, however, that the Court, in A.M. No. 18-01-05-SC,⁴⁵ amended the Rules of Court and included personnel of the lower courts, such as respondent, within the coverage of Rule 140.⁴⁶

Under Section 14(a), Rule 140, as further amended by A.M. No. 21-08-09-SC, Gross Misconduct constituting violations of the Code of Conduct of Court Personnel⁴⁷ is classified as a serious charge. On the other hand, Simple Misconduct constituting violations of the Code of Conduct of Court Personnel is classified as a less serious charge under Section 15(a) of the same rule.

Jurisprudence dictates that “[i]n 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.”⁴⁸

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⁴² Section 12 of Republic Act No. (RA) 11313 provides:

Section 12. *Gender-Based Online Sexual Harassment.* – Gender-based online sexual harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim’s privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim’s photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing false abuse reports to online platforms to silence victims.

⁴³ Section 14 of RA 11313 provides:

Section 14. *Penalties for Gender-Based Online Sexual Harassment.* – The penalty of *prison correccional* in its medium period or a fine of not less than One hundred thousand pesos (₱100,000.00) but not more than Five hundred thousand pesos (₱500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of any gender-based online sexual harassment.

x x x x

⁴⁴ Entitled: “*An Act Defining Gender-Based Sexual Harassment in Streets, Public Spaces, Online, Workplaces, and Educational or Training Institutions, Providing Protective Measures and Prescribing Penalties Therefor,*” approved on April 17, 2019.

⁴⁵ Supreme Court, SC Administrative Matter No. 18-01-05-SC (October 2, 2018). In a Resolution dated July 7, 2020 (A.M. No. 21-03-17-SC), the Court further amended Rule 140 and clarified that the rule shall cover discipline of personnel of the Judiciary. See *Brasales v. Borja*, A.M. No. P-21-024, June 16, 2021.

⁴⁶ Rule 140 - Discipline of Members, Officials, Employees, and Personnel of the Judiciary. See A.M. No. 21-08-09-SC dated February 22, 2022.

⁴⁷ Supreme Court, Re: Code of Conduct for Court Personnel, SC Administrative Matter No. 03-06-13-SC (May 15, 2004).

⁴⁸ *Hon. Sarno-Davin v. Quirante*, A.M. No. P-19-4021, January 15, 2020, citing *Duque v. Calpo*, A.M. No. P-16-3505, January 22, 2019.

Considering the foregoing, the Court finds respondent guilty of (1) the less serious charge of Simple Misconduct when he committed Simple Discourtesy in the course of official duties and (2) the serious charge of Gross Misconduct when he constantly harassed complainant, his superior officer, in flagrant disregard of established rules, which he expressly admitted.

Anent the proper penalty, paragraphs 1 and 2 of Section 17, Rule 140 read:

SECTION 17. *Sanctions.* –

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

(a) Dismissal from service, 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;

(b) Suspension from office without salary and other benefits for more than six (6) months but not exceeding one year; or

(c) A fine of more than ₱100,000.00 but not exceeding ₱200,000.00

(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 ₱35,000.00 but not exceeding ₱100,000.00.

The Court notes that this is the first time respondent is found administratively liable per available records.

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Thus, the Court reduces the penalty imposed under Rule 140, and accordingly, suspends respondent for a period of fifteen (15) days for committing Simple Misconduct.⁴⁹

On the other hand, the Court finds respondent to have also violated RA 11313, otherwise known as the Safe Spaces Act, based on his admission in his Supplemental Comment⁵⁰ that he sent “*unspeakable words, phrases and sentences*” in his unsolicited sexually charged messages to complainant. Thus, for committing Gross Misconduct, the Court deems it proper to suspend respondent from office without salary and other benefits for a period of nine (9) months.

“Time and again, the Court has reminded all employees that discourtesy and disrespect have no place in the Judiciary.”⁵¹ Any scandalous behavior that may tarnish the image of Our institution will not be tolerated.

WHEREFORE, the instant administrative complaint against respondent Joshua C. Benesisto, Court Interpreter II, Branch 17, Metropolitan Trial Court, Manila is **RE-DOCKETED** as a regular administrative matter.

The Court finds respondent Joshua C. Benesisto **GUILTY** of the following:

1. The less serious charge of Simple Misconduct, for which he is **SUSPENDED** for a period of fifteen (15) days with a **STERN WARNING** that a repetition of the same or similar act in the future shall be dealt with more severely; and
2. The serious charge of Gross Misconduct, for which he is **SUSPENDED** for nine (9) months with a **WARNING** that a repetition of the same or similar act shall be dealt with more severely.

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⁴⁹ Section 20 of Rule 140 of the Rules of Court provides:

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 the Rule.

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


⁵⁰ *Rollo*, p. 25.

⁵¹ *De Los Santos v. Vasquez*, 826 Phil. 397, 402 (2018).

The entire staff of Branch 17, Metropolitan Trial Court, Manila, are also **STRONGLY REMINDED** to be more circumspect in their dealings with each other in the workplace.

SO ORDERED.” Gaerlan, J., on official leave.

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court *pk 912*

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court

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DEC 0 1 2022

Ms. Maricris A. Liloc
Complainant – Clerk of Court III
Metropolitan Trial Court, Branch 17
1000 Manila

Mr. Joshua C. Benesisto
Respondent – Court Interpreter II
Metropolitan Trial Court, Branch 17
1000 Manila

The Hon. Presiding Judge
Metropolitan Trial Court, Branch 17
1000 Manila

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