



Republic of the Philippines
Supreme Court
Manila

EN BANC

OFFICE OF THE COURT
ADMINISTRATOR [Formerly A.M.
No. 18-12-278-RTC - Re: REPORT
OF JUDGE MA. THERESA A.
CAMANNONG ON THE ALLEGED
CORRUPT PRACTICES OF MS.
NEMIA ALMA Y. ALMANOCHE,
COURT STENOGRAPHER III,
BRANCH 10, REGIONAL TRIAL
COURT, MALAYBALAY CITY,
BUKIDNON],

Petitioner,

- versus -

NEMIA ALMA Y. ALMANOCHE,
COURT STENOGRAPHER III,
BRANCH 10, REGIONAL TRIAL
COURT, MALAYBALAY CITY,
BUKIDNON,

Respondent.

A.M. No. P-19-3923

Present:

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

Promulgated:

January 30, 2024

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DECISION

* No part.

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LOPEZ, J., J.

This Court resolves an administrative matter involving Nemia Alma Y. Almanoche (Almanoche), a Court Stenographer III of Branch 10, Regional Trial Court (RTC), Malaybalay City, Bukidnon.

This case arose from the Letter¹ of Presiding Judge Ma. Theresa A. Camannong (Judge Camannong) of Branch 9, RTC of Malaybalay City, Bukidnon (Branch 9), to Acting Presiding Judge Eldred D. Cole (Judge Cole) of Branch 10, RTC, Malaybalay City, Bukidnon (Branch 10). In her Letter, Judge Camannong informed Judge Cole of the alleged corrupt practices involving Almanoche.²

Judge Camannong reported that on May 3, 2018, she learned from Louie Veluz (Veluz), a legal researcher in Branch 9, that the latter had received information from a certain Dianne Balansag (Balansag), a job order worker also in Branch 9, that Almanoche had solicited PHP 20,000.00 from a certain Jean Baguio (Baguio), allegedly in exchange for the dismissal of the criminal case against Baguio's two sons pending before Judge Camannong's sala. Almanoche allegedly told Baguio that the amount was for "the judge, the fiscal, and the PAO."³

Enraged by the information, Judge Camannong called up the prosecutor handling said criminal case, Prosecutor Iris T. Panganiban (Pros. Panganiban). Pros. Panganiban told Judge Camannong that Balansag and Baguio had already told her about the matter.⁴

Judge Camannong then relayed that on May 7, 2018, Pros. Panganiban brought Baguio to Judge Camannong's chambers where Baguio narrated the entire incident involving Almanoche. The Public Attorney's Office (PAO) lawyer handling the criminal case, Atty. Thania Marie Ibañez (Atty. Ibañez), was also present. When asked by Judge Camannong if she was willing to execute an affidavit detailing the matter, Baguio acceded,⁵ and her affidavit was attached to Judge Camannong's letter to Judge Cole.⁶

¹ *Rollo*, pp. 3-5. Dated May 8, 2018.

² *Id.* at 3-4.

³ *Id.*

⁴ *Id.*

⁵ *Id.* at 4.

⁶ *Id.* at 9.

In Baguio's Affidavit⁷ dated May 8, 2018, she stated that she is the mother of the two accused in a frustrated murder case docketed as Criminal Case No. 32244-18 pending in Branch 9. She came to know of Almanoche through Loreta "Auring" O. Rico (Rico), who is the aunt of another co-accused in the same criminal case as Baguio's sons. On April 27, 2018, Baguio, a certain Fe Baguio, and Rico approached Almanoche, where the latter proposed to be given PHP 15,000.00 so that Almanoche could "take care of the Prosecutor, the Judge, and the PAO."⁸ As Baguio did not have the full amount, and believing that Almanoche could help her, she gave Almanoche PHP 1,000.00 and promised to pay the balance on April 30, 2018. On April 28, 2018, she met with Rico, who showed her a text message from Almanoche that they should add PHP 5,000.00 because the case involves three accused. On April 29, 2018, she met with Kagawad Ricky James Balansag (Kagawad Balansag) to ask for financial help, who, in turn, suggested that the amount be given to the private complainant in the criminal case instead, a certain Mr. Remelito Binalo (Binalo). Nonetheless, Kagawad Balansag gave Baguio another PHP 5,000.00 to "make [their] money PHP 20,000.00." Thereafter on April 30, 2018, Baguio went to the Hall of Justice with Binalo and appeared before Pros. Panganiban so that Binalo could execute an Affidavit of Desistance, during which meeting she was "able to mention" the agreement she had with Almanoche.⁹

Acting on the letter of Judge Camannong, Judge Cole endorsed¹⁰ the matter to Executive Judge Isobel G. Barroso (Judge Barroso) of the RTC in Malaybalay City, who then forwarded the same to the Office of the Court Administrator (OCA) for appropriate action.¹¹

In its Resolution,¹² this Court treated the Letter of Judge Camannong as a regular administrative matter against Almanoche for grave misconduct and corrupt practices and directed Almanoche to submit a comment.

In her Comment,¹³ Almanoche vehemently denied the allegations against her. While she admitted that Rico, together with the other mothers of those accused in the criminal case, approached her for assistance,¹⁴ she neither proposed any arrangement to settle the case,¹⁵ nor has she accepted a single centavo from Baguio, or anyone for the settlement of any case in any court. She accommodated them because she and Rico are both *Baes*¹⁶ of the

⁷ *Id.* at 6-7.

⁸ *Id.* at 6.

⁹ *Id.*

¹⁰ *Id.* at 2.

¹¹ *Id.* at 1.

¹² *Id.* at 11-14. Dated February 6, 2019.

¹³ *Id.* at 15-18. Dated May 16, 2019.

¹⁴ *Id.* at 16.

¹⁵ *Id.* at 17.

¹⁶ *Id.* at 59. "Bae" is a title given to a female member of a tribal council.

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Tagoloanen tribe, an indigenous cultural community.¹⁷ She alleged that she merely advised them to go back to the Punong Barangay of Poblacion, Lantapan, Bukidnon so that Binalo, the private complainant in the criminal case, would be compelled to execute an Affidavit of Desistance and that her advice was based on Baguio's narration that they had already paid Binalo PHP 20,000.00 before the Office of the Punong Barangay. However, when they later inquired on the status of the case with the court, they discovered that the case had not yet been dismissed, and Binalo asked for an additional PHP 20,000.00 to execute an Affidavit of Desistance.¹⁸ After the meeting, she no longer communicated with them. Almanoché claimed that she was not notified by either Judge Cole or Judge Barroso to explain herself at "their level;" and that it was unlikely for her to influence a judge, a prosecutor, and a PAO lawyer, especially when they are working in a different branch, while she is a mere stenographer.¹⁹ To corroborate the material allegations in her Comment, Almanoché attached Rico's Affidavit.²⁰

In a Resolution²¹ dated August 14, 2019, this Court, upon the recommendation of the OCA, referred the complaint to Judge Barroso for investigation, report, and recommendation within 30 days from receipt of the records. Pursuant to Administrative Matter No. 18-01-05-SC,²² the OCA transmitted the records of the instant case to the Judicial Integrity Board (JIB), which referred the case records to Judge Barroso in its Resolution dated April 27, 2022.²³

In an Order,²⁴ Judge Barroso directed Judge Camannong, Pros. Panganiban, Atty. Ibañez, Baguio, and Veluz to each submit their judicial affidavits within 10 days from receipt of the Order, as well as directed Almanoché to submit her counter judicial affidavit within the same period. Thus, Baguio and Almanoché submitted their judicial affidavits on June 21, 2022²⁵ and July 1, 2022,²⁶ respectively. On July 1, 2022, Judge Barroso held a summary hearing with Baguio, assisted by her counsel, Atty. Charlyndon E. Lisondra, and Almanoché, assisted by her counsel, Atty. Tala C. Tambaonan, present. Also in attendance were Judge Camannong, Pros. Panganiban, and Atty. Ibañez as witnesses.²⁷

¹⁷ *Id.* at 16, 59.

¹⁸ *Id.* at 16–17.

¹⁹ *Id.* at 17–18.

²⁰ *Id.* at 19.

²¹ *Id.* at 20.

²² Creating the Judicial Integrity Board and the Corruption Prevention and Investigation Office, A.M. No. 18-01-05-SC. Approved: October 2, 2018.

²³ *Rollo*, p. 41.

²⁴ *Id.* at 69–70. Dated June 13, 2022.

²⁵ *Id.* at 75–78.

²⁶ *Id.* at 83–89.

²⁷ *Id.* at 73–74.

In a Report,²⁸ Judge Barroso held that the versions of both parties are “markedly different,”²⁹ but after considering the “testimonies during summary hearing,”³⁰ Judge Barroso found that Almanoche “clearly fell short” of observing Sections 1³¹ and 2,³² Canon 1, and Section 2(e),³³ Canon 3 of A.M. No. 03-06-13-SC.³⁴ Judge Barroso nevertheless recommended that three mitigating factors be appreciated in favor of Almanoche, i.e., service in the judiciary for more than 20 years; the fact that she is a first-time offender; and that she did not receive the money she asked from Baguio.³⁵ We quote pertinent portions of Judge Barroso’s ratiocination, thus:

After a careful consideration of the evidence gathered mainly consisting of the testimonies during the summary hearing, the undersigned finds complainant’s testimony straightforward, convincing and carries a badge of truth.

....

The testimonies of Prosecutor Panganiban and Atty. Ibañez support the complainant’s testimony. In particular, albeit not “eyewitnesses” to what had transpired between the complainant and respondent, Prosecutor Panganiban’s and Atty. Ibañez’ respective testimonies show that when the complainant recounted the circumstances to them, complainant was consistent in stating that respondent had asked the amount of [PHP] 15,000.00 from her and that respondent undertook to give that “amount to the Judge, prosecutor and PAO lawyer” for the dismissal of the frustrated murder case filed against complainant’s sons pending in RTC Branch 9.

Respondent’s denial rings hollow and cannot prevail over the positive, consistent, and straightforward testimony of the complainant, backed by the other witnesses’ testimonies. Significantly, these witnesses were not shown to have any ill motive to falsely testify against the respondent.

The conduct of respondent of asking money from the complainant on the pretext of giving the same to the judge, public prosecutor and PAO to expedite the dismissal of the criminal case filed against the complainant’s sons, although respondent did not receive the amount, adversely affected the people’s confidence in the judiciary as well as the other institutions involved in the administration of justice:³⁶

²⁸ *Id.* at 52–67. Dated July 20, 2022.

²⁹ *Id.* at 61.

³⁰ *Id.*

³¹ CODE OF CONDUCT FOR COURT PERSONNEL. Approved May 15, 2004.

Canon I. Section 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

³² *Id.* Canon I. Section 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

³³ *Id.* Canon III, Section 2. Court personnel shall not:

(e) Solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties.

³⁴ CODE OF CONDUCT FOR COURT PERSONNEL.

³⁵ *Rollo*, pp. 66–67.

³⁶ *Id.* at 61–65.

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Thus, despite finding reason to hold Almanoche guilty of serious misconduct, Judge Barroso appreciated the mitigating factors in Almanoche's favor, and instead only recommended that she be penalized with one month suspension without pay for "improper conduct or conduct unbecoming a court employee."³⁷

Report of the Judicial Integrity Board

In its Report³⁸ dated October 5, 2022, the JIB found no cogent reason to disagree with the findings of Judge Barroso. The JIB, however, held that the charge of misconduct must be dropped because the alleged act had no relation to Almanoche's duties.

With respect to the recommended penalty, the JIB found that a grave offense such as serious dishonesty cannot be mitigated by the employee's length of service or the fact that she is a first-time offender.³⁹ Thus, the JIB recommended that Almanoche be found guilty of serious dishonesty and be dismissed from service, thus:

ACCORDINGLY, we respectfully **RECOMMEND** to the Honorable Supreme Court that respondent Nemia Alma Y. Almanoche, Court Stenographer III, Regional Trial Court, Branch 10, Malaybalay City, Bukidnon, be found **GUILTY of SERIOUS DISHONESTY** and be meted the penalty of **DISMISSAL** from the service, with 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.⁴⁰ (Emphasis in the original)

Issue

Whether Almanoche is liable for serious dishonesty.

This Court's Ruling

Upon a review of the established facts, this Court adopts the JIB's findings and recommended imposable penalty.

³⁷ *Id.* at 67.

³⁸ *Id.* at 121-132.

³⁹ *Id.* at 130.

⁴⁰ *Id.* at 130-131.

Reference to this Court's recently promulgated Further Amendments to Rule 140⁴¹ of the Rules of Court (Rule 140) is appropriate as it now also governs the discipline of officials, employees, and personnel of the Judiciary. Although the alleged acts were perpetrated prior to the effectivity of the amendments, the amendments nonetheless govern, pursuant to Section 24⁴² thereof.

Section 1(2) of Rule 140 requires that the allegations against Almanoché must be supported by affidavits of persons who have personal knowledge of the facts alleged therein or by authentic documents which may substantiate its allegations.

In the instant case, despite the accounts of several individuals that were implicated, it bears noting that only Baguio had personal knowledge of the April 27, 2018 incident involving Almanoché. Indeed, Judge Camannong and Veluz separately issued Manifestations⁴³ expressly stating that they had no personal knowledge of the incident involving Almanoché. In any event, we lend full credence to Baguio's testimony since, as astutely raised by Justice Amy C. Lazaro-Javier, it would be inconceivable for anyone to go so far, spreading such elaborate lies on different occasions to different people.

Moreover, while Judge Camannong, Pros. Panganiban, and Atty. Ibañez did not have personal knowledge of the incident involving Almanoché, it bears emphasis that Baguio, not long after the incident, narrated the event to one or all of them on separate occasions. The consistency in Baguio's details, as recalled by Judge Camannong, Pros. Panganiban, and Atty. Ibañez, strongly corroborates Baguio's account.

As adeptly underscored by Chief Justice Alexander G. Gesmundo, we are quick to clarify that, despite the lack of personal knowledge of Judge Camannong, Pros. Panganiban, and Atty. Ibañez on the incident of April 27, 2018, their accounts may nonetheless be admitted and given credence in view of Baguio's affidavit. *Re: Verified Complaint dated July 13, 2015 of Alfonso Umali, Jr. v. Justice Hernandez*⁴⁴ elucidates:

The relaxation of the hearsay rule in disciplinary administrative proceedings against judges and justices where bribery proceedings are involved is not a novel thought in this Court; it has been advocated in the Separate Concurring Opinion of Justice Arturo D. Brion in the administrative case of Justice Ong before this Court. The Opinion

⁴¹ RULES OF COURT, Rule 140, as amended by A.M. No. 21-08-09-SC, February 22, 2022.

⁴² *Id.* Section 24. *Retroactive Effect.* — All the foregoing provisions shall be applied to all pending and future administrative cases involving the discipline of Members, officials, employees, and personnel of the Judiciary, without prejudice to the internal rules of the Committee on Ethics and Ethical Standards of the Supreme Court insofar as complaints against Members of the Supreme Court are concerned.

⁴³ *Rollo*, pp. 79, 80, 81–82.

⁴⁴ 781 Phil. 375 (2016) [Per J. Brion, *En Banc*].

essentially maintained that the Court could make a conclusion that bribery had taken place *when the circumstances—including those derived from hearsay evidence—sufficiently prove its occurrence. It was emphasized that [t]o satisfy the substantial evidence requirement for administrative cases, hearsay evidence should necessarily be supplemented and corroborated by other evidence that are not hearsay.*

In the present case, however, the hearsay allegations constituted the totality of Umali's evidence. The records did not contain any other piece of evidence to supplement the hearsay evidence. As earlier stated, Umali did not even attach any affidavit to the complaint relating to or tending to support the alleged attempted extortion. Umali relied mainly on surmises and conjectures, and on the mere fact that the Sandiganbayan rulings penned by Justice Hernandez were adverse to him.⁴⁵ (Emphasis supplied, citation omitted)

From the foregoing and because the instant case is an administrative proceeding, the hearsay rule may be relaxed as the accounts of Judge Camannong, Pros. Panganiban, and Atty. Ibañez were supplemented and corroborated by Baguio's affidavit.

Regarding the designation of the administrative offense committed by Almanoche, we note the JIB's view that it would have found Almanoche guilty of gross misconduct, if not for the fact that the act complained of had no relation to her duties as a stenographer, *viz.:*

We could have found respondent guilty of gross misconduct constituting violation of the Code of Conduct for Court Personnel. However, the act being assailed has no relation with her duties as a stenographer. In *Rodil v. Posada[s]*, the Supreme Court held that to constitute an administrative offense, the misconduct should relate to or be connected with the performance of official functions and duties of a (sic) public officers. Without the nexus between the act complained of and the discharge of duty, the charge of misconduct shall necessarily fail.⁴⁶

Thus, the JIB found it proper to hold Almanoche guilty of serious dishonesty, classified as a serious charge under Rule 140, and recommended that the penalty of dismissal be meted against her.

We agree.

We quote, with approval, the JIB's ratiocination on the matter:

Respondent's assailed act constitutes dishonesty. Dishonesty is defined as a disposition to lie, cheat, deceive or defraud; unworthiness, lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness

⁴⁵ *Id.* at 389.

⁴⁶ *Rollo*, p. 129.

and straightforwardness; disposition to defraud, deceive or betray.

Based on the above legal precepts, respondent committed serious dishonesty.

By demanding money from complainant to be given and shared by the trial Judge, the Prosecutor, and the PAO Lawyer whose collective acts will allegedly ensure the speedy acquittal of her sons, respondent has unveiled her nefarious conduct, a manifestation of her unfitness and unworthiness to stay in the Judiciary even for a moment.

The public's continuous trust in the judiciary is essential to its existence. In order to gain the litigants' confidence, all employees of the Court, from judges to the lowliest clerk, must ensure that their conduct exemplifies competence, honesty, and integrity. Similarly, if the Court is to enjoy the public's continued patronage, any transgression of ethical rules should not be lightly taken, nor condoned. In this case, respondent miserably failed to comply with the standards that should have governed her life as a public servant. By soliciting money from complainant, she definitely affects the honor and integrity of the Judiciary and the people's trust and confidence in it. Worse, she created the impression that decisions can be bought.⁴⁷

Indeed, while Section 17 of Rule 140 provides this Court the discretion to choose among dismissal from service, suspension, or fine as appropriate penalties, we have also always directed all employees of the Judiciary, from judges to the most junior clerks, to conduct themselves in a manner exemplifying integrity, honesty and uprightness. There is no place in the Judiciary for those who cannot meet the exacting standards of judicial conduct and integrity.⁴⁸

A review of analogous cases would show that dismissal from service is the appropriate penalty.

In *Office of the Court Administrator v. Buzon*,⁴⁹ a court stenographer was meted with dismissal from service after she was caught receiving PHP 50,000.00 in an entrapment operation. She represented that the money was for a judge to decide in favor of the private complainant's brother.

Similarly, in *Judge Alano v. Sahi*,⁵⁰ We imposed the penalty of dismissal against respondent for soliciting bribe money from party litigants on the pretext that they will obtain a favorable judgment.

⁴⁷ *Id.* at 128.

⁴⁸ *Santiago v. Fernando*, A.M. No. P-22-053, January 17, 2023 [Per J. Rosario, *En Banc*] at 12. This pinpoint citation refers to the copy of this Resolution uploaded to the Supreme Court website.

⁴⁹ 890 Phil. 367 (2020) [*Per Curiam, En Banc*].

⁵⁰ 745 Phil. 385, 395 (2014) [*Per Curiam, En Banc*].

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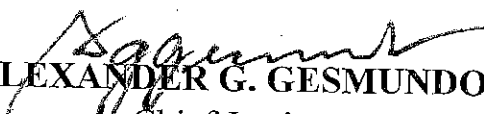
In the instant case, Almanoche solicited from the mother of two co-accused a total of PHP 20,000.00 allegedly for the judge, the fiscal, and the PAO. We determine that no less than the penalty of dismissal is proper since those serving in the Judiciary must carry the burden and duty of preserving public faith in our courts and justice system by maintaining high ethical standards. Any misconduct that tarnishes the Judiciary's integrity cannot be tolerated.⁵¹

We, however, clarify the pronouncement of the JIB when it held that "a grave offense cannot be mitigated by the public employee's length of service or the fact that [one] is a first-time offender."⁵² To be sure, the appreciation of aggravating or mitigating circumstances, now governed under Section 20 of Rule 140, may still be applied as it is the penalty, not the gravity of the offense, that is taken into consideration by the aforesaid provision. Nevertheless, and pursuant to this Court's sole exercise of discretion in disciplining its personnel, We view that the mitigating factors considered by Judge Barroso cannot be appreciated in favor of Almanoche since personnel in the judiciary must adhere to high ethical standards to preserve the courts' good name and standing, and any conduct, act or omission on the part of those who would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary cannot be countenanced.⁵³

ACCORDINGLY, Nemia Alma Y. Almanoche is found **GUILTY** of serious dishonesty. She is ordered **DISMISSED** from service with forfeiture of all retirement benefits, except accrued leave credits. She is also disqualified from being re-employed in the government, including government-owned and controlled corporations.

SO ORDERED.


JHOSEP Y. LOPEZ
Associate Justice

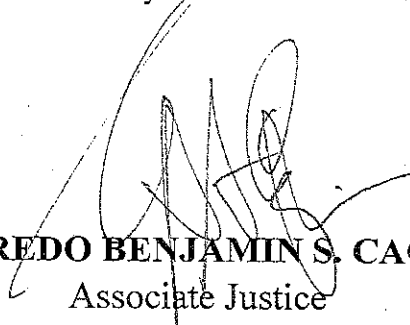

ALEXANDER G. GESMUNDO
Chief Justice

⁵¹ *Judge Perez v. Roxas*, 834 Phil. 163, 174–175 (2018) [*Per Curiam, En Banc*].
⁵² *Rollo*, p. 130.
⁵³ *Atty. Pasok v. Diaz*, 677 Phil. 520, 528–529 (2011) [*Per Curiam, En Banc*].



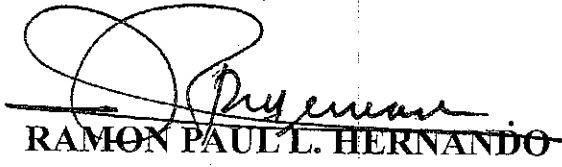
MARVIC M.V.F. LEONEN

Senior Associate Justice



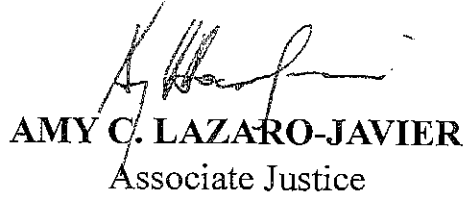
ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



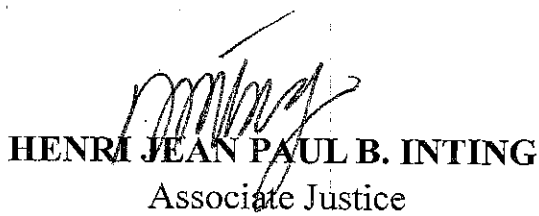
RAMON PAUL L. HERNANDEZ

Associate Justice



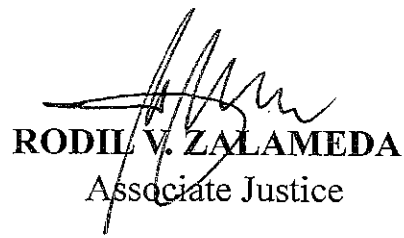
AMY C. LAZARO-JAVIER

Associate Justice



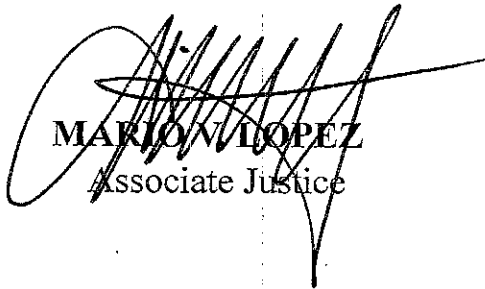
HENRI JEAN PAUL B. INTING

Associate Justice



RODIL V. ZALAMEDA

Associate Justice



MARION LOPEZ

Associate Justice



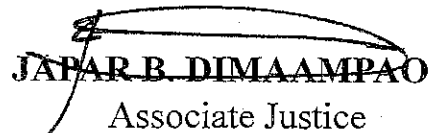
SAMUEL H. GAERLAN

Associate Justice



RICARDO R. ROSARIO

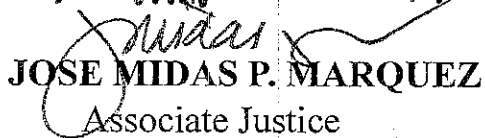
Associate Justice



JAPAR B. DIMAAMPAO

Associate Justice

*No part due to prior participation
as Court Administrator*



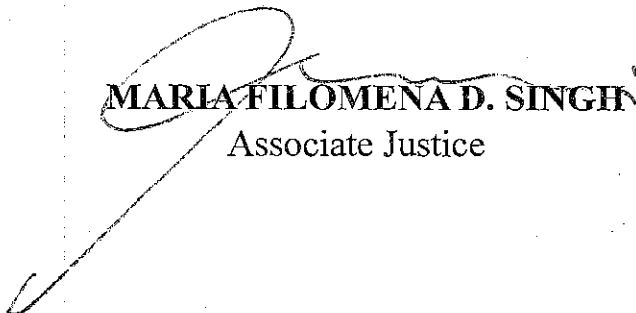
JOSE MIDAS P. MARQUEZ

Associate Justice



ANTONIO T. KHO, JR.

Associate Justice



MARIA FILOMENA D. SINGH

Associate Justice

