Republic of the Philippines
Supreme Court
Manila

EN BANC

OFFICE OF THE COURT ADMINISTRATOR, Complainant,	**A.M. No. P-13-3137**
	Present:
- versus -	SERENO, *C.J.*, CARPIO, VELASCO, JR., LEONARDO-DE CASTRO, BRION,* PERALTA, BERSAMIN, DEL CASTILLO, PEREZ, MENDOZA, REYES, PERLAS-BERNABE, LEONEN, JARDELEZA, and CAGUIOA, *JJ.*
UMAIMA L. SILONGAN, ABIE M. AMILIL, and SALICK U. PANDA, JR., Respondents.	Promulgated: August 23, 2016

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D E C I S I O N

CARPIO, *J.*:

The Case

This administrative case originated from the Decision of the Supreme Court in *Office of the Court Administrator, Complainant, v. Judge Cader P. Indar, Presiding Judge and Acting Presiding Judge of the Regional Trial Court, Branch 14, Cotabato City and Branch 15, Shariff Aguak,*

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* On leave.

Maguindanao, respectively, Respondent,[1] docketed as A.M. No. RTJ-10-2232, ordering the Office of the Court Administrator (OCA) to investigate Atty. Umaima L. Silongan (Silongan) on her alleged authentication of decisions issued by Judge Cader P. Indar (Judge Indar).

The Facts

The facts, as culled from the records, are as follows:

In *Office of the Court Administrator, Complainant, v. Judge Cader P. Indar, Presiding Judge and Acting Presiding Judge of the Regional Trial Court, Branch 14, Cotabato City and Branch 15, Shariff Aguak, Maguindanao, respectively, Respondent*,[2] this Court issued a Resolution dated 28 September 2010 directing Justice Angelita A. Gacutan (Justice Gacutan) to conduct a fact-finding investigation to determine the authenticity of decisions on numerous annulment of marriage cases rendered by Judge Indar and to ascertain who are the parties responsible for the issuance of the questioned decisions.

The fact-finding investigation revealed that the questioned decisions do not exist in the records of the Office of the Clerk of Court of the Regional Trial Court, Branch 14 in Cotabato City (RTC Branch 14) or the Regional Trial Court, Branch 15 in Shariff Aguak, Maguindanao (RTC Branch 15). These decisions were also accompanied by Certificates of Finality issued by Silongan and in one case, by Abie M. Amilil (Amilil), Officer-in-Charge (OIC) Branch Clerk of Court. At the time Justice Gacutan conducted the fact-finding investigation, Silongan and Amilil were employees of the Judiciary.

In a Decision dated 10 April 2012, this Court dismissed Judge Indar from the service for gross misconduct and dishonesty in issuing the spurious decisions on numerous annulment of marriage cases. The Court likewise directed the OCA to investigate Silongan, Acting Clerk of Court of RTC Branch 14, on her alleged participation in the authentication of the said decisions.

Upon investigation, the OCA found that:

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1 685 Phil. 272 (2012).

2 Id.

(1) Silongan certified as true copy 27 decisions[3] issued by Judge Indar in RTC Branch 14. These cases cannot be found in the docket books. Neither have these cases been filed before RTC Branch 14, per Certification[4] issued by Clerk of Court Atty. Janis Rohaniah G. Dumama-Kadatuan (Atty. Kadatuan).

Silongan also certified as true copy an Order in Special Proceeding Case No. 08-1163, entitled *Carmelita Balagtas v. The Local Civil Registrar of the City of Manila,* which is also non-existent in the dockets of RTC Branch 15.

On 3 January 2011, the Employees Welfare Benefit Division of the Office of Administrative Services (OAS) received from Silongan an Application for Separation Benefit[5] effective 31 December 2010.

(2) On 24 January 2008, Amilil issued a Certificate of Finality[6] and certified as true copy Judge Indar's decision in Special Civil Case No. 508, entitled *Caroline Flor Buenafe v. Roberto R. Buenafe, Jr.,* which case does not appear in the court docket per letter of the current OIC Clerk of Court Atty. Dennis U. Relayson (Atty. Relayson).

Amilil also certified as true copy an Order issued by Judge Indar in Special Civil Case No. 1049, involving a petition for cancellation of certificates of live birth of two children, which case is not docketed in the trial court.

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3 *Rollo*, pp. 27-28. (1) Spl. Proc. No. 08-793, entitled *Arden N. Ulangkaya v. Jocelyn M. Estrada*; (2) Spl. Proc. No. 05-1346, entitled *Michael Conrad D. Yap v. Noreen May A. Elaydo-Yap*; (3) Spl. Proc. No. 07-2270, entitled *Fritzie M. Cenit v. Arail V. Rojo*; (4) Civil Case No. 05-1352, entitled *Alma L. Pedarse v. Yoshifumi Kikuchi*; (5) Civil Case No. 08-1875, entitled *Gloria Elizabeth Velez v. Seymour Uy II*; (6) Civil Case No. 08-1936, entitled *Norvin T. Hernandez v. Ithel Marie P. Demesa*; (7) Civil Case No. 08-1950, entitled *Felinda Sanchez-Paraiso v. Eleazar Mariano Paraiso, Jr.*; (8) Spl. Proc. No. 08-2366, entitled *Jesse Yamson Faune, Jr. v. Roselle de Guzman-Faune*; (9) Civil Case No. 08-2308, entitled *Elizabeth P. Acha v. Errol V. Sardovia*; (10) Civil Case No. 07-2305, entitled *Dean R. Reyes v. Mae Mildred W. Matias*; (11) Civil Case No. 09-498, entitled *Kremersohn S. Rubio v. Arlyn Manuel-Rubio*; (12) Civil Case No. 09-504, entitled *Evelyn V. Cebuco-Choi v. In Guk Choi*; (13) Civil Case No. 08-2504, entitled *Eloisa Seroma Araneta v. Lloyd Diaz Celso*; (14) Civil Case No. 06-2028, entitled *Girly Redolosa Fernandez v. Edgardo Alvarez Quintong*; (15) Civil Case No. 08-2385, entitled *Felicitas C. Orido-Kuizon v. Kenneth R. Kuizon*; (16) Spl. Proc. No. 08-2388, entitled *Mario Jeffrey T. de Dios v. Jennifer C. Gabriel*; (17) Spl. Proc. No. 08-1892, entitled *Jocelyn R. Samson v. Ronn S. Samson*; (18) Civil Case No. 08-2285, entitled *Lor L. Monteal[e]gre v. Maria Carina Layug*; (19) Civil Case No. 09-470, entitled *Mervyn Hans P. Panela v. Gerinit F. Galvez*; (20) Civil Case No. 04-1940, entitled *Loren B. Castro v. Mario R. Esplana*; (21) Civil Case No. 09-750, entitled *Roselle Arevalo-Tarcena v. Frederick R. Tarcena*; (22) Spl. Proc. No. 08-2542, entitled *Erlita E. Fulgencio v. Errol Malinao Torres*; (23) Civil Case No. 07-898, entitled *Rex Borrega Liao v. Karen Lee Liao*; (24) Civil Case No. 08-1612, entitled *Eileen N. Peralta v. Arvin Peralta*; (25) Civil Case No. 07-1730, entitled *Arnold A. Suarez v. Bernadette Pintado*; (26) Civil Case No. 08-2277, entitled *Petition for Recognition of Foreign Judgment of Riza Columba Dulay Perez*; and (27) Spl. Proc. No. 09-351, entitled *Petition for Recognition of Foreign Judgment of Honeylette S. Recla.*

4 Id. at 152-155.

5 Id. at 135.

6 Id. at 142.

(3) On 15 April 2005, then RTC Branch 15 Clerk of Court Salick U. Panda, Jr. (Panda) issued a Certificate of Finality[7] for Civil Case No. 517, a case supposedly involving declaration of nullity of marriage. The docket of RTC Branch 15, however, reveals that Civil Case No. 517 is actually a case for foreclosure of mortgage.

Based on OAS's records, Panda was temporarily appointed as Clerk of Court VI on 11 April 2005 and his appointment expired on 5 April 2006.

Thus, in its Memorandum dated 29 October 2012 addressed to the Office of the Chief Justice,[8] the OCA recommended that Silongan, Amilil, and Panda be investigated.

In a Resolution dated 15 January 2013,[9] the Court *En Banc*, upon recommendation of the OCA, resolved to: (a) docket separately the matter involving Silongan, Amilil, and Panda as OCA IPI No. 13-4035-P; (b) refer the remaining matter to the Executive Justice of the Court of Appeals (CA), stationed in Cagayan de Oro City, for raffle among the members of the said court; and (c) direct the CA Justice to whom this case will be assigned to investigate and submit his/her report and recommendation within 60 days from notice.

The case was raffled to Justice Henri Jean-Paul B. Inting (Investigating Justice) of the CA Cagayan de Oro City.

In an Order dated 22 March 2013,[10] the Investigating Justice set the hearing on 23, 24, and 25 April 2013, and required Silongan, Amilil, and Panda to appear and submit their counter-affidavit/s and affidavit/s of their witnesses, if any.

In a Return of Service dated 27 March 2013,[11] Atty. Kadatuan stated that Amilil and Panda received the notice of hearing as evidenced by their signatures in the Order, while Silongan's copy of the notice was forwarded to her brother, who refused to acknowledge its receipt.

Thereafter, Panda requested for a copy of the formal charge against him to enable him to prepare his counter-affidavit.

On 23 April 2013, Silongan and Amilil failed to appear before the Investigating Justice. Only Panda appeared during the hearing. Panda informed the Investigating Justice that he is no longer a Clerk of Court, but an administrative officer in the Provincial Prosecution Office of Maguindanao. He was then informed of the nature of the investigation

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7 Id. at 151.
8 Id. at 26-30.
9 Id. at 161-162.
10 Id. at 274-275.
11 Id. at 282.

against him, furnished a copy of the certificate of finality he issued, and given ten days to file his responsive pleading. The Investigating Justice then directed the Clerks of Court of RTC Branches 14 and 15 to submit the employment status of Silongan and Amilil.

In an Order dated 25 April 2013,[12] the Investigating Justice set the continuation of the hearing on 21 May 2013, considering that Silongan and Amilil failed to appear on the 24 and 25 April 2013 hearings.

In his Affidavit dated 2 May 2013,[13] Panda alleged that the copy of the certificate of finality he signed was one of the voluminous documents presented to him during the period of transition; he was barely a week in office when he signed the document. He alleged that he unceremoniously affixed his signature upon Silongan's assurance and based on the judgment attached. He further contended that he only performed his duties as Acting Clerk of Court and he did not act with malice when he signed the document.

In a Return of Service dated 17 May 2013,[14] Atty. Kadatuan stated that: (1) Panda affixed his signature on the Order dated 25 April 2013; (2) Amilil acknowledged the receipt of the Order and subpoena but refused to sign; and (3) Silongan's copy was again forwarded to her brother, who refused to sign in the subpoena. On 21 May 2013, Panda, Amilil, and Silongan failed to appear in the hearing.

In an Order dated 30 May 2013,[15] the Investigating Justice directed Silongan and Amilil to show cause why they should not be cited in contempt of court for their failure to attend the hearings. The Investigating Justice likewise directed the Clerks of Court of RTC Branches 14 and 15 to issue a certification regarding the employment status of Silongan and Amilil. Further hearings were set on 25 and 26 June 2013.

On 10 June 2013, the OIC Designate Sheriff of RTC Branch 14 filed a Return of Service[16] stating that the Order dated 30 May 2013 and subpoenas were duly served to: (1) Panda; (2) Atty. Lalaine T. Mastura (Atty. Mastura), Clerk of Court of RTC Branch 15; (3) Atty. Relayson, OIC Clerk of Court of RTC Branch 14; (4) Aileen M. Burahan of RTC Branch 14, who received Amilil's subpoena; and (5) the brother of Silongan, who again refused to sign in the subpoena.

In the meantime, Atty. Relayson filed a Certification stating that Amilil resigned as Sheriff IV effective 17 September 2012.[17] Atty. Mastura

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12 Id. at 241-242.
13 Id. at 249-250.
14 Id. at 212.
15 Id. at 230-233.
16 Id. at 228.
17 Id. at 206.

also filed a Certification stating that Silongan applied for early retirement, which is still pending due to the present administrative case.[18]

In an Order dated 11 July 2013,[19] the Investigating Justice stated that since they failed to appear during the 25 and 26 June 2013 hearings, Silongan's and Amilil's rights to be heard and defend themselves are deemed waived.

In his Report dated 19 August 2013,[20] the Investigating Justice found that Silongan and Amilil were given due process, since they were aware of the administrative matter against them and they chose not to attend the hearings and be heard.

The Investigating Justice held Silongan and Amilil liable for grave misconduct and dishonesty for certifying as true and correct bogus decisions in their capacity as court personnel. According to the Investigating Justice, their acts of certifying several bogus decisions indicate a pattern of willful intention to violate and disregard established rules. On the other hand, since Panda certified one decision only and acted without malice, the Investigating Justice held him liable for simple neglect of duty.

The Investigating Justice then recommended the imposition of fines, instead of dismissal and suspension from office, after finding that Silongan, Amilil, and Panda are no longer connected with the Judiciary, to wit:

> WHEREFORE, the undersigned investigating justice respectfully recommends to the Honorable Supreme Court the following:
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> 1. The case be Re-docketed as a regular administrative matter;
> 2. Atty. Silongan and Mr. Amilil be held liable for Grave Misconduct and Dishonesty;
> 3. Mr. Panda be held liable for Simple [Neglect of Duty];
> 4. Considering that Atty. Silongan had already retired and Mr. Amilil resigned from Office, they be Fined in the amount of ₱40,000 with forfeiture of retirement benefits and perpetual disqualification [from] re-employment in any government service;
> 5. Considering that this is Mr. Panda's first administrative complaint and absent any showing that he acted with malice, he be Fined the amount of ₱5,000.
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> Respectfully submitted, August 19, 2013, Cagayan de Oro City.[21]

In a Resolution dated 19 November 2013,[22] the Court directed the Presiding Judge of RTC Branch 14 to furnish the Court with the present and correct address of Silongan, considering that a resolution addressed to

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18 Id. at 195.
19 Id. at 188-191.
20 Id. at 169-179.
21 Id. at 179.
22 Id. at 326-327.

Silongan was returned unserved with notation on the letter-envelope: "RTS-No Longer Connected." Both the Executive Judge of RTC Branch 13 and Acting Presiding Judge of RTC Branch 15 sent letters to the Court informing it of the present address of Silongan.[23] Thereafter, all court processes were delivered to Silongan's present address.

The Ruling of the Court

We adopt the recommendations of the Investigating Justice for Silongan and Amilil, but modify it for Panda.

The Revised Rules on Administrative Cases in the Civil Service, which govern the conduct of disciplinary and non-disciplinary proceedings in administrative cases, clearly provide that "[a]dministrative investigations shall be conducted without strict recourse to the technical rules of procedure and evidence applicable to judicial proceedings."[24] Thus, administrative due process cannot be fully equated with due process in its strict judicial sense.[25]

In administrative proceedings, the essence of due process is simply an opportunity to explain one's side or an opportunity to seek a reconsideration of the action or ruling complained of.[26] It is enough that the party is given the chance to be heard before the case is decided.[27] Due process is not violated when a person is not heard because he or she has chosen, for whatever reason, not to be heard.[28] If one opts to be silent when one has a right to speak, one cannot later be heard to complain that he or she was unduly silenced.[29]

In the present case, the Investigating Justice set six hearings, and both Silongan and Amilil were duly notified of the hearings and the administrative case against them. As aptly found by the Investigating Justice:

> Silongan was furnished a copy of the Decision of the Supreme Court ordering the OCA to investigate her alleged participation in the authentication of questioned Decisions by the Judge Indar. Moreover, the benefits due her from her early retirement were put on hold because of the pending investigation. These notices in addition to the Subpoenas issued to her and received by her brother clearly show that she is aware of the pending investigation. Thus, there can be no doubt that Silongan is aware of the administrative matter against her. Yet she chose not to attend the

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23 Id. at 344, 347.

24 Revised Rules on Administrative Cases in the Civil Service, Rule 1, Section 3.

25 *Office of the Court Administrator v. Judge Cader P. Indar,* supra note 1; *Dela Cruz v. Malunao,* 684 Phil. 493 (2012).

26 *Vivo v. Philippine Amusement and Gaming Corporation,* 721 Phil. 34 (2013); *Autencio v. Mañara,* 489 Phil. 752 (2005).

27 *Office of the Court Administrator v. Judge Cader P. Indar,* supra note 1.

28 *Stronghold Insurance Company, Inc. v. Court of Appeals,* G.R. No. 88050, 30 January 1992, 205 SCRA 605.

29 Id.; *Pascual v. Court of Appeals,* 360 Phil. 403 (1998).

hearings and to be heard.

> Amilil on the other hand resigned from office. Despite Subpoenas received by him, he did not attend the hearings and did not submit his counter-affidavit.[30]

Thus, Silongan and Amilil cannot feign ignorance of the administrative investigation against them. They were given ample opportunity to controvert the charges against them; yet, they chose not to appear in any of the hearings or file any explanation. Unlike Panda, both Silongan and Amilil chose not to be heard despite the opportunity given to them.

Having found that Silongan and Amilil were accorded due process, we resolve the issue of whether Silongan, Amilil, and Panda are administratively liable in this case.

The Court defines misconduct as a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer.[31] As distinguished from simple misconduct, the element of corruption, clear intent to violate the law, or flagrant disregard of established rule, must be manifest in a charge of grave misconduct.[32]

In the present case, both the OCA and the Investigating Justice found that Silongan and Amilil certified as true copies spurious annulment decisions issued by Judge Indar. There is no question as to their guilt as the records speak for itself. The records clearly show that the 27 cases, which were certified as true copies by Silongan, were not in the court dockets nor have they been filed before the trial court. Amilil also certified as true copies two decisions, which did not appear in the court dockets. As custodians of court records in RTC Branches 14 and 15, Silongan and Amilil should have known that there were no existing records that could have served as basis for the issuance of the certificates.

A certificate is a written assurance, or official representation, that some act has or has not been done, or some event occurred, or some legal formality has been complied with.[33] To certify is to attest to the truthfulness of the document.[34] Without the records to verify the truthfulness and

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30 *Rollo*, p. 174.

31 *Executive Judge Rojas, Jr. v. Mina*, 688 Phil. 241 (2012); *Office of the Court Administrator v. Judge Cader P. Indar*, supra note 1; *Dela Cruz v. Malunao*, supra note 25.

32 *Executive Judge Rojas, Jr. v. Mina*, 688 Phil. 241 (2012); *Office of the Court Administrator v. Judge Cader P. Indar*, supra note 1; *Dela Cruz v. Malunao*, supra note 25.

33 *Atty. Alcantara-Aquino v. Dela Cruz*, 725 Phil. 123 (2014); *Atty. Francisco v. Galvez*, 622 Phil. 25 (2009).

34 *Atty. Alcantara-Aquino v. Dela Cruz*, 725 Phil. 123 (2014); *Atty. Francisco v. Galvez*, 622 Phil. 25 (2009).

authenticity of a document, no certification should be issued.[35]

Thus, Silongan and Amilil should not have attested to the truthfulness of the decisions issued by Judge Indar knowing that there were no records to verify its truthfulness, as the decisions were not even in the court dockets. Their acts of authenticating and certifying as true and correct spurious decisions issued by Judge Indar undoubtedly constitute grave misconduct as those acts manifest clear intention to violate the law or to flagrantly disregard established rule.

Their acts also amount to dishonesty, which is defined as "disposition to lie, cheat, deceive, or defraud; untrustworthiness; lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."[36] Their acts further amount to a breach of Canon IV of the Code of Conduct for Court Personnel which states that: "Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours."

In *Atty. Alcantara-Aquino v. Dela Cruz,*[37] we held respondent therein liable for gross misconduct and dishonesty for authenticating documents despite lack of authority to do so and lack of records that could have served as basis for issuance of the certificate. In *Balanza v. Criste,*[38] we found respondent guilty of serious dishonesty for certifying a spurious decision and certificate of finality without authority.

No less than the Constitution mandates that all public officers and employees should serve with responsibility, integrity and efficiency, for public office is a public trust.[39] No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the Judiciary.[40] Thus, this Court has often stated that the conduct of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the Judiciary.[41] The Court condemns any conduct, act, or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish the faith of the people in the Judiciary.[42]

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35 *Atty. Alcantara-Aquino v. Dela Cruz,* 725 Phil. 123 (2014); *Atty. Francisco v. Galvez,* 622 Phil. 25 (2009).

36 *Balanza v. Criste,* A.M. No. P-15-3321, 21 October 2015; *Executive Judge Rojas, Jr. v. Mina,* supra note 31; *Office of the Court Administrator v. Judge Cader P. Indar,* supra note 1; *Retired Employee v. Manubag,* 652 Phil. 491 (2010); *Judge Dela Cruz v. Luna,* 555 Phil. 742 (2007).

37 725 Phil. 123 (2014).

38 A.M. No. P-15-3321, 21 October 2015.

39 *Atty. Francisco v. Galvez,* 622 Phil. 25 (2009).

40 Id.

41 Id.

42 Id.

Silongan and Amilil should have known that when they certified the questioned decisions, they did so under the seal of the court. Thus, by their actions, they undoubtedly jeopardized the integrity of the court. Their acts betray their complicity, if not participation, in acts that were irregular and violative of ethics and procedure, causing damage not only to the complainant but also to the public.[43]

The Revised Rules on Administrative Cases in the Civil Service provide that gross misconduct and dishonesty are grave offenses punishable by dismissal even for the first offense.[44] The Court notes that this is not Silongan's and Amilil's first offense. In A.M. No. P-06-2267,[45] the Court fined Silongan with ₱1,000 for neglect of duty because she failed to produce 303 cases for examination by the audit team, make a report on the actual status of these 303 cases, and take action on 22 civil cases. On the other hand, in A.M. No. RTJ-07-2069,[46] Amilil was found guilty of neglect of duty and was suspended for two months without pay because he: (1) failed to inform Judge Indar of the existence of Court decisions which nullified and set aside Judge Indar's Order; (2) failed to inform and send the parties notices and court orders; and (3) issued a Certificate of Finality without verifying if indeed a motion for reconsideration was filed in connection with the case.

Considering that the penalty of dismissal can no longer be imposed due to Silongan's retirement and Amilil's resignation, we find the recommendation of the Investigating Justice to be appropriate under the circumstances and impose on both Silongan and Amilil the penalty of fine in the amount of ₱40,000 each with forfeiture of all benefits, except accrued leave credits, if any. They are further declared disqualified from any future government employment.

As for Panda, we dismiss the administrative case against him.

It is well-settled that in order for the Court to acquire jurisdiction over an administrative case, the complaint must be filed during the incumbency of the respondent public official or employee.[47] In *Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao del Norte,*[48] we dismissed the complaint against a respondent judge since the Memorandum recommending the filing of an administrative case against the judge was submitted by the OCA to the Court on 10 July 2012, or more than two years after the judge retired. In the similar case of *Office of the Court Administrator v. Grageda,*[49] the Court held that the respondent judge's retirement effectively barred the Court from pursuing the administrative

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43 Id.

44 Revised Rules on Administrative Cases in the Civil Service, Rule 10, Section 46 (A)(1) and (3).

45 566 Phil. 149 (2008).

46 678 Phil. 609 (2011).

47 *Office of the Court Administrator v. Grageda*, 706 Phil. 15 (2013); *Re: Missing Exhibits and Court Properties in Regional Trial Court, Branch 4, Panabo City, Davao del Norte,* 705 Phil. 8 (2013).

48 705 Phil. 8 (2013).

49 706 Phil. 15 (2013.

proceeding that was instituted after his tenure in office, and divested the Court of any jurisdiction to still subject him to administrative investigation and to penalize him administratively for the infractions committed while he was still in the service. In *Office of the Court Administrator v. Judge Andaya,*[50] we likewise dismissed the administrative case against the respondent judge upon finding that the administrative complaint was docketed only on 29 April 2009, or after his compulsory retirement on 27 March 2009. The Court also dismissed an administrative case filed against a retired court stenographer for having been initiated over a month after her retirement from the service.[51]

In the present case, Panda's temporary appointment in the Judiciary expired on 5 April 2006, while the OCA submitted its Memorandum dated 29 October 2012 to the Court recommending his investigation on 7 January 2013 or more than six years after he left the Judiciary. Accordingly, we no longer have jurisdiction to impose an administrative penalty on him.

WHEREFORE, we find respondent Umaima L. Silongan **GUILTY** of **GRAVE MISCONDUCT** and **DISHONESTY**. Since she had retired from the service, she is, instead of being dismissed from the service, ordered to pay a **FINE** in the amount of **₱40,000** with forfeiture of all retirement benefits and privileges, except accrued leave credits, if any, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.

We likewise find respondent Abie M. Amilil **GUILTY** of **GRAVE MISCONDUCT** and **DISHONESTY**. Since he had resigned from the service, he is, instead of being dismissed from the service, ordered to pay a **FINE** in the amount of **₱40,000** with forfeiture of all retirement benefits and privileges, except accrued leave credits, if any, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations.

We **DISMISS** the administrative case against respondent Salick U. Panda, Jr. for lack of jurisdiction.

Let a copy of this Decision be furnished the Office of the Ombudsman for whatever appropriate action the Ombudsman may wish to take with respect to the possible criminal liability of respondents Umaima L. Silongan and Abie M. Amilil.

SO ORDERED.

ANTONIO T. CARPIO
Associate Justice

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50 712 Phil. 33 (2013).

51 *Office of the Court Administrator v. Villanueva*, A.M. No. P-01-1509, 13 June 2007 (unsigned Resolution).

WE CONCUR:

MARIA LOURDES P. A. SERENO
Chief Justice

PRESBITERO J. VELASCO, JR.
Associate Justice

TERESITA J. LEONARDO-DE CASTRO
Associate Justice

(on leave)
ARTURO D. BRION
Associate Justice

DIOSDADO M. PERALTA
Associate Justice

LUCAS P. BERSAMIN
Associate Justice

MARIANO C. DEL CASTILLO
Associate Justice

JOSE PORTUGAL PEREZ
Associate Justice

JOSE CATRAL MENDOZA
Associate Justice

BIENVENIDO L. REYES
Associate Justice

ESTELA M. PERLAS-BERNABE
Associate Justice

MARVIC M.V.F. LEONEN
Associate Justice

FRANCIS H. JARDELEZA
Associate Justice

ALFREDO BENJAMIN S. CAGUIOA
Associate Justice

CERTIFIED XEROX COPY:
FELIPA B. ANAMA
CLERK OF COURT, EN BANC
SUPREME COURT