

Republic of the Philippines
Supreme Court
Manila

EN BANC

OFFICE OF THE COURT
ADMINISTRATOR,
Complainant,

-versus-

BENJIE V. ORE, Process Server,
Office of the Clerk of Court,
Metropolitan Trial Court,
Pasay City,

Respondent.

A.M. No. P-24-182
[Formerly JIB FPI No. 21-031-P]

Present:

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

Promulgated:

August 12, 2025

X ----- X

DECISION

PER CURIAM:

The instant complaint stemmed from the February 28, 2022 Indorsement¹ of Atty. James D.V. Navarrete, then acting executive director of

* On leave.

** No part.

¹ *Rollo*, p. 44.

the Judicial Integrity Board (JIB), directing respondent Benjie V. Ore (Ore), former process server of the Office of the Clerk of Court, Metropolitan Trial Court, Pasay City (MeTC), to explain why he should not be administratively charged for having been convicted by Branch 45 of the same court in Criminal Case Nos. M-PSY-16-27580-CR and M-PSY-16-27581-CR, both titled "*People of the Philippines v. Benjie V. Ore*," for the crime of failure of accountable officer to render accounts under Article 218 of the Revised Penal Code (RPC).²

The Antecedents

On April 4, 2016, the Office of the Ombudsman filed two separate Informations with the MeTC, charging Ore with the crime of failure of accountable officer to render accounts under Article 218 of the RPC.³ The Informations alleged that Ore, by virtue of his position as process server, received two checks as cash advances for travel expenses which, pursuant to Item 5.1.3 of Commission on Audit (COA) Circular No. 97-00, he was duty-bound to liquidate within 30 days after his return to his official station.⁴ He received the first check in the amount of PHP 17,896.00 for purposes of his travel to Palawan to attend a regional assembly from April 27, 2011 to May 1, 2011.⁵ He received the second check in the amount of PHP 15,000 for purposes of his travel to Davao City to attend the 8th National Convention and Election of Officers of the Process Servers Association of the Philippines from April 12 to April 16, 2011.⁶ He failed to liquidate both cash advances within 30 days after his return from travel.⁷

On April 25, 2017, the MeTC granted the prosecution's motion to suspend Ore pending the resolution of the criminal cases against him.⁸ Consequently, he stopped reporting for work.⁹ Ore's salaries and benefits were withheld beginning July 13, 2017.¹⁰

On December 17, 2018, the MeTC issued its Decision finding Ore guilty beyond reasonable doubt of the crime charged, and imposing on him a straight penalty of imprisonment of six months and one day of *prisión correccional* in its minimum period in each case.¹¹

² *Id.* at 65.

³ *Id.*

⁴ *Id.* at 65–66.

⁵ *Id.* at 66.

⁶ *Id.*

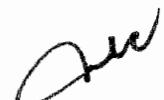
⁷ *Id.*

⁸ *Id.* at 48.

⁹ *Id.*

¹⁰ *Id.* at 66.

¹¹ *Id.*



On March 13, 2019, a copy of the MeTC's Decision was received by the Office of the Court Administrator (OCA).¹² At the time, Ore was still in the plantilla of personnel.¹³ Ore resigned from the service on September 2, 2019.¹⁴

It may be noted that Ore was also charged with the crime of malversation of public funds under Article 217 of the RPC in Criminal Case Nos. R-PSY-16-11711-CR and 16-11712-CR.¹⁵ However, he was acquitted by the regional trial court for failure of the prosecution to prove the fourth element of the crime, i.e., that he appropriated, took, misappropriated or consented or permitted another person to take public funds or property for which he was accountable.¹⁶

Report and Recommendation of the Office of the Executive Director

In its Report and Recommendation dated October 4, 2023¹⁷, the Office of the Executive Director (OED) recommended that the instant administrative matter be re-docketed, that Ore be found guilty of the offense of commission of a crime involving moral turpitude, and that he be dismissed from service.¹⁸ The OED considered Ore's dismissal justified because of his conviction for two counts of failure of accountable officer to render accounts.¹⁹ The pertinent portion of the said recommendation provides:

IN VIEW OF THE FOREGOING, it is respectfully submitted for the consideration of the Honorable [Court] that the instant administrative matter be **RE-DOCKETED** and the following recommendations be submitted to the Supreme Court:

- 1) Respondent Benjie V. Ore, Process Server, Office of the Clerk of Court-Metropolitan Trial Court, Pasay City, be found **GUILTY** of Commission of a Crime Involving Moral Turpitude; and
- 2) Respondent Ore be **DISMISSED FROM THE SERVICE** with **FORFEITURE** of all benefits, except accrued leave credits, if any, and perpetual disqualification from re-employment in any government instrumentality, including government-owned and controlled corporations.²⁰ (Emphasis in the original)

¹² *Id.* at 16. According to the JIB's Report, the copy of the December 17, 2018 Decision was received by the OCA on April 19, 2018 (*Rollo*, p. 66). However, the copy of the Decision in the *Rollo* shows that it was stamped received by the OCA on March 13, 2019.

¹³ *Id.* at 66.

¹⁴ *Id.*

¹⁵ *Id.* at 52.

¹⁶ *Id.* at 61-64.

¹⁷ *Id.* at 47-50.

¹⁸ *Id.* at 50.

¹⁹ *Id.* at 67.

²⁰ *Id.* at 50.



Report of the JIB

In its July 30, 2024 Report,²¹ the JIB modified the OED's recommendation thus:

ACCORDINGLY, we respectfully **RECOMMEND** to the Honorable Supreme Court that:

- 1) The Complaint against Benjie V. Ore, Process Server, Office of the Clerk of Court, Metropolitan Trial Court, Pasay City, be **REDOCKETED** as a regular administrative matter; and
- 2) Respondent be found **GUILTY** of Gross Neglect of Duty and be penalized with forfeiture of all or part of the benefits as the Supreme Court may determine and be **DISQUALIFIED** 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 credits.²² (Emphasis in the original)

The JIB found that Ore's act of failing to render accounts could not be categorized as a crime involving moral turpitude, because the said act, although punishable by law, is not inherently vile, depraved, debased, despicable, or immoral in itself.²³ At best, Ore's failure to liquidate his cash advances constitutes gross neglect of duty, given that he intentionally breached or neglected his obligation to liquidate despite knowing that he was duty-bound to do so.²⁴ While gross neglect of duty is a serious charge punishable by dismissal, that penalty, however, can no longer be imposed on account of Ore's resignation on September 2, 2019.²⁵ Thus, the JIB recommended that Ore's benefits be forfeited and that he be disqualified from reinstatement or appointment to any public office, including government-owned or controlled corporations. However, the forfeiture of benefits shall not include his accrued leave credits.

The Court's Ruling

The Court adopts the findings and recommendations of the JIB, and holds respondent liable for gross neglect of duty in the performance or nonperformance of official functions.

At the outset, respondent is reminded that his resignation on September 2, 2019 does not oust the Court of its jurisdiction over the instant case, given

²¹ *Id.* at 65–73.

²² *Id.* at 72–73.

²³ *Id.* at 69.

²⁴ *Id.* at 70.

²⁵ *Id.* at 71–72.



that disciplinary proceedings were instituted before his resignation, as early as March 13, 2019 when the OCA was notified of his criminal conviction. Following Section 2(2) of Rule 140 of the Rules of Court, as amended, once disciplinary proceedings are instituted, the respondent's supervening separation from service shall not preclude or affect the continuation of the same.²⁶

As for his liability for gross neglect of duty, it was already established in Criminal Case Nos. M-PSY-16-27580-CR and M-PSY-16-27581-CR that respondent failed to liquidate the amounts of PHP 17,896.00 and PHP 15,000.00, representing cash advances he received for travel expenses, within the deadline provided under COA Circular No. 97-00, in violation of his duty as process server of the Office of the Clerk of Court, MeTC of Pasay City.

The cash advances received by respondent formed part of the court's funds. By failing to submit the required liquidation, respondent was remiss in his duty to observe the prescribed guidelines or procedures in the use of funds under his official custody. Furthermore, he fell short of his obligation to perform his official duties properly and with diligence at all times.

Respondent's failure to liquidate the said cash advances thus constitutes a violation of Canons I and IV of A.M. No. 03-06-13-SC or the Code of Conduct for Court Personnel. Canon I, Section 5 and Canon IV, Section 1 provide:

Canon I

SECTION 5. Court personnel shall use the resources, property and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.

Canon IV

SECTION 1. 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.

Furthermore, the Court finds that respondent's act of failing to liquidate his cash advances and violating Canons I and IV of the Code of Conduct for Court Personnel amounts to gross neglect of duty. Jurisprudence distinguishes between gross and simple neglect of duty thus:

Dereliction of duty may be classified as gross or simple neglect of duty or negligence. Gross neglect of duty or gross negligence "refers to

²⁶ RULES OF COURT, Rule 140, sec. 2(2), as amended by A.M. No. 21-08-09-SC, February 22, 2022.



negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but willfully and intentionally, with a conscious indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property." It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable. In contrast, simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a "disregard of a duty resulting from carelessness or indifference."²⁷

In this case, several circumstances inevitably lead the Court to the conclusion that respondent's acts are the result of more than just mere carelessness or indifference which characterize the offense of simple neglect of duty.

First, there is no showing in the record that respondent attempted to correct his misdeed by belatedly submitting the required liquidation documents. In fact, the MeTC's Decision in Criminal Case Nos. M-PSY-16-27580-CR and M-PSY-16-27581-CR notes that respondent's cash advances remained unliquidated as of December 31, 2013.²⁸ Had respondent's lapse been the result of simple carelessness or indifference, he could have attempted to correct himself and minimize the negative repercussions of his actions, but he did not.

Second, the JIB notes that the MeTC cancelled respondent's cash bonds and issued a warrant of arrest after respondent failed to appear during the hearing of his criminal cases and that, in fact, respondent remains at large to this day.²⁹ To emphasize, respondent was still officially an employee of the court when he stopped appearing for trial without notice or justification, thereby committing a flagrant violation of the conditions attached to the grant of his bail. The abuse of the right to bail is made all the more glaring by the fact that respondent was a court employee at the time, who should have set the example with regard to deference to and proper observance of judicial processes. More to the point, respondent's nonappearance at trial shows not just his disrespect of court processes, but his flagrant indifference to the consequences of his actions.

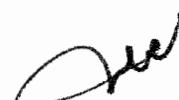
Third, respondent has gone completely incognito and could not be contacted by the JIB for his comment on the disciplinary charges against him.³⁰ Respondent has run away from the opportunity to explain himself to

²⁷ *Office of the Court Administrator v. Cortes*, A.M. No. P-23-107, February 13, 2023 [Notice, Second Division].

²⁸ *Rollo*, p. 20.

²⁹ *Id.* at 71.

³⁰ *Id.*



this Court, and from all responsibility for his actions. Again, this shows respondent's want of even the slightest care for the proper performance of his duties.

In sum, respondent not only failed to perform his official duties in accordance with the prescribed guidelines, but did so with evident willfulness, want of even slight care, and blatant disregard for the consequences, as shown by his lack of remorse, lack of any attempt at explanation or correction, and lack of accountability for his actions. Respondent's actuations, taken all together, establish substantial evidence of his liability for gross neglect of duty.

The instant case can be distinguished from the case of *Samonte v. Jumawak*,³¹ where the petitioner, a municipal health officer who failed to liquidate his travel cash advances within the prescribed 30-day period, was held liable for the lesser offense of simple misconduct. In that case, the Court took into account the fact that petitioner was not just the municipal health officer in one municipality, but also the designated rural health physician in another municipality, where he was enjoined to open the office for 24 hours a day and seven days a week, on top of his regular duties.³² Moreover, despite petitioner's voluminous work, he was still able to liquidate his cash advances, albeit beyond the prescribed period.³³ The Court found that petitioner's acts in that case could not be characterized as "flagrant and culpable refusal or unwillingness to perform a duty" or a "disregard of duty resulting from carelessness or indifference" as to amount to gross neglect of duty.³⁴ In contrast to said petitioner in *Samonte*, respondent in the instant case has no excuse for absolutely failing to liquidate his cash advances. Moreover, unlike the petitioner in *Samonte*, respondent did not even attempt to explain his lapse to this Court.

Respondent's actuations are more akin to those of the petitioner's in *Hallasgo v. Commission on Audit*.³⁵ In *Hallasgo*, a municipal treasurer was found liable for gross misconduct for failing to keep current and accurate records, repeated withdrawal of funds without the appropriate disbursement vouchers, failure to timely liquidate her cash advances, and failure to account for funds in her custody. The Court found that the treasurer's actions, taken together, evinced not just mere inadvertence, but demonstrated a pattern of negligence and gross misconduct, as well as wanton and deliberate disregard for the demands of public service.³⁶ As in *Hallasgo*, herein petitioner's actions must be taken as a whole. The totality of petitioner's actions, from failing to

³¹ *Samonte v. Jumawak*, 933 Phil. 186 (2023) [Per J. Inting, Third Division].

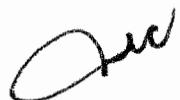
³² *Id.* at 193.

³³ *Id.* at 194.

³⁴ *Id.*

³⁵ 615 Phil. 577 (2009) [Per J. Del. Castillo, *En Banc*].

³⁶ *Id.* at 591.



liquidate his cash advances to his brazen disregard for his obligation to appear in court and answer for his liability, despite his status as a court employee, shows not just carelessness or indifference, but willful, flagrant, and palpable refusal to perform his duty.

Gross neglect of duty is classified in Rule 140 as a serious charge, punishable by (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; (b) suspension from office without salary and other benefits for more than six months but not exceeding one year; or (c) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.³⁷ Moreover, if the respondent is found liable for an offense which merits dismissal from service, but the same can no longer be imposed due to the respondent's supervening resignation, they may be meted with the following penalties in lieu of dismissal: (a) forfeiture of all or part of the benefits as the Court may determine, and disqualification from reinstatement or appointment to any public office, including government-owned or -controlled corporations; and/or (b) a fine of more than PHP 100,000.00 but not exceeding PHP 200,000.00.³⁸

Considering that respondent has already been separated from service, the Court deems it fit to impose on him the penalty of forfeiture of all benefits and disqualification from reinstatement or appointment to any public office, for his failure to liquidate the cash advances he received while working as a process server of the MeTC.

ACCORDINGLY, the Court finds respondent Benjie V. Ore **GUILTY** of gross neglect of duty. He is meted the penalty of **FORFEITURE** of his retirement and other benefits, except accrued leave credits. Likewise, he is **PERPETUALLY DISQUALIFIED** from reemployment in any government agency or instrumentality, including any government-owned or controlled corporation or government financial institution.

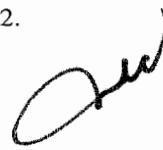
This Decision shall take effect immediately upon respondent's receipt of a copy of the same. Respondent shall inform this Court in writing of the date he received a copy of this Decision.

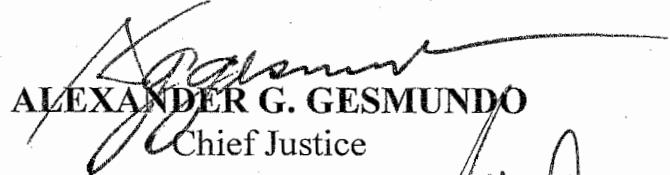
Let copies of this Decision be furnished to the Office of the Court Administrator for attachment to respondent's official records.

SO ORDERED.

³⁷ RULES OF COURT, Rule 140, secs. 14(d) & 17(1), as amended by A.M. No. 21-08-09-SC, February 27, 2022.

³⁸ RULES OF COURT, Rule 140, sec. 18, as amended by A.M. No. 21-08-09-SC, February 27, 2022.





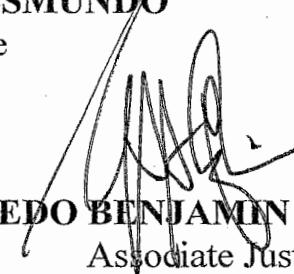
ALEXANDER G. GESMUNDO

Chief Justice



MARVIC M.V.F. LEONEN

Senior Associate Justice



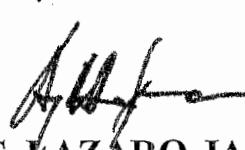
ALFREDO BENJAMIN S. CAGUIOA

Associate Justice



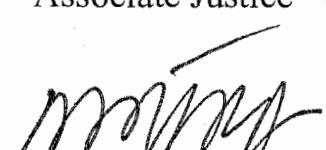
RAMON PAUL L. HERNANDO

Associate Justice



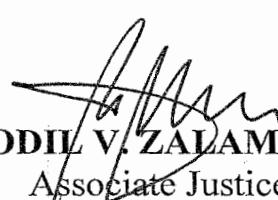
AMY C. LAZARO-JAVIER

Associate Justice



HENRI JEAN PAUL B. INTING

Associate Justice



RODIL V. ZALAMEDA

Associate Justice



SAMUEL H. GAERLAN

Associate Justice



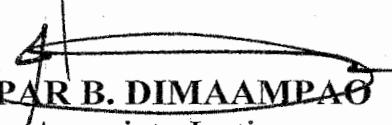
RICARDO R. ROSARIO

Associate Justice



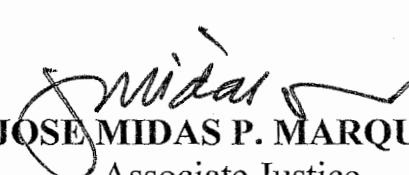
JHOSEP V. LOPEZ

Associate Justice



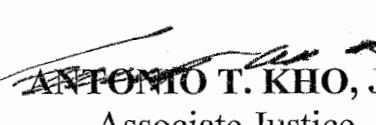
JAPAR B. DIMAAPAO

Associate Justice



JOSE MIDAS P. MARQUEZ

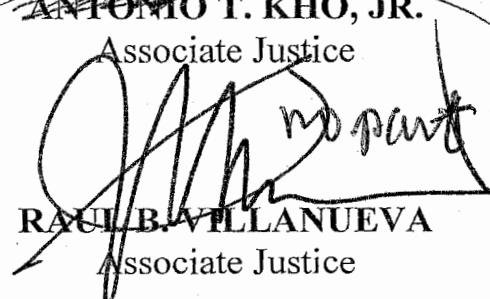
Associate Justice



ANTONIO T. KHO, JR.

Associate Justice

(On leave)
MARIA FILOMENA D. SINGH
Associate Justice



RAUL B. VILLANUEVA
Associate Justice

no part!