

Republic of the Philippines  
Supreme Court  
Manila

EN BANC

Former Presiding Judge EMILY  
R. ALIÑO-GELUZ, Regional  
Trial Court (RTC), Branch 255,  
Las Piñas City, now Associate  
Justice, Court of Appeals,  
Complainant,

- versus -

PHILIP O. LAGAC, Clerk III,  
RTC, Branch 23, Trece Martires  
City, Cavite,  
Respondent.

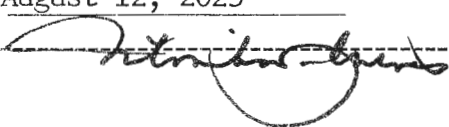
A.M. No. P-25-227  
[Formerly OCA-I.P.I. No. 17-  
4730-P]

Present:

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

Promulgated:

August 12, 2025

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DECISION

KHO, JR., J.:

\* No part due to prior action as Court Administrator.  
\*\* On leave.  
\*\*\* No part due to prior action as Deputy Court Administrator.

Before the Court is an Administrative Complaint<sup>1</sup> filed by former Presiding Judge Emily R. Aliño-Geluz (Hon. Aliño-Geluz) of Branch 255, Regional Trial Court (RTC) of Las Piñas City, now associate justice of the Court of Appeals, before the Office of the Court Administrator (OCA), charging Philip O. Lagac (Lagac), Clerk III of Branch 23, RTC (RTC-Branch 23) of Trece Martires City, Cavite with gross neglect of duty, insubordination, and inefficiency.<sup>2</sup>

### The Facts

In her verified Affidavit-Complaint<sup>3</sup> dated July 31, 2017, Hon. Aliño-Geluz claimed that she was designated as acting presiding judge of RTC-Branch 23 through Administrative Order No. 89-2016<sup>4</sup> dated May 23, 2016. In the course of the performance of her duties as Acting Presiding Judge, she noticed that the main reason for the delay in the proceedings in criminal cases was Lagac's negligence in the performance of his duties relative to the service of subpoenas, orders, and other court processes upon witnesses and litigants. Thus, she directed Lagac, who was designated as clerk-in-charge of criminal cases, and Clerk of Court VI Atty. Maricel Lilled Asuncion-Roxas (Atty. Asuncion-Roxas), to give importance to their respective duties as court personnel.<sup>5</sup>

As her directive remained unheeded, Hon. Aliño-Geluz reminded<sup>6</sup> Atty. Asuncion-Roxas that as clerk of court, she is ultimately responsible for Lagac's negligence and refusal to obey lawful orders, which were greatly affecting the proceedings in RTC-Branch 23. However, Hon. Aliño-Geluz learned that even prior to such reminder, Atty. Asuncion-Roxas had already issued several Memoranda<sup>7</sup> to Lagac instructing him to comply with Hon. Aliño-Geluz' directives, but to no avail. In particular, Lagac's attention was called regarding the following: *first*, his failure: (a) to maintain a systematic filing of records in criminal cases; (b) to obey the directive for the issuance of subpoenas in several criminal cases, resulting in the resetting of the cases; (c) to attach to the records of criminal cases some documents pertaining to bail bonds of the accused; and (d) to produce records of criminal cases involving detention prisoners; and *second*, his habitual tardiness and absences, which further compound the backlog of his work at hand.<sup>8</sup> She added that Lagac's negligence had also adversely affected Assisting Judge Hon. Bonifacio S. Pascua (Judge Pascua), who likewise issued a Memorandum<sup>9</sup> dated May 15, 2017, directing Lagac to show cause why he should not be administratively charged for failure to attach the Information and their enclosures in several

<sup>1</sup> *Rollo*, pp. 2–3. See Affidavit-Complaint dated July 31, 2017

<sup>2</sup> *Id.* at 3.

<sup>3</sup> *Id.* at 2–3.

<sup>4</sup> *Id.* at 4, including dorsal portion.

<sup>5</sup> *Id.* at 2, 5.

<sup>6</sup> *Id.* at 5. See Memorandum dated November 9, 2016.

<sup>7</sup> *Id.* at 6–7. See Memorandum dated September 16, 2016 and November 4, 2016.

<sup>8</sup> *Id.* at 6–7, 9–10.

<sup>9</sup> *Id.* at 8.

criminal cases. Despite all the reminders, Lagac remained remiss in the performance of his duties.<sup>10</sup>

Hon. Aliño-Geluz argued that Lagac's gross negligence, inefficiency, and insubordination prevented her from achieving a more expeditious and timely administration of justice and clogged the docket of RTC-Branch 23.<sup>11</sup>

Despite several directives by the OCA and the Court to file his comment,<sup>12</sup> Lagac failed to do so. Thereafter, the Court referred the instant administrative complaint to the Judicial Integrity Board (JIB) for evaluation, report and recommendation.<sup>13</sup>

### **The JIB-OED Report and Recommendation**

In a Report and Recommendation<sup>14</sup> dated December 9, 2021, the JIB-Office of the Executive Director (JIB-OED) recommended that: (1) the instant administrative complaint be redocketed as a regular administrative matter against Lagac; and (2) Lagac be adjudged guilty of gross neglect of duty and gross insubordination, and impose upon him the penalty of dismissal from the service, with all the accessory penalties.

The JIB-OED explained that as Clerk III, Lagac's performance of his duty is essential to the prompt and proper administration of justice, and his inaction hampers the administration of justice and erodes public faith in the judiciary. However, despite repeated reminders and directives from his superiors, Lagac continued to be remiss in his duties, which caused delay in the speedy disposition of the cases in RTC-Branch 23. His acts, therefore, amount to gross neglect of duty.<sup>15</sup>

Moreover, Lagac's repeated defiance of the OCA and the Court's directives to submit his comment constitutes a clear disrespect of the Court's lawful orders, which amounts to gross insubordination. The JIB-OED emphasized that respondents in administrative complaints are obliged to comment on all accusations or allegations against them because it is their duty to preserve the integrity of the judiciary.<sup>16</sup>

Thus, the JIB-OED submitted that a court employee who fails to exercise diligence in performing their duties and repeatedly disregards the

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<sup>10</sup> *Id.* at 2.

<sup>11</sup> *Id.* at 3.

<sup>12</sup> *Id.* at 12-17.

<sup>13</sup> *Id.* at 19. See Notice dated November 10, 2021 signed by Division Clerk of Court Teresita A. Aquino Tuazon.

<sup>14</sup> *Id.* at 20-24. Submitted by Deputy Clerk of Court at-Large, OCA and Acting Executive Director, JIB-OED James D.V. Navarrete.

<sup>15</sup> *Id.* at 22.

<sup>16</sup> *Id.* at 22-23.

directives and instructions of their superiors is a disgrace to the judiciary, and should be dismissed from the service,<sup>17</sup> pursuant to Rule 10, Section 50(A)(2) of the 2017 Rules on Administrative Cases in the Civil Service (2017 RACCS), and the Court's ruling in *Boston Finance and Investment Corporation v. Judge Gonzales*.<sup>18</sup>

### **The JIB Proper Report**

In a Report<sup>19</sup> dated August 17, 2022, the JIB Proper adopted the factual findings and recommendation of the JIB-OED. It found that Lagac's administrative liability for gross neglect of duty and gross insubordination was substantially established and proven by Hon. Aliño-Geluz and, no less, by Lagac's own conduct. It emphasized the undisputed fact that Lagac has been remiss in performing his duties as the clerk-in-charge of criminal cases in RTC-Branch 23, and that his superiors have called him out for his performance because it was already affecting the proceedings in the criminal cases in the said court, to no avail. Consequently, the JIB Proper held that his conscious indifference to the consequences of his negligence constitutes gross negligence.<sup>20</sup>

On the other hand, the JIB Proper pointed out that Lagac's obstinate refusal to comply with the directives of the OCA and the Court amounts to gross insubordination.<sup>21</sup>

The JIB Proper concluded that Lagac clearly failed to meet the requirements and to perform the duties and responsibilities expected of him as an employee of the court, warranting his dismissal from the service<sup>22</sup> pursuant to Rule 140 of Section 17(1)(a) of the Rules of Court, as further amended by A.M. No. 21-08-09-SC<sup>23</sup> (Rule 140).

### **The Issue Before the Court**

The core issue for the Court's resolution is whether Lagac should be held administratively liable for the acts complained of.

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<sup>17</sup> *Id.* at 23.

<sup>18</sup> 841 Phil. 701 (2018) [Per J. Perlas-Bernabe, *En Banc*].

<sup>19</sup> *Rollo*, pp. 26–32. Submitted by First Regular Member Justice Sesonando E. Villon (Ret.) and concurred in by Chairperson Justice Romeo J. Callejo, Sr. (Ret.), Vice Chairperson Justice Angelina Sandoval-Gutierrez (Ret.), Second Regular Member Rodolfo A. Ponferrada (Ret.), and Third Regular Member Justice Cielito N. Mindaro-Grulla (Ret.).

<sup>20</sup> *Id.* at 29.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.* at 30.

<sup>23</sup> Further Amendments to Rule 140 of the Rules of Court, Dated February 22, 2022.

### The Court's Ruling

The Court adopts and approves the findings and recommendation of the JIB, as will be explained below.

#### I.

At the outset, it is important to note that on February 22, 2022, the Court *En Banc* unanimously approved A.M. No. 21-08-09-SC, entitled "*Further Amendments to Rule 140 of the Rules of Court*." On April 3, 2022, the publication requirement thereof had already been complied with.<sup>24</sup> Hence, Rule 140, as further amended, is already effective.

In this relation, Rule 140 of Section 24, as further amended, explicitly provides that it will apply to all pending and future administrative disciplinary cases involving Members, officials, employees, and personnel of the Judiciary, to wit:

**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. (Emphasis and underscoring supplied)

In view of the foregoing, the Court shall resolve this case under the framework of Rule 140, as further amended—as what the JIB did.

#### II.

Gross insubordination is defined as the inexplicable and unjustified refusal to obey some order that a superior is entitled to give and have obeyed, and imports a willful or intentional disregard of the lawful and reasonable instructions of the superior. The Court has consistently held that repeated noncompliance with the OCA's directive to furnish a comment on a complaint, may be construed as gross insubordination as this constitutes a clear and willful disrespect, not just for the OCA, but also for the Court, which exercises direct administrative supervision over all lower courts and personnel through the OCA.<sup>25</sup> Court personnel who are subject to administrative

<sup>24</sup> Section 26 of the Rules reads:

**SECTION 26. *Effectivity Clause.*** – These Rules shall take effect following their publication in the Official Gazette or in two newspapers of national circulation. (Emphasis and underscoring supplied)

<sup>25</sup> *Guinto-Hanif v. Perez*, A.M. No. P-23-082, January 30, 2024 [*Per Curiam, En Banc*] at 10. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website, citing *Tan v. Sermonia*, 612 Phil. 314, 325 (2009) [*Per J. Chico-Nazario, Third Division*].

complaints cannot just ignore directives for them to comment on a complaint. Doing so shows utter lack of respect for the Court and the institution they represent,<sup>26</sup> which is tantamount to gross insubordination.<sup>27</sup> Thus, in *Martinez v. Zoleta*,<sup>28</sup> the Court held:

[A] resolution of the Supreme Court requiring comment on an administrative complaint against officials and employees of the judiciary should not be construed as a mere request from the Court. Nor should it be complied with partially, inadequately or selectively. ***Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary.*** Moreover, the Court should not and will not tolerate future indifference of respondents to administrative complaints and to resolutions requiring comment on such administrative complaints.<sup>29</sup> (Emphasis and underscoring supplied)

In this case, records show that Lagac has been given several opportunities to submit his comment and address the allegations against him. Yet, he continued to disregard the directives to file his comment. Pursuant to the afore-cited case law, Lagac should be found administratively liable for the serious charge of gross insubordination.

### III.

Concomitantly, Lagac's acts constituting gross insubordination should be deemed as a waiver of his right to defend himself. Lagac's patent indifference towards the complaint against him is grossly inconsistent with the actions of a person against whom a false accusation has been made. Verily, silence is admission if there was a chance to deny the charges.<sup>30</sup>

As such, Lagac's silence shall therefore be construed as an implied admission and acknowledgment of the veracity of the allegations<sup>31</sup> in the verified Affidavit-Complaint filed by Hon. Aliño-Geluz, stating that he has been remiss in the performance of his duties as Clerk In-Charge of criminal cases, particularly with respect to the maintenance of a systematic filing of records in criminal cases, and the issuance of subpoenas in several criminal cases, to such a great degree that it was already delaying the proceedings, and clogging the docket of RTC-Branch 23. Thus, the Court agrees with the JIB that Lagac's acts or omissions amount to gross neglect of duty.

<sup>26</sup> *Santos v. Leaño*, 781 Phil. 342, 361 (2016) [*Per Curiam, En Banc*].

<sup>27</sup> *Pacquing v. Judge Gobarde*, 550 Phil. 58, 62 (2007) [*Per J. Nachura, Third Division*].

<sup>28</sup> 374 Phil. 35 (1999) [*Per Curiam, En Banc*].

<sup>29</sup> *Id.* at 47.

<sup>30</sup> *Guinto-Hanif v. Perez*, A.M. No. P-23-082, January 30, 2024 [*Per Curiam, En Banc*] at 8. This pinpoint citation refers to the copy of the Decision uploaded to the Supreme Court website, citing *Alcaraz v. Judge Lindo*, 471 Phil. 39, 44 (2004) [*Per J. Ynares-Santiago, First Division*].

<sup>31</sup> *Mendoza v. Tablizo*, 614 Phil. 30, 35 (2009) [*Per C.J. Puno, En Banc*].

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To be sure, gross neglect of duty or gross negligence has been defined as negligence characterized by the want of even slight care, or by willfully and intentionally acting or omitting to act in a situation where there is a duty to act, with a conscious indifference to the consequences, insofar as other persons may be affected. It thereby denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, as in this case, gross negligence occurs when a breach of duty is flagrant and palpable.<sup>32</sup>

As Clerk III, in-charge of criminal cases, Lagac has the duty to, *inter alia*, maintain a systematic filing of criminal cases; prepare subpoenas, court notices, processes, and communications for the signature of the presiding judge and/or branch clerk of court; and assist in the release of decisions, orders, processes, subpoenas and notices as directed by the presiding judge and/or branch clerk of court.<sup>33</sup> However, despite repeated reminders from his superiors, he remained indifferent and continued to be remiss in the performance of his duties, which have caused delay in the speedy disposition of cases, and clogged the docket of RTC-Branch 23. Such acts or omissions bespeak of a flagrant and culpable refusal or unwillingness to perform his duty. Thus, it is only proper that Lagac be found administratively liable for gross neglect of duty as well.

#### IV.

Gross neglect of duty and gross insubordination are classified as serious charges under Rule 140 of Section 14(d) and (n), respectively. Under Rule 140 of Section 17(1), serious charges may be penalized by any of the following sanctions: “(a) [d]ismissal 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) [s]uspension 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.”

Relatedly, Rule 140 of Section 21 provides that “[i]f the respondent is found liable for more than one offense arising from separate acts or omissions in a single administrative proceeding, the Court shall impose separate penalties for each offense.”

In this case, since Lagac’s administrative liabilities for the aforementioned serious charges stem from separate acts, then he should be

<sup>32</sup> *Collado v. Commissioner Villar*, 891 Phil. 1, 25 (2020) [Per J. Caguioa, *En Banc*], citing *Office of the Ombudsman v. De Leon*, 705 Phil. 26, 37–38 (2013) [Per J. Bersamin, First Division].

<sup>33</sup> See Items D 2.2.5.5, 2.2.5.6, and 2.2.5.7 of the 2002 Revised Manual for Clerks of Court, A.M. No. 02-5-07-SC dated May 21, 2002.

170



separately penalized for each charge. Given the obtaining circumstances of this case, the Court finds it appropriate to penalize Lagac as follows: (a) for gross neglect of duty, dismissal from the service with all its accessory penalties; and (b) for gross insubordination, a fine of PHP 101,000.00, payable within three months from the promulgation of this ruling, pursuant to Rule 140 of Section 22.

*“As a final note, it must be emphasized that ‘those in the Judiciary serve as sentinels of justice, and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people’s confidence in it. The Institution demands the best possible individuals in the service and it had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system. In this light, the Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public,’ as in this case.”<sup>34</sup>*

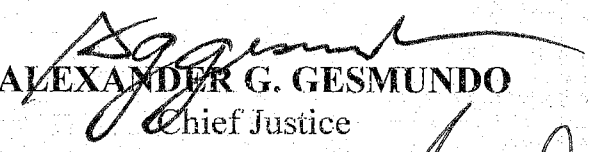
**ACCORDINGLY**, respondent Philip O. Lagac, Clerk III of Branch 23, Regional Trial Court of Trece Martires City, Cavite, is found **GUILTY** of gross neglect of duty and gross insubordination. He is meted with the penalties of **DISMISSAL** from the service, with the accessory penalties of **FORFEITURE** of all the retirement and other benefits due him, except accrued leave credits, and **DISQUALIFICATION** from reinstatement or appointment to any public office, including government-owned or -controlled corporations, and a fine of PHP 101,000.00.

**SO ORDERED.**



**ANTONIO T. KHO, JR.**  
Associate Justice

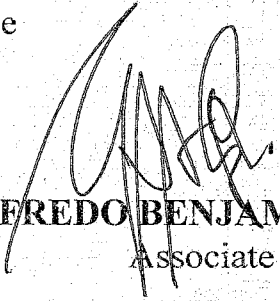
**WE CONCUR:**



**ALEXANDER G. GESMUNDO**  
Chief Justice



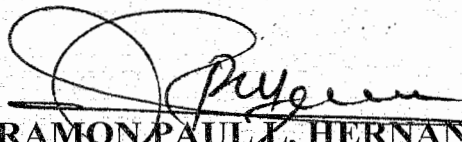
**MARVIC M.V.F. LEONEN**  
Senior Associate Justice




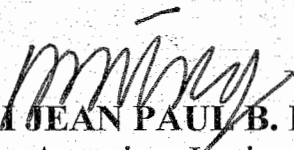
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

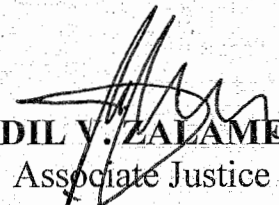
<sup>34</sup> *Office of the Court Administrator v. Judge Montero*, 928 Phil. 165, 180 (2022) [*Per Curiam, En Banc*].




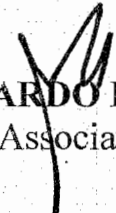
  
**RAMON PAUL L. HERNANDO**  
Associate Justice


  
**AMY C. LAZARO-JAVIER**  
Associate Justice

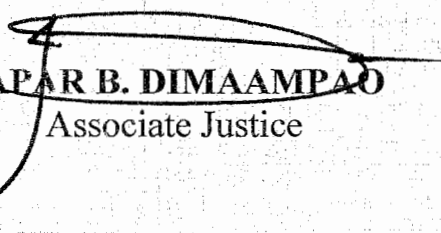
  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

  
**SAMUEL H. GAERLAN**  
Associate Justice

  
**RICARDO R. ROSARIO**  
Associate Justice

  
**JHOSEP Y. LOPEZ**  
Associate Justice

  
**JAPAR B. DIMAAMPAO**  
Associate Justice

No Part  
**JOSE MIDAS P. MARQUEZ**  
Associate Justice

On Leave  
**MARIA FILOMENA D. SINGH**  
Associate Justice

No Part  
**RAUL B. VILLANUEVA**  
Associate Justice

