

## EN BANC

[ A.M. No. 2019-17-SC, February 18, 2020 ]

**RE: INVESTIGATION AND REPORT CONCERNING SAMUEL ANCHETA, JR., RECORDS OFFICER III, RECORDS CONTROL AND CASE MANAGEMENT DIVISION, OFFICE OF THE DIVISION CLERK OF COURT, THIRD DIVISION, SUPREME COURT, RELATIVE TO THE JULY 30, 2019 DECISION OF THE COURT EN BANC IN A.C. NO. 10461 (DR. VIRGILIO RODIL VS. ATTY. ANDREW C. CORRO, SAMUEL ANCHETA, JR., AND IMELDA POSADAS)**

### D E C I S I O N

#### PER CURIAM:

This is an offshoot of the per curiam Decision<sup>[1]</sup> dated 30 July 2019 in A.C. No. 10461 entitled, "*Dr. Virgilio Rodil vs. Atty. Andrew C. Corro, Samuel Ancheta, Jr., and Imelda Posadas*," the dispositive portion of which reads:

"**WHEREFORE**, Atty. Andrew C. Corro is hereby **DISBARRED** for gross misconduct, grossly immoral conduct, violations of the Lawyer's Oath, violations of the Code of Professional Responsibility, and willful disobedience of the lawful orders of the Court. His name is **ORDERED STRICKEN OFF** from the Roll of Attorneys.

The individual cases of Samuel Ancheta, Jr. and Imelda Posadas are hereby referred to the Office of Administrative Services of the Supreme Court and the Court of Appeals, respectively, for the corresponding investigation and report within sixty (60) days from notice of the charges.

x x x

This Decision shall be **IMMEDIATELY EXECUTORY**.

**SO ORDERED.**"<sup>[2]</sup> (Emphasis in the original)

#### Antecedents

As culled from the records, this administrative matter originated from a complaint filed by Dr. Virgilio Rodil (Dr. Rodil) before the Office of the Bar Confidant against Atty. Andrew C. Corro, then a lawyer from the Office of Associate Justice Martin S. Villarama, Jr. (*ret.*)

Dr. Rodil acted on behalf of a certain Atty. Ramel Aguinaldo (Atty. Aguinaldo), whose client had a pending petition for review<sup>[3]</sup> before the Court, by looking for possible contacts in the Supreme Court who could assist in securing a favorable judgment on

the petition. Since one of his patients, Imelda V. Posadas (Posadas), was a Records Officer II at the Reporters Office of the Court of Appeals, Dr. Rodil asked her if she could help him.

Posadas then got in touch with Samuel L. Ancheta, Jr. (Ancheta), Records Officer III at the Office of the Division Clerk of Court of the Third Division, Supreme Court (SC). Ancheta, upon making queries in the Court concerning the said case, learned from Atty. Carro that the case was actually raffled to Associate Justice Villarama. Ancheta then gave a copy of the petitioner's documents to Atty. Carro and asked him if he could "review" the matter.

Not long afterwards, Atty. Corro demanded the amount of Php10,000,000.00 in exchange for drafting a favorable decision acquitting Marco Alejandro (Alejandro) for illegal sale of dangerous drugs under Section 5, Article II of Republic Act No. 9165. The demand was relayed to Atty. Aguinaldo through the same series of contacts (from Ancheta to Posadas, then Posadas to Dr. Rodil, and then Dr. Rodil to Atty. Aguinaldo). The amount was given to Atty. Corro in four (4) installments. The first installment in the amount of P800,000 on 22 April 2013 was given by Dr. Rodil to Posadas, who in turn gave the cash to Ancheta who delivered the same to Atty. Corro. The second installment of P700,000 was given on 12 August 2013 via the same chain. The third installment of Php5,000,000.00 was given by Dr. Rodil when he personally met Atty. Corro and his friend Rico Alberto (Alberto) on 13 December 2013. The fourth installment of Php3,500,000.00 was given on 21 February 2014, by Dr. Rodil to Atty. Corro, which fact was witnessed by Alberto.<sup>[4]</sup>

Apparently, a favorable "decision" was issued by the Court, a copy of which was given to Atty. Aguinaldo but turned out to be fictitious. As a result, Dr. Rodil filed a complaint for disbarment against Atty. Corro before the Office of the Bar Confidant (OBC). On 30 July 2019, the Court disbanded him via a *per curiam* Decision. With respect to Ancheta, the Court referred to its Office of the Administrative Services (SC-OAS) the conduct of investigation, and preparation of report and recommendation within sixty (60) days from notice of the charges.

In a Memorandum<sup>[5]</sup> dated 05 November 2019, the SC-OAS, thru Atty. Maria Carina M. Cunanan (Atty. Cunanan), the Deputy Clerk of Court and Chief Administrative Officer, recommended that Ancheta be found guilty of grave misconduct and dismissed from the service, with the corresponding forfeiture of all retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including any government-owned or controlled corporations.

The findings and recommendations of the Office of Administrative Services (OAS) are stated in this wise:

"The respondent's contention that his name was merely "dragged" into the whole controversy **is contradicted by the records of the case which show that he actively participated in all material aspects of the transactions in question.** From the moment he was informed by Ms. Posadas that Dr. Rodil was looking for someone who could help in the case, he proceeded to determine G.R. No. 205227's status in the Court, and upon learning that the *ponente* (Justice Villarama) was the justice of the office where Atty. Corro worked, he asked the latter if he could

"review" the case and impliedly use the latter's position to manipulate a judgment in favour of the petitioner. He then introduced Dr. Rodil to Atty. Corro; played as emissary between them, was courier of the bribe money between the parties involved; and was on hand as a facilitator at the meetings at Max's restaurant during office hours. Consequently, none of the events in the instant administrative matter could have taken place without the indispensable cooperation he provided.

**Therefore, he was not just some passive spectator motivated by lofty and noble ideals in furthering the cause of justice[;] he actually played a major role in attempting its perversion. x x x**

x x x

Thus, by knowingly and voluntarily participating in the attempt to secure a favorable judgment for the petitioner in G.R. No. 205227 involving the bribery of a Court Attorney, and for violations of the Code of Conduct for Court Personnel by using his position to secure privilege and dispense special favors, disclosing confidential information by revealing the ponente of G.R. No. 205227, as well as meeting with the other individuals involved during official working hours, this Office finds that Mr. Ancheta is guilty of the administrative offense of Grave Misconduct, on account of the qualifying circumstances of corruption, clear intent to violate the law and flagrant disregard of the established rules. As there is only one indivisible penalty imposed for this offense, the respondent must be dismissed from the service."<sup>[6]</sup>

### **Ruling of the Court**

The recommendations of the SC-OAS are well-taken.

The Court has repeatedly held that the image of a court of justice is mirrored in the conduct, official or otherwise of its personnel. All court personnel are mandated to adhere to the strictest standards of honesty, integrity, morality, and decency in both their professional and personal conduct. In order to preserve the good name and integrity of the courts of justice, they must exemplify the highest sense of honesty and integrity not only in the performance of their official duties but also in their private dealings with other people.<sup>[7]</sup>

Ancheta has been with the Court for thirty-eight (38) long years. His mother, Consolacion Ancheta, served the Court for almost forty (40) years and was awarded as a model employee. It is thus lamentable that he not only failed to emulate the exemplary service his mother dedicated to the Court, but likewise failed to meet the basic standards of propriety, honesty and fairness exacted from all government employees.

Parenthetically, his years of service in the Court cannot serve to mitigate his offense, but has to be appreciated as aggravating. Length of service can either be a mitigating or an aggravating circumstance depending on the facts of each case. It is usually considered as an aggravating circumstance when the offense committed is serious or grave or if length of service is a factor that facilitates the commission of