



Petitioners, A. REYES, JR.,  
GESMUNDO,  
J. REYES, JR.,  
HERNANDO,  
CARANDANG,  
LAZARO-JAVIER,<sup>\*\*\*</sup>  
INTING,<sup>\*\*\*</sup> and  
ZALAMEDA, JJ.

- versus -

JUDGE BENSAUDI A.  
ARABANI, JR., 4<sup>th</sup> Shari'a  
Circuit Court, Maimbung, Sulu,  
Respondent.

Promulgated:

November 12, 2019

X ----- X

## RESOLUTION

**PERLAS-BERNABE, J.:**

Before the Court is the letter<sup>1</sup> dated June 20, 2019 of the surviving spouse of Rodrigo Ramos, Jr. (Rodrigo): (a) informing the Court that Rodrigo passed away on December 5, 2016, attaching therewith an original copy of the Philippine Statistics Authority authenticated Death Certificate<sup>2</sup> of Rodrigo; and (b) imploring the Court to reduce the penalty of **suspension of six (6) months and one (1) day without pay** meted on him in its Decision<sup>3</sup> dated February 21, 2017 in A.M. No. SCC-10-15-P to **fine** in view of his demise.

Jurisdiction over an administrative case is not lost by the demise of the respondent public official during the pendency of his case.<sup>4</sup> This is especially true when the respondent had already been given the opportunity to answer the complaint and substantiate his defenses,<sup>5</sup> as in this case, and the fact of his death has been reported to the Court only after a decision was rendered in the administrative case against him. Thus, the Court retains its jurisdiction either to pronounce the respondent official innocent of the charges or declare him guilty thereof because a contrary rule would be fraught with injustices and pregnant with dreadful and dangerous implications.<sup>6</sup>

<sup>\*\*\*</sup> On official leave.

<sup>1</sup> *Rollo* (A.M. No. SCC-10-15-P), pp. 156-157.

<sup>2</sup> *Id.* at 158.

<sup>3</sup> The said Decision found Rodrigo guilty, among others, of frequent unauthorized absences, and loafing or frequent unauthorized absences from duty during regular office hours, and was accordingly suspended for six months and one (1) day without pay, with a stern warning that similar acts would be dealt with more severely. (*Id.* at 137-155. See also *Arabani, Jr. v. Arabani*, 806 Phil. 129 [2017].)

<sup>4</sup> See *Office of the Ombudsman v. Pacuribot*, G.R. No. 193336, September 26, 2018. Thus, in *Hermosa v. Paraiso* (159 Phil. 417, 419 [1975]), and *Office of the Court Administrator v. Saguyod* (429 Phil. 421, 432 [2002]), the Court proceeded to resolve therein respondents' administrative cases notwithstanding that death has already separated them from the service.

<sup>5</sup> See *Office of the Court Administrator v. Saguyod*, *id.* at 430.

<sup>6</sup> See *Office of the Ombudsman v. Pacuribot*, *supra* note 4.


However, considering Rodrigo's demise, the penalty of suspension imposed on him is no longer possible. In a previous case<sup>7</sup> where the respondent was similarly found guilty of frequent unauthorized absences but was no longer in the service at the time of the promulgation of the decision, the Court imposed a fine of ₱20,000.00 in lieu of suspension. The Court finds it apt to impose the same penalty here.

Further, the February 21, 2017 Decision also found Rodrigo guilty of violation of reasonable office rules and regulations, a light offense punishable with reprimand for the first offense, and was accordingly sanctioned with reprimand.<sup>8</sup> As reprimanding him would no longer be possible, the said charge had become moot and academic.<sup>9</sup>


**WHEREFORE**, the Decision dated February 21, 2017 in A.M. No. SCC-10-15-P (Formerly A.M. No. 06-3-03, SCC) is hereby **MODIFIED**. Respondent Rodrigo Ramos, Jr. (Rodrigo) is found **GUILTY** of frequent unauthorized absences, loafing or frequent unauthorized absences from duty during regular office hours, and **FINED** in the amount of Twenty Thousand Pesos (₱20,000.00) to be taken from whatever benefits he may be entitled to under existing laws, and subject to the outcome of OCA IPI No. 11-37-SCC-P and the findings in the audit of his accounts in the Shari'a Circuit Court, Maimbung, Sulu. The charge against him for violation of reasonable office rules and regulations is **DISMISSED** for being moot and academic.

Let a copy of this Resolution be attached to the personal record of Rodrigo.

**SO ORDERED.**

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

**WE CONCUR:**

  
**DIOSDADO M. PERALTA**  
Chief Justice


<sup>7</sup> See *Office of the Court Administrator v. Cobarrubias*, A.M. No. P-15-3379, November 22, 2017, 845 SCRA 644, 656.

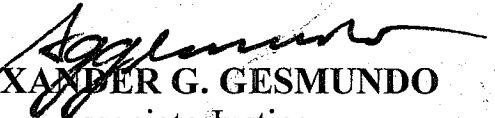
<sup>8</sup> See Section 22, Rule XIV of the Civil Service Rules.

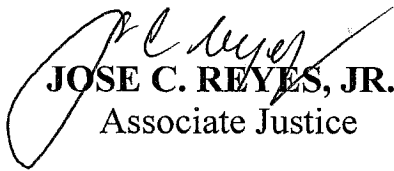
<sup>9</sup> See *Office of the Court Administrator v. Cabato*, 804 Phil. 145, 170 and 185 (2017).

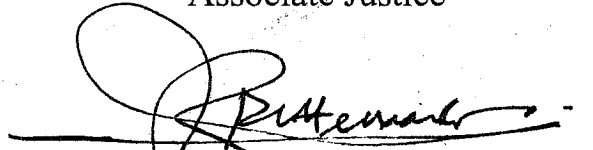
**On Official Business**  
**MARVIC M.V.F. LEONEN**  
Associate Justice

**On Official Business**  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice

  
**ANDRES B. REYES, JR.**  
Associate Justice

  
**ALEXANDER G. GESMUNDO**  
Associate Justice

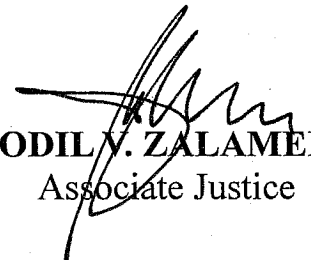
  
**JOSE C. REYES, JR.**  
Associate Justice

  
**RAMON PAUL L. HERNANDO**  
Associate Justice

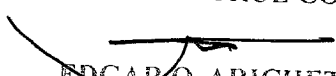
  
**ROSMARID D. CARANDANG**  
Associate Justice

**On Official Leave**  
**AMY C. LAZARO-JAVIER**  
Associate Justice

**On Official Leave**  
**HENRI JEAN PAUL B. INTING**  
Associate Justice

  
**RODIL V. ZALAMEDA**  
Associate Justice

CERTIFIED TRUE COPY

  
**EDGAR O. ARICHETA**  
Clerk of Court En Banc  
Supreme Court