



REPUBLIC OF THE PHILIPPINES  
**Sandiganbayan**  
Quezon City

**FIRST DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
*Plaintiff,*

- versus -

**CRIM. CASE NO. SB-15-CRM-0341**

*For: Violation of Section 3 (e), RA 3019*

**JEANETTE BERNALDEZ y  
OSEA-RAMOS,**

*Accused.*

Present:

**DE LA CRUZ, J., Chairperson  
ECONG, J.  
CALDONA, J.**

**Promulgated on:**

October 19, 2018 *Jrs*

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**DECISION**

**DE LA CRUZ, J.:**

Accused Jeanette Bernaldez y Osea-Ramos stands charged for violation of Section 3(e) of RA 3019, as amended, in an Information the accusatory portion of which reads:

That from April 2009 to July 2010, or sometime prior or subsequent thereto, in the Municipality of Bato, Province of Camarines Sur, and within the jurisdiction of the Honorable Court, accused **JEANETTE BERNALDEZ y OSEA-RAMOS**, a public officer, being then the Municipal Mayor of the said municipality, committing the crime charged in relation to her duties, and taking advantage of her official position, acting with manifest partiality, evident bad faith and/or gross inexcusable negligence, did then and there wilfully, unlawfully and feloniously cause undue injury to private complainant Dr. Annelyn V. Mendoza, amounting to her unpaid claims for the months of June 2010 to August 2010,

*Jrs* *ed*

**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 2 of 27

X-----X

and/or the government for the expenses incurred in hiring a consultant on health and social services, by issuing Memorandum Directive No. 039-09, dated April 14, 2009, which ordered the detail of the private complainant to the Provincial Health Office of Camarines Sur, which was declared to be invalid in a Civil Service Commission Resolution No. 09-1662, dated December 4, 2009, for being illegal which tantamount to reassignment prohibited under Section 6 of Republic Act No. 7305, by entering into a Memorandum of Agreement, dated April 1, 2009, hiring Dr. Norma L. De Villa as Consultant on Health and Social Services, by issuing Memorandum Directive No. 141-09, dated December 2, 2009, one with the same tenor with Memorandum Directive No. 039-09, and which directed the private complainant to report to Municipal Sub-Office of Pagatpatan, Bato, Camarines Sur, by issuing Memorandum Directive No. 149-09, dated December 16, 2009, again with the same tenor with Memorandum Directive No. 039-09, and which directed the private complainant to report to the Provincial Health Office of Camarines Sur, and by issuing Memorandum Directive No. 077-10, dated July 12, 2010, which ordered the private complainant to turn over the pieces of equipment that were issued to her office when complainant did not obey the memorandum directives issued, resulting in the private complainant's failure to get her salaries, RATA and allowances for the period of June 2010 to August 2010, in the amount of Fifty Six Thousand Three Hundred Eighty Seven Pesos and Thirty Nine Centavos (P56,387.39), thereby causing undue injury to the private complainant, to her damage and prejudice and of the government and the public interest.

CONTRARY TO LAW.

Upon being arraigned on June 2, 2016, the accused, duly assisted by her counsel *de parte*, pleaded "Not Guilty" to the charge against her.

At the pre-trial, the parties stipulated on the following facts:<sup>1</sup>

1. The accused was the Municipal Mayor of the Municipality of Bato, Camarines Sur, at the time material to the case.

2. The private complainant, Dr. Annelyn V. Mendoza, was the Municipal Health Officer of the Municipality of Bato, Camarines Sur, at the time material to the present case.

<sup>1</sup> Records, Vol. II, pp. 239-264

**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 3 of 27

x-----x

The parties proposed the following issues:

As proposed by the prosecution:

a. Whether the accused, taking advantage of her official position, acted with manifest partiality, evident bad faith and/or gross inexcusable negligence caused undue injury to private complainant, Dr. Annelyn V. Mendoza, by issuing Memorandum Directive (MD) No. 039-09, dated April 14, 2009, MD No. 141-09 dated December 2, 2009, MD No. 149-09, dated December 16, 2009, and MD No. 077-10, dated July 12, 2010, which resulted in the private complainant's failure to get her salaries, representation and transportation allowances for the period of June 2010 to August 2010, in the amount of Fifty-Six Thousand Three Hundred Eighty-Seven Pesos and Thirty-Nine Centavos (₱56,387.39).

As proposed by the accused:

a. Whether the accused is liable for the crime charged.

EVIDENCE FOR THE PROSECUTION

The prosecution presented nine (9) witnesses, namely, **Dr. Annelyn V. Mendoza, Emil A. Pili, Emma C. Aliorde, Danilo R. Durante, Helen I. Priela, Luis A. Besa, Vida S. Mirabueno, Francisco M. Regaspi and Alvin B. Ecaldre**, whose testimonies are set forth below.

**Dr. Annelyn V. Mendoza**, the private complainant in this case, and the Municipal Health Officer of Bato, Camarines Sur at the time material to this case.

In her Judicial Affidavit,<sup>2</sup> she testified that as the Municipal Health Officer in 2009, she directly reported to and was under the direct supervision of the accused, who was then the Municipal Mayor of Bato. Sometime in April 2009, she received a MD No. 039-09, dated April 14, 2009,<sup>3</sup> from the accused, detailing her at the Provincial Health Office (PHO), Camarines Sur, upon the

<sup>2</sup> Records, Vol. II, pp. 6-238

<sup>3</sup> Exhibits D to D-1

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 4 of 27**

x- ..... x

request<sup>4</sup> of the Provincial Government which is in need of additional staff with experience and expertise in the field of health. She contested the detail by writing the accused a letter dated April 15, 2009,<sup>5</sup> and by filing an appeal<sup>6</sup> with the Civil Service Commission (CSC) in Rawis, Legazpi City. She reported to the PHO on April 20, 2009, while Francisco Regaspi, Nurse II at the Municipality of Bato, was appointed Officer-in-Charge of the Municipal Health Office (MHO) by virtue of MD No. 042-09.<sup>7</sup> The accused then issued MD No. 141-09, dated December 2, 2009,<sup>8</sup> assigning her at the municipal sub-office in Pagatpatan, Bato, Camarines Sur, and MD No. 149-09, dated December 16, 2009,<sup>9</sup> detailing Dr. Mendoza back at the PHO. Meanwhile, the CSC issued Resolution No. 09-1662, dated December 4, 2009,<sup>10</sup> which granted her appeal and ordered her reinstatement as Municipal Health Officer of Bato. As the accused did not recall MD No. 149-09, she wrote a letter<sup>11</sup> to the CSC Regional Office No. V for the latter to intervene.

In February 2010, she hired the services of a lawyer who wrote the accused a letter,<sup>12</sup> informing that in light of CSC Resolution No. 09-1662, she will assume office as MHO of Bato effective March 1, 2010. An exchange of communication<sup>13</sup> transpired between the lawyer and the accused, but the latter did not yield. Nevertheless, she reported for work at the MHO on March 1, 2010, but the accused did not sign her Daily Time Records (DTRs) from March 2010 to December 2010,<sup>14</sup> on the ground that she was detailed at the PHO and her that DTRs should be signed by her supervisor therein. She explained that she could not ask the head or supervisor of the PHO to sign her DTRs as she was already reporting then at the MHO. But, starting from June 2010, she was not able to receive her salaries and allowances. The accused also issued MD No. 077-10, dated July 12, 2010,<sup>15</sup> directing her to turn over the office equipment issued to her

<sup>4</sup> Exhibit D-1

<sup>5</sup> Exhibit F

<sup>6</sup> Exhibit G

<sup>7</sup> Exhibit E

<sup>8</sup> Exhibit H

<sup>9</sup> Exhibit I

<sup>10</sup> Exhibit J

<sup>11</sup> Exhibit L

<sup>12</sup> Exhibit M

<sup>13</sup> Exhibits N, P, Q & R

<sup>14</sup> Exhibits LL and series

<sup>15</sup> Exhibits EE to E-1

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 5 of 27**

x-----x

department; and MD No. 129-10, dated December 8, 2010,<sup>16</sup> recalling Dr. Mendoza's detail order at the PHO. The CSC issued Resolution No. 10-00427,<sup>17</sup> directing the implementation of CSC Resolution No. 09-1662 which orders her reinstatement. As she was already recalled to the MHO in December 2010, the CSC issued Resolution No. 11-00559,<sup>18</sup> finding her initial request/motion for execution of CSC Resolution No. 09-1662 moot and academic. She claimed that as of the time of her testimony on January 30, 2017, her salaries from June 2010 to December 2010 had not yet been paid.<sup>19</sup> During cross-examination, she clarified that she did not question MD No. 149-09 because it is similar in facts and issues as that of MD No. 039-09, which the CSC already declared to be not in order.<sup>20</sup>

**Emil A. Pili**, a Human Resource Management Officer (HRMO) III of the Municipality of Bato, Camarines Sur.

In his Judicial Affidavit,<sup>21</sup> he testified that he was furnished with copies of MD Nos. 039-09, 042-09, 141-09, 149-09 and 129-10,<sup>22</sup> as well as written correspondences<sup>23</sup> regarding the detail of Dr. Mendoza. Upon receipt of MD Nos. 039-09, 042-09, 141-09, and 149-09, he sought legal opinion, by way of a letter,<sup>24</sup> from the CSC Regional Office in Rawis, Legazpi City, as the directives created confusion on his part. In its reply,<sup>25</sup> the CSC opined that Dr. Mendoza should be reinstated back to her post as Municipal Health Officer of Bato, Camarines Sur. He furnished the office of the accused a copy of that CSC letter, but no action was undertaken by the latter. He also testified that he received the DTRs of Dr. Mendoza for the months of March 2010 to December 2010.<sup>26</sup> For the DTRs corresponding to June 2010 to December 2010, he did not sign the same pursuant to the directives<sup>27</sup> issued by the accused which state that all DTRs of department heads shall be signed only by her. As a consequence, Dr. Mendoza was not

<sup>16</sup> Exhibit J

<sup>17</sup> Exhibit II

<sup>18</sup> Exhibit KK

<sup>19</sup> TSN dated January 30, 2017

<sup>20</sup> TSN dated January 31, 2017

<sup>21</sup> Records, Vol. I, pp. 233-284

<sup>22</sup> Exhibits D, E, H, I to I-1, & JJ

<sup>23</sup> Exhibits F, M, N, Q, R, & P

<sup>24</sup> Exhibit T

<sup>25</sup> Exhibit U

<sup>26</sup> Exhibits TT to TT-16

<sup>27</sup> Exhibits DD to DD-3

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 6 of 27**

x-----x

paid her salaries and remunerations corresponding to the months with unsigned DTRs.

**Emma C. Aliorde**, OIC Team Leader of the Local Government Sector, Audit Group C, Camarines Sur Province.

She testified in her Judicial Affidavit<sup>28</sup> that she received a subpoena from the Office of the Special Prosecutor requiring her to produce the originals or authenticated copies of the General Payroll for the months of June 2010 to December 2010, Disbursement Voucher No. 100-11-08-4411-783 in the amount of ₱46,080.00, Obligation Request in the name of Annelyn V. Mendoza in the amount of ₱23,040.00, Obligation Request in the amount of ₱5,000.00, and Disbursement Voucher No. 100-09-05-4411-8 in the amount of ₱5,000.00. However, despite diligent efforts, she was not able to locate any of the said documents. The defense stipulated on the due execution and authenticity of her Judicial Affidavit, including the exhibits attached thereto.

**Danilo R. Durante**, Municipal Accountant of Bato, Camarines Sur.

In his Judicial Affidavit,<sup>29</sup> he explained that he received subpoenas to produce the originals and authenticated copies of the same documents asked from Aliorde. However, he failed to produce the same as the documents were destroyed in their office when a typhoon hit their municipality. The defense stipulated on the due execution and authenticity of his Judicial Affidavit.

**Helen I. Priela**, Local Revenue Collection Officer designated as Officer-in-Charge of the Office of the Municipal Treasurer of Bato, Camarines Sur, at the time material to the case.

In her Judicial Affidavit,<sup>30</sup> she confirmed that the salaries and allowances of Dr. Mendoza for the months of June 2010 to December 2010 were not released, as shown by the General Payroll,<sup>31</sup> in compliance with the letter<sup>32</sup> from the Office of the Mayor addressed to her, Luis A. Besa and the Municipal

<sup>28</sup> Records, Vol. I, pp. 412-420

<sup>29</sup> Records, Vol. I, pp. 386-411

<sup>30</sup> Records, Vol. I, pp. 314-335

<sup>31</sup> Exhibit YY to YY-6

<sup>32</sup> Exhibit EEE to EEE-1

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 7 of 27

x-----x

Accountant, regarding the "No DTR, No Salary Policy." Dr. Mendoza wrote her a letter<sup>33</sup> inquiring as to the legal basis of the withholding of Dr. Mendoza's salaries and allowances for June 2010, to which she replied<sup>34</sup> that Dr. Mendoza failed to submit a DTR duly signed by her superior. She also testified that as of the time of her testimony or on August 5, 2016, the salaries and allowances of Dr. Mendoza are still unpaid, as the office of the municipal treasurer has not yet prepared a disbursement voucher for the payment of the same.

**Luis A. Besa**, a Clerk III designated as Disbursing Officer under the Office of the Municipal Treasurer at the Municipality of Bato, Camarines Sur.

In his Judicial Affidavit,<sup>35</sup> he corroborated the testimony of Pili that Dr. Mendoza did not receive her salaries and allowances for the period of June 2010 to December 2010, as her DTRs for said months were not signed by the accused. Considering that there is a "No DTR, No Salary Policy," he could not release Dr. Mendoza's salaries and allowances. When Dr. Mendoza did not receive her salaries and allowances for June 2010, she wrote him a letter,<sup>36</sup> inquiring for the legal basis of said withholding of salaries. In response,<sup>37</sup> he referred to the letter of the accused, addressed to Helen Priela, the ICO-Municipal Treasurer of Bato, informing them that the DTRs of department heads assigned in work stations outside the local government unit of Bato whose deployment was effected upon the request of the provincial governor, such as Dr. Mendoza, must be signed by the latter's immediate head or supervisor. Thereafter, he returned the salaries and allowances intended for Dr. Mendoza to the Collector.<sup>38</sup>

**Vida S. Mirabueno**, Senior Bookkeeper of the Municipal Treasurer's Office of Bato, Camarines Sur at the time material to the case.

She testified in her Judicial Affidavit<sup>39</sup> that she was the one who prepared the General Payroll<sup>40</sup> for the months of June 2010 to

<sup>33</sup> Exhibit Z-2

<sup>34</sup> Exhibit CC to CC-1

<sup>35</sup> Records, Vol. I, pp. 285-313

<sup>36</sup> Exhibit Z-1

<sup>37</sup> Exhibit AA to AA-1

<sup>38</sup> Exhibits VV, WW, XX to X-9

<sup>39</sup> Records, Vol. II, pp. 299-312

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 8 of 27**

x-----x

December 2010. However, she was not sure whether the failure of Dr. Mendoza to sign the said payrolls meant that she was not able to get her salaries for such period, as she could have signed in another copy. Also, she does not know whether or not Dr. Mendoza has already received her salaries for the said period.

**Francisco M. Regaspi**, Nurse II of the Local Government Unit of Bato, Camarines Sur.

In his Judicial Affidavit,<sup>41</sup> he confirmed that pursuant to MD No. 042-09<sup>42</sup> which was issued by the accused, he was designated as OIC of the MHO of Bato, in the absence of Dr. Mendoza who was detailed in the PHO. When there were requests for autopsy or necropsy, he could not perform such function, and upon instruction of the accused, would seek the assistance of either Dr. Gimpaya or Dr. Tuibeo who were paid thru checks. Other instances when Dr. Tuibeo or consultants were sought are in case of animal bites when anti-tetanus shots should be administered; prescription of medicines such as antibiotics; and when the LGU had the "Alis-Tanggal Bukol" project. He continued to discharge the functions of an OIC despite the return of Dr. Mendoza to the MHO on March 1, 2010, as he received a letter, dated March 1, 2010,<sup>43</sup> from the accused, informing him that he is still the OIC. During that time, Dr. Mendoza performed the duties of a medical doctor but she did not sign documents such as DTRs and Applications for Leave. He was designated as OIC until December 10, 2010, prior to the effectivity of MD No. 129-10<sup>44</sup> which recalled the detail order at the PHO of Dr. Mendoza. On cross-examination, he clarified that Dr. Mendoza did not attempt to have her attendance signed by him.<sup>45</sup>

**Alvin B. Ecaldre**, Administrative Officer V at the Office for Legal Affairs, CSC-Diliman.

In his Judicial Affidavit,<sup>46</sup> he testified that in compliance with the subpoena requiring the production of some documents, Exhibits F, G, L, M, N, O, R, S, T, U, Y and Z are not found in the case folder of Dr. Mendoza. He also confirmed during cross-

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<sup>40</sup> Exhibits YY to YY-6

<sup>41</sup> Records, Vol. II, pp. 372-383

<sup>42</sup> Exhibit E

<sup>43</sup> Exhibit Q

<sup>44</sup> Exhibit JJ

<sup>45</sup> TSN dated April 10, 2017

<sup>46</sup> Records, Vol. II, pp. 331-371

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 9 of 27**

x-----x

examination<sup>47</sup> that the CSC Resolution No. 10-0042, dated November 22, 2010, was received by the Office of the Municipal Mayor of Bato on December 13, 2010.

On June 19, 2017, the prosecution filed its Formal Offer of Exhibits.<sup>48</sup> The Court admitted in evidence all the prosecution's documentary exhibits.<sup>49</sup>

The accused filed a Motion for Leave of Court to File Demurrer to Evidence, which the Court denied.<sup>50</sup>

EVIDENCE FOR THE DEFENSE

The defense presented its sole witness, accused Jeanette Osea-Ramos Bernaldez.

In her Judicial Affidavit,<sup>51</sup> the accused testified that she was the elected Mayor of Bato, Camarines Sur at the time material to the case. She explained that the then Governor of Camarines Sur, through the Human Resource Management Office (HRMO) Officer-in-Charge (OIC) Nora B. Cariño, sent her a letter dated April 7, 2009,<sup>52</sup> requesting that three (3) employees of the municipality, namely, Romeo M. Bagasala, Jr., Dr. Annelyn V. Mendoza and Cheryl R. Delos Reyes, be detailed at the Provincial Planning and Development Office (PPDO), Provincial Health Office (PHO), and Provincial Treasurer's Office (PTO), respectively. The accused acted favorably on the request, owing to the following considerations: (1) the provincial government was in dire need of health personnel, as there was no available doctor except for the Provincial Health Officer who was stationed at the PHO; (2) the several projects implemented by the Office of the Governor in the Municipality of Bato; and (3) the benefit to the municipality, in the form of projects, if the accused had a good working relationship with the Governor, especially since they were not party mates during the 2007 election. Some of the health projects of the Governor include the first ever international Triathlon event sometime in May or June 2009, the International Wakeboarding

<sup>47</sup> TSN dated April 11, 2017

<sup>48</sup> Records, Vol. III, pp. 4-307

<sup>49</sup> Records, Vol. III, p. 333

<sup>50</sup> Records, Vol. III, pp. 356-357

<sup>51</sup> Records, Vol. III, pp. 449-468

<sup>52</sup> Exhibit 1

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 10 of 27

X-----X

Competition, and the month-long Kaugma Festival. As for the projects implemented by the Office of the Governor in the municipality of Bato, she claimed that there were 42 projects for the year 2009-2010,<sup>53</sup> about 86% of which were completed.

The accused also claimed that she does not have any intention to harass or oppress Dr. Mendoza, and that she does not have any motive to do that. When she issued MD No. 039-09<sup>54</sup> detailing Dr. Mendoza to the PHO, the letter-request from the Office of the Governor was attached thereto to justify and explain the issuance. While detailed at the PHO, Dr. Mendoza received her salaries, RATA and other allowances from the municipality. The accused explained that Dr. Mendoza was detailed at the PHO until December 2, 2009, and after which, Dr. Mendoza was supposed to report back to the municipality, particularly, to its sub-office located in Pagatpatan, pursuant to MD No. 141-09 which was issued by the accused. Dr. Mendoza refused to receive and comply with MD No. 141-09. Thereafter, the accused received another letter, dated December 14, 2009, from the Office of the Governor, requesting for the detail of Dr. Mendoza and Romeo Bagasala. After weighing the pros and cons, the accused granted the second request by issuing MD No. 149-09. On December 28, 2009, the accused received the CSC Resolution No. 09-1662<sup>55</sup> granting the appeal of Dr. Mendoza. Believing that it covered only MD No. 039-09, the accused did not comply with the resolution. Dr. Mendoza initially complied with MD No. 149-09 but she later on decided to unilaterally take over her position as Municipal Health Officer of Bato, and filed a request for the execution of the CSC resolution. The accused eventually issued MD No. 129-10, dated December 8, 2010,<sup>56</sup> which recalled MD No. 149-09 and restored Dr. Mendoza to her position as Municipal Health Officer. The CSC then issued Resolution No. 10-00427, granting the request of Dr. Mendoza. The accused sent a letter to the CSC, informing the latter of her recall of MD No. 149-09. Thereafter, the CSC issued Resolution No. 11-00559,<sup>57</sup> finding Dr. Mendoza's request/motion for execution to be moot and academic. As to the non-signing of Dr. Mendoza's DTRs, the accused claimed that the former's act of reporting to the PHO and having her DTRs and applications for

<sup>53</sup> Exhibit 3

<sup>54</sup> Exhibit 4

<sup>55</sup> Exhibit 8

<sup>56</sup> Exhibit 16

<sup>57</sup> Exhibit 17

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 11 of 27

x-----x

leave signed by her supervisor therein, created confusion when Dr. Mendoza unilaterally assumed office as Municipal Health Officer on March 1, 2010. The accused further stated that she just wanted Dr. Mendoza to get a clarification from the CSC as to whether or not MD No. 149-09 was covered by the resolution, but it took Dr. Mendoza months to secure one. The accused also denied giving any order to anybody to withhold the salaries of Dr. Mendoza.

On March 6, 2018, the accused formally offered her documentary exhibits, all of which the Court admitted in evidence, except for Exhibits 2 and 5, and their sub-markings, which the Court admitted only in the tenor that they were testified on by the accused, but not to the truth of the contents thereof.

REBUTTAL EVIDENCE

After the defense presented its witness and formally offered its evidence, the prosecution presented **Dr. Nicanor Barca Tuibeo** as rebuttal witness.

Dr. Tuibeo is the OIC-Provincial Health Officer I of PHO of Camarines Sur at the time material to the case.

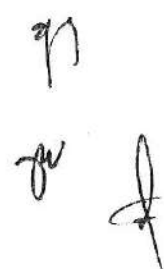
In his Judicial Affidavit,<sup>58</sup> he testified that he was the only doctor at the PHO in April 2009. During the time that Dr. Mendoza reported at the PHO, she was doing medical missions, and was also present in the International Triathlon and Wakeboard World Series events of the province. In the said events, Dr. Mendoza was the only doctor from a MHO, and the other doctors were from provincially-operated hospitals. Dr. Tuibeo clarified that he did not ask for the assistance or assignment of a doctor from a MHO, as he did not want to deprive a municipality with the service of its municipal health officer. Such authority to request however, is not in his job description.<sup>59</sup>

On August 3 and 9, 2018, the accused and the prosecution filed their respective memoranda.<sup>60</sup>

<sup>58</sup> Records, Vol. IV, pp. 108-113

<sup>59</sup> TSN dated July 24, 2018

<sup>60</sup> Records, Vol. IV, pp. 152-169, and pp. 141-159



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THE FACTS

Based on the evidence adopted and presented, including the stipulations between the prosecution and the accused, the Court finds the facts below.

Accused Jeanette Osea-Ramos Bernaldez was the Municipal Mayor of Bato, Camarines Sur at the time material to the case. Sometime in April 2009, she issued Memorandum Directive (MD) No. 039-09, dated April 14, 2009, detailing Dr. Annelyn Mendoza, the Municipal Health Officer of Bato, at the PHO, Camarines Sur. The detail was allegedly requested by the provincial government. MD No. 039-09 reads:

**MEMORANDUM DIRECTIVE**  
**No. 039-09**

TO : DRA. ANNELYN V. MENDOZA  
*Municipal Health Officer*  
*Bato, Camarines Sur*

FROM : JEANETTE O.R. BERNALDEZ

SUBJECT : DETAILED ORDER AT PROVINCIAL  
HEALTH OFFICE

DATE : APRIL 14, 2009

In connection with the letter request from the Human Resource Management Office of the province, you are hereby directed to be detailed at the Provincial Health Office, Camarines Sur, effective April 14, 2009.

Attached is said letter request for your reference.

For your compliance.

(Signed)  
JEANETTE O.R. BERNALDEZ  
Municipal Mayor

cc: OHRM – LGU-Bato  
MHO – LGU-Bato  
HRMO – Camarines Sur

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 13 of 27

x-----x

Dr. Mendoza contested the detail by writing the accused a letter, and by filing an appeal with the CSC in Rawis, Legazpi City. Nevertheless, she reported to the PHO on April 20, 2009. The accused subsequently issued MD No. 141-09, dated December 2, 2009, assigning Dr. Mendoza at the municipal sub-office in Pagatpatan, Bato, Camarines Sur. Meanwhile, the CSC issued Resolution No. 09-1662, dated December 4, 2009, which granted the appeal of Dr. Mendoza and ordered her reinstatement as Municipal Health Officer of Bato. The pertinent portion of CSC Resolution No. 09-1662 reads:

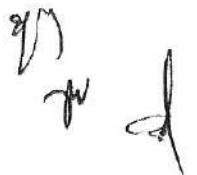
The sole issue to be resolved is whether Memorandum Directive No. 039-09 dated April 14, 2009 issued by Mayor Bernaldez detailing Dr. Mendoza from Municipality of Bato to the Provincial Health Office of Camarines Sur is in order.

An evaluation of the assailed Memorandum Directive *vis-à-vis* the Civil Service Law, the Magna Carta for Public Health Workers and jurisprudence on the matter reveals that the same is not in order. Pointedly, the personnel movement of Dr. Mendoza from the Municipality of Bato to the Provincial Health Office of Camarines Sur while effected through a detail is actually a reassignment defined under **Section 6 (a and b) of the Republic Act No. 7305 (Magna Carta of Public Health Workers)**, which provide, as follows:

*"SEC. 6. Transfer or Geographical Reassignment of Public health Workers. x x x*

- (a) a transfer is a movement from one position to another which is of equivalent rank, level or salary without break in service;
- (b) a geographical reassignment, hereinafter referred to as "reassignment," is a movement from one geographical location to another;"

Detail means temporary movement of an employee from one department or agency to another which does not involve reduction in rank, status or salary (**Item D, Section 6, CSC Memorandum Circular No. 40, Series of 1989, Revised Omnibus Rules on Appointments and Other Personnel action**). From the definition, detail necessarily involves a transfer from position to another which is of equivalent rank, level or salary, whereas, such personnel movement effected by Mayor Bernaldez in its strict sense is reassignment covered by this Act.



**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 14 of 27**

x-----x

As Municipal Health Officer of the Municipality of Bato, Dr. Mendoza is protected by the provisions of the Magna Carta for Public Health Workers. Section 6 (c) of the said Act prohibits, *inter alia*, the reassignment of a public health worker except if made in the interest of public service, in which case, he/she is required to be informed of the reasons in writing. Said Section reads, as follows:

*"SEC. 6. Transfer or Geographical Reassignment of Public health Workers.*

X X X

*(c) a public health worker shall not be transferred and or reassigned, except when made in the interest of public service, in which case, the employee concerned shall be informed of the reasons therefore in writing. If the public health worker believes that there is no justification for the transfer and/or reassignment, he/she may appeal his/her case to the Civil Service Commission, which shall cause his/her reassignment to be held in abeyance; Provided, That no transfer and/or reassignment whatsoever shall be made three (3) months before any local or national elections; Provided, further, That the necessary expenses of the transfer and/or reassignment of the public health worker and his/her immediate family shall be paid for by the Government."*

It is clear from the above section that a public health worker has the right to question such reassignment with the Civil Service Commission if he/she believes that the same is unjustifiable in which case the Commission shall cause its execution to be held in abeyance (**CSC Resolution No. 07-0736 dated April 13, 2007**). The law requires that the necessary expenses of a public health worker and his/her immediate family appurtenant to such reassignment shall be paid by the government.

In the present case, the allegation of Mayor Bernaldez that the reassignment of Dr. Mendoza was made in good faith and in the exigency of the service intended to promote additional wide-experienced personnel in the implementation of various health programs and projects of the Provincial Government is untenable. Also, her allegation that she cannot refuse the request of detailing Dr. Mendoza to the Provincial Health Office since it was made in consideration of the programs and projects benefited by the Municipality of Bato from the Provincial Government is likewise untenable. There is no exigency of the service as there is no situation where service is urgently needed and where any delay in its execution and delivery will adversely affect the outcome of the



**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 15 of 27

X-----X

service as well as pose a threat to the life of a person and/or a condition of a facility or property (**Implementing Rules and Regulations, R.A. No. 7305**). Apparently, there is no proof that the present condition at the Provincial Health Office poses a threat to the life of a person and/or condition of a facility or property as would otherwise call the need to reassign Dr. Mendoza. The declaration that the detail/reassignment was in the 'exigency of the service' is not a magic wand that would validate the regularity of the detail/reassignment in the absence of any circumstantial evidence that would justify the exigency required by the office.

As manifested by Dr. Mendoza in her appeal, there are municipalities in Camarines Sur having two (2) doctors/physicians and there are also physicians working in the Provincial Government under a Memorandum of Agreement (Contract of Service). What is apparent in the instant case is that the reassignment of Dr. Mendoza to the Provincial Health Office was effected in exchange of the programs and projects benefited by the Municipality of Bato from the Provincial Government of Camarines Sur. In fine, the reassignment was seemingly made as payment of debt of gratitude on the part of Mayor Bernaldez to the Provincial Government.

It is unexplainable why there is a need for Mayor Bernaldez to pull out or reassign Dr. Mendoza just for the purpose of adding her to the pool of doctors at the Provincial Health Office and in the process, deprive the people of the Municipality of Bato of the only doctor it has. A scheme to obviously avoid this situation during the reassignment of Dr. Mendoza, Mayor Bernaldez employs the services of another Physician in order to address the public demand of additional health and social services in the Municipality of Bato. This is evidenced by the Memorandum of Agreement executed as early as April 1, 2009 by and between Mayor Bernaldez and Dr. Norma L. De Villa, who was hired as Consultant on Health and Social Services thereat. And why the haste that even before the issuance of the assailed Memorandum Directive No. 039-09 dated April 14, 2009 reassigning Dr. Mendoza to the Provincial Health Office, said Memorandum of Agreement dated April 1, 2009 was already executed. Aside from the foregoing, the directive requesting the reassignment of Dr. Mendoza to the Provincial Health Office was issued only on April 7, 2009 by Nora B. Cariño, Officer-in-Charge (OIC), Human Resource Management Office, Provincial Government of Camarines Sur. Likewise, a Memorandum Directive No. 042-09 dated April 15, 2009 was immediately issued by Mayor Bernaldez designating Francisco M. Regaspi, Nurse II, Rural Health Unit (RHU), Bato, Camarines Sur as Officer-in-Charge thereat effective on April 16, 2009, due to the absence of

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 16 of 27**

X-----X

Dr. Mendoza who was requested to be detailed at the Provincial Health Office. The foregoing circumstances appear to be contrary to the reasons advanced by Mayor Bernaldez that the reassignment of Dr. Mendoza was done to promote additional wide-experienced personnel in the implementation of the various health programs and projects of the Provincial Government.

Moreover, the assailed Memorandum Directive failed to elaborate the functions, duties and responsibilities that Dr. Mendoza would assume in the Provincial Government. In such reassignment, the Commission is of the view that Dr. Mendoza was put on virtual floating assignment which cannot but amount to diminution of her rank, hence impermissible under the law.

It has not escaped the Commission's attention that the reassignment was for an indefinite period of time as can be seen from the Memorandum itself providing that *"In compliance with the letter request from the Human Resource Management Office of the province, you are hereby directed to be detailed at the Provincial Health Office, Camarines Sur, effective April 15, 2009."* As held in the case of **Bentain vs. Court of Appeals (G.R. No. 89452, June 9, 1992)**, a reassignment that is indefinite is, in effect, a constructive removal from the service. Similarly, the Supreme Court in a case, ruled:

*"We agree with the CSC that petitioner should now be returned to her original position for her indefinite detail to other position would amount to her removal without cause from the position to which she has been permanently appointed. As we said in Cruz v. Navarro:*

*'There is no question that we recognize the validity and indispensable necessity of the well established rule that for the good of public service and whenever public interest demands, [a] public official may be temporarily assigned or detailed to other duties even over his objection without necessarily violating his fundamental and legal rights to security of tenure in the civil service. But as we have already stated, "such cannot be undertaken when the transfer of the employee is with a view to his removal" and "if the transfer is resorted to as a scheme to lure the employee away from his permanent position" because "such attitude is improper as it would in effect result in a circumvention of the prohibition which safeguards the tenure of office of those who are in the civil service." (Pastor vs. City of Pasig, 382 SCRA 232)*

The Commission recognizes the authority as well as the prerogative of Mayor Bernaldez to reassign employees as the Local Chief Executive of the Municipality of Bato. She is in the best position to determine the existence of the exigencies of the



**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 17 of 27**

X-----X

service to effect personnel movements as would call the need to harness the abilities and potentials of the employees to promote quality service. However, the Commission reminds that such rule on reassignment protects the employees from the executive head's excessive use of discretion in implementing personnel movements and is subject to the provision of Magna Carta of Public Health Workers. The surrounding circumstances obtaining in the Municipal Health Office of Bato and in the Provincial Health Office of Camarines Sur do not justify the exigencies of the service as would otherwise call for the reassignment of Dr. Mendoza.

In sum, the Commission finds Mayor Bernaldez' reasons insufficient to warrant the reassignment of Dr. Mendoza. Hence, such reassignment is not in order.

The accused did not appeal or question the said resolution.

Prior to receiving the said resolution, the accused issued MD No. 149-09, dated December 16, 2009, detailing Dr. Mendoza back at the PHO. MD No. 149-09, which reads:

**MEMORANDUM DIRECTIVE**  
**NO. 149-09**

**TO :** **DRA. ANNELYN V. MENDOZA**  
*Municipal Health Officer*  
*LGU – Bato, Camarines Sur*

**FROM :** **JEANETTE O.R. BERNALDEZ**

**DATE :** **DECEMBER 16, 2009**

**SUBJECT :** **RECALL OF THE MEMORANDUM**  
**DIRECTIVE NO. 141-09**

You are hereby directed to report at the Provincial Health Office, Pili, Camarines Sur effective December 17, 2009. Thus, Memorandum Directive No. 141-09 is hereby recalled.

Please find attached copy of the letter from the Provincial Human Resource Management Office, by the authority of the governor, for your reference.

For compliance.

(Sgd.)  
**JEANETTE O.R. BERNALDEZ**  
Municipal Mayor

**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 18 of 27

x-----x

cc: OHRM – LGU-Bato  
RHU – Bato  
Municipal Sub-Office  
HRMO – Camarines Sur  
PHO – Camarines Sur

As the accused did not recall MD No. 149-09, Dr. Mendoza wrote a letter to the CSC Regional Office No. V, requesting for intervention. On March 1, 2010, Dr. Mendoza reported for work at the MHO despite the non-recall of MD No. 149-09. From June 2010 to December 2010, Dr. Mendoza was not able to receive her salaries and allowances as her DTRs were not signed by the accused, who would not sign the same because she believed that by virtue of the detail, it should be Dr. Mendoza's supervisor in the PHO who should sign the DTRs. The accused also issued MD No. 077-10, dated July 12, 2010, directing Dr. Mendoza to turn over the office equipment issued to her department. Eventually, the accused issued MD No. 129-10, dated December 8, 2010, recalling Dr. Mendoza's detail order at the PHO. The CSC then issued Resolution No. 10-00427, directing the implementation of CSC Resolution No. 09-1662. As Dr. Mendoza was already recalled to the MHO in December 2010, the CSC issued Resolution No. 11-00559, finding her request/motion for execution of CSC Resolution No. 09-1662 moot and academic.

On October 4, 2010, Dr. Mendoza filed an Administrative Complaint against the accused before the Office of the Deputy Ombudsman for Luzon.

Finding probable cause to indict the accused for violation of Section 3(e) of RA 3019, the Office of the Ombudsman, on December 1, 2015, filed an Information against her.

Hence, this Decision.

DISCUSSION

Section 3(e) of RA 3019, as amended, provides:

Section 3. **Corrupt practices of public officers.**—In addition to acts or omissions of public officers already penalized

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 19 of 27**

X-----X

by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

xxx

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

xxx

In *Consigna v. People of the Philippines*,<sup>61</sup> the Supreme Court enumerated the essential elements of violation of Sec. 3 (e) of RA 3019, thus:

1. The accused must be a public officer discharging administrative, judicial or official functions;
2. He must have acted with manifest partiality, evident bad faith or inexcusable negligence; and
3. That his action caused any undue injury to any party, including the government, or giving any private party unwarranted benefits, advantage or preference in the discharge of his functions.

The first element is present. As stipulated by the parties, the accused was the Municipal Mayor of Bato, Camarines Sur at the time material to the case. She was discharging administrative and/or official functions when she issued the subject memorandum directives, which allegedly resulted in the failure of Dr. Mendoza to get her salaries, RATA and allowances for the period June 2010 to August 2010.

The third element is likewise sufficiently established. The actions of the accused caused undue injury to Dr. Mendoza in the form of unpaid salaries and allowances amounting to ₱56,387.39. It is not disputed that the accused issued MD No. 149-09 which detailed Dr. Mendoza to the PHO. It is also not disputed that the

<sup>61</sup> April 2, 2014, 720 SCRA 350, 366



**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 20 of 27

x-----x

said memorandum directive is identical to MD No. 039-09 which the CSC in its Resolution No. 09-1662 in December 2009 found to be violative of the Civil Service Law, the Magna Carta for Public Health Workers and jurisprudence. This notwithstanding, the accused did not recall the said memorandum directive until December 2010, and even used it as basis in refusing to sign Dr. Mendoza's DTRs for the months of June 2010 to December 2010. Based on the testimonial and documentary evidence, Dr. Mendoza started reporting back to the MHO in March 2010. From March 2010 to May 2010, it was only the HRMO who had to sign her DTRs, hence, Dr. Mendoza was able to receive her salaries and allowances. However, in June and July 2010, the accused then issued directives stating that all DTRs of department heads shall be signed only by her, or for those assigned outside the municipality like Dr. Mendoza, by their respective supervisors. The accused refused to sign Dr. Mendoza's DTRs arguing that because of the detail, it should be her supervisor in the PHO who should sign. Notably, however, as Dr. Mendoza already resumed work in the MHO beginning March 2010, she cannot have her DTRs signed by PHO officials. Thus, with her DTRs unsigned despite reporting for work from June 2010 to August 2010, Dr. Mendoza failed to receive her unpaid salaries and allowances for the said period. All told, the Court is convinced that it was the actions of the accused which caused undue injury to Dr. Mendoza.

As to the second element, the prosecution alleged that the accused acted with evident bad faith and/or gross inexcusable negligence in issuing the memorandum directives.

In *Ampil v. Office of the Ombudsman*,<sup>62</sup> the Supreme Court explained what constitutes bad faith and gross negligence, thus:

Bad faith does not simply connote bad judgment or negligence; it imputes a dishonest purpose or some moral obliquity and conscious doing of a wrong; a breach of sworn duty through some motive or intent or ill will; it partakes of the nature of fraud. Gross negligence has been so defined as negligence characterized by the want of even slight care, 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 consequences in so far as other persons may be affected. It is the

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<sup>62</sup> July 31, 2013, 703 SCRA 1, 27

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**DECISION**

**PP vs. Jeanette O.R. Bernaldez**

**Crim. Case No. SB-15-CRM-0341**

↓  
**Page 21 of 27**

x-----x

omission of that care which even inattentive and thoughtless men never fail to take on their own property.

Evident bad faith was further defined by the Supreme Court in *Consigna*<sup>63</sup> as:

“Evident bad faith” contemplates a state of mind affirmatively operating with furtive design or with some motive of self-interest or ill will or for ulterior purposes, which manifested in petitioner’s actuations and representation.

The prosecution pointed out that the mere letter-request from the OIC-HRMO of the provincial government cannot justify the action of the accused to cause the detail of Dr. Mendoza, considering that there is more than one doctor in the PHO and that by reason of Dr. Mendoza’s reassignment, the municipality of Bato was deprived of the services of a Municipal Health Officer. In addition, the accused’s reasoning that she granted the request of the provincial government so as not to be deprived of projects is an admission of a strong inclination to uphold her political interests to the prejudice of Dr. Mendoza. Another proof of bad faith on the part of the accused is her refusal to comply with CSC Resolution No. 09-1662 despite the fact that the contents of the two (2) letter-requests are substantially the same, and that the CSC has already issued an opinion that Dr. Mendoza should be reinstated to her permanent position as Municipal Health Officer of the MHO. Finally, the prosecution likewise ascribes bad faith on the directive of the accused for Dr. Mendoza to turn over the office equipment issued to the latter. In sum, the foregoing acts of the accused were all carried out in bad faith and pointed towards the intention of discriminating and causing prejudice to Dr. Mendoza.

The accused, for her part, counters that in issuing MD No. 149-09, she received and approved the request from the provincial government before she received CSC Resolution No. 09-1662, and that said resolution specifically stated that it only covers MD No. 039-09. In addition, Dr. Mendoza did not avail of the remedies provided in Section 6 of RA 7035, which is to appeal to the CSC the questioned transfer and/or reassignment. The accused likewise faulted Dr. Mendoza for supposedly establishing a pattern of having her DTRs initially approved by her PHO supervisor, which

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<sup>63</sup> Supra at note 61, 368

**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

**Page 22 of 27**

x-----x

caused confusion later on when she unilaterally decided to report back to the MHO.

After an assiduous review of the evidence admitted from both parties, the Court finds and so holds that the prosecution has proven beyond reasonable doubt that the accused acted with evident bad faith in issuing the memorandum directives, in particular, Memorandum Directive No. 149-09, and her refusal to recall the same despite the CSC Resolution which ordered Dr. Mendoza's reinstatement, coupled with her refusal to sign the DTRs of Dr. Mendoza, which ultimately caused the latter undue injury by way of unpaid salaries and allowances in the amount of ₱56,387.39.

First, as to the requests for Dr. Mendoza's assignment to the PHO, the accused justified her approval thereof by citing the alleged need of the PHO for doctors, and the politics between her and the Governor. However, the first reason was contradicted by Dr. Tuibeo, the only doctor at the PHO in April 2009, who testified that he did not request for the assistance or assignment of a doctor from an MHO. More importantly, and as found by the CSC, the request and the reassignment are violative of the Civil Service Law, the Magna Carta for Public Health Workers and jurisprudence, considering that there is no exigency of the service to justify the same. As found by the CSC, as early as April 1, 2009, the accused had already entered into a Memorandum of Agreement with Dr. Norma L. De Villa hiring the latter as consultant on health and social services to address the public demand of additional health and social services in the Municipality of Bato. In other words, Dr. De Villa was hired as consultant because Dr. Mendoza's services as Municipal Health Officer is not enough to address the increasing demand of the people of Bato for health and social services. Why then will the accused let go of the services of Dr. Mendoza by detailing her at the PHO to the detriment of the people of Bato?

Moreover, with the detail of Dr. Mendoza to the PHO, the accused immediately directed Francisco Regaspi, a non-doctor, to act as OIC in the MHO. Interestingly, as Regaspi testified, there were many instances that the municipality had to seek, at additional expense on its part, the assistance of consultant doctors such as Dr. Tuibeo and Dr. Gimpaya to perform such functions

**DECISION**

*PP vs. Jeanette O.R. Bernaldez*  
*Crim. Case No. SB-15-CRM-0341*

Page 23 of 27

x-----x

which only doctors could perform, like autopsy or necropsy; treating animal bites when anti-tetanus shot should be administered; prescription of medicines such as antibiotics; and when the LGU had the "Alis-Tanggal Bukol" project. The accused detailed Dr. Mendoza at the PHO to assist Dr. Tuibeo, and yet Dr. Tuibeo was being hired by the Municipality of Bato to perform the duties and functions left when Dr. Mendoza was detailed at the PHO. This glaringly demonstrates that Dr. Tuibeo did not need additional assistance of Dr. Mendoza at the PHO, and that the accused, in detailing Dr. Mendoza at the PHO, acted with evident bad faith.

Hence, the Court finds untenable the accused's justification that the provincial government was in dire need of doctors. As to the reasoning that the accused had to accede to the request in order to please the Governor and for the latter to award projects, the Court finds the same unacceptable and laden with self-interest. Following the accused's logic, the reassignment seems to be nothing more than a political accommodation at the expense of Dr. Mendoza. Moreover, it imputes malice into the workings of the provincial government and how it apparently awards projects to constituent municipalities.

Second, the accused's attempt to justify her refusal to recall MD No. 149-09 under the pretense that it was not covered by CSC Resolution No. 09-1662, must necessarily fail. A reading of the resolution expressly stated that the reassignment of Dr. Mendoza violated the Civil Service Law, the Magna Carta for Public Health Workers and jurisprudence, as the reasons provided by the accused are insufficient to warrant such reassignment, specifically, the lack of exigency of the service. In addition, the CSC found that MD No. 039-09 failed to elaborate the functions, duties and responsibilities that Dr. Mendoza would assume in the provincial government, which can be viewed as a virtual floating assignment. The CSC likewise faulted MD No. 039-09 for providing the reassignment an indefinite period of time, which is in effect, a constructive removal from the service. Notably, the reason/s cited in the second letter-request and MD No. 149-09 were the same reason/s cited in the accused's MD No. 039-09 which was struck down by the CSC in its Resolution No. 09-1662 as violative of the Civil Service Law, the Magna Carta for Public Health Workers and jurisprudence.



**DECISION**


*PP vs. Jeanette O.R. Bernaldez  
Crim. Case No. SB-15-CRM-0341*

*Page 24 of 27*

x-----x

Thus, if indeed the accused was on the side of good faith and/or prudence in issuing MD No. 149-09 and reassigning Dr. Mendoza to the PHO for the second time, the more plausible act upon receipt of CSC Resolution No. 09-1662 would be the recall of MD No. 149-09 as it clearly did not conform to what the laws require, as laid down in the CSC resolution. In fact, the accused understood that the second detail/reassignment was not supported by sufficient justifications, as she herself informed the private complainant that a letter was sent to the Governor asking for the specific reasons of the request in order to address the concern of the CSC. Also, the CSC Regional Director has issued a letter-opinion, in response to the query of HRMO Pili, stating that the subsequent reassignment is in the nature similar to what the CSC has ruled upon, hence, Dr. Mendoza should be reinstated back to her post as MHO. However, as borne by the records, instead of recalling MD No. 149-09, or at the very least, hold the detail in abeyance, the accused stood stubbornly with her issuance causing undue burden upon the private complainant who had to seek redress from the CSC yet again, and was deprived of her salaries and allowances from June 2010 to August 2010 on account of such detail.

Third, the claim of the accused that Dr. Mendoza failed to avail of the remedy of appeal to the CSC as provided under RA 7035, thereby showing her acquiescence to the detail, is untenable. Indisputably, upon the issuance of MD No. 039-09 detailing her to the PHO the first time, Dr. Mendoza wasted no time in appealing the same to the CSC. While she was successful in getting a favorable resolution, the accused had already recalled the memorandum directive and had issued another one, albeit in the same tenor as the first one, detailing her again to the PHO. Hence, Dr. Mendoza opted to move for the execution of CSC Resolution No. 09-1662 by requesting for the CSC's intervention, and filing a motion to declare the accused in contempt. The CSC issued its Resolution No. 10-00427, directing the accused to implement Resolution No. 09-1662. However, similar to what she did earlier, the accused already recalled the second reassignment before receipt of CSC Resolution No. 10-00427, prompting the latter to issue CSC Resolution No. 11-00559 which found the motion for execution moot and academic. From the foregoing, the accused seemed to establish a pattern of trying to skirt the CSC resolutions by issuing one memorandum directive after another, and would





**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 25 of 27

x-----x

impose upon the private complainant the burden of appealing to the CSC each and every memorandum directive. This series of action by the accused is tainted with nothing but evident bad faith.

Lastly, as to her refusal to sign the DTRs, the accused argued that by virtue of Dr. Mendoza's detail, it should be the latter's supervisor who should sign. This, despite the fact that beginning March 2010, Dr. Mendoza had reported back to the MHO which the accused was well aware of, thus:

Q : May we know the reason why you did not sign the DTR of Dr. Mendoza?

A : Well because, your Honor, I know that she is still detailed at the Provincial Health Office, and I remember one time she was asking me to sign her DTR, but I know that she is still detailed at the Provincial Health Office, so I told her that since she is still detailed at the Provincial Health Office, she has to ask whoever her supervisor over there to sign the DTR.

Q : Despite the fact that actually she was reporting in your municipality?

A : Yes, your Honor.

Q : So, that's the reason. On papers she was detailed at the Provincial Health Office, although actually she was reporting at the municipality that's why you did not sign her DTR?

A : Yes, your Honor.

It is also worthy to note that Dr. Mendoza was able to receive her salaries and allowances from March 2010 to May 2010 as it was only HRMO Pili who had to sign her DTRs. However, the accused, in a seeming effort to punish the private complainant for not complying with the detail order, issued directives in June 2010 stating that the DTRs of department heads should be signed by her, but as for Dr. Mendoza, it should be her supervisor at the PHO who should sign. Naturally, as she had stopped reporting at the PHO, Dr. Mendoza could not have her DTRs signed by officials therein. Coupled with the accused's reinforcement of the "No DTR,



**DECISION**

**PP vs. Jeanette O.R. Bernaldez**  
**Crim. Case No. SB-15-CRM-0341**

Page 26 of 27

x-----x

No Salary”, the expected result was the deprivation of Dr. Mendoza of her salaries and allowances as no one would sign her DTRs, which she had dutifully submitted. As further proof of ill will, the accused refused to approve Dr. Mendoza’s applications for leave, and also issued MD No. 077-10, directing Dr. Mendoza to turn over within 24 hours the air conditioner and telephone issued to her without any justifiable reason.

From the foregoing disquisition, the Court finds and so rules that the prosecution has established the presence of all the elements of violation of Section 3 (e) of RA 3019. Indeed, in criminal cases, to justify a conviction, the culpability of the accused must be established by proof beyond a reasonable doubt. The court, in ascertaining the guilt of the accused, must, after having marshalled the facts and circumstances, reach a moral certainty as to the accused’s guilt. Moral certainty is that degree of proof which produces conviction in an unprejudiced mind.<sup>64</sup> In this case, the moral certainty required has been satisfied.

Finally, considering that there is no showing that the Municipality of Bato has already paid the salaries and representation and transportation allowances of Dr. Mendoza for the period June 2010 to August 2010, it is but just and fair that the said municipality be made to so pay Dr. Mendoza.

**WHEREFORE**, in light of all the foregoing, the Court finds accused Jeanette Bernaldez y Osea-Ramos **GUILTY** beyond reasonable doubt of violation of Section 3(e) of RA 3019, as amended, and is hereby sentenced to suffer the indeterminate penalty of imprisonment of six (6) years and one (1) month as minimum to eight (8) years as maximum, with perpetual disqualification from holding public office.

The Municipality of Bato, through its incumbent officials, are hereby ordered to pay the unpaid salaries and allowances of Dr. Annelyn V. Mendoza for the period June 2010 to August 2010 in the amount of ₱56,387.39.

**SO ORDERED.**

<sup>64</sup> *Rivera v. People*, G.R. No. 156577, December 3, 2014

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**DECISION**

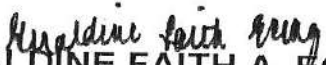
*PP vs. Jeanette O.R. Bernaldez*  
*Crim. Case No. SB-15-CRM-0341*

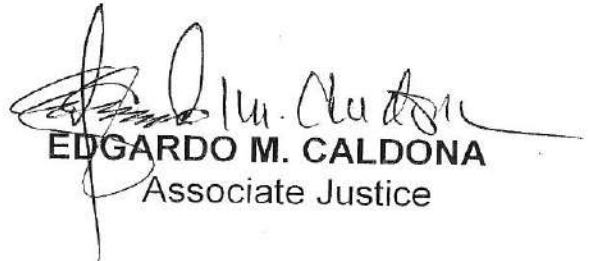
Page 27 of 27

x-----x

  
**EFREN N. DE LA CRUZ**  
Associate Justice

**We Concur:**

  
**GERALDINE FAITH A. ECONG**  
Associate Justice

  
**EDGARDO M. CALDONA**  
Associate Justice

**ATTESTATION**

I attest that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**EFREN N. DE LA CRUZ**  
Chairperson, First Division

**CERTIFICATION**

Pursuant to Section 13, Article VIII of the Constitution, and the Division's Chairperson's Attestation, it is hereby certified that the conclusions in the above decision were reached in consultation before the case was assigned to the writer of the opinion of the Court's Division.

  
**AMPARO M. GABOTAJE-TANG**  
Presiding Justice