

**ANDRES MEDILO, JANEA VILLASIN, AND TWENTY-FIVE CO-SIGNERS,
COMPLAINANTS, VS. MANUEL A. ASODISEN, LEGAL RESEARCHER,
REGIONAL TRIAL COURT OF SAN JUAN, SOUTHERN LEYTE, BRANCH
26, R...**

A.M. No. P-93-930. June 13, 1994

Ponente: REGALADO, J.

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REGALADO, J.:

The instant administrative case against respondent Manuel A. Asodisen, Legal Researcher in Branch 26 of the Regional Trial Court of San Juan, Southern Leyte, is an offshoot of two separate letters of Andres Medilo, together with 25 other complainants, and Janea Villasin, respectively dated January 27, 1993 and February 23, 1993 and addressed to the Administrator of this Court.

Said complainants charged respondent with (1) graft and corruption, (2) non-payment of debts, (3) conduct unbecoming a public official, and (4) malicious filing of cases. Complainant and his co-complainants submitted documentary evidence in support of their allegations.[1] Complainant Janea Villasin, on the other hand, submitted her letter also with supporting documentary evidence, claiming that respondent had been grossly remiss in settling his debts to her and that, in order to evade his said financial obligations, respondent resorted to the filing of a case against her for qualified trespass to dwelling which, however, was later dismissed.[2]

On March 25, 1993, Deputy Court Administrator Eutropio Migrño required respondent to submit his comment on said charges. Respondent complied with a comment, dated April 26, 1993, wherein he sought the dismissal of the aforesaid complaints.[3] Pursuant to the recommendation of Deputy Court Administrator Reynaldo L. Suarez, the Court resolved on July 28, 1993 to refer the matter to Executive Judge Leandro T. Loyao, Jr. of the Regional Trial Court, Branch 26, of Maasin, Southern Leyte for investigation, report and recommendation.[4]

In an order dated August 26, 1993, Judge Loyao, Jr. designated Clerk of Court Roman T. Galdo as commissioner to conduct the necessary hearings in said administrative matter and to submit a written report of his findings after investigation.[5] Atty. Galdo accordingly conducted the initial hearing of the case on September 27, 1993 and concluded the last hearing on January 13, 1994 with the presentation of the last witness for respondent. On March 7, 1994, Atty. Galdo submitted his written report of the investigation on the matter to Judge Loyao, Jr. who, in turn, forwarded his confidential report to the Court Administrator on March 10, 1994, together with the records of the case.

The factual antecedents of the different charges against respondent may be briefly summarized as follows:

On the charge that respondent committed acts of graft and corruption, the record discloses that Angelito Crayo and Leo Veloso, both of whom were then being separately prosecuted for criminal offenses before the sala where respondent holds office, alleged in their respective affidavits that respondent demanded monetary considerations from them in exchange for their eventual acquittal in their criminal cases. Both averred that they were

subsequently cleared in said cases by the trial court notwithstanding the fact that they did not comply with the demands of respondent.[6]

Anent the charges of non-payment of debts, Janea Villasin presented a copy of the complaint and the decision in her favor in Civil Case No. R-840 which she initiated against her then lessee, the herein respondent, for unlawful detainer and collection of rental arrearages, with damages. One Erlinda Gabrillos also tried to show that respondent was indebted to her on account of unpaid expenses for food and drinks. Still two other individuals, a certain Melecio de la Peña and one Jaime Custodio, stated that respondent owed them the amount of P1,000.00 and P200.00, respectively.[7]

Manuel Asodisen's being made a respondent in several criminal investigations, ranging from illegal possession of firearms and violation of the Anti-Fencing Law to grave oral defamation cases, were cited as grounds for the charge of conduct unbecoming a public official. As for his alleged propensity for maliciously filing unmeritorious cases, complainants referred to the cases that respondent hurled at one Arlene Rosal, Sangguniang Bayan Secretary of San Juan, Southern Leyte; Assistant Provincial Prosecutor Andres G. Yu, Jr.; respondent's own sister, Lucrecia Asodisen-Calungsod; and Vice-Mayor Francisco H. Casera of San Juan, Southern Leyte.[8]

Except for respondent's admitted failure to promptly settle his financial obligations to Janea Villasin, for which the investigating judge recommends the corresponding sanction, all the other charges against respondent were found wanting of substantial evidence to buttress the same.[9]

We have thoroughly reviewed the records and we agree with said findings and the corresponding recommendation for the dismissal of said complaints, under these considerations submitted by the investigating judge:

"On the charges of graft and corruption, the undersigned finds the evidence adduced against the respondent lacking in substance.

"Crayo and Veloso executed affidavits to substantiate the charge but only Crayo testified; Veloso did not. Crayo's testimony is unreliable. He admits he did not intend to execute an affidavit against respondent to support the administrative complaint against the latter but for Prosecutor Andres Yu, Jr., apparently respondent's (a)rchenemy, who advised him to do so.

"Respondent countered Crayo's testimony with his own and witness Eugenio Adanza. Crayo and respondent talked in the presence of Adanza not about fixing his (Crayo's) case but because he requested respondent's help in preparing his bond, as respondent did in assisting his co-accused Ladero prepare his bail. Respondent's witness, Leopoldo Selocio, testified to having a conversation with Crayo wherein the latter admitted that he made up his affidavit although (it was) not true just so he can file a case against respondent. Crayo has fraternized with jailguards Angub and Custodio.

"Moreover, the charges in (the) Crayo and Veloso affidavits, which (were) incorporated (in) the complaint of jailguard Jaime Custodio against respondent, were dismissed, in its criminal aspect, by the Ombudsman for Visayas on 17 December 1993.

"As to Veloso's affidavit-complaint in the instant case, the undersigned finds it unmerit(orious).

"Veloso himself did not show up despite being subpoenaed to testify to lend credence to his claim.

"On the second charge of Conduct Unbecoming of a Public Official due to respondent's apparent willful failure to pay his just debts, the undersigned faults him, even as he was able to obtain a withdrawal of the complaint by Janea Villasin and to persuade Erlinda Gabrillos not to appear during the investigation as she was already paid.

"Again, the enmity between respondent and Prosecutor Andres Yu, Jr. surfaced. Villasin and Gabrillos were

prodded to sign the letter?manifesto against respondent by jailguard Jaime Custodio, who with Prosecutor Yu, jailguards Leonardo Angub and Ponciano Malubay were made respondents in a complaint filed by herein respondent with the Office of the Secretary of Justice which was dismissed and is presently being appealed to the Office of the President. This charge and countercharge between Yu and his co-respondents on the one hand and herein respondent on the other were what caused these consolidated complaints against respondent.

"The alleged P200.00 indebtedness of respondent to complainant Jaime Custodio is considered an afterthought, not being incorporated as an allegation in the manifesto and should therefore be removed from consideration. The commissioner correctly struck it off.

"The alleged indebtedness to Melecio de la Peña for P1,000.00 is being denied by respondent. De la Peña could not substantiate it with any document of indebtedness.

"The admittedly long unpaid indebtedness of respondent to Villasin and Gabrillos, and the apparent claims of Custodio and de la Peña, even if unrelated to his work or are to be considered acts done by him outside his work as a court employee, are erosions on his virtue of integrity and honesty and he must, as a public servant, exhibit that highest sense of honesty and integrity not only in the performance of his official duties but also in his personal and private dealings with other people. He should be reprimanded. Villasin's withdrawal of her complaint does not unmake respondent's act or willful inaction to pay his just obligation.

"On the two (2) complaints against him for Illegal Possession of Firearm and of Violating the Anti-Fencing Law, both cases were initially investigated by his nemesis, Prosecutor Yu, but respondent was able to persuade Provincial Prosecutor Iñego Gorduiz to reassign the preliminary investigation to Prosecutor Silvestre Maamo, Jr. who recommended prosecution of the illegal possession case. Being matters which are already of concern by the court, their administrative implications insofar as (they) may tend to affect respondent's conduct are better left undisturbed until the outcome of the criminal prosecution.

"On the grave oral defamation cases filed against respondent by Arlene Rosal and Victorino Rentusa, they have been dismissed by the Municipal Circuit Trial Court on April 27, 1993 and June 25, 1993, respectively. Besides, neither Rosal nor Rentusa appeared during the investigation to substantiate the administrative implication of the criminal charge, particularly affecting respondent's conduct as a public official.

"On the malicious filing of cases, respondent admits having withdrawn his case against Arlene Rosal before the Ombudsman on a quid pro quo with Rosal's case against him aforementioned which was dismissed.

"His charge against archenemy Prosecutor Yu and herein complainants-jailguards Jaime Custodio, Leonardo Angub and Ponciano Malubay for Graft and Corruption, Dereliction of Duty and Betrayal of Public Trust before the Office of the Secretary of Justice was dismissed for lack of merit, but respondent is pursuing his appeal to the Office of the President.

"Malice in the filing of this case cannot as yet be ascertained because of the pendency of the case on appeal.

"His other charge based on the same facts alleged before the Department of Justice against the same respondents Yu and the jailguards this time before the Ombudsman for the Visayas was also dismissed but respondent filed a motion for reconsideration which is still pending resolution. No malice can as yet be determined. The undersigned notes that not one of these series of charges and countercharges between respondent and Prosecutor Yu before different forums was found meritorious (enough) to prosper.

"On the slander case he filed against his own sister Lucrecia Asodisen-Calungsod for allegedly slandering him, his wife and his family, it was dismissed and sister Lucrecia testified against him in the instant case to get even. This, to the undersigned, is more of a family squabble and cannot be considered administratively adverse to respondent.

"Lastly, on the falsification case he filed against Vice-Mayor Casera of San Juan, S. Leyte, no evidence has

been submitted either to establish or disprove the charge. The undersigned considers it as a mere allegation without substance. Vice-Mayor Casera did not bother to testify in the investigation to substantiate the alleged malice of respondent in filing such case against him." [10]

We stress once again that public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency, act with patriotism and justice and lead modest lives. [11] Those in the judicial branch of the Government have an equal and corresponding obligation, as all the other officers and employees in government service, to uphold to their heart's passion these values considered as touchstones of a good government. [12]

Respondent, while he is here absolved of the unsubstantiated allegations of wrongdoing on his part, has not been exactly true to his commitments as a public servant. We have repeatedly emphasized that the conduct required of court personnel must ever be beyond reproach and must always be free from suspicion that may cast a taint on the good image of the judiciary. Respondent, by his rather deliberate act of not promptly complying with the terms of the judgment rendered against him in the unlawful detainer case filed by complainant Janea Villasin, has exhibited a trait not worthy of his status as an employee of a court of justice.

Furthermore, as observed by Judge Leandro T. Loyao, Jr., respondent's involvement in a slew of controversies, either as complainant or as respondent, such as the herein complaints against him, reveals and is reflective of a norm of conduct and personality that needs much rehabilitation. Thus, in the perceptive words of the investigating judge:

"The collective effort of complainants to try to ease respondent out of office administratively, although unsubstantiated in a majority of the charges, indicates lack of proper rapport of respondent with the public, specifically, the community, or his work environment. When a prosecutor, jailguards, a vice-mayor, creditors, (and) assorted complainants air their complaints, something must be wrong somewhere. This matter is addressed to the behavior and conduct of the respondent. And, it should warn him to be careful in his dealings with the community always remembering that he is an officer of the court or at least a complement of it." [13]

ACCORDINGLY, the administrative complaints filed against respondent Manuel Asodisen are hereby dismissed for insufficiency of evidence. Respondent is, however, REPRIMANDED for his questionable failure to observe the rudiments of good conduct in his dealings with the public, especially in the payment of just debts, with a stern warning that a repetition of the same or similar conduct in the future shall definitely be dealt with more severely.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, and Puno, JJ., concur.
Mendoza, J., no part.

[1] Rollo, 13-15; Annexes 1 to 13.

[2] Ibid., 4; Annex A.

[3] Ibid., 11-12, 48-54.

[4] Ibid. 1-3, 95.

[5] Ibid., 100.

[6] Report of Investigation by Atty. Roman T. Galdo, 2.

[7] Ibid., id.

[8] Ibid., 3.

[9] Confidential Report of Executive Judge Leandro T. Loyao, Jr., 8-9.

[10] Ibid., 5-8.

[11] Arce vs. Arce, et al., A.M. No. P-89-312, January 9, 1992, 205 SCRA 21.

[12] Re: Josefina V. Palon, A.M. No. 92-8-027-SC, September 2, 1992, 213 SCRA 219.

[13] Confidential Report of Executive Judge Leandro T. Loyao, Jr., 8.

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