

JUDGE TRANQUILINO V. RAMOS, COMPLAINANT, VS. RODRIGO C. BICAD, COURT AIDE, MCTC, VILLAVERDE-QUEZON, NUEVA VIZCAYA, RESPONDENT.

A.M. No. P-02-1666 (Formerly A.M. OCA IPI No. 02-1294-P). October 10, 2008

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PER CURIAM:

On December 13, 2001, Judge Tranquilino V. Ramos, Presiding Judge of the Municipal Circuit Trial Court (MCTC) of Villaverde-Quezon, Nueva Vizcaya, filed with the Office of the Court Administrator (OCA) an administrative complaint charging respondent Rodrigo C. Bicad, Court Aide of the MCTC, with grave misconduct relative to a then pending rape case[1] filed against him before the Regional Trial Court (RTC) of Bayombong, Nueva Vizcaya, Branch 29, docketed as Crim. Case No. 4058.

The Information[2] for rape filed against respondent reads:

That on or about February 27, 2001 in the afternoon, inside a bodega in Barangay Bintawan Sur, Municipality of Villaverde, Province of Nueva Vizcaya, Philippines and within the jurisdiction of this Honorable Court, the above-named accused entered the bodega where the offended party [AAA] was then and there alone, and by means of force, threat and intimidation, to wit: by poking a knife upon the offended party and thereafter boxing her abdomen rendering her unconscious and while the said [AAA] was unconscious, willfully, unlawfully and feloniously did lie and succeed in having carnal knowledge of said [AAA], a 14-year-old minor having been born on September 24, 1986, against the latter's will and consent thereby resulting to her prejudice including her parents.

The above-mentioned crime is attended by the following circumstances, to wit:

- use of deadly weapon, that is, a knife; and
- abuse of superior strength, that is, the accused, an adult male, who is in the prime of his life compared to the offended party who is a mere 14- year-old minor, young, fragile and weak.

CONTRARY TO LAW.[3]

According to Judge Ramos, the charge against respondent had adversely affected the prestige, integrity, efficiency and morale of the court. In view thereof, he recommended respondent's dismissal from the service.

In his Comment dated March 21, 2002, respondent maintained that the recommendation of Judge Ramos for his dismissal from the service had no basis considering that he was still presumed innocent until his guilt was proven beyond reasonable doubt. In his counter-affidavit, he stated that the accusation against him was doubtful as the case was belatedly filed and was meant to harass and extort money from him. He further claimed that complainant was influenced or forced by other persons who had ill- feelings against him to file the complaint.

The Court deferred the evaluation of the administrative complaint pending the final outcome of the criminal case in order not to pre-empt and influence the trial court in judging the merit of the defenses put up by respondent-accused. Meanwhile, respondent was placed under preventive suspension.

On April 10, 2006, the RTC promulgated its Decision in Crim. Case No. 4058. The RTC found that respondent had carnal knowledge of the complainant, but acquitted respondent of the rape charge because the prosecution failed to prove that respondent used force or intimidation or had carnal knowledge of the 14-year-old complainant when she was unconscious. The RTC held:

The totality of the evidence in this case fails to convince the court that the guilt of the accused has been proven beyond reasonable doubt. The circumstances pointed out above hardly provide the moral certainty that the accused used force or intimidation or had carnal knowledge of the complainant when she was unconscious. On the contrary, the unanswered questions constitute seeds of doubt as to the guilt of the accused. The circumstances could also be interpreted to mean that the sexual act was consensual but the accused seduced the minor and may thus be liable under Article 338 for seduction, or worse, that the accused paid the minor for sexual favors, and may thus be liable under Section 5, R.A. 7610. However, neither the allegations of the information nor the evidence would warrant conviction under the said penal provisions.

Once again, the court is faced with evidence not quite proving the guilt of the accused but without clearly establishing the innocence of the accused. However, the final resolution is not that difficult since the primary consideration is not whether the court doubts the innocence of the accused but whether his guilt has been proven beyond reasonable doubt.

WHEREFORE, in view of all the foregoing, the court finds the accused Rodrigo Bicad not guilty of rape and thus acquits him of the crime charged.[4]

The issue is whether or not the administrative case for grave misconduct filed against respondent should be dismissed in view of his acquittal in the criminal case for rape.

The Court referred this case to OCA for evaluation, report and recommendation.

The OCA found respondent guilty of grave misconduct and recommended the dismissal of respondent, thus:

The acquittal of respondent in the criminal case does not result in the dismissal of the administrative case against him. In administrative cases, the quantum of proof necessary to hold respondent liable is substantial or competent evidence while proof beyond reasonable doubt is necessary to convict an accused in a criminal case. Thus, even if respondent in the administrative case is acquitted in the criminal case, the administrative case may be pursued.

Respondent is charged with the rape of [AAA], a fourteen (14) year old high school student. In its decision, the lower court found respondent to have carnal knowledge of [AAA], however, he was acquitted because it was not established that he used force or intimidation or had carnal knowledge of the complainant when she was unconscious. Thus the court said:

The accused was literally caught with his pants down. The graphic language of [BBB] excluded any doubt that the accused had carnal knowledge of the young complainant. And there is nothing on record that would compel the court to disbelieve [BBB]. The accused has not alleged much less proven any reason why [BBB] should testify against him. (Underscoring supplied)

Respondent denied raping [AAA]. In his testimony in court, he narrated that while he was on his way to the house of his brother on February 27, 2001, [AAA] called for him. When he approached her, the latter pulled him and invited him to go to an empty bodega. Once inside, [AAA] removed her panty, lay on the floor and told him to remove his pants. When he did not respond, [AAA] pulled down his pants and before it could happen, [AAA's] grandmother, [BBB], arrived. Upon seeing the two, [BBB] immediately left the bodega. He then pulled up his pants and went home.

The court did not believe respondent's version. According to the trial court, it was not shown that [AAA], contrary to respondent's testimony, "was wise to the ways of the world or to have been promiscuous at that young age."

The court gave credence to [BBB's] testimony . . . who narrated what she had seen in the afternoon of February 27, 2001 at the bodega. The observation of the trial court is worth noting:

Some details in the testimony of [BBB] are revealing. She testified that when she opened the door of the bodega, the accused was about to stand up. When asked what she observed about the face of [AAA], she said they were already through. Her exact words were 'Nalpas dan a sir.' The clear implication of these words is that the sexual act was mutual or consensual. She said they had completed the act, not that the accused forcibly had his way with the victim. It is also that the answer was in reply to the question as to what she observed in the face of [AAA]. What [BBB] did and did not do afterwards clearly showed her impression of what she had stumbled on. She did not go to the succor of the complainant. She did not try to right what should have been a very serious wrong committed by the accused against a young woman practically in her care. Then, when the complainant approached her at the terrace, she did not say anything. A victim would have needed comfort and consolation. Yet [BBB] just kept quiet and did not take any move to give solace to the teenager. She did not even answer the complainant's request that they should keep all things quiet.

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From the above decision, it is clear that respondent had sexual liaison with [AAA] which the court described as a consensual act but with a caveat that respondent seduced her or had paid [her] for sexual favors. Luckily, he can not be indicted with seduction under Article 338 of the Revised Penal Code or violation of Section 5, Republic Act No. 7610 because neither allegations of the information nor the evidence would warrant conviction under the said penal provision.

The act of respondent in having carnal knowledge of a minor is deplorable and must be abhorred. Such revolting act has no place in the judiciary, the true temple of justice. Respondent has shown his lack of morality, discipline and restraint to his lustful desires. It did not matter to him that he was abusing a young girl just to satisfy his sexual desires.

It must be emphasized that the image of the court of justice is necessarily mirrored in the conduct of the men and women who work thereat, from the judge to the personnel holding the lowest position. Thus, the Court has, time and again, reminded every member of the judiciary to adhere to the exacting standards of morality, decency, and uprightness to maintain the people's respect and faith in the judiciary. They should avoid any act or conduct that would diminish public trust and confidence in the courts. Their conduct must be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also their behavior outside the court as private individuals. Unfortunately, respondent failed to live up to these standards. He does not deserve to remain in office.

In fine, it is undeniable that respondent is liable for gross misconduct which is a grave offense punishable by dismissal for the first offense.

The Court agrees with the finding and recommendation of the OCA. As an employee of the court, respondent is expected to act with moral uprightness in his professional and private life to keep the people's respect and faith in the judiciary. The carnal knowledge of a 14-year-old minor by respondent is a blatant disregard of the Court's standard of morality and decency.

WHEREFORE, respondent RODRIGO C. BICAD is found GUILTY of GRAVE MISCONDUCT and punished with DISMISSAL from the service, with forfeiture of all retirement benefits except accrued leave credits, with prejudice to re-employment in any branch of the government including government-owned and controlled corporations.

No costs.

SO ORDERED.

Puno, J.C., Quisumbing, Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, Reyes, Leonardo-De Castro, and Brion, JJ., concur.

[1] People of the Philippines v. Rodrigo C. Bicad.

[2] Rollo, p. 2.

[3] The names of the private complainant and members of her immediate family are withheld pursuant to People v. Cabalquinto, G.R. No. 167693, September 19, 2006, 502 SCRA 419.

[4] RTC Decision, pp. 10-11.

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