

**PNP SUPT. DARLITO A. GONZALO, DINALUPIHAN, BATAAN,
COMPLAINANT, VS. VIRGILIO P. MEJIA, CLERK OF COURT,
MUNICIPAL CIRCUIT TRIAL COURT, DINALUPIHAN-HERMOSA,
BATAAN, RESPONDENT.**

A.M. No. P-02-1662. July 28, 2004

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PER CURIAM:

In his letter-complaint dated June 19, 2000, P/Supt. Darlito A. Gonzalo, Chief of Police of Dinalupihan, Bataan, charged Virgilio P. Mejia, Clerk of Court, Municipal Circuit Trial Court (MCTC), Dinalupihan-Hermosa, Bataan, herein respondent, with bribery and usurpation of judicial functions.[1]

Complainant alleged that Norberto P. Brigeles, Crisanto P. Brigeles, Eugenio dela Cruz and Narciso B. Harpon were all detained at the Dinalupihan Municipal Police Station for the charge of direct assault upon a person in authority. The case was pending before the MCTC, Dinalupihan-Hermosa, Bataan. On June 2, 2000, their relatives approached Paulino Vitug, Liaison Officer of the Office of the Mayor of Dinalupihan, asking his help for the release of the detainees. That same day, Paulino talked to respondent Clerk of Court. The latter promised to help, but for a monetary consideration. Paulino told respondent that the detainees are poor but that he will try to raise money. That same day, respondent, taking advantage of the absence of then Presiding Judge Reynaldo B. Bellosillo, prepared a handwritten letter addressed to complainant Chief of Police Gonzalo, which reads:

“MCTC, Dinalupihan, Bataan

June 2, 2000

To: Col. D.A. Gonzalo

Chief of Police

Dinalupihan Police Station

Request your office to release the following persons who are detained, to wit:

- NORBERTO P. BRIGELES

- CRISANTO P. BRIGELES

- EUGENIO DELA CRUZ

- NARCISO B. HARPON

Considering that the complainant, Renato Montemayor, has filed his Pag-uurong ng Reklamo, you are hereby directed to release the aforementioned accused without any responsibility on your part.

(Signed) VIRGILIO P. MEJIA
Clerk of Court”[2]

and another typewritten letter, also addressed to complainant, stating:

“Republic of the Philippines
SUPREME COURT
Third Judicial Region
Municipal Circuit Trial Court
Dinalupihan-Hermosa
Dinalupihan, Bataan

To: Col. Darlito Agdagdag Gonzalo

Chief of Police

Dinalupihan Police Station

Dinalupihan, Bataan

In view of the loss of interest of the principal complainant, RENATO S. MONTEMAYOR, to file the case of Direct Assault of an Agent in Authority, based on his ‘PAG-UURONG NANG REKLAMO,’ you are hereby directed to release the following detained persons, to wit:

- NORBERTO P. BRIGELES

- CRISANTO P. BRIGELES

- EUGENIO DELA CRUZ

- NARCISO B. HARPON

This Order is directed to you without any responsibility on your part.

June 2, 2000, Dinalupihan, Bataan.

(Signed) VIRGILIO P. MEJIA
Clerk of Court”[3]

Respondent personally handed these letters to complainant at the latter’s office. That same day, the detainees were released.

On June 7, 2000, Paulino informed complainant that he had raised one thousand (P1,000.00) pesos. Immediately, complainant organized a team of policemen to entrap respondent and had the money, consisting of ten P100.00 bills, marked. At noontime of the same day, after having lunch with respondent at the canteen located behind the Dinalupihan Municipal building, Paulino gave him the money. Immediately, policemen Vedasto Malit, Ricardo Guevarra and Ernesto Silva arrested the respondent. Confiscated from him were marked money consisting of P100.00 bills with serial numbers BU534735, HG999434, EX764858, WN596061, FZ891290, CY583491, GD463840, JA771363, YT836633, and ZB697380, in the total amount of P1,000.00.[4] Consequently, the police officers filed with the Office of the Provincial Prosecutor, a complaint for robbery/extortion against respondent, docketed as I.S. No. 00-658.

On June 7, 2002, then Acting Court Administrator Jose P. Perez directed respondent to comment on the instant

letter-complaint.

In his comment,[5] respondent stated that he could not be held administratively liable for bribery. He explained that earlier, the Office of the Provincial Prosecutor of Bataan dismissed the criminal complaint in I.S. No. 00-658 for insufficiency of evidence, as shown by a copy of the Resolution dated August 22, 2000 issued by Prosecutor Oscar M. Lasam.[6] (In the same Resolution, however, Prosecutor Lasam recommended that respondent be prosecuted for estafa under Article 315, paragraph 2[a] of the Revised Penal Code for falsely pretending to possess power in ordering the release of the accused).

Respondent denied having usurped judicial functions, claiming that his handwritten and typewritten notes, both dated June 2, 2000, directing complainant to release the four accused “were forcibly made and prepared at complainant’s instigation.” The typewritten note “was prepared by complainant himself or ordered one of his men to type it.” Then complainant went personally to his (respondent’s) office at the MCTC and forced him to sign it at once despite his request to study it first. Thereafter, complainant left but “came back after several minutes and forced him to write in his own handwriting the same typewritten note.” According to complainant, this is required in order that the accused may be released and that “the bribe money (for the boys) in the amount of P5,000.00 was already in the hands of Paulino Q. Vitug.”

Respondent ended his comment by claiming that complainant’s charges are all fabricated and that the entrapment conducted against him was “orchestrated by complainant for he was interested in the bribe money.”[7]

On November 20, 2002, we issued a Resolution directing that: (a) the complaint be re-docketed as a regular administrative matter; (b) the case be referred to Executive Judge Jose Ener S. Fernando, Regional Trial Court, Dinalupihan, Bataan for investigation, report and recommendation; and (c) pending the investigation of the complaint, respondent be placed under preventive suspension effective from notice until further orders from the Court.[8]

After conducting an investigation, Executive Judge Fernando submitted his Final Report and Recommendation dated March 24, 2003. He found that respondent voluntarily wrote and typed the two letters in question and that he demanded and received money from Paulino Vitug in exchange for the release of the four detainees. Accordingly, the Investigating Judge recommended that respondent be dismissed from the service.

On June 20, 2003, the Court Administrator submitted his Evaluation Report adopting the findings and recommendation of Executive Judge Fernando.

We sustain the findings and recommendation of both the Investigating Judge and the Court Administrator. Indeed, respondent usurped the function of a judge by directing complainant to release the four detainees from confinement. In exchange for their release, respondent demanded and received from Paulino Vitug P1,000.00. We quote the pertinent findings of the Investigating Judge:

“x x x

“Respondent, a Clerk of Court of MCTC, Hermosa-Dinalupihan, Bataan, intervened, allegedly on behalf of the policemen, in asking money from Paulino Vitug as a consideration for the release of the prisoners. It is an established fact that the said prisoners were released primarily because of the notes he wrote to Supt. Gonzalo of the Dinalupihan Police Station. Without any right nor authority to do so, he blatantly usurped judicial authority. Therefore, all elements of the offense (Sec. 3[b] of RA 3019, as amended) are present.

x x x

“The allegation that respondent was merely framed-up by the police deserves scant consideration.

“Respondent alleged that when he and Paulino Vitug met on June 7, 2000 in the canteen at the back of the municipal building, the latter tried to insert something in his (respondent) pocket, which he brushed away. Before this, he noticed the policemen taking their pictures.

“If it were true that Paulino Vitug tried to insert something in respondent’s pocket, his initial reaction would have been a surprise. Respondent obviously knew that it was the money he demanded/requested, allegedly on behalf of the policemen, that was being inserted in his pocket. Hence, he brushed it away since there were policemen taking his pictures (during the entrapment).

“Respondent’s defense of frame-up cannot override complainant’s testimony that the entrapment was regularly performed. Instead of justifying his demand for money, respondent concentrated on destroying and discrediting the testimony of the complainant and his witnesses regarding the entrapment operation. In the absence of any controverting evidence, the testimonies of the policemen are given full faith and credence as they are presumed to have acted in the regular performance of their official duties (*Peligrino vs. People*, G.R. No. 136266, August 13, 2001, 362 SCRA 683, 705).”

As reported by the Court Administrator:

“Respondent ought to know that in issuing the handwritten and typewritten orders directing the complainant Chief of Police to release the four accused prisoners, he is already usurping a function which rightfully belongs to a judge. Under the 2002 Revised Manual for Clerk of Court (Adjudicative Support Functions of the Branch Clerk of Court, First Level Courts 1.3.1.4, p. 622) he can sign only ‘notices of orders and decisions for service to the parties, release papers of detained prisoners who are acquitted and/or who filed their corresponding bail bonds duly approved by the presiding judge.’ Nowhere in the said function can be inferred that he is allowed to issue an order of release or to direct a Chief of Police to release an accused in custody. He is only allowed to release papers of detained prisoners who are acquitted but not to order their release.

“Anent the respondent’s violation of RA 3019, the undersigned shares with the observations and findings of the Investigating Judge on the matter. He believes that the herein respondent’s culpability for the said charge was sufficiently established during the investigation conducted on the matter.”

The clerk of court is an essential and ranking officer of our judicial system as he performs delicate administrative functions vital to the prompt and proper administration of justice.[9] Owing to the delicate position he occupies in the judicial system, he is required to be a person of competence, honesty and probity. He is specifically imbued with the mandate of safeguarding the integrity of the court and its proceedings, to maintain loyalty thereto and to the judge as his superior officer, to preserve the authenticity and correctness of court records, and to uphold the trust and confidence of the public in the administration of justice.[10]

Clearly, by committing the acts subject of the present complaint, respondent utterly failed to live up to the norms of conduct demanded of his position. His infractions adversely affect the dignity and honor of the courts and shake the people’s faith and trust in the judiciary. He has veered away from the strict standard of integrity, uprightness and honesty in the public service. Obviously, he should suffer the consequences of his acts.

There is usurpation of judicial function when a person who is not a judge attempts to perform an act the authority for which the law has vested only upon a judge.[11] In *Escañan vs. Monterola II*, [12] we ruled that the clerk of court, unlike a judge, has no power to order either the commitment or the release of persons charged with penal offenses. Thus, respondent, in ordering the release of the four prisoners, has unduly usurped the judicial prerogative of a judge. Such usurpation is equivalent to grave misconduct.[13]

Respondent committed another grave misconduct when he demanded and received P1,000.00 from Paulino Vitug in exchange for the release of the prisoners. In *Office of the Court Administrator vs. Diaz*, [14] we held that the fact that respondent clerk of court received money from litigants is enough basis for penalizing him for grave

misconduct.

“Misconduct” is defined as any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of parties or to the right determination of the cause.[15] The term “grave” means “very serious; involving or resulting in serious consequences: likely to produce real harm or damage.”[16]

Under Section 52, A(3), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service,[17] grave misconduct is punishable by dismissal from the service.

WHEREFORE, we find VIRGILIO P. MEJIA GUILTY of grave misconduct. He is hereby ordered DISMISSED from the service, with forfeiture of all benefits, excluding unused leave credits, and with prejudice to reemployment in the government service, including government-owned or controlled corporation.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Carpio Morales, Callejo, Sr., Azcuna, Tinga, and Chico-Nazario, JJ., concur.
Corona, J., on leave.

[1] Rollo at 19-40.

[2] Id. at 35.

[3] Id. at 37.

[4] Id. at 27-28, 32.

[5] Id. at 76.

[6] Annex “D” of Comment, id. at 84-87.

[7] Comment, Rollo at 79.

[8] Rollo at 96.

[9] Elena F. Pace vs. Reno M. Leonardo, etc., A.M. No. P-03-1675, August 6, 2003; Report on Judicial Audit, RTC, Br.29 & 59, Toledo City, 354 Phil. 8 (1998), citing Juntilla vs. Calleja, 262 SCRA 291 (1996).

[10] Id.; Marasigan vs. Buena, 348 Phil. 1 (1998); Reyes-Domingo vs. Morales, A.M. No. P-99-1285, October 4, 2000, 342 SCRA 6.

[11] Elena F. Pace vs. Reno M. Leonardo, etc., supra.

[12] A.M. No. P-99-1347, February 6, 2001, 351 SCRA 228, citing Biag vs. Gubatanga, 318 SCRA 753 (1999).

[13] Escañan vs. Monterola II, id.

[14] A.M. No. P-93-794, February 18, 1999, 303 SCRA 243.

[15] Executive Judge Leandro T. Loyao, Jr. vs. Mamerto J. Caube, Clerk of Court II and Ricardo B. Quisadio, Court Interpreter II, A.M. No. P-02-1599, April 30, 2003, quoting Black’s Law Dictionary, Fourth Ed. at 1150.

[16] Webster’s Third New International Dictionary, 1993 ed. at 992.

[17] Promulgated by the Civil Service Commission (CSC) through Resolution No. 99-1936 dated August 31,

1999 and implemented by CSC Memorandum Circular No. 19, series of 1999.

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