

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. PABLO R. RACADAG, COURT INTERPRETER, REGIONAL TRIAL COURT, BRANCH 27, NAGA CITY, RESPONDENT.*Adm. Matter No. P-87-104. July 16, 1990*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/267adafc1776/>**PER CURIAM:**

On July 16, 1987, while the respondent Pablo R. Racadag was employed as Court Interpreter of the Regional Trial Court of Sorsogon at Irosin, a criminal Information for malversation of public funds as defined under Article 217, par. 3 of the Revised Penal Code, was filed against him before the Sandiganbayan. According to the information filed, the herein respondent, the therein accused, while employed as Regional Trial Court Staff Assistant II, and designated and discharging duties then as acting clerk of court of the Regional Trial Court, Branch 55 in Irosin, Sorsogon, and as such accountable for public funds received by him by reason of the duties of his position, wilfully and unlawfully allowed Attys. Henry Roxas and Jaime Fortes, Clerk of Court of RTC, Branch 55, and counsel for the defendant in Civil Case No. 1204-033, entitled "Jose T. Mercader vs. Perfecto Erasco," respectively to appropriate for their personal use and benefit the sum of P12,000.00 representing the redemption money deposited by Jose T. Mercader, the plaintiff in the said civil case, without any order or authority from the court trying the case directing delivery to said persons and in disregard of the written directives of his superiors for him (Racadag) to deposit the money with the Philippine National Bank, Irosin Branch, to the damage and prejudice of said Jose T. Mercader and the government in the said amount.

As a result of the filing of the aforementioned criminal information, and by virtue of the Court En Banc Resolution dated March 12, 1981, ordering the Office of the Court Administrator (OCA) to initiate *motu proprio* the filing of administrative proceedings against judges and/or employees of anterior courts who have been charged before the Sandiganbayan, the necessary administrative complaint for malversation of public funds and conduct prejudicial to the best interest of the service was filed against the respondent on July 22, 1987. Despite notices however, the respondent failed to submit an answer or comment to the administrative charge against him.

Meanwhile, at the Sandiganbayan, the respondent, after having entered a plea of not guilty, jumped bail and has remained at large since then thus prompting that court to conduct the trial in absentia. On June 30, 1989, after appreciating the testimonial, as well as the documentary, evidence presented by the prosecution through its witnesses, the Sandiganbayan rendered a decision finding the respondent guilty as charged and accordingly sentenced him to an indeterminate penalty ranging from seven (7) years, four (4) months and one (1) day of prison mayor as the minimum, to eleven (11) years, six (6) months and twenty-one (21) days, also of prison mayor as the maximum; to suffer perpetual special disqualification; to pay a fine of P12,000.00 equal to the amount malversed; to indemnify the Government of the Republic of the Philippines in the same amount of P12,000.00; and to pay the costs of the action. The promulgation of the decision of the Sandiganbayan was likewise held in absentia. The judgment of conviction became final and executory on July 11, 1989.

Incidentally, during the pendency of the criminal case against him, the respondent was appointed Interpreter (transfer of station) of the Regional Trial Court, Branch 27, Naga City upon the recommendation of Judge

Roberto C. Rañola. The transfer was made possible by the respondent's non-disclosure of the pendency of the malversation case against him.

Considering that the respondent has repeatedly failed, despite due notice, to submit an explanation/answer as to why he should not be penalized for his act, and considering further that he had been found guilty beyond reasonable doubt by the Sandiganbayan of the crime of malversation of public funds and penalized with perpetual special disqualification which renders him ineligible to hold any public office, the Office of the Court Administrator, in a memorandum dated April 23, 1990, recommended the dismissal of the respondent from the service with forfeiture of retirement benefits and with prejudice to reinstatement in any branch of the government or any of its agencies or instrumentalities.

After a careful review of the records of this case, and in the light of the circumstances obtaining, we find the recommendation given to be well-taken.

Indeed, the continued failure of the respondent to offer any explanation on the administrative charge against him speaks ill of his position. Furthermore, his having jumped bail and going into hiding during the trial of his criminal case before the Sandiganbayan only revealed his guilt of the charge against him. At any rate, the respondent's conviction in the Sandiganbayan erased any doubt in our mind as to his culpability.

ACCORDINGLY, the respondent, Pablo R. Racadag, Court Interpreter of the Regional Trial Court, Branch 27, Naga City is hereby DISMISSED and SEPARATED from the service effective July 11, 1989, with forfeiture of all retirement benefits, and with prejudice to re-employment in any branch, agency, or instrumentality of the government, including government-owned or controlled corporations.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Gancayco, Padilla, Bidin, Sarmiento, Cortes, Griño-Aquino, Medialdea, and Regalado, JJ., concur.

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