

DOMINADOR V. ASPIRAS, COMPLAINANT, VS. ESMERALDA ABALOS, RESPONDENT.*A.M. No. OCA-01-6. September 03, 2003*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/33e6e0067a4c/>**PER CURIAM:**

Complainant Dominador V. Aspiras is a former policeman who is at present detained at the Maximum Security Compound of the New Bilibid Prisons, Muntinlupa City. On November 8, 2000, this Court received a letter-complaint filed by complainant Aspiras charging respondent Esmeralda Abalos with estafa, claiming that he gave respondent P52,000 in consideration of his acquittal in G.R. No. 121203, entitled *People of the Philippines v. Dominador V. Aspiras*, a case for murder which has been appealed to this Court.

The letter-complaint alleged that Dominador V. Aspiras became acquainted with respondent's husband, SPO4 Jing Abalos, while the latter was visiting another inmate in the New Bilibid Prisons. This was around 1997 or 1998. Respondent's husband allegedly informed him, Aspiras, that his wife was working in the Records Section of the Office of the Court Administrator (OCA) and that she may be able to help complainant secure an acquittal from his case which was then on appeal. Because of complainant's desire to become a free man, he decided to avail of the offer. However, complainant balked when respondent's husband informed him that he would need to pay them a total sum of P100,000 for the job. Complainant then pleaded if he could just pay instead P80,000. After several weeks of haggling, respondent's husband finally agreed to the lower amount. In three separate occasions, complainant gave respondent a total amount of P52,000. However, on April 29, 2000, complainant received this Court's decision affirming the ruling of the trial court finding him guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of reclusion perpetual.[1] Hence, complainant wrote the said letter-complaint to this Court charging respondent for allegedly deceiving him into giving her money in exchange for his acquittal in the abovementioned criminal case.

On December 27, 2000, the OCA required respondent Esmeralda Abalos to submit her comment on the complaint within five days from her receipt thereof.

On January 7, 2001, complainant again wrote to this Court that respondent's husband allegedly visited complainant in the New Bilibid Prisons to ask him to withdraw his complaint against his wife. Respondent's husband promised complainant that his money will be returned to him by installment. However, complainant answered that the complaint will not be withdrawn unless they pay him back the entire amount. Respondent's husband then told him that he will send his wife to talk to him. As her husband promised, respondent did see him in the New Bilibid Prisons, this time accompanied by her mother. They promised to return the entire amount before the end of February 2001.

In the meantime, respondent submitted her Comment, dated January 10, 2001. Respondent denied therein all the allegations of complainant. She claimed that a certain woman approached her one day and asked her if she knew any lawyer who could prepare a brief for complainant Aspiras. She could no longer remember the name of this woman but she recalled that the husband of this woman was also serving sentence at the New Bilibid Prisons. She allegedly contacted a lawyer to help complainant and paid said lawyer P10,000. She denied ever meeting

complainant's wife and receiving any amount from her. She alleged, however, that it was a compadre of complainant Aspiras who handed her the amount of P10,000 for the lawyer whom she contacted for him. She likewise stated in her comment that it is highly improbable for her to misrepresent to complainant that she could work for his acquittal since she is just a lowly clerk in the Records Section of the Office of the Court Administrator.

In a resolution dated March 12, 2001, the Court ordered that this case be docketed as a regular administrative matter and that it be referred to Retired Justice Narciso Atienza for investigation, report and recommendation within sixty days from notice thereof.

During the hearing and investigation, complainant's wife testified that she allegedly gave respondent, during various instances, a total of P37,000. She handed the amounts to respondent outside the premises of the Supreme Court.[2] Complainant likewise testified that sometime around September or October 1999, respondent visited complainant in the New Bilibid Prisons and there the latter gave her an additional amount of P15,000. Again, complainant was promised that he would be acquitted and that he may pay her the balance upon his receipt of this Court's decision of acquittal.[3] Thus, complainant allegedly gave respondent a total amount of P52,000.

For her part, respondent testified that the woman who approached her asking if she knew a lawyer who could prepare a brief for complainant was one Juanita Cortez, who is now deceased. She also claimed that she could no longer remember the name of the lawyer whom they approached since she was merely accompanied by a kumare to the office of the said lawyer in Makati City. She denied receiving the entire amount of P52,000, but admitted receiving around P27,000 from complainant. She allegedly received P15,000 from complainant himself when she visited him in the New Bilibid Prisons. The money was purportedly for the person who was following up complainant's case in the Court. When asked who this person was, respondent refused to answer:

JUSTICE ATIENZA

And did you give that money to the person who according to you would work on the case?

WITNESS

Opo.

JUSTICE ATIENZA

Who is that person to whom you [gave] the money[?]

WITNESS

Sa kaibigan ko po.

JUSTICE ATIENZA

Who is that friend of yours?

WITNESS

Dito po sa Supreme Court.

JUSTICE ATIENZA

Who?

WITNESS

Hindi ko napo Justice tnaano kasi sabipo niya naipit ka na diyan ikaw na lang mag-ano kaya ako na lang po ang mag a-ano.

JUSTICE ATIENZA

Also an employee of the Supreme Court?

WITNESS

Hindi po Justice taga-labas po pero may kaibigan lang po siya dito sa Justice hindi rin niya sinabi sa akin kung sino ang kaibigan niya sa Justice. Basta sabi niya managot ka na diyan dahil naipit ka na.

JUSTICE ATIENZA

Do you mean to say that you would sacrifice your career because of your friend whom you did not want to identify?

WITNESS

Hindi po kasi akalain Justice na mag-abot kami sa ganyan dahil iyong kumare ko pa ang lahat ng naglakad.

JUSTICE ATIENZA

Kumare you are referring to ...

WITNESS

Iyong namatay po.

The amount of P10,000 was handed to her by complainant's wife during another meeting at Jollibee. An additional P2,000 was subsequently handed to her outside the Supreme Court premises purportedly for the snacks of the person following up the case. She claimed that she first met complainant's wife when the latter went to her office and handed her P2,000 to work on her husband's case. At that time, she merely told complainant's wife that she would see what she could do. She never knew the spouses Aspiras before that.[4]

Justice Atienza then filed his report, dated October 30,2001, wherein he made the following recommendation:

WHEREFORE, premises considered, the undersigned is of the opinion that respondent committed grave misconduct and she deserves the extreme penalty of dismissal from the service with forfeiture of retirement benefits and with prejudice to re-employment in any government service including government-owned or

controlled corporations.

Public service requires utmost integrity and strictest discipline. A public servant must exhibit at all times the highest sense of honesty and integrity. The administration of justice is a sacred task. By the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the Constitution that a public office is a public trust; and that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty, and efficiency. The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. Their conduct, at all times, must not only be characterized by propriety and decorum but must also be above suspicion. Indeed, every employee of the judiciary should be an example of integrity, uprightness, and honesty.[5]

Justice Atienza's report is correct in stating that respondent was clearly not altogether honest when she said that she was the one who made arrangements with a lawyer in Makati City to prepare the Brief for the complainant in his criminal case. An examination of the record reveals that the Appellant's Brief in G.R. No. 121203 was actually prepared and filed by Attys. Araceli A. Rubin and Liwayway Nazal Delos Santos of the Public Attorney's Office.[6] Furthermore, it is difficult to believe that respondent could easily forget the name of the person for whom she went out of her way to help. It is also so unlikely that respondent could easily forget the name of the lawyer in Makati City from whom she sought the favor to prepare the Appellant's Brief. Complainant Aspiras allegedly asked for help from respondent regarding his case sometime around 1998 or 1999. The complaint against respondent was filed in November 2000. It is highly unbelievable that one could forget such details as the names of those persons whom one has helped and from whom one asked for help, within a year or two. This is especially so since the situation here is so unusual. It is not every day that a stranger approaches a person to seek help and the latter, in turn, goes out of her way to accommodate the request.

With respect to the amounts she received, respondent gave inconsistent statements. In her Comment, she alleged that she only received P10,000 from a compadre of complainant Aspiras and in turn, she handed the said amount to the lawyer who would prepare the complainant's brief in his criminal case.[7] On the other hand, in her testimony, she alleged that she received, at first, P15,000 from complainant when she went to him at the New Bilibid Prisons, which she paid to the lawyer who prepared the brief. She received again an amount of P10,000 from complainant's wife, inA thereafter, P2,000, the latter amount given to her for snacks.

Respondent's inconsistent statements as to how much she actually received from complainant effectively taint her credibility in this case. These inconsistent statements cannot prevail over the categorical and positive assertions by the complainant and his witness. As noted in Justice Atienza's report, the testimony of a witness which is inconsistent and contradictory with her other statements has no probative value and, should be disregarded.[8]

Moreover, the fact that respondent wrote a promissory note to complainant, stating therein that she will pay back the amount of P52,000 by installments, belies her allegations in her Comment and testimony during the investigation. No evidence was presented that respondent was threatened or forced into executing the said promissory note. Being an employee intelligent enough to hold a position in the Records Section of the Office of the Court Administrator, she should have known that the said note may be used as evidence in a proceeding against her.

Serious misconduct is defined as such conduct which affects a public officer's performance of his duties as such officer and not only that which affects his character as a private individual.[9] For serious misconduct to warrant a dismissal from service, the misconduct must be serious, important, weighty, momentous, and not trifling. It must

also have direct relation to, and be connected with, the performance of official duties amounting either to maladministration or willful, intentional neglect or failure to discharge the duties of the office.[10]

In the case at bar, the issuance of the promissory note by respondent is a clear admission that she received the amount of P52,000 from complainant, which sustains complainant's allegations that he paid her the amount on the promise that as an employee of this Court, she had the capacity to influence the outcome of his case. The evidence presented is adequate for the purpose of these proceedings. In an administrative proceeding, only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion, is required.[11]

In *Mirano v. Saavedra*,[12] this Court emphatically declared that a public servant must exhibit at all times the highest sense of honesty and integrity. The administration of justice is a sacred task, and by the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle that public office is a public trust, solemnly enshrined in the Constitution.

WHEREFORE, respondent Esmeralda Abalos is hereby found GUILTY of serious misconduct and ordered DISMISSED from the service with forfeiture of all benefits, except accrued leave credits, and with prejudice to reemployment in the Government or any subdivision, instrumentality or agency thereof, including government-owned or controlled corporations.

SO ORDERED.

Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Sandoval-Gutierrez, Austria-Martinez, Corona, Carpio Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

Davide, Jr., C.J., Ynares-Santiago and Carpio, JJ., on official leave.

[1] *People v. Aspiras*, 330 SCRA 479 (2000).

[2] Testimony of Florencia Lopez¹ Aspiras, June 13, 2001, pp. 4-8.

[3] Testimony of Dominador V. Aspiras, May 23, 2001, p. 9.

[4] Testimony of Esmeralda Abalos, August 30, 2001, pp. 8-15.

[5] *Mirano v. Saavedra*, 225 SCRA 77 (1993).

[6] Exhibit "E"; Rollo pp. 20-21.

[7] Respondent's Comment; Rollo, p. 6.

[8] Justice Atienza's Report, p. 13; Rollo, p. 62.

[9] *Mamba v. Garcia*, A.M. No. MTJ-96-1110, June 25, 2001.

[10] *Almario v. Resus*, 318 SCRA 743, 749 (1999).

[11] *Lorenza v. Encomienda*, 302 SCRA 632 (1999).

[12] 225 SCRA 77 (1993).

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