

MARCOS V. PRIETO, COMPLAINANT, VS. GODOFREDO R. CARIAGA, RESPONDENT.*A.M. No. P-94-1061. March 13, 1995*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/4f0886c1729c/>**PER CURIAM:**

On 8 March 1994 complainant Marcos V. Prieto in behalf of Tagumpay Lending Investors, Inc. charged GODOFREDO P. CARIAGA, Court Interpreter, Municipal Trial Court, Br. 1, San Fernando, La Union, of violating the Civil Service Law and the Anti-Graft and Corrupt Practices Act (R.A. No. 3019) for collecting sums of money from Anabelle T. Coloma whom Tagumpay sued for collection of a debt. The complaint was addressed to Judge Braulio D. Yaranon, Executive Judge, Regional Trial Court, San Fernando, La Union, copy furnished the Office of the Court Administrator. It alleged that summons was not issued despite the lapse of time and the fact that it was filed under the Rule on Summary Procedure.

Since the complaint was not under oath, Judge Yaranon returned it to the complainant but at the same time directed Executive Judge Eufemio R. Molina of the Municipal Trial Court of San Fernando to conduct an investigation on the charges and to submit his report and recommendation thereon. [1] The procedural defect in the complaint was promptly rectified and the pleading returned to Judge Yaranon on the same day.

Meanwhile, in a 1st Indorsement dated 15 April 1994 Deputy Court Administrator Juanito A. Bernad referred the complaint to Judge Yaranon for investigation, report and recommendation. Thus, two (2) different reports with varying recommendations form part of the records, one filed by Judge Yaranon directly with this Court on 6 June 1994, and the other by Judge Molina which he submitted to Judge Yaranon on 29 March 1994. There is however no disagreement on the findings of fact in both reports, which respondent Cariaga admits.

On 13 December 1992 Tagumpay Lending Investors, Inc., filed a complaint for collection of a sum of money against Anabelle T. Coloma, Norberto F. Ofiana and Josefina A. Eslao with the Municipal Trial Court of San Fernando, La Union, docketed as Civil Case No. 2615. The case was raffled to Br. 1, presided by Judge Eugenio A. Dacumos, where respondent Cariaga is the Court Interpreter.

The findings of Judge Molina, which were sustained by Judge Yaranon, show that summons was issued on 12 January 1993 and served on the defendants the following day. On 24 August 1993, respondent collected from Anabelle T. Coloma the amount of P2,000.00 on the pretext that he would try to persuade complainant to waive any additional charges provided that the principal be paid at the soonest possible time. Then on 31 August 1993 respondent again collected from Coloma P4,000.00 and another P1,000.00 on 24 September 1993, or a total of P7,000.00.

Believing that her payments made to respondent were applied to her account with Tagumpay Lending Investors, Inc., as she was made to understand, Coloma wrote complainant Prieto on 28 February 1994 to inform him of her payments but was surprised to learn that her outstanding balance had accumulated to P9,648.72 despite her previous payments. This revelation led to a confrontation between complainant and respondent on 17 January 1994 where the latter admitted having collected the amount but promised to reimburse complainant. Respondent

was apologetic during their meeting and even in his letter to complainant on 15 April 1994 where he assured him that he would mend his ways.

In his comment respondent Cariaga readily admitted having collected sums of money from Coloma but reasoned out that his actions were motivated by good intentions, that is, to help Coloma, a former co-employee at the National Food Authority and a close friend, settle her obligation with complainant. Respondent explained that he also wanted to show his gratitude to complainant who has been regularly extending financial assistance to him. Respondent maintained that he acted in good faith when he collected from Coloma for he did so on behalf of Tagumpay Lending as shown by the receipts he had issued. Moreover, during the meeting between complainant and respondent on 17 January 1994 the former offered to reimburse Tagumpay the whole amount collected, which he did by remitting P2,000.00 on that same day and then followed by P1,000.00 on 21 January 1994 for which he was issued official receipts by complainant.

Judge Yaranon found respondent to have committed acts of dishonesty, grave misconduct and conduct prejudicial to the best interest of the service punished under the Civil Service Law. Under Memorandum Circular No. 30 issued in 1989 by the Civil Service Commission, dishonesty and grave misconduct are classified as grave offenses punishable by dismissal for the first offense, while conduct prejudicial to the best interest of the service is punishable by suspension ranging from six (6) months and one (1) day to one (1) year for the first offense, and dismissal for the second offense. The same acts also violate R.A. 3019 otherwise known as the Anti-Graft and Corrupt Practices Act, specifically Sec. 3, par. (e). Nonetheless, Judge Yaranon took into consideration the spontaneous admission by respondent of his wrongdoing and his remorseful attitude, and recommended that only the imposable penalty provided under the foregoing statutes be meted on respondent, deleting the additional penalties of forfeiture of all benefits and disqualification to hold public office. On the other hand, Judge Molina, while finding the failure of respondent to notify Tagumpay Lending about his collections coupled with his offer to "reimburse" the amount an indubitable proof of his culpability, recommended a lighter penalty of severe censure.

Among the norms of personal conduct of public officials and employees provided under R.A. 6713 otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees is commitment to public interest and professionalism. The Code mandates that public officials and employees use the powers of their office efficiently, effectively and honestly, endeavoring to discourage wrong perceptions of their roles as peddlers of undue patronage to the end that the time honored principle that "public office is a public trust" is forever upheld. In this context, the Code forbids public officials or employees from directly or indirectly having any financial or material interest in any transaction requiring the approval of their office, or soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value from any person in the course of their official duties or in connection with any operation being regulated by, or any transaction which may be affected by the functions of their office. [2] Similarly, Sec. 3, pars. (e) and (h), of R.A. 3019 or the Anti-Graft and Corrupt Practices Act penalizes the following acts of public officials and employees, viz: x x x x (e) Causing any undue injury to any party, including the government, or giving any private party any unwarranted benefit, advantage or preference in the discharge of his official administrative or judicial functions through manifest partiality, evident bad faith or gross inexcusable negligence x x x x (h) Directly or indirectly having financial or pecuniary interest in any business, contract or transaction in connection with which he intervenes or takes part in his official capacity or in which he is prohibited by the Constitution or by any law from having any interest x x x x

Evidently, the common element which makes an act of a public official or employee fall within the abovementioned provisions is his intent to gain, to obtain pecuniary advantage or enrich himself materially while discharging his official duties although not necessarily utilizing his office. Respondent collected sums of money

from a court litigant and converted the amount to his own personal use and benefit. Seizing an opportunity to embezzle he preyed on an unsuspecting party who was only too eager to have her case resolved without having to pay additional charges usually imposed on delinquent debtors.

As a court employee respondent is charged with the knowledge of the proper procedure in consigning payments made by party litigants. As a Court Interpreter he is tasked to translate for the court, administer oaths to witnesses, mark exhibits introduced in evidence, prepare and sign all minutes of the session and maintain and keep in custody a record book of cases calendared for hearing. [3] A Court Interpreter should not therefore keep payments made by litigants in relation to their cases in his personal charge as this would certainly engender the suspicion that the public official or employee is pecuniarily interested in the funds, which was precisely confirmed in the present case when respondent failed to inform complainant about his unauthorized collections until his illicit deeds were discovered.

Dishonesty is a serious offense. It reflects on the person's character and exposes the moral decay which virtually destroys his honor, virtue and integrity. It has an immense debilitating effect on the government service, especially on the judiciary, making it difficult for this branch of government to regain the trust and confidence of the public. That respondent is remorseful does not at all diminish his guilt.

WHEREFORE, for his dishonesty, gross misconduct and conduct prejudicial to the best interest of the service punished under Sec. 3, pars. (e) and (h), of the Anti-Graft and Corrupt Practices Act (R.A. 3019) and Sec. 7 of The Code of Conduct and Ethical Standards for Public Officials and Employees (R.A. 6713), and Rule X, Sec. 1, par. (f) of its implementing Rules and Guidelines, respondent GODOFREDO R. CARIAGA, Court Interpreter, Municipal Trial Court, Br. 1, San Fernando, La Union, is **DISMISSED** from the service with prejudice to reinstatement or appointment to any public office including government-owned or controlled corporation, with forfeiture of all retirement benefits and privileges.

This is without prejudice to the filing of any appropriate criminal action, if warranted, against respondent Cariaga before the proper forum.

SO ORDERED.

Narvasa, C.J., Feliciano, Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, Vitug, Kapunan, Mendoza, and Francisco, JJ., concur.

[1] 1st Indorsement of Judge Yaranon dated 11 March 1994, Rollo, p. 9.

[2] Sec. 7 of R.A. 6713 and Rule X, Sec. 1(f) of the implementing rules issued by the Civil Service Commission on 21 April 1989.

[3] Manual for Clerks of Court, 1991.

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