

BRANCH CLERK OF COURT GAIL M. BACBAC-DEL ISEN, COMPLAINANT, VS. ROMAR Q. MOLINA, RESPONDENT.

A.M. No. P-15-3322 [Formerly A.M. OCA IPI No. 10-3569-P]. June 23, 2015

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PER CURIAM:

This administrative matter originated from the verified Complaint^[1] dated 3 November 2010 filed by Atty. Gail M. Bacbac-Del Isen (complainant), Clerk of Court V at the Regional Trial Court, Baguio City, Branch 3 (the RTC). Complainant charged Mr. Romar Q. Molina (respondent), Clerk III at the same RTC, with violation of Republic Act (R.A.) No. 3019 or the Anti-Graft and Corrupt Practices Act.

The Facts

In the Complaint filed with the Office of the Court Administrator (OCA), complainant averred that she received information on 20 October 2010 from Ms. Marie Rose Victoria C. Delson, a bondsman and employee of UCPB General Insurance Company, Inc., regarding an illicit activity of respondent. In her affidavit attached to the Complaint,^[2] Ms. Delson alleged that respondent had asked money from her to facilitate the temporary release of Mr. Consuelo Romero, who was the accused in Criminal Case No. 23502-R, *People of the Philippines v. Consuelo Romero* pending before the RTC.^[3] Ms. Delson quoted respondent saying to her: "Para mas madali ilakad magbigay ka ng three thousand pesos (P3,000)."^[4]

Ms. Delson admitted giving the amount of P3,000 to respondent and later demanding the return of the money when the accused was eventually released on bond sans any effort of the latter. It turned out that respondent was in charge only of civil cases and was just attending to the processing of the release of the accused, because the staff assigned to handle criminal cases was at that time attending a seminar.^[5]

Respondent allegedly paid back the amount to Ms. Delson on instalment basis from July to August 2010.^[6]

Prior to this reported incident, complainant also divulged that there were already rumors that respondent had been asking money from bondsmen and clients on the promise of immediate action on their cases.^[7]

On 21 December 2010, the OCA indorsed the Complaint to respondent for Comment. Respondent moved for an extension of time to file his Comment until 11 February 2011. The OCA granted the motion, but the extended period elapsed without respondent submitting his Comment.

Meanwhile, complainant reported a confrontation incident between respondent and Ms. Delson on 19 January 2011. The incident prompted Ms. Delson to cry harassment^[8] and respondent to file a perjury case against her.^[9] In a Resolution^[10] dated 10 February 2011, the Office of the City Prosecutor of Baguio City dismissed the charge for being premature in view of the instant administrative complaint.

In its 1st Tracer dated 29 June 2011, the OCA reiterated its directive for respondent to submit his Comment. It finally received the Comment on 31 August 2011 with an attached Motion to Admit Belated Comment with Sheerest Apology.

On 3 April 2012, the OCA reported the Complaint to the Court as an Administrative Matter for Agenda (AMFA). It stated that no definite findings could be made on the basis of the pleadings submitted and recommended that the Complaint be referred to the Executive Judge of the RTC of Baguio City for investigation, report, and recommendation.

The Court subsequently issued a Resolution[11] dated 23 July 2012 noting the Complaint and the OCA report and referring the matter to the Executive Judge for the purpose above-stated.

On 7 December 2012, the OCA received the investigation report[12] of Executive Judge Iluminada P. Cabato, who said she was convinced by a preponderance of evidence that respondent had asked for and received money from Ms. Delson to facilitate the processing of the bond of Mr. Romero.[13] Executive Judge Cabato ruled that respondent's acts were in violation of Sections 1 and 2 of Canon I and Section 2(b) of Canon III of the Code of Conduct for Court Personnel,[14] viz.:

Canon I

Section 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges, or exemption for themselves or for others.

Section 2. Court personnel shall not solicit or accept any gift, favor, or benefit based on any explicit or implicit understanding that such gift, favor, or benefit shall influence their official actions.

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Canon III

Section 2(b). Receive tips or other remuneration for assisting or attending to parties engaged in the transactions or involved in actions or proceedings with the judiciary.

Executive Judge Cabato found respondent liable for grave misconduct and recommended a penalty of one (1) year suspension.[15]

In its Resolution[16] dated 21 January 2013, the Court noted the report of Executive Judge Cabato and referred it to the OCA for investigation, report, and recommendation. As directed, the OCA submitted a report[17] dated 26 July 2013. It adopted the findings and recommendations of Executive Judge Cabato, but with modification as to the penalty.[18] It recommended that the Complaint be re-docketed as a regular administrative matter, and that respondent be DISMISSED from the service, with forfeiture of retirement benefits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or -controlled corporations and financial institutions.[19]

The Issue

The issue in this case is whether or not respondent is guilty of grave misconduct for soliciting and receiving money from a client on the promise of granting the latter a favor.

The Ruling of the Court

We agree with the findings and recommendations of the OCA.

Records show that respondent, on the one hand, offered nothing but a general denial to refute the charges levelled against him. At other times, he would claim shortness of memory regarding some facts surrounding the allegations in the Complaint.

Complainant, on the other hand, presented the testimony of Ms. Delson as witness against respondent. Ms. Delson

positively identified respondent and categorically stated that he was the one who had solicited and received money from her on the promise of facilitating the processing of a bond. This affirmative declaration of the witness was corroborated during the investigation conducted by Executive Judge Cabato, who said in her findings:[20]

Between the positive and categorical testimony of Ms. Marie Rose Victoria C. Delson and the bare denial of respondent Romar Q. Molina coupled with his short memory, their demeanor and manner of testifying, the court finds the version of the former very credible.

It is settled that denial is an inherently weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, the denial is purely self-serving and with no evidentiary value. Like the defense of alibi, a denial crumbles in the light of positive declarations.[21]

Respondent's bare denial thus cannot prevail over the assertion of Ms. Delson by virtue of her being a credible witness who testified on affirmative matters.[22] Her testimony, which has withstood the scrutiny of Executive Judge Cabato and the OCA, provided substantial evidence[23] to uphold the case against respondent.

Being a court employee, respondent was expected to conduct himself in accordance with the strict standards of integrity and morality.[24] The special nature of duties and responsibilities of court personnel has been recognized through the adoption of a separate code of conduct especially for them.[25] The Code of Conduct for Court Personnel[26] requires judicial employees to avoid conflicts of interest in performing official duties.[27] It specifically mandates that they should not receive tips or other remunerations for assisting or attending to parties engaged in transactions or involved in actions or proceedings in the judiciary.[28]

As a public servant, respondent is likewise liable under Rule X, Section 46(A)(11) of the Revised Rules on Administrative Cases in the Civil Service, which prohibits "soliciting or accepting, directly or indirectly, any gift, gratuity, favor, entertainment, loan or anything of monetary value which in the course of an employee's official duties may affect the functions of his office."

In Villahermosa, Sr. v. Sarcia, the Court held that "the sole act of receiving money from litigants, whatever the reason may be, is antithesis to being a court employee." [29] It does not matter, therefore, that herein respondent did not actually grant the favor he promised, and that he paid back the money he had received from Ms. Delson. He should be held accountable for soliciting and receiving money from litigants for personal gain - an act that constitutes grave misconduct.

In Ramos v. Limeta,[30] grave misconduct is defined as

a serious transgression of some established and definite rule of action (such as unlawful behavior or gross negligence by the public officer or employee) that tends to threaten the very existence of the system of administration of justice an official or employee serves.[31] It may manifest itself in corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules.[32]

The Civil Service Rules provide a penalty of dismissal for improper solicitation at the first offense,[33] together with the cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification for reemployment in the government service, unless otherwise provided.[34]

This Court has not hesitated to impose such extreme punishment on employees found guilty of grave offenses. In Concerned Employee v. Generoso, it said:[35]

In recent cases, this Court has held that the use of a false certificate in order to facilitate promotion constitutes an act of dishonesty under Civil Service Rules, and dismissed the erring employee on that ground; a clerk who was found to have falsified her daily time records was dismissed from the service, albeit it was her first offense; and a utility worker who stated in his personal data sheet that he did not have any pending

administrative/criminal case was likewise dismissed, with forfeiture of all benefits, excluding unused leave credits.

In some cases, the Court exercised its discretion to assess mitigating circumstances such as length of service or the fact that a transgression might be the first offense of respondents.[36] This exception cannot be applied to this case, however, as the findings herein serve to validate the previous rumors that respondent had been asking money from bondsmen and clients on the promise of immediate action on their cases, proving his proclivity for corruption.

Time and again, the Court has stressed that the behavior of all employees and officials involved in the administration of justice - from judges to the most junior clerks - is circumscribed with a heavy responsibility. Their conduct must be guided by strict propriety and decorum at all times in order to merit and maintain the public's respect for and trust in the judiciary.[37] As emphasized in Villahermosa, Sr. v. Sarcia,[38] "the acts of court personnel reflect on the Judiciary."

WHEREFORE, this Court finds MR. ROMAR Q. MOLINA, Clerk III, Regional Trial Court, Baguio City, Branch 3, guilty of GRAVE MISCONDUCT. He is hereby DISMISSED FROM THE SERVICE with FORFEITURE of all benefits, except accrued leave credits, and DISQUALIFICATION from employment in any branch or instrumentality of the government, including government-owned or -controlled corporations.

SO ORDERED.

Sereno, C.J., Carpio, Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Villarama, Jr., Perez, Mendoza, Reyes, Perlas-Bernabe, Leonen, and Jardeleza, JJ., concur.

Velasco, Jr., and Brion JJ., on leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on June 23, 2015 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled case, the original of which was received by this Office on July 21, 2015 at 2:15 p.m.

Very truly yours,
(SGD.)

FELIPA G. BORLONGAN-ANAMA
Clerk of Court

[1] Rollo, pp. 7-9.

[2] Id. at 10-11.

[3] Id. at 7-8.

[4] Id. at 7.

[5] Id. at 8.

[6] Id.

- [7] Supra note 3.
- [8] Id. at 70-71.
- [9] Id. at 32-34.
- [10] Id. at 164.
- [11] Id. at 169-170.
- [12] Id. at 262-270.
- [13] Id. at 268.
- [14] Id. at 269.
- [15] Id. at 270.
- [16] Id. at 273.
- [17] Id. at 275-281.
- [18] Id. at 278-281.
- [19] Id. at 281.
- [20] Id., at 267.
- [21] Re: Salamat, 592 Phil. 404 (2008).
- [22] See *Caca v. Court of Appeals*, G.R. No. 116962, 7 July 1997, 275 SCRA 123.
- [23] In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such evidence as a reasonable mind may accept as adequate to support a conclusion.
- [24] *Villahermosa, Sr. v. Sarcia*, A.M. No. CA-14-28-P, 11 February 2014.
- [25] Id., citing the Code of Conduct for Court Personnel, Fifth "Whereas" clause.
- [26] A.M. No. 03-06-13-SC.
- [27] Supra note 23, citing Code of Conduct for Court Personnel, Canon III, sec. 1.
- [28] Supra note 23, citing Code of Conduct for Court Personnel, Canon III, sec. 2(b).
- [29] Supra note 23.
- [30] A.M. No. P-06-2225, 23 November 2010, 635 SCRA 701.
- [31] Id., citing *Fernandez v. Gatan*, A.M. No. P-03-1720, 28 May 2004, 430 SCRA 19.
- [32] Id., citing *Bureau of Internal Revenue v. Organo*, 468 Phil. 111 (2004).
- [33] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Section 52 (A) (11).
- [34] Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Section 58 (A).
- [35] A.M. No. 2004-33-SC, 24 August 2005, 505 Phil. 114-126.
- [36] Supra note 23.

[37] Santos, Jr. v. Mangahas, A.M. No. P-09-2720, 17 April 2012, 669 SCRA 599.

[38] Supra note 23.

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