

RUPERTO G. JUGUETA, COMPLAINANT VS. RICARDO ESTACIO, RESPONDENT.

A.M. No. CA-04-17-P (Formerly OCA IPI No. 04-75-CA-P). November 25, 2004

Ponente: CHICO-NAZARIO, J.

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CHICO-NAZARIO, J.:

This case demands observance of proper conduct, decorum and propriety vis-à-vis the tenet that a public office is a public trust, and that a public servant shall, at all times, exhibit the highest degree of honesty and integrity. Specifically, every employee of the Judiciary, involved as he is in the sacred task of dispensing justice, shall not only act with propriety and decorum, but above all else, must be above suspicion.

Ricardo Estacio, Clerk III in the Court of Appeals, is charged with conduct prejudicial to the best interest of the service. He was indicted via an affidavit/complaint dated 21 April 2004 filed by Ruperto G. Jugueta, a retired commercial attaché.

The affidavit[1] was filed on 22 April 2004 before the Office of Court of Appeals Presiding Justice Cancio C. Garcia.[2]

In a Memorandum[3] dated 23 April 2004, Atty. Elisa B. Pilar-Longalong, Court of Appeals Assistant Clerk of Court, was directed to formally investigate the complaint and to submit a report and recommendation therein within thirty days from the termination of the investigation. The complaint was docketed as Adm. Case No. 01-CG-2004.

Ricardo Estacio, per Memorandum[4] dated 27 April 2004, was required to explain in writing under oath why he should not be held liable for conduct prejudicial to the best interest of the service.

On 03 May 2004, Estacio submitted his counter-affidavit,[5] and hearings were held on 12 and 20 May 2004.

On 23 August 2004, Atty. Elisa B. Pilar-Longalong submitted her report[6] with the recommendation that Mr. Ricardo Estacio may be held liable for simple misconduct with the penalty of suspension for one month.

Presiding Justice Cancio C. Garcia agreed with the report and adopted the recommendation of the investigator. Via Circular No. 30-91, dated 30 September 1991, the matter was referred to the Supreme Court.[7]

On 02 September 2004, the sealed envelope containing the report and recommendation was forwarded to the Supreme Court through the Office of the Court Administrator.[8]

On 07 September 2004, Court Administrator Presbitero J. Velasco, Jr., indorsed the records of the case to the Office of the Chief Justice for the Chief Justice's consideration.[9]

The complaint states that sometime in September 2003, Ruperto G. Jugueta, thru his part-time driver, came to know a certain Ray Velarde who offered, for humanitarian reasons, to help secure an early decision in his case pending with the Court of Appeals. For several months, he transacted with Ray Velarde who allegedly demanded

from him money in cash and in kind totaling P100,000. The amount which he claims he paid in eight installments was to be given to some court officials and employees. After three months, Mr. Jugueta says he realized he was dealing with a “professional swindler.” Thus, he dared Mr. Velarde to let him meet the court personnel involved.

Sometime thereafter, Mr. Jugueta and his son, Eugene, went to the Court of Appeals. While inside their van parked in the parking lot of the Court of Appeals, Mr. Velarde called Mr. Ricardo Estacio and introduced him to Mr. Jugueta. Mr. Velarde is the brother-in-law of Mr. Estacio’s sister-in-law. Messrs. Estacio and Jugueta did not talk directly to each other. The latter was just told by Velarde that Estacio will help them.

Several weeks after, without any favorable results, Mr. Jugueta demanded that Mr. Velarde allow him to talk with “the higher-ups” involved in the follow-up of his case. The latter agreed, but nothing happened. Instead, Mr. Jugueta found himself talking to a certain “Judge” by long-distance telephone in Quezon who, he says, turned out to be Mr. Velarde.

Before Christmas 2003, Mr. Velarde arranged to meet Mr. Jugueta by the stairs of the second floor of the court’s (Court of Appeals) main building where he was told he will meet a “responsible official” who turned out to be Mr. Estacio. The latter, he says, promised to have the papers signed “that very night and he would call back before bedtime.” Thereafter, nothing happened until he was told by Atty. Carol Peralta of the Court of Appeals that “he was just another victim.”

On his part, Ricardo Estacio claims he does not know Mr. Ruperto Jugueta personally, but he remembers having met him twice. The first encounter, he says, lasted only for a few seconds where he was merely introduced by Mr. Velarde to Mr. Jugueta as his relative. On this occasion, he says he left the two talking to each other.

On the second encounter, Mr. Estacio says he was told by Mr. Jugueta that they were following up a case although no details were given to him, including the title and the case number.

In both meetings, only Messrs. Jugueta and Velarde talked. Mr. Estacio asserts he never transacted with Mr. Jugueta regarding his case and “I never promised anything to him.”

Mr. Estacio claims he knows Mr. Velarde’s residence at Valenzuela City, although he does not know the street and house number. He further claims he did not receive any single centavo from the complainant nor from Mr. Velarde. He says he is only being implicated so Mr. Jugueta would know the whereabouts of Mr. Velarde.

The complaint of Mr. Jugueta, Mr. Estacio charges, is perjurious. Thus, he says, it should be the former and Ray Velarde who should be charged criminally. He calls the complainant a corrupt individual who resorts to dealing with people for the corruption of the Justices.

During the investigation conducted by the Court of Appeals Assistant Clerk of Court Atty. Elisa B. Pilar-Longalong, Mr. Jugueta admitted he gave neither money nor document to Mr. Estacio. He says, however, that Mr. Estacio is a “contact” of Mr. Velarde in the Court of Appeals. He justifies this with the thought of why of the many employees in the Court of Appeals, it was he who was brought twice to him. Mr. Estacio counters saying the meetings were accidental.

To clear up the situation, Mr. Estacio, through counsel, says he would present Mr. Velarde as his witness, but this was not done.

It is well settled that in administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint.[10] Substantial evidence is that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.[11] In the case at bar, the complainant was able to substantiate his allegations.

On his part, Ricardo Estacio puts up the defense of denial. He asserts he has nothing to do with the case of Mr. Jugueta. He claims he does not even know the title and the number of the case. While he admits he has met the complainant twice, and that he knows Mr. Velarde, the latter being the brother-in-law of the wife of his brother, he claims their meetings were merely accidental. Besides, he asserts, he received no single centavo from Mr. Jugueta.

Mr. Jugueta, on the other hand, stresses he met Mr. Estacio twice and that the latter is very much aware of his case. He claims Mr. Estacio promised he would have his papers signed the second time they met and that he would call up before bedtime for the result. Thus, he concludes, Mr. Estacio is the “contact” of Mr. Ray Velarde in the Court of Appeals. He points out and argues that of the so many employees in the Court of Appeals, he was the one brought to him twice.

The Court finds the position of Mr. Estacio incredible and not in accord with the natural course of things.

It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value.[12] Like the defense of alibi, a denial crumbles in the light of positive declarations.[13]

The Court notes with concern the defense of non-receipt of money or consideration. This is a lame position. The fact is, the respondent promised to have the complainant’s papers signed and to call him before bedtime, and this is clear indicium that establishes his connection with the parties. In effect, he is a “contact” in the Court of Appeals. Moreover, his failure to present Mr. Velarde to be his witness to clear up matters is gravely suspicious. These things put together definitely manifest and show a dubious and an unbecoming act grossly prejudicial to the best interest of the service. Relative hereto, we find pertinent to quote the findings of Court of Appeals Assistant Clerk of Court Atty. Elisa B. Pilar-Longalong, designated Investigator:

Mr. Jugueta admitted that he never gave any money or document to Mr. Estacio nor did he see Mr. Velarde give any money or document to Mr. Estacio. Despite that fact, Mr. Jugueta got the impression that Mr. Estacio was Mr. Velarde’s contact within the Court as the two were talking about his case on the second occasion. Mr. Jugueta’s affidavit and testimony on this is more credible than Mr. Estacio’s denial that he was merely introduced by Mr. Velarde to Mr. Jugueta. Besides, Mr. Estacio admitted that Mr. Velarde told him that Mr. Jugueta was following up a case although Mr. Estacio avers that he did not react to that statement. His alleged failure to react appears to be not credible in the natural course of conversation of two people who have just met for the second time as against Mr. Jugueta’s positive assertion that Mr. Estacio promised to have “the papers” signed that same night and that he would call back Mr. Jugueta before bedtime. Mr. Estacio’s blanket denial that he did not say anything does not deserve credence. As Mr. Jugueta testified, he got the impression that Mr. Estacio was Mr. Velarde’s “contact” in the Court since Mr. Estacio, among so many Court employees, was the one introduced to Mr. Jugueta twice when they came to the Court. Moreover, complainant would not have filed a complaint and wasted his time and efforts to come to Manila from Quezon in stormy weather for the investigation if Mr. Estacio really gave no such assurance of help.[14]

Apropos all the foregoing, the Court finds it timely and appropriate to underscore once more that the conduct of court personnel must be beyond reproach and free from any suspicion that may taint the Judiciary. They must thoroughly avoid any impression of impropriety, misdeed, or negligence in the performance of official duties. Their conduct should be geared towards maintaining the prestige and integrity of the court, for the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel.[15] A court employee should keep in mind that he is an integral part of that organ of the government that is involved in the sacred task of administering justice. His conduct and behavior should perforce be circumscribed with the heavy burden of responsibility and must at all times be characterized by propriety and decorum,[16] but above all else must be above suspicion.[17]

The Court reiterates the well-settled rule that a public office is a public trust. Public officers and employees are duty-bound to serve with the highest degree of responsibility, integrity, loyalty, and efficiency and shall remain accountable to the people.[18]

The Court has scrutinized the behavior and conduct of the respondent and found him wanting of “the exacting standards of ethics and morality imposed upon court employees.”

The designated investigator, Atty. Elisa B. Pilar-Longalong, Court of Appeals Assistant Clerk of Court, found respondent clerk liable for simple misconduct and recommended the penalty of suspension for one month and one day pursuant to Section 52(B) of Civil Service Commission Memorandum Circular No. 19-99.

We concur in the findings and conclusion of Atty. Longalong that respondent should be held liable. However, we do not agree in the recommendation that respondent should be held liable only for simple misconduct.

We find respondent’s acting as a “contact” in the Court of Appeals constitutive of conduct grossly prejudicial to the best interest of the service. The word “gross” connotes “something out of measure; beyond allowance; not to be excused; flagrant; shameful”[19] while “prejudicial” means “detrimental or derogatory to a party; naturally, probably or actually bringing about a wrong result.”[20] Mr. Estacio’s conduct placed not only the Court of Appeals, but the entire Judiciary, in a bad light. He deported himself in a manner not deserving of the public’s respect -- grossly prejudicial to the best interest of the service.

Conduct grossly prejudicial to the best interest of the service is classified as a grave offense under Section 22(t), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292[21] and Other Pertinent Civil Service Laws. It is penalized by suspension for six months and one day to one year, for the first offense, and dismissal for the second offense. Considering that respondent has been in the service for eleven years, and considering further that the offense he committed appears to be his first, we deem it proper to impose the penalty of suspension for six months and one day.

The Court has likewise examined the attitude, behavior and decorum of the complainant. As a retired government official, his act of seeking the “movement” of his case by way of doling out money is improper, ignoble and sordidly inappropriate. Mr. Ruperto G. Jugueta, at his age, should restudy and recommit to mind the substance and value of ethics in the conduct of private and official acts.

WHEREFORE, the Court finds respondent Ricardo Estacio GUILTY of conduct grossly prejudicial to the best interest of the service and is suspended for a period of six (6) months and one (1) day without pay, with a stern warning that a repetition of the same or similar act in the future shall be dealt with more severely.

SO ORDERED.

Puno, (Acting C.J.), Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

[1] Rollo, pp. 14-15.

[2] Now Associate Justice of the Supreme Court.

[3] Rollo, p. 13.

[4] Id. at 16.

[5] Id. at 17-19.

[6] Id. at 4-8.

[7] Id. at 9.

[8] Id. at 10.

[9] Id. at 2.

[10] Francisco Galman Cruz v. Portia Aliño-Hormachuelos, et al., A.M. No. CA-04-38, 31 March 2004, citing Licudine v. Saquilayan, A.M. No. P-02-1618, 04 February 2003, 396 SCRA 650; Sarmiento v. Salamat, AM-P-No. 01-1501, 04 September 2001, 364 SCRA 301; Montes v. Bugtas, A.M. No. RTJ-01-1627, 17 April 2001, 356 SCRA 539; Barbers v. Laguio, Jr., A.M. No. RTJ-00-1568, 15 February 2001, 351 SCRA 606; Lorena v. Encomiendo, A.M. No. MTJ-99-1177, 08 February 1999, 302 SCRA 632; Cortes v. Agcaoili, A.M. No. RTJ-98-1414, 20 August 1998, 294 SCRA 423.

[11] Resngit-Marquez v. Llamas, Jr., A.M. No. RTJ-02-1708, 23 July 2002, 385 SCRA 6, 21.

[12] People v. Arlee, G.R. No. 113518, 25 January 2000, 323 SCRA 201.

[13] People v. Ricafranca, G.R. Nos. 124384-86, 28 January 2000, 323 SCRA 652.

[14] Rollo, p. 7.

[15] Villanueva-Fabella v. Lee, A.M. No. MTJ-04-1518, 15 January 2004, 419 SCRA 440.

[16] National Bureau of Investigation v. Tuliao, A.M. No. P-96-1184, 24 March 1997, 270 SCRA 351, citing Rivera v. Cagujas, A.M. No. P-93-792, 07 January 1994, 229 SCRA 145.

[17] Jereos, Jr. v. Reblando, Sr., A.M. No. P-141, 31 May 1976, 71 SCRA 126.

[18] Ratti v. Mendoza-De Castro, A.M. No. P-041844, 23 July 2004.

[19] Canson v. Garchitorena, SB-99-9-J, 28 July 1999, 311 SCRA 268, citing Black's Law Dictionary, p. 832, 4th Ed.

[20] Ballentine's Law Dictionary, p. 978, 3rd Ed., citing State v. Farrar, 103 Kan 774, 176 P 987.

[21] Administrative Code of 1987.

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