DAKILA C. MANALABE, COMPLAINANT, VS. EVELYN D. CABIE, STENOGRAPHER III; MARITA G. MONTEMAYOR, STENOGRAPHER III; TYKE J. SARCENO, CLERK III; AND DANILO GARCIA, PROCESS SERVER, AL...

A.M. NO. P-05-1984 [FORMERLY OCA-I.P.I. NO. 05-2125-P]. July 06, 2007

Ponente: TINGA, J.

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TINGA, J.:

This is an administrative complaint filed by Dakila C. Manalabe against EVELYN D. CABIE, Stenographer III; MARITA G. MONTEMAYOR, Stenographer III; TYKE J. SARCENO, Clerk III; and DANILO GARCIA, Process Server, all of the Regional Trial Court (RTC) of Manila, Branch 31.

In a Letter-Complaint[1] dated 3 September 2003, complainant alleged that on 20 August 2003, a letter addressed to him was delivered to RTC Branch 31 and was received thereat by respondent Cabie. On even date, respondent Cabie handed it to complainant's wife, Dorothy Manalabe of RTC Branch 22. Upon being informed that the envelope had already been opened, complainant[2] asked his wife to immediately return it to RTC Branch 31. Complainant stated that the envelope was torn open reportedly to find out whether it contained the Court's Resolution in the administrative case[3] against him filed by his co-workers at RTC Branch 31.

Among the attachments of the Letter-Complaint were the affidavits of complainant's wife, Dorothy Manalabe, and Corazon Malindog of the Office of the Clerk of Court, RTC of Manila.[4] Malindog stated that she is tasked with the delivery of the correspondences to all the RTC Branches located in the Ombudsman Building, Arroceros Street, Manila. She attested that the letters delivered to RTC Branch 31 on 20 August 2003 were all sealed. She further averred that the subject letter was stapled, belying allegations that the same had already been opened when delivered to said court.[5]

In her letter-comment[6] dated 24 October 2003, respondent Cabie admitted that she received the letters delivered by Malindog to RTC Branch 31 on 20 August 2003. She then placed the letters, in a bunch and tied with a rubber band, on a clerk's table. She averred that she did not touch the letters after receiving them and that she was not even aware that complainant's letter was included among those delivered. After sorting the letters with a clerk, respondent Cabie was instructed to hand the letter to complainant's wife who thereafter returned the same to RTC Branch 31 fifteen (15) minutes (or more) later. Respondent Cabie noted that the envelope of said letter was "partly torn and already opened but stapled."[7]

Respondent Cabie asserted that Malindog had admitted to the former's co-workers that the envelope of the subject letter was already opened and stapled when she delivered the same to RTC Branch 31. Respondent Cabie also stated that a few days after the incident, Malindog came to their office bragging about having signed an affidavit prepared by complainant and threatened her by saying, "Hala, lagot ka!" Respondent Cabie posited that complainant had threatened Malindog with a lawsuit if she does not sign the affidavit.[8]

Respondent Cabie contended that complainant filed the instant complaint to get even with her for having testified against him in an administrative case. Knowing complainant's character, respondent Cabie added, no one in the office would dare open his letters.[9]

Respondent Cabie appended to her letter-comment the affidavits of her co-workers Marita G. Montemayor, Tyke J. Sarceno, and Danilo P. Garcia who all corroborated her allegations.[10]

In his Reply[11] dated 10 November 2003, complainant explained that he singled out respondent Cabie as she has knowledge of what had really transpired after receiving the subject letter. She was also the one who handed the same to his wife.[12]

Complainant next maintained that Malindog is the one assigned to deliver letters to RTC Branch 31. Thus, he claimed that the comment of a certain Liwayway Santiago that the subject letter had already been opened and stapled when delivered, which respondent Garcia included in his sworn statement dated 20 October 2003, is irrelevant and mere hearsay.[13]

Further, complainant impugned the character and credibility of the three (3) affiants who supported respondent Cabie's allegations.[14]

Regarding respondent Montemayor, complainant claimed that it is not her duty to sort the letters delivered to the court. Complainant alleged that Montemayor questionably opted to be a stenographer rather than work as a Legal Researcher for the Municipal Trial Court of Manila, Branch 4 considering that she is a law graduate and the latter position merited a higher compensation.[15]

Moreover, records show that respondent Montemayor previously defied an order of the Office of the Court Administrator (OCA) to report back to her original post on the pretext that she was then already reporting as stenographer to RTC Branch 31. In truth, she was still awaiting her appointment to said item.[16]

As for respondent Sarceno, complainant asserted that his character is tainted. First, items of evidence of the court disappeared while in his custody. He added that Sarceno will definitely support respondent Montemayor's allegations as she stood as one of the sponsors at his wedding.[17]

As for respondent Garcia, complainant claimed that he is an expert liar who falsely testified in the administrative case against him.[18]

Pursuant to the recommendations of the OCA in its Report[19] dated 11 February 2005, the Court in a Resolution,[20] dated 4 April 2005, resolved to re-docket the instant administrative complaint as a regular administrative matter and refer the same to the Executive Judge of the RTC of Manila for investigation, report and recommendation. The Court likewise advised complainant that he may file an administrative complaint against Montemayor, Sarceno, and Garcia should he wish to pursue his charges against them, which complainant did in a Complaint-Affidavit[21] dated 3 August 2005.

In his Investigation, Report and Recommendation dated 13 April 2007, Judge Reynaldo G. Ros recommended the dismissal of the instant administrative complaint for paucity of evidence and lack of merit.

The Investigating Judge summarized the issue in the present case as follows: Whether respondents are guilty of opening the envelope addressed to complainant. Judge Ros considered the charge as gross misconduct because if proven true, the charge would involve a violation of a constitutionally guaranteed right, that of the right to privacy of communication and correspondence.

Judge Ros, however, found two pieces of evidence that militate against complainant's claim that respondents opened the subject letter in their desire to find out whether it was the Court's Resolution in the administrative case

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against him.

First, the testimony of respondent Montemayor as well as her handwritten affidavit stated that:

> ATTY. REYES:
>
> Q Would you tell this Honorable Court if you have any interest in that letter?
>
> A None at all[,] Your Honor. Because in administrative cases we don't have to open his letter because the court is copy furnished [sic] of whatever is the result of the administrative case we have. So it is baloney to open his letter. In fact we are (not) interested with it.[22]
>
> AFFIDAVIT dated 20 October 2003
>
> His accusations that we are interested in the RESOLUTION of his case is bereft of truth. Firstly, the Honorable Judge Leonardo P. Reyes is also copy furnished [sic] of the same letter, we need not open said letter addressed to him. Our Honorable Judge will surely let us know of the Resolution;[23]

Second, the logbook of the mailing section of the Office of the Clerk of Court contained the following entries: 2787 Judge Reyes-SC A.M. No. RTJ-02-1728 8-5-03; and 2786 Dakila Manalabe-SC A.M. No. RTJ-02-1728 8-5-03. Presumably, the two missives embodied copies of one and the same document.[24] This detail lends credence to respondent Montemayor's allegations that Judge Reyes is furnished a copy of the Court's correspondences to complainant in the administrative case; and that consequently, there would be no need for respondents to open the subject letter.

Judge Ros found no basis for the instant administrative complaint against respondents. He held that there is no evidence showing that the subject letter had been opened by any or all of respondents. In addition, Judge Ros noted that complainant, in his defense, spitefully gave a narrative of what respondents had done to him in the past. This together with the fact that some of respondents had testified in the administrative case against complainant led Judge Ros to conclude that the present case was instituted to wage a personal vendetta.[25]

The Court adopts the recommendation.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. Further, the complainant has the burden of proving by substantial evidence the allegations in his complaint. The basic rule is that mere allegation is not evidence and is not equivalent to proof. Charges based on mere suspicion and speculation likewise cannot be given credence. Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his allegations, as in this case, the administrative complaint must be dismissed for lack of merit.[26]

Complainant failed to substantiate the charges and allegations he leveled against respondents with evidence. Other than his and his wife's allegations and Malindog's statement, there is nothing in the records that would indicate that respondents opened the subject letter. Malindog's claim that subject letter was sealed at the time of its delivery was disputed by respondents Cabie and Montemayor. This, complainant never addressed.

In contrast, respondent Cabie's claim that the subject letter had already been opened when she received it was amply supported by respondent Montemayor's affidavit and testimony.[27] Respondent Sarceno, on the other hand, categorically attested that the staff of RTC Branch 31 did not open the subject letter. Respondent Garcia, for his part, testified that he had heard Malindog say that the letter was already opened when she delivered it.[28] Complainant failed to rebut respondents' evidence. In the absence of contrary evidence, the presumption that respondents regularly performed their duties will prevail.[29]

Moreover, there is basis to hold that this administrative complaint was filed by complainant in retaliation for respondents' having testified against him in another administrative case.[30] Further, instead of refuting respondents' arguments, complainant in his pleading detailed respondents' allegedly discreditable acts to malign their character. Taken together, the inevitable conclusion is that the instant case was filed to exact vengeance.

Finally, the Court agrees with Judge Ros that respondents had no motive in opening the subject letter. The logbook of the Office of the Clerk of Court shows that the Presiding Judge of RTC Branch 31 was likewise furnished a copy of the Court's missive to complainant. Respondents, as staff of RTC Branch 31 and as interested parties to the administrative case, would necessarily be informed of the progress of the case.

Accordingly, for being baseless and unsubstantiated, the instant administrative complaint must be dismissed for lack of merit.

Finally, the Court restates that it has always been punctilious about any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary. However, when an administrative charge against a court personnel holds no basis whatsoever in fact or in law, this Court will not hesitate to protect the innocent court employees against any groundless accusation that trifles with judicial process. This Court will not shirk from its responsibility of imposing discipline upon employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[31]

WHEREFORE, the administrative complaint against EVELYN D. CABIE, Stenographer III, MARITA G. MONTEMAYOR, Stenographer III; TYKE J. SARCENO, Clerk III; and DANILO GARCIA, Process Server, all of the Regional Trial Court of Manila, Branch 31, is DISMISSED with a WARNING to complainant to be more circumspect in filing administrative cases against innocent people.

SO ORDERED.

Carpio, Carpio-Morales, and Velasco, Jr., JJ., concur.
Quisumbing, J., (Chairperson), on official leave.

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[1] Rollo, p. 5.

[2] He had been assigned to the Office of the Clerk of Court; TSN, 13 February 2007, p. 6.

[3] Ong v. Manalabe, A.M. No. P-05-1931 (Formerly-OCA IPI No. 02-1470-P); In a Per Curiam Decision promulgated on 13 January 2005, Dakila Manalabe, Legal Researcher of RTC Branch 31 was found guilty of grave misconduct and was dismissed from service; 448 SCRA 106.

[4] Rollo, pp. 8-9.

[5] Id. at 9.

[6] Id. at 11-12.

[7] Id. at 11.

[8] Id.

[9]Id. at 12.

[10] Id. at 13-21.

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[11]Id. at 22-26.

[12]Id. at 22.

[13]Id.

[14] Id. at 22-26.

[15] Id. at 23.

[16] Id.

[17] Id. at 24-25.

[18] Id. at 25-26.

[19] Id. at 1-4.

[20] Id. at 75-76.

[21] Id. at 87-89.

[22] TSN, 5 March 2007, p. 28.

[23] Rollo, p. 17.

[24] Id.

[25] Id.

[26]Navarro v. Cerezo, A.M. No. P-05-1962, 17 February 2005, 451 SCRA 626, 629; Planas v. Reyes, A.M. No. RTJ-05-1905, 23 February 2005, 452 SCRA 146, 160-161.

[27] Rollo, p. 14. TSN, 5 March 2007, p. 24.

[28] TSN, 5 March 2007, p. 41.

[29] Ever Emporium, Inc. v. Maceda, A.M. No. RTJ-04-1881, 14 October 2004, 440 SCRA 298, 314.

[30] Rollo, pp. 11 and 15; TSN, 5 March 2007, pp. 40 and 49.

[31] De la Cruz v. Bato, A.M. No. P-05-1959, 15 February 2005, 451 SCRA 330, 337; Sarmiento v. Salamat, 416 Phil. 684, 695 (2001).

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