LOURDES S. ESCALONA, COMPLAINANT, VS. CONSOLACION S. PADILLO, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 260, PARAÑAQUE CITY, RESPONDENT.

A.M. No. P-10-2785. September 21, 2010

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PER CURIAM:

Complainant Lourdes S. Escalona (Escalona) filed on 22 January 2007 a complaint[1] charging respondent Consolacion S. Padillo (Padillo), Court Stenographer III of the Regional Trial Court (RTC) of Branch 260, Parañaque City with Grave Misconduct. Escalona claimed that she approached Jun Limcaco (Limcaco), the president of their homeowners' association, regarding her problem with Loresette Dalit (Dalit). Limcaco referred her to Padillo to help facilitate the filing of a case against Dalit. Padillo allegedly promised to prepare the necessary documents and asked for P20,000 purportedly as payment for the prosecutor. Escalona requested that the amount be reduced to P15,000. Padillo received the P15,000 at the Little Quiapo Branch Better Living Subdivision. Thereafter, Escalona received a text message from Padillo informing her that the prosecutor was not amenable to the reduced amount of P15,000. After two weeks, Escalona gave the balance of P5,000 to Padillo allegedly for the service of the warrant of arrest. Escalona was also asked to submit a barangay clearance and to first take an oath before Prosecutor Antonio Arquiza, Jr. and later before Prosecutor Napoleon Ramolete. However, subsequent verification from the Prosecutor's Office showed no record of a case filed against Dalit. Escalona confronted Padillo who promised to return to her the money. Padillo reneged on her promise. Hence, this complaint.

Meanwhile, Escalona withdrew her complaint against Padillo in a Sworn Affidavit of Desistance dated 10 July 2007[2] alleging that Padillo already returned to her the P20,000. This notwithstanding, then Court Administrator Christopher O. Lock sent two notices to Padillo requiring her to submit her comment to the complaint of Escalona. Despite the registry return receipts showing that she received the communications sent to her, Padillo failed to comment on the complaint. On 15 September 2008, this Court required Padillo to explain why she should not be administratively dealt with for her failure to submit the required comment and reiterated the directive on Padillo to submit her comment to Escalona's complaint. A copy of the resolution sent to Padillo at the RTC, Branch 260, Parañaque City was returned unserved with the notation "no longer connected."

The parties were likewise required to manifest whether they were willing to submit the case for resolution on the basis of the pleadings filed. Copies of the resolution sent to Escalona at B17-L36 Barnabas St., Annex 35, Better Living Subdivision, Parañaque City and to Padillo at 651 San Francisco St., Las Piñas City were returned unserved with the notation "moved, left no address."

The Court Administrator,[3] in his Memorandum dated 8 December 2009, found Padillo guilty of grave misconduct for soliciting money from Escalona in exchange for facilitating the filing of a case against Dalit. Padillo's act of soliciting money from Escalona is an offense which merited the grave penalty of dismissal from the service. However, considering that Padillo tendered her resignation on 18 February 2007, a month after the complaint was filed but did not and has not filed any claim relative to the benefits due her, the Court

Administrator recommended that all benefits due her, except accrued leave credits, be forfeited and that she be disqualified from reemployment in any branch of the government or any of its instrumentalities, including government-owned and controlled corporations.

We agree with the Court Administrator that this Court could no longer impose the penalty of dismissal from the service because Padillo resigned a month after the filing of the administrative complaint. However, her resignation did not render the complaint against her moot. Resignation is not and should not be a convenient way or strategy to evade administrative liability when a court employee is facing administrative sanction.[4]

There is no doubt that Padillo received from Escalona P20,000 purportedly "for fiscal & judge" and "for warrant officer" and this amount was "intended to facilitate" the case against Dalit. This is shown in the receipt[5] signed by Padillo herself.

Section 2, Canon 1 of the Code of Conduct of Court Personnel[6] provides that "(C)ourt 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." Section 52 (A)(11) of Rule IV of the Uniform Rules on Administrative Cases in the Civil Service also provides that dismissal is the penalty for improper solicitation even if it is the first offense. Section 58(a) of the same Rule provides that the penalty of dismissal shall carry with it the cancellation of eligibility, forfeiture of retirement benefits, and perpetual disqualification from reemployment in the government service.

Escalona submitted an Affidavit of Desistance alleging that the P20,000 was "refunded" to her and this she "voluntarily accepted" in the presence of Florante Gaerlan, Interpreter of RTC, Branch 119, Pasay City and Erlinda Dineros, Interpreter of RTC, Branch 260, Parañaque City. However, even Escalona's affidavit of desistance will not absolve Padillo from administrative liability. We have always held that the withdrawal of the complaint or the desistance of a complainant does not warrant the dismissal of an administrative complaint. This Court has an interest in the conduct and behavior of its officials and employees and in ensuring at all times the proper delivery of justice to the people. No affidavit of desistance can divest this Court of its jurisdiction under Section 6, Article VIII of the Constitution to investigate and decide complaints against erring officials and employees of the judiciary. The issue in an administrative case is not whether the complainant has a cause of action against the respondent, but whether the employee has breached the norms and standards of the courts.[7] Neither can the disciplinary power of this Court be made to depend on a complainant's whims. To rule otherwise would undermine the discipline of court officials and personnel.[8] The people, whose faith and confidence in their government and its instrumentalities need to be maintained, should not be made to depend upon the whims and caprices of complainants who, in a real sense, are only witnesses.[9] Administrative actions are not made to depend upon the will of every complainant who may, for one reason or another, condone a detestable act. Such unilateral act does not bind this Court on a matter relating to its disciplinary power.[10]

WHEREFORE, we find respondent Consolacion S. Padillo GUILTY of GRAVE MISCONDUCT. Accordingly, her retirement benefits, except accrued leave credits, are FORFEITED. Her civil service eligibility is CANCELLED and she is PERPETUALLY DISQUALIFIED for reemployment in any branch of the government or any of its agencies or instrumentalities, including government-owned and controlled corporations. This decision is immediately executory.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Peralta, Bersamin, Del Castillo, Abad, Villarama, Jr., and Sereno, JJ., concur.
Velasco, Jr., Nachura, Leonardo-De Castro, Brion, and Mendoza, JJ., on official leave.

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Perez, J., no part, acted on the matter as Court Adm.

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[1] Rollo, pp. 3-4.

[2] Id. at 9.

[3] Jose P. Perez, now Associate Justice of this Court.

[4] Re: Administrative Case for Falsification of Official Documents and Dishonesty against Randy S. Villanueva, A.M. No. 2005-24-SC, 10 August 2007, 529 SCRA 679, 685; Office of the Court Administrator v. Juan, 478 Phil. 823, 828 (2004).

[5] Rollo, p. 5.

[6] A.M. No. 03-06-13-SC, which took effect on 1 June 2004.

[7] Rosales v. Monesit, Sr., A.M. No. P-08-2447, 10 April 2008, 551 SCRA 80, 85, citing Vilar v. Angeles, A.M. No. P-06-2276, 5 February 2007, 514 SCRA 147.

[8] Sy v. Binasing, A.M. No. P-06-2213, 23 November 2007, 538 SCRA 180, 183, citing Atty. Pineda v. Judge Pinto, 483 Phil. 243, 252 (2004).

[9] Councilor Castelo v. Sheriff Florendo, 459 Phil. 581, 595 (2003).

[10] SPO4 Manaois v. Judge Leomo, 456 Phil. 920, 929-930 (2003).

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