

IMELDA BAUTISTA-RAMOS, COMPLAINANT, VS. NERIO B. PEDROCHE, INTERPRETER I, MUNICIPAL CIRCUIT TRIAL COURT, STA. IGNACIA-MAYANTOC-SAN CLEMENTE-SAN JOSE, TARLAC, RESPONDENT.

A.M. No. P-01-1500 (Formerly OCA IPI No. 98-543-P). April 12, 2002

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In this administrative complaint, Imelda Bautista-Ramos charged respondent Nerio B. Pedroche, Interpreter I of the Municipal Circuit Trial Court in Sta. Ignacia, Tarlac, with conduct prejudicial to the best interest of the service and conduct unbecoming a court employee, in relation to Election Case No. 10-SI (98), Pepito Biato Montalbo vs. Imelda Bautista-Ramos, Chairman of the Board of Election Inspectors (BEI), Precinct No. 19A-1, Poblacion East, Sta. Ignacia, Tarlac.

Complainant, a public school teacher, alleged that during the 1998 elections, she was chairperson of the board of election inspectors of Precinct No. 19A-1, Poblacion East, Sta. Ignacia, Tarlac. Pepito Biato Montalbo was a registered voter in said precinct. Montalbo complained that he was not allowed to vote. Complainant replied that per records of the BEI, he had already voted and could not vote for a second time. As the two were discussing the matter, respondent appeared and identified himself as a court employee. He claimed that he knew the law on the matter and insisted that Montalbo be allowed to vote. He threatened complainant with a lawsuit if she refused to allow Montalbo to vote.

On May 15, 1998, Montalbo filed an election case against complainant before the Municipal Circuit Trial Court, Sta. Ignacia-Mayantoc-San Clemente-San Jose, Tarlac.[1] When she learned of the complaint against her, complainant approached respondent who instructed her to go to his house.

On May 20, 1998, complainant did as she was told, accompanied by Manuela Pedroche, who was also a member of the board of election inspectors, complainant's husband Augusto Ramos, and Manuela's husband Bong Pedroche.[2] Respondent allegedly demanded "50" from complainant to settle the case. Thinking that respondent was asking for P50, complainant and her companions gave him P250. However, respondent corrected them and said that he was, in fact, asking for P50,000. Asserting that he has influence in court, he told Montalbo not to settle with complainant, lest he also be charged in court. Respondent also threatened complainant with dismissal from the service and forfeiture of benefits. As further proof of his alleged influence, he wrote a note on the summons received by complainant, asking for a resetting of the case since the parties were amenable to a settlement.[3]

At the hearing of the case on May 22, 1998, Montalbo appeared without counsel. Asked who prepared his petition, he replied that it was respondent, Nerio Pedroche.

Respondent, however, denied any wrongdoing. He denied having intervened in the case between complainant and

Montalbo. He claimed that Montalbo asked him to prepare an “election protest” after he (Montalbo) failed to vote on May 11, 1998. Someone had allegedly cast his vote using Montalbo’s name. Since Montalbo appeared distressed, respondent decided to help him. Respondent asserted that he assisted Montalbo only out of compassion, and that he acted not as a government employee but as a concerned voter.

Respondent narrated that Montalbo went to his office on May 15, 1998 bearing a prepared petition. Respondent explained the contents thereof to Montalbo and accompanied the latter to Judge Eleanor Ventura-De Jesus, the presiding judge of the MCTC of Sta. Ignacia, Tarlac.

Respondent claimed that he was at the Talon General Hospital on May 20, 1998, watching over his wife who gave birth four days earlier. Complainant and Manuela Pedroche arrived and talked to him about the case. He told them that only Montalbo could withdraw the case. Complainant asked respondent to accompany her to the judge to ask for more time to file an answer but he refused. Because complainant was insistent, he agreed to write a note on the summons, addressed to the clerk of court,[4] although he knew that the clerk of court would not act on said note. The two women then left.

Respondent denied asking for money from complainant. He stated that when he went home on May 20, 1998, complainant was already there waiting. With her were Manuela, her husband Brigido, Montalbo, and another man not known to respondent. Montalbo informed respondent that complainant and her companions were giving him (Montalbo) P50 and respondent, P100. At this, respondent said he blew his top and asked his guests to leave.

As regards Montalbo’s claim that it was respondent who prepared his petition for “election contest”, respondent explained that Montalbo thought the petition being referred to was the letter that respondent prepared on May 11, 1998 protesting against the board of election inspectors.[5]

Respondent claimed to have learned in July 1998 that complainant was spreading the story that he was asking for P50,000 from her in exchange for dropping the case. In reply, respondent sent complainant a letter asking her to refrain from uttering “slandorous/defamatory words against [him] publicly.”[6] Respondent told complainant he would charge her with grave oral defamation should she not publicly apologize to him.[7]

In a resolution dated July 3, 2000, we referred this matter to Executive Judge Afable E. Cajigal of the Regional Trial Court, Branch 68, Camiling, Tarlac, for investigation, report and recommendation.

In his report dated December 7, 2000, Judge Cajigal stated that complainant’s claim that Montalbo filed the election case upon respondent’s urging is unsubstantiated. Montalbo himself appeared interested in the case, and his request to respondent for help is understandable considering that Montalbo was of limited educational attainment. Montalbo knew that respondent worked in the judiciary and thus assumed him to be knowledgeable in legal matters. As regards the allegation that it was respondent who prepared the petition filed by Montalbo in court, this is belied by the certification issued by Atty. Domingo R. Joaquin of the Public Attorney’s Office, who stated that he acceded to Montalbo’s request for assistance in preparing the petition. Apparently, Montalbo was referring to the handwritten protest made by respondent when he said that it was respondent who prepared his petition.

On the charge that respondent was asking for money from complainant, Judge Cajigal also found this to be without basis. It was apparent from the testimonies of Bong Pedroche and Augusto Ramos that respondent was not interested in money. Respondent did not solicit or demand money from complainant.

However, Judge Cajigal found that respondent appeared to be interested in the case, “when he should have discreetly kept his distance to avoid any suspicion of corruption.” Respondent’s act of threatening complainant with dismissal from the service and forfeiture of benefits did not speak well of him as an employee of the court.

Considering that this is respondent's first offense, Judge Cajigal recommended that respondent be sternly warned that a similar act in the future will be dealt with more severely.

The OCA, in a memorandum dated June 4, 2001, agrees with the findings of Judge Cajigal but not with the recommended penalty. Instead of a warning, the OCA recommends that respondent be fined in the amount of P2,000.

We agree that there is insufficient evidence that respondent was indeed asking for money directly from complainant. Per the testimony of Brigido Pedroche before the investigating judge, it was actually Montalbo who was asking for some money to settle the case but could not decide how much. Respondent mentioned certain amounts only by way of example.[8] Also, when complainant's husband offered Montalbo some money, respondent declared that he was not interested in the money.[9] We note that respondent promptly sent complainant a letter[10] denying any participation in the petition filed by Montalbo, and asking her to desist from spreading the story that he was asking for money.

As regards the preparation of the election case, it is clear from the records that it was not respondent but a certain Atty. Domingo R. Joaquin of the PAO who prepared the petition.[11] Since respondent had prepared a handwritten protest on the day of the election, Montalbo was evidently confused as to which document the court was referring to when it inquired about the person who prepared the petition filed in court.

The desire to help needy people, without thought of material reward, is a commendable trait. It is even more so when the person extending assistance is a public servant. In this case, however, respondent's acts created an impression in the mind of complainant that he was exerting some degree of influence in extending help to Montalbo. This is plausible since he wrote a note on the summons, addressed to the clerk of court, asking that the case be reset. Respondent stated that he knew the clerk of court would not act on his note. If that were the case, why write the note at all? He could have been steadfast in his refusal to get involved in the case, when complainant and Manuela Pedroche went to see him. Likewise, his mention of certain amounts of money, even if made only to provide an illustrative example, gave the impression that cases could be settled by the mere expedient of paying the complainant (Montalbo). Such impression could be damaging to the public service and the good image of the judiciary.

Respondent should have been more circumspect in his dealings with complainant. We have time and again reminded those involved in the administration of justice to conduct themselves in a manner that is beyond reproach, since their office is circumscribed with a heavy burden of responsibility. Employees of the judiciary must at all times be above suspicion.[12] Respondent unfortunately failed to live up to this standard, as found by the Office of the Court Administrator and as shown by the circumstances in this case. Thus, we are in agreement with the OCA that the penalty of fine is called for. But this being his first offense, and granting that he was prompted by no base motive in his actuations, we hold that a fine of ONE THOUSAND (P1,000) PESOS would suffice.

WHEREFORE, we find respondent NERIO B. PEDROCHE, Interpreter I, Municipal Circuit Trial Court, Sta. Ignacia-Mayantoc-San Clemente-San Jose, Tarlac, GUILTY of misconduct and conduct prejudicial to the best interest of the service. He is hereby FINED in the amount of P1,000.00, with the STERN WARNING that repetition of the same or similar act in the future will be dealt with more severely.

SO ORDERED.

Bellosillo, (Chairman), Mendoza, and De Leon, Jr., JJ., concur.

[1] Rollo, pp. 4-6.

[2] Respondent's cousin. Respondent refers to him as Brigido "Bong" Pedroche in his answer to the complaint.

[3] Supra, note 1 at 3.

[4] Ibid.

[5] Id. at 14.

[6] Id. at 15.

[7] Ibid.

[8] TSN, Sept. 27, 2000, pp. 15-16, 35.

[9] Id. at 18-19, 37.

[10] Supra, note 6.

[11] Id. at 23. See also Pepito B. Montalbo's affidavit, supra, note 1 at 27.

[12] Office of the Court Administrator vs. Myrna Alvarez, A.M. No. CA-98-8-P, 287 SCRA 325, 330 (1998).

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