

JUAN FRANCISCO, COMPLAINANT, VS. ROGER SPRINGAEL, RESPONDENT.

Adm. Case No. R-273-P. October 08, 1985

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

In an administrative complaint filed by Juan Ma. Francisco, Jr., respondent Roger Springael, Process Server of the Regional Trial Court, Branch XLIX, Cataingan, Masbate, was charged with the violation of subsections (i) and (aa), Section 1 of Presidential Decree No. 6 which provides grounds for disciplinary action against government officials and employees.

Under subsections (i) and (aa), Section 1 of the decree, two grounds for disciplinary action are:

(i) Receiving for personal use a fee, gift or other valuable thing in the course of official duties or in connection therewith when such fee, gift or other valuable thing is given by any person in the hope or expectation of receiving a favor or better treatment than that accorded other persons, or committing acts punishable under the antigraft laws.

(aa) Conduct prejudicial to the best interest of the servic.

The complaint alleged among others that the respondent demanded in exchange for assurances that the presiding judge, would act favorably on the motion for reconsideration to be filed by the complainant in Civil Case No. 33, P200.00 cash plus the cost of the pumpboat that the respondent used in going to the place of the complainant, six chickens, and two fighting cocks valued at P250.00 each.

In his comment, the respondent denied having demanded anything from the complainant and alleged that the only reason why he went to Masbaranon was for the purpose of delivering to the complainant a copy of the decision in Civil Case No. 33.

The matter was referred to Hon. Zosimo Z. Angeles, Executive Judge, Regional Trial Court, Masbate, Masbate for investigation, report, and recommendation.

After conducting his investigation, Judge Angeles submitted the following findings:

"From the evidence thus far adduced, the undersigned finds it indubitably established that on or about 3:00 o'clock in the afternoon of February 3, 1983 (when he was supposed to be holding office at RTC Branch 49, Cataingan, Masbate), respondent Roger Springael (accompanied by a PC escort, Elmo Bajar) was actually in Masbaranon, Esperanza, Masbate, particularly in the residence one Rodolfo Bayna (husband of complainant's elder sister, Jacobina) who fetched Masbaranon Barangay Captain Loreta Lestones from the latter's house nearby. While in Bayna's house, Barangay Captain Lestones, in the presence of Sanggunian Bayan member Corazon Arriesgado and others, was introduced to respondent who, in turn, introduced himself to all those present as "the bata-bata of Judge Protacio Sto. Tomas" (meaning he is influential with the Judge) of RTC, Branch 49, Cataingan, Masbate, and that respondent was bringing with him a copy of the decision of Judge Sto. Tomas in Civil Case No. 33 entitled: "Manuel Manlangit, et al., plaintiffs, versus Escolastico Manlangit, et

al., defendants" which was adverse to the herein complainant Juan Francisco, Jr. and his co-plaintiffs therein, so as to advise herein complainant (who was not there but in Masbate, Masbate, at the time) to file a motion for reconsideration as complainant will surely win the case.

On the following day, February 4 1984, at the behest of respondent who wanted to know the boundaries of the land involved in Civil Case No. 33, lady barangay captain Lestones, together with the tenants in the land in question and other barangay officials, accompanied respondent in actually inspecting the metes and bounds of the controverted premises, with the herein respondent assuring them that complainant Juan Francisco, Jr. and co-plaintiffs would surely win the case (after respondent's inspection of the area) because respondent is the trusted man of Judge Sto. Tomas.

After respondent's "ocular inspection" of the litigated premises, respondent, at about 1:00 o'clock P.M. of February 4, 1985, summoned Juan de los Santos and Tomas Branzuela (tenants in the property) as well as Porfirio Toribio and Diogenes Manlangit (defendants in said Civil Case 33) to the house of barangay captain Lestones where respondent made certain inquiries. Having been told by Diogenes Manlangit that de los Santos and Branzuela were never their tenants, respondent Springael advised Manlangit to better have the land divided equally but Manlangit disagreed to heed respondent's solicitous concern.

Complainant Juan Ma. Francisco, Jr. returned to Masbaranon, Esperanza, Masbate (from Masbate, Masbate where he was on the 3rd and 4th of February, 1984), at about 4:00 o'clock in the afternoon of February 5, 1984 and having been earlier told while in Placer, Masbate (where one can take a pumpboat to Masbaranon) that a court employee and a PC soldier were looking for him, complainant immediately proceeded to the house of his elder sister, Jacobina Bayna, where he met herein respondent Roger Springael who promptly told him to cause his lawyer to file a motion for reconsideration of the judgment of dismissal rendered by Judge Sto. Tomas in Civil Case No. 33 and that respondent assured him that Judge Sto. Tomas would grant the motion 100% because respondent claims he is close to the Judge being the latter's 'bata-bata'. All these transpired in the presence of barangay captain Lestones, Sanggunian Bayan member Corazon Arriesgado and others.

In consideration of the 100% favorable action being assured by respondent, the latter demanded from complainant two (2) fighting cocks (texas variety), six (6) chickens and the sum of P200.00 claiming he had no money for transportation fare in going to Bicol mainland with Judge Sto. Tomas. The 6 chickens were those of the complainant's, while the two texas fighting cocks were procured by complainant from one Pedro Gallego at a total acquisition cost of P500.00. All these things were received by respondent Springael including the cash of P200.00 which complainant also gave to respondent."

The above findings are well supported by the evidence in the records which consists of the testimony of the complainant and the barangay captain. We affirm the said findings and the reasons given by the Investigating Judge as follows:

"The undersigned finds the respondent's denial of having demanded and received all the foregoing things from complainant to be unworthy of belief and credence, in the light of the straight-forward, reliable and sincere testimony of barangay captain Loreta Lestones (against whom no improper motive has been shown why she would testify falsely against respondent) who corroborated in its pertinent and material points, the assertions of complainant Juan Ma. Francisco, Jr. And, it having been indubitably shown by the evidence that respondent was actually present in barangay Masbaranon, Esperanza, Masbate, on February 3 and 4 up to 5, 1984, his alibi that he was holding office at RTC, Branch 49, Cataingan, Masbate, on the whole day of February 3 and 4 and half day of February 5, 1984 (even as the same was corroborated by his witness and co-employee Juanita Eresuelo) must be ruled out as unbelievable and weak on the face of respondent being positively and clearly identified by barangay captain Loreta Lestones as the court employee who, in the afternoon of February 3, 1984, introduced himself to her and the other persons present in the residence of the Baynas at Masbaranon as "influential to or 'bata-bata' of Judge Sto. Tomas" and who, on February 4, 1984, actually made an ocular inspection of the premises litigated in Civil Case No. 33, so as to convince complainant (and the latter's

co-plaintiffs) that he (respondent) could really work it out with Judge Sto. Tomas to reconsider the decision adverse to complainant after he (respondent) had inspected the boundaries of the controverted land since, as respondent claimed, the Judge had merely overlooked this issue (as to boundaries) in rendering the judgment of dismissal of Civil Case No. 33. Besides, respondent failed to present in evidence his daily time record or any other documentary proof to show his attendance in office on the dates and time at issue, a circumstance indicative of the utter falsity of his assertions.

It is of no moment that witness Porfirio Toribio belied respondent's presence at Masbaranon on February 3 and 4, 1984, even as he asserted that his presence and that of his brother-in-law, Diogenes Manlangit, in the house of lady barangay captain Lestones in the morning of February 5, 1984 (not in the afternoon of February 4, 1984 as complainant's claim) was not on behest of respondent as the latter was not present there but only because Juan de los Santos and Tomas Branzuela complained to the barangay official that Diogenes Manlangit gathered and harvested coconuts in the land tenanted by them without their permission and consent. Toribio's further assertion that respondent was in Masbaranon only in the afternoon of February 5, 1984 so as to deliver a copy of the decision in question to the complainant, must likewise be discarded as without any probative weight for, as already established by the evidence, respondent was in barangay Masbaranon precisely to unduly influence the complainant to yield to his sinister, if not altogether criminal, purpose of exacting money and other things of value from the hapless and unsuspecting litigants in Civil Case No. 33 under the pretext that he was influential to Judge Sto. Tomas whom he allegedly could convince to reconsider the decision of dismissal in Civil Case No. 33. In fact, the undersigned believes very strongly that respondent likewise succeeded in obtaining from witness Toribio and/or the latter's in-law Diogenes Manlangit (one of the litigants in said civil case) things of value such as the jackfruits and one sack full of coconuts during that momentous visit respondent made in Masbaranon."

Under the foregoing circumstances, it is clear that herein respondent has committed unworthy acts violative of the trust reposed in him by virtue of the public office that he holds.

As we have ruled in the case of *Garciano v. Oyao*, (102 SCRA 201-202):

"Furthermore, respondent, although an ordinary court employee, should not, like judges, incur obligations which will in any way interfere, directly or indirectly, with his function as such. He should be scrupulously careful to avoid such action as may reasonably tend to generate the suspicion that his relations with others constitute an element in the determination of the course of action that the court to which he belongs, will take in a pending case.

"x x x The conduct and behavior of everyone connected with an office charged with the dispensation of justice, like the courts below, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all times, must not only be characterized with propriety and decorum but above all else must be above suspicion" (*Jereos, Jr. vs. Reblando, Sr.*, Adm. Matter No. P-141, May 31, 1976, 76 SCRA 126, 131, 132)."

Any agreement entered into because of the actual or supposed influence which the party has, engaging him to influence administrative or executive officers in the discharge of their duties, which contemplates the use of personal influence and personal solicitation rather than any appeal to the judgment of the officer on the merits of the object sought, is contrary to public policy. (*International Harvester Macleod, Inc. v. Court of Appeals*, 90 SCRA 522, citing 17 Am Jur. 2d. p. 579).

We agree with the findings and recommendation of the Investigating Judge. The records show that the respondent has "displayed and demonstrated his culpability and moral propensity to commit abuses while in office thus betraying the time honored precept that a public office is a public trust and any infringement thereof accordingly punished."

WHEREFORE, the respondent Roger Springael, Process Server of the Regional Trial Court, Branch XLIX, Cataingan, Masbate, having been found guilty of violation of subsection (i) and (aa), of Section 1 of Presidential Decree No. 6, is hereby dismissed from the service with forfeiture of all retirement benefits.

SO ORDERED.

Makasiar, C.J., Teehankee, Concepcion, Jr., Abad Santos, Melencio-Herrera, Plana, Escolin, Relova, De la Fuente, Cuevas, Alampay, and Patajo, JJ., concur.

Aquino, J., no part.

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