

JULIE PARCON SONG, COMPLAINANT, VS. ROMEO LLEGUE, RESPONDENT.*A.M. No. CA-02-34. January 14, 2004*

Ponente: PUNO, J.

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In August 2002, complainant Julie Parcon Song filed a complaint against respondent Romeo Llege, Utility Worker I, Court of Appeals, for conduct prejudicial to the best interest of the service. Complainant alleged that she was authorized by her aunt, Julia Vitug, through a special power of attorney, to follow up the latter's case pending in the Court of Appeals. Thus, she went to the Court of Appeals to look for friends and acquaintances who could possibly help her. There she met the respondent who introduced himself as a responsible employee of the court. He befriended her and made her believe that he could facilitate the resolution of her aunt's case. Through sweet, convincing talk, respondent persuaded complainant to give him P3,000.00 as consideration for his services. Complainant issued a check in his name in the amount of P3,000.00. Respondent promised complainant that the case would be finished by June, but he failed on his promise. He also refused to refund the amount advanced by complainant. Complainant further alleged that respondent would sometimes go to her beauty salon and ask for some petty cash of P200.00 to P500.00. In one instance, he obliged her to shell out P1,000.00, allegedly to buy some expensive liquor for a court researcher.[1]

Respondent filed his counter-affidavit denying complainant's charges. He stated that he works as messenger at the Mailing and Delivery Section of the Court of Appeals and he has no knowledge on how to follow up cases in the court. He narrated that he met complainant in 1994 at their old office. She was a friend of his immediate superior and Chief of the Mailing and Delivery Section, Mr. Prudencio Aguilar. Once, complainant requested Mr. Aguilar to find out the status of a certain case. The latter gave him a piece of paper and instructed him to go to the Information and Statistical Data Division. He complied and returned the piece of paper to Mr. Aguilar with some notation made by the Information Officer. From then on, complainant would frequent their office and go to Mr. Aguilar. Respondent said that he never persuaded the complainant to give him P3,000.00 to follow up a certain case. He claimed that the amount was a loan from complainant which he promised to pay upon receipt of their allowance from the Judiciary Development Fund (JDF). Unfortunately, he failed to promptly pay his debt because of the untimely demise of his father. But he finally settled the full amount of P3,000.00 through complainant's counsel, the Basco Law Office, after demand by the complainant. Respondent also denied going to complainant's beauty parlor to ask for money.[2]

The parties appeared before Court of Appeals Assistant Clerk of Court Elisa B. Pilar-Longalong who conducted an investigation on the case.

After hearing the parties and evaluating their documentary evidence, Atty. Longalong submitted her Report to Court of Appeals Presiding Justice Cancio C. Garcia. Her findings were as follows:

Respondent admittedly and undeniably received the amount of P3,000 from complainant. However, while

complainant alleged that the amount was in consideration of his following up a pending case in her behalf, respondent maintains that the same was a loan he secured from complainant to help him defray his daily expenses and which he has already fully paid. While respondent may have intended the said amount as a loan, he cannot fault the complainant for believing that the same was in consideration of his efforts in following up the status of a pending case, considering that he admittedly was instructed once by his immediate superior, Prudencio Aguilar, Chief of the Mailing and Delivery Section and complainant's friend, to find out the status of her pending case, upon her request (Exh. 1). Although there is no substantial evidence that Mr. Llegue himself boasted that he can facilitate or influence the outcome of the case, his receipt of the amount from one who has a pending case creates the misimpression that he can facilitate or influence its outcome.

Regardless of whether the amount was given in consideration of respondent's efforts for following-up a case or whether it was a loan secured by respondent and whether or not respondent knew how to follow up a case or is capable of facilitating or influencing its outcome, respondent's conduct either way is unacceptable and intolerable and constitute(s) a grave administrative offense. Respondent admitted that he secured the amount as a loan from complainant. Although he is charged with the grave offense or conduct prejudicial to the best interest of the service, the act complained of and the findings based on respondent's own admission prove that he is guilty of another grave administrative offense, that of contracting a loan of money from a person with a pending case in the court of which he is an employee. The fact that he has paid the loan does not diminish his administrative liability.[3]

Atty. Longalong made the following recommendation:

- Rule IV, Section 52 of Civil Service Commission Memorandum Circular No. 19, S. 1999 provides that the penalty for the first offense of "contracting loans of money or other property from persons with whom the office of the employee has business relations", is dismissal. However, the circumstances that respondent voluntarily admitted said offense, his length of service of 13 years and 9 months and the fact that he has returned the amount to the complainant's counsel, may be considered as mitigating and for humanitarian reasons the lesser penalty of suspension may be imposed upon him.
- Considering that the prescribed penalty for the offense exceeds one month suspension, the case may now be referred to the Supreme Court for appropriate action, pursuant to Circular No. 30-91 of the Office of the Court Administrator.[4]

Adopting the report and recommendation of the investigator, Presiding Justice Cancio C. Garcia referred the Report to this Court on March 19, 2003.

The Office of the Court Administrator (OCA), in its Memorandum dated July 14, 2003 held:

The Investigator found the respondent guilty of conduct prejudicial to the best interest of the service and recommended a suspension of one month which (then) Acting Presiding Justice of the Court of Appeals, the Honorable Cancio C. Garcia, adopts as his own recommendation in the case.

After going over the records of the case, we find the above findings and conclusions supported by evidence. However, we disagree with the recommendation that respondent be suspended from the service for just one month as the same is not in accord with the applicable administrative rules.

Under the Personnel Manual of the Supreme Court, conduct grossly prejudicial to the best interest of the service constitutes violation of the Civil Service Rules. Being a grave offense, a public employee found guilty of such offense should be meted the penalty of, in case of first infraction, suspension for six (6) months and one (1) day to one (1) year. Commission of the same act for the second time is punishable by dismissal. Thus, we have no other recourse but to impose the proper penalty as provided by law.

IN VIEW OF THE FOREGOING, the undersigned respectfully recommends that the respondent be **SUSPENDED** from the service for six (6) months and one (1) day without pay, with warning that the

commission of similar or graver offense in the future shall be dealt with more severely.[5]

We agree with the recommendation of the OCA. Respondent admitted having received P3,000.00 from complainant, although he claims that it was a loan. This fact is also evidenced by a photocopy of the Allied Bank check dated April 3, 2002 issued by complainant to respondent, which he encashed on the same day.[6] Respondent also acknowledged receiving such amount from complainant in his letter to complainant, through her counsel, remitting his payment for his debt.[7] Respondent's act of receiving money from a litigant who has a pending case before the court where he is working is highly improper and warrants sanction from this Court.[8] As stated by the Investigating Officer, the mere fact that he received money from a litigant unavoidably creates an impression not only in the litigant but also in other people that he could facilitate the favorable resolution of the cases pending before the court. Such behavior puts not only the court personnel involved, but the judiciary as well, in a bad light. We have often stressed that the conduct required of court personnel, from the presiding judge to the lowliest of clerk must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary.[9] All court personnel are expected to exhibit the highest sense of honesty and integrity not only in the performance of their official duties but also in their personal and private dealings with other people to preserve the Court's good name and standing. This is because the image of a court of justice is mirrored in the conduct, official or otherwise, of the men and women who work there. Any impression of impropriety, misdeed or negligence must be avoided.[10]

IN VIEW WHEREOF, respondent Romeo Lleague, Utility Worker I, Court of Appeals, is **SUSPENDED** for a period of six (6) months and one (1) day without pay, with warning that the commission of similar or graver offense in the future shall be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, and Tinga, JJ., concur.

[1] Rollo, pp. 2-3.

[2] Rollo, pp. 5-7.

[3] Report of Atty. Elisa B. Pilar-Longalong, p. 3.

[4] Id., pp. 3-4.

[5] Memorandum of Court Administrator Presbitero J. Velasco, Jr., p. 3.

[6] Exhibits "B" and "B-1", Rollo, p. 4.

[7] Exhibit "2", Rollo, p. 8.

[8] See Office of the Court Administrator vs. Diaz, 303 SCRA 243 (1999).

[9] Office of the Court Administrator vs. Diaz, supra note 8; Tiongco vs. Molina, 364 SCRA 294 (2001).

[10] Velasquez vs. Inacay, AM No. CA-02-11-P, May 29, 2002.

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