

FILMA A. VELASQUEZ, COMPLAINANT, VS. RONNIE INACAY AND BERNABE G. AQUINO, RESPONDENTS.*A.M. No. CA-02-11-P. May 29, 2002*

Ponente: KAPUNAN, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/90beb618134d/>**KAPUNAN, J.:**

The instant administrative case arose from a letter-complaint dated May 24, 2001 filed by Filma A. Velasquez with the Office of the Chief Justice in connection with the petition for review filed with the Supreme Court, docketed as G.R. No. 145531, entitled: Godofredo dela Cruz, et al. versus Rosalina Estrada. Complainant Filma A. Velasquez was one of the petitioners in said petition which was apparently denied by the Court in a Resolution dated January 24, 2001 for petitioners' failure to state the material dates in violation of Secs. 4(b) and 5, Rule 45 in relation to Sec. 5(d), Rule 56. [1]

In her letter-complaint, Filma A. Velasquez alleged that she was one of the petitioners in the aforesaid petition; that she, together with a sister and daughter, went to the house of Bernabe Aquino who is a relative by affinity in order to seek his help regarding their case; that they knew Bernabe Aquino to be working in the Court of Appeals and who they had heard to be quite "influential;" that Bernabe Aquino, however, told them in the Pangasinan dialect: "Pabayaang ninyo Tia at kung hindi pa nabili ang kaso tutulungan ko kayo;" that when they asked, "bakit?," he replied: "Siyempre kung naka-compromiso na hindi na pwedeng i-compromiso sa iba;" that when they told their lawyer about it, the latter confronted Bernabe Aquino about the matter; that their lawyer in turn told them that: "hindi siya ang nagbenta kung hindi isang kasamahan niyang empleyado si Ronnie Inacay."

The letter-complaint was then referred for investigation to the Presiding Justice of the Court of Appeals who in turn required Bernabe Aquino and Ronnie Inacay to comment on the letter-complaint. In his Answer, Ronnie Inacay denied the charges and asserted that he did not know the complainant nor had talked to her. Bernabe Aquino, on the other hand, also denied having talked to the complainant or to the latter's lawyer. He added that the complaint was clearly a desperate attempt on the part of the complainant to get the attention of the Supreme Court regarding their case.

The administrative case was set for hearing where the complainant and her seven (7) witnesses testified. The two (2) respondents, meanwhile, testified on their own behalves.

During the investigation conducted by the Assistant Clerk of Court, it was gathered that:

xxx Complainant is one of the appellees who won their case in the Regional Trial Court but lost in CA-G.R. CV No. 60382 (Rosalina Estrada, appellant vs. Godofredo dela Cruz, et al., appellees) and is also one of the petitioners in G.R. No. 145531 in the Supreme Court. While their case was pending decision in this Court, there were rumors in Barangay Tobuan, Labrador, Pangasinan, that they lost their case in the Court of Appeals. When they went to their lawyer, Atty. Hermogenes Decano, the latter informed them that he has not received a copy of a decision of the Court of Appeals. Atty. Decano actually received a copy of this Court's decision dated May 12, 2000 on May 30, 2000 (Exh. reverse side of P. 102, rollo). The appellant's counsel received a copy of the decision also on the same date (reverse side of P.102, rollo) and gave a copy to appellant's

representative and caretaker Eliseo Santos sometime in August, 2000 [Exh. 3-a (Aquino)].

On May 6, 2000, complainant, with her sister Francisca A. Arenas and daughter Thelma V. Alarcon, alleged that they went to the house of respondent Bernabe Aquino, who is married to the complainant's niece, to ask for his help and request him to check on the status of CA-G.R. CV No. 60382 and that respondent Aquino agreed to help if "said case was not yet compromised" (Exhs. A and B) However, Aquino denied having talked to the complainant or any other relative regarding the case since he is not influential, being just an ordinary Court employee (Exh. "4-Aquino"). Complainant's witness Alarcon confirmed that as of May 2, 2000, there was no decision yet as she personally checked with the Fifth Division (Exh. C).

The other witnesses of the complainant, namely, Lourdes Lacap, Perla Sison and Eduardo Parajas alleged that sometime on various dates from March - May 10, 2000, they saw Eliseo Santos appellant's caretaker, who showed to them what he claims to be a decision of the Court of Appeals in favor of the appellant (Exhs. D, E and F). However, Mr. Santos denied having done so since as of then, there was yet no decision of this Court and, therefore, he had not yet received a copy thereof (Exh. 3-Aquino and 1-Inacay). He received said copy sometime only in August 2000 from the appellant's counsel [Exh. 3-a (Aquino)].

Complainant's witness and lawyer in said case, Atty. Hermogenes Decano, confirmed that he received a copy of this Court's decision only on May 30, 2000. Hence, when complainant went earlier to ask him if he has received a copy of the decision, he informed them that he had not yet received one (tsn dated November 27, 2001). He also testified that he saw Bernabe Aquino only when he filed the motion for reconsideration of the decision. Atty. Decano denied his client's (complainant's) allegation that he confronted Mr. Aquino who replied that he was not at fault but his co-employee Ronnie Inacay. He affirmed also that he never saw nor mentioned the name of Mr. Inacay to his client (tsn dated November 27, 2001). [2]

From the foregoing, the investigating lawyer made the following findings:

Although Mr. Aquino denied talking to complainant who sought his help regarding the status of their pending case, such fact was proven by substantial evidence by the affidavits and testimonies of complainant Filma Velasquez, Thelma Alarcon and Francisca Arenas. His statement that he will help them "if the case was not yet compromised" gives a wrong impression or image of the Court. Moreover, his denial is self-serving while complainant would not have wasted her time, effort and money and those of her witnesses in coming to Manila from Pangasinan for this investigation if she has no valid reason to complain. However, there is no sufficient evidence that Mr. Aquino himself boasted of his influence in the Court of Appeals since complainant herself stated merely in her complaint that Mr. Aquino was "balitadong siya raw ay malakas sa Court of Appeals" (Exh. A) meaning he was just rumored to be influential, but without any clear showing that he made the claim himself. On cross-examination, complainant clarified that she sought Mr. Aquino's help not to ensure that they will win the case, but to find out the status of their case (tsn dated October 22, 2001 - Pp. 32 and 38). Complainant's witness Thelma Alarcon likewise affirmed that Mr. Aquino accompanied her on May 2, 2000 to the Fifth Division to verify the status of the case (Exh. C).

Complainant's statement that "nalaman naming na sinita ng abugado naming si Bernabe Aquino at ang sagot daw niya ay hindi sya ang nagbenta kung di isang kasamahan niyang empleyado si Ronnie Inacay" (Exh. A), being hearsay, was categorically denied by complainant's own witness and lawyer Atty. Decano, who denied making said statement nor mentioning the name of Mr. Inacay or any other employee (tsn dated November 27, 2001) and he affirmed that Mr. Aquino never mentioned the name of Mr. Inacay. On cross-examination, Atty. Decano also stated that he never advised nor encouraged his clients to ask help extra-judicially and that he does not think Mr. Aquino can influence this Court in decision-making (tsn dated November 27, 2001).

The testimonies of the other witnesses of the complainant, on seeing a supposed copy of the decision of this Court in said case on various dates from March - May 10, 2000, appear immaterial to this administrative investigation as there is no showing whatsoever that either Mr. Aquino or Mr. Inacay was the source of said copies. Moreover, as of said dates, there was no decision from this Court yet. Neither of the said witnesses

verified if the copies shown to them were signed, dated, or otherwise authentic.

There is therefore no substantial evidence that Mr. Inacay committed or may convincingly be said to have committed any misconduct in connection with CA-G.R. CV No. 60382. However, Mr. Aquino may be held liable for misconduct for his statement to the complainant which is damaging to the image and reputation of the Court and which was proven by substantial evidence. [3]

On the basis of the foregoing, then Presiding Justice Ma. Alicia Austria-Martinez recommended that:

- The complaint against Ronnie Inacay be dismissed;
- Considering the mitigating circumstances of being the first offense and his length of service, the minimum of the penalty of suspension for one month and one day be imposed on Bernabe Aquino, pursuant to Sections 52-B and 54, Rule IV of Civil Service Commission Memorandum Circular No. 19, S. 1999. [4]

We adopt the findings made by the investigating lawyer, Atty. Elisa B. Pilar-Longalong who was designated by the CA Presiding Justice to conduct an investigation on the matter. Likewise, the evaluation and conclusions made by the Presiding Justice on this administrative matter is also favorably considered. There is no basis to the charge that Ronnie Inacay is guilty of any misconduct; hence, the complaint against him must perforce be dismissed.

However, with respect to Bernabe Aquino, there is basis to the complaint filed against him by Filma A. Velasquez for making irresponsible statements which tend to erode the public trust and confidence in our judicial system. By the testimonies and affidavits of Filma Velasquez, Thelma Alarcon and Francisca Arenas, it was clearly established that Bernabe Aquino has indeed made the incriminating remark. As against the positive assertions of the complainant and her witnesses, Bernabe Aquino's denial that he had talked with the complainant or that he had made such statement does not deserve credence. Moreover, complainant would not have filed a complaint and wasted her time and effort to come to Manila from Pangasinan for the investigation of the matter if Bernabe Aquino had not really made such incriminating statements regarding her case. Complainant had a pending case in court and certainly, she had an interest to protect. There was basis for her to be alarmed when respondent told her that he would be able to help as long as the case had not yet been compromised. Such statement even made in jest is quite irresponsible and a disservice to the Judiciary for it creates the idea that cases pending in the courts could be fixed and not decided on their own merits; or that certain employees in the Judiciary could influence the outcome of the cases. Regardless of the truth of his unfortunate assertion, that is, whether not respondent Aquino was capable of influencing the outcome of the case he was talking about, his conduct is unacceptable and intolerable. Like any public servant, he must exhibit the highest sense of honesty and integrity not only in the performance of his official duties but in his 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 necessarily mirrored in the conduct, official or otherwise, in the men and women who work thereat.[5] Any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided.[6] As the administration of justice is a sacred task, this Court can not countenance any act or omission on the part of court personnel that would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary. This Court has stressed that all those involved in the dispensation of justice, from the presiding judge to the lowliest clerk, must always be beyond reproach. Their conduct or behavior must at all times be circumscribed with the heavy burden of responsibility as to let them free from any suspicion that may taint the Judiciary.[7]

For making irresponsible statements which tend to erode public confidence in the Judiciary and which is certainly unbecoming of a public employee, Bernabe Aquino is guilty of simple misconduct, for which he is suspended pursuant to Sections 52-B and 54, Rule IV of Civil Service Commission Memorandum Circular No. 19, s. 1999.

Considering the mitigating circumstances of being the first offense and his length of service in the government, the minimum penalty of suspension for one (1) month and one (1) day is imposed.

IN VIEW OF THE FOREGOING, the complaint against Ronnie Inacay is DISMISSED for lack of merit. With respect to Bernabe Aquino, we find him guilty of Simple Misconduct and is hereby, SUSPENDED for a period of one (1) month and one (1) day without pay. Let a copy of this decision be entered in respondent's personal record.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Puno, and Ynares-Santiago, JJ., concur.

Austria-Martinez, J., no part. Presiding Justice who submitted to the Supreme Court the subject report and recommendation.

[1] Rollo, G.R. No. 145531, p. 124.

[2] Rollo, Report, pp. 2-3.

[3] Id., at 3-4.

[4] Id., at 6.

[5] Marquez v. Clore-Ramos, 336 SCRA 122 (2000).

[6] Office of the Court Administrator v. Cabe, 334 SCRA 348 (2000).

[7] Almario v. Resus, 318 SCRA 742 (1999).

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.