

VICTOR DE LA CRUZ, DONATO DE LA CRUZ, AND ARMANDO DURAN, COMPLAINANTS, VS. ALICIA F. RICAFORTE, RESPONDENT.

A.M. No. P-90-486. July 04, 1991

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Per Curiam:

For resolution of the Court is a complaint for illegal recruitment against respondent, Staff Assistant II, Office of the Clerk of Court Regional Trial Court, Manila, originally filed before the Office of the Ombudsman.

Complainants allege that sometime in January, 1989, at the City Hall, Manila, respondent recruited them for employment as seamen in Singapore; and that during the period from January 7, 1989 to February 9, 1989, respondent collected from them a total amount of P45,905.00 as placement/facilitation fees (Rollo, pp. 5-8).

It appears from the records that complainants were supposed to leave for Singapore on February 10, 1989 but the same was delayed pending the completion of Armando Duran's other requirements. Complainants' departure were later scheduled for several times but none materialized. On July 15, 1989, when complainants' departure was again delayed, respondent offered them employment opportunities in Japan. Complainants waited for the promised employment but to no avail.

On August 17, 1989, complainants learned from the Philippine Overseas Employment Administration (POEA) that respondent was neither licensed nor authorized by the latter to recruit workers for overseas employment.

On August 17 and 21, 1989, complainants executed a complaint/affidavit before the POEA accusing respondent of illegal recruitment and/or estafa (Rollo, pp. 5-8).

On September 15, 1989, complainants filed a complaint for illegal recruitment against respondent before the Office of the Ombudsman. On January 17, 1990, the Ombudsman dismissed the complaint on the ground of lack of jurisdiction stating that the charge of illegal recruitment was not committed by respondent "in relation to her office" (Annex "F", respondent's affidavit). Appropriate action as to the administrative aspect of the complaint was however referred to the Executive Judge, RTC, Manila (Ibid.).

Subsequently, the Executive Judge set the case for hearing to resolve the issue of respondent's administrative liability.

In her answer (Rollo, p. 22) to the complaint before the Executive Judge, respondent denied that she represented herself as having the capacity to recruit workers for overseas employment. Instead, she alleged that complainants sought her help in securing overseas employment and in her desire to help, she introduced complainants to Maximina Natividad who promised to facilitate their employment. Respondent admitted having received the money in the total amount of P40,905.00 from the complainants, but alleges that she acted merely as a conduit between Maximina Natividad and complainants and that it was Natividad who actually made use of complainants' money.

Finding respondent's answer unsatisfactory, the Executive Judge scheduled the case for hearing. On the day of the hearing, respondent did not appear but asked for postponement. Nevertheless, the Executive Judge proceeded to

hear the complainants.

In view of the inability of respondent to appear at the investigation of the case, the Executive Judge required her to state her defenses in affidavit form. Thereafter, respondent submitted her affidavit (Rollo, pp. 35-38) reproducing practically the same defenses contained in her previous answer.

In a report dated July 24, 1990. Executive Judge Bernardo P. Pardo recommended the dismissal of respondent from the service for serious misconduct in office. After a review of the records, the Court finds no cogent reason to disturb the aforesaid recommendation of the Executive Judge.

While respondent in her answer vehemently denied having represented herself as a recruiter for overseas employment and that she merely acted as a conduit for the cash received from complainants which she delivered to Maxima who allegedly made use of the money, nevertheless, such bare and unsubstantiated denials are self-serving and deserve scant consideration to merit belief. Evidence to be believed must not only come from the mouth of a credible source, but it must be credible in itself (*Castañares v. Court of Appeals*, 92 SCRA 567). In the case at bar, respondent did not even appear nor adduce evidence in her defense before the investigating judge during the scheduled hearings.

In any event, the Court notes that by respondent's own letter dated July 15, 1989, when complainants apparently lost interest in going to Singapore, she informed complainants in writing that she "has also access to the employer in Japan who is offering better benefits than that of Singapore". The same letter likewise stated that "it is therefore made clear to them (complainants) that they are to report to me on the last week of July to personally meet the said employer xxx". This admission on the part of respondent, coupled with the receipt of P40,905.000 from complainants as recruitment fees taken together with the unrebutted testimony of complainants, is more than substantial evidence to prove that indeed, respondent engaged herself in illegal recruitment.

Conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary. The unauthorized act of private respondent in soliciting employees for overseas employment, willfully and for profit, and her deliberate failure to return the money received when no employment could be found, is one which this Court cannot countenance.

Respondent was found to have been in "pursuit of private business, profession or vocation without the permission required by the Civil Service rules and regulations" (Sec. 36 [24], PD 807). Given the peculiar nature of employment within the judicial system, respondent is therefore guilty of conduct prejudicial to the best interest of the service (Sec. 36 [27], *Ibid.*).

As this Court once held, "(t)he conduct and behavior of everyone connected with an office charged with the dispensation of justice, x x x, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all time, must not only be characterized with propriety and decorum but above all else must be above suspicion" (*Jereos, Jr. v. Reblando, Sr.*, 71 SCRA 126 [1976]).

PREMISES CONSIDERED, the Court Resolved to DISMISS respondent ALICIA F. RICAFORTE from the service for serious misconduct in office with prejudice to reinstatement or re-employment in any branch of the government, including government-owned or controlled corporation. All retirement benefits or privileges to which respondent may be entitled are forfeited.

SO ORDERED.

Fernan, C.J., Narvasa, Melencio-Herrera, Gutierrez, Jr., Cruz, Feliciano, Paras, Gancayco, Padilla, Bidin, Sarmiento, Griño-Aquino, Medialdea, Regalado, and Davide, Jr., JJ., concur.

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