

**OFFICE OF THE ADMINISTRATIVE SERVICES, SUPREME COURT,
COMPLAINANT, VS. NICOMEDES DELOS REYES, EXECUTIVE
ASSISTANT I, JOSE D. SEVILLE, UTILITY WORKER II, DONALD
EDRALIN F. NONATO...**

A.M. No. 2004-02-SC. March 10, 2004

Ponente: AZCUNA, J.

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AZCUNA, J.:

This case arose from a complaint dated October 11, 2001 filed by Edmund Y. Jumawan against respondent Nicomedes delos Reyes for false representations allegedly made while employed as Executive Assistant I in the Office of Associate Justice Santiago Kapunan. Also included as respondents in the complaint are Jose D. Seville, Utility Worker II of the Halls of Justice, Quezon City, Donald Edralin F. Nonato, Court Stenographer III of the Office of Associate Justice Romeo J. Callejo, Sr., and Rosario C. Natanauan, Administrative Assistant III of the Office of the Clerk of Court, En Banc, for allegedly aiding respondent delos Reyes in his acts which prompted the complaint.

Complainant Jumawan is the attorney-in-fact of the private respondents in G.R. No. 120009, entitled *Dole Philippines, Inc., et al. v. National Labor Relations Commission (NLRC), et al.*, a petition for certiorari filed before this Court under Rule 65 of the Rules of Court impugning the Resolution issued by the NLRC reversing the Decision of the Labor Arbiter. The dispositive portion of said NLRC Resolution is, as follows:

“WHEREFORE, the decision appealed from is hereby Reversed and Set Aside and a new one entered declaring the dismissal of complainants illegal. Accordingly, respondent company is hereby ordered to reinstate herein complainants to their respective former positions or equivalent positions without loss of seniority rights and to pay complainants backwages effective from the date of their termination up to the time they are actually reinstated but not exceeding three (3) years, less the amounts they received as separation pay.

In addition, respondent company is ordered to pay complainants moral and exemplary damages fixed in the sum of P15,000.00 and P10,000.00 each, respectively, and attorney’s fees equivalent to ten percent (10%) of the aggregate monetary award, subject to computation by the Arbitration Branch of origin at the execution stage.

SO ORDERED.[1]

The private respondents in the abovementioned case are the dismissed employees of petitioner therein, *Dole Philippines, Inc.* Complainant Jumawan, a nephew of five of the dismissed employees, alleged that said employees sought his assistance in submitting the required pleadings to this Court since he regularly makes trips from General Santos City to Manila on account of his business of shipping bananas to Manila. During the latter part of 1999, complainant was introduced to respondent delos Reyes by his fraternity brother, a certain Alex Villanueva. Apparently, Alex Villanueva and respondent delos Reyes are neighbors. They paid respondent delos Reyes a visit at his home in Quezon City where they were informed by him that G.R. No. 120009 had been raffled

off to the Office of Justice Kapunan where he works and that he can help in securing a decision favorable to the dismissed employees. Respondent delos Reyes told complainant that he has been working for Justice Kapunan since the latter was still with the Court of Appeals, a piece of information which further bolstered complainant's belief that indeed respondent delos Reyes could help them win their case.

After that initial meeting at respondent's house in Quezon City, complainant and respondent delos Reyes kept in constant touch with each other. Respondent delos Reyes would keep on assuring him that he is working on the case and that a decision in favor of the dismissed employees would soon be issued. In the course of this communication, respondent delos Reyes would ask complainant to send him certain amounts of money ostensibly to buy gifts for Justice Kapunan. For instance, as complainant alleged in his sworn statement, he was once asked by respondent to deposit P5,000 claiming that it would be used to buy Justice Kapunan grapes. Complainant was instructed to deposit the amount in a joint savings account numbered 3-183-0344-22 at Metrobank, East Avenue Branch under the names of respondent delos Reyes and his wife, Placida T. delos Reyes. Complainant claims that he made the deposit, but lost the deposit slip.

On January 29, 2001, complainant received in his home in General Santos City a JRS pouch with Job Order No. 569700 allegedly sent by respondent delos Reyes containing a draft Decision in G.R. 120009, wherein the ruling rendered was favorable to the dismissed workers.

Thereafter, sometime around July 2001, respondent delos Reyes asked the complainant to issue three (3) bank checks equivalent to 31 million pesos. Respondent delos Reyes allegedly told complainant that the dismissed employees can make good these checks after they shall have received the Decision in their favor and the amounts they are entitled to under the said Decision. Respondent delos Reyes also threatened complainant that if the said checks were not made good by the dismissed employees, he would file a case for estafa against complainant. After complainant gave him the said checks, respondent explained to him that six million pesos would go to Dina Kapunan, the daughter-in-law of Justice Kapunan, who helped in drafting the Decision. The rest of the amount or 25 million pesos would allegedly be given to Justice Kapunan.

At the very outset, it should be noted that should a Decision be rendered favorable to the dismissed employees and they be granted their prayer for full backwages, these dismissed employees would stand to receive around 800 million pesos. Hence, making good three checks equivalent to 31 million pesos would be an easy matter for them. Each dismissed employee, who may be awarded an amount around P800,000 to P900,000, only needs to shell out around P20,000, a relatively small sum indeed in the light of what each of them stood to receive. It is not surprising, therefore, that the dismissed employees, as represented by complainant, would easily be tempted into entering into this kind of a deal with respondent delos Reyes.

On September 3, 2001, complainant received by fax machine from respondent a copy of a letter dated August 31, 2001 purportedly from the Chambers of Justice Kapunan. The letter was typewritten and purportedly signed by Justice Kapunan and addressed to the other Justices of the Court presenting, as the ponente, his drafts of the Decision on the said case.

Respondent's intricate charade, however, was discovered when two of the dismissed employees, Adela de Lara and Agustina Sacal, obtained a copy of the promulgated Decision in G.R. No. 120009 from the First Division of this Court on September 25, 2001.[2] The promulgated Decision dated September 13, 2001, signed by the Justices of the Court, ruled against the dismissed employees, the dispositive portion of which stated:

WHEREFORE, the petition is GRANTED and the decision of the NLRC ANNULLED and SET ASIDE. The temporary restraining order issued by this Court on August 21, 1995 is LIFTED.

SO ORDERED.[3]

They immediately showed the said promulgated Decision to complainant, who in turn confronted respondent delos Reyes in the Supreme Court canteen sometime thereafter. On October 2, 2001, complainant's friend in Manila, a certain Fernando San Ramon, informed complainant that respondent gave the three checks to him without any word.

Complainant, feeling aggrieved, submitted the herein subject Affidavit-Complaint on October 11, 2001, prompting an investigation into the matter.[4]

This Court ordered respondent delos Reyes to submit his Comment on complainant's Affidavit-Complaint. Respondent complied with the said order and submitted his Comment[5] dated December 20, 2002 wherein he denied all the allegations made by the complainant.

Respondent delos Reyes claims that he met complainant sometime in 1998 when they were introduced to each other by a mutual friend, Alex Villanueva. Thereafter, he would encounter complainant from time to time in the premises of the Supreme Court since the latter was helping the dismissed employees in a labor case which was pending before the First Division. He asserts that he did not offer any help to complainant since he is aware that interfering with or intervening in any case pending before the Court is prohibited. He denies ever asking complainant for any sum of money for whatever purpose. However, he claims to have loaned complainant P5,000 when the latter allegedly ran out of cash to meet his expenses while in Manila. Complainant allegedly paid him upon his return to General Santos City by depositing the same sum in the account he keeps together with his wife, Placida delos Reyes, in Metrobank, East Avenue Branch.

With respect to the allegation of his sending a copy of the draft Decision to complainant in General Santos City, respondent asserts that any person could have written his name as the sender in the JRS pouch containing the said copy of the draft Decision. He further avers that as part of the administrative staff in the Office of Associate Justice Kapunan, he was not in a position to obtain a xerox copy of any draft Decision from the said office. He likewise denies demanding from complainant the three postdated checks amounting to 31 million pesos, arguing that he never even saw these checks and that he would not have been foolish enough to accept the same since these were unfunded. Finally, with respect to the allegation that he sent by fax to complainant a copy of a letter written by Justice Kapunan to his colleagues regarding the drafts of the Decision, respondent delos Reyes contends that complainant may have obtained the same from other persons who had access to the Chambers of Justice Kapunan.[6]

The three other employees who were named as respondents in the Affidavit-Complaint, Donald Edralin F. Nonato, Rosario C. Natanauan, and Jose D. Seville, were likewise directed to file their comments thereon.

Respondent Nonato, for his part, denied any participation in the illegal activities alleged by complainant Jumawan. He asserts that the only reason why his name came up was because he gave an extra copy of the promulgated Decision to Adela de Lara and Agustina Sacal on September 25, 2001, when the women went to the Office of Justice Kapunan asking for a copy of the same.

Respondent Natanauan, on the other hand, explained that copies of the Decision and the Notice of Judgment in G.R. No. 120009 were mailed to all the parties, including complainant Jumawan, on September 27, 2001. The fact that the copy intended for complainant was sent to Cagayan de Oro City and not to his residence in General Santos City was a mistake. However, upon discovering this error, she immediately sent another copy to complainant Jumawan in General Santos City. Respondent Natanauan denied the allegation that she intentionally prevented complainant Jumawan from receiving his copy of the promulgated Decision and the Notice of Judgment.[7]

Finally, respondent Seville also denied any participation in the transaction between complainant Jumawan and respondent delos Reyes. He stated that he merely referred Adela de Lara and Agustina Sacal to respondent Nonato when they were asking for photocopies of the promulgated decision.[8]

On March 24, 2003, the Court referred this matter to the Office of Administrative Services (OAS) for evaluation, report and recommendation. On November 12, 2003, Atty. Eden T. Candelaria, Chief Administrative Officer of the Court, submitted a Memorandum dated November 12, 2003 with the following recommendations:

- The charges against Jose D. Seville, Donald Edralin F. Nonato and Rosario C. Natanauan be dismissed for lack of merit; and
- Nicomedes delos Reyes be found guilty of committing gross dishonesty, gross misconduct, and conduct highly prejudicial to the best interest of the service, with forfeiture of all his retirement and other benefits withheld from him pending resolution of the instant case and with prejudice from being re-employed in any other government agency or government-owned or controlled corporation.[9]

We agree with the OAS that there is no basis to hold respondents Nonato, Natanauan and Seville administratively liable for any misconduct or irregularity since it was not shown that they were remiss in their duties or that they demanded something from complainant for the performance of their duties. There is nothing irregular with respondent Seville's referring Adela de Lara and Agustina Sacal to respondent Nonato when the two women requested a copy of the promulgated Decision. Respondent Seville merely directed the two women to the person who could best attend to their request. There is also nothing irregular with respondent Nonato's furnishing the two women a copy of the promulgated Decision since the same had already been officially made available for release and was already part of the public records. It is also clear that there was no intention on the part of respondent Natanauan to deny complainant Jumawan a copy of the promulgated Decision and the Notice of Judgment. The fact that she immediately sent new copies to the correct address demonstrates her sincere intent to rectify the error she committed.

On the other hand, there is no doubt that respondent delos Reyes actually represented to complainant Jumawan that he could secure a favorable decision for the dismissed employees in G.R. No. 120009 and received money for this false representation. Respondent delos Reyes denies all the allegations made by complainant Jumawan, but these bare denials cannot stand in the light of the latter's positive assertions.

This Court notes that complainant had no ill-motive against respondent delos Reyes for him to hurl serious charges against the latter. There existed no conflict between complainant and respondent delos Reyes prior to the filing of the present complaint. Respondent delos Reyes claims that complainant is accusing him of such gross misdeeds so that Justice Kapunan, taking pity on him, would change his mind and modify the decision. Such a theory, however, does not inspire belief. Nor is it believable that respondent delos Reyes politely refused complainant when the latter sought his help in following up the case. The record shows that there was constant communication between complainant and respondent delos Reyes during the time when the alleged transaction occurred. The evidence presented during the investigation revealed the frequency of the calls and the circumstances surrounding the same, which facts belie the claim that the communication between the two men was purely social and friendly. It is very apparent that some kind of transaction was taking place between respondent delos Reyes and complainant Jumawan.

Respondent delos Reyes also claims that it would be foolish of him to demand unfunded checks from complainant. The fact that the three checks amounting to 31 million pesos were unfunded is not important. The crux of the matter is that respondent delos Reyes interfered with a case pending before the Court and even went as far as sending a draft Decision to the litigants and demanding sums of money from them. This makes him liable

for gross dishonesty, gross misconduct, and conduct highly prejudicial to the best interests of the service.

Time and again, this Court has ruled that the conduct required of court personnel must always be beyond reproach and circumscribed with the heavy burden of responsibility, and that they should be free from any suspicion that may taint the judiciary.[10]

The Court notes that respondent delos Reyes retired on May 29, 2002. However, the jurisdiction of the Court at the time of the filing of the complaint is not lost by the mere fact that respondent public servant has ceased to be in office during the pendency of the case.[11] Had he not retired, respondent delos Reyes would have been dismissed from his office.

WHEREFORE, judgment is hereby rendered:

- DISMISSING the charges against respondents Jose D. Seville, Donald Edralin F. Nonato, and Rosario C. Natanauan for lack of merit; and
- finding respondent Nicomedes R. delos Reyes GUILTY of Gross Dishonesty, Gross Misconduct, and Conduct Highly Prejudicial to the Best Interests of the Service and imposing upon him the penalty of forfeiture of his retirement benefits and all the other benefits withheld from him pending the resolution of this case, except accrued sick and vacation leave credits, and with prejudice to being reemployed in any other government agency or government-owned and controlled corporation.

Costs de officio.

SO ORDERED.

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

[1] Resolution of the National Labor Relations Commission, p. 11; Rollo, p.76.

[2] Testimony of Adela De Lara, June 20, 2003.

[3] Dole Philippines, Inc., et al v. National Labor Relations Commission, et al., G.R. No. 120009, September 13, 2001.

[4] Testimony of Edmund Y. Jumawan, June 20, 2003.

[5] Rollo, pp.93-94.

[6] Testimony of Nicomedes delos Reyes, July 8, 2003.

[7] Letter of Respondent Rosario C. Natanauan to Atty. Eden T. Candelaria, August 1, 2003.

[8] Letter of Respondent Jose D. Seville to Atty. Eden T. Candelaria, July 29, 2003.

[9] Rollo, pp. 101-113, 113.

[10] Leonor v. Delfin, 314 SCRA 10, 15 (1999).

[11] Office of the Court Administrator v. Diaz, 303 SCRA 243, 253 (1999).

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