

**IN THE MATTER OF THE LOSS OF REGISTERED FOREIGN LETTER
NO. 06876676 FROM AUSTRALIA, ADDRESSED TO MRS. MARIA
CORONEL, SUBJECT OF THE COMPLAINT OF THE AFORESAID MRS.
MARIA CORONEL...**

A.M. No. 93-9-249-CA. December 05, 1994

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-93-9-249/>

PER CURIAM:

For determination is the motion for reconsideration of the Resolution dated September 12, 1994 issued by this Court dismissing from service, movant, Benigno Mapilisan for dishonesty amounting to gross misconduct occasioned by the loss, while in his custody, of registered mail letter no. 06876676, the contents of which were pilfered, as the P25,000-bank draft contained therein, eventually found its way for encashment with payee bank, Philippine National Bank.

Movant's main contentions hinge on the alleged violation of procedural due process by claiming that there was no formal administrative complaint filed against him by either complainant Maria Coronel or the Court of Appeals, in accordance with paragraph (c) of Section 46, Subtitle A, Title I, Book V of Executive Order 292;^[1] nor was there a formal investigation conducted in conformity with Section 48 thereof.

Paragraph (c) of Section 46 provides:

"x x x x x x x x

(c) Except when initiated by the disciplining authority, no complaint against a civil service official or employee shall be given due course unless the same is in writing and subscribed and sworn to by the complainant."

x x x x x x x x."

According to movant, the letter-complaint of Maria Coronel failed to properly and formally charge the former since the letter-complaint was neither subscribed nor sworn to by the complainant. Movant argues that the same should not have been given due course by the Supreme Court for failure to comply with the abovequoted provision of law.

We disagree with movant. Under Section 6, Article VIII of the 1987 Constitution:

"SEC. 6. The Supreme Court shall have administrative supervision over all courts and the personnel thereof."

By this power vested in the Supreme Court, it can act on subject complaint, particularly where, as in this case, an investigation thereon had already been conducted and concluded by the Court of Appeals prior to its referral to the Supreme Court, with the recommendation that movant be charged with gross negligence. The complaint, though defective as to form has been fully substantiated on the basis of the accompanying independent Investigation Report and Recommendation submitted to us. As a matter of fact, the Court even entertains anonymous complaints where the charge can be fully borne out by the evidence offered^[2] or continues proceeding with the

administrative case despite withdrawal by private complainant of his complaint where an investigation thereon had been made by the Acting Court Administrator prior to the filing of the complaint.[3] Thus, what is given paramount importance by this Court in instances when its power of administrative supervision over court employees is invoked, is the substantiation of the complaint rather than its conformity with formal requirements. We, therefore, rule that there was no violation of paragraph (c) Section 46, Subtitle A, Title I, Book V of Executive Order No. 292.

With regard to movant's claim that no formal investigation had taken place in conformity with the provisions of Section 48, again, we rule in the negative.

Said provision of law reads as follows:

"SEC. 48. Procedure in Administrative Cases Against Non-Presidential Appointees. - (1) Administrative proceedings may be commenced against a subordinate officer or employee by the Secretary or head of office of equivalent rank, or head of local government, or chiefs of agencies, or regional directors, or upon sworn, written complaint of any other person.

(2) In the case of a complaint filed by any other persons, the complainant shall submit sworn statements covering his testimony and those of his witnesses together with his documentary evidence. If on the basis of such papers a prima facie case is found not to exist, the disciplining authority shall dismiss the case. If a prima facie case exists, he shall notify the respondent in writing, of the charges against the latter, to which shall be attached copies of the complaint, sworn statements and other documents submitted, and the respondent shall be allowed not less than seventy-two hours after receipt of the complaint to answer the charges in writing under oath, together with supporting sworn statements and documents, in which he shall indicate whether or not he elects a formal investigation of his answer is not considered satisfactory. If the answer is found satisfactory, the disciplining authority shall dismiss the case.

(3) Although a respondent does not request a formal investigation, one shall nevertheless be conducted when from the allegations of the complaint and the answer of the respondent, including the supporting documents, the merits of the case cannot be decided judiciously without conducting such an investigation.

(4) The investigation shall be held not earlier than five days nor later than ten days from the date of receipt of respondent's answer by the disciplining authority, and shall be finished within thirty days from the filing of the charges, unless the period is extended by the Commission in meritorious cases. The decision shall be rendered by the disciplining authority within thirty days from the termination of the investigation or submission of the report of the investigator, which report shall be submitted within fifteen days from the conclusion of the investigation.

(5) The direct evidence for the complainant and the respondent shall consist of the sworn statement and documents submitted in support of the complaint or answer, as the case may be, without prejudice to the presentation of additional evidence deemed necessary but was unavailable at the time of the filing of the complaint or answer, upon which the cross-examination, by respondent and the complainant, respectively, shall be based. Following cross-examination, there may be redirect and recross-examination.

(6) Either party may avail himself of the services of counsel and may require the attendance of witnesses and the production of documentary evidence in his favor through the compulsory process of subpoena or subpoena duces tecum.

(7) The investigation shall be conducted only for the purpose of ascertaining the truth and without necessarily adhering to technical rules applicable in judicial proceedings. It shall be conducted by the disciplining authority concerned or his authorized representative.

The phrase "any other party" shall be understood to be a complainant other than those referred to in subsection

(a) hereof."

The purpose of the abovequoted provision is to simply ensure observance of procedural due process. However, it has been repeatedly held in many instances that the essence of due process is simply an opportunity to be heard or as applied to administrative proceedings, an opportunity to explain one's side.[4] In the present case, movant cannot deny that he was given ample opportunity to file his comment and memorandum for his defense which he actually availed of. This was his opportunity to present evidence in his favor, knowing fully well that he was already under investigation and was being charged with gross negligence in a show-cause letter dated June 18, 1993 signed by the Court of Appeals Clerk of Court. Movant cannot now complain that he was not afforded an opportunity to submit evidence because of lack of formal charges against him and formal investigation thereon. We reiterate: in administrative proceedings, we are not bound by rigid rules of procedure or technicalities.

Then, too, the quantum of evidence required deviates from the usual norm demanded in ordinary litigations undergoing a trial-type of hearing. In administrative cases, only substantial evidence is required. Substantial evidence rule in administrative proceedings merely requires such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.[5] It is by such standard that we arrived at our conclusion in the questioned Resolution of Sept. 12, 1994 dismissing movant. In said Resolution we emphasized:

"We lay stress on the following:

- 1) Respondent Mapilisan's admission of having received sack No. 6 which contained the mail matter in question;
- 2) Respondent Mapilisan's failure to turn over custody of said mail sack to his immediate chief, Mr. Aguilar, knowing fully well that, not having the authority to open or break the seal, it was his duty to inform his chief and turn over the mail sack to him.
- 3) That at the time of loss, actual possession of sack No. 6 remained with respondent Mapilisan.

The totality of these events unfolds before us a picture of respondent Mapilisan, deliberately detaining said mail sack, obviously interested in its contents, thus leading us to the irresistible conclusion that he also authored the encashment of the P25,000-bank draft."

Movant cannot accuse this Court of issuing the Resolution of September 12, 1994 which is lacking in factual and evidentiary basis. The above-enumerated facts and reasoning constitute substantial evidence necessary for this Court to order movant's dismissal.

Neither can the newly-found evidence proffered by movant materially affect the Resolution of September 12, 1994. According to movant, he had later on discovered that Mr. Dever Catindig, his co-respondent during the investigation before the Court of Appeals was present on February 26, 1991, the day subject mail matter was received, contrary to Catindig's claim that he was absent; that as a matter of fact, the latter entered in his own handwriting registered mail received on February 26, 1991, on pages 59 to 65 of the log/record book of mails in the Mailing and Delivering Section; that Catindig, in Administrative Case No. 14-92-M was "warned and directed to be extra careful in receiving mails, particularly registered mails from the Central Post Office." Movant, in effect, is telling this Court that the combination of these circumstances will point the finger of suspicion on Dever Catindig as the real author of the unaccounted mail matter.

We are simply unconvinced. This "newly found evidence" fails to impress us. First, it was established during the investigation before the Court of Appeals that Mr. Catindig was absent and the records of the personnel department corroborate this fact. Second, pages 59 to 65 of the log book submitted to us were mere xeroxed copies which were not certified xerox copies. Third, we find no credence in the purpose for which they were

presented to us, i.e. that Dever Catindig was indeed present on February 26, 1991 for, in fact, he had made entries in his own handwriting on page 59 on said date. Page 59 reflects only two kinds of entries: those made on February 21, 1991 and February 26, 1991. On its face, however, it is quite obvious that the entries supposedly entered on February 26, 1991 were actually entered on February 22, 1991 because it is clear to the naked eye that the number six (6) was merely superimposed on number two (2). Moreover, since it is quite unlikely that entries on February 21, 1991 were actually reflected on the same page as those entries made on February 26, 1991, what with the five-day difference, the court consulted its 1991 calendar. The court discovered that February 21, 1991 was a Thursday, February 22, a Friday and February 26, a Tuesday. It is quite unbelievable that the Court of Appeals did not receive any correspondence on February 22, a Friday and February 25, a Monday.

With this plainly doubtful evidence relied upon by movant for his plea of reconsideration, this Court has no recourse but to stand firm on its Resolution dismissing movant.

WHEREFORE, the motion for reconsideration is DENIED for lack of merit.

SO ORDERED.

Narvasa, C.J., Padilla, Bidin, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Quiason, Puno, and Vitug JJ., concur.

Kapunan and Mendoza, JJ., no part.

Feliciano, J., on leave.

[1] Otherwise known as the Administrative Code of 1987.

[2] Anonymous Complaint against District Judge Gibson A. Araula, Court of First Instance of Southern Leyte, Branch X, Adm. Matter No. 1571-CFI, February 7, 1978, 81 SCRA 483.

[3] Arban v. Borja, Adm. Matter No. R-281-RTJ, August 26, 1986, 143 SCRA 634.

[4] Salvador Jaculina v. National Police Commission, et al., G.R. No. 68491, August 12, 1991, 200 SCRA 489; Var-Orient Shipping Co., Inc. v. Achacoso, No. L-81805, May 31, 1988, 161 SCRA 732; Tajonera v. Lamaroza, Nos. L-48907 and 49035, December 19, 1981, 110 SCRA 438; Cebu Institute of Technology v. Minister of Labor, et al., No. L-50238, March 29, 1982, 113 SCRA 257.

[5] Office of Court Administrator v. Ramon G. Enriquez, Adm. Matter No. P-89-290, January 29, 1993.

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.