ANTONIO A. ARROYO, COMPLAINANT, VS. SANCHO L. ALCANTARA, CLERK OF COURT II, MUNICIPAL TRIAL COURT, GUINOBATAN, ALBAY, RESPONDENT.

A.M. No. P-01-1518. November 14, 2001

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): https://batas.org/library/a896f50cc4b5/

MENDOZA, J.:

This is an administrative complaint against Sancho L. Alcantara, Clerk of Court II of the Municipal Trial Court of Guinobatan, Albay, for oppression, misconduct, conduct prejudicial to the best interest of the service, and violations of §5(a) & (d) of R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Officials and Employees)and §3(e) of R.A. No. 3019 (Anti-Graft and Corrupt Practices Act).

The allegations in the complaint[1] are as follows:

On August 4, 1999, respondent issued a subpoena to Joaquin Opiana, Sr., complainant's father-in-law and a resident of Barangay Tandarora, Guinobatan, Albay, requiring him to appear before the Municipal Trial Court of Guinobatan, Albay. Ruben Olayres, Barangay Captain of Barangay Tandarora, Guinobatan, Albay, served the subpoena on Joaquin Opiana, Sr. It appears that complainant had an altercation with Olayres as the latter presented the subpoena in an arrogant manner. Joaquin Opiana, Sr. at the time had a serious illness such that service of the subpoena upon him distressed him, causing him to experience difficulty in breathing.

On August 13, 1999, complainant wrote a letter by registered mail to the office of respondent, requesting him for a copy of the alleged subpoena and a certification as to the facts surrounding the issuance of the same. Although respondent received the said letter on August 16, 1999, per Registry Receipt No. 476,[2] he failed to act on it.

On September 14, 1999, complainant wrote to respondent to follow up the request in his first letter.[3] However, respondent twice refused to receive the follow-up letter.[4] Complainant's subsequent request to examine the records of the Municipal Trial Court of Guinobatan, Albay also proved futile.

Complainant argues that the issuance of a subpoena on Joaquin Opiana, Sr., who was not a party in any case before the Municipal Trial Court of Guinobatan, Albay, hastened the latter's death on August 27, 1999. Complainant also alleges that respondent, by issuing the supposed subpoena, conferred undue benefit in favor of Olayres and caused the latter to file a criminal case for assault against complainant and his wife. Complainant seeks the preventive suspension of respondent pending investigation of the charges against him.

In his answer,[5] respondent claims that the document mistaken by complainant to be a subpoena was in reality just a letter, typed on an ordinary bond paper and addressed to Joaquin Opiana, Sr., requesting him to attend a meeting at the office of the Municipal Trial Court of Guinobatan, Albay. Respondent explains that he made such request in his personal capacity upon the insistence of Ruben Olayres, who thought that respondent's position as a clerk of court could be used to amicably settle the dispute among the heirs of Isaac Opiana, one whom was Joaquin Opiana, Sr., concerning a certain real property. Respondent attached to his answer the letter of Olayres,

dated August 3, 1999, requesting him to mediate in the dispute.[6] Respondent also contends that the mistake as to the nature of the document which he prepared could be attributed to the one who thought that what he caused to be served was a "subpoena." Respondent claims that he was aware of the proper procedure regarding the issuance of a subpoena and he could not have allowed the barangay chairman to serve the same as the latter was not authorized by the rules to do so. According to respondent, complainant could not produce a copy of the supposed subpoena because there was none, the document involved being a letter written only in one copy intended to be given to the addressee thereof.

During the pendency of this case, respondent applied for retirement effective June 30, 2000. On December 8, 2000,[7] he wrote a letter to the Office of the Court Administrator, praying that his retirement benefits, less such amount as would be determined by the Court Administrator, be released to him considering that he had rendered judicial service for more than 36 years and that he was the sole breadwinner of his family.

Upon the recommendation of the Office of the Court Administrator, who found that this case involved factual matters which must be resolved after hearing, this Court referred the matter to Executive Judge Antonio C. Alfane, Regional Trial Court, Branch 9, Legazpi City for investigation, report, and recommendation.

Anent the respondent's request for partial release of his retirement benefits, the Court adopted the recommendation of the Office of the Court Administrator to release the same minus the amount of P100,000.00 pending the final resolution of this case.[8]

In his report, dated May 29, 2001, Executive Judge Antonio C. Alfane stated that respondent should be held liable for violation of R.A. No. 6713, §5 (a) and (d) but absolved from the other charges of oppression, misconduct, conduct prejudicial to the best interest of the service, and violation of R.A. No. 3019, §3 (e) on the ground of insufficiency of evidence. As penalty, Judge Alfane recommended that respondent be ordered to pay a fine equivalent to his salary for three months.

We find the recommendations of Executive Judge Alfane to be substantially well taken.

First. To prove his charge against respondent for violation of R.A. No. 3019, §3 (e), complainant presented as his witness Joaquin Opiana, Jr., who testified that respondent asked P5,000.00 from him during the meeting held at the behest of the latter. Joaquin Opiana, Jr. said that he was not able to pay the said amount because his family could not afford it.[9] Respondent, on the other hand, claimed that he merely advised Joaquin Opiana, Jr. to raise the money in order to pay the fees of the geodetic engineer, who would conduct the survey on the disputed land of the Opianas. Respondent denied that he ever asked for money for himself as his fee for mediating the dispute.[10]

Executive Judge Alfane found that the evidence presented by complainant was insufficient to hold respondent liable for the charge.[11] We agree. To hold a person liable for violation of R.A. No. 3019, §3 (e), the concurrence of the following must be established: (1) the respondent is a public officer or a private person charged in conspiracy with the former; (2) the said public officer committed the prohibited acts in the performance of his official duties or in relation to his or her public positions; (3) he caused undue injury to any party, whether the government or a private party; and (4) the public officer acted with manifest partiality, evident bad faith, or gross inexcusable negligence.[12]

In this case, the element of undue injury, which has been consistently interpreted as actual damage,[13] has not been shown as complainant failed to prove that respondent indeed asked for and received money during the meeting. Complainant likewise failed to substantiate his charge of alleged unwarranted benefit bestowed upon respondent Olayres through manifest partiality, evident bad faith, or gross inexcusable negligence. The mere fact that Olayres filed a case against complainant and his wife for direct assault as a consequence of the fight that

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

occurred during the service of the alleged subpoena does not prove that respondent indeed accorded unwarranted benefit in favor of Olayres. Furthermore, the fact that respondent tried to help Olayres reach an amicable settlement with the Opianas is insufficient basis for concluding that he exhibited manifest partiality and evident bad faith, much less inexcusable negligence.

Second. The pertinent provisions of R.A. No. 6713, for violation of which respondent was charged, read as follows:

> SEC. 5. Duties of Public Officials and Employees. - In the performance of their duties, all public officials and employees are under obligation to:
>
> (a) Act promptly on letters and requests. - All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.
>
> ....
>
> (d) Act immediately on the public's personal transactions. - All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.

It appears that respondent violated the abovesaid provisions when he, after receipt of complainant's first letter requesting for a copy of the alleged subpoena, deliberately failed to act on the said request and even refused to receive complainant's follow-up letter on the pretext that the contents of the second letter were the same as that of the first one. The law enjoins public officials, such as respondent, to extend prompt, courteous, and adequate service to the public, and, at all times, to respect the rights of others and refrain from doing acts contrary to law, good morals, good customs, public order, public policy, public safety, and public interest.[14] In the performance of this duty, respondent had indeed been remiss.

Third. Executive Judge Alfane recommended that respondent be absolved from the charge of oppression, misconduct, and conduct prejudicial to the best interest of the service because of reasonable doubt as to whether respondent indeed issued and caused to be served a subpoena to complainant's father-in-law. According to him, complainant failed to produce in evidence the alleged subpoena and to comply with the requirements of the Rules of Court regarding the proffer of secondary evidence in lieu of the Original document. Further, Executive Judge Alfane opined that if the document subject of the controversy was really a subpoena issued by respondent without authority, Joaquin Opiana, Jr. would then not have voluntarily attended on behalf of his father the meeting held the day following the incident.[15]

We disagree. While it is true that complainant failed to produce the alleged subpoena in court, the evidence on record shows that respondent issued a document purportedly from the Municipal Trial Court of Guinobatan, Albay. Respondent admitted in his answer that Barangay Chairman Olayres requested him to mediate among the heirs of the late Isaac Opiana because his position as a clerk of court might convince the parties to settle their differences regarding the land left by their deceased father. To this request, respondent acceded, with the alleged intention of helping Olayres.

In the first place, a clerk of court had no authority to mediate among the constituents of Olayres. Respondent even admitted that he was aware of this fact. Although he claims that his act was done in his personal capacity and not as a clerk of court, this is belied by the fact that complainant was given the impression that the intended meeting involving his father-in-law was court-related. Complainant testified that he read the words "Municipal Trial Court" in the alleged subpoena.[16] Furthermore, the meeting was held at the office of respondent on August 5,

1999, a Thursday, and during working hours.[17]

It is apparent that respondent had exceeded his authority as a clerk of court. He had, wittingly or unwittingly, allowed his position to be used to exercise his moral ascendancy over the members of the Opiana family, whom he summoned to his office for mediation. He gave the impression that such meeting was part of the proceedings of the court, for which reason Joaquin Opiana, Jr. felt compelled to attend the same to represent his sick father.

Moreover, respondent's deliberate setting aside of complainant's request for a copy of the supposed subpoena and his refusal to receive complainant's follow-up letter in violation of §5 (a) and (d) of R.A. No. 6713 cannot be viewed in isolation as it appears that he intentionally violated these rules to cover up his reprehensible act of issuing a document purportedly from the court in excess of his authority. Respondent refused to give any written explanation concerning the nature of the document he issued to summon Joaquin Opiana, Sr. Neither did he explain why he was not able to produce in court the supposed letter of invitation he executed after complaint presented evidence to prove that he has done all within his means to get a copy of the subpoena. It cannot be denied that such document was well within the control of respondent, who was the one who prepared it, signed it, and caused it to be served on Joaquin Opiana, Sr. Thus, his failure to present in evidence the purported letter raises the presumption against him that evidence willfully suppressed will be adverse if produced.[18]

Indeed, respondent failed in his duty to conduct himself at all times with propriety and decorum and, above all else, to be above reproach.[19] It bears stressing that everyone connected with the dispensation of justice bears a heavy burden of responsibility of so conducting himself that reflects credit to his office. By acting in excess of his authority, albeit with good intentions, respondent committed simple misconduct.

By way of penalty, Executive Judge Alfane recommended that respondent be fined in the amount equivalent to his salary for three months for violation of Republic Act No. 6713, §5 (a) and (d). We hold that the appropriate penalty for this lapse is a reprimand, the violation being a light offense.[20] In addition, the proper penalty to be imposed on respondent for having committed simple misconduct should be suspension without pay for a period of one month and one day to six months.[21] However, considering that respondent has retired from the service, this Court will impose on him, in lieu of suspension, a fine approximately equal to his former salary for three months. Since at the time of his retirement, respondent's monthly salary was P17,069.00, a fine of P50,000.00 would thus be appropriate.

WHEREFORE, the Court finds respondent Sancho L. Alcantara guilty of simple misconduct and violation of R.A. Act No. 6713, §5 (a) and (d) and accordingly imposes on him as penalty a fine in the amount of fifty thousand pesos (P50,000.00) and a reprimand, respectively. The Court also orders the release of the balance of the P100,000.00 retained from his monetary benefits after deducting the fine. With respect to the charge against respondent for violation of §3 (e) of R.A. No. 3019, the same is dismissed for lack of merit.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Vitug, Kapunan, Panganiban, Quisumbing, Pardo, Buena, Ynares-Santiago, De Leon, Jr., Sandoval-Gutierrez, and Carpio, JJ., concur.

---

[1] Rollo, pp. 2-5.

[2]Annex B to the complaint; Rollo, p. 8.

[3] Annex C to the complaint; id., p. 9.

[4] Annex D to the complaint; id., p. 10.

Turn this case into an audio lecture - facts, issues, ruling and doctrine - at batas.org

[5] Rollo, pp. 17-18.

[6] Id., p. 19.

[7] Id., p. 70.

[8] Id., p. 73.

[9] TSN (Joaquin Opiana, Jr.), pp. 3-32, May 11, 2001.

[10] TSN (Sancho Alcantara), pp. 45-46, May 11, 2001.

[11] Resolution dated May 29, 2001, pp. 3-4.

[12] Llorente, Jr. v. Sandiganbayan, 287 SCRA 382 (1998).

[13] Id.

[14] Punzalan-Santos v. Arquiza, 244 SCRA 527 (1995).

[15] Resolution dated May 29, 2001, p. 3.

[16] TSN (Antonio Arroyo), pp. 17 and 23, May 11, 2001.

[17] TSN (Joaquin Opiana, Jr.), pp. 36-37, May 11, 2001; TSN (Sancho Alcantara), pp. 55-56, May 11, 2001.

[18] RULES ON EVIDENCE, RULE 131, §3; Hemedes v. Court of Appeals, 316 SCRA 347 (1999).

[19] Bernardino v. Ignacio, 253 SCRA 641 (1996); Sy v. Cruz, 250 SCRA 639 (1995).

[20] UNIFORM RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, RULE IV, §52 (C)(13).

[21] Id., §52 (B)(2).

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.