

GLORIA O. DINO, COMPLAINANT, VS. FRANCISCO DUMUKMAT, RESPONDENT.

A.M. No. P-00-1380 (Formerly OCA IPI No. 97-268-P). June 29, 2001

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

The instant administrative case stemmed from the sworn letter-complaint dated February 20, 1997 of Gloria O. Dino, charging Francisco G. Dumukmat, Interpreter III, Regional Trial Court, Branch 17, Kidapawan, North Cotabato, with gross misconduct relative to Criminal Case Nos. 97-96 and 101-96, both for falsification of official documents, filed against her, which cases are pending in the same court.

In her complaint, Gloria alleged that respondent Dumukmat caused the filing of administrative and criminal complaints against her by forcing her brother Placido and her mother Cipriana (both surnamed Opiniano) to sign the same. Complainant also claimed that respondent, in order to humiliate her, sent copies of those criminal complaints to several radio stations in North Cotabato. Likewise, respondent "influenced" the court, where her cases were filed, to order her arrest; and saw to it that she, being a government employee, should not be represented in court by the Public Attorney's Office (PAO).

In his comment dated July 30, 1997, respondent Dumukmat denied all the allegations in the complaint, asserting that the charges are false, baseless and malicious. According to him, the one who filed the criminal cases against the complainant is her own brother, Placido Opiniano, who is of legal age and an intelligent person and speaks, writes and understands English. Clearly, he (respondent) could not have influenced Placido in any manner.

This Court, upon recommendation of the Office of the Court Administrator (OCA), referred the case to Executive Judge Rogelio R. Narisma, RTC, Branch 12, Kidapawan City, for investigation, report and recommendation.

The OCA narrated Executive Judge Narisma's REPORT this wise:

"In his REPORT dated October 25, 1999 Executive Judge Rogelio R. Narisma, RTC, Kidapawan City, North Cotabato, found that the instant controversy started when respondent Dumukmat orchestrated the sale of complainant's lot to the Spouses Ramos by threatening complainant's mother and convincing her brother, Placido L. Opiniano, to sign the necessary deed. As a result, complainant filed a case for ejectment against the Ramoses and an estafa case against her brother Palcio before MTC, Kidapawan City. In return, her brother, Palcido, filed several administrative and criminal cases against her as a leverage so that she will withdraw the case filed against him and the Ramoses. Although Judge Narisma had the impression that Placido and Dumukmat are really acquainted with each other, the complainant was not able to establish that it was the respondent who assisted her brother in filing those cases.

The Investigating Judge also observed that respondent claimed that complainant is a person of no concern to him, that he first came to know of complainant's accusation that he authored the criminal cases only when he received the letter from Honorable Alfredo L. Benipayo dated May 20, 1997. Judge Narisma is of the opinion that if it is true that he learned of the complaint against him only upon receiving the said letter, then it is

unnatural for respondent not to extend to complainant, his neighbor, even the least courtesy when she posted bail on August 20, 1996 and for respondent to show signs of animosity by not talking to complainant.

Anent complainant's allegation that respondent questioned the services of his PAO lawyer, Judge Narisma declares there is nothing irregular when complainant was found not entitled to free legal assistance from PAO due to her employment with the Department of Education, Culture and Sports (DECS). The Investigating Judge also ruled out complainant's assertion that the respondent influenced/required her to post cash bond instead of a surety bond, explaining at that time complainant was with her counsel who surely is not that inept to let complainant bear the burden of posting an onerous cash bond if a surety bond was available.

Based on the result of his investigation, Judge Narisma recommended the suspension without pay for three (3) months with the stern warning of respondent Francisco Dumukmat whom he found to have committed the following:

- a) Failure to extend assistance to complainant (his neighbor) when she filed her bail bond;
- b) Discourtesy when he called complainant an escapee; and
- c) Misconduct when he undertook or at least participated in the execution of the document conveying complainant's lot to the Ramoses by threatening complainant's mother. This resulted in the quarrel of the Opiniano family."

The OCA sustained the findings and recommendation of Executive Judge Narisma, being supported by evidence.

The OCA made the following observations:

"It is very clear that respondent Francisco Dumukmat ignited the fire that is now engulfing the family of the complainant. He is the root cause of the ongoing war between a sister and a brother; an outsider who planted the seed of chaos within a family. Instead of helping in the administration of justice being a court employee, respondent himself formented litigations not only between ordinary party-litigants but in the instant case, between members of the same family. In view of this observation and the findings made by the Investigating Judge, the undersigned believes that the respondent deserves an administrative sanction for what he did.

Francisco G. Dumukmat became a member of the Judiciary on September 19, 1974 starting as Court Stenographer. This is the first administrative complaint against him. He is now more than sixty (60) years old."

We sustain the findings of the Investigating Judge and the OCA, but not the recommended penalty.

It bears stressing that the quarrel between complainant and her brother Placido started when the latter sold the one half (1/2) portion of her lot to Nonato Ramos and his wife. It appears that respondent convinced Placido and his mother to sign the deed of sale. Evidently, respondent even threatened complainant's mother that she might be imprisoned if she will not sign the document. Because of the sale, complainant was deprived of ½ portion of her lot, constraining her to file an ejectment case against the Ramos spouses and a case for estafa against her brother. In turn, Placido and the Ramoses retaliated by filing administrative and criminal charges against complainant.

Moreover, as found by the Investigating Judge, respondent refused to assist complainant in posting her bail bond in the RTC where her cases were filed. Being an interpreter in that court and neighbor of complainant, he should have extended to her some help. Also, he called her "escapee" which certainly embarrassed and humiliated her.

Obviously, respondent's actuations constitute conduct prejudicial to the best interest of the service. They tarnish and diminish the respect of the people, especially the litigants, in the judiciary and all those involved in the administration of justice, including respondent herein, a court interpreter.

This Court has repeatedly ruled that the behavior of everyone connected in the dispensation of justice from the

presiding judge to the lowliest clerk must always be beyond reproach and circumscribed with heavy burden of responsibility.[1] Failure to observe this rule is to erode the dignity and honor of the courts or to lay open to suspicion the official conduct of their personnel. Thus, respondent Dumukmat deserves a more severe penalty. It has to be emphasized that, as aptly stated by the Court Administrator, respondent is "an outsider who planted the seed of chaos within a family. Instead of helping in the administration of justice being a court employee, respondent himself formented litigations not only between ordinary party-litigants but in the instant case, between members of the same family."

Pursuant to Section 52, Rule IV of the Civil Service Commission Memorandum Circular No. 19, Series of 1999, conduct prejudicial to the best interest of the service is classified as a grave administrative offense, punishable by suspension of 6 months and 1 day to 1 year, if committed for the first time, as in this case.

WHEREFORE, respondent Francisco Dumukmat is hereby declared GUILTY of conduct prejudicial to the best interest of the service and is SUSPENDED WITHOUT PAY for 6 months, with a stern warning that commission of similar acts will be dealt with more severely.

SO ORDERED.

Melo, (Chairman), Vitug, Panganiban, and Gonzaga-Reyes, JJ., concur.

[1] Musni vs. Morales, 315 SCRA 85 (1999); Office of the Court Administrator vs. Galo, 314 SCRA 705 (1999).

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