PO2 PATRICK MEJIA GABRIEL, COMPLAINANT, VS. WILLIAM JOSE R. RAMOS, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 166, PASIG CITY, RESPONDENTS.

A.M. No. P-10-2837 (FORMERLY OCA I.P.I No. 07-2613-P). August 25, 2010

Ponente: BRION, J.

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BRION, J.:

Before the Court is the present administrative complaint for grave misconduct filed, on July 13, 2007,[1] by PO2 Patrick Mejia Gabriel, (Gabriel) with the Office of the Court Administrator (OCA), against William Jose R. Ramos, (Ramos), Sheriff IV, Regional Trial Court (RTC), Branch 166, Pasig City.

Acting on the complaint, the OCA required Ramos to comment.[2] Ramos complied and filed his comment on September 6, 2007. Thereafter, the OCA submitted a Report (dated August 28, 2008)[3] to the Court, whose relevant portions provide:

> Complainant states that he is presently a member of the Philippine National Police and designated as Chief Investigator assigned at San Teodoro, Oriental Mindoro.
>
> According to the complainant on 10 May 2007 at around 4:00 o'clock in the afternoon at Barangay Calsapa, Municipality of San Teodoro, Oriental Mindoro said respondent together with several persons, in conspiracy and on agreement with former Municipal Mayor Manuel Roxas Bae, entered the house of Ms. Adelaida Caeg Hael. Soon thereafter, two (2) pieces of Five Hundred (P500.00) bills were handed to Adelaida and Ariel Hael to vote for Mayoralty Candidate Homer Roxas Alumisin and other candidates listed in the yellow pages. The said vote buying incident was reported by Adelaida and Ariel Hael to San Teodoro Municipal Police Station, who both executed their respective Sworn Statements enclosed as Annexes "A" and "B" hereof. A case for Violation of Article 22, Section 261 (a) of the Omnibus Election Code of the Philippines was also filed against respondent together with his co-conspirators docketed as I.S. No. 07-12386 before the Prosecutor's Office of Oriental Mindoro attached as Annex "C".
>
> In a COMMENT dated 9 August 2007, respondent alleges that the charges in the complaint are utterly false, malicious and intended to intimidate him from prosecuting cases of robbery as well as administrative charges against several policemen, including herein complainant for openly campaigning for a certain candidate during the election period.
>
> Respondent admits that on the date stated in the complaint he was indeed at Barangay Calsapa, San Teodoro, Oriental Mindoro to buy charcoal which he sells for a profit to augment his income. Respondent adds that he was with Manuel Roxas Bae and that he was able to talk with Ariel [Caeg] Hael but their discussion has nothing to do with politics. He insists that he was not financially capable to buy two (2) votes at P500.00 each. He is aware that as a government employee he cannot campaign, much less take part in partisan politics. He points out that buying votes several days before election is incongruous because the voters could change their mind on election day.
>
> EVALUATION: The issue for resolution is whether Mr. Ramos may be held liable for Grave Misconduct.

> Respondent explained that he was indeed at Barangay Calsapa, San Teodoro, Oriental Mindoro on 10 May 2007 but only to buy charcoal. In the Affidavit dated May 10 and 11, 2007 of Ms. Adelaida and Ariel Hael, both categorically pointed to respondent and Manuel Bae as the persons who handed them a sample ballot and two (2) P500.00 bills and uttered "ITO PO AY INYO BASTA ITO LAMANG ANG INYONG IBOBOTO, AT ITONG SI HOMER ALUMISIN NA ANG IBOTO NYO MAYOR." Both claimed that respondent and Mr. Bae were leaders for the party of mayoralty candidate Homer Alumisin.
>
> The conflicting versions of both parties present a factual issue which could not be resolved based only on the pleadings submitted before us. A formal investigation is necessary to thresh out the truth and also to afford herein respondent the chance to face his accusers.
>
> RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court recommending that the instant case be REFERRED to the Executive Judge of RTC, Pasig City, for investigation, report and recommendation within sixty (60) days from receipt of the records.

The Court took note of the OCA report and referred the case to the Executive Judge of the RTC, Pasig City, for investigation.[4] Accordingly, the OCA forwarded the case record to Executive Judge Amelia C. Manalastas, RTC, Pasig City.[5]

In a report submitted on January 26, 2009,[6] Judge Manalastas recommended the dismissal of the complaint for lack of evidence. The report states:

> 1) On November 24, 2008, this Office notified all the parties for conference/hearing with directive to submit their respective sworn statements on December 8 and 15, 2008, both at 10:00 o'clock in the morning;
>
> 2) On both dates, only respondent and his counsel appeared while respondent who was notified via LBC failed to appear despite due notice;
>
> 3) In the conduct of the investigation, respondent vehemently denied all the charges against him. The evidence submitted to this Office reveals that the filing of the instant administrative case appears to be a mere leverage and stemmed from a case filed by herein respondent against the complainant for Robbery. (Formal Offer; Exhibits "A" and "B"; TSN dated December 15, 2008);
>
> 4) From the evidence adduced, complainant failed to establish the allegations of grave misconduct against herein respondent. "In administrative proceedings, the burden of proof that respondent committed the act complained of rests on the complainant" (Gotgotao versus Millora, 459 SCRA 340).
>
> 5) With no hard evidence except unconfirmed self serving assertions to back up the complaint, this Office has no choice but to recommend dismissal of the present complaint.

We find Judge Manalastas' recommendation to be in order. Indeed, PO2 Gabriel failed to prove his complaint against Sheriff Ramos.

WHEREFORE, premises considered, the Complaint for Grave Misconduct filed by PO2 Patrick Mejia Gabriel against Sheriff IV William Jose R. Ramos, RTC, Branch 166, Pasig City, is hereby DISMISSED for lack of evidence.

SO ORDERED.

Carpio Morales, (Chairperson), Bersamin, Villarama, Jr., and Sereno, JJ., concur.

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[1] Rollo, pp. 1-2.

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[2] Id. at 8.

[3] Id. at 15-16.

[4] Id. at 17; Resolution dated October 15, 2008.

[5] Id. at 19; OCA letter dated November 14, 2008.

[6] Id. at 50-51; Compliance dated January 19, 2009.

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