

CONCERNED CITIZENS OF LAOAG CITY, COMPLAINANTS, VS. BIENVENIDO ARZAGA AND ALFREDO MAURICIO, RESPONDENTS.

A.M. No. P-94-1067. January 30, 1997

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PER CURIAM:

This administrative matter arose from two (2) anonymous letters, one dated April 21, 1994 addressed to Judge Federico A. Llanes, MTCC, Branch I, Laoag City and the other dated April 27, 1994 addressed to Judge Manuel B. Fernandez, Jr., RTC, Branch 13, Laoag City, charging Bienvenido Arzaga and Alfredo Mauricio, both process servers of the Office of the Clerk of Court, MTCC, Laoag City, with influence peddling, drunkenness, gambling, bribery, extortion and manipulation of bonds by using the same property for different cases.

On June 22, 1994, Judge Llanes forwarded the said letters, together with the respondents' comments, to the Office of the Court Administrator.

In a resolution dated September 19, 1994, this Court referred the matter to Executive Judge Wenceslao Agnir, RTC, Laoag City, for investigation, report and recommendation.

In his investigation report dated December 16, 1994, Judge Agnir stated, among others, that both respondents had submitted their written comments denying the charges; that upon receipt of the complaint, he requested the local media to announce to the public that anyone who had evidence against the two respondents could see him; that however, after two months of waiting, nobody came forward to offer any evidence against respondents; that he also interviewed the employees of the City Court to verify the truth of the charges against the respondents, but he obtained no information to give credence to said charges.

Judge Agnir, however, reported that he received a certification from the City Prosecutor's Office of Laoag City, to the effect that Alfredo Mauricio was convicted of Frustrated Murder on September 29, 1983 in Criminal Case No. 1260-XIII, but was placed on probation. Alfredo Mauricio had also been charged with eleven (11) other criminal cases like Illegal Possession of Firearms, Grave Slander by Deed, Grave Threats, Serious Physical Injuries, but all of these had been dismissed.

Judge Agnir made no definite recommendation in his report, except to say that he was leaving it to the Court Administrator to determine whether on the basis of "such a criminal record, Alfredo 'Boy' Mauricio deserves to stay in the service of the Judiciary."

On February 1, 1995, this Court referred the Investigation Report of Judge Agnir to the Office of the Court Administrator for evaluation, report and recommendation. Accordingly, the Office of the Court Administrator submitted a memorandum to this Court recommending that the charges against the two respondents be dismissed for lack of merit.

After a careful examination of the recommendation of the Office of the Court Administrator, this Court on May 29, 1995, resolved to dismiss the charges against Benjamin Arzaga as recommended but referred the case against Alfredo Mauricio to Judge Agnir for further investigation relative to how said respondent managed to be

appointed to the position of process server despite a previous record of conviction of the crime of frustrated murder. Judge Agnir was likewise directed to conduct an inquiry on whether said respondent made untruthful statements in his application by suppressing the fact of his conviction as well as other criminal charges filed against him though subsequently dismissed.

In compliance with the aforementioned resolution, Judge Agnir submitted his second investigation report dated July 21, 1995. In his report, Judge Agnir narrated that respondent Mauricio joined the judiciary on October 4, 1990 as Utility Worker I of MTCC, Branch 2, Laoag City. His commission was signed by then Court Administrator Meynardo A. Tiro and certified by Chief Administrative Officer Adelaida Cabe-Baumann upon recommendation of Judge Manuel B. Fernandez, Jr., then presiding judge of Branch 2, RTC, Laoag City. On May 5, 1992, respondent was promoted to the position of process server of the Office of the Clerk of Court, MTCC, Laoag City. His commission was signed by Romeo P. de Leon in behalf of Adelaida Cabe-Baumann.

Judge Agnir further narrated that respondent disclosed his conviction of the crime of frustrated murder and that he was on probation for the same in his application. When respondent was asked by Judge Agnir why he did not indicate that other criminal charges were filed against him, he replied that the question in the application form simply asked for conviction, not mere charges.

The Second Investigation Report also mentioned the name of two (2) persons from whom respondent Mauricio allegedly asked favors using the name of Judge Fernandez. The first was Jimmy Lao, a realtor-businessman of Laoag City who told Judge Agnir that two (2) years earlier when he had a case pending before the sala of Judge Fernandez, respondent Mauricio approached him and asked for two (2) tires allegedly for the car of Judge Fernandez. Mr. Lao said that when he went to verify the request, he was not able to talk to Judge Fernandez but a court staff member told him that Judge Fernandez was not in the habit of asking favors from litigants and that in all probability, the tires were intended for Mauricio's owner-type jeep which was then in the process of being assembled. When he confronted Mauricio about it, the latter told him that he (Mauricio) was only joking.

The second interviewee was German Reantillo, administrative officer of the City Engineer's Office of Laoag City who confirmed that sometime ago he gave Mauricio thirty (30) liters of gasoline on the respondent's representation that this was for Judge Fernandez; that sometime later he had the occasion to mention the matter to Judge Fernandez who denied that he authorized Mauricio to ask gasoline in his behalf.

Both Lao and Reantillo however refused to be placed under oath or to reduce their statements in writing because they did not wish to be involved in a formal investigation where they would have to be confronted by respondent. Furthermore Lao said he did not wish to incur the ire of the respondent and that anyway he did not give Mauricio the tires.

On July 17, 1995, Judge Agnir called respondent Mauricio to another hearing and confronted him with these new charges. Respondent denied them as expected.

Judge Agnir further claimed that respondent is known to be a troublesome fellow. MTC Judge Llanes even had to file an administrative case against respondent for serious misconduct and insubordination.

Judge Agnir then strongly recommended the immediate and summary dismissal from the service of respondent Mauricio for being the "ultimate undesirable employee and a disgrace to the judiciary." [1] He added that he was recommending this course of action aware of the potential danger to his person given respondent's violent nature as documented by his criminal record. Judge Agnir was "hopeful though that the respondent's summary dismissal will send a chilling message to other court employees similarly engaged in nefarious activities and unethical practices which though petty in many instances indelibly stain the image of the judiciary." [2]

Thereafter, the case was referred to the Office of the Court Administrator for evaluation, report and recommendation.

The Deputy Court Administrator to whom the case was assigned for review submitted the following observations, viz:

A careful scrutiny of the 201 File of respondent Mauricio shows that he joined the judiciary not on 4 October 1990 as Utility Worker I but on 1 August 1989 as a Court Aide of MTCC, Branch 2 of Laoag City as a recommendee of Judge Angelo M. Albano, MTCC, Laoag City. Respondent's appointment was by virtue of a Supreme Court Resolution dated 1 August 1989 and his commission was signed by then Court Administrator Meynardo A. Tiro and certified by Former Assistant Chief Administrative Officer Orlando B. Carino and Former Chairman of the Selection Board Daniel T Martinez.

It was also discovered that on 24 January 1990 Atty. Carino sent a telegram to Mauricio ordering him to submit a copy of the Order placing him on probation pending the approval of his appointment as Utility Worker I. Accordingly respondent sent a copy of the said Order and in his 1st indorsement dated 22 February 1990, Atty. Carino referred the Probation Order to Atty. Ponciano R. Solosa, Assistant Director of the Civil Service Commission Field Office for appropriate action.

Per Court Resolution dated 4 October 1990 respondent was appointed as Utility Worker I and was promoted as Process Server by virtue of a Court Resolution of 5 May 1992.

On 19 January 1993 Police Inspector Felizardo Ellano of the PNP-CIS Command in Camp Capt. Valentin San Juan, Laoag City, sent a letter addressed to the Chief Justice through the Record Section requesting that a check be conducted on the records of Mauricio who was at that time being charged by their Office with the crimes of Less Serious Physical Injuries and Resistance and Disobedience Upon Agents of a Person in Authority. Police Officer Ellano likewise informed the Court that the respondent has already been charged of several offenses in different courts in Laoag City which according to him was a clear showing that Mauricio is a violent man, a habitual offender and extremely defiant of the law.

Records show that the respondent twice accomplished Personal Data Sheet (Civil Service Commission Form 212, Revised 1982) on two (2) separate occasions: on 5 June 1989 before his appointment as Court Aide and on 13 September 1990 prior to his appointment as Utility Worker. In both instances, Mauricio disclosed his conviction of Frustrated Murder and the fact that he was on probation.

The charges against respondent Mauricio for influence peddling, drunkenness, gambling, bribery, extortion and manipulation of bonds by using the same property for different cases do not appear to have been sufficiently established by clear evidence. The two (2) persons from whom the respondent allegedly asked favors using the name of Judge Fernandez both refused to be placed under oath or reduce their statements in writing. But administrative charges cannot be based on mere conjecture. The complainant has the burden of proof and such proof must be clear, solid and convincing to compel the exercise of disciplinary power over the person indicted.

On respondent's conviction of Frustrated Murder, there was full disclosure of the conviction and apparently was not a legal obstacle to respondent's appointment because he was placed on probation. Therefore, respondent's conviction of a crime should not be taken as a basis of any administrative action against him.

The foregoing notwithstanding we do not see any reason to disturb the Investigating Judge's finding that respondent is a troublesome and violent person as shown by his criminal record certified by the City Prosecutor of Laoag City. There is therefore merit in Judge Agnir's recommendation of immediate and summary dismissal of the respondent from the service for being the "ultimate undesirable employee and a disgrace to the judiciary."

It is commendable that Judge Agnir has opted to resist the temptation to be silent in the face of what he perceives to be a deleterious influence in the court.

Under Section 23, Rule 14 of the Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws "being notoriously undesirable" is classified as a grave offense with a corresponding penalty of dismissal, or forced resignation under Resolution No. 89-506 dated 20 July 1989 of the Civil Service Commission.

Time and again the Court has held that "A court employee being a public servant must exhibit the highest sense of honesty and integrity not only in the performance of his duties but also in his personal and private dealings with other people to preserve the court's name and standing. Therefore, it becomes imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice." (Paredes vs. Padua, 222 SCRA 81).

Equally compelling is the decision of the Court in the case of Mirano vs. Saavedra, 225 SCRA 77 which states that "The conduct and behavior of everyone connected with the office charged with the dispensation of justice from the presiding judge to the lowliest clerk should be circumscribed with the heavy burden of responsibility." [3]

On the foregoing antecedents, it was recommended by the Deputy Court Administrator that respondent be declared notoriously undesirable and be considered resigned from the service with forfeiture of leave credits and retirement benefits and disqualification from employment in the government service for a period of one (1) year. It was further recommended, however, that respondent be reemployed in the government service other than the judiciary.

In reviewing the aforesaid report and recommendation submitted for the Court's consideration, we find the foregoing observations to be correct. We, nonetheless, find the penalty recommended by the Office of the Court Administrator to be very light. Consequently, we adopt the investigating judge's recommendation for respondent's dismissal from the service, the same being warranted and justified by the facts attendant to the instant case.

Public service requires the utmost integrity and strictest discipline. Thus, a public servant must exhibit at all times the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people. [4] No less than the Constitution sanctifies the principle that a public office is a public trust, and enjoins all public officers and employees to serve with the highest degree of responsibility, integrity, loyalty, and efficiency. [5] In addition, the Code of Conduct and Ethical Standards for Public Officials and Employees provide that every public servant shall at all times uphold public interest over his or her personal interest. [6]

By his acts and misdeeds, respondent has undermined the public's faith in our courts and, ultimately, in the administration of justice. The same make him unfit as a court employee. His employment must therefore be terminated at once. Court personnel must adhere to the high ethical standards of public service in order to preserve the Court's good name and standing. [7]

Time and again, this Court has emphasized that the conduct required of court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary.

ACCORDINGLY, respondent ALFREDO MAURICIO is hereby DISMISSED from the service with forfeiture of all benefits and with prejudice to his reemployment in any branch of the Government, including government-owned or controlled corporations.
SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisima, Jr., Panganiban and Torres, Jr., JJ., concur.

[1] Rollo, p. 52.

[2] Id., at 52-53.

[3] OCA Memorandum, pp. 4-5.

[4] Gano v. Leonen, 232 SCRA 98, 101 [1994]; Paredes v. Padua, 222 SCRA 81, 84 [1993].

[5] CONST. [1987], Article XI, Section 1.

[6] Republic Act No. 6713, Section 2.

[7] Chavez v. Lescano, 139 SCRA 103 [1985]; Recto v. Racelis, 70 SCRA 438 [1976].

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