ALBERT S. DELA PEÑA, COMPLAINANT, VS. ILUMINADO R. HUELMA, INTERPRETER, MCTC, CANTILAN-CARRASCAL, SURIGAO DEL SUR, RESPONDENT.

A.M. NO. P-06-2218 (FORMERLY OCA IPI NO. 05-2082-P). August 15, 2006

Ponente: TINGA, J.

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TINGA, J.:

In administrative cases, the complainant must prove the allegations propounded against the respondent with preponderance of evidence.[1] Otherwise, the complaint will not prosper as the respondent enjoys the presumption of regularity in the exercise of duties and the presumption of innocence.

Before us is an administrative complaint filed by complainant Albert S. Dela Peña (Dela Peña) against Iluminado R. Huelma (Huelma), Court Interpreter, 1[st] Municipal Circuit Trial Court (MCTC), Cantilan, Surigao del Sur for grave misconduct and acts prejudicial to the best interest of the service.

The facts are as follows:

A land dispute arose between complainant, as a member of the board of Carcanmadcarlan Agri-based Multi-purpose Cooperative (CAMPCO), on one hand, and respondent's family, on the other. Said dispute was the subject of at least two land cases before the Department of Agrarian Reform Adjudication Board (DARAB)[2] and the Bureau of Forestry and Agricultural Resources (BFAR).[3]

Dela Peña alleges that during his tenure as a member of the board of CAMPCO, Huelma had influenced and instigated the latter's relatives to claim certain portions of the fishpond covered by an existing fishpond lease agreement, acquired by CAMPCO from one Joel H. Tan, leading to the dispute adverted to. After this dispute became litigable, Dela Peña claims that Huelma, using the court's time and office resources, caused the preparation and filing of criminal cases against the officers and workers of CAMPCO.

One of the criminal cases filed was Criminal Case No. 2436 entitled "People of the Philippines v. Emmanuel A. Almeda and Albert Dela Peña," for the crime of malicious mischief, raffled to the MCTC branch where Huelma was assigned.

Dela Peña alleges that while Huelma was in the performance of his official duties, as officer-in-charge of the said court, he took advantage of his position by preparing the Order[4] dated 21 May 2004 for the issuance of the warrant of arrest and the corresponding warrant itself, denominated as Order of Arrest[5] of even date, and thereafter misleading Presiding Judge Jesusa E. Garcia-Perez (Judge Perez) to sign the two orders despite the fact that the charge was covered by the Rule on Summary Procedure.[6]

After Judge Perez signed the warrant of arrest, Huelma allegedly delivered in person the warrant to the police, resulting in the apprehension of Dela Peña and his co-accused in public view. Dela Peña claims to have suffered humiliation as a result.

On 16 July 2004, when Dela Peña's case was called for preliminary investigation, Judge Perez was allegedly stunned to learn that she was misled by Huelma in signing the Order dated 21 May 2004 and the corresponding warrant of arrest. In the same hearing, Judge Perez issued three orders: (1) an order lifting the warrant of arrest,[7] (2) an order directing the branch clerk of court to exclusively hold the records of the case against dela Peña,[8] and (3) an order directing the stenographic reporters to immediately transcribe the records of the proceedings of the criminal case.[9]

In his Comment,[10] Huelma denied having instigated his relatives to file criminal charges against Dela Peña and his co-accused. Huelma instead declared that it was CAMPCO and its officers who usurped, grabbed and illegally occupied the fishpond which his relatives were possessing. In fact, the Department of Agrarian Reform (DAR) declared the land occupied by CAMPCO as land reform areas under the Comprehensive Agrarian Reform Program of the government and awarded the disputed areas to Huelma and his relatives as farmer-beneficiaries.[11]

In its evaluation, report and recommendation[12] dated 16 August 2005, the Office of the Court Administrator (OCA) recommended that the instant complaint be referred to the executive judge of the Regional Trial Court (RTC) of Surigao del Sur for investigation, report and recommendation. The Court, in a Resolution dated 28 September 2005, referred the administrative case to Judge Ermelindo G. Andal (Judge Andal), Executive Judge of RTC, Tandag, Surigao del Sur.

The records disclose that on 25 November 2005, Judge Perez filed before the Court a Comment in compliance with the Court's Resolution dated 25 July 2005. In her Comment,[13] Judge Perez admitted and assumed full responsibility over the erroneous issuance of the Order dated 21 May 2004 and the corresponding warrant of arrest. She denied any insinuation that she was misled by Huelma into signing the same. She admitted that while the issuance was an honest mistake, it was nonetheless a serious inadvertence. She thus offered her deep and sincere apologies to Dela Peña and his co-accused, noting that she immediately issued an order quashing the warrant of arrest when the matter was brought to her attention.

After due investigation, Judge Andal submitted his findings and recommended its dismissal. He reasoned that:

> A reading, however, of the transcript of the proceedings during the initial hearing of Criminal Case No. 2435 before the MCTC, Cantilan-Carrascal, Surigao del Sur, on July 16, 2004, shows that while respondent was categorical in denying having prepared the Order directing the issuance of the Warrant of Arrest (Exhibit "E"), he vacillated when repeatedly questioned by the defense counsel, Atty. Gerardo Maglinte, whether he prepared the Warrant of Arrest (Exhibit "F"), ultimately admitting it but claiming that he did so upon order of the Acting Presiding Judge (Exhibits "J", "J-1" to "J-21"). Accordingly, the Undersigned is convinced that, indeed, respondent had a hand in the preparation of the Warrant of Arrest. The Undersigned, however, is not convinced that respondent, on his own, personally prepared the Order directing the issuance of the Warrant of Arrest, first, because the phraseology appears not of the standard form but most likely the language of the Acting Presiding Judge and, second, instead of following the recommendation of the Prosecutor for the amount of bail, P6,000.00, the Court fixed a much smaller amount, P2,000.00. If as claimed respondent was personally interested in the Case and wanted to prejudice the herein Complainant, he would have indicated in the Order (Exhibit "E") the much bigger amount of bail as recommended by the Prosecutor. Normally, fixing the amount of bail is personally determined by the presiding judge. This is apparent in Exhibit "E". Of course, her Honor, Judge Jesusa E. Garcial Perez, in Paragraph 2 of her letter, dated November 25, 2005, addressed to the Honorable Third Division of the Supreme Court, denied "any insinuation or suggestion that (she) was influenced or misled by anyone much less respondent Huelma into signing the Order and Warrant of Arrest of the Accused in Criminal Case No. 2435.x x x [14]

The findings and recommendation of Judge Andal are well-taken, as the instant administrative complaint is

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clearly devoid of merit.

Noteworthy is that fact that Judge Perez took full responsibility for the erroneous issuance of the order and warrant, acknowledging that they were both prepared and issued upon her directive and on her discretion. This was reflected in the transcript and stenographic notes dated 16 July 2004.

> Prosecutor Cuartero:
>
> Your honor please, may I be allowed to ask this Hon. Court your honor in relation to this incident because it seems to me your honor it is the usual practice of this Presiding Judge to have the order of Warrant of Arrest prepared by her subordinate and the Judge to sign or it is the Hon. Court who orders the subordianate (sic) to prepare the order of Arrest before she sign the Warrant of Arrest?
>
> Prosecutor Cuartero:
>
> My question your honor is this if it is the usual practice of this Presiding Judge that a prepared Order of Warrant of Arrest is brought before the Presiding Judge and [t]he Presiding Judge to sign immediately the Warrant of Arrest or it is the Presiding Judge who order[s] her subordinate to prepare the order of Warrant of Arrest and thereafter sign the Warrant of Arrest?
>
> x x x
>
> Court:
>
> It is done by them and this Presiding Judge considering that she is busy in her four (4) Courts they prepare the order, the Presiding Judge will verify and verify.
>
> x x x
>
> Prosecutor Cuartero:
>
> I'm asking that question because this Presiding Judge [is] handling several Courts and handling voluminous cases because I am afraid your honor that a prepared Order of Warrant of Arrest is brought before the table of the Judge because she is busy and the numerous courts that she is handling that such incident may occur so that the Judge may just assign for the Warrant of Arrest.
>
> Court:
>
> Before this presiding judge sign[s] the Warrant of Arrest I will go over the record if there is a preliminary examination and if there is an order of the Court, never automatic[,] this Pres. Judge sign[s] the Warrant of Arrest. [15]

Judge Perez's above-cited declaration in open court was further affirmed in her Comment where she categorically stated that she was never influenced by Huelma to sign the assailed order and warrant. No evidence on record, certainly none submitted by Dela Peña, contradicts Judge Perez's averments. Her pertinent statements read:

...

> - I admit and take full responsibility over the fiasco brought about my erroneous issuance of the Order as well as the Warrant of Arrest against complainant Almeda and his co-accused dela Peña in Criminal Case No. 2435 pending with the 1st MCTC of Cantilan, Surigao del Sur, where I serve as its Acting Presiding Judge;
>
> - I deny and dispel any insinuation or suggestion that I was influenced or misled by anyone much less by respondent Huelma into signing the Order and warrant of arrest of the accused in Criminal Case No. 2435. The issuance of the Order and Arrest warrant against the accused in the aforesaid case is purely an honest mistake but admittedly a serious inadvertence on my part and for which I offer my deep and sincere apologies to the

> accused for the humiliation and embarrassment as a consequence of their arrest. The same however, has already been rectified when the matter was brought to my attention whereby I immediately issued the corresponding order quashing the warrant of arrest and voiding the order of its issuance x x x.[16]

The extent of Huelma's participation in the arrest of dela Peña and his co-accused, if at all, was established as to his preparation of the Order dated 21 May 2004 and the warrant of arrest. Yet even that fact which Huelma admitted to[17] can be reconciled with Judge Perez's acknowledgement of authority and control over MCTC, Cantilan, Surigao del Sur. Full responsibility over the wrongful issuance of the Order and the accompanying warrant of arrest fell squarely on Judge Perez, a fact she was candid enough to own up to.

Huelma also submitted the Daily Time Record (DTR) of MCTC Branch Clerk of Court Mrs. Belen L. Guillen (Guillen) to prove that the latter, who acted as officer-in-charge in the absence of Judge Perez, was present during the time the order and warrant were issued on 21 May 2004. Contrary to Guillen's representation in the 16 July 2004 hearing that she was on sick leave at the time the order and warrant were prepared, her DTR showed that she reported for work from 3 May to 21 May 2004, excluding Saturdays and Sundays. Guillen only took a leave of absence from 24 May to 28 May 2004 or after the issuance of the order and warrant. Thus, Guillen having reported for work prior to the time of the issuance of the order and warrant, it is safe to assume that Huelma was not the officer-in-charge when the order and warrant were issued. This fact was unrebutted by Dela Peña.

However, the foregoing matter appears irrelevant as Huelma himself admitted in open court that he prepared the Order dated 21 May 2004 upon the instructions of Judge Perez. Nonetheless, this admission of Huelma by itself does not establish any culpability on his part. Judge Perez has assumed responsibility for the wrong issuance issuance of the Order dated 21 May 2004 and the corresponding warrant of arrest.

Settled is the rule that in administrative proceedings, the burden of proof that the respondent committed the act complained of rests on the complainant. The complainant must be able to show this by substantial evidence, or such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. Otherwise, the complaint must be dismissed.[18]

From the foregoing discussions, the Court sees that Dela Peña in his complaint relied on too many assumptions unsupported by evidence. He contends that Huelma used the court's time and resources to further his personal cause in a land dispute but no evidence to prove it were ever presented. Even the allegation that Huelma personally delivered the order and warrant to the police was not substantiated.

The Court believes that complainant, in this case, did not discharge the required burden of proof to establish his allegations.

WHEREFORE, premises considered, the administrative complaint against Iluminado R. Huelma, Court Interpreter III, MCTC, Cantilan-Carrascal, Surigao del Sur, is hereby DISMISSED for lack of merit.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, Carpio Morales and Velasco, Jr., JJ., concur.

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[1] Occida v. Malnegro, A.M. No. P-05-1961, 17 February 2005, 451 SCRA 613.

[2] DARAB Case No. SDS-13-1673 for Nullification of CLOA No. 00207356 entitled CAMPCO v. Joey Joseph Flores, et al.

[3] BFAR Case for Annulment of FLA No. 3782 and/or Disapproval of FLA No. 1767-1768 entitled Fortunato T.

Huelma, et al. v. CAMPCO/Joey H. Tan.

[4] Rollo, p. 20. The Order states:

> Considering that the Office of the Provincial Prosecutor have (sic) already conducted the preliminary and clarificatory investigation of this case and as a matter of fact there was an order by the said Office to submit their counter-affidavit which after evaluation of the evidences (sic) presented by the prosecution, the said Office finds and so hold[s] that there is a sufficient ground to engender a well founded belief that the offense has been committed by the two accused who are probably guilty thereof and this Court hereby adopt[s] the finding of probable cause by the Provincial Prosecutor.
>
> WHEREFORE, let a Warrant of Arrest be issued to Emmanuel A. Almeda and Albert De La Peña, fixing the bail bond in the amount of TWO THOUSAND (P2,000.00) Pesos each for their provisional liberty.
>
> SO ORDERED.

[5] Id. at 21.

[6] Section 16 of the Revised Rule on Summary Procedure provides:

> Arrest of Accused."The court shall not order the arrest of the accused except for failure to appear whenever required. Release of the person arrested shall either be on bail or on recognizance by a responsible citizen acceptable to the court.

[7]Rollo, p. 26.

[8]Id. at 27.

[9]Id. at 28.

[10] Id. at 36-44. The Comment was designated as Counter-Affidavit.

[11] Id. at 37-38.

[12]Id. at 45-47.

[13]Id. at 98-100.

[14]Report of Investigation and Transcript of the Proceedings, 1[st] Indorsement dated 23 June 2006, p. 4.

[15]Rollo, pp. 78-80.

[16] Id. at 98.

[17]Id. at 71-72.

[18] Adajar v. Develos, A.M. No. P-05-2056, 18 November 2005, 475 SCRA 361, 376-377.

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