

CONCERNED CITIZEN, COMPLAINANT, VS. ROLANDO “BOYET” BAUTISTA, PROCESS SERVER, RTC-OCC, BALANGA CITY, BATAAN, RESPONDENT.

A.M. No. P-04-1876 (Formerly OCA-IPI-04-1958-P). August 31, 2004

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TINGA, J.:

On November 18, 2003, the Office of the Court Administrator (OCA) received a handwritten letter-complaint from a “Concerned Citizen” accusing Mr. Rolando “Boyet” Bautista, Process Server, OCC-RTC, Balanga City, Bataan, of violating Administrative Circular No. 5[1] dated October 4, 1988 of the Court, which enjoins “all officials and employees of the Judiciary . . . from being commissioned as insurance agents or from engaging in any such related activities.”

Together with his letter-complaint, the anonymous complainant submitted the Sinumpaang Salaysay of one Orlando Pinili y Lacson (Pinili) of Tenejero, Balanga City, Bataan, the Personal Bail Bond issued by the Plaridel Surety and Insurance Company (Plaridel Surety) to secure his provisional liberty in Criminal Case No. 6333 of the 3[rd] Municipal Circuit Trial Court (MCTC) of Orion-Pilar, Bataan and other papers related thereto.

As culled from the letter-complaint and Pinili’s affidavit, the antecedents are as follows.

In July 2003, Pinili was detained for violation of Section 11, Article 2 of RA 9165.[2] Claiming that he is a legitimate agent of Plaridel Surety, respondent offered his services to facilitate the processing of Pinili’s bail bond. He was able to secure a bond for Pinili’s release. Later on, it was discovered that the license of the surety company had already expired when it issued the bond.

On April 1, 2004, the OCA referred the anonymous letter-complaint to Honorable Manuel M. Tan, Executive Judge, Regional Trial Court (RTC) at Balanga City, Bataan, for investigation, report and recommendation.

On May 3, 2004, the OCA received a letter dated April 22, 2004 from the respondent, together with his own affidavit and those of two others.[3] Asserting that the allegation about his role in the processing of Pinili’s bail bond is not true as he did not know Pinili, he declared that it was Mr. Leopoldo Aringo, the authorized representative of Plaridel Surety, who facilitated Pinili’s bail bond. However, he admitted that there were instances that he was asked where to secure bail bonds and he obliged by referring the matter to Plaridel Surety but he did so only to help and without any intent to gain.[4]

On May 19, 2004, the OCA received the letter-report dated April 26, 2004 of Judge Tan. He stated that Mr. Aringo confirmed that respondent assisted accused persons in processing their bail bonds and that respondent himself admitted to him having helped facilitate bail bonds procured through Plaridel Surety. He recommended a light penalty for the infraction of the respondent.

Finding respondent’s admission that he sometimes helped facilitate bail bonds procured through Plaridel Surety as a clear proof that he violated Administrative Circular No. 5, the OCA recommended that respondent be fined Five Thousand Pesos (P5,000.00), with a warning that a repetition of the same or similar offense in the future

shall be dealt with more severely. The OCA considered the fact that it was the first complaint against the respondent.

The Court agrees with the findings of the OCA, as well as its recommended penalty.

The avowed objective of Administrative Circular No. 5 dated October 4, 1988 is to ensure that the entire time of the officials and employees in the Judiciary be devoted to their official work to insure the efficient and speedy administration of justice. Unlike that of the rest of the government work force, the nature of work of the officials and employees of the courts requires them to serve with maximum efficiency and the highest degree of devotion to duty in order to maintain public confidence in the Judiciary.

Spread across the record are more than substantial evidence establishing respondent's violation of the Circular, Judge Tan pointed to the admission of the respondent himself and the statement of Mr. Aringo concerning respondent's participation. Indeed, respondent made admissions both in his letter and affidavit. Although he submitted the affidavits of Mr. Aringo and Ms. Ongoco, there is nothing there which explicitly exculpates him in any way.

This being respondent's first offense, however, a fine of Five Thousand (P5,000.00) Pesos is appropriate.

WHEREFORE, respondent ROLANDO "BOYET" BAUTISTA, Process Server, OCC-RTC, Balanga City, Bataan, is found GUILTY of violating Administrative Circular No. 5 dated October 4, 1988 of the Court. He is ORDERED to pay a FINE of Five Thousand Pesos (P5,000.00), with a WARNING that a repetition of the same or a similar act shall be dealt with more severely.

SO ORDERED.

Austria-Martinez, (Acting Chairman), Callejo, Sr., and Chico-Nazario, JJ., concur.
Puno, (Chairman), J., on official leave.

[1] TO : ALL OFFICIALS AND EMPLOYEES OF THE JUDICIARY

SUBJECT : PROHIBITION TO WORK AS INSURANCE AGENT

In line with Section 12, Rule XVIII of the Revised Civil Service Rules, the Executive Department issued Memorandum Circular No. 17 dated September 4, 1986 authorizing heads of government offices to grant their employees permission to "engage directly in any private business, vocation or profession x x x outside of office hours."

However, in its En Banc Resolution dated October 1, 1987, denying the request of Atty. Froilan L. Valdez of the Office of Associate Justice Ameurfina Melencio-Herrera to be commissioned as a Notary Public, the Court expressed the view that the provisions of Memorandum Circular No. 17 of the Executive Department are not applicable to officials or employees of the courts considering the express prohibition in the Rules of Court and the nature of their work which requires them to serve with the highest degree of efficiency and responsibility, in order to maintain public confidence in the Judiciary. The same policy was adopted in Administrative Matter No. 88-6-002-SC, June 21, 1988, where the court denied the request of Ms. Esther C. Rabanal, Technical Assistant II, Leave Section, Office of the Administrative Services of this Court, to work as an insurance agent after office hours including Saturdays, Sundays, and holidays. Indeed, the entire time of Judiciary officials and employees must be devoted to government service to insure efficient and speedy administration of justice.

ACCORDINGLY, all officials and employees of the Judiciary are hereby enjoined from being commissioned as insurance agents or from engaging in any such related activities and, to immediately desist therefrom if presently engaged thereat.

See also *Pimentel v. De Leoz*, A.M. No. P-02-1620, April 1, 2003, 400 SCRA 193.

[2] The Comprehensive Dangerous Drugs Act of 2002.

[3] Ms. Sophia J. Ongoco, an employee of the MTCC of Orion-Pilar, Bataan and Leopoldo F. Aringo, the agent and authorized representative of the Plaridel Insurance and Surety Company in Balanga City, Bataan.

[4] Respondent stated in his letter, thus:

Kung sa nakaraang pagkakataon ako ay nakapag-refer kung saan puwedeng magpiyansa ang ilang nagtanong at nakiusap sa akin, iyon ay ginawa ko lamang bilang pagtulong sa tao ng walang interes o pakinabang. Kung ito ay hindi tama at hindi maganda sa imahen ng ating kagalang-galang na hudikatura buong katapatan ko pong hindi na muling gagawin ito upang maiwasan ang maling kaisipan ng nagreklamo laban sa akin.

and in his affidavit, the following :

- Ang natatandaan ko lamang na nagawa ko na maaaring ikinanasama ng loob ng kung sino mang nagreklamo sa akin ay ang ilang pagkakataon na akoy ay nag-refer na sa Plaridel Insurance Company magtungo dahil sa may mga nagtanong sa akin kung saan sila puwedeng magpiyansa ng surety dahil sila ay walang sapat na pera para sa cash bond.

- Ang pagrefer ko sa kung saan sila puwedeng magpiyansa ay pagtulong ko lamang sa mga nagtatanong sa akin. Ito ay walang kapalit o pakinabang sa akin. At kung dahil sa pagtulong kong ito ako pa ay irereklamo, hinding-hindi ko na gagawin na ako ay magrefer kahit saang bonding company kung saan puwedeng lumapit ang mga akusado kahit na sila ay magtanong o makiusap pa sa akin.

x x x

- Inuulit ko po na kung hindi tama at maganda ang aking nagawang pagtulong sa mga lumapit sa akin at nagtanong kung saan puwede silang magpiyansa ng surety, na kung saan ay itinuro ko lamang ang Plaridel Insurance Company, ito ay hindi ko na muling gagawin. Iiwasan ko na po na mag-refer kahit saan mang surety company kahit na nakikiusap pa sa akin ang sinuman. Ito ay upang mapanatili na malinis ang aking konsiyensa at ako ay hindi mapaghinalaang nakikinabang o tumanggap ng anumang pabuya.

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