

RITA ONG, PETITIONER, VS. DAKILA C. MANALABE, COURT LEGAL RESEARCHER, REGIONAL TRIAL COURT, MANILA, BRANCH 31, RESPONDENTS.

A.M. NO. P-05-1931(FORMERLY OCA IPI NO. 02-1470-P). January 13, 2005

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PER CURIAM:

By letter[1] of August 27, 2002, Judge Leonardo P. Reyes of the Regional Trial Court of Manila, Branch 31, referred to the Office of the Court Administrator (OCA) a complaint-affidavit[2] of Rita Ong (complainant) against respondent Dakila C. Manalabe, Court Legal Researcher of said court, charging him of extortion and/or demanding money from a litigant.

The complaint-affidavit reads:

x x x

- Na si Dakila C. Manalabe ay hiningan kami ng pera tuwing hearing ng halagang isang libo hanggang dalawang libo piso ang naibibigay lang po namin kahit labag sa kalooban naming ay hanggang limang daan hanggang isang libo;
- Na humingi rin po siya ng apat na libong piso (P4,000.00) pambili po ng bike daw ng anak niya dahil birthday daw po nito nagdahilan po ako na wala ang asawa ko at hindi po ako nagbigay;
- Na noon pong lumabas ang aming kaibigan na nakakulong na binibigyan lang namin ng moral support ay humabol pa sya sa City Jail at pilit humingi ng pera, ayaw po sana naming magbigay pero alam naming hindi nya kami titigilan kaya napilitan po ang asawa ko na bigyan na siya ng dalawang libo at limang daan para umalis siya;
- Na kami po ay walang kaso sa RTC, Branch 31. kami po ay dumadalo lamang sa hearing ng isang kaibigan para bigyan siya ng moral support dahil wala siyang kamag-anak na pwede dumalo sa hearing;
- Na masakit po sa loob naming na paulit-ulit kami hingan ng pera gayong wala kaming kaso sa korte, kami ay nagbibigay lamang ng moral support sa kaibigan;

x x x

In compliance with the directive[3] issued by the OCA, respondent filed his comment[4] denying the accusations against him. He claims that he had not known nor had any transaction with complainant; that “it is not in accord with the natural course of human event to succumb to extortion” for a person who is not a party-litigant as in the case of complainant; that complainant’s affidavit is bereft of details on when, how and where the acts complained of occurred and is not supported by any other affidavits, e.g., that of her husband and party-litigant-friend, despite her use of the word “KAMI” to convey that it was not only she (complainant) who had knowledge of the alleged extortion; and that by complainant’s use of the phrases “labag sa kalooban naming; “nagdadahilan po ako x x x at hindi ako nagbigay;” “ayaw po namin magbigay;” and “na masakit po sa loob naming na paulit-ulit kami hingan” in her affidavit, she betrayed her claim of “fear which is the operative or controlling case in extortion.”

Respondent challenges the motive of the filing of the complaint against him, he claiming that it is only a concoction, Judge Reyes having wrongfully suspected him as the author of an anonymous letter to this Court exposing the judge's delay in the issuance of release orders for detention prisoners. In support of his claim, he draws attention to the filing of the complaint on the same month that the anonymous letter was received by Judge Reyes.

Responding[5] to respondent's comment, complainant submitted the affidavit[6] of Danilo P. Garcia, Process-Server of RTC Manila Branch 31, who witnessed the acts complained of and corroborated her allegations. As for his suspicion that Judge Reyes had something to do with filing of the instant complaint, complainant averred that she and her husband sought the help of Judge Reyes even before the "anonymous letter" against said Judge was sent to the Supreme Court.[7]

By Resolution[8] of July 14, 2003, the case was referred to Executive Judge Enrico A. Lanzanas of RTC Manila Branch 7 for investigation, report and recommendation.

During the September 15, 2003 hearing conducted by the Executive Judge, complainant's counsel informed that the complaint-affidavit would serve as complainant's direct testimony. Respondent waived his right[9] to cross examine complainant.

In response to the clarificatory questions[10] propounded by the Executive Judge, complainant declared as follows: She met respondent sometime in June or July of 2001 through her cousin Mario Tan who was an accused in a case pending before RTC Manila, Branch 31. In the course of the hearing of her cousin's case, respondent approached her and her husband and told them that he would help them as he was influential to the judge. Since then, during every hearing, respondent would ask money from them and they would extend him some. Respondent later demanded P4,000.00 from her husband to buy a bicycle for his son's birthday but they only gave P2,500.00 after her cousin was released from prison. They later complained of respondent's acts to Judge Reyes who assured them that he would take care of the matter.

Complainant's witness, Danilo P. Garcia, affirmed at the witness stand the following contents of his affidavit:[11]

x x x

- Na nalaman ko po na itinanggi ni Dakila Manalabe na kilala niya si Mrs. Rita Ong at Mr. Ong;
- Na ito po ay kasinungalingan dahil noong araw po ng nanghihingi siya ng pera kay Mr. and Mrs. Ong ay nadoon ako sa Manila City Jail at nag-release;
- Habang nadoon po ako sa City Jail sinabihan po ako ng jail guard na nadoon si Dakila Manalabe, and aming legal researcher;
- Nagtaka po ako kaya hinanap ko siya at nakita ko siya sa labas ng City Jail na kausap si Mr. Ong at nakita kong may inabot sa kanya;
- Nang pumasok po si Mr. Ong at pumunta na sa kinaroroonan namin ay sinabi nilang humingi ng pera si Dakila Manalabe sa halagang P2,500.00.
- Na hindi lamang po ako ang nakakita kay Manalabe noon pati jail guard na nagsabi sa akin na nadoon siya kaya hindi po totoo ang sinasabi niyang hindi niya kilala si Mr. and Mrs. Ong.

x x x

To test Garcia's credibility, he was requested by respondent to, and he did make a sketch[12] of the premises of the Manila City Jail and pointed to the location where he saw Mr. Ong hand over something to respondent.[13]

Another witness for complainant, her husband, Johnson Ong, also affirmed the contents of his affidavit,[14] the pertinent portions of which read:

x x x

2. Ako ay laging kasama ng Misis ko tuwing dumadalo kami sa hearing ni Mario Tan sa korte ni Judge Leonardo Reyes sa NAPOCOR Bldg., sa Port Area;
3. Maraming beses kaming pilit na hiningan ng pera ni Dakila Manalabe, at tuwing siya'y manghihingi, ako ang nag-aabot. Pero iyon ay sa aming dalawa ng Misis ko;
4. Ayaw naming magbigay, pero kami ay napipilitan dahil takot kami na mapasama si Mario Tan kung hindi kami magbibigay;
5. Ang pag-aabot ko ng pera kay Dakila Manalabe ay naganap sa labas ng korte. Malimit ay sa Comfort Room o kubeta ng mga lalake sa NAPOCOR. Umaabot mula sa P1,000.00 hanggang P2,000.00 and hinihinging pera pero minsan ay P500.00 lang ang naibibigay namin;
6. Ang pinakahuling hingi sa amin ng pera ni Manalabe ay noong December 14, 2001 nang si Mario Tan ay mapawalang sala at ma-release sa kulungan;
7. Nangyari ang pilit na paghingi ni Manalabe ng pera sa labas ng bakod na bakal ng Manila City Jail. Nagbabantay ako noon sa aming kotse na nakaparada. Nagulat ako nang dumating siya pagkatapos sabi niya "o papano alam mo naman tapos na ang kaso;"
8. Sa Pagkakataong iyon, humingi si Manalabe ng P5,000.00, pambili daw ng bike ng anak nya dahil birthday daw nya;
9. Napilit akong magbigay ng P2,500.00. At nung pumasok ako sa City Jail tinanong ako ni Danilo Garcia kung ano ginagawa ni Dakila sa City Jail. Sinabi ko nanghingi ng pera. Nakita pala niya ang pag-abot ko ng pera kay Dakila;

x x x

As for respondent, he too affirmed at the witness stand the contents of his comment-affidavit.[15] On cross-examination, he proffering that the administrative case helped him refresh his memory, admitted that complainant's face is familiar. He, however, denied being within the premises of Manila City Jail when Mario Tan was released from prison, he (respondent) claiming that he was then at Branch 31 where complainant even treated the staff for lunch.[16]

In his Report and Recommendation,[17] Judge Lanzas found respondent guilty of extortion as charged and recommended that he be suspended from the service for One (1) Year without pay.

In a memorandum[18] addressed to Third Division Chairman Artemio V. Panganiban, the OCA adopted the findings and conclusions of the Judge Lanzas but modified the recommended penalty.

We agree with the findings and conclusions of the investigating judge. The complainant's evidence consisted of not only her own sworn statement, but also the corroborating statement of her husband and the eyewitness account of the process server of Branch 31, RTC, Manila. We find no reason to doubt the testimonies presented by the complainant and her witnesses, there being no inconsistencies on the material points.

While the evidence consisted principally of the testimonies of complainant and her eyewitnesses, such fact alone does not render them of less weight and credence. The testimony of respondent during the hearing conducted by the investigating judge failed to refute the allegations of complainant and her witnesses. During the direct examination, respondent admitted that the face of the complainant "is in fact familiar" (TSN, Nov.

18, 2003, p.8; Rollo p. 213). There was no categorical denial of him not knowing complainant and her husband. The presence of complainant and her husband during the hearings of the case of complainant's cousin, their presence at the Manila City Jail on December 14, 2001, as well as the presence of the Process Server on the mentioned date, were duly established and again respondent failed to refute the same.

Moreover, complainant categorically stated during the hearing that on December 14, 2001 she saw her husband giving money to the respondent. This statement was corroborated by her husband and substantiated by the process server of Branch 31, RTC, Manila who on the said date was required to carry the Release of Mario Tan, cousin of complainant.

In his direct testimony, respondent said that on December 14, 2001, "I was with my officemate at Regional Trial Court, Branch 31" (TSN, Nov. 19, 2003, p.10; Rollo pp. 215), but he failed to present his witnesses to substantiate his claim that indeed he was at Branch 31 on the aforementioned date and not at the Manila City Jail.

In the face of the positive declarations of complainant and her witnesses, all respondent could offer in his defense is denial. A careful scrutiny of the comment of respondent clearly reveals that he only made a general denial of the charge. Without fully explaining himself, respondent pointed to Judge Leonardo P. Reyes, former Presiding Judge of Branch 31, Manila as the brain behind the administrative complainant. However, these endeavors of respondent are unavailing in the face of categorical assertions of the complainant that respondent did in fact demand money from her and her husband upon the promise of a favorable judgment for her cousin.

The investigating Judge found the testimony of the complainant and her witnesses on the extortion as more convincing than the denial of respondent. We find no cogent reason to disregard the same. In an administrative proceeding, only substantial evidence, or that amount of relevant evidence, which a reasonable mind might accept, as adequate to support a conclusion, is required.

The conduct or behavior of all officials and employees of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility. Their conduct, at all times, must not only be characterized by propriety and decorum but above all else must be above suspicion. (*Jereos, Jr. vs. Reblando, Sr.*, 71 SCRA 126)

The Court held in *Mendoza v. Tiongson*: (333 Phil 508 [1996])

"What brings our judicial system into disrepute are often the actuations of a few erring court personnel peddling influence to party-litigants, creating the impression that decisions can be bought and sold, ultimately resulting in the disillusionment of the public. This Court has never wavered in its vigilance in eradicating the so-called "bad eggs" in the judiciary. And whenever warranted the gravity of the offense, the supreme penalty of dismissal in an administrative case is meted to erring personnel."

Accordingly, we find respondent guilty of grave misconduct. Considering the gravity of his offense, we are not satisfied with the recommended penalty of suspension. Respondent not only failed to comply with the strict and rigorous standards required of all public officers and employees but worse, his act eroded the faith of the complainant in the judiciary. Thus, he must be punished with maximum severity because all involved in the dispensation of justice must live to the strictest standard of honesty and integrity in the public service. (*Gacho vs. Fuentes, Jr.* A.M. No. P-98-1265, June 29, 1998)

It is respectfully recommended that this case be re-docketed as a regular administrative matter and that the respondent be **DISMISSED** from service for grave misconduct, with forfeiture of retirement benefits and disqualification for re-employment in government service including government owned and controlled corporations. (Underscoring supplied)

This Court appreciates no reason to disturb the findings of investigating Judge Lanzas which were affirmed by

the OCA. Respondent's plain denial of the acts imputed to him cannot overcome the categorical and positive declarations made by complainant, her husband, and Garcia that he demanded money from complainant and her spouse with the promise that he would help them seek a favorable judgment for complainant's cousin Mario Tan. These declarations constitute substantial evidence required in administrative proceedings.

It bears noting that aside from opting not to cross-examine complainant, respondent did not present evidence to corroborate his alibi that he was with an officemate in Branch 31 at the time he was alleged to be again extorting money from complainant and her husband at the City Jail.

The image of the court of justice is necessarily mirrored in the conduct of the men and women who work thereat, from the judge to the personnel holding the lowest position. It becomes the imperative and sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.[19] Respondent failed in this duty. His acts of demanding money from complainant and her husband undoubtedly erode our people's faith and confidence in the administration of justice.

As the offense committed by respondent constitutes a grave misconduct under Section 23(c), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 otherwise known as the Administrative Code of 1987, the commensurate penalty of dismissal, even if committed for the first time, must be meted.

WHEREFORE, respondent Dakila C. Manalabe, Court Legal Researcher, Regional Trial Court, Manila, Branch 31, having been found GUILTY of grave misconduct, is DISMISSED from the service effective immediately, with forfeiture of all retirement benefits, except accrued leave credits, with prejudice to his reemployment in any branch or instrumentality in the government, including government-owned and controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Puno, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.

[1] Rollo at 1.

[2] Id. at 2.

[3] Id. at 8.

[4] Id. at 10-16.

[5] Id. at 30-31.

[6] Id. at 32.

[7] Id. at 30-31.

[8] Id. at 42.

[9] Id. at 60.

[10] Id. at 146-171.

[11] Id. at 32.

[12] Exhibit "2"; Rollo at 108.

[13] Rollo at 181-185.

[14] Id. at 78.

[15] Id. at 210.

[16] Id. at 213-216.

[17] Id. at 219-227.

[18] Id. at 229-235.

[19] Judge Amalia F. Dy v. Atty. Bonifacio S. Pascua et al., A.M. No. P-04-1798, May 27, 2004 citing Ulat-Marrero v. Torio, Jr., 416 SCRA 177 (2003).

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