

CYNTHIA N. EUFEMIO, COMPLAINANT, VS. ANTONIO F. MADAMBA, RESPONDENT.*A.M. NO. P-02-1608. January 13, 2005*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/def48ca0d4a3/>**PER CURIAM:**

In a letter dated January 11, 2001, addressed to Judge Amor A. Reyes, Cynthia N. Eufemio charged Antonio Madamba, Legal Researcher of the Regional Trial Court (RTC) of Manila (Branch 20), with bribery and extortion. The letter was accompanied by an affidavit setting out the basic facts supporting the charge.

Upon receipt thereof, Judge Reyes required Madamba to explain why no criminal or disciplinary action should be taken against the latter under the provisions of the Revised Penal Code and/or the Civil Service Rules and Regulations. In response, Madamba submitted a letter dated January 15, 2001, together with an “Affidavit-Answer” denying the charges.

Thereafter, Judge Reyes forwarded the Complaint and answer to the Office of the Court Administrator (OCA). On May 6, 2002, the OCA recommended that the matter be docketed as a regular administrative complaint and that it be referred to the Executive Judge, RTC, Manila, for investigation.

On July 10, 2002, the Court referred the case to the Executive Judge of the Regional Trial Court, Manila, pursuant to the Court Administrator’s recommendation.[1] On December 5, 2002, Executive Judge Enrico A. Lanzas made his report and recommendation.

The case was then referred back to the OCA for evaluation, report and recommendation.

The facts were summarized by Executive Judge Enrico A. Lanzas as follows:

“From the testimony of the complainant and respondent and from the evidences that they submitted, it appears that the respondent during all the time pertinent to the matter under consideration was the Legal Researcher and OIC of Branch 20, RTC, Manila; while the complainant Cynthia Eufemio was a party to an Ejectment case “Civil Case No. 00-98099” pending on appeal before Branch 20, RTC, Manila. On October 11, 2000, complainant went to Branch 20, RTC, Manila to comply with her obligation to deposit her lease rentals in connection with her appealed case entitled “Cristina Estrera, et al., v. Cynthia N. Eufemio. She met respondent Madamba who was the O.I.C. of Branch 20 at that time, and in the course of their conversation complainant handed to respondent Madamba the amount of P8,000.00 for which respondent Madamba issued a receipt “Exhibit “A-3”. Again, on November 17, 2000, complainant again went to RTC, Manila to deposit her rental deposit of P10,000.00. Once again, the amount of P10,000.00 which was supposed to be the rental deposit by the complainant fell into the hands of respondent Madamba. Again Madamba issued a handwritten receipt for said amount “Exhibit “A-4”. The handwritten receipts were acknowledged by the respondent stressing out however that he received the amounts for safe keeping only. He denied having received any amount except the P18,000.00 covered by the two (2) aforementioned receipts. Explaining his reason for receiving the P18,000.00 from the complainant, Madamba insisted that it was the complainant who forced him to receive the said amounts for safe keeping only and that the same had nothing to do with the case then pending before the branch wherein he was the OIC. He further explained that at that time, the complainant was in a hurry that is

why he was forced to receive the P18,000.00 from her. Finally, he said, that anyhow he has already returned the sum to the complainant. He also stressed that the complainant admitted that the money was entrusted to the respondent for safekeeping and not to bribe the respondent.

From the evidence received by the Court, it is clear that respondent Madamba received at least the amount of P18,000.00 from complainant Eufemio. The receipt issued dated October 11, 2000, clearly showed that the P10,000.00 received by the respondent from the complainant was for safe keeping intended for the rental of the house located at 126 Paz Street, Paco, Manila, in Civil Case No. 00-98099; the receipt dated November 17, 2000 specified that it was received for safe keeping as rental deposit in the same case. Clearly, therefore, respondent was not telling the truth when he insisted that the P18,000.00 had nothing to do with the case pending before the Court where he was the OIC.

It is also clear, that respondent has no authority much less any business receiving money intended as rental deposit. He should have referred the complainant to the Clerk of Court which office has the authority to receive rental deposits. In fact, he did not even remember when he returned the money to the complainant and that there was no agreement between him and the complainant as to when the P18,000.00 was to be returned to Cynthia Eufemio.

The Court is also convinced that respondent received not only P18,000.00, but also the additional sums of P2,500.00 at an eatery at Paco, Manila; another P2,500.00 at the residence of the complainant and P3,000.00 at SM Manila the last amount on the very day that the counsel for the complainant received a copy of the decision which was unfavorable to the complainant. The mere assertion of the respondent that the amounts received by him were not bribe for him to work for a favorable decision in favor of complainant cannot prevail against the clear testimony of the complainant and the receipts issued by the respondent. The fact that the respondent received the sums of money from the complainant not at the respondent's office at City Hall, Manila, but in different places such as an eatery in Paco, Manila, the residence of the complainant and at SM Manila, clearly indicate that contrary to the claim of respondent, the sums were received by him because of his assurance to work for a favorable decision of the case wherein complainant was a party litigant. His defense that he already returned the P18,000.00 to the complainant is even evidence against him."

Agreeing with the Investigating Judge, the OCA found "sufficient basis to hold respondent liable for dishonesty and grave misconduct for the unauthorized collection of rental deposits and issuance of unofficial receipts." [2] It pointed out that "not even Branch Clerks of Court are authorized to collect rental deposits and issue receipts as this is a function of the Clerk of Court. Respondent, as the Legal Researcher and Officer-In-Charge was unauthorized to receive rental deposits from complainant." [3] It recommended that respondent be dismissed from the service.

We agree with the findings and recommendation of the OCA.

Respondent's acts of (1) accepting money intended as rental deposits and (2) demanding money allegedly to facilitate the procurement of a favorable decision constitute grave misconduct. Respondent has no business accepting and keeping money deposited by a party-litigant to cover rentals in connection with an ejectment case. Such act is not sanctioned by Supreme Court Circular 13-92. [4] He should have directed the complainant to deposit the same with the Clerk of Court or "he should have turned over the money to the Clerk of Court and made sure that the official receipt therefor has been issued since the latter is the custodian of official receipts and fiduciary collections of the court." [5] His claim that complainant forced him to receive the sums of P8,000 and P10,000 is simply incredible. Nevertheless, no matter how insistent complainant might have been that he keep the money, he should still have taken the proper steps to ensure that all moneys received in trust were deposited with the proper custodian and were duly accounted for. Being involved in the dispensation of justice, his acts must always be beyond reproach and free from any suspicion that may taint the judiciary. [6]

Worse, the actions of respondent tended to engender the public misperception that decisions could be bought by those who were willing and able to pay the price therefor. He made a mockery of the principle enshrined in our fundamental law that a public office is a public trust.[7]

All those involved in the administration of justice are required at all times to conduct themselves with the highest degree of propriety and decorum[8] and to avoid incidents that tend to degrade the judiciary and diminish respect and regard for the courts. The willful and intentional failure of respondent to obey this mandate constitutes grave misconduct that warrants his dismissal[9] from the service.[10]

On the part of any person involved in the administration of justice, we cannot countenance any conduct, act or omission that would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.[11]

WHEREFORE, respondent Antonio F. Madamba is found GUILTY of gross misconduct and hereby DISMISSED from the service, effective upon service on him of this Decision, with FORFEITURE of all benefits except accrued leave benefits. Furthermore, he is DISQUALIFIED from being reemployed in the Government or in any subdivision, instrumentality or agency thereof, including government-owned or -controlled corporations.

SO ORDERED.

Davide, Jr., C.J., Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.
Puno, J., no part, due to relationship to counsel.

[1] July 10, 2002 Resolution; rollo, p. 19.

[2] OCA Memorandum dated July 15, 2004, pp. 4-5.

[3] Id., pp. 6-7.

[4] The circular states, inter alia: "All collections from bailbonds, rental deposits and other fiduciary collections shall be deposited immediately by the Clerk of Court concerned, upon receipt thereof, with an authorized government depository bank."

[5] Madrid vs. Ramirez, 254 SCRA 376, 383 (1996).

[6] Juntilla vs. Calleja, 262 SCRA 291 (1996); Quiroz vs. Orfila, 272 SCRA 324 (1997).

[7] Mendoza vs. Tiongson, 265 SCRA 653 (1996).

[8] Amame vs. Mendoza-Arce, 318 SCRA 465 (1999).

[9] Section 22(c) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws prescribes the penalty of dismissal for the offense of grave misconduct.

[10] Almario vs. Resus, 318 SCRA 742, 748-749 (1999).

[11] Marcos vs. Sandiganbayan, 247 SCRA 108 (1995).

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