

JUAN CORONADO, PETITIONER, VS. THE SANDIGANBAYAN AND THE PEOPLE OF THE PHILIPPINES, RESPONDENTS.*G.R. No. 94955. August 18, 1993*

Ponente: VITUG, J.

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The Sandiganbayan convicted the petitioner, Juan Coronado, for violation of Section 3(f) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act, from which decision[1] this petition for review on certiorari was filed.

Herein petitioner, then a newly hired Process Server in the Office of the Clerk of Court of the Regional Trial Court ("RTC") of Antipolo, Rizal, was charged, along with Cesar Villamor and Oscar Caing, in an Information, dated 26 November 1985, and docketed as Criminal Case No. 11035 (p. 7, Rollo). The arraignment was postponed for several times because of a pending reinvestigation then being conducted by the Tanodbayan-. After the reinvestigation, an "Omnibus Motion to Admit Amended Information and To Dismiss the case Against Accused Cesar Villamor and Oscar Caing", dated 09 February 1987, was filed by the Tanodbayan (Ibid.).

On 23 September 1987, the respondent court granted the omnibus motion above-referred to and thereby admitted the Amended Information against the petitioner, thus?

"That during the period from August 31, 1984 to February 21, 1985 in the Municipality of Antipolo, Province of Rizal, Philippines, and within the jurisdiction of this Honorable Court, accused JUAN CORONADO, JR., a public officer being the Process Server of all the Regional Trial Court of Antipolo, Rizal, did then and there wilfully and unlawfully neglect and refuse to serve within reasonable time, a copy of the Order dated July 11, 1984, issued by Executive Judge Antonio V. Benedicto in Civil Case No. 290-A entitled "Pinagkamaligan Indo-Agro?Development Corporation, et al. v. Mariano Lim, et al.," denying plaintiffs' Motion for Reconsideration of the Order of January 23, 1984 dismissing their complaint for Cancellation of Title, upon plaintiffs' counsel, Atty. Patrocinio Palanog, without sufficient justification, despite due demand and request made by defendant Mariano Lim, the copy of said Order of July 11, 1984 being served on plaintiffs' counsel only on February 22, 1985, for the purpose of giving undue advantage in favor of the plaintiffs and discrimination against defendants in said case by delaying the finality of the order of dismissal and allowing the plaintiffs to prolong their stay on the land in litigation.

CONTRARY TO LAW." (p. 8, rollo)

Paraphrasing the Sandiganbayan, the chronological recitation of events, based in part on the stipulation of facts and the rest on the evidence adduced during the trial, may be stated, as follows:

First - The Regional Trial Court of Rizal (Br. 71) issued an Order, dated 11 July 1984, denying plaintiffs' motion for reconsideration of the order of 23 January 1984, that dismissed the complaint in Civil Case No. 290-A, entitled "Pinagkamaligan Indo-Agro-Development Corporation, et al. v. Mariano Lim et al.";

Second - On 31 August 1984, the complaining witness Mariano Lim, one of the defendants in the above civil

case, learned of the rendition of the Order and the fact that it had not yet then been served upon the plaintiffs. Lim felt "agitated about the loss of eleven days before the decision's period of finality had commenced to run," and he, therefore, made representations with the Executive Judge, the Hon. Antonio Benedicto, to have the Order served on Atty. Patrocinio Palanog, the counsel for the plaintiffs;

Third - The accused, a process server, was directed to effect the service. His first attempt was unsuccessful because he could not locate the address of Atty. Palanog. The accused again tried on 02 September 1984, and although this time he found the address, Atty. Palanog and his entire family had apparently gone out for the weekend. The accused found only a woman, not a member of the family of Atty. Palanog, who had only been asked to watch over the house. Accused Coronado did not thus leave the Order;

Fourth - On 22 February 1985, Lim went back to the courthouse where he was informed that the case had meanwhile been sent to the archives together with 29 other cases (Exhibit "E") (Ibid.).

Fifth - On 25 February 1985, Lim returned to the courthouse and, examining the records, he observed additional unnumbered pages that include, among other things, a) a return, dated 4 September 1984 (Exhibit "F"), signed by accused Coronado stating that plaintiff's counsel, Atty. Palanog, could not be contacted; b) an entry at the foot of the Order of 11 July 1984 (Exhibit "A-2") to the effect that Atty. Palanog had received the Order on 25 February 1985; and (c) a return, dated 25 February 1985 (Exhibit "B") that the Order had indeed been served on plaintiffs (pp. 35-36, Rollo).

On the basis of the foregoing, particularly the 5-month delay in the service of the court order, the Sandiganbayan convicted herein petitioner of having violated Section 3(f) of Republic Act No. 3019 and imposed upon him the indeterminate penalty of imprisonment for six (6) years and one (1) month to nine (9) years and one (1) day.

Hence, this petition.

The pivotal issue in this case is whether or not the failure of the petitioner to successfully serve the 11 July 1984 Order, given the above settings, warrants his conviction under Section 3(f) of the Anti-Graft and Corrupt Practices Act.

The pertinent provision of the law (Republic Act No. 3019) alleged to have been violated provides:

Section 3. Corrupt Practices of Public Officers: The following shall constitute corrupt practices of any public officer and are hereby declared unlawful:

xxx xxx xxx

(f) Neglecting or refusing, after due demand or without sufficient justification, to act within a reasonable time on any matter pending before him for the purpose of obtaining, directly or indirectly from any person interested in the matter some pecuniary or material benefit or advantage in favor of or discriminating against another interested party.

Admittedly, the elements of the offense are that:

- a) The offender is a public officer;
- b) The said officer has neglected or has refused to act without sufficient justification after due demand or request has been made on him;
- c) Reasonable time has elapsed from such demand or request without the public officer having acted on the matter pending before him; and

d) Such failure to so act is "for the purpose of obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage in favor of an interested party, or discriminating against another.

The attendance of the first three elements in this case can hardly be disputed. The controversy, however, lies on the fourth element.

We agree with the Sandiganbayan that, indeed, there was failure on the part of the petitioner, a public officer, to observe due diligence in his assigned task; let us call it one of neglect, a broad term which is defined as the failure to do what can be done and what is required to be done (West's Legal Thesaurus/Dictionary, 1986). In its generic sense, it would not matter whether such refusal is intended or unintended. But here that is not the real issue. To warrant conviction for a violation of Section 3 (f) of the Anti-Graft and Corrupt Practices Act, the law itself additionally requires that the accused's dereliction, besides being without justification, must be for the purpose of (a) obtaining, directly or indirectly, from any person interested in the matter some pecuniary or material benefit or advantage in favor of an interested party or (b) discriminating against another interested party. The severity of the penalty imposed by the law leaves no doubt that the legislative intent is to consider this element to be indispensable.

The record is bereft of evidence, albeit alleged, to indicate that the petitioner's failure to act was motivated by any gain or benefit for himself or knowingly for the purpose of favoring an interested party or discriminating against another. It is not enough that an advantage in favor of one party, as against another, would result from such neglect or refusal. Had it been so, the law would have perhaps instead said, "or as a consequence of such neglect or refusal undue advantage is derived by an interested party or another is unduly discriminated against."

Let it again be said: It has always been the avowed policy of the law that before an accused is convicted of a crime, his guilt must be proved beyond reasonable doubt, and the burden of that proof rests upon the prosecution. The stringency with which We have scrupulously observed this rule needs no further explanation; suffice it to say that it behooves us to do no less whenever at stake is the life or liberty of a person. And so it is, not only in the appreciation of the evidence but likewise in the application and interpretation of the law.

It is not that We are condoning the misconduct of the petitioner, nor that we are unmindful of the prejudice that may have been sustained by the private respondent, but the legal remedies lie elsewhere, not in the instant action.

WHEREFORE, the judgment appealed from is REVERSED and the petitioner, Juan Coronado, is hereby acquitted of the charge on reasonable doubt.

SO ORDERED.

Narvasa, C.J., Cruz, Feliciano, Padilla, Bidin, Griño-Aquino, Regalado, Davide, Jr., Romero, Nocon, Bellosillo, Melo, Quiason, and Puno, JJ., concur.

[1] Penned by Presiding Justice Francis Garchitorena, concurred in by Associate Justices Regino Hermosissima, Jr. and Augusto Amores.

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