

EN BANC

[A.M. NO. P-06-2216 (FORMERLY OCA IPI. NO. 04-2037-P), April 20, 2007]

**SAMMY RODRIGUEZ, COMPLAINANT, VS. JAIME C. EUGENIO,
PROCESS SERVER, REGIONAL TRIAL COURT, BRANCH 123,
CALOOCAN CITY, RESPONDENT.**

R E S O L U T I O N

PER CURIAM:

This is an administrative complaint filed by complainant Sammy Rodriguez against respondent Jaime C. Eugenio, Process Server at the Regional Trial Court (RTC) of Caloocan City, Branch 121, for Grave Misconduct (Violation of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act).

Complainant alleges that he is the uncle of Sonny Acbay, accused in Criminal Case No. C-69159 for Robbery filed before Caloocan City, RTC- Branch 121, presided by Judge Adoracion G. Angeles.

The complaint states that sometime in June 2004, he went to Atty. Isabelo E. Sicat (Atty. Sicat), Public Attorney's Office (PAO) counsel *de officio* of his nephew Acbay, to inquire about the latter's case and was told to follow it up at the staff room of Caloocan City RTC-Branch 121. On his way to Branch 121, he met respondent who offered to work on the dismissal of the criminal case against his nephew. Respondent asked complainant for P300.00 which the latter promptly paid up. A week later, respondent again asked P500.00 ostensibly to be given to Meycauayan policemen. On several occasions thereafter, complainant avers that he had given respondent an additional aggregate amount of P1,700.00 for the dismissal of the case against his nephew.

On 14 September 2004, after his nephew's case was again reset, he asked Atty. Sicat why the case was still not dismissed. Atty. Sicat informed him that the court was still waiting for the return notice of the subpoena sent to private complainant Geraldine Calderon. Before noon of the same day, complainant went to see respondent at Caloocan City RTC-Branch 124 and was told that if he will give another P1,500.00 (P1,000.00 for Atty. Sicat and P500.00 for transportation to serve the subpoena) the case will be dismissed. Since he did not have any money with him, he agreed to give the money late afternoon the next day.

Thereafter, complainant sought the help of Erwin Tulfo of ABS-CBN. The next day, 15 September 2004, at around 3:00 p.m., complainant, accompanied by Erwin Tulfo, dropped by at the Caloocan Police Station which proposed to undertake entrapment of respondent. Subsequently, the entrapment in the vicinity of the Judicial Complex was conducted with complainant handing the white envelope containing P1,500.00 to respondent, who was then apprehended.

Later, respondent was charged with robbery, docketed as Criminal Case No. C-71514, before the Caloocan City RTC-Branch 122.

On 5 October 2004, Judge Adoracion G. Angeles, Presiding Judge of Caloocan City RTC-Branch 121, endorsed^[1] the instant administrative complaint and stated that on 7 July 2004, she requested the immediate relief of respondent. On 15 September 2004, long after his relief from Branch 121, respondent was caught in *flagrante delicto* near the Judicial Complex in another entrapment operation initiated by complainant with the assistance of Erwin Tulfo of ABS-CBN and the police, precipitated by respondent's repeated extortion from complainant.

Parenthetically, Atty. Sicat of the PAO accomplished an Affidavit^[2] attesting that he is the resident public attorney of Caloocan City RTC-Branch 121, and the counsel *de officio* of accused Sonny Acbay in Criminal Case No. C-69159; and that he never tasked respondent to demand money from anyone for the dismissal of a case, much less, did he ever receive money from respondent.

In his Comment^[3] dated 28 January 2005, respondent vehemently denies the allegations against him asserting that the "entrapment" was really a "set-up" perpetrated by complainant. Prior to 15 September 2004, he met complainant only once, which was sometime in June 2004, when he served a subpoena in Meycauayan, Bulacan. Thereafter, he did not meet complainant again until 15 September 2004 since he was transferred on 7 July 2004 to the Caloocan City RTC-Branch 124. Respondent asserts that the charges against him are incredulous, for how could he ever represent that he could have a case dismissed when he is only a lowly process server and not a judge. Moreover, Judge Angeles is very strict in requiring her personnel not to be involved in any case. Thus, he has no influence at all over any case. What really happened on 15 September 2004 was that he was invited by complainant for a snack of "goto" which he accepted. While he was looking at the cauldron containing "goto," complainant suddenly thrust in his trouser pocket the money saying that it was for his transportation fare to Meycauayan, Bulacan. Before respondent could reply, policemen suddenly appeared and arrested him. He was subjected to an ultra-violet examination of his hands which yielded negative results for he never really touched the money because he had no intention to receive it and Judge Angeles already had another process server. Lastly, respondent contends that since the charges against him are trumped up, complainant, bothered by his conscience, executed an Affidavit of Desistance. Thus, he prays for the dismissal of the instant complaint.

On 8 June 2006, the Office of the Court Administrator (OCA) submitted its report^[4] and recommended the following:

Respectfully submitted for the consideration of the Honorable Court is our recommendation that the instant administrative complaint be docketed as a regular administrative case and respondent Jaime C. Eugenio be DISMISSED from the service with forfeiture of his retirement benefits except accrued leave credits, if any, and with prejudice to his reinstatement in government service.^[5]

On 2 August 2006, we required^[6] the parties to manifest within ten days from notice if they were willing to submit the matter for resolution based on the pleadings filed.

On 6 October 2006, respondent submitted his manifestation^[7] stating he was submitting the case for resolution based on the pleadings filed.

Complainant failed to file his manifestation despite notice sent and received by him.

Resultantly, the case was submitted for decision based on the pleadings filed.

The Court, after examining the records of the case, upholds the findings of the OCA.

At the outset, we reiterate the settled rule that a complainant who suddenly changes his mind cannot simply withdraw an administrative complaint filed against an official or employee of the judiciary.

Administrative actions cannot depend on the will or pleasure of the complainant who may, for reasons of his own, condone what may be detestable. Neither can the Court be bound by the unilateral act of the complainant in a matter relating to its disciplinary power. Desistance cannot divest the Court of its jurisdiction to investigate and decide the complaint against the respondent. To be sure, public interest is at stake in the conduct and actuations of officials and employees of the judiciary. And the program and efforts of this Court in improving the delivery of justice to the people should not be frustrated and put to naught by private arrangements between the parties.^[8]

The issue in administrative cases is not whether the complainant has a cause of action against the respondent, but whether the employee against whom the complaint is filed has breached the norms and standards of service in the judiciary. Clearly, this Court has the power and the duty to root out misconduct among its employees, regardless of the complainant's desistance.^[9] Besides, the Desistance mentioned by respondent refers to the affidavit^[10] executed by complainant in the Robbery case filed before the Caloocan City RTC 1/2 Branch 122, which merely stated that the former was no longer interested in pursuing the case as he believed that there was no criminal intent on the part of respondent and the incident arose from petty misunderstanding and misapprehension of facts. Pertinent portions of the affidavit read:

2. That after due deliberation and studying regarding the circumstances surrounding the facts of the case that lead to the filing of the complaint, I was convinced that there was no criminal intent on the part of the accused and that the incident arose merely out of petty misunderstanding and misapprehension of facts;

3. That I am executing this affidavit to attest to the truth of the foregoing and to inform the Court that I am desisting and no longer interested in further pursuing the above-criminal case;

4. That I am further executing this affidavit of my own free will and voluntary act and deed without any force, intimidation, as monetary consideration on my part.^[11]

It is well-settled that in administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint.^[12] Substantial evidence is the amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.^[13] Evidence to support a conviction in a criminal case is not necessary, as the standard of integrity demanded of members of the Bench is not satisfied and merely allows one to escape the penalties of the criminal law.^[14] In the case at bar, complainant adduced substantial evidence to support his allegations.

As gleaned from the complainant's affidavit-complaint, respondent demanded sums of money for the dismissal of the criminal case against complainant's nephew.

4. Noon din ay nag-follow-up ako sa staff room ng Branch 121 at nakausap ko si Jimmy Eugenio na nagsabi sa akin na lalakaran daw niya ma-dismiss ang kaso magbigay lamang ako sa kanya ng tatlong daang (P300.00) piso;
5. Nagbigay ako ng tatlong daang (P300.00) piso kay Jimmy Eugenio noong araw na iyon mismo.
6. Makalipas ang isang lingo pagkabigay ko ng tatlong daang (P300.00) piso kay Jimmy Eugenio, sinabihan na naman ako ni Jimmy na magbigay sa kanya ng 500 pesos para ibigay daw niya sa pulis Meycauayan;
7. Muli ay nagbigay ako sa kanya (Jimmy) ng limandaang (P500.00) piso noong buwan din ng Junio, 2004;
8. Noong July 2004, hindi pa rin na-dismiss ang kaso ng aking pamangkin. Nag-text sa akin si Jimmy at sinabi na pumunta ako sa Branch 121. Nagkita kami sa Branch 121 at muli ay nanghingi si Jimmy ng tatlong daang (P300.00) piso para daw pambili ng papel at panlakad ng subpoena. Ako ay nagbigay sa kanya ng tatlong daan (P300.00) piso dahil sa hangarin ko na ma-dismiss ang kaso ng aking pamangkin;
9. Noong July 2004 nagkita kami muli ni Jimmy sa husgado at siya ay nagpadagdag ng 200 piso. Muli ay nagbigay uli ako kay Jimmy ng dalawandaang (P200.00) piso;
10. Makalipas ang isang lingo matapos ang aking bigay na dalawandaang (P200.00) piso, noong buwan din ng Julio, 2004 ay muling nagpadagdag si Jimmy ng tatlong daang (P300.00) piso 300 piso (sic) dahil kulang daw ang perang ibinigay ko para ma-dismiss ang kaso;
11. Hindi pa rin nadi-dismiss ang kaso ng aking pamangkin noong buwan ng Agosto, 2004. Nagkita kami ni Jimmy sa husgado at muli

ay nanghingi si Jimmy ng 900 piso. Dahil sa kawalan ng sapat na 900 piso ang halagang ito ay sinikap ko na maibigay sa kanya mula sa pagsasangla ng bracelet ng aking anak at isang VCD. Hinulugan ko kay Jimmy ang siyam na raang (P900.00) piso na hinihingi niya ng tatlong (3) beses na installment na tig-tatatlong daang (P300.00) piso;

12. Matapos kong maibigay kay Jimmy ang kumpletong siyam na raang (P900.00) piso, hindi pa rin nadi-dismiss ang kaso ng aking pamangkin;
13. Noong Septiembre 14, 2004, matapos ang hearing ng aking pamangkin na si Sonny Acbay sa RTC Branch 121 at ma-reset na naman ang kaso, kinausap ko si Atty. Sicat kung bakit hindi nadi-dismiss ang kaso ng aking pamangkin samantalang ang private complainant na si Geraldine Calderon ay di sumisipot at wala na sa kanyang tinitirahan sa Valenzuela City. Nagpaliwanag si Atty. Sicat na kailangan nakasulat sa return ng subpoena na wala na ang nagrereklamo sa kanyang address na natala sa Information. Sinabi pa ni Atty. Sicat na na-reset ang kaso dahil wala pang return ang notice kay Geraldine Calderon;
14. Dakong 11:45 AM, Sept. 14, 2004 pinuntahan ko si Jimmy sa Branch 124 at sinabi ko na na-reset na naman sa September 30, 2004 ang hearing. Habang kami ay nasa pasilyo ng Justice Hall, dumaan si Atty. Sicat at kinausap ni Jimmy Eugenio. Narinig ko muli ang paliwanag ni Atty. Sicat na sinabi na niya sa akin ilang sandali lamang ang nakalipas. Ang sabi ni Jimmy ay sundin ang sinasabi ni Atty. Sicat;
15. Nang nakaalis na si Atty. Sicat, nagsabi sa akin si Jimmy ng ganito, **"Magbigay ka ng halagang 1,500 piso. Ang isang libo ay ibibigay kay Atty. Sicat at ang 500 piso ay pamasahе para sa pagpapadala ng subpoena."** Ang sabi ni Jimmy ay ibigay ko ang pera sa kanya sa dakong hapon ng araw na iyon. Nagtaka ako kung bakit hinihingan ako ni Jimmy ng 1,000 piso para kay Atty. Sicat at kung bakit sa kanya (Jimmy) ko ibibigay samantalang hindi naman ako hinihingan ng pera ni Atty. Sicat at sa simula pa lamang na makilala ko si Atty. Sicat ay sinabihan na niya ako na libre at walang bayad and serbisyo ng PAO lawyer na tulad niya. Sinabihan pa rin ako ni Atty. Sicat na bawal ang magbigay ng pera o anuman pabuya sa kanilang mga PAO lawyer. Gayunman ay sinagot ko si Jimmy na wala akong pera ng araw na iyon at ako ay nakiusap sa kanya na bukas na lamang ibibigay ang naturang halaga;
16. Dahil sa walang-wala na akong pera na pambigay sa hinihingi ni Jimmy na isang libo limandaang (P1,500) piso, ako ay nagsadya kay G. Erwin Tulfo ng ABS CBN noong dakong hapon ng Septiembre 14, 2004. Ang sabi ko kay G. Erwin Tulfo, **"Yung pamangkin ko nakakulong sa Caloocan mag-iisang taon na sa Septiembre 14, 2004, nakapagbigay na ako kay Jimmy, isang empleado husgado, ng 2,500 piso. Hindi pa kasama dito ang mga**