

## SECOND DIVISION

**[ A.M. No. P-15-3329 [Formerly OCA I.P.I. No. 13-4165-P], November 06, 2017 ]**

**PROSECUTOR FILIPINA C. CABAUTAN, COMPLAINANT, VS.  
DOMINGO B. UVERO, SHERIFF IV, BRANCH 12, REGIONAL TRIAL  
COURT, LIGAO CITY, ALBAY, RESPONDENT.**

### DECISION

**PERALTA, J.:**

Before us is the Affidavit-Complaint<sup>[1]</sup> of complainant Filipina C. Cabauatan, Associate Provincial Prosecutor of the Province of Albay against Domingo Uvero, Sheriff IV, Branch 12, Regional Trial Court of Ligao City, Albay, for grave misconduct due to the latter's inappropriate conduct in connection with Criminal Case No. 10141-L, entitled "*People of the Philippines v. Edgar Velasco*" filed before the Municipal Circuit Trial Court (MCTC), Polangui, Albay.

Prosecutor Cabauatan averred that on January 18, 2013, Uvero went to her office and tried to give her money wrapped in a paper, purportedly coming from Nancy. Reynancia (*Reynancia*), the private complainant in the above-mentioned case. She claimed that she refused the "bribe" and told Uvero that she neither accept nor demand money from litigants, and that all cases under her care are given due course without any money involved.

Prosecutor Cabauatan also narrated that on January 22, 2013, before the pre-trial of the subject criminal case, Reynancia admitted to her that she obtained a loan in the amount of P7,500.00 for the purpose of giving it to her. Prosecutor Cabauatan claimed that she scolded Reynancia after the latter told her that she was made to believe that she had to "bribe" as an assurance that her case will be handled well. Having lost her interest and objectivity in handling the case, on January 31, 2013, Prosecutor Cabauatan filed a motion to inhibit from the case to preserve her dignity and avoid any untoward issue that may tarnish the reputation of her office. The court granted her motion on the same date.<sup>[2]</sup>

On October 1, 2013, the Office of the Court Administrator (OCA) directed Uvero to comment on the complaint against him.<sup>[3]</sup>

In his Comment<sup>[4]</sup> dated November 11, 2013, Uvero denied the allegations in the complaint for lack of basis and for being malicious.

Uvero narrated that in the afternoon of January 16, 2013, he was at the canteen of the Polangui Municipal Hall to serve a writ of execution, when his acquaintance, Samuel Nueva (*Nueva*), approached him and asked his help concerning his cousin, Reynancia.<sup>[5]</sup>

Uvero claimed that Nueva narrated to him that Prosecutor Cabauatan scolded Reynancia when the latter inexplicably left the court premises. A few minutes after their conversation, Uvero saw Prosecutor Cabauatan at the parking area and approached her. They talked about Reynancia's problem, and that Prosecutor Cabauatan instructed him to tell Reynancia to come to her office on January 18, 2013.<sup>[6]</sup>

Uvero narrated that on January 18, 2013, Reynancia tearfully told him that she was again scolded by Prosecutor Cabauatan. Thereafter, Reynancia handed to him money wrapped in a folded piece of paper which was supposedly intended for Cabauatan's merienda which Reynancia forgot to give.<sup>[7]</sup>

Upon the request of Reynancia, Uvero went to the office of Prosecutor Cabauatan to give the money for merienda. When Prosecutor Cabauatan refused, Uvero claimed that he did not bother to insist anymore and just returned the money to Reynancia.<sup>[8]</sup>

Uvero asserted that he only asked Reynancia about the amount of money wrapped in paper after he received the Indorsement Letter dated October 1, 2013 of the Office of the Court Administrator (OCA) directing him to comment on the complaint. He claimed that when he confronted Reynancia about the filing of the present administrative case, the latter belied the allegation of Prosecutor Cabauatan that she borrowed P7,500.00 for the purpose of bribing her.<sup>[9]</sup>

Uvero also opined that party-litigants' act of giving gifts as token of appreciation to government lawyers is common knowledge and practice. He added that he never intended to bribe Prosecutor Cabauatan as he would not put in jeopardy his fifteen (15) years of service in the judiciary.<sup>[10]</sup>

In her Reply<sup>[11]</sup> dated November 21, 2013, Prosecutor Cabauatan clarified that she did not file the present administrative complaint against Uvero and that it was not her deliberate intention to put the latter in an unfortunate situation. In fact, she was surprised to receive a copy of the 1<sup>st</sup> Indorsement dated October 1, 2013 from the OCA relative to the instant administrative case. She stressed that she inhibited from the case as she felt that it was the right thing to do to put herself above suspicion after the "bribing" incident.<sup>[12]</sup>

However, Prosecutor Cabauatan added that when the motion to inhibit reached the Provincial Prosecutor of Albay, the latter asked her to make a formal report. Although she was hesitant at first, knowing the consequences of telling the truth, she still complied with the directive of her superior. And considering that Uvero already filed his comment, Prosecutor Cabauatan was compelled by necessity to file a reply in order to protect her reputation and that of the Office of the Prosecutor. She asserted that she did not agree with Uvero's opinion that giving tokens is a widely accepted practice. She stressed that such act is in fact contrary to the Anti-Graft and Corruption Policy, thus, it must be stopped.<sup>[13]</sup>

With regard to the allegation that she was arrogant because she scolded Reynancia, Prosecutor Cabauatan denied that it ever happened and claimed that it is not her

habit to berate, much less scold, litigants.<sup>[14]</sup>

In his Rejoinder<sup>[15]</sup> dated December 4, 2013, Uvero admitted his shortcomings but clarified that his act was done without ill motive or dishonest intention. He asserted that he did it as a favor to Reynancia who was then accompanied by Nueva, an old acquaintance of him. He prayed that the resolution of the instant case be tempered with compassion.

On March 25, 2015, the OCA found Uvero guilty of simple misconduct and recommended that the instant administrative complaint be re-docketed as a regular administrative matter. It also recommended that a penalty of fine in the amount of P5,000.00 be imposed upon Uvero.<sup>[16]</sup>

We adopt the findings of the OCA except the recommended penalty.

Time and time again, the Court has stressed that the behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy responsibility. That is why the Court provides the rule against any form of solicitations of gift or other pecuniary or material benefits or receipts of contributions for himself/herself from any person, whether or not a litigant or lawyer, to avoid any suspicion that the major purpose of the donor is to influence the court personnel in performing official duties.<sup>[17]</sup>

Section 2, Canon I of the Code of Conduct for Court Personnel, provides that "court personnel shall not solicit or accept any gift, favor or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions," while Section 2(e), Canon III states that "court personnel shall not x x x solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties."

The same prohibition applies in the instant case. Here, Uvero admitted that he went to Prosecutor Cabauatan's office to hand over Reynancia's money wrapped in paper to Prosecutor Cabauatan. While Uvero insists that the money was meant as "merienda", indeed, P7,500.00 is a considerable amount which cannot be just for "merienda". Thus, as Prosecutor Cabauatan's impression, the more apparent purpose of the giving of the P7,500.00 is to influence her to resolve Reynancia's case to the latter's favor.

Suffice it to say that regardless of the amount or the purpose of the money, or whether Uvero is the direct recipient of the money, he cannot deny that he received the money. And by receiving the money from Reynancia, he effectively acted like an emissary for the latter to influence Prosecutor Cabauatan to resolve Reynancia's case to the latter's favor. Even if it was not his intention, Uvero should have exercised prudence and be more circumspect considering that he knew that Reynancia had a pending case before the prosecutor's office. Unfortunately, other than Uvero's denial that he intended to bribe Prosecutor Cabauatan, and his defense that he merely accommodated Reynancia's request to him to give the money to Prosecutor Cabauatan, Uvero failed to refute the charges against him. We likewise find no ill motive on the part of Prosecutor Cabauatan that would prompt her to make false accusations against Uvero.