

EN BANC

[A.M. No. P-15-3322 [Formerly A.M. OCA IPI No. 10-3569-P], June 23, 2015]

**BRANCH CLERK OF COURT GAIL M. BACBAC-DEL ISEN,
COMPLAINANT, VS. ROMAR Q. MOLINA, RESPONDENT.**

RESOLUTION

PER CURIAM:

This administrative matter originated from the verified Complaint^[1] dated 3 November 2010 filed by Atty. Gail M. Bacbac-Del Isen (complainant), Clerk of Court V at the Regional Trial Court, Baguio City, Branch 3 (the RTC). Complainant charged Mr. Romar Q. Molina (respondent), Clerk III at the same RTC, with violation of Republic Act (R.A.) No. 3019 or the Anti-Graft and Corrupt Practices Act.

The Facts

In the Complaint filed with the Office of the Court Administrator (OCA), complainant averred that she received information on 20 October 2010 from Ms. Marie Rose Victoria C. Delson, a bondsman and employee of UCPB General Insurance Company, Inc., regarding an illicit activity of respondent. In her affidavit attached to the Complaint,^[2] Ms. Delson alleged that respondent had asked money from her to facilitate the temporary release of Mr. Consuelo Romero, who was the accused in Criminal Case No. 23502-R, *People of the Philippines v. Consuelo Romero* pending before the RTC.^[3] Ms. Delson quoted respondent saying to her: "*Para mas madali ilakad magbigay ka ng three thousand pesos (P3,000).*"^[4]

Ms. Delson admitted giving the amount of P3,000 to respondent and later demanding the return of the money when the accused was eventually released on bond sans any effort of the latter. It turned out that respondent was in charge only of civil cases and was just attending to the processing of the release of the accused, because the staff assigned to handle criminal cases was at that time attending a seminar.^[5]

Respondent allegedly paid back the amount to Ms. Delson on instalment basis from July to August 2010.^[6]

Prior to this reported incident, complainant also divulged that there were already rumors that respondent had been asking money from bondsmen and clients on the promise of immediate action on their cases.^[7]

On 21 December 2010, the OCA indorsed the Complaint to respondent for Comment. Respondent moved for an extension of time to file his Comment until 11 February 2011. The OCA granted the motion, but the extended period elapsed

without respondent submitting his Comment.

Meanwhile, complainant reported a confrontation incident between respondent and Ms. Delson on 19 January 2011. The incident prompted Ms. Delson to cry harassment^[8] and respondent to file a perjury case against her.^[9] In a Resolution^[10] dated 10 February 2011, the Office of the City Prosecutor of Baguio City dismissed the charge for being premature in view of the instant administrative complaint.

In its 1st Tracer dated 29 June 2011, the OCA reiterated its directive for respondent to submit his Comment. It finally received the Comment on 31 August 2011 with an attached Motion to Admit Belated Comment with Sheerest Apology.

On 3 April 2012, the OCA reported the Complaint to the Court as an Administrative Matter for Agenda (AMFA). It stated that no definite findings could be made on the basis of the pleadings submitted and recommended that the Complaint be referred to the Executive Judge of the RTC of Baguio City for investigation, report, and recommendation.

The Court subsequently issued a Resolution^[11] dated 23 July 2012 noting the Complaint and the OCA report and referring the matter to the Executive Judge for the purpose above-stated.

On 7 December 2012, the OCA received the investigation report^[12] of Executive Judge Iluminada P. Cabato, who said she was convinced by a preponderance of evidence that respondent had asked for and received money from Ms. Delson to facilitate the processing of the bond of Mr. Romero.^[13] Executive Judge Cabato ruled that respondent's acts were in violation of Sections 1 and 2 of Canon I and Section 2(b) of Canon III of the Code of Conduct for Court Personnel,^[14] viz.:

Canon I

Section 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges, or exemption for themselves or for others.

Section 2. 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.

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Canon III

Section 2(b). Receive tips or other remuneration for assisting or attending to parties engaged in the transactions or involved in actions or proceedings with the judiciary.

Executive Judge Cabato found respondent liable for grave misconduct and recommended a penalty of one (1) year suspension.^[15]

In its Resolution^[16] dated 21 January 2013, the Court noted the report of Executive Judge Cabato and referred it to the OCA for investigation, report, and recommendation. As directed, the OCA submitted a report^[17] dated 26 July 2013. It adopted the findings and recommendations of Executive Judge Cabato, but with modification as to the penalty.^[18] It recommended that the Complaint be re-docketed as a regular administrative matter, and that respondent be DISMISSED from the service, with forfeiture of retirement benefits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or -controlled corporations and financial institutions.^[19]

The Issue

The issue in this case is whether or not respondent is guilty of grave misconduct for soliciting and receiving money from a client on the promise of granting the latter a favor.

The Ruling of the Court

We agree with the findings and recommendations of the OCA.

Records show that respondent, on the one hand, offered nothing but a general denial to refute the charges levelled against him. At other times, he would claim shortness of memory regarding some facts surrounding the allegations in the Complaint.

Complainant, on the other hand, presented the testimony of Ms. Delson as witness against respondent. Ms. Delson positively identified respondent and categorically stated that he was the one who had solicited and received money from her on the promise of facilitating the processing of a bond. This affirmative declaration of the witness was corroborated during the investigation conducted by Executive Judge Cabato, who said in her findings:^[20]

Between the positive and categorical testimony of Ms. Marie Rose Victoria C. Delson and the bare denial of respondent Romar Q. Molina coupled with his short memory, their demeanor and manner of testifying, the court finds the version of the former very credible.

It is settled that denial is an inherently weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, the denial is purely self-serving and with no evidentiary value. Like the defense of alibi, a denial crumbles in the light of positive declarations.^[21]

Respondent's bare denial thus cannot prevail over the assertion of Ms. Delson by virtue of her being a credible witness who testified on affirmative matters.^[22] Her testimony, which has withstood the scrutiny of Executive Judge Cabato and the OCA, provided substantial evidence^[23] to uphold the case against respondent.

Being a court employee, respondent was expected to conduct himself in accordance with the strict standards of integrity and morality.^[24] The special nature of duties and responsibilities of court personnel has been recognized through the adoption of