

THIRD DIVISION

[A.M. No. P-10-2781 (FORMERLY OCA IPI NO. 02-1419-P), November 24, 2010]

PASTOR C. PINLAC, COMPLAINANT, VS. OSCAR T. LLAMAS, CASH CLERK II, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, SAN CARLOS CITY, PANGASINAN, RESPONDENT.

DECISION

BRION, J.:

We resolve as an administrative matter the letter-complaint,^[1] dated April 24, 2002, of complainant Pastor C. Pinlac, charging respondent Oscar T. Llamas, Cash Clerk II, Regional Trial Court (RTC), Office of the Clerk of Court, San Carlos City, Pangasinan, with violation of Republic Act No. 3019 and/or misconduct.

The complainant alleged that he went to the Office of the Clerk of Court, San Carlos City, Pangasinan, to seek assistance for the facilitation of the titling of the land that he and his siblings inherited from their deceased parents. The respondent offered him assistance, but asked for an initial sum of P2,000.00. The complainant acceded and gave the demanded amount; subsequently, he gave the respondent another P2,000.00 after the latter had claimed that the initial amount was insufficient. The complainant alleged that he gave the respondent a total of P10,000.00. Despite all these and the lapse of two years, the respondent failed to deliver the promised title.

In his Comment, the respondent denied having received P10,000.00 from the complainant. The respondent explained that the complainant went to his office and told him that he needed a surveyor. Since the respondent knew a surveyor who worked at the Department of Environment and Natural Resources, he asked the complainant if he wanted to avail of this surveyor's services. When the complainant agreed, the respondent introduced him to said surveyor. The respondent has maintained that the complainant gave the money to the surveyor, not to him. When the surveyor failed to secure the title to the land, the complainant instructed him to talk to the surveyor to ask for the return of the money. The respondent prays that the complaint against him be dismissed in view of the affidavit of desistance that the complainant subsequently filed during the pendency of this administrative case.^[2]

In a letter^[3] to this Court dated August 20, 2002, the complainant stated that the respondent went to his house on August 15, 2002 and returned to him the full amount of P10,000.00. The respondent pleaded with him to withdraw his complaint because he did not want to lose his job. Subsequently, he and the complainant went to the office of Atty. Salvador T. Imus, Jr. where he (the complainant) executed an *Affidavit of Desistance and/or Retraction*. The complainant continued to maintain that it was the respondent and not the surveyor who received the money from him.

In our Resolution dated January 15, 2003, we referred the case to the Executive

Judge of the RTC of San Carlos City, Pangasinan, for investigation, report and recommendation. Thereafter, Investigating Judge Anthony Q. Sison conducted a hearing on the case. It was established during the hearing that the respondent introduced the complainant to the surveyor; the complainant handed the P2,000.00 initial fee to the respondent who, in turn, turned this money over to the surveyor; and the complainant gave the succeeding payments of P2,000.00 and P6,000.00 directly to the surveyor.

The Court, in its Resolution of June 10, 2003, accepted the resignation of the respondent as Cash Clerk II, Office of the Clerk of Court, RTC, San Carlos City, Pangasinan, without prejudice to the continuation and outcome of the administrative complaint against him.

In his Report dated January 5, 2009, Judge Sison found the respondent liable for violating reasonable office rules and regulations, and recommended that he be meted a P5,000.00 fine.

The Court referred Judge Sison's report to the Office of the Court Administrator (OCA) for evaluation, report and recommendation. The OCA, in its Report dated December 15, 2009, recommended that the respondent be found guilty of violating reasonable office rules and regulations, and be meted the penalty of fine in the amount of P5,000.00, to be deducted from his retirement benefits.

The OCA reasoned out as follows:

The primordial question to be resolved now, thus, is whether or not the act of Llamas, then an employee of the court, in introducing a surveyor to Pinlac and receiving the initial amount of P2,000.00 and then turning over the said amount to the surveyor just to ensure that said surveyor will take care of Pinlac, proper under the surrounding circumstances.

The above-quoted admission does not establish that Llamas acted as a middleman for consideration or profit forging the deal between Pinlac and the surveyor. However, by his acts, Llamas allowed himself to appear to be acting as an agent, broker, or a middleman to Pinlac and the surveyor.

Even assuming that Llamas's intention in helping Pinlac was noble and true, he should have been more circumspect in his actions. As an employee of the court, Llamas should not only had seen to it to have acted accordingly. He should have ensured that his acts are devoid of any spec or semblance of impropriety.

The image of the court as a bastion of justice depends to a large extent on the personal and official conduct of its employees. Thus, from the judge to the lowest clerk, judicial personnel have the sacred duty to maintain the good name of the judiciary. Court personnel, from the presiding judge to the lowliest clerk, are further required to conduct themselves always beyond reproach, circumscribed with the heavy burden of responsibility as to free them from any suspicion that may taint the good image of the judiciary. Employees of the judiciary should be living examples of uprightness not only in the performance of their

official duties, but also in their personal and private dealings with other people, so as to preserve at all times the good name and standing of courts in the community.

THE COURT'S RULING

We cannot fully agree with the OCA's findings and recommendations as these merely dwell on the patently obvious, and fail to deduce what cannot be missed from the obvious facts.

We have stressed time and time again that all officials and employees involved in the administration of justice, from judges to the lowest rank and file employees, bear on their shoulders the heavy responsibility of acting with strict propriety and decorum at all times in order to merit and maintain the public's respect for and trust in the Judiciary. In the simplest terms, all court personnel must conduct themselves in a manner exemplifying integrity, honesty and uprightness.^[4]

In the present case, the findings of facts show that the complainant met the respondent at the courthouse while the complainant was working on the titling of an inherited property. The respondent offered assistance and introduced the complainant to the surveyor, to facilitate the desired titling. While this introduction might have been an innocuous move, as the Investigating Judge saw it, the surrounding circumstances of the move should have alerted the Judge and the OCA that it might not have been as neutral nor as legitimate as it seemed.

In the *first* place, the respondent was a Cash Clerk II whose duties did not involve the discussion of pending cases with litigants; cash clerks solely attend to official financial transactions between the court and outside parties dealing with the court. It appears from the records, too, that the complainant and the respondent had no previous relationship that would have justified the assistance the latter offered outside of the scope of his official duties. They were not friends, relatives, or acquaintances to each other; they appear to have met in the course of the complainant's visit to the court to work on the titling of his property. Thus, their initial common point of interest was the titling of land that was then pending before the court where the respondent worked.

Second, the referral to the surveyor was not an ordinary concern of a cash clerk and was not a casual referral; the respondent appeared to have gone out of his way to get the complainant and the surveyor to meet. In fact, the surveyor was from another office and a meeting necessarily had to be arranged, and was indeed arranged by the respondent.

Third, in the course of the meeting, a transaction was undisputably arranged where the surveyor was to work on the titling of the land for a fee. Significantly, the task was not simply to do a survey, as can be expected of surveyors, but to work on the titling and the release of the title.

Lastly and most importantly, the first payment was made *to the respondent* himself, thus indicating that his role was not as neutral as the simple "assistance" that he termed it to be. He was a part of the transaction, although he ostensibly handed the first payment to the surveyor and the latter made all the subsequent billings. We