THIRD DIVISION

[A.M. No. MTJ-08-1699 (Formerly OCA IPI No. 04-1610-MTJ), March 13, 2009]

RODOLFO B. BAYGAR, SR., COMPLAINANT, VS. JUDGE LILIAN D. PANONTONGAN AND PROCESS SERVER ALADINO V. TIRAÑA, BOTH OF THE MUNICIPAL TRIAL COURT, BINANGONAN, RIZAL, RESPONDENTS.

R E S O L U T I O N

CHICO-NAZARIO, J.:

This is an administrative complaint for violation of Republic Act No. 3019 filed by complainant Rodolfo B. Baygar, Sr., against respondents Judge Lilian D. Panontongan (Judge Panontongan) and Process Server Aladino V. Tiraña (Process Server Tiraña), both of the Municipal Trial Court (MTC) of Binangonan, Rizal.

On 11 August 2002, complainant and a certain Arsenio Larga (Larga) were apprehended for violation of Presidential Decree No. 449 (Cockfighting Law of 1974), in relation to Presidential Decree No. 1602 (Prescribing Stiffer Penalties on Illegal Gambling), by three policemen, namely, Senior Police Officer 1 (SPO1) Arnel Anore, Police Officer (PO) Oligario Salvador, and Ian Gatchalian Voluntad. The criminal complaint against complainant was docketed as Criminal Case No. 02-0843 and raffled to MTC, Branch 1 of Binangonan, Rizal.

Complainant and Larga were brought to the Police Precinct of Binangonan, Rizal, for detention. Larga was released in the morning of 12 August 2002 allegedly after payment of bail in the aggregate amount of P2,300.00 to PO Reynaldo Gonzaga.[1] Complainant was released only in the afternoon of the same day after his wife Wilfreda Baygar (Wilfreda), upon the instructions of PO Joaquin Arcilla (Arcilla), paid P3,020.00[2] to respondent Process Server Tiraña.

It so happened that in the afternoon of the same day, 12 August 2002, respondent Judge Panontongan already promulgated her Decision in Criminal Case No. 02-0843, the dispositive portion of which reads:

> WHEREFORE, finding accused Rodolfo Bactol Baygar guilty beyond reasonable doubt and appreciating in his favor voluntary plea of guilt, accused is hereby sentenced to pay a fine of THREE HUNDRED (P300.00) PESOS each and the Jail Warden of Binangonan Municipal Jail, Binangonan, Rizal is hereby directed to release the accused, Rodolfo Bactol Baygar unless he should be detained further for some other legal cause/s.[3]

Following his release from police custody, complainant filed on 17 September 2002 before the Office of the Ombudsman a complaint for arbitrary detention and

violation of Section 3(e) of Republic Act No. 3019, against five police officers; Atty. Fernando B. Mendoza, a lawyer from the Public Attorney's Office (PAO); and respondents Judge Panontongan and Process Server Tiraña of the MTC. The complaint was docketed as OMB-P-C-02-0984-I.

In a Memorandum[4] dated 14 April 2004, the Office of the Ombudsman held in abeyance the filing of criminal charges against all the respondents in OMB-P-C-02-0984-I pending the determination by this Court of the administrative liability of respondents Judge Panontongan and Process Server Tiraña. The Office of the Ombudsman then referred certified true copies of the case records of OMB-P-C-02-0984-I to this Court.

On 9 August 2009, complainant filed a final complaint against Presiding Judge Lilian G. Dinulos-Panontongan for illegal, improper and unethical conduct.

According to complainant, respondents Judge Panontongan and Process Server Tiraña of the MTC, in conspiracy with PO Arcilla and Atty. Mendoza of PAO, "orchestrated and made it appear that he pleaded guilty to a crime for which he was detained, during the simulated arraignment in the *sala* of [respondent Judge Panontongan], when in truth and in fact he did not attend any proceeding." Complainant further averred that his wife Wilfreda gave P3,020.00 to respondent Tiraña in what they understood to be bail for his temporary liberty; only to find out later that he was released because respondent Judge Panontongan had already rendered a Decision dated 12 August 2002 in Criminal Case No. 02-0843 finding him guilty beyond reasonable doubt, appreciating in his favor his voluntary plea of guilt, and sentencing him to pay a fine in the amount of P300.00.

On 9 September 2004, the Office of the Court Administrator (OCA) required[5] respondents Judge Panontongan and Process Server Tiraña to file their comment on the complaint within 10 days from receipt of notice.

In her Counter-Affidavit,[6] respondent Judge Panontongan substantially denied the allegations of complainant and his wife, averring that they were false and untrue and intended only to harass her. The arraignment of complainant actually took place on 12 August 2002 and Atty. Mendoza of PAO, complainant's counsel, participated therein. Respondent Judge Panontongan, together with co-respondent Process Server Tiraña, were at a loss as to why they were impleaded in OMB-P-C-02-0984-I considering that complainant was questioning only his alleged illegal detention by the arresting police officers after he was apprehended for engaging in illegal cockfighting. Respondent Judge Panontongan's only involvement was the exercise of her official function as judge in entertaining complainant's plea of guilt and imposing upon the latter the penalty of a fine.

Respondent Process Server Tiraña in his Comment adopted the afore-mentioned Counter-Affidavit of his co-respondent Judge Panontongan. He also categorically denied the allegation that he received P3,020.00 as bail of complainant.

After initial evaluation of the pleadings filed by the parties, the Court referred[7] the administrative matter against respondents Judge Panontongan and Process Server Tiraña to the Executive Judge of the Regional Trial Court (RTC) of Rizal for investigation, report, and recommendation.

Investigating Judge Bernelito R. Fernandez (Judge Fernandez) reported:

> During the initial hearing of the Complaint before the undersigned, both parties agreed that they would just submit the matter for resolution considering that there were no new matters that need to be ventilated and that all documents and pleadings already form part of the records of this complaint. x x x.[8]

So without further hearings, Investigating Judge Fernandez evaluated the pleadings, affidavits, and other documents submitted by the parties, as well as the findings of the Office of the Ombudsman, and found that respondents Judge Panontongan and Process Server Tiraña should be held administratively accountable for what happened to complainant. Investigating Judge Fernandez submitted the following recommendations[9]:

> WHEREFORE, IN VIEW OF THE FOREGOING, the undersigned Investigating Judge hereby respectfully recommends the following ---
>
> For respondent Judge Lilian G. Dinulos-Panontongan - a REPRIMAND and to pay a fine of Twenty Thousand Pesos (P20,000.00); and,
>
> For respondent Process Server Aladino Tiraña - DISMISSAL from the service. Further, let the appropriate Criminal Information be filed against said respondent for violation of Section 3(e) of Republic Act No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.[10]

On 21 January 2008, the OCA submitted its Report[11] affirming the administrative liability of respondents Judge Panontongan and Process Server Tiraña, recommending thus:

> In view thereof, it is respectfully recommended for the consideration of the Honorable Court that:
>
> 1. Judge Lilian G. Dinulos-Panontongan, Acting Presiding Judge, MTC, Branch 1, Binangonan, Rizal, be SUSPENDED from office for one (1) month with a STERN WARNING that a similar infraction in the future shall be dealt with more severely;
>
> 2. Aladino Tiraña, Process Server, MTC, Branch 1, Binangonan, Rizal be DISMISSED from the service with forfeiture of all retirement benefits, except accrued leave credits and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations;
>
> 3. Call the attention of Agnes S. Mechilina, Clerk of Court of the Municipal Trial Court, Branch 1, Binangonan, Rizal (1) for being too lax in the supervision of court personnel in their failure to complete the entries required of (sic) in the Minutes of the hearing and other court records; and (2) failure to ensure the reliability of court records reflecting court proceedings with a STERN WARNING that a similar infraction in the future shall be dealt with more severely.

4. As requested, the Office of the Ombudsman be furnished with a copy of the Decision in this administrative matter for its information and appropriate action.[12]

On 27 February 2008, the Court directed[13] the parties to manifest within ten days from notice if they were willing to submit the administrative matter for resolution based on the pleadings filed. Complainant submitted such a manifestation[14] on 25 April 2008; while respondents Judge Panontongan and Process Server Tiraña failed to file their manifestations despite receipt of the notices sent to them and were deemed to have waived the filing of the same.[15] Resultantly, the matter was submitted for decision based on the pleadings previously filed by the parties.

After an examination of the records, the Court affirms the findings and conclusions of the OCA, but modifies the recommended penalties.

As to the liability of respondent Process Server Tiraña:

There is no reason for this Court to disturb the findings of Investigating Judge Fernandez, affirmed by the OCA, as regards respondent Process Server Tiraña.

Respondent Process Server Tiraña's plain denial of the acts imputed to him cannot overcome the categorical and positive declarations made by complainant and his wife, Wilfreda, that said respondent demanded money from Wilfreda with the promise that he would assist in facilitating complainant's release from jail.

In her Affidavit,[16] Wilfreda clearly established the participation of respondent Process Server Tiraña in the corrupt scheme. To quote:

9. Na pagkaraan nito, na sinabi sa akin ni Police Officer Joaquin Arcilla na puwede daw na P3,000.00 na lamang ang aking ibayad, at matapos na ako ay pumayag, kaagad nilang ginawa and ilang papel at ito ay ipinadala niya sa akin sa Municipal Trial Court ng Binangonan Branch 1 at doon ko daw ibayad and pera;

10. Na pagdating ko sa korte mga bandang alas 11:30 ng umaga, pinakita ko kay G. Allan Terana ang papel na ibinigay sa akin ni Police Officer Joaquin Arcilla at ako ay bumalik na lang sa hapon dahil wala pa ang kanilang clerk of court.

11. Na pagbalik ko ng hapon, hiningi na ni Allan Terana ang pera na may halagang P3,000.00. Bukod pa dito, ako ay hiningian pa niya ng karagdagang P20.00 kung kayat P3,020.00 ang kabuuang perang naibigay ko sa kanya.

12. Na matapos kong maghintay na may dalawang oras, binigay na sa akin ni Allan Terana ang kopya ng Desisyon na dapat kong dalhin sa jail para makalabas na ang aking mister ko.[17]

The statements made by complainant and his wife, Wilfreda, in their Affidavits present a consistent and coherent narration of the events which immediately preceded complainant's release from jail. These constitute substantial evidence

against respondent Process Server Tiraña. In an administrative proceeding, such as this case, only substantial evidence, or that amount of relevant evidence which a reasonable mind might accept as adequate to support a conclusion, is required.[18]

In comparison, respondent Process Server Tiraña merely denied the allegations against him but failed to set forth in his Comment[19] the substance of the matters upon which he relies to support his denial. It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value.[20]

Respondent Process Server Tiraña clearly stepped beyond the bounds of propriety when he asked for and received from complainant's wife, Wilfreda, the amount of P3,020.00, and then gave her the assurance that complainant would be released from jail. In so doing, respondent Process Server Tiraña created the impression that he had the power and authority to discharge complainant from detention. Worse still, the MTC Decision, which declared complainant guilty after entering a plea of guilty during the arraignment, merely imposed a fine of P300.00 against complainant. The said decision was handed down in the afternoon of 12 August 2002. When respondent Process Server Tiraña asked complainant's wife to return after two hours, he actually knew that a decision would be released on that day; thus, there was really no need for bail and complainant was actually free to leave the prison already. Complainant reasonably concluded that respondent Process Server Tiraña merely pocketed the money. The latter's claim that he did not benefit from the transaction does not exculpate him from administrative liability. At the very least, he should have known that, as a court employee, the mere act of asking for and receiving money from a party to a pending case to facilitate the issuance of a court process would be inappropriate and highly suspect.

The Court cannot overemphasize that the conduct required of court personnel must always be beyond reproach and circumscribed with the heavy burden of responsibility as to free them from any suspicion that may taint the judiciary. They shall endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage. As a court employee, it therefore behooves respondent Process Server Tiraña to act with more circumspection and to steer clear of any situation which may cast the slightest suspicion on his conduct.

Respondent Process Server Tiraña's solicitation of money from complainant and his wife Wilfreda in exchange for complainant's liberty violates Canon I of the Code of Conduct for Court Personnel which took effect on 1 June 2004 pursuant to A.M. No. 03-06-13-SC. Sections 1 and 2, Canon I of the said Code, expressly provide that:

> 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." (Underscoring supplied.)