

SECOND DIVISION

[A.M. NO. P-05-1962 (FORMERLY OCA IPI NO. 04-1853-P), February 17, 2005]

JUN NAVARRO, COMPLAINANT, VS. CLERK OF COURT BENNY L. CEREZO, CASHIER VILLAMOR D. BAUTISTA, AND PROCESS SERVER REX L. ASPIRAS, MTCC, SANTIAGO CITY, RESPONDENTS.

DECISION

CHICO-NAZARIO, J.:

This administrative complaint arose from the sworn letter complaint of one Jun Navarro, charging Clerk of Court Benny L. Cerezo, Cashier Villamor D. Bautista and Process Server Rex L. Aspiras, all of the Office of the Clerk of Court of the Municipal Trial Court in Cities (MTCC) of Santiago City, with Usurpation of Authority and Grave Misconduct.

In a letter^[1] dated 13 February 2003, complainant narrated that his relatives Leonard Anthony C. Domingo and Charlotte Kay N. Matterig were married on 08 February 2003. He alleged that the marriage ceremony was recorded using a video camera and that after the pictures were developed, he and his relatives were surprised to see respondents Villamor Bautista and Rex Aspiras solemnizing the marriage. He added that they likewise witnessed the respondents solemnize the marriage of an Indian couple (Singh-De la Vega nuptial). He stressed that Judge Maxwell Rosete could not have solemnized the marriage, as the latter was in Manila, it being a Saturday. He said his family almost spent fifty thousand pesos (P50,000.00) for the marriage which turned out to be "fake." He asked the Court to investigate Aspiras and Bautista for solemnizing marriages without authority to do so and Clerk of Court Benny Cerezo for allowing the former to use her office.

On 12 February 2004, the Office of the Court Administrator (OCA) required Mrs. Benny L. Cerezo,^[2] Rex Aspiras,^[3] and Villamor Bautista,^[4] to comment on the complaint within ten (10) days from receipt thereof.

Villamor Bautista and Rex L. Aspiras filed a joint comment,^[5] dated 08 March 2004 and denied the allegations of the complaint and stated that they merely assisted the parties in affixing their signatures on the marriage contract after a brief ceremony by Judge Maxwell S. Rosete. They denied complainant's claim that the marriages were fake as the same were duly registered with the Office of the Local Civil Registrar of Santiago City.^[6] They likewise attached the joint affidavit^[7] of Leonard Anthony C. Domingo and Charlotte Kay N. Matterig which stated, *inter alia*, that complainant Jun Navarro is nonexistent, a mere creation of one who sought vengeance against the employees of the MTCC of Santiago City.

Benny L. Cerezo filed her comment^[8] stating, among other things, that she is

innocent and has no knowledge of the offense charged because she was not in office on 08 February 2003. She claimed that she did not allow anybody to solemnize the marriages of Domingo-Matterig, Singh-De la Vega and of Jacela-Santos.^[9] Neither had she seen the solemnization of said marriages as her office and the office of the judge are separated with wooden walls. To support her claims, she attached certified true copies of the marriage contracts of Leonard Anthony Domingo and Charlotte Matterig, Resham Singh and Deosa De la Vega, Jonathan Jacela and Lorna Santos, all secured from the Office of the Local Civil Registrar of Santiago City where they were registered.^[10]

On 08 October 2004, the OCA submitted its report^[11] recommending the dismissal of the complaint for lack of merit.

We agree.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.^[12] Further, the complainants have the burden of proving by substantial evidence the allegations in their complaint.^[13] The basic rule is that mere allegation is not evidence,^[14] and is not equivalent to proof.^[15]

In the case at bar, complainant undeniably failed to substantiate the allegation in the complaint. Other than the bare allegations in the complaint, there is nothing in the records that would indicate that respondents committed grave misconduct and abuse of authority. On the whole, the evidence on record deals only with evidently self-serving statements of complainant *viz-a-viz* that of the steadfast denial of the respondents. The pictures allegedly showing that respondents Villamor Bautista and Rex Aspiras solemnized the marriage were never presented. *Granting arguendo* without admitting that they were indeed presented, said pictures alone without being authenticated do not *exproprio vigore* prove the offenses charged. Complainant also attached photocopies of the marriage certificates of Leonard Anthony C. Domingo and Charlotte Kay N. Matterig, and Resham Singh and Deosa De la Vega which were later on confirmed by the submission by Clerk of Court Cerezo with certified true copies thereof. Paradoxically, said verified certificates, instead, prove the fact that the marriages, indeed, took place, but not the allegation that respondent Villamor Bautista, assisted by Rex Aspiras, solemnized the adverted marriages. Clearly revealing are the signatures of Judge Maxwell Rosete on the marriage contracts indicating that he solemnized said marriages. In the absence of proof to the contrary, the presumption arises that the judge regularly performed his official duties.^[16] More importantly, the couple Leonard Anthony C. Domingo and Charlotte Kay N. Matterig, the alleged relatives of complainant, disavowed any knowledge of complainant's existence.

Complainant miserably failed to adduce the quantum of evidence -substantial evidence - required to make respondents liable. His complaint must, therefore, fail.

The absence of any evidence showing that respondents acted culpably reduces the charges against them into a mere indictment. We cannot, however, give credence to charges based on mere suspicion and speculation.^[17] In fine, the administrative case against respondents is utterly devoid of factual and legal basis. Complainant's