

SECOND DIVISION

[A.M. No. P-04-1784, April 28, 2004]

RENATO R. MENDOZA, PETITIONER, VS. ANTONIA C. BUO-RIVERA, RESPONDENT.

R E S O L U T I O N

PUNO, J.:

This administrative matter against Antonia C. Buo-Rivera, Court Stenographer III of the Regional Trial Court of Manila, Branch 55, stemmed from her own letter-complaint^[1] addressed to the Acting Executive Judge of the Regional Trial Court of Manila Enrico A. Lanzanas, charging petitioner Renato R. Mendoza, Sheriff of RTC Manila, Branch 18, with unbecoming behavior for allegedly committing the following acts:

1. Shouting "*huwag kang maniwala diyan (referring to Rivera), niloloko ka lang niyan, binobola ka lang niyan*", while she was talking to Eduardo S. Divina, Legal Researcher of RTC Manila, Branch 18, at the hallway of the 4th floor of Manila City Hall, on February 5, 2002; and
2. Uttering "*bakit nandito na naman iyang putang-inang letseng babaeng iyan (referring to Rivera)? Ikaw Gerald iwasan mo ang babaeng iyan at masamang impluwensiya iyan at baka ikaw mabuyo*" while she was at the corridor adjacent to the office of RTC Manila, Branch 18, looking for Gerardo M. Capulong, Court Stenographer III of RTC Manila, Branch 18, on May 15, 2002.

Acting on this letter-complaint, Judge Lanzanas directed Mendoza to file his comment/answer.^[2] In his comment/answer,^[3] Mendoza denied the allegations against him. He attached the affidavits of Eduardo S. Divina^[4] and Atty. Carolina Peralta-Comon,^[5] Branch Clerk of Court of RTC Manila, Branch 18, to attest that the complained acts did not take place. He also attached the joint affidavit of three of Rivera's co-employees in RTC Manila, Branch 55, to prove that Rivera is a known troublemaker and is in a habit of spreading wild rumors and sowing intrigues.^[6] Mendoza prayed that the complaint against him be dismissed and that Rivera be administratively charged for sowing intrigues and making false accusations.^[7]

While Judge Lanzanas was conducting an investigation on the complaint, a formal complaint-affidavit arising from the same alleged acts was filed by Rivera with the Office of the Court Administrator (OCA) charging Mendoza with conduct prejudicial to the best interest of the service.^[8] Judge Lanzanas indorsed the case to the OCA.^[9] The administrative matter was docketed as A.M. OCA I.P.I. No. 02-1415-P.

Based on the records transmitted to it, the OCA, through Deputy Court Administrator Christopher O. Lock, recommended the dismissal of Rivera's complaint upon a finding that "(a)side from her bare allegations, she did not present any evidence to substantiate her claim, such as the affidavits of her witnesses. On the contrary, it was respondent who was able to substantiate his defense by obtaining the affidavits of Mr. Divina and Atty. Peralta-Comon both of whom affirmed his statement that he never uttered the scurrilous remarks against complainant."^[10]

On October 9, 2002, this Court adopted the findings of the OCA and dismissed the case of Rivera vs. Mendoza, A.M. OCA I.P.I. No. 02-1415-P, for lack of merit.^[11]

On November 19, 2002, Rivera filed a motion for reconsideration.^[12] She attached the affidavit of Gerardo M. Capulong who confirmed her allegation that the second scurrilous remarks were made.^[13]

On February 24, 2003, this Court resolved to reconsider and set aside its Resolution dated October 9, 2002 and refer Rivera's complaint to Judge Lanzanas for further investigation. This court also directed the OCA to docket the instant administrative matter and consolidate it with Rivera's complaint. Hence, the OCA docketed Mendoza's countercharge as A.M. I.P.I. No. 03-1584-P and consolidated it with A.M. OCA I.P.I. No. 02-1415-P.

Acting on this Court's resolution, Judge Lanzanas conducted further hearings for reception of evidence. After evaluating the evidence, Judge Lanzanas recommended the dismissal of Rivera vs. Mendoza, A.M. I.P.I. No. 02-1415-P, for lack of merit. In Mendoza vs. Rivera, A.M. I.P.I. No. 03-1584-P, Judge Lanzanas found Rivera guilty of spreading gossips and false rumors and recommended a fine of one (1) month salary with the admonition that repeated conduct will be severely dealt with.^[14]

The report of Judge Lanzanas was referred to the OCA for evaluation. On November 23, 2003, Deputy Court Administrator Lock agreed with the findings of Judge Lanzanas but modified the recommended penalty as follows:

1. That the complaint against respondent sheriff Renato R. Mendoza, docketed as A.M. OCA I.P.I. No. 02-1415-P be dismissed for lack of merit; and
2. That in A.M. OCA I.P.I. No. 03-1584-P, respondent Antonia C. Buio-Rivera be held guilty of Conduct Unbecoming of a Public Servant and be fined Php 5,000.00, with warning that a repetition of the same or similar act in the future will be dealt with more severely.

^[15]

On February 2, 2004, this Court resolved to dismiss Rivera vs. Mendoza, A.M. I.P.I. No. 02-1415-P, for lack of merit. Hence, the instant administrative matter was redocketed as A.M. No. P-04-1784.

We agree with the findings of the OCA and approve its recommended penalty.

It is well-settled that in administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint.^[16] Substantial

evidence is such amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.^[17]

The charge of making false accusations was proven by substantial evidence.

The falsity of Rivera's allegations is patent from the records. Rivera testified that the first scurrilous remarks were made in the presence of Eduardo S. Divina^[18] while the second remarks were uttered in the presence of Gerardo M. Capulong and Atty. Carolina Peralta-Comon, among others.^[19] Divina and Atty. Peralta-Comon outrightly testified that no such scurrilous remarks were made.^[20] Capulong, on the other hand, refused to testify when a subpoena was issued to him. He submitted an explanation to Judge Lanzanas asking that he be excluded from testifying because both parties are his friends and that he "cannot stand firm for one and against with another."^[21] It was only after the original complaint was dismissed by this Court that he executed an affidavit attached to Rivera's motion for reconsideration confirming Rivera's testimony that the second scurrilous words were uttered. As correctly pointed out by both Judge Lanzanas and Deputy Court Administrator Lock, however, the reason for his change of heart was not sufficiently explained. In fact, the credibility of his testimony is rendered doubtful by his own declaration that one of his reasons for taking Rivera's side is Mendoza's alleged menacing attitude towards him after the dismissal of Rivera's complaint.^[22] In any case, Capulong testified that Atty. Peralta-Comon, Divina, Elena Arcenal, Romulo Bermudes and Sherry Cervantes also witnessed the second act complained of.^[23] However, like Atty. Peralta-Comon and Divina, Cervantes denied that Mendoza uttered the second scurrilous remarks.^[24]

It is notable that Mendoza presented in his favor the testimonies of the very people alleged by Rivera and Capulong to have witnessed the complained events – Atty. Carolina Peralta-Comon, Eduardo Divina and Sherry Cervantes. Rivera herself declared that she had no misunderstanding with Atty. Peralta-Comon and Divina.^[25] In fact, Atty. Peralta-Comon is the wife of her cousin's nephew.^[26] It is also worthy to note that Rivera did not present the other alleged witnesses to rebut the testimonies of these three witnesses. It is therefore clear that Rivera is guilty of falsely accusing Mendoza.

The charge of sowing intrigues was also sufficiently established.

Ma. Lourdes S. Castillo, Arlene R. Calditaran and Isabelita D. Artus, co-employees of Rivera in RTC Manila, Branch 55, executed a joint affidavit stating that they personally know Rivera as a troublemaker and as someone who spreads wild rumors and gossips and causes quarrels among other employees by sowing intrigues.^[27] Castillo testified that Rivera told her suitor that Castillo was heavily indebted and that he deserved a better woman.^[28] Castillo also testified that Rivera had a quarrel with their other officemates, namely, Arlene R. Calditaran, Isabelita Artus and Rosanna Esteban.^[29] The testimonies of Calditaran and Artus were offered as evidence to support Castillo's testimony. Artus testified that Rivera caused a fight between their former process server Cesar Sebastian and his wife Fely by spreading the rumor that the bracelet being sold by Mr. Sebastian was the lost bracelet of his wife.^[30] Mendoza testified that Rivera caused his childhood friend Police Inspector