

## EN BANC

[ A.M. No. OCA-01-6, September 03, 2003 ]

**DOMINADOR V. ASPIRAS, COMPLAINANT, VS. ESMERALDA ABALOS, RESPONDENT.**

### DECISION

#### PER CURIAM:

Complainant Dominador V. Aspiras is a former policeman who is at present detained at the Maximum Security Compound of the New Bilibid Prisons, Muntinlupa City. On November 8, 2000, this Court received a letter-complaint filed by complainant Aspiras charging respondent Esmeralda Abalos with estafa, claiming that he gave respondent P52,000 in consideration of his acquittal in G.R. No. 121203, entitled *People of the Philippines v. Dominador V. Aspiras*, a case for murder which has been appealed to this Court.

The letter-complaint alleged that Dominador V. Aspiras became acquainted with respondent's husband, SPO4 Jing Abalos, while the latter was visiting another inmate in the New Bilibid Prisons. This was around 1997 or 1998. Respondent's husband allegedly informed him, Aspiras, that his wife was working in the Records Section of the Office of the Court Administrator (OCA) and that she may be able to help complainant secure an acquittal from his case which was then on appeal. Because of complainant's desire to become a free man, he decided to avail of the offer. However, complainant balked when respondent's husband informed him that he would need to pay them a total sum of P100,000 for the job. Complainant then pleaded if he could just pay instead P80,000. After several weeks of haggling, respondent's husband finally agreed to the lower amount. In three separate occasions, complainant gave respondent a total amount of P52,000. However, on April 29, 2000, complainant received this Court's decision affirming the ruling of the trial court finding him guilty beyond reasonable doubt of the crime of murder and sentencing him to suffer the penalty of *reclusion perpetua*.<sup>[1]</sup> Hence, complainant wrote the said letter-complaint to this Court charging respondent for allegedly deceiving him into giving her money in exchange for his acquittal in the abovementioned criminal case.

On December 27, 2000, the OCA required respondent Esmeralda Abalos to submit her comment on the complaint within five days from her receipt thereof.

On January 7, 2001, complainant again wrote to this Court that respondent's husband allegedly visited complainant in the New Bilibid Prisons to ask him to withdraw his complaint against his wife. Respondent's husband promised complainant that his money will be returned to him by installment. However, complainant answered that the complaint will not be withdrawn unless they pay him back the entire amount. Respondent's husband then told him that he will send his wife to talk to him. As her husband promised, respondent did see him in the New

Bilibid Prisons, this time accompanied by her mother. They promised to return the entire amount before the end of February 2001.

In the meantime, respondent submitted her Comment, dated January 10, 2001. Respondent denied therein all the allegations of complainant. She claimed that a certain woman approached her one day and asked her if she knew any lawyer who could prepare a brief for complainant Aspiras. She could no longer remember the name of this woman but she recalled that the husband of this woman was also serving sentence at the New Bilibid Prisons. She allegedly contacted a lawyer to help complainant and paid said lawyer P10,000. She denied ever meeting complainant's wife and receiving any amount from her. She alleged, however, that it was a *compadre* of complainant Aspiras who handed her the amount of P10,000 for the lawyer whom she contacted for him. She likewise stated in her comment that it is highly improbable for her to misrepresent to complainant that she could work for his acquittal since she is just a lowly clerk in the Records Section of the Office of the Court Administrator.

In a resolution dated March 12, 2001, the Court ordered that this case be docketed as a regular administrative matter and that it be referred to Retired Justice Narciso Atienza for investigation, report and recommendation within sixty days from notice thereof.

During the hearing and investigation, complainant's wife testified that she allegedly gave respondent, during various instances, a total of P37,000. She handed the amounts to respondent outside the premises of the Supreme Court.<sup>[2]</sup> Complainant likewise testified that sometime around September or October 1999, respondent visited complainant in the New Bilibid Prisons and there the latter gave her an additional amount of P15,000. Again, complainant was promised that he would be acquitted and that he may pay her the balance upon his receipt of this Court's decision of *acquittal*.<sup>[3]</sup> Thus, complainant allegedly gave respondent a total amount of P52,000.

For her part, respondent testified that the woman who approached her asking if she knew a lawyer who could prepare a brief for complainant was one Juanita Cortez, who is now deceased. She also claimed that she could no longer remember the name of the lawyer whom they approached since she was merely accompanied by a *kumare* to the office of the said lawyer in Makati City. She denied receiving the entire amount of P52,000, but admitted receiving around P27,000 from complainant. She allegedly received P15,000 from complainant himself when she visited him in the New Bilibid Prisons. The money was purportedly for the person who was following up complainant's case in the Court. When asked who this person was, respondent refused to answer:

JUSTICE ATIENZA

And did you give that money to the person who according to you would work on the case?

WITNESS

*Opo.*

JUSTICE ATIENZA

Who is that person to whom you [gave] the money[?]

WITNESS

*Sa kaibigan ko po.*

JUSTICE ATIENZA

Who is that friend of yours?

WITNESS

Dito po sa Supreme Court.

JUSTICE ATIENZA

Who?

WITNESS

*Hindi ko napo Justice tnaano kasi sabipo niya naipit ka na diyan ikaw na lang mag-ano kaya ako na lang po ang mag a-ano.*

JUSTICE ATIENZA

Also an employee of the Supreme Court?

WITNESS

Hindi po Justice taga-labas po pero may kaibigan lang po siya dito sa Justice hindi rin niya sinabi sa akin kung sino ang kaibigan niya sa Justice. Basta sabi niya managot ka na diyan dahil naipit ka na.

JUSTICE ATIENZA

Do you mean to say that you would sacrifice your career because of your friend whom you did not want to identify?

WITNESS

*Hindi po kasi akalain Justice na mag-abot kami sa ganyan dahil iyong kumare ko pa ang lahat ng naglakad.*

JUSTICE ATIENZA

*Kumare you are referring to ...*

WITNESS

*Iyong namatay po.*

The amount of P10,000 was handed to her by complainant's wife during another meeting at Jollibee. An additional P2,000 was subsequently handed to her outside the Supreme Court premises purportedly for the snacks of the person following up the case. She claimed that she first met complainant's wife when the latter went to her office and handed her P2,000 to work on her husband's case. At that time, she merely told complainant's wife that she would see what she could do. She never knew the spouses Aspiras before that.<sup>[4]</sup>

Justice Atienza then filed his report, dated October 30,2001, wherein he made the following recommendation:

WHEREFORE, premises considered, the undersigned is of the opinion that respondent committed grave misconduct and she deserves the extreme penalty of dismissal from the service with forfeiture of retirement benefits and with prejudice to re-employment in any government service including government-owned or controlled corporations.

Public service requires utmost integrity and strictest discipline. A public servant must exhibit at all times the highest sense of honesty and integrity. The administration of justice is a sacred task. By the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and