

FIRST DIVISION

[A.M. No. CA-02-11-P, May 29, 2002]

**FILMA A. VELASQUEZ, COMPLAINANT, VS. RONNIE INACAY AND
BERNABE G. AQUINO, RESPONDENTS.**

RESOLUTION

KAPUNAN, J.:

The instant administrative case arose from a letter-complaint dated May 24, 2001 filed by Filma A. Velasquez with the Office of the Chief Justice in connection with the petition for review filed with the Supreme Court, docketed as G.R. No. 145531, entitled: Godofredo dela Cruz, et al. versus Rosalina Estrada. Complainant Filma A. Velasquez was one of the petitioners in said petition which was apparently denied by the Court in a Resolution dated January 24, 2001 for petitioners' failure to state the material dates in violation of Secs. 4(b) and 5, Rule 45 in relation to Sec. 5(d), Rule 56. ^[1]

In her letter-complaint, Filma A. Velasquez alleged that she was one of the petitioners in the aforesaid petition; that she, together with a sister and daughter, went to the house of Bernabe Aquino who is a relative by affinity in order to seek his help regarding their case; that they knew Bernabe Aquino to be working in the Court of Appeals and who they had heard to be quite "influential;" that Bernabe Aquino, however, told them in the Pangasinan dialect: "***Pabayaan ninyo Tia at kung hindi pa nabili ang kaso tutulungan ko kayo;***" that when they asked, "*bakit?*," he replied: "***Siyempre kung naka-compromiso na hindi na pwedeng i-compromiso sa iba;***" that when they told their lawyer about it, the latter confronted Bernabe Aquino about the matter; that their lawyer in turn told them that: "***hindi siya ang nagbenta kung hindi isang kasamahan niyang employado si Ronnie Inacay.***"

The letter-complaint was then referred for investigation to the Presiding Justice of the Court of Appeals who in turn required Bernabe Aquino and Ronnie Inacay to comment on the letter-complaint. In his Answer, Ronnie Inacay denied the charges and asserted that he did not know the complainant nor had talked to her. Bernabe Aquino, on the other hand, also denied having talked to the complainant or to the latter's lawyer. He added that the complaint was clearly a desperate attempt on the part of the complainant to get the attention of the Supreme Court regarding their case.

The administrative case was set for hearing where the complainant and her seven (7) witnesses testified. The two (2) respondents, meanwhile, testified on their own behalves.

During the investigation conducted by the Assistant Clerk of Court, it was gathered that:

xxx Complainant is one of the appellees who won their case in the Regional Trial Court but lost in CA-G.R. CV No. 60382 (Rosalina Estrada, appellant vs. Godofredo dela Cruz, et al., appellees) and is also one of the petitioners in G.R. No. 145531 in the Supreme Court. While their case was pending decision in this Court, there were rumors in Barangay Tobuan, Labrador, Pangasinan, that they lost their case in the Court of Appeals. When they went to their lawyer, Atty. Hermogenes Decano, the latter informed them that he has not received a copy of a decision of the Court of Appeals. Atty. Decano actually received a copy of this Court's decision dated May 12, 2000 on May 30, 2000 (Exh. reverse side of P. 102, rollo). The appellant's counsel received a copy of the decision also on the same date (reverse side of P.102, rollo) and gave a copy to appellant's representative and caretaker Eliseo Santos sometime in August, 2000 [Exh. 3-a (Aquino)].

On May 6, 2000, complainant, with her sister Francisca A. Arenas and daughter Thelma V. Alarcon, alleged that they went to the house of respondent Bernabe Aquino, who is married to the complainant's niece, to ask for his help and request him to check on the status of CA-G.R. CV No. 60382 and that respondent Aquino agreed to help if "said case was not yet compromised" (Exhs. A and B) However, Aquino denied having talked to the complainant or any other relative regarding the case since he is not influential, being just an ordinary Court employee (Exh. "4-Aquino"). Complainant's witness Alarcon confirmed that as of May 2, 2000, there was no decision yet as she personally checked with the Fifth Division (Exh. C).

The other witnesses of the complainant, namely, Lourdes Lacap, Perla Sison and Eduardo Parajas alleged that sometime on various dates from March - May 10, 2000, they saw Eliseo Santos appellant's caretaker, who showed to them what he claims to be a decision of the Court of Appeals in favor of the appellant (Exhs. D, E and F). However, Mr. Santos denied having done so since as of then, there was yet no decision of this Court and, therefore, he had not yet received a copy thereof (Exh. 3-Aquino and 1-Inacay). He received said copy sometime only in August 2000 from the appellant's counsel [Exh. 3-a (Aquino)].

Complainant's witness and lawyer in said case, Atty. Hermogenes Decano, confirmed that he received a copy of this Court's decision only on May 30, 2000. Hence, when complainant went earlier to ask him if he has received a copy of the decision, he informed them that he had not yet received one (tsn dated November 27, 2001). He also testified that he saw Bernabe Aquino only when he filed the motion for reconsideration of the decision. Atty. Decano denied his client's (complainant's) allegation that he confronted Mr. Aquino who replied that he was not at fault but his co-employee Ronnie Inacay. He affirmed also that he never saw nor mentioned the name of Mr. Inacay to his client (tsn dated November 27, 2001). [2]

From the foregoing, the investigating lawyer made the following findings: