

THIRD DIVISION

[A.M. No. P-00-1380, June 29, 2001]

**GLORIA O. DINO, COMPLAINANT, VS. FRANCISCO DUMUKMAT,
RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

The instant administrative case stemmed from the sworn letter-complaint dated February 20, 1997 of Gloria O. Dino, charging Francisco G. Dumukmat, Interpreter III, Regional Trial Court, Branch 17, Kidapawan, North Cotabato, with gross misconduct relative to Criminal Case Nos. 97-96 and 101-96, both for falsification of official documents, filed against her, which cases are pending in the same court.

In her complaint, Gloria alleged that respondent Dumukmat caused the filing of administrative and criminal complaints against her by forcing her brother Placido and her mother Cipriana (both surnamed Opiniano) to sign the same. Complainant also claimed that respondent, in order to humiliate her, sent copies of those criminal complaints to several radio stations in North Cotabato. Likewise, respondent "influenced" the court, where her cases were filed, to order her arrest; and saw to it that she, being a government employee, should not be represented in court by the Public Attorney's Office (PAO).

In his comment dated July 30, 1997, respondent Dumukmat denied all the allegations in the complaint, asserting that the charges are false, baseless and malicious. According to him, the one who filed the criminal cases against the complainant is her own brother, Placido Opiniano, who is of legal age and an intelligent person and speaks, writes and understands English. Clearly, he (respondent) could not have influenced Placido in any manner.

This Court, upon recommendation of the Office of the Court Administrator (OCA), referred the case to Executive Judge Rogelio R. Narisma, RTC, Branch 12, Kidapawan City, for investigation, report and recommendation.

The OCA narrated Executive Judge Narisma's REPORT this wise:

"In his REPORT dated October 25, 1999 Executive Judge Rogelio R. Narisma, RTC, Kidapawan City, North Cotabato, found that the instant controversy started when respondent Dumukmat orchestrated the sale of complainant's lot to the Spouses Ramos by threatening complainant's mother and convincing her brother, Placido L. Opiniano, to sign the necessary deed. As a result, complainant filed a case for ejectment against the Ramoses and an estafa case against her brother Palcio before MTC, Kidapawan City. In return, her brother, Palcido, filed several administrative and criminal cases against her as a leverage so that she

will withdraw the case filed against him and the Ramoses. Although Judge Narisma had the impression that Placido and Dumukmat are really acquainted with each other, the complainant was not able to establish that it was the respondent who assisted her brother in filing those cases.

The Investigating Judge also observed that respondent claimed that complainant is a person of no concern to him, that he first came to know of complainant's accusation that he authored the criminal cases only when he received the letter from Honorable Alfredo L. Benipayo dated May 20, 1997. Judge Narisma is of the opinion that if it is true that he learned of the complaint against him only upon receiving the said letter, then it is unnatural for respondent not to extend to complainant, his neighbor, even the least courtesy when she posted bail on August 20, 1996 and for respondent to show signs of animosity by not talking to complainant.

As to complainant's allegation that respondent questioned the services of his PAO lawyer, Judge Narisma declares there is nothing irregular when complainant was found not entitled to free legal assistance from PAO due to her employment with the Department of Education, Culture and Sports (DECS). The Investigating Judge also ruled out complainant's assertion that the respondent influenced/required her to post cash bond instead of a surety bond, explaining at that time complainant was with her counsel who surely is not that inept to let complainant bear the burden of posting an onerous cash bond if a surety bond was available.

Based on the result of his investigation, Judge Narisma recommended the suspension without pay for three (3) months with the stern warning of respondent Francisco Dumukmat whom he found to have committed the following:

- a) Failure to extend assistance to complainant (his neighbor) when she filed her bail bond;
- b) Discourtesy when he called complainant an escapee; and
- c) Misconduct when he undertook or at least participated in the execution of the document conveying complainant's lot to the Ramoses by threatening complainant's mother. This resulted in the quarrel of the Opiniano family."

The OCA sustained the findings and recommendation of Executive Judge Narisma, being supported by evidence.

The OCA made the following observations:

"It is very clear that respondent Francisco Dumukmat ignited the fire that is now engulfing the family of the complainant. He is the root cause of the ongoing war between a sister and a brother; an outsider who planted the seed of chaos within a family. Instead of helping in the