

THIRD DIVISION

[G.R. No. 140128, June 06, 2001]

**ARNOLD P. MOLLANEDA, PETITIONER, VS. LEONIDA C. UMACOB,
RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

Before us is a petition for review on *certiorari* of the (a) Decision^[1] dated May 14, 1999 of the Court of Appeals in CA-G.R. SP No. 48902 affirming *in toto* Resolution No. 973277 of the Civil Service Commission; and (b) Resolution^[2] dated August 26, 1999 of the said court denying the motion for reconsideration of its Decision.

The case stemmed from the affidavit-complaint for sexual harassment filed by Leonida Umacob (*respondent*) against Arnold Mollaneda (*petitioner*) with the Civil Service Commission - Regional Office XI, Davao City (CSC-RO XI) in September 1994 alleging:

"That sometime on September 7, 1994 at around 7:30 o'clock more or less, in the morning, while inside the office of Mr. Rolando P. Suase, Admin Officer 2 of Davao City Schools, located at the Division Office Building, along Palma Gil St., Davao City, to follow-up my request for transfer from my present assignment to either Buhangin District or Bangoy District, Davao City, Mr. Rolando P. Suase was not around and it was school Division Superintendent, Mr. Arnold P. Mollaneda who was seated at his (Rolando's) table, as at the time, the office of Mr. Arnold Mollaneda just adjacent was being cleaned by a janitor.

That immediately I approached him and seated opposite to him and handed to him my letter of recommendation from DECS Regional Director, Region XI, Dr. Ramon Y. Alba, recommending my possible transfer and after reading the same advised her to return next week as there is no available item and that he will think about it. However, I insisted that he will give me a note to fix the time and date of our next meeting and or appointment at his office. At this instance, he handed me a piece of paper with his prepared signature and requested me to write my name on it, after which, he took it back from me and assured me to grant my request and at the same time, he made some notations on the same piece of paper below my name, indicating my possible transfer to Buhangin or Bangoy District of which I thanked him for the accomodation. At this point, he stood up, bringing along with him the paper so that I also stood up. However, before I could get outside the office, he then handed to me the said piece of paper and advised me to give it to a certain May Pescadero, personnel clerk, for the

making/cutting of the order of transfer. All of a sudden he hugged and embraced me, then he kissed my nose and lip in a torrid manner. That I tried to resist but he forcibly held my neck so that he was able to kiss me in an easy way. That - not contented, he then mashed my left breast. He did the malicious act for several times, afterwhich he warned me not to tell anybody what he did to me inside the office.

That as a result of the very unfortunate incident, I was so shocked, that I was not able to speak or talk or confess to my husband what our School Superintendent did to me. Likewise, I also informed one Venus Mariano, also DECS employee, who advised me to stay and remain calm. However, I decided to report the matter to San Pedro Patrol Station."^[3]
(Emphasis supplied)

Respondent furnished the Department of Education, Culture and Sports - Regional Office XI, Davao City (DECS-RO XI) a copy of her affidavit-complaint. Thus, on September 30, 1994, Regional Director Susana Cabahug issued an order^[4] directing the formation of a committee to conduct an investigation of respondent's complaint against petitioner.

On October 4, 1994, petitioner filed with the CSC-RO XI his answer to the affidavit-complaint denying the allegations therein and alleging that there are "material contradictions," in respondent's version of the incident, thus:

"1) On the date of the alleged happening of the incident, she was with her husband who was just outside the Office of Mr. Mollaneda according to witness Security Guard Raul Moncada, but she did not report the incident to her husband, nor did she register any complaint on that date September 7, 1994;

She reported the alleged acts of lasciviousness complained of to the police only the following day, September 8, 1994, at about 3:45 P.M. as shown by the extract of the entry of the police blotter attached to her AFFIDAVIT-COMPLAINT in this case.

2) In her report to the police as shown by the said police blotter, she said that "While at the office of Mr. Arnold Mollaneda, Division Superintendent DECS XI, she was requested by the latter to transfer in the office of Mr. Rolando Suase as the janitor/security guard was cleaning the room of the respondent."

And her version as published in The Mindanao Daily Mirror in the issue of September 10, 1994 (see ANNEX C of the complaint of Mollaneda to the City Prosecution Office). "Omacob said Mollaneda in a written note told her to transfer to the room of a certain Rolando Suase since the janitor will clean his room. But before she could move to the other room Mollaneda allegedly hugged, kissed and mashed her breast and told her not to tell it to anybody."

3) In her instant Affidavit-Complaint, she again says "while inside the

Office of Mr. Rolando P. Suase x x x to follow-up my request for transfer x x x Mr. Suase was not around and it was Schools Division Superintendent, Mr. Arnold P. Mollaneda who was seated at his (Rolando) table, as at that time, the Office of Mr. Arnold P. Mollaneda just adjacent was being cleaned by a janitor x x x." It was inside the office of Mr. Suase that she was given a note on her request for transfer by Mr. Mollaneda to be given to May Pescadero when "At this point, he stood up bringing along with him the paper so that I also stood-up, however, before I could get outside the office, he then handed to me the said piece of paper and advised me to give it to a certain May Pescadero, personnel clerk for the making/cutting of the order of transfer and at the same time all of a sudden, he hug and embraced me, then he kissed my nose and lips in a torrid manner. That I tried to resist but he forcibly held my neck so that he was able to kiss me in an easy way. That not contented, he then mashed my left breast, which he did the malicious act for several times, afterwhich he warned me not to tell anybody what he did to me inside the office."^[5]

In the present petition, petitioner alleged his own version of the incident,^[6] thus:

"Petitioner, in his sworn statement, stated that on September 7, 1994, he had interviewed or conferred with about three (3) persons already who were applying for new teaching positions or for transfers when Respondent came to HIS OFFICE. When it was her turn to be interviewed, petitioner told her that she could not be transferred immediately because the Division only had very few vacant items and the same were already given to earlier applicants. Nevertheless, she was told to wait while he searched for a new vacant item.

Petitioner gave the Respondent a note for her to give to the Acting Personnel Officer Mildred "May" Pescadero so that Respondent may be included in the list of teachers applying for transfer. Upon reading the note, however, the Respondent angrily told him why could she not be immediately accommodated when she had the written recommendation of Dir. Ramon Alba. She told Petitioner that asking her to wait was unfair because there were other applicants from Marilog district who were transferred and one of them who was slated to be transferred was Mrs. Daylinda Bacoy.

Petitioner explained to the Respondent that Mrs. Bacoy suffered an injury when she fell off the horse she was riding on when she went to her school in Kiopao Elementary School. Petitioner scolded the Respondent for her insubordinate attitude toward him. She was counting so much on the recommendation of Dir. Ramon Alba who was Petitioner's superior, and could not believe that no positive action was made by Petitioner on the basis of said recommendation. In going OUT OF THE OFFICE OF PETITIONER, she was heard to have murmured that Petitioner would regret his act of discrimination.

There was no act of sexual harassment that occurred during the

relatively brief conversation between the herein parties. The witnesses, whose affidavits were attached to the Affidavit of Mr. Mollaneda, all swore to the fact that they saw what transpired between Petitioner and the Respondent and that there was no act of sexual harassment that occurred. Moreover, they swore to the fact that the interview took place inside Mr. Mollaneda's office as the both parties were seen through a glass panel separating Petitioner's office and the anteroom."

Meanwhile, pending resolution by the CSC-RO XI of respondent's complaint, the DECS investigating committee recommended to the DECS Regional Director "the dropping of the case" for lack of merit.^[8]

On June 5, 1995, the CSC-RO XI issued a resolution charging petitioner with *grave misconduct, oppression, abuse of authority and conduct prejudicial to the best interest of the service*. The said office found there was a *prima facie* case against him^[9] and eventually elevated to the Civil Service Commission (Commission) the records of the case.

Thereafter, the Commission designated Atty. Anacleto Buena to hear and receive the evidence in the case. A formal hearing was conducted in Davao City. Both parties were assisted by counsel.

On July 7, 1997, the Commission issued Resolution No. 973277 finding petitioner guilty of *grave misconduct and conduct grossly prejudicial to the best interest of the service*. He was meted the penalty of dismissal from the government service with all its accessory penalties.^[10] Forthwith, petitioner filed a motion for reconsideration but was denied in Resolution No. 981761.^[11]

Feeling aggrieved, petitioner filed with the Court of Appeals a petition for review alleging: "*first*, that the Commission erred in finding him guilty x x x notwithstanding the fact that he was denied his right to due process; and *second*, that the Commission erred in giving weight to the hearsay testimonies of the witnesses for respondent."^[12]

On May 14, 1999, the Court of Appeals rendered its Decision^[13] affirming *in toto* Resolution No. 973277 of the Commission. The appellate court held:

"It is a time-honored rule that the matter of assigning values to the testimony of witnesses is best performed by the trial courts, tribunals, or administrative bodies or agencies exercising quasi-judicial powers. Unlike appellate courts, they can weigh such testimony in clear observance of the demeanor, conduct and attitude of the witnesses at the trial or hearing. Thus, absent any showing that they have overlooked facts of substance and value that if considered might affect the result, their findings must be given weight and respect.

In the present case, nothing significant has been shown to convince this Court that the Commission acted with bias or ignored something of substance that could have, in any degree, warranted an exoneration of

petitioner from the charges hurled against him.

It bears mentioning that respondent victim is a public school teacher. If she is not motivated by the truth, she would not have subjected herself to the rigors of a hearing before the Commission and airing in public matters that affect her honor. It is hard to conceive that respondent would reveal and admit the shameful and humiliating experience she had undergone if it were not true. In any case, the fact that petitioner could not proffer any explanation as to why respondent and the prosecution witnesses would falsely testify against him logically proves that no improper motive impelled them to accuse the former of such serious offense as sexual harassment.

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Petitioner, in the present case, may not successfully plead violation of his right to due process as he, in fact, participated at the pre-trial, agreed to matters therein taken up, attended the hearing, and lengthily cross-examined the prosecution witnesses.

Anent petitioner's contention that the decision of the Commission was in conflict with newspaper reports of a decision dismissing the case against him for insufficiency of evidence, suffice it to state that what the movant considers as a decision is merely a newspaper report. Newspaper accounts and clippings are hearsay and have no evidentiary value. (People vs. Aguel, 97 SCRA 795)."^[14]

Rebuffed in his bid for reconsideration of the Court of Appeals Decision, petitioner filed the instant petition, and as grounds therefor alleges:

"I

THE RELIANCE OF THE COURT OF APPEALS ON THE THEORY THAT FINDINGS OF QUASI-JUDICIAL AGENCIES ARE GIVEN CONSIDERABLE WEIGHT, IS MISPLACED IN VIEW OF THE PERTINENT FACTS OF THE CASE.

II

A SIMILAR ADMINISTRATIVE CASE WAS INSTITUTED IN AND INVESTIGATED BY THE D.E.C.S. AND A RESOLUTION WAS RENDERED DISMISSING THE CASE AGAINST PETITIONER.

III

THE TESTIMONIES OF THE WITNESSES FOR THE PETITIONER WERE ALL EYE-WITNESSES TO THE ACTUAL INCIDENT, WHICH CAST DOUBT ON THE CREDIBILITY OF THE RESPONDENT'S TESTIMONY."^[15]