

EN BANC

[A.M. NO. P-05-1931(FORMERLY OCA IPI NO. 02-1470-P), January 13, 2005]

**RITA ONG, PETITIONER, VS. DAKILA C. MANALABE, COURT
LEGAL RESEARCHER, REGIONAL TRIAL COURT, MANILA, BRANCH
31, RESPONDENTS.**

DECISION

PER CURIAM:

By letter^[1] of August 27, 2002, Judge Leonardo P. Reyes of the Regional Trial Court of Manila, Branch 31, referred to the Office of the Court Administrator (OCA) a complaint-affidavit^[2] of Rita Ong (complainant) against respondent Dakila C. Manalabe, Court Legal Researcher of said court, charging him of extortion and/or demanding money from a litigant.

The complaint-affidavit reads:

x x x

1. Na si Dakila C. Manalabe ay hiningan kami ng pera tuwing hearing ng halagang isang libo hanggang dalawang libo piso ang naibibigay lang po namin kahit labag sa kalooban naming ay hanggang limang daan hanggang isang libo;
2. Na humingi rin po siya ng apat na libong piso (P4,000.00) pambili po ng bike daw ng anak niya dahil birthday daw po nito nagdahilan po ako na wala ang asawa ko at hindi po ako nagbigay;
3. Na noon pong lumabas ang aming kaibigan na nakakulong na binibigyan lang namin ng moral support ay humabol pa sya sa City Jail at pilit humingi ng pera, ayaw po sana naming magbigay pero alam naming hindi nya kami titigilan kaya napilitan po ang asawa ko na bigyan na siya ng dalawang libo at limang daan para umalis siya;
4. Na kami po ay walang kaso sa RTC, Branch 31. kami po ay dumadalo lamang sa hearing ng isang kaibigan para bigyan siya ng moral support dahil wala siyang kamag-anak na pwede dumalo sa hearing;
5. Na masakit po sa loob naming na paulit-ulit kami hingan ng pera gayong wala kaming kaso sa korte, kami ay nagbibigay lamang ng moral support sa kaibigan;

In compliance with the directive^[3] issued by the OCA, respondent filed his comment^[4] denying the accusations against him. He claims that he had not known nor had any transaction with complainant; that "it is not in accord with the natural course of human event to succumb to extortion" for a person who is not a party-litigant as in the case of complainant; that complainant's affidavit is bereft of details on when, how and where the acts complained of occurred and is not supported by any other affidavits, e.g., that of her husband and party-litigant-friend, despite her use of the word "KAMI" to convey that it was not only she (complainant) who had knowledge of the alleged extortion; and that by complainant's use of the phrases "labag sa kalooban naming; "nagdadahilan po ako x x x at hindi ako nagbigay;" "ayaw po namin magbigay;" and "na masakit po sa loob naming na paulit-ulit kami hingan" in her affidavit, she betrayed her claim of "fear which is the operative or controlling case in extortion."

Respondent challenges the motive of the filing of the complaint against him, he claiming that it is only a concoction, Judge Reyes having wrongfully suspected him as the author of an anonymous letter to this Court exposing the judge's delay in the issuance of release orders for detention prisoners. In support of his claim, he draws attention to the filing of the complaint on the same month that the anonymous letter was received by Judge Reyes.

Responding^[5] to respondent's comment, complainant submitted the affidavit^[6] of Danilo P. Garcia, Process-Server of RTC Manila Branch 31, who witnessed the acts complained of and corroborated her allegations. As for his suspicion that Judge Reyes had something to do with filing of the instant complaint, complainant averred that she and her husband sought the help of Judge Reyes even before the "anonymous letter" against said Judge was sent to the Supreme Court.^[7]

By Resolution^[8] of July 14, 2003, the case was referred to Executive Judge Enrico A. Lanzas of RTC Manila Branch 7 for investigation, report and recommendation.

During the September 15, 2003 hearing conducted by the Executive Judge, complainant's counsel informed that the complaint-affidavit would serve as complainant's direct testimony. Respondent waived his right^[9] to cross examine complainant.

In response to the clarificatory questions^[10] propounded by the Executive Judge, complainant declared as follows: She met respondent sometime in June or July of 2001 through her cousin Mario Tan who was an accused in a case pending before RTC Manila, Branch 31. In the course of the hearing of her cousin's case, respondent approached her and her husband and told them that he would help them as he was influential to the judge. Since then, during every hearing, respondent would ask money from them and they would extend him some. Respondent later demanded P4,000.00 from her husband to buy a bicycle for his son's birthday but they only gave P2,500.00 after her cousin was released from prison. They later complained of respondent's acts to Judge Reyes who assured them that he would take care of the matter.

Complainant's witness, Danilo P. Garcia, affirmed at the witness stand the following contents of his affidavit:^[11]

x x x

1. Na nalaman ko po na itinanggi ni Dakila Manalabe na kilala niya si Mrs. Rita Ong at Mr. Ong;
2. Na ito po ay kasinungalingan dahil noong araw po ng nanghihingi siya ng pera kay Mr. and Mrs. Ong ay nadoon ako sa Manila City Jail at nag-release;
3. Habang nandoon po ako sa City Jail sinabihan po ako ng jail guard na nandoon si Dakila Manalabe, and aming legal researcher;
4. Nagtaka po ako kaya hinanap ko siya at nakita ko siya sa labas ng City Jail na kausap si Mr. Ong at nakita kong may inabot sa kanya;
5. Nang pumasok po si Mr. Ong at pumunta na sa kinaroroonan namin ay sinabi nilang humingi ng pera si Dakila Manalabe sa halagang P2,500.00.
6. Na hindi lamang po ako ang nakakita kay Manalabe noon pati jail guard na nagsabi sa akin na nandoon siya kaya hindi po totoo ang sinasabi niyang hindi niya kilala si Mr. and Mrs. Ong.

x x x

To test Garcia's credibility, he was requested by respondent to, and he did make a sketch^[12] of the premises of the Manila City Jail and pointed to the location where he saw Mr. Ong hand over something to respondent.^[13]

Another witness for complainant, her husband, Johnson Ong, also affirmed the contents of his affidavit,^[14] the pertinent portions of which read:

x x x

2. Ako ay laging kasama ng Misis ko tuwing dumadalo kami sa hearing ni Mario Tan sa korte ni Judge Leonardo Reyes sa NAPOCOR Bldg., sa Port Area;
3. Maraming beses kaming pilit na hiningan ng pera ni Dakila Manalabe, at tuwing siya'y manghihingi, ako ang nag-aabot. Pero iyon ay sa aming dalawa ng Misis ko;
4. Ayaw naming magbigay, pero kami ay napipilitan dahil takot kami na mapasama si Mario Tan kung hindi kami magbibigay;
5. Ang pag-aabot ko ng pera kay Dakila Manalabe ay naganap sa labas ng korte. Malimit ay sa Comfort Room o kubeta ng mga lalake sa NAPOCOR. Umaabot mula sa P1,000.00 hanggang P2,000.00 and hinihinging pera pero minsan ay P500.00 lang ang naibibigay namin;

6. Ang pinakahuling hingi sa amin ng pera ni Manalabe ay noong December 14, 2001 nang si Mario Tan ay mapawalang sala at ma-release sa kulungan;

7. Nangyari ang pilit na paghingi ni Manalabe ng pera sa labas ng bakod na bakal ng Manila City Jail. Nagbabantay ako noon sa aming kotse na nakaparada. Nagulat ako nang dumating siya pagkatapos sabi niya "o papano alam mo naman tapos na ang kaso;"

8. Sa Pagkakataong iyon, humingi si Manalabe ng P5,000.00, pambili daw ng bike ng anak nya dahil birthday daw nya;

9. Napilit akong magbigay ng P2,500.00. At nung pumasok ako sa City Jail tinanong ako ni Danilo Garcia kung ano ginagawa ni Dakila sa City Jail. Sinabi ko nanghingi ng pera. Nakita pala niya ang pag-abot ko ng pera kay Dakila;

x x x

As for respondent, he too affirmed at the witness stand the contents of his comment-affidavit.^[15] On cross-examination, he proffering that the administrative case helped him refresh his memory, admitted that complainant's face is familiar. He, however, denied being within the premises of Manila City Jail when Mario Tan was released from prison, he (respondent) claiming that he was then at Branch 31 where complainant even treated the staff for lunch.^[16]

In his Report and Recommendation,^[17] Judge Lanzanas found respondent guilty of extortion as charged and recommended that he be suspended from the service for One (1) Year without pay.

In a memorandum^[18] addressed to Third Division Chairman Artemio V. Panganiban, the OCA adopted the findings and conclusions of the Judge Lanzanas but modified the recommended penalty.

We agree with the findings and conclusions of the investigating judge. The complainant's evidence consisted of not only her own sworn statement, but also the corroborating statement of her husband and the eyewitness account of the process server of Branch 31, RTC, Manila. We find no reason to doubt the testimonies presented by the complainant and her witnesses, there being no inconsistencies on the material points.

While the evidence consisted principally of the testimonies of complainant and her eyewitnesses, such fact alone does not render them of less weight and credence. The testimony of respondent during the hearing conducted by the investigating judge failed to refute the allegations of complainant and her witnesses. During the direct examination, respondent admitted that the face of the complainant "is in fact familiar" (TSN, Nov. 18, 2003, p.8; Rollo p. 213). There was no categorical denial of him not knowing complainant and her husband. The presence of complainant and her husband during the hearings of the case of complainant's cousin, their presence at the Manila City Jail on December