

EN BANC

[A.M. No. P-14-3252 [Formerly OCA IPI No. 08-2960-P], October 14, 2014]

JUDGE JUAN GABRIEL H. ALANO, COMPLAINANT, VS. PADMA L. SAHI, COURT INTERPRETER, MUNICIPAL CIRCUIT TRIAL COURT, MALUSO, BASILAN, RESPONDENT.

DECISION

PER CURIAM:

This refers to the administrative complaint filed by Judge Juan Gabriel H. Alano (Judge Alano) of the 2nd Municipal Circuit Trial Court (MCTC) of Sumisip, Maluso and Lantawan, Basilan Province against Padma L. Sahi (Sahi), Court Interpreter I of the same court, charging her with violations of Sections 1^[1] and 2,^[2] Canon 1 of the Code of Conduct for Court Personnel,^[3] violation of Section 3(a) of Republic Act No. 3019,^[4] otherwise known as the Anti-Graft and Corrupt Practices Act, Grave Misconduct and Absence Without Leave (AWOL).

In the complaint, Judge Alano alleged that Sahi brokered for party litigants and solicited money and gifts in exchange for favorable decisions in the election protest cases pending before his court, despite constant reminders to his staff that they should never demand, solicit, or receive money, gifts or other benefits from any party litigants. For particulars:

1. During the months of November to December 2007, there were 19 election protests involving *barangay* elective officials filed in the MCTC. Sahi was constantly telling him that some of the protestants and protestees were offering cash between P50,000.00 and P100,000.00 in exchange for favorable judgments.
2. In the middle of December 2007, Sahi went to Judge Alano's chamber and informed him that Arzad, the protestee in EP11 -2007, offered to give him a brand new M-4 carbine assault rifle worth at least P180,000.00 "with no strings attached." So as not to arouse Sahi's suspicions that she was discreetly being investigated, Judge Alano told her that he preferred to buy a Russian AK-47 assault rifle (Russian AK-47) instead. On January 18, 2008, Sahi informed him that she has a Russian AK-47 at her home for sale for P70,000.00. After viewing it, Judge Alano offered to buy the same for P30,000.00 since he noted some defects. Sahi immediately agreed and insisted that he bring the firearm home. Judge Alano's suspicion that the firearm was part of a bribe was confirmed by Sahi herself.

In April 2008, Sahi informed Judge Alano of Arzad's new offer of a Honda 200R

motorcycle in exchange for a favorable judgment.

3. Sometime in November 2007, Sahi demanded from Sawari, a protestee in EP09-2007, to pay the court P50,000.00 in exchange for a favorable judgment. Sahi further demanded and received from him the amount of P5,000.00 for the alleged transportation expenses of Judge Alano to Manila.
4. Abdurajak A. Jalil (Mil), protestant in EP03-2007, claimed that sometime in December 2007, Sahi solicited from him the amount of P60,000.00 for the purchase of a printer for the court. Through his son, he gave Sahi the initial amount of P10,000. Upon inquiry, he learned that Sahi never bought any printer but instead used the said amount for her own benefit.
5. Sahi received bribe money in the amount of P50,000.00 and P5,000.00 from the *Barangay* Chairman of Mebak, Sumisip, Basilan allegedly intended for Judge Alano. She further stated that the former Mayor of Sumisip, Jim Hataman, was collecting P200,000.00 from each *barangay* captain through Judge Alano's father.

Judge Alano further claimed that, on May 4, 2008, Sahi went to his residence to inform him that she already returned the P50,000.00 to Sawari and that there was no truth to the allegations that she received P5,000.00 allegedly for Judge Alano's travel to Manila.

On Sahi's case of AWOL, Judge Alano also complained that she had not been reporting for work, and did not even file an official leave application for more than 30 calendar days since the afternoon of June 18, 2008.

On July 11 and 24, 2008, Judge Alano requested the Leave Section of the Office of the Administrative Services, Office of the Court Administrator (OAS-OCA), to drop Sahi from the rolls pursuant to Section 63^[5] of the Omnibus Leave Rules for being on AWOL for more than 30 calendar days.

In the 1st Indorsement^[6] dated October 6, 2008, Sahi was directed to file her Comment within 10 days from receipt thereof.

On November 17, 2008, Sahi filed her Answer^[7] denying that she defied the order given by Judge Alano in relation to soliciting gifts or money from party litigants. She contended that she went inside the chambers of Judge Alano because the latter requested her to look for a dealer of a Russian AK-47. When she found one through Arzad, Judge Alano allegedly wanted to view the firearm at her house. The sale, however, was not consummated because the owner and Judge Alano failed to agree on the purchase price.

She denied that she informed Judge Alano of Arzad's alleged offer of a brand new motorcycle and that she received P5,000.00 from Jalil for Judge Alano's travel.

She countered that the two witnesses presented against her were the type who can easily be pressured to execute a document, like affidavits, without being fully aware of its consequences and content.

With respect to Judge Alano's allegation on her failure to report for work without prior leave, Sahi contended that she was forced not to report for work on June 10 and 11, 2008 and June 18 until July 2008 because she was having high fever, prompting her to seek medical help in Basilan. She said that she was found to be suffering from acute bronchitis^[8] and later on, of urinary tract infection.^[9]

Sahi claimed that she filed her leave applications for the absences incurred and presumed that they were recommended for approval. She later on discovered that her leave application was just thrown to the waste basket by Judge Alano.

On August 4, 2008, Sahi narrated that when she reported for work at around 7:30 a.m. she was prohibited by court personnel to enter the court upon instructions of Judge Alano. On the following day, Sahi reported the incident to Executive Judge Leo J. Principe (Judge Principe) and was advised to report, for the meantime, at the Regional Trial Court (RTC)-Office of the Clerk of Court.

When Sahi did not receive her salary and other benefits for the month of August 2008, she was allegedly forced to fly to Manila to inquire with the Leave Section of the OAS-OCA regarding her alleged dropping from the rolls and unclaimed salaries. Upon inquiry, she was informed that her leave application for June 2008 was disapproved while her July 2008 leave applications were not yet transmitted to the OAS-OCA.

In the Resolution^[10] dated December 14, 2009, the Court referred the instant administrative matter to Judge Principe, RTC, Isabela City, Basilan for investigation, report and recommendation.

On December 1, 2010, acting on Sahi's request for the inhibition of Judge Principe due to the latter's close family relationship with Judge Alano, the Court ordered the transfer of the administrative case to Executive Judge Reynerio G. Estacio (Judge Estacio) of the RTC of Zamboanga Del Sur, Branch 14 for investigation, report and recommendation.

On July 25, 2013, Judge Estacio submitted his report and recommendation^[11] dated July 12, 2013 with the following findings:

The undersigned is convinced that respondent had indeed, been into the activities of brokering for party litigants and soliciting money or gifts, in consideration for favorable decision. The respondent admitted to having heard herself of rumors that she received P70,000.00 from a party litigant and that the same was indeed, brought to the attention of the complainant. Rumors on respondent's activities prompted complainant to subject the respondent to investigation, lest he would be suspected of being involved therein, if not faulted for tolerating respondent's acts.

The respondent was said to have been calling the complainant's attention to the offer either in cash of various amounts or in kind, by the protestants and protestees in exchange for a favorable decision in their election protest cases pending before his sala in connection with the

2007 Barangay Election, despite his constant reminder to her not to entertain the same. The complainant has been cautioning the respondent not to demand, solicit or receive money or other gifts or benefits from any party litigant.

True indeed, the said acts of the respondent found confirmation in the Affidavit of Complaint of Gajad Sawari, Protestee in EPC No. 09-2007, subscribed and sworn to on April 29, 2008, wherein he declared that respondent demanded from him P50,000.00 in consideration of her promise for a favorable action on the election protest case filed against him, which amount, he delivered to her at her house at Barangay Kaumpurnah, Isabela City, Basilan, on January 4, 2008; and in his Supplemental Affidavit which he subscribed and swore to on May 13, 2008, wherein he declared that in April 2008, the respondent demanded from him the amount of P5,000.00 allegedly, for the complainant's travel to Manila, which amount, he delivered to the respondent also at the latter's house at Kaumpurnah, Isabela City.

Similarly, Abdurajak Jalil, protestee in EPC No. 06-2007, in his affidavit of complaint subscribed and sworn to on May 15, 2008, declared that during the pendency of his case sometime in December 2007, and while he was at the Isabela City Hall of Justice, the respondent solicited from him the amount of [P60,000.00], allegedly, for the purchase of a printer for court's use with the assurance that he will get a favorable decision in the election protest case filed against him; that he was able to agree with her to give the amount but on installment basis with the first payment of PI 0,000.00 delivered to her by his son, Hassan Jalil, for which the respondent issued a receipt.

Hassan Jalil confirmed the sworn statement of his father, Abdujarak Jalil, in his affidavit subscribed and sworn to also on May 15, 2008. He also identified respondent's receipt x x x.

Comparing the signature appearing on the receipt with the signature of the respondent appearing on the Clerk of Court's Log Book of Attendance, the undersigned finds that the signature appearing on the receipt is strikingly, similar to the signature of the respondent appearing on the Clerk of Court's Log Book of Attendance.

The respondent on the other hand, had only to say that it is in the height of stupidity and hence, unbelievable that, she would sign the receipt which could be used against her, adding that the questioned receipt could easily be procured, implying that the same is fabricated evidence. The respondent could have dared the questioned signature subject to handwriting examination, to prove that it is indeed, a forgery. She however, did not and did not even, attempt.^[12]

Judge Estacio recommended that Sahi be dismissed from service, with prejudice to re-employment in any branch, instrumentality or agency of the government, including government-owned and controlled corporation, and forfeiture of all her benefits, except accrued leave credits.