

THIRD DIVISION

[**A.M. No. P-07-2400 (Formerly OCA IPI No. 07-2589-P), June 23, 2009**]

**JUDGE ISIDRA A. ARGANOSA-MANIEGO, COMPLAINANT, VS.
ROGELIO T. SALINAS, UTILITY WORKER I, MUNICIPAL CIRCUIT
TRIAL COURT, MACABEBE-MASANTOL, MACABEBE, PAMPANGA,
RESPONDENT.**

D E C I S I O N

CHICO-NAZARIO, J.:

This is an administrative complaint for grave misconduct and gross dishonesty, filed by complainant Judge Isidra A. Arganosa-Maniego (Judge Maniego), against Utility Worker I Rogelio T. Salinas (Salinas), both of the Municipal Circuit Trial Court (MCTC), Macabebe-Masantol, Macabebe, Pampanga.

The facts of the case as culled from the records of the case are as follows:

Salinas handed to Judge Maniego, on 17 May 2007, Land Bank Check No. 184461, in the amount of Twenty Thousand pesos (P20,000.00), representing the latter's Economic and Emergency Allowance (EEA).

When Judge Maniego went to MCTC Apalit-San Simon, Apalit, Pampanga, on 22 May 2007, to attend the cases set for Judicial Dispute Resolution (JDR), she learned from Clerk of Court Maria A. Chico that judges had recently received two checks, one for their EEA, and another for their Special Allowance for Justices and Judges (SAJ). This was confirmed by Judge Teodora Gonzales of the MCTC Apalit-San Simon, Apalit, Pampanga.

Thereafter, Judge Maniego instructed her Court Interpreter Ofelia R. Cunanan (Cunanan), *via* text message, to look for the mailing envelope which contained the EEA checks for their court. Later, Cunanan called Judge Maniego's cellular phone to inform the latter that Salinas received the mail for their court and that Salinas already threw away the mailing envelope Judge Maniego was looking for.

To address her doubts regarding her missing SAJ check, Judge Maniego issued on 24 May 2007 a Memorandum^[1] to her staff, namely, Clerk of Court Aris Yabut (Yabut), Clerk Lilian L. Guevarra (Guevarra), Court Stenographers Elsa I. Lagman (Lagman), Ethel I. Pabustan (Pabustan), and Karen I. Villanueva (Villanueva), Process Server Gerardo S. Lagman (Lagman), Cunanan, and respondent, directing them to explain how their EEA checks came to their possession.

Yabut, Guevarra, Lagman, Pabustan, Villanueva, Lagman, and Cunanan, filed their respective replies to Judge Maniego's Memorandum, reporting therein that their EEA checks were individually given to them by Salinas on 17 May 2007.^[2]

Salinas separately filed his reply^[3] to Judge Maniego's Memorandum, admitting that he received the mailed checks for Judge Maniego and the employees of her court, and that he retained and encashed Judge Maniego's check, bearing the number 184462, and amounting to P2,521.00, because he needed money for the repair of his tricycle. Salinas' reply reads:

Bago po ang lahat, ako ay humihingi ng paumanhin o kapatawaran sa pagpalit ko ng "cash" sa tsekeng "representing the economic assistance for court's personnel."

Ako po ay hindi masamang tao, hindi magnanakaw, hindi tamad, hindi maluho, hindi naglilinis sa opisina gaya ng sinabi ninyo sa akin na ako ay magnanakaw, tamad, maluho at hindi naglilinis sa opisina.

Lakas loob ko pong ginamit ang tseke ""representing the economic assistance for court's personnel" dahil inakala ko na hindi kayo magagalit at mauunawaan ninyo ako, noong araw na iyon ay nasira po ang motor na ginagamit namin. Walang wala po kaming pera nung araw na iyon, naisip ko po wala akong magagamit na motor sakaling magpahatid kayo sa sakayan. Dahil mayroon naman po kaming inaasahang perang darating, mga dalawang araw lang darating na lakas loob ko ng ginamit ang tseke para mapagawa ko ang motor para may magamit ako sakaling magpahatid kayo sa sakayan.

Ang balak ko po ay sasabihin ko sa inyo kinabukasan ang pangyayari na papalitan ko na lang ng "cash" ang tseke kaya lang hindi ako nakapasok. Noong araw na iyon nang pumasok ako kinabukasan ay galit na galit kayo. Nawalan po ako ng pagkakataon makapagpaliwanag dahil sa galit ninyo, nataranta po ako. Maniwala po kayo or hindi sa aking paliwanag ay nasa sa inyo na po. Hindi ko po hawak ang inyong kalooban. Alam po ng Diyos na malinis ang konsensya ko at alam po ng Diyos na sa sampong taon kong pagka Court Aide ay pinagkakatiwalaan ako sa mga tseke at perang pinadedeposito sa banko.

*Huwag naman po kayong mawala ng tiwala sa akin kahit na **pinalitan ko na po ng "cash" ang nasabing "tseke."** Hindi po ako masamang tao. Patawarin po ninyo ako sa inaakalang maling ginawa ko. Bigyan po ninyo akong isa pang pagkakataong alang-alang sa pamilya ko. (Emphasis supplied.)*

Salinas also orally admitted to Judge Maniego that he was able to encash the check in question with the Ignacio Superette, a supermarket located at the Poblacion, Masantol, Pampanga, by forging Judge Maniego's signature.

Thus, Judge Maniego filed a Verified Complaint^[4] dated 25 June 2007 against Salinas, charging the latter with grave misconduct and gross dishonesty. Judge Maniego prayed that Salinas be preventively suspended because her court could not function well when he was present, since everyone would be guarding their things, apprehensive that Salinas might also take them. Judge Maniego reiterated such

prayer in her Urgent *Ex-Parte* Motion for Indefinite Preventive Suspension of Respondent [Salinas]. In addition, she also feared that Salinas might commit another unlawful act in connivance with the lawyers and litigants in cases before her court.

On 29 June 2007, the Office of the Court Administrator (OCA) required^[5] Salinas to comment on Judge Maniego's complaint within 10 days from receipt of notice.

Judge Maniego filed on 12 July 2007 an *Ex-Parte* Manifestation with Motion,^[6] informing the Court that she filed before the Office of the Provincial Prosecutor of Pampanga two criminal complaints against Salinas, particularly, for (1) Qualified Theft and (2) Falsification of Official/Commercial Document. As a result, Judge Maniego sought the immediate resolution of her motion for Salinas' preventive suspension, because with her filing of the said criminal complaints against Salinas, Judge Maniego now feared for her personal safety.

In his Comment^[7] on Judge Maniego's Complaint, Salinas denied that he committed grave misconduct and/or gross dishonesty. He asserted that he did not open the mail matter containing the checks without the knowledge of Clerk of Court Yabut and the other court staff. Salinas narrated that when the court staff learned that their mailed checks had arrived at the post office, they instructed him to pick up the same and then to distribute the checks to the respective payees.

Anent Judge Maniego's check, Salinas alleged that:

I personally handed to the complainant [Judge Maniego] the two (2) checks and asked her politely if she can accommodate me in borrowing the amount stated in the second check in the amount of Two Thousand Five Hundred Twenty One Pesos (P2,521.00) Philippine currency, for I need very badly that amount to have the tricycle I am using in taking her to the jeep terminal whenever she decide (sic) to go home anytime even during office hour (sic). After handing the two (2) checks to her, she entered her chamber and I stayed outside for I was waiting for her answer to (sic) my request. After a few minute (sic) the complainant [Judge Maniego] came out from the chamber and asked, "why do you have to borrow the said amount when you also received your check (sic)? I told her, that the money I just received are (sic) all earmarked for the enrollment of my children and for our daily sustenance. With that answer of mine, complainant [Judge Maniego] handed back to me the said check with a request to return/repay the cash value of the check within one (1) week for she [was] also in need of cash considering that school opening is (sic) fast approaching. She further asked me to have the tricycle be (sic) repaired the soonest. When she handed to me the check it was already signed and advice (sic) me just affixed (sic) also my signature at the dorsal side.^[8]

Salinas claimed that he did not encash the subject check without Judge Maniego's knowledge and consent. Neither did he falsify Judge Maniego's signature on the said check. According to Salinas, he only admitted in his reply to Judge Maniego's Memorandum that he encashed the check without Judge Maniego's knowledge and

consent because he was assured by the latter that no case would be filed against him. Salinas contended that Judge Maniego only wanted to make it appear that she was not extending financial assistance to Salinas, for the other employees might also borrow money from her.

Salinas further argued that there was no justification for his preventive suspension, considering that he was only a court aide, not likely to exert undue influence on the witnesses who were holding higher ranking positions and who had already executed their affidavits. Moreover, the possibility of his tampering with documentary evidence was remote because there was no showing that such documents were under his control or possession.

In a Report dated 1 October 2007, the Office of the Court Administrator (OCA) recommended, among other things, that Salinas be placed under preventive suspension pending the resolution of Judge Maniego's Complaint against him. This recommendation was adopted by the Court.^[9]

In a Resolution dated 12 November 2007, the Court referred the present administrative matter to a Consultant of the OCA for investigation, report and recommendation within sixty (60) days from receipt of the records thereof.

Meanwhile, on 12 February 2008, Salinas submitted a "*Sinumpaang Salaysay*"^[10] dated 11 February 2008, renouncing the previous allegations in his Comment on Judge Maniego's Complaint, avowing that he did not admit the truth in said Comment for fear of being immediately dismissed from the service. This time, he admitted, among other things, that:

- a. *Na ako ang tumanggap ng check-letter mail na binanggit ni ma'am sa kanyang demanda na laban sa akin;*
- b. *Na binuksan ko iyon at ako na rin ang nagdistribute noon sa aking mga kasamahan at kay mam (Judge);*
- c. *Na dalawang tseke ang nakalaan para kay ma'am, isang halagang P20,000.00 at isang P2,500.00 plus;*
- d. *Na dahil sa matinding pangangailangan sa araw na iyon, natukso akong kunin ang tseke ni ma'am na may halagang P2,500.00 plus at ang may halagang P20,000.00 ay binigay ko sa kanya;*
- e. *Na pinagpalit ko iyon ng cash sa Ignacio Superrette sa Masantol, Pampanga;*

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Na bilang tao, dumarating ang kahinaan sa buhay at tayo ay hindi perpekto at inuulit kong natukso lang po ako dahil sa matindi kong pangangailangan nung araw na iyon at nahihiya naman akong mang-utang kay judge at sa aking mga kasamahan.^[11]
(Emphasis ours.)

Salinas pleaded for the Court, out of compassion, not to dismiss him from service, considering that he had four children who were studying and that his wife's salary as a court stenographer would not be able to fully support their family needs.

Given the non-renewal of the service contracts of the OCA Consultants and the subsequent developments in this administrative matter, such as respondent's admission of guilt, a formal investigation was no longer warranted. Hence, the OCA deemed it appropriate to proceed with the evaluation of the administrative matter in order to *expedite* the proceedings, thereby saving the time and resources of this Court.

On 2 May 2008, the OCA submitted its report^[12] with the following recommendations:

1. That the *Sinumpaang Salaysay* dated 11 February 2008 be **NOTED** and made of record;
2. That respondent Rogelio Salinas, Utility Worker I, MCTC, Macabebe-Masantol, Macabebe, Pampanga be found GUILTY of DISHONESTY; and
3. That he be meted with the penalty of DISMISSAL from the service with forfeiture of all retirement benefits, except accrued leave credits, and with perpetual disqualification from re-employment in any government agency, including government owned and controlled corporation.^[13]

The Court thereafter required^[14] the parties to manifest within ten (10) days from notice if they were willing to submit the matter for resolution based on the pleadings filed. Judge Maniego and Salinas submitted their separate manifestations on 21 August 2008^[15] and 6 February 2009, respectively.^[16] Consequently, the administrative matter was submitted for decision based on the pleadings filed.

The Court, after a careful examination of the records herein, is upholding the findings of the OCA that Salinas is indeed responsible for stealing and encashing Check No. 184462 representing the special allowance issued to Judge Maniego, and converting for his personal use the cash he received thereby, but modifies the recommended penalty.

In two written documents, *i.e.*, his reply to Judge Maniego's Memorandum and his *Sinumpaang Salaysay*, respondent had already knowingly and willingly admitted the acts with which he was charged. Despite knowing that the payee of Check No. 184462 was clearly Judge Maniego,^[17] Salinas still took and encashed the same for his personal use.

The Court finds nothing in Salinas' explanation to justify his liability for taking what was clearly not his. Neither his purported intense desire to have his tricycle immediately repaired so that he could use it to bring Judge Maniego to the jeepney