

SECOND DIVISION

[**A.M. No. CA-04-17-P (Formerly OCA IPI No. 04-75-CA-P), November 25, 2004**]

**RUPERTO G. JUGUETA, COMPLAINANT VS. RICARDO ESTACIO,
RESPONDENT.**

D E C I S I O N

CHICO-NAZARIO, J.:

This case demands observance of proper conduct, decorum and propriety *vis-à-vis* the tenet that a public office is a public trust, and that a public servant shall, at all times, exhibit the highest degree of honesty and integrity. Specifically, every employee of the Judiciary, involved as he is in the sacred task of dispensing justice, shall not only act with propriety and decorum, but above all else, must be above suspicion.

Ricardo Estacio, Clerk III in the Court of Appeals, is charged with conduct prejudicial to the best interest of the service. He was indicted via an affidavit/complaint dated 21 April 2004 filed by Ruperto G. Jugueta, a retired commercial attaché.

The affidavit^[1] was filed on 22 April 2004 before the Office of Court of Appeals Presiding Justice Cancio C. Garcia.^[2]

In a Memorandum^[3] dated 23 April 2004, Atty. Elisa B. Pilar-Longalong, Court of Appeals Assistant Clerk of Court, was directed to formally investigate the complaint and to submit a report and recommendation therein within thirty days from the termination of the investigation. The complaint was docketed as Adm. Case No. 01-CG-2004.

Ricardo Estacio, per Memorandum^[4] dated 27 April 2004, was required to explain in writing under oath why he should not be held liable for conduct prejudicial to the best interest of the service.

On 03 May 2004, Estacio submitted his counter-affidavit,^[5] and hearings were held on 12 and 20 May 2004.

On 23 August 2004, Atty. Elisa B. Pilar-Longalong submitted her report^[6] with the recommendation that Mr. Ricardo Estacio may be held liable for simple misconduct with the penalty of suspension for one month.

Presiding Justice Cancio C. Garcia agreed with the report and adopted the recommendation of the investigator. *Via* Circular No. 30-91, dated 30 September 1991, the matter was referred to the Supreme Court.^[7]

On 02 September 2004, the sealed envelope containing the report and recommendation was forwarded to the Supreme Court through the Office of the Court Administrator.^[8]

On 07 September 2004, Court Administrator Presbitero J. Velasco, Jr., indorsed the records of the case to the Office of the Chief Justice for the Chief Justice's consideration.^[9]

The complaint states that sometime in September 2003, Ruperto G. Jugueta, thru his part-time driver, came to know a certain Ray Velarde who offered, for humanitarian reasons, to help secure an early decision in his case pending with the Court of Appeals. For several months, he transacted with Ray Velarde who allegedly demanded from him money in cash and in kind totaling P100,000. The amount which he claims he paid in eight installments was to be given to some court officials and employees. After three months, Mr. Jugueta says he realized he was dealing with a "professional swindler." Thus, he dared Mr. Velarde to let him meet the court personnel involved.

Sometime thereafter, Mr. Jugueta and his son, Eugene, went to the Court of Appeals. While inside their van parked in the parking lot of the Court of Appeals, Mr. Velarde called Mr. Ricardo Estacio and introduced him to Mr. Jugueta. Mr. Velarde is the brother-in-law of Mr. Estacio's sister-in-law. Messrs. Estacio and Jugueta did not talk directly to each other. The latter was just told by Velarde that Estacio will help them.

Several weeks after, without any favorable results, Mr. Jugueta demanded that Mr. Velarde allow him to talk with "the higher-ups" involved in the follow-up of his case. The latter agreed, but nothing happened. Instead, Mr. Jugueta found himself talking to a certain "Judge" by long-distance telephone in Quezon who, he says, turned out to be Mr. Velarde.

Before Christmas 2003, Mr. Velarde arranged to meet Mr. Jugueta by the stairs of the second floor of the court's (Court of Appeals) main building where he was told he will meet a "responsible official" who turned out to be Mr. Estacio. The latter, he says, promised to have the papers signed "that very night and he would call back before bedtime." Thereafter, nothing happened until he was told by Atty. Carol Peralta of the Court of Appeals that "he was just another victim."

On his part, Ricardo Estacio claims he does not know Mr. Ruperto Jugueta personally, but he remembers having met him twice. The first encounter, he says, lasted only for a few seconds where he was merely introduced by Mr. Velarde to Mr. Jugueta as his relative. On this occasion, he says he left the two talking to each other.

On the second encounter, Mr. Estacio says he was told by Mr. Jugueta that they were following up a case although no details were given to him, including the title and the case number.

In both meetings, only Messrs. Jugueta and Velarde talked. Mr. Estacio asserts he never transacted with Mr. Jugueta regarding his case and "I never promised anything to him."

Mr. Estacio claims he knows Mr. Velarde's residence at Valenzuela City, although he does not know the street and house number. He further claims he did not receive any single centavo from the complainant nor from Mr. Velarde. He says he is only being implicated so Mr. Jugueta would know the whereabouts of Mr. Velarde.

The complaint of Mr. Jugueta, Mr. Estacio charges, is perjurious. Thus, he says, it should be the former and Ray Velarde who should be charged criminally. He calls the complainant a corrupt individual who resorts to dealing with people for the corruption of the Justices.

During the investigation conducted by the Court of Appeals Assistant Clerk of Court Atty. Elisa B. Pilar-Longalong, Mr. Jugueta admitted he gave neither money nor document to Mr. Estacio. He says, however, that Mr. Estacio is a "contact" of Mr. Velarde in the Court of Appeals. He justifies this with the thought of why of the many employees in the Court of Appeals, it was he who was brought twice to him. Mr. Estacio counters saying the meetings were accidental.

To clear up the situation, Mr. Estacio, through counsel, says he would present Mr. Velarde as his witness, but this was not done.

It is well settled that in administrative proceedings, the complainant has the burden of proving by substantial evidence the allegations in his complaint.^[10] Substantial evidence is that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.^[11] In the case at bar, the complainant was able to substantiate his allegations.

On his part, Ricardo Estacio puts up the defense of denial. He asserts he has nothing to do with the case of Mr. Jugueta. He claims he does not even know the title and the number of the case. While he admits he has met the complainant twice, and that he knows Mr. Velarde, the latter being the brother-in-law of the wife of his brother, he claims their meetings were merely accidental. Besides, he asserts, he received no single centavo from Mr. Jugueta.

Mr. Jugueta, on the other hand, stresses he met Mr. Estacio twice and that the latter is very much aware of his case. He claims Mr. Estacio promised he would have his papers signed the second time they met and that he would call up before bedtime for the result. Thus, he concludes, Mr. Estacio is the "contact" of Mr. Ray Velarde in the Court of Appeals. He points out and argues that of the so many employees in the Court of Appeals, he was the one brought to him twice.

The Court finds the position of Mr. Estacio incredible and not in accord with the natural course of things.

It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value.^[12] Like the defense of alibi, a denial crumbles in the light of positive declarations.^[13]

The Court notes with concern the defense of non-receipt of money or consideration. This is a lame position. The fact is, the respondent promised to have the