

EN BANC

[A.M. No. P-02-1548, October 01, 2003]

ROBERT E. VILLAROS, COMPLAINANT, VS. RODOLFO ORPIANO, COURT STENOGRAPHER III & OFFICER-IN-CHARGE, REGIONAL TRIAL COURT, BRANCH 32, GUIMBA, NEVA ECIJA, RESPONDENT.

R E S O L U T I O N

PER CURIAM:

In a Sworn Complaint-Affidavit^[1] dated June 16, 2000, Rodolfo Orpiano, Court Stenographer III and Officer-In-Charge of the Regional Trial Court (RTC) of Guimba, Nueva Ecija, Branch 32, was charge by Robert E. Villaros with dishonesty, improper solicitation, conduct prejudicial to the best interest of the service and violation of Sec. 3(e) of RA No. 3019, otherwise known as the Anti-Graft and Corrupt Practices Act.

The complainant alleged that in September 1999, he had gone to RTC Branch 32 to inquire about the status of a case entitled *Rosenda Esteban-Villaros vs. Estrella Carambas-Esteban*, docketed therein as Civil Case No. 1031-G. The plaintiff in the case, Mrs. Rosenda Esteban-Villaros, was his mother. During the said occasion, the respondent allegedly demanded from him the amount of P1,500 as payment for the delivery of the summons to the defendants of the case. According to the complainant, he refused to give in to the demand because all summons, except for one, had already been served. Instead, he told the respondent that he was willing to serve the remaining summons personally, so that he would not have to shell out the P1,500.

The complainant further alleged that the respondent had assured him that the case would be set for hearing, once the court received all the answers of the defendants. Up to the filing of the instant Complaint, however, no hearing had been conducted.

The complainant surmised that his mother's case had not been set for hearing because of his refusal to give in to the demand of respondent who allegedly had a reputation for demanding money from litigants. The complainant further alleged that his brother Efren had likewise been victimized when the respondent demanded P3,500 to facilitate the proceedings in an adoption case.

In an August 28, 2000 Letter-Comment^[2] filed before the Office of the Court Administrator (OCA), the respondent denied the charges against him. He averred that the complainant's mother had come to his office on September 7, 1999 to inquire about the status of her case. He told her that a vehicle had to be hired to serve the summons to one of the defendants who was living in Valenzuela City. He allegedly further told her that they could course the summons through the Clerk of Court of Valenzuela City to avoid unnecessary expenses. The summons was actually served thereafter as shown by the Return of Service submitted by the process

server of the city.

The respondent argued that instead of blaming him, the complainant should have filed the appropriate pleading calling for the setting of a hearing date. Denying that he had demanded money from anyone, the respondent averred that Mrs. Villaros had even come back to thank him for the non-republication of the alias summons after it was served though the RTC of Valenzuela City.

The complainant reiterated the allegations in his Complaint in a letter^[3] dated September 7, 2000. Allegedly, the respondent had been extorting money from litigants to support his mistress and an illegitimate child. Moreover, he supposedly asked for sexual favors from the complainant's cousin-in-law inside the court premises when she came to his office to inquire about Mrs. Villaros' case.

Mrs. Villaros corroborated the allegations of her son in a letter^[4] dated May 22, 2001. She claimed that the respondent had indeed attempted to collect P3,500 from her other son, Efren, in connection with a pending petition for adoption. According to her, she had already spent much time and money for Civil Case No. 1031-G since it was filed in 1999, but it had yet to be set for hearing.

In a Resolution^[5] dated January 28, 2002, the Court referred the Complaint to the Executive Judge of the RTC of Guimba, Nueva Ecija, for investigation, report and recommendation.

Conformably, Executive Judge Napoleon R. Sta. Romana of the RTC of Guimba, Nueva Ecija, conducted an investigation and submitted to the OCA his Investigation, Report and Recommendation^[6] dated May 10, 2002. He found no evidence proving that the respondent had actually *received* the P1,500 the latter had allegedly demanded from the complainant.

However, there was ample proof that the respondent committed an indiscretion when he visited the complainant and his mother in their house to ask for money in connection with Civil Case No. 1031-G. The Investigating Judge recommended that the penalty of one-month suspension without pay be imposed on the respondent for violating Section 3(b), not Section 3(e), of the Anti-Graft and Corrupt Practices Act, which reads as follows:

"Section 3. *Corrupt practices of public officer.* - In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x x x x x

(b) Directly or indirectly requesting or receiving any gift, present, share, percentage, or benefit, for himself or for any other person, in connection with any contract or transaction between the Government and any other party, wherein the public officer in his official capacity has to intervene under the law."

As to the other charges and allegations against the respondent, the Investigating Judge held that they were all unfounded.

The OCA, in its January 10, 2003 Memorandum,^[7] agreed with the Investigating Judge and recommended the respondent's suspension for one month.

The Court finds the respondent administratively liable for improper solicitation and thus imposes the penalty prescribed by prevailing rules and jurisprudence, which is dismissal from service on the first offense.

Time and time again, we have stressed that the behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy responsibility. Their conduct must be guided by strict propriety and decorum at all times in order to merit and maintain the public's respect for and trust in the judiciary.^[8] Needless to say, all court personnel must conduct themselves in a manner exemplifying integrity, honesty and uprightness.^[9]

The respondent's act of demanding money from the complainant hardly meets the foregoing standard. Improper solicitation from litigants is a grave offense^[10] that carries an equally grave penalty.

As noted by the Investigating Judge, the complainant himself testified that no money related to the service of summons had been received by the respondent.^[11] Moreover, during the investigation of the instant Complaint, when the complainant's brother was asked what he knew of the P3,500 that had allegedly been demanded from his mother by respondent in connection with the petition for adoption, Efren readily admitted that that was the first he heard that the respondent had made such demand.^[12] Efren clarified that it was his brother, not he, who was interested in pursuing the instant case against the respondent.^[13]

On the charges of sexual harassment and immorality, the complainant failed to present any other evidence before the Investigating Judge.

Nevertheless, the Investigating Judge found the testimonies of the complainant and Mrs. Villaros sufficient to establish the palpable fact that the respondent had committed improper solicitation in relation to the service of summons in Civil Case No. 1031-G. The combined testimonies of the two sufficiently proved that the respondent had gone to their house to ask for P1,500.^[14] His conduct, which violated Section 3(b) of RA 3019, also amounted to dishonesty and improper solicitation.

Respondent denies these allegations. However, his denial cannot overcome the positive assertion of the witnesses. Mere denial, if unsubstantiated by clear and convincing evidence, has no weight in law and cannot be given greater evidentiary value than the testimonies of witnesses who have testified in the affirmative.^[15] That he did not actually receive the amount solicited is of no moment, because its receipt is not necessary in improper solicitation. It is sufficient that the respondent demanded money from them.

Under Section 52 (A) (11) of Rule IV of the Uniform Rules on Administrative Cases