



Republic of the Philippines
Supreme Court
Manila

SECOND DIVISION

PROSECUTOR FILIPINA C.
CABAUATAN,
Complainant,

A.M. No. P-15-3329
[Formerly OCA I.P.I. No. 13-4165-P]

Present:

CARPIO, J., Chairperson,
PERALTA,
PERLAS-BERNABE,
CAGUIOA, and
REYES, JJ.

- versus -

DOMINGO B. UVERO, SHERIFF
IV, BRANCH 12, REGIONAL
TRIAL COURT, LIGAO CITY,
ALBAY,
Respondent.

Promulgated:

06 NOV 2017

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DECISION

PERALTA, J.:

Before us is the Affidavit-Complaint¹ of complainant Filipina C. Cabauatan, Associate Provincial Prosecutor of the Province of Albay against Domingo Uvero, Sheriff IV, Branch 12, Regional Trial Court of Ligao City, Albay, for grave misconduct due to the latter's inappropriate conduct in connection with Criminal Case No. 10141-L, entitled "*People of the Philippines v. Edgar Velasco*" filed before the Municipal Circuit Trial Court (MCTC), Polangui, Albay.

Prosecutor Cabauatan averred that on January 18, 2013, Uvero went to her office and tried to give her money wrapped in a paper, purportedly coming from Nancy Reynancia (*Reynancia*), the private complainant in the above-mentioned case. She claimed that she refused the "bribe" and told

¹ Rollo, pp. 3-4.

Uvero that she neither accept nor demand money from litigants, and that all cases under her care are given due course without any money involved.

Prosecutor Cabauatan also narrated that on January 22, 2013, before the pre-trial of the subject criminal case, Reynancia admitted to her that she obtained a loan in the amount of ₱7,500.00 for the purpose of giving it to her. Prosecutor Cabauatan claimed that she scolded Reynancia after the latter told her that she was made to believe that she had to “bribe” as an assurance that her case will be handled well. Having lost her interest and objectivity in handling the case, on January 31, 2013, Prosecutor Cabauatan filed a motion to inhibit from the case to preserve her dignity and avoid any untoward issue that may tarnish the reputation of her office. The court granted her motion on the same date.²

On October 1, 2013, the Office of the Court Administrator (*OCA*) directed Uvero to comment on the complaint against him.³

In his Comment⁴ dated November 11, 2013, Uvero denied the allegations in the complaint for lack of basis and for being malicious.

Uvero narrated that in the afternoon of January 16, 2013, he was at the canteen of the Polangui Municipal Hall to serve a writ of execution, when his acquaintance, Samuel Nueva (*Nueva*), approached him and asked his help concerning his cousin, Reynancia.⁵

Uvero claimed that Nueva narrated to him that Prosecutor Cabauatan scolded Reynancia when the latter inexplicably left the court premises. A few minutes after their conversation, Uvero saw Prosecutor Cabauatan at the parking area and approached her. They talked about Reynancia's problem, and that Prosecutor Cabauatan instructed him to tell Reynancia to come to her office on January 18, 2013.⁶

Uvero narrated that on January 18, 2013, Reynancia tearfully told him that she was again scolded by Prosecutor Cabauatan. Thereafter, Reynancia handed to him money wrapped in a folded piece of paper which was supposedly intended for Cabauatan's merienda which Reynancia forgot to give.⁷

² *Id.* at 3.

³ *Id.* at 7.

⁴ *Id.* at 25-29.

⁵ *Id.* at 26.

⁶ *Id.*

⁷ *Id.*

Upon the request of Reynancia, Uvero went to the office of Prosecutor Cabauatan to give the money for merienda. When Prosecutor Cabauatan refused, Uvero claimed that he did not bother to insist anymore and just returned the money to Reynancia.⁸

Uvero asserted that he only asked Reynancia about the amount of money wrapped in paper after he received the Indorsement Letter dated October 1, 2013 of the Office of the Court Administrator (OCA) directing him to comment on the complaint. He claimed that when he confronted Reynancia about the filing of the present administrative case, the latter belied the allegation of Prosecutor Cabauatan that she borrowed ₱7,500.00 for the purpose of bribing her.⁹

Uvero also opined that party-litigants' act of giving gifts as token of appreciation to government lawyers is common knowledge and practice. He added that he never intended to bribe Prosecutor Cabauatan as he would not put in jeopardy his fifteen (15) years of service in the judiciary.¹⁰

In her Reply¹¹ dated November 21, 2013, Prosecutor Cabauatan clarified that she did not file the present administrative complaint against Uvero and that it was not her deliberate intention to put the latter in an unfortunate situation. In fact, she was surprised to receive a copy of the 1st Indorsement dated October 1, 2013 from the OCA relative to the instant administrative case. She stressed that she inhibited from the case as she felt that it was the right thing to do to put herself above suspicion after the "bribing" incident.¹²

However, Prosecutor Cabauatan added that when the motion to inhibit reached the Provincial Prosecutor of Albay, the latter asked her to make a formal report. Although she was hesitant at first, knowing the consequences of telling the truth, she still complied with the directive of her superior. And considering that Uvero already filed his comment, Prosecutor Cabauatan was compelled by necessity to file a reply in order to protect her reputation and that of the Office of the Prosecutor. She asserted that she did not agree with Uvero's opinion that giving tokens is a widely accepted practice. She stressed that such act is in fact contrary to the Anti-Graft and Corruption Policy, thus, it must be stopped.¹³



⁸ *Id.* at 27.

⁹ *Id.*

¹⁰ *Id.* at 28.

¹¹ *Id.* at 10-13.

¹² *Id.* at 11.

¹³ *Id.* at 11-12.

With regard to the allegation that she was arrogant because she scolded Reynancia, Prosecutor Cabauatan denied that it ever happened and claimed that it is not her habit to berate, much less scold, litigants.¹⁴

In his Rejoinder¹⁵ dated December 4, 2013, Uvero admitted his shortcomings but clarified that his act was done without ill motive or dishonest intention. He asserted that he did it as a favor to Reynancia who was then accompanied by Nueva, an old acquaintance of him. He prayed that the resolution of the instant case be tempered with compassion.

On March 25, 2015, the OCA found Uvero guilty of simple misconduct and recommended that the instant administrative complaint be re-docketed as a regular administrative matter. It also recommended that a penalty of fine in the amount of ₱5,000.00 be imposed upon Uvero.¹⁶

We adopt the findings of the OCA except the recommended penalty.

Time and time again, the Court has 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. That is why the Court provides the rule against any form of solicitations of gift or other pecuniary or material benefits or receipts of contributions for himself/herself from any person, whether or not a litigant or lawyer, to avoid any suspicion that the major purpose of the donor is to influence the court personnel in performing official duties.¹⁷

Section 2, Canon I of the Code of Conduct for Court Personnel, provides that "court personnel shall not solicit or accept any gift, favor or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions," while Section 2(e), Canon III states that "court personnel shall not x x x solicit or accept any gift, loan, gratuity, discount, favor, hospitality or service under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court personnel in performing official duties."



¹⁴ *Id.* at 12.

¹⁵ *Id.* at 36-38.

¹⁶ *Id.* at 40-44.

¹⁷ *Alano v. Sahi*, 745 Phil. 385, 395 (2014).

The same prohibition applies in the instant case. Here, Uvero admitted that he went to Prosecutor Cabauatan's office to hand over Reynancia's money wrapped in paper to Prosecutor Cabauatan. While Uvero insists that the money was meant as "merienda", indeed, ₱7,500.00 is a considerable amount which cannot be just for "merienda". Thus, as Prosecutor Cabauatan's impression, the more apparent purpose of the giving of the ₱7,500.00 is to influence her to resolve Reynancia's case to the latter's favor.

Suffice it to say that regardless of the amount or the purpose of the money, or whether Uvero is the direct recipient of the money, he cannot deny that he received the money. And by receiving the money from Reynancia, he effectively acted like an emissary for the latter to influence Prosecutor Cabauatan to resolve Reynancia's case to the latter's favor. Even if it was not his intention, Uvero should have exercised prudence and be more circumspect considering that he knew that Reynancia had a pending case before the prosecutor's office. Unfortunately, other than Uvero's denial that he intended to bribe Prosecutor Cabauatan, and his defense that he merely accommodated Reynancia's request to him to give the money to Prosecutor Cabauatan, Uvero failed to refute the charges against him. We likewise find no ill motive on the part of Prosecutor Cabauatan that would prompt her to make false accusations against Uvero.

But what aggravates the misconduct is that Uvero, in an effort to exonerate himself, asserted that it is "common knowledge and practice" for party-litigants to give gifts as "tokens" of appreciation to government lawyers. Such statement from a court employee deserves condemnation as the Court would never tolerate any whiff of impropriety much less corruption. As court employee, Uvero should know that government employees and officials cannot receive any voluntary monetary considerations from any party in relation to the performance of their duties. It does not matter whether the money was not intended to be given to Uvero directly, or that Prosecutor Cabauatan refused the money, or that Uvero eventually returned the money to Reynancia, the fact remains that he received money from Reynancia, and thereafter, attempted to give said money to Prosecutor Cabauatan who is handling Reynancia's pending case. He should, thus, be held accountable even for mere receiving money from a litigant, more so, when the purpose of receiving money is to facilitate a favorable resolution of a pending case. Clearly, such actuations by Uvero constitute grave misconduct as said actions erode the respect for law and the courts.



In *Ramos v. Limeta*,¹⁸ grave misconduct is defined as

x x x a serious transgression of some established and definite rule of action (such as unlawful behavior or gross negligence by the public officer or employee) that ***tends to threaten the very existence of the system of administration of justice an official or employee serves***. It may manifest itself in corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules. x x x¹⁹

In this case, Uvero's act of approaching Prosecutor Cabauatan and his subsequent attempt to offer Reynancia's money compromised the judiciary's good name and standing as true temple of justice. We emphasize anew that court personnel, regardless of position or rank, are expected to conduct themselves in accordance with the strict standards of integrity and morality because the acts of court personnel reflect on the judiciary. This Court has held that the court personnel's act of soliciting or receiving money from litigants constitutes grave misconduct.

The sole act of receiving money from litigants, ***whatever the reason may be***, is antithesis to being a court employee.²⁰ Neither the fact that the money was given voluntarily nor good intention to help party-litigants is a defense as they are self-serving, and will not absolve the misconduct committed by court employees.²¹ There is no defense in receiving money from party-litigants. The act itself is not only inappropriate but also constitutes grave misconduct.²²

Those serving in the judiciary must carry the heavy burden and duty of preserving public faith in our courts and justice system by maintaining high ethical standards. They must stand as "examples of responsibility, competence and efficiency, and they must discharge their duties with due care and utmost diligence since they are officers of the court and agents of the law." We do not tolerate any misconduct that tarnishes the judiciary's integrity.²³

¹⁸ 650 Phil. 243 (2010).

¹⁹ *Ramos v. Limeta*, *supra*, at 248-249. (Emphasis ours)

²⁰ *Villahermosa v. Sarcia*, 726 Phil. 408, 416 (2014).

²¹ *Id.*

²² *Anonymous v. Glenn L. Namol, etc., et al.*, A.M. No. P-16-3614, June 20, 2017.

²³ *Atty. Joselita C. Malibago-Santos, etc. v. Juanito B. Francisco, Jr., etc.*, A.M. No. P-16-3459 [Formerly OCA IPI No. 13-4119-P], June 21, 2016.

PENALTY

Grave misconduct merits dismissal.²⁴ This Court, however, has imposed a lower penalty in some cases after considering certain mitigating circumstances. Here, said mitigating circumstances are extant in the instant case, particularly: (1) Uvero's 15 years of service in the judiciary; (2) Uvero's first infraction; and (3) Uvero's acknowledgment of his infraction and feelings of remorse which persuade us to exhibit a degree of leniency towards him. We, thus, deem the penalty of six-month suspension for Uvero to be appropriate.

WHEREFORE, respondent Sheriff Domingo B. Uvero, Branch 12, Regional Trial Court, Ligao City, Albay, is found **GUILTY** of grave misconduct and is hereby **SUSPENDED** from the service for a period of six (6) months effective immediately. He is likewise **STERNLY WARNED** that a repetition of the same or similar act will be dealt with more severely.

SO ORDERED.


DIOSDADO M. PERALTA
Associate Justice

²⁴ Rule 10, Section 46, A, of the Revised Rules on Administrative Cases in the Civil Service, Series of 2011 - Section 46. Classification of Offenses. – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

- A. The following grave offenses shall be punishable by dismissal from the service:
1. Serious Dishonesty;
 2. Gross Neglect of Duty;
 3. Grave Misconduct.

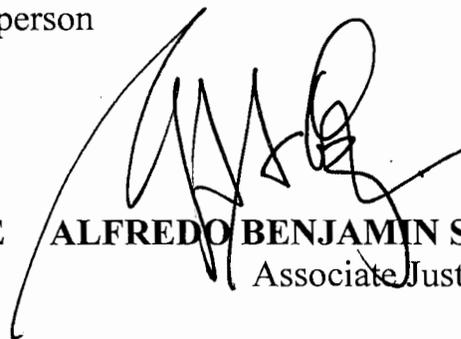
WE CONCUR:



ANTONIO T. CARPIO
Associate Justice
Chairperson



ESTELA M. PERLAS-BERNABE
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ANDRES B. REYES, JR.
Associate Justice