



Republic of the Philippines
Supreme Court
 Manila

EN BANC

**JUDGE JUAN GABRIEL H.
 ALANO,**

Complainant,

A.M. No. P-14-3252

[Formerly OCA IPI No. 08-2960-P]

Present:

SERENO, *C.J.*,
 CARPIO,
 VELASCO, JR., *
 LEONARDO-DE CASTRO,
 BRION, **
 PERALTA,
 BERSAMIN,
 DEL CASTILLO,
 VILLARAMA, JR.,
 PEREZ,
 MENDOZA,
 REYES,
 PERLAS-BERNABE,
 LEONEN, and
 JARDELEZA, *JJ.*

- versus -

**PADMA L. SAHI, COURT
 INTERPRETER, MUNICIPAL
 CIRCUIT TRIAL COURT,
 MALUSO, BASILAN,**

Respondent.

Promulgated:

October 14, 2014

X-----X

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

* On official leave.
 ** On leave.

Sections 1¹ 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 ₱50,000.00 and ₱100,000.00 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 ₱180,000.00 "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 ₱70,000.00. After viewing it, Judge Alano offered to buy the same for ₱30,000.00 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.

¹ Section 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

² Section 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions.

³ A.M. No. 03-06-13-SC, June 1, 2004.

⁴ Section 3. Corrupt practices of public officers. 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:

(a) Persuading, inducing or influencing another public officer to perform an act constituting a violation of rules and regulations duly promulgated by competent authority or an offense in connection with the official duties of the latter, or allowing himself to be persuaded, induced, or influenced to commit such violation or offense[.]

3. Sometime in November 2007, Sahi demanded from Sawari, a protestee in EP09-2007, to pay the court ₱50,000.00 in exchange for a favorable judgment. Sahi further demanded and received from him the amount of ₱5,000.00 for the alleged transportation expenses of Judge Alano to Manila.
4. Abdurajak A. Jalil (Jalil), protestant in EP03-2007, claimed that sometime in December 2007, Sahi solicited from him the amount of ₱60,000.00 for the purchase of a printer for the court. Through his son, he gave Sahi the initial amount of ₱10,000. 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 ₱50,000.00 and ₱5,000.00 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 ₱200,000.00 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 ₱50,000.00 to Sawari and that there was no truth to the allegations that she received ₱5,000.00 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 63⁵ of the Omnibus Leave Rules for being on AWOL for more than 30 calendar days.

In the 1st Indorsement⁶ dated October 6, 2008, Sahi was directed to file her Comment within 10 days from receipt thereof.

⁵ Sec. 63. Effect of absence without approved leave – An official or an employee who is continuously absent without approved leave for at least thirty (30) calendar days shall be considered on absence without official leave (AWOL) and shall be separated from service or dropped from the rolls without prior notice.

⁶ *Rollo*, p. 90.

On November 17, 2008, Sahi filed her Answer⁷ 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 ₱5,000.00 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 bronchitis⁸ 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.

⁷ Id. at 283-288.

⁸ Id. at 291.

⁹ Id. at 290.

In the Resolution¹⁰ 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 recommendation¹¹ 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.

¹⁰ Id. at 365-366.

¹¹ Id. at 399-409.

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 P10,000.00 delivered to her by his son, Hassan Jalil, for which the respondent issued a receipt.

Hassan Jalil confirmed the sworn statement of his father, Abdurajak 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.

The findings and the recommendation of the Investigating Judge are well-taken.

As found by Judge Estacio, the evidence on record undeniably shows that during several instances, Sahi solicited and received various sums of money from party litigants in the election protest cases pending before the 2nd MCTC of Sumisip, Maluso and Lantawan, Basilan Province despite constant reminders from Judge Alano not to demand, solicit or receive money or other gifts or benefits from any party litigant. In fact, Judge Alano's discreet investigation was corroborated by affidavits executed by the parties who stated that Sahi exacted money from them in exchange for favorable judgments in the *sala* of Judge Alano.¹³

¹² Id. at 405-406.

¹³ Id. at 26-33.

Moreover, the records of the case will show that the party litigants in the election protest cases pending before Judge Alano's court had the impression that Sahi was acting as an agent of Judge Alano. This explained why several protestants and protestees inquired from several court personnel if Judge Alano received the bribe money they gave through Sahi. Convincingly, the Affidavits of Sawari and Jalil showed Sahi's corrupt practice of soliciting money in exchange for favorable judgments.

To escape liability, Sahi proffered her defense of bare denial and self-serving claim that she never acted as broker to any party litigant. According to her, the affidavits executed by the party litigants should not be taken as gospel truth because they are the kind of persons who can easily be pressured to execute a document without being fully aware of its consequences and contents. It bears to note, however, that during the hearing held on March 30, 2011 at about 2:00 p.m., Sawari and Jalil, together with the latter's son, Hassan Jalil, appeared and re-affirmed their respective affidavits.

Clearly, Sahi failed to overcome the positive, candid, and straightforward testimonies of the complaining party litigants. By jurisprudence, "denial is an intrinsically weak defense which must be buttressed by strong evidence of non-culpability to merit credibility."¹⁴ In the present case, the investigating judge took note of the fact that Sahi failed to present even a single witness to belie the accusations hurled against her.

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.¹⁵ "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."¹⁶

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

¹⁴ *People v. Villafuerte*, G.R. No. 154917, May 18, 2004, 428 SCRA 427, 435.

¹⁵ *Santos, Jr. v. Mangahas*, A.M. No. P-09-2720, April 17, 2012, 669 SCRA 599, 606.

¹⁶ *In Re: Improper Solicitation of Court Employees – Rolando H. Hernandez*, EAI, Legal Office, OCAD, 604 Phil. 237, 242 (2009).

purpose of the donor is to influence the court personnel in performing official duties.”

In the present case, the corrupt practice of Sahi in soliciting and receiving bribe money from party litigants on the pretext that they will obtain a favorable judgment undoubtedly degraded the Judiciary and diminished the respect and regard of the people for the court and its personnel. Such practice constitutes grave misconduct in office which is appalling. It is a grave offense that carries an equally grave penalty. Under Section 22(c) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, gross misconduct is classified as a grave offense. The penalty for this offense is dismissal even for the first offense.

This Court has been resolute in its drive to discipline and, if warranted, to remove from the service errant magistrates, employees and even Justices of higher collegiate appellate courts for any infraction that tends to give the Judiciary a bad name. The Court has been unflinching in imposing discipline on errant personnel or in purging the ranks of those undeserving to remain in the service, such as in this case. Thus, this Court finds the respondent administratively liable for improper solicitation and imposes the penalty prescribed by prevailing rules and jurisprudence, which is dismissal from service on the first offense.¹⁷

Anent Sahi's continuous absences, this Court finds that she, indeed, had been AWOL from June 18, 2008 until September 24, 2008, or for 67 consecutive working days.¹⁸

The records show that Sahi's absences from June 18, 2008 to June 30, 2008 were unauthorized because her application for leave was disapproved by Judge Alano on the ground, among others, that no notice was given by Sahi regarding her alleged illness despite reports from court employees that she was able to personally claim her paycheck on June 20, 2008 and that she was seen loitering around the City prior to that date.

On Sahi's claim that she submitted her sick and vacation leave application for the month of July, the records show that the same was neither acted upon nor filed at all with the court.

¹⁷ Id. at 245.

¹⁸ *Rollo*, pp. 156-179.

Pursuant to Section 63, Rule XVI of the Omnibus Rules on Leave, as amended by Civil Service Resolution No. 070631, an employee's AWOL for at least 30 working days warrants his separation from the service. The Rule specifically provides:

Sec. 63. Effect of absences without approved leave. — An official or employee who is continuously absent without approved leave for at least thirty (30) working days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. However, when it is clear under the obtaining circumstances that the official or employee concerned, has established a scheme to circumvent the rule by incurring substantial absences though less than thirty working (30) days 3x in a semester, such that a pattern is already apparent, dropping from the rolls without notice may likewise be justified.

If the number of unauthorized absences incurred is less than thirty (30) working days, a written Return-to-Work-Order shall be served to him at his last known address on record. Failure on his part to report for work within the period stated in the order shall be valid ground to drop him from the rolls.

In this connection, Section 63, Rule XVI of the Omnibus Civil Service Rules and Regulations, as amended by Circular No. 14, series of 1999, provides:

Sec. 63. *Effect of absences without approved leave.* — An official or employee who is continuously absent without approved leave for at least thirty (30) calendar days shall be considered on absence without official leave (AWOL) and shall be separated from the service or dropped from the rolls without prior notice. He shall, however, be informed, at his address appearing on his 201 files, of his separation from the service, not later than five (5) days from its effectivity.

Thus, under civil service rules, Sahi should be dropped from the rolls on account of her continued unauthorized absence since June 18, 2008. Proofs of Sahi's ongoing AWOL are: (1) her disapproved leave application for the month of June 2008; (2) the absence of any application for leave during the remaining relevant dates; (3) the letters dated July 11 and 24, 2008 of Judge Alano to the Leave Section of the OAS-OCA, stating that Sahi had been on AWOL for more than 30 calendar days; and (4) the Certification¹⁹ issued by Clerk of Court Pawaki dated September 24, 2008 stating that Sahi had not been reporting for work since June 18, 2008 and that she had not given any notice of her absences.

¹⁹ Id. at 308.

A court employee who goes on AWOL for a prolonged period of time disrupts the normal functioning of the organization²⁰ and delays its operations. His conduct is prejudicial to the best interest of public service.²¹ It contravenes a public servant's duty to serve the public with utmost degree of responsibility, integrity, loyalty and efficiency.²² It also manifests disrespect for his superiors and colleagues, in particular, and for the service and the public at large, in general.

By going on AWOL, Sahi grossly ignored and abandoned the duties of her office. She failed to remain faithful to the high standards of public accountability imposed on all those in government service.²³

Moreover, Judge Estacio also took note of Sahi's poor performance rating in the discharge of her duties and responsibilities as Court Interpreter. The report and recommendation of Judge Estacio stated:

The absences of [Sahi] from June 19 to August 1, 2008, were incurred without prior approval. [Sahi] has been remiss in her duties as interpreter of the court and her continuous absence from work has been prejudicial to public service. In fact, [Judge Alano] has expressed his dissatisfaction with her performance for the past four (4) years x x x.²⁴

The Court has repeatedly held that the conduct and behavior of everyone connected with an office charged with the dispensation of justice is circumscribed with the heavy burden of responsibility. The Court cannot countenance any act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.²⁵

WHEREFORE, the Court finds Padma L. Sahi, Court Interpreter I of the 2nd Municipal Circuit Trial Court of Sumisip, Maluso and Lantawan, Basilan Province, **GUILTY** of **GRAVE MISCONDUCT** and imposes upon her the penalty of **DISMISSAL** with forfeiture of retirement benefits except leave credits, with prejudice to re-employment in any branch, instrumentality or agency of the government, including government-owned or controlled corporations.

²⁰ *Re: AWOL of Ms. Borja*, 549 Phil. 533, 536 (2007).

²¹ *Re: Absence Without Official Leave of Mr. Basri A. Abbas*, 520 Phil. 558, 560-561 (2006).

²² *Id.* at 561.

²³ *Id.*

²⁴ *Rollo*, pp. 408-409.

²⁵ *Re: Absence Without Official Leave of Jacoba*, 362 Phil. 486, 489 (1999).

SO ORDERED.



MARIA LOURDES P. A. SERENO
Chief Justice



ANTONIO T. CARPIO
Associate Justice

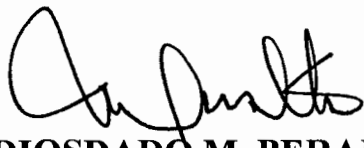
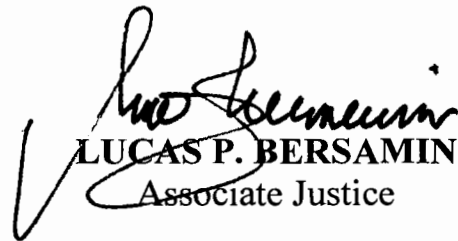

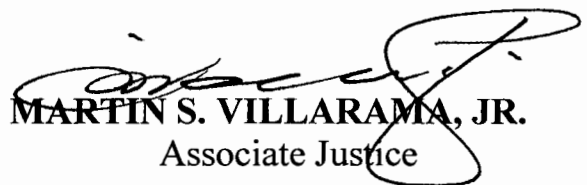

(On official leave)

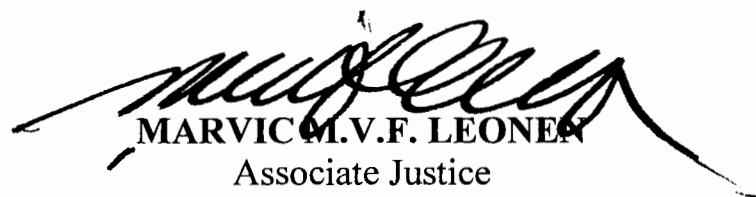
PRESBITERO J. VELASCO, JR.
Associate Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice

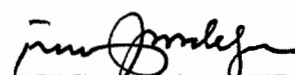
(On leave)

ARTURO D. BRION
Associate Justice


DIOSDADO M. PERALTA
Associate Justice
LUCAS P. BERSAMIN
Associate Justice
MARIANO C. DEL CASTILLO
Associate Justice
MARTIN S. VILLARAMA, JR.
Associate Justice
JOSE PORTUGAL PEREZ
Associate Justice
JOSE CATRAL MENDOZA
Associate Justice
BIENVENIDO L. REYES
Associate Justice
ESTELA M. PERLAS-BERNABE
Associate Justice



MARVIC M.V.F. LEONEN
Associate Justice



FRANCIS H. JARDELEZA
Associate Justice