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Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

Please take notice that the Court, First Division, issued a Resolution dated **December 2, 2020** *which reads as follows:*

"A.M. No. P-18-3790 [*Formerly OCA IPI No. 16-4616-P*] – (HON. NORMA G. CINCO, Presiding Judge, Municipal Trial Court, Capoocan, Leyte, *complainant* v. EFREN D. VILLAFLOR, Court Interpreter I, same court, *respondent*). – The instant administrative case arose from a letter-complaint[1] dated July 29, 2016 filed before the Court through the Office of the Court Administrator (OCA) by Hon. Norma G. Cinco (complainant), Presiding Judge of Municipal Trial Court (MTC) of Capoocan, Leyte against the respondent, Efren D. Villaflor (respondent), Court Interpreter I of the same court.

In her letter-complaint, the complaint alleged that:

On July 11, 2016, then acting Chief of Police of Capoocan, Leyte, Police Chief Inspector Gregorio P. Nitura, went to her office and requested her to convince the respondent to surrender as a drug user to avoid any "shameful and/or tragic incident" that may happen to him. The complainant admitted that while she had already previously heard rumors that the respondent along with other local government employees, on the pretense of rendering overtime work, held drug sessions in the Municipal Hall of Capoocan, Leyte on Saturdays, she was still surprised of hearing this information from the Chief of Police.[2]

On July 27, 2016, the respondent voluntarily submitted himself to the Philippine National Police (PNP) Capoocan Station and

[1] *Rollo*, pp. 2-3.
[2] Id. at 47, 97.

submitted therein an Affidavit of Undertaking.[3] In the affidavit, subscribed before the complainant on July 14, 2016, the respondent affirmed: a) that he is submitting himself voluntarily to the PNP Capoocan pursuant to its Revitalized Campaign Against Illegal Drugs, b) that he has on occasion violated the provisions of Republic Act No. (R.A.) No. 9165 otherwise known as the Comprehensive Dangerous Drugs Act of 2002 and undertake to stop all activities in violation its provisions, and c) that he is executing the affidavit "freely and voluntarily to attest to the truth" of the facts stated therein.[4]

On October 15, 2015, on her way home from the office, complainant discovered that she lost ₱5,000.000. Earlier that day, she remembered that the money was just in her wallet which she kept inside her chambers. Noting that it was only the respondent who was left inside the same room where her chambers was located as the rest of the staff was partaking lunch in celebration of the birthday of Process Server Pedro Peñaflor, the complainant suspected that it could have been the respondent who took the money. The respondent initially denied the accusation, but eventually admitted to the complainant that he was the culprit. Respondent asked the complainant for forgiveness and offered to return the money, which the latter accepted.[5]

Nonetheless, the respondent was able to return only ₱3,000.00 and refused to satisfy the rest of his obligation; this prompted the complainant to give the respondent an unsatisfactory rating for the 2nd semester of 2015. As well, fearing for her safety after receiving information that the respondent is tagged as a user on the drugs watch list of the PNP Capoocan, the complainant filed this letter-complaint before the OCA.[6]

Acting on OCA's 1st Indorsement[7] the respondent filed his Comment[8] on November 3, 2016. The respondent denied the allegations against him. He claimed that he did not join the birthday celebration of Peñaflor as he was trying to finish his monthly reports and was preparing himself physically for an upcoming bicycle race. Further, he admitted having given the complainant a certain amount of money, but argued that the same is not an admission of guilt but only a gesture to "buy peace."[9]

3 Id. at 47-48, 59, 97.
4 Id. at 59.
5 Id. at 2-3, 97.
6 Id. at 97.
7 Id. at 6.
8 Id. at 10-14.
9 Id. 10-11, 97.

Respondent also denied the allegation that he is a user of dangerous drugs. He disavowed having executed the *Affidavit of Undertaking.* He posited that the same has not been duly executed as the same was not stamped, submitted, and received by the PNP Capoocan Station, hence, an uncounseled confession. Respondent claimed that the affidavit was pro-forma and already prepared; that he was merely forced into signing the affidavit in order for the rumors involving him in the workplace to stop; that he was encouraged by the complainant and his co-workers to execute the affidavit in support of President Rodrigo R. Duterte's campaign against illegal drugs and as proof of his innocence. He cites in support thereof, that he passed two drug tests: the first in relation to his application to his present position in February 2013, and second, during a voluntary drug testing in July 2016. Finally, respondent averred that he signed the affidavit upon the assurance that the same is confidential and will not be used against him. The fact that the affidavit is herein utilized against him is unconstitutional as it violates his right to self-incrimination.[10]

The complainant filed her Reply[11] dated October 14, 2016. She reiterated that the respondent personally admitted to her that he was the one who took her money; that he cried and knelt in front of her, pleaded for her forgiveness and for her not to file charges against him as he has a family to support, in turn, respondent promised to return the money.[12]

In a Resolution[13] dated April 5, 2017, the Court, upon recommendation of the OCA, resolved to refer the instant complaint to the Executive Judge (EJ) of the Regional Trial Court of Carigara, Leyte, for investigation, report, and recommendation.

On August 10, 2017, EJ Lauro A.P. Castillo, Jr. (Investigating Judge) submitted his Investigation Report,[14] recommending on the basis of his investigation:

> WHEREFORE, foregoing premises considered, the undersigned Investigating Executive Judge most respectfully recommends the:
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> 1. APPROPRIATE ACTION by the Office of the Court Administrator on the "POOR" rating given to the respondent by his superior, Judge Norma G. Cinco, for the two [2] successive rating periods; and

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[10] Id. at 11-12, 98.
[11] Id. at 7-9.
[12] Id. at 7-9, 98.
[13] Id. at 32-33.
[14] Id. at 38-46.

> 2. FINDING of guilt for Conduct Prejudicial to the Best Interest of the Service and for which it is recommended that the respondent be penalized with One (1) year suspension without pay.
>
> RESPECTFULLY SUBMITTED.[15]

In his report, the Investigating Judge held that while there is no direct evidence showing that the respondent has indeed used drugs, his execution of an *Affidavit of Undertaking*, is an admission of guilt. With respect to the crime of theft, the Investigating Judge concluded on the basis of his observations during the ocular inspection that respondent had access to the complainant's chambers. Moreover, he also found evidence that the respondent "started to restitute" the amount and was in fact able to pay ₱3,000.00. These constitute circumstantial evidence that points to the respondent as the author of the crime of theft.[16]

The Investigation Report was referred to the OCA *via* the Court's Resolution[17] dated August 23, 2017. On October 17, 2017, the OCA, evaluating the complaint, issued its recommendation:

> IN VIEW OF THE FOREGOING, it is respectfully recommended for the consideration of the Honorable Court that respondent Efren D. Villaflor, Court Interpreter I, Municipal Trial Court, Capoocan, Leyte, be found GUILTY of Conduct Prejudicial to the Best Interest of the Service and be imposed the penalty of One (1) Year suspension from office, with a WARNING that the commission of the same or similar offense shall be dealt with more severely.[18]

In so ruling, the OCA affirmed the factual findings and conclusion of the Investigating Judge. It found that circumstantial evidence points to the respondent as the one who took the money of the complainant. In view of this and for being in the BADAC drugs watchlist, both of which are acts that were not work-related, the OCA ruled that the respondent engaged in Conduct Prejudicial to the Best Interest of the Service. For which, the OCA recommended that the respondent be imposed the penalty of one (1) year suspension without pay.[19]

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15 Id. at 46.
16 Id. at 45.
17 Id. at 96.
18 Id. at 100.
19 Id. at 99-100.

However, the OCA refused to resolve the respondent's protest over his performance rating, adjudging that the same needs further evaluation and study.[20]

The issue presented before the Court for resolution is whether the acts allegedly committed by the respondent were sufficiently proven and if so, whether the same merit administrative sanction.

After due consideration, the Court **adopts** the recommendation of the OCA.

"Conduct Prejudicial to the Service" or "Conduct Unbecoming of a Court personnel" is a form of misconduct. As a ground for administrative sanction, it covers "[a]ny scandalous behavior or any act that may erode the people's esteem for the judiciary."[21]Acts which would have otherwise constituted simple or grave misconduct but are not work-related, fall within this definition. [22]

The petition presents two grounds for the imposition of administrative sanction: *first,* the inclusion of respondent's name as "user" in the BADAC drugs watchlist and his execution of an *Affidavit of Undertaking* admitting to having occasionally violated the provisions of R.A. No. 9165, and *second,* having allegedly committed theft against herein complainant.

With respect to the first, it must be noted that the inclusion of one's name in the drugs watchlist is not tantamount to guilt. The Court recognizes, as the Investigating Judge opined in his report, that "the name of a person cannot just be included in the list without any basis at all."[23] Nonetheless, the same flows not from the fact that proof beyond reasonable doubt actually exists. The same is an inference rooted only from the presumption of regularity in the performance of official functions which the police officers generally enjoy. As settled, the same is not conclusive and may be overcome by evidence to the contrary or when the facts which give rise to the same is determined not to exist.[24] As such, the inclusion of one's name in the drugs watchlist does not give rise to a presumption of guilt, neither does the same constitute as evidence against the defendant. The "drugs watchlist" is a mere investigatory tool used by the police officers as an aid to law enforcement. The list would have to be validated, verified,

[20] Id. at 100.
[21] *Bonono, Jr., et al. v. Sunit,* 807 Phil. 1, 6 (2013).
[22] Id.
[23] *Rollo,* p. 44.
[24] *University of Mindanao, Inc. v. Bangko Sentral ng Pilipinas, et al.,* 776 Phil. 401 (2016).

and supported by other evidence in order for criminal prosecution to begin. In this sense, therefore, there is no basis for the Court to impose administrative sanction upon the respondent on this score alone.

In making such determination, the Court is not unmindful that an administrative case is independent from criminal proceedings, as in the former, only substantial evidence is required and not proof beyond reasonable doubt.[25] As defined by Section 6 of the Rules of Court,[26] substantial evidence is, "that amount of evidence which a reasonable mind might accept as adequate to justify a conclusion." Even in this regard, the inclusion of one's name in the drugs watchlist, without more does not satisfy this quantum of evidence.

The drugs watchlist is an internal document, which by its nature, is confidential. On this score alone, there can be no foreseeable damage caused to the reputation of the respondent and that of the court. However, it must be noted that in this case, the respondent is not only included in the drugs watchlist; he has also executed an *Affidavit of Undertaking* in which he admitted that he has committed violations of R.A. No. 9165. This admission is a confirmation and validation of the drugs watch list. To a certain degree, for this administrative proceeding, the same may be treated as a confession.

The respondent's execution of an *Affidavit of Undertaking* does not automatically translate to criminal conviction, as in fact, criminal proceedings have yet to be undertaken in this case. Nevertheless, his admission has an effect in the public perception of the office which the respondent holds. The act may be treated as conduct prejudicial to the interest of the service, as it tarnishes the image and integrity of public office.[27]

The respondent claims that he was merely coerced into signing the affidavit; that the same is proforma, and is in the nature of an "uncounseled confession" and as such cannot be used against him. The Court does not agree. Foremost, the respondent is not an ordinary layman. He is a Court Interpreter. At one point, respondent also acted as OIC- Clerk of Court.[28] As an employee of the judiciary holding such positions, the respondent cannot claim that he is not versed nor aware of the implications of the affidavit he has signed. The nature of his functions sufficiently apprise him of the necessary consequences of the statements he has made in the *Affidavit of Undertaking*. It

[25] *Ganzon v. Arlos*, 720 Phil. 104, 118 (2013).
[26] 2019 AMENDMENTS TO THE REVISED RULES ON EVIDENCE, A.M. No. 19-08-15-SC.
[27] *Omb-Visayas v. Castro*, 759 Phil. 68, 79 (2015).
[28] *Rollo*, p. 13.

cannot be said, on the basis of his work responsibilities, that he can be easily coerced or influenced into signing the said affidavit, seeing clearly the gravity of the declarations therein.

The respondent also argued that he executed the affidavit under the agreement that the same is confidential and cannot be used against him. However, he failed to present evidence in support of the said allegation. Consequently, the Court cannot subscribe to the same. The burden rests upon the person to prove the truth of the fact he alleges; mere allegation is not evidence.[29]

Even if the Court were to disregard the subject affidavit, the respondent is still subject to administrative sanction for theft.

As found by both the Investigating Judge and the OCA, the complainant was able to establish that on October 15, 2015, she lost money in her chambers and that it was the respondent who took it. Circumstantial evidence support the respondent's guilt, as the OCA noted:

> x x x It does not matter if there was no eyewitness to the theft because the totality of the evidence points to the ineluctable conclusion that he was the author thereof. Aside from his restitution of a partial amount of the missing cash, the circumstantial evidence shows the presence of respondent at the crime scene on the date, time and place of its commission; his proximity to the location of the bag; and the on-going birthday celebration of a co-employee which diverted the employees' attention away from complainant Judge's chambers.[30]

The respondent's denial does not stand amidst these circumstantial evidence. Notably, there is no other plausible reason for the respondent to give the complainant money, except by way of restitution of the amount he has stolen. This is affirmed by the affidavits executed by his co-workers upon whom the respondent coursed payment — Igmedio C. Cabalhin, Jr. and Nilda Caballes-Castañas.[31] Other employees of the same court to which parties herein are assigned likewise attested to witnessing the respondent confess to the offense and seek forgiveness from the complainant. There is no indication that these witnesses are impelled by improper motive in testifying against the respondent. Their statements therefore deserve

[29] *Office of the Court Administrator v. Runes*, 730 Phil. 391, 395-396 (2014).
[30] *Rollo*, p. 99.
[31] Id. at 79-80, 83-84.

full faith and credit.[32] Faced with these, the respondent can offer only his bare denial. Evidently, the case tilts in favor of the complainant.

Similar to the previous allegation, the fact that criminal proceedings have not yet been instituted involving the incident of theft is of no moment. As stated early on, administrative proceedings proceed independently of criminal proceedings.[33]

The respondent's act cannot be classified as simple or grave misconduct, as the act of stealing does not have a direct relation to and is not connected with the performance of official duties.[34] The subject of theft is not public funds or property; it is money which belongs to the complainant. As correctly found by the OCA, the act committed falls within the classification of "conduct prejudicial to the best interest of the service." To reiterate, the ground includes "any conduct that is detrimental or derogatory or naturally or probably bringing about a wrong result; it refers to acts or omissions that violate the norm of public accountability and diminish - or tend to diminish - the people's faith in the Judiciary."[35] While not connected to his duties as a court employee and public official, the respondent's act reflects poorly on his character. As the Court emphasized repeatedly, employees of the judiciary should at all times be circumspect in the conduct of themselves, whether in the performance of official duties or in their personal dealings, so as to preserve at all times the good name and standing of the courts in the community. Any transgression or deviation from the established norm of conduct, work related or not, amounts to a misconduct.[36] The act of theft committed by the respondent against the complainant, without doubt, offends such standard of conduct.

Now, proceeding with the penalty, "conduct prejudicial to the best interest of the service" is classified as a grave offense, punishable by suspension of six (6) months and one (1) day to one (1) year for the first offense.[37] In light of the fact that the respondent committed two (2) infractions, the OCA was correct in recommending that the maximum penalty of one (1) year suspension should be imposed upon the respondent. While the respondent initially showed remorse and returned a portion of the money stolen, he nonetheless withdrew the

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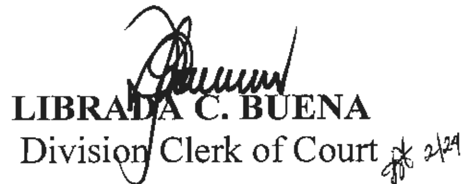
32 *Bonono, Jr., et al. v. Sunit*, supra note 21 at 6-7.
33 *Bejarasco, Jr. v. Judge Buenconsejo*, 473 Phil. 193, 204 (2004).
34 *Judge Tolentino-Genilo v. Pineda*, 819 Phil. 588, 594 (2017); *Committee on Security and Safety, CA v. Dianco, et al.*, 777 Phil. 16, 19 (2015).
35 *Judge Zarate-Fernandez v. Lovendino*, 827 Phil. 191, 199 (2018).
36 *Bonono, Jr., et al. v. Sunit*, supra note 21 at 6.
37 REVISED RULES ON ADMINISTRATIVE CASES, Section 46(A)(3).

admission and consistently pleaded his innocence in the course of this administrative proceedings. There is thus no room for mitigation of the penalty.

WHEREFORE, premises considered, the Court finds respondent Efren D. Villaflor, Court Interpreter I of the Municipal Trial Court of Capoocan Leyte, **GUILTY** of Conduct Prejudicial to Best Interest of the Service for which he is **SUSPENDED** for a period of one (1) year. He is **STERNLY WARNED** that a repetition of the same or similar offense shall be dealt with more severely.

SO ORDERED."

By authority of the Court:



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Hon. Norma G. Cinco
Complainant – Presiding Judge
Municipal Trial Court
Capoocan, 6530 Leyte

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