Supreme Court E-Library

SECOND DIVISION

[G.R. No. L-42620. April 30, 1985]

MAXIMO RUELAN, *petitioner, vs.* CIVIL SERVICE COMMISSION; MINISTER OF PUBLIC WORKS, TRANSPORTATION AND COMMUNICATIONS; and THE POST MASTER GENERAL, *respondents.*

SYLLABUS

1. **ADMINISTRATIVE LAW; CIVIL SERVICE RULES; PUBLIC OFFICERS; APPLICABILITY OF PRESIDENTIAL DECREE NO. 6; CASE AT BAR.—** The Commissioner of Civil Service committed a mistake in applying Section 1(c) of P.D. No. 6 to the petitioner's case as the same had not yet been promulgated in 1968 when the petitioner committed the offense. However, this error is not fatal because the petitioner's culpable act was punishable under Section 19(o) of the Revised Civil Service Rules which took effect on January 3, 1963, in relation to Section 33 of R.A. No. 2260 which reads: "Section 19.- The following are also declared to be grounds for disciplinary action in accordance with the provisions of the Civil Service Rules: x x x x x x x x x "(o) Contracting loans of money or other property from persons with whom the bureau or office of the employee has business relations."

2. **ID.; ID.; ID.; PUBLIC OFFICE IS A PUBLIC TRUST; VIOLATORS OF ANY CIVIL SERVICE RULE SHOULD BE IMMEDIATELY DISCIPLINED.—** The commission of graft and corrupt practices from violations of any Civil Service rule is not necessary. Public interest demands that public officers found violating any Civil Service rule should immediately be disciplined. This is so because: "Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people." (Art. XIII, Sec. 1, 1973 Constitution.) To be sure, the act of the petitioner took place before 1973 but the provision of the Constitution expresses a doctrine which is not circumscribed by time.

Supreme Court E-Library

3. ID.; ID.; ID.; DECISION OF THE CIVIL SERVICE COMMISSION; SUPPORTED BY SUBSTANTIAL EVIDENCE.— The petitioner contests the sufficiency of the evidence presented against him to warrant his dismissal from public office. He contends that there is no clear evidence against him that he borrowed money from the complainant so as to warrant his dismissal from office. We have examined the record, particularly with respect to the hearing conducted by Atty. Roland P. Lucero on October 23, 1972 (Annex H-1, amended petition) and We are satisfied that the decisions of the respondent officials are supported by substantial evidence.

APPEARANCES OF COUNSEL

Blanca, Valdemoro & Assoc. for petitioner.
The Solicitor General for respondents.

D E C I S I O N

ABAD SANTOS, *J.*:

Maximo Ruelan's amended petition prays that he be reinstated to the position of postmaster of Tabuelan, Cebu, and that in the meantime the respondents Secretary of Public Works, Transportation and Communications and the Postmaster General be prohibited from filling up the position.

The respondents were required to answer the petition and they did by asking that it be dismissed.

The factual background is as follows:

In a sworn complaint dated September 29, 1968, addressed to the Postmaster General, Angela Loyao accused the petitioner of the following offenses:

"1. - *Dishonesty* -

Maximino Ruelan volunteered to follow up my social insurance benefits with the Social Security Administration Unit of the U.S. Veterans Administration. For this, he did not inform me of the progress of the follow-up; letters from the USVA intended for me did not reach my

Supreme Court E-Library

hands but were with him; he only told me of such letters. Worse, when my checks, in dollars, covering my benefits arrived, they all went to the hands of Maximino Ruelan who did not bother to tell me of their exact amounts. For all such benefits, I was only given by Maximino Ruelan the amount of P5,000.00 (in pesos) while he appropriated for himself and his wife the rest of the money; some were deposited in a bank in the name of his wife, and recently immediately withdrawn.

"2. - *Oppression* -

Maximino Ruelan oppressed me and took undue advantage of my illiteracy and my old age, knowing I do not know how to read and write. He did not even want any of my children, already of age, to accompany me and my husband in the cashing of my benefit checks which he together with his wife, did encash personally.

"3. - *Grave Misconduct* -

I know him to be a public official, and because of this, i trusted him. I could not believe he could afford to cheat an old and unschooled woman like me. But he went wrong and different when my benefit checks arrived because he let me believed that I was only entitled to P5,000.00 all in all in benefits. I could not exactly tell how much my checks were actually worth because Maximino Ruelan did not tell me, but I am sure they were in dollars, and very much more than the peso equivalent of P5,000.00. The amount of my checks were not shown to me by Mr. Ruelan. He personally took hold of my checks until they were all cashed. All I did was to thumbmark the checks upon his insistence." (*Rollo*, pp. 93-94.)

[A complaint for estafa was also filed by Angela Loyao against Mr. and Mrs. Maximino Ruelan in the Cebu City Fiscal's Office but it was dismissed for lack of prima facie evidence. *Rollo*, pp. 96-102.]

On August 21, 1970, Angela Loyao executed an affidavit wherein she withdrew her administrative complaint against the petitioner. She said that she had been misled by her counsel in filing the complaint; that Ruelan did not commit the offenses of dishonesty, oppression and grave misconduct; and that he "had already made complete payment of his indebtedness." (*Rollo*, p. 103.) The affidavit of desistance was accompanied

Supreme Court E-Library

by another affidavit executed by the Loyao spouses wherein they narrated in detail what happened to the dollar check in her favor in the amount of $4,686.50 issued by the USVA. (*Rollo*, pp. 104-106.) Both affidavits were forwarded to the Postmaster General on August 24, 1970. (*Rollo*, p. 107.)

The two affidavits notwithstanding; the Postmaster General on April 13, 1972, sent the following letter to the petitioner:

"This Office has found, after a preliminary investigation, that a *prima facie* case exists against you for misconduct and/or dishonesty.

"It appears that on February 7, 1968, you accompanied Mr. and Mrs. Angel Loyao to Cebu City and took delivery of a social security check in favor of Mrs. Loyao in the amount of $4,686.50, which is equivalent to P18,183.62 at the exchange rate of P3.88 per dollar at that time; that you instructed Mrs. Loyao to thumbmark the back of the check and cashed it at the PNB Branch at Cebu City; that you gave the amount of P5,000.00 to Mr. Loyao and deposited the amount of P10,000.00 with the said bank in a joint savings account of your wife and Mrs. Loyao; that the rest of the money in the amount of P3,183.63 went into your hand, that you informed Mr. and Mrs. Loyao that the amount of P5,000.00 was their only share; and that you did not inform Mr. and Mrs. Loyao that they have a joint savings account with your wife in the amount of P10,000.00.

"Your conduct as discussed above constitutes misconduct and/or dishonesty.

"In view of the foregoing, you are hereby required to answer the aforesaid charge, in six copies, within five days from receipt hereof, and to state therein whether you elect a formal investigation wherein you my appear and defend yourself in person or by counsel or whether you waive your right to such investigation.

"If you do not elect a formal investigation submit your written answer or explanation as directed above and state expressly that you waive your right to such investigation.

"If you do not submit your answer within the aforesaid period, it will be taken as waiver of your right to be heard and the case will be considered on the basis of the evidence on hand." (*Rollo*, p. 108.)

The petitioner denied the charges contained in the complaint and concluded his letter thus:

Supreme Court E-Library

"IN VIEW OF THE FOREGOING, the undersigned most respectfully request this Honorable Office to dismiss the case against him for being false and unfounded. However, if this Honorable Office believes that this explanation is not satisfactory to establish the innocence of the undersigned to the offense charged, the undersigned most respectfully request that he will be afforded the opportunity to clear his name through due process." (*Rollo*, p. 110.)

On January 7, 1974, the Acting Secretary of Public works, Transportation and Communications rendered the following decision:

"This refers to the administrative case filed against Postmaster Maximino Ruelan, of Tabuelan, Cebu, for misconduct and/or dishonesty arising from the letter-complaint dated September 29, 1968, filed by one Mrs. Angela Loyao of the same place.

"It appears that on February 7, 1968, Postmaster Ruelan accompanied Mr. and Mrs. Angel Loyao to Cebu City to take delivery of a social security check for $646.50 (equivalent to P18,183.62) in favor of Mrs. Loyao from the USVA; that said respondent caused Mrs. Loyao to affix her thumbmark at the back of the check and cashed it at the PNB Branch, Cebu City; that respondent deposited the amount of P10,000.00 under a joint savings account of respondent's wife and complainant without informing the spouses; that respondent made it appear that the amount of P5,000.00 was complainant's only share; and that P3,183.62 was taken by respondent.

"Formally charged with the aforecited offense, respondent elected a formal hearing which was granted. He claimed that the complaint was merely instigated by Atty. Leandro Loyao who was mad at him because he (Ruelan) did not support his father's candidacy during the election; that the criminal case for estafa has been dismissed by the City Fiscal; and that the complainants (Mr. and Mrs. Angel Loyao) executed a joint affidavit withdrawing their complaint against him.

"Respondent's explanation is not satisfactory. It is evident from the facts on record that he took advantage of the illiteracy of the complainants. Moreover, respondent's acquittal in the criminal case does not mean exemption from administrative liability. Withdrawal of the complaint does not also *ipso facto* discharge a respondent from administrative liability. When a case is brought against a government official or

Supreme Court E-Library

employees it ceases to be purely private in nature and becomes an offense against public interest, the complainant being relegated to the status of a mere witness.

"PREMISES CONSIDERED, this Office finds respondent Maximino Ruelan guilty of the offense charged. Wherefore, he is hereby dismissed from the service for cause.

"In the interest of the service it is directed that this decision be executed immediately." (*Rollo,* pp. 111-112.)

On February 11, 1974, the petitioner filed a motion for reconsideration. He prayed for the dismissal of the administrative complaint. (*Rollo,* pp. 132-140.) The motion was forwarded to the Commissioner of Civil Service with both the Postmaster General and the Department Head recommending that the motion be denied. (*Rollo,* p. 141.)

In a decision promulgated on April 18, 1975, the Commissioner of Civil Service affirmed the original decision. In affirming, the Commissioner said, *inter alia,* that:

"The facts and circumstances are clear that respondent-appellant took advantage not only of his position but also of the illiteracy of the complainant and actually benefited therefrom materially. In the first instance, respondent-appellant admitted having borrowed the amount of P2,000.00 from Mrs. Angela Loyao (T.S.N., p. 43) which actuation is violative of Section 1(w), Presidential Decree No. 6. Moreover, he likewise admitted that on February 7, 1968, he was on official business in Cebu City to encash her dollar check. This Commission could not see its way clear why respondent-appellant's wife accompanied him during the encashment of the complainant's dollar check in Cebu City much more open a joint account with complainant when the latter deposited the amount of P10,000.00, the suggestion of the Asst. PNB Cashier notwithstanding." (*Rollo,* p. 144.)

The petitioner filed a motion for reconsideration. He questioned the application of P.D. No. 6 in his case and claimed that the decision was not supported by the evidence. (*Rollo,* pp. 145-158.)

Supreme Court E-Library

In a resolution promulgated on November 11, 1975, the motion was denied. The resolution said in part:

"Respondent-appellant's contentions are untenable and without merit. A careful re-study of the records fails to show that this commission committed error in the appreciation and appraisal of the facts, the evidence, and the law. Respondent-appellant's act of borrowing money from complainant made him guilty not only under Section 1 (w) of Presidential Decree No. 6, but also under Section 19 (o) Rule XVIII of the Civil Service Rules, hence, he cannot claim that he was found guilty of violating a law which was promulgated after the commission of the offense. That in borrowing money from complainant, respondent-appellant unduly took advantage of complainant's illiteracy is proven by the fact that respondent made his wife a joint depositor with complainant Loyao, thus enabling Mrs. Ruelan to withdraw from the deposit anytime even without the presence or the consent of complainant Loyao. In addition, his interest in the money was manifested by his admission that he borrowed P2,000.00 from the complainant and there is no showing that he repaid the amount. Although this is respondent-petitioner's first administrative case in his long years of government service, the charges against him which are duly supported by the evidence are serious and warrant his dismissal from the service pursuant to Memorandum Circular No. 8, series of 1970, of this Commission." (*Rollo*, p. 160)

In the instant petition, the proceedings against the petitioner are assailed chiefly on the basis of the reasons which had been invoked in the motion to reconsider the decision of the Commissioner of Civil Service, i.e. the applicability of P.D. No. 6 and the insufficiency of the evidence to support both the original decision and the affirming decision.

This petition has no merit.

The Commissioner of Civil Service committed a mistake in applying Section 1 (w) of P.D. No. 6 to the petitioner's case as the same had not yet been promulgated in 1968 when the petitioner committed the offense. However, this error is not fatal because the petitioner's culpable act was punishable under Section 19 (o) of the Revised Civil Service Rules which took effect on January 3, 1963, in relation to Section 33 of R.A. No. 2260 which reads:

Supreme Court E-Library

"Section 19.— The following are also declared to be grounds for disciplinary action in accordance with the provisions of the Civil Service Rules:

x x x x x x x x x

"(0) Contracting loans of money or other property from persons with whom the bureau or office of the employee has business relations."

The petitioner argues that he is not covered by the aforesaid section because in borrowing the money, the possibility for him of committing graft and support practices out of the favor secured is remote.

We do not agree. The commission of graft and corrupt practices from violations of any Civil Service rule is not necessary. Public interest demands that public officers found violating any Civil Service rule should immediately be disciplined. This is because: "Public office is a public trust. Public officers and employees shall serve with the highest degree of responsibility, integrity, loyalty, and efficiency, and shall remain accountable to the people." (Art. XIII, Sec. 1, 1973 Constitution) To be sure, the act of the petitioner took place before 1973 but the provision of the Constitution expresses a doctrine which is not circumscribed by time.

The petitioner contests the sufficiency of the evidence presented against him to warrant his dismissal from public office. He contends that there is no clear evidence against him that he borrowed money from the complainant so as to warrant his dismissal from office.

We have examined the record, particularly with respect to the hearing conducted by Atty. Roland P. Lucero on October 23, 1972 (Annex H-1, amended petition) and We are satisfied that the decisions of the respondent officials are supported by substantial evidence.

We find no grave abuse of discretion to have been committed by the respondents.

WHEREFORE, the petition is hereby dismissed for lack of merit.

Supreme Court E-Library

Costs against the petitioner.

SO ORDERED.

Makasiar (Chairman), Aquino, Escolin, and *Cuevas, JJ.*, concur. *Concepcion Jr., J.,* on leave.

FIRST DIVISION

[G.R. No. L-47941. April 30, 1985]

THE PEOPLE OF THE PHILIPPINES, *plaintiff-appellee, vs.* JAIME TOMOTORGO Y ALARCON, *defendant-appellant.*

SYLLABUS

1. **CRIMINAL LAW; PARRICIDE; CRIMINAL LIABILITY; ACCUSED LIABLE FOR ALL CONSEQUENCES OF HIS FELONIOUS ACT; CASE AT BAR.**— Article 4 of the Revised Penal Code expressly states that criminal liability shall be incurred by any person committing a felony (*delito*) although the wrongful act be different from that which he intended and that the accused is liable for all the consequences of his felonious acts. The reference made by the accused to Article 263 of the Revised Penal Code which prescribes graduated penalties for the corresponding physical injuries committed is entirely misplaced and irrelevant considering that in this case the victim died very soon after she was assaulted. It will be, therefore, illogical to consider appellant's acts as falling within the scope of Article 263 of the Revised Penal Code. The crime committed is parricide no less. We are in complete accord with and we sustain the ruling made by the courts below that the accused is not entitled to the benefits of the Indeterminate Sentence Law.

2. **ID.; ID.; ID.; ID.; ACCUSED ENTITLED ONLY TO MITIGATING CIRCUMSTANCE OF LACK OF INTENT TO COMMIT SO GRAVE A WRONG.**— We hold that the fact that the appellant intended to maltreat the victim only or inflict physical