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EN BANC

[A.M. No. 99-10-03 OCA. June 16, 2000]

RE: PILFERAGE OF SUPPLIES IN THE STOCKROOM OF THE PROPERTY DIVISION, OCA COMMITTED BY TEODORO L. SAQUIN, CLERK II,

SYNOPSIS

After respondent was found leaving the Supreme Court compound pilfering office supplies, investigations were conducted. Respondent admitted having stolen an undetermined quantity of office supplies from February to April 28, 1999. In response to a show cause order why no disciplinary action should be taken against him, he submitted a letter to the Court Administrator revealing that he was forced to commit the thefts because of his dependence on illegal drugs.

Finding respondent guilty of grave misconduct, respondent's acts constituting theft under the Revised Penal Code, the Court Administrator recommended respondent's dismissal from the service with forefeiture of all retirement benefits and with prejudice to re-entry to any government entity, and referral of this case to the Department of Justice for filing of appropriate criminal action, if found necessary, against the respondent.

The Supreme Court agreed with the findings and recommendations of the Court Administrator and found respondent guilty of grave dishonesty and grave misconduct and ordered dismissed from the service. The Court, however, stressed that in the event criminal proceedings are instituted against respondent, his right to counsel must be observed. Procedural due process was accorded respondent during the administrative investigation conducted in this case.

SYLLABUS

1. **POLITICAL LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; THEFT OF OFFICE SUPPLIES CONSTITUTES GRAVE DISHONESTY AND GRAVE MISCONDUCT; CASE AT BAR.—** In his report and recommendation, the Court Administrator opined that the

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offense imputed against respondent, *i.e.*, the theft of office supplies, constitutes grave misconduct. We agree. In The *Court Administrator v. William C. Sevillo*, we held that the act of stealing mail matter committed by respondent, a process server in the 16th MCTC, Jordan-Buenavista-Nueva Valencia, Guimaras, constituted "grave dishonesty and grave misconduct or conduct prejudicial to the best interest of the service." x x x The foregoing ruling applies with more reason to respondent who readily admitted having stolen office supplies belonging to the Supreme Court on more than one occasion; on January 17, 1999 when he was caught red-handed on his way out of the Taft Avenue gate of the Court, and again between February to April 28, 1999.

2. **ID.; ID.; ID.; ID.; COURT EMPLOYEE'S RIGHT TO COUNSEL MUST BE OBSERVED IN CRIMINAL PROCEEDINGS TO BE INSTITUTED, IF WARRANTED.—** In the event criminal proceedings are instituted against him, should the Department of Justice, pursuant to this Resolution, and after conducting the requisite investigation, find probable cause, respondent's right to counsel as enshrined in the Constitution must be observed.

3. **ID.; ID.; ID.; ID.; PROCEDURAL DUE PROCESS WAS ACCORDED COURT EMPLOYEE DURING THE ADMINISTRATIVE INVESTIGATION; CASE AT BAR.—** Respondent was accorded his right to due process during the administrative investigation conducted in the instant case. He was given an opportunity to answer and be heard on the charges against him, and that, it has often been said, is the essence of procedural due process.

RESOLUTION

PER CURIAM:

Respondent Teodoro L. Saquin began his employment in the Supreme Court on August 12, 1996 when he was appointed Clerk II assigned at the Leave Division, Office of Administrative Services. On July 1, 1998, he was transferred to the Shipping and Delivery Section, Property Division, Office of the Court Administrator (OCA), where he was in charge of the issuance and distribution of office supplies to the different offices and divisions therein.[1]

[1] Memorandum of Danilo C. Pablo, SC Chief Judicial Staff Officer, Security Division, for Mrs. Ma. Corazon M. Molo, OIC, Administrative Services, OCA, dated May 5, 1999.

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At around 5:45 o'clock in the afternoon of January 17, 1999, Sunday, respondent prepared to leave the Supreme Court compound exiting through the Taft Avenue gate. The Court's security guards, Alexander Dayap and Reynold Corro, inspected the bulky brown paper envelope about 15" x 10" in size which respondent was then carrying and found that it contained the following articles:

One (1) Maxell Diskette (3.5" MB Floppy);

Two (2) pcs. Magic Tape (3M Brand).

When the guards asked for the Requisition and Issue Voucher (RIV), respondent presented one with the initial of Mr. Julian Arellano, Jr., Officer in-Charge of the Shipping and Delivery Section and signed by respondent. He explained that the previous Friday, his sister, Atty. Cecilia Esperanza, Clerk of Court of the Regional Trial Court of Tanauan, Batangas, called him up and requested for the articles. Since the RIV did not bear the proper authorization, the guards confiscated the office supplies.[2]

Subsequently, on April 26, 1999, Mr. Gil Tribiana, Officer-in-Charge of the Property Division, sought the assistance of the Security Office, through SC Chief Judicial Staff Officer Danilo C. Pablo, regarding the discovery of pilferage of office supplies at the Stockroom of the Property Division.[3] Two days later, respondent was summoned to the Property Division where, in front of Messrs. Tribiana and Elinor Reyes, the latter being the Assistant Officer-in-Charge of the Property Division, he admitted stealing the following items:[4]

Two (2) units Canon P32-DH electronic calculator, at P2,515.00 each, or a total of P5,030.00;

One (1) unit Casio HR-120T AC/DC electronic calculator, at P1,888.00;

Seventy (70) pieces OKI 590/591 computer ribbons, at P315.00 each, or a total of P22,050.00.

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[2] Report of Arturo Pelias, Operation Officer, Security Division, to Capt. Danilo C. Pablo, dated February 3, 1999.

[3] *Op. cit.*, note 1.

[4] Transcript of investigation conducted on Teodoro L. Saquin by Security Guard Joselito Dominguiano on May 5, 1999.

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On May 5, 1999, respondent executed an affidavit sworn before Atty. Julieta Y. Carreon, Clerk of the Court's Third Division, wherein he admitted that from February to April 28, 1999, he stole an undetermined quantity of office supplies and sold them to sidewalk vendors in front of the Isetann Department Store along Recto Avenue corner Quezon Boulevard, Manila. He stated that he was tempted to do this due to "personal needs and necessity," and thus asked "the benevolence and compassion of the Chief Justice" to forgive him for what he has done.[5] On the same date, respondent was preventively suspended from office.[6]

Later, in a letter to Court Administrator Alfredo L. Benipayo dated July 3, 1999, by way of answer to the Memorandum requiring him to show cause why no disciplinary action should be taken against him for qualified theft, respondent revealed that he was forced to commit the thefts because of his dependence on illegal drugs.[7] It likewise appeared in that letter, and later confirmed through inquiries with the Dangerous Drugs Board, that respondent voluntarily offered himself for confinement at the National Bureau of Investigation Treatment and Rehabilitation Center in Tagaytay City on May 14, 1999.[8]

On December 2, 1999, the Court Administrator found that respondent was guilty of grave misconduct and that his acts constituted theft under the Revised Penal Code. Thus, the Court Administrator recommended, among others, that respondent be dismissed from the service, with forfeiture of all his retirement benefits and with prejudice to re-entry to any government entity or any government owned or controlled corporation, and to refer his case to the Department of Justice for the filing of the appropriate criminal case.

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[5] Affidavit of Teodoro L. Saquin dated May 5. 1999.

[6] Memorandum of Hon. Alfredo L. Benipayo, Court Administrator, to Teodoro L. Saquin dated May 5, 1999.

[7] Letter of Teodoro L. Saquin to the Court Administrator dated July 3, 1999.

[8] Report of Dr. Leah S.P. Panopio, Medical Specialist II of the Dangerous Drugs Board, dated May 12, 1999; Certification of Dr. Marvin V. Diokno, NBI Treatment and Rehabilitation Center Administrator, dated July 6, 1999.

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In his report and recommendation, the Court Administrator opined that the offense imputed against respondent, *i.e.,* the theft of office supplies, constitutes grave misconduct.[9] We agree. In *The Court Administrator v. William C. Sevillo,*[10] we held that the act of stealing mail matter committed by respondent, a process server in the 16th MCTC, Jordan-Buenavista-Nueva Valencia, Guimaras, constituted "grave dishonesty and grave misconduct or conduct prejudicial to the best interest of the service."[11] There, we further stated:

> It can never be said often enough that the conduct of judges and court personnel must not only be characterized by propriety and decorum at all times but must also be above suspicion. In this regard, respondent Sevillo has been grossly deficient. By stealing mail matters he has blatantly degraded the judiciary and diminished the respect and regard of the people for the court and its personnel. Every employee of the judiciary should be an example of integrity, uprightness and honesty. Lamentably, respondent has become no better than a common thief; consequently, he does not deserve to stay a minute longer in the judicial service. [12]

The foregoing ruling applies with more reason to respondent who readily admitted having stolen office supplies belonging to the Supreme Court on more than one occasion; on January 17, 1999 when he was caught red-handed on his way out of the Taft Avenue gate of the Court, and again between February to April 28, 1999.

It bears stressing that in the event criminal proceedings are instituted against him, should the Department of Justice, pursuant to this Resolution, and after conducting the requisite investigation, find probable cause, respondent's right to counsel as enshrined in the Constitution must be observed.

Respondent was accorded his right to due process during the administrative investigation conducted in the instant case. He was given an opportunity to answer and be heard on the charges against

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[9] Recommendation of the Court Administrator, p. 3.

[10] 270 SCRA 190(1997).

[11] *Ibid.*, at 192.

[12] *Ibid.*

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him, and that, it has often been said, is the essence of procedural due process. As stated by the Court Administrator:

> It is clear from the foregoing that Mr. Saquin was accorded his right to due process. The memorandum dated May 5, 1999 (and its attachments) clearly and distinctly set forth the charge against him. He submitted his explanation dated July 23, 1999 in which he admitted his fault and he even expressed the opinion that his acts merit the penalty of dismissal. The case is therefore ripe for evaluation, report and recommendation be this Office.[13]

We therefore adopt the findings of the Court Administrator dated December 2, 1999 *in toto.*

ACCORDINGLY, respondent Teodoro L. Saquin is found *GUILTY* of grave dishonesty and grave misconduct and is ordered *DISMISSED* from the government service, with forfeiture of all his leave credits and retirement benefits, and with prejudice to re-entry to any government entity or any government owned or controlled corporation. Further, the records of this case are *REFERRED* to the Department of Justice for. investigation and filing, if found necessary, of the appropriate criminal proceedings against respondent.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Melo, Puno, Kapunan, Mendoza, Panganiban, Quisumbing, Purisima, Pardo, Buena, Gonzaga-Reyes, Ynares-Santiago, and *De Leon, Jr ., JJ.*, concur.

Vitug, J., on official leave.

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[13] *Op. cit.,* note 9.