

521 Phil. 1

**EN BANC**

**[ A.M. NO. 04-6-332-RTC. April 05, 2006 ]**

**REPORT ON THE INVESTIGATION CONDUCTED ON THE ALLEGED SPURIOUS BAILBONDS AND RELEASE ORDERS ISSUED BY THE REGIONAL TRIAL COURT, BRANCH 27, STA. CRUZ, LAGUNA**

**R E S O L U T I O N**

**AUSTRIA-MARTINEZ, J.**

On February 5, 2004, the Office of Deputy Court Administrator Jose P. Perez (DCA Perez) received a letter-report with attached documents from Filamor F. San Juan (San Juan), Officer-in-Charge of the Office of the Clerk of Court, Regional Trial Court (RTC) of Santa Cruz, Laguna, relative to the investigation conducted by Judge Leonardo L. Leonida (Judge Leonida) on January 23, 2004 involving the personnel of Branch 27 of RTC, Sta. Cruz, Laguna who are allegedly involved in the issuance of release orders without the approval of Judge Leonida, Executive Judge of Branch 27, RTC, Laguna.<sup>[1]</sup>

Acting on the information contained in the subject letter-report and the attached documents, the Office of DCA Perez formed a team of investigators to verify the report of San Juan. After conducting an investigation, the team submitted a Memorandum to DCA Perez, pertinent portions of which read as follows:

During the team's conversation with the employees of RTC, Branch 27, Sta. Cruz, Laguna, Mrs. Alegria C. Ramos told them that she certified as true/xerox copies of the original some of the questioned release orders bearing the markings "ORIGINAL SIGNED" above the typewritten name of Judge Leonida because she allegedly saw the original copies containing the signature of the judge. As to the orders, she denied having certified the same as the signatures appearing on the certifications are different from hers. Likewise, Mesdames Ramos, Irma T. Agawin and Ma. Veronica Nequinto informed the team that the transcript of the

investigation conducted on 23 January 2004 by Judge Leonida is not accurate. They claimed that the investigation as well as the corresponding report on the same submitted by Mr. San Juan to the OCA were just orchestrated by the wife of the judge who wanted to ease out Mrs. Agawin from the court. They claimed that Judge Leonida's wife is very jealous of Mrs. Agawin and in fact is always present in their office, presiding over even in their staff meetings notwithstanding her regular employment in the Bureau of Internal Revenue at Quezon City.

Incidentally, the National Bureau of Investigation (NBI) also conducted a parallel investigation on the matter as their assistance was sought by Judge Leonida because of the gravity of the situation, particularly on how Anna Marie Reyes<sup>[2]</sup> was able to cause the release of many prisoners using falsified documents.<sup>[3]</sup>

Accordingly, the investigating team made the following recommendations:

1) Mesdames Alegria C. Ramos, Legal Researcher; Irma T. Agawin, Stenographer, Ma. Veronica Nequinto, Stenographer, and Mauro Callado, Court Aide, all of the RTC, Branch 27, Sta. Cruz, Laguna, be **DIRECTED** to **COMMENT** on the investigation report submitted by Filamor F. San Juan, OIC, RTC-OCC, Sta. Cruz to the Office of the Court Administrator, particularly on the matters taken up during their meeting on 23 January 2004;

2) Mesdames Ramos, Agawin and Nequinto be **REQUIRED to EXPLAIN** why they should not be administratively charged for falsification and dishonesty for the following acts committed by them:

a) Mrs. Ramos - for certifying as true/xerox copies of the original, the questioned release orders, with the markings "ORIGINAL SIGNED" above the typewritten name of Judge Leonida issued in Criminal Case No. 14359, 14370, 49178, 6627, 14580, IS-03-1193, 6516, IS-03-953, IS-03-954 and 11694, when in fact no such orders of release exist and were signed by the judge;

b) Mrs. Agawin - for initialing/signing in behalf of Mrs. Ramos similar certifications involving questioned release orders which she herself prepared/typed, issued in Criminal Case Nos. 10560, 14207, 14208, 14237,

14290, 48566 to 48568 and 47985 to 47990; and

c) Mrs. Nequinto - for initialing, in behalf of Mrs. Ramos, the same certification issued in Criminal Case No. 14188 and for typing/preparing the questioned release orders issued in Criminal Case Nos. IS-03-1193, IS-03-953, IS-03-954, 49178, 14290, 14370 and 6516.

3) Executive Judge Leonardo L. Leonida, RTC, Branch 27, Sta. Cruz be **DIRECTED** to **COMMENT** on the information relayed by Mesdames Agawin, Ramos and Nequinto to the investigating team that: the transcript of the investigation conducted by him on 23 January 2004 is not accurate; his wife is always present in the court, is jealous of Mrs. Agawin and wants to ease the latter out of the office thus, the subject report of OIC Filamor F. San Juan was submitted to the OCA; and Mrs. Leonida usually presides over the staff meetings of RTC, Branch 27, Sta. Cruz; and

4) The National Bureau of Investigation (NBI), Manila, be **DIRECTED** to furnish the Court, through the Office of the Court Administrator, of the results of their investigation on the matter.<sup>[4]</sup>

In a subsequent Memorandum addressed to then Chief Justice Hilario G. Davide, Jr., the Office of the Court Administrator (OCA) endorsed the recommendations of the investigating team.<sup>[5]</sup>

On July 6, 2004, this Court issued a Resolution approving the recommendations of the OCA.<sup>[6]</sup>

In compliance therewith, Acting Branch Clerk of Court Alegria Ramos (Ramos), who holds the position of Legal Researcher, filed an Affidavit dated August 10, 2004 claiming that she only signs and certifies release orders coupled with bail bond policies which are already signed and approved by Judge Leonida.<sup>[7]</sup> She points to a surety agent named Ana Marie Reyes (Reyes) as the possible culprit in these irregularities.

On her part, stenographer Irma Agawin (Agawin) filed her Affidavit dated September 9, 2004 stating that she admitted during their meeting held on January 23, 2004 that she prepared and certified the release orders wherein her initials and signatures appear.

However, she asserts that she can no longer exactly recall the release orders she had prepared and certified. She also claims that she was personally instructed by Judge Leonida to certify some release orders while on other occasions, the instructions were relayed to her by Reyes. However, she did not specify what release orders are these. She avers that at some point she confronted Reyes regarding some release orders and policies which the latter did not submit in court but instead of explaining, Reyes sent a handwritten letter to Judge Leonida.<sup>[8]</sup> Agawin denies that she prepared the release orders which were issued during the period that Judge Leonida was on vacation leave. She also maintains that there were inaccuracies in the minutes of the meeting held on January 23, 2004 and that the same was edited.<sup>[9]</sup>

Stenographer Ma. Veronica Nequinto (Nequinto) also filed her affidavit dated September 9, 2004 claiming that as a court stenographer, she prepares, drafts or types orders, resolutions and decisions being issued by Judge Leonida; that in the course of her employment she came to know surety agent Reyes who frequently goes to their office and oftentimes enters the chambers of Judge Leonida; that she has observed the closeness of Judge Leonida and surety agent Reyes;<sup>[10]</sup> that attached to her affidavit is another affidavit allegedly executed by Reyes attesting to the latter's closeness to Judge Leonida.<sup>[11]</sup> Nequinto admitted in her affidavit that she was the one who prepared the release orders in Criminal Cases Nos. 03-1193-(SP) pertaining to accused Filipina Garcia,<sup>[12]</sup> 142290 (03) pertaining to accused Sherwin Averion,<sup>[13]</sup> and 14188-(SP) pertaining to accused Ildefonso Yap, who are all clients of Reyes.<sup>[14]</sup> However, she claims that she had no knowledge or participation in the preparation of release orders in I.S. Nos. 03-953 pertaining to Michael Silva<sup>[15]</sup> and 03-954 pertaining to Rommel Comawas,<sup>[16]</sup> and in Criminal Cases Nos. 6516-SP pertaining to Fernando Dorado<sup>[17]</sup> and 14379-(SP) pertaining to Herminigildo Hernandez.<sup>[18]</sup> She alleges that she placed the initials of Ramos on the certification pertaining to Criminal Case No. 14188-(SP) but that she did the same in good faith and only in compliance with the instructions of Judge Leonida. She asserts that her actions subject of the present administrative case were committed without malice, performed in the ordinary course of her employment as a court stenographer, and in compliance with the instructions of Judge Leonida, without favoring anyone except him and the court she is serving.

In his Comment, Utility Aide Mauro Callado (Callado) alleges that he has no knowledge about nor participation in the alleged spurious bail bonds and release orders; that he merely handed the release order given to him by Ramos, Agawin and Nequinto to the concerned government agency in good faith; and that the rule on presumption in the regularity in the performance of duty should be accorded to him.<sup>[19]</sup>

Judge Leonida filed his Comment contending that he is not in a position to comment on the alleged inaccuracies in the transcript of the meeting held on January 23, 2004 because he was not provided any information by Agawin, Ramos and Nequinto as to which part of the said transcript is inaccurate. Judge Leonida denies the allegation that his wife is always present in his sala and that that it was through her instigation that the report of San Juan was submitted to this Court because she is jealous of Agawin and wants to ease her out of the office. Judge Leonida also denies that his wife usually presides over meetings of his staff and that she only goes to their office to provide him with moral support.<sup>[20]</sup>

On December 1, 2004, this Court issued a Resolution referring the case back to the OCA for re-evaluation, investigation and report.<sup>[21]</sup>

In a Memorandum dated January 5, 2005, addressed to then Chief Justice Davide, Jr., the OCA recommended that the instant administrative matter be referred to a consultant from the same office for investigation, report and recommendation.<sup>[22]</sup>

Finding the recommendation of the OCA to be in order, this Court in a Resolution issued on February 1, 2005, referred the present case to Justice Conrado M. Molina, OCA Consultant, for investigation, report and recommendation.<sup>[23]</sup> Thereafter, Justice Molina conducted hearings and required the parties concerned to present evidence in their behalf.

In his Report and Recommendation dated November 30, 2005, duly noted by Court Administrator Presbitero J. Velasco, Jr., Justice Molina found that twenty release orders, presented and marked as Exhibits "A,"<sup>[24]</sup> "B,"<sup>[25]</sup> "C,"<sup>[26]</sup> "D,"<sup>[27]</sup> "E,"<sup>[28]</sup> "F,"<sup>[29]</sup> "G,"<sup>[30]</sup> "H,"<sup>[31]</sup> "I,"<sup>[32]</sup> "J,"<sup>[33]</sup> "K,"<sup>[34]</sup> "L,"<sup>[35]</sup> "M,"<sup>[36]</sup> "N,"<sup>[37]</sup> "Q,"<sup>[38]</sup> "R,"<sup>[39]</sup> "S,"<sup>[40]</sup> "T,"<sup>[41]</sup> "V,"<sup>[42]</sup> and "W,"<sup>[43]</sup> are spurious.

Justice Molina found that Ramos, Agawin and Nequinto have falsely certified 15 out of the 20 aforementioned release orders as true xerox copies of the originals. In particular, he found that Ramos falsely certified the release orders, marked as Exhibits "G", "H", "K", "M", "N" and "Q." With respect to Agawin, he found her to have falsely certified the release orders, marked as Exhibits "A", "D", "E", "F", "I", "J" and "L." As to Nequinto, he found her guilty of falsely certifying the release orders marked as Exhibits "B" and "C."<sup>[44]</sup> Justice Molina's basis in concluding that the abovementioned certifications were falsified is that the original copies of the said orders which supposedly bear the signature of Judge Leonida, are not found in the respective records of the cases. Accordingly, Justice Molina found Ramos, Agawin, and Nequinto administratively liable for falsification of official documents as

punished under Section 22(f) of the Omnibus Rules Implementing Executive Order No. 292 (E.O. No. 292).

As to the participation of Callado, Justice Molina made the following findings:

As if to confirm the practice in that court of issuing copies of release orders without the signature of Judge Leonida and bearing only the certification that they are true xerox copies of their originals[,] Mauro Callado, the Utility Aide in Branch 27, RTC, Sta. Cruz, Laguna, recalled two (2) instances when he was asked to accompany Ana Marie Reyes to San Pablo City. He was given only carbon copies of release orders with the mark "ORIGINAL SIGNED" but without the signature of Judge Leonida. Upon arriving at San Pablo City[,] Ana Marie Reyes took the release orders and the bailbonds from him saying she would be the one to give them to the proper employee of the court. (TSN, pp. 8-14, Hearing of June 16, 2005).

F. Mauro Callado, as a mere Utility Aide in the court, was not expected to know that the two (2) release orders given to him for submittal to the court in San Pablo City in the company of Ana Marie Reyes were spurious being mere Xerox copies of originals unsigned by Judge Leonida. But he was ill advised in handing them to Ana Marie Reyes on the latter's pretext that she herself would submit them to the court. Had he delivered the documents personally to the proper official in the court the latter would not have received and honored them and thereby prevented the release of the prisoners concerned.<sup>[45]</sup>

On the other hand, Justice Molina found Judge Leonida guilty of violating Rules 2.01 and 2.03 of the Code of Judicial Conduct for having allowed surety agents to freely enter his chambers to follow-up release orders for prisoners in cases pending in his court and in other courts in Laguna. However, Justice Molina did not find substantial evidence to prove the allegations of Ramos, Agawin and Nequinto, as relayed to the investigating team from the OCA, that the transcript of the investigation conducted by Judge Leonida on January 23, 2004 is inaccurate, that Mrs. Leonida is always in their office and often presides over staff meetings and that she is jealous of Agawin and wants to ease her out of their office.

The Investigating Justice recommends that Ramos, Agawin and Nequinto be dismissed from the service for cause while Judge Leonida be admonished to refrain from the practice of

entertaining in his chambers persons with official business to transact in his court.<sup>[46]</sup> However, Justice Molina did not make any recommendations as to the liability of Callado.

Justice Molina noted in his Report that the NBI has yet to furnish the OCA the results of its investigation.

Considering that Justice Molina has already submitted his Report and Recommendation to this Court, we deem it proper to decide the matter based on the evidence on hand and dispense with the requirement directing the NBI to furnish this Court the results of its investigation.

The Court partly agrees with the findings and recommendations of the investigating Justice.

At the outset, the Court notes that some of the release orders which were marked in evidence are not the ones enumerated in the Court's Resolution dated July 6, 2004, to wit: Exhibits "B", "C", "G", "H", "K", "L", "M", "N". On the other hand, some of the release orders which were listed in the same Resolution were not presented and marked in evidence, to wit: release orders in Criminal Cases Nos. 14359, 14370, 49178, 6627, 14580, and 11694.

Except for the names of the accused and the bond numbers, the release orders marked in evidence uniformly read as follows:

#### ORDER

Accused Edgardo Dizon y Umaña, Liberty Punzalan y Peregrina and Charito Reyes y Alvarez having filed their surety bond per Pacific Union Insurance Company Bond Nos. 116091, 116092 and 116093, respectively for their provisional liberty which are sufficient in form and substance, the same are hereby APPROVED.

The above-named accused are hereby allowed temporary liberty on the strength of said bail and any officer having custody of said accused is hereby directed to release them from detention unless there are any other legal cause to warrant their continued detention.

SO ORDERED.

Sta. Cruz, Laguna, June 6, 2003.

(ORIGINAL SIGNED)  
LEONARDO L. LEONIDA  
Executive Judge

CERTIFIED TRUE/XEROX COPY:

(Initials)

for ALEGRIA C. RAMOS  
OIC Branch Clerk of Court<sup>[47]</sup>

In Exhibits "G", "H", "K", "M", "N" and "Q", Ramos signed her name in the space above her printed name. In Exhibit "A", Agawin affixed her initials above the printed name of Ramos and wrote the word "for" before the printed name of Ramos; while in Exhibits "D", "E", "F", "I", "J" and "L", Agawin affixed her signature above the written word "for" preceding "OIC Branch Clerk of Court" without Ramos' name appearing thereon. With respect to Nequinto, she affixed her initials after the handwritten word "by" which is above the printed name of Ramos in Exhibits "B" and "C".

In his Report and Recommendation, Justice Molina found Ramos, Agawin and Nequinto guilty only of falsification of official documents under Section 22(f) of the Omnibus Rules Implementing Executive Order No. 292. He found that dishonesty may not be deemed to have attended the commission of the offense, there being no proof that they profited from their false certification of the spurious release orders.

The Court finds no compelling reason to depart from Justice Molina's findings that Ramos, Agawin and Nequinto are not guilty of dishonesty. However, the Court does not agree that they are guilty of falsification of official documents.

Under Article 171(2) of the Revised Penal Code, a public officer or employee may be held liable for falsification if, taking advantage of his official position, he causes it to appear that a person or persons have participated in an act or a proceeding when such person did not in fact so participate in the act or proceeding. In the present case, Ramos, Agawin and Nequinto were made to explain why they should not be held administratively liable for falsification for having certified the questioned release orders as true/xerox copies of their originals since they made it appear that Judge Leonida signed the release orders when it was established that there existed no original copies which were duly signed by the judge.

In administrative cases, the quantum of proof necessary is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.<sup>[48]</sup> In the present case, the Court does not find substantial evidence to prove that Ramos, Agawin and Nequinto are guilty of falsification. The rule is that there can be no conviction for falsification of a public document if the acts of the accused are consistent with good faith.<sup>[49]</sup> Stated differently, a crime is not committed if the mind of the person performing the act complained of be innocent.<sup>[50]</sup> While the above-cited principle is applicable in criminal proceedings, the Court finds no cogent reason not to apply the same in the present administrative case, especially considering that administrative proceedings against judicial employees are by nature, highly penal in character and are to be governed by the rules applicable to criminal cases.<sup>[51]</sup> In the instant case, it is true that Ramos, Agawin and Nequinto admitted or were found to have certified release orders without Judge Leonida having signed the original copies thereof. However, there is no sufficient evidence to show that there was deliberate intention on their part to mislead or misinform, nor was there proof that they were prompted by bad faith, corrupt motives or any wrongful intention.

What has been established, though, is that Ramos, Agawin, Nequinto and Callado were negligent in the performance of their official duties. Ramos, Agawin and Nequinto, simply relied on their practice of taking instructions from surety agents, especially surety agent Reyes, who enter the chambers of Judge Leonida and failed to ascertain whether there indeed existed original release orders duly signed by the judge before preparing the questioned documents and certifying the same as “true/xerox copy” of the original. As to Callado, he handed over to Reyes two release orders and bail bonds instead of personally submitting the same to the person to whom or the office to which it was addressed. Hence, by reason of their negligence, fake orders were used resulting in the unwarranted release of detention prisoners.

As to Ramos, since she was the acting branch clerk of court at the time of the issuance of the spurious release orders, she has special duties to perform. The branch clerk of court, being the administrative assistant of the presiding judge, has the duty to assist in the management of the calendar of the court and in other matters not involving the exercise of judicial discretion or judgment of the judge.<sup>[52]</sup> Clerks of court must be assiduous in performing their official duties and in supervising and managing court dockets and records.<sup>[53]</sup> In the present case, Ramos should have required the surety agent to provide her with a copy of the release order actually signed by Judge Leonida to serve as part of their files. In the alternative, she should not have simply relied on the representations of Reyes or the other surety agents and, instead, she should have directly asked Judge Leonida if he

indeed authorized the preparation of the questioned release orders; in which case, she should have seen to it that Judge Leonida signed the original copies of the release orders. She failed to perform any of these acts.

With respect to Agawin and Nequinto, the Court is not persuaded as to their contention that they should not be held administratively liable because, as court stenographers, they have no control and supervision over court records, properties and supplies and that their duty is limited to the preparation of court documents, in this case the spurious release orders, upon the instruction of either the presiding judge or the branch clerk of court.

It is true that the responsibility in ensuring the smooth and efficient flow of business in court falls primarily upon the shoulders of the presiding judge and the branch clerk of court. However, while administrative supervision belongs to these officials, rank and file employees are also expected to do their share in ensuring that the regular and daily business of the court is well-organized and in order. In the instant case, even as ordinary court employees Agawin and Nequinto are expected to be responsible and vigilant in the performance of their respective duties. In particular, they should have imposed upon themselves the duty to check whether the documents they are preparing are actually authorized by Judge Leonida. In fact, it is incumbent upon them to confirm, either from Judge Leonida himself or from acting branch clerk of court Ramos, if the instructions of the surety agents indeed came from Judge Leonida, considering that these agents are not employees of the court, much less members of the staff of Judge Leonida. We agree with Justice Molina that it is wrong for them to merely rely on the information or instructions provided by these surety agents. In the case of surety agent Reyes, they should have exercised more prudence in view of the latter's reputation as a person who has the propensity of falsifying signatures of judges, as testified upon by Ramos.<sup>[54]</sup>

Because of the number of instances where Ramos, Agawin and Nequinto were found negligent in the preparation and certification of release orders and considering the serious consequence of such negligence, which is the unwarranted release of detention prisoners, they should be held liable for gross neglect of duty. Neglect of duty is the failure of an employee to give one's attention to a task expected of him.<sup>[55]</sup> Gross neglect, on the other hand, is such neglect from the gravity of the case, or the frequency of instances, becomes so serious in its character as to endanger or threaten the public welfare.<sup>[56]</sup> The term does not necessarily include willful neglect or intentional official wrongdoing.<sup>[57]</sup>

Rule IV, Section 52 (A) (2) of the Uniform Rules on Administrative Cases in the Civil Service

classifies gross neglect of duty as a grave offense, punishable with dismissal from the service even for the first offense. However, it appears that this is the first administrative offense of Ramos, Agawin and Nequinto. The Court has previously refrained from imposing the extreme penalty of dismissal where the erring employee had not been administratively charged in the past.<sup>[58]</sup> In addition, as found by Justice Molina, there is no evidence that their acts were motivated by bad faith or fraud or that they profited from the falsely certified release orders. Thus, the Court finds it proper to impose upon each of them a penalty of six (6) months suspension.

With respect to Mauro Callado, while this Court finds no sufficient evidence to link him to the preparation and certification of any of the fake release orders, he is, nonetheless, found administratively liable for simple neglect of duty for having handed over two release orders and bail bonds to Reyes instead of personally submitting the same to the court where they are addressed. He admitted this fact in his testimony at the hearing conducted by Justice Molina.<sup>[59]</sup>

Simple neglect of duty is defined as the failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference.<sup>[60]</sup> As a responsible court employee, Callado should not have allowed Reyes to interfere with his assigned duty of giving the documents in his custody to the proper person or office. We agree with Justice Molina's observation that had Callado done so, he would have discovered that there was an irregularity in the issuance of the release orders and he could have helped in preventing the unauthorized release of the detention prisoners subject of the questioned release orders in his custody.

Rule IV, Section 52(B) of the Uniform Rules on Administrative Cases in the Civil Service classifies simple neglect of duty as a less grave offense wherein the imposable penalty is suspension for a period of one (1) month and one (1) day to six (6) months for the first violation. However, since the records on hand show that Callado had no participation whatsoever in the preparation and certification of the spurious release orders, that he has never been administratively charged prior to this case and in the absence of evidence that his acts were motivated by bad faith or fraud and applying Section 19 of the Omnibus Civil Service Rules and Regulations, this Court finds it proper to impose upon him a penalty of fine equivalent to two (2) months salary.

The Court argues with Justice Molina that Judge Leonida violated Rules 2.01 and 2.03, of the Code of Judicial Conduct, to wit:

Rule 2.01. - A judge should so behave at all times as to promote public confidence in the integrity and impartiality of the judiciary.

Rule 2.03. - A judge shall not allow family, social, or other relationships to influence judicial conduct or judgment. The prestige of judicial office shall not be used or lent to advance the private interests of others, nor convey or permit others to convey the impression that they are in a special position to influence the judge.

Moreover, Judge Leonida likewise contravened Rules 3.08 and 3.09 of the same Code which provide, thus:

Rule 3.08. - A judge should diligently discharge administrative responsibilities, maintain professional competence in court management, and facilitate the performance of the administrative functions of other judges and court personnel.

Rule 3.09. - A judge should organize and supervise the court personnel to ensure the prompt and efficient dispatch of business and require at all times the observance of high standards of public service and fidelity.

Under the above-quoted Rules, Judge Leonida should have realized that it is his responsibility to properly and efficiently manage his court records and any problem that appears in his court's administrative system properly falls on his shoulders. The fact alone that he allows surety agents to freely enter his chambers and discuss their business with him and either wittingly or unwittingly permit these agents to give instruction or orders to members of his staff already indicates that there is something wrong in the way he manages his office. Ramos, Nequinto, Agawin, and Eulalia Clarito, clerk-in-charge of criminal cases, are one in saying that surety agent Reyes possesses some clout in their office considering that she can freely enter and exit the chambers of Judge Leonida and even instruct the stenographers to type release orders upon alleged authority of the judge. Despite his presence during the hearings, Judge Leonida did not refute the claim of Agawin<sup>[61]</sup> and Clarito<sup>[62]</sup> that the usual practice in their office is that the surety agents talk directly with the judge regarding the issuance of release orders and that, after coming out from the chambers, these agents are the ones who give instructions to the stenographers to prepare the release orders. Hence, it gives the impression that these persons can influence him in

his decisions.

Relative to the above incidents, it is the obligation of Judge Leonida to devise a system that would preserve the integrity of his office and, at the same time, prevent unwarranted issuance of release orders. To the Court's mind, Judge Leonida could have performed this duty by the simple act of disallowing the surety agents from entering his chambers and by personally instructing his staff as to the orders that should be released and signed by him. Judge Leonida failed to carry out his administrative responsibilities as presiding judge. Hence, as recommended the Court admonish Judge Leonida to refrain from the practice of entertaining in his chambers person with official business to transact in his court.

As to the other charges against Judge Leonida, this Court finds no compelling reason to depart from Justice Molina's findings that no substantial evidence was adduced to prove that the transcript of the investigation conducted by Judge Leonida on January 23, 2004 is not accurate, that Judge Leonida's wife is always present in court, that she usually presides over staff meetings, and that she is jealous of Mrs. Agawin and wants to ease her out of the office.

**WHEREFORE**, Legal Researcher Alegria C. Ramos, Stenographers Irma T. Agawin and Ma. Veronica E. Nequinto all of the RTC, Branch 27, Sta. Cruz, Laguna are found **guilty of gross neglect of duty** and each is imposed a penalty of six (6) months suspension, effective immediately upon receipt hereof.

Court Aide Mauro Callado is found **guilty of simple neglect of duty** and imposed a penalty of two (2) months suspension, effective immediately upon receipt hereof.

Judge Leonardo L. Leonida is **ADMONISHED** to observe Rules 2.01, 2.03, 3.08 and 3.09 of the Code of Judicial Conduct.

All are warned that a repetition of the same or commission of similar acts shall be dealt with more severely.

SO ORDERED.

*Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, Garcia, and Velasco, Jr., JJ., concur.*

<sup>[1]</sup> *Rollo*, p. 38.

<sup>[2]</sup> Surety Agent.

<sup>[3]</sup> *Id.* at 16.

<sup>[4]</sup> *Id.* at 16-18.

<sup>[5]</sup> *Id.* at 1.

<sup>[6]</sup> *Id.* at 19.

<sup>[7]</sup> *Id.* at 22.

<sup>[8]</sup> *Id.* at 332.

<sup>[9]</sup> *Id.* at 326.

<sup>[10]</sup> *Id.* at 336.

<sup>[11]</sup> *Id.* at 344.

<sup>[12]</sup> Properly denominated as I.S. No. 03-1193-(SP) (03), later marked as Exhibit "Q".

<sup>[13]</sup> Properly denominated as Crim. Case No. 14290-SP (03), later marked as Exhibit "F".

<sup>[14]</sup> Marked as Exhibit "B".

<sup>[15]</sup> Marked as Exhibit "V".

<sup>[16]</sup> Marked as Exhibit "T".

<sup>[17]</sup> Properly denominated as Crim. Case. No. 6516, marked as Exhibit "W".

<sup>[18]</sup> This release order was not presented and marked in evidence in the present case.

<sup>[19]</sup> *Id.* at 323.

<sup>[20]</sup> *Id.* at 349.

<sup>[21]</sup> *Id.* at 348.

<sup>[22]</sup> Id. at 350.

<sup>[23]</sup> Id. at 352.

<sup>[24]</sup> Id. at 76.

<sup>[25]</sup> Id. at 77.

<sup>[26]</sup> Id. at 78.

<sup>[27]</sup> Id. at 79.

<sup>[28]</sup> Id. at 80.

<sup>[29]</sup> Id. at 81.

<sup>[30]</sup> Id. at 83.

<sup>[31]</sup> Id. at 86.

<sup>[32]</sup> Id. at 87.

<sup>[33]</sup> Id. at 88.

<sup>[34]</sup> Id. at 92.

<sup>[35]</sup> Id. at 93.

<sup>[36]</sup> Id. at 98.

<sup>[37]</sup> Id. at 102.

<sup>[38]</sup> Id. at 224.

<sup>[39]</sup> Id. at 261.

<sup>[40]</sup> Id. at 263.

<sup>[41]</sup> Id. at 268.

<sup>[42]</sup> Id. at 259.

[43] *Id.* at 271.

[44] Exhibits “B” and “C” refer to the same release order in Criminal Case No. 14188-SP, involving accused Ildefonso Yap. However, Exhibit “C” contains a Certification from the OIC Branch Clerk of Court of RTC, San Pablo City, Branch 29 that there is no policy or copy of the release order attached to the records of the case.

[45] Report and Recommendation, pp. 51-52.

[46] *Id.* at 56.

[47] Exhibits “A” to “N”, and “Q”.

[48] *Pimentel v. De Leoz*, 448 Phil. 223, 240 (2003).

[49] *Relucio v. Civil Service Commission*, 440 Phil. 981, 989 (2002).

[50] *Id.*

[51] *Arnado v. Suarin*, A.M. No. P-05-2059, August 19, 2005, 467 SCRA 402, 408.

[52] *Office of the Court Administrator v. Sheriff IV Cabe*, 389 Phil. 685, 698 (2000).

[53] *Id.*

[54] TSN, June 16, 2005, pp. 23-24.

[55] *Ulat-Marrero v. Torio, Jr.*, A.M. No. P-01-1519, November 19, 2003, 416 SCRA 177, 182.

[56] *Id.*

[57] *Id.*

[58] *Dipolog v. Montealto*, A.M. No. P-04-190, November 23, 2004, 443 SCRA 465, 478.

[59] TSN, June 16, 2005, pp. 8-14.

[60] Re: Report of Mr. Dominador P. Itliong, Officer-in-Charge, Baguio City, A.M. No. 03-11-29-SC, June 8, 2005, 459 SCRA 289, 299.

[61] TSN, May 26, 2005, pp. 17-19.

<sup>[62]</sup> TSN, May 12, 2005, p. 27.

---

Date created: September 03, 2014