

WILMER SALAZAR, COMPLAINANT, VS. SUSAN A. LIMETA, LEGAL RESEARCHER, REGIONAL TRIAL COURT, IMUS, CAVITE, BRANCH 20, RESPONDENT.*A.M. NO. P-04-1908 (FORMERLY OCA IPI NO. 03-1741-P). August 16, 2005*

Ponente: CALLEJO, SR., J.

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The instant administrative matter refers to the charges of violation of Republic Act No. 3019 against Susan A. Limeta, Legal Researcher, Regional Trial Court, Imus, Cavite, Branch 20, relative to Civil Case No. 266-02 for declaration of nullity of marriage. The charges are contained in the Affidavit-Complaint[1] filed by Wilmer Salazar, dated August 19, 2003.

Pursuant to the recommendation[2] of the Office of the Court Administrator the Court resolved to re-docket the instant case as a regular administrative matter, and refer the same to Executive Judge Norberto J. Quisumbing, Jr., RTC, Imus, Cavite, for investigation, report and recommendation.[3]

According to the complainant, the respondent represented herself as a lawyer and agreed to help him file a petition for declaration of nullity of marriage. He then gave P65,000.00 on August 2, 2002, and another P65,000.00 on August 19, 2002. In support of his claim, the complainant submitted receipts[4] purportedly signed by the respondent. The respondent promised that the petition for annulment of marriage would be decided within three (3) months from the date of filing. The said petition was filed in the RTC of Imus, Cavite sometime in September 2002. The complainant made "follow-ups" and the respondent initially informed him that the presiding judge, Judge Lucenito C. Tagle, was sick and had left for the United States of America. Thus, the case remained pending, and after nine months without favorable results, the complainant was forced to speak with Judge Tagle regarding the case.

According to the complainant, he confronted the respondent inside Judge Tagle's chambers, but the respondent denied that she made such promises. The case for annulment was eventually decided in June 2003. The complainant then demanded the return of his money, or at least P50,000.00, and the respondent promised that she would return P30,000.00 on August 15, 2003. The money, however, was not returned.

For her part, the respondent vehemently denied the allegations in the complaint. She did not personally know the complainant, and was merely introduced by a certain Myra, an acquaintance. The respondent further claimed that the signatures in the receipts attached to the complaint were not hers. She admitted, however, that she asked her uncle, Atty. Ponciano Espiritu, to help the complainant with the said case, but only because the latter was "crying in front of her." Atty. Espiritu then instructed her to receive from the complainant the payment for filing fee, attorney's fees and psychiatric fees, since he had other cases to attend to. The respondent claimed that she gave the money to Atty. Espiritu.

The respondent also disclosed that she filed perjury and harassment charges against the complainant which are still pending. She insisted that she never told Salazar that Judge Tagle was sick and that he went to the U.S., since

all their communications were done through Myra. After Judge Tagle rendered a decision in the annulment case, the complainant sought the return of the lawyer's fee, as well as the psychiatric fee, and she told him that this could not be done as the services of the two professionals had already been rendered. The respondent presented the notarized affidavit of Atty. Espiritu to prove that he was the complainant's counsel in Civil Case No. 266-02 for declaration of nullity of marriage.

The Executive Judge, thereafter, conducted a hearing, after which he submitted his Administrative Investigation Report dated June 3, 2005, wherein he stated:

Complainant Salazar contends that he gave the amount of P130,000.00 on August 2 and 19, 2002 to respondent Susan Limeta for "the filing of his declaration of nullity of marriage before RTC, Br. 20, Imus, Cavite" as evidenced by the two receipts (Annexes A and B) which were allegedly issued by respondent. On the other hand, respondent Limeta denied having executed the two receipts. However, she admits that on those two occasions, she received the said amount from complainant per instruction and for Atty. Ponciano Espiritu for he had other cases to attend to at that time. Thereafter, she gave the money to Atty. Espiritu.

The affidavit of Atty. Espiritu was identified by the respondent. However, Atty. Espiritu was not presented as a witness to identify the same. As such, the affidavit is hearsay and is not admissible as evidence. Complainant was denied his right to cross-examine Atty. Espiritu.

Respondent has, likewise, admitted that she asked her uncle, Atty. Ponciano Espiritu, to help complainant in his case for nullity of marriage. At first, she did not want to help him because she is an employee (legal researcher) of the RTC of Imus, Cavite, Branch 20. But he was crying in her presence and was begging her to help him. So, she agreed.

Notwithstanding the fact that she at first did not want to help him, the act of agreeing with him to look for a lawyer to represent him in a case to be filed in the branch where she is the legal researcher and actually getting a lawyer to represent complainant is deemed gross misconduct. This act is improper. Likewise, the admission that she received from complainant the amount of P130,000.00 on two occasions to be used for the filing of the case for declaration of nullity of marriage is likewise gross misconduct. This is improper. These are grave offenses that are punishable by dismissal from the service under Rule IV, Section 52 of Civil Service Commission Memorandum Circular No. 19-99.

In *Office of the Court Administrator vs. Anastacia Diaz*, 303 SCRA 243, the Court explained the impropriety of receiving money from litigants - thus:

"xxx It is not incumbent upon her to receive the monies. She should have refused to accept the same even if for delivery to Mr. Edora. By accepting the monies for delivery to Mr. Edora, she acted as Mr. Edora's agent, a circumstance that would confirm the suspicion that respondent Anastacia Diaz takes special interests in cases before the MCTC of Aborlan. This should not be the behavior of a court employee. A court employee should at all times detach himself or herself from taking special interests in cases pending before the court. By taking special interests in such cases, the court employee concerned commits an act of misconduct which is an administrative offense punishable under the civil service law. xxx"

"There is no doubt that respondent actually received sums of money from the above-named complainants. As noted by the OCAD, respondent's claim that the amounts received were intended for a lawyer does not inspire belief, for the litigants could have handed them directly to the lawyer concerned and not through an employee of the court. The fact that respondent received money from litigants is enough basis for sanctioning her for grave misconduct."

The conduct of all officials and employees of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility. The respect of the public for the judiciary should always be maintained. The need for honesty and integrity for those

persons who served in the judiciary must be emphasized. They must behave at all times to promote public confidence in the integrity and impartiality of the judiciary.

Accordingly, respondent must be penalized for having compromised the image, integrity and uprightness of the courts of law.

The foregoing recommendation is well taken.

Indeed, the fact that a clerk of court received money from a litigant is enough to sanction her for grave misconduct.[5] In this case, the respondent not only admitted that she received money from the complainant; she, in fact, agreed to look for a lawyer, and even recommended the services of her uncle.

Although every office in the government service is a public trust, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the Judiciary.[6] Public officers and employees are duty-bound to serve with the highest degree of responsibility, integrity, loyalty and efficiency. They must at all times remain accountable to the

people.[7] A clerk of court in particular, as an essential and ranking officer of our judicial system, who performs delicate administrative functions vital to the prompt and proper administration of justice,[8] must be free from any impropriety. The conduct of court personnel must be free from any whiff of impropriety, not only with respect to their duties in the judicial branch but also to their behavior outside the court as private individuals; it is in this way that the integrity and the good name of the courts of justice shall be preserved.[9]

The Court cannot overemphasize the need for honesty and integrity on the part of all those who serve in the Judiciary. Thus, all those in the service have continuously been exhorted to behave at all times to promote confidence in the integrity and impartiality of the Judiciary, and to avoid impropriety and the appearance of impropriety in all activities.[10] As found by the Executive Judge:

Notwithstanding the fact that [the respondent] at first did not want to help [the complainant], the act of agreeing with him to look for a lawyer to represent him in a case to be filed in the branch where she is the legal researcher and actually getting a lawyer to represent complainant is deemed gross misconduct. This act is improper. Likewise, the admission that she received from complainant the amount of P130,000.00 on two occasions to be used for the filing of the case for declaration of nullity of marriage is, likewise, gross misconduct. This is improper. These are grave offenses that are punishable by dismissal from the service under Rule IV, Section 52 of Civil Service Commission Memorandum Circular No. 19-99.

In *Loyao, Jr. v. Caube* [11] the Court defined "misconduct" in this wise:

Misconduct is defined as any unlawful conduct on the part of a person concerned in the administration of justice prejudicial to the rights of the parties or to the right determination of the cause (Black's Law Dictionary, Fourth ed., p. 1150). It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose (Words and Phrases, Vol. 27, p. 466, citing *Sewell v. Sharp*, La App., 102 So 2d 259, 261). The term, however, does not necessarily imply corruption or criminal intent (*Id.*, citing *State Ex Rel Asbaugh v. Bahr*, 40 N.E. 2d 677, 680, 68 Ohio App. 308). On the other hand, the term "gross" connotes something "out of all measure; beyond allowance; not to be excused; flagrant; shameful (Black's Law Dictionary, Fourth Ed., p. 832)[12]

Under Section 52A(3), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service, grave misconduct is punishable by dismissal from the service. However, since this is the respondent's first offense, the Court finds that she should be meted a one-year suspension.

The Court is wont to reiterate that the conduct of all those involved in the dispensation of justice, from the

presiding judge to the lowliest clerk, must at all times be beyond reproach. Any act or omission on the part of court personnel that would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary is condemned by the Court and cannot be countenanced.[13]

IN LIGHT OF ALL THE FOREGOING, for gross misconduct, respondent Susan Limeta is hereby **SUSPENDED** for One (1) Year, effective immediately. She is **STERNLY WARNED** that a repetition of the same or similar act shall be dealt with more severely.

SO ORDERED.

Puno, (Chairman), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 1-2.

[2] Rollo, pp. 20-22.

[3] Id. at 23.

[4] Annexes "A" and "B."

[5] Gonzalo v. Mejia, A.M. No. P-02-1661, 28 July 2004, 435 SCRA 349, citing Office of the Court Administrator v. Diaz, 303 SCRA 243 (1999).

[6] Rabe v. Flores, A.M. No. P-97-1247, 14 May 1997, 272 SCRA 415.

[7] Mendoza v. Tiongzon, 333 Phil. 508 (1996).

[8] Office of the Court Administrator v. Saguyod, A.M. No. P-96-1229-30, 25 March 2002, 379 SCRA 662.

[9] Albano-Madrid v. Apolonio, A.M. No. P-01-1517, 7 February 2003, 397 SCRA 120.

[10] Fabian v. Galo, A.M. No. P-96-1214, 10 June 2003, 403 SCRA 375.

[11] A.M. No. P-02-1599, 30 April 2003, 402 SCRA 33.

[12] Id. at 39.

[13] Wabe v. Bionson, A.M. No. P-03-1760, 30 December 2003, 418 SCRA 479.

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