

**LINDA RAMOS, COMPLAINANT, VS. LINDA C. ESTEBAN, COURT STENOGRAPHER, RTC, BRANCH 30, BAMBANG, NUEVA VIZCAYA, RESPONDENT.**

*A.M. NO. P-05-2013. October 20, 2005*

Ponente: CARPIO-MORALES, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/2d808a2ca457/>

---

**CARPIO-MORALES, J.:**

For writing a letter of demand to an alleged obligor on the request of the alleged obligee and for availing of the franking privilege extended to courts in sending the letter, Linda C. Esteban (respondent), court stenographer of the Regional Trial Court (RTC) of Bambang, Nueva Vizcaya, Branch 30, finds herself administratively charged with conduct prejudicial to the best interest of service and violation of the franking privilege provided under Presidential Decree No. 26[1] by Linda Ramos (complainant) via letter-complaint of August 9, 2004.

The filing of the present complaint arose following complainant's receipt of a demand letter[2] dated July 1, 2004 signed by respondent which was contained in an official envelope[3] of the RTC Bambang, Nueva Vizcaya reading:

Dear Mrs. Linda Ramos,

Mr. Paquito Chua came to my office intending to file a case against you for Estafa considering the long overdue account made by you copy of the trust receipt hereto attached and marked as Annex "A".

Considering the fact that this is a trust receipt which is tantamount to a case of Estafa which is a (sic) criminal in nature, I'm advising you to immediately make representation with Mr. Chua of Masagana Lumber and Construction Materials and settle your accounts rather than to go in (sic) trial and post a (sic) bail.

We are giving you therefore, 10 days upon receipt hereof, to settle this long time due account otherwise, a criminal case shall be filed against you the soonest possible time.

Your Cooperation is highly appreciated.

(Signed)

Mrs. LINDA C. ESTEBAN  
Issuing Officer  
RTC Br. 30, Justice Hall  
Capitol, Bay. N.V.

Copy furnished:

Mr. Paquito Chua  
Masagana Lumber &  
Construction Materials  
Solano, Nueva Vizcaya

## NOTE:

This serves as your first demand letter. (Emphasis supplied)

In her August 9, 2004 letter-complaint addressed to the Office of the Court Administrator (OCA) which was received on August 13, 2004, complainant invites attention to respondent's lack of "authority or right to act as lawyer in a purely private transaction using the authority and supplies of the . . . court in the process."

In her Comment[4] to the letter-complaint filed in compliance with the Indorsement[5] of August 31, 2004 of the Court Administrator, respondent gave the following explanation:

Sometime in July 2004, Paquito Chua (Chua), a friend of her sister, went to her office asking her to recommend a lawyer as he intended to file a case against complainant on account of the latter's failure to pay overdue accounts amounting to P12,250.00.[6] She, however, suggested that before engaging the services of a lawyer, he should send complainant a demand letter. Heeding her suggestion, Chua requested her to prepare a letter and sign it on his behalf, he postulating that complainant would most likely settle her obligation if the letter comes from "a proper authority."

She having merely wanted to help Chua without him resorting to litigation to thereby save him from incurring expenses therefor, she obliged. She thus prepared the letter and in good faith sent it to complainant without receiving any monetary consideration from Chua for her services.

Appended to respondent's Comment was Chua's Affidavit[7] wherein he affirmed that he indeed authorized respondent to prepare and sign the demand letter and respondent did so in good faith, without receiving any monetary consideration therefor.

Also attached to respondent's Comment was a photocopy of a trust receipt[8] purportedly signed by complainant acknowledging having received construction materials worth P12,250.00 from Chua which were to be sold on commission basis, the proceeds of which were not, however, remitted to Chua.

By Report[9] of April 4, 2005, the OCA recommended that the complaint be redocketed as a regular administrative matter and that respondent be ordered to pay a fine in the amount of P500.00 for violation of P.D. 26, with a warning that a repetition of the same or similar acts would be dealt with more severely.

The OCA reasoned:

The intent, among others, of the franking privilege granted to courts, as may be gleaned from its perambulatory clauses, is "to equip the existing machinery of justice with all the necessary facilities which will enable it to act swiftly." Expanding the coverage of the subject decree to include demand letters in behalf of non-litigants would be contrary to the spirit and intent of the law to enable the courts to act swiftly to afford justice to those who seeks (sic) its wisdom. The said decree provides that "the courts may transmit thru ordinary mail and/or registered mail with return card, free of charge all official communications and papers directly connected with the conduct of judicial proceedings". Any private or unauthorized use to avoid payment of postage is penalized by fine or imprisonment or both. Clearly, respondent's act of sending a demand letter utilizing the franking privilege granted to courts is not within the intent and is thereby a violation of said decree.

x x x

It must be borne in mind that the conduct required of court personnel must be beyond reproach and must always be free from any suspicion that may taint the judiciary (Dionisio vs. Gilera, A.M. No. P99-1330, 12 August 1999). Respondent, by sending a purely private matter of demanding payment of a monetary obligation, representing the matter to be an official court process, to avoid the payment of postage, failed to

live up to this standard.[10] (Underscoring supplied)

Respondent later filed a Manifestation[11] dated June 9, 2005 reiterating her claim of good faith. She added that complainant whom she alleged to be known as a "person of bad reputation in her community" filed the present case merely to harass her owing to her (respondent's) close relation to Chua who had filed a complaint for estafa against complainant. Appended to the Manifestation was a Certification dated June 6, 2005[12] issued by the Office of the Nueva Vizcaya Provincial Prosecutor stating that the estafa case filed by Chua against complainant is now pending review before the Department of Justice. Respondent thus moved for the dismissal of the case.

Also appended to respondent's Manifestation was an Affidavit[13] of Barangay Captain Wenceslao Carillo of Don Mariano Perez, Bayombong, Nueva Vizcaya attesting that complainant is a person "of bad character" and not credible and that she no longer resides at Bayombong in order to evade her obligations and the cases filed against her.

By Resolution of July 25, 2005, this Court noted respondent's Manifestation.

While the OCA properly recommended that respondent be penalized for violation of the Franking Privilege Law, a more important matter escaped its attention.

Republic Act No. 6713, otherwise known as the CODE OF CONDUCT AND ETHICAL STANDARDS FOR PUBLIC OFFICIALS AND EMPLOYEES, which aims to promote a high standard of ethics and utmost responsibility in the public service,[14] directs public officials and employees to endeavor to discourage wrong perceptions of their roles as dispensers or peddlers of undue patronage.

Being bound by the highest standards of propriety and decorum, public offices and employees are indeed expected to be models of uprightness, fairness and honesty to maintain the people's respect and faith in the judiciary. Hence, they should avoid any act or conduct that would be a bane to, and an emasculation of, the public trust and confidence reposed on the courts.[15]

In the case at bar, respondent prepared and sent the demand letter to complainant as "Issuing Officer of RTC Bambang, Nueva Vizcaya, Branch 30" upon Chua's prodding, thereby giving the impression that she was acting on authority of the court.

While respondent may have been motivated solely by an earnest desire to help Chua, a friend of her sister, she ought to have known that she had no authority to issue demand letters in purely private transactions on behalf of the RTC, as any court for that matter has none.

Respondent's allegations that complainant has a bad reputation in her community does not help her cause any, credibility or motive not being in issue in the case at bar given the documented charge against her.

The point cannot be overemphasized that everyone in the judiciary, from the presiding judge to the clerk, bears a heavy responsibility for the proper discharge of his duty, and it behooves each one to steer clear of any situation in which the slightest suspicion might be cast on his conduct as any misbehavior is likely to reflect adversely on the administration of justice.[16]

Employees of the judiciary must thus be wary, and should tread carefully when assisting other persons, even if the assistance calls for the exercise of acts unrelated to their official functions. Any assistance should not in any way compromise the public's trust in the justice system.[17]

Respondent rationalizes that she merely took pity on Chua and finds nothing wrong in coming to his aid in pursuance of public service.

xxx Mr. Chua being a private citizen came to ask my (sic) services and I being a public servant of the government has (sic) no choice but to render service in a way that I can do best without expecting any reward in return, he being the offended one without resulting to the filing of a case and not to incur expenses and without any self interest on my part used the office name for said transaction since I believed that it is also official since it was done for public service especially so, that Mr. Chua is the complainant party. I do not know of any reason why Ms. Ramos has to accuse me as a Court Personnel abusing her position by using Court's name and to be penalized by the Supreme Court where in fact I have just helped Mr. Chua to mediate with them without any private interest on my part in return; Mr. Chua came to our office with clean hand (sic) merely to seek justice he being the offended one, xxx In my belief, I did not abuse my position and authority being a court personnel instead, I used my position to help others without any money consideration involved. I will not put myself into (sic) shame and gamble my 20 years in service with stain marked on my reputation especially when it comes to money matters neither that (sic) I will not used (sic) the name of the Office in bad faith.[18] (Underscoring supplied)

Respondent's rationalization does not impress.

In *Macalua v. Tiu, Jr.*, [19] where a utility worker, out of sympathy, tried to secure official papers for a townmate from the RTC where he worked, this Court held:

xxx Pity cannot be the source of authority for a prohibited act nor can it allow misconduct in office. The exigencies of government service cannot and should never be subordinated to purely human equations. xxx [A public employee] is expected to do no more than what duty demands and no less than what privilege permits. Though he may be of great help to specific individuals, but when that help frustrates and betrays the public's trust in the system it cannot and should not remain unchecked. The interests of the individual must give way to the accommodation of the public - *Privatum incommodum publico bono pensatur*. [20] (Underscoring supplied)

There is no ample evidence, however, that in preparing and sending the demand letter for Chua, respondent was impelled by any corrupt or wrongful motive or a clear intent to violate the law.[21] This Court thus finds that respondent's said act constitutes simple misconduct, not conduct prejudicial to the best interest of the service[22] as charged.[23]

Under Section 52 (B)(2) of the Revised Rules on Administrative Cases in the Civil Service,[24] simple misconduct is punishable with suspension without pay from One (1) Month and One (1) Day to Six (6) Months for the first offense.[25]

Given respondent's untarnished record of 20 years in the judiciary and absent any proof of consideration for the questioned services she rendered for Chua, the imposition of a fine in the amount of P2,000.00 is in order, in line with this Court's ruling in *Nicolas v. Ricafort*. [26] In the latter case where an RTC process server facilitated the release of a surety bond in a criminal case thereby manifesting personal interest in the same, the absence of consideration for the questioned act was taken into account in the determination of the penalty.

As for respondent's violation of the Franking Privilege Law, she too must be penalized.

The Code of Conduct for Court Personnel[27] enjoins that all personnel in the judiciary shall use the resources, property and funds under their official custody in a judicious manner and solely in accordance with the prescribed statutory and regulatory guidelines or procedures.

The franking privilege under P.D. 26 extends only to judges and refers to official communications and papers directly connected with the conduct of judicial proceedings.[28] Anyone who uses such privilege for private or unauthorized purposes is penalized with a fine of P500.00 or imprisonment of not more than three years or both.

WHEREFORE, respondent Linda C. Esteban, Court Stenographer of the Regional Trial Court of Bambang,

Nueva Vizcaya, Branch 30, is found GUILTY of Simple Misconduct for which she is FINED Two Thousand Pesos (P2,000.00). She is likewise found GUILTY of violation of Presidential Decree No. 26 for which she is FINED Five Hundred Pesos (P500.00). She is STERNLY WARNED that a commission of the same or similar acts will be dealt with more severely.

**SO ORDERED.**

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

---

[1] EXTENDING FRANKING PRIVILEGE TO PAPERS CONNECTED WITH JUDICIAL PROCEEDINGS.

[2] Rollo at 3.

[3] Id. at 5-6.

[4] Id. at 8-9.

[5] Id. at 7.

[6] Id. at 12.

[7] Id. at 10-11.

[8] Id. at 12.

[9] Id. at 13-14.

[10] Id. at 13-14.

[11] Id. at 16.

[12] Id. at 18.

[13] Id. at 17.

[14] *Prak v. Anacan*, 434 SCRA 110, 116 (2004).

[15] *Castelo v. Florendo*, 413 SCRA 219, 230 (2003) (citation omitted).

[16] *Nicolas v. Ricafort*, 410 SCRA 25, 28-29 (2003) (citation omitted), *Racasa v. Collado-Calizo*, 381 SCRA 151, 156 (2002).

[17] *Ibid.*

[18] Rollo at 8.

**[19] 275 SCRA 320 (1997).**

[20] Id. at 326-327.

[21] *Zacarias v. Marcos*, 421 SCRA 125, 135 (2004) (citation omitted).

[22] *Philippine Retirement Authority v. Rupa*, 363 SCRA 480, 486 (2001) provides:

The Court has considered the following acts or omissions, inter alia, as Conduct Prejudicial to the Best Interest of Service: misappropriation of public funds, abandonment of office, failure to report back to work without prior

notice, failure to safe keep public records and property, making false entries in public documents and falsification of court orders.

[23] Rollo at 7.

[24] Promulgated by the Civil Service Commission through Resolution No. 99-1936 dated August 31, 1999 and implemented by CSC Memorandum Circular No. 19, series of 1999.

[25] *Danao v. Franco*, 391 SCRA 515, 520 (2002).

**[26] 410 SCRA 25 (2003).**

[27] A.M. No. 03-06-13-SC, promulgated on April 13, 2004.

[28] *Bernadez v. Montejar*, 378 SCRA 540, 544 (2002).

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.