

**EDNA B. DAVID, COMPLAINANT, VS. ANGELINA C. RILLORTA,
STENOGRAPHER AND OFFICER-IN-CHARGE, REGIONAL TRIAL
COURT, BRANCH 21, SANTIAGO CITY, RESPONDENT.**

A.M. No. P-03-1709; (Formerly AM No. OCA IPI No. 01-1054-P). July 11, 2003

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

Before the Court is the sworn Letter-complaint of Edna B. David, dated January 24, 2001, charging Angelina C. Rillorta, Stenographer and Officer-in-Charge, Regional Trial Court of Santiago City, Branch 21, with conduct unbecoming of a public official, grave abuse of authority and bribery.

Edna B. David, the complainant, avers that she is an employee of the Great Domestic Insurance Company of the Philippines, Inc., a surety company. On January 15, 2001, the complainant, together with her superior, went to the Regional Trial Court (RTC) of Santiago City, Branch 21, to process the application for bail of Marlene Agdeppa, an accused in a criminal case who applied for a bail bond with the Great Domestic Insurance Company. Angelina C. Rillorta, the respondent, lent the complainant the record of Criminal Case No. 3377 (People vs. Marlene Agdeppa) in order that she (the complainant) could get the information necessary for Agdeppa's bail application. David was able to accomplish the document for the bail bond only at around 4:00 p.m. At the time, Judge Fe Albano Madrid, the presiding judge of the RTC of Santiago City, Branch 21, had already left. The respondent thus advised the complainant to return in the morning to secure Judge Madrid's approval of the bail bond. The complainant went home, inadvertently bringing with her the record of Criminal Case No. 3377.

The complainant returned the record to the respondent the following morning. The respondent lost no time in berating the complainant "like a child." Even as the latter apologized, the former could not be appeased. The respondent humiliated the complainant in front of the other court employees. The respondent then reported the incident to Judge Madrid, who calmly instructed her staff to be more diligent in handling court records.

Aggrieved, the complainant filed the instant complaint against the respondent. As summarized by the Court Administrator, the complainant likewise alleges that:

- The respondent is nice only to those litigants who are either rich or well-known in the locality;
- The respondent asks for money, ranging from P1,500.00 to P3,000.00 depending on the amount of the recommended bail, from the complainant's superior upon approval of the bail bonds;
- The respondent imposes excessive legal fees; and

- The respondent does not issue official receipts for sums paid for the issuance of clearances and that she uses the money collected therefrom to buy snacks and to pay for her ballroom dancing.[1]

In her Comment, the respondent admits that she got angry with the complainant for surreptitiously bringing home the record of Criminal Case No. 3377 without the knowledge and permission of any court employee. According to the respondent, this was not the first time that the complainant committed the same infraction. There was another instance when the complainant also brought home a record of a case and returned the same only after the lapse of one month despite being repeatedly reminded about it by the respondent.

The respondent maintains that her anger towards the complainant in connection with the subject incident was justified. With respect to the other allegations, the respondent vehemently denies their veracity. She denies favoring the rich or well-known litigants in their locality. She likewise denies asking money from the complainant's superior for every bail bond that is approved. She asserts that the legal fees that she charges are those prescribed by Administrative Circular No. 3-2000. She further claims that she always issues official receipts for the payments for clearance and that such payments were never spent on her snacks or ballroom dancing.

Upon the recommendation of the Court Administrator, this Court, in the Resolution of September 23, 2002, referred the matter to Executive Judge Madrid for investigation, report and recommendation.

In compliance with the Court's resolution, the investigating judge forthwith conducted the investigation. The complainant failed to appear therein despite the subpoena issued to her. Aside from the respondent, two other court personnel of the RTC of Santiago City, Branch 21, were invited by the investigating judge to shed light on the matter. Thereafter, the investigating judge submitted her report, stating in part:

All in all then the accusations of Edna David is rather exaggerated brought about by her embarrassment when she was told that she "stole" the records of a case, which was of her own making because she initially denied any knowledge of the whereabouts of the records she took. As to the other accusations of abuse of authority and bribery, there is nothing whatsoever to support them.

It is respectfully recommended that the charges against the respondent be dismissed.[2]

The Court agrees with the findings and recommendation of the investigating judge.

In administrative proceedings, the complainants have the burden of proving, by substantial evidence, the allegations in their complaints.[3] In this case, the complainant, by her failure to show up during the investigation despite the subpoena issued to her, manifestly failed to substantiate her allegations against the respondent. As aptly observed by the Court Administrator, "there is nothing in the records that would support complainant's allegations." [4]

The recommendation of the Court Administrator that the Court advise the respondent to be more careful and circumspect in the discharge of her duties most especially in handling court records is well-taken. It must be stressed that as an administrative officer of the court, the respondent is duty-bound to safely keep all records, papers, files, exhibits and public property committed to her charge.[5] She has, inter alia, control and supervision over all court records.[6] Indeed, as Officer-in-Charge of the RTC of Santiago City, Branch 21, it is incumbent upon the respondent to ensure "the efficient and timely recording, filing and over-all management of court records, including the safekeeping of exhibits, documents and all properties of the said branch, subject only to the supervision and control of the presiding judge." [7] The respondent is thus expected to discharge her duties, including the safekeeping of court records, with circumspection, diligence and efficiency.

WHEREFORE, the instant administrative complaint against Angelina C. Rillorta, Stenographer and Officer-in-Charge, Regional Trial Court of Santiago City, Branch 21, is DISMISSED. She is WARNED,

however, to be more careful and circumspect in the discharge of her duties, including the safekeeping of court records.

SO ORDERED.

Bellosillo, (Chairman), Austria-Martinez, and Tinga, JJ., concur.

Quisumbing, J., on leave.

[1] Rollo, pp. 11-12.

[2] Id., at 17-18.

[3] Sarmiento vs. Salamat, 364 SCRA 301 (2001).

[4] Rollo, p. 62.

[5] Cruz vs. Tantay, 305 SCRA 128 (1999) citing Chapter II, par. 3(a) of the Manual for Clerks of Court.

[6] Re: Suspension of Clerk of Court, RTC, Br. 16, Naval, Biliran, 294 SCRA 119 (1998).

[7] Office of the Court Administrator vs. Cabe, 334 SCRA 348 (2000).

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