SPOUSES ROMAN B. TIPLES, JR. AND MELCHORA A. TIPLES, COMPLAINANTS, VS. EVELYN G. MONTOYO, COURT STENOGRAPHER, RTC-BRANCH 62, BAGO CITY, NEGROS OCCIDENTAL, RESPONDENT.

A.M. NO. P-05-2039 (FORMERLY OCA I.P.I. NO. P-05-2039). May 31, 2006

Ponente: PUNO, J.

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PUNO, J.:

On June 22, 2004, spouses Roman B. Tiples, Jr. and Melchora A. Tiples filed a complaint before the Office of the Court Administrator against Evelyn G. Montoyo, Court Stenographer, Regional Trial Court (RTC), Branch 62, Bago City, Negros Occidental, for grave misconduct and/or conduct unbecoming a court employee.

The spouses-complainants were the representatives of the heirs of Francisco and Barbara Alles, both deceased and owners of a 4.5-hectare land situated at Brgy. Alijis, Valladolid, Negros Occidental. Subject land was covered by Transfer Certificate of Title (TCT) No. T-12103. The spouses-complainants were making inquiries at the Office of the Register of Deeds regarding the transfer of title from the deceased Francisco and Barbara Alles to their heirs when they were approached by respondent Montoyo, who introduced herself as an employee of the RTC of Bago City. Respondent Montoyo offered to facilitate the transfer of title for a package fee of P15,000.00 to cover all expenses. She received P5,000.00 and P10,000.00 from spouses-complainants on September 4 and 11, 2002, respectively. She assured them that the new title would be issued on September 13, 2002. However, respondent Montoyo subsequently informed the spouses-complainants that she could not process the papers due to unpaid real property taxes. The spouses-complainants refused to give respondent Montoyo the P8,500.00 she was asking for the taxes contending that they had already delivered the full amount initially agreed upon. Instead, they demanded the return of all their documents, as well as, the receipts of payments already made. They further asked respondent to return whatever amount not accounted for in the receipts. Respondent Montoyo promised to comply with the request but failed.

In his 1st Indorsement of August 27, 2004, then Court Administrator Presbitero J. Velasco, Jr. required respondent Montoyo to comment on the complaint within ten (10) days from receipt of the Indorsement.

In her Affidavit/Comment of September 20, 2004, respondent Montoyo admitted offering to facilitate the processing of the TCT of the subject property and receiving P15,000.00 from spouses-complainants to cover the expenses of the transfer. She explained that she failed to complete the process of the transfer of the title because spouses-complainants refused to pay the transfer tax. All that she managed to accomplish was the publication of the declaration of heirship, which certificate was delivered to spouses-complainants. She claimed that she returned P3,000.00 to the spouses-complainants upon the termination of their agreement. She maintained that she still wanted to facilitate the issuance of the title but that the spouses-complainants advised her to just coordinate with their representative Tranquilino Machan, Jr.[1]

Respondent Montoyo asserted that her business with the spouses-complainants had nothing to do with her official

functions as court stenographer. Thus, her liability, if any, must be civil only and not administrative. She insisted on her good faith in offering her services to the spouses-complainants. The non-issuance of the TCT by the Register of Deeds for the failure of the spouses-complainants to pay the transfer tax was allegedly beyond her control.[2]

The Court Administrator, emphasizing that "all judicial officials and employees should be devoted to their work as to ensure the speedy administration of justice," found against respondent Montoyo. He observed that when respondent Montoyo introduced herself as an employee of the RTC of Bago City, she gave the impression that she had some influence in the issuance of the new title and her representation convinced the spouses-complainants to secure her services. Thus, for receiving P17,350.00 from spouses-complainants and refusing or failing to return the documents and the unexpended funds to them, which constitute simple misconduct, the Court Administrator recommended the suspension of respondent Montoyo for three (3) months with stern warning that commission of a similar act in the future would be dealt with more drastically.[3]

The Court agrees with the findings of the Court Administrator.

We reiterate the rule that respondent Montoyo is an employee of the court whose conduct must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let her be free from any suspicion that may taint the judiciary. She is expected to exhibit the highest sense of honesty and integrity not only in the performance of her official duties but also in her personal and private dealings with other people to preserve the court's good name and standing.

The Court finds the behavior and conduct of respondent Montoyo to be wanting of the exacting standards of ethics and morality imposed upon court employees. She admitted the allegations of spouses-complainants that she offered to facilitate the transfer of title of property for them and that she received money to cover the expenses of the transfer. These acts put not only respondent Montoyo but the judiciary as well in a bad light. For, indeed, spouses-complainants would not have secured her services if not for her representation that she was an employee of the court. She created the impression that she could facilitate the transfer because of her position. Notwithstanding her claim that the money the spouses-complainants gave her was for legitimate actual expenses, her conduct adversely affected the image of the judiciary.

We find respondent Montoyo guilty of simple misconduct. Section 52(B)(2), Rule IV of the Uniform Rules on Administrative Cases in the Civil Service[4] classifies simple misconduct as a less grave offense punishable as a first offense by suspension of one (1) month and one (1) day to six (6) months. The records show that this is respondent Montoyo's first offense.

IN VIEW WHEREOF, respondent Evelyn G. Montoyo, Court Stenographer, Regional Trial Court, Branch 62, Bago City, is SUSPENDED for a period of three (3) months without pay, with warning that the commission of similar or graver offense in the future shall be dealth with more severely.

SO ORDERED.

Sandoval-Gutierrez, Corona, and Azcuna, JJ., concur.
Garcia, J., on leave.

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[1] Rollo, pp. 7-9.

[2]Id.

[3] Memorandum of then Court Administrator Presbitero J. Velasco, Jr. dated June 2, 2005.

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[4] Resolution No. 991936, August 31, 1999.

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