FLORENCIO R. BERNABE, COMPLAINANT, VS. ZENAIDA C. GRIMALDO, COURT STENOGRAPHER, REGIONAL TRIAL COURT, BRANCH 7, MALOLOS CITY. RESPONDENT.

A.M. No. P-08-2453 (Formerly OCA IPI No. 08-2764-P). February 02, 2009

Read online (full-text search, related cases, audio case brief): https://batas.org/library/44af527a99d1/

PER CURIAM:

This Court will not shirk from its responsibility of sternly wielding a corrective hand to discipline its errant employees and to weed out those who are undesirable.[1] While it has the discretion to temper the harshness of its judgment with mercy,[2] it shall also not hesitate to impose the ultimate penalty of dismissal where an employee commits, without any remorse or hint of reformation, the same wrongful act she was previously disciplined for and warned about.

Florencio R. Bernabe (complainant) filed before the Court an Affidavit-Complaint dated February 12, 2007, charging Zenaida C. Grimaldo, Court Stenographer III (respondent) of the Regional Trial Court (RTC), Branch 7, Malolos, Bulacan, with acts prejudicial to the best interest of public service.

Complainant avers that respondent received from him and his sister, Susana Bernabe Fuentes (Susana), a total of P130,000.00 in order to facilitate the transfer and subdivision of properties left by their late aunt Asuncion Bernabe. Attached to the complaint were: handwritten notes dated April 9, 2000 and April 12, 2000 signed by respondent acknowledging receipt from Susana of the amounts of P40,000.00 and P10,000.00, respectively, as payment for inheritance tax, transfer of title, registration, tax declaration and acceptance fee of a certain Atty. Cermelito Santoyo; and a handwritten note signed by respondent dated January 16, 2001 acknowledging receipt from complainant of the amount of P80,000.00 as payment for the subdivision of the Manggahan property, inheritance tax and transfer tax.[3] When respondent failed to cause the transfer of titles to the property, complainant sent a demand letter dated June 14, 2006 seeking the return of the aforesaid amount.[4] In response, respondent gave a promissory note dated August 8, 2006, which she failed to pay upon maturity.[5] Complainant and his sister were also charged with Falsification of Public Documents before the Municipal Trial Court (MTC) of Malolos after respondent caused the notarization of the Kasulatan ng Paghahati which she herself prepared without their knowledge and consent.[6]

In her Comment dated June 29, 2007, respondent admitted that in late 2005, she promised complainant that she would return to them the P130,000.00 they entrusted to her; unfortunately, she was not able to do so because her husband was rushed to the Intensive Care Unit (ICU) on January 22, 2006 and died on February 4, 2006 which caused her grief and financial distress; she pleaded with complainant that she would fulfill her commitment to him but on installment basis; thus, she gave him first the amount of P15,000.00 on February 9, 2007; to her dismay, she received complainant's letter dated February 12, 2007 through this Court, charging her administratively; she did not immediately file her Comment, since she wanted to ask complainant first why he changed his mind and to explain to him that her loan application would not be approved because of the present administrative case; when she was able to talk to complainant, however, the latter accused her of making a series of statements which made him angry; she requested the Court to allow her to settle the matter until July 31, 2007, and said that if the present

case would not hinder her application for a loan renewal, she would deposit its proceeds to complainant's bank account right away.[7]

The Office of the Court Administrator (OCA),[8] in its Report dated March 10, 2008, recommended that the instant case be re-docketed as a regular administrative matter; that respondent be found guilty of gross misconduct; and that she be meted the penalty of dismissal from the service with forfeiture of all retirement benefits except accrued leave credits and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned and controlled corporations.[9]

The OCA found that respondent did not deny receiving from complainant the amount of P130,000.00 for the transfer to complainant and his sister of title to an inherited property; by doing so, she gave the impression that she had some influence on the facilitation of the document necessary for the transfer and subdivision of properties, which conduct was improper and constituted grave offense punishable by dismissal from the service; respondent's acts not only put her but the judiciary as well in a most negative light, for complainant would not have secured her services if not for her representation that she could facilitate the transfer because of her position as an employee of the court; notwithstanding her promise that she would return the money, her conduct had already tainted and affected the image of the judiciary.[10]

The OCA also noted that respondent had been previously disciplined and warned by the Court in her previous administrative cases: (1) Rural Bank of Balagtas v. Grimaldo, A.M. No. P-91-591, (Grimaldo), in which she was found guilty of willful failure to pay just debt and fined P500.00 on August 8, 1991; and (2) Pedro Roque et al. v. Grimaldo, A.M. Nos. P-95-1148 and 1149 dated July 30, 1996, (Roque), in which she was charged with asking money to facilitate the reconstitution of land titles and fined the equivalent of her one-month salary.[11]

In a Resolution dated April 16, 2008, the Court re-docketed the instant complaint as a regular administrative matter and required the parties to manifest if they were willing to submit the case for decision based on the pleadings filed.[12] Complainant manifested his willingness,[13] while respondent failed to comply within the given period; thus, she is deemed to have agreed to have the case thus submitted.[14]

The Court finds the report and recommendation of the OCA to be well-taken.

Respondent admits that she received P130,000.00 from complainant and his sister. She also does not deny the circumstances surrounding her receipt of the said money, i.e., it was given to her to facilitate the transfer and subdivision of properties inherited by complainant. She only claims that she was not able to return the amount to complainant upon demand because of her husband's medical emergency and untimely death; and she promises to pay the same, on installment basis or as soon as her loan renewal application is approved.

As the Court explained in respondent's previous case entitled Roque v. Grimaldo,[15] adopting the report of the Investigating Judge:[16]

> The respondent occupies a stenographer position and as such her duty is essentially limited to the transcription of the records of the proceedings during a Court session and does not generally entail dealing in whatever capacity with party litigants, save in cases involving stenographic notes. By giving impression to the complainants that she can handle their problems of not only the processing of the reconstitution of their titles but the ultimate transfer in their individual names the titles --- an act which is outside her official function, respondent violated the established norm of conduct prescribed for court employees, i.e., to maintain a hands-off attitude in matters not her duty. This is to maintain the integrity of the Court and, on the other, in order to free court personnel from suspicion of any misconduct. (citations omitted)
>
> x x x x

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

> Respondent has, therefore, no business indulging in the processing of reconstitution of titles because it is prejudicial to the interest of the service. The government employees are prohibited to give favor in exchange for money consideration. And besides, the act of respondent is an act of lawyering, and not being knowledgeable about the intricacies of the legal procedure it will greatly prejudice the parties concerned and it hampers her performance as a public servant.[17] (Emphasis supplied)

The Court further held that:

> x x x There is no question that respondent's position is essentially limited to the transcription of the records of the proceedings during a court session. Considering that her position does not generally entail dealing in whatever capacity with party litigants, save in cases involving stenographic notes, respondent's act of processing the reconstitution cases undoubtedly proved prejudicial to the best interest of the service. In entering into this kind of arrangement with complainants, respondent would necessarily have to leave her post at Branch 7 to attend to the processing of said reconstitution cases. Moreover, respondent is laying herself open to charges of giving favors to the public in exchange for monetary consideration. Hence, our oft-repeated admonition that court personnel should refrain from dealings, financial or otherwise, which would interfere with the efficient performance of their duties.[18]

In Roque, respondent received from complainants Pedro Roque, Eugenio Roque, Maria Reyes and Myrna Gloria the total sum of P20,500.00, and from Fortunate Mateo and Ismael Hipolito the total amount of P42,000.00, for the titling of their respective lands, which respondent failed to accomplish.[19] For such offense, the Court imposed on her a fine in an amount equivalent to her one-month salary with a warning that the commission of the same or similar offenses will be dealt with more severely.[20]

Such clear reproof notwithstanding, respondent in 2000 again received from complainant and his sister the total amount of P130,000.00 to facilitate the transfer of titles to the latters' names. The fact that she was not able to return the said amount to complainant in 2005 because of her husband's death is beside the point. Respondent's offense is not just her failure to pay a loan or a debt, but her receipt of money from individuals who gave the same to her upon her representation that she could facilitate the transfer of titles to their names because of her position as a court employee.

As the OCA pointed out:

> x x x [Respondent] admitted the allegations that she offered to facilitate the transfer of properties and received money to cover the expenses of the transfer. These acts put not only the respondent but the judiciary as well in a most negative light. For indeed complainant would not have secured the service of respondent if not for the latter's 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 promise that she will return the money, her conduct had already tainted and affected the image of the judiciary.[21]

The Court cannot emphasize enough that employees of the judiciary must exercise prudence in dealing with other people.[22] Employees of the judiciary must be wary and should tread carefully when assisting other persons, even if such assistance would call for the exercise of acts unrelated to their official functions.[23] This is because the image of a court of justice is mirrored in the conduct, official and otherwise, of the personnel who work thereat.[24] The conduct of persons serving the judiciary must at all times be characterized by propriety and decorum and, above all else, be above suspicion so as to earn and keep the respect of the public for the judiciary.[25] This Court would never countenance any conduct, act or omission on the part of all those in the administration of justice, if it would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.[26]

Conduct prejudicial to the best interest of the service, under Rule IV, Section 52(A) (20) of the Uniform Rules on

Administrative Cases in the Civil Service, carries the penalty of suspension for six months and one day to one year for the first offense and dismissal for the second.

Considering that this is respondent's second offense for conduct prejudicial to the best interest of the service, such offense carries the penalty of dismissal from the service under Section 52(B) (2) of the Revised Rules on Administrative Cases in the Civil Service.

Considering the foregoing, the Court has no recourse but to impose on respondent the penalty of dismissal from the service. She is also ordered to return to complainant and his sister the amount of P115,000.00, which is the remaining balance due after deducting the P15,000.00 respondent gave complainant on February 9, 2007.[27]

WHEREFORE, the Court finds Zenaida C. Grimaldo, Court Stenographer III of the Regional Trial Court Branch 7, Malolos, Bulacan, GUILTY of conduct prejudicial to the best interest of public service, for which she is DISMISSED from the service with forfeiture of all retirement benefits except accrued leave credits and with prejudice to re-employment in any branch or instrumentality of the government including government-owned and controlled corporations. She is further ordered to return, within thirty (30) days from receipt of herein Decision, to complainant Florencio R. Bernabe the sum of P65,000.00 and to Susana Bernabe Fuentes the amount of P50,000.00, totalling P115,000.00 which she received from them, with a warning that her failure to do so may be a ground for contempt of court.

SO ORDERED.

Puno, C.J., Quisumbing, Ynares-Santiago, Carpio[*], Austria-Martinez, Corona, Carpio Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., Nachura, and Leonardo-De Castro, JJ., concur.
Brion, and Peralta, JJ., on leave.

---

[*] On official leave, per Special Order No. 548 dated January 15, 2009.

[1] Vilar v. Angeles, A.M. No. P-06-2276, February 5, 2006 Resolution; Seangio v. Parce, A.M. No. P-06-2252, July 9, 2007, 527 SCRA 24; Reyes-Macabeo v. Valle, A.M. No. P-06-1650, April 3, 2003, 400 SCRA 478.

[2] Vilar v. Angeles, id.

[3] Rollo, pp. 1-9.

[4] Id. at 7.

[5] Id. at 5, 10.

[6] Id. at 5.

[7] Rollo, pp. 13-14.

[8] Through then Officer-in-Charge, now Court Administrator Jose P. Perez and Deputy Court Administrator Antonio H. Dujua.

[9] Rollo, p. 4.

[10] Rollo, p. 3.

[11] Id. at 2.

[12] Id. at 65.

[13] Id. at 67.

[14] Id. at 70.

[15] A.M. No. P-95-1148, July 30, 1996, 260 SCRA 1.

[16] Executive Judge Natividad G. Dizon; see Roque v. Grimaldo, supra note 15.

[17] Id. at 5.

[18] Id. at 8.

[19] Roque v. Grimaldo, supra note 15, at 3-4.

[20] Id. at 8-9.

[21] Rollo, p. 3.

[22] Prak v. Anacan, A.M. No. P-03-1738, July 12, 2004, 434 SCRA 110.

[23] Prak v. Anacan, id. at 116.

[24] Baron v. Anacan, A.M. No. P-04-1816, June 20, 2006, 491 SCRA 313.

[25] Id.

[26] Id.

[27] Rollo, p. 16.

Bar review courses, mock exams and a study planner that keeps you on pace - batas.org

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.