

**DOROTHY FE MAH-AREVALO, COMPLAINANT, VS. ELMER P. MAPE,
LEGAL RESEARCHER III, REGIONAL TRIAL COURT, BRANCH 17,
PALOMPON, LEYTE, RESPONDENT.**

A.M. No. P-09-2622 (A.M. OCA IPI No. 08-2814-P). April 07, 2009

Ponente: BRION, J.

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BRION, J.:

We resolve the present administrative matter, which involves charges and countercharges between two members of the staff of the Regional Trial Court (RTC), Branch 17, Palompon, Leyte.

The Factual Background

In a letter to the Office of the Court Administrator (OCA) dated January 8, 2006, Dorothy Fe Mah-Arevalo (complainant), Court Stenographer III of the RTC, Branch 17, Palompon, Leyte, accused Elmer P. Mape (respondent), Legal Researcher III of the same court, of gross ignorance of the law and incompetence relative to Special Proceeding Case No. 0239-PN, entitled *Maria Mae Tordillo v. Nah Kok Sun*.^[1] The complainant faulted the respondent for issuing an entry of judgment and a certificate of finality certifying that the decision in Special Proceeding Case No. 0239-PN became final and executory on the very same day the decision was rendered. For this reason, the complainant prayed that the permanent appointment of respondent as Legal Researcher III be denied.

Additionally, the complainant objected (through her letter of December 6, 2006)^[2] to the change of status of the respondent's appointment from probationary to permanent on the following grounds:

- Falsification of daily time record (DTR) - the respondent made it appear in his DTR that he was present on October 30, 2006, when he was actually in Cebu City on that day.
- Grave threats - On November 7, 2006 at around 3:30 in the afternoon, the respondent threatened to kill the complainant and her family, taking out his .45 caliber gun and pointing it upwards. The incident happened in the place of Ms. Asuncion (Shioney) Codilla-Sabondo at San Francisco St., Palompon, Leyte.
- Grave misconduct - the respondent is always seen in court with a .45 caliber gun, creating fear among the court employees.

The OCA referred the December 6, 2006 letter of complaint^[3] to the respondent and required him to comment within ten (10) days from receipt of the indorsement.^[4] The respondent submitted his comment on July 25, 2007, disputing the charges against him.^[5] At the same time, he accused the complainant of dishonesty and malversation of court funds. He claimed that the complainant's grievances against him stemmed from his discovery of the shortage she incurred in the collection of Judiciary Development Fund and Special Allowance for the Judiciary for September 2006.

In a Report dated April 22, 2008, the OCA recommended that the charge against respondent and the

countercharge against complainant be referred to Executive Judge Celso L. Mantua, RTC, Palompon, Leyte for investigation, report and recommendation to the Court.[6]

On June 23, 2005, the Second Division of this Court issued a Resolution referring the matter to Judge Mantua for investigation, report and recommendation within ninety (90) days from receipt of the record.[7]

The Investigation Report

On February 11, 2009, Judge Mantua submitted his Report and Recommendation, together with the complete records of the case.[8] The findings of Judge Mantua may be summarized as follows:

On the Charges

- On the charge of falsification of daily time record, Judge Mantua noted that the complainant submitted copies of the respondent's DTR for October 2006[9] showing the time-in and time-out entries on October 30, 2006, when he was supposed to be in Cebu City. The respondent admitted that he was in Cebu City on that day, visiting the grave of his father. He explained that he was on leave for the day, thereby making it impossible for him to be in the office; he surmised that somebody with an ill motive had punched in his DTR for the day; he inadvertently overlooked the entry for October 30, 2006, when he signed his DTR because "it was hard to notice in view of the lack of supply of ribbon for the bundy clock." He presented his application for leave which he filed on October 18, 2006. This application was duly approved and signed by Judge Mantua. The judge found that the application for leave of absence "had negated any suspicion of malice on the part of respondent."

- On the charges of grave threats and grave misconduct against the respondent, Judge Mantua also found no evidence that respondent committed the acts attributed to him by the complainant. The Judge noted that the complainant's allegations were not corroborated by any witness to the incident she had narrated.

- On the charges of gross ignorance of the law and incompetence, Judge Mantua likewise found no reason to hold the respondent liable. Judge Mantua declared that the immediate issuance by the respondent of the entry of judgment and certificate of finality in SP Case No. 0239-PN was completely proper; the decision of the court (RTC, Br. 17, Palompon, Leyte) itself ruled that the case was governed by the Summary Judicial Proceedings in the Family Code; and that pursuant to Article 247 of the Code, the judgment in the case was immediately final and executory, aside from the fact that the court also ordered the entry of the judgment in the Book of Entry of Judgment. Judge Mantua recommends the dismissal of all the charges against the respondent for lack of merit.

On the Countercharges

On the respondent's countercharge, Judge Mantua opined that complainant's unauthorized act must be discouraged, as he found it violative of the rule on the confidentiality of court documents under Sections 1 to 3, Canon II of the Code of Conduct for Court Personnel. The judge found the complainant's act of furnishing court documents to an adverse party (the Office of the Solicitor General) grave and contemptuous, and recommended that the complainant be suspended from the service for six (6) months.

Judge Mantua found no sufficient evidence to hold the complainant liable for malversation of court funds.

The Court's Ruling

We support and adopt Judge Mantua's recommendations, except for the recommendation to penalize the complainant under Sections 1 to 3, Canon II of the Code of Conduct for Court Personnel.

On the charge of falsification of DTR, Judge Mantua concluded that there was no such falsification, the incident having been the product of inadvertence. We find the conclusion to be supported by the records of the case. First,

the respondent was in Cebu on October 30 as he claimed, and returned to Palompon, Leyte only in the evening of the same day[10] as Passenger No. 23 on board the M/V Tagbilaran Ferry operated by Roly Shipping Lines, Inc.[11] If he was in Cebu on October 30, he could not have punched in his DTR on that day. Somebody else did. Second, he signed the DTR for the month of October without noticing the October 30 entry because it was difficult to see; it was almost illegible.[12] We find this explanation reasonable. Third, the respondent filed on October 18, 2006, a leave of absence for October 30, 2006, and Judge Mantua himself approved it.

We, likewise, concur with Judge Mantua's finding that there was no evidence other than complainant's bare allegation, showing that the respondent committed the imputed acts of grave threats and grave misconduct.

Finally, we find no error in the investigating judge's conclusion that no basis exists to hold the respondent liable for gross ignorance of the law in immediately issuing an entry of judgment and certificate of finality in Sp. Proc. Case No. 0239-PN. As the record shows, RTC, Branch 17, Palompon, Leyte, declared that the petition was governed by the Summary Judicial Proceedings under the Family Code, whose Article 247 recognizes that judgment in the case is immediately final and executory;[13] the court also ordered that the judgment immediately be entered in the Book of Entry of Judgment.[14]

On the countercharge against complainant, Judge Mantua found insufficient evidence to support the charge of malversation against her, but found her liable for violation of the confidentiality rule under Canon II, Sections 1, 2 and 3 of the Code of Conduct for Court Personnel. The violation occurred, according to the Judge, when the complainant, not being a party to SP Proc. Case No. 0239-PN, or one authorized to do so, secured copies of the decision, entry of judgment, and certificate of finality, and furnished these copies to the Office of the Solicitor General.

We do not agree with the investigating judge's findings and recommendations on this point. In the first place, the information the complainant disclosed does not qualify as confidential information, as the term is defined under Section I, Canon II of the Code of Conduct for Court Personnel;[15] Confidential information means "information not yet made a matter of public record relating to pending cases, as well as information not yet made public concerning the work of any justice or judge relating to pending cases, including notes, drafts, research papers, internal discussions, internal memoranda, records of internal deliberations, and similar papers." As the records indicate, the decision adverted to has already become final; in fact, a certificate of finality has already been issued, and an entry of judgment had already been made.

Even if the documents were to be considered as classified, the complainant still cannot be held liable for unauthorized disclosure of classified information under the Revised Uniform Rules on Administrative Cases in the Civil Service, Rule IV, Section 52, B(23) which provides:[16]

Disclosing or misusing confidential or classified information officially known to him by reason of his office and not made available to the public, to further his private interests or give undue advantage to anyone, or to prejudice the public interests.

We do not see from the records any indication that the complainant made the disclosure "to further (his) private interests or give undue advantage to anyone, or to prejudice the public interests." The Office of the Solicitor General, too, to which the copies were sent, represented a party to the case and, hence, has the right to access these records.

At best, the complainant was only guilty of releasing information without observance of the internal procedures of the court, and for undertaking the dissemination of the copies of the documents disclosed without being the staff member authorized to do so. These infractions may have been the reasons for Judge Mantua's strong reaction to the release of documents by the complainant. To be sure, the complainant's action must be discouraged. We

cannot accept, however, that her act was grave or contemptuous, and that it should be classified as a less grave offense under Rule IV, Section 52, B(23) of the Revised Uniform Rules on Administrative Cases in the Civil Service. The complainant's lapse should merit only the warning that a repetition of the same or a similar offense in the future shall not go unpunished.

WHEREFORE, premises considered, the complaint against ELMER P. MAPE, Legal Researcher III, RTC, Branch 17, Palompon, Leyte, is hereby DISMISSED for lack of merit. MS. DOROTHY FE MAH-AREVALO, Court Stenographer III of the same Court is ADMONISHED for her non-observance of internal rules of the court, with the WARNING that any similar act shall not go unpunished.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Velasco, Jr., JJ., concur.

[1] Rollo, pp. 27-30.

[2] Id., pp. 8-9.

[3] Id.

[4] Rollo, p. 35, Ist Indorsement, January 25, 2007.

[5] Id, pp. 37-43.

[6] Id., pp. 1-4.

[7] Id., p. 64.

[8] Dated January 5, 2009; id., pp. 89-91.

[9] Id., pp. 7-8.

[10] Rollo, p. 11, Passenger Boarding Report Form B2, date/time/month/year entry of 302200 # Oct. '06.

[11] Id, p. 17, Passenger List No. 23.

[12] Id., pp. 7-8, DTR for October 2006.

[13] Art. 247 - The judgment of the Court shall be immediately final and executory.

[14] Republic of the Philippines v. Gloria Bermudez-Lorino, G.R. No. 060258, January 19, 2005, 449 SCRA 57.

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

[16] MC No. 19 s. 1999, issued by Chairman Corazon Alma de Leon , Civil Service Commission, which took effect on September 27, 1999.

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