ATTY. CESAR A. ENRIQUEZ, COMPLAINANT, VS. LUCILA M. DE CASTRO, COURT INTERPRETER II, MUNICIPAL TRIAL COURT IN CITIES, CALAPAN CITY, ORIENTAL MINDORO, RESPONDENT.

A.M. NO. P-04-1833. July 03, 2007

Read online (full-text search, related cases, audio case brief): https://batas.org/library/5f66f276996a/

PER CURIAM:

In a Sworn Statement[1] dated 8 April 2003, Atty. Cesar A. Enriquez (complainant) charged Lucila De Castro (respondent), Court Interpreter II of the Municipal Trial Court in Cities, Calapan City, Oriental Mindoro (trial court), with grave misconduct and extortion.

According to complainant, respondent extorted money from persons who have cases with the trial court on the pretext that she would give complainant the money as attorney's fees. Complainant stated that one such person was Ernesto De Ala (De Ala), the accused in Criminal Case No. 13006. Complainant stated that De Ala was charged with violation of Republic Act No. 6425 before the trial court on 21 March 2002.

Complainant stated that in De Ala's Sworn Statement dated 26 March 2003, De Ala asserted that:

- Respondent solicited and received P15,000 from his wife, Sonia De Ala, on the pretext that the money would be given to complainant as attorney's fees and that complainant would be De Ala's defense counsel in the criminal case.

- During De Ala's arraignment in the Regional Trial Court, Branch 40, De Ala learned that respondent did not give the P15,000 to complainant but pocketed it for her own personal use.

Complainant asserted that respondent personally admitted to him that she received the P15,000. Complainant asserted that respondent asked for his indulgence and assured him that she would give him the money in "staggered amount." Complainant stated that he did not authorize respondent to solicit cases for him and to collect money for his attorney's fees.

On 8 April 2003, Judge Manolo A. Brotonel (Judge Brotonel) issued a Memorandum to respondent informing her of the complaint for grave misconduct and extortion that complainant had filed against her. Judge Brotonel directed her to file her answer and comment on the complaint within five days from notice.[2]

In his 1st Indorsement dated 13 May 2003, Judge Brotonel forwarded to Executive Judge Manuel C. Luna, Jr. (Judge Luna) of the Regional Trial Court of Calapan City, Branch 39 the Memorandum on the complaint which complainant filed against respondent. Judge Brotonel stated that despite the long period of time afforded respondent, she failed to controvert the charges against her.[3]

In his 2nd Indorsement dated 23 June 2003, Judge Luna forwarded to the Office of the Court Administrator (OCA) the Memorandum issued to respondent for appropriate action.[4]

The OCA, in its 1st Indorsement dated 2 July 2003, required respondent to file her Comment within 10 days from notice.[5] However, since respondent still failed to file her comment, the OCA sent her its 1st Tracer on 7

November 2003 reiterating its directive for her to submit her comment within five days from receipt of the 1st Tracer; otherwise, it would submit the case to the Court without her comment.[6]

On 1 March 2004, the OCA submitted its Evaluation Report. The OCA stated:

> The essence of due process is simply to afford the respondent the opportunity to be heard or as applied to administrative proceedings, an opportunity to explain one's side or an opportunity to seek reconsideration of the action or ruling taken. A formal trial or hearing is not always the earmark of due process. The requirements of due process are satisfied when the parties are afforded a fair and reasonable opportunity to explain and air their side (Villareal vs. CA, 219 SCRA 293).
>
> Respondent's failure to file comment despite her being given the opportunity twice, indicates her waiver of her right to be heard. The records show that besides the two opportunities given her by the OCA, she received the Memorandum of Judge Manolo Brotonel dated 3 April 2003, directing her to submit her formal answer within five (5) days. Respondent likewise failed to do so.
>
> RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court is our recommendation that this case be REDOCKETED as a regular administrative matter and that respondent be SUSPENDED for six (6) months without benefits and SEVERELY WARNED that commission of any infraction will be dealt with most severely.[7]

On 14 June 2006, the Court issued a resolution requiring the parties to manifest within 10 days from notice whether they were willing to submit the case for decision on the basis of the pleadings submitted.[8]

In its resolution dated 15 January 2007, the Court resolved to consider the parties to have waived their compliance with the resolution dated 14 June 2006 because of their failure to manifest their willingness to submit the case for decision based on the pleadings filed.[9]

The findings and recommendations of the OCA are well-taken, except for the penalty.

The charges against respondent relate to her act of soliciting from De Ala's wife the sum of P15,000 on the pretext that the money would be given to complainant as attorney's fees and that complainant would be De Ala's counsel in a criminal case.

The Court notes respondent's failure to file her comment despite the opportunities given her. She received on 9 April 2003 the Memorandum issued to her on 8 April 2003, directing her to submit her answer to the complaint filed against her.[10] On 30 July 2003, respondent received the OCA's 1st Indorsement dated 2 July 2003 directing her to submit her comment within 10 days from receipt of the order.[11] Respondent received the OCA's 1st Tracer dated 7 November 2003 on 25 November 2003. The OCA reiterated its directive for respondent to submit her comment within five days from notice.[12]

Respondent gave the impression that she waived her right to be heard and to present evidence. While respondent may have lost such right, the Court is convinced that she was not denied her day in court.

The essence of due process is simply an opportunity to be heard,[13] the requirements of which are satisfied where the parties are afforded fair and reasonable opportunity to explain their side of the controversy.[14] Here, it cannot be said that there was a denial of due process on the part of respondent because she was given the opportunities to refute the allegations of complainant.

Respondent's actuation undermines the people's faith in the judiciary. The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work in the judiciary, from the judge to the employee holding the lowest position. It becomes the imperative and sacred duty of each and

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

every one in the court to maintain its good name and standing as a true temple of justice. Thus, every employee of the court should be an exemplar of integrity, uprightness, and honesty.[15] Respondent failed in this duty. No other office in the government service exacts a greater demand for moral righteousness and uprightness from an employee than the judiciary.[16] The Court will not tolerate or condone any conduct of judicial employees which tends to or actually diminishes the faith of the people in the judiciary.

We find respondent guilty of grave misconduct. Under Section 52, paragraph A(3), Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, grave misconduct is a grave offense punishable by dismissal for the first offense.

WHEREFORE, we find Lucila M. De Castro, Court Interpreter II, Municipal Trial Court in Cities, Calapan City, Oriental Mindoro, GUILTY of grave misconduct and accordingly DISMISS her from the service, with forfeiture of all benefits, except accrued leave credits, and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations.

SO ORDERED.

Puno, C.J., Ynares-Santiago, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Garcia, and Nachura, JJ., concur.
Quisumbing, J., on official leave.
Sandoval-Gutierrez, J., on leave.
Velasco, Jr., J., no part due to prior action in OCA.

[1] Rollo, p. 8-A.

[2] Id. at 7.

[3] Id. at 6.

[4] Id. at 5.

[5] Id. at 4.

[6] Id. at 11.

[7] Id. at 13-14.

[8] Id. at 16.

[9] Id. at 17.

[10] Id. at 7.

[11] Id. at 4.

[12] Id. at 11.

[13] Palanca v. Guides, G.R. No. 146365, 28 February 2005, 452 SCRA 461; Verceles v. Bureau of Labor Relations-DOLE-NCR, G.R. No. 152322, 15 February 2005, 451 SCRA 338.

[14] Nueva Ecija Electric Cooperative (NEECO) II v. NLRC, G.R. No. 157603, 23 June 2005, 461 SCRA 169.

[15] Chiong v. Baloloy, A.M. No. P-01-1523, 27 October 2006, 505 SCRA 528.

[16] Imperial v. Santiago, Jr., 446 Phil. 104 (2003).

Study hands-free: podcast-style lessons with read-along highlighting - 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.