

ERLINDA C. ABERGAS, COMPLAINANT, VS. MERLITA V. BAGOLBAGOL, RESPONDENT.*A.M. No. P-96-1218 (Formerly OCA IPI No. 96-147-P). September 04, 1996*

Ponente: MENDOZA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/65f89edfd99f/>**MENDOZA, J.:**

This is a complaint filed against Merlita Valois Bagolbagol, Court Stenographer of the Regional Trial Court, Branch 17 of Manila, charging her with dishonesty, gross misconduct, and acts prejudicial to public service. The complaint alleges that complainant Erlinda C. Abergas was a plaintiff in a case (Civil Case No. 92-63808 entitled "Sps. Bonifacio Abergas and Erlinda C. Abergas v. Sps. Ed Luna and Marissa Luna, et al.") pending in respondent's court; that on May 19, 1995, respondent went to complainant's office to deliver the transcript of stenographic notes taken by her; that after learning that complainant was selling jewelry, respondent "persuaded" her to allow her to sell jewelry for her; that complainant reluctantly acceded to respondent's request because she did not want to antagonize her if she did not grant the request; that she entrusted to respondent jewelry worth P82,935.00 for which respondent signed receipts or issued postdated checks; that respondent failed after one month to account for the proceeds of the sale or to return the jewelry; that when complainant tried to deposit the checks given by respondent, the checks were dishonored; and that even after being informed of the dishonor of the checks respondent refused to pay their value. Complainant prayed that proper and appropriate sanctions be taken against respondent.

In her comment dated January 11, 1996, respondent claimed that it was actually complainant who convinced her to sell for her; that she accepted the offer because she wanted to augment her meager salary and that of her husband and to help "in the maintenance and education of seven (7) children"; that only P42,875.00 worth of jewelry was actually delivered to her by complainant; that she had remitted the proceeds of her sales and only failed to pay for the balance of P25,175.00; that she was willing to pay the balance in installments; that she did not sell during office hours; and that she had suffered as a result of the criminal case filed against her by complainant arising from the seven checks she had issued to guarantee payment of the jewelry.

In reply, complainant confirmed that she had filed a criminal case of estafa (Criminal Case No. 96-146994) against respondent in the Regional Trial Court of Manila, Branch XIX; that through the intercession of Presiding Judge Zenaida Rodrigo-Daguna, who "was so concerned [for] a fellow court employee," complainant and respondent agreed to settle the case, as a result of which respondent issued 20 postdated checks to complainant in the amount of P2,500 each, or a total of P50,000.00; that four of the checks bounced; that respondent was always away or absent everytime complainant looked for her in her office; that respondent's remittance was very irregular; that the total value of the jewelry entrusted by her to respondent was actually P83,125.00, P45,675.00 of which was covered by postdated checks and the balance of P37,450.00 by signed receipts; and that after deducting the value of some of the jewelry which were returned and P8,000.00 which respondent had paid her, respondent still owed her P50,000.

Considering the foregoing facts, we find respondent court stenographer guilty of misconduct. Respondent admits

that she has not paid complainant completely for the value of the jewelry which she received from complainant under an obligation to pay the proceeds of their sale or to return the jewelry to complainant. Respondent tries to exculpate herself by alleging that the idea of her becoming an agent of complainant in selling jewelry came from complainant herself. It is clear, however, that what brought them into business relationship was the fact that complainant had a case in the court in which respondent is working as a stenographer and that respondent was the person who took down notes in the hearing of complainant's case. It is more probable that it was respondent who asked the favor of selling jewelry from complainant. It was she, after all, who had a great need for the business because, as she put it, her salary and that of her husband, who is a driver, was meager and she had to augment it to maintain her family. It is likewise probable that complainant allowed respondent to sell jewelry for her out of her desire, at the very least, to have her goodwill which complainant needed because complainant had a pending case in the court. In other words, it was in consideration of respondent's employment in the court that complainant agreed to let respondent sell for her. As this Court stated in *Caña v. Santos*, 234 SCRA 17 (1994):

[A] public servant should refrain from financial dealings which would interfere with the efficient performance of his duties. Persons involved in the administration of justice ought to live up to the strictest standard of honesty and integrity in the public service. The conduct of every personnel connected with the courts, from the presiding judge to the lowliest clerk, should at all times be circumspect to preserve the integrity and dignity of our courts of justice.

Court employees should show no interest in any business dealing with party litigants, where their conduct would be inconsistent with the maintenance of the integrity of the courts. (See *Office of the Court Administrator v. Bucoy*, 235 SCRA 588 (1994)) That respondent's misconduct adversely affected the image of the court is shown by the fact the presiding judge had to intervene as she tried to make the parties amicably settle the estafa case complainant filed against respondent over the bouncing checks respondent had issued.

WHEREFORE, the Court finds respondent Merlita Valois Bagolbagol, Court Stenographer of the Regional Trial Court, Branch 17 of the Manila, GUILTY of MISCONDUCT and REPRIMANDS her, with WARNING that repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Regalado (Chairman), Romero, Puno, and Torres, Jr., JJ., concur.

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.