ODALINE B. NARAG, COMPLAINANT, VS. MARITESS R. MANIO, COURT INTERPRETER III, REGIONAL TRIAL COURT OF TUGUEGARAO CITY, BRANCH 4, RESPONDENT.

A.M. No. P-08-2579. June 22, 2009

Ponente: CORONA, J.

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CORONA, J.:

This is an administrative complaint for grave misconduct, dishonesty and conduct unbecoming of a court employee against respondent Maritess R. Manio,[1] court interpreter III, Branch 4 of the Regional Trial Court (RTC) of Tuguegarao City.

In a complaint-affidavit,[2] complainant Odaline B. Narag narrated that her sister, Veneranda Obdulia B. Baquiran (Baquiran), was planning to adopt her two stepchildren. Baquiran asked for complainant's help in looking for a good lawyer to handle the case. Complainant's officemate, Susana Wandag (Wandag), mentioned that her friend, herein respondent, might be able to help.

On April 2, 2004, respondent personally went to complainant's office and told her that a certain Atty. Mac Paul Soriano (Atty. Soriano) had agreed to handle the adoption case.

According to respondent, Atty. Soriano was going to take his Holy Week vacation in Manila and was allegedly asking for money so that he could prepare the necessary pleadings during his vacation for filing after the Holy Week. Respondent's representations, however, turned out to be totally unknown to and unauthorized by Atty. Soriano.[3]

Respondent then informed complainant that Atty. Soriano's professional fee for the adoption case was P40,000 for two children and accordingly asked for a 50% down payment thereof. Complainant readily gave P20,000 as partial payment and made respondent sign an acknowledgment receipt[4] for the said amount.

After the Holy Week, complainant kept calling respondent at the RTC Branch 4 to follow up the status of her sister's petition but the latter was always absent. On April 30, 2004, an employee of the RTC informed complainant by phone that respondent was no longer reporting for work.

Complainant then tried to see respondent at her residence but she was nowhere to be found.

Complainant's complaint-affidavit was corroborated by her officemates, Wandag and Ma. Lourdes H. Golino[5], who executed their own separate sworn statements.

Respondent, on the other hand, failed to file her comment despite personal receipt of the 1[st] Tracer of the Office of the Court Administrator (OCA)[6] on February 22, 2005.[7]

During the pendency of this case, respondent was found (in another case) guilty of conduct unbecoming a court employee for which she was reprimanded with a warning that the commission of the same or similar offense in the future would be dealt with more severely.[8] And in yet another administrative complaint,[9] she was again

found liable for dishonesty and grave misconduct for which she was dismissed from the service.

Furthermore, in a resolution dated November 17, 2004, this Court dropped respondent from the rolls for absence without official leave (AWOL) since March 1, 2004.

On the basis of the pleadings and documents presented by complainant, the OCA submitted its memorandum finding respondent administratively liable for dishonesty and conduct unbecoming a court employee. It recommended respondent's dismissal from the service effective November 17, 2004 with forfeiture of retirement benefits, except accrued leave credits, and with prejudice to re-employment in the government service.

We agree with the OCA that respondent's acts constituted dishonesty and conduct unbecoming a court employee. They also fell within the purview of grave misconduct.

Dishonesty[10] and grave misconduct, respectively, are classified as grave offenses punishable by dismissal for the first offense under Section 52 (A)(1) and (3)[11] of the Revised Uniform Rules on Administrative Cases in the Civil Service (Civil Service Rules).[12]

Respondent's guilt is unmistakable. As a public servant, nothing less than the highest sense of honesty and integrity is expected of her at all times.[13] She should be the personification of the principle that public office is a public trust. Regrettably, she fell extremely short of the standards which should have governed her life as a public servant.

By soliciting money from complainant, she committed an act of serious impropriety which tarnished the honor and dignity of the judiciary and deeply affected the people's confidence in it. She committed the ultimate betrayal of the duty to uphold the dignity and authority of the judiciary by peddling influence to litigants, creating the impression that decisions can be bought and sold.[14]

Section 53 of the Civil Service Rules, however, provides that mitigating circumstances attendant to the commission of the offense should be considered in the determination of the penalty to be imposed on the erring government employee. But respondent never filed her comment on the complaint and consequently never invoked, nor did the OCA find, any mitigating circumstances which could have favored her. On the contrary, she was shown to be a repeated violator of the rules she had sworn to uphold as a court employee, judging from the number of administrative cases filed, and ultimately decided, against her.

Respondent's acts of recommending a private attorney to a prospective litigant[15] and her disappearance after receipt of the money (without fulfilling her promise to cause the preparation of the petition) also constituted conduct unbecoming a court employee.[16]

With three cases (including this case) decided against her and her being dropped from the rolls for having gone on AWOL, respondent has clearly demonstrated her unfitness to be in the government service, thus warranting her dismissal therefrom.

As already mentioned, however, the Court has already dismissed respondent from the service, also for dishonesty and grave misconduct, with forfeiture of all benefits, except accrued leave credits, and with prejudice to re-employment in the government service.[17] Unfortunately for respondent, this did not render her case moot.[18] She must not be allowed to evade administrative liability by her previous dismissal from the service. Thus, for this case involving additional serious offenses, the Court finds it proper to impose upon her a fine of P20,000 to be deducted from her accrued leave credits in lieu of dismissal from the service.[19]

WHEREFORE, we find respondent Maritess R. Manio, Court Interpreter III of the Regional Trial Court, Branch 4, Tuguegarao City, GUILTY of grave misconduct, dishonesty, and conduct unbecoming a court employee. In

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view of her previous dismissal from the service, a FINE of P20,000 is instead imposed on her, to be deducted from her accrued leave credits.

Respondent is further ordered to RESTITUTE the amount of P20,000 she received from complainant within 10 days from her receipt of this resolution. Failure to do so will subject her to criminal prosecution.

The Employees' Leave Division, Office of Administrative Services-OCA, is likewise DIRECTED to compute respondent's earned leave credits and deduct therefrom the amount representing the payment of the fine.

SO ORDERED.

Puno, C.J., (Chairperson), Carpio, Leonardo-De Castro, and Bersamin, JJ., concur.

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[1] Also referred to as Marites R. Manio in the records.

[2] Dated May 20, 2004. Rollo, pp. 4-5.

[3]This was established in the 1[st] Indorsement (dated May 25, 2004) forwarded by Judge Lyliha L. Abella-Aquino, the presiding judge of the RTC branch where respondent was assigned, to the OCA. Id., p. 2.

[4]Id., p. 6. The acknowledgment receipt read:

> ACKNOWLEDGEMENT RECEIPT
>
> Received the amount of TWENTY THOUSAND PESOS ONLY (P20,000.00) representing Attorney's Fee[s] on Adoption Case to be filed in favor of SPS. RAY and OBDULLA BAQUIRAN. ONE THOUSAND PESOS (P1,000.00) from Ms. Ma. Lourdes H. Golino for issuance of ODC of Jacinto Golino.
>
> April 2, 2004 (Sgd.) MARITES R. MANIO
>
> Date Interpreter - Branch IV
>
> Regional Trial Court
> Tuguegarao City

[5]Also a witness to the transaction.

[6]Dated January 28, 2005. Rollo, p. 15.

[7] The 1st Tracer reiterated the OCA's directive in its 1st Indorsement of August 25, 2004 for respondent to comment on the complaint. Id., p. 15.

Records would show that the other directives were not validly served on respondent as there was a seeming intent on her part to elude service thereof. In a telephone conversation with Judge Abella-Aquino, she informed the OCA that although respondent was allegedly always out of town whenever personal service of the Indorsement of August 25, 2004 was to be effected, respondent was regularly spotted in public places within the same locality. Respondent's propensity to ignore directives from the Court was strengthened by the fact that she also ignored several Court directives in another administrative case involving her entitled Adtani v. Manio, A.M No. P-04-1893, 27 July 2007, 528 SCRA 232.

[8]Adtani v. Manio, supra. In this case, respondent was held administratively liable for conduct unbecoming a court employee for her willful failure to pay a just debt.

[9] Canlas-Bartolome v. Manio, A.M. No. P-07-2397, 4 December 2007, 539 SCRA 333. In this case, respondent

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also solicited money from therein complainant who wanted to follow up the status of her sister's petition which she mistakenly thought to have been filed in the RTC branch where respondent used to be assigned (Branch 4). Although the petition (which was filed in, and decided by, RTC Branch 1) had already been dismissed, respondent made it appear that she could still do something about it and all that was needed was money for filing fee, publication, attorney's fees and bribe for the judge. After receipt of the money, respondent handed a resolution to complainant showing that the petition was granted. However, she told complainant that she should give additional money to expedite the release of the certificate of finality of judgment. Complainant readily obliged to respondent's urging.

After complainant followed up the certificate of finality of judgment a number of times to no avail, she subsequently found out that no petition in the name of her sister was filed in Branch 4 and that it was, instead, raffled to Branch 1 and had been dismissed. When complainant went to Branch 4 and showed the resolution respondent gave her, it was discovered that the docket number contained therein referred to an entirely different case which was resolved in yet another branch of the RTC (Branch 5). It was also found that respondent forged her presiding judge's signature to make the resolution appear legitimate.

[10] Dishonesty is "a disposition to lie, cheat, deceive, or defraud; untrustworthiness, lack of integrity; lack of honesty, probity or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray" (CSC v. Dasco, A.M. No. P-07-2335, 22 September 2008).

[11]Section 52 of the Revised Uniform Rules on Administrative Cases in the Civil Service provides:

Section 52. Classification of Offenses. - Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

A. The following are grave offenses with their corresponding penalties:

1. Dishonesty

1[st] offense - Dismissal

x x x

3. Grave Misconduct

1[st] offense -Dismissal

[12]Promulgated by the Civil Service Commission through Resolution No. 99-1936 dated 31 August 1999 and implemented by CSC Memorandum Circular No. 19, Series of 1999.

[13] Canlas-Bartolome v. Manio, supra note 9 at 339.

[14] Id., pp. 339-340.

[15] We agree with the OCA when it stated that while the New Code of Judicial Conduct for the Philippine Judiciary, expressly prohibiting the above act, took effect only on June 1, 2004 or after the commission of the complained act, the Court has always emphasized that court personnel are involved in the dispensation of justice, and parties seeking redress from the courts for grievances look upon them as part of the Judiciary. In view of this pronouncement, there was an appearance of impropriety when respondent referred a lawyer to complainant. She created an impression upon complainant that the adoption case would somehow receive some kind of special treatment, especially since the lawyer concerned usually handles cases in the family court where respondent was assigned.

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[16] In Joson v. Macapagal, 432 Phil. 980 (2002), two court employees were likewise found guilty of committing acts constituting conduct unbecoming a government employee when they reneged on their promise to have pertinent documents notarized and submitted to the Government Service Insurance System (GSIS) after the complainant's rights over the subject property were transferred to the sister of one of the respondents. Complainant then received a letter from the GSIS reminding her of her accountabilities and informing her that, in case of her failure to pay the monthly amortization, the same would be deducted from her retirement benefits.

[17]Canlas-Bartolome v. Manio, supra note 9.

[18] OCA v. Cunting, A.M. No. P-04-1917, 10 December 2007, 539 SCRA 494, 512, citing Sibulo v. San Jose, A.M. No. P-05-2088, 11 November 2005, 474 SCRA 464, 471.

[19] Id.

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