

MARIA MAGDALENA R. JOVEN, JOSE RAUL C. JOVEN, AND NONA CATHARINA NATIVIDAD JOVEN CARNACETE, COMPLAINANTS, V. LOURDES G. CAOILI, CLERK OF COURT, MUNICIPAL TRIAL COURT IN CITIES, ...

A.M. No. P-17-3754 (Formerly OCA IPI No. 14-4285-P). September 26, 2017

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PER CURIAM:

A Complaint-Affidavit[1] dated May 16, 2014 was filed by Maria Magdalena R. Joven, Jose Raul C. Joven, and Nona Catharina Natividad Joven-Carnacete (complainants), charging Lourdes G. Caoili (respondent), Clerk of Court III, Branch 1, Municipal Trial Court in Cities (MTCC), Baguio City, with impropriety, conduct unbecoming a court employee, and grave misconduct.

This case was brought about by Margarita Cecilia Rillera's (Rillera) use of an "Unsigned Order of Dismissal" dated May 11, 2011 and transcript of stenographic notes (TSN) as documentary evidence in several cases filed by Rillera and the complainants against each other.[2] The said documents purportedly pertain to Civil Case No. 7577-R - an action for Accounting of Stocks and Shares and Production of Documents filed by complainants against Rillera's predecessors-in-interest, subject matter of which was the estate of complainants' predecessors-in-interest, before the Regional Trial Court (RTC) of Baguio City, Branch 5, which was eventually dismissed. According to the complainants, the said documents were non-existent and dubious and they only came to know of the same upon Rillera's use thereof as evidence in certain cases, which misled the courts and offices wherein the said cases were pending, resulting to rulings against complainants.[3]

This prompted the complainants to file criminal cases for perjury, use of falsified document, and falsification of public documents against Rillera. This is where it was discovered, through Rillera's Judicial Counter-Affidavit[4] dated October 8, 2013, that the source of the said spurious documents was respondent. As such, these criminal cases were all dismissed in favor of Rillera. Nonetheless, the Joint Resolution[5] dated January 3, 2014 by Fiscal Elmer Manuel Sagsago, Deputy City Prosecutor, expressly stated that respondent was definitely the source of the said spurious documents.[6]

Simply put, complainants allege that respondent was giving improper services to aid Rillera in her cases such as securing court documents, releasing a copy of an unsigned court order, and procuring lawyers for the latter in exchange of monetary and other benefits such as giving respondent's daughter employment as Rillera's private secretary.

Hence, the instant administrative complaint.

In her Comment[7] dated June 27, 2014, respondent vehemently denied the allegations against her. Respondent, however, admitted having met Rillera and her husband when they came to the court supposedly to talk to the presiding judge, who was in the middle of a proceeding. While waiting, respondent eased up with Rillera when she learned that they might be distant relatives. Since then, Rillera visited respondent at her house and invited her to restaurants until they lost contact when Rillera became ill.[8]

As regards the unsigned order, respondent argues that Rillera pointed to her as the source thereof merely to avoid liability.[9] Respondent maintains that she had no knowledge of the said order until Rillera wrote her a letter sometime in September 12, 2013 asking her to explain the same. Perplexed as she claims to have no knowledge of the same, she tried to call Rillera but to no avail. She also avers that if there was such spurious order, she was not the one who gave it to Rillera. What happened, according to respondent, was on March 12, 2012, Rillera's husband called her up asking help in securing the TSN of a case before Branch 5 of Baguio City RTC. She then coordinated with a certain Ms. Panhon, a staff member of the said court. When Ms. Panhon notified respondent that the requested TSN was ready for pick up and the latter relayed the same to Rillera. Rillera's husband, however, requested that respondent be the one to hand him the documents. Respondent obliged and went to Branch 5, where Ms. Panhon handed a sealed brown envelope supposedly containing the requested TSN, which she immediately handed over to Rillera. Respondent maintains that she never opened the said sealed envelop. Anent the TSN, respondent argues that the same is not dubious, contrary to the complainants' argument, as evidenced by a certification issued by the Clerk of Court of Branch 5.[10]

In addition, respondent avers that there is nothing dishonest nor improper in her act of assisting Rillera in obtaining the TSN as she also extended help to the complainants one time in going to the Office of the Clerk of Court for the release of their cash bond in another case.[11]

The Office of the Court Administrator (OCA) recommended that the case be referred to the Executive Judge of RTC, Baguio City, Benguet for investigation, report and recommendation.[12]

On August 17, 2015, this Court resolved to refer the matter to Executive Judge Mia Joy O. Cawed (Investigating Judge) for investigation, report and recommendation within 60 days from receipt of the records.[13]

The case was then set for several hearings wherein the complainants and respondent presented their witnesses and other evidence. The Investigating Judge also subpoenaed additional witnesses to complete her investigation, to wit: Atty. Alejandro Epifanio Guerrero (Branch Clerk of Court, RTC, Baguio, Branch 5); Virginia Ramirez and Editha Panhon Villarubia (Stenographers, RTC, Baguio, Branch 5); Rillera; and Atty. Maita Cascolan-Andres (Rillera's counsel in the case where the subject counter-affidavit was filed). It was then found that the testimonies of the said additional witnesses supported the claim of the complainants.[14] The following facts were thus established, viz.:

1. That there is an unsigned Order dated May 11, 2011 which appears to have been issued by the [RTC], Branch 5, Baguio City in Civil Case No. 7577-R. That the said Order dismissed Civil Case No. 7577-R;
2. That the unsigned Order was not issued by RTC Branch 5, Baguio City;
3. That the unsigned Order came from the respondent, Lourdes G. Caoili;
4. That the respondent gave the unsigned Order to Margarita Cecilda B. Rillera [Rillera];
5. That the respondent told [Rillera] that the Order was the advance copy of the order that will be released by Judge Antonio Esteves, then Presiding Judge of RTC, Branch 5, Baguio City;
6. That the respondent had been giving updates or pieces of advice to [Rillera] in relation to Civil Case No. 7577-R;
7. That the respondent was the one who procured lawyers for MCR and that she even accompanied [Rillera] to the office of Atty. Maita Lourdes Cascolan-Andres for [Rillera] to engage the service[s] of Atty. Andres;
8. That the respondent made [Rillera] believe that they are distant relatives which made [Rillera] trust her;
9. That after the first meeting of the respondent and [Rillera] at the staff room of MTCC, Branch 1, Baguio

City, the respondent made [Rillera] employ her daughter as [Rillera]'s private secretary;

10. That for the services of the respondent by way of procuring lawyers for [Rillera], giving her updates, securing [TSN] and assuring her of the outcome of the case, the respondent demanded payment in the form of a monthly allowance in the amount of Seven Thousand Five Hundred Pesos (P7,500.00) which includes expenses for her Globe bill;

11. That every month from March 2012 to October 2013, respondent demanded [Rillera] to pay her P7,500.00 monthly allowance;

12. That payments were done at the Solibao Restaurant, Burnham Park, Baguio City;

13. That consultations made by [Rillera] with the respondent, after their first meeting, were almost always done at the Solibao Restaurant, Baguio City where the respondent and [Rillera] dined at the expense of [Rillera];

14. That respondent pressured the stenographers of RTC Branch 5, Baguio City in the transcription and encoding of [the TSN] in Civil Case No. 7577-R which is the reason for the mistakes as to the case number and dates in the TSN of the hearing on May 11, 2012;

15. That the respondent attempted several times to talk to court employees Virginia Ramirez, Editha Panhon Villarubia and Atty. Alejandro Epifanio Guerrero, all from RTC Branch 5, Baguio City, to convince them to testify in her favor in the instant complaint telling them that their testimony should support her defense;

16. That the respondent prepared a Judicial Affidavit for Editha Panhon Villarubia which was read aloud to her by the respondent but which Editha did not sign because what were stated therein are not true.[15]

With the foregoing findings, the Investigating Judge found substantial evidence that respondent is guilty of violating A.M. No. 03-06-13-SC or the Code of Conduct for Court Personnel (the Code), specifically Section 1, CANON I to Fidelity of Duty, Section 2 (b), CANON III on Conflict of Interest, and Section 5, CANON IV on Performance of Duties of the said Code, which is constitutive of grave misconduct, warranting the penalty of dismissal from service. Hence, the Investigating Judge recommended the filing of an administrative case against respondent for impropriety, conduct unbecoming a court employee, grave misconduct and eventually, her dismissal from service with forfeiture of all benefits, except accrued leave benefits, and with prejudice to reemployment in any branch or instrumentality of the government including government-owned or controlled corporations.[16]

In Our September 14, 2016 Resolution[17] the said Investigation, Report and Recommendation was referred to the OCA for evaluation, report and recommendation.

In a Memorandum[18] dated April 3, 2017, the OCA adopted the Investigating Judge's findings and recommendation.

The Court is now called to finally rule upon the instant administrative complaint, the issue being: should respondent be held administratively liable for the acts imputed against her?

Time and again, We have emphasized "that the conduct required of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility." [19] "Those who work in the judiciary must adhere to high ethical standards to preserve the court's good name and standing." [20] "All court personnel should be reminded that they have no business getting personally involved in matters directly emanating from court-proceedings, unless expressly so provided by law." [21] The reason is that the image of the courts of justice is reflected in the conduct, official or otherwise, of even its minor employees." [22] Indeed, any conduct, act or

omission on the part of those who violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary shall not be countenanced.[23] This ruling equally applies to the case at bar.

In this case, it was established during the investigation that respondent, using her employment in the Judiciary as stenographer, gave aid to Rillera with regard to her pending cases by procuring lawyers for the latter, securing a TSN and a purported advanced copy of the court's order on the case, and giving advice and updates to Rillera as regards the case. It was also established that respondent was receiving monthly remuneration from the latter for such aid. Also, because of such services, respondent's daughter was employed by Rillera as a private secretary, which is another form of consideration and/or remuneration.

The factual findings and conclusions of the Investigating Judge, as adopted by the OCA, are well-taken. It is noteworthy that the Investigating Judge did not settle with the witnesses and evidence presented by both parties, but instead, additional witnesses were called upon on her own initiative to be able to have all the necessary details and to conduct a complete investigation. Respondent, for her part, merely offered bare denial and allegations. With these, no doubt lingers that the Investigating Judge's findings of fact were supported by substantial evidence. We, thus, adopt the Investigating Judge's and the OCA's factual findings and recommendations.

The following provisions of A.M. No. 03-06-13-SC, above-cited, are relevant, viz.:

CANON I
FIDELITY TO DUTY

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others.

x x x x

CANON III
CONFLICT OF INTEREST

x x x x

SECTION 2. Court personnel shall not:

x x x x

(b) Receive tips or other remunerations for assisting or attending to parties engaged in transactions or involved in actions or proceedings with the Judiciary.

CANON IV
PERFORMANCE OF DUTIES

x x x x

SECTION 5. Court personnel shall not recommend private attorneys to litigants, prospective litigants, or anyone dealing with the Judiciary.

With the aforecited explicit provisions of the Code, respondent's acts are a clear stray from the straight and narrow, a transgression of the strict norm of conduct prescribed for and expected from court employees. In an attempt to exculpate herself from liability, respondent averred that assisting Rillera in obtaining a TSN is not an act of dishonesty or impropriety as she, at one point, also assisted the complainants in withdrawing their cash bond.[24] According to her, extending assistance to party litigants is part of a public servant's job.[25]

We are not swayed. For one, it is not only her act of helping/assisting Rillera which was established. It was found that, with such assistance, a purported advanced court order was released, that she procured lawyers for a party litigant which is specifically prohibited by the Code, and that she gave updates and advice regarding the case in favor of a party litigant.[26] Meddling in a case pending before a court where she was not assigned and in which she had no relevance whatsoever is suspicious. Worse, it was also established that she was receiving consideration and/or remuneration therefor.

As correctly held by the Court in the case of *Holasca v. Pagunsan, Jr.*[27]:

[This Court has always reminded court employees to] be wary when assisting persons with the courts and their cases. While they are not totally prohibited from rendering aid to others, they should see to it that the assistance, whether involving acts related to their official functions or not, does not in any way compromise the public's trust in the justice system.[28]

Without doubt, respondent's actions damaged the integrity of the service, jeopardized the public's faith in the impartiality of the courts[29], and eroded the public's respect for the institution. Meeting with a party litigant, giving undue assistance thereto, and receiving consideration therefor, are acts definitely constitutive of grave misconduct, impropriety, and conduct unbecoming of a court employee, which altogether is a grave offense that entails an equally grave penalty. What is more, it did not escape this Court's notice that respondent had previously been held administratively liable in A.M. No. RTJ-14-2401[30] (Formerly OCA IPI No. 12-3841-RTJ) for falsification of official document with regard to her daily time record - another exhibition of respondent's dishonorable conduct, which has no place in the Judiciary.

WHEREFORE, premises considered, respondent Lourdes G. Caoili is hereby found GUILTY of GRAVE MISCONDUCT and CONDUCT UNBECOMING OF A COURT PERSONNEL and is meted the penalty of DISMISSAL from service, with prejudice to re-employment in any government office, branch or instrumentality, including government-owned or government-controlled corporations, with forfeiture of all benefits, except for accrued leave credits.

SO ORDERED.

Sereno, C.J., Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Perlas-Bernabe, Leonen, Caguioa, Martires, Tijam, Reyes, Jr., and Gesmundo, JJ., concur.
Carpio and Jardeleza, JJ., on official leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on September 26, 2017 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled administrative matter, the original of which was received by this Office on November 21, 2017 at 10:19 a.m.

Very truly yours,

(SGD.) FELIPA G. BORLONGAN-ANAMA
Clerk of Court

[1] Rollo, pp. 2-17.

[2] Id. at 638-639.

[3] Id. at 683.

[4] Id. at 27-35; 243-251.

[5] Id. at 18-25; 253-260.

[6] Id. at 638-639.

[7] Id. at 53-59.

[8] Id. at 53-54.

[9] Id. at 53.

[10] Id. at 55-56.

[11] Id. at 58.

[12] Id. at 112.

[13] Id. at 113.

[14] Id. at 636-648.

[15] Id. at 644-646.

[16] Id. at 646-648.

[17] Id. at 679.

[18] Id. at 682-691.

[19] Palero-Tan v. Urdaneta, Jr., 578 Phil. 25, 38 (2008).

[20] Id.

[21] Holasca v. Pagunsan, Jr., 739 Phil. 315, 328 (2014) citing RE: LETTER OF JUDGE LORENZA BORDIOS PACULDO, Municipal Trial Court, Branch I, San Pedro, Laguna, ON THE ADMINISTRATIVE LAPSES COMMITTED BY NELIA P. ROSALES, Utility Worker, Same Court, 569 Phil. 346, 354 (2008).

[22] Id.

[23] Exec. Judge Loyao, Jr. v. Armecin, 391 Phil. 715, 721 (2000) citing Office of the Court Administrator v. Sheriff IV Julius G. Cabe, RTC, Branch 28, Catbalogan, Samar, 389 Phil. 685, 689-699 (2000) and Mendoza v. Judge Mabutas, 295 Phil. 438, 447 (1993).

[24] Id. at 360.

[25] Id. at 59.

[26] Id. at 644-648; 688-689.

[27] *Holasca v. Pagunsan, Jr.*, *supra* note 21.

[28] Id. at 329.

[29] Id.

[30] *Office of Court Administrator v. Executive Judge Illuminada P. Cabato, et al.*, A.M. No. RTJ-14-2401, January 25, 2017.

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