

BERNARDINO M. FABIAN, PATRICIA M. FABIAN, MARCIANO B. MANANSALA, JOSE B. MANANSALA, JR., ERLINDA MANANSALA, CARLOS B. MANANSALA AND NATIVIDAD MANANSALA-ACUÑA, COMPLAINANTS, VS. ...

A.M. No. P-96-1214. June 10, 2003

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PER CURIAM:

The Court cannot overemphasize the need for honesty and integrity on the part of all those who serve in the judiciary.[1] Thus, all those in the service have continuously been exhorted to behave at all times to promote public confidence in the integrity and impartiality of the judiciary,[2] and to avoid impropriety and the appearance of impropriety in all activities.[3] Arrogating to oneself judicial powers which one does not possess, in order to extort money from a party-litigant for securing a favorable judgment is an ultimate betrayal of the duty to uphold the dignity and authority of the judiciary, and should never be countenanced.[4]

In an Affidavit-Complaint[5] dated July 2, 1996, Bernardino M. Fabian, Patricia M. Fabian, Marciano B. Manansala, Jose B. Manansala, Jr., Erlinda Manansala, Carlos B. Manansala and Natividad Manansala-Acuña prayed that appropriate sanctions be meted on Leila (a.k.a. Laila) M. Galo for alleged conduct unbecoming a civil servant and for graft and corruption.

Complainants alleged that they are the heirs of Querubina Manansala. They filed a case against Gertrudes Baltazar and Bartolome Lacap, Sr., which was docketed as Civil Case No. G-2134 with the RTC of Guagua, Pampanga, Branch 51. While the case was pending, respondent Galo, a legal researcher at the said court, approached them and offered to assist in the speedy resolution of their case. Owing to the glibness of respondent, complainants were persuaded to accept her offer.

On December 8, 1995, respondent went to complainants' residence and asked for P30,000.00 as initial payment. She told them that P20,000.00 of said amount was purportedly for the judge while the remainder of P 10,000.00 was for the speedy resolution of the case. Respondent also asked for P300.00 for transportation expenses to arrange matters in the Supreme Court, because complainant's land case was complicated. Complainants asked her for a receipt, but she merely assured them that she would take care of everything.

On December 14, 1995, respondent asked Bernardino M. Fabian for another P 10,000.00 allegedly to secure a favorable decision. Subsequently, on December 18, 1995, respondent again demanded P26,000.00 as payment for alleged contacts in the Supreme Court considering the complexity of their case. Since complainants did not have that amount at the time, they were forced to give respondent \$1,000.00 which was sent to them by a relative working in Saudi Arabia.

On December 26, 1996, respondent again demanded and was given P4,000.00 by Erlinda Manansala purportedly as research fee. Later, on February 27, 1996, respondent solicited P7,500.00 from complainants to pay for the birthday gift of the presiding judge and reassured them of a favorable decision because everything had been settled with the trial court and the Supreme Court.

Complainants further averred that when no decision was rendered in their case, they were constrained to make inquiries with the trial court. There, they learned that respondent was not a legal researcher but a stenographer, and that she had defrauded other litigants in several courts in Guagua, Pampanga using the same modus operandi.

When complainants confronted respondent, she haughtily told them that the money they gave her was not enough. She said complainants had to pay more because their case, which involved land, was very complicated.

On May 10, 1996, complainants went to respondent's residence but they were unable to see her. Instead, they were handed a letter[6] informing them that they will soon receive the favorable decision of the judge. Again, respondent asked for money from complainants, but they refused to give her any.

On June 7, 1996, respondent sent complainants a letter[7] informing them that the money spent for their case will be returned to them on or before June 14, 1996, since she was no longer involved in the case.

Respondent denied the charges leveled against her and averred that she and the complainants were acquainted with each other because they were neighbors. She denied that she represented herself to be a researcher in court because complainants knew she was merely a court stenographer. She likewise denied that she received various sums of money from complainants in consideration of a favorable judgment. She alleged that she provided assistance to complainants upon their request, and only to facilitate the procurement of copies of the transcripts of stenographic notes. She thus prayed that the complaint be dismissed.

In a Resolution dated June 18, 1997, the Court referred the case to Executive Judge Jose G. Montemayor of the Regional Trial Court of Guagua, Pampanga for investigation report and recommendation.[8]

However, upon motion of respondent, Judge Montemayor voluntarily inhibited himself from investigating the case.

On June 23, 1998,[9] the investigation, report and recommendation of the case was referred to Judge Isagani M. Palad of Branch 53 of the Regional Trial Court of Guagua, Pampanga.

On November 12, 1998,[10] Judge Palad submitted his report wherein he found respondent guilty as charged and recommended her dismissal from the service. The Office of the Court Administrator, after evaluating Judge Palad's findings and recommendation, adopted the same in toto.

The recommendation of the OCA and Judge Palad is well-taken.

Respondent's bare denial cannot overcome the clear and categorical assertion of the complainants that she demanded and received various sums of money on the promise that she would obtain a favorable judgment for them. The charge is substantiated by the two (2) handwritten Letters dated May 10, 1996[11] and June 7, 1996[12] signed by no less than respondent herself.

The conduct or behavior of all officials and employees of an agency involved in the administration of justice, from the presiding judge to the most junior clerk, should be circumscribed with the heavy burden of responsibility.[13] Their conduct must, at all times be characterized by, among others, strict propriety and decorum in order to earn and maintain the respect of the public for the judiciary.[14]

We will never countenance such conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.[15]

As we held in *Mendoza v. Tiongson*: [16]

[W]hat brings our judicial system into disrepute are often the actuations of a few erring court personnel

peddling influence to party-litigants, creating the impression that decisions can be bought and sold, ultimately resulting in the disillusionment of the public. This Court has never wavered in its vigilance in eradicating the so-called "bad eggs" in the judiciary. And whenever warranted by the gravity of the offense, the supreme penalty of dismissal in an administrative case is meted to erring personnel.

We have been resolute in our drive to discipline and, if warranted, to remove from the service errant magistrates, employees and even Justices of higher collegiate appellate courts[17] for any infraction which tends to give the Judiciary a bad name. To underscore our earnestness in this pursuit, we have, in fact, been unflinching in imposing discipline on errant personnel[18] or in purging the ranks of those undeserving to remain in the service.[19] We can do no less in this case.

WHEREFORE, respondent Leila M. Galo is found GUILTY of GROSS MISCONDUCT and DISHONESTY, and is accordingly DISMISSED from the service, with prejudice to re-employment in any government agency including government-owned or controlled corporations. Her retirement benefits, except accrued leave credits, are FORFEITED.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.

[1] Re: Jovelita Olivas and Antonio Cuyco, A.M. No. CA-02-12-P, 2 May 2002.

[2] Canon 2, Rule 2.01, Code of Judicial Conduct.

[3] Torcende v. Judge Agustin T. Sardido, A.M. No. MTJ-99-1238, 24 January 2003, citing Resngit-Marquez v. Judge Victor T. Llamas, A.M. No. RTJ-02-1708, 23 July 2002, citing Canon 2, Code of Judicial Conduct.

[4] See Igoy v. Soriano, A.M. No. 2001-9-SC, 11 October 2001, 367 SCRA 70.

[5] Rollo, Vol. I, p. 1.

[6] Rollo, Vol. I, p. 4.

[7] Ibid., p. 5.

[8] Rollo, Vol. II, p. 14.

[9] Id., p. 24.

[10] Rollo, Vol. I, pp. 88-90.

[11] Rollo, Vol. 1, p. 4.

[12] Ibid., p. 5.

[13] Biag v. Gubatanga, 376 Phil. 870 [1999]; Gacho v. Fuentes, 353 Phil. 665 [1998]; OCA v. Alvarez, 350 Phil. 771 [1998].

[14] Judge Amado S. Caguioa v. Crisanto Flora, 412 Phil. 426 [2001], citing Alawi v. Alauya, 335 Phil. 1096 [1997]; Quiroz v. Orfila, 338 Phil. 828 [1997]; Re: Report on the Judicial Audit Conducted in RTC, Br. 82, Odiongan, Romblon, 354 Phil. 1 [1998], citing Orfila v. Quiroz, supra.

[15] Mendoza v. Mabutas, A.M. No. MTJ-88-142, 17 June 1993, 223 SCRA 411, citing Sy v. Academia, A.M.

No. P-99-1317, 3 July 1991, 198 SCRA 705.

[16] 333 Phil. 508 [1996].

[17] See *In re: Derogatory News Items Charging Court of Appeals Associate Justice Demetrio Demetria with Interference on Behalf of a Suspected Drug Queen*, A.M. No. 00-7-09-CA, 27 March 2001, 355 SCRA 366; *In the Matter of the Alleged Improper Conduct of Sandiganbayan Associate Justice Anacleto D. Badoy, Jr., Taking An Ambulance But Proceeding To The GMA TV Station For An Interview Instead of Proceeding Forthwith To The Hospital*, A.M. Nos. 01-12-01-SC and SB-02-10-J, 16 January 2003; *Canson v. Garchitorena*, 370 Phil. 287 [1999].

[18] *Re: Report on the Unauthorized Use by Bernardo S. Ditan, an Employee of this Court of the Lite Ace with Plate No. SEA - 746*, A.M. No. 02-09-SC, 25 July 2002; *Re: Absence Without Official Leave (AWOL) of Antonio Macalintal, Process Server, Office of the Clerk of Court*, A.M. No. 99-11-06-SC, 15 February 2000.

[19] *Igoy v. Soriano*, A.M. No. 2001-9-SC, 11 October 2001, 367 SCRA 70; *Re Report On The Series of Thefts and Robberies in the Premises of the Supreme Court*, A.M. No. 02-10-05-SC, 3 February 2003.

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