

**DOLORES V. MOLINA AND APRONIANO TIMBOL, COMPLAINANTS,
VS. ATTY. GITANJALI BONDOC, CLERK OF COURT V, REGIONAL
TRIAL COURT, BRANCH 12, MANILA, RESPONDENT.**

A.M. No. P-06-2165 (Formerly OCA I.P.I. No. 05-2220-P). October 10, 2008

Ponente: BRION, J.

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BRION, J.:

The complainants, Dolores V. Molina and Aproniano Timbol (complainants), were the accused in Criminal Case No. 96-150198 for the crime of estafa filed with the Regional Trial Court (RTC), Manila, Branch 12. The respondent, Gitanjali M. Bondoc (respondent), is the RTC Branch Clerk of Court.

In a complaint dated May 3, 2005 filed with the Ombudsman, the complainants charged the respondent with Grave Misconduct and Violation of the Anti-Graft and Corrupt Practices Act. Instead of acting on the complaint, the Ombudsman referred it to the Office of the Court Administrator (OCA) for disposition and/or appropriate action pursuant to Section 6, Article VIII of the Constitution that exclusively vests in this Court administrative supervision over all courts and court personnel.[1]

The complainants alleged that sometime in October 2004, the respondent approached them and told them that she could work for their acquittal in the criminal case filed against them as she was influential with the presiding judge. She allegedly likewise represented that she would prepare the decision. The demanded price for the acquittal was P200,000.00. When the complainants allegedly delivered the demanded P200,000.00, the respondent acknowledged receipt of the amount in writing in a piece of paper the respondent signed using her alias "Jeta" M. Bondoc. In the later part of October 2004, the respondent allegedly demanded the additional amount of P50,000.00 which they failed to give because they had no money.

In her Comment dated August 15, 2005, respondent denied the complainants' accusation against her and raised the following defenses:

- The "receipt" purportedly acknowledging the amount of P200,000.00 "for Judge R. Carandang, Branch 12, Manila," was dated October 17, 2004. At that time, Judge Carandang had already been promoted as Associate Justice of the Court of Appeals; she assumed the position sometime in April 2003. Therefore, she could no longer decide the case at the time the demand was allegedly made.
- She never uses the name "Jeta M. Bondoc" when affixing her signature.
- That the stationery on which the acknowledgment is written belongs to complainant Molina and the signature appearing thereon is not her signature.
- It took complainants half a year to file the complaint against her.

In their Reply, the complainants made additional allegations that deviated from their previous declarations. They alleged this time that prior to the execution of the receipt, respondent had been demanding money from them in amounts varying from

P5,000.00 to P10,000.00, telling them that these were for Judge Carandang and that the demanded P200,000.00 would be for the incumbent presiding judge with a portion going to the respondent and to Judge Carandang. They further claimed that they had witnesses "to testify categorically on the delivery of such money to the respondent who received them personally."

Then Court Administrator, now Associate Justice Presbitero J. Velasco, Jr. and OCA Consultant Nestor T. Atienza recommended on February 17, 2006 that the complaint be re-docketed as a regular administrative matter. We referred the case to the Executive Judge of the RTC of Manila for investigation, report, and recommendation.

Executive Judge Reynaldo G. Ros, the designated Investigating Judge (Investigating Judge), set the case for hearing but the complainants failed to appear. Only the respondent appeared and manifested that she was submitting the matter for resolution.

In his Investigation, Report, and Recommendation, the Investigating Judge found the respondent guilty of gross misconduct and dishonesty. He gave weight to the October 17, 2004 receipt that the respondent allegedly initialed, and reported as follows:

This Court believes that the complainants are telling the truth that the respondent received from them the amount of P200,000.00. The name of the respondent is Atty. Gitanjali Bondoc and she is known to the complainants as "Jeta." The respondent does not deny this although she claimed that she does not use the name "Jeta M. Bondoc" when affixing her signature. But the fact remains that she has an initial - she does not deny it - on top of the name "Jeta M. Bondoc." This receipt dated October 17, 2004 (Annex "A" of the complaint) is a mute witness to the illegal transaction between the complainants and the respondent.

The Investigating Judge recommended the respondent's suspension without pay for one (1) year with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.

In a Resolution dated February 28, 2007, the Court referred the Investigating Judge's report and recommendation to the OCA for evaluation, report and recommendation.

The OCA reported, through a Memorandum dated June 6, 2007 to Chief Justice Reynato S. Puno, that the investigation conducted on the complaint was not comprehensive enough to support the Investigating Judge's recommendation. The OCA pointed out the importance of a comprehensive investigation report since administrative cases are penal in character and require convincing proof beyond reasonable doubt for conviction.[2] Hence, the OCA recommended that the Investigating Judge be directed to conduct further investigation and to secure the assistance of a handwriting expert from the National Bureau of Investigation (NBI). Based on this recommendation, the Court remanded the case to the Investigating Judge for further investigation.

On September 10, 2007, the Investigating Judge wrote the NBI asking for the assignment of a handwriting expert from its Questioned Documents Unit to conduct an expert examination of the alleged receipt.

The NBI duly complied with the request. The expert, however, on seeing at the hearing that the document to be examined was a mere xerox copy, told the court that he could not determine the authenticity of the signature without the original copy; he "cannot establish the pen pressure and the manner of execution in the xerox copy because the characteristic in the xerox copy is flat."

The Investigating Judge reset the hearing to another date after issuing a subpoena duces tecum commanding the complainants to produce the original copy of the receipt. When the case was thereafter called, the complainants appeared but manifested that they could no longer produce the original of the document and that they have no witness to present in connection with the case. This manifestation was contrary to their previous representations

that they had witnesses against the respondent. Consequently, the Investigating Judge issued an Order dated October 4, 2007 terminating the investigation of the case.

In his Report and Recommendation submitted to the Court, the Investigating Judge reversed his previous recommendation and recommended that the administrative complaint against the respondent be dismissed for lack of evidence. He reported that "[t]he veracity of the document on which this administrative case was principally anchored was not proven nor was it established on further investigation" and that "[w]ith such failure to establish the veracity of the document, the complaint has no more legal leg to stand on. Accordingly, the findings and conclusions contained in the earlier Investigation, Report, and Recommendation submitted by the undersigned must be reversed and set aside in the interest of substantial justice. In the eyes of the law, the document does not exist."

In light of this development and the inconsistencies noted below, we hold that there is no evidence to support the allegation of Grave Misconduct and Violation of the Anti-Graft and Corrupt Practices Act against the respondent.

The complainants' main evidence is the allegedly initialed receipt dated October 17, 2004 for the amount of P200,000.00 "for Judge Carandang Branch 12 Manila." This alleged receipt, however, was never authenticated, nor was it established to have been signed by the respondent because only an unexaminable xerox copy was submitted to the NBI handwriting expert. Despite the chance to submit the original, the complainants failed to, and likewise failed in their promise to produce other witnesses who can testify on the respondent's receipt of the bribe money.

We cannot help but note, too, from our own examination of the submitted exhibit (Annex "A" of the Complaint)[3] that the submitted xerox copy is, on its face, questionable. It appears to have been written in a stationary under a Villa Molina Foundation letterhead, and had been pasted on a bond paper for purposes of submission. Surprisingly, the writing on the receipt appears to spill over beyond the border of the stationary into the bond paper to which it was pasted. This apparent irregularity has never been brought out and examined, much less explained.

Additionally, we find it unbelievable that the respondent, a lawyer with training in law and a Branch Clerk of Court experienced in the damning effect of written evidence, would accept a bribe and sign a written receipt plainly indicating that she accepted money for the Presiding Judge. In our view, this kind of tale can only be concocted and done so only by a mind untrained and inexperienced in law and in court proceedings.

For these reasons, we cannot accept the xerox copy of the receipt as credible evidence against the respondent.

Nor can we accord credence to the details of the demand for the bribe of P200,000.00 as narrated by the complainants. For one, Judge Carandang was no longer with the RTC on October 17, 2004 (having earlier transferred to the Court of Appeals) and consequently was no longer in the position to deliver an acquittal at the time the alleged receipt was executed. When apprised of this development, the complainants conveniently changed their statement to include both the incumbent Presiding Judge and now Court of Appeals Justice Carandang as recipients of the bribe on the theory that the latter would influence the former. To our mind, this is a twist in the complainants' story that stretches their believability beyond the breaking point. If this had been the story all along, why did the complainants disclose this only after they were informed in the respondent's Comment that Judge Carandang had transferred to another court at the time the receipt was allegedly initialed? Had they known that Judge Carandang would only play an "influencing" role, why did the receipt only refer to Judge Carandang when the main recipient was already another Judge? It is interesting to note that the complainants were convicted of the crime of estafa in a decision penned by Judge Luis J. Arranz. The decision was dated October 12,

2004,[4] but was promulgated only on October 26, 2004 as against the accused Aproniano Timbol and on November 16, 2004 against Dolores V. Molina.[5] Under these facts, the decision must have already been known to the respondent in her capacity as Branch Clerk of Court on or about the time - October 17, 2004 - that she allegedly initialed the receipt. Does this mean that the respondent accepted the bribe for an acquittal that she then must have known could not be delivered? If promulgation against Timbol was on October 26, 2004, how true is the allegation that the respondent was asking for another P50,000.00 in the latter part of October but complainants failed to put up this amount for lack of money? In our view, all these add up to layers of inconsistencies in the complainants' tale that make their allegation of bribery unbelievable.

While it is our duty to investigate and determine the truth behind every matter in complaints against judges and other court personnel, it is also our duty to see to it that they are protected and exonerated from baseless administrative charges.[6] The Court will not shirk from its responsibility of imposing discipline upon erring employees and members of the bench. At the same time, however, the Court should not hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice. This Court will not be the instrument to destroy the reputation of any member or staff of the Judiciary by pronouncing his or her guilt on the basis of tall tales and speculation.[7]

WHEREFORE, the complaint against Branch Clerk of Court Gitanjali Bondoc, RTC, Branch 12, Manila, is DISMISSED for lack of merit.

SO ORDERED.

Quisumbing, (Chairperson), Carpio Morales, Tinga, and Velasco, Jr., concur.

[1] Fuentes v. Ombudsman, G.R. No. 124295, October 23, 2001, 368 SCRA 36.

[2] Court Administrator v. Paredes, Adm. Matter No. R-375-MTJ, September 30, 1987, 154 SCRA 754; Lopez v. Fernandez, Adm. Matter No. 2124-MJ, September 11, 1980, 99 SCRA 603.

[3] Rollo, at p. 9.

[4] Id., p. 10.

[5] Id., p. 23.

[6] Belgica v. Belgica, G.R. No. 149738, August 28, 2007, 531 SCRA 331.

[7] See: Rivera v. Mendoza, A.M. No. RTJ-06-2013, August 4, 2006, 497 SCRA 608.

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