

JOSEFINA LIBUIT-LEWIS, COMPLAINANT, VS LOIDA P. MORALEJO, LEGAL RESEARCHER, RTC, BRANCH 32, MANILA, RESPONDENT.*A.M. No. P-06-2229 (Formerly OCA-IPI NO. 06-2402-P). January 31, 2007*

Ponente: TINGA, J.

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This is an administrative complaint filed by complainant Josefina Libuit-Lewis against Loida P. Moralejo, Legal Researcher[1] of the Regional Trial Court of Manila, Branch 32, for Abuse of Power, Obstruction of Justice and Negligence relative to an appealed case for ejectment, docketed as Civil Case No. 04-110439, entitled “Josefina Libuit-Lewis v. Carlo Valdez.”

In a Verified Complaint[2] dated 16 September 2005, complainant alleges that respondent intentionally failed to have the appealed case decided on time by Judge Juan C. Nabong, Jr., after all compliance papers were filed in October 2004. Moreover, complainant narrates that every time she inquired about the status of her case, she noticed that its records, improperly filed in a folder, were kept inside a cabinet.[3]

Complainant states that she informed respondent of the fact that the defendant-appellant in the case had been going to her apartment and even “destroying” it. In turn, respondent asked complainant to prove that her Memorandum of Appeal[4] had already been received by the trial court. This fact of filing, complainant avers, she was able to prove by presenting to respondent the file copies of her lawyer.[5]

Since March 2005, complainant had made follow-ups on the status of the case and each time she did so, respondent promised to take the files of the case to Judge Nabong, Jr.’s desk for appropriate action. However, in August 2005, much to complainant’s dismay, she was informed by respondent that Judge Nabong Jr. had retired from service and so her case remained unacted upon. Respondent instead assured complainant that she would see to it that said case would be resolved in a month.[6]

In September 2005, respondent informed complainant that the pairing judge had refused to decide the appealed case as the latter prioritized the disposition of the criminal cases. Complainant then threatened respondent with an administrative complaint for failing to transmit the records of the appealed case to Judge Nabong, Jr. and the pairing judge.[7]

In her undated Addendum to the Complaint,[8] complainant adds that respondent failed to have Judge Nabong, Jr. act on her motion for execution pending appeal “by withholding the folder and keeping it in the cabinet.”[9] After the trial court eventually disposed of the appealed case in complainant’s favor, complainant alleges, respondent failed to remand the case records to the court of origin[10] resulting in the denial of her motion for execution, as it turned to have been filed prematurely.[11] Complainant concludes that respondent does not deserve to continue working in the judiciary.[12]

In her Comment[13] dated 12 April 2006, respondent stresses that the accusations leveled against her are baseless and unfair as she has and will always serve the best interest of the service.[14]

Respondent states that records will prove she has not been remiss in the performance of her duties.

Complainant's appeal was received by the trial court in July 2004. In August 2004, the trial court ordered the parties to file their respective memoranda. Complainant duly filed her memorandum in September 2004 while the defendant-appellant in the appealed case requested an extension. In October 2004, complainant received defendant-appellant's memorandum. A few months later, complainant filed a motion for execution pending appeal which defendant-appellant duly opposed.[15]

During the exchange of pleadings by the parties, Judge Nabong, Jr. suffered a mild stroke while visiting his family in the United States. His condition necessitated hospital confinement and thus, his return to the Philippines was postponed.

Upon Judge Nabong, Jr.'s arrival in the Philippines, again he had to be hospitalized due to pneumonia. Consequently, several cases submitted for decision remained undecided. When Judge Nabong, Jr. finally resumed his duties at the trial court, he informed his staff that he had applied for early retirement for health reasons and that he could only finish a number of cases submitted for decision.[16]

Respondent then reminded Judge Nabong, Jr. of the several cases kept inside the filing cabinet, all submitted for decision including complainant's case. He replied that he could not finish them all due to his failing health. Judge Nabong, Jr. eventually retired from the service in June 2005.[17]

Respondent avers that while it is true that complainant's case records are kept inside the filing cabinet, it is because such cabinet is the designated storage of the case records submitted for decision.[18]

When an Acting Judge was assigned to the trial court, the staff, including respondent, brought him several case records ready for disposition including complainant's case. On 23 September 2005, the trial court finally denied defendant-appellant's appeal and ruled in complainant's favor. Defendant-appellant's motion for reconsideration of the decision was denied in November 2005. The records of the case though cannot be remanded to the court of origin as the trial court had not yet received the return of notices.[19]

Defendant-appellant elevated the case to the Court of Appeals. The appellate court denied defendant-appellant's motion for extension of the period to file a petition for review. But since the trial court had not yet received the resolution denying the petition, it could not remand the case records to the court of origin. The records of the case were ultimately remanded in February 2006.[20]

Complainant asserts the delay in the progress of complainant's case, if any, was due to the aforecited reasons and nothing else as it was never her intention to cause the delay. She prays that the instant administrative complaint be dismissed, it being a pure case of miscommunication and misapprehension of facts.[21]

Pursuant to the recommendations of the Office of the Court Administrator (OCA) in its Report[22] dated 4 July 2006, the Court, in a Resolution[23] dated 14 August 2006, resolved to re-docket the instant administrative complaint as a regular administrative matter and refer the same to the Executive Judge of the Regional Trial Court of Manila for investigation, report and recommendation.

When the case was called for hearing on 31 October 2006, only respondent appeared while complainant failed to appear despite having been notified of the hearing date. During the hearing on 9 November 2006, only respondent appeared, accompanied by her counsel Atty. Salvador P. De Guzman, Jr. Complainant again failed to appear despite notice. The Investigating Judge, Reynaldo G. Ros, Executive Judge of RTC, Branch 33, Manila, proceeded with the clarificatory hearing. On the same day, an order was issued submitting the case for resolution. On 20 November 2006, complainant submitted her handwritten conformity to the submission of the case for

resolution.[24]

In the Investigation Report and Recommendation[25] dated 30 November 2006, the Investigating Judge recommended the dismissal of the instant administrative complaint for paucity of evidence and lack of merit.

The Investigating Judge found the sworn complaint and the addendum to the complaint to be nothing but bare allegations. He observed that the attachments of the verified complaint do not support the charges against respondent, viz.

- Attachment I – Notice of Appeal dated 29 June 2004 filed by Carlo Valdez, Defendant-Appellant, through counsel;[26]
- Attachment II – Notice of Order & Order dated 2 August 2004 issued by RTC, Branch 32, Manila, directing the parties to file their respective memoranda in the appealed case;[27]
- Attachment III – Memorandum of Appeal for the Plaintiff-Appellee (Complainant) dated 24 August 2004 filed on 1 September 2004;[28]
- Attachment IV – Urgent Ex-Parte Motion for Extension of Time to File Memorandum by Defendant-Appellant dated 13 September 2004;[29]
- Attachment V – Notice of Order & Order dated 14 September 2004 issued by RTC, Branch 32, Manila. Granting the Motion for Extension to file Memorandum;[30]
- Attachment VI – Memorandum for Defendant-Appellant dated 19 October 2004;[31]
- Attachment VII – Motion for Execution Pending Appeal dated 17 February 2004 filed by Plaintiff-Appellee (which appears to have been filed by registered mail on 3 January 2005 as appearing on the upper right hand portion of the first page of the motion);[32]
- Attachment VIII – Vehement Opposition (To the Plaintiff-appellee's Motion For Execution Pending Appeal) dated 12 January 2005 by Defendant-Appellant;[33]
- Attachment IX – Reply (to Vehement Opposition) dated 21 January 2005 filed by Plaintiff-Appellee;[34]
- Attachment X – Notice of Decision & Decision dated 23 September 2005 in Civil Case No. 04-110439 dismissing the appeal;[35]
- Attachment XI – Order dated 22 November 2005 of RTC, Branch 32, Manila, denying the Motion for Reconsideration filed by defendant-appellant;[36]
- Attachment XII – Order dated 11 January 2006 of MeTC, Branch 18, Manila in Civil Case No. 176485-CV, finding the filing of the motion for execution as premature;[37]
- Attachment XIII – Motion for Execution dated 03 January 2006 filed by Plaintiff before MeTC, Branch 18, Manila, in Civil Case No. 176485-CV;[38]
- Attachment XIV – Notice of Resolution & Resolution dated 19 January 2006 issued by the Special Sixth Division, Court of Appeals, denying the motion for extension of time to file petition for review,[39] Opposition, (To the Petitioner-Appellants' Urgent Ex-Parte Motion For Extension of Time to File Petition For Review) dated 18 January 2006,[40] Urgent Ex-Parte Motion for Extension of Time to File Petition for Review (with issuance of Temporary Restraining Order and/or Preliminary Injunction) dated 27 December 2005;[41]
- Exhibit XV – Decision dated 1 June 2004 of MeTC, Branch 18, Manila, in Civil Case No. 176485-CV.[42]

The Investigating Judge continued to state in his report that:

x x x x Even the circumstances and material dates are appreciable for the respondent. It supports her claim that delay was not attributable to her faults (sic). Court actions are not carried out by the Branch Clerk of Court or in the present case the Officer-in-Charge, the most indispensable element in court actions or dispositions is the action of the presiding judge. In the instant case, the presiding judge was indisposed during the pendency of the appurtenant matters. The claim of the respondent that the presiding judge was suffering from failing health was never rebutted by the [sic] herein complainant. It was due to this indisposition that delay had set in on the relevant matters pending before the court. Furthermore, no malicious cause for delay was ever attributed by the complainant upon the [sic] herein respondent. This gives this Court reason to believe that delay was neither malicious nor intended. Atty. De Guzman, counsel for the respondent, aptly pointed this out in his manifestation before this Court during the Clarificatory Hearing.[43]

ATTY. DE GUZMAN:

And may I respectfully point out that any delay on the decision making was caused by Judge Nabong; the Judge not the Clerk of Court.[44]

x x x x

It was not the respondent who should have made a ruling upon complainant's motions and case, it is the Judge. This Court take Judicial Notice of the periods that have to lapse and the corresponding lapses in the current mailing system as necessary delays in the administration of justice. The judiciary is enslaved by the official mailing system running in this country. However, there is no other recourse but to utilize the official mailing system for service of certain court processes.[45]

The Investigating Judge likewise noted that after Acting Judge Reno Concha had taken over the sala of Judge Nabong, Jr., respondent lost no time in referring to him the relevant matters for resolution—an indication that respondent was not remiss in her duties and responsibilities.[46]

Regarding the delay in the remand of the records to the first level court, on the other hand, the Investigating Judge found that this is attributable to the delay in the receipt of the resolution denying defendant-appellant's motion for extension of the period for filing a petition for review.[47]

Anent the issue of the case records being kept inside the filing cabinet, the Investigating Judge held that this particular circumstance does not warrant a conclusion that the records are being kept there to withhold the same from the presiding judge or to delay any action on the case. The Investigating Judge stated that as in any other branch of the Regional Trial Court in Manila, case records are secured inside filing cabinets or filing drawers when they are not being heard or considered by the trial court.[48]

The recommendation of the Investigating Judge is well-taken.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.[49] In addition, the complainant has the burden of proving by substantial evidence the allegations in the complaint. In the absence of contrary evidence, what will prevail is the presumption that respondent has regularly performed his official duties, as in this case. This is so in the instant case.[50]

Complainant failed to substantiate the charges and allegations she leveled against respondent. As correctly observed by the Investigating Judge, complainant was unable to single out any act committed by respondent constituting abuse of power. Complainant likewise did not succeed in establishing the negligent acts of respondent. Finally, complainant failed to establish acts constituting obstruction of justice. Other than the bare

allegation in the verified complaint and the addendum to the complaint, there is nothing in the records that would indicate that respondent is guilty of the charges of abuse of power, obstruction of justice and negligence. As such, the presumption that respondent regularly performed her duties will prevail.[51] Accordingly, for being baseless and unsubstantiated, the instant administrative complaint must be dismissed for lack of merit.

A final note. This Court has always been punctilious about any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary. However,

when an administrative charge against a court personnel holds no basis whatsoever in fact or in law, this Court will not hesitate to protect the innocent court employees against any groundless accusation that trifles with judicial process. This Court will not shirk from its responsibility of imposing discipline upon employees of the judiciary, but neither will it hesitate to shield them from unfounded suits that only serve to disrupt rather than promote the orderly administration of justice.[52]

WHEREFORE, the administrative complaint is hereby DISMISSED against Loida P. Moralejo, Legal Researcher, Regional Trial Court of Manila, Branch 32, with a WARNING to complainant to observe more circumspection in filing administrative cases.

SO ORDERED.

Quisumbing, (Chairperson), Carpio, and Carpio-Morales, JJ., concur.

[1] In her Comment dated 12 April 2006, respondent signed as the Officer-in-Charge of the Regional Trial Court of Manila, Branch 32.

[2] Rollo, pp. 1-3; 19-21.

[3] Id. at 1 and 19.

[4] Id. at 29-39.

[5] Id. at 2 and 20.

[6] Id.

[7] Id.

[8] Id. at 17-18.

[9] Id. at 17.

[10] Metropolitan Trial Court of Manila, Branch 18.

[11] Rollo, p. 17.

[12] Id. at 18.

[13] Id. at 110-111.

[14] Id. at 110.

[15] Id.

[16] Id. at 110-111.

- [17] Id.
- [18] Id. at 111.
- [19] Id.
- [20] Id.
- [21] Id.
- [22] Id. at 139-142.
- [23] Id. at 146.
- [24] Id. at 163-164; 174-175; 187-188; 200-201; and 213-214.
- [25] Id. at 162-172; 173-185; 186-197; 199-211; and 212-224.
- [26] Id. at 23-24.
- [27] Id. at 26-27.
- [28] Id. at 29-41.
- [29] Id. at 43-44.
- [30] Id. at 46-47.
- [31] Id. at 49-57.
- [32] Id. at 59-62.
- [33] Id. at 64-69.
- [34] Id. at 71-74.
- [35] Id. at 76-79.
- [36] Id. at 81 and 89.
- [37] Id. at 83.
- [38] Id. at 85-88.
- [39] Id. at 91-93.
- [40] Id. at 94-98.
- [41] Id. at 99-101.
- [42] Id. at 103-108.
- [43] Rollo, pp. 168, 180, 193, 206 and 219; TSN, 9 November 2006, p. 4.
- [44] Id. at 158.
- [45] Id. at 168-169; 180-181; 193-194; 206-207; and 219-220.
- [46] Id. at 161; 181, 194, 207 and 220.
- [47] Id. at 169, 182, 195, 208 and 221.

[48] Id.

[49] Ebero v. Camposano, A.M. No. P-04-1792, 12 March 2004, 425 SCRA 420, 425.

[50] De la Cruz v. Bato, A.M. No. P-05-1959, 15 February 2005, 451 SCRA 330, 337.

[51] Ever Emporium, Inc. v. Maceda, A.M. No. RTJ-04-1881, 14 October 2004, 440 SCRA 298, 314.

[52] De la Cruz v. Bato, *supra*; Sarmiento v. Salamat, 416 Phil. 684, 695 (2001).

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