

**IN RE: AFFIDAVIT OF FRANKIE N. CALABINES, A MEMBER OF THE
CO-TERMINUS STAFF OF JUSTICE JOSEFINA GUEVARRA- SALONGA,
RELATIVE TO SOME ANOMALIES RELATED TO NO. 73287
“CANDY MAKER, ...**

A.M. NO. 04-5-20-SC. March 14, 2007

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PER CURIAM:

This involves an investigation of a "case-fixing" incident in the Court of Appeals.

As recounted by Investigating Justice Martin S. Villarama, Jr., in his Report and Recommendation, dated March 4, 2004, the facts are as follows:

Sometime in December 2003, a phone call from an unidentified woman was received by the Office of Justice Josefin Guevara-Salonga verifying the status of a pending civil case in which a decision had supposedly already been rendered or about to be promulgated. The case is entitled "Candy Maker, Inc. represented by Ong Yee See vs. Republic of the Philippines," docketed as CA-G.R. CV No. 73287 which is an appeal interposed by the Office of the Solicitor General (OSG) from the judgment of the Municipal Trial Court (MTC) of Taytay, Rizal granting the application for original registration of a 10,975-square meter land filed by Candy Maker, Inc. Said case was submitted for decision on May 5, 2003 and raffled off to Justice Salonga for study and report on May 14, 2003.

Apparently, the woman caller was greatly surprised upon being told that the rollo and records of CV-73287 were not yet even brought to the office of the assigned ponente, Justice Guevara-Salonga. Not long thereafter, the present controversy "exploded," so to speak. It turned out that without any instruction or order from Justice Guevara-Salonga or her duly authorized staff, the rollo and records of CV-73287 were "released" by herein respondent Luis N. Gnilo, Utility Worker I assigned at the Civil Cases Section of the Judicial Records Division (JRD) to herein complainant-respondent Frankie N. Calabines, also a Utility Worker and member of the coterminous staff of Justice Guevara-Salonga. Upon the prodding of Gnilo, Calabines signed an authorization form (dated November 28, 2003) for the release of case records and also affixed his signature in the official logbook acknowledging that he received the rollo and records of CV-73287 as supposedly requested by the Office of Justice Guevara-Salonga. Calabines neither actually received nor brought the case records to their office. Gnilo gave one thousand pesos (P1,000.00) to Calabines and assured him that there will be no problem. Gnilo made the following entry appearing on p. 52 of the official logbook of the Civil Cases Section, which was also signed by Calabines:

"73287 CANDYMAKER, INC. v. R.P.
(signature) 1. Rollo 5-14-03
11/28/03 2. Orig. Record"

A week later, Calabines went to see Gnilo saying that he was afraid of losing his job from what they did but Gnilo told him there is no problem because he already erased the logbook entry. True enough, the subject logbook entry was already erased using correction fluid, or what is referred to in common parlance as "snowpake." Upon visual examination, the case title "erased" at first appears to be similar to the preceding

entry ("A.B. Cos vs. Hulog & Wife" CV-73932) but a serious scrutiny of the subject entry (viewed closely against the light) shows the legible original entry, "Candy Maker, Inc. vs. R. P." Thus, the clandestine act was brought out in the daylight, the two [2] perpetrators (Gnilo and Calabines) exposed and the real motive for the unauthorized "release" of the case records began to unfold in the subsequent events that transpired showing the involvement or participation of other employees of this Court.

In a letter dated January 6, 2004, the Honorable Presiding Justice Cancio C. Garcia invited Atty. Edwin P. Cruz, counsel for Candy Maker, Inc., to shed light on the derogatory information concerning irregularities involving certain CA personnel in connection with the case of his client. Atty. Cruz promptly replied and expressed willingness to appear in His Honor's chambers on January 14, 2004 at 2:00 o'clock in the afternoon.

On January 7, 2004, Calabines executed his sworn affidavit-complaint ("Sinumpaang Salaysay") alleging that it was Gnilo who called him on his cellular phone and induced him to sign the authorization form already prepared by Gnilo himself for the release of the rollo and original records of CV-73287 despite his (Calabines) lack of permission or authority from Justice Guevara-Salonga to do so. The rollo and original records of CV-73287 were not actually received by him. He further stated that such authorization form is ordinarily and properly prepared in their office and not in the Civil Cases Section. He explained that he was prevailed upon by Gnilo who gave him P1,000.00 in exchange for the favor. Gnilo told him that his signature was needed so Gnilo can collect money from the party-litigant. He feared losing his job because of what they did but when he came to see Gnilo, the latter told him not to worry as he had already erased the logbook entry.

Acting on the complaint lodged by Calabines against Gnilo, Presiding Justice Cancio C. Garcia immediately ordered a formal investigation and designated the undersigned as Investigating Justice who was directed to submit a report and recommendation within fifteen (15) working days from the completion of the investigation. The official logbook of the Civil Cases Section containing the subject entry, as well as the rollo and records of CV-73287 had earlier been turned over by the Office of Justice Guevara-Salonga to the Office of the Presiding Justice. On January 9, 2004, respondent Gnilo was directed to file his Comment on the affidavit-complaint of Calabines.

In his Comment, Gnilo denied having induced Calabines to sign an authorization form for the release of the case records of CV-73287. He asserted that on November 28, 2003, Calabines came to their office showing him a small piece of paper on which was written the said case number. He then prepared an authorization form which Calabines signed and the latter also signed the logbook acknowledging receipt of the same. Calabines then borrowed the logbook and together with the accomplished authorization form left their office. He was surprised when Calabines returned after a few minutes telling him that he would no longer get the rollo and original records of CV-73287. As requested by Calabines, he erased the logbook entry and even showed the erasure to Calabines when the latter went back to their office a few days after. He denied having given P1,000.00 to Calabines and contended that Calabines' allegations are false and malicious. Contrary to Calabines' claim, the authorization form is not always done in the Office of Justice Guevara-Salonga because more often than not, said office would just hand him a list of the cases so he would prepare the authorization form for them; sometimes, they would just call him on the phone and order him to prepare the rollos and original records of the cases for pick-up. Although he knows the cellular phone number of Calabines, he denied calling him up for the purpose of procuring his signature on the authorization form. Finally, Gnilo maintained that in his eleven (11) years in office, this is the first time he is accused of improper conduct as he had conducted himself in a manner consistent with the highest ethical and moral standards in the service.

Finding a prima facie case against both complainant Calabines and respondent Gnilo, the Investigating Justice summoned them for a preliminary conference on January 14, 2004. At the said hearing, when queried as to court records indicating that he was previously involved and charged for negligence in the handling of case records on two (2) separate occasions, Gnilo corrected his statement in his Comment, explaining that he had already forgotten about those prior administrative complaints against him. Continuation of the pre-hearing conference was scheduled on January 21, 2004. A subpoena duces tecum and/or ad testificandum was also

issued to Atty. Cruz, counsel for Candy Maker, Inc., the private party (plaintiff-appellee) in CV-73287.

At the hearing on January 21, 2004, Atty. Cruz came with Ms. Dolor M. Catoc who turned out to be the woman caller following-up the case with the Office of Justice Guevara-Salonga. Catoc filed her affidavit-complaint ("Sinumpaang Salaysay") alleging that she was deceived and defrauded by certain employees of this Court in the course of following-up the status of CV-73287. Atty. Cruz manifested that Catoc was fearing for her life having received threats but was finally persuaded to execute a sworn statement on what really happened.

In her "Sinumpaang Salaysay" Catoc stated that she is an agent or broker of the land bought by Candy Maker, Inc. whose application for original registration of said property was granted by the MTC but the judgment was appealed by the OSG to this Court (CV-73287). In the course of following-up the status of the case, she came to know one (1) Evelyn who told her that if no one (1) will help her, the case will drag on for five (5) to ten (10) years. Evelyn said that Atty. Kaye, Atty. Musico and "Phil" are the ones who can help in expediting the resolution of the appeal. In her desire to speed up the process so eventually she could also get her commission from the sale of the land to Candy Maker, Inc., Catoc continued to make follow-ups with Evelyn. During a meeting at Max's Restaurant at Roxas Boulevard, Evelyn introduced her to one "Atty. Kaye" who had brought with her a draft "Decision" (Report) which Atty. Kaye gave to Catoc. Atty. Kaye told her that she had a hard time researching on the said decision and because of this she gave her money as reward for her efforts ("konting pabuya"). After their encounter, she was told by Evelyn that Atty. Kaye does not like her ("hindi ako feel ni Atty. Kaye"). After consulting other people, she came to the conclusion that the "Report" given to her by Atty. Kaye is not favorable to Candy Maker, Inc. She talked to Evelyn saying that she will show the "Report" to Atty. Cruz. Evelyn apologized and said she will introduce her to Atty. Neil Musico, a lawyer who is "malakas sa Malacanang." Evelyn added that it is a tremendous job to research on the case and in her desire to have the appeal finally resolved, Catoc agreed to meet Atty. Musico.

Catoc alleged to have met with Atty. Musico three (3) times. During their third meeting at Hacienda Grill (located at Ma. Orosa Street near the Court of Appeals premises), Atty. Musico introduced to her one (1) "Phil" who claimed to be "malakas kay Justice Salonga, na asawa ng isang international lawyer." Phil handed to her a 'draft decision' and asked money in exchange. Thereafter, upon reading the 'draft decision, she found it to be similar to the one (1) given by Atty. Kaye and began to realize that she was being victimized and defrauded. Despite this, she continued to follow-up the case with Evelyn who later told her that the rollo and original records of CV-73287 have already been brought to the Office of Justice Guevara-Salonga. She then inquired from the Office of Justice Guevara-Salonga and was shocked to learn that the said records are not yet there. She confronted Evelyn who gave her no clear explanation but assured her she would attend to the problem. Subsequently, Evelyn called her up saying that the rollo and records of CV-73287 were already brought to the Office of Justice Guevara-Salonga and that she (Catoc) had to give money (P10,000.00) as they will wait for their "contact" who is the "P.S." (private secretary) of Justice Guevara-Salonga. In view of the previous deception she experienced, Catoc suspected something fishy and so she called up the Office of Justice Guevara-Salonga herself. Her call was answered by a certain "Aileen" who told her that the rollo and original records of CV-73287 are not yet brought to said office. Thereafter, she talked to Evelyn and asked for the "transmittal" to prove that the rollo and original records of CV-73287 were indeed already forwarded to the Office of Justice Guevara-Salonga. Evelyn said the "transmittal" will be given to her (Catoc) by Phil. Catoc again met with Phil who gave her the "transmittal" which is actually the authorization form signed by Calabines at the behest of Gnilo. Armed with the said "transmittal," she verified with the Office of Justice Guevara-Salonga only to be told that the same is "fake," as in fact the rollo and original records of CV-73287 were not yet forwarded to that office. Only then did Catoc realize and accept all these fraudulent acts perpetrated by Evelyn, Atty. Kaye, Atty. Musico and Phil.

The identities of those CA employees referred to in Catoc's affidavit-complaint were established as follows: "Atty. Kaye" is "Atty. Rachel Minon Banares, researcher (Court Attorney) member of the coterminous staff of

Justice Juan Q. Enriquez, Jr., who is no longer connected with this Court and was said to have resigned last December 2003; Evelyn L. Caguitla holds the position of Court Stenographer IV presently assigned at the office of Division Clerk of Court Atty. Miriam A. Bautista; Atty. Musico's full name is Edwin Michael P. Musico (a.k.a. "Neil"), researcher (Court Attorney IV) and member of the coterminous staff of Justice Bennie Adefuin A. dela Cruz; and "Phil" is Feliciano S. Calinga, Utility Worker I assigned at the Information & Statistical Data Division. Except for Atty. Musico, the afore-named respondents are permanent employees of this Court. As directed, respondents Caguitla, Calinga and Atty. Musico filed their respective comments to the affidavit-complaint of Catoc.

In her Comment dated January 26, 2004, respondent Caguitla denied having committed Serious or Grave Misconduct in connection with the allegations made by complainant Catoc. She claimed to have met Catoc sometime in April 2003 when she was still assigned at the office of DCC Atty. Antolin Dabon. Catoc introduced herself as authorized agent of Candy Maker, Inc. and a real estate agent whom she found to be friendly, charming and a good conversationalist. While following up the case in their Division, Catoc befriended her and intimated to her that she needed a lawyer who could help her friend who is also a real estate broker charged with Estafa involving millions of pesos. She thought of Atty. Kaye whose husband, Atty. Gerry Banares is a practicing lawyer. She then recommended Atty. Kaye to Catoc and the two (2) formally met (with her) at Max's Restaurant, Malate, Manila. She denied having told Catoc that Atty. Kaye, Atty. Musico and Phil are the ones who could facilitate resolution of the appealed case of Candy Maker, Inc., or saying that it will take five (5) to ten (10) years before said case could be resolved. Catoc was asking her for help to facilitate resolution of the appealed case because as the real estate agent who sold the property, she could not get her commission while the case is pending. However, she had explained to Catoc that in civil cases such as CV-73287, the earlier docketed cases or those with lower docket numbers are decided or resolved first. She also did not introduce Phil to Catoc, the truth being that when CV-73287 was re-raffled off to another Division, Catoc asked to be accompanied to the Information & Statistical Data Division to ascertain what division said case was re-raffled off. They approached Phil and inquired from him, and the two (2) got acquainted with each other. She does not know whether Catoc also befriended Phil. Neither does she know the motive of Catoc in filing this complaint against her and denied having demanded any money from her as she had already told Catoc that she does not have the power or authority to facilitate the resolution of the case which is what Catoc really wants.

Respondent Calinga likewise vehemently denied the allegations of Catoc asserting that in the seventeen (17) years he had been serving this Court, he has never been involved in any case or anomaly as all the Justices he had previously served could attest to his good character and work performance. He does not personally know Catoc and came to know such name only upon receiving the letter from this Investigating Justice. He knows his co-respondent Evelyn Caguitla who is also an employee of this Court assigned at the office of DCC Atty. Miriam A. Bautista. During the first week of November 2003, Evelyn came to his office to verify the status of a certain case, the case title and number mentioned by her. He remembered that she mentioned "Candymaker" and upon checking their index card indicating that said case was "submitted for decision" she relayed this information to Evelyn. After this initial query, Evelyn returned to their office several times requesting him to at least talk to someone whom she said is her best friend. He refused Evelyn's pleadings because he is busy and he has no time for things not connected with his work, as he rushes to leave after office hours to catch the service bus going home to Dasmariñas, Cavite. Sometime during the third week of November 2003 at lunch time, he was fetched by Evelyn at his office and introduced to him her friend whose name she did not say. He did not like to go because he wanted to rest at break time but Evelyn was insistent and told him that Atty. Neil will be there. Since Atty. Neil is a lawyer of this Court holding a higher position, he went along. Evelyn brought him to Hacienda Grill, a restaurant located near the CA and there he saw Atty. Neil seated on a table together with a man and a woman. Atty. Neil was holding a paper and explaining to his two (2) companions while reading said paper. Evelyn introduced him to her female friend whose name is "Dolly" and he was told to order food. He did not order anything as he had already eaten his lunch ("baon") at their office. Moments later, he left the group who were still conferring. He denied Catoc's allegation that he was introduced to her by

Atty. Neil; and it is likewise not true that he had told Catoc that he is influential with Justice Salonga, as in fact he and Justice Salonga are not known to each other, nor does he know anything about the husband of Justice Salonga. He also denied having given Catoc any "draft decision" in exchange for money the truth being that when he arrived at Hacienda Grill, Atty. Musico was already talking intently to Catoc and was the one (1) holding a paper which he explains while reading to her. It is truly impossible for him to write such a "draft decision" he not being a lawyer and having no such experience whatsoever; neither was it possible for him to ask money from Catoc who was just introduced to him at the time. That was the first and last time he saw Catoc so that her allegation that he gave her the "transmittal" is equally false, aside from the fact that such "transmittal" does not reach or pass through their office while the case rollo and records are either kept or brought in the Division or office of the Justice concerned. He had not promised or asked anything from Catoc nor had he deceived her as she claimed, in connection with the case being followed-up by her.

Atty. Musico presented his own version as follows: Sometime in September 2003, Phil approached him and told him that someone with a legal problem would like to consult him (Atty. Musico). He then agreed to a meeting arranged by Phil with a woman who turned out to be Catoc. Present during the said meeting at Hacienda Grill (at around 4:30 in the afternoon) were Atty. Musico himself, Caguitla and Catoc; conspicuously absent was Phil. After Evelyn introduced Catoc to him, Catoc told him that she had brokered the sale of a huge tract of land to Candy Maker, Inc. Catoc wanted to facilitate the land registration case of said company (the lower court's decision appealed by the OSG); they wanted the appeal to this Court (CV-73287) decided as soon as possible. He had told Catoc that he is not in a position to facilitate the case and will just refer her problem back to Phil considering that the latter had already presented himself to Evelyn that he can help Catoc. Sometime during the first week of November 2003, Evelyn told him that Catoc wants to see him again; it seems that Catoc was of the impression that he is the one (1) helping her. At that time, his wife, Sheila S. Musico, who works as coordinator of licensed real estate broker Moldex Realty & Marketing, Inc. (MRMI), the marketing arm of the real estate business of Moldex Group of Companies, was recruiting licensed brokers to attend a brokers' night at MRMI. He agreed to see Catoc again for the purpose of recruiting her in behalf of his wife. After a day or two (2), he met Catoc again at Hacienda Grill and this time, Phil came along with him. During said meeting, he introduced Phil to Catoc and revealed that Phil is the one (1) who is really interested in helping her and not him (Atty. Musico). He told Catoc that he has nothing to do with the case but requested her to attend a brokers' night at MRMI, to which she agreed. He then requested Catoc to give him her cellular phone number which she did and thus his wife was able to contact Catoc for the purpose of inviting her to the brokers' night scheduled on December 5, 2003. Catoc, however, referred another broker by the name of Annie Imperial, to attend said broker's night. He never saw Catoc again. On January 9, 2004 at 10:00 in the morning, Phil called him up saying that they have a big problem and that they badly need help. Phil then requested him to proceed to Alps Restaurant and when he got there, Gnilo handed to him a copy of Calabines' complaint-affidavit. After Gnilo narrated to him the incident regarding the retrieval of the rollo and original records of CV-73287, he helped him prepare his Comment to the complaint. There is absolutely no basis for Catoc to charge him with conspiring to deceive her in connection with the case she had been following-up as in fact she did not impute any deceitful or improper conduct on his part, his only fault being that of recruiting licensed brokers which is not part of his duties as Court Attorney of this Court.

Finding a prima facie case against the respondents Caguitla, Calinga and Atty. Musico, this Investigating Justice summoned the parties, including the complainants and respondent Gnilo, to a pre-hearing conference held on January 28 and February 3, 2004. Hearing proper was conducted on February 11, 2004 (for complainants Catoc and Calabines) and February 18, 2004 (for all the respondents) wherein the parties duly represented by their respective counsel presented testimonial and documentary evidence. After proceedings have been terminated, the parties were given a period of seven (7) days or until February 26, 2004 within which to submit their respective Memorandum if they so desire and thereafter the case shall be submitted for Report and Recommendation with or without the aforesaid memoranda.

On February 26, 2004, respondents Atty. Musico, Caguitla, Calinga and Gnilo filed their respective

Memorandum.[1]

Investigating Justice Villarama then stated his findings, thus:

After a thorough and conscientious evaluation of the entire evidence on record and the pleadings and admissions of the parties, this Investigating Justice finds that respondents Caguitla, Calinga, Gnilo and Atty. Musico have actively conspired in defrauding complainant Catoc who, through their acts and representations, was misled into believing that they possessed such power or influence in facilitating not only the early resolution of CV-73287 being followed-up by her, but also in securing a decision on said case that is favorable to Candy Maker, Inc., the plaintiff-appellee in CV-73287. Such conspiratorial acts perpetrated with abuse or misuse of the duties of their office constitute Grave Misconduct which denigrate the dignity of this Court as a temple of justice and seriously impair the trust and confidence of the public it serves.

Plainly, the factual scenario emerges as follows: Complainant Catoc, in the course of following-up the status of CV-73287, became acquainted with Caguitla who was then detailed with the Division office where said case was assigned. When finally the case was submitted for decision and re-raffled off to another Justice for study and report in accordance with the Internal Rules of this Court, Calinga came into the picture, as Caguitla and Catoc sought his help for information as to the name of the Justice to whom the case was assigned for study and report. Upon ascertaining that CV-73287 was assigned to Justice Josefina Guevara-Salonga, Caguitla introduced Catoc to Atty. Kaye whom she said could help her "facilitate" resolution of the case. At this point, Caguitla obviously had represented to Catoc that the case she is following-up could be "facilitated" as otherwise Catoc would not have agreed to meet Atty. Kaye in the first place. When Catoc was handed a draft "Report" (Exhibit "B-4") by Atty. Kaye in a meeting at Max's Restaurant arranged by Caguitla, considering the supposed research efforts of Atty. Kaye as relayed to Catoc, the latter's impression was bolstered as to the real possibility of "fixing" the case. Exhibit "B-4" indeed contained a brief narration of facts but not the main text of the disposition, only up to that portion with the equivocal and vague statement, "The appeal is with/without merit." The underlying message is quite plain enough: "Pay, if you want the decision to be favorable." However, this initial arrangement with Atty. Kaye did not push through, as Caguitla told Catoc, "Hindi sya feel ni Atty. Kaye." Subsequently, however, another option was presented by Caguitla who told Catoc she will be referred to another lawyer who could help her - Atty. Musico together with Calinga. Hence, Catoc accompanied by Caguitla met with Atty. Musico and Calinga at Hacienda Grill where she was given Exhibit B-5 (Executive Summary), another draft decision but this time a complete draft together with other pleadings in a folder labeled with case number and title. Catoc in her testimony on direct examination clarified her previous statement in her affidavit-complaint, but remained categorical and positive in her assertion that Caguitla, Calinga and Atty. Musico gave her a Draft Decision (Exhibit "B-5") in exchange for a sum of money. "JUSTICE VILLARAMA:

Excuse me. When you made mention in your statement about a draft decision being handed to you by Fil specifically under paragraph 15, 'inabot sa akin ni Fil.... are you referring to the Executive Summary?

"A : Transmittal po.

"Q : Hindi. Ito, bumabalik ako dito, 'yong kanina, 'yong ipinakita ko sa 'yong draft decision, 'yong Executive Summary?

"A : Hindi po, nagkamali po ako 'dyan sa draft decision. Ang nag-abot po sa akin 'nyan ay si Atty. Musico at saka po si Evelyn Caguitia.

"Q : Alin?

"A : 'Yun pong draft decision.

"Q : When you say draft decision you are referring to?

"A : 'Yong folder po.

"Q : Ito, ang nagbigay sa iyo nito?

"A : Sila pong tatlo pero ang nag-abot po sa akin 'nyan si Atty. Musico at saka si Evelyn. Magkakatabi po sila.

"Q : Now when you say therefore draft decision under your paragraph 15 you are referring to the Executive Summary?

"A : Opo, nagkamali po ako, Justice.

"Q : Hindi si Fil?

"A : Hindi po si Fil. Si Fil po 'yong transmittal po ang inabot niya sa akin. Ang sabi pa niya na nasa itaas na raw ni Justice Salonga and ano namin, ang rollo.

"Q : Pero at that time, Fil was also there together with Atty. Musico and Evelyn Caguitla?

"A : Opo.

x x x (Underscoring supplied)

On cross-examination, Catoc testified that after giving P10,000.00 for the "draft decision," she met Calinga for the second time during which the latter gave her the "transmittal (Exhibit "B-3"):

"JUSTICE VILLARAMA:

Question from the Investigating Justice.

"Q : Ms. Catoc, I am showing to you paragraph 15, the last sentence thereof of your Sinumpaang Salaysay, 'Kapalit ng naturang draft decision hiningan ako ni Fil ng pera.' Do you remember that, he asked for money?

"A : Opo.

"Q : How much?

"A : Ten thousand po.

"Q : What did you say?

"A : Sabi ko sabay-sabay na ng desisyon, sabay-sabay na kasi alam ko po na iba na ito, alam ko po 'yon. Kasi po bago ako nakipagkita kasi sa kanila sa Hacienda grill tumawag po ako sa opisina ni Justice Salonga. Tinanong ko po kung talagang naka-akyat na ang rollo namin, Candy Maker. Hiningi po nila sa akin 'yong case number eh hindi ko po matandaan so tin-text ko po kay Evelyn. Agad-agad tin-text naman po sa akin ni Evelyn saka ko naman po sinabi sa taga office ni Justice Salonga. Nalaman ko po na wala pa so naki pag-meet din po ako sa kanila para makita ko po kung ano 'yong resibo na sinasabi nila sa akin.

"Q : So you did not give ten thousand to Fil?

"A : Nagbigay po ako kay Evelyn po.

"Q : How much?

"A : Ten thousand po.

"Q : By reason of the demand of Fil from you?

"A : 'Yon pong una po kasi po may utang sa akin si Evelyn tapos po 'yong ibinigay ko po kay Atty. Musico binawi na po niya, isina-uli na po ni Atty. Musico. 'Yon po ang ibinigay niya kay Fil.

"Q : So did you give Fil for the second time any money? Binigyan mo ba siya dahil humingi kamo siya rito eh.

"A : Hindi na nga po.

"Q : 'Hiningan ako ni Fil ng pera.'

"A : Sa two hundred thousand po hiningan niya ako kapalit ng desisyon.

"Q : In effect, you did not give him any centavo?

"A : Kay Evelyn po dumaan.

"Q : Kay Fil, wala?

"A : Wala po.

"Q : Kay Evelyn, how much did you give Evelyn ?

"A : Ten thousand po.

"x x x

"JUSTICE VILLARAMA:

"Q : But there is no question that the transmittal was given to you by Fil?

"A : Binigay po sa akin ni Fil ang transmittal. Siya po ang personal na nag-abot in the presence of Evelyn.

"Q : Where?

"A : Sa Hacienda Grill po.

"Q : What did you do?

"A : Ano po?

"Q : You did something in return for the favor? May ginawa ka ba sa kanya dahil natuwa ka?

"A : Hindi po.

"Q : Wala kang ginawa?

"A : Hindi na po ako nagbigay dahil alam ko na pong niloloko nila ako.

x x x" [Underscoring supplied by Justice Villarama]

It is evident that the second "draft decision" (Exhibit "B-5") contained in a folder appropriately labeled and complete with copies of other pleadings such as appellant's brief, was presented to Catoc purposely to convince her that the persons she is dealing with actually have access to the case records and have such requisite power or influence to ensure that resolution of the appeal will be favorable to Candy Maker, Inc., the plaintiff-appellee in whose behalf Catoc was actively following-up its status. On the other hand, the "transmittal" (Exhibit "B-3") was presented to Catoc to serve as "proof that what respondents had told her is true - that the rollo and original records of CV-73287 are already forwarded to the Office of Justice Josefina Guevara-Salonga. Calinga handed to Catoc the "transmittal" last week of November 2003, while Calabines at the behest of Gnilo signed the said "transmittal" on November 28, 2003, Gnilo giving P1,000.00 to Calabines for the favor, "para makakuha ng pera sa taong may kaso." These circumstances could not be dismissed as purely coincidental as no other logical conclusion can be deduced therefrom except that Gnilo, Calinga, Caguitla and Atty. Musico acted in concert and cooperated to deceive the gullible and overeager Catoc, making the latter believe that indeed they can help her secure a "favorable" resolution of the appeal in CV-73287 and extort money from her.

The fraudulent intent of respondents came to the fore only later when Catoc began to suspect she was being fooled and took it upon herself to inquire with the Office of Justice Guevara-Salonga on whether the rollo and original records of CV-73287 have in fact been already forwarded to that office for disposition. In particular, respondents Caguitla and Calinga reacted furiously on the personal follow-up made by Catoc. Tragically for respondents, their despicable scheme will not remain secret for long as Catoc soon discovered that the "transmittal" given to her by Calinga was a fake one (1). And when the anomalous "release" of the case records of CV-73287 was finally exposed sometime in the month of December 2003, respondents desperately moved to avert a full-blown investigation into the matter and cover-up their misdeeds.

"ATTY. CRUZ:

"Q : After handing to you that transmittal what happened, if you can recall?

A : Binigay ko po sa inyo, Attorney.

"Q : And then after that?

"A : Nag-verify po ako kung tutoo po 'yong transmittal na 'yon at sinabi po sa akin na fake daw po iyon.

"Q : Who told you that it was fake?

"A : Sa opisina po ni Justice Salonga.

"Q : Can you recall who from the employees or staff of the Office of Justice Salonga told you that said transmittal was fake?

"A : Isa pong P.S., Lorna. Hindi daw po P. S. si Frankie.

"Q : Going back to the place where this transmittal was handed to you. After it was handed to you, any other words or utterances that transpired between you and Fil?

"A : Opo, nagalit po sila sa akin dahil nahuli po raw yong taga-Docket. Nagalit po sila dahil bakit daw nag-ano, sino daw and tumawag. May unknown caller daw po sa opisina ni Justice Salonga. Nagmaang-maangan ako kasi 'yon po ang turo sa akin na huwag muna, 'huwag ka munang umamin.' 'Yon po ang sabi po nila sa akin. Ang sabi ko, 'Siguruhin 'nyo lang na hindi fake and mga binibigay 'nyo sa aking papel at walang mangyayari. Ang sabi po ni Evelyn, 'Walang fake sa CA. Ang bawal lang dito ay mag-follow-up. Bawal na bawal mag-follow-up.'

"Q : For the record, who were these persons aside from Evelyn who were angry with you on that date that you are referring to?

"A : Wala po.

"Q : Sino 'yong mga taong 'yon?

"A : Si Evelyn lang po ang nakikipag-communicate sa akin dahil nagagalit po raw si Fil.

"Q : Going back to the place where Fil handed to you the transmittal, were there any other words or utterances made by Fil when he handed to you the transmittal?

"A : Opo.

"Q : And what were those words or utterances?

"A : Para daw mapabilis ang decision mag-down na po raw ako ng fifty thousand. Two hundred thousand daw po ang deal. Sabi ko po, 'Sige, basta kaliwaan.'

"Q : Were you able to give the fifty thousand that was being demanded from you?

"A : Hindi na po dahil alam ko na po na niloloko nila ako.

Q : And after being handed this transmittal, what did you do?

"A : Nagsumbong na po ako sa inyo.

"Q : After you relayed...I withdraw. You made mention that this matter was brought out into the light, can you recall who warned you that this matter was brought out?

"A : Si Evelyn po.

"Q : How did she relayed that this matter was pumutok?

"x x x

"A : Sa telepono po, tinawagan niya ako. 'Bakit ganun, bakit may tumawag sa opisina ni Justice Salonga? Sino ang nag-follow-up tungkol sa rollo? Sabi ko naman sa 'yo huwag kang ano dahil ang rollo na 'yan confidential 'yan, bawal 'yan sa CA.' Sabi ko, 'Bakit bawal eh nagpa-follow-up lang ako.'

"Q : And prior to this investigation, Madam Witness, were there any instance that any of the respondents visited your house?

"A : Opo.

"Q : When was that, if you can recall?

"A : Maka-pasko na po.

"Q : And who among the respondents came to your house after the Christmas season?

"A : Si Evelyn po.

"Q : And?

"A : Saka si Atty. Musico.

"Q : And what was their purpose in coming to your house?

"A : Na-ano na daw po si, 'yun daw pong taga-Vault, under investigation na po. Sabi po niya sa akin kailangan mahinto na po sa taga-Vault, matapos na.

"JUSTICE VILLARAMA:

Anong sabi, vault?

"A : 'Yung taga-Vault keeper. 'Yong vault-keeper po raw dapat po raw duon lang tapos na ang investigation.

"JUSTICE VILLARAMA:

Sino 'yong vault-keeper?

"A : Sa Records, sa Docket po.

"Q : What did you answer?

"A : Sabi ko, 'Siguruhin 'nyo lang na hindi fake 'yong pinaggagagawa 'nyo.

"Q : Where did this transpire?

"A : Sa bahay po namin.

"Q : Sa Taguig?

"A : Opo.

"Q : Who went there?

"A : Dalawa po sila.

"Q : Atty. Musico and Ms. Caguitla?

"A : Opo.

"x x x

"Q : Then came Atty. Musico with Ms. Caguitla for the second time insofar as Ms Caguitla is concerned?

"A : Opo.

"Q : They went to your house?

"A : Opo.

"Q : What time?

"A : Umaga po, 7:00 o'clock.

"Q : What day, more or less, if you can remember?

"A : Hindi ko po matandaan pero umaga po, mga 7:00 o'clock.

"Q : In essence, what did they tell you? 'Yong sa pangalawa na sabay sila.

"A : Basta huwag na lang daw po akong kumibo. Huwag na lang daw akong kumibo para walang madamay. Aanuhin na lang daw po ni Luis.

"Q : Aanuhin ni Luis?

"A : Aakuing na lang po lahat.

Q : Aakuing lahat?

"A : Para wala nang imbestigasyon.

"Q : Who said that?

"A : Si Evelyn po.

"Q : And what did you answer?

"A : Sabi ko basta huwag nila akong lolokohin kasi baka ako ang madale ng falsification, ako pa ag makulong. 'Siguruhin 'nyo lang na hindi falsified ang mga binibigay 'nyo sa akin.

x x x." [Underscoring supplied by Justice Villarama]

Respondents Caguitla, Calinga and Atty. Musico questioned the credibility of complainant Catoc, pointing out that she is a mere real estate agent who brokered the sale of the land subject of application for original registration in CV-73287 and who was intent on claiming her commission from the said sale for which reason she was eagerly following up on the case in this Court and falsely accused them of wrongdoing while helping her with the case. They stress that aside from the fact that Catoc is not duly authorized by the party-appellee Candy Maker, Inc. to

follow-up the appealed case in this Court, her testimony during the investigation [is] replete with contradictions and inconsistencies. Respondents contend that the evidence on record failed to satisfactorily establish their guilt for the charge of serious or grave misconduct as these do not at all prove that they deceived or defrauded her.

Although indeed complainant Catoc initially gave conflicting statements as to who actually handed her the second "Draft Decision" (Exhibit "B-5"), she had already clarified during the cross-examination that said draft was given to her by either or both Caguitle and Atty. Musico while Calinga was the one (1) who handed to her the "transmittal" (Exhibit "B-3"). This minor inconsistency does not detract from her positive and categorical declaration that she conferred with respondents Caguitle, Calinga and Atty. Musico in a lunch meeting at Hacienda Grill during which they gave her the second "Draft Decision", Exhibit B-5" containing the Executive Summary in a folder. Who among the three (3) actually physically handed the folder (Exhibit "B-5") to her is not that crucial considering that all three (3) respondents admitted being present at the lunch meeting with Catoc, and the latter's failure to exactly recall and precisely identify who handed her the said folder is not sufficient to destroy her credibility altogether and render her entire testimony as worthless. The same thing can be said regarding Catoc's confused statements as to whom among the three (3) respondents she actually gave the money in exchange for the "draft decision" (Exhibit B-5).

Minor and insignificant inconsistencies tend to bolster, rather than weaken, the credibility of the witness for they show that his testimony is not contrived or rehearsed. Even the most candid witness oftentimes makes mistakes and confused statements. Thus, inconsistencies in the testimony of a witness with respect to minor details and collateral matters do not affect the substance, veracity, or weight of the witness' declarations. Here, a few minor inconsistencies or mistakes by Catoc in her testimony have been overly magnified by respondents in order to completely discredit her declarations regarding the misrepresentations and acts of deception committed upon her by respondents Caguitle, Calinga and Atty. Musico. Records bear out, however, that such minor lapses were rather due to her nervousness and tension at the time she was testifying. At one (1) point, her cross-examination was even interrupted as she had to take medication provided by the CA medical clinic for severe pain in her lower back region.

Next, respondents Caguitle, Calinga and Atty. Musico endeavored to show that the "Draft Decision" (Exhibit "B-5") came from Catoc herself. However, such a theory defies simple logic and experience, and belied by the evidence itself. First, as respondents themselves vigorously point out, Catoc was not officially authorized by Candy Maker, Inc. to follow-up on the case and not being an employee or counsel, could not have access to those pleadings and documents contained in the folder (Exhibit "B-5"). She is admittedly a mere real estate broker interested only in the early resolution of the appeal so she could finally get her commission ("magpakitang-gilas" to the company lot-buyer Candy Maker, Inc.). Second, if she was indeed in a position to produce such "Draft Decision," she could have gone directly to the office of the ponente (Justice Guevara-Salonga) or insisted that said draft be given to Caguitle's "contact" in said office. There would have been no need for Caguitle to find her a lawyer in the Court, such as Atty. Kaye and Atty. Musico who are not even members of the staff of Justice Guevara-Salonga, to help "facilitate" the resolution of the appealed case. Third and last, the first unfinished (and equivocal) Draft Report (Exhibit "B-4") would be completely unnecessary and so with such first meeting with Atty. Kaye, as well as the subsequent meetings with Calinga and Atty. Musico.

Respondent Caguitle contends that the only thing established by the evidence is complainant Catoc's meeting with respondents whose help she sought to facilitate the early resolution of CV-73287. Having earlier explained to Catoc that she cannot help her inasmuch as in civil cases such as CV-73287, the early disposition thereof would depend on the case docket number, i.e., the ones filed earlier with lower docket number will be resolved or decided first, Caguitle argues that she cannot be charged with improper or serious misconduct. Such defense is

untenable and contradicted by her very own actuations being the one who was constantly communicating with Catoc regarding the case, introduced her to Calinga and Atty. Musico, arranged their meetings and was present in all those trysts with her.

If anything, Caguitla appears to be the central figure in the scheme to defraud Catoc and were it not for her representations to Catoc that resolution of CV-73287 could be "facilitated" through the "help" of certain employees of this Court, Catoc could not have gone any further in following-up the status of said case. In fact, Catoc only called directly the Office of Justice Guevara-Salonga to verify the status of CV-73287 when she had already suspected that respondents Caguitla, Calinga and Atty. Musico had been fooling her all along. Caguitla had instructed Catoc not to follow-up with the Office of Justice Guevara-Salonga, telling her that such act is prohibited but which is actually meant to ensure that Catoc would not discover that the case records have not yet even been forwarded to said office. Caguitla's behavior is certainly reprehensible, her duties as court stenographer assigned to the Division office which deals with litigants and concerned parties do not grant her unbridled license to take personal interest in any pending case or make such representation to any party that she or certain co-employees could "facilitate" resolution or disposition thereof.

Just like his co-respondent Caguitla, respondent Atty. Musico denies having committed any act of deception against Catoc, asserting that he had categorically told her that he could not help in the "facilitation" of resolution of her appealed case for the simple reason that he is not in a position to do so. Atty. Musico admitted that he had met twice with Catoc but only for the purpose of recruiting her for the company of his wife who is also a real estate broker. He denied having given Catoc a draft decision or misrepresented to her that he could "facilitate" resolution of her case, and much less received any money from her. He further argues that the filing of this administrative complaint was precipitated merely by Catoc's failure to receive her commission from the sale of a huge tract of land to Candy Maker, Inc., which by her own admission explains her zealotry in following-up the case on appeal with this Court.

Atty. Musico's contentions deserve scant consideration. The alleged reason for his interest in meeting with Catoc hardly rings of truth. Catoc positively and categorically declared that Caguitla introduced to her Atty. Musico as the lawyer who could help her in "facilitating" the resolution of CV-73287 and who together with Caguitla gave her the second "Draft Decision" (Exhibit "B-5"). Although Atty. Musico is not a member of the staff of Justice Guevara-Salonga, he was introduced together with respondent Calinga whom they represented to Catoc as influential with said Justice. Such misrepresentation was sought to be buttressed later by respondents because it was Calinga who produced or personally handed to Catoc the "transmittal" (Exhibit "B-3") indicating that the rollo and original records of CV-73287 have already been forwarded to the Office of Justice Guevara-Salonga. Significantly, Calinga confirmed and maintained that it was Atty. Musico who was holding a paper ("draft decision") explaining while reading the same to Catoc, during their lunch meeting at Hacienda Grill with Caguitla and Catoc. In contrast, Atty. Musico would claim that Calinga was conspicuously absent during the lunch-meeting at Hacienda Grill. As far as Catoc is concerned, however, it was Atty. Musico who produced and prepared the "Draft Decision" and accordingly she gave money through Caguitla (P10,000.00) as "consideration" for such draft decision. On the part of Calinga, it was understood that he would get his share upon eventual payment of the full amount of the deal when the case is finally decided in favor of Candy Maker, Inc.

Being a court attorney who had avowed confidentiality in performing legal research and drafting reports on the pending cases assigned with his Justice, Atty. Musico certainly comprehends the gravity of his acts in committing misrepresentations concerning a pending case assigned to another office and Justice. By allowing himself wittingly or unwittingly, to be used in the fraudulent scheme to extort money from a person interested in the early resolution of an appealed case, Atty. Musico transgressed that duty of conducting himself beyond suspicion on

any transaction or matter relating to the administration of justice. In cooperating actively to defraud a concerned party such as complainant Catoc - regardless of how questionable her ulterior motive really was -- Atty. Musico betrayed his calling as a lawyer having revealed himself as lacking good moral character. He may well be reminded of his dual role both as an officer and employee of this Court and as a member of the legal profession.

A lawyer may be suspended or disbarred for any misconduct, even if it pertains to his private activities, as long as it shows him to be wanting in moral character, honesty, probity or good demeanor - possession of good moral character is not only a good condition precedent to the practice of law, but a continuing qualification for all members of the bar. With even greater urgency such requisite qualification be demanded of lawyers employed in the judiciary. Those charged with the administration of justice, from the highest magistrates to the lowliest clerk including, if not more so, members of the Bar, must live up to the strictest standard of honor and integrity. If they cannot measure up to that standard, they should leave the public service or surrender their licenses to practice law and abandon the legal profession. When there is lack of honor and uprightness in government, the moral fiber of the entire nation is perverted.

For the same reason, We cannot turn a blind eye on the indispensable participation of both respondents Calinga and Gnilo. Calinga's bare denial cannot prevail over the positive and categorical declaration of complainant Catoc that it was Calinga who handed to her the "transmittal" which is intended to erase any doubt on her part that the rollo and original records of CV-73287 have already been forwarded to the Office of Justice Guevara-Salonga. Such "transmittal" was necessary to buttress the claim of respondents that Calinga has connections to the office of Justice Salonga ("malakas kay Justice Guevara-Salonga"). The timing of the procurement of Calabines' signature by Gnilo jibes with the former's revelation during the investigation that the latter solicited his cooperation to sign the authorization form ("transmittal") "para makakuha ng pera sa taong may kaso," and which firmly established the link between Gnilo and Calinga. Calinga tried to deny any participation by saying that such "transmittal" does not pass or is not coursed through their (Information Division) office. Further, he avers that he was only prevailed upon to attend the lunch meeting at Hacienda Grill due to the insistence of Caguitia. Interestingly, Calinga, in a futile attempt to dissociate himself from the dealings of Caguitia and Atty. Musico with Catoc, in his Memorandum directs attention to the fact that only the two (2) (Caguitia and Atty. Musico) went to the house of Catoc when this case was already being investigated, clearly insinuating that only said respondents are actually guilty of defrauding Catoc.

Gnilo likewise contends that just like Calabines, his duties at the JRD are merely ministerial so that he had no option but to facilitate the request of a staff of a Justice such as Calabines to release the case records. He denies any knowledge or participation in the alleged misrepresentations committed by Caguitia, Calinga and Atty. Musico for the simple reason that he was never privy thereto, as he was only doing his job at the Civil Cases Section of the JRD. Such defense is unavailing in view of the established fact that it was Gnilo who was responsible for the "fake" transmittal; it was he who induced Calabines to sign the authorization form ("transmittal"), made the anomalous entry in the official logbook and concealed the ostensible "release" of case records without the requisite authority.

Gnilo's explanation that he had erased the entry in the logbook because Calabines himself failed to retrieve the rollo and original records of CV-73287 and eventually told him that he would no longer get the same, barely sounds credible. Were it true indeed that he had simply "cancelled" the entry by erasing it, the case number CV-73287 and title would at least remain slightly visible. But this is not so. The "cancelled" entry appears at first glance to be exactly the same entry as the one (1) just above it. If there was no irregularity in the subject entry erased or "cancelled," there would have been no need to superimpose a different case title and number. The inescapable conclusion is that such superimposed case title and number was made intentionally to conceal the real

case title and number so erased which is CV-73287. The "cancellation" or erasure though was not thoroughly or expertly done because the name "Candy Maker" is still legible upon close visual examination. Borrowing from the aptly phrased line from a Supreme Court decision in another controversial case involving a changed date in the official receipt issued for a certified true copy of a document, "what he caused to be done was done; but it was not well done."

Moreover, respondents Calinga, Gnilo and Atty. Musico hardly succeeds in disassociating themselves from one (1) another in the conspiracy to defraud complainant Catoc together with Caguitia. The three (3) admitted having met together at Alps-Restaurant (also located near the premises of this Court along Jorge Bocobo Street) shortly after being summoned in this investigation. When asked during the hearing as to why, of the several co-employees in this Court, said respondents spontaneously sought another's advice and company at the start of this investigation, none of them could give a convincing explanation. They claimed to have met at the Court's premises and conferred at Alps Restaurant only "by chance," but their actuations, particularly with respect to Atty. Musico who even visited, together with Evelyn, complainant Catoc at her house, betray the real purpose of such a meeting.

What can be gleaned from respondents' conduct upon the commencement of a formal investigation in this controversy is the attempt to avert a full-blown investigation by limiting inquiry to the incident involving the unauthorized "release" of the rollo and original records of CV-73287. As complainant Catoc disclosed in her testimony during the hearing, the agreement was for Gnilo to accept sole responsibility and prevent the actual transaction or nefarious deal with her by the rest of the respondents from being exposed. In short, the investigation should be confined only to that "incident" at the JRD involving only Gnilo and Calabines and stop there, but which is possible only if complainant Catoc would cooperate and keep silent about the whole thing. When, however, Catoc refused to obey the bidding of Caguitla and Atty. Musico and eventually came out in the open to the full story and formally charged respondents Caguitla, Calinga and Atty. Musico of defrauding her, the finger-pointing among the respondents began. Such acts of "hand-washing" and exchange of accusations among the respondents Caguitla, Calinga, Atty. Musico and Gnilo is truly a sad spectacle. Their defenses of denial and lack of improper motive, however, cannot be given credence at all in the face of overwhelming evidence clearly showing their unity of purpose and design in perpetrating the fraudulent scheme upon Catoc in connection with the pending appealed case being followed-up by her.

In sum, the evidence on record has satisfactorily established that respondents Caguitla, Calinga, Atty. Musico and Gnilo acted in conspiracy and actively cooperated with one (1) another to defraud complainant Catoc who was misled into believing that they can "facilitate" the resolution or secure a favorable judgment in CV-73287. That they actually derived or sought financial gain is an issue which need not be definitely resolved for the purpose of this investigation. The Court does not condemn the afore-mentioned respondents for drawing any material benefit from the irregularity, and their individual intentions for allowing themselves to become indispensable participants in deceiving complainant Catoc need not be probed into. What is reprehensible is the fact that they allowed themselves to be willing cohorts in the perpetration of an illicit act or misdeed thereby violating their oath as employees of this Court which enjoins them to do no falsehood nor consent to its commission.

Assuming for the sake of argument, that it was complainant Catoc herself who initiated and induced the respondents to commit irregularities to accomplish her desired outcome for the pending case of Candy Maker, Inc., their acts in pursuit thereof constitute a very serious violation of the integrity of judicial proceedings. Particularly with respect to Atty. Musico who holds a respectable position in this Court, his conduct is truly disappointing and far from ideal. The Court cannot just permit such misconduct on the part of court personnel to be done with impunity. As to respondents Caguitla, Calinga and Gnilo, they must be held liable for conspiring to

mislead complainant Catoc into believing that they actually possessed such power or influence to secure a favorable decision in a case brought to this Court on appeal. As held by the Supreme Court, 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.

It cannot be overstressed that the image of a court of justice is mirrored in the conduct, official or otherwise, of the personnel who work there, from the judge to the lowest employee. Misconduct is an unacceptable behavior that transgresses the established rules of conduct for public officers. The due observance of the prescribed norms of behavior are demanded no less from court personnel; indeed, they must be role models for all those in the public service. The Court will not tolerate or condone misconduct on the part of any judicial officer or personnel that degrade the dignity of their office.

In acting and cooperating together to mislead complainant Catoc that they possessed such power and influence to secure a favorable judgment in CV-73287, respondents Caguitla, Calinga, Atty. Musico and Gnilo committed Grave Misconduct and Dishonesty. Such reprehensible behavior on their part constitutes a serious violation of their sworn duties as employees of this Court and which undermines the public's faith and trust in the administration of justice. There exists no doubt as to the proper stance and corresponding action that must be taken by the Court in this case. Citing time-honored precedents, our Supreme Court had recently reiterated the following principles and rulings:

"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. 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.

"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.

"As we held in *Mendoza v. Tiongson*:

'[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 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 or in purging the ranks of those undeserving to remain in the service. We can do no less in this case.

"x x x" (Citations Omitted) [underscoring supplied by Justice Villarama]

By deceiving complainant Catoc and even producing a "fake" authorization form purporting to show that the rollo and original records of CV-73287 have been forwarded to the office of the ponente with the end in view of extorting money as part of the "deal" to fix the case, notwithstanding their lack of power and authority to do so, respondents Caguitia, Calinga, Atty. Musico and Gnilo committed dishonesty that betrays their avowed duties as public servants tasked with the administration of justice. Dishonesty in a malevolent act that has no place in the

court system. It must be emphasized that the behavior of even minor employees mirrors the image of the courts they serve, thus, they should at all times preserve the judiciary's good name and standing as a true temple of justice.

The Supreme Court has ruled time and again that, by the very nature of their tasks and responsibilities, all those involved in the administration of justice, from the highest official to the lowliest clerk, must faithfully adhere "to, hold inviolate and invigorate the principle solemnly enshrined in Section 1 of Article XI of the 1987 Philippine Constitution that 'public office is a public trust. All public officers and employees must at all times be accountable to the people; serve them with utmost responsibility, integrity, loyalty and efficiency; act with patriotism and justice; and lead modest lives.'" Indeed, no position exacts a greater demand for moral righteousness and uprightness from an individual than in the judiciary. Every employee of the judiciary should be an example of integrity, uprightness and honesty. They must exhibit the highest sense of honesty and integrity not only in the performance of their official duties but also in their personal and private dealings with other people, to preserve the court's good name and standing.

The Code of Judicial Ethics expresses that the conduct of court personnel, not only in the performance of their official duties but also in their personal life as well, should be free from impropriety. A place in the judiciary demands upright men and women who must carry on with dignity and be ever conscious of the impression that could create by the way they conduct themselves.⁵⁵ By committing fraudulent acts upon complainant Catoc in connection with a pending civil case she was following up for a party-litigant, respondents Caguitla Calinga, Atty. Musico and Gnilo had only succeeded in soiling this Court's public image as a bastion of impartial and effective justice. They thus proved themselves unfit to continue as public servants in the judiciary.

As to complainant-respondent Frankie Calabines, the records are bereft of any evidence showing that he was directly involved in the perpetration of fraud against the complainant Catoc. His only fault consists in yielding to the prodding of Gnilo to affix his signature in the "fake" transmittal or authorization form. He admittedly succumbed to the lure of one (1) thousand pesos given by Gnilo and thus betrayed the trust and confidence of his Justice. Filled with remorse for the covert misdeed he had done, Calabines readily confessed on his infraction when the unauthorized "release" of the rollo and original records of CV-73287 later come out in the open due to the personal follow-up made by complainant Catoc with the Office of Justice Guevara-Salonga. In fact, the present investigation was triggered by that initial admission by Calabines which in turn led to a more in-depth probe with the ensuing cooperation of the concerned parties, Atty. Edwin P. Cruz and complainant Catoc. For his contrite posture and given the absolute dearth of evidence indicating that he was privy to or even had any knowledge of the scheme to defraud complainant Catoc, this Investigating Justice finds that the dismissal the charges of dishonesty and grave misconduct against Calabines is in order.[2]

Presiding Justice Cancio C. Garcia, now a member of this Court, forwarded the records of the case to then Chief Justice Hilario G. Davide, Jr., stating that he fully concurs with and adopts the recommendations of Justice Villarama, thus:

- 1) That respondents Feliciano S. Calinga, Evelyn L. Caguitla, Luis N. Gnilo and Atty. Edwin P. Musico be held liable for GRAVE MISCONDUCT and be meted the corresponding penalty of DISMISSAL, pursuant to Section 22 (a) and (c), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292 and Other Pertinent Civil Service Laws, as amended by Section 52 (A), paragraphs 1 and 3 of CSC Memorandum Circular No. 19, Series of 1999, with disqualification from employment in any government office and with forfeiture of benefits, except for accrued leaves; and
- 2) That the charges of DISHONESTY and GRAVE MISCONDUCT against complainant-respondent Frankie N. Calabines be DISMISSED for lack of sufficient evidence.

After reviewing the records of the case and studying the same in the light of the Report of Justice Villarama, this Court agrees with the findings embodied in the Report.

The records bear out that indeed the log book (Exh. B-1) was falsified and an entry at page 52 was erased and superimposed with another to make it look like it was a repetition of the previous entry but the same can still be read if held against the light as the snowpake erasure does not completely hide the words Candy Maker, all of which point to the liability of respondent Luis N. Gnilo of the Civil Cases Section of the Judicial Records Division of the Court of Appeals in charge of the records of the Candy Maker case, whose act set off the "case-fixing" activity herein involved.

Respondents Feliciano S. Calinga, Evelyn L. Caguitla, and Atty. Edwin P. Musico undeniably met with complainant Dolor M. Catoc at Hacienda Grill near the Court of Appeals where Catoc was given Exh. B-5 which is a draft favorable decision in the Candy Maker case. These employees of the court, one of them a court lawyer at that, have no business meeting with parties litigants or their representatives, let alone under such clandestine and nefarious circumstances as in this case, plainly to seek an exchange of a pretended decision for a sum of money.

This Court cannot let such a brazen and outrageous betrayal of public trust go unsanctioned.

The Court cannot overemphasize the need for honesty and integrity on the part of all those who are in the service of the judiciary. As reiterated in the "Whereas" clauses of the Code of Conduct for Court Personnel, "in performing their duties and responsibilities, court personnel serve as sentinels of justice[;] and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it."

The image of a court as a bastion of justice depends to a large extent on the personal and official conduct of its employees. Thus, from the judge to the lowest clerk, judicial personnel have the sacred duty to maintain the good name of the Judiciary.[3]

All employees in the judiciary should be examples of responsibility, competence and efficiency. As officers of the court and agents of the law, they must discharge their duties with due care and utmost diligence. Any conduct they exhibit tending to diminish the faith of the people in the judiciary will not be condoned.[4]

Accordingly, the Report of Justice Villarama and the findings therein are hereby sustained as fully supported by the records, and the Court approves his Recommendations.

WHEREFORE, respondents Feliciano S. Calinga, Evelyn L. Caguitla, Luis N. Gnilo and Atty. Edwin Michael P. Musico are found GUILTY OF GRAVE MISCONDUCT and are meted the penalty of DISMISSAL, pursuant to Section 22 (a) and (c), Rule XIV of the Omnibus Rules implementing Book V of Executive Order 292 and Other Pertinent Civil Service Laws, as amended by Section 52 (A), paragraphs 1 and 3 of CSC Memorandum Circular No. 19, Series of 1999, with disqualification from employment in any government office and/or forfeiture of benefits, except for accrued leaves. The charges of DISHONESTY and GRAVE MISCONDUCT against complainant-respondent Frankie N. Calabines are DISMISSED for lack of sufficient evidence. No costs.

SO ORDERED.

Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Azcuna, Tinga, Chico-Nazario, Velasco, Jr., and Nachura, JJ., concur.

Callejo, Sr., J., on leave.

Garcia, J., no part.

[1] Report and Recommendation of Justice Martin S. Villarama, Jr., dated March 4, 2004, pp. 2-9.

[2] Id. at 9-25.

[3] *Ferma Portic v. Mario Lopez*, A.M. No. P-01-1452, July 11, 2001.

[4] *Edna Aquino v. Isabelo Lavadia*, A.M. No. P-01-1483, September 20, 2001.

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