COMPLAINT OF IMELDA D. RAMIL AGAINST STENO-GRAPHER EVELYN ANTONIO, REGIONAL TRIAL COURT, BRANCH 67, PANIQUI, TARLAC,

A.M. NO. 06-3-189-RTC. June 19, 2007

Ponente: AUSTRIA-MARTINEZ, J.

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AUSTRIA-MARTINEZ, J.:

Before the Court is a letter-complaint[1] dated January 17, 2006 of Imelda D. Ramil (complainant) charging Evelyn Antonio (respondent), Stenographer, Regional Trial Court (RTC), Branch 67, Paniqui, Tarlac with Misrepresentation and Acceptance of Money for the payment of the publication fee and administrator's bond which did not materialize.

Complainant alleges: She gave to respondent P6,000.00 to be given to her (complainant's) lawyer for the publication of the property of her aunt and uncle. When the letters of administration were approved, respondent asked her to give P27,000.00 as administrator's bond. She gave the amount of P27,000.00 to respondent in her office. However, her duty as administratrix did not take effect due to respondent's deceit as she later found out that the insurance company has already been liquidated and that the P6,000.00 was not given to her lawyer. She tried to talk to respondent to get the money back but the latter treated her with indifference.

In her Answer/Affidavit[2] dated June 23, 2006, respondent contends: Complainant had a previous agreement with the publisher and agreed to meet in the office for the payment of the publication fee in the amount of P6,000.00. When complainant came on another date, the publisher was not yet around. As they were in the office of Clerk of Court Paulino Saguyod, complainant requested that the publication fee be left with her for the purpose of handing it over to the publisher. Upon request by complainant and with the knowledge of the Clerk of Court, she issued the acknowledgment receipt in the amount of P6,000.00 for the publication of the intestate proceeding. With regard to complainant's allegation that the amount of P27,000.00 was handed to her, she vehemently denies having received the same. If indeed, she received the amount of P27,000.00, why didn't the complainant ask for an acknowledgment receipt as she did when the latter handed to her the amount of P6,000.00. She had no personal knowledge of the alleged administrator's bond that complainant claims to have paid and had no participation in the processing of bonds because her duties and responsibilities as a stenographer do not include the processing of the same. During the latter part of 2005, complainant asked respondent to accompany her (complainant) to the Clerk of Court to get a receipt for the P27,000.00, which she gave to Saguyod in the form of a check. She asked complainant where the check is, if indeed, she gave the check to the Clerk of Court as it should have been returned to complainant by that time, but the latter just turned her back.

The Court referred the matter to Judge Arsenio P. Adriano for formal investigation, report and recommendation, who submitted his Report and Recommendation, dated July 18, 2006, to wit:

> REPORT AND FINDINGS:
>
> On the charge that the publication fee of P6,000.00 was handed to Evelyn Antonio, the same was duly proven

as evidenced by the receipt. (Annex "A" of the complaint). The notice of hearing was duly published.

With respect to the charge that the P27,000.00 was handed to respondent, there was no receipt, but a bond posted by Afisco Insurance corporation was duly submitted in court before the complainant assumed her duties as Administratrix. Even if Evelyn Antonio received the P27,000.00 from complainant, there is no evidence that Evelyn Antonio was aware that Afisco Insurance Corporation was no longer authorized to post bonds in Court. In fact, a certification by certain Celso, whose surname is illegible, as Chief Documentation Unit and Suspension of Bonding Company of the Supreme Court was submitted together with the bond.

In both cases, Evelyn Antonio violated Administrative Circular No. 5 dated October 8, 1988, when Evelyn Antonio acted as agent of the insurance company and the publisher.

Under Memorandum Circular No. 30, series of 1989, by the Honorable Patricia Sto. Tomas, then the Chairwoman of the Civil Service Commission, the penalty for violation of office rules and regulations is reprimanded for the first offense, it being a light offense.

WHEREFORE, it is hereby recommended that Evelyn Antonio be reprimanded, if this is her first offense.[3]

In its Resolution[4] dated August 9, 2006, the Court referred said Report and Recommendation to the Office of the Court Administrator for evaluation, report and recommendation.

The OCA submitted its Memorandum dated February 20, 2007, portions of which read:

The undersigned agree [sic] with the findings of Investigating Judge Adriano, but disagree, [sic] with him with respect to the penalty to be imposed.

Administrative Circular No. 5 enjoins all officials and employees of the Judiciary "from being commissioned as insurance agents or from engaging in any such related activities, and, to immediately desist therefrom if presently engaged thereat".

x x x x

CANON III
CONFLICT OF INTEREST

Section 5. The full-time position in the Judiciary of every court personnel shall be the personnel's primary employment. For purposes of this Code, 'primary employment' means the position that consumes the entire normal working hours of the court personnel and requires the personnel's exclusive attention in performing officials duties.

CANON IV
PERFORMANCE OF DUTIES

SECTION 1. Court personnel shall at all times perform official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during working hours.

Indeed, the Court is looked upon by people with high respect, a sacred place where litigants are heard, rights and conflicts settled and justice solemnly dispensed with. Misbehavior within or around the vicinity diminishes its sanctity and dignity. The conduct and behavior required of every court personnel, from the presiding judge to the lowliest clerk, must always be beyond reproach and circumscribed with the heavy burden of responsibility. Their conduct must, at all times, be characterized by, among other things, propriety and decorum so as to earn and keep the public's respect and confidence in the judicial service. Thus, a public servant must exhibit at all times the highest sense of honesty and integrity not only in the performance of his official duties but in his personal and private dealings with other people. (Magtolis vs. Salud, A.M. No. CA-05-20-P, 9 September 2005).

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> While it has not been reported that respondent agreed to facilitate the publication of the notice and posting of the bonds for a fee, the same may be presumed from the circumstances of the case. The surrounding circumstances of the case, especially the fact that the bonding company is already undergoing liquidation proceedings at the time of the posting of the bond, raises some doubts as regards her intentions. Her actuations fall short of the standard required of a public servant. She is guilty of conduct prejudicial to the best interest of the service.
>
> x x x x
>
> IN THE LIGHT OF THE FOREGOING, it is respectfully recommended that Evelyn Antonio, Court Stenographer, RTC, Branch 67, Paniqui, Tarlac be found GUILTY of conduct prejudicial to the best interest of the service and be FINED in the amount of Five Thousand (P5,000.00) Pesos for having acted as an agent of an insurance company and a newspaper publisher. It is further recommended that respondent be WARNED that a repetition of the same or similar act in the future shall be dealt with more severely.[5]

We do not agree with the findings and recommendation of the Investigating Judge and the OCA.

Complainant failed to prove her charges against respondent. Aside from the bare allegation of complainant, no competent evidence was presented to categorically prove that the offense charged was committed by respondent. We cannot depend on mere conjectures and speculations. There must be substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion; otherwise, the complaint must be dismissed[6] and respondent's innocence upheld.

In refuting the allegation of complainant, respondent submitted the Affidavit of Clerk of Court Saguyod affirming that complainant indeed left the amount of P6,000.00 which respondent later on handed over to the publisher upon the latter's arrival in the RTC, Branch 67; and that respondent had no participation in procuring the administrator's bond, to wit:

> x x x x
>
> That as far as I could remember, sometime in December 1995, I was personally present when Imelda Ramil and the representative of the INQUIRER Independent Weekly have agreed to publish the Notice of Hearing in connection with the Petition for Letters of Administration of Imelda Ramil re: Special Proceedings 133; That they have agreed in the amount of P6,000.00 for the publication (3 consecutive weeks); That Evelyn B. Antonio, Court Stenographer of this Court, was requested by the petitioner-complainant to hand over the publication fee of P6,000.00 to the Publisher because during the agreed date of her payment, the Publisher was not yet around and Imelda Ramil was in a hurry. The petitioner Imelda Ramil happens to be the relative of the cousin of Evelyn B. Antonio.
>
> That I also know for a fact that the amount of P6,000.00 was actually paid to the Publisher/Representative by Evelyn B. Antonio, upon his arrival in the RTC, Br. 67, Paniqui, Tarlac.
>
> That Mrs. Evelyn B. Antonio has no participation whatsoever in the processing/submission of the Administrator's bond of said Imelda Ramil in Spec. Proc. 133, as she (Imelda Ramil) was the one who personally submitted the same to me;
>
> x x x x (Emphasis supplied)[7]

Respondent appended to her Answer/Affidavit the certification of the publisher and the copy of the publications.[8]

The Court finds no reason to discredit the affidavit of the Clerk of Court.

Thus, it is established that upon the request of complainant, respondent received the amount of P6,000.00 for the

publication of the intestate estate which she duly receipted. The allegation of complainant that no publication was made is belied by the certification issued by the publisher and the copy of the publications appended thereto.

As to the allegation of complainant that she gave respondent the amount of P27,000.00 for the administrator's bond which turned out to have been issued by a bonding company that had already been liquidated, the Investigating Judge and the OCA found that there is no evidence that respondent was aware that the bonding company was no longer authorized to issue bonds; but concluded that respondent should be reprimanded for having acted as an agent of the insurance company and of the publisher.

The Court does not agree with the conclusion of the Investigating Judge and the OCA.

The OCA's assertion, that respondent acted as an agent of the newspaper publisher and the bonding company can be presumed from the surrounding circumstances of the case, is absolutely untenable.

The act of respondent in handing over the amount of P6,000.00 to the publisher is not sufficient proof that she is an agent of the publisher and it was not shown that the said act is tainted with dishonesty or is a deliberate misrepresentation. Nowhere in the record can the Court find any indication that respondent misrepresented herself to the complainant that she can facilitate the publication of the intestate proceeding as well as the issuance of the administrator's bond. In fact, the affidavit of Clerk of Court Saguyod clearly states that the amount of P6,000.00 was left with respondent by way of accommodation, as complainant could not wait for the publisher, and the respondent had no knowledge about the bond as it was complainant herself who personally submitted the administrator's bond in Spec. Proc. 133.

As found by the Investigating Judge, there is no sufficient proof to show that respondent had knowledge of the fact that the bonding company was already undergoing liquidation proceedings at the time of the posting of the bond which could raise doubts as regards respondent's intentions.[9]

Moreover, respondent's contention that complainant gave the P27,000.00 to the Clerk of Court and later on requested respondent to accompany her in getting a receipt as evidence that the said amount had been given to the Clerk of Court in the form of a check, remains uncontroverted. Complainant's failure to refute the same is an implied admission thereof.

Unlike the P6,000.00 for publication fee which was duly receipted by respondent, the record is bereft of evidence that respondent indeed received the P27,000.00 for the administrator's bond. Complainant's allegation that her duty as administratrix did not take effect due to respondent's deceit, in that the insurance company had already been liquidated, cannot be sustained. The fact is, complainant filed a complaint for estafa through falsification of a public document before the RTC Br. 67, docketed as Crim. Case No. 1129 concerning the property subject of Spec. Proc. 133. Complainant lost in the said case.[10] As such, there is no more property which should be placed in the possession or administration of the complainant. Thus, respondent cannot be faulted for complainant's inability to assume her duty as administratrix.

Settled is the rule that in administrative cases, the quantum of proof necessary is substantial evidence or such relevant evidence as a reasonable mind may accept as adequate to support a conclusion.[11] Complainant has the burden of proving by substantial evidence the allegations in her complaint and her failure to present evidence to the contrary renders the administrative complaint with no leg to stand on.

WHEREFORE, the complaint against Evelyn Antonio, Stenographer, RTC, Branch 67, Paniqui, Tarlac is DISMISSED.

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SO ORDERED.

Ynares-Santiago, (Chairperson), Chico-Nazario, and Nachura, JJ., concur.

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[1] Rollo, pp. 10-11.

[2] Id. at 67-69.

[3] Id. at 15-16.

[4] Id. at 112.

[5] Id. at 114-118.

[6] Adajar v. Develos, A.M. No. P-05-2056, November 18, 2005, 475 SCRA 361, 377.

[7] Id. at 70.

[8] Id. at 71-74.

[9] Id. at 117.

[10] Penned by Judge Cesar M. Sotero, January 28, 2003, Rollo, pp. 79-84.

[11] Report on the Investigation Conducted on the Alleged Spurious Bailbonds and Release Orders Issued by the Regional Trial Court, Branch 27, Sta. Cruz, Laguna, A.M. No. 04-6-332-RTC, April 5, 2006, 486 SCRA 500, 515.

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