

**RE: JOSEFINA V. PALON, AN EMPLOYEE OF THIS COURT AS TO HER
ALLEGED ACTIVE INTERVENTION IN RTC CASE NO. 90-55019
RELATIVE TO A.M. NO. RTJ-90-629.**

A.M. No. 92-8-027-SC. September 02, 1992

Ponente: NOCON, J.

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NOCON, J.:

This case arose from a complaint filed by Arnulfo Tauro against Judge Joselito dela Rosa for serious misconduct, extreme bias and prejudice and highly partisan attitude, anchoring his complaint on the affidavit of Mrs. JOSEFINA V. PALON,[1] an employee of this Court.

The case of the respondent judge was dismissed per recommendation of the Office of the Court Administrator (OCA), dated January 27, 1992. In the aforementioned recommendation, however, the OCA called the Court's attention on the actuation of Mrs. Palon, to wit:

"With regard to Ms. Josefina V. Palon, an employee of this Court, who actively sought to interfere, as she did, with a case pending before a trial court, bringing with her a large amount of money to the chambers of respondent Judge, and exploiting her position as an employee of the Supreme Court to gain access to respondent Judge, but who has not been formally charged in connection therewith, we submit the matter to the Honorable Court for further instructions."[2]

This prompted the Court to issue a resolution dated February 18, 1992, requiring Ms. Palon to file an answer regarding her alleged active intervention in RTC Case No. 90-55019. After several motions for extension of time, she filed her answer denying the accusation that she was using her influence as a Supreme Court employee. According to her, a lady personnel of the court over which Judge dela Rosa presides, was the one who recognized her as an employee of the Supreme Court[3] and since the Clerk of Court, Atty. Solano, whom she really wanted to see was not available at that time, the said lady allegedly urged her to enter the chambers of the Judge and talk with him.

Mrs. Palon's allegation is incredible to say the least, considering that all employees in that sala are well aware of the respondent's judge policy against seeing litigants with cases in his sala. As a matter of fact, a sign hangs at the door of the judge's chambers which reads:

"Lawyers who have pending cases in this sala may see the undersigned provided that the opposing counsel is present and if possible the party litigants."[4]

Furthermore, the above narration is in conflict with her earlier affidavit, wherein she stated that she "was informed by a Court personnel that the Presiding Judge, Hon. JOSELITO DELA ROSA, wanted to talk to me inside his chamber,"[5] which seems to insinuate that it was the judge himself who initiated their meeting.

Mrs. Palon's belated explanation of how she was introduced as an employee of the Supreme Court and her assertion that she was advised to talk with the respondent judge in the absence of Atty. Solano, unsupported by

any corroboration, lend credence to the charges of influence-peddling and interference hurled by respondent judge. While it may be true that she "ran an errand for her brother" to seek the respondent judge's permission to deposit complainant's money with the Cashier of the City of Manila and to find out the court's action on the plaintiff's motion for Execution Pending Appeal, she need not have acted in the way she did.

Conduct required of court personnel must be beyond reproach and must always be free from suspicion that may taint the judiciary. As this Court once held, "(t)he conduct and behavior of everyone connected with an office charged with the dispensation of justice, x x x, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct, at all time, must not only be characterized with propriety and decorum but above all else must be above suspicion." [6] Thus, all court personnel are enjoined and required to comport themselves in such manner as to avoid any taint of suspicion being cast on their actuations, official or private.

WHEREFORE, premises considered, Mrs. JOSEFINA V. PALON having been found guilty of using her position as Supreme Court employee in interfering with respondent judge's jurisdiction over RTC Case No. 90-555019 forcing the latter to voluntarily inhibit himself from acting on said case on December 14, 1990, is hereby **SUSPENDED** from the service for six months without pay. Mrs. Palon is further **WARNED** that similar infraction will be dealt with more severely. Let a copy of this decision be attached to Mrs. Palon's 201 records.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, and Regalado, JJ., concur.
Melo, J., no part.

[1] Annex "A" of the Complaint.

[2] Memorandum from the Office of the Court Administrator, p. 6.

[3] Answer, p. 2.

[4] Comment, Paragraph 3 (f), p. 4.

[5] Annex "A", par. 3.

[6] *De la Cruz v. Ricaforte*, AM P-90-486, 198 SCRA 763 (1991); *Jereos, Jr. v. Reblando, Sr.*, AM P-141, 71 SCRA 126 (1976).

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