

**BERNALETTE L. RAMOS, COMPLAINANT, VS. SUSAN A. LIMETA,
LEGAL RESEARCHER, RESPONDENT.***A.M. No. P-06-2225 (Formerly OCA IPI No. 04-2027-P). November 23, 2010*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a0edf1823bd8/>**PER CURIAM:**

In an Affidavit-Complaint dated August 12, 2004,[1] Bernalette L. Ramos charged Susan A. Limeta with Graft and Corruption, Gross Misconduct and/or Conduct Unbecoming of a Court Employee. Limeta works as a legal researcher in Branch 20, Regional Trial Court (RTC) of Imus, Cavite and is a first cousin of the complainant. She allegedly extorted money from Ramos amounting to thirty-five thousand pesos (P35,000.00), as down payment for her services in finding a competent lawyer for her cousin and in preparing the necessary documents needed in the filing of an annulment case, including the payment of filing fees and other administrative expenses.

According to Ramos, sometime between July and August 2003, her mother approached Limeta regarding the prospect of filing an annulment case against her estranged husband. Limeta agreed to assist her cousin in the filing of an annulment case and assured her that she would not go through the long and tedious court process, for a fee amounting to seventy thousand pesos (P70,000.00). Ramos made a down payment of P35,000.00, which Limeta personally received, to be used for the payment of filing fees and for the lawyer's services.

In October 2003, Ramos came across a family friend, Carissa U. Sosa. As Ramos did, Sosa had requested the assistance of Limeta in the filing of an annulment case against her husband. She likewise paid Limeta the amount of P35,000.00 as down payment for her services. Due probably to the length of time it was taking for her annulment case to finally be resolved, Sosa concluded and told Ramos that Limeta extorted money from her in the same manner that the latter had allegedly done to a certain Jocelyn Mendoza.

Alarmed by this discovery, Ramos requested her lawyer-friend, Atty. Emily Aliño-Geluz, to accompany her to the chambers of Judge Lucencio N. Tagle, Presiding Judge of Branch 20, RTC of Imus, Cavite. After their introduction, Ramos informed Judge Tagle of the problem she had with his court employee. The judge seemed unsurprised of Ramos's revelations and told her that this was not the first instance that someone had complained against Limeta regarding money matters.

In his effort to resolve the situation, Judge Tagle called Limeta to his chambers and asked her to return the money she owed Ramos. Limeta answered in the vernacular that she would return the money to Ramos at the end of the month, and for her not to worry about getting her money back. Unsatisfied with this assurance, Ramos handed out a promissory note for Limeta to sign; the latter, however, refused. Furious by the distrust displayed by one she considered a relative, Limeta walked out of the judge's chambers, leaving the matter between her and Ramos unresolved. The events that transpired within Judge Tagle's chambers were attested to by Atty. Geluz in her affidavit.[2]

On August 18, 2004, Ramos and Sosa filed separate affidavit-complaints against Limeta, for graft and corruption, gross misconduct and conduct not only unbecoming of a government employee, but also prejudicial to the best interest of the service.[3] For her part, Ramos filed her complaint after unheeded demands to return the

P35,000.00 she paid to Limeta. Ramos noticed that her annulment case had not moved since she made the down payment to Limeta, and suspected that the latter used the money for her own personal benefit and not for the purpose of filing the annulment case in accordance with their agreement.

In an Indorsement dated October 11, 2004,[4] the Office of the Court Administrator (OCA) referred the matter to Limeta for comment. After several motions to extend time to file comment, the OCA received Limeta's Counter-Affidavit[5] on February 7, 2006.

Limeta vehemently denied all the accusations against her in her submitted counter-affidavit. She argued that there was no evidence to prove that she received money from Ramos. She suspected that the real reason Ramos filed the complaint was because of her knowledge and involvement in a family argument concerning a property, owned by an aunt, whose title was transferred to Ramos through deceitful means. Driven by this motivation, Ramos filed her complaint with malicious intent to harass and humiliate her, and to eventually cause her to resign from her work.

On May 22, 2006, the OCA recommended the redocketing of the case as a regular administrative matter and referred it to Hon. Judge Norberto J. Quisumbing (Executive Judge of the RTC, Imus, Cavite) for investigation, report and recommendation.[6] In its evaluation, the OCA felt the need for a full-blown investigation in order to ascertain the truth between the conflicting positions taken by the parties.

After a thorough investigation, Judge Quisumbing recommended Limeta's suspension for three (3) months without pay.[7] In weighing the evidence presented by the parties, the judge favored the testimonies of Ramos and her witness, Atty. Geluz. According to his assessment, their testimonies demonstrated truthfulness as they narrated their story in a categorical, straightforward and candid manner. He also took into consideration the decision of the Court in A.M. No. P-04-1908[8] where Limeta was given a one-year suspension for gross misconduct. In that case, Limeta was found liable when she helped a prospective litigant secure the services of a lawyer and accepted money from the litigant for the filing of a case for the declaration of nullity of marriage, in the very same court where she was employed as legal researcher.

In a Memorandum dated June 6, 2007,[9] the OCA recommended Limeta's dismissal from the service with forfeiture of retirement benefits (except the value of her accrued leaves), and with prejudice to re-employment in any branch or instrumentality of the Government, including government-owned and controlled corporations. Based from the findings in the investigative report, the OCA found that Limeta's plain denial of the accusations against her was not sufficient to overcome Ramos's categorical and positive declarations regarding the former's infractions. These declarations, according to the OCA, constituted substantial evidence - the quantum of evidence required in administrative proceedings. The OCA, however, upgraded Limeta's offense to grave misconduct as defined under Section 23(c), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292.[10]

THE COURT'S RULING

We agree and adopt the recommendation of the OCA in imposing on Limeta the ultimate penalty of dismissal from the service for grave misconduct.

Grave misconduct is a serious transgression of some established and definite rule of action (such as unlawful behavior or gross negligence by the public officer or employee) that tends to threaten the very existence of the system of administration of justice an official or employee serves.[11] It may manifest itself in corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules.[12] It is considered as a grave offense under the Civil Service Law,[13]with the corresponding penalty of dismissal from

the service, forfeiture of retirement benefits (except accrued leave credits), and perpetual disqualification from re-employment in the government service.

In the present case, Limeta committed grave misconduct when she accepted money from the complainant as payment for her services in assisting the latter in filing an annulment case against her husband. In doing so, Limeta violated Section 2, Canon 1 of the Code of Conduct for Court Personnel, which provides that "[c]ourt personnel shall not solicit or accept any gift, favor or benefit based on any explicit understanding that such gift, favor or benefit shall influence their official actions." The necessity of acting with propriety and decorum is highlighted in Section 1 of the same Code of Conduct, which provides that "[c]ourt personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others."

In our examination of the records, we found the testimonies of complainant Ramos and her witness, Atty. Geluz, as sufficient evidence to hold Limeta administratively liable for grave misconduct. The categorical and positive declarations made by Ramos, which were corroborated by the statements made under oath by Atty. Geluz, cannot but prevail over the plain denial Limeta made. In case of contradictory declarations and statements, positive testimonies carry greater weight than mere denials.[14]

We also judicially notice that this is not the first time that Limeta was involved in acts of impropriety as an employee of the court. In *Salazar v. Limeta*,^[15] this Court already suspended Limeta for a year after having been found guilty of gross misconduct for committing the same act - receiving money from a party-litigant in exchange for her assistance in hiring a lawyer and in filing a court case for declaration of nullity of marriage. The penalty of dismissal is definitely warranted in the present case considering that Limeta was previously warned that a repetition of the same or similar act would be dealt with more severely.

Time and again, we have held that court personnel carry a heavy burden of responsibility in their roles as keepers of the public faith. They must adhere to high ethical standards to preserve the Court's good name and standing, and to be examples of responsibility, competence and efficiency. They should be constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must always be avoided.[16] Any conduct, act or omission on the part of those who would violate the norm of public accountability and diminish, or even just tend to diminish, the faith of the people in the judiciary cannot be countenanced.[17] As we held in *Mendoza v. Tiongson*:^[18]

What 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.

WHEREFORE, respondent Susan A. Limeta, legal researcher, Regional Trial Court, Branch 20, Imus, Cavite, is found GUILTY of GRAVE MISCONDUCT. She is hereby DISMISSED from the service, with forfeiture of all benefits, except accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government-owned or controlled corporations and financial institutions.

SO ORDERED.

Corona, C.J., Carpio, Carpio Morales, Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Abad, Villarama, Jr., Mendoza, and Sereno, JJ., concur.

Velasco, Jr., J., no part due to prior action.

Del Castillo, J., on wellness leave.

Perez, J., no part. acted on the matter as Court Administrator.

[1] Rollo, pp. 1-2.

[2] Id. at 3-4.

[3] Id. at 29-31.

[4] Id. at 10.

[5] Id. at 21.

[6] Id. at 22-23.

[7] Id. at 106-110.

[8] Salazar v. Limeta, August 16, 2005, 467 SCRA 27.

[9] Rollo, pp. 113-115.

[10] Also known as the Administrative Code of 1987.

[11] Fernandez v. Gatan, A.M. No. P-03-1720, May 28, 2004, 420 SCRA 19.

[12] Bureau of Internal Revenue v. Organo, G.R. No. 149549, February 26, 2004, 424 SCRA 9.

[13] Section 23, Rule XIV, Omnibus Rules Implementing Book V of Executive Order No. 292, as amended by CSC Memorandum Circular No. 19 (1999).

[14] People v. Antoni, G.R. No. 107950, June 17, 1994, 233 SCRA 283, 299; Vda. de Ramos v. Court of Appeals, 171 Phil. 354, 364 (1978).

[15] A.M. No. P-04-1908, August 16, 2005, 467 SCRA 27.

[16] Apuyan, Jr. v. Sta. Isabel, A.M. No. P-01-1497, May 28, 2004, 430 SCRA 1, 15, citing Gutierrez v. Quitalig, 400 SCRA 391 (2003).

[17] Office of the Court Administrator v. Bernardino, A.M. No. P-97-1258, January 31, 2005, 450 SCRA 88, 119-120.

[18] 333 Phil. 508, 510 (1996); In Re: Affidavit of Frankie Calabines v. Luis N. Gnilo, et al., A.M. No. 04-5-20-SC, March 14, 2007, 518 SCRA 268.

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