JUDGE JENNY LIND R. ALDECOA-A-DELORINO, COMPLAINANT, VS. JESSICA B. ABELLANOSA, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, MAKATI CITY, BRANCH 137, RESPONDENT.

A.M. No. P-08-2472 [Formerly OCA IPI No. 07-2559-P]. October 19, 2010

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PER CURIAM:

Before this Court are: (1) the Administrative Complaint[1] dated April 11, 2007, filed by Judge Jenny Lind R. Aldecoa-Delorino[2] (Delorino), then Presiding Judge of the Regional Trial Court, Makati City, Branch 137, against Jessica B. Abellanosa (Abellanosa), Court Stenographer III of the same court for Grave Misconduct and Violation of the Code of Conduct for Court Personnel and Presidential Decree No. 1079; (2) the Complaint dated June 22, 2007, filed by Abellanosa against Delorino for Conduct Prejudicial to the Best Interest of the Service, Abuse of Authority and Harassment; and (3) the Complaint dated June 22, 2007, filed by Abellanosa against Rowena L. Ramos, Court Stenographer III of the same court, for Inefficiency, Extortion and Dishonesty.

The facts of these cases are necessarily intertwined; thus, the Court resolved to consolidate these three (3) cases.

The antecedent facts of these cases, as culled from the records, are as follows:

I. A.M. No. P-08-2472, entitled Judge Jenny Lind Aldecoa-Delorino v. Jessica Abellanosa

In the instant case, Delorino alleged that Abellanosa solicited money from party-litigants in cases pending before the RTC of Makati City, Branch 137, to wit:

(1) In People v. Bernard Sapitula (Criminal Case No. 02-2101), Abellanosa allegedly solicited money from Mrs. Amapola Sapitula (Sapitula), the wife of the accused, the amount of P8,000.00 so that Prosecutor George V. De Hoya would not object to the accused's Motion for Reconsideration with Motion to Lift Warrant of Arrest and Motion to Allow the Accused to Post Cash Bond.

Delorino presented Sapitula's Affidavit[3] where the latter narrated that on April 7, 2006, she went to Branch 137 to file a Motion for Reconsideration with Motion to Lift Warrant of Arrest and Motion to Allow the Accused to Post Cash Bond. Sapitula claimed that Abellanosa asked her to pay P8,000.00 which will be given to Prosecutor De Hoya, so that he would not oppose the motion. Sapitula initially gave Abellanosa the amount of P4,000.00, which was her only available cash at that time. Abellanosa then received the money and told Sapitula to pay the balance of P4,000.00, and even assured her that everything was "ok." Later, Sapitula found out that Prosecutor De Hoya has no knowledge about the P8,000.00 she gave to Abellanosa and that the latter merely took advantage of her situation. Thus, she testified against Abellanosa.

(2) In Big Pix Graphics Systems, Inc. v. Josephine S. Velasco (Civil Case No. 06-451), Abellanosa allegedly received the amount of P20,000.00 from Atty. Gaudencio A. Palafox (Palafox), counsel for plaintiff therein, in exchange for facilitating the ex parte issuance of a writ of preliminary attachment.

Delorino testified that on June 5, 2006, she heard Atty. Palafox complaining, because the branch sheriff was

asking for an exorbitant sheriff's fee for the required attachment bond. Delorino then asked Atty. Palafox if anyone from her staff had approached him for money and the latter just smiled and was hesitant to say anything. Thereafter, Delorino narrated that she called her staff to a meeting and asked if anyone had received money in relation to the case. Abellanosa then tearfully admitted in front of her co-employees that she received P20,000.00 from Atty. Palafox, in exchange for her assistance in facilitating the issuance of a writ of preliminary attachment.

Antonina Bernardino, Court Interpreter of Branch 137, corroborated the testimony of Delorino that during a staff meeting sometime in June 2006, Abellanosa indeed admitted before Delorino and the other staff members that she received P20,000.00 from Atty. Palafox.

(3) In People v. Winifredo F. Onio and Beatrice Peña (Criminal Case No.03-501-502), accused Peña testified in open court during the hearing of the said criminal case that Abellanosa convinced her to pay the amount of P9,000.00 with the assurance that Abellanosa would be the one to renew her bail bond. Peña claimed that she personally handed the money to Abellanosa. The following year, Abellanosa again approached Peña regarding the renewal of the latter's bail bond. This time, Peña narrated that she placed P6,000.00 in a sealed envelope, which she left with Rowena Ramos with the instruction that the envelope was to be given to Abellanosa. Later, Peña was shocked when she learned that her bail bond had not been renewed for the last two years. To prove the charge, Delorino submitted the Official Transcript of Stenographic Notes of the testimony of Peña.

(4) In In Re: Petition for Correction of Entries in the Certificate of Live Birth of Minor Louise Troy Gabriel Paz (Special Proceedings No. M-6262), Abellanosa allegedly told Analyn G. Paz, petitioner therein, to prepare P9,500.00 for the publication of the order of hearing in relation to the petition. Paz paid the said amount to Abellanosa and the order was published in the Taliba Daily Publication. It appeared, however, that the publication of the said order did not go through the mandated procedure for distribution of publication by raffle, in violation of Section 2 of Presidential Decree (P.D.) 1079. To prove the charge, Delorino submitted the Sworn Affidavit of Paz and the Certification from the Clerk of Court, showing that the judicial order did not go through proper publication by raffle.

(5) In In Re: Petition for Correction of Entry in the Birth Certificate of Kathleen Belle R. Fernandez, Chris Aaron R. Fernandez and Karen Thea R. Fernandez, all minors herein represented by their father Eddie M. Fernandez, (Special Proceedings No. M-6233). Abellanosa allegedly instructed Eddie M. Fernandez, petitioner therein, to prepare P9,500.00 for the publication of the order of hearing. On April 18, 2006, Fernandez paid the amount to Abellanosa who, in turn, issued a receipt. The order was published in the Taliba Daily Publication, but it did not bear the rubber stamp of the Office of the Clerk of Court, which meant that it did not go through the mandated procedure for distribution of publication by raffle. To prove the charge, Delorino submitted the receipt issued by Abellanosa to Fernandez and the Certification for the Clerk of Court showing that the judicial order did not go through proper publication by raffle.

Moreover, Delorino claimed that prior to Abellanosa's transfer to the Office of the Clerk of Court and Ex-Officio Sheriff of the RTC of Makati City, she has been exhibiting unruly and hysterical behavior arising from her disagreement with other court personnel in Branch 137. Her disruptive behavior has adversely affected the rest of the court personnel as she would weep noisily, raise her voice in anger, stomp around, and otherwise, create a scene during office hours. Delorino, likewise, discovered that Abellanosa brought several office items outside of the court premises and that she only returned these items to the Clerk of Court on June 29, 2006 after a demand was made upon her for the return of the same.

In her Comment[4] dated May 17, 2007, Abellanosa denied that she solicited P8,000.00 from Sapitula. She alleged that she merely advised Sapitula regarding the criminal case of her husband which was then pending

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before Branch 137. She said that she did not ask for anything in exchange for the advice and even threatened that she would file a criminal case against Sapitula for executing an affidavit implicating her in the alleged solicitation of money. She, however, explained that if she ever received any money from Sapitula, it was only for the payment of the transcript of stenographic notes which she prepared and not for anything else. Abellanosa insinuated that Sapitula only testified against her in order to gain favor from Delorino who was going to decide the criminal case of her husband.

Abellanosa also denied that she received P20,000.00 from Atty. Palafox. She claimed that it was Ramos who spoke with Atty. Palafox regarding the attachment bond. It was also Ramos who called up the bonding company to inquire about the premium for the bond. She pointed out that Atty. Palafox gave the money to Ramos who, in turn, gave it to her. Afterwards, Abellanosa alleged that Ramos instructed her to pay the bonding company but she refused, since she knew that an order was needed first. Abellanosa added that when no favorable court order came out, she returned the money to Atty. Palafox.

Abellanosa likewise denied soliciting money from accused Peña for the renewal of the latter's bail bond. She again claimed that if ever she asked money from Peña, it was only for the payment of the transcript of stenographic notes which she prepared in relation to the criminal case. Abellanosa contended that based on the testimony of Peña before Judge Delorino, it was Ramos who actually received the money from Peña. Abellanosa further claimed that she was not informed or invited during the hearing of the said criminal case, such that she was not given the opportunity to confront Peña regarding her accusations.

Anent the charge that Abellanosa caused the publication of judicial orders in two special proceedings, she claimed that it was Paz and Fernandez who individually sought her help regarding the publication. She admitted to have received the money, but asserted that she turned it over to the publisher as payment for the publication. In fact, the judicial notices were published by the newspaper. Abellanosa claimed to have acted in good faith as it was her honest belief that she did not violate any law.

Abellanosa further denied that she had an unruly and disruptive behavior while she was still in Branch 137 and pointed at the Branch Clerk of Court, with whom she had a conflict with, to be the one who is unruly and often hysterical. She narrated that she voluntarily requested on June 28, 2006 that she be detailed at the Office of the Clerk of Court and Ex-Officio Sheriff in order to prevent the worsening situation between her and the Branch Clerk of Court. However, during the first week of March 2007, Abellanosa alleged that Delorino threatened her with an administrative case if she will not resign or transfer to another court outside of Makati City.

Finally, with regard to the court properties which she allegedly took home, Abellanosa claimed that Delorino never asked her to return the said properties. She said that she voluntarily returned said court properties and, in fact, the Branch Clerk of Court issued her a clearance certificate.[5]

II. A.M. No. RTJ-08-2106 entitled Jessica B. Abellanosa v. Judge Jenny Lind R. Aldecoa-Delorino

The instant complaint accused Delorino of abuse of authority, conduct prejudicial to the best interest of the service and harassment for allegedly committing the following acts, to wit:

1. Abellanosa accused Delorino of engaging the services of a certain Socrates Manarang to draft decisions and/or resolutions for her. Abellanosa claimed that Manarang was not employed in the RTC of Makati, but Delorino allowed him to bring home case records for the preparation of decisions. She said that Manarang was also allowed to stay and work within the premises of the Makati RTC, Branch 137 and borrow books from its library.

In the second week of April 2007, Abellanosa narrated that she visited Manarang at his home where she saw case records from the Makati RTC, Branch 138. When she asked Manarang why the case records were there,

Manarang told her that Delorino sent them to him for the drafting of decisions. Abellanosa added that Delorino was then acting as Pairing Judge in Branch 138.

2. Abellanosa averred that Delorino coerced her and four more employees, namely: Fermin de Castro, Branch Sheriff; Marivic Mangilit, Stenographer; Marilyn Versoza, Clerk III; and Arnel Padlan, Court Aide, to transfer to another office or to resign. With regard to Arnel Padlan (Padlan), Abellanosa claimed that Delorino utilized Padlan as a personal driver and when he could no longer render personal service, Delorino forced him to resign. Abellanosa further claimed that Delorino also utilized stenographers from Branch 138, despite the availability of stenographers in Branch 137. She added that Delorino threatened to file an administrative complaint against her if she refused to resign or transfer to another court.

3. Abellanosa claimed that Delorino used her position to persuade and compel Peña, the accused in Criminal Case No. 03-501-502, and Sapitula, the wife of the accused in Criminal Case No. 02-2101, to testify against her. She presumed that Peña and Sapitula testified against her in order to gain favor from Delorino, considering that their respective cases are pending before Branch 137.

4. Abellanosa accused Delorino of being biased to Rowena Ramos. She pointed out that Delorino did not file any case against Ramos, despite evidence of her involvement in extortion from party-litigants as shown by the transcript of stenographic notes in Criminal Case No. 03-501-502 and in Criminal Case No. 03-1339. She added that Delorino allowed Ramos to hold the position of a court stenographer, despite the latter's lack of qualification and training as a stenographer. Furthermore, Abellanosa also allowed Rowena Ramos and her husband Lyndon Ramos to work together in Branch 137 which is against laws and procedure.

In her Comment[6] dated July 20, 2007, Delorino contended that Abellanosa's complaint was an act of retaliation arising from the administrative complaint which she filed against her. She said that the allegation that she pays Socrates Manarang to draft decisions for her was pure fabrication and a blatant lie. Delorino explained that there was just one instance in February 2007 when she subjected Manarang to an examination by preparing a draft resolution as the latter was then applying for an employment before Branch 137. She then allowed Manarang to prepare the draft resolution inside the office premises.

Corroborating Delorino's statement, Manarang executed an Affidavit dated July 17, 2007 where he stated that he indeed applied for employment at Branch 137 and Judge Delorino subjected him to an examination.

As to Abellanosa's allegation that Delorino assigned cases pending in Branch 138 to Manarang sometime in the second or third week of April, Delorino refuted the same since her assignment as pairing judge of Branch 138 was only up to March 9, 2007. In an Affidavit dated July 13, 2007, Emily Reyes Alino-Geluz, Clerk of Court of Branch 138, denied that Judge Delorino allowed Manarang to draft decisions in cases pending before Branch 138.

As to the allegation that she abused her authority to harass or oppress Branch 137 employees, Delorino explained that she requested Marivic Mangilit to be detailed at the Office of the Clerk of Court (COC) on account of her dishonesty, insubordination and contempt. Marilyn Versoza, on the other hand, was also detailed at the OCC, because of gross inefficiency and lack of trustworthiness, while Fermin de Castro was detailed at the OCC as he had been the subject of complaints from litigants and counsels for asking exorbitant sheriff's fees. Delorino pointed out that these court personnel have not complained about the alleged oppression nor executed an affidavit to substantiate Abellanosa's accusations.

With regard to Padlan, Delorino contended that she never forced him to resign. Padlan had been absent without official leave for three weeks prompting Delorino to report the matter to the Office of Administrative Services of the OCA. When Padlan finally appeared before Delorino, he decided to voluntarily resign after weighing his

personal problems and difficulties.

Delorino further argued that she never forced Branch 138 stenographers to render service for Branch 137. She explained that due to the inadequate staffing of Branch 137, she requested authority from the Executive Judge of the RTC of Makati to avail of the services of Branch 138 stenographers. In a Memorandum dated December 8, 2006, the Executive Judge approved her request. Delorino also submitted the Joint Affidavit dated July 13, 2007 of the concerned stenographers to prove that she never coerced the latter to render their services to Branch 137.

With regard to the allegation that the administrative complaint was meant to harass Abellanosa, Delorino maintained that she filed the complaint against Abellanosa for her corrupt practices. She said the only reason why the case was filed after some time and after Abellanosa was detailed to another office was because she needed time to gather enough evidence to substantiate the charges against Abellanosa.

Finally, as to the charge that Delorino unjustly favored Ramos, despite the latter's involvement in anomalous transactions and incompetence for not performing the duties of a court stenographer, Delorino countered that Ramos has been very cooperative, efficient and competent in the works assigned to her. She has also shown to be reliable and trustworthy such that she was entrusted with encoding or taking dictation of confidential matters. Delorino insisted that the evidence she presented in the instant administrative case against Abellanosa clearly showed that it was the latter who milked several litigants in various transactions and not Ramos.

III. A.M. No. P-08-2420 entitled Jessica B. Abellanosa v. Rowena L. Ramos

In the instant case, Abellanosa accused Ramos of (1) inefficiency and failure to perform the functions of a court stenographer; (2) demanding and receiving money from party litigants; (3) employing another person to take the Civil Service Examinations; and (4) using her influence so that her husband, Lyndon Ramos, can be continuously assigned at Branch 137.

Abellanosa alleged that Ramos was a former Clerk II, in charge of the criminal cases in Branch 137, until her promotion as Court Stenographer sometime in 2001. From the time of her promotion, she claimed that Ramos did not render duties as court stenographer.

She also averred that Ramos engaged in soliciting money from litigants supposedly for the purpose of renewing their bail bonds. She particularly pointed to the transcript of the proceedings in Criminal Case No. 03-501-502 and in Criminal Case No. 03-1339 as evidence that Ramos demanded and received money from the parties therein.

Abellanosa likewise accused Ramos of employing another person to take the civil service examination for and in her behalf after failing the same several times. She claimed that Ramos also used her influence and closeness to Delorino so that her husband, Lyndon Ramos, would be retained in Branch 137.

In her Comment[7] dated July 20, 2007, Ramos vehemently denied that she does not render duties as a court stenographer. She claimed that she performs the functions of her position and had, in fact, acquired "very satisfactory" ratings from her superiors. She also denied that she was involved in the solicitation of money from party-litigants, saying that the evidence solely pointed to Abellanosa as the one who was engaged in such illegal activities. Ramos also claimed that she does not have the power or authority to influence anyone regarding the work assignment of her husband. Finally, she claimed that Abellanosa's charge that she did not personally take the civil service examination was an absolute falsehood.

On April 19, 2007, the OCA directed Abellanosa to comment on the complaint against her.[8]

On June 28, 2007, the OCA, likewise, directed both Delorino and Ramos to comment on the charges against them

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by Abellanosa.[9]

In a Resolution dated January 23, 2008, the Court resolved to consolidate A.M. No. RTJ-08-2176 ([formerly OCA IPI No. 07-2737-RTJ] Abellanosa v. Judge Delorino), together with A.M. No. P-08-2420 ([formerly A.M. OCA IPI No. 07-2655-P], Jessica B. Abellanosa, Court Stenographer III v. Rowena L. Ramos, Court Stenographer III) and were referred to a Justice of the Court of Appeals for investigation, report and recommendation.

Subsequently, in another Resolution[10] dated June 18, 2008, the Court further resolved to re-docket OCA IPI No. 07-2559-P (Judge Delorino v. Abellanosa) as A.M. No. P-08-2472 and ordered the consolidation of said case with the cases filed by Abellanosa.

On February 4, 2009, these three consolidated administrative cases were re-raffled to Justice Ramon R. Garcia[11] for investigation, report, and recommendation.

In his Report dated April 9, 2009, the Investigating Justice recommended to the Court the dismissal of the complaint against Delorino and Ramos for insufficiency of evidence. However, as to Abellanosa, the Investigating Justice recommended that she be dismissed from service after finding her guilty of gross misconduct.

RULING

We find the recommendations of the Investigating Justice to be well-taken.

In administrative proceedings, the quantum of proof necessary for a finding of guilt is substantial evidence or such evidence as a reasonable mind may accept as adequate to support a conclusion. Complainant has the burden of proving by substantial evidence the allegations in her complaint.

A.M. No. RTJ-08-2106 entitled Jessica B. Abellanosa v. Judge Jenny Lind R. Aldecoa-Delorino

Here, there is no sufficient, clear and convincing evidence to hold Delorino administratively liable for abuse of authority, conduct prejudicial to the best interest of the service and harassment.

In the instant case, as found during the investigation, except for Abellanosa's allegations, no evidence was adduced to show that Delorino indeed employed Manarang to draft decisions for her. During cross-examination, Abellanosa even admitted that she did not have any personal knowledge thereof and she merely relied on what Manarang allegedly told her.[12] This alone, will not hold.

The charges of abuse of authority, harassment and oppression of Branch 137 employees are, likewise, devoid of merit.

The Investigating Justice took note that the concerned employees cited by Abellanosa, namely: Fermin de Castro, Marivic Mangilit, and Marilyn Versoza, neither submitted their affidavits to confirm the allegations of Abellanosa nor appeared during the investigation of these administrative cases. In fact, during the cross-examination, Abellanosa clarified that she did not say that these employees were harassed, she merely said that they were transferred.[13]

Likewise, there is no evidence that Delorino abused her authority or committed harassment against the person of Padlan. It appeared that Padlan had been absent from work for a period of three weeks without filing an official leave, and this matter was duly reported by Delorino to the Office of the Administrative Services of the OCA in a letter dated April 3, 2006. When he finally reported back for work, Padlan informed Delorino about his situation that he found it difficult and costly to commute from his residence at the relocation site in Cabuyao, Laguna to the RTC of Makati. Padlan then tendered his resignation as evidenced by his letter dated April 12, 2006.

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Subsequently, Delorino decided to withdraw from the OCA her complaint against Padlan and, instead, requested the OCA to approve Padlan's leave application and voluntary resignation. Certainly, we do not find any showing of abuse of authority or harassment on the part of Delorino.

The charge that Delorino forced or coerced Branch 138 stenographers to render services for Branch 137 are belied by the Memorandum dated December 8, 2006 of Executive Judge Winlove Dumayas directing Branch 138 stenographers to perform court duties for Branch 137 as the need arises;[14] and the Joint Affidavit[15] dated July 13, 2007 of the concerned stenographers, who declared that they promptly and willingly complied with the Memorandum of the Executive Judge.

Finally, as pointed out by the Investigating Justice as to Delorino's alleged favoritism and partiality towards Ramos, we find no reason to delve into these matters as they are unsupported by evidence. The record is also bereft of any showing of wrongful, improper or unlawful conduct on the part of Delorino in trusting Ramos with confidential matters in her office. Similarly, no abuse of authority could be imputed to Delorino for allowing Ramos and her husband Lyndon Ramos to work together in Branch 137. It has been duly established that Lyndon Ramos and Rowena Ramos have been assigned to Branch 137 years before Delorino assumed her post as Presiding Judge of Branch 137. Moreover, Lyndon Ramos is a casual employee of the City of Makati assigned to Branch 137 and Delorino had no hand in his appointment thereat.

A.M. No. P-08-2420 entitled Jessica B. Abellanosa v. Rowena L. Ramos

As found by the Investigating Justice, the charges against Ramos must, likewise, fail. Ramos has sufficiently established that she consistently received a rating of "very satisfactory" from the judges with whom she has rendered her services as stenographer. Ramos has also shown her compliance with the duties of a stenographer by taking stenographic notes during open court hearings, preliminary conferences and ex parte proceedings before the Branch Clerk of Court and transcribing them; taking dictations from the Presiding Judge; encoding and printing orders, resolutions and decisions of the Presiding Judge; and performing other tasks as may be assigned by the Presiding Judge. These facts were confirmed by Delorino, who testified relative to the tasks being performed by Ramos in court.

The allegation that Ramos demanded and received sums of money from litigants for the renewal of their bail bonds was unsupported by evidence. The official TSN of the proceedings in Criminal Case No. 03-501-502 undeniably showed that it was Abellanosa who, in two instances, solicited P9,000.00 and P6,000.00, respectively, from accused Peña.

The Investigating Justice likewise found the allegation that Ramos employed another person to take the civil service examination for her behalf to be unsubstantiated as no evidence was presented to support this allegation. The charge that Ramos used her influence and closeness to Delorino so that her husband would be retained in Branch 137 is also devoid of merit as it turned out that Lyndon Ramos is a casual employee of the City of Makati and not an employee of the Judiciary, hence, the power to appoint and assign him belongs to the Office of the Mayor.

A.M. No. P-08-2472 entitled Judge Jenny Lind Aldecoa-Delorino v. Jessica Abellanosa

As found during the investigation, the evidence on record unequivocally shows that on several instances, Abellanosa demanded and received various sums of money from party-litigants in cases pending before the RTC of Makati, Branch 137.

In Criminal Case No. 02-2101,[16] Sapitula clearly and unequivocally identified Abellanosa as the person who demanded from her the amount of P8,000.00 on the pretense that the money was to be given to Prosecutor De

Hoya, so that he would not object to the accused's Motion for Reconsideration with Motion to Lift Warrant of Arrest and Motion to Allow Accused to Post Cash Bond.

Abellanosa's defenses consisted merely of bare denial and self-serving claim that the only reason why Sapitula testified against her was to gain favor from Delorino, considering that the criminal case of Sapitula's husband was pending before Branch 137. Upon further inquiry, however, Abellanosa admitted that she did not know of any instance when Sapitula or her husband gained any favor from Delorino.[17] It also bears to note that Sapitula categorically stated that no one compelled her to testify against Abellanosa. She said that she testified because she felt betrayed by Abellanosa whom she thought was trying to help her in her desperate situation at that time. The Investigating Justice also took note of the fact that as of December 22, 2008, Delorino voluntarily inhibited in the case of People v. Bernard Sapitula.

In Civil Case No. 06-451,[18] it was also clearly established that Abellanosa solicited P20,000.00 from Atty. Palafox in the guise of facilitating the ex parte issuance of a writ of preliminary attachment in the case. In her direct examination, Delorino narrated in detail the circumstances which led to her discovery that Abellanosa had engaged in an illegal activity to make money out of a case pending before Branch 137. Delorino claimed that when she called her staff to a meeting, she was surprised when Abellanosa admitted that she has indeed received money from Atty. Palafox. Witness Antonina Bernardino also testified that she was present during the staff meeting called by Delorino when Abellanosa tearfully admitted before Delorino and the other staff members that she has indeed received P20,000.00 from Atty. Palafox.

To escape liability, Abellanosa at first interposed the defense that it was Ramos who transacted with Atty. Palafox regarding the attachment bond and who actually received the P20,000.00. She admitted, however, that she was the one who returned the P20,000.00 to Atty. Palafox.[19]

In Criminal Case No. 03-501-502,[20] the official TSN of the proceedings therein clearly showed that accused Peña, upon inquiry made by Delorino, disclosed that Abellanosa got in touch with her and solicited P9,000.00 for the renewal of her bail bond. Peña further claimed that she personally paid the amount of P9,000.00 to Abellanosa upon the latter's assurance that she would take care of the renewal of the bail bond. The following year, she was again approached by Abellanosa regarding her bail bond. She then gave the amount of P6,000.00 to Ramos, who received it in behalf of Abellanosa who was not around at that time.[21]

Contrary to Abellanosa's claim that it was Ramos who actually received the amount of P6,000.00 from Peña, a careful reading of the TSN would show that it was Abellanosa who followed up and got in touch with Peña regarding the bail bond. It was also Abellanosa who solicited the amount of P6,000.00 and the only participation of Ramos was to have received the P6,000.00 in behalf of Abellanosa.

Abellanosa failed to overcome the positive and straightforward testimony of the complaining party-litigants. It is well settled that to find merit in denial, the same must be buttressed by strong evidence of non-culpability. She also failed to deny having solicited and received money from the party-litigants and to explain why the latter would point to her as the person who solicited money from them.

Also, in Special Proceedings No. M-6262, the evidence on record clearly shows that the Order dated May 8, 2006 of the RTC of Makati, Branch 137 issued therein was published in the Taliba newspaper, but it did not go through the mandated procedure for distribution of judicial notices or orders by raffle to qualified newspapers or periodicals under Presidential Decree (P.D.) No. 1079. Similarly, in Special Proceedings No. M-6233, the Order dated March 16, 2006 of the RTC of Makati, Branch 137 issued therein was published in the Taliba newspaper, but it never went through the proper distribution of publication by raffle.

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In these cases, Abellanosa readily admitted that she facilitated the publication of the Orders of the court and that she received money from petitioners therein which she then gave to the publisher of her own choosing. She claimed that petitioners sought her help with the publication and she merely assisted them. She claimed to be unaware of the requirement of P.D. 1079 that publications of judicial notices and orders in newspaper should be done by raffle.

We are unconvinced. As pointed out by the Investigating Justice, Abellanosa has been working in the lower court for fifteen years, thus, it is inconceivable that she was not aware of the raffle requirement in the publication of orders and notices. Also, the subject Order dated May 8, 2006 of the RTC, Branch 137, which Abellanosa herself typed and prepared, specifically stated that the same was required to be published once a week for three (3) consecutive weeks in a newspaper of nationwide circulation chosen by raffle.[22] The evidence on record, likewise, showed that she had typed and prepared similar orders in other special proceedings cases containing such requirement of publication by raffle. Accordingly, Abellanosa's acts of soliciting money from litigants to facilitate the publication of their petitions or orders of the court clearly manifested her desire to achieve personal gain and she had the gall to do these acts even if these were in violation of P.D. 1079.

Time and time again, we have stressed that the behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy responsibility. Their conduct must be guided by strict propriety and decorum at all times in order to merit and maintain the public's respect for and trust in the judiciary. Needless to say, all court personnel must conduct themselves in a manner exemplifying integrity, honesty and uprightness.[23]

Abellanosa's act of soliciting money from party-litigants constitutes gross misconduct which is deplorable and hardly meets the foregoing standard; it is a grave offense that carries an equally grave penalty.

Under Section 22 (c) of Rule XIV of the Omnibus Rules Implementing Book V of Executive Order No. 292 and Other Pertinent Civil Service Laws, gross misconduct is classified as a grave offense. The penalty for this offense is dismissal even for the first offense.

We will reiterate anew that this Court has not hesitated to impose the ultimate penalty on those who have fallen short of their accountabilities. No less than the Constitution enshrines the principle that a public office is a public trust.[24] The Court will not tolerate or condone any conduct, act or omission that falls short of the exacting norms of public office, especially on the part of those expected to preserve the image of the judiciary.

WHEREFORE, respondent JESSICA B. ABELLANOSA, Court Stenographer III, Regional Trial Court, Makati City, Branch 137, is hereby found GUILTY of GROSS MISCONDUCT. She is ordered DISMISSED from the service with forfeiture of all retirement benefits and with prejudice to re-employment in the government, including government-owned or controlled corporations. The Employees Leave Division, Office of Administrative Services, OCA, is DIRECTED to compute the balance of respondent Abellanosa's earned leave credits and forward the same to the Finance Division, Fiscal Management Office, OCA, which shall compute its monetary value.

The administrative complaints against JUDGE JENNY LIND R. ALDECOA-DELORINO and ROWENA L. RAMOS are DISMISSED for insufficiency of evidence.

SO ORDERED.

Corona, C.J., Carpio, Velasco, Jr., Nachura, Leonardo-De Castro, Brion, Peralta, Bersamin, Del Castillo, Villarama, Jr., Perez, Mendoza, and Sereno, JJ., concur.
Carpio Morales and Abad, JJ., on leave.

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[1] Rollo, Vol. 1, pp. 8-15.

[2] Now Assistant Court Administrator of this Court.

[3] Rollo, Vol. 1, pp. 21-22.

[4] Id. at 62-73.

[5] Id. at 91-92.

[6] Rollo, Vol. 2, pp. 52-73.

[7] Rollo, Vol. 3, pp. 26-29.

[8] Rollo, Vol. 1, p. 60.

[9] Rollo, Vol. 3, pp. 110 and 39.

[10] Bondoc v. Bulosan, A.M. No. P-05-2058, June 25, 2007, 525 SCRA 459.

[11] Associate Justice of the Court of Appeals.

[12] TSN, February 23, 2009 (1 pm), p. 33.

[13] Id. at 47-48.

[14] Exhibit "18" for Judge Delorino, Case II, folder of exhibits, p. 175.

[15] Exhibit "19" for Judge Delorino, Case II, id. at 176.

[16] Entitled People v. Bernard Sapitula.

[17] TSN, February 17, 2009, p. 52.

[18] Entitled Pix Graphic Systems, Inc. v. Josephine S. Velasco.

[19] TSN, February 17, 2009, pp. 70-71.

[20] Entitled People v. Winifredo F. Onio and Beatrice Peña.

[21] Exhibit "D" for Judge Delorino, Case I, folder of exhibits, pp. 18-25.

[22] Exhibits "I-2," "I-3," "I-4" for Judge Delorino; Case I, id. at 89.

[23] In Re: Improper Solicitation of Court Employees- Rolando H. Hernandez, Executive Assistant I, Legal Office, Office of the Court Administrator, A.M. No. 2008-12-SC (Formerly A.M. No. 08-7-4-SC), April 24, 2009.

[24] Constitution, Art. XI, Sec. 1.

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