

RE: LETTER OF JUDGE LORENZA BORDIOS PACULDO, Municipal Trial Court, Branch 1, San Pedro, Present: Laguna, ON THE ADMINISTRATIVE LAPSES COMMITTED BY NELIA P. ROSALES, Utility Wor...

A.M. No. P-07-2346. February 18, 2008

Ponente: CORONA, J.

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CORONA, J.:

On February 27, 2004, Acting Presiding Judge Dinah Evangeline B. Bandong of the Municipal Trial Court (MTC), Branch 1, San Pedro, Laguna issued a warrant of arrest in Criminal Case Nos. 37861 and 37863[1] against the accused Hilda Rivas.[2] For reason(s) not stated in the letter of Judge Lorenza Paculdo, these cases were assigned to the archives by the MTC on August 30, 2004.[3]

On March 17, 2006 when Elmer Rivas, Hilda's husband, went to the MTC to post bail for Hilda, he was purportedly approached by respondent Nelia P. Rosales, a utility worker in the same court. Rosales assured Elmer that she could facilitate the posting of the bond. Banking on Rosales' assurance, Elmer handed to her P8,000 in cash for Hilda's bail. She accepted the money but did not issue a receipt.

On March 22, 2006, Hilda filed a "Motion to Revive and Post Bail." Her motion was set for hearing on April 17, 2006. At the hearing, Elmer testified on the following matters: his wife filed a motion to revive and post bail with the assistance of Nelia Rosales; he gave the amount of P8,000 to Rosales for the posting of bail; he was not given a receipt despite Rosales' promise to do so; and the money was not used for the bail. Elmer likewise identified Rosales in the same hearing.[4]

In a letter dated May 4, 2006,[5] Judge Lorenza Bordios Paculdo,[6] who presided over the April 17, 2006 hearing, referred Rosales' alleged administrative infraction to the Office of the Court Administrator (OCA). Rosales was required to comment on the complaint.

In her undated comment, Rosales averred that it was Elmer who sought her help.[7] She acknowledged receipt of the amount of P8,000[8] and admitted preparing the motion to revive and post bail "[s]ince the case [had] been archived [and] there [was] a need for a motion to revive and post bail."[9] The motion was signed by Hilda and filed with the court.

She added that there was no need for Hilda to post bail as the warrant for her arrest had already been lifted. She further stated that "[her] helping the accused in the process of posting bail without any consideration [was] [to her] an obligation by any personnel of the court to help litigants who do not know [what] to do under the circumstances."[10]

The records do not show whether or not Rosales returned the money to the Rivas couple. It was, however, indubitable that the money was never used for Hilda's bail. In Rosales' words, she thought "there [would] be no harm and I [had] no intention to his money (sic)."[11]

In its report,[12] the OCA considered Rosales' acts (drafting a motion to revive and post bail and receiving

money from a party-litigant to be posted as bail) as usurpation of the functions of a lawyer and a clerk of court. These were highly improper and constituted grave misconduct.

According to the OCA, the imposable penalty for grave misconduct, even for first offenders, is dismissal from the service.[13] Rosales' liability, however, was mitigated by her length of stay in the service (20 years), as well as the fact that she had never been previously charged with any administrative offense. Thus, the OCA recommended that Rosales be suspended from the service for seven months without benefits including leave credits, with a stern warning that the commission of the same or similar acts shall warrant a more severe penalty.[14]

We affirm the findings of the OCA, albeit with modifications as to the penalty recommended.

Rosales was a utility worker (messenger/janitor). As such, her functions were limited to the following:

- 2.2.7.1. acts as courier of the Court;
- 2.2.7.2. maintains and keeps custody of a record book on matters dispatched by him;
- 2.2.7.3. monitors messages received and/or delivers mail matter to court employees;
- 2.2.7.4. serves original of record, pleadings/ documents as directed by the Branch Clerk of Court, Docket Clerk and Clerk-in-Charge in the strict order of dates in which received and in the correct expediente, seeing to it that they are sewn in straight, and that no letterings or parts thereof are stitched;
- 2.2.7.5. maintains cleanliness in and around the court premises, and
- 2.2.7.6. performs such other functions as may be assigned by the Presiding Judge and/or Branch Clerk of Court.[15]

A utility worker is neither authorized to draft a pleading or motion nor to receive money for bail. When he does either, it is not mere overzealousness but an *ultra vires* act, a usurpation of function that does not pertain to his position.

Rosales' reason (that she merely wanted to help without any consideration) is unacceptable. Her contention that it was her obligation as an employee of the court to help litigants who did not know what to do is bereft of merit. While the law does not prohibit charity and benevolence among court personnel, the same are circumscribed if only to preserve the image of the judiciary as an entity beyond suspicion. Indeed, the established norm of conduct for court employees is to maintain a hands-off attitude as far as dealings with party-litigants are concerned. Such an attitude is indispensable to maintain the integrity of the courts and to free court personnel from any suspicion of misconduct,[16] an unacceptable behavior that transgresses the established rules of conduct for public officers.[17]

As the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty and integrity.[18] Their conduct, at all times, must not only be characterized by propriety and decorum but, above all else, must be above suspicion. Every employee of the judiciary should be an example of integrity, uprightness and honesty.[19]

It is despicable that Rosales misrepresented herself to the Rivas couple as one who could influence or, worse, manipulate court processes favorably. Her act of not returning the money which she unlawfully received, however, was an even greater cause for disciplinary action. She acknowledged receipt of the amount yet cleverly omitted to state in her comment whether or not she returned it. She never disputed the statements of Elmer that the money he gave her was never used as cash bail, a fact bolstered by the OCA's finding that she failed to turn over

the money intended as bail to an authorized court personnel.

We held in *Mendoza v. Tiongson*:^[20]

[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.

The necessity of acting with propriety and decorum is stressed in Canon 1 of the Code of Conduct for Court Personnel.

Section 1. Court Personnel shall not use their official position to secure unwarranted benefits, privileges, or exemption for themselves or for others.

Misconduct has been defined as any unlawful conduct on the part of the person concerned with the administration of justice, prejudicial to the rights of the parties or to the right determination of the cause. It generally means wrongful, improper or unlawful conduct motivated by a premeditated, obstinate or intentional purpose. The term, however, does not necessarily imply corruption or criminal intent.^[21]

As distinguished from simple misconduct, however, the elements of corruption, clear intent to violate the law or flagrant disregard of established rule, must be manifest in a charge of grave misconduct. Corruption, as an element of grave misconduct, consists in the act of an official or fiduciary person who unlawfully and wrongfully uses his station or character to procure some benefit for himself or for another person, contrary to duty and the rights of others.^[22]

Rosales undoubtedly arrogated unto herself responsibilities that were clearly beyond her given duties as an employee of the judiciary. Plainly stated, she committed grave misconduct, the penalty for which is dismissal from the service. Her liability, however, is mitigated by the length of her stay in the service.^[23]

Once again, this Court takes occasion to restate that the image of the courts of justice is necessarily mirrored in the conduct even of minor employees. It is on this account that it always reminds court personnel that they have no business in getting personally involved in matters directly emanating from court proceedings, unless the law expressly provides or they are ordered to do so, in order to maintain and preserve the good name and standing of the judiciary as a true temple of justice.^[24]

WHEREFORE, respondent Nelia P. Rosales is hereby found GUILTY of grave misconduct. She is hereby SUSPENDED from the service for one year without benefits including leave credits, with a STERN WARNING that the commission of the same or similar acts shall warrant dismissal from the service.

Rosales is further ordered to PAY the amount of EIGHT THOUSAND PESOS (P8,000) to Elmer Rivas within 10 days from her receipt of this resolution.

Let a copy of this resolution be attached to the personal records of respondent in the Office of Administrative Services, Office of the Court Administrator.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Azcuna, and Leonardo-De Castro, JJ., concur.

[1] These cases involve four counts of violation of BP 22 (Bouncing Checks Law).

[2] The recommended bail was P2,000 for each count.

[3] Letter-complaint addressed to Hon. Christopher Lock, Court Administrator of the Supreme Court, copy furnished Hon. Jose Perez, Deputy, Office of the Court Administrator, Supreme Court, and Hon. Francisco Dizon-Paño, Executive Judge, Regional Trial Court, Branch 93, San Pedro, Laguna, par. 2.

[4] TSN, April 17, 2006, p. 6. The records also showed that the warrant of arrest against Hilda was lifted during this hearing.

[5] Letter-complaint addressed to Hon. Christopher Lock, Court Administrator of the Supreme Court, copy furnished Hon. Jose Perez, Deputy, Office of the Court Administrator, Supreme Court, and Hon. Francisco Dizon-Paño, Executive Judge, Regional Trial Court, Branch 93, San Pedro, Laguna.

[6] Presiding Judge, Municipal Trial Court, Branch 1, San Pedro, Laguna.

[7] Undated Comment of Nelia Rosales, par. 2.

[8] *Id.*, par. 3.

[9] *Id.*

[10] *Id.*, last paragraph.

[11] *Supra* note 7, par. 5.

[12] Dated May 21, 2007. Evaluation, Administrative Matter for Agenda, Subject Matter: A.M. 06-5-176-MTC Re: Letter of Judge Lorenza B. Paculdo, MTC Branch 1, San Pedro, Laguna on the administrative lapses allegedly committed by Nelia, P. Rosales, Utility Worker, same court, Administrative Supervision of Courts, Supreme Court, p. 4.

[13] Section 52 (A), Revised Uniform Rules on Administrative Cases in the Civil Service, Memorandum Circular No. 19, Series of 1999.

[14] Evaluation, *supra* note 12, p. 5.

[15] 2002 REVISED MANUAL FOR CLERKS OF COURT (Vol. 1), Supreme Court Printing Service, pp. 206-207. Par. 2, Evaluation, Administrative Matter for Agenda, Subject Matter: A.M. 06-5-176-MTC Re: Letter of Judge Lorenza B. Paculdo, MTC Branch 1, San Pedro, Laguna on the administrative lapses allegedly committed by Nelia, P. Rosales, Utility Worker, same court, Administrative Supervision of Courts, Supreme Court, p. 3.

[16] Alleged Removal of the Bailbond Posted in Criminal Case No. C-67629 Committed by William S. Flores, Utility Aide II, Regional Trial Court, Branch 123, Caloocan City, A.M. No. P-05-1994, 12 October 2005, 472 SCRA 593.

[17] *Id.* Castelo v. Florendo, 459 Phil. 597 (2003); Office of the Court Administrator v. Nitafan, 452 Phil. 6 (2003); Amosco v. Magro, A.M. No. 439-MTJ, 30 September 1976, 73 SCRA 109.

[18] Rodriguez v. Eugenio, A.M. No. P-06-2216, April, 20, 2007; Hernandez v. Borja, 312 Phil. 199, 204 (1995).

[19] Rodriguez v. Eugenio, *supra* note 18; Basco v. Gregorio, 315 Phil. 681, 688 (1995).

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

[21] Rodriguez v. Eugenio, supra note 18; Salazar v. Limeta, A.M. No. P-04 1908, 16 August 2005, 467 SCRA 27, 34.

[22] Filoteo v. Calago, A.M. No. P-04-1815, October 18, 2007; Vertudes v. Buenaflor, G.R. No. 153166, 16 December 2005, 478 SCRA 210, 233-234; Civil Service Commission v. Belagan, G.R. No. 132164, 19 October 2004, 440 SCRA 578, 599.

[23] Rosales started serving in the judiciary on 22 February 1983, and is serving up to the present. Section 53 of the Uniform Rules on Administrative Cases in the Civil Service (M.C. No. 19, series of 1999) provides that length of service can be appreciated as an extenuating, mitigating, aggravating or alternative circumstance.

[24] Alleged Removal of the Bailbond Posted in Criminal Case No. C-67629 Committed by William S. Flores, Utility Aide II, Regional Trial Court, Branch 123, Caloocan City, supra note 16; Pizarro v. Villegas, 398 Phil. 844 (2000); Marquez v. Clores-Ramos, 391 Phil. 11 (2000); Lim-Arce v. Arce, A.M. No. P-89-312, 9 January 1992, 205 SCRA 21.

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