# JERLYN S. LANUZA, COMPLAINANT, VS. JANET M. CEPE, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 38, ALABEL, SARANGANI, RESPONDENT.

*A.M. NO. P-06-2174 (OCA-IPI NO. 03-178-P). July 25, 2006*

Ponente: YNARES-SANTIAGO, J.

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**YNARES-SANTIAGO, J.:**

In a sworn letter-complaint dated September 22, 2003,[1] complainant Jerlyn S. Lanuza charges respondent Janet M. Cepe, Court Stenographer III, Regional Trial Court of Alabel, Sarangani, Branch 38 with misconduct, partiality, and violation of professional responsibility.

Complainant alleges that she assisted her 15-year old niece, Honeylyn S. Jayme, in filing rape charges against the latter's father, Roberto Jayme. While said criminal case was being investigated by the National Bureau of Investigation (NBI), complainant claims that Honeylyn and her other sibling were staying with her and her mother, Josefina A. Samijon. This led to threats of filing kidnapping charges from Roberto Jayme and respondent.

On September 6, 2002, Roberto, together with respondent and their other companions, went to the house of her mother and demanded for the custody of his children. The group went back the next day and had a confrontation with complainant and her brother, Edilberto "Toto" Samijon, Jr., before Barangay Captain Umbra Pantolima.[2] Complainant claims that heated discussions ensued which were interrupted by respondent from time to time and was thus reminded that the meeting concerns family matters.

Thereafter, respondent filed cases for Slander[3] and Grave Threats[4] against the complainant and her brother. Complainant alleges that said cases were filed to influence Honeylyn to withdraw the rape charges against her father. Complainant thus accuses respondent of meddling in family matters and frustrating the administration of justice by showing partiality to a party in a case filed before a trial court.

In her Comment,[5] respondent denies the accusations against her and avers that the present case is merely a ploy to get even with her due to the criminal charges she filed against complainant and her brother. Respondent explains that she merely accompanied her friends, spouses Roberto and Jocelyn Jayme, in taking custody of their children when complainant suddenly and without provocation shouted for her to leave. Complainant continued hurling insults and even stated that she is not afraid of any case she may file against her. Meanwhile, respondent saw the brother of complainant draw a gun and threatened her with it. Respondent avers that these insults and threats thoroughly disgraced her in front of spouses Roberto and Jocelyn Jayme, their friend Jefe Erika Panal, and the barangay captain and a barangay kagawad of Labangal.

Finding the charges to be of serious nature, then Court Administrator Presbitero J. Velasco, Jr.[6] recommended that the complaint be referred to Executive Judge Jaime I. Infante for investigation, report and recommendation.[7] After the parties' submission of their respective Memoranda,[8] Judge Infante issued a Resolution[9] recommending the dismissal of the case for lack of merit.

The Office of the Court Administrator (OCA) adopted the findings and recommendation of the investigating judge, thus:

> Foregoing premises considered, it is respectfully recommended that the instant case be DISMISSED for lack of merit.
>
> However, respondent, as a court personnel should be ADVISED to be extra careful in her future dealings and conduct in order to avoid being misinterpreted and/or misperceived to be using her official position to secure unwarranted benefits or privileges for herself or for others.[10]

We agree with the findings and recommendation of the OCA.

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from the service, the misconduct must be serious, important, weighty, momentous and not trifling. It must also have direct relation to, and be connected with, the performance of official duties amounting either to maladministration or willful, intentional neglect or failure to discharge the duties of the office.[11]

In the present case, the fact that respondent accompanied her friends in attending to their personal matters has no direct relation to nor connection with the performance of her official duties as Court Stenographer. There was no showing that the acts complained of were corrupt or motivated by an intention to violate the law. No proof was presented to substantiate the allegation that respondent had made undue influence or used her position to interfere with the dispute between the side of complainant and Roberto Jayme. In fact, the child custody and the rape case were not filed before the court where respondent is working.

Likewise, the charges of partiality and violation of professional responsibility against respondent, being based on the same factual allegations, must fail for not having been established with clear, solid, and convincing proof.

In administrative proceedings, the complainant has the burden of proving the allegations in the complaint with substantial evidence, i.e., that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion.[12] Complainant failed to discharge said burden and records do not show that respondent committed acts meritorious of administrative sanctions.

WHEREFORE, the instant administrative complaint against respondent Janet M. Cepe, Court Stenographer III of Regional Trial Court of Alabel, Sarangani, Branch 38 is DISMISSED for lack of merit. Respondent, however, is ADVISED to be extra-careful in her conduct in order to avoid being misinterpreted and/or misperceived to be using her official position to secure unwarranted benefits or privileges for herself or for others.

**SO ORDERED.**

Panganiban, C.J., (Chairperson), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

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[1] Rollo, pp. 2-3.

[2] Barangay Captain of Labangal, General Santos City.

[3] Cepe v. Lanuza and Samijon, I.S. No. 02-232, Office of the Provincial Prosecutor, Alabel, Sarangani Province.

[4] Cepe v. Lanuza and Samijon, I.S. No. 02-233, Office of the Provincial Prosecutor, Alabel, Sarangani Province.


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[5] Rollo, pp. 31-36.

[6] Now an Associate Justice of this Court.

[7] Rollo, pp. 55-56.

[8] Id. at 82-88 and 102-107.

[9] Id. at 61-64.

[10] Id. at 131.

[11] Almario v. Resus, 376 Phil. 857, 865-866 (1999).

[12] Dulay v. Lelina, Jr., A.M. No. RTJ-99-1516, July 14, 2005, 463 SCRA 269, 274.


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