

MELISSA E. MAÑO, COMPLAINANT, VS. CAESAR A. CASANOVA, RESPONDENT.

A.M. No. RTJ-03-1770 (OCA IPI No. 01-1160-RTJ). April 24, 2003

Ponente: BELLOSILLO, J.

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BELLOSILLO, J.:

MELISSA E. MAÑO, in an Affidavit filed on 7 February 2001, charged respondent Caesar A. Casanova, Presiding Judge, RTC-Br. 80, Malolos, Bulacan, with grave abuse of authority for forcing her to resign, and for gross misconduct in office for writing a decision in behalf of another judge acquitting an accused for a consideration.

Complainant Melissa E. Maño was a court stenographer of respondent judge from May 1995 up to the time she was allegedly forced to resign from office in July 1999.

In her Affidavit[1] complainant alleged that her misery began when respondent Judge suspected her of leaking vital informations regarding an irregularity in the issuance of an injunction order without paying the requisite injunction bond in *UBVAS v. Veronica Gonzales*, docketed as Civil Case No. 61-M-98. From then on, according to her, she became the object of respondent's ire and often singled out for harassment.

Complainant further alleged that sometime in 1996 respondent called her and another stenographer to his chambers to show them a draft decision he supposedly wrote for Judge Candido R. Belmonte of Br. 22 of the same court. Sometime thereafter, the accused Santiago Calderon who was acquitted in that decision went to their office and gave respondent Judge a cassette recorder, and that, in fact, respondent even ordered her to place it under her table for safekeeping. However, the cassette recorder was destroyed towards the end of 1996 when the office was gutted by fire.

It must be recalled that in March 1999 complainant took the cassette recorder of her co-employee Corazon "Twinkle" Pineda without the latter's permission. When confronted by Pineda about the missing cassette recorder, complainant admitted having brought it home but forgot to bring it back because she was in a hurry. Although she promised to return it the following morning she failed to do so. Later, complainant wrote two (2) letters of apology to Pineda admitting that she lied about the cassette recorder and that she would just pay for its loss. As she promised, complainant gave Pineda P1,200.00 as payment for the cassette recorder.

Complainant also narrated that in April 1999 she filed an application for emergency maternity leave due to "spotting." While complainant was on maternity leave respondent Judge sent over one of his staff to force her to sign a prepared resignation letter using the loss of the cassette recorder to coerce her into resigning or be charged with qualified theft. She refused to sign the document.

Upon her return to work in June 1999 she was immediately called by respondent to his chambers to once again ask her to resign. Failing in that regard, respondent forced her to go to the house of her father-in-law hoping that the latter could exert enough moral pressure to persuade her to resign.

In July 1999 complainant finally tendered her resignation upon learning that respondent had instructed his office staff to give her the cold shoulder treatment and not to give her any assignment.

In response to the Affidavit-Complaint, respondent Judge presented, among others, the following pieces of documentary evidence:[2] (a) Letter of Resignation of Melissa E. Maño dated 1 July 1999;[3] (b) Two (2) letters of apology by Melissa Maño dated 13 April 1999 and 15 April 1999 addressed to Corazon Pineda (Twinkle), a fellow stenographer, regarding her cassette recorder which complainant had taken without the knowledge and consent of Ms. Pineda, and which was never returned to her;[4] (c) Memorandum Letter dated 27 July 1998 of respondent Judge to Melissa Maño regarding “Loafing or Unauthorized Absences from Duty During Regular Office Hours” although her Bundy clock card showed otherwise, and she was reportedly seen by her neighbors playing mahjong;[5] (d) Explanation Letter of Melissa Maño dated 28 July 1998 admitting her fault regarding the matter mentioned in the Memorandum Letter of respondent Judge;[6] and, (e) Resolution of the Third Division of the Supreme Court dated 18 October 1999 dismissing the Complaint of Elizabeth Calderon against respondent Judge for lack of merit and further admonishing her for filing a frivolous complaint, raising therein the issue relative to *UBVAS v. Gonzales*, and which is now the same issue being raised by complainant.[7]

On 25 July 2002, the Office of the Court Administrator, through Deputy Court Administrator Jose P. Perez, recommended that the matter be referred to an Associate Justice of the Court of Appeals for investigation, report, and recommendation.[8]

This Court in a resolution dated 26 August 2002 referred the instant administrative case to Court of Appeals Associate Justice Eliezer R. delos Santos for investigation, report and recommendation.[9]

After appropriate proceedings, Investigating Justice delos Santos recommended that the administrative charges against respondent Judge be dismissed. He ratiocinated - [10]

As to the charge of grave abuse of authority for forcing the complainant to resign, we find nothing to prove the allegation. The alleged resignation letter sent for complainant’s signature by the respondent was not presented. The allegation that she was forced to resign is contrary to her thanking the respondent Judge “for being like a second father to us” x x x x With regard to the charge of serious misconduct for allegedly writing decision for another judge, we find it unthinkable for a judge to call her staff and tell that he drafted a decision for another. No judicial officer will call and announce to anybody that he is doing something, which he knows is contrary to judicial ethics. The charge had been negated not only by the judge alluded to but also by the fact that the alleged written draft was not presented. Complainant Maño did not name the other stenographer who was allegedly called with her when the respondent Judge allegedly showed them a two-page handwritten draft of a decision for Judge Belmonte.

The Court agrees. We have painstakingly reviewed the records of this case and find the present administrative case devoid of factual and legal basis; it is frivolous, calculated merely to harass, annoy, and cast a groundless aspersion on respondent’s integrity and reputation.

It is not difficult to lend credence to the disclaimer of respondent Judge of any gross misconduct or abuse of authority. In any controversy, contending parties often espouse conflicting versions depending on the bias of each party narrating the incident. In unraveling the events leading to the dispute, a thick foliage of half-truths, misleading statements, or outright falsities often enwrap the truth which rests in between the two (2) extremes. For this, a judicial officer should not accept any allegation with precipitate credulity but must always cast a wary eye on any accusation, always willing to reserve his judgment until the truth is ferreted out with moral certainty. In this case, the probability leans heavily in favor of respondent’s assertions.

Concerning the charge of grave misconduct, no shred of proof other than complainant’s barren allegation was

adduced by her to show that respondent had indeed penned a decision in a case assigned to another judge. His supposed indiscreet remark admitting the illegal act made in the chambers with complainant and another stenographer in attendance was very unlikely considering that the same was denied by Judge Belmonte himself; more so, because there was no attempt on the part of the complainant to substantiate her claim, perhaps with the testimony of the other stenographer present during the incident. Furthermore, it was shown during the investigation that complainant did not have the ear much less the confidence of the respondent, so that it would be the height of recklessness, not to say foolhardiness, if he would admit an act which could spell his dismissal from the service and the ruin of his professional career in the presence of persons who did not have his trust. To do so would be putting a noose around one's own neck and tighten it with his own hands.

Neither are we swayed by complainant's assertion that respondent had accepted a cassette recorder from an accused in the absence of any corroborative testimony, perhaps from the accused himself or any other corroborating witness. Her accusatory statements are simply too short of details, such as the time, date, manner it was done, to escape our untainted belief that the same was but a product of complainant's luxuriant, if not vengeful, imagination.

As regards the charge of grave abuse of authority, we likewise refuse to be hectored by complainant's vigorous assertion that respondent Judge unjustly pressured her to resign. Her claim that she was being persecuted by respondent who suspected her of leaking certain irregularities in connection with the UBVAS case is more speculative rather than the product of concrete proof. What is certain is that on 1 July 1999 she filed a resignation letter the contents of which she admittedly fully understood.

Further, the evidence on record would tend to show that complainant was a far-from-ideal court employee. First, it was proved, which she admitted, that she took and brought home the cassette recorder of a co-employee without the latter's permission. Second, she was the object of a memorandum from respondent Judge for loafing or unauthorized absences from duty, and was seen by neighbors in a number of occasions playing mahjong during regular office hours. If ever there was some "pressure" on the part of respondent, assuming there was any, and if her co-employees were not exactly happy with her presence, it could only be because of her own shortcomings more than anything else.

What is perhaps most telling is the fact that complainant filed her Affidavit almost two (2) years after her alleged forced resignation. A genuinely aggrieved party who is a victim of injustice would not brood in misery and agonize in self-pity for so long, especially where the source of livelihood of the family is being compromised; instead, he would summon the courage to seek justice and right a wrong with dispatch. Much as we commiserate with complainant for what she claims the sufferings her family had undergone because of her unemployment, we cannot likewise impute guilt upon respondent Judge who in all likelihood is but a victim of vitriol and hate, and a vengeful spirit.

WHEREFORE, for lack of merit, the administrative complaint against respondent Judge Caesar A. Casanova, RTC-Br. 80, Malolos, Bulacan, for grave abuse of authority and gross misconduct in office is DISMISSED.

SO ORDERED.

Austria-Martinez, and Callejo, Sr., JJ., concur.

Quisumbing, J., on official leave.

[1] Rollo, p. 9, Exh. "B."

[2] Rollo, p. 18.

[3] Id. at 20.

[4] Id. at 21-22.

[5] Id. at 23.

[6] Id. at 24.

[7] Id. at 25.

[8] Id. at 41.

[9] Id. at 42.

[10] Recommendation and Report by Court of Appeals Associate Justice Eliezer delos Santos.

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