

ANGELINE GASULAS, COMPLAINANT, VS. ANECITA MARALIT, RESPONDENT.

Adm. Matter No. P-90-416. August 25, 1994

Ponente: QUIASON, J.

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QUIASON, J.:

In a letter-complaint dated February 26, 1990, complainant Angeline Gasulas charged respondent Anecita Maralit, a stenographic reporter of the Municipal Circuit Trial Court, Branch 1, Surigao City with violation of Supreme Court Administrative Circular No. 5 dated October 4, 1988, prohibiting officials and employees of the judiciary from engaging in any private business, vocation or profession without the prior approval of the court.

Judge Andres Enriquez of Branch 29 of the Regional Trial Court, Surigao City was designated by this Court to investigate and report on the matter. In his Report and Recommendation dated January 4, 1994, he found respondent guilty as charged and recommended that she be suspended from office for three months without pay.

I

Complainant charged that respondent and her husband Jose Maralit had conducted a pyramiding business operation. She testified that sometime in September 1989, she was recruited by respondent to be one of her solicitors. At that time, respondent was employed at the Municipal Circuit Trial Court, Branch 1, Surigao City, while complainant was working at the City Fiscal's Office.

In her comment dated July 14, 1992, respondent denied the charges against her. She averred that, as a wife, she merely helped her husband in the operation of his rice-dealership business and sari-sari store during her free time. She claimed that this administrative complaint was filed in retaliation to the estafa cases she filed against complainant and her witness, Adelina Javier.

From the evidence presented during the investigation, it is clear that, indeed, respondent was involved in the pyramiding business and was engaged in transactions related thereto.

The evidence show that complainant turned over her solicitations to respondent in her office at the trial court. She presented documents showing that respondent received the solicited investments as evidenced by the latter's signature appearing thereon. Javier corroborated the statements of the complainant and testified that she was also recruited as a solicitor for respondent's pyramiding business. The allegations in the complaint were substantiated with documentary evidence containing the names of the investors, the amounts invested and the due dates, with the signatures of respondent appearing thereon. The testimony of Javier confirmed that respondent engaged in business and received the moneys solicited by her. Respondent even directed her to open a current account with a bank, wherein all remittances would be made by depositing checks in favor of respondent and her husband. On cross-examination, respondent admitted having received the said amounts and having affixed her signatures on the aforementioned documents.

The Investigating Judge observed that considering "the enormous amount of money received by respondent and her husband, it would be highly unbelievable for her to be involved or engaged in the operation of so big and complicated a business, only during her free time and not during office hours."

Administrative Circular No. 5 provides:

“TO : ALL OFFICIALS AND EMPLOYEES OF THE JUDICIARY

SUBJECT : PROHIBITION TO WORK AS INSURANCE AGENT

In line with Section 12, Rule XVIII of the Revised Civil Service Rules, the Executive Department issued Memorandum Circular No. 17 dated September 4, 1986 authorizing heads of government offices to grant their employees permission to "engage directly in any private business, vocation or profession xxx outside office hours.

However, in its En Banc resolution dated October 1, 1987, denying the request of Atty. Froilan L. Valdez of the Office of Associate Justice Ameurfina Melencio-Herrera, to be commissioned as a Notary Public, the Court expressed the view that the provisions of Memorandum Circular No. 17 of the Executive Department are not applicable to officials or employees of the courts considering the express prohibition in the Rules of Court and the nature of their work which requires them to serve with the highest degree of efficiency and responsibility, in order to maintain public confidence in the Judiciary. The same policy was adopted in Administrative Matter No. 88-6-002-SC, June 21, 1988, where the court denied the request of Ms. Esther C. Rabanal, Technical Assistant II, Leave Section, Office of the Administrative Services of this Court, to work as an insurance agent after office hours including Saturdays, Sundays and holidays. Indeed, the entire time of Judiciary officials and employees must be devoted to government service to insure efficient and speedy administrative of justice.

ACCORDING, all officials and employees of the Judiciary are hereby enjoined from being commissioned as insurance agents or from engaging in any such related activities, and, to immediately desist therefrom if presently engaged thereat."

Every officer or employee in the Judiciary is duty bound to obey the orders and the processes of the Supreme Court (Pascual v. Duncan, 216 SCRA 786 [1992]).

This court cannot tolerate the wrongdoings of its employees which may jeopardize public faith and confidence in the judiciary.

WHEREFORE, this Court finds respondent GUILTY of violation of Supreme Court Administrative Circular No. 5 dated October 4, 1988. She is SUSPENDED from office for SIX (6) MONTHS WITHOUT PAY. Said suspension cannot be charged against respondent's accumulated leave credits.

SO ORDERED.

Davide, Jr., Bellosillo, and Kapunan, JJ., concur.

Cruz, J., (Chairman), on official leave.

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