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[A.M. No. P-16-3550 (Formerly A.M. IPI No. 14-4252-P), January 31, 2017]

JUDGE GUILLERMO P. AGLORO, COMPLAINANT, V. COURT INTERPRETER LESLIE BURGOS, OFFICER-IN-CHARGE/CLERK III ANNALIZA P. SANTIAGO, COURT STENOGRAPHER MARISSA M. GARCIA, AND CLERK III JULIETA FAJARDO, ALL OF REGIONAL TRIAL COURT, BRANCH 83, MALOLOS CITY, BULACAN, RESPONDENTS.

D E C I S I O N

PER CURIAM:

This is an administrative matter which stemmed from an oral report made by the complainant, Judge Guillermo P. Agloro (*Judge Agloro*), Presiding Judge of Branch 83, Regional Trial Court, Malolos City, Bulacan (*RTC-Malolos*), regarding certain irregularities relative to the petition for reconstitution of four (4) transfer certificates of title docketed as LRC Case No. P-335-2011 (*LRC case*).[1]

The Antecedents

On May 17, 2012, Judge Agloro formalized his oral report to then Executive Judge Renato C. Francisco (*EJ Francisco*) of RTC-Malolos. In his Private and Confidential Memo[2] to EJ Francisco, he reported that, based on his own investigation, the LRC case was raffled off to Branch 77 but for "unknown reason," the record of the case appeared in Branch 83; that the petition was heard and granted by Branch 83 in its Order,[3] dated November 4, 2011; that he came to know that the registration of the entry of judgment for the November 4, 2011 Order was refused by the Office of the Clerk of Court (*OCC*) because the LRC case was raffled off to Branch 77, and not to Branch 83; and that he was in a predicament because there was a pending motion for execution, yet the decision was not yet final and executory.

In response, EJ Francisco issued a memorandum[4] to the OCC personnel and to the OIC/Legal Researcher of Branch 77 to explain how the LRC case was raffled to Branch 77 and yet appeared in Branch 83.

On July 5, 2012, the new Executive Judge, Ma. Theresa V. MendozaArcega (*EJ Arcega*),[5] wrote a letter[6] addressed to Deputy Court Administrator Raul B. Villanueva, referring the matter to the Office of the Court Administrator (*OCA*) after she had conducted her own investigation on the personnel of the OCC and Branch 83 regarding the apparent anomalies surrounding the LRC case. She also forwarded the case folder of the LRC case from Branch 77 and the case folder from Branch 83, together with the affidavits of the court personnel.

In a letter,[7] dated September 28, 2012, the OCA acknowledged the letter of EJ Arcega and directed her to conduct a more exhaustive investigation and to submit a

detailed report.

The Investigation Report of EJ Arcega

In compliance, EJ Arcega submitted her Report,[8] dated February 18, 2013, confirming what Judge Agloro had previously reported to then EJ Francisco that the LRC case was raffled off to Branch 77. EJ Arcega further explained that the case records delivered to, and received by, Branch 77 contained the raffle sheet bearing the signatures of the eight (8) members of the raffle committee, and the summary of legal fees and assessment form from the Office of the Provincial Prosecutor of Bulacan. On the other hand, the case records found with Branch 83 did not include the summary of legal fees and assessment. Furthermore, it bore only three (3) signatures which were already declared by EJ Francisco and the other members of the raffle committee as forgeries. EJ Arcega also summarized the explanation given by every person apparently involved in the irregularities, attending the LRC case, as follows:

Judge Rolando J. Bulan, Presiding Judge, Branch 77, explained that the LRC case was raffled off to Branch 77 on June 6, 2011. He, however, noticed that the Transfer Certificate of Title (*TCT*) numbers of the four (4) certificates sought to be reconstituted were not indicated in the petition and instead, "N/A's" were written in their respective places. Thus, he issued an order, dated July 15, 2011, directing petitioner Felicisima B. Buendia (*Buendia*) to show legal basis stating that a TCT without the corresponding number could be reconstituted. The LRC case was, however, not set for hearing because Buendia failed to comply with the aforementioned directive.[9]

Atty. Miguel Larida (*Atty. Larida*), Buendia's counsel, claimed that sometime in June or July 2011, his office received a copy of an order from Branch 83 setting the LRC case for initial hearing; that Atty. Renato Dilag appeared for their office as counsel for Buendia; that he was confronted by an order issued by Branch 77, also assuming jurisdiction over the LRC case, but he did not entertain the same because the proceedings before Branch 83 were about to be terminated; and that he had neither knowledge nor information as to how the LRC case was assigned to Branch 83.[10]

Liwayway S.J. Pagdangan, Administrative Officer I; **Ronalie B. Reyes,** Clerk III; and **Cinderella T. Canoza**, Clerk III, all of the OCC, denied any participation in the anomaly. They explained that after the raffle of the LRC case to Branch 77, the records thereof were delivered to the said branch by Marita M. Esguerra (*Esguerra*), the duly authorized utility worker assigned in the LRC Section.[11] Esguerra corroborated the aforesaid statements and asserted that the receipt of the subject records was acknowledged by **Cecilia Baesa**, Clerk of Branch 77, as evidenced by her signature in the record book Esguerra was carrying at that time.[12]

Juliana M. Raymundo, OIC of Branch 77, confirmed the receipt of the subject records by their branch. She further clarified that the said records remained in their custody because they officially received the same.[13]

Leslie J. Burgos (*Burgos*), OIC/Interpreter of Branch 83, averred that sometime in May 2012, she was informed by Julieta Fajardo (Fajardo), then Clerk-in-Charge for criminal cases of Branch 83, that she came across a raffle sheet which indicated that the LRC case was actually raffled to Branch 77, and not to their branch. Fajardo,

when summoned, orally confirmed the statement of Burgos that she confronted respondent Annaliza P. Santiago (*Santiago*), Clerk-in-Charge for civil and land registration cases of Branch 83, regarding her discovery, but the latter responded merely by pointing her lips at the direction of **Marissa Garcia** (*Garcia*), Court Stenographer of Branch 83.[14]

To personally confirm the information, Burgos checked the logbook for land registration cases raffled to their branch and discovered that the LRC case was not recorded therein. She further stated that previously, a motion for the issuance of a writ of execution relating to the LRC case was filed in their branch, but the same was denied. Subsequently, however, another motion for execution[15] was filed, but this time, a photocopy of the cancelled entry of judgment was attached thereto. Burgos further claimed that she had nothing to do with the attempt to register the entry of judgment on February 20, 2012 as the same did not bear her signature. The entry of judgment was apparently prepared by Garcia who signed the same for Burgos.[16]

Annaliza P. Santiago, Clerk III, OCC, but detailed at Branch 83, claimed that sometime in June 2011, she came across the records of the LRC case on top of her table; and that, per her usual practice, she stamped received the said record, docketed it in their docket book, and transmitted it to the person in charge of the preparation of the initial hearing.[17]

For her part, Branch 83 Stenographer ***Marissa M. Garcia*** admitted that she prepared the order setting the LRC case for initial hearing, and the final order granting the petition. She reasoned, however, that she only did the same in her capacity as a senior stenographer who merely assisted another stenographer, Marilou de Guzman (*de Guzman*). She also admitted signing the cancelled entry of judgment, but only because then OIC Burgos was absent or her whereabouts at that time were unknown to them. Burgos, however, denied that she was absent on February 20, 2012, as evidenced by her daily time record (*DTR*) for said date. She also alleged in her supplemental affidavit that Branch 83 was using an old logbook as record book for newly raffled cases, which she earlier checked and found that the LRC case was never recorded, but that after the February 20, 2012 incident, the logbook turned up neatly covered and the LRC case had already been entered in the said logbook.[18]

On March 5, 2014, the OCA Legal Office recommended that the July 5, 2012 Letter and the February 18, 2013 Investigation Report of EJ Arcega be considered as a complaint against Burgos, Santiago, Garcia, and Fajardo, all of Branch 83, RTC-Malolos, and that the said respondents be directed to comment on the complaint. [19]

On April 4, 2014, the OCA directed respondents Burgos, Fajardo, Santiago, and Garcia to file their respective comments.[20]

The Respondents' Position

In her Comment,[21] dated May 30, 2014, Burgos reiterated the explanation she gave to EJ Arcega and the statements contained in her previous affidavits.[22] She also claimed that in no more that two decades of service, she had never been involved in any irregularity and she had served the Judiciary and the public faithfully

and honestly; and that her track record would speak for the reason she was appointed the OIC of their branch. She, however, ascribed bad faith and connivance on respondents Santiago and Garcia. Burgos alleged that after reporting the anomaly to Judge Agloro, she conducted her own investigation on the matter. During the course thereof, she learned from one of the administrative officers of the OCC that prior to the raffle of the LRC case to Branch 77, *Garcia* went to the OCC carrying a case record/folder apparently containing copies of the petition and inquired from the OCC whether it would be possible for the same to be raffled to Branch 83.

Burgos further averred that on February 20, 2012, when the OCC refused to receive the entry of judgment, Garcia personally retrieved it and caused its cancellation; and that more than a month later on March 28, 2012 Garcia, without her knowledge, issued and signed a certified true copy of the said entry of judgment, which was thereafter used by Buendia as an attachment to her motion for execution. She also belied Garcia's claim that the latter merely assisted the other stenographer, de Guzman, to prepare the initial order because de Guzman asked for her help. Burgos attached the DTR of de Guzman on June 8, 2011, the date of the initial order, showing de Guzman was on leave and she could not have asked for Garcia's help.

Burgos also dismissed Santiago's explanations as mere flimsy excuses. Contrary to her claim, what she did was not the usual practice in the office. According to Burgos, in receiving case records from the OCC 's Raffle Section, the standard procedure was for the clerk-in-charge or the receiving clerk to sign in the logbook carried by the OCC personnel to evidence the actual receipt of the records. After receipt of the records, the details of the case folders would be entered in the clerk-in-charge's logbook. With the LRC case, however, Santiago never bothered to comply with the usual practice. Moreover, Burgos noted that it was Santiago who brought the entry of judgment to the OCC.

Fajardo, in her Comment,[23] dated May 30, 2014, narrated how she accidentally discovered that the LRC case was raffled to Branch 77, while compiling their copies of the raffle sheets. She also stated that she told OIC Burgos what she found out; that she asked Santiago about the matter; and that she explained to EJ Arcega why she did not file any affidavit during the investigation because she was trying to avoid conflict with Garcia who is not her friend.

In their separate comments,[24] both dated June 25, 2014 Santiago and Garcia merely reiterated their allegations in their previous affidavits without rebutting, or offering any explanation to, the points raised by Burgos and Fajardo.

On November 25, 2014, the Manifestation with Notice of Death[25] of respondent Fajardo was filed by her widower, Reynaldo L. Fajardo, praying for the dismissal of the case against her on account of her death. On June 25, 2015, her widower filed the Omnibus Motion[26] reiterating the prayer for the dismissal of the case against her.

The OCA Recommendation

On July 28, 2016, the OCA made the following recommendation:

a) the administrative complaint be **RE-DOCKETED** as a regular

administrative matter against the respondents;

b) the administrative complaint against respondent Court Interpreter Leslie Burgos, Branch 83, RTC, Malolos City, Bulacan, be **DISMISSED** for insufficiency of evidence;

c) in view of the death of respondent Clerk III Julieta Fajardo, same court, the administrative complaint against her be **DISMISSED**;

d) respondent Clerk III Annaliza Santiago, same court, be found **GUILTY** of Simple Neglect of Duty and be **REPRIMANDED**, with a **STERN WARNING** that a repetition of such or any similar act shall be dealt with more severely by the Court; and

e) respondent Court Stenographer Marissa M. Garcia, same court, be found **GUILTY** of grave misconduct, serious dishonesty and conduct prejudicial to the best interest of service and be meted the penalty of **DISMISSAL** from the service. Accordingly, her retirement and other benefits may be forfeited except accrued leave credits, and be perpetually disqualified from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.[27]

The OCA opined that the evidence gathered against Santiago was insufficient to establish a link between her and Garcia's scheme because her acts were done in accordance with her usual daily routine in the office. Nevertheless, the OCA concluded that Santiago was aware of Garcia's misconduct but, for whatever reason, she chose to seal her lips and conceal the latter's wrongdoing.

As to Garcia, the OCA was convinced that she played an indispensable role in ensuring the success of the nefarious scheme. It observed that before the actual raffle, Garcia inquired with the OCC whether it was possible for the LRC petition to be raffled to Branch 83; that she participated in the subject case, having prepared practically all the orders in the said case; that she railroaded the disposition of the LRC case by issuing an entry of judgment therefor and, thus, usurping the function of Burgos as OIC of Branch 83; and that she personally retrieved the entry of judgment and had it cancelled, when the OCC refused to register the same.

The Court concurs with the findings and recommendation of the OCA subject to certain modifications.

The Court's Ruling

The Court agrees that there is a dearth of evidence to hold Burgos administratively liable. Indeed, no participation, whatsoever, relating to the subject scheme could be attributed to her. On the contrary, Burgos participated, not in the realization, but in the investigation and prosecution of those responsible for the devious scheme. The records would also show that Burgos came to know of the misdeed only after Fajardo had reported the same to her. Thus, the Court concurs with the conclusion of the OCA that Burgos could not be made administratively liable as she could not have prevented the devious scheme by any amount of diligence.