

## FIRST DIVISION

**[ A.M. No. P-16-3418 (Formerly A.M. No. P-12-3-46-RTC), August 08, 2016 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
ANTONIA P. ESPEJO, STENOGRAPHER III, REGIONAL TRIAL  
COURT, BRANCH 20, VIGAN CITY, ILOCOS SUR, RESPONDENT.**

### R E S O L U T I O N

**LEONARDO-DE CASTRO, J.:**

This administrative matter arose from the letter<sup>[1]</sup> dated March 10, 2011 of Judge Francisco A. Ante, Jr. (Judge Ante) of the Municipal Trial Court in Cities (MTCC), Vigan City, Ilocos Sur, informing the Office of the Court Administrator (OCA) that the records of LRC Case No. N-026, *Spouses Jose Bello and Corazon Bello*, were missing and beyond recovery. Judge Ante suggested that Antonia P. Espejo (Espejo), Stenographer III of the Regional Trial Court, Branch 20 (RTC-Branch 20) of Vigan City, Ilocos Sur, be investigated as she was reportedly the one who received the records when it was ordered returned by the Court of Appeals to the court of origin but was mistakenly delivered to the RTC.

The Court, in a Resolution<sup>[2]</sup> dated April 18, 2012, referred Judge Ante's letter to the Executive Judge of the RTC of Vigan City, Ilocos Sur, for investigation, report, and recommendation.

The case was set for hearing on July 2, 2012.

It was revealed during the hearing that spouses Jose Bello and Corazon Bello (spouses Bello) filed with the MTCC an Application for the Original Registration of Land Title, docketed as LRC Case No. N-026. In its Decision dated May 28, 2001, the MTCC granted the spouses Eiello's Application. However, the Office of the Solicitor General (OSG) filed an appeal of the RTC judgment before the Court of Appeals on June 26, 2001, docketed as CA-G.R. CV No. 71667. Consequently, the entire records of the case was transmitted to the Court of Appeals.

On April 19, 2007, the Court of Appeals rendered a Decision, the dispositive portion of which reads:

**WHEREFORE**, premises considered, the assailed Decision dated May 28, 2011 of the Municipal Trial Court of Vigan, Ilocos Sur is **REVERSED** and **SET ASIDE**. The application for registration of title over the subject property covered by Plan AP-01-004931 is **DISMISSED**.<sup>[3]</sup>

The aforementioned decision of the Court of Appeals became final and executory and recorded in the book of entries of judgments on May 19, 2007. The appellate court then ordered that the records of the case be remanded to the court of origin.

Sometime in October 2010, the spouses Bello went to the MTCC to verify if the records of the case have been remanded to it as the court of origin and to retrieve their documentary evidence so they could refile their application for registration of title. It was then that Amelita O. Ranches (Ranches), Clerk of Court IV of the MTCC, discovered that the records of LRC Case No. N-026 was not yet with their office. Ranches personally went to the Court of Appeals and discovered that the records of LRC Case No. N-026 was already remanded and mailed by the Court of Appeals as "parcel 197" on March 17, 2008. According to the registry book of the Postal Office of Vigan City, parcel 197 was mistakenly delivered by the postman to RTC-Branch 20, where it was received by Espejo. Ranches personally contacted Espejo and requested the latter to deliver or produce the records of LRC Case No. N-026 within two weeks, but Espejo did not comply with Ranches' request. Thereafter, Judge Ante himself confronted Espejo about the records of LRC Case No. N-026 but Espejo categorically denied receiving said records despite the evidence shown to her.

Espejo, in her affidavit<sup>[4]</sup> dated July 6, 2012, admitted that on March 24, 2008 at around 12:00 o'clock noon, she received from postwoman Eden Cabusora (Cabusora) five mails: one for Samuel G. Andres and the rest for RTC-Branch 20. After Cabusora left their office, Espejo segregated the mails and noticed that one of them was addressed to the Clerk of Court of MTCC, Vigan, Ilocos Sur. Espejo claimed that she immediately turned over said mail to Ranches but the latter did not give her any proof of receipt. October 12, 2010, Espejo was approached by Ranches and Cabusora who asked Espejo to confirm that it was her signature affixed on the delivery book of the Postal Office of Vigan City, Ilocos Sur, which Espejo did. When Ranches and Cabusora inquired as to the whereabouts of the records of LRC Case No. N-026, Espejo answered that she immediately handed the said records to Ranches, who received the same. Espejo averred that she had no relationship with any of the parties in LRC Case No. N-026 and she had no personal interest to conceal or hide the records in said case. Espejo also argued that she was not the custodian of the said records so she could not be made responsible for the loss thereof. Espejo lastly pointed out that she had never been charged of any criminal, civil, or administrative case.

On August 14, 2014, Executive Judge Cecilia Corazon S. Dulay-Archog (Judge Dulay-Archog) of the RTC of Vigan City, Ilocos Sur, submitted her report, at the end of which she recommended:

The undersigned believes that the matter of mistaken deliveries and eventual loss of mail matters and records can be addressed by training and educating court staff and implementing office systems in each court. No doubt, both courts have learned from this experience and have adopted systems in place in their respective courts.

In this particular instance where no prejudice was shown to have caused any party, the records of the subject case LRC Case No. N-026 if required to be reconstituted may be done at the order of the Municipal Trial Court in Cities.<sup>[5]</sup>

The Court referred Executive Judge Dulay-Archog's report to the OCA on December 8, 2014, for evaluation, report and recommendation.<sup>[6]</sup>