

## EN BANC

[ **A.M. No. P-13-3126 (Formerly A.M. OCA IPI No. 09-3273-P), February 04, 2014** ]

**VERONICA F. GALINDEZ, COMPLAINANT, VS. ZOSIMA SUBBILLA-DE VERA, RESPONDENT.**

### DECISION

#### PER CURIAM:

A court stenographer who defrauded. litigant by soliciting money to supposedly facilitate. legal proceeding in the court is guilty of the most serious administrative offense of grave misconduct. Her dismissal from the service is fully warranted.

#### Antecedents

This administrative case stemmed from the complaint-affidavit dated October 12, 2009 filed by Veronica F. Galindez (Galindez) against Court Stenographer Zosima Susbilla-De Vera (Susbilla-De Vera) of the Regional Trial Court, Branch 72, in Olongapo City.

In her complaint-affidavit,<sup>[1]</sup> Galindez averred that sometime in July 2008, she had approached Susbilla-De Vera, her school batchmate and. court employee, to inquire where any petition for the adoption of her nephew and niece had already been filed, pending, or approved by the Family Court, as she was interested in filing such. petition herself; that after several follow-ups, Susbilla-De Vera had reported to her that she could not locate any adoption petition involving the intended adoptees in the Family Court; that Susbilla-De Vera had then volunteered that she could handle the adoption process for her by coordinating with. lawyer, and that she could help in the fast-tracking of the petition; that Susbilla-De Vera had even boasted that it would take only three months for the entire process, and that there would be no need to follow up or to hire. lawyer to handle the petition; that Susbilla-De Vera had told her that the cost for the adoption process would be P130,000.00, half of which should be paid as down payment; that Susbilla-De Vera had followed up with her on the proposal; that because she could raise only P20,000.00 as down payment, Susbilla-De Vera had told her that the P20,000.00 would be acceptable, and that she would just talk to. certain "Atty. Nini," the handling lawyer; that she had paid the P20,000.00 to Susbilla-De Vera; that after. week, Susbilla-De Vera had called her to ask for the balance of the down payment; that she had willingly given the balance on two separate occasions, the first the amount of P30,000.00 and the second the amount of P15,000.00. week later; that Susbilla-De Vera had handed her. receipt for the full amount of P65,000.00, with the assurance that everything would be handled well, and she had made follow-ups on the progress of the adoption proceedings, and Susbilla-De Vera had informed her that publication had already been done but that there would be other papers that needed to be located; that because of her refusal to divulge the name of the lawyer she had visited

Susbilla-De Vera's office to ask the latter to facilitate. meeting with the engaged counsel; that Susbilla- De Vera had instead brought her to the Family Court (Branch 73) to look into the logbook to find out if the previous adoption had been in fact completely processed; that by the actuations of Susbilla-De Vera had given her cause to doubt, and she had then gone to the Farinas Law Office herself to inquire on the status of the adoption petition; that the legal secretary of the law office had told her that the adoption had already been completed with her brother as the petitioner; that because of that information, she had demanded from Susbilla-De Vera to return the money but Susbilla-De Vera had replied that the money had been delivered to the lawyer; that she had offered to personally see the lawyer about the return of the down payment, but Susbilla-De Vera had insisted to do it herself; that after. few days, Susbilla-De Vera had informed her that the lawyer would be returning the money in two installments; and that she had not received any reimbursement by Susbilla-De Vera as of the filing of the complaint-affdiavit.<sup>[2]</sup>

On October 26, 2009, acting on the administrative complaint, the Office of the Court Administrator (OCA) directed Susbilla-De Vera to submit her comment within ten days from receipt.<sup>[3]</sup>

When the OCA did not receive her comment thereafter, it sent another directive dated January 22, 2010 to Susbilla-De Vera for her to comply with the previous order to submit her comment.<sup>[4]</sup>

Upon the recommendation of Court Administrator Jose Midas P. Marquez, the Court directed Susbilla-De Vera to submit her comment within five days with. warning that the Court would decide the administrative complaint on the basis of the record; and to show cause within ten days why she should not be held administratively liable for not complying with the two directives from the OCA.<sup>[5]</sup>

But Susbilla-De Vera still did not comply with the order for her to submit her comment. Hence, the Court deemed the case submitted for decision based on the records on file; and referred it to the OCA for evaluation, report, and recommendation.<sup>[6]</sup>

### **Findings and Recommendations of the OCA**

In the memorandum dated September 12, 2011,<sup>[7]</sup> the OCA rendered its findings, and recommended dismissal from the service as the disciplinary action to be taken against Susbilla-De Vera, to wit:

x x x

Section. of the Code of Conduct for Court Personnel provides that "court personnel shall not solicit or accept any gift, favor or benefit on any or explicit or implicit understanding that such gift, favor or benefit shall influence their official functions" while Section. thereof provides that "court personnel shall not use their official position to secure unwarranted benefits, privileges or exemptions for themselves or for others."

In the case at bar, respondent violated these provisions as she took

advantage of her official position in receiving the amount of P65,000.00 from Complainant for the alleged hiring of. counsel in the filing of. petition for adoption which did not materialize as the minors to be adopted were already the subject in. decided adoption case and, thus, committed grave misconduct. Moreover, she manifested her defiance with the directives of the OCA.

x x x

Grave Misconduct is punishable by dismissal from the service for the first offense with disqualification from employment in any government office and forfeiture of benefits, except for accrued leaves under Sec. 52 (A) (3) of the Revised Uniform Rules on Administrative Cases in the Civil Service and Rule XIV, Section 22 of the Omnibus Rules Implementing Book. of Executive Order No. 292 and Other Pertinent Civil Service Laws, as amended by Section 52(A), paragraphs. and. of Civil S(s)ervice Commission Memorandum Circular No. 19, Series of 1999.

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In view of the foregoing, it is respectfully recommended, for approval of this Honorable Court, that:

x x x

2. For Grave Misconduct and Disrespect and Indifference to this Court's Resolutions, Ms. Zosima R. Susbilla-de Vera be **DISMISSED** from the service with forfeiture of all retirement benefits, except accrued leave benefits, and with perpetual and absolute disqualification from re-employment in any branch or instrumentality of the government, including government owned or controlled corporations.

### **Ruling of the Court**

We find the findings of the OCA to be substantiated by the evidence on record, and the recommendation of dismissal from the service to be conformable to the law and pertinent jurisprudence.

Section 1, Article XI of the 1987 Constitution enshrines the principle that. public office is. public trust. It mandates that public officers and employees, who are servants of the people, must at all times be accountable to them, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives.

To enforce this constitutional tenet, the Court has incessantly reminded officials and employees involved in the administration of justice to faithfully adhere to their mandated duties and responsibilities. Any act of impropriety. whether committed by the highest judicial official or by the

lowest member of the judicial workforce. can greatly erode the people's confidence in the Judiciary. The image of. court of justice is necessarily mirrored in the conduct of its personnel. It is the personnel's constant duty, therefore, to maintain the good