

EN BANC

[**A.M. No. P-11-2979 [formerly OCA IPI No. 10-3352-P], November 18, 2014**]

**ELLA M. BARTOLOME, COMPLAINANT, VS. ROSALIE B. MARANAN,
COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH
20, IMUS, CAVITE, RESPONDENT.**

DECISION

PER CURIAM:

This administrative matter started through the sworn affidavit-complaint^[1] in the vernacular, dated December 16, 2009, that Ella M. Bartolome (*complainant*) filed against Rosalie B. Maranan [*respondent*, Court Stenographer III, Regional Trial Court (RTC), Branch 20, Imus, Cavite], charging her with extortion, graft and corruption, gross misconduct and conduct unbecoming of a court employee.

The complainant alleged that the respondent asked money from her in the amount of P200,000.00, which was later reduced to P160,000.00, to facilitate the filing of her case for annulment of marriage. She further alleged that the respondent undertook to have the case decided in her favor without the need of court appearances during the proceedings of the case.

For a clear and complete picture of the accusations against the respondent, we quote verbatim the pertinent portions of the complainant's narration of the incidents that gave rise to the filing of the present administrative complaint –

x x x x

2. Na noong October 21, 2009 nakilala ko si **ROSALIE MARANAN** na isang stenographer sa Regional Trial Court ng Imus, Cavite. Nasabihan ko siya ng aking kagustuhan na magsampa ng annulment of marriage case. Agad niya akong inalok at pinangakuan na kaya niyang ipasok ang aking annulment case sa RTC, Br. 20, Imus, Cavite kung saan siya nagtratabaho. Noong una ang hinihingi niya sa akin ay halagang TWO HUNDRED THOUSAND PESOS (P200,000.00) pero humingi ako sa kanya ng discount at pumayag siya sa ONE HUNDRED SIXTY THOUSAND PESOS (P160,000.00). Ako po ay naengganyo na magtiwala sa kanya dahil nangako siya na siya na ang bahala sa lahat. May kausap na daw siyang abogado na pipirma sa petisyon ko at di ko na daw kailangan pang umappear sa korte. Sinabi niya na malakas daw siya sa judge at sa fiscal at siya lang daw ang pinapayagan na magpasok ng mga aaregluhin na kaso sa kanilang korte. Sinabi niya din na kasama na sa P160,000.00 ang para sa judge at sa fiscal kaya siguradong maaaprubahan ang aking annulment case sa mabilis na panahon. Kasama po ng Affidavit-Complaint na ito ang **transcript at ang SIM Card** ay aking ipadadala

kapag ako ay makasigurado na ang Korte Suprema ay poprotektahan ang mga ebidensya laban kay MARANAN sapagkat rito lahat nakatagon (sic) ang mga text messages at nakarecord lahat ng calls nitong si ROSALIE MARANAN sa akin na nagpapatunay ng panghihingi niya sa akin ng pera at pangako na aaregluhin niya ang aking annulment of marriage case. Ang cellphone number po na nag-aappear dito sa SIM ay kay ROSALINA MARANAN, ang numero niya ay 09175775982. Maaaring nagpalit na ng numero ang inirereklamo ko kung kaya't maganda rin na ipag-utos ang pag-alam ng detalye mula sa Globe Telecoms kung saan post-paid subscriber ang may-ari ng numero na iyan. [Emphasis supplied]

To put an end to the respondent's extortion activities, the complainant decided to report the matter to the police authorities. During the entrapment operation conducted by police officers of Imus Police Station, the respondent was apprehended inside the premises of the RTC, Branch 20, Imus, Cavite, in the act of receiving the money from the complainant.

In support of her allegations, the complainant attached to her affidavit-complaint the transcribed electronic communications (text messages) between her and the respondent;^[2] a copy of an Electronic Psychiatric History form given to her by the respondent for her to accomplish in filing the petition for annulment of marriage;^[3] a copy of the Imus Police Station Blotter showing that the respondent was apprehended during the entrapment operation conducted by police officers of Imus Police Station on November 11, 2009 at 2:40 p.m.;^[4] and a versatile compact disc (VCD) containing the video taken during the entrapment operation conducted against the respondent.^[5]

The Court, in a 1st Indorsement^[6] dated March 19, 2010, required the respondent to comment on the complaint against her.

In her Comment dated May 27, 2010,^[7] the respondent denied the accusations against her. She alleged her belief that Bartolome is a fictitious name as the affidavit-complaint does not indicate the complainant's exact address. She asserted that her detention at Imus Police Station does not prove her culpability since no actual criminal charges were filed against her. She claimed that the lapse of six (6) months from the time of the alleged incident indicates that the complaint is pure and simple harassment orchestrated by a lawyer or litigant who has a grudge against her and who wants to publicly besmirch her reputation. In support of her defense, the respondent mentioned that even Judge Fernando L. Felicen (*Judge Felicen*), Presiding Judge of RTC, Branch 20, Imus, Cavite interceded for her release from detention.

On July 29, 2010, the complainant sent a letter to the Office of the Court Administrator (OCA),^[8] without indicating her address, alleging that she has to constantly change residence because unidentified persons had been seen in their neighborhood asking questions about her. She has also been receiving text messages from the respondent telling her that her complaint would only be dismissed because she knows people in the Supreme Court. The respondent also threatened retaliation against her after the case is terminated. The complainant further claimed that the pieces of evidence she submitted are sufficient to prove the

respondent's anomalous activities, and prayed for the immediate resolution of her complaint.

Based on the complainant's pleadings and evidence, the OCA, (through then Deputy Court Administrator Nimfa C. Vilches and OCA Chief of Legal Office Wilhelmina D. Geronga) submitted its Report to the Court dated May 9, 2011,^[9] finding enough evidence to prove the respondent's involvement in anomalous activities and recommending that –

- 1) OCA IPI No. 10-3352-P be RE-DOCKETED as a regular administrative matter;
- 2) respondent Rosalie B. Maranan, Court Stenographer III, Regional Trial Court, Branch 20, Imus, Cavite, be found GUILTY of Grave Misconduct and Conduct Prejudicial to the Best Interest of the Service; and
- 3) respondent Maranan be immediately DISMISSED from the service with forfeiture of retirement benefits except her accrued leave credits, and with perpetual disqualification from employment in any government agencies or instrumentalities, including government owned and controlled corporations.

In a Resolution dated September 5, 2011,^[10] the Court required the parties to manifest whether they were willing to submit their case for resolution on the basis of the pleadings filed. The respondent filed her Manifestation dated November 17, 2011^[11] submitting the case for resolution by the Court. She reiterated her complete innocence and "vigorous" and "vehement" denial of the allegations against her. She insisted that the present complaint against her is plain and simple harassment and a vexatious suit by the complainant who either has a grudge against her or must have been used by another person with a grudge against her. All she did was to secure the services of a lawyer at the complainant's request; this act, she claimed, does not constitute graft and corruption, gross misconduct, conduct unbecoming of a court employee and extortion.

The complainant did not respond to our September 5, 2011 Resolution as it was returned unserved on her. We nevertheless considered the case submitted for resolution considering her letter of July 16, 2010 praying for the immediate resolution of her complaint.

In our Internal Resolution dated December 7, 2011,^[12] we resolved to refer the complaint to the OCA for evaluation, report and recommendation.

The OCA responded through its Memorandum of July 16, 2012,^[13] finding that the pieces of evidence on record establish the guilt of the respondent on the charges of Gross Misconduct and Conduct Prejudicial to the Best Interest of the Service filed against her. It recommended that the respondent be found guilty of the offenses charged and be dismissed from the service, with forfeiture of retirement benefits except her accrued leave credits and with perpetual disqualification from employment in any government agency.

The Court fully agrees with the OCA's recommendation.

The respondent's bare denial cannot overcome the evidence supporting the

complainant's accusation that she demanded money on the promise that she would facilitate the annulment of her (complainant's) marriage. The respondent's actions from the time the complainant started communicating with her on October 21, 2009 and thereafter through a series of messages they exchanged via SMS,^[14] until the entrapment operation on November 11, 2009, showed that the complaint is indeed meritorious. The respondent's text messages sent to the complainant corroborate that she promised to expedite – in exchange for a monetary consideration of P160,000.00 and that she would provide the lawyer who would file the annulment case – the complainant's annulment case once it is filed:^[15]

21/19/09 8:40pm

Sino po to

21/10/09 8:53pm

Sino nagrefer sayo sakín ano pangalan?

21/10/09 8:54pm

San mo nakuha # ko

21/10/09 9:05pm

Ako rin magbibigay lawyer sayo

21/10/09 9:13pm

D kaba tlaga makakatawag ngayon

21/10/09 9:18pm

Ako n lang tatawag sayo kc mahirap ang txt lang

21/10/09 9:24pm

Tawag n lng ako ha

21/10/09 9:49pm

Natitiwala ako sayo ha dahil hindi lahat pinagbibigyan namin. Sally n lang tawag mo sakín nagtataka lng kc ako kanina kc buong buong buong yung txt ng name ko e.

21/10/09 9:51pm

Ay sorry mali pala sabi ko sayo 160k pala singil namin

22/10/09 10:05am

Gud am. Ano pwede k bukas

22/10/09 10:25am

Is txt bak naghihintay po kme

22/10/09 10:51am

Bukas lng available si atty

22/10/09 10:56am

Sana kung makakagawa ka daw paraan bukas kahit 40k n lng muna down tapos 3pm bukas

22/10/09 11:04am

Ok pero d kita pilipilit ha nasayo pa din and decision yan ang sakin lng kc nagmamadali k at tsaka yun ang free time ng lawyer ha

22/10/09 11:11am

Ella pakihusto mo n daw pala 50k at ibabayad daw mua sa psychiatrist at osg kahit sa susunod n lng daw yung sa kanya

22/10/09 1:09pm

The complainant described the respondent as an influence peddler in the courts of Imus, Cavite who acts as a conduit to judges, prosecutors and private law practitioners.

In her comment to the complaint, the respondent admitted that "she suggested to the complainant the name of a lawyer friend, Atty. Renante C. Bihasa (*Atty. Bihasa*), and forwarded to her the cell phone number of this lawyer so that they could discuss the case." While she was in detention at Imus Police Station, she called Atty. Bihasa, who told her that he was on his way and assured her that he had already asked his lawyer friends to assist her. Atty. Bihasa arrived at about five o'clock in the afternoon. As it was already beyond office hours, she was told by Atty. Bihasa of the possibility that she would be detained pending investigation. Atty. Bihasa returned the following day and was joined by Judge Felicen and her officemates. Judge Felicen interceded in her behalf that she be given permission by the police officers to leave her detention in order to take a bath and change clothes. She was granted permission, with the full guaranty of Judge Felicen that she would return.^[16]

In an affidavit^[17] dated May 28, 2010, Atty. Bihasa corroborated the respondent's allegations. In his affidavit, he narrated that upon receiving a call from the respondent that she was being detained, he immediately called up two (2) of his lawyer friends based at Imus, Atty. Wilfredo P. Saquilayan and Atty. Jose Emmanuel Montoya, to assist the respondent. As he arrived at Imus Police Station at around past four o'clock in the afternoon, he told the respondent of the probability of her detention until formal charges were filed against her. According to him, "[he] took it upon [himself] to assist [the respondent] on that date and accompanied her while the police officers of Imus PNP were doing their routine work on suspects."