

SPECIAL THIRD DIVISION

[A.M. No. P-09-2686 (Formerly OCA I.P.I No. 06-2441-P), March 21, 2012]

PRISCILLA L. HERNANDO, COMPLAINANT, VS. JULIANA Y. BENGSON, LEGAL RESEARCHER, RTC, BRANCH 104, QUEZON CITY, RESPONDENT.

R E S O L U T I O N

MENDOZA, J.:

This resolves the Urgent Ex-parte Motion & Manifestation for Clarification filed by respondent Juliana Y. Bengson (*Bengson*) seeking to clarify

“whether or not the 30-day and one-day suspension of the respondent pursuant to the Resolution dated March 10, 2010 is a continuation of the second modified Resolution dated March 28, 2011 suspending the same respondent for another six months and one day.”^[1]

In its March 10, 2010 Resolution, the Court initially found Bengson guilty of Simple Misconduct as recommended by the Investigating Judge and the Office of the Court Administrator (OCA). Questioning the penalty imposed, private complainant Priscilla L. Hernando (*Hernando*) moved for a reconsideration thereof.

In her motion, Hernando pointed out that Bengson’s act of offering to facilitate the land transfer papers at the Bureau of Internal Revenue (*BIR*) was akin to “conduct prejudicial to the best interest of the service” and, thus, should be punished as such pursuant to the ruling in *Largo v. Court of Appeals*.^[2] In the same motion, Hernando sought restitution of the aggregate amount of ₱76,000.00 given to Bengson as a “just debt.”

In her comment, Bengson claimed that she had no interest whatsoever in the land transfers referred to and that she merely accommodated the request of the daughter of Hernando.

After a review of the records, the Court affirmed its earlier findings regarding the complicity of Bengson in the failed titling of Hernando’s property. This is based on the report of the Executive Judge tasked to investigate the case as well as the recommendation submitted by the OCA. The Court, however, reconsidered the earlier imposed penalty following the pronouncement in *Largo v. CA*. In the Resolution of March 28, 2011, the Court stated:

In resolving this question, a review of the Court’s disposition in the case of *Largo v. CA* is instructional. In that case, it was explained that an