

## EN BANC

[ A.M. NO. P-07-2298, April 24, 2009 ]

**PETER B. MALLONGA, COMPLAINANT, VS. MARITES R. MANIO,  
COURT INTERPRETER III, REGIONAL TRIAL COURT (RTC),  
BRANCH 4, TUGUEGARAO CITY, RESPONDENT.**

[A.M. NO. P-07-2299]

**HON. LYLIHA ABELLA-AQUINO, JUDGE, RTC, BRANCH 4,  
TUGUEGARAO CITY, COMPLAINANT, VS. MARITES R. MANIO,  
COURT INTERPRETER III, RTC, BRANCH 4, TUGUEGARAO CITY,  
RESPONDENT.**

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

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

Before us are the consolidated administrative charges against Court Interpreter III Marites R. Manio (Manio) of Branch 4, Regional Trial Court (RTC), Tuguegarao City for dishonesty and grave misconduct.

**Administrative Matter (A.M.) No. P-07-2298** stemmed from an *Affidavit* dated June 4, 2004 executed by Peter B. Mallonga (Mallonga).

In said Affidavit, Mallonga related that respondent Manio was his former classmate and friend in college. Sometime in September 2003, Mallonga went to the RTC of Tuguegarao City and inquired from respondent Manio if she knew a lawyer who could help him file a petition for the correction of entry in his marriage certificate. Respondent Manio allegedly volunteered the name of a certain lawyer and told Mallonga to secure copies of his marriage and birth certificates so that these could be given to the lawyer. A week later, Mallonga gave respondent Manio copies of the said certificates. Respondent Manio then asked Mallonga to sign a prepared petition and to pay the total amount of P13,000.00 for attorney's fees and other expenses.

Respondent Manio eventually persuaded Mallonga and the latter paid the agreed amount in installments. As the weeks passed, Mallonga attempted to see or contact respondent Manio to inquire about the status of his petition but Manio was always out of the office or absent. They finally met once more sometime in December 2003 at Baby's Restaurant where respondent Manio handed to Mallonga a copy of an alleged resolution dated November 25, 2003 of Branch 4, RTC, Tuguegarao City and purportedly signed by Judge Lyliha L. Abella-Aquino (Judge Abella-Aquino).<sup>[1]</sup> Respondent Manio told Mallonga his petition was already granted and that she "pulled some strings in the court" so that his appearance was dispensed with at the hearing of the case.

Mallonga then filed the above-mentioned resolution with the Local Civil Registrar of

Solana, Cagayan, but the said office informed him that a certificate of finality was required before the correction of his marriage certificate could be effected. Mallonga asked respondent Manio to produce a certificate of finality, but the latter failed to deliver the same on the date agreed upon by them.

On June 3, 2004, Mallonga went again to the office of respondent Manio and asked for the assistance of one of the court personnel who led him to Jacinto Danao (Danao), the clerk in charge of civil cases. When Danao checked his records, he found that the docket number which appeared in the resolution Manio had given Mallonga belonged to another case, and that the said resolution was a spurious document.

On June 7, 2004, Judge Abella-Aquino forwarded the complaint of Mallonga to the Office of the Court Administrator (OCA) and reported that her signature in the purported resolution was a forgery.

On the other hand, **A.M. No. P-07-2299** arose from an *Affidavit* dated April 19, 2004 executed by Bernadette Canlas-Bartolome (Bartolome).

In her Affidavit, Bartolome narrated that her sister, Bety Canlas-Marcelo, filed a petition for the correction of entries in her marriage certificate on August 8, 2003; the petition was raffled to Branch 1 of the RTC of Tuguegarao City. Bartolome said that her sister left for Italy after the petition had been filed, so her sister asked her to personally check the status of the case. Bartolome was further informed by her sister that she (Bety) had been in touch with respondent Manio, a former officemate in a bank, who had promised to keep her informed of the status of the case. Bety told her sister that the latter would hear from Manio.

On October 8, 2003, Bartolome was informed by respondent Manio that the case of her sister was dismissed because of the negligence of the lawyer who handled the same. However, respondent Manio quickly advised Bartolome that she (Manio) could re-file the case with a guaranteed favorable decision. Manio advised Bartolome that the amount of P15,000.00 would be needed. Respondent Manio explained that this amount was for the expenses for the filing of the case, for the attorney's and publication fees, and as bribe for the judge who would hear the case. Bartolome agreed and initially paid respondent Manio the amount of P10,000.00. Respondent Manio accepted the money and signed a receipt therefor. [2] Both agreed that the remaining balance of P5,000.00 would be paid after the case had been concluded.

On December 15, 2003, respondent Manio handed Bartolome an alleged resolution approving the change of entries in Bety's marriage certificate issued by Branch 4, RTC, Tuguegarao City and purportedly signed by Judge Abella-Aquino. [3] Respondent Manio also informed Bartolome that the certificate of finality of the said resolution would be released after the lapse of a certain number of days. Bartolome then paid respondent Manio the balance of P5,000.00.

On December 20, 2003, respondent Manio asked for and received an additional amount of P500.00 from Bartolome to allegedly expedite the release of the certificate of finality but, despite such additional payment, respondent Manio failed to deliver the said document.

On April 14, 2004, Bartolome went again to the office of respondent Manio at Branch 4, RTC, Tuguegarao City, where she showed Danao, the clerk in charge of civil cases, the resolution given to her by Manio and asked Danao about the certificate of finality that she needed. Bartolome then discovered that the docket number as indicated in the adverted resolution belonged to a different case, and that Branch 4 of the RTC of Tuguegarao City had no record of the case of her sister Bety.<sup>[4]</sup>

In a *Letter* dated April 23, 2004, Judge Abella-Aquino indorsed the complaint of Bartolome against respondent Manio to the OCA and further reported that she confronted respondent Manio about the complaint, and that the latter admitted forging the judge's signature in the purported resolution.

In each of these administrative charges, the OCA twice required respondent Manio to comment, but the latter failed to comply. This Court then directed respondent Manio to comply with the directives of the OCA and to show cause why no administrative sanction should be meted to her for ignoring the same. Respondent Manio was further reminded that her non-compliance would be considered as a waiver of her right to be heard or to present any defense, and that the cases would be decided on the basis of the records. Respondent Manio still refused to answer the charges against her. Consequently, this Court resolved to consider as waived the right of respondent Manio to be heard and to present evidence and referred these cases back to the OCA for report and recommendation.

In its *Memorandum*<sup>[5]</sup> dated January 9, 2007, the OCA evaluated the evidence on record and recommended that respondent Manio be held liable for dishonesty and grave misconduct. These cases were then submitted for resolution in a *Minute Resolution*<sup>[6]</sup> dated July 16, 2007 of this Court.

Meanwhile, on December 4, 2007, this Court promulgated *Canlas-Bartolome v. Manio*<sup>[7]</sup> docketed as **A.M. No. P-07-2397**, which essentially involved the same parties and charges against respondent Manio in **A.M. No. P-07-2299**, one of the consolidated cases herein. Respondent Manio was administratively held liable and sanctioned in **A.M. No. P-07-2397** as follows:

**The Court finds respondent guilty of dishonesty and grave misconduct and hereby dismisses her from the service.**

As a public servant, respondent is expected to exhibit at all times the highest sense of honesty and integrity and faithfully adhere to, hold inviolate, and invigorate the principle that public office is a public trust. **By soliciting money from complainant, she committed an act of impropriety which immeasurably affects the honor and dignity of the judiciary and the people's confidence in it. She committed the ultimate betrayal of the duty to uphold the dignity and authority of the judiciary by arrogating to herself judicial power which she does not possess, in order to extort money from a party-litigant. Her act of forging the presiding judge's signature also constitutes a blatant disregard for the values of integrity, uprightness and honesty which are expected of all court personnel.**