

SECOND DIVISION

[A.M. No. P-04-1914, April 30, 2008]

GLANIE FLORES, SYLVIA FLORES, RICHARD FLORES, TIMOTEO FLORES, LEONARDO FLORES, VIRGILIO FLORES, and DANNY FLORES, Complainants, VS. MYRNA S. LOFRANCO, Clerk III, RTC, Br. 20, Digos City, Davao Sur, Respondent.

DECISION

CARPIO MORALES, J.:

Myrna S. Lofranco (Lofranco), Clerk III of the Regional Trial Court (RTC), Branch 20, Digos City, stands administratively charged with immorality, misconduct and violation of Republic Act (R.A.) No. 6713 (The Code of Conduct and Ethical Standards) by complainants-brothers Richard, Danny, Virgilio, Timoteo, and Leonardo, all surnamed Flores, along with Leonardo and Timoteo's respective wives Glanie and Sylvia.

In their Affidavit-Complaint^[1] dated November 15, 2002 filed before the Ombudsman for Mindanao which endorsed it to the Office of the Court Administrator (OCA) for appropriate action,^[2] complainants alleged that respondent, whose marriage to one Venanie Lofranco, Jr. remains subsisting, is illicitly living with Sabino Flores (Sabino), a brother of the gentlemen complainants, at Emily Subdivision, Digos City.

Complainants attached to their Affidavit-Complaint, the Affidavit of Sabino's son Jestoni Flores (Jestoni),^[3] a certified true copy of the barangay blotter^[4] containing the alleged admission of Sabino that he was living with respondent at the abovementioned address, and a private document denominated as "*Kasabutan*"^[5] upon which respondent had signed as "Myrna Soledad Flores."

Complainants further alleged that on September 28, 2002, respondent destroyed the fence that they had erected on their late father's lot at Tanwalang, Sulop, Davao del Sur, which incident was duly reported to the barangay captain the next day as shown by the barangay blotter also attached to their Affidavit-Complaint; that while they were with their mother repairing the fence on October 5, 2002, respondent, together with Sabino and three hired persons who appeared to be armed, started taking their photographs; that respondent, who was enraged when their mother asked Sabino why he had brought other persons to the lot, proceeded to destroy the work already done thereon; and that respondent threatened them that if complainants set foot on the lot again, somebody would die.

Finally, complainants alleged that respondent turned the tables on them by filing cases against them upon the claim that they had threatened to kill, and uttered defamatory words against her, and that respondent is the same Myrna Lofranco who was reprimanded by this Court, by Resolution dated March 26, 2001, for discourtesy

in the performance of official duty in A.M. No. P-01-1469.

In her Counter-Affidavit^[6] submitted to the OCA, respondent denied having any amorous relationship with Sabino, she claiming that her relationship with him was purely professional as she was the financier in their joint business venture "of inducing [*sic*] the mangoes planted in the two-hectare parcel of land constituting [*sic*] the share of Sabino Flores to bear fruits."

Admitting that she maintains her residence at Emily Homes, Digos City, respondent claimed, however, that Sabino lives at Lim Extension, Digos City.

Respondent further claimed that her marriage to Venanie Flores had failed after 14 years and that he is now living with his new family, leaving her to care for, support and send her three children to school.

Respondent's claims were corroborated by her daughter, Therese Jade S. Lofranco, in an Affidavit^[7] respondent annexed to her Counter-Affidavit.

On Sabino's son Jestoni's claim in his Affidavit that she and Sabino were living together, respondent proffered that Jestoni was merely prevailed upon by his grandmother and uncles to falsely allege the same, but that, anyway, Jestoni had recanted his claim in an Affidavit of Recantation,^[8] which she also attached to her Comment.

Respondent maintained that contrary to their assertion, complainants were trying to force Sabino out of his share of the property which he had planted to mangoes-subject of their joint venture. Complainants, she added, had twice destroyed the fence around the property - first, on September 28, 2002 and later on October 5, 2002 -, replacing it with theirs, thereby evicting Sabino in the process; and that between October 15 and October 17, 2002, complainants destroyed the fruits and other improvements on the property and put up a "NO TRESPASSING" sign. These acts of complainants, she claimed, resulted in financial losses to her investment.

Respondent admitted having taken photographs of complainants, but explained that that was only to protect her and the three men she had hired to spray the mangoes with chemicals.

Respondent furthermore claimed that it was in fact complainants who threatened her and her companions with harm to thus draw her to file criminal complaints against them for grave threats, grave oral defamation and grave coercion.^[9]

Respecting the police blotter allegedly showing Sabino's admission that they were living together, respondent submitted that "it is a mere typographical error on the part of the desk officer taking down the report of the crime complained of."

On the "*Kasabutan*" adverted to by complainants, she claimed that it was prepared by armed members of the Moro National Liberation Front during a very volatile situation in which she was unaware that she was mistaken as the wife of Sabino.

On recommendation of the OCA,^[10] the Court, by Resolution of November 8, 2004,^[11] re-docketed the complaint as a regular administrative case and referred it to the