

## EN BANC

**[ A.M. No. P-08-2587 (Formerly OCA IPI No. 99-678-P), December 18, 2008 ]**

**DOMINGA C. MENOR, COMPLAINANT, VS. TEODORA P. GUILLERMO, COURT STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 20, CAUAYAN, ISABELA, RESPONDENTS.**

### RESOLUTION

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

Before us is the administrative complaint filed by Dominga C. Menor against Teodora Palting Guillermo, now retired Stenographer III of the Regional Trial Court (RTC), Branch 20, Cauayan, Isabela, charging the latter with Grave Misconduct.

This case was commenced by a Complaint<sup>[1]</sup> dated July 9, 1999 filed by Dominga C. Menor with the Office of the Court Administrator (OCA). Complainant averred that she is the widow of the late Pedro Menor who, she claimed, owned a parcel of land situated in Tallungan, Reina Mercedes, Isabela. Complainant further averred that she and her late husband had been occupying said land since 1946 and that sometime in 1998, she discovered that respondent was able to secure title over the same through a falsified Deed of Absolute Sale of Residential Lot whereby her husband, with her consent, purportedly sold their land to herein respondent and her spouse Eduardo Guillermo.

According to complainant, the said document was fabricated. Further, the signature appearing in the said document purporting to be the signature of her late husband was very different from his true signature. She also denied that she ever signed said Deed of Sale as she does not know how to read and write and uses only her thumbprint as her signature. Lastly, she surmised that the fraudulent document was prepared by respondent while she was employed with the RTC.

In her Comment<sup>[2]</sup> dated September 8, 2000, respondent denied all the material allegations in the Complaint. She cited the fact that complainant previously filed before the Municipal Circuit Trial Court (MCTC), Naguilan-Reina Mercedes, Isabela a criminal complaint docketed as Criminal Case No. 3624, against her and her late husband for Falsification involving the same property and the same document. The case was dismissed due to prescription as stated in the Order<sup>[3]</sup> of the said MCTC dated October 22, 1998. Complainant later filed an Action for Declaration of Nullity and Annulment/Cancellation of Title with the RTC, Branch 18, Ilagan, Isabela which was docketed as Civil Case No. 1080<sup>[4]</sup>.

Respondent claimed that the Deed of Sale executed by the late Pedro Menor covering the parcel of land sold to her was lawful and valid. She also interposed as defense that being a mere stenographer, she did not have the power or influence to use her office in order to commit the crime imputed to her. Furthermore, she

averred that the sale of the land was made in her private capacity.

Upon verification, the OCA found that Civil Case No. 1080, entitled "*Heirs of Pedro Menor v. Sps. Eduardo Guillermo and Teodora Palting, et al.*" for Declaration of Nullity and Annulment/Cancellation of Title was dismissed without prejudice pursuant to the Order<sup>[5]</sup> of the RTC, Branch 18, Ilagan, Isabela on February 4, 2000. The said case was refiled on March 3, 2000 and was docketed as Civil Case No. 1134. On the other hand, Criminal Case No. 3124 entitled "*People of the Philippines v. Sps. Eduardo Guillermo and Teodora Palting*" for Falsification by Private Individual was dismissed by the MCTC, Naguilan-Reina Mercedes, Isabela on the ground of prescription in its Order<sup>[6]</sup> dated October 22, 1999.

Considering that the issues raised in this administrative complaint were similar with those raised in the then pending Civil Case No. 1134, entitled "*Heirs of Pedro Menor et al. v. Sps. Eduardo Guillermo and Teodora Palting*", the Court's Third Division, through a Resolution<sup>[7]</sup> dated February 21, 2001, resolved to hold in abeyance action on the administrative complaint and to await the outcome of the said civil case.

In response to the inquiry<sup>[8]</sup> of the OCA, Atty. Radden Y. Llana, Clerk of Court V, RTC, Branch 18, Ilagan, Isabela reported<sup>[9]</sup> that Civil Case No. 1134 was transferred to Branch 16 due to the inhibition of the then Presiding Judge of the RTC, Branch 18, Hon. Juan A. Bigornia, Jr. The case was later dismissed through an Order<sup>[10]</sup> dated August 6, 2007, the pertinent portion of which is quoted hereunder:

"Under the foregoing factual observations, it is clear that the complaint failed to squarely and categorically invoke the jurisdiction of this court to try and decide the instant case for failure to allege the assessed value or estimate of the land in suit. So also bearing in mind that the question of jurisdiction of courts to try and decide a particular case may be raise(d) at anytime and at any stage of the case.

WHEREFORE, conformably, with the foregoing, the motion to dismiss the complaint is hereby granted. x x x"<sup>[11]</sup>

The complainant's Motion for Reconsideration of the aforesaid Order was denied by the trial court on September 18, 2007,<sup>[12]</sup> for failure to give proper notice of the said motion to the defendants in the case, as required by Sections 4 and 5, Rule 15 of the Rules of Court. The Petition for Relief from Judgment which was later on filed by complainant was also denied by the trial court for lack of merit on December 11, 2007.<sup>[13]</sup>

In a Resolution<sup>[14]</sup> dated January 29, 2008, the Court En Banc resolved to lift the February 21, 2003 [February 21, 2001] Resolution<sup>[15]</sup>, which held in abeyance any action on the instant case, considering the time that had elapsed and respondent's retirement from the service on September 17, 2003. The Court further resolved to have the present case evaluated on the basis of its merits.

The OCA, in its Memorandum<sup>[16]</sup> dated July 16, 2008, made the following recommendation anent the instant case:

"WHEREFORE, it is respectfully recommended that the instant complaint be RE-DOCKETED as a regular administrative matter and that the amount of FIFTY THOUSAND (P50,000.00) PESOS retained from respondent Teodora Guillermo's retirement benefits be applied as the imposable FINE."<sup>[17]</sup>

We find no reason to deviate from the afore-quoted recommendation of the OCA in the case at bar.

The criminal case and the two (2) civil cases filed by complainant against herein respondent were dismissed by the trial courts on the ground of technicality. For this reason, the issues relevant to the instant administrative case remain unanswered. Hence, the merits of this administrative case should be resolved on the basis of evidence on record in accordance with the quantum of evidence required in administrative proceedings.

Administrative proceedings are governed by the substantial evidence rule. Otherwise stated, a finding of guilt in an administrative case would have to be sustained for as long as it is supported by substantial evidence that the respondent has committed acts stated in the complaint.<sup>[18]</sup> Substantial evidence is such amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion.<sup>[19]</sup> The standard of substantial evidence is justified when there is reasonable ground to believe that respondent is responsible for the misconduct complained of, even if such evidence is not overwhelming or even preponderant.<sup>[20]</sup>

In order to support her claim that respondent falsified her signature and her husband's signature in the absolute deed of sale that transferred the ownership of the 12,143 sq.m. lot to respondent and her husband, complainant submitted the disputed deed of sale, her marriage contract<sup>[21]</sup> dated July 6, 1968, a verification<sup>[22]</sup> of a pleading done in April 1972 and an undated letter<sup>[23]</sup> to the Commissioner of Public Highways, purportedly signed by complainant's husband.

The disputed deed of absolute sale<sup>[24]</sup> is dated February 6, 1975. Pedro Menor, complainant's husband, died on March 3, 1976. However, the Original Certificate of Title No. P-4082 of the Office of the Register of Deeds of the Province of Isabela was issued pursuant to a free patent granted to respondent's husband Eduardo Guillermo on August 7, 1981. The subject property was later on transferred by respondent and her husband to their sons through a donation dated January 28, 1988 which was inscribed in the original certificate of title only on October 2, 1995.<sup>[25]</sup> The transfer certificate of title in the name of the donees was issued on the same date.

Complainant contends that she does not know how to sign her name and only affixes her thumbmark to documents to signify her consent, while the signature of her husband appearing on the document is very different from his customary signature. The copy of the Marriage Contract<sup>[26]</sup> between complainant and Pedro Menor supports complainant's contention, as it bears not her signature but her right thumbmark. Pedro Menor's signature appearing thereon is similar to his signature in the two other papers<sup>[27]</sup> submitted by complainant along with her complaint.