

EN BANC

[A.M. No. P-07-2397 (Formerly OCA I.P.I. No. 04-2043-P), December 04, 2007]

**BERNADETTE CANLAS-BARTOLOME, COMPLAINANT, VS.
MARITES R. MANIO, INTERPRETER, REGIONAL TRIAL COURT,
BRANCH 4, TUGUEGARAO CITY, RESPONDENT.**

RESOLUTION

PER CURIAM

In an Affidavit^[1] dated April 19, 2004, Bernadette Canlas-Bartolome (complainant) charged Marites R. Manio (respondent), Interpreter of the Regional Trial Court (RTC), Branch 4, Tuguegarao City, of fraud, dishonesty and forgery to the prejudice of the Court.

Complainant avers that: she is the sister of Bety Canlas-Marcelo, a petitioner in SP No. 1962 entitled "*In the Matter of Correction of Entries of Marriage of Bety Canlas Marcelo in the Civil Register: Bety Canlas Marcelo, Petitioner vs. the Civil Registrar of Solana, Cagayan, Respondent*" which was filed on August 8, 2003, and raffled to Branch 1 of the same RTC; when Bety left the country, complainant contacted respondent, a former officemate and friend of Bety, to follow up the status of the case; on October 8, 2003, respondent told complainant over the phone that the case had already been dismissed but respondent could still do something about it, all that she needed was P15,000.00 for filing fee, publication, attorney's fees and bribe (*lagay*) for the judge; that afternoon, complainant gave respondent P10,000.00 as partial payment and upon request of complainant, respondent issued a receipt therefor; on December 15, 2003, complainant met with respondent again and the latter handed a resolution granting Bety's petition in exchange for the balance of P5,000.00 which complainant gave; respondent also said that a certificate of finality would only be issued upon the lapse of a certain number of days; on December 20, 2003, respondent called her and mentioned that the certificate of finality was ready but if complainant wanted to expedite the release thereof she should give additional money; complainant then gave respondent P500.00; complainant followed up the certificate of finality several times, to no avail; on April 14, 2004, complainant went to Branch 4 and it was then that she found out that no petition in the name of her sister was filed in said branch; upon further inquiry she found out that her sister's case was raffled to Branch 1 and had already been dismissed on September 12, 2003; on April 15, 2004, complainant went back to Branch 4 and presented the resolution which respondent gave her; it was discovered that "SP No. 2025" which was written on the resolution referred to an entirely different case which was resolved in Branch 5, and that no case of Bety Canlas-Marcelo was ever decided in Branch 4, neither was the case re-filed, thus, no certificate of finality may be issued to complainant.^[2]

Attached to said Affidavit was a handwritten note dated October 8, 2003 signed by

respondent acknowledging the receipt from complainant of the amount of P10,000.00 for attorney's fees and filing fees for a petition for the correction of the name of Bety Canlas;^[3] a copy of the resolution respondent gave complainant on December 15, 2003 with case number "Spl. Proc. No. 2025" entitled "*In Re: Petition for the Correction of Entries of Marriage of Betty C. Marcelo from Betty to Bety and the Year of Birth from 1959 to 1957*" with a signature of Judge Lyliha Abella-Aquino thereon;^[4] and copies of the petition and court order of Spl. Proc. No. 2025, showing that said case number actually pertained to another case, with Lormie Tapulao Raful as petitioner, raffled to Branch 5.^[5]

In a letter to the Office of the Court Administrator (OCA) dated April 23, 2004, Judge Lyliha L. Abella-Aquino, Presiding Judge of RTC Branch 4, Tuguegarao informed the Court that on April 19, 2004, complainant showed her a copy of the resolution which respondent gave to complainant on December 15, 2003; that her (Judge Aquino's) signature appearing thereon was forged and its case number, Spl. Proc. Case No. 2025, pertained to another case; that she confronted respondent in the afternoon of April 19, 2004 and the latter confessed that she was forced to prepare the resolution and to forge Judge Aquino's signature thereon because of family problems and because complainant was persistent in following up the case; that respondent pleaded to be forgiven and promised not to do it again. Judge Aquino then prayed for immediate action on the matter.^[6]

The OCA required respondent to submit her comment, first, through a 1st Indorsement dated October 27, 2004;^[7] and second, through a Tracer letter addressed to respondent dated March 18, 2005.^[8] Respondent however did not submit any comment thereon.

In the Report dated November 10, 2005, the OCA through then Court Administrator Presbitero J. Velasco, Jr. recommended as follows:

x x x It is respectfully recommended that respondent be DIRECTED to file her comment within a non-extendible period of ten (10) days from receipt and in case of failure, that her several cases be EVALUATED and if it is found that she has engaged in a series of swindling cases, she should be IMMEDIATELY SUSPENDED pending the investigation of these cases and that complainants be ADVISED to file their complaints with the public prosecutor who has jurisdiction over the cases.^[9]

The report also noted that:

x x x It appears from the records of the Legal Office that respondent also stands charged in four (4) other administrative complaints still pending adjudication. They are the following:

A.M. No. P-04-1893 - Willful refusal to pay a just debt^[10]

A.M. No. 04-1924-P - Falsification, dishonesty and grave misconduct

A.M. No. 04-1957-P - Violation of R.A. No. 3019, falsification, grave misconduct and dishonesty

A.M. No. 04-1983-P - Violation of R.A. No. 3019, grave misconduct and dishonesty

As a matter of fact, the undersigned earlier evaluated A.M. No. 04-1983-P and it appears that the present respondent had also failed to file the Comment required of her by this Office. The said administrative charge against her also alleged the same *modus operandi* employed by her in the present case to swindle those who could get to believe that she had the ability to make good the promises she makes regarding their cases.

[11]

In a Resolution dated February 20, 2006, the Court required respondent to show cause why she should not be disciplinarily dealt with or held in contempt for failing to file her comment in compliance with the directives of the OCA dated October 27, 2004 and March 18, 2005. The Court also directed her to comply with the same within ten days from notice.^[12] Upon her failure to comply, the Court issued another Resolution on September 4, 2006 imposing on respondent a fine of P1,000.00 and requiring her anew to comply with the directive of the OCA to file comment on the complaint within ten days from notice.^[13] The September 4, 2006 Resolution was returned unserved with the postal carrier's notation "RTS-party out of town"; thus the Court, on January 31, 2007, resolved to resend a copy of the resolution to respondent.^[14] As the January 31, 2007 resolution was also returned unserved with the same notation "party moved," the Court, on August 29, 2007, resolved to deem as served on respondent said copies of the resolutions and directed the Office of Administrative Services (OAS), OCA to submit a report on the status of respondent's employment within three days from notice.^[15]

In a Memorandum dated September 4, 2007, OCA Chief of Office OAS Caridad A. Pabello reported that in a Resolution dated November 17, 2004, the Court resolved to drop respondent from the Rolls for having been absent without official leave since March 1, 2004 and declared her position vacant.^[16]

Although respondent was dropped from the rolls per Resolution of the Court dated November 17, 2004, it does not mean that the dismissal of the administrative complaint is warranted. The Court still retains the authority to resolve the present administrative case, as the complaint was filed before respondent was dropped from the rolls.^[17]

Considering the foregoing circumstances, a formal investigation is no longer necessary.

In the present case, complainant, in her Affidavit, narrated in detail how respondent asked money from her, in the amount of P15,000.00, to gain a favorable resolution of her sister's petition. Complainant presented a note signed by respondent acknowledging receipt of P10,000.00 from complainant; and a copy of the resolution which complainant gave her, which turned out to be spurious, as Judge Aquino informed the Court that her signature appearing on said resolution was forged.

Respondent was given ample opportunity to answer the charges against her. She did not comply with the OCA and the Court's directives, however, and up to this time has not given her comment on the complaint. Worse, she has moved out of her last known residence without furnishing the Court her whereabouts, clearly refusing to face the charges head-on, which acts are contrary to the behavior of an innocent person faced with serious charges.^[18]