

FIRST DIVISION

[A.M. NO. P-05-2063 (FORMERLY OCA IPI NO. 05-2242-P), October 27, 2006]

RE: ANONYMOUS COMPLAINT AGAINST ANGELINA CASARENO-RILLORTA, OFFICER-IN-CHARGE, OFFICE OF THE CLERK OF COURT (OCC), SUSAN LIGGAYU, CLERK III, AND VIRGINIA A. MANUEL, COURT STENOGRAPHER, BRANCH 21, ALL OF THE REGIONAL TRIAL COURT, SANTIAGO CITY

DECISION

CALLEJO, SR., J.:

The following employees of the Regional Trial Court (RTC) of Santiago City face administrative charges regarding alleged irregularities in the raffle of cases held on November 11, 2003: Angelina Casareno-Rillorta, Officer in Charge-Clerk of Court, Office of the Clerk of Court (OCC); Susan Liggayu, Clerk III, OCC; and Virginia A. Manuel, Court Stenographer of Branch 21.

The allegations in the Letter-Complaint dated November 17, 2004 are summarized by the Office of the Court Administrator (OCA) as follows:

- (1) While supposedly serving her three (3)-months suspension, Stenographer of Branch 21 and Officer-in-Charge-OCC Clerk of Court Angelina C. Rillorta x x x conducted the raffle of cases on 11 November 2003 while Executive Judge Fe Albano Madrid was in Manila. After affixing her signature in the results of the raffle x x x prepared by Clerk Susan Liggayu x x x, she left for Manila to fetch Executive Judge Madrid.
- (2) Ms. Susan Liggayu furnished Branches 35 and 36 with the raffle results together with the folder of cases which were entered in their docket books. Branch 21 was not furnished a copy of the same due to the absence of the Officer-in-Charge Arcelio De Castillo x x x.
- (3) On the afternoon of the same date, personnel of Atty. Ruben Lopez, counsel for the plaintiff in Civil Case 3183 entitled "*Heirs of Bienvenido Pua v. Metrobank*," inquired where the said case was raffled to. When informed that the said case was raffled to Branch 21, the said personnel lamented, "*Paano nangyari yun eh tapos na ang usapan namin na mapunta sa Br. 36[?]*"
- (4) The following day, 12 November 2003, OIC De Castillo reported for work and was informed of the phone call. De Castillo requested from Stenographer Virginia A. Manuel x x x the docket numbers of cases drawn to Branch 21. The latter

gave him the numbers written in a note pad and when compared to the stubs, were different.

- (5) When OIC De Castillo asked Manuel to show him the original stenographic notes of the raffle, the latter admitted that OIC Rillorta ordered her to reflect that Civil Case 3183 was drawn to Branch 36 instead of Branch 21.
- (6) When Liggayu served a copy of the raffle result, De Castillo rejected the same knowing that it was not the correct raffle result.
- (7) Ms. Liggayu did not answer when asked by De Castillo to explain the discrepancy and instead, she recalled the case folders which were distributed (to the different branches) together with the copies of the raffle results.
- (8) Upon arrival from Manila and upon learning of what happened, OIC Rillorta berated Manuel in the presence of other employees of Branch 21 and threatened to cause her dismissal. Rillorta then caused the logbook to be photocopied and likewise threatened Branch 21 employees that she will file a report.
- (9) That the aforesaid acts of Rillorta constitute gross and deliberate defiance of the Court's 3-month suspension order as she did not cease and desist from performing her duties.
- (10) That Rillorta's act of conducting the raffle in the absence of the Executive Judge and with her cohorts['] abuse of authority and managed to tamper the results thereby defeating the purpose of the raffle and that the said acts tend to show that Rillorta made an agreement with a lawyer to deliberately select the court where a case will be assigned to obtain a favorable decision.^[1]

The letter-complaint was then referred to Executive Judge Albano-Madrid for investigation, report and recommendation.

In her Report dated April 25, 2005, Executive Judge Madrid averred that she immediately interviewed the employees of the court and went over the minutes of the regular raffle held on November 11, 2003. The Court Interpreter of Branch 21, Morris Ebersole, attended as representative of Branch 21 since OIC Branch Clerk of Court Arcelio De Castillo was not present on that day. She reported that according to the minutes of the raffle, Civil Case Nos. 3175, 3177, 3180, 3183 and 3184 were raffled to Branch 21. This was confirmed by Ebersole, who stated that he could vividly remember that Civil Case Nos. 3183 and 3184 were raffled to Branch 21 because it involved property that formerly belonged to the Ebersole family. De Castillo, on the other hand, stated that he did not ask Stenographer Virginia Manuel about the result of the raffle the following day when he reported for work, and that Manuel gave him a list of the cases raffled to Branches 21 and 36. De Castillo questioned the list since it showed that Civil Case No. 3184 was assigned to Branch 36. Manuel, for her part, explained during the investigation that Liggayu had instructed her to change the result of the raffle. Liggayu, however, denied this, and

Rillorta stated that she had no knowledge of the matter.

The Executive Judge stressed that no raffle of cases had ever been conducted without her in attendance, and as such, she was sure that she was present when this particular raffle of cases was conducted. The minutes of the raffle held on November 11, 2003 reflects the true result, and that there was no tampering. The matter of the raffling of Civil Cases Nos. 3183 and 3184 became controversial only because of the statement of Atty. Ruben Lopez, counsel of plaintiffs therein, that "he already had an agreement that the cases will be assigned to Branch 36." The Executive Judge surmised that this allegation could be true since the said civil cases included prayers for the issuance of a temporary restraining order, and Atty. Lopez was perhaps trying to insure that he would be able to secure the restraining order. The Executive Judge further narrated that Atty. Lopez could have had an agreement with some court personnel to see to it that the civil cases would be assigned to Branch 36.

The Executive Judge, however, stated that she did not believe that respondents Liggayu or Rillorta had anything to do with the matter, since she has always been the one personally conducting the raffle, and everything has always been aboveboard. Anent the allegation regarding respondent Rillorta, the Executive Judge had this explanation:

During that time, Ms. Rillorta was under suspension and she was just winding up the turning over of her duties. That was the reason why Ms. Manuel was the one who recorded the proceedings of the raffle. Some people must have seized this opportunity. By her admission, she was instructed to tamper with the results of the raffle which she was supposed to prepare. She was not able to do so. It was Ms. Rillorta who after all prepared the true Minutes of the proceedings. I believe that the person who instructed Ms. Manuel to assign Civil Cases 3183 and 3184 to Branch 36 was someone of authority such that Ms. Manuel could not refuse. Neither can she divulged (*sic*) who that person really is. Ms. Liggayu who is a clerk of the office of the Clerk of Court has no moral or official ascendancy over Ms. Manuel.

I suppose there are disgruntled employees who cannot do their nefarious activities in the office because of the discipline being imposed by the Supreme Court. They resent this and they resort to the sending of anonymous letters.

Thereafter, pursuant to the recommendation of the OCA, the Court, in a Resolution dated August 8, 2005, resolved to

(a) **NOTE** the Report dated 15 April 2005 of Executive Judge Fe Albano Madrid; (b) **REDOCKET** and **TREAT** this case as an administrative matter against: (1) Officer-in-Charge Angelina C. Rillorta, Office of the Clerk of Court, for performing her duties/reporting for work while under suspension by the Court, (2) Susan Liggayu, Clerk III, same office, and (3) Virginia A. Manuel, Stenographer III, RTC, Branch 21, Santiago City, for falsification and dishonesty; and (c) **DESIGNATE** Justice Pedro Ramirez, a consultant of the Office of the Court Administrator, to conduct a formal investigation on the matter and to submit his report and recommendation within sixty (60) days from receipt of the record.