

EN BANC

[**A.M. NO. P-05-1953 (FORMERLY OCA IPI NO. 00-846-P), June 08, 2005**]

JUDGE MA. THERESA L. DELA TORRE-YADAO, COMPLAINANT, VS. MARILOU A. CABANATAN, STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 38, MADDELA, QUIRINO, RESPONDENT.

[**A.M. NO. P-05-1954(FORMERLY OCA IPI NO. 00-846-P)**]

REMEGIA R. PAGADUAN, COMPLAINANT, VS. MARILOU A. CABANATAN, STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 38, MADDELA, QUIRINO, RESPONDENT.

D E C I S I O N

PER CURIAM:

These consolidated administrative cases arose from complaints filed against respondent Marilou A. Cabanatan, Stenographer III, Regional Trial Court of Maddela, Quirino, Branch 38.

In a **letter-report**^[1] dated March 1, 2000, Judge Ma. Theresa L. Dela Torre-Yadao notified the Office of the Court Administrator (OCA) of respondent's habitual absenteeism, tardiness, falsification of daily time record, serious misconduct, disobedience, gross neglect of duty, and gross immorality.

In a separate verified **complaint**^[2] for immorality, Remegia R. Pagaduan charged respondent of unlawfully cohabiting with complainant's husband, Rodney Pagaduan, in Sitio San Marcos, Cabarroguis, Quirino. Complainant Remegia Pagaduan attached to her complaint the copy of her marriage certificate to Rodney Pagaduan.

In her **letter-comment**^[3] dated May 12, 2000, respondent admitted that she purposely absented herself for some days in September 1999 out of fear of Judge Yadao who frequently scolded and insulted her. She alleged that Judge Yadao harassed her, withheld her salary, forced her not to log-in her actual time of arrival and, eventually, disallowed her to log-in. Respondent also admitted that she was tardy a few times, but not on all the dates reported, because her residence was located 40 kilometers away from the court and few buses plied the route. Respondent denied falsifying the entries in her daily time record (DTR). For the charge of misconduct, she averred being harassed by the OIC Clerk of Court, who was then intoxicated and did not allow her to borrow the logbook.

In another **letter-comment**^[4] dated April 26, 2000, respondent denied having an affair with one Rodney Pagaduan. She claimed that the complainant, Remegia R. Pagaduan, was merely fed false and malicious information by persons who wanted to ruin the respondent, and that the complaint for immorality was just another act

of harassment by Judge Yadao.

The Court referred the case to Judge Moises M. Pardo, Executive Judge of the Regional Trial Court of Cabarroguis, Quirino, for investigation, report and recommendation. As found by the Investigating Judge, the Daily Time Records, the Monthly Report of Absences and Tardiness, and the Monthly Report of Employees' Attendance showed that herein respondent was absent for more than 40 days and late numerous times, particularly as follows: eileen

Month	Dates Respondent was Absent	Dates Respondent was Late
February 19	19, 22, 24, 26	4, 5, 9, 10, 12, 16, 17, 18
September 1999	17, 30	9, 14, 16, 20, 22, 24, 27, 29
October 1999	1, 14, 19, 21, 25, 26, 27, 28, 29	4, 5, 11, 13, 20
November 1999	3, 12, 15, 22, 23, 24, 25, 26	4, 18, 29
December 1999	2, 3, 13, 14, 15, 17, 24, 28	1, 6, 7, 9, 10, 22, 27, 29
January 2000	13, 17, 18, 19, 25, 26, 27, 28	4, 6, 11, 12, 20, 24
February 2000	4, 7, 8, 10, 17, 18, 24, 28	3, 15, 16, 22, 23, 24, 29
Total	47	45

Judge Yadao testified during the investigation that the OIC Clerk of Court informed her that respondent brought the logbook outside the court building without permission, constituting a serious misconduct. She submitted a letter from the Legal Researcher, Will Geer T. Andres, stating that he had not allowed respondent to borrow the logbook.

Judge Yadao confirmed that respondent repeatedly failed to timely submit the transcript of stenographic notes (TSNs) taken in several cases. She presented the memoranda she gave to respondent requiring her to explain why she did not submit the required TSNs.

To support the complaint concerning respondent's immorality, Judge Yadao submitted (1) the marriage certificate of respondent and Maximo Cabanatan, and (2) the hospital's birth records of respondent's youngest child, showing one Rodney Pagaduan as the baby's father. She added that she had gone to the house where respondent and Rodney lived as man and wife.

Noli Pagbilao, Court Process Server, and Norman Ruaboro, former docket clerk of RTC Branch 38, corroborated Judge Yadao's testimony. Noli Pagbilao testified that respondent and Rodney Pagaduan shared the same room in Mangandingay, Cabarroguis, Quirino. There, they sold motorcycle parts. Norman Ruaboro stated that the respondent and Rodney lived together. They co-owned the store for motorcycle parts. Ruaboro said that he often accompanied Rodney Pagaduan to the