

EN BANC

[A.M. No. P-01-1453, May 27, 2004]

**EXECUTIVE JUDGE BENJAMIN M. AQUINO, JR., COMPLAINANT,
VS. BETHSAIDA M. MIRANDA, CLERK III, METROPOLITAN TRIAL
COURT BRANCH 54, NAVOTAS, METRO MANILA, RESPONDENT.**

DECISION

PER CURIAM:

This administrative case originated from a Report dated 13 April 1999 Executive Judge Benjamin M. Aquino, Jr.^[1] ("Executive Judge Aquino") submitted to then Court Administrator Alfredo L. Benipayo ("Court Administrator Benipayo"). In his Report, Executive Judge Aquino recommended the investigation of respondent Bethsaida M. Miranda ("respondent") for serious misconduct while Clerk III of Branch 54, Metropolitan Trial Court of Navotas, Metro Manila ("MeTC Branch 54").

On 11 March 1999, Executive Judge Aquino conducted an inventory of the records of MeTC Branch 54 on an administrative case^[2] that led to the dismissal of Judge Reynold Q. Yaneza ("Judge Yaneza"). The Court found that Judge Yaneza irregularly approved bail bonds and irregularly issued release orders in violation of Section 17, Rule 114 of the Rules on Criminal Procedure.

During the inventory, Executive Judge Aquino found pre-signed and pre-notarized bail bonds in blank inside the drawer of respondent's filing cabinet. In his Report, Executive Judge Aquino stated:

1. Blank forms of personal bail bonds of Wellington Insurance Company already duly signed by the persons authorized to do so who affixed their signatures over the typewritten words "authorized signature" and "counter signature", with the following Numbers 04196, 04197, 04198, 04199 and 04200, along with forms relative to the application of bail bonds, the latter forms being 20 in number.

Make it also of record that the blank forms of personal bail bonds bear the signature of notary public Atty. Jonas Giovanni Lisaca with all entries on the notarization side of document being in blank but duly sealed already.

In separate envelope was found 1st Indorsement dated July 30, 1998 of Judge Yaneza with certification by Bethsaida Miranda re: bail bond for one Honesim[o] B. Hefi to be sent to the Municipal Trial Judge of Baao, Camarines Sur. Attached to the Indorsement are the personal bail bond posted by Mega Pacific Insurance for accused Hefi in the amount of P12,000.00 duly signed and approved by Judge Yaneza and other supporting papers.

In the third envelope is another containing bail bond No. 01890 for one Allan Castro. In Criminal Case No. 98036 of the Navotas Metropolitan Trial Court, although only a form without signature bearing signatures thereto by the officers of the Wellington Insurance Company.

Also found is another personal bail bond form No. 01886 of the Wellington Insurance Company wherein the name Nenita Salvador has already been typed and obviously for Criminal Case No. 0035 and other forms clearances, warrant for the arrest of Gloria S. Ascano, and a "receipt" dated February 12, 1999 signed by one V. Lontoc for Bethsaida Miranda are the personal bail bonds Nos. 101886 to 01890 (Wellington) and other application forms for bail bond some accomplished and a Certificate of Detention issued by the Jail Warden of Navotas Municipal Jail and supporting papers for the bail bonds (sic).^[3]

Executive Judge Aquino also reported that a court employee saw respondent bring out of the office court records wrapped in newspaper. The court employee saw respondent hand this newspaper-wrapped bundle to another court employee, Armando Aquino. The two then left in a tricycle.

Questioned during the inventory, Armando Aquino admitted receiving the newspaper- wrapped bundle but claimed he did not know its contents. He added, however, that he and respondent met that same day with Judge Yaneza to whom respondent turned over the newspaper-wrapped bundle. When Judge Yaneza opened the newspaper-wrapped bundle in front of them, Armando Aquino was surprised to see that it contained the records of two cases, People v. Conghe and Pascual v. Basbas, et al.

Also during the inventory, Legal Researcher Evelyn Atienza received a phone call from Judge Yaneza who said that he had in his possession the records of two cases that he was working on. But because of his dismissal from the service, Judge Yaneza said he would return the two records to the court. The two cases Judge Yaneza referred to were People v. Conghe and Pascual v. Basbas, et al. Judge Yaneza subsequently returned to MeTC Branch 54 the records of these two cases.

In his Report, Executive Judge Aquino stated that respondent's actuations, "while not absolute proof of her complicity in the activities for which Judge Yaneza was dismissed from the service, are strong indications that she engaged in activities relative to the posting of bail bonds." Executive Judge Aquino pointed out that respondent's unauthorized removal of court records from court premises, and delivery of the records to a dismissed judge, were clear violations of operating procedures. Executive Judge Aquino recommended that the matter be investigated further.

In his 1st Indorsement dated 21 June 1999, Court Administrator Benipayo directed respondent to comment on the Report of Executive Judge Aquino charging her with grave misconduct.

Respondent filed her Comment on 12 October 1999 maintaining that "not a single piece of concrete evidence was produced to link her to the anomalous conduct involving bail bond transactions that led to the dismissal of Metropolitan Trial Court

Judge Reynold Q. Yaneza.” Respondent denied the allegations in the Report and denounced it as untrue and without basis. Respondent claimed that the Report is “very vague” and failed to state exactly what it was that she brought outside of court premises. Respondent also alleged that Roman Gatbalite (“Gatbalite”), Clerk of Court of MeTC Branch 54, instigated the complaint because he wanted to blacken her reputation. Finally, respondent maintains that she committed no wrongdoing since all the subject records were eventually recovered.

On 20 November 2000, the OCA recommended re-docketing of the matter as an administrative case and its referral to one of OCA’s consultants for investigation, report and recommendation.

On 15 January 2001, the Court resolved to adopt the OCA’s recommendations.

The OCA, through its Investigator, retired Court of Appeals Justice Pedro A. Ramirez (“Investigator Ramirez”), issued an Order dated 13 February 2001 setting the case for hearing on the 6th and 13th of March 2001.

The hearing did not push through due to the inability to serve notice on respondent. Investigator Ramirez then issued an Order dated 8 March 2001 directing Gatbalite, the Branch Clerk of MeTC Branch 54, to inform him within ten days of the status or whereabouts of respondent.

On 20 March 2001, Gatbalite wrote Investigator Ramirez that respondent was detailed in the Office of the Clerk of Court, Metropolitan Trial Court of Malabon, Metro Manila (“MeTC Malabon”). Gatbalite explained that Executive Judge Aquino authorized the detail in a Memorandum dated 23 April 1999 on verbal instruction of Court Administrator Benipayo.

Investigator Ramirez then issued an Order dated 22 March 2001 re-setting the case for hearing on the 18th and 19th of April 2001. However, because the notice of hearing was sent erroneously to MeTC Branch 54 in Navotas, Investigator Ramirez ordered the resetting of the hearing to the 26th and 27th of June 2001, which was again reset to the 24th and 25th of July 2001.

Respondent failed to appear on both hearing dates. Thus, in an Order dated 25 July 2001, Investigator Ramirez reset the hearing to the 14th and 15th of August 2001. He also directed Emelita R. Trinidad (“Trinidad”), Clerk of Court of MeTC Malabon, to serve a copy of the Order to respondent, submit a compliance report and inform him on whether respondent continues to report to MeTC Malabon.

On 3 August 2001, the sheriff of MeTC Malabon, Alejandro C. Provido submitted a return stating that he could not serve respondent a copy of the Order dated 25 July 2001 because respondent no longer resided at her address in Navotas.

On 6 August 2001, Clerk of Court Trinidad reported to Investigator Ramirez that respondent, after her detail to MeTC Malabon in April or May 1999, filed an application for leave of absence for the months of April or May until June 1999. Trinidad added that respondent filed an application for optional retirement sometime in May or June 1999, effective 1 July 1999.

Due to respondent’s repeated failure to appear at the hearings, Investigator Ramirez

issued an Order dated 15 August 2001 stating that respondent is deemed to have waived her presence and right to present evidence in her behalf. The Order also stated that Investigator Ramirez would submit the required report based on the records of the case. Copies of this order were sent to all the addresses of respondent available on record, all of them returning unserved.

In his Report dated 12 February 2003, Investigator Ramirez recommended the dismissal of respondent for grave misconduct. He also highlighted respondent's repeated failure to attend the hearings of the case. The Report stated in part:

Indeed, respondent's unexplained possession in the drawer of the filing cabinet she alone was using of the following:

1. blank forms of personal bail bond of the bonding company already signed by authorized persons, along with twenty (20) application forms of bail bonds;
2. blank forms of personal bail bonds bearing the signature of notary public Jonas Giovanni Lisaca, all entries on the notarization side of the documents in blank but already sealed;
3. first indorsement dated July 30, 1998 of Judge Yaneza with respondent's certification of the bail bond for one Honesimo B. Hefi for transmittal to the Judge of the Metropolitan Trial Court of Baao, Camarines Sur; the personal bail bond posted by Mega Pacific Insurance for accused Hefi in the amount of P12,000 approved by Judge Yaneza;
4. bail bond No. 01890 for one Allan Castro in Criminal Case No. 98036 of the Metropolitan Trial Court of Navotas on a form without the signature of the authorized officer of Wellington Insurance Company; and
5. personal bail bond form bearing No. 01886 of Wellington Insurance Company issued in the name of Nenita Salvador typewritten on it obviously to be filed in Criminal Case No. 0035, together with forms for clearances, warrant for the arrest of Gloria S. Ascano and "receipt" dated February 12, 1999 signed by one V. Lontoc for Bethsaida Miranda, personal bail bond Nos. 101886 to 101890 (Wellington) and other application forms for bail bond, some accomplished, and a certificate of detention issued by Jail Warden of Navotas Municipal Jail and supporting papers for the bail bonds.

is proof of the misconduct she has committed for which she should be meted out the corresponding penalty.

WHEREFORE, it is respectfully recommended that respondent Bethsaida M. Miranda, Clerk III, Metropolitan Trial Court, Branch 54, Navotas, Metro Manila, be declared guilty of misconduct in office for which she should be dismissed from the service.

We agree with the findings, conclusions and recommendations of Investigator Ramirez.