

SECOND DIVISION

[A.M. No. RTJ-03-1770 (OCA IPI No. 01-1160-RTJ), April 24, 2003]

MELISSA E. MAÑO, COMPLAINANT, VS. CAESAR A. CASANOVA, RESPONDENT.

DECISION

BELLOSILLO, J.:

MELISSA E. MAÑO, in an Affidavit filed on 7 February 2001, charged respondent Caesar A. Casanova, Presiding Judge, RTC-Br. 80, Malolos, Bulacan, with grave abuse of authority for forcing her to resign, and for gross misconduct in office for writing a decision in behalf of another judge acquitting an accused for a consideration.

Complainant Melissa E. Maño was a court stenographer of respondent judge from May 1995 up to the time she was allegedly forced to resign from office in July 1999.

In her Affidavit^[1] complainant alleged that her misery began when respondent Judge suspected her of leaking vital informations regarding an irregularity in the issuance of an injunction order without paying the requisite injunction bond in *UBVAS v. Veronica Gonzales*, docketed as Civil Case No. 61-M-98. From then on, according to her, she became the object of respondent's ire and often singled out for harassment.

Complainant further alleged that sometime in 1996 respondent called her and another stenographer to his chambers to show them a draft decision he supposedly wrote for Judge Candido R. Belmonte of Br. 22 of the same court. Sometime thereafter, the accused Santiago Calderon who was acquitted in that decision went to their office and gave respondent Judge a cassette recorder, and that, in fact, respondent even ordered her to place it under her table for safekeeping. However, the cassette recorder was destroyed towards the end of 1996 when the office was gutted by fire.

It must be recalled that in March 1999 complainant took the cassette recorder of her co-employee Corazon "Twinkle" Pineda without the latter's permission. When confronted by Pineda about the missing cassette recorder, complainant admitted having brought it home but forgot to bring it back because she was in a hurry. Although she promised to return it the following morning she failed to do so. Later, complainant wrote two (2) letters of apology to Pineda admitting that she lied about the cassette recorder and that she would just pay for its loss. As she promised, complainant gave Pineda P1,200.00 as payment for the cassette recorder.

Complainant also narrated that in April 1999 she filed an application for emergency maternity leave due to "spotting." While complainant was on maternity leave

respondent Judge sent over one of his staff to force her to sign a prepared resignation letter using the loss of the cassette recorder to coerce her into resigning or be charged with qualified theft. She refused to sign the document.

Upon her return to work in June 1999 she was immediately called by respondent to his chambers to once again ask her to resign. Failing in that regard, respondent forced her to go to the house of her father-in-law hoping that the latter could exert enough moral pressure to persuade her to resign.

In July 1999 complainant finally tendered her resignation upon learning that respondent had instructed his office staff to give her the cold shoulder treatment and not to give her any assignment.

In response to the Affidavit-Complaint, respondent Judge presented, among others, the following pieces of documentary evidence:^[2] (a) Letter of Resignation of Melissa E. Maño dated 1 July 1999;^[3] (b) Two (2) letters of apology by Melissa Maño dated 13 April 1999 and 15 April 1999 addressed to Corazon Pineda (Twinkle), a fellow stenographer, regarding her cassette recorder which complainant had taken without the knowledge and consent of Ms. Pineda, and which was never returned to her;^[4] (c) Memorandum Letter dated 27 July 1998 of respondent Judge to Melissa Maño regarding "Loafing or Unauthorized Absences from Duty During Regular Office Hours" although her Bundy clock card showed otherwise, and she was reportedly seen by her neighbors playing mahjong;^[5] (d) Explanation Letter of Melissa Maño dated 28 July 1998 admitting her fault regarding the matter mentioned in the Memorandum Letter of respondent Judge;^[6] and, (e) Resolution of the Third Division of the Supreme Court dated 18 October 1999 dismissing the Complaint of Elizabeth Calderon against respondent Judge for lack of merit and further admonishing her for filing a frivolous complaint, raising therein the issue relative to *UBVAS v. Gonzales*, and which is now the same issue being raised by complainant.^[7]

On 25 July 2002, the Office of the Court Administrator, through Deputy Court Administrator Jose P. Perez, recommended that the matter be referred to an Associate Justice of the Court of Appeals for investigation, report, and recommendation.^[8]

This Court in a resolution dated 26 August 2002 referred the instant administrative case to Court of Appeals Associate Justice Eliezer R. delos Santos for investigation, report and recommendation.^[9]

After appropriate proceedings, Investigating Justice delos Santos recommended that the administrative charges against respondent Judge be dismissed. He ratiocinated -^[10]

As to the charge of grave abuse of authority for forcing the complainant to resign, we find nothing to prove the allegation. The alleged resignation letter sent for complainant's signature by the respondent was not presented. The allegation that she was forced to resign is contrary to her thanking the respondent Judge "for being like a second father to us" x x x x With regard to the charge of serious misconduct for allegedly writing decision for another judge, we find it unthinkable for a judge to call her