

## **THIRD DIVISION**

**[ A.M. No. P-02-1639, September 18, 2002 ]**

**LYN A. MALAYO AND ROWENA P. RIPDOS, COMPLAINANTS, VS.  
ATTY. LEILA I. CRUZAT, BRANCH CLERK OF COURT, REGIONAL  
TRIAL COURT, BRANCH 146, MAKATI CITY, RESPONDENT.**

### **R E S O L U T I O N**

#### **CORONA, J.:**

In a sworn letter-complaint dated March 6, 2001, Lyn A. Malayo and Rowena P. Ripdos, employees of the local government of Makati City, detailed to Regional Trial Court (RTC), Branch 146, Makati City, charged Atty. Leila I. Cruzat, Branch Clerk of Court, with conduct unbecoming of a public officer and a member of the judiciary, and with falsification of a public document. A similar letter-complaint, undated and unsworn, was filed with the Office of the Chief Justice.

Complainants alleged that:

(1) respondent abused her authority, often broke into tantrums and gave them mouthfuls of insults and curses every time respondent's assigned parking space was occupied by another vehicle; in one instance on January 29, 2001, respondent arrived at their office at past 10:00 o'clock in the morning, fuming over the fact that her parking space was occupied by another vehicle; respondent burst into anger and verbally abused them; as a result, they filed a complaint against respondent in the Office of the Executive Judge, RTC, Branch 139, Makati City for threats, conduct unbecoming of a public official and violation of the anti-graft law;

(2) falsification of her Certification of Services Rendered for the month of June 2000; respondent certified that she rendered full time service from June 1 to June 30, 2000, except June 29, when, in truth and in fact, she left the country at 2:50 p.m. on June 9, 2000 on a Philippine Air Lines flight (PR 306) to Hongkong, as reported by the Bureau of Immigration on February 8, 2001; respondent failed to secure any clearance or authority to travel;

(3) during her roughly two years' stay in the judiciary, respondent was able to acquire two expensive cars (a Mitsubishi Lancer and a Nissan Frontier), as well as an expensive house and lot located in Balatbat, Lobo, Batangas; complainants also reported the close relationship of respondent and Atty. Marilyn Guzman who at that time was a Vice-President of United Coconut Planters Bank representing the said bank in its civil cases pending before the Makati City RTC, Branch 146, where respondent was the Clerk of Court.

In her Comment, respondent vehemently denied the accusations against her and alleged the following:

(1) the instant complaint was a retaliation against her because she requested the government to recall the complainants as city employees detailed to the RTC, Branch 146, Makati City.

(2) she had worked with the complainants since 1995; if she were really abusive, complainant Ripdos would not have chosen her as godmother of the latter's child; there were also instances when complainants would borrow money from her for very urgent financial needs which she never declined;

(3) she never assigned the complainants to watch over her parking space on a regular basis; the requests she made to the complainants were simple pakisuyo or pakiusap inasmuch as she had become familiar with them as a result of their almost six years of working together in the same office;

(4) on January 29, 2001, she was supposed to discuss an important issue with the Presiding Judge in a case set for hearing that morning; at around 8:15 that morning, she called up the office and requested complainant Malayo to watch over her parking slot as she would be arriving shortly; she further requested complainant Malayo to pass on the request to complainant Ripdos in case she had other things to do; however, when respondent arrived, her parking slot was taken and neither Ripdos nor Malayo was there, thus, she had to make several turns and spend several minutes looking for a parking space; after she finally parked her car, she immediately went to the office and asked complainants, but not in an angry manner: "*Anong nangyari, bakit wala kayo doon?*" Complainant Malayo replied in a loud voice, "*Bakit kasalanan ko ba kung pagdating mo may naka-park na ron?*" Complainant Ripdos joined Malayo and angrily said: "*Bakit, trabaho ba namin ang magbantay ng parking space?*" She was naturally infuriated by these disrespectful remarks made in the presence of the other staff members, so she replied in an angry manner and an exchange of words ensued;

(5) she did not deny owning a Mitsubishi Lancer that she purchased in 1997 with her hard-earned savings since 1992 when she started working at the National Labor Relations Commission; the price of a Mitsubishi Lancer was not grossly disproportionate to the income of a single person who had no family to support;

(6) the Nissan Frontier was not owned by her but by her close and long-time friend, Atty. Marilyn Guzman, as evidenced by the Certificate of Registration and Official Receipt thereof; her close friendship with Atty. Marilyn Guzman never compromised her position as Clerk of Court of RTC, Branch 146;<sup>[1]</sup>

(7) the house in Lobo, Batangas was not owned by respondent but by her parents; it was their family residence; it sat on a land co-owned by respondent's father and his co-heirs, as proven by the tax declaration issued in favor of respondent's parents;

(8) it is true that she left the country on June 9, 2000. She reported for work early in the morning and asked permission from the Presiding Judge

to leave before the end of office hours; the permission sought was granted;

(9) on the charge that she left the country without securing any clearance or authority from the court, she begged the indulgence of the Court for her ignorance; she honestly believed that being away on a Saturday, Sunday and legal holiday did not require any prior clearance or authority.

On March 27, 2001, the Office of the Court Administrator (OCA) received a letter from Judge Salvador S. Tensuan, RTC, Branch 146, Makati City, corroborating the allegations of respondent in her Comment.

In their Reply, complainants failed to allege any new matter for consideration.

The Office of the Court Administrator, in its memorandum dated June 1, 2001, gave its own assessment of the case and made the following recommendations:

(1) the charges of conduct unbecoming of a public officer and member of the judiciary, and of violation of RA 3019 (Anti-Graft and Corrupt Practices Act) against respondent Atty. Leila I. Cruzat, Branch Clerk of Court, RTC, Branch 146, Makati City should be dismissed for lack of merit;

(2) Atty. Cruzat should be SEVERELY REPRIMANDED for falsifying her Certification of Services rendered for the month of June 2000 by making it appear that she rendered services the whole day of June 9, 2000 when she was in fact absent in the afternoon of that day; and

(3) Atty. Cruzat should be suspended for a period of one month and one day without pay for leaving the country and traveling abroad from June 9-12, 2000 without securing from the Supreme Court the requisite authority therefor.

In her Rejoinder dated June 18, 2001, respondent alleged that, although she left the office early on June 9, 2000, she reported for work before the start of the usual office hours and that, after she was through with her work, she was permitted by her judge to leave the office in order to catch her flight for Hongkong at 2:50 p.m. Respondent contended that she was not being untruthful when she stated in her Certification that she rendered the service required of her by law. According to her, she had even rendered more hours than what was required by law and the government even owed her (for uncharged overtime pay). Thus the government was not prejudiced by the Certification.

Moreover, respondent claimed to have acted completely in good faith. She asked permission from her judge and the latter allowed her, leading her to believe everything was in order.

With regard to her failure to secure clearance or authority to travel, respondent repeatedly claimed good faith. She was not aware of such a requirement and sought the understanding of the Court Administrator. The claim of good faith was bolstered by the fact that she was away only on Saturday, Sunday and Monday all of which were no-work days, that particular Monday having been a legal holiday.