

## **FIRST DIVISION**

**[ A.M. No. P-98-1274, September 09, 1999 ]**

**ACELA P. LEONOR, COMPLAINANT, VS. VILMA B. DELFIN, CLERK  
OF COURT III, RESPONDENT.**

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

**KAPUNAN, J.:**

In a letter complaint dated 18 November 1996 addressed to the Court, Acela P. Leonor asked that proper disciplinary action be taken against respondent Vilma B. Delfin, Clerk of Court III, Municipal Trial Circuit Court, Branch V, Bacolod City.

The allegations of the letter-complaint<sup>[1]</sup> are as follows:

On the suggestion of a friend, I went to Mrs. Vilma B. Delfin in her Office at the ground floor of the Hall of Justice Building, Bacolod City on August 22, 1996. I presented to her the problem concerning errors in the birth certificate of my son, Roscoe Leonor Deles, Jr., whose papers for employment in Japan was being processed, and if the said errors may be corrected, as not to delay my son's trip for work in Japan.

Mrs. Delfin assured me that it could be done within one and a half month's time, but it would be costly. After explaining to her that I could not afford the amount she mentioned, her charge was lowered to P6,000.00. Since I was of course in a hurry also that correction of the birth certificate of my son be made and I had only P2,000.00 with me, I tendered the said amount to Mrs. Delfin, for which she gave me a receipt, copy attached as Annex "A", and assured me that the petition should be prepared and filed.

On August 27, 1996, I paid another P2,000.00 to Mrs. Delfin, as shown by copy of her handwritten receipt hereto attached as Annex "B". On September 16, 1996, I sent to her P1000 and on September 18, 1996, the full payment. Copies of the receipts of Mrs. Delfin are hereto attached as Annexes "C" and "D", respectively. All the time, we were under the impression that the petition was filed with and pending in court.

On October 15, 1996, my son Roscoe, Jr. was advised that his visa was already ready. Thus, on the following day, October 16, 1996, he went to Mrs. Delfin in her office at the Hall of Justice in Bacolod City for his corrected birth certificate. She told my son it was good that he was the one who came, because it was difficult with me, since, according to her, I am not a college graduate. No petition, nor corrected birth certificate, was given by Mrs. Delfin to my son.

In view thereof, on October 17, 1996, I went to Mrs. Delfin and asked for a copy of the petition she filed, so even that petition alone could be availed of by my son. She gave me a carbon original copy of a 3-page petition, copy attached as Annex "E". However, the petition does not have any case or rather prayer. Although Mrs. Delfin had told me before that this case was raffled on October 4, 1996 and assigned to branch 45, RTC and set for hearing on December 12, 1996, it was only after I left Mrs. Delfin on October 17, 1996 that she filed the subject petition, which appears without prayer of what reliefs the court should grant.

In the light of the foregoing, we withdrew the petition and demanded from Mrs. Delfin return of the amounts paid to her. However, she refunded to us only P3,635.00, as shown by copy of the receipt my son signed, which is hereto attached as Annex "F".

The aforementioned facts show that Mrs. Delfin's conduct do not conform with what is required of her as an officer of the court. She has not been honest in her dealing with me. She deceived us into believing that, in accordance with her assurance, the petition for correction of the entries in the birth record of my son was, indeed, properly prepared and filed, when, in truth and in fact, it was not. She has caused us so much pain and injury and, unless appropriate sanctions are taken against her, the same acts may be repeated.

In a Resolution dated 17 March 1997, the Court required respondent to comment on the letter-complaint.<sup>[2]</sup>

In her comment,<sup>[3]</sup> respondent alleged, among others, that:

Respondent did not solicits (sic) the complainant's retainership. She came to respondent on a referral. Respondent did not know complainant. Complainant needed help in the filing of a petition in behalf of her son to correct the entry in the record of birth. After assessing the nature of the petition, respondent was of the mind that it was not cognizable by the Municipal Trial Court in Cities of which she is the Clerk of Court III of Branch 5.

Complainant's indictment that "Mrs. Delfin's conduct do not conform with what is required of her as an officer of the court of appear off tangent. Respondent went out to her way to help. It was not part of her official duty as Clerk of Court III.

Respondent advised complainant that she need a lawyer to handle the petition and the obtaining rate of a counsel's fee was from package P10,000.00 to P12,000.00 When complainant admitted she could not afford the fee, respondent asked her if a package fee of P6,000 (for publication fee, filing, and etc.) would be within her means, complainant said in the affirmative provided that she paid on installment. Respondent did this because she would prevail upon her husband, now a private law practitioner, to handle the petition to accommodate and held complainant.