

[A.M. No. P-96-1218, September 04, 1996]

ERLINDA C. ABERGAS, COMPLAINANT, VS. MERLITA V. BAGOLBAGOL, RESPONDENT.

D E C I S I O N

MENDOZA, J.:

This is a complaint filed against Merlita Valois Bagolbagol, Court Stenographer of the Regional Trial Court, Branch 17 of Manila, charging her with dishonesty, gross misconduct, and acts prejudicial to public service. The complaint alleges that complainant Erlinda C. Abergas was a plaintiff in a case (Civil Case No. 92-63808 entitled "Sps. Bonifacio Abergas and Erlinda C. Abergas v. Sps. Ed Luna and Marissa Luna, et al.") pending in respondent's court; that on May 19, 1995, respondent went to complainant's office to deliver the transcript of stenographic notes taken by her; that after learning that complainant was selling jewelry, respondent "persuaded" her to allow her to sell jewelry for her; that complainant reluctantly acceded to respondent's request because she did not want to antagonize her if she did not grant the request; that she entrusted to respondent jewelry worth P82,935.00 for which respondent signed receipts or issued postdated checks; that respondent failed after one month to account for the proceeds of the sale or to return the jewelry; that when complainant tried to deposit the checks given by respondent, the checks were dishonored; and that even after being informed of the dishonor of the checks respondent refused to pay their value. Complainant prayed that proper and appropriate sanctions be taken against respondent.

In her comment dated January 11, 1996, respondent claimed that it was actually complainant who convinced her to sell for her; that she accepted the offer because she wanted to augment her meager salary and that of her husband and to help "in the maintenance and education of seven (7) children"; that only P42,875.00 worth of jewelry was actually delivered to her by complainant; that she had remitted the proceeds of her sales and only failed to pay for the balance of P25,175.00; that she was willing to pay the balance in installments; that she did not sell during office hours; and that she had suffered as a result of the criminal case filed against her by complainant arising from the seven checks she had issued to guarantee payment of the jewelry.

In reply, complainant confirmed that she had filed a criminal case of estafa (Criminal Case No. 96-146994) against respondent in the Regional Trial Court of Manila, Branch XIX; that through the intercession of Presiding Judge Zenaida Rodrigo-Daguna, who "was so concerned [for] a fellow court employee," complainant and respondent agreed to settle the case, as a result of which respondent issued 20 postdated checks to complainant in the amount of P2,500 each, or a total of P50,000.00; that four of the checks bounced; that respondent was always away or absent everytime complainant looked for her in her office; that respondent's remittance was very irregular; that the total value of the jewelry entrusted by her to respondent was actually P83,125.00, P45,675.00 of which was covered by postdated