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Procedure. He is sternly warned that the commission of the same or a similar act in the future shall be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, and *Sandoval-Gutierrez, JJ.,* concur. *Gonzaga-Reyes, J.,* on leave.

THIRD DIVISION

[A.M. No. P-01-1452. July 11, 2001]

FERMA C. PORTIC, *complainant, vs.* **MARIO B. LOPEZ, Legal Researcher; and GLENN A. UMALI, Clerk III,** *respondents.*

SYNOPSIS

Complainant was charged with estafa by Anastacia Cristobal. For her defense, she presented the original PETTY CASH VOUCHER-CERTIFICATE OF FULL PAYMENT and other specimens wherein Anastacia absolved complainant of all liabilities. Contested by Anastacia, the document was forwarded to the National Bureau of Investigation, Manila, for handwriting examination. Result therefrom showed that the signature was written by one and the same person. The NBI examiner was subpoenaed, but the typed address was at Camp Olivas, San Fernando, Pampanga. Respondent Umali who typed the subpoena copied the address from the minutes of the proceedings of the case on October 5, 1998. The original copies of the questioned documents were returned to the court and received by respondent Umali. However, he gave the same to Max Cristobal, a cousin of Anastacia to handcarry the same to the Bulacan Provincial Crime Laboratory for another examination. This time, the result was against complainant. These documents were later found in Anastacia's possession. Aggrieved, complainant, claiming that respondents

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facilitated the switching of documents, filed the instant administrative charges against respondents for grave misconduct, negligence of duty and abuse of authority.

Actions of judicial personnel should at all times embody prudence, courtesy, dignity and impropriety. Turning over pertinent documents to a relative of the opposing party constitutes improper conduct.

SYLLABUS

1. **ADMINISTRATIVE LAW; JUDICIARY; ACTIONS OF ALL JUDICIAL PERSONNEL SHOULD AT ALL TIMES EMBODY PRUDENCE, COURTESY, DIGNITY AND PROSPERITY.**— It cannot be overemphasized that the actions of judicial personnel should at all times embody prudence, courtesy, dignity and propriety, lest they be accused of trifling with the processes of the institution whose good name and image they are bound to protect.

2. **ID.; ID.; ALLOWING RELATIVE OF PROSECUTION TO HAND CARRY DOCUMENT, SUBJECT OF DEFENSE OF OPPOSING PARTY, TO CAMP OLIVAS FOR EXAMINATION, IMPROPER.**— In the present case, the impropriety of Respondent Lopez's act in giving the questioned documents to Max Cristobal, a cousin of complainant's accuser, is at once apparent. Those documents formed the cornerstone of complainant's defense in the estafa case filed against her. It was certainly wrong for Respondent Lopez to have handed them to a party interested in debunking their evidentiary value. That no evidence of tampering or switching of documents was shown cannot change the fact that Respondent Lopez acted improperly in giving an interested party the opportunity to do it.

3. **ID.; ID.; PUTTING WRONG ADDRESS OF WITNESS BASED ON MINUTES OF CASE, NOT BAD FAITH.**— On the other hand, there is no clear showing that Respondent Umali acted in bad faith when he put the wrong address on the subpoena meant for Eliodoro Constantino. The records support his claim that he merely followed what was in the minutes of the October 5, 1998 session of the trial court.

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DECISION

PANGANIBAN, *J.*:

The image of a court as a bastion of justice depends to a large extent on the personal and official conduct of its employees. Thus, from the judge to the lowest clerk, judicial personnel have the sacred duty to maintain the good name of the judiciary.

The Facts

In a sworn letter-complaint filed by Ferma C. Portic on March 22, 1999,[1] Officer-in-Charge Mario B. Lopez and Clerk III Glenn A. Umali of the Regional Trial Court of Malolos, Bulacan, were charged with grave misconduct, negligence of duty and abuse of authority. The pertinent portion of the letter-complaint reads thus:

"1. Na ako si Mrs. Ferma Portic (kasama ang aking asawang si Mr. Ricardo Portic) ay ang complainant sa Civil Case #4935-V-96, QUIETING OF TITLE[,] RTC Branch 75 Valenzuela City (Hon. Jaime Bautista), na aming isinampa noong June 6, 1996 laban kay Mrs. ANASTACIA CRISTOBAL ng Malolos, Bulacan[;]

"2. Na makalipas po ang apat na buwan ay nagsampa naman si Anastacia Cristobal ng kaso laban sa akin — Crim. Case #05-M-97 ESTAFA RTC Branch 10, Malolos, Bulacan (Hon. Victoria Pornillos) noong October 31, 1996;

"3. Na ako ay isang karaniwang may-bahay na matapos maglingkod ng 11 taon kay Cristobal bilang tagapaningil sa kanyang mga pautang at negosyo ay nagpasiya na po akong magpaalan sa dahilang ako po ay nagkasakit at naoperahan sa Metropolitan Hospital;

"4. Na bago po ako nagpaalam kay Cristobal ay na-settle ko na po ang lahat ng aking obligasyon at wala na po akong iniwang anumang pananagutan[;]

"5. Na ang kasong Estafa na inihain laban sa akin ni Cristobal ay aking pinatutunayang walang katotohanan sa pamamagitan ng mga

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[1] Addressed to former President Joseph E. Estrada. The case was subsequently endorsed to this Court by Hon. Jesus F. Guerrero, Deputy Ombudsman for Luzon, in an Indorsement dated April 21, 1999 and received by the Court on June 9, 1999.

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Orginal Document na ang isa na po dito ay ang PETTY CASH VOUCHER – CERTIFICATE OF FULL PAYMENT na tinanggap ng RTC Branch 10 Malolos sa Exhibit 1 (See [A]nnex A);

"6. Ngunit ang Exhibit 1 na aking nai-submit sa korte ay itinang[g]i ni Anastacia Cristobal at sinabing hindi niya pirma or signature;

"7. Nang dahil dito ay hiniling ni Anastacia Cristobal na ma-verify ang authenticity ng aking Exhibit 1;

"8. June 9, 1997 — sa bisa ng Court Order ay nag-utos si Judge Pornillos na aming dalhin sa NBI Manila kasama ang ibang supporting specimen signature ni Cristobal at inutusan din si Cristobal na magdala ng sarili niyang specimen signature (see Annex B)[;]

"9. July 23, 1997 — lumabas po ang resulta ng NBI MANILA EXAMINATION at naging pabor po sa amin — THE SIGNATURE WAS WRITTEN BY ONE AND THE SAME PERSON (See Annex C);

"10. October 2, 1998 — Nag-file si Fiscal Rolando Bulan ng Motion ng nag-request na i-forward ng NBI-Manila ang lahat ng documents to the PNP-Camp Olivas Pampanga (see Annex D);

"11. October 5, 1998 — Subpoena for NBI Manila Examiner na magbigay ng testimony sa darating na November 9, 1997 hearing (See Annex E)

"12. Ngunit hindi po nakarating and NBI-Examiner sa November 9, 1997 hearing sapagkat mali po ang address na naisulat ni Glenn Umali at Mario Lopez sa subpoena (see Annex F);

"13. Instead of NBI-Manila po ang address na dapat pagdalhan ay NBI-Camp Olivas Pampanga po ang kanilang isinulat – dahil po dito ay nabala[m] ang pag-testify ng NBI Examiner sa Br. 10 Malolos (see Annex G);

"14. November 9, 1998 — Nag-issue ng bagong subpoena sa NBI Examiner to appear on December 14, 1997 hearing to testify hinggil sa kanyang mga findings (see Annex H);

"15. November 27, 1998 — Dinala ng NBI-Manila ang [mga] Original Copies of Questioned Documents ko po sa RTC - 10 Malolos, Bulacan na tinaggap ni Mr. Glenn Umali (see Annex J);

"16. December 1, 1998 — Sa hindi po malamang dahilan ay ibinigay ni Mr. Mario Lopez ang mga Original Copies of Questioned Documents sa pinsan ng aking kalaban na si Mr. Max Cristobal (see Annex K);

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"17. December 3, 1998 — Nag-request ang Chief of Police ng PNP-Baliwag Municipal Police Office P/S Alfredo de Guzman Siwa, Chief ng Bulacan Province Crime Lab., Malolos, Bulacan ng Examination on Questioned Documents (see Annex L);

"18. December 7, 1998 — Tinanggap ang mga nasabing documents ni PO1 Bularan ng Bulacan Province Crime Lab. mula kay SPO1 Fred Biluer ng Baliwag Municipal Police (see Annex L);

"19. December 14, 1998 — Dumating ang NBI-Manila Examiner ngayong hearing ngunit hindi pinahintulutang mag-testify (see Annex I);

"20. December 14, 1998 — Subpoena para sa NBI-Manila upang mag-appear sa January 25, 1999 hearing (see Annex M);

"21. December 15, 1998 — Tinanggap ni Capt Arteo Quijano Caimbon ang mga dokumento mula sa Bulacan Provincial Crime Lab (see Annex N);

"22. January 5, 1999 — Nang mag-follow[-up] po kami sa Camp Olivas ay sinabi ni Capt. Caimbon na nasa kanya pa ang mga 'questioned documents' with specimen signatures at ayon pa sa kanya ay dadalhin niya agad ang mga ito sa Camp Crame Quezon City kinabukasan – tumagal ng halos 20 days ang mga dokumento kay Capt. Caimbon at kung hindi pa nga po kami nag-follow-up ay hindi lalakad o kikilos ang mga papeles o dokumento;

"23. January 6, 1999 — Tinaggap ng Camp Crame Quezon City mula kay Capt. Caimbon ang mga questioned documents with specimen signatures attached;

"24. Nang kami ay nag-follow-up sa Camp Crame Quezon City ay aming nasuri at natuklasan na ang mga dokumentong nasa Camp Crame Quezon City ay hindi ang mga documents with specimen signatures na nanggaling sa NBI-Manila na dumaain sa RTC-Branch 10 Malolos na kinuha rin ni Max Cristobal na dapat ma-examine ng Camp Crame for 2nd opinion. Nagkaroon po kami ng hinala na nagkaroon ng switching na gawa ng aming kalaban — ang [mga] ito ay ang epekto ng pahintulot ni Mario Lopez ng Br. 10 na ibigay ang mga questioned document kay Max Cristobal (see Annex Q)

"25. Amin pong ipinaaalam [sa] Chief ng Crime Laboratory, Teresita Mendoza, at Exam II Josefina dela Cruz na mali ang mga natanggap nilang dokumento ngunit ang naging kasagutan po nila ay hindi nila concern na suriin ang mga dokumento — sa kabila ng Court Order mula Branch 10 na nakasaad [kung] ano po ang dapat lang maixamine;

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"26. Sa kabila po ng pagbibigay alam namin sa kanila na mali ang dokumento ay nagpatuloy pa rin si Josefina dela Cruz [na] mag-testify sa court [sa] March 1, 1999 hearing (see Annex P);

"27. Noon pang March 1, 1999 ay [natagpuan] ang mga original *sa* possession *ni Anastacia Cristobal (see Annex Q);*

"Ang mga katanungan ko po tungkol sa kaso ko pong ito ay ang mga sumusunod:

x x x *x x x* *x x x*

'c) Bakit po pinahintulutan ni Mario Lopez OIC, Branch 10 RTC – Malolos na ibigay ang aking original Document Exhibit 1 – Petty [C]ash Voucher and other Specimen Documents *kay Max Cristobal na pinsan at witness ng aking kalaban na si Anastacia Cristobal, na ang naging epekto ay mabigyan ng pagkakataon na magsagawa ng 'switching' ng dokumento ang aking kalaban – na ang bunga ay magtagal ang usad ng aking kaso at mawala ang aking* Original Documents *at noong March 1, 1999 ay natagpuan sa* possession *ni Anastacia Cristobal?*

'd) Na-delay po ng isang buwan ang pagpapadala ng subpoena *sa NBI – Manila kay E. Constantino – mula October 5, 1998 hanggang November 9, 1998 sapagkat mali po ang address na isinulat ni Glenn Umali at Mario Lopez. Ito po ay isang halimbawa ng pagpapabaya na nagbunga ng labis na paghihirap ng kalooban at kabuhayan* and I feel [I was] being harassed and was given unfair justice – resulting [in] a longer trial period – unnecessary expenses and unwanted suffering on my part."[2]

In their Joint Counter-Affidavit dated August 19, 1999, Respondents Mario B. Lopez and Glenn A Umali denied the charges against them and averred:

"I, Glenn A. Umali, as Clerk III of Branch 10, Regional Trial Court, Malolos Bulacan, have among my duties the preparation and typing of notices and subpoena[s] addressed to the parties concerned and x x x I was the one who prepared and typed the subpoena addressed to Mr. Eleodoro M. Constantino and typed the address as Camp Olivas, San Fernando, Pampanga, which address I copied from the minutes of the proceedings for October 5, 1998, of the subject case. Attached hereto [are] the minutes of the proceedings in Criminal Case No. 05-M-97 held

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[2] *Rollo*, pp. 3-7.

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on October 5, 1998[;] the address is indicated therein as Camp Olivas, San Fernando, Pampanga, and marked as Annex '1' and made as an integral part hereof. If ever there was an error on my part in sending the subpoena to the aforesaid address, the same is purely an honest error;

"I, Mario B. Lopez, the immediate superior of Glenn A. Umali, signed the subpoena, prepared and typed by him, checked the same against the records of the case and found out that the same [was] correct as appearing in the minutes of the proceedings, and the corresponding order of the court both dated October 5, 1998[.] I have exercised utmost care and diligence by checking the same against the records of the said case and I found out the same to be correct;

"The subpoena was issued in accordance with the regular performance of our respective functions;

"We allowed the prosecution through Max Cristobal to handcarry the documents to Camp Olivas, San Fernando, Pampanga, considering that it was the prosecution [which] requested x x x the second opinion from Camp Olivas, San Fernando, Pampanga[;] a copy of the Motion dated October 2, 1998 is hereto attached as Annex '2';

"We exercise[d] utmost diligence in allowing the prosecution to handcarry the subject documents by making him sign with his undertaking that the documents [would] actually reach intact the addressee as borne out by the records showing that he (Max Cristobal) received the original documents to be brought to Camp Olivas;

"It has been an ordinary practice in our court that parties may be allowed to handcarry notices, documents or other processes of the court for purposes of expediency and early disposition of the case;

"In this particular case, all the documents which were examined by the National Bureau of Investigation, transmitted to the Camp Olivas and then to Camp Crame, and examined by Josefina dela Cruz [were] the same documents which were returned to the court, The claim of switching, if ever, is uncalled for, and we have absolutely nothing to do [with] the same;

"Though it may serve as a reminder for us to always discharge our duties with prudence, caution and attention or to be more circumspect in the future lest we commit again a similar honest error, we hereby convey the impression that the complaint against us has no factual and legal basis, and that the same is malicious, arbitrary, capricious and

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intended to harass us for reasons only known to herein complainant Ferma Portic."[3]

Complainant refuted respondents' assertions in her "*Kasagutan sa Joint Counter-Affidavit*,"[4] which was received by the Court on September 14, 1999.

In its June 26, 2000 Resolution, the Court referred the matter to the executive judge of the Regional Trial Court of Malolos for investigation, report and recommendation. On September 25, 2000, the Court received Judge Danilo Manalastas' report,[5] in which he recommended that Respondent Lopez be fined P1,000, and that the charge against Respondent Umali be dismissed.

The Court Administrator's Recommendation

In his Report, Court Administrator Alfredo L. Benipayo concurred in the findings of Judge Danilo A. Manalastas, but recommended that a higher fine be imposed on Respondent Lopez for improperly turning over pertinent documents to an opposing party. The court administrator explained as follows:

"Undoubtedly, what appears to be censurable is the actuation of respondent Mario Lopez in giving the original copies of questioned documents to private complainant's cousin, Mr. Max Cristobal, who undertook to hand-carry the same to PNP, Camp Olivas, Pampanga. In fine, we agree with the finding of the investigating judge that 'while the act of respondent Lopez in entrusting the original copies of the questioned documents to Mr. Max Cristobal was not the cause of delays complained of by Mrs. Portic, and while there is no clear showing that he acted in bad faith, it is quite evident that respondent Lopez did not act with proper care and prudence in doing so[,] considering that, as admitted by him, it gave to Mr. Max Cristobal, who was clearly interested in securing the conviction of Mrs. Portic, an opportunity to destroy, lose, tamper or switch the same with other documents in order to obtain a favorable finding different from the one given by the NBI handwriting expert using said questioned documents. The fact that no tampering or

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[3] *Rollo*, pp. 54-56.

[4] *Ibid.*, pp. 61-63.

[5] *Ibid.*, pp. 76-82.

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switching of these questioned documents took place cannot change the fact that respondent Lopez ha[d] acted improperly in giving an interested party the opportunity to do so.

"The Supreme Court has emphasized time and again that the conduct and behavior of everyone connected with an office charged with the dispensation of justice from the presiding judge to the Sheriff and to the lowliest clerk, should be circumscribed with the heavy burden of responsibility (*GACHO vs.FUENTES, JR.*, 291 SCRA 474)."[6]

The Court's Ruling

We agree with the findings and recommendation of the court administrator.

In charging respondents, complainant protests what she perceives to be the former's "machinations" against her. *First*, she points out that respondents deliberately put the wrong address on the subpoena issued to Eliodoro Constantino, the NBI handwriting examiner who had issued a report in her favor. *Second*, she bewails Respondent Lopez's alleged mishandling of the questioned documents, as evidenced by his giving the same to a cousin of the opposing party.

It cannot be overemphasized that the actions of judicial personnel should at all times embody prudence, courtesy, dignity and propriety,[7] lest they be accused of trifling with the processes of the institution whose good name and image they are bound to protect.

In the present case, the impropriety of Respondent Lopez's act in giving the questioned documents to Max Cristobal, a cousin of complainant's accuser, is at once apparent. Those documents formed the cornerstone of complainant's defense in the estafa case filed against her. It was certainly wrong for Respondent Lopez to have handed them to a party interested in debunking their evidentiary value. That no evidence of tampering or switching of

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[6] November 23, 2000 Memorandum of the Court Administrator, p. 5.

[7] *Pizarro v. Villegas*, AM P-97-1243, November 20, 2000; *Dionisio v. Gilera*, 312 SCRA 287, August 12, 1999; *Quiroz v. Orfila*, 272 SCRA 324, May 7, 1997.

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documents was shown cannot change the fact that Respondent Lopez acted improperly in giving an interested party the opportunity to do it.

On the other hand, there is no clear showing that Respondent Umali acted in bad faith when he put the wrong address on the subpoena meant for Eliodoro Constantino. The records[8] support his claim that he merely followed what was in the minutes of the October 5, 1998 session of the trial court.

WHEREFORE, Respondent Mario B. Lopez is hereby found *GUILTY* of grave misconduct. He is ordered to pay a FINE of ten thousand pesos (₱10,000) and is *ADMONISHED* to exercise greater care and circumspection in his actions. He is *WARNED* that a repetition of this or a similar act will be dealt with more severely. The charges against Respondent Glenn A. Umali are DISMISSED for lack of merit.

SO ORDERED.

Melo (Chairman), Vitug, and *Sandoval-Gutierrez, JJ.*, concur.

Gonzaga-Reyes, J., on leave.

THIRD DIVISION

[A.M. No. P-01-1479. July 11, 2001]
(Formerly A.M. No. 00-8-170-MTC)

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **RUBEN B. ALBAYTAR, Clerk of Court, Municipal Trial Court, Branch 1, San Pedro, Laguna,** *respondent.*

SYNOPSIS

Respondent, Clerk of Court of Branch I, MTC, San Pedro, Laguna, was found by the Office of the Court Administrator (OCA)

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[8] *Rollo*, p. 57.