



Republic of the Philippines
Supreme Court
Manila

SUPREME COURT OF THE PHILIPPINES
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OFFICE OF THE COURT ADMINISTRATOR, A.M. No. P-18-3850

Present:

Complainant,

Present:

PERALTA, C.J.,
PERLAS-BERNABE,
LEONEN,
CAGUIOA,
GISMUNDO,
HERNANDO,
CARANDANG,*
LAZARO-JAVIER,**
INTING,
ZALAMEDA,
LOPEZ,
DELOS SANTOS,
GAERLAN,
ROSARIO, JJ.

- versus -

Court Stenographer III Mary Ann R. Buzon, Regional Trial Court, Branch 72, Malabon City [formerly AM No. 18-04-78-RTC (In Re: Letter of Executive Judge Edmund G. Batara, Regional Trial Court, Malabon City, forwarding pertinent documents relative to the arrest of Court Stenographer III Mary Ann R. Buzon, Regional Trial Court, Branch 72, Malabon City)],

Promulgated:

November 17, 2020

Jana-De-17-2020

Respondent.

X ----- X

* On official leave.

** On official leave.

DECISION

PER CURIAM:

The instant administrative case stemmed from a Letter¹ (Letter) dated 12 March 2018 by Presiding Judge Jimmy Edmund G. Batara (Judge Batara) of the Regional Trial Court (RTC) of Malabon City to the Office of Assistant Court Administrator Lilia C. Barribal-Co relative to the arrest of Mary Ann R. Buzon (respondent), Court Stenographer III of Branch 72, RTC of Malabon City. Attached to the Letter are the documents² pertaining to the arrest of respondent in an entrapment operation conducted on 09 March 2018.

Antecedents

Judge Batara narrated that on 09 March 2018, Elsa B. Tablante (Tablante) went to the Malabon City Police Station for advice on respondent's demand for Php50,000.00. Respondent allegedly represented that the money were to be given to Judge Batara in exchange of a favorable decision in the criminal cases, where Tablante's brother was an accused.³

The Women's Protection Desk of the police station then prepared for an operation to entrap respondent. At around 1:30 that afternoon, Tablante met respondent in a canteen in front of the RTC. She handed the envelope containing the marked money to respondent, who immediately took it. The police officers then came out and arrested her. Respondent was taken to the *Ospital ng Malabon* for physical examination, and later, turned over to the Station Investigation and Detection Management Branch for investigation.⁴

¹ *Rollo*, p. 5.

² *Id.* at 5-10. Attached to the Letter are the following: 1) Police Referral Letter dated 09 March 2018; 2) Joint Affidavit of Arrest; 3) Elsa Tablante's Affidavit; 3) photocopy of a marked money; and 4) Medico Legal/Verification Form.

³ *Id.* at 6.

⁴ *Id.*

The subsequent inquest resulted to an Inquest Resolution⁵ dated 09 March 2018 recommending the conduct of a regular preliminary investigation to determine whether there is probable cause to charge respondent with robbery (extortion). In a Resolution⁶ dated 12 April 2018, the Office of the City Prosecutor (OCP), Malabon City dismissed the charge for robbery (extortion), but recommended that an Information be filed against respondent for the crime of direct bribery.

Respondent was accordingly charged with direct bribery. The case was docketed as Criminal Case No. 19-072-MAL and currently pending before Branch 293, RTC of Malabon City.⁷

Proceedings before this Court

In a Resolution⁸ dated 20 June 2018, this Court resolved to treat Judge Batara's letter as a formal administrative complaint, and ordered respondent to comment. This Court also placed her under preventive suspension.

For her part, respondent submitted her Comment,⁹ attaching thereto the *Kontra-Salaysay*¹⁰ and Rejoinder-Affidavit¹¹ she presented during the preliminary investigation. She denied Tablante's allegations¹² and emphasized that the charge for robbery (extortion) was dismissed. She explained that she was merely helping Tablante find a lawyer for her brother's case.¹³ Respondent maintained that complainant forced the money upon her when they met on 09 March 2018.¹⁴ To corroborate her claim, she attached the affidavit¹⁵ of one Giovanni Narciso. She also insisted that Judge Batara was behind the entrapment operation and he solicited Tablante's help in exchange for her brother's acquittal.¹⁶

In her Rejoinder-Affidavit, respondent further claimed that there is no proof that she demanded money from Tablante.¹⁷ She also contended that there is no evidence that she received the Php50,000.00 since the entrapment

⁵ *Id.* at 31-34.

⁶ *Id.* at 39-44.

⁷ *Id.* at 78-79.

⁸ *Id.* at 12-13.

⁹ *Id.* at 14-21.

¹⁰ *Id.* at 22-28.

¹¹ *Id.* at 29-30.

¹² *Id.* at 22.

¹³ *Id.* at 23.

¹⁴ *Id.* at 24.

¹⁵ *Id.* at 53.

¹⁶ *Id.* at 25.

¹⁷ *Id.* at 29.

money was not dusted with fluorescent powder, and no video footage was presented showing the same.¹⁸

Report and Recommendation of the OCA

The OCA submitted its Report and Recommendation¹⁹ dated 16 July 2019, recommending that respondent be held liable for grave misconduct, dishonesty, and conduct prejudicial to the best interest of service, and be dismissed from service with forfeiture of her retirement and other benefits.

It noted that respondent did not deny she was with Tablante in the afternoon of 09 March 2018,²⁰ and acted inappropriately as the meeting was done outside of the office during office hours. Likewise, it did not find meritorious respondent's explanation that she was merely helping Tablante find a lawyer as it undermines people's trust in the judiciary.²¹

The OCA found that contrary to respondent's claim, there was proof she received the money from Tablante. Indeed, the OCP's Resolutions and affidavits of the arresting officers uniformly stated that respondent demanded and received Php50,000.00 from Tablante.²²

Respondent's attempt to discredit Tablante and Judge Batara was also brushed aside by the OCA. Respondent failed to substantiate her allegation that Judge Batara set her up to be arrested.²³ Likewise, the OCA held that respondent failed to prove ill motives on the part of the police officers and the OCP for their adverse statements against her.

Issue

For this Court's resolution is whether or not respondent is guilty of grave misconduct, dishonesty and conduct prejudicial to the best interest of the service.

Ruling of the Court

¹⁸ *Id.*

¹⁹ *Id.* at 249-261.

²⁰ *Id.* at 256.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 258.

This Court fully agrees with the OCA's recommendation.

Time and again, this Court has stressed that “the behavior of all employees and officials involved in the administration of justice, from judges to the most junior clerks, is circumscribed with a heavy responsibility.”²⁴ Court personnel, regardless of position or rank, are expected to conduct themselves in accordance with the strict standards of integrity and morality. Indeed, the “special nature of [the court personnel's] duties and responsibilities” is manifest in the adoption of a separate code of conduct especially for them, the Code of Conduct For Court Personnel.²⁵ One of the prohibitions in the said Code is directed against all forms of solicitation of gift or other pecuniary or material benefits or receipts of contributions for himself/herself from any person, whether or not a litigant or lawyer.²⁶ The intention behind the prohibition is to avoid any suspicion that the major purpose of the donor is to influence the court personnel in performing official duties.²⁷ In this case, this Court agrees that there is substantial evidence to hold respondent liable for violating the aforesaid rule.

Respondent is a court stenographer, whose duty is to make an accurate and faithful record of the court proceedings, as well as its honest and authentic reproduction in the transcript.²⁸ She had no business or authority to meet with litigants nor demand and receive money from them.

Instead of performing her duties, respondent was caught in the act of receiving the amount of Php50,000.00 from Tablante. Undoubtedly, her conduct has degraded the Judiciary and diminished the respect and regard of the people for the court and its personnel.²⁹ In a similar vein, respondent's bare denial does not deserve any credence. Denial is an intrinsically weak defense which must be buttressed by strong evidence of non-culpability to merit credibility.³⁰

²⁴ *Office of the Court Administrator v. Adalim-White*, A.M. No. RTJ-15-2440, 04 September 2018.

²⁵ *Villahermosa, Sr. v. Sarcia*, 726 Phil. 408 (2014); A.M. No. CA-14-28-P, 11 February 2014; 715 SCRA 639, 646.

²⁶ **CANON I**

FIDELITY TO DUTY

xxx

SECTION 2.

Court personnel shall not solicit or accept any gift, favor or benefit based on any or explicit understanding that such gift, favor or benefit shall influence their official actions.

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²⁷ *Cabauatan v. Uvero*, A.M. No. P-15-3329, 06 November 2017; 844 SCRA 7.

²⁸ *Seangio v. Parce*, 553 Phil. 697 (2007); A.M. No. P-06-2252, 09 July 2007.

²⁹ *Alano v. Sahi*, 745 Phil. 385 (2014); A.M. No. P-14-3252, 14 October 2014; 738 SCRA 261.

³⁰ *Id.*

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Tablante's own admission as to the purpose of the money does not diminish the impropriety of respondent's conduct outside of court during office hours, and her subsequent receipt of the money. This Court has repeatedly ruled that court employees have no business meeting with litigants or their representatives under any circumstance, and that such conduct constitutes betrayal of public trust.³¹

Further, the mere act of receiving money from litigants, whatever the reason may be, is antithesis to being a court employee. Respondent's act of collecting or receiving money, no matter how nominal the amount involved, erodes the respect for law and the courts.³²

Likewise, respondent claims that she was merely assisting Tablante in finding a new defense lawyer does not legitimize her actions. Canon IV, Section 5 of the Code of Conduct for Court Personnel prohibits court personnel from recommending private attorneys to litigants, prospective litigants, or anyone dealing with the judiciary. While court employees are not totally prohibited from rendering aid to others, they should see to it that the assistance, albeit involving acts unrelated to their official functions, does not in any way compromise the public's trust in the justice system.³³ Clearly, by assisting Tablante in finding legal representation, respondent violated ethical rules.

Respondent's action is all the more malevolent considering that Tablante has a pending case with the court where she is a stenographer. Their interaction gave the appearance that the court is partial to Tablante's cause. As an employee of the judiciary, respondent should have maintained a neutral attitude in dealing with party-litigants. If it were true that Tablante insisted on asking for her assistance, respondent should have severed any form of communication with her. However, instead of distancing herself, respondent even agreed to meet Tablante after the latter represented that she already gathered funds to pay for a lawyer. Certainly, respondent's deliberate acts are inconsistent with her claim that she was merely a victim of frame-up.

Thus, respondent should be held accountable for grave misconduct, dishonesty, and conduct prejudicial to the best interest of service.

³¹ *Sy v. Dinopol*, 654 Phil. 650 (2011); A.M. No. RTJ-09-2189, 18 January 2011; 639 SCRA 681.

³² *Perez v. Roxas*, A.M. No. P-16-3595, 26 June 2018; 868 SCRA 186.

³³ *Office of the Court Administrator v. Chavez*, 806 Phil. 932 (2017); A.M. Nos. RTJ-10-2219 & 12-7-130-RTC, 07 March 2017.

In various cases,³⁴ this Court deemed the demand and receipt of money from party-litigants constitutive of serious misconduct. The instant case should not be treated differently. Grave misconduct is defined as a serious transgression of some established and definite rule of action (such as unlawful behavior or gross negligence by the public officer or employee) that tends to threaten the very existence of the system of administration of justice an official or employee serves. It may manifest itself in corruption, or in other similar acts, done with the clear intent to violate the law or in flagrant disregard of established rules.³⁵ Respondent's solicitation of money from Tablante in exchange for the acquittal of her brother violates Canon I of the Code of Conduct for Court Personnel, which expressly provides:

SECTION 1. Court personnel shall not use their official position to secure unwarranted benefits, privileges or exemption for themselves or for others.

SECTION 2. Court personnel shall not solicit or accept any gift, favor or benefit based on any explicit or implicit understanding that such gift, favor or benefit shall influence their official actions.

Grave misconduct is classified as a grave offense punishable by dismissal from service for the first offense. Corollary thereto, the penalty of dismissal from service carries with it the following administrative disabilities: (a) cancellation of civil service eligibility; (b) forfeiture of retirement and other benefits, except accrued leave credits, if any; and (c) perpetual disqualification from re-employment in any government agency or instrumentality, including any government-owned and controlled corporation or government financial institution.³⁶

In addition, this Court agrees that respondent's acts amount to dishonesty and conduct prejudicial to the best interest of the service. Dishonesty is defined as a "disposition to lie, cheat, deceive or defraud; untrustworthiness; lack of integrity; lack of honesty, probity, or integrity in principle; lack of fairness and straightforwardness; disposition to defraud, deceive or betray."³⁷ Meanwhile, in *Office of the Court Administrator v. Necesario*,³⁸ this Court ruled that acts of court personnel outside their

³⁴ *Anonymous v. Namol*, 811 Phil. 317 (2017); A.M. No. P-16-3614, 20 June 2017; 827 SCRA 520; *Alano v. Sahi*, *supra* at note 29; *Office of the Court Administrator v. Panganiban*, 583 Phil. 500 (2008); A.M. Nos. P-04-1916 & P-05-2012, 11 August 2008.

³⁵ *Supra* at note 27.

³⁶ *Perez v. Roxas*, A.M. No. P-16-3595, 26 June 2018; 868 SCRA 186.

³⁷ *Mallonga v. Manio*, 604 Phil. 247 (2009); A.M. Nos. P-07-2298 & P-07-2299, 24 April 2009.

³⁸ 707 Phil. 328 (2013), A.M. No. MTJ-07-1691, 02 April 2013; 694 SCRA 348, citing *Roque v. Grimaldo*, 328 Phil. 1096 (1996); A.M. No. P-95-1148, 30 July 1996; 260 SCRA 1.

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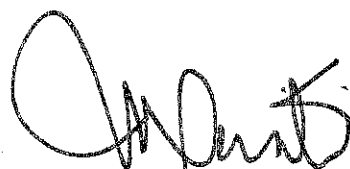
official functions may constitute conduct prejudicial to the best interest of the service because these acts violate what is prescribed for court personnel.

By soliciting money from Tablante, respondent committed an act of impropriety which immeasurably affects the honor of the judiciary and the people's confidence in it.³⁹ She committed the ultimate betrayal of her duty to uphold the dignity and authority of the judiciary by peddling influence to litigants, creating the impression that decisions can be bought and sold.⁴⁰

The public's continuous trust in the judiciary is essential to its existence. In order to gain the litigants' confidence, all employees of the Court, from judges to the lowest clerk must ensure that their conduct exemplifies competence, honesty and integrity. Similarly, if the Court is to enjoy the public's continued patronage, any transgression of ethical rules should not be lightly taken, nor condoned. In this case, respondent unfortunately fell extremely short of the standards that should have governed her life as a public servant. By demanding and receiving money from Tablante, she committed a crime and an act of serious impropriety that eroded respect for the law and the judicial institutions.

WHEREFORE, the foregoing premises considered, this Court finds respondent Mary Ann Buzon, Court Stenographer III, Regional Trial Court, Branch 72, Malabon City, **GUILTY** of Grave Misconduct, Dishonesty, and Conduct Prejudicial to the Best Interest of the Service. Respondent is hereby **DISMISSED** from the service effective immediately, with **CANCELLATION** of her civil service eligibility and **FORFEITURE** of all retirement benefits, excluding accrued leave credits, with disqualification to re-employment in the government or any of its subdivisions, instrumentalities, or agencies, including government-owned or controlled corporations, and without prejudice to any findings as to her criminal and civil liabilities.


SO ORDERED




DIOSDADO M. PERALTA
Chief Justice

³⁹ *Canlas-Bartolome v. Manio*, 564 Phil. 307 (2007); A.M. No. P-07-2397, 04 December 2007; 539 SCRA 333.

⁴⁰ *Narag v. Manio*, 608 Phil. 1 (2009); A.M. No. P-08-2579, 22 June 2009; 590 SCRA 206.



ESTELA M. PERLAS-BERNABE
Associate Justice



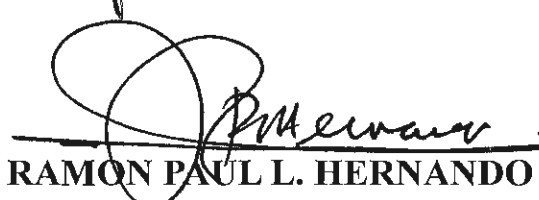
MARVIC M.V.F. LEONEN
Associate Justice



ALFREDO BENJAMIN S. CAGUIOA
Associate Justice



ALEXANDER G. GESMUNDO
Associate Justice



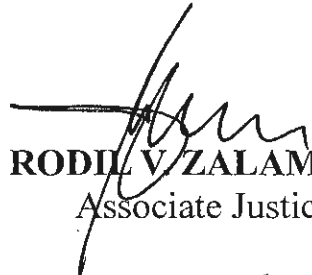
RAMON PAUL L. HERNANDO
Associate Justice

(On official leave)
ROSMARI D. CARANDANG
Associate Justice

(On official leave)
AMY C. LAZARO-JAVIER
Associate Justice




HENRI JEAN PAUL B. INTING
Associate Justice



RODIL V. ZALAMEDA
Associate Justice



MARION V. LOPEZ
Associate Justice



EDGARDO L. DELOS SANTOS
Associate Justice



SAMUEL H. GAERLAN
Associate Justice



RICARDO R. ROSARIO
Associate Justice

Done by the People's Lawyer
ANN R. ...
Deputy Clerk
CCC En Banc
...
MBIC
En Banc
... Court