

**[ ADMINISTRATIVE ORDER NO. 369, September 05, 1975 ]**

**EXONERATING ATTY. GUILLERMO ESPIRITU, BRANCH CLERK OF COURT, BRANCH X, COURT OF FIRST INSTANCE OF RIZAL**

This refers to an administrative case filed by Atty. Sabino Padilla Jr. against Atty. Guillermo Espiritu, Branch clerk of Court, Branch X, Court of First Instance of Rizal, for serious misconduct and dishonesty in the performance of duties.

The complainant, who was the counsel for the defendants in Civil Case No. 15178, entitled "G. S. Masangkay and Sons, Inc., plaintiff, versus Telosforo Masangkay and Cipriano Masangkay, defendants, " charged respondent with serious misconduct and dishonesty in the performance of duties, committed as follows:

1. Failure to keep proper custody of the records of Civil Case No. 15178 pending in his branch, by –
  - (a) Failing to attach to the expediente the transcript of stenographic notes of the proceedings in said case;
  - (b) Tampering or allowing the tampering of the records in the above-mentioned civil case resulting in the loss of a Writ of Preliminary Injunction previously issued.
2. Releasing copies of orders to one party ahead of another with the obvious intention of prejudicing the latter as shown hereunder:
  - (a) A copy of the order of December 15, 1971, was served on the plaintiff sometime before December 29, 1971, while service thereof was made on the other party by registered mail only on January 13, 1972; and
  - (b) It was made to appear that both parties were served simultaneously on March 15, 1972, with the order of March 13, 1972, when in truth and in fact the plaintiff already had a copy thereof, two days earlier.

The case was formally investigated by Judicial Supervisor Pedro B. Arab of the Department of Justice.

Mrs. Violeta Ilar, the stenographer who took down the stenographic notes of the hearing on January 22, 1972, in Civil Case No. 15178, testified that it was the practice of stenographers, in Branch X to keep a separate file of all the originals of their transcripts until her attention was called to a circular of the Department of