

## EN BANC

[ A.M. No. P-18-3850, November 17, 2020 ]

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
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)],  
RESPONDENT.**

### D E C I S I O N

#### PER CURIAM:

The instant administrative case stemmed from a Letter<sup>[1]</sup> (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 documents<sup>[2]</sup> 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.<sup>[3]</sup>

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.<sup>[4]</sup>

The subsequent inquest resulted to an Inquest Resolution<sup>[5]</sup> 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 Resolution<sup>[6]</sup> 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.<sup>[7]</sup>

### **Proceedings before this Court**

In a Resolution<sup>[8]</sup> 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,<sup>[9]</sup> attaching thereto the *Kontra-Salaysay*<sup>[10]</sup> and Rejoinder-Affidavit<sup>[11]</sup> she presented during the preliminary investigation. She denied Tablante's allegations<sup>[12]</sup> 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.<sup>[13]</sup> Respondent maintained that complainant forced the money upon her when they met on 09 March 2018.<sup>[14]</sup> To corroborate her claim, she attached the affidavit<sup>[15]</sup> 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.<sup>[16]</sup>

In her Rejoinder-Affidavit, respondent further claimed that there is no proof that she demanded money from Tablante.<sup>[17]</sup> She also contended that there is no evidence that she received the Php50,000.00 since the entrapment money was not dusted with fluorescent powder, and no video footage was presented showing the same.<sup>[18]</sup>

### **Report and Recommendation of the OCA**

The OCA submitted its Report and Recommendation<sup>[19]</sup> 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,<sup>[20]</sup> 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.<sup>[21]</sup>

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.<sup>[22]</sup>

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.<sup>[23]</sup> 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**

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."<sup>[24]</sup> 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.<sup>[25]</sup> 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.<sup>[26]</sup> 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.<sup>[27]</sup> 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.<sup>[28]</sup> 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.<sup>[29]</sup> 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.<sup>[30]</sup>

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.<sup>[31]</sup>

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.<sup>[32]</sup>

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.<sup>[33]</sup> 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.

In various cases,<sup>[34]</sup> 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.<sup>[35]</sup> 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