

EN BANC

[**A.M. No. P-11-3017 [Formerly OCA IPI No. 10-3575-P], June 16, 2015**]

ANONYMOUS LETTER AGAINST AURORA C. CASTAÑEDA, CLERK III, REGIONAL TRIAL COURT, BRANCH 224, QUEZON CITY, AND LORENZO CASTAÑEDA, SHERIFF IV, REGIONAL TRIAL COURT, BRANCH 96, QUEZON CITY.

D E C I S I O N

PER CURIAM:

In order to maintain the good name and reputation of the Judiciary as an institution, its officials and employees are continually enjoined to conduct themselves with propriety and decorum. This injunction is grossly violated when officials and employees extort money from persons with pending cases in the courts they serve in exchange for supposedly favorable actions on the cases.

Thus, the respondents, who were entrapped by agents of the National Bureau of Investigation (NBI), are adjudged guilty of gross misconduct, and have to be immediately dismissed from the service with forfeiture of all benefits and privileges, except earned vacation leaves, with prejudice to serving in the Government in any capacity whatsoever, whether elective or appointive.

Antecedents

An anonymous writer addressed a letter dated November 8, 2009 to the Court denouncing the misconduct committed by Spouses Lorenzo Castañeda and Aurora Castañeda, respectively the Deputy Sheriff of Branch 96, Regional Trial Court (RTC), in Quezon City and the Clerk III in Branch 224 of the RTC in Quezon City for having been arrested in an entrapment mounted by NBI agents for extorting money from the mother of the accused in a murder case pending in Branch 224. The letter included a clipping of the newspaper article reporting that the respondents had demanded and received P500,000.00 from Mrs. Rebecca M. Bautista, the mother of accused Emmanuel Bautista, to facilitate the granting of the latter's petition for bail and his eventual acquittal in the murder case.^[1]

The letter stated that it had been the practice of Aurora to enter into deals with litigants in collaboration with persons who were influential in the Quezon City RTC; that she was perceived to be close to Quezon City Assistant Prosecutor Villordon, who was known among court personnel to be intervening in cases pending in Branch 224, he being the husband of Presiding Judge Tita Marilyn Payoyo-Villordon of that Branch; and that the murder case involving Emmanuel Bautista was pending in Branch 224.^[2]

It appears that following the apprehension of the Castañedas, the NBI agents

brought separate criminal complaints for *estafa* and violation of Republic Act No. 3019 (*Anti-Graft and Corrupt Practices Act*) against them in the Office of the City Prosecutor of Quezon City; and that on October 2, 2009, the Office of the City Prosecutor filed two informations against Aurora charging her with said offenses, docketed as Criminal Case No. Q-09-160994 and Criminal Case No. Q-09-160995, both of which were raffled to Branch 222. The criminal charges against Lorenzo were held for further investigation, and his provisional release from custody was permitted.^[3]

On May 6, 2010, the Office of the Court Administrator (OCA) requested Judge Villordon to submit certified true copies of the informations in Criminal Case No. Q-09-160994 and Criminal Case No. Q-09-160995 and other pertinent documents, and to render an update on the status of the cases.^[4]

Judge Villordon complied through her letter of compliance^[5] dated July 1, 2010 by attaching the requested copies of the informations and of the order dated June 2, 2010 issued by Judge Edgar Dalmacio Santos, Presiding Judge of Branch 222. She also appended a copy of the amended resolution of the Office of the City Prosecutor of Quezon City regarding the complaint against Lorenzo.^[6]

On January 26, 2011, the OCA communicated to Judge Santos the request for a certified true copy of the NBI report on the entrapment operation, and for other documents relative to the charges against Aurora.^[7]

In compliance, Russel Jay S. Tagama, then Officer-in-Charge of Branch 222, forwarded the following documents to the OCA,^[8] to wit: (a) the letter dated September 29, 2009 of Atty. Virgilio L. Mendez, then Deputy Director for Administrative Services of the NBI, referring to the Office of the City Prosecutor of Quezon City for inquest proceedings the findings on the investigation conducted by NBI Agent Julio T. Cajigan, Jr.;^[9] (b) the complaint sheet dated September 28, 2009;^[10] (c) the sworn statement of Mrs. Rebecca M. Bautista dated September 28, 2009;^[11] (d) the amended resolution of the Office of the City Prosecutor, Quezon City;^[12] (e) the booking and arrest report dated September 28, 2009;^[13] (f) the arrest information sheet;^[14] (g) the NBI disposition forms dated September 28, 2009;^[15] and (h) the certification issued by NBI Forensic Chemist Juliet Gelacio-Mahilum.^[16]

Further verification indicated that under its resolution of January 19, 2010 the Office of the City Prosecutor of Quezon City dismissed the criminal complaint against Lorenzo for insufficiency of evidence.^[17]

In the agenda report dated August 15, 2011,^[18] Court Administrator Jose Midas P. Marquez, observing that Aurora had initially demanded P1,000,000.00 from Rebecca in exchange for a favorable ruling on her son's petition for bail, recommended as follows:

- (1) The anonymous letter dated 8 November 2009 be **TREATED** as an administrative complaint for **GRAVE MISCONDUCT** and **DISHONESTY** against Aurora Castañeda, Clerk III, Branch 224, and Lorenzo

Castañeda, Sheriff, Branch 96, both of the Regional Trial Court, Quezon City;

- (2) The instant anonymous complaint be **RE-DOCKETED** as a regular administrative matter against the Spouses Aurora and Lorenzo Castañeda;
- (3) The Spouses Aurora and Lorenzo Castañeda both be **DIRECTED** to **COMMENT** on the complaint within ten (10) days from notice;
- (4) Aurora C. Castañeda be **SUSPENDED** effective **IMMEDIATELY** pending the final outcome of the criminal proceedings against her or until further orders from the Honorable Court, considering that the evidence is *prima facie* strong; and
- (5) The Presiding Judge of the Regional Trial Court, Branch 222, Quezon City, be **DIRECTED** to **APPRISE** the Honorable Court, through the Office of the Court Administrator, of the status of the criminal proceedings against Aurora C. Castañeda before the said court.

Accordingly, on November 23, 2011, the Court (First Division) adopted the recommendations of Court Administrator Marquez,^[19] resulting, among others, in the suspension from office of Aurora.

On January 26, 2012, the Castañedas filed a *Motion to Lift Order of Suspension and Extension of Time to File Comment* dated January 24, 2012,^[20] averring that the criminal charges against Aurora (Criminal Case No. Q-09-160994 and Criminal Case No. Q-09-160995) had been dismissed on February 16, 2011 by Judge Santos of Branch 222;^[21] that such dismissal had weakened the *prima facie* evidence against Aurora, and removed the basis of her suspension from office; and that they should be granted an extension of 10 days within which to file their comment to enable them to first obtain a copy of the anonymous complaint dated November 8, 2009 because no such copy had been attached to the resolution dated November 23, 2011.

On February 15, 2012, the Court referred the respondents' *Motion to Lift Order of Suspension and Extension of Time to File Comment* to the OCA for evaluation and recommendation.^[22]

On March 5, 2012, the OCA received Judge Santos' letter of January 27, 2012 as his compliance with the resolution dated November 23, 2011 directing him to apprise the Court on the status of the criminal charges against Aurora, whereby Judge Santos confirmed the quashal through the order dated February 16, 2011 of the informations against Aurora upon her motion.

On March 7, 2012, the Castañedas finally submitted their *Comment*,^[23] whereby they reiterated that the criminal cases against Aurora had already been dismissed on February 16, 2011; that the quashal of the informations and the dismissal of the criminal cases negated the accusations hurled against them, particularly Aurora; that the dismissal of the criminal cases only proved that the complaint had been only the product of a malicious, ill-motivated, biased and unscrupulous mind; that the complaint was hearsay in character and devoid of any probable ground of their having engaged in illegal practices or activities that had put the reputation of the Judiciary at risk; and that, consequently: (a) the administrative case against them be dismissed; (b) the suspension from office imposed on Aurora be lifted; and (c) the salaries and benefits due to Aurora be restored, reckoned from the first day of

her suspension.

On November 26, 2012, however, Court Administrator Marquez recommended to the Court,^[24] as follows:

- (1) The instant administrative case against Aurora C. Castañeda, Clerk III, Branch 224 and Lorenzo O. Castañeda, Sheriff IV, Branch 96, both of the RTC, Quezon City be **REFERRED** to the Executive Judge of the RTC, Quezon City, for investigation, report and recommendation within sixty (60) days from receipt of the records; and
- (2) The *Motion to Lift Order of Suspension* filed by Aurora C. Castañeda be **DENIED**.

In due course, Quezon City RTC Executive Judge Fernando T. Sagun, Jr. investigated the Castañedas, and filed his report and recommendation dated September 10, 2014,^[25] in which he summed up the evidence gathered thuswise:

SRA Julio Cajigan, Jr., the NBI Agent/Special Investigator on case, was able to take the witness stand and testify.

Prior to his testimony, he presented an NBI Identification Card proving that he is indeed Julio Cajigan, Jr., Investigation Agent V, Regional Service of the National Bureau of Investigation.

He testified that he was the Agent on case and at the same time, Team Leader of the NBI operatives that conducted the entrapment operation against the respondents in this case. In court, he identified a document entitled "Sinumpaang Salaysay ni Rebecca Bautista y Magbitan[g] dated September 28, 2009" as the same sworn statement that he took from aforesaid complainant. The Court marked the said documentary evidence as Exhibit "A".

The said witness also identified the Booking Sheet and Arrest Sheet relative to the instant case which was subsequently marked as Exhibit "B" and the Request for Examination on the hands of the subject as Exhibit "C". He also mentioned and identified the Certification issued by the Chemistry Division as Exhibit "D". As he was the one who prepared the Transmittal Letter/Referral Letter dated September 29, 2009, the same was marked as Exhibit "E". Witness then explained that as part of their procedure, the Agent on case prepares the transmittal letter while the Deputy Director in the absence of the Director signs the same.

As for Item No. 16, sub-item No. 14 mentioned in the transmittal, which is the cellphone recovered from Aurora Castañeda, the witness told the Court that the said subject evidence was still in his custody.

During the continuation of Agent Cajigan Jr.'s testimony, the said witness produced before the Court a machine copy of the following:

- (a) Machine copy of Complaint Sheet marked as Exhibit "F" and "F-1";
- (b) Machine copy of NBI disposition Form Request for

- Fluorescent powder and P500.00 bills as Exhibits "G" and "G-1" to "G-2" respectively
- (c) Machine copy of Request for Authority marked as Exhibit "H"
 - (d) Machine copy of Coordination Form marked as Exhibit "I"
 - (e) Machine copy of Karagdagang Salaysay marked as Exhibit "J"; 2nd page thereof as Exhibit "J-1"
 - (f) Machine copy of Sinumpaang Salaysay of Aurelio Bautista, Jr. y Pangan marked as Exhibit "K"
 - (g) Machine copy of Joint Affidavit of Arrest marked as Exhibit "L"; 2nd page thereof as Exhibit "L-1"
 - (h) Machine copy of Booking Sheet and Arrest Form of Aurora Casta[ñ]eda marked as Exhibit "M"; Arrest Information Sheet marked as Exhibit "M-1"; Fingerprints as Exhibit "M-2"
 - (i) Machine copy of Booking Sheet and Arrest Form of Lorenzo Casta[ñ]eda marked as Exhibit "N"; Arrest Information Sheet marked as Exhibit "N-1"; Apprehension Data as Exhibit "M-2"
 - (j) Machine copy of Request for technical Assistance in Photo marked as Exhibit "O"
 - (k) Original print out of various photographs marked as Exhibit "P" to "P-35"

When asked about the original of the above-itemized documents, witness stated that the original copies thereof were submitted before the prosecutor during the Inquest.

The witness also handed to Court Item No. 14 (in the transmittal letter) which is the cellphone allegedly recovered from Ms. Aurora Casta[ñ]eda. It is colored black with brand name Nokia Express Music with linings running alongside, colored reddish pink. The screen appeared to be fading and has no charger.

As for Item No. 15 which consist (sic) of pictures of the text messages allegedly sent by Aurora Casta[ñ]eda to Rebecca Bautista, witness failed to bring the same and instead showed to Court Exhibit "O" which is a document from the Portrait and Photography Division of the NBI showing that Rebecca Bautista took the two (2) rolls of negative in order for the latter to have it developed but failed to return it back. The witness further stated that the NBI took photographs of the text messages but their developing machine was not functioning at that time so they allowed Rebecca to have the film developed outside. The reason they included it in the transmittal is because they were expecting that the films would be developed. Witness who aside from being an agent is also a lawyer, admitted that it was not their regular procedure but still he allowed Rebecca to take away a vital piece of evidence upon the latter's assurance that she would return it back.

With respect to the Sinumpaang Salaysay of Rebecca Bautista dated September 28, 2009, the witness told the Court that said complainant came to their office in the NBI Special Task Force Division, NBI Taft