

## FIRST DIVISION

**[ A.M. No. P-14-3217 (Formerly OCA IPI NO. 14-4252-RTJ), October 08, 2014 ]**

**RE: ANONYMOUS LETTER, COMPLAINANT, VS. JUDGE CORAZON D. SOLUREN, PRESIDING JUDGE, AND RABINDRANATH A. TUZON, LEGAL RESEARCHER II, BOTH OF BRANCH 91, REGIONAL TRIAL COURT, BALER, AURORA, RESPONDENTS.**

### DECISION

**PERLAS-BERNABE, J.:**

Before the Court is an Anonymous Letter<sup>[1]</sup> dated January 15, 2011 filed by purported concerned citizens of Aurora, Quezon complaining about the alleged illegal acts of respondents Judge Corazon D. Soluren (Judge Soluren) and Legal Researcher II Rabindranath A. Tuzon (Tuzon), both of the Regional Trial Court of Baler, Aurora, Branch 91 (RTC).

#### The Facts

In the Anonymous Letter, it was alleged that Judge Soluren had been instructing the party-litigants to deposit with her court settlement money for various cases<sup>[2]</sup> in her sala. It was elaborated that Tuzon would merely acknowledge receipt of the settlement money for the different cases through handwritten notes without issuing any official receipts therefor; afterwhich, Judge Soluren would order the dismissal of the corresponding cases. However, when the parties requested for the release of the said money, Tuzon would fail to timely comply with the same.<sup>[3]</sup>

In an Indorsement<sup>[4]</sup> dated March 5, 2012, the Office of the Court Administrator (OCA) referred the Anonymous Letter to Executive Judge Evelyn A. Turla (Executive Judge Turla) of the same RTC, for her discreet investigation and report. In compliance, Executive Judge Turla sent a letter<sup>[5]</sup> dated March 15, 2013 to the OCA with Tuzon's comment attached thereto, stating that she did not find any act of irregularity or any unauthorized collection on the part of the RTC.<sup>[6]</sup>

In his Comment<sup>[7]</sup> dated April 25, 2012, Tuzon admitted his receipt of various amounts as settlement money for the different cases<sup>[8]</sup> pending before Judge Soluren's sala. He, however, explained that, on orders of Judge Soluren, he merely accepted the said amounts from the parties who were willing to settle the civil aspect of their respective cases and kept them in the court's vault. He also admitted not having issued official receipts for the amounts he received, not being an accountable officer in possession of such receipts.<sup>[9]</sup>

Anent his failure to timely release the amounts deposited to him, Tuzon gave the following explanations: (a) in Crim. Case Nos. 4255-56, out of the deposit of

P45,000.00, P39,000.00 was already released to one accused, while the remaining P6,000.00 has yet to be released to the other; (b) in Crim. Case No. 4246, the amount of P170,000.00 was not released for failure to set for hearing the Motion for Release Deposit, and that the amount deposited was intended for the payment of the accused's civil liability to the local government of Casiguran, Aurora; (c) in Crim. Case No. 4393, out of the amount of P130,000.00, only P33,000.00 was released to the victim's mother as the remaining amount was deposited with a bank and would only be released in accordance with the disbursement schedule prepared by the Department of Social Welfare and Development; and (d) the settlement money in the other cases had already been fully released.<sup>[10]</sup>

Meanwhile, Judge Soluren was no longer investigated due to her compulsory retirement on January 29, 2012.<sup>[11]</sup>

### **The Action and Recommendation of the OCA**

In a Report and Recommendation<sup>[12]</sup> dated April 8, 2014, the OCA recommended that the complaint against Judge Soluren be considered closed and terminated on the ground that her compulsory retirement on January 29, 2012 had divested it of jurisdiction to hear the administrative complaint against her. Moreover, the OCA found no substantial proof to hold her liable for the administrative charges against her.<sup>[13]</sup>

On the other hand, it found Tuzon guilty of Grave Misconduct and recommended that he be dismissed from service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification from holding public office in any branch or instrumentality of the government, including government-owned or controlled corporations.<sup>[14]</sup> It held that by receiving money from the party-litigants under the guise of safekeeping the same, Tuzon had overstepped his bounds as Legal Researcher. In this relation, the OCA opined that accepting fiduciary money for the court's safekeeping is not within the scope of Tuzon's duties. Thus, in doing so, he disregarded the rules of procedure and the law, especially considering that he kept the money in his possession for a long period of time and did not issue official receipts therefor. In sum, the OCA deemed Tuzon's acts as a form of Grave Misconduct for which he should be held administratively liable.<sup>[15]</sup>

### **The Issue Before the Court**

Since the case against Judge Soluren had already been closed and terminated in view of her compulsory retirement on January 29, 2012, the only issue left for the Court's present resolution is whether or not Tuzon should be held administratively liable for the charge of Grave Misconduct as recommended by the OCA.

### **The Court's Ruling**

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply a wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the public officer's official duties amounting