

## EN BANC

**[ A.M. No. P-13-3156 (Formerly A.M. OCA IPI No. 08-3012-P), November 11, 2014 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
ISABEL A. SIWA, STENOGRAPHER, METROPOLITAN TRIAL  
COURT, BRANCH 16, MANILA, RESPONDENT.**

### RESOLUTION

**VELASCO JR., J.:**

#### The Facts

The instant administrative matter is an off-shoot of A.M. No. P-08-2519 (formerly A.M. OCA IPI No. 05-2155-P) and A.M. No. P-08-2520 (formerly A.M. OCA IPI No. 05-2156-P). OCA IPI No. 05-2155-P is an undated anonymous letter-complaint against Atty. Miguel Morales (Morales), Branch Clerk of Court of Branch 17, Metropolitan Trial Court (MeTC) of the City of Manila.<sup>[1]</sup> OCA IPI No. 05-2156-P is also an anonymous letter-complaint against Morales, this time together with four other court employees among them herein respondent Isabel Siwa (Siwa), Court Stenographer of Branch 16, MeTC, City of Manila.<sup>[2]</sup>

OCA IPI No. 05-2155-P and OCA IPI No. 05-2156-P were referred to the Executive Judge of the MeTC of Manila for investigation and report.

The second letter-complaint alleged that Siwa has been engaged in lending activities and in the discounting of checks, and her services were availed of by employees from "MeTC, RTC, BIR, DPS, Manila City Hall, Schools, [h]ospital, etc."<sup>[3]</sup>

In her Comment, Siwa claimed that: (1) the anonymous letter-complaint should not have been given due course, because it contravened Section 46(c) of Executive Order No. 292; (2) the business of rediscounting checks is a legitimate business endeavour which other employees are engaged in too; (3) she had been mindful of her duties as a government employee, and she had maintained her own personnel to do the discounting business; (4) her business transactions occurred outside office premises, and in common or public areas, and her personnel should not be blamed for entertaining people during office hours, because these people are the ones coming to them; and (5) she never neglected her duty as a court stenographer, her last performance rating being "very satisfactory."<sup>[4]</sup>

In the meantime, Siwa applied for optional retirement, which this Court granted in a Resolution dated October 12, 2005 in A.M. No. 12096-Ret.

In her Report and Recommendation dated September 1, 2006, the investigating judge recommended the dismissal of OCA IPI No. 05-2155-P for want of substantial evidence to prove the inculpatory acts complained of. Regarding OCA IPI No. 05-

2156-P, the investigating judge recommended that it likewise be dismissed, but only against Morales and his three corespondents. As to Siwa, the investigating judge recommended that she be directed to explain why she still has pending transcripts of stenographic notes (TSNs), despite having already availed of optional retirement.

By Resolution dated November 19, 2008,<sup>[5]</sup> the Court found Siwa administratively liable for engaging in the business of lending and discounting of checks. Her offense, the Court added, was compounded by the fact that she had ignored the verbal instruction of her superior, Judge Crispin B. Bravo (Judge Bravo), to stop using the court premises for her private business undertakings. The Court also took note of the written Memorandum dated January 18, 2005 issued by Judge Bravo, asking Siwa to explain why she was still using the office premises in her lending and discounting business. The Court held:

Siwa conducted her business within the court's premises, which placed the image of the judiciary, of which she is part, into bad light. Time and again, the Court has held that the image of a court of justice mirrored in the conduct, official or otherwise, of the personnel who work thereat, thus the conduct of a person serving the judiciary must, at all times, be characterized by propriety and decorum, and above suspicion as to earn and keep the respect of the public for the judiciary.

Siwa's infraction constitutes conduct prejudicial to the best interest of the service which, under Sec. 52 A (20) of Rule IV of the Uniform Rules on Administrative Cases in the Civil Service, carries the penalty of suspension of 6 months and 1 day to 1 year for the first offense and dismissal for the second offense. Since this is her first offense and considering the October 5, 2005 Resolution of the Court in A.M. No. 12096-Ret. which approved Siwa's application for optional retirement, retaining only the amount of P30,000.00 from the money value of her earned leave credits pending resolution of the instant case, the Court finds that she should be imposed the penalty of fine in the amount of P30,000.00.

In the same November 19, 2008 Resolution, the Court, acting on the report about Siwa's failure to submit the complete TSNs pertaining to five cases assigned to her, directed the Office of the Court Administrator (OCA) to conduct an audit investigation on Siwa's TSNs. The Court ordered that the investigation be given a docket number.

In an Indorsement dated November 10, 2011, the OCA directed Siwa to comment on her alleged failure to submit and/or account for the TSNs for the five cases. The desired comment is yet to be submitted. Per the OCA's investigation, Siwa had already moved to the United States, without completing the clearance required for her retirement.

### **OCA Recommendation**

In its report, the OCA recommended that Siwa be adjudged liable for gross neglect of duty, for her failure to submit the TSNs, despite Administrative Circular No. 24-