

THIRD DIVISION

[**A.M. No. P-09-2686 (Formerly OCA I.P.I. No. 06-2441-P), March 10, 2010**]

PRISCILLA L. HERNANDO, COMPLAINANT, VS. JULIANA Y. BENGSON, LEGAL RESEARCHER, RTC, BRANCH 104, QUEZON CITY, RESPONDENT.

R E S O L U T I O N

MENDOZA, J.:

This is an administrative case instituted by Priscilla L. Hernando (Hernando) against Juliana Y. Bengson (Bengson), a Legal Researcher of the Regional Trial Court, Branch 104, Quezon City, for Grave Misconduct, Willful Failure to Pay Just Debt and Conduct Unbecoming a Court Personnel.

From the Evaluation, Report and Recommendation of the Office of the Court Administrator (OCA), it appears that sometime in September 2002, Hernando was scouting for a surveyor who could assist her in the titling of a property that her family was planning to buy. According to Hernando, Bengson offered her services for Ten Thousand (P10,000.00) Pesos, exclusive of the actual amount that would be spent for the titling. Bengson succeeded in obtaining the total amount of Seventy-Six Thousand (P76,000.00) Pesos. Upon inquiry with the Bureau of Lands, however, Hernando found out that no such transfer of title was being processed. Thus, she made several demands on Bengson for the return of the aggregate amount of P76,000.00 but to no avail.^[1]

In denying any indebtedness to Hernando, Bengson submits that she merely received the claimed amount on behalf of her half-sister, Maritess Villacorte, who was to serve as the surveyor. Further, she denies being privy to the negotiations between Hernando and Villacorte. Her only fault was accepting the money for her half-sister. In fact, she already filed charges of *Estafa* against Villacorte.^[2]

In *Janette P. Gabatin v. Marilou M. Quirino*,^[3] the Court held that while the private transaction between the complainant and the court employee concerned could be fully ascertained and resolved in an appropriate criminal or civil proceeding, it found the respondent guilty of Simple Misconduct, because her "handling of the entire affair had not been exemplary." There, the Court noted how the respondent gave the complainant the run-around instead of being forthright with the latter on her failure to secure the promised franchises. In that case, the respondent was suspended from the service for two (2) months, without pay.

In the present case, the OCA found, and we agree, that Bengson's complicity in the failed titling of the property eyed by Hernando was manifest. Based on the trial judge's investigation and that of the OCA,