

EN BANC

[**A.M. No. P-08-2472 [Formerly OCA IPI No. 07-2559-P], October 19, 2010**]

**JUDGE JENNY LIND R. ALDECOA-A-DELORINO, COMPLAINANT,
VS. JESSICA B. ABELLANOSA, COURT STENOGRAPHER III,
REGIONAL TRIAL COURT, MAKATI CITY, BRANCH 137,
RESPONDENT.**

[**A.M. NO. RTJ-08-2106 [FORMERLY OCA IPI NO. 07-2737- RTJ]]**

**JESSICA B. ABELLANOSA, COURT STENOGRAPHER III,
REGIONAL TRIAL COURT, MAKATI CITY, BRANCH 137,
COMPLAINANT, VS. JUDGE JENNY LIND R. ALDECOA-DELORINO,
RESPONDENT.**

[**A.M. NO. P-08-2420 [FORMERLY OCA IPI NO. 07-2655-P]]**

**JESSICA B. ABELLANOSA, COURT STENOGRAPHER III,
REGIONAL TRIAL COURT, MAKATI CITY, BRANCH 137,
COMPLAINANT, VS. ROWENA L. RAMOS, COURT STENOGRAPHER
III, REGIONAL TRIAL COURT, MAKATI CITY, RESPONDENT.**

D E C I S I O N

PER CURIAM:

Before this Court are: (1) the Administrative Complaint^[1] dated April 11, 2007, filed by Judge Jenny Lind R. Aldecoa-Delorino^[2] (Delorino), then Presiding Judge of the Regional Trial Court, Makati City, Branch 137, against Jessica B. Abellanos (Abellanos), Court Stenographer III of the same court for Grave Misconduct and Violation of the Code of Conduct for Court Personnel and Presidential Decree No. 1079; (2) the Complaint dated June 22, 2007, filed by Abellanos against Delorino for Conduct Prejudicial to the Best Interest of the Service, Abuse of Authority and Harassment; and (3) the Complaint dated June 22, 2007, filed by Abellanos against Rowena L. Ramos, Court Stenographer III of the same court, for Inefficiency, Extortion and Dishonesty.

The facts of these cases are necessarily intertwined; thus, the Court resolved to consolidate these three (3) cases.

The antecedent facts of these cases, as culled from the records, are as follows:

I. A.M. No. P-08-2472, entitled *Judge Jenny Lind Aldecoa-Delorino v. Jessica Abellanos*

In the instant case, Delorino alleged that Abellanos solicited money from party-

litigants in cases pending before the RTC of Makati City, Branch 137, to wit:

(1) In *People v. Bernard Sapitula* (Criminal Case No. 02-2101), Abellanosa allegedly solicited money from Mrs. Amapola Sapitula (Sapitula), the wife of the accused, the amount of P8,000.00 so that Prosecutor George V. De Hoya would not object to the accused's Motion for Reconsideration with Motion to Lift Warrant of Arrest and Motion to Allow the Accused to Post Cash Bond.

Delorino presented Sapitula's Affidavit^[3] where the latter narrated that on April 7, 2006, she went to Branch 137 to file a Motion for Reconsideration with Motion to Lift Warrant of Arrest and Motion to Allow the Accused to Post Cash Bond. Sapitula claimed that Abellanosa asked her to pay P8,000.00 which will be given to Prosecutor De Hoya, so that he would not oppose the motion. Sapitula initially gave Abellanosa the amount of P4,000.00, which was her only available cash at that time. Abellanosa then received the money and told Sapitula to pay the balance of P4,000.00, and even assured her that everything was "ok." Later, Sapitula found out that Prosecutor De Hoya has no knowledge about the P8,000.00 she gave to Abellanosa and that the latter merely took advantage of her situation. Thus, she testified against Abellanosa.

(2) In *Big Pix Graphics Systems, Inc. v. Josephine S. Velasco* (Civil Case No. 06-451), Abellanosa allegedly received the amount of P20,000.00 from Atty. Gaudencio A. Palafox (Palafox), counsel for plaintiff therein, in exchange for facilitating the *ex parte* issuance of a writ of preliminary attachment.

Delorino testified that on June 5, 2006, she heard Atty. Palafox complaining, because the branch sheriff was asking for an exorbitant sheriff's fee for the required attachment bond. Delorino then asked Atty. Palafox if anyone from her staff had approached him for money and the latter just smiled and was hesitant to say anything. Thereafter, Delorino narrated that she called her staff to a meeting and asked if anyone had received money in relation to the case. Abellanosa then tearfully admitted in front of her co-employees that she received P20,000.00 from Atty. Palafox, in exchange for her assistance in facilitating the issuance of a writ of preliminary attachment.

Antonina Bernardino, Court Interpreter of Branch 137, corroborated the testimony of Delorino that during a staff meeting sometime in June 2006, Abellanosa indeed admitted before Delorino and the other staff members that she received P20,000.00 from Atty. Palafox.

(3) In *People v. Winifredo F. Onio and Beatrice Peña* (Criminal Case No.03-501-502), accused Peña testified in open court during the hearing of the said criminal case that Abellanosa convinced her to pay the amount of P9,000.00 with the assurance that Abellanosa would be the one to renew her bail bond. Peña claimed that she personally handed the money to Abellanosa. The following year, Abellanosa again approached Peña regarding the renewal of the latter's bail bond. This time, Peña narrated that she placed P6,000.00 in a sealed envelope, which she left with Rowena Ramos with the instruction that the envelope was to be given to Abellanosa. Later, Peña was shocked when she learned that her bail bond had not been renewed for the last two years. To prove the charge, Delorino submitted the Official Transcript of Stenographic Notes of the testimony of Peña.

(4) In *In Re: Petition for Correction of Entries in the Certificate of Live Birth of Minor Louise Troy Gabriel Paz* (Special Proceedings No. M-6262), Abellanosa allegedly told Analyn G. Paz, petitioner therein, to prepare P9,500.00 for the publication of the order of hearing in relation to the petition. Paz paid the said amount to Abellanosa and the order was published in the *Taliba* Daily Publication. It appeared, however, that the publication of the said order did not go through the mandated procedure for distribution of publication by raffle, in violation of Section 2 of Presidential Decree (P.D.) 1079. To prove the charge, Delorino submitted the Sworn Affidavit of Paz and the Certification from the Clerk of Court, showing that the judicial order did not go through proper publication by raffle.

(5) In *In Re: Petition for Correction of Entry in the Birth Certificate of Kathleen Belle R. Fernandez, Chris Aaron R. Fernandez and Karen Thea R. Fernandez, all minors herein represented by their father Eddie M. Fernandez*, (Special Proceedings No. M-6233). Abellanosa allegedly instructed Eddie M. Fernandez, petitioner therein, to prepare P9,500.00 for the publication of the order of hearing. On April 18, 2006, Fernandez paid the amount to Abellanosa who, in turn, issued a receipt. The order was published in the *Taliba* Daily Publication, but it did not bear the rubber stamp of the Office of the Clerk of Court, which meant that it did not go through the mandated procedure for distribution of publication by raffle. To prove the charge, Delorino submitted the receipt issued by Abellanosa to Fernandez and the Certification for the Clerk of Court showing that the judicial order did not go through proper publication by raffle.

Moreover, Delorino claimed that prior to Abellanosa's transfer to the Office of the Clerk of Court and *Ex-Officio* Sheriff of the RTC of Makati City, she has been exhibiting unruly and hysterical behavior arising from her disagreement with other court personnel in Branch 137. Her disruptive behavior has adversely affected the rest of the court personnel as she would weep noisily, raise her voice in anger, stomp around, and otherwise, create a scene during office hours. Delorino, likewise, discovered that Abellanosa brought several office items outside of the court premises and that she only returned these items to the Clerk of Court on June 29, 2006 after a demand was made upon her for the return of the same.

In her Comment^[4] dated May 17, 2007, Abellanosa denied that she solicited P8,000.00 from Sapitula. She alleged that she merely advised Sapitula regarding the criminal case of her husband which was then pending before Branch 137. She said that she did not ask for anything in exchange for the advice and even threatened that she would file a criminal case against Sapitula for executing an affidavit implicating her in the alleged solicitation of money. She, however, explained that if she ever received any money from Sapitula, it was only for the payment of the transcript of stenographic notes which she prepared and not for anything else. Abellanosa insinuated that Sapitula only testified against her in order to gain favor from Delorino who was going to decide the criminal case of her husband.

Abellanosa also denied that she received P20,000.00 from Atty. Palafox. She claimed that it was Ramos who spoke with Atty. Palafox regarding the attachment bond. It was also Ramos who called up the bonding company to inquire about the premium for the bond. She pointed out that Atty. Palafox gave the money to Ramos who, in turn, gave it to her. Afterwards, Abellanosa alleged that Ramos instructed her to pay the bonding company but she refused, since she knew that an order was needed first. Abellanosa added that when no favorable court order came out, she returned

the money to Atty. Palafox.

Abellanosa likewise denied soliciting money from accused Peña for the renewal of the latter's bail bond. She again claimed that if ever she asked money from Peña, it was only for the payment of the transcript of stenographic notes which she prepared in relation to the criminal case. Abellanosa contended that based on the testimony of Peña before Judge Delorino, it was Ramos who actually received the money from Peña. Abellanosa further claimed that she was not informed or invited during the hearing of the said criminal case, such that she was not given the opportunity to confront Peña regarding her accusations.

Anent the charge that Abellanosa caused the publication of judicial orders in two special proceedings, she claimed that it was Paz and Fernandez who individually sought her help regarding the publication. She admitted to have received the money, but asserted that she turned it over to the publisher as payment for the publication. In fact, the judicial notices were published by the newspaper. Abellanosa claimed to have acted in good faith as it was her honest belief that she did not violate any law.

Abellanosa further denied that she had an unruly and disruptive behavior while she was still in Branch 137 and pointed at the Branch Clerk of Court, with whom she had a conflict with, to be the one who is unruly and often hysterical. She narrated that she voluntarily requested on June 28, 2006 that she be detailed at the Office of the Clerk of Court and *Ex-Officio* Sheriff in order to prevent the worsening situation between her and the Branch Clerk of Court. However, during the first week of March 2007, Abellanosa alleged that Delorino threatened her with an administrative case if she will not resign or transfer to another court outside of Makati City.

Finally, with regard to the court properties which she allegedly took home, Abellanosa claimed that Delorino never asked her to return the said properties. She said that she voluntarily returned said court properties and, in fact, the Branch Clerk of Court issued her a clearance certificate.^[5]

II. A.M. No. RTJ-08-2106 entitled *Jessica B. Abellanosa v. Judge Jenny Lind R. Aldecoa-Delorino*

The instant complaint accused Delorino of abuse of authority, conduct prejudicial to the best interest of the service and harassment for allegedly committing the following acts, to wit:

1. Abellanosa accused Delorino of engaging the services of a certain Socrates Manarang to draft decisions and/or resolutions for her. Abellanosa claimed that Manarang was not employed in the RTC of Makati, but Delorino allowed him to bring home case records for the preparation of decisions. She said that Manarang was also allowed to stay and work within the premises of the Makati RTC, Branch 137 and borrow books from its library.

In the second week of April 2007, Abellanosa narrated that she visited Manarang at his home where she saw case records from the Makati RTC, Branch 138. When she asked Manarang why the case records were there, Manarang told her that Delorino sent them to him for the drafting of decisions. Abellanosa added that Delorino was then acting as Pairing Judge in Branch 138.

2. Abellanosa averred that Delorino coerced her and four more employees, namely: Fermin de Castro, Branch Sheriff; Marivic Mangilit, Stenographer; Marilyn Versoza, Clerk III; and Arnel Padlan, Court Aide, to transfer to another office or to resign. With regard to Arnel Padlan (Padlan), Abellanosa claimed that Delorino utilized Padlan as a personal driver and when he could no longer render personal service, Delorino forced him to resign. Abellanosa further claimed that Delorino also utilized stenographers from Branch 138, despite the availability of stenographers in Branch 137. She added that Delorino threatened to file an administrative complaint against her if she refused to resign or transfer to another court.

3. Abellanosa claimed that Delorino used her position to persuade and compel Peña, the accused in Criminal Case No. 03-501-502, and Sapitula, the wife of the accused in Criminal Case No. 02-2101, to testify against her. She presumed that Peña and Sapitula testified against her in order to gain favor from Delorino, considering that their respective cases are pending before Branch 137.

4. Abellanosa accused Delorino of being biased to Rowena Ramos. She pointed out that Delorino did not file any case against Ramos, despite evidence of her involvement in extortion from party-litigants as shown by the transcript of stenographic notes in Criminal Case No. 03-501-502 and in Criminal Case No. 03-1339. She added that Delorino allowed Ramos to hold the position of a court stenographer, despite the latter's lack of qualification and training as a stenographer. Furthermore, Abellanosa also allowed Rowena Ramos and her husband Lyndon Ramos to work together in Branch 137 which is against laws and procedure.

In her Comment^[6] dated July 20, 2007, Delorino contended that Abellanosa's complaint was an act of retaliation arising from the administrative complaint which she filed against her. She said that the allegation that she pays Socrates Manarang to draft decisions for her was pure fabrication and a blatant lie. Delorino explained that there was just one instance in February 2007 when she subjected Manarang to an examination by preparing a draft resolution as the latter was then applying for an employment before Branch 137. She then allowed Manarang to prepare the draft resolution inside the office premises.

Corroborating Delorino's statement, Manarang executed an Affidavit dated July 17, 2007 where he stated that he indeed applied for employment at Branch 137 and Judge Delorino subjected him to an examination.

As to Abellanosa's allegation that Delorino assigned cases pending in Branch 138 to Manarang sometime in the second or third week of April, Delorino refuted the same since her assignment as pairing judge of Branch 138 was only up to March 9, 2007. In an Affidavit dated July 13, 2007, Emily Reyes Alino-Geluz, Clerk of Court of Branch 138, denied that Judge Delorino allowed Manarang to draft decisions in cases pending before Branch 138.

As to the allegation that she abused her authority to harass or oppress Branch 137 employees, Delorino explained that she requested Marivic Mangilit to be detailed at the Office of the Clerk of Court (COC) on account of her dishonesty, insubordination and contempt. Marilyn Versoza, on the other hand, was also detailed at the OCC, because of gross inefficiency and lack of trustworthiness, while Fermin de Castro