

## FIRST DIVISION

[ A.M. No. P-08-2579, June 22, 2009 ]

**ODALINE B. NARAG, COMPLAINANT, VS. MARITESS R. MANIO,  
COURT INTERPRETER III, REGIONAL TRIAL COURT OF  
TUGUEGARAO CITY, BRANCH 4, RESPONDENT.**

### R E S O L U T I O N

#### **CORONA, J.:**

This is an administrative complaint for grave misconduct, dishonesty and conduct unbecoming of a court employee against respondent Maritess R. Manio,<sup>[1]</sup> court interpreter III, Branch 4 of the Regional Trial Court (RTC) of Tuguegarao City.

In a complaint-affidavit,<sup>[2]</sup> complainant Odaline B. Narag narrated that her sister, Veneranda Obdulia B. Baquiran (Baquiran), was planning to adopt her two stepchildren. Baquiran asked for complainant's help in looking for a good lawyer to handle the case. Complainant's officemate, Susana Wandag (Wandag), mentioned that her friend, herein respondent, might be able to help.

On April 2, 2004, respondent personally went to complainant's office and told her that a certain Atty. Mac Paul Soriano (Atty. Soriano) had agreed to handle the adoption case.

According to respondent, Atty. Soriano was going to take his Holy Week vacation in Manila and was allegedly asking for money so that he could prepare the necessary pleadings during his vacation for filing after the Holy Week. Respondent's representations, however, turned out to be totally unknown to and unauthorized by Atty. Soriano.<sup>[3]</sup>

Respondent then informed complainant that Atty. Soriano's professional fee for the adoption case was P40,000 for two children and accordingly asked for a 50% down payment thereof. Complainant readily gave P20,000 as partial payment and made respondent sign an acknowledgment receipt<sup>[4]</sup> for the said amount.

After the Holy Week, complainant kept calling respondent at the RTC Branch 4 to follow up the status of her sister's petition but the latter was always absent. On April 30, 2004, an employee of the RTC informed complainant by phone that respondent was no longer reporting for work.

Complainant then tried to see respondent at her residence but she was nowhere to be found.

Complainant's complaint-affidavit was corroborated by her officemates, Wandag and Ma. Lourdes H. Golino<sup>[5]</sup>, who executed their own separate sworn statements.

Respondent, on the other hand, failed to file her comment despite personal receipt of the 1<sup>st</sup> Tracer of the Office of the Court Administrator (OCA)<sup>[6]</sup> on February 22, 2005.<sup>[7]</sup>

During the pendency of this case, respondent was found (in another case) guilty of conduct unbecoming a court employee for which she was reprimanded with a warning that the commission of the same or similar offense in the future would be dealt with more severely.<sup>[8]</sup> And in yet another administrative complaint,<sup>[9]</sup> she was again found liable for dishonesty and grave misconduct for which she was dismissed from the service.

Furthermore, in a resolution dated November 17, 2004, this Court dropped respondent from the rolls for absence without official leave (AWOL) since March 1, 2004.

On the basis of the pleadings and documents presented by complainant, the OCA submitted its memorandum finding respondent administratively liable for dishonesty and conduct unbecoming a court employee. It recommended respondent's dismissal from the service effective November 17, 2004 with forfeiture of retirement benefits, except accrued leave credits, and with prejudice to re-employment in the government service.

We agree with the OCA that respondent's acts constituted dishonesty and conduct unbecoming a court employee. They also fell within the purview of grave misconduct.

Dishonesty<sup>[10]</sup> and grave misconduct, respectively, are classified as grave offenses punishable by dismissal for the first offense under Section 52 (A)(1) and (3)<sup>[11]</sup> of the Revised Uniform Rules on Administrative Cases in the Civil Service (Civil Service Rules).<sup>[12]</sup>

Respondent's guilt is unmistakable. As a public servant, nothing less than the highest sense of honesty and integrity is expected of her at all times.<sup>[13]</sup> She should be the personification of the principle that public office is a public trust. Regrettably, she fell extremely short of the standards which should have governed her life as a public servant.

By soliciting money from complainant, she committed an act of serious impropriety which tarnished the honor and dignity of the judiciary and deeply affected the people's confidence in it. She committed the ultimate betrayal of the duty to uphold the dignity and authority of the judiciary by peddling influence to litigants, creating the impression that decisions can be bought and sold.<sup>[14]</sup>

Section 53 of the Civil Service Rules, however, provides that mitigating circumstances attendant to the commission of the offense should be considered in the determination of the penalty to be imposed on the erring government employee. But respondent never filed her comment on the complaint and consequently never invoked, nor did the OCA find, any mitigating circumstances which could have favored her. On the contrary, she was shown to be a repeated violator of the rules

she had sworn to uphold as a court employee, judging from the number of administrative cases filed, and ultimately decided, against her.

Respondent's acts of recommending a private attorney to a prospective litigant<sup>[15]</sup> and her disappearance after receipt of the money (without fulfilling her promise to cause the preparation of the petition) also constituted conduct unbecoming a court employee.<sup>[16]</sup>

With three cases (including this case) decided against her and her being dropped from the rolls for having gone on AWOL, respondent has clearly demonstrated her unfitness to be in the government service, thus warranting her dismissal therefrom.

As already mentioned, however, the Court has already dismissed respondent from the service, also for dishonesty and grave misconduct, with forfeiture of all benefits, except accrued leave credits, and with prejudice to re-employment in the government service.<sup>[17]</sup> Unfortunately for respondent, this did not render her case moot.<sup>[18]</sup> She must not be allowed to evade administrative liability by her previous dismissal from the service. Thus, for this case involving additional serious offenses, the Court finds it proper to impose upon her a fine of P20,000 to be deducted from her accrued leave credits in lieu of dismissal from the service.<sup>[19]</sup>

**WHEREFORE**, we find respondent Maritess R. Manio, Court Interpreter III of the Regional Trial Court, Branch 4, Tuguegarao City, **GUILTY** of grave misconduct, dishonesty, and conduct unbecoming a court employee. In view of her previous dismissal from the service, a **FINE** of P20,000 is instead imposed on her, to be deducted from her accrued leave credits.

Respondent is further ordered to **RESTITUTE** the amount of P20,000 she received from complainant within 10 days from her receipt of this resolution. Failure to do so will subject her to criminal prosecution.

The Employees' Leave Division, Office of Administrative Services-OCA, is likewise **DIRECTED** to compute respondent's earned leave credits and deduct therefrom the amount representing the payment of the fine.

**SO ORDERED.**

*Puno, C.J., (Chairperson), Carpio, Leonardo-De Castro, and Bersamin, JJ., concur.*

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<sup>[1]</sup> Also referred to as Marites R. Manio in the records.

<sup>[2]</sup> Dated May 20, 2004. *Rollo*, pp. 4-5.

<sup>[3]</sup> This was established in the 1<sup>st</sup> Indorsement (dated May 25, 2004) forwarded by Judge Lyliha L. Abella-Aquino, the presiding judge of the RTC branch where respondent was assigned, to the OCA. *Id.*, p. 2.

<sup>[4]</sup> *Id.*, p. 6. The acknowledgment receipt read: