

## FIRST DIVISION

**[ A.M. No. P-08-2466 (Formerly OCA IPI No. 07-2477-P), August 13, 2008 ]**

**BEN G. SON, COMPLAINANT, VS. CONCEPCION B. SALVADOR,  
COURT INTERPRETER, AND JOSE V. NALA, JR., CLERK II,  
REGIONAL TRIAL COURT, BRANCH 146, MAKATI CITY,  
RESPONDENTS.**

### DECISION

**AZCUNA, J.:**

On March 20, 2006, complainant filed a *Sinumpaang Salaysay* before the Office of the Ombudsman charging respondents with violation of the Code of Conduct for Court Personnel (A.M. No. 03-06-13-SC). Submitted to support the complaint was a joint sworn statement of Cesar B. Miranda and Evangeline G. Saldo. Citing this Court's ruling in *Judge Caoibes, Jr. v. Hon. Ombudsman*,<sup>[1]</sup> however, the Graft Investigation and Prosecution Officer, in an Order dated April 6, 2006, referred the matter to the Office of the Court Administrator (OCA) for appropriate action.

Complainant alleges that sometime in January 2006 at around 10:00 A.M., while accompanying Atty. Ana Luz Cristal (in whose law office he works as a messenger) to a hearing at the Makati Hall of Justice, he saw Nerrie Torrente-Ungsod, the sister of Rolando Torrente against whom he had filed a case for Frustrated Murder, Frustrated Homicide and Attempted Homicide (docketed as I.S. No. 05-I-11140-42), enter the office of respondent Salvador. A month after, he was sent by Atty. Cristal to the Makati Regional Trial Court (RTC), Branch 141 (Br. 141), to see if a hearing of the latter's case had already started. There he again saw respondent Salvador together with respondent Nala inside the courtroom. Complainant claims that respondent Salvador, who is a close friend of the Torrente family, is fixing (*nag-aayos/nagkakalkal*) cases against him, using her position and influence to gain access to the records of his cases; and that both respondents are working in favor of the interest of the Torrentes contrary to the Code of Conduct for Court Personnel. He also adds that respondent Salvador is engaged in the business of cellular phone "load" (commonly known as "e-load") and lending money to court employees.

Aside from agreeing with the above allegations, affiants Miranda and Saldo, who are co-employees of complainant in the law office, aver that on September 23, 2005 they filed a Motion to Reduce Bail for the temporary liberty of complainant, who is accused of homicide in Criminal Case No. 89-964 pending before Br. 141. After filing the motion, they were told by the clerk in charge of criminal cases to stay while the order for the recall of the warrant of arrest was being prepared. While waiting, a man allegedly came inside the office and remarked as he handed to the clerk a folder: "*Ate, ano nang nangyari sa kasong pina-follow up ko sa'yo...? May budget ito, akong bahala sa'yo.*" They were surprised with what they heard. When they asked his identity and the reason why they were following-up the same case, the

man purportedly replied: "*Dyan lang ako sa kabila. Inutos lang sa akin ni Ate Connie.*" They inquired who "Ate Connie" is but the man allegedly left in haste. Out of curiosity, they followed him and saw that he went inside the RTC, Br. 146. After they secured the Recall Order, they went to said court and asked for his name. It was disclosed by an employee that the person they were referring to was respondent Nala. Further, Miranda and Saldo assert that I.S. No. 05-I-11140-42 was filed on October 10, 2005 but it dragged on for five months because respondents exploited their positions as court employees.

In her Comment, respondent Salvador counters that the complaint is based on conjectures, presumptions and mere allegations and is not backed up by substantial evidence. She admits that Nerrie visited her office in January 2006 but only for the purpose of inquiring from her where they could secure the services of a lawyer who could prepare their counter-affidavit, as to which she advised her to proceed to the Public Attorneys Office. She also denies that she ever went together with respondent Nala to Br. 141. In any case, respondent Salvador contends that these incidents should not be considered as violation of the Code of Conduct for Court Personnel because the court is a public office and court employees cannot prevent any person from entering it.

Respondent Salvador strongly denies the accusation that she is using her position as court interpreter and as an employee of the court to favor certain people by fixing/dealing and looking into the case records of Br. 141. She submitted the *Pinagsanib na Salaysay* of Henry R. Belen, Jocelyn B. Basbano, Alicia M. Rile, Arlyn M. Lasquite, Robert T. Bautista, Zenia A. Escabarte, Delfin T. Manga, Jr., and Rogelio M. Honrado and the *Sinumpaang Salaysay* of Zenaida A. Baloduya, all employees of Br. 141. In the joint sworn statement, the affiants deny the allegation that respondents are intruding into the case records of Br. 141, reasoning that this act is not authorized by the branch clerk of court pursuant to the order of their judge. They state that only those employees in charge of the criminal and civil cases are permitted to look into the court records. While the affiants recognize that anyone is free to verify the status of cases, as these are public records, they claim that respondents never fixed nor followed-up the case related to complainant. In her capacity as Clerk III and in-charge of criminal cases, affiant Baloduya moreover declares that since her assignment to the job, she has not permitted anyone, court employees or not, to examine the records of cases, conformably with the instruction of the branch clerk and the directive of the judge. She stresses that she will never allow this act for fear of being penalized.

Concerned that both parties would think that she is taking one side, respondent Salvador further asserted that she has avoided meeting or talking to complainant and Nerrie, either in the vicinity of the court or in their neighborhood, while their cases are pending. Knowing the increasing animosity between them, she claims that she deems it best to distance herself from them even at the cost of losing their friendship. Respondent Salvador, however, admits that it is difficult not to speak with them as they are her neighbors; hence, on several occasions she conversed with them albeit separately. She avers that they both sought her in her office but that she had always advised them that they are neighbors and, being so, they should exert all efforts to amicably settle their dispute. As respondent Salvador feels that both parties are seeking her out as their "go-between" or intermediary, she made it clear to them that she does not want to get involved with their squabbles. She found out though that complainant took it rather harshly as he took her silence and her act

of distancing herself as ways of taking the side of Nerrie by purportedly having an active part in the resolution of the cases between the parties. Respondent Salvador states that although she has worked in the court for quite some time now the truth is that she does not understand the intricacies of legal proceedings, and, consequently, could not offer either party any legal assistance. Likewise, she does not know or understand their cases and she does not wield any influence over any court personnel in Makati.

As regards the allegation that she is into the "e-load" business, respondent Salvador clarifies that her small "e-load" store, which is managed by her relatives, is located in her residence and not in her office at Br. 141, and that the "e-load" sometimes being purchased on credit should not be considered as a money lending business.

For his part, respondent Nala avows that he was not in any way involved in complainant's case pending before Br. 141. He contends that the narrations of Miranda and Saldo in their *Sinumpaang Salaysay* are patent falsehoods as he did not, nor did respondent Salvador, ever approach or attempt to bribe any court personnel. Respondent Nala argues that the allegations of complainant are malicious imputations and are bereft of any verifiable factual basis and should thus be dismissed.

In its Report on December 28, 2006, the OCA opined that the charges leveled by complainant are "serious" and that the allegations of Miranda and Saldo are "disturbing" as these suggest corruption among court personnel. Yet, due to the conflicting versions of the parties, the OCA recommended the referral of the case to an OCA consultant for investigation, report and recommendation.

Per Resolution dated February 5, 2007, this Court resolved to note the OCA Report. On March 13, 2007 the case was referred to Romulo S. Quimbo, as the Hearing Officer Designate.

On May 11, 2007, the Hearing Officer recommended the dismissal of the case for lack of merit but with a general admonition to all employees of the judiciary to avoid any act that may give rise to a suspicion that they are interested in any case pending in court.

The recommendation is granted.

A plain reading of complainant's testimony during the hearing conducted on March 30, 2007 elicits no substantial evidence to support the charge of respondents' alleged unethical maneuvers relative to the cases pending between complainant and the Torrentes. A portion of the transcript of the proceedings clearly shows this point:

Q Then you say that you saw him enter into the office of the respondents Salvador and Nala?

A Si Lando [referring to Rolando Torrente] hindi ko nakita kundi lang sila Nerrie at saka mga ilang anak habang kami nagkakaso ngayon sa kaso nilang pamamaril sa akin noong time na kasama ako ni Ma'am Cristal, nakita ko yung kapatid[,] si Nerrie.

Q Do you know the purpose of the visit of the Torrentes at Branch 146?

A Alam ko na na humihingi ng tulong sila kay Connie na tulungan sila sa mga problema nila.

Q How did you know that that was the purpose of their visit?

A Kasi sa mga hearings po namin, isang beses mismo ako, doon kay Fiscal Seña nandoon kami nakaupo sa labas, yung isang secretary po nila ni Fiscal Seña noong hindi pa dumarating itong mga Torrentes Family sa hearing...

Q What hearing is this?

A Demanda ko po ng....

Q Which body or tribunal?

A Fiscal lang.

Q What is the name of that Prosecutor?

A Fiscal Seña

Q When was this hearing before Prosecutor Seña?

A Last year. Hindi ko na matandaan sa tagal na ito eh.

Q Around when last year?

A September yan eh, hindi ko matandaan.

MR WAGAN:

Basta last year.

A Last year yun. Noong binaril ako nila eh[,] ng Torrente.

Q When were you supposedly shot by Torrente?

A Hindi ko na matandaan nasa ano ko yan eh.

Q Do you not remember what part of the year you were shot?

A Basta last year yun.

Q First quarter, 2 nd quarter...?

A June kami binaril noon 2005[,] galing kami sa bakasyon from Samar[,] 2005 maari.

Q So in this case, you are the complainant?

A Opo.

Q Now you said that you went to the.... This case was prosecuted before Pros. Seña. When was the proceeding before Pros. Seña?

A July na siguro.

Q July of?

A 2005. Kasi hindi ko na ma-recall kasi sa tagal na noon.

MR WAGAN:

Hindi mo ma-recall. Dadalin yung ano, yung records nasa office.

A Attorney and masasabi ko lang diyan sa tagal na, hindi ko ma-recall ang time...