

SECOND DIVISION

[A.M. No. P-06-2165 (Formerly OCA I.P.I. No. 05-2220-P), October 10, 2008]

**DOLORES V. MOLINA AND APRONIANO TIMBOL,
COMPLAINANTS, VS. ATTY. GITANJALI BONDOC, CLERK OF
COURT V, REGIONAL TRIAL COURT, BRANCH 12, MANILA,
RESPONDENT.**

D E C I S I O N

BRION, J.:

The complainants, Dolores V. Molina and Aproniano Timbol (*complainants*), were the accused in Criminal Case No. 96-150198 for the crime of estafa filed with the Regional Trial Court (RTC), Manila, Branch 12. The respondent, Gitanjali M. Bondoc (*respondent*), is the RTC Branch Clerk of Court.

In a complaint dated May 3, 2005 filed with the Ombudsman, the complainants charged the respondent with Grave Misconduct and Violation of the Anti-Graft and Corrupt Practices Act. Instead of acting on the complaint, the Ombudsman referred it to the Office of the Court Administrator (OCA) for disposition and/or appropriate action pursuant to Section 6, Article VIII of the Constitution that exclusively vests in this Court administrative supervision over all courts and court personnel.^[1]

The complainants alleged that sometime in October 2004, the respondent approached them and told them that she could work for their acquittal in the criminal case filed against them as she was influential with the presiding judge. She allegedly likewise represented that she would prepare the decision. The demanded price for the acquittal was P200,000.00. When the complainants allegedly delivered the demanded P200,000.00, the respondent acknowledged receipt of the amount in writing in a piece of paper the respondent signed using her alias "Jeta" M. Bondoc. In the later part of October 2004, the respondent allegedly demanded the additional amount of P50,000.00 which they failed to give because they had no money.

In her Comment dated August 15, 2005, respondent denied the complainants' accusation against her and raised the following defenses:

1. The "receipt" purportedly acknowledging the amount of P200,000.00 "for Judge R. Carandang, Branch 12, Manila," was dated October 17, 2004. At that time, Judge Carandang had already been promoted as Associate Justice of the Court of Appeals; she assumed the position sometime in April 2003. Therefore, she could no longer decide the case at the time the demand was allegedly made.

2. She never uses the name "Jeta M. Bondoc" when affixing her signature.
3. That the stationery on which the acknowledgment is written belongs to complainant Molina and the signature appearing thereon is not her signature.
4. It took complainants half a year to file the complaint against her.

In their Reply, the complainants made additional allegations that deviated from their previous declarations. They alleged this time that prior to the execution of the receipt, respondent had been demanding money from them in amounts varying from P5,000.00 to P10,000.00, telling them that these were for Judge Carandang and that the demanded P200,000.00 would be for the incumbent presiding judge with a portion going to the respondent and to Judge Carandang. They further claimed that they had witnesses "to testify categorically on the delivery of such money to the respondent who received them personally."

Then Court Administrator, now Associate Justice Presbitero J. Velasco, Jr. and OCA Consultant Nestor T. Atienza recommended on February 17, 2006 that the complaint be re-docketed as a regular administrative matter. We referred the case to the Executive Judge of the RTC of Manila for investigation, report, and recommendation.

Executive Judge Reynaldo G. Ros, the designated Investigating Judge (*Investigating Judge*), set the case for hearing but the complainants failed to appear. Only the respondent appeared and manifested that she was submitting the matter for resolution.

In his Investigation, Report, and Recommendation, the Investigating Judge found the respondent guilty of gross misconduct and dishonesty. He gave weight to the October 17, 2004 receipt that the respondent allegedly initialed, and reported as follows:

This Court believes that the complainants are telling the truth that the respondent received from them the amount of P200,000.00. The name of the respondent is Atty. Gitanjali Bondoc and she is known to the complainants as "Jeta." The respondent does not deny this although she claimed that she does not use the name "Jeta M. Bondoc" when affixing her signature. But the fact remains that she has an initial - she does not deny it - on top of the name "Jeta M. Bondoc." This receipt dated October 17, 2004 (Annex "A" of the complaint) is a mute witness to the illegal transaction between the complainants and the respondent.

The Investigating Judge recommended the respondent's suspension without pay for one (1) year with a stern warning that a repetition of the same or similar acts in the future will be dealt with more severely.

In a Resolution dated February 28, 2007, the Court referred the Investigating Judge's report and recommendation to the OCA for evaluation, report and recommendation.

The OCA reported, through a Memorandum dated June 6, 2007 to Chief Justice Reynato S. Puno, that the investigation conducted on the complaint was not