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[A.M. NO. P-06-2110 (FORMERLY OCA IPI NO. 02-1377-P), February 13, 2006]

CRISTETA D. ORFILA, COMPLAINANT, VS. ESTIFANA S. ARELLANO, H.R.M.O. II, RESPONDENT.

A.M. NO. P-03-1692 (FORMERLY OCA IPI NO. 02-1424-P)

SPS. ROMULO AND ESTIFANA ARELLANO, COMPLAINANTS, VS. CLERK OF COURT JESUS P, MANINGAS, ASSISTANT CLERK OF COURT JENNIFER C. BUENDIA AND PROCESS SERVER CRISTETA D. ORFILA, REGIONAL TRIAL COURT, OFFICE OF THE CLERK OF COURT, MANILA, RESPONDENTS.

D E C I S I O N

TINGA, J.:

Jesus drove away the moneylenders from the temple for good reason.

These consolidated administrative matters involve employees of the Office of the Clerk of Court (OCC), Regional Trial Court (RTC), Manila. The first, docketed as OCA IPI No. 02-1377-P was filed on 20 April 2002 by Cristeta D. Orfila (Orfila), a Process Server, charging Estifana S. Arellano (Arellano), a Human Rights Resource Management Officer II, with conduct unbecoming of a court employee. The second, docketed as Administrative Matter No. P-03-1692,[1] concerns a countercharge filed on 26 June 2002 by Arellano and her husband, retired Judge Romulo Arellano,[2] charging in turn Atty. Jesusa P. Maningas[3] and Atty. Jennifer C. Buendia, Clerk of Court and Assistant Clerk of Court, respectively, of the RTC Manila with graft and corrupt practices, etc.,[4] as well as Orfila for falsification of public document, etc.[5]

The cases were filed separately. On 2 April 2003, the Second Division of the Court resolved to consolidate both cases and referred them to Justice Narciso T. Atienza[6] for investigation.[7]

Since the parties have conflicting versions, the facts for each case as culled from the records, shall be presented and discussed separately.

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According to Orfila, at about 8:15 in the morning of 16 April 2002, she went to the office of Atty. Jesusa P. Maningas, who was then Clerk of Court of RTC Manila, to give the latter *suman* for breakfast. While they were conversing, Arellano barged in and said, "*Magbayad ka ng iyong utang*."[8] She had previously borrowed

P10,000.00 from Arellano and the latter was demanding payment for the unpaid interest due thereon in the amount of P2,000.00. A heated argument ensued between them. Atty. Maningas advised the two women to settle the matter outside her office and urged them to respect her position. Then Orfila asked Arellano, "*Bakit naman Panyeng ganyan ka binabastos mo ako, wag kang bastos. Formalin mo ako Panyeng. Meron naman akong table sa kabila, doon mo ako puntahan at singilin. Huwag kung saan-saan pati doon sa table ni Boy*," to which Arellano retorted, "*Sinungaling ka talaga, Tita, hindi 'yan totoo, sinungaling ka*."[9]

At this point, Arellano suddenly slapped Orfila on her left cheek prompting Atty. Maningas to call for the help of the other employees who were seated by their table right outside the door of her office. There were only two other employees present, Glenda Homeres and Ernesto Lacaba. They later testified that they had heard the altercation, and through the glass panels of Atty. Maningas's cubicle, witnessed the slapping incident. Homeres helped Orfila to sit down as she seemed about to fall while Lacaba tried to pacify Arellano who then had taken off one of her shoes and was attempting to hit Orfila with it.

Thereafter, Orfila had herself examined in the Ospital ng Maynila and was attended to by Dr. Jose Pingol. Dr. Pingol issued to her a medical certificate[10] diagnosing her with swelling of the left and right cheeks that could have been caused by slapping.

Atty. Buendia, the Assistant Clerk of Court, was not present when the incident took place but learned of the same through a text message she received while she was on her way to the office.[11] When she arrived, Atty. Maningas relayed to her what she had witnessed and instructed her verbally, and through a subsequent memorandum,[12] to conduct an investigation on the matter. Atty. Maningas inhibited herself therefrom as Arellano was her *kumadre*, she being a principal sponsor in the wedding of one of the latter's children. She also feared being accused of bias should she find for Orfila because the latter gave her *suman.*[13]

On the same day of the incident, Atty. Buendia called a meeting of all section chiefs and officers as well as Arellano, wherein they were reminded to be vigilant in preventing a repetition of the same untoward incident in the office. After the meeting, Atty. Buendia spoke to her about the shameful incident. Arellano just replied, "*Agi, nabigla ako. Buligi na la ako*."[14]

Later that afternoon, Judge Arellano came to their office. He told both Atty. Maningas and Atty. Buendia that he gave his wife money out of his retirement pay "*para may mapaglibangan*" and that refusal to pay a debt was actionable under the Civil Service Law.[15] Atty. Buendia expressed her hopes that the matter between Orfila and his wife will be settled, to which he replied, "*Ah oo, pepersonalin ko ito*." [16] Orfila then arrived and Judge Arellano apologized to her. He asked that she forgive his wife and not to push through with filing a complaint but Orfila refused.

The Investigating Committee headed by Atty. Buendia interviewed Orfila, Arellano, Homeres, Lacaba and Atty. Maningas. They also tried to reconcile Orfila and Arellano several times but to no avail. According to Atty. Buendia, the parties were not represented by counsel nor were stenographic notes taken during the

investigation since it was only an inter-office matter that they hoped would be settled between the parties.

On 29 April 2002, the Investigating Committee rendered a report[17] to Atty. Maningas that documented the slapping incident but stopped short of making any recommendation. Atty. Maningas endorsed the same for administrative action to the Office of the Court Administrator (OCA) through the Hon. Enrico A. Lanzanas, Acting Executive Judge of RTC Manila.[18] At the same time, Orfila filed the instant administrative complaint as well as a criminal complaint against Arellano for slight physical injuries, slander by deed and oral defamation with the Office of the Manila City Prosecutor.

Defending herself, Arellano decried complainant's version of the facts as fabricated, trumped-up, malicious and intentionally filed by Orfila out of vindictiveness and for the purpose of harassment.[19] She claimed that the complainant obtained a P10,000.00 loan from her at 10% interest every month to be paid in three (3) months. When complainant defaulted, she tried to collect from her every pay day. It took Orfila years to pay a part of the principal amount and would burst into anger every time she was reminded of the unpaid balance of her loan. Arellano testified that she did not file any formal complaint against Orfila regarding her debt but only asked her husband to send her a demand letter.[20]

At 8:00 o'clock in the morning of 16 April 2002, per Arellano's testimony, Orfila came to her office in the RTC Library, informing her that Atty. Maningas has the money for the balance of Orfila's loan. She was glad because at long last Orfila was going to pay her so she went to see Atty. Maningas. But as soon as she entered the said office, Orfila began lambasting her saying, "*Bastos ka, ayaw kong magbayad sa iyo, kung magbabayad ako dito rin kay Atty. Maningas ibibigay ko. Ayaw kong magbigay sa iyo, bastos ka*."[21] She did not say a word but just crossed her arms. Atty. Maningas said, "*Magpasensyahan na kayo*."[22] Orfila stood up and pointed her finger near Arellano's face and said, "*Ikaw bastos ka hindi ako magbabayad sa iyo*."[23] Arellano pushed her and parried Orfila's fingers with her hand. She denies slapping her, claiming that Orfila could have been hit by her own hand when she pushed it towards her.[24] Arellano also tried to remove one of her shoes for self-defense, or to scare Orfila because the latter was charging towards her.

Arellano further claimed that the instant case was filed by Orfila in connivance with Atty. Maningas and Atty. Buendia. Atty. Maningas is also indebted to her in the total amount of P15,000.00 at 10% monthly interest which she refused to pay. Atty. Maningas allegedly tried to convince her several times to condone her loan obligations as well as that of Orfila in exchange for Orfila's desistance from filing a complaint against her but she flatly refused. They then conspired with Atty. Buendia to silence her by carefully planning a set-up wherein she was called to Atty. Maningas's office under the pretext that Orfila would settle her indebtedness through her. They then made it appear that she had provoked the incident and Atty. Maningas could be the sole witness while Atty. Buendia would conduct the investigation. Arellano charged that Glenda Homeres and Ernesto Lacaba were only instructed by Atty. Maningas to testify in favor of Orfila.

Arellano testified that she did not file any complaint against Orfila, Maningas and

Buendia nor report the matter to her superior or with the Executive Judge of RTC Manila. Nobody prevented her from doing so but she simply did not want to have any enemies for she was then retiring soon.[25] Arellano further testified that she was interviewed by the Investigating Committee regarding the incident but she was not allowed to submit a written explanation. Thereafter, Atty. Maningas and Atty. Buendia suggested that she settle the case amicably with Orfila by giving the latter P30,000.00, which amount was later reduced to P20,000.00. However, she did not assert that she was the aggrieved party because she wanted the case to be settled before she retired.

Arellano further averred that after the slapping incident, Atty. Maningas, Atty. Buendia and Orfila started harassing her by threatening to block her retirement benefits if she did not give in to their demands. However, she filed an administrative complaint against them only after she received a copy of Orfila's complaint.[26]

Arellano's husband also testified in his wife's behalf, essentially corroborating her tale. According to him, after his wife called him in the afternoon of 16 April 2002, he went to see Atty. Maningas to verify the facts. Atty. Maningas allegedly told him that no one saw Arellano slap Orfila's face. Orfila even apologized to him, assuring him that it was just a simple misunderstanding between her and his wife. [27]

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The spouses Arellano, this time as complainants, filed a joint complaint-affidavit[28] against Orfila, Atty. Maningas and Atty. Buendia.

Charges Against Cristeta D. Orfila

The Arellanos accused Orfila of falsification of public documents by making it appear in her Service Record[29] and in her Personal Data Sheet,[30] which she personally accomplished when she was appointed janitor in the Court of First Instance of Manila on 1 November 1982, that she was born on 8 October 1942 in Carigara, Leyte when in fact she was not.

Her marriage contract[31] showed that when she was married on 29 November 1956, she was already 22 years old. Thus, she must have been born in 1934 and should have compulsorily retired in 1999 at the age of 65. Similarly, the birth certificate[32] of her son William indicated that she was married on 29 November 1956 and she was 21 years old at the time of William's birth in 1957.

The Arellanos further charged Orfila with the nonpayment of her loan and of conniving with Atty. Maningas and Atty. Buendia in harassing Arellano in order to evade payment of her obligation. She allegedly acted as a willing tool considering that she was extraordinarily close to them and that she owed Atty. Maningas favors, among which was the employment of her three children in RTC Manila.

Orfila denied the charges, insisting that she was born on 8 October 1942. Said date

was what her parents had inculcated in her mind as her birthdate which she had been using in good faith ever since she can remember. She cannot produce her birth certificate because records of birth from 1942 to 1944 in Carigara, Leyte were destroyed during the Japanese occupation. She submitted her Certificate of Live Birth[33] which was issued only on 29 July 2002 after she applied for late registration of her birth in the Office of the Civil Registrar of Carigara, Leyte. The information appearing therein were all furnished by respondent herself and her daughter, Maria Teresa Castel. It indicated 1942 as the year of her birth.

Orfila further claimed that her marriage with her husband was arranged by her parents. When she signed the marriage contract, she did not know that her age as stated therein was 22 years old. She was only asked by her father to sign the document and she did not know what she was signing then. Neither could she remember how old she was because she was still very young then. She had just enrolled in Grade II and she cannot read but can only write her name.

According to Orfila, she has nothing but a simple superior-subordinate relationship with Atty. Maningas and Atty. Buendia. She denied that they framed up Arellano. She filed a case against Arellano of her own volition because the latter had slapped her.

Charges Against Atty. (now Judge) Jesusa P. Maningas

Meanwhile, complainants-spouses charged Atty. Maningas with graft and corrupt practices, illegal and immoral abuse of official position, gross misconduct, immoral solicitation and nonpayment of loans, betrayal of public trust, illegal solicitation of money, oppression, coercion, maliciously and deliberately trying to delay, block or otherwise deprive Mrs. Arellano of her retirement benefits by filing midnight and trumped-up charges against her, in connivance with Atty. Buendia and Orfila, and dishonesty.[34]

Arellano admitted that after her husband got his retirement gratuity, she extended loans to people in the office who requested for one. Atty. Maningas allegedly pleaded with Arellano to allow her a loan of P30,000.00. Arellano was then a subordinate employee of Atty. Maningas in the OCC. At first, Arellano refused but after consulting her husband, Arellano agreed to lend her P10,000.00. Atty. Maningas accepted the same for which she signed a receipt dated January 21, 1999.[35] To avoid further disturbance, Arellano lent Atty. Maningas another P5,000.00 in February 1999.[36] They agreed that the loans were payable in three (3) months.

Yet despite several demands by Arellano, Atty. Maningas never paid the loans. Instead, the latter tried to sweet talk her that she would recommend her for promotion if she would condone her loans. When Arellano was eventually promoted as Human Resource Management Officer II, Atty. Maningas claimed that she facilitated her promotion by following it up personally and even treating the members of the Selection and Promotion Board of the Supreme Court to snacks.

Arellano testified that she did not file any action against Atty. Maningas out of respect and she just hoped that she would be paid. Neither did she send her any demand letter. It was only when she was about to retire in May 2002 that she informed her husband of Atty. Maningas's refusal to pay.