

EN BANC

[A.M. NO. 04-6-332-RTC, April 05, 2006]

REPORT ON THE INVESTIGATION CONDUCTED ON THE ALLEGED SPURIOUS BAILBONDS AND RELEASE ORDERS ISSUED BY THE REGIONAL TRIAL COURT, BRANCH 27, STA. CRUZ, LAGUNA

RESOLUTION

AUSTRIA-MARTINEZ, J.

On February 5, 2004, the Office of Deputy Court Administrator Jose P. Perez (DCA Perez) received a letter-report with attached documents from Filamor F. San Juan (San Juan), Officer-in-Charge of the Office of the Clerk of Court, Regional Trial Court (RTC) of Santa Cruz, Laguna, relative to the investigation conducted by Judge Leonardo L. Leonida (Judge Leonida) on January 23, 2004 involving the personnel of Branch 27 of RTC, Sta. Cruz, Laguna who are allegedly involved in the issuance of release orders without the approval of Judge Leonida, Executive Judge of Branch 27, RTC, Laguna.^[1]

Acting on the information contained in the subject letter-report and the attached documents, the Office of DCA Perez formed a team of investigators to verify the report of San Juan. After conducting an investigation, the team submitted a Memorandum to DCA Perez, pertinent portions of which read as follows:

During the team's conversation with the employees of RTC, Branch 27, Sta. Cruz, Laguna, Mrs. Alegria C. Ramos told them that she certified as true/xerox copies of the original some of the questioned release orders bearing the markings "ORIGINAL SIGNED" above the typewritten name of Judge Leonida because she allegedly saw the original copies containing the signature of the judge. As to the orders, she denied having certified the same as the signatures appearing on the certifications are different from hers. Likewise, Mesdames Ramos, Irma T. Agawin and Ma. Veronica Nequinto informed the team that the transcript of the investigation conducted on 23 January 2004 by Judge Leonida is not accurate. They claimed that the investigation as well as the corresponding report on the same submitted by Mr. San Juan to the OCA were just orchestrated by the wife of the judge who wanted to ease out Mrs. Agawin from the court. They claimed that Judge Leonida's wife is very jealous of Mrs. Agawin and in fact is always present in their office, presiding over even in their staff meetings notwithstanding her regular employment in the Bureau of Internal Revenue at Quezon City.

Incidentally, the National Bureau of Investigation (NBI) also conducted a parallel investigation on the matter as their assistance was sought by Judge Leonida because of the gravity of the situation, particularly on how

Anna Marie Reyes^[2] was able to cause the release of many prisoners using falsified documents.^[3]

Accordingly, the investigating team made the following recommendations:

1) Mesdames Alegria C. Ramos, Legal Researcher; Irma T. Agawin, Stenographer, Ma. Veronica Nequinto, Stenographer, and Mauro Callado, Court Aide, all of the RTC, Branch 27, Sta. Cruz, Laguna, be **DIRECTED** to **COMMENT** on the investigation report submitted by Filamor F. San Juan, OIC, RTC-OCC, Sta. Cruz to the Office of the Court Administrator, particularly on the matters taken up during their meeting on 23 January 2004;

2) Mesdames Ramos, Agawin and Nequinto be **REQUIRED to EXPLAIN** why they should not be administratively charged for falsification and dishonesty for the following acts committed by them:

a) Mrs. Ramos - for certifying as true/xerox copies of the original, the questioned release orders, with the markings "ORIGINAL SIGNED" above the typewritten name of Judge Leonida issued in Criminal Case No. 14359, 14370, 49178, 6627, 14580, IS-03-1193, 6516, IS-03-953, IS-03-954 and 11694, when in fact no such orders of release exist and were signed by the judge;

b) Mrs. Agawin - for initialing/signing in behalf of Mrs. Ramos similar certifications involving questioned release orders which she herself prepared/typed, issued in Criminal Case Nos. 10560, 14207, 14208, 14237, 14290, 48566 to 48568 and 47985 to 47990; and

c) Mrs. Nequinto - for initialing, in behalf of Mrs. Ramos, the same certification issued in Criminal Case No. 14188 and for typing/preparing the questioned release orders issued in Criminal Case Nos. IS-03-1193, IS-03-953, IS-03-954, 49178, 14290, 14370 and 6516.

3) Executive Judge Leonardo L. Leonida, RTC, Branch 27, Sta. Cruz be **DIRECTED** to **COMMENT** on the information relayed by Mesdames Agawin, Ramos and Nequinto to the investigating team that: the transcript of the investigation conducted by him on 23 January 2004 is not accurate; his wife is always present in the court, is jealous of Mrs. Agawin and wants to ease the latter out of the office thus, the subject report of OIC Filamor F. San Juan was submitted to the OCA; and Mrs. Leonida usually presides over the staff meetings of RTC, Branch 27, Sta. Cruz; and

4) The National Bureau of Investigation (NBI), Manila, be **DIRECTED** to furnish the Court, through the Office of the Court Administrator, of the results of their investigation on the matter.^[4]

In a subsequent Memorandum addressed to then Chief Justice Hilario G. Davide, Jr., the Office of the Court Administrator (OCA) endorsed the recommendations of the investigating team.^[5]

On July 6, 2004, this Court issued a Resolution approving the recommendations of the OCA.^[6]

In compliance therewith, Acting Branch Clerk of Court Alegria Ramos (Ramos), who holds the position of Legal Researcher, filed an Affidavit dated August 10, 2004 claiming that she only signs and certifies release orders coupled with bail bond policies which are already signed and approved by Judge Leonida.^[7] She points to a surety agent named Ana Marie Reyes (Reyes) as the possible culprit in these irregularities.

On her part, stenographer Irma Agawin (Agawin) filed her Affidavit dated September 9, 2004 stating that she admitted during their meeting held on January 23, 2004 that she prepared and certified the release orders wherein her initials and signatures appear. However, she asserts that she can no longer exactly recall the release orders she had prepared and certified. She also claims that she was personally instructed by Judge Leonida to certify some release orders while on other occasions, the instructions were relayed to her by Reyes. However, she did not specify what release orders are these. She avers that at some point she confronted Reyes regarding some release orders and policies which the latter did not submit in court but instead of explaining, Reyes sent a handwritten letter to Judge Leonida.^[8] Agawin denies that she prepared the release orders which were issued during the period that Judge Leonida was on vacation leave. She also maintains that there were inaccuracies in the minutes of the meeting held on January 23, 2004 and that the same was edited.^[9]

Stenographer Ma. Veronica Nequinto (Nequinto) also filed her affidavit dated September 9, 2004 claiming that as a court stenographer, she prepares, drafts or types orders, resolutions and decisions being issued by Judge Leonida; that in the course of her employment she came to know surety agent Reyes who frequently goes to their office and oftentimes enters the chambers of Judge Leonida; that she has observed the closeness of Judge Leonida and surety agent Reyes;^[10] that attached to her affidavit is another affidavit allegedly executed by Reyes attesting to the latter's closeness to Judge Leonida.^[11] Nequinto admitted in her affidavit that she was the one who prepared the release orders in Criminal Cases Nos. 03-1193-(SP) pertaining to accused Filipina Garcia,^[12] 142290 (03) pertaining to accused Sherwin Averion,^[13] and 14188-(SP) pertaining to accused Ildefonso Yap, who are all clients of Reyes.^[14] However, she claims that she had no knowledge or participation in the preparation of release orders in I.S. Nos. 03-953 pertaining to Michael Silva^[15] and 03-954 pertaining to Rommel Comawas,^[16] and in Criminal Cases Nos. 6516-SP pertaining to Fernando Dorado^[17] and 14379-(SP) pertaining to Herminigildo Hernandez.^[18] She alleges that she placed the initials of Ramos on the certification pertaining to Criminal Case No. 14188-(SP) but that she did the same in good faith and only in compliance with the instructions of Judge Leonida. She asserts that her actions subject of the present administrative case were committed without malice, performed in the ordinary course of her employment as a court stenographer, and in compliance with the instructions of Judge Leonida, without favoring anyone except him and the court she is serving.

In his Comment, Utility Aide Mauro Callado (Callado) alleges that he has no knowledge about nor participation in the alleged spurious bail bonds and release orders; that he merely handed the release order given to him by Ramos, Agawin and Nequinto to the concerned government agency in good faith; and that the rule on presumption in the regularity in the performance of duty should be accorded to him.^[19]

Judge Leonida filed his Comment contending that he is not in a position to comment on the alleged inaccuracies in the transcript of the meeting held on January 23, 2004 because he was not provided any information by Agawin, Ramos and Nequinto as to which part of the said transcript is inaccurate. Judge Leonida denies the allegation that his wife is always present in his sala and that that it was through her instigation that the report of San Juan was submitted to this Court because she is jealous of Agawin and wants to ease her out of the office. Judge Leonida also denies that his wife usually presides over meetings of his staff and that she only goes to their office to provide him with moral support.^[20]

On December 1, 2004, this Court issued a Resolution referring the case back to the OCA for re-evaluation, investigation and report.^[21]

In a Memorandum dated January 5, 2005, addressed to then Chief Justice Davide, Jr., the OCA recommended that the instant administrative matter be referred to a consultant from the same office for investigation, report and recommendation.^[22]

Finding the recommendation of the OCA to be in order, this Court in a Resolution issued on February 1, 2005, referred the present case to Justice Conrado M. Molina, OCA Consultant, for investigation, report and recommendation.^[23] Thereafter, Justice Molina conducted hearings and required the parties concerned to present evidence in their behalf.

In his Report and Recommendation dated November 30, 2005, duly noted by Court Administrator Presbitero J. Velasco, Jr., Justice Molina found that twenty release orders, presented and marked as Exhibits "A,"^[24] "B,"^[25] "C,"^[26] "D,"^[27] "E,"^[28] "F,"^[29] "G,"^[30] "H,"^[31] "I,"^[32] "J,"^[33] "K,"^[34] "L,"^[35] "M,"^[36] "N,"^[37] "Q,"^[38] "R,"^[39] "S,"^[40] "T,"^[41] "V"^[42] and "W,"^[43] are spurious.

Justice Molina found that Ramos, Agawin and Nequinto have falsely certified 15 out of the 20 aforementioned release orders as true xerox copies of the originals. In particular, he found that Ramos falsely certified the release orders, marked as Exhibits "G", "H", "K", "M", "N" and "Q." With respect to Agawin, he found her to have falsely certified the release orders, marked as Exhibits "A", "D", "E", "F", "I", "J" and "L." As to Nequinto, he found her guilty of falsely certifying the release orders marked as Exhibits "B" and "C."^[44] Justice Molina's basis in concluding that the abovementioned certifications were falsified is that the original copies of the said orders which supposedly bear the signature of Judge Leonida, are not found in the respective records of the cases. Accordingly, Justice Molina found Ramos, Agawin, and Nequinto administratively liable for falsification of official documents as punished under Section 22(f) of the Omnibus Rules Implementing Executive Order No. 292 (E.O. No. 292).

As to the participation of Callado, Justice Molina made the following findings:

As if to confirm the practice in that court of issuing copies of release orders without the signature of Judge Leonida and bearing only the certification that they are true xerox copies of their originals[,] Mauro Callado, the Utility Aide in Branch 27, RTC, Sta. Cruz, Laguna, recalled two (2) instances when he was asked to accompany Ana Marie Reyes to San Pablo City. He was given only carbon copies of release orders with the mark "ORIGINAL SIGNED" but without the signature of Judge Leonida. Upon arriving at San Pablo City[,] Ana Marie Reyes took the release orders and the bailbonds from him saying she would be the one to give them to the proper employee of the court. (TSN, pp. 8-14, Hearing of June 16, 2005).

F. Mauro Callado, as a mere Utility Aide in the court, was not expected to know that the two (2) release orders given to him for submittal to the court in San Pablo City in the company of Ana Marie Reyes were spurious being mere Xerox copies of originals unsigned by Judge Leonida. But he was ill advised in handing them to Ana Marie Reyes on the latter's pretext that she herself would submit them to the court. Had he delivered the documents personally to the proper official in the court the latter would not have received and honored them and thereby prevented the release of the prisoners concerned.^[45]

On the other hand, Justice Molina found Judge Leonida guilty of violating Rules 2.01 and 2.03 of the Code of Judicial Conduct for having allowed surety agents to freely enter his chambers to follow-up release orders for prisoners in cases pending in his court and in other courts in Laguna. However, Justice Molina did not find substantial evidence to prove the allegations of Ramos, Agawin and Nequinto, as relayed to the investigating team from the OCA, that the transcript of the investigation conducted by Judge Leonida on January 23, 2004 is inaccurate, that Mrs. Leonida is always in their office and often presides over staff meetings and that she is jealous of Agawin and wants to ease her out of their office.

The Investigating Justice recommends that Ramos, Agawin and Nequinto be dismissed from the service for cause while Judge Leonida be admonished to refrain from the practice of entertaining in his chambers persons with official business to transact in his court.^[46] However, Justice Molina did not make any recommendations as to the liability of Callado.

Justice Molina noted in his Report that the NBI has yet to furnish the OCA the results of its investigation.

Considering that Justice Molina has already submitted his Report and Recommendation to this Court, we deem it proper to decide the matter based on the evidence on hand and dispense with the requirement directing the NBI to furnish this Court the results of its investigation.

The Court partly agrees with the findings and recommendations of the investigating Justice.