

THIRD DIVISION

[A.M. NO. RTJ-02-1732, December 11, 2006]

**IN THE MATTER CONCERNING THE LOSS OF DOCUMENTS AND
RECORDS OF THE REGIONAL TRIAL COURT OF MANILA, BRANCH
31**

SIRS/MESDAMES:

*Quoted hereunder, for your information is a resolution of the Third Division of this Court dated **11 DECEMBER 2006***

**A.M. No. RTJ-02-1732 (IN THE MATTER CONCERNING THE LOSS OF
DOCUMENTS AND RECORDS OF THE REGIONAL TRIAL COURT OF MANILA,
BRANCH 31)**

This case originated from three anonymous letter-complaints^[1] against Judge Leonardo P. Reyes ("Judge Reyes") of the Regional Trial Court of Manila, Branch 31 ("RTC-Branch 31"), for alleged inconsistencies in the release of accused in criminal cases.

In a Resolution^[2] dated 20 November 2002, the Court resolved to dismiss the complaint against Judge Reyes for lack of merit. However, the Court also resolved to refer the alleged loss of documents and records of RTC-Branch 31 to Executive Judge Enrico A. Lanzanas ("Judge Lanzanas"), RTC of Manila, Branch 7, for investigation, report and recommendation.

Judge Lanzanas requested Judge Reyes and other court employees to submit their written explanation regarding the loss of documents and records in the cases of *People v. Ariel Duran*^[3] ("Duran case") and *People v. Fernando Erguiza*^[4] ("Erguiza case").

In his Explanation dated 4 February 2003, Judge Reyes alleged that certain case documents and records were "stolen" to build up an administrative case against him. Judge Reyes stated that the photocopy and duplicate copies of the Release Order in the Duran case were missing. Judge Reyes also stated that the Erguiza case records were "concealed and returned after sometime," causing the delay in the release of the accused.

Judge Reyes concluded that the one who wrote the anonymous letters against him was also the one who "stole" the case documents and records. Judge Reyes pointed to Dakila Manalabe ("Manalabe"), court legal researcher, as the letter-writer and, consequently, the one who concealed and stole the case documents and records. Judge Reyes alleged that Manalabe had previously written a coded anonymous letter-complaint^[5] against certain employees of the RTC of Manila, Branch 22 ("RTC-Branch 22"). Judge Reyes also presented the affidavits of other court employees

who pointed to Manalabe as the culprit.^[6]

In his Comment dated 28 January 2003, Manalabe denied any knowledge of the missing documents and records. Manalabe stated that it was not his duty to be the custodian of case records in their sala. Manalabe also denied that he wrote the anonymous letters against Judge Reyes.

During the investigation, the following court employees of RTC-Branch 31 testified on the matter:

1. Evelyn D. Cabie ("Cabie"), court stenographer, stated that she believed that Manalabe wrote the anonymous letters because when Judge Reyes received the letter from the Office of the Court Administrator (OCA), Cabie heard Manalabe say "*sisilipin na siya* [Judge Reyes] *ng Supreme Court.*"^[7] Cabie added that Manalabe hated Judge Reyes because he was not appointed as branch clerk officer-in-charge^[8] ("OIC") of RTC-Branch 31. However, Cabie did not believe that Manalabe was responsible for the loss of records.
2. Amada Balbas, court stenographer, testified that she did not believe Manalabe wrote the anonymous letters or was responsible for the loss of records.
3. Christopher Norman Publico, sheriff, testified that "it looks like" Manalabe wrote the anonymous letters but he does not have concrete evidence to prove the same.
4. Tyke Sarceno ("Sarceno"), clerk-in-charge of criminal cases, testified that Manalabe took some case records to have them photocopied and returned them after a few minutes. But Sarceno cannot say what case records they were nor did he examine the records when they were returned.
5. Danilo Garcia ("Garcia"), process server, concluded that Manalabe wrote the anonymous letters against Judge Reyes because of the anonymous coded letter-complaint against employees of RTC-Branch 22 found in Manalabe's computer. Garcia added that Manalabe, as legal researcher, had access to the records and assisted in the two cases. But Garcia cannot tell if Manalabe was responsible for the loss of the records.
6. Marita Montemayor, stenographer, also concluded that Manalabe wrote the anonymous letters because of the anonymous coded letter-complaint found in his computer and because he had a grudge against Judge Reyes for not appointing him branch clerk OIC.
7. Abelardo Enriquez, court aide, testified that he believed Manalabe wrote the anonymous letters because he once overheard Manalabe say "*pwedeng masilip si sir* [Judge Reyes] *sa ganyang sistema sa pag-release ng bilanggo.*"^[9]

In a Report dated 26 May 2003, Judge Lanzanas concluded that Manalabe wrote the anonymous letters and was responsible for the loss of case documents and records. Judge Lanzanas found Manalabe guilty of grave misconduct and recommended his suspension from office for one year. The Report reads: