

## SECOND DIVISION

**[ A.M. NO. P-04-1908 (FORMERLY OCA IPI NO. 03-1741-P), August 16, 2005 ]**

**WILMER SALAZAR, COMPLAINANT, VS. SUSAN A. LIMETA, LEGAL RESEARCHER, REGIONAL TRIAL COURT, IMUS, CAVITE, BRANCH 20, RESPONDENT.**

### D E C I S I O N

**CALLEJO, SR., J.:**

The instant administrative matter refers to the charges of violation of Republic Act No. 3019 against Susan A, Limeta, Legal Researcher, Regional Trial Court, Imus, Cavite, Branch 20, relative to Civil Case No. 266-02 for declaration of nullity of marriage. The charges are contained in the Affidavit-Complaint<sup>[1]</sup> filed by Wilmer Salazar, dated August 19, 2003.

Pursuant to the recommendation<sup>[2]</sup> of the Office of the Court Administrator the Court resolved to re-docket the instant case as a regular administrative matter, and refer the same to Executive Judge Norberto J. Quisumbing, Jr., RTC, Imus, Cavite, for investigation, report and recommendation.<sup>[3]</sup>

According to the complainant, the respondent represented herself as a lawyer and agreed to help him file a petition for declaration of nullity of marriage. He then gave P65,000.00 on August 2, 2002, and another P65,000.00 on August 19, 2002. In support of his claim, the complainant submitted receipts<sup>[4]</sup> purportedly signed by the respondent. The respondent promised that the petition for annulment of marriage would be decided within three (3) months from the date of filing. The said petition was filed in the RTC of Imus, Cavite sometime in September 2002. The complainant made "follow-ups" and the respondent initially informed him that the presiding judge, Judge Lucenito C. Tagle, was sick and had left for the United States of America. Thus, the case remained pending, and after nine months without favorable results, the complainant was forced to speak with Judge Tagle regarding the case.

According to the complainant, he confronted the respondent inside Judge Tagle's chambers, but the respondent denied that she made such promises. The case for annulment was eventually decided in June 2003. The complainant then demanded the return of his money, or at least P50,000.00, and the respondent promised that she would return P30,000.00 on August 15, 2003. The money, however, was not returned.

For her part, the respondent vehemently denied the allegations in the complaint. She did not personally know the complainant, and was merely introduced by a certain Myra, an acquaintance. The respondent further claimed that the signatures in the receipts attached to the complaint were not hers. She admitted, however, that

she asked her uncle, Atty. Ponciano Espiritu, to help the complainant with the said case, but only because the latter was "crying in front of her." Atty. Espiritu then instructed her to receive from the complainant the payment for filing fee, attorney's fees and psychiatric fees, since he had other cases to attend to. The respondent claimed that she gave the money to Atty. Espiritu.

The respondent also disclosed that she filed perjury and harassment charges against the complainant which are still pending. She insisted that she never told Salazar that Judge Tagle was sick and that he went to the U.S., since all their communications were done through Myra. After Judge Tagle rendered a decision in the annulment case, the complainant sought the return of the lawyer's fee, as well as the psychiatric fee, and she told him that this could not be done as the services of the two professionals had already been rendered. The respondent presented the notarized affidavit of Atty. Espiritu to prove that he was the complainant's counsel in Civil Case No. 266-02 for declaration of nullity of marriage.

The Executive Judge, thereafter, conducted a hearing, after which he submitted his Administrative Investigation Report dated June 3, 2005, wherein he stated:

Complainant Salazar contends that he gave the amount of P130,000.00 on August 2 and 19, 2002 to respondent Susan Limeta for "the filing of his declaration of nullity of marriage before RTC, Br. 20, Imus, Cavite" as evidenced by the two receipts (Annexes A and B) which were allegedly issued by respondent. On the other hand, respondent Limeta denied having executed the two receipts. However, she admits that on those two occasions, she received the said amount from complainant per instruction and for Atty. Ponciano Espiritu for he had other cases to attend to at that time. Thereafter, she gave the money to Atty. Espiritu.

The affidavit of Atty. Espiritu was identified by the respondent. However, Atty. Espiritu was not presented as a witness to identify the same. As such, the affidavit is hearsay and is not admissible as evidence. Complainant was denied his right to cross-examine Atty. Espiritu.

Respondent has, likewise, admitted that she asked her uncle, Atty. Ponciano Espiritu, to help complainant in his case for nullity of marriage. At first, she did not want to help him because she is an employee (legal researcher) of the RTC of Imus, Cavite, Branch 20. But he was crying in her presence and was begging her to help him. So, she agreed.

Notwithstanding the fact that she at first did not want to help him, the act of agreeing with him to look for a lawyer to represent him in a case to be filed in the branch where she is the legal researcher and actually getting a lawyer to represent complainant is deemed gross misconduct. This act is improper. Likewise, the admission that she received from complainant the amount of P130,000.00 on two occasions to be used for the filing of the case for declaration of nullity of marriage is likewise gross misconduct. This is improper. These are grave offenses that are punishable by dismissal from the service under Rule IV, Section 52 of Civil Service Commission Memorandum Circular No. 19-99.

In Office of the Court Administrator vs. Anastacia Diaz, 303 SCRA 243,