

## THIRD DIVISION

[ A.M. NO. P-05-2013, October 20, 2005 ]

**LINDA RAMOS, COMPLAINANT, VS. LINDA C. ESTEBAN, COURT  
STENOGRAPHER, RTC, BRANCH 30, BAMBANG, NUEVA VIZCAYA,  
RESPONDENT.**

### D E C I S I O N

**CARPIO-MORALES, J.:**

For writing a letter of demand to an alleged obligor on the request of the alleged obligee and for availing of the franking privilege extended to courts in sending the letter, Linda C. Esteban (respondent), court stenographer of the Regional Trial Court (RTC) of Bambang, Nueva Vizcaya, Branch 30, finds herself administratively charged with conduct prejudicial to the best interest of service and violation of the franking privilege provided under Presidential Decree No. 26<sup>[1]</sup> by Linda Ramos (complainant) via letter-complaint of August 9, 2004.

The filing of the present complaint arose following complainant's receipt of a demand letter<sup>[2]</sup> dated July 1, 2004 signed by respondent which was contained in an official envelope<sup>[3]</sup> of the RTC Bambang, Nueva Vizcaya reading:

Dear Mrs. Linda Ramos,

Mr. Paquito Chua came to my office intending to file a case against you for Estafa considering the long over due account made by you copy of the trust receipt hereto attached and marked as Annex "A".

Considering the fact that this is a trust receipt which is tantamount to a case of Estafa which is a (sic) criminal in nature, I'm advising you to immediately make representation with Mr. Chua of Masagana Lumber and Construction Materials and settle your accounts rather than to go in (sic) trial and post a (sic) bail.

We are giving you therefore, 10 days upon receipt hereof, to settle this long time due account otherwise, a criminal case shall be filed against you the soonest possible time.

Your Cooperation is highly appreciated.

(Signed)  
Mrs. LINDA C.  
ESTEBAN  
**Issuing Officer**  
**RTC Br. 30, Justice**  
**Hall**

Copy furnished:

Mr. Paquito Chua  
Masagana Lumber  
&  
Construction  
Materials  
Solano, Nueva  
Vizcaya

NOTE:

This serves as your first demand letter. (Emphasis supplied)

In her August 9, 2004 letter-complaint addressed to the Office of the Court Administrator (OCA) which was received on August 13, 2004, complainant invites attention to respondent's lack of "authority or right to act as lawyer in a purely private transaction using the authority and supplies of the . . . court in the process."

In her Comment<sup>[4]</sup> to the letter-complaint filed in compliance with the Indorsement<sup>[5]</sup> of August 31, 2004 of the Court Administrator, respondent gave the following explanation:

Sometime in July 2004, Paquito Chua (Chua), a friend of her sister, went to her office asking her to recommend a lawyer as he intended to file a case against complainant on account of the latter's failure to pay overdue accounts amounting to P12,250.00.<sup>[6]</sup> She, however, suggested that before engaging the services of a lawyer, he should send complainant a demand letter. Heeding her suggestion, Chua requested her to prepare a letter and sign it on his behalf, he postulating that complainant would most likely settle her obligation if the letter comes from "a proper authority."

She having merely wanted to help Chua without him resorting to litigation to thereby save him from incurring expenses therefor, she obliged. She thus prepared the letter and in good faith sent it to complainant without receiving any monetary consideration from Chua for her services.

Appended to respondent's Comment was Chua's Affidavit<sup>[7]</sup> wherein he affirmed that he indeed authorized respondent to prepare and sign the demand letter and respondent did so in good faith, without receiving any monetary consideration therefor.

Also attached to respondent's Comment was a photocopy of a trust receipt<sup>[8]</sup> purportedly signed by complainant acknowledging having received construction materials worth P12,250.00 from Chua which were to be sold on commission basis, the proceeds of which were not, however, remitted to Chua.

By Report<sup>[9]</sup> of April 4, 2005, the OCA recommended that the complaint be

redocketed as a regular administrative matter and that respondent be ordered to pay a fine in the amount of P500.00 for violation of P.D. 26, with a warning that a repetition of the same or similar acts would be dealt with more severely.

The OCA reasoned:

The intent, among others, of the franking privilege granted to courts, as may be gleaned from its perambulatory clauses, is "to equip the existing machinery of justice with all the necessary facilities which will enable it to act swiftly." Expanding the coverage of the subject decree to include demand letters in behalf of non-litigants would be contrary to the spirit and intent of the law to enable the courts to act swiftly to afford justice to those who seeks (sic) its wisdom. The said decree provides that "the courts may transmit thru ordinary mail and/or registered mail with return card, free of charge all official communications and papers directly connected with the conduct of judicial proceedings". Any private or unauthorized use to avoid payment of postage is penalized by fine or imprisonment or both. Clearly, respondent's act of sending a demand letter utilizing the franking privilege granted to courts is not within the intent and is thereby a violation of said decree.

x x x

It must be borne in mind that the conduct required of court personnel must be beyond reproach and must always be free from any suspicion that may taint the judiciary (*Dionisio vs. Gilera, A.M. No. P99-1330, 12 August 1999*). Respondent, by sending a purely private matter of demanding payment of a monetary obligation, representing the matter to be an official court process, to avoid the payment of postage, failed to live up to this standard.<sup>[10]</sup> (Underscoring supplied)

Respondent later filed a Manifestation<sup>[11]</sup> dated June 9, 2005 reiterating her claim of good faith. She added that complainant whom she alleged to be known as a "person of bad reputation in her community" filed the present case merely to harass her owing to her (respondent's) close relation to Chua who had filed a complaint for estafa against complainant. Appended to the Manifestation was a Certification dated June 6, 2005<sup>[12]</sup> issued by the Office of the Nueva Vizcaya Provincial Prosecutor stating that the estafa case filed by Chua against complainant is now pending review before the Department of Justice. Respondent thus moved for the dismissal of the case.

Also appended to respondent's Manifestation was an Affidavit<sup>[13]</sup> of Barangay Captain Wenceslao Carillo of Don Mariano Perez, Bayombong, Nueva Vizcaya attesting that complainant is a person "of bad character" and not credible and that she no longer resides at Bayombong in order to evade her obligations and the cases filed against her.

By Resolution of July 25, 2005, this Court noted respondent's Manifestation.

While the OCA properly recommended that respondent be penalized for violation of the Franking Privilege Law, a more important matter escaped its attention.