

SECOND DIVISION

[AM No. P-93-808, November 25, 2005]

**COURT EMPLOYEES OF THE MUNICIPAL CIRCUIT TRIAL COURT,
RAMON MAGSAYSAY, ZAMBOANGA DEL SUR, COMPLAINANTS,
VS. EARLA C. SY, COURT STENOGRAPHER I, MUNICIPAL CIRCUIT
TRIAL COURT, RAMON MAGSAYSAY, ZAMBOANGA DEL SUR,
RESPONDENT.**

DECISION

CALLEJO, SR., J.:

The instant administrative matter refers to the charges of discourtesy, inefficiency, immorality and forgery against Earla C. Sy, Court Stenographer I, Municipal Circuit Trial Court (MCTC), Ramon Magsaysay, Zamboanga del Sur. The charges are contained in a Letter-Complaint^[1] dated February 15, 1993 signed by Veronica A. Jatico, Rogelio C. Casinto, Lorna W. Gonzales, Shirlando R. Pepito and Henry T. Langam, all court employees of the Municipal Circuit Trial Court (MCTC) of Ramon Magsaysay, Zamboanga Del Sur, to wit:

That one of our co-employees named Earla C. Sy, Court Stenographer I, has caused so much trouble/nuisance in our office for so long because of her notorious habit of backbiting not only her co-employees but as well as her superiors; disrespectful and discourteous to her superiors such as leaving the office during office hours without permission; a loud speaker/talkative in the office causing disturbance in the concentration of our works, also an inefficient worker in the performance of her duties, most often our flower vase. It is also of common or public knowledge that she is a married woman with the habit of having illicit affairs with different men even married ones, the daring type, giving a bad image to our office for not making disciplinary measures; and also falsifying official documents by forging signatures.

That corrective measures of reprimanding and warning her by our Presiding Judge has already been made several times, but to no avail. That she is notoriously undesirable and nuisance staff in the office.

That for the good of public service and to restore peace and harmony in the office, as well as trust of the general public in the good image of the judiciary, we strongly request immediate action/investigation appropriate to our petition.^[2]

The respondent denied the charges in her Comment^[3] dated June 2, 1993. Contrary to the allegations against her, she is one of the most courteous and respectful personnel of the said court, the "silent type" of person when in the office. The respondent also claimed that the allegation of the complainants that she is having

illicit affairs with different men was made only to malign her sincerity and trustworthiness. Moreover, during her stay in the MCTC in Ramon Magsaysay, she was never reprimanded nor warned by the Presiding Judge therein. She thus prayed that the case against her be dismissed for being unfounded, and that the complainants be reprimanded for filing a baseless complaint against her.

The case was referred to Executive Judge Camilo E. Tamin, Regional Trial Court (RTC), Branch 23, Molave, Zamboanga del Sur, for investigation, report and recommendation. However, in a Letter^[4] dated June 7, 1993 addressed to then Deputy Court Administrator Juanito A. Bernad, the complainants pleaded for the inhibition of Executive Judge Tamin in the investigation for the following reasons:

That last May 18, 1993, at around 1:30 p.m., we the undersigned went to the Office of Judge Tamin at RTC Branch 23, Molave, to talk to him personally after knowing that Earla C. Sy, our co-employee, the defendant herein, was already reporting to his office.

Our intention of going to his office at that time was on our [own] volition to explain our side why it happened that we wrote our complaint to the higher authorities in Manila, but instead of giving us the chance to expand further, all [that] he said was that, he is not interested as to what happened in our office, except that, for the exigency of the judicial service, he needs additional stenographer. And that if there will be an investigation to be conducted by the higher authorities regarding this matter, he (Judge Tamin) will refrain from giving sides or comment.

That thereafter, Judge Tamin issued Administrative Order No. 93-001, detailing Mrs. Earla Sy as stenographer in his sala RTC Branch 23, Molave, Zamboanga del Sur. (Xerox copy hereto attached, dated May 19, 1993), just as what he had told us during that time, that he will either detail or absorb her in his office; so that how can he act fairly when he had already promised her that he will absorb her in his office.

The case was thereafter referred to Judge Franklyn A. Villegas, RTC, Branch 19, Pagadian City, for investigation, report and recommendation.

The specific charges against the respondent were summarized by Judge Villegas as follows:

1. Disrespectful and Discourteous to Superiors

Complainant Veronica A. Jatico alleged that in 1986, during the incumbency of Judge Delfin E. Agbu respondent Earla Sy was always reprimanded [for] her talkativeness and would grumble once out of the chamber and would display her anger by talking against the judge. She averred that sometimes she would talk back to the judge in an angry manner [Affidavit of Veronica Jatico, dated July 19, 1993]. Furthermore, on December 17, 1992, she informed Judge Veronica Dondiego of the immoral acts of Earla Sy as being rumored around. Acting upon such information, Judge Dondiego advised/reprimanded Earla Sy about the matter but instead of listening, **Earla Sy right away stood up and told Judge**

Dondiego that she has no right to reprimand her on her private life, adding that the Judge can only reprimand her on matters pertaining to her office and she (Earla) enjoyed her affairs and don't mind what other people would say about her.

Complainant Lorna W. Gonzales and Rogelio Casinto stated in their respective affidavits that many times Earla was reprimanded by their Clerk of Court **but would talk back showing no respect and would leave the office without asking permission** from her immediate superior. This is also corroborated by complainant Henry T. Langam as shown in his affidavit.

2. Inefficiency

The record is bereft of any evidence tending to show inefficiency on the part of respondent Earla Sy, except a statement by complainant Veronica A. Jatico saying that "sometime during the tenure of Judge Agbu in the year 1986, this Earla was always reprimanded by Judge Agbu because of her talkativeness and her inefficiency in typing by saying 'Earla, *ayaw pagsigi ug tabi, kon wala kay trabaho, pagractice ug type*' (meaning, Earla do not keep on talking, if you have no work to do, hone your typing skills).

3. Immorality, by having affairs with different men, even married ones.

Complainant Veronica A. Jatico stated in her affidavit that "on August 12, 1998, during the vigil service of the late Democrito Baidiango, this Earla was present and at about 9:00 o'clock more or less, Earla approached me requesting me that she will sleep in my house that night. That at about 11:00 o'clock, I told Earla that I will go ahead of her and at about 11:30 o'clock more or less, Earla came up to my bedroom at the second storey of the house I rented. She called for me and then I told her that the door was not locked, so she opened it. And then, I went out of my bedroom and told her that her beddings is just right at the floor of the sala because I have only one bedroom. And at this juncture, I noticed and saw Candido Adolfo Jr. was with her. They were talking, so that I cannot wait for Candido Adolfo Jr. to go home, so that I go to bed to sleep. Then when I woke up at about 2:00 o'clock dawn more or less, I opened the door of my bedroom purposely to check Earla and there I saw Earla and Candido Adolfo Jr. **lying together side by side**. And then **I concluded** that Earla is really doing illicit affairs because I thought before the *tsismis* were only hearsay. I saw the two of them Earla and Candido, because there was a mercury light coming from the Zamsureco post beside my house and that our window is also made of glass [Affidavit of Veronica A. Jatico, page 2]. That after Candido Adolfo Jr. got married. [I] saw again Earla always going to the house of Tessie, our MCTC Aide because her brother Rosalio Campo, Jr. has just arrived from Malaysia. She again was seen flirting with ... Rosalio Campo, Jr. There was one

instance when after while lying for a nap/siesta, my husband Dominador peeped at the floor of the kitchen of our house which was underneath the bedroom of Rosalio Campo, Jr., and there Dominador saw Rosalio Campo, Jr. and Earla lying together in one bed embracing and facing each other.

And again, I saw Earla flirting with the DILG personnel in the name of Engr. Victor Atanacio. They were seen most often in public places, in the terminal, in the DILG office, in the court hall and sometimes in the Judge['s] chamber talking intimately. This is during noontime, between 12:00 to 1:00 o'clock, more or less.

And lately in the year 1991, Earla was again seen in a public place flirting with the Chief of Police Alvin Morales. They were always talking in the PNP Office, in the court hall, and in the Judge['s] Chamber and under the mango tree in front of the municipal building during office hours talking like love birds without minding what other people would say giving bad impression to the public being a married [woman] which [gives] bad image to our office judiciary. [*Id.*]

In the Sworn Statement of Lorna W. Gonzales [page 2], she said that she saw Earla with some men on a degree of intimacy higher than just mere friends, such as with Dr. Baltazar Arbis in 1986; Bert Demoni of the PNP in 1986; Mr. Jemuel Dagaraeg of Allied Bank Molave in 1987-91; Candido Adolfo, Jr., an SP Member of Ramon Magsaysay in 1987-1988; Mr. Rosalio Campo, Jr. in 1989; Engr. Victor Atanacio, a former DILG employee of R.M. Zamboanga del Sur; and the latest with PNP Chief of Police of R.M., Zamboanga del Sur, Alvin Morales.

Edilberto Baguio stated that *"ew days after election, I came to submit the minutes of my election returns in the office of the COMELEC Registrar. That was 12:30 noon when I arrived in the Office of the Election Registrar which is adjacent to the Court's Session Hall and when I looked at the Session Hall, I saw the Chief of Police, Alvin Morales and Earla Sy. Sitting together in the Court room, the man embracing the girl and kissing Earla on the cheek."*

4. Forgery, by forging the signature of Alvin Morales, Chief of Police of Ramon Magsaysay, Zamboanga del Sur.

Mrs. Abita M. Antolihao in her Sworn Statement, dated June 24, 1993, that she is an Accounting Clerk II in the Municipal Treasurer's Office of Ramon Magsaysay, Zamboanga del Sur, responsible for the issuance of business permits. She declared that she saw Earla Sy [affix] the signature of the Chief of Police, Alvin Morales on a Police Clearance which is one of the requirements for the issuance of a business permit.

Erlinda Tangub alleged in her Sworn Statement [dated June 24, 1993] that on February 8, 1993, she saw with her own eyes when Earla put the signature of our Chief of Police, Alvin Morales, by forging his signature on

the Police Clearance of June Flores [Exhibit "I"]. This incident happened in ... the Municipal Treasurer's Office.^[5]

The respondent testified that she was appointed as stenographer of the 10th MCTC of Ramon Magsaysay-Midsalip-Sominot on December 13, 1983, presided by Judge Agbu. When the former retired, Judge Diosdado Arriesgado took over in an acting capacity, and Judge Veronica Dondiego later took over.

At first, her relationship with Judge Dondiego was very good, as they were neighbors in Molave. They even used to go to court together, along with Lorna Gonzales who also resided there. Her relationship with Judge Dondiego turned sour when Gonzales started telling the Judge about comments on the latter's apparel as "*baduy*." She denied making such comments when the Judge confronted her about it. After the incident, she was alienated and was no longer given any work to do at the office. She then reported the matter to Judge Tamin, who detailed her at his *sala*. The propriety of the detail order was raised by Judge Dondiego before the Court, which, was however, affirmed.

The respondent further testified that Judge Dondiego was most probably the one behind the filing of the administrative complaint against her. According to the respondent, Gonzales and Tessie Barbajo told her this much when she approached them so that the case against her could be withdrawn. She said that Judge Dondiego even wrote a letter to the Investigating Judge on the issues raised in the complaint.

In his Report and Recommendation^[6] dated November 27, 2003, the Investigating Judge made the following findings:

Considering that forgery, as one of the causes of action, is rooted [in] the Revised Penal Code, under Article 172, Falsification by private individual and use of falsified documents, the Court deems it of paramount importance to proceed with caution and to determine the guilt of the respondent not merely based on substantial or preponderance of evidence but with evidence proving the guilt of the respondent beyond reasonable doubt. ...

...

In the case at bench, witnesses Abita M. Antolihao and Erlinda Tangub made testimonies that they saw respondent Earla Sy [sign] a public document and a police clearance of one Jane Flores, above the name of the Chief of Police, making it appear that it was the Chief of Police who signed the same. On the part of Abita M. Antolihao, however, she did not state the exact date the falsification was committed nor for whose use and credit the document was intended for.

The said document, Exhibit "J", was never shown to Alvin Morales for him to be confronted with it and to elicit from him whether or not the signature as appearing therein is his or not. This the Court has considered a pivotal issue considering that indeed there seems to exist a conglomeration of complainants to involve the Acting Presiding Judge, Hon. Veronica Dondiego as the shadowy figure behind the complaint as