

THIRD DIVISION

[A.M. No. P-03-1707, July 27, 2004]

**ACTING EXECUTIVE JUDGE HENRI JP INTING, COMPLAINANT,
VS. LANI D. BORJA, COURT STENOGRAPHER, METC, BRANCH 33,
QUEZON CITY RESPONDENT.**

D E C I S I O N

CARPIO MORALES, J.:

The facts which spawned the filing of the complaint at bar are as follows:

In a *Sinumpaang Salaysay/Sumbong*^[1] dated February 5, 1998, Abdal M. Sarip (Sarip) charged Jimmy Maruhom (Maruhom), a sheriff of the Quezon City Metropolitan Trial Court (MeTC), with Dishonesty and Misconduct arising from the alleged act of Maruhom in misrepresenting himself, along with one Robert Paudac, of being an agent of one Nelia Valera from whom he (Sarip), upon being convinced by Maruhom, purchased a house in Holy Spirit, Quezon City which was eventually demolished as having been illegally constructed on a lot said to belong to Tambunting Realty Corporation.

After Maruhom filed a Comment^[2] to Sarip's complaint denying the charges, this Court, by Resolution of March 7, 2001,^[3] referred the case to the Quezon City MeTC Executive Judge for investigation, report and recommendation.

The MeTC Executive Judge accordingly scheduled the case for investigation. On May 28, 2001, Sarip took the witness stand. The stenographic notes of his testimony were not transcribed, however, as by Explanation dated June 26, 2001^[4] of Lani D. Borja of Branch 33 of the MeTC who took the notes, the backpack in which she placed them was snatched in the evening of June 21, 2001 by an unidentified man while she was on her way home on board a jeepney bound for Balic Balic, Sampaloc, Manila. To Borja's Explanation was attached a photocopy of a June 22, 2001 "ALARM REPORT"^[5] recorded by SPO1 Jessie N. Oliveros of the Sampaloc Police reflecting the complaint of Borja about the snatching on June 21, 2001 at 6:30 p.m. The "ALARM REPORT" reads:

NATURE OF THE CASE :	ROBBERY (SNATCHING) P300.00
COMPLAINANT :	LANI D. BORJA Y DUCOT, 42 yrs old, married, employee, and res. At 742 T. Anzures St.,

	Sampaloc, Manila.
LOSSES :	One black backpack bag, containing the ff: 1. Cash Money worth P300.00 placed inside a ladies maroon wallet. 2. One pc. ATM Card (Allied Bank) 3. Pertinent Documents, etc.
SUSPECTS :	FOUR (4) malefactors, whose description were not given.
DATE/TIME/PLACE OF OCCURRENCE :	June 21, 2001 at around 6:30 p.m. committed inside the passenger jeepney located along J. Fajardo St., Governor Forbes St., Samp., Manila.

FACTS OF THE CASE:

Complainant personally came to this station and reported the aforecited case for investigation.

It appears that on or about the 22nd day of June 2001 at around 6:30 p.m. while complainant was on board a Balic-Balic bound passenger jeepney located along J. Fajardo St., Sampaloc, Manila, when one of the suspects who was then hanging flamboyantly at the rear end of the jeepney, suddenly snatched her backpack bag containing the aforecited losses. Once in possession, suspect, together with his cohorts, hurriedly jumped off and fled with the loot in unknown destination.

Complainant further avers that she was not able to recognized the suspects because it was already dark and their heads/faces were outside the jeepney as they were moving towards the direction of Balic-Balic