

## EN BANC

[ **A.M. No. P-03-1702 (Formerly OCA IPI No. 01-1067-P), July 29, 2003** ]

**JUDGE LYDIA Q. LAYOSA, COMPLAINANT, VS. TONETTE M. SALAMANCA, COURT STENOGRAPHER III, REGIONAL TRIAL COURT OF QUEZON CITY, BRANCH 217, RESPONDENT.**

### RESOLUTION

#### PER CURIAM:

The instant administrative case stemmed from the letter-complaint dated March 19, 2001 to the Office of the Court Administrator (OCA) by Presiding Judge Lydia Querubin Layosa of the Regional Trial Court (RTC) of Quezon City, Branch 217, against Tonette Salamanca, Court Stenographer III of the same sala, charging her with gross misconduct, forgery, dishonesty and perjury.

The complaint-affidavit stated that:

I, LYDIA QUERUBIN LAYOSA, of legal age, with office address at Room 238, Hall of Justice, Quezon City, after having been duly sworn to in accordance with law hereby depose and say:

That I am the Presiding Judge of Branch 217, Regional Trial Court, Quezon City;

That I usually received around the 15th of each month three (3) checks representing my half month salary, extraordinary and representation and travel (RATA) allowances;

That on September 15, 2000 when I received two (2) checks representing my salary for the period as well as my extraordinary allowance from Elizabeth Sugang, a staff of this Branch who was always the one getting my checks from the Office of the Clerk of Court, I asked her where my representation and travel allowance (RATA) was and she answered that my check has not arrived;

That thinking that the release of my check was just delayed, I let the days passed;

That sometime in the second week of October, 2000, I discovered from one of my fellow judges that the release of the check representing our RATA has not been delayed as it was in fact released during the usual period of which I informed my Branch Clerk of Court, Atty. Candelaria L. Rivas, and Legal Researcher, Ma. Celia A. Flores, about it;

That no long after I informed Atty. Rivas and Ms. Flores about the

foregoing fact, Tonette M. Salamanca, stenographer of this sala approached me in my chamber and told me:

*"Judge, ako po pala and kumuha ng tseke ninyo."*

at the same time showing me a xerox copy of the page where she signed when she got the said check (Annex "A"), on September 18, 2000;

That asked where the check was, Mrs. Salamanca answered that she lost it. In support of her claim, Mrs. Salamanca executed an affidavit stating the fact that she got my RATA check and lost it (Annex "B");

That upon my instruction, Atty. Rivas called the Supreme Court and informed the office concerned about the loss of my RATA check with a request to stop the bank from payment thereof. A copy of the affidavit attesting to the fact of the loss of my RATA check executed by Tonette M. Salamanca was forthwith sent to the Supreme Court;

That on or about the second week of November, 2000, Tonette M. Salamanca entered my chambers and informed me that:

*"Judge, may nag-encash ho pala ng check ninyo kay Mr. Dizon."*

That with that information I sent Ms. Flores to ask Mr. Dizon who encashed said check and then Mr. Dizon told her that it was Tonette Salamanca (Annex "C");

That on February 22, 2001, after I attended the training on the Bench Book for Trial Court Judges at the Supreme Court, I dropped by the office of Mrs. Soria and got a xerox copy of the subject Land Bank of the Philippines Check No. 003533762 in the mount of Nine Thousand Seven Hundred Fifty Pesos (P9,750.00) and found out to my surprise that it contained an endorsement at the dorsal portion thereof. On its face, however, my signature is definitely a forgery.

That I am executing this Affidavit to attest to the truth of the foregoing facts for the purpose of filing formal administrative complaint against Ms. Tonette M. Salamanca, Court Stenographer of this sala.

In her comment dated May 18, 2001, respondent Salamanca vehemently denied the accusations against her and alleged the following:

1. That, I am a Court Stenographer presently assigned at Branch 217, Regional Trial Court (RTC, Quezon City);
2. That, I admit to have received a Land Bank Check No. 003533762 which is payable to Judge Lydia Querubin Layosa representing her Representation and Travel Allowance (RATA) in the corresponding amount of Nine Thousand Seven Hundred Fifty Pesos (P9,750.00) from Mr. Romulo Sanchez, Liason Officer of RTC, Quezon City in the afternoon of September 18, 2000 (copy of the aforesaid check is

hereto attached as Annex "A");

3. That, coincidentally on the same date in the afternoon thereof, we were having a celebration because it was then the birthday of Ma. Celia A. Flores, our Court Legal Researcher;
4. That, immediately upon receipt thereof, I personally handed said check to Judge Layosa inside her chamber who was then busy reviewing cases and drafting and signing orders;
5. That, few days later and to my surprise, I was asked by Judge Layosa to follow up her RATA for the month of August or September (she was unsure then what date was it) with the Office of the Clerk of Court;
6. That, notwithstanding my honest belief that Judge Layosa has already received the same still I went to the Office of the Clerk of Court and verified the same after which, I went back to her and informed her that she already received said checks, as evidenced by an entry in the logbook of Mr. Sanchez which is hereto attached and marked as Annex "B";
7. That not convinced that she had already received her check, Judge Layosa told me to ask Mr. Manuel Dizon, a known money lender holding office at Branch 216, if by chance he came across of such check or had it encashed in the course of his business;
8. That, heeding Judge Layosa's words, I went to Mr. Dizon every now and then and oftenly asked him if he could recall that a check payable to Judge Layosa passed through him but just the same he has repeatedly answered "no";
9. That, I always went back to Judge Layosa with the same information that Mr. Dizon had not encashed her check. Thus, Judge Layosa has even directed all her staff to look for the said check as she might have misplaced it or has just unwittingly inserted it in one of her books or expediente inside her chamber. We thus took pains to find it to the extent of searching every book filed in the bookshelf but to no avail inside her chamber;
10. That, having remembered the number of the subject check as I was the one who received it, I volunteered to have it verified with the PNB, or to ask Mr. Dizon to lend me the file of his deposit slips to see if the check might have been deposited to his account but Mr. Dizon just the same retorted "*wala talaga siyang matandaan*" and even added that he does not have any deposit slip;
11. That, on October 11, 2000, Atty. Candelaria Rivas, our Branch Clerk of Court, told me over the phone that she was instructed by Judge Layosa to ask me to execute an affidavit to the effect that I was the one who lost the check instead of Judge Layosa who doesn't want