

THIRD DIVISION

[A.M. No. P-03-1733, November 18, 2003]

**ONOFRE M. MARANAN, ASSISTANT PROVINCIAL PROSECUTOR,
CAVITE CITY, COMPLAINANT, VS. NECITAS A. ESPINELI, COURT
STENOGRAPHER III, REGIONAL TRIAL COURT, BRANCH 23,
TRECE MARTIRES CITY, RESPONDENT.**

DECISION

SANDOVAL-GUTIERREZ, J.:

Before us is the verified complaint for an act unbecoming an employee dated January 20, 2000 filed by Assistant Provincial Prosecutor Onofre M. Maranan, charging Necitas A. Espineli, Court Stenographer III and OIC- Clerk of Court,^[1] Regional Trial Court, Branch 23, Trece Martires City.

Complainant alleged in his complaint that he is the prosecutor in Criminal Case No. TM-1709, entitled "*People of the Philippines vs. Eliseo Alarca y Nuestro*," for violation of Section 16, Article III, Republic Act No. 6425,^[2] as amended, pending before the sala of then Executive Judge Jose J. Parentela, Jr. (now deceased), Regional Trial Court, Branch 23, Trece Martires City.

On January 7, 2000, Executive Judge Parentela, acting on the "Motion For Bail" and "Supplemental Petition For Admission To Bail" filed by accused's counsel, Atty. Gerardo Wilfredo I. Alberto, as well as complainant's opposition thereto, issued an Order setting the incidents for hearing on January 14, 2000 at 9:00 o'clock in the morning, and directing the parties to appear "for the actual weighing of the *shabu* in question and to bring with them the weighing scale x x x, with the understanding that no further postponement will be entertained by this court."^[3]

However, on January 14, 2000, no hearing was conducted because both the public prosecutor and the defense counsel failed to appear for unknown reason.^[4] Nonetheless, according to the complainant, he was surprised that respondent, without any authority, re-scheduled the weighing on January 25, 2000.

Respondent, in her comment, denied that it was she who re-scheduled the weighing of the *shabu* on January 25, 2000 but the trial court, as shown by its Order dated January 14, 2000.^[5]

Subsequently, both parties manifested that they are submitting this administrative case for decision on the basis of the pleadings/records already filed.

Deputy Court Administrator (DCA) Jose P. Perez, in his Report, sustained complainant's claim that respondent "acted beyond the scope of her authority." Thus, he recommended that this case be re-docketed as a regular administrative