

## **SECOND DIVISION**

**[ A.M. No. P-01-1530, December 13, 2001 ]**

**ERIC P. BENAVIDEZ, COMPLAINANT, VS. ESTRELLA A. VEGA,  
COURT STENOGRAPHER II, METROPOLITAN TRIAL COURT,  
BRANCH 37, QUEZON CITY, RESPONDENT.**

### **D E C I S I O N**

**MENDOZA, J.:**

This is a complaint for gross misconduct and moonlighting filed against Estrella A. Vega, Court Stenographer II, Metropolitan Trial Court, Branch 37, Quezon City.

Complainant Eric P. Benavidez alleges that he has known respondent Estrella A. Vega since 1990. Aside from being a family friend, respondent was employed by complainant's family to secure the necessary papers for the family business then managed by his mother. In November 1996, complainant took over the family business, which he renamed "E. Benavidez General Merchandising." He engaged the services of respondent for the purpose of securing the speedy issuance of business/mayor's permit and other permits, such as Fire and Sanitary Permit and Health Certificates, from the City Government of Quezon City, registration with the Social Security System (SSS) and Bureau of Internal Revenue (BIR) under the new business name, and the remittance of complainant's SSS and Medicare Premium Contributions. For the period of November 1996 to May 1999, he gave respondent sums of money for the aforementioned transactions plus a monthly salary of five hundred pesos (P500.00) as compensation for the services that the latter had rendered. The payments were covered by various receipts (Annexes A to M) issued by respondent or her authorized representative.

On June 5, 1999, after being hospitalized for hyperacidity at the J. P. Sioson Hospital, complainant filed an application for Medicare Benefits with the SSS main office. To his surprise, he was informed by the said office that no contributions had been made in his name. Complainant alleges he went to the office of respondent and asked her if she had remitted his contributions to the SSS and Medicare, and respondent answered in the affirmative. Complainant likewise claims that he was informed by respondent that payments were also made for the mayor's permit and other local government permits and the BIR registration. However, complainant says, he made inquiries from the BIR, the Records Section of the Quezon City Mayor's Office, the Office of the Treasurer of Quezon City, and the SSS Main Office, and he was able to secure certifications (Annexes N to P) from the said offices that no payments had been remitted on his behalf. Complainant made a four-page summary (Annex Q) of the amounts given to respondent and the purposes for which they were supposed to be used. He forwarded the summary to respondent, who signified her concurrence by affixing her signature. After a week, he made a written demand on respondent that all the documents pertinent to his business and the sums of money for the aforementioned dealings be returned to him. However, all of