

EN BANC

[A.M. No. P-96-1207, October 16, 1997]

**JUDGE D. ROY A. MASADAO, JR., AND PATERNO S. FLORES,
COMPLAINANTS, VS., GERALDINE GLORIOSO AND VICTOR
BALDOZ, RESPONDENTS.**

D E C I S I O N

PER CURIAM:

In an Indorsement dated May 23, 1996, executive Judge Natividad G. Dizon of the Regional Trial Court, Malolos, Bulacan, forwarded to the Court Administrator, Supreme Court, the letters dated May 20 and 29, and Indorsement dated May 31, 1996 of Judge D. Roy A. Masadao, Jr.; the letter dated May 14, 1996 of Paterno S. Flores, Officer-In-Charge of Branch 9, RTC, Malolos Bulacan; the letter of resignation dated April 23, 1996 of Geraldine M. Glorioso, Court Stenographer III of Branch 9, RTC, Malolos, Bulacan; and rubber stamps allegedly used by Victor J. Baldoz, Clerk III of the same court, in making it appear that court notices were mailed to the party litigants and witnesses and that the latter were unknown at their given address.

In his letter dated May 14, 1996 Paterno S. Flores informed Executive Judge Dizon, that Geraldine Glorioso has not been reporting for duty since April 23, 1996 without filing any leave of absence; that on May 3, 1996, he received an application for leave dated April 22, 1996 covering the period from April 23, 1996 to April 30, 1996 and May 2, 1996 to May 31, 1996, signed Daily Time Record which is blank and does not refer to any particular period and a Medical Certificate dated May 2, 1996 purportedly submitted by Victor J. Baldoz; and that Victor Baldoz has been absent since April 23, 1996.

On the other hand, in his letter dated May 20 and 29, 1996, Judge Masadao, brought to the attention of the Executive Judge anomalous practices of Victor Baldoz, viz.: 1] concealing records of cases thereby precluding the Judge from acting in due time, on matters such as mailing of warrants of arrest to law enforcement agencies for implementation, transmittal of records of cases from which appeals have been interposed, etc.; 2] making it appear that he is acting at the behest of Judge Masadao and obtaining substantial amount from parties to the cases, in consideration of his assurances that resolution of the cases in their favor was forthcoming; 3] forgery of Judge Masadao's signature in an Order purportedly authorizing the withdrawal of the P12,000 cash bail bond posted by accused for his provisional liberty; and 4] in order to favor certain accused presumably due to some material considerations, Victor Baldoz made use of several rubber stamps similar to those used by postal offices which were recovered from Victor Baldoz' filing cabinet, to make it appear that the complainants and their witnesses are unknown in their given addresses, although the notices to them were never actually transmitted via the mails.

On July 24, 1996, this Court resolved to a] treat the letter of Judge Masadao as an administrative complaint; b] require Court Stenographer Geraldine Glorioso and Clerk III Victor Baldoz to comment thereon; c] hold the respondents under preventive suspension effective immediately until further orders from this Court; and d] hold in abeyance the resolution on the letter of resignation tendered by Court Stenographer Glorioso.

In an Indorsement dated September 6, 1996, Paterno S. Flores, Officer-In-Charge of RTC Branch 9, returned to this Court the July 24, 1996 Resolution sent to respondents with the information that the latter's whereabouts cannot be ascertained.

On October 9, 1996, this Court referred this case to the Executive Judge of the RTC of Malolos, Bulacan for investigation, report and recommendation within ninety (90) days from receipt of the records.

The pertinent portions of Judge Natividad G. Dizon's Report and Recommendation dated January 24, 1997 are quoted hereunder:

"The undersigned had sent notices of investigation on the following dates: December 4, 5, and 6, 1996 and January 14, 16 and 20, 1987. On December 4, 1996, Mr. Pat Flores, OIC Branch 9 appeared and informed the Investigating Judge that they cannot ascertain the whereabouts of the respondents. Mr. Flores and Judge and Judge Masadao submitted a joint affidavit to the effect that the respondents "have not been reporting for their respective duties since April 23, 1996 without submitting any leave of absence"; and that they "cannot ascertain the whereabouts of the aforementioned court employees, despite earnest efforts on our part to that end". In January 14, 16 and 20, 1997 settings, despite notice to respondents at their home address, they both failed to appear.

"Thereafter, complainants requested the Investigating Judge to terminate the proceeding considering the failure of the respondents to file any answer and that there is now a serious need to fill up the positions they vacated to help the Court in its speedy dispensation of justice. Hence, this report.

"It is a common knowledge that Mr. Victor J. Baldoz, a married man, and Miss Geraldine Glorioso, both of Branch 9, eloped and nowhere to be found since April 23, 1996. The Known reason of the said elopement was the pregnancy of the latter, which she was trying to conceal and for them to avoid possible action from the former's wife. Since then up to the present time, the Court could not locate them, despite diligent efforts. It came to the knowledge of the undersigned that Ms. Glorioso already gave birth. There were rumors that Mr. Baldoz is already out of the country. Both of them are now absent from their station without leave.

"Without discussing the merit of the letter-complaint filed by Hon. D. Roy A. Masadao against the anomalous practices of Mr. Baldoz, the undersigned has preferred to take this matter on the grave misconduct for being absent without leave committed by both respondents."^[1]

The Investigating Judge recommends that both respondents be dismissed from the service for grave misconduct, absence without leave and conduct prejudicial to the