



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

RE: ANONYMOUS LETTER,
Complainant,

A.M. No. P-14-3217
(Formerly OCA IPI NO. 14-4252-RTJ)

Present:

- versus -

SERENO, C.J., Chairperson,
LEONARDO-DE CASTRO,
BERSAMIN,
PEREZ, and
PERLAS-BERNABE, JJ.

JUDGE CORAZON D. SOLUREN,
PRESIDING JUDGE, and
RABINDRANATH A. TUZON,
LEGAL RESEARCHER II, both of
BRANCH 91, REGIONAL TRIAL
COURT, BALER, AURORA,

Promulgated:

OCT 08 2014

Respondents.

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DECISION

PERLAS-BERNABE, J.:

Before the Court is an Anonymous Letter¹ dated January 15, 2011 filed by purported concerned citizens of Aurora, Quezon complaining about the alleged illegal acts of respondents Judge Corazon D. Soluren (Judge Soluren) and Legal Researcher II Rabindranath A. Tuzon (Tuzon), both of the Regional Trial Court of Baler, Aurora, Branch 91 (RTC).

The Facts

In the Anonymous Letter, it was alleged that Judge Soluren had been instructing the party-litigants to deposit with her court settlement money for

¹ Rollo, p. 2.

various cases² in her sala. It was elaborated that Tuzon would merely acknowledge receipt of the settlement money for the different cases through handwritten notes without issuing any official receipts therefor; afterwhich, Judge Soluren would order the dismissal of the corresponding cases. However, when the parties requested for the release of the said money, Tuzon would fail to timely comply with the same.³

In an Indorsement⁴ dated March 5, 2012, the Office of the Court Administrator (OCA) referred the Anonymous Letter to Executive Judge Evelyn A. Turla (Executive Judge Turla) of the same RTC, for her discreet investigation and report. In compliance, Executive Judge Turla sent a letter⁵ dated March 15, 2013 to the OCA with Tuzon's comment attached thereto, stating that she did not find any act of irregularity or any unauthorized collection on the part of the RTC.⁶

In his Comment⁷ dated April 25, 2012, Tuzon admitted his receipt of various amounts as settlement money for the different cases⁸ pending before Judge Soluren's sala. He, however, explained that, on orders of Judge Soluren, he merely accepted the said amounts from the parties who were willing to settle the civil aspect of their respective cases and kept them in the court's vault. He also admitted not having issued official receipts for the amounts he received, not being an accountable officer in possession of such receipts.⁹

Anent his failure to timely release the amounts deposited to him, Tuzon gave the following explanations: (a) in Crim. Case Nos. 4255-56, out of the deposit of ₱45,000.00, ₱39,000.00 was already released to one accused, while the remaining ₱6,000.00 has yet to be released to the other; (b) in Crim. Case No. 4246, the amount of ₱170,000.00 was not released for failure to set for hearing the Motion for Release Deposit, and that the amount deposited was intended for the payment of the accused's civil liability to the local government of Casiguran, Aurora; (c) in Crim. Case No. 4393, out of the amount of ₱130,000.00, only ₱33,000.00 was released to the victim's mother as the remaining amount was deposited with a bank and would only be released in accordance with the disbursement schedule

² Namely *People v. Orgas, et al.* (Crim. Case No. 4246), *People v. Espinosa, et al.* (Crim. Case Nos. 4255-56), *People v. Valdez* (Crim. CaseNo. 2839), and *People v. De Asis* (Crim. Case No. 4393), among others. See *id.* at 2 and 88.

³ *Id.*

⁴ *Id.* at 3. Signed by Deputy Court Administrator Raul Bautista Villanueva.

⁵ *Id.* at 5.

⁶ *Id.* at 88.

⁷ *Id.* See also *id.* at 8-15.

⁸ For Crim. Case Nos. 4255-56, received ₱45,000.00 on November 25, 2010; for Crim. Case No. 4246, received ₱170,000.00 on October 21, 2010; for Crim. Case No. 2839, received ₱37,000.00 on January 6, 2011; for Crim. Case No. 4229, received ₱15,000.00 on March 4, 2011, ₱5,000.00 on September 6, 2011, and ₱1,000.00 on October 25, 2011; for Crim. Case No. 4260, received ₱50,000.00 on October 28, 2010 and ₱5,000.00 on November 22, 2010; for Crim. Case No. 4151, received ₱10,000.00 on September 1, 2010 and ₱10,000.00 on November 18, 2010; and for Crim. Case No. 4199, received ₱50,000.00 on September 16, 2010. (*Id.* at 89. See also *id.* at 8-12.)

⁹ *Id.* at 12 and 14-15. See also *id.* at 89.

prepared by the Department of Social Welfare and Development; and (d) the settlement money in the other cases had already been fully released.¹⁰

Meanwhile, Judge Soluren was no longer investigated due to her compulsory retirement on January 29, 2012.¹¹

The Action and Recommendation of the OCA

In a Report and Recommendation¹² dated April 8, 2014, the OCA recommended that the complaint against Judge Soluren be considered closed and terminated on the ground that her compulsory retirement on January 29, 2012 had divested it of jurisdiction to hear the administrative complaint against her. Moreover, the OCA found no substantial proof to hold her liable for the administrative charges against her.¹³

On the other hand, it found Tuzon guilty of Grave Misconduct and recommended that he be dismissed from service with forfeiture of retirement benefits except accrued leave credits, and perpetual disqualification from holding public office in any branch or instrumentality of the government, including government-owned or controlled corporations.¹⁴ It held that by receiving money from the party-litigants under the guise of safekeeping the same, Tuzon had overstepped his bounds as Legal Researcher. In this relation, the OCA opined that accepting fiduciary money for the court's safekeeping is not within the scope of Tuzon's duties. Thus, in doing so, he disregarded the rules of procedure and the law, especially considering that he kept the money in his possession for a long period of time and did not issue official receipts therefor. In sum, the OCA deemed Tuzon's acts as a form of Grave Misconduct for which he should be held administratively liable.¹⁵

The Issue Before the Court

Since the case against Judge Soluren had already been closed and terminated in view of her compulsory retirement on January 29, 2012, the only issue left for the Court's present resolution is whether or not Tuzon should be held administratively liable for the charge of Grave Misconduct as recommended by the OCA.

¹⁰ Id. at 12-14. See also id. at 89-90.

¹¹ Id. at 88.

¹² Id. at 88-93. Signed by Court Administrator Jose Midas P. Marquez and Deputy Court Administrator Jenny Lind R. Aldecoa-Delorino.

¹³ Id. at 90-91.

¹⁴ Id. at 93.

¹⁵ Id. at 91-93.

The Court's Ruling

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. To warrant dismissal from service, the misconduct must be grave, serious, important, weighty, momentous, and not trifling. The misconduct must imply a wrongful intention and not a mere error of judgment and must also have a direct relation to and be connected with the performance of the public officer's official duties amounting either to maladministration or willful, intentional neglect, or failure to discharge the duties of the office.¹⁶ In order to differentiate Grave Misconduct from Simple Misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of an established rule, must be manifest in the former.¹⁷

In the instant case, Tuzon readily acknowledged that he accepted various amounts of settlement money from party-litigants and kept them in his custody without authority to do so and without issuing any official receipts therefor. In doing so, he clearly went beyond his duties as a Legal Researcher of the RTC as enumerated in Item 2.2.1, Subsections 2 (2.2.), Section D, Chapter VI, Volume I of the 2002 Revised Manual for Clerks of Court,¹⁸ as follows:

2.2.1. Legal Researcher

- (1) verifies authorities on questions of law raised by part[y]-litigants in cases brought before the Court as may be assigned by the Presiding Judge;
- (2) prepares memoranda on evidence adduced by the parties after the hearing;
- (3) prepares outlines of the facts and issues involved in cases set for pre-trial for the guidance of the Presiding Judge;
- (4) prepares indexes to be attached to the records showing the important pleadings filed, the pages where they may be found, and in general, the status of the case;
- (5) prepares and submits to the Branch Clerk of Court a monthly list of cases or motions submitted for decision or resolution, indicating therein the deadlines for acting on the same; and
- (6) performs such other duties as may be assigned by the Presiding Judge or the Branch Clerk of Court.¹⁹

¹⁶ *OCA v. Musngi*, A.M. No. P-00-3024, July 17, 2012, 676 SCRA 525, 530, citing *Alenio v. Cunting*, 555 Phil. 146, 155 (2007).

¹⁷ See *Echano, Jr. v. Toledo*, G.R. No. 173930, September 15, 2010, 630 SCRA 532, 535, citing *Bureau of Internal Revenue v. Organo*, 468 Phil. 111, 118 (2004).

¹⁸ Dated March 8, 2002.

¹⁹ See *Apita v. Estanislao*, A.M. No. P-06-2206, March 16, 2011, 645 SCRA 367, 371.

In view of the foregoing, the OCA therefore correctly found that Tuzon, being a Legal Researcher, was not authorized to receive any settlement money from party-litigants. Neither was it shown that Judge Soluren instructed him to receive the same. Having kept the money in his possession and exercised control over it, Tuzon evidently overstepped his authority and, thus, committed a form of misconduct.²⁰

The Court, however, disagrees with the OCA's appreciation of the misconduct's gravity. Considering the absence of any proof that Tuzon's actions were tainted with corruption, or with a clear intent to violate the law, or would constitute a flagrant disregard of an established rule – say for instance, by the actual misappropriation of any amount which came to his possession – Tuzon cannot be held liable for Grave Misconduct but only for Simple Misconduct which is punishable by suspension for a period of one (1) month and one (1) day to six (6) months at the most²¹ without pay.²² That being said, the Court deems it proper to impose the maximum of the foregoing penalty.

As parting words, court employees like Tuzon would do well to constantly keep in mind that those in the Judiciary serve as sentinels of justice, and any act of impropriety on their part immeasurably affects its honor and dignity and the people's confidence in it. The Institution demands the best possible individuals in the service and it had never and will never tolerate nor condone any conduct which would violate the norms of public accountability, and diminish, or even tend to diminish, the faith of the people in the justice system. As such, the Court will not hesitate to rid its ranks of undesirables who undermine its efforts towards an effective and efficient administration of justice, thus tainting its image in the eyes of the public.²³

WHEREFORE, respondent Rabindranath A. Tuzon, Legal Researcher II of the Regional Trial Court of Baler, Aurora, Branch 91, is found **GUILTY** of Simple Misconduct and, hence, meted with the penalty of **SUSPENSION** for a period of six (6) months without pay, commencing upon notice of this Decision, with warning that a repetition of the same or similar act shall be dealt with more severely.

On the other hand, the Court reiterates its Resolution dated June 18, 2014 that the administrative complaint against respondent Judge Corazon D. Soluren of the same court is hereby considered **CLOSED** and **TERMINATED** in view of her compulsory retirement on January 29, 2012.


²⁰ See *Eufemio v. Madamba*, 489 Phil. 79, 84 (2005), citing *Madrid v. Ramirez*, A.M. No. P-94-1039, March 6, 1996, 254 SCRA 376, 383.

²¹ See Section 46 (D) of the Revised Rules on Administrative Cases in the Civil Service (November 8, 2011).


²² See Section 51 (C) of the Revised Rules on Administrative Cases in the Civil Service (November 8, 2011).


²³ See *OCA v. Acampado*, A.M. Nos. P-13-3116 and P-13-3112, November 12, 2013, 709 SCRA 254, 273.

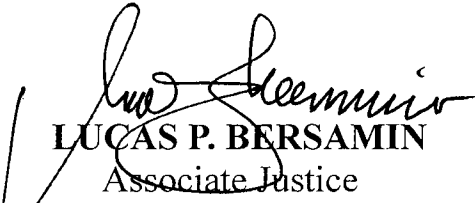
SO ORDERED.


ESTELA M. PERLAS-BERNABE
Associate Justice

WE CONCUR:


MARIA LOURDES P. A. SERENO
Chief Justice


TERESITA J. LEONARDO-DE CASTRO
Associate Justice


LUCAS P. BERSAMIN
Associate Justice


JOSE PORTUGAL PEREZ
Associate Justice