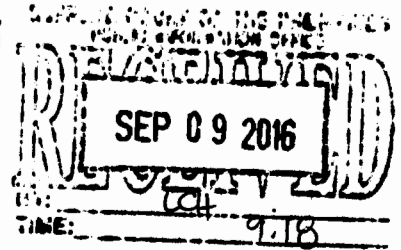




Republic of the Philippines  
 Supreme Court  
 Manila



FIRST DIVISION

OFFICE OF THE COURT  
 ADMINISTRATOR,  
 Complainant,

A.M. No. P-16-3418  
 (Formerly A.M. No. P-12-3-46-RTC)

Present:

- versus -

SERENO, *CJ.*,  
 Chairperson,  
 LEONARDO-DE CASTRO,  
 BERSAMIN,  
 PERLAS-BERNABE, and  
 CAGUIOA, *JJ.*

ANTONIA P. ESPEJO,  
 STENOGRAPHER III,  
 REGIONAL TRIAL COURT,  
 BRANCH 20, VIGAN CITY,  
 ILOCOS SUR,  
 Respondent.

Promulgated:

**AUG 08 2016**

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RESOLUTION

**LEONARDO-DE CASTRO, J.:**

This administrative matter arose from the letter<sup>1</sup> dated March 10, 2011 of Judge Francisco A. Ante, Jr. (Judge Ante) of the Municipal Trial Court in Cities (MTCC), Vigan City, Ilocos Sur, informing the Office of the Court Administrator (OCA) that the records of LRC Case No. N-026, *Spouses Jose Bello and Corazon Bello*, were missing and beyond recovery. Judge Ante suggested that Antonia P. Espejo (Espejo), Stenographer III of the Regional Trial Court, Branch 20 (RTC-Branch 20) of Vigan City, Ilocos Sur, be investigated as she was reportedly the one who received the records when it was ordered returned by the Court of Appeals to the court of origin but was mistakenly delivered to the RTC.

The Court, in a Resolution<sup>2</sup> dated April 18, 2012, referred Judge Ante's letter to the Executive Judge of the RTC of Vigan City, Ilocos Sur, for investigation, report, and recommendation.

The case was set for hearing on July 2, 2012.

<sup>1</sup> Rollo, p. 4.  
<sup>2</sup> Id. at 16.

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It was revealed during the hearing that spouses Jose Bello and Corazon Bello (spouses Bello) filed with the MTCC an Application for the Original Registration of Land Title, docketed as LRC Case No. N-026. In its Decision dated May 28, 2001, the MTCC granted the spouses Bello's Application. However, the Office of the Solicitor General (OSG) filed an appeal of the RTC judgment before the Court of Appeals on June 26, 2001, docketed as CA-G.R. CV No. 71667. Consequently, the entire records of the case was transmitted to the Court of Appeals.

On April 19, 2007, the Court of Appeals rendered a Decision, the dispositive portion of which reads:

**WHEREFORE**, premises considered, the assailed Decision dated May 28, 2011 of the Municipal Trial Court of Vigan, Ilocos Sur is **REVERSED** and **SET ASIDE**. The application for registration of title over the subject property covered by Plan AP-01-004931 is **DISMISSED**.<sup>3</sup>

The aforementioned decision of the Court of Appeals became final and executory and recorded in the book of entries of judgments on May 19, 2007. The appellate court then ordered that the records of the case be remanded to the court of origin.

Sometime in October 2010, the spouses Bello went to the MTCC to verify if the records of the case have been remanded to it as the court of origin and to retrieve their documentary evidence so they could refile their application for registration of title. It was then that Amelita O. Ranches (Ranches), Clerk of Court IV of the MTCC, discovered that the records of LRC Case No. N-026 was not yet with their office. Ranches personally went to the Court of Appeals and discovered that the records of LRC Case No. N-026 was already remanded and mailed by the Court of Appeals as "parcel 197" on March 17, 2008. According to the registry book of the Postal Office of Vigan City, parcel 197 was mistakenly delivered by the postman to RTC-Branch 20, where it was received by Espejo. Ranches personally contacted Espejo and requested the latter to deliver or produce the records of LRC Case No. N-026 within two weeks, but Espejo did not comply with Ranches' request. Thereafter, Judge Ante himself confronted Espejo about the records of LRC Case No. N-026 but Espejo categorically denied receiving said records despite the evidence shown to her.

Espejo, in her affidavit<sup>4</sup> dated July 6, 2012, admitted that on March 24, 2008 at around 12:00 o'clock noon, she received from postwoman Eden Cabusora (Cabusora) five mails: one for Samuel G. Andres and the rest for RTC-Branch 20. After Cabusora left their office, Espejo segregated the mails and noticed that one of them was addressed to the Clerk of Court of MTCC, Vigan, Ilocos Sur. Espejo claimed that she immediately turned over

<sup>3</sup> Id. at 20.

<sup>4</sup> Id. at 24-25.

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said mail to Ranches but the latter did not give her any proof of receipt. On October 12, 2010, Espejo was approached by Ranches and Cabusora who asked Espejo to confirm that it was her signature affixed on the delivery book of the Postal Office of Vigan City, Ilocos Sur, which Espejo did. When Ranches and Cabusora inquired as to the whereabouts of the records of LRC Case No. N-026, Espejo answered that she immediately handed the said records to Ranches, who received the same. Espejo averred that she had no relationship with any of the parties in LRC Case No. N-026 and she had no personal interest to conceal or hide the records in said case. Espejo also argued that she was not the custodian of the said records so she could not be made responsible for the loss thereof. Espejo lastly pointed out that she had never been charged of any criminal, civil, or administrative case.

On August 14, 2014, Executive Judge Cecilia Corazon S. Dulay-Archog (Judge Dulay-Archog) of the RTC of Vigan City, Ilocos Sur, submitted her report, at the end of which she recommended:

The undersigned believes that the matter of mistaken deliveries and eventual loss of mail matters and records can be addressed by training and educating court staff and implementing office systems in each court. No doubt, both courts have learned from this experience and have adopted systems in place in their respective courts.

In this particular instance where no prejudice was shown to have caused any party, the records of the subject case LRC Case No. N-026 if required to be reconstituted may be done at the order of the Municipal Trial Court in Cities.<sup>5</sup>

The Court referred Executive Judge Dulay-Archog's report to the OCA on December 8, 2014, for evaluation, report and recommendation.<sup>6</sup>

The OCA submitted its report on December 1, 2015, with the following recommendations:

**IN VIEW OF THE FOREGOING**, it is respectfully recommended for the consideration of the Honorable Court that:

1. the instant matter be **RE-DOCKETED** as a regular administrative matter;
2. the Investigation Report dated 14 August 2014 of Judge Cecilia Corazon S. Dulay-Archog, Branch 21, Regional Trial Court, Vigan City, Ilocos Sur, be **NOTED**; and
3. respondent Antonia P. Espejo, Stenographer III, Branch 20, RTC, Vigan City, Ilocos Sur, be found **GUILTY** of Simple Misconduct and be fined in the amount of P5,000.00 with a **STERN WARNING** that commission of any similar act would be dealt with more severely.<sup>7</sup>

<sup>5</sup> Id. at 52.

<sup>6</sup> Id. at 53.

<sup>7</sup> Id. at 66.

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In accordance with the Manifestation<sup>8</sup> of Espejo, the present administrative matter was submitted for resolution based on the pleadings filed.

The Court agrees with the findings and recommendation of the OCA.

It is undeniable that Espejo received the records of LRC Case No. N-026 from the postwoman, Cabusora, on March 24, 2008. In the first place, Espejo should have carefully checked each mail delivered if it was intended for RTC-Branch 20 or any person in said office before she received and signed for the same. And in the event that she mistakenly received mail not intended for her office, such as the records in LRC Case No. N-026, Espejo was still expected to exercise care and diligence while the same was in her custody, especially in this case, when she was well aware that the mail was addressed to another court. Although Espejo was not the official custodian of the records in LRC Case No. N-026, the fact that said records were in her possession made her responsible for the same. Espejo's claim that she immediately turned over the records of LRC Case No. N-026 to Ranches is unsubstantiated. Apart from Espejo's allegation, there is no other credible evidence that said records had actually been turned over to and received by Ranches. Indeed, Espejo is liable for simple misconduct.

In *The Office of the Ombudsman-Visayas v. Castro*,<sup>9</sup> the Court distinguished between grave and simple misconduct, thus:

Misconduct is "a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by a public officer." In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law or flagrant disregard of established rules, must be manifest and established by substantial evidence. Grave misconduct necessarily includes the lesser offense of simple misconduct. Thus, a person charged with grave misconduct may be held liable for simple misconduct if the misconduct does not involve any of the elements to qualify the misconduct as grave.

That the records of LRC Case No. N-026 may be reconstituted does not absolve Espejo of her administrative liability. Espejo displayed carelessness and disregard for case records, and the loss of such records eventually reflected badly on the courts and caused undue inconvenience, expenses, and delay for the parties.

Simple misconduct is punishable under Section 52(B)(2) of the Revised Uniform Rules on Administrative Cases in the Civil Service with suspension for one (1) month and one (1) day to six (6) months. However, taking into consideration the mitigating circumstances that Espejo has been

<sup>8</sup> Id. at 70.

<sup>9</sup> G.R. No. 172637, April 22, 2015.

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in service in the judiciary for more than 30 years and this is her first offense, the Court deems that a fine amounting to Five Thousand Pesos (₱5,000.00) is already sufficient penalty.

**WHEREFORE**, in view of the foregoing, the Court finds respondent Antonia P. Espejo, Stenographer III of the Regional Trial Court, Branch 20 of Vigan City, Ilocos Sur, **GUILTY** of simple misconduct and imposes upon her a **FINE** of Five Thousand Pesos (₱5,000.00), with a **STERN WARNING** that a repetition of the same or similar acts will warrant a more severe penalty.


**SO ORDERED.**

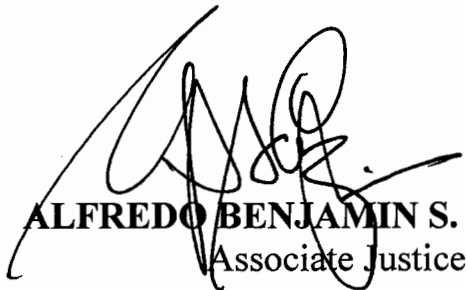
  
**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice

WE CONCUR:

  
**MARIA LOURDES P. A. SERENO**  
Chief Justice  
Chairperson

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**ESTELA M. PERLAS-BERNABE**  
Associate Justice

  
**ALFREDO BENJAMIN S. CAGUIOA**  
Associate Justice