



Republic of the Philippines
Supreme Court
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated **March 24, 2021** which reads as follows:*

“A.M. No. MTJ-18-1913 [Formerly OCA I.P.I No. 16-2854-MTJ] (*Olive Almarez v. Presiding Judge Romeo V. Perez, Municipal Trial Court [MTC], Sheriff IV Rowell Louis C. Eusebio, Office of the Clerk of Court, Regional Trial Court [RTC], and Court Interpreter I Susan P. Flora, MTC, all of Bauang, La Union*). – The case arose from a Verified Complaint¹ dated July 18, 2016 filed by Olive Almarez, by herself and as attorney-in-fact of Priscila D. Nombrado, against respondents Presiding Judge Romeo V. Perez (*Judge Perez*), Municipal Trial Court (*MTC*), Sheriff IV Rowell Louis C. Eusebio (*Sheriff Eusebio*), Office of the Clerk of Court, Regional Trial Court (*RTC*), and Court Interpreter I Susan P. Flora (*Flora*), MTC, all of Bauang, La Union for gross ignorance of the law and grave misconduct.

Complainant alleged that on July 1, 2016, the heirs of Onofre Evangelista and Rosita Merino filed the following complaints: (1) Civil Case No. 1146² – action for forcible entry and/or enforcement of road right of way; and (2) Civil Case No. 1147³ – action for right of way.

Complainant asserted that the two complaints have different causes of action, different parties and involve different properties of defendants. Yet, on July 4, 2016, without issuance and valid service of summons and notices to defendants, Judge Perez heard *ex-parte* the plaintiffs’ urgent motions to issue Temporary Mandatory Injunction in both Civil Cases No. 1146 and 1147. Thereafter, Judge Perez issued

- over – nine (9) pages ...

188

¹ Rollo, pp. 1-7.

² Entitled *Rosita Merino, et al. v. Lydia Bunye, et al.*, for Forcible Entry, etc.

³ Entitled *Rosita Merino, et al. v. Remegia Evangelista, et al.*, for Right of Way, etc.

similar Orders⁴ in said cases ordering the conduct of ocular inspection on the subject properties. The respective Minutes⁵ of Ocular Inspection were certified by respondent Flora. Subsequently, Judge Perez consolidated Civil Cases No. 1146 and 1147 and, without summons and notices served upon defendants, issued an Order⁶ granting mandatory injunction to the plaintiffs and ordered the Sheriff, together with the Municipal Engineer of Bauang, La Union, to cause the demolition of the subject fences. The assailed Order was prepared by respondent Flora. Complainant stated that on the same day, Sheriff Eusebio, without a writ of mandatory injunction or writ of demolition and without a bond posted by plaintiffs, executed the assailed Order and demolished the subject fences. The Sheriff's Report⁷ revealed that the assailed Order was delivered personally to him by the Process Server of the Court and respondent Flora, accompanied by plaintiff's counsel in both cases, Atty. Lourdes Maita Cascolan Andres (*Atty. Andres*).

Complainant alleged that there is misconduct on the part of respondent Flora for having taken special and unusual interest on the said cases in intervening in the execution of the assailed Order by accompanying plaintiffs' counsel and the court's process server in delivering the copy of the assailed Order to the Sheriff; in preparing the Orders of the Court; and in certifying the minutes of the ocular inspection.

In her Answer-Affidavit,⁸ respondent Flora maintained that she merely accompanied Atty. Andres, as per the latter's request to the Office of the Clerk of Court because Atty. Andres did not know where the said office was located; and that after directing Atty. Andres towards the direction of the Sheriff, she left them to talk to each other.

On July 27, 2016, an anonymous complaint⁹ was filed against respondents which was similar to the July 18, 2016 complaint. The complaint alleged that respondent Flora colluded with Atty. Andres for the release of the Orders in favor of the clients of the latter, by taking advantage of the weakening physical health of Judge Perez who suffered a stroke a year before the incident.

- over -

188

⁴ *Rollo*, pp. 87-88.

⁵ *Id.* at 89-90.

⁶ *Id.* at 91-92.

⁷ *Id.* at 96-97.

⁸ *Id.* at 127-129.

⁹ *Id.* at 178-180.

The anonymous complaint was referred¹⁰ for discreet investigation to Executive Judge Ferdinand A. Fe, RTC, Bauang, La Union. In his Report¹¹ dated January 21, 2017, Executive Judge Fe found the following:

- 1) No summons was issued by the Court and served to the defendants in the cases pursuant to the Revised Rules of Court;
- 2) The Court did not conduct hearing to determine the propriety of issuing a Temporary Restraining Order/Injunction with notice to the defendants;
- 3) The Court did not conduct a hearing with notice to the defendants before it issued an Order of demolition (incorporated in the Order in Civil Case Nos. 1146 and 1147;
- 4) The issuance of the Orders was rigged by Ms. Susan Flora;
- 5) The ocular inspection conducted by the Court and the plaintiffs in the cases were not attended by the defendants because of lack of notice to them;
- 6) **The questioned Orders in Civil Case Nos. 1146 and 1147 and 1148 and 1149 were solely prepared by Ms. Susan Flora who procured the signature of Judge Perez;**
- 7) There was no hearing conducted by the Court which led to the issuance of the Order in Civil Case No. 1146 dated July 4, 2016;
- 8) There was also no hearing conducted by the Court which led to the issuance of the Order dated July 5, 2016 in Civil Case Nos. 1148 and 1149;
- 9) **Ms. Susan Flora personally followed up with the Sheriff, the implementation of the said Order, even accompanying Atty. Andres to the Office of the Clerk of Court (OCC), RTC, Bauang; and**
- 10) **Ms. Susan Flora took advantage of the mental state of Judge Perez, whom the undersigned observed to be not in his normal self after he suffered a stroke sometime earlier.**¹²

In its Memorandum¹³ dated August 29, 2017, the Legal Office, Office of the Court Administrator (OCA) recommended that the anonymous complaint dated July 27, 2016 and the Report dated January 21, 2017 submitted by Executive Judge Fe be incorporated as they involved similar charges against respondent Flora.

In its Report¹⁴ dated January 11, 2018, the OCA recommended the dismissal of the instant administrative complaint against

- over -

188

¹⁰ Through the Office of the Court Administrator's 1st Indorsement dated October 6, 2016.

¹¹ Re: Discreet Investigation of Ms. Susan Flora per 1st Indorsement from the Office of the Court Administrator dated October 6, 2016; *rollo*, pp. 183-187.

¹² Emphases supplied.

¹³ *Rollo*, pp. 170-177.

¹⁴ *Id.* at 247-254.

respondents Judge Perez and Sheriff Eusebio. It deemed proper that, insofar as respondent Flora is concerned, a formal investigation should be held, as there are factual issues which need to be verified to determine with certainty her administrative liability by showing undue interest in the civil cases.

On June 11, 2018, the Court issued a Resolution¹⁵ adopting the findings and recommendation of the OCA, which reads:

The Court resolves to **ADOPT** and **APPROVE** the findings of fact, conclusions of law and recommendation of the Office of the Court Administrator in the x x x Report dated 11 January 2018 x x x. Accordingly, the Court:

1. **DISMISSES** the instant administrative complaint against respondents former Presiding Judge Romeo V. Perez, MTC, and Sheriff IV Rowell Louis C. Eusebio, OCC-RTC, both of Bauang, La Union, for gross ignorance of the law and grave misconduct, for lack of merit; and
2. **RE-DOCKETS** the instant administrative complaint against Court Interpreter Susan P. Flora, MTC, Bauang, La Union, together with the incorporated Anonymous Complaint dated 27 July 2016 and Report dated 26 January 2017 submitted by Executive Judge Ferdinand A. Fe, RTC, Bauang, La Union (per Memorandum dated 29 August 2017), as a regular administrative matter; and
3. **REFERS** the instant matter to the Executive Judge of the RTC, San Fernando, La Union for investigation, report and recommendation within sixty (60) days from receipt of the records.

SO ORDERED.

The case has been referred¹⁶ to Executive Judge Victor O. Concepcion of the RTC, Branch 66, San Fernando City, La Union, who, after investigation, submitted a Report and Recommendation¹⁷ dated September 20, 2019, recommending respondent Flora to be admonished with warning, to wit:

Considering that respondent Flora's action constitutes light offense, it is respectfully recommended that she be **ADMONISHED WITH WARNING** that commission of the same or similar offense shall be dealt with more severely.

- over -

188

¹⁵ *Id.* at 256-257.

¹⁶ By Resolution of the Court, Third Division, dated June 3, 2019; *id.* at 325-328.

¹⁷ *Rollo*, pp. 335-339.

The Report revealed that based on the evidence presented by complainant, there is no direct evidence that would show that respondent Flora showed undue interest in the subject civil cases. However, the Executive Judge found respondent Flora to be administratively liable for violating Sections 6 and 7, Canon IV of the Code of Conduct for Court Personnel, to wit:

Nevertheless, Flora's actions in personally typing the questioned Orders, particularly the "Demolition O[r]der", and personally delivering it to Sheriff Eusebio, instead of the process server, together with Atty. Andres, was improper, to say the least.

x x x x

Not being a stenographer and process server, respondent Flora violated Section[s] 6 and 7 of Canon IV [of the Code of Conduct for Court Personnel] which reads:

Sec. 6. Court personnel shall expeditiously enforce rules and implement orders of the court within the limits of their authority.

Sec. 7. Court personnel shall not be required to perform any work or duty outside the scope of their assigned description.

As a court employee, respondent Flora should have known better than to interact with Atty. Andres, a litigant, in a way that could compromise the confidence that the general public places in the judiciary. *First*: She should have allowed other (sic) stenographer to perform the task of encoding and finalizing the questioned Order. Her defense that it was the judge himself which dictated, does not excuse her performing a job not within her assigned description; and *second*: Respondent Flora should have refused for her to be accompanied by Atty. Andres in going to Sheriff Eusebio as this would create the impression of impropriety in the eyes of the public. **These actions make respondent Flora culpable for failure to adhere to the strict standard of propriety mandated of court personnel.**¹⁸

The Court's Ruling

After a careful review of the records of the case, We agree with the findings and conclusions of the Executive Judge that respondent Flora violated the Code of Conduct for Court Personnel.

- over -

188

¹⁸ *Id.* at 338. (Emphasis ours).

The Code of Conduct for Court Personnel provides that in performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.¹⁹ It prescribes the norms of conduct which are specific to personnel employed in the Judiciary.²⁰ Section 6, Canon IV of the Code of Conduct for Court Personnel, provides that "court personnel shall expeditiously enforce rules and implement orders of the court within the limits of their authority."

It is clear from the foregoing that court personnel shall perform his duties within the limits of the authority given to him. In the case at bar, We agree with the Executive Judge that respondent Flora violated Section 6, Canon IV of the Code of Conduct for Court Personnel.

Here, respondent Flora admitted that she personally prepared the Demolition Order and accompanied Atty. Andres to Sheriff Eusebio, to wit:

Q: Now, were you the one who prepared the Demolition Order?

A: It was with the assistance of the judge Your Honor. He was seated right beside me when he instructed me to make a draft of that Order Your Honor.

Q: So, were you the one who typewrote the Demolition Order then?

A: I encoded a draft Your Honor and then I gave him the draft and he said make it in the final Order, with him right there beside me always Your Honor.

x x x x

Q: So, were you the one who finalized the Demolition Order?

A: Yes, Your Honor, because it is already in the computer and I only placed some corrections he made and deleted some which he did not want there Your Honor.

x x x x

Q: So, after Judge Perez had signed the Demolition Order, what happened after that?

A: He said take that to the Sheriff Your Honor.

Q: So, you refer to Sheriff Eusebio?

A: Yes, Your Honor, in as much as the process server was not there then, he was there but he went on an errand, so Atty.

- over -

¹⁹ Code of Conduct for Court Personnel, 4th Whereas Clause.

²⁰ *Office of the Administrator v. Acampado*, 721 Phil. 12 (2013).

Andres asked me, requested me to just accompany her to the Sheriff which I did so I gave the Order, she was the one who talked to the Sheriff regarding the matter Your Honor.

x x x x

Q: So, when the Demolition Order was finalized, the process server was not there and you deemed it with to deliver it yourself to Sheriff Eusebio?
A: No, Your Honor **it was requested by Atty. Andres that I go with her because we cannot just give Atty. Andres the Order Your Honor and take it herself to the OCC.**

x x x x

Q: Were you the one who handed the Demolition Order to the Sheriff?
A: That's the only thing Your Honor.²¹

Evidently, respondent Flora exceeded the functions of her office as Court Interpreter when she transcribed the Demolition Order and personally served the same to Sheriff Eusebio. Such actuations are not within the functions of her office as provided for under the 2002 Revised Manual for Clerk of Courts.²² The act of transcribing the dictations of the Judge is a function of the Court Stenographer,²³

- over -
188

²¹ TSN, September 21, 2018, pp. 4-8; *rollo*, pp. 280-284.
²² Chapter VII First Level Courts
2.2. Single Sala or Branch of a Multiple Sala Court
The following personnel perform the same functions as their counterparts in the Regional Trial Court:
x x x x
2.2.3. Court Interpreter
Chapter VI Regional Trial Courts
2.2.3. Court Interpreter
2.2.3.1. acts as translator of the Court;
2.2.3.2. attends court hearings;
2.2.3.3. administers oath to witnesses;
2.2.3.4. marks exhibits introduced in evidence and prepares the corresponding list of exhibits;
2.2.3.5. prepares and signs minutes of the court session;
2.2.3.6. maintains and keeps custody of record book of cases calendared for hearing;
2.2.3.7. prepares court calendars and the records of cases set for hearing; and
2.2.3.8. performs such other functions as may, from time to time, be assigned by the Presiding Judge and/or Branch Clerk of Court.
²³ 2.2.2. Court Stenographer
2.2.2.1. takes stenographic notes on all matters that transpire during court hearings or preliminary investigations and transcribes them;
2.2.2.2. takes down and transcribes, in final form, dictations of the Presiding Judge and/or Branch Clerk of Court; and

while the act of serving an order of the Court, such as the Demolition Order, is a function of the Process Server.²⁴

Moreover, as aptly found by the Executive Judge, the actuations of respondent Flora failed to adhere to the strict standard of propriety mandated of court personnel. The necessity of acting with propriety and decorum is mandated in Canon 1 of the Code of Conduct for Court Personnel which provides that: "Court Personnel shall not use their official position to secure unwarranted benefits, privileges, or exemption for themselves or for others." Respondent Flora lamented that she merely acceded to the request of Atty. Andres to accompany her (Atty. Andres) to Sheriff Eusebio, finding no fault in accompanying a person to an unfamiliar place.

We disagree.

As held in *Re: Letter of Judge Lorenza Bordios Paculdo*,²⁵ while the law does not prohibit charity and benevolence among court personnel, the same are circumscribed if only to preserve the image of the Judiciary as an entity beyond suspicion. Indeed, the established norm of conduct for court employees is to maintain a hands-off attitude as far as dealings with party-litigants are concerned. Such an attitude is indispensable to maintain the integrity of the courts and to free court personnel from any suspicion of misconduct, an unacceptable behavior that transgresses the established rules of conduct for public officers.

In view of the foregoing, the Court finds respondent Flora to have miserably failed to live up to the exacting standards of propriety and decorum mandated to court personnel. Respondent Flora clearly and definitely overstepped the bounds of propriety as a court personnel and exceeded the authority given to her when she accompanied Atty. Andres and personally served the Demolition Order to Sheriff Eusebio. Considering, however, that this is respondent Flora's first offense, the Court resolves to admonish her to observe a higher degree of fidelity in the performance of her duties.

WHEREFORE, respondent Court Interpreter I Susan P. Flora of Municipal Trial Court, Bauang, La Union, is found **GUILTY** of violating the Code of Conduct for Court Personnel and is hereby **ADMONISHED**, with a warning that any act or acts of similar nature shall be dealt with more severely.

- over -

188

²⁴ 2.1.24. Process Server

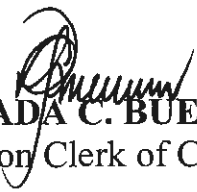
2.1.24.1. serves court processes such as subpoena, summons, court order and notice;

²⁵ 569 Phil. 346, 351-352 (2008).

The Report and Recommendation dated September 20, 2019 of Executive Judge Victor O. Concepcion is **NOTED**.

SO ORDERED.”

By authority of the Court:


LIBRADA C. BUENA
Division Clerk of Court
4413

by:

MARIA TERESA B. SIBULO
Deputy Division Clerk of Court
188

Ms. Olive Almarez
Complainant
Disso-or, Bauang, 2501 La Union

Hon. Romeo V. Perez
Respondent – Presiding Judge
Municipal Trial Court
Bauang, 2501 La Union

Hon. Victor O. Concepcion
Executive Judge
Regional Trial Court
San Fernando City, 2500 La Union

Mr. Rowell Louis C. Eusebio
Respondent – Sheriff IV
Office of the Clerk of Court
Regional Trial Court
Bauang, 2501 La Union

Ms. Susan P. Flora
Respondent – Court Interpreter I
Municipal Trial Court
Bauang, 2501 La Union

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