



**Republic of the Philippines**  
**Supreme Court**  
**Manila**

EN BANC

**LETICIA A. ARIENDA,**  
 Complainant,

**A.M. No. P-11-2980**  
 (Formerly OCA I.P.I. No. 08-3016-P)

Present:

SERENO, *CJ.*,  
 CARPIO,  
 VELASCO, JR.,  
 LEONARDO-DE CASTRO,  
 BRION,  
 PERALTA,  
 BERSAMIN,  
 DEL CASTILLO,  
 ABAD,  
 VILLARAMA, JR.,  
 PEREZ,  
 MENDOZA,  
 REYES,  
 PERLAS-BERNABE, and  
 LEONEN, *JJ.*

- versus -

**EVELYN A. MONILLA, COURT**  
**STENOGRAPHER III,**  
**REGIONAL TRIAL COURT,**  
**BRANCH 4, LEGAZPI CITY,**  
 Respondent.

Promulgated:

JUNE 10, 2013

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**DECISION**

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

This is an administrative complaint for conduct unbecoming a court employee and abuse of authority filed by complainant Leticia A. Arienda against respondent Evelyn A. Monilla, Court Stenographer III of the Regional Trial Court (RTC), Branch 4 of Legazpi City.

In her letter-complaint<sup>1</sup> dated October 8, 2008, complainant alleged that respondent and Atty. Zaldy Monilla (Atty. Monilla), respondent's

<sup>1</sup> Rollo, pp. 3-4.

husband (together referred to as the spouses Monilla), went to complainant's house on January 13, 2002 and offered their services in settling the estate of complainant's deceased mother. According to the spouses Monilla, they would prepare an extrajudicial settlement for complainant and the latter's siblings, while respondent's brother, Engineer Matias A. Arquero (Engr. Arquero), would conduct the survey of the estate. Everytime the spouses Monilla went to complainant's house, they would ask for partial payment. Six Temporary Receipts show that complainant had paid the spouses Monilla a total of ₱49,800.00. Complainant repeatedly requested from the spouses Monilla the approved survey plan prepared by Engr. Arquero, but the spouses Monilla demanded that complainant first pay the ₱20,000.00 she still owed them before they give her the approved survey plan and extrajudicial settlement of estate. Complainant subsequently learned that the spouses Monilla had no authority to settle her deceased mother's estate as Atty. Monilla was currently employed at the Department of Agrarian Reform (DAR) and respondent was not even a lawyer but an ordinary court employee.

In her comment<sup>2</sup> dated May 23, 2009, respondent denied that it was she and her husband who offered complainant their services in settling the estate of complainant's deceased mother. Respondent averred that it was complainant and her sister, Ester, who came to respondent's house sometime in December 2000 and requested respondent to convince her brother Engr. Arquero, a geodetic engineer, to partition the four lots left by complainant's parents situated in Bigaa, Legazpi City. Respondent was initially hesitant to accede to complainant's request because of complainant's reputation in their locality as a troublemaker. However, respondent's husband, upon learning that complainant was a relative, urged respondent to assist the complainant.

Respondent alleged that she was not privy to the agreement between Engr. Arquero and complainant. Complainant scheduled the survey of one of the lots, Lot No. 5489, on January 13, 2001. After Engr. Arquero conducted the survey, complainant was nowhere to be found and respondent had to shoulder the expenses for the same.

Respondent further narrated that without her knowledge, complainant and her siblings filed a case for partition of estate before the RTC, Branch 7 of Legazpi City, on May 24, 2001. When their case was dismissed by the RTC, complainant and her siblings argued at the Hall of Justice, thus, disrupting court proceedings. Knowing that respondent was a court employee, complainant approached and asked respondent to intervene. Respondent, during her lunch break, met with complainant and the latter's siblings at respondent's residence located near the Hall of Justice. Complainant and her siblings, already wishing to partition their deceased parents' estate out of court, pleaded that respondent prepare an extrajudicial settlement. Respondent declined to get involved at first because

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<sup>2</sup>

Id. at 22-27.

complainant and her siblings were represented by a lawyer in the partition case before the RTC, but complainant and her siblings said that they had no more money to pay for the continued services of their lawyer. Respondent understood the predicament of complainant and her siblings, so respondent agreed to help them. Respondent called her brother, Engr. Arquero, and requested him to bring the sketch plan of Lot No. 5489 he had previously prepared. In the presence of Engr. Arquero, complainant and her siblings chose their respective shares in the property. Respondent prepared and finalized the extrajudicial settlement and handed the said document to complainant and her siblings. After a year, complainant, her sister Ester, and a buyer of their shares in Lot No. 5489, Marlyn Dominguez (Dominguez), again approached respondent. Complainant asked that Engr. Arquero continue with the partition of Lot No. 5489 as Dominguez advanced the money to pay for the expenses, including the preparation of the lot plan. Engr. Arquero, despite his misgivings and persuaded by respondent, conducted the survey, but complainant did not show up and respondent had to shoulder the expenses once more.

Respondent went on to recount that on January 20, 2003, complainant, Ester, and a sales agent came to respondent's house, asking respondent to again convince her brother Engr. Arquero to re-survey Lot No. 5489 because the boundaries were no longer visible. According to complainant, the new buyer, Galahad O. Rubio (Rubio), wanted to see the exact location and the boundaries of the lot. Respondent refused and told complainant to directly negotiate with Engr. Arquero. When complainant and her companions returned in the afternoon, complainant tendered ₱9,000.00 to respondent's husband, Atty. Monilla, as partial payment for the latter's services. The following day, complainant and her companions came back and complainant handed over another ₱9,000.00 as partial payment for the services of respondent's brother, Engr. Arquero.

Respondent admitted receiving from complainant payments amounting to ₱49,800.00, all made at respondent's residence in Rawis, not at complainant's house in Bigaa. The ₱25,000.00 was for the preparation by Atty. Monilla of the following documents: (a) four deeds of sale to different buyers; (b) two copies of extrajudicial settlement; (c) two contracts to sell; (d) two authorities to sell; and (e) one demand letter. The remaining ₱24,800.00 was for Engr. Arquero's services in subdividing Lot No. 5489 into 13 lots.

Respondent asserted that she had already turned over to complainant on March 30, 2003 the notarized extrajudicial settlement for Lot No. 5489, the blueprint of the subdivision plan for the said lot, and the deed of sale between complainant and Rubio. The subdivision plan was not approved by the Bureau of Lands because of complainant's failure to submit other requirements. Because of complainant's broken promises, respondent and her husband, Atty. Monilla, no longer prepared the other documents

complainant was requesting for, and respondent's brother, Engr. Arquero, discontinued his services as a surveyor.

Lastly, respondent maintained that complainant knew that Atty. Monilla was a DAR employee. Complainant and her siblings had often consulted Atty. Monilla regarding the properties left by their parents, as well as their ongoing family feud. Complainant was likewise aware that respondent was not a lawyer and was a mere court stenographer since complainant and respondent are neighbors and they are related to one another. Respondent had already filed for early retirement effective April 23, 2007, and she claimed that her former co-employees at the RTC, Branch 4 of Legazpi City conspired and confederated with one another to induce complainant to file the instant complaint against her.

In a Resolution<sup>3</sup> dated June 23, 2010, the Court referred the instant administrative matter to Vice Executive Judge Pedro R. Soriao (Investigating Judge Soriao) of RTC, Branch 5 of Legazpi City, for investigation, report, and recommendation.

In his report<sup>4</sup> dated September 22, 2010, Investigating Judge Soriao made the following findings and recommendations:

Substantial evidence appearing of record demonstrates that Evelyn A. Monilla committed a simple misconduct unbecoming of court personnel while she was a court stenographer. The imposition upon her of an administrative penalty of fine equivalent to two months of the salary that she was receiving when she resigned to be deducted from her retirement benefits is hereby recommended.

Finally, it is submitted that Evelyn A. Monilla's liability over the amount of 49,800 pesos that she received from Leticia Arienda is a legal matter that can be properly ventilated in a separate appropriate judicial proceeding.<sup>5</sup>

After evaluation of Investigating Judge Sario's report, the Office of the Court Administrator (OCA) submitted to the Court its Memorandum<sup>6</sup> dated July 14, 2011, likewise recommending that respondent be found guilty of simple misconduct but that the amount of fine imposed against her be increased to four months salary, to be deducted from her retirement benefits.

In her Manifestation<sup>7</sup> dated May 2, 2012, respondent informed the Court that Dominguez filed a case against complainant for a sum of money and damages, docketed as Civil Case No. 5287, before the Municipal Trial Court in Cities (MTCC), Branch 2 of Legazpi City. Dominguez wanted to recover the partial payments she had made on Lot No. 5489, plus other

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<sup>3</sup> Id. at 88-89.

<sup>4</sup> Id. at 91-94.

<sup>5</sup> Id. at 94.

<sup>6</sup> Id. at 207-213.

<sup>7</sup> Id. at 217-218.

damages, after complainant sold the very same property to someone else. In a Decision dated July 7, 2006, the MTCC ruled in Dominguez's favor. Respondent wanted this Court to note that neither complainant nor Dominguez mentioned in Civil Case No. 5287 the participation of respondent or her brother in the transaction involving Lot No. 5489.

It bears to note that respondent admitted in her comment that she prepared and finalized the extrajudicial settlement of the estate of complainant's deceased mother. The preparation of an extrajudicial settlement of estate constitutes practice of law as defined in *Cayetano v. Monsod*,<sup>8</sup> to wit:

Practice of law means any activity, in or out of court, which requires the application of law, legal procedure, knowledge, training and experience. "To engage in the practice of law is to perform those acts which are characteristics of the profession. Generally, to practice law is to give notice or render any kind of service, which device or service requires the use in any degree of legal knowledge or skill." x x x.

Not being a lawyer, respondent had no authority to prepare and finalize an extrajudicial settlement of estate. Worse, respondent also admitted receiving money from complainant for her services. Being a court employee, respondent ought to have known that it was improper for her to prepare and finalize the extrajudicial settlement of estate, a service only a lawyer is authorized to perform, and to receive money therefor.

It is true that respondent prepared and finalized the extrajudicial settlement of estate pursuant to a private agreement between her and complainant. However, respondent is an employee of the court whose conduct must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let her be free from any suspicion that may taint the judiciary. She is expected to exhibit the highest sense of honesty and integrity not only in the performance of her official duties but also in her personal and private dealings with other people to preserve the court's good name and standing.<sup>9</sup>

Respondent's behavior and conduct, which led other people to believe that she had the authority and capability to prepare and finalize an extrajudicial settlement of estate even when she is not a lawyer, clearly fall short of the exacting standards of ethics and morality imposed upon court employees.

Respondent's mention of Civil Case No. 5287 before the MTCC does not help her defense. That case is irrelevant herein for it is between complainant and Dominguez.

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<sup>8</sup> 278 Phil. 235, 243 (1991).

<sup>9</sup> *Spouses Tipples, Jr. v. Montoyo*, 523 Phil. 404, 407 (2006).

Misconduct generally means wrongful, unlawful conduct, motivated by a premeditated, obstinate or intentional purpose. Thus, any transgression or deviation from the established norm, whether it be work-related or not, amounts to misconduct.<sup>10</sup> In preparing and finalizing the extrajudicial settlement of estate and receiving compensation for the same even when she is not a lawyer, respondent is guilty of simple misconduct, punishable under Section 52(B)(2) of the Revised Uniform Rules on Administrative Cases in the Civil Service with suspension for one month and one day to six months. Considering that this is respondent's first offense and that she had served the judiciary for almost 16 years, a suspension of four months would have been proper. Since respondent had already retired, the Court instead imposes the penalty of a fine equivalent to her salary for four months, to be deducted from her retirement benefits.

**WHEREFORE**, in view of the foregoing, the Court finds respondent Evelyn Monilla, retired Stenographer III of RTC, Branch 4 of Legazpi City, **GUILTY** of simple misconduct and imposes upon said respondent a **FINE** equivalent to four months salary to be deducted from her retirement benefits.

**SO ORDERED.**

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

WE CONCUR:

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

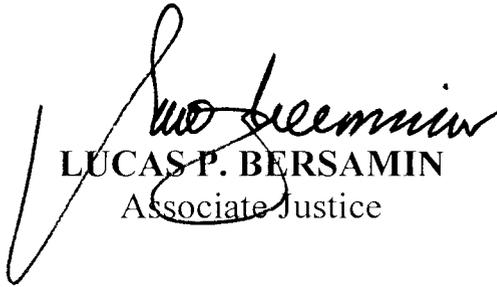
  
**ANTONIO T. CARPIO**  
Associate Justice

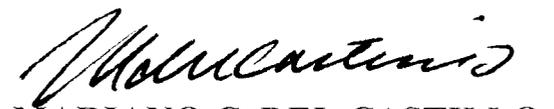
  
**PRESBITERO J. VELASCO, JR.**  
Associate Justice

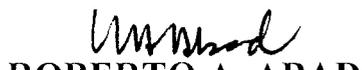
<sup>10</sup> *Hernando v. Bengson*, A.M. No. P-09-2686, March 10, 2010, 615 SCRA 7, 11.

  
**ARTURO D. BRION**  
Associate Justice

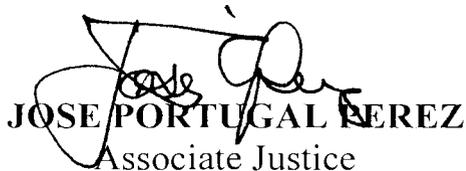
  
**DIOSDADO M. PERALTA**  
Associate Justice

  
**LUCAS P. BERSAMIN**  
Associate Justice

  
**MARIANO C. DEL CASTILLO**  
Associate Justice

  
**ROBERTO A. ABAD**  
Associate Justice

  
**MARTIN S. VILLARAMA, JR.**  
Associate Justice

  
**JOSE PORTUGAL PEREZ**  
Associate Justice

  
**JOSE CATRAL MENDOZA**  
Associate Justice

  
**BIENVENIDO L. REYES**  
Associate Justice

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

  
**MARVIC MARIO VICTOR F. LEONEN**  
Associate Justice