



Republic of the Philippines  
Supreme Court  
Manila

FIRST DIVISION

NOTICE

Sirs/Mesdames:

*Please take notice that the Court, First Division, issued a Resolution dated July 7, 2020 which reads as follows:*

**“A.M. No. P-18-3797 (formerly OCA IPI No. 14-4322-P) – ALBINA C. DE VILLA, complainant, versus STENOGRAPHER II GRACE UGAY-LIM, METROPOLITAN TRIAL COURT, BRANCH 24, MANILA, respondent.**

Albina De Villa (Albina), a stenographer of Metropolitan Trial Court (MTC), Branch 24, Manila, charged Grace Ugay-Lim (Grace), also a stenographer of the same court, for conduct unbecoming of a court employee before the Office of the Court Administrator (OCA).<sup>1</sup> Albina alleged that Grace used her name in sending complaints against their presiding Judge and other court personnel through the private courier LBC Express, Inc. (LBC).<sup>2</sup> Albina discovered it when she received text messages<sup>3</sup> from the LBC Stop and Shop branch informing her that the mail matters she supposedly sent on July 20, 2014 were already received by the addressees. Upon verification, Albina found out that the shipper’s name is her fellow court employee Raymundo Rojas (Raymundo). However, Raymundo denied transacting with LBC. Thus, Albina and Raymundo went to the LBC branch and inquired from its employee who processed the transaction. They were informed that the shipper is a lady who is a bit old and fat. Upon reviewing the closed-circuit television (CCTV) footage, they immediately recognized Grace as the person who mailed the anonymous complaints.<sup>4</sup>

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

<sup>2</sup> *Id.* at 10-13.

<sup>3</sup> *Id.* at 4.

<sup>4</sup> *Id.* at 130.

Grace denied the allegations<sup>5</sup> and insisted that it was physically impossible for her to be at the LBC Stop and Shop branch on July 20, 2014, as she was in Sta. Ana, Manila to collect money from her debtor. She submitted pictures of her captured by the Barangay CCTV cameras, the loan application,<sup>6</sup> affidavit<sup>7</sup> and undertaking<sup>8</sup> all signed by her debtor, as well as the affidavit<sup>9</sup> of a barangay official and the barangay's logbook entry<sup>10</sup> to prove her activities on that day.

The matter was referred to Judge Glenda M. Ramos (Judge Ramos), the Executive Judge of the MTC of Manila.<sup>11</sup> After investigation, Judge Ramos issued a Report and Recommendation finding Grace guilty of Simple Misconduct and suspending her for a period of six (6) months. The OCA agreed that Grace is guilty of Simple Misconduct and recommended that the complaint be re-docketed as a regular administrative matter. However, it increased the penalty to one-year suspension.

We adopt the OCA findings but with modification as to the penalty.

The people look upon the courts with high respect and are regarded sacred places, where litigants are heard, rights and conflicts settled and justice solemnly dispensed. Any misbehavior within and around the vicinity of the courts diminishes their sanctity and dignity. Specifically, fighting between employees within court premises cannot be countenanced because such behavior is totally unbecoming of members of the judicial service.<sup>12</sup> Here, while there was no actual fight within the court premises, this Court sees that the respondent was sowing discord in her workplace when she initiated complaints against her presiding Judge and co-employees. Worse, the respondent made it appear that the complainant authored these anonymous letters.

The respondent's alibi that it was physically impossible for her to mail the anonymous complaints on July 20, 2014, does not inspire belief. Foremost, Grace alleged that she was in Sta. Ana, Manila on that date to collect a debt from a street vendor. Yet, this place was only three kilometers away from the LBC Stop and Shop branch which could be reached in 20 minutes since it was a Sunday and

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<sup>5</sup> *Id.* at 41-45.

<sup>6</sup> *Id.* at 62-64.

<sup>7</sup> *Id.* at 60.

<sup>8</sup> *Id.* at 70-71.

<sup>9</sup> *Id.* at 66-69.

<sup>10</sup> *Id.* at 72-74.

<sup>11</sup> *Id.* at 84-88.

<sup>12</sup> *Judge Cervantes v. Cardeño*, 501 Phil. 13, 19 (2005).

traffic was light. Moreover, the CCTV footage of the LBC branch unmistakably shows that it was the respondent who mailed the complaints, thus:

(3) The evidence of Complainant as regards the blouse worn by the lady on the CCTV footage of LBC Stop and Shop branch and the one Respondent was seen wearing in her photograph grabbed from her Facebook account are likewise one and the same. It is highly unusual and far from human experience that it is merely a coincidence that Respondent and the lady in the CCTV footage in question happen to have the same blouse under the circumstances;

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(7) Finally, the fact that Respondent initiated a disciplinary action against Nadia Dela Rosa, the LBC personnel who processed the contentious mail matters on 20 July 2014 between 9:20 to 9:40 in the morning, that caused the latter's termination of her employment thereat, for allowing Complainant to view the CCTV footage of said transaction, and alleged that she was prejudiced thereby, is a tacit admission that she was indeed the same person shown in the CCTV footage of LBC Stop and Shop Branch who shipped the mail matters subject herein.<sup>13</sup>

In sum, the respondent is guilty of conduct prejudicial to the best interest of the service. There is substantial evidence that the respondent exhibited a proclivity for harassment, which undoubtedly created a negative impression not only upon herself but also upon the judiciary. The complained act need not be related with the employee's official functions. As long as the questioned conduct tarnishes the image and integrity of the public office, the corresponding penalty may be meted on the erring employee.<sup>14</sup>

The administrative offense of conduct prejudicial to the best interest of the service is classified as a grave offense with a corresponding penalty of suspension for six (6) months and one (1) day to one (1) year for the first offense, and the penalty of dismissal for the second offense.<sup>15</sup> Since this is the first time that the respondent had committed this act, we deem it proper to impose on her the penalty of suspension for six (6) months and one (1) day.

**FOR THESE REASONS,** Grace Ugay-Lim is held **GUILTY** of conduct prejudicial to the best interest of the service and is suspended from service for six (6) months and one (1) day.

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<sup>13</sup> *Rollo*, p. 291-292.

<sup>14</sup> *Government Service Insurance System v. Mayordomo*, 665 Phil. 131, 151 (2011).

<sup>15</sup> REVISED RULES ON ADMINISTRATIVE CASES IN THE CIVIL SERVICE, SEC. 46(B)(8).

**SO ORDERED.”**

**By authority of the Court:**

**LIBRADA C. BUENA**  
Division Clerk of Court

*SP-118*

by:



**MARIA TERESA B. SIBULO**  
Deputy Division Clerk of Court

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Ms. Albina C. De Villa  
Complainant  
Metropolitan Trial Court, Branch 24  
1000 Manila

Ms. Grace Ugay-Lim  
Respondent – Court Stenographer II  
Metropolitan Trial Court, Branch 24  
1000 Manila

Atty. Melvin C. Malabanan  
Counsel for Complainant  
4298 Emilia cor. Bautista Streets, Palanan  
1235 Makati City

Atty. Romeo N. Juayno, Jr.  
Counsel for Respondent  
Suite 808, 8<sup>th</sup> Floor, The Garden Heights Tower  
269 E. Rodriguez Sr. Avenue  
1102 Quezon City

The Clerk of Court  
Metropolitan Trial Court, Branch 24  
1000 Manila

Hon. Jose Midas P. Marquez (x)  
Court Administrator  
Hon. Raul B. Villanueva (x)  
Hon. Jenny Lind R. Aldecoa-Delorino (x)  
Hon. Leo Tolentino Madrazo (x)  
Deputy Court Administrators  
Hon. Lilian Barribal-Co (x)  
Hon. Maria Regina A. F. M. Ignacio (x)  
Assistant Court Administrators  
OCA, Supreme Court

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