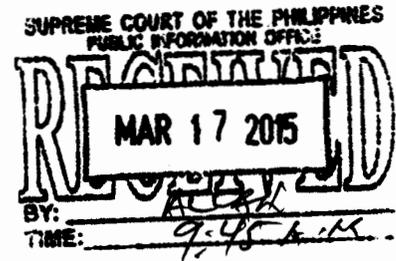




Republic of the Philippines
Supreme Court
Manila



EN BANC

NOTICE

Sirs/Mesdames:

Please take notice that the Court en banc issued a Resolution dated MARCH 10, 2015, which reads as follows:

“A.M. No. 2010-21-SC (Re: ANONYMOUS LETTER-COMPLAINT ON THE ALLEGED INVOLVEMENT AND FOR ENGAGING IN THE BUSINESS OF LENDING MONEY AT USURIOUS RATES OF INTEREST OF MS. DOLORES T. LOPEZ, SC CHIEF JUDICIAL STAFF OFFICER, AND MR. FERNANDO M. MONTALVO, SC SUPERVISING JUDICIAL STAFF OFFICER, CHECKS DISBURSEMENT DIVISION, FISCAL MANAGEMENT AND BUDGET OFFICE).

For resolution are the motion for reconsideration filed by Dolores Lopez (Lopez) and the submissions of Lopez and Fernando Montalvo (Montalvo) in response to the show-cause order contained in the decision promulgated on September 30, 2014 directing them to explain why they should not be disciplined or punished for the censurable statements they uttered against the Court and its Members in their respective comments.

In the September 30, 2014 decision, the Court adopted the findings of the Office of Administrative Services (OAS), and pronounced Lopez guilty of violating Administrative Circular No. 5 dated October 4, 1988 and suspended her from office for three months without pay with a warning that a repetition of the same or similar acts would be dealt with more severely. The Court dismissed the complaint against Montalvo for lack of merit.

Nonetheless, Lopez and Montalvo were both found to have unfairly accused the Court, acting through the OAS, of being unfairly selective in causing their investigation upon the anonymous complaint while ignoring the “far more serious accusations” against “employees, officials and justices even.” Hence, the following show-cause order was made a part of the September 30, 2014 decision, to wit:

WHEREFORE, the Court:

x x x x

3. ORDERS respondents **FERNANDO M. MONTALVO** and **DOLORES TAN LOPEZ** to show cause in writing and under oath within ten (10) days from notice why they should not be disciplined or otherwise sanctioned for their censurable statements against the Court and its Members in directing their investigation upon an anonymous complaint but ignoring the “far more serious accusations” against other “employees, officials and justices even.”

x x x x

SO ORDERED.

We now deal with the pending incidents.

Re: Lopez’s Motion for Reconsideration

In her motion for reconsideration, Lopez assails the finding that she had engaged in money-lending activities with usurious rates of interest.

The Court denies the motion for reconsideration considering that the issues raised in the motion for reconsideration were duly considered and passed upon in the decision, and that Lopez did not advance any fresh arguments to warrant the reconsideration sought.

Re: Compliance of Montalvo

In complying with the show-cause order, Montalvo respectfully apologized to the Court if the statement he had made in his comment “may have caused the perception that [I] was disrespecting the Court or the OAS in any way.”¹ He explained that he had been overcome by his anger at the anonymous complainant who had tried to ruin the reputation he had worked hard to establish and protect. He averred that his subsequent re-reading of the statement had made him realize that the statement could have really created the wrong impression that he had thereby accused the Court of being selective; hence, he expressed his sincere regret for failing to be circumspect about the impact of the statement, and asked that his explanation be deemed sufficient under the circumstances.

¹ Rollo, p. 100.

Re: Compliance of Lopez

In her compliance with the show-cause order, Lopez maintained that her statement was factual and not intended to be against the Court and its Members. She called attention to the two recent anonymous complaints brought against the President of the Coop and the Court Administrator and an Assistant Chief of Office.² She also cited three anonymous letters that the older court employees and officials, as well as the senior Members of the Court were probably aware of, specifically:

1. The anonymous letter accusing a Deputy Clerk of Court and a Chief of Division of having illicit sexual relations;
2. The anonymous letter also accusing a Clerk of Court and a Division Clerk of Court of having illicit sexual relations; and
3. The anonymous letter accusing certain Members of the Court of preferring diamonds or other precious stones to cash.³

Lopez argued that like the anonymous letters she was adverting to, the anonymous letter filed against her did not carry any basis to warrant her investigation.⁴ She clarified that the issue of unfair treatment was addressed to the OAS, not to the Court or its Members,⁵ and that the OAS was fishing for evidence in summoning 11 janitorial employees of the Court and investigated some drivers about her money-lending activities.⁶

Ruling of the Court

The Court considers Montalvo's compliance as adequate. His explanation, whereby he admitted his mistake and haste in preparing his comment on the anonymous complaint, demonstrated his sincerity towards the Court and its Members. He thus acknowledged that he could have been negligent in failing to assess the effect of the statement he had made. In so doing, he humbly recognized his lapse.

It is different in the case of Lopez's compliance. She has thereby exuded defiance and disrespect, and has relied on her discredited denials of both the denounced money-lending activities and the censurability of her unfounded and offensive statement against the Court and its Members. Rather than being remorseful about such activities and her statement, she has justified herself to the extent of angrily imputing imaginary ill-motives to the OAS for supposedly persecuting her. She has probably not seen that the OAS, in inquiring into the administrative matter involving her, acted for the

² Id. at 117.

³ Id.

⁴ Id. at 118

⁵ Id.

⁶ Id. at 119-120.

Court and pursuant to its directive. Her taking the OAS to task for investigating her was, therefore, an affront to the Court itself. Her vain explanation even more urgently prods the Court to now call her attention to her basic obligations as a public employee in relation to her superiors in the administrative structure.

Accordingly, the Court pronounces her guilty of *direct contempt of court* for exhibiting a disrespect toward the Court for, as succinctly declared in *Lorenzo Shipping Corporation v. Distribution Management Association of the Philippines*:⁷

Unfounded accusations or allegations or words tending to embarrass the court or to bring it into disrepute have no place in a pleading. Their employment serves no useful purpose. On the contrary, they constitute direct contempt of court or contempt *in facie curiae* x x x.

The penalty to be imposed on Lopez for direct contempt is a fine of ₱2,000.00, pursuant to Section 1, Rule 71 of the *Rules of Court*, to wit:

Section 1. *Direct contempt punished summarily.* — A person guilty of misbehavior in the presence of or so near a court as to obstruct or interrupt the proceedings before the same, including disrespect toward the court, offensive personalities toward others, or refusal to be sworn or to answer as a witness, or to subscribe an affidavit or deposition when lawfully required to do so, may be summarily adjudged in contempt by such court and punished by a fine not exceeding two thousand pesos or imprisonment not exceeding ten (10) days, or both, if it be a Regional Trial Court or a court of equivalent or higher rank, or by a fine not exceeding two hundred pesos or imprisonment not exceeding one (1) day, or both, if it be a lower court. (1a)

WHEREFORE, the Court **DENIES** the motion for reconsideration filed by Dolores T. Lopez; **FINDS** the Compliance of Fernando Montalvo to be **SATISFACTORY**; and **CONSIDERS** the Compliance of Dolores Lopez **UNSATISFACTORY**, and, **ACCORDINGLY, DECLARES** her **GUILTY OF DIRECT CONTEMPT OF COURT** and **FINES** her in the amount of ₱2,000.00 with a warning that any similar contemptuous conduct in the future will be dealt with more severely.” (adv21)

Very truly yours,


ENRIQUETA E. VIDAL
Clerk of Court

⁷ G.R. No. 155849, August 31, 2011, 656 SCRA 331, 350.

ATTY. EDEN T. CANDELARIA (x)
Deputy Clerk of Court and
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ATTY. CORAZON G. FERRER-FLORES (x)
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wmd 31015 (adv21) 31615

MS. DOLORES T. LOPEZ (x)
SC Chief Judicial Staff Officer
MR. FERNANDO F. MONTALVO (x)
SC Supervising Judicial Staff Officer
Checks Disbursement Division
Fiscal Management and Budget Office
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THE CHIEF (x)
Complaints & Investigation Division
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