

ATTY. ISIDRO G. ARENAS, COMPLAINANT, VS. MANUEL RESULTAN, SR., CLERK OF COURT, CITY COURT, SAN CARLOS CITY, BRANCH X, SAN CARLOS CITY, RESPONDENT.

A.M. No. P-292. November 25, 1982

Ponente: GUTIERREZ, JR., J.

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GUTIERREZ, JR., J.:

In a letter-complaint addressed to the Chief Justice of the Supreme Court, Atty. Isidro G. Arenas charged the clerk of court of the City Court of San Carlos City with (1) infidelity of public record (sic) and (2) discourtesy, inefficiency, and incompetence in the performance of official duties, and conduct prejudicial to the best interest of the service.

On the first charge, complainant Arenas alleged that respondent Resultan could not locate the records of Criminal Case No. CC-875 entitled "People of the Philippines, plaintiff vs. Rodrigo de Guzman, accused" notwithstanding repeated demands especially when the complainant asked about the regularity of the bail bond posted by the accused.

On the second charge, the complainant alleged that when he verified the records of the criminal case in order to file the bail bond of the accused, the respondent in a very arrogant attitude and with dis-respect towards the complainant did not give courtesy and neglected to attend to complainant's inquiry.

Respondent Resultan stated in his answer that on July 3, 1974, between 12:00 o'clock noon and 1:00 o'clock in the afternoon, a certain Juan Tuazon and Irineo de Guzman, accused in a case for violation of a city ordinance on drunkenness, came to see him upon instructions of the City Judge to inquire about being bailed out under the Laurel Law. Shortly after-wards, complainant Isidro Arenas arrived and it was observed that "he was strongly under the influence of liquor." Arenas allegedly asked Resultan why de Guzman was required to post a bond. Resultan claimed that instead of answering Arenas, he directed a question to de Guzman, "why, did I tell you to post a bond?", which Arenas resented. Whereupon, Resultan was allegedly hit with fist blows and kicks by Arenas and was forced to run to the office of the police department and eventually file charges leading to a criminal complaint. Atty. Arenas was formerly the judge of the same city court of San Carlos City but his courtesy resignation was accepted sometime after the proclamation of martial law. Resultan named eight (8) personnel of the city court, including the city judge, who had access to court records.

Resultan further alleged:

"It is admitted that before the incident on July 3, 1974, your respondent was already aware as was (sic) informed by the Clerk, Mrs. Virginia Fernandez that the record of Crim. Case No. CC-875 was missing, so that exhaustive efforts were exerted since then up to the present to locate and recover the same, but still in vain. Notwithstanding the disappearance of the record, the case was tried on July 10, 1974 as scheduled, reset for August 8, 1974 which hearing was postponed to and held on August 16, 1974. Informed of the predicament, neither one of the parties nor their coun-sels complained, because it cause no damage and prejudice at all as

the record of the case was already reconstructed."

and mentioned the bases of his "strong suspicion that the missing record was taken by or lost at the instance of the complainant, Atty. Isidro G. Arenas."

We agree with the following findings of Deputy Court Administrator Romeo D. Mendoza, concurred in by Officer-in-Charge Arturo B. Buena of the Office of the Court Administrator:

"Executive Judge Augusto O. Saroca in his report and recommendation (Rollo, pp. 51-55) reported that when this case was called for investigation, 'complainant failed to show up despite due notice to him. Respondent, however, appeared with counsel. The case was again called the next day. Still the complainant failed to appear but respondent appeared with counsel and submitted himself for investigation.'

Respondent testified that when he was informed of the loss of the records of Criminal Case No. CC-875, 'he made painstaking efforts to locate the same but all proved futile.'; that he 'reconstructed the records of the missing case'; that the accused was tried and convicted, and 'served his sentence in the city jail of San Carlos'; that he was charged in the office of the City Fiscal of San Carlos for infidelity in the custody of documents in connection with loss of the records in the said criminal case, but he was exonerated in a resolution of Asst. City Fiscal Jaime O. Legario dated October 16, 1974 for lack of probable cause. ('Exhibits 2 to 2-b').

"The Inquest Judge reported that he found that respondent did not destroy the missing record for any illicit purpose; that there is no proof of evil motive by respondent in connection with the loss of said record. He also found that there was 'no evidence of damage to the parties because the missing record was reconstituted the moment he was apprised of its loss; that the parties in the criminal case for theft and respondent's counsel acquiesced to the reconstitution of the record; and that 'a fair trial was conducted and the accused was convicted.'

"According to the same investigating judge, the voluntary desistance of complainant to prosecute the case when called in formal administrative investigation is ample proof that there was no damage caused even to the said complainant. The investigating judge recommended that the case be dismissed and respondent be exonerated.

"We find no reason to disturb the recommendation of the Inquest Judge. The probability leans heavily in favor of what was asserted by respondent. There can be no doubt, that respondent acted in good faith in ordering the reconstitution of the records of the criminal case, which after continued and repeated search, the same could not be found.

"There was also absence of improper reconsideration and/or damage caused the parties. It is understandable then why the recommendation of the investigating judge was for the dismissal of the complaint."

We likewise approve the recommendation of the Office of the Court Administrator that respondent Resultan, being a public officer, is bound *virtute officii* to bring to the discharge of his duties the prudence, caution, and attention which careful men usually exercise in the management of their affairs and, therefore, he should be admonished to be more vigilant in the exercise of his functions as clerk of court and in the supervision of his subordinates. The respondent has no other administrative case filed against him.

WHEREFORE, the administrative complaint against respondent Manuel Resultan, Sr. is hereby dismissed but the respondent is admonished to exercise greater care in the custody of official documents, and warned that a repetition of the same or any similar act or omission shall be administratively dealt with more severely.

SO ORDERED.

Fernando, C.J., Teehankee, Makasiar, Concepcion, Jr., Guerrero, Abad Santos, De Castro, Melencio-Herrera, Plana, Escolin, Vasquez, and Relova, JJ., concur.

Aquino, J., no part.

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