JOSEPH ANTHONY M. ALEJANDRO, COMPLAINANT, VS. MS. MARILOU C. MARTIN, LEGAL RESEARCHER, OIC-CLERK OF COURT, REGIONAL TRIAL COURT, BRANCH 268, PASIG CITY, RESPONDENT.

A.M. NO. P-07-2349 (FORMERLY A.M. OCA I.P.I. NO. 07-2534-P). August 10, 2007

Ponente: NACHURA, J.

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NACHURA, J.:

Before this Court is a Sworn Complaint[1] filed by complainant Atty. Joseph Anthony M. Alejandro (complainant) against Ms. Marilou C. Martin, Legal Researcher, OIC-Clerk of Court, Regional Trial Court (RTC), Branch 268, Pasig City (respondent) for Unexplained Wealth and Incompetence.

Complainant alleges that he received reliable information that the house of the respondent and her family located at 2053 C. Cruz Malasaga Street, Pinagbuhatan, Pasig City, is of considerable value, not commensurate to the salaries received by her, her sister and mother who are also employed at the Pasig City RTC as utility personnel. In addition, the respondent is allegedly using a new red Ford Lynx car with plate no. ZBD 191, the acquisition of which would not be justified by her meager income. Complainant claims that unexplained wealth is an indicia of corruption.

Complainant also alleges that respondent did not file the required Statement of Assets and Liabilities (SAL) for the years 2004 and 2005.

Finally, complainant accuses respondent of incompetence in the performance of her duties and responsibilities as clerk of court of the RTC. Complainant asseverates that Section 10, Rule 41 of the Rules of Court provides that it is the duty of the clerk of court to transmit the records of a case to the appellate court within thirty (30) days after perfection of appeal. In SCA Case No. 2742,[2] the appeal was perfected on May 30, 2006,[3] hence, the entire records should have been elevated to the Court of Appeals (CA) within thirty (30) days from May 30, 2006, or not later than June 30, 2006. In this case, the transmittal of records was made only on September 12, 2006.[4]

In her Comment,[5] respondent argues that she does not own any property of substantial value, and she is still living with her parents. She asserts that the Ford Lynx car aforementioned was bought by her father on installment basis and is still mortgaged to a bank.

Respondent denies the allegation of non-filing of the required SAL for the years 2004 and 2005, and even submitted copies[6] thereof, evidencing her compliance with the legal requirement.

However, respondent admits that the transmittal of the records of SCA Case No. 2742 to the CA was delayed. She claims that the delay was caused by the Clerk-In-Charge who prepared the Letter of Transmittal,[7] Table of Contents[8] and Index of Exhibits[9] of said case which consist of five (5) volumes. Respondent further argues that she had no intention of disregarding the rules, and this transmittal was only delayed because she and the Clerk-In-Charge also had to attend to some equally important tasks in court every day.

In its Evaluation,[10] the Office of the Court Administrator (OCA) found that the complainant failed to

substantiate the charge of unexplained wealth against the respondent. Moreover, the OCA found that respondent complied with the requirement for the submission of her SAL. However, the OCA opined that the respondent was remiss in the performance of her duty particularly in the transmittal of the records of SCA Case No. 2742 to the CA. Thus, the OCA recommended that respondent be fined in the amount of P3,000.00 with an admonition that she should be more diligent and circumspect in the performance of her duties and a warning that a repetition of the same offense shall be dealt with more severely.

After reviewing the records of this case, we adopt the findings and recommendation of the OCA.

With respect to the charge of unexplained wealth, it must be stressed that in administrative proceedings, the quantum of proof required to establish a respondent's malfeasance is not proof beyond reasonable doubt but substantial evidence, i.e., that amount of relevant evidence that a reasonable mind might accept as adequate to support a conclusion. More importantly, it is settled that in administrative proceedings, the complainant has the burden of substantiating the charges made in the complaint. The complainant has the burden of proving the allegations in his complaint with substantial evidence.[11] Indeed, if the respondent, as OIC-Clerk of Court, should be disciplined for the grave offense of unexplained wealth, the evidence against her should be competent and derived from direct knowledge. Charges based on mere suspicion and speculation cannot be given credence. Hence, when the complainant relies on mere conjectures and suppositions, and fails to substantiate his claim,[12] as in this case, the charge must fail.

However, with respect to the charge of incompetence, we give credence to and respect the OCA's findings. Thus:

> Respondent, being the [OIC-Clerk of Court] of Branch 268, RTC, Pasig City, she is responsible for ensuring the efficient and timely recording, filing and over-all management of court records, including the safe-keeping of exhibits, documents and all properties of the said branch, subject only to the supervision and control of the Presiding Judge. The Court has held that Branch Clerks of Court are chiefly responsible for the shortcomings of subordinates to whom the administrative function pertaining to the Branch Clerk of Court were delegated. She should have utmost prudence in the performance of her functions as the [OIC-Clerk of Court] of the said Branch.

As such, respondent was indeed remiss in the performance of her duty under Section 10, Rule 41 of the Rules of Court, which provides:

> Sec. 10. Duty of clerk of court of the lower court upon perfection of appeal. - Within thirty (30) days after perfection of all the appeals in accordance with the preceding section, it shall be the duty of the clerk of court of the lower court:
>
> x x x x
>
> (d). To transmit the records to the appellate court.

Respondent ought to know this rule. Based on the records, the appeal was given due course and the records were ordered elevated to the CA as early as May 30, 2006, but the same were not transmitted within the thirty- day period. Instead, the transmittal was made only on September 12, 2006. Indubitably, the aforementioned rule was violated.

We have emphasized, time and again, the heavy burden and responsibility placed on court officials and employees, in view of their exalted positions as keepers of the public faith. Any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided. This Court shall not countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and diminish the faith of the people in the Judiciary.[13]

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The clerk of court is a vital component of the Judiciary. As an officer of the court, she performs delicate administrative functions essential to the speedy and proper administration of justice. Among the duties of the Branch Clerk of Court is the prompt and orderly transmittal of appealed cases and the records to the appellate court. The Branch Clerk of Court is responsible for seeing to it that the records of appealed cases are properly sent to the appropriate appellate court without delay, in order to ensure the timely disposition of cases. Otherwise, the speedy administration of justice would be hampered.[14]

WHEREFORE, finding respondent Ms. Marilou C. Martin remiss in her duties for the delay in the transmittal of the records in SCA Case No. 2742 to the appellate court, she is hereby FINED the amount of P3,000.00, with the ADMONITION that she should be more diligent and circumspect in the performance of her duties, and a WARNING that a repetition of the same offense shall be dealt with more severely.

SO ORDERED.

Ynares-Santiago, (Chairperson), Austria-Martinez, and Chico-Nazario, JJ., concur.

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[1] Dated October 27, 2006.

[2]Entitled "Joseph Anthony Alejandro, plaintiff vs. Oakridge Properties, Inc. and Discovery Centre Condominium Corporation, defendants."

[3] RTC Order dated May 30, 2006, Annex "A", Sworn Complaint.

[4] Letter of Transmittal dated September 12, 2006 issued by respondent and addressed to the Clerk of Court of the CA, Annex "B," Sworn Complaint.

[5]Dated April 4, 2007.

[6]Annexes "A" and "B" of respondent's Comment.

[7]Annex "C" of respondent's Comment.

[8] Id.

[9] Id.

[10]Dated June 15, 2007.

[11] Alcover, Sr. v. Bacatan, A.M. No. P-05-2043, December 7, 2005, 476 SCRA 607, 613, citing Alfonso v. Ignacio, 445 SCRA 493, 497 (2004).

[12] Planas v. Reyes, A.M. No. RTJ-05-1905, February 23, 2005, 452 SCRA 146, 161.

[13] Obañana, Jr. v. Ricafort, A.M. No. MTJ-04-1545, May 27, 2004, 429 SCRA 223, 228.

[14]Osorio v. Dizon, A.M. No. RTJ-04-1838, March 18, 2004, 426 SCRA 1, 6-7.

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