

**ATTY. RAUL A. MUYCO, COMPLAINANT, VS. EVA B. SARATAN,
BRANCH CLERK OF COURT, BRANCH 32, RTC, ILOILO CITY,
RESPONDENT.**

A.M. No. P-03-1761 [Formerly OCA-IPI No. 03-1717-P]. April 02, 2004

Ponente: QUISUMBING, J.

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QUISUMBING, J.:

In his verified complaint[1] dated July 14, 2003, complainant Atty. Raul A. Muyco charges respondent Eva B. Saratan, Clerk of Court, Branch 32 of the Regional Trial Court (RTC) of Iloilo City, with violation of Section 5 (a) of Republic Act No. 6713,[2] neglect of duty, refusal to perform official duty, and conduct unbecoming a court personnel.

Complainant is the counsel for the plaintiff-appellee in an unlawful detainer case entitled “F & C Lending Investor/Marcelino Florete, Jr. v. Rexie Protasio” originally docketed as Civil Case No. 2000(459) before Branch 3 of the MTCC of Iloilo City. He alleges that he secured a favorable judgment for his client, and immediately filed a motion for execution. Unfortunately, the court a quo did not resolve the motion because the defendant had appealed the judgment to the RTC of Iloilo City and the records had been transmitted to Branch 32, where the appeal had been raffled.

Even with the appeal having been taken, however, complainant discovered that no supersedeas bond had been posted and no monthly rentals had been deposited. He again sought to execute the judgment in a motion for execution pending appeal, but the motion was likewise denied on May 30, 2003. The presiding judge justified his denial on considerations of equity and the existence of a prejudicial question.

Complainant considered the denial a palpable violation and disregard of Section 19,[3] Rule 70 of the Rules of Court, and thought of seeking a writ of mandamus from the Court of Appeals.[4] To prepare his petition, complainant requested on June 16, 2003, a certification from respondent that based on the records (1) the defendant-appellant has not posted a supersedeas bond to stay the execution and (2) that the defendant-appellant has likewise not made the monthly deposit of rents awarded in the decision of the court of origin.[5] Respondent ignored the request so he reiterated it in a letter[6] dated July 4, 2003. He reminded respondent of her duties under Rep. Act No. 6713 and advised her that her continued refusal to issue the requested certification would constrain him to institute administrative charges against her. Undaunted, respondent continued to ignore the request. Hence, on July 15, 2003, complainant filed the instant complaint.

In her comment[7] dated August 25, 2003, respondent explains that while she had the ministerial duty to issue the certification she hesitated to issue it immediately. According to her, the parties to the appeal were still arguing on the appellant’s failure to post the supersedeas bond and to make the monthly deposits. Since the certification requested of her also concern facts related to these litigated matters, she became confused whether she was indeed required to issue the certification. She adds that she was also fearful that her issuance of the certification might expose her to liability.

In perhaps an attempt to cite a possible mitigating, if not absolving, circumstance, respondent further cites that complainant sought a reconsideration of the order denying the motion for execution pending appeal. Subsequently, however, complainant moved for the inhibition of the presiding judge before the latter could resolve the motion for reconsideration.

On December 10, 2003, the Court resolved to have the case re-docketed as a regular administrative matter.

The facts of this case make out a clear case of simple neglect of duty.

Section 5 (a) and (d) of Rep. Act No. 6713 or the Code of Conduct and Ethical Standards for Public Officials and Employees provides:

Sec. 5. Duties of Public Officials and Employees. In the performance of their duties, all public officials and employees are under obligation to:

(a) Act promptly on letters and requests. All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

...

(d) Act immediately on the public's personal transactions. All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.

In Administrative Circular No. 08-99 dated July 2, 1999, we emphasized the importance of complying with these provisions. The Circular reads:

TO: ALL OFFICIALS AND PERSONNEL OF THE JUDICIARY

RE: PROMPT ACTION ON LETTERS AND REQUESTS AND PUBLIC'S PERSONAL TRANSACTION

It has been observed by, and brought to the attention of, the Chief Justice that in some instances complaints, letters or requests from the public addressed to the officials of the Judiciary are belatedly answered or not answered at all.

All concerned are reminded of paragraphs (a) and (d) of Section 5 of R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, which explicitly mandate as follows:

...

The Presiding Justices of the Court of Appeals and the Sandiganbayan, the Court Administrator, the Deputy Court Administrators, the Assistant Court Administrators, the Clerk of Court of the Supreme Court, the Presiding Judge of the Court of Tax Appeals, and all Executive Judges and clerks of court of all other courts shall see to it that this Circular is immediately disseminated and strictly observed.

This Circular shall take effect immediately.

City of Manila, 02 July 1999.

(Sgd.) HILARIO G. DAVIDE, JR.

Chief Justice

Thus, as a public employee, it is respondent's duty to act on the letters and requests of the public within 15 working days from the time she receives them and to attend promptly and expeditiously to anyone who wants to

avail of the services of her office. In this case, however, respondent issued the requested certifications only on July 23, 2003,[8] more than a month the time complainant requested it.

Respondent is reminded of her sacred duty as an officer of the court to attend to the public's query. As we held in *Reyes-Domingo v. Morales*:[9]

A Clerk of Court is an essential and a ranking officer of our judicial system who performs delicate administrative functions vital to the prompt and proper administration of justice. A Clerk of Court's office is the nucleus of activities both adjudicative and administrative, performing, among others, the functions of keeping the records and seal, issuing processes, entering judgments and orders and giving, upon request, certified copies from the records.

Even if she were truly at a loss on what action to take on complainant's request, as she claims, respondent should have communicated to complainant her alleged dilemma instead of sitting on the letter, thus giving the impression that she ignored the same. Repeatedly, we have emphasized the heavy burden and responsibility which the court officials and employees are mandated to observe, in view of their exalted positions as keepers of the public faith.[10] They are constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided.[11] We will never countenance any conduct, act or omission on the part of all those involved in the administration of justice that would violate the norm of public accountability and diminish the faith of the people in the judiciary.[12]

Under Section 52(C)(15), Rule IV of CSC Memorandum Circular No. 19, Series of 1999 or the Revised Uniform Rules on Administrative Cases in the Civil Service, respondent's infraction is classified as a light offense punishable as follows:

Section 15. Classification of Offenses.—Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and the effect on the government service.

...

C. The following are Light Offenses with corresponding penalties:

...

15. Failure to attend to anyone who wants to avail himself of the services of the office, or act promptly and expeditiously on public transaction —

1st Offense — Reprimand

2nd Offense — Suspension 1–30 days

3rd Offense — Dismissal

Considering that this is respondent's first offense, the penalty of reprimand is warranted.[13]

WHEREFORE, respondent EVA B. SARATAN, Branch Clerk of Court in Branch 32 of the Regional Trial Court of Iloilo City, is REPRIMANDED and STERNLY WARNED that commission of similar acts would be dealt with more severely.

SO ORDERED.

Austria-Martinez, Callejo, Sr., and Tinga, JJ., concur.

Puno, (Chairman), J., on official leave.

[1] Rollo, pp. 1-4.

[2] Code of Conduct and Ethical Standards for Public Officials and Employees.

[3] SEC. 19. Immediate execution of judgment; how to stay same.—

If judgment is rendered against the defendant, execution shall issue immediately upon motion, unless an appeal has been perfected and the defendant to stay execution files a sufficient supersedeas bond, approved by the Municipal Trial Court and executed in favor of the plaintiff to pay the rents, damages, and costs accruing down to the time of the judgment appealed from, and unless, during the pendency of the appeal, he deposits with the appellate court the amount of rent due from time to time under the contract, if any, as determined by the judgment of the Municipal Trial Court. In the absence of a contract, he shall deposit with the Regional Trial Court the reasonable value of the use and occupation of the premises for the preceding month or period at the rate determined by the judgment of the lower court on or before the tenth day of each succeeding month or period. The supersedeas bond shall be transmitted by the Municipal Trial Court, with the other papers, to the clerk of the Regional Trial Court to which the action is appealed.

All amounts so paid to the appellate court shall be deposited with said court or authorized government depository bank, and shall be held there until the final disposition of the appeal, unless the court, by agreement of the interested parties, or in the absence of reasonable grounds of opposition to a motion to withdraw, or for justifiable reasons, shall decree otherwise. Should the defendant fail to make the payments above prescribed from time to time during the pendency of the appeal, the appellate court, upon motion of the plaintiff, and upon proof of such failure, shall order the execution of the judgment appealed from with respect to the restoration of possession, but such execution shall not be a bar to the appeal taking its course until the final disposition thereof on the merits.

...

[4] Rollo, pp. 2-3, 9.

[5] *Id.* at 5.

[6] *Id.* at 6-7.

[7] *Id.* at 12.

[8] Rollo, p. 12.

[9] A.M. No. P-99-1285, 4 October 2000, 342 SCRA 6, 15.

[10] *Reyes-Macabeo v. Valle*, A.M. No. P-02-1650, 3 April 2003, p. 4.

[11] *Chupungco v. Cabusao*, A.M. No. P-03-1758, 10 December 2003, p. 6.

[12] *Madrid v. Quebral*, A.M. No. P-03-1744, 7 October 2003, p. 12.

[13] See *Angeles v. Eduarte*, A.M. No. P-03-1710, 28 August 2003, p. 9.

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