

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.
MYRNA ALVAREZ (CA PERSONNEL CONCERNED), RESPONDENT.***A.M. No. CA-98-8-P. March 11, 1998*

Ponente: MARTINEZ, J.

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From the decision of the Regional Trial Court – Branch 135, in Civil Case No. 88-1558 entitled “Juan Perez, Jr. and Alicia Perez vs. Alfredo Mesias and Candido Silao” for Loss and Damages,[1] herein petitioners appealed to the Court of Appeals. This appeal was dismissed in a resolution dated January 15, 1996[2] for failure to pay the required docket fees. A motion for reconsideration thereof was filed by petitioners but was denied by the Court of Appeals in its March 29, 1996 resolution.[3]

As a result of which, a special civil action for certiorari[4] was filed by petitioners with the Supreme Court on June 25, 1996 assailing the denial of the motion for reconsideration and imputing the delay in the filing thereof to the misleading instructions of a certain Court of Appeals employee. Said petition for certiorari was dismissed by the Supreme Court in its resolution dated July 24, 1996[5] for having been filed beyond the reglementary period. Petitioners filed a motion for reconsideration which the Supreme Court denied with finality in its September 23, 1996 resolution.[6]

Pursuant to an internal resolution dated July 24, 1996,[7] the First Division of this Court, instructed the Office of the Court Administrator (OCA) to conduct an investigation relative to the actuations of Court of Appeals employee Myrna Alvarez who allegedly misled petitioners and caused the late filing of their motion to admit payment of docket fee in CA-G.R. CV UDK No. 3346 and which led to the dismissal of their appeal in the said court.

The factual background which spawned the investigation is adequately summarized in the Memorandum submitted by the Court Administrator to the Chairman, First Division on September 30, 1997, and which is quoted hereunder:

“An adverse decision of RTC, Branch 135, Makati City in Civil Case No. 88-1558 entitled ‘Juan Perez, Jr. and Alicia Perez vs. Alfredo Mesias and Candido Silao’ for Loss and Damages was appealed by defendants-appellants to the Court of Appeals but was dismissed per Resolution dated January 15, 1996 for failure to pay the required docket fees. Said resolution was received by defendants-appellants on January 22, 1996.

On January 25, 1996 a motion for reconsideration of said resolution and cash payment of P400.00 for docket fees were brought by Ms. Jaralyn Cesar, a staff of Atty. Semproniano Ochoco (counsel for defendants-appellants), to the Court of Appeals for filing where one Ms. Myrna Alvarez, an employee of the Court of Appeals, Docket Section allegedly refused to accept the payment as well as the motion and instead instructed Ms. Jaralyn Cesar to pay the docket fees by money order payable to the Court of Appeals. That same day Ms. Cesar, as alleged in her ‘Sinumpaang Salaysay,’ proceeded to the Caloocan City Post Office, to purchase the needed postal money orders and mailed these to the Court of Appeals. Thereafter she returned to

the Court of Appeals to file the motion for reconsideration but Ms. Alvarez still allegedly refused to accept the pleading in question. Once again she directed Ms. Cesar to have the pleading changed to a 'Motion to Admit Payment of Docket Fee.'

The following day, January 26, 1996 Ms. Cesar filed the motion to admit payment of docket fee but Ms. Alvarez again rejected it on ground that the postal money order checks must first be received by the Court of Appeals and that they still have to wait for fifteen (15) days more. Ms. Alvarez further told Ms. Cesar to just wait for her call.

Three (3) days later, (January 29, 1996) Ms. Cesar again filed the aforementioned motion but was again rejected for the same reason that the Court of Appeals had not yet received the postal money order. It was only on February 14, 1996 that the aforesaid motion was finally admitted but was eventually denied by the Court of Appeals for having been filed beyond the reglementary period.

Consequently, a petition for certiorari was filed by defendants-appellants Alfredo Mesias and Candido Silao with the Supreme Court assailing the denial of the motion and imputing the delay in the filing of the motion for reconsideration to Ms. Alvarez' misleading instructions."

The Court Administrator directed Ms. Alvarez to comment on the allegations of defendants-appellants Mesias and Silao. Ms. Alvarez submitted her comment, which, in gist, states that there is no truth to the allegation that she refused to accept the motion for reconsideration and the postal money order slip; and that the advice given to Ms. Cesar was to effect payment by postal money order considering that the case on appeal was already dismissed by the court; and, to attach the payment of the docket fee to the motion for reconsideration.[8]

A legal team was sent by the Court Administrator to the Court of Appeals who interviewed Mr. Buenaventura Miguel, Acting Chief, Judicial Records Section; and Atty. Elisa Longalong, Assistant Clerk of Court, Court of Appeals.

The talk with Mr. Buenaventura Miguel elicited the fact that Ms. Alvarez is a Utility Worker assigned in the Docket Section and whose specific job is to index newly appealed cases and arrange Rollos. According to Miguel, while Ms. Alvarez is not a "frontliner" in the office, and, thus, not in a position to give instructions or advice to party-litigants, however, due to lack of personnel, the Docket Section had to utilize anybody thereat to give advice to party-litigants.

On the other hand, Atty. Elisa Longalong gave the legal team an overview of the standard operating procedure of the Court of Appeals relative to the filing of pleadings, similar to that of the motion for reconsideration filed by Ms. Cesar. Atty. Longalong said that the recourse available to party-litigants in dismissed cases for failure to pay docket fee is to first file a motion for reconsideration. And, once the motion for reconsideration is granted, then that is the time for the movant to pay the docket fee.

The two, Atty. Longalong and Buenaventura Miguel, were of the opinion that probably the advice given by Ms. Alvarez, as admitted in her comment, was well-meaning, she presumably being of the belief that it would shorten the process, i.e., should the motion for reconsideration be granted, then the intended payment for docket fees sent by postal money order would have already been received by the court. However, Miguel and Atty. Longalong were of the view that respondent probably was not in a position to clearly explain to the complainant the necessity to first file with the Receiving Section the motion for reconsideration of the resolution dismissing the appeal for failure to pay docket fees. Atty. Longalong gave the opinion that Ms. Alvarez should have referred Ms. Cesar to the Receiving Section which has the ministerial duty of accepting pleadings filed with the Court of Appeals irrespective of whether the same is timely filed or not.

We have read the record of the case, and we are in complete agreement with the finding of the Court

Administrator in his Memorandum, that:

“x x x. While there is no evidence presented to indicate bad faith or malice on the part of Ms. Alvarez, we nevertheless look with disfavor on the practice in the Judicial Records Division of the Court of Appeals of allowing a Utility Worker without any legal background or experience to give advice to party-litigants involving policy or procedure with respect to legal matters.

On the other hand we wish to invite attention to the fact that it is incumbent upon counsel for the appellants, who has the duty to protect the interests of their clients, to see to it that their staff, charged with filing pleadings in court, are knowledgeable or properly instructed on the matter.”[9]

We further add the following observations –

As admitted in her Comment, Ms. Alvarez knew, as she ought to know, that she was not authorized to receive motions and that the proper office therefor was the Receiving Section of the Court of Appeals. Instead of simply directing Cesar to the aforesaid office, she took it upon herself to give improper advice knowing fully well that she had neither the competence nor authority to do so.

While the acts of Alvarez may not have been motivated by bad faith or malice, ordinary reason and prudence should have prompted her to desist from giving suggestions or advice, however well meant. It is well worth noting that messengers/agents of party-litigants tasked with the filing of pleadings will ordinarily take as gospel truth and give due regard to whatever advice is received from any court employee with some sort of apparent authority. Alvarez should have been aware of this ostensible predisposition which could have guided her into being more circumspect in her utterances.

The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility.[10] Every employee or officer involved in the dispensation of justice should be circumscribed with the heavy burden of responsibility and their conduct must at all times be above suspicion.[11]

Mr. Buenaventura Miguel, as Acting Chief of the Judicial Records Division, is responsible for the acts of the personnel therein relative to the discharge of their duties. Being head of the department, Miguel should have exercised his control and supervision over subordinate employees as well as his prerogative to implement work policies in such a manner as would avert any appearance of impropriety and promote the speedy and efficient administration of justice. He has not been meticulous and zealous as he should have been in organizing and supervising the work of his subordinates as required by Canon 3, Rule 3.09 of the Code of Judicial Conduct.[12]

By his own admission, he laid open the anomalous practice of allowing practically anybody in their office to give advice to party-litigants. His acquiescence and tolerance of such an arrangement has the propensity to create confusion in the filing of pleadings in the Court of Appeals.

On the other hand, the Court takes note of the apparent ineptitude of Ms. Cesar as shown by her failed attempt to file the motion for reconsideration. Party-litigants, counsels and their staff are, therefore, cautioned to be more scrupulous and cognizant of the proper procedure in the filing of pleadings. The Court understands the frustration that litigants and lawyers alike, would at times encounter in procedural bureaucracy, but imperative justice requires proper observance of indisputable technicalities precisely designed to ensure its proper dispensation.[13]

The Court Administrator recommends that:

“1. Respondent Ms. Myrna Alvarez be REPRIMANDED and WARNED not to meddle with the business transacted with the office, especially when these pertain to matters outside the scope of her assigned duties and

responsibilities; otherwise a repetition of the same or similar act will be dealt with more severely;

2. Mr. Buenaventura Miguel, Acting Chief, Judicial Records Division, Court of Appeals, be **ADMONISHED** for allowing the personnel in the Division irrespective of their duties and function, to deal with and give advice to party litigants on matters pertaining to cases pending in the Court of Appeals; and, be **DIRECTED** to take the necessary steps as well as to immediately correct such practice;

3. Clerk of Court Tessie Gatmaitan as well as Assistant Clerk of Court Elisa Longalong, Court of Appeals be **DIRECTED** to **REMINDE** the Chiefs of Offices/Divisions and their personnel, specially those offices with direct dealings with the public to be more prudent in the discharge of their duties and responsibilities least the public they vowed to serve be prejudiced; and

4. Atty. Semproniano S. Ochoco be **ADVISED** to see to it that his staff charged with filing of pleadings in court are knowledgeable and properly instructed on the matter.”[14]

We agree.

WHEREFORE, pursuant to the recommendation of the Court Administrator, the sanctions, as above recommended, are hereby imposed upon the above-named employee and officials of the Court of Appeals.

SO ORDERED.

Regalado (Chairman), Melo, Puno and Mendoza, JJ., concur.

[1] Annex “E,” G.R. No. 125240; Rollo, p. 25.

[2] Ibid., Rollo, p. 34.

[3] Id., Rollo, p. 46.

[4] Id., Rollo, p. 3.

[5] Id., Rollo, p. 48.

[6] Id., Rollo, p. 52.

[7] Id., Rollo, p. 47.

[8] See Comment.

[9] A.M. No. CA-98-8-P, Rollo, pp. 68-69.

[10] Villamor vs. Vera Cruz, Jr., 227 SCRA 239.

[11] Juntilla vs. Calleja, 262 SCRA 291.

[12] Cui vs. Madayag, 245 SCRA 1.

[13] Young vs. Office of the Ombudsman, 228 SCRA 718.

[14] A.M. No. CA-98-8-P, Memorandum dated September 30, 1997; Rollo, p. 73.

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