GEORGE S. BICBIC, COMPLAINANT, VS. DHALIA E. BORROMEO, CLERK OF COURT II, RESPONDENT.

A.M. No. P-01-1506. September 10, 2001

Ponente: MELO, J.

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MELO, J.:

At bar is an administrative complaint dated January 10, 2000 filed by George S. Bicbic charging Dahlia E. Borromeo, Clerk of Court II of the Municipal Trial Court of Biñan, Laguna, with dereliction of duty and incompetence, relative to Criminal Case No. 18829 entitled "People of the Philippines vs. Ligaya Villa Hermosa" for Robbery.

The present controversy stemmed from a criminal case filed on April 23, 1998 and an amended complaint filed on March 1, 1999, by complainant against Ligaya Villa Hermosa, et al. In the criminal case, complainant alleged that Ligaya Villa Hermosa, along with her cohorts, unlawfully and forcibly took possession of the rented house of complainant and carted away cash amounting to P15,000.00, important documents, and personal belongings such as documented chemical formulas and procedure in chemical preparations, to the damage and prejudice of complainant in the amount of P250,000.00.

On January 10, 2000, complainant filed an administrative complaint asserting that he had continually followed up the status of the case with respondent, who on July 5, 1999 allegedly informed him that the case was already submitted for resolution, but that after 3 months no action had been taken, thus prompting complainant to file a Motion for Early Resolution of the criminal case on October 14, 1999.

Complainant further claimed that when he followed "up the case on December 28, 1999, respondent gave him a copy of the order dated March 1, 1999, issued and duly signed by Judge Zenaida L. Galvez, finding reasonable ground to believe that accused Ligaya Villa Hermosa maybe convicted of the crime complained of, that she may place her under custody through a warrant of arrest, and ordering that the entire records of the case be forwarded to the provincial prosecutor of Biñan, Laguna for proper disposition. When complainant asked for a copy of the warrant of arrest, respondent was not able to give it to him as it was allegedly with another court employee. Complainant was furnished a copy of said warrant of arrest dated March 1, 1999 only on January 4, 2000 or 10 months after it was issued. Moreover, the order to transfer the record of the case to the provincial prosecutor of Biñan, Laguna given on March 1, 1999, had still to be complied with at the time the instant administrative complaint was filed.

In her comment dated April 4, 2000, respondent averred that when complainant followed up the resolution of the case sometime in December, 1999, an order was made on the same day issuing the warrant of arrest, but was dated March 1, 1999, a fact which was allegedly overlooked by the court in an effort to please the complainant. Respondent also contended that she was not able to transmit the warrant of arrest to the Biñan police on March 1, 1999 since the order for the issuance of the arrest warrant was made only after the complainant filed his Motion for Early' Resolution of the case on October 14, 1999. Respondent reasoned out that the court stenographer,

through inadvertence, placed March 1, 1999 on the said warrant rather than the correct date. Lastly, respondent maintained that she did not transfer the record of the case to the provincial fiscal immediately after March 1, 1999, in compliance with the order given by Judge Galvez, since the case had not yet been resolved at that time. The provincial prosecutor of Laguna received the records of the case on February 2, 2000.

In a letter-reply dated May 8, 2000 to the protestations of respondent, complainant reiterated in substance his allegations in the administrative complaint. Complainant further asserted that respondent continually shifted the blame as to the cause of the delay from the judge to the court stenographer. Complainant also argued that had there really been typographical errors in the documents, respondent should have simply corrected the same. Finally, complainant pointed out that respondent's transmittal letter dated February 2, 2000 addressed to the provincial prosecutor of Laguna contradicts respondent protestations that the criminal complaint was resolved on March 1, 1999.

Both complainant and respondent were required by the Court on August 30, 2000 to manifest whether they were willing to submit the case for resolution on the basis of the pleadings filed. Complainant did manifest that he was so willing, while respondent, despite proper service of the notice, failed to respond. Respondent was, therefore, deemed to be likewise willing to submit the case for resolution without further pleadings and arguments.

In the previous report and recommendation dated July 14, 2000, submitted by then Court Administrator Alfredo L. Benipayo, it was pertinently observed that respondent is guilty of inefficiency and incompetence in the performance of official duties.

We agree with the findings and recommendation of the Office of the Court Administrator.

No less than the Constitution of the Philippines mandates that a public office is a public trust and that public officers must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives (Article XI, Section 1, Constitution). Indeed, the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat from the judge to the last and lowest of its employees (Atty. Josephine Mutia-Hagad vs. Ignacia Denila and Jaime Dayot [A.M. No. P-00-1430, October 3, 2000]). Thus, this Court has consistently held that:

> Owing to the delicate position occupied by the Clerk of Court in the judicial system, they are required to be persons of competence, honesty and probity since they are specifically imbued with the mandate of safeguarding the integrity of the Court and its proceedings, to earn and preserve respect therefor, to maintain loyalty thereto, and to the judge as superior officer, to maintain the authenticity and correctness of court records and to uphold the confidence of the public in the administration of justice (Marasigan vs. Buena, 284 SCRA 1 [1998]).

In the case at bar, respondent's demeanor is clearly wanting. Considering that the order given by Judge Galvez for the issuance of the warrant of arrest and the transmittal of records of the case to the provincial prosecutor of Laguna was dated March 1, 1999, and that said order was given to the complainant only on December 28, 1999 or after the lapse of 10 months, it would indeed be incomprehensible should there be no fault on the part of anyone. And this could only be respondent. Even the copy of the warrant of arrest dated March 1, 1999, to be endorsed to the Police/District Officer/Warrant Officer of the PNP in Biñan, Laguna on the same date, was sent to the complainant only on January 4, 2000. Complainant also experienced this long' delay when respondent complied with the order of transmittal of the records of the case to the provincial prosecutor of Laguna given by Judge Galvez on March 1, 1999 only on February 2, 2000. As Clerk of Court, it is the responsibility of respondent to make sure that court orders are transmitted promptly and expeditiously to the party litigants.

We cannot accept respondent's claim that the mistake in the date in the order given by Judge Galvez was merely

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typographical. He would shift the blame to the court stenographer who allegedly, through inadvertence, placed the date March 1, 1999 on the warrant of arrest.

The Court reminds respondent of her sacred duty as an officer of the court. In the case of Atty. Teresita Reyes-Domingo vs. Miguel C. Morales (A.M No. P99-1285, October 4, 2000), we held:

> 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 seals, issuing processes, entering judgments and orders and, giving upon request, certified copies from the records.

It is the responsibility of respondent to see to it that the data in whatever legal document her office issues are true and accurate. She cannot shift the blame to the court stenographer who is her subordinate. Furthermore, it was respondent who prepared the warrant of arrest and she even endorsed it to the warrant officer of the PNP in Biñan, Laguna.

Respondent also claims that she did not transmit the records of the criminal case to the office of the provincial prosecutor of Biñan, Laguna on March 1, 1999 as ordered by Judge Galvez because the case has not yet been resolved. This most illogical because this same order resolved the case.

The conclusion is thus inevitable - respondent is apparently attempting to cover up the fact that she has been remiss in her duties to the detriment of complainant. Verily, Clerks of Court play a key role in the complement of the Court and cannot be permitted to slacken on their jobs under one pretext or another (Re: Report on the Judicial and Financial Audit of RTC, Branch 4, Panabo, Davao del Norte, 287 SCRA 510 [1998]).

WHEREFORE, Clerk of Court Dahlia E. Borromeo is hereby found guilty of Inefficiency and Incompetence in the performance of official duties, and she is hereby fined the amount of Five Thousand Pesos (P5,000.00) with a warning that the commission of the same or similar acts in the future will be dealt with more severely.

SO ORDERED.

Vitug, Panganiban, Gonzaga-Reyes, and Sandoval-Gutierrez, JJ., concur.

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