

JUDGE ERNESTO A. REYES, COMPLAINANT, VS. NORBERTO R. ANOSA, RESPONDENT.*A.M. No. P-96-1203. February 06, 1997*Read online (full-text search, related cases, audio case brief): <https://batas.org/library/366662967fee/>**PER CURIAM:**

In a letter dated February 21, 1996, Judge Ernesto A. Reyes[*] (Branch 19, Metropolitan Trial Court of Manila), recommended the dismissal from the service of respondent Norberto R. Anosa, Utility Worker assigned in his court, for grave misconduct, dereliction of duty and conduct unbecoming a public officer. On April 23, 1996, we treated the letter as an administrative complaint and referred it to Executive Judge Thelma C. Ponferrada (Metropolitan Trial Court, Manila) for investigation. On September 5, 1996, Judge Ponferrada submitted her Investigation Report, which was concurred in by Acting Court Administrator Reynaldo Suarez, recommending the dismissal of respondent Anosa.

We uphold the recommendation.

It appears that on February 7, 1996, Judge Reyes received a copy of an Information[1] charging the respondent with the crime of falsification of public document in that the latter delivered a falsified release order of a certain Gregorio Sanchez who was under detention at the National Bilibid Prisons (NBP) for the offense of Illegal Possession of Firearm and Ammunition. It was not his duty to deliver release orders coming from Branch 32 of the Regional Trial Court presided by Judge Juan C. Nabong, Jr. Prior to this, Ms. Rosario de Guzman, the Branch Clerk of Court of Branch 2, Metropolitan Trial Court of Manila found bundles of mail (Exhibits E, E-1 to E-7) belonging to Branch 19 (complainant Judge's sala) on top of the cabinet inside the staff room of Branch 2. When the bundles of mail were returned to Mr. Conrado Evangelista, the Clerk of Court of Branch 19, Judge Reyes discovered that the envelopes contained notices and subpoenas to parties and counsels for hearings scheduled way back in 1993, 1994 and 1995. Upon confrontation, the respondent admitted that he forgot to deliver the mail matters but he did not receive any warning or admonition for failure to do his job.[2]

Judge Reyes also observed that there were times when respondent would report late for work and leave before the official time.[3] The records show that from February 1 to 13, 1995 and from February 22 to March 5, 1996, except on March 1, 1996 respondent failed to report for work. Since then, until the date when Judge Ponferrada conducted her investigation, respondent had been absent from the office.[4]

On February 9, 1996, Judge Reyes issued a Memorandum requiring respondent to explain in writing why he should not be dismissed from service.[5]

In response to the Memorandum, respondent made the following explanation, viz:

"Ito po ay patungkol sa memorandum na natanggap ko noong Martes.

"Inaamin ko po ang naging kapabayaang ko sa hindi pagkahulog sa post office ng mga notices. Ito po ay buong awa kong inihihingi ng tawad sa inyong mabuting kalooban.

"Nangyayari po lamang madalas akong mahuli sa umaga ay sa dahilang naghahatid pa po ako sa eskwelahan sa

anak kong Grade III. Hindi po ako umaalis ng opisina sa oras ng trabaho. Kadalasan po ay nasa ibaba lamang ako. Paminsan-minsan naman po ay may mga taong nagpapatulong sa akin mag-ayos ng kanilang mga papeles. Sila po ay aking tinutulungan ng lubos sa aking kalooban at hindi po ako humihingi ng kabayaran o anumang kapalit. Kung sa aking pagtulong sa kanila ay inaabutan ako ng kaunting halaga ito po ay kusang-loob sa kanila. Pangdagdag na rin po ito sa mga araw-araw na gastusin ng aking pamilya na hindi makakaya kung tanging sahod ko lamang ang aking aasahan.

"Tungkol naman sa demanda sa akin ay maipagmamalaki ko pong sabihin na ako'y INOSENTE sa bagay na ito. Bilang isang empleyado ng korte ay napakiusapan po akong maghatid ng release order. Nang mapasakamay ko po ang nasabing release order ay may pirma na ito ng judge. Kung ang pirma pong iyon ay totoo o peke ay hindi ko na po alam.

"Judge, nagmamakaawa po ako sa inyo na sana ay bigyan pa ninyo ako ng pagkakataon na maglingkod sa inyo at sa taumbayan at aking ipinangangako na gagampanan ko na po ang aking tungkulin bilang isang empleyado ng gobyerno. Hindi na rin po ako tutulong sa mga taong hindi ko lubos na kilala para hindi na ako mapahamak. Kung ako po ay matatanggal sa kasalukuyan kong trabaho, ang isang taong katulad ko ay kawawa po naman ang mga anak ko na sa akin lamang umaasa.

"Sana po ay maunawaan ninyo ang aking kalagayan."[6]

Respondent's explanation is far from satisfactory. His failure to deliver the notices of hearing and subpoenas to litigants and witnesses amounts to an utter disregard of the duty as a court employee. As a Utility Worker, respondent has the following duties:

"9. Court Aide/Utility Worker. — The Court Aide/Utility Worker (whenever provided for) acts as courier of the Court, keeps in custody and maintains a record book on matters dispatched by the Court; monitors messages and/or delivers mail matters received to Court employees; sews originals of records, pleadings/documents as directed by the Clerk of Court, docket clerk and clerks-in-charge in the strict order of the dates in which received and in the correct expediente, seeing to it that they are sewn straight, and that no letterings or parts thereof are stitched; maintains cleanliness in and around the Court premises; and performs such other functions as may be assigned by the Presiding Judge/Clerk of court."[7] (Underscoring provided.)

As a utility worker respondent performs vital work which has a material bearing on the fast and efficient administration of justice. The disposition of cases suffered undue delay because there were no returns on the subpoenas or notices which should have been mailed by the respondent.[8] As well-observed by the Investigating Judge, "x x x the life of a case is dependent upon the effective service of notices, and respondent's failure to deliver the mail matter as courier of the court somehow resulted in the delay in the administration of justice."[9] To be sure, the wheels of justice will not run without the cooperation of the staff of judges composed of clerks of court, staff assistants, legal researchers, sheriffs, process servers, court stenographers, interpreters, bailiffs and, as in this case, court aides or utility workers. Thus, for better delivery of judicial services to our people, we stressed the need for synchronistic action of judges and their staff in *RTC Makati Movement Against Graft and Corruption v. Dumlao*[10] viz:

"Public service requires utmost integrity and strictest discipline. A public servant must exhibit at all times the highest sense of honesty and integrity. The administration of justice is a sacred task. By the very nature of their duties and responsibilities, all those involved in it, must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust; and all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency. The conduct and behavior of everyone connected with the office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the

heavy burden of responsibility. x x x".

Equally disappointing is respondent's explanation that he reports for work but stays downstairs and sometimes helps, whether for a fee or not, people who need to follow-up papers in court. Allegedly, he does so to augment his income from the government which, according to him, is not adequate to support his family. We have dismissed this excuse in *Biyaheros Mart Livelihood Association, Inc. v. Cabusao, Jr.*[11] where we held that "(g)overnment service demands great sacrifice. One who cannot live with the modest salary of a public office has no business staying in the service. He is free to seek greener pastures. The public trust character of the office proscribes him from employing its facilities or using official time for private business or purposes." Our ruling is aligned with the Code of Conduct and Ethical Standards for Public Officials and Employees which demands that every public servant shall at all times uphold public interest over his personal interest.

Anent the charge of falsification, respondent's guilt is yet to be determined pending the resolution of Criminal Case No. 302709. Its pendency, however, is not a hindrance to his dismissal considering that the other charges are serious and sufficient in themselves.

IN VIEW WHEREOF, respondent Utility Worker Roberto Anosa is dismissed from the service with forfeiture of all benefits, if any, and with prejudice to his subsequent employment in any other government agency.

SO ORDERED.

Narvasa, C.J., Padilla, Regalado, Davide, Jr., Romero, Bellosillo, Melo, Puno, Vitug, Kapunan, Mendoza, Francisco, Hermosisima, Jr., Panganiban and Torres, Jr., JJ., concur.

[*] Now Presiding Judge, Br. III, Regional Trial Court, Pasay City.

[1] The Information read as follows:

"That on or about 31st day of January, 1996, and for sometime prior thereto, in the City of Manila, Philippines, the said accused conspiring, and confederating together and helping each other, being then Bondsman and Court employee, respectively, did then and there wilfully, unlawfully and feloniously commit acts of falsification of public document in the following manner, to wit: the said accused, with intent to cause damage, prepared, executed and falsified or caused to be forged, executed and falsified an ORDER OF RELEASE for the release from detention at Camp Ricardo R. Papa of one Gregorio Sanchez y Ombrog, who had been charged and detained for the offense of Illegal Possession of Firearm and Ammunition, by then and there stating therein, among others, that said Gregorio Sanchez y Ombrog, thru his wife Shirley Sanchez, had filed a personal bailbond in the amount of P15,000.00, and then signing the name Juan C. Nabong, Jr., Judge Regional Trial Court, Manila, Branch 32 appearing on the right hand portion of said document, thereby making it appear, as it did appear, that said Hon. Judge Juan C. Nabong, Jr. had participated in the signing of the said document, when in truth and in fact, as the accused well knew, such was not the case in that the said Hon. Judge Nabong, Jr. did not participate and/or intervene in the signing of the said document, much less did he authorize the said accused or anybody else to sign his name or affix his signature thereon; that once the said document had been forged and falsified in the manner above set forth, the same was presented to the Jail Officer of the Camp Ricardo R. Papa for the release of said Gregorio Sanchez, to the damage and prejudice of said Shirley Sanchez and/or public interest."

[2] Investigation Report of Judge Ponferrada, pp. 6-7; Rollo, pp. 175-176.

[3] TSN, August 21, 1996, p.17; Rollo, p.97.

[4] *Ibid.*, p.7.

[5] Investigation Report of Judge Ponferrada, p.3; Rollo, p.122.

[6] Rollo, p.4.

[7] Manual for Clerks of Court, p.35.

[8] TSN, July 17, 1996, p.18; Rollo, p. 43.

[9] Investigation Report, p.9; Rollo, p. 178.

[10] 247 SCRA 117 (1995); Policarpio v. Fortus, 248 SCRA 272 (1995); De Luna v. Ricor, 250 SCRA 6 (1995); Gano v. Leonen, 232 SCRA 101 (1994).

[11] 232 SCRA 713 (1994).

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