

**ANTONIO S. FABICULANA, SR., COMPLAINANT, VS. ATTY. MANUEL B. GADON, BRANCH CLERK OF COURT, RTC BR. 82, ODIONGAN, ROMBLON, RESPONDENT.**

*A.M. No. P-94-1101. December 29, 1994*

Ponente: PADILLA, J.

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**PADILLA, J.:**

Complainant Antonio S. Fabiculana, Sr., father of the victim in Criminal Case No. OD-415, filed a letter-complaint with this Court dated 8 August 1994 against respondent Atty. Manuel B. Gadon, Branch Clerk of Court, Branch 82, of the Regional Trial Court of Odiongan, Romblon.

The letter-complaint charges respondent clerk of court with neglect of duties in connection with Criminal Case No. OD-415 entitled "People of the Philippines vs. Sonny Fadera," a prosecution for murder, which was decided by the aforementioned branch of the RTC of Odiongan, Romblon on 23 August 1991.

Complainant alleges that it took respondent 29 months after the judgment of conviction and subsequent appeal by the accused in said criminal case, to forward the records of the case to the Court of Appeals. This, complainant further alleges, allowed the accused-appellant to continue enjoying liberty pending appeal.

When required to comment, respondent stated that it was a certain Ciriaco Y. Forlales a sheriff of Branch 82 of the RTC, Odiongan, Romblon, who neglected to transmit the records of the case to the Court of Appeals. Respondent claimed that he had required the above-named sheriff to explain why he should not be administratively charged and that he (respondent) was satisfied that the explanation was adequate. Respondent attached to his comment an affidavit executed by Ciriaco Y. Forlales stating that:

- a) In November 1991, while he was then occupying the position of Clerk III of Branch 82, an order was issued by the presiding judge ordering the transmittal of the records of Criminal Case No. OD-415 to the Court of Appeals, in the wake of accused's appeal from the judgment of conviction by the trial court.
- b) That he was assigned to review the records of the case and make sure they were complete and thereafter transmit the same to the Court of Appeals.
- c) That he took the records of the case home so he could complete his work.
- d) That he kept the records locked in a steel cabinet in his house.
- e) That it was only sometime in February 1994 when he saw the records still in his steel cabinet and he remembered that he unintentionally forgot to transmit the same to the Court of Appeals.

The letter-complaint and respondent's comment together with the aforementioned affidavit were referred by the Court to the Office of the Court Administrator (OCA) for evaluation, report and recommendation.

The OCA, through deputy court administrator Reynaldo L. Suarez, submitted a report dated 7 November 1994

recommending that respondent Atty. Manuel B. Gadon be admonished to exercise closer supervision over his subordinates and that Ciriaco Y Forlales be reminded to be more conscientious in the performance of his duties.

We agree that the acts of these two (2) court employees merit administrative sanctions from this Court.

Respondent Atty. Manuel B. Gadon, as Branch Clerk of Court, acts as the administrative officer of the court. He has control and supervision over all court records, exhibits, documents, properties and supplies. Among his duties is the prompt and orderly transmittal of appealed cases and their records to the appellate court. The clerk of court also exercises general supervision over court personnel.

In this case, Atty. Manuel B. Gadon clearly neglected his duty when he failed to follow-up the transmittal to the Court of Appeals of the records of Criminal Case No. OD-415. The admitted negligence of a court employee (in this case, Forlales) will not in any way excuse his (respondent's) negligence in not exercising the proper supervision over his subordinate.

Likewise Ciriaco Y. Forlales, although not a respondent in complainant's letter-complaint, should be meted the proper penalty, having admitted taking the records of the case home and forgetting about them. Court employees are, in the first place, not allowed to take any court records, papers or documents outside the court premises. It is clear that Forlales was not only negligent in his duty of transmitting promptly the records of an appealed case to the appellate court but he also failed in his duty not to take the records of the case outside of the court and to subsequently forget about them.

The penalty recommended by the OCA is too light considering the gravity of the offense. The acts of the two (2) court employees are clearly inimical to the speedy administration of justice.

WHEREFORE, premises considered, Atty. Manuel B. Gadon and Ciriaco Y. Forlales are each ordered to pay a fine of Five Thousand Pesos (P5,000.00), with a stern warning that commission of the same or similar act or acts in the future will be dealt with more severely.

**SO ORDERED.**

Davide, Jr., Bellosillo, Quiason, and Kapunan, JJ., concur.

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