

ROSARIO S. PANUNCIO, COMPLAINANT, VS. OSCAR T. ESPIRITU, CLERK III, REGIONAL TRIAL COURT, PASIG CITY, BRANCH 165, RESPONDENT.*A.M. No. P-02-1559 (formerly, A.M. OCA IPI No. 98-510-P). May 28, 2002*

Ponente: CARPIO, J.

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This administrative case originated from a case filed with the Office of the Ombudsman, docketed as OMB-0-94-4239 and entitled “Rosario S. Panuncio vs. Morrel Callueng, et al.” for violation of R.A. 3019 (Anti-Graft and Corrupt Practices Act) and unlawful arrest allegedly committed by the respondents therein, who are agents of the National Bureau of Investigation (“NBI” for brevity), in connection with a criminal case (No. CCC-VII-3359-Rizal) for Murder pending before the Regional Trial Court of Pasig (“RTC-Pasig” for short), Branch 165. The Office of the Ombudsman dismissed OMB-0-94-4239 but found through its Fact-Finding and Intelligence Bureau that the records of the Criminal Case No. CCC-VII-3359-Rizal could no longer be located. The Office of the Ombudsman therefore, recommended that Oscar Espiritu, the criminal records custodian of the RTC-Pasig, Branch 165, be charged with the crime of Infidelity in the Custody of Documents for the loss of the records of Criminal Case No. CCC-VII-3359-Rizal.

The Facts

From the records, it appears that herein complainant Rosario Panuncio was arrested on November 17, 1994 by NBI agents by virtue of a warrant of arrest dated March 1, 1989 issued by the RTC-Pasig, Branch 165 in Criminal Case No. CCC-VII-3359-Rizal. Panuncio was able to produce a copy of the Order dated April 4, 1989 issued by the same court recalling the warrant of arrest it earlier issued. To clarify the matter, the NBI agents brought Panuncio to the RTC-Pasig, Branch 165 but the records of Criminal Case No. CCC-VII-3359-Rizal could not be located by respondent Oscar Espiritu (“Espiritu” for brevity), the custodian of the criminal records in said court. Upon verification in the docket book of the Prosecutor’s Office, the NBI agents were informed that the criminal case had been dismissed as early as July 26, 1989. Hence, Panuncio was released from detention in the afternoon of November 17, 1994. As a consequence, Panuncio filed a case before the Office of the Ombudsman against the NBI agents for unlawfully arresting her and for allegedly attempting to extort money from her. The case was docketed as OMB-0-94-4239 which was eventually dismissed but the Fact-Finding and Intelligence Bureau (“Bureau” for brevity)) of the Office of the Ombudsman was tasked to investigate the loss of the case records of Criminal Case No. CCC-VII-3359-Rizal. This matter was re-docketed as OMB-098-877. On April 7, 1998, the Office of the Ombudsman approved the report and recommendation of the Bureau that Oscar Espiritu, the criminal records custodian of the RTC-Pasig, Branch 165, be charged with the crime of Infidelity in the Custody of Documents for the loss of the records of Criminal Case No. CCC-VII-3359-Rizal. On June 2, 1998, the Office of the Ombudsman issued a resolution referring the case to this Court on the ground that respondent Oscar

Espiritu is a court employee holding the position of Clerk III. Hence, this administrative matter.

On January 30, 2001, the Office of the Court Administrator required respondent Espiritu to submit his comment.

In his Comment dated March 16, 2001, respondent Espiritu admits that he is charged with the custody of the records of all criminal cases and that indeed the records of Criminal Case No. CCC-VII-3359-Rizal could no longer be located. He surmises, however, that the said records might have been lost during their transfer from their former sala at Eulogio Rodriguez Bldg. to the new Hall of Justice, Provincial Capitol Compound, Pasig City sometime in November 1991. He adds that the records of cases were kept in cabinets without locks so that anyone can just retrieve the records without him knowing it. Respondent Espiritu further avers that he did not intend to remove or destroy said records and neither could he profit from said disappearance.

OCA Report and Recommendation

The Office of the Court Administrator ("OCA" for short) submitted a Report recommending that respondent Espiritu be fined in the amount of One Thousand Pesos (P1,000.00) for neglect of duty, with a warning that a similar offense shall be dealt with more severely. The Court Administrator opined that the loss of the records of Criminal Case No. CCC-VII-3359-Rizal leads to no other conclusion than that respondent Espiritu, being charged with the safekeeping of the records, was remiss in the performance of his duties.

The Court's Ruling

We agree with the findings and conclusions of the OCA and hereby approve the recommendation that respondent Espiritu be meted a fine in the amount of One Thousand Pesos (P1,000.00).

It is a well-settled rule that as an officer of the court, respondent is expected to discharge his duty of safekeeping court records with diligence, efficiency and professionalism.[1] Consonant with his duty of safekeeping the records of cases is the bounden duty to see to it that the records are kept in secure places.

Respondent Espiritu attributes the loss of the records of Criminal Case No. CCC-VII-3359-Rizal to the fact that they transferred sala and that the cabinets where he keeps the records have no locks. This is untenable.

The fact of transfer of sala to a new building is not a valid excuse to be remiss in the performance of his duty. Respondent should have adopted measures to safely transfer all records and to see to it that the place where these records are kept are secure. He should have provided locks for the cabinets where these records are kept or, if this would be financially burdensome, at least inform his superior, the clerk of court, or the presiding judge of his predicament so that appropriate measures could be taken. Nowhere in the records does it show that respondent even attempted to seek assistance from the clerk of court or presiding judge for the proper security and safety of court records. Indeed, he failed to exercise due diligence and efficiency in the discharge of his duty of safekeeping court records.

It should be borne in mind that court records are confidential documents which must not be taken out of the court without proper authority and without the necessary safeguards to ensure their confidentiality and integrity.[2] The rule is settled that those involved in the administration of justice must live up to the strictest standard of honesty and integrity in the public service.[3] 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.[4] As officer of the court, respondent is therefore expected to discharge his duty of safekeeping court records with due diligence.

For lack of satisfactory explanation in failing to use reasonable skill and diligence in the performance of his officially designated duties, respondent Espiritu must face the consequences. His neglect of duty warrants

administrative sanction.

WHEREFORE, as recommended by the Court Administrator, respondent Oscar Espiritu, Clerk III of the Regional Trial Court of Pasig City, Branch 154 is hereby FINED in the amount of One Thousand (P1,000.00) Pesos for neglect of duty. He is further warned that a repetition of the same or similar act shall be dealt with more severely by this Court.

SO ORDERED.

Melo, (Chairman), Vitug, and Panganiban, JJ., concur.

Sandoval-Gutierrez, J., on leave.

[1] Cruz vs. Tantay, 305 SCRA 128 (1999).

[2] Mirasol vs. De la Torre, Jr., 195 SCRA 667 (1991).

[3] Solidbank Corp. vs. Capoon, Jr., 289 SCRA 9 (1998).

[4] Office of the Court Administrator vs. Alvarez, 287 SCRA 325 (1998).

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