

OFFICE OF THE COURT ADMINISTRATOR, Complainant, vs. ATTY. NORMA D. GARCIA-RAÑOCO, Respondent.*A.M. No. P-03-1717. March 06, 2008*

Ponente: CARPIO, J.

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This administrative case arose from a letter Atty. Norma D. Garcia-Rañoco (respondent), Clerk of Court, Regional Trial Court, National Capital Judicial Region, Branch 30, Manila (RTC), sent to the Office of the Court Administrator (OCA) requesting for a formal investigation on the missing exhibits and transcripts of stenographic notes (TSNs) in G.R. No. 117456.[1]

On 19 October 1981, Gamboa, Rodriguez, Rivera & Company, Inc., CIFRA & Company, Inc., and ARCA & Company, Inc. (plaintiffs) filed a complaint against the Philippine National Bank (PNB) and National Sugar Development Corporation with the RTC. On 21 October 1988, Judge Jesus O. Ibay (Judge Ibay) of the RTC rendered a Decision[2] in favor of the plaintiffs. On 23 November 1988, PNB filed a notice of appeal with the Court of Appeals (CA). On 25 November 1988, the plaintiffs filed a notice of partial appeal with the CA. On 29 September 1993, the CA rendered a Decision affirming Judge Ibay's Decision without modification.

PNB filed a petition for review on certiorari with the Court. On 18 July 1994, the Court rendered a Resolution[3] dismissing the petition. On 10 October 1994, the Court issued an Entry of Judgment[4] stating that the Resolution had become final and executory. On 27 July 1995, the CA remanded the records of the case to the RTC. The records consisted of one envelope containing the exhibits, two folders containing the original records, 10 copies of the TSNs, and the Court's Resolution. On 30 October 1995, Eric C. Alfajora, Clerk III and civil-in-charge at the RTC, received the records.

The plaintiffs likewise questioned the CA's Decision before the Court. Thus, in a Resolution dated 8 October 2001, the Court directed respondent to forward the case records to it. Respondent looked for the records but could not find them, so she asked for the assistance of the other RTC staff. Benedicto S. Espenido, utility worker at the RTC, found the two rollos of the case. However, the envelope containing the exhibits and the 10 copies of the TSNs were missing. In a letter[5] dated 25 October 2001, respondent requested the OCA to conduct a formal investigation.

In its 1st Indorsement dated 4 December 2001, the OCA referred the matter to Judge Cielito N. Mindaro-Grulla (Judge Mindaro-Grulla), pairing judge at the RTC, for investigation, report, and recommendation. In her Report dated 29 April 2002, Judge Mindaro-Grulla found that respondent was negligent: (1) she considered the case terminated when in fact it was not; (2) she did not segregate and safely keep in a separate cabinet the envelope containing the exhibits; and (3) she did not lock the cabinet containing the exhibits. Judge Mindaro-Grulla recommended that respondent be suspended for six months.

In its Report dated 8 April 2003, the OCA agreed with the findings of Judge Mindaro-Grulla. The OCA recommended that the case be docketed as an administrative matter and that, considering the presence of

mitigating circumstances, respondent be suspended for only one month.

The Court finds respondent liable for simple neglect of duty. Simple neglect of duty is the failure to give attention to a task, or the disregard of a duty due to carelessness or indifference.[6]

Clerks of court are ranking officers who perform vital functions in the administration of justice.[7] They are the designated custodians of,[8] and have control over,[9] court records. Section 7, Rule 136 of the Rules of Court states that clerks of court shall safely keep all the records, papers, files, and exhibits committed to their charge. The 2002 Revised Manual for Clerks of Court states that the duties of clerks of court include receiving and keeping the necessary papers of cases. In *Office of the Court Administrator v. Carriedo*,[10] the Court held that clerks of court are duty-bound to safely keep court records and have them readily available upon request. They must be diligent and vigilant in managing the records. In *Office of the Court Administrator v. Ramirez*,[11] the Court held that clerks of court are liable for the loss of court records.

As a clerk of court, respondent was remiss in safely keeping the case records: (1) she did not segregate the exhibits and TSNs and put them in a separate cabinet because she mistakenly thought that the case was already terminated; (2) she left the cabinet containing the exhibits unlocked for several years; and (3) even after learning about the missing exhibits and TSNs, she did not lock the cabinet.

Respondent explained that she did not lock the cabinet because the lock was destroyed. As a clerk of court, respondent should have exercised diligence, informed the judge about the broken lock, and resorted to safety measures to ensure the safety of the exhibits. In *Office of the Court Administrator v. Ramirez*,[12] the Court held a clerk of court liable for simple neglect of duty for ignoring the poor condition of the cabinet where pieces of evidence were stored:

The records note the dilapidated condition of the steel cabinet where the pieces of evidence are stored. This fact already requires immediate attention from the clerk of court, he or she being the custodian of court's x x x documents and exhibits. A simple exercise of diligence would have alerted the Clerk of Court to inform the judge of the necessary repair and to resort to reliable safety measures to ensure the safety of the contents of the cabinet. In failing to observe this, [the clerk of court] is held liable for simple neglect of duty.

Section 52(B)(1) of the Revised Uniform Rules on Administrative Cases in the Civil Service[13] classifies simple neglect of duty as a less grave offense punishable by one month and one day to six months suspension for the first offense. Section 54 states that the medium period of the penalty shall be imposed when there are no mitigating and aggravating circumstances.

Respondent's length of service in the judiciary and the fact that trial courts lack proper facilities cannot be appreciated as mitigating circumstances. Having served the judiciary for a long time, respondent should have been more efficient in managing the court records. And had she segregated and placed the exhibits and TSNs in a locked cabinet, the records would not have been lost.

WHEREFORE, the Court finds Atty. Norma D. Garcia-Rañoco, Clerk of Court, Regional Trial Court, National Capital Judicial Region, Branch 30, Manila, GUILTY of simple neglect of duty. Accordingly, the Court SUSPENDS her from office for three months without pay and STERNLY WARNS her that a repetition of the same or similar acts shall be dealt with more severely.

SO ORDERED.

Puno, C.J., (Chairperson), Corona, Azcuna, and Leonardo-De Castro, JJ., concur.

- [1] Entitled “Gamboa, Rodriguez, Rivera & Company, Inc., CIFRA & Company, Inc., and ARCA & Company, Inc. v. Court of Appeals.”
- [2] Rollo, pp. 39-40.
- [3] Id. at 43.
- [4] Id. at 44.
- [5] Id. at 2.
- [6] Office of the Court Administrator v. Paredes, A.M. No. P-06-2103, 17 April 2007, 521 SCRA 365, 370.
- [7] Re: Report on the Judicial Audit Conducted at the Municipal Trial Court in Cities (Branch 1), Surigao City, A.M. No. P-04-1835, 11 January 2005, 448 SCRA 13, 23.
- [8] Sy v. Esponilla, A.M. No. P-06-2261, 30 October 2006, 506 SCRA 14, 20-21.
- [9] Office of the Court Administrator v. Ramirez, A.M. No. MTJ-03-1508, 17 January 2005, 448 SCRA 288, 296-297.
- [10] A.M. No. P-04-1921, 20 October 2005, 473 SCRA 443, 446-447.
- [11] Supra note 9, at 295.
- [12] Id. at 296.
- [13] Promulgated by the Civil Service Commission through Resolution No. 99-1936 dated 31 August 1999 and implemented by CSC Memorandum Circular No. 19, Series of 1999.

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