

SINFOROSO P. ANG, COMPLAINANT, PRESENT: VS. ARNIEL E. CRUZ, CLERK III, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, PROMULGATED: CABANATUAN CITY, RESPONDENT.

A.M. NO. P-04-1822. February 06, 2006

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is an administrative complaint against Arniel E. Cruz ("respondent"), Clerk III, Office of the Clerk of Court, Regional Trial Court, Cabanatuan City, for Obstruction of Justice, and Conduct Unbecoming and Unfit for an Officer of the Court.

The Facts

In his Letter-Complaint dated 16 July 2001, complainant Sinforoso P. Ang ("complainant") stated that on 26 December 2000, he filed a Petition for the Exercise of Substitute Parental Authority over Minor Roumeina Lyn Felize Sta. Maria ("Yza") with the Regional Trial Court, Branch 26 ("RTC") of Cabanatuan City, Nueva Ecija, against oppositors May Lyn G. Sta. Maria, Erlina Sta. Maria and Christopher Sta. Maria ("oppositors"). On 13 June 2001, between 9:00 a.m. and 10:00 a.m., Presiding Judge Evelyn L. Dimaculangan-Querijero issued an Order directing Deputy Sheriff Angelito B. Annang ("Sheriff Annang") to take custody of Yza from her maternal grandmother Erlina Sta. Maria, and entrust her temporary custody to complainant. The Order[1] was formally issued at 4:45 p.m. of the same day.

On the afternoon of 14 June 2001, complainant and Sheriff Annang proceeded to the College of Immaculate Conception, the school of Yza, to implement the Order. Cristina De Guzman ("Ms. De Guzman"), Yza's teacher, told them that on 13 June 2001, at 4:00 p.m., Yza was fetched by her mother May Lyn Sta. Maria ("Ms. Sta. Maria"). Ms. Sta. Maria told Ms. De Guzman that she "will undertake to hide" Yza since they had been informed "by their relative" that the court would issue an order giving temporary custody of Yza to complainant.[2]

At this point, Sheriff Annang informed complainant that he received a text message from respondent on 13 June 2001, about 4:30 p.m., stating "Pre, pamangkin ko yung bata, baka puede mo gawan ng paraan, kawawa naman yung nanay." [3] And so, despite serious efforts to locate Yza and implement the Order of the court, the Order was left unsatisfied.[4] Complainant alleged that it was because of the "surreptitious relaying of advance information" by respondent to Ms. Sta. Maria that she was able to take away and hide Yza thus "circumventing" the Order of the court.[5]

In his Explanation/Answer dated 17 October 2001, respondent categorically denied the charges. He claimed that the Order "was dictated in open court, overheard by the intriguing ears of several people inside the courtroom during that time and highly susceptible of being leaked out by anybody who was present when the order was issued and dictated." [6] He said that he never appeared for any party during the hearing on 13 June 2001 and he

was not present when the judge dictated the Order. He also stated that he had no access to the records of the RTC, Branch 26, or the other branches of any court.

About the text message, respondent did not deny sending the same to Sheriff Annang. He claimed that "there was no statement therein made to suggest that he had diffused to the oppositors the information regarding the tenor of the orderddd (sic) thereby enabling the oppositors, specifically the biological mother, to hide the minor child Yza." [7]

In the 1[st] Indorsement dated 9 August 2001, the Letter-Complaint was referred to Executive Judge Tomas B. Talavera ("Judge Talavera"), RTC, Branch 28, Cabanatuan City, Nueva Ecija, for investigation, report and recommendation.

The Formal Investigation Report

In his Formal Investigation Report dated 1 July 2003, Judge Talavera recommended the dismissal of the administrative complaint for lack of sufficient evidence. He stated in his Report that:

x x x However, the complainant in this particular case was not able to prove the fact that respondent Mr. Arniel Cruz notified the mother of minor Iza ahead of the service of the Order to be made by Sheriff Angelito B. Annang. The complainant based his complaint solely on the text message sent by respondent to Sheriff Angelito B. Annang, [to] which he gave no reply. It is clear, therefore, to state that there is no sufficient evidence for the Court to rely [on] that could have led to the issuance of a recommendation that would penalize respondent Mr. Arniel B. Cruz. [8]

The Recommendation of the Office of the Court Administrator

In its Report dated 29 April 2004, the Office of the Court Administrator ("OCA") recommended that the case be re-docketed as an administrative case. The OCA also recommended that the Court find respondent guilty of Conduct Prejudicial to the Best Interest of the Service and that the Court fine respondent P2,000, with a strong warning that a repetition of the same or similar offense shall merit a more severe penalty. The OCA Report reads:

There is no evidence that directly points to respondent as the one who leaked to the oppositors the order of the court dated 13 June 2001. However there are circumstances known to respondent which should have made him extra careful about his actuations concerning the case. First, the oppositors are his relatives; second, respondent is an employee in the Office of the Clerk of Court of RTC, Cabanatuan City, the highest administrative officer (sic) in the Court and its branches. Respondent, is naturally, a possible suspect in the leakage. In fact, Judge Evelyn L. Dimaculangan-Querijero of Branch 26, which (sic) issued the order, testified that while she believed that Mr. Rodolfo Marquez, Sr., the OIC-Legal Researcher of her court, could have leaked the contents, the culprit could have also been respondent. It is in light of these circumstances that the following should be considered: 1. Judge Querijero testified that she used to see respondent together with the oppositors whenever the latter attends the hearings of their case and 2. the respondent's text message to Sheriff Angelito B. Annang saying "Pre, pamangkin ko yung bata, baka puede mong gawan ng paraan, kawawa naman yung nanay". The allegation regarding the text message was never rebutted by the respondent (Rollo p.32). Thus considered, the actuations of respondent are conduct prejudicial to the best interest of the service.

Time and again, the Court has held that the conduct of each employee of a court of justice must, at all times, not only be characterized with propriety and decorum, but above all else, be above suspicion. They should assist, not interfere, in the administration of justice. Having failed to observe these very exacting standards, herein respondent should suffer the consequences of his act. [9]

The Court's Ruling

The Court finds the OCA's Report well taken.

The OCA correctly noted that there is no direct evidence that respondent leaked to oppositors the Order of the court. Indeed, anyone present in the courtroom that morning could have informed the oppositors about the Order.

However, respondent does not deny sending the text message to Sheriff Annang. Neither does respondent dispute the contents of the message. By this act alone, respondent is administratively liable.

Parties seeking redress from the courts for grievances look on court personnel as part of the Judiciary. In performing their duties and responsibilities, court personnel serve as sentinels of justice and any act of impropriety on their part immeasurably affects the honor and dignity of the Judiciary and the people's confidence in it.[10]

The respondent's relationship with oppositors made him take undue interest in the case. Being a court employee, respondent ought to have known that it was improper for him to communicate with Sheriff Annang on the pending Order of the court. Respondent tried to interfere with the duty of the sheriff in implementing the Order. In doing so, respondent undermined the faith of complainant and, ultimately, of the public in the court's administration of justice.

The conduct of court personnel, from the highest magistrate to the lowliest clerk, must always be beyond reproach. The Court cannot tolerate any conduct, act or omission of court personnel which violate the norm of public accountability and diminish the faith of the people in the Judiciary.[11]

WHEREFORE, we FIND respondent Arniel E. Cruz, Clerk III, Office of the Clerk of Court, Regional Trial Court, Cabanatuan City, GUILTY of Conduct Prejudicial to the Best Interest of the Service for which we FINE him P2,000.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, and Tinga, JJ., concur.

[1] Rollo, pp. 13-14.

[2] Id. at 8.

[3] TSN, 22 November 2001, p. 6 (Sheriff Angelito B. Annang).

[4] Id. at. 7-11.

[5] Rollo, p. 8.

[6] Id. at 11.

[7] Id.

[8] Id. at 59.

[9] Id. at 4.

[10] A.M. No. 03-03-13-SC, Code of Conduct for Court Personnel which took effect on 1 June 2004.

[11] Civil Service Commission v. Sta. Ana, 435 Phil. 1 (2002).

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