

ATTY. LELU P. CONTRERAS, COMPLAINANT, VS. TERESITA O. MONGE, CLERK IV, REGIONAL TRIAL COURT-OFFICE OF THE CLERK OF COURT, IRIGA CITY, RESPONDENT.

A.M. No. P-06-2264 (Formerly OCA I.P.I Nos. 05-2136-P and 05-2137-P). September 29, 2009

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/534c82455e16/>

CORONA, J.:

This administrative case originated from two complaints filed by Atty. Lelu P. Contreras[1] against respondent Teresita Monge of the office of the clerk of court of the Regional Trial Court (RTC) of Iriga City.

The first complaint[2] charged respondent with neglect of duty and discourtesy.[3] Allegedly, respondent did not keep an orderly and updated file of water bills and failed to inform complainant of the notice of water disconnection. She likewise did not include two cases for raffle. Moreover, respondent allegedly did not submit a report on office attendance in the flag raising and retreat ceremony.

The second complaint[4] charged respondent with insubordination and grave misconduct. She allegedly tampered with her Bundy card, failed to log in and out in the attendance logbook, went absent without official leave and, on various occasions, left the office without authority after recording her attendance for the day, thus making it appear that she was present for work.[5]

In an indorsement by the Office of the Court Administrator (OCA) dated March 8, 2005,[6] respondent was ordered to file her comment. In a letter dated April 6, 2005[7] to the OCA, respondent prayed for the dismissal of the complaints in view of the pendency of A.M. No. P-05-2040.[8] In a manifestation attached thereto, respondent did not refute the charges against her. Instead, she underscored the existence of ill feelings between her and complainant and proceeded to enumerate incidents of hostility between them.[9]

In a memorandum dated July 7, 2005,[10] the OCA found that the allegations in both complaints, specially the allegations of dishonesty and falsification, required a full-blown inquiry. The OCA thus recommended that the complaints be referred to the Executive Judge of the RTC, Iriga City, Judge Josue F. Ernacio, for investigation, report and recommendation.[11] However, the Vice-Executive Judge of the RTC of Iriga City, Judge Milagros G. Quijano, took over because Judge Ernacio went on leave.[12]

In a report dated March 30, 2006,[13] Judge Quijano established that the filing of A.M. No. P-05-2040 resulted in a long-standing grudge between both parties. Furthermore, respondent's shortcomings were mere inadvertent omissions which she stubbornly did not acknowledge. Instead, she passed the blame to others to evade responsibility. Complainant was partly to blame for respondent's behavior because she was not circumspect in performing her duties as clerk of court.

Judge Quijano concluded that respondent was guilty of neglect of duty under the first complaint. With respect to the other complaint, respondent was guilty only of failing to log in and out of the attendance logbook, constituting a violation of office rules and regulations. The charge against respondent of going on absence without official

leave was not substantiated. Judge Quijano recommended a 15-day suspension for respondent and admonition for complainant.

Judge Quijano likewise noted that complainant was recently appointed as RTC Judge of Catanduanes.[14]

In a memorandum dated September 15, 2006, the OCA agreed with the findings of Judge Quijano. The OCA recommended that respondent be held guilty of neglect of duty in the first complaint and accordingly be suspended for one month and one day without pay. In the second complaint, the OCA recommended that respondent be found guilty of violation of reasonable office rules and regulations and accordingly reprimanded.[15]

We agree with the findings of fact but disagree with the OCA as to the recommended penalty.

Simple neglect of duty is the failure of an employee to give attention to a task expected of him and signifies a disregard of a duty resulting from carelessness or indifference.[16] It has been consistently held that mere delay in the performance of one's function is considered as simple neglect of duty.[17] It is a less grave offense punishable by suspension without pay for one month and one day to six months.[18]

The judicial machinery can only function if every employee performs his task with the highest degree of professionalism. Court personnel are obligated to perform their duties properly and with diligence.[19] Any task given to an employee of the judiciary, however menial it may be, must be done in the most prompt and diligent way. Respondent's tasks of filing utility bills and notices, submission of reports on attendance by court personnel in the flag raising and retreat ceremony, preparation of the list of cases for raffle, participation in the actual raffle of cases and submission of the minutes of the raffle are no exception. In *Pilipiña v. Roxas*,[20] we held:

The Court cannot countenance neglect of duty for even simple neglect of duty lessens the people's confidence in the judiciary and ultimately in the administration of justice. By the very nature of their duties and responsibilities, public servants must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency

Above all, employees of the judiciary must be reminded that they are public servants who must, at all times, be accountable to the public for all their actions. We have repeatedly held that any conduct, act or omission that violates the norm of public accountability or that diminishes or tends to diminish the faith of the people in the judiciary will not be tolerated, condoned or countenanced.[21] It is reprehensible that respondent always passed the buck to others when clearly her omissions were due to her own negligence.

Respondent was previously reprimanded in A.M. No. P-05-2040. Her act of not logging in and out of the attendance logbook was, without doubt, her second violation of civil service rules. A light offense such as a violation of reasonable office rules and regulations, if violated for the second time, is punishable by suspension for one to 30 days.[22]

In view of the fact that respondent was found guilty of violating two civil service rules namely, simple neglect of duty (first offense) and violation of reasonable office rules and regulations (second offense), the penalty for the most serious offense must be imposed. This is expressly required in Section 55 of the Uniform Rules on Administrative Cases in the Civil Service:

Section 55. Penalty for the Most Serious Offense. If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

Moreover, respondent had been previously warned that a repetition of the same or similar act would be dealt with

more severely. Hence, respondent should be suspended for six months.

Petty feuds have no place in the judiciary, specially if they involve the personal lives of court personnel. They should not be tolerated if they result in unpleasant working conditions and adversely affect the delivery of justice.

WHEREFORE, respondent Teresita O. Monge is hereby found GUILTY of simple neglect of duty and violation of simple office rules and regulations. She is SUSPENDED from office for six months effective immediately upon her receipt of this resolution. She is STERNLY WARNED once again that a repetition of the same or similar offense shall be dealt with even more severely.

Let a copy of this resolution be attached to the personal records of respondent in the Office of Administrative Services, Office of the Court Administrator.

SO ORDERED.

Puno, C.J., (Chairperson), Chico-Nazario, Leonardo-De Castro, and Bersamin, JJ., concur.

[*] Per Special Order No. 698 dated September 4, 2009.

[1] Clerk VI and ex-officio sheriff of the Regional Trial Court of Iriga City.

[2] Docketed as OCA I.P.I No. 05-2136. The complaint was filed on January 13, 2005. Rollo, Vol. I, pp. 1-7.

[3] Id. In particular, respondent allegedly committed the following acts:

a) She failed to notify complainant on time of the notice of water disconnection, which was received on November 22, 2004 at 11:55 am, based on the office logbook. Complainant confronted respondent regarding this matter but respondent did not accept her shortcoming, despite the fact that her signature was clearly in the logbook. Respondent even accused complainant of taking the notice from her file;

b) Respondent failed to update the file for monthly water bills, against complainant's instruction. On March 25, 2004, complainant found out that the latest entry therein was March 2004;

c) Respondent failed to include two civil cases in a raffle. According to the clerk-in-charge, she saw both cases on the shelf beside the table of respondent while the raffle was going on, prompting her to call the latter's attention to accommodate them in the raffle;

d) On her own, respondent relinquished her established task of assisting in the raffle of cases;

e) Against complainant's verbal reminders, respondent failed to submit her reports on attendance during flag ceremonies;

f) Failure to secure complainant's signature for any transmittal of the minutes of the raffle of cases to the Office of the Court Administrator;

g) In some instances, complainant was not informed of the schedule of raffle of cases. This was before respondent did not secure complainant's signature on the notices. Id., p. 22.

[4] Docketed as OCA I.P.I. No. 05-2137-P. The complaint was filed on February 7, 2005. Id., Vol. II, pp. 348-353.

[5] Id. In particular, the charges were:

a) Respondent punched in her Bundy card on January 18 and 21 but left the office and never returned.

Complainant declares that she came to know of the tampering on February 4, 2005, as she was about to affix her signature therein. Complainant discovered that the entries for January 18 and 21 were covered by a liquid corrector. The entries were thereafter made to reflect that respondent was on leave application. Complainant, however, alleged that respondent's leave application for January 18 was disapproved.

b) Respondent allegedly did not record her time of arrival and departure in the attendance logbook on December 2004 and January 7, 10, 14, 18 and 21, 2005.

c) Respondent allegedly was officially on leave until January 28, 2005. Respondent did not report for work after January 28, 2005. Complainant averred that on February 2, 2005, she issued a memorandum to respondent, directing her to explain within 72 hours from receipt why she should not be dealt with administratively for absence without official leave. Respondent received said memorandum on February 2, 2005 and simultaneously handed to the process server two sets of applications for leave covering January 29 to February 2, 2005 (sick leave) and February 3 to October 3, 2005 (study leave for the bar exam). For failure to follow the requirements for application for a study leave prescribed in Circular No. 16-2002, respondent's application for a study leave was disapproved.

d) Respondent allegedly left the office after punching in her Bundy card at 7:37 in the morning of January 18, 2005. She left shortly thereafter without having gotten permission from complainant to leave the office. This incident was repeated on January 21, 2005.

e) Complainant allegedly issued various office memoranda pertaining to the aforementioned but respondent allegedly refused to receive these memoranda and openly defied them.

[6] *Id.*, Vol. I, p. 20.

[7] *Id.*, p. 21.

[8] *Contreras v. Monge*, A.M. No. P-05-2040, 24 January 2006, 479 SCRA 555, then OCA I.P.I No. 00-952-P. In this case, complainant charged respondent with gross insubordination. Respondent allegedly went on absence without official leave for four weeks. Respondent did not report directly to complainant upon her return to the office, and even verbally assaulted complainant. Respondent denied verbally assaulting complainant and claimed that complainant committed various infractions, one of which was directing a court employee to perform tasks outside his duties. We found the charge of gross insubordination unsubstantiated but held that respondent's failure to notify complainant, as respondent's immediate superior, of her absences violative of the Civil Service Rules. She was reprimanded. Moreover, complainant was admonished because she admitted having directed a court employee to perform tasks outside his duties.

[9] *Rollo*, Vol. II, pp. 375-378. Complainant was allegedly hostile to respondent because of her friendship with complainant's alleged enemy and complainant's alleged opposition to respondent's proposed austerity measures after two typhoons.

[10] *Id.*, Vol. I, pp. 22-26.

[11] *Id.*, p. 27.

[12] *Id.*, pp. 36-37.

[13] *Id.*, pp. 184-198.

[14] *Id.*, p. 197.

[15] *Id.*, p. 346.

[16] Zamudio v. Auro, A.M. No. P-04-1793, 8 December 2008.

[17] Philippine Retirement Authority v. Rupa, G.R. No. 140519, 21 August 2001, 363 SCRA 480, 487.

[18] Rule IV, Section 52 (B) of the Uniform Rules on Administrative Cases in the Civil Service.

[19] Section 1, Canon IV, Code of Conduct for Court Personnel.

[20] A.M. No. P-08-2423, 6 March 2008, 547 SCRA 676, 682.

[21] Re: Partial Report on the Results of the Judicial Audit Conducted in the MTCC, Branch 1, Cebu City, A.M. No. MTJ-05-1572, 30 January 2008, 543 SCRA 105, 130.

[22] Rule IV, Section 52 (C) (3) of the Uniform Rules on Administrative Cases in the Civil Service.

ABOUT BATAS.ORG

Study smarter at BATAS.org

The Philippine bar review and law-school companion built around how your brain actually remembers.

The complete Philippine law library - free for everyone.

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

Audio case-brief lectures.

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

Bar review built on the science of memory.

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

The full law-school curriculum.

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

Mock exams that tell you where you stand.

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

A study planner that keeps you on pace.

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

Start free at <https://batas.org>

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.