

**MARICHU T. GOFORTH, COMPLAINANT, VS. TOMAS C. HUELAR, JR.,
OFFICER-IN-CHARGE, REGIONAL TRIAL COURT, BRANCH 11, SAN
JOSE, ANTIQUE, RESPONDENT.**

A.M. No. P-07-2372 (Formerly OCA IPI No. 02-1500-P). July 23, 2008

Ponente: CORONA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/659708edf3f8/>

CORONA, J.:

In an affidavit-complaint,[1] Marichu T. Goforth charged respondent Tomas C. Huelar, Jr., officer-in-charge of the Regional Trial Court (RTC), Branch 11 of San Jose, Antique, with negligence for failing to promptly transmit court records to the Court of Appeals (CA).

On January 19, 1999, Judge Nery G. Duremdes, the RTC's presiding judge, promulgated his decision on a petition for reconstitution of original certificate of title[2] filed by the complainant. On February 12, 1999, the Solicitor General filed a notice of appeal. On February 23, 1999, Judge Duremdes granted it and directed respondent to transmit the records of the case to the CA.

Complainant followed it up with respondent several times and was assured that the records would be transmitted immediately. However, it was only on September 23, 2002[3] that they were actually forwarded to the CA.

On November 6, 2002, the Office of the Court Administrator (OCA) furnished respondent a copy of the complaint for his comment. Respondent did not file his comment.

On April 29, 2003, the OCA again required respondent to comply otherwise the case would be submitted for decision.[4] However, respondent retired from the service in February 2005 without complying with the Court's directive.

On August 31, 2006, respondent finally filed his comment. He explained that the delay in the transmittal of the records could not be attributed to him but to his subordinates who prepared them. He learned of the delay only when the complainant went to see him. After their meeting, he claimed he immediately instructed his staff to forward the documents to the CA. In his 33 years of government service, he said this was the first time he was ever slapped with an administrative complaint.

In a memorandum,[5] the OCA found:

Based on the foregoing, it is clear that respondent was grossly negligent in the performance of his duties for his failure to promptly transmit the records of [the case] to the [CA]. Under the Civil Service Rules, gross negligence is classified as a grave offense punishable by dismissal. Moreover, indifference or defiance to the [Court's] orders or resolutions may be punished with dismissal, suspension, or fine as warranted by the circumstances. Considering, however, that respondent has already retired from the service on February 2005, a fine of P10,000 is commensurate.

WHEREFORE, it is respectfully submitted for the consideration of the Honorable Court that respondent [Thomas C.] Huelar, Jr., in his capacity as then Officer-in-Charge of [the] RTC, Branch 11, San Jose, Antique,

is GUILTY of GROSS NEGLIGENCE in the performance of his duties and indifference or defiance to the Court's orders or resolution and a FINE of P10,000.00 be deducted from his retirement benefit[s].

We adopt the OCA's recommendation.

Rule 41, Section 10 (d)[6] of the Rules of Court provides that clerks of court (in the lower courts) are mandated to transmit the records of the case to the appellate court within 30 days from the perfection of the appeal. In this case, respondent transmitted the records only on September 23, 2002 or more than three years from the time the notice of appeal was approved. He could not feign ignorance nor free himself of any liability as complainant herself had made several personal follow-ups with him since 1999, to no avail.

As officer-in-charge tasked with the duties of a clerk of court, respondent performed delicate administrative functions necessary to the prompt and proper dispensation of justice. He should not have slept on the job as his position required competence and efficiency.[7]

Respondent's argument that it was his staff who delayed the transmittal of the records was lame. He could not shrug off responsibility for the actuations of the people under his administrative supervision. He had the duty to ensure orderly and efficient record management in the court and to effectively manage the personnel under him.[8] Their infraction was his as well.

Respondent proudly heralded his 33 years of government service yet was totally unaware of his duties under the law. His accountability was also compounded by the fact that he ignored this Court's directive to file his comment on time. This omission showed disrespect to the Court, an act only too deserving of reproof.[9] An order or resolution of this Court is not to be construed as a mere request, nor should it be complied with partially, inadequately or selectively.[10]

In sum, respondent committed gross negligence in the performance of his duties. His infraction was a grave offense under the Uniform Rules in Administrative Cases in the Civil Service. It is punishable with dismissal, suspension or fine as warranted by the circumstances. Likewise, the same penalty may be imposed on him for his indifference or defiance to the orders of this Court.[11] Considering, however, that he already retired from the service in February 2005, the penalty of dismissal or suspension can no longer be imposed on him.

WHEREFORE, respondent Tomas C. Huelar, Jr. is hereby found GUILTY of gross negligence and indifference to this Court's directives. Accordingly, he is FINED Fifteen Thousand Pesos (P15,000), to be deducted from his retirement benefits.

Let a copy of this resolution be forwarded to the Office of Administrative Services so that respondent's retirement and other benefits, less the fine imposed, may be released as soon as possible.

SO ORDERED.

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

[1] Rollo, pp. 2-3.

[2] LRC CAD Case No. 954.

[3] Over three years from the time the RTC ordered the transmittal of the records to the CA.

[4] Rollo, pp. 16-17.

[5] Dated January 2, 2007. Rollo, pp. 42-46.

[6] SEC. 10. Duty of the clerk of court of the lower court upon perfection of the appeal. ³/₄ Within thirty (30) days after the perfection of all the appeals...it shall be the duty of the clerk of court of the lower court:

xxx xxx xxx(d) To transmit the records to the appellate court.

[7] Obañana, Jr. v. Ricafort, A.M. No. MTJ-04-1545, 27 May 2004, 429 SCRA 223.

[8] Id.

[9] Lumapas v. Tamin, A.M. No. RTJ-99-1519, 26 June 2003, 405 SCRA 30.

[10] Id.

[11] Id.

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.