MARCH 20, 2000

ATTY. MARY ANN PADUGANAN-PEÑARANDA, CLERK OF COURT IV, MTCC-OCC, CAGAYAN DE ORO CITY, COMPLAINANT, VS. GRACE L. SONGCUYA, CLERK OF COURT III, MTCC-OCC, CAGAYAN DE ORO CITY, RESP...

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AZCUNA, J.:

In a letter dated March 20, 2000 addressed to the then Executive Judge Dan R. Calderon, MTCC of Cagayan de Oro City, complainant Atty. Mary Ann Paduganan-Peñaranda, Clerk of Court IV in the same court, reported the docketing of Criminal Cases Nos. M-465 to M-467 entitled People v.Teresita Dalmacion and Criminal Case No. M-468 entitled People v. Arnulfo Verdijo, notwithstanding the fact that no docket fees had yet been paid therefor.[1] A copy of said letter was also sent to the Office of the Court Administrator (OCA), which initially referred the matter for investigation to Judge Calderon.[2]

Judge Calderon found the facts to be as follows:[3]

On February 1, 2000, respondent Grace L. Songcuya, Clerk of Court III in the office of the MTCC Clerk of Court, took the case records of People v.Teresita Dalmacion and People v. Arnulfo Verdijo, criminal cases for violations of B.P. 22, all filed by a certain Marissa Lustre. Respondent, thereafter, instructed Isabel B. Umas-as, Clerk II assigned in the docketing of cases, to docket the cases as she will be paying for the filing fees in Lustre's behalf. Umas-as thus assigned the numbers M-465 to 467 and M-468 to the four cases as per her superior's instruction. It is to be noted that respondent's action was a departure from their standard procedure. Supposedly, upon docketing of the case, the private complainant is instructed to proceed to the cashier with the case records for payment of the docket fees. Upon payment, the cashier would then endorse the records to the raffling clerk.

On March 7, 2000, complainant discovered from the docket book and raffling records that Criminal Cases Nos. M-465, M-466, M-467 and M-468 did not have entries of litigants' names and record of raffling. Hence, on the same day, complainant issued a memorandum requiring an explanation from Umas-as, who immediately reminded respondent of the cases. The docket fees were paid the next day, March 8, 2000. Until said payment, the records were in the possession of respondent, delaying the raffling of the cases for more than a month.

After investigation, Judge Calderon in his report[4] found respondent to have "deliberately caused the docketing of the cases without payment of the docket fees and withholding the case records in her possession without justifiable reasons, thus causing undue delay in the raffling of the cases."

In a resolution dated September 12, 2001,[5] this Court resolved to re-docket the case as an administrative matter and required respondent to comment on the charges. Respondent, by way of comment,[6] alleged that the private complainant in the four criminal cases, Marissa Lustre, is a cousin of a former officemate. She denied having ordered Umas-as to docket the cases, averring that she merely requested Umas-as to docket the cases and to give her the records, so that it will be more convenient to retrieve the records when Lustre comes to pay for the docket fees. She also denied having said that she will pay the docket fees herself, as she was not given money for the payment thereof. She maintained that she put the records on her table in good faith, solely to assist Lustre, and not

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to cause undue delay.

On March 4, 2002, this Court referred the case back to Judge Calderon for evaluation, report and recommendation.[7] Both parties manifested to submit the case for decision based on the pleadings and records already filed. Complainant hence submitted her memorandum[8] dated March 7, 2000 and Umas-as's letter-explanation.[9] Respondent, on the other hand, submitted a Counter-Affidavit,[10] claiming that on February 1, 2000, an unidentified woman came to the office and showed her an undated notice for payment of filing fees of cases filed by a certain Marissa Lustre. Since respondent knew Lustre, the former helped the woman retrieve the records and requested Umas-as to docket the cases as the filing fees will be paid by the woman. The woman, however, told respondent that she did not have enough money for the docket fees which amounted to P840. Respondent, hence, told her to return as soon as she had the full payment. In the meantime, respondent placed the records in the drawer of her office table, thinking that it would be easier for her to endorse the same to the cashier upon payment of the fees. It so happened, however, that the woman never returned to pay the fees, and respondent totally forgot about the case records until March 8, 2000, when Umas-as inquired about them. Upon being reminded thereof, respondent immediately went to Lustre's residence and informed her of the need to pay the docket fees, which were eventually paid on that same day. She emphasized that the government was in no way prejudiced as the cases had not yet been endorsed for raffling by the cashier, given the fact that the corresponding docket fees had yet to be paid. Neither was the private complainant therein, Lustre, prejudiced as she was responsible for the delay in the payment of the docket fees.

Judge Calderon, in his Report,[11] reiterated his previous findings and recommended that respondent be "admonished for the irregular act done with proper warning against similar acts in the future."

The OCA came out with its own findings, reproduced as follows:

> As a court employee and a Clerk of Court at that, respondent is charged with the knowledge of the proper procedure in the docketing of the cases... The fact that the docket fees [were] not actually paid on February 1, 2000 should have impelled respondent to immediately return the records to the custody of the docket clerk and accordingly inform her that the fees were not paid. Thus, her explanation that she got the records from Umas-as on 01 February 2000 and placed it on her table for the reason that it would be easier to retrieve the records to be endorsed to the cashier when payment of docket fees is done, is untenable.[12]

It further found inconsistencies in respondent's Comment and Counter-Affidavit. It noted that respondent in her Counter-Affidavit stated that she placed the records in a drawer, and not on her table as she previously claimed in her Comment. It likewise found noteworthy that respondent made no mention in her Comment about the unidentified woman who allegedly came to the office with a notice of payment of filing fees. Curiously, neither was this woman presented as a witness to corroborate respondent's claims. Although finding insufficient evidence to ascribe bad faith on respondent, the OCA found that her acts of instructing the docketing of the cases despite non-payment of the corresponding fees and of keeping the case records for more than a month engendered suspicions that the money for the fees were already with respondent but she deliberately failed to pay the same. It thus recommended that respondent be found guilty of Conduct Prejudicial to the Best Interest of the Service, and be penalized with a fine of P5,000, and be given a warning.[13]

The recommendation is well taken. As a court employee and an Assistant Clerk of Court at that, respondent is charged with the knowledge of the proper procedure in the docketing of cases. Clearly, the Manual for Clerks of Court provides that: "No case should be assigned a number until the filing fee is paid and in case of a pauper litigant, until the motion to litigate as pauper is approved by the Court/Executive Judge."[14] Clearly, respondent's instruction to docket the cases despite non-payment of the docket fees violated the prescribed procedural rules. Granting that she assumed in good faith the prompt payment of the docket fees, the fact that the fees were not

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actually paid should have impelled her to return the records to the custody of the docket clerk, who, after all, is the one in charge of receiving cases. Having taken personal custody of the records in departure of the usual procedure, extra diligence was expected of her in assuring the proper processing of the subject cases. On the contrary, she claims to have forgotten about the cases, and she withheld the records, consequently hampering the proper disposition thereof. Granting that no actual delay for raffling occurred as the cases had yet to be endorsed by the cashier, it was her omission to turn over the records to the proper clerk that caused the delay in the follow-up of the collection of the docket fees.

Without a doubt, therefore, even if the delay was partly caused by the private complainant's failure to pay the docket fees, respondent's conduct was prejudicial to the speedy administration of justice. Moreover, as found by the OCA and the Investigating Judge, although there was no sufficient proof of bad faith, respondent's conduct nonetheless engendered the suspicion that the money for the docket fees were with respondent but she deliberately failed to pay the same.

The point cannot be overemphasized that the behavior of all persons connected in the dispensation of justice, from the presiding judge to the clerk, nay, to the last personnel, must always be beyond reproach and circumscribed with the heavy burden of responsibility.[15] Any misconduct, whether true or only perceived, is likely to reflect adversely on the administration of justice.[16] Not only did respondent's actuation cast suspicion on the integrity of the court, it affected the efficiency of the process of the administration of justice. In Fabiculana, Sr., v. Gadon[17] and Paredes v. Barrozo,[18] a clerk of court who similarly withheld records of a case consequently causing delay to its raffling was fined in the amount of P5,000. Considering that this is respondent's first offense and that bad faith was not sufficiently proven, the penalty of fine in the amount of P5,000 is appropriate.

WHEREFORE, respondent Clerk of Court III GRACE I. SONGCUYA, is found GUILTY of Conduct Prejudicial to the Best Interest of the Service, for which she is FINED Five thousand pesos (P5,000), with the STERN WARNING that the commission of a similar act will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., Chairman), Vitug, Ynares-Santiago, and Carpio, JJ., concur.

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[1] Rollo, pp. 8-9.

[2] Id., at 4.

[3] Id., at 2-3.

[4] Id., at 3.

[5] Id., at 13-14.

[6] Id., at 15-19.

[7] Id., at 30.

[8] Judge Calderon's Report of Investigation with Recommendation, Annex "A."

[9] Id., Annex "C."

[10] Id., Annex "F."

[11] Id., at 4.

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[12] OCA Report dated July 11, 2003, p. 4.

[13] Id., at 4-6.

[14] Manual for Clerks of Court, p. 37 (1991).

The Revised Manual for Clerks of Court highlights this procedure more specifically for criminal cases on violations of B.P. 22, as follows:

> 1.1.5.4
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> Upon receipt of the filing fees under Circular 57-97, the information shall be entered in the court's general docket book and assigned the court case number. Thereafter, the clerk of court shall cause the inclusion of the case in the raffle of the cases. [Emphasis supplied.] Revised Manual for Clerks of Court, p. 627 (2002).

[15] Dino v. Dumukmat, 360 SCRA 317 (2001).

[16] Racasa v. Collado-Calizo, A.M. No. P-02-1574, April 17, 2002.

[17] 239 SCRA 542 (1994).

[18] 104 SCRA 252 (1981).

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