

**JUDGE PEDRO J. CALLEJO, JR., COMPLAINANT, VS. JOSE D. GARCIA,
BRANCH CLERK OF COURT, METC, BRANCH 9, MANILA,
RESPONDENT.**

A.M. No. P-88-198. February 25, 1992

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9367ff6bfe6c/>

PER CURIAM:

In a letter-complaint dated April 28, 1988 transmitted to this Court by 1st Indorsement of Executive Judge Tirso L. Briones, MeTC, Manila, complainant Judge Pedro J. Callejo Jr., of the MeTC, Branch 9, Manila, charged his Branch Clerk of Court, respondent Jose D. Garcia, with non-feasance and gross neglect of duty, for the latter's continued failure to conduct a physical inventory of the docket of said branch as required by Administrative Circular No. 1, dated January 28, 1988 and to deliver the case folders of cases still pending therein according to its docket book.

The Office of the Court Administrator, after evaluation of the complaint, recommended an investigation of the charges in a memorandum dated August 17, 1988.

On September 5, 1988, the Court issued a resolution refer-ring the charges to the Executive Judge, Regional Trial Court, Manila, for investigation, report and recommendation.

Investigating Judge Felix V. Bangers, Acting Executive Judge, Regional Trial Court, Manila, submitted a report dated December 19, 1988.

The investigation established the following facts:

Upon his assumption of duties as Presiding Judge of Branch 9 of the MeTC, Manila on August 5, 1985, complainant directed respondent Clerk of Court to submit an inventory of all pending cases in Branch 9 and to deliver to him the folders or expedien-tes of said cases for inspection. The said court had, for sometime, been without a presiding judge due to the retirement of its then incumbent Judge Sangco. Respondent did not comply with the directive and instead informed complainant that there were no pending cases in Branch 9. It appears that respondent Branch Clerk of Court had filed with this Court a Monthly Report covering the month of July 1985, showing that there was "zero" number of cases pending in Branch 9 at the end of the said month.

Complainant inspected the civil docket books of his court and found out that there were 176 pending civil cases as of the time he assumed office and that respondent made an annotation in said docket book, as follows: "Cases Deactivated as of August 1, 1985." Complainant, in turn, wrote a counter-annotation in the said docket book, as follows: "Disapproved for lack of basis in law and procedure and for lack of authority."

On four separate occasions thereafter (January 8, 1987, February 5, 1987, February 16, 1987 and March 2, 1987), complainant issued memoranda ordering respondent to deliver the expedientes or records of all civil and criminal cases archived or "deactivated" as of August 5, 1985. Respondent failed to comply.

Based on the foregoing established facts, Investigating Judge Barbers, in his report dated December 19, 1988,

made the following recommendation:

"1. As the respondent has been remiss and has utterly failed to comply with the lawful orders of complainant, respondent is given a period of three (3) months counted upon receipt of a copy of the de-cision of the Honorable Supreme Court in the above-entitled administrative case, to finalize and submit to the Honorable Court Administrator (copy furnished) to the complainant, all inventories of pending civil and criminal cases as of August 5, 1985 before Branch 9 of the Metropolitan Trial Court of Manila, as well as to turn over all the records and expedientes of said cases to the complainant otherwise, his failure to comply shall cause his immediate dismissal from the service and forfeiture of all benefits that are due him. The inventory submitted shall be signed by the respondent and shall be made under oath;

2. The respondent during this same period of three (3) months is also ordered to submit to the complainant, copy furnished the Honorable Court Administrator, a complete list of case criminal and civil, filed in Branch 9 from August 5, 1985 to the present based on the court dockets, and the expedientes of these cases listed for delivery to the complainant, failure (in) which shall be a cause for dismissal and forfeiture of all benefits due him;

3. As respondent has manifested his desire during the investigation to retire from the service, request for retirement shall not be acted on or considered unless he obeys what is enjoined in the first and second paragraphs of this RECOMMENDATION;

4. No further extensions shall be granted to the respondent to comply with these recommendations;

5. That during these three (3)-month period given to him to finish his work, the respondent shall not perform nor shall be assigned any duty attached to his office, so that he could concentrate and finish his assignment within the prescribed period."

This Court approved the aforesaid recommendations and incorporated them in a resolution dated October 4, 1989. A copy of the said resolution was received by respondent on December 7, 1989.

On January 5, 1990, complainant filed with this Court a manifestation alleging that respondent has not complied with the October 4, 1989 resolution of this Court, and praying that he (complainant) be allowed to replace respondent and that a duly authorized representative of the Clerk of Court be designated to make an inventory of the cases actually located for delivery to him (complainant). Respondent filed a Counter-Manifestation With Resignation on January 16, 1990, alleging, among others, that he suffered a stroke on September 23, 1989 and was advised to avoid strenuous undertakings, and tendering his resignation from the service. In his Reply With Manifestation filed on March 21, 1990, complainant alleged, among others, that the three-month period given to respondent within which to comply with paragraphs 1 and 2 of the resolution dated October 4, 1989 had expired without respondent submitting any of the requirements stated in the said resolution.

After carefully deliberating on the facts, the Court finds that dismissal with forfeiture of all benefits is in order.

It is settled that misconduct, misfeasance, or malfeasance, warranting removal from office of an officer, must have a direct relation to and be connected with the performance of official duties, amounting either to maladministration or willful, intentional neglect and failure to discharge the duties of the office (*Sarigumba vs. Pasok*, 155 SCRA 646 [1987]).

Under Section 7, Rule 136, Rules of Court, it is the duty of the Clerk of Court (including the Branch Clerk of Court) to safely keep all records, papers, files, exhibits and public property committed to his charge, including the library of the court, and the seal and furniture belonging to his office.

It is likewise the duty of the clerk to keep such other books and perform such other duties as the court may direct

(Sec. 12, Rule 136, Rules of Court).

Undisputedly, the records of the cases in question were committed to the charge of respondent as Branch Clerk of Court of Branch 9 of the MeTC, Manila. Consequently, it was his duty to safely keep them and in connection therewith to perform such other duties as the court may direct.

But going over the records, it is clear that respondent did not perform his duties nor comply with the order of the court despite repeated directives from his superior, the complainant, contained in four (4) successive memoranda plus three (3) months grace period within which to comply granted him in the resolution of October 4, 1989. The fact that about one-half of the missing records of cases may have been accounted for by respondent does not mitigate his willful and intentional neglect for the duty remains unperformed as to the rest.

Respondent aggravated his failure to comply with his duties by making it appear in the monthly report (for the month of July, 1985) which he prepared just before complainant assumed his duties as the new presiding judge, that there were practically no cases pending in Branch 9 at the end of the month, when in fact, there were many. Otherwise stated, respondent falsified the records of his office or tried to mislead the incoming pre-siding judge of Branch 9, either of which does not speak well of his conduct and behavior as an officer of the Court.

Indeed, the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility. His conduct at all times must not only be characterized with propriety and decorum, but above all else, must be above suspicion (*Jereos, Jr. vs. Reblando, Sr.*, 71 SCRA 126 [1976]).

In this Court's resolution of October 4, 1989, a copy of which was received by respondent on December 7, 1989, respondent was given a period of three (3) months within which to submit the required inventory of cases. The period expired without compliance from respondent. It is now over two (2) years since respondent received the said resolution and still no compliance is in sight.

On the other hand, the duty to safely keep court records and to comply with the order of the court could have been performed long ago, hence, the fact that respondent allegedly suffered a stroke on September 23, 1989 and was advised to avoid strenuous undertakings, may not be considered a valid excuse from non-compliance with the resolution.

Branch Clerks of Court must realize that their administrative functions are just as vital to the prompt, and proper administration of justice. They are charged with the efficient recording, filing and management of court records, besides having administrative supervision over court personnel. They play a key role in the complement of the Court and cannot be permitted to slacken on their jobs under one pretext or another (*Nidua vs. Lazaro*, 174 SCRA 581 [1989]).

As ordained in the October 4, 1989 resolution, failure of respondent to comply therewith shall cause his immediate dismissal from the service with forfeiture of all benefits due.

Accordingly, for non-feasance and gross neglect of duty, the Court Resolved to Dismiss respondent Jose D. Garcia from the service with forfeiture of all retirement benefits otherwise due to him.

SO ORDERED.

Narvasa, C.J., Melencio-Herrera, Gutierrez, Jr., Cruz, Paras, Feliciano, Padilla, Bidin, Grino-Aquino, Medialdea, Regalado, Davide, Jr., Romero, and Nocon, JJ., concur.

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.