

JUDGE JOSELITO S. SALVADOR, COMPLAINANT, VS. ROMANCITO M. SERRANO, CLERK OF COURT III, MTCC, BRANCH II, SAN FERNANDO CITY, PAMPANGA, RESPONDENT.

A.M. NO. P-06-2104. January 31, 2006

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PER CURIAM:

The instant administrative case arose from the affidavit-complaint [1] dated 27 August 2002 of complainant Judge Joselito S. Salvador, Presiding Judge of the Municipal Trial Court in Cities (MTCC), Branch 4 of the City of San Fernando, Pampanga, charging respondent Romancito Serrano, Clerk of Court III of Branch 2 of the same court, with Tampering the Records of Civil Case No. 8114 entitled, "Rosalina O. Ng, doing business under the name and style, Goldstar Hardware & Aluminum Supply v. Jorolan," by concealing that an ex parte proceeding took place on 15 March 2002 and that an Order dated 16 April 2002 was issued declaring defendant in default, and by allowing the posting of a bond in the absence of the accused and of the presiding Judge.

The facts of the case are as follows:

On 13 March 2002, plaintiff filed in Civil Case No. 8114 a motion to declare defendant in default which was set for hearing on 15 March 2002. Despite being notified of said hearing, defendant failed to appear causing respondent to hear plaintiff's evidence ex parte.

On 16 April 2002, Judge Rodrigo Flores issued an Order, [2] which reads:

Acting on the motion to declare defendant in default filed by Atty. Joseph J.M. Miranda, counsel for the plaintiff, and finding the reasons alleged therein to be tenable, the same is hereby granted.

WHEREFORE, as prayed for, the defendant is hereby declared in default and judgment be rendered in accordance with the prayer in the complaint pursuant to Section 3, Rule 9 of the 1997 Rules on Civil Procedure.

City of San Fernando (P), April 16, 2002.

[Signed]
Rodrigo R. Flores
Judge

On 06 May 2002, Presiding Judge Rodrigo Flores went to the United States, and complainant Judge Joselito S. Salvador, Branch IV of the same Court, took over as the pairing judge.

On 09 May 2002, complainant signed a similar Order [3] in same Civil Case No. 8114 declaring defendant in default and setting the reception of evidence on 22 May 2003. On said date, counsel for plaintiff informed Judge Salvador that the motion to declare defendant in default had already been acted upon by then Presiding Judge Rodrigo Flores and, in fact, evidence was already presented ex parte. At this juncture, Judge Salvador became apprehensive and suspicious and ordered a verification of the records of the case.

Verification disclosed that the previous order of default dated 16 April 2002, signed by Judge Flores, was kept in a separate file and that when Judge Salvador signed his Order, he was fully unaware that there was already a previous order of default until he was informed by plaintiff's counsel on 22 May 2002 during the scheduled ex parte reception of the plaintiff's evidence.

Further verification also disclosed that the evidence ex parte was received by respondent Clerk of Court who is not a lawyer.

In another case, it also appeared that respondent allowed the posting of bail for an accused who was in absentia, thru the latter's cousin.

Respondent, by way of exculpation, interposed forgetfulness and heavy workload. He asserted that his failure to disclose to complainant that there had been previously a reception of evidence ex parte was not deliberate but was a result of forgetfulness. He claimed to be depressed, attributing the cause thereof to his child's illness and his own sickness. Further, it was Judge Flores who directed him to re-word the subject order and that the latter even dictated the corrections which he wrote on the carbon copy of said order. [4] Judge Flores even instructed him to refer any matter which required immediate action to complainant as he was then leaving for abroad. He was not certain if Judge Flores detached the questioned order from the records of the case. He added that it was only after two weeks that he recalled the instructions of Judge Flores to rephrase and re-word the order. He consulted another clerk of court before preparing the questioned order. He pointed out that complainant signed the questioned order after it was re-worded.

Respondent added that he was on leave on 22 May 2002, the day set for the ex parte presentation of evidence. He admitted that Angelina Lapiceros, a stenographer, told him that an order was already issued but denied that the latter informed him that there had been an ex parte presentation of evidence. He further disclaimed that he detached the questioned order from the records of the case and claimed that it was only an honest mistake as he had nothing to gain from it.

As to the cash bond, he insisted that it was the person's own volition to deposit the money with the Office of the Clerk of Court. He added that he advised the person to present the accused, but the latter was persistent in depositing the money; thus, he signed the deposit acceptance when presented to him.

The case was referred to the Office of the Court Administrator (OCA). Due to conflicting claims and contentions, however, the case was referred [5] to the Executive Judge of the Regional Trial Court (RTC) of San Fernando, Pampanga.

On 11 June 2004, Executive Judge Adelaida Ala-Medina submitted her report, recommending that respondent be found guilty of the offenses of dishonesty for concealment of facts relative to Civil Case No. 8114 and inefficiency and incompetence in the performance of his duties for allowing the posting of bail in the absence of the accused and be meted the penalty of dismissal from service for dishonesty and the penalty of suspension of six (6) months and one (1) day for inefficiency and incompetence. Quoted hereunder are substantial portions of Judge Ala-Medina's findings from which she based her recommendations, thus:

Atty. Josep J.M. Miranda, counsel for the plaintiff in Goldstar, testified that he had already presented evidence ex parte (on March 15, 2002), when he received the order signed by complainant directing plaintiff Goldstar to so present its evidence. Miranda made his presentation, "actually just a marking of exhibits," initially before respondent. Judge Flores arrived later but did not take part therein as he busied himself with other things.

Miranda disclosed that he told complainant that he had already presented evidence ex parte and so could not be asked to do so again. He said he searched for the order signed by Judge Flores in the case records but could not find it. However, the stenographic notes were attached to said records. A stenographer showed Miranda a copy

of the missing order.

Meanwhile, Angelina Lapiceros, stenographer of MTCC-Branch 2, testified that in the morning of April 26, 2002, respondent instructed her to retype the order issued by Judge Flores dated April 16, 2002, relative to the case of Goldstar. She was told to change the date of the order, from April 16, 2002 to May 16, 2002, as well as the contents thereof. Lapiceros said she reminded respondent that there had already been presentation of evidence ex parte in that case and showed him the minutes thereof. Respondent allegedly replied, "hindi excessive." Lapiceros wrote these words on her copy of the order signed by Judge Flores. She likewise wrote thereon the date and time that she spoke with respondent. Lapiceros then kept the order in another file for safekeeping.

Lapiceros said that respondent took said order from her on May 23, 2002 and did not return it. She asked respondent for the order later that same day, but respondent told her "it is part of the records." Lapiceros stated that she was the one who accompanied Atty. Miranda to the office of complainant when the former inquired with the court as regards the conflicting orders issued in Goldstar. She then affirmed before complainant that presentation of evidence ex parte had already been done in the case, and this was corroborated by Gloria Dimarucut, another stenographer, who was summoned by complainant to help shed light on the matter.

During the investigation of this case, Dimarucut testified that she was the stenographer on duty when the presentation of evidence ex parte was done. Present therein, according to her were respondent and Atty. Miranda. Judge Flores arrived midway through the proceedings. Dimarucut added that respondent later on made corrections on her notes taken during the proceedings.

Dimarucut said she handed over her notes to respondent and asked him what order she should type. Corrections were then made by respondent on then notes. Respondent allegedly told Dimarucut that he had not yet prepared an order for typing. About three weeks to a month later, Dimarucut asked respondent again for the order to be typed. Respondent did not answer and instead took the records and gave it to Candelaria Mangulabnan, the court interpreter.

According to Dimarucut, her stenographic notes were already attached to the records on May 22, 2002, and she showed the same to complainant to prove that there had already been ex parte presentation of evidence in Goldstar.

Juanita Flores, clerk of court of the MTCC, also testified in this case. She stated that on May 6, 2002, respondent asked her regarding a motion to declare a defendant in default, without mentioning a particular case. She told him the motion must be set for hearing and a date must be set for the presentation of plaintiff's evidence ex parte. She advised respondent to also consult complainant, which he did. She heard complainant give respondent the same answer as she did. At that time, according to Flores, her table was just a few steps away from complainant's.

Flores corroborated complainant's narration as regards the exchange between him and respondent when complainant confronted respondent about the missing order, i.e., that respondent gave different answers when pressed by complainant concerning the missing order.

x x x x

On May 25, 2004, respondent submitted his formal offer of evidence, way beyond the ten-day period, reckoned from February 3, 2004, given to him by the undersigned. Hence, the evidence adduced by respondent as stated in his formal offer was no longer considered by the undersigned in the preparation of this report. Moreover, the affidavit executed by Judge Flores, aside from being part of the formal offer that was filed late, was also not considered since Judge Flores failed to appear for cross-examination, despite several subpoenas issued to him. Respondent also did not submit his memorandum as required in the order issued by the undersigned on February 3, 2004.

The undersigned finds the following facts to have been duly established:

- In the case of Goldstar v. Jorolan, Judge Rodrigo Flores, former presiding judge of MTCC-Branch 2, issued an order that declared defendant in default;
- Respondent admittedly wrote down the intercalations that appear on said order;
- The words "hindi excessive," written by Lapiceros on the upper right hand corner of the order of Judge Flores, came from respondent, as he himself admitted;
- Prior to the order of complainant dated May 16, 2002 setting a date for ex parte presentation of evidence in Goldstar, such a proceeding had already been held on March 15, 2002, as testified to by plaintiff's counsel and by the stenographer who took down the notes during the proceedings;
- Respondent was present at the ex parte presentation of evidence on March 15, 2002, as shown by the transcript of stenographic notes.

Complainant's version of the incidents surrounding the missing order of Judge Flores dovetails with those of the other court personnel who testified in this case. Respondent's version, on the other hand, is replete with inconsistencies.

Judge Flores issued an order on April 16, 2002 concerning the case of Goldstar. However, this order was not in the records when, a month later, complainant issued a similar order directing the plaintiff in said case to present evidence ex parte. As it turns out, such a presentation of evidence had already been done, and respondent was present therein.

Confronted with this discovery, respondent at first denied any knowledge thereof but later on alleges that Judge Flores had asked one of the stenographers to remove the subject order from the records. During his testimony, he also alleges that he had forgotten all about the presentation of evidence, hence his denial thereof when asked by complainant.

First, the undersigned could not believe that respondent would not remember the ex parte presentation of evidence when asked about it. Assuming arguendo that respondent had forgotten about it, his memory would have been triggered by complainant's reference thereto.

Second, respondent's claim that he had forgotten about the proceedings is inconsistent with the established fact that he asked clerk of court Juanita Flores about the procedure to follow when a defendant in a case is declared in default. While respondent did not mention any particular case, it was in the case of Goldstar that a defendant had recently been declared in default. At the time that respondent asked Flores about this matter sometime in May, it had been more than a month after the presentation of evidence ex parte was done on March 15, 2002, and almost a month after the April 16, 2002 order of Judge Flores.

Moreover, respondent himself testified that he asked Juanita Flores about the matter to be sure about the contents of Judge Flores' order. The undersigned notes that this was after Judge Flores had allegedly told respondent to change the order. Why, then, did respondent not inform complainant forthwith of this standing order? Why did he let complainant sign another order covering the same matter when there is already an existing order signed by Judge Flores? If respondent had nothing to hide why did he deny knowing anything about the order and the ex parte proceedings?

Respondent was also inconsistent about the existence of the stenographic notes in the records. During his testimony, he declared that he was surprised when he saw in the records the stenographic notes of the ex parte proceedings in Goldstar. However, during the same testimony, he stated that when he looked at the records, the stenographic notes were not there. The undersigned notes that said stenographic notes appear in the records but without any transcription. The transcription was made only after this case was initiated, to be presented in evidence, and had not been attached to the records.

The transcript shows that respondent was present at the ex parte proceedings and that he received the evidence presented by plaintiff, respondent is not a lawyer. His action is thus in violation of Section 9, Rule 30 of the Rules of Civil Procedure, which states that in default or ex parte proceedings, and in any case where the parties agree in writing, reception of evidence may be delegated to the clerk of court who is a member of the bar, which respondent is not.

The date of the presentation of evidence and the date of the order of Judge Flores also raise questions. The presentation of evidence was done on March 15, 2002 while the subject order was dated April 16, 2002. Obviously, the order for the presentation of evidence ex parte should have been issued before the presentation of evidence was made. Also, Goldstar's counsel must have relied on an order dated prior to March 15, 2002 for authority to present his evidence ex parte. Where then is this earlier order?

Respondent declared during his testimony that he told Judge Flores on April 18, 2002 that plaintiff in Goldstar must be allowed to present evidence ex parte before a decision can be made in said case. This does not make sense, because such reception of evidence had already been done the month before.

One also wonders why the order signed by Judge Flores is only a carbon copy and not one printed on bond paper, as should be the case. Two orders now appear to have been removed from the records of Goldstar. (1) the order directing presentation of evidence ex parte on March 15, 2002, and (2) the original copy of the order of Judge Flores dated April 15, 2002.

As branch clerk of court, it is respondent's responsibility to ensure the completeness of case records. It is his responsibility to ensure that case records accurately reflect the proceedings taken in a case. In this respondent failed. The undersigned notes that the case records of Goldstar were put together without any semblance of order and without the copies of the orders referred to in the preceding paragraph.

Respondent points out that he did not materially benefit from the incident. This declaration misses the point entirely. It is not that he benefited from the incident, but the incident occurred at all, to the damage and prejudice of the proper administration of justice.

In the present case, the undersigned investigator finds that complainant has amply discharged the burden of proving his allegations of records tampering on the part of respondent.

Respondent tries to weave a tale of forgetfulness and missing stenographic notes to evade culpability, but fails. His concealment of the truth surrounding the case of Goldstar, his denial of the ex parte proceedings done therein in which he was later found to have actively participated; his removal from the records of the order of Judge Flores dated April 16, 2002; all these, to the mind of the undersigned, constitute dishonesty. Under Rule XIV of the Civil Service Rules, this offense is punishable by dismissal from the service at the first instance.

As regards the complaint that respondent had allowed a cousin of an accused to post bail for such accused in the absence of the latter, this, too, has been amply established. Respondent, however, argues that this incident should not be made subject to the investigation because it was not specifically stated in the resolution of the Supreme Court referring the case for investigation and recommendation.

The undersigned disagrees. The incident concerning the bail bond forms part of the complaint filed by complainant with the Supreme Court, and must necessarily be a subject of investigation. That it was not specifically named in the resolution is, to mind of the undersigned, of no moment. What is contained in the resolution is merely a description of the complaint and not a limitation on the incidents to be investigated. The Supreme Court would have particularly advised the undersigned to desist from investigating the incident with the bail bond if that were its intent.

On the bail incident, respondent contends that he was of the impression that the person would bring the accused to court on that same day. This, again, is beside the point. He should not have allowed payment of bail without the accused having been arrested or surrendered. [6]

After evaluation of the records and evidence at hand, the OCA held that the findings of the Executive Judge are supported by evidence. Accordingly, it recommended the dismissal of respondent from the service, thus:

WHEREFORE, premises considered we respectfully recommend the adoption of the finding of the Investigating Judge that respondent Romancito M. Serrano, Clerk of Court III, MTCC, Branch 2, City of San Fernando, Pampanga be FOUND GUILTY of Dishonesty, Inefficiency and Incompetence in the Performance of Duties and that he be DISMISSED from the service with forfeiture of all benefits except accrued leave credits and with prejudice to re-employment to any agency, branch, or instrumentality of the government including government-owned or controlled corporation. [7]

The charge of dishonesty against the respondent was committed allegedly by (1) concealing the fact that an ex parte proceeding in Civil Case No. 8114 took place on 15 March 2002 when the motion to declare in default was taken up; (2) concealment of the Order dated 16 April 2002, declaring defendant therein in default; (3) concealing from Judge Salvador that an ex parte hearing on plaintiff's evidence had already been heard, thus, leading the former to sign the Order of 22 May 2002, setting among other things, plaintiff's reception of evidence; and (4) hearing the ex parte reception of plaintiff's evidence despite his being a non-lawyer. On this score, we find the recommendation of the OCA to be well taken.

An assiduous review of the records of the case establishes respondent's guilt of the aforesaid charges. As may be gleaned from the records of the case, a Motion [8] to Declare Defendant in Default dated 11 March 2002 was filed by plaintiff on 13 March 2002. As prayed for, the case was heard on 15 March 2002 and the reception of evidence for the plaintiff was conducted ex parte before the respondent.

When respondent was confronted by complainant about the said ex parte proceedings, he absolutely denied that it had taken place. It is settled that denial is inherently a weak defense. To be believed, it must be buttressed by a strong evidence of non-culpability; otherwise, such denial is purely self-serving and is with nil evidentiary value. Like the defense of alibi, a denial crumbles in the light of positive declarations. [9] Gloria Dimarucut (Dimarucut), stenographer of the RTC and Lapicero, however, attested to the fact that respondent presided in the ex parte proceedings. Of even greater weight is the transcript of stenographic notes taken on that day by Dimarucut showing respondent's participation therein. Because of these, respondent made a quick turn about and faintly asserted that he was not aware of the proceedings as he was not around at that time.

Clearly then, respondent concealed the fact that an ex parte proceeding on 15 March 2002 had indeed taken place. Judge Flores, Presiding Judge of Branch 2, admitted in his affidavit that respondent failed to inform him of such proceedings, pertinent portion of which reads:

- That at that point in time, Mr. Romancito M. Serrano overlooked to inform me that as early as March 15, 2002, or more than a month earlier than April 18, 2002, a reception of evidence ex-parte was already conducted. That because at that precise moment, the untranscribed stenographic notes were not attached to the records of the case presumably because the same were still in the hands of the stenographer who was to transcribe the same, both Romancito Serrano and I were of the impression that no ex-parte proceeding was already conducted, considering that our attention was then focused on the "WHEREFORE" clause of the signed order that we were trying to modify and rephrase with no malice aforethought; x x x [10] (Underscoring supplied)

Trying to hide further the previous ex parte proceedings, respondent, on 26 April 2002, instructed stenographer Lapiceros to re-type the Order dated 16 April 2002 by setting the ex parte reception of plaintiff's evidence. Before complying, Lapiceros reminded respondent of the proceedings that took place where the plaintiff had already presented her evidence ex parte. This notwithstanding, respondent insisted on the re-typing of the Order and even ordered to change the second paragraph thereof to read as follows:

Acting on the Motion to Declare defendant in Default filed by Atty. Joseph J.M. Miranda, counsel for the plaintiff, and finding the reasons alleged therein to be tenable, same is hereby granted.

WHEREFORE, as prayed for, the defendant is hereby declared in default, however, instead of judgment as prayed for in the motion, the plaintiff is allowed to present evidence ex-parte on May 22, 2002 at 9:00 a.m.

Notify plaintiff and her counsel. [11]

The date of the Order was changed from 16 April 2002 to 09 May 2002. The signatory was similarly changed from Judge Rodrigo Flores to Judge Joselito S. Salvador.

Respondent's contention that he just corrected a perceived error on the questioned order, is not acceptable. He alleged that he corrected only a grammatical error, which Judge Flores allowed him to do. A perusal of the records shows that the corrections are not mere grammatical errors. In the first order, there is no statement as to the necessity of presenting evidence, whereas, in the second order, the case was set for presentation of evidence. Clearly, the correction is a substantial one as it worked to change the rights and obligations of the parties.

Concededly, courts have the inherent power to amend and control their process and orders to make them conformable to law and justice. [12] But such power rests upon the judge and not to clerks of court who only perform adjudicative support functions [13] and non-adjudicative functions. [14]

Respondent even feigns innocence in the act complained of by saying he is not even certain if Judge Flores detached the questioned order from the records of the case. The statement is simply incredible. It is respondent's duty as clerk of court to safely keep all records, papers, files, exhibits and public property committed to his charge. As custodian of judicial records, it is incumbent upon him to ensure an orderly and efficient record management system in the court and to supervise the personnel under his office to function effectively. A clerk of court plays a key role in the complement of the court and cannot be permitted to slacken on his job under one pretext or another. [15] He must be diligent and vigilant in performing his official duties and in supervising and managing court dockets and records. [16] In the case at bar, he fell short of his duty.

Respondent, to exculpate himself, interposed the defense of forgetfulness. Instead of exonerating himself, the tendered justification only served to highlight his mendacious nature. Forgetfulness or failure to remember is never a rational, logical, nor reasonable, much less acceptable, explanation. [17] Neither is a claim of heavy workload excused. [18]

Finally, relative to the conduct of the respondent in receiving the evidence ex parte, Section 9, Rule 30 of the 1997 Rules of Civil Procedure cannot be more specific. It states "x x x in default or ex parte hearings, and in any case where the parties agree in writing, the court may delegate the reception of evidence to its clerk of court who is a member of the bar x x x." As a Branch Clerk of Court who is a non-lawyer, respondent should have known that only a member of the bar is authorized to receive evidence ex parte. He concealed this fact to the parties.

For having concealed such facts in the case, we are constrained to hold respondent liable for dishonesty. His denial of the ex parte proceedings on 15 March 2002, in which he actively participated, his removal of the Order dated 16 April 2002 and substitute it with a substantially different order; his presiding over the ex parte presentation of the plaintiff's evidence, hiding the fact that he was not authorized to do so, all palpably illustrate malevolent acts of dishonesty which is understood to imply a "disposition to lie, cheat, deceive, or defraud; unworthiness; lack of integrity." [19] Such acts certainly tend to impede the orderly administration of justice.

It is well to remind respondent that dishonesty is a malevolent act that has no place in the judiciary. [20] We have stressed that the conduct of even minor employees mirrors the image of the courts they serve; thus, they are required to preserve the judiciary's good name and standing as a true temple of justice. [21]

This Court stresses once more that the administration of justice is a sacred task; by the very nature of their duties and responsibilities, all those involved in it must faithfully adhere to, hold inviolate, and invigorate the principle solemnly enshrined in the 1987 Constitution that a public office is a public trust and all public officers must at all times be accountable to the people and serve them with utmost responsibility, integrity, loyalty and efficiency. [22] It condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice which would violate the norm of public accountability and would diminish or even just tend to diminish the faith of the people in the Judiciary. [23] Thus, every employee or officer involved in this task should be circumscribed with the heavy burden of responsibility and their conduct must, at all times, be above suspicion. [24]

We have repeatedly said that persons involved in the dispensation of justice, from the highest official to the lowest clerk, must live up to the strictest standards of integrity, probity, uprightness, honesty and diligence in the public service. This Court will not tolerate dishonesty for the Judiciary expects the best from all its employees. [25]

The respondent ought to be reminded that a clerk of court is a role model for other court employees to emulate in the performance of duties as well as in the conduct and behavior of a public servant. A clerk of court cannot err without affecting the integrity of the court or the efficient administration of justice. Branch clerks of court play a key role in the complement of the court and cannot be permitted to slacken on their jobs under one pretext or another. [26] As an officer of the court, respondent was duty bound to use the reasonable skill and diligence in the performance of his officially designated duties as clerk of court. By concealing and tampering the records of the case, he cannot be said to have measured up to the standards required of a public servant.

The foregoing premises considered, we find respondent guilty of dishonesty. Section 22(a), Rule XIV of the Omnibus Rules Implementing Book V of Executive Order 292 [27] as amended by CSC Memorandum Circular No. 19, s. 1999, provides that:

SEC. 22. Administrative Offenses with its corresponding penalties are classified into grave, less grave, and light, depending on the gravity of its nature and effect on said acts on the government service.

The following are grave offenses with corresponding penalties:

(a) Dishonesty

1[st] Offense-Dismissal

As a grave offense, dishonesty warrants the severe penalty of dismissal from service upon the commission of even the first offense.

On numerous occasions, this Court did not hesitate to impose such extreme punishment on employees found guilty of grave offenses. [28] There is no reason why respondent should be treated differently. We note that there are two (2) other administrative cases slapped against respondent. OCA IPI No. 98-516, for which he was admonished Per Resolution dated 13 December 2000 and OCA IPI No. 99-802-MTJ, for Dishonesty and Grave Misconduct, still pending in this Court.

As to the charge of inefficiency and incompetence with respect to respondent's act of having allowed a relative of an accused to post bail for the latter in the absence of accused and of the Presiding Judge, we find no reason to further delve on it in view of the conclusions we have already arrived at.

WHEREFORE, after due deliberation, we find respondent, Ramoncito M. Serrano GUILTY of Dishonesty. He is hereby DISMISSED from the service with forfeiture of retirement benefits, except the value of his accrued leaves,

and with prejudice to re-employment in any branch or instrumentalities of the Government including government-owned and controlled corporations.

SO ORDERED.

Panganiban, C.J., Puno, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Austria-Martinez, Corona, Carpio-Morales, Callejo, Sr., Azcuna, Tinga, Chico-Nazario, and Garcia, JJ., concur.

[1] Rollo, pp. 1-2.

[2] Id., p. 294.

[3] Id., p. 34.

[4] Id., pp. 45-47.

[5] Id., p. 75.

[6] Id., pp. 1173-1177.

[7] Id., pp. 1220-1224.

[8] Id., pp. 290-291.

[9] *Jugueta v. Estacio*, A.M. No. CA-04-17-P, 25 November 2004, 444 SCRA 10, 16.

[10] Rollo, p. 254.

[11] Id., p. 34.

[12] Revised Rules of Court, Rule 135, Sec. 5(g).

[13]

- Prepares and signs summonses, subpoenas and notices, writs of execution, remittances of prisoners, and release of prisoners;

- Certifies true copies of decisions, orders, and other processes, letters of administration and guardianship; transmittals of appealed cases, indorsements and communications; and

- Prepares and signs monthly reports of cases. (Vol. I, the 2002 Revised Manual For Clerks of Court, Chapter VII, First Level Courts (D) (1.1.1.1), p. 620.

[14]

- Plans, directs, supervises and coordinates the activities of all divisions/sections/units in the Office of the Clerk of Court with 13-30 salas;

- Controls and manages all court records, exhibits, documents, properties and supplies;

- Acts on applications for leave of absence and signs daily time records;

- Determines the docket fees to be paid by the parties-litigants as provided in the Rules of Court;

- Issues clearances in appropriate cases;

- Provides information services to the public and private agencies including bar associations;

- Prepares cases for raffle;
- Safekeeps and maintains a judgment book and execution book;
- Studies and recommends to the Executive Judge ways and means to improve both adjudicative and administrative support;
- Performs special functions as ex-officio municipal sheriff;
- Implements all orders and policies of the court in connection with the speedy administration of justice;
- Performs other duties that may be assigned to him. Id. (1.1.1.2), pp. 620-621.

[15] Re: Withholding of All the Salaries and Allowances of Mr. Datu Ashary M. Alauya, Clerk of Court, 4[th] Shari'a District Court, Marawi City, A.M. Nos. 02-4-03-SDC and SDC-03-4-P, 27 May 2002, 429 SCRA 202, 210.

[16] Supra.

[17] Re: Administrative Case for Dishonesty Against Elizabeth Ting, Court Secretary I, and Angelita C. Esmerio, Clerk III, Office of the Division Clerk of Court, Third Division, A.M. Nos. 2001-7 and 2001-8-SC, 22 July 2005, 464 SCRA 1, 13.

[18] Osorio v. Dizon, A.M. No. RTJ-04-1838, 18 March 2004, 426 SCRA 1, 6.

[19] Osorio v. Dizon, supra.

[20] Judge Lacurom v. Magbanua, 443 Phil. 711, 718 (2003), citing Judge Pizarro v. Villegas, 398 Phil. 837, 843 (2000).

[21] Marquez v. Clores-Ramos, 391 Phil. 1, 11 (2000); Canlas v. Sheriff Balasbas, 391 Phil. 706, 714 (2000).

[22] Constitution, Article XI, Sec. 1.

[23] Alivia v. Nieto, 321 Phil. 419 (1995); Sy v. Academia, A.M. No. P-87-72, 03 July 1991, 198 SCRA 705.

[24] Court of Appeals v. Escalante, 343 Phil. 105, 114 (1997); Cunanan v. Tuazon, A.M. No. P-93-776, 07 October 1994, 237 SCRA 380, 388.

[25] RE: Administrative Case for Dishonesty and Falsification of Official Document: Benjamin R. Katly, Information Technology Officer I, Systems Development For Judicial Application Division, MISO, A.M. No. 2003-9-SC, 25 March 2004, 426 SCRA 236, 242.

[26] Becina v. Vivero, A.M. No. P-04-1797, 25 March 2004, 426 SCRA 261.

[27] The Administrative Code of 1997.

[28] Concerned Citizen v. Eleuterio C. Gabral, Jr., Clerk of Court II, MCTC, Sta. Rita, Samar, A.M. No. P-05-2098, 15 December 2005; Alabastro v. Moncada, Sr., A.M. No. P-04-1887, 16 December 2004, 447 SCRA 42; Re: Alleged Violation by Mr. Efren Ascrate of Civil Service Rules on Absenteeism and Tardiness, A.M. No. 2004-19-SC, 04 November 2004, 441 SCRA 451.

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