

ATTY. JESUS N. BANDONG, CLERK OF COURT VI, REGIONAL TRIAL COURT, BRANCH 49, CATAINGAN, MASBATE, COMPLAINANT, VS. BELLO R. CHING, COURT INTERPRETER, RESPONDENT.

A.M. No. P-95-1161. February 10, 1997

Ponente: DAVIDE JR., J.

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DAVIDE JR., J.:

In our decision in this case of 23 August 1996, we observed:

This Court, however, cannot end this case with the above pronouncement. If the neglect of duty by the respondent went on unnoticed for more than ten years, then her immediate superior, the clerk of court, must have to explain why he failed to call respondent's attention to her nonfeasance in office. Clerks of courts are the administrative officers of courts and have, *inter alia*, control and supervision over all court records (Manual for Clerks of Court, 26, 32). They should then see to it that subordinates perform their functions well. Hence, the complainant in this case, Atty. Jesus N. Bandong, Clerk of Court VI, must be made to show cause why no disciplinary action should be taken against him for neglect of duty.

Accordingly, in the dispositive portion of the decision we required complainant Atty. Jesus N. Bandong "TO SHOW CAUSE ... why he should not be disciplinarily dealt with for neglect of duty for his failure to supervise the performance of duty of respondent."

In his two-page Compliance received by this Court on 27 September 1996, Atty. Jesus N. Bandong offered this two-paragraph explanation, which we quote verbatim:

Since his appointment as Deputy Clerk of Court, (CFI) Masbate, Masbate in 1976, then promoted as Acting Clerk of Court, RTC. Br. 49, Cataingan, Masbate under the Judiciary Reorganization Act in 1983, and presently Clerk of Court VI, RTC. Br. 49, Cataingan, Masbate, he had been exercising his duties, responsibilities and general supervision over his personnel with due diligence, efficiently and effectively. He reminded his personnel always of their duties and responsibilities as provided for in the Manual for Clerk of Court and even to the extent of furnishing xerox copy of which is hereto attached, to be posted on their respective office table as guidelines in their daily and faithful performance of their duties and responsibilities. Apart from these, the Office of the Administrative Services furnished every Employees, upon assumption to duty, copies of the above-mentioned form (Position Description Form) to be filled up and signed by the employee concerned together with their immediate supervisor as condition precedent for faithful compliance of the condition stated therein.

These reminders were repeatedly explained to the employees in every conferences called by the Executive Judge, Hon. Henry B. Basilla. But despite such reminders, she, (Court interpreter) was remised in Exercising her duties and responsibilities as provided for in the Manual, and as mandated in the Position Description signed by her. It has been the belief of the undersigned that because of these reminders and conferences, she has been performing well in her function. Although sometimes, the undersigned was unable to foresee every details of her acts, due to the pressure of his works.

In compliance with the resolution of 21 October 1996, Atty. Jesus N. Bandong manifested on 18 November 1996 that he was submitting his case for resolution on the basis of his Explanation.

After due deliberation, we find the explanation plainly unsatisfactory, not because of the obvious haste in its preparation which accounted for its various errors in spelling and grammar, but because in its interstices lie the unwitting admission that he had not done enough to ensure that his subordinates performed their duties in a satisfactory and efficient manner as demanded by the public trust character of their office. Constant reminders to subordinates of their duties and responsibilities, the holding of conferences and the display on top of their office tables of photocopies of BC CSO Form No. 1 are inadequate compliance with the duty of supervision. A periodic assessment of their work and monitoring of their accomplishments are vital in supervision. These become necessary because Atty. Jesus N. Bandong, as clerk of court, has control and supervision over all court records (Manual for Clerks of Court, 26, 32). In short, it was his duty, from time to time, to check or verify if the Minutes in the cases before his Branch were prepared or accomplished. It could clearly be deduced from his Explanation that he had not done so in the cases where respondent Bella R. Ching had dismally failed in her duty to prepare the Minutes.

Atty. Jesus N. Bandong cannot then assume the stance of Pontius Pilate and cleanse himself of any culpability. His “discovery” of Bella R. Ching’s non-feasance was, ironically and unfortunately, a revelation of his own neglect of duty.

WHEREFORE, for neglect of duty, herein complainant ATTY. JESUS N. BANDONG is sentenced to pay a fine of Three Thousand Pesos (P3,000.00) payable within ten (10) days from notice of this Resolution. Let a copy of this resolution be attached to his personal record in the Office of the Administrative Services of this Court.

SO ORDERED.

Narvasa, C.J., (Chairman), Melo, Francisco, and Panganiban, JJ., concur.

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