

MIKROSTAR INDUSTRIAL CORPORATION, REPRESENTED BY ATTY. ELADIO ABQUINA, JR., COMPLAINANT, VS. FE MABALOT, CLERK OF COURT, METROPOLITAN TRIAL COURT, BRANCH 63, MAKATI CITY, RESPON...

A.M. NO. P-05-2097 (Formerly OCA IPI No. 05-2148-P). December 15, 2005

Ponente: CALLEJO, SR., J.

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CALLEJO, SR., J.:

The instant administrative case refers to the charges of failing to act promptly on letters and requests under Sections 5(a) and 11 of Republic Act No. 6713[1] against Fe Mabalot, Branch Clerk of Court, Metropolitan Trial Court, Branch 63, Makati City, relative to Civil Case No. 76271 for sum of money.

Atty. Eladio B. Abquina, Jr., the legal counsel of Mikrostar Industrial Corporation, the plaintiff in the said case, sent an unverified Letter dated July 7, 2004 addressed to the respondent, stating as follows:

I personally sent you two (2) letters. In the first letter, dated May 7, 2004, I was asking if the Decision, dated January 27, 2003, and Order dated May 26, 2004, have gained finality. Unfortunately, you have not answered the said May 7, 2004 letter. The second letter was a follow-up letter dated June 2, 2004 to the May 7, 2004 letter. Unfortunately, despite receipt of the said June 2, 2004 letter by personal service, you opted not to answer my letter.

On June 28, 2004, I sent Mr. Eraño S. Reyes, my paralegal officer to your office to inquire if there is already a response to my queries. According to my paralegal officer, he accidentally met you at the hallway somewhere at your office and you told him: "pasulat-sulat pa kayo, ang yayabang n'yo."

According to my secretary, Ms. Maricel Galima, you called up my office and advised us to file a motion for the issuance of writ of execution with attached affidavit of proof of personal service upon the defendant. You also told my secretary that the motion will be set for hearing on August 2004, after which the motion will be granted. You also told my secretary that "nayayabangan ka at naantipatikuhan kay Eraño Reyes." As regards your accusation against my paralegal officer, I have directed him to formally comment on this.

Now going back to my letters, I'm terribly upset that to date you have not answered my letter. With due respect, how can I prove to the Court as to how and when the decision gained finality when you have not answered my letter/query?[2]

The letter was forwarded to the Office of the Court Administrator (OCA), and referred to the respondent for Comment. The respondent denied the allegations, but admitted having met Eraño S. Reyes when the latter requested for a certificate of finality of decision. She replied that first level courts do not issue such a certificate as there are still remedies available in the Regional Trial Court (RTC). Nonetheless, she instructed the clerk in charge to look for the mailing return card and, because of the heavy workload during that time, asked Reyes to come back after a week. As she did not find a return card, she resorted to the mailing list and found that only the court Order dated September 29, 2003 was mailed on October 7, 2003. This information was relayed to Reyes,

who then wrote a letter requesting the Makati Post Office to issue a certification that such court order was mailed to the defendant's counsel.

According to the respondent, Reyes was uncivilized and arrogant with his dealings with the court, and even threatened that his employer, Atty. Abquina, would report her to the Ombudsman if she did not comply with the letter. The respondent admitted, however, that she called up the complainant's secretary as instructed by her presiding judge, who was also annoyed by Reyes' arrogant and uncivilized attitude. She relayed through telephone that the complainant could file a motion for execution even without proof of receipt of the order. She claimed that she pointed out the provisions of Rule 131 of the Rules of Court, and that there had also been partial execution after the previous payments had been deducted in the Order dated May 26, 2003.

The respondent, likewise, assailed the grandstanding of the complainant instead of filing the necessary motion in court. She claims that instead of protecting and prioritizing his client's interest, the complainant harassed court employees, an act unbecoming of an officer of the court and a violation of Canon 10 of the Code of Professional Ethics. She also disclosed that she was furnishing a copy to the Integrated Bar of the Philippines-Committee on Discipline for evaluation if the complainant may be subjected to disciplinary action.

In its Report[3] dated March 17, 2005, the OCA recommended that the instant administrative complaint be dismissed for lack of merit, considering that the complainant failed to show that the respondent was motivated by fraud, dishonesty or corrupt motive. Moreover, the respondent was not remiss in her duty to observe what was incumbent upon her in answering queries of parties-litigants.

The case was, thereafter, referred to Executive Judge Rowena De Juan-Quinagoran, RTC, Makati City, for investigation, report and recommendation.[4] Despite due notice, however, the complainant failed to appear during the hearing dates.

In her Investigation Report and Recommendation dated September 29, 2005, the Executive Judge agreed with the OCA that the respondent was not remiss in the performance of her duty, considering that she responded to the complainant's letters through telephone calls, a common practice in courts. The Executive Judge also ruled that there was no basis to support the complainant's allegation that the respondent made the utterances attributed to her. It was then recommended that the case be dismissed for lack of merit and insufficiency of evidence. The Executive Judge opined, however, that the respondent should be warned or admonished to be more efficient in the performance of her official function as Branch Clerk of Court.

The Court agrees that the respondent should not be held administratively liable in this instance. It is settled that in administrative proceedings, the burden of substantiating the charges asseverated in the complaint falls on the complainant.[5] The allegations in the complaint must be proven with substantial evidence. In the absence of evidence to the contrary, the presumption that the respondent regularly performed his or her duties will prevail. Even in administrative cases, if a court employee is to be disciplined for a grave offense, the evidence against him or her should be competent and should be derived from direct knowledge.[6] Reliance on mere allegations, conjectures and suppositions will leave an administrative complaint with no leg to stand on. Charges based on mere suspicion and speculation cannot be given credence.[7]

In this case, the complainant failed to substantiate the charges against the respondent. In fact, no representative from the corporation appeared during the investigation, nor was there an attempt to present any affidavit to support the allegations in the complaint.

However, as found by the Executive Judge:

[D]uring the hearing on September 8, 2005, respondent admitted that the casual employee assigned in the

mailing failed to send a copy of the Order to the defendant (TSN, dated September 8, 2005, page 11). Thus, the undersigned finds that she committed an infraction in the performance of her official functions. She should see to it that copies of orders, decision and communication are properly [sent] to the parties and counsel.[8]

The respondent should forthwith be reminded that as a clerk of court, she is an essential and ranking officer of our judicial system who performs delicate administrative functions vital to the prompt and proper administration of justice,[9] and that any conduct which tends to diminish the image of the Judiciary will not be countenanced. Moreover, court personnel are exhorted to at all times perform official duties properly and with diligence, and to carry out their responsibilities as public servants in as courteous a manner as possible.[10] It is only in this way that the integrity and the good name of the courts of justice shall be preserved.

WHEREFORE, the charges against Fe Mabalot are DISMISSED for lack of merit. She is ADMONISHED to be more circumspect in the performance of her duties.

SO ORDERED.

Puno, (Chairperson), Austria-Martinez, Tinga, and Chico-Nazario, JJ., concur.

[1] Otherwise known as an "Act Establishing a Code of Conduct and Ethical Standards for Public Officials and Employees, to Uphold the Time-Honored Principle of Public Office being a Public Trust, Granting Incentives and Rewards for Exemplary Service, Enumerating Prohibited Acts and Transactions and Providing Penalties for Violations Thereof and for Other Purposes."

[2] Rollo, pp. 5-6.

[3] Id. at 1-4.

[4] Id. at 22.

[5] Cortes v. Agcaoili, A.M. No. RTJ-98-1414, August 20, 1998, 294 SCRA 423.

[6] Sierra v. Tiamson, A.M. No. RTJ-04-1847, July 21, 2004, 434 SCRA 560.

[7] Lambino v. De Vera, 341 Phil. 42 (1997).

[8] Investigation Report and Recommendation, p. 2.

[9] Office of the Court Administrator v. Saguyod, 429 Phil. 421 (2002).

[10] Sections 1 and 2, Canon IV of the CODE OF CONDUCT FOR COURT PERSONNEL, A.M. No. 03-06-13-SC, which took effect on June 1, 2004.

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