

**AGUSTIN G. LLOVERAS, COMPLAINANT, VS. MILAGROS SANCHEZ,
CLERK OF COURT, MUNICIPAL TRIAL COURT, CONSOLACION, CEBU,
RESPONDENT.**

A.M. No. P-93-817. January 18, 1994

Ponente: REGALADO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/9f9372ad6347/>

REGALADO, J.:

In a sworn-letter complaint[1] dated May 3, 1993, Agustin G. Lloveras, Chief of Police, PNP, of Consolacion, Cebu, charged respondent Milagros Sanchez, incumbent Clerk of Court of the Municipal Trial Court of Consolacion, Cebu, for allegedly committing malicious and illegal acts prejudicial to the interest of the service.

Complainant asserts that: (a) the records of Criminal Case No. 3558, entitled "People of the Philippines vs. Estanislao Pilapil," were lost due to the negligence of respondent; (b) respondent, without seeking permission from her court, accepted the position of stenographer of the People's Law Enforcement Board (PLEB) at Consolacion, Cebu, performing the functions thereof during office hours to the detriment of her official functions as clerk of court and, as such stenographer, received an honorarium from the municipality; (c) she prepared affidavits and complaints during office hours resulting in inefficient performance of her official duties; (d) she deliberately or maliciously concealed the criminal records of a certain Romeo Bayan who was convicted of theft, in violation of Article 226 of the Revised Penal Code; (e) respondent accepted personally the cash bond of the accused in Criminal Case No. DU2987; and (f) she has incurred frequent tardiness and absences in office.

Pursuant to a resolution of this Court dated June 28, 1993, respondent Sanchez filed her comment.[2] Thereafter, the case was referred to the Office of the Court Administrator for evaluation, report and recommendation.

In a memorandum[3] of said office dated November 16, 1993, the following findings were reported:

"Filed with this Office is a sworn letter-complaint, dated 25 May 1993, of Agustin G. Llovera(s), Chief of Police, PNP, Consolacion, Cebu, against respondent Sanchez, allegedly for 'committing malicious and illegal acts' prejudicial to the best interest of the service.

"Complainant claimed that: (a) the records of Crim. Case No. 3558, entitled "People vs. Estanislao Pilapil, for theft, were lost due to the negligence of the respondent; (b) respondent, without seeking permission from the Court, acted as stenographer of the People's Law Enforcement Board (PLEB) at Consolacion, Cebu, performing such function during office hours to the detriment of her function and as such stenographer, received an honorarium from the municipality; (c) respondent prepares affidavits and complaints during office hours causing inefficient performance of her official duties; (d) respondent deliberately/maliciously concealed the criminal records of a certain Romeo Bayan who was convicted for theft; (e) respondent accepted personally the cash bond of the accused in Crim. Case No. DU2987; and (f) the frequent tardiness and absences in office of respondent should be looked into.

"Respondent, in her comment, dated 5 August 1993, admitted that the records of Crim. Case No. 3558 were lost. (H)owever, she explained that such was not due to her want of care and negligence but because of the

destroyed locks of the d(i)lapidated filing cabinet resulting to the free access of court personnel to court records. She explained further that utmost effort was exerted in locating the lost record and when she failed, she immediately reconstructed the records, thus, a decision was rendered on July 14, 1993. It is for this reason that respondent believed that herein complainant has something to do with the loss of said record because otherwise he has nothing to complain about, (she) having already filed several charges against him.

"Respondent likewise asserted that she has not received any circular/memorandum prohibiting court personnel from involving (themselves) in municipal activities, thus sometime in 1988 she accepted the position of Secretary then Treasurer, of the People's Law Enforcement Board with the consent of her Judge. Although her work as stenographer did not hamper her main function as the Clerk of Court, she tendered her resignation in June 1992 but for some reason, it took effect in January 1993.

"As to the preparation of affidavits, respondent admitted that she is preparing affidavits (but not complaints) and that the Judiciary is benefi(t)ed therefrom because the P10.00 charge per affidavit is remitted as legal fees and forms part of the Judiciary Development Fund (JDF).

"In so far as the allegations of tardiness, absences and concealment of criminal record of a certain Romeo Bayan, (are concerned), respondent denied the same and asserted that if and when absences/tardiness took place, such are with the permission of her Judge, duly reflected in her Daily Time Record and with duly approved application for leave.

"A close scrutiny of the record of the case reveals that respondent cannot take refuge behind the destroyed lock and d(i)lapidated filing cabinet which brought about the loss of the records of Crim. Case No. 3558. As a Clerk of Court, it is her duty to safely keep all records, papers, files, exhibits and public property committed to her charge including the seals and furnitures belonging to her office. (Sec. 7, Rule 136, Revised Rules of Court), thus she should have done something, such as having the lock fixed, to ensure that all court records are secured. However, considering that this is her first offense and she exerted effort to reconstruct the records so as to avoid further delay in the administration of justice, her liability should be mitigated.

"Also, anent the charges that respondent acted as stenographer of PLEB, she should be reminded that the entire time of the judiciary officials and employees must be devoted to government service for which she is being compensated in full to ensure efficient and speedy administration of justice pursuant to Administrative Circular No. 5 and 6.

"Verification with the Leave Section, this Court, discloses that as of June 1993, when this administrative matter was filed, respondent has 209 days leave credits and her record showed she is not a habitual absentee. However, for the period of July thru October 1993, all court personnel in MTC, Consolacion, Cebu have not filed their Daily Time Record(s). Thus, we cannot give an updated report as to her attendance and leave credits. A call-up letter was sent on 11 October 1993, and we are waiting for the response.

"With regard to the remaining allegations, complainant failed to substantiate the same with sufficient evidence to make his charges stick, thus, dismissal of these other charges is called for."

It is recommended therein that respondent be severely admonished to be more careful in the discharge of her duties.

In *Angeles vs. Bantug, et al.*,^[4] we pointed out that the clerk of court of a court of justice is an essential officer in any judicial system. His office is the hub of activities, both adjudicative and administrative. The clerk of court keeps the records and seal, issues processes, enters judgments and orders, and gives, upon request, certified copies from the records.

We emphasized in said case that 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. As custodian of the records of the court, therefore, it is the duty of the clerk of court to ensure that the same are safely kept in his or her possession and that they will be readily available upon the request of the parties or order of the court. He or she must be assiduous in performing his or her official duties and in supervising and managing court dockets and records.

The failure of herein respondent Sanchez to discharge this duty imposed upon her with all due diligence is indicative of negligence on her part which warrants disciplinary action. 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.[5]

This Court has said before, and reiterates it here, that the conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility. Their conduct at all times, must not only be characterized by propriety and decorum but above all else must be above suspicion. Indeed, every employee of the Judiciary should be an example of integrity, uprightness and honesty.[6]

WHEREFORE, respondent Milagros Sanchez is hereby REPRIMANDED and ORDERED to be more careful and circumspect in the performance of her duties as a clerk of court, to avoid accepting other positions or designations detrimental to her functions and to immediately desist therefrom if still engaged in other prohibited activities, with a stern warning that a repetition of the same or similar infractions will be dealt with more severely.

SO ORDERED.

Narvasa, C.J., (Chairman), Padilla, and Puno, JJ., concur.
Nocon, J., on leave.

[1] Rollo, 2.

[2] Rollo, 24.

[3] Ibid., 80.

[4] A.M. No. P-89-295, May 29, 1992, 209 SCRA 413.

[5] Callejo, Jr. vs. Garcia, Adm. Case No. P-88-198, February 25, 1992, 206 SCRA 491.

[6] Angeles vs. Bantug, et al., supra.

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.