RE: REQUEST OF MR. MELITO E. CUADRA, PROCESS SERVER, RTC, BRANCH 100, QUEZON CITY TO THE RC, BRANCH 18, TAGAYTAY CITY,

A.M. NO. 01-12-629-RTC. June 15, 2005

Ponente: TINGA, J.

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TINGA, J.:

Melito E. Cuadra, Process Server at the Quezon City Regional Trial Court (RTC), Branch 100, was detailed to the Tagaytay City RTC, Branch 18 from 12 October 1995 until 12 April 1996, per his request.[1] Cuadra was able to get extensions of the detail, such that he was continuously detailed to Branch 18 until April 1997. His requests for detail and for the numerous extensions thereof were uniformly based on the following reasons:

> a.) I commute daily to Quezon City from my residence at Brgy. Anuling, Mendez, Cavite which is more or less 80 kilometers, wasting so much time and effort in the process;
>
> b.) With four children to support, trying to make both ends meet has become more and more difficult for me especially now that the bus and jeepney fares from my place in Cavite to Quezon City had all increased;
>
> c.) I am requesting my detail to cut down on traveling time and expenses, thus making me save a little for my children's needs.
>
> d.) That this is my family's only source of income and if such detail would not be extended, we would not be able to survive.[2]

When Cuadra requested for another extension in April 1997, Assistant Court Administrator (ACA) Antonio Dujua furnished Cuadra a copy of Supreme Court Circular No. 18-97 prescribing the "Guidelines on the Detail and Reassignment of Personnel of the Lower Courts." The Circular provides, among others, that the detail of court personnel is allowed only for a period of three (3) months and any extension of the detail thereafter shall be for a period of three (3) months only and may be granted solely for meritorious reasons or when exigencies and interest of the service require the same. On 04 July 1997, Cuadra requested for another extension. His request remained unacted upon but he continued reporting to the Tagaytay City RTC. In a Resolution dated 15 January 2002, the Court resolved to authorize the extension of Cuadra's detail to the Tagaytay City RTC, Branch 18 up to 30 April 2002, with warning that no further extension of his detail will be granted, and advised Cuadra to apply for transfer to any court he thinks will accomplish the purpose of his detail to Tagaytay City. The Court also noted that Cuadra's stay at the Tagaytay City RTC since 14 April 1997 was not covered by any previous authority.[3]

On 04 June 2002, the Court approved another request of Mr. Cuadra for extension of his detail for a period of one (1) year, and advised him to immediately apply for permanent transfer thereto so as not to prejudice his official station at the Quezon City RTC, Branch 100, which has been deprived of the services of a Process Server since October 1995.

In a letter dated 25 June 2003, Deputy Court Administrator (DCA) Christopher O. Lock informed Cuadra that his

detail had already expired as of 04 June 2003. DCA Lock directed him to immediately report to his official station in Quezon City and required him to submit his certificate of assumption of duty duly signed by the Quezon City RTC Branch Clerk of Court concerned. Cuadra was warned that his failure to comply with such directive will be a ground for disciplinary action.

Thereafter, on 21 October 2003, the Court issued a Resolution (a) denying with finality Cuadra's request for another extension considering that he had been previously granted several extensions; and (b) directing him to explain why no disciplinary action should be imposed upon him for his failure to report to his official station in Quezon City after the expiration of his detail on 04 June 2003.

On 04 December 2003, the Office of the Court Administrator (OCA) received Cuadra's letter-explanation.[4] Apologizing for his failure to report to his official station in Quezon City, Cuadra explained that he continuously served at the Tagaytay City RTC pending resolution of his 07 July 2003 letter-request, believing in good faith that his request for another extension would be granted, considering that the Tagaytay City RTC is a single-sala court which has a voluminous caseload. He added that upon receipt of the 21 October 2003 Resolution on 19 November 2003, he completed his pending tasks before the Tagaytay City RTC and reported for work at the Quezon City RTC. Attached to the letter-explanation is a Certification from Atty. Ana Liza M. Luna, Clerk of Court, Tagaytay City RTC, Branch 18, stating that Cuadra reported to said branch up to 30 November 2003. On the other hand, Ms. Vivian A. Reamo, Officer-in- Charge of Quezon City RTC, Branch 100 has issued a certification that Cuadra re-assumed his duty therein only on 05 January 2004.

On 23 November 2004, the Court En Banc referred this administrative matter to the OCA for evaluation, report and recommendation.[5] In its Memorandum dated 23 December 2003, the OCA noted that Cuadra was privileged to have been generously granted by the Court several extensions for detail, an accommodation which was not given to most other court personnel who filed similar requests. His detail was necessitated by the exigencies of the service as well as the indorsements made by the presiding judges of the Tagaytay City Court, and partly for humanitarian considerations, taking into account his economic status.

Nevertheless, the benevolent and humanitarian approach of the Court to his problem was not appreciated by Cuadra. Neither did he reciprocate the Court's generous act with timely compliance with the instruction to return to his original action. Further, the OCA noted that Cuadra did not immediately apply for appointment to the then existing vacant position of Clerk III in the Tagaytay City RTC despite the Court's advice on 15 January 2002, which shows his lack of interest in permanently transferring to the said court. The OCA added that despite Presiding Judge Alfonso S. Garcia's statement that his court cannot effectively carry out its tasks on time without the presence of Cuadra,[6] the former did not recommend him to the vacant position of Clerk III, and instead recommended an outsider applicant. The OCA opined that this implies that Cuadra is not indispensable to the Tagaytay City RTC.[7]

On a different note, the OCA observed that the presiding judges of the court where he was detailed kept on indorsing his requests for extension, and despite the expiry of his period of detail, his official station in Quezon City did not request for his return, much less contest or object to another request for extension or approval. Likewise, the OCA found that since Cuadra joined the judiciary in 1986, no complaint has been filed against him. Thus, the OCA concluded by saying:

> The foregoing notwithstanding, Mr. Cuadra should not escape administrative liability although it could not be conclusively said that his act of disobeying the order of a superior officer was accompanied by bad faith due to the above reasons. The glaring fact is that he had committed willful disobedience or insubordination for which he deserves to be sanctioned, albeit with mitigated liability.

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> Wherefore, we respectfully recommend for the consideration of the Honorable Court that Melito E. Cuadra, Process Server, Branch 100, Quezon City, Regional Trial Court, be found LIABLE FOR INSUBORDINATION and be penalized with SUSPENSION for fifteen (15) days with the WARNING that a repetition of the same or similar act in the future shall be dealt with more severely.[8]

We are in accord with the findings and observations of the OCA, save for the recommended penalty.

Insubordination properly refers to willful or intentional disregard of some lawful and reasonable instructions of the employer.[9] Under Section 52 B (5) of the Revised Uniform Rules on Administrative Cases in the Civil Service,[10] insubordination is meted the penalty of suspension ranging from one (1) month and one (1) day to six (6) months for the first offense, and the penalty of dismissal for the second offense.

Clearly, there was insubordination when Cuadra refused to report to his station in Quezon City despite the Resolution of this Court requiring him to do so. Therefore, the appropriate penalty is suspension for six (6) months, and not the recommended penalty of fifteen (15) days.

Every officer and employee in the judiciary is duty bound to obey the orders and processes of the Supreme Court without the least delay.[11] A resolution of the Supreme Court requiring the performance of a positive action or response should not be construed as a mere request from the Court, nor should it be complied with partially, inadequately, or selectively. In failing to timely report to his station and to submit the required certification as per the Court's Resolution, Cuadra demonstrated indifference, if not disobedience, to and disrespect for this Court to which he owes his fealty.

Let it not be forgotten that the interest of public service is more paramount than personal convenience.[12] As an employee of the judiciary, Cuadra is first and foremost a public servant, and as such must first meet the exigencies of his position, before his personal interests. That his appointment brought inconvenience to Cuadra and his family is, and should be, of no moment. Yet the Court accommodated his requests, taking into consideration his personal circumstances and the perceived needs of the Tagaytay City RTC. Unfortunately, Cuadra saw the compassionate stance of the Court as unceasing, such that he was confident that his requests will always be granted, and ignored the orders for him to return to his station. As the Court has stated in Martinez v. Zoleta,[13] benevolence is not limitless and patience, to be sure, is not without boundaries. These virtues must, at a definite point, yield to the higher considerations of justice and public service.[14]

WHEREFORE, for insubordination, MELITO E. CUADRA, Process Server, Quezon City Regional Trial Court, Branch 100 is hereby SUSPENDED for six (6) months with a WARNING that a repetition of the same or similar acts in the future shall be dealt with more severely.

SO ORDERED.

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

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[1] The request was granted by then Deputy Court Administrator Reynaldo L. Suarez.

[2] Rollo, p. 4.

[3] Id. at 18-19.

[4] Id. at 39.

[5] Id. at 44.

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[6] Id. at 42.

[7] Id. at 48.

[8] Id. at 49-50.

[9] BLACK'S LAW DICTIONARY, 720, 5[th] ed.

[10] Memorandum Circular No. 19, s. 1999.

[11] Logatic v. Peñas, Jr., 342 Phil. 12, 19 (1997).

[12] Quichoco v. Abrera, et al., 127 Phil.. 616 (1967).

[13] 374 Phil. 35 (1999).

[14] Supra at 450.

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