

RE: COMPLAINT OF AERO ENGR. DARWIN A. RECI AGAINST COURT ADMINISTRATOR JOSE MIDAS P. MARQUEZ AND DEPUTY COURT ADMINISTRATOR THELMA C. BAHIA RELATIVE TO CRIMINAL CASE NO. 05-236956*A.M. No. 17-01-04-SC. February 07, 2017*

Ponente: PERLAS-BERNABE, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a-m-no-17-01-04/>**PERLAS-BERNABE, J.:**

The instant administrative case arose from a single-paged Administrative Complaint dated August 20, 2016 filed by complainant Aero Engr. Darwin A. Reci (complainant) charging Court Administrator Jose Midas P. Marquez (CA Marquez) and Deputy Court Administrator Thelma C. Bahia (DCA Bahia) with Gross Negligence and Dereliction of Duty.

The Facts

Complainant alleges that he is the older brother of PO2 Dennis Azuela Reci (PO2 Reci), the accused in Criminal Case No. 05-236956 for the crime of Qualified Trafficking in Persons defined and penalized under Section 6 of Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003," docketed before the Regional Trial Court of the City of Manila, Branch 9 (RTC) and presided by Judge Amelia Tria Infante (Judge Infante). It appears that PO2 Reci was convicted in the said case, and as such, his counsel filed a Notice of Appeal before the RTC. According to complainant, he discovered that after three (3) long years from the filing of said notice, the case records have yet to be transmitted to the Court of Appeals, and that it was only after his subsequent prodding that such transmittal was made. Complainant further alleges that while the delayed transmittal resulted in administrative sanctions meted by the Second Division of the Court (i.e., reprimand and warning), he feels that the same were insufficient as there were no penalties imposed upon the clerk of court and the court stenographer of the RTC. Thus, he filed the instant complaint accusing CA Marquez and DCA Bahia of Gross Negligence and Dereliction of Duty "for failing to monitor the gross incompetence of [Judge Infante]" in the transmittal of the records of Criminal Case No. 05-236956 to the Court of Appeals in due time. Complainant insists that CA Marquez and DCA Bahia were equally responsible for the aforesaid delay, and thus, should also be held administratively liable.[1]

The Issue Before the Court

The sole issue raised for the Court's resolution is whether or not CA Marquez and DCA Bahia should be held administratively liable for Gross Negligence and Dereliction of Duty.

The Court's Ruling

Dereliction of duty may be classified as gross or simple neglect of duty or negligence. Gross neglect of duty or gross negligence "refers to negligence characterized by the want of even slight care, or by acting or omitting to act in a situation where there is a duty to act, not inadvertently but wilfully and intentionally, with a conscious

indifference to the consequences, insofar as other persons may be affected. It is the omission of that care that even inattentive and thoughtless men never fail to give to their own property." It denotes a flagrant and culpable refusal or unwillingness of a person to perform a duty. In cases involving public officials, gross negligence occurs when a breach of duty is flagrant and palpable.[2] In contrast, simple neglect of duty means the failure of an employee or official to give proper attention to a task expected of him or her, signifying a "disregard of a duty resulting from carelessness or indifference." [3]

In this relation, it is settled that the quantum of evidence necessary to find an individual liable for the aforesaid offenses is substantial evidence, or "that amount of relevant evidence which a reasonable mind might accept as adequate to justify a conclusion." [4] Substantial evidence does not necessarily mean preponderant proof as required in ordinary civil cases, but such kind of relevant evidence as a reasonable mind might accept as adequate to support a conclusion or evidence commonly accepted by reasonably prudent men in the conduct of their affairs. [5]

Applying the foregoing to this case, it is clear that aside from his bare allegations, complainant has not shown any prima facie evidence to support his claim that CA Marquez and DCA Bahia should be held equally liable for the delay in the transmittal of the case records of Criminal Case No. 05-236956 to the Court of Appeals in due time. Absent any proof to the contrary, CA Marquez and DCA Bahia are presumed to have regularly performed their duties, [6] and consequently, the complaint against them ought to be dismissed.

WHEREFORE, the complaint is DISMISSED for lack of merit

SO ORDERED.

Sereno, C.J., Carpio, Velasco, Jr., Leonardo-De Castro, Peralta, Bersamin, Del Castillo, Mendoza, Reyes, Leonen, and Jardeleza, JJ., concur.
Caguioa, J., on leave.

NOTICE OF JUDGMENT

Sirs/Mesdames:

Please take notice that on February 7, 2017 a Decision/Resolution, copy attached herewith, was rendered by the Supreme Court in the above-entitled administrative matter, the original of which was received by this Office on February 21, 2017 at 10:55 a.m.

Very truly yours,

(SGD)

FELIPA G. BORLONGAN-ANAMA

Clerk of Court

[1] Rollo, p. 2.

[2] Office of the Ombudsman v. De Leon, 705 Phil. 26, 37-38 (2013); citations omitted.

[3] Id. at 38, citing *Republic v. Canastillo*, 551 Phil. 987, 996 (2007).

[4] See Section 5, Rule 133 of the Rules of Court.

[5] *Office of the Ombudsman (Visayas) v. Zaldarriaga*, 635 Phil. 361, 368 (2010), citing *The Ombudsman v. Jurado*, 583 Phil. 132, 152.

[6] See Section 3 (m), Rule 131 of the Rules of Court.

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