

**PROSECUTOR AGAPITO B. ROSALES, PROVINCIAL PROSECUTOR,
CAMARINES SUR, COMPLAINANT, VS. ENGR. CELERINO
BUENAVENTURA, BUILDING AND GROUNDS MAINTENANCE HEAD,
MAINTENANCE SECTION, HA...**

A.M. NO. 2004-15-SC. November 16, 2006

Ponente: SANDOVAL-GUTIERREZ, J.

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SANDOVAL-GUTIERREZ, J.:

Complainant Agapito B. Rosales, is the Provincial Prosecutor of Camarines Sur, while respondent Engineer Celerino A. Buenaventura is the Head of the Maintenance Section of the Office of the Hall of Justice in Naga City.

In his affidavit-complaint dated November 10, 2003, complainant alleged that respondent has neglected, despite repeated requests, to discharge his duty of taking charge of the maintenance and repairs of the four (4) air conditioning units installed in the Hall of Justice in Naga City where the Provincial Prosecutor's Office in Camarines Sur is housed. His gross inexcusable negligence caused undue injury to the Government for it will incur "undue expense" and prejudice to the public service.

Leonardo Carido, Administrative Officer III of the Hall of Justice, Naga City, executed an affidavit dated November 10, 2003 corroborating petitioner's charge, thus:

x x x x x x x x

- That despite said letters, no action whatsoever had been taken by Engr. Celerino A. Buenaventura, to date, to ensure the appropriate preventive maintenance measures and necessary repairs on the same air conditioning systems such that Prosecutor Rosales subsequently caused several letters of demand to the former to act favorably on our formal office requests but to no avail;

- That due to the same prolonged inaction of Engr. Celerino A. Buenaventura, four (4) of our air conditioning systems malfunctioned and eventually stopped functioning altogether, leaving our working conditions in our office unbearable because of extreme heat and humidity for almost a year now, thereby resulting to the extreme discomfort and inconvenience to its occupants and the numerous persons who daily come to the office to transact official business.

In his comment on the complaint, respondent explained that the air conditioners broke down because of "unwise observance of their proper use." At any rate, the Hall of Justice building where the Provincial Prosecutor works has good ventilation due to the surrounding trees that engender natural air. Moreover, the government was able to save money when the air conditioners were out of order.

In a Memorandum addressed to then Chief Justice Hilario G. Davide, Jr. dated May 12, 2004, Atty. Eden T. Candelaria, Deputy Clerk of Court and Chief Administrative Officer, found respondent guilty of negligence in the performance of his duties and recommended that he be reprimanded and warned that a repetition of the same

offense will be dealt with more severely, thus:

The theory of respondent that due to the breakdown and eventual non-use of the ACUs, the government was able to save money for the payment of power consumption of the ACUs during the time when they were not in use, as compared with the ACUs' undergoing actual repairs, is not acceptable. In either way, whether the Court would still opt to repair all the units to restore them in their serviceable condition, which at present might have even worsen, or would just leave them as "junks", the government would still eventually lose the amount it allegedly was able to save.

In fine, respondent did not deny the dereliction of duty alleged in the Complaint. It is not the respondent's duty to "save" money for the government, particularly the Court in this case, through the non-maintenance or non-repair of the Prosecutor's Office ACUs. The act of respondent in making no effort to formally respond to the complainant's several requests for the regular maintenance of the ACUs, clearly shows his indifference or if not insubordination. The fact that the Court may have saved from the electric consumption for the non-use of the ACUs is of no moment. The issue is simply the failure of respondent to act on the request of Prosecutor Rosales.

In fact, the failure of the respondent in performing his duties resulting to the breakdown of the ACUs has caused more damage to the Government rather than generate savings by its non-use. The ACUs were placed in the Hall of Justice of Naga City precisely for the purpose of being in use. The regular check-up and maintenance are necessary incidents for the continuing use and preservation of the said units. Had the Court intended to use only two (2) ACUs instead of six (6), the government would not have purchased such number of units in the first place. One of the main duties of the respondent is to maintain the ACUs and not to determine whether the units were excessive or proper. As a consequence, his inaction resulted to unwarranted expenses to the Government, and to excuse his action is to reward his negligence and dereliction of duty. Imposing administrative sanctions on respondent is a means to ensure that such incident will not happen again in the future.

In view of the foregoing, this Office must respectfully recommends that Engr. Celerino Buenaventura, Building and Ground Maintenance Head, Halls of Justice be REPRIMANDED for negligence in the performance of his duties, with a warning that a repetition of a similar act in the future will be dealt with more severely.

We sustain the finding of Atty. Candelaria.

Pursuant to our Resolution of May 25, 2004, the parties submitted their respective manifestations submitting the case for resolution based on the pleadings and/or records on file.

Under Section 16 of the Guidelines on the Occupancy, Use, Operation and Maintenance of the Halls of Justice, the duties and responsibilities of the Maintenance Unit, among others, are:

Sec. 16. GENERAL DUTIES AND RESPONSIBILITIES. – The Maintenance Unit shall:

a. Take charge and perform all works in connection with the preventive maintenance and minor repairs of the building; and keep in good and serviceable condition all tools, equipment and facilities relative thereto;

x x x

c. Report immediately to the CHOJ any major breakdown of equipment and facilities and recommend courses of action to be taken.

Respondent's failure to perform the above duties resulting in the early breakdown of the air conditioning units in the Hall of Justice in Naga City is deplorable. His explanation that the government was able to save money during the time they were not in use is grossly unsatisfactory. As aptly stated by Deputy Clerk of Court Candelaria, his

failure to perform his duties resulting in the breakdown of the air conditioners has caused more damage to the government.

All employees in the Judiciary should be examples of responsibility, competency and efficiency.[1] They shall at all times perform their official duties properly and with diligence. They shall commit themselves exclusively to the business and responsibilities of their office during office hours.[2]

We find respondent administratively liable for simple neglect of duty defined as the failure to give proper attention to a task expected of an employee resulting from either carelessness or indifference.[3] Under Rule IV, Section 52(B) of the Uniform Rules on Administrative Cases in the Civil Service, the penalty for simple neglect of duty, a less grave offense, is suspension for a period of one (1) month and one (1) day to six (6) months for the first violation.

Considering that this is respondent's first offense, suspension for thirty five (35) days without pay is deemed appropriate.

WHEREFORE, respondent Celerino A. Buenaventura is found guilty of simple neglect of duty in the performance of his duties and is **SUSPENDED** for thirty five (35) days without pay, with a **STERN WARNING** that a repetition of similar offense will be dealt with more severely.

SO ORDERED.

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

[1] Atty. Florante S. Legaspi v. Alejandro L. Tobillo, etc., A.M. No. P-05-1978, March 31, 2005, 454 SCRA 228.

[2] Section 1, Canon IV, Code of Conduct for Court Personnel.

[3] Re: Report of Mr. Dominador P. Itliong, Officer-in-Charge, Baguio City' A.M. No. 03-11-29-SC, June 8, 2005, 459 SCRA 289.

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