

EDGARDO D. PAMINTUAN, GENERAL MANAGER, NATIONAL HOUSING AUTHORITY (NHA), COMPLAINANT, VS. CLERK OF COURT EDILAIDA D. ENTE-ALCANTARA AND CLERK III AMELIA S. LOJA, METROPOLITAN TR...

A.M. No. P-04-1912. December 17, 2004

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

In a letter-complaint[1] dated October 3, 2003, Edgardo D. Pamintuan, General Manager of the National Housing Authority (NHA), charged respondents Branch Clerk of Court Edilaida D. Ente-Alcantara and Clerk III Amelia S. Loja of the Metropolitan Trial Court of Quezon City, Branch 31, with Misfeasance and Conduct Prejudicial to the Best Interest of the Service, in violation of Section 36(b) of P.D. 807, the Civil Service Decree of the Philippines, relative to Civil Case No. 16995.

In January 1997, the NHA filed a civil case for ejectment against Eduardo S. Yap before Branch 31, Metropolitan Trial Court, Quezon City, which was docketed as Civil Case No. 16995.

After both parties filed their respective position papers,[2] the trial court rendered a decision in favor of the NHA on May 16, 2001.[3] Eduardo S. Yap filed a Notice of Appeal from the said decision. The NHA had not received from the Branch Clerk of Court the letter of transmittal of records to the appellate court as required under Rule 40, Sections 6 of the Rules of Court.

The NHA, through its Legal Department, sent a letter, dated February 18, 2003, to both Clerks of Court of the Regional Trial Court and Metropolitan Trial Court, Branch 31, Quezon City, regarding the transmittal of records of Civil Case No. 16995.[4] However, the NHA received no response from the court.

Thereafter, complainant made several follow-ups but respondents reasoned that: (a) the entire records of the branch are under inventory; (b) the records-folder of the subject case is still being located; (c) the records-folder is among those bundled at the lower ground of the court building and that it would take time to locate the records-folder; and (d) if NHA is in a hurry to retrieve the records-folder it should send its staff to assist the court personnel in locating it.

Complainant, on behalf of the NHA, filed the instant administrative complaint with the Office of the Court Administrator on October 15, 2003.

On November 28, 2003, the respondents filed their respective comments in compliance with the 1[st] Indorsement of the Court Administrator.

Respondent Ente-Alcantara claims that she had no knowledge of the ejectment case filed by NHA in January 1997 against Eduardo S. Yap as she was not a government employee yet, having been appointed as Clerk of Court III only on August 8, 2003, or of NHA's letter dated February 18, 2003, considering that she was a legal

researcher of Branch 39, MeTC of Quezon City at that time. She came to know of the case only in September 2003 when Clerk of Court Lucy Kapunan of Branch 40, MeTC of Quezon City, inquired about the status of the case. Since the alleged misfeasance occurred during the time of former Clerk of Court Larry De Guzman, respondent asserts that she should not be charged therefor.[5]

Respondent Loja likewise denies knowledge of the ejectment case filed by NHA claiming that she assumed the duties of Clerk III of the MeTC, Branch 31, Quezon City only on June 10, 2002. As clerk-in-charge of the civil cases in said court, she takes care of the docketing and filing all pleadings, motions, notices, orders and processes of the court. Since there was no turn-over of cases from their predecessors, she helps her co-respondent Ente-Alcantara even beyond office hours and weekends in making the inventory of all case records, including the records stored at the basement of the court building. Thus, when the NHA filed a letter-inquiry on February 18, 2003, she informed the messenger of complainant that she was doing her best to locate the records of the case and that she needed more time. She however denies complainant's allegation that she required NHA to send its staff to help them locate the records.[6]

In a report dated September 30, 2004, the Office of the Court Administrator (OCA), through Court Administrator Presbitero J. Velasco, Jr., made the following evaluation, to wit:

After carefully scrutinizing the records of the case, we find nothing therein which provides any ground valid and sufficient to hold Clerk of Court Edilaida Ente-Alcantara liable for the charges filed against her.

...

As sufficiently explained by respondent Alcantara, she cannot be faulted for the alleged unreasonable delay in the transmittal of the records of Civil Case No. 16995 to the Regional Trial Court of Quezon City as she assumed her duties as Acting Clerk of Court of Branch 31 only on 1 August 2003. It would not be fair and proper to make the respondent Clerk of Court answer for the said delay when she had in fact no knowledge at that time regarding the existence of the civil case subject of this complaint. She only came to know about the subject civil case when the Clerk of Court of Branch 40 personally followed up the case sometime in September 2003.

...

In the case of respondent Loja, it is alleged in the main that she, as clerk in-charge of civil cases, failed to officially communicate with the NHA regarding its written inquiry as to the date when the records of Civil Case No. 16995 were transmitted to the RTC. Several follow-ups were allegedly made but respondent Loja never sent the NHA any reply.

In her Comment, respondent Loja admits that the NHA indeed sent a letter to the court inquiring when the records of Civil Case No. 16995 were transmitted to the appellate court but she explained that each time the messenger of the NHA went to the court to make a follow-up, she would tell the said messenger that the records still had to be located and that they were still inventorying all the cases in the court.

Mere verbal reply upon a formal and written inquiry concerning official matters is not sufficient. Section 5, paragraph (a) of R.A. No. 6713 (Code of Conduct and Ethical Standards for Public Official and Employees) expressly provides that public officials and employees shall respond promptly to letters, telegrams or other means of communication sent by the public within fifteen (15) days from receipt thereof and the reply must contain the action taken thereon. This imperative has been reiterated in Administrative Circular No. 8-99 (dated 2 July 1999) signed by the Chief Justice.[7]

The OCA recommended the dismissal of the complaint against respondent Ente-Alcantara for lack of merit, however, respondent Loja should be held liable for failure to comply with the provision of Section 5(a) of the

Code of Conduct and Ethical Standards for Public Official and Employees, and recommended that she be fined in the amount of P2,000.00.[8]

Accordingly, in a Resolution dated November 10, 2004, the complaint against respondent Ente-Alcantara was dismissed for lack of merit while the complaint against respondent Loja was re-docketed as a regular administrative matter and she was directed to manifest whether she would be willing to submit the matter for resolution on the basis of the pleadings and documents on record. Considering that she failed to so manifest despite receipt of the resolution, the administrative case was considered submitted for decision.

R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, enunciates the State's policy of promoting a high standard of ethics and utmost responsibility in the public service. Section 5 (a) thereof provides that all public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.

Observing that in some instances complaints, letters, or requests from the public addressed to the officials of the Judiciary were belatedly answered or not answered at all, the Chief Justice issued Administrative Circular No. 8-99 to remind all employees in the judiciary to strictly observe Section 5(a) and (d), R.A. No. 6713, thus:

ADMINISTRATIVE CIRCULAR NO. 8-99

TO : ALL OFFICIALS AND PERSONNEL OF THE JUDICIARY

SUBJECT : PROMPT ACTION ON LETTERS AND REQUESTS AND PUBLIC'S PERSONAL TRANSACTION.

It has been observed by, and brought to the attention of, the Chief Justice that in some instances complaints, letters, or requests from the public addressed to the officials of the Judiciary are belatedly answered or not answered at all.

All concerned are reminded of paragraphs (a) and (d) of Section 5 of R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, which explicitly mandate as follows:

SECTION 5. Duties of Public Officials and Employees. In the performance of their duties, all public officials and employees are under obligation to:

(a) Act promptly on letters and requests. All public officials and employees shall, within fifteen (15) working days from receipt thereof, respond to letter, telegrams or other means of communications sent by the public. The reply must contain, the action taken on the request.

(d) Act immediately on the public's personal transaction. All public officials and employees must attend to anyone who wants to avail himself of the service of their offices and must, at all times, act promptly and expeditiously.

The Presiding Justices of the Court of Appeals and the Sandiganbayan, the Court Administrator, the Deputy Court Administrators, the Assistant Court Administrators, the Clerk of Court of the Supreme Court, the Presiding Judge of the Court of Tax Appeals, and all Executive Judges and clerks of court of all other courts shall see to it that this Circular is immediately disseminated and strictly observed.

This Circular shall take effect immediately.

City of Manila, 02 July 1999.

(SGD).HILARIO G. DAVIDE, JR.

Chief Justice

In the case at bar, respondent Loja was remiss in observing the foregoing directives. She admitted in her Comment that NHA sent a letter of inquiry regarding the transmittal of the records of Civil Case No. 16995 to the appellate court. However, she merely made a verbal reply to complainant's messenger that she was doing her best to locate the records of the case. A verbal reply to a formal and written inquiry is not sufficient. Respondent should be reminded that she is an officer of the court and should at all times show a high degree of professionalism in the performance of her duties.

We have often stressed that the conduct required of court personnel, from the presiding judge to the lowliest of clerk must always be beyond reproach and circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary.[9] The Court condemns and would never countenance any conduct, act or omission on the part of all those involved in the administration of justice, which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the judiciary.[10]

The OCA recommended that respondent be fined P2,000.00 for violation of Section 5(a), R.A. No. 6713. Considering that this is respondent Loja's first offense, the appropriate penalty should be a reprimand,[11] the violation being a light offense under Rule IV, Section 52 (C)(13) of the Uniform Rules on Administrative Cases in the Civil Service.[12]

WHEREFORE, respondent Amelia S. Loja, Clerk III, Branch 31, Metropolitan Trial Court of Quezon City, is hereby **REPRIMANDED** for violating Section 5(a), R.A. No. 6713 with a **WARNING** that repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Davide, Jr., C.J., (Chairman), Quisumbing, Carpio, and Azcuna, JJ., concur.

[1] Rollo, pp. 1-2.

[2] Therein defendant Eduardo S. Yap was deemed to have waived his right to present evidence for failure to submit his position paper.

[3] Rollo, pp. 3-4.

[4] Id. at 6.

[5] Id. at 24-27.

[6] Id. at 9-12.

[7] Id. at 46-47.

[8] Id. at 48.

[9] *Song v. Llegue*, A.M. No. CA-02-34, 14 January 2004.

[10] *Concerned Citizens of San Francisco, Surigao Del Norte v. Judge Pullos*, A.M. No. MTJ-03-1507, 20 January 2004.

[11] Arroyo v. Alcantara, A.M. No. P-01-1518, 14 November 2001, 368 SCRA 567.

[12] Section 52. Classification of Offenses. – Administrative offenses with corresponding penalties are classified into grave, less grave or light, depending on their gravity or depravity and effects on the government service.

...

C. The following are Light Offenses with corresponding penalties:

...

- Failure to act promptly on letters and request within fifteen (15) days from receipt, except as otherwise provided in the rules implementing the Code of Conduct and Ethical Standards for Public Officials and Employees

1st Offense – Reprimand

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