

FEMINE HERRERA, COMPLAINANT, VS. ASSISTANT CLERK OF COURT PETER DE VERA, JR., MUNICIPAL TRIAL COURT IN CITIES, OLONGAPO CITY, RESPONDENT.

A.M. NO. P-05-2009. April 19, 2007

Ponente: AZCUNA, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/a0d1680f5e61/>

AZCUNA, J.:

On November 27, 2002, a verified letter-complaint[1] was filed by complainant Femine Herrera against her former neighbor, Peter de Vera, Assistant Clerk of Court of the Municipal Trial Court in Cities (MTCC) of Olongapo City, for Gross Misconduct and Conduct Unbecoming in connection with a brawl that allegedly transpired on March 15, 2001.

Complainant claimed that at about 12:00 midnight on March 15, 2001, she heard a commotion outside her house in Balic-balic, Sta. Rita, Olongapo City. According to her, when she stepped out to investigate, she saw respondent de Vera who appeared to be drunk engaged in a fistfight with her friends Jerico Amalong and Jeffrey Rafanan. When complainant tried to intervene and pacify respondent and her friends, respondent purportedly shouted at her in the vernacular not to interfere and verbally berated her and her friends for not recognizing that he was the Assistant to the Sheriff. While shouting, respondent allegedly collared and punched complainant, inflicting upon her physical injuries that were subsequently treated at the Olongapo Memorial Hospital. Complainant further expressed surprise when she learned that respondent had immediately filed a complaint at the Barangay Hall of Sta. Rita whereby he claimed that he had been the one attacked and mauled.[2]

Respondent was required by the Office of the Court Administrator (OCA) to file his comment to the complaint in the indorsement[3] dated January 6, 2003 forwarded to the Office of the Clerk of Court in the MTCC of Olongapo City. When respondent failed to file his comment, a first tracer[4] dated May 29, 2003 was subsequently sent by the OCA reiterating the previous directive. Added to that, the Court, in a resolution dated February 16, 2004, gave respondent a last opportunity to file his comment, with a warning that his failure to do so would warrant that the case be decided based on the complaint alone. Despite the foregoing, respondent still did not file his comment.

Upon verification with the Office of Administrative Services, OCA, it was discovered that respondent had been absent without leave (AWOL) since July 1, 2003. For this reason, he was dropped from the rolls per the resolution dated November 22, 2004 of the First Division in Administrative Matter No. 04-10-294-MTCC.

For repeatedly refusing to file his comment as ordered by the Court, the OCA found respondent guilty of gross misconduct and insubordination, citing the Court's ruling in *Himalin v. Balderian*[5] in support thereof, thus:

We have said that a resolution of this Court requiring comment on an administrative complaint against officials and employees of the judiciary is not to be construed as a mere request from the Court. On the contrary, respondents in administrative cases are to take such resolutions seriously by commenting on all accusations or allegations against them as it is their duty to preserve the integrity of the judiciary. Any indifference to such resolutions has never been tolerated by this Court.

Thus, a judge who deliberately and continuously failed and refused to comply with a resolution of this Court was held guilty of gross misconduct and insubordination, the Supreme Court being the agency exclusively vested by our Constitution with administrative supervision over all courts and court personnel from the Presiding Justice of the Court of Appeals to the lowest municipal trial court clerk. The Court can hardly discharge such constitutional mandate of overseeing judges and court personnel and taking proper administrative sanction against them if the judge or personnel concerned does not even recognize its administrative authority.

All directives coming from the Office of the Court Administrator and his deputies are issued in the exercise of administrative supervision of courts and their personnel, hence, they should be respected.[6] Respondent's continued and open defiance of the orders requiring him to explain his involvement in the brawl that occurred on March 15, 2001 is, to say the very least, contumacious and reveals his recalcitrance and stubbornness to obey legitimate orders of the Court.

The Court notes that respondent has been dropped from the rolls for being absent without leave (AWOL).

WHEREFORE, the Court RE-AFFIRMS the dropping of respondent Peter de Vera, Jr. from the rolls and further imposes upon him a FINE of TWENTY THOUSAND (P20,000.00) PESOS for insubordination.

No costs.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

[1] Rollo, pp. 002-006. The letter- complaint was received by the Office of then Chief Justice Hilario G. Davide, Jr. and subsequently endorsed to the Office of the Court Administrator.

[2] Id. at 002.

[3] Id. at 007.

[4] Id. at 008.

[5] A.M. No. MTJ-03-1504, August 26, 2003, 409 SCRA 606.

[6] Savellano v. Almeida, A.M. No. P-92-697. March 22, 1993, 220 SCRA 238.

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.