

RAUL H. SESBREÑO, COMPLAINANT, VS. LORNA O. IGONIA, CASHIER I, OFFICE OF THE CLERK OF COURT, MUNICIPAL TRIAL COURT, SAN PEDRO, LAGUNA, RESPONDENT.

A.M. NO. P-04-1791. January 27, 2006

Ponente: CARPIO, J.

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CARPIO, J.:

The Case

This is an administrative complaint filed by Raul H. Sesbreño ("complainant") against Lorna O. Igonia ("respondent"), Cashier I, former officer-in-charge of the Office of the Clerk of Court, Municipal Trial Court of San Pedro, Laguna. Complainant charged respondent with dishonesty, grave misconduct, gross ignorance of the law, violation of Article 213, paragraph 1 of the Revised Penal Code, violation of Sec. 3 paragraph (e) of Republic Act No. 3019 ("RA 3019"), [1] and violation of Republic Act No. 6713 ("RA 6713"). [2]

The Facts

The Regional Trial Court of San Pedro, Laguna rendered a judgment in favor of complainant in a civil case for ejectment against the spouses Licerio and Belen de Borja ("de Borja spouses"). [3] Pursuant to the judgment, a Notice to Vacate and Writ of Execution was served on the de Borja spouses in October 2001. Complainant admitted that he "assisted in serving the Court processes involved." This prompted the de Borja spouses to file a complaint against him for "threats" before the Barangay Lupon of San Vicente, San Pedro, Laguna. [4]

On 9 January 2002, Punong Barangay Norvic D. Solidum ("Solidum") summoned complainant to appear before the Lupon for conciliation proceedings. Complainant disregarded the summons and instead wrote a letter to Solidum saying he did not attend because "the implementation of the writ of execution and notice to vacate cannot be considered a threat" and "there is nothing to be subject of amicable settlement since the matters involved were already resolved in final and executory court judgments." [5]

Solidum sent a second letter dated 10 January 2002 to complainant, ordering him to comply with the summons and to appear on the scheduled hearing on 15 January 2002. Otherwise, Solidum declared he would be constrained to file the necessary charges of Indirect Contempt of Court against complainant. [6]

On 1 February 2002, Solidum filed a Petition for Indirect Contempt of Court ("petition") in the Municipal Trial Court of San Pedro, Laguna where respondent was designated officer-in-charge of the Office of the Clerk of Court. Solidum's petition alleges that complainant failed to appear "without any justifiable reason" at the mediation hearing before the Barangay Lupon. [7] Although a petition for contempt, the pleading is captioned "People of the Philippines v. Atty. Raul H. Sesbreño." The petition was docketed as Criminal Case No. 38504. It was later raffled to Branch 1 of the Municipal Trial Court of San Pedro, Laguna ("MTC").

The Clerk of Court of Branch 1, Ruben Albaytar ("Albaytar"), inquired from the Office of the Clerk of Court on the correctness of the classification of Criminal Case No. 38504. In her letter-reply, respondent explained:

Please take notice that the pleading in itself is a pleading for a criminal complaint, hence, it was docketed a criminal case number.

In your inquiry however, may I refer you to the Rules of Court x x x where Contempt of Court x x x is classified as a Special Civil Action.

We may be in a dilemma (sic), because the title is for a criminal complaint and the gist of the petition itself is for Contempt of Court under Rule 71, which is for a special civil action, and perhaps, it is now up to the court to issue an order regarding to this (sic), and order the amendment, if necessity requires and an orderly proceedings (sic) mandates. [8]

On 15 April 2002, complainant filed a motion in Criminal Case No. 38504 seeking to have respondent declared in contempt of court. [9] Complainant cited as grounds respondent's act of docketing the petition as a criminal complaint and her failure to collect the docket fee. Complainant argued that respondent erred in receiving the petition since it was not verified and not accompanied by certified true copies of supporting documents, as required by the Rules of Court.

Before the trial court could resolve the motion, complainant filed this administrative complaint against respondent before the Office of the Court Administrator ("OCA") on 17 April 2002, raising essentially the same arguments as those in the motion. Complainant alleges that respondent exhibited dishonesty when she "deliberately, willfully and with criminal intent to cheat or defraud the government of the fees due it, refused and failed to collect the full docket and other legal fees from Mr. Solidum, thru the scheme of docketing Mr. Solidum's complaint for indirect contempt as a criminal case." [10]

On the charge of gross ignorance of the law, complainant cited respondent's acceptance of the petition "despite the fact that it is not verified x x x and the documents attached to it are not certified true copies, in gross violation of [par. 2], Sec. 4, Rule 71 x x x." [11]

On the charge of violation of Article 213 of the Revised Penal Code, [12] complainant asserted that the "unjustified and irregular act of respondent Igonia constitutes the making 'use of any other scheme to defraud the government' as this phrase is used in par. 1, Art. 213, Revised Penal Code on 'frauds against the public treasury and similar offenses'." [13]

On the charge of violation of Section 3(e) of RA 3019, complainant accused respondent of giving Solidum "unwarranted benefits or advantage" as a result of which "the government is also unnecessarily injured and damaged for the fees due it which were not collected." [14]

Finally, complainant accused respondent of violating RA 6713, [15] claiming that "the act of respondent x x x shows that she failed to discharge her duties with utmost responsibility, integrity, competence and justice, making her liable under Sec. 2, in relation with Sec. 11 of Republic Act No. 6713." [16]

In her letter [17] dated 23 May 2002, respondent adopted as her Comment in the administrative case, her Comment [18] ("Comment") dated 29 April 2002 filed in the MTC. In her Comment, respondent admitted that she assigned Solidum's petition a criminal case number solely because of its title. However, respondent denied knowing at the time of docketing that the petition was a special civil action, "for the allegations in the complaint (petition) were examined when Mr. Albaytar wrote the letter of inquiry dated February 4, 2002 x x x." [19]

Respondent further made the following assertions: (1) that if there was an error in the docketing of the case, it was up to the trial court to issue the appropriate order for correction; (2) that the function of her office is only to docket complaints; (3) that she should not be held liable because what she committed was "perhaps, an inadvertence or an honest mistake;" (4) that regarding "compliance with the requirements of the Rules of Court as

to the filing of initiatory pleadings," the trial court may just issue an order of dismissal or require the parties to comply with the Rules of Court; and (5) that "we are performing our assigned tasks and functions to the best of our knowledge and ability in the Office of the Clerk of Court, and errors or omissions that may have been committed anent the filing of complaints are not deliberate x x x." [20]

The OCA's Findings

In its Report ("Report") dated 22 January 2004, the OCA found that "respondent did not give even a modicum of attention to what was filed and immediately concluded that [the petition] was a criminal complaint because it was initiated in the name of the People of the Philippines x x x." [21] Thus, the OCA recommended that respondent be reprimanded for slight (or simple) neglect of duty. The OCA based its recommendation on the following facts:

Respondent Lorna O. Igonia has been in the service for almost twenty (20) years. She was appointed as Cashier 1 of MTC-OCC, San Pedro, Laguna on November 5, 1984. Her personal file shows that she was twice designated as OIC-Clerk of Court of the same court. The first was on January 12, 1999 until February 17, 1999, the second was on September 12, 1999 which was revoked on April 16, 2002. Respondent's long years of service, coupled with her stint as OIC-Clerk of Court must have given her enough exposure to familiarize herself with the nature of the works in the OCC x x x. [22]

On 8 March 2004, this Court issued a resolution re-docketing the case as a regular administrative matter.

The Court's Ruling

We agree with the findings and recommendation of the OCA.

Indisputably, the pleading filed by Solidum is a petition for indirect contempt although its caption pertains to a criminal case. Solidum should have filed his petition in accordance with Section 4, Rule 71 of the Rules of Court, thus:

SEC. 4. How proceedings commenced. – Proceedings for indirect contempt may be initiated motu proprio by the court against which the contempt was committed by an order or any other formal charge requiring the respondent to show cause why he should not be punished for contempt.

In all other cases, charges for indirect contempt shall be commenced by a verified petition with supporting particulars and certified true copies of documents or papers involved therein, and upon full compliance with the requirements for filing initiatory pleadings for civil actions in the court concerned x x x. (Emphasis supplied)

A charge of indirect contempt must be filed in the form of a verified petition if it is not initiated directly by the court against which the contemptuous act was committed. We clarified on previous occasions [23] that such petition is by a special civil action. Certified true copies of related documents must be submitted with the petition and appropriate docket fees must be paid. The requirement of a verified petition is mandatory. As Justice Florenz D. Regalado [24] has explained:

This new provision clarifies with a regulatory norm the proper procedure for commencing contempt proceedings. While such proceeding has been classified as a special civil action under the former Rules, the heterogeneous practice, tolerated by the courts, has been for any party to file a mere motion without paying any docket or lawful fees therefor and without complying with the requirements for initiatory pleadings, which is now required in the second paragraph of [Section 4].

x x x x

On Respondent's Administrative Liability

Respondent claims that she docketed the petition for contempt as a criminal case because of the petition's caption. Paragraph 7 of respondent's Comment also states that "no docket fees were collected when the instant case was filed, this because of the fact that it was docketed as a criminal case and is not a money claim (as in Estafa and Violation of B.P. 22)." [25]

Respondent's explanation fails on at least two counts. First, just one inch below the caption appears the title, "Petition for Indirect Contempt of Court," written in bigger font size, underlined, and in bold capital letters, thus:

PEOPLE OF THE PHILIPPINES

- versus -

ATTY. RAUL H. SESBREÑO,
4 Ninth St., Cor. Pacita Ave.
Phase 3, Pacita Complex I,
San Pedro, Laguna,

Respondent,

X-----X

PETITION FOR INDIRECT CONTEMPT OF COURT

x x x x [26]

If respondent made even a cursory reading of the petition, she would have known immediately that it was for indirect contempt. The petition prays that "the respondent, Atty. Raul H. Sesbreño, be cited for indirect contempt of court." [27] More importantly, the allegation of facts in the body of the pleading imputes a contemptuous act [28] because complainant supposedly "failed to appear during the mediation hearing of the case without any justifiable reason which as a result (sic) the administration of justice was jeopardized." [29]

We have consistently ruled that it is not the caption but the allegations in the complaint or other initiatory pleading which give meaning to the pleading, and on the basis of such allegations, the pleading may be legally characterized. [30] In other words, to determine the nature of a pleading, one must not rely on its caption or title, but on the contents or allegations of the body of the pleading.

Second, even granting that the petition involved a criminal case, respondent should still have read the pleading — or more particularly the criminal complaint — in order to know the crime charged against the "accused." Under Section 20 of Rule 141, complaints charging certain crimes such as estafa and violation of Batas Pambansa Blg. 22 require the payment of fees upon filing. [31]

Respondent seems to have gone through the motions of receiving and docketing the pleading almost mechanically, basing her acts upon a mere glance at the caption. Given her experience of serving as clerk of court for more than two years, she should have known the procedure for the filing of criminal and civil cases, including special civil actions. If she were not conversant with petitions for indirect contempt, then the prudent solution would have been to refer to Rule 71 on contempt proceedings.

As clerk of court, respondent performs administrative functions that are vital to the prompt and sound administration of justice. [32] She is tasked, among others, with receiving cases for docketing and assessing filing fees. [33] True, her duty on the filing of pleadings is confined merely to their receipt and docketing. On the other hand, she should discharge such responsibility with thoroughness and utmost prudence. The administration of

justice is a sacred task. It demands the highest degree of efficiency, dedication and professionalism. [34] Respondent displayed an obvious lack of care and attention in the performance of her duty. She failed to observe the high standards expected of an officer of the court, for which she must be held administratively liable.

Nonetheless, the record does not support complainant's charges of grave misconduct, dishonesty and gross ignorance of the law. To constitute gross ignorance of the law, the acts complained of must not only be contrary to existing law and jurisprudence but must also be motivated by bad faith, fraud, dishonesty and corruption. [35] For serious or grave misconduct to exist, there must be substantial evidence showing that the acts complained of were corrupt or inspired by an intention to violate the law or were in persistent disregard of well-known legal rules. [36] It does not appear to the Court that the actuations of respondent were motivated by any of these. To our mind, the errors committed by respondent were not deliberate but arose out of negligence and sheer carelessness.

It is elementary in law that bad faith is not presumed and he who alleges the same has the onus of proving it. [37] Complainant's evidence does not suffice to meet the burden.

On the charge of violation of Section 3(e) of RA 3019, there is not enough evidence to hold respondent administratively liable.

We have repeatedly emphasized the heavy burden and responsibility which court officials and employees must observe, in view of their positions as sentinels in the administration of justice. They must constantly act beyond reproach, always mindful that any misbehavior, whether true or only perceived, could cast doubt on the integrity of the courts. [38]

On the Appropriate Penalty to be Imposed

The Court agrees with the recommendation of the OCA that respondent is 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. [39] Considering that this is respondent's first infraction and on the belief that she acted in good faith, in view of the fact that the petition for indirect contempt against complainant was dismissed by the trial court in an Order dated 14 October 2002, [40] we accept the recommended penalty of reprimand.

WHEREFORE, the Court finds respondent Lorna O. Igonia, Cashier I of the Metropolitan Trial Court of San Pedro, Laguna, guilty of simple neglect of duty. The Court REPRIMANDS her, with a STERN WARNING that a repetition of the same or similar infraction shall merit a more severe sanction.

Let a copy of this decision be attached to the personnel records of Lorna O. Igonia.

SO ORDERED.

Quisumbing, (Chairperson), Carpio-Morales, and Tinga, JJ., concur.

[1] Otherwise known as the "Anti-Graft and Corrupt Practices Act." Sec. 3(e) of this law provides:

Sec. 3. Corrupt practices of public officers- In addition to acts or omissions of public officers already penalized by existing law, the following shall constitute corrupt practices of any public officer and are hereby declared to be unlawful:

x x x x

(e) Causing any undue injury to any party, including the Government, or giving any private party any unwarranted benefits, advantage or preference in the discharge of his official, administrative or judicial functions through

manifest partiality, evident bad faith or gross inexcusable negligence. This provision shall apply to officers and employees of offices or government corporations charged with the grant of licenses or permits or other concessions.

x x x x

[2] Otherwise known as the "Code of Conduct and Ethical Standards for Public Officials and Employees."

[3] Docketed as Civil Case No. SPL-0469 and entitled "Raul H. Sesbreño and Virginia L. Sesbreño v. Licerio de Borja and Belen T. de Borja."

[4] Rollo, pp. 16-17.

[5] Id. at 8.

[6] Id. at 16.

[7] Id.

[8] Id. at 18.

[9] Id. at 19-23.

[10] Id. at 2.

[11] Id. at 3.

[12] Art. 213. Frauds against the public treasury and similar offenses.—The penalty of prision correccional in its medium period to prision mayor in its minimum period, or a fine ranging from 200 to 10,000 pesos, or both, shall be imposed upon any public officer who:

- In his official capacity, in dealing with any person with regard to furnishing supplies, the making of contracts, or the adjustment or settlement of accounts relating to public property or funds, shall enter into an agreement with any interested party or speculator or make use of any other scheme, to defraud the Government;

x x x x

[13] Id. at 4.

[14] Id. at 5.

[15] Section 2 of R.A. No. 6713 reads:

Sec. 2. Declaration of Policy.—It is the policy of the State to promote a high standard of ethics in public service. Public officials and employees shall at all times be accountable to the people and shall discharge their duties with utmost responsibility, integrity, competence, and loyalty, act with patriotism and justice, lead modest lives, and uphold public interest over personal interest.

Section 11 provides the penalties for any violation of the Act.

[16] Rollo, pp. 5-6.

[17] Id. at 26.

[18] Id. at 27-78.

[19] Id. at 27.

[20] Id. at 28.

[21] Id. at 44.

[22] Id. at 43-44.

[23] Engr. Torcende v. Judge Sardido, 444 Phil. 12 (2003), citing Nazareno v. Barnes, G.R. No. 59072, 25 April 1984, 136 SCRA 57.

[24] As Vice-Chairperson of the Revision of the Rules of Court Committee that drafted the 1997 Rules of Civil Procedure, cited in Land Bank of the Phil. v. Listana, Sr., 455 Phil. 750 (2003).

[25] Rollo, p. 28.

[26] Id. at 16.

[27] Id.

[28] Section 3, Rule 71 of the Rules of Court provides:

Sec. 3. Indirect contempt to be punished after charge and hearing.— After a charge in writing has been filed, and an opportunity given to the respondent to comment thereon within such period as may be fixed by the court and to be heard by himself or counsel, a person guilty of any of the following acts may be punished for indirect contempt:

x x x x

(d) Any improper conduct tending, directly or indirectly, to impede, obstruct, or degrade the administration of justice;

x x x x

[29] Supra, see note 27.

[30] Republic v. Nolasco, G.R. No. 155108, 27 April 2005, citing Heirs of Celso Amarante v. Court of Appeals, G.R. No. 76386, 21 May 1990, 185 SCRA 585.

[31] Before amendment by Supreme Court Resolution dated 20 July 2004 in A.M. No. 04-2-04-SC (effective 16 August 2004), Sec. 20 of Rule 141 provided that:

Sec. 20. Other Fees.—The following shall also be collected by the clerks of Regional Trial Courts or courts of the first level, as the case may be:

In estafa cases where the offended party fails to manifest within fifteen (15) days following the filing of the information that the civil liability arising from the crime has been or would be separately prosecuted:

- Less than P100,000.00 P500.00
- P100,000.00 or more but less than P150,000.00 P800.00
- P150,000.00 or more but less than P200,000.00 P1,000.00
- P200,000.00 or more but less than P250,000.00 P1,500.00
- P250,000.00 or more but less than P300,000.00 P1,750.00
- P300,000.00 or more but less than P350,000.00 P2,000.00

- P350,000.00 or more but less than P400,000.00 P2,250.00

- For each P1,000.00 in excess of P400,000.00 P10.00

x x x x.

Pursuant to A.M. No. 04-2-04-SC, cases under Batas Pambansa Blg. 22 (otherwise known as the "Bouncing Checks Law" are now expressly subject to the schedule of fees in Section 20.12345

[32] Nieva v. Alvarez-Edad, A.M. No. P-01-1459-1, 31 January 2005, 450 SCRA 45.

[33] As prescribed by The 2002 Revised Manual for Clerks of Court, pp. 207-209.

[34] Atty. Contreras v. Mirando, 345 Phil. 854 (1997).

[35] Frani v. Judge Pagayatan, 416 Phil. 205 (2001).

[36] Id.

[37] Negros Grace Pharmacy, Inc. v. Hilario, A.M. No. MTJ-02-1422, 21 November 2003, 416 SCRA 324.

[38] Paduganan-Peñaranda v. Songcuya, A.M. No. P-01-1510, 18 September 2003, 411 SCRA 230.

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

[40] Rollo, pp. 37-41.

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