

**ARNEL V. MANZON, complainant, vs. JUDGE NORMA C. PERELLO,
CLERK OF COURT PAUL RESURECCION, REGIONAL TRIAL COURT,
BRANCH 276, MUNTINLUPA CITY, respondents.**

A.M. No. RTJ-02-1686. May 07, 2004

Ponente: VITUG, J.

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VITUG, J.:

In a First Indorsement, dated 23 June 2000, Assistant Ombudsman Abelardo L. Aportadera, Jr., forwarded to the Office of the Court Administrator a letter- complaint of Arnel V. Manzon charging Judge Norma C. Perello and Atty. Paul M. Resureccion, the branch Clerk of Court, both of the Regional Trial Court, Branch 276, of Muntinlupa City, with dereliction of duty relative to Civil Case No. 9-138 (“Arnel V. Manzon vs. Maria Remedios Argana, et al.”), a case for damages then pending before the sala of respondent Judge. Manzon averred in his complaint that the case was filed on 24 July 1997 but that it had remained unacted upon for three years. He made several follow-ups to ascertain the status of the case but his efforts proved to be in vain.

In her comment, Judge Perello explained that in an order, dated 05 November 1997, she directed the parties to file their position papers on whether or not the court had jurisdiction over the case considering that the subject matter would appear to have already been covered in a decision of the Metropolitan Trial Court (MeTC), Branch 80, in Civil Case No. 2974 for unlawful detainer. The MeTC decision was later affirmed by Branch 256[1] of the Regional Trial Court. Respondent Judge claimed that Branch Clerk of Court Paul M. Resureccion, acting Docket Clerk of Civil Cases Section Jessie Ferreras and Receiving Clerk Jennifer Daria, had purposely withheld the records of the case from her. Respondent judge added that complainant Manzon had failed to prosecute the case. Respondent judge attributed the delay in deciding the case to complainant’s own negligence, unfortunately abetted, she lamented, by some of her own court personnel, Resureccion and Daria, whom she forthwith recommended to be fined in the amount equal to one month of their respective salaries.

In his comment, respondent Paul Resureccion confirmed that the parties in Civil Case No. 9-138 were directed to file their position papers on the issue of the court’s jurisdiction over the case. Complainant, however, never attempted to prosecute the case. Respondent Resureccion said that he, being too busy with the heavy docket of the court, was not aware that the case was still then pending because the clerk in charge of the civil case kept the expediente and complainant had made no follow-up thereon.

The Office of the Court Administrator (OCA), after its evaluation of the case, found both Judge Perello and Clerk of Court Resureccion to have utterly failed in adopting a system of record management. The OCA concluded that complainant’s failure to bring the matter to the court’s attention was not a valid reason for the delay complained of, and that it was incumbent upon both respondents to keep tab of all cases pending before the sala. The OCA recommended that respondents be reprimanded for their incompetence and dereliction of duty, be advised to be more attentive to their duties, and be warned that the same neglect or similar action in the future would be dealt with severely.

In its 18th March 2002 resolution, the Court adopted the recommendation of the OCA. Judge Norma Perello and Atty. Paul Resureccion were reprimanded for incompetence and/or dereliction of duty, advised to be more attentive to their duties than had been shown, and warned that a neglect or similar inaction on their part in the future would be dealt with severely.

Judge Perello filed a motion for reconsideration. She asserted that she was never incompetent, that the case was not referred to her by the receiving clerk and the branch Clerk of Court, which would explain her inaction, and that she only had learned of the pending case when complainant wrote her a letter. She informed the Court that the case was not even reported in the monthly, quarterly or annual reports because Jessie Ferreras, Jennifer Daria and Paul Resureccion misplaced the files and conspired against her in not bringing the matter to her attention. She maintained that she adopted a system of case flow and management, contrary to the findings of the OCA, which system had been in effect for almost ten years. Unfortunately, the branch Clerk of Court did not follow the routing procedure, misplaced the case folder, and kept the matter from respondent judge. She insisted that she could have timely acted on the matter had it been timely referred to her. She submitted that it was unfair to reprimand her for omissions attributable to her negligent personnel.

The Court referred the motion to the OCA for evaluation, report and recommendation.

In its compliance, the OCA found no reason to reverse its previous findings and recommendation. Instead, it found the admission of respondent Judge that the case was not reported in the monthly, quarterly and annual reports of cases to be an aggravating circumstance. The OCA thus recommended that the penalty of reprimand be increased to a fine of P5,000.00.

The Court shares the position taken by the OCA.

It should be the duty of Judges to see to it that clerks and other court personnel faithfully perform the functions assigned to them. Regrettably, respondent Judge failed in this respect. Indeed, being the Executive Judge, respondent judge had, at least should have had, first-hand information on the cases raffled to her sala. Granting that the expediente of Civil Case No. 9-138 was, in fact, misplaced, respondent judge could have discovered the matter had she conducted the docket inventory pursuant to Administrative Circular No. 10-94,[2] reiterated under Administrative Circular No. 1,[3] requiring all trial judges to conduct a physical inventory of cases at the time of their assumption of office and every semester thereafter on the 30th of June and 31st of December of the year. In order to ensure compliance with Administrative Circular No. 10-94, the Court issued Administrative Circular No. 17-94[4] authorizing trial judges to devote one week of each semester for the audit and inventory during which period trials need not be scheduled.

The Statistical Reports Division, Court Management Office, of the OCA reported that the latest Docket Inventory Report of Branch 276 presided over by respondent Judge was for the period covering July to December 1999. The OCA informed the Court that, contrary to the clear mandate of Administrative Circular No. 10-94, no docket inventory reports were submitted for five semesters covering January to June 2000, July to December 2000, January to June 2001, July to December 2001 and January to June 2002.

As so aptly pointed out by the OCA, respondent Judge cannot hide behind the inefficiency of her court personnel. In the Report on the Judicial Audit and Physical Inventory of the Cases in RTC, Branch 138, Makati City,[5] this Court has stated:

“We find unacceptable his claim that it was not his intention to deliberately mislead this Court into believing that only one case was submitted for decision for the month of December 1993 but that the Monthly Report Of Cases was prepared not by him but by a member of his staff. A perusal of his report however discloses that it was noted and signed by respondent himself. It must be underscored that proper court management is one of

the primary responsibilities of a trial judge pursuant to Rule 3.09, Canon 3, of the Code of Judicial Conduct. Upon the judge invariably rests the duty to take note of the cases submitted for decision and decide them within the reglementary period. In his desire to exculpate himself and place the blame on his staff, Judge Agdamag forgot that 'he sits not only to judge litigated cases with the least possible delay but that his responsibilities include being an effective manager of the Court and its personnel.' Judge Agdamag is presumed to be cognizant of his responsibilities as a worthy minister of the law. At the very least he is expected to keep abreast with his docket."

Rule 3.09, Canon 3, of the Code of Judicial Conduct obliges a judge to properly supervise the court personnel to ensure the prompt and efficient dispatch of business and to require at all times the observance of high standards of fidelity to duty. Respondent judge is the master of her own domain, and she must assume the responsibility that goes with it.

WHEREFORE, the resolution, dated 18 March 2002, of the Court is MODIFIED by imposing upon Judge Norma C. Perello a FINE of Five Thousand Pesos. Respondent Judge is further warned that a repetition of the same or similar conduct in the future shall be dealt with severely.

No motion for reconsideration having been filed by Atty. Paul M. Resureccion, the penalty of reprimand imposed upon him in the resolution of 18 March 2002 stands.

SO ORDERED.

Sandoval-Gutierrez, Corona, and Carpio Morales, JJ., concur.

[1] The Comment failed to indicate the MeTC and RTC stations.

[2] Dated 29 June 1994.

[3] Dated 28 January 1998.

[4] Dated 14 November 1994.

[5] A.M. No. RTJ-94-4-156, 13 March 1996 (254 SCRA 644).

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