

ANGEL C. DEL MUNDO AND EDMUNDO T. REYES, COMPLAINANTS, VS. ATILANO BARROZO AND ERNESTO BISCARRA, RESPONDENTS.

Adm. Matter No. P-2251. November 06, 1981

Ponente: FERNANDEZ, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/af508966aa56/>

FERNANDEZ, J.:

In a letter dated June 8, 1981 Angel C. del Mundo and Edmundo T. Reyes complained about the delay in the raffle of Criminal Case No. 159489-SA for estafa which was filed on February 13, 1981 in the City Court of Manila by the Office of the City Fiscal.[1]

The matter was referred to Executive Judge Antonio Padua Paredes for proper action and recommendation.[2]

Judge Paredes, in turn, directed Atty. Julia M. Naciongayo, Acting Clerk of Court, City Court of Manila, for comment on the letter of Angel C. del Mundo and Edmundo T. Reyes dated June 8, 1981.[3]

In a letter dated June 23, 1981 Acting Clerk of Court Naciongayo stated, among others, that Criminal Case No. 159489-SA was filed, received and docketed in Branch XI on February 13, 1981 but it was only on June 9, 1981 when said case was forwarded to the Office of the Executive Judge for inclusion in the raffle.[4]

Executive Judge Paredes directed Atty. Atilano Barrozo, Branch Clerk of Court, Branch XI to explain in writing within three days from receipt why no disciplinary action should be taken against him for withholding for almost four (4) months Criminal Case No. 159489-SA.

In his letter dated July 2, 1981 Atty. Barrozo alleged that Deputy Clerk of Court Ernesto Biscarra of Branch XI (night court) is in-charge of, and responsi-ble for, the docketing of all special arrest cases filed with the court and, as such, he was in possession of the docket stamp machine. Atty. Barrozo disclaimed knowledge of how the case in question was docketed.[5]

Upon being required to explain, Deputy Clerk of Court Ernesto Biscarra stated that in the late after-noon of February 13, 1981, he received from the Special Docket Division (night court) twenty (20) new informa-tions from the City Fiscal's Office, which he entered and numbered from Criminal Case No. 159469-SA to Criminal Case No. 159488 and that he did not place the number on the subject case but suspected that it must have been done by somebody when he was attending to his duties as Branch Clerk of Court at the night court.[6]

In his report submitted on August 10, 1981, Judge Paredes made the following findings:

"From the foregoing evidence, the under-signed finds Biscarra is in charge of the docketing of all special arrest (SA) cases in the Night Court (Branch XI). As such, he has custody and possession of the docket stamping machine. Since he claims that somebody had 'unlawfully' numbered Ramon Lulu's information as Criminal Case No. 159589-SA (See Annex "B", Naciongayo's comment) while he was on trial duty after 5:15 p.m. the rea-sonable conclusion is that Biscarra did not keep the stamping machine well and had not safely guarded it from unauthorized used by other court employees or even outsiders. Such is a clear case of neglect of duty on his part.

"Barrozo cannot simply disclaim any res-ponsibility regarding the safekeeping and mis-use of the docket stamping machine. Being the branch clerk of court he is supposed to have supervision and control over the employees under him. He thus shares the negligence of Biscarra, his deputy clerk under the doctrine of command responsibility or for failure to see to it that Biscarra properly and diligently discharged his duty or to help him do it if his deputy was truly busy at the trial.

"On April 27, 1981, in Administrative Matter No. p-2457 before the Honorable Supreme Court, entitled "Judge Antonio P. Paredes, Executive Judge of the City Court of Manila, complainant, versus Atilano Barrozo, Branch Clerk of Court, respondent", therein respondent was found guilty of inexcusable neglect for delaying for six days in the transmitting of a case to the Executive Judge for raffling and ordered to pay a fine equivalent to his compen-sation for twenty (20) days, with warning against a repetition of another irregularity which penalty on June 17, 1981 was subsequently reduced to a fine equivalent to five (5) days salary."[7]

and recommended "that Branch Clerk of Court Atilano A. Barrozo and Deputy Clerk of Court Ernesto Biscarra, both of Branch XI, City Court of Manila be each ordered to pay a fine equivalent to fifteen (15) days compensa-tion with warning."[8]

It appears that Branch Clerk of Court Atilano Barrozo had been previously found guilty of "inexcu-sable neglect for delaying for six days in the trans-mitting of a case to the Executive Judge for raffling x x x" on April 27, 1981 in Administrative Matter No. P-2457.

Under the established facts, a penalty higher than a fine equivalent to the salary for fifteen (15) days should be imposed.

WHEREFORE, Branch Clerk of Court Atilano A. Barrozo and Deputy Clerk of Court Ernesto Biscarra, both of Branch XI, City of Manila, are each ordered to pay a fine equivalent to their respective salaries for two (2) months with warning that the repetition of the same or similar offense shall be dealt with more severely.

Let this decision be made a part of their personal records in this Court.

SO ORDERED.

Teehankee, (Chairman), Makasiar, Guerrero, and Melencio-Herrera, JJ., concur.

[1] Rollo, p. 9.

[2] Rollo, p. 8.

[3] Rollo, p. 10.

[4] Rollo, pp. 11-14.

[5] Rollo, p. 24.

[6] Rollo, pp. 25-29.

[7] Rollo, p. 6.

[8] Rollo, p. 7.

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.