

EUGENIO RECTO, COMPLAINANT, VS. REMEDIOS RACELIS, RESPONDENT.*Adm. Matter No. P-182. April 30, 1976*

Ponente: MUÑOZ PALMA, J.

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The respondent Remedios Racelis is a docket clerk in the Court of First Instance of Quezon, Branch I, and she is charged with negligence in the performance of her duties by Eugenio Recto in a letter-complaint dated August 21, 1973.

It is claimed by complainant Recto that sometime in February, 1971, he went to the Court of First Instance of Quezon in Lucena City to file his application for registration of title to a piece of land situated in Tiaong, Quezon. Finding respondent in her office and knowing that she was the clerk-in-charge of receiving applications on land registration cases, he entrusted to her his documents which included the deed of sale of the property sought to be titled, a technical description of the land, a plan, certain receipts of payment of the land, and the amount of around P104.00 to cover the filing fee. Respondent accepted the papers with the promise that the application would be properly docketed and filed in court. After several months he went to see respondent and inquired about his application and she answered that the application had been filed with the Land Registration Commission. He made inquiries from the Land Registration Commission but he was told that the office had not received any copy of his application for registration of title. He then returned to respondent but the latter invariably assured him that the application had been filed. Notwithstanding his plea for respondent to produce his documents and the money he had entrusted to her, respondent failed to do so, and so he filed this administrative case with this Court.

When asked by this Court to answer the complaint, respondent gave the following explanation in her letter dated December 15, 1973:

"Sometime in 1971, Mrs. Eugenio B. Recto went to the office of the Clerk of Court at Lucena City and inquired from me how an application for original registration of title may be filed. After explaining to her the requirements and mechanics of the procedure of judicial registration under the torrens system, she asked if she may leave the papers with me for verification and for me to help to fill up the form for application. After telling her that she would need a lawyer to assist her, she was quite insistent in her request that I assist her in the preparation of the application. She told me that she would engage the services of a lawyer later on. As I was busy at that time with other court duties, I could not help her at that time. She left her papers with the understanding that if there will be other requisites I should let her know thru a townmate. Several days after, I sent back the papers to her thru a messenger after finding out that certain documents were lacking. Since then I did not know what happened to her papers until to my surprise inquiries were made by Mr. Eugenio Recto who made it known to me that the papers were sent back together with the filing fee as early as the later part of 1971. It was only then that I tried to trace the papers of Mrs. Recto and it was only then that I learned that the papers were misplaced. It was only some weeks ago that the papers were found together with the filing fee. I immediately notified Mrs. Recto of this fact thru a relative but at that time the complaint was already filed.

"I would like to add that there was never an intention on my part to prejudice Mr. and Mrs. Eugenio B. Recto

and was not negligent in the performance of my duty for as a matter of fact even tried to help them for no consideration whatsoever except to do it as part of public service. If this unfortunate incident occurred it was due to circumstances beyond my knowledge and control." (p. 4, rollo)

In Our Resolution of September 25, 1974, the case was referred to then Executive Judge of the Court of First Instance of Quezon, Hon. Celestino C. Juan for investigation, report and recommendation.

In his report,[1] Judge Juan recommends exoneration of respondent with warning based on the following findings:

- a. The missing documents were found sometime on March 20, 1975, (while the case was still in the process of investigation) in the vault of disposed land registration cases and returned to complainant, while his application for registration of title had been filed in court;
- b. By way of reparation, respondent paid for all the necessary court fees and other incidental expenses in the filing of complainant's petition for registration;
- c. There was "no malice" or "deliberate intent to gain or profit from the transaction" on the part of respondent "as the original money bills were found intact";
- d. Complainant, in his testimony during the investigation, manifested that he was willing to forgive respondent if the documents were to be reconstituted at respondent's account and he is reimbursed for his expenses in following up his papers amounting to around P600.00 (tsn., February 24, 1975, p. 6); and
- e. Lastly, respondent has been in the government service since 1946.[2]

We cannot agree with the Investigating Judge that respondent merits exoneration, for We find that her actuations constitute gross negligence in the performance of her duties as an employee of the Court warranting administrative sanction.

From the evidence adduced it is established that respondent who is a docket clerk in charge of land registration cases received complainant's application for registration of title together with supporting documents and a certain amount for the payment of court fees and other incidental expenses. For no less than four years this application was not filed in court. Notwithstanding the repeated inquiries made by complainant on his application for registration of title and his plea for the return of his documents as it was difficult if not impossible to reconstitute them especially the deed of sale of the property to be titled, respondent invariably answered that the application had already been filed in court, which, of course, was not true as could be verified by herself from her own docket book.

Although We accept the finding of the Investigator that respondent did not make use of the money entrusted to her as they were found intact with the documents – a fact not disputed by complainant – nonetheless, her inaction clearly constitutes negligence in the performance of her duties as an employee of the court.

Negligence is lack of due care and a failure to perform a duty which one owes to the injured party. Negligence arises out of an omission to act when there is an obligation to perform some fact.[3] For one in the government service, such as the herein respondent, a neglect of duty is nonfeasance in office which may be qualified by inefficiency.[4]

When respondent herein accepted complainant's filing fee and his petition for registration of title, she assumed the obligation of immediately paying that money with the proper officer of the court and of docketing the petition in order that the appropriate proceedings may commence. Having taken upon herself that duty, respondent was bound to comply with it as an employee of the court, and her failure to do so for a long period of four years renders her liable for gross neglect.

Even on the assumption, as she claims, that she sent back the papers of complainant for they were not complete and that she was not aware that these were later returned through someone in the office, still she betrayed a total lack of concern for the welfare and interest of a party dealing with the court when she did not exert any effort to locate the missing documents and filing fee upon subsequent inquiries made by the herein complainant; instead she came up with a false excuse that the application had already been filed in court. Her guilt is compounded by the fact that in her answer to the complaint dated December 15, 1973, she claimed that the missing documents and filing fee had been found which however was not true as they were actually retrieved only on March 20, 1975, while this case was being investigated by the executive judge. Had respondent exercised some amount of care and diligence and displayed some degree of consideration expected of one in the public service, the probability is that the documents could have been found much sooner and the damage to the aggrieved party lessened to some extent.

The circumstances mentioned by the investigator, i.e., the recovery of the papers of complainant together with the money entrusted to her, the eventual filing of the petition for registration of title in court, the willingness of complainant to forgive upon his being reimbursed the P600.00 for his expenses during that four-year period of delay, the long service of respondent in the government reaching a period of almost twenty-nine years, and, We may add, the fact that this is the first administrative complaint filed against her as per records available to the Court – all these serve merely to mitigate respondent's liability but will not in the least justify her exoneration.

By her actuations, respondent has not only caused mental anguish and damage to the complainant for the unwarranted delay in the disposition of his petition for registration of title of his property, but more importantly has placed the court where she works in a bad light and undermined the faith of a party-litigant and of the public in general in that court's administration of justice.

By the very nature of the function of the office where she serves, which is, to dispense justice speedily, fairly, and with integrity, respondent is expected to comport herself in a manner above reproach. The image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the least and lowest of its personnel – hence, it becomes the imperative sacred duty of each and everyone in the court to maintain its good name and standing as a true temple of justice.

WHEREFORE, We hereby hold respondent Remedios Racelis guilty of gross negligence in the performance of her duties as an employee of the Court of First Instance of Quezon, and We order her suspension from office for a period of SIX MONTHS to commence immediately after the final entry of judgment in this case. So Ordered.

Fernando, Acting C.J., Teehankee, Barredo, Antonio, Esguerra, Aquino, and Martin, JJ., concur.

Makasiar, J., reserves his vote.

Castro, C.J., on official leave.

Concepcion Jr., J., did not take part.

[1] pp. 56-63, rollo

[2] After receipt of this Report, the Court en Banc set the case for hearing on December 2, 1975, during which both the complainant and respondent appeared.

[3] Words and Phrases, Permanent Ed. vol. 28, p. 639

[4] See *Holmes vs. Osborn* 115 P. 2d 775, 783

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