

## **ALLEGED REMOVAL OF THE BAILBOND POSTED IN CRIMINAL CASE NO. C-67629 COMMITTED BY WILLIAM S. FLORES, UTILITY AIDE II, REGIONAL TRIAL COURT, BRANCH 123, CALOOCAN CITY.**

*A.M. NO. P-05-1994. October 12, 2005*

Ponente: CARPIO-MORALES, J.

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### **CARPIO-MORALES, J.:**

Caloocan City Regional Trial Court (RTC) Branch 123 Utility Worker Aide II William S. Flores (respondent) is administratively charged for unauthorized removal from the record of Criminal Case No. C-67629, "People v. Pepito Recto y Basan," the bailbond posted by the accused, together with its accompanying documents.

The filing of the present case came about after the discovery in June 2004 by Presiding Judge Edmundo T. Acuña of the Caloocan RTC, Branch 123 that the bailbond posted by the accused, together with its accompanying documents, had been detached from the record of the case and was nowhere to be found.

From the Explanation[1] dated June 24, 2004 of Jennifer Rivera-Baliton, Clerk III and In-Charge of Criminal Cases, the following are gathered: A week prior to the discovery of the missing bailbond and the accompanying papers, the wife of the accused inquired from Jennifer about the release of her husband. Jennifer replied that the accused could not yet be released as the case was still pending trial. The following day or on June 22, 2004, the wife of the accused returned to the office, insisting that a Release Order for her husband's release had been issued by the court.[2]

Jennifer thereupon checked the record of the case and found that a duplicate copy of the "Release Order and Authorization" issued by the court was "stitched" thereto"[3] but the bailbond and the accompanying papers were gone.

Jennifer thus immediately confronted respondent who admitted having detached the bailbond and accompanying papers from the record of the case for the purpose of returning them to the bonding company.[4]

Acting on Jennifer's Explanation, Judge Acuña issued on June 25 2004 a Memorandum[5] to respondent requiring him to submit his comment within five (5) days from receipt thereof.

In his Comment[6] dated July 1, 2004, respondent explained that the accused requested the release of the bailbond together with the accompanying documents so that the accused could seek "reimburse[ment] of some amount from the bonding company;" and being public documents, he released them to the accused's representative on the understanding that they would "be returned later after the transaction" but that they were not returned and he (respondent) had already forgotten about them.[7]

Respondent hastened to add that he was not actuated with malice or bad intention in releasing the documents as he did it for public service and not to commit an illegal act.[8]

The Office of the Court Administrator (OCA) to which the matter was indorsed for proper disposition finds, in its

Report[9] dated November 26, 2004, that respondent committed gross or serious misconduct.[10]

The OCA thus recommends the redocketing of the case as a regular administrative matter, and that respondent be fined in an amount equivalent to his One (1) Month salary, with a stern warning that a repetition of the same and/or similar infractions will be dealt with more severely.[11]

By Resolution[12] of February 14, 2005, this Court required the parties to manifest to the Court within twenty (20) days from notice whether they are submitting the case on the basis of the pleadings already filed and submitted. In his Manifestation[13] dated April 13, 2005, respondent, without complying with the said Resolution, reiterates that he had no unlawful motive or intention in his questioned act as it was done by sheer ignorance and honest mistake.

No doubt respondent must be faulted.

Once again this Court takes occasion to restate that the image of the courts of justice is necessarily mirrored in the conduct even of minor employees. It is on this account that it has been reminding court personnel that they have no business in getting personally involved in matters directly emanating from court proceedings, unless the law expressly provides or they are ordered to do so, in order to maintain and preserve[14] the good name and standing of the Judiciary as a true temple of justice.[15]

Indeed, the established norm of conduct for court employees is to maintain a hands-off attitude where dealings with party-litigants are concerned. Such attitude is indispensable to maintain the integrity of the courts, and to free court personnel from suspicion of any misconduct,[16] an unacceptable behavior that transgresses the established rules of conduct for public officers.[17]

Under the 2002 Revised Manual for Clerks of Court, the following are the functions of a Utility Worker:

#### 2.2.7. Utility Worker

2.2.7.1. acts as courier of the Court

2.2.7.2.

maintains and keeps custody of a record book on matters dispatched by him;

2.2.7.3. monitors messages received and/or delivers mail matter to court employees;

2.2.7.4. sews originals of records, pleadings/ documents as directed by the Branch Clerk of Court, docket clerk and-clerk-in-charge in the strict order of dates in which received and in the correct expediente, seeing to it that they are sewn straight, and that no letterings or parts thereof are stitched;

2.2.7.5 maintains cleanliness in and around the court premises; and

2.2.7.6. performs such other functions as may be assigned by the Presiding Judge and/ or Branch Clerk of Court.[18](Underscoring supplied)

As correctly pointed out by the OCA, respondent's function is essentially limited to the performance of the aforementioned functions which generally do not entail dealing in whatever capacity with party litigants unless ordered by the presiding judge or the branch clerk of court.

When respondent then, without the authority of the court or the branch clerk, removed the bailbond and the accompanying documents from the record of the case and gave them to the representative of the accused, he clearly act outside his official function.

In *Macalua v. Tiu, Jr.*,[19] this Court found the therein respondent, a utility worker, guilty of simple misconduct

and was suspended for One Month and One Day without pay, for accommodating a townmate who came from a far place and insisted the release of the bailbond despite the refusal of the clerk-in-charge-therein complainant to release it for lack of authority. Held this Court:

As a court aide or utility worker, respondent has no authority to release court records nor can he compel complainant to release the same. This is specially true since the latter being the clerk and having access to said records, refuses to do that which she knows she is legally barred from doing for lack of authority. Respondent moved by pity and sympathy, tried to help a woman townmate secure official papers and even promised to deliver the papers to her upon knowing that she hails from a place 117 kms. away from Dumaguete City. Helping people is a good trait rarely found among public officials who are true to their duties and plainly motivated by pure public service. It is in no way an ignoble act yet the manner it was carried out by respondent cannot be countenanced.

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Though he may be of great help to specific individuals, but when that help frustrates and betrays the public trust in the system it cannot and should not remain unchecked. The interest of the individual must give way to the accommodation of the public ĩ½ Privatum incommodum publico bono pensatur.[20]

Respondentĭ½s act amounts to simple misconduct, a less grave offense penalized under the Uniform Rules on Administrative Cases in the Civil Service[21] with suspension from One (1) Month and One (1) Day to Six (6) Months for the first offense, and dismissal for the second offense.[22]

While in some cases of simple misconduct this Court imposed a fine in lieu of suspension, it did so upon a showing that public service would be adversely affected if the therein respondents were suspended[23] or that the imposition of the penalty of suspension had been rendered inappropriate by the respondentsĭ½ appointment to another office.[24] No such or similar circumstance is present in the instant case to call for the imposition of fine. Respondent must then be suspended without pay.

WHEREFORE, this Court finds respondent, William S. Flores, Utility Aide II, Regional Trial Court, Branch 123, Caloocan City, GUILTY of simple misconduct and is SUSPENDED from office for One (1) Month and One (1) Day without pay, effective upon receipt of this Decision. And he is WARNED that a repetition of the same or similar infractions will be dealt with more severely.

### SO ORDERED.

Panganiban, (Chairman), Sandoval-Gutierrez, Corona, and Garcia, JJ., concur.

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[\*] Erroneously typed as Branch 127 in the Rollo cover. Branch 127 is presided by Executive Judge Myrna Dimaranan Vidal.

[1] Rollo at 5-6.

[2] Id. at 5.

[3] Ibid.

[4] Ibid.

[5] Id. at 7.

[6] Id. at 8-9.

[7] Id. at 8.

[8] Id. at 8.

[9] Id. at 11-14.

[10] Id. at 13.

[11] Id. at 14.

[12] Id. at 15.

[13] Id. at 16.

[14] Office of the Court Administrator v. Bucoy, 235 SCRA 588 (1994).

[15] Pizarro v. Villegas, 345 SCRA 42 (2000); Marquez v. Clores-Ramos, 336 SCRA 122 (2000); Lim-Arce v. Arce, 205 SCRA 21 (1992).

[16] Office of the Court Administrator v. Bucoy, supra Note 14 at 593.

[17] Castelo v. Florendo, 413 SCRA 219 (2003); Office of the Court Administrator v. Nitafan, 404 SCRA 1 (2003); Amosco v. Magro, 73 SCRA 107 (1976).

[18] Volume I at 206-207.

**[19] 275 SCRA 320 (1997).**

[20] Id. at 325-327.

[21] Resolution No. 991936, August 31, 1999.

[22] Section 52, (B) (1), Rule IV.

[23] Angeles v. Base, 395 SCRA 600 (2003); Aquino v. Lavadia, 365 SCRA 441 (2001).

[24] Amane v. Mendoza-Arce, 318 SCRA 465 (1999).

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