

THE COURT ADMINISTRATOR, REPRESENTED BY ATTY. ROMANITO AMATONG, VS. NUMERIANO GALANG, OIC OF THE OFFICE OF THE CLERK OF COURT AND DOLORES OCAMPO, DEPUTY CLERK OF COURT, BRANCH I...

Adm. Matter No. R-459-P. September 15, 1986

Ponente: MELENCIO-HERRERA, J.

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MELENCIO-HERRERA, J.:

In a Resolution of the Court en banc, dated November 19, 1981, herein respondents Atty. Numeriano Galang, then Officer-in-Charge, Office of the Clerk of Court, and Mrs. Dolores T. Ocampo, Deputy Clerk of Court, of the Court of First Instance at Cabanatuan City, Nueva Ecija, were required to show cause within seventy-two (72) hours why disciplinary action should not be taken against them for irregularities in the recording and handling of the docket books of the Court, particularly with respect to the entries that should have been made in the criminal and civil dockets, pursuant to Section 8, Rule 136, of the Rules of Court.

The aforementioned Resolution was an offshoot of an investigation conducted by Atty. Romanito Amatong of this Court in October of 1981 in connection with "Administrative Matter No. 1580-Ret. (In re Judge Virgilio D. Pobre Yñigo of the Court of First instance of Nueva Ecija, Cabanatuan City, Branch I)."

Respondent Galang, in a letter dated November 27, 1981, while admitting that certain entries in the docket books had not been duly complied with, explained that clerks who were assigned to do these tasks were directly under the control and supervision of the respective Judges and Branch Clerks of the Salas where they belong, adding that "it has been the standard practice of even the past clerks of court to allow the respective criminal and civil clerks of the different salas to make the proper entries in the docket books."

Respondent Ocampo, on the other hand, in her Explanation dated December 7, 1981, claimed that since she entered service as a Stenographer in 1955 she was not aware of separate dockets as Branches 1 to 4 keep centralized records under the management of the Clerk of Court, who has control and supervision over court record and record personnel, and that she only assumed the duties of Deputy Clerk of Court in July of 1980.

On January 20, 1983, the Court en banc resolved to note the foregoing Explanations and to transfer the case to its Second Division, which in turn referred the case to the Executive Judge of the Regional Trial Court of Cabanatuan, Branch XXIII, formerly CFI Branch I, for investigation, report and recommendation. The case has since been reassigned to the First Division.

On May 23, 1986, Executive Judge Quirino R. Sadang of the then Regional Trial Court, Third Judicial Region, Branch XXIII of Cabanatuan City, submitted a Report the pertinent portions of which read:

"xxx xxx xxx

"In the investigation, the criminal docket book particularly pages 1-159 was produced. Ms. de Guzman

examined pages 1-159 of the criminal docket book which belong to Branch XXIII, RTC formerly Branch I, CFI. It was found out that criminal cases are now duly docketed in accordance with Section 8 of Rule 136. The criminal docket clerk then, Mr. Navallo, was present in the investigation.

"The civil docket book was likewise produced in the investigation with Ms. de Guzman and Mr. Castillo who went over pages 1 to 481 and when Ms. de Guzman was asked as to whether or not the entries of all cases from page 1 to 481 were entered in accordance with Sections 8, 9 and 10 of Rule 136, Ms. de Guzman answered that only page 481 of the said civil docket book has no entry, so it is only from page 1 to 479 which have entries from Civil Case No. 2718 up to Civil Case No. 7609 but that there are pages in between pages 1 to 481 which are not filled up and that upon ocular inspection the following pages were not filled up or have no entries, pages 193 x x x and 481.

"The said docket book is still being used according to Miss de Guzman and she continues putting all the entries and according to her the 1st Civil Case after the Judiciary Reorganization took effect on January 17, 1983 is found on page 197 of the said docket book, that was after the first raffle of cases for the seven branches of the RTC and that according to her from page 187 to the last page, as Staff Assistant II and as OIC of Branch XXIII RTC, she has been placing entries thereat as provided for in Section 8 of Rule 136 of the Revised Rules of Court as according to her from page 1 to 192 of said civil docket book it was clerk Oscar Castillo, then under Deputy Clerk of Court Dolores T. Ocampo, who was making the entries and when the Executive Judge asked the Court personnel present in the investigation how they could account with the blank pages which were mentioned by Ms. de Guzman upon verification from Mr. Castillo and Mrs. Ocampo, they answered that these pages were left vacant because one page is not enough for the entries of one case and so the Executive Judge investigating the matter admonished them that next time they should not resort to that practice because if there is a need for additional page they may just use a bond paper to be attached to the page concerned.

"xxx xxx xxx

"IN VIEW OF ALL THE FOREGOING, it is respectfully recommended that from now on the Office of the Clerk of Court as well as the eight branches of the Regional Trial Court, Cabanatuan City, should be furnished upon proper requisition from the Supreme Court the following:

"xxx xxx xxx

"That considering the lack of necessary criminal and civil docket books at that time and considering further that Atty. Numeriano Y. Galang was then new in the Office of the Clerk of Court, it is recommended that he be absolved from the administrative charge with the warning that a repetition of the same will be dealt with accordingly specially so that he is already a Clerk of Court IV of the Regional Trial Court at Cabanatuan City.

"As to the case of Mrs. Dolores T. Ocampo, then Deputy Clerk of Court of Branch I, CFI, Cabanatuan City, the investigating Executive Judge finds no dereliction of duty on her part and further she had long been retired from the service of the Supreme Court so that we can no longer take any action against her."

We find that, although respondents were remiss in making the proper entries in the docket books, there was no deliberate intent on their part to disregard the Rules, that they were hampered by lack of essential supplies, and have since updated their records.

ACCORDINGLY, as recommended by the Investigating Judge, respondents are hereby absolved from administrative liability, but Atty. Numeriano Y. Galang, now Clerk of Court, is WARNED to be more assiduous in the performance of his official duties and in the supervision and management of Court dockets and records, otherwise, a repetition of the same negligence will be dealt with more severely.

The Court takes this opportunity to remind all Clerks of Court and personnel concerned in the lower Courts to make the proper entries, without skipping any page, in the general docket book docket books for civil and

criminal cases, judgment and entries book, and execution book as contemplated in sections 8, 9 and 10, Rule 136 of the Rules of Court, to the end that "by reference to a single page the history of the case may be seen" and so that the actual number of pending cases reflected in the monthly reports as submitted to this Court tally with the actual physical count of cases in their respective Salas.

The Office of the Court Administrator shall see to it that all Salas of lower courts, upon proper request and requisition, are regularly furnished with the necessary docket books so that the respective personnel thereof may be in a position to effectively comply with Rule 136 of the Rules of Court.

SO ORDERED.

Yap, (Chairman), Narvasa, Cruz, and Feliciano, JJ., concur.

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