

**BALTAZAR LL. FIRMALO, LEGAL RESEARCHER II,
OFFICER-IN-CHARGE, OFFICE OF THE CLERK OF COURT, RTC-BR. 82,
ODIONGAN, ROMBLON, COMPLAINANT, VS. MELINDA C. QUIERREZ,
CLERK III, RTC-B...**

A.M. No. P-03-1701 (OCA IPI No. 01-1151-P). June 20, 2003

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PER CURIAM:

BALTAZAR LL. FIRMALO, Legal Researcher II and Officer-in-Charge of the Regional Trial Court, Branch 82, Odiongan, Romblon, in a letter-complaint dated 29 September 2000[1] charged MELINDA C. QUIERREZ, Clerk III of the same Court, with Incompetence in the Performance of Official Duties.

Complainant Baltazar Ll. Firmalo alleges that respondent Melinda C. Quierrez has been inefficient and negligent in the performance of her duties and responsibilities despite the fact that she has been in the service for seventeen (17) years. As proof of his allegation, complainant Firmalo attaches to his letter-complaint various memoranda which he issued against respondent reminding her of certain duties and responsibilities as clerk-in-charge of civil cases which she either neglected to do or failed to perform well.

Specifically, in a Memorandum dated 2 March 2000, Firmalo directed respondent to schedule forty-three (43) civil cases which the latter neglected to do for quite a long time;[2] in Memorandum dated 14 and 15 June 2000, Firmalo also directed respondent to comment on the complaint of Mrs. Amparo Navarrete regarding the non-scheduling for publication of a petition for change of name which had been filed four (4) months before; in Memorandum dated 6 September 2000, complainant directed respondent to explain why Sp. Proc. No. OD-515, "In re: Petition for Correction of Entry Appearing in the Certificate of Live Birth of Clarence Paz," was not immediately entered in the docket book as a result of which a second case, "Adoracion Faderogao v. Celia de Leon" was given the same docket number, i.e., Sp. Proc. No. OD-515;[3] in Memorandum dated 11 September 2000 Firmalo reminded respondent that she was supposed to submit the monthly report of cases on or before the fifteenth (15) day of each succeeding month and called her attention to the fact that the monthly reports for July 1999 to August 2000 had not yet been submitted;[4] in Memorandum dated 13 September 2000 he gave respondent sixty (60) days within which to improve her work, otherwise, her performance rating would be greatly affected;[5] in Memorandum dated 19 September 2000 he directed respondent to prepare and properly index the records of appealed cases which were due for transmittal to the Court of Appeals, and advised her to heed the verbal instructions of the presiding judge which she was wont to ignore, to attend to litigants who were asking for the status of their cases, and to concentrate on unfinished work instead of going out during office hours;[6] in a Memorandum dated 20 September 2000 Firmalo warned and directed respondent not to calendar cases verbally without his knowledge and without the proper notifications being attached to the records;[7] and lastly, in a Memorandum dated 29 September 2000 he again reminded respondent of her long overdue monthly report of cases and advised her to finish them instead of leaving the office frequently during office hours.[8]

On her part, respondent denies that she has been negligent or inefficient in the performance of her work.[9] She contends that she has been saddled with numerous responsibilities which she tried to fulfill to the best of her

ability. Although there was delay in her preparation and submission of the monthly reports of civil cases she explains that this was only an isolated instance brought about by a pressing health problem in the family which needed her attention. She claims that the delay was unintentional.

Respondent admits her shortcomings but maintains that they were unintentional. She thus implores the compassionate consideration of the Court, citing the "satisfactory" work performance rating given her by complainant for the first part of the year 2001.

In his Reply dated 9 July 2002,[10] complainant denies that he gave respondent a satisfactory performance rating for the period January to June 2001. On the contrary, he rated respondent's work performance "unsatisfactory" as usual as clearly shown by a photocopy of the performance rating dated 6 July 2001.[11] Complainant avers that even up to the present, respondent continues to receive a string of memoranda from Atty. Rolly F. Roldan, Jr., the incumbent Clerk of Court, who assumed the position on 4 September 2001. To cite a few, respondent has been directed to explain why she scheduled a case without consulting the new clerk of court, without waiting for the minutes of the last meeting, and without the conformity of the counsel of the parties as approved by the court. She was thus reminded that she was not authorized to grant any request of schedule unless approved by the presiding judge.[12]

In addition, respondent was likewise directed to explain: (a) why she sent notices for the hearing of a case on a date different from that agreed upon by the parties and approved by the court;[13] (b) why it took her more than two (2) hours to type a two-page certificate of finality of judgment;[14] (c) why she failed to make the proper entries in the docket book of around seventy (70) cases;[15] and, (d) why she still failed to accomplish and to submit correct copies of Monthly Report of civil cases for the months of March and April 2002.[16] Atty. Roldan, Jr. thus gave respondent an "Unsatisfactory" performance rating for the period July to December 2001[17] and even wrote[18] the Court Management Office (CMO) of the Office of the Court Administrator (OCA) informing it of respondent's continued incompetence.[19]

As regards respondent's claim that the delay in her work was due to health problem, complainant dismisses the same as purely self-serving and bereft of factual basis. Aside from the fact that the alleged health problem was not specified, respondent's husband, who is likewise a court employee, continues to report for work without any indication whatsoever that there was a pressing health problem in the family. With respect to the claim that she was given numerous tasks to perform, complainant counters that respondent was even the employee given the least number of responsibilities among the employees at the RTC-Br. 82.

In its Memorandum of 8 January 2003 the OCA enumerated the circumstances that would justify respondent's dismissal from the service. It appears however that during the pendency of this case, or specifically on 8 January 2003, respondent wrote the OCA signifying her intention to optionally retire. The OCA thus recommended approval of respondent's optional retirement considering the latter's alleged remorse and almost twenty (20) years of service in the judiciary.

We cannot accept the recommendation. For one thing, we do not see any sign of respondent's alleged remorse. The record shows that this is not her first administrative case. In 1996 she was censured, reprimanded and sternly warned by her Presiding Judge, the Hon. Cezar R. Maravilla, RTC-Br. 82, Odiongan, Romblon, in an Order dated 20 May 1996, for disobedience and gross inefficiency in the performance of her duties, specifically for failing to submit an inventory of cases and to schedule forty-seven (47) criminal cases in the court calendar, in violation of memoranda addressed to her by the clerk of court. Thus, when a judicial audit conducted on 16-19 July 1999 by the Judicial Audit Team of the OCA yielded the finding that the forty-seven (47) criminal cases were indeed not scheduled by the clerk-in-charge of criminal cases, herein respondent, the OCA recommended administrative

sanction for gross negligence and inefficiency. The only thing that kept the Court from imposing a heavier penalty in A.M. No. 96-8-301-RTC, "Report on the Judicial Audit Conducted in the RTC-Branch 82, Odiongan, Romblon"[20] was the censure, reprimand and stern warning already imposed by respondent's presiding judge.

Several months after the foregoing case, respondent was assigned to type orders, decisions, clearances, certifications, warrants of arrest, vouchers, reports of inventory of cases and performance ratings. However, she still failed to perform the assigned tasks efficiently as shown by work marred by omissions, spelling and syntax errors as well as spacing and margin mistakes. This resulted in yet another case, "Baltazar LL. Firmalo v. Melinda C. Quierrez," which was docketed as A.M. No. P-00-1401. The case was initiated by a Letter-Recommendation dated 19 December 1996 of OIC Clerk of Court Firmalo and indorsed by Acting Presiding Judge Placido C. Marquez, RTC-Br. 82, Odiongan, Romblon, recommending respondent's dismissal for gross neglect of duty and gross inefficiency. After deliberation of the case, the Court in a Resolution dated 29 January 2002 found respondent guilty of gross negligence and incompetence as charged and imposed a P1,000.00 fine with stern warning that commission of a similar act in the future would be dealt with more severely by the Court.

Despite the foregoing administrative sanctions and stern warning, respondent still failed to improve her work performance as shown by the present case and yet another one in the offing identified by Reference Code No. CMO-415-A of the Court Management Office (CMO) of the OCA. The latter case was initiated by a letter of Atty. Rolly F. Roldan, Jr., the incumbent Clerk of Court, RTC-Br. 82, Odiongan, Romblon, informing the OCA of respondent's failure to again comply with an office memorandum requiring her to update the entries in the docket book for civil cases. Atty. Roldan lamented that respondent continued to be a problem employee who is prone to commit mistakes, is very slow in learning, needs constant and close supervision, and is incapable of accomplishing most of her workload.

Respondent's record thus speaks for itself. All judges, clerks of court, and officers-in-charge she had worked with had all complained about her work performance. The record of her unsatisfactory performance ratings since 1996 reflects her inefficiency. Respondent's performance ratings for the years 1996 to 2001 are *res ipsa loquitur*:

Rating Period

Numerical Rating

Adjective Rating

2nd Sem. 1996

16

Unsatisfactory

1st Sem. 1997

22

Satisfactory

1st Sem. 1998

20

Unsatisfactory

2nd Sem. 1998

20

Unsatisfactory

1st Sem. 1999

20

Unsatisfactory

2nd Sem. 1999

20

Unsatisfactory

1st Sem. 2000

20

Unsatisfactory

2nd Sem. 2000

24

Satisfactory

1st Sem. 2001

20

Unsatisfactory

2nd Sem. 2001

20

Unsatisfactory

From the first semester of year 1998 to the second semester of year 2001 respondent consistently received unsatisfactory remarks except in the second semester of year 2000 where she received a numerical rating of 24 or an adjective rating of "satisfactory." Section 3, Rule IX, Book V, of Executive Order No. 292 provides that "two (2) successive unsatisfactory ratings shall be a ground for separation from the service." It is likewise stated in Sec. 22, par. P, Rule IX that "inefficiency and incompetence in the performance of official duties shall warrant the penalties of suspension for six (6) months and one (1) day for the first offense and dismissal for the second offense."

Considering all the foregoing, it is all too clear why we cannot approve respondent's application for optional retirement which was thought of only after the present case was filed. In fact, we view the same as an obvious attempt on her part to elude administrative liability commensurate to her malfeasance. Respondent's intention to optionally retire was contrived only after it became clear that dismissal from the service was now inevitable. Moreover, to allow optional retirement would amount to putting respondent in a much better position than those separated from the service for a similar offense. Her justification therefor — that her delay, negligence and inefficiency were unintentional and due to health problems — will not absolve her from administrative liability. Even with the fullest measure of sympathy and patience, we cannot act otherwise since the exigencies of government service cannot and should not be subordinated to purely human equations. Respondent should realize

that her administrative functions are just as essential to the prompt and proper administration of justice.

This Court is only too aware of respondent's almost twenty (20) years of service, but to allow her to avail of optional retirement after her continued negligence and incompetence despite previous administrative sanctions and warnings would be to condone her flagrant and persistent dereliction of duties. This Court always endeavors to deal with the members of the judiciary with an even hand and equal concern. For such, after all, is the essence of adjudicatory justice.

WHEREFORE, for Gross Incompetence in the Performance of Official Duties, respondent MELINDA C. QUIERREZ, Clerk III, Regional Trial Court, Branch 82, Odiongan, Romblon, is DISMISSED from the service with forfeiture of retirement benefits, except accrued leave credits, but without prejudice to re-employment in any branch or agency of the government including any government-owned or controlled corporation.

SO ORDERED.

Davide, Jr., C.J., Bellosillo, Puno, Vitug, Panganiban, Quisumbing, Ynares-Santiago, Sandoval-Gutierrez, Carpio, Corona, Carpio-Morales, Callejo, Sr., and Azcuna, JJ., concur.

Austria-Martinez, J., on official leave.

[1] Rollo, p. 13.

[2] Id., pp. 17-18.

[3] Id., p. 20.

[4] Id., p. 29.

[5] Id., p. 30.

[6] Id., p. 14.

[7] Id., p. 31.

[8] Id., p. 16.

[9] Undated Comment; Id., p. 2.

[10] Id., p. 39.

[11] Annex "C;" Id., p. 44.

[12] Memorandum dated 5 November 2001; Rollo, p. 66.

[13] Memorandum dated 6 November 2001; Id., p. 67.

[14] Memorandum dated 12 November 2001; Id., no pagination.

[15] Memorandum dated 31 January 2002; Id., no pagination.

[16] Memorandum dated 20 May 2002; Id., no pagination,

[17] Annex "A;" Id., p. 42.

[18] Id., p. 43.

[19] Reference Code No. CMO-415A.

[20] Resolution dated 8 July 1998, 292 SCRA 1.

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