

**SPOUSES BIENVENIDO AND LILIBETH INOT, COMPLAINANTS, VS.
ALEXANDER C. RIMANDO, CLERK OF COURT IV, MUNICIPAL TRIAL
COURT IN CITIES – OFFICE OF THE CLERK OF COURT,
OLONGAPO CITY, R...**

A.M. NO. P-04-1926 (FORMERLY OCA I.P.I. NO. 03-1700-P). April 19, 2007

Ponente: CORONA, J.

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CORONA, J.:

On June 30, 2003, this Court received a sworn letter-complaint[1] from the spouses Bienvenido and Lilibeth Inot charging respondent Alexander C. Rimando, a clerk of court in Olongapo City's Municipal Trial Court in Cities (MTCC), with usurpation of authority.

Complainants alleged that on April 28, 2003, respondent wrote them a letter[2] inviting them to the Office of the Clerk of Court to explore the possibility of a settlement with one Sevedo A. Racela who had purportedly lodged a complaint regarding the property on which they were operating a karinderia.[3] Shortly thereafter, respondent sent them another letter dated May 7, 2003[4] conveying a final demand to vacate the property within three days and a warning that failure to do so would compel him to take "the necessary action"[5] against them.

It appears that complainants, believing respondent had no authority to hale them to his office inasmuch as no case had actually been filed against them, paid no heed to these letters.

Complainants further alleged that on May 12, 2003, their karinderia was demolished on the strength of a mere handwritten order to "proceed with demolition" scribbled at the bottom of respondent's May 7, 2003 letter. The handwritten order, complainants asserted, was issued by respondent.

In his comment, respondent admitted having sent the April 28 and May 7, 2003 letters at Racela's behest. Respondent explained that Racela had requested assistance in enforcing complainants' purported contractual undertaking to vacate the property upon demand and that he wrote the letters only to avert litigation between the disputants. He denied having written the words "proceed with demolition" on the May 7, 2003 letter. He claimed he had no participation in the demolition of complainants' karinderia.

On November 22, 2004, we resolved to refer the case to Executive Judge Reynaldo M. Laygo of the MTCC, Olongapo City for investigation, report and recommendation.

In due time, Judge Laygo submitted a report with the following findings and recommendations:

Complainants failed to substantiate their charge that it was respondent who wrote the annotations (sic) "Proceed w/ Demolition" and signed the same. As the proposed expert handwriting examination could not be had in view of the non-production of the original copy of the May 7, 2003 letter, complainants could not submit any other proof to support their claim against respondent. Complainant's (sic) mere suspicion, conclusion and conjecture cannot suffice to sustain an administrative conviction. In administrative proceedings, the complainant has the burden of proving, by substantial evidence, the allegations in his

complaint. Lacking this kind of proof, complainant's (sic) action in the instant case cannot prosper.

A comparison by the undersigned of the handwritten annotations "proceed w/ demolition" and the signature below with respondent's signature which he affixed in (sic) letters and memoranda submitted in the course of his duties as a Clerk of Court showed no similarity.

xxx xxx xxx

Considering that complainants has (sic) not satisfactorily proved that respondent was the one who wrote and signed the offending phrase which complainants alleged to have been (sic) the cause of the demolition of their stall, the undersigned recommends that this administrative case be dismissed.

However, the attention of the Honorable Court is respectfully directed to respondent's actuations of writing demand/invitations (sic) letters to person (sic) in connection with claims against them. Notwithstanding respondent's noble intention behind these letters, the same may constitute undue interference to (sic) future or pending judicial functions (sic). It is recommended that respondent must (sic) be cautioned to refrain from doing similar acts.[6]

The Office of the Court Administrator (OCA) viewed matters differently. While it agreed with Judge Laygo that there was insufficient evidence to hold respondent liable for usurpation of authority, it opposed his recommendation that the administrative case be dismissed and respondent be let off with a mere caution. In the OCA's estimation, respondent's acts, insofar as they created the impression that relief could be obtained from the courts without filing a case, amounted to conduct prejudicial to the best interest of the service for which he should be fined.

We agree with the OCA.

Respondent's invitation and demand letters to complainants, both of which bore the letterhead of the MTCC and announced his designation as a court official, were evidently designed to lend the power and prestige of the court in support of Racela's claims despite the absence of a prior judicial determination that he was entitled to any relief. In effect, respondent used his official position to secure an unwarranted advantage for Racela and in so doing engendered the notion that one with the right "connections" could obtain relief from the court without having to go through the process ordained by law for the prosecution and defense of disputed claims. That was illegal and highly improper.

Officials and employees connected with an office charged with the dispensation of justice must at all times be mindful of their duty to comport themselves in such a manner as would earn and preserve the public's confidence in the courts and the judicial service.[7] This faith which the judiciary continually strives to uphold depends for its sustenance not only on the moral rectitude of its members and personnel and the legal acumen of those who sit in judgment, but also on the belief that the court's power to order the deprivation of life, liberty, or property cannot be brought to bear on any save those who have had a previous opportunity to be heard. Indeed, the public cannot long sustain its confidence in the judicial system without the assurance of procedural fairness that a uniform observance of the Rules of Court, which governs the orderly enforcement of rights and redress of wrongs, guarantees to all litigants. Conscientious observance of the court's rules is therefore an essential part of every judicial employee's duty to preserve the public's faith in the judiciary.

For a clerk of court like respondent, the duty to promote and maintain adherence to the Rules of Court is a settled matter. No less than the Manual for Clerks of Court states:

[w]ith the prestige of his office goes the corresponding responsibility to safeguard the integrity of the Court and its proceedings, to earn respect therefor, to maintain loyalty thereto xxx, and to uphold the confidence of the public in the administration of justice.[8]

Respondent did the exact opposite of what was expected of him. He assisted in a crude effort to use the court's power and prestige to lend force to a judicially unsanctioned claim when what he should have done was advise Racela that no court official could assist him in enforcing his demands against complainants without a proper judicial proceeding. Far from promoting the orderly settlement of disputes under the Rules of Court, respondent's acts encouraged the circumvention of the proper legal procedures and presented a dangerous tendency to undermine the public's respect for the judiciary, its rules and its processes. Plainly, his conduct was prejudicial to the best interest of the service.

WHEREFORE, Alexander C. Rimando, clerk of court IV, Municipal Trial Court in Cities, Office of the Clerk of Court, Olongapo City is hereby found GUILTY of conduct prejudicial to the best interest of the service. Consequently, he shall pay a FINE of P10,000 within ten (10) days from receipt of this resolution. He is WARNED that a repetition of the same or similar misconduct shall be dealt with more severely.

Let a copy of this resolution be attached to his personal records in the Office of Administrative Services, Office of the Court Administrator.

SO ORDERED.

Puno, C.J., (Chairperson), Sandoval-Gutierrez, Azcuna, and Garcia, JJ., concur.

[*] At times designated in the record as Clerk of Court V or Clerk of Court VI.

[1] Rollo, p. 2.

[2] Id., p. 3.

[3] A native restaurant which serves ready-cooked food. LEO JAMES ENGLISH C.SS.R., TAGALOG — ENGLISH DICTIONARY 308 (Capitol Publishing House, Inc., 1986).

[4] Rollo, p. 4.

[5] Id.

[6] Report of Executive Judge Reynaldo M. Laygo, dated April 5, 2005.

[7] See Jereos, Jr. v. Reblando, Sr., 163 Phil. 121 (1976) and Tablate v. Tanjutco-Seechung, A.M. No. 92-10-425-OMB, 15 July 1994, 234 SCRA 161.

[8] MANUAL FOR CLERKS OF COURT, Ch. 1, Sec. B, p. 3.

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