

**TIMOTEO M. CASANOVA, JR., COMPLAINANT, VS. FELIZARDO P. CAJAYON, CLERK III, RTC, BRANCH 45, SAN JOSE, OCCIDENTAL MINDORO, RESPONDENT.***A.M. No. P-02-1595. April 03, 2003*

Ponente: YNARES-SANTIAGO, J.

Read online (full-text search, related cases, audio case brief): <https://batas.org/library/f90d3b955f27/>**YNARES-SANTIAGO, J.:**

Complainant Timoteo M. Casanova, Jr., OIC Branch Clerk of Court of the Regional Trial Court of San Jose, Occidental Mindoro, Branch 45, filed with the Office of the Court Administrator a verified letter-complaint,[1] against Felizardo P. Cajayon, Clerk III of the same court, for neglect of duty, inefficiency and incompetence in the performance of official duties, refusal to perform official duties, refusal to obey lawful orders of competent authorities and conduct prejudicial to the best interest of the service.

Complainant alleged that since 1989, when respondent was appointed as process server, and after he was promoted as Clerk III in the RTC of San Jose, Occidental Mindoro, Branch 45, respondent often reported late for work and did nothing while inside the office. Complainant first brought the matter to the Presiding Judge, Restituto Aguilar, but he was ignored. Complainant likewise reported the misconduct of respondent to Judge Fernando Caunan, who replaced Judge Aguilar after he retired from the service. However, Judge Caunan merely reprimanded respondent for not preparing the monthly report of the court's cases.

Complainant further averred that sometime in September 1997, respondent received a telegram from the Office of Administrative Services, Office of the Court Administrator (OCA) requiring him to submit his daily time records (DTR). The OCA sent another letter pertaining to respondents' DTR to Judge Ernesto Pagayatan, Executive Judge of the RTC of San Jose, Occidental Mindoro. Respondent received the letter but just kept it. After complainant discovered what respondent did, he reported the matter to Judge Pagayatan, who then instructed complainant to answer the letter. Thus, complainant wrote to the Office of Administrative Services of this Court to explain that he did not sign the DTR of respondent because he refused to prepare the monthly report of cases for the months of April to September 1997, despite repeated instructions and advice of his supervisors.

On October 6, 1998, the Court Administrator sent a telegram to the Presiding Judge of RTC, Branch 45 requiring the submission of semestral docket inventory of cases for the periods ending June 1996, December 1996, June 1997, December 1997, June 1998 and December 1998. This communication was given to respondent for compliance, but he failed to act on the matter.

In a letter to the Court Administrator dated February 1, 1999,[2] complainant disclosed that respondent was very close to Judge Ernesto Pagayatan, the Executive Judge of Branch 46 of RTC, San Jose, Mindoro Occidental. Thus, he suggested that Judge Inocencio M. Jaurigue of RTC, Branch 44, Mamburao, Occidental Mindoro be designated to conduct the investigation of this case.

Respondent filed a Comment,[3] denying all the accusations against him. He admits that as process server, he would oftentimes go to the IBP building to serve court processes to lawyers. After serving those processes, he

would immediately return to his office and wait for other court processes that may be assigned to him for service. He also claims that he was punctual in reporting for work as shown in his daily time records.

Respondent further claims that he likewise diligently discharged his duties even after he was promoted as Clerk III in 1994. In 1995, he even prepared the monthly report of cases that should have been done by the branch clerk of court. He averred that he complied with the letter of the Court Administrator requiring him to submit his DTRs. As to the inventory of cases, he claimed that he already submitted the same to the OCA per his letter-endorsement dated January 29, 1999.

On October 4, 2000, we referred the case to Executive Judge Ernesto Pagayatan of RTC, San Jose, Occidental Mindoro for investigation.[4] Judge Pagayatan recommended the dismissal of the complaint on the basis of the withdrawal of the complaint and respondent's undertaking to improve his performance.[5]

In its evaluation of the case, the Court Administrator cited the case of *Gacho v. Fuentes, Jr.*,[6] where it was held that the withdrawal of an administrative complaint does not result in its automatic dismissal. Hence, he recommended that the case be reinvestigated,[7] and designated Judge Jaurigue of RTC, Branch 44, Mamburao, Occidental Mindoro, to conduct the re-investigation.[8]

After the re-investigation, Judge Jaurigue submitted his report,[9] finding that the filing of the instant complaint was caused by a misunderstanding between the parties, as a result of which respondent's performance of duties became the subject of complainant's criticism. Judge Juarigue recommended that both complainant and respondent be reprimanded with a stern warning that a repetition of similar acts will merit drastic action.

On April 25, 2002, after due consideration of the aforesaid finding and recommendation of the investigating judge, the Office of the Court Administrator adopted the recommendation of Judge Jaurigue.

Save for the recommended penalty on complainant, we agree with the findings and recommendations of the investigating Judge and the Office of the Court of Administrator that both the complainant and respondent displayed conduct which merit the Court's wield of administrative supervision.

We note that the penalty of reprimand was imposed on complainant on the basis of a *motu proprio* finding by the investigating Judge that the instant complaint was merely a product of misunderstanding between complainant and respondent. Such imposition of reprimand on complainant cannot be done without seriously violating the very fundamental and constitutionally protected right of a person to be informed of the nature of the charge for which he is being held accountable.[10] If at all, his act merely trifled the time of this Court to attend to its other business that behooves its immediate attention. To reprimand complainant in this case is, therefore, not in order. Thus, we deem fit that complainant be merely admonished for his indecorous actuation in this administrative case.

Furthermore, the record is bereft of evidence to support complainant's allegation that the respondent was always absent or late for work. The Daily Time Reports[11] of respondent were in fact countersigned by complainant as OIC Branch Clerk of the RTC, Branch 45, San Jose, Occidental Mindoro.[12] The DTRs show that he was neither absent nor late in reporting for work during the periods alleged by complainant. Likewise, complainant testified that he usually gave respondent and other employees a very satisfactory rating due to their voluminous work. In fact for the period of January to June 1995 the rating of respondent was "Very Satisfactory." [13] These ratings belie the claim that the respondent was remiss in his duty as Clerk III. If there was any truth to complainant's claim about respondent's alleged failure to perform his duties, such misbehavior could have been reflected in his performance ratings since these were based on respondents' general performance during the whole rating period.

Moreover, complainant's act of unilaterally withdrawing his complaint despite being fully aware that respondent was remiss in his duty in preparing the monthly reports betrayed his inefficiency as Officer-in-Charge Branch

Clerk of Court. There was no reason for him to withdraw his complaint since there was no question that respondent was negligent in the performance of his duty.

On the other hand, we find respondent liable for his failure to submit the required Docket Inventory on time, a fact which he admitted, citing as justification the voluminous cases in the docket.[14] The heavy caseload is not a valid justification for respondent's failure to seasonably submit the required docket inventories and monthly reports.[15] It may not be underscored enough that the office of a clerk of court involves the performance of delicate administrative duties essential to the prompt and proper administration of justice.[16]

As correctly pointed out by the OCA, the withdrawal of an administrative complaint does not divest us of our disciplinary authority over court personnel. Thus, in *Lapeña v. Pamarang*,[17] we held:

The withdrawal of a complaint for lack of interest of a complainant does not necessarily warrant the dismissal of an administrative complaint. The Court cannot be bound by the unilateral decision of a complainant to desist from prosecuting a case involving the discipline of parties subject to its administrative supervision.

Also, in the very recent case of *Nones v. Ormita*,[18] we further held that:

x x x, the faith and confidence of the people in their government and its agencies and instrumentalities need to be maintained. The people should not be made to depend upon the whims and caprices of complainants who, in a real sense, are only witnesses. To rule otherwise would subvert the fair and prompt administration of justice, as well as undermine the discipline of court personnel.

The image of the judiciary is mirrored in the kind of conduct, official or otherwise, which the personnel within its employ display, from the judge to the lowliest clerk. So much so that any fighting or misunderstanding among them becomes a disgraceful sight reflecting adversely on the good image of the judiciary. Professionalism, respect for the rights of others, good manners and right conduct are expected of all judicial officers and employees.[19] Thus, all employees are required to preserve the judiciary's good name and standing as a true temple of justice.[20]

WHEREFORE, in view of the foregoing, complainant Timoteo M. Casanova, Jr. is hereby ADMONISHED for unduly trifling with the time of the Court in this administrative case. On the other hand, respondent Felizardo P. Cajayon of the Regional Trial Court of San Jose, Occidental Mindoro, Branch 45 is hereby REPRIMANDED for his failure to submit the required Docket Inventory on time. Both the complainant and respondent are hereby STERNLY WARNED that a repetition of the same or similar act(s) in the future shall be dealt with more severely.

### **SO ORDERED.**

Davide, Jr., C.J., (Chairman), Vitug, Carpio, and Azcuna, JJ., concur.

---

[1] Rollo, pp. 1-3.

[2] *Id.*, p. 5.

[3] *Id.*, at 7-8.

[4] *Id.*, at 15.

[5] *Id.*, at 36.

[6] 353 Phil. 665 (1998).

[7] Rollo, p. 46.

[8] Id., pp. 45-47.

[9] Id., at 117.

[10] Section 14(2), Article III of the 1987 Constitution.

[11] Id., at 112-A-112-B.

[12] TSN, August 21, 2001, pp. 7-8.

[13] Id., pp. 8-9.

[14] Id., at 10-11.

[15] Report on the Spot Judicial Audit Conducted in Metropolitan Trial Court, Branch 36, Quezon City, A.M. No. 98-3-34-MeTC, 25 August 1999, 313 SCRA 25, 37.

[16] Report on the Judicial Audit conducted in RTC-Brs. 61 & 63, Quezon; MTC-Calauag, Quezon & Tagkawayan, Quezon, A.M. No. 98-8-262-RTC, 21 March 2000, 328 SCRA 543, 582, citing *CA v. Escalante*, A.M. No. P-96-1219, 15 August 1997, 277 SCRA 331.

[17] 382 Phil. 325, 330 (2000); *Estreller v. Manatad, Jr.*, 335 Phil. 1077 (1997).

[18] A.M. No. P-01-1532, 9 October 2002, citing *Cabatingan, Sr. v. Arcueno*, A.M. No. MTJ-00-1323, 22 August 2002; *Jacob v. Tambo*, A.M. No. P-00-1411, 16 November 2001; *Malinao v. Mijares*, A.M. No. RTJ-99-1475, 12 December 2001.

[19] In Re: Incident report of the Security Division, Supreme Court, on the alleged unlady-like manner of Ms. Edna S. Cesar, RTC, Branch 171, Valenzuela City, A.M. No. 00-11-526-RTC, 16 September 2002.

[20] Id., citing *Pizarro v. Villegas*, A.M. No. P-97-1243, 20 November 2000, 345 SCRA 42.

**ABOUT BATAS.ORG**

# Study smarter at BATAS.org

*The Philippine bar review and law-school companion built around how your brain actually remembers.*

**The complete Philippine law library - free for everyone.**

More than 100,000 Supreme Court decisions, Republic Acts, and executive issuances - full-text searchable, browsable by category and year, and always free. No paywall, no login. This PDF came from it.

**Audio case-brief lectures.**

Any decision becomes a podcast-style lecture - facts, issues, ruling, and doctrine - with read-along highlighting and a hands-free presentation mode. Study while commuting, working out, or resting your eyes.

**Bar review built on the science of memory.**

Complete, sequenced courses for all eight bar subjects, narrated like podcasts and reinforced with retrieval practice and spaced review - the study techniques with the strongest evidence behind them.

**The full law-school curriculum.**

One subscription unlocks the entire J.D. curriculum - every subject, every lesson, with your progress tracked down to the paragraph so you can pick up exactly where you left off, on any device.

**Mock exams that tell you where you stand.**

Timed multiple-choice exams graded instantly, with per-subject score breakdowns and focus suggestions that point you at your weakest topics first.

**A study planner that keeps you on pace.**

Set your schedule and BATAS tells you every day whether you are on track for bar day - and exactly which lesson to take next.

**Start free at <https://batas.org>**

The law library is free forever - and your first lesson is one click away.

The text of this document is an official public record and remains in the public domain. Formatting, presentation, and compilation © 2026 batas.org.

Downloaded free from the batas.org Law Library. Share it freely - the library is free for every law student, bar reviewee, and practitioner.