

ELPIDIO SY, PRESIDENT, SYSTEMS REALTY DEVELOPMENT CORPORATION, COMPLAINANT, VS. EDGAR ESPONILLA, LEGAL RESEARCHER AND OFFICER-IN-CHARGE, AND JENNIFER DELA CRUZ-BUENDIA, CLERK OF...

A.M. NO. P-06-2261 (OCA-IPi NO. 04-1905-P). October 30, 2006

Ponente: YNARES-SATIAGO, J.

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YNARES-SATIAGO, J.:

In a verified Complaint[1] dated March 30, 2004, Elpidio Sy, President of Systems Realty Development Corporation, charged Edgar Esponilla, Legal Researcher and Officer-In-Charge of Branch 54 of the Regional Trial Court of Manila, and Atty. Jennifer Dela Cruz-Buendia, Clerk of Court and Ex-officio Sheriff of the Regional Trial Court of Manila with Gross Misconduct, Negligence and Dishonesty in connection with the withdrawal of the deposits in the form of monthly rentals in Civil Case No. 90-55003, entitled Maria Gagarin, et al. v. Bank of the Philippine Islands and Systems Realty Development Corporation.[2]

Records show that upon motion by counsel for plaintiffs, Judge Hermogenes R. Liwag, issued an Order dated November 11, 1994 allowing the withdrawal of the deposits in the concept of rentals amounting to P260,000.00 more or less, based on the finding that a sufficient supersedeas bond was already posted in a related case pending before Branch 32.

The November 11, 1994 Order reads:

Finding the Ex-Parte Motion to Withdraw Rental Deposits filed by plaintiffs, thru counsel, to be well-taken, the same is hereby GRANTED, and the Clerk of Court, or her duly authorized representative, is hereby ordered to release to plaintiffs, or their duly authorized representative, the deposits made by such parties in the concept of rentals from May, 1989 to August, 1994 in the estimated aggregate sum of P260,000.00.

It is well to emphasize here that such deposits were made in the concept of monthly rentals for the plaintiffs' occupancy of the premises in controversy, here and in the ejectment suit now on appeal with Branch 32 of this same Court. It would appear, however, from the attachments to the Motion to Withdraw Rental Deposits that sufficient supersedeas bond was already posted in that appealed ejectment case by the plaintiffs hereto, defendants therein, in the total sum of P260,000.00. Surely, the rental deposits made in this case become superfluous and serve no legal purpose. It is actually duplicitous and its non-release would actually prejudice the plaintiffs.

SO ORDERED.[3]

Thereafter, Jaime Ang, one of the plaintiffs in Civil Case No. 90-55003, withdrew the amount of P256,000.00 from the Office of the Clerk of Court of the Regional Trial Court of Manila.

Complainant averred that the withdrawal of the deposits was irregular because the allegation by plaintiffs' counsel, Atty. Walfredo Bayhon, in the ex-parte motion that the amount sought to be withdrawn from Branch 54

was superfluous and duplicitous as there is already a sufficient supersedeas bond posted with Branch 32, is false.[4] He claimed that the rental deposits made in Branch 54 covered the period from June 30, 1989 to August 5, 1994 while those in Branch 32 were for September 30, 1994 to January 3, 1997. Complainant also alleged that Judge Liwag granted plaintiffs' false motion without ascertaining the veracity of the allegations therein; and that complainant was not furnished a copy of the said motion to withdraw nor was the same set for hearing.

Complainant alleged that the purported motion and Order of Judge Liwag do not appear in the records of Civil Case No. 90-55003, as such, respondent Dela Cruz-Buendia, who was then the Assistant Clerk of Court, is guilty of negligence and connivance with the plaintiffs in Civil Case No. 90-55003 for allowing and facilitating the release of the deposits without verifying the authenticity of the motion and Order. Complainant also claimed that respondent Esponilla is guilty of gross negligence for failing to safeguard vital case records and conniving with the plaintiffs in Civil Case No. 90-55003.

Respondent Dela Cruz-Buendia denied the charges against her. She maintained that her function as a clerk of court is purely ministerial in nature. She does not exercise any discretion except to follow orders of the court; neither is she bound to determine the propriety or impropriety of the orders of the court.

Respondent Esponilla alleged that he was not the Officer-In-Charge of Branch 54 when the purported Order granting the ex-parte motion to withdraw rental deposits was allegedly issued on November 11, 1994 by Judge Liwag as he was only designated as such in March 1995. He thus prayed that the complaint against him be dismissed.[5]

On November 9, 2004, the Office of the Court Administrator (OCA) referred the instant complaint to the Executive Judge of the Regional Trial Court of Manila for investigation, report, and recommendation.

On February 1, 2006, Executive Judge Antonio M. Eugenio, Jr. submitted his Report and Recommendation,[6] the pertinent portions of which read:

Respondent Edgar Esponilla cannot be faulted for any of the acts complained of as he was appointed officer-in-charge of Branch 54 only in March 1995 and the questioned order was issued by Pairing Judge Hermogenes Liwag on November 11, 1994. Nor did he have a hand in the preparation and release of the check to the plaintiffs on November 14, 1994 or sometime thereafter.

x x x x

As to respondent Clerk of Court, we likewise find her explanations meritorious. In the instant case, the duty of the Clerk of Court and/or respondent Buendia xxx is ministerial.

Upon receipt of an order from a court, the Clerk of Court's duty is to make sure that the order is complied with. xxx For a Clerk of Court to question a ruling or order of a judge is an invitation for contempt.

x x x x

The pivotal issue that should be addressed is why Atty. Walfredo Bayhon filed the motion in the first place and why then Pairing Judge Hermogenes Liwag favorably acted on it without looking into the truth of the allegation of "duplicity and superfluity."

x x x x

Accordingly, it is respectfully submitted that the administrative complaint filed against respondents Edgar Esponilla and Jennifer de la Cruz-Buendia be dismissed for lack of merit.

It is further recommended that Atty. Walfredo Bayhon be asked to explain the circumstances behind his filing of the Ex-Parte Motion and to provide the Supreme Court with a true copy of the motion.[7]

On June 5, 2006, the OCA submitted its Evaluation Report,[8] adopting the findings and recommendation of Judge Eugenio, thus:

In view of the foregoing discussions, it is respectfully submitted that the administrative complaint filed against respondents Edgar Esponilla and Atty. Jennifer Dela Cruz-Buendia be DISMISSED for lack of merit.

Consequently, it is further recommended that Atty. Walfredo Bayhon be asked to EXPLAIN the circumstances behind his filing of the Ex-Parte Motion and to provide the Court with a true copy of the motion.[9]

Indeed, clerks of court are officers of the law who perform vital functions in the prompt and sound administration of justice. Their office is the hub of adjudicative and administrative orders, processes and concerns. They perform delicate function as designated custodians of the court's funds, revenues, records, properties and premises. As such they are generally also treasurer, accountant, guard and physical plant manager thereof. They are liable for any loss, shortage, destruction or impairment of such funds and property.[10]

The duties of Clerks of Court as defined in the 2002 Revised Manual for Clerks of Court are as follows:

Adjudicative Support Functions:

- Prepares and signs summonses, subpoenas and notices, writs of execution, remittances, and releases of prisoners;
- Certifies true copies of decisions, orders, and other processes, letters of administration and guardianship; transmittals of appealed cases, indorsements and communications; and
- Prepares and signs monthly reports of cases.

Non-Adjudicative Functions:

- Plans, directs, supervises and coordinates the activities of all divisions/sections/units in the Office of the Clerk of Court;
- Controls and manages all court records, exhibits, documents, properties and supplies;
- Acts on applications for leave of absence and signs daily time records;
- Determines the docket fees to be paid by the parties-litigants as provided in the Rules of Court;
- Issues clearances in appropriate cases;
- Provides information services to the public and private agencies including bar associations;
- Prepares cases for raffle;
- Safekeeps and maintains a judgment book and execution book;
- Studies and recommends to the Executive Judge ways and means to improve both adjudicative and support functions;
- Performs special functions as ex-officio municipal sheriff;
- Implements all orders and policies of the court in connection with the speedy administration of justice;
- Performs other duties that may be assigned to him.

As may be gleaned above, the functions of a Clerk of Court do not involve the use of mental processes in the determination of law or fact nor do they involve discretion on the use of judicial powers. The functions are generally administrative in nature.[11] (Emphasis supplied)

In the instant case, while it is true that the duty of respondent Dela Cruz-Buendia is purely ministerial, ordinary prudence calls for her to at least verify the authenticity and origin of the alleged Order of Judge Liwag because from the copies on record,[12] we note that the same does not bear the seal of the Court nor the standard certification by the branch clerk of court. She should have been vigilant considering that the Order dealt with withdrawal of deposits.

We therefore find respondent Dela Cruz-Buendia guilty of simple negligence, for which she should pay a fine of One Thousand Pesos (P1,000.00), with a warning that a repetition of the same or similar infraction will be dealt with more severely.

Regarding respondent Esponilla, we find that he cannot be faulted for the missing documents in the folio of Civil Case No. 90-55003 as he was not the Officer-In-Charge when the said papers were allegedly with Branch 54. Further, there is no proof that he participated in the preparation and release of the check to the plaintiffs on November 14, 1994 or sometime thereafter.

We are not convinced that either respondent connived with the plaintiffs in Civil Case No. 90-55003 or with one another to perpetuate fraud against the complainant in the instant case. No evidence was presented to prove this allegation. We have ruled many times in the past that the complainant bears the onus of establishing, by substantial evidence, the averments of his/her administrative complaint.[13] This Court has always been punctilious over and over again that it will never tolerate or condone any conduct, act or omission that would violate the norm of public accountability or diminish the people's faith in the judiciary. However, when administrative charges against court personnel hold no basis whatsoever in fact or in law, this Court will not hesitate to protect the innocent court employees against any groundless accusation that trifles with judicial process.[14]

Regarding the missing documents in the folio of Civil Case No. 90-55003, the Evaluation Report of the OCA stated that as per the investigation[15] of Judge Enrico A. Lanzanas, the purported Order of Judge Liwag was actually prepared in Branch 55 by one Baby Manalastas. This finding does not fully explain why the said Order or the plaintiffs' motion were not filed in the folio of Civil Case No. 90-55003. Thus, the OCA is directed to conduct an investigation against the then clerks of court of Branches 54 and 55 of the Regional Trial Court of Manila, during the period material to this case, to explain the circumstances behind their improper management of court records and documents.

We likewise agree with the observation of the OCA that there is a necessity for Atty. Walfredo Bayhon to submit an explanation on why he filed the Ex-Parte Motion and to submit a copy of the same to the Court within ten (10) days from receipt of this Decision, in order to shed light on the circumstances surrounding the issuance of the November 11, 1994 Order and the release of the rental deposits.

WHEREFORE, the administrative case against respondent EDGAR ESPONILLA, Legal Researcher and Officer-In-Charge of the Regional Trial Court of Manila, Branch 54 is DISMISSED for lack of merit. Respondent JENNIFER DELA CRUZ-BUENDIA, Clerk of Court and Ex-Officio Sheriff, Office of the Clerk of Court of the Regional Trial Court, Manila is found GUILTY of simple negligence in the performance of her duties, for which she should pay a fine of One Thousand Pesos (P1,000.00), with a warning that a repetition of the same or similar infraction will be dealt with more severely. ATTY. WALFREDO BAYHON is ORDERED to explain within ten (10) days from receipt of the Decision the circumstances behind the filing of the Ex-Parte Motion and to provide the Court with a true copy of the motion. The OFFICE OF THE COURT ADMINISTRATOR is DIRECTED to conduct an investigation regarding the improper management of court records and documents by the then clerks of court of Branches 54 and 55 of the Regional Trial Court of Manila during the period material to this case.

SO ORDERED.

Panganiban, C.J., (Chairperson), Austria-Martinez, Callejo, Sr., and Chico-Nazario, JJ., concur.

[1] Rollo, pp. 1-4.

[2] Then pending at Branch 7 of the Regional Trial Court of Manila.

[3] Rollo, p. 24.

[4] Maria Gagarin and Jaime Ang are defendants in an ejectment case pending before Branch 32 (sometimes referred to by the parties as Branch 34), RTC-Manila; Id. at 253.

[5] Id. at 118-120.

[6] Id. at 253-262.

[7] Id. at 253-272.

[8] Id. at 276-281, penned by Court Administrator Christopher O. Lock.

[9] Id. at. 280-281.

[10] Soria v. Oliveros, A.M. No. P-00-1372, May 16, 2005, 458 SCRA 410, 422.

[11] Spouses Miñoso v. Pamulag, A.M. No. P-05-2067, August 31, 2005, 468 SCRA 407, 414-415.

[12] Rollo, pp. 67, 143, 161, and 222.

[13] Mamerto Maniquiz Foundation, Inc. v. Pizarro, A.M. No. RTJ-03-1750, January 14, 2005, 448 SCRA 140, 155.

[14] De La Cruz v. Bato, A.M. No. P-05-1959, February 15, 2005, 451 SCRA 330, 337.

[15] Rollo, p. 16.

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