



Supreme Court of the Philippines Philippine Judicial Academy



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Clerk of Court: Gross neglect of duty; dishonesty; and grave misconduct

OCA Circular No. 26-97 directs judges and clerks of court to strictly comply with the provisions of the Auditing and Accounting Manual particularly Article VI, Section 61 and 113 thereof which require collecting officers to promptly issue official receipts for all money received by them; and OCA circular No. 50-95 mandates all clerks of court to deposit within 24 hours from receipt, all collections from bail bonds, rental deposits and other fiduciary collections. These directives are mandatory and designed to promote full accountability of government funds.

Respondent failed to explain satisfactorily her cash shortages, her improper use of official receipts and the withdrawal of cash bonds without any court order. Her contention that it was the cash clerk who was responsible is untenable. As clerk of court, she was the court's accountable officer. It was her duty to supervise and monitor her subordinate to ensure that the proper procedures were followed in the collection of the court's funds. She was liable for any loss and shortage of such funds.

For gross neglect of duty, dishonesty and grave misconduct respondent was dismissed from the service with forfeiture of all her benefits and perpetual disqualification from re-employment in the government service. She was also ordered to reconstitute the total amount of P12,273.33 in the JDF and P882, 250 in the Fiduciary Fund.

What does it profit a man to gain the whole world but loses his position? **(A.M. No. P-06-2223, June 10, 2013)**

Court Stenographer: unsatisfactory performance

Section 2, Rule XII of the Omnibus Rules on Appointments and Other Personnel Actions provide that:

2.2 Unsatisfactory or Poor Performance

- a. An official or employee who is given two (2) consecutive unsatisfactory ratings may be dropped from the rolls after due notice. Notice shall mean that the officer or employee concerned is informed in writing of his unsatisfactory performance for a semester and is sufficiently warned that a succeeding unsatisfactory performance shall warrant his separation from the service. Such notice shall be given not later than 30 days from the end of the semester and shall contain sufficient information which shall enable the employee to prepare an explanation. x x x

Respondent failed to improve her performance despite the warnings, oral and written, given by her judge. She failed to transcribe her stenographic notes in numerous instances, causing delay in the preparation of decisions.

For unsatisfactory performance, the name of respondent was dropped from the rolls and her position declared vacant. **(A.M. No. P-13-3115, June 4, 2013)**

Clerk III: insubordination

In *Mendoza vs. Tablizo*, A.M. No. P-08-2553, August 28, 2009, 597 SCRA 381, the Supreme Court ruled that:

“x x x Respondents in administrative complaints should comment on all accusations or allegations against them in the administrative complaints because it is their duty to preserve the integrity of the judiciary. This Court, being the agency exclusively vested by the Constitution with administrative supervision over all courts, can hardly discharge its constitutional mandate of overseeing judges and court personnel and taking proper administrative sanction against them if the judge or personnel concerned does not even recognize its administrative authority.”

Respondent disregarded the orders of the OCA to comment on the complaint referred to him. He showed his disrespect for and contempt, not just for the OCA, but also for the Court, which exercises direct administrative supervision over trial court officers and employees through the OCA.

For insubordination, respondent was fined in the amount equivalent to his three months' salary. **(A.M. No. P-10-2879, June 3, 2013)**

Process Server: grave misconduct

The act of collecting or receiving money from a litigant constitutes grave misconduct in office which erodes the respect for law and the courts.

Respondent solicited money from an accused who had the impression that respondent was acting as an agent of the judge trying her case. Unfortunately, the judge who was unaware of the nefarious activities of respondent convicted the said accused.

For gross misconduct, respondent process server was dismissed from the service with forfeiture of all benefits and with prejudice to re-employment in the government including GOCC's **(A.M. No. P-10-2741, June 4, 2013)**

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