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Representative of the Second District of the City of Makati and direct the City Board of Canvassers of Makati to determine and proclaim the winner out of the remaining qualified candidates.

SECOND DIVISION

[A.M. No. MTJ-91-608. September 20, 1995]

ATTY. BERNARDO Q. CUARESMA, *complainant, vs.* JUDGE ALFREDO R. ENRIQUEZ, *respondent.*

SYLLABUS

1. **LEGAL AND JUDICIAL ETHICS; JUDGES; FAILURE TO ADOPT A MONITORING SYSTEM TO KEEP INFORMED OF THE STATUS OF CASES IN HIS SALA; CONSTITUTES INEXCUSABLE NEGLIGENCE; CASE AT BAR.—** Inefficiency implies negligence, incompetence, ignorance and carelessness. There is inexcusable negligence on the part of a judge when he fails to observe in the performance of his duties that degree of diligence, prudence and circumspection which the law requires in the rendition of any public service. Invoking Section 7, Rule 137 of the Rules of Court, respondent judge attempts to pass the blame for the missing records on his clerk of court, Policarpio Castillo. The attempt is futile. At the outset, it would be noted that it was only upon the filing of this administrative complaint that respondent judge became aware of the loss of some of the records of the cases assigned to his sala. This clearly demonstrates that respondent judge neglected to adopt a monitoring system to keep himself informed of the correct status of cases in his sala. As well observed by Justice Labitoria, *viz*: "All told, it has been demonstrated beyond cavil that respondent Judge is guilty

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of an incredible laxity in the custody and safekeeping of judicial records amounting to an almost deliberate intent to cause their disappearance. As to whose custody these records were lost is not certain. What is certain is that the records are missing and unaccounted for. The court employees are almost unanimous in laying the blame on former Clerk of Court Castillo. But we cannot similarly allow respondent judge to use the same excuse nor can we permit him to hide behind the cloak of the provisions of the Rules of Court and likewise lay the blame on Castillo as time and again it has been ruled that court personnel are not the guardians of Judge's responsibilities. This matter is well settled."

2. **ID.; ID.; ID.; ID.; REASON THEREFOR.**— The office of a judge exists in order to promote justice. A judge is charged with both judicial and administrative functions. The administration of courts is his sole and primary responsibility and the court personnel are under his direct supervision and control. Indeed, it is incumbent upon him to devise an efficient and systematic recording and filing procedure in his court to avoid disorderliness which can adversely affect the flow of cases and their speedy disposition. He cannot take refuge behind the inefficiency or mismanagement of court personnel for he is the one directly responsible for the proper discharge of his official functions.

DECISION

PUNO, *J.*:

In an affidavit-complaint,[1] dated October 14, 1991, Atty. Bernardo Q. Cuaresma charged respondent Judge Alfredo Enriquez, Presiding Judge, Metropolitan Trial Court, Branch 79, Las Piñas, Metro Manila,[2] with Ignorance of the Law,

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[1] *Rollo*, pp. 2-5.

[2] Now Judge of the RTC of Las Piñas, Manila, Br. 275.

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Grave Abuse of Power and Gross Inefficiency. The first two (2) charges were dismissed by this Court in its Resolution,[3] dated November 17, 1992, for lack of merit.

The charge of gross inefficiency stemmed from respondent judge's alleged inaction on three (3) criminal cases filed in his court.[4] Complainant is the counsel of Teresa Javier, the accused in said criminal cases. In due time, a decision in said cases was cases was rendered by respondent judge. However, on appeal of the decision to the Regional Trial Court, Judge Job Madayag remanded the decision, together with the original records of the cases, to respondent judge. He directed respondent judge to make a statement of his findings of facts as required by law.

The records of the criminal cases were received by respondent judge on February 18, 1987. Complainant charges that after more than four (4) years, respondent judge has not complied with the appellate court's Order.[5]

In a Resolution, dated November 17, 1992,[6] we directed respondent judge to explain his alleged inaction. In his explanation, respondent judge acknowledged that the records of the subject criminal cases were transmitted to his office. He averred that, in compliance with the directive of Judge Madayag, ***he rendered another decision on said cases, incorporating therein his findings of facts.*** He then allegedly released the new decision and the records of the cases to clerk of court Policarpio J. Castillo. ***The records were,***

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[3] *Rollo*, p. 57.

[4] Criminal Cases Nos. 26197-26199, for Oral Defamation, filed against Teresa Javier.

[5] Affidavit-Complaint, paragraph 13, *Rollo*, at p. 4.

[6] *Rollo*, p. 57.

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however, lost while in possession of the latter. Respondent judge thus conducted an investigation relative to the lost records. He learned from one of his employees, Buenaventura Balais, that the records of cases assigned to respondent judge's sala which had already been dismissed or decided were loaded in a passenger jeep upon the instructions of Clerk of Court Castillo.[7] Balais' story was corroborated by Esteban Erispe, Jr., process server of respondent judge.[8] He deposed:

"That during the period between the years 1988 to 1990, I often see one Buenaventura Balais bringing the records of dismissed and decided Civil and Criminal Cases of MTC-Branch 79, inside a warehouse near the Nutrition Bldg. of the Las Piñas municipal hall upon orders of our Clerk of Court, Policarpio J. Castillo;

"That sometime in 1988 to 1989, I saw Buenaventura Balais loading the aforementioned records from the warehouse to a passenger jeepney parked near the former. When the jeepney was fully loaded with all the records and papers aforementioned, it left to an undetermined destination;

"That it took said jeepney two trips in order to get all the contents of the warehouse; That the aforementioned records which were loaded inside the passenger jeepney were meant to be sold to a Makati policeman who is notoriously known for buying government properties such as scrap materials, furniture, papers, etc. in connivance with some corrupt government employees."

Respondent judge also submitted the sworn statement of Carlos L. Derain, a janitor at the municipality of Las Piñas. Derain alleged that on one occasion, he was directed by Clerk of Court Castillo to transfer the records of various cases from the municipal building warehouse to give way

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[7] Affidavit of Buenaventura Balais, dated March 2, 1993, *Rollo*, at p. 69.

[8] Affidavit, dated March 2, 1993, *Rollo*, at p. 67.

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for the construction of a water tank in the area. Thus, ***upon instruction of Castillo***, he transferred the records of several cases under a staircase near the Police Headquarters. However, after a couple of days, Castillo again requested him to move the records to the Social Welfare Administration (SWA) warehouse. In the process of transferring the records from one place to another, the records were mixed-up and in complete disarray. Castillo thus commented: "*Mabuti yata na idispatsa or ibenta ang mga iyan.*" Castillo then asked him if he knew of anyone who buys scrap papers. He replied in the negative. From then on, up to the time he retired in 1987, he had no knowledge as to what happened to those records.[9]

Likewise, Fernando P. Racho, Staff I of respondent judge, corroborated his allegations. In a sworn statement, dated March 16, 1993,[10] Racho declared that he was the one in charge of safekeeping of the records of criminal cases in the sala of respondent judge. He recounted that he personally received the records of the subject cases and gave them to respondent judge. ***After issuing an Order relative to said cases, respondent judge allegedly returned the records to him so he may furnish the parties concerned with a copy of said Order***. The records were, however, misplaced and when he tried to locate them, he discovered that the records were erroneously taken to the warehouse of the Social Welfare Administration (SWA) and were subsequently disposed of, having been mistaken for scrap or waste paper.

Accordingly, we directed clerk of court Policarpio Castillo to file a reply.[11] In his reply,[12] Castillo disclaimed

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[9] Affidavit, dated March 25, 1993, *Rollo*, at pp. 72-73.

[10] *Rollo*, at p. 71.

[11] Resolution, dated February 24, 1994, *Rollo*, p. 79.

[12] Compliance, dated March 25, 1994, *Rollo*, p. 80.

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responsibility for the lost records and iterated his claim that the subject records were with respondent judge. He also stated that effective February 1, 1993, he has retired from the service and was issued a clearance by respondent judge himself.

On July 14, 1994, the Court referred the case to Associate Justice Eugenio S. Labitoria of the Court of Appeals for investigation, report and recommendation.[13]

At the hearing held on September 29, 1994, respondent judge foisted the additional defense that under Section 7, Rule 137 of the Rules of Court, the Clerk of Court is charged with the safekeeping of court records. Respondent judge also insisted that the administrative case filed against him was merely an act of retaliation on the part of complainant Atty. Cuaresma whom he cited for contempt and ordered incarcerated for a day relative to another case pending before his sala.

At the hearing held on October 7, 1994, complainant urged that the subject records were never really lost. He charged that the alleged loss was concocted by respondent judge to cover up for his inaction.

After examining the records of the case at bench, the Court holds that respondent judge is accountable for the missing records.

Inefficiency implies negligence, incompetence, ignorance and carelessness.[14] There is inexcusable negligence on the part of a judge when he fails to observe in the performance of his duties that degree of diligence, prudence and

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[13] *Rollo*, p. 82.

[14] Suroza *v.* Honrado, Adm. Matter No. 2026-CFI, December 19, 1981, 110 SCRA 396.

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circumspection which the law requires in the rendition of any public service.[15]

Invoking Section 7, Rule 137 of the Rules of Court,[16] respondent judge attempts to pass the blame for the missing records on his clerk of court, Policarpio Castillo. The attempt is futile.

At the outset, it would be noted that it was only upon the filing of this administrative complaint that respondent judge became aware of the loss of some of the records of the cases assigned to his sala. This clearly demonstrates that respondent judge neglected to adopt a monitoring system to keep himself informed of the correct status of cases in his sala. As well observed by Justice Labitoria, *viz*:

"All told, it has been demonstrated beyond cavil that respondent Judge is guilty of an incredible laxity in the custody and safekeeping of judicial records amounting to an almost deliberate intent to cause their disappearance. As to whose custody these records were lost is not certain. What is certain is that the records are missing and unaccounted for. The court employees are almost unanimous in laying the blame on former Clerk of Court Castillo. But we cannot similarly allow respondent judge to use the same excuse nor can we permit him to hide behind the cloak of the provisions of the Rules of Court and likewise lay the blame on Castillo as time and again it has been ruled that court personnel are not the guardians of a Judge's responsibilities.[17] This matter is well settled."

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[15] In re Climaco, Adm. Case No. 134-J, January 21, 1974, 55 SCRA 107, 119.

[16] "Sec. 7. Safekeeping of property. — The clerk shall safely keep all records, papers, files, exhibits and public property committed to his charge, including the library of the court, and the seals and furniture belonging to his office."

[17] Citing the case of Secretary of Justice *v.* Legaspi, Adm. Case No. 269-J, September 10, 1981, 107 SCRA 233.

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The office of a judge exists in order to promote justice. A judge is charged with both judicial and administrative functions. The administration of courts is his sole and primary responsibility and the court personnel are under his direct supervision and control. Indeed, it is incumbent upon him to devise an efficient and systematic recording and filing procedure in his court to avoid disorderliness which can adversely affect the flow of cases and their speedy disposition. He cannot take refuge behind inefficiency or mismanagement of court personnel for he is the one directly responsible for the proper discharge of his official functions.[18]

PREMISES CONSIDERED, respondent Judge Alfredo Enriquez, presiding judge, Metropolitan Trial Court, Branch 79, Las Piñas, Metro Manila, is hereby found guilty of gross inefficiency for the loss of the records in Criminal Cases Nos. 26197, 26198 and 26199, all entitled "People of the Philippine *v.* Teresa Javier," and for his failure to act with dispatch on said cases. For said acts/omissions, he is meted a fine of FIVE THOUSAND PESOS (P5,000.00), with a stern warning that a repetition of similar act/omission in the future shall be dealt with more severely.

SO ORDERED.

Narvasa, C.J. (Chairman), Regalado, Mendoza, and *Francisco, JJ.*, concur.

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[18] Nidua *v.* Lazaro, AM-No. R-465 MTJ, June 29, 1989, 174 SCRA 581.