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with dispatch subject Civil Case No. 332. Respondent is warned that a repetition of the same delay or similar act will be dealt with more severely.

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.,* concur

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THIRD DIVISION

[A.M. No. P-00-1430. October 3, 2000]
(Formerly OCA IPI No. 97-225-P)

ATTY. JOSEPHINE MUTIA-HAGAD, *complainant, vs.* **IGNACIO DENILA, Clerk of Court II and JAIME DAYOT,** *court interpreter.*

SYNOPSIS

Complainant, Atty. Hagad, Clerk of Court II of RTC, Branch 62, Bago City, charged respondents Denila and Dayot with Gross Malfeasance. Complainant requested that Denila's appointment as MCTC Clerk of Court of Valladolid, Pulupandan and San Enrique be held in abeyance and his salary withheld until he has been cleared of his duties as well as property accountabilities as Legal Researcher of RTC, Branch 62 in Bago City. Atty. Hagad alleged that she refused to issue Denila a certificate of clearance of accountabilities because he could not account for the record of Civil Case No. 07 which was handed over to him by the late Judge Alino for research. However, when she (Atty. Hagad) went on maternity leave of absence, Dayot, the officer-in-charge who was Denila's first cousin, issued the clearance despite knowledge that Denila has not returned the missing case record.

Denila claimed he was not responsible for the missing records since he was not the court's record custodian. Dayot, on the

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other hand, explained that he took pity on his cousin who had no salary.

The Supreme Court found Denila guilty of negligence and malfeasance for his arrogant and insolent attitude in refusing to help find the missing case record which is violative of the norms of public accountability. Dayot was found guilty of insubordination for his act in overriding that of his own superior. Being a public employee, he may be of assistance to a specific individual, but such aid should not frustrate and betray the public trust in the system. Denila was fined ₱3,000.00, while Dayot was suspended from office for one week.

SYLLABUS

1. **POLITICAL LAW; SUPREME COURT SUPERVISION OVER COURT PERSONNEL; PUBLIC ACCOUNTABILITY; REFUSAL TO HELP LOCATE MISSING CASE RECORD, A VIOLATION OF; CASE AT BAR.** — It is beyond question that the administration of justice is a sacred task so that respondent Denila, the last person to hold the missing *expediente*, by the very nature of his duties and responsibilities as legal researcher, should have borne in mind that his arrogant and insolent attitude in refusing to help locate and find the missing record of a case is violative of the norms of public accountability. His argument that it is no longer his job to recover the *expediente* and record is unwarranted and a clear showing of his supercilious comportment. That is precisely why a certificate of clearance of accountabilities is required, otherwise, his salary may be withheld pending compliance therewith. The Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), *inter alia*, enunciates the state policy of promoting high standards of ethics and utmost responsibility in the public service (*Alawi vs. Alauya*, 268 SCRA 628 [1997]). But obviously, Denila's undue display of indifference is contrary to his duty-bound application of utmost reliability and accountability, diligence, and vigor in the performance of his officially designated duties. His misconduct destroys the image of the Judiciary, and hence, should not be countenanced.

2. **ID.; ID.; INSUBORDINATION; ACT IN OVERRIDING THAT OF SUPERIOR, A CASE OF; CASE AT BAR.** — Respondent already knew that Atty. Hagad refused to clear Denila of his accountability because of the latter's failure to account for the

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missing record of Civil Case No. 07, but still this respondent issued Denila the same. However, his pity for a relative is not an excuse for discourtesy to a superior. Being a public employee he may be of assistance to a specific individual, but when such aid frustrates and betrays the public trust in the system, it cannot and should not remain unchecked — the interests of the individual must give way to the accommodation of the public (*Macalua vs. Tiu, Jr.*, 275 SCRA 320 [1997]). Consequently, for his act in overriding that of Atty. Hagad, his own superior officer, respondent Dayot could but be guilty of bad faith.

RESOLUTION

MELO, *J.*:

In a letter-complaint addressed to the Office of Atty. Adelaida Cabe-Baumann, Chief Administrative Services of the Supreme Court, dated November 22, 1995, complainant Atty. Josephine Mutia-Hagad, Clerk of Court II, Regional Trial Court, Branch 62, Bago City, charged herein respondents Ignacio Denila and Jaime Dayot with gross malfeasance. Complainant requested that respondent Denila's appointment as Clerk of Court in the Municipal Circuit Trial Court of Valladolid, Pulupandan and San Enrique and his transfer thereto be held in abeyance and his salary withheld, until he has been cleared of his duties, responsibilities, as well as property accountabilities as Legal Researcher in Branch 62 of the Regional Trial Court stationed in Bago City, particularly with respect to Civil Case No. 07 entitled *"Armando Soberano vs. Andres Guansing, et al."*

In a resolution dated March 17, 1997, the Court resolved to refer the latter to Acting Presiding Judge Edgardo L. Catilo, Regional Trial Court, Negros Occidental, Bago City, Branch 62, for investigation. Not satisfied with the result of investigation, the Court authorized on January 26, 1998, Deputy Court Administrator Zenaida N. Elepaño to reinvestigate the matter.

Deputy Court Administrator Elepaño summarized the factual background of the case at hand in the Memorandum duly approved by the Court Administrator, thusly:

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According to Atty. Hagad, Denila sought a certificate of clearance of accountabilities from her in connection with his impending appointment as Clerk of Court of MCTC Valladolid-Pulupandan-San Enrique, Negros Occidental. She refused to issue the same because he could not account for and return to the court the records of Civil Case No. 07 entitled *"Armando Soberano vs. Andres Guansing, et al."* which were handed over to him by the late Judge Marietta Hobillo Aliño for the drafting of a Statement of Facts and research. She later on learned that during her maternity leave of absence, Jaime Dayot issued the clearance to Denila who was his first cousin, despite knowledge that Denila could not account for the missing case record. Atty. Hagad requested Atty. Baumann that Denila's transfer be held in abeyance, his salary be withheld pending clearance and that both cousins be sanctioned for their malfeasance.

In his Comment dated 11 December 1995, Denila claimed that the refusal of Atty. Hagad to issue him a clearance was unreasonable and arbitrary as she had no basis whatsoever to hold him responsible for the missing records since he was not the court's record custodian. He admitted though that Dayot issued him the clearance while the latter was officer-in-charge of the court so that his initial salary as new MCTC Clerk of Court could be released.

In a reply dated 15 January 1996 to the protestations of Denila, Atty. Hagad explained that the missing *expediente* was last known to be in Denila's possession. Although Denila was not assigned to keep records of cases of the court, this particular *expediente* was turned over to him for research upon instructions of Judge Alinio. Isabelita Tijon, Staff Assistant II and Clerk-in-Charge of Civil Cases of the Court issued a certification to this effect. The issuance of the clearance by Jaime Dayot to his cousin Denila therefore was clearly highly irregular since Dayot's alleged designation was not official.

(pp. 69-70, *Rollo*.)

After a thorough examination of the record of the case, we are in complete agreement with the findings and recommendation of the Office of the Court Administrator that:

To constitute malfeasance, the act performed by the person must be one which he ought not to do. From the established facts, we find that Denila and Dayot committed malfeasance for which they cannot escape administrative accountability.

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Wherefore, premises considered, it is respectfully recommended to the Honorable Court that:

(a) Ignacio Denila be FINED in the amount of FIVE THOUSAND PESOS (₱5,000.00) for his negligence and for his cavalier attitude towards the recovery of a case record under his custody by refusing to help look for it;

(b) Jaime Dayot be SUSPENDED for two (2) weeks without pay for his precipitate haste in issuing such clearance without prior consultation with either Atty. Mutia Hagad or the Executive Judge; and

(c) both respondents be sternly warned that a repetition of the same or similar acts will be dealt with more severely.

(*Ibid*, p. 74.)

The conduct and behavior of everyone connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility.

It is beyond question that the administration of justice is a sacred task so that respondent Denila, the last person to hold the missing *expediente*, by the very nature of his duties and responsibilities as legal researcher, should have borne in mind that his arrogant and insolent attitude in refusing to help locate and find the missing record of a case is violative of the norms of public accountability. His argument that it is no longer his job to recover the *expediente* and record is unwarranted and a clear showing of his supercilious comportment. That is precisely why a certificate of clearance of accountabilities is required, otherwise, his salary may be withheld pending compliance therewith. The Code of Conduct and Ethical Standards for Public Officials and Employees (Republic Act No. 6713), *inter alia*, enunciates the state policy of promoting high standards of ethics and utmost responsibility in the public service (*Alawi vs. Alauya*, 268 SCRA 628 [1997]). But obviously, Denila's undue display of indifference is contrary to his duty-bound application of utmost reliability

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and accountability, diligence, and vigor in the performance of his officially designated duties. His misconduct destroys the image of the Judiciary, and hence, should not be countenanced.

Anent respondent Dayot, during the reinvestigation, he explained his precipitate act of issuing Denila a clearance, thus:

JUSTICE ELEPAÑO:

> So, that means that I am going to ask Judge Combong about this. In your testimony before Judge Catilo on June 10, 1997 when you said, "I issued a certification for humanitarian reason because he did not receive any salary and already been appointed as Clerk of Court of the MCTC Valladolid, San Enrique and Pulupandan." So your testimony today completely changes the tenor of your testimony because before you said you issued the clearance only for humanitarian reason?

DAYOT:

> Actually, I took pity on Mr. Denila, Your Honor.

JUSTICE ELEPAÑO:

> Yes, of course, but now you are saying that you signed because you asked Judge Combong if you would sign and he said yes?

DAYOT:

> Yes, Ma'am, but my main reason actually is that I took pity on him because we were all receiving our benefits for December, Your Honor, and he has nothing. His salary at the RTC was stopped because of his transfer.

(tsn, Aug. 20, 1998, p. 45.)

Respondent Dayot's explanation is unsatisfactory. He already knew that Atty. Hagad refused to clear Denila of his accountability because of the latter's failure to account for the missing record of Civil Case No. 07, but still this respondent issued Denila the same. However, his pity for a relative is not an excuse for discourtesy to a superior. Being a public employee he may be of assistance to a specific individual, but when such aid frustrates and betrays the public trust in the system, it cannot and should not remain unchecked — the interests of the individual must

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give way to the accommodation of the public (*Macalua vs. Tiu, Jr.*, 275 SCRA 320 [1997]). Consequently, for his act in overriding that of Atty. Hagad, his own superior officer, respondent Dayot could but be guilty of bad faith.

Verily, the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat, from the judge to the last and lowest of its personnel (*Sy vs. Cruz*, 250 SCRA 639 [1995]). To be sure, the wheels of justice will not run without the cooperation of the staff of judges composed of clerks of court, staff assistants, legal researchers, sheriffs, process servers, court stenographers, interpreters, bailiffs, and court aides to utility workers (*Reyes vs. Añosa,* 267 SCRA 523 [1997].

The infractions of respondents appearing to be first offenses, we find it proper to reduce the penalties recommended by the Office of the Court Administrator.

WHEREFORE, respondent Ignacio Denila is hereby found guilty of negligence and malfeasance for which he is fined Three Thousand Pesos (₱3,000.00), and respondent Jaime Dayot is found guilty of insubordination for which he is suspended from office for a period of one (1) week.

SO ORDERED.

Vitug, Panganiban, Purisima, and *Gonzaga-Reyes, JJ.*, concur.