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sanctioned for misconduct or violation of the Code of Professional Responsibility for his aforementioned acts.

**SO ORDERED.**

*Puno, Kapunan, Pardo,* and *Ynares-Santiago, JJ.*, concur.

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**FIRST DIVISION**

[A.M. No. P-00-1401. January 29, 2002]

**BALTAZAR LL. FIRMALO,** *complainant, vs.* **MELINDA C. QUIERREZ, in her capacity as Clerk III, Regional Trial Court, Branch 82, Odiongan, Romblon,** *respondent.*

**SYNOPSIS**

Respondent clerk was charged with Gross Neglect of Duty and Gross Inefficiency. Initially, respondent was reprimanded and censured for insubordination and gross inefficiency. She failed to submit an inventory of cases and to schedule certain criminal cases in the court's calendar, in violation of memoranda addressed to her. Later, respondent was assigned to typing of court papers, but she also failed to perform the task efficiently. Respondent, in her Comment, averred that she had already submitted her explanation on the first issue against her, and on the second issue, she had already improved her typing since then.

While respondent may have already corrected and remedied her mistakes and shortcomings, the Court stressed that the requisite of competence and efficiency is a continuous obligation for so long as respondent serves in the judiciary. She was fined in the amount of ₱1,000.00.

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**SYLLABUS**

**POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; DUTY TO BE COMPETENT AND EFFICIENT IS A CONTINUOUS OBLIGATION.** — While indeed respondent may have "corrected" and "remedied" her mistakes and shortcomings, it must be stressed that the requisite competence and efficiency is not confined to those isolated instances pointed out by complainant but is a *continuous obligation demanded of her for so long as she serves in the judiciary*. The Court has consistently held that the nature of work of those connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, requires them to serve with the highest degree of efficiency and responsibility, in order to maintain public confidence in the judiciary.

## RESOLUTION

**YNARES-SANTIAGO, *J.*:**

In a Letter-Recommendation dated December 19, 1996,[1] indorsed by Acting Presiding Judge Placido C. Marquez of Branch 82 of the Regional Trial Court of Odiongan, Romblon,[2] Baltazar LL. Firmalo, Legal Researcher II and Officer-in-Charge, recommended to the Office of the Court Administrator (OCA) the dismissal of respondent Melinda C. Quierrez, Clerk III of the same court, for Gross Neglect of Duty and Gross Inefficiency.

On May 20, 1996, Judge Cezar R. Maravilla, then Presiding Judge of Branch 82, RTC, Odiongan, Romblon, issued an Order[3] reprimanding and censuring respondent for insubordination and gross inefficiency. The reprimand arose from her failure to submit an inventory of cases and to schedule certain criminal cases in the court's calendar, in violation of memoranda addressed to her by complainant. In the same order, the Presiding Judge

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[1] *Rollo*, p. 2.

[2] *Ibid.*, p. 1.

[3] *Id.*, pp. 12-19.

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also warned respondent that the commission of any similar offense will be dealt with more severely.[4]

Meanwhile, in a Resolution issued in A.M. No. 96-8-301-RTC on September 17, 1996,[5] this Court required respondent to explain why no administrative sanctions should be imposed upon her for her failure to schedule in the court calendar forty-seven (47) criminal cases under her custody as clerk-in-charge of criminal cases.

Several months thereafter, respondent was re-assigned to the typing of orders, decisions, clearances, certifications, warrants of arrest, vouchers, reports of inventory of cases and performance ratings. However, she failed to perform these tasks efficiently, as shown by her work which marred by omissions, spelling and syntax errors as well as spacing and margin mistakes.[6]

Respondent filed her Comment dated July 22, 1999.[7] She averred that in a Decision of this Court dated July 8, 1998, the matter of her failure to calendar the criminal cases was deemed closed and terminated following the submission of her explanation. Respondent further pointed out that the samples of her work attached to complainant's letter-recommendation had already been corrected and she had considerably improved her typing since then.

This case was referred to the OCA for evaluation, report and recommendation. The OCA recommended that respondent be ordered to pay a fine of One Thousand Pesos (₱1,000.00) with a stern warning that a commission of a similar offense will be dealt with more severely. The OCA reasoned as follows:

Although we do not expect respondent to be error-free in typing court orders, decisions, writs and warrants, neither do we want her to render below par performance in her works. She should have had

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[4] *Id.*, p. 18.

[5] *Id.*, p. 20.

[6] *Id.*, pp. 7-10.

[7] *Id.*, p. 49.

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the initiative to learn the forms of different court orders, decisions, writs and warrants to minimize if not eliminate errors in typing.

Time and again the Supreme Court has emphasized that the conduct required of court personnel, from the presiding judge to lowliest clerk, must always be beyond reproach and must be circumscribed with the heavy burden of responsibility as to let them be free from any suspicion that may taint the judiciary. To be sure the wheels of justice will not run without cooperation of the staff of judges composed of clerks of court, staff assistants, legal researchers, sheriffs, process servers, court stenographers, interpreters, bailiffs, court aides and utility workers.

The Court agrees with the OCA that respondent is culpable. Indeed, respondent has all but admitted the wrongdoing complained of when she stated, *inter alia,* in her Comment –

(4) That the exhibits submitted to your Office are Orders of the then judges (retired and returned to regular station) typewritten by me showing an error in the margin. *These, however, have been accordingly corrected x x x;*

(5) *All the shortcomings, mistakes done in good faith have been remedied,* such as the calendaring of civil cases which are already assigned to me, the preparation of monthly reports and other typing work.

While indeed respondent may have "corrected" and "remedied" her mistakes and shortcomings, it must be stressed that the requisite competence and efficiency is not confined to those isolated instances pointed out by complainant but is a *continuous obligation demanded of her for so long as she serves in the judiciary.* The Court has consistently held that the nature of work of those connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, requires them to serve with the highest degree of efficiency and responsibility, in order to maintain public confidence in the judiciary.[8]

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[8] *Reyes-Domingo v. Morales*, 342 SCRA 6, 16 [2000], citing *Re: Report on the Judicial Audit Conducted in RTC, Br. 82, Odiongan, Romblon*, 292 SCRA 1 [1998], citing *Orfila v. Quiroz*, 272 SCRA 324 [1997].

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In sanctioning errant officers and employees involved in the administration of justice, the Court only recently held that:

> Since the administration of justice is a sacred task, the persons involved in it ought to live up to the strictest standard of honesty, integrity and uprightness. It bears stressing once again that public service requires utmost integrity and the strictest discipline possible of every public servant. A public office is a public trust that enjoins all public officers and employees, particularly those serving in the judiciary to respond to the highest degree of dedication often even beyond personal interest.[9]

In *OCA v. Sheriff IV Julius G. Cabe, RTC, Branch 28, Catbalogan, Samar*,[10] the Court said:

> Time and again, we have emphasized the heavy burden and responsibility which court personnel are saddled with in view of their exalted positions as keepers of the public faith. They must be constantly reminded that any impression of impropriety, misdeed or negligence in the performance of official functions must be avoided. As we have held in the case of *Mendoza v. Mabutas*,[11] this Court condemns and would never countenance such conduct, act or omission on the part of the all those involved in the administration of justice which would violate the norm of public accountability and diminish or even just tend to diminish the faith of the people in the Judiciary.

In the light of the prevailing facts of the case, the Court deems the fine recommended by the OCA commensurate to respondent's malfeasance.

**ACCORDINGLY**, in view of the foregoing, respondent Melinda C. Quierrez is ordered to pay a *FINE* in the amount of One Thousand Pesos (₱1,000.00) for Gross Negligence and Incompetence. She is further *STERNLY WARNED* that the commission of similar acts in the future shall be dealt with more severely by this Court.

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[9] *Loyao, Jr. v. Armecin, et al.*, 337 SCRA 47, 51-52 [2000].

[10] A.M. No. P-96-1185, 26 June 2000.

[11] 223 SCRA 411 [1993], citing *Sy v. Academia*, 198 SCRA 705 [1991].

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**SO ORDERED.**

*Davide, Jr., C.J., (Chairman), Puno, Kapunan,* and *Pardo, JJ.,* concur.

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**FIRST DIVISION**

[G.R. Nos. 115236-37. January 29, 2002]

**PEOPLE OF THE PHILIPPINES,** *plaintiff-appellee, vs.* **BRYAN FERDINAND DY *y* LA MADRID and GIOVAN BERNARDINO *y* GARCIA,** *accused-appellants.*

**SYNOPSIS**

Gina and Helen are visitors from United States. On their way to Baguio, appellants Giovan and Bryan offered the girls a ride to Baguio. They all checked in at the Benguet Pines Tourist Inn, and later went out together for some drinks and dancing. On their way back to the hotel, the girls were offered and drank a cup of cola drinks each. When they reached the hotel, the girls were already feeling dizzy and groggy. Gina was in the boy's room and half conscious when she felt Giovan all over her but could not effectively resist him. Thereafter, Bryan came and laid on top of her. She was helpless when she felt Bryan going inside her that she stopped him by doing an oral sex on him. She then became unconscious and woke up late in the afternoon. She was still feeling groggy and confused when she discovered that the boys were already gone and her money was missing. The Court affirmed the findings of the trial court that both appellants are guilty of rape and acts of lasciviousness.