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REPORT OF CASES

DETERMINED IN THE

SUPREME COURT OF THE PHILIPPINES

SECOND DIVISION

[A.M. No. P-01-1528. December 7, 2001]

CELESTIAL D. REYES, *complainant, vs.* **ERLINDA M. PATIAG, Clerk of Court, Municipal Trial Court, Gapan, Nueva Ecija,** *respondent.*

SYNOPSIS

Complainant is the private complainant in Criminal Case No. 292-97 and the plaintiff in Civil Case No. 4482 pending with Metropolitan Trial Court of Gapan, Nueva Ecija where respondent is the incumbent Clerk of Court. In the course of her follow-up on the criminal case, respondent sarcastically told her that she seemed to know more than the court when she asked why another preliminary investigation had to be conducted. Thus, the present complaint for misconduct and discourtesy against respondent. Complainant further alleged that the hearings scheduled on May 20, July 5 and November 20, 1997 were changed by respondent without notice. Respondent, long after the filing of position papers, submitted a joint affidavit of her subordinates who declared that respondent treated complainant with courtesy and civility. The Executive Judge, to whom the case was referred to, found respondent guilty of discourtesy and disrespect, not misconduct; that complainant was not denied access to court records; and that she failed to substantiate her claim that hearing dates were changed by respondent. In fact, no hearings were scheduled on the said dates.

The Court affirmed the findings of the Executive Judge. It was held that as recipients of public trust, public officers are

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enjoined to observe courtesy, civility and self-restraint in their actuations to the public and that affidavits executed as an afterthought cannot be given credence.

SYLLABUS

1. **ADMINISTRATIVE LAW; SUPREME COURT; ADMINISTRATIVE SUPERVISION OVER COURT PERSONNEL; CLERK OF COURT CENSURED FOR DISCOURTEOUS CONDUCT.** — The Court agrees with the Investigating Judge's recommendation to hold respondent guilty of discourtesy by telling complainant off that she seemed to be more knowledgeable than the court because complainant asked why a "preliminary investigation," actually a preliminary examination, was necessary. Although complainant presented no evidence on this point other than her sworn statement, the Court is inclined to give credence to her claim considering that as a party to two cases then pending with the trial court, she had nothing to gain by falsely charging respondent with discourtesy as such could not but affect her dealings with respondent. As recipients of the public trust, public officers are enjoined to observe courtesy, civility, and self-restraint in their actuations to the public. Respondent's act in this case falls short of this standard. Considering that respondent appears to have no prior administrative record, the Court agrees that the penalty of censure would be appropriate.

2. **REMEDIAL LAW; EVIDENCE; CREDIBILITY; AFFIDAVITS OF SUBORDINATES SUBMITTED LONG AFTER PARTIES HAD FILED THEIR POSITION PAPERS, NOT GIVEN CREDENCE.** — Respondent submitted the joint affidavit of Helen J. Pineda and Elizabeth Cerin, Clerk II and Stenographer, respectively, of MTC, Gapan, in which they claimed they were present on the two occasions complainant saw respondent in June 1997 in connection with Criminal Case No. 292-97. The two claimed that contrary to the allegations of the complainant, respondent treated complainant with courtesy and civility and that it was in fact complainant who had raised her voice and acted arrogantly towards respondent. The Court cannot give credence to this claim not only because respondent made no mention of it either in her comment or position paper and that it was submitted long after the parties had filed their position papers but also because Pineda and Cerin are court personnel under the supervision of respondent. It is possible that they were merely prevailed upon, as an afterthought, to execute the affidavit. It would have been different had respondent presented

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as her witnesses disinterested parties not connected with the MTC, for then their motivations would not be suspect. Indeed, Pineda and Cerin's statement that it was complainant who showed discourtesy towards respondent is simply unbelievable for she had no reason to be rude or arrogant.

DECISION

MENDOZA, *J.*:

This is a complaint for misconduct and discourtesy. Respondent Erlinda Patiag is Clerk of Court, Municipal Trial Court, Gapan, Nueva Ecija, while the complainant, Celestial D. Reyes, is the private complainant in Criminal Case No. 292-97 and the plaintiff in Civil Case No. 4482, both of the MTC, Gapan. Complainant alleges that she went to see respondent to follow-up on the criminal case but respondent, in a very rude manner, denied her request to see the record, and treated her as if she was not an interested party. Complainant alleges further that respondent and Gerardo S. De Leon, public prosecutor in charge of Criminal Case No. 292-97, conspired to make her lose her case.[1]

In a supplemental complaint, complainant made the further claim that without notice to her, the hearings set on May 20 and July 17, 1997 in the civil case were cancelled; that her counsel filed a motion to declare the defendants in default but that the same was arbitrarily denied; and that the criminal case which she filed was not set for hearing until a month after the arraignment.[2]

Respondent denies the allegation against her. She recalls having dealt with complainant on June 19, 1997 when the latter went to the court to request a copy of the warrant of arrest in Criminal Case No. 292-97. She claims, however, that because the judge had a standing order that warrants of arrest should be released only to the warrant officer, she told complainant to wait for the warrant officer to come. Respondent added

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

[2] *Id.*, p. 3.

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that she only dealt with complainant very briefly as she referred her to one of the court stenographers. Respondent denies that she refused complainant's request to be allowed to see the records of the case.[3]

Anent complainant's claims regarding the postponements of hearings, respondent states that contrary to what complainant stated, there was no hearing scheduled on May 20, 1997 and, therefore, there was nothing to reset. On the contrary, it was complainant's counsel who moved for the postponement of the preliminary investigation of the criminal case from July 7, 1997 to June 16, 1997. Lastly, respondent denies knowing or having dealt with the public prosecutor in Criminal Case 292-97.[4]

Complainant filed a letter-reply. She contends that she is not questioning the trial court's policy regarding the release of warrants of arrests. She claims that her complaint pertains to respondent's conduct in sarcastically telling her that she seemed to know more than the court when she asked why another "preliminary investigation" had to be conducted when one had already been held by the public prosecutor. Complainant said she erred in alleging that a hearing was scheduled on May 20, 1997 and explained that she meant a hearing conducted on May 22, 1997.[5]

The case was referred to Executive Judge Arturo M. Bernardo of the Regional Trial Court, Gapan, Nueva Ecija, for investigation, report, and recommendation. After the parties had filed position papers, the case was submitted for resolution. On February 4, 1999, Judge Bernardo submitted his report finding the allegations of misconduct to be without any basis but recommending that respondent be censured for "discourtesy and disrespect."

In the resolution of August 16, 1999, the Court returned the case to Judge Bernardo for further investigation, including, if necessary, the holding of hearings. Consequently, the Investigating Judge scheduled the case for hearing, but, out of

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[3] Comment, pp. 1-2, *Rollo*, pp. 6-7.

[4] *Id.*, pp. 2-3; *id.*, pp. 7-8.

[5] *Rollo*, p. 10.

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several hearings set, complainant attended only one. On respondent's motion, therefore, the case was considered submitted for resolution.

On September 3, 1999, the Investigating Judge submitted his second report in which he reiterates the findings in his original report of February 4, 1999, the pertinent portions of which read:

> [T]he position paper of the complainant expounding her charges was not accompanied by supporting affidavits.
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> . . . .
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> There's also no showing that complainant was deprived of access to the records of the case. What appears is complainant's request for a copy of the warrant of arrest in connection with the criminal case for Falsification of Public Document, docketed as Criminal Case No. 292-97, which respondent Clerk of Court denied due to the standing directives of the Presiding Judge that warrant[s] of arrest should only be delivered or entrusted to [the] proper warrant officer.
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> Likewise, the records do not show that respondent cancelled scheduled hearings of the case either on the civil or criminal, as there were none set for . . . May 20, 1997, July 5, 1997 and November 20, 1997. While there was a resetting of the hearing on July 17, 1997 in the morning to . . . the afternoon o[f] the same date, it was through the instance of Atty. Diosdado [Padilla] . . . . And the circumstances of the resetting was aptly explained in the Order of September 26, 1997 of the Municipal Trial Court of Gapan, Nueva Ecija. Even the hearing on July 1[7], 1997 was [moved to another date]] through the instance of counsel [for complainant] who had the duty to notify the other parties.
>
> What happened is simply the result of common misunderstanding. For want of knowledge on the existing procedure in our courts[,] complainant became too sensitive when she was not satisfied [with] the answer of the respondent on the need for preliminary examination to determine probable cause for the issuance of the warrant of arrest. Under our jurisprudence, warrant of arrest should only be issued upon a finding of . . . probable cause by the Judge. While it is true that an Information was filed in court for Falsification of Public document[,] still the Judge has to determine probable cause to justify the issuance of the warrant of arrest. But, one thing led to another, hence, the instant complaint. The complainant who was represented by counsel in these cases should have consulted him on the procedural aspect of these cases.

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However, as pointed out by the complainant, Clerk of Courts are enjoined to demonstrate courtesy, civility and self-restraint in their actuations to the public even when confronted with rudeness and insulting behavior. Respondent may have over-reacted when she answered why complainant is more knowledgeable than the court. The complainant being a party-litigant, a complaining witness, will not denounce the actuations of this respondent Clerk of Court if it is not true.

The acts of respondent characterizing discourtesy and disrespect to a party-litigant will impair the dignity and honor of the courts, and which ultimately undermine people's faith and trust in the judiciary.

It is recommended that respondent Clerk of Court be censured for her actuations that are inimical to the interest of the judicial service.[6]

The Court finds the recommendation of the Investigating Judge well taken.

As correctly found by the Investigating Judge, complainant failed to substantiate her allegations that respondent, without notice to her, changed the dates of hearing in Civil Case No. 4482 and Criminal Case No. 292-97. Indeed, we do not see how she could have done so when she has no authority at all to fix the dates of hearing of cases. To the contrary, the records reveal that the preliminary examination of the criminal case scheduled on July 7, 1997 and the pre-trial in the civil case scheduled at 9:00 in the morning of July 17, 1997 were moved to June 16, 1997 and July 17, 1997, 2:00 p.m., respectively, at the instance of complainant's own counsel, Atty. Diosdado Padilla. If complainant was unaware of these changes, she only had her own counsel to blame. As for the other trial dates which she claims to have been changed without prior notice to her, the records do not contain any order issued by the trial court on this matter.

Neither has the charge that respondent and Public Prosecutor Gerardo S. De Leon had conspired to make her lose her criminal case been proven. Complainant has not explained how it is within the authority of a Clerk of Court to do so.

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[6] *Id.*, pp. 54-57.

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Nevertheless, the Court agrees with the Investigating Judge's recommendation to hold respondent guilty of discourtesy by telling complainant off that she seemed to be more knowledgeable than the court because complainant asked why a "preliminary investigation," actually a preliminary examination, was necessary. Although complainant presented no evidence on this point other than her sworn statement, the Court is inclined to give credence to her claim considering that as a party to two cases then pending with the trial court, she had nothing to gain by falsely charging respondent with discourtesy as such could not but affect her dealings with respondent.

Respondent submitted the joint affidavit[7] of Helen J. Pineda and Elizabeth Cerin, Clerk II and Stenographer, respectively, of MTC, Gapan, in which they claimed they were present on the two occasions complainant saw respondent in June 1997 in connection with Criminal Case No. 292-97. The two claimed that contrary to the allegations of the complainant, respondent treated complainant with courtesy and civility and that it was in fact complainant who had raised her voice and acted arrogantly towards respondent.

The Court cannot give credence to this claim not only because respondent made no mention of it either in her comment or position paper and that it was submitted long after the parties had filed their position papers but also because Pineda and Cerin are court personnel under the supervision of respondent. It is possible that they were merely prevailed upon, as an afterthought, to execute the affidavit. It would have been different had respondent presented as her witnesses disinterested parties not connected with the MTC, for then their motivations would not be suspect. Indeed, Pineda and Cerin's statement that it was complainant who showed discourtesy towards respondent is simply unbelievable for she had no reason to be rude or arrogant.

As recipients of the public trust, public officers are enjoined to observe courtesy, civility, and self-restraint in their actuations

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[7] *Id.*, pp. 47-48.

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to the public.[8] Respondent's act in this case falls short of this standard. Considering that respondent appears to have no prior administrative record, the Court agrees that the penalty of censure would be appropriate.

WHEREFORE, the Court finds respondent Erlinda M. Patiag, Clerk of Court, Municipal Trial Court, Gapan, Nueva Ecija guilty of discourtesy and is hereby *CENSURED* with warning that repetition of the same or similar acts will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Quisumbing, and *De Leon ,Jr., JJ.,* concur.

Buena, J., on official leave.

SECOND DIVISION

[G.R. No. 121810. December 7, 2001]

SPOUSES INOCENCIO AND ADORACION SAN ANTONIO, *petitioners, vs.* COURT OF APPEALS AND SPOUSES MARIO AND GREGORIA GERONIMO, *respondents.*

SYNOPSIS

Private respondents obtained loans from petitioners secured by real estate mortgages. These were estrajudicially foreclosed, but before the expiration of the redemption period, private respondents filed a complaint to annul the foreclosure. The parties then entered into a compromise agreement and agreed,

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[8] *De Luna v. Ricon*, 250 SCRA 1 (1995).