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SECOND DIVISION

[A.M. No. P-99-1296. March 25, 1999]

DANIEL CRUZ, *complainant, vs.* **Clerk of Court CARMEN TANTAY and Staff Assistant RODOLFO VINLUAN II, MTC, Lingayen, Pangasinan,** *respondents.*

SYNOPSIS

Complainant Daniel Cruz filed a petition for redemption of a parcel of land. The petition was dismissed on the ground that the Municipal Trial Court had no jurisdiction. The complainant filed a motion for reconsideration, but his motion was denied. Complainant, then, filed a notice of appeal. However, his appeal could not be acted upon because the records of the case were already missing. Hence, this administrative complaint against the respondents for gross negligence.

The Court found the report of the Court Administrator in this case to be well taken. As officers of the Court, respondents are expected to discharge their duty of safekeeping court records with diligence, efficiency and professionalism. Branch Clerk of Court Carmen Tantay and Staff Assistant Rodolfo Vinluan were reprimanded with warning that a repetition of the same act will be dealt with more severely.

SYLLABUS

ADMINISTRATIVE LAW; COURT PERSONNEL; CLERK OF COURT; THE MANUAL FOR THE CLERKS OF COURT PROVIDES FOR THE GENERAL FUNCTIONS AND DUTIES OF THE CLERK OF COURT; CASE AT BAR.— Chapter II of the Manual for Clerks of Court provides the general functions and duties of Clerks of Court, one of which is the safekeeping of court records, to wit: 3. Duties. — a. Safekeeping of Property. — The *Clerks of Court shall safely keep all records,* papers, files, exhibits and public property committed to their charge, including the library of the Court, and the seals and furniture belonging to their office. Similarly, Section 7, Rule 136 of the Rules of Court imposes same responsibility upon

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the clerks of court. In addition, the clerk of court of a single sala court like MTC Lingayen, Pangasinan serves as the administrative officer of the court, subject to the control and supervision of the presiding judge and at the same time she has the *control and supervision over all court records,* exhibits, documents, properties and supplies *(Section B, Chapter II, Manual for Clerks of Court).*

D E C I S I O N

MENDOZA, *J.*:

This refers to the complaint against respondents Branch Clerk of Court Carmen Tantay and Staff Assistant Rodolfo Vinluan II of the Municipal Trial Court of Lingayen, Pangasinan for gross negligence for the alleged loss of court records in a case.

Complainant Daniel Cruz filed a petition for redemption of a parcel of land against spouses Roger and Susan Noel in the MTC of Lingayen, Pangasinan where the matter was docketed as Civil Case No. 4186. On motion of the defendant spouses, the petition was dismissed on the ground that the MTC had no jurisdiction. The complainant filed a motion for reconsideration, but his motion was denied. Complainant, therefore, filed a notice of appeal. However, his appeal could not be acted upon because the records of the case were allegedly missing. Hence, this administrative complaint against the respondents for gross negligence.

In their joint comment on the complaint,[1] dated August 18, 1997, respondents state:

This is in compliance with the memorandum with regards to the letter complaint of Mr. Daniel Cruz concerning his allegation as to the loss of the records of Civil Case No. 4186 of which he is the plaintiff.

It is true that when he came to the office to file his Notice of Appeal said records could not be found. But three (3) days after

[1] *Rollo*, p. 9.

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exerting effort to locate said records, it was found together with other records supposed to be heard on said date. Said records was transmitted to the RTC for the purpose of appeal as evidenced by a Certification issued by the Branch Clerk of Court Atty. Cristobal V. Fernandez of RTC Branch 38 of Lingayen, Pangasinan, hereto attached.

IN VIEW OF THIE FOREGOING, we respectfully pray that the complaint against us be dismissed with the firm resolve that we shall exert best efforts to avoid this oversight in the future.

Submitted to the Court together with the comment was the following certification[2] of Branch Clerk Cristobal V. Fernandez of the RTC, Branch 38, Lingayen, Pangasinan stating:

This is to certify that the complete records of Civil Case No. 4186 entitled SPOUSES DANIEL CRUZ and ANGELITA BRAVO, Plaintiffs versus SPOUSES ROGER NOEL and SUSAN NOEL, Defendants for REDEMPTION WITH DAMAGES has been forwarded to the RTC, Lingayen as of June 3, 1997 and was raffled to this branch on June 13, 1997.

The Court Administrator, to whom this matter was referred, recommends that respondents be reprimanded for their negligence in the safekeeping of court records. The pertinent portion of his report, dated January 20, 1999, reads:

EVALUATION: Chapter II of the Manual for Clerks of Court provides the general functions and duties of Clerks of Court, one of which is the safekeeping of court records, to wit:

3. Duties. —

a. Safekeeping of Property. — *The Clerks of Court shall safely keep all records*, papers, files, exhibits and public property, committed to their charge, including the library of the Court, and the seals and furniture belonging to their office.

Similarly, Section 7, Rule 136 of the Rules of Court imposes same responsibility upon the clerks of court.

In addition, the clerk of court of a single sala court like MTC Lingayen, Pangasinan serves as the administrative officer of the court,

[2] *Id.*, p. 10.

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subject to the control and supervision of the presiding judge and at the same time she has the *control and supervision over all court records*, exhibits, documents, properties and supplies *(Section B, Chapter II, Manual for Clerks of Court)*.

The case record was not lost but we would like to stress the importance of diligence and efficiency in the discharge of one's functions. In the instant administrative case, the records of Civil Case No. 4186 cannot be located, not until after three (3) days from the filing of the notice of appeal because they were inadvertently forwarded to the RTC with other records. This fact reflects an inefficient and disorderly system of keeping case records. There is much to be desired in the manner the Clerk of Court keeps records in her custody. The performance of the duties mandated by law was not properly observed.

The respondent staff assistant, who has the duty to check and review exhibits and other documents to be attached to records on appeal and to discharge such other duties as may be assigned by the presiding judge or the clerk of court (*Chapter II, Section B, Manual for Clerks of Court*), was himself remiss in the performance of his functions. Considering that he has the task to attach pleadings filed by parties to the records of the case, there is no justification for him not to locate said record.

RECOMMENDATION: Respectfully submitted for the consideration of the Honorable Court with the recommendation that respondents Carmen Tantay, Clerk of Court and Rodolfo Vinluan II, Staff Assistant of MTC Lingayen, Pangasinan be REPRIMANDED with stern warning that a repetition of the same will be dealt with more severely.

The Court finds the report of the Court Administrator to be well taken. As officers of the Court, respondents are expected to discharge their duty of safekeeping court records with diligence, efficiency and professionalism.

WHEREFORE, Branch Clerk Carmen Tantay and Staff Assistant Rodolfo Vinluan II are hereby REPRIMANDED with WARNING that a repetition of the same act or omission will be dealt with more severely.

SO ORDERED.

Bellosillo (Chairman), Puno, Quisumbing, and *Buena, JJ.*, concur.