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documents was shown cannot change the fact that Respondent Lopez acted improperly in giving an interested party the opportunity to do it.

On the other hand, there is no clear showing that Respondent Umali acted in bad faith when he put the wrong address on the subpoena meant for Eliodoro Constantino. The records[8] support his claim that he merely followed what was in the minutes of the October 5, 1998 session of the trial court.

WHEREFORE, Respondent Mario B. Lopez is hereby found *GUILTY* of grave misconduct. He is ordered to pay a FINE of ten thousand pesos (₱10,000) and is *ADMONISHED* to exercise greater care and circumspection in his actions. He is *WARNED* that a repetition of this or a similar act will be dealt with more severely. The charges against Respondent Glenn A. Umali are DISMISSED for lack of merit.

SO ORDERED.

Melo (Chairman), Vitug, and *Sandoval-Gutierrez, JJ.*, concur.

Gonzaga-Reyes, J., on leave.

THIRD DIVISION

[A.M. No. P-01-1479. July 11, 2001]
(Formerly A.M. No. 00-8-170-MTC)

OFFICE OF THE COURT ADMINISTRATOR, *complainant, vs.* **RUBEN B. ALBAYTAR, Clerk of Court, Municipal Trial Court, Branch 1, San Pedro, Laguna,** *respondent.*

SYNOPSIS

Respondent, Clerk of Court of Branch I, MTC, San Pedro, Laguna, was found by the Office of the Court Administrator (OCA)

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[8] *Rollo*, p. 57.

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in a judicial audit and physical inventory of cases pending, to have failed to devise a systematic and orderly management of records and to update the inventory of pending cases in the docket book. Respondent attributed his failure to lack of manpower and limited office space. Noted by the Court is the fact that respondent, in an earlier case, was reprimanded for failure to comply with Administrative Circular 10-94 regarding the submission of semi-annual reports on all pending cases. He was warned that a more severe sanction would be imposed for any repetition of the same or a similar offense.

The Clerk of Court is the administrative officer of the court who controls and supervises the safekeeping of all court records, properties and supplies and as such must have a continuous and physical inventory of cases on a monthly basis so that the trial judge is constantly made aware of the status of each case and to have a checklist indicating the steps to be taken to keep cases moving.

Apparently the Court's warning has not been heeded by respondent with his second misfeasance. He was fined ₱2,000 and further warned that another infraction of the rules will be dealt with most severely.

SYLLABUS

1. **ADMINISTRATIVE LAW; PUBLIC OFFICE; MANUAL FOR CLERKS OF COURT; CLERK OF COURT, ADMINISTRATIVE OFFICER OF THE COURT.—** The Manual for Clerks of Court provides that the Clerk of Court is the administrative officer of the court who controls and supervises the safekeeping of court records, exhibits, documents, properties and supplies; acts on applications for leave of absence and signs daily time records; prepares and signs summons, subpoena and notices, writs of execution, remittance of prisoners, release of prisoners, certified true copies of decisions, orders, and other processes, letters of administration and guardianship, transmittals of appealed cases, indorsements and communications, and monthly reports of cases; determines the docket fees to be paid by parties-litigants; issues clearances in appropriate cases; and, in general, performs and discharges such duties as may be assigned to him by the Executive Judge or the Presiding Judge.

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2. **ID.; ID.; CLERKS OF COURT; MUST HAVE CONTINUOUS AND PHYSICAL INVENTORY OF CASES ON MONTHLY BASIS.**— The Court has consistently reminded clerks of court to have a continuous and physical inventory of cases on a monthly basis so that the trial judge is constantly made aware of the status of each case and to have a checklist indicating the steps to be taken to keep cases moving. All these are matters that cannot be treated lightly.

3. **ID.; ID.; ID.; FAILURE TO CALENDAR 487 CASES; RESPONDENT IN CASE AT BAR PREVIOUSLY WARNED FOR FAILURE TO SUBMIT SEMI-ANNUAL REPORTS; SANCTION.**— Respondent Albaytar has failed to calendar 487 cases despite the lapse of a considerable length of time. There are, in fact, 11 cases where no action has been done since their filing. He has been remiss in his duty to update the inventory of cases pending before the trial court. The excuse given by him cannot entirely justify his failure to comply with the above duties. The clerk of court, respondent should keep in mind, is a ranking officer in our judicial system and performs delicate administrative functions vital to the prompt and proper dispensation of justice. Notably, respondent was previously sanctioned by the Court in the case, entitled "*Office of the Court Administrator vs. Judge Leonardo Quiñanola and Branch Clerk of Court Ruben Albaytar, Municipal Trial Court of San Pedro, Laguna, Branch 1.*" A judicial audit and physical inventory of cases conducted before the MTC of San Pedro, Laguna, Branch 1, upon the retirement of Presiding Judge Quiñanola disclosed that respondent Albaytar had failed to comply with Administrative Circular 10-94 that required trial judges and clerks of court/branch clerks of court to submit to the OCA semi-annual reports on all pending cases. Respondent then explained that he was misled by the wordings of the circular and was under the impression that the task of preparing the semi-annual report fell exclusively on the presiding judge. Not satisfied with respondent's explanation, the Court reprimanded him with a warning that a more severe sanction would be imposed on him for any repetition of the same or a similar offense. Apparently, the Court's warning has not been heeded by respondent. WHEREFORE, the Court, finding Ruben Albaytar, Branch Clerk of Court of the Municipal Trial Court of San Pedro, Laguna, Branch 1, guilty of gross inefficiency, hereby imposes a FINE of TWO THOUSAND PESOS as so recommended by OCA. He is further warned that

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another infraction of the rules by him will be dealt with most severely.

DECISION

VITUG, *J.*:

The Office of the Court Administrator ("OCA") conducted a judicial and physical inventory of cases pending with the Municipal Trial Court ("MTC") of San Pedro, Laguna, Branch 1, presided over by Judge Carmelita S. Manahan and clerked by respondent Ruben B. Albaytar.

On 15 August 2000, the OCA submitted to the Court its memorandum, reporting thusly: One thousand nine hundred thirty five (1,935) pending cases; four (4) cases submitted for decision; five (5) cases unresolved within the ninety-day reglementary period; four hundred eighty seven (487) cases still to be scheduled in the court's calendar despite the lapse of a considerable length of time; and eleven (11) other cases still unacted upon since the time of the filing thereof.

The Court, in its Resolution, dated 13 September 2000, resolved —

"1) to DIRECT Judge Carmelita S. Manahan, Municipal Trial Court, Branch 1, San Pedro, Laguna:

"(a) to INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice, whether the decisions in Criminal Case Nos. 30538, 30328, 24378 and 24379 were promulgated as scheduled;

"(b) to EXPLAIN, within ten (10) days from notice, why no administrative sanction should be imposed upon her:

"(b.1) for her failure to decide within the reglementary period Civil Case Nos. 97-66 and 97-43; and

"(b.2) for her failure to decide within the mandatory period the pending incidents in Civil Case Nos. 2731, 97-55 and 2518;

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"(c) to DECIDE/RESOLVE immediately the enumerated cases in b.1 and b.2 and to SUBMIT copies of the decisions/resolutions to this Court, through the Office of the Court Administrator, within ten (10) days from promulgation/rendition thereof; and

"(d) to INFORM this Court, through the Office of the Court Administrator, within ten (10) days from notice, whether the decisions/resolutions in Criminal Case Nos. 29369 and 29370 and Civil Case Nos. 2679 and 2480 were rendered/resolved within the reglementary period and submit copies of the decisions/resolutions of the aforestated cases to this Court, through the Office of the Court Administrator, within ten (10) days from notice;

"(2) Mr. Ruben B. Albaytar, Clerk of Court, Municipal Trial Court, San Pedro, Laguna, Branch 1:

"(a) to DEVISE a systematic and orderly management of court records;

"(b) to regularly and religiously UPDATE the entries in the docket books;

"(c) to APPRISE Judge Carmelita S. Manahan and to CAUSE the setting in the court calendar of the following cases: and

(c.1) which remained unacted upon since they were filed, to wit: Criminal Case Nos. 32410, 34632, 34633, 34634, 34351, 34109, 34113, 34114, 26677 and 26392 and Civil Case No. 98-84;

(c.2) which were not further acted on despite the lapse of a considerable length of time, to wit: Criminal Case Nos. 34119, 33424, 33428, 33477, 33502, 33503, 32317, 32318, 33351, 29705, 30010, 30011, 30061, 30062, 30063, 30064, 29960, 29961, 29962, 29963, 29964, 30179, 30180, 30181, 30182, 30259, 32428, 31204, 32368, 32152, 32168, 32202, 31761, 31810, 32064, 32103, 31610, 32102, 29622, 33373, 33374, 33375, 31203, 31202, 31201, 32324, 32437, 31979, 28197, 28198, 28199, 32424, 13464, 13843, 2725, 24304, 24635, 32372, 31893, 31789, 31779, 31780, 26934, 26904, 26905, 26906, 26907, 26908, 26909, 26910, 34545, 22844, 22216, 22217, 22218,

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22219, 22220, 22221, 22222, 22223, 22237, 22238, 22239, 23566, 23568, 23570, 23572, 23574, 23576, 23565, 23567, 23569, 23571, 23573, 23575, 23577, 34280, 26740, 26741, 26742, 26743, 26939, 34526, 34524, 34525, 30284, 30285, 30286, 32786, 33151, 32766, 32888, 32847, 32848, 32849, 32850, 32892, 32781, 33081, 33015, 32992, 33056, 33075, 32917, 32983, 34730, 29223, 26823, 26824, 26825, 26826, 26827, 26828, 26829, 26830, 26521, 26522, 26523, 26524, 26525, 26526, 30721, 30155, 30156, 30157, 30158, 30131, 30132, 30133, 30134, 31890, 25559, 25512, 25649, 31396, 32218, 32219, 32220, 32221, 32222, 31901, 32779, 34145, 34146, 34147, 32579, 32703, 34418, 13465, 34282, 29798, 29799, 29800, 29801, 31505, 31506, 31947, 30153, 32003, 31328, 31298, 32871, 32865, 32866, 32867, 32868, 32869, 32783, 32815, 32890, 26770, 26966, 33861, 33847, 33848, 33849, 33850, 33860, 33766, 33788, 33827, 33738, 26171, 33608, 33607, 33606, 33525, 33656, 33537, 33551, 33544, 33545, 33613, 33655, 33653, 33595, 33535, 33593, 33609, 33610, 33611, 33612, 34602, 35001, 35002, 34908, 24647, 24356, 24357, 24178, 24180, 24182, 24184, 31754, 31880, 31881, 30397, 34074, 33936, 33937, 33938, 34105, 28882, 30639, 3747, 33208, 33209, 33210, 33211, 33212, 31320, 30053, 30054, 30055, 30056, 30298, 30299, 30212, 30213, 30214, 30215, 24172, 24174, 24176, 28432, 28433, 28434, 32423, 14513, 13581, 24402, 24403, 24404, 24405, 24406, 24407, 24408, 24409, 24410, 24411, 24754, 32379, 32380, 32381, 32382, 32374, 23765, 13842, 13843, 13844, 13845, 13846, 13847, 13848, 34460, 31248, 31249, 31250, 31251, 34419, 34427, 34373, 34372, 34487, 34497, 32257, 32258, 32111, 33041, 32953, 33420, 33215, 33216, 26284, 28076, 28077, 28078, 28079, 28080, 28081, 31227, 34733, 34713, 34712, 34756, 34141, 34257, 34283, 34328, 32713, 32510, 32506, 32484, 32685, 32686, 34740, 26901, 26031, 26032, 26033, 26034, 26035, 26322, 26323, 26324, 25695, 26320, 27154, 28131, 28184, 28185, 28186, 28187, 31794, 31795, 31796, 31797, 31287, 31293, 31923, 31924, 31925, 31926, 30002, 30003, 30004, 30005, 34285, 34211, 32412, 34321, 34322, 34323, 34143, 34329, 32584,

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34274, 32686, 28835, 28768, 29094, 29609, 30045, 30046, 30047, 30048, 30123, 30124, 30125, 30126, 29994, 29995, 29996, 29997, 23103, 21893, 32881, 23658, 23659, 33523, 34822, 34823, 28595, 28596, 33924, 30409, 30410, 33359, 33328, 33339, 32978, 32869, 34005, 34006, 34432, 34433, 33251, 32780, 32865, 32868, 34355, 34356, 14559, 32069, 32070, 31441, 31442, 31443, 31256, 20535 and 25071 and Civil/Other Cases Nos. 2675, 2389, 97-57, 97-45, 97-47, 97-51, 97-19, 97-53, 2425, 1962, 1963, 1964, 1965, 1966, 1967, 98-82, 96-28, 2520, 2782, 99-143, 2792, 2672, 2685, 2500, 2418, 2364, 2319, 2513, 2429, 99-150, 2515, 2711, 2710, 2708, 2689, 2728, 2382, 2587, 2369, 2397, 2699, 2706, 2495, 2251, 2187, 2158, 2256, 2670, 2306, 2489, 2766, 2343, 97-68, 2420, 2541, 2535 and 2497.

"(d) to EXPLAIN within ten (10) days from notice why no administrative sanction should be taken against him for his failure to perform his functions as administrative officer of the court, *i.e.* cause the updating of docket books, forwarding of orders of transmittal to the Office of the Provincial Prosecutors, Regional Trial Court, service of summons and notices, and adopting of an orderly management of court records despite the resolution of the Court *En Banc* in Administrative Matter No. RTJ-99-1216 dated October 20, 1999 reprimanding him with stern warning that a more severe sanction will be imposed on him for any repetition of the same or similar offense in the future."

In compliance with the foregoing resolution, Judge Carmelita Manahan informed the Court that she was able to resolve all cases submitted for decision and those pending resolution. Relative to cases extending beyond the ninety-day mandatory period for their resolution, she explained that the same were previously the subject of a request for extension of time to decide, which request was granted by the Court; nevertheless, these cases had since been resolved.

Branch Clerk of Court, Mr. Ruben Albaytar, submitted an undated letter to the effect that he already had devised a systematic

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and orderly management of court records. He attached a copy of an Office Memorandum, dated 20 October 2000, he issued to all court personnel of the Municipal Trial Court of San Pedro, Laguna, Branch 1, for the adoption of a system that would indicate newly filed cases, old active cases, cases with warrants of arrest and cases disposed of or resolved. He admitted that the entries he had made in the criminal docket book were only up to 01 July 1999 but gave assurance to update the book. He reported that the 487 cases listed in the Court Resolution of 13 September 2000 previously reported as having been unacted upon were now already submitted to Judge Manahan for setting in the court calendar. Respondent Albaytar attributed the failure to expeditiously perform his administrative duties and functions to lack of manpower and limited office space.

The OCA, in its memorandum of 21 March 2001, found the explanation of Judge Manahan satisfactory. This Court, in its Resolution of 25 April 2001, adopted OCA's recommendation and considered the case against Judge Manahan closed and terminated.

Relative to the case of Branch Clerk of Court Ruben Albaytar, the OCA made the following findings:

"This Office finds the explanation of Mr. Albaytar unsatisfactory. Mr. Albaytar has been remiss in his duties and responsibilities as officer of the court. Records reveal that on 28 October 1996, a judicial audit and physical inventory of pending cases was conducted in the MTC, Branch 1, San Pedro, Laguna, in view of the retirement of Judge Leonardo F. Quinanola. Consequently, the Court *En Banc* in A.M. No. MTJ-99-1216 dated 20 October 1999, resolved, among others, to reprimand Mr. Albaytar, with a stern warning that a more severe sanction will be imposed on him for any repetition of the same or similar offense in the future. The sanctions imposed on him then were for offenses similar to those for which he is presently charged. It seems he has not learned his lesson.

"A Clerk of Court should be the model of co-employees to act speedily and with dispatch on their assigned tasks to avoid the clogging of cases in court and thereby assist in the administration of justice without undue delay. Moreover, 'Clerks of Court must be assiduous in performing their official duties and in supervision and managing Court dockets and records.

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Their repeated negligence in the performance of these functions will be dealt with severely."

"Mr. Albaytar should be reminded that prompt disposition of the Court's business and expeditious disposition of cases can be attained only through efficient caseflow management by the judge and her personnel, especially the branch clerk. Considering the heavy caseload of their court, he should with more reason exert extra effort to ensure the efficient flow of pending cases.

"This Office therefore cannot accept the explanation proffered by Mr. Albaytar, although the work environment affecting MTC, Branch 1, should be considered in determining Mr. Albaytar's responsibility."

The OCA thus recommended that the case against respondent Albaytar be so re-docketed as an administrative complaint and that he be FINED in the amount of ₱2,000.00.

The Manual for Clerks of Court provides that the Clerk of Court is the administrative officer of the court who controls and supervises the safekeeping of court records, exhibits, documents, properties and supplies; acts on applications for leave of absence and signs daily time records; prepares and signs summons, subpoena and notices, writs of execution, remittance of prisoners, release of prisoners, certified true copies of decisions, orders, and other processes, letters of administration and guardianship, transmittals of appealed cases, indorsements and communications, and monthly reports of cases; determines the docket fees to be paid by parties-litigants; issues clearances in appropriate cases; and, in general, performs and discharges such duties as may be assigned to him by the Executive Judge or the Presiding Judge.[1]

The Court has consistently reminded clerks of court to have a continuous and physical inventory of cases on a monthly basis so that the trial judge is constantly made aware of the status of each case and to have a checklist indicating the steps to be taken to keep cases moving.[2] All these are matters that cannot be treated lightly.

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[1] Chapter II, Section B (1).

[2] Administrative Circular No. 13, July 1, 1987.

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Respondent Albaytar has failed to calendar 487 cases despite the lapse of a considerable length of time. There are, in fact, 11 cases where no action has been done since their filing. He has been remiss in his duty to update the inventory of cases pending before the trial court. The excuse given by him cannot entirely justify his failure to comply with the above duties. The clerk of court, respondent should keep in mind, is a ranking officer in our judicial system and performs delicate administrative functions vital to the prompt and proper dispensation of justice.[3]

Notably, respondent was previously sanctioned by the Court in the case, entitled "*Office of the Court Administrator vs. Judge Leonardo Quiñanola and Branch Clerk of Court Ruben Albaytar, Municipal Trial Court of San Pedro, Laguna, Branch 1.*"[4] A judicial audit and physical inventory of cases conducted before the MTC of San Pedro, Laguna, Branch 1, upon the retirement of Presiding Judge Quiñanola disclosed that respondent Albaytar had failed to comply with Administrative Circular 10-94 that required trial judges and clerks of court/branch clerks of court to submit to the OCA semi-annual reports on all pending cases. Respondent then explained that he was misled by the wordings of the circular and was under the impression that the task of preparing the semi-annual report fell exclusively on the presiding judge. Not satisfied with respondent's explanation, the Court reprimanded him with a warning that a more severe sanction would be imposed on him for any repetition of the same or a similar offense.

Apparently, the Court's warning has not been heeded by respondent.

WHEREFORE, the Court, finding Ruben Albaytar, Branch Clerk of Court of the Municipal Trial Court of San Pedro, Laguna, Branch 1, guilty of gross inefficiency, hereby imposes a FINE of TWO THOUSAND PESOS as so recommended by OCA. He is further warned that another infraction of the rules by him will be dealt with most severely.

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[3] *Juntilla vs. Calleja*, 262 SCRA 291.

[4] 317 SCRA 37.

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SO ORDERED.

Melo (Chairman), Panganiban, and *Sandoval-Gutierrez, JJ.*, concur.

Gonzaga-Reyes J., on leave.

FIRST DIVISION

[G.R. No. 104802*. July 11, 2001]

AURELIA S. LLANA, PASCUAL LLANA and PRIMITIVO SALES, *petitioners, vs.* **COURT OF APPEALS, NICANOR PAGDILAO and ANDRES BAUTISTA,** *respondents.*

SYNOPSIS

Private respondents filed an action to quiet title covering several parcels of land against petitioners. The then Court of First Instance found that the conveyances of subject parcels of lots were made in three separate notarized deeds of sale. This finding was affirmed by the Court of Appeals. Hence, the present recourse, petitioners claiming that the deeds were executed as a subterfuge against the possible attachment of the property and not for alienation.

Factual findings of the Court of Appeals are conclusive upon the parties and carry even more weight when said court affirms the factual findings of the trial court; that when the terms of agreement have been reduced to writing, such written agreement is deemed to contain all the terms agreed upon; and that a document acknowledged before a notary public enjoys the presumption of regularity.

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* This case was transfered to the ponente to the resolution in AM No. 00-9-03-SC. Re: Creation of Special Committtee on Case Backlog dated February 27, 2001.