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EN BANC

[A.M. No. MTJ-04-1558. April 7, 2010]
(Formerly OCA IPI No. 04-1594-MTJ)

RE: ANONYMOUS LETTER-COMPLAINT AGAINST HON. MARILOU RUNES-TAMANG, PRESIDING JUDGE, MeTC PATEROS, METRO MANILA and PRESIDING JUDGE, MeTC SAN JUAN, METRO MANILA

SYLLABUS

1. LEGAL ETHICS; NEW CODE OF JUDICIAL CONDUCT FOR THE PHILIPPINE JUDICIARY; REQUIREMENT THAT MAGISTRATE BE JUDICIALLY COMPETENT. — The *New Code of Judicial Conduct for the Philippine Judiciary* requires that a magistrate be the embodiment of judicial competence. According to Webster, *competence* means "the quality or state of being functionally adequate or having sufficient knowledge, judgment, skill, or strength." Webster also defines a *competent person* to be one "possessed of or characterized by marked or sufficient aptitude, skill, strength, or knowledge."

2. ID.; JUDGES; NEGLECT OF DUTY; COMMITTED FOR APPROVING BAIL BONDS ISSUED BY BONDING COMPANY WHICH LACKED THE REQUIRED CLEARANCE; DEFENSE OF RELYING ON THE REPRESENTATION OF COURT PERSONNEL, NOT APPRECIATED. — Par. 1.3.1.5 (d.1), Section E, Chapter VI of the 2002 *Revised Manual for Clerks of Court,* outlines the requirements for the approval of bail bonds posted in the courts. x x x Judge Tamang approved bail bonds issued by Covenant although they manifestly lacked the required clearance from the Supreme Court indicating that Covenant was qualified to transact business with the courts. As earlier stated, Covenant was a blacklisted company at the time of issuance of the bail bonds. She was thereby guilty of a neglect of duty, for, according to *Judicial Audit and Physical Inventory of Confiscated Cash, Surety and Property Bonds at RTC, Tarlac City, Brs. 63, 64 & 65*, the judge is still bound to review the supporting documents

Supreme Court E-Library

before approving the bail bonds, even if it is the Clerk of Court who has the duty to ascertain that the bail bonds are in order, and that all requisites for approval have been complied with. x x x Indeed, in *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 4, Dolores, Eastern Samar* and *Padilla v. Silerio,* the Court expressly enjoins a judge to carefully pore over all documents before signing the documents and giving them official *imprimatur.* The judge's signing of orders must not be taken lightly, or be regarded as the *usual* paper work that passes through the judge's hands for signature. Also, according to *Suroza v. Honrado,* a judge is inexcusably negligent if he fails to observe in the performance of his duties that diligence, prudence and circumspection that the law requires in the rendition of any public service. Judge Tamang's excuse of simply relying on the representation of the court personnel who unfortunately took advantage of her leniency and kindness betrayed a deficiency in that requisite degree of circumspection demanded of all those who don the judicial robe. She cannot now thereby exculpate herself, or take refuge behind that excuse, for, in fact, such reliance was actually her admission of being neglectful and of lacking the diligent care in paying attention to the judicial matters brought to her for signature. A carelessness of that kind and degree ran contrary to the competence expected of her as a dispenser of justice and as a visible representation of the law.

3. REMEDIAL LAW; CRIMINAL PROCEDURE; BAIL, WHERE APPLIED. — Section 17 (a), Rule 114 of the *Rules of Court* governs the approval of bail bonds for criminal cases pending outside the judge's territorial jurisdiction, *viz*: Section 17. *Bail, where filed*. — (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any Regional Trial Court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein. x x x Under the provision, the bail bond may be filed either with the court where the case is pending, or with any

Supreme Court E-Library

RTC of the place of arrest, or if no RTC Judge is available, with any MeTC or MTC of the place of arrest.

4. LEGAL ETHICS; JUDGES; SIMPLE NEGLECT OF DUTY; INCOMPETENCE IN THE APPROVAL OF BAIL BONDS AND ISSUANCE OF ORDERS OF RELEASE, WITH MITIGATING CIRCUMSTANCES; PENALTY OF REPRIMAND, SANCTIONED. — Her approval of the bail bonds and her issuance of the orders of release manifested a degree of incompetence on her part, x x x we find her guilty of simple neglect of duty, a light charge under Section 10, Rule 140, *Rules of Court*, for we are all too aware of the pitfalls that a judge like her frequently stumbles into when detailed in another station. She became an unwitting victim of the continuing illegal activities of Medrano, who took advantage of her being too busy with her judicial and administrative duties and tasks to have noticed and prevented his illegal activities. Nonetheless, several circumstances properly mitigated her administrative liability. x x x Such mitigating circumstances, coupled with Judge Tamang's good performance record, rendered it is just and warranted to impose the penalty of reprimand pursuant to Section 11, C, Rule 140, *Rules of Court.*

5. POLITICAL LAW; ADMINISTRATIVE LAW; 2002 REVISED MANUAL FOR CLERKS OF COURT; DUTY OF THE CLERK OF COURT ON THE APPLICATIONS FOR BAIL AND JUDICIAL BONDS. — The 2002 *Revised Manual for Clerks of Court* requires that all applications for bail and judicial bonds shall be coursed, before their approval by the Judge concerned, through the Clerk of Court or his duly authorized personnel, who shall see to it that the bonds are in order. In accepting surety bonds, the Clerk of Court should see to it that all the requisites are complied with; otherwise, the bonds should be rejected. Every bond shall be accompanied by a clearance from the Supreme Court showing that the issuing company is qualified to transact business, which clearance is valid only for 30 days from the date of its issuance.

6. ID.; ID.; ID.; ID.; ALLEGED NON-PARTICIPATION IN THE ANOMALOUS BAIL BONDS, NOT APPRECIATED. — Although Sorio denied any knowledge of or participation in such anomalous bail bonds, we find her liable. As the Branch Clerk of Court of the MeTC in San Juan, Sorio was the administrative officer of the branch who had the control and

Supreme Court E-Library

supervision of all court records, exhibits, documents, properties and supplies. With her responsibilities as such, Sorio should have ensured that all bail bonds and their supporting documents were in order before endorsing them to Judge Tamang for approval. Sorio should have rejected the bail bonds of Covenant due to the latter's blacklisting and its lack of clearance from the Supreme Court to issue such bail bonds. She cannot now simply feign ignorance and escape liability upon the implausible pretext that some bail bonds did not pass through her.

7. ID.; ID.; COURT EMPLOYEES; CLERK OF COURT; IMPORTANCE. — We cannot exonerate Sorio. As the Branch Clerk of Court, she was an essential and ranking officer of the judicial system who performed delicate administrative functions vital to the prompt and proper administration of justice. Her responsibility went beyond a perfunctory and superficial supervision of her subordinates. As the Court pointed out in *Office of the Court Administrator v. Saa*: x x x Clerks of Court are required to be persons of competence, honesty, and probity since they are specifically imbued with the mandate of safeguarding the integrity of the court and its proceedings, to earn and preserve respect therefor, to maintain loyalty thereto and to the judge as a superior officer, to maintain the authenticity and correctness of court records and to uphold the confidence of the public in the administration of justice. x x x

8. ID.; ID.; ID.; ID.; REQUIRED DILIGENCE. — The degree of diligence expected of Sorio as the Branch Clerk was high. According to *Escobar Vda. de Lopez v. Luna*, the Clerks of Court: x x x [a]re the hubs of adjudicative and administrative orders, processes and like concerns. Their responsibilities are vital to the prompt and sound administration of justice. They cannot be allowed to slacken on their work. They should be officers of competence; they should safeguard the integrity of the court and its proceedings; they should uphold the confidence of the public in the administration of justice; and they should help ensure that the cause of justice is done without delay.

9. ID.; ID.; ID.; ID.; GROSS NEGLIGENCE COMMITTED BY INEFFECTUAL PERFORMANCE OF DUTIES; MITIGATED WITH THE ABSENCE OF BAD FAITH AND THE OFFENSE A FIRST IN 35 YEARS OF SERVICE; PROPER PENALTY IS TWO MONTHS SUSPENSION WITHOUT PAY. — Sorio was remiss in the performance of

Supreme Court E-Library

her duties. Aside from taking her responsibilities as the Branch Clerk of Court for granted, she also fell short of the task of effective supervision of the court staff. The recommendation of the OCA that Sorio be administratively sanctioned for gross negligence of duty was, therefore, proper x x x. The OCA observed, however, that it found no evidence of bad faith, fraud, dishonesty or deliberate intent to do injustice on the part of Sorio. Although her participation in the anomaly was sufficiently established, we give due consideration to the fact that this offense was her first administrative liability in the 35 years she worked in the Judiciary by appreciating this fact as a mitigating circumstance in her favor. We impose suspension from the service for two months without pay.

10. ID.; ID.; ID.; GRAVE MISCONDUCT; DISMISSAL FROM SERVICE, WARRANTED. — We find Ronnie Medrano guilty of grave misconduct, because he fell short of his accountability to the people as a public employee. The Court explains in *Imperial v. Santiago, Jr.*, *viz*: Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. **To warrant dismissal from the service, the misconduct must be grave, serious, important, weighty, momentous and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment**. **The misconduct must also have a direct relation to and be connected with the performance of his official duties amounting either to maladministration or willful, intentional neglect or failure to discharge the duties of the office. There must also be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law**. In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule must be manifest. Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses his station or character to procure some benefit for himself or for another, contrary to the rights of others. Medrano knowingly and corruptly submitted spurious or irregular bail bonds for the approval of the judge. His grave misconduct was, therefore, a *grave offense* that deserved the penalty of dismissal for the first offense pursuant to Sec. 52-A of the *Uniform Rules on*

Supreme Court E-Library

Administrative Cases in the Civil Service. Accordingly, he is meted the ultimate penalty of dismissal.

D E C I S I O N

***PER CURIAM*:**

The administration of justice is circumscribed with a heavy burden of responsibility. It requires that everyone involved in its dispensation — from the presiding judge to the lowliest clerk — live up to the strictest standards of competence, honesty, and integrity in the public service.[1] Any impression of impropriety, misdeed, or negligence in the performance of official functions must be avoided. The Court shall not countenance any conduct, act, or omission on the part of those involved in the administration of justice that violates the norm of public accountability and diminishes the faith of the people in the Judiciary.[2] Indeed, public confidence in our courts is vital to the effective functioning of the Judiciary.[3]

Bearing these tenets in mind, the Court proceeds to determine the ultimate liabilities of a presiding judge, her branch clerk of court, and her process server in connection with an anomaly involving the approval of bail bonds in criminal cases.

An anonymous "Concerned Filipino Citizen" sent to then Chief Justice Hilario G. Davide, Jr. a letter dated October 22, 2003 requesting the investigation of Judge Marilou D. Runes-Tamang, Presiding Judge of the Metropolitan Trial Court (MeTC) in Pateros and Acting Presiding Judge of the MeTC in San Juan, Metro Manila.[4] The letter-sender complained that Judge Tamang,

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[1] *Re: Withholding of Other Emoluments of the Following Clerks of Court: Elsie C. Remoroza, et al.*, A.M. No. 01-4-133-MTC, August 26, 2003, 409 SCRA 574, 581-582.

[2] *Alejandro v. Martin*, A.M. No. P-07-2349, August 10, 2007, 529 SCRA 698, 704.

[3] *Musngi v. Pascasio*, A.M. No. P-08-2454, May 7, 2008, 554 SCRA 1, 12.

[4] *Rollo*, p. 20.

Supreme Court E-Library

through the connivance of the arresting officer and court employees of MeTC at San Juan, had been indiscriminately approving fake bonds for a fee of ₱1,000.00 "*per count ng kaso*." The letter-sender also requested the investigation of Judge Tamang's husband, a sheriff of the Regional Trial Court (RTC) in Pasig and an alleged drug addict.

The letter prompted the Court to treat it as an administrative complaint. On November 4, 2003,[5] Chief Justice Davide, Jr. referred the letter to then Deputy Court Administrator Christopher O. Lock (DCA Lock) for appropriate action.

Initial Investigation and Report by the Office of the Court Administrator

The office of DCA Lock conducted a discreet investigation on the reported impropriety. The investigation revealed that Judge Tamang had approved bail bonds issued by Covenant Assurance Company, Inc (Covenant), despite Covenant having been blacklisted since December 20, 2002 in the RTC in Pasig City.

It appears that the RTC, Branch 153, in Pasig City furnished to the OCA a copy of its order dated October 22, 2003[6] revoking the "unethical Orders of Release" issued by Judge Tamang in various criminal cases assigned to that branch. The order stated that Judge Tamang had approved the bail bonds issued by a blacklisted company without any showing of the unavailability of all the RTC Judges in Pasig, considering that the accused persons posting the bail bonds were charged in criminal cases pending before the RTC in Pasig and were detained in the Pasig City Jail.

In his memorandum dated May 12, 2004, DCA Lock recommended that the Assistant Court Administrator in charge of the area where Judge Tamang was stationed be directed to conduct further investigation of the irregularities.[7]

On May 18, 2004, the Court approved the recommendation, and endorsed the matter to then Assistant Court Administrator

[5] *Id.*, p. 19.

[6] *Id.*, pp. 21-27.

[7] *Id.*, pp. 17-18.

Supreme Court E-Library

Antonio H. Dujua (ACA Dujua), who immediately directed the conduct of the investigation.

ACA Dujua submitted his memoranda dated June 3, 2004[8] and June 25, 2004.[9] In turn, the Office of the Court Administrator (OCA) presented to the Chief Justice its memorandum dated June 29, 2004,[10] detailing the anomalous transactions on bail bonds committed in the *sala* of Judge Tamang.

The OCA memorandum reported thus:

> We have limited our inquiry to the bail bonds acted upon during the period from January 2003 to June 2004, considering that the Covenant Assurance Company, Inc. (Covenant for brevity) — the apparent favored bonding company of Judge Tamang — was blacklisted on 20 December 2002 only.
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> As previously mentioned in our first Memorandum, as of the date of our investigation, we found no criminal cases in the RTC in Mandaluyong City wherein the bail bonds were secured from Covenant. However, there are three cases — Criminal Cases Nos. MC03-6841, MC03-7058, and MC03-7156 — wherein the bail bonds were secured in San Juan and approved by Judge Tamang, notwithstanding the presence and availability of the Judges in the RTC of Mandaluyong City before whose courts the cases are pending. Such approval was made in contravention of the provisions of Section 17(a), Rule 114, Revised Rules of Criminal Procedure. x x x
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> x x x x x x x x x
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> In the RTC of Pasig City, the records in a considerable number of criminal cases hereinafter enumerated show Judge Tamang's blatant disregard for the provisions of the Rules. These records show how she has been indiscriminately approving bonds in violation of such provisions. Of significance, more than a majority of the bonds she had approved had been secured from the Covenant Assurance Company, Inc., notwithstanding the fact that such bonding company is among those blacklisted by the Supreme Court.

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[8] *Id.*, pp. 15-16.

[9] *Id.*, pp. 9-14.

[10] *Id.*, pp. 1-7.

Supreme Court E-Library

x x x x x x x x x

There are rare cases when Judge Tamang approved bail bonds secured from legitimate surety companies. However, even in such cases, approval was made without compliance with the provisions of Rule 114 . x x x In Criminal Cases Nos. 125724, 125802, 12612-D, 12648-D and 125723, where the bail bonds were secured from legitimate surety firms (either Commonwealth or Summit Guaranty), the accused were all detained in Pasig City where their cases were pending.[11]

Acting on the OCA's recommendation, the Court *en banc* issued a resolution dated July 27, 2004,[12] to wit:

(a) TREAT OCA's Memorandum dated 29 June 2004 as an administrative complaint against Judge Marilou D. Runes-Tamang to be docketed as A.M. No. MTJ-04-1558 (*Office of the Court Administrator vs. Judge Marilou D. Runes-Tamang, Presiding Judge, Metropolitan Trial Court, Pateros, Metro Manila and Acting Presiding Judge, Metropolitan Trial Court San Juan, Metro Manila*) and automatically converted into administrative disciplinary proceedings against Judge Runes-Tamang as both judge and member of the Philippine Bar.

(b) REQUIRE Judge Runes-Tamang to ANSWER the charges against her and explain why she should not be disciplined as a member of the Philippine Bar, within a period of ten (10) days from notice hereof;

(c) DECLARE all the bail bonds secured from the Covenant Assurance Company, Inc. after 20 December 2002 as NULL AND VOID; and

(d) DIRECT the concerned judges of the Regional Trial Court of Pasig City and Mandaluyong City to REQUIRE all the accused who secured the above bail bonds from the Covenant Assurance Company, Inc. to secure NEW bail bonds from accredited and legitimate bonding companies or face immediate arrest.

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[11] *Id.*

[12] *Id.*, pp. 192-193.

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Comment/Answer of Judge Tamang

Maintaining her innocence of the charges, Judge Tamang submitted her answer/comment dated September 30, 2003,[13] in which she related the circumstances surrounding the approval of the bail bonds.

Sometime in August of 2003, an RTC Judge of Pasig City called her attention to an irregular order of release she had signed as the Acting Judge of the MeTC in San Juan, Metro Manila, involving a criminal case pending in Pasig City. Allegedly, the order of release was signed without the necessary supporting documents.

The discovery of the irregular order of release prompted Judge Tamang to conduct an investigation in the MeTC of San Juan. After her initial investigation, she issued Office Memorandum No. 001-03 dated September 17, 2003,[14] addressed to Ellen Sorio, the Branch Clerk of Court of the MeTC in San Juan, directing her to shed light on the anomaly. Office Memorandum No. 001-03 included a directive that no bails bonds would be approved until after the controversy was resolved.

In her response to Office Memorandum No. 001-03, Sorio explained that as standard office procedure, she checked all orders and documents, including bail bonds, before Judge Tamang signed them. Sorio added that to her recollection, all the bail bonds passing through her for presentation to Judge Tamang had been in order, although on many occasions, Ronnie Medrano, the MeTC's Process Server, retained possession of some of the documents accompanying the orders of release.[15]

Sorio's explanation prompted Judge Tamang to issue Office Memorandum No. 002-03 dated September 21, 2003,[16] requiring Medrano to submit his comment *vis-à-vis* Sorio's allegations.

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[13] *Id.*, pp. 226-257.

[14] *Id.*, pp. 276-277.

[15] *Id.*, p. 278.

[16] *Id.*, p. 279.

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Through his *Tugon/Salaysay* dated September 26, 2003,[17] Medrano "admitted" his guilt, and begged Judge Tamang for forgiveness.

Thereafter, Judge Tamang issued Office Memorandum No. 003-03 dated September 27, 2003,[18] directing Sorio and Medrano to immediately release all the bail bonds still in their possession, and to request the clerks-in-charge of the various courts concerned to remind their respective judges to immediately cause the cancellation of the bail bonds, if warranted.

Conceding that she might have been remiss in her duties with respect to the orders of release based on bail bonds issued by Covenant, Judge Tamang insisted that she had been "too trusting" of some personnel of MeTC in San Juan. In substantiation, she cited the following circumstances:

(1) Even the previous Judge of the MeTC in San Juan had been subjected to the *modus operandi*, because there were ten orders of release that said Judge had issued involving criminal cases pending in the RTC and MeTC in Pasig City, Quezon City, and Mandaluyong City, and even one criminal case pending in Angeles City;[19]

(2) Fourteen orders of release were issued at around 6 *p.m.* on Fridays, when there were no available Judges in the other courts; and the orders of release were served from around 7 *p.m.* to 8 *p.m.* of the same day;[20]

(3) Some orders of release involved accused who were detained in San Juan, although the criminal cases were pending in the Pasig City RTC, while other orders of release involving criminal cases in Mandaluyong City were based on bail bonds issued by legitimate bonding companies;[21]

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[17] *Id.*, pp. 280-281.

[18] *Id.*, pp. 282-283.

[19] See Transmittals and Orders of Release, *rollo*, pp. 292-310.

[20] See Answer/Comment, pp. 20-21, *rollo*, pp. 245-246.

[21] *Id.*

Supreme Court E-Library

(4) She was not able to receive copies of the orders dated August 25, 2003 and October 22, 2003 issued by Judge Ygaña of RTC Pasig City, declaring her orders of release as null and void,[22] which reflected a manifest cover-up on the part of some court personnel of the MeTC in San Juan;

(5) The issuance of the orders of release based on Covenant's bail bonds happened only in the MeTC in San Juan, not in the MeTC in Pateros where she was the Presiding Judge;[23]

(6) She stayed late in her office to sign orders, to resolve pending motions, and to pen decisions. She believed that all orders of release involving legitimate bonding companies were signed by her beyond office hours, when there were no available judges in other courts;[24] and

(7) That she already rectified her mistakes as early as September 2003 by issuing Memoranda No. 001-03 and No. 003-03.

Insisting that the court personnel had taken advantage of her leniency and kindness, Judge Tamang declared that she "has never transgressed the Code of Judicial Conduct with malicious intention and orchestrated plans of compromising the integrity of the judiciary."

In her supplemental answer/comment dated October 8, 2004,[25] Judge Tamang bewailed the failure to accord her due process, contending that she should have been required to file her answer/comment upon receipt of the anonymous letter-complaint; and that she should have been given opportunity to explain with particularity each and every document that became the basis of the recommendation.

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[22] *Sinumpaang Salaysay* of Nadine P. Penaflorida, *rollo*, p. 289.

[23] *Certification* of the Clerk of Court of MeTC, Pateros, to the effect that the MeTC, Pateros did not approve any surety bond issued by Covenant Assurance Co., Inc. from January 2003 up to September 2004, *rollo*, p. 284.

[24] See Annexes H, I, M and N of Answer/Comment, *rollo*, pp. 285-286, 290-291.

[25] *Rollo*, pp. 213- 225.

Supreme Court E-Library

Inclusion of Additional Respondents

In the resolution dated November 9, 2004,[26] the Court noted Judge Tamang's answer and supplemental answer/comment, and referred the matter to the OCA for evaluation, report and recommendation.

The OCA submitted its memorandum dated January 26, 2005,[27] recommending as follows:

(1) That Ms. Eleanor A. Sorio and Mr. Ronnie Medrano, Clerk of Court III and Process Server, respectively, of the Metropolitan Trial Court (Branch 57) at San Juan, Metro Manila, be INCLUDED as respondents together with Judge Marilou D. Runes-Tamang in the instant administrative case;

(2) That both Ms. Sorio and Mr. Medrano be required to submit their respective COMMENTS regarding their participation in the processing/approval of the bonds irregularly issued and secured from Covenant Assurance Company, Inc., subject of the OCA Memorandum dated 12 May 2004 and 29 June 2004; and

(3) That the instant administrative matter be REFERRED to the Executive Judge of the Regional Trial Court of Pasig City for investigation of (a) all the circumstances attendant to the irregular bail bond transactions; and (b) the specific liability of Judge Tamang, Ms. Sorio, Mr. Medrano and other court personnel who may be involved, report and recommendation within sixty (60) days from the receipt by the investigating judge of the comments of Ms. Sorio and Mr. Medrano.

Acting on the OCA's recommendations, the Court resolved on March 1, 2005 to: (1) include Eleanor Sorio and Ronnie Medrano as respondents in the administrative case; (2) direct Sorio and Medrano to comment on the complaint; and (3) refer the matter to the Executive Judge of the RTC in Pasig City for investigation, report and recommendation.[28]

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[26] *Id.*, p. 327.

[27] *Id.*, pp. 329-333.

[28] *Id.*, pp. 334-335.

Supreme Court E-Library

Notwithstanding their receipt of the pertinent documents and the additional time allowed to them under the resolution dated January 24, 2006,[29] Sorio and Medrano failed to file their comment/answer.

In the meantime, Judge Tamang filed a motion for earlier resolution[30] and an omnibus motion to request that the matter be already submitted for resolution.[31]

Subsequently, Medrano manifested that he was waiving his right to file a comment, and that he was submitting the administrative case for decision.[32] Due to the prior referral to the OCA, the Court resolved to refer the manifestation of Medrano to the OCA.

Upon recommendation of the OCA,[33] the Court e*n banc* issued its resolution dated August 28, 2007,[34] to wit:

(a) REFER Administrative Matter No. MTJ-04-1558 (formerly A.M. OCA IPI No. 04-1594) to the Office of the incumbent Executive Judge of RTC Pasig City, Judge Amelia C. Manalastas, for investigation, report and recommendation within sixty (60) days from receipt of the records;

(b) DIRECT the Office of the Clerk of Court-Supreme Court to REMAND the complete and original records of the instant administrative matter to the OCA for their proper transmittal to the Office of Executive Judge Manalastas;

(c) DIRECT Executive Judge Manalastas to (1) FURNISH respondents Eleanor A. Sorio and Ronnie Medrano, Clerk of Court III and Process Server, respectively, of the MeTC, Branch 57, San Juan, with copies of the October 22, 2003 Anonymous Complaint and the September 30, 2004 Answer

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[29] *Id.*, pp. 364-365.

[30] *Id.*, pp. 372-374.

[31] *Id.*, pp. 389-391.

[32] *Id.*, p. 396.

[33] *Id.*, pp. 380-384.

[34] *Id.*, pp. 385-386.

Supreme Court E-Library

and October 8, 2004 Supplemental Answer filed by Judge Tamang relative to the case and (2) REQUIRE said respondents to submit their comment thereon within a non-extendible period of ten (10) days from receipt of the corresponding order from the investigating judge; and

(d) DIRECT Judge Edwin A. Villasor, Presiding Judge, RTC Branch 265, Pasig City to explain, within fifteen (15) days from receipt of this notice, his failure to act on Administrative Matter No. MTJ-04-1558 (formerly A.M. OCA IPI No. 04-1594) despite having received copies of Court resolutions and documents relative to the case.

Investigation, Report and Recommendation of the Executive Judge

Upon receiving the Court's resolution dated August 28, 2007, Executive Judge Amelia C. Manalastas[35] of the RTC in Pasig City directed Sorio and Medrano to file their respective comments, and set the hearing of the administrative case. Judge Manalastas conducted hearings on October 8 and 16, 2007.[36]

In her compliance dated November 29, 2007,[37] Judge Manalastas stated that she had found no evidence to support a finding against Judge Tamang of bad faith, dishonesty, or deliberate intent to do injustice; but recommended that Judge Tamang be found guilty of gross negligence for violating Canon 6 of the Code of Judicial Conduct and that her co-respondents be found guilty of grave misconduct, *viz*:

PREMISES CONSIDERED, this Office respectfully submits the following RECOMMENDATION for consideration by the Honorable Court:

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[35] Now an Associate Justice of the Court of Tax Appeals.

[36] During the hearing, both respondents manifested that they were no longer filing any comment and were adopting their answers to the memorandum issued by Judge Tamang as their answer/comment to the complaint. After a series of clarificatory questions, Sorio moved for additional time to file her supplemental answer. No supplemental answer was, however, filed. TSN, October 8, 2007, pp. 3-6.

[37] *Rollo*, pp. 513-522.

Supreme Court E-Library

1. That Respondent Judge Marilou D. Runes-Tamang be admonished for her gross negligence in the performance of her functions.

2. That respondents Eleonor Sorio and Ronnie Medrano be suspended for their grave misconduct.

Final Report of the OCA

In its final report dated June 30, 2008,[38] the OCA adopted the findings of the Investigating Judge, but concluded that the penalties for Judge Tamang were not commensurate with the offenses committed. Thus, the OCA submitted as follows:

(a) That Respondent Judge Marilou Runes-Tamang be found GUILTY of simple misconduct and be ordered to pay a FINE in the amount of Ten Thousand Pesos (₱10,000.00) with a STERN WARNING that a repetition of the same or similar offense in the future shall be dealt with more severely.

(b) That Respondent Eleanor A. Sorio, Clerk of Court III, MeTC, Branch 57, San Juan, Metro Manila, be found GUILTY of Gross Neglect of Duty and ordered SUSPENDED for SIX (6) months without pay with the STERN WARNING that a repetition of the same or similar offense in the future shall be dealt with more severely; and

(c) That Respondent Ronnie Medrano, Process Server, MeTC, Branch 57, San Juan, Metro Manila be found GUILTY of Grave Misconduct and ordered DISMISSED from the service with forfeiture of retirement benefits, except accrued leave credits, and with prejudice to re-employment in any branch or instrumentality of the government, including government owned or controlled corporations.

Ruling

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Liability of Judge Tamang

Judge Tamang admittedly approved not only the bail bonds issued by Covenant, a blacklisted bonding company, but also the bail bonds in some instances for accused persons charged

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[38] *Id.*, pp. 530-535.

Supreme Court E-Library

in criminal cases pending outside her territorial jurisdiction. Yet, she insisted that she did not thereby transgress the *Code of Judicial Conduct*, because she had relied on the representation of her duly authorized personnel that the bail bonds were in order. She claimed that she approved the bail bonds for the criminal cases pending outside her territorial jurisdiction because the accused were detained in San Juan and Pateros, where she was the Presiding Judge.

Judge Tamang's explanations could not completely exonerate her.

The *New Code of Judicial Conduct for the Philippine Judiciary* requires that a magistrate be the embodiment of judicial competence.[39] According to Webster,[40] *competence* means "the quality or state of being functionally adequate or having sufficient knowledge, judgment, skill, or strength." Webster also defines a *competent person* to be one "possessed of or characterized by marked or sufficient aptitude, skill, strength, or knowledge."

Did Judge Tamang competently act in approving the questioned bail bonds?

Par. 1.3.1.5 (d.1), Section E, Chapter VI of the 2002 *Revised Manual for Clerks of Court*, outlines the requirements for the approval of bail bonds posted in the courts, to wit:

In accepting surety bond, the Clerk of Court should see to it that the following requisites are complied with, otherwise, the bond should be rejected:

(1) Photographs of accused

It shall be obligatory on the part of surety and bonding companies issuing such bond to attach photographs (face, left and right profiles), passport size, recently taken of the accused on all copies of the corresponding personal bail bond to be issued or posted.

(2) Affidavit of justification

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[39] Canon 6, *New Code of Judicial Conduct for the Philippine Judiciary*.

[40] *Third New International Dictionary*.

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The bond shall be accompanied by an affidavit of justification to include a statement to the effect that that the company has no pending obligation demandable and outstanding in any amount to the Government or any of its agencies as of the last day of the month preceding the date the bond is issued or posted.

(3) Clearance from the Supreme Court

Every bond shall be accompanied by a clearance from the Supreme Court showing that the company concerned is qualified to transact business which is valid only for thirty (30) days from the date of its issuance.

(4) Certificate of compliance with the Circular from the Office of the Insurance Commissioner

The bond shall be accompanied by a verified certification to the effect that the bond form used has been duly registered with the Insurance Commission; that the same has been entered and recorded in the Bond Registry Book of the company concerned in compliance with OIC Circular No. 66 dated September 19, 1966, and that the said bond has not been cancelled.

(5) Authority of agent

In case the bond is issued through a branch office or through an agent, a copy of the authority or power of attorney shall be submitted to the Clerk of Court for filing, together with the schedule of limits of its authority.

(6) Current certificate of authority

The bond shall be accompanied by a current certificate of authority issued by the Insurance Commission with the financial statement (OIC Form No. 1) showing the maximum underwriting capacity of the company.

(7) Procedure

All applications for bail/judicial bonds, before their approval by the Judge concerned, shall be coursed thru the Clerk of Court or his duly authorized personnel who shall see to it that the bond is in order and the signature of the bonding officer authentic before affixing his signature thereto. He shall also indicate therein the outstanding liability of the bonding company, if any, for the information and guidance of the Court. For this

Supreme Court E-Library

> particular purpose, the Clerk of Court shall keep a file of specimen signature of authorized bonding officers, to prevent the submission of "fake bail bonds."[41]

Judge Tamang approved bail bonds issued by Covenant although they manifestly lacked the required clearance from the Supreme Court indicating that Covenant was qualified to transact business with the courts. As earlier stated, Covenant was a blacklisted company at the time of issuance of the bail bonds. She was thereby guilty of a neglect of duty, for, according to *Judicial Audit and Physical Inventory of Confiscated Cash, Surety and Property Bonds at RTC, Tarlac City, Brs. 63, 64 & 65*,[42] the judge is still bound to review the supporting documents before approving the bail bonds, even if it is the Clerk of Court who has the duty to ascertain that the bail bonds are in order, and that all requisites for approval have been complied with. The Court concurred with the OCA's following observation submitted in said case, to wit:

> Although the duty to ensure compliance with the requisites of the bail bond application rests mainly with the Clerk of Court or his duly authorized personnel and the task of the Judge is only to approve the same, said task has an accompanying responsibility on the part of the approving Judge to review or determine its validity. Understandably, he should be employing the minimum standard the rules require the clerks of court to observe. Considering the seriousness of the purpose in the posting of bail bond, approval thereof should pass through strict scrutiny and with utmost caution on the part of both the Clerk of Court (or his duly authorized personnel) and the approving Judge.[43]

Indeed, in *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 4, Dolores, Eastern Samar*[44] and *Padilla v. Silerio*,[45] the Court expressly enjoins a judge to

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[41] Vol. I, pp. 287-289.

[42] A.M. No. 04-7-358-RTC, July 22, 2005, 464 SCRA 21.

[43] *Id.*, pp. 28-29.

[44] A.M. No. 06-6-340-RTC, October 17, 2007, 536 SCRA 313.

[45] A.M. No. RTJ-98-1421, May 9, 2000, 331 SCRA 515.

Supreme Court E-Library

carefully pore over all documents before signing the documents and giving them official *imprimatur*. The judge's signing of orders must not be taken lightly, or be regarded as the *usual* paper work that passes through the judge's hands for signature.[46] Also, according to *Suroza v. Honrado*,[47] a judge is inexcusably negligent if he fails to observe in the performance of his duties that diligence, prudence and circumspection that the law requires in the rendition of any public service.

Judge Tamang's excuse of simply relying on the representation of the court personnel who unfortunately took advantage of her leniency and kindness betrayed a deficiency in that requisite degree of circumspection demanded of all those who don the judicial robe. She cannot now thereby exculpate herself, or take refuge behind that excuse, for, in fact, such reliance was actually her admission of being neglectful and of lacking the diligent care in paying attention to the judicial matters brought to her for signature. A carelessness of that kind and degree ran contrary to the competence expected of her as a dispenser of justice and as a visible representation of the law.

Section 17 (a), Rule 114 of the *Rules of Court* governs the approval of bail bonds for criminal cases pending outside the judge's territorial jurisdiction, *viz*:

> Section 17. *Bail, where filed.*— (a) Bail in the amount fixed may be filed with the court where the case is pending, or in the absence or unavailability of the judge thereof, with any regional trial judge, metropolitan trial judge, municipal trial judge, or municipal circuit trial judge in the province, city, or municipality. If the accused is arrested in a province, city, or municipality other than where the case is pending, bail may also be filed with any Regional Trial Court of said place, or if no judge thereof is available, with any metropolitan trial judge, municipal trial judge, or municipal circuit trial judge therein.
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> x x x x x x x x x

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[46] *Id.,* p. 518.

[47] A.M. No. 2026-CFI, December 19, 1981, 110 SCRA 388.

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Under the provision, the bail bond may be filed either with the court where the case is pending, or with any RTC of the place of arrest, or if no RTC Judge is available, with any MeTC or MTC of the place of arrest.

The list of approved bail bonds contained in the OCA memorandum dated June 29, 2004[48] shows 34 involved accused detained in Pasig City,[49] seven in Taguig City,[50] six in San Juan,[51] and one in Pateros.[52] The remaining three cases involved accused who voluntarily surrendered to Judge Tamang in the San Juan MeTC.[53] However, all of the criminal cases were pending in the Pasig RTC.

Judge Tamang contends that under Section 17(a), Rule 114, *supra*, the accused who were detained and who voluntarily surrendered in San Juan could file their applications for bail in San Juan; that the accused detained in Pateros could do the same; and that the bail applications of those detained in Taguig City were legally approved, because she was then the Pairing Judge of the MeTC in Taguig City (Branch 74).[54]

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[48] *Supra*, at note 10.

[49] Criminal Case Nos. 126208 (with two accused), 12212-D, 12289-D, 125723, 125736, 125964 (with 12 accused), 12612-D, 12648-D, 12647-D, 11589-D (with two accused), 125802, 12555-D, 12241-D & 12242-D (with only 1 accused), 125724, 12368-D, 12309-D, 12651-D, 120886, 12688-D, 12092-D and 12093-D.

[50] Criminal Case Nos. 12175-D, 12795-D, 12610-D, 12611-D, 12593-D, 12664-D, and 12512-D.

[51] Criminal Case Nos. 125892, 12337-D, 12338-D & 12339-D (involving only 1 accused), 125703, 11966-D, 11967-D (involving only 1 accused).

[52] Criminal Case No. 119216.

[53] Criminal Case Nos. 125185 and 125230 (with only 1 accused).

[54] Pursuant to Sec. 27 of *Batas Pambansa* Blg. 129, one branch (Branch LXXIII) is allocated for Pateros and another branch (Branch LXXIV) for Taguig. Hence, Administrative Order (A.O.) No. 134-92 dated July 16, 1992, which provides for the pairing system for single-*sala* stations, is applicable. Paragraph 1 of said A.O. reads:

> 1.) Whenever the presiding judge of a single sala station is temporarily absent and no acting judge has yet been designated, the clerk of court or

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As a judge then on detail in San Juan, Judge Tamang was correct in approving the applications for bail of the accused who had voluntarily surrendered and been detained in San Juan, Pateros, and Taguig City, because Section 7(a), Rule 114, *supra*, granted her the authority to approve applications for bail of accused detained within her territorial jurisdiction, in the event of the unavailability of any RTC Judge in the area. It is worth noting that at the time of the subject bail applications, there was still no RTC Judge stationed in San Juan and Pateros.[55]

However, Judge Tamang did not substantiate her explanation that she had approved the bail applications of the accused detained in Pasig City and had issued the corresponding release orders after office hours on Fridays because no RTC Judges had been available in Pasig City. Aside from the affidavits attesting that she had stayed and worked in her office until 9 *p.m.* and that the orders of release had been immediately served on the jail warden concerned, she offered no proof to justify her approval of the questioned bonds. Thus, her explanation did not exculpate her, for, truly, her approvals of the bail bonds constituted an irregularity arising from her lack of the authority to do so.

The OCA classified Judge Tamang's acts as simple misconduct, and recommended a fine of ₱10,000.00 to be imposed on her.

Although her approval of the bail bonds and her issuance of the orders of release manifested a degree of incompetence on

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branch clerk, upon request of any party, shall refer any urgent matter requiring immediate action to the nearest presiding judge of the appropriate Regional Trial Court or Municipal Trial Court with jurisdiction to act on the matter. Such presiding judge is authorized to hear and resolve urgent matters, including applications for restraining orders, injunctions and other matters requiring immediate attention prior to the return of the regular judge or the assignment of an acting judge, without prejudice to any subsequent action that may be taken by the judge to whom the particular case is eventually assigned x x x

[55] In A.M. No. 02-11-17-SC dated November 25, 2003 (*Re: Equitable Distribution of the 32 RTCs in Pasig City to the Nearby Cities and Municipalities*), the Court authorized RTC Branches 68, 160, 162, and 264 of Pasig City to hold office and court sessions in San Juan, Metro Manila; and RTC Branch 262 in Pateros.

Supreme Court E-Library

her part, we should not find Judge Tamang guilty of simple misconduct, a less serious charge under Section 9, Rule 140, *Rules of Court*. Instead, we find her guilty of simple neglect of duty, a light charge under Section 10, Rule 140, *Rules of Court,* for we are all too aware of the pitfalls that a judge like her frequently stumbles into when detailed in another station. She became an unwitting victim of the continuing illegal activities of Medrano, who took advantage of her being too busy with her judicial and administrative duties and tasks to have noticed and prevented his illegal activities.

Nonetheless, several circumstances properly mitigated her administrative liability.[56]

First: Medrano admitted his liability and totally exonerated Judge Tamang of any participation in or knowledge of the anomalous scheme of submitting blacklisted bonds for approval. In his *Tugon/Salaysay*,[57] he confessed:

Tungkol po sa bond na inyong napirmahan, akin pong inaamin na marami dito ang ipinadaan sa akin. Ngunit nananangan po ako na ang karamihan dito ay ligal at walang problema nang ito ay dinadala sa inyo para sa inyong aprubal. Ngunit inaamin ko rin na nitong nakaraang mga buwan ay may mga bonds na hindi ko pinadala kay Ate Ellen. Ito yung mga pagkakataong may mga taong lumalapit sa akin at nakiusap at dahil na rin sa hindi ko matanggihan bunsod ng pakikisama. Ang mga bonds na sinsabi ko ay isinasabay ko na lamang sa mga papeles na dinadala sa inyong lamesa para mapirmahan kapag kayo ay dumarating na galing sa inyong Korte sa Pateros.

Medrano stated that some of the bail applications had incomplete supporting papers; that he had requested the staff to tell Judge Tamang, should she ask, that the bail applications were complete; and that he had thereby taken advantage of the judge's voluminous workload. He also declared:

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[56] *Office of the Court Administrator v. Sirios*, A.M. No. P-02-1659, August 28, 2003, 410 SCRA 35, 39.

[57] *Supra,* note 17.

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Inaamin ko din po na ang iba dito ay kulang sa papeles at kung pagkaminsan ay kumpleto nga ngunit mga xerox copies lamang ang mga dokumento naka-attach. Sa ganitong mga pagkakataong ay pinasasabi ko na lamang sa mga staff na sabihin sa inyo kapag kayo ay nagtatanong na kumpleto ang lahat at walang prublema at ikakabit ko na lamang sa bond kinabukasan o kapag ito ay dadalhin na sa korte.

Maari pong sabihin na akin nga pong naabuso at nasamantala ang kabaitan at pagtitiwala ninyo sa amin, dahil naipalusot ko ang mga nasabing bonds, nang hindi ko sinsabi sa inyo ang katotohanan. Maari ding sabihing sinamantala ko ang sobrang dami ng inyong ginagawa na pagkaminsan ay tinityempo ko ang pagpasok ng mga bonds kasama ng napakaraming papeles na inyong pipirmahan kapag kayo ay nagmamadali nang umalis pauwi. x x x

Undoubtedly, Medrano unconditionally assumed *sole* responsibility for the anomalous bail bonds, even if he admitted having committed the anomaly at the behest of several unnamed persons, *viz*:

Kung mayroon man dapat managot sa lahat ng gusot na ito ay AKO lamang po at wala nang iba pa. xxx Hindi ko po talaga alam na aabot sa ganito ang lahat. Gusto ko lamang pong malaman ninyo na ako ay biktima lamang ng mga taong nakiusap sa akin na dahil sa tiwala at kumpyansa sa kanila, kapag sinabi nila sa akin na ayos ang lahat ng papeles at ang mga nasabing bonds at alam na ng kinauukulang husgado, akin po itong tinatanggap at pinadadala sa inyong lamesa para mapirmahan.

Second: It is undisputed that upon learning about the anomaly in August 2003 Judge Tamang immediately took steps to frontally deal with it by conducting an investigation, and directing Sorio at first and Medrano later to explain their participations in the uncovered anomaly.[58] Her measures were sincerely taken a few months before the Court received the denunciatory anonymous letter in November 2003. The taking of such measures were probably what convinced Executive Judge Manalastas as Investigating Judge to observe in her report on the investigation

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[58] *Supra,* notes 14 and 18.

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that there appeared "no evidence to support a finding of bad faith, fraud, dishonesty or deliberate intent to do injustice."[59]

Third: The offense is Judge Tamang's first administrative charge as a judge. According to *Concerned Boholanos for Law and Order v. Calibo, Jr.*,[60] the fact that a judge is being charged administratively for the first time is a mitigating circumstance.

Such mitigating circumstances, coupled with Judge Tamang's good performance record,[61] rendered it is just and warranted to impose the penalty of reprimand pursuant to Section 11, C, Rule 140, *Rules of Court*, *viz*

Section 11. *Sanctions.* — x x x

x x x x x x x x x

C. If the respondent is guilty of a light charge, any of the following sanctions shall be imposed:

1. A fine of not less than ₱1,000.00 but not exceeding ₱10,000.00 and/or

2. Censure;

3. **Reprimand**;

4. Admonition with warning.

II

Liability of Ellen Sorio

The OCA recommended that Sorio be found guilty of gross negligence, which Subsection A(2), Section 52, Rule IV of the *Revised Uniform Rules on Administrative Cases in the Civil Service* punishes with dismissal from the service.

The 2002 *Revised Manual for Clerks of Court* requires that all applications for bail and judicial bonds shall be coursed, before their approval by the Judge concerned, through the Clerk

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[59] *Supra,* note 36.

[60] A.M. No. RTJ-01-1621, September 27, 2007, 534 SCRA 196.

[61] See Monthly Reports of Cases; *rollo*, pp. 258-275.

Supreme Court E-Library

of Court or his duly authorized personnel, who shall see to it that the bonds are in order. In accepting surety bonds, the Clerk of Court should see to it that all the requisites are complied with; otherwise, the bonds should be rejected. Every bond shall be accompanied by a clearance from the Supreme Court showing that the issuing company is qualified to transact business, which clearance is valid only for 30 days from the date of its issuance.

In response to Judge Tamang's Memorandum Order No 001-03, Sorio categorically averred that she had personally scrutinized the documents before these were brought to the judge's table for her signature.[62] Insisting that there was no single defective or anomalous bond from among the documents that had passed through her, Sorio stated:

> It's true that all orders and other documents including bail bonds pass through the undersigned before they are presented to you for signature. The idea was for me to check whether the documents to be signed by you are in order. To my recollection, all bail bonds which passed through undersigned for scrutiny/examination were all in order before they were presented to you for your signature. After your signature on bail bonds, corresponding endorsement letters were made to the court where the accused may have pending case and we have these transmittal on record.[63]

Sorio's insistence notwithstanding, there were still spurious bail bonds that had reached the hands of Judge Tamang, and that the latter ultimately signed. Thus, although Sorio denied any knowledge of or participation in such anomalous bail bonds, we find her liable.

As the Branch Clerk of Court of the MeTC in San Juan, Sorio was the administrative officer of the branch who had the control and supervision of all court records, exhibits, documents, properties and supplies. With her responsibilities as such, Sorio should have ensured that all bail bonds and their supporting documents were in order before endorsing them to Judge Tamang

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[62] *Supra,* note 15.

[63] *Id.*

Supreme Court E-Library

for approval. Sorio should have rejected the bail bonds of Covenant due to the latter's blacklisting and its lack of clearance from the Supreme Court to issue such bail bonds. She cannot now simply feign ignorance and escape liability upon the implausible pretext that some bail bonds did not pass through her.

Likewise, Sorio did not explain the non-transmittal of some approved bail bonds and their supporting documents to the courts, before which the criminal cases of the accused concerned had been filed and pending. Based on the record, Judge Tamang had given instructions to Sorio and Medrano to immediately release the bail bonds upon her approval of them. However, during the hearing before the Investigating Judge, Sorio admitted her failure to see to their immediate release, although such was her primary responsibility as the Branch Clerk of Court, to wit:

> COURT: No, first explain to me why these documents were not transmitted… (interrupted)
>
> MS. SORIO: Upon approval *yon ni* Judge Tamang, after approval I gave everything to the one in-charge in transmitting the bonds.
>
> COURT: Who is the one in-charge?
>
> MS. SORIO: The interpreter, Your Honor, then I presumed that everything will be transmitted by her.
>
> COURT: You have administrative responsibility over the personnel of the Court.
>
> MS. SORIO: Yes, Your Honor, *alam ko po yon kaya naman po pag nagpa ano na ho sya hindi ko na po alam kung alin-alin po yong kanyang mga pinadala at hindi niya pinadala.* And then *ngayon, silang dalawa (2) nalang ho ni* Ronnie and *nag-uusap ho kung ano pa pong kulang.*
>
> COURT: *Eh pano yan di* command responsibility *din sayo yan* because these documents were never transmitted by your subordinate.
>
> MS. SORIO: *Basta binigyan ko po sila ng* instruction *lagi talaga na itransmit nyo kaagad yan.*

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COURT: But they were never transmitted, the fact is, they were never transmitted.

MS. SORIO: I don't know… (interrupted)

COURT: So who should be responsible?

MS. SORIO: *Hindi ko po talaga alam kung natransmit ho nila lahat yon ma'am.*

x x x x x x x x x

COURT: So why they were not transmitted and why did you not find out until this investigation?

MS. SORIO: I do believe, Your Honor, that they will follow my instructions.

COURT: And you never follow it up? You never ask them?

MS. SORIO: I am always following up, Your Honor, the instruction to them.

COURT: That's not enough apparently, you're the clerk of court *eh kasi lalo na yon* it's a vacant Court *walang* judge you should be responsible. *Ano bang ginagawa ninyo pag walang* judge *dyan*? You know command responsibility you're the highest official in that Court.

MS. SORIO: Yes, Your Honor, I'm doing my best, Your Honor, *lahat po iniuutos ko sa kanila, lahat ng dapat nilang gawin pinagagawa ko* but unfortunately (interrupted)

COURT: *Oo* it is not enough *na iuutos mo tapos hindi naman gagawin di ba*

MS. SORIO: *Tsinetsek ko naman po sa kanila eh.*[64]

Sorio's passing on the blame to her subordinates, as the foregoing excerpt of her testimony indicates, did not justify her failure to ensure that the approved bail bonds be forthwith transmitted to the courts concerned. Her obligation did not end with the initial verification and signing of the documents, but extended until the bail bonds and their supporting documents were transmitted to the courts concerned for appropriate action.

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[64] TSN, October 8, 2007, pp. 39-42, *rollo*, pp. 457-460.

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Thus, we cannot exonerate Sorio. As the Branch Clerk of Court, she was an essential and ranking officer of the judicial system who performed delicate administrative functions vital to the prompt and proper administration of justice.[65] Her responsibility went beyond a perfunctory and superficial supervision of her subordinates. As the Court pointed out in *Office of the Court Administrator v. Saa*:[66]

> x x x Clerks of Court are required to be persons of competence, honesty, and probity since they are specifically imbued with the mandate of safeguarding the integrity of the court and its proceedings, to earn and preserve respect therefor, to maintain loyalty thereto and to the judge as a superior officer, to maintain the authenticity and correctness of court records and to uphold the confidence of the public in the administration of justice. x x x

The degree of diligence expected of Sorio as the Branch Clerk was high. According to *Escobar Vda. de Lopez v. Luna*,[67] the Clerks of Court:

> x x x [a]re the hubs of adjudicative and administrative orders, processes and like concerns. Their responsibilities are vital to the prompt and sound administration of justice. They cannot be allowed to slacken on their work. They should be officers of competence; they should safeguard the integrity of the court and its proceedings; they should uphold the confidence of the public in the administration of justice; and they should help ensure that the cause of justice is done without delay.

Sorio was remiss in the performance of her duties. Aside from taking her responsibilities as the Branch Clerk of Court for granted, she also fell short of the task of effective supervision of the court staff. The recommendation of the OCA that Sorio be administratively sanctioned for gross negligence of duty was, therefore, proper, considering that, as the OCA aptly put it:

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[65] *Loyao, Jr. v. Caube*, A.M. No. P-02-1599, April 30, 2003, 402 SCRA 33, 38.

[66] A.M. No. P-01-1507, August 28, 2003, 410 SCRA 21, 24.

[67] A.M. No. P-04-1786, February 13, 2006; 482 SCRA 265, 273.

Supreme Court E-Library

Respondent Sorio was grossly negligent in her duties as clerk of court as shown by her insistence, during the hearing conducted by the investigating judge that she knew nothing of what was happening in the Court. Being the Branch Clerk of Court, she cannot just feign ignorance, considering that she is the administrative assistant of the presiding judge with the duty to assist in the management of all matters not involving the exercise of discretion or judgment of the judge.[68]

The OCA observed, however, that it found no evidence of bad faith, fraud, dishonesty or deliberate intent to do injustice on the part of Sorio. Although her participation in the anomaly was sufficiently established, we give due consideration to the fact that this offense was her first administrative liability in the 35 years she worked in the Judiciary by appreciating this fact as a mitigating circumstance in her favor.[69] We impose suspension from the service for two months without pay.

III

Liability of Ronnie Medrano

We cannot be as compassionate towards Medrano, who categorically admitted his offense, giving the simple explanation of having thereby accommodated ill-intentioned people. His anomalies for a consideration appeared to be not isolated, but repeated many times. He thereby converted his employment in the court into an income-generating activity.

We find him guilty of grave misconduct,[70] because he fell short of his accountability to the people as a public employee. The Court explains in *Imperial v. Santiago, Jr.*,[71] *viz*:

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[68] *Supra*, note 37.

[69] Section 53 of the *Revised Uniform Rules on Administrative Cases in the Civil Service* provides:

Section 53. *Extenuating, Mitigating, Aggravating, or Alternative Circumstances*. — In the determination of the penalties to be imposed, mitigating, aggravating and alternative circumstances attendant to the commission of the offense shall be considered. x x x

[70] Subsection A(3), Section 52, Rule IV of the *Revised Uniform Rules on Administrative Cases in the Civil Service*.

[71] A.M. No. P-01-1449, February 24, 2003, 398 SCRA 75, 85.

Supreme Court E-Library

Misconduct is a transgression of some established and definite rule of action, more particularly, unlawful behavior or gross negligence by the public officer. **To warrant dismissal from the service, the misconduct must be grave, serious, important, weighty, momentous and not trifling. The misconduct must imply wrongful intention and not a mere error of judgment**. **The misconduct must also have a direct relation to and be connected with the performance of his official duties amounting either to maladministration or willful, intentional neglect or failure to discharge the duties of the office. There must also be reliable evidence showing that the judicial acts complained of were corrupt or inspired by an intention to violate the law**.

In grave misconduct, as distinguished from simple misconduct, the elements of corruption, clear intent to violate the law, or flagrant disregard of established rule must be manifest.[72] Corruption as an element of grave misconduct consists in the act of an official or employee who unlawfully or wrongfully uses his station or character to procure some benefit for himself or for another, contrary to the rights of others.[73]

Medrano knowingly and corruptly submitted spurious or irregular bail bonds for the approval of the judge. His grave misconduct was, therefore, a *grave offense* that deserved the penalty of dismissal for the first offense pursuant to Sec. 52-A of the *Uniform Rules on Administrative Cases in the Civil Service*.[74] Accordingly, he is meted the ultimate penalty of dismissal.

WHEREFORE, the Court declares and finds:

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[72] *Salazar v. Barriga*, A.M. No. P-05-2016, April 19, 2007, 521 SCRA 449, 453; *Civil Service Commission v. Belagan*, G.R. No. 132164, October 19, 2004, 440 SCRA 578, 580.

[73] *Salazar v. Barriga, id.*

[74] Section 52. *Classification of Offenses*. x x x.

A. The following are grave offenses with their corresponding penalties:

x x x	x x x	x x x

3. Grave Misconduct

1st offense – Dismissal

x x x	x x x	x x x

Supreme Court E-Library

1. JUDGE MARILOU D. RUNES-TAMANG of the Metropolitan Trial Court in Pateros, Metro Manila guilty of simple neglect of duty, with mitigating circumstances as stated in this decision, and, accordingly, she is reprimanded, with a stern warning that a repetition of the same offense, or the commission of a similar offense, shall be dealt with more severely;

2. ELEANOR A. SORIO, Clerk of Court III, Metropolitan Trial Court, Branch 57, in San Juan, Metro Manila guilty of gross neglect of duty, with a mitigating circumstance as stated in this decision, and, accordingly, she is suspended from the service for two months without pay, with a stern warning that a repetition of the same offense, or the commission of a similar offense, shall be dealt with more severely; and

3. RONNIE MEDRANO, Process Server, Metropolitan Trial Court, Branch 57, in San Juan, Metro Manila guilty of grave misconduct, and, accordingly, he is dismissed from the service with forfeiture of retirement benefits, except accrued leave credits, and with prejudice to his re-employment in any branch or instrumentality of the Government, including government-owned and government-controlled corporations.

Let a copy of this decision be attached to the personnel records of the respondents in the Office of the Court Administrator.

SO ORDERED.

Puno, C.J., Carpio, Corona, Carpio Morales, Velasco, Jr., Nachura, Leonardo-de Castro, Brion, Peralta, Bersamin, Del Castillo, Villarama, Jr., Perez, and *Mendoza, JJ.,* concur.

Abad, *J.*, on official leave.