Supreme Court E-Library

The appellate court properly noted that the issue as to whether private respondents were illegally dismissed, which was resolved in the affirmative by the Labor Arbiter, was not appealed by petitioners. Such ruling has therefore attained finality. Thus, SSI, as the direct employer of private respondents, is liable to either reinstate them and pay them backwages or to pay them separation pay. However, because there is not enough evidence on this matter, there is a need to remand the case to the Labor Arbiter for further proceedings to determine whether or not there are jobs still available for private respondents in SSI.

WHEREFORE, the petition is hereby DISMISSED and the decision of respondent Court of Appeals is hereby AFFIRMED.

SO ORDERED.

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

Davide, Jr., C.J., no part; a party was a former client when he was still in private practice of law.

THIRD DIVISION

[A.M. No. 99-11-423-RTC. June 26, 2001]

RE: Report on the Judicial Audit Conducted in the Regional Trial Court, Branches 87 and 98, Quezon City.

SYNOPSIS

In a decision, Judge Sultan of Br. 98, RTC QC was found administratively liable for failure to decide 35 submitted cases within the prescribed period and to submit the required periodic inventory of cases. Here, the administrative liability of Branch Clerk of Court Reynaldo Elcano for the delayed reporting of the said 35 cases is in issue.

Supreme Court E-Library

Atty. Elcano explained that he failed to include the said submitted but undecided 35 cases in the Monthly Report of Cases because they were found in the chambers of Judge Sultan only when the audit by OCA was conducted. That being a mere subordinate employee, he complied with the orders of the judge to keep those cases in the latter's chambers. The Court found the explanation unsatisfactory. Atty. Elcano violated Court's Circular No. 25-92. Pursuant to the Court's Administrative Circular No. 10-94, the branch clerk of court shares with the presiding judge the responsibility of making a physical inventory of cases. When the records inside the chambers of Judge Sultan were "unearthed" only during the audit, Atty. Elcano violated Sections 7 and 14 of Rule 136 of the Revised Rules of Court on Safekeeping of Property and Taking of Record from the Clerk's Office. Hence, the Court found Atty. Elcano guilty of inefficiency, and he was fined ₱5,000.00.

SYLLABUS

1. **SUPREME COURT; SUPREME COURT CIRCULAR NO. 25-92; VIOLATED IN CASE AT BAR WHERE CLERK OF COURT FAILED TO REPORT IN THE MONTHLY REPORT OF CASES, THE CASES SUBMITTED FOR DECISION BUT REMAIN UNDECIDED BEYOND REGLEMENTARY PERIOD.—** For failure to report, in the Monthly Report of Cases, the cases submitted for decision but remain undecided beyond the reglementary period, Atty. Elcano violated this Court's Circular No. 25-92 addressed to all judges, clerks of court and branch clerks of court, partly quoted as follows: "All cases submitted for decision but remain undecided at the end of the month, whether they are inherited or current cases, must be duly reported. If there are no cases submitted for decision, you are directed to indicate 'None.'"

2. **ID.; SUPREME COURT ADMINISTRATIVE CIRCULAR NO. 10-94; BRANCH CLERK OF COURT SHARES WITH PRESIDING JUDGE THE RESPONSIBILITY OF MAKING A PHYSICAL INVENTORY OF CASES.—** The duty of conducting docket inventory of submitted cases is not the sole responsibility of the judge. Pursuant to this Court's Administrative Circular No. 10-94, the branch clerk of court shares with the presiding judge the responsibility of making a physical inventory

Supreme Court E-Library

of cases. He is tasked to post at the end of each month the list of cases submitted for decision at the conspicuous place on the door of the session hall to be available for inspection by representatives of this Court and interested parties. In *Office of the Court Administrator vs. Quiñanola,* this Court ruled: "Although the responsibility of making a physical inventory of cases primarily rests in the presiding judge, it is shared with the court staff, and a branch clerk of court should take steps to meet the requirements of AC 10-94."

3. **LEGAL ETHICS; GENERAL DUTIES OF CLERKS OF COURT; SAFEKEEPING OF PROPERTY; SECTION 7 OF RULE 136 OF THE RULES OF COURT, VIOLATED IN CASE AT BAR.**— In *Re: Report on the Judicial Audit, RTC Brs. 4 and 23, Manila,* this Court held that a branch clerk of court, in not keeping the records of the cases or allowing the records to be kept in the chambers of the Judge without any written proof, such as a receipt, showing that these were properly taken from the former's custody, violates *Section 7 of Rule 136 of the Rules of Court.*

4. **ID.; ATTORNEYS; MANIFEST INEFFICIENCY; BRANCH CLERK OF COURT IN CASE AT BAR GUILTY THEREOF.**— As branch clerk of court, Atty. Elcano's duties include conducting periodic docket inventory and ensuring that the records of each case are accounted for. It is likewise his duty to initiate and cause the search of missing records. It is incumbent upon him to ensure an orderly and efficient record management in the court. His failure to include in the Monthly Report of Cases the subject cases submitted for decision, but have remained undecided within the prescribed period, constitutes manifest inefficiency which cannot be countenanced.

5. **POLITICAL LAW; PUBLIC OFFICERS; COURT EMPLOYEES; CONDUCT AND BEHAVIOR OF EVERY ONE CONNECTED WITH AN OFFICE CHARGED WITH THE DISPENSATION OF JUSTICE SHOULD BE CIRCUMSCRIBED WITH THE HEAVY BURDEN OF RESPONSIBILITY.**— And in *Neeland vs. Villanueva,* this Court set the standard of responsibility of court employees: "Time and again, we have said that the 'conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility. xxx.'"

Supreme Court E-Library

DECISION

SANDOVAL-GUTIERREZ, *J.*:

On September 15 to 17, 1999, the Office of the Court Administrator (OCA) conducted an audit and physical inventory of pending cases in Branches 87 and 98 of the Regional Trial Court of Quezon City. For Branch 87, the audit team reported to the Chief Justice that "Presiding Judge Elsie Ligot-Telan retired on September 6, 1999 with some undecided cases but still within the reglementary period when she retired."

However, in Branch 98 presided by Judge Justo M. Sultan, the audit team found that thirty-five (35) cases submitted for decision "were beyond the prescribed period."

In a Decision promulgated on August 16, 2000, this Court found Judge Justo M. Sultan, retired and last assigned at RTC, Branch 98, Quezon City, administratively liable for failure to decide those 35[1] cases within the prescribed period and to submit the required periodic inventory of cases. He was fined Twenty Thousand (₱20,000.00) Pesos.

However, the administrative liability of Atty. Reynaldo M. Elcano, the branch clerk of court in the same branch, was not passed upon by this Court in its Decision of August 16, 2000.

Earlier or on June 7, 2000, as recommended[2] by then Court Administrator Alfredo Benipayo, this Court directed Atty. Elcano to explain why the 35 cases submitted for decision, but have remained undecided within the reglementary period, were reported only in the Monthly Report of Cases for the months of September and October 1999.

In his explanation dated July 21, 2000, Atty. Elcano stated that it was only when the audit was conducted by the OCA that those cases were found in the chambers of Judge Sultan; and that being

---

[1] Two (2) cases already decided were inadvertently included.

[2] Vide: Memorandum of the OCA to the Chief Justice, dated March 24, 2000.

Supreme Court E-Library

a mere subordinate employee, he has to comply with the judge's wish that those cases be kept in his chambers.

On July 31, 2000, his explanation was referred to the OCA for evaluation, report and recommendation.

In its report dated October 11, 2000, the OCA found Atty. Elcano administratively liable for his failure to satisfactorily explain why the thirty-five (35) cases submitted for decision were included only in the Monthly Report of Cases for the months of September and October 1999. Thus:

"In the first place, the explanation that the subject cases were included in the monthly report only for September and October because it was only during the judicial audit that they were found in the chambers of Judge Sultan, is a lame excuse and is inconsistent with Elcano's earlier statement that only the records of cases with complete stenographic notes – numbering 14[3] – were with Judge Sultan. Following this line of reasoning, the logical conclusion is that the records of the remaining nineteen (19) cases were with Clerk of Court Elcano. There is thus no reason why they should not be included in the monthly report of cases prior to September and October.

In A.M. No. 96-11-402-RTC, *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 27, Naga City,* (278 SCRA 8 [1997]), this Court held that erroneous statistical accomplishment of the monthly report is equivalent to the submission of inaccurate reports and the failure of the Clerk of Court to make proper entries is a ground for disciplinary action against such clerk.

In addition, Atty. Elcano's act of not keeping the records of the cases in his office and allowing said records to be kept in the chambers of the Judge without any written proof, such as a receipt, showing that these were properly taken from the former's custody, violates Section 7, Rule 136 of the Rules of Court, which provides that: '(t)he clerk shall safely keep all records, papers, files, exhibits and public property committed to his charge xxx.'

As the Branch Clerk of Court of RTC, Branch 98, Quezon City, Atty. Elcano must realize that his administrative functions are vital to the

---

[3] 14 instead of 16 because two (2) cases already decided were inadvertently included among the 35 cases reported submitted for decision but remain undecided.

Supreme Court E-Library

prompt and proper administration of justice. Being charged with the efficient recording, filing and management of court records, he plays a key role in the complement of the court. He should have, therefore, ensured that the records of each case in his office are duly accounted for. *His failure to do so makes him administratively liable.*"

The OCA recommended that a fine of five thousand (₱5,000.00) pesos be imposed upon Atty. Elcano.

We are in accord with the OCA's recommendation.

For failure to report, in the Monthly Report of Cases, the cases submitted for decision but remain undecided beyond the reglementary period, Atty. Elcano violated this Court's Circular No. 25-92 addressed to all judges, clerks of court and branch clerks of court, partly quoted as follows:

"All cases submitted for decision but remain undecided at the end of the month, whether they are inherited or current cases, must be duly reported. If there are no cases submitted for decision, you are directed to indicate 'None'."

In *Re: Report on the Judicial Audit Conducted in the Regional Trial Court, Branch 27, Naga City*,[4] this Court held:

"One of the basic responsibilities of a Branch Clerk of Court is the preparation of the official Monthly Report of Cases to be submitted to the Supreme Court. Erroneous statistical accomplishment of the monthly report thus required is equivalent to the submission of inaccurate reports and the failure of the clerk of court to make proper entries *is a ground for disciplinary action against such clerk.*

Even if there are no orders declaring the submission of cases for judgment of the court, *a clerk of court is neither precluded nor excused from accurately accomplishing SC Form No. 01.* We have laid down in Circular No. 25-92 that all cases submitted for decision but which remain undecided at the end of the month must be duly reported. It is only where there are no cases submitted for decision that clerks are allowed to enter 'none'."

Corollarily, the duty of conducting docket inventory of submitted cases is not the sole responsibility of the judge. Pursuant

[4] 278 SCRA 8 [1997].

Supreme Court E-Library

to this Court's Administrative Circular No. 10-94, the branch clerk of court shares with the presiding judge the responsibility of making a physical inventory of cases. He is tasked to post at the end of each month the list of cases submitted for decision at the conspicuous place on the door of the session hall to be available for inspection by representatives of this Court and interested parties. In *Office of the Court Administrator vs. Quiñanola*,[5] this Court ruled:

"Although the responsibility of making a physical inventory of cases primarily rests in the presiding judge, it is shared with the court staff, and a branch clerk of court should take steps to meet the requirements of AC 10-94."

As correctly observed by the OCA, 19 of the subject cases submitted for decision were in possession of Atty. Elcano and that the cases with complete transcript of stenographic notes were inside the judge's chambers. Surprisingly, Atty. Elcano did not report those cases in the Monthly Report of Cases he submitted before the audit. Apparently, he did not conduct docket inventory and monthly posting of list of submitted cases required by Administrative Circular No. 10-94. Had he done so, he should have properly included the subject cases in the Monthly Report of Cases.

As to the records inside the chambers of Judge Sultan which were "unearthed" by the audit team, Atty. Elcano contravened Sections 7 and 14 of Rule 136 of the Revised Rules of Court quoted as follows:

"*SEC. 7. Safekeeping of property.* – The Clerk shall safely keep all records, papers, files, exhibits and public property committed to his charge, including the library of the court, and the seals and furniture belonging to his office."

"*SEC. 14. Taking of record from the clerk's office.* - No record shall be taken from the clerk's office without an order of the court except as otherwise provided by these rules. However, the Solicitor General or any of his assistants, the provincial fiscal or his deputy, and the attorneys *de oficio* shall be permitted, upon proper receipt, to withdraw

[5] A.M. No. MTJ-99-1216, 317 SCRA 37 [1999].

Supreme Court E-Library

from the clerk's office the record of any cases in which they are interested."

In *Re: Report on the Judicial Audit, RTC Brs. 4 and 23, Manila,*[6] this Court held that a branch clerk of court, in not keeping the records of the cases or allowing the records to be kept in the chambers of the Judge without any written proof, such as a receipt, showing that these were properly taken from the former's custody, violates *Section 7 of Rule 136 of the Rules of Court.*

As branch clerk of court, Atty. Elcano's duties include conducting periodic docket inventory and ensuring that the records of each case are accounted for. It is likewise his duty to initiate and cause the search of missing records. It is incumbent upon him to ensure an orderly and efficient record management in the court. His failure to include in the Monthly Report of Cases the subject cases submitted for decision, but have remained undecided within the prescribed period, constitutes manifest inefficiency which cannot be countenanced.

And in *Neeland vs. Villanueva*,[7] this Court set the standard of responsibility of court employees:

"Time and again, we have said that the 'conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the lowest clerk, should be circumscribed with the heavy burden of responsibility. xxx.'"

WHEREFORE, this Court finds Atty. Reynaldo M. Elcano, branch clerk of court, Branch 98, RTC of Quezon City, administratively liable for inefficiency and is FINED in the amount of five thousand (₱5,000.00).

SO ORDERED.

Melo (Chairman), Vitug, Panganiban, and *Gonzaga-Reyes, JJ.*, concur.

---

[6] A.M. No. 97-3-85-RTC, 291 SCRA 10 [1998].

[7] A.M. No. P-99-1316, 317 SCRA 652 [1999]; cf.: *Samonte vs. Gatdula,* 303 SCRA 756 [1999].