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**THIRD DIVISION**

[A.M. No. P-03-1732. September 23, 2003]

(Formerly OCA IPI No. 99-692-P)

**ROSENINA O. UY (Court Stenographer I), BENIE B. PENSERGA (Court Stenographer I), MARILYN C. LONZAGA (Court Stenographer I), SOFRONIO S. MANATAD, JR. (Court Interpreter I), CARMELITA C. ROSALES-GALLA (Clerk II), EDUARDO A. POMENTO (Junior Process Server), and RESTITUTO T. CARDONA (Utility Worker I),** *complainants, vs.* **LOLITA R. EDILO, OIC – Clerk of Court II, 2nd Municipal Circuit Trial Court, Malitbog — Tomas Oppus, Southern Leyte,** *respondent.*

**SYNOPSIS**

Complainants were all court personnel of the 2nd MCTC, Malitbog – Tomas Oppus, Southern Leyte, while respondent is Clerk of Court II and Officer-in-Charge therein. While complainants charged respondent with incompetence and gross misconduct, the Court noted from the records that the complaint was filed because complainants could not accept respondent as their immediate "chief." In the words of investigating Executive Judge Gomez, "she (respondent) has no good personal relations with her staff or co-employees as she is quarrelsome, eccentric, irritable and haughty to the extent of being hated by them." Thus, respondent was found guilty of discourtesy in the course of official duties punishable by reprimand. The Court reminded respondent that anent his administrative role, a clerk of court is expected to foster harmony and cooperation in the workplace.

**SYLLABUS**

**1. POLITICAL LAW; ADMINISTRATIVE LAW; COURT EMPLOYEES; CLERK OF COURT; REQUIRED DECORUM.**

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— As clerk of court, she should be the role model of the court personnel in the observance of the standards of morality and decency, both in her official and personal conduct. We have repeatedly ruled that the behavior of every one connected in the dispensation of justice from the presiding judge to the lowliest clerk *must always be beyond reproach* and circumscribed with heavy burden of responsibility. Failure to observe this rule is to erode the dignity and honor of the courts or to lay open to suspicion the official conduct of their personnel. It bears stressing that the image of a court of justice is mirrored by the conduct, *official and otherwise*, of its personnel who are all bound to adhere to the exacting standards of morality and decency in both their professional and private actuations. These norms, it should be kept in mind, are ever so essential in preserving the good name and integrity of the judiciary.

2. **ID.; ID.; ID.; ID.; DUTY; TO FOSTER HARMONY AND COOPERATION IN THE WORKPLACE; VIOLATED WHERE NO GOOD PERSONAL RELATIONS WITH STAFF PRESENT AND DISCORD AMONG COURT PERSONNEL FOMENTED.** — We also held that as the administrative assistant of the presiding judge, the clerk of court is an important functionary of the judiciary. His administrative functions are vital to prompt and sound administration of justice. He plays a key role in the court. Anent his administrative role, he is expected to foster harmony and cooperation in the workplace. Here, how can respondent perform such role if she has no good personal relations with her staff? Instead, as reported, she fomented discord among the court personnel. Had she been courteous in her dealings with them, they would not have filed this complaint. Her quarrelsome, eccentric, irritable and haughty behavior affects the performance of their duties and harms the integrity of the court.

3. **ID.; ID.; ID.; ID.; DISCOURTESY IN THE COURSE OF OFFICIAL DUTIES; PROPER PENALTY IS REPRIMAND.** — We thus hold that respondent is guilty of discourtesy in the course of official duties. This is a light offense punishable by reprimand, under Section 52(C-1), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service.

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## DECISION

**SANDOVAL-GUTIERREZ, *J.*:**

In a sworn letter-complaint dated May 28, 1999, Rosenina O. Uy, Benie B. Penserga, Marilyn C. Lonzaga, Sofronio S. Manatad, Jr., Carmelita C. Rosales-Galla, Eduardo A. Pomento, and Restituto T. Cardona, all court personnel of the 2nd Municipal Circuit Trial Court (MCTC) of Malitbog – Tomas Oppus, Southern Leyte, charged Lolita R. Edilo, Clerk of Court II and Officer-in-Charge of the same court, with incompetence and gross misconduct. They prayed that she be sanctioned administratively and that her permanent appointment as clerk of court be disapproved. They alleged that she is not qualified, being a mere cash clerk in the office of the Clerk of Court, Regional Trial Court (RTC) of Maasin, Southern Leyte.

Complainants further alleged that respondent is incompetent as she does not personally prepare the monthly and semestral reports and inventory of cases. Instead, she delegates such duties to her co-employees. She has been collecting court fees without issuing official receipts. Usually she leaves the office on the pretext of transacting official business at the Land Bank Branch at Maasin, yet her passbook shows otherwise. She falsely reflected in the docket that Criminal Case No. R-1251-M (*People vs. Virgilio Orquiz, Jr.*) was dismissed, when in fact, it was archived as the accused is at large. She is withholding the cash bond of the accused in Criminal Case No. R-1268-M (*People vs. Demeterio and Gonzales*) despite the court's order for its release.

Marilyn C. Lonzaga, one of the complainants, filed a supplemental affidavit-complaint[1] dated September 23, 1999 charging respondent, among others, with conduct prejudicial to the best interest of the service and oppression/harassment. Complainant claimed that since the filing of the initial complaint, respondent has repeatedly harassed and oppressed her by refusing

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[1] *Rollo* at 32.

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to receive her stenographic notes. If ever respondent accepted the same, she would belatedly acknowledge receipt thereof. Meantime, the notes were left on her table, exposed to loss, tampering or destruction.

On August 31, 2000, the original complainants (except Sofronio S. Manatad, Jr.) filed a supplemental letter-complaint[2] alleging that one Wilfredo A. Geromo executed an affidavit[3] stating that respondent demanded from him ₱80.00 as payment for the authentication of documents needed relative to his application for employment in the RTC; that when he explained that Judge Cunanan did not ask payment for a previous authentication, respondent changed the amount demanded to only ₱40.00 which he paid; and that respondent indicated in the receipt that the amount paid was only ₱20.00.

In addition, complainants alleged that for serving summons personally, which she is not authorized to do, respondent, in June 2000, received ₱3,560.00 and ₱3,106.00 from the manager of the Rural Bank of Malitbog; and that respondent directed Eduardo Pomento, process server, to confine his service of summons within Malitbog only as she would be the one who will serve summons in other areas.

In her answer[4] dated November 6, 1999, respondent vehemently denied the charges. She claimed that she is being charged of incompetence because complainants dislike her as their immediate superior. On the allegation that she merely delegated her duties, she explained that such action is an exercise of her supervisory authority over the court employees in order to achieve "a proper division of labor." According to her, since her assumption as a permanent clerk of court on October 1, 1998, her performance has been above par.

Respondent further explained that what she issued to those paying various court fees were temporary receipts because

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[2] *Id.* at 80.

[3] *Id.* at 140-B.

[4] *Id.* at 44.

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the official receipts from the Property Division of the Office of the Court Administrator had not yet been delivered at that time. She also explained that whenever she left the office, it was with the permission of the Presiding Judge.

In recording in the court docket that Criminal Case No. R-1251-M was dismissed (instead of "archived"), she committed an honest mistake.

She did not withhold the release of the cash bond of the accused in Criminal Case No. R-1268-M. What happened was that despite her request, the two accused did not go to her office to comply with the requirements. At any rate, it was subsequently released.

It is likewise not true that she refused to receive the stenographic notes taken by Marilyn Lonzaga. On the contrary, she received them immediately.

Finally, respondent claimed that the present complaint was orchestrated at the instance of Rosenina Uy, the previous officer-in-charge and an applicant for the position of clerk of court.

Incidentally, the charge that respondent demanded from one Wilfredo A. Geromo an unreasonable sum of money is the subject matter of OCA IPI No. 99-771 (*Geromo vs. Edilo*) for grave misconduct and/or unauthorized collection of money. To date, no report and recommendation has been submitted to the Court by the Court Administrator.

Pursuant to our Resolution dated September 5, 2001, Deputy Court Administrator Zenaida N. Elepaño referred the instant complaint to Executive Judge Romeo M. Gomez of Maasin RTC for investigation, report and recommendation.

On November 25, 2002, Executive Judge Gomez submitted his Report[5] which partly reads:

"As regards the ₱6,000.00 paid by the manager of the Rural Bank of Malitbog, she said it covered the filing fees, summons fees, IBP

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[5] *Id.* at 170.

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fees, BCF, LRF fees and also the process server's fees for all the 25 civil cases filed by the bank. But all, except the process server's fees are evidenced by official receipts.

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"So after a painstaking analysis and meticulous evaluation of the evidence of both parties, the Court finds the alleged incompetence of respondent in the making of reports are nothing more than tolerable simple mistakes in the making thereof which are usually encountered by neophytes in office. Her alleged docketing of a criminal case as dismissed when it was only sent to the archives, is only a simple error in the making of entry and no substantial damages is done so do with the mistakes in the issuance of summons which are only simple errors. Her non-issuance of official receipts were satisfactorily explained that there were no official receipts then, so she just listed the payors as reminder for the issuance of official receipts later; that when the official receipts arrived they were then issued.

"The delay in the release of the bail bond was also satisfactorily explained as well as her alleged continuous absences from office.

"What was carefully noted though by undersigned during the investigation is that respondent has no good personal relations with her staff or co-employees as she is quarrelsome, eccentric, irritable and haughty to the extent of being hated by them.

"WHEREFORE, premises considered it is highly recommended that the complaint be dismissed, but respondent be admonished to improve her personal relations and rapport with her staff or co-employees."

On March 21, 2003, Court Administrator Presbitero J. Velasco, Jr. submitted his Evaluation Report, adopting the findings of Executive Judge Gomez and recommending the dismissal of the complaint, thus:

"After a careful evaluation of the records of this case, we find no good reason to depart from the conclusion reached by the investigating judge that the instant complaint against respondent ought to be dismissed. The finding that respondent does not have good personal relations with her staff or co-employees as she is quarrelsome, eccentric, irritable and haughty to the extent of being hated by them is noteworthy. Undoubtedly a quarrelsome, eccentric, irritable and haughty attitude in the workplace is a trait that leaves

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much to be desired in a civil servant and employee of the judiciary. As a superior officer, exercising some administrative supervision over her co-employees, respondent should bear in mind that any improper behavior particularly during office hours exhibits not only a paucity of professionalism at the workplace but also a great disrespect to the Court itself (*Balisi-Umali vs. Peñalosa*, 318 SCRA 406).

"In view of the foregoing, we respectfully submit for the consideration to the Honorable Court our recommendation that the complaint against respondent be DISMISSED with a REMINDER to be more circumspect in the performance of her duties. Further, it is recommended that respondent be ADVISED to re-examine and change her attitude and conduct towards her co-workers so as to foster camaraderie and cooperation among them. After all, it is an accepted norm that the competent and expeditious dispensation of justice can be best attained when all court employees work together harmoniously."

Apparent from the records is the fact that the instant complaint was filed by the above-named complainants as they could not accept respondent as their immediate "chief." They believe they have valid reasons. Respondent is an outsider. And, in the words of Executive Judge Gomez, she "has no good personal relations with her staff or co-employees as she is quarrelsome, eccentric, irritable and haughty to the extent of being hated by them."

We are not inclined to dismiss the complaint as recommended.

As clerk of court, she should be the role model of the court personnel in the observance of the standards of morality and decency, both in her official and personal conduct. We have repeatedly ruled that the behavior of every one connected in the dispensation of justice from the presiding judge to the lowliest clerk *must always be beyond reproach* and circumscribed with heavy burden of responsibility.[6] Failure to observe this rule is to erode the dignity and honor of the courts or to lay

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[6] *Dino vs. Dumukmat*, A.M. No. P-00-1380, June 29, 2001, 360 SCRA 317, citing *Musni vs. Morales*, A.M. No. P-99-1340, September 23, 1999, 315 SCRA 85; *Office of the Court Administrator vs. Galo*, A.M. No. P-93-989, September 21, 1999, 314 SCRA 705.

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open to suspicion the official conduct of their personnel.[7] It bears stressing that the image of a court of justice is mirrored by the conduct, *official and otherwise*, of its personnel who are all bound to adhere to the exacting standards of morality and decency in both their professional and private actuations. These norms, it should be kept in mind, are ever so essential in preserving the good name and integrity of the judiciary.[8]

We also held that as the administrative assistant of the presiding judge, the clerk of court is an important functionary of the judiciary. His administrative functions are vital to prompt and sound administration of justice. He plays a key role in the court.[9] Anent his administrative role, he is expected to foster harmony and cooperation in the workplace.

Here, how can respondent perform such role if she has no good personal relations with her staff? Instead, as reported, she fomented discord among the court personnel. Had she been courteous in her dealings with them, they would not have filed this complaint. Her quarrelsome, eccentric, irritable and haughty behavior affects the performance of their duties and harms the integrity of the court.

We thus hold that respondent is guilty of discourtesy in the course of official duties. This is a light offense punishable by reprimand, under Section 52(C-1), Rule IV of the Revised Uniform Rules on Administrative Cases in the Civil Service.

**WHEREFORE**, respondent Lolita R. Edilo is hereby found guilty of discourtesy in the course of official duties and is *REPRIMANDED* and *WARNED* that a repetition of a similar offense will be dealt with more severely.

**SO ORDERED.**

*Puno (Chairman), Panganiban, Corona,* and *Carpio Morales, JJ.*, concur.

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[7] *Id.*

[8] *Lauro vs. Lauro*, A.M. No. P-91-642, June 6, 2001, 358 SCRA 405, citing *Bucatcat vs. Bucatcat*, A.M. No. P-93-985, January 28, 2000, 323 SCRA 578.

[9] *Escañan vs. Monterola II*, A.M. No. P-09-1347, February 6, 2001, 351 SCRA 228.