

**[ ADMINISTRATIVE ORDER NO. 76, July 24, 1967 ]**

**ADMONISHING AND WARNING MR. PEDRO ALDEA, CLERK OF COURT OF THE COURT OF FIRST INSTANCE, BATAAN PROVINCE**

This administrative case was instituted against Clerk of Court Pedro Aldea, Deputy Clerk Eulogio C. Mina, Clerk Ramon S. Angeles, Docket Clerk Cenon L. Rodriguez, Messenger Clerk Alfredo T. Manalo and Janitor Aquino Roque, all of the Court of First Instance of Bataan, for negligence. The case arose from the loss of the records of Criminal Cases Nos. 5174 and 5175 before the Court of First Instance of Bataan, both against Clemenco Abella and others, for kidnapping, in which they were found guilty. After appeal was perfected by the accused and when the records of the cases were about to be forwarded to the Court of Appeals, the same were found missing.

The Presiding Judge of the Court of First Instance of Bataan referred the case for investigation to the Philippine Constabulary contingent stationed in Balanga, Bataan, and after due investigation, it was recommended that Ramon Angeles be held responsible for the loss of the records in question and that respondent Aldea be likewise held administratively responsible for the loss of the same.

The District Judge recommended that Angeles be asked to resign immediately with prejudice to reappointment in the judicial branch of the government and that respondent Aldea be reprimanded and warned to be more careful in the discharge of his duties. This order, however, shall be limited only insofar as Pedro Aldea is concerned, he being a presidential appointee.

The investigation conducted by the Philippine Constabulary disclosed that, with his consent, Ramon Angeles was subjected to a polygraph test and was found "positive, i.e., he had knowledge of the missing court records." There is also evidence that Angeles was interested in knowing the nature of the decision in the abovementioned criminal cases before its promulgation and that he was fraternizing with the accused therein. Further, it was established that he was the person to whom respondent delegated the duty of taking care of records and that respondent failed to conduct an investigation immediately after the loss of the records of Criminal Cases Nos. 5174 and 5175 was discovered.

Under Section 7, Rule 125 of the old Rule of Court, now Section 7, Rule 136, the clerk of court "shall safely keep all records, papers, files, exhibits and public property committed to his charge. . . "

Therefore, although, respondent in the discharge of his function had to delegate to his subordinates, such as Angeles, some of his duties, he still remains, by law, to be the person primarily responsible for court records; and because of his failure to take action immediately after the loss was discovered and also his failure to cooperate fully with the Philippine Constabulary during the investigation, he cannot escape