

## **THIRD DIVISION**

**[ A. M No. P-01-1506 (Formerly OCA I.P.I No. 00-796-P), September 10, 2001 ]**

**GEORGE S. BICBIC, COMPLAINANT, VS. DHALIA E. BORROMELO,  
CLERK OF COURT II, RESPONDENT.**

### **R E S O L U T I O N**

**MELO, J.:**

At bar is an administrative complaint dated January 10, 2000 filed by George S. Bicbic charging Dahlia E. Borromeo, Clerk of Court II of the Municipal Trial Court of Biñan, Laguna, with dereliction of duty and incompetence, relative to Criminal Case No. 18829 entitled "People of the Philippines vs. Ligaya Villa Hermosa" for Robbery.

The present controversy stemmed from a criminal case filed on April 23, 1998 and an amended complaint filed on March 1, 1999, by complainant against Ligaya Villa Hermosa, et al. In the criminal case, complainant alleged that Ligaya Villa Hermosa, along with her cohorts, unlawfully and forcibly took possession of the rented house of complainant and carted away cash amounting to P15,000.00, important documents, and personal belongings such as documented chemical formulas and procedure in chemical preparations, to the damage and prejudice of complainant in the amount of P250,000.00.

On January 10, 2000, complainant filed an administrative complaint asserting that he had continually followed up the status of the case with respondent, who on July 5, 1999 allegedly informed him that the case was already submitted for resolution, but that after 3 months no action had been taken, thus prompting complainant to file a Motion for Early Resolution of the criminal case on October 14, 1999.

Complainant further claimed that when he followed "up the case on December 28, 1999, respondent gave him a copy of the order dated March 1, 1999, issued and duly signed by Judge Zenaida L. Galvez, finding reasonable ground to believe that accused Ligaya Villa Hermosa maybe convicted of the crime complained of, that she may place her under custody through a warrant of arrest, and ordering that the entire records of the case be forwarded to the provincial prosecutor of Biñan, Laguna for proper disposition. When complainant asked for a copy of the warrant of arrest, respondent was not able to give it to him as it was allegedly with another court employee. Complainant was furnished a copy of said warrant of arrest dated March 1, 1999 only on January 4, 2000 or 10 months after it was issued. Moreover, the order to transfer the record of the case to the provincial prosecutor of Biñan, Laguna given on March 1, 1999, had still to be complied with at the time the instant administrative complaint was filed.

In her comment dated April 4, 2000, respondent averred that when complainant followed up the resolution of the case sometime in December, 1999, an order was

made on the same day issuing the warrant of arrest, but was dated March 1, 1999, a fact which was allegedly overlooked by the court in an effort to please the complainant. Respondent also contended that she was not able to transmit the warrant of arrest to the Biñan police on March 1, 1999 since the order for the issuance of the arrest warrant was made only after the complainant filed his Motion for Early Resolution of the case on October 14, 1999. Respondent reasoned out that the court stenographer, through inadvertence, placed March 1, 1999 on the said warrant rather than the correct date. Lastly, respondent maintained that she did not transfer the record of the case to the provincial fiscal immediately after March 1, 1999, in compliance with the order given by Judge Galvez, since the case had not yet been resolved at that time. The provincial prosecutor of Laguna received the records of the case on February 2, 2000.

In a letter-reply dated May 8, 2000 to the protestations of respondent, complainant reiterated in substance his allegations in the administrative complaint. Complainant further asserted that respondent continually shifted the blame as to the cause of the delay from the judge to the court stenographer. Complainant also argued that had there really been typographical errors in the documents, respondent should have simply corrected the same. Finally, complainant pointed out that respondent's transmittal letter dated February 2, 2000 addressed to the provincial prosecutor of Laguna contradicts respondent protestations that the criminal complaint was resolved on March 1, 1999.

Both complainant and respondent were required by the Court on August 30, 2000 to manifest whether they were willing to submit the case for resolution on the basis of the pleadings filed. Complainant did manifest that he was so willing, while respondent, despite proper service of the notice, failed to respond. Respondent was, therefore, deemed to be likewise willing to submit the case for resolution without further pleadings and arguments.

In the previous report and recommendation dated July 14, 2000, submitted by then Court Administrator Alfredo L. Benipayo, it was pertinently observed that respondent is guilty of inefficiency and incompetence in the performance of official duties.

We agree with the findings and recommendation of the Office of the Court Administrator.

No less than the Constitution of the Philippines mandates that a public office is a public trust and that public officers must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency, act with patriotism and justice, and lead modest lives (Article XI, Section 1, Constitution). Indeed, the image of a court of justice is necessarily mirrored in the conduct, official or otherwise, of the men and women who work thereat from the judge to the last and lowest of its employees (*Atty. Josephine Mutia-Hagad vs. Ignacia Denila and Jaime Dayot* [A.M. No. P-00-1430, October 3, 2000]). Thus, this Court has consistently held that:

Owing to the delicate position occupied by the Clerk of Court in the judicial system, they 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