

EN BANC

[A.M. No. P-96-1203, February 06, 1997]

**JUDGE ERNESTO A. REYES, COMPLAINANT, VS. NORBERTO R.
ANOSA, RESPONDENT.
D E C I S I O N**

PER CURIAM:

In a letter dated February 21, 1996, Judge Ernesto A. Reyes[*] (Branch 19, Metropolitan Trial Court of Manila), recommended the dismissal from the service of respondent Norberto R. Anosa, Utility Worker assigned in his court, for grave misconduct, dereliction of duty and conduct unbecoming a public officer. On April 23, 1996, we treated the letter as an administrative complaint and referred it to Executive Judge Thelma C. Ponferrada (Metropolitan Trial Court, Manila) for investigation. On September 5, 1996, Judge Ponferrada submitted her Investigation Report, which was concurred in by Acting Court Administrator Reynaldo Suarez, recommending the dismissal of respondent Anosa.

We uphold the recommendation.

It appears that on February 7, 1996, Judge Reyes received a copy of an Information^[1] charging the respondent with the crime of falsification of public document in that the latter delivered a falsified release order of a certain Gregorio Sanchez who was under detention at the National Bilibid Prisons (NBP) for the offense of Illegal Possession of Firearm and Ammunition. It was not his duty to deliver release orders coming from Branch 32 of the Regional Trial Court presided by Judge Juan C. Nabong, Jr. Prior to this, Ms. Rosario de Guzman, the Branch Clerk of Court of Branch 2, Metropolitan Trial Court of Manila found bundles of mail (Exhibits E, E-1 to E-7) belonging to Branch 19 (complainant Judge's sala) on top of the cabinet inside the staff room of Branch 2. When the bundles of mail were returned to Mr. Conrado Evangelista, the Clerk of Court of Branch 19, Judge Reyes discovered that the envelopes contained notices and subpoenas to parties and counsels for hearings scheduled way back in 1993, 1994 and 1995. Upon confrontation, the respondent admitted that he forgot to deliver the mail matters but he did not receive any warning or admonition for failure to do his job.^[2]

Judge Reyes also observed that there were times when respondent would report late for work and leave before the official time.^[3] The records show that from February 1 to 13, 1995 and from February 22 to March 5, 1996, except on March 1, 1996 respondent failed to report for work. Since then, until the date when Judge Ponferrada conducted her investigation, respondent had been absent from the office.^[4]

On February 9, 1996, Judge Reyes issued a Memorandum requiring respondent to explain in writing why he should not be dismissed from service.^[5]

In response to the Memorandum, respondent made the following explanation, viz:

"Ito po ay patungkol sa memorandum na natanggap ko noong Martes.

"Inaamin ko po ang naging kapabayaan ko sa hindi pagkahulog sa post office ng mga notices. Ito po ay buong awa kong inihihingi ng tawad sa inyong mabuting kalooban.

"Nangyayari po lamang madalas akong mahuli sa umaga ay sa dahilang naghahatid pa po ako sa eskwelahan sa anak kong Grade III. Hindi po ako umaalis ng opisina sa oras ng trabaho. Kadalasan po ay nasa ibaba lamang ako. Paminsan-minsan naman po ay may mga taong nagpapatulong sa akin mag-ayos ng kanilang mga papeles. Sila po ay aking tinutulungan ng lubos sa aking kalooban at hindi po ako humihingi ng kabayaran o anumang kapalit. Kung sa aking pagtulong sa kanila ay inaabutan ako ng kaunting halaga ito po ay kusang-loob sa kanila. Pangdagdag na rin po ito sa mga araw-araw na gastusin ng aking pamilya na hindi makakaya kung tanging sahod ko lamang ang aking aasahan.

"Tungkol naman sa demanda sa akin ay maipagmamalaki ko pong sabihin na ako'y INOSENTE sa bagay na ito. Bilang isang empleyado ng korte ay napakiusapan po akong maghatid ng release order. Nang mapasakamay ko po ang nasabing release order ay may pirma na ito ng judge. Kung ang pirma pong iyon ay totoo o peke ay hindi ko na po alam.

"Judge, nagmamakaawa po ako sa inyo na sana ay bigyan pa ninyo ako ng pagkakataon na maglingkod sa inyo at sa taumbayan at aking ipinangangako na gagampanan ko na po ang aking tungkulin bilang isang empleyado ng gobyerno. Hindi na rin po ako tutulong sa mga taong hindi ko lubos na kilala para hindi na ako mapahamak. Kung ako po ay matatanggal sa kasalukuyan kong trabaho, ang isang taong katulad ko ay kawawa po naman ang mga anak ko na sa akin lamang umaasa.

"Sana po ay maunawaan ninyo ang aking kalagayan."^[6]

Respondent's explanation is far from satisfactory. His failure to deliver the notices of hearing and subpoenas to litigants and witnesses amounts to an utter disregard of the duty as a court employee. As a Utility Worker, respondent has the following duties:

"9. Court Aide/Utility Worker. — The Court Aide/Utility Worker (whenever provided for) acts as courier of the Court, keeps in custody and maintains a record book on matters dispatched by the Court; monitors messages and/or delivers mail matters received to Court employees; sews originals of records, pleadings/documents as directed by the Clerk of Court, docket clerk and clerks-in-charge in the strict order of the dates in which received and in the correct expediente, seeing to it that they are sewn straight, and that no letterings or parts thereof are stitched; maintains cleanliness in and around the Court premises; and performs such other functions as may be assigned by the Presiding Judge/Clerk of court."^[7] (Underscoring provided.)