

EN BANC

[A.M. No. P-18-3859 (Formerly A.M. No. 15-12-135 MCTC), June 04, 2019]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, V. LOU D. LARANJO, CLERK OF COURT II, MUNICIPAL CIRCUIT TRIAL COURT, LUGAIT-MANTICAO-NAAWAN, MISAMIS ORIENTAL, RESPONDENT.

DECISION

PER CURIAM:

Before the Court is an administrative matter against Clerk of Court II Lou D. Laranjo (Laranjo) of the Municipal Circuit Trial Court of Lugait-Manticao-Naawan, Misamis Oriental (MCTC), which stemmed from a Resolution^[1] dated April 11, 2018 of the Court, referring the Report^[2] February 9, 2018 of Executive Judge Marissa P. Estabaya (Executive Judge Estabaya) of the Regional Trial Court of Initao, Misamis Oriental, Branch 44 (RTC) to the Office of the Court Administrator (OCA) for evaluation, report, and recommendation.

The Facts

In a Letter^[3] dated September 29, 2015, MCTC Presiding Judge Renato T. Arroyo (Presiding Judge Arroyo) informed the OCA that Laranjo surreptitiously took away^[4] the computer set used by MCTC Court Stenographer I Neza L. Malinao (Malinao) and returned it to the Municipality of Naawan, Misamis Oriental, which earlier donated it to the court.^[5] The computer files of Malinao allegedly contained sensitive information, such as the identities and testimonies of confidential agents and informants in search warrant applications in illegal drug cases. It was averred that Laranjo's act was arbitrary and unauthorized as the computer set was taken during nighttime and on a weekend.^[6]

In his comment^[7] dated March 1, 2016, Laranjo denied the accusations and claimed that the computer set was under his sole responsibility as the MCTC Clerk of Court.^[8] He added that before returning it to its donor, he instructed Malinao to transfer all her files to another computer unit inside Presiding Judge Arroyo's chambers, and that he returned the computer set after consultation with Executive Judge Estabaya.^[9]

In a Resolution^[10] dated July 12, 2017, the Court, upon recommendation of the OCA, referred the administrative matter to Executive Judge Estabaya for investigation, report, and recommendation.^[11]

Accordingly, in a Report^[12] dated February 9, 2018, Executive Judge Estabaya recommended that Laranjo be dismissed from service,^[13] observing that Laranjo's

act of taking the computer set without any authority and in blatant disregard of the instructions of his superior, Presiding Judge Arroyo, constituted Grave Misconduct.^[14] In this regard, she pointed out that while the clerk of court functions as the custodian of the properties of the court, Laranjo is still under the direct supervision of the Presiding Judge. Also, she noted Laranjo's suspicious taking out of the computer set on a weekend, when no one was in the office. Further, Executive Judge Estabaya remarked that Laranjo's reputation remains questionable, considering that he and his wife were charged with violation of Illegal Possession of Dangerous Drugs, and that he, in fact, had been detained at the Bureau of Jail Management and Penology, Initao District Jail since September 26, 2017.^[15]

Moreover, Executive Judge Estabaya disclaimed Laranjo's assertion that he consulted with her regarding the return of the computer set. According to Executive Judge Estabaya, Laranjo never conferred with her nor attended any court-sanctioned meetings and important activities;^[16] hence, he committed dishonesty by lying in his comment^[17] which was made under oath.

The OCA's Report and Recommendation

In a Memorandum^[18] dated June 28, 2018, the OCA recommended that: (a) this case be re-docketed as a regular administrative matter; and (b) Laranjo be found guilty of Grave Misconduct and Serious Dishonesty, and accordingly, be dismissed from service with cancellation of eligibility perpetual disqualification from holding public office, and forfeiture of retirement benefits, except accrued leave credits.^[19]

The OCA found substantial evidence to hold Laranjo guilty of Grave Misconduct for returning the court's property to its donor without the authority of his superior in violation of his avowed duty to always act with propriety and proper decorum.^[20] He was also found guilty of Serious Dishonesty in view of his untruthful statements in his sworn comment that he consulted with Executive Judge Estabaya before taking out the computer set from the court.^[21] Notably, the OCA observed that the circumstanced cast doubt on Laranjo's real intention in taking out the computer set, considering his arrest for involvement in illegal drug activities, and that the computer set taken contained sensitive and confidential information related to search warrant applications in drug cases.^[22]

The Issue Before the Court

The issue for the Court's resolution is whether or not Laranjo should be held administratively liable for Grave Misconduct and Serious Dishonesty.

The Court's Ruling

The Court concurs with the OCA's findings and recommendation.

Time and again, the Court has emphasized that clerks of court perform a delicate function as designated custodians of the court's funds and revenues, records, properties, and premises.^[23] It is the clerks of court's obligation to faithfully perform their duties and responsibilities as such to the end that there is full compliance with their function of being the custodian. Their failure to do so makes them liable for any loss, shortage, destruction or impairment of such funds and

property.^[24] Thus, "[t]he nature of the work and of the office mandates that the [c]lerk of [c]ourt be an individual of competence, honesty and integrity."^[25]

In this case, the Court finds that Laranjo miserably failed to live up to these stringent standards, as it has been established that Laranjo surreptitiously took the computer set assigned to Malinao and returned the same to its alleged donor although the same was still serviceable,^[26] and worse, without the authority of his superior, Presiding Judge Arroyo. As the OCA correctly observed, "[w]hile it is correct that he is the custodian of the court's properties and supplies, he must be reminded that he is still under the direct supervision of the Presiding Judge."^[27] [Thus] [it] is beyond cavil that his act of returning the court's property to its donor was unauthorized and even contrary to the express instructions of [Presiding] Judge Arroyo."^[28]

Notably, aside from the lack of authorization, the records are bereft of any credible justification on Laranjo's part as to why he pursued such course of action. In addition, the surrounding circumstances relative to such taking render suspect Laranjo's acts. As pointed out by the OCA:

Apart from the fact that the act of [Laranjo] was arbitrary and unauthorized, **it is noteworthy that the taking of the subject computer set was done under suspicious circumstances, i.e., it was effected during nighttime and on a weekend.** As manifested by Judge Arroyo in his letter dated 29 September 2015, the computer contained sensitive and confidential information, particularly those relating to search warrant applications in drug cases, which they "*do not wish to be accessed by the Clerk of Court for reasons (they) can [divulge] only in camera or during a formal investigation.*" Remarkably, [Laranjo] has been embroiled in illegal drug activities, for which he was eventually arrested in a buy-bust operation for illegal possession of 36.7629 grams of suspected *methamphetamine hydrochloride* on 21 September 2017. **These circumstances created doubt on the real intention of [Laranjo] in taking the subject IT equipment out of the court. One cannot help but entertain the idea that he took the computer [set] to gain access to the confidential matters contained therein.**

Such circumstances evince [Laranjo's] proclivity to abuse his authority or, worse, to betray the public function entrusted to him as a court employee for his personal advantage and aggrandizement. His actions did not only violate his avowed duty to always act with propriety and proper decorum, but also absolutely demonstrated grave misconduct.^[29] (Emphases and underscoring supplied)

In light of the foregoing, the Court sustains the OCA's finding that Laranjo is administratively liable for Grave Misconduct. Based on case law, "[m]isconduct is a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behavior, willful in character, improper or wrong behavior. Any transgression or deviation from the established norm of conduct, work-related or not, amounts to misconduct. The misconduct is grave if it involves any of the additional elements of corruption, willful intent to violate the law, or to disregard established rules,"^[30] as in this case.