

FIRST DIVISION

[A.M. No. P-06-2264 (Formerly OCA I.P.I Nos. 05-2136-P and 05-2137-P), September 29, 2009]

ATTY. LELU P. CONTRERAS, COMPLAINANT, VS. TERESITA O. MONGE, CLERK IV, REGIONAL TRIAL COURT-OFFICE OF THE CLERK OF COURT, IRIGA CITY, RESPONDENT.

R E S O L U T I O N

CORONA, J.:

This administrative case originated from two complaints filed by Atty. Lelu P. Contreras^[1] against respondent Teresita Monge of the office of the clerk of court of the Regional Trial Court (RTC) of Iriga City.

The first complaint^[2] charged respondent with neglect of duty and discourtesy.^[3] Allegedly, respondent did not keep an orderly and updated file of water bills and failed to inform complainant of the notice of water disconnection. She likewise did not include two cases for raffle. Moreover, respondent allegedly did not submit a report on office attendance in the flag raising and retreat ceremony.

The second complaint^[4] charged respondent with insubordination and grave misconduct. She allegedly tampered with her bundy card, failed to log in and out in the attendance logbook, went absent without official leave and, on various occasions, left the office without authority after recording her attendance for the day, thus making it appear that she was present for work.^[5]

In an indorsement by the Office of the Court Administrator (OCA) dated March 8, 2005,^[6] respondent was ordered to file her comment. In a letter dated April 6, 2005^[7] to the OCA, respondent prayed for the dismissal of the complaints in view of the pendency of A.M. No. P-05-2040.^[8] In a manifestation attached thereto, respondent did not refute the charges against her. Instead, she underscored the existence of ill feelings between her and complainant and proceeded to enumerate incidents of hostility between them.^[9]

In a memorandum dated July 7, 2005,^[10] the OCA found that the allegations in both complaints, specially the allegations of dishonesty and falsification, required a full-blown inquiry. The OCA thus recommended that the complaints be referred to the Executive Judge of the RTC, Iriga City, Judge Josue F. Ernacio, for investigation, report and recommendation.^[11] However, the Vice-Executive Judge of the RTC of Iriga City, Judge Milagros G. Quijano, took over because Judge Ernacio went on leave.^[12]

In a report dated March 30, 2006,^[13] Judge Quijano established that the filing of

A.M. No. P-05-2040 resulted in a long-standing grudge between both parties. Furthermore, respondent's shortcomings were mere inadvertent omissions which she stubbornly did not acknowledge. Instead, she passed the blame to others to evade responsibility. Complainant was partly to blame for respondent's behavior because she was not circumspect in performing her duties as clerk of court.

Judge Quijano concluded that respondent was guilty of neglect of duty under the first complaint. With respect to the other complaint, respondent was guilty only of failing to log in and out of the attendance logbook, constituting a violation of office rules and regulations. The charge against respondent of going on absence without official leave was not substantiated. Judge Quijano recommended a 15-day suspension for respondent and admonition for complainant.

Judge Quijano likewise noted that complainant was recently appointed as RTC Judge of Catanduanes.^[14]

In a memorandum dated September 15, 2006, the OCA agreed with the findings of Judge Quijano. The OCA recommended that respondent be held guilty of neglect of duty in the first complaint and accordingly be suspended for one month and one day without pay. In the second complaint, the OCA recommended that respondent be found guilty of violation of reasonable office rules and regulations and accordingly reprimanded.^[15]

We agree with the findings of fact but disagree with the OCA as to the recommended penalty.

Simple neglect of duty is the failure of an employee to give attention to a task expected of him and signifies a disregard of a duty resulting from carelessness or indifference.^[16] It has been consistently held that mere delay in the performance of one's function is considered as simple neglect of duty.^[17] It is a less grave offense punishable by suspension without pay for one month and one day to six months.^[18]

The judicial machinery can only function if every employee performs his task with the highest degree of professionalism. Court personnel are obligated to perform their duties properly and with diligence.^[19] Any task given to an employee of the judiciary, however menial it may be, must be done in the most prompt and diligent way. Respondent's tasks of filing utility bills and notices, submission of reports on attendance by court personnel in the flag raising and retreat ceremony, preparation of the list of cases for raffle, participation in the actual raffle of cases and submission of the minutes of the raffle are no exception. In *Pilipiña v. Roxas*,^[20] we held:

The Court cannot countenance neglect of duty for even simple neglect of duty lessens the people's confidence in the judiciary and ultimately in the administration of justice. By the very nature of their duties and responsibilities, public servants must faithfully adhere to, hold sacred and render inviolate the constitutional principle that a public office is a public trust; that all public officers and employees must at all times be accountable to the people, serve them with utmost responsibility, integrity, loyalty and efficiency

Above all, employees of the judiciary must be reminded that they are public servants who must, at all times, be accountable to the public for all their actions. We have repeatedly held that any conduct, act or omission that violates the norm of public accountability or that diminishes or tends to diminish the faith of the people in the judiciary will not be tolerated, condoned or countenanced.^[21] It is reprehensible that respondent always passed the buck to others when clearly her omissions were due to her own negligence.

Respondent was previously reprimanded in A.M. No. P-05-2040. Her act of not logging in and out of the attendance logbook was, without doubt, her second violation of civil service rules. A light offense such as a violation of reasonable office rules and regulations, if violated for the second time, is punishable by suspension for one to 30 days.^[22]

In view of the fact that respondent was found guilty of violating two civil service rules namely, simple neglect of duty (first offense) and violation of reasonable office rules and regulations (second offense), the penalty for the most serious offense must be imposed. This is expressly required in Section 55 of the Uniform Rules on Administrative Cases in the Civil Service:

Section 55. *Penalty for the Most Serious Offense.* If the respondent is found guilty of two or more charges or counts, the penalty to be imposed should be that corresponding to the most serious charge or count and the rest shall be considered as aggravating circumstances.

Moreover, respondent had been previously warned that a repetition of the same or similar act would be dealt with more severely. Hence, respondent should be suspended for six months.

Petty feuds have no place in the judiciary, specially if they involve the personal lives of court personnel. They should not be tolerated if they result in unpleasant working conditions and adversely affect the delivery of justice.

WHEREFORE, respondent Teresita O. Monge is hereby found **GUILTY** of simple neglect of duty and violation of simple office rules and regulations. She is **SUSPENDED** from office for six months effective immediately upon her receipt of this resolution. She is **STERNLY WARNED** once again that a repetition of the same or similar offense shall be dealt with even more severely.

Let a copy of this resolution be attached to the personal records of respondent in the Office of Administrative Services, Office of the Court Administrator.

SO ORDERED.

Puno, C.J., (Chairperson), Chico-Nazario, Leonardo-De Castro, and Bersamin, JJ., concur.
