

FIRST DIVISION

[A.M. No. P-06-2142 (Formerly OCA I.P.I. No. 05-2294-P), April 16, 2008]

**BRANCH CLERK OF COURT MARIZEN B. GRUTAS, Complainant,
vs. REYNALDO B. MADOLARIA, Respondent.**

D E C I S I O N

AZCUNA, J.:

This case arose from a complaint-affidavit dated September 26, 2005^[1] filed by Branch Clerk of Court, Atty. Marizen Grutas (complainant), charging Deputy Sheriff Reynaldo B. Madolaria (respondent) of the Regional Trial Court (RTC), Branch 217, Quezon City with gross incompetence, insubordination and conduct prejudicial to the best interest of the service.

Complainant alleged that on several occasions, respondent had been remiss in his duties as deputy sheriff. He was always out of office and had the predilection to loaf during office hours resulting in the delay and resetting of court hearings. Further, respondent's conduct seriously affected the schedule of hearings which impaired the RTC's function of administering speedy justice to the party-litigants. Several memoranda were issued to respondent requiring him to explain his failure to submit on time the return of the notices and processes in the case pending before the court. Complainant reports that respondent merely disregarded the said directives. Complainant further avers that respondent remained adamant despite the following memoranda/orders issued to him, to wit:

- 1) Memorandum dated 23 June 2004
Subject: Procedure Re: Time-Ins and Time-Out Unauthorized Out of Court Processes and Transactions and Turn-over of Return.^[2]
- 2) Memorandum dated 3 August 2004
Subject: Loafing During Office Hours, Disrespectful Attitude, Inefficiency.^[3]
- 3) Memorandum dated 23 September 2004
Subject: Failure to Submit Return within the Allowable Period in the following cases:
 - 1) *Jane Orsino vs. Highway*

*Rental
Services
Corp. rep.
by its Pres.
Lee Seung
and Vice
Pres. Annie
Llanura -
Civil Case
No. Q-04-
51476;*

2) *Fred
Bautista and
Ana Tribina
vs. Lily
Crespo and
Priscilla
Crespo -
Civil Case
No. Q-04-
52667; and*

3) *Epifania
Ignacio, et
al. vs. The
Register of
Deeds of
Quezon City,
et al. - Civil
Case No. Q-
04-52723.*

[4]

4) Memorandum dated 25 October 2004
Subject: Failure to Make a Return
Re: the Order dated July
29, 2004, Re: Sp. Proc.
No. Q-04-52764 Despite
Receipt thereof on August
4, 2004. [5]

5) Memorandum dated 25 October 2004
Subject: Failure to Submit Return
Re: Writs of Preliminary
Attachment Within the
Allowable Period in the
following cases:

1) *Power Check
vs.
Ferdinand
Garcia - Q-*

04-52898.

2) *Sonic Print, Inc. vs. Handy City Pages, Inc., et al. - Q-04-53159.*

3) *Igros Marketing Corp. vs. MSM Contracting Corp. - Q-03-50220.*
[6]

- 6) Memorandum dated 13 December 2004
Subject: Failure to Serve Notice to Accused Salvador Jara y Sarabia for Promulgation of Judgment (Crim. Case No. Q-98-76268). [7]
- 7) Memorandum dated 01 March 2005
Subject: Failure to Make a Return (Civil Case No. 04-54187). [8]
- 8) Order Issued by Judge Lydia Layosa dated 13 May 2005 in Civil Case No. Q-05-54916 citing respondent in contempt of court and ordering him to pay a fine of One Hundred Pesos (P100.00) for failure to serve the Order dated 4 April 2005 (settling the prayer for preliminary injunction) resulting in non-appearance of petitioner's counsel in the hearing for the injunction. [9]
- 9) Memorandum dated 26 April 2005
Subject: Failure to Make a Return
Re: the Service of Summons in Civil Cases Nos. 05-54620 and 05-05-55072. [10]
- 10) Memorandum dated 19 May 2005
Subject: Inefficiency, Complete Disregard of Office Rules (for not reporting back to the office after serving court orders and/or processes during the

remaining office hours).
[11]

- 11) Memorandum dated 01 June 2005
Subject: Failure to Serve Notice to Accused for Arraignment on June 1, 2005 (Crim. Case No. Q-05-132200).
[12]
- 12) Memorandum dated 24 June 2005
Subject: Failure to Submit Returns Re: Writ of Preliminary Attachment in Civil Case No. Q-04-54479, entitled *Dr. Potenciano Malvar vs. Atty. Sergio Angeles, et al.* Despite the Pending Motion to Quash Writ Filed by Defendant. [13]
- 13) Memorandum dated 30 June 2005
Subject: Insubordination to Office Rules & Directives (for failure to attend the monthly Judicial Service Team meeting despite notice). [14]
- 14) Memorandum dated 11 July 2005
Subject: Failure to Serve Notices to Witnesses in Crim. Case Nos. Q-05-131750, 05-133415 and Service Thereof Despite Lack of Three Day Notice in Crim. Case Q-04-24217. [15]
- 15) Memorandum dated 01 August 2005
Subject: Late Submission of Returns in Violation of the Office Rules Agreed Upon During the JST Meeting on July 27, 2005 (Crim. Case No. 03-120093-94; Crim. Case No. Q-04-127994-95-96). [16]
- 16) Memorandum dated 02 August 2005
Subject: Failure to Submit Sheriff's Returns Re: Judgment of Forfeiture and Writs Executed on Confiscated Bonds in Violation of the

Rules on Surety Bond.

- 1) *Pp. vs. Monica Cincyo y Rapal (Q-03-122915);*
 - 2) *Pp. vs. Edilberto Napoles y Castillo (Q-02-108283);*
 - 3) *Pp. vs. Juancho Navarro y Fernandez (Q-03-122332);*
 - 4) *Pp. vs. Senando Santos (Q-03-122962);*
 - 5) *Pp. vs. Antonio Yucor y Mirasol (Q-03-122962);*
 - 6) *Pp. vs. Armando Padilla y Pascual (Q-04-123603); and*
 - 7) *Pp. vs. Rodrigo Mahur-Benson (Q-03-121120).*
[17]
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- 17) Memorandum dated 13 December 2004
Subject: Guidelines on How to Make a Proper Service of Notices/Processes, Orders, etc. [18]
 - 18) Memorandum dated 26 April 2005
Subject: Proper Coordination/OB