

FIRST DIVISION

[A.M. No. P-07-2372 (Formerly OCA IPI No. 02-1500-P), July 23, 2008]

MARICHU T. GOFORTH, COMPLAINANT, VS. TOMAS C. HUELAR, JR., OFFICER-IN-CHARGE, REGIONAL TRIAL COURT, BRANCH 11, SAN JOSE, ANTIQUE, RESPONDENT.

R E S O L U T I O N

CORONA, J.:

In an affidavit-complaint,^[1] Marichu T. Goforth charged respondent Tomas C. Huelar, Jr., officer-in-charge of the Regional Trial Court (RTC), Branch 11 of San Jose, Antique, with negligence for failing to promptly transmit court records to the Court of Appeals (CA).

On January 19, 1999, Judge Nery G. Duremdes, the RTC's presiding judge, promulgated his decision on a petition for reconstitution of original certificate of title^[2] filed by the complainant. On February 12, 1999, the Solicitor General filed a notice of appeal. On February 23, 1999, Judge Duremdes granted it and directed respondent to transmit the records of the case to the CA.

Complainant followed it up with respondent several times and was assured that the records would be transmitted immediately. However, it was only on September 23, 2002 ^[3] that they were actually forwarded to the CA.

On November 6, 2002, the Office of the Court Administrator (OCA) furnished respondent a copy of the complaint for his comment. Respondent did not file his comment.

On April 29, 2003, the OCA again required respondent to comply otherwise the case would be submitted for decision.^[4] However, respondent retired from the service in February 2005 without complying with the Court's directive.

On August 31, 2006, respondent finally filed his comment. He explained that the delay in the transmittal of the records could not be attributed to him but to his subordinates who prepared them. He learned of the delay only when the complainant went to see him. After their meeting, he claimed he immediately instructed his staff to forward the documents to the CA. In his 33 years of government service, he said this was the first time he was ever slapped with an administrative complaint.

In a memorandum,^[5] the OCA found:

Based on the foregoing, it is clear that respondent was grossly negligent in the performance of his duties for his failure to promptly transmit the