

THIRD DIVISION

[A.M. NO. P-04-1822, February 06, 2006]

SINFOROSO P. ANG, COMPLAINANT, PRESENT: VS. ARNIEL E. CRUZ, CLERK III, OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT, PROMULGATED: CABANATUAN CITY, RESPONDENT.

DECISION

CARPIO, J.:

The Case

This is an administrative complaint against Arniel E. Cruz ("respondent"), Clerk III, Office of the Clerk of Court, Regional Trial Court, Cabanatuan City, for Obstruction of Justice, and Conduct Unbecoming and Unfit for an Officer of the Court.

The Facts

In his Letter-Complaint dated 16 July 2001, complainant Sinforoso P. Ang ("complainant") stated that on 26 December 2000, he filed a Petition for the Exercise of Substitute Parental Authority over Minor Roumeina Lyn Felize Sta. Maria ("Yza") with the Regional Trial Court, Branch 26 ("RTC") of Cabanatuan City, Nueva Ecija, against oppositors May Lyn G. Sta. Maria, Erlina Sta. Maria and Christopher Sta. Maria ("oppositors"). On 13 June 2001, between 9:00 a.m. and 10:00 a.m., Presiding Judge Evelyn L. Dimaculangan-Querijero issued an Order directing Deputy Sheriff Angelito B. Annang ("Sheriff Annang") to take custody of Yza from her maternal grandmother Erlina Sta. Maria, and entrust her temporary custody to complainant. The Order^[1] was formally issued at 4:45 p.m. of the same day.

On the afternoon of 14 June 2001, complainant and Sheriff Annang proceeded to the College of Immaculate Concepcion, the school of Yza, to implement the Order. Cristina De Guzman ("Ms. De Guzman"), Yza's teacher, told them that on 13 June 2001, at 4:00 p.m., Yza was fetched by her mother May Lyn Sta. Maria ("Ms. Sta. Maria"). Ms. Sta. Maria told Ms. De Guzman that she "will undertake to hide" Yza since they had been informed "by their relative" that the court would issue an order giving temporary custody of Yza to complainant.^[2]

At this point, Sheriff Annang informed complainant that he received a text message from respondent on 13 June 2001, about 4:30 p.m., stating "Pre, pamangkin ko yung bata, baka puede mo gawan ng paraan, kawawa naman yung nanay."^[3] And so, despite serious efforts to locate Yza and implement the Order of the court, the Order was left unsatisfied.^[4] Complainant alleged that it was because of the "surreptitious relaying of advance information" by respondent to Ms. Sta. Maria that she was able to take away and hide Yza thus "circumventing" the Order of the court.

^[5]

In his Explanation/Answer dated 17 October 2001, respondent categorically denied the charges. He claimed that the Order "was dictated in open court, overheard by the intriguing ears of several people inside the courtroom during that time and highly susceptible of being leaked out by anybody who was present when the order was issued and dictated."^[6] He said that he never appeared for any party during the hearing on 13 June 2001 and he was not present when the judge dictated the Order. He also stated that he had no access to the records of the RTC, Branch 26, or the other branches of any court.

About the text message, respondent did not deny sending the same to Sheriff Annang. He claimed that "there was no statement therein made to suggest that he had diffused to the oppositors the information regarding the tenor of the orderddd (sic) thereby enabling the oppositors, specifically the biological mother, to hide the minor child Yza."^[7]

In the 1st Indorsement dated 9 August 2001, the Letter-Complaint was referred to Executive Judge Tomas B. Talavera ("Judge Talavera"), RTC, Branch 28, Cabanatuan City, Nueva Ecija, for investigation, report and recommendation.

The Formal Investigation Report

In his Formal Investigation Report dated 1 July 2003, Judge Talavera recommended the dismissal of the administrative complaint for lack of sufficient evidence. He stated in his Report that:

x x x However, the complainant in this particular case was not able to prove the fact that respondent Mr. Arniel Cruz notified the mother of minor Iza ahead of the service of the Order to be made by Sheriff Angelito B. Annang. The complainant based his complaint solely on the text message sent by respondent to Sheriff Angelito B. Annang, [to] which he gave no reply. It is clear, therefore, to state that there is no sufficient evidence for the Court to rely [on] that could have led to the issuance of a recommendation that would penalize respondent Mr. Arniel B. Cruz.^[8]

The Recommendation of the Office of the Court Administrator

In its Report dated 29 April 2004, the Office of the Court Administrator ("OCA") recommended that the case be re-docketed as an administrative case. The OCA also recommended that the Court find respondent guilty of Conduct Prejudicial to the Best Interest of the Service and that the Court fine respondent P2,000, with a strong warning that a repetition of the same or similar offense shall merit a more severe penalty. The OCA Report reads:

There is no evidence that directly points to respondent as the one who leaked to the oppositors the order of the court dated 13 June 2001. However there are circumstances known to respondent which should have made him extra careful about his actuations concerning the case. First, the oppositors are his relatives; second, respondent is an employee in the Office of the Clerk of Court of RTC, Cabanatuan City, the highest