

FIRST DIVISION

[A.M. No. P-05-1991, July 28, 2005]

OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS. DOLORES T. VILLAFLORES, CLERK OF COURT II, NORBERTO C. CARPIO, PROCESS SERVER AND SUSANA L. RAMOS, COURT STENOGRAPHER, ALL OF THE MUNICIPAL CIRCUIT TRIAL COURT, QUEZON-LICAB, NUEVA ECIJA, RESPONDENTS.

DECISION

YNARES-SANTIAGO, J.:

A spot judicial and financial audit was conducted on April 29, 2004 in the Municipal Circuit Trial Court (MCTC) of Quezon-Licab, Nueva Ecija. As of audit date, the court had a caseload of one hundred sixteen (116) cases. Of the eighty-six (86) criminal cases, there was no further action or setting for a considerable length of time in Criminal Cases Nos. 2661, 2772, 2354, 2895, 2896, 2886, 2919 and 2844 while twenty-seven (27) of the thirty (30) civil cases were also unacted upon for a considerable length of time, to wit: Civil Cases Nos. 1087, 1069, 1072, 1090, 1115, 1116-1124, 1034-1040, 1042-1045 and 1047.

The audit team also observed that the Judiciary Development Fund (JDF) collection as of April 29, 2004 as well as the Legal Research Fund (LRF) were not entered in their respective cash books. The cash count of the JDF resulted in an overage in the amount of P300.00 due to the failure to record the transactions in the cash book.

When the audit team arrived on April 29, 2004 on or about 8:30 a.m., Susana L. Ramos, Court Stenographer I and Romeo V. Campos, Utility Worker I, together with a policeman assigned at the Quezon Police station, were watching television. They also noted that the court personnel were not regularly recording in the log book their time of arrival and departure from the office. Ramos did not record her attendance for the month of April 2004, while Clerk of Court Dolores T. Villaflores logged her arrival and departure for April 29, 2004 although she was not around when the audit team arrived. Worse, she had made entries for the following day, April 30, 2004.

The docket books were not updated and a number of subpoenas and summons have no official returns. There were also instances where the parties receiving the subpoenas merely signed opposite the names of the addressee without printing their name and indicating their relationship to the addressee as well as the date when the same was received.

Based on the recommendation of the audit team, a Memorandum was issued by Deputy Court Administrator (DCA) Jose P. Perez dated June 29, 2004 directing:

1. Judge Mendoza to resolve and take appropriate actions on Civil Cases Nos. 1108, 1087, 1069, 1072, 1090, 1033-1040, 1042-1045,

1047, and 1115-1124 and on Criminal Cases Nos. 2661, 2772, 2354, 2844, 2895, 2896, 2886 and 2919.

2. Clerk of Court Villaflor to: (2-a) strictly comply with all the circulars issued for the proper management of Judiciary Funds collections specifically the recording of transactions in their respective cash books; (2-b) explain within ten (10) days from notice hereof: (2-b.1) why she already entered her time of arrival and departure in the log book on 29-30 April 2004 when she was not yet around on April 29, 2004 on or about 9 o'clock in the morning; and (2-b.2) her failure to issue the corresponding summons in Civil Cases Nos. 1033-1040 and 1043-1047 and the recording of transaction of the JDF Account and Legal Research Fund from 01-29 April 2004 at their respective cash books; (2-c) take appropriate action to: (2-c.1) provide a logbook and the daily time records reflective of the correct and accurate time in and out of court personnel and strictly implement the observance of the regular working hours and proper decorum in the Court premises specifically watching television during office hours; (2-c.2) regularly supervise the updating of the entries in the docket books and the preparation of the return of service of court processes of the Process Server both with warning that a repetition of the same shall be dealt with more severely; and (2-d) submit within thirty (30) days from notice hereof a report on the action taken on the cases mentioned in paragraphs (A to B-5) and the present status of the said cases in chronological order as stated, attaching therewith copies of the decisions or orders of the action taken thereon for reference;
3. Santiago V. de la Cruz, Clerk-in-Charge of the Docket Books, same Court, to update the entries in the docket books and submit compliance therewith within thirty (30) days from notice hereof;
4. Norberto C. Carpio, Junior Process Server, same Court, is hereby directed to: (4-a) make an official and accurate return of the processes of the Court assigned to him with warning that a repetition of the same shall be dealt with severely; and (4-b) explain within ten (10) days from notice why summons in Civil Cases Nos. 1033-1040 and 1043-1047 were improperly served; and
5. Dolores T. Villaflor, Clerk of Court II, and Ms. Susana L. Ramos, Court Stenographer I, same Court, to explain within ten (10) days from notice why Ms. Ramos is not included in the personnel log book for the month of April 2004.

Likewise, Presiding Judge Tertulo A. Mendoza is hereby directed to closely monitor the reporting for work of the court personnel thereat.

In their respective explanation and compliance reports, Judge Tertulo A. Mendoza apprised the Court of the actions taken in Cases Nos. 1108, 2661, 2772, 2354, 1087, 1069, 1072, 1090, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1042, 1043, 1044, 1045, 1047, 2844, 2895, 2896, 2886, 2919, 1115, 1116, 1117, 1118,

1119, 1120, 1121, 1122, 1123 and 1124. He also reported that all court personnel had been advised to be punctual and to record in the log book their actual time of arrival and departure.

For her part, Villaflor explained that the non-recording of the JDF and LRF transactions from April 1-29, 2004 was due to the failure of the designated clerk to complete the list in the cash book. She alleged that since the JDF is remitted through postal money order and the cut-off period is every 10th day of the succeeding month, the same may still be done at the end of the month. She admitted that it was their practice to make entries in the personnel logbook on the basis of one employee per sheet and the non-inclusion of the name of Ramos was due to inadvertence. On April 29, 2004, Villaflor was constrained to return to her residence to locate her missing wallet, hence she was not around when the audit team arrived although she had already logged in. With regard to the entries pertaining to April 30, 2004, she averred that she had the intention of reporting for work the following day and promised that the incident will not be repeated. She vowed to strictly implement the observance of working hours and proper decorum in the office and to accurately log their daily arrival and departure from office. She also undertook to supervise and monitor the timely return of service of court processes.

Process Server Carpio explained that he failed to complete the service of processes because the defendants were residing in six (6) different remote barangays and they were also absent when the processes were being served. The unavailability of transportation also hampered his mobility. He reported though that he had already complied with the filing of official and accurate return of court processes assigned to him for service.

Court Stenographer Ramos admitted her mistake in not signing the log book. She professed that the same will not be repeated. On the other hand, Clerk dela Cruz reported that he has completed the updating of the entries in the docket books.

In the Resolution dated April 13, 2005, we resolved to:

- (a) **NOTE** the report of the Judicial Audit Team, Office of the Court Administrator on the spot judicial and financial audits conducted on April 29, 2004 at the Municipal Circuit Trial Court, Quezon-Licab, Nueva Ecija, presided over by Hon. Tertulo A. Mendoza who was also designated acting presiding judge of the Municipal Trial Court in Cities, Branch 2, Cabanatuan City and Municipal Trial Court, Zaragoza, both in Nueva Ecija;
- (b) **RE-DOCKET** this matter as a regular administrative matter;
- (c) **NOTE** the series of compliance submitted by Presiding Judge Tertulo A. Mendoza, Clerk of Court Dolores T. Villaflor, Process Server Norberto C. Carpio, Court Stenographer Susana L. Ramos, Clerk Santiago V. dela Cruz, all of the Municipal Circuit Trial Court, Quezon-Licab, Nueva Ecija;
- (d) **ADVISE** Presiding Judge Tertulo A. Mendoza to **CLOSELY SUPERVISE** his subordinates in the performance of their