

THIRD DIVISION

[**A.M. No. P-03-1732 (formerly OCA IPI No. 99-692-P), September 23, 2003**]

ROSENINA O. UY (COURT STENOGRAPHER I), BENIE B. PENSERGA (COURT STENOGRAPHER I), MARILYN C. LONZAGA (COURT STENOGRAPHER I), SOFRONIO S. MANATAD, JR. (COURT INTERPRETER I), CARMELITA C. ROSALES-GALLA (CLERK II), EDUARDO A. POMENTO (JUNIOR PROCESS SERVER), AND RESTITUTO T. CARDONA (UTILITY WORKER I), COMPLAINANTS, VS. LOLITA R. EDILO, OIC – CLERK OF COURT II, 2ND MUNICIPAL CIRCUIT TRIAL COURT, MALITBOG – TOMAS OPPUS, SOUTHERN LEYTE, RESPONDENT.

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

In a sworn letter-complaint dated May 28, 1999, Rosenina O. Uy, Benie B. Penserga, Marilyn C. Lonzaga, Sofronio S. Manatad, Jr., Carmelita C. Rosales-Galla, Eduardo A. Pomento, and Restituto T. Cardona, all court personnel of the 2nd Municipal Circuit Trial Court (MCTC) of Malitbog – Tomas Oppus, Southern Leyte, charged Lolita R. Edilo, Clerk of Court II and Officer-in-Charge of the same court, with incompetence and gross misconduct. They prayed that she be sanctioned administratively and that her permanent appointment as clerk of court be disapproved. They alleged that she is not qualified, being a mere cash clerk in the office of the Clerk of Court, Regional Trial Court (RTC) of Maasin, Southern Leyte.

Complainants further alleged that respondent is incompetent as she does not personally prepare the monthly and semestral reports and inventory of cases. Instead, she delegates such duties to her co-employees. She has been collecting court fees without issuing official receipts. Usually she leaves the office on the pretext of transacting official business at the Land Bank Branch at Maasin, yet her passbook shows otherwise. She falsely reflected in the docket that Criminal Case No. R-1251-M (*People vs. Virgilio Orquiz, Jr.*) was dismissed, when in fact, it was archived as the accused is at large. She is withholding the cash bond of the accused in Criminal Case No. R-1268-M (*People vs. Demeterio and Gonzales*) despite the court's order for its release.

Marilyn C. Lonzaga, one of the complainants, filed a supplemental affidavit-complaint^[1] dated September 23, 1999 charging respondent, among others, with conduct prejudicial to the best interest of the service and oppression/harassment. Complainant claimed that since the filing of the initial complaint, respondent has repeatedly harassed and oppressed her by refusing to receive her stenographic notes. If ever respondent accepted the same, she would belatedly acknowledge receipt thereof. Meantime, the notes were left on her table, exposed to loss, tampering or destruction.

On August 31, 2000, the original complainants (except Sofronio S. Manatad, Jr.) filed a supplemental letter-complaint^[2] alleging that one Wilfredo A. Geromo executed an affidavit^[3] stating that respondent demanded from him P80.00 as payment for the authentication of documents needed relative to his application for employment in the RTC; that when he explained that Judge Cunanan did not ask payment for a previous authentication, respondent changed the amount demanded to only P40.00 which he paid; and that respondent indicated in the receipt that the amount paid was only P20.00.

In addition, complainants alleged that for serving summons personally, which she is not authorized to do, respondent, in June 2000, received P3,560.00 and P3,106.00 from the manager of the Rural Bank of Malitbog; and that respondent directed Eduardo Pomento, process server, to confine his service of summons within Malitbog only as she would be the one who will serve summons in other areas.

In her answer^[4] dated November 6, 1999, respondent vehemently denied the charges. She claimed that she is being charged of incompetence because complainants dislike her as their immediate superior. On the allegation that she merely delegated her duties, she explained that such action is an exercise of her supervisory authority over the court employees in order to achieve "a proper division of labor." According to her, since her assumption as a permanent clerk of court on October 1, 1998, her performance has been above par.

Respondent further explained that what she issued to those paying various court fees were temporary receipts because the official receipts from the Property Division of the Office of the Court Administrator had not yet been delivered at that time. She also explained that whenever she left the office, it was with the permission of the Presiding Judge.

In recording in the court docket that Criminal Case No. R-1251-M was dismissed (instead of "archived"), she committed an honest mistake.

She did not withhold the release of the cash bond of the accused in Criminal Case No. R-1268-M. What happened was that despite her request, the two accused did not go to her office to comply with the requirements. At any rate, it was subsequently released.

It is likewise not true that she refused to receive the stenographic notes taken by Marilyn Lonzaga. On the contrary, she received them immediately.

Finally, respondent claimed that the present complaint was orchestrated at the instance of Rosenina Uy, the previous officer-in-charge and an applicant for the position of clerk of court.

Incidentally, the charge that respondent demanded from one Wilfredo A. Geromo an unreasonable sum of money is the subject matter of OCA IPI No. 99-771 (*Geromo vs. Edilo*) for grave misconduct and/or unauthorized collection of money. To date, no report and recommendation has been submitted to the Court by the Court Administrator.