

FIRST DIVISION

[A.M. No. P-01-1510, September 18, 2003]

ATTY. MARY ANN PADUGANAN-PEÑARANDA, CLERK OF COURT IV, MTCC-OCC, CAGAYAN DE ORO CITY, COMPLAINANT, VS. GRACE L. SONGCUYA, CLERK OF COURT III, MTCC-OCC, CAGAYAN DE ORO CITY, RESPONDENT.

RESOLUTION

AZCUNA, J.:

In a letter dated March 20, 2000 addressed to the then Executive Judge Dan R. Calderon, MTCC of Cagayan de Oro City, complainant Atty. Mary Ann Paduganan-Peñaranda, Clerk of Court IV in the same court, reported the docketing of Criminal Cases Nos. M-465 to M-467 entitled *People v. Teresita Dalmacion* and Criminal Case No. M-468 entitled *People v. Arnulfo Verdijo*, notwithstanding the fact that no docket fees had yet been paid therefor.^[1] A copy of said letter was also sent to the Office of the Court Administrator (OCA), which initially referred the matter for investigation to Judge Calderon.^[2]

Judge Calderon found the facts to be as follows:^[3]

On February 1, 2000, respondent Grace L. Songcuya, Clerk of Court III in the office of the MTCC Clerk of Court, took the case records of *People v. Teresita Dalmacion* and *People v. Arnulfo Verdijo*, criminal cases for violations of B.P. 22, all filed by a certain Marissa Lustre. Respondent, thereafter, instructed Isabel B. Umas-as, Clerk II assigned in the docketing of cases, to docket the cases as she will be paying for the filing fees in Lustre's behalf. Umas-as thus assigned the numbers M-465 to 467 and M-468 to the four cases as per her superior's instruction. It is to be noted that respondent's action was a departure from their standard procedure. Supposedly, upon docketing of the case, the private complainant is instructed to proceed to the cashier with the case records for payment of the docket fees. Upon payment, the cashier would then endorse the records to the raffling clerk.

On March 7, 2000, complainant discovered from the docket book and raffling records that Criminal Cases Nos. M-465, M-466, M-467 and M-468 did not have entries of litigants' names and record of raffling. Hence, on the same day, complainant issued a memorandum requiring an explanation from Umas-as, who immediately reminded respondent of the cases. The docket fees were paid the next day, March 8, 2000. Until said payment, the records were in the possession of respondent, delaying the raffling of the cases for more than a month.

After investigation, Judge Calderon in his report^[4] found respondent to have "deliberately caused the docketing of the cases without payment of the docket fees and withholding the case records in her possession without justifiable reasons, thus causing undue delay in the raffling of the cases."

In a resolution dated September 12, 2001,^[5] this Court resolved to re-docket the case as an administrative matter and required respondent to comment on the charges. Respondent, by way of comment,^[6] alleged that the private complainant in the four criminal cases, Marissa Lustre, is a cousin of a former officemate. She denied having ordered Umas-as to docket the cases, averring that she merely requested Umas-as to docket the cases and to give her the records, so that it will be more convenient to retrieve the records when Lustre comes to pay for the docket fees. She also denied having said that she will pay the docket fees herself, as she was not given money for the payment thereof. She maintained that she put the records on her table in good faith, solely to assist Lustre, and not to cause undue delay.

On March 4, 2002, this Court referred the case back to Judge Calderon for evaluation, report and recommendation.^[7] Both parties manifested to submit the case for decision based on the pleadings and records already filed. Complainant hence submitted her memorandum^[8] dated March 7, 2000 and Umas-as's letter-explanation.^[9] Respondent, on the other hand, submitted a Counter-Affidavit,^[10] claiming that on February 1, 2000, an unidentified woman came to the office and showed her an undated notice for payment of filing fees of cases filed by a certain Marissa Lustre. Since respondent knew Lustre, the former helped the woman retrieve the records and requested Umas-as to docket the cases as the filing fees will be paid by the woman. The woman, however, told respondent that she did not have enough money for the docket fees which amounted to P840. Respondent, hence, told her to return as soon as she had the full payment. In the meantime, respondent placed the records in the drawer of her office table, thinking that it would be easier for her to endorse the same to the cashier upon payment of the fees. It so happened, however, that the woman never returned to pay the fees, and respondent totally forgot about the case records until March 8, 2000, when Umas-as inquired about them. Upon being reminded thereof, respondent immediately went to Lustre's residence and informed her of the need to pay the docket fees, which were eventually paid on that same day. She emphasized that the government was in no way prejudiced as the cases had not yet been endorsed for raffling by the cashier, given the fact that the corresponding docket fees had yet to be paid. Neither was the private complainant therein, Lustre, prejudiced as she was responsible for the delay in the payment of the docket fees.

Judge Calderon, in his Report,^[11] reiterated his previous findings and recommended that respondent be "admonished for the irregular act done with proper warning against similar acts in the future."

The OCA came out with its own findings, reproduced as follows:

As a court employee and a Clerk of Court at that, respondent is charged with the knowledge of the proper procedure in the docketing of the cases... The fact that the docket fees [were] not actually paid on February 1, 2000 should have impelled respondent to immediately return the records to the custody of the docket clerk and accordingly inform her that the fees were not paid. Thus, her explanation that she got the records from Umas-as on 01 February 2000 and placed it on her table for