

FIRST DIVISION

[A.M. No. P-02-1556 (A.M. OCA IPI No. 96-182-P), February 22, 2002]

NORMA SANTOS, COMPLAINANT, VS. JOYCE TRINIDAD ARLEGUI-HERNANDEZ, CLERK OF COURT, METROPOLITAN TRIAL COURT, BRANCH 58, SAN JUAN, METRO MANILA, AND ATTY. MARLON B. LLAUDER, PRIVATE PRACTITIONER, RESPONDENTS.

R E S O L U T I O N

KAPUNAN, J.:

In a sworn letter-complaint dated July 10, 1996, Norma Santos charged Joyce Trinidad Arlegui-Hernandez, Clerk of Court of the Metropolitan Trial Court of San Juan, Branch 58, with making an intercalation into the court records of a certificate of non-forum shopping when said paper was not attached to or part of the document at the time the complaint for ejectment was filed.

Complainant alleged that she and her husband were the defendants in an ejectment case filed by Dr. Jose Antonio Baun with Branch 58 of the Metropolitan Trial Court of San Juan on May 27, 1994, docketed as Civil Case No. 7888.

On June 7, 1994, she received the Summons^[1] with a copy of the Complaint^[2] dated May 27, 1994. The said Complaint lacked the necessary certification against forum-shopping as required by Supreme Court Administrative Circular No. 04-94. Thus, in her Answer^[3] filed on June 14, 1994, complainant raised such lack of certificate against forum-shopping as an issue.

Thereafter, the case was decided in favor of Dr. Baun prompting herein complainant to appeal the same with the Regional Trial Court of Pasig City, Branch 153. The Regional Trial Court affirmed the decision of the Metropolitan Trial Court so a Petition for Review was lodged by complainant with the Court of Appeals.

While she was trying to secure certified true copies of the documents required in her Petition from the Regional Trial Court of Pasig, complainant discovered that a Certification of Non-Forum Shopping had been inserted in the records. The certification was undated but bore a notarial date of June 8, 1994. It also did not bear the stamp of the Metropolitan Trial Court with the word "*RECEIVED*." The date of receipt of such document by the clerk of court was likewise not indicated. Moreover, it was not accompanied by any written motion or pleading seeking leave of court to admit such certification.

Upon such discovery, complainant called the attention of the appellate court on the matter. She concluded that respondent Hernandez connived with Atty. Marlon B. Llauder, counsel for the plaintiff, in effecting an intercalation into court records to make it appear that there was a certification of non-forum shopping attached to the

Complaint at the time it was filed in court. Complainant thus wrote a sworn letter-complaint addressed to this Court charging respondent clerk of court and Atty. Marlon Llauder with making the intercalation.

In her Comment dated November 6, 1996, respondent Hernandez alleged that:

1. It was not true that summons and complaint were served upon Complainant on June 7, 1994 for the records clearly show that the same were served on June 11, 1994, proof of which is the copy of the Process Server's Return Card marked as Annex "3", (Rollo p. 92).
2. The Certification against Non-forum shopping was subscribed to on June 8, 1994, however at that time, the records of the case already bore the complaint with the attached Certification against Non-Forum Shopping and the Summons of the Court.
3. The Complaint and Certification against Non-Forum Shopping served upon Norma and her husband on 11 June 1994 were verified by plaintiff Baun.
4. While the alleged non-compliance with the Supreme Court Circular 04-94 was mentioned by Norma Santos in her answer in Civil Case No. 7888, in the preliminary conference of the case held on 10 August 1994 the alleged malpractice or intercalation of the Certificate of Non-Forum Shopping was not raised as an issue. Neither was the matter of the Certification against Non-Forum Shopping brought up when Norma Santos appealed the decision of the MeTC, San Juan to RTC, Branch 153, Pasig City. It was only on 23 August 1996 at the hearing in the Court of Appeals that Norma Santos through counsel mentioned the lack of certification against non-forum shopping, as shown in the TSN of the proceeding. (Annex 5, Rollo, pp. 95-177)
5. There is nothing in Civil Case No. 7888 which even remotely suggests that justice has been derailed. The records thereof are complete and the dispute has been decided by the court a quo on the basis of the evidence submitted by the parties. The decision has in fact been affirmed by the RTC, Branch 153, Pasig City and the Court of Appeals and then by this Court in G. R. No. 125801."^[4]

In her Reply, complainant averred that she did not earlier raise the issue of intercalation because she only belatedly discovered the inserted certification when the case was already on appeal to the Court of Appeals. However, she had, in fact, raised the issue of lack of Certification of Non-Forum Shopping in her Answer to the Complaint. Complainant stated that she would not have raised such issue in her Answer if, indeed, such certification was attached to the complaint at that time the same was filed.

Complainant also claimed that the admission of respondent that such certification was notarized only on June 8, 1994, or two weeks after the filing of the complaint and a day after receipt of the summons and complaint by the defendants, proves

that the certification was not in the records at the time of the filing of the complaint. She further stressed that the instant complaint is not a mere strategy to prop up her lost cause in the ejectment case but to put a stop to the deceitful practice by respondents.

As to the excuse posed by respondent Hernandez that she is not tasked to receive pleadings from the litigants, complainant maintained that under the principle of *respondeat superior*, respondent's primary duty and responsibility is to see to it that all office work is done properly.

In a resolution by the First Division of this Court, the case was referred to Judge Amalia Dy of the Regional Trial Court, Branch 213, Mandaluyong City for investigation, report and recommendation. When Judge Dy inhibited herself from the case, the Court designated Executive Judge Ma. Cristina Cortez-Estrada of the Regional Trial Court of Pasig to continue with the investigation. Later on, Judge Estrada was appointed Associate Justice of the Sandiganbayan and the case was finally referred to Executive Judge Rodolfo R. Bonifacio, Regional Trial Court, Branch 159, Pasig City.

Thereafter, the complaint against Atty. Marlon B. Llauder, docketed as Administrative Case No. 4617, was referred to the Integrated Bar of the Philippines for investigation, report and recommendation.

On March 30, 2000, Executive Judge Bonifacio submitted a report finding respondent Hernandez guilty of negligence in the performance of her duties and recommended that she be reprimanded with a warning that the repetition of the same or similar acts in the future will be dealt with more severely. The Office of the Court Administrator affirmed the findings of the investigating judge but imposed an additional fine of five thousand (P5,000.00) pesos.

The Court has repeatedly stressed that the conduct and behavior of every one connected with an office charged with the dispensation of justice, from the presiding judge to the lowliest clerk, should be circumscribed with the heavy burden of responsibility.^[5] The strictest standard of honesty and integrity in the public service is required of those involved in the administration of justice.^[6]

In particular, clerks of court must be individuals of competence, honesty, and probity since they are specifically imbued with the mandate of safeguarding the integrity of the court and its proceedings, to earn and preserve respect therefor, to maintain loyalty thereto and to the judge as superior officer, to maintain the authenticity and correctness of court records and to uphold the confidence of the public in the administration of justice.^[7]

One of the specific duties of a clerk of court is the safekeeping of court records.^[8] The clerk of court is charged with the responsibility of maintaining the authenticity and correctness of court records and to keep such records with due diligence, efficiency and professionalism. Evidence on record manifestly show that respondent Hernandez violated such duty.

The Complaint was filed on May 27, 1994. No certification of non-forum shopping as required by Supreme Court Administrative Circular No. 04-94 was appended to