

## EN BANC

**[ A.M. Nos. P-96-1229-30, March 25, 2002 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
ATTY. PAULINO I. SAGUYOD, BRANCH CLERK OF COURT, AND  
RENER L. ANTONIO, CLERK III, RTC, BRANCH 67, PANIQUI,  
TARLAC, RESPONDENTS.**

### R E S O L U T I O N

**YNARES-SANTIAGO, J.:**

On December 15, 1994, the Regional Trial Court of Angeles City, Branch 59 received an Order of Release<sup>[1]</sup> of accused Rolando Gaudia,<sup>[2]</sup> allegedly signed by Judge Dario R. Navarro, Branch 67, Regional Trial Court, Paniqui, Tarlac, in view of the "bail bond" undertaken by the Commonwealth Insurance Company in favor of the accused amounting to Ten Thousand Pesos (P10,000.00). However, a copy of the bond was not attached to the order. On January 10, 1995, Acting Presiding Judge Eli G.C. Natividad, RTC, Branch 59, Angeles City issued an Order<sup>[3]</sup> requiring Atty. Paulino I. Saguyod, Branch Clerk of Court, RTC, Branch 67, Paniqui, Tarlac to transmit the surety bond and pertinent papers of Rolando Gaudia. However, Atty. Saguyod failed to comply with the order.

After his repeated failure to comply with the orders to transmit the surety bond, Judge Eliezer delos Santos, the regular Presiding Judge of Branch 59, RTC, Angeles City, required Atty. Saguyod to show cause why he should not be held in contempt.<sup>[4]</sup> Meanwhile, the Commonwealth Insurance Company informed the court that it did not issue the bail bond in favor of Gaudia, as in fact it had stopped issuing bail bonds since February 24, 1992.<sup>[5]</sup>

In his Explanation,<sup>[6]</sup> Atty. Saguyod alleged that he had not seen the earlier Orders issued by Judge delos Santos or Judge Natividad; and that it was Renner L. Antonio, Clerk-in-Charge of Criminal Cases, who received the bail bond and facilitated the Order of Release. Atty. Saguyod added that he was on official leave then.

Judge delos Santos found Atty. Saguyod's explanation unsatisfactory and cited him in contempt.<sup>[7]</sup>

On October 27, 1995, Atty. Saguyod filed a motion for reconsideration of the order of contempt, together with the bail bond and other required documents.<sup>[8]</sup> The motion for reconsideration was, however, denied by Judge de los Santos,<sup>[9]</sup> who found that the bail bond was duly acknowledged by the accused before Atty. Saguyod and an official of the insurance company on December 9, 1994. Judge delos Santos referred the matter to the Office of the Court Administrator (OCA) for appropriate administrative action.

On March 16, 1996, the Court directed Judge Angel J. Parazo, Acting Executive Judge of the Regional Trial Court of Tarlac, Tarlac, to conduct an investigation of the case,<sup>[10]</sup> where the following facts appeared:<sup>[11]</sup>

The Orders dated January 10 and August 4, 1995 of the RTC, Branch 59, Angeles City were received by Renier L. Antonio who kept the same and failed to give them to Atty. Saguyod for his information and compliance. When Atty. Saguyod received the Order of Judge delos Santos dated September 8, 1995, he could not immediately comply therewith because the subject bail bond and its supporting papers were kept and misplaced by Antonio. Atty. Saguyod thus issued an administrative order dated September 19, 1995 requiring Antonio to explain why the first two orders of the court were not given to him. It was only on October 20, 1995 that Atty. Saguyod complied with the Order of the Court dated September 8, 1995 when Antonio finally produced and submitted to him a copy of the order of release and the bail bond. However, Atty. Saguyod did not take further action against Antonio.

Accused Rolando Gaudia, his wife and SPO2 Charlisto Manuel went to see Antonio at his office. Antonio asked for the warrant of arrest of Gaudia, after which he typed the bail bond in the form used by the Commonwealth Insurance Company and prepared the Order of Release. Thereafter, Antonio misled Judge Dario R. Navarro of RTC, Branch 67, into approving the fake "bail bond" which appeared to have been issued by the Commonwealth Insurance Company and into signing the Order of Release of accused Rolando Gaudia. Antonio received from Rolando Gaudia the amount of P5,000.00 for facilitation of the release order.

On the basis of the foregoing findings, Judge Parazo recommended that the contempt order against Atty. Saguyod be sustained for his failure to satisfactorily explain his failure to comply with the orders of the RTC of Angeles City, Branch 59; and that Atty. Saguyod be held administratively liable for his failure to take administrative action against Antonio by warning him that a repetition of the same shall be dealt with more severely.

With respect to respondent Clerk III Renier L. Antonio, Judge Parazo recommended that he should be administratively charged with dishonesty and conduct prejudicial to the service in violation of the Civil Service Law for misleading Judge Dario R. Navarro into signing the order of release of accused Rolando Gaudia on the basis of a fake "bail bond" which Antonio himself prepared without authority. Further, he should be criminally prosecuted for violation of the Anti-Graft and Corrupt Practices Act for having received the amount of P5,000.00 from Rolando Gaudia as consideration for facilitating his order of release, and for Falsification of Public Documents in making it appear that Commonwealth Insurance Company issued the fake bail bond.

The case was referred to the Office of the Court Administrator for evaluation, report and recommendation.<sup>[12]</sup> The OCA recommended that:

a.) Branch Clerk Paulino I. Saguyod be:

a.1) warned to be more circumspect in the performance of his duties and in the administrative supervision of his staff;

a.2) directed to conduct an inventory of the Orders of Release issued by the RTC, Branch 67, Paniqui, Tarlac concerning bail bonds undertaken by Commonwealth Insurance Company and to submit a report within fifteen (15) days from notice informing the Court through the OCA of such compliance;

b.) with respect to Clerk III Renier L. Antonio:

b.1) that the OCA be authorized to file the appropriate charges against him, and

b.2) that he be suspended pursuant to sub-sections (c) and (e) of Section 26, Rule XIV, Book V of the Administrative Code of 1987.

Thereafter, the Office of the Court Administrator filed separate administrative complaints, one against Branch Clerk Paulino I. Saguyod for Falsification of Official Document and Neglect of Duty, docketed as A.M. No. P-96-1229;<sup>[13]</sup> and another against Clerk III Renier L. Antonio for Dishonesty, Gross Misconduct and Falsification of Official Document, docketed as A.M. No. P-96-1230.<sup>[14]</sup>

On February 12, 1997, respondent Branch Clerk filed his Comment<sup>[15]</sup> substantially reiterating his averments in his *ex parte* explanation and motion filed with RTC, Branch 59, Angeles City and further stated that the reprimand and severe warning received "...was already sufficient considering that it was the first case of malfeasance in office involving an employee of the Court which this respondent handled."<sup>[16]</sup>

On the other hand, respondent Clerk III filed his Comment on February 21, 1997,<sup>[17]</sup> praying that the administrative complaint against him be dismissed on the grounds that: 1.] he did not deliberately mislead Judge Dario R. Navarro into signing the Release Order of Rolando Gaudia, the truth being that he was instructed by the Clerk of Court to take care of the surety bond and to have it approved by the Judge upon his arrival; 2.] he neither received the sum of Five Thousand Pesos (P5,000.00) nor did he prepare the bail bond as it was already typewritten when it was presented to him by accused Gaudia, and 3.] he did not falsify any official document because, as earlier stated, he did not prepare the bail bond.

Anent the charges against respondent Atty. Paulino I. Saguyod, we agree that he is indeed administratively liable for negligence in the performance of his duties and responsibilities. It was bad enough that he tarried too long from September 8, 1995 to October 20, 1995 – taking all of forty-two (42) days – to comply with the Orders of the RTC of Angeles City, Branch 59. What is worse was that after learning of the highly irregular circumstances by which Renier L. Antonio misplaced the bail bond and its supporting papers as well as the previous Orders of Branch 59, RTC, Angeles City, respondent Saguyod merely issued an administrative order requiring Antonio to explain why the two (2) orders were not given to him. *He did not take further action against Antonio after the issuance thereof.* These circumstances, far from being a simple case of inadvertence indicate a distinct possibility that both respondents may, in fact, have conspired to deliberately delay the proceedings and were compelled only to take positive action upon realizing that Judge delos Santos was bent on getting into the bottom of the incident. It was, however, too little and

too late.

While the Court is in accord with the findings of the OCA that respondent Branch Clerk should indeed be punished for his malfeasance, we find the recommended penalty too light a sanction for the act complained of. Admittedly, the misbehavior of respondent Branch Clerk is a first offense. However, the gravity thereof in relation to the importance of his position in the administration of justice calls for more severe sanctions. The crux of the case against respondent Branch Clerk goes into the very core of his duties and responsibilities.

A Clerk of Court is an essential and a ranking officer of our judicial system who performs delicate administrative functions vital to the prompt and proper administration of justice.<sup>[18]</sup> His office is the nucleus of activities, adjudicative and administrative,<sup>[19]</sup> performing, among others, the functions of keeping the records and seal, issuing processes, entering judgments and orders and giving, upon request, certified copies from the records.<sup>[20]</sup>

Owing to the delicate position occupied by Clerks of Court in the judicial system, they are required to be persons 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.<sup>[21]</sup> They play a key role in the complement of the court and, thus, can not be permitted to slacken on their jobs under one pretext or another.<sup>[22]</sup>

Given the foregoing considerations the Court deems it proper that respondent Branch Clerk Paulino I. Saguyod be reprimanded and fined One Thousand Pesos (P1,000.00) with a stern warning that a repetition thereof will be dealt with more severely.

While the administrative complaint against him was pending, respondent Clerk III Rener L. Antonio tendered his resignation effective June 2, 1997.<sup>[23]</sup> The Fiscal Management Office (FMO) of the OCA was directed to hold in abeyance the release of respondent Antonio's benefits until the resolution of the administrative charges against him.

Unfortunately, respondent Antonio died on September 24, 2000. His heirs moved for the dismissal of the case against him and to facilitate the release of whatever benefits may have accrued to him during his twenty years in the service.

In the recent case of *Baikong Akang Camsa v. Judge Aurelio D. Rendon, et al.*,<sup>[24]</sup> we dismissed the charges against respondent judge who passed away during the pendency of the administrative case against him because "there was yet no investigation conducted, let alone a finding thereon by either the OCA or the investigating judge, on the charges against respondent judge." Hence, we said that "[t]o allow an investigation to proceed against him who could no longer be in any position to defend himself would be a denial of his right to be heard, our most basic understanding of due process." Such a situation, however, does not obtain in the case at bar. Here, the charges against respondent Antonio were referred to Judge