

## EN BANC

**[ A.M. No. P-00-1425, June 10, 2002 ]**

**OFFICE OF THE COURT ADMINISTRATOR, COMPLAINANT, VS.  
SOLOMON E. PECHARDO, JR., SOCIAL WELFARE OFFICER II,  
OFFICE OF THE CLERK OF COURT, REGIONAL TRIAL COURT OF  
MALOLOS, BULACAN, RESPONDENT.**

### DECISION

#### PER CURIAM:

A letter from Executive Judge Danilo A. Manalastas of the Regional Trial Court (RTC), Branch 7 of Malolos, Bulacan dated February 21, 2000 brought to the attention of then Court Administrator Alfredo L. Benipayo the alleged absence without official leave (AWOL) and the use of "shabu" by alleged absence without official leave (AWOL) and the use of "shabu" by respondent Solomon E. Pechardo, Jr., Social Welfare Officer II of the Office of the Clerk of Court (OCC) of the RTC of Malolos, Bulacan.<sup>[1]</sup>

It appears from the records that on May 26, 1999, Atty. Ariston Tayag, Clerk of Court, RTC of Malolos, Bulacan issued a memorandum requiring herein respondent to explain why no administrative charge should be filed against him for his repeated absences and his failure to submit, despite several reminders, a case study report on an adoption case assigned to him in 1997. In another letter dated October 28, 1999, Atty. Tayag indorsed to herein respondent, for his immediate compliance, two (2) directives from the Leave Division, Office of Administrative Services (OAS) of the Office of the Court Administrator (OCA) requiring him to immediately submit his Daily Time Record (DTR) for the months of March to September 1999.

In compliance with these directives, respondent, in a letter dated June 11, 1999,<sup>[2]</sup> admitted having been absent for several weeks but claimed that he had no intention to go on leave without official permission. He alleged that he lost some documents which included his DTRs for the months of March, April and May, 1999, the exhibits relative to the adoption case assigned to him, and other pertinent documents, in a taxi cab while he was in Manila.<sup>[3]</sup> With regard to his failure to submit the case study report on the adoption case long assigned to him, respondent attributed the delay to his belief that the adoption proceedings should have been temporarily archived because the petition was not sufficient in form and substance, there having been no petition for involuntary commitment and declaration of abandonment of minor separately filed considering that the child involved therein was an abandoned minor; and that said requirement should have been complied with because the records did not bear the consent of the authorized agency which is a pre-requisite for adoption.

On November 3, 1999, Executive Judge Manalastas conducted a hearing on the matter and, thereafter, submitted a "confidential report" dated February 21, 2000

addressed to then Court Administrator Alfredo L. Benipayo.

In his report, Executive Judge Manalastas found respondent no longer fit to continue in the performance of his duties as Social Welfare Officer II for having been "AWOL," particularly, during the months of March, April and May, 1999 without any valid excuse, and for having been, by his own admission, a shabu user, which explained his unauthorized absences, as well as the incoherent answers he gave during the hearing. Attached to the report were the following: (a) a photocopy of the memorandum of Atty. Ariston Tayag dated May 26, 1999; (b) photocopies of the two (2) directives from the OAS-OCA of the Supreme Court dated October 23, 1999 and October 25, 1999 sent by telegram; (c) a photocopy of the explanation of respondent dated June 11, 1999; and (d) a copy of the transcript of stenographic notes (TSN) taken on November 3, 1999.

The Court, acting on the report and recommendation of the OCA dated August 22, 2000, issued a resolution dated September 18, 2000, (a) designating the OCA as complainant; (b) resolving to docket the case as a regular administrative matter; and (c) requiring respondent to comment on the report of the Court Administrator.

[4]

In his compliance, received on January 5, 2001, respondent alleged that he already submitted two (2) letters of explanation dated May 5, 2000 and July 28, 2000 to the Leave Division, OAS-OCA and that the same were indorsed by Executive Judge Manalastas to the said office. He claimed that the Leave Division approved his application for leave of absence in a letter addressed to the executive judge. He also admitted that he was once a shabu user but he clarified that he had already stopped using the drug as shown by a drug test report issued by the Bulacan Provincial Crime Laboratory Office. Finally, he "assured" the Court that his personal activities would not, in any way, affect his professional responsibilities.<sup>[5]</sup>

On February 7, 2001, the Court referred the instant case to the OCA for evaluation, report and recommendation.

In compliance therewith, the OCA submitted its report and recommendation, which in part reads as follows:

We find respondent liable for gross insubordination and gross neglect of duty.

It is on record that on 26 November 1999, respondent was directed by the Presiding Judge of RTC, Branch 80, Malolos, Bulacan to submit a social case study relative to SP. Proc. No. 07-M-97 entitled "In Re: In the Matter of the Petition for Adoption of Minor Bill Macariola; Sps. Conrado Macariola and Francisca Macariola, petitioners" for Petition for Adoption. However, it was only after two (2) years that respondent submitted the required report which resulted to the delay in the resolution of the subject case (TSN, November 3, 1999, p. 4). Furthermore, we are appalled by the attitude of respondent, who, admitting his failure to comply with the order of the Court, had the temerity to insist that before he submits his report a separate petition for involuntary commitment should first be filed, a matter which is within the sole discretion of the Court. Clearly, respondent failed to realize that the performance of his

duties are essential to the prompt and proper administration of justice. His neglect not only delayed the administration of justice but also eroded the public faith in the judiciary. His lackadaisical attitude betrays his inefficiency and incompetence.

That respondent's unfit for public service is underscored by his failure to show respect and obedience to the orders and instructions of his immediate superior.

Insubordination or unwillingness to submit to authority are apparent in his actuations when he (a) intentionally did not sign the attendance logbook for the given reason that it is against his will to follow rules, regulations and circulars which are not strictly complied with by all the employees in his office (Letter dated July 28, 2000, p. 56, Rollo); (b) refused to submit his Daily Time Records (DTRs) to the Office of the Clerk of Court despite the directives issued to him by his immediate superior (TSN, November 3, 1999, p. 16); (c) failed to regularly report for work despite the order of his immediate supervisor (TSN, November 3, 1999, p. 15).

This behavior of respondent is disrespect towards the court itself. Respondent failed to satisfy even the barest demands of public service. The court has no room for an employee such as respondent.

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The Civil Service Law (P.D. No. 807) covers court employees including herein respondent. Respondent's grave misconduct, inefficiency and incompetence in the performance of official duties, gross insubordination and conduct prejudicial to the best interest of the service are grounds for dismissal under Section 23 pars.(c), (p), (s), and (t) of Rule XIV, Book V Executive Order 292 (Administrative Code of 1987).

IN VIEW OF THE FOREGOING, the undersigned respectfully recommends that respondent SOLOMON E. PECHARDO, JR. be DISMISSED from the service with forfeiture of all retirement benefits and with prejudice to re-employment in any agency of the government including government-owned or controlled corporations.<sup>[6]</sup>

We agree with the findings of the OCA and adopt its recommendation that respondent be dismissed from the service.

As borne out by the records, respondent was tasked to submit a case study report in SP. Proc. No. 07-M-97, an adoption case, sometime in 1997. Despite several reminders and follow-ups by Atty. Ariston Tayag, respondent still failed to comply. This prompted Atty. Tayag to issue a memorandum on May 26, 1999 requiring respondent to explain why no administrative charge should be filed against him for his failure to submit the required case study report despite the lapse of two (2) years. In his answer thereto, respondent, while admitting that he had not submitted one, alleged that this was due to his belief that the petition for adoption was not sufficient in form and substance and that it lacked a separate petition for the voluntary confinement of the abandoned minor involved therein.