

THIRD DIVISION

[A.M. No. P-98-1279, October 07, 1998]

**ROSARIO S. PANUNCIO, COMPLAINANT, VS. MINERVA G.
ICARO-VELASCO, BRANCH CLERK OF COURT, BRANCH 165, RTC,
PASIG CITY, RESPONDENT.**

RESOLUTION

ROMERO, J.:

Initially, this affidavit complaint against Atty. Minerva Icaro-Velasco dated December 7, 1994 was filed with the Office of the Ombudsman and docketed as OMB ADM 0-94-1312.^[1] However, on October 7, 1996 the Ombudsman in its resolution recommended that the administrative complaint be referred to the Supreme Court.^[2] Thus, the Ombudsman in its 1st Indorsement dated December 13, 1996 referred the matter to the Office of the Court Administrator.

Complainant, in her affidavit-complaint, charged respondent Atty. Minerva Icaro-Velasco, Branch Clerk of Court of the RTC-Pasig, Branch 165, with misfeasance of office for handing over to NBI agents and special investigators a xerox copy of an order of arrest dated March 1, 1989 in Crim Case No. CCC VII-3350 - Rizal, without verifying the status of the case. Complainant alleged that on the strength of an expired order of arrest, she was arrested and detained on November 17 and 18 in 1994. The warrant was issued by then Judge Milagros Caguioa, Presiding Judge of RTC-Pasig, Branch 165. She further averred that had respondent been more meticulous and circumspect, she could have discovered that the order of arrest was recalled by Judge Caguioa on April 4, 1989.

On July 14, 1997, the Second Division of this Court required respondent to file her comment.

Respondent, in her comment, claimed that she verified the xerox copy of the order of arrest which was confirmed by Oscar Espiritu, in-charge of criminal cases in RTC - Pasig, Branch 165 and who prepared and typed the original copy of the order of arrest. Her claim was corroborated by Espiritu in his affidavit. She likewise claimed that the NBI agents were insistent that she certify the order of arrest; otherwise an administrative case will be lodged against her for non-performance of duty. Likewise, she denied the allegations of the NBI agents and special investigators that she assured them that the arrest order was still outstanding, the truth of the matter being that she reiterated in a telephone conversation to agent Callueng on November 17, 1994 that the order of arrest was certified on the basis of its authenticity only and nothing more.

On April 1, 1998, the Office of the Court Administrator recommended that respondent Atty. Minerva Icaro be severely reprimanded for not being circumspect in the performance of her duties with a stern warning that a repetition of the same or