

FIRST DIVISION

[A.M No. P-96-1189, October 16, 1997]

ATTY. LELU P. CONTRERAS, COMPLAINANT, VS. SALVADOR C. MIRANDO, RESPONDENT.

D E C I S I O N

BELLOSILLO, J.:

Former Clerk of Court Crescencio L. Cortes Jr. of the Regional Trial Court of Iriga City, Br. 34, repeatedly called attention to the irresponsibility of respondent Salvador C. Mirando in handling his job as Clerk III in the same office through several memoranda which apparently fell on deaf ears. Atty. Cortes Jr. was therefore constrained to file his letter-complaint^[1] of 29 October 1993 charging respondent with gross inefficiency and unexplained absences and tardiness. The letter-complaint however was held in the suspense files after respondent promised several times to mend his ways and perform his job properly.

But respondent reneged on his promises. He reverted to his old ways after only two (2) weeks of good behavior. Atty. Lelu P. Contreras, herein complainant, who succeeded Atty. Crescencio L. Cortes Jr. as the current immediate supervisor of respondent, conferred with him and reminded him of the nature of his responsibilities but the efforts of complainant proved futile. Hence, respondent was administratively charged in a sworn-letter complaint dated 16 November 1995^[2] with (a) conduct prejudicial to the best interest of the service; (b) gross neglect of duty; (c) refusal to perform official duty; (d) inefficiency and incompetence in the performance of official duties; (e) frequent absences or tardiness; (f) failure to act promptly on letters and requests within fifteen (15) days from receipt; and, (g) failure to process documents and complete action on documents and papers within a reasonable time from preparation thereof. Complainant averred that respondent's work attitude was so incorrigible and widespread, penetrating the very core of his being, that no amount of "sweet talk" or stringent measures could resuscitate him.

Atty. Contreras specifically charged respondent Mirando with frequent unexplained absences, reporting to work drunk, documents, papers and transmittals requiring his immediate attention were left unacted upon, and asking money from litigants in exchange for small favors.

In his Comment,^[3] respondent denied any knowledge of the accusations against him. He claimed instead that, on the contrary, he performed his duties and responsibilities religiously and regularly.

Thus he prayed for the dismissal of the administrative case filed against him.

When this case was referred to Judge Reno R. Gonzales for investigation, report and recommendation, respondent manifested his admission and acceptance of the