

THIRD DIVISION

[**A.M. No. P-13-3108 (Formerly OCA I.P.I No. 10-3465-P), April 10, 2013**]

**L.G. JOHNNA E. LOZADA AND L.G. LIZA S. MILLADO,
COMPLAINANTS, VS. MA. THERESA G. ZERRUDO, CLERK OF
COURT IV, AND SALVACION D. SERMONIA, CLERK IV, BOTH OF
THE OFFICE OF THE CLERK OF COURT, MUNICIPAL TRIAL COURT
IN CITIES OF ILOILO CITY, RESPONDENTS.**

RESOLUTION

VELASCO JR., J.:

This administrative case arose from a letter dated July 21, 2010 transmitted to the Office of the Court Administrator (OCA) by complainants L.G. Johnna E. Lozada (Lozada) and L.G. Liza S. Millado (Millado).

In their letter, complainants alleged that they were security guards of Eagle Matrix Security Agency, Inc. who were assigned to guard the premises of the CJ Ramon Avanceña Hall of Justice where the Office of the Clerk of Court of the Municipal Trial Court in Cities (OCC-MTCC) of Iloilo City, Iloilo is located. As part of their duties, complainants were directed by Executive Judge Antonio M. Natino to collect every Monday morning, at exactly 8:00 a.m., the record sheets containing the time of arrival of the court employees and submit the same to the OCC-MTCC.

Complainants recounted that on July 19, 2010, at around 8:10 a.m., a lady who claimed to be employed by the OCC-MTCC took the record sheets they had just collected on the pretext that she would be the one to submit them as the OCC-MTCC was then still closed. A few minutes after, however, complainants noticed that the record sheets had been distributed among employees who were trying to sign the record sheets for coming in late.

At this point, complainants recalled that respondent Salvacion D. Sermonia (Sermonia) angrily approached them and berated them in the vernacular saying, "*Kamo nga duha ha, i-report ko gid kamo kay Judge Natino sang gina pang obra nyo di!!!*" (You two, I will report to Judge Natino what you are doing here!)

When Sermonia left the complainants, respondent Ma. Theresa G. Zerrudo (Zerrudo) supposedly came out of her office, approached the complainants, pointed her finger at Lozada, and yelled, "*Sin-o gina saligan mo di?!? May gina saligan ka? Andaman mo lang ha kay gina bantayan ta ka, gna dumtan ta ka di!!!*" (Who are you depending on?!? Are you relying on someone? You better be ready, I have a grudge against you!!!)

Complainants averred that this happened in full view of other court personnel and visitors. Hence, complainants felt that respondents' actuations were intended to

embarrass them as lowly guards of the Hall of Justice.

On September 1, 2010, the OCA sent separate Indorsements to respondents Sermonia and Zerrudo directing them to file their respective comments on the complaint within ten (10) days from receipt of the complaint.

Instead of complying, however, Zerrudo filed a letter dated October 16, 2010 seeking an additional fifteen (15) days from the expiration of the original period to file her comment, alleging that she was scheduled to attend the seminar-convention and election of officers for the Clerks of Court Association of the Philippines and that she needed time to gather the affidavits of the witnesses and other supporting papers for the comment. Similarly, Sermonia moved for an additional thirty (30) days from the expiration of the original period to submit her comment, stating that she first had to secure a counsel and gather evidence to support her comment.

Zerrudo's request for additional time to file her comment was granted by the OCA in a letter dated December 7, 2010 and received by Zerrudo on January 14, 2011. Likewise, Sermonia's motion for an extension of time to file her comment was granted by the OCA in a letter dated March 11, 2011, which was received by Sermonia on April 6, 2011.

Almost a year after, however, neither of the respondents had filed a comment. Hence, in separate trace letters both dated January 26, 2012, the OCA reiterated its prior directive for respondents to submit their comments and warned that should they fail to comply with the directive within five (5) working days, the matter will be submitted to the Court for resolution without the required comments. Per the registry return receipts, the trace letters were received by respondents on February 28, 2012.

Instead of complying with the latest OCA directive, respondents, yet again, filed separate motions requesting for additional time to file their respective comments. In her motion, Sermonia reasoned that because of the earthquake that affected the Iloilo Hall of Justice Building, she is pre-occupied with the transferring and packing of their things for immediate relocation to a new site. Hence, she needed ten (10) more days to file her comment. The same reason was used by Zerrudo in requesting for additional ten (10) days to file her comment. Further, Zerrudo alleged that she still has to look for the witnesses who could shed light on the allegations hurled by complainants against her.

In a letter dated March 13, 2012, the OCA granted the respondents' separate requests for ten (10) more days to file their respective comments.

Almost ten (10) months after, however, respondents still had not submitted their comments. Hence, in a Recommendation dated January 8, 2013, the OCA declared that the respondents' adamant refusal to file their respective comments, despite the opportunities given to them for a total period of almost two (2) years, amounts to an admission of the charges hurled against them.^[1] Furthermore, the OCA found that the same refusal to submit their comments has aggravated the respondents' liability for "humiliat[ing] the complainants/security guards to cover up the irregularities they were committing vis-a-vis the record sheets containing the attendance of the court's employees."^[2] The OCA also considered relevant the fact