

THIRD DIVISION

[A.M. No. P-10-2794 (formerly A.M. OCA I.P.I. No. 08-2937-P), June 01, 2011]

**DANELLA G. SONIDO, COMPLAINANT, VS. JOSEFINA G. ILOC SO,
CLERK III, REGIONAL TRIAL COURT, BRANCH 80, MORONG,
RIZAL, RESPONDENT.**

D E C I S I O N

BRION, J.:

We resolve the present administrative matter which arose from the affidavit-complaint filed, on September 5, 2008, ^[1] by Danella G. Sonido (*Sonido*), charging Clerk III Josefina G. Ilocso, Regional Trial Court, Branch 80, Morong, Rizal (Branch 80), with *Obstruction of Justice and Grave Misconduct*.

The Factual Background

Sonido is the mother of Nathalie Mae G. Sonido who filed with the Rizal Prosecution Office a complaint against one Kristel Ann S. Asebo for violation of Republic Act (R.A.) No. 9262, the *Anti-Violence Against Women and Their Children Act of 2004*, in Criminal Case No. 08-7977.

In a resolution dated December 19, 2006, ^[2] the Rizal Prosecution Office recommended the filing of an information against Kristel for violation of Section 5, par. 1, R.A. No. 9262. The information states:

That on or about the 27th day of February, 2006, in the Municipality of Teresa, Province of Rizal, Philippines and within the jurisdiction of this Honorable Court, the above-named accused, being then the former sweetheart of the complainant[,] Nathalie Mae G. Sonido, did then and there, willfully, unlawfully and feloniously show the videos of the complainant to other persons showing the sensitive parts of her body, thereby causing mental or emotional anguish, public ridicule or humiliation to one Nathalie Mae G. Sonido. ^[3]

Sonido received a copy of the resolution on January 28, 2008. ^[4] The following day, January 29, 2008, ^[5] she went to the Metropolitan Trial Court in Morong, Rizal, to inquire about the status of the case. She was told that the case had been raffled to Branch 80. When she asked whom she should talk to about the case at Branch 80, she was advised to see Ilocso or *Ka Pining*, which she did. Ilocso then told Sonido that she would prepare the warrant of arrest. She advised Sonido to return the following day to get a copy of the warrant. Sonido returned the next day and several more times thereafter, but Ilocso consistently failed to give her a copy of the

warrant and instead gave excuses for her repeated failures.

Exasperated about the delay in the issuance of the warrant of arrest, Sonido confronted Ilocso about it. Ilocso allegedly assured Sonido that copies of the warrant had already been mailed to the proper authorities for implementation. Sonido claimed, however, that it was only on June 26, 2008 that Ilocso gave her a copy of the warrant with the remark, "*sige ipahuli mo na yan.*" Thankful that she was finally able to get a copy of the warrant, Sonido even gave Ilocso P100.00. She immediately gave the warrant to SPO3 Minerva SG Marcelino, a police investigator, for execution.

The following day, June 27, 2008, Sonido alleged that she learned from PO1 Alsander R. Ecalnir (a member of the Teresa, Rizal Police and a resident of Morong) that the warrant had not been implemented as Kristel left the country in May 2008 to work as a caregiver in Taiwan. Sonido was dejected by this turn of events; her efforts to have Kristel arrested had all been in vain. She also doubts if Ilocso had really sent copies of the warrant of arrest to the police authorities, as Kristel was apparently able to secure police and National Bureau of Investigation (NBI) clearances for her travel to Taiwan. She believes that Ilocso gave her a copy of the warrant of arrest when Kristel had already left the country.

Sonido inquired from the police of Morong and Teresa, Rizal if they had received copies of the warrant of arrest; they both answered in the negative. [6] She even called up the NBI to inquire on the matter, and she got the same answer.

In her Comment [7] submitted on October 27, 2008, Ilocso denied Sonido's accusations, dismissing them as mere suspicions. She alleged that her failure to release the warrant of arrest resulted from mere memory lapse and was an honest mistake on her part. She maintained that she had no intention of causing Sonido any harm.

Ilocso also attributed the delay or omission in the preparation and release of the warrant of arrest to her heavy workload as clerk in charge of criminal cases in a court where almost 700 cases were pending. She further explained that from January 21, 2008 to February 8, 2008, the Supreme Court conducted a judicial audit at Branch 80, and she was personally tasked to make available to the audit team all the folders of the criminal cases for inventory. Additionally, she assisted in the preparation of the court's semestral inventory report for July to December 2007, and the monthly case reports for March and April 2008.

Ilocso claimed that because of her heavy workload which caused her to suffer from fatigue and stress, she almost forgot Sonido's request for a copy of the warrant of arrest. She emphasized that she did not have the slightest intention of delaying the early disposition of the criminal case. She extended her apologies to the Court and to Sonido.

On the recommendation of the Office of the Court Administrator, the Court resolved to (1) re-docket the complaint as a regular administrative matter; and (2) require the parties to manifest whether they were willing to submit the case for decision on the basis of the records. [8]

Sonido submitted the case for decision in a Manifestation filed on August 10, 2010. [9] Ilocso asked for time to submit additional evidence, [10] which the Court granted. [11]

On September 2, 2010, Ilocso filed a supplemental comment. [12] She reiterated substantially the same arguments which she had raised earlier. Again, she blamed her busy schedule for her inability to have the warrant of arrest released. She even denied receiving P100.00 from Sonido, saying that she did not accept the money as she was shamed by the delay in the release of the warrant.

To explain the Morong Police Station certification [13] that it had not received a copy of the warrant as of June 30, 2008, Ilocso claimed that she had not yet endorsed the warrant to the Morong police when she gave Sonido a copy. The same was true with the other government authorities Sonido dealt with. She said that she and her co-employees had difficulty in locating the case record as its folder was very thin.

Finally, she informed the Court that the parties in the criminal case, who went through mediation under the auspices of the Philippine Mediation Center, executed a compromise agreement on December 2, 2009. [14] Nathalie, the complainant in the criminal case, executed an affidavit of desistance [15] and asked for the dismissal of the case, which the court granted. [16]

Ilocso prayed for the dismissal of the present administrative matter as "the delay in the release of the warrant of arrest was not deliberate and [she] failed, in good faith, to promptly locate it." [17]

The Court's Ruling

We find that respondent Ilocso has been gravely remiss in the performance of her duties in Criminal Case No. 08-7977, resulting not only in the delay in the service of a copy of the warrant to Sonido (notwithstanding her repeated assurances in that regard), but in the failure to arrest the accused because copies of the warrant of arrest were not sent to the police authorities. Because of the failure to timely serve the warrant, the accused escaped arrest and was able to leave the country and place herself beyond the reach of the warrant.

Kristel, the accused in the criminal case, left the country for a job in Taiwan in May 2008. Sonido, the mother of the complainant in the criminal case, Nathalie, was given a copy of the warrant only on June 26, 2008, after having been given a run around by Ilocso. Looking back at what happened, Sonido's ordeal started when she went to Ilocso to ask for a copy of the warrant after she (Sonido) received, on January 28, 2008, a copy of the resolution finding probable cause in the criminal case against Kristel. Ilocso told Sonido to return the next day, but when she did, she still failed to get a copy of the warrant. Sonido returned several more times with the same results. Ilocso instead gave her all kinds of excuses, e.g., that she had not yet prepared the warrant but she was already working on it; that nobody was there to sign the warrant; or that she lost the folder and could not locate it.

The OCA found Ilocso guilty of simple neglect of duty and recommended that she be suspended for one month without pay. [18]