

THIRD DIVISION

[A.M. No. P-03-1710, August 28, 2003]

**EDGARDO ANGELES, COMPLAINANT, VS. BALTAZAR P. EDUARTE,
CLERK OF COURT, MUNICIPAL CIRCUIT TRIAL COURT,
BAGABAG-DIADI, NUEVA VIZCAYA, RESPONDENT.**

D E C I S I O N

SANDOVAL-GUTIERREZ, J.:

In a sworn complaint^[1] dated July 16, 2001 addressed to the Court Administrator, Edgardo Angeles, a resident of Pasay City, charged respondent Baltazar P. Eduarte, Clerk of Court, Municipal Circuit Trial Court, Bagabag-Diadi, Nueva Vizcaya, with neglect of duty.

Complainant alleged that on July 28, 2000, he sent a letter^[2] to respondent which reads:

"Dear Sir:

"Requesting for your kind attention as follows:

"If, on or before July 15, 1999 prior to his United States of America trip by Atty. Virgil R. Castro, did he give a Letter or Notice of Absence on his court cases under hearing in your office and court as guidelines thereat? Did he have court hearings between September 1,2,3,4,5 and 6, 1999 in MCTC Bagabag? When was the first court hearing attended by Atty. Castro after the July 15, 1999 U.S. trip? Who was his substitute attorney while abroad?

"Kindly provide answers of the above inquiries. Reply within ten (10) days from receipt of notice hereof. Keep this in strict confidentiality.

"Thank you."

Complainant further alleged that although respondent received his letter on August 8, 2000, per Registry Receipt No. 5838,^[3] the latter failed to act thereon for more than a year, thereby neglecting his duty. Thus, on August 18, 2000, he wrote the Office of the Court Administrator (OCA) requesting that respondent be directed to answer his letter.^[4]

On June 20, 2001, Deputy Court Administrator Jose P. Perez instructed respondent to act on complainant's letter and to submit a report on the action taken thereon within ten (10) days from notice. ^[5]

In compliance, respondent submitted to DCA Perez his explanation^[6] and

comment^[7] on the complaint. He admitted he received complainant's letter. However, he overlooked and forgot to answer it because it did not specify the cases in which Atty. Virgil R. Castro appeared as counsel on the dates mentioned therein. Meanwhile, he forgot about the letter until he received the directive of DCA Perez. He claimed that he misplaced the letter but he later found it after a diligent search.^[8] He attached to his explanation the duplicate carbon copies of the notices of hearing (scheduled in September, 1999) of all the cases handled by Atty. Castro, thus:

"Notice of Hearing, Civil Case No. 583, dated August 27, 1999 for September 6, 1999;

Order, Civil Case No. 704, dated September 6, 1999;

Order, Civil Case No. 702, dated September 13, 1999;

TSN, Criminal Case No. 4832, dated September 20, 1999; and

Order, Criminal Case No. 4832, of same date."^[9]

Upon the recommendation of DCA Perez, we referred the matter to Executive Judge Jose B. Rosales, Regional Trial Court, Bayombong, Nueva Vizcaya, for investigation, report and recommendation.

In his Report^[10] dated October 14, 2002, Executive Judge Rosales found respondent liable for neglect of duty, which is a light offense, and recommended that respondent be reprimanded. Hereunder are his findings:

"There is an admission of the respondent that he really failed to send a reply to the letter-query of the complainant. His reasons for such failure did not seem to be valid and forceful and are unacceptable. He reasoned out by claiming that he could not immediately reply because he had to verify the court records before he could answer. This was, in turn, due to the failure of the complainant to specify which cases of Atty. Castro were the object of his query. His varied duties in office caused him to misplace and forget about the letter. He also believed that Angeles was on a fishing expedition.

"The respondent need not make the verification himself as there were clerks to whom he could assign such task. The job of verification could be finished at most within two days.

"As to his claim that the complainant's letter did not specify the cases of Atty. Castro in which Angeles was interested, while this might be true, however, the letter was specific as to the dates of the appearances of the said counsel in which the complainant was interested. He mentioned September 1, 2, 3, 4, 5 and 6, 1999. All that the respondent was expected to do was to refer to the calendar of court proceedings for those dates and, on the basis of the listed cases contained in the calendar, he could personally or by one of his clerks refer to the said cases. Then within a short period, he could have answered the complainant.

"It must be noted that the MCTC of Bagabag-Diadi conducts only one hearing in a week. This is due to the fact that there are only two first level court judges in the entire province. There was thus so much time for the respondent to ascertain and prepare the reply. He would have been able to comply with Section 5 (a) of the Code of Conduct and Ethical Standards for Public Officials and Employees."

On April 10, 2003, DCA Perez submitted his Report,^[11] adopting the findings and recommendation of the investigating Judge.

Section 5 (a) and (d) of Republic Act No. 6713 (The Code of Conduct and Ethical Standards for Public Officials and Employees) provides:

"Sec. 5. *Duties of Public Officials and Employees.* In the performance of their duties, all public officials and employees are under obligation to:

(a) *Act promptly on letters and requests.* **All public officials and employees shall within fifteen (15) working days from receipt thereof, respond to letters, telegrams or other means of communications sent by the public. The reply must contain the action taken on the request.**

x x x x x x x x x

(d) *Act immediately on the public's personal transactions.* **All public officials and employees must attend to anyone who wants to avail himself of the services of their offices and must, at all times, act promptly and expeditiously.** (Emphasis supplied)

The importance of complying with the above provisions was emphasized in our Administrative Circular No. 08-99 dated July 2, 1999 which states:

"TO: ALL OFFICIALS AND PERSONNEL OF THE JUDICIARY

"RE: PROMPT ACTION ON LETTERS AND REQUEST AND PUBLIC'S PERSONAL TRANSACTION

"It has been observed by, and brought to the attention of, the Chief Justice that in some instances complaints, letters or requests from the public addressed to the officials of the Judiciary are belatedly answered or not answered at all.

"All concerned are reminded of paragraphs (a) and (d) of Section 5 of R.A. No. 6713, otherwise known as the Code of Conduct and Ethical Standards for Public Officials and Employees, which explicitly mandate as follows:

x x x x x x x x x

"The Presiding Justice of the Court of Appeals and the Sandiganbayan, the Court Administrator, the Deputy Court Administrators, the Assistant Court Administrators, the Clerk of Court of the Supreme Court, the